

**PALM BEACH COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**PUBLIC HEARING**

Thursday, August 23, 2007  
9:30 a.m. - 11:15 a.m.  
301 North Olive Avenue  
Jane M. Thompson Memorial Chambers  
6<sup>th</sup> Floor  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

**A T T E N D E E S**

\_\_\_\_\_ Addie L. Greene, Chairperson  
Jeff Koons, Vice Chairman  
Mary McCarty, Commissioner  
Jess R. Santamaria, Commissioner  
Karen T. Marcus, Commissioner  
Burt Aaronson, Commissioner  
Bob Kanjian, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner,  
Zoning

Carrie Rechenmacher, Senior Planner, Zoning

Anthony Wint, Site Planner II, Zoning

Ora Owensby, Senior Planner, Zoning

Barbara Pinkston-Nau, Principal Planner,  
Zoning

William Cross, Zoning Division

Ann DeVeaux, Zoning Division

Bob Banks, Assistant County Attorney

Leonard Berger, Assistant County Attorney

Isaac Hoyos, Planning Dept.

Bryan Davis, Senior Planner, Planning

Bryce Van Horn, Planning

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development  
Division

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Linda Federico, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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P R O C E E D I N G S

CHAIRPERSON GREENE: Good morning.

Commissioner Kanjian, you know, when I was sworn in, I didn't get all this attention.

No, I didn't. Even when I -- when two or three commissioners were sworn in, we didn't get this much attention.

Are all these your family members?

COMMISSIONER KANJIAN: That's how it goes.

Well, thank you, Madam Chair. I appreciate it.

They're not all my family members. Actually, I have a very small family, but I have a tremendous amount of people that love me, and I appreciate them by being here today.

AUDIENCE: We love you, too.

CHAIRPERSON GREENE: They are all your family members. Thank you.

Okay. But could we please have Judge Rosenberg to come -- oh, there you are. Oh, I didn't see you. I should have known by the robe. Good morning. You're the boss now.

All family members in Mr. Kanjian's family are welcome to come join him behind the dais.

Oh, you do have a little family.

JUDGE ROSENBERG: I want to say what an honor it is, Commissioner Kanjian. As a long time family friend it's special to me.

(Whereupon, Commissioner Kanjian is being sworn in by Judge Rosenberg.)

CHAIRPERSON GREENE: I want to take a group picture, but I have to say Commissioner McCarty just called and said that she has had a flat tire. I told her to stay off I-95, but she didn't believe me.

Okay. We'll wait 'til she gets here.

While they're still filming, I'd like to make the announcement that we have a Florida Association of Counties meeting so we're leaving at 11:00 o'clock. We'll be recessing until Monday.

Thank you.

Now I can call you Commissioner Kanjian.

Okay.

COMMISSIONER KANJIAN: Thank you, Madam Chair. I just want to take one moment, if I could, to thank everyone for their help and support, and actually was just asked a question by the press a few moments ago on how you're going to differentiate yourself from this Board.

And I want to tell you the answer that I gave and this answer that I think we should all do is I don't want to differentiate myself from this Board. I want this Board to be one voice for the people of Palm Beach County.

I think we need to make sure that we focus on the people's business, and if we do that, we will do the right thing.

One thing we've seen with some of our members that have left us recently from the County Commission is they decided that the people work for them and they didn't work for the people, and I think that if we make sure that we always have in our minds that we work for the people, we'll do the right thing.

So I'm not looking to differentiate myself. I'm looking to change minds and have one voice, and if we can do that together, I think we'll serve well and serve the people well.

So thank you for my folks that came out here, my mom and dad who did a great job, and, by the way, the state's attorney has nothing on my father. He would discipline me much worse than any state's attorney or any U.S. attorney could ever do. Trust me. I'm sure of that.

To my wife and my kids -- Jack, Hannah, my wife, Ann, thank you so much for your support. We couldn't be doing this without your support. I love you very, very much.

So all my folks that have come out here from all the different places from work, from the School Board, from life in general, I really appreciate that. I will look for their support.

Sometimes it's going to be tougher going forward with some of the things that people say. I've already figured that out quickly, and I appreciate even more, just in the last two days, what you guys go through all the time.

So having read the paper recently, I can feel -- feel your pain, but I'm going to make sure that I do everything I can to bring respect to this Board, and I hope that we continue to work together, and I'm looking forward to that.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

Can we have roll call, please, and then after roll call we'll have opening prayer and Pledge of Allegiance by Commissioner Marcus.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Kanjian.

COMMISSIONER KANJIAN: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: (No response)

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: If you'd all rise, we'll do the prayer and pledge, please.

(Whereupon, the prayer and Pledge of Allegiance were given.)

CHAIRPERSON GREENE: Do we have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and file.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus.

COMMISSIONER SANTAMARIA: Second.

CHAIRPERSON GREENE: Seconded by Commissioner Santamaria.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.  
Mr. Attorney, may we have swearing in,  
please, for those people who are testifying today.

MR. BANKS: Yes. Would anyone who is  
testifying at today's hearing please rise.

(Whereupon, speakers were sworn in by Mr.  
Banks.)

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Thank you.

Adoption of the agenda.

CHAIRPERSON GREENE: Are there any  
postponements, withdrawals from the agenda?

MR. Mac GILLIS: Yes, Madam Chair.

Postponements are on Page 1 through 4.  
I'll go through them one by one.

Page 1, Item 1, Boynton & Lawrence Office  
MUPD, postponed until September 24<sup>th</sup>.

Item 2, Colonial Lakes, Postponed to  
September 24<sup>th</sup>.

Page 3, Item 3, Vivendi, postponed to  
September 24<sup>th</sup>.

Item 4, Woolbright Office Center, postponed  
to September 24<sup>th</sup>.

Item 5, Hagen Ranch/Boynton Beach MUPD,  
postponed to September 24<sup>th</sup>.

Page 3, Item 6, Glenwood Townhouses,  
postponed to September 24<sup>th</sup>.

Item 7, Southern/Sansbury's MUPD, postponed  
to September 24<sup>th</sup>.

Item 8, The Residences at Haverhill,  
postponed to September 24<sup>th</sup>.

Page 4, Item 9, Friendship Baptist Church,  
postponed to September 24<sup>th</sup>.

Item 10, Lake Harbor Quarry, postponed to  
October 25<sup>th</sup>.

Item 11, Planet Kids, postponed to  
September 24<sup>th</sup>.

Those are the postponements.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: Do you need a motion?

CHAIRPERSON GREENE: Yes.

COMMISSIONER MARCUS: I move the postponements.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

CHAIRPERSON GREENE: Consent agenda.

MR. Mac GILLIS: Begins on Page 5. I'll go through them one by one. If any commissioner would like any of them pulled, just indicate.

Item 12, Cameron Park.

Item 13, Limestone Creek Residential.

Page 6, Item 14, Military Trail 6.

Item E -- Item 15, In the Pines. There's conditions on the add and delete.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: The clerk just told me I didn't adopt the agenda. Sorry about that. Thank you.

VICE CHAIRMAN KOONS: I'll move we adopt the agenda.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons, seconded by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Now consent agenda.

COMMISSIONER AARONSON: Madam Chair, on Item 15, In the Pines, I have a disclosure.

I met with the applicant about eight months ago on this so I just wanted to disclose that. It's on consent agenda.

CHAIRPERSON GREENE: Thank you.

Are there any other items?

MR. Mac GILLIS: Yes. Still on Page 6, Item 15, In the Pines. There -- note that there's add and delete conditions.

Page 7, Item 16, West County Jail Expansion. Note there's changes on the add and delete for conditions.

Also, the Engineering Department has requested this morning that to delete Condition No. 5 related to median planting.

Item 17, Temple Shaariei Shalom Expansion.

Page 8, Item 18, Peninsula Bank at Loggers Run.

COMMISSIONER MARCUS: Madam Chair, I'd like to pull No. 19.

MR. Mac GILLIS: Item 18?

COMMISSIONER MARCUS: Nineteen.

CHAIRPERSON GREENE: Nineteen.

MR. Mac GILLIS: Nineteen. That brings us -- 19, Okeelanta Co-Generation Facility will be pulled.

Item 9 -- or Page 9, Item 20, Indian Road Fire Station 14. Note that there's changes on the add and delete sheet for conditions.

Item 21, Temple Medical. There's changes on the add and delete.

Page 10 of the agenda, Item 22, Rosso Paving.

Item 23, Stewart Mining Industries.

COMMISSIONER MARCUS: Madam Chair, I need to -- I did a disclosure form. I did briefly talk to the applicant about this.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Page 11, Item 24, Philadelphia Church of Nazarene to add and delete condition modifications.

And the last item under abandonments, Item 25, Westgate 1.

COMMISSIONER MARCUS: Madam Chair, I'd move adoption of the consent agenda with only No. 19 being pulled.

COMMISSIONER AARONSON: Second.

MS. ALTERMAN: Wait.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

MS. ALTERMAN: Madam Chair, wait --

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6 --

MS. ALTERMAN: Wait. I'm sorry. I apologize.

Commissioner McCarty was interested in No. 14, the Military 6.

CHAIRPERSON GREENE: Okay.

MS. ALTERMAN: I spoke to her office, and they asked if we would pull it 'til she gets here.

COMMISSIONER AARONSON: What item is that?

COMMISSIONER MARCUS: I would --

MS. ALTERMAN: Fourteen.

CHAIRPERSON GREENE: Fourteen.

COMMISSIONER MARCUS: -- amend my motion to pull both Items 19 and 14.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yes, I had a memo I sent to a time certain discussion on Monday around the Stacy Street School.

Do I need to add that to the agenda?

MR. Mac GILLIS: You could bring it up under the director -- at the end of the agenda.

VICE CHAIRMAN KOONS: Okay. Great. Thank you.

COMMISSIONER AARONSON: Madam Chair, I would also like to disclose on Item 21 that I met with the applicant, again, almost a year ago.

CHAIRPERSON GREENE: You remember that? Thank you.

Items 19 and 14 have been pulled.

The motion to adopt the consent agenda was made by Commissioner Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: That will bring us now to the regular agenda.

The first item pulled from the consent, Item 19, DOA2007-527, Okeelanta Co-Generation Facility.

Would you like a presentation on this?

COMMISSIONER MARCUS: I just had some questions. Of course, I can't find my backup -- pardon me?

MR. Mac GILLIS: It's on Page 147 to 169.

CHAIRPERSON GREENE: Oh, I'm sorry.

COMMISSIONER MARCUS: On No. 19? No, I don't have one.

Let me -- let me just ask -- I have it, I found it.

Let me ask, I don't know who from -- are you doing this one?

MR. WINT: Yes, I am.

COMMISSIONER MARCUS: Just a couple of things. What buildings are -- I saw that.

What buildings are they building on site? It talks in here in some of the conditions about structures have to be -- or maybe that's just a standard condition?

MR. WINT: That is a standard condition. They're proposing no buildings at this time.

COMMISSIONER MARCUS: Okay.

MR. WINT: They're adding land area for the Ash Monofill.

COMMISSIONER MARCUS: Right. Okay.

And then the other question I had was when we changed the Code to allow for this, there was a lot of discussion that the regulatory process had to provide for liners sufficient like a Class 1 or whatever landfill, but I didn't see that specific language in here.

Now, maybe this is included in the Health Department discussion?

Remember when we adopted this and we changed the ULDC, part of the conversation with that was we wanted to make sure that the ash landfill would be lined like a regular Class 2 or Class 1 landfill.

