

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

Meeting Date: August 14, 2012

Consent

Regular

Workshop

Public Hearing

Department

Submitted By: Engineering & Public Works

Submitted For: Traffic Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Establishment of an impact fee credit for building a section of Park Avenue West, east of Congress Avenue to Congress Avenue Properties LTD (The Development).

SUMMARY: Approval of this impact fee credit, currently estimated at \$430,000, will allow the extension of Park Avenue West to go through a portion of The Development. Park Avenue West is not needed to provide access to The Development. Park Avenue West is not required to meet Traffic Performance Standards (TPS). Impact fee credits for roadway improvements that are not required by TPS require approval by the Board of County Commissioners.

District 7 (MRE)

Background and Justification: The Development will be located at the northeast corner of the future Park Avenue West and Congress Avenue with an estimated road impact fee of \$1,016,150. The Development will consist of up to 200,000 square feet of retail space. The Development will have access from Congress Avenue. It also could have access from a driveway where the future Park Avenue West would be located.

The estimated construction cost for Park Avenue West built to County standards through The Development is \$555,000. The estimated construction cost if the developer chose to build a driveway on his property located where the future Park Avenue West would be located is \$125,000.

(Continued on Page 3)

Attachment:

- 1. Location Map

Recommended By: *Motara-Atta*
/ Division Director

7/24/12 *[Signature]*
Date

Approved By: *A. T. Wald*
County Engineer

7/26/12
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
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	\$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No ____.
Budget Acct No.: Fund ___ Dept. ___ Unit ___ Object
Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no fiscal impact. Board approval is only being requested to provide an impact fee credit. The Development would be charged impact fees of \$1,016,150 if the project was to be built as proposed now. However, the Development is making improvements which would alleviate the need for the County to make such improvements in the future. The calculated credit is \$430,000. This is the amount the Development could stand to subtract from possible future impact fees due.

C. Departmental Fiscal Review: Strollwhite

III. REVIEW COMMENTS

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

<p><u> John Mal </u> OFMB 7/20/12 7/20/12</p>	<p><u> D. J. Jones </u> Contract Dev. and Control 7-30-12 B. K. C.</p>
---	--

B. Approved as to Form and Legal Sufficiency:
 Mark R. Stettin
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background and Justification (Continued)

Article 13 (Impact Fees) of the Unified Land Development Code lists three criteria that must be met for an impact fee credit to be allowed. The criteria are detailed below:

"The fee payer may elect to propose construction of a portion of the major road network system in addition to any required site related improvements. The fee payer shall submit the proposed construction along with a certified engineer's cost estimate to the Impact Fee Coordinator, with a copy to the County Engineer. The County Engineer shall determine if the proposed construction is eligible for road impact fee credit, based on the following criteria:

1. The proposed road construction must be on the major road network;
2. The proposed road construction must not be site-related improvements;
3. The proposed road construction must be required to meet the requirements of Traffic Performance Standards for the development as defined in Article 12, Traffic Performance Standards.

Exceptions to criteria No. 3 above may only be made upon approval of the Board of County Commissioners. No exceptions shall be made to criteria No.'s 1 and 2. If the proposed road construction meets the criteria for credit, the County Engineer shall determine the amount of credit to be given, and the timetable for completion of the proposed construction, and shall recommend the approval and the amount of credit to the Impact Fee Coordinator."

Park Avenue West is on the Thoroughfare Right-of-Way Identification Map and is considered part of the major road network.

The Development will have access from Congress Avenue. It also could have access from a driveway where the future Park Avenue West would be located. The Development will not need Park Avenue West for access to the site. For these reasons, construction of Park Avenue West is not considered site related.

The construction of Park Avenue West is not being required to meet the requirements of TPS. The Board of County Commissioners must make the required exception to criteria No. 3 for a road impact fee credit to be granted.

The amount of the impact fee credit would be based on the cost to construct Park Avenue West minus the cost to construct a driveway at the location where Park Avenue West would be located. The estimated difference is \$430,000.

This approach would be beneficial to the public and the developer. It eliminates future construction interference to the development and the public when Park Avenue West is constructed at a later time. This approach also eliminates the cost of removing the driveway when Park Avenue West is constructed.

