

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, August 28, 2008
9:45 a.m. - 11:50 a.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
Karen T. Marcus, Commissioner
Mary McCarty, Commissioner
Jess R. Santamaria, Commissioner
Robert J. Kanjian, Commissioner

Verdenia Baker, Asst. County Administrator

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Zoning Manager

Carrie Rechenmacher, Senior Site Planner, Zoning

Autumn Sorrow, Senior Site Planner, Zoning

Carol Glasser, Site Planner II, Zoning

Ron Sullivan, Senior Planner, Zoning

Ora Owensby, Site Planner II, Zoning

Donna Adelsperger, Site Planner I, Zoning

D. G. McGuire, Site Planner II, Arch Review

Barbara Pinkston-Nau, Principal Site Planner, Code
Revision

Bill Cross, Senior Site Planner, Code Revision

Bob Banks, Assistant County Attorney

Isaac Hoyos, Planning Dept.

Patrick Rutter, Chief Planner, Planning

Sussan Gash, Planner II, Planning

Kevin Andrews, Planning Dept.

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development Division

Allan Ennis, Asst. Dir. Traffic Division

Joann Koerner, Professional Engineer

Jon Pancoast, Monitoring Section

Terry Verner, Code Enforcement

Bob Kraus, ERM

Kenny Wilson, Health Department

Julie Burns, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

Robin Parker, Secretary, Zoning

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P R O C E E D I N G S

CHAIRPERSON GREENE: We'll call the Planning and Zoning meeting to order.
Roll call, please.
CLERK: Commissioner Aaronson.
COMMISSIONER AARONSON: (No response)
CLERK: Commissioner Greene.
CHAIRPERSON GREENE: Here.
CLERK: Commissioner Kanjian.
COMMISSIONER KANJIAN: Here.
CLERK: Commissioner Koons.
VICE CHAIRMAN KOONS: Here.
CLERK: Commissioner McCarty.
COMMISSIONER McCARTY: Here.
CLERK: Commissioner Marcus.
COMMISSIONER MARCUS: Here.
CLERK: Commissioner Santamaria.
COMMISSIONER SANTAMARIA: Here.
CHAIRPERSON GREENE: Thank you.
Motion to receive and file proof of publication for notice of --
COMMISSIONER MARCUS: Motion to receive and file.
COMMISSIONER KANJIAN: Second.
CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus, second by Commissioner Kanjian.
Ready for the question.
All in favor.
COMMISSIONERS: Aye.
CHAIRPERSON GREENE: All opposed.
(No response)
CHAIRPERSON GREENE: Ayes have it, 6-0.
Motion to approve the minutes.
COMMISSIONER MARCUS: Minutes? No, we're doing opening prayer and pledge. Which agenda are you on?
CHAIRPERSON GREENE: Hmm?
COMMISSIONER McCARTY: Prayer and pledge.
CHAIRPERSON GREENE: You didn't do the prayer and the pledge? Okay.
Commissioner Koons forgot to pray.
COMMISSIONER MARCUS: So he's going to -- so he's going to pray now.
CHAIRPERSON GREENE: We have to have the prayer.
We have the prayer by Commissioner Koons, Pledge of Allegiance.
VICE CHAIRMAN KOONS: Please stand, please. Thank you.
(Whereupon, the prayer and Pledge of Allegiance were given.)
CHAIRPERSON GREENE: We did proof of publication. Now we have the swearing in.
Mr. Attorney.
MR. BANKS: Will anyone wishing to testify at today's hearing please rise.
(Whereupon, speakers were sworn in by Mr. Banks.)

CHAIRPERSON GREENE: Thank you. Motion to adopt the agenda, please.

COMMISSIONER MARCUS: Move -- move adoption of the agenda.

CHAIRPERSON GREENE: You 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, 6-0.

CHAIRPERSON GREENE: Are there any postponement and withdrawals?

MR. Mac GILLIS: Yes, we'll begin on Page 2 of your agenda with postponed items, Item 1, PDD-2006-1682, 112th/Northlake Office, a request for a postpone, 30 days, September 29th, 2009.

COMMISSIONER KANJIAN: So moved.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian, second by Commissioner Koons.

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: Item 2, Z/DOA/CA-2007-1185, Winners Church, a request for postponement, 30 days, September 29th, 2008.

COMMISSIONER KANJIAN: So moved.

VICE CHAIRMAN KOONS: Second.

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

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: Item 3, DOA/TDR-2007-1202, the Colony at Lake Worth PUD, postponed 30 days, September 29th, 2008.

COMMISSIONER KANJIAN: So moved.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian, second by Commissioner Koons.

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: Page 4 of your agenda, Item -- Page 3 of your agenda, Item 4, DOA/R-2008-303, Lantana Civic Pavilion, postponement 30 days, September 29th, 2008.

COMMISSIONER KANJIAN: So moved.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian, second by Commissioner Koons.

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: Item 5, PDD-2007-1792, MPC III Turnpike Business Park, postponed 30 days to September 29th, 2008.

COMMISSIONER KANJIAN: So moved.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian, second by Commissioner Koons.

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: And we had a late request yesterday that -- actually, it's wrong on your add and delete, but it's Item 27 that we renumbered on your add and delete, ZV/DOA/R-2007-1597, Pratt and Orange MUPD.

We had a request from the Indian Water Control District, which the applicant accepted, a 30-day postponement.

They want time to review that request that a gas station to that planned development, so the applicant agreed to the postponement.

So it'll be September 29th, 2008.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: We need a motion for a 30-day?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: I'd move a 30-day postponement.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: A motion by Commissioner Marcus, second by Commissioner Kanjian.

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'll bring us to Page 4 of your agenda, the consent agenda. If you would like to indicate which ones you want pulled, or you want me to go through them.

COMMISSIONER MARCUS: Just -

COMMISSIONER McCARTY: Well -

COMMISSIONER MARCUS: No. I'm the only one whoever --

CHAIRPERSON GREENE: Anybody want to pull?

COMMISSIONER MARCUS: -- pulls, and I -- I'd move adoption of the consent agenda.

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Except we have one card on consent.

CHAIRPERSON GREENE: On consent, we heard a motion by Commissioner Marcus for approval of consent, second by Commissioner Marcus -- I'm sorry, McCarty.

Ready for the question.

Oh, this is on consent?

VICE CHAIRMAN KOONS: We have one card. Take that one.

CHAIRPERSON GREENE: Ms. Barbara Katz.

MS. KATZ: Yeah.

MR. Mac GILLIS: I would just note before she speaks that item 8 on the add and delete, there were two amended conditions which would be included.

MS. KATZ: I -- I don't want you to take it off consent.

I just want to say that COWBRA approves the project, and those are words I thought I would never say when we first saw it.

So I want to take the time -- we were so far part. So I want to take the time to thank Commissioner Aaronson, who helped us, the developer and his agents, of course my COWBRA people, and, in particular, two of your staff members, Maryann Kwok and Bill Cross, who met with us many times, listened, took notes and made sure that this was a project that we all agreed upon, and we look forward, not only to approving it, but to seeing its construction. We think it'll be an excellent addition to the West Boynton area.

And I just wanted it noted that cooperation can surmount impossibilities.

So don't take it off consent. Leave it on. Thanks.

CHAIRPERSON GREENE: Thank you.

VICE CHAIRMAN KOONS: So you have a motion and a second.

CHAIRPERSON GREENE: Oh, we had a motion and a second.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

CHAIRPERSON GREENE: Regular agenda.

MR. Mac GILLIS: Okay. That'll bring us to Page 9, your regular agenda, Item 16, Status Report 1998-077.3.

Staff is recommending a three-year time extension on this application.

COMMISSIONER MARCUS: Move the staff recommendation.

CHAIRPERSON GREENE: You 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, 6-0.

MR. Mac GILLIS: Item 17, Status Report 1978-239A.5, the St. Herman Orthodox Church --

COMMISSIONER MARCUS: Move approval.

CHAIRPERSON GREENE: You 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, 6-0.

MR. Mac GILLIS: Item 18, Status Report 1975-069G.3, the Sam's Wholesale Club.

Staff is recommending a three-year extension on the 5,000 square foot restaurant.

VICE CHAIRMAN KOONS: Move approval.

CHAIRPERSON GREENE: Heard a motion by Commissioner Koons.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

Commissioner Marcus.

COMMISSIONER MARCUS: Yeah.

CHAIRPERSON GREENE: Oh, I'm sorry.

COMMISSIONER MARCUS: That's okay.

CHAIRPERSON GREENE: Holding the paper up too high.

COMMISSIONER MARCUS: This is 1975. I mean it's just sitting there. So an outparcel that a fast food restaurant can go on.

MR. Mac GILLIS: Correct.

COMMISSIONER MARCUS: So why don't we give up the traffic to somebody else?

MR. Mac GILLIS: I'd defer that to Jon Pancoast with the Monitoring Section.

I believe it -- he indicated the traffic wasn't significant, but --

MR. PANCOAST: Yes.

COMMISSIONER MARCUS: The traffic is always insignificant until you have problems and it starts adding up, and then it becomes significant, which is what our problem ends up being.

MR. PANCOAST: This is a 5,000 square foot restaurant in a 180,000 already built shopping center.

The amount of traffic on the road is insignificant, according to the Traffic Division, and the roads are operating at level of service C around the area.

COMMISSIONER MARCUS: For today. What's the long-range build-out going to be, traffic capacity-wise for Hypoluxo and Congress Avenue and Gateway Boulevard and Seacrest Boulevard? Is it going to be over capacity at build-out? Do we know?

Where's -- I mean every year we get new roads that are failing. Every year we get new CRALLS. You know, is this one of those long-term, long-range --

COMMISSIONER McCARTY: 'Cause we keep taking roads off the thoroughfare map.

COMMISSIONER MARCUS: Well, that, too, but in this area we haven't done that.

MR. ENNIS: Yeah, I know, Commissioner Marcus, in the past we've had some capacity issues on Hypoluxo Road between Seacrest and Interstate 95, which is in that -- this very area that we're speaking about.

I believe because the traffic counts have gone down in the last few years that those problems no longer exist, but they could come back if redevelopment occurred in that area.

COMMISSIONER MARCUS: Well, I just don't know why we'd let a project that's been around

since 1975 just eat up something that we may need for something else that might be more useful.

COMMISSIONER KANJIAN: Madam Chair.

CHAIRPERSON GREENE: Who?

COMMISSIONER MARCUS: Commissioner --

CHAIRPERSON GREENE: Okay. Commissioner Kanjian.

COMMISSIONER KANJIAN: That happens to be the Sam's Club that I buy all my groceries at down there, and I think they probably wish they could have a demand to put in the particular location there.

It is a spot that needs redevelopment, but I think the problem is not that developers aren't willing to make it happen.

The problem is there's not enough demand for it today, unfortunately, and -- but I know that there are several spots around there that could use some additional locations, and that would be great for people to have jobs, but if there's no one there to take it, and there are some rather quiet neighbors that are just to the south there that won't be changing for awhile.

And I think that we should approve this, but I think it would be nice for us to continue to have good policies that would make it -- the need and the demand for us to get this thing going quicker would be better because people could use the jobs there.

COMMISSIONER MARCUS: It's been since 1975.

COMMISSIONER KANJIAN: Well, that's an area that as you drive by --

COMMISSIONER MARCUS: I wasn't even here then.

COMMISSIONER KANJIAN: Although right in front of it -- right in front of it there's a nice property that's just been developed that's a -- I guess it's a -- I guess industrial -- industrial office that's right in front of it, and I think, unfortunately, even there, they have vacancies, and it's a beautiful setup that's put right in front of this project.

I know that the people that live in that neighborhood, and I know that Commissioner Greene represents that area, those folks would love to have another opportunity to have a job in a local place. So I'm sure if the demand's there, they'd be glad to do it.

CHAIRPERSON GREENE: One card. Ms. Tullia Taylor.

MS. TAYLOR: Hi. I represent the owner, Michel Barberis. My name is Tulia.

He's try to sell the property for a long time. He had bought it with intention -- he lives in France -- with intention of his son moving here and establish a business.

Well, for health reasons and a lot economical and --

CHAIRPERSON GREENE: Ms. Taylor, come closer to the mic.

MS. TAYLOR: Sorry. Also, for immigration reasons they haven't been able to do that, and he's

been trying to sell because he can no longer make that an opportunity for the family, and it hasn't happened.

He's tried. He's lowered the price, and the area is just not good right now, and he's been paying the extras every two years to try to extend and try to sell, and that's all he has been able to do.

So if he doesn't get the extension, I don't really understand all the implications, that he's forced -- what else can he do? You know, he can't build. He can't sell.

It's a bad time, and it's a bad area right now and maybe with time will get better.

CHAIRPERSON GREENE: Thank you.

Do we have a motion? We had a motion and second? Okay.

Okay. Ready for the question.

After I do this, want me to do it then?

Okay.

Okay. Ready for the question.

All in favor.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER McCARTY: Aye.

COMMISSIONER SANTAMARIA: Aye.

CHAIRPERSON GREENE: All opposed.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: No, Madam Chair, I vote no.

VICE CHAIRMAN KOONS: 5-1.

COMMISSIONER MARCUS: 5-1.

CHAIRPERSON GREENE: Oh, 5-1, Commissioner Marcus voting no.

We forgot to do disclosure. I forgot to do disclosures.

MR. BANKS: Any disclosures for the consent agenda or these items that we've done up to now that we need to do?

VICE CHAIRMAN KOONS: Madam Chair, I have no disclosures. I've not met with either petitioner or any neighborhood people.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: I have my staff double checking it right now, Madam Chair, but I do not believe I've had any on these.

CHAIRPERSON GREENE: Neither have I.

COMMISSIONER MARCUS: I had --

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I had a brief conversation with the applicant on 16 and nobody else.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I'm not aware of any.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: None.

CHAIRPERSON GREENE: Thank you.

CHAIRPERSON GREENE: We have Item 19.

