

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Monday, August 27, 2007
11:40 a.m. - 12:45 p.m.
301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th 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
Jess R. Santamaria, Commissioner
Karen T. Marcus, Commissioner
Bob Kanjian, Commissioner

Verdenia Baker, Asst. County Administrator

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

Barbara Pinkston-Nau, Principal Planner,
Zoning

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

Ruth Moguillansky-DeRose, Community
Revitalization

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development
Division

Allan Ennis, Asst. Dir. Traffic Division

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: We'll resume our meeting, but first having the swearing in by our attorney.

MR. BANKS: Yes. Would anyone who wishes to testify at today's hearing please rise.

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Okay. We have the Stacy Street presentation.

(Whereupon, the Stacy Street presentation was given.)

COMMISSIONER MARCUS: Madam Chair, back on the Zoning Agenda because we have a lot of people here for this. I would like to move approval of the ULDC Amendment, Round 07-01.

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

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commission Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

COMMISSIONER MARCUS: I want to thank the staff and everybody -- oh, we have the new language? With -- including the new language for --

MR. BERGER: We finally reached an agreement, and I can pass it out to you all now and give it to the minutes clerk so you have it --

COMMISSIONER MARCUS: Yes. My motion would include the project build-out date ULDC standard that everybody agreed on last week.

And I appreciate the extra time. I really do, 'cause there were little loopholes, and we tightened them up.

So my motion would include this language.

CHAIRPERSON GREENE: We voted.

COMMISSIONER MARCUS: No. I had to make sure I included this language, and she said we didn't vote, so --

CHAIRPERSON GREENE: We didn't vote?

Okay. Where'd he go?

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

COMMISSIONER MARCUS: Four -- four-zero.

CHAIRPERSON GREENE: He left.

COMMISSIONER MARCUS: Oh.

CHAIRPERSON GREENE: Are you in the vicinity where you hear our voice, Commissioner Koons.

COMMISSIONER MARCUS: No, we have a quorum. We need four. He's just absent.

MR. Mac GILLIS: He seconded it.

COMMISSIONER MARCUS: It's okay even though he seconded it.

CHAIRPERSON GREENE: Okay. What's next?

MR. Mac GILLIS: This takes us to the two --

MR. BANKS: Somebody who is in the room should make the motion and second it.

COMMISSIONER MARCUS: Okay. I'll make the new motion to do the ULDC standards with the revised language for the build-out date.

COMMISSIONER KANJIAN: I will second that motion.

COMMISSIONER MARCUS: Okay.

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

Ready for the question.

MS. ALTERMAN: Madam Chair, Ms. Larson indicated she handed in a card on this. I don't -
-

COMMISSIONER MARCUS: I don't have one.

MS. ALTERMAN: Anybody seen it?

COMMISSIONER MARCUS: I don't -- I don't have the card.

On the ULDC?

MS. LARSON: Yes.

CHAIRPERSON GREENE: Okay. Ms. Larson.

MS. LARSON: Rosa's got one in, too.

CHAIRPERSON GREENE: Who? I don't have it.

COMMISSIONER MARCUS: We have so many agendas today. Sorry.

MS. LARSON: We had them the other day, too.

COMMISSIONER MARCUS: Go ahead.

MS. LARSON: Well, you've already voted on it so it's an ordinance; correct?

I haven't even seen the new language that was installed.

COMMISSIONER MARCUS: Here.

MS. LARSON: I'm just -- you know what I mean? We did put this off the other day and --

COMMISSIONER MARCUS: It's good language.

MS. LARSON: Well, my major concern is with the ULDC in its entirety. I mean there's 100 pages here of changes.

I worry about water utilities, I worry about roads, I worry about CRALLS because I keep getting told by everybody in Planning and Zoning the ULDC has to be in complement to the Comprehensive Plan.

Due to the fact that I question the Comprehensive Plan, do I think the language is okay? Not necessarily.

Due to the fact that we have so many things going on in my neighborhood, and I've been begging for this like too many years, especially with the investigations going on throughout the County, I have some real reservations about the ULDC.

I heard a commissioner stand up here at the dais one day and say oh, well, we'll just change the ULDC. We won't have to send it to the DCA.

I'm worried about us. I'm worried about the amendments. I hope the language is right because I -- I think for awhile we have let the builders rule when they're changing these amendments. They -- it's their idea. It's

everybody's -- you know, it's not necessarily the constituents' idea.

Most people don't have enough time to come down here and read 100 pages or 475 pages, is what happens when you're doing the zoning meeting. It's a big thick document. I doubt you guys, you poor things, have a chance to go through the 475 documents.

But there's some -- there are some exemptions here on water utilities. We have a big water utility plant out at Mecca. I worry about that water utility plant. Is that part of the exemptions for the existing water utilities? What's going to happen with -- there are some things on landscaping, just little stuff. I mean some of it's nit-picky, some of it's huge.

But there is, you know, they went from one row of trees to two row of trees. I know the utilities, if they come into my neighborhood, are going to have to build some treatment plants. They're going to have to build five of them because we cover 57,000 acres.

