

Agenda Item #: 3-C-2

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2011

☒ Consent
☐ Workshop

☐ Regular
☐ Public Hearing

Department:

Submitted by: Engineering and Public Works
Submitted For: Land Development Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution to accept maintenance of Lyons Road, a thoroughfare road, from Southern Boulevard to 1,607 feet south, including the bridge over the C-51 canal (Project), at an estimated cost of \$1,932 annually.

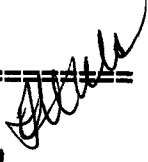
SUMMARY: Adoption of this resolution will allow Palm Beach County to accept maintenance of the Project. The developer, Palm AFC Holding, Inc., was required to construct the Project per Condition E.5 of Resolution R-2000-0899, Petition 1997-121, Palm Beach Plantation Development.

District 6 (MRE)

Background and Justification: The Land Development Division issued a permit to Palm AFC Holding, Inc. for construction of Lyons Road on August 29, 2003. The construction was reviewed by the Construction Coordination Division and approved December 12, 2007. The Engineer of Record has submitted the required certification. It is estimated to cost \$1,932 annually to maintain this section of thoroughfare road.

Attachments:

1. Location Sketch
2. Resolution R-2000-0899, Pages 1, 2 & 7
3. Resolution

Recommended by:  07/13/2011 
Division Director Date

Approved by:  7/21/11
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------------------|---------|---------|---------|---------|---------|
| Capital Expenditures | \$ -0- | -0- | -0- | -0- | -0- |
| Operating Costs | 1,932 | 1,932 | 1,932 | 1,932 | 1,932 |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |
| NET FISCAL IMPACT | \$1,932 | \$1,932 | \$1,932 | \$1,932 | \$1,932 |

ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes X No .

Budget Account No:

Fund 1201 Dept 360 Unit 2230 Object Various

Recommended Sources of Funds/Summary of Fiscal Impact:

County Transportation Trust Fund

Road Section

Lyons Road

Maintenance Cost


\$1,932.00 per year

Fully funded within current budget for FY 2011. Future funding pending annual budget approval.

C. Departmental Fiscal Review: M. Kovalainen

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


 OFMB 7/22/11
 ac
 7/22/11
 7/22/11

B. Approved as to Form

Dr. S. Jacobson 7/26/11
Contract Dev. and Control
7-26-11 *[Signature]*

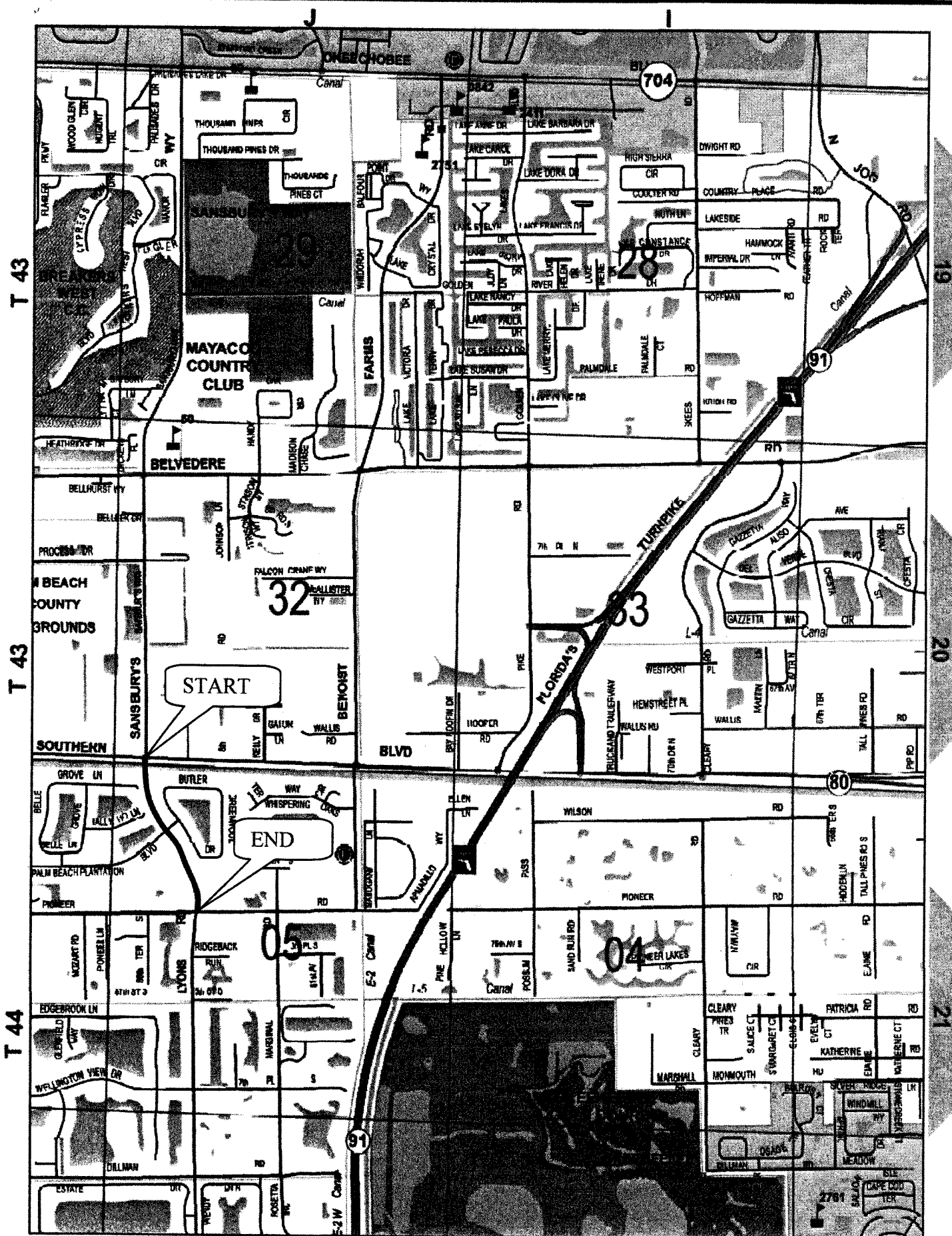
B. Approved as to Form and Legal Sufficiency:

Matthew R. [Signature] 7/27/11
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.