MR. Mac GILLIS: Item -- Item 19 and 20 are companion applications. Item 19 is the small scale Comp Plan amendment, and 20 is the zoning application.

Staff will do, if it's all right with the Board, do the combined presentations, and then you can take the motions separately.

CHAIRPERSON GREENE: Do 19 and 20 together?

MR. Mac GILLIS: Yeah, they're companion applications, so Item 19 is the small scale Comp Plan amendment, 2007-42, Pioneer-Benoist Farms Institutional.

Isaac will give you a brief presentation on this item.

MR. HOYOS: Commissioners, good morning. Isaac Hoyos, with the Planning Division.

The subject property was conveyed by the Board of County Commissioners to the applicant, Kidsanctuary, to develop a kids' facility.

In order for the applicant to fulfill their contractual obligation they needed to apply for a land use amendment of institutional with underlying eight units to the acre, and Planning is recommending approval of this CLF facility with a condition that the underlying density we use only to -- for the congregate living facility and not residential -- other residential uses be implemented in the property.

MR. Mac GILLIS: And the zoning application is ZV/Z/CA-2007-852, the Kid Sanctuary.

Staff is recommending approval of the rezoning and the Type III CLF, subject to 16 conditions.

Autumn Sorrow will do a brief presentation.

MS. SORROW: Good morning, Commissioners. Concurrent with the small scale is a request for an official zoning map amendment and a Class A conditional use.

The applicant is proposing to rezone the site from the public ownership zoning district to the residential single family zoning district.

Also requested is a Class A to allow for the development of a 48-bed Type III congregate living facility.

As Isaac said, concurrent with this request is a small scale land use amendment to change the future land use from parks and rec to institutional with an underlying eight units per acre.

Based on the adjacent future land use designations the proposed future land use is consistent with the Comp Plan housing elements.

At the September 7th LUAB meeting they recommended approval with a vote of 10 to zero, and at the August 7th, 2008, Zoning Commission, the Zoning Commission approved Type II variances for the site plan and the ZC also recommended approval to the BCC for the rezoning and Class A conditional use.

Staff recommends approval, subject to 20 conditions of approval.

VICE CHAIRMAN KOONS: Madam Chair, I'd like to make a motion to adopt an ordinance approving the proposed amendment from Park to Institutional 8 with the condition -- subject to develop a congregate living facility, utilizing the underlying eight dwelling units per acre, and no other residential shall be permitted.

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

VICE CHAIRMAN KOONS: With all the conditions.

COMMISSIONER McCARTY: Second.

CHAIRPERSON GREENE: -- by Commissioner Koons, second by Commissioner McCarty.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

VICE CHAIRMAN KOONS: Madam Chair, on Item 20, the companion, to adopt a resolution approving the official zoning map amendment from Public Ownership Zoning District to Single Family Residential Zoning District.

CHAIRPERSON GREENE: You heard the motion by Commissioner Koons.

COMMISSIONER McCARTY: Second.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner McCarty.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

VICE CHAIRMAN KOONS: Madam Chair, I'd like to adopt a resolution approving a Class A conditional use to allow a Type III congregate living facility.

COMMISSIONER KANJIAN: Second.

MR. BANKS: Okay. And we need disclosure on these two items.

VICE CHAIRMAN KOONS: No disclosure for me.

CHAIRPERSON GREENE: Commissioner Kanjian?

COMMISSIONER KANJIAN: No disclosure.

CHAIRPERSON GREENE: None for me.

Commissioner Marcus.

COMMISSIONER MARCUS: None.

CHAIRPERSON GREENE: Commissioner Santamaria?

COMMISSIONER SANTAMARIA: None.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: No.

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

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'll bring us to Page 11 of your agenda, Items -- these are also companion applications, 21 and 22, small scale Comp Plan amendment, 2008-16 and zoning application PDD/R-2007-1770.

Isaac will give a brief presentation on Item 21.

MR. HOYOS: Yes, Commissioners, again, after we received the approval -- the petition for the Kid Sanctuary that you just saw, we received several applications for congregate living facilities, and in the review of these applications the policy was brought to our attention in the housing element that limited the density of congregate living facilities to the densities surrounding the properties.

This policy basically granted any application for CLF facilities in areas with no densities impossible to comply with the code requirements that use the density to calculate the number of beds.

We -- because of that policy initially we recommended denial of this application for not complying with the policy in the Comprehensive Plan.

Since then we initiated a Comprehensive Plan amendment to fix that problem, and the -- and the amendment was adopted by the Board of County Commissioners last week.

So even though there is still recommendation of denial in the old report, we are offering the Board of County Commissioners an alternative action of approval because now with the adoption of the policy this application is consistent with the Comprehensive Plan.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Any comments?

VICE CHAIRMAN KOONS: We don't have any cards, so --

COMMISSIONER MARCUS: It's two.

MR. Mac GILLIS: Yes. And then -- well, the zoning application, PDD/R-2007-1770, which is the Gardens CLF, there's two motions of rezoning and the request for the Type 3 III CLF.

Autumn will give you a brief presentation on the zoning application.

MS. SORROW: Good morning, Commissioners.

The applicant is requesting a rezoning from the residential transitional zoning district to the multiple use Planned Unit Development and a requested use to allow a congregate living facility.

The 8.29-acre site is located at the northeast corner of the intersection of State Road 7 and Palomino Drive.

The applicant is proposing the rezoning and requested use to allow for the development of approximately 85,000 square foot, 155-bed, Type III CLF.

The proposed site plan provides for 131 parking spaces and three loading spaces.

The project as submitted is in compliance with the ULDC; however, since the request is in conflict with the Comp Plan, staff recommends denial of the rezoning and the requested use.

MR. Mac GILLIS: And what the staff, the Zoning staff, would also, consistent with the Planning recommendation, that if you were to find approval of the land use amendment, we would recommend approval of the zoning application.

The only reason we're denying it, as Autumn said, it's inconsistent with the land use.

VICE CHAIRMAN KOONS: Madam Chair, I'd like to make approval of 21, of the land use change.

CHAIRPERSON GREENE: You heard a motion by Commissioner Koons.

COMMISSIONER McCARTY: Second.

CHAIRPERSON GREENE: Second by Commissioner McCarty.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

VICE CHAIRMAN KOONS: Madam Chair, I'd like to make a motion to approve the companion zoning item with the amendments.

MR. BANKS: And for that item can we have disclosure, the zoning item?

CHAIRPERSON GREENE: I didn't understand you.

MR. BANKS: Disclosure for the --

CHAIRPERSON GREENE: Oh.

MR. BANKS: -- zoning item.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I have none.

CHAIRPERSON GREENE: I have none.

Commissioner Koons.

VICE CHAIRMAN KOONS: I think I met with staff, not the petitioner.

COMMISSIONER MARCUS: No one.

COMMISSIONER SANTAMARIA: Yes, I met with the applicant.

CHAIRPERSON GREENE: This still is your --

COMMISSIONER McCARTY: No, none. I guess he called the office but I didn't talk to him.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: I didn't talk to you, did I?

MR. MCGINLEY: No.

And under disclosures, my name is Kevin McGinley. I'm the agent for this, and I see it's moving quickly, and we do agree to all the conditions.

CHAIRPERSON GREENE: Okay.

Ready for the motion? We need a motion.

VICE CHAIRMAN KOONS: Yeah, we did. We do.

CHAIRPERSON GREENE: We had a motion and a second?

MR. Mac GILLIS: I think you got -- Koons made the motion.

CHAIRPERSON GREENE: Oh.

MR. Mac GILLIS: But we didn't get a second.

VICE CHAIRMAN KOONS: Yeah, on the companion zoning.

CHAIRPERSON GREENE: McCarty second?

Okay. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. McGINLEY: Thank you very much.

CHAIRPERSON GREENE: Thank you.

MR. McGINLEY: Man of few words.

MS. ALTERMAN: I think you need a second motion for the congregate living facility.

COMMISSIONER MARCUS: Right.

VICE CHAIRMAN KOONS: Oh, yeah. I'm sorry. I'll make a motion to approve the -- allow a Type III congregate living facility.

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

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

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: Brings us to Page 12. Items 23 and 24 are tandem applications, as well, small scale Comp Plan amendment 2008-19, Military/Atlantis Medical Office, and Item 24, Z-2007-1808, the Military Medical.

Kevin Andrews will present the small scale amendment.

MR. ANDREWS: Good morning. Kevin Andrews, with the Planning Division.

The item before you is a Military Medical Office small scale amendment.

The one and a half acre site is located on the west side of Military Trail approximately a third of a mile north of Lantana Road.

The applicant is requesting a land use change from low residential, two units per acre, to commercial low with an underlying two units per acre in order to develop an office building.

The map on the screen shows the land use designations of the surrounding area.

To the north is medium residential, five units per acre. To the west is low residential, two units per acre. To the south is commercial low with an underlying two units per acre, and to the east is residential land within the City of Atlantis.

The subject site is currently vacant but is covered with dense vegetation.

Located to the north is R. Robecks (ph) a fruit and vegetable market and outdoor nursery.

To the west are single family homes in the Wenhart Estate subdivision.

Located to the south is an Atlantis outpatient center, a medical office, and finally, to the east are single family homes within the City of Atlantis.

Staff has concluded that the applicant has provided adequate justification and demonstration of need.

The amendment is consistent with Comprehensive Plan as it will promote balance, growth, while providing needed services to the area.

Furthermore, this amendment will create a cluster of office uses at this location, and it will provide an appropriate transition of use from the commercial node found at Lantana and Military Trail.

And there were no objections from the Palm Beach County, Greenacres and Atlantis Charrette Steering Committee.

With these findings staff is recommending approval with one condition.

The subject site shall be limited to office and accessory uses to office.

This condition of approval is necessary to help ensure compatibility by limiting the intensity of the site.

This concludes my presentation. I'll be happy to answer any questions.

MR. Mac GILLIS: Item 24, Z-2007-1808, Carol Glass [sic] will present this item.

MS. GLASSER: Yes. Carol Glasser, project manager.

The companion zoning application requests a rezoning from the agricultural residential zoning district to the community commercial zoning district with a Conditional Overlay Zone to add an extra protection, some additional conditions to protect the residents, especially to the west.

Already have the overview of the site.

As far as the development, proposed is a one-story 14,486 square foot medical office building. It will allow office uses. It's restricted to office, medical, dental, business or professional. That was worked out with the

residents and the City of Greenacres. They wanted to make sure it was office use only.

It proposes 72 parking spaces, and access from the site will be from Wenhart Road.

Much discussion was on that access to find the best way in and also we have added a focal point for the residents to the west that they will be able to see right as they're exiting Wenhart Road before they go to Military Trail.

There are 23 recommended -- staff is recommending approval, subject to 23 conditions.

We have received four letters in support of this project.

And if you have any other questions, I'd be happy to answer them.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: There's a letter in here from a gentleman about the drainage he's concerned about. It was in the Comp Plan packet.

MS. GLASSER: That was an issue. It's further down, further west of the site --

COMMISSIONER MARCUS: Okay.

MS. GLASSER: -- and does not -- the site will not create any drainage problems. It's all --

COMMISSIONER MARCUS: So did we get back with him and tell him that?

MS. GLASSER: Yes. Yes.

COMMISSIONER MARCUS: I didn't see any response in there. All right. As long as somebody talked to him.

Thank you, Madam Chair.

CHAIRPERSON GREENE: We'll do disclosure on this item.

COMMISSIONER KANJIAN: None, Madam Chair.

It sounds very familiar with one around the corner, I think, but we didn't meet on this one, did we Mr. Frogner?

MR. FROGNER: Good morning, Commissioner Greene, Commissioners. My name is Jim Frogner, from Frogner Consulting, and as you know, I represent the property owner.

I'm satisfied with the conditions. I've mitigated any neighborhood concerns. We're bringing a piece of property onto the tax rolls that currently has absolutely no use on Military Trail.

That's about all I have to say. If you have any questions, I'd be glad to answer them.

COMMISSIONER KANJIAN: I just want to clarify. We met on the CLF, but that's the one that's around the corner. It's a different project but similar issue. We didn't meet on this one?

MR. FROGNER: There is not a CLF around the corner.

COMMISSIONER KANJIAN: Okay.

UNIDENTIFIED SPEAKER: Say yes.

MR. FROGNER: Excuse me. I'm deaf, and I read lips. I should have mentioned that right off the bat.

The answer to your question is yes.

COMMISSIONER KANJIAN: Okay.

the -- CHAIRPERSON GREENE: I didn't meet with

VICE CHAIRMAN KOONS: Yeah, I didn't meet.

COMMISSIONER SANTAMARIA: No.

Just there was a ULAB [sic] that failed? That was ancient history, is that right or --

MR. HOYOS: Yes, the Land Use Advisory Board, today Planning Commission, at that time, they considered that there was a -- that this was a mid-block location, which staff disagrees and recommended denial of the application.

VICE CHAIRMAN KOONS: And we worked with Greenacres, so they're okay, and this -- think everything was targeted.

MR. HOYOS: Correct.

VICE CHAIRMAN KOONS: Okay. Okay. That's good.

CHAIRPERSON GREENE: Commissioner Marcus?

VICE CHAIRMAN KOONS: Madam Chair, I'd like to -- oh.

CHAIRPERSON GREENE: Commissioner Marcus, your light?

COMMISSIONER MARCUS: Oh, no. Sorry.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: This is Item 23, right?

CHAIRPERSON GREENE: Yes.

VICE CHAIRMAN KOONS: I'd like to make a motion to adopt an ordinance approving the proposed amendment from LR-2 to CL/2 with a condition limiting office use and accessory uses with the conditions amended by staff.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You heard a motion by Commissioner Koons, second by Commissioner Kanjian. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

VICE CHAIRMAN KOONS: Madam Chair, Item 24, to adopt a resolution approving official zoning map from Agricultural Residential Zoning District to Community Commercial Zoning District with a Conditional Overlay Zone with conditions.

