

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, January 25, 2007
9:35 a.m. - 11:15 a.m.
301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th Floor
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

A T T E N D E E S

Addie L. Greene, Chairperson
John F. "Jeff" Koons, Vice Chairman
Karen T. Marcus, Commissioner

Burt Aaronson, Commissioner
Warren H. Newell, Commissioner
Mary McCarty, Commissioner
Jess R. Santamaria, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Ora Owensby, Senior Planner, Zoning

Carrie Rechenmacher, Senior Planner,
Zoning

Anthony Wint, Site Planner II, Zoning

Barbara Pinkston-Nau, Principal Planner,
Zoning

William Cross, Senior Planner, Zoning

Bob Banks, Assistant County Attorney

Isaac Hoyos, Principal Planner, Planning

Bryce Van Horn, Senior Planner, Planning

Bryan Davis, Senior Planner, Planning

Ken Rogers, Director, Land Development
Division

Jim Choban, Engineering Dept.

Terry Verner, Code Enforcement

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Courtney Shippey, Health Department

Michael Owens, School Board Rep.

Julie Burns, 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.

MR. Mac GILLIS: Good morning.

CHAIRPERSON GREENE: The meeting will be called to order at 9:35.

We have roll call, opening prayer, Pledge of Allegiance by Commissioner Koons.

VICE CHAIRMAN KOONS: Okay. I guess we're all set for roll call; right? We're doing that by -- okay. If you can stand for the prayer and the -

COMMISSIONER AARONSON: Did you call the roll?

VICE CHAIRMAN KOONS: But she's got it like this.

COMMISSIONER AARONSON: She's got to call the roll.

CHAIRPERSON GREENE: I said roll call.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.
CLERK: Commissioner Koons.
VICE CHAIRMAN KOONS: Here.
CLERK: Commissioner McCarty.
COMMISSIONER McCARTY: Here.
CLERK: Commissioner Marcus.
CHAIRPERSON GREENE: Here.
CLERK: Commissioner Newell.
COMMISSIONER NEWELL: (No response)
CLERK: Commissioner Santamaria.
COMMISSIONER SANTAMARIA: Here.
CHAIRPERSON GREENE: Let me ask you a question. Am I supposed to do this from now on?
VICE CHAIRMAN KOONS: It's some note.
MS. ALTERMAN: It's just for your information.
CHAIRPERSON GREENE: Oh. Thank you.
(Whereupon, the prayer and Pledge of Allegiance were given.)
CHAIRPERSON GREENE: Oh, I see what this is, this is just to let me know that Commissioner Marcus will be leaving at 11:15 and Commissioner McCarty will be leaving at 11:30. Thank you.
CHAIRPERSON GREENE: Do we have proof of publication, please?
MR. Mac GILLIS: Yes, Ma'am.
COMMISSIONER MARCUS: Move to receive and file.
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, 6-0.
Mr. Attorney, we have 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: Thank you.
Motion to approve adoption of agenda.
COMMISSIONER MARCUS: Move adoption.
VICE CHAIRMAN KOONS: Second.
CHAIRPERSON GREENE: You've heard the motion to approve the adoption by Commissioner Marcus, seconded by Commissioner Koons.
Ready for the question.
All in favor.
COMMISSIONERS: Aye.
CHAIRPERSON GREENE: All opposed.
(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

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

MR. Mac GILLIS: Yes, Madam Chair. Postponements are found on Page 1 through 3. I'll just go through them one by one 'cause there are some minor changes.

Item 1, Item 2, Item 3, Item 4.

Item 5 will be postponed or remanded back to the DRO for the February 14th meeting.

Item 6, Item 7, and we're adding Item 8 found on Page 4, the Hippocrates PUD. They're requesting a postponement 'til February 22nd meeting.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Those are the only changes.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: Move adoption.

CHAIRPERSON GREENE: There's been a motion by Commissioner Marcus.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Seconded by Commissioner Koons.

COMMISSIONER MARCUS: For approval.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

CHAIRPERSON GREENE: Consent agenda.

MR. Mac GILLIS: It begins on Page 5. I'll go through them item by item.

Item 9, there's a minor amendment Engineering would like to read into the record on this item.

MR. CHOBAN: And that would be the impact fee. Rather than one times, the impact fee should be 1.5 times the impact fee they're going to be

required to pay, and that is, I believe, Condition E.2.

CHAIRPERSON GREENE: What did he say? I didn't hear a word you said.

MR. CHOBAN: Condition E.2 for the Sykes Commercial, the impact fee is listed as one times. The impact fee should be 1.5 times the impact fee.

It's just a --

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Brings us to Item 10, Item 11, Item 12. There are amended conditions on this on the add and delete.

Item 13 --

CHAIRPERSON GREENE: Commissioner Koons.

COMMISSIONER AARONSON: Hold on one second.

CHAIRPERSON GREENE: Aaronson.

COMMISSIONER AARONSON: Madam Chair, Item 12 is not in District 3 and 5. I think staff by this time should know where three and five is.

MR. Mac GILLIS: Sorry for that.

Item 13, Item 14, Item 15, Item 16, Item 17.

That concludes the consent agenda.

COMMISSIONER MARCUS: Move adoption of the consent agenda.

CHAIRPERSON GREENE: You've heard a motion to approve the consent agenda by Commissioner Marcus.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Seconded by Commissioner Koons.

Ready for the question.

MR. BANKS: Are there any disclosures for the consent agenda?

COMMISSIONER MARCUS: No.

VICE CHAIRMAN KOONS: I met with Sykes over a period of time but not recently, Sykes property.

COMMISSIONER MARCUS: Madam Chair, I didn't meet with anybody.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Madam Chair, I'm not aware of any meetings I've had with any - on the consent.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Over time I've probably met with -- I don't know. You want to go one by one and see who we've met with?

VICE CHAIRMAN KOONS: I just referenced the consent agenda, so the one over a period of time, so you want to notice the --

COMMISSIONER AARONSON: Well, I met with the Rainberry, on three on occasion, on five. That 's it.

CHAIRPERSON GREENE: Commissioner McCarty.
I'm looking.
COMMISSIONER McCARTY: No, I don't think
so. Nobody wanted to talk to me this time.
CHAIRPERSON GREENE: Commissioner Koons.
VICE CHAIRMAN KOONS: Sykes the only one.
CHAIRPERSON GREENE: Commissioner Marcus.
COMMISSIONER MARCUS: None.
CHAIRPERSON GREENE: Commissioner
Santamaria.
COMMISSIONER SANTAMARIA: None.
CHAIRPERSON GREENE: And I don't think I
have. Okay.
We were ready to vote on the consent
agenda.
Ready for the question.
CHAIRPERSON GREENE: All opposed.
(No response)
CHAIRPERSON GREENE: All -- there was a
motion by Commissioner Marcus?
COMMISSIONER MARCUS: Yes.
CHAIRPERSON GREENE: Okay.
Ready for the question.
All opposed.
(No response)
CHAIRPERSON GREENE: Ayes have it, 7-0.
Okay.

MR. Mac GILLIS: That brings us to Page 9
on the agenda, Item No. 18, the 2006-002 round of
Unified Land Development Amendments.

The Board gave permission for first
reading on January 4th, 2007, and there was two
issues raised by the commission at that -- or one
issue raised by the commission regarding electric
power facilities.

Staff on Page 218 has provided additional
text language, and Barbara Pinkston Nau will go
over those changes with the Board.

MS. PINKSTON-NAU: At the last meeting we
were directed to clarify some of the standards,
and what we did, we met with representatives from
Solid Waste Authority, as well as the Health
Department, and we formulated some additional
standards.

We also circulated these to the folks that you asked us to send it to, and everybody was happy with the language that we added.

The language that's shown as being underlined was the language that existed at first reading. The items that are shown as being stricken existed at first reading, but we took them out to make it read better, and the underlined language is language that we added based upon Board direction.

CHAIRPERSON GREENE: Any other questions?

COMMISSIONER MARCUS: I have one question.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: The 220 feet in height, where'd that come from?

MS. PINKSTON-NAU: That actually was provided by the applicant. That was the height that they requested, and I believe that there were some meetings prior with the applicant and some other Zoning staff.

COMMISSIONER MARCUS: So we just did it based on an applicant. We didn't do it based on our own visual or what it would look like?

I mean 220 feet is pretty big.

I guess my concern and I don't know, Barbara, maybe you can answer this is the ULDC is our land development code.

In the process of amending it I'm just a little concerned that somebody can show up and just try to amend it without us taking a step back and -- like the height. I think the height is --

MR. Mac GILLIS: I think maybe I can clarify some.

I mean this is an accessory use to the use that you -- the power plant that the Board would approve so those piles would have to be shown on here.

COMMISSIONER MARCUS: Yeah, but you're showing it as shall not exceed to 220. I mean this stuff is really hard to do, and if you put it in there -- I mean did y'all go out and investigate why 220?

MS. ALTERMAN: Well, again, we had some meetings with the Solid Waste Authority and the Health Department, and apparently -- and I think Cliff can probably address it better, but in terms of doing a landfill like this, you either go up or you go out, I guess, in order to be able to pile the -- to continue to use it to pile the -- whatever you're disposing of.

So, again, I don't think we have the expertise, and that was why we would rely on someone like the Solid Waste Authority to give us the advice that we would need, and they were -- they seemed to be fine with it.

Again, the language was distributed. There were meetings with them. We had discussions with them in order to make sure that what we were proposing wasn't going to be a problem in terms of permitting and other issues.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah. I'm satisfied that we went out and did the due diligence, contacted those agencies that are on the permitting.

It's very clear to me that this is a Class 1 landfill that's going to meet a certain regulatory standard, and that was not clear before, and some of the language in this thing clarifies it.

Like I said, we've been to all the agencies. Everybody's aware of it. This is an industrial land use out in an existing plant, and this is going to be adjacent property to it.

So I -- I, you know, my concerns about the review process and what's going to happen and how it's going to be built and the regulatory agencies are all notified.

I think it's, you know, sufficient to go forward, given the fact that what's existing right now versus having this stuff shipped all over the place on the road network, to be able to be processed right there, having normal standards. Nothing 's being done differently that we wouldn't do ourselves as we sit up here as the Solid Waste Authority.

So let's make that -- let's make that clear so that, you know, this is not going someplace new. This is the existing use that's out there.

