

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

Thursday, January 3, 2008  
9:35 a.m. - 11:10 a.m.  
301 North Olive Avenue  
Jane M. Thompson Memorial Chambers  
6<sup>th</sup> Floor  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

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

\_\_\_\_\_ Addie L. Greene, Chairperson

Jeff Koons, Vice Chairman

Karen T. Marcus, Commissioner

Burt Aaronson, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Acting Principal Planner,  
Zoning

Maryann Kwok, Chief Planner, Zoning

Ron Sullivan, Senior Site Planner, Zoning

Ora Owensby, Senior Site Planner, Zoning

Douglas Robinson, Site Planner II, Zoning

Barbara Pinkston-Nau, Principal Site  
Planner, Zoning

Ann DeVeaux, Site Planner I, Code Revision

Bob Banks, Assistant County Attorney

Khurshid Mohyuddin, AICP, Principal  
Planner, Planning

Bryce Van Horn, Planning

Gerald B. Gawaldo, Senior Transit Planner

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development  
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Allan Ennis, Asst. Director Traffic  
Division

Linda Monroe, Monitoring Division

Jon Pancoast, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Linda Federico, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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**P R O C E E D I N G S**

CHAIRPERSON GREENE: Good morning. Could we have roll call, please.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Kanjian.

(No response)

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

(No response)

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

(No response)

COMMISSIONER McCARTY: Thank you.

We'll have opening prayer and Pledge of Allegiance by Commissioner Burt Aaronson.

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

CHAIRPERSON GREENE: Commissioner Aaronson really didn't do what he was supposed to do, and he was supposed to thank everybody and let everybody know that he is a brand new --

COMMISSIONER AARONSON: Great grandfather.

CHAIRPERSON GREENE: -- great grandfather, a beautiful little --

COMMISSIONER AARONSON: I had nothing to do with it.

CHAIRPERSON GREENE: Yes, you did. Was a good New Year's. Okay.

We'll have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and file.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Motion by Commissioner Aaronson, seconded by --

COMMISSIONER MARCUS: No, no, no. My voice is deep today, but it --

CHAIRPERSON GREENE: I mean, sorry, Commissioner Marcus, second by Commissioner Koons. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

Anybody swearing in?

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

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: We'll have a motion to adopt the agenda.

COMMISSIONER AARONSON: So moved.

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

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

CHAIRPERSON GREENE: Postponements.

MR. Mac GILLIS: Yes. Good morning, Commissioners. Happy New Year.

The postponements begin on Page 1, Item 1, CA2007-205, Lake Harbor Quarry, postponed to January 24th, 2008.

Item 2, CA/TDR2007-509, Gulfstream Villas, postponed to January 24th, 2008.

Page 2 of your agenda, Item 3, PDD/DOA/W2006-1934, Amestoy Agr PUD, postponed to January 24th, 2008.

Item 4, CA2006-1930, postponed to March 27th, 2008.

Item 5, Status Report 1999-036, Coconut Plaza, postponed to February 28th, 2008.

Page 3 of your agenda, Item No. 6, Status Report 1991-042A, Faith United Methodist Church, postponed to February 28th, 2008.

And Item 11 on your add and delete, DOA/R2007-528, Yamato Court MUPD, postponed 'til January 24th, 2008.

Those are the postponements.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: We need a motion.

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

CHAIRPERSON GREENE: Consent agenda.

MR. Mac GILLIS: Consent agenda begins on Page 4. We'll go through them one by one.

Item 7, Status Report 1984-058D.5, Peachtree Plaza.

Item 8, Status Report 1999-028B, Belvedere Commerce Center.

Page 4, Item 9, CR 2005-323, Ravello AGR/PUD.

COMMISSIONER MARCUS: Madam Chair, we do have a card on that item, No. 9.

CHAIRPERSON GREENE: Item 9?

COMMISSIONER MARCUS: John Bardes wants to speak.

MR. BARDES: (Off mic)

COMMISSIONER MARCUS: Oh, you only want to speak if it gets pulled?

MR. BARDES: Yes.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: Item 10, CR 2005-594, Gulfstream Groves, PUD.

Page 5, Item 12, DOA/2007-896, Town Commons MUPD No. 2.

And G.13, Amended Restrictive Covenants for Vivendi Workforce Housing Project.

The motion is found on the add and delete sheet.

CHAIRPERSON GREENE: Why is your 12 on Page 5 and mine's not?

COMMISSIONER MARCUS: Yeah, mine's on Page 6, my 12. Eleven and 12 are on Page 6 and 13.

MR. Mac GILLIS: Yes. I'm sorry. Did I say --

COMMISSIONER MARCUS: It's okay. We follow you very closely.

MR. Mac GILLIS: I'm sorry.

COMMISSIONER MARCUS: Give us a page number, we go to it.

COMMISSIONER AARONSON: Motion to approve.

CHAIRPERSON GREENE: You heard the motion to approve consent agenda by Commissioner Aaronson.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MR. Mac GILLIS: That'll bring us to Page 7 of the regular agenda, Item 14, Status Report 1994-080B.2, Royal Palm Presbyterian Church, Page 114 through 118.

Linda Monroe will present this.

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

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MR. Mac GILLIS: Next item is 15, Status Report 2001-012.2, New Light Fellowship Church, Pages 119 through 124.

Linda Monroe.

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

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MR. Mac GILLIS: Brings us to Page 8 of the agenda, Item 16, Z/CA2007-184, Florida Hindu Cultural and Religious Association.

COMMISSIONER MARCUS: Madam Chair, I'm sorry.

I don't think he wants to speak but on No. 14, Mr. Painter -- did you -- we approved that, and I missed your card. Is that okay?

MR. PAINTER: Yes, ma'am.

COMMISSIONER MARCUS: Okay.

MR. PAINTER: Just wanted to let you know it's being supported.

COMMISSIONER MARCUS: Okay. Thank you. Sorry about that.

MR. Mac GILLIS: Item 16, this item was postponed at the 11/29 BCC hearing. There was residents --

VICE CHAIRMAN KOONS: Madam Chair, could I ask that we could take the Land Use Advisory Board, which is last on the agenda, if we could readjust it for --

CHAIRPERSON GREENE: Make the motion to reorder the agenda.

COMMISSIONER MARCUS: Well, we have other people here, too, for all these --

VICE CHAIRMAN KOONS: But can't you stop and just --

COMMISSIONER MARCUS: Are we going to postpone it?

VICE CHAIRMAN KOONS: What do you want to do? I mean that's one of the questions.

COMMISSIONER AARONSON: The way we're going through this it shouldn't take that much longer.

COMMISSIONER MARCUS: Right, and you do have cards from regular people --

VICE CHAIRMAN KOONS: Do you want to -- do you -- there was some discussion about waiting for seven?

COMMISSIONER AARONSON: Well, I was --

MR. BANKS: This is first -- the ULDC is first reading, so the Board won't take action on the amendments until the second public hearing.

COMMISSIONER AARONSON: Do you have any cards on the ULDC?

COMMISSIONER MARCUS: Yes.

COMMISSIONER AARONSON: So that's going to take time.

COMMISSIONER MARCUS: Yes, and you have cards on this next item.

CHAIRPERSON GREENE: What's the pleasure of the Board?

COMMISSIONER MARCUS: Why don't we do this next item, and then if you feel we can redo their --

VICE CHAIRMAN KOONS: Okay. We'll -- we'll reorder it after 16, is that what we're on now?

COMMISSIONER AARONSON: We're on 16.

CHAIRPERSON GREENE: Sixteen.

MR. Mac GILLIS: Yes, we're on 16.

As I was stating, the Board postponed this item at the 11/29 meeting. Residents from Whispering Oak submitted a petition with 48 names objecting to the project with respect to parking and traffic.

Mr. McGinley has been meeting with the residents and, hopefully, has resolved their issues or at least tried to address them.

So I'll turn it over to Ora Owensby, and if you would like to -- if you have anything to update the Board on?

MS. OWENSBY: Yes. We gave a presentation at the last meeting. If you would like another presentation, I'll be happy to give you a summary of the application.

COMMISSIONER AARONSON: Can you speak right into the microphone, please?

MS. OWENSBY: Yes. We gave the presentation at the last Board meeting. If you would like me to summarize the principal points about the project, I'll be happy to; otherwise, I think the agent would like to do a PowerPoint.

COMMISSIONER AARONSON: It's okay with me, let the agent.

CHAIRPERSON GREENE: Pleasure of the Board is okay with me.

VICE CHAIRMAN KOONS: I didn't --

CHAIRPERSON GREENE: You didn't hear what she said? He didn't hear you.

COMMISSIONER MARCUS: We can hear the agent.

VICE CHAIRMAN KOONS: Yeah, I -- yeah, we can have the agent.

MR. MCGINLEY: Good morning.

CHAIRPERSON GREENE: Good morning.

VICE CHAIRMAN KOONS: Oh, you got --

MR. MCGINLEY: Hello.

CHAIRPERSON GREENE: There we go.

MR. MCGINLEY: Hello? Yes.

Good morning. Kevin McGinley. As was introduced, we were here last month. We took that hiatus to meet with residents of Pioneer Road and the local community, Whispering Oaks, and met on site with Commissioner Santamaria, who we expected to be here this morning.

We discussed many things, not the least of which I'll go over with you right now.

You can see where the site is located. It's labeled FHCRA, Florida Hindu Cultural Religious Association, at the corner of Benoist Farms and Pioneer Road, with the Palm Beach County rescue fire station to the north, the Mounts PUD, 88 zero lot line homes being constructed right now to the east, the Whispering Pines -- but I believe it's Whispering Oaks community to the north of the fire station, which is who we met with and some of the residents along Pioneer Road.

Go to the next one.

This is our site plan. It's a very small place of worship for the Florida Hindu Cultural Religions Association. It is a 6,000 square foot with access restricted to Benoist Farms Road.

On the south side of the property we have an upland preserve, predominantly pine trees, that

we plan on keeping in its natural state. We also have a four-tenths of an acre wetland on our western side.

We've moved our -- or we located our place of worship all the way to the north end of the property as far as we could go from Pioneer Road abutting the FP&L transmission easement, which is 160-foot wide, separating us from the fire/rescue station.

