



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT 04-EXPEDITED REVIEW PROCESS (ERP) AMENDMENT

Item Name:	Research Park Accessory Multi-Use Site (LGA 2004-00046)
Request:	CON to U/T
Item Before the Board:	Proposed County Initiated amendment to the Future Land Use Atlas (FLUA) to change the future land use designation for a 28.37 acre parcel from Conservation (CON) to Transportation and Utilities Facilities (U/T). The site is located on the west side of Seminole Pratt Whitney Road, approximately ½ mile north of Northlake Boulevard.
Meeting Date:	Final Report, Adopted October 13, 2004
Project Manager:	Michael Howe, Senior 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* of Staff's recommendation passed in a 10-0 vote, at the June 11, 2004 Public Hearing. The Board included in the motion a recommendation for Staff to solicit input from the equestrian community regarding trails, trail crossings and trail access points. At the request of the Board, a representative from Florida Power and Light spoke to explain that the J.W. Corbett site is the most practical location for the electrical sub-station. Board discussion focused on the following: the CERP and other water management issues; the location of the sub-station; and the equestrian, hiking and biking trail construction issues. Three members of the public made comments regarding the proposed amendment, expressing the following concerns: several water related issues; the use of pesticides; and land swap issues.
- C. BCC Transmittal Action:** Motion by Commissioner Koons, seconded by Commissioner McCarty, to *transmit* passed in a 6-0 vote (with Commissioner Masilotti absent) at the June 28, 2004 Public Hearing. There was minimal Board discussion. Several representatives from concerned environmental groups, including Audubon Society and 1,000 Friends of Florida, spoke in opposition to this proposed amendment.

POST TRANSMITTAL ACTION

- A. ORC Report Findings:** In the ORC Report, the Department of Community Affairs (DCA) stated that the County did not include a Future Land Use Map for this proposed land use amendments showing the new land use as it would appear on the adopted amendment and recommended that the staff report include the adopted Future Land Use Map showing the amended FLUM designations for the site.
- B. Response to ORC Report:** Exhibit 1 of the Staff report and adopting ordinance includes the Future Land Use Atlas pages for these sites. Following the adoption of these proposed amendments and the State's finding of "in compliance," the Planning Division officially updates the Future Land Use Atlas to reflect these changes.
- C. Revisions Not Previously Reviewed:** None
- D. BCC Adoption Action:** Motion by Commissioner Koons, seconded by Commissioner McCarty, to ***adopt an ordinance*** passed in a 7-0 vote at the October 13, 2004 Public Hearing. Board discussion focused on the land swap being a benefit to the conservation area. The Board directed staff to place a Conservation easement on the portion of the multi-use site that would be used for the bike trails, equestrian trails, and flow way. Several representatives from concerned environmental groups, including Audubon Society, Sierra Club, and 1,000 Friends of Florida spoke in opposition to this proposed amendment. Several residents of Loxahatchee Groves, the Acreage and Jupiter Farms also spoke in opposition to this amendment.

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PETITION SUMMARY

Owner Florida Game and Fresh Water Fish Commission
Applicant..... Palm Beach County

Parcel Size 28.37 acres
Parcel Access..... Seminole Pratt Whitney Road
Parcel Control Number 00-40-42-13-00-000-1000 (a portion of)
Tier Designation Glades

Existing Land Use J.W. Corbett Wildlife Management Area
Current FLU Designation..... Conservation (CON)
Current Zoning District..... Preservation/Conservation (PC)
Current Development Potential None

Proposed FLU Designation Transportation and Utilities Facilities (U/T)
Proposed Zoning District Public Ownership (PO)
Proposed Development Potential Utility uses: 61,790 sq. ft. max (.05 FAR)

Water/Wastewater Service Palm Beach County Water Utilities
Annexation Area None
Overlay/Study Area None
Amendment History None
Commission District..... Commissioner Marcus, District 1

I. SUMMARY REPORT

A. BACKGROUND

The subject site is located on the west side of Seminole Pratt Whitney Road, approximately ½ mile north of Northlake Boulevard within the Glades Tier. The 28.37-acre subject site is a portion of a 347-acre parcel currently located within the J.W. Corbett Wildlife Management Area.

Generally, the area surrounding the site is made up of conservation, agricultural and rural residential uses. Adjacent to the subject property on the north and west is the J.W. Corbett Wildlife Management Area with a Conservation (CON) future land use (FLU) designation and a zoning designation of Preservation/Conservation (PC). To the east and south of the site is The Acreage, an exurban residential subdivision with a FLU designation of 1 unit per 2.5 acres and an Agricultural Residential (AR) zoning with an existing density of approximately 1 unit per 1.25 acres.

Recently the County has had the opportunity to locate the east coast headquarters of The Scripps Research Institute to Palm Beach County. The desire to foster biotechnology and research & development as a major employment sector and to act as an economic stimulant, has resulted in several text amendments being proposed to the County's Comprehensive Plan to make this a major component of the County's long-term economic strategy. There is also a proposed Future Land Use Atlas amendment to assign the Mecca Farms property, located just northeast of the subject property, an Economic Development Center (EDC) FLU designation in order to facilitate the mix of uses proposed for the Research Park.

The intent of this proposed amendment from Conservation (CON) to Transportation and Utilities Facilities (U/T) is to provide a location to meet the electrical and transportation service need for the proposed Research Park facilities. In addition, this amendment will allow for the construction of the Corbett Canal which will move water north from the M-O Canal located south of the subject parcel north to the Research Park site, and eventually further north to the Loxahatchee River and Slough. As part of the Corbett Canal construction, a 40 foot (approximately 14 acres) maintenance and construction easement to the east of the Canal will be utilized for construction of a equestrian, hiking and biking trail.

This proposed amendment is for a land use change on the 28.37 acre portion in order to make possible the construction of an FPL sub-station located within a 6.37 acre site, Seminole Pratt Whitney Road right-of-way for road improvements (4.73 acres), construction of the Corbett Canal (13.92 acres) and construction of a equestrian, hiking and biking trail (3.35 acres). The proposed land use category, Transportation and Utilities Facilities (U/T) is allowed within the Glades Tier and all of the proposed uses are allowed in the U/T category. The County will be acquiring approximately 14 acres of the overall property, which will include the future maintenance berm for the Corbett Canal.

The County is currently working with the Department of Environmental Protection (DEP) and Florida Fish and Wildlife Conservation Commission (FWCC) towards a land swap in efforts to mitigate the loss of conservation land as a result of this proposal. Essentially, the County will be providing an equivalent acreage of better quality, natural areas in exchange for the subject property.

B. INTENT OF THE PROPOSED AMENDMENT

The stated intent of the petition is to:

- X change the land use designation from CON to U/T,
- X obtain Public Ownership (PO) zoning; and
- X construct an FPL sub-station on 6.37 acres, Seminole Pratt Whitney Road right-of-way on 4.73 acres, the Corbett canal on 13.92 acres and an equestrian, hiking and biking trail on 3.35 acres.

C. ISSUE SUMMARY

The following offers a summary of the issues and concerns regarding the proposed amendment, followed by staff assessment. Full discussion of each of the items listed below can be found in the **Support Data and Analysis Section** of this report.

Factor of Consideration	Staff Assessment
<p>Justification Statement: Justification is required for a land use amendment. The applicant based the proposed amendment on “changed projections,” “changed assumptions” and “new issues” specifically:</p> <p>The application states that the Comprehensive Plan did not anticipate the need to provide utility service to the research park that has been proposed for the Mecca Farms site, and that the subject site is an appropriate location for a needed electrical substation because of the available options it will have the least impact on the J.W. Corbett Wildlife Management Area and avoid the need for condemnation of homes on the east side of Seminole Pratt Whitney Road.</p>	<p>In response:</p> <p>The applicant is correct that the need to provide services to the Research Park which has been proposed for the Mecca Farms site was not foreseen when the Comprehensive Plan was adopted. Further, the applicant has shown that the subject site is an appropriate location for this needed facility, and that it will have several ancillary benefits, such as the provision of a conveyance canal to support the CERP and a hiking/biking/equestrian trail.</p> <p><i>Thus, the applicant has justified a land use change to U/T.</i></p>
<p>Demonstration of Need: A demonstration of need is required for a land use amendment. The demonstrated need for this proposal is based on a situational basis.</p>	<p>The applicant has shown the necessity of an electrical substation to serve the proposed research park on the nearby Mecca Farms site.</p> <p><i>Thus, the applicant has met the demonstration of need requirement.</i></p>
<p>Urban Sprawl Rule: One of the principles of the Comprehensive Plan is to prevent urban sprawl. State Statutes also require that all site-specific amendments be reviewed against the 13 indicators of urban sprawl.</p>	<p>The proposed use on the 28.37-acre site does not represent urban sprawl and it is an accessory use and necessary facility to meet the needs of the Research Park project. The utility use is essential to provide the needed improvements. <i>Thus, the proposed amendment is not inconsistent with this policy.</i></p>
<p>Compatibility/Access: Ensuring land use compatibility is a County Direction. The subject site is adjacent to the J.W. Corbett Wildlife Management Area to the north and west and low density residential to the south and east. Seminole Pratt Whitney Road to the east of the site, will provide access.</p>	<p>The subject site is an appropriate location for an electrical sub-station and is not incompatible with the surrounding properties. <i>Thus, the proposed amendment is consistent with this policy.</i></p>

Factor of Consideration	Staff Assessment
<p>Piecemeal Development: Future Land Use Element Policy 2.2-f states that the County shall not approve amendments, which encourage piecemeal development or create residual parcels.</p>	<p>Although this 28.37-acre parcel is a smaller portion of a larger tract under single ownership, the site is an appropriate location for the proposed use and contributes to broader goals for the area. The remaining portion of this larger tract is designated as a preserve and will not be further developed. Additionally, this subject site prescribes a use that should remain isolated from surrounding uses to discourage incompatibility concerns. <i>Thus, the proposed amendment is consistent with this policy.</i></p>
<p>Encroachment of Incompatible Future Land Uses Future Land Use Element Policy 2.2.1-b states that residential areas shall be protected from encroachment of incompatible future land uses and shall be protected from adverse impacts of adjacent land uses.</p>	<p>The subject site is separated from the residential uses to south by the M-O Canal, and from the residential uses to the east by Seminole Pratt Whitney Road. <i>Therefore, the proposed amendment is consistent with this policy.</i></p>
<p>Services and Infrastructure: County Directives require that adequate services and infrastructure must be in place before development occurs. The subject site is located in the Palm Beach County Water Utilities (PBCWUD) service area.</p>	<p>Many types of infrastructure and services would not be necessary for development of the site under the U/T designation. Rather, the proposed development will contribute to the provision of services and infrastructure.</p>
<p>Conformance with the ULDC: The applicant will apply to change the zoning district for the property from Preservation/Conservation (PC) to Public Ownership (PO) if the proposed future land use designation of U/T is approved.</p>	<p>The use is permitted in the Public Ownership (PO) Zoning District. Essentially, a use that is strictly public in nature is allowed anywhere in the County if the land is zoned PO.</p>

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 functions as a clearing-house for plan amendments, of which Palm Beach County is a participating member. A formal IPARC notice (requesting comments) was sent on May 14, 2004. As of the writing of this report no comments have been received from IPARC regarding this amendment.