So if this is next to my house, I certainly want a lot of landscaping. Luckily there's houses all around me, but there's people out there who have empty land. We will have to acquire things.

Things are going to change, and they're -- I want all the protections in play for everybody, and that's what I'm begging you.

Maybe we need to go back and look at this a second time, just a little. Okay?

Thanks very much.

CHAIRPERSON GREENE: Rosa.

MS. DURANDO: Again, I'm worried about loose language that can be interpreted different ways. We've crossed out constraints specifically naming conservation districts. That's been crossed out for the ULDC. And all the constraining language amounts to a very worrisome thing for me.

It applies to lands that are owned by a unit of local, state and/or federal government, provided that the order is utilized for buildings or facilities owned by government entity and support customary government operations.

Well, jails are customary government operations. The schools, we kind of probably would look the other way, but the possibility of an open-ended government use on locally owned land, and I don't see any constraining language. That really troubles me.

Could it be some of the conservation land we have? Could that be -- and I'm sure in the future there 's going to be a severe shortage of land for schools. Could that be a school, or

could it be a jail or an election situation, you know, an expansion of a library, but whatever it is it's building -- it will need water retention, and, depending on where it is, it could have a lot more requirements than you anticipate.

So that's my concern, the loose language that to cross out and they underline is not constraining enough, in my opinion, and you -- you need to be aware that there has been no constraints on what the government use could be. It may not be a school.

CHAIRPERSON GREENE: Thank you.

We going to hear from staff?

MR. Mac GILLIS: Does she have a specific reference to the section of the code, or is she just talking in general to the provisions that we added in related to facilities?

COMMISSIONER MARCUS: I think she's talking about that. Maybe we can get with her and see if there's any -- I'm sorry. Maybe we can get with Rosa and get specific about her complaints, and if we need to make an adjustment, we can come back and make the adjustment.

CHAIRPERSON GREENE: Ms. Durando, you heard Commissioner Marcus.

COMMISSIONER MARCUS: They need more information from you so if -- we'll sit down and go over it, and then maybe if we need to make a revision to it the next time, we'll do that. Okay?

MS. DURANDO: Okay. Thank you very much.

CHAIRPERSON GREENE: Thank you.

Okay. Next on the agenda.

MR. Mac GILLIS: Next item are the --

MS. ALTERMAN: I believe -- I believe you need to vote on that.

MR. Mac GILLIS: I think they did already.

CHAIRPERSON GREENE: We didn't?

MR. Mac GILLIS: They did.

COMMISSIONER MARCUS: We voted on the ULDC twice.

CHAIRPERSON GREENE: Yeah. Don't need to vote again.

COMMISSIONER MARCUS: We just didn't have their cards.

MR. Mac GILLIS: This brings us to the two applications that were continued at the August 23rd, 2007, meeting.

Both these two next applications are tandem applications and small scale Comp Plan amendment, Belvedere and Jog, and the rezoning Items A and B on your new agenda we put together.

We did not give the applicant an opportunity to present at the last meeting so I don't know if we want to pick up there.

Staff did present on this first item, the Zoning staff and Planning, but Mr. Kolins did not get an opportunity to present his --

MS. RECHENMACHER: Oh, what I'd like to point out is Lorraine is passing out these conditions.

What we did is we divided the conditions between the rezoning and the Class A conditional use for both BP Wallis and the Ledis property, and what that -- what that allows everybody to do is if they -- if you decide just to do the rezoning action, then you can -- you'll have -- we'll have landscape conditions and Engineering right-of-way conditions just with the rezoning action.

And then the conditional use or strictly what -- the conditional use conditions are strictly for the convenience and gas station, and then -- or at some point if the agent decides he doesn't want to do convenience store with gas station, he wants to do a permitted retail, all he has to do is abandon the conditional use, and there'll still be the conditions on this application for the commercial zoning.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Just to refresh --

MS. RECHENMACHER: It's just more of a technical --

COMMISSIONER MARCUS: Right. To -- in case we approve it, to refresh my memory this is the property that's the sliver, that there's a big piece behind it, and it's like piecemeal zoning is what you're looking at --

MS. RECHENMACHER: Correct.

COMMISSIONER MARCUS: -- the reason you're objecting to it?

MS. RECHENMACHER: This is the one that got a variance. It has a 40-foot variance from the 200-foot minimum.

COMMISSIONER MARCUS: And the question was asked, you know, did you try to buy the property behind there, and I guess the property behind there wasn't willing to --

MS. RECHENMACHER: Right. That's an agricultural next door and --

COMMISSIONER MARCUS: Okay.

MS. RECHENMACHER: -- there's a civic parcel to the south.

COMMISSIONER MARCUS: Thank you.

MS. RECHENMACHER: Okay.

MR. KOLINS: Ready for me, Madam Chair?

CHAIRPERSON GREENE: Yes.

MR. KOLINS: Ron Kolins, for the applicant.