CHAIRPERSON GREENE: Yes, we have cards on -- I'm kind of -- we passed 17. But we have cards on 17, and I passed it.

Okay, but I don't know -- let me see the -- let me -- let me call their names.

I have a name here, and I -- I'm trying to -- Mr. David Eunice. Is this to -- is this -- I can't read the number, item number. Is this 2D or 20?

MR. EUNICE: Twenty.

CHAIRPERSON GREENE: Oh, okay. Thank you. And I passed -- we had cards on 17, and we passed 17. I apologize.

Ms. Rosa Durando and Ms. Larson.

COMMISSIONER MARCUS: This for 17?

CHAIRPERSON GREENE: Yes.

MS. DURANDO: I understand that this is an old permitted landfill that is grandfathered -- not landfill, excuse me, rock mine that has been grandfathered in.

I really wanted to know, and I couldn't figure out where the location was.

Can that be clarified by staff as to exactly where this rock mine is, and is it in the EAA?

MS. PINKSTON-NAU: Let's see if we have any map. Right.

MR. Mac GILLIS: Linda Monroe, if you could come up.

MS. MONROE: This property is a 121-acre parcel. It's approximately two miles south of State Road 76 and one mile east of State Road 441, and I know that's a bit difficult to try to picture. Usually we talk about the northwest corner of an intersection.

Rosa, did you see the vicinity sketch in the staff report? Have you looked at that?

MS. DURANDO: No, I -- I'm just looking at one now. It was handed to me.

MS. MONROE: Okay.

MS. DURANDO: What threw me off was the having State Road 7 and 441, slash, and I thought that's impossible. That's impossible on State Road 76.

State Road 7 ends on Okeechobee Boulevard, but this is on 441, okay, I can get an idea, but the seven threw me off there. How could that be?

MS. MONROE: My guess is -- my staff usually takes that from the previous staff report so at this point I can't tell you if there was a typo or whether it was from the old staff report, whether the old staff report was incorrect, but we'll take a look at that when I get back to the office.

MS. DURANDO: Yeah, 'cause there is no such animal on 76.

MS. MONROE: Okay.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Yeah, I noticed this, too.

In the future it would be helpful to have a map to show exactly where out there because you have a big blob that you can't tell, it's all sand or whatever around it so it's hard to tell, but it

says it's two miles south of 76 and one mile east of 441?

MS. MONROE: What we can do in the future is not have such a close-up, in other words, zoom out, if you will, when we copy that from the records we -- our computer records, maps.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: On that same discussion, the property owner is listed as Five Smooth Stones, Inc. I have no idea who Five Smooth Stones, Inc. is.

MS. DURANDO: Thank you.

COMMISSIONER NEWELL: I know we asked Barbara for all -- at least I had suggested and the Board concurred, all zoning petitions have disclosure as to who these corporations and LLC's are.

I think also on these extensions and stuff we need to know who they are, too.

MS. ALTERMAN: And we will be doing that in the future. These have already been in the system. For anything that will be coming in we will be requiring that.

COMMISSIONER NEWELL: Thank you.

MS. DURANDO: Then all the conditions and everything are grandfathered in, previously decided and approved, am I right?

MS. MONROE: May I respond to that?

This is before you today only for failure to comply with one condition of approval, and we are recommending the amendment of that condition.

This is a development order that was approved in November of 2004; therefore, it will be subject to review for commencement of development in November of 2007, which is this year.

So later we'll be taking a look at this if they haven't commenced development, but today you're only seeing it for a violation or failure to comply with a condition of approval.

COMMISSIONER MARCUS: So it'll come back the end of this month -- year?

MS. MONROE: Yes.

VICE CHAIRMAN KOONS: I'm still not too sure where this is.

I see two highways, but I'm not sure where those highways are and --

MS. MONROE: If you would like, we could postpone this and provide a --

VICE CHAIRMAN KOONS: Well, I --

MS. MONROE: -- a map that makes it easier to look at.

MR. HOYOS: I can explain where it is. My name is Isaac Hoyos, Principal Planner with the Planning Division.

This is just south of the Martin County line north of Pahokee. That's the 441 that is referring to.

VICE CHAIRMAN KOONS: Oh.

MR. HOYOS: A small mine. There's -- there's a couple of mines approved there several years back. This is one of them.

VICE CHAIRMAN KOONS: Okay. So we can't even go there.

MS. DURANDO: Well --

VICE CHAIRMAN KOONS: Okay. We're done.

MS. DURANDO: I was looking for information.

VICE CHAIRMAN KOONS: I'm sorry. Now I know where we are.

MS. DURANDO: Thank you very much.

CHAIRPERSON GREENE: That wasn't hard.

VICE CHAIRMAN KOONS: So this is this -- okay. Gotcha.

COMMISSIONER MARCUS: And when will this come back to us in '07, this -- later this year? Okay.

MS. MONROE: The deadline to commence development is in November. It generally takes about two months, so November, December -- probably the end of January you would probably see it.

COMMISSIONER MARCUS: And we're fixing -- what are -- what are we doing here with this condition?

MS. MONROE: The property owner has provided some land for the Army Corps of Engineers to store some materials, and they're working on the Hoover Dyke, which precludes the ability -- prevents them from doing the turn lane right now, so Engineering has agreed that a condition would be added that when the turn lane is appropriate, which would be after site plan approval, that the condition would have to be satisfied but not until then.

Having them put that in right now with the Army Corps of Engineers' involvement is close to impossible unless they move their materials.

COMMISSIONER MARCUS: So -- and we verified that the materials are on site, and that they can't physically construct a turn lane?

MS. MONROE: That is correct.

MR. ROGERS: Madam Chair, if I may, that is not entirely correct.

They're using the property, and so they -- the Army Corps is using the property.

There's no need for the turn lane until the mining commences, and seeing that all our approvals and conditions have to have some nexus to it, if they are not having the trucking operation in and out of that project that would

require the turn lane, then we felt that it was not -- it was not necessary for them to construct a turn lane at this time.

It's not that the material is there to physically prevent the construction of the turn lane, just that there is -- the need for that turn lane is not there because the property is being used in another -- for another use than what was approved -- what it was approved for.

VICE CHAIRMAN KOONS: Nexus.

MR. ROGERS: Yes, sir.

CHAIRPERSON GREENE: Any other questions?
(No response)

CHAIRPERSON GREENE: I was waiting for --

MS. MONROE: Was there another question?

CHAIRPERSON GREENE: No.

MS. MONROE: I'm sorry. She's telling me not to take her papers.

MS. LARSON: No, it's okay. You answered a lot of questions. We couldn't -- we couldn't find her before the meeting so we had a lot of questions.

And she did just take some of my paperwork, but that's okay.

Just slow down on the excavation. No more big holes in Palm Beach County.

Thanks.

CHAIRPERSON GREENE: Ms. Sharon -- Sharon Waite and Mr. Cliff Hertz.

MR. HERTZ: I'm on the next item.

CHAIRPERSON GREENE: Oh, wait a minute. You're right.

MR. HERTZ: Item 18, I believe.

CHAIRPERSON GREENE: Go away. Go away. You're 18.

MR. HERTZ: Go away.

CHAIRPERSON GREENE: Ms. Sharon Waite.

MS. WAITE: I just wanted to say that my questions were all answered. Everything I was going to say has already been covered. Thanks.

CHAIRPERSON GREENE: Thank you.

CHAIRPERSON GREENE: Okay. Now we're on Item 18.

Mr. Hertz and Mr. Joshua Escoto.

MR. HERTZ: He's with me.

CHAIRPERSON GREENE: I don't know -- oh, I'm sorry.

VICE CHAIRMAN KOONS: I'll make a motion to approve Item 17.

MR. BANKS: It was already approved.

MR. Mac GILLIS: It was already approved.

MR. BANKS: It was on the consent agenda.

VICE CHAIRMAN KOONS: Oh.

CHAIRPERSON GREENE: We've been confused all morning.

VICE CHAIRMAN KOONS: I -- I didn't pray hard enough. That's all.

CHAIRPERSON GREENE: Mr. Hertz.

MR. HERTZ: For the record I'm here on a portion of Item 18, which is actually, as staff has remarked on the last page of your backup material, which is an amendment to the land development code, which essentially would allow for an ash monofill on the same lot, in essence, as a co-generation plant in the --

COMMISSIONER MARCUS: You just turned his microphone off.

MR. HERTZ: Jeff, help.

COMMISSIONER MARCUS: Did it go off?

MR. HERTZ: Well, okay. Thank you.

Allow for this ash monofill adjacent to the Okeelanta plant.

What we currently have is a mill, a sugar mill, an electric co-generation plant in the Okeelanta area which is approximately eight miles east southeast of Belle Glade.

There was a significant discussion at your last meeting -- I know Commissioner Aaronson wasn't here. He was held up on a cruise ship.

But -- and I think the main issues were raised by Commissioner Koons that he wanted to see some more specific standards with regard to the facility. We've worked with staff, as they've remarked. We've come up with additional standards.

I think the primary issue is, is to specifically state that this would be a Class 1 facility, and that it would be -- have the highest degree of environmental protection in connection with it.

With respect to Commissioner Marcus' comment, it says that it cannot exceed. That doesn't mean that when we come in for the DO, based upon whatever studies are done, that it could not be permitted for less, but I would remark that in connection with the Solid Waste Authority's proposed fill in the EAA, they have also, I think, indicated that they would be looking for 220 feet.

So we just mimicked what the Solid Waste Authority, or as we thought they were proposing.

This will have to come to you for a development order amendment to add additional lands. This is just the first step in a process after or simultaneously with our application for a development order. This will have a very stringent DEP review, about 120 pages of application.

As you all know, DEP is the responsible agency for CERP, Comprehensive Everglades Restoration plan. We are not disturbing any rock or rock mining at this location. We will ultimately have to scrape muck off of the top and fill it with topsoil and compact it in order to build what amounts to a giant bathtub with numerous layers and collector points.

All of the resulting liquid that comes through will be pumped out and trucked to a licensed sewage treatment facility.

This is not, I don't think in any way, shape or form, going to disturb anything that anyone wants to do. I can't imagine anyone wants to put flow ways through an existing sugar mill, they're co-gen plants.

And, again, I want to stress that this must be on the same lot as the co-gen plant so when we expand the facility pursuant to this ordinance change, it will have to be in the same vicinity.

