

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

Thursday, March 22, 2007  
9:36 a.m. - 11:05 a.m.  
301 North Olive Avenue  
Jane M. Thompson Memorial Chambers  
6<sup>th</sup> Floor  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

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

\_\_\_\_ Addie L. Greene, Chairperson  
John F. "Jeff" Koons, Vice Chairman  
Karen T. Marcus, Commissioner  
Warren H. Newell, Commissioner  
Jess R. Santamaria, Commissioner  
Burt Aaronson, Commissioner

Verdenia Baker, Asst. County Administrator

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Ron Sullivan, Senior Planner, Zoning

Douglas Robinson, Site Planner I, Zoning

Bob Banks, Assistant County Attorney

Isaac Hoyos, Planning

Bryce Van Horn, Senior Planner, Planning

Kristin Tetsworth, Senior Planner,  
Planning

David Wiloch, Planner II, Planning

Erin Fitzhugh, Planning

Allan Ennis, Asst. Dir. Traffic Division

Jim Choban, Engineering Dept.

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Selva Selvendran, Health Department

Vivian Valentin, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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CHAIRPERSON GREENE: Good morning.

I'll wait until Commissioner Aaronson gets his water. You don't have to rush. We won't be here long.

We'll have roll call and opening prayer and Pledge of Allegiance by Commissioner -- by Vice Chair, Commissioner Koons.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

(No response)

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Newell.

COMMISSIONER NEWELL: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

VICE CHAIRMAN KOONS: If you can please stand for the prayer and the Pledge.

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

CHAIRPERSON GREENE: Let it be known that Commissioner McCarty will be absent all day.

Do we have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and file.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Mr. Attorney, we have any swearing in.

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

CHAIRPERSON GREENE: Wow. That's everybody.

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Thank you.

Adoption of agenda.

COMMISSIONER MARCUS: Move adoption.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: Are there any postponements, withdrawals?

MR. Mac GILLIS: Yes. Postponements start on Page 1, Item No. 1, Boynton & Lawrence Office MUPD, Item 2 on Page 2, the Cornerstone Church, and Item 3, status report for the Sparling Group rezoning.

And just note the motion on that should read June 28th, 2007, not November 29th.

Those are the three postponements.

We'll need a motion to postpone to the date indicated.

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: That brings us to the remands. We have one on Item No. 4, Planet Kids. That's remanded to the DRO. We don't need a motion on that.

MR. Mac GILLIS: Page 3 of the agenda, Item C, withdrawals. Item No. 5. That's the Peanut Island Rezoning is withdrawn. We don't -- do not need a motion on that.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: That brings us to Page 4, the consent agenda. We can go through them one by one if a commissioner would like to pull any of them.

Item 6, Rainberry PUD, Pods A and B; Item 7, the Carlyles Shops; Item 8, status report for Golden Lakes.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I have questions on No. 8.

MR. Mac GILLIS: Okay. Item 9 is a corrective resolution.

Item 10 is the Osprey Oaks contract for the TDR units, and Item 11, also execute a deed for the TDR units for Osprey Oaks.

CHAIRPERSON GREENE: All these are pulled?

MR. Mac GILLIS: These are all on the consent agenda unless a commissioner would like to pull any of them.

CHAIRPERSON GREENE: Oh.

COMMISSIONER MARCUS: I just -- I'd move adoption of the consent agenda without No. 8.

COMMISSIONER NEWELL: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: Madam Chair, do we need to do disclosure on the consent items if we met with anybody?

MR. BANKS: Yes.

COMMISSIONER MARCUS: Okay. Because on Items 10 and 11 apparently I did meet with the applicant last year.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Madam Chair, thank you.

I have met with the applicant on Osprey Oaks, which is 10 and 11, and also the residents last year, too.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I couldn't find any meetings with anybody in the last year on these items.

CHAIRPERSON GREENE: Neither did I. Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, Madam Chair, I did meet with the petitioner for 10 and 11.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: No, I have not met with any on those items.

CHAIRPERSON GREENE: Thank you. I hope I didn't.

CHAIRPERSON GREENE: Okay. Commissioner Marcus.

COMMISSIONER MARCUS: Yes, ma'am. This -- I'm just curious as to why we're going to give them a two-year extension when it's a very old plat.

MS. MONROE: Good morning, Commissioners.