To just take a minute to refresh, including some of the remarks by Commissioner Marcus, to show you where the property is situated.

The property is located here in yellow, which is at just a little bit geographically south of the intersection of Belvedere and Jog Road.

The property behind it, there are three or four parcels comprising the property behind it. The primary piece is an active commercial nursery. Indeed, my client did speak to the people that own that, and they are not willing to sell, and in fact are very happy with their income and lifestyle as it is right now and assured my client that for at least five, if not more, years they have no plans to do anything with their property but keep it the way it is.

There's a large PUD over here that we have now learned -- I just learned about this, I think it was on Wednesday or Thursday, has been sold to a new property owner -- I think Commissioner Koons mentioned this when we were at our meeting on Thursday -- who now plans to make it commercial, make it into an industrial park to include a distribution center for Whole Foods supermarket.

So what you have is a very -- I use the term, eclectic area, that's got residential, certainly. It's got a civic parcel here (indicating) which my client's property backs up to.

You've got an operating commercial nursery to the west. You've got an operating commercial nursery to the east. You have a reserve area here for County utilities.

You have what will be an industrial use here (indicating), and up and down the road you have not only industrial uses, but very heavy industrial uses. You have a concrete plant. And you have a gas compressor company, uses of that sort.

I have pictures of them if you care to see them, but it is that kind of, as I said, an eclectic area.

It's also important to point out that here is the Florida Turnpike, and there is a new southbound only exit off the Turnpike that, if it hasn't already opened, is about to open and will open any minute.

The traffic coming off of that will only be going southbound down on Jog Road.

It's been pointed out by Commissioners Marcus and Aaronson on Thursday and reiterated

essentially by Commissioner Marcus today that the width of our property makes it virtually impossible to use it for residential. We cannot aggregate it with any other property.

I should tell you that this property owner to the west, this property owner to the east have written letters in support of the project, and with your permission, Madam Chair, I would like to enter those records -- those letters into the record.

VICE CHAIRMAN KOONS: Move to receive and file.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Koons to receive and file.

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, 5-0.

MR. KOLINS: Thank you very much.

Also, over the years this area has changed a great deal. The Jog Road Corridor Study done by Palm Beach County in the early '90s has pointed out, and I will show you some specific language from it, that the area was developing in such a way that Jog Road represents a dividing barrier which provides a clear separation between residential uses to the east and non-residential uses to the west, and bear in mind that my client's property is to the west.

It recommended retain industrial land uses on the west side of Jog Road and residential land use on the east side of Jog Road, and it also said require additional setbacks, buffering and landscape treatments for future and existing, where possible, residential areas along Jog Road.

So even if, ignoring everything else, if my client's property were to be residential, it would have to have additional setbacks, buffering and landscape because of the noise and activity in this area, and certainly it does not have the room for that.

I think it's also of interest for you to see in rather graphic form the different kinds of land uses in the area.

You see here in yellow my client's sliver piece of property. All of the red that you see is industrial, and you will soon be adding to that this entire piece over here (indicating). So you have a tremendous amount of industrial. You have in the gold color institutional and in purple you have transportation and utilities.

So it is certainly not an area that one can say is a residential area. It is an area of mixed uses and one that does not have any services of the kind we contemplate proposing, and in fact we specifically meet the Code's definition of community commercial.

One of the main purposes of the Turnpike exit is to keep traffic off of Okeechobee. If it wasn't, we wouldn't need it 'cause you have an exit on Okeechobee.

People are coming southbound here. They're going to need services. The people that work here are going to need services. The people that live here are going to need services, and it strikes me, and it's contrary to everything I've ever heard from this Board about trying to capture trips and not put trips on the roadways.

We will do precisely that because if we are not there, every time someone needs a quart of milk or a gallon of gas, they're going up to Okeechobee, or they're going down to the one gas station that's being built down on Southern.

I told you that there were changed circumstances, and the staff acknowledges that, as well.

There are a number of statements in the staff report recognizing that there are these changed circumstances. I just picked a couple to make a point.

One, under changed condition, the area also continues to attract increasing industrial uses encouraged by the PBIA Overlay, and I should tell you that the Palm Beach Airport Overlay Board voted unanimously in support of this project. Two of the members of that Board are, I should tell you, from the Town of Haverhill.

As you also know, the Zoning Commission voted unanimously in support.

Just one other quote from the staff report. At the time this plan was adopted, and they're referring to the Haverhill Plan in the late '80s, Jog Road had not yet been extended through the area, and the Belvedere Road widening had not yet taken place. Because of this, the character of the area surrounding the subject property was significantly different, although the PBIA Overlay was already in existence, and some industrial properties were being introduced into the area. At this time with Jog Road built and the expanded intersection in place, the nature of this area within the urban-suburban tier has greatly changed.

Our application meets traffic requirements, health requirements, water and wastewater requirements, environmental

requirements, historic resources requirements, fire/rescue and drainage.

