

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

Meeting Date: October 22, 2013 **Consent** **Regular**
 Workshop **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 West Atlantic Avenue to 945 feet north (Project), at an estimated cost of \$1,305 annually.

SUMMARY: Adoption of this resolution will allow Palm Beach County to accept maintenance of the Project. The developer, KRG Atlantic Delray Beach LLC, was required to construct the Project per Condition E.17(A) of Resolution R2010-0447, Petition 2004-616, Delray Marketplace.

District 5 (MRE)

Background and Justification: The Land Development Division issued a permit to KRG Atlantic Delray Beach LLC for construction of Lyons Road on February 4, 2011. The construction was reviewed by the Construction Coordination Division and approved April 18, 2012. The Engineer of Record has submitted the required certification. It is estimated to cost \$1,305 annually to maintain this section of thoroughfare road.

Attachments:

- 1. Location Sketch
- 2. Resolution
- 3. Resolution R2010-0447
- 4. Conditions to Resolution R2010-0447

Recommended by: Joannell Keller 09/12/2013
Division Director Date

Approved by: B. T. Webel 9/25/13
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	\$1,305	\$1,305	\$1,305	\$1,305	\$1,305
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	\$1,305	\$1,305	\$1,305	\$1,305	\$1,305
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes X No
 Budget Acct No.: Fund 1201 Dept. 360 Unit 2230 Object Various
 Program

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

County Transportation Trust Fund
 Road Section

Maintenance costs are included in FY 2014 budget. Subsequent year amounts are subject to Board approval of future budgets.

C. Departmental Fiscal Review: Aluekivalainen

III. REVIEW COMMENTS

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

[Signature] 9/26/13
 OFMB 10/25 9/25

[Signature] 9/26/13
 Contract Dev. and Control
 9-26-13 [Signature]

B. Approved as to Form and Legal Sufficiency:

[Signature] 9/27/13
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



ATTACHMENT 1
"N.T.S."