Again, this is a rather small facility, but it meets our needs, not just for now, but for the anticipated growth.

And with that I will go with either questions from the Board or from the residents.

Thank you.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Have you met with Commissioner Santamaria since the last time?

MR. MCGINLEY: No, we haven't. When we -- when we left the meeting, we were probably out there for about an hour and a half to two hours out on the property. We walked the property, met at the fire station, did a question and answer and preparation, and after we left that meeting, there didn't seem to be a need to meet again to go over anything.

We did encourage the neighbors to take a look at the staff report and the conditions of approval, which they had not availed themselves of at --

COMMISSIONER AARONSON: If I'm correct, Kevin, the last time the -- you were supposed to meet with the neighbors out at the property.

MR. MCGINLEY: We did.

COMMISSIONER AARONSON: Was that done?

MR. MCGINLEY: Yes. We met on the property with the neighbors and Commissioner Santamaria for about two hours.

COMMISSIONER AARONSON: Uh-huh.

MR. MCGINLEY: That was the morning where we discussed all the issues. Again, we suggested that they avail themselves of the staff report so they could see the conditions.

Other than just an approval of this, there are certain conditions that we explained to them of how we would operate. We asked them to look at those and suggest any tightening up of those restrictions or conditions that we could accommodate.

That's -- the commissioner was leading towards that, too, what could we do here in terms of landscaping, lighting, operation, whatever it might be, and we're anticipating some of those coming back to us.

COMMISSIONER AARONSON: And what was the outcome of that?

MR. MCGINLEY: Well, from my point of view I thought it went very well.

COMMISSIONER AARONSON: I -- okay. Let's hear your point of view 'cause I'm certain we're going to hear other points of view, as well.

MR. MCGINLEY: Well, that's all I can tell you.

There -- you know, there were obvious -- if I could summarize some of the high points that the neighbors were saying.

Some said there was just so much growth going on in the western community now, we don't need this. It's one more thing to add on. There's high schools or elementary school plan for down the road.

Benoist Farms Road right now, the bridge over the -- over the C-51 canal has been a frustration for them. There are other aspects that really weren't germane to our petition.

We addressed them. We listened to them as much as we can. We told them exactly what we're going to be building, and I think many of them left feeling that they were satisfied.

COMMISSIONER AARONSON: Okay. Thank you.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I just wanted to let the folks know that Commissioner Santamaria is ill today. That's why he's not here.

CHAIRPERSON GREENE: We have a few cards. I'm going to -- I can only pronounce two names.

I'll start with Ms. Estelle Templeton and Mr. Steve Linn.

The other names, I'm going to ask you to be patient with me. I'll spell them.

MS. TEMPLETON: Thank you very much for this opportunity. I'm Estelle Templeton. I live at 71 Whispering Oaks Trail in the division that that gentleman mentioned that will be affected by the increase of traffic in my neighborhood.

There is already high traffic. We have Palm Beach Central High School that uses Benoist Farms Road Monday through Friday, and I feel like giving out muffins to people who will let me out to access -- exit from my -- from my home, from my neighborhood in the morning hours that are very congested there at Benoist Farms Road.

The traffic backs up on Benoist Farms under normal circumstances, and the bridge at Benoist Farms and the Southern Boulevard intersection is small, and it's not even meant to handle the traffic that we currently have, let alone significant increases which, you know, will occur with the rezoning that is proposed today.

It is a dangerous intersection, and there have been bad accidents, one fatality that I know

of, since we moved into that neighborhood in 1997, and adding congestion will increase the frustration of those trying to exit the community.

And with that frustration we've had people that, soon as the light does turn green, they go, and the big trucks that are -- access Southern Boulevard for normal traffic run right through, and I know that the -- also the fire station that's there, too, I can understand that they would be impeded, also, in their fire/rescue time that they have to get out of that intersection.

We have been inconvenienced for quite awhile with the construction on Southern Boulevard and the bridge traffic being rerouted.

Thank you very much for this opportunity.

CHAIRPERSON GREENE: Thank you.

Before Mr. Linn speaks, I've just been -- Commissioner Santamaria called in. The attorney would like to make a statement.

MR. BANKS: Yes, I guess -- I heard word from Commissioner Santamaria's office that he called in and wants the Board to know that he supports this application, so --

COMMISSIONER AARONSON: Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Linn.

MR. MCGINLEY: Thank you, Bob.

MR. LINN: Thank you, Commissioners. My name is Steve Linn. I was at the last meeting. I'm the one that requested the extension because we had very little time to, you know, kind of review anything.

Since we did meet with Kevin and the people from the Florida Hindu Cultural and Religious organization, they answered a lot of questions that a lot of the neighbors had. They gave information that no one had ever heard before.

We still oppose them building the -- on the property that they want to do, but we came up with basically three restrictions that we would like added.

I had mailed it in, and then I gave this young lady a copy. I can hand up another copy, but basically under the accessory uses they advised us that they did not have any temporary outdoor sales events, and in your preliminary report provided by staff they said they could have two.

So, basically, if we took that out, that would help us a lot.

The other thing is they advised us that in part of their 6,000 square foot building that they have a very large commercial kitchen which is used to prepare meals and so forth for members when they are there or having events inside.

We don't have a problem with the kitchen. We would just ask that the staff recommendation put a condition on for approval that no food pantry or soup kitchen be allowed to operate out of that facility.

And then the third item is the parking. They provided, supposedly, ample parking for the size of their building, but they mentioned to us that, when we met last month, that they wanted occasionally to park under the FP&L transformer line easement.

And all the other properties that run down through from Southern -- from Military Trail to Jog to -- all the way out to Wellington, nobody can utilize any of the FP&L property that's under that -- those major lines, and there is one part of that that FP&L requires 24-hour access to get to equipment there.

So that would be -- I guess what they're saying is that would be like their overflow parking lot, and we just want a restriction that that is not going to be their overflow parking lot, and if they need overflow parking, that they will need to make arrangements with other places in the area for parking.

Those are the only three restrictions that we're asking for to be included if they're -- if you guys are going to give them approval.

It's not anything unreasonable, and the biggest thing is we had like almost 35 homeowners at the meeting with the commissioner at the fire station with the property owners, and it was an incredible turnout.

A lot of people, because of the time and so forth, couldn't make it, but I do have some additional signatures objecting. I'd like to enter that in, so now we're up to 55 --

COMMISSIONER AARONSON: Motion to receive and file.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Okay. Thank you very much. You heard the motion by Commissioner Marcus, second by Commissioner Aaronson --

COMMISSIONER AARONSON: My voice didn't get lower.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

Thank you very much.

Commissioner Marcus.

COMMISSIONER MARCUS: Could we ask the staff and the applicant if those conditions are acceptable?

MR. MCGINLEY: Kevin McGinley.

I checked with my client, and they don't have a problem with any of the conditions; however, let me just put the caveat here about the parking.

The soup kitchen and special events we don't do, and we're not planning on doing it.

It came up at the meeting that 31 parking spaces didn't seem to be adequate to them. It meets all the County standards. It meets what we need; however, we told them we have 160 feet of our property encumbered by an easement.

If the worst case came, there would be no parking along Benoist Farms or Pioneer Road, which would impact them. The overflow parking could go into the FPL easement if FP&L so gave us their permission to do.

So all we did is said we're not really planning on it, we don't need it, but to put that restriction on seems to me that if there is ever a need when they have a -- when they have a special indoor event, that if you can't park off the road, you then have to park on the street. It doesn't make any sense to me.

So I would leave it with the caveat that if FP -- you know, with permission from FP&L or so. Other than that, we're fine.

Thanks.

COMMISSIONER MARCUS: So could the staff draft the conditions?

MR. Mac GILLIS: That area at the back, Kevin, correct me, but that's a dry retention. You wouldn't be able to put any overflow parking on that back area. Is that what you're referring to?

MR. MCGINLEY: No, no. As a matter of fact, that -- 160 feet to the north of our property here, in this area over here (indicating), that -- that's the FP&L. They actually drive down there for maintenance of their transmission lines.

That's going to be stabilized for them, and we have a portion of it as our dry retention, a portion of it, not the entire portion, not the entire 160 feet.

So, again --

MR. Mac GILLIS: We can draft a condition that prior to final DRO site plan that any additional parking required for the site shall be reviewed and approved at that time so we can determine where it's going to go on the site, that it meets all Code requirements.

COMMISSIONER MARCUS: But also the other two conditions?

MR. Mac GILLIS: The -- under the use limitation on 143, I guess Condition 1 would be deleted and replaced with no outdoor temporary sales or events shall be permitted.

The one with the soup kitchen as Kevin indicated, unless there's people residing on the site overnight, then it becomes a Type II --

COMMISSIONER MARCUS: But you can just add a condition that says there won't be any soup kitchen or -- I guess you got in writing what the gentleman gave you?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay.

MR. BANKS: I'm not sure -- that's not a term that's defined in the Code, and I'd prefer if we not place that -- I mean if they're saying they don't want it to be a homeless shelter or some other -- other kind of uses, it's -- they're not.

It's being approved as a church, and we don't like to kind of dictate what -- how churches operate in their daily --

VICE CHAIRMAN KOONS: I think if you reference homeless shelter, is that --

MR. BANKS: Yeah, but it's already -- it wouldn't be allowed for that use, anyway.

COMMISSIONER MARCUS: Yeah, right, we're -- it's not allowed elsewhere, but I think if we're specific in there, then we have a little more legs to stand on if for some reason that should occur.

So say homeless instead of soup kitchen.

VICE CHAIRMAN KOONS: Yeah. Is that okay?

MR. Mac GILLIS: I guess we'll add it under use limitations as a Condition No. 3.

CHAIRPERSON GREENE: I would like to be more specific in -- you're going to say what instead of saying soup kitchen?

VICE CHAIRMAN KOONS: A homeless shelter --

MR. Mac GILLIS: A homeless --

MR. BANKS: I mean but they're not -- I guess they weren't saying -- I guess they don't want -- what are they saying? They don't want the public to --

VICE CHAIRMAN KOONS: They're saying they don't want them to do something they're not allowed to do. That's what they're saying. That's what they're asking for.