MR. WINT: I'm sorry, I --

MR. Mac GILLIS: I'll have Barbara Pinkston-Nau come up and address that. She was the principal planner that worked on those Code amendments. She'll give you the history of what it --

COMMISSIONER MARCUS: It was something that we talked about we wanted specifically in the Code.

MS. PINKSTON-NAU: Right. I think we put those things in, but --

COMMISSIONER MARCUS: I didn't see them in the conditions here that the -- and I'm -- what my question is, is maybe as part of the Health Department conditions in here, and I don't -- who's here from the Health Department?

Maybe one of the Health Department conditions addresses the lining to be similar to a Class 1 or whatever landfill that we had required it to be.

MS. PINKSTON-NAU: Right. The language is in the Code so that would be a requirement. It

would not necessarily have to be a condition of approval.

COMMISSIONER MARCUS: Well, I think it needs to be a condition of approval if we could.

MR. WILSON: We can add it.

COMMISSIONER MARCUS: Yeah, if we could add that condition that specifically references it in the Code that the lining needs to be similar to -- I can't remember. Was it a Class 1, Class whatever?

MS. PINKSTON-NAU: Right.

COMMISSIONER MARCUS: Yes.

MR. Mac GILLIS: The Health Department conditions are on Page 160 and 161, so --

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: -- I don't see anything referenced in that.

COMMISSIONER MARCUS: I didn't either, but I didn't know if maybe some of the Code references addressed that.

MR. KILDAY: The -- in fact, we are going to be permitted as a Class 1 landfill.

COMMISSIONER MARCUS: Okay.

MR. KILDAY: So we're required. It's a -- it's -- I don't see it in the conditions because it's in the Code.

On Page 151 under Item 5 it talks about it, but we actually have our engineer here. We will be permitted as a Class 1 --

COMMISSIONER MARCUS: So you wouldn't --

MR. KILDAY: -- lined landfill.

COMMISSIONER MARCUS: So you wouldn't have a problem with the condition --

MR. KILDAY: So we don't have a problem putting in --

COMMISSIONER MARCUS: -- adding that specifically in there? If we could add a condition that says that they will be permitted as a Class 1 landfill?

And I just want to say that when this came before us however many years ago, one of my issues with this was the coal burning, and I appreciate the condition prohibiting coal burning in here and making it a cleaner burn. So I think that's really good.

Thanks. That's all my questions.

CHAIRPERSON GREENE: Thank you.

Ms. Larson, I apologize. I will go back to

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COMMISSIONER SANTAMARIA: I -- I -- excuse me, Madam Chair.

I need to disclose --

CHAIRPERSON GREENE: Oh, I'm sorry, I didn't see your light on.

COMMISSIONER SANTAMARIA: I need to disclose I spoke with the applicant on the Okeelanta project.

CHAIRPERSON GREENE: Thank you.

Commissioner McCarty.

COMMISSIONER McCARTY: What are you asking?

CHAIRPERSON GREENE: Oh, we -- Item 14 was pulled for --

COMMISSIONER McCARTY: Yes --

COMMISSIONER AARONSON: Well, before --

COMMISSIONER MARCUS: We have to finish 19 first.

COMMISSIONER McCARTY: Yeah. Okay.

CHAIRPERSON GREENE: Oh, I thought you did.

COMMISSIONER AARONSON: I want to make a motion to approve 19.

COMMISSIONER MARCUS: No, we haven't -- we haven't approved it. We hadn't made a motion. I thought you had a card.

CHAIRPERSON GREENE: No, I have the card on 17.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: Okay. I'd like to make a motion to approve Item No. 19.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Aaronson, second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. KILDAY: Thank you.

MR. Mac GILLIS: That'll bring us --

CHAIRPERSON GREENE: Six-zero.

I was -- I was feeling so good that we have seven people.

CHAIRPERSON GREENE: Okay. Now Commissioner McCarty.

COMMISSIONER McCARTY: Okay. I'd just like to thank the staff for pulling this.

This particular item, they have made a request that is not objectionable; however, the center itself and the circus-like signage, just because they had made this request, gave me an opportunity to address the signage issue, and I believe our staff and the new owners of this complex have come to an agreement on what they're going to do about the signage now and in the future as the tenants change out.

And so if the staff has no further comments on this, I just want to thank you all for everything you did because I did have a meltdown over this issue.

And I would like to make a motion to approve this.

COMMISSIONER AARONSON: Second.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: You've heard the motion by Commissioner McCarty, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it --

COMMISSIONER MARCUS: Six.

CHAIRPERSON GREENE: -- 7-0.

MR. Mac GILLIS: That'll bring us to Item -  
- Page 12, Item 26.

Linda Monroe will present this, staff's report, Eternal Light Memorial Gardens, Pages 274 to 279 in your backup.

CHAIRPERSON GREENE: I'd like to apologize. I -- Ms. Larson had some comments on Item 17 from consent agenda.

Ms. Larson.

MS. LARSON: My comments are on Stewart Mining. Okay. I just want to make that clear. I didn't know if I did the right number. I'd taken it from the guys here.

CHAIRPERSON GREENE: This says Temple Shalom.

MS. LARSON: No, Stewart Mining.

COMMISSIONER MARCUS: No, 17. It was on consent agenda. Seventeen was consent.

CHAIRPERSON GREENE: Yeah?

COMMISSIONER MARCUS: Yeah. We already approved it, but she gets to talk.

MS. LARSON: Right. That's what's on my card, 23. That's what Lorraine told me to put on my card.

CHAIRPERSON GREENE: Okay.

MS. LARSON: So we okay? You know where I'm at? I'm not against Temple Shalom.

I'm really concerned about Stewart Mining. I'm reading this, five cents a load, I'm not impressed, for the environment. A load of fill is pretty damn expensive.

This is going to -- this mine is going to need --

MR. CHOBAN: We're not there yet.

MS. LARSON: Huh?

MR. CHOBAN: We're not on Stewart Mining.

MS. LARSON: Well, they called me up.

MR. CHOBAN: They didn't speak to this.

COMMISSIONER MARCUS: She's okay. We forgot to call her before.

MS. LARSON: Am I okay?

COMMISSIONER MARCUS: Yeah, keep going.

MS. LARSON: I don't want to screw you up. It needs three million gallons of water a day.

I sent this to all the commissioners. It's a 176-page document about what happened in Dade County with rock mining. It literally took a federal Judge to stop.

It talks about dereliction of duties. It talks about putting business over the health, safety and well being of humans.

We got a problem with rock mining. I have a problem with rock mining.

It also says in this document here that we know that this is going to be used for water reservoir in the future. It 's 5,000 acres.

It's really good, but the last rock hole cost the taxpayers 212 million bucks, and I thought

that was an awful high price, \$178,000 an acre for a hole in the ground. Pretty high stuff.

So maybe we should have some conditions with this, and somebody certainly ought to look at this.

I am not for rock mining. I'm just not, not after reading this document. There is no measurable amount -- and I 'm talking about Dade County now, but there's no measurable amount of benzene for human consumption.

It's in the Biscayne Aquifer in Miami-Dade County.

So I'm worried. I don't think rock mining's the way to go. I think everybody thinks we're going to dig a big hole. Palm Beach County's going to be a big hole in the ground, and I think that's where we're heading. I think they want to dig all over the EAA, and I think somebody needs to look at this more closely before we approve it because I don't want to be here in four years.

I don't want this happening in Palm Beach County 'cause this is where we're going. This is -- I begged them. I have begged to learn the geology of Palm Beach County for four years 'cause I don't see a real good study on what's there.

It is not impervious out there. There is saltwater intrusion, and we do have problems.

And you also have a document coming before you, you have a study coming before you on rock mining, and I wasn't -- I didn't think it was the best thing in the world.

So, please, take a second and look at this before we head here.

Thank you.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Do you want me to clarify anything from her questions?

CHAIRPERSON GREENE: Yes, sir.

MR. Mac GILLIS: On Page 229, this application is a development order amendment. The excavation was approved in 2005.

The applicant is back here to do a development order amendment to amend two Engineering conditions that are outlined on Page 229, one related to turn lanes and the other one, the building permit build-out dates.

But the excavation is already existing.

COMMISSIONER MARCUS: So we'll go back to Item No. 26?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Madam Chair, I'd move approval of Item 26.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus.

COMMISSIONER MARCUS: I'm the one that always asks the questions.

I move approval of Item No. 26.

COMMISSIONER AARONSON: I second it. That's my future home.

CHAIRPERSON GREENE: Seconded by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Next item is 27.

COMMISSIONER MARCUS: I would move approval of Item No. 27.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus.

COMMISSIONER MARCUS: To approve the time extension.

CHAIRPERSON GREENE: Approve time extension for Item 27.

Second by --

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Madam Chair, I'd move approval of Item No. 28, which is the time extension.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus.

COMMISSIONER AARONSON: I second.

CHAIRPERSON GREENE: Seconded by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Next item is 29, Delk Excavation.

COMMISSIONER AARONSON: I make a motion to approve time extension 'til June 9th, 2009.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Aaronson.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. Mac GILLIS: Brings us to Item 14 [sic] on the agenda, Item D.30, the ULDC amendments. This is the adoption of the 2007-01 round of amendments to the Unified Land Development Code.

At the first reading Commissioner Marcus brought up two issues, one regarding the landscape business. I think staff has addressed her concerns. And the other one was the workforce housing traffic, which I believe has been addressed, as well.

COMMISSIONER MARCUS: Well, we have some confusion on -- where's Lenny? There you are.

And where are we on this language stuff?

MR. BERGER: Well, I guess GL had -- what we're talking about now is the build-out date regulations that were put in TPS, and I can give you all a page if you want to follow along.

COMMISSIONER MARCUS: Three thirty-six?

MR. BERGER: Maybe. Yeah, it's on 336.

What staff had recommended was in light of the market conditions for residential development to change the build-out requirements for the purposes of enforcing traffic performance standards build-out dates.

What historically we had in place was if you were 80 percent built out, we would consider you completed for the purposes of traffic performance standards so we wouldn't pull the rug out from under you at 80 percent.

In light of the housing downturn, the building industry had approached the staff and asked for a little relief from that regulation, given the downturn in residential development.

So what staff had recommended was, and you can see it at -- looks like Line 44 on Page 336, the beginning of that line -- for non-residential we're remaining at 80 percent, given the market.

If you skip down to 48 percent, what had been recommended was that for development orders that were issued before August 23rd, 2007, if you managed to pull 50 percent plus one of your permits, we were going to consider you built out.

So in other words, we wouldn't trip up a lot of residential developers when they were in the middle of projects because of the downturn in the housing market.

Commissioner Marcus had had a concern later on in the process that this might be, I guess, negatively impacting the County for projects that were languishing for reasons beyond that so that it wasn't a free ride, and what she had recommended was to close the window, and apparently this happened -- this came to a head fairly late in the game yesterday, and there'd been a number of proposals that were -- that had been forwarded,

and I guess the best we can do now is give you what we've got.

First of all, the one recommendation that I had made, which I know best so I'll just say it, the window that we had -- that we had arranged was to have this apply to development orders that were issued either before January 1st, 2003, or after August 23rd, 2007, and have that 50 percent limit apply, and then for all other purposes, for ones that came after or before, the 80 percent still applied, and to have that provision sunset at 2012 unless you all had a reason before then to change that regulation.

In other words, that would give you all a chance between now and 2012, if the market corrected itself, you would be able to correct what your understanding of build-out is accordingly.