I think, as I said, this is a needed use in the area, the perfect place for it. I think we meet all of your requirements, and I think, given the area that surrounds it, it is absolutely appropriate to allow the rezoning and small scale amendment to be made to allow this to happen.

And with that, I'll take questions.

CHAIRPERSON GREENE: Thank you.

Commissioner Marcus.

COMMISSIONER MARCUS: Of the staff, the Land Use Advisory Board recommended denial?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Because?

MR. Mac GILLIS: It's on Page 357.

MR. HOYOS: Yes, the Land Use Advisory Board recommended denial because it didn't meet, as staff indicates in the staff report, the commercial policies in the Comprehensive Plan, and it didn't meet the recommendations of the Haverhill Neighborhood Plan, which recommends contrary to commercial development.

COMMISSIONER MARCUS: So it doesn't recommend commercial development? It recommends residential?

MR. HOYOS: The PBIA Overlay is a combination of preserving existing residential neighborhoods and also promoting industrial development.

COMMISSIONER MARCUS: So not commercial?

MR. HOYOS: Not commercial.

COMMISSIONER MARCUS: Okay. Thank you.

MR. KOLINS: If I may, Commissioner Marcus, responsive to your question, the Land Use --

CHAIRPERSON GREENE: She didn't ask for a response.

Well, I'll entertain a motion.

COMMISSIONER SANTAMARIA: I want to make a comment before I make a motion.

I agree with that applicant that this is a unique situation. I personally inspected the property last week, and I cannot imagine anybody wanting to build a home in that corner. It just would not work as a residential building.

It's a heavily traveled corner between Belvedere and Jog, and the fact that there is so much industrial in the process of being developed makes me feel that it can -- residential is definitely not feasible in this particular corner because of the uniqueness. It's a tight, tight corner.

As long as the Planning group and the Engineering Department can find a proper egress

and ingress for this parcel, I would support developing it as presented by the applicant.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Is it -- is it going to be 10 or 12? I guess that's the outstanding issue; right?

MR. KOLINS: Can I address that?

Yes, there's one condition of approval that the staff has put in their staff report with which we disagree.

VICE CHAIRMAN KOONS: Oh, we're at Comp Plan. That's right.

So is that -- that a motion? I'll second.

CHAIRPERSON GREENE: Well, let me ask staff a question because I didn't think this had -- what's -- what we are discussing had anything to do with houses.

MR. Mac GILLIS: No. I think there was a discussion from the Planning Division was recommending that this parcel could have the potential to be residential in the current land use.

The applicant -- his testimony is that it doesn't -- is not supportive of -- for future residential because of the locational on the corridor and the traffic and so on.

CHAIRPERSON GREENE: But what the applicant is requesting has nothing to do with houses?

MR. Mac GILLIS: No.

CHAIRPERSON GREENE: No.

MR. Mac GILLIS: He's proposing to -- a Comp Plan amendment and a rezoning to commercial.

CHAIRPERSON GREENE: Right. Now --

COMMISSIONER KANJIAN: If that was a motion by Commissioner Santamaria, I'll second it. It sounded like a motion to me.

COMMISSIONER SANTAMARIA: It is a motion.

CHAIRPERSON GREENE: What was the -- would you repeat the motion for me because I didn't --

VICE CHAIRMAN KOONS: For the land use change?

COMMISSIONER SANTAMARIA: The land use change.

CHAIRPERSON GREENE: Okay.

COMMISSIONER SANTAMARIA: To commercial.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Santamaria, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: All opposed.

Aye.

CHAIRPERSON GREENE: Ayes have it, 4-1.

MR. Mac GILLIS: That motion was to approve an ordinance to -- proposed amendment from LR-2 to commercial low, underlying two.

MR. Mac GILLIS: That brings us to the rezoning application.

VICE CHAIRMAN KOONS: The issue with staff recommendation is, my understanding, it boils down to the 10 versus 12?

MS. RECHENMACHER: Pumps, gas pumps.

VICE CHAIRMAN KOONS: Pumps?

MS. RECHENMACHER: Right.

COMMISSIONER MARCUS: Staff's recommending 10?

MR. Mac GILLIS: Yes.

MR. KOLINS: May I address that, Madam Chair, please?

VICE CHAIRMAN KOONS: Quickly.

MR. KOLINS: The staff --

VICE CHAIRMAN KOONS: We're running out of gas.

MR. KOLINS: Staff has put in a condition that instead of six gasoline islands there be five.

I cannot, for the life of me, understand the rationale for that or why that would serve a public benefit. In fact, I think it would be contrary to the public interest and let me tell you why.

All that does --

CHAIRPERSON GREENE: Thirty seconds.

MR. KOLINS: Well, this is very important.

All that does --

CHAIRPERSON GREENE: I know that, sir, but you --

MR. KOLINS: All that does --

CHAIRPERSON GREENE: Sir. You will respect me.

MR. KOLINS: Yes, ma'am. I'll do whatever you like.

CHAIRPERSON GREENE: And I said 30 seconds.