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: You heard a motion by Commissioner Koons, second by Commissioner Kanjian. 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'll bring us to Page 13, Item 25, Z/CA-2008-294, Florida Sevashram Sangha. Sorry. I can't pronounce that correctly, but Carol Glass [sic] will present this item.

MS. GLASSER: Carol Glasser, project manager.

This is an application for a Class A conditional use for a place of worship.

The Class A conditional use requires that the site must also rezone from a prior zoning district so it's a rezoning request from the residential transitional urban zoning district to residential single family.

Proposed is one building consisting of 4,672 square foot sanctuary with a maximum of 309 seats and a 2,000 square foot office. The total building is 6,672 square feet.

There are no collated -- collocated uses such as a daycare or school proposed.

Site plan indicates 113 parking spaces. Trips generated per day is estimated to be 61 trips per day.

Staff is recommending three conditions to be tied to the rezoning. There's an additional one foot of dedication that the Engineering Department wants. We would like that tied to the rezoning in case the church is -- the place of worship is never built, and there are 15 conditions tied to the Class A approval for the place of worship.

The applicant is seeking to rectify an active code enforcement complaint. Mr. Terry Verner from the -- Director of Code Enforcement, is present here to answer any questions.

We have had many concerns from the residents. The Bentbrook Boulevard entrance at the intersection of Bentbrook Boulevard and Lantana Road is the main entrance into a subdivision, Country Wood Homes and Country Lakes West, and there's been numerous letters, phone calls, e-mails to the commission regarding that.

We have worked to mitigate the issues. The -- Mr. Verner is here to separate any code enforcement issues, and we've been reviewing the traffic issue.

One of the main concerns is the entrance from Bentbrook Boulevard. It is proposed to be moved 150 feet to the north away from the intersection as it exists today, and the prior illegal operation of the place of worship, the driveway was right at the intersection.

Staff has been telling the public that has called it is -- it is the safest entrance for both the residents and the place of worship, and Mr. Ennis can speak further on that.

At the time of publication there were 26 contacts from the public and 25 in opposition and one in support.

At the August 7th Zoning Commission hearing the Zoning Commission voted 7-0 to recommend approval of this application.

We had two members of the public speak, and I believe we have a number of cards here today.

CHAIRPERSON GREENE: We only have two cards.

MS. GLASSER: Two?

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: So there was activity on the site from -- there was a previous church on site?

MS. GLASSER: There is a single family residence on the site, and they have been illegally using that as a place of worship there, trying to rectify that.

COMMISSIONER MARCUS: So it's --

MS. GLASSER: So there is an active code enforcement complaint --

COMMISSIONER MARCUS: So it's the same congregation?

MS. GLASSER: It's the same congregation.

COMMISSIONER MARCUS: Congregation that was using the house instead of getting the zoning changed and all that?

MS. GLASSER: Right.

COMMISSIONER MARCUS: I got you.

MS. GLASSER: So they're here now. They plan to demolish that house and build this one building that's at the center of the site with the parking spaces around it.

COMMISSIONER MARCUS: And did -- how many seats? How many are allowed in the church?

MS. GLASSER: A maximum of 309 seats.

COMMISSIONER MARCUS: Okay. So they -- they had a house they're worshipping in, and --

MS. GLASSER: They had a lot of activities outside, and this was the source of a lot of complaints, that they had festivals, they were gathering outside, and that created a lot of noise, and there will be no --

COMMISSIONER MARCUS: So they know, and they're not using the site anymore?

MS. GLASSER: I'd ask Mr. Verner what --

COMMISSIONER MARCUS: I mean if -- are we -- a part of what we're doing is saying you can't use this until you build it appropriate where? Are they still using the site?

MR. VERNER: Yes, they are.

Good morning, Commissioners. Terry Verner, Code Enforcement.

As is -- as has been our policy for years, if there is a remedy for the property owner to come into compliance, we don't require them to cease the use as long as they're going through the process to achieve that remedy.

If it was a situation where the use was not allowed without any zoning approval, then we would require them to cease the use.

COMMISSIONER MARCUS: But what happens when they tear down the house to build the new building? They can't stand out in the --

MR. VERNER: They're going to have to work that out through --

COMMISSIONER MARCUS: Is there a period of time that we've given them that they have to move forward with?

MR. VERNER: The -- we received the original complaint in November of last year. The notice of violation was issued in December. They were in the process the end of January, beginning of February as far as the zoning approval process so we put the case on hold, as we do any other case of this nature.

COMMISSIONER MARCUS: I'm looking at a condition of approval in here that says if you haven't started building this church by X amount of time, the next, you know, four months --

MR. VERNER: Right.

COMMISSIONER MARCUS: -- then you're going to Code Enforcement, just so this isn't an open-ended thing. Is there --

MR. VERNER: That would be a good idea.

COMMISSIONER MARCUS: Is there a condition in here?

MR. Mac GILLIS: We'd have to add one, but to be realistic, by the time they come off here and get into DRO and get building permits, I would suspect it's going to be a year.

COMMISSIONER MARCUS: Takes that long to do all that?

MR. Mac GILLIS: It would -- by the time they get through, unless they don't have any problems, they meet all the conditions and they bring in the site plans and everything, they could go through in several months, but they still have to apply for building permits, which will -- that takes, you know, several months to go through the building permit review process with all the different departments looking at a new building.

MR. CHOBAN: And I think there's a plat -- there's a platting issue.

MR. Mac GILLIS: Platting issue, too, so you're -- it's several -- to be realistic, it's going to be a year.

VICE CHAIRMAN KOONS: Can I ask specifically -- what -- what -- this is obviously a compatibility issue.

What is happening now? Has it gotten any better? I mean we -- I've gotten a lot of calls on this going forward.

Has it gotten any better? Is it still bad? I mean --

MR. VERNER: I can't answer that. I've not been to the site recently so I don't know if it's gotten better or worse or maintained the same.

They're still in violation. I know that much.

COMMISSIONER MARCUS: Are we talking all 300 people being there now outside of a house?

MR. VERNER: Yeah.

MR. BARRY: Good morning, Commissioners.

COMMISSIONER MARCUS: It would be helpful, Terry, if you could bring us that information,

knowing that this is going to be -- if you can go call somebody?

MR. VERNER: Well, we have -- I have a copy of the printout, and the last inspection that we made on this property was -- the last inspection was in June, and at that time the code officer noted cars on the property.

We didn't count the number of vehicles. We didn't count the number of people. We just noted that they were still using it for worship purposes.

COMMISSIONER MARCUS: Well, cars. There's a difference between five cars and 50 cars on a single family lot.

It would be really helpful to have that kind of more information, especially when we're looking at stuff like that because, you know, if there's a violation, that's one thing. If it's a really big violation, that's a whole different -- in my opinion, a whole different ball game.

And while I want to be supportive, perhaps, of them building it, maybe for a year they need to go find someplace else to meet at a school or something until they can, you know, build their facility, but you're not giving me enough information to be able to be helpful about how big the problem is.

MR. VERNER: I apologize for that, Commissioners.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Just out of curiosity, is there any resident neighbor current present today?

COMMISSIONER MARCUS: Yes, there's --

COMMISSIONER SANTAMARIA: Who has concerns, who has concerns. Okay.

CHAIRPERSON GREENE: Well, I have two cards.

COMMISSIONER SANTAMARIA: Okay. You have two cards.

CHAIRPERSON GREENE: Uh-huh.

COMMISSIONER SANTAMARIA: Okay. So we'll hear what you have to say.

But, you know, if and when we do consider to approve this rezoning, you know, I'd like to have a reasonable starting date and a reasonable ending date to complete the construction, and there -- in other words, if they don't start at a reasonable time, then they should not be able to use the premises for the -- what they have been using it for, and if they don't complete it within a reasonable time, the same thing. I would suggest that they cease use of the premises.

Those are my -- the two parameters that I'd like, a reasonable starting date and a reasonable ending date; otherwise, they may not use the premises for that which it has been used in the past.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Just a quick question, and I'm reading through -- who owns the

property now, 'cause the disclosure's not filled out, it doesn't look like to me.

MR. BARRY: Good morning, Commissioners. Chris Barry, with Jon Schmidt and Associates, agents for the applicant.

Our client currently owns the property.

COMMISSIONER KANJIAN: Who's your client?

MR. BARRY: Florida Sevashram.

COMMISSIONER KANJIAN: Okay. 'Cause on your disclosure it's blank, so --

MR. BARRY: That's the additional form. The first page on the disclosure form will have the --

COMMISSIONER KANJIAN: No, I got that, but then it says all of the people that own interest, it says see Exhibit B, and Exhibit B is blank. That's why I'm -- I mean is there another Exhibit B? Is it blank, or am I wrong?

MR. Mac GILLIS: Oh, I'm sorry, Commissioner. I was distracted. What was your question?

You know, the disclosure on who owns what, 'cause one of the question's going to be whether the owner can actually do what we're talking about doing here and who the owners are, and it's just blank.

So I was just wondering if there were --

MS. GLASSER: It's Florida Sevashram Sangha, Inc.

I think there's a lot of confusion. I see these forms filled out differently. Sometimes they turn them both, disclosure, eight and nine and the attorney's office reviews it.

The deed, I believe, is Florida Sevashram, Sangha, Inc.

COMMISSIONER MARCUS: His point is that Exhibit B on the next page has got nothing on it.

COMMISSIONER KANJIAN: And it -- and they put on the application that see Exhibit B. I mean -- not our part of it.

And one other question, if we were to change this, even though it really wouldn't be a church there yet, but they're using it as a church, it's going to come off the tax rolls as soon as we do that, as well, even though they may not eventually really get a church, 'cause right now somebody's paying property tax on that; correct?

MR. Mac GILLIS: Correct.

COMMISSIONER KANJIAN: And doing this, it's essentially going to come right off the tax rolls, and then they're not going to really necessarily use it as a church.

They're going to get a benefit of a tax savings, which I appreciate, and I think it's a good thing for us to do, but that usually means when you follow all the rules, as well.

So just keep that in mind. You're talking about how long it's going to take to do it.

MS. ALTERMAN: And also let me just point out in terms of -- the code requires them to start the process to be -- to commence development within three years, so if they haven't done that, that's

something that would then -- of course, they can get time extensions. That's what you hear all the time.

So I just want you to consider there is a time to commence development, it's that three-year period of time.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Well, I'm going back to the part where we don't have the information to know whether I'm talking about 50 people or, you know, 100 people hanging outside a house that's not big enough, so --

MS. GLASSER: I can tell you about the calls that I received.

I did receive a number of very angry phone calls, but they seemed to center on they had an outdoor festival, some kind of carnival with port-o-potties and rides and traffic everywhere, and it was a several-day event, and they had -- that type of event requires a special permit, and it is not allowed in a residential area.

So they were informed of that, but a lot of the anger seemed to center on that.

And then it seemed to go along with -- to the north of this is a clubhouse, the Phi Delta Kappa, and they were talking about the weekend parties there, and that's really why I asked Mr. Verner to come today to make sure we could separate that issues from there.

On my site visit there was approximately a dozen cars out front when I did my site visit, but --

COMMISSIONER MARCUS: Was that during the week? We don't know what their -- I'm sure the applicant will tell us what their hours of worship are.

MS. GLASSER: Mine was on a Saturday.

COMMISSIONER MARCUS: Okay.

MS. GLASSER: The -- they are aware now, and we confirmed that, you know, in discussions with them that they're not allowed to have any outdoor events so I don't know what is involved in the code enforcement policies as they go through the process as far as the zoning process.

When they came in, they worked very hard to get this through the system fast. They did miss, you know, it takes -- they have to be certified by the DRO in order to come to public hearing.

They missed their first certification because of a survey issue. They got that corrected. They were certified on the second one.

So they have come through the process as fast as they can, and they -- there was a postponement by right from the July Zoning Commission, but that was at the request of the residents.

They did not like that date, the July 3rd date, before the July 4th holiday, and they felt they didn't have time to look at it.

There was one postponement, but other than that, have been going through the process so far. Unfortunately, that is the process.

When they can submit -- and, again, they have to have their final approval by the DRO before they can pull building permits.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah. Now that I heard about these festivals and rides and things like that, that certainly does not belong in a residential area.

So I, you know, even if we do consider the use as a house of worship -- but I don't think festivals and rides and, you know, celebrations, outdoor celebrations -- it would really be a major disturbance to the neighborhood.

MS. GLASSER: They're not allowed to have -- it's prohibited in a residential neighborhood, and they know that now.

COMMISSIONER SANTAMARIA: Okay. So that --

MS. GLASSER: They did it once, and they're now --

COMMISSIONER SANTAMARIA: So that -- that would be one of the conditions.

MS. GLASSER: Uh-huh.

COMMISSIONER SANTAMARIA: That they could never have any --

MS. GLASSER: It's prohibited by the code. You have to have a special permit --

COMMISSIONER SANTAMARIA: Oh, it's -- it's not --

MS. GLASSER: -- and then you cannot --

COMMISSIONER SANTAMARIA: So even if we -- even if we did approve this today --

MS. GLASSER: Everything takes care of -- place inside the building.

COMMISSIONER SANTAMARIA: Okay.

MS. GLASSER: They can only have activities inside of the building. The most they would be allowed is like an occasional garage sale 75 feet from residential property line.

COMMISSIONER SANTAMARIA: Okay.

CHAIRPERSON GREENE: They know that.

MS. GLASSER: They know that now.

COMMISSIONER KANJIAN: Yeah, let's get to the cards.

MR. BARRY: Again, Chris Barry, with Jon Schmidt and Associates.

Just to clarify some of the concerns, currently there's a maximum of 30 vehicles on site, and as Mr. Verner stated, we've been allowed to continue the operation for the house of worship while we go through the process.

And, also, as Carol stated, we've gone through the process as fast as we can, and we will be submitting contingent upon the approval being granted, we will be submitting for final site plan approval next month, and we'll try to get through that as fast as possible.