Industry has since come up with alternative measures which -- and, frankly, rather than speak for them, I imagine that they have cards in and I'll let them make their own recommendations for it.

COMMISSIONER MARCUS: But do you have specific language to what you just talked about?

MR. BERGER: Yes.

MR. Mac GILLIS: It's on the add and delete, Page 5.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: At the bottom.

COMMISSIONER MARCUS: Okay.

Maybe we can hear from Kevin? Oh. Thanks.

MR. BERGER: Before Kevin gets up, I understand that you have a different add/delete.

This did happen really late in the day. I'm going to pass out -- I'm going to pass out the accurate language. I apologize for the confusion.

CHAIRPERSON GREENE: While he's passing that out, Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

I want to put a little bit of a spin on this particular issue because I think that the idea of our standards and our requirements make a lot of sense. The problem is that if we don't make a change like this, it won't do things that are better for Palm Beach County.

What it'll do is it'll force builders to pull permits. It'll force them to move a little bit of dirt on the land to get the first inspection. We'll have a lot of homes that are not really being built, but being pulled just because they have to get through this issue, and I think it makes a lot of sense for us to do this.

One thing we don't need currently in our marketplace today is more inventory, and if you

force the builders to do that, it's just going to put us in a worse place than we are today.

So I sure that we support this as stated.  
Thank you.

CHAIRPERSON GREENE: Thank you.

Commissioner Marcus -- Koons.

VICE CHAIRMAN KOONS: You know, one of the things I'd like to discuss, probably not here, is I read the Florida Trend business -- I guess it was a home issue they had on the abandonment issue of, you know, developments rolling through the process.

All of a sudden the builder or the developer -- maybe you could help us with how we might have some mechanisms if some PUD gets -- some builder walks away, and maybe through our process we could pick it back up and put it out for bid again.

I don't even know, but it seems like an issue that I think it's the repercussions of having too much inventory or started, so it's another discussion. I would like to talk about that sometime.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Yeah, I just -- I think we are going to do this.

My concern was that, and you'll find out in our zoning meetings, that I actually read the extensions that come in, and the petitions that have been around since like 1993 or 1987 really tie up traffic capacity for those new projects that want to get into the system.

And so my -- has been if you've got capacity out there and you've been sitting on it since 1992 or whenever, I've got -- there's like a seven-year threshold, and I don't do industrial and I don't like to do churches, but if you've got that, give it up and let somebody else out there have that capacity to come in the system.

And so I just want to make sure this isn't just so broad that all of a sudden we've got a bunch of 1992s that come in, and now are grandfathered when really they should be giving up their capacity because their project's probably not going to get built.

So it's just finding the right language for that that's been such a problem. So maybe Kevin has some additional language, and maybe we can work something out.

MR. RATTERREE: Boy, talk about putting me on the --

COMMISSIONER MARCUS: I actually met with Kevin.

MR. RATTERREE: Yes. For the record, I did meet with Commissioner Marcus yesterday.

My name is Kevin Ratterree. I'm vice president with GL Homes.

I have been asked on behalf of the collective membership of the Gold Coast Builders Association and the Community and Economic Development Council to speak with you this morning regarding this very important issue to our industry.

As Mr. Berger did say, there was some late movement yesterday regarding some revised language so everybody was trying to react to some proposals that were floating around.

The industry had met with staff and had worked out an arrangement with staff, an agreement with staff, regarding the change from 80 percent to 50 percent plus one, and the industry was happy with that change, and we believe that is the appropriate mechanism for the Board to do.

Commissioner Marcus' concerns, which are legitimate concerns, are issues associated with a project which is vested that is not proceeding and acting in good faith, and under your existing Code projects have three years in which to commence development, meaning that they have to record their next plat, and if they don't record that next plat, they are subject to the mandatory review process of Linda Monroe, and they will come back to you, just as Commissioner Marcus is commenting that she's having to review those status reports as those items come before you.

A lot of those older projects, just to be clear here, the 1990s, the '80 projects, the late '90s, all of those projects did not have a specific condition of approval in their development order establishing a build-out date.

So this language change is not affecting those projects in any way, shape or form, even if you adopted it the way it's proposed by staff or the way it's an alternative version today. Those projects are not caught by this system because they don't have that condition of approval.

What was discussed was what happens if a project gets the benefit of the 50 percent plus one and then doesn't proceed to commence to plat in a timely manner, and my position on that and the industry's position on that is you've already got a process in your Code to catch those projects. Ten percent under a new Code change that's been processed -- every three years at least 10 percent of your project units have to be platted.

If it is the will of the Board or the majority of the will of the Board to change the language from that which was recommended by staff, I think we can go through some language that was discussed, but I don't know if the Board's willing or wants to go through that iteration of discussion regarding how to do that.

COMMISSIONER MARCUS: Do you have an objection to the sunset provision?

MR. RATTERREE: I think the industry is concerned that by obligating projects to plat without the benefit of knowing that they're going to be able to sell the units upon which they're required to plat, we are then required to bond that infrastructure. So every year we have 50, 60, \$100,000 of money going out to maintain the bonds to carry a plat that unnecessarily needs to be paid.

I hear your concerns, and, again, I think if it's the will of the majority of the commission to try to do some back-end load on it, then we can have that discussion.

But I think the industry right now believes that those older projects are not even subject to this provision so to monkey this stuff up a little bit with those older projects I think is unnecessary.

COMMISSIONER MARCUS: Madam Chair, maybe in order -- 'cause I don't want to take up a lot of time, I know we have to leave at 11:00 -- maybe we could recess this until Monday.

Maybe I can get a little more comfortable with what Kevin said, and then we can just -- and if not, maybe we can add a little bit more language if that's all right with the Board, and then just come back with the rest of it on Monday.

COMMISSIONER McCARTY: I just need everybody to know that I will not be here Monday, so if the Board is comfortable, I certainly am supportive of the staff recommendation and the industry's recommendation, and I'm ready to move forward today, but if the Board is comfortable with waiting 'til Monday, I just -- I will not be here.

COMMISSIONER MARCUS: And the intent, again, is not to take away what we're trying to accomplish. It's just to make sure that we haven't created loopholes like we sometimes do when we're not asking all the questions, and I just want to make sure I'm comfortable that we're -- there isn't anything out there.

So if you'd be willing to sit down with Lenny and myself and try to work something else out.

COMMISSIONER McCARTY: May I make a suggestion?

Maybe that we vote on it today, and if -- because our next meeting, it'll be on Monday, and there would be under Robert's Rules, the way this Board operates, it would be the opportunity for the prevailing side to ask for reconsideration.

If there are changes that need to be made. You could then make those changes on Monday, but at least going forward we could -- we could get it

approved today, and then you could change it on Monday legally if you wanted to.

Right, Bob?

MR. BANKS: This is an ordinance.

COMMISSIONER McCARTY: It's an ordinance. So, what? So you can't do that?

MR. BANKS: You can't reconsider, it's a public hearing. Once the public hearing's over, the Board's done.

COMMISSIONER McCARTY: So -- okay.

MR. BANKS: But --

COMMISSIONER McCARTY: But then you could -

MR. BANKS: The Board can initiate a new amendment, new change to the ordinance.

VICE CHAIRMAN KOONS: But aren't we continuing the hearing 'til Monday?

MR. BANKS: Well, not if we approve this -- once we approve an ordinance, the portion of the hearing regarding that ordinance is over.

COMMISSIONER MARCUS: So if we just postpone it 'til Monday, then we can adopt it the way it is, or we can -- or we can -- if there's changes --

MR. BANKS: You can adopt it today or continue it -- continue the public hearing --

COMMISSIONER MARCUS: 'Til Monday.

MR. BANKS: -- 'til Monday.

COMMISSIONER MARCUS: It's really up to the Board. I -- like I said, everybody -- it's getting more confusing, so that's why I wanted to step back and make sure that some of the issues that I had raised we can make sure they're -- that we're just not creating loopholes, so.

COMMISSIONER McCARTY: Well, if there's a majority of the Board that has those same concerns, then we'll wait 'til Monday, and if it's a majority of the Board that doesn't have those same concerns, we can do it today, I guess is how --

COMMISSIONER MARCUS: Okay. Well, how about if I make a motion to postpone this until Monday so we can work on some additional language, and if the rest of the Board doesn't want to do that, that's fine.

CHAIRPERSON GREENE: Okay. Before we take a second, I have three lights.

Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah. I think we're almost there. We're just looking for some language.

Are you all -- is that uncomfortable for -- I mean I know we're -- I know we're in this dialog of unintended consequences.

COMMISSIONER MARCUS: I'm being very good.

MR. RATTERREE: She is being very -- she was very nice to me yesterday, by the way.

VICE CHAIRMAN KOONS: Want that put in the record?

MR. RATTERREE: I'll put that on the record. The difficulty that we have, obviously, is this all transpired yesterday, you know, 3:30, 4:00 o'clock, so we're having to be a little reactionary, and we need to be able to go out and kind of spread those ideas out to our folks.

I mean what the industry basically endorsed was what the staff and the industry came to agreement on three months ago as part of this Code amendment, and, you know, in order to change that we have to go back and, you know, re-meet with everybody and make sure -- you know, 'cause there are a lot of projects out there and, you know, trying to create rules that -- start pigeon-holing things, suddenly you start leaving certain projects out. We need to make sure we address those.

So I think our official position is we'd like to leave it the way it is, but if it's the will of the majority of the commission to work out some back-ended issues, then we're happy to meet with staff and do that.

VICE CHAIRMAN KOONS: I'm okay supporting it. I don't -- I don't mind waiting 'til Monday 'cause there are some -- I don't want to get in the unintended consequences, but I also want to hear more about what rules we've got in place to cover possibly what Commissioner Marcus has said going forward, and also what we do to -- in the future if we weren't doing it and other people need to come in there, that is an issue, but at the same time we do have this backlog of unbuilt units, so what are the unintended consequences of that.

That's the comment I made about people starting these things and bailing out and people put their money in. I want to talk about that in a long-term basis.

So I'm willing to wait, and I'm willing to support staff. If there's some tweaking that gets us a little bit more comfortable, I'm okay.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: How long has staff worked on this?

MR. Mac GILLIS: Several months.

VICE CHAIRMAN KOONS: Couple of years.

MR. Mac GILLIS: On this particular amendment, I mean it's been in this round, but it came up late in this round for amendments.

COMMISSIONER AARONSON: Staff has been working together with the developers for the last three months.

MR. Mac GILLIS: Probably.

COMMISSIONER AARONSON: We all recognize that the building industry is in a state of collapse, and just coming in this morning I found

out that there's going to be about another 15, 18,000 people unemployed because of mortgages.

So I think you've worked on this, and I'm not about to go ahead and try to penalize or make it more restrictive on the builders today and have them pay money for bonding which can cause more jobs in the future and to postpone this 'til Monday again.

We have another opportunity in six months to review this; correct?

MR. Mac GILLIS: There's another -- we're working on an ordinance right now --

COMMISSIONER AARONSON: Right.

MR. Mac GILLIS: -- so we can bring it back, yes.

COMMISSIONER AARONSON: So right now with the building industry the way it is and the amount of jobs that are being lost in the building industry, I'm not looking to penalize in any way, shape or form what the staff has worked on for the last three months together with the building industry.

So I don't see any reason for postponing it until Monday because we just keep on postponing things for another meeting, and Monday we're going to have another big meeting.

So I'm not for postponing it.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Actually, Commissioner Aaronson just said what I was going to say so I'm happy with that. That may be the last time I'll ever say that, but I don't know.