That being said, I'm really here to answer questions. We had a fairly full discussion of this the last time. I don't want to take up everybody's time unless there are issues that you'd like me to address or questions that you may have for me.

Thank you.

CHAIRPERSON GREENE: Escoto.

MR. HERTZ: Mr. Escoto is with me, and he --

CHAIRPERSON GREENE: Okay.

MR. HERTZ: -- just put in a card just in case I didn't make it.

CHAIRPERSON GREENE: Okay. And Mr. Gus C-e-a --

MR. HERTZ: Gus is also here with us so --

CHAIRPERSON GREENE: Okay.

MR. HERTZ: -- he'll just -- if we need him, he'll come up.

CHAIRPERSON GREENE: What about Mr. Kelner - Ms. Kelner -

MR. HERTZ: Ms. Kelner is with us. She's our specialist.

CHAIRPERSON GREENE: Okay. Is Ms. Larson with you?

MR. HERTZ: Ms. Larson is not with us.

MS. LARSON: I'm getting a job as an engineer next week. It's going to be my new job, guys. I want to -- which one should I take?

MR. HERTZ: I don't know.

MS. LARSON: Is this -- is this one on? Okay.

Hi, guys. They always yell at me for saying hi to you. Good day to all of you. They say I shouldn't say hi, guys.

How big is the landfill at Jog and SWA, the big one, you know, that huge -- how many acres is that?

VICE CHAIRMAN KOONS: It's very large.

MS. LARSON: Well, no. I mean is it 121 acres?

VICE CHAIRMAN KOONS: I know it's more than that.

MS. LARSON: Okay. I was just curious 'cause at 220 feet -- see, one thing I want to make perfectly clear. Changes in the ULDC have always terrified me.

I always have to catch it in the deletions, and you know over the last three years several times I've caught some deletions that scared the crap out of me.

This is another one, 220 feet. That's 22 stories. That sounds like a regular landfill because when I drive on the Turnpike and look at the size of that landfill at SWA, I'm assuming that's probably about right. That's probably about 22 stories.

Everything sounds so benign and so quiet and so easy, but it seems like we're setting precedents in this county on a daily basis, and we don't mean to be, necessarily, because this is just ash, and I realize they're going to build a bathtub, and I realize it's an existing sugar mill, but there are so many things in our future.

I mean when I went to a meeting the other night, they were looking out at 2060, you know, and what's going to happen in the county and what's going to go on with us and CERP and flow ways.

A flow way is sheet flow and it's miles wide and miles long. So we might take out a sugar mill one day to make CERP work. You never know. Will this be in the way? Who knows.

I'm very concerned with any landfills anywhere in an agricultural area. I'm concerned with the one that they're proposing. I'm -- I won't lie to you. I'm concerned about any landfills.

It's funny. In the paper today, little town of Golf, they're doing a moratorium on anything in the agricultural area in their town, and I think we need to take a step back and look

at all these big projects 'cause they all -- the interconnectivity is there on everything that we're doing, the holes in the ground, the pits, the landfills, all of this affects all your -- all of us, every single one of us.

So that height thing, thank you for bringing it up, thank you, Commissioner Newell, for bringing it up who owns Five Stones. I mean there's a lot going on and a lot to keep track of. So I'm glad that you're looking at it very -- very well.

They're saying they're going to de-muck it. Everything in Palm Beach County is described as a bathtub, you know, everything is impervious.

So I'm really worried what's, you know, what is a Class 1? Is a, you know, a Class 1 landfill? Is this going to be the perfect landfill? Are they never going to do anything but ash, and 220 feet of ash sounds like an awful lot of ash, and it could blow. Ashes move. They do from the sugar cane fields all the time so I got some real concerns, and I hope you're looking at them.

Thanks a lot.

CHAIRPERSON GREENE: Ms. Waite.

MS. WAITE: I just wanted to address the ULDC changes. I just don't think we should be making so many changes. I think things that deserve to go to Tallahassee should go there, that we shouldn't keep putting things in our own laps that don't need to be on us.

Thank you.

CHAIRPERSON GREENE: Ms. Durando.

MS. DURANDO: If this landfill meets all the requirements of a Class 1, will it be monitored locally, or will it be monitored by DEP, or who will have a handle on it?

And, again, if the ash stacks up and we have a hurricane, is there a proposal to cover the top of it?

And what else? I had -- what is the projected life of this landfill? Surely there are estimates about how much will be buried per season and how many years, and then what happens? Will they -- well, who knows? We might not be raising sugar there anymore.

Mostly I wanted to know who was going to monitor this for public safety, and I also would like a commitment from my commissioners here that if it starts to attract birds, you're not going to let someone come in there and shoot them 'cause your own proposal for another landfill will have the same problem. You're pretty close to where you've squeezed out the major bird population, and there will be birds.

Now, sugar cane cannot hire people to shoot them now. Will they be able to hire people to destroy wildlife if this site 1 thing comes in?

MS. PINKSTON-NAU: I can answer one of the questions.

The monitoring will be by DEP, and it's actually in the language here.

MS. DURANDO: So DEP will monitor it, as opposed to the County?

MS. PINKSTON-NAU: I don't think the County has --

MS. DURANDO: They don't have the expertise.

MR. Mac GILLIS: The County, 'cause this would require a conditional use so any conditions that are imposed above and beyond what's in the Code would also -- the County could require additional monitoring of this site.

MS. DURANDO: And has it been examined when it piles up, the ash is very light. Actually, it blows as far east as State Road 7. I can vouch for that.

What will conserve the blowing of the ash, especially if we have a hurricane?

MR. HERTZ: Madam Chair, for the record again, Cliff Hertz.

The ash that's produced here is not the same ash as you might think from a burning of cane fields, for instance. It's a more granular sandy material.

As a matter of fact, the material is currently being taken to the Okeechobee landfill, and they're using this material as their cover material over their municipal solid waste. So it is not a light ash material.

But in terms of what happens during a hurricane, well, I mean I think we have to ask that question pretty much about everything, what happens during a hurricane, what happens at the County Solid Waste Authority landfill, how do they prepare for a hurricane, but we are regulated by DEP.

I could defer to Rebecca Kelner, who's here as our expert, to talk about the -- any kind of blowing sand off of the -- off of the fill.

So why don't you come up, Rebecca, if it's okay with the Board and --

MS. KELNER: I'm Rebecca Kelner, with Jones, Edmunds & Associates. I'm a solid waste consultant.

Regarding what would happen during a hurricane to the ash monofill, like Cliff said, all landfills have to address hurricane issues.

At Okeechobee that coverment [sic], the ash that's produced at the Okeelanta facility is sent to Okeechobee and used as a cover material.

That cover material protects the municipal solid waste, the garbage, at Okeechobee landfill.

For the purposes of this landfill in the event of a hurricane it would be regulated, if necessary, to either cover the working phase, the active phase of the ash monofill with soil. The ash has a tendency to solidify and harden when it gets wet, and also with a hurricane it's going to be wet.

So it's the same issue as any landfill where a cover material is used to prevent the contained waste from being disbursed during a hurricane.

MS. DURANDO: And you're requiring the same quality liner as you would require of the County in one of their landfills?

MS. KELNER: That's correct.

MS. DURANDO: Thank you.

CHAIRPERSON GREENE: You're welcome.
Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, I just was going to comment on that.

We -- this is as high a standard as you can get for anything, so I mean I don't -- I think the issue we had is who's going to monitor what's going to be there, and we got that clarified.

MS. KELNER: That's correct.

VICE CHAIRMAN KOONS: I mean I don't know -- I don't think there's anything else we could do to be any stronger than what we're -- than what we're doing.

MS. KELNER: Yeah, the monitoring proposed and the type of liner system is the same proposed for any of the garbage landfills from the Solid Waste Authority or any of the other garbage landfills in the state. It's the highest quality.

VICE CHAIRMAN KOONS: And again, the thing that's interesting is this is a monofill so the ash will not -- it will be very specific consistently all the time --

MS. KELNER: That's correct.

VICE CHAIRMAN KOONS: -- versus some of these landfills are -- we're not sure what goes in there, and then as it decomposes it throws off gas and then, you know, so --

MS. KELNER: That's correct.

VICE CHAIRMAN KOONS: This will be very specific about what it is consistently over a long period of time.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Madam Chair, on Page 206 is an issue -- it's actually an issue I raised last time, questions about -- but there still seems to be some uncertainty as to why we're doing the square footage, and so -- in discussions with Barbara she suggested we could delete it to the

next round and bring it back with some more discussion.

MS. ALTERMAN: Exactly. This went -- this did go through the Land Use Advisory Board and all those committees, and apparently there weren't any problems with it, but if the Board wants to delete it right now and not adopt this portion of it --

COMMISSIONER MARCUS: This was --

MS. ALTERMAN: -- we can bring it back for further discussion.

COMMISSIONER MARCUS: This condition applies everywhere in the County, and I think my interest at the time was what we're doing with landscape companies, so -- you know, in restricting if it's an approved use on their -- but you can only have a certain size square footage on the house.

But -- so if we can go back and revisit a little bit more.

MS. ALTERMAN: If that's what the Board wants to do.

MR. Mac GILLIS: Yes, we can -- we'll bring it back next time.

COMMISSIONER MARCUS: And we would delete Section A -- Section 1, uses, A, subparagraph B.

MR. BANKS: If you -- if you delete that, there's no maximums right now, so I think there's been an issue where people have proposed large structures as caretaker's quarters essentially using the lack of a maximum as a loophole --

COMMISSIONER MARCUS: Right.

MR. BANKS: -- and so if you delete that, there's still no maximum square footage for the caretaker's quarters.

COMMISSIONER MARCUS: Do we have a maximum -- I mean this is --

MR. Mac GILLIS: This was to be consistent with the accessory apartments and everything else that we have that isn't considered a dwelling unit for planning.

So the only way to get around not considering it an extra unit was to allow that 1,000 square foot max or 800, depending on the size of your property.

So we've tried to carry that throughout the Code for security caretaker's quarters, as well.

COMMISSIONER MARCUS: Weren't we trying to avoid the 5,000 square foot or the huge mega-home on there, as opposed to a caretaker home that's of sufficient size?

MR. Mac GILLIS: Well, I think here the intent of staff was, was to carry it through consistency with the rest of the Code because we were fixing the special permit section of the Code

in this round, and we noticed these security caretaker's quarters did not have a maximum limit.

