

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
SEPTEMBER 18, 2009**

Chairman Wheeler called the meeting to order at 9:35 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:           Commissioner Wheeler  
  Commissioner Solari  
  Vice Mayor Hill

St. Lucie County:               Commissioner Dzadovsky (Alternate)

Martin County:                 Commissioner Hayes

Palm Beach County:            Commissioner Marcus  
  Commissioner Koons  
  Commissioner Vana  
  Mayor Ferreri  
  Mayor Golonka  
  Vice Mayor Dr. Priore  
  Commissioner Brown  
  Councilman Pinto (Alternate)  
  Councilman Lowe (Alternate)  
  Councilwoman Webster (Alternate)

Gubernatorial Appointees:   Peter Carney  
  Susan Caron  
  Laurence Davenport  
  Michael Davis  
  Kevin Foley  
  Susan Hershey  
  Richard Oujevolk  
  Ramon Trias

Ex-Officios:                    Lois Bush, FDOT  
  Ann Benedetti, SJRWMD  
  Jim Carnes, SFWMD  
  Ron Bunch, Enterprise Florida

Council Staff:                 Marlene Brunot  
  Kate Boer  
  Michael Busha  
  Kim DeLaney  
  Anthea Gianniotos  
  Sandy Gippert  
  Liz Gulick

Wynsum Hatton  
Stephanie Heidt  
Terry Hess  
Dana Little  
Peter Merritt

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

Council observed a moment of silence for the recent passing of two former Councilmembers from Jupiter Island, Joseph Connolly and Finn Caspersen.

Chairman Wheeler asked for a motion to move the Scripps Florida Briger/Phase II Development of Regional Impact before the Consent Agenda as several members needed to leave the meeting early. Commissioner Solari so moved. The motion was seconded by Councilmember Davis and carried unanimously.

**Motion**

### **PUBLIC COMMENT**

Sharon Waite expressed disapproval for the amount of money being spent on Scripps. She asked for an update on what Scripps has provided to the County thus far in terms of jobs.

Drew Martin expressed his approval on the recent State Cabinet decision to uphold an administrative law judge ruling to reject a developer's proposal in Marion County due to the lack of need for more housing. He stated that with all the vacant homes and foreclosures occurring in the state, this decision reinforces the fact that there needs to be a needs assessment on large developments.

Rosa Durando commented on the property Palm Beach County gave to Broward County. She expressed concern that the development of the property, which largely supported rock pits and agriculture, will not be done in the best interests of Palm Beach County. She stated the traffic impacts alone will be tremendous. She stated Broward has known for years they are running out of water, but have taken no action to alleviate the problem. She stated that at a recent meeting of the Water Resource Task Force the idea of a C-51 Reservoir to cascade water from Palm Beach County to Broward was suggested. She asked if there was anything more the Treasure Coast Regional Planning Council could do to ensure minimal impacts to Palm Beach County. Staff indicated suggestions could be made through working with the South Florida Regional Planning Council and Broward County to minimize the adverse impacts to Palm Beach County.

Alexandria Larson noted for Council a permit application for the West County Energy Center requesting an increase from 500 hours of diesel use to 1500 hours. She stated she was going to file an administrative challenge. She questioned the idea of the proposed C-51 Reservoir which would be located adjacent to this new plant, which would be emitting pollutants into the air and water. She noted the Everglades is the only ecosystem that is available for future water supply and things such as this plant are polluting it.

**SCRIPPS FLORIDA - PHASE II/BRIGER TRACT  
DEVELOPMENT OF REGIONAL IMPACT  
ASSESSMENT REPORT**

Staff presented the draft assessment report for the Scripps Florida – Phase II/Briger Tract Development of Regional Impact and a summary of the project. This presentation included discussion of three key regional issues: the master development plan, transportation and natural resources. Additionally, staff made presentations with respect to trends in life-science and urban retailing. Staff recommended that Council authorize transmittal of the assessment report to the City of Palm Beach Gardens.

Mr. Ken Tuma, with Urban Design Kilday Studios and representing the applicant, made a presentation that included: an overview of the applicant’s plan; site access, and linkages related to transportation; land use requirements and compatibility; urban form; environmental and drainage issues; and the master development plan.