COMMISSIONER AARONSON: It probably will be.

COMMISSIONER KANJIAN: But I -- I have to second this, and I think that the motion to postpone would probably alleviate my concerns at this moment.

Thank you.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I agree that it's very important that this amendment be properly worded, and I think once we give the staff and the industry a chance to fine tune it between now and Monday -- you know, today's Thursday. It's not -- it's not a long wait.

And I think as long as we make sure that it's properly worded, it shouldn't take more than three minutes on Monday to get this acted on. So I'm for postponing it.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I just wanted to mention to Commissioner Aaronson I raised these questions when we had the first, whenever we had it. That's how it -- then we all went on vacation,

and then when we came back was the first chance I had to meet with the staff was yesterday morning.

So I apologize for the lateness of all that, but I had publicly raised these issues when we first had this, and they knew that there -- that issue was out there.

And so, like I said, I'm not trying to make it -- I'm not trying to penalize, I'm not trying to hurt the housing industry.

Actually, it really is beneficial if we can capture other projects that aren't going anywhere to make sure that they give the capacity back to those of you that want to keep getting into the process.

So that's really all I'm making sure there are no loopholes.

So I would make my motion for the postponement, and then if the Board doesn't want to, that's fine.

COMMISSIONER AARONSON: I would just -- in answer to what -- I was in favor of what you were looking to do until Kevin pointed out that all of these from 1992 on or 1993, 1994 are not under the same restrictions; correct?

MR. RATTERREE: If the project was approved then, it is very unlikely that those projects have a build-out date, anyway, so, therefore, they're not caught up in this provision.

COMMISSIONER AARONSON: They were not required to go to build-out.

MR. RATTERREE: Correct.

COMMISSIONER MARCUS: Commissioner Aaronson, there's all sorts of --

COMMISSIONER AARONSON: So eliminating those -- you see, if -- I would agree with you if we had things from 1993 that had the same restrictions, but if those do not have those restrictions on it, there's nothing we could do to make them have it; correct?

COMMISSIONER MARCUS: We had a lot of conversation, and I'm not saying that Kevin's not accurate, but there are lots of other things that occur which is why it's -- this is so confusing, and I want to make sure I have vetted all those.

Again, I'm just -- I make the motion. Whatever the Board wants to do.

COMMISSIONER SANTAMARIA: And I'll second it.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus, second by Commissioner Santamaria.

Ready for the question.

All in favor.

COMMISSIONER MARCUS: Aye.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: Aye.

CHAIRPERSON GREENE: Aye.  
All opposed.  
COMMISSIONER AARONSON: Aye.  
COMMISSIONER McCARTY: Aye.  
COMMISSIONER KANJIAN: Aye.  
CHAIRPERSON GREENE: Okay. So -- all in favor.  
COMMISSIONER MARCUS: Aye.  
COMMISSIONER SANTAMARIA: Aye.  
VICE CHAIRMAN KOONS: Aye.  
CHAIRPERSON GREENE: Aye. One, two -- 4-3.  
VICE CHAIRMAN KOONS: 4-3.  
COMMISSIONER MARCUS: Thank you, Madam Chair, and I -- we will work this out between, and we 'll include Kevin on that.  
VICE CHAIRMAN KOONS: We will vote on Monday.

CHAIRPERSON GREENE: Okay. And I've been directed by staff that I have to make a motion for the Board to accept the official bond of Commissioner Robert J. Kanjian in the amount of \$2,000 issued by Fidelity and Deposit Company of Maryland.

VICE CHAIRMAN KOONS: What?  
COMMISSIONER MARCUS: Move approval.  
CHAIRPERSON GREENE: You heard a motion by Commissioner Marcus. Second by --  
COMMISSIONER McCARTY: Second.  
CHAIRPERSON GREENE: -- Commissioner McCarty.

Ready for the question.  
All in favor.  
COMMISSIONERS: Aye.  
CHAIRPERSON GREENE: All opposed.  
(No response)  
CHAIRPERSON GREENE: Ayes have it, 7-0.  
And I'm going to pass this down where each commissioner has to sign it.

CHAIRPERSON GREENE: And we will continue with our agenda.

MR. Mac GILLIS: That brings us to Page 15, Item 31. Item 31 and 32 are tandem applications, a small scale amendment and a rezoning application.

The Planning Division will present Item 31, Belvedere/Jog Commercial Ledis Rezoning.

Page three -- we're on Page 15, Item 31, yes.

CHAIRPERSON GREENE: Is there a motion for Item 31?

Okay. I'm doing two or three things at one time. Okay.

MR. HOYOS: Give us a minute. We're getting the laptop ready.

CHAIRPERSON GREENE: I've passed Item 30, and we have two cards on Item 30. She'll waive it until Monday. What about him?

MS. ALTERMAN: Kevin spoke.

CHAIRPERSON GREENE: Okay. Never mind. Thank you.

MR. HOYOS: Good morning.

The amendment before you is a proposal to convert residential property to commercial land use with the purpose of locating a gas station.

The proposed project is located at southwest corner of Jog Road and Belvedere Roads. Within a five to 10-minute ride north to the subject site is a consolidated commercial node that includes a Publix, Home Depot, CVS Pharmacy, multiple service providers and restaurants and two gas stations.

The subject site is -- this node serves the area, the residential area surrounding the subject site.

The commercial node serves -- the subject site is within the PBIA Overlay and the Haverhill Neighborhood Plan, which call this area for residential development.

The PBIA Overlay promotes preservation of residential neighborhoods and also encourages commercial to industrial uses and discourages land use conversions to commercial.

The amendment proposes to develop a shallow rectangular lot that meets the definition of strip commercial. The lot is one of several contiguous undeveloped properties to the west of the intersection that could become the subject of additional request for commercial; therefore, the

proposal could promote strip and piecemeal commercial development to the west of the site.

To wrap up, the proposal is contrary to the PBIA Overlay policies that discourage commercial conversions. It's inconsistent with the Comprehensive Plan by proposing and encouraging strip commercial development. It's inconsistent with the Haverhill Neighborhood Plan and has not demonstrated the need for commercial at this intersection; therefore, staff is recommending denial of the application.

The Land Use Advisory Board, acting as the Local Planning Agency, gave a unanimous vote of support to staff's recommendation of denial and suggested the applicant to get together with the property owners next to their property to try to come up with a plan -- proposal, master plan proposal, for the entire southwest corner, rather than stripping the corner with piecemeal commercial proposals.

Again, staff recommends denial of the application, and this concludes my presentation.

CHAIRPERSON GREENE: Thank you.

Commissioner McCarty and then Commissioner Koons.

COMMISSIONER McCARTY: Okay. I'm a little confused.

The first thing was I had understood from the applicant there was a unanimous approval from the Zoning Commission or something, so what we're seeing here, an LPA denial -- recommendation of denial.

So who recommended approval? Did somebody?

MR. HOYOS: The projects that are located within the PBIA Overlay need to be presented to a PBIA Overlay Committee. This is another like advisory board that is supposed to implement the policies of the PBIA Overlay.

They voted against the -- and those policies and in favor of the applicant's petition.

COMMISSIONER McCARTY: So were you going to tell us that?

MR. HOYOS: The --

MR. BANKS: There's a concurrent rezoning.

MR. Mac GILLIS: Yes.

MR. BANKS: So the reason -- you haven't heard the staff report on the rezoning yet.

So the Zoning Commission recommended in favor of the rezoning, but the Zoning -- under our process the Zoning Commission doesn't hear the Comprehensive Plan application.

So they're just --

COMMISSIONER McCARTY: Okay. So if we --

MR. BANKS: -- doing the zoning --

COMMISSIONER McCARTY: -- change the land use, we can expect that the Zoning Commission will be recommending --

MR. BANKS: Right.

COMMISSIONER McCARTY: -- which is later on -- approval.

MR. BANKS: And usually you've been holding the public hearings that you'll -- before the Board votes on the Comp Plan, you'll also hear the zoning application.

So you'll hear the whole -- you'll hear the whole presentation and all of the reports before you make your decision on the first.

COMMISSIONER McCARTY: Okay. So -- but the presentation from staff is bifurcated or --

MR. BANKS: Right.

COMMISSIONER McCARTY: -- did I just interrupt?

MR. BANKS: Staff does the -- the Planning Division staff presents it regarding the Comp Plan, and then Zoning Division staff presents regarding the zoning application.

COMMISSIONER McCARTY: Okay.

MR. Mac GILLIS: So maybe it'd be beneficial to the Board if you took Item 32, which is the companion application, the zoning application.

COMMISSIONER McCARTY: So we have the whole story.

MR. Mac GILLIS: You'll have the whole -- you'll have both the planning and the zoning on it.

COMMISSIONER McCARTY: So the Zoning Commission recommended approval, we're going to hear, unanimously, I believe.

MR. Mac GILLIS: Correct.

COMMISSIONER McCARTY: Okay. And the PBIA Overlay Committee also recommended approval; is that correct?

MR. HOYOS: Correct, and the Land Use Advisory Board --

COMMISSIONER McCARTY: Recommended denial.

MR. HOYOS: -- recommended denial.

COMMISSIONER McCARTY: Okay. Now let me just -- one other question here, because this is where I have the concern.

The depth of this property is how deep?

MR. HOYOS: Somebody in Zoning.

COMMISSIONER McCARTY: It's a pretty narrow --

MS. RECHENMACHER: Right.

COMMISSIONER McCARTY: -- piece; right?

MR. HOYOS: Correct.

MS. RECHENMACHER: Right, it got -- it got a -- they received a variance for the depth. The Code requires a 300-foot width, and they got a 40 -

- they got a 40-foot variance on the 300-foot width.

COMMISSIONER McCARTY: Okay. So they're a pretty narrow strip of property.

MS. RECHENMACHER: Correct.

COMMISSIONER McCARTY: And they had to get a variance in order to do this.

MS. RECHENMACHER: Correct.

COMMISSIONER McCARTY: I guess that's -- the thing that interests me about this property and interests me about what we need to do with it -- not sure this is the right request or the right forum, but this is a pretty small piece of property.

It's narrow, and if staff's recommendation is that that stay -- that that remain as residential, I'm just not sure that that is a realistic plan, and I'm not sure if that was the reason why the other committees, the other advisory groups, went against this because it's one thing to say it doesn't work, but then -- or, you know, there's no need or whatever, but then you got to look at this piece of property. What will work there?

And I don't know that residential is what will work there because of the size of the piece of property.

So given the alternatives for the property owner, I want to -- I want to make sure that we land use this appropriately, and that's a pretty tiny little thing there, and I just want to make sure that we give them alternatives that are actually viable.

MS. RECHENMACHER: Yeah. Let me correct. I said 300 feet. It's actually a 200-foot is the required lot width and they got a 40-foot reduction, so they actually have a 160-foot average lot width.

COMMISSIONER McCARTY: And so what is it that staff -- I mean we're saying denial on the Comp -- what is the current Comp Plan designation? Someone.

MR. HOYOS: It's residential.

COMMISSIONER McCARTY: So you want it to stay residential, and I don't know that that 's a practical thing for it.

I mean who's going to -- right there with all the -- the interchange and I mean I just -- okay.

So just so you know kind of where my concern is, and I need to hear more about what those advisory boards were thinking, whether or not this request is appropriate I don't know, but that's a little strip of property, and I just don't know if we're living in the real world if we think somebody's going to be putting houses that are

going to have driveways going onto Jog Road. Okay. That's kind of what you're proposing here.