This PUD is an older PUD, but they have been meeting their platting requirements. The last plat was recorded just a little over three years ago, and when that three years elapsed, then it became subject to review. So there have been no time extensions for the remaining property.

There is a relatively new owner who is here, who can explain her intentions, but these are very small parcels, and they would have to come back to you to do what she would like to do, and she would need the time to be able to go through this process.

COMMISSIONER MARCUS: Well, why couldn't we just give a shorter extension to see if there's really going to be -- first of all, when you look at the -- recognizing it's going to be a small project, you're at level of service F and then some on the roadways around here.

So I'm just curious as to how long we should wait.

MS. MONROE: Well, you could ask her how long she thinks. She's been talking to Planning staff and Zoning staff. I don't know whether she has a time frame for how long it's going to take her to get through the whole process.

Based on her comments I don't know whether Zoning would be able to offer any input as to what they think would be appropriate to let her get through this entire process.

COMMISSIONER MARCUS: It's basically a piece of property that's designated utility, and she wants to put units on it.

MS. MONROE: That is correct, and she's been told there are additional units that could be put there, very few.

COMMISSIONER MARCUS: Which I don't understand how because there's no capacity out there, but -- and we do have her card, Madam Chair.

CHAIRPERSON GREENE: Ms. Judy Hartsell.

MS. HARTSELL: Hi. Do I just need to speak or --

CHAIRPERSON GREENE: Yes.

MS. HARTSELL: -- do you have any questions or --

CHAIRPERSON GREENE: Well, it says that you want to speak.

MS. HARTSELL: Yes. I'm just not that familiar with the agenda. So I don't know how much time I have, but I'll just --

CHAIRPERSON GREENE: Well, believe it or not, you're the only one, so -- but just don't, you know, we don't say take up the whole meeting, but --

COMMISSIONER MARCUS: We have a clock up here that shows you your time.

MS. HARTSELL: Okay.

COMMISSIONER MARCUS: How's that?

MS. HARTSELL: Thank you.

I just wanted to take this opportunity to explain why I did not concur with the concurrency on my property to be platted.

Before I bought my property, I spent a great deal of time researching what needed to be done to add dwelling units. After much conflicting information I received two letters from the County saying that I could apply for 12 units through a developmental order amendment.

After I received this information, I decided to go ahead and purchase this property, mainly as a retirement investment. I intended to do most of the work myself, but I found out that the DOA would be a -- quite a sizeable undertaking for a full-time job and my family requirements.

So I spoke to two land planning companies, found out it required a great deal of money to do this, between 30 and \$50,000. So at the time I was not financially able to do this. So I kind of put it on the back burner while I was trying to get additional information.

The problem encountered was that I never realized that it had to be platted before I could go forward.

I received a courtesy letter through the mail explaining that I did, but, unfortunately, because the deed was wrong on my property, I never received that letter, and so when I did receive it, you know, I'm doing whatever I can right now to try to, you know, keep it active so that I can go forward.

So, therefore, you know, I'm pleading to the Board to please approve a recommendation for two, you know, for two more years or whatever you can because I'm ready to do whatever necessary.

COMMISSIONER MARCUS: So does she have to plat because it's part of an old approved subdivision and she has to plat it to take it out of there?

MS. MONROE: It's a part of the Planned Unit Development, and all parcels within a Planned Unit Development need to be platted, and --

COMMISSIONER MARCUS: So it's still part of the Golden Lakes PUD.

MS. MONROE: That is correct. In fact, there are three owners. She's the only one that has expressed an interest of doing any development, but the other two parcels, very small, still need to be platted, also.

COMMISSIONER MARCUS: Okay. Madam Chair, I'd move the two-year extension.

VICE CHAIRMAN KOONS: Second.

Just discussion, I like seeing a face on a developer, a local developer. Good luck going through our system.

MS. HARTSELL: Thank you very much. I appreciate it.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: This brings us to Page --

CHAIRPERSON GREENE: That'll bring us to the regular agenda.

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Right? Okay.

MR. Mac GILLIS: Item No. 12, the status report for Planet Kids.

Linda Monroe will present this.

MS. MONROE: When a time extension was approved back in February of 2003, you revoked the concurrency for this property.