ATTACHMENT 1

RESOLUTION NO. R-2000- 0899

RESOLUTION APPROVING ZONING PETITION PDD97-121
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF PALM AFC HOLDINGS
BY WILLIAM BOOSE, AGENT
(DIAMOND "C" RANCH PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-121 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2000; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) with approved conditions is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) with approved conditions does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD97-121, the petition of Palm AFC Holdings by William Boose, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) and Residential Estate (RE) to Residential Planned Unit Development (PUD) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

| | | |
|---------------------------|---|--------|
| Maude Ford Lee, Chair | | Aye |
| Warren Newell, Vice Chair | - | Aye |
| Karen T. Marcus | | Absent |
| Carol A. Roberts | | Aye |
| Mary McCarty | | Absent |
| Burt Aaronson | | Aye |
| Tony Masilotti | | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 2000.

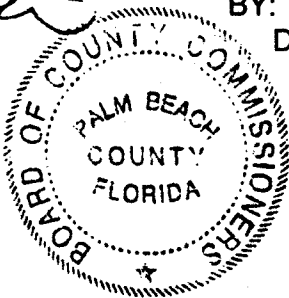
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



- D) Construction identified on Condition E1 .III shall be completed prior to the issuance of the first Certificate of Occupancy for phase one of the project. (CO:MONITORING-Eng)
 - E) Construction identified in Condition E1 .I and E1 .II above shall be completed prior to the issuance of more than 431 Certificates of Occupancy. (CO:MONITORING-Eng)
2. Prior to December 22, 2000, the Property owner shall provide acceptable surety for:
 - a) construction plans and construction for Lyons Road as a 3 lane section from Southern Boulevard to the projects south property line plus any appropriate paved tapers.
 - b) construction of the four lane Lyons Road Bridge over the C 51 Canal.

All Surety shall be based in the amount of 118% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer shall be provided to the Land Development Division.

3. Prior to August 1, 2001 construction shall begin for the four lane Lyons Road Bridge over the C 51 Canal. (DATE: MONITORING-Eng)
4. Within 6 months of Palm Beach County's determination of the final alignment for Lyons Road adjacent to the site (as provided for in Condition E.8 below), construction shall begin for the Lyons Road construction as a 3 lane section from Southern Boulevard to the project's south property line plus any appropriate paved tapers. (ENGINEERING)
5. Prior to September 1, 2002 or prior to the issuance of the 250th building permit whichever shall first occur, all construction shall be completed (open to traffic) for the construction of Lyons Road from SR 80 to the projects south property line, and the Lyons Road Bridge over the C 51 Canal. Impact fee credit shall only be provided for construction plans and construction required for the turn lane identified in condition E1 I.(c) above. (DATE/BLDG PERMIT: MONITORING-Eng)
6. The Property Owner shall fund the cost of signal upgrading as determined by the County Engineer at Lyons Road and Southern Boulevard. The cost of signalization shall also include any required utility relocation. Signalization shall be concurrent with the Lyons Road Construction as outlined above. (ONGOING: MONITORING-Eng).
7. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and the Florida Department of Transportation at Pioneer Road and SR 7. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 36 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng)

RESOLUTION NO. R-2011-__

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACCEPTING MAINTENANCE OF LYONS ROAD FROM SOUTHERN BOULEVARD SOUTH 1,607 FEET INCLUDING THE BRIDGE OVER THE C-51 CANAL, PALM BEACH COUNTY, FLORIDA.

WHEREAS, pursuant to Resolution No. R-2000-0899 of the Board of County Commissioners, Palm AFC Holdings, Inc., as a condition of approval, was required to construct Lyons Road, from Southern Boulevard to 1,607 feet south, including the bridge over the C-51 canal; and

WHEREAS, said road was permitted August 29, 2003, by the Land Development Division; and

WHEREAS, on December 12, 2007, the Construction Coordination Division conducted a final review of said construction which was found to be in substantial conformance with the requirements of the approved plans.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The Chairman of the Board is hereby authorized on behalf of Palm Beach County to accept maintenance of Lyons Road, from Southern Boulevard to 1,607 feet south, including the bridge over the C-51 canal.

RESOLUTION NO. R-2011-__

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

| | |
|---------------------------------------|---|
| Commissioner Karen T. Marcus, Chair | - |
| Commissioner Shelley Vana, Vice Chair | - |
| Commissioner Paulette Burdick | - |
| Commissioner Steven L. Abrams | - |
| Commissioner Burt Aaronson | - |
| Commissioner Jess R. Santamaria | - |
| Commissioner Priscilla A. Taylor | - |

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2011.

**PALM BEACH COUNTY,
FLORIDA, BY ITS BOARD OF
COUNTY COMMISSIONERS**

Sharon R. Bock, Clerk & Comptroller

BY: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
County Attorney