With respect to the alternative master development plan proposed in the assessment report, Mayor Ferreri asked who was involved with the charrette process. Staff indicated that for the in-house workshop in January there were invitations made to the County, and meetings with the staffs of the Town of Jupiter and the City of Palm Beach Gardens to work through the issues that resulted in the plan. In addition to that, staff has made contact since July of last year with the applicant. There had been plans for a collective workshop, but for a variety of reasons that did not happen.

Mayor Ferreri noted he was a sub-consultant to Palm Beach Gardens over three years ago when this site was being considered for Scripps. He expressed his concern that no analysis had been done with respect to what the impacts of the proposed retail have on existing regional retail centers. He suggested putting more money into the proposed trolley system to move the people to those existing centers and to reinvigorate Abacoa and some of these other retail areas. He asked if any analysis had been done to determine where the 360 people who have already been hired have chosen to live to determine the densities and intensities being proposed for this site. Staff indicated that during the preparation of the alternative master development plan it was determined that there was already a demand for 208,000 square feet of retail space and that over the next twenty years the location could absorb the additional 200,000 to 250,000 square feet being proposed.

Councilmember Trias stated the applicant’s presentation seemed to imply that a lot of the ideas in the alternative master development plan were already in their plan. He asked for confirmation of this from staff. Staff pointed out the differences between the master plan proposed by the developer and the alternative master development plan.

Councilmember Foley stated that the entire staff presentation appeared to offer urban solutions, but this site and the surrounding area is rural. He stated people moving to Florida do not want to be compacted into a smaller area, but want space around them. He said that although the new urbanism approach can function well, it should be incorporated as part of the project and not as the total project. He stated the developer was at a disadvantage because providing a too detailed Map H would not allow them any flexibility with future design of the project. He noted Council is just an advisory board and the City will make the ultimate decision. He also expressed his agreement with Mayor Ferreri on the amount of retail being proposed and how it will impact the existing retail in the surrounding area. He noted confusion with the bonus element of the alternative master development plan, stating the developer needs to know what will be allowed up front in order to

proceed with planning and obtaining funding for the development. He stated he liked the project the development team had produced, but there may be too much retail.

Commissioner Hayes asked for clarification on the preservation of the natural areas and uplands. Staff noted that the City of Palm Beach Gardens requires 25 percent upland preservation. Staff recommendation was to create a consolidated preserve area on the western part of the site.

Vice Mayor Dr. Priore asked that if, with respect to the western area of the site, the report is stating that staff disagrees with the applicants plan and recommends this be a preserve area. Staff indicated that was the recommendation.

Vice Mayor Dr. Priore concurred with Mayor Ferrier on the need to analyze the retail being proposed. However, he did state that with the urban development concept being presented, it would seem that by creating these densities the proposed commercial and retail would be needed to satisfy the needs of the residential being proposed for the site.

Councilmember Webster agreed the amount of retail development proposed was too high. She stated retail does not appear to be increasing, but rather shifting to different areas, leaving abandoned retail locations. She noted the alternative master development plan concept of preserving the environmental to a single component would be the better option. With respect to the density, she stated the alternative master development plan was a good foundation, but said she would like to see a combination of the two plans.

Mayor Golonka asked for clarification regarding who was the actual applicant for the development. Staff indicated the assessment report lists Palm Beach County as the applicant; however, the Application for Development Approval lists the following entities as property owners: 1) Patricia B. Lester and Howard Lester as Co-Successor Trustees of the David Minkin Florida Trust dated December 12, 1996; 2) Richard Thall; 3) Robert Thall; 4) Peter L. Briger; 5) Peter H. Briger; 6) The Lester Family Investments, L.P., a Delaware Limited Partnership; and 7) Palm Beach County, a Political Subdivision of the State of Florida.

Mayor Golonka indicated a critically important component of the project is bioscience, which should not be diluted when the City of Palm Beach Gardens considers the definitions of bioscience and what accessory uses will be approved. She asked if staff could identify the roads that would be seriously impacted prior to any improvements being made. Staff calculated the total anticipated impacts to the study area and determined the proportionate fair share for this project would be ten percent of those costs. Those contributions are tied to phases and trips, so the developer will not have to pay the entire amount up front, but as the project progresses.