2. **Other Notice:** Public notice by letter, has been mailed to the owners of properties within 500' of the perimeter of the site on May 11, 2004. In addition, on May 11, 2004, several private individuals/interested parties were notified by mail including representatives from the following organizations or companies: Loxahatchee Groves Landowners Association; The Acreage Landowners Association; Indian Trail Improvement District; 1,000 Friends of Florida; Environmental Law & Land Use Law Center; Palm Beach County Department of Airports; J.W. Corbett Wildlife Preserve; Palm Beach Park of Commerce; Carleton Oaks Homeowners Association, Inc.; Caloosa Property Owners Association, Inc.; Shelby Homes at Osprey Isles, LLC; Pratt & Whitney; Martin County; PGA National Golf Club; and the Village of Royal Palm Beach. There have been several phone calls of inquiry received by Staff and letters of support or opposition are provided as Exhibit 5 of the staff report.

E. ASSESSMENT AND CONCLUSIONS

This is an amendment proposing to change a 28.37-acre parcel from Conservation (CON) Transportation and Utilities Facilities (U/T). The applicant is requesting a land use change to U/T in order to provide adequate and reliable utility service and adequate vehicular and pedestrian transportation opportunities to the proposed Research Park on the nearby Mecca Farms property.

Justification for this amendment is provided in that there is a demonstrated need to provide services to the proposed Research Park on the Mecca Farms site that was not foreseen when this property was originally assigned its Conservation FLU designation. Given the comparable alternative sites identified to locate this needed use, the applicant has shown that the subject site is an appropriate location for this needed facility, and that it will have several ancillary benefits, such as additional right-of-way for the expansion of Seminole Pratt-Whitney Road (alleviating the need to condemn homes on the east side of the roadway), the provision of a conveyance canal to support the CERP and a hiking/biking/equestrian trail.

This proposal at this location should not have negative impacts on the conservation or rural residential surrounding area. Presently, the subject site is part of J.W. Corbett Wildlife Management Area and is adjacent to an existing FPL transmission line that bisects the Wildlife Management Area, as well as adjacent to existing Seminole Pratt Whitney Road. Therefore, the development of this property for transportation and utilities facilities will not negatively impact any of the existing environmental systems. The electrical sub-station will be setback from the future road right-of-way for Seminole Pratt Whitney Road, coupled with a landscape buffer along Seminole Pratt Whitney Road the proposed sub-station should not negatively affect the rural residential character of the area.

This proposal does not present any service or infrastructure issues. Rather, it offers an enhancement to the infrastructure in the area. The Corbett canal will include a 40-foot wide maintenance berm (east of the Canal) that will double as an equestrian, hiking and biking trail and connect into larger trail systems being developed by Palm Beach County and the Indian Trail Improvement District. The inclusion of the Corbett canal as part of the subject property will further the goals of the Comprehensive Everglades Restoration Program (CERP) project by providing a means of conveyance for water from the M-O Canal located directly to south to the Research Park natural area proposed to the northeast of the subject site.

The intent of this proposed amendment is to provide a location to meet the electrical and transportation service need for the Research Park facilities. Additionally, this proposal is consistent with and furthers several Comprehensive Plan Policies and does not contribute to urban sprawl in the County.

Given the findings and conclusions provided above, the Planning Division recommends **approval** of the proposed amendment.

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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EXHIBIT 1

Amendment No.: Research Park Accessory Multi-Use Site (LGA 2004-00046)
FLUA Page No.: 27
Amendment: From Conservation (CON) to Transportation and Utilities Facilities (U/T).
Location: West side of Seminole Pratt Whitney Road, approximately ½ mile north of Northlake Boulevard .
Size: Approximately 28.37 acres
Property No.: 00-40-42-13-00-000-1000 (a portion of)
Conditions: None

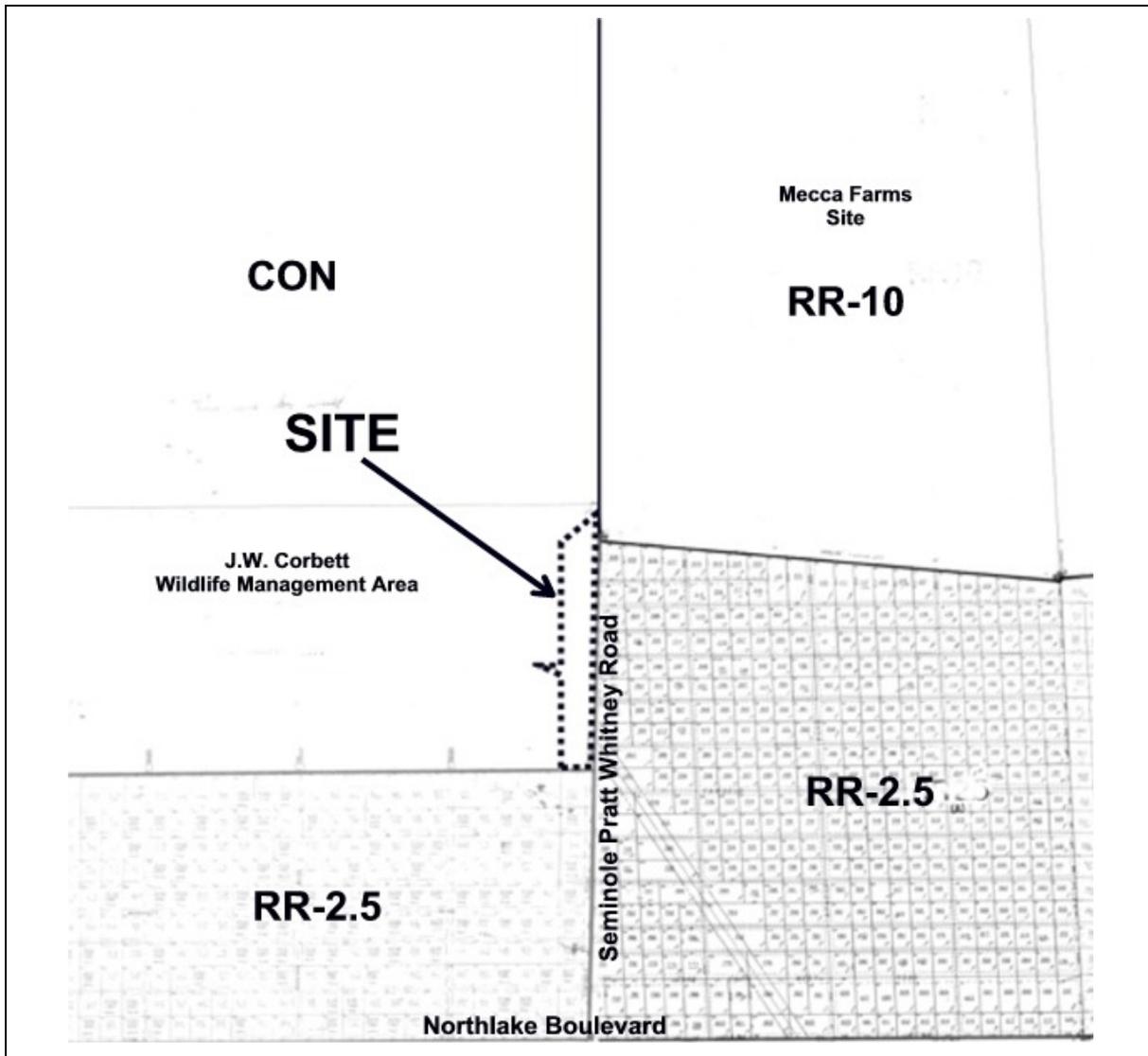


EXHIBIT 2

SUPPORT DATA AND ANALYSIS

Rule 9J-5, F. A. C., requires a land use analysis for each plan amendment, and that land use determinations are based upon this analysis. The analysis of the proposed Future Land Use Atlas amendment addresses, among other items, the following factors, each of which are addressed in detail on the following pages.

A. Consistency with Justification/Need Requirements:	Justification Statement and Demonstrated Need requirements in the Introduction and Administration Element of the 1989 Comprehensive Plan. Justification must be based on one or more of the following factors:
	<ul style="list-style-type: none">• Changed projections. Changed projections in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities;• Changed assumptions. Changed assumptions in the Comprehensive Plan, including but not limited to the fact that an area's growth has altered the character such that the proposed development is now reasonable and consistent with land use characteristics;• Data errors. Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan;• New issues. New issues that have arisen since adoption of the Comprehensive Plan;• Additional Detail or Comprehensiveness. Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan; or• Data updates. Data updates.
B. Consistency, County Plans:	Palm Beach County 1989 Comprehensive Plan; and other County Plans and Programs;
C. Consistency, State Statutes:	Urban Sprawl Rule, Administrative Rule 9-J5, Sections 163.3177 F.S., and the State Comprehensive Plan, Section 187.201, F.S.;
D. Compatibility:	Adjacent and nearby land uses, both existing and planned;
E. Service Impacts:	Impacts of the proposed amendment on public facilities and services.

A. CONSISTENCY WITH THE JUSTIFICATION/NEED REQUIREMENTS

1. Review of the Applicant's Justification

The petition is based on the factor of **Changed Projections, Changed Assumptions and New Issues**. (See Exhibit 3 for full statement).

- a. **Changed projections:** The application states that the need to provide infrastructure for the proposed research park on the Mecca Farms site was not anticipated in the Comprehensive Plan.

Planning Staff Analysis/Comment: The application states that the location of the Research Park on the Mecca Farms site necessitates the infrastructure improvements to serve the proposed uses within the Research Park, and this need for infrastructure does constitute a changed projection. The applicant has shown that this site is the best location for these improvements because it will have the least impact on the J.W. Corbett Wildlife Management Area, while also avoiding the condemnation of homes on the east side of Seminole Pratt Whitney Road. *Thus, the applicant shows justification for a land use change on the subject site to U/T.*

- b. **Changed assumptions:** At the time of the adoption of the Palm Beach County Comprehensive Plan it was unforeseen that a Biotechnology Research Park would be proposed on the Mecca Farms property. Thus, there was no consideration for the provision of expanded utility and transportation services or the construction of the Corbett Canal for moving water through the Mecca Farms site.

The applicant indicates that a detailed analysis of the opportunity to serve the Mecca Farms site with electricity and that the various alternatives to acquire the land needed for the necessary roadway improvements have been performed. The result of that analysis is that the proposed amendment to the subject site will have the least impact on the residents of the area as no residential property will need to be acquired for the road right-of-way, no additional electrical transmission lines will need to be constructed and routed through the area and the new electric lines needed to provide power from the substation to the Mecca Farms site will run underground. In addition, the Corbett Canal will be constructed on this site in order to move water from the M-O Canal south of the Corbett Wildlife Management Area north to the Research Park site. Currently there is no connection from the M-O canal to the Research Park. This water will then continue north through the Research Park site and ultimately run through to the Loxahatchee River and Slough. It is stated that the Canal maintenance easement and berm will ultimately provide a hiking, biking and equestrian trails. The trails will provide a link for existing trails from the communities south of the subject site to planned trails and the existing and planned trail systems to the north.