Recently they did do a new traffic study showing that this project meets the countywide traffic performance standards, and based on that they will be able to apply for a new concurrency reservation.

Staff has recommended -- based on all of the review factors, staff has recommended the time extension of a two-year time extension for this development order.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: You know, again, this is a -- oh, here's a card on this one.

This is a 19 -- well, I guess they came in in '89, and then they came back in in '98; correct?

MS. MONROE: That is correct.

COMMISSIONER MARCUS: And they haven't done anything since '98.

MS. MONROE: There's a representative that can explain why they have not done anything.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: Mr. McGinley.

MR. MCGINLEY: Yes, good morning. Thank you. Kevin McGinley.

I was not the applicant in 2003, but I've inherited many of the Planet Kids projects since.

You may recall that during the early part of the year 2000 Southern Boulevard was torn up for the alignment that it has right now.

So basically, for three years we could not even coordinate or solve our drainage issues that we had with DOT because the design wasn't completed. The design then got completed, and then it looked like we had some serious problems in being able to comply with not only FDOT standards for State Road 80, but a condition of approval that said we had to provide the drainage for First Road.

We've now gone to different engineers and different landscape architects and, as I said, a different consultant for this.

Back about six months ago we were ready to go forward, but with the clock ticking on this -- on this time extension and not knowing whether or not it would be granted, I gave advice to the client I'm not sure that it behooves you to hire the architect to get all the things submitted until we get concurrency reinstated.

So we have the concurrency reinstated, or we could get the concurrency reinstated now 'cause the traffic works, the drainage I understand from the engineer works, and we're ready to apply next month for final DRO approval with the new standards that apply to a project like this, the architectural standards, et cetera.

So we're ready to go on with the daycare center that is sorely needed.

Also let you know that the Planet Kids participates in the VP-K program, and if you read the papers over the weekend, you'll see what demand we're having now for the volunteer pre-K program, and this will help in that area to provide that need.

Thank you.

COMMISSIONER MARCUS: Madam Chair, I'd move the staff recommendation from January '07 to January '09.

COMMISSIONER NEWELL: Second.

VICE CHAIRMAN KOONS: And as a County representative on the Early Learning Coalition that's apprised of VP-K, I'll third it. Okay.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. MCGINLEY: Thank you.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Next two items are tandem applications for a small scale land use amendment and a rezoning.

Planning will present the small scale amendment for Item 13.

MR. WILOCH: Good morning, Commissioners. David Wiloch, with the Planning Division. You probably remember this one from about a month ago.

It's known as Osprey Isles Office II. It's a 9.88-acre subject site located in the urban-suburban tier on the northwest corner of Northlake Boulevard and Memorial Park Road.

The applicant's requesting land use change from low residential, one unit per acre, or LR-1, to commercial low office with underlying LR-1.

The existing uses and future land use designations surrounding subject site, to the north, Shalom Memorial Cemetery with an institutional designation, to the south across Northlake Boulevard, the subject site of the large scale amendment, 112 Northlake Office, which was approved for land use change from rural residential, one unit per five acres, to RR-5 with -- excuse me, to the CLO-RR-5.

To the east, Carlton Oaks PUD with LR-1 designation, and to the west, Osprey Isles PUD with the LR-1 designation, also.

Concerning requirements, the applicant has demonstrated a need and provided justification for the land use amendment.

The proposal is not considered urban sprawl, nor does it raise compatibility concerns with the adjacent land uses; however, this would be considered isolated mid-block commercial as it is not adjacent to existing commercial, nor is it located at an intersection.

The applicant has offered the possibility of a mixed use development under the multiple use planned development zoning category.

While this does not meet the letter of the mid-block commercial policy, staff would support such a concept if the amendment were ultimately approved.

Staff also finds the proposal is inconsistent with the Comprehensive Plan regarding strip commercial development due to the site's shallow depth and relatively long frontage on Northlake Boulevard.

In terms of service and infrastructure, at the maximum square footage for CLO the request would violate Policy 3.5(d) regarding long-range traffic level of service; however, the applicant has agreed to condition the request to a maximum of 75,000 square feet of office uses and 75,000 square feet of self-storage uses, which would be consistent with the policy.

Staff suggests a condition to limit the property to a maximum of 75,000 square feet of self-storage and 75,000 square feet of office and/or work-live or residential units.

