



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

Item Name:	FLUE Policy 3.5-d Modifications-
Element:	Future Land Use Element (FLUE)
Item Before the Board:	To hold a public hearing on a proposed amendment to FLUE Policy 3.5-d exempting Scientific Community Overlay from the requirements of this policy.
Meeting Date:	Final Report , Adopted October 13, 2004
Project Manager:	Vinod Sandanasamy, Transportation Planner II
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:** *Approval, with one modification* (11-1, with Ms. Francis dissenting) at the June 11, 2004 Public Hearing. The modification recommended by the LUAB included adding language in order to consider appropriate traffic mitigation measures. This modification, however, is not reflected in Exhibit 1 of this staff report since it is Staff's position that the appropriate mitigation measures are already included in the proposed CRALLS amendment being processed simultaneously. Board discussion focused on the need for the policy modification as opposed to the proposed CRALLS amendments. However, Staff clarified that this proposed change is necessary in order for the proposed Mecca Farms EDC site-specific amendment to meet long-term traffic requirements, rather than for the purposes of concurrency. Several residents of the Acreage and Loxahatchee Groves spoke in opposition of this amendment.
- C. BCC Transmittal Action:** Motion by Commissioner Koons, seconded by Commissioner Newell, to *transmit* passed in a unanimous vote 7-0 at the June 28, 2004 Public Hearing. There was minimal Board discussion. Several residents of the Acreage and Loxahatchee Groves spoke in opposition of this amendment.

POST TRANSMITTAL ACTION

- A. **ORC Report Findings:** None
- B. **Response to ORC Report:** None
- C. **Revisions Not Previously Reviewed:** None
- D. **BCC Adoption Action:** Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, to ***adopt an ordinance*** passed in a 4-3 vote (with Commissioners McCarty, Newell, and Koons dissenting) at the October 13, 2004 Public Hearing. Since the Transmittal public hearing, Staff drafted alternative language that was presented at the adoption public hearing. This language proposed to establish criteria for cluster industries that would provide significant economic benefits to the County in lieu of the original proposal to specifically exempt the Scientific Community Overlay from the requirements of this policy. Board comments focused both on the benefits in exempting future projects from this policy that could provide economic benefits to the County, as well as the reluctance to allow the language to be opened up for future projects. Representatives from several environmental groups including the Sierra Club, Audubon Society, and 1,000 Friends of Florida as well as several residents of the Acreage and Loxahatchee Groves spoke in opposition of this amendment. An original motion was made by Commissioner Koons, seconded by Commissioner McCarty, to adopt the revised language; however, this was replaced by the substitute motion to adopt the original language which passed in a 4-3 vote.

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I. SUMMARY REPORT

A. BACKGROUND

Policy 3.5-d requires proposed land use amendments to address traffic conditions for certain roadways falling within the radius of impact in the long-range roadway network. According to this Policy, all land use amendments are required to meet LOS D on all roadways where the land use amendments have a traffic impact of 3% of LOS D or greater. Thus land use amendments cannot be approved if the traffic impact on a roadway in the long-range roadway plan is greater than 3% and if it is projected to exceed LOS D.

Since the Scientific Community Overlay will promote important public objectives to support the economic vitality of this region, the proposed amendment will facilitate the development of the Overlay by exempting it from the requirements of this policy.

B. THE PROPOSED AMENDMENT

1. Amendment Intent and Summary

The intent of this proposed amendment is to exempt Scientific Community Overlay from the requirements of FLUE policy 3.5-d.

2. Unified Land Development Code Implications

This proposed amendment will not result in a subsequent amendment to the County's land development regulations in the Unified Land Development Code (ULDC).

C. ISSUE AND DATA/ANALYSIS SUMMARY

The exemption of the Scientific Community Overlay from the requirements of FLUE policy 3.5-d is necessary for the development of this project, which will promote important public objectives to support the economic vitality of this region.

D. PUBLIC AND MUNICIPAL REVIEW

1. **Intergovernmental Plan Amendment Review Committee (IPARC):** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review. The IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments. A formal notice (requesting comments) was mailed to IPARC on May 19, 2004. As of the printing of this report, no objections had been received.

2. **Other Notice:** At the time of the printing of this report, two letters in opposition have been received (see Exhibit 3).

E. ASSESSMENT AND CONCLUSIONS

The proposed amendment will allow Palm Beach County to proceed with the development of a science and technology research park/campus to attract a variety of high quality science and technology-related companies, as well as ensure that the fostering of science and technology uses becomes part of the County's long-term economic development. The proposed amendment to the Comprehensive Plan have been developed and refined with the participation of several county agencies, and will help ensure the success of science and technology uses in Palm Beach County.

F. ALTERNATIVE ACTIONS

The following courses of action are available to the Board:

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

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II. EXHIBITS

1.	Proposed Text Changes	6
2.	Support Data and Analysis	7
3.	Letters in Support or Opposition	8

EXHIBIT 1

A. Future Land Use Element, FLUE Policy 3.5-d Modifications to promote cluster industries

REVISIONS: To modify FLUE Policy 3.5-d exempting the Scientific Community Overlay from the requirements of this policy. The added text is shown underlined.