Commissioner Marcus noted the County will be providing the funding for the necessary improvements early and then as the development progresses, the developer will be paying the money back to the County through impact fees.

Mayor Golonka asked who will be responsible for the maintenance of the 103 acres of open space for parks and recreation. Staff indicated the report does not address the maintenance issue. This would be the responsibility of the City to work with the developer to determine maintenance management.

Mayor Golonka asked if the staff report allows the applicant to meet their affordable housing requirement off site and if the conditions allow accessory units to be considered as workforce housing. Staff indicated one of the conditions does allow the developer to participate in the County's program. Staff noted this development falls under the requirement of the state uniform standard affordable housing rule for developments of regional impact. The alternative master development plan is simply making suggestions as to how the developer can provide affordable housing through accessory apartments, town homes or smaller units. The report contains three options; provide the housing onsite, pay into the County program, or have accessory buildings. Mayor Golonka noted many of the jobs in bioscience are not high paying jobs. She expressed concern that by allowing accessory units, this will allow the developer to provide one bedroom apartments, which would not be appropriate for families.

Chairman Wheeler noted the need to be brief in comments in order to allow Council time for a vote on the item before quorum was lost.

Under Public Comment, Ms. Waite stated this reminds her of CityPlace, which she felt was failing.

Ms. Durando stated she did not hear anything in the presentations addressing outflow or water supply. She stated the presentation would create an urban area in a big natural sensitive land area that was not suitable for urbanized development. She stated having a research center located here was fine, but it was no place for retail. She stated there was no attention being paid to the protected species and that the uplands preservation areas were not adequately designated. She stated the project was poorly designed, inadequate, and will probably account for the demise of endangered species.

Mr. Martin, representing the Sierra Club, stated he felt the alternative master development plan was far superior to the developer's plan, stating the concept of preserving the western section is an excellent idea. He noted the irony of the importance of the maintenance of endangered species to bioscience with the destroying of the native species to build the biotech center. He stated the idea of a giant retail center on this site made no sense. He stated the individuals in bioscience are creative individuals and they will want to move here to live in the natural, beautiful environment.

Ms. Larson noted the wetlands are disturbed because eradication of exotic plants has not taken place in a timely manner. She stated that giving the developer 28 units per acre is rewarding bad behavior. She stated the property is not a Brownfield property and new urbanism does not work. She noted that bioscience uses a tremendous amount of water. She disagreed with the proposed retail, noting this was not necessary due to the current economy.

Commissioner Dzadozsky expressed a concern that only four charrettes had been done stating he felt this was not enough public input. With respect to the Development of Regional Impact process, he stated with the current legislation it was important to make this process as appropriate as possible to show the public and the State this process works. He stated the applicant appears to have paid little attention to the environment, the loss of habitat and the amount of water that the project will require and the amount of water that will be dumped into the Intracoastal Waterway. He stated that reducing the amount of open and green space along Donald Ross and within the biotech area was inappropriate. He stated the amount of water being kept on site is not enough for this type of project.

With respect to proportionate fair share, Mayor Golonka suggested including a reference to the statutes. She stated this will ensure there is better connectivity to the site. She also indicated that there needs to be a requirement that the County earmark money for beach access for this project, noting the Diamondhead/Radnor property, which is yet to be developed. She asked that Council consider deleting the ability to provide monies to locate workforce housing off site and allow accessory units to be counted in their entirety. She also asked that the City of Palm Beach Gardens continue to work with The Town of Jupiter and Palm Beach County on local and design compatibility issues.

Commissioner Marcus moved approval of the staff recommendation with the inclusion of Councilmember comments and the changes to the conditions requested by the applicant. Councilmember Foley seconded the motion. **Motion**

Roger Saberson clarified that the motion was to approve staff recommendation and include an attachment summarizing Council comments as well as the applicant's request for changes. Commissioner Marcus confirmed this was her motion. Councilmember Foley indicated he believed the motion was to incorporate everything into the staff report. Commissioner Marcus indicated it was not her motion to incorporate everything, but make reference to the comments and requested changes as addendums for the report. Councilmember Foley indicated he would still second this motion. Commissioner Dzadoovsky asked if this would be an endorsement of the applicant's request for changes. Commissioner Marcus indicated it would not endorse the changes, only add information for the City of Palm Beach Gardens to consider when making the final determination.

