

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

<b>Meeting Date:</b>	July 02, 2019	<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>
<b>Department:</b>	Engineering & Public Works		
<b>Submitted By:</b>	Engineering & Public Works		
<b>Submitted For:</b>	Traffic Division		

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: an exception allowing for the establishment of an impact fee credit, in the amount of \$1,237,061, for the Hyder AGR PUD (Project) for improvements made by GL Homes (Developer) to Lyons Road from the L-38 Canal north to the L-37 Canal (Lyons Road improvements).

**SUMMARY:** The Developer requests an impact fee credit for the Lyons Road improvements. At the time the Project was approved by the Board of County Commissioners (BCC) by Resolution R2014-0730, the County had initiated the design to expand Lyons Road in accordance with the Five Year Road Program. The County and the Developer discussed an agreement in which the Developer would construct the Lyons Road improvements and receive a credit against impact fees due for the cost. While there was no disagreement in concept to this plan, the agreement was never completed. Meanwhile, the Developer, which had been tasked with constructing left and right turn lanes on Lyons Road as part of its development order, proceeded to construct the Lyons Road improvements at the same time. The improvements for which the impact fee credit is sought were constructed by the Developer in 2014 and 2015. Article 13 of the Unified Land Development Code (Article 13) details criteria for awarding impact fee credits. Because these improvements were not required to meet Palm Beach County’s Traffic Performance Standards (TPS), credits can only be awarded by the BCC. District 5 (LB)

**Background and Justification:** Article 13 lists three criteria that must be met for an impact fee credit to be allowed. The criteria are detailed below:



1. The proposed road construction must be on the major road network. Lyons Road is on the Thoroughfare Right-of-Way Identification Map and is considered to be part of the major road network;
2. The proposed road construction must not be site-related improvements. The Lyons Road improvements create additional lanes of through-traffic, which are not considered site related; and
3. The proposed road construction must be required to meet the requirements of TPS. At the time of development order application, the Lyons Road improvements were not required to meet TPS. Therefore, the BCC must grant an exception to criterion No. 3 to allow the road impact fee credit.

(Continued on Page 3)

**Attachments:**

1. Location Map

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<b>Recommended By:</b>	<u>ma</u> 	<u>6/3/19</u>
	County Engineer	Date
<b>Approved By:</b>		<u>6/19/19</u>
	Assistant County Administrator	Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2019	2020	2021	2022	2023
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-
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No X  
 Does this item include the use of federal funds? Yes No X

**Budget Account No:**

Fund Dept Unit Rvsc

**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 Developer incurred costs to widen Lyons Road as a condition of the development order. The calculated credit is \$1,237,061. This is the amount the Development could stand to subtract from possible future impact fees due.

C. Departmental Fiscal Review: *Chief Financial Officer*

**III. REVIEW COMMENTS**

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

*Kellee M. Swopes* OFMB 5/31/2019  
*[Signature]* 7/6/19 Jim GLS  
*[Signature]* 6/17/19  
 Contract Dev. and Control 6/17/19