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. Significant impact shall be as defined in Table 3.5-1.

**TABLE 3.5-1
Significant Impact**

Net Trip Generation**	Distance
1 - 50	No significant impact
51 - 1,000	Only address directly accessed link on first accessed major thoroughfare*
1,001 - 4,000	One (1) mile*
4,001 - 8,000	Two (2) miles*
8,001 - 12,000	Three (3) miles*
12,001 - 20,000	Four (4) miles*
20,001 - up	Five (5) miles*

* A project has significant traffic: (1) when net trips will cause the currently adopted LOS for FIHS facilities to be exceeded; and/or (2) where net trips impacting roads not on the FIHS are greater than three percent (3%) of the currently adopted level of service "D" capacity on an AADT basis of the link affected up to the limits set forth in this table. The laneage shall be as shown on the adopted Long Range Transportation Plan.

** When calculating net trips, consideration will be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

This Policy shall not be applicable to the Scientific Community Overlay.

EXHIBIT 2

SUPPORT DATA AND ANALYSIS

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

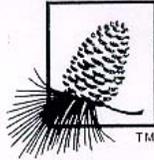
TSRI will be the anchor of the research park/campus, which is expected to attract several “spin-off” pharmaceutical firms and related industries, which will create several thousand jobs, a high proportion of which will be high-wage and high skill jobs. In addition, TSRI will partner with universities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

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

The County's decision to support the development of a science and technology based research park/campus on the Mecca Farms site, and to make the fostering of research and development uses an important part of its long-term economic development strategy, necessitates several changes to the text of the Comprehensive Plan. Along with this amendment, the County has proposed amendments to its TIM and 2020 roadway map series to add two new roadway segments (PGA Boulevard from Seminole Pratt-Whitney Road to Beeline Highway as 6 lanes and Coconut Boulevard from PGA Boulevard to Northlake Boulevard as 4 lanes) and to widen three existing roadway segments (Seminole Pratt-Whitney Road from Indiantown Road to Beeline Highway from 4 to 6 lanes, Seminole Pratt-Whitney Road from PGA Boulevard to Orange Boulevard from 4 to 6 lanes and Beeline Highway from PGA Boulevard to Northlake Boulevard from 6 to 8 lanes). These changes are intended to help ensure the success of this project by addressing traffic impacts from this project.

EXHIBIT 3

LETTERS IN SUPPORT OR OPPOSITION



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

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MEMORANDUM

TO: Land Use Advisory Board

DATE: June 11, 2004

SUBJECT: Future Land Use Element Policy 3.5-D Modifications – 04-ERP Text Amendment

Concurrency is the heart of Florida's growth management system. This proposed amendment essentially exempts the Scientific Community Overlay district from concurrency considerations, particularly when taken with the proposed CRALLS from Mecca and Vavrus north. The proposed change is inconsistent with requirements of Chapter 163 Florida Statutes and Chapter 9J-5 of the Florida Administrative Code. It is also inconsistent with the County's own comprehensive plan. It is unsupported by data and analysis; the support data and analysis document consists simply of a recitation of Palm Beach County's desire to locate Scripps and an unsupported statement of necessity for the change. There is no data. The legislation concerning Scripps does not exempt the County from concurrency.

The effect of the proposed change is to cost shift from the County to other units of government and land owners the financial impacts of the County's development decision. That is, the County's desire and decision to locate the Scientific Community Overlay district in an area where it would significantly impact roadway segments projected to fail to operate at the adopted level of service standard D without a concurrent plan to address the level of service deficiencies means that those deficiencies must be met by other infrastructure providers or land owners. The County is both regulator and property owner. It is inconceivable that the County would allow any other property owner to exempt itself from the requirements of concurrency. The cost shifting inherent in this change masks the true infrastructure cost of the proposed Scripps project. Those additional hidden costs have not been quantified nor reflected elsewhere in the comprehensive plan.

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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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Executive Director

RE: Plan Amendment Comment for 04-ERP package, **2.A.2 FLUE Policy 3.5-d Modification-Scientific Community Overlay (Mecca Project)**

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 seeks to exempt the Scientific Community Overlay from the current requirement of Policy 3.5-d that precludes the County from approving land use changes "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." This amendment completely guts the application of traffic concurrency to the Mecca project and violates Section 163.3180, Florida Statutes (F.S.), and Chapter 9J-5, Florida Administrative Code (FAC).

We agreed with the comment memorandum presented to the Land Use Advisory Board by Lewis, Longman & Walker, P.A., which also objected to this proposal. Nothing is more fundamental to the statewide growth management process than concurrency, and no such exemption is allowed in state statutes. If the county is allowed to exempt this site, and in this case, itself, from meeting these requirements, then it sets the precedent for others, including private interests, seeking similar exemptions. As described in 1000 Friends of Florida's comments on the other proposed transportation amendments, the CRALLS approach as applied to roadway segments does not satisfy the concurrency requirements of Chapter 163, F.S. and 9J-5, F.A.C..