So what it was to do was just -- people question why there's no limit here where in other -- when you're using accessory apartments, there's a limit. They can't understand. It's an inconsistency.

So the intent was to have any -- if it's not considered a dwelling unit that doesn't have a limit, it's an accessory unit, that it's not considered a unit by the Planning Division. We had to limit them to 800 or 1,000 square feet.

COMMISSIONER MARCUS: So you can still have a dwelling unit, but this -- you couldn't have an accessory unit on there more than this size?

MR. Mac GILLIS: If it's under this classification, correct.

COMMISSIONER MARCUS: But you could still have a dwelling unit?

MR. Mac GILLIS: Oh, yes. There's no limit on the dwelling unit, provided it meets the setbacks and --

MR. BANKS: What we should -- I mean I would suggest if the Board wants to look at this further, it would be better to --

COMMISSIONER MARCUS: Keep it in --

MR. BANKS: -- adopt this --

COMMISSIONER MARCUS: Okay.

MR. BANKS: -- and then bring it back to look at the issue further regarding nurseries, whoever, but do not leave this gap in the Code.

COMMISSIONER MARCUS: So it allows you to have a dwelling unit, but this would be the caretaker unit in addition?

MR. Mac GILLIS: That's correct.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: Commissioner Koons, then Commissioner McCarty.

VICE CHAIRMAN KOONS: I'll go first.

CHAIRPERSON GREENE: Okay. Commissioner McCarty.

VICE CHAIRMAN KOONS: So we could do this, then if somebody's rolling through the system, they would be captured by this, or would this be -- could we declare a zoning in progress and then come back?

MR. Mac GILLIS: This would only affect people coming in after the adoption date.

So if somebody was submitting a building permit, that's usually where this is caught, at the building permit stage.

So if somebody has a building permit application in, they would proceed under the -- that there is no restriction on it. So anyone submitting after adoption of this Code when it

becomes effective, which is approximately 10 days after this hearing, becomes effective from the State.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Madam Chair, if you remember at the last meeting, I did -- we did talk about this a little bit, and the staff is supposed to go back and re-review this as it relates to other uses out there because instead of just fixing, you know, landscape company issues and where they're allowed to operate and certainly if this was the only facility allowed on site, it wouldn't be a good thing.

So I just think there's some non -- it's not clear to some, and we -- if we take this time, when would it come back to us to be reviewed?

MS. ALTERMAN: Well, let --

MR. Mac GILLIS: August.

COMMISSIONER MARCUS: We'd come back in August?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: And then we could have the necessary input along the way?

MR. BANKS: I suggest you adopt the language that's here today so we don't have a gap during that six-month period, and then the staff can continue to study it and bring the issue back.

COMMISSIONER MARCUS: Okay.

VICE CHAIRMAN KOONS: Okay. So we don't need a zoning in progress or anything like that at all?

MR. BANKS: No, because we'll be adopting this language.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Do we need a motion?

VICE CHAIRMAN KOONS: We'll just give staff direction to come back to us and figure out --

CHAIRPERSON GREENE: Okay.

VICE CHAIRMAN KOONS: -- is this working, do we need to adjust --

MR. Mac GILLIS: We are. We are. We've met with the district commissioner, and we have some direction on bringing --

COMMISSIONER MARCUS: It appears there are some other issues out there that may cause concern, or they may be unaware that they can have a dwelling unit of a certain size, and this is just for the caretaker, but I -- we can get that clarified along the way.

MS. ALTERMAN: Yeah, and, Commissioner, I think your issue was whether you could do a lawn maintenance service in certain areas, and this may be somewhat related, but that's another issue that we need to address in addition.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Thank you, Madam Chair.

Just to follow up and being consistent with the Lenny Berger memo, my engineering firm, SFRN, does -- has a relationship with FloSun. I think this item may be for FloSun, but it does not inure to my gain or the company at all, and it has no direct benefit, but I wanted to make that public.

FloSun is Florida Crystals or those people.

COMMISSIONER MARCUS: The ash?

COMMISSIONER NEWELL: The ash thing, right.

Thank you.

CHAIRPERSON GREENE: Okay. No other comments?

VICE CHAIRMAN KOONS: So I guess a motion to approve with the understanding staff's going to come back specifically on 9.b.1.

MR. Mac GILLIS: We need a motion for adoption of the --

VICE CHAIRMAN KOONS: Motion for adoption, yes.

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

COMMISSIONER NEWELL: Second.

MR. BANKS: Okay. Mr. Berger said it's with the changes to Exhibit D.

MR. BERGER: The changes to Exhibit D were the ones that were added for the ash facility.

VICE CHAIRMAN KOONS: Yes.

MR. BERGER: We just want to make it clear on the record that --

MR. BANKS: That's Exhibit D.

MR. BERGER: That's Exhibit --

VICE CHAIRMAN KOONS: With the changes exhibited in Exhibit D.

MR. BERGER: Thank you.

CHAIRPERSON GREENE: I'm not going to ask you to repeat that motion, but I hope everyone understands.

You heard the motion by Commissioner Koons. Seconded by Commissioner Newell.

Ready for the question.

COMMISSIONER NEWELL: Just under discussion, that memo's referring to is January 8th, Lenny Berger's memo regarding business relationships. That's all -- this year.

Thank you.

CHAIRPERSON GREENE: Okay.

All in favor of the motion.

VICE CHAIRMAN KOONS: Aye.

COMMISSIONER NEWELL: Aye.

COMMISSIONER McCARTY: Aye.

COMMISSIONER AARONSON: Aye.

COMMISSIONER SANTAMARIA: Aye.

CHAIRPERSON GREENE: Aye.

All opposed.

COMMISSIONER MARCUS: Aye.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: No.

CHAIRPERSON GREENE: Commissioner Marcus

voting no.

So the item passes, 6 for and Commissioner Marcus, no.

Commissioner Marcus.

COMMISSIONER MARCUS: Yeah. Madam Chair, I would just like to ask that in the future as we're amending codes and things like this, and it was something I was actually going to bring up if I was here for comments, is -- and it's not that I don't have respect for the applicant, but this is sort -- almost like the insurance companies writing the legislation for the insurance bills.

And I really think that we need to have -- like somebody from Solid Waste should have been here today to answer some of these questions a little bit more.

I just feel like they're not vetted enough, and something's going to come back to bite us when we rely totally on the applicant to be our -- even though we -- Solid Waste Authority is, but they have a vested interest, too, because they want to come in with something, and, to me, that didn't answer enough of the questions. So that's why I didn't support it.

But I really think in the future we need to have all of us be as familiar as possible with what we're doing and not it just be, you know, oh, the applicant says this, or that's the way it's going to work, and not that they're not telling us the truth, but I just feel like there's -- might be something else coming back that I didn't ask the right question for, so --.

CHAIRPERSON GREENE: That's it?

MR. Mac GILLIS: No, we're on Page 10 of the agenda, Item 19, status report, Coral Lakes --

CHAIRPERSON GREENE: Okay. Commissioner Aaronson.

COMMISSIONER AARONSON: Just for the record, Commissioner Marcus, wasn't this discussed at Solid Waste?

COMMISSIONER MARCUS: No.

CHAIRPERSON GREENE: No.

COMMISSIONER MARCUS: No.

COMMISSIONER AARONSON: Commissioner Newell and I seem to think it was discussed at --

COMMISSIONER NEWELL: I thought we had some discussion with Solid Waste Authority staff about this at one time.

COMMISSIONER MARCUS: About this one?

CHAIRPERSON GREENE: Not this one.

COMMISSIONER MARCUS: No.

COMMISSIONER NEWELL: Our staff, didn't we?

VICE CHAIRMAN KOONS: No. We have our own future landfill.

COMMISSIONER MARCUS: We discussed giving direction to our Solid Waste staff about looking at going ahead and seeing if you can get permitted for our landfill, but we never talked about this.

COMMISSIONER NEWELL: I thought we asked staff to discuss with Solid Waste Authority. Did not?

COMMISSIONER AARONSON: I -- I thought they did, but --

COMMISSIONER MARCUS: They did talk to Solid Waste Authority staff, but they're not here today to answer questions.

COMMISSIONER AARONSON: Oh, okay. Well, then, what we should do is -- maybe there are a few things we should do.

Number one, we should request that on any item pertaining to things like that whoever is requesting changes should be here, and staff should have them here or not put it on the agenda.

The second thing we should do is, you know, when we talk about disclosure, I think we have enough time not to be asked here whether or not and who we met with, but I think that our staffs and we have the obligation, we get our agenda a week in advance, why don't we just mark down and put it on the agenda that we have met with so and so, and that way it's full disclosure and much easier to control.

COMMISSIONER MARCUS: My staff writes it down on my agendas now.

VICE CHAIRMAN KOONS: I think that's a good idea.

MR. BANKS: I think we need to disclose at the meeting.

COMMISSIONER MARCUS: Right.

MR. BANKS: It could be part of --

COMMISSIONER AARONSON: We can disclose at the meeting, but it could also be part of the record when people pick up the agenda, they could look at it, as well.

So I think that's something I would recommend that we do, and --

CHAIRPERSON GREENE: I think that's an excellent idea.

VICE CHAIRMAN KOONS: So we'll direct Barbara to contact our offices, and we'll come up with a form and ask them to keep track of what's going on.

MR. BANKS: We'll look and see if that's practical because people are contacting

commissioners really up to the date of the meeting, and whatever would be on our agenda wouldn't necessarily be accurate.

COMMISSIONER AARONSON: Well, if anything occurs after we have the agenda printed --

MR. BANKS: I know. It just --

MS. ALTERMAN: Yeah.

MR. BANKS: We just have trouble getting the agenda produced --

COMMISSIONER AARONSON: Look, everybody -- Bob, everybody is sitting out there saying we should disclose more. Okay. They want to be more informed about who we meet with and what we do.

My suggestion is let's put it down. Our staff looks at it. Many of our staff knows who we've met with.

MR. BANKS: Okay. Then we'll -- we'll create a form --

COMMISSIONER AARONSON: And then we can disclose right from our writing instead of saying I don't remember if I met with somebody. This way it makes it much easier and the public is more informed about it.

And that's my suggestion if the Board -- you want to get consensus of the Board?

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: We'll ask our staff right before the session, and it'll be a written form in the add/delete sheets that we have that get presented from us, and then we can have a verbal, and it'll be a written, too.