The LUAB recommended approval of the applicant's request, subject to the conditions to limit the subject site to 70,000 square feet of storage, 6,000 square feet of office, five live-work units and an overall FAR of 0.25.

No letters have been received, either in support or in opposition to the amendment.

In conclusion, staff is recommending denial of the request due to the policies regarding isolated mid-block commercial and strip commercial development.

And we'll be happy to answer any questions.

CHAIRPERSON GREENE: Any questions from the members?

(No response)

CHAIRPERSON GREENE: Comments?

(No response)

CHAIRPERSON GREENE: We have some cards on this item?

COMMISSIONER MARCUS: Do we do -- want to do the zoning --

MR. Mac GILLIS: Yeah, would you like to do the zoning?

Item 14 is the concurrent zoning application, if you'd like to hear that, as well.

CHAIRPERSON GREENE: Okay.

MR. SULLIVAN: On Item 14 the applicant is seeking to rezone the property to multiple use planned development and a requested use approval for a self-service storage facility, a limited access self-service storage facility.

The proposed site plan indicates a two-story, 86,000 square foot building that includes 75,000 square feet of storage, limited access self-service storage, and 6,000 square feet of office with five work-live units.

There are 96 parking spaces provided with access off of Northlake Boulevard and Memorial Park Road and a cross access to the adjacent Osprey Isles PUD to the west.

At the February 1<sup>st</sup> commission, Zoning Commission, the Zoning Commission recommended approval, and at the February 22<sup>nd</sup> BCC hearing the Board voted to postpone this one, as well as the small scale land use amendment.

So that's where we stand with this.

The Zoning staff recommendation of denial is based upon Planning's recommendation of denial for the small scale land use amendment.

If you choose to approve, we have conditions in the staff report that we would recommend.

Questions?

CHAIRPERSON GREENE: Thank you.

COMMISSIONER MARCUS: Madam --

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Can -- so if we approve it, is this including conditions that were handed out today? Would that be the recommendation? Okay.

MR. SULLIVAN: Yes, there was one add/delete condition, Engineering Condition 5, plus the conditions in the staff report.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: Mister -- oh, you going to do a presentation?

MR. MCGINLEY: Yes. Well --

CHAIRPERSON GREENE: Okay.

MR. MCGINLEY: Just to basically -- guess it's on -- just summarize what was presented last month. I'm sure it's fresh in everybody's, you know, mind, but just go over it quickly, the location and what we're proposing as staff did, and I won't -- I won't belabor the point.

But our site is located just east of the municipal golf course, City of Palm Beach Gardens, and Osprey Isles entrance.

This is the Osprey Isles preserve that buffers our project from the actual homes in Osprey Isle. Our preserve will continue in this corner, as well, with access proposed via an easement that's already been recorded with Osprey Isles and was part of the condition of approval for Osprey Isles on the west side, an opening here (indicating) and an opening along Memorial Gardens Drive.

We then have the civic site for Carlton Oaks to the east of us, and you can see the homes at Carlton Oaks abutting the civic site.

Ibis on this side, communication tower to the south of us, a parcel that was recently approved for commercial low office directly to the south of us, and you can see -- and I believe that's Rustic Ranches to the southwest.

Last month when we were discussing this seemed to -- came down to a postponement issue to work out some arrangements which I think are on your add and delete sheet, and we're certainly willing to agree to that condition and all other conditions.

We have spoken with Osprey Isles, and over the last couple of months we were at two Zoning Commission meetings. We followed up with correspondence with them. I think they're aware of what's going on.

Carlton Oaks attended a meeting earlier this week. They understand what's going on.

The mid-block issue, as I described last month, I don't believe that the Comprehensive Plan really envisioned a stretch of road this long without a through intersection, and that's where we're caught up in the mid-block, and that seems to be the one and only hinge that we have, other than recommending approval.

I'll be glad to answer any questions you have.

Thank you.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Just two issues -- questions for you, Kevin.

I have -- we didn't -- for disclosure purposes we met earlier this week with the applicant and with Carlton Oaks and the city and a few others.

And, one, that you offered out two designs, and if we could just make both designs part of the record, and then depending upon what the homeowners come back and say they -- we're trying to find out if they had a preference for one, but -- and I appreciated the designs. Both of them were nicely done.