The -- some of the concerns that have been raised about the outdoor activities, we understand that there's been past violations on this property, and those have come as a result of our client, but

they've also been grouped into the property to the north, which is a clubhouse.

And one of the conditions that we would agree to is the prohibition of any outdoor activity.

You can see on our site plan design that the majority of the site becomes a parking lot, other than the building. So there really isn't much area outside for outdoor activities, and, you know, that was one of the things that we conveyed to staff, that we would be willing to accept a condition to prohibit outdoor activities to address some of the neighbors' concerns with the noise and, you know, some of the activities that have happened on site thus far.

And, also, Commissioner Marcus, in regards to your issues with timing, my client is willing to accept a condition that we will apply for building permits and begin the building process within a year and have it completed within a year after that, just with a caveat that if there's anything outside of our control that extends that process, that we have the ability to go to staff for any kind of extension.

And we have a full presentation, but we'll hold off on that, and maybe when the neighbors come up, we can address some of their concerns, as well, with our presentation.

We are in agreement with all the conditions of approval.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Two questions.

So you're telling me that they have the funding available to build the church today?

MR. BARRY: Yes.

COMMISSIONER MARCUS: They don't have to go out and do fundraising?

MR. BARRY: Correct.

COMMISSIONER MARCUS: And how many bathrooms are in this house?

MR. BARRY: Currently in the house? Two.

COMMISSIONER MARCUS: And so you have 30 people -- what are their hours of operation? When do they meet?

MR. BARRY: I believe that Wednesdays, and --

COMMISSIONER MARCUS: Wednesday nights?

MR. BARRY: -- Fridays and Sundays are the biggest time periods when people are there, and then throughout the week there will be people coming in and out, but Fridays and Sundays are the big events.

COMMISSIONER MARCUS: And how many folks attend on Fridays and Sundays?

MR. BARRY: I want to say -- 50 to 85.

COMMISSIONER MARCUS: Fifty to 85 people?

MR. BARRY: Correct.

COMMISSIONER MARCUS: So the Health Department allows this?

Where's the Health Department?

I mean I don't want to -- but I just really think you guys need to find someplace else to meet until you build your facility.

CHAIRPERSON GREENE: Yeah.

MR. WILSON: Yes, Kevin Wilson, Health Department.

COMMISSIONER MARCUS: Do you allow 50 to 85 people for two years using two bathrooms in a house?

MR. WILSON: The house was originally set up with a septic system and was approved as a residential. Once it's --

COMMISSIONER MARCUS: So --

MR. WILSON: Once it's approved and goes on, then your Code Enforcement would be the ones to change that.

COMMISSIONER MARCUS: Right, but what would the Health Department say about it?

MR. WILSON: The Health Department, we're requiring them to connect to sewer, but as a statement for a church I believe it's 10 gallons per day per parishioner.

So in this case at 85 it'd be 850, I believe.

COMMISSIONER MARCUS: So do you have any concerns?

MR. WILSON: As long as the system is of the proper size, there wouldn't be any concerns.

COMMISSIONER MARCUS: But do you know if the system is of the proper size?

MR. WILSON: I have not checked it.

COMMISSIONER MARCUS: Well, I think we should check it. I mean -- okay.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, could you start explaining the buffering to minimize, you know, the impact on the surrounding areas?

I'd like to hear what buffering setbacks and the thickness of the landscaping and the perimeter of the property.

MR. BARRY: Sure, not a problem.

CHAIRPERSON GREENE: And the gentleman from the Health Department, are you going to get back to just Commissioner Marcus or are you going to get back to all the commissioners.

MR. WILSON: I can through the records and see what size system there is, but I have no idea when it was originally approved.

CHAIRPERSON GREENE: No other question, Ms. -- we have two cards, Ms. Dianne Verner and Mr. Robert Sneed.

MR. BARRY: Did you want me to go through the presentation?

COMMISSIONER SANTAMARIA: I want to hear about buffering.

MR. BARRY: Okay.

CHAIRPERSON GREENE: Oh, I'm sorry. I didn't hear you -- you were asking him to do it?

COMMISSIONER SANTAMARIA: I asked him, yes.

CHAIRPERSON GREENE: Oh, okay.

COMMISSIONER SANTAMARIA: Yes.

MR. BARRY: I guess we'll go briefly through the presentation, and we'll get to the buffering.

The project schedule just shows you, you know, how quickly we've gone through the system, and the one thing that we, as well as our client, would like to point out is that they hired our firm before they got the final violation that is now open and outstanding. So, you know, they were aware that they were in violation, and they hired us before to get the process started for them.

And the other item to point out with the schedules, that we've had three neighborhood meetings prior to the public hearings.

Okay. So to get to the buffering, the existing uses that surround our client's property, to the north is a recreation facility and club. That's the Phi Delta Kappa.

To the south is ag production across Lantana Road. To the east is single family residential, and then to the west is a retention pond.

So the proposed site plan as you see it here has the required right-of-way buffers, 20-foot right-of-way landscape buffer along Lantana, as well as a 15-foot right-of-way buffer along Bentbrook.

The single family residential that abuts the property to the east will be buffered by a 15-foot Type II incompatibility buffer, and then the buffer to the north, although only required to be five feet in width, our client has increased that to 15 feet in width, not only to offer more buffering, but also to preserve some of the existing vegetation that's on site.

Then the building has been centered on the property to the greatest extent possible, and what this slide shows you is that the setbacks have been exceeded by nearly 70 feet on all four sides, so the building is in the center of the property to the greatest extent possible.

Just some of the other issues that we would like to point out is the other non-residential uses in close proximity to the site.

The site's highlighted in green. To the north is the recreation club. In the blue is the commercial pod of an MUPD, and then in the red is another place of worship that was recently approved.

These are the proposed layouts for the proposed building. Just shows that the sanctuary is the majority of that building, then there's the bathrooms and offices and multipurpose room, and the elevations, as well.

If there's any other questions on the buffering or compatibility, I'd be happy to answer those.

VICE CHAIRMAN KOONS: I have a specific question of staff.

What is that thing to the north, Phi Kappa -- what is that? Is -- I'm kind of --

MS. GLASSER: It's a clubhouse. They -- that organization uses it for parties, weddings, gatherings.

At the Zoning Commission hearing -- I believe her name is Ms. Sneed spoke and read a letter into the record and then added that she didn't feel that the clubhouse caused that much issue because they have to reserve it in advance, and they have parties, but I did hear parking issues, you know, with them.

So I'm not sure how often it is used, but it's a clubhouse and was approved that way many years ago.

This subject site was actually a part of that initial site. It was initially almost five acres, and the two properties were together, and then there was a development order amendment, and this property to the south was deleted from that approval.

I wanted to clarify the buffers. The Zoning Commission did ask for a vegetation, seemed to lean more to vegetation than a wall, so at time -- there's two conditions at time of installation. It'll have the continuous six-foot high vegetative screen all along the east property line where the two residence are closest, and also 100 feet of the -- the eastern 100 feet of the north buffer to help that one residence to the northeast.

VICE CHAIRMAN KOONS: Okay. I didn't know we had private party places in unincorporated Palm Beach County. I'm --

CHAIRPERSON GREENE: We talk about buffering. I mentioned to you this -- on Okeechobee, was that Wal-Mart?

MS. ALTERMAN: It's the Lowe's that you were looking at.

CHAIRPERSON GREENE: The Lowe's. Whenever we start talking about buffering or landscaping, I don't know about the other commissioners, but as long as I've been in Palm Beach County I have never seen anything -- matter of fact, Commissioner McCarty, I think it compares to your Costco.

COMMISSIONER McCARTY: Really?

CHAIRPERSON GREENE: Yes. It's the most beautiful job I have ever -- to me, we need to use that as an example,

VICE CHAIRMAN KOONS: Madam Chair, that was our first big box in our urban infill area, and you can tell the Planning staff with the arrows all over them 'cause they prototyped that and they did a good job there, and Lowe's was very, very accommodating.

CHAIRPERSON GREENE: Excellent job. That should be our measuring stick from now on.

VICE CHAIRMAN KOONS: They were -- they were very, very -- everybody worked very, very hard on getting that done.

CHAIRPERSON GREENE: Whether it's a business or a church or whatever.

COMMISSIONER KANJIAN: I did the grand opening, and it was very, very nice.

CHAIRPERSON GREENE: Good. Okay.

Ms. Dianne Verner and Mr. Robert Sneed.

MR. SNEED: Good morning. My name's Robert Sneed. I'm the vice president of the board of directors for the homeowners association of Country Lakes West.

I have a letter first I would like to read.

"A letter had been written previously to the Zoning Commission in reference to concerns that were expressed by many of our 514 residents about the proposed rezoning of the property located on the northeast corner of Lantana Road and Bentbrook Boulevard.

"On behalf of the board of directors and as a representative of the 514 homeowners in Country Lakes West Property Owners Association, Incorporated, I ask you to take the following concerns in consideration when voting on this issue.

"The impact on traffic that this proposed project will create. The application states that the access on the site is from Bentbrook Boulevard which will severely impact ingress and egress to the homes in Country Lakes West as this is the only entrance to our community.

"The size of the proposed project and the number of parking spaces indicate that there will be a considerable number of cars entering and exiting this property.

"Another concern is that the schoolbus stop is on this corner and with the increased traffic to the property, this could increase dangers to the children of our community.

"In the past the owners of this property have not complied with zoning regulations or code enforcement. The property is not maintained for weeks at a time."

One thing I would like to touch on is the clubhouse. It's used maybe once, twice a month, and it's never a problem. There's very -- very rarely any problems there.

This place has been in violation not two years, not three years, but probably closer to four years. It is a nightmare on Sundays and Wednesdays trying to get in and out as the light on Lantana and Bentbrook will only allow three cars at a time to go in and out. So when they start coming out, it definitely creates a problem.

Right now as we speak there are two dump loads -- dumptruck loads of asphalt that they dumped in the front yard which have been sitting there for about two years now. They shoveled some of it out in the front where they could park their cars.

Their cars are parked on the streets. There's -- at any given Sunday there's 50 to 75 cars in that lot.

The place is packed and try to get in and out is just -- it's a nightmare sometimes. Myself have had the instances where you get stopped on Lantana trying to turn in because they're turning in front coming out, and there's -- there have been

accidents, and it's just -- it's really not a good place.

Number one, the building fits in with nothing in that area because everything there in the entire area is just single family homes. There's no buildings anywhere near the size of this, and it's -- just in our feelings it's not the place for a place like this.

VICE CHAIRMAN KOONS: Sir, can I ask you a specific question?

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: Where is the schoolbus stop?

MR. SNEED: It's right on -- just -- just back -- right now they pick them up right where they want their entrance.

COMMISSIONER MARCUS: Can I ask a --

VICE CHAIRMAN KOONS: So I mean is it -- is it on -- it's not on Lantana Road? The bus pulls --

MR. SNEED: No, sir, it's on Bentbrook.

VICE CHAIRMAN KOONS: Bentbrook.

MR. SNEED: They want to enter and exit on Bentbrook, and that's -- that's exactly where the schoolbus stop is. It's back off of Lantana, approximately 100 yards or so.

VICE CHAIRMAN KOONS: And does the schoolbus turn around and go back out again? Is that what happens?

MR. SNEED: Yes, sir.

MS. GLASSER: Commissioner Koons.

VICE CHAIRMAN KOONS: Yes.

MS. GLASSER: I did speak with Michael Owens, who's the DRO officer for the School District, and -- after the Zoning Commission meeting, and about the bus stop, and he is available if somebody wants to discuss it.

He does not see an issue. He said to me following the Zoning Commission meeting that it didn't seem to be an issue where it was, but he can look at it or speak to them, and it can be relocated, but the bus continues on into the neighborhood after they pick up at that corner, was his understanding at that time.

VICE CHAIRMAN KOONS: So do parents drive their kids down there, is that --

MR. SNEED: Most of them walk up there.

VICE CHAIRMAN KOONS: Most of them walk?

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: Okay. We need to -- we need to be specific about that, make sure that no matter what happens on the compatibility there.

MR. BARRY: And we understand that, and the other item that I'd like to point out is that our client is also going to be installing a sidewalk along Bentbrook for the length of their property that's currently not there.

CHAIRPERSON GREENE: But are you going to address the other items that he mentioned?

MR. BARRY: Yeah, I will after public comment.

COMMISSIONER MARCUS: Well, I want to ask him, though.

Do you have photo -- there's piles of asphalt in front of the house?

MR. SNEED: Yes, ma'am.

CHAIRPERSON GREENE: Those are items I'm asking him are they going to address?

COMMISSIONER MARCUS: Does anybody have pictures of that?

MR. SNEED: I can't tell you the number of times I've called and sent photos and stuff to Alfie Garcia.

COMMISSIONER MARCUS: Who's that?

MR. SNEED: He's the, I guess the code enforcement officer in our area.

COMMISSIONER MARCUS: Does Mr. Verner have any photos with him? Does he have a file with him? Anything? Nothing? You didn't bring any photos or anything?

MS. GLASSER: I have some of the photos from the code enforcement.

COMMISSIONER MARCUS: Okay. That'd be great.

MR. SNEED: Another thing, also, is this house that they're in right now, they've remodeled that thing several times. I've never seen a permit board or anything out there.

I've seen several times construction dumpsters and there, again, there are several outdoor goings, like, you know, it's been the carnival, but there's all kinds of festivals and things where there's so many cars there that they park on the streets and on the side of the street, and it's -- it's really been a nightmare for the last three years, and I can't tell you the number of times that we've called in to Code Enforcement, and it seems like nothing ever happens.

COMMISSIONER MARCUS: Well, these pictures don't show anything but the trash cans outside.

MR. SNEED: That's -- they're constantly there, and when they do mow -- they mow about once a month, and when they do, they've been knocked over.

They pick up garbage on Wednesday so they set them out Sunday night. It stays there 'til Wednesday, and then they pick them up sometimes Wednesday night, sometimes Friday before they're picked up, and they mow, like I say, once a month as a general rule, and when they do, if the trash is still there and scattered, they just mow over it and leave it.