COMMISSIONER McCARTY: Perhaps --

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: Madam Chair, for the process, when our staffs meet for the agenda review for the zoning agenda, which is a week before, that they then can inform the staff of who we've met with up until that time. Then we can include them in our disclosure plus anybody after the fact 'cause a lot of people -- I mean I meet with people --

COMMISSIONER AARONSON: That's exactly what I'm saying.

COMMISSIONER McCARTY: -- usually the day before a lot.

COMMISSIONER AARONSON: And I think it makes it much easier and makes it much easier for us up here and anybody picking up the agenda beforehand looks at it, knows who we met with, and there's no hidden agenda that any of us have.

MS. ALTERMAN: Madam Chair, I just need to clarify.

CHAIRPERSON GREENE: Barbara.

MS. ALTERMAN: I don't think you want us directing your staff how you handle your agendas.

CHAIRPERSON GREENE: No.

MS. ALTERMAN: You want your staff to handle your own agendas. Okay.

I just wasn't clear what you wanted our role to be, and I don't think --

COMMISSIONER AARONSON: I don't want you to handle my agenda.

MS. ALTERMAN: I didn't think so.

COMMISSIONER AARONSON: I want to mark down on my agenda and have it written in there that I met with this person --

MS. ALTERMAN: Absolutely.

COMMISSIONER AARONSON: -- that person, Item 1, Item 2, Item 3, Item 4, and then if there's any meeting that takes place after the agenda is printed, you follow, or after we make those disclosures, then we could add it on to it.

MS. ALTERMAN: Okay. No problem.

CHAIRPERSON GREENE: Okay. Thank you.

Now we're at D.19.

COMMISSIONER AARONSON: Everybody agree?

CHAIRPERSON GREENE: Oh, I'm sorry. Everyone up here agrees. We think it's an excellent idea. I do.

Commissioner Newell.

COMMISSIONER AARONSON: I -- if Commissioner Marcus and Commissioner Koons would listen --

COMMISSIONER MARCUS: We --

CHAIRPERSON GREENE: You like the idea?

COMMISSIONER MARCUS: Yeah, yeah.

CHAIRPERSON GREENE: Commissioner Santamaria.

MR. BANKS: You don't want it published on the agenda, just written on your personal agenda.

COMMISSIONER AARONSON: Fine.

CHAIRPERSON GREENE: Pardon? No, he said --

COMMISSIONER AARONSON: I want it printed on the agenda.

CHAIRPERSON GREENE: Yeah, right.

COMMISSIONER AARONSON: Public.

COMMISSIONER MARCUS: No. I thought they were going to do a handout from the -- Commissioner McCarty's suggestion was you do a handout in addition -- that can come out before based on what the information our staff provides to you who we met with, you're going to have a handout to include as part of the agenda whenever the agenda's out there.

COMMISSIONER AARONSON: You could have it as a handout or printed on the agenda, one or the other.

CHAIRPERSON GREENE: On the add/delete sheet.

MS. ALTERMAN: we can just have a handout separately --

COMMISSIONER AARONSON: Fine.

MS. ALTERMAN: -- that we can provide.

COMMISSIONER AARONSON: Fine.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: And so I think it would be helpful for our staff is when people come to our offices, they all sign this book, and if they can -- so we can notice on the book if --

COMMISSIONER McCARTY: Put staff's names?

VICE CHAIRMAN KOONS: No, no, no. When people come meet with us in our offices, they come --

COMMISSIONER McCARTY: But they have to sign in before they go in.

VICE CHAIRMAN KOONS: Yeah, and so what we'll ask them to do on the sign-in sheet I'm going to be specifically talking about this particular project. Our staff can come back and add it so they -- it'd be easier just to say I'm meeting on this particular item.

COMMISSIONER AARONSON: You don't have to complicate something that's so easy --

VICE CHAIRMAN KOONS: I think it'd help --

COMMISSIONER McCARTY: You work with your staff on how you need to communicate. My staff usually knows why we're meeting.

COMMISSIONER AARONSON: My staff is going to take whoever met with me and put it down on a disclosure sheet that will be attached to the agenda.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER AARONSON: And if you want to do it a different way, but I think that that becomes public record, and it's easy -- more easily controlled because they put it down the day that the person met with me and that'll carry over.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Thank you, Madam Chair. Just to Mr. Banks.

I'm not sure that the last item requires disclosure because it's an amendment to an ordinance, but I will disclose that I met with Mr. Hertz regarding the last item which is --

MR. BANKS: The last item was legislative in --

COMMISSIONER NEWELL: Okay.

MR. BANKS: -- nature.

COMMISSIONER NEWELL: Thank you.

CHAIRPERSON GREENE: Okay. Back to D.19.

MR. Mac GILLIS: Linda Monroe will present this.

MS. MONROE: Commissioners, late yesterday I received a phone call from Engineering indicating that the results of the table on the affected roadways for traffic, incorrect information was sent for this report.

I have corrected information, but in the interest of time if you prefer, you could postpone this. We could put the new information in the status report and put it on the next agenda.

If you like, I can hand this out. It's up -- it's your decision.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Yeah. Madam Chair, the table that's in our backup on Page 219 shows level of service F for everything, and it's wrong. It's really rosy Ds and Cs instead. Well, on some of them. I guess those are the ones that got changed?

MS. MONROE: There were a number of them that are -- the roads were incorrect.

It turns out there's two Coral Lake projects, and that caused some confusion with some staff.

COMMISSIONER MARCUS: Totally different roadways, network.

MS. MONROE: That's correct. So if you prefer, we can do it either way. You can approve it --

COMMISSIONER MARCUS: Well, Madam Chair, what I was going to say is I looked at the -- you know, I always read the status reports.

I looked at the top heading, and I notice now we're doing pin numbers, and it doesn't have the -- what you usually have, which is -- starts with the -- the original when the application -- so after I read it, this is a 1994 resolution, and it is a -- and then it got amended in '98 and they added the 34 units, and they transferred 82 units into it. So this is actually from 1998.

MS. MONROE: Actually, it goes all -- this particular one we're reviewing is, but the reason you see the NPN, NPN stands for no petition number. The original project was approved back in the early '70s --

COMMISSIONER MARCUS: Okay.

MS. MONROE: -- before we had the same numbering system we have today.

COMMISSIONER MARCUS: That's even better.

So, notwithstanding what the traffic is, this is a residential project that they got TDRs or transfer of development rights on.

I'm going to suggest that we go ahead and initiate the revocation, bring it back into the system and, you know, maybe we can get some workforce housing on this with these TDRs since it's not moving or whatever, but it -- I think if nothing else it takes some of the traffic out, and maybe we get a better project next time.

So I would move that we revoke or authorize -- initiate revocation.

MS. MONROE: Postpone with the direction to staff --

COMMISSIONER MARCUS: Correct.

MS. MONROE: -- to do this.

COMMISSIONER MARCUS: Yes.

VICE CHAIRMAN KOONS: So next month if they come in and --

COMMISSIONER MARCUS: Yeah.

VICE CHAIRMAN KOONS: -- start squealing, we'll know what the status is; right?

COMMISSIONER MARCUS: That's a way of putting it.

VICE CHAIRMAN KOONS: Okay. I'll second that.

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

Ready for the question.

Commissioner Aaronson, your hand up?

COMMISSIONER AARONSON: I have no problem.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 7-0.

MS. MONROE: Thank you.

MR. Mac GILLIS: Next item is Item 20, the Boatman Hammock.

And just briefly before I turn it over to Anthony, the project manager, this item was before

the Zoning Commission, and they had concerns with the final design on this, even though they -- the motion for denial was -- actually it should read 5-2, not 4-3, as indicated on the agenda. It was 5-2 for denial.

This project is going to have a total of 45 units. Twenty-five of those were by right, 20 with -- through the TDR program, six workforce housing.

This is an infill project located along Military Trail south of 10th Avenue. The applicant was using the new -- some new design concepts trying to fit this number of units on here.

Staff is supporting the project.

I'll have Anthony go through the concerns that were raised by the Zoning Commission with respect to the site design and the school drop-off and some Code Enforcement issues.

MR. WINT: Good morning, Commissioners.

CHAIRPERSON GREENE: Good morning.

MR. WINT: Anthony Wint, Planner II, for the record.

Prior to today's hearing this project was before the Zoning Commission, as Jon stated, on November 2nd and December 7th, 2006. Issues that were discussed were compatibility, traffic, attainable housing, student pick-up and drop-off and design layout.

They also directed the applicant to meet with Mr. Eunice, a member of the public and an adjacent property owner. That meeting took place on November 10th. As a result of the meeting Mr. Eunice has not changed his disposition towards the application.

Staff met with the applicant on November 16th to give them some ideas on how to improve the site plan.

On December 7th at the Zoning Commission hearing, Mr. Eunice voiced his continued opposition to the project; however, staff maintains support for the project, and the Zoning Commission did not approve of the design layout.

Staff again met with the applicant on January 8th and January 11th, 2007, at which time a new site plan was submitted, and it's included in the staff report. The applicant will elaborate on the details of the site plan.

If there are no questions, I will conclude my presentation and turn it over to the applicant.

MR. CHEQUIS: Good morning. Good morning, commissioners, members of the commission.

For the record, Brian Chequis, with Cotleur & Hearing, here representing the applicants of this petition, Mr. Hal Pererra (ph)

and Mr. Dick Garrish (ph), two local residents and developers of other residential projects within Palm Beach County.

We're seeking site plan approval today with a Class A conditional use to allow the transfer of development rights to this property, and those will total 20 units.

Just to get you folks oriented, the subject site is located east of Military Trail just south of 10th Avenue in the Lake Worth area. The subject site is five acres, as you see there, oriented north-south. Boatman Street is our one point of ingress-egress.

We are within two targeted revitalization areas. We're in the urban redevelopment area, and we're also in the Narcissus-Gardenia CCRT area. We believe that this property, and as you see the site plan kind of come into play, is an excellent transition property between the commercial that exists along Military Trail along our western boundary and between the old age facility, multi-story old age facility to our south and to the single family residential development to our east and across the L-11 canal to our north.

Just to give you a briefer on the land use and zoning, we are -- our underlying land use is multi-residential. This is consistent with the properties to the north, east and south of us which are also multi-family residential, and to our west along the entire west boundary is a commercial High Residential-8 between Military Trail and our western boundary.

Zoning, we are residential multi-family zoned consistent with the properties to the north, east and south of us, RM, as well and adjacent to that commercial tract between Military Trail and our site, which is zoned General Commercial.