So I just don't know that we really -- if that's a good idea, but that's just -- just so you know, that's where my head's at on this.

CHAIRPERSON GREENE: Barbara's hand is up.

MS. ALTERMAN: Yeah. Commissioner, let me just -- I think that part of the recommendation of the Land Use Advisory Board was that they should try and plan it with that blue piece that's up there, too, so you have a more comprehensive plan to review that makes more sense than just one piece of it. That's -- that was the idea.

COMMISSIONER McCARTY: But then are you then putting a gun to their head to have those guys offer them a -- you know, you're making them have to do business with them.

I -- you know, I don't know if we have the right to put them under the gun that they can't develop unless these guys allow them to.

MS. ALTERMAN: Understand. It's just good planning to do it more comprehensively.

CHAIRPERSON GREENE: Commissioner -- Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, I am -- can you flip back to the larger -- the adjacent -- the one back that's a little higher. That's a -- okay.

New Turnpike interchange southbound, okay, going into Jog Road, and we funded it, was probably done after we put these land uses in here, so that's completely new.

The -- just to the north of the subject property, north of Belvedere Road, we have a proposal coming in from an industrial commercial developer that that land use change from residential to industrial-commercial, which is what we're short of, and he's already sold it out, and it was -- so that's coming in through our system right now.

And so -- and then north of it's industrial on the east side of Jog, and then there's mining operations.

The only question I had is what do we tell the guy in blue so he could take it back. So I -- I'm -- I 'm kind of, you know, I look at it and say what does it make sense to do. I don't think residential there underneath the flight path with a Turnpike interchange a half a mile away is going to make any sense.

But I am interested, okay, one back more with the blue -- can you switch back to the blue? Yeah, go back one slide. It's got the blue.

So what -- it makes so much sense to have the blue guy here. I mean it just makes --

MS. RECHENMACHER: It does.

COMMISSIONER McCARTY: Maybe they've talked to the blue guy. Maybe --

VICE CHAIRMAN KOONS: He doesn't -- or whomever, that owner doesn't want to work into it.

COMMISSIONER McCARTY: There you go. That -- that slide.

VICE CHAIRMAN KOONS: You know, what do we tell this guy? You know, it makes so much sense to have some kind of a mini-overlay so we would have some understanding what's going to go -- 'cause that's up against residential, and you're going to have commercial to the north of it.

So I'd just -- I'd just like to take a practical look at what's going on in the neighborhood and see what makes a lot of sense and, you know -- you know, a gas station off a Turnpike interchange that's just being built was probably -- I know we fast tracked that at the MPO process to relieve Okeechobee and Southern so I'm okay, but it makes so much sense to try and figure out some way to go to the guy in the blue and say what do we do here.

MR. HOYOS: We have seen similar cases recently because the county is reaching build-out. There's no large properties, not a lot of large properties left in the Urban Service Area so we are seeing smaller and smaller properties coming in.

But what we have done with -- in similar cases is to ask the developer to try to master plan the entire corner, rather than coming with small pieces at a time which makes more planning sense, and some of the applicants have gone through the exercise of master planning the corner, rather than bringing it a project at a time, and that's what we would like to see here, too.

VICE CHAIRMAN KOONS: So that guy's probably agricultural, real low tax base. He says why should I change it to industrial-commercial, end up with a large tax bill, I won't be developing for -- unintended consequence.

Anyway, I just wanted to --

CHAIRPERSON GREENE: Let me ask staff. Were you suggesting that we discuss 32 before we -- at the same time we're doing 31?

MR. Mac GILLIS: Yes, Madam Chair.

CHAIRPERSON GREENE: Okay.

MR. HOYOS: You also need to hear from the applicant after me --

MR. Mac GILLIS: No -- we do.

MR. HOYOS: -- for the small scale amendment.

CHAIRPERSON GREENE: Okay.

MR. Mac GILLIS: Should do -- we should do the zoning, 32, first then go to the applicant, then he can comment --

COMMISSIONER AARONSON: Before we go to 32, you keep on showing the blue piece of property up there. Who owns it? Have they ever made contact, one with the other, as to whether or not they want to work together?

MR. Mac GILLIS: I don't know.

COMMISSIONER MARCUS: Yeah, they --

MR. Mac GILLIS: I'd have to defer that. No -- I don't believe anybody's contacted the Zoning Division. I think there's a nursery on one and some other uses. Maybe Mr. Kolins --

MR. KOLINS: If it's appropriate, Commissioner, I can answer that question for you. Ron Kolins, for the applicant.

COMMISSIONER AARONSON: I'd like somebody to answer the question.

MR. KOLINS: We tried to acquire that property. My client tried to acquire the blue property. The owner of the blue property had absolutely no interest whatsoever.

COMMISSIONER AARONSON: So he has no interest.

So when we talk up here about them trying to work together, if one has no interest and the other has an interest, the one with no interest is going to be -- play hardball and keep on making it more and more difficult.

We've had that situation down on Linton Boulevard when three people wanted to sell their five-acre lots and that we approved it, and one held out and didn't sell his five-acre lot, if you remember going back about eight or nine years ago.

So if you have a willing buyer without a willing seller, what do you do? So you can't restrict the other person from going forward in some manner or shape to do something with their property if they cannot work anything out with the other property owner who does not want to sell; is that correct?

VICE CHAIRMAN KOONS: Okay. Fine.

CHAIRPERSON GREENE: Okay. Any comments on 32 before we vote on 31?

MS. RECHENMACHER: Okay. Okay. For the rezoning of the property staff also recommended denial based on that it wasn't consistent with the Comp Plan or the Jog Road Corridor Study.

It did meet the location criteria, intersection criteria and the separation criteria.

So if the Zoning Commission -- if the BCC decided to recommend approval of this, staff has provided conditions on Page 36, we have 25 conditions, to mitigate the impact of the proposed development.

And one of the points when we were in Zoning Commission is because it was a narrow piece of property and it's a community commercial

district, which is a low intensity commercial district, staff had recommended instead of 12 pumps or six fueling stations, staff recommended five -- five pumps and 10 fueling stations. It would somewhat mitigate the impact.

But they also are requesting two separate -- they're requesting a convenience store and a separate retail store that's 3,000 square feet.

We were -- there was also recommendation for a cross access to the south, and that's a civic parcel, and Facilities was objecting to that. So we deleted any reference to a cross access to the south.

Land Development actually brought up that it might be a good idea to provide a condition for a cross access to the west in case that portion -- that piece is ever developed as a commercial parcel.

So we could draft a condition for that real quickly.

VICE CHAIRMAN KOONS: How come we didn't want cross easement for us?

MS. RECHENMACHER: To the south?

VICE CHAIRMAN KOONS: Yeah.

MS. RECHENMACHER: Well --

MR. Mac GILLIS: It's a -- it's a civic parcel to --

MS. RECHENMACHER: It's civic --

MR. Mac GILLIS: -- the planned development that's to the --

VICE CHAIRMAN KOONS: I was going to say, don't we always beat everybody else up to do that stuff?

MS. RECHENMACHER: I know. Apparently, it's going to -- it might be a proposed Sheriff substation, and they don't want --

VICE CHAIRMAN KOONS: No, the Sheriff's substation should go in the commercial building just to the south of this, the little icing on the cake, besides the -- Mr. Kolins, are you listening to me?

MR. KOLINS: I am, sir.

VICE CHAIRMAN KOONS: The Sheriff's substation should go in the --

MS. RECHENMACHER: Facilities -- a representative of Facilities is here if you want --

VICE CHAIRMAN KOONS: -- unused little commercial building that you'll see in the site plan. That's where it should go if the Sheriff wants to pay the rent.

MR. KOLINS: I think further negotiation --

CHAIRPERSON GREENE: Okay. We -- did we have a motion on 31?

COMMISSIONER McCARTY: No, not yet.

CHAIRPERSON GREENE: On which -- which one?

COMMISSIONER MARCUS: We're doing both, the  
Comp Plan --

CHAIRPERSON GREENE: Are you going to do a  
presentation on 32 now?

MR. KOLINS: Thirty-one and 32.

COMMISSIONER: I think our new member is  
causing us to be off our pace here.

CHAIRPERSON GREENE: Okay. We don't want  
to spend an hour on this item is why I'm trying to  
move it along.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Yes.

COMMISSIONER AARONSON: May I make a  
recommendation?

There are many commissioners leaving at  
11:00 o'clock.

CHAIRPERSON GREENE: That's why I'm trying  
to move.

COMMISSIONER AARONSON: It is now 10:32.  
Why don't we postpone this -- we're postponing many  
other things. Why don't we postpone this until  
Monday, as well, and take up the other items and  
get them off so that we don't leave five items at  
the end for Monday.

CHAIRPERSON GREENE: I agree. Could you  
put that in a motion, form of a motion?

COMMISSIONER AARONSON: I make a motion.

CHAIRPERSON GREENE: You heard the motion  
by Commissioner Aaronson that we postpone this item  
until Monday.

COMMISSIONER McCARTY: Well, now wait.  
Maybe we'll get the other five done in the next  
five minutes, then let's come back to this one.

COMMISSIONER AARONSON: Yes. And come back  
to it if we can.

COMMISSIONER MARCUS: Postpone it for last  
on the agenda, whether it's today or Monday.

COMMISSIONER AARONSON: Reorder the agenda.  
I make a motion to reorder the agenda, 31 and 32,  
at the end of the agenda.

CHAIRPERSON GREENE: You've heard the  
motion by Commissioner Aaronson.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Second by Commissioner  
Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. KOLINS: Just one clarification, Madam  
Chair.

So do I assume that whether it be today or  
Monday, whenever we get back to this item, we will

begin with my comments -- that we will begin at this stage?

CHAIRPERSON GREENE: Yes, sir.

MR. KOLINS: Thank you very much.

COMMISSIONER McCARTY: And, Madam Chairman, I think the staff is sort of whispering that the next item is going to take longer than this item. So maybe we --

MS. ALTERMAN: The next item is a similar item. It's a small scale amendment with the rezoning, so it's very similar, and those -- that's the only items on the agenda, other than commissioner comments.

So either -- whether you take these two or the next two together is up to the Board.

COMMISSIONER McCARTY: Does the next one -- the next two have a difference of opinion between staff and the advisory boards?

MS. ALTERMAN: Yes.

COMMISSIONER McCARTY: They do? Great.

MS. ALTERMAN: Very similar.

COMMISSIONER MARCUS: And Items No. 34 has two speakers.

CHAIRPERSON GREENE: Yeah. Okay. So may I have a motion to postpone Item 33, as well as -- along with 31 and 32?

Put it on the end of the agenda. That's part of my motion.

CHAIRPERSON GREENE: Okay.

MS. ALTERMAN: Thirty-three and 34 are tied together. It's the small scale amendment --

COMMISSIONER MARCUS: Oh, okay.

MS. ALTERMAN: -- with the rezoning.

COMMISSIONER AARONSON: Okay.

MS. ALTERMAN: So you want to hear those together.

COMMISSIONER AARONSON: Okay. Thirty-one, 32, 33 and 34 at the end.

Let's do 35 --

MR. Mac GILLIS: There is no 35.

CHAIRPERSON GREENE: There is no 35. Thirty-four is it.

COMMISSIONER MARCUS: Madam Chair, there are public speakers here for 34. That was my only point.

So if you want to try to let them at least speak so we should do --

CHAIRPERSON GREENE: Thirty-four.