MR. Mac GILLIS: Typically a place of worship can serve beverages and stuff after a service --

VICE CHAIRMAN KOONS: Correct.

MR. Mac GILLIS: -- and stuff. It's when they stay overnight, that kicks it into the Code into a CLF.

VICE CHAIRMAN KOONS: Which they're not allowed to do.

MR. Mac GILLIS: Which they're not allowed to do. That would require coming back here --

VICE CHAIRMAN KOONS: Okay.

MR. Mac GILLIS: -- or you could do a Type I that allows up to, I think, six people.

VICE CHAIRMAN KOONS: Well, it's pretty clear in the record that they're not going to do that, and they've agreed not to do it. It's against the Code to do it.

So this record itself is pretty clear in itself, and we're not going to -- anything else we do would -- would --

MR. BANKS: Yeah. I just prefer us not to have --

VICE CHAIRMAN KOONS: -- solve the problem.

MR. BANKS: -- the specific condition.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: No, because Barbara's mic is slightly moving.

MS. ALTERMAN: And, Commissioners, you know, certainly, we want to make sure that the intent of the Board is fulfilled and also make sure that it's legal.

The problem is it -- sometimes fulfilling both of those is difficult without a full condition that says exactly what they can't do just because --

MR. BANKS: But, really, the conditions of approval aren't supposed to regulate how the churches operate and fulfill their religious functions, and if the Hindus have a religious service and then have a meal for the people that attend the service afterwards, I don't want someone to say they're running a soup kitchen. Right.

So I prefer it --

CHAIRPERSON GREENE: Because we do the same thing.

MR. BANKS: -- not be a condition.

VICE CHAIRMAN KOONS: Well, I think the record is very clear. Code says that they can't stay overnight, which means they can't serve food overnight, and so this record's pretty clear that they're not going to do that and they've agreed to take a look at that, and that's about as far as we could go with the legal advice we're receiving today.

COMMISSIONER MARCUS: Can he clarify on behalf of the neighborhood what they're looking for?

MR. LINN: If you -- I can give you another copy, but basically what we're asking for --

COMMISSIONER MARCUS: You're not on the record. You have to talk into the microphone. Sorry.

MR. LINN: We are asking for that, you know, we understand that they're -- they're not allowed to have people overnight, but what we're asking during the day, okay, is they do not have like a food bank pantry there or are fixing meals for people just coming in off the street, not members that -- you know, members that belong to their group are fine, and we don't have a problem with that. Okay.

But what we're talking about is, you know, like --

MR. BANKS: We don't regulate who attends their church, and I'm sure they don't just say that you have to be a member of the congregation to come to a service.

It's just we're -- we're --

MR. LINN: Well, I -- you know, I'm -- I don't know all the legalities of it, but I know that there are other places in the community, in the County right now that are having problems with places that are churches that have opened up food banks and soup kitchens and are serving homeless people, and -- I'm not against homeless people.

I've been in Boy Scouts for 18 years. Okay. We do food drives all the time. We do all kinds of donations and stuff, Food for Families.

I am just asking, and the owners are asking, that, you know, for their members that's fine, but we don't want to start something new in the neighborhood, if you guys do approve it, that's going to be bringing a lot of people in from the outside area that don't live there.

CHAIRPERSON GREENE: Commissioner Aaronson has a question.

COMMISSIONER AARONSON: It's a very touchy subject. You know, we -- sometimes the best laid plans of mice and men go astray.

If we were to have another hurricane, I would expect all churches that have kitchens to feed people who may not have kitchens of their own, have it blown away during a hurricane.

If we put a restriction like this on, then what we do is say no, you can't do it.

I don't know how to satisfy you, other than have the church say that they're not going to do it, verbally, but to put a restriction on that some day may have to be relieved because of extenuating circumstances, and then they would be in violation.

So can our legal geniuses tell me how to do it?

VICE CHAIRMAN KOONS: I think they said you really can't do it, but the Codes are pretty clear that they can't do it, either.

CHAIRPERSON GREENE: Well, the attorney has already advised us that we should not be putting restrictions on what a church --

MR. BANKS: I think we just need to let the church -- this place --

COMMISSIONER AARONSON: Bob, speak in the mic.

COMMISSIONER MARCUS: Wait, wait, wait.

MR. BANKS: We need to let this place of worship operate as a place of worship.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I mean I don't often disagree with Mr. Banks, but these -- they are in front of us for an approval. This is our opportunity with them, and they're agreeing to this condition, they don't want to be a homeless center.

So if you -- if they agree to it, we are not inflicting or enforcing something that, yes, by right they know they can't do but it's very clear when we -- something to occur to say that in there.

So I don't know why we can't say in there the church agrees that they will not operate as a homeless center --

MR. BANKS: Okay.

COMMISSIONER MARCUS: -- and leave it at that.

MR. BANKS: If you want to say as a homeless shelter, that's fine.

MR. MCGINLEY: Yeah, and if I may suggest, maybe we just add a condition that says distribution of food shall not take -- distribution -- external distribution of food shall not take place except in case of emergencies, natural disasters or emergencies.

It is our intent, and we're telling you, we're not going to start operating a food pantry. They've agreed to it on record. We said it. The Florida Hindu Cultural and Religious Association -

CHAIRPERSON GREENE: What you just said, I think we don't have a problem there.

VICE CHAIRMAN KOONS: Okay. We're all set. We've agreed to that.

MR. LINN: Thank you.

CHAIRPERSON GREENE: Okay. We have a few other speakers. When you come to the mic, please, would you please pronounce your name.

The first one is F-i-d M-o-t-t-l-a-i-l  
[sic])

MR. MOTILALL: Good morning. My name is Fip Motilall, with a hard T.

Good morning, Commissioners and residents of Palm Beach County. Thank you for taking a minute to listen to us. I appreciate the opportunity to speak to you today, and as you've seen, we've tried really hard to make this a sanctuary. I'm the head of the building committee for FHCRA.

For the last five and a half years we've dreamt of having this, and, hopefully, today would be the reality.

The location is one that we chose mainly because, for those of you who are familiar with the Hindu faith, it is one that's based on sanctuary, peace and meditation and those type of things. So the setting, being in a country setting if you would, is conducive to us, and we appreciate the opportunity to put our sanctuary, or Mandir, as we call it there.

It is centrally located, close to the Turnpike, so because we are few and far between, it's going to be a better commute if we have to be there.

I live in Loxahatchee myself. We have members from Boca Raton, Jupiter and as far west as Clewiston that come to it.

As Kevin spoke already, we are well buffered on the south side. There is an upland preserve we're keeping on the west side. There is the wetlands that by itself is a preserve, and in the north is a fireplace -- the fire station and the FP&L lines.

On the east is Benoist Farms, and we're looking over to -- through a canal to the new PUD there.

I request your -- sincerely request your approval on this. It's been long in planning, and I think it would be, not only for the members of FHCRA, but we welcome you one of these days, all the members here and residents of Palm Beach to visit us and partake in what we feel we can offer to the culture of the United States.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mrs. Devendra Heman. Mister. Sorry about that.

MR. HEMAN: It's Devendra Heman.

CHAIRPERSON GREENE: Oh, I did that one right.

MR. HEMAN: Yes. Good morning, Commissioners. I thank you for affording me the opportunity to participate and learn from this democratic process.

I'm speaking on behalf of the youth of the organization. I'm the president of the youth

group from the Florida Hindu Cultural and Religious Association. I'm a senior at Suncoast High School in the International Baccalaureate Program and the Math Science Engineering Program, and education is very important to us, and we like to condone self-confidence, integrity, honesty and fairness. We like to put that forward for our youth.

We have zero drop-outs, and our youth accelerate academically.

We like to participate in helping the less fortunate. This year alone our youth group itself has participated in fundraisers to collect toys and medicines for the poor, to raise funds for the flood victims back in Guyana and South America and to collect for food for Thanksgiving and Christmas for needy families in the area.

We desperately need a place of our own to assemble and pray and to engage our youth in group activities. We ourselves also tried to help raise money. We try to like -- we put together like movie nights for the kids, and they come out, and we've raised \$600 this year for the building fund to help build this Mandir for us.

And I'm asking you to please grant us approval for this temple so that we, our parents, our grandparents might have a sanctuary where we can gather to worship and pray and where the younger generation of Hindus can continue to learn about their rich heritage.

We are in dire need of this temple, and so many will benefit from its existence.

So on behalf of the youth group, some of whom are here today, I beseech you to please endorse the motion before you for the Class A conditional use for a place of worship.

Thank you for allowing me to address the Board.

CHAIRPERSON GREENE: Thank you.

The next speaker, V-i-d-y-a Heman.

MS. HEMAN: Good morning, Commissioners.

My name is Vidya Heman, and I live in Royal Palm Beach, and I'm the president of the Florida Hindu Cultural and Religious Association.

I just wanted to let you know a little bit about our organization. It was started in 1995 to provide a very small Hindu community the opportunity for congregational worship. A few members started by holding services at each other's homes one Sunday every month.

Unfortunately, to this day we are still holding services at various members' homes on one or two Sundays a month, but this is no longer feasible. It is inconvenient. It is confusing to our members as to where service will be held next and which day it will be on.

In addition, we are hampered by our lack of space and severely restricted in the type of services that our organization is able to provide to the Hindu community.

When we purchased this 2.74 acres at the corner of Pioneer and Benoist Farms in 2001, it was with the intention of constructing a temple that would provide the Hindu community a place to worship and pray and would also allow us to offer classes in Indian dance, music, yoga, meditation to not only our youth, but also to any non-Hindus that are interested.

Since 2001 we have been fundraising with the sole aim of building our temple on this piece of property.

Our motto is Promoting Unity and Culture Through Education, and we strive to do that on many fronts, not only educating young Hindus, but those in the community, as well.

We have had students from Palm Beach Atlantic University that periodically attend our religious services and our cultural events as part of their curriculum in religious studies, and through interaction with our organization they are learning tolerance and to be more understanding of different cultures and religions.