MR. KOLINS: All that does is devalue the property. It's not -- having the extra station that's proposed is not going to bring more cars into the station. If someone wants gas, they're coming. If they don't, they won't. But it does allow us to serve them much more efficiently, rather than let them have to line up or wait around for service.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: The landscaping on the property then is nice and lush? I haven't looked at the conditions.

MS. RECHENMACHER: Yes, there's been a number of conditions for additional landscaping on both sides of the entryways and on the north and south portion of the property.

COMMISSIONER MARCUS: Okay.

MS. RECHENMACHER: So you'll see plenty of landscaping along Jog Road.

COMMISSIONER MARCUS: Okay.

MS. RECHENMACHER: And as far as to address the number of pumps, that was something that I had drafted, and because it's in the community commercial zoning district, it's a low intensity commercial district, and also because the site had received a variance of 40 feet. That site should be 200 feet, according to our property development regulations, and it's only 160 feet.

So I felt that that -- my recommendation's actually relatively minor reduction --

COMMISSIONER MARCUS: Because of the site constraints?

MS. RECHENMACHER: -- because of the site constraints and because -- because it's community commercial. It's not general -- it's not even general commercial zoning district. It's a low intensity commercial district so that was one -- I would consider a minor concession.

COMMISSIONER MARCUS: Now -- I'm sorry, do you need us to make another motion before we do the zoning? Is that what you're --

MR. Mac GILLIS: No, just that you included -- the motion for the rezoning should also include a Conditional Use Overlay Zone.

COMMISSIONER MARCUS: Okay.

Madam Chair, I'd move approval of the rezoning with the 10 -- 10 --

MS. RECHENMACHER: Gas pumps.

COMMISSIONER MARCUS: -- gas pumps and included -- and also to approve a conditional use in the overlay zone.

MR. BANKS: Do need disclosures for all the quasi-judicial votes.

COMMISSIONER MARCUS: Well, can -- let me get a second first.

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

COMMISSIONER SANTAMARIA: I have spoken to Mr. Kolins.

COMMISSIONER MARCUS: Do you want to second the motion?

CHAIRPERSON GREENE: Let's get a second.

COMMISSIONER SANTAMARIA: I will second the motion.

CHAIRPERSON GREENE: Second by Commissioner Santamaria.

MR. KOLINS: Madam --

CHAIRPERSON GREENE: Now we'll have disclosure.

COMMISSIONER MARCUS: My staff met with Mr. Kolins.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: I met with Mr. Kolins.

CHAIRPERSON GREENE: I didn't meet with Mr. Kolins.

MR. KOLINS: May I have just one more quick word on the gas pumps, Madam Chair, before you vote, please? It's important. It's a very important issue to us.

I'll be very, very brief.

CHAIRPERSON GREENE: Go on.

MR. KOLINS: Two things. One, if one is concerned about lowering the intensity, then you should allow the extra pump because it'll be much more efficient to serve the people than let them crowd onto the station.

And, secondly, the pumps are lined up in a north-south condition, not the narrower east-west condition, so being north-south the constraint to the site is not imposed upon by the extra sixth gas station -- gas pump, and I hope you will consider that.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: My motion stands.

CHAIRPERSON GREENE: We have a motion, have a second. Ready for the question.

All in favor.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: All opposed.

Aye.

CHAIRPERSON GREENE: Motion passes, 4-1.

MR. KOLINS: Thank you.

CHAIRPERSON GREENE: Could we take 4.C and D together?

COMMISSIONER MARCUS: Yes.

MR. Mac GILLIS: We need a second motion.

COMMISSIONER MARCUS: Oh, I'm sorry. We need another motion to adopt a resolution approving a Class A conditional use to allow a convenience store with gas sales?

MR. Mac GILLIS: Correct.

COMMISSIONER MARCUS: That's my second motion.

CHAIRPERSON GREENE: You've heard the -- same thing?

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Heard a motion by Commissioner Marcus, second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONER SANTAMARIA: Aye.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: All opposed.

Aye.

CHAIRPERSON GREENE: Ayes have it, 4-1.

MR. Mac GILLIS: That brings us to the last item, which we're -- the small scale Comp Plan amendment, 2007-003 for -- I'm sorry -- yes, BP at Wallis and Haverhill, and the rezoning, 2006-1678.

At the last meeting the staff did a presentation --

CHAIRPERSON GREENE: So we're taking both these at the same time.

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Okay.

MR. Mac GILLIS: The applicant did do a comprehensive presentation at the last meeting, and you did take testimony from the public, so.

CHAIRPERSON GREENE: Right.

COMMISSIONER MARCUS: Didn't we -- sorry. Madam Chair.

Didn't we ask the applicant to meet with the housing -- and they did? Okay.

CHAIRPERSON GREENE: Ms. Robinson, you wanted to speak?

MS. ROBINSON: Good morning. I'm Laurel Robinson, director of the West Palm Beach Housing Authority, which owns a parcel of land on Wallis Road and Haverhill.