We are requesting TDRs from -- approval of TDRs from this commission today. This will allow for us to implement workforce housing.

Our design, which is the key of this infill property, this targeted site, is a new urban-type project, and we have images of real world examples from which we've drawn on to know that this will be a successful development, and that it works, and that it'll become a thriving self-sufficient community.

We do have on-site amenities for the residents, and we do have an on-site preserve area as designated by DERM.

The specific request for the Class A conditional use is the addition of 20 units for a total of 45 units --

CHAIRPERSON GREENE: Could I ask you a question? Excuse me.

The one before, it said a rear-loaded townhouse.

MR. CHEQUIS: Yes, ma'am.

CHAIRPERSON GREENE: What's that?

MR. CHEQUIS: I'll show you examples of that. What that is, is it's a townhouse unit that fronts onto a street, and you access the garage from the back.

CHAIRPERSON GREENE: Oh, that's what a rear load -- okay. Gotcha.

MR. CHEQUIS: Right. And I'll show you some examples.

CHAIRPERSON GREENE: Okay.

MR. CHEQUIS: Again, we're asking for the additional 20 units to max out the utilization of this infill site. This is a targeted area. We will have workforce housing. Six units are dedicated towards workforce housing, but I can tell you that the overall 45 units will all be within the price range of the workforce housing program, the upper end of that.

So we're truly introducing 45 workforce-type units that are priced in that range.

CHAIRPERSON GREENE: What are their prices?

MR. CHEQUIS: They'll be in the -- in the mid-200s, in that range.

This is the site plan, and this is what we really didn't effectively show your Zoning Commission, and it was our fault.

It was our fault for not bringing the right tools to show them how we implement new urban-type development and infill sites, but what you can see here is we have one point of entry off Boatman. That's our principal point in and out of the site.

There are two additional paper roads along our western boundary, Todd Street and Clemens, but they are not developed roads. They will not be developed. The County will not take -- bring them into service and maintain them so we only have one working road in and out of our property, which is not a problem.

The development integrates a hierarchy of driveways. We have a principal road which curves around the east end of our project which allows us to front units onto that street, and we'll show you some examples of how that looks in the real world.

Secondary drive is our rear alley access, and this is where the residents and visitors basically access their units to their garages and tandem parking, and that keeps their cars off the street. It's in their back yard, and what that does is it allows us to do this.

It allows us to front the key areas of our project, front the street and front the active green area on our project, and we have some pictures that we'll show you of that.

Just to look at the condition of the street condition that we typically implement, this is a picture of similar massing and scale product in Abacoa, two-story townhouse-style units. They have front porches, active areas, pedestrian pathway that runs along the front.

Now, this one doesn't have parking -- the next photograph will show the parking which is true to our example, but what this does is it creates an active area where there's pedestrian connectivity. There's people using their front porches and using that interactive space.

This next example, again, is another development -- residential development in Abacoa, and this is more true to our design in which we've got the front yard, the interactive porches, active pedestrian way, and then we have this buffering parking in front which creates sort of a line of safety and comfort for the pedestrians on the sidewalk system, and then you have your roadway.

Moving from that, to show you how it looks in the rear areas, this is an example from Charleston Court.

This is a sort of a comfortable alley area where people park their cars. They use it as their service court. The trash collection comes on the days, and they pull their garbage, and it's all central to the development. It's not out in the street.

It's in this alley area, and these areas become very active with respect to people washing their cars on the weekends, fixing their bikes, moving across from neighbor to neighbor. We see it all the time in the residential neighborhoods that we've developed throughout this county and other counties.

Moving from the alley to what is very unique, fronting onto a green. The example here in Antigua is, again, two-story type product. This is the same kind of massing. Our architecture's different, but what you see is this active -- interactive front porches and pedestrian walkway which fronts into an active green area where people can walk their dogs, the kids can play, and people can actually overlook that area.

It's very effective, and I, for some reason, when I was taking the picture, I caught this guy with his dogs. It was an absolute fluke, but they are utilized by the residents, and it keeps all the traffic and cars in their rear yard and in their driveways.

On-site amenities, we have a large green area in front. It's retention, but it's being heavily landscaped all around its perimeter and for use by the residents, and we also have a tot lot and a pool and cabana area, which is tucked into the northwest portion of the site, which keeps it away from the residential uses on the east side and puts it in the area where we have our tree preserve. So it's a very nice, very large pine trees, a very nice forested area of the project.

We -- as with any new urban-type community we have a very strong pedestrian pathway system through the development to get to the amenities on site, to move to -- through the development and to get out of the development up onto Military Trail.

The one off-site issue that we do have is with a neighbor with -- who has a non-conforming residential use adjacent to our property boundary. We have met with this resident. We believe that the site-specific planning issues we are able to address, things such as drainage, and that we retain our own drainage, that the appearance of this development over time, 10 years from now, 20 years from now, 30 years from now, will be -- look as good then as it does today, and we're bound by our master association agreements, and we're bound by the County regulations and by Code Enforcement.

So the development will look as good 30 years from now as it does today just based on all the regulations that are in effect.

What we have done is this design actually provides an effective separation of our buildings and our appearance from this non-conforming residential use and the commercial that's existing along our western boundary.

We have a 100-foot separation, and in addition to that we have layers of landscaping, which is important because it adds to the buffering between us and these adjacent uses. For example, our perimeter boundary is -- will be planted above the Code minimum. Stepping back, well, actually, I have a good cross section that you folks can see.

This is that same line from the front of our unit to that western property boundary, and you can see we have, from the front of the unit we've got our foundation plantings. We've got rows of street -- well, sidewalk trees for the pedestrian comfort.

We've got plantings in the -- on the banks of the retention area, and then we've got our 15-foot buffer adjacent to the non-conforming residential use and the commercial uses along Military Trail.

On the opposite side of the site, our eastern boundary, we've got this front yard with activity space which has foundation plantings to a row of street trees and parking and then onto the actual driveway, which is a 66-foot separation to those residents to the east of us, and we have a significant landscape buffer there, as well, because we'll be looking at their back yards, and we think a green wall would be a very effective approach to mitigate for any off-site views.

The architecture is two-story, and there's articulation with respect to porches pushing out from the fronts of the buildings. There's dormers. We have small architectural fenestrations on the building.

We have as late as yesterday received on the add/delete agenda some more architectural conditions. We have no problem with that. It's just going to make our good architecture better, and we are in agreement with that.

We have different colors. We'll have more colors per some of the architectural changes that were requested. We have no problem with that.

And this is a rendering of what you would see if you were coming onto the property from Boatman, and, again, the architecture is engaging you as you come in. You're looking at the fronts of buildings.

There's an active pedestrian way in front of it, and as you look to the left-hand side of that picture, the activity would go towards the cabana area, pool area, the natural space on the site.

And then looking from the southeast corner of the site, again, very much architectural oriented to the street with those active areas facing the parking and the single drive.

We would like to say that throughout the whole process that we have worked closely with all of your departments. The site's been around for awhile. We are looking to try and push forward with it.

And I have to say that all the divisions have been very helpful in helping us move forward and helping us resolve problems as they arose, and I -- I don't think I can give enough credit to Mr. Anthony Wint for keeping us on course. If it wasn't for his perseverance this thing would be floating around forever.

But as you can see, we have all the various departments who we satisfied their -- their various concerns and issues.

We are going to be providing workforce housing on this site, it's a targeted area both between the CCRT and the urban revitalization area.

It will be a self-contained project which has its own amenities on site, and we believe that that will promote a sense of community in place as it does in the other new urban communities that we've developed all over South Florida.

With that, I want to conclude my presentation but would like to reserve time to address any issues that may arise from the public or from staff or from this commission.

And I thank you.

CHAIRPERSON GREENE: Thank you.

Mr. David Eunice.

MR. EUNICE: Madam Chair, I am David Eunice. I reside at 629 South Woodward Avenue in DeLand, Florida, and I am here to oppose the project.

Commissioner Chairman, fellow commissioners, audience, I am serious about this project not going forward, as I assume was the Zoning Commission.

As I look at this project today, it just - - it's more of the same concept that the Zoning Commission turned down. If the Zoning Commission turned it down, why would you want it to go forward?

I'm opposed to the project for several reasons. Number one is I don't think that it's good for my property. It's going to create a lot of traffic, both foot traffic and automobile traffic. It's not good for the community because Military Trail, there is a U-turn at Boatman, which is utilized quite frequently, and as little as I'm down here, I've had trouble getting out on Military Trail.

The 300 cars that they're talking about, 300 plus cars a day that are coming out there is a lot of traffic. Also, they have not made provision for a fence area to go around this project.

Before this project was even started, we used to have trouble with the people over on Patio Court coming through the wooded area. We were able to stop those people from coming through across our property. They finally decided we were serious about keeping them off.

Then the homeless came in, and the homeless and the prostitutes have taken over that project. Code Enforcement has been working on that for approximately two years now to get the prostitutes and the derelicts out of the place, and this developer is basically saying, well, if you allow us to build this project, we'll get rid of the -- that problem, but we're going to be creating more problems than we're getting rid of.

So why should I want this beautiful project there when the people from the surrounding

areas in the lot lower price than the \$250,000 houses are going to be coming onto that project, particularly since they have a tot lot and a swimming pool, and I've lived in gated communities which had people come in from the outside even when it's gated.

This is going to be a problem if they're not going to address that fencing, and so far I've not seen anything of the developer, other than coming back with the same penny-wise pound-foolish attitude of presenting the same presentation.

They want to do it their way. They don't want to do it the County Code Enforcement way. They don't want to do it the Zoning Board way. Why do -- why would you think that they want to do it your way?

I ask that you deny this project.

Thank you.

COMMISSIONER McCARTY: Madam Chair, can I just see what property -- where his property is, or can you tell us where it is on the --

MR. CHEQUIS: Yeah, I can show you.

MR. Mac GILLIS: It's on the east side of Military Trail south of 10th Avenue.

COMMISSIONER McCARTY: Okay. Well, that doesn't help me any here.

MR. CHEQUIS: Right here (indicating).

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Okay. Commissioner Aaronson, then --

MR. CHEQUIS: It's that red circle, Commissioner. Does that help you, Commissioner?

COMMISSIONER McCARTY: Right there?

MR. CHEQUIS: At that red circle; right.