In addition, our organization has been very active in promoting multi-cultural awareness throughout Palm Beach County. We have participated in West Palm Beach's annual Kaleidoscope. In fact, we won first prize for best overall village in 2005, I think, for -- Commissioner Koons was there, yes.

We've taken part in the annual Caribbean Diversity Day in Royal Palm Beach and Heritage Day at the Courthouse. We feel that by sharing our culture with others we have added to the rich cultural diversity here in Palm Beach.

As you've heard from our youth group, they are very active, and we hold classes for them on Friday evenings, but, again, we have no alternative but to meet at various members' homes, and these children are learning to be responsible contributing members of society. They deserve to have this temple built so that they, like their Christian, their Jewish and their Muslim friends, they, too, can have a place.

CHAIRPERSON GREENE: Thank you.

MS. HEMAN: Thank you.

CHAIRPERSON GREENE: Next is Ms. Anastasia. Would you please pronounce your last name.

MS. MOTILALL: Good morning. My name is Anastasia Motilall, hard T, like my father.

I am a member of the youth group for the Florida Hindu Cultural and Religious Association, and ever since my family moved to Palm Beach

County five and a half years ago, the Florida Hindu Cultural and Religious Association has played an integral part of my life.

Before moving here, I was born in Minnesota and lived there for nine years, and I lived in Fort Lauderdale, and both of those places had beautiful Mandirs, which my family was a part of, and it saddens me that there is no Mandir currently in Palm Beach County.

The members of the youth group were among the first friends that I made here, and the members of this organization became like a second family.

Building this Mandir has been a dream of the FHCRA for much longer than I have been a part of it, and now we finally have a chance to make this dream become a reality.

As of right now, because there is no temples in Palm Beach County and because those that exist are too far for any of us to drive on a daily -- I'm sorry, not a daily basis, but on a weekly basis for us to attend what we call setson (ph) or sermons or service, we need this temple here in Palm Beach County.

As was mentioned previously we have to meet at different members' houses, and it's really hard to know when to meet and how to coordinate this.

And about the youth group, because we don't have a place to learn about our culture, our heritage and our religion, a lot of people don't bring their children out to learn, and that's sad, too.

I often hear from adults that children are our future, but what kind of future are we making for ourselves by not providing children a place to go and learn about right from wrong and good from evil? How can we expect them to do the right thing without showing them the right path?

This is why, ladies and gentlemen, I implore upon you to let us build this temple. Let us have a place to go and freely practice the religion of our choice.

If your arguments are that there will be too much traffic, then we will make efforts to car pool. If you are worried about the noise level, our religion is one of peace and tranquility and meditation, and I assure you that this will not be an issue.

This organization does not wish to be bothersome to you. All we want is a place to worship our lord in our own way. Please let us make this happen.

Thank you.

CHAIRPERSON GREENE: Thank you.

Commissioner Aaronson.

COMMISSIONER AARONSON: Madam Chair, first of all, I want to tell you I was very impressed by the people who spoke and certainly by the youths. As a member of the Criminal Justice Commission I've often said that we need more people, more clergy, more people going to worship. The more they worship, the more they learn about their culture, the better it is for the entire County.

The multi-cultural aspect that they give to the County I think is something that many people could take lessons from and add to.

As a result I'm going to make a motion to adopt a resolution approving an official zoning map amendment from the Residential Estate Zoning District to the Residential Transitional Zoning District.

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

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Second by Commissioner Marcus.

COMMISSIONER MARCUS: With the conditions.

CHAIRPERSON GREENE: With the conditions. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

COMMISSIONER AARONSON: And I will make a motion to adopt a resolution approving a Class A conditional use to allow a place of worship.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

Disclosure, Commissioner Aaronson.

COMMISSIONER AARONSON: I met with nobody.

CHAIRPERSON GREENE: I didn't meet with anyone.

VICE CHAIRMAN KOONS: I met with the -- with the people from the cultural and religious association.

I just want to make a comment. One of the privileges being a County Commissioner is to realize the diversity we have in our County, and it's one of our goals to celebrate our diversity. I think we have 120 languages spoken in our school system.

So I think this is going to be a wonderful thing for the neighborhood, and I'm just -- that's one of my privileges, is to meet the people who are here and what they'd like to do and how they can share everything with each other.

So -- and it's always interesting, and sometimes we don't celebrate our diversity.

COMMISSIONER MARCUS: I met with no one.

CHAIRPERSON GREENE: And --

MR. BANKS: For the record, the conditions are with the conditional use approval, not the rezoning.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: With the three conditions added.

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Now I want to say it.

I think it's -- correct me -- I was just telling Commissioner Koons I think this will be the first Hindu temple for the first time in Palm Beach County.

MR. MCGINLEY: It's certainly my first.

CHAIRPERSON GREENE: Congratulations.

VICE CHAIRMAN KOONS: And you would know.

CHAIRPERSON GREENE: But thank you.

MR. MCGINLEY: Thank you very much.

COMMISSIONER AARONSON: Are you going to reorder the agenda, Jeff?

CHAIRPERSON GREENE: Motion.

VICE CHAIRMAN KOONS: Do we have any more cards?

COMMISSIONER MARCUS: No, there's no other -- there's an item --

CHAIRPERSON GREENE: I have no other cards, but do you want to reorder the agenda to take up the other item, Commissioner Koons?

VICE CHAIRMAN KOONS: Yeah, let's do -- I'll move to reorder the agenda to take F.21.

COMMISSIONER AARONSON: Twenty-one, ULDC.

VICE CHAIRMAN KOONS: Yeah, F -- yeah.

COMMISSIONER AARONSON: Okay. I'll second that.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

We have F.21.

MR. Mac GILLIS: F.21. This is a request for a first reading and advertising for adoption of the Unified Land Development Code amendment, Round 2007-02.

At the permission to advertise in November there was several issues raised by Commissioner Marcus regarding the proposed amendments to the Monitoring Section, which I believe she's met with Linda Monroe.

There was questions regarding signage. I believe those were the only issues raised. There was no issues raised at that time by the public.

If the Board would like a brief presentation what these amendments are or just see if the public has any concerns.

VICE CHAIRMAN KOONS: Our card carrier was asleep.

COMMISSIONER MARCUS: Oh. I'm sorry.

CHAIRPERSON GREENE: Okay. We have cards on this one.

Ms. Judy Daversa and then Mr. Bill Hall.

MS. DAVERSA: Good morning. I'm Judy Daversa. I'm the current and new chair of the Land Use Advisory Board. I'm the pesky person that keeps writing you folks letters about Board decisions and about our position on especially this particular article.

We're here because of this Resolution 95-1806, which was enacted in 1995, and the signers of this -- I was thinking about this last night, and I thought well, let's just go back and see who signed this. Well, it was Commissioner Newell, Aaronson, Marcus and McCarty.

And in reading over the resolution and thinking about the LUAB I thought, well, you know what, I guess I can't approach them on the premise that this was passed by someone else and they don't have to go along with it, but they very wisely included a Section 8.

And the Section 8 of this resolution which has set out to streamline the local boards and bring them all into some kind of conformity says that this limitation shall not apply to any board created by statute or rule of law requiring a certain number of members.

Well, LUAB is a board created by a statute.

Then a second thing that they wisely included in Section 8, it also stated that the BCC, basically at their desire or pleasure or their decision looking at something as an individual item could decide to make exceptions to the general policy of board size limitations.

So I think basically that the LUAB is exempt from any stringent adherence to this board size limitation rule. I think there are two very concrete parts of this resolution that state that we are exempt; however, I was also thinking about the purpose of this.

I'm a blond. I think in different ways.

What is the purpose of this? It's to shrink the Land Use Advisory Board, to change the name and then to orchestrate the rotation of the chair and vice chair.

I can't see any benefit in what is being proposed here. We came before the LDRAB twice. The first time the LDRAB chose to not make a decision. They said they weren't -- they weren't sure exactly why this was being brought before them, but they were absolutely not in favor of it.

The second time they voted unanimously against this because they said our board is very much like their board, and that a one size fits all policy does not fit either of our boards, that we need the diverse representation of people who live all over the county, who live in the neighborhoods, who drive the same roads, whose kids attend the same schools as the people who are being affected by these land use amendments.

I thought it was ironic at the time that we were coming before the LDRAB, which is a 17-member board to plead our case for remaining a 15-member board.

I'll wind it up.

Second question I asked is who benefits. Not the residents because they want to be represented. They want people from their neighborhoods, and certainly not you.

We're your appointees, and we function as your representatives. We live in your districts, and we let you know by being your sounding board what the feeling is in the neighborhood, what the objections are, the staff's recommendations and what your people in the neighborhoods are feeling and thinking.

CHAIRPERSON GREENE: Ms. Daversa -

MS. DAVERSA: I think this is a very bad time to make this type of move on the LUAB. We're at a point where we have very little land left, and it's important that we make very good decisions.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Hall.

MR. HALL: Good morning, Commissioners. For the record, my name is Bill Hall. I live at 150 4<sup>th</sup> Road North, Jupiter, Florida, which is in Jupiter Farms.

This issue has been mulled around County staff offices for a year and a half, thereabouts, and it has been mulled around and consistently brought to the LUAB on two different occasions to, as Judy was saying, LDRAB on two different occasions, both of which are advisory boards to you all, both of which on both occasions have said this is a bad idea.

After the first attempt to do this and then bringing it forward to the LUAB when I was chairman of the LUAB I sat down with Barbara and said, you know, let's get together and have dinner and talk about this, and we did. We had a pleasant dinner.

Fact of the matter is Barbara's position was Barbara's position, and the LUAB's position was the LUAB's position. So at the end of dinner I made a suggestion.

I said look, if there are reasons that you have, if you're saying -- which were comments made during dinner that, you know, the attitude of the LUAB is strong and harsh and is not congenial sometimes, it is not harmonious at times with staff.

I said if that's what you believe, then let's postpone this thing for six months and see what we can do resolve and give, you know, staff a better feeling, and we can all play in the sandbox together and be polite.

Well, we did that, and Barbara agreed to it graciously. I now understand why because I truly believe that Barbara had done that just to let the waters flow over the dam, if you will, and let things subside a little bit.

Staff members have said that this is a done deal. I suspect you all find it interesting that that would be made as a staff comment and has been made in public a number of times. Those facts are out there.

