



TEXT AMENDMENT STAFF REPORT 04-EXPEDITED REVIEW PROCESS (ERP) AMENDMENT

Item Name:	Scientific Community Overlay
Element:	Introduction and Administration; Future Land Use; Intergovernmental Coordination ; and Economic Elements and the Map Series
Item Before the Board:	To hold a public hearing on proposed amendments to the Introduction and Administration; Future Land Use; Intergovernmental Coordination ; and Economic Elements to establish the Scientific Community Overlay; encourage scientific and research and development uses in this Overlay; identify this Overlay as a Limited Urban Service Area; and for associated purposes.
Note:	Changes to the body of the staff report since the Transmittal to DCA are shown in <u>double underline</u> and double strikethrough format.
Meeting Date:	Final Report , Adopted October 5, 2004
Project Manager:	Susan Miller, AICP, Principal Planner & Brandon Schaad, Planner
MOTION: To <i>adopt</i> the proposed amendment.	

- A. Planning Recommendation:** Staff recommends *approval* based on the findings and conclusions presented in this report.
- B. LPA Recommendation:** Motion to recommend *approval with modifications* passed in an 11-1 vote (with Ms. Francis dissenting) at the June 11, 2004 Public Hearing. Of the modifications recommended by the LUAB, Staff was in agreement with a majority of the revisions and these were incorporated into Exhibit 1 of the staff report. These changes included minor revisions to wording of several policies, including reinstating trip capture into Planned Industrial Park Development (PIPD) policy language, clarifying the Transfer of Development Right (TDR) provision for the Overlay by removing conflicting language and expanding the definition of research and development communities. Staff did not incorporate LUAB's recommendations to modify language regarding reverting back to certain Plan language that Staff believed too vague, too restrictive or no longer appropriate. These proposed changes included:
- A change to Staff's proposed language in the fourth paragraph under "A. Purpose" in the Introduction to the Future Land Use Element. While Staff supports language that says "... support the creation of research and

development communities,” the Board supported changing the plural “communities” to the singular “community.”

- Removal of language indicating that in the event of a conflict between uses allowed by EDC and the Scientific Community Overlay, that the uses specified in the Overlay would control. Staff still supports retaining this language as it was suggested by the Department of Community Affairs.
- Finally, to reinstate “value-added industries” in two policies as uses encouraged by a Planned Industrial Park Development (PIPD) Zoning District. Staff continues to support removal of this term because the term is too vague. In addition, the LUAB recommended that other PIPD language be reinstated. However, this was modified at the request of the Zoning Director for consistency with the Unified Land Development Code (ULDC).

Board discussion focused on the concern that the expedited process is compromising the quality of review through the public hearing process. Board discussion also focused on the following: the effect of the proposal on the Sector Plan; whether this project should rely on the proposed development on the Vavrus property for viability; whether a larger area including Pratt & Whitney and the North County Airport could be planned as a whole; the feasibility of reincorporating the Mecca Farms site into the Sector Plan; whether the community created in the Overlay would be open to everyone or limited; whether power lines would be buried; traffic concerns; the type of community atmosphere to be created; the ability to change tier designations; the lack of specifics in how the Overlay would deal with impacts to the surrounding area; whether the uses proposed in the Overlay would constitute a sustainable community; whether Transfer of Development Rights (TDR) units should be allowed in the Overlay; time constraints associated with the project; and whether it would be wiser to broaden opportunities for different industries rather than limiting them, given that the long term viability of biotechnology is unpredictable; and the concern of creating a Limited Urban Service Area (LUSA), thus isolating the site from the adjacent rural areas.

Several members of the public, including residents of the Acreage and Loxahatchee Groves, representatives from 1,000 Friends of Florida and the Environmental Law & Land Use Law Center and other interested parties spoke and expressed concerns about compatibility with surrounding uses, the need to go beyond minimum requirements in this project, urban sprawl, traffic issues, the efficient provision of services, the Sector Plan, and increasing availability of Limited Urban Service Areas (LUSAs), and water storage issues.

- C. BCC Transmittal Action:** Motion by Comm. Koons, seconded by Comm. McCarty, to transmit passed in a unanimous 7-0 vote at the June 28, 2004 Public Hearing. Board discussion focused on the possibility of alternative sites for the research park, whether a LUSA could be used by others inappropriately in the future, the proposed language regarding TDRs, how the Mecca Farms site fits into the CERP, and the infrastructure costs to serve the proposed Scripps project.

Ten members of the public spoke on the amendment. One member of the public spoke in support and another expressed a concern that Scripps should not be allowed to change the Sector Plan. Eight members of the public, including representatives of various environmental groups, spoke in opposition to the proposed amendment, citing concerns regarding the need to search for alternative site, the effect that changes to LUSA language in the Plan might have on the North County Airport and the Pratt and

Whitney Overlay, making a plan through amendment, whether the proposed changes to the Plan would still take effect if Scripps decided not to locate in Palm Beach County, that the proposed changes eliminate the rationale of allowing residential uses in a PIPD, that the process has been too rushed, possible effects on hunting in the J.W. Corbett Wildlife Management Area and that the CERP did not take into account the proposed project on the Mecca property.

POST TRANSMITTAL ACTION

- A. ORC Report Findings:** In the ORC report, the Department of Community Affairs (DCA) offered the following comments:
- The analysis does not adequately explain the need for the Limited Urban Service Area (LUSA) designation for the Scientific Community Overlay (SCO) and proposed land use allocations in the SCO;
 - A policy should be added to establish design principles for the project;
 - It appears that the first part of Policy 1.1-b has been inadvertently deleted;
 - Policy 1.1-b, which sets forth criteria for changing a tier designation, should require that proposed LUSA designations be subject to these criteria as well.
 - The new Policy 2.8-b implies that the standard for designating a LUSA could be limited to a showing that the project provides for a mix of uses and requires urban services, and should be clarified to require a demonstration of need.
- B. Response to ORC Report:** Staff has the following responses to DCA's comments in the ORC report (changes to the proposed Comprehensive Plan language since the Transmittal to DCA are shown in Exhibit 1 in double underline and ~~double strikethrough~~):
- The County's analysis has shown the Mecca Farms site to be the most appropriate site available to create economic benefits of clustering and agglomeration in the context of a sustainable community in a way that is feasible and fiscally sound for taxpayers. It is intended to be designed as a community which is substantially self-sufficient, with employment, housing and many services provided within this new community. Of course, this will require access to centralized water and sewer services, as well as other urban services. However, Mecca Farms is located at a significant distance from other urban areas, and from the urban Service Area (USA). It is the County's desire to create this new community on the Mecca Farms site – which has been shown through analysis as an appropriate location – while not encouraging sprawl development between the USA and the Mecca Farms site. A LUSA is the most appropriate way to accomplish this, because it allows these urban services to be provided in a discrete location to advance a public policy purpose – in this case economic development – while avoiding what would be a major extension of the USA boundary and possible endangerment of rural and exurban lifestyles.
 - A new policy has been added to this amendment mandating that Design Standards be developed for the SCO, and that compliance with these Design Standards be a condition of approval for any development order issued for development within the SCO.
 - The materials transmitted to DCA do not include the first part of Policy 1.1-b because no changes are being made to this portion of it. This has apparently created confusion, but the first part of Policy 1.1-b *is not being proposed for deletion*.
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- It should be noted that removing a property from an assigned tier and designating it as a LUSA is not the same. A tier change occurs through the future land use amendment process, while designation of an area as a LUSA involves a text change to the Comprehensive Plan. Because FLUE Policy 1.1-b deals with changing tier designations, it would not be appropriate to refer to LUSA designations in the policy. To do so would imply that a LUSA could be applied for through the future land use amendment process, which it cannot. However, proposed changes to Objective 3.3 would add separate criteria for designating a site as a LUSA.
- Staff agrees with DCA's assessment of Policy 2.8-b, as previously proposed. Therefore, Staff has proposed a change to this policy making clear that the LUSA designation for the SCO is also based on "contributing to County policy goals," and proposed additional changes to Objective 3.3 to set specific criteria for the designation of an area as a LUSA.

C. Revisions Not Previously Reviewed: After further evaluation, Staff is proposing additional language for FLUE Policy 1.1-b. This supplemental language deals with property that has been removed from an assigned tier through the future land use amendment process. The proposed language would require a Study in such situations to determine the appropriate tier designation for the property, and other possible adjustments to tier boundaries in the area. This additional revision is shown in Exhibit 1 in double underline.

D. BCC Adoption Action: Motion by Comm. Koons, seconded by Comm. McCarty to ***adopt an ordinance*** reflecting Staff's recommendation, with addition of a policy stating that if the Scripps Research Institute does not move forward with development on the Mecca Farms site, Staff will bring forward an amendment to remove all text and maps related to the Scientific Community Overlay from the Comprehensive Plan, passed in a 6-1 vote (with Comm. Masilotti dissenting) at the October 13, 2004 Public Hearing. Board discussion focused on the following: the square footage of the proposed project in comparison to already established areas; whether the Overlay is site-specific or can be used elsewhere; whether office space is allowed in industrial land use designations; water management and the Comprehensive Everglades Restoration Plan (CERP); whether the purpose of the project is to create jobs or to build homes; and several issues regarding possible alternative sites, including if the County's cost of buying the Mecca Farms site could be recovered, where Scripps is or is not willing to locate, the ability to create a "scientific village" on smaller sites, possible restrictions which could be placed on other sites by municipal governments, the ability to achieve internal trip capture and potential neighborhood opposition. Representatives of 1,000 Friends of Florida, the Florida Wildlife Federation, the Sierra Club, the Palm Beach County Environmental Coalition and the Audubon Society of the Everglades spoke in opposition to the amendment. A representative of Indian Trail Improvement District (ITID) indicated that ITID had reconsidered its original resolution to support Scripps. The representative expressed support for the BCC while citing several concerns with the project. In addition, several members of the public spoke in opposition to the amendment, and one member of spoke in favor.

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I. SUMMARY REPORT

A. BACKGROUND

The proposed text amendments herein will modify and add language to the Introduction and Administration; Future Land Use; ~~Intergovernmental Coordination~~; and Economic Elements; and make modifications to the Map Series in order to establish the Scientific Community Overlay; provide for rules, regulations and purposes of this Overlay; and to ensure that the encouragement of science and technology based uses is an important part of Palm Beach County's plans for the future.

The impetus for these Comprehensive Plan changes is the October 2003 decision of the Palm Beach County Board of County Commissioners (BCC) to support the development of a science and technology based research park/campus in the County. Previously, the State of Florida had taken the initiative to attract the non-profit biotechnology research firm The Scripps Research Institute (TSRI) to Florida, committing a \$310 million federal economic stimulus grant to the project.

TSRI will be the anchor of the research park/campus, which is expected to attract several "spin-off" pharmaceutical firms and related industries, which will create several thousand jobs, a high proportion of which will be high-wage and high skill jobs. In addition, TSRI will partner with universities in the region and the rest of Florida, supporting economic development and enhanced educational opportunities for many years to come.

This research park/campus will be located on the 1,919.23-acre Mecca Farms property, which is located approximately 1 mile north of Northlake Boulevard and south of the Beeline Highway, just east of the J.W. Corbett Wildlife Management Area (CWMA) and just west of the Vavrus property in the City of Palm Beach Gardens. The Scientific Community Overlay – proposed to be established through this amendment – will cover that site, and will help to make the planned development possible while protecting the surrounding area. It is intended that the Overlay will require a varied mix of land uses in addition to the science and technology uses, including residential, commercial, institutional and recreational.

B. THE PROPOSED AMENDMENT

1. Amendment Intent and Summary

The amendment proposes to modify and add language in the Introduction and Administration; Future Land Use; ~~Intergovernmental Coordination~~; and Economic Elements, and to make modifications to the Map Series, necessary to establish the Scientific Community Overlay; encourage scientific and research and development uses in the Overlay; and other changes to support and strengthen these scientific and research and development uses.

2. Unified Land Development Code Implications

There are related changes to the Unified Land Development Code (ULDC) being considered concurrently with the proposed Comprehensive Plan changes. The changes proposed in the ULDC will further and implement the proposed directions, goals, objectives and policies pertaining to the Scientific Overlay that are proposed as part of this Comprehensive Plan amendment.

C. ISSUE AND DATA/ANALYSIS SUMMARY

Complete data and analysis to support the amendments are provided in Exhibit 2.

The County's decision to support the development of a science and technology based research park/campus on the Mecca Farms site, and to make the fostering of research and development uses an important part of its long-term economic development strategy, necessitates several changes to the text of the Comprehensive Plan. These changes are intended to help ensure the success of this initiative while preventing or limiting any negative impacts to the surrounding area and the rest of the County.

First, a change is proposed to the definition of a Limited Urban Service Area (LUSA) in the Introduction and Administration Element. This change improves the definition of a Limited Urban Service Area (LUSA) by more accurately explaining how it functions and clarifies that a LUSA is not required to belong to an underlying Tier.

The proposed changes in the Future Land Use Element will establish the Scientific Community Overlay on the research park/campus site, allow for the removal of this Overlay from the Rural Tier and designate the Overlay as a Limited Urban Service Area (LUSA). Creation of the Overlay allows the County to plan for uses and activities specifically for this site, as it will be unique within the County. By allowing the Overlay to be a LUSA and not a part of the Rural Tier, the objectives and the existing character of the Rural Tier, and the integrity of the Rural Tier will not be compromised. The Overlay, as proposed outside of the Rural Tier and as a LUSA, will allow it to develop under different rules, and the development of the research park/campus will not be considered justification to change the character of the surrounding area. With the removal of this Overlay from the Rural Tier, it is also proposed that the rules and property development regulations of the Urban/Suburban Tier should apply, reflecting the difference in what is planned for the Overlay and what is planned for the surrounding area. By designating the Overlay as a LUSA – and clarifying the definition and description of a LUSA – it is ensured that, while this area may receive urban levels of service (as any other LUSA), those areas between the Urban Service Area and the LUSA are not necessarily entitled to inclusion in the Urban Service Area. This serves to further protect the rural nature of the area around the Overlay. Further proposed changes ensure that any property removed from an assigned tier will be studied to evaluate where it will eventually fit in the County's tier system, and that specific criteria are spelled out for the designation of any proposed LUSA in the future.

Several other proposed changes relate to the County's desire to make science and technology research an important part of a long-term strategy of sustainable economic development. This recognizes an important opportunity to diversify the County's economic base, increase educational opportunities and ensure that land use and planning policies and strategies will be undertaken with this in mind.

There are multiple proposed changes intended to update and clarify language in the Plan that is related to the need for sustainable development within the Overlay. For instance, language

related to a Planned Industrial Park Development (PIPD) – the zoning district expected to be sought for all or part of the Overlay – is revised to better reflect the type of manufacturing/office/research parks that the County desires, while requiring for a mix of various other types of uses (institutional, commercial and residential) . Also, the definition and description of a LUSA is rewritten to be more precise, and to emphasize that it is meant to protect any rural area or area between it and the Urban Service Area from becoming prematurely urbanized. Finally, the Economic Development Center (EDC) future land use category is added to the list of those designations permitted in the Urban/Suburban Tier – to reflect the current de facto situation – and, along with Low Residential, 2 units per acre (LR-2), to the designations permitted in the Scientific Community Overlay.

Finally, changes are proposed to ~~the Intergovernmental Coordination Element (ICE), the Economic Element (EC) and the Map Series. An additional policy is proposed in the ICE to assure cooperation between the County and the City of Palm Beach Gardens for the success of the Overlay. The Overlay is located adjacent to the political boundary of the City, and a development inside the City is planned in conjunction with the activities of the Overlay, and so both the County and the City have a strong interest in the success of the Scientific Community Overlay.~~ The proposed change in the EC adds “science and technology” to the definition of cluster industries to be encouraged in order to recognize the tremendous opportunities for economic development brought to Palm Beach County by the decision of The Scripps Research Institute (TSRI) and anticipated spin-off companies to locate here. Changes proposed to the Map Series reflect changes made to the FLUE regarding the identification of the Scientific Community Overlay and its designation as a Limited Urban Service Area.

D. PUBLIC AND MUNICIPAL REVIEW

1. **Intergovernmental Plan Amendment Review Committee (IPARC):** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review. The IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments. A formal notice (requesting comments) was mailed to IPARC on May 19, 2004. As of the printing of this report, no objections had been received.
2. **Other Notice:** A June 11, 2004 letter addressed to the Land Use Advisory Board (LUAB) was received by the law firm Lewis, Longman & Walker, P.A. on behalf of the Southeastern Association of Special Districts. This letter suggests changes to the proposed language relating to Limited Urban Service Areas (LUSAs), and argues that the proposed changes “intrude upon the legislative prerogatives of many special districts.” This letter is included in Exhibit 3 of this staff report.

E. ASSESSMENT AND CONCLUSIONS

As demonstrated in Exhibit 2: Support Data and Analysis, the proposed amendments will allow Palm Beach County to proceed with the development of a science and technology research park/campus to attract a variety of high quality science and technology-related companies, as well as ensure that the fostering of science and technology uses becomes part of the County’s long-term economic development. The proposed amendments to the Comprehensive Plan have been developed and refined with the participation of several county agencies and other jurisdictions, and will help ensure the success of science and technology uses in Palm Beach County while protecting the character and lifestyle of areas near these uses.

F. ALTERNATIVE ACTIONS

The following courses of action are available to the Board:

1. Recommendation of ***approval***;
2. Recommendation of ***approval with modifications***; or
3. Recommendation of ***denial***.

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II. EXHIBITS

1.	Proposed Text Changes	9
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3.	Letters in Support or Opposition	27

EXHIBIT 1

A. Introduction and Administration Element, Scientific Community Overlay

REVISIONS: To revise the definition of a Limited Urban Service Area (LUSA). The revision is shown with the added text underlined and the deleted text ~~struck out~~. Changes since Transmittal to DCA are shown in double underline and ~~double strikethrough~~ format.

- 1. Revised IA DEFINITION, Page 19:** LIMITED URBAN SERVICE AREA - ~~Regions of the County which do not receive the full compliment of urban services. Typically, limited urban service areas receive only urban levels of service for sanitary sewer and potable water service~~ A geographic area outside the Urban Service Area which may receive a full complement of urban levels of service. A Limited Urban Service Area (LUSA) is not required to have an underlying Tier designation.

B. Future Land Use Element, Scientific Community Overlay

REVISIONS: To revise to establish the Scientific Community Overlay and associated goals, objectives and policies. The revisions are numbered and shown with the added text underlined and the deleted text ~~struck out~~. Changes since the Transmittal hearing are shown in double underline and ~~double strikethrough~~ format.

2. Revised I. INTRODUCTION, Page 1:

A. Purpose

Six ~~Five~~ broad principles guide sustainable land use planning and development: (1) Conserve and protect natural and man-made resources, and restore and maintain key ecosystems to provide adequate supplies of clean and safe water for natural, human and economic systems; (2) Prevent urban sprawl through establishment of urban development areas, and encourage urban revitalization and redevelopment; (3) Provide for sufficient open space to protect wildlife, and provide natural and recreational areas for public use; (4) Create quality livable communities by balancing, distributing and integrating the relationship among land uses to meet the needs of the diverse communities and their associated lifestyle choices, and improve the quality of life through better housing, recreational, and cultural opportunities for all; ~~and~~, (5) Manage the development of land and service delivery, so that its use is appropriate, orderly, timely and cost effective; and, (6) Promote sustainable economic development initiatives in the County with the purpose of diversifying its economic base and enhancing the quality of life and well being of current and future County generations.

Decisions on the appropriate use of land and delivery of services requires a unified approach while respecting the character of the diverse communities throughout the County. The Future Land Use Element is intended to guide the location, type, intensity and form of various types of development patterns that respect the characteristics of a particular geographical area. This is needed to ensure development and maintenance of sustainable communities through smart growth practices which protect natural resources; prevent urban sprawl so that land, facilities and services are used most

efficiently; ~~and~~, provide for the appropriate distribution and arrangement of land uses; and, support the creation of research and development communities. These factors will facilitate balancing the physical, social, educational, cultural, environmental and economic needs, as well as economic growth opportunities of both current residents and future citizens of the County, and create and maintain liveable communities.

3. Revised I. INTRODUCTION, Page 2 & 3:

B. Assessment and Conclusions

The updated 1989 Land Use Element addresses actions to correct unforeseen problems and opportunities of development, ensures consistency with State and regional plans and implements the direction provided by the Board of County Commissioners to:

1. maintain lifestyle choices;
2. create new land use designations to more closely reflect development patterns in the rural residential areas;
3. strengthen and facilitate revitalization and redevelopment and Infill development programs;
4. protect agricultural land and equestrian based industries;
5. balance growth throughout the County;
6. support opportunities for economic growth to enhance the quality of life and well being of current and future County generations;
- ~~6~~7. increase the integration between land use planning, natural resource protection, water resource management, transportation planning, and economic planning;
- ~~7~~8. provide incentives for mixed-use and new town developments and urban design;
- ~~8~~9. establish a timing and phasing program to provide for orderly growth;
- ~~9~~10. address the needs of developed urban areas that lack basic services;
- ~~10~~11. coordinate growth with the provision of infrastructure;
- ~~11~~12. define how growth/services will be managed in rural residential areas;
- ~~12~~13. define service areas and the type of services to be provided within each service area;
- ~~13~~14. provide criteria for expanding the Urban/Suburban Tier.