COMMISSIONER MARCUS: Do -- the access point is off of the street.

They can't do the access point off of -- what's the main road? Lantana?

I know Engineering doesn't like that, but we've dealt with this before with plenty of other places of worship facilities where we require them to enter off of Lantana.

MR. ROGERS: The preference is always, when you have a corner lot that's on an arterial road and a collector road, is to have that access onto

the collector road. That is the safest and it's the most convenient.

And also the traffic coming out of there does have the protection of the traffic signal, as opposed to an unsignalized driveway onto Lantana Road.

There's no question that this is the preferable access to this property.

COMMISSIONER MARCUS: But it's the only access is off the side road? There's no access off of Lantana?

MR. ROGERS: No, there is no access off of Lantana.

COMMISSIONER MARCUS: Wouldn't it be -- can't you require two access points so it softens the burden that they're not all lined up to go in and coming out?

MR. SNEED: The thing is when they come out, they have to cross the ingress, and that's the only way we have to come in, and when they start coming out, you're looking at 100, 117 cars, and we generally just have to stop and wait.

And like I say, the light will only allow three cars.

MR. ROGERS: The -- we're having the timing of that traffic signal looked at right now.

I'm sorry.

We've sent someone to find out what that actually is, but there's absolutely no question that that timing of that traffic signal can be adjusted, depending upon the load coming off of the side street.

So the -- we do not see that the timing of that traffic signal should be any -- should be any prohibitive issue as far as this petitioner's concerned.

MR. CHOBAN: And in addition I have added a construction of a right turn lane. Bentbrook is wide enough to provide for a right turn lane to enter, so they will be striping that road to provide for a right turn lane to directly enter the site, which would allow the Bentbrook people then the ability to go around people that are wanting to turn in to the church.

COMMISSIONER SANTAMARIA: Is there a problem to have them exit out of Lantana farthest from the corner?

MR. SNEED: That was our suggestion in one of our meetings with them.

COMMISSIONER SANTAMARIA: In other words, let them come in on Bentbrook but exit off of Lantana at the furthest most end of the parcel away from the corner.

MR. ROGERS: Based upon the traffic report, the majority of the traffic will be turning -- will be east -- coming from the east and going back to the east.

What we'd prefer to do is have the vehicles exit onto Bentbrook and turn left at the traffic signal, as opposed to trying to get across three lanes of traffic of Lantana Road and U-turning at that traffic signal.

It is the safest for both the traveling public and for the vehicles entering and leaving this project would be to exit onto the side street, Bentbrook.

COMMISSIONER SANTAMARIA: No, my --

MR. ROGERS: Is it possible to have it done?

Yes, but the preferable ingress and egress to this property is off of the side street and not directly onto Lantana Road.

COMMISSIONER SANTAMARIA: No, I'm -- my question is just exiting off of Lantana furthest away from the corner.

MR. ROGERS: That is possible, yes.

COMMISSIONER SANTAMARIA: So I think that would alleviate, at least cut 50 percent the in and out of, you know, Brentwood [sic].

VICE CHAIRMAN KOONS: Commissioner McCarty.

COMMISSIONER McCARTY: Yeah, what about, though -- I understand what you're saying, for the safety to have -- if you do it -- Commissioner Santamaria.

If you do what Commissioner -- if you do what Commissioner Santamaria asks, you're now asking people to leave the property, cross three lanes of traffic, then go up to the light, take a U-turn.

MR. SNEED: There is a turn lane there for that.

COMMISSIONER McCARTY: Right.

MR. SNEED: Just past the light to make the U-turn.

COMMISSIONER McCARTY: And is a probably much more tortured way to do it, and I think -- I think safety would be a concern there.

But what about if everybody's coming from the east, why can't you put a turn lane on Lantana Road into the property so that the ingress is, you know, coming from the east, you take a right turn into the property. You're not going on Bentwood [sic], maybe coming out on Bentwood [sic] to get to the light.

So what would be the problem with that, and if there's room for a turn lane, have them put a turn lane in.

MR. SNEED: Coming out is what the problem is.

MR. CHOBAN: There's not enough frontage onto Lantana to provide for a separate turn lane into that site.

MR. ROGERS: The -- in order to put a driveway for an ingress into the property, it would have to be basically in the western third of this property, somewhere in this location (indicating).

COMMISSIONER McCARTY: Which is almost to Bentwood [sic], anyway.

MR. ROGERS: That's right at Bentbrook. It would be very -- it would not be a safe movement to have someone leaving this driveway here and then trying to get across --

COMMISSIONER McCARTY: I'm not talking about leaving. I'm talking about going in.

MR. ROGERS: Well, we're talking --

COMMISSIONER McCARTY: I'm -- leaving on Bentwood [sic], I'm different than Commissioner Santamaria --

MR. ROGERS: Okay.

COMMISSIONER McCARTY: Leaving on Bentbrook - Bentbrook, but coming from the east, and why can't it be on the eastern portion of the property --

MR. ROGERS: Because --

COMMISSIONER McCARTY: -- to come in?

MR. ROGERS: -- in order to construct the turn lane we'd have to have -- we do not have additional -- enough right-of-way --

COMMISSIONER McCARTY: Okay.

MR. ROGERS: -- sufficient right-of-way for an additional turn lane.

COMMISSIONER McCARTY: Okay. So --

MR. ROGERS: In order to do that we'd have to have right-of-way. They do not own the property over here. These are single family homes.

COMMISSIONER McCARTY: All right. Do they need a turn lane?

MR. ROGERS: No.

COMMISSIONER McCARTY: You have three lanes of traffic.

MR. ROGERS: There is -- there is not sufficient --

COMMISSIONER McCARTY: Why can't you just put a little drive -- then put a little opening right there.

MR. ROGERS: We -- a driveway could be located on Lantana Road for this property.

COMMISSIONER McCARTY: Okay. And I'm just saying as only a right turn in, not to leave, just for me, not Commissioner Santamaria, but to just -- to just turn in.

So that way, at least going into the property, you're not tying up Bentbrook unless people are coming from the west, and they would go in Bentbrook.

I don't know. I just think it's another -- it's another alternative so everything's not on Bentbrook.

MR. ROGERS: Well, as Mr. Choban indicated, we believed we had identified the solution to that problem by the restriping and addition of some pavement on Brentbrook -

COMMISSIONER McCARTY: Right.

MR. ROGERS: -- for a separate right turn lane on Bentbrook -

COMMISSIONER McCARTY: Right, right, right.

MR. ROGERS: -- which would not interfere with the ingress people driving into that community to the north.

COMMISSIONER McCARTY: Right, but you're leaving the only choice Bentbrook, and if you had another little opening, then at least there's another way for people to get into that property.

VICE CHAIRMAN KOONS: And they're saying that's not safe to do.

MR. SNEED: Ingress is not the problem.

COMMISSIONER McCARTY: No, they didn't say that wasn't safe.

MR. SNEED: Egress is the problem because all 117 come out at the same time.

COMMISSIONER McCARTY: I know. I can't do anything to help you on that.

MR. SNEED: They don't go in at the same time.

COMMISSIONER McCARTY: I can't -- I can't see forcing them across three lanes of traffic and then up to the light. I don't know. I don't know.

VICE CHAIRMAN KOONS: Commissioner Marcus.

COMMISSIONER McCARTY: We do it if we have no other recourse, but I don't --

COMMISSIONER MARCUS: We actually did this on Northlake when we had a school that was coming in, and we had the same issue.

The problem is, is when they stopped to turn in to whatever the facility it is and then if somebody's coming out, and then everything backs up, and it just becomes a problem.

So we required an additional, I think, feet or turn lane into the school, and then everybody came in off of Northlake, and nobody came in off of -- you guys did this project.

MR. BARRY: Correct.

COMMISSIONER MARCUS: So we -- you are able to do it, and it gives the church its own ability to get in, and then no one else -- because it really does back up. When you're trying to turn out, you've got to -- you know, everybody's at the same time.

COMMISSIONER McCARTY: And how is it working? Is it -- are we happy with it?

COMMISSIONER MARCUS: It's not built yet.

MR. BARRY: The difference between -- that's the Levy Learning Center, and the difference between this plan and that plan is that the entrance for the Levy Learning Center is on the far side so we have the ability to provide for the right turn lane in front of our property, whereas here we don't -- for the right turn lane we'd have to go to the properties to the east of us.

COMMISSIONER MARCUS: But couldn't you --

VICE CHAIRMAN KOONS: It's just not safe.

COMMISSIONER MARCUS: Well, I know, but couldn't you move it -- it's the way you've got it designed in terms of your facility.

You -- I think you've got enough room on frontage where you could put a turn lane in starting right there and then go in at the corner.

MR. BARRY: I believe that the separation from the intersection is a minimum of 75 feet.

MR. ENNIS: Can I say something, Commissioner? Allan Ennis from the Traffic Division.

With the speed limit on Lantana Road you would need a certain amount of distance just for deceleration of traffic, and I believe the speed limit there is like 45 or 50 miles per hour.

MR. ROGERS: I thinks it's 45.

MR. ENNIS: So you would need at least, I think 280 feet, yeah, just to decelerate, and the frontage of the property is only 300 feet on Lantana road.

So it's just a situation where you'd have to locate the access right at the intersection, anyway, just to provide for the deceleration of traffic; otherwise, they'd be stopping or slowing down right on Lantana Road in the travel lane.

COMMISSIONER MARCUS: We did it at Northlake, and that speed limit's 55 and they do 65, so --

MR. SNEED: Yes.

VICE CHAIRMAN KOONS: Can I -- Mr. Sneed.

MR. SNEED: Yes.

VICE CHAIRMAN KOONS: Do you have any more comments that you'd like to make?

MR. SNEED: One other thing I would like to say is with their total lack of regard to zoning and code enforcement in the past four years I don't see anything changing, and we'd like to take that into consideration, also, 'cause like I say, right now the place is --

VICE CHAIRMAN KOONS: And you're -- you're the vice president of your neighborhood association?

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: Do you have any working relationship with anybody over there?

MR. SNEED: No, sir. We've spoken at meetings. We've been to two or three meetings with them, but --

VICE CHAIRMAN KOONS: But on the day-to-day issues that you have any complaints there's nobody you deal with on a day-to-day basis?

MR. SNEED: No. They're not there day to day. We -- you just have to catch them when they're having either festivals or --

VICE CHAIRMAN KOONS: But you don't have anybody to contact if you have any particular complaint --

MR. SNEED: No.

VICE CHAIRMAN KOONS: -- that nobody's ever offered --

MR. SNEED: We've -- we've called Code Enforcement, like I say, for several years now, and it's finally got to where someone did come out and see what was going on, and that's the only reason for what's happening now.

VICE CHAIRMAN KOONS: Okay. And then you -- you -- we gave you some money for some landscaping; right?

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: In your neighborhood?

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: Is that the area just --

MR. SNEED: It's right there. Just when you turn in on Bentbrook, it's right there, the median.

They're going to come in behind that. It's -- it's a beautiful entry there.

VICE CHAIRMAN KOONS: Yeah, we put some money in this neighborhood --

MR. SNEED: Yes, sir.

VICE CHAIRMAN KOONS: -- for a little landscaping program, the money we used to have, so we were --

MR. SNEED: Yes.

VICE CHAIRMAN KOONS: We've -- we've worked with this neighborhood before and -- out there. We have -- that's actually my county commission district. It's way west.

Okay. Next is Dianne --

MR. SNEED: Thank you.

VICE CHAIRMAN KOONS: -- Verner.

Just for disclosure, are you a relation to any Verners that have been speaking here earlier today?

MS. VERNER: Only my husband. He hasn't spoken. So, no --

VICE CHAIRMAN KOONS: I mean the --

MS. VERNER: -- no relation. Terry Verner is not part of our family, no.

VICE CHAIRMAN KOONS: Okay. You just -- you need to disclose that 'cause we didn't --

MS. VERNER: Okay.

VICE CHAIRMAN KOONS: Numerous Verners walking around here. I just wanted to make sure. They're working here. They're code enforcing here. Okay.

MS. VERNER: I understand.

I do have two pictures, just for your reference, a picture of the single family home that's existing if you wanted to see it, and also on the access point that's current and also the improvement project that you all helped us with, which is very beautiful, and you'll be able to see a little bit of that, too.

VICE CHAIRMAN KOONS: That's the landscaping project we did there.

MS. VERNER: I am here to object to the Class A conditional use at this property, and I do agree with the concerns that have already been expressed to the commission this morning.

I believe the safest and best use of this property is single family residential.

It's been a few years now since the residents of Country Lakes West have put up with the illegal operation with the house of worship being conducted at the single family home that you will see. So obviously the frustration level is high, and this is a personal issue for us.

And because it is personal for me, if you would indulge me, I would ask that you would picture in your mind the entrance to your development, your neighborhood, where you call home today, and then I'd like you to picture nearly 7,000 square feet of building space and a parking lot for more than 100 cars being built literally within the entrance to where you call home.

Ask yourself if that project were proposed for your community, would you consider it a plus. I don't think you would, and neither do I.

We all know what's happening with property values in Palm Beach County and with the economy. For the first time in nearly 20 years I now see vacant homes in our neighborhood because their home -- the homeowners have lost them to foreclosure.

Palm Beach County residents need to do what they can to protect their largest investment, and in that case it's our homes in Country Lakes West.

If you do approve the project today, which I certainly hope that you do not, my question to you is, is there no other property in Palm Beach County that's appropriately zoned today that this applicant could use to build their project.

Why are we sitting here trying to put puzzle pieces together to retrofit a property that's best used for single family homes?

Why are we working so hard to do that? Is there no other land available?

Those are my comments, and I thank you for your time.

COMMISSIONER McCARTY: Before you --

MS. VERNER: Yes, ma'am.

COMMISSIONER McCARTY: When was this picture taken of the house?

MS. VERNER: Couple of weeks ago.

COMMISSIONER McCARTY: Okay. I don't see any piles of asphalt. I just was -- I was just asking.