We purchased this land two and a half years ago and are working to provide ownership for workforce housing. The site currently has 18 buildings on it with four units in each building, 72 units that will be available.

Seven are currently homeowner occupied, and we have another eight that will be coming on to the -- pardon me, for sales within the next month.

We do oppose putting a gas station right opposite this particular development of ours.

Workforce ownership is a theory, is easy to endorse, but removing the barriers when it runs into competing interest is very, very difficult. And we stand here before you today asking you to consider the existing affordable housing that is there on the site now.

We continue to plan to offer that for ownership opportunity.

We have met with the applicant. Seems that they have a very nice looking gas station, I agree, but it's still a gas station, and we feel that the sales will be negatively impacted, as will the residential aspect of the neighborhood.

Hopefully, we'll be able to push an improvement in the neighborhood, which it certainly needs, with the addition of 72 new homeowners in the area, and a gas station is still a gas station, no matter how many palm trees you put in front of it.

Thank you.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Where's Ruth? Ruth, the neighborhood supports this, correct, the gentleman that was here before? The people that live there weren't concerned about their property values or anything like that?

MOGUILLANSKY-DeROSE: Yes, we --

COMMISSIONER MARCUS: You have to identify --

MOGUILLANSKY-DeROSE: Yeah, Ruth Moguillansky-DeRose, with the Office of Community Revitalization.

Obviously, residents have expressed a concern of a lack of neighborhood-type businesses in the area, more as a result of all the businesses that were lost with the Southern Boulevard expansion.

OCR staff has reviewed this amendment, along with Planning. We had a little bit concern that a gas station at that particular intersection may exacerbate, you know, the traffic situation,

but at the same time we understand that, you know, maybe the convenience store may provide some services to the community, and maybe some mitigation could be provided by providing sidewalks along Wallis that is already, you know, narrow, and it is really a problem at that corner, but we don 't have any more comments from the community.

The community is in support of the project.

COMMISSIONER MARCUS: They are in support of it?

MOGUILLANSKY-DeROSE: They are --

COMMISSIONER MARCUS: That's what I thought. Okay.

MOGUILLANSKY-DeROSE: -- in support of the project, and we have received several e-mails regarding that.

COMMISSIONER MARCUS: Thank you.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: First of all, I appreciate the work of our Zoning staff. They' re doing their job very well as far as informing us, you know, of the Codes --

CHAIRPERSON GREENE: We don't listen to them.

COMMISSIONER SANTAMARIA: -- and the compatibility and consistencies or inconsistencies. So I do respect their judgment.

However, I made three trips to this particular site on three different occasions. I spent a lot of time driving in and out of side streets for five, six, seven blocks, and I really studied it.

Some of you may know, I do have a little bit of background, both in the gas industry, having worked for Exxon for seven years, and having been a developer myself developing different neighborhoods. And I did analyze -- I was -- I was concerned about the fact that there is a residential element, you know, directly behind this proposed project.

So I did put a lot of thought and analysis into this, and after, like I said, multiple visits and driving through the entire community, I came to the conclusion that this is in fact a unique situation where, instead of being inconsistent, I feel it's in fact consistent with the neighborhood.

First and foremost, the residents want this development. So I found that quite, quite unique, for one. Most of the time when you see a gas station moving into a neighborhood, you have a lot of opposition, but in this particular case I saw a lot of support.

I did not get a single resident come to me opposing the development.

And the other -- the other positive factors that made me to arrive at the conclusion that this is the right project for the neighborhood is that in fact I believe that it will really upgrade the neighborhood.

The neighborhood leaves a lot to be desired with respect to maintenance, and a first class well-landscaped, well-buffered convenience -- and this is a convenience-type development -- will actually enhance the neighborhood.

I did ask them to add additional royal palm trees. I did ask them to put additional buffering between the homes directly behind and the one directly beside it, so they have -- they have agreed to add buffering and add landscaping.

The other thing is the fact that directly in front of it is going to be a major industrial development in the years to come. That also makes me believe that a convenience store will not have any major negative impact on the residential because you're going to have hundreds and hundreds of thousands, if not over a million square feet of commercial directly in front.

Another element is just a block -- a block and a half away is Southern Boulevard with the overpass, and right at the corner a block away is another commercial development with shops. So there is already some commercial just down the road.

And overall -- overall I feel that this development with these conditions that we're imposing upon them will actually upgrade and enhance the community, providing a needed service that the residents do want and support, and, therefore, I, too will support this project.

COMMISSIONER MARCUS: I'll second your motion on the Comp Plan change.

CHAIRPERSON GREENE: Commissioner Koons, is your light on?

VICE CHAIRMAN KOONS: Yeah, I think for the housing the area east of Haverhill's going to be by the airport a big warehouse district which is going to offer a lot of jobs. Okay.

I mean people living in your area can ride their bike to work, which is going to give them a lot more money to buy affordable housing if they don't have to pay for transportation.

So I think this is -- this is going to -- I mean what's going on in the neighborhood's going to help what you're going to go do, so I agree with Commissioner Santamaria. I think this works for what's going to go on in there in the future.