4. Revised I. INTRODUCTION, Page 6:

C. County Directions

9. Research and Development Communities. Support the location of regional economic development activities in the County, which promote science and/or technology uses and other significant employment opportunities and educational initiatives resulting in new technologies and manufacturing activities.

- ***Please note that as this is added as County Direction # 9, the numbers of the other Directions are adjusted accordingly.***

5. Revised FLUE Policy 1.1-b, Page 8:

Notwithstanding the above provisions, the County shall not approve land use changes which result in the redesignation of a property to another Tier or removal of a property from an assigned Tier prior to the completion of the first Evaluation and Appraisal Report subsequent to adoption of this policy (in 1999) except through use of the Optional Sector Plan process or the creation of the Scientific Community Overlay.

If any property not within a Sector Plan area is removed from an assigned tier through the future land use amendment process, as allowed for under this policy, the Planning Division shall conduct a Study to determine the property's impact on the tier system, the appropriate tier designation for the property and if and how tier boundaries need to be further adjusted in the area of the property. In making these determinations, the Study shall employ the criteria listed above for evaluating adjustments to the tier system.

6. Revised FLUE Policy 1.2-a, Page 9:

The following general future land use designations shall be allowed in the Urban/Suburban Tier:

1. Residential categories, ranging from Low Residential 1 (LR-1) to High Residential 18 (HR-18);
2. Traditional Town Development (TTD);
3. Commercial categories, ranging from Commercial Low - Office (CL-O) to Commercial High (CH);
4. Commercial Recreation (CR);
5. Industrial (IND);
6. Economic Development Center (EDC);
- ~~6~~7. Agricultural, limited to the Special Agricultural (SA) category;
- ~~7~~8. Parks and Recreation (PARK);
- ~~8~~9. Conservation (CON);
- ~~9~~10. Institutional and Public Facilities (INST);
- ~~10~~11. Transportation and Utilities (U/T);
- ~~11~~12. Multiple Land Use (MLU); and,
- ~~12~~13. Spoil.

7. Revised FLUE Policy 1.2.1-k, Page 16:

Planned Industrial Park Developments may be permitted in the Industrial or Economic Development Center future land use categories, to accommodate and promote cluster industries, manufacturing, research, development, other value added activities and support uses. ~~Commercial, residential, and recreational uses may be allowed to encourage internal automobile trip capture if future land use imbalances are identified within the area of the proposed PIPD. Other uses, such as hotels, offices, commercial, institutional, and residential that serve the projected workforce and residential population and/or encourage internal automobile trip capture shall be permitted, along with accessory uses. For property designated PIPD within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.~~

8. Revised FLUE Table 2.1-3, Page 43 :

**TABLE 2.1-3
OVERLAY SERIES**

Overlay	Tier	Reference
Revitalization and Redevelopment (R/R-O)	Urban Suburban Tier	Sub-Obj. 1.2.3
Westgate/Belvedere Community Redevelopment Area (WRCAO)	Urban/ Suburban Tier	Sub-Obj. 1.2.4
Palm Beach International Airport (PBIA-O)	Urban/ Suburban Tier	Sub-Obj. 1.2.5
Glades Area Economic Development (GA-O)	Glades Tier	Sub-Obj. 1.6.1
Sugar Cane Growers Cooperative of Florida Protection Overlay (Sugar Cane Grower Cooperative-O)	Glades Tier	Sub-Obj. 1.6.2
United Technologies (Pratt and Whitney-O)	Site Specific Outside USA None	Objective 2.7
<u>Scientific Community Overlay</u>	<u>None</u>	<u>Objective 2.8</u>
Native Ecosystem	Countywide All Tiers	Objective 5.2
John D. MacArthur Beach State Park Greenline	Urban/ Suburban	Objective 5.3
Jonathan Dickinson State Park Greenline	Urban/ Suburban	Objective 5.4
Turnpike Aquifer Protection (TAPO)	Urban/ Suburban	Objective 5.5

9. Revised FLUE Policy 2.2.4-a, Page 51:

2. Economic Development Center (EDC): The EDC category shall be primarily utilized by office and research parks, and shall permit the following uses: manufacturing, assembly of products, processing, office, research and development, and wholesale distribution and storage of products. For property designated EDC within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.

10. Revised FLUE Policy 2.2.4-b, Page 52:

A Planned Industrial Park Development District (PIPD) is an economic activity center primarily designed to accommodate and promote manufacturing ~~industry, and research, development,~~ other value-added activities and support uses. Uses such as hotels, ~~and offices,~~ commercial and institutional that serve the projected workforce and residential population and/or encourage internal automobile trip capture that support the manufacturing and other value-added activities shall be permitted, along with accessory uses. Residential uses may be permitted within a PIPD provided: ~~1) the amount and type of jobs (work force) created by the industrial use is rationally related to the amount and type of residential uses; 2) the amount of residential uses would lessen land use imbalances within a sector; 3) internal trip capture concurrent with the build out of the PIPD is demonstrated; 4) recreation to meet the needs of the residential population is~~

provided; and, 52) a balanced mix of land uses is provided to meet the needs of the residential population and projected work force and residential population. For property designated PIPD within the Scientific Community Overlay as authorized by Objective 2.8 and its implementing policies, the uses specified in the Overlay shall control in the event of a conflict between those specified in this policy and those in the Overlay.

11. Revised FLUE Policy 2.6-f, Page 67:

Potential receiving areas shall be inside the Urban/Suburban Tier and Scientific Community Overlay and shall include:

1. Planned Development Districts (PDD) and Traditional Development Districts (TDD) that are requesting an increase in density above their current limits; and,
2. Subdivisions requesting a bonus density above the standard land use designation density.

12. Revised FLUE Policy 2.6-g, Page 67:

In order to encourage eastward development, and a tapering off of density towards the western edge of the Urban/Suburban Tier, or to protect rural residential areas by concentrating needed housing units where urban residential future land use designations already exist, bonus densities may be applied for as follows:

1. Inside the Urban/Suburban Tier and west of the Florida Turnpike, up to 2 du/acre additional;
2. Inside the Urban/Suburban Tier, but not in the Revitalization and Redevelopment Overlay, up to 3 du/acre additional;
3. In the Revitalization and Redevelopment Overlay, up to 4 du/acre additional; and,
4. Inside the Scientific Community Overlay, up to 2 du/ac.

13. New FLUE OBJECTIVE 2.8 Scientific Community Overlay, Page 69:

This Overlay shall provide an array of services designed to allow for functional interaction with the predominant science and technology based uses. The Overlay implements a unique opportunity for Palm Beach County to incorporate a regional economic development initiative providing a functional mix of uses. Palm Beach County shall provide for research, development and manufacturing activities contained within a sustainable community through the creation of the Overlay. The Overlay shall require an integrated mix of uses that provide common support and promote economic development while preserving and enhancing natural resources. It is through the incorporation of other uses, such as residential, commercial, institutional and recreational, that a science and technology based community will be formed.

In the Scientific Community Overlay, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply. The Overlay will consist of two future land use categories: Economic Development Center (EDC) and Low Residential, 2 units per acre (LR-2). The maximum densities and intensities for each category shall be consistent with those established in Table 2.1-1 "Residential Categories and Allowed Densities" and Table 2.1-2 "Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses".

14. New FLUE Policy 2.8-a:

The Scientific Community Overlay, generally described as the area east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road, north of the Acreage, south of Unit 11 and west of the City of Palm Beach Gardens, encompassing all of Sections 6 and 7 and the western portions of Sections 5 and 8, Township 42 Range 41, shall be depicted on the Future Land Use Atlas and the “Special Planning Areas Map” contained in the Comprehensive Plan Map Series.

15. New FLUE Policy 2.8-b:

The County shall designate the Scientific Community Overlay as a Limited Urban Service Area based on the mix of land uses and need for urban levels of service, while furthering the six principles of sustainable land use planning and development established in the Introduction of the Future Land Use Element. The boundaries of this Limited Urban Service Area shall be depicted on the “Service Areas Map” contained in the Comprehensive Plan Map Series.

16. New FLUE Policy 2.8-c:

The County shall adopt and implement design standards for all development in the Scientific Community Overlay (SCO), reflecting principles set forth under Objective 2.8 of the Future Land Use Element. These design standards shall, at a minimum, address the following issues:

1. Minimization of traffic impacts on roadways external to the SCO, as well as encouragement of transportation alternatives to the automobile by:

- requiring a connected pathway, bikeway and multi-use trail system which shall connect all areas within the Overlay and providing for the use of low speed electric vehicles within the SCO;
- encouraging bicycle use by requiring a number of bicycle racks related to the number of dwelling units;
- requiring slip roads along PGA Boulevard;
- requiring designation of at least 5% of the ULDC required parking spaces within each parking area exclusively for low speed electric vehicles;
- providing for incentives for employees who make work trips by modes of transportation other than single-occupant vehicles;
- providing a range of workforce housing to help maximize internal trip capture;
- developing a significant portion of the area to include a block design with multiple pathways, including alleys, allowing for reduced trip lengths and trip dispersion;
- designing each residential neighborhood to have shaded pedestrian connections to the Pedway system and to open spaces, parks, plazas and other public areas; and
- requiring all residential development to include covered and garage parking for low-speed electric vehicles for use in commuting within the SCO.

2. Provision of areas of mixed-use development by:

- clustering uses to promote the intellectual exchange between researchers, scientists and others in the workforce;

- establishing locations for land use pods of light industrial, commercial, recreation/civic and residential based on use, site constraints, functional relationships and overall design;
 - adopting design standards for each type of pod to further the intended character and use with them and complementing one another in order to achieve a cohesive development with a functional and enjoyable environment;
 - creating an urban, pedestrian-oriented environment with a mix of uses;
 - clustering residential uses to achieve high net densities and to promote integration of mixed uses;
 - providing educational opportunities for the surrounding residential and workforce uses; and
 - providing residential opportunities in close proximity to workplaces; business, retail, shopping, personal services, recreation and educational facilities.
3. Requiring that urban development allowed by the Overlay have a defined edge and include a mixed-use Town Center which will serve as a central core for the Overlay and will:
- encourage mixed-use compact development that is pedestrian in scale;
 - co-locate commercial, transportation, office, laboratory research, educational and residential uses for the daily needs of the residents and workforce;
 - provide attainable housing opportunities;
 - encourage walking, biking and other modes of non-vehicular transportation to reduce the need for local automobile trips; and
 - provide a safe and efficient circulation system for pedestrians, non-motorized or low-speed vehicles and emphasize connectivity within and to adjacent uses.
4. Protection of conservation lands to the north and west of the SCO and include a passive recreational wetland system to enhance the quality of surrounding areas of environmentally sensitive lands.
5. Encouraging “green building” techniques and materials that are energy- and resource-efficient.
6. Compatibility with, and minimization of impacts on, land uses adjacent to the SCO.
7. Provision of sufficient open space for residents, employees and visitors of the SCO integrated with a campus setting for research and development.
8. Ensuring that uses within the Overlay are functionally integrated with one another.
9. Provision of mass transit facilities and discouragement of single-use vehicular travel by requiring that a transit master plan is prepared through consultation between Palm Tran, FDOT and Palm Beach County and provides for:
- a fixed-route commuter (Palm Tran) system serving the site from the surrounding area;
 - continued coordination for an on-site, community-based shuttle-trolley circulator system;

- an Intermodal Center to accommodate for Palm Tran buses and community shuttles;
- parking and transit strategies to be included in site plans for development pods or parcels in order to maximize access to transit and community shuttles, use of pedestrian facilities, shared parking and car-pooling; and
- locational and design standards for parking lots and garages to enhance pedestrian travel

10. Appropriate development regulations (setbacks, buffers, parking, etc.) and street design to create areas of differing development types (mixed-use, campus style, cohesive neighborhoods) that are functional and integrate effectively with one another.

Compliance with the adopted design standards shall be included as a condition of approval in any development order issued for development inside the SCO.

17. New FLUE Policy 2.8-d:

In order to ensure an appropriate land use balance, each phase of the DRI development order inside the SCO shall include a balanced share of the proposed residential and non-residential uses. If an amendment to the DRI development order results in a reduction of residential units, research and development square footage, retail square footage or square footage for educational facilities for any phase by 30% or more, the Board of County Commissioners shall initiate an amendment to rebalance the land use mix within the SCO.

18. New FLUE Policy 2.8-e:

In five year increments from the effective date of any future land use amendment within the SCO, and at the end of each phase of any Development of Regional Impact development order issued within the SCO, the Planning Division shall review the absorption rate for research and development uses in the SCO. Upon completion of this review, the BCC may initiate an amendment to reconsider any minimum or maximum densities or intensities allowed by the future land use amendment.

19. New FLUE Policy 2.8-f:

If the Scripps Research Institute does not move forward on the Mecca site, Staff shall bring to the BCC for initiation proposed amendments to consider removing any text and maps related to the Scientific Community Overlay from the Comprehensive Plan.

20. Revised FLUE OBJECTIVE 3.3 Limited Urban Services Areas (LUSAs), Page 72:

Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. A full complement of Urban levels of service are allowed within Limited Urban Service Areas (LUSAs), while still remaining outside the Urban Service Area and the Urban/Suburban Tier. This allows urban levels of service necessary to support uses in a LUSA, while continuing to discourage urban levels of service for residential uses in areas that lie between the Urban Service Area and a LUSA, when appropriate. A LUSA is not required to have an underlying Tier designation.

Designation of an area as a LUSA shall be based upon consideration of the following factors:

- The need for the proposed facilities;
- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and
- The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.

21. Revised FLUE Policy 3.3-a, Page 72:

The following are designated as Limited Urban Service Areas ~~shall include the following:~~

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. the area described as the Scientific Community Overlay.

The LUSA shall be depicted on the Service Areas Map and the Future Land Use Atlas in the Map Series upon designation through a Plan amendment. In the United Technology – Pratt and Whitney Overlay, the General Aviation Facility/North County Airport, and the Scientific Community Overlay, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply.

22. Revised FLUE Policy 3.3-b, Page 72:

~~Within the Limited Urban Service Area, potable water or sanitary sewer services may be provided by the Palm Beach County Water Utilities Department or an appropriate special district~~ shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA except those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.

23. III. Implementation, E. Overlays, New Scientific Community Overlay, Page 105

The purpose of the Scientific Community Overlay is to allow for research, development, manufacturing activities and support services within a sustainable community. The Overlay shall permit an integrated mix of land uses that promotes economic development and protects and enhances the natural resources of the region. The mix of uses shall include residential, commercial, institutional and recreational, as well as ~~primary~~ science and technology uses.

~~C. Intergovernmental Coordination Element, Scientific Community Overlay~~

~~REVISIONS: To revise and update. The revisions are shown with the added text underlined and the deleted text struck out.~~

~~24. Revised IC Policy 1.1 g, Page 11:~~

~~The County should coordinate with City of Palm Beach Gardens in master planning of the Scientific Community Overlay in the County and adjacent properties within the City of Palm Beach Gardens.~~

D. Economic Element, Scientific Community Overlay

REVISIONS: To revise and update. The revisions are shown with the added text underlined and the deleted text struck out.

25. Revised EC OBJECTIVE 1.1 Balanced Economic Growth Implementation, Page 2

Palm Beach County shall maintain and expand a diversified economy by:

1. implementing land use policies which focus on agricultural retention and expansion of the equine industry,
2. encouraging growth in cluster industries, presently defined as communications and information technology, medical products, agriculture and food processing, business and financial services, aerospace and engineering, tourism, recreation and entertainment, science and technology and other emerging cluster industries which complement changing economic conditions, and other high paying job sectors, and small businesses, as set forth in Objectives 1.2 and 1.4; and
3. encouraging the growth of year round tourism, as set forth in Objective 1.3.

E. Map Series, Scientific Community Overlay:

REVISIONS: To revise to depict the Limited Urban Service Area (LUSA) on Map LU 1.1, Managed Growth Tier System, and Map LU 2.1, Urban Service Areas. Map LU 3.1, Special Planning Areas, is revised to indicate the boundaries of the Scientific Community Overlay. The proposed changes are shown on the attached maps.

EXHIBIT 2

SUPPORT DATA AND ANALYSIS

Data and Analysis: Support data and analysis is given below for each addition/modification shown in Exhibit 1.

A. Introduction and Administration Element (IA), Scientific Community Overlay

- 1. Data and Analysis for Revised IA DEFINITION, Page 19:** This change improves the definition of a Limited Urban Service Area (LUSA) by more accurately explaining how it functions. The current definition says that LUSAs typically receive urban levels of service only for potable water and sanitary sewer. However, this is unnecessary in the definition, as the level of service standards for services except potable water and sanitary sewer are countywide. The current definition is also overly broad, as there are “regions of the county which do not receive the full compliment [sic] of urban services” which are not LUSAs. Therefore, the new definition more accurately reflects what a LUSA is. Currently, it is unclear whether LUSAs must belong to an underlying Tier, while the new definition makes clear that they are not required to belong to an underlying Tier.

B. Future Land Use Element (FLUE), Scientific Community Overlay

- 2. Data and Analysis for Revised I. INTRODUCTION, A. Purpose, Page 1:** Sustainable economic development initiatives allow the County to improve both its economic base and standard of living for residents, while protecting natural resources and the variety of lifestyle choices available in the County well into the future. As reflected in the revised text, these initiatives also help to diversify the County's economic base, which is important to long term economic development in order to assist the County's economy from becoming too dependant on one or only a few industries or companies. Further, “Economic Diversity and Prosperity” is a County Direction identified in the Future Land Use Element of the Comprehensive Plan. The addition of this principle reflects that Direction.

The proposal to add language regarding the desire to “support the creation of research and development communities” reflects the need to ensure that the Comprehensive Plan encourages and promotes the utilization of the unique opportunities provided by the decision of the Scripps Research Institute to locate in Palm Beach County. These opportunities include, first, the increased likelihood of other companies associated with biotechnology research to locate in the County, further improving the economic base; and, second, the opportunity to ensure that the physical growth and development resulting from new research and development activities in the County proceeds in a well-planned manner that will provide the most and best possibly distributed benefit to the community.

- 3. Data and Analysis for Revised I. INTRODUCTION, B. Assessment and Conclusions, Page 2 & 3:** This language is proposed to make clear that future land use policies in the Comprehensive Plan should take as an important consideration the

support for opportunities for real, sustainable economic growth that will enhance life for County residents both now and into the future.

4. **Data and Analysis for Revised I. INTRODUCTION, C. County Directions, Page 6:** With the decision of the Scripps Research Institute to locate in the County comes a unique opportunity to encourage further growth in a high technology research and development industry that can improve the economy, educational opportunities and other aspects of life in Palm Beach County. Adding this language as a County Direction will help ensure that the Comprehensive Plan encourages land use policies and decisions to be made with research and development communities as a major consideration, along with the other County Directions.
5. **Data and Analysis for Revised FLUE Policy 1.1-b, Page 8:** This proposed change makes clear – where it was previously unclear – whether removal of an area from a Tier to which it has been assigned can be done only under certain circumstances and by certain means, as with the redesignation of an area from one Tier to another.

The proposed change in the policy also allows an area to be redesignated to another Tier or removed from its Tier through the creation of the Scientific Community Overlay, prior to the completion of the first EAR (anticipated early 2005) and not using the Optional Sector Plan Process. This change is necessary because the area of the Scientific Community Overlay will be removed from its Tier to allow the achievement of the purposes of the Overlay.

This change allows a property to be removed from its assigned tier in limited circumstances, it is envisioned that this would only occur in situations where a particular type of project with substantial public benefits had not been anticipated in the Comprehensive Plan. Therefore, language is also proposed to require that, when this occurs, the Planning Division must undertake a Study to evaluate to which tier the property should eventually be assigned, and how the property impacts tier boundaries in the area. This ensures that the long-term impacts of projects requiring temporary removal from a tier are fully evaluated, and plans are adjusted accordingly.

6. **Data and Analysis for Revised FLUE Policy 1.2-a, Page 9:** The Economic Development Center (EDC) category is added here to the list of general future land use designations allowed in the Urban/Suburban Tier because it is already established elsewhere in the Future Land Use Element (FLUE) that this designation is allowed. This addition, therefore, corrects an oversight in this policy.
7. **Data and Analysis for Revised FLUE Policy 1.2.1-k, Page 16:** Several changes are proposed for this policy. First, research and development and support uses are added to the list of what a Planned Industrial Park Development (PIPD) is designed to accommodate, to reflect the fact that a PIPD is a desirable place to accommodate research and development activities, which it is in the County's interest to encourage, and to reflect that allowing support uses in a PIPD which contribute to the functioning of the primary uses has many benefits, such as reduction of vehicle trips. Institutional uses, hotels and offices are added to the commercial, residential and recreational uses allowed in support of the primary PIPD uses, to provide for a more complete community. Further, this policy is changed to specify that these support uses should serve the needs of the residential population and the projected work force of the PIPD and/or encourage internal automobile trip capture.