COMMISSIONER McCARTY: There?

COMMISSIONER AARONSON: The gentleman that was up here, I have a question.

You referred three times to "those people," who are those people? I mean are they --

MR. EUNICE: They -- I mean --

COMMISSIONER AARONSON: I'd like you to identify what "those people" --

MR. EUNICE: -- the developer.

COMMISSIONER AARONSON: No. You said people coming through, "those people."

MR. EUNICE: Oh, the people -- the people from Patio Court and the prostitutes and derelicts that are living in that --

COMMISSIONER AARONSON: Well --

MR. EUNICE: -- in that wooded area.

COMMISSIONER AARONSON: Maybe I'm crazy, but don't you think that by putting in homes like this, by cleaning up the neighborhood, don't you think that will eliminate prostitutes and drug dealers and all?

You think -- you think that these \$250,000 homes, which you call them, are going to attract the prostitutes --

MR. EUNICE: No, I don't --

COMMISSIONER AARONSON: -- from standing in front of the homes waiting for the husbands to come home?

MR. EUNICE: No, sir, I don't.

COMMISSIONER AARONSON: Oh, okay.

MR. EUNICE: But what I do think is if you open up that area, you have to understand that, yes, I understand your point. That is the picture you see --

COMMISSIONER AARONSON: How -- by the way, how many -- how many months a year do you spend down here? You say you live in DeLand.

MR. EUNICE: Well, I used to live here permanently .

COMMISSIONER AARONSON: Yeah, but you don't live here permanently.

MR. EUNICE: I don't live here permanently. I don't spend months down here anymore.

COMMISSIONER AARONSON: You don't spend time down here?

MR. EUNICE: No.

COMMISSIONER AARONSON: So you --

MR. EUNICE: I spend time down here, but I have two properties down here.

COMMISSIONER AARONSON: Yeah, you have properties, but how long -- how much time do you spend? Do you live in these properties?

MR. EUNICE: No, I don't.

COMMISSIONER AARONSON: You don't. You rent them?

MR. EUNICE: I rent them out.

COMMISSIONER AARONSON: Right. Okay.

MR. EUNICE: And it is my tenants that I'm concerned with because it -- it --

COMMISSIONER AARONSON: Have your tenants come forward?

MR. EUNICE: No, my tenants, haven't come forward.

COMMISSIONER AARONSON: They haven't come forward.

MR. EUNICE: But I come forward for them because I am their landlord.

COMMISSIONER AARONSON: So, I'm not -- I'm not a rocket scientist. I never professed to be one, but I've always believed that if you clean up a neighborhood and you put in better homes and you put in better landscaping and you put in better sidewalks, that you clean up the neighborhood, you don't attract more prostitute, pimps, drug dealers and so on.

And staff, correct me. You people have been working on this for years and years.

Does adding something better to a community get rid of, so to speak, the undesirables, or does it attract more undesirables?

MR. EUNICE: I will answer that for you. Normally, it would --

COMMISSIONER AARONSON: No, no. I didn't ask you.

MR. EUNICE: Okay. Go ahead.

MS. ALTERMAN: Well, again, part of the problem is that this is a vacant lot with a lot of vegetation on it, and when you clean it up and you put in residential units, you obviously fix the problem.

COMMISSIONER AARONSON: And when you fix a problem in a neighborhood, okay, and you put nice things there, it would seem to me that the people who are going to purchase there will sort of police the area themselves, as well, and get rid of, so to speak, the undesirables.

Is that not what we've been trying to do up here for years?

MR. Mac GILLIS: Yes. I mean this is an urban infill redevelopment area, too, and that's the whole policy and the goal from the Board of County Commissioners is to clean these up by investing in them.

COMMISSIONER AARONSON: I thought so. So I don't know why the Zoning Commission turned it down, but what I saw on the screen, and it's certainly not my district, but what I saw on the screen, as opposed to what's there, and this gentleman coming forward and talking about prostitutes and drug dealers coming through, I think that this will be a deterrent, and I think, in my opinion, that his tenants will benefit by it, not be hurt by it.

Thank you very much.

MR. EUNICE: Well, may I -- may I answer your concern, sir?

I understand your point, and your point is a good point. Don't get me wrong. I understand that if you put new buildings on the lot, if you get in there and you clean it up, it is going to improve that lot. There's no doubt about it. I don't -- I'm not arguing your point.

My point is that they have done nothing to clean this up. Code Enforcement's been trying to get them to clean this up, and they make excuses that there is vegetation on the property that's endangered species, and so they can't get in there with their heavy equipment to clean it up.

They haven't put up barriers for the neighboring people outside.

The people that are buying that property, they're just normal everyday people, other than they're a little bit richer because they can afford these over --

COMMISSIONER AARONSON: Well, let me ask -

MR. EUNICE: -- \$250,000 homes.

COMMISSIONER AARONSON: Let me ask the staff to comment on what you just said.

MR. EUNICE: Okay.

MR. Mac GILLIS: We have Mr. Verner here, but briefly, the site does have native vegetation on it, and before the applicant applied for a permit, he needs to have this approval so we don't want speculative clearing on that site.

He has gone and tried to do underclearing, and Bob Kraus, if he's still here, he can address that, but they've cleaned up what they can. They've repaired the fence, and I believe the applicant can address this, too, that it's been cut since they fixed it to keep the people from trespassing through this property to address what his concerns are.

So Code Enforcement has open violations, but they have been -- the applicant has been working with them to correct the violations, and once this approval's in place, they'll be able to get the veg permit, clear the trees and save the ones --

COMMISSIONER AARONSON: So they've been working so far to help to clean it up, and once they get the approval, they have to clean up the rest?

MR. Mac GILLIS: Yes.

COMMISSIONER AARONSON: Okay. So what's the problem, sir?

MR. EUNICE: There -- there are many -- there are several problems, and the Zoning Commission turned it down for various reasons, not just the reasons that I'm stating.

Some of the reasons that they've turned it down were they were not happy with the way this project was designed in the first place, and this design that you're seeing today is the same design, basically, that they showed to the Zoning Commission.

CHAIRPERSON GREENE: Excuse me. May I ask you a question?

Wouldn't -- I would rather have the Zoning Commission tell us why they turned it down.

MR. EUNICE: That's fine.

COMMISSIONER AARONSON: Okay. Thank you.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Well, we might need to have a workshop with the Zoning -- with our Zoning board and give them a little reality check

about what policies and procedures that we want to take a look at.

This happens to be probably the prototype project that is what we're really trying to do.

We understand where you are and where you've been, but our goal is to do exactly this.

Our long-term strategies are to have these kind of infill properties that are -- this is pretty high quality, and there's been a lot of effort to try and fit in out there, and we're going to have these things, and, honestly, sir, in this county, in this neighborhood, in this area, this is exactly what we're trying to do.

And I do not know what the Zoning board is, and we're not allowed to contact them, but we may want to have a little workshop with them and talk about we're going in the urban redevelopment business, and we're doing the stuff like this.

And I had a meeting yesterday with some staff on these same type of projects, that we're going to have to -- it might be lemonade or it might be scrambled eggs we're going to do, but as we go into these things, we're going to have some issues, but our policy is to try and do exactly this.

So, you know, my compliments to the staff on an exceedingly good project. I'm not too sure what the objections were at the planning board, but I think we got to have a reality check with them and said, you know, if a project gets to be, you know, a B plus or a B, that might be all we're going to get, and we -- and so I just -- my compliments to the staff and the developer.

Sir, this is what we're really trying to do down here.

CHAIRPERSON GREENE: Barbara.

MR. EUNICE: You know, I understand your point --

CHAIRPERSON GREENE: Just a minute. Excuse me.

MS. ALTERMAN: And, as a matter of fact, Commissioner, we actually had a presentation scheduled for the Zoning Commission to start educating them on the new urbanism and the new concepts that are going to be coming forward because you're going to be seeing more and more projects like this.

So we did have it scheduled. Unfortunately, the meeting ran too late, so they didn't have the opportunity. They -- we do have Treasure Coast coming back on the first of February to give them another presentation.

CHAIRPERSON GREENE: Why did they deny it?

MS. ALTERMAN: They denied it because they're not used to this kind of development, and

they need the education, and that's what we will be doing.

VICE CHAIRMAN KOONS: We spend at Treasure Coast, we spent every meeting -- we would take one -- one meeting, and we spend and take about half an hour and teach our Board about what's going to be coming through and what you should expect. We had a regional plan. We said this is how towns work. This is how neighborhoods work. This is -- and it was an educational process for these people.

And so when we had these DRIs coming through that we completely differently designed it than what the development brought in as gated communities and said this is where we're going.

And so I think that would be advantageous for us to make sure they know, you know, some of this stuff, there may be a little blood on the street, but in the longer term this is what we're going to be doing in this geographic area in particular.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Thank you, Madam Chair.

I think Mr. Eunice has had a previous bad experience with a project in Palm Springs that has tainted him regarding being developed next to his other property and mainly due to the fact I think because the property got built higher than what his property was, and that caused some issues regarding drainage and stuff like that.

But I did have a question to staff. Maybe you can help me.

His property is adjacent to it, and I don't know what the density is there, but do you know how many units density is compared to what's being proposed, density per acre?

MR. Mac GILLIS: I believe his property might have a commercial designation because usually 200 feet back off Military Trail it's commercial designation.

So maybe that's why it's a non-conforming use currently as a residential use but to be developed for anything else it would have to be developed as commercial.

COMMISSIONER NEWELL: Okay. But I think he has some -- I don't know how -- three units or two units?

MR. VAN HORN: I'm sorry. He does have a commercial high with an underlying residential HR-8 land use, so --

COMMISSIONER NEWELL: What's the existing?

MR. VAN HORN: Residential is existing.

COMMISSIONER NEWELL: How many units?

MR. VAN HORN: He could probably --

MR. EUNICE: I have four units on there currently.

COMMISSIONER NEWELL: Four units, and how much property is that, approximately? A quarter-acre, half-acre?

MR. EUNICE: Quarter-acre.

COMMISSIONER NEWELL: Quarter.

MR. EUNICE: Closer to a quarter-acre.

COMMISSIONER NEWELL: Quarter-acre. So if I'd -- four times four, that's 16 units an acre. You're actually higher density than what the property that's going in, correct? Am I incorrect, or is that right?

MR. Mac GILLIS: Yes, much higher.

MR. EUNICE: That's true.