The County has presented to the DEP and the FWCC an opportunity for a land swap to exchange additional environmentally significant lands for the subject lands which are a part of the Corbett Wildlife Management Area. Essentially, the County will be providing an equivalent acreage of better quality, natural areas in exchange for the subject property. Therefore, there will be no loss in the amount of conservation lands as a result of the approval of this Comprehensive Plan Land Use Amendment. At this time both State and Federal agencies are considering this land swap but no response is expected any sooner than late August 2004. The subject 28.37 acre portion of the Corbett is

significantly degraded due to the use of Seminole Pratt Whitney Road and the maintenance access to the existing electrical transmission lines. Converting this portion of degraded and difficult to manage conservation lands to the proposed transportation and utilities use will result in a corresponding land exchange of better quality environmental conservation lands for the State of Florida.

Planning Staff Analysis/Comment: The planned research park on the Mecca Farms site can provide for changed assumptions on the subject property. The County is proposing to exchange additional environmentally significant lands for the subject lands which are a part of the Corbett Wildlife Area. Because the subject site – currently under a Conservation (CON) designation – is proposed to be replaced by other land for conservation, the subject site is an appropriate location for the utility facilities needed to serve the proposed research park. Thus, *the applicant has provided justification to change the future land use on this property to U/T.*

- c. **New Issues:** The application states that, to provide adequate and reliable utility service, as well as adequate vehicular and pedestrian transportation opportunities to the Research Park, infrastructure and utility improvements must be made. At the time that the Palm Beach County Comprehensive Plan was adopted, these types of improvements were not anticipated. The development of the Research Park requires adequate infrastructure be provided to the site.

Planning Staff Analysis/Comment: The issue of providing services to the research Park site was not anticipated at the time of adoption of the Comprehensive Plan. Additionally, as noted above, this site was identified as the most appropriate location for these uses. Thus, *the applicant has provided adequate justification to change the site's future land use to U/T.*

2. Review of the Applicant's Demonstration of Need

The applicant uses a situational basis to demonstrate need, and argues that a substation is needed to serve the proposed research park on the Mecca Farms site (See Exhibit 4 for detailed information).

Planning Staff Analysis/Comment: The applicant has shown the necessity of an electrical substation to serve the proposed research park on the Mecca Farms site. Thus, *the demonstration of need for the proposed use has been satisfied.*

B. CONSISTENCY WITH COUNTY PLANS AND PROGRAMS

Policies, which pertain to the provision of services and/or development of the site itself, are addressed, where appropriate, in following sections of this report. Other more general policies and growth management directives, which have a relationship to the petition, are addressed below.

1. Consistency with the 1989 Comprehensive Plan

- **Introduction and Administration Element Growth Directive:** encourages redirected “growth to the East where services and facilities can be provided and encourage the revitalization/redevelopment of the coastal communities” (p. 1 -IA). Such redirection of growth also supports the *County Land Use Element Infill Directive* in the Land Use Element that encourages “infill development in urban areas to increase efficient use of land, and existing public facilities and services.” (p. 6-FLUE).

Planning Staff Analysis/Comment: The uses proposed for the subject site are intended to serve the proposed research park on the Mecca Farms site, and needs to be in close proximity to the Research Park. Therefore, this use could not be located further East. *Thus, the proposed amendment is consistent with this Directive.*

- **Future Land Use Element Policy 2.2-f:** “The County shall not approve site specific Future Land Use Atlas amendments, which encourage piecemeal development or create residual parcels. The County shall also not approve rezoning petition under the same or related ownership that result in the creation of residual parcels.”

Planning Staff Analysis/Comment: This amendment would not encourage piecemeal development or create any residual parcels. Although the site is being removed from a larger parcel and from the J.W. Corbett Wildlife Management Area, the conservation use for the rest of that property is already determined. Also, the proposed uses on the subject property are part of the larger goals of the County for this area, including the success of the research park proposed for the Mecca Farms site, the completion of an equestrian trail system and the goals of the Comprehensive Everglades Restoration Program (CERP). *Thus, the proposed amendment is consistent with this policy.*

- **Future Land Use Element Policy 2.2.1-b:** “Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”

Planning Staff Analysis/Comment: Utility uses on this site would not encroach into any residential areas. The site is separated from the residential uses to the east by Seminole Pratt Whitney Road, and from the residential land uses to the south by the M-O Canal. *Therefore, the proposed amendment is consistent with this policy.*

- **Future Land Use Element Policy 2.2.9-c:** Parks and Recreation activities may be permitted in the Transportation and Utilities land use designation, provided they are part

of the overall program to support the utility uses.

Planning Staff Analysis/Comment: The equestrian, hiking and biking trail component will help further the trail way system proposed by the County Department of Environmental Resources Management. This amendment would allow this trail system to occur within the transportation and utilities land use designation. *Therefore, this proposal would be consistent with this policy.*

- **Future Land Use Element Policy 2.5-a:** The County shall coordinate with other local governments and private citizens to develop a continuous network of greenways linking viable natural systems and Conservation designated lands throughout the County. The components of this network shall be designated as the Greenway and Linked Open Space Program.

Planning Staff Analysis/Comment: The equestrian, hiking and biking trail proposed will continue the system of greenways being developed by the County Department of Environmental Resources Management through it's natural areas in the northern portion of the County. Additionally, the trail system will connect into the trail system being developed by the Indian Trail Improvement District, which is generally located to the south of the subject site. *Therefore, this proposal would be consistent with this policy.*

- **Future Land Use Element Policy 2.5-d:** By December 2002, the Palm Beach County shall review the potential for using road rights-of-way publicly-owned canal maintenance rights-of-way and other public land identified on the map entitled "Greenways and Linked Open Space Program", within the Palm Beach County Comprehensive Plan, as well as the Bicycle Route Map adopted by the Metropolitan Planning Organization. When determined feasible by the Board of County Commissioners, these areas shall be acquired, or easements obtained, for multi-purpose open space links and/or recreational greenways, where such linear rights-of-way connect conservation areas, preserves, parks and/or residential areas.

Planning Staff Analysis/Comment: The County will be acquiring approximately 14 acres of the overall 28.37 acre property, which will include the future maintenance berm for the Corbett Canal. This future maintenance berm will also serve as the area in which the equestrian, hiking and biking trail system will be located. This equestrian trail system will be connected to a trailhead, which is proposed in the northwestern corner of the Research Park project and this property will remain in County ownership.

- **Future Land Use Element Policy 5.1-a:** Palm Beach County shall ensure the protection and stewardship of natural resources and systems, including quality up lands and wetlands, environmentally sensitive lands, wildlife habitats and regional water management areas. The County shall request review and comments from the South Florida Water Management District, Department of Environmental Protection, Game and Fresh Water Fish Commission, and other governmental, environmental agencies, during the Plan amendment process.

Planning Staff Analysis/Comment: This land use amendment will help to ensure the protection and stewardship of natural resources and systems. The inclusion of the conveyance canal will help further the goals of the CERP project by providing a connection from the M-O Canal to the Research Park site for purposes of moving water. Although this use would be permitted in the existing Conservation land use designation, an opportunity to provide this connection now occurs on this property due to the road right-of-way acquisition and FPL sub-station construction. The need to provide utility service and access to the Research Park site has allowed for the incorporation of the Corbett canal and the equestrian trail system into the site. There is a small amount of existing native upland vegetation on the site that will be impacted. Therefore, a vegetation removal permit will be obtained. Further, all relevant agencies have been afforded the opportunity to comment on the proposed amendment. *Therefore, this proposal would be consistent with this policy.*

- **Future Land Use Element Policy 5.1-b:** The impact of development on natural resources and systems, including high quality coastal and inland wetlands and future potable water supply well field areas, as identified in the Future Land Use, Coastal Management, and Conservation Elements, shall be evaluated during the development review process, as outlined in the Unified Land Development Code, to protect these resources from the adverse impacts associated with incompatible future and land uses on or near such sites.

Planning Staff Analysis/Comment: The inclusion of the conveyance canal as part of this request will help protect inland wetlands as well as help restore the Loxahatchee Slough. Additionally, this location for the proposed electrical sub-station has the least impact on the existing natural resources and systems that exist in the Corbett Wildlife Area. *Therefore, this proposal would be consistent with this policy.*

- **Future Land Use Element Policy 5.1-d:** By October 2000, the Planning and Zoning Divisions, in cooperation with the Department of Environmental Resources Management, shall develop regulations and incentives providing for the use of buffering, or other land management techniques, to ensure compatibility with the function and purpose of conservation lands, and development of those properties adjacent to conservation lands.

Planning Staff Analysis/Comment: The County Department of Environmental Resources Management was involved in the initial meetings with the Florida Fish and Wildlife Conservation Commission and other County Representatives as it related to the overall land area to be acquired from the Corbett Wildlife Area. Their input has resulted in acquiring the least amount of property needed to

accommodate all of the necessary elements as well as a recommendation that the maintenance berm for the future conveyance canal be utilized to help further the equestrian, hiking and biking trail system.

This proposed land use amendment furthers many of the goals set forth in the County Comprehensive Plan. Although the conveyance canal and equestrian, hiking and biking trail system would be permitted within the existing Conservation land use, said land use would not permit the electrical sub-station or the additional right-of-way for Seminole Pratt Whitney Road. The change to the U/T-Transportation and Utilities Facilities land use is necessary to allow for these uses, which are directly needed to support the development of the Research Park. It can be assumed that if the electrical sub-station and additional road right-of-way for Seminole Pratt Whitney Road were not needed, it would be difficult to provide the Corbett canal and the equestrian trail. Therefore, approval of this Comprehensive Plan Land Use Amendment request will allow for these elements to be included. The public will benefit from this Comprehensive Plan amendment and it has the least impact on the environment and does not negatively impact the nearby residents.

2. Consistency with Applicable Neighborhood Plans, Overlays, and Studies

There are no neighborhood plans, overlays, or studies that affect the subject parcel.

C. CONSISTENCY WITH THE URBAN SPRAWL RULE

Florida's Department of Community Affairs evaluates local land use amendments for consistency with Administrative Rule 9J-5, which sets out criteria for determining when a proposed plan amendment contributes to urban sprawl, in order to comply with Sections 163.3177 F. S., and the State Comprehensive Plan, Section 187.201, F.S. An evaluation of each of the thirteen review criteria is provided below.

1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.

The Research Park will be constructed on a parcel of property located directly northeast of the subject site. It is imperative that adequate and reliable utility service, as an accessory use to the Research Park, be provided for this project. To provide this service, a FPL electrical sub-station is one component that is proposed to be located on a 28.37 acre parcel of property that is the subject of this Comprehensive Plan future land use amendment application. Approval of this Comprehensive Plan future land use amendment application will not promote, allow or designate for development any additional lands for low intensity, low density or single use development in the surrounding area.