I think the public is interested to know that this is a done deal before it ever comes before anyone.

To make that proclamation and to say this is a done deal, I hope you all don't believe it because it is not a done deal.

As I said, both twice the LUAB, LDRAB, advisory boards to you, that there are reasons why this is not good. Judy had explained very succinctly reasons why this is not good.

I had sent correspondence to my Commissioner Koons, who had appointed me to the

LUAB, and I think subsequent copies to you all. I will not readdress those issues, but it was very important that the board stay at 15 members.

It was also brought up that the board should have a change of chairman each and every year, and I submit to you all there was a time when you all didn't want to have an individual serve as your chairman and tried to figure out how not to do it but couldn't quite get it done because of the way you all were regulated and the way your Board operated.

I don't think you want to put that restraint on the LUAB. This is not a sandbox. This is not a let's get along, let's all have our turn. You want to have leadership doing certain things, and if a board has somebody they like being their chairman, then that person should be their chairman so you can conduct and operate your business as it should be.

Currently staff is not the award winning staff we had in the past. I am frankly disappointed in Barbara Alterman. I am disappointed in Lorenzo and the way that they are running the Planning Division and would very much like to speak with you --

CHAIRPERSON GREENE: Time.

MR. HALL: -- on both those issues if you would like.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

Last, Mr. Dennis Koehler and Mr. Dennis Lipp.

MR. KOEHLER: I'm the first of the two Dennises that will be speaking to you. The other is the commissioner from the newest community, Loxahatchee Groves.

I'm Dennis Koehler, former County Commissioner, and since 2001 I've been an appointed member of the Land Use Advisory Board.

I'm here, too, today to urge the Board to reject Article 17 provision of the resolution before you which relates to decision-making bodies, specifically the LUAB.

Ms. Daversa and, frankly, the folks that were here speaking earlier, have made a strong case about diversity, the notion being that the best policy recommendations are made to you by a group that most broadly represents the public opinion of this county. Judy Daversa made that point pretty clear.

I want to add a legal analysis for your thinking. We are a legislative advisory body. We are not a quasi-judicial body. We don't decide disputes. We don't apply specific standards to the specific factual cases and then make decisions that are reviewable directly by the courts.

Our role is exclusively advisory to you on legislative policy issues. That's why it's important that you have diversity. You get that with 15 members.

It should be obvious to anyone that if you only have nine, you get less diversity of opinion, less quality of advice.

I will tell you Commissioners -- as you know, I was on the County Commission for eight years. The Land Use Advisory Board contains talent that I think is superior to the talent of the people that I served with on the county commissions back 20, 30 years ago.

It's a very talented group, very strong-willed people, and I suspect that one of the factors underlying the staff's recommendation is that they don't like the fact that the LUAB tends to be independent minded and occasionally rejects the staff's recommendations. It's not -- doesn't happen that often percentage-wise, but I think that's the major reason that this effort's in front of you.

So what I ask you to do, Board members, is exercise your discretion under this resolution that Ms. Daversa cited, make an exception to this one size fits all advisory board rule, acknowledge the unique legislative advisory function that we have and delete this Article 17 from the package of Unified Land Development Code amendments that you're considering.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

Mr. Lipp.

MR. LIPP: It got cold driving in here this morning. I had a hat on and everything. I had to go in the cedar chest to pull out a hat.

I'm one of the newest members of the LUAB. Jess appointed me, I believe, in September, and I'm happy to serve.

In my short time there only -- really only two or three meetings, the people there expressed their opinions and expressed them eloquently, and we listened very hard to people had come before us with their -- with their decisions.

Since this is a totally voluntary commission, it's not like, you know, it's costing the County anything to have nine people or 15 people there. On average I would guess maybe it's 10 or 11 people who typically show up all the time. Someone from the School Board is on the commission -- on the LUAB, and they hardly ever show up.

So I would just suggest that, you know, since this is all voluntary, is let us stay at 15. I think we get a good diversity and a good mix of opinions.

I met with Commissioner Santamaria on this, and he -- his opinion was is that nine is as good a number as 15, and it's just, you know, to make it a more efficient system.

But I disagree with that. I think that the number of folks there make it work, and it'll continue to work for you into the future, whether it's called the Land Use Advisory Board or the Planning Council.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

There are no other cards.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: There are two things that I heard that -- let's start with, number one, the staff.

I've been a commissioner now for 15 years, and I just want to go on record as praising Barbara Alterman for doing a job that, with her staff, to be given as many chores as we give her to do and her staff to do and to do them well, I commend her, and I commend the staff.

So, Mr. Hall, I have a difference of opinion with you as to the staff.

As far as diversity, if you feel that 15 you have more diversity than you have with nine, then why not have 30 and have a greater diversity or 40 or 50 or 60?

Nobody can give me an answer as to what is the best number for diversity.

If your claim is that diversity, the more people you have, the more diversity you have, then my claim could be that let's go to 30. Then the people who are here today would probably say that would become unwieldy, and many of us feel that 15 is unwieldy.

And how many of you know the definition of a camel? It's a horse designed by a committee.

So the more people you have, the more problems you could have, and, vice versa, the more people you have, you may get better opinions, but who's the one to say what the magic number is?

You said that's -- the last gentleman said he met with Commissioner Santamaria, and Commissioner Santamaria said he thought nine was a good number. You have respect for Commissioner Santamaria. You said that at the beginning, but you don't agree with him, and he doesn't agree with you.

It's a very, very complex situation, but when somebody tells me that they have more diversity with 15 than they would with nine, I could make that argument that we could have more diversity with 30 than we have with 15.

So I have not made up my mind yet, and I think that being -- I wanted to postpone this because I think they should have seven commissioners sitting here when we vote on this, not just four commissioners, but being that this is a first reading, I'm going to vote to go forward with the second reading.

I'm not making any total commitment as to which way I'm going to vote, and I want to hear more.

But as far as our staff, I want to go on record as commending them for doing an excellent job in view of the fact that we pile so much on to them, one thing on top of another, and demand them doing -- and getting it back to us yesterday.

Thank you.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, this has been one of these things that is floating up and down. You probably wouldn't know about this unless you were a commissioner or Land Use Advisory Board or dealing with the senior county staff, and I was never sure about lowering the size.

I was somewhat -- I do appreciate the diversity and the opinions that people have, and I want them to be as controversial and as strong as they need to be to bring this forward to us.

My public policy career started 20 years ago sitting in this dias on the County Planning Board, and there was a young man sitting next to me, Robert Wexler, who was on the planning board, too, and a lot of those people that I served with were very strong individuals, and I learned a lot from them, and I was very opinionated in those days and shared my opinion.

So I'm -- I'm still -- I'm still up in the air on this. I still am not sure. I do have some opinions. I -- my personal opinion is the way we've been doing business for the last 20 years in Palm Beach County is over. The way we've been doing development approval process is over. The big 8,000 units a year coming in Palm Beach County is over.

We have a very large Planning and Zoning staff with not much business coming in, to be honest with you. I mean it's infill, but we're not geared up to do infill. I've been a very big advocate of going back to do infill where it looks like we're going to have to have a completely new different system to do infill where we want the development to happen.

We're having big issues with some future development way our west that we don't have any infrastructure to pay for. So we're at a real crossroads about where we go in Palm Beach County.

I wanted to turn the big battleship around to go back east, but we got halfway through the turn, and everything stalled out. So I'm not sure where we're going here, to be honest with you, in the County in terms of policy.

And I really do count on the Land Use Advisory Board, and I want to compliment the staff for at least trying to implement our infill development strategies, but I'm not sure -- and, you know, there's been strong opinions from staff on, you know, on leadership and policies and stuff, but that's the stuff we really want.

I'm still not sure about this, and I've had 20, 30 conversations over this over a long period of time. I wouldn't mind postponing this for -- until we have seven commissioners up here.

I'm very interested in where Palm Beach County's going. I've been pretty strong on that point of view, and I'm not sure ultimately that we've given sufficient direction of what we want staff to work with, and a lot of that stuff gets done at the Land Use Advisory Board.

The starts that get done, where we go, the direction usually gets done with the -- with these people that represent us, and then we see it after it's been tossed and turned and made at a lower level than us.

So I'm still -- I'm still uncertain about making those changes. I would -- but I'm very interested in what we will be working on, and I appreciate the diversity of people's opinions in there, and if it's not easy for staff, well, welcome to life, and so I -- I'm still unsure.

And I think, Commissioner Aaronson, maybe we do need to have some, you know, chew on this for awhile again, and I don't know. I'd be willing to have seven people have discussion 'cause we have not -- this is the first time we've publicly done this, right? Have we -- this is the first time we --

CHAIRPERSON GREENE: This is the first reading.

MS. ALTERMAN: Well, this is -- you did have --

VICE CHAIRMAN KOONS: Well --

MS. ALTERMAN: -- a preliminary reading.

VICE CHAIRMAN KOONS: -- internally we've been talking about it for --

MS. ALTERMAN: We've been talking about it for quite awhile.

VICE CHAIRMAN KOONS: -- 18 months, but this is the first time we had a public discussion on it.

MS. ALTERMAN: And we have had discussions with -- as Mr. Hall indicated, Land Use Advisory

Board and the LDRAB committee, and let me just say --

VICE CHAIRMAN KOONS: Well, I actually went to one of their meetings a couple months ago.

MS. ALTERMAN: And you did hear that discussion.

VICE CHAIRMAN KOONS: Yeah.

MS. ALTERMAN: And, of course, this is part of a whole process that Planning, Zoning and Building has been going through to kind of downsize, and, as you say, kind of turn the battleship around a little bit.

We have eliminated the Board of Adjustment and combined their responsibilities with the Zoning Commission so that we've eliminated that board.

We did downsize the LDRAB committee that hears the Code amendments.

VICE CHAIRMAN KOONS: Uh-huh.

MS. ALTERMAN: It still is a large committee, but we did downsize that, and the reason that stayed as big as it was is because there were specific industry representatives on that that we agreed to.

So this is not -- certainly not singling out any single board. It's part of a process that we're trying to go to.

