



**CITY OF PALM BEACH GARDENS
COUNCIL AGENDA
April 1, 2010
7:00 P.M.**

**Mayor Levy
Vice Mayor Premuroso
Council Member Russo
Council Member Jablin
Council Member Barnett**

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL**
- III. **ADDITIONS, DELETIONS, MODIFICATIONS:**
NONE
- IV. **ANNOUNCEMENTS / PRESENTATIONS:**
NONE
- V. **ITEMS OF RESIDENT INTEREST AND BOARD/COMMITTEE REPORTS:**
- VI. **CITY MANAGER REPORT:**
- VII. **COMMENTS FROM THE PUBLIC: (For Items Not on the Agenda, please submit request form to the City Clerk prior to this Item)**
- VIII. **CONSENT AGENDA:**
 - a. RESOLUTION 16, 2010 - ENVIRONMENTAL PROTECTION AGENCY'S PROPOSAL. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA OPPOSING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S ("EPA") PROPOSAL TO ENACT NEW STRINGENT NUMERIC NUTRIENT WATER QUALITY STANDARDS TO BE APPLICABLE FOR ALL LAKES, FLOWING WATERS, CLASS III WATERS, AND COASTAL WATERS THROUGHOUT AND ADJACENT TO THE STATE OF FLORIDA AS AN AMENDMENT TO 40 CFR, PART 131.43 AND THE CLEAN WATER ACT, AT SEC. 303(C); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- IX. **RESOLUTIONS:**
 - a. RESOLUTION 102, 2009 - PROPORTIONATE SHARE AGREEMENT RELATED TO THE SCRIPPS PHASE II/BRIGER TRACT DRI. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE THE SCRIPPS FLORIDA PHASE II/BRIGER DEVELOPMENT OF REGIONAL IMPACT PROPORTIONATE SHARE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

X. **PUBLIC HEARINGS:** (* Designates Quasi-Judicial Hearing)

- a. **RESOLUTION 80, 2009** - SCRIPPS FLORIDA PHASE II DRI – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE SCRIPPS FLORIDA PHASE II/ BRIGER TRACT DEVELOPMENT OF REGIONAL IMPACT (DRI) AND CONSTITUTING THIS RESOLUTION AS THE DRI DEVELOPMENT ORDER; PROVIDING FOR EXECUTION, TRANSMITTAL, AND IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE AND EXPIRATION DATE; AND FOR OTHER PURPOSES.

- b. **ORDINANCE 18, 2009** – (2ND READING AND ADOPTION) COMPREHENSIVE PLAN TEXT AMENDMENT. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUTES, TO CREATE A NEW SUBCATEGORY TO THE EXISTING MIXED USE LAND USE DESIGNATION FOR BIOSCIENCE MIXED USE DEVELOPMENTS AND AN AMENDMENT TO DELINEATE THE SCRIPPS FLORIDA PHASE II/ BRIGER TRACT DEVELOPMENT OF REGIONAL IMPACT (DRI) ON THE FUTURE LAND USE MAP AND PROVIDE A NOTATION ON THE FUTURE LAND USE MAP PERTAINING TO THE PERMITTED LAND USE DENSITIES AND INTENSITIES ESTABLISHED BY ORDINANCE 7, 2005 FOR APPROXIMATELY 708.14 ACRES LOCATED SOUTH OF DONALD ROSS ROAD, NORTH OF HOOD ROAD, AND EAST AND WEST OF INTERSTATE 95; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- c. **ORDINANCE 33, 2009** – (2ND READING AND ADOPTION) BRIGER TRACT – REQUEST FOR A TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 78. LAND DEVELOPMENT. AT SECTION 78-157. MIXED USE PLANNED UNIT DEVELOPMENT DISTRICT. BY AMENDING THE TITLE OF SECTION 78-157. SUCH THAT IT SHALL NOW BE ENTITLED “MXD – MIXED USE DEVELOPMENT DISTRICT”, FOR INTERNAL CONSISTENCY AND ADOPTING NEW SECTION 78-232 ENTITLED “SCRIPPS FLORIDA PHASE II – DESIGN GUIDELINES”, IN ORDER TO ESTABLISH ZONING REGULATIONS AND DESIGN GUIDELINES FOR THE SCRIPPS FLORIDA PHASE II/BRIGER TRACT PCD, TO PROVIDE REGULATIONS FOR APPROVAL AND AMENDMENT OF FUTURE PROJECTS WITHIN THE OVERLAY ZONE, AND TO ESTABLISH CRITERIA FOR BIOSCIENCE MIXED USE PLANNED DEVELOPMENTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- d. *[ORDINANCE 28, 2009](#) – (2ND READING AND ADOPTION) BRIGER TRACT. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN PARCELS OF REAL PROPERTY CONSISTING OF 681 ACRES, MORE OR LESS, LOCATED SOUTH OF DONALD ROSS ROAD, NORTH OF HOOD ROAD, AND EAST AND WEST OF INTERSTATE 95, PROVIDING THAT THE SUBJECT PARCELS OF REAL PROPERTY, WHICH ARE MORE SPECIFICALLY DESCRIBED HEREIN, SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF MIXED-USE (MXD); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED TO REFLECT THE PROPER DESIGNATION FOR THE SUBJECT PARCELS OF PROPERTY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 1, 2010 IS A COMPANION ITEM TO ORDINANCE 28, 2009 AND WILL REQUIRE COUNCIL ACTION

RESOLUTION 1, 2010 - BRIGER PCD SITE PLAN. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE SCRIPPS FLORIDA PHASE II/BRIGER TRACT MIXED USE (MXD) PLANNED COMMUNITY DEVELOPMENT (PCD), COMPRISED OF 2.6 MILLION SQUARE FEET OF BIOTECH RESEARCH AND DEVELOPMENT, 1.2 MILLION SQUARE FEET OF OFFICE, 300 HOTEL ROOMS, 500,000 SQUARE FEET OF RETAIL, AND 2,700 RESIDENTIAL UNITS ON A 681-ACRE PARCEL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

XI. [ITEMS FOR COUNCIL ACTION/DISCUSSION:](#)

XII. [CITY ATTORNEY REPORT:](#)

NONE

XIII. [ADJOURNMENT](#)

PLEASE TAKE NOTICE AND BE ADVISED that if any interested party wishes to appeal any decision made by the City Council with respect to any matter considered at this public hearing, such interested persons will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations in order to participate in this proceeding are entitled to the provision of certain assistance at no cost. Please call the City Clerk's Office at 561-799-4122 no later than 5 days prior to the hearing if this assistance is required. For hearing impaired assistance, please call the Florida Relay Service Numbers: 800-955-8771 (TDD) or 800-955-8770 (VOICE).

NOTE:

All presentation materials must be received by the City Clerk prior to the presentation to the Council.