8. **Data and Analysis for Revised FLUE Table 2.1-3, Page 43:** This proposed revision adds the Scientific Community Overlay to this Table listing every overlay in the Plan, ensuring consistency throughout the Plan. Also, the proposed change specifies that the proposed Scientific Overlay, as well as the existing United Technologies Overlay do not belong to a Tier.
9. **Data and Analysis for Revised FLUE Policy 2.2.4-a, Page 51:** Language is added to this policy to ensure that if there is a conflict between the uses allowed in the EDC FLU category and the Scientific Community Overlay, the uses in the Overlay will control. This ensures that there is not an internal inconsistency in the Plan if the uses allowed by these are not in accordance.
10. **Data and Analysis for Revised FLUE Policy 2.2.4-b, Page 52:** This policy is being modified in order to be consistent with the above changes to FLUE Policy 1.2-k, and the data and analysis provided for the change in that policy also applies here. Both of these policies concern Planned Industrial Park Developments (PIPDs). As in Policy 1.2-k, research and development and support uses are added to those land uses allowed in a PIPD. Also, commercial and institutional are added as uses that are expressly permitted, in order to serve those living and working in the PIPD and to foster internal automobile trip capture. Finally, this policy changes the conditions under which residential uses are allowed in a PIPD. These conditions prioritize meeting the needs of any work force and residential population, in order to provide for a more “complete community.”
11. **Data and Analysis for Revised FLUE Policy 2.6-f Page 67:** The proposed change will allow areas within the Scientific Community Overlay to be potential receiving areas for the Transfer of Development Rights (TDR) program. Allowing receiving areas in the Scientific Community Overlay will help to concentrate density where urban services are expected to be provided, helping to keep the delivery of services in the County as efficient as possible.
12. **Data and Analysis for Revised FLUE Policy 2.6-g, Page 67:** This proposed change specifies that a receiving area within the Scientific Community Overlay can receive up to an additional two dwelling units per acre under the Transfer of Development Rights (TDR) program. This will allow for the opportunity for an appropriate increase in density in the future to facilitate development of the Scientific Community Overlay. Additional proposed language further explains the location and potential added density of areas where TDR units may be located, citing the need to protect rural residential areas by concentrating density where urban residential FLU designations already exist.
13. **Data and Analysis for New FLUE OBJECTIVE 2.8 Scientific Community Overlay, Page 69:** The addition of this objective to the Comprehensive Plan provides a description of and policies pertaining to the Scientific Community Overlay. This new language emphasizes several principles that are important to the implementation of the Overlay, such as mixing land uses, economic development and protecting natural resources, while making clear that planned research and development and manufacturing activities are primary. The language also emphasizes the development of different types of land uses in order to form a community, rather than simply an industrial park or office park.

It is also reiterated that property development regulations and densities and intensities of the Urban/Suburban Tier will be in effect in the Overlay, and allows two future land use

categories within the Overlay, Economic Development Center (EDC) and Low Residential, 2 units per acre (LR-2). These future land use designations will provide an appropriate setting for the Overlay's primary uses, as well as secondary uses allowed in the Overlay, including residential.

14. **Data and Analysis for New FLUE Policy 2.8-a:** This policy is added to describe the location of the Scientific Community Overlay, in the style that the locations of other overlays in the Plan are described. Also, this policy directs that the Overlay be depicted on the 'Special Planning Areas Map,' which is also proposed as part of this amendment.
15. **Data and Analysis for New FLUE Policy 2.8-b:** This policy is added to specify that the Scientific Community Overlay shall be a LUSA, and that this LUSA shall be depicted on the Service Areas Map in the Comprehensive Plan Map Series, as are the other LUSAs designated in the Plan. Also, a change is proposed to clarify that the LUSA designation for the SCO is also based on "contributing to County policy goals."

A concurrent proposed change to FLUE Objective 3.3 sets out criteria for the BCC to consider to designate an area a LUSA. These criteria are:

- The need for the proposed facilities;
- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and
- The extent to which the designation would allow for significant public benefits such as major economic development or environmental benefits.

The designation of the proposed Scientific Community Overlay (SCO) as a LUSA meets all of these criteria, based upon the following analysis: First, the need for the proposed facilities that would be located within the LUSA – the components of a biotechnology research park – has been shown in the application for the companion land use amendment (Mecca Farms EDC LGA 2004-00045). Further, the demonstration of need for these facilities is further bolstered by the County's response to the Department of Community Affairs Objections, Recommendations and Comments (ORC) report for amendment round 04-ERP. In the ORC response, the County examines bioscience clusters in other parts of the United States, and shows the viability of the research and development square footage proposed for the research park. The ORC response also shows the need for employment opportunities in the part of the County where the LUSA is proposed.

The proposal is also consistent with the second criterion. The proposed facilities would make substantial contributions to meeting the County's economic development policy goals (including a County Direction in the FLUE to support Research and Development Communities and Objective 1.1 of the Economic Element to maintain and expand a diversified economy). The research park's anticipated main tenant – the Scripps Research Institute (TSRI) – has an agreement with the State of Florida to provide high-paying jobs, and the potential for an economic cluster around TSRI provides a unique economic development opportunity not anticipated in the previous land use planning of the County. This cluster would diversify the County's economy by providing a large number of jobs in biotechnology and related industries, which currently are not significant employment bases in the County. This will help to insulate the County's economy from business cycles in the County's existing large industries (i.e. agriculture, construction and tourism). The proposed site of the LUSA also does have significant relative advantages over sites within the Urban Service Area which may be able to accommodate some type

of research park. The main advantage is the large size of the proposed LUSA over other possible site. This larger size means that more research and development space could be accommodated, increasing the potential economic cluster. The larger size also means that a more sustainable development can be created, with employment, commercial services, recreational opportunities, educational facilities and housing (including workforce housing) in close proximity and planned and designed to be integrated.

Finally, this proposed LUSA designation meets the third criterion proposed. Designation of the SCO as a LUSA would allow for both major economic development benefits and environmental benefits. The economic benefits are discussed above. In terms of environmental benefits, plans for the research park that would be allowed by this LUSA include a flow way on the western edge of the site that would be used to move water. This flow way would help to implement the Comprehensive Everglades Restoration Program (CERP) and be important in the restoration of the Loxahatchee River.

16. **Data and Analysis for New FLUE Policy 2.8-c:** This new policy mandates that Design Standards be developed for the Scientific Community Overlay (SCO), and that compliance with these standards be a condition of approval on any development order issued within the SCO. The primary reason for requiring design standards is to ensure that the Overlay includes a functional mix of uses and defined edge between urban and rural areas in order to discourage urban sprawl. The Policy, however, also requires several other design elements which will enhance the appearance of functionality of development within the SCO.
17. **Data and Analysis for New FLUE Policy 2.8-d:** This policy will help to ensure that the SCO contains a functional mix of land uses not only at buildout, but also throughout each phase of development.
18. **Data and Analysis for New FLUE Policy 2.8-e:** This policy recognizes that it is difficult to predict the market for research and development space over a long period of time. While any Future Land Use Atlas amendment in the SCO will set density and intensity limits, this policy requires the Planning Division to periodically examine absorption rates for research and development space within the SCO, and that adjust any minimum or maximum intensities allowed by a future land use amendment at that time. This will help to ensure a functional mix of uses at project buildout, as the minimum and maximum densities and intensities of all other types of uses can be adjusted based on the rate of absorption for the SCO's primary research and development uses.
19. **Data and Analysis for New FLUE Policy 2.8-f:** This policy was added to ensure that the Scientific Community Overlay and associated text and map changes will be re-evaluated if the Scripps Research Institute does not move forward on the Mecca site.
20. **Data and Analysis for Revised FLUE OBJECTIVE 3.3, Page 72:**
This proposed amendment changes the description of a Limited Urban Service Area (LUSA). The current description is inadequate in that it only specifies that a LUSA allows for a mix of urban and rural levels of service. For example, this does not address whether this "mix" means that different geographic areas of the LUSA will receive different levels of service, or whether some services will be at an urban level and some at a rural level for the entire LUSA. The new description makes clear that urban levels of service are allowed in the entirety of a LUSA. The new definition also more expressly spells out the intent of a LUSA, which is to allow urban levels of service for the LUSA

while discouraging that higher level of service for residential uses in areas between the LUSA and the Urban Service Area (USA). This allows for urban services outside the USA in special circumstances while still maintaining the integrity of the USA. As in the new definition of a LUSA, this new description makes clear that a LUSA need not be part of an underlying Tier.

Prior to this amendment, all the LUSA designations in the County were for uses or purposes that pre-dated the Managed Growth Tier System. Therefore, no criteria existed for adding new LUSA designations. Further proposed changes will ensure that any new LUSAs will be based on criteria that take into account need for proposed facilities, importance of proposed facilities in meeting County policy goals, the efficacy of other possible sites for the proposed facilities within the Urban Service Area and how the proposed facilities would provide important public benefits.

- 21. Data and Analysis for Revised FLUE Policy 3.3-a, Page 72:** This policy is amended to add the Scientific Community Overlay to the list of LUSAs, to ensure consistency within the Comprehensive Plan.

Also, this policy is amended to specify that in the Scientific Community Overlay, the Pratt-Whitney Overlay and the North County Airport Limited Urban Service Area (LUSA), densities and intensities of the Urban/Suburban Tier apply. This reflects the current and/or intended development of these areas. Currently, it is unclear what density/intensity regulations govern the Pratt-Whitney Overlay and the North County Airport LUSA. This change will clarify the applicable regulations in these two areas, and avoid this problem with the creation of the Scientific Community Overlay. This is appropriate considering that these areas – either currently or in intention – are different in character from the areas surrounding them, and densities and intensities of the Urban/Suburban Tier are most appropriate.

A concurrent proposed change to FLUE Objective 3.3 sets out criteria for the BCC to consider to designate an area a LUSA. These criteria are:

- The need for the proposed facilities;
- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and
- The extent to which the designation would allow for significant public benefits such as major economic development or environmental benefits.

The designation of the proposed Scientific Community Overlay (SCO) as a LUSA meets all of these criteria, based upon the following analysis: First, the need for the proposed facilities that would be located within the LUSA – the components of a biotechnology research park – has been shown in the application for the companion land use amendment (Mecca Farms EDC LGA 2004-00045). Further, the demonstration of need for these facilities is further bolstered by the County's response to the Department of Community Affairs Objections, Recommendations and Comments (ORC) report for amendment round 04-ERP. In the ORC response, the County examines bioscience clusters in other parts of the United States, and shows the viability of the research and development square footage proposed for the research park. The ORC response also shows the need for employment opportunities in the part of the County where the LUSA is proposed.

The proposal is also consistent with the second criteria. The proposed facilities would make substantial contributions to meeting the County's economic development policy goals (including a County Direction in the FLUE to support Research and Development Communities and Objective 1.1 of the Economic Element to maintain and expand a diversified economy). The research park's anticipated main tenant – the Scripps Research Institute (TSRI) – has an agreement with the State of Florida to provide high-paying jobs, and the potential for an economic cluster around TSRI provides a unique economic development opportunity not anticipated in the previous land use planning of the County. This cluster would diversity the County's economy by providing a large number of jobs in biotechnology and related industries, which currently are not significant employment bases in the County. This will help to insulate the County's economy from business cycles in the County's existing large industries (i.e. agriculture, construction and tourism). The proposed site of the LUSA also does have significant relative advantages over sites within the Urban Service Area which may be able to accommodate some type of research park. The main advantage is the large size of the proposed LUSA over other possible site. This larger size means that more research and development space could be accommodated, increasing the potential economic cluster. The larger size also means that a more sustainable development can be created, with employment, commercial services, recreational opportunities, educational facilities and housing (including workforce housing) in close proximity and planned and designed to be integrated.