Thank you.

MS. VERNER: You're welcome.

COMMISSIONER MARCUS: Are they still --

COMMISSIONER McCARTY: Are they gone? Is the pile of asphalt gone?

MR. SNEED: They're --

COMMISSIONER McCARTY: They just brought a new pile in right before our meeting?

MR. SNEED: They're back over in the corner. You can see that the front out there where all the black is in front --

COMMISSIONER McCARTY: Anyway, there's no piles.

MR. SNEED: They're there right now as we speak.

COMMISSIONER MARCUS: Are they -- are the piles on the side of the house? They're just not in -- she -- the clerk can't -- the court reporter can't hear you so you have to come up here since -- I'm looking, like Commissioner McCarty said --

MR. SNEED: They're on the Lantana side back towards the east.

COMMISSIONER MARCUS: Okay. So they're sort of back behind the house here?

MR. SNEED: No, they're -- they're right on Lantana. They're -- they may be a little further -- I haven't seen her pictures, but they're there as we speak today.

They brought in three or four loads. They shoveled some of it out in the front yard so they could park on it so they wouldn't get stuck when it rained, and the other two piles have been there.

COMMISSIONER MARCUS: Are they big piles?
Are they --

MR. SNEED: They're dumptruck loads.

COMMISSIONER MARCUS: Dumptruck loads?

MR. SNEED: Yes, ma'am.

COMMISSIONER MARCUS: And Code Enforcement doesn't have a picture of them?

COMMISSIONER McCARTY: And that -- well, I mean how big that -- it's not that big, so I don't know why you can't see them in that picture.

MR. SNEED: They're -- they're on there. They're on there right now.

COMMISSIONER MARCUS: I'm not saying I don't believe you. I just -- it's unfortunate we don't have a --

MR. SNEED: Yes.

COMMISSIONER McCARTY: Picture of it.

COMMISSIONER MARCUS: -- picture of it.

MS. VERNER: We didn't know we needed to bring that --

COMMISSIONER MARCUS: Yeah, I -- I agree.

MS. VERNER: I brought this just as --

COMMISSIONER MARCUS: And I appreciate the fact that you have some pictures.

MR. SNEED: If you can see the front of it there, you can see where the black is in the front. That's -- that's where they shoveled it out.

COMMISSIONER McCARTY: Yeah, we can see where it -- yeah.

MR. SNEED: And there are two of them that have been there for, I don't know, I guess around two years now. They've got plants growing in them, weeds and stuff, they've been there so long.

COMMISSIONER MARCUS: Okay. Maybe we can get Code Enforcement to go out there today and take a picture and send it to us.

MS. VERNER: That's be great.

Thank you.

COMMISSIONER McCARTY: But I don't think -- I don't think it's government's job to say well, you got to go find another piece of property or we'll find you another piece of property. I don't think that -- we have to decide on what this piece of property that they own and whether or not we're going to do this or not.

I don't think we can be realtors to people.

CHAIRPERSON GREENE: Commissioner Santamaria.

MR. BARRY: If I can address some of the concerns that have been raised.

The overriding theme is that there is a history on this project, and there have been violations, and we're not trying to hide that fact. Our client understands that they've been in violation of the code, and that's why we're here today, to correct that.

And just to reiterate, they hired us before they got the final violation that's open and outstanding today, so they knew they were in violation. They hired our firm and proceeded forward through the process.

In regards to the structure being larger than anything else in the surrounding neighborhood, the clubhouse to the north is 5600 square feet, so that's just a thousand under what our proposed square footage is.

As well, the church that has previously been approved on the property highlighted in red, you can see that it's actually surrounded by properties larger, more agricultural residential than our client's property, and the place of worship that was approved on that site was 15,000 square feet.

So that's just, you know, to give you a little bit of background that this won't be the largest facility on Lantana Road.

In terms of is this an appropriate location, I mean I think you can see clearly that having a clubhouse to the north and a retention pond to the west and Lantana Road to the south doesn't really offer a viable property for single family residential.

I mean the other single family residential properties that do abut us to the east are surrounded to the north and east by other residential properties, whereas, we've got non-residential use to the north, a retention pond to the west and an arterial road to the south.

In regards to the entrance off of Lantana Road, one of the concerns that was raised in our meetings with the neighborhood was that the way the traffic backs up currently on Lantana Road, they are weary of being rear-ended because there is no right turn lane currently, so I think that this would be even a larger issue if we were to have any kind of ingress point off of Lantana Road.

And in regards to the contacts for day-to-day concerns, when we met with the neighborhood, our office gave them our contact info and said -- and the congregation was there, as well.

We said here are the faces of the people that run this facility. If you've got any concerns and you can't get in touch with them, please call our office. And since our neighborhood meeting roughly a month ago we haven't gotten any calls directly to our office.

So I mean if there is any day-to-day concerns, they have all of our contact info and can call us.

COMMISSIONER MARCUS: Commissioner Santamaria had --

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, we have approved other similar uses in the past in a residential area. So that in itself, you know, we certainly will consider this project; however, I do have serious concerns, and the complaints of the residents in the community are justified.

I mean the way the violations have existed, it's certainly a -- something that we have to stop from here on until proper safeguards are made.

So knowing that in the past violations have been blatantly, I would say, abused, we really must stop those violations and do whatever we can, you know, to rectify from here on. So that's point number one.

Point number two is the proposal as submitted, I'm not too concerned about traffic because most of the traffic is going to be on weekends and would not interfere with daily Monday to Friday normal traffic, but I really have to ask you to do a super job on the buffering.

You've got to do something really exceptional to reduce the, you know, disturbance on the residential areas. So that's something that you really have to address, and I'd like our staff to pay special attention to is that you have to minimize, you know, the noise and disturbance to the residential areas.

So those are the concerns I think we have to look at. One is what do we do from now until the final building that's proposed is built to prevent the ongoing disturbance to the neighborhood.

And then, secondly, to make sure once the structure is completed that there's proper buffering to minimize disturbance to the neighborhood.

CHAIRPERSON GREENE: We have a measuring tool, Lowe's on Okeechobee.

Okay. Commissioner --

VICE CHAIRMAN KOONS: McCarty.

CHAIRPERSON GREENE: -- McCarty.

COMMISSIONER McCARTY: Can -- until the property is demolished -- when you get your building permits I guess is when you would do that -- can you have more than one service, rather than everybody coming at once?

And, again, I'm not familiar with how these things work, but, you know, Catholics, we have, you know, five different opportunities for people to come to church on Sunday, and I'm just wondering -- it seems to me like they bring everybody in at once, and then everybody leaves at once.

I'm wondering if maybe they could have two or three services and have -- maybe organize. It seems like everybody's probably pretty close, and, you know, family-wise and probably business-wise, my knowledge of the community, that organize it so, you know, a half or a third come at 8:00 in the morning and then 10:00 in the morning and then maybe at noon or something, and that way you don't have the 50 cars on the property at one time, and you don't have that kind of impact, instead of everything at once, 'cause like these congregations in our community are growing rapidly.

And so I think that that is a way between now and the time that they start building, and then even then if they go to a tent or something like that in the interim, I don't -- if they get a permit -- a tent, if they separate it out, then at least you won't have that kind of impact on the

neighborhood between now and the time the facility gets built.

That would be my suggestion that you have no more than 50 -- and I don't want to, you know, we have some issues with when you're dealing with religion and trying to limit, but I would like them to try and look at cooperating and trying to maybe keep it to -- if you're -- if you're -- had 50 people at every service or something, then, you know, maybe that's not going to be -- that's not going to be 50 cars. It's probably going to be more like 15 cars.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I would like to find out if as one of the conditions of approval that we could require them to meet elsewhere until the building is built.

I just don't think -- I don't see how we can continue to allow -- and that -- we can't get Code Enforcement to bring us pictures of asphalt, so why would we expect that they would be able to do head counts. I think it's an undue workload for them to do.

So if we were to say, look, if we'll go ahead and we'll do -- go ahead and approve it, one of those conditions is you find someplace else to meet until your facility is completed.

And, to me, that's safer and fairer for the neighborhood, at least, that they don't have to go through what could be two years of, you know, construction and waiting to get all the permits and approvals, and then once it's approved and they can move back in.

There are plenty of churches who are waiting for construction of their facilities that go to a school somewhere nearby or something like that that could be utilized through -- on after hours and on Saturdays or Sundays.

So could we do that, Mr. Banks?

MS. GLASSER: Excuse me. It's not allowed by code until they come off the board so it wouldn't be a condition.

I believe it would be Code Enforcement would -- they would have to cease, and they wouldn't be --

COMMISSIONER MARCUS: But I don't know why we --

MR. BANKS: Let's see if the applicant's willing to accept that as a condition.

MR. BARRY: Our client is willing to accept it, but they would like a grace period in order to find the area to relocate, so if we could get six months to relocate?

COMMISSIONER MARCUS: No, that's too long.

MR. BARRY: Okay. Three?

COMMISSIONER MARCUS: You ought to be able to -- no, I think 60 days. You start today, and you go out and you find a school or something and -- I mean I, again, the Health Department has to go look at the septic tank, which I don't

believe they've looked at. It's probably a single family.

I don't -- are y'all on septic tanks?
You're on -- so I would say 60 days.

CHAIRPERSON GREENE: Is that a motion?

COMMISSIONER MARCUS: Well, I want to see if they'll accept that, and then I want to make sure we've addressed the traffic access, also.

MR. BARRY: We'd be a little bit more open to 90 days just because the contract negotiations that happen with leasing and --

CHAIRPERSON GREENE: Bob, can we do this?

COMMISSIONER MARCUS: They've had four years.

CHAIRPERSON GREENE: Can we do this?

MR. BANKS: I'd like it -- something that they can agree to.

Could the Board agree to 90 days --

CHAIRPERSON GREENE: Ninety?

COMMISSIONER MARCUS: No more than.

MR. BARRY: Okay.

VICE CHAIRMAN KOONS: With a -- with an update every 30 days where you stand.

CHAIRPERSON GREENE: So could you put that, Commissioner Marcus, in the form of a motion, please.

COMMISSIONER MARCUS: Right. I will if we get through the rest of this. I wanted to still talk about --

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: -- the access point, but that would be one of my --

MR. BARRY: Okay.

COMMISSIONER MARCUS: -- areas of needing for approval is to give -- have them meet somewhere else --

VICE CHAIRMAN KOONS: I have a question.

COMMISSIONER MARCUS: -- to that.

Let's go back to the access point again.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: There's no way that they could have some form of an access on Lantana Road, also, or if -- I know you all don't like that, but I think we need to give the neighborhood some other options as just -- as opposed to just the one way in, one way out, 'cause I've seen what it's done in areas where they're lined up to go and you're trying to go somewhere else, and even if you've gotten them to do a center lane, turn lane in, then if you're coming out of the community, you still have that flow of traffic going in.

MR. ROGERS: A driveway is approvable along Lantana Road.

COMMISSIONER MARCUS: I would -- I would also want one of those off of Lantana Road, maybe on the -- what'd you say, the southern side or eastern -- furthest eastern side?

MR. ENNIS: Well, let me say from the Traffic Division standpoint I think we would prefer maybe just an entrance only on Lantana and exit where the current driveway's shown on the plan.

COMMISSIONER McCARTY: But how do you get there if you're coming from the west?

VICE CHAIRMAN KOONS: Go in the Brentbrook Road.

COMMISSIONER McCARTY: Well, he's saying entrance only. You can't -- I mean you got to be able to get in.

MR. ENNIS: Then you'd have to make a U-turn up the road and then come back if you're coming from the west.

VICE CHAIRMAN KOONS: Well, it would be -- it would be effectively entrance only westbound.

COMMISSIONER McCARTY: No, he's saying have them continue past the property and make a U and then go in, go in from the east.

He's saying don't make it an entrance at all. I don't know how you do that, but --

MR. ENNIS: We can angle it so that it's -- it functions only as an entrance from Lantana Road.

COMMISSIONER MARCUS: So -- but you could do it from the east?

MR. BANKS: It would be a second entrance. It wouldn't eliminate the entrance off of the other road because that's still the safer place to enter and exit.

VICE CHAIRMAN KOONS: Barbara, you have heartburn on this?

MS. ALTERMAN: Commissioners, I'm just -- there's a light here. You have a recommendation from staff about an appropriate access and exit.

I mean I think that if staff is comfortable with another access and entrance and exit process, that's fine, but I think they -- we need to be careful about safety issues when you've got lights and you've got everything else in place.

MR. ENNIS: Yeah, I'm concerned more about the exit because of the -- how close it is to the traffic signal and the fact that you would have to cross over three lanes of traffic at 50 miles an hour.

COMMISSIONER MARCUS: So you want it entrance only?

MR. ENNIS: Entrance only.

COMMISSIONER MARCUS: And then the exit on the --

MR. ENNIS: If we're going to have an access on Lantana Road at all.

COMMISSIONER McCARTY: Yeah, but still give them the opportunity to enter at the light, to come from the west and enter at the light, in addition.

MR. ENNIS: That would probably be --

COMMISSIONER McCARTY: You know, most people are coming from the east so they'll use that.

VICE CHAIRMAN KOONS: You'd still have the condition of the striping on the street.

MR. CHOBAN: Yes.

VICE CHAIRMAN KOONS: Yeah.

MR. ROGERS: The Lantana Road driveway would be an enter only driveway.

VICE CHAIRMAN KOONS: Correct.

MR. CHOBAN: Second entrance.

COMMISSIONER MARCUS: Yes, but you could enter and exit on the other drive, both.

MR. BARRY: Just so we're clear, we would not have to build a right-hand turn lane into that entrance?

VICE CHAIRMAN KOONS: No.

MR. BARRY: Okay.

COMMISSIONER MARCUS: One more question about the landscaping.

So is the landscaping just a minimum, or is it more -- it's more than --

MS. GLASSER: Well, at time of -- it's still a Type II incompatibility buffer along the east adjacent to -- there's two residence, one at the northeast corner of the property and one directly east, and think it was Commissioner Davis asked that we make that a vegetative screen at time of installation.