We even eliminated the Code Enforcement Board and went to special masters.

VICE CHAIRMAN KOONS: Uh-huh.

MS. ALTERMAN: So, again, it's just part of a process that we've been trying to go to.

VICE CHAIRMAN KOONS: I'm -- I'm still -- I'll be honest with you, I 'm still -- and you and I have had this discussion, senior County staff. Most people in the Land Use Advisory Board have seen me publicly or privately over the last 18 months expressing reservations about lowering the size and felt that the size matters and the opinions matters, and those -- they have those certain skill sets that they want to carry forward that might not be available on a smaller board.

I think the Board is -- I don't want to sound dumb and -- it's seven plus two plus one, is that what it is, or it's seven --

MR. Mac GILLIS: A total of 15 regular members.

VICE CHAIRMAN KOONS: Fifteen? I mean what -- what --

MR. BANKS: That board is two member -- two appointees by each commissioner and one at large appointee.

VICE CHAIRMAN KOONS: Okay.

MR. BANKS: The new board would be one appointee per commissioner and two at large appointees.

VICE CHAIRMAN KOONS: And the School Board?

MR. Mac GILLIS: And the School Board.

MR. BANKS: The School Board member does not count in the 15, and it's just a requirement in the State Statute that you have to, you know, have to in your -- for your land use -- for your local planning agency you have to give the School Board the opportunity if they choose to have a representative who sits up with the board.

It does not count as part of the voting membership, and, frankly, the School Board member, although they attend, they never sit up at the dais with the board, and it's just in the ordinance because the statute says that you have to have a non-voting School Board member if you --

VICE CHAIRMAN KOONS: Let me ask an opinion.

If we wanted to have seven members and have this discussion before we initiate it, what would be the next date --

MR. BANKS: What we should do is -- I would recommend you approve it at first reading and then bring it back, and then it would go with the packet to the second public hearing.

If the Board doesn't want to take action, they can take it out at the second public hearing. That --

COMMISSIONER AARONSON: For what you're suggesting --

MR. BANKS: And that's what the commissioner's motion was, Commissioner Aaronson.

COMMISSIONER AARONSON: Just a suggestion, recommend a motion to approve on first reading and advertise for adoption on January 24th, 2008, at 9:30 a.m.

MR. BANKS: Right.

COMMISSIONER AARONSON: Which gives the opportunity --

MR. BANKS: And that way the Board as a full Board --

COMMISSIONER AARONSON: -- to come back with full seven members here on January 24th.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER AARONSON: And that would be my motion.

VICE CHAIRMAN KOONS: Okay. Now, let me ask a question.

Staff, you met with all the commissioners on this? Have you spent time --

MS. ALTERMAN: Yes, we have.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER AARONSON: Well, there's a motion -- I made a motion. Has anybody seconded it?

COMMISSIONER MARCUS: I have some questions.

CHAIRPERSON GREENE: Commissioner Marcus seconds with questions.

COMMISSIONER MARCUS: Okay. I second with questions.

It's troubling to be sitting up here having to have this conversation with folks who want to participate.

One of the things that I had heard is that of the 15 members you rarely get all 15. So could someone provide us with that information of how, you know, what type of participation we are getting with the number 15, as opposed to -- that was just an issue that was raised with me.

With the Zoning Commission apparently all seven show up or however many, seven show up --

COMMISSIONER AARONSON: Well, there should be an attendance record.

COMMISSIONER MARCUS: Right, I understand that. I'd like to see it because I was told that not all 15 show up, anyway --

COMMISSIONER AARONSON: And I would like the people that --

COMMISSIONER MARCUS: -- and I also would like to know -- yeah.

And I would also like to know what hours they operate. The Zoning Commission usually gets in at 9:30, and they're done, and the public feels like they have an opportunity, at least, to participate.

I'd like to know what the general schedule is of the Land Use Advisory Board in terms of when they show up at 9:00, they -- done at noon, no matter what, have they set that type of a schedule and things like that.

And maybe nine's not the perfect number, maybe 15's not the perfect number. Maybe 13's a better number.

So I think we have the opportunity to have some of that discussion, too, because I'm sort of like Commissioner Koons. I'm sort of here and I'm there, so at least if we have a full Board -- but I would really like to have that kind of information to see what we're talking about.

CHAIRPERSON GREENE: Okay. We have a motion on the floor. Motion by Commissioner Aaronson, second by Commissioner Marcus, first reading.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MR. Mac GILLIS: That adoption hearing will be January 24th, 2008, just for the record.

CHAIRPERSON GREENE: Thank you.

CHAIRPERSON GREENE: Come back to Item 17, E.17.

MR. Mac GILLIS: Item 17 and Item 18 are related petitions so if it's the pleasure of the Board I'll -- we'll have staff present them together.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Item 17, the applicant is proposing to delete 8.93 acres of a civic site from the PUD and add it on to the application 18 on a -- which is a -- currently an 11.52 vacant site to support an existing church.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I have a letter here from Sherry Scarborough, president of the West Boca Community Council.

"Unfortunately, I'm unable to attend this morning's meeting as I have a prior commitment; however, the council would like to share our thoughts and support to St. John's zoning request. We have met and spoken with surrounding communities which have no objection to the request. Further, we know St. John's to be a good neighbor and look forward to a long relationship with them. We respectfully request your support on this zoning request."

I am going to -- from what I've heard, staff doesn't vehemently object to this. It's just a matter of amending -- Bishop Gerald Barbarito wants to -- we're deleting this from the PUD; correct?

MR. Mac GILLIS: Correct, Item 17 --

COMMISSIONER AARONSON: Okay.

MR. Mac GILLIS: -- would be deleting nine -- 8.93 acres, which is --

COMMISSIONER AARONSON: Right.

MR. Mac GILLIS: -- the civic site in the PUD.

COMMISSIONER AARONSON: Which is a civic site, but which is owned by the church.

MR. Mac GILLIS: Correct.

COMMISSIONER AARONSON: Correct.

MR. Mac GILLIS: Supports a church currently.

COMMISSIONER AARONSON: So --

COMMISSIONER MARCUS: But the staff's not recommending that.

MR. Mac GILLIS: No.

COMMISSIONER AARONSON: No, the staff is not recommending it, but they are not really fighting. They don't want to set a precedent. That's basically what it is.

The fact is I can see the value in having the church expand, and I think that the staff realizes that, as well.

So I am going to make the motion to adopt a resolution, not denying a development order, but approving a development order amendment.

That's my motion.

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

VICE CHAIRMAN KOONS: I'm -- I'll second for discussion.

CHAIRPERSON GREENE: Second by Commissioner Koons.

VICE CHAIRMAN KOONS: We don't have any cards.

CHAIRPERSON GREENE: No.

COMMISSIONER MARCUS: No.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER MARCUS: Can we get to hear from staff?

VICE CHAIRMAN KOONS: Pro-con.

COMMISSIONER MARCUS: Is there serious stuff here or --

MR. Mac GILLIS: Under the development order amendment there's criteria set up in the Unified Land Development Code that the applicant must comply with.

Staff found that the criteria consistent with the Code and changed circumstances were not met; therefore, staff has to recommend denial on the request.

It was our professional opinion that the acreage -- the vacant parcel should have been -- the 11.52-acre parcel should have been added onto the civic site and remain in the PUD to maintain the integrity of the overall planned development because you've seen planned developments come here in the past where they're trying to delete or reconfigure, which is not consistent with the original approval.

So staff's professional opinion was that it could have been left in the planned development, accomplished everything they're trying to do and

maintain the integrity of the overall planned development.

VICE CHAIRMAN KOONS: Okay. What does that mean in real language?

COMMISSIONER MARCUS: It means that they've been a part of the HOA --

MR. Mac GILLIS: Well, what they're proposing to do is delete the civic pod --

VICE CHAIRMAN KOONS: Yeah.

MR. Mac GILLIS: -- and add it onto the other vacant parcel and take it all out of the PUD, and it means reconfiguring, you know, that's what they're in here, the development order, to reconfigure the master plan for the planned development and so on and so forth.

So it would have been much cleaner to do it leaving it in the PUD and meet --

COMMISSIONER AARONSON: But it --

MR. Mac GILLIS: -- and they would have clearly met all the criteria in staff's opinion.

COMMISSIONER AARONSON: But it harms no one doing it this way.

MR. Mac GILLIS: No, but it's staff opinion it doesn't meet the Code.

COMMISSIONER AARONSON: Okay. And there are times that the Code was written -- at the time it was written, yes, this is not to the letter of the law, but it does serve a purpose for the community; correct?

MR. Mac GILLIS: That's correct.

COMMISSIONER AARONSON: And I think, once again, we had a Hindu church here, and we were doing things to make that -- I believe that more people and the expansion of churches and synagogues and temples benefit the public.

MR. BANKS: By certifying the application staff made a finding that if the applications technically met the Code -- otherwise, the application couldn't have been certified, so.

So I think they're saying it doesn't fulfill the kind of -- the purpose of the Code, but it did technically meet the requirements of the Code.

COMMISSIONER AARONSON: Exactly.

COMMISSIONER MARCUS: Madam Chair.

COMMISSIONER AARONSON: So that's my motion.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Well, what I was advised was that when -- it's been previously part of the HOA and there weren't any issues with them being part of the homeowners association. I guess that's been their reluctance to stay within the PUD, is they didn't want a homeowners association dictating to them.

So they're going to try and -- through this we will carve them out of their original PUD approval and then put -- could I see a little bit of a presentation by you if you don't mind, Commissioner Aaronson, just so I understand.

I don't want to read about this or have something come back later where we haven't paid attention.

MS. COLOME: My name's Liz Colome. I'm agent for Bishop Barbarito -

COMMISSIONER MARCUS: I'm going to have the staff --

COMMISSIONER AARONSON: Could you pull your microphone down?

COMMISSIONER MARCUS: I'm going to have the staff right here do the presentation.

MR. ROBINSON: I have a PowerPoint here that shows --

COMMISSIONER MARCUS: Okay. That would be great. Thank you.

MR. ROBINSON: Wendy, if you -- this is the overall MUPD with the -- I'm sorry, the PUD, with the orange is the current church.