COMMISSIONER NEWELL: So your property is higher density than what's being proposed behind you.

MR. EUNICE: This -- my property has been there as it is for many years. I didn't -- I didn't build the property that I have, and I bought it as is, and I understand that, but I also understand that the water -- the impervious land, when you're building these concrete buildings and you're taking away the trees and you're taking away the land for the water usage, you're putting in more concrete and asphalt -- if you were putting in 20 units in there, what you were zoned for, I would have never objected in the first place. The reason I objected was this transfer of units.

Now, I understand you guys like the transfer of units. I see it as robbing from St. Peter to pay Paul, because the guy that you're taking them from hasn't done anything wrong to deserve having them being taken away from him, if I'm right about the way that this thing works.

CHAIRPERSON GREENE: Commissioner Santamaria is next.

VICE CHAIRMAN KOONS: Yeah, we -- we --

CHAIRPERSON GREENE: Commissioner Santamaria is next.

VICE CHAIRMAN KOONS: I was going to tell him about --

COMMISSIONER AARONSON: You're completely wrong on TDRs.

VICE CHAIRMAN KOONS: They're ours, and we transfer them into projects that meet certain guidelines, so --

MR. EUNICE: Okay. So you're not taking them away from somebody else then?

VICE CHAIRMAN KOONS: No. We --

MR. EUNICE: Then I stand corrected.

VICE CHAIRMAN KOONS: We actually bought those units when we bought agricultural land, and we -- and we preserved the land, and we took the

units for us, and then we put them back where certain projects go that we wish to have happen.

MR. EUNICE: Okay. Well, thank you. I'm glad you clarified that for me --

VICE CHAIRMAN KOONS: Okay.

MR. EUNICE: -- because it was an issue.

But the impervious land issue, how much impervious land are they going to be using here on this project?

CHAIRPERSON GREENE: Staff.

VICE CHAIRMAN KOONS: You talk about the drainage, it's going to be better than it is now.

MR. CHOBAN: I believe Brian could go back to the site plan, but that area between the units and Military Trail that's shown in that area that's the green area is basically the dry retention area.

Brian, if you can just put that up there.

MR. Mac GILLIS: Usually 25 to 30 percent of the site has to be pervious, meaning no paving or built form on it.

COMMISSIONER McCARTY: So water can percolate.

MR. Mac GILLIS: Yes.

MR. CHOBAN: So it's the area at the top of the site plan that you're looking at. Yes.

CHAIRPERSON GREENE: Commissioner --

VICE CHAIRMAN KOONS: The green belt -- the green belt that backs up to the back of your property is literally the area that will be receiving the water.

It might be advantageous to your property, too. I don't know.

MR. EUNICE: It -- it could be. I --

VICE CHAIRMAN KOONS: I don't know which way the water flows off your property.

MR. EUNICE: The Discount Auto store was built up higher than our property and I've had to do a lot of land filling in my property to counteract that. I mean we have flooding there now.

You're right that that may help, but this -- this line at the bottom of that picture is where you have these other residents, and one of my concerns is all these other residents, there's a fence between the nursing home on the -- what is my left -- I don't know what's over on the right side, but I know that people are going to be coming in through that project, and you're going to have tons of people going down our street, which is, you know, it's -- it's a nice little street right now.

It's used basically by the bank, us and Discount Auto. So there's reasonable traffic for that size street.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: When I tried to evaluate the project, I kind of put a scale in front of me and I went to add up the pluses on one side and the minuses on the other side.

The pluses that I see are it meets school concurrency. It meets, I guess, traffic concurrency, based on the 45 units. It's consistent with the Comp Plan. It's compatible with the TDR concept, and the design minimizes adverse impact on the environment and consistent with the neighborhood plans, and it's within the revitalization neighborhood, the area.

I see all of those as the pluses, and unless I see a strong negative to outweigh the pluses, you know, I still don't see enough negatives to overcome all of the pluses as I've mentioned.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Madam Chair, there are many times that people come forward and we look at all the issues.

Looking at this one, I can't for the life of me think why the Zoning board voted against it. Can you give me a --

MR. Mac GILLIS: I think, as the applicant stated when he -- at the beginning of his presentation, they did not have this PowerPoint presentation you have. They were struggling with this.

This item was postponed twice. The second time they came back there was no PowerPoint. We insisted the applicant this time come back with a --

COMMISSIONER AARONSON: Having said that, I'm going to make a motion to approve this because I see all the pluses that Commissioner Santamaria mentioned. I see the pluses of putting in of properties that will get rid of the undesirables that the gentleman is complaining about. I see everything plus for this.

I find no negatives, and as a result, I'm going to make a motion to approve this.

COMMISSIONER SANTAMARIA: Second.

MR. BANKS: Okay. And we need disclosure for this item.

COMMISSIONER AARONSON: Pardon me?

MR. BANKS: We need disclosure for this item.

COMMISSIONER AARONSON: I have never met with the applicant, so --

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Yes, I've met with Brian actually this morning, and then also Mr.

Eunice has been in contact with my office many times.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Met with the petitioner.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: No, they called, but I didn't have time.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: None.

CHAIRPERSON GREENE: Commissioner McCarty.

COMMISSIONER McCARTY: No.

CHAIRPERSON GREENE: Neither did I.

COMMISSIONER McCARTY: I do have a comment on the motion.

CHAIRPERSON GREENE: You heard a motion by Commissioner Aaronson, seconded by Commissioner Santamaria.

Ready for the question.

COMMISSIONER McCARTY: I just had a comment on the motion.

I just wanted to explain that, you know, everybody would like their own road, to not have anybody else on it. Unfortunately, these are public roads, and as long as the road can handle the capacity, we have a responsibility as elected officials to make sure that that road gets the use that it was built for.

So it is -- unless it was a private road or there was some reason to expect that this road was only built for, you know, a small amount of people -- so I understand your concern about the increase in traffic, but as long as there's the capacity there that it was built for, we really, you know, can't take that into consideration, but we understand you'd like to have as few cars as possible, and I think we all join you in that desire.

Thank you.

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

All opposed.

(No response)

VICE CHAIRMAN KOONS: Good job.

MR. CHEQUIS: Thank you. Thank you.

CHAIRPERSON GREENE: All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: Ayes have it, 7-0.

MR. CHEQUIS: Thank you very much.

MR. Mac GILLIS: Which brings us to the last item on the agenda, Item 21, The Grove MUPD. Carrie Rechenmacher will present this.

MS. RECHENMACHER: Yes. Good morning, Commissioners.

The applicant has been working with COWBRA and the homeowner's association and we've modified a number of conditions to satisfy their concerns. The site plan is going to change somewhat because the applicant has agreed to have all the buildings -- to have no buildings that are three stories and he's going to maintain the 115,000 square feet, but one of the three story buildings is going down to two stories and the building that's closest to residential will remain at one story.

And there are just some minor modifications I believe with the Land Development for median landscaping, and Engineering can address those.

Thank you very much.

VICE CHAIRMAN KOONS: I don't have any cards on this. We do have cards?

Why don't we have them talk and then you can do a --

MS. KATZ: And he'll tell you why we didn't hand in our cards.

MR. PERRY: Good morning, Commissioners, Marty Perry representing the applicant.

The reason you don't have any cards is that we had understood at the beginning of the meeting that we were going to be moved up to consent, and that didn't turn out to be the case, so these two people didn't submit cards.

We as staff has indicated in agreement on all conditions. We've met extensively with COWBRA as well as the homeowner's association. We have reached agreement on 14 items that the homeowner's association had requested that we perform in addition to the conditions. We had requested at the Zoning Commission that staff incorporate several of those into the conditions. That's been done.

The rest of those are incorporated into an agreement that's been drafted to be executed between the developer and the homeowner's association.

And I don't know that Barbara or Sam have any additional comments that they want to make, but frankly --

VICE CHAIRMAN KOONS: I don't have any comments. Do you just want to read the recommendation and then we'll -

MR. CHOBAN: I just have a clarification on Page 263, Engineering 1.A, second line from the end. It should read, "Shall not be issued until construction commences for the construction of an additional left turn lane south approach on," then we would add, "the southbound entrance ramp for the Florida Turnpike."

VICE CHAIRMAN KOONS: Okay. So we're all clear. Everybody's agreed to all the conditions, so the audience is set, staff's set.

COMMISSIONER AARONSON: I'm going to make a motion to adopt a resolution approving an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development Zoning District.

I did not meet with the applicant.

MR. PERRY: We did not meet with anybody.

VICE CHAIRMAN KOONS: And that's with all the changes that the staff made. Is there a second?

COMMISSIONER NEWELL: I'll second, just for discussion.

VICE CHAIRMAN KOONS: Under discussion.

COMMISSIONER NEWELL: Again, Mr. Perry indicated, again, I've not met with anybody on this, but just to make clear, Grove Nurseries, Inc., it says Kimberly Hill, is there anybody else, Mr. Perry, that you're aware of?

MR. PERRY: Grove Nurseries, Inc. is a fellow by the name of Puter (ph), who is the developer of the Grove and the principal of my company, which is Interface Properties, is Ken Goodman (ph), who is seated here in the audience.

VICE CHAIRMAN KOONS: Didn't meet with the petitioner. Commissioner McCarty or Santamaria? No?

COMMISSIONER SANTAMARIA: No.

VICE CHAIRMAN KOONS: Okay. There's a motion and a second with all the conditions. All those in favor, aye?

COMMISSIONERS: Aye.

VICE CHAIRMAN KOONS: Opposed?

(No response.)

VICE CHAIRMAN KOONS: Okay.

MR. PERRY: Thank you. Happy New Year.

VICE CHAIRMAN KOONS: Thanks for working with everybody.

The vote was 5-0, with Marcus and Greene absent or in the ladies room, to more correctly state it.

We're trying to have all this disclosure. Sorry. A little too much disclosure, okay.

Director comments, County Attorney.

MR. BANKS: No comments.

VICE CHAIRMAN KOONS: Okay. Zoning Director.

MR. Mac GILLIS: No comments.

VICE CHAIRMAN KOONS: Planning Director.

MR. VAN HORN: No comments.

VICE CHAIRMAN KOONS: Commission comments. Pray for world peace.

We're adjourned. Thank you.

(Whereupon, the meeting was concluded at 11:15 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 4 through 45, 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 19th day of February, 2007.

Sophie M. Springer, Notary Public.

