

**MINUTES**  
**BIOSCIENCE LAND PROTECTION ADVISORY BOARD**  
**TOWN OF LAKE PARK, COMMISSION CHAMBER**  
**535 Park Avenue, Lake Park, 33403**  
**THURSDAY, AUGUST 30, 2007**  
**1:35 PM**

**I. Roll Call**

Commissioner Karen T. Marcus, Palm Beach County Commission  
Commissioner Addie Greene, Palm Beach County Commission. - Alternate  
Mayor Joseph Russo, City of Palm Beach Gardens  
Mayor Karen J. Golonka, Town of Jupiter  
Vice-Mayor Ed Daly, Town of Lake Park - Alternate  
Councilwoman Norma Duncombe, City of Riviera Beach  
Councilman Cedrick Thomas, City of Riviera Beach - Alternate  
Mayor William Albury, Mangonia Park  
Mr. John R. Smith, Governor's Office Representative

*Absent*

Mayor Paul Castro, Town of Lake Park  
Councilmember David Levy, City of Palm Beach Gardens - Alternate  
Councilmember Robert Friedman, Town of Jupiter - Alternate  
Councilwoman Peggy Cook, Town of Mangonia Park – Alternate  
Sara Misselhorn, Governor's Office Representative - Alternate

**II. Approval of Minutes**

Motion was made and seconded to approval the minutes of the May 17, 2007 meeting. Motion carried unanimously.

**III. Town of Lake Park's Request – Kohl's Department Store**

Commissioner Marcus explained that the BLPAB had received a letter from the Town of Lake Park requesting the Advisory Board's input on the proposed use of a piece of property in the overlay area of the Town. Lake Park brought this item before the Board to discuss the change. Patrick Sullivan, Community Development Director, Town of Lake Park gave a brief presentation on the overlay zone and the subject property. As an active member of the Bioscience Board the Town felt it should solicit the opinion of the Board regarding a request from Kohl's Department Store to locate a store on Congress Avenue in the potential Bioscience Overlay District. The proposed 14 acres is located just south of Target store on Congress Avenue. The Town is in the process of updating the Comprehensive Plan, and adopting the overlay zone. Sometime in February of 2008, it is expected that the Comprehensive Plan will be sent to DCA. The boundaries will not be set until the proper process of Public Hearings have been followed. The Town of Lake Park's Planning & Zoning

Board and the Town Commission have agreed to the rezoning of the 14 acres of property for the department store use. Patrick Sullivan provided a list of reasons why the rezoning would be beneficial to the Town:

1. Significant revenue for the Town, retail is the main tax driver for the Town, no other area in Town for this type of development.
2. The Town is a total of 1500 total acres, 650 acres (40%) is non-residential. Proposing for the overlay district will be 330 acres (51%) of non-residential minus the 14 acres for the department store.

Kohl's Department Store will be the last big box store the Town will have because of the available space left in Town.

On behalf of the Board, Commissioner Marcus thanked Lake Park for coming before them to explain the proposed project. The floor was then opened for questions, comments and concerns.

Mayor Russo stated he understood the reason Lake Park needed the revenue from the retail store, but expressed concern about others wanting to do the same. He asked if there would be enough land to provide to the overlay that was originally promised to the Governor. Commissioner Marcus stated that there was still eight million square feet of land for the overlay, along with an additional two million out west for a total of ten million square feet of land promised to the Governor.

Mr. Smith, Representative for the Governor's Office, inquired if the Town could replace the 14 acres with another piece of property within its borders. Patrick Sullivan explained that the property could be rezoned but remain in the Bioscience overlay, for the possibility of a future change. He indicated that the Town did not have another vacant piece of property that could replace this one.

Commissioner Greene stated that she was comfortable that no one else would do this. Commissioner Marcus stated that if someone else needed to rezone property in the overlay district that there was still plenty of land west to obtain. Commissioner Greene stated that this decision should be well thought out. Conversation ensued regarding the Town of Lake Park future adoption of their Comprehensive Plan and the possible zoning of the Congress Avenue property.

Commissioner Marcus recommended that a motion be made to have the property on Congress Avenue remain in the overlay district, but allow it to be rezoned for retail use. Recommended motion was made and seconded. A discussion followed concerning other participants in the Bioscience Overlay not making the same type of changes to their zoning.

Commissioner Marcus recommended a substitute motion that at the next scheduled meeting a letter or Resolution be drafted to say that Lake Park approached the board requesting use of the parcel of land for a department store for the following reasons:

1. Lake Park is providing a large square footage for overlay.
2. Lake Park will keep the property in the overlay for future change.
3. Plenty of square footage for overlay in the Palm Beach County. (8 million square feet)

Mayor Russo made a motion to direct staff to prepare a Resolution to be presented at the next meeting to include the comments as justification for allowing Lake Park to use the parcel of land for a department store. Motion was seconded.

Mr. Smith expressed concern that other communities would do the same. He would like the Resolution to sway others from trying to do the same. Bob Banks, Assistant County Attorney, clarified that the Board could only deal with the current situation. Conservation ensued on the concerns of the other board members.

Commissioner Marcus recapped the conversation by stating that Lake Park has not adopted their overlay zone yet. That no public hearings have been conducted, that land owners have not been notified yet, which means the board does not really have a role in the decision of changing the overlay to accommodate the request. The board is merely making comments on the request, as Lake Park requested. Any community that has already adopted the overlay cannot turn around and make changes to accommodate a request like the one before the board today.

Mayor Albury inquired about allowing conversion clauses and how they could be included in the overlay. Commissioner Marcus stated that it should not be included in the overlay so it would not cloud the issue. After additional conversation Commissioner Marcus stated that the parcel would not be included in the Lake Park overlay. Attorney Banks asked if the rezoning was being heard in September. Patrick Sullivan stated that it would be heard on September 26, 2007. Commissioner Marcus stated that the next Bioscience meeting was scheduled for September 20<sup>th</sup>. Commissioner Marcus directed staff to draft a Resolution to be presented at the September 20<sup>th</sup> meeting.

By unanimous vote the substitute motion passed. Commissioner Marcus thanked Lake Park for bringing the item before the board.

#### **IV. Scripps Update (written report provided by Shannon LaRocque)**

Shannon LaRocque expressed how amazing the Scripps site looks and how quickly it was being built. She indicated that they were about three months a head of schedule. She mentioned that they were still in negotiations on the Briger property and that she expected to bring forth the joint planning agreement the County Commission in October.

**V. New Business**

None.

**VI. Public Comment**

Commissioner Marcus announced that Casey Steinbacher, President of the North Palm Beach Chamber of Commerce, would be leaving the area.

**VII. Next Meeting September 20, 2007 @ Town of Jupiter.** The meeting would be located in the Recreation Community Room, lunch will be served at 1:00 p.m., and the meeting will begin at 1:30 p.m.

**VIII. ADJOURNMENT**

There being no further business to come before the Board and by unanimous vote, the meeting adjourned at 2:20 p.m.