Finally, this proposed LUSA designation meets the third criterion proposed. Designation of the SCO as a LUSA would allow for both major economic development benefits and environmental benefits. The economic benefits are discussed above. In terms of environmental benefits, plans for the research park that would be allowed by this LUSA include a flow way on the western edge of the site that would be used to move water. This flow way would help to implement the Comprehensive Everglades Restoration Program (CERP).

22. **Data and Analysis for Revised FLUE Policy 3.3-b, Page 72:** This policy is amended to revise and update language regarding water and wastewater service delivery policies outside of the USA in the Comprehensive Plan. The proposed language will set the basis for a cost-efficient and orderly extension of services to areas where new conditions require the provision of centralized potable and wastewater services. The policy also designate the County as the service provider for any area designated as a LUSA except as established by Florida law and/or through written agreement.
23. **Data and Analysis for III. Implementation, E. Overlays, New Scientific Community Overlay, Page 105:** This language adds the Scientific Community Overlay to the list of overlays and specifies the purpose of the Scientific Community Overlay, as the purposes of the other overlays in the Plan are described. This is important not only as a guide in evaluating proposed land uses and proposed public investments as the physical development of the Overlay takes place, but also in evaluating the success or failure in coming years of meeting the purpose of the Overlay.

Significantly, this purpose expressly makes an integrated mix of uses, economic development and protection of natural resources a part of the purpose of the Overlay, emphasizing the importance of these planning concepts to the success of the Overlay.

~~C. Intergovernmental Coordination Element (ICE), Scientific Community Overlay~~

~~24. Data and Analysis for Revised ICE Policy 1.1 g, Page 11: The addition of this policy helps assure that the purposes of the Scientific Community Overlay are met through cooperation between the County and the City of Palm Beach Gardens. The Overlay will be located adjacent to the City, and it is expected that land uses will develop within the City that are complementary to the research and development activities of the Overlay. Therefore, in order to ensure coordination of efforts and to avoid expensive duplication of services, it is important to provide for cooperation between the County and the City.~~

D. Economic Element (EE), Scientific Community Overlay

25. Data and Analysis for Revised EE OBJECTIVE 1.1, Page 2:

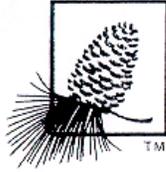
The addition of “science and technology” to the definition of cluster industries to be encouraged recognizes the tremendous opportunities for economic development brought to Palm Beach County by the decision of The Scripps Research Institute (TSRI) to locate here, spin-off companies expected to develop near TSRI and the possibilities for educational opportunities that will emerge through partnerships between science and technology companies and the area’s secondary and post-secondary education providers. This modification helps science and technology to become an important part of the long-term economic development for the County.

E. Map Series, Scientific Community Overlay

The revisions to depict the Limited Urban Service Area (LUSA) on Map LU 1.1, Managed Growth Tier System, and Map LU 2.1, Urban Service Areas and the Scientific Community Overlay on Map LU 3.1, Special Planning Areas, are proposed for consistency with the above mentioned changes.

EXHIBIT 3

LETTERS IN SUPPORT OR OPPOSITION



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

*HELPING SHAPE
FLORIDA'S FUTURE®*

www.llw-law.com

Reply to: West Palm Beach

MEMORANDUM

TO: Land Use Advisory Board

FROM: Terry Lewis
Southeastern Association of Special Districts

DATE: June 11, 2004

SUBJECT: June 11, 2004 Agenda Item III.B.1- Scientific Community Overlay Text Amendment

These comments are provided on behalf of the Southeastern Association of Special Districts, an association representing special districts in southeast Florida. Palm Beach County has proposed revisions to future land use policy 3.3-a and 3.3-b.

Neither of these proposed changes is supported by data and analysis, as they affect special districts. Our objection is not directed to the creation of the Scientific Community Overlay, the desire to have urban/suburban tier rules and development regulations apply, or to have the Scientific Community Overlay served by Palm Beach County Water Utilities Department. The proposed changes, however, go beyond those objectives and intrude upon the legislative prerogatives of many special districts. Each of those proposed revised policies usurp or contradict express grants of legislative authority to other units of government to provide certain services. It is well established that a local government does not have constitutional or home rule authority to usurp legislative enactments. Moreover, special legislation generally takes precedence over general law in the event of a conflict. Thomas v. State 614 So.2d 468; Tribune Company v. School Board of Hillsborough County, 367 So.2d 627.

Accordingly, each invalid policy should be revised to avoid any constitutional infirmities.

We propose the following:

Revise FLUE Policy 3.3.a, Page 72:

Bradenton
1001 3rd Avenue West
Suite 670
Bradenton, FL 34205
(941) 708-4040
Fax: (941) 708-4024

Jacksonville
9428 Baymeadows Road
Suite 625
Jacksonville, FL 32256
(904) 737-2020
Fax: (904) 737-3221

Tallahassee
Post Office Box 10788 (32302)
125 South Gadsden Street
Suite 300
Tallahassee, FL 32301
(850) 222-5702
Fax: (850) 224-9242

West Palm Beach
1700 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, FL 33401
(561) 640-0820
Fax: (561) 640-8202

The Limited Urban Service Areas shall include the following:

1. the area described as the United Technology – Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/North County Airport;
3. the Agricultural Reserve; and
4. ~~areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;~~
4. ~~the area described as the Scientific Community Overlay.~~
4. areas outside of the Urban Service Area and the Urban/Suburban Tier where the legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main serve a single project shall not constitute justification for a LUSA designation.
5. the area described as the Scientific Community Overlay;

~~The LUSA shall be depicted on the Service Areas Map and the Future Land Use Atlas in the Map Series upon designation through a Plan amendment. In the United Technology – Pratt and Whitney Overlay, the General Aviation Facility/North County Airport, and the Scientific Community Overlay, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply. Except in the Agricultural Reserve, the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply.~~

Revise FLUE Policy 3.3.-b, Page 72:

~~Within the Limited Urban Service Area, potable water or sanitary sewer services may be provided by the Palm Beach County Water Utilities Department or an appropriate special district shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as LUSA except within the Scientific Community Overlay where those services will be provided by the those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.~~

June 11, 2004

Page 3

It is certainly the County's prerogative to extend its utility lines to service its Scripps project within the Scientific Community Overlay. That being said, the need to service Scripps should not provide an excuse to attempt to preempt other legislatively granted rights, particularly where it is not necessary to do so in order to service Scripps.



June 26, 2004

The Honorable Karen Marcus, Chair
Palm Beach County Board of Commissioners
301 N. Olive Avenue
West Palm Beach, FL 33401

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Charles C. Pattison, AICP

Executive Director

RE: Plan Amendment Package, 04-ERP, for **Item 2A.1**—"Scientific Community Overlay"

Dear Commissioner Marcus:

1000 Friends of Florida asks that these comments be made part of our record for the June 28 commission meeting which will consider this and other Scripps Project comprehensive plan amendments. As a statewide non-profit, 501(c)(3) growth management organization, with a large percentage of our membership in Palm Beach County, we are most interested in seeing that this project is thoroughly examined before any decision to transmit it for state review is made.

The Scientific Community Overlay contains numerous exemptions to the Palm Beach County Comprehensive that serve to illustrate how incompatible the proposed Mecca Farms location is with the overall Palm Beach County Comprehensive Plan. Moreover, some of these changes, in order to accommodate the project, weaken the plan in ways that are likely to contribute to urban sprawl in the future.

The prime example of this shoehorning of the project into the Palm Beach Comprehensive Plan is the creation of a Limited Urban Service Area (LUSA) for the Mecca site and a complete redefinition of the meaning of LUSA to allow the provision of every urban service, making the term "limited urban service area" extremely misleading. While the original definition of "Limited Urban Service Area" limits the applicability of the term to "Regions of the County which do not receive the full compliment of urban services," and stated that these services are usually limited to sanitary sewer and potable water, the amended definition states that a LUSA includes: "A geographic area outside the Urban Service Area which may receive urban levels of service. A LUSA is not required to have an underlying Tier designation." Hence, a LUSA could theoretically be located anywhere in the county, in rural, undeveloped areas as well as urbanizing areas.

Even more disturbing is Revised FLUE OBJECTIVE 3.3 Limited Urban Services Areas (LUSAs) that is amended to state that "Urban levels of service are allowed within Limited Urban Service Areas (LUSAs), while still remaining outside the Urban Service Area and the Urban/Suburban Tier." This change has the effect of undermining the meaning and effectiveness of the Urban Service Area.

1000 FRIENDS OF FLORIDA
Post Office Box 5948
Tallahassee, Florida
32314-5948
Telephone: (850) 222-6277
Fax: (850) 222-1117

Commissioner Karen Marcus
June 26, 2004
Page 2

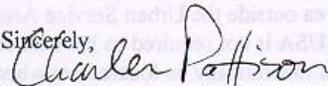
By essentially allowing the same intensity of services to be provided outside of the Urban Service Area. This policy change contributes to urban sprawl by failing to maximize the use of existing and planned public facilities and services, which is the point of having an urban service area in the first place. It also fails to protect the rural character of the surrounding areas.

Next, as part of redefining the LUSA, the plan is amended in Revised FLUE policy 3.3-a, Page 72 to state that the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply both to the Scientific Community Overlay, but also to the United Technology-Pratt and Whitney Overlay and the General Aviation Facility/North County Airport. This change, therefore, sets the stage not just for the intensity of development planned for the Mecca site by the Scripps project, but sets the state for a similar intensity of development at the Pratt & Whitney and North County Airport sites. These sites were designated for industrial uses, and it is difficult to understand how a mix of uses, especially residential, could be accommodated on such sites. Unfortunately, as the Mecca site was pulled out of the Western Communities Sector Plan definition, the impact of the Scripps project, possibly in combination with changes in the intensity of use of Pratt & Whitney and the North County Airport have not been evaluated in a regional fashion. The use of the LUSA should be restricted to prevent the erosion of the character of the different land use categories. We would suggest the following solutions:

- (1) delete the second (last) sentence shown in Exhibit 1, A.1, page 9 of the Staff Report;
- (2) delete the last sentence shown in Exhibit 1., B.16, page 14, of the Staff Report that refers to a revision of FLUE Objective 3.3; and
- (3) delete the entire paragraph that follows Exhibit 1, B.17, page 14 of the Staff Report, item #4 in this section.