COMMISSIONER MARCUS: We've already postponed you; correct? Did we vote on that?

VICE CHAIRMAN KOONS: No.

COMMISSIONER MARCUS: Okay. We need to vote on postponing.

COMMISSIONER AARONSON: We've postponed 31 and 32.

CHAIRPERSON GREENE: We had the motion, but we didn't vote on it.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

COMMISSIONER MARCUS: Now at least we can open up 33 and 34 so the public can speak to it, and then if we have too many questions, we can refer that.

MR. KOLINS: All right. So we -- we can leave then, and we're definitely coming back on Monday for my two cases --

COMMISSIONER MARCUS: I would say so.

MR. KOLINS: -- is that right?

COMMISSIONER MARCUS: Yes.

CHAIRPERSON GREENE: Yes.

MR. KOLINS: Okay. Thank you.

MR. Mac GILLIS: On 33 and 34 would you like the staff presentation, get that out of the way?

CHAIRPERSON GREENE: Yes, sir.

COMMISSIONER MARCUS: Yes.

MR. Mac GILLIS: Okay. So these are tandem applications so we'll do both the presentations. The Planning will present 33. Zoning will present 34 so you'll get the complete picture.

Bryan Davis will present the small scale amendment.

MR. DAVIS: As Yogi Berra said, this is going to be déjà vu all over again.

Good morning, Commissioners. My name is Bryan Davis, principal planner, urban designer with the redevelopment section of the Planning Division.

I'm here to present to you the specific land use amendment for the Haverhill/Wallis Southwest commercial parcel.

It is a request to go from low residential, two dwelling units per acre, to a commercial high with underlying two residential units per acre. It

is located, as the name of the amendment may suggest, at the Southwest corner of Haverhill Road and Wallis Road.

It's approximately two acres in size, and you can see it on your screens before you.

The parcel is located just north of Southern Boulevard.

To the north of it is a congregate or assisted living facility. To the west is low density residential with an underlying land use of LR -- a land use of LR-2. To the south is an existing single family, and then to the east is a land use or an area on the east side of Haverhill Road that has a land use of MR-5 but is also known rather informally as the airport buyout area.

The staff has examined this land use amendment, and we have discovered that it is inconsistent with a number of future land use policies, namely, the protection of existing residential neighborhoods.

It does not meet the location criteria for commercial high land use. It does not satisfy the requirements of -- regarding the specific location and type and depth requirements to receive a commercial high designation, and it also does not meet infill development.

Furthermore, it's inconsistent with the Palm Beach International Airport Overlay, which is Objective 1.2.5 in your -- in the Comprehensive Plan future land use element.

There is also a specific requirement under future land use under the Policy B and the requirements of Article 3 that say you have to be consistent, and they regard that the land use changes to industrial, specifically, is the preferred land use change, or you protect the existing residential neighborhoods that are intact.

The overlay also discourages the conversion or the continuation of commercial land uses within the overlay, again, saying the appropriate designation would be industrial out there.

Furthermore, it's not appropriate because it does not protect the existing neighborhood. We have the congregate living facility.

We have the issues of land use compatibility, commercial high, to a low residential, and, furthermore, this convenience store with gas sales, which is the proposed zoning use that will be before you in a minute, would result in increased traffic to Wallis Road which is effectively at this area a residential street.

Furthermore, it's in the area of the Haverhill Area Neighborhood Plan which has specific language. It also says, and this was carried forward in the Comprehensive Plan that also supports change to industrial, calls for protection

of neighborhoods, and there is some question as to whether or not a gas station is needed in this neighborhood.

On the map you see before you, Okeechobee is the very top. Belvedere is the next road to the south, Southern, Gun Club, and then the right-most is Military, and then the subject site there is indicated in orange, and then in yellow I've indicated the new or existing approvals for gas stations in the area, and you can see that there's approximately eight to 10 within a little more than a mile radius, and they're both located -- or they're located essentially on two main roads, Okeechobee Boulevard and Military Trail. These are arterials that are lined with commercial high land use.

Wallis is a residential street, and Haverhill in this portion of the county is not a commercial high corridor. It is a residential land use predominated in that area.

Furthermore, it is a CCRT area, Countywide Community Revitalization Team area, which is -- they are two neighborhoods in particular, Royal Palm Estates and Wallis Road West, and they went through a little over a year ago and completed a community plan that actually talks about what they want, and some of the details are coming up on the screen.

But effectively they looked at the issues the neighborhood was facing, the recommendations for -- to improve and revitalize the neighborhood, their shared vision.

In other words, this is what they're saying. They're setting forth what they really want to get, and, interestingly enough, towards the end of it it actually looks at what did they not want in this community plan, and it actually -- the second highest voted thing was that they do not want to establish commercial in the neighborhood, and so -- and the leading one by one vote was they were not in favor of installing traffic calming.

And then also, just to bring you up to date on what the CCRT has done, is the BCC has allocated nearly three million dollars over the past few years to improve the infrastructure and the condition out there.

So this is a neighborhood that is being revitalized, and this commercial high would be a very severe intervention, if you will.

Furthermore, as this amendment has been processed, you are aware of the URA Planning Study. This study -- it's also within the URA, and this is just an outline of it.

But what I wanted to call out was one of the things that came out of this study that Treasure Coast Regional Planning Council had

brought to us, and on the map that's on the screen they had -- in order to assess that entire 30-square mile area, they needed to identify what was likely to redevelop and not likely to redevelop.

Well, the map that I have up now shows those parcels that are designated likely to redevelop as identified by Treasure Coast. This parcel is not one of those.

They also looked at, sort of the flip side of the coin, what is not likely to redevelop, and they recommend that you do not do these type interventions.

Well, our neighborhood is on the other side of the coin. It is one where they do not favor an intervention, wholesale redevelopment. We're just -- we're good with redevelop -- or, excuse me, revitalization, not redevelopment, and that's just let's -- let's try and repair some minor things. Let's not come in, do a massive wholesale tear-down rebuilding of a neighborhood.

Now, one of the things that the airport buyout area has done is it creates a potential land use incompatibility. The idea was to buy out those for noise issues because they're on the landing path. That neighborhood was on the landing path for the airport.

But the concept was to put industrial in here, and Treasure Coast came up with what was a very good counter-plan, because they were aware of this trauma that was being set up of you were going to have Haverhill, which is at this point a residential street, and then suddenly industrial would be proposed.

And so what this counter-plan does is it talks about flex space, which is all the buildings that are indicated in red with the red rooftop, which the right-most side is facing Haverhill, and then that boulevard that's down the middle is sort of a redefined Wallis Street.

But in the -- the gray rooftops, which are around the lakes towards the interior of the site, these are single story light industrial. The idea is that you could still get that light industrial use, but then you could put flex space out and then help to buffer that transition that the buyout is going to affect.

So we feel that this is probably a better option. We need to encourage airports to go forth and look at it, but this could also provide some of the needed commercial that is in that area.

So just to recap, we're recommending denial --

VICE CHAIRMAN KOONS: Just a comment. We initiated a Comp Plan change to implement that.

MR. Mac GILLIS: Yes.

VICE CHAIRMAN KOONS: And so we're, you know, we're -- you know, we're doing this, and that's the kind of space we need exactly right there, so.

MR. DAVIS: Okay. And just to back up, this generates -- the Treasure Coast plan gets almost a million square feet of light industrial flex and some commercial in there, as well.

So just to recap, it's inconsistent with multiple plans in the -- or multiple provisions of the Comprehensive Plan, compatibility issues, adverse impact to the adjacent neighborhood. It does not meet the locational criteria for commercial high. It's not consistent with a, you know, multitude of overlays, as you can see, of the neighborhood plans. Haverhill is not a commercial corridor at this point in its existence, and the community's in the midst of revitalization efforts.

It's appropriate to let these take place and for them to continue to look at this and other options. Redevelopment is not encouraged or is it necessary here.

And then just to summarize other actions, the PBIA Overlay, when they met in early January, they expressed concerns with compatibility, the impacts that this would have; however, they did vote 3-2, which was something of a -- of interest, to at least accept the site plan, but there was no recommendation on the land use amendment.

And then also our planning board, the local planning agency, or the LUAB as we usually refer to it, supported the staff recommendation for denial of the amendment, 11-1.

So that concludes my presentation. Thank you very much.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER McCARTY: Who was the one?

MR. DAVIS: Hold on. It was awhile.

COMMISSIONER McCARTY: Catherine Murray went against staff?

MR. DAVIS: Michael -- Michael Weiner (ph).

COMMISSIONER McCARTY: Michael Weiner. He's mine. Just wanted -- just wanted to know. Okay.

CHAIRPERSON GREENE: Okay. Are we going to do 34?

MR. Mac GILLIS: Yes. Anthony Wint will present 34.

MR. WINT: The applicant is proposing to rezone 2.15 acres of land from the residential multi-family district to the general commercial zoning district with a Class A conditional use to allow for the development of a convenience store with gas sales.

Now, this went in front of the Zoning Commission on August 2<sup>nd</sup>. The Zoning Commission,

despite denial recommendation from staff, voted unanimously to approve this request.

They also directed staff to see if we can research the option of downgrading the request from general commercial zoning district to a community commercial zoning district, and we did that, but we found that the applicant would not meet the criteria, intersection criteria, for community commercial; therefore, we remain with our position of denial of this project in support of the Planning's position.

If the Board chooses to approve this project, we have 29 conditions currently, and I believe that Maryann Kwok, our chief planner, has worked out with the applicant to add some conditions in addition to a COZ.

If there are no further --

COMMISSIONER McCARTY: I have a question.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: But I'll wait until Commissioner Koons and Kanjian can focus.

CHAIRPERSON GREENE: Okay.

COMMISSIONER McCARTY: At least he's not being rude to Burt, 'cause that's usually who you're being rude to, so at least you're not being rude to Burt. Just me.

The -- okay. Let me get this straight. I've met with nobody on this so I know nothing. I'm just listening to you.

The Zoning Commission voted unanimously to support this; however, they really wanted it to be a community commercial, not what was -- what was being requested, and you went and checked out the possibilities for community commercial, which there is no possibility for community commercial 'cause it's in violation of a million other things.

MR. WINT: That's correct.

COMMISSIONER McCARTY: So they voted in favor of this based on it being something it can't be. Am I --

MR. Mac GILLIS: Let me clarify. No. What the Zoning Commission --

COMMISSIONER McCARTY: Am I -- got the right --

MR. Mac GILLIS: At the Zoning Commission they were concerned because of staff's concern, denying it with the intensity of the use and the location and not consistent with the Comp Plan.

They asked us to look at what other zoning districts correspond to the commercial low. We told them community commercial was the only other one that'd correspond, but this type of use has to meet the --

COMMISSIONER McCARTY: Intersection criteria.

MR. Mac GILLIS: -- intersection criteria which they couldn't do; therefore, we could not --

COMMISSIONER McCARTY: Okay. So --

MR. Mac GILLIS: -- and they had -- they had asked us to do that originally, the applicant. They came in and --

COMMISSIONER McCARTY: Okay. But that doesn't -- that still confirms what I'm saying.

The Zoning Commission had concerns, like staff, about the intensity of this and asked what could we do different that would lower the intensity, and there was a thought at the time that community commercial might be it, and then after further research you can't do community commercial.

So that then brings me back to the fact that perhaps if the Zoning Commission had known that at that time, you may have gotten a different vote because of the intensity issue. So maybe we don't have too much of a disagreement.