This is one of them. Then they redid it and did a Key West style, which -- if we can have both of those as part of the record.

MR. MCGINLEY: Yeah, we have --

COMMISSIONER MARCUS: It's got barrel tile.

MR. MCGINLEY: We don't have a large board for the Key West style, but we have provided copies to the staff.

But subsequent to that meeting, Commissioner, we went out and noticed that the Publix, which is just southwest of -- sorry, southeast of our site at Ibis, is the barrel tile roof, Carlton Oaks has the barrel tile roof.

I believe with your architectural standards, when you do the visual impact analysis for consistency, more than likely the staff would be coming down on the barrel tile roof that you see here, but we'll certainly keep that option open if the Key West look is something -- we're willing to do either.

COMMISSIONER MARCUS: Yeah, I thought I had the Key West look.

Well, I liked the Key West look, but, anyway, just so that we can work on one of those two design features as part of the record there.

MR. MCGINLEY: Certainly.

COMMISSIONER MARCUS: Okay.

And, Madam Chair, we did last month postpone this at my request, and I appreciate the applicant doing that because it gave us a chance to work with the residents to make sure we understood what the issues are, and I think we have them resolved with the residents.

MR. MCGINLEY: I hope so.

COMMISSIONER MARCUS: And myself.

MR. MCGINLEY: Yes.

CHAIRPERSON GREENE: We have two cards.

Mr. Sal Faso and Mr. John Roach.

Did I mispronounce your last name?

MR. FASO: That's okay.

CHAIRPERSON GREENE: Mr. Roach can take that one.

MR. FASO: My name is Sal Faso, and I live at 7741 Blue Heron Way. I'm a resident of Ibis. I'm accompanied this morning by our CEO and general manager, Stuart Tyrell (ph), and I've been authorized to speak on behalf of the Ibis residents.

Good morning, Commissioner Santamaria, our commissioner.

The reason why we are here is this amendment that's being discussed really has another issue surrounding it. It's the construction of a fire station, Fire Station No.

8, that the City of West Palm Beach is willing to build on that said piece of property.

They procured it from the County in March of 2006.

I don't think there's any debate on the need for a fire house. I think County staff, County Fire Chief, the city, people understand the need for the fire station.

There's lots of efforts and design work going on to build this fire station. So I don't think there's any debate on that point. If there is, I'd be interested to know if -- who would have the reason not to build that fire station.

It is clearly needed. We are outside the standards of any response time. Currently our response times are over 12 minutes.

With the construction of the fire station on the adjacent piece of property we'll reduce that response time to under five minutes, and it'll serve a first responder unit for the entire area within that locality.

The second issue that really exists with this particular piece of property and this amendment is the necessity to get this fire station built quickly.

There's lots of plans and lots of discussions in mode with respect to building this fire station on a temporary basis by July of this coming summer.

The necessity to build a permanent station, it's already in the capital improvement plan of the City of West Palm Beach, is to construct the permanent facility by 2010, 2011.

There has been an issue of annexation of this property by the City of West Palm Beach or by the City of Palm Beach Gardens.

Quite candidly, as residents of Ibis, we're not into the politics of who annexes what. All we really want is the fire station.

And what we're looking for is reassurance from the County Board here that if the County in fact does annex this piece of property and not the City of West Palm Beach, that there would be no delay, that the permitting processes and all the necessary things that would have to be done would be done in a manner such that we could get the temporary fire station built in there by mid-July and not slow down the ultimate permanent construction by 2010 or 2011.

So we're looking for this Board to give us the assurances that that permitting process and all the other necessary processes would be done on an expedited, accelerated way to get the fire station in.

It'll serve all the residents of the County, all the residents of West Palm Beach in that vicinity.

Are there any questions?

(No response)

MR. FASO: The city staff is here as well to prepare a discussion. John Roach.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Thank you.

MR. FASO: Thank you, Commissioners. Appreciate it.

CHAIRPERSON GREENE: Mr. Roach.

COMMISSIONER MARCUS: Madam Chair, maybe to -- Madam Chair, maybe to respond specifically to it, we've talked to Verdenia Baker and the staff about expediting.

It is nobody's intent to slow this down. In fact, we've been communicating with the City since last March to ask for these types of meetings to get it. We could have been done by now.

So, hopefully, they'll -- soon as they submit, we can process, and Verdenia's here to speak to that.