Based on what we understand about the impacts of this amendment, however, and others proposed along with it, we believe the county would best be served by looking for another site. We suggest that the amendment not be transmitted until a comprehensive examination of all available sites are analyzed for costs, environmental, infrastructure, and community character impacts. Thanking you for your time and considerations, I am

Sincerely,



Charles G. Pattison, AICP
Executive Director

cc: Commission Members
Mike Busha, TCRpc
Val Hubbard, DCA
Ray Eubanks, DCA

Approved + Filed

Catherine Dwore
13105 Silver Fox Trail
Palm Beach Gardens, FL 33418
561.624.9032

October 12, 2004

The Honorable Karen Marcus, Chair
Palm Beach County Board of County Commissioners
301 N. Olive Avenue – 12th Floor
West Palm Beach, FL 33401

RE: Scripps Comprehensive Plan Amendments:
Scientific Community Overlay
FLUE Policy 3.5-d Modification – Scientific Community Overlay (Mecca
Project)
Mecca Farms EDC
Research Park Accessory Multi-Use Site
Palm Beach County Scientific Community Overlay (Mecca) CRALLS
Palm Beach County Scientific Community Overlay (Mecca) TIM and 2020 Map
Amendments

Dear Commissioner Marcus:

As a property owner in Caloosa, a rural residential subdivision in Northern unincorporated Palm Beach County, I believe that my community will be substantially affected by the above-referenced Comprehensive Plan amendments designed to facilitate the siting of the Scripps Biotechnology Park on the Mecca Farms site. I am writing to object to these amendments because I believe they are inconsistent with the County’s adopted Comprehensive Plan as well as State and Regional planning requirements.

I further believe that the urban sprawl that will result from these amendments will adversely impact the quiet rural character of my community. The provision of infrastructure such as water and sewer lines to the Mecca site will not only spur the high-density development of adjacent parcels, but has the potential to attract additional uses incompatible with the rural equestrian character of our community.

I also believe that I will be affected by the traffic congestion that will result from these amendments. Even though most of the local roadway system will need to be expanded to accommodate the trips generated by the Biotechnology Park, these roads will still be operating over capacity with a CRALLS designation. It will no longer be possible us to take a ‘quick trip to town for groceries’, and leaving the

community to enjoy adjacent natural areas on horseback will be so unsafe as to be out of the question.

Finally, the impact of these amendments on adjacent open spaces should be assessed. The voters of Palm Beach County twice voted to approve bond issues for the acquisition and preservation of conservation lands. Not only will the proposed Comprehensive Plan amendments have the effect of creating a city at the edge of conservation areas and wildlife corridors, the use of twenty-eight acres of conservation area as an 'Accessory Multi-Use Site' (utility substation) constitutes a precedent and invites similarly incompatible uses in other preserves.

Because of these concerns I believe that residents of Palm Beach County would be far better served by an effort to direct the Scripps Biotechnology Park further east. I urge the Commission not to adopt the proposed Comprehensive Plan amendments, and I request that this letter be made a part of the record for each of the Scripps related plan amendments under consideration at this time.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine Dwore".

Catherine Dwore

8940 Oldham Way
West Palm Beach, Florida 33412
October 4, 2004

The Honorable Karen Marcus, Chair
Palm Beach County Board of Commissioners
301 N. Olive Avenue
West Palm Beach, FL 33401

RE: Scripps Comprehensive Plan Amendments -- 2004- ERP Package, Items 2.A.1 - 2.A.6 Scientific Community Overlay, FLUE Policy 3.5-d Modification - Scientific Community Overlay (Mecca Project); Mecca Farms EDC; Research Park Accessory Multi-Use Site; Palm Beach County Scientific Community Overlay (Mecca) CRALLS; Palm Beach County Scientific Community Overlay (Mecca) TIM and 2020 Map Amendments

Dear Commissioner Marcus:

Please include these comments as part of the record for each of the Scripps related plan amendments being adopted.

Two years ago my family made an investment by purchasing property in the new Divosta community of Carleton Oaks on Northlake Boulevard.

The motivation for purchasing a home here as opposed to the other Divosta community under construction at the time located in Palm Beach Gardens was to enjoy the rural aspect of the surrounding area.

Imagine my surprise four months ago when I actually took occupancy of this home to find the plan to site the Scripps Biotech Park smack in the middle of farmland. Part of my decision to leave my home of 50 years on Long Island was disgust with the manipulation of the laws of the land to accommodate business and greedy developers at the expense of our environment. On the surface it appeared as if the planning and zoning laws in Palm Beach County were more carefully considered and environmentally friendly.

Four years ago lobsters disappeared from the Long Island Sound along with an entire industry. I just read in a local paper that Oysters were disappearing from the Loxahatchee River due to increased salination of those waters. Doesn't anyone get it????

You recently spoke at one of our Homeowner's association meetings to explain the plans for Mecca and the Vavrus Ranch. At the time I had just become familiar with the situation by reading our local papers. Without understanding any of the underlying technical ramifications my gut told me that this was just sprawl under the guise of the politically motivated lure of bringing jobs into the county. I asked you questions about the suitability of the site versus other sites that seemed to have much of the needed infrastructure already in place. Thank you for taking the time to explain the events leading up to this decision.

Since then I have made it my business to more thoroughly understand the actual ramifications of what was being considered. I now know than my initial gut reaction was right on target ergo this letter to you concerning the plan amendments under consideration.

I . d

096-577-195

UP 8 10 1 100

As a resident of Palm Beach County and who lives near Mecca Farms I will be substantially affected by siting of the Scripps Biotech Park on that location. I am writing to object to the adoption of the 2004 ERP Scripps Related Plan Amendments referenced above because I believe they are inconsistent with the State and Regional planning requirements and Palm Beach County's Comprehensive Plan.

I believe the proposed amendments will result in urban sprawl, traffic congestion, and will hurt our community character. A primary indicator of urban sprawl is development that disproportionately increases the cost in time, money, and energy, of providing and maintaining facilities and services. Another indicator is allowing significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas. Because of the distance of the Mecca Farms location for existing urban areas, it will cost hundreds of millions of dollars to provide infrastructure to the site, resulting in land uses that are incompatible with and which fail to protect the surrounding rural area.

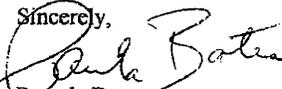
The Amendments also seek to exempt the County from statewide traffic concurrency requirements, resulting in virtually all local roadways being expanded but remaining overcapacity with a constrained roadway (CRALLS) designation. Such an exemption is not authorized by state law and will result in significant congestion of multiple roadways, further undermining the existing rural character of our community. Has anyone from the Board of Commissioners driven down Northlake Boulevard after the recent hurricanes? Only one light was out and brought traffic to a standstill on this road which is still in a primarily rural community. The thought of a small city at the eastern end of it is incomprehensible.

It is also important to note that the impacts of this project, and related development on surrounding natural areas have not been cumulatively analyzed. Mecca Farms and adjacent Vavrus Ranch are surrounded by tens of thousands of acres of conservation lands, much of which was acquired with **Palm Beach County taxpayer dollars** for permanent preservation. The effects of building a new city the size of West Palm Beach directly adjacent to these conservation lands has the very likely potential to harm these areas in terms of their ability to provide habitat and support a healthy ecosystem, and these impacts, particularly when considered in conjunction with the development of Vavrus Ranch, have not been fully analyzed.

I am also concerned about the proposed amendment to convert conservation land in the Corbett Wildlife Management Area to an accessory multi-use site for the Biotech Park. Using conservation land for non-conservation purposes will result in a loss of open space, will impact sensitive wetland habitats, and has the potential to impact listed species.

I would also adopt and incorporate by reference the September 30th comments by 1000 Friends of Florida which explain in greater detail the problems of each of the proposed amendments.

Based on these concerns, I believe the County should not adopt the proposed plan amendments and should redirect its efforts to securing an alternate location for this project.

Sincerely,

Pamela Bates

202 561-577-186 002J06 1007 991:11 40 40 100

October 4, 2004

The Honorable Karen Marcus, Chair
 Palm Beach County Board of Commissioners
 301 N. Olive Avenue
 West Palm Beach, FL 33401

RE: Scripps Comprehensive Plan Amendments -- 2004- ERP Package, Items 2.A.1 – 2.A.6 Scientific Community Overlay, FLUE Policy 3.5-d Modification – Scientific Community Overlay (Mecca Project); Mecca Farms EDC; Research Park Accessory Multi-Use Site; Palm Beach County Scientific Community Overlay (Mecca) CRALLS; Palm Beach County Scientific Community Overlay (Mecca) TIM and 2020 Map Amendments

Dear Commissioner Marcus:

Please include these comments as part of the record for each of the Scripps related plan amendments being adopted.

I am a resident of Palm Beach County and live near Mecca Farms and will be substantially affected by siting of the Scripps Biotech Park on that location. I am writing to object to the adoption of the 2004 ERP Scripps Related Plan Amendments referenced above because I believe they are inconsistent with the State and Regional planning requirements and Palm Beach County's Comprehensive Plan.

I believe the proposed amendments will result in urban sprawl, traffic congestion, and will hurt our community character. A primary indicator of urban sprawl is an amendment that disproportionately increases the cost in time, money, and energy, of providing and maintaining facilities and services. Another indicator is allowing significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas. Because of the distance of the Mecca Farms location for existing urban areas, it will cost hundreds of millions of dollars to provide infrastructure to the site, resulting in land uses that are incompatible with and which fail to protect the surrounding rural area.

Mecca farms is next to over 80,000 acres of natural areas, 20,000 acres of low density rural residential neighborhoods and threatens the lifestyle of both. Horse paths are not compatible with six and eight lane roads which are at CRALL designations. With high density town centers and industrial uses as well as with hazardous waste products that are kept secret from a community dependent on private wells for drinking water and wants to keep its wells without the expense of treated city water.

The Amendments also seek to exempt the County from statewide traffic concurrency requirements, resulting in virtually all local roadways being expanded but remaining overcapacity with a constrained roadway (CRALLS) designation. Such an exemption is not authorized by state law and will result in significant congestion of multiple roadways, further undermining the existing rural character of our community.

It is also important to note that the impacts of this project, and related development on

surrounding natural areas have not been cumulatively analyzed. Mecca Farms and adjacent Vavrus Ranch are surrounded by tens of thousands of acres of conservation lands, much of which was acquired with Palm Beach County taxpayer dollars for permanent preservation. The effects of building a new city the size of West Palm Beach directly adjacent to these conservation lands has the very likely potential to harm these areas in terms of their ability to provide habitat and support a healthy ecosystem, and these impacts, particularly when considered in conjunction with the development of Vavrus Ranch, have not been fully analyzed.