The Transportation and Utilities future land use designation is very specific as it relates to allowable uses. The properties to the north, west and south of the subject site are comprised of the J. W. Corbett Wildlife Management Area (CWMA). The CWMA is controlled by the State of Florida through the Florida Fish and Wildlife Conservation Commission (FFWCC). As such, it is highly unlikely that any of the adjacent properties to the north, west or south will develop for

anything other than their existing use, which is conservation, recreation and wildlife management. The property to the east of the subject site is an existing subdivision made up of predominantly 1.25 acre lots. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

The proposed Research Park would be governed by the Scientific Community Overlay (SCO) proposed as part of Comprehensive Plan text amendments being considered concurrently with this amendment. As such, the development of the Research Park will be controlled through new provisions in the Comprehensive Plan. This proposed Comprehensive Plan future land use amendment request will support the development of the Research Park only and it will not promote any other significant amount of urban development in the surrounding rural area. The utility service provider has sized the facility to serve the proposed Research Park. The other elements of the amendment, including the right-of-way for Seminole Pratt Whitney Road, the Corbett Canal and the equestrian trail, are all part of larger planned systems proposed in this area. These systems will not promote or allow additional development in the rural area. In reviewing the surrounding area, due to the existing low density residential and other conservation lands, the subject property is the best site for the proposed facilities. The properties to the east are developed and as such, the proposed site is not leaping over undeveloped land, which otherwise would be suitable for the proposed development. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

The subject property is surrounded by existing conservation lands on the north, west and south (Corbett) and low density residential to the east (The Acreage). The property to the east is a low density development. The Acreage consists of over 18,000 lots, generally ranging in size from 1.2 to 5 acres. The properties to the north, west and south of the subject site are all held as conservation lands. All other development in the area would be governed by either the proposed Scientific Community Overlay or the proposed Central Western Communities Sector Plan. As such, this proposed amendment will not promote, allow or designate any further urban development in a radial, strip, isolated or ribbon pattern on surrounding properties or on the subject site. Additionally, given the fact that the surrounding properties (Corbett) would preclude development, this type of construction could never become a pattern of development. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, flood plains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

An existing FPL transmission line cuts through the J.W. Corbett Wildlife Management Area. A portion of the subject property included in this Comprehensive Land Use Amendment falls directly adjacent to this existing transmission line, as well as adjacent to existing Seminole Pratt Whitney Road. This portion of the Wildlife Management Area is significantly degraded due to the use of Seminole Pratt Whitney Road and the maintenance access to the transmission lines.

Converting this portion of degraded (and difficult to manage) conservation lands to a transportation and utilities use will result in a corresponding land acquisition for the State of Florida of better quality environmental conservation lands. Therefore, the planned conversion from conservation to transportation and utilities will further protect and conserve natural resources elsewhere within the County.

The development of this property for transportation and utilities facilities will not negatively impact any of the existing environmental systems. The subject property is located directly adjacent to the existing right-of-way. The inclusion of the Corbett canal as part of the subject property will further the goals of the Comprehensive Everglades Restoration Program (CERP) project by providing a means of conveyance for water from the M-O Canal located directly to south to the Research Park natural area proposed to the northeast of the subject site. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

The subject property is currently not utilized for any agricultural activities. The properties to the north, west and south are also within the Corbett Wildlife Area and do not provide for or promote agricultural activities. Therefore, the amendment to change the designation of the subject property from Conservation to Transportation and Utility Facilities will not negatively impact agricultural uses. The property to the east is currently developed as low density residential. The proposed utility facilities will serve as an accessory use to the Research Park. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

6. Fails to maximize use of existing public facilities and services.

The existing service lines were planned based on the assumption that low density residential development would occur in this area. The Research Park as proposed will consist of several million square feet of non-residential uses. The existing FPL facilities are not adequate to serve the planned development. The proposed FPL sub-station will be adequately sized to provide the needed services as an accessory use to the Research Park. The sub-station is necessary as FPL cannot physically drop power lines from the adjacent transmission lines without first constructing a sub-station. Therefore, the location of the sub-station adjacent to the transmission line maximize the usage of the services

Seminole Pratt Whitney Road currently exists along the eastern limits of the subject property, and will be sized to provide the necessary transportation system to support the Research Park. Providing for additional right-of-away as part of this request maximizes the use of this existing transportation network. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

7. Fails to maximize use of future public facilities and services.

The improvements and expansions proposed as part of this amendment request are the future public facilities and services that will be provided as an accessory use to the Research Park. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, wastewater, storm water management, law enforcement, education, health care, fire and emergency response, and general government.

The facilities as proposed and as part of this amendment will not have any impact on some public services, including portable water, wastewater, education, and health care. The proposed amendment will allow for the opportunity to provide adequate roads. Additionally, the project will accommodate its storm water management system on site. Therefore, this request will not allow for a pattern of development which disproportionably increases cost, time, money or energy of providing or maintaining facilities in services. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

9. Fails to provide a clear separation between rural and urban uses.

This amendment would continue to maintain a clear separation between rural and urban uses. The conservation lands to the north, west and south will not be negatively impacted by the request, due to fact that an existing FPL transmission line already exists adjacent to the subject property. The location of Seminole Pratt Whitney Road, the Corbett Canal and the equestrian, hiking and biking trail provides a significant separation between the conservation land on the west side of the roadway and The Acreage, a low density residential development on the east side of the roadway. To the south, the M-O canal provides a significant separation between the conservation land and The Acreage. Given the fact that the sub-station will be significantly setback from the future road right-of-way for Seminole Pratt Whitney Road, coupled with a substantial landscape buffer along Seminole Pratt Whitney Road, the proposed sub-station should not change the rural character of the area where it is proposed. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This amendment does not discourage or inhibit infill development or the redevelopment of the existing neighborhoods and communities. The only existing community adjacent to the site is The Acreage, which consists of 18,000 single-family lots approximately 1.25 acres in size. The Acreage is currently 70% build out and the remaining vacant land is rapidly developing with homes. The conservation lands that are located to the north, west and east are under government control and will not have the ability to redevelop. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

11. Fails to encourage an attractive and functional mix of uses.

The uses proposed for the subject site are functional. The proposed substation is an accessory structure that will provide electrical service to the proposed Research Park on the Mecca Farms site. A portion of the proposed development will include additional right-of-way for Seminole Pratt Whitney Road to enhance the transportation network. Additionally, the Corbett Canal,

which will further the goals of the CERP program, has been incorporated. This canal will need a 40-foot wide maintenance berm that will double as a equestrian, hiking and biking trail and connect into larger trail systems being developed by Palm Beach County and the Indian Trail Improvement District. The FPL electrical sub-station will be adequately buffered from Seminole Pratt Whitney Road and is located directly adjacent to an existing transmission line. Therefore, this amendment encourages a functional mix of utility and transportation uses, while keeping any potential negative aesthetic impacts to a minimum. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

12: Results in poor accessibility among linked or related land uses.

One proposed use on the subject site is an expansion and extension of Seminole Pratt Whitney Road from Northlake Boulevard north to the Beeline Highway. This extension will enhance the accessibility for both the developed, undeveloped and conservation areas in the general proximity of this subject site. This road extension will provide better access to the Corbett as well as to the proposed research park. Additionally, the equestrian, hiking and biking trail component provides for a “missing link” between the trail systems being developed by Palm Beach County and the Indian Trail Improvement District. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

13. Results in the loss of significant amounts of functional open space.

As mentioned above, the subject 28.37 site is located within the J.W. Corbett Wildlife Management Area. As part of the land acquisition, Palm Beach County will be providing an equivalent acreage of better quality, natural areas in exchange for the subject property. Therefore, there will be no loss in the amount of conservation lands as a result of the approval of proposed amendment. *Thus, the proposed amendment does not meet this indicator of urban sprawl.*

D. COMPATIBILITY

1. Subject Site, existing land use and zoning.

Existing Use:	J.W. Corbett Wildlife Management Area
Existing Zoning:	Preservation/Conservation (PC)
Potential Zoning:	Public Ownership (PO)

2. Surrounding Uses, Future Land Use Designations, and Zoning Approvals

Overall, the area surrounding the site to the north, west and south is part of the J.W. Corbett Wildlife Management Area. To east, across Seminole Pratt Whitney Road, and to the south, across the M-O Canal, are residential units which are located within The Acreage. The following table summarizes the uses that surround the site on all sides:

	Subdivision/Use	Existing Use	FLU	Zoning	Density/Sq.ft.
North	J.W. Corbett Wildlife Management Area	Conservation	CON	PC	N/A
South	The Acreage	Residential	RR 2.5	AR	1 unit/1.25 acres
East	The Acreage	Residential	RR 2.5	AR	1 unit/1.25 acres
West	J.W. Corbett Wildlife Management Area	Conservation	CON	PC	N/A

3. **Compatibility Directive, Future Land Use Element, page 6-FLUE:** This directive requires that the densities and intensities of land uses do not conflict with those of surrounding areas, whether incorporated or unincorporated.

Planning Staff Analysis/Comment: Compatibility is defined in Rule 9J-5.003, FAC, as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. This proposal at this location should not have negative impacts on the conservation or rural residential surrounding area. Presently, the subject site is part of J.W. Corbett Wildlife Management Area and is adjacent to an existing FPL transmission line that bisects the Wildlife Management Area, as well as adjacent to existing Seminole Pratt Whitney Road. Therefore, the development of this property for transportation and utilities facilities will not negatively impact any of the existing environmental systems. The electrical sub-station will be setback from the future road right-of-way for Seminole Pratt Whitney Road, coupled with a landscape buffer along Seminole Pratt Whitney Road the proposed sub-station should not negatively affect the rural residential uses in the area. In addition, the presence of the M-O Canal to the south will offer an additional separation between this site and the rural residential uses to the south.

Because there are no significant impacts on the existing and future residents of the surrounding properties, and the subject proposal is consistent with the compatibility directive.

E. SERVICE IMPACTS

The following section examines the impacts of the proposed amendment on public facilities.

- Findings from the Traffic Study:** The Traffic Study was prepared by Pinder Troutman Consulting, Inc., located at 2324 South Congress Avenue, Suite 1 H, West Palm Beach, FL 33406. The maximum traffic generation for the subject property under the existing Conservation designation is 0 trips per day (tpd). The maximum generation for the subject property under the proposed U/T designation is 488 tpd. The proposed U/T designation increases the daily traffic generation by 488 tpd.
- Traffic Impacts, Future Land Use Element Policy 3.5-d:** “The County shall not approve a change to the Future Land Use Atlas which results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at the adopted level of service standard “D” based upon the adopted Long Range Transportation Plan.” (p. 74-FLUE)

Planning Staff Analysis/Comment: Based upon the 2030 volume projections provided

as Exhibits 6A and 6B of the submitted traffic study, and the distribution of trips that would be generated at the proposed maximum FAR of .05, the following road segment will not operate at the adopted level of service:

- Seminole Pratt Whitney Road between PGA Boulevard and Northlake Boulevard

However, the project traffic on this segment is not considered to be significant, as it is projected to be less than 3% of the level of service (LOS) D volumes for the segment.