CHAIRPERSON GREENE: Okay. You've heard the motion by Commissioner Marcus [sic], seconded by Commissioner Santamaria [sic].

COMMISSIONER MARCUS: No, Santamaria.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

COMMISSIONER MARCUS: Madam Chair, I'd move the -- to adopt a resolution approving an official zoning map amendment to the Multifamily Residential Zoning District to the General Commercial Zoning District.

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

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

MS. HERNANDEZ: Excuse me. Can we add a COZ, the same condition on that motion, add the Conditional Overlay Zone.

COMMISSIONER MARCUS: Oh, I'm sorry.

And included in the Conditional Overlay Zone. That would be included in my first motion here.

CHAIRPERSON GREENE: And the seconder seconds it.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

COMMISSIONER MARCUS: Madam Chair, I'd move to adopt a resolution approving a Class A conditional use to allow a convenience store with gas sales and carwash.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: I have a question before we vote on this.

You said the carwash would not be a 24-hour carwash; right?

MS. MISKEL: Bonnie Miskel, here on behalf of the applicant.

Yes, that is correct. It will be --

CHAIRPERSON GREENE: Okay.

MS. MISKEL: It would be closed between 11:00 and 6:00.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. BANKS: And we need disclosure on the votes we just did on --

COMMISSIONER SANTAMARIA: Yes, I have to disclose that I have met with the applicant.

COMMISSIONER MARCUS: My staff met with the applicant.

VICE CHAIRMAN KOONS: I met with the applicant and senior County staff on this.

CHAIRPERSON GREENE: I met with the applicant.

COMMISSIONER KANJIAN: Did a lot of reading.

MS. MISKEL: Thank you very much. Thank you.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: Madam --

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Under comments, yes, ma'am. I have one comment.

The staff has asked me to bring forward -- this is for the next ULDC, I guess, round.

Safe Harbor is an animal care facility up in Jupiter. They've got the opportunity to get some property out in Jupiter Farms, but they need to have some Code changed to allow them to function out there.

So my motion would be to direct the Planning and Zoning to research the feasibility of allowing a commercial or non-profit animal shelter in the AR-RSA that may include adoption and veterinary services, to include verifying compatibility with the plan and to bring forth needed amendments that will mitigate any potential adverse impacts to the surrounding residential uses.

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, 5-0.
COMMISSIONER MARCUS: Thank you, Madam
Chair.
VICE CHAIRMAN KOONS: Can I make a
comment, under comments?
CHAIRPERSON GREENE: Okay. County
Attorney?
VICE CHAIRMAN KOONS: Yes, just two
things. At --
COMMISSIONER MARCUS: She said County
Attorney, not you.
VICE CHAIRMAN KOONS: Oh, I thought you
wanted commission comments.
COMMISSIONER MARCUS: Well, I thought we
were --
CHAIRPERSON GREENE: You're last.
VICE CHAIRMAN KOONS: Oh, well, why did
she go?
COMMISSIONER MARCUS: Oh, well, because I
thought she was trying to get out of here. I'm
sorry.
VICE CHAIRMAN KOONS: Okay.
CHAIRPERSON GREENE: Mr. Attorney?
(No response)
CHAIRPERSON GREENE: Zoning Director?
MR. Mac GILLIS: No.
CHAIRPERSON GREENE: I'm going to make you
wait.
Planning Director.
(No response)
CHAIRPERSON GREENE: Okay, Commissioner
Koons.
COMMISSIONER MARCUS: Sorry.
VICE CHAIRMAN KOONS: She started it.
COMMISSIONER MARCUS: I'm sorry.
VICE CHAIRMAN KOONS: Under comments,
Commissioners, you got a memo dated August 23rd
from Joe Bergeron, the internal audit of the
Housing Community Development Department,
Commission for Affordable Housing, senior County
staff would like to at the next County Commission,
staff give you an update on the changes they're
bringing to this specific department.
COMMISSIONER MARCUS: Okay.
VICE CHAIRMAN KOONS: So thank you,
Verdenia. She's been working on it.
Second thing is I serve you on the Early
Learning Coalition. In front of you is a letter

that they'd like to take a look at in terms of Comprehensive Plan amendments that in certain geographic areas that if a high quality daycare center comes in, they might be available to go in and not bump into traffic standards.

And I would like to -- I talked to the County department. There is an affordable housing project we'd like to take to -- become a high quality daycare center so we're going to initiate a site -- I'd like staff to initiate a site-specific CRALLS for a daycare center on Haverhill in the Town of Haverhill that Haverhill wants to do and the developer would like to bring this in, and it's adjacent to, and so it's kind of unique, and staff's okay with it.

COMMISSIONER MARCUS: Which staff?

VICE CHAIRMAN KOONS: The Engineering staff is comfortable with us initiating a site-specific for an early learning high quality daycare center in the City of Haverhill adjacent to Haverhill.

It's close to Stacy Street. It's kind of unique. Infill, needs good family working program.