To be more specific, this amendment contradicts the concurrency requirement of Chapter 163.3180(2)(c), F.S., and 9J-5.0055, F.A.C., which requires that transportation facilities needed to serve new development be in place no more than three years after issuance of development approvals. Although the

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Commissioner Karen Marcus
June 26, 2004
page 2

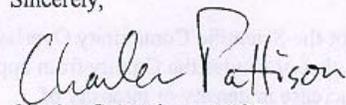
county is proposing companion CRAALs amendments, we believe those similarly avoid meeting the general intent of concurrency as noted above.

There are other statutory options available that the county has not chosen to explore. Those include the long term concurrency management systems and transportation concurrency management areas. These options would require specific capital improvements, implementation schedules, and more public involvement that has occurred thus far.

The county should not transmit this amendment until it explores both other solutions and sites that can better meet concurrency requirements.

Thanking you for your time and considerations, I am

Sincerely,



Charles G. Pattison, AICP
Executive Director

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

Approved

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

October 12, 2004

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

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

Dear Commissioner Marcus:

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

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

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

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

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

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

Respectfully submitted,

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

Catherine Dwore

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

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

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

Dear Commissioner Marcus:

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

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

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

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

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

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

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

I . d

0096-977-196

10/4/04 10:10 AM

October 4, 2004

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

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

Dear Commissioner Marcus:

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

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

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

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

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

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

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

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

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

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

Sincerely,



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



**FOWLER WHITE
BOGGS BANKER**

ATTORNEYS AT LAW

ESTABLISHED 1943

THOMAS G. PELHAM
DIRECT DIAL: (850) 681-0411
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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

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

#1652160v1

FOWLER WHITE BOGGS BANKER P.A.

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September 29, 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 04-ERP package, 2.A.2 FLUE Policy 3.5-d
 Modification-Scientific Community Overlay (Mecca Project)

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 consistently follows state planning requirements, including consistency with your own comprehensive plan. We do not believe this amendment does either, and recommend that it not be adopted in its present form.

We have reviewed the DCA ORC report, the staff report, and the changes proposed to address the objections raised. Having reviewed all of these materials, we remain convinced that this amendment is not consistent with state minimum requirements, is not consistent with the local comprehensive plan, and further demonstrates why the Mecca Farms site is inappropriate for the Scripps project. As your own staff report relates, this amendment is necessary for the Mecca Farms EDC amendment to meet long-term traffic requirements. The only way, however, that it does is through a bad policy exemption explained below.

This amendment seeks to exempt the Scientific Community Overlay from the current requirement of Policy 3.5-d that precludes the County from approving land use changes "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." This amendment completely guts the application of traffic concurrency to the Mecca project and violates Section 163.3180, Florida Statutes (F.S.), and Chapter 9J-5, Florida Administrative Code (FAC).

We agreed with the comment memorandum presented to the Land Use Advisory Board by Lewis, Longman & Walker, P.A., dated June 11, 2004, which also objected to this proposal. Nothing is more fundamental to the statewide growth management process than concurrency, and no such exemption is allowed in state statutes. If the county is allowed to exempt this site, and in this case, itself, from meeting these requirements, then it sets the precedent for others, including private interests, seeking similar exemptions. As described in 1000 Friends of

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Commissioner Karen Marcus
September 30, 2004
page 2

Florida's comments on the other proposed transportation amendments, the CRALLS approach as applied to roadway segments does not satisfy the concurrency requirements of Chapter 163, F.S. and 9J-5, F.A.C.. To be more specific, this amendment contradicts the concurrency requirement of Chapter 163.3180(2)(c), F.S., and 9J-5.0055, F.A.C., which requires that transportation facilities needed to serve new development be in place no more than three years after issuance of development approvals. Although the county is proposing companion CRAALs amendments, we believe those similarly avoid meeting the general intent of concurrency as noted above.

There are other statutory options available that the county has not chosen to explore. Those include the long term concurrency management systems and transportation concurrency management areas. These options would require specific capital improvements, implementation schedules, and more public involvement that has occurred thus far.

In addition, the new language added to FLUE Policy 3.5-d after the June 28, 2004, transmittal hearing, broadens the application of the exemption to all cluster businesses. Adding such industries and businesses to an area that is dominated with conservation and rural land uses is simply contrary to the spirit and intent of the Rural Tier, and again demonstrates why the proposed Mecca Farms site is an inappropriate location for the Scripps project. Furthermore, it is inconceivable, given the significant transportation issues facing the county, that this policy exemption is being extended to even more areas than the SCO. The exemption for these so called "cluster industries" will completely undermine concurrency countywide, contravene existing county goals, objectives and policies, and further subject the public to even more congestion in the name of "economic vitality". This is a false concept that needs to be eliminated.

The county should not transmit this amendment until it finds both solutions and sites that can meet concurrency requirements. Thanking you for your time and considerations, I am

Sincerely,



Charles G. Pattison, AICP
Executive Director

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