Memorandum

To: Regional Planning Council Members

From: Staff

Date: June 19, 2009 Regional Planning Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Palm Beach Gardens Comprehensive Plan
DCA Reference No. 09D-1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Palm Beach Gardens has proposed one text amendment to the Future Land Use Element (FLUE) and one amendment to the Future Land Use Map (FLUM) of the City Comprehensive Plan. The amendments are directly related to the Scripps Florida Phase II/Briger (Scripps/Briger) Development of Regional Impact (DRI). Under the provisions of Chapter 163.3187(1)(b), Florida Statutes, the amendments are exempt from the twice per year limitation on comprehensive plan amendments. The City has requested a formal review of the amendments by the DCA.
Evaluation

Text Amendment

The City proposes to amend Policy 1.1.1.5 (Mixed Use Development) of the FLUE by adding a new section to provide a subcategory for BioScience Mixed Use Development. This new subcategory is intended to provide the appropriate FLUM designation for the Scripps/Briger DRI property.

The amendment support materials indicate that the City is committed to economic development initiatives including the adoption of an Economic Development Element in the City Comprehensive Plan, the establishment of a Bioscience Research Protection Overlay (BRPO), the establishment of a Target Expedited Permitting Process and fostering quality development to support Class A office and laboratories within the PGA Overlay. The City seeks diversification to a tax base that is currently 80 percent residential.

The revisions to Policy 1.1.1.5 specify the allowable land use components of BioScience Mixed Use Development, define the terms “Employment Center” and “Employment Center Buildings”, and allow Employment Center Buildings to be a maximum of 150 feet in height if the buildings meet the following criteria:

A. Located within the designated BRPO.
B. Include a minimum of 100 contiguous acres within the designated BRPO.
C. Located within a DRI.
D. Located in a project east and immediately adjacent to Interstate 95.

Of the parcels within the BRPO, only the Scripps/Briger property qualifies for the increased height of 150 feet based on the current criteria (see Exhibit 2). The City indicates that height is extremely important for bioscience and related uses. According to the City, the Scripps Research Institute has specifically indicated that 150 feet in height is necessary to accommodate the need for a seven-story biotech laboratory building. The City provided information indicating that a number of the existing buildings in the City approach or exceed 150 feet in height. Any potential negative impacts to adjacent parcels as a result of additional building height will be mitigated through design and compatibility standards such as tiering, increased setback standards, increased buffering and building locations. The City concludes that the text amendment is consistent with the goals, objectives and policies of the City Comprehensive Plan.

Future Land use Map Amendment

In 2005 (Ordinance #7), the City revised the FLUM to add a notation regarding the 708.14 acres of property lying south of Donald Ross Road, north of Hood Road and east and west of I-95 (see Exhibits 3 and 4). The City is now considering an Application for Development Approval (ADA) for the Scripps/Briger DRI on the majority of that property. The DRI is to be a 681 acre mixed use development that includes:
1.6 million square feet of biotech research and development for the Scripps Research Institute.
2.4 million square feet of related biotech/biomedical, pharmaceutical and ancillary uses.
500,000 square feet of commercial/retail.
2,700 residential units.

The City proposes to revise the notation on the FLUM to indicate the maximum development intensities/densities for the Scripps/Briger DRI and five out parcels based on the number of trips that can be generated from development on each property. Exhibits 5 and 6 show the existing FLUM and the proposed FLUM with the notation modification. The current notation refers to the limits on land use densities and intensities. The modified notation refers only to the maximum number of trips that may be generated on each of the six properties in the 708 acre area, regardless of the type and intensity of use.

Extrajurisdictional Impacts

The Palm Beach County Intergovernmental Plan Amendment Review Committee was provided notice of the proposed amendments and the Clearinghouse Notice was distributed on March 12, 2009. Upon transmittal of the proposed amendments to the DCA, the City provided copies of the amendment materials to the Towns of Jupiter and Juno Beach and to Palm Beach County. The Town of Jupiter provided a letter to the City indicated concerns regarding the 150 foot maximum building height in the Employment Center (see Attachment A). The Town of Juno Beach has also provided a letter (see Attachment B) regarding the need to set back and buffer the tallest/highest structures within the DRI.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities. However, the TCRPC is in the process of reviewing the proposed ADA for the Scripps/Briger DRI and will be identifying whether there are regional issues which have not been adequately addressed.

Analysis of Consistency with Strategic Regional Policy Plan

Comments/Recommendations for Modification

1. The City should coordinate closely with the Towns of Jupiter and Juno Beach regarding the height of buildings in the Employment Center of the Scripps/Briger DRI. The City should ensure that buildings located near adjacent property lines are compatible with prevailing building heights on property already developed.
2. The status of the Scripps/Briger DRI relative to the review of the TCRPC is shown in Attachment C.

3. The use of a “note” on a FLUM is sometimes necessary when the development potential for a property is more complex or specialized than the particular FLUM designation definition can reflect. Such notes should be avoided unless absolutely necessary, since they make the use of the map more difficult for citizens of the community or adjacent communities. The existing notation on the City FLUM map sets forth the specific land use types by density and intensity. According to the City, this was based on the amount of traffic that could be accommodated as a result of development. This notation is now to be replaced by one that no longer refers to types and intensities of land use; but rather the number of trips that are “authorized” for each of the six land owners of the property in the area where the notation applies.