COMMISSIONER MARCUS: You're just initiating it, right? I mean --

VICE CHAIRMAN KOONS: Yeah. I'm asking us to initiate.

COMMISSIONER MARCUS: -- anybody from staff ever heard of this? Yes? No?

VICE CHAIRMAN KOONS: I talked to George.

MS. HERNANDEZ: I believe this is the Residences of Haverhill site?

VICE CHAIRMAN KOONS: Correct.

MS. HERNANDEZ: Okay. Currently this is postponed from Zoning Commission. They're wanting to do workforce housing on the site and was postponed due to the architecture.

The applicant wants to do a daycare on the site but couldn't get the concurrency and the traffic to work. So he 's asked for a postponement in order to work out the CRALLS and the traffic for the daycare.

VICE CHAIRMAN KOONS: So it's a site-specific so they could do a daycare, a high quality daycare.

The Early Learning Coalition of Palm Beach County is saying if you're doing infill development, it's important that working families have access to daycare. So we're taking a look at a strategy to initiate maybe a Comprehensive Plan, but a -- specifically a CRALLS amendment for a specifically daycare center.

How we have gone to as far as we could go.

COMMISSIONER MARCUS: So the request is to initiate a CRALLS for Haverhill Road?

VICE CHAIRMAN KOONS: For -- no, for a site-specific in the town of Haverhill for that particular site I'm talking about.

COMMISSIONER MARCUS: For which road?

VICE CHAIRMAN KOONS: For Haverhill.

COMMISSIONER MARCUS: Haverhill Road.

MS. HERNANDEZ: It's called the Residences of Haverhill. That's the project name.

COMMISSIONER MARCUS: I'm just trying to help out the jargon for the --

MS. BAKER: What's the street's name?

CHAIRPERSON GREENE: Ms. Baker.

MS. HERNANDEZ: On Haverhill.

VICE CHAIRMAN KOONS: I'm just trying to make lemonade.

CHAIRPERSON GREENE: Verdenia.

MS. BAKER: I think that it's going to be very critical that we define "high quality daycare," because we have so many daycares coming in, and this would not be the avenue just to exempt them from the process.

VICE CHAIRMAN KOONS: I will send you -- I will send you the rating -- the Children Services Council and the School Board and the Early Learning Coalition does have a specific quality guidelines that we could --

COMMISSIONER MARCUS: But all we're doing today is initiating a CRALLS specific to this one application. We're not doing everybody else?

VICE CHAIRMAN KOONS: Yes, we are. That's exactly what we're doing, site-specific.

COMMISSIONER MARCUS: Just the site-specific today?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Okay.

MS. BAKER: But we would need to bring back with that site-specific a definition so the BCC can adopt, and we can identify it within our plan.

VICE CHAIRMAN KOONS: I will have that for you.

COMMISSIONER MARCUS: No, no, no, no, no, no, no.

Excuse me. What I thought -- sorry. What I thought we were doing today is just this daycare, whether it's high quality or not.

VICE CHAIRMAN KOONS: That's what we are.

COMMISSIONER MARCUS: Okay. And then the definition of high quality will come back later after you guys have done all your --

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: -- review.

VICE CHAIRMAN KOONS: Yes. The Early Learning Coalition will give you their criteria for every high quality infill.

COMMISSIONER MARCUS: Yeah, 'cause
that's -- that --
VICE CHAIRMAN KOONS: We will catch up.
COMMISSIONER MARCUS: Yes. They can catch
up on that one.
CHAIRPERSON GREENE: Is that a motion?
COMMISSIONER KANJIAN: I'm going to second
whatever motion Commissioner Koons just made.
Sounded like a motion.
CHAIRPERSON GREENE: I have no -- what's
the motion?
VICE CHAIRMAN KOONS: Yeah, just to
initiate a site-specific for the --
COMMISSIONER MARCUS: This daycare center.
VICE CHAIRMAN KOONS: -- Residences of
Haverhill to convert it over into a -- into a --
CHAIRPERSON GREENE: You've heard the
motion by Commissioner Koons, seconded by
Commissioner Kanjian.
VICE CHAIRMAN KOONS: -- high quality
daycare.
CHAIRPERSON GREENE: Ready for the
question.
All in favor.
VICE CHAIRMAN KOONS: Aye.
COMMISSIONER KANJIAN: Aye.
COMMISSIONER MARCUS: Aye.
COMMISSIONER SANTAMARIA: Aye.
CHAIRPERSON GREENE: All opposed.
Aye.
CHAIRPERSON GREENE: Ayes have it, 4-1.
Okay. If there are no other comments.
COMMISSIONER MARCUS: Anybody else have
anything?
VICE CHAIRMAN KOONS: Anybody else?
(No response)
CHAIRPERSON GREENE: No other comments?
(No response)
VICE CHAIRMAN KOONS: Yea.
CHAIRPERSON GREENE: Motion to adjourn.

(Whereupon, the meeting was concluded at
12:45 p.m.)

* * * * *

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 24, 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.