TWP 46

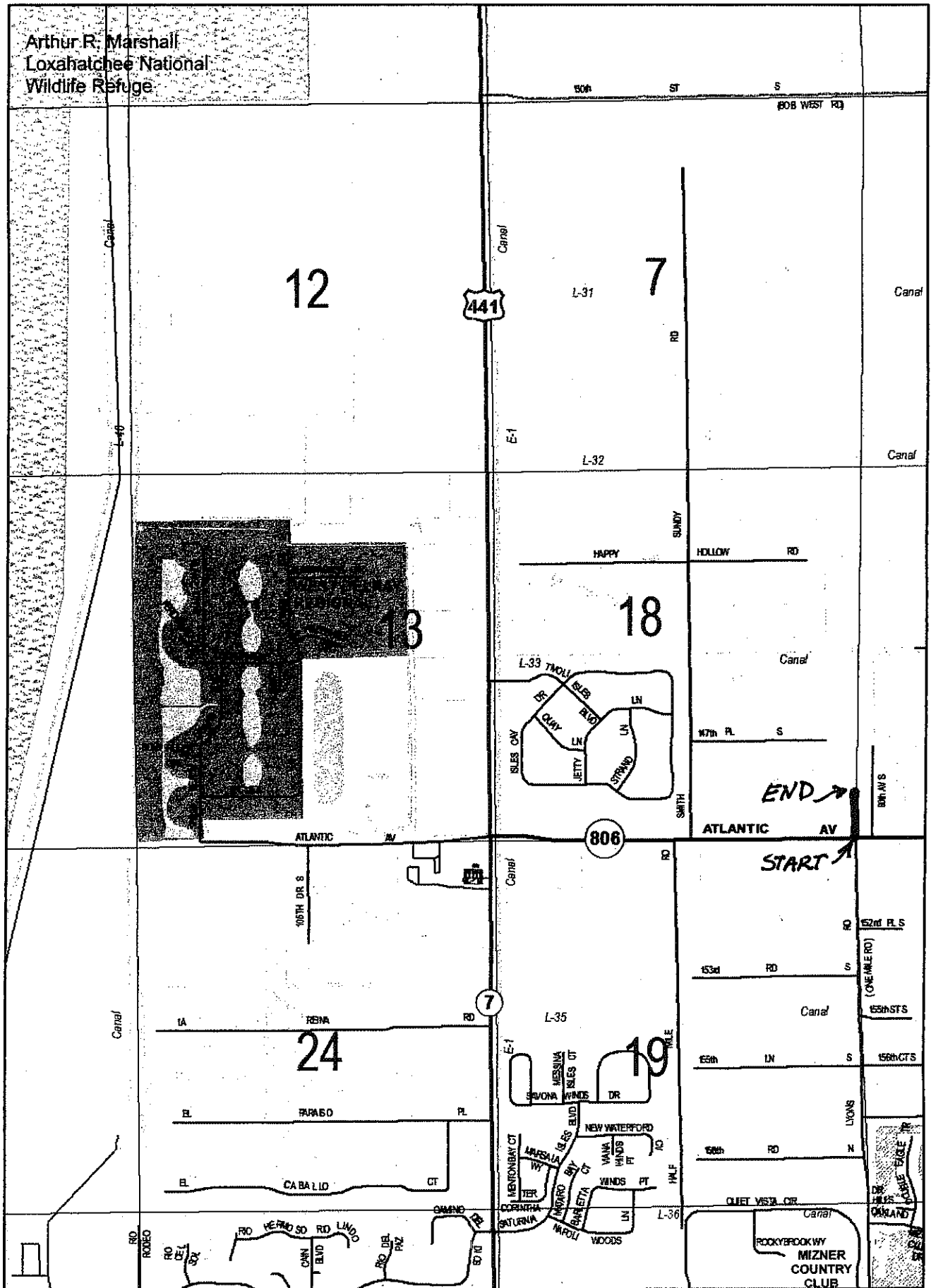
TWP 46

TWP 46

34

35

36



LOCATION SKETCH

RESOLUTION NO. R-2013-____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACCEPTING MAINTENANCE OF LYONS ROAD FROM WEST ATLANTIC AVENUE NORTH 945 FEET, PALM BEACH COUNTY, FLORIDA.

WHEREAS, pursuant to Resolution No. R2010-0447 of the Board of County Commissioners, KRG Atlantic Delray Beach LLC, as a condition of approval, was required to construct Lyons Road, from West Atlantic Avenue to 945 feet north; and

WHEREAS, said road was permitted February 4, 2011, by the Land Development Division; and

WHEREAS, on April 18, 2012, 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 Mayor of the Board is hereby authorized on behalf of Palm Beach County to accept maintenance of Lyons Road, from West Atlantic Avenue to 945 feet north.

RESOLUTION NO. R-2013-____

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 Steven L. Abrams, Mayor

Commissioner Priscilla A. Taylor, Vice Mayor

Commissioner Hal R. Valeche

Commissioner Paulette Burdick

Commissioner Shelley Vana

Commissioner Mary Lou Berger

Commissioner Jess R. Santamaria

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2013.

**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: _____

RESOLUTION NO. R-2010-0447

RESOLUTION APPROVING ZONING APPLICATION ZV/W/DOA-2008-01900
(CONTROL NO. 2004-00616)
a Development Order Amendment
APPLICATION OF KRG Atlantic Delray Beach LLC
BY Urban Design Kilday Studios, AGENT
(Delray Marketplace)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/W/DOA-2008-01900 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/W/DOA-2008-01900, the petition of KRG Atlantic Delray Beach LLC, by Urban Design Kilday Studios, agent, for a Development Order Amendment to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning). in the Traditional Marketplace Development Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 31, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

ATTACHMENT 3
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Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2010.

Filed with the Clerk of the Board of County Commissioners on April 2, 2010.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

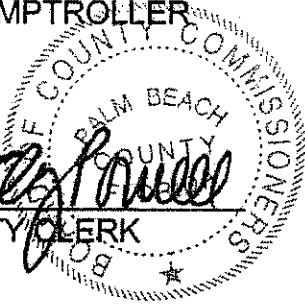
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING - Eng) (Previous Engineering Condition 14 of Resolution R-2009-0709, Control No. 2004-616) [Note: Completed]

15. Prior to final DRO approval, the site plan shall be amended to comply with the FDOT conceptual approval letter dated November 14, 2007 and provide a minimum 50-foot throat distance and channelized geometrics to discourage outbound left turn movements at both project driveways on West Atlantic Avenue. (DRO: ENGINEERING - Eng) (Previous Engineering Condition 15, Resolution R-2009-0709, Control No. 2004-616)

16. Previous Engineering Condition 16, Resolution R-2009-0709, Control No. 2004-616, which currently states:

Condition number 9.b. which requires turn lane improvements on Lyons Road to be completed prior to issuance of the first Certificate of Occupancy shall be considered complied with when payments required in Condition number 10 have been made within the timeframe required in that condition. (ONGOING: ENGINEERING-Eng)

Is hereby amended to read:

Condition number 9.b. which requires turn lane improvements on Lyons Road to be completed prior to issuance of the first Certificate of Occupancy shall be considered complied with when payments or construction required in Condition number 17 have been made within the timeframe required in that condition. (ONGOING: ENGINEERING-Eng)

17. The property owner shall either:

a. Commence construction of Lyons Road as a 2-lane median divided section built to PBC Thoroughfare Road standards from Atlantic Avenue to the north project driveway, including separate left turn, right turn and through lanes and tapers on the north approach at Atlantic Avenue and Lyons Road, prior to bid opening for both the County's portion of Lyons Road and Atlantic Avenue. The construction for Lyons Road shall tie into road conditions at the Atlantic Avenue north right of way line at the time of Lyons Road construction. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way. During construction, the property owner shall provide access to Palm Beach County contractors for construction of the County's portion of Lyons Road as well as maintain access to adjacent farms, as necessary. (ONGOING: MONITORING Eng)

b. Or, if Lyons Road construction has not commenced prior to bid opening for both the County's portion of Lyons Road and Atlantic Avenue, the property owner shall make a payment to Palm Beach County Engineering Department for an amount of the bid amount plus 10%, for all construction costs, including administration, testing and construction management, associated with the construction of Lyons Road as a 2-lane median divided section built to PBC Thoroughfare Road standards from Atlantic Avenue to the north project driveway, including separate left turn, right turn and through lanes and tapers on the north approach at Atlantic Avenue and Lyons Road, within thirty (30) days written notice from the County Engineer. The bid amount shall be based on bid received by Palm Beach County for this work. The developer shall be responsible for any and all costs in excess of this amount. If any of the actual costs exceed this amount, the developer shall pay Palm