**B. Approved as to Form and Legal Sufficiency:**

*[Signature]*  
 Assistant County Attorney

**C. Other Department Review:**

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 Department Director

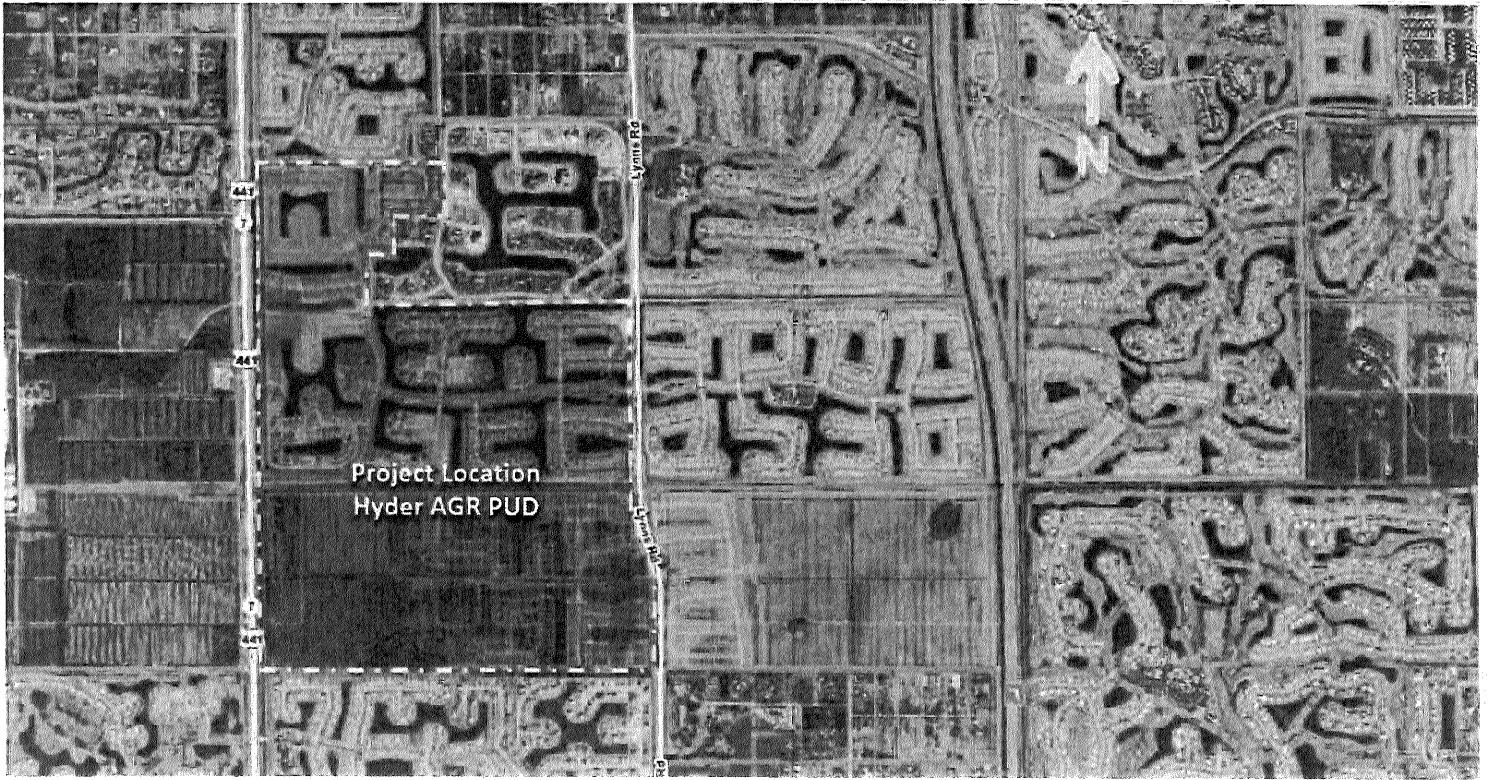
**This summary is not to be used as a basis for payment.**

### **Background and Justification (Continued from Page 1)**

Exceptions to criterion No. 3 may be made upon BCC approval. No exceptions may be made to criteria Nos. 1 and 2.

The amount of credit sought is based on the actual cost incurred by the Developer to widen Lyons Road from two-lane to four-lane divided section excluding the cost of the construction of the left and right turn lanes that were site specific improvements required by the conditions of the development order. The amount of credit sought has also been reduced by (\$308,000), which is the estimated cost to resurface and restripe this segment of Lyons Road when the entire Lyons Road corridor is widened by the County scheduled for later this year.

The Engineering Department recommends approval of this roadway impact fee credit, in the amount of \$1,237,061, for the above improvements.



Project: Hyder AGR PUD

Impact Fee Zone 5