They just wanted to help, I think, move this down the field with some recommendations that might work, and that recommendation didn't work so now we're back to the one that nobody likes, regardless of that vote.

MR. Mac GILLIS: Because we did ask them when they made the motion, would they want the application to come back to them if it couldn't be --

COMMISSIONER McCARTY: And they said no.

MR. Mac GILLIS: -- community commercial, and they said no, send it on.

It was just -- there was a lot of discussion at the meeting.

COMMISSIONER McCARTY: Make it our problem. Okay. Got it.

VICE CHAIRMAN KOONS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, you can easily lower the intensity by another condition saying that it's got to stay a convenience store with gas, and that no other use within the commercial zoning would be applicable.

So you can -- we -- we can lower the intensity by a condition.

MR. Mac GILLIS: Yes.

VICE CHAIRMAN KOONS: I'd like to -- I want to take public comment. I don't -- is this -- would this be a good time? Okay.

COMMISSIONER MARCUS: We haven't done the zoning yet.

VICE CHAIRMAN KOONS: We haven't done zoning yet.

I've got the petitioner. I would like to get the public comment on the record.

So Thyra Echols Starr.

CHAIRPERSON GREENE: I'd just like to make a disclosure that I did meet with the applicant.

COMMISSIONER McCARTY: Oh, I think I met with the applicant, now that I see -- did I -- I met with you on this. Okay. Sorry. Didn't recognize it.

VICE CHAIRMAN KOONS: Okay. Let's -- let's do disclosure. Let's start -- Mary, yes.

COMMISSIONER McCARTY: I met with the applicant, and for whatever reason I had no problem with what they were doing, but I don't remember any of it now. So we'll see.

COMMISSIONER SANTAMARIA: Yes. And I met with the applicant.

COMMISSIONER MARCUS: My staff met with the applicant.

VICE CHAIRMAN KOONS: I met with the applicant.

Burt.

COMMISSIONER AARONSON: No.

VICE CHAIRMAN KOONS: Okay. You have three minutes.

Burt said no.

MS. STARR: Ready?

VICE CHAIRMAN KOONS: You have three minutes. Yes.

MS. STARR: Okay. Good morning. My name is Thyra Echols Starr. I'm here representing West Palm Beach Housing Authority.

We own about 65 units just north of -- just behind the assisted living facility, and we're attempting to rehab those facilities for sale to increase the inventory of affordable and workforce housing.

Our concern is that this is a good mix in that area that's going to -- that will attract buyers to this site.

We have not had an opportunity to meet with the applicant, and I did just this morning and talked briefly on the phone yesterday.

However, we're concerned that the mix and any negative ideas that will decrease sale opportunity; however, if you decide to go against staff's recommendation, we're asking that maybe it be delayed some time so that we may have an opportunity to work out some things with the applicant.

VICE CHAIRMAN KOONS: Okay. Who should she connect with in the Planning staff?

MS. STARR: Ms. Rose and I have had a conversation.

VICE CHAIRMAN KOONS: Great. Okay.

MS. STARR: Okay.

VICE CHAIRMAN KOONS: So I -- I don't want to get confused here.

So what were you suggesting our action be here? Postpone?

MS. STARR: Postpone, right. If you -- if you go against staff's recommendation, we're asking that you give us some time to work with the applicant.

COMMISSIONER MARCUS: Your first choice is denial.

MS. STARR: Correct.

COMMISSIONER MARCUS: And second choice is if we don't deny it, then --

MS. STARR: Yes, ma'am.

COMMISSIONER MARCUS: -- postpone it.

MS. STARR: Yes, ma'am.

VICE CHAIRMAN KOONS: Okay. Rick Barnett (ph) -- somebody, Rick? West Forest Hill Boulevard.

MS. MISKEL: He's with us, a consultant.

VICE CHAIRMAN KOONS: Okay.

Brendhan Horn.

MR. HORN: Hello, Commissioners. My name's Brendhan Horn. I represent Royal Palm Estates, which is the community that runs west of Haverhill Road to Pine. It's one neighborhood. I know you guys subdivided it into two, but we consider it one neighborhood.

Since January the initial mailings came out for this gas station and stuff, and we've been aware of it. We've been in favor of it since then and stuff.

Yes, we are a CCT highlighted area, and I want to make some clarifications on the presentation Bryan put up.

When the community opposed commercialization within our neighborhood, if you check within our neighborhood, because of the widening of Southern Boulevard, there are some empty lots that are half size that are still zoned commercial.

No, we do not want commercial within the middle of two houses, but the neighborhood lost all of its businesses that were local to its area with the widening of Southern Boulevard. We have no real convenient gas stations or convenience stores to go to without crossing Haverhill, and there is not a parent in this neighborhood who likes their young children crossing Haverhill to have to go get something.

After discussions with the members of my neighborhood an e-mail that has been sent out, one of which is copied on the record for this and stuff and discussions with other members of the community, we are in favor of the gas station.

VICE CHAIRMAN KOONS: Okay.

MR. HORN: We understand that there will be a traffic increase. We understand that there would

be a traffic increase with the building of the development between Haverhill and Military that the airport owns. That increase is going to happen one way or another.

It would be nice if the kids didn't have to cross the street to go into a light industrial area to get something. All right.

VICE CHAIRMAN KOONS: Okay. I really appreciate your input here. This is one of our neighborhoods we're working real hard to do. This is on the edge. I know we have all these wonderful plans, and then the reality is the neighborhood sees something coming in there, so your opinion means a lot to me.

MR. HORN: And I appreciate that.

And I want to make it very clear. I've discussed this issue with the representatives from BP and the law firm representing them. Okay. The community is not going into this lightly. We're holding BP's feet to the fire on this.

The health board recommended that they take concerns to the Azalea Court facility, rehabilitation facility over there, which is currently fed by city water and drainage and sewage.

Our concerns were is that we still have 50 percent of our community on well water, so we're making sure that BP maintains a maintenance contract and ground and water monitoring because if they were to do something that was as silly as contaminate the groundwater, it's not going to affect Azalea Court.

VICE CHAIRMAN KOONS: Gotcha.

MR. HORN: So they're -- the community is very much working at making sure that if this does happen, it happens under very strict guidelines.

VICE CHAIRMAN KOONS: Yeah. I just want to personally thank you for the effort you've put in there, and we really do appreciate what you do.

MR. HORN: Thank you very much.

VICE CHAIRMAN KOONS: Thank you so much.

COMMISSIONER McCARTY: Any other cards?

VICE CHAIRMAN KOONS: No.

Does the petitioner wish to make a presentation on the --

MS. MISKEL: Yes. Thank you, Mr. Vice Chairman and members of the Board. My name is Bonnie Miskel, and I'm here on behalf of the applicant, and I know you're trying to get out of here so we'll try -- we'll be very brief.

We have spent a great deal of time surveying the area. We've gone out, and we've knocked on doors. We've met with neighbors.

We understand that we can't just go in and build without sensitivity to the community, and it is our goal to do that. My client has over 180

properties in South Florida. They are a very large corporation, and they are doing their best to improve the communities that they are in, and they have evidence of that.

Very briefly, I'd like to walk -- for those of you that may not have been in the neighborhood lately I'd like to show you the neighborhood. This neighborhood has struggled. They have been neglected. They have been significantly impacted by the airport as evidenced by the pictures.

We are the southwest corner of Wallis and Haverhill Road. We're outlined in green. We are south of the Town of Haverhill. We are within the LR-2 land use category, as staff suggested.

I'm showing you some of the other categories near us, MR-5, HR-8, CL, CH and industrial.

As Brendhan had suggested to you, commercial runs up and down the north border of Southern Boulevard, but with the expansion all of that was essentially lost. There is no longer adequate depth left with the commercial category as it existed for the commercial uses to continue.

As staff alluded to earlier, we approached the airport, as well. We went to the committee, and the committee did pass our site plan, the airport committee.

We also obtained from them their latest master plan on what they want to do on the other side of the street.

East of us is the buy-out area, and this is what we were given. Kerry Kilday is working on it, hasn't come before you for approval, but this is what we were given. This was the latest.

Wallis runs along the -- intersects the two portions of the property, and I'd like to draw your attention to the northeast and southeast corners.

The master plan shows commercial pods. Commercial pods are permitted in the planned industrial park designation, and that's in fact exactly what they're proposing for this site at the moment.

Now I'd like to give you some pictures of what we're looking at and what anybody driving through the neighborhood, and, unfortunately, what some of these neighbors have had to look at.

This is the northeast corner. It is an unoccupied building that is within the buy-out area. The only occupancy, it appears, are the homeless at the moment.

This is looking northwest from our site. There is currently road work on Wallis Road as staff suggested earlier.

This is the rehab facility. They actually are not contiguous to us. Their parking lot is

contiguous to us. We are not contiguous to any portion of the building.

This is south of us. There is one parcel between us and Southern Boulevard. It is a house, and that neighbor has submitted a letter supporting our application. We have spent a great deal of time working with the neighbor to make their life a little better than it is right now. We're hoping not to impact it negatively.

Much of what we agreed to was the distance of the building from the property line, the wall, a berm and significant landscaping. Also, we agreed to limit the hours of the ancillary carwash component of the plan to 11 -- to close between 11:00 and 6:00, 11:00 p.m. to 6:00 a.m., which was acceptable to them.

This is a picture --

CHAIRPERSON GREENE: That's 6:00 a.m. in the morning?

MS. MISKEL: That's correct. So we would close --

CHAIRPERSON GREENE: Oh.

MS. MISKEL: So we would be closed between 11:00 p.m. and 6:00 a.m.

This is the street that runs parallel to Haverhill. These are -- there are three houses that are contiguous to the back side of the subject site. This is one of them. This is what that neighborhood has, and I think it's important for you to see this is what the neighborhood is desperately trying to improve on, but just to give you an example, those are trailers parked there. Those are also contractor vehicles. Those are in the front yards of the houses directly behind us.

And this is going down the street. It's a dirt road.

Okay. This is -- standing on the corner of our parcel looking south, that's Southern Boulevard. To the left is a commercial strip center, which is pretty much the only one that's left now that is west of Military, and then to the south of us again is a single family house that's set far back and a retention pond.

This is looking west from our site. This is looking east from our site. This is the buy-out area. There are no longer houses there.

Here is a picture of our site again, and as you -- as I mentioned before, to the north of us is the parking lot for the rehab facility, then you have the rehab facility, then you have the three houses that I spoke of, and you can see the single family house to the south.

If you'll look to the east of us, that's what's left of what had been a residential neighborhood as a result of the buy-out.

Now, staff has given you some partial information, but I -- I regret to say I disagree with their interpretation. They haven't given you the whole portion of the Comp Plan applicable.

Before you decide on whether to accept this and approve this land use plan amendment, I need to demonstrate to you that the current use is unsuitable, and that's the reason that I gave you the pictures.

Clearly, by implementing the Airport Overlay you already identified the portion to the east of us as being unacceptable for residential, and it was purchased. It was bought. It is no longer residential.

We are within the conversion area. I agree with staff. The conversion area encourages conversion to industrial. In fact, it makes it easier for you. You don't have to go through the full land use plan amendment process.

It doesn't, though, prohibit commercial at all. It just says that you have to come before the Board for a commercial land use application, and we have to show to you that we are compatible.

So that leads me to my next point. Before you can make that determination, not only do I have to show you the current use is unsuitable, and I think we all can say that a single family home on this site is unsuitable.

The next thing I have to say is how can we be compatible, because I recognize we are a commercial use and I recognize that it is residential behind us, and so what we'll show you in just a minute is how we are going to mitigate the impacts.