COMMISSIONER MARCUS: The orange is the current church? Okay.

MR. ROBINSON: The orange is the current church here, and this is the parcel that they are in question that -- that they want to combine with.

The orange right here (indicating) where the laser is is the church in which they want to carve out of the PUD.

COMMISSIONER MARCUS: Okay.

MR. ROBINSON: Wendy, go to the next slide, please -- the next one. Okay.

This one right here is the overall PUD without the church and where the boundary starts here (indicating).

COMMISSIONER MARCUS: I see.

MR. ROBINSON: And that's --

COMMISSIONER MARCUS: And what's that top thing up there?

MR. ROBINSON: Here (indicating)?

COMMISSIONER MARCUS: Yeah.

MR. ROBINSON: That's the commercial pod within the PUD.

COMMISSIONER MARCUS: So that's in the PUD?

MR. ROBINSON: Correct. The red line right here is the border which would be the new border of the PUD, the red boundary, once that -- the church parcel was taken out.

COMMISSIONER MARCUS: So we're not concerned that the commercial part of the PUD will come in and say, well, you took them out?

MR. ROBINSON: The commercial part was deleted in --

COMMISSIONER MARCUS: Oh, it's already been deleted?

MR. ROBINSON: It's been deleted, yes.

COMMISSIONER MARCUS: So it's not even in there, anyway. It's all -- now this will make this whole PUD all residential?

MR. ROBINSON: Yes.

COMMISSIONER MARCUS: Without the church --

MR. ROBINSON: Yes.

COMMISSIONER MARCUS: -- without the civic and without the --

MR. ROBINSON: Yes.

COMMISSIONER MARCUS: -- commercial.

When did we take the commercial out?

MR. ROBINSON: '96.

COMMISSIONER MARCUS: And why did we do that?

MR. ROBINSON: It was --

COMMISSIONER MARCUS: Same reason? They didn't want to be part of the HOA?

MR. ROBINSON: Correct.

MR. Mac GILLIS: A lot of these larger planned developments, when the commercial was located on the perimeter off the planned development, it was so large, it wasn't accommodating the general population of the planned development, but a larger district; therefore, staff on many occasions recommended, or the agent came in and requested it to be deleted and get commercial high land use designation.

COMMISSIONER MARCUS: This is a 1983 PUD that was approved?

MR. ROBINSON: Correct.

COMMISSIONER AARONSON: The problem is that the church does not want to be under the --

COMMISSIONER MARCUS: No, I --

COMMISSIONER AARONSON: -- rule of the homeowners association.

COMMISSIONER MARCUS: I understand. I was just trying to figure out what the full impacts would be, but this is an older PUD where we should have put all this stuff in the middle and built the stuff around it, and we tried to do it so we capture trips and all that stuff, and instead the neighbors didn't want it so we put it on the outside, and it really didn't do what it was supposed to do.

Thank you very much.

VICE CHAIRMAN KOONS: Are there any access issues, any outstanding issues with the adjacent neighborhood that they might wish -- they might -- that's why we're not seeing anybody here.

So access issues, new church parking, new access to the adjacent roads, that's all worked out?

COMMISSIONER AARONSON: There's no objection to anything.

MS. KWOK: No.

CHAIRPERSON GREENE: Before we vote, do disclosure.

Commissioner Aaronson.

COMMISSIONER AARONSON: Well, naturally they have spoken to me about it.

CHAIRPERSON GREENE: I haven't spoken to anyone.

Commissioner Koons?

VICE CHAIRMAN KOONS: Just staff.

COMMISSIONER MARCUS: I haven't talked to anybody.

CHAIRPERSON GREENE: Okay. We have a motion on the floor.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

COMMISSIONER AARONSON: Okay. And then on 18 I will make a motion to -- by the way, the Zoning Commission on 18 recommended the approval, seven to nothing, in spite of the staff's recommending denial.

But as I said, staff recommended denial only because of the way the Code was. They really do not have a total objection to the project; correct?

MS. Mac GILLIS: That's correct.

MS. ALTERMAN: Yes. Mr. Chairman, let me -- Madam Chair, I'm sorry.

Commissioner Aaronson, let's make -- the staff doesn't object to the church at all. It's a process issue and how --

COMMISSIONER AARONSON: I understand.

MS. ALTERMAN: -- they're handling it and meeting the Code, and that's -- that's the issue.

COMMISSIONER AARONSON: I understand. So I will make a motion on 18 to adopt a resolution, not denying -- well, what do you want me to -- how do you want me to --

MR. Mac GILLIS: Approving.

MR. BANKS: To approve.

COMMISSIONER AARONSON: To approve an official zoning map amendment from the Residential Transitional Suburban Zoning District and the Agricultural Residential Zoning District to the Residential Transitional Zoning District and also 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 Aaronson.

VICE CHAIRMAN KOONS: I'll second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Before we take the vote we need a disclosure again.

COMMISSIONER AARONSON: I --

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: -- spoke to everybody.

CHAIRPERSON GREENE: Not to me.

Commissioner --

VICE CHAIRMAN KOONS: Not to me.

COMMISSIONER MARCUS: Nothing.

CHAIRPERSON GREENE: Okay. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MR. Mac GILLIS: That'll bring us to No. 19 and --

CHAIRPERSON GREENE: Item 19.

COMMISSIONER MARCUS: Madam Chair, I'd move the staff recommendation on 19, which is a -- to approve the request from the Planned Industrial Park Zoning District to the Ag Residential Zoning District and to convene a second hearing on January 24<sup>th</sup>, '08.

VICE CHAIRMAN KOONS: Second.

Can we discuss this for a couple of hours just for déjà vu?

CHAIRPERSON GREENE: No.

COMMISSIONER MARCUS: We are -- we are taking back the --

VICE CHAIRMAN KOONS: I just wanted to --

CHAIRPERSON GREENE: Okay. The motion by Commissioner Marcus, second by Commissioner Koons. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it -- oh, disclosure.

COMMISSIONER MARCUS: No.  
VICE CHAIRMAN KOONS: Oh, no.  
CHAIRPERSON GREENE: No, no.  
VICE CHAIRMAN KOONS: Thank God, no.  
CHAIRPERSON GREENE: Okay. Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

COMMISSIONER MARCUS: Madam Chair, I'd move the staff recommendation on Item No. 20, Z2007-1083, and the motion would be to recommend approval of the request from the Public Ownership Zoning District to the Preservation/Conservation Zoning District and to convene a second hearing on January 24<sup>th</sup>, '08.

VICE CHAIRMAN KOONS: Where is this?

COMMISSIONER MARCUS: This is the same thing.

VICE CHAIRMAN KOONS: Same thing?

MS. KWOK: Yes. This is the multi accessory use site for the FPL, you know, infrastructure site --

COMMISSIONER AARONSON: Second.

MS. KWOK: -- and it's located west side of Seminole Pratt Whitney.

VICE CHAIRMAN KOONS: Okay. So it's just a  
28 --

MS. KWOK: Acre site.

VICE CHAIRMAN KOONS: -- acres -- okay.

MS. KWOK: Right.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: You heard the motion by Commissioner Marcus.

COMMISSIONER AARONSON: Yeah.

CHAIRPERSON GREENE: Second by Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah.

CHAIRPERSON GREENE: Do disclosure again. Commissioner Aaronson.

COMMISSIONER AARONSON: No.

CHAIRPERSON GREENE: No for Greene.

Commissioner Koons.

VICE CHAIRMAN KOONS: No.

COMMISSIONER MARCUS: No.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

CHAIRPERSON GREENE: That is it. Any comments from the commissioners?

VICE CHAIRMAN KOONS: Yeah, I've got one comment.

Madam Chair, I'm serving on the Strategic Aggregates Review Task Force. This is my briefing book of December 18<sup>th</sup> through the 20<sup>th</sup>. This was appointed by the State legislature, and I put a series of things in front of you that was basically four items.

One, it's the State law that we're acting under; two, it's the members of the Aggregate Review Task Force; three, it's a series of datas [sic] that we've received that are available on websites; and, four, there was a discussion that I had discussions with staff about the possibility of Palm Beach County looking at a process that may address our particular basin in terms of a -- of a -- of a zoning review process.

There might be a -- some kind of process we could take to this Board with all public input going forward that we might address our particular basin.

What's clear to me, and I want you to see who's on this Board, is there's going to be legislation that's going to have public access to certain rock formations in the State. And rock formations in the State are basically the aggregate and where it is, the limestone rock, and it's very specifically located in only 11 counties, and the -- the mines that have -- are in the permitting process in the County, one that's

through and two through there are where the rock is in Palm Beach County. So that's a given.

The question that we've had and the discussions we've had with the Planning staff and the Board is here, what happens on the regulatory side of this after we do our approval process.

And I think what's interesting is the DEP people and the DCA people also serve on this board, and I think we could come up with a process that would allow us to come up with our local concerns and ask the regulatory agencies to come in with -- I'm calling it a fatal flaw analysis that would come up with the regulatory environmental problems that we perceive and we want addressed, and the permitting process can go through and address those things, so we would come up with our own fatal flaw.

So -- and what was interested in this committee is we were formed up and we meet, and our report's due at the end of this month, and it's going to the legislature, and they're going to take action on it.

And so I was just asking staff, and I met with senior county staff, DERM people, legal, Zoning and also senior county staff to see if we might see a process that we could define that would particularly affect this basin, and the basin I'm talking about is the EAA.

So -- and we have to do something, I think, we're -- or it's going to be done to us.

So I just wanted staff to be able to work and bring something back on a process that would define the zoning process they would go through and then define the regulatory review process, and basically what I'm saying is let's take what Ken Todd found out and --

CHAIRPERSON GREENE: Time?

COMMISSIONER MARCUS: I did. I put him on a clock. I gave him his three minutes. You told me.

VICE CHAIRMAN KOONS: Yeah. Okay.

And that's what I'm asking for. So staff could come back on the 15<sup>th</sup> and lay this out, and I'm going to the next meeting on -- in Miami, and we're going to talk about it.

So I'm asking -- staff and I have talked about what process we could go through.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: And I know that Commissioner Koons will meet with some of the other interested parties --

VICE CHAIRMAN KOONS: Yeah.

