



Office of Consent Agenda 11/10/20
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBraal, Deputy County Attorney

THROUGH: Richard B. Szyrka, P.E., Public Works Director

DATE: November 4, 2020

SUBJECT: Approval of Developer's Agreement with Florida Power & Light for the FPL Indian River Service Center

BACKGROUND.

Florida Power & Light Company (FPL) applied for major site plan approval for construction of a service center to be located on the west side of 98th Avenue between 16th and 12th Streets. Please see *Figure 1* below, an aerial photo of the site



Figure 1. Aerial photo of site.

On December 12, 2019, the Planning and Zoning Commission (PZC) granted major site plan approval for a 39.03-acre project to be known as the FPL Indian River Service Center. Improvements to the site will include a two-story office building, a fleet services garage, two warehouses, a storm shelter, a 6,000-gallon fueling system, a data center and a truck supply building. The site is zoned IL, Industrial Light. The uses proposed by FPL for the site are permitted in the IL zoning district, but since the site plan exceeds 150,000 square feet, the project required PZC approval.

Because of its size and location, FPL was required to make certain dedications and off-site improvements. Those improvements include:

- 20' Right-of-Way Dedication for 16th Street without compensation for Phase 1. (Completed)
- 60' Right-of-Way Dedication for 98th Avenue without compensation for Phase 1. (Completed)
- Construction of 16th Street from the first driveway connection to 98th Avenue is to include the westbound left turn lanes for both entrances and an eastbound left turn lane at 98th Avenue, prior to issuance of a certificate of occupancy (C.O.) for Phase 1. Construction of the remainder of 16th Street from the west property line to the first driveway connection to the site is to occur prior to issuance of a C.O. for Phase 2.
- Reconstruction of 98th Avenue from the southern property line to SR 60 is to include 12-foot travel lanes, and five (5)-foot bike lanes and a southbound right turn lane on 98th Avenue at 16th Street, prior to issuance of a C.O. for Phase 2.
- 16th Street Sidewalk: A 5' wide sidewalk is to be constructed with associated ROW improvements as shown on the project's site plan. The final design of the 16th Street sidewalk will be reviewed and approved by the Public Works Department via the County right-of-way permitting process, and must be constructed prior to the issuance of a C.O. for Phase 2.
- 98th Avenue Sidewalk: A 5' wide sidewalk is required along the site's entire 98th Avenue frontage. The final design of the 98th Avenue sidewalk will be reviewed and approved by the Public Works Department via the County right-of-way permitting process, and must be constructed prior to the issuance of a C.O. for Phase 2.
- Streetlighting: Streetlights are required and will be maintained by FPL. The proposed streetlight locations and details are depicted on the project's site plan, and those streetlighting improvements must be installed, prior to the issuance of a C.O. for each respective phase.

In order to set forth more specific timing and payment schedules for the required construction, the parties have agreed to enter into a Developer's Agreement (attached to this memorandum). FPL will construct the roadway improvements at a cost of \$1,683,369.62. In exchange for the construction costs, the County will reimburse FPL for the design, engineering and construction of improvements that would have been performed by the County in the near future. The improvements include, the addition of 5-foot paved shoulders, drainage improvements, and asphalt paving on the roadway section north of the projects north property line. The cost of said improvements is not to exceed \$378,689.52, as depicted on the Engineer's Cost Estimate dated October 22, 2020, attached to the Developer's Agreement as Exhibit "B". Payment shall be remitted to FPL within thirty (30) days after receipt of the signed bill of sale. All road construction pursuant to this Agreement shall be in compliance with Florida Department of Transportation standards.

FUNDING.

Funding is available in Optional Sales Tax/FPL Indian River Service Center Road Improvements, Account # 31521441-066510-21001.

RECOMMENDATION.

Staff recommends that the Indian River County Board of County Commissioners approve the Developer's Agreement with FPL for the FPL Indian River Service Center and authorize the Chairman to execute the Agreement.

Attachment: Developer's Agreement

Copies to Richard B. Szpyrka, P.E., Public Works Director
Jon Rosenthal, Manager – Construction, FPL via email Jon.Rosenthal@fpl.com