I am also concerned about the proposed amendment to convert conservation land in the Corbett Wildlife Management Area to an accessory multi-use site for the Biotech Park. Using conservation land for non-conservation purposes will result in a loss of open space, will impact sensitive wetland habitats, and has the potential to impact listed species.

I would also adopt and incorporate by reference the September 30th comments by 1000 Friends of Florida which explain in greater detail the problems of each of the proposed amendments.

Based on these concerns, I believe the County should not adopt the proposed plan amendments and should redirect its efforts to securing an alternate location for this project.

Sincerely,



Maria Wise Miller
16086 E. Stallion Dr.
Loxahatchee, FL 33470



**FOWLER WHITE
BOGGS BANKER**

ATTORNEYS AT LAW

ESTABLISHED 1943

THOMAS G. PELHAM
DIRECT DIAL: (850) 681-0411
TPELHAM@FOWLERWHITE.COM

September 28, 2004

**BY FACSIMILE(561) 233-5365
and U.S. MAIL**

Mr. Lorenzo Aghemo
Planning Director
Palm Beach County Planning Department
100 Australian Avenue, 5th Floor
West Palm Beach, FL 33460

Re: All Proposed Comprehensive Plan Amendments for the Mecca Farms
Property/Palm Beach County Biotechnology Research Park Project in
Round 04-ERP, Including LGA 2004-00045, LGA 2004-00046,
and All Related Textual Amendments

Dear Mr. Aghemo:

This law firm represents Tech Village Partners II, L.L.C., a Florida limited liability company ("Company") which has its principal office in Palm Beach County, Florida. The Company is the developer of the proposed Gardens Scientific Village project in the City of Palm Beach Gardens.

The above-referenced comprehensive plan amendments are related to the proposed Palm Beach County Biotechnology Research Park to be operated by the Scripps Research Institute. The Company's proposed project in the City of Palm Beach Gardens is related to and will be affected by the County's Biotechnology Research Park project. Our client believes that the proposed Scripps project will have a positive impact on Palm Beach County and on the proposed Gardens Scientific Village project in Palm Beach Gardens. Accordingly, the Company strongly supports the above-referenced comprehensive plan amendments and urges the County to adopt them.

FOWLER WHITE BOGGS BANKER P.A.

BONITA SPRINGS • FORT MYERS • NAPLES • ORLANDO • ST. PETERSBURG • TALLAHASSEE • TAMPA • WEST PALM BEACH
101 N. MONROE STREET, SUITE 1090 • TALLAHASSEE, FL 32301 • P.O. BOX 11240 • TALLAHASSEE, FL 32302
TELEPHONE (850) 681-0411 • FAX (850) 681-6036 • www.fowlerwhite.com

Lorenzo Aghemo
Planning Director
September 28, 2004
Page 2

This letter is being submitted to Palm Beach County for the purpose of perfecting the Company's standing, pursuant to Section 163.3184(1)(a), Florida Statutes, to participate in any future proceeding to determine the compliance of the above-referenced comprehensive plan amendments with state law. I hereby request that this letter be made a part of the record of the County's adoption proceedings for the above-referenced amendments.

Thank you for your attention to this request.

Sincerely yours,

FOWLER WHITE BOGGS BANKER P.A.



Thomas G. Pelham

TGP/dg/9040139

xc: Members of the Palm Beach County Board
Of County Commissioners - Via Facsimile

#1652160v1

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • ST. PETERSBURG • FORT MYERS • TALLAHASSEE • ORLANDO • NAPLES • WEST PALM BEACH • BONITA SPRINGS • JACKSONVILLE



September 30, 2004

The Honorable Karen Marcus, Chair
Palm Beach County Board of Commissioners
301 N. Olive Avenue
West Palm Beach, FL 33401

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President Emeritus

Charles C. Pattison, AICP
Executive Director

RE: Plan Amendment Package, 04-ERP, for Item 2A.1—"Scientific Community Overlay"

Dear Commissioner Marcus:

1000 Friends of Florida asks that these comments be made part of our record for the October 5, 2004, commission meeting which will consider this and other Scripps Project comprehensive plan amendments. As a statewide non-profit, 501(c)(3) growth management organization, with a large percentage of our membership in Palm Beach County, we are most interested in seeing that this project is properly located as directed by state planning requirements and your comprehensive plan. We do not believe that the Scientific Community Overlay (SCO), at the Mecca Farms site, is consistent with either and recommend that it not be adopted as proposed.

In reaching our recommendation, we have reviewed the existing comprehensive plan, the Treasure Coast Strategic Regional Policy Plan, and the Objections, Recommendations and Comment (ORC) report from DCA. We do not find that the inconsistencies identified in these documents have been adequately addressed.

We raise the following objections regarding the staff response to the ORC objections:

(1) a primary justification for placing the SCO at Mecca Farms was that it was the most appropriate site, and that no alternative site(s) existed; on the contrary, your own review of alternatives, found in the county's own "Scripps/Bioscience Research Park, Alternative Site Evaluation", dated August 12, 2004, shows that at least two sites were viable; the availability of alternative sites also contradicts the staff notation that the project does not constitute urban sprawl as defined in Chapter 163, F.S., and 9J-5, F.A.C.;

(2) with respect to Future Land Use Element (FLUE) Policy 1.1-b, it is noteworthy that a text change is necessary in order to allow the designation of the SCO to be the sole exception to the otherwise sound policy that no land use changes may be proposed that result in Tier changes prior to the completion of the required Evaluation and Appraisal Report (EAR), which has not yet been approved by DCA;

1000 FRIENDS OF FLORIDA
Post Office Box 5948
Tallahassee, Florida
32314-5948
Telephone: (850) 222-6277
Fax: (850) 222-1117
www.1000FriendsOfFlorida.com

Commissioner Karen Marcus
September 30, 2004
Page 2

(3) we disagree with the very fine line staff attempts to make between a Tier change as a map versus a text amendment change; whether a map or text amendment, the result is a land use that is incompatible with surrounding land uses due to compatibility, community character and urban infrastructure limitations of the Rural Tier. Accommodating the SCO at this proposed location completely undermines the fundamental urban service area concept in the comprehensive plan; and

(4) we do agree with the need to modify FLUE Policy 1.1-b to require that when a property is removed from a Tier that a study be required to determine the appropriate "new" Tier - however, in this case, it is clear that the Tier most closely aligned with the current plan is Urban/Suburban, which is inconsistent with county criteria for such a change, and in particular, Policy 1.1.-b(4) regarding the continuation of rural life style preferences.

We also object to the new amendment language which has been added since the transmittal hearing of June 28, 2004, as follows:

(1) revised FLUE Policy 2.6-f allows for TDRs within the SCO -while we support the county's TDR program and concepts, this change is inconsistent with the established program, and is contrary to the idea of directing new growth and development into infill and more eastern areas - in fact, this policy creates an interesting paradox in that no density increases are supposed to occur in such areas, i.e., the Rural Tier is supposed to be a TDR sending area - TDR receiving areas are restricted to Urban/Suburban areas;

(2) new FLUE Objective 2.8-b regarding LUSA designations fails to mention several important criteria that are not only necessary and appropriate but are part of any internal consistency check as well as compliance with state statutes and administrative rules - these criteria would include environmental suitability, adjacent land use(s) compatibility (which the Design Standards do not address), and sprawl containment; and

(3) new FLUE Policy 2.8-d provides that the county "may" initiate a plan amendment when a change of 30% or more in residential units or retail and/or educational square footage occurs - this amount of flexibility violates the certainty required of all plan amendments, and it also risks voiding the substantial deviation process associated with Developments of Regional Impact (DRI) which the Scripps project is.

The SCO contains numerous exemptions to the Palm Beach County Comprehensive that serve to illustrate how incompatible the proposed Mecca Farms location is with the overall Palm Beach County Comprehensive Plan. Moreover, some of these changes, in order to accommodate the project, weaken the plan in ways that are likely to contribute to urban sprawl in the future.

The prime example of forcing this amendment into the Palm Beach County Comprehensive Plan is the creation of a Limited Urban Service Area (LUSA) for the Mecca site

Commissioner Marcus
September 30, 2004
page 3

and a complete redefinition of the meaning of LUSA to allow the provision of every urban service, making the term "limited urban service area" extremely misleading. While the original definition of "Limited Urban Service Area" limits the applicability of the term to "Regions of the County which do not receive the full compliment of urban services," and stated that these services are usually limited to sanitary sewer and potable water, the amended definition states that a LUSA includes: "A geographic area outside the Urban Service Area which may receive urban levels of service.

A LUSA is not required to have an underlying Tier designation." Hence, a LUSA could theoretically be located anywhere in the county, in rural, undeveloped areas as well as urbanizing areas, and allow for the provision of a "full compliment of urban services."

Even more disturbing is Revised FLUE Objective 3.3 Limited Urban Services Areas (LUSAs) that is amended to state that "Urban levels of service are allowed within Limited Urban Service Areas (LUSAs), while still remaining outside the Urban Service Area and the Urban/Suburban Tier." This change has the effect of undermining the meaning and effectiveness of the Urban Service Area.

By essentially allowing the same intensity of services to be provided outside of the Urban Service Area. This policy change contributes to urban sprawl by failing to maximize the use of existing and planned public facilities and services, which is the point of having an urban service area in the first place. It also fails to protect the rural character of the surrounding areas.

Next, as part of redefining the LUSA, the plan is amended in Revised FLUE Policy 3.3-a, Page 72 to state that the rules and property development regulations governing densities and intensities of the Urban/Suburban Tier shall apply both to the SCO, but also to the United Technology-Pratt and Whitney Overlay and the General Aviation Facility/North County Airport. This change, therefore, sets the stage not just for the intensity of development planned for the Mecca site by the Scripps project, but sets the state for a similar intensity of development at the Pratt & Whitney and North County Airport sites. These sites were designated for industrial uses, and it is difficult to understand how a mix of uses, especially residential, could be accommodated on such sites. Unfortunately, as the Mecca site was pulled out of the Western Communities Sector Plan definition, the impact of the Scripps project, possibly in combination with changes in the intensity of use of Pratt & Whitney and the North County Airport have not been evaluated in a regional fashion. The use of the LUSA should be restricted to prevent the erosion of the character of the different land use categories.

Based on what we understand about the impacts of this amendment, however, and others proposed along with it, we believe the county would best be served by finding another site. We suggest that the amendment not be adopted until your alternative site analysis is completed, and then a site chosen consistent with that analysis that complies with state and local planning

Commissioner Marcus
September 30, 2004
page 4

requirements that properly address public costs, environmental, infrastructure, and community character impacts. Thanking you for your time and considerations, I am

Sincerely,

Charles G. Pattison, AICP
Executive Director

cc: Commission Members
Mike Busha, TCRpc
Val Hubbard, DCA
Ray Eubanks, DCA