So it's six-foot opaque solid vegetative screen at time of installation, and then we also carried it on the north property line 100 feet of the eastern part because that one residence is at the northeast corner, and, you know, may angle in.

The Zoning Commission seemed to go for vegetation, rather than a wall. We could, you know, if you -- if that's what you prefer.

COMMISSIONER MARCUS: I like -- I like vegetation, myself.

MS. GLASSER: This particular property is -- has a lot of very large pines. They have to do mitigation, and we're saving the -- we designed it to put terminal islands to save the three largest pines. So we're trying to work that existing -- they're magnificent pines on this property, to work that in.

COMMISSIONER MARCUS: Yeah, are they keeping them?

CHAIRPERSON GREENE: I hope so.

MS. GLASSER: They have a chart on there. They're managing to keep -- the three largest ones are worked into the landscape.

MR. BARRY: And the northern buffer has been increased to 15 feet to also incorporate the existing pines.

COMMISSIONER MARCUS: But all the pines that you have -- I look at six of them on these pictures. Are all of them staying? Are you able to maneuver your building and parking around them?

MR. BARRY: There are only --

MS. GLASSER: No.

MR. BARRY: -- we're not being able to save all the ones that you probably see right around the buildings right now, but we are saving the largest ones as well.

MR. KRAUS: Bob Kraus, Department of Environmental Resources Management.

We have gotten them to incorporate some of the pines, but they're going to have to mitigate the rest on the site.

COMMISSIONER MARCUS: With other pines?

MR. KRAUS: Native is what we require. We try to require the same type of tree first, though.

COMMISSIONER MARCUS: Yeah, I would like them to mitigate with pine, also, instead of just maybe some palm trees or something that aren't --

CHAIRPERSON GREENE: May I ask you a question?

What do we do when we cut down a -- what do we do when we cut down a tree and -- we don't replace the tree somewhere else?

MR. KRAUS: Pardon? What was the question?

CHAIRPERSON GREENE: When we cut down trees, do we replace --

MR. KRAUS: What we require is if you have to take down native vegetation as part of your development, we require you first to, A, try to incorporate it in your site.

If you can't incorporate it in your site, can you relocate it on site. Certain trees don't relocate well. Pines are one of them.

The third option is you have to mitigate it on the site. Somewhere on the site you have to plant another tree to make up for that tree.

COMMISSIONER MARCUS: That's -- what's what I was saying --

MR. KRAUS: And actually when you talk about big trees, you're probably talking about several trees to replace the big tree.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: So what they do is they take the chest-high diameter of the tree, let's say it's 15 inches, then you end up planting 15 inches worth of smaller trees to equal the 15 inches of the chest-high diameter.

MR. KRAUS: It comes to something like that, yes.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: Ta-da.

COMMISSIONER MARCUS: So could we ask that they replace them with pines?

MR. BARRY: That's fine.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, just a couple things.

Just for the neighbors and for the constituents sitting in the audience, I'd like to ask the lawyer.

What standard are we here under a house of worship in terms of where we stand on the -- in this Board as the action we could or could not take here.

MR. BANKS: Churches have special status under both federal and state law, and you can only impose, let's say, additional burdens on them if they're in furtherance of a compelling governmental interest and are the least restrictive means of furthering that compelling governmental interest.

So we generally work with churches and come up with ways to approve them because we're at risk if we turn them down, and under both the federal and state laws if they end up suing us and we lose, we'll pay their attorneys' fees.

VICE CHAIRMAN KOONS: So we're at a different standard than the normal.

And just -- just -- I'm going to make some editorial comments. I wanted the lawyer to take a look at this.

Somehow you all -- and can I get all the church members to raise your hands out there?

You all -- I appreciate you not talking. We can hear you.

You all have to be better neighbors. You have to do a better job at that. You can't -- and this is one of my neighborhoods, and they -- they -- and we have not -- we have not jumped on you as much as we probably should have, and we're very sensitive to that, and the Code Enforcement I don't think was as responsive to that neighborhood as they should have been, and then you all have not been a good neighbor, and you're going to have to work on that.

You're going to have to have Mr. Sneed's cellphone number in your speed dial because you have to be much more responsible to what you are.

You're going into an established neighborhood, and you know, and depending on what actions you take, it's got to get better.

I have a lot of different community worship sites in my neighborhoods. I have -- I've got the mosque, you know, and stuff, and it -- and it -- and you just -- you're just going to have to work on this. You just cannot go in there and not -- you're just going to have to do a better job.

I mean -- and you honestly, with the conditions we have, a house of worship for a different standard, if you were coming in as a -- as a -- as something else, you probably wouldn't have a chance because of your past performance, and that's all we can go with, is past performance. And it has not been good, and that's -- that particular issue you got to take a look at, and you got to do a much better job. You just have to.

Well, I -- I'm just really -- I'll be honest with you. This is one of these things --

CHAIRPERSON GREENE: Well, what are you going to do about your motion? You said you wanted a motion about the 60 days?

VICE CHAIRMAN KOONS: I just -- I just want to make an editorial comment.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: This is one of my neighborhoods out there. I've gotten lots of calls, lots of different people over a long period of time, people I bump into. Where I spend a lot of time eating, there's a waitress who lives out there.

There's a lot of people that have taken a look at the last years out there, and it has not been good, and they're very upset about this, and so, you know, there's a -- there's -- they're very upset about the lack of effort that the county has made on this and the lack of effort that you out there have made with your property in their neighborhoods out there.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER MARCUS: Do you -- go ahead.

COMMISSIONER SANTAMARIA: Yeah, I fully support the statements that have been made so far by Commissioner McCarthy [sic], Koons and Marcus, so I 100 percent agree with everything you've said.

I particularly want to -- like the suggestion that the congregation will find some other place within, at the most, 90 days.

CHAIRPERSON GREENE: Ninety days.

COMMISSIONER SANTAMARIA: We'd like -- hopefully, they can move out within 60 days, but absolutely, positively within 90 days they would have found some other place to have their services.

And the other thing, again, I can't over-emphasize is the buffering.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: What do we do to -- if they don't move out in 90 days, Bob? How do we enforce that?

MR. BANKS: We have the enforcement mechanisms in the -- it would be a violation of the zoning resolution.

COMMISSIONER MARCUS: Okay.

Madam Chair, I would make a motion to -- we're on 25; correct?

CHAIRPERSON GREENE: Yes.

COMMISSIONER MARCUS: To approve, with the amended conditions, the rezoning --

MR. BANKS: You need to read one or two conditions into the record.

MR. Mac GILLIS: I'll read them.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: "Within 90 days of August 28th, 2008, BCC hearing the congregational services shall cease at this location until construction, certificate of occupancy, on the new facility."

And then an additional --

COMMISSIONER MARCUS: Can you speak in -- pull that closer?

MR. Mac GILLIS: I'm sorry.

COMMISSIONER MARCUS: I don't think they can hear you.

MR. Mac GILLIS: Did you hear it?

COMMISSIONER MARCUS: Yeah, I heard it.

MR. Mac GILLIS: The second one related to native trees, "Any existing native slash pines removed during construction shall be replaced with slash pines in accordance with the replacement standards in Article 7."

MS. HERNANDEZ: And, "The applicant shall commence construction by August 28th, 2009, and receive a certificate of occupancy by August 28th, 2010, for the 6,672 square foot place of worship."

COMMISSIONER MARCUS: I'm not sure we actually need that anymore if they're off site. That's fine if it's all right with the applicant.

MS. HERNANDEZ: Do you want a condition on the turn lane?

COMMISSIONER MARCUS: Yes.

MR. CHOBAN: I have a condition for the entrance, and that would be, "Prior to DRO approval the site plan shall be revised to permit a second entrance only, no exit, onto Lantana Road."

MS. HERNANDEZ: And then you -- do you want an additional condition related to the landscaping on the eastern property line?

COMMISSIONER MARCUS: That it be a bigger buffer?

MS. HERNANDEZ: Additional plant material or a wider buffer?

COMMISSIONER MARCUS: Yes.

MS. HERNANDEZ: So you --

MR. BARRY: Can we remove the condition in regards to the building construction and the CO if we're moving off site?

One, because our client's going to incur additional cost to having a lease.

COMMISSIONER MARCUS: Yeah, once -- since they're off site and that they have to stay off site, then it -- we no longer have to worry about the two years.

MR. BARRY: Okay. And then with the vegetative buffer the Zoning Commission had actually recommended a condition that we agreed to for the eastern buffer.

MS. HERNANDEZ: Right, they -- you had agreed to install a six-foot high hedge, which is required by an incompatibility buffer, anyway.

I was just wanting to clarify if you want additional trees or pines within that.

COMMISSIONER SANTAMARIA: I do. Yes, I do.

COMMISSIONER MARCUS: Put some more pines in there.

MS. HERNANDEZ: We have this one.

Condition No. 3, Landscape Condition No. 3, that standard landscaping along all property lines abutting residential, they have additional pines, 30 feet.

You want additional to that?

COMMISSIONER SANTAMARIA: I'd like to double the standard.

MS. HERNANDEZ: Double --

VICE CHAIRMAN KOONS: Does that affect their parking?

MS. HERNANDEZ: Well, the --

MR. Mac GILLIS: This would be in the required buffers, so they're not -- the parking's not in those areas, and we can work with them on an alternative landscape plan to make sure --

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: -- that they cluster them and not interfere with the existing native vegetation that's there, so if he agrees to submit an alternative landscape plan for those buffers --

MR. BARRY: Is that prior to final site plan approval or prior to building permit?

MR. Mac GILLIS: Prior to final site plan approval.

MR. BARRY: Okay.

MR. Mac GILLIS: We just need an alternative plan for those buffers to make sure the

mitigated trees will not interfere with the existing trees, and we can supplement --

COMMISSIONER MARCUS: Do you have trees in the parking lot at all?

MR. Mac GILLIS: Yes, in the islands. Yeah.

COMMISSIONER MARCUS: Pine?

MR. Mac GILLIS: They're some of the existing pines they're preserving in some of those islands, then the additional ones, I would assume they're putting oaks or something 'cause the pines tend to drop sap and stuff in the --

COMMISSIONER SANTAMARIA: I just want to make final comment.

You know, more often than not the neighborhood has been reasonable, you know, I have seen neighbors of developments come before us.

They -- as a general rule the majority don't really want to stop the entire development, but they really want better cooperation from the applicant in minimizing the negative impacts in the community.

So that's what I hope that we set a -- from here on a precedent that whenever -- we don't just stick to the minimum requirements. We got to do everything we can to minimize the impacts on the community.

You know, it's good for the community, it's good for them, but I think -- I really think we have to be more concerned on reducing the negative impacts on the surrounding areas.

VICE CHAIRMAN KOONS: And also we're going to be adjusting that light. Is there a way we could take a look at skewing it different on -- during their peak hours exiting?

COMMISSIONER MARCUS: They're checking it now to see why it's only letting --

VICE CHAIRMAN KOONS: We can make those adjustments like coming up in the next couple days?

MR. ENNIS: Yes, I've already requested my staff to look at it.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: Madam -- Madam --

VICE CHAIRMAN KOONS: And then also during the building process, they're going to vacate during the building process --

COMMISSIONER MARCUS: Vacate in 90 days.

VICE CHAIRMAN KOONS: Vacate in 90 days. During the building process, let's make sure they get done. Let's get the permitting and the review process. If something is not working, give us a call so we can facilitate getting that in and out.

MR. Mac GILLIS: Okay.

VICE CHAIRMAN KOONS: On the construction.

COMMISSIONER MARCUS: Madam Chair, I'd move approval, subject to the conditions as amended.

COMMISSIONER SANTAMARIA: Second.

MR. BANKS: That was deleting the condition regarding the timing of construction?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Correct.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus.
COMMISSIONER SANTAMARIA: Second.
CHAIRPERSON GREENE: Second by Commissioner Santamaria.
 Ready for the question.
 All in favor.
COMMISSIONERS: Aye.
CHAIRPERSON GREENE: All opposed.
 (No response)
CHAIRPERSON GREENE: Ayes have it, 5-0.
MR. BARRY: Thank you.
MR. Mac GILLIS: This will bring us to Item 26 --
VICE CHAIRMAN KOONS: Madam Chair.
CHAIRPERSON GREENE: Commissioner Koons.
VICE CHAIRMAN KOONS: Before we go, Mike Erickson is here.
 We deleted Item --
COMMISSIONER MARCUS: And we need two motions on that last one?
MR. Mac GILLIS: Yes.
COMMISSIONER MARCUS: I'm sorry. On the last item I make the motion to -- now I need a motion -- I'd make a motion to adopt a resolution approving a Class A conditional use to allow a place of worship.
CHAIRPERSON GREENE: You 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.
MR. BARRY: Thank you.

VICE CHAIRMAN KOONS: Madam Chair, before we move on, we postponed Item 26, 27, which was the Publix gas station.
 Mr. Erickson was here and got here late after the action and wanted to just address us on that for a second.
CHAIRPERSON GREENE: For what?
MS. GASH: Item 26 was not postponed.
MR. Mac GILLIS: Yeah.
VICE CHAIRMAN KOONS: What was that?

MR. Mac GILLIS: Twenty-six is the next item.

VICE CHAIRMAN KOONS: Okay. My -- what was it you --

CHAIRPERSON GREENE: Yes, Item -- it's Item 27.

COMMISSIONER MARCUS: Wait, wait, wait, wait, wait.

MR. ERICKSON: It would have to be --

COMMISSIONER MARCUS: That's fine. We'll do it on -- we're on 26 now.

VICE CHAIRMAN KOONS: Okay.

MS. GASH: Item No. 26 is the motion to receive and file an amendment to The Acreage Landowners Association. I had passed out to you a copy of the minutes and the letter to amend their neighborhood plan.