Thus, the proposed amendment is consistent with the traffic requirements of the Comprehensive Plan.

3. **Access - Transportation Element Policy 1.3-g:** “New access along existing arterial and collectors shall be controlled and limited in order to increase safety margins, traffic capacity, and traffic flow; shall be consistent with existing State and County standards; shall allow for the integration of multimodal considerations, where applicable; and shall consider impacts on adjacent neighborhoods.”

Planning Staff Analysis/Comment: Access to the subject site is from Seminole Pratt Whitney Road and will not have negative impacts on the road or any residential areas. *Therefore, this proposal is consistent with this policy.*

4. **Mass Transit Impact:** The applicant indicates that the nearest bus stop is located near the Veterans Administrative Hospital along Bee Line Highway.

Planning Staff Analysis/Comment: Palm Tran commented that they are interested in providing future service options to the Research Park site.

5. **Potable Water & Wastewater Impacts:** The Palm Beach County Water Utilities Department (PBCWUD) would be the water and wastewater connections for the property.

Planning Staff Analysis/Comment: The PBCWUD states that water and wastewater capacities are available, subject to a standard development agreement. Although the nearest water main is currently located at the intersection of Belvedere Road and State Road 7, and the nearest wastewater main is currently located at the intersection of the Ronald Reagan Turnpike and Roebuck Road, PBCWUD will be extending lines to the nearby Mecca Farms site upon approval of the Research Park. However, it is not anticipated that the proposed use on the subject site will require the extension of water and/or wastewater lines.

6. **Health Impacts:** There is currently no activity occurring at the subject site that would impact the Health Department.

Planning Staff Analysis/Comment: The Health Department has no comment regarding the proposed amendment.

7. **Fire-Rescue Impact:** The applicant states that the closest Fire-Rescue station is Station #22, located at 5060 Seminole Pratt Whitney Road, located approximately 6.75 miles from the furthest point of the subject site.

Planning Staff Analysis/Comment: Palm Beach County Fire-Rescue staff stated that the property is primarily served by station # 22 located at 5060 Seminole Pratt Whitney Road. The property is approximately 4.5 miles from the station. In fiscal year 2003 the station had an average response time of 9:20 minutes to its entire service area. The amendment has no significant impact on Fire Rescue.

8. **Environmental Impacts - Wellfield Protection:** The applicant states this site is in not located in a Wellfield Zone.

Planning Staff Analysis/Comment: The County's Environmental Resources Management Division (ERM) was notified of the proposed amendment and provided "no comment" on the proposed amendment.

9. **Conservation Element Policy 2.1-d - 25% Set Aside:** "The County shall require that all developments set aside as preserve areas a minimum of 25 percent of the total upland native plant communities on-site or 25 percent of each native plant community that occurs on-site."

Planning Staff Analysis/Comment: The County's Environmental Resources Management Division (ERM) has provided no comment regarding whether the site will require a 25% set aside.

10. **Drainage Impacts:** The application states that Palm Beach County is the drainage provider for the site and that the nearest drainage facility is the Seminole Pratt Whitney Road drainage system through the Research Park and into the SFWMD C-18 Canal (west leg). The site will be designed to meet all of the drainage requirements of the SFWMD including the allowable discharge rate of one inch per day for the 25-year/3-day storm event. The water quality and quantity requirements will be met via detention areas, swales and a legal positive outfall (discharge) into the Seminole Pratt Whitney Road drainage system.

Planning Staff Analysis/Comment: The SFWMD stated that an Environmental Resource Permit (ERP) application for conceptual approval is required. In addition, the Northern Palm Beach County Improvement District provided a response of "no comment" regarding this amendment.

11. **Parks and Recreation, School System, Library Impacts:** The proposed amendment should have little or no effect because it is a 28.37 acre conservation parcel requesting a land use change to Transportation and Utilities Facilities (U/T); therefore, it does not represent an increase in residential density.

Planning Staff Analysis/Comment: Parks and Recreation Department, Library Department, and School Board staff has no comment on the proposed amendment.

12. **Historic Resources Impacts:** There have been no historic or architecturally significant resources identified on or within 500 feet of the subject site.

Planning Staff Analysis/Comment: There will be no negative impacts on historic resources from this amendment.

13. **Overall Impacts, Future Land Use Element Policy 2.1-f:** "The future land use designations, and corresponding density and intensity assignments, shall not exceed the

natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that exceed or underutilize the existing or planned capacities of urban services.”

Planning Staff Analysis/Comment: The subject site is not located within a wellfield protection zone. The proposed amendment will not impact available water and wastewater capacities. There are no constraints related to access. PBC ERM has provided no comment regarding any wetlands or whether the site will require a 25% set aside. Therefore, the proposal is not inconsistent with this policy.

- 14. Other Impacts - Unified Land Development Code:** The applicant has stated that the property would be developed under the PO (Public Ownership) Zoning District.

Planning Staff Analysis/Comment: PBC Zoning Division indicates that PO is the only zoning district that corresponds to the U/T FLU designation. If approved, the re-zoning and subsequent development of the site will be required to comply with the provisions of the Unified Land Development Code.

Public Facilities Impacts Table

Public Facility	Demand - Existing FLU AGR with a preserve note	Demand - Proposed FLU U/T (61, 005 s.f. max.)	Demand Change	LOS Standard	Meets LOS?
Traffic	0 trips per day (tpd)	488 trips per day (tpd)	Increase of 488 tpd	See Traffic Analysis	Yes
Mass Transit	No additional requirements	None	None	Countywide headways of 60 minutes	Yes
Potable Water (Palm Beach County Water Utilities)	None	None	None	.1 Gallon per Square Feet/ Day (for non-residential)	Yes
Wastewater (Palm Beach County Water Utilities)	None	None	None	.1 Gallon per Square Feet/ Day (for non-residential)	Yes
Drainage (SFWMD)	The site falls within the C-18 drainage basin. The closest drainage facility is the Seminole Pratt Whitney Road drainage system through the proposed research park. The project's water quality will be obtained via detention areas, swales and a legal positive outfall (discharge) into the Seminole Pratt Whitney Road drainage system.			Conveyance of all off-site discharge to a point of legal positive outfall	Yes
Solid Waste	Solid Waste Authority uses a per capita LOS standard and does not differentiate by use.		N/A	7.13 lb/person/day	Yes
Fire/Rescue	Average response time for station #22 to its entire service area: 9:20 min.	Palm Beach County Station #22 located at 5060 Seminole Pratt Whitney Road and is approximately 4.5 miles from the site.	N/A	Countywide average response time: 7.5 min.	Yes
Wellfield Protection	Not located in a wellfield zone.		N/A	N/A	N/A
Historic Resources	No known historical resources have been found on site.		N/A	N/A	N/A
Recreation/ Open Space	Not applicable to non-residential requests.		No	N/A	N/A
Library Facilities	Not applicable to non-residential requests.		No	N/A	N/A
Public Education	Not applicable to non-residential requests.		No	N/A	N/A

EXHIBIT 3

FULL JUSTIFICATION STATEMENT

Overview of Request:

As part of Palm Beach County's preparations for the imminent arrival of The Scripps Research Institute (TSRI) and the development of the Palm Beach County Biotechnology Research Park (Research Park), the "Mecca Farms" site in north central Palm Beach County is being acquired and shall serve as the facility's "campus" for future development and will include the opportunity for other research and development uses. The Palm Beach County Biotechnology Research Park is a multiple use development planned for approximately 1,920 acres of property in the north central portion of Palm Beach County. This project will primarily consist of land uses related to science & technology, biotechnical, biomedical, and other related research & development industries, and manufacturing. Additionally, there will be associated support and complementary land uses including a satellite university campus; institutional uses; a residential component with a variety of housing types primarily for workforce housing; neighborhood and community commercial centers with restaurants, convenience retail and personal service uses; and community facilities, including parks, recreation and opportunities for a secondary and post-secondary education.

To allow for development of the Research Park, 28.37 acres of property within the J.W. Corbett Wildlife Management Area (CWMA) must be secured (via easement and/or purchase) to allow for infrastructure improvements for the project. This includes the ability to locate a FPL sub-station; provide for the construction of Seminole Pratt Whitney Road; include an extension for an equestrian trail; and provide land area for a future conveyance canal, "Corbett Canal", as part of the future Comprehensive Everglades Restoration Program (CERP) project. The acreages associated with these elements break down as follows:

Name	Acres
Seminole Pratt Whitney Right-of-Way	4.73
FPL Access Road and Sub-station Site	6.37
	3.35
SFWMD Maintenance Berm and Equestrian Trail	
Corbett Canal	13.92
Total	28.37

In order to provide the required electrical service to the proposed Research Park, a new electrical distribution sub-station will be needed in close proximity to the development. It will be necessary to procure the property for the development of this sub-station from the managers of the J.W. Corbett Wildlife Management Area (CWMA). The preferred location of this sub-station is approximately one-quarter mile south of the Mecca Farms site. It is adjacent to the existing FPL transmission line corridor in the CWMA. By sitting a sub-station at this location, the required connection to a high voltage source of power is located directly contiguous to the sub-

station on the adjacent overhead transmission lines, and new/additional transmission lines will not be required. If the sub-station were located anywhere else, new lines through new corridors would be needed, and the impact to CWMA and the local community would be greater.

The impact of the Research Park on the surrounding area, including the conservation lands to the north and west and the low density residential to the south, has been strongly considered as part of the programming and preliminary design of the project. The extension of Seminole Pratt Whitney Road will occur along the western side of the Research Park site. Seminole Pratt Whitney Road extension is currently shown on the Thoroughfare Right-of-Way Identification Map in the Palm Beach County Comprehensive Plan as a protected ultimate right-of-way of 120 feet. Currently only 60 feet of right-of-way for Seminole Pratt Whitney Road exists in this area. The minimum right-of-way width needed to provide the needed access to the PBC Research Park is 120 feet, which is consistent with the need identified previously and protected by the Thoroughfare Right-of-Way Identification Map. In the area south of the Mecca Farms property and north of Northlake Boulevard, only 60 feet of right-of-way exists for Seminole Pratt Whitney Road, therefore an additional 60 feet must be acquired.

There are two options to secure the additional right-of-way. The first would be to condemn properties on the east side of the existing Seminole Pratt Whitney Road. Due to the amount of area that is needed for the right-of-way, this condemnation would be a "full take" and would impact approximately 18-20 residences. The second alternative is to acquire the property from CWMA, which would have no impact on the existing residents. Although, this acquisition will reduce the natural area acreage, this portion of the CWMA is not of high environmental quality and has been degraded due to the existing access and FPL transmission lines that exists along its boundaries.