COMMISSIONER MARCUS: -- before we even come up with a plan because what happened to us before was there was not input into the information that we got before, and I think there

needs to be -- it needs to be created together, as opposed to presented to other people.

And the other thing is this is -- this is so typical Florida. We have something that we have to rush because of whatever reason without the information of -- okay, so how much would it cost us to get rock from somewhere else as opposed to -- you know, what is the sustainability of holes in the ground throughout Florida?

You know, maybe it's better some places than others, and none of that information is available. It's just DOT sharing a committee because they want to build roads when we really ought to be going on trains.

VICE CHAIRMAN KOONS: Let me answer -- I -- there's very specific rock formations in very specific locations in other counties. The rock in Palm Beach County is in the EAA, and it's accessible basically by a railroad network.

Other rock formations in different parts of the State have completely different environmental impacts than we have. Ours is unique. So all we would do is this is us. Here's our process. Here's what we've identified as a fatal flaw.

The regulatory agencies -- and -- and what Ken Todd basically said, and the regulatory agencies that sit on this committee with us is saying yeah, we could come to you and identify the future flaws, allow the regulatory environmental permitting process to go through its process and have it subject to a conditional zoning that you would take a look at going forward.

COMMISSIONER MARCUS: So do the regulatory first before you do the zoning?

VICE CHAIRMAN KOONS: Yeah, but you could go through the zoning process and identify your local concern that you have.

I have an infrastructure need problem, okay, and there's some needs that we have as a local county. The rock is where it is. That's a fact. When it's all over, what are the regulatory impacts?

COMMISSIONER MARCUS: But no -- no other county is part of the last remaining CERP location, either.

VICE CHAIRMAN KOONS: That's very clear, and it -- and to be honest with you, Lee County's got major issues. Some of the other rock is in the Suwanee River in terms of environmentally sensitive springs. Everybody's got a different environmental impact.

The regulatory process that these mines would go through would be very dramatic, as Ken Todd had said, and they're going to have to solve the Army Corps and the Water Management District and DEP.

All we would do is say okay, if they solve those problems, if we're okay, then it would catch up with our zoning.

COMMISSIONER AARONSON: Being that we just spent \$377,000 for somebody from the Army Corps of Engineers is there any possibility of getting them to work a little faster to give us information?

COMMISSIONER MARCUS: We -- just so you know, we're still working on the Summit in February. We're communicating directly with Colonel Groskof (ph) to have him here, as -- he's the one that gave us the stuff for hiring somebody to get stuff done faster.

VICE CHAIRMAN KOONS: What I hope to do is in February when we have the mining stuff, is this process --

COMMISSIONER AARONSON: What you hope to do or what we hope to do?

VICE CHAIRMAN KOONS: Well, I know what I'm going to do. I know what this committee's going to do. I think they're going to say hey, there he is. They want to look at a regulatory --

COMMISSIONER AARONSON: I want -- Jeff, what I would like to see is -- you're working, you and Karen are working on trying to bring the colonel here.

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER AARONSON: I want a commitment. We just voted, I didn't, but we voted to give \$377,000 to the Corps of Engineers. I think the colonel could come here to address us directly as to what we're getting for our money.

VICE CHAIRMAN KOONS: Well, he can do that when we meet, but all I'm looking for today is ask staff --

COMMISSIONER AARONSON: What happens if he doesn't come?

VICE CHAIRMAN KOONS: Well, he told Karen -

COMMISSIONER MARCUS: He's been working very well with the staff. We said pick the day in February, and we will accommodate, other than Board meeting days, and so they've been very receptive to that.

COMMISSIONER AARONSON: I'm looking forward to the meeting.

VICE CHAIRMAN KOONS: I didn't want to surprise anybody. We had our meeting. We meet next week. We meet the week after that, the week after that, and then we give our report to the legislature.

COMMISSIONER MARCUS: You need to meet with --

VICE CHAIRMAN KOONS: And I'm going to meet with all the entities. I'm just asking that staff could lick -- could look at a process --

CHAIRPERSON GREENE: You all right?

VICE CHAIRMAN KOONS: Well, anyway --

COMMISSIONER AARONSON: She's choking, so -

VICE CHAIRMAN KOONS: Yeah. And I -- I just make a comment.

I think Barbara's comfortable about the finding a process. I will be as open and inclusive as I possibly can. Nobody should be surprised, but I think our existing zoning process could accommodate and define the regulatory review process we want and have our zoning approval subject to that going forward, which shouldn't scare anybody.

Yes, Barbara.

MS. ALTERMAN: If I may, I think part of where the staff was heading in this is we had had direction from the Board to have South Florida Water Management District review these mines up front and give us some opinions about environmental issues that they might encounter, and, of course, we know that they decided that that's not appropriate for them to be doing.

So what we were trying to do is duplicate that kind of -- and I think Commissioner Koons has termed it the fatal flaw process so that an environmental agency, maybe DEP, maybe whoever is appropriate, would do a preliminary review like we had asked the Water Management District to do up front so that when you give an approval, you at least have some assurances or some comfort level that what you're doing is not going to be dangerous to the environment, and then you could give your approval.

It would still have to go through all of the permitting processes, but if there's something identified up front that's a major problem, that would have to be addressed before you would even -

VICE CHAIRMAN KOONS: Correct.

MS. ALTERMAN: -- give your zoning approval.

COMMISSIONER AARONSON: Well, one of the ways to do it is to take the least likely to damage anything --

VICE CHAIRMAN KOONS: Correct.

COMMISSIONER AARONSON: -- environment, and do those first, but we need experts to go ahead and do it, and the fact is that -- if that's what you're working on, fine.

VICE CHAIRMAN KOONS: Here's the deal. The -- we appointed the chairman of our task force, is a member of the South Florida Water Management District. Okay. So he -- he's there, and, you know, we had this discussion with them. They understand the mining.

I understand the mining issues from the -- from the Water Management point of view is they've got Lee County, most of their rock is underwater. Okay. Our rock is drained, you know, so -- so that's -- I just want to do our basin.

I can't solve the world's problems. I can just -- I can -- what we could do to be able to take a look at it, going to go forward.

I think that the -- that the two -- the two petitioners would work with us. I think that we could define a process, and then we would take this going forward, discuss it at our workshop.

I would try and share this and find out the regulatory agencies, DCA and DEP, and see if they'd be comfortable with this process so we could at least say, hey, here's what we think would work for our particular basin here through our existing zoning process, identification of the environmental fatal flaws, and those would have to be solved before anything happened, they would begin the mining process.

So I'm just asking staff to work with us and be able to identify maybe a process that we would come back whenever they've got any data, we would share it, and it would be obviously a preliminary draft.

COMMISSIONER AARONSON: And here's a perfect example -- and I agree with you that staff should work with you, but here's a perfect example of piling more things on staff, and when somebody makes a comment that they think that staff is not doing their job and Barbara's not doing their job and they're not happy with the job they're doing, the more we pile on, the more people are going to say that other things are being neglected.

And I'm not disagreeing with you.

VICE CHAIRMAN KOONS: Yeah.

COMMISSIONER AARONSON: I'm just stating fact.

VICE CHAIRMAN KOONS: Well, this is -- this is here, and this is now.

Now, when I came back from my meeting, Barbara happened to bring senior county staff. We kind of went, well, how about -- and they went, yeah, we can do this.

So I'm not trying -- I'm not forcing anything. They've been thinking about how this could work.

I'm not trying to solve the rest of the world's problems. I just want to address our particular basin that we have here with our two mines coming through it and also the process on the existing mines are going through the expansion process, so we 're able to allow them to go through if they haven't identified any fatal flaws.

So if staff could work with me, I'll be really happy.

CHAIRPERSON GREENE: Okay. Commissioner Marcus, you wanted to make comments about MLK.

COMMISSIONER MARCUS: Oh, yes, Madam Chair.

I think it's -- probably makes some sense for us to have the staff draft a letter for your signature to probably --

VICE CHAIRMAN KOONS: FP&L.

COMMISSIONER MARCUS: Yeah, who -- gosh, Rod Macon, perhaps, at FP&L and let him know that this full Board is very interested in working with the City of Riviera Beach on the alternate MLK Boulevard routing, and that we expect that they'll do that with us.

So maybe the staff can draft or -- a letter. Maybe Randy Whitfield could draft a letter for the Chair's signature.

CHAIRPERSON GREENE: And I'd like to know exactly what they're doing because when I saw those big pipes --

COMMISSIONER MARCUS: Yeah. We could maybe ask -- have Randy ask that in a question. We notice that you are putting up major power lines, new power lines in the area that we're talking about --

CHAIRPERSON GREENE: Right.

COMMISSIONER MARCUS: -- doing this alternative road, and, you know, we weren't advised of this.

CHAIRPERSON GREENE: No.

COMMISSIONER MARCUS: We just all found out by driving by it.

CHAIRPERSON GREENE: I just happened to see it.

VICE CHAIRMAN KOONS: It's not that we haven't asked this for the last 15 years.

COMMISSIONER MARCUS: Right. So, yeah, a letter would be great.

So I'd make that motion.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Motion by Commissioner Marcus, second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MS. ALTERMAN: Madam Chair, can I just clarify?

Maybe I can just talk to Commissioner Marcus about exactly -- since I know nothing about it, I just want to make sure that I'm getting this to the right people and they know what this is, what the issue is and what you're supporting.

COMMISSIONER MARCUS: Randy Whitfield.

MS. ALTERMAN: Randy knows about it?

VICE CHAIRMAN KOONS: Yeah, we'll do Randy and also the RPC, some of their letter --

COMMISSIONER MARCUS: Well, no, the -- Randy can help draft the letter.

CHAIRPERSON GREENE: Right.

COMMISSIONER MARCUS: He knows what we're trying to say.

MS. ALTERMAN: He knows -- okay.

COMMISSIONER MARCUS: Yes.

CHAIRPERSON GREENE: Okay. There no other questions -- Mr. Attorney, no comments?

Motion to adjourn.

(Whereupon, the meeting was concluded at 11:10 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 46, 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 16th day of January, 2008.

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Sophie M. Springer, Notary Public.