But the other thing that I'd like to point out, in your Comprehensive Plan you allow an amendment to the CH category, providing that the following criteria are met. Those criteria are to be applied to determine if the CH category is appropriate.

The first is the subject site must be located within the suburban-urban tier, which we are, and directly on a roadway classified as a major arterial, which we are. That's Haverhill.

The next, we must meet one or more of the following conditions, and these are the conditions here.

Our parcel has MR-5 to the east of us, and it actually has an intensity -- a density that is greater than at least four units per acre.

There is the MR-5. What is across from us is HR-12, a much more intense use than the MR-5. So we qualify, and in fact this is an appropriate request, and that's what your Comp Plan says.

Furthermore, your staff has recognized that the area itself is really not LR-2 in other places.

They have a self-initiated amendment coming in for HR-12 in the 07-1 dash land use plan amendments, and then one for HRH, which currently is LR-2.

This is not an LR-2 area. It hasn't been an LR-2 for a very long time.

Again, this is an aerial of the site.

You have some other provisions in your Comp Plan policies and objectives that we certainly are complying with. In fact, we're not inconsistent with anything in the Comp Plan.

1.2.5-b, the PBIA Overlay shall have the potential to be zoned for uses that are permitted in the light industrial and planned industrial park zoning districts. Commercial pads are permitted.

The policy further provides that the commercial zoning is permitted where the land use is designated commercial, hence the reason for our application.

Policy 1.2.5-d sets forth the protected neighborhoods, and they list them. These are the neighborhoods that you all identified as the ones that need to be preferred. I will sum it up.

They are Timber Run, Lake Belvedere Estates, Overbrook Subdivision and two others that do not qualify.

The nearest one, by the way, is a half-mile from our site.

This is what the residential area to the east looked like in 1990. This was before -- well, it was just after airport expansion. This is what it looks like today.

Finally, and I'm showing you the difference, there's no similarity between them. You have a neighborhood that's on the decline. This is appropriate. Residential is not.

Finally, for zoning purposes, I need to demonstrate to you that there are changed conditions. Not only did I just show you the changes east of us, but we are in the flight path. We -- you can't even speak to someone when the airplanes go by. In fact, we were meeting someone out there yesterday. We had to go into a van in order to have a conversation.

I just want to reference the passenger loads that came out of -- came out of PBIA; '89, 2.5 million, '98, 5.8 million, 2006, 6.8 million, and it's exceeded seven million today.

I think those changed conditions, and we are within a half-mile from the airport. We've met the criteria, and we respectfully request approval.

I will say that to mitigate -- well, I see -- I see Commissioner Koons with his pencil up.

VICE CHAIRMAN KOONS: Yeah, I think I'd like to make a motion to postpone to this -- your specific closing, your presentation, to Monday at 9:30?

MR. Mac GILLIS: We have the land use --

COMMISSIONER MARCUS: After land use.

MR. Mac GILLIS: -- items first. So it'll be after the land use portion is finished.

VICE CHAIRMAN KOONS: Okay. And you can -- you can --

MS. MISKEL: And we'll sum up then. Thank you.

VICE CHAIRMAN KOONS: -- continue to wrap up.

MS. MISKEL: That's fine.

COMMISSIONER MARCUS: And then -- Madam Chair, I'll second the motion.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons, second by Commissioner Marcus.

COMMISSIONER MARCUS: And in the meantime could you meet with the housing authority just to go over whatever other issues?

MS. MISKEL: Absolutely.

COMMISSIONER MARCUS: Okay. Great.

MS. MISKEL: Be happy to.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER McCARTY: And I just want to -

-  
CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: -- say I -- I do like what you're doing. I do support what you're doing, but I'm not going to be here Monday, so.

MS. MISKEL: Oh. Well, thank you.

COMMISSIONER McCARTY: Okay.

MS. MISKEL: I appreciate your comments.

CHAIRPERSON GREENE: You've heard the motion and a second.

Commissioner Aaronson.

COMMISSIONER AARONSON: Just one question. We have so much on our plate on Monday, and we have so many people coming up on two issues on Monday, and how long are those people -- how long are we going to continue this and hold those people up here on Monday?

COMMISSIONER McCARTY: Aren't there four of us that can stay and get this done? I'm not going to FAC.

COMMISSIONER MARCUS: Well, you said you had to leave at 11:00.

COMMISSIONER McCARTY: No. No, I didn't say I have to leave at 11:00. I'm fine -- I could use the hour. I have to leave at 11:00 -- I have to be at a 12:00 o'clock lunch so I could leave at 11:30.

COMMISSIONER MARCUS: Well, just the three of us have to leave.

COMMISSIONER McCARTY: So it leaves four.

CHAIRPERSON GREENE: We have a quorum, still have four.

COMMISSIONER McCARTY: Let's see if we can get it done. I got to leave at 11:30, but that's -

MS. MISKEL: Actually, we are -- we can sum it up very briefly if you have just a few more minutes.

VICE CHAIRMAN KOONS: Well, we're -- you got four.

Madam Chair, can I make one public comment, commission comment?

COMMISSIONER MARCUS: Well, we have a motion on the floor to postpone. Do you want to -- you want to pull back your motion, Commissioner Koons?

VICE CHAIRMAN KOONS: Yes, I'll pull back my motion.

COMMISSIONER MARCUS: And I'll withdraw my second.

CHAIRPERSON GREENE: I'll have to vote against the motion because I really would like to vote on this issue and I'd like to give them the respect of all of us being here, and I'd rather -- that's me personally.

COMMISSIONER MARCUS: Okay. So we'll postpone?

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: So you want to make your motion again to postpone?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: And I'll second it.

CHAIRPERSON GREENE: You heard the motion to postpone, second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MS. MISKEL: Thank you.

COMMISSIONER McCARTY: You made a motion to postpone?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: 'Til Monday.

COMMISSIONER McCARTY: Show me voting no. Well, I'll support it. I'm not going to be here.

MS. MISKEL: Thank you very much.

VICE CHAIRMAN KOONS: Okay. We heard you.

MS. MISKEL: Thank you for your attention.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: I think it just gives time for them to work with the housing authority, too.

CHAIRPERSON GREENE: Right.

COMMISSIONER MARCUS: So that's -- that's okay.

CHAIRPERSON GREENE: Right. Okay.

COMMISSIONER MARCUS: Are we going to recess until --

VICE CHAIRMAN KOONS: Yeah. Just can I make one commission comment before we go?

I'd like to do time certain. I've got a memo, a request from senior County staff and senior School Board staff to come in at 11:00 o'clock on Monday and talk about the infill Stacy Street school, just to give the staff and the commissioners some update.

This is a moving target and --

COMMISSIONER AARONSON: What's that? What are -- what are you proposing now?

VICE CHAIRMAN KOONS: Eleven o'clock, the School Board staff and the County staff would like to come in and give us an update on the Stacy Street school and some development and engineering options that they'd like to come in to talk about.

COMMISSIONER AARONSON: Are we going to take up our Comp Plan before that?

COMMISSIONER MARCUS: Yes.

VICE CHAIRMAN KOONS: No, we just did -- yeah, we just did a time certain, 11:00 o'clock.

COMMISSIONER AARONSON: We have a lot of people coming up on the Comp Plan. Okay.

COMMISSIONER MARCUS: Oh, yeah.

COMMISSIONER AARONSON: And what I want to make sure is that we're not going to --

COMMISSIONER McCARTY: Well, he's saying they're going to stop your meeting at 11:00 and go and listen to these people.

VICE CHAIRMAN KOONS: And just spend about 10 minutes to give you an update on what's going on.

COMMISSIONER McCARTY: Ten minutes? Well, then you have to come in with masking tape over your mouth.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: We really should be done with the Comp Plan by 11:00 o'clock if we all just don't talk and let the public talk.

COMMISSIONER AARONSON: The fact is that we have announced the Comp Plan. We know the issues.

We have a lot of people coming up here. I don't think it's going to be fair to have people sitting here knowing that their issue is coming up and then interrupted for the meeting with the School Board and have them have to stay here for a longer time than they should --

COMMISSIONER MARCUS: Then why don't you say immediately following the Comp Plan meeting.

COMMISSIONER AARONSON: Immediately following the Comp Plan.

COMMISSIONER MARCUS: It should be fine, Jeff.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: Well, the -- I was offering the courtesy of the School Board staff to come in and it shouldn't --

COMMISSIONER AARONSON: Well, it --

VICE CHAIRMAN KOONS: -- be more than ten minutes.

COMMISSIONER McCARTY: Make it at 2:00 o'clock or 1:30. Then you're not interfering with --

COMMISSIONER AARONSON: Jeff, Jeff.

COMMISSIONER MARCUS: Just say immediately after the Comp Plan.

COMMISSIONER AARONSON: It's a matter of giving courtesy to the School Board staff or giving courtesy to the public who is coming up to hear the issue.

COMMISSIONER MARCUS: I would second his motion to add this to the agenda immediately after the Comp Plan hearing is completed.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons, second by Commissioner Marcus.

Ready for the question.

All in favor.

Barbara?

MS. ALTERMAN: I just want to clarify then. So what your intent is is to do the Comp Plan and then the --

COMMISSIONER MARCUS: Stacy Street.

MS. ALTERMAN: -- Stacy Street school and then the zoning that you've continued.

COMMISSIONER MARCUS: Right.

MS. ALTERMAN: Okay. Just so we're clear.

MR. BANKS: Then we're going to -- did we vote? Did we have a motion to continue this public hearing?

COMMISSIONER MARCUS: Not yet. We're just doing Stacy Street, and then we're going to make the motion to recess until Monday at -- immediately after Comp Plan and Stacy Street.

CHAIRPERSON GREENE: Right.

MR. BANKS: Well, as soon as we can after the --

COMMISSIONER MARCUS: Correct.  
VICE CHAIRMAN KOONS: Okay. Now we need another motion to continue --  
COMMISSIONER MARCUS: Let's do this --  
CHAIRPERSON GREENE: We didn't vote. We didn't vote.  
All in favor.  
COMMISSIONERS: Aye.  
CHAIRPERSON GREENE: All opposed.  
(No response)  
CHAIRPERSON GREENE: Ayes have it, 7-0.  
Now --  
COMMISSIONER MARCUS: Madam Chair, I'd make a motion to continue this hearing until Monday as soon as the -- as soon as the Comprehensive Plan hearing is done and the Stacy Street presentation is done, we will --  
MR. BANKS: Sometime after 9:30.  
COMMISSIONER MARCUS: Sometime after 9:30 on Monday in these chambers.  
CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus.  
VICE CHAIRMAN KOONS: Second.  
CHAIRPERSON GREENE: Second by Commissioner Koons.  
Ready for the question.  
All in favor.  
COMMISSIONERS: Aye.  
CHAIRPERSON GREENE: All opposed.  
(No response)  
CHAIRPERSON GREENE: Ayes have it, 7-0.  
  
(Whereupon, the meeting was recessed at 11:15 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA )

COUNTY OF PALM BEACH )

I, Sophie M. (Bunny) Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 4 through 52, inclusive, comprise a

true and correct transcription of the Board of  
County Commissioners hearing.

I FURTHER CERTIFY that I am not related to  
or employed by any of the parties or their counsel,  
nor have I any financial interest in the outcome of  
this action.

IN WITNESS WHEREOF, I have hereunto set my  
hand and seal this 17th day of September, 2007.

---

Sophie M. Springer, Notary Public.