Councilmember Webster asked if this motion would endorse the applicant's Map H, or the alternative plan in the staff report. Commissioner Marcus indicated it would be to endorse the staff recommendation and send the additional comments and applicant request for modification. Commissioner Vana asked if the green space recommendations of staff would be supported. Commissioner Marcus stated the staff recommendations with respect to this were clearly indicated in the report.

A vote was taken on the motion, which carried with Commissioner Dzadoovsky dissenting.

Mr. Tuma thanked Council staff for the assistance.

### **AGENDA AND CONSENT AGENDA**

Commissioner Marcus moved approval of the Consent Agenda with the removal of Items 5G, 5I and 5K. Commissioner Koons seconded the motion, which carried unanimously. **Motion**

Items remaining on the Consent Agenda were: 5A, Financial Report – June 30, 2009; 5B, Financial Report – July 31, 2009; 5C, Minutes-July 17, 2009; 5D, Agreement Between the Palm Beach Metropolitan Planning Organization and the Treasure Coast Regional Planning Council for Planning Services Along State Road 7; 5E, Indian River County Comprehensive Plan Amendments DCA Ref# 09-2; 5F, Pahokee Comprehensive Plan Amendments DCA Ref# 09-1ER; 5H, Palm Springs Comprehensive Plan Amendments DCA Ref# 09-2ER; 5J, Vero Beach Comprehensive Plan Amendments DCA Ref# 09PEFE1; and 5L, Intergovernmental Coordination and Review Log.

**PALM BEACH COUNTY COMPREHENSIVE PLAN  
AMENDMENTS DCA REF#09-2**

Under public comment, Mr. Martin stated his main concern was that doing away with the whole idea of traffic concurrency in an urban area will result in traffic jams that will inordinately burden poorer residents. He stated there needs to be more done to promote public transportation.

Ms. Larson stated there no longer is traffic concurrency. She noted the lifestyle centers are not working and that this is a good time to step back and look more closely at issues such as run off and traffic.

Commissioner Marcus moved approval of the staff report. Commissioner Koons seconded the motion, which carried unanimously. **Motion**

**SOUTH PALM BEACH COMPREHENSIVE PLAN  
AMENDMENTS DCA REF#09-1**

Stella Jordan, a resident of South Palm Beach, expressed her concern with the proposed amendments. She gave an overview of the area and provided Council with recent pictures showing the beach erosion. She stated approval of the amendments would change the comprehensive plan to mandate changes to the zoning and land development codes. She stated her concern was that decisions were being made solely on economic factors and not considering the social well being of the Town and its residents. She stated the proposed project that would come from this change would not be compatible with the surrounding community.

Commissioner Marcus offered a motion to find the proposed amendments to be inconsistent with the Strategic Regional Policy Plan, citing the money being spent to control beach erosion and climate change issues. Commissioner Vana seconded the motion, which carried unanimously. **Motion**

Chairman Wheeler noted other requests for public comment. Ms. Joan McManus declined to speak.

Neil Schiller, of Becker Poliakoff and representing Tuscan Condo Association, stated he believed the amendments were inconsistent with Regional Policies 5.1.1 and 6.4.1.3 of the Strategic Regional Policy Plan.

**WEST PALM BEACH COMPREHENSIVE PLAN  
AMENDMENTS DCA REF#09-1**

Councilmember Webster made a motion to approve staff recommendation with the inclusion of the addendum provided at the meeting. Commissioner Marcus seconded the motion, which carried unanimously. **Motion**

**UPDATE ON WATER SUPPLY FACILITY PLANNING**

Commissioner Koons requested that staff provide Councilmembers with copies of all Objections, Comments and Recommendations Reports received from the Department of Community Affairs with respect to the outstanding plans.

Mayor Ferreri motioned to defer this item to the next Council meeting. Commissioner Marcus seconded the motion, which carried unanimously. **Motion**

**ANNOUNCEMENTS**

None

**COUNCIL MEMBER INFORMATION EXCHANGE**

None

**STAFF COMMENT**

None

**CHAIRMAN'S COMMENT**

None

**ADJOURNMENT**

There being no further business, Chairman Wheeler adjourned the meeting at 12:45 pm. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the September 18, 2009 meeting of the Treasure Coast Regional Planning Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature