



Office of

Consent 10/13/2020

**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

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

FROM: William K. DeBraal, Deputy County Attorney

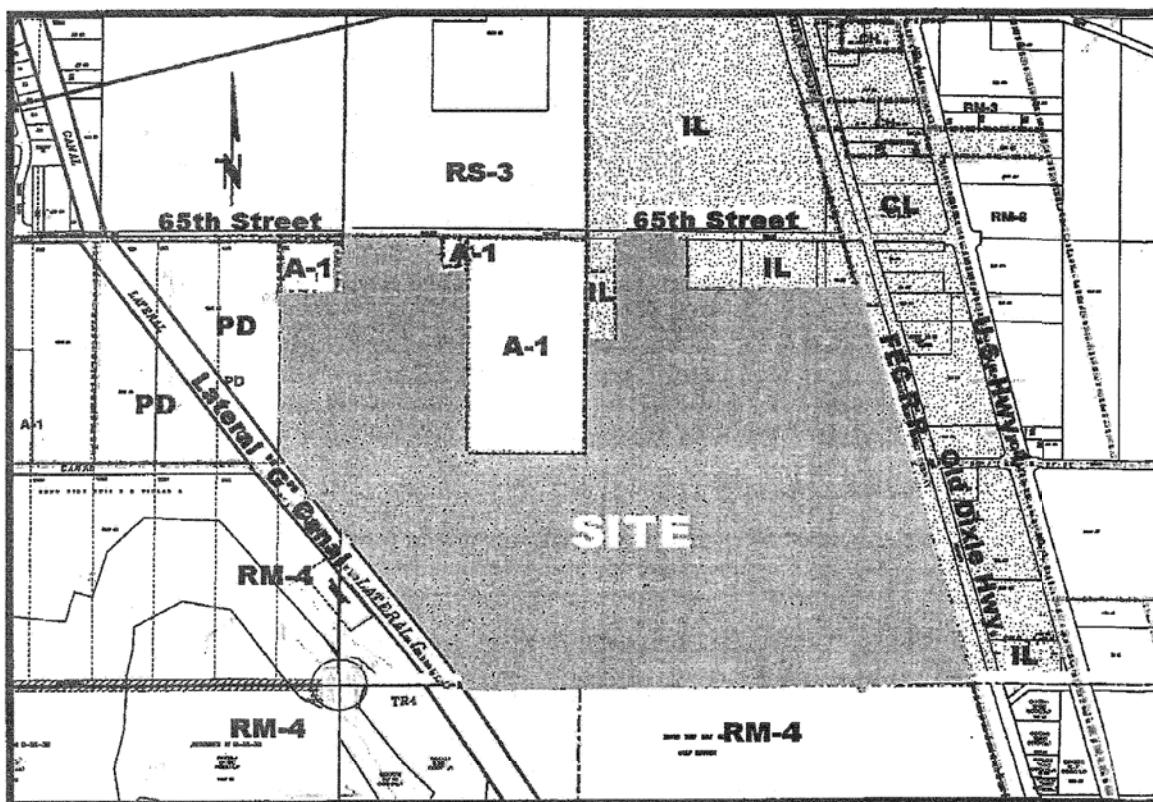
DATE: October 7, 2020

SUBJECT: Developer's Agreement with GRBK GHO High Pointe, LLC

On March 29, 2005, the Board of County Commissioners granted PD rezoning, preliminary PD approval and conceptual PD plan approval for High Pointe subdivision located on 65th Street west of the FEC railroad and east of 58th Avenue. The 2005 PD plan provided for 247 lots on 160 acres. The project was never started and the preliminary PD approval expired. In January 2019, the new owner, GRBK GHO High Pointe, LLC (GHO High Pointe), applied to the Planning and Zoning Commission to modify the project as the preliminary PD approval expired, but the conceptual PD and the PD rezoning were still active.

On January 24, 2019, the Planning and Zoning Commission approved GHO High Pointe's request for modification of the PD plan. Under the modified PD Plan, the number of lots remained the same at 247, but changed the phasing, setbacks near the FEC railroad and increased the amount of conservation areas. Under the new PD Plan, GHO High Pointe was also required to enter into a Developer's Agreement (Agreement) with the County to contribute the project's fair share of the intersection improvements to 58th Avenue/65th Street and 58th Avenue/49th Street. The Agreement calls for GHO High Pointe to contribute 1.9% or \$49,480.58 towards the 58th Avenue/49th Street intersection and 19.6% or \$158,262.82 towards the 58th Avenue/65th Street intersection. The Agreement must be approved by the Board prior to the issuance of a Land Development Permit for Phase I of the project. Staff has reviewed and approved the Developer's Agreement attached to this memorandum. A map of the High Pointe project is found below as Figure 1.

Figure 1. Map of High Pointe project



Funding: There are no County funds expended by this Agreement.

Recommendation: Staff recommends the Board of County Commissioners approve the Developer's Agreement between the County and GRBK GHO High Pointe, LLC for the High Pointe project and authorize the Chairman to execute the Agreement on behalf of the Board.

Attachment: Developer's Agreement

Copies to: Richard B. Szpyrka, P.E., Public Works Director

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