Additionally, the Research Park seeks to further regional water management goals. In conjunction with the South Florida Water Management District (SFWMD), the Research Park and the subject site will become integral parts of the Comprehensive Everglades Restoration Program (CERP) and help to facilitate the movement of water as part of the restoration of the watershed for the Loxahatchee River. The Research Park design includes a natural water flow-way (Research Park Natural Area) along the western and northern portions of that site. The water needed to feed the Research Park Natural Area will be coming from the south from the M-O Canal. Currently there is no connection from the M-O Canal to the Research Park site. Therefore, the Corbett canal that is included within the subject site is an integral component of the CERP program. The canal will also provide a natural barrier between Seminole Pratt Whitney Road and the conservation lands in CWMA.

To further the CERP program, a connection between the Natural Area flow-way proposed in the Research Park and the M-O Canal located on the south side of the CWMA is needed. As additional lands are being acquired for Seminole Pratt Whitney Road right-of-way and the FPL sub-station, it is prudent to also acquire the property needed for this future connection so that the regional water management goals associated with the CERP project can be realized. Therefore, a 150 feet wide acquisition for a future Corbett canal to the west of the Seminole Pratt Whitney Road right-of-way acquisition is also part of the overall property to be secured from the CWMA (by the South Florida Water Management District) and is included in this Comprehensive Plan Land Use Amendment request.

In conjunction with the future Corbett canal, a 40 foot maintenance berm is required. The Palm Beach County Department of Environmental Resources Management is working toward establishment of hiking and equestrian trails in northern Palm Beach County, including the "Ocean to Lake" Trail system. A trailhead for both hiking and equestrian trail usage is proposed

as part of the Research Park project in the northwestern corner of that site. An equestrian trail is proposed along the western property line of the project on the existing Seminole Pratt Whitney Road bed, which will be abandoned for vehicle use at the time that the new Seminole Pratt Whitney Road alignment is constructed. Including an equestrian trail as part of the cross section for the road right-of-way, conveyance canal, and FPL sub-station site layout is prudent as this will allow the equestrian trail to continue south and to connect into the Indian Trail Improvement District (ITID) equestrian trail system that is established within The Acreage.

The CWMA property has an existing Comprehensive Plan Land Use designation of CON-Conservation. This designation does not permit the FPL sub-station or the road right-of-way. Although the existing Comprehensive Plan Land Use Designation would allow the equestrian trail and the Corbett canal, the incorporation of these components relies on the construction of Seminole Pratt Whitney Road and the FPL sub-station. Development of the Research Park requires extensive governmental coordination between many state and local agencies. Palm Beach County has been coordinating with the SFWMD for over six months related to the opportunity for the Research Park to help facilitate the development of the CERP project. The Research Park will provide one of the "links" in the water management system between the Palm Beach Aggregates pits to the southwest and the Loxahatchee Slough to the northeast. A "missing link" is that that portion between the M-O Canal and the future natural area in the Research Park. The desire to further the CERP project and develop the Research Park has resulted in the opportunity to facilitate the acquisition of property from CWMA for the flow way and other needed infrastructure improvements. A secondary benefit of this facilitation has been the opportunity to further other goals not directly related to development of the Research Park but also important to the public, including the CERP project and a comprehensive equestrian trail system. If the other land acquisitions were not needed, there would be no opportunity to approach CWMA for the property for the conveyance canal or equestrian trail as the statements of need and public benefit addressed further in this application could not be met. Due to the fact that the Corbett canal and equestrian trail are located between Seminole Pratt Whitney Road and the proposed sub-station, all of these uses must be addressed through an amendment to the Comprehensive Plan. If the Comprehensive Plan Amendment to allow for the road right-of-way and FPL sub-station does not occur, it would be foreseeable that the Corbett canal and equestrian trail system will also not come to fruition.

The Public will benefit by these easements and land exchange, and, the Comprehensive Plan Amendment in the following manner:

1. Adequate and reliable electrical service will be provided to Research Park, including the proposed residential development areas.
2. Eliminates condemnation of residential homes and property along existing Seminole Pratt Whitney allowing the current existing home sites to remain, eliminating delays to the implementation of the Scripps development within the Research Park associated with the delays of condemnation and/or unknown financial exposure associated with a quick take of the property.
3. Creates a permanent "compatibility buffer" along the eastern boundary of the CWMA by placing such lands in public ownership and planning same so that development to the east of the CWMA does not hinder and further enhances the ability of the CWMA to meet its preservation, wildlife management, and recreational program objectives by providing natural barrier and controlled access into CWMA and provides for setbacks from adjacent residential and commercial uses;

4. The goal of Palm Beach County to have a Comprehensive Trail System Network will be furthered by this proposal.
5. Facilitates a number of related State program initiatives by setting aside land for a trail head and feeder trails for biking, hiking and equestrian use, relating to the Ocean to Lake Trail, and the Lake Okeechobee Scenic Trail;
6. The CERP project for regional water management will be furthered by this proposal.
7. Facilitates proper short and long term planning between the County, the South Florida Water Management District, and the CWMA on implementation of a portion of the Comprehensive Everglades Restoration Plan by securing a viable implementation strategy/corridor;
8. CWMA property west of Mecca Farms will not be impacted with new transmission lines and new corridors.
9. Eliminates the need to impact the CWMA with new electrical transmission lines and corridors within the CWMA.
10. Eliminates the need for additional overhead electrical transmission lines/structures impacting residential neighborhoods.
11. Extension of Seminole Pratt Whitney Road creates an evacuation route for Acreage/Loxahatchee and Research Park with direct access to SR 710 (Beeline Highway)
12. Enhances the CWMA area by:
 - A. Exchanging land within the CWMA which cannot be used to their greatest potential because of limited ability to perform prescribed burns for twice as much land of greater quality and utility to CWMA;
 - B. Immediately creating enhanced access control along the affected eastern boundary of the CWMA, including enhanced access control to the transmission corridor, and ultimately the highest level of unauthorized access control into the CWMA by the construction of the Corbett Canal;
 - C. Creating enhanced public access facilities to the CWMA at its existing South entrance adjacent to the youth Camp by the construction of a paved access road and parking facilities.
 - D. Eliminates the on-going maintenance costs associated with the current access easement to the South Entrance/Youth Camp along the western boundary of the Mecca property allowing the CWMA to redirect those resources to other program objectives;
13. Allows the Research Park/Scripps project to meet its critical infrastructure needs for access, reliable power and water management in the most responsible and reliable manner possible. The public benefit of the Scripps project has already been established by the State of Florida via, the Office of Tourism, Trade and Economic Development (OTTED).

1) Changed projections: In conjunction with other infrastructure and capital improvement text amendments being amended and processed by Palm Beach County, this site specific

amendment is being processed to provide infrastructure improvements for the Research Park including provisions for energy, transportation and drainage needs.

- 2) **Changed assumptions:** At the time that the Palm Beach County Comprehensive Plan was adopted, it was unforeseen that the Palm Beach County Biotechnology Research Park (Research Park) would be proposed on the Mecca Farms property, located directly northeast of the subject property. As such, there would have been no consideration to provide for expanded utility and transportation services to the Mecca Farms site. As Palm Beach County and the State of Florida have committed to constructing the Research Park for The Scripps Research Institute (TSRI) and other research and development uses, providing adequate and reliable utility services is imperative.

Additionally, at the time that the Comprehensive Plan was adopted, it was unforeseen that The Scripps Research Institute would locate their east coast headquarters in Palm Beach County. The desire to foster biotechnology and research & development as a major employment sector and to act as an economic stimulant has resulted in other Comprehensive Plan amendments, including the development of an Overlay District specifically developed to encourage the clustering of this specialized industry. The Scientific Community Overlay District has been created to further this economic goal.

A detailed analysis of the opportunity to serve this site has been performed and the proposal set forth as part of this Comprehensive Plan Land Use Amendment request is the proposal that has the least impact on the environment and the health, safety and welfare of the public.

Electrical Distribution Sub-Station

Three optional sub-station locations and points of service were reviewed by the FPL Planning Department. The first option looked at placing the sub-station on the Research Park property, generally located in the southwestern quadrant. To locate the sub-station on the property, a connection would need to be made to the existing overhead transmission lines in the Corbett Wildlife Management Area (CWMA). The first option would be to connect the new overhead lines into the existing transmission line at approximately the same latitude as the southernmost portion of the Research Park. This would require cutting of a cleared area approximately 60 to 80 feet wide for approximately ½ mile through the CWMA. This area would be approximately 6.37 acres in size and would create a “triangle” of property that would be enclosed by overhead transmission lines on two sides and Seminole Pratt Whitney Road on the third. In reviewing this option with representatives from the Florida Fish and Wildlife Conservation Commission (FWC), this approach would create a very difficult situation for the maintenance and protection of the CWMA, due to the fact that this triangularly shape portion of property would be very difficult to maintain, especially for controlled burns, which is their preferred maintenance operation. An additional maintenance road way would need to be provided underneath these new transmission lines. Although these roadways are typically gated, they cannot always be monitored and an additional point of access was also a concern to the FWC.

A second option was explored that also would have allowed the sub-station to be located on the Research Park property. This option would have proposed to connect new transmission lines into the existing line at the point where they cross Seminole Pratt Whitney Road. New transmission lines would then run north adjacent to Seminole Pratt Whitney Road to the Research Park site and then run east to a proposed sub-station. Although this option would have less impact on the CWMA, it would significantly impact the existing residents that live

on the east side of Seminole Pratt Whitney Road. The transmission lines would again need to be located in an approximate 60 to 80 foot wide easement, so property would need to be condemned for an easement on the east side of the road. The poles and transmission lines would be installed at a height of 75 to 80 feet and therefore, would become a visual nuisance to the residents who live along Seminole Pratt Whitney Road and the area in general, and to anyone traveling Seminole Pratt Whitney Road. Additionally, these transmission lines would be classified as a “double circuit line”, which means that both circuits would run on one pole. This design is undesirable to FPL in that it is not a reliable design option. If a pole is damaged or taken out of service, which could happen due to the fact that the pole would be located close to a roadway, the service to the Research Park would be impacted or temporarily terminated. In addition to the need to provide capacity for the Research Park project, there is also a great need for reliability of service, due to the types of tenants that are anticipated for the project. Therefore, this option was also determined to be not acceptable.

The third option, which is the preferred option, is to locate the sub-station directly north of and adjacent to the transmission line, at the point that it crosses Seminole Pratt Whitney Road, on the west side of the road on property in the CWMA. This design has minimum impact on the CWMA in that only +6 acres of property would be impacted for the sub-station and there would be no maintenance or management issues related this location. By locating a sub-station at this site, the required connection to a high voltage source of power is easily achievable due to the fact that that transmission lines are located adjacent to the site. Therefore, additional transmission lines will not be required. If the sub-station were located anywhere else, new lines through new corridors would be needed, and the impact to CWMA would be greater. Additionally, this location positively relates to the other elements that are included in this request, including the road right-of-way, Corbett canal, and the equestrian trail.