Staff recommends approval of a roadway impact fee credit for The Development in the amount of \$430,000. The estimated road impact fee for the development is \$1,016,150.

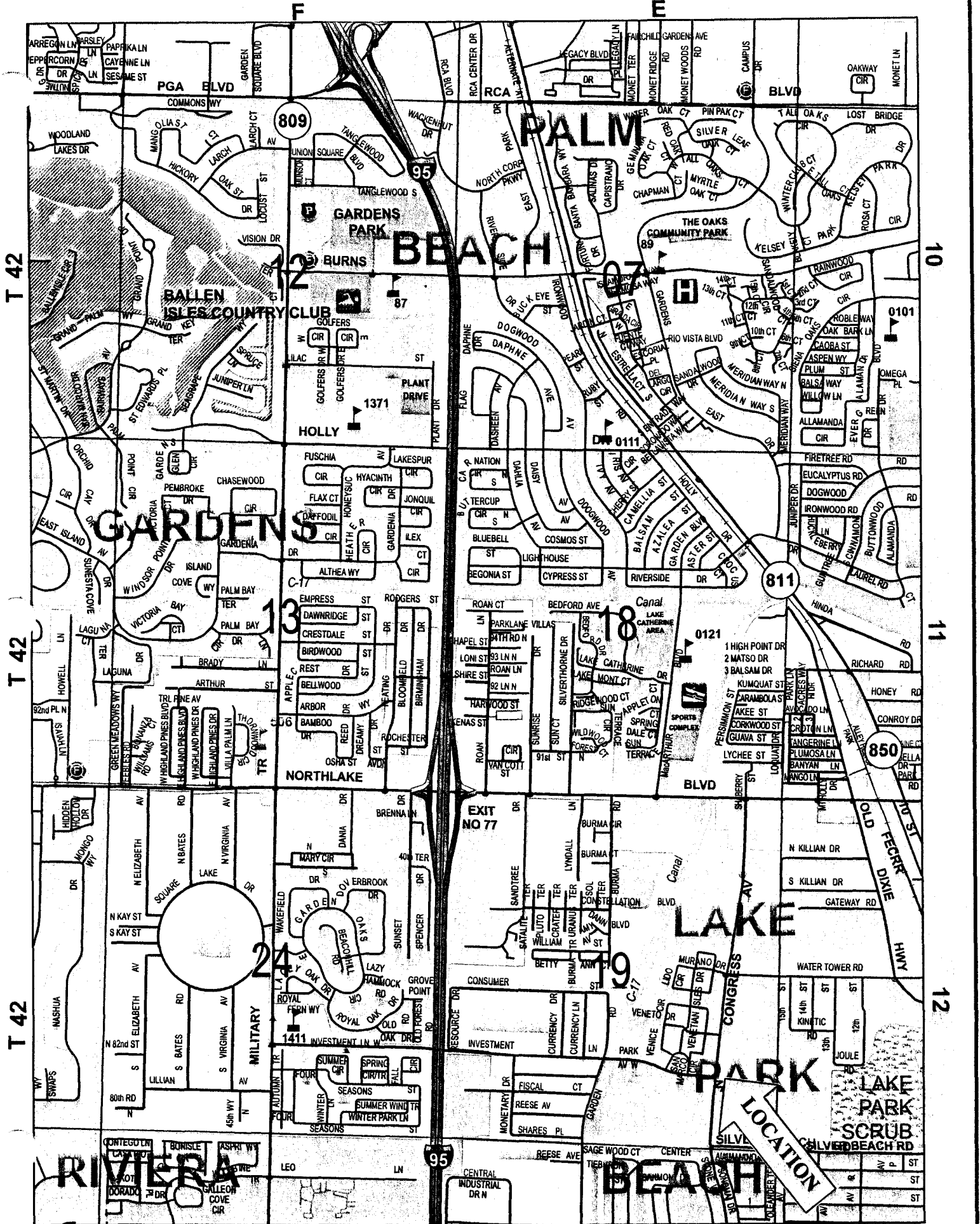
THE LOCATION MAP

R 42

See pg 24

R 43

34



See pg 46

34