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## Developer could get impact fee revenue

### Charter school would get funds

*BY JEFF SCHWEERS  
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The developer of Bayside Lakes wants \$2.24 million in school impact fee money to help build the expansion of Odyssey Charter School in Palm Bay. County commissioners will consider the request Tuesday.

It's the first time the commission has considered using a 2004 state law that allows counties to give school impact fee credits to build private schools to help alleviate crowding -- without approval of the school board.

The county amended its school impact fee ordinance in July 2005 to comply with provisions of the new state law.

Bayside Lakes donated a 9.4-acre site valued at \$1.1 million for the seven-year-old school and agreed to help build the \$8.23 million facility. The main building was completed and opened in August, housing 517 students from kindergarten through eighth grade. It replaced 17 portables on a future soccer field and a church building that housed students before that.

"Those 517 children would have to go somewhere, and they're here," Principal Irving Rashkover said. "And we built the building. The county didn't have to pay for this school to be built."

More than \$2.2 million is needed to finish the final phases of the school -- regrading, parking lot and sidewalks, a soccer field and basketball courts, a kitchen, a library and other items like lighting and flagpoles.

The school and the developer want the county to help build the remaining phases of the facility by covering the funding gap with the school impact fee revenue from future homes to be built in Bayside Lakes.

If the county approves the request, Bayside Lakes would pass the money to the school to finish construction.

Cole Goatley, vice president of development for Bayside Lakes, said the school is an ideal candidate for impact fee credits because it's alleviating overcrowding at Westside Elementary.

"We feel like we fulfilled a need for the developer, the city and school board," school director Constance Ortiz said.

"It's a really nice school, and we were able to do it. It's a good thing."

After years of not having enough classrooms for its booming population, Palm Bay may be facing a glut.

The school district plans to build one new elementary school there, and the city is building a charter elementary school with plans to build three more charter schools in the next few years.

"I don't want to see public schools and charter schools get into a competition," said Richard Spellman, a Palm Bay resident who supports charter schools but also thinks the school board should have a say in how school impact fees are spent.

"Charter schools have their place, and if they are well run, they'll be nothing but an asset to the community," he said.

The county charges \$4,445 for every new home built to offset the cost of building new classrooms to accommodate growth.

It raised \$11 million in the first year since it began collecting the fees in October of 2004, and officials expect to raise \$18 million this year.

If approved, money for the Odyssey school would come from the \$5.87 million in impact fees collected in the district that includes Palm Bay.

Under a similar agreement, the county gave back \$500,000 of the \$1.5 million it owes the Viera Co. for setting aside land for Quest and Manatee elementary schools.

Viera qualifies for the impact fee credit under the state Development of Regional Impact statute, County Attorney Scott Knox said.

That statute says that if a developer builds a school that will accommodate more students than the development will attract, the developer can receive credit for it.

Because Manatee and Quest are taking students from outside of Viera, he said Viera qualifies for the credit.

The Odyssey situation is different, Knox said, because the legislation approved in 2004 says charter schools can receive credit if they are built specifically to accommodate the student growth generated by the new development.

The difficulty is determining how many students existed before the development, Knox said. If the charter school is taking on students that were already in the school system, it wouldn't get the impact fee credit, he said.

But if the school has an agreement with the developer to build an expansion to meet the new students who are coming as a result of the new neighborhood, then they probably could qualify, he said.

It's the first time any community has used the new state law, Knox said.

Also, only improvements made after the county adopted the ordinance qualify. It is not retroactive.

"You can't go backwards," school director Constance Ortiz said. "You have to work from the ordinance once it is approved, otherwise any school could apply for impact fees."

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