The City makes the point that they cannot predetermine the types and intensities of land use that each owner will propose; but that the landowner is limited by the number of trips his development will generate. However, this makes the use of the map even more difficult for the citizens of the community.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
## List of Attachments

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
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<tbody>
<tr>
<td>A</td>
<td>April 16, 2009 correspondence from the Town of Jupiter</td>
</tr>
<tr>
<td>B</td>
<td>May 15, 2009 correspondence from the Town of Juno Beach</td>
</tr>
<tr>
<td>C</td>
<td>Council Status Report – April 2009</td>
</tr>
</tbody>
</table>
April 16, 2009

Mayor Joseph Russo
City of Palm Beach Gardens
10500 N. Military Trail
Palm Beach Gardens, FL 33410-4628

Re: Briger Comprehensive Plan Amendment

Dear Mayor Russo,

Thank you for meeting with us today to review the Comprehensive Plan amendments for the Briger site that are being considered by the Palm Beach Gardens City Council this evening. The Briger site will be an important addition to the north county bioscience cluster, and we support its development for that purpose.

However, I want to reiterate one concern raised by the Jupiter Town Council—that of the proposed 150’ maximum height in the Employment Center. We request that this letter be made a part of the Public Record of tonight’s hearing and that it be transmitted to DCA with the amendment.

Given the low-scale, residential development at the other corners of I-95 and Donald Ross, buildings of 150’ closely abutting Donald Ross would not be compatible with the existing character. Also for comparative purposes, within Abacoa, the maximum height is 60’ with allowances for a 25% increase in height to vary rooflines. The existing Scripps facility buildings on the FAU Campus are only 60’ – 80’ high. It is only the spire that rises to 134’.

To date, we have not seen a reason that allowing 150’ throughout the employment Center is necessary for the success of biotech at the Briger site. While refinement could occur subsequently, as you know the Comprehensive Plan will set the tone and may create an expectation that 150’ will be allowed throughout that sub-district.

Prior to adoption of the amendments we hope you will have the opportunity to further review this matter. A couple modifications that might be considered:

210 Military Trail • Jupiter, Florida 33458 • www.jupiter.fl.us • Phone (561) 746-5134
- If buildings of 150’ are necessary, consider restricting their location toward the center of the site, away from Donald Ross. The heights would then "tier down" to a more compatible height. Establishing a setback from Donald Ross for buildings over a certain height would also accomplish this.

- If, as was indicated that Scripps desires the height to provide for architectural features, establish a lower maximum building height, with provision to go up to 150’ for spires and other architectural embellishments.

As discussed, we will follow-up with discussions with the County regarding the Town’s concern.

We look forward to working together with you to ensure a long-term, successful bioscience cluster in North County.

Sincerely,

Karen J. Golonka
Mayor

cc: Commissioner Karen Marcus
 The Honorable Palm Beach Gardens City Council
 The Honorable Jupiter Town Council
 Ronald Ferris, Palm Beach Gardens City Manager
 Kara Irwin, Growth Management Administrator
May 15, 2009

Mr. Terry Hess, Deputy Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

RE: Response Letter to Memo Dated May 7, 2009 / PBG Draft Comp Plan Amendment:
DCA Reference No. 09D-1

Dear Mr. Hess,

Thank you for the recent notification memorandum regarding the current draft of the Palm Beach Gardens Comprehensive Plan Amendment being reviewed by your office and the State Department of Community Affairs.

This Amendment’s subject is related to the Scripps Florida Phase II/Briger Development of Regional Impact and provides for public comment. By direction of the Town Council of Juno Beach, I would like to communicate their overall consensus regarding the proposed building height cap of 150’ relative to the Donald Ross Road corridor and gateway in North County and Juno Beach.

The Town Council is in support of the Scripps project and encourages that the tallest/highest structures developed within the project be setback and buffered from the Donald Ross roadway and corridor as much as practicable on the site, considering the profile and character of such gateway.

If you have any questions regarding this letter, please do not hesitate to call me at 561-626-1122.

Sincerely,

Damian Peduto
Director of Planning & Zoning

cc. Juno Beach Town Council
    Joseph F. Lo Bello, Town Manager
    City of Palm Beach Gardens/Manager/Planning Department
    Town of Jupiter/Manager/Planning Department
    Palm Beach County/Administrator/Planning Department
TREASURE COAST REGIONAL PLANNING COUNCIL

DEVELOPMENT OF REGIONAL IMPACT
STATUS REPORT
April 2009

PROJECT NAME: Scripps Florida Phase II/Briger DRI

LOCATION: South of Donald Ross Road, north of Hood Road and east and west of Interstate 95 and east of Florida’s Turnpike in Palm Beach Gardens, Florida

JURISDICTION: Palm Beach Gardens

SIZE: 682 acres

USES:
- Biotech Research and Development 1,600,000 sq. ft.
- Biotechnological/biomedical, pharmaceutical, ancillary office space and other related uses 2,400,000 sq. ft.
- Dwelling Units 2,700
- Commercial Space 500,000 sq. ft.

STATUS:
- Preapplication meeting held on June 24, 2008.
- Expedited Permitting meeting held on October 29, 2008.
- First sufficiency review and comments due out by February 27, 2009.
- Application for Development Approval found insufficient on February 27, 2009.
List of Exhibits

Exhibit

1  General Location Map
2  Parcels within the Bioscience Research Protection Overlay
3  Site Location Map
4  Aerial Location Map
5  Existing Future Land Use Map
6  Proposed Future Land Use Map
Exhibit 1
General Location Map
City of Palm Beach Gardens
Exhibit 2
Parcels within the Bioscience Research Protection Overlay

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<td>11</td>
<td>PGA National Commerce Park</td>
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Exhibit 3
Site Location Map
Exhibit 4
Aerial Location Map