Seminole Pratt Whitney Right-of-Way

The current Thoroughfare Right-of-Way Identification Map protects the Seminole Pratt Whitney Road right-of-way at 120 feet in width. Extension of this roadway had been on the Plan for numerous years. Improvements of this roadway are needed now and with the onset of the Research Park, additional improvements will be needed to support the existing and projected traffic. The County’s Thoroughfare Roadway Plan calls for the eventual construction of Seminole Pratt Whitney Boulevard from Northlake to the Beeline Highway. Of this 6 mile stretch, approximately 5 1/2 miles of the construction lies within a 240 foot wide right-of-way of land already under the control of Palm Beach County. The southernmost portion between Northlake Boulevard and the Mecca property is located within a roadway easement measuring only 60 feet in width as it passes along the eastern edge of the Corbett Wildlife Management Area. The approximate length of this 60 foot wide segment is 2200 linear feet.

While a 240 foot wide road right-of-way is being secured along the majority of this segment, only 120 feet is being sought for the section along the CWMA, which represents the minimum width necessary to meet the design requirements for an ultimate 6-lane road section. The County will be accommodating the stormwater from this section as well as any other mitigation or regulatory requirements which may be imposed as a result of the permitting of this segment within the Mecca Property in order to ensure that additional property from within the CWMA is not required.

Presently, 18 – 20 residences exist along the east side of Seminole Pratt Whitney Boulevard. Expansion of the right-of-way to the east, away from the CWMA, will require

condemnation on most if not all of these properties, and in 4-5 cases will require total acquisitions. The timing involved will be considerable and delays are anticipated to have a negative impact on the design and construction of the project.

The County has recently contracted with a Consultant for the design of a 4-lane roadway section through the Mecca property to its north boundary, and from there continuing north as a 2 lane roadway to the Beeline Highway (SR 710). This will provide crucial access to both Southern Boulevard (SR 80) to the south and to the Beeline Highway (SR 710) to the north and will provide an evacuation route out of the area if needed in the future.

Comprehensive Everglades Restoration Plan Project – Corbett Canal Construction/Maintenance Area - Future Equestrian, Biking & Hiking Trail

Part of the Comprehensive Everglades Restoration Program (CERP) includes creating corridors for moving water from the reservoirs located to the south of the CWMA to the SW corner of the Research Park to the NE corner of the Research Park where the C-18 canal is located and through to the Loxahatchee River and Slough. The Loxahatchee River is Florida's only designed wild and Scenic River. The corridor will also be used for flood control purposes. The County is allocating +250 acres of property within the Research Park for this purpose to be constructed in a shallow "flow-way" configuration which includes reconstructed wetlands and upland environments.

Ultimately a 190' cross section will be required for the Corbett Canal. This includes 40' of maintenance easement on both sides of the canal. The 150' cross-section will be secured by the South Florida Water Management District (SFWMD) under a separate transaction. The maintenance area on the east side of the canal will be used as a construction easement for the Corbett Canal and then ultimately as a maintenance easement for the canal as well as provide hiking, biking and equestrian trails from the communities to the south to the entrance to the CWMA/Youth Camp and to the proposed trail head located immediately east of the CWMA South entrance/Youth Camp. In order to ensure that the 40' construction easement is in place to allow for the construction of the Corbett Canal without further impact to the CWMA, the County is proposing to exchange the Corbett Canal 40' Maintenance Area as part of this land exchange.

3) Data errors: Not Applicable

- 4) New issues:** To provide adequate and reliable utility service, as well as adequate vehicular and pedestrian transportation opportunities to the Research Park, site infrastructure and utility improvements must be made. At the time that the Palm Beach Comprehensive Plan was adopted, these types of improvements were not anticipated due to the fact that the properties in the immediate surrounding area had a Comprehensive Plan Land Use designation that would allow a lower intensity of development. Due to the agreement between the State of Florida, Palm Beach County and TSRI, the development of the Mecca property and a complementary development of a portion of the Vavrus property are now underway and, as such, adequate infrastructure must be provided. The proposal set forth as part of this amendment application will allow for reliable and adequate utility service and adequate transportation opportunities to be provided to these sites. Additional benefits include the opportunity to further the equestrian trail program in western Palm Beach County and to include the Corbett Canal, which will help further the CERP program.

An evaluation of alternatives was performed to determine the preferred option for providing electrical service to Research Park. First, the existing sub-stations in the area were

considered. Two sub-stations are approximately seven miles away. Two other sub-stations are approximately four miles away. Most of these facilities are in high growth areas, and the available power capacity of each station is needed to serve the individual communities in their surrounding areas. Attempting to serve the Research Park electrical loads from any of these existing sub-stations would require very long feeder duct banks. The resulting feeder exposure from multi-mile feeder lengths would compromise the reliability of the service. Dig-ins and other potential equipment damage could result in extensive outages to a large number of customers for an extended period of time. This is not acceptable to serve the Research Park and its tenants, many of whom will be on the cutting edge of technology and research.

The preferred option to provide adequate and reliable electrical service to Research Park is the construction of a new sub-station in close proximity to the development. Three optional sub-station locations and points of service were reviewed by the FPL Planning Department. These options are discussed in detail later in the application.

A location about one quarter mile south of the Mecca Farms property has been identified as the preferred location. It is adjacent to the existing FPL transmission line corridor in the Corbett Wildlife Management Area (CWMA). By siting a sub-station at this location, the required connection to a high voltage source of power is easily accomplished due to the adjacency of the transmission lines directly north of the site, and additional transmission lines will not be required. If the sub-station were located anywhere else, new lines through new corridors would be needed, and the impact to CWMA would be greater. This design has minimum impact on the CWMA in that only +5 acres of property would be impacted for the sub-station and there would be no maintenance or management issues related this location. Additionally, this location positively relates to the other elements that are included in this request, including the road right-of-way conveyance canal, and the equestrian trail. FPL plans to have this facility on line by 2006 to meet the electrical needs of the Research Park.

5) Additional detail or comprehensiveness: Not Applicable

6) Data updates: Not Applicable

EXHIBIT 3

DEMONSTRATION OF NEED

Electrical Distribution Substation

As part of Palm Beach County's preparations for the imminent arrival of The Scripps Research Institute (TSRI) and the development of the Palm Beach County Biotechnology Research Park (Research Park), the "Mecca Farms" site in north-central Palm Beach County is being acquired. Palm Beach County provided FPL information on the proposed development program for the PBC Research Park, including proposed densities for each land use type. Based on this information, the FPL Planning Departments analyzed the expected electrical load requirements along with the reliability levels of service typically required by research type facilities (throw-over service). This analysis resulted in a determination of the total MVA demand loads and the required number of individual feeder circuits necessary to serve those loads in the most reliable manner. FPL plans to have this facility on line by 2006 to meet the electrical needs of the Research Park.

An evaluation of alternatives was performed to determine the preferred option for providing electrical service to Research Park.

Alternative 1: Use of Existing Substations. The existing substations in the area were considered. Two substations are approximately 7 miles away. Two other substations are approximately four miles away. Most of these facilities are in high growth areas and the available power capacity of each station is needed to serve the individual communities in their surrounding areas. Attempting to serve the Research Park electrical loads from any of these existing substations would require very long feeder ductbanks. The resulting feeder exposure from multi-mile feeder lengths would compromise the reliability of the service. Dig-ins and other potential equipment damage could result in extensive outages to a large number of customers for an extended period of time.

Alternative 2: Construction of New Substation within Mecca Property. The County allocated 10 acres for the construction of a substation within the Research Park and two-sub options were investigated for providing power to the distribution substation from transmission lines.

- A. Place new transmission lines within the expanded right of way for Seminole Pratt Whitney Road. This option would extend the overhead transmission lines from the existing corridor which crosses Seminole Pratt Whitney north to the south Mecca property line along both the east and west side of the right of way. This option would require; 1) additional right of way on both sides of Seminole Pratt Whitney Road due to the reduction in ROW width to the minimum 120' and condemnation of residential properties along the east side of the ROW, and 2) the construction of additional overhead transmission structures. This option would also negatively impact the ability of the CWMA to manage (water management, controlled burns, etc) the lands within the triangle of property bounded on two sides by the transmission corridor.
- B. Create a new 60' transmission corridor from the existing corridor within CWMA directly east to the substation site within the Research Park. This option would create a second transmission corridor within the CWMA and completely isolate,

from a management perspective a triangularly shaped parcel of property within the CWMA.

- C. Site the substation in the CWMA. This option creates a substation site approximately one quarter mile south of the Mecca property, adjacent to the existing FPL transmission line corridor and within the triangle of property currently impacted by the transmission corridor on the west side and the right of way on the east side. By placing a substation at this location, the required connection to a high voltage source of power is simply a short pull-off. This results in a 6.38 acre site for the substation on land which is already impacted environmentally and from a management perspective and replaces it with lands of greater quantity and quality to the CWMA.

A location about one quarter mile south of the Mecca Farms property has been identified as the preferred location. It is adjacent to the existing FPL transmission line corridor in the Corbett Wildlife Management Area (CWMA). By placing a sub-station at this location, the required connection to a high voltage source of power is easily accomplished due to the adjacency of the transmission lines directly north of the site, and additional transmission lines will not be required. If the sub-station were located anywhere else, new lines through new corridors would be needed, and the impact to CWMA would be greater. This design has minimum impact on the CWMA in that only +6 acres of property would be impacted for the sub-station and there would be no maintenance or management issues related this location. Additionally, this location positively relates to the other elements that are included in this request, including the road right-of-way conveyance canal, and the equestrian trail.

Seminole Pratt Whitney Right-of-Way

The need for the extension and widening of Seminole Pratt Whitney Road has been determined by the transportation analysis that has been performed in conjunction with the Comprehensive Plan and Development of Regional Impact (DRI) applications. Seminole Pratt Whitney Road will initially be constructed as a four-lane section with the opportunity to increase to six lanes as the Research Park project builds out. The ultimate cross section of Seminole Pratt Whitney Road will be a 120-foot right-of-way. Because only 60 feet exists to accommodate the width of roadway needed for the project, an additional 60 feet of property must be obtained in that area between Northlake Boulevard and the southern limits of the Research Park project. There are two opportunities to acquire property, either on the east side of the existing 60 foot right-of-way where existing homes within The Acreage exist, or on the west side of Seminole Pratt Whitney Road within the CWMA. After performing an in-house road alignment analysis, Palm Beach County has determined that the appropriate approach is to acquire the property from the CWMA and not impact the existing home sites on the east side of existing Seminole Pratt Whitney Road. If property had to be obtained from these home sites, the condemnation would need to take at least 60 feet width of right-of-way, which would essentially render many of the lots unbuildable and ultimately require that a "full take" be exercised. Securing the land from the CWMA has the least impact as it relates to the opportunity to acquire the additional right-of-way needed. In conjunction with the design of the Corbett canal and the equestrian trail system, this additional right-of-way furthers many goals of Palm Beach County and the Palm Beach County Comprehensive Plan.