MR. Mac GILLIS: This item's on your agenda today 'cause the other application that was postponed 30 days, there -- when that project was approved, the land use amendment placed a condition on it that restricted any type of gasoline service at that location.

So the -- which was part of consistency with the neighborhood plan that the Board had received and filed back in 2005.

So they -- the homeowners -- I guess they're called The Acreage Landowners Association, had amended the plan to allow a kiosk-type gas facility. They didn't want a full service with the typical convenience store attached to it, so that's consistent with what's coming in before you now.

So we need the Board to adopt the amended neighborhood plan that will allow the gas kiosk at this location so when it comes back next month, we won't have to deal with this.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: So the neighborhood -- Acreage Landowners Association went and amended their plan to allow for the gas station?

MR. Mac GILLIS: Yes.

MS. GASH: Yes.

COMMISSIONER MARCUS: And they did it --

MR. Mac GILLIS: They did that in June 19th, 2007. They met and approved a gas kiosk with secondary containment system.

COMMISSIONER MARCUS: And so the reason we're doing this now is because we didn't do it before?

MS. GASH: We were waiting for it to come in tandem with the Pratt and Orange MUPD, but we -- it's -- since it is a neighborhood plan amendment, we can still view it and have it received and filed on its own merit.

COMMISSIONER MARCUS: Okay. Thank you.

MR. BANKS: It's the neighborhood's plan. It's not the Board's plan. So we're just receiving and filing it so it's in the Board's records.

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: Okay. Got some cards.

CHAIRPERSON GREENE: Mr. Winston Crosbie and Ms. Sharon Waite.

MS. WAITE: I don't think he's here, Mr. Crosbie. May I speak now?

CHAIRPERSON GREENE: Sure.

MS. WAITE: Okay. The ALA. Most people have no conception of what they are or who they are. Frankly, they're not much.

I don't think they have any legal status out in The Acreage at all. They are a very small group, and I don't think that they should have any priority in saying what comes and goes in The Acreage.

We are all on wells and septic tank, as you're well aware.

Number two, people that live there don't want their water contaminated. They don't want our wells compromised.

Just a few weeks ago -- I had to make a note for myself, I almost forgot about it -- four -- just after 4:00 in the morning, you all know the Palm Beach Aggregates blasts every day. They do their blasting for their rock that they use.

Just after 4:00 in the morning I heard a blast. I felt vibrations. I live a few miles away from there.

Now, I'm wondering how is it that Publix, or whoever's going to build it for them, can be responsible and say that they can justify putting those tanks and those pipes in the ground and compromise the aquifer below. How can they do that? How can they promise the integrity of those pipes and those tanks? I don't understand.

If I could feel that vibration and hear that from where I am, there has been seismic work done in that area. The paperwork was done by a private owner that lives near there.

And I'm wondering how much study has there really been done about that sort of activity going on out there? I don't believe there's been one.

I really think that that's not right for them, for the ALA or anyone in that small group to say that they can just put that there. Who are they? What legal status do they even have? I don't think they even have one.

They're a club, and most of those people I don't think are on that Board anymore. In fact some of them have even moved away. They don't live there anymore.

So I suspect that this whole thing should be in question.

I'm against it. I've always been against. There's been no place where Publix has put a kiosk where there's been well and septic. You could check it out, but I believe I'm right.

I've been out there a long time, and I know what's going on. The ALA shouldn't have any say in this at all.

I thank you.

CHAIRPERSON GREENE: Ms. Larson and Mr. Erickson.

MS. LARSON: I think the microphone lost its little thingie here.

The Acreage Landowners Association. The neighborhood plan was done in 1995. A group got together last year that were only on the Board for like a year and changed the plan.

There was never supposed to be a gas station in The Acreage, period. That was -- the reason for that is the wells and septic. That's the facts.

It even, you know, even in the list of conditions with this thing, no gas station. That was -- that's why the people in The Acreage agreed to let that Publix build there, and now they come in, and they say we want to build a gas station, and magically we got a gas station.

Well, the one thing I've learned, water can migrate 7500 feet in a year. That's a mile and a half to you and me. So I mean we've got some real issues.

If the Alaskan Pipeline -- I want this motion to receive and file 'cause you all can look this up --

COMMISSIONER KANJIAN: So moved.

MS. LARSON: -- 4,000 --

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons --

MS. LARSON: Thank you.

CHAIRPERSON GREENE: -- to receive and file.

MS. LARSON: Four hundred thousand gallons --

CHAIRPERSON GREENE: Ready for the question -- ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MS. LARSON: Thank you.

CHAIRPERSON GREENE: Okay.

MS. LARSON: Four hundred thousand gallons came out of a pin hole in the Alaskan Pipeline, and BP didn't notice it because they said the leak was so small.

Now, British Petroleum can't detect a leak, and they do gas all the time.

I know Publix can do a cow. I know they can cut up meat and sell food and vegetables. I don't think they're out there sensing issues with seismic activity or groundwater. I don't think Publix knows that. I think they should stay with their purview, and we don't need a gas station.

I know people want it for convenience, and I know that there's an attitude out there in America, sometimes, the screw your neighbor

attitude; I don't want it over here by me, but I want it over there because it's convenient for me.

This is probably ahead of its time. Maybe later. I know the county. Water Utilities would love to have us all on water utilities at some point in time, but we're not at the moment.

The drinking water for Palm Beach County is 60th Street North, the M Canal. That is just south of this property, and that is within a mile and a half. So I hope West Palm is looking at this, too.

I'm just really concerned because the people who made the decision -- there were 80 people at the meeting.

The Acreage Landowners Association would not let the people of The Acreage vote unless they were members of the ALA in good standing for six months.

Sixty people walked out the door.

So please take that into consideration 'cause we are worried about where we live, and that -- this is just to give you a little hindsight on leaks.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Erickson.

MR. ERICKSON: Good morning. Mike Erickson, president, Indian Trail Improvement District.

I didn't -- I was at that meeting. I didn't see 80 people or 60 people walk out. I seen a couple walk out, and they weren't members of the association.

If I'm not mistaken, and this is not fact, but there are somewhere between 500 and 600 homeowners that are members of the ALA.

As everyone knows, sometimes it's hard to get people to come out to meetings, but they did all of what they were supposed to do. They took the vote, and I'm not here to contest anything the ALA did.

They did what they did. They decided to change the plan. The plan was devised by them in Palm Beach County. So just a couple comments on that.

Also, not everyone in The Acreage is on wells anymore. They're signing up left and right to get on the public water system that Palm Beach County and Indian Trail negotiated a settlement on. So that's not true, either.

What I'm here today concerned about, and the reason we requested the postponement, because since I've become president of the Board, we have asked every land use applicant for a land use change or zoning change to come before Indian Trail Board because we believe we are, although not part of planning, that is your responsibility, we believe we do represent the community, and we want to give them the forum to voice their opinion.

We also have changed our website, and we will be polling our citizens to get their opinion on this, and we will be back next month when you hear on 27.

What does concern me about 27 was the fact that when I went to the website this morning and looked at an agenda, it's not the agenda that's here. It's the amendments to the agenda that you received via e-mail yesterday afternoon at 3:00 o'clock, and No. 26 was added so they covered The Acreage plan. I have no issue with that.

But then 27 was added, and I'm real curious as to why these conditions were added to the Pratt Whitney-Orange MUPD, and it has to do with the conveyance of the seven acres that Indian Trail owns.

It has to do with -- and this is the site we're currently discussing and in negotiations for the library for the county that Indian Trail's trying to work out those details with, and also it talks about the 2.7-acre parcel, which is our fire pump house that we own also and manage that is part -- that was -- that provides a fire service at that commercial area.

And I'm not -- obviously, I found it this morning, but these are things that were done in '98 and '99, and they're conditions being put on the two properties that Indian Trail currently owns.

They were conveyed a long time ago, and I'm just wondering if staff could maybe clarify what these changes were and why these conditions were added at the last minute.

Thank you.

VICE CHAIRMAN KOONS: Staff. Would staff respond?

MR. SULLIVAN: Yes. This is -- I'm Ron Sullivan, Senior Planner with Zoning.

And the condition that was added regarding the seven acres was an existing condition that was inadvertently dropped by PREM when they entered the conditions into EPZB, so we just re-put that into the resolution.

It was there originally, and it's been there since the --

VICE CHAIRMAN KOONS: Okay. But does it affect anything they're doing? I think there needs to be some communication on that directly and why, and then we can address that next month --

MR. ERICKSON: And that's why we were -- that was the other reason we were asking for the postponement, to get that communication so that if conditions are going to be reiterated on properties we own, we at least think we ought to receive notice because we are absolutely trying to be as open, communicative with Palm Beach County and working together.

MR. BANKS: Right. If it was not deleted by resolution, it may not be necessary to put it back in by resolution because if it's part of the recorded resolutions, EPZB can't amend zoning resolutions.

So we'll look at that over the -- before it comes back to the Board next month.

VICE CHAIRMAN KOONS: Okay.

MR. ERICKSON: Thank you very much.

VICE CHAIRMAN KOONS: They'll do it directly with you?

MR. ERICKSON: Chris is here. Chris King, our administrator, so there's your contact.

VICE CHAIRMAN KOONS: So we'll get a memo about what happened or didn't happen next month. Okay.

MR. ERICKSON: Thank you very much.

VICE CHAIRMAN KOONS: I have a specific issue. I -- I got started in my political career as a neighborhood activist, and if my neighborhood didn't like me, they formed another neighborhood group, and -- and it happens a lot, but I -- you know, if we've got a neighborhood group that's out there and they're going to meet and they're going to take a look at it, and we generally try and take a look at updating these programs, I don't -- I don't know how we not listen and receive them, and then we can make the decisions if we really wish to do.

If people aren't happy that's being represented in The Acreage, then you form up another group, and you come in, you take a look at it, and then we have to make an executive decision if we support one group or another group.

But I appreciate people being active in their -- in their neighborhood. I appreciate the issue that we also want to take a look at Indian Trails.

We're trying to take a look at in urban redevelopment area, giving heads up to those cities that are in those corridors, and maybe we need to offer the courtesy to Indian Trails to be able to give them a notice going forward.

I found out that sometimes our public notice for government is a little slower than it is for the average citizen so we need to give them a heads up on something like that to go forward, and that's just a -- that's just an interlocal agreement that we could take a look at.

I would -- I would think that'd be something that we could -- if they wish to help us, that would be helping them to take a look at, too, so we should try and do that.

And one other comment.

We all two years ago -- that area out there lost your power for 13, 14 days. The biggest problem we had is people couldn't get gasoline for your generators, and you're out there on a wellfield. You're going to need a generator to run your -- to run your water; therefore, if you had gasoline on a supply geographically located next to you, that might be really advantageous for an area that counts on -- that doesn't have a lot of good power supply, anyway, and, two, have to run a generator to run your wellfield, you know, to, you know -- you know, to run your pump.

So I just don't see how locating something that is, one, convenient, and two, pretty necessary in our environment --

COMMISSIONER MARCUS: Are you talking about a gas station or --

VICE CHAIRMAN KOONS: I'm talking about a -- not a gas station. It's a place you can get gas, you know, with, you know, with 20,000 homes out there that -- that count on --

COMMISSIONER MARCUS: That's next month.

VICE CHAIRMAN KOONS: -- they count on a generator -- but no, but this is -- I mean just -- this seems to make a lot of sense to me.

COMMISSIONER MARCUS: Are you -- but you're --

COMMISSIONER KANJIAN: You sounded like Bill Clinton for a minute. It wasn't a gas station, it was a place you can get gas.

VICE CHAIRMAN KOONS: Yeah.

COMMISSIONER KANJIAN: I wanted to make sure I understood the difference.

COMMISSIONER MARCUS: I'm trying to figure out how that relates to The Acreage Neighborhood Plan.

VICE CHAIRMAN KOONS: A place to get gas.

COMMISSIONER KANJIAN: I'm reminded of the hearing last night.

VICE CHAIRMAN KOONS: It's a place you can get gas, so it's true, though, right?

COMMISSIONER MARCUS: But you get to talk about that next month.

VICE CHAIRMAN KOONS: All right. But I'm --

MR. BANKS: Did we ever get the motion to receive and file?

COMMISSIONER MARCUS: No, we didn't. I was trying to get there.

VICE CHAIRMAN KOONS: And I'll make no motion.

COMMISSIONER MARCUS: Move to receive and file Acreage Neighborhood Plan Amendment.

CHAIRPERSON GREENE: You heard a 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.

Now we need two motions for 26.

COMMISSIONER MARCUS: No, only one motion. Twenty-seven is postponed. It used -- I know, this is a very confusing agenda.

VICE CHAIRMAN KOONS: Yeah. Okay.

COMMISSIONER MARCUS: So now we have
 ULDC --
VICE CHAIRMAN KOONS: Yeah.
MR. Mac GILLIS: Which should be 28, but
 not --
CHAIRPERSON GREENE: We had a motion for --
COMMISSIONER MARCUS: We only had one
 motion for 26.
VICE CHAIRMAN KOONS: Yeah.
MR. Mac GILLIS: The last item would be --
 should be 28 on your add and delete, but, as you
 said, it's a messed up agenda.
 So it's -- this is the Unified Land
 Development Code amendment, Round 2008-01.
 This is second reading and adoption by the
 Board.
COMMISSIONER MARCUS: I'd move approval.
VICE CHAIRMAN KOONS: Second.
COMMISSIONER KANJIAN: Second.
CHAIRPERSON GREENE: You heard the motion
 by Commissioner Marcus, second 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. Mac GILLIS: This concludes the agenda.
CHAIRPERSON GREENE: The director has any
 comments?
MR. Mac GILLIS: No.
MR. BANKS: No comments.
CHAIRPERSON GREENE: Any comments from the
 commissioners?
 (No response)
CHAIRPERSON GREENE: Motion to adjourn.
 Thank you.

(Whereupon, the meeting was concluded at
 11:50 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 62, 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 18th day of September, 2008.

Sophie M. Springer, Notary Public.