Comprehensive Everglades Restoration Plan Project – Corbett Canal Construction/Maintenance Area - Future Equestrian, Biking & Hiking Trail

Part of the Comprehensive Everglades Restoration Program (CERP) includes creating corridors

for moving water from the reservoirs located to the south of the CWMA to the southwest corner of the Research Park, to the northeast corner of the Research Park where the C-18 canal is located, and through to the Loxahatchee River and Slough. The Loxahatchee River is Florida's only designed Wild and Scenic River. The corridor will also be used for flood control purposes.

The impact of the Research Park on the surrounding area, including the conservation lands to the north and west, and the low density residential to the south, has been strongly considered as part of the programming and design of that projects master plan. The J.W. Corbett Wildlife Management area is owned by the Florida Fish and Wildlife Conservation Commission and held under conservation. Palm Beach County currently owns a portion, and is currently purchasing the remaining conservation lands of the Hungryland Slough. The master plan for the Research Park contains proposed natural areas on both the west and north boundaries of the site. The extension of Seminole Pratt Whitney Road will occur also on the west boundary of the Research Park site but east of the proposed natural area. The two natural areas are multi-purpose and have been labeled the Research Park Natural Area(s). The multiple purposes for this area include natural area buffers, habitat replacement and wetland vegetation replacement for the project, final outfall (cleansing) marsh for the project, and to provide opportunity for a future L-8/C-18 Basin interconnect.

Early coordination meetings with the South Florida Water Management District (SFWMD) resulted in a determination that the Research Park Natural Area can help further the goals of the Comprehensive Everglades Restoration Program (CERP), which includes the restoration of the Loxahatchee River Watershed. The North Palm Beach County CERP plan has identified the need to have an interconnection between the L-8 Basin and the C-18 Basin which has been referred to as a "flow way". The Research Park Natural Area includes a provision for future use by SFWMD for this L-8/C-18 Basin interconnects. This basin interconnect, when implemented by SFWMD and the U.S. Army Corps of Engineers, can provide a means to deliver water from the L-8 Basin to the Loxahatchee Slough and River system during the dry season, and, deliver excess water from the Loxahatchee Slough (C-18 Canal) to the L-8 Basin for storage during the wet season.

In addition to the Research Park Natural Area, additional water management/lake areas are provided to accommodate drainage from the project itself and shall consist of lakes and littoral areas. There are multiple benefits to having the Research Park Natural Area and the water management/lakes. These areas enhance wildlife, provide recreational wetlands and uplands, and provide future tenants the opportunity to construct buildings with views overlooking the water. These lake areas also provide the opportunity for tenants to construct multiple buildings on one property with a campus-like setting, while providing employees outdoor break areas with views of the water and open space. The Research Park Natural Area will provide an adequate buffer for the conservation lands to the north and west, while the water management/lake areas will provide an adequate buffer. The Acreage to the south. The County is allocating +250 acres of property within the Research Park for this purpose to be constructed in a shallow "flow-way" configuration which includes reconstructed wetlands and upland environments.

Ultimately a 190 foot wide cross section will be required for the Corbett Canal. This includes 40 feet of maintenance easement on both sides of the canal. The 150 foot wide cross-section will be secured by the South Florida Water Management District under a separate transaction. The maintenance area on the east side of the canal will be used as a construction easement for the Corbett Canal and then ultimately as a maintenance easement for the canal as well as provide hiking, biking and equestrian trails from the communities to the south to the entrance to the CWMA/Youth Camp and to the proposed trail head located immediately east of the CWMA South entrance/Youth Camp. In order to ensure that the 40 foot wide construction easement is

in place to allow for the construction of the Corbett Canal without further impact to the CWMA, the County is proposing to exchange the Corbett Canal 40 foot wide maintenance area as part of its land exchange. This land exchange will be for environmental properties which will be determined at a later date.

EXHIBIT 5

LETTERS IN SUPPORT OR OPPOSITION

From: <hoppec@bellsouth.net>
To: <pzbmain@co.palm-beach.fl.us>
Date: 5/25/2004 5:17:51 PM
Subject: FPL Substation: LGA 2004-00046

Mr. Michael Howe,

Thank you for the letter regarding the FPL project. I can understand the need for such projects, but I object greatly to the location. The governer and the county are bending over backwards to accomadate the scripps institute, and FPL wants to destroy twenty eight acres of a designated wildlife preserve across the steet from our backyards? Why can't this project be moved further north? Like across the street from scripps? Why is this even being considered for this location? Twenty eight acres is no small site and it "will" be an eye-sore. I propose putting it somewhere north of where the Mecca Farms property begins. A few miles xtra away from the residential areas would provide a much better buffer zone. I think I speak for the majority of the homeowners in the acerage when I say we bought property and homes because it's rural and we would like to keep it that way. There must be an alternative site for this project and I hope the people and the leaders of palm beach county can find a way to meet the demands of a growing community while preserving property values and the enviroment.

Thank you,
Jeffrey S. Hoppe

Outgoing mail is certified Virus Free.
Checked by AVG anti-virus system (<http://www.grisoft.com>).
Version: 6.0.690 / Virus Database: 451 - Release Date: 5/22/2004

Mr. Michael Foxe

June 11, 2004

Dear Sir, I have been a property owner in West Palm Beach, for 24 years. The value of my property is finally more than the taxes. I bought my property because of the Wildlife management area, and the appeal of nature. I do oppose, and wonder, why in electrical sub station, I knew that additional electricity is needed, but why in this particular location and why change the status of the property from conservation, to transportation and utilities facilities. Too much serial, and untempered land is being cut up, cut down, and damaged. Look what is happening to the natural habitat of the Florida Everglades. Any consideration from you would be appreciated.

Thank You
Laddner A. Merowetz
128 Baker Road
Newton Ga 30265-1344
property control number
00-40-42-15-00-000-7210

RECEIVED

JUN 14 2004

PLANNING DIVISION



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 G. Pattison, AICP

Executive Director

RE: Plan Amendment Comment for 2004-ERP Package, 2.B.2 Research Park
Accessory Multi-Use Site (LGA 2004-00046)

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.

This amendment would change the future land use designation for a 28.37 acres parcel within the J.W. Corbett Wildlife Management Area from Conservation (CON) to Transportation and Utilities. The proposed "need" for locating the substation within a conservation area illustrates how the proposed amendment violates several of the indicators of sprawl set forth in Rule 9J-5, Florida Administrative Code. First, the rationale for siting the electrical substation and Seminole Pratt Whitney road right-of-way on the parcel is because existing facilities are not adequate to handle the demands of the project. This need was created because the site selected for the project was not located in an area of the county where either the necessary public facilities were already available, or scheduled to be available as part of Palm Beach County's capital improvements element.

Second, Rule 9J5-.006(5)g. 13, F.A.C., identifies as one of the primary indicators of sprawl, a plan amendment that "Results in the loss of significant amounts of functional open space." Obviously, the conversion of 28 acres of conservation lands to transportation and utility facilities uses results in a loss of open space. While the staff analysis states that Palm Beach County will be providing an equivalent amount of acreage of greater quality in exchange for the subject property, which has not yet been identified, the need to use conservation lands in the first place is an indicator that the Mecca location for the Scripps project is inappropriate.

Having to place this type of infrastructure within a wildlife management area further demonstrates the problems associated with the Mecca site, and

1000 FRIENDS OF FLORIDA

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Tallahassee, Florida

32314-5948

Telephone: (850) 222-6277

Fax: (850) 222-1117

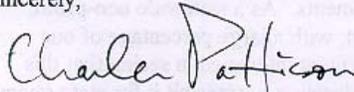
Commissioner Karen Marcus
June 26, 2004
page 2

suggests more should be done to find a site that can accommodate power facilities within its perimeter.

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 such a review can be done.

Thanking you for your time and considerations, I am

Sincerely,



Charles G. Pattison, AICP
Executive Director

cc: Commission Members
Val Hubbard, DCA
Ray Eubanks, DCA

Access + EDC

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

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.

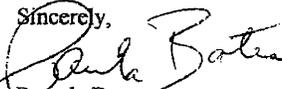
It is also important to note that the impacts of this project, and related development on surrounding natural areas have not been cumulatively analyzed. Mecca Farms and adjacent Vavrus Ranch are surrounded by tens of thousands of acres of conservation lands, much of which was acquired with **Palm Beach 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

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.

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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.

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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.

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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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Charles C. Pattison, AICP
Executive Director

RE: Plan Amendment Comment for 2004-ERP Package, 2.A.4 Research Park
 Accessory Multi-Use Site (LGA 2004-00046)

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 comply with all state and local planning requirements. We have reviewed the proposed amendment documents, including the staff report and the DCA ORC report, and continue to believe this amendment does not meet minimum state planning requirements.

This amendment would change the future land use designation for a 28.37 acres parcel within the J.W. Corbett Wildlife Management Area from Conservation (CON) to Transportation and Utilities. The proposed "need" for locating the substation within a conservation area illustrates how the proposed amendment violates several of the indicators of sprawl set forth in Rule 9J-5, Florida Administrative Code. First, the rationale for siting the electrical substation and Seminole Pratt Whitney road right-of-way on the parcel is because existing facilities are not adequate to handle the demands of the project. This need was created because the site selected for the project was not located in an area of the county where either the necessary public facilities were already available, or scheduled to be available as part of Palm Beach County's capital improvements element.

Second, Rule 9J5-.006(5)g.13, F.A.C., identifies as one of the primary indicators of sprawl, a plan amendment that "Results in the loss of significant amounts of functional open space." Obviously, the conversion of 28 acres of conservation lands to transportation and utility facilities uses results in a loss of open space. While the staff analysis states that Palm Beach County will be providing an equivalent amount of acreage of greater quality in exchange for the subject property, the need to use conservation lands in the first place is an indicator that the Mecca location for the Scripps project is inappropriate. We have presented similar comments to the U.S. Fish and Wildlife Service (USFWS) and the Acquisition and Recreation Committee (ARC) of the Florida Forever program.

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Commissioner Karen Marcus
September 30, 2004
page 2

In addition, we have learned that no formal biological survey has been conducted on this particular parcel. We understand that this is one of the considerations for the USFWS to require an Environmental Assessment before it rules on the appropriateness of such an exchange. Finally, we are very concerned that this swap sets a dangerous precedent for trading public, and especially conservation lands, for uses that were never intended, such as economic development. We have also expressed these concerns to the Governor and Cabinet sitting as the Trustees of the Internal Improvement Trust Fund.

Having to place this type of infrastructure within a wildlife management area further demonstrates the problems associated with the Mecca site, and suggests more should be done to find a site that can accommodate power facilities within its perimeter.

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. For these reasons, 1000 Friends of Florida recommends that this amendment not be adopted.

Thanking you for your time and considerations, I am

Sincerely,



Charles G. Pattison, AICP
Executive Director

cc: Commission Members
Val Hubbard, DCA
Ray Eubanks, DCA

EXHIBIT 6

TRAFFIC STUDY

Available to the LPA and BCC upon request.