MS. BAKER: Madam Chair, I have spoken with our staff. They simply need to go through the DRO process.

We're willing to sit down with the City if -- when they bring in the plans to do a pre-application meeting so we can look at the plan, tell them exactly what they need to do to ensure to get it through the process in a timely manner.

Then when they submit the actual application, we can have it in and out within 30 days, as long as the application is complete, and it --

MR. FASO: I need you to translate that for me into English.

MS. BAKER: We can expedite --

MR. FASO: Will we have a temporary --

MS. BAKER: -- the process --

MR. FASO: -- fire station in there by July?

MS. BAKER: We can expedite the process -- permitting process completely through, as long as the plans are submitted and they meet the codes.

MR. FASO: By July.

MS. BAKER: We're willing to sit down with the City and -- to ensure when the application is submitted, it is submitted correctly.

MR. FASO: Well, we'll make sure the City gets on its stick, but would you get it done by July so we'll be able to have that fire station in there by July?

That's what I'm looking for, is assurance.

MS. BAKER: We can get it in and out within 30 days.

So if you give it to us --

MR. FASO: You didn't answer my question.

MS. BAKER: Yeah, I'm answering --

MR. FASO: I understand what you're telling me.

MS. BAKER: -- your question.

MR. FASO: I understand what you're telling me.

COMMISSIONER MARCUS: I don't know that we -- I don't know that the City can commit to building it by July.

If you're talking about having approvals by July, I think we can very --

MR. FASO: No.

MS. BAKER: We can actually do that.

MR. FASO: No. It'll be temporary fire station by July.

COMMISSIONER MARCUS: Yeah. Well, I --

MR. FASO: In use servicing the area.

COMMISSIONER MARCUS: I don't know that they can build it by July.

MR. FASO: Well, we're told that they can.

COMMISSIONER MARCUS: Well, if they can in the City, then they can in the County, and if they can do it in their process -- what I was told by the mayor is 30 days, and our process is 30 days, then it's the same time frame.

MR. FASO: So you see no reason for delay so long as the City does its piece of work?

COMMISSIONER MARCUS: Right.

MS. BAKER: That is correct.

MR. FASO: Okay.

CHAIRPERSON GREENE: Commissioner Koons.

MR. FASO: Thank you.

CHAIRPERSON GREENE: And then Commissioner Santamaria.

VICE CHAIRMAN KOONS: Yeah, I sent a letter to Lois yesterday basically saying I'll hand walk this thing through the system.

One of the things that people don't realize, in the last four years the City and the County have worked out a comprehensive fire response system, common dispatch, a series of new fire stations adjacent serving unincorporated Palm Beach County plus the City, and this is the last piece of the puzzle.

So my letter's going over there. I'll be at Lois' swearing-in today, quarter to 3:00, announcing the same thing.

So if there's any particular problems, Commissioner Marcus and Koons and Commissioner Santamaria will be walking it through the DRO process as quick as we can.

So our staff is saying this is something we really want to get done.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I just wanted further clarifications.

How does this Item 13 affect the construction of the firehouse?

COMMISSIONER MARCUS: There's a requirement for access from Engineering, not off of Northlake, but on an easement that we are going to get from this applicant, and so that's what the interest has been generated by West Palm.

Once we approve this, there's a condition on here for an access easement that we will then relay to the City of West Palm Beach. So that's why they're here.

And this actually helps them, also, because otherwise they would have had to go out, work out an arrangement with the applicant. That might not have happened. So this is actually helping them, also.

COMMISSIONER SANTAMARIA: Okay. Thank you.

MR. FASO: It reduces the response time, as well. Otherwise, to call -- to service a call east you'd have to go west on Northlake Boulevard, make a U-turn with a fire truck and come back down the other way, and with 40,000 vehicles on Northlake Boulevard that's unsafe and really elongates the response time.

CHAIRPERSON GREENE: Mr. Roach, you haven't said anything.

MR. ROACH: Good morning. For the record, John Roach, senior planner for the City of West Palm Beach.

We're just here to formally state our position. As you well know, the County sold the Tract C of the Carlton Oaks PUD to the City for the purposes of the construction of the fire station. That deed restriction required that we build the station by March 2008.

As you know, that time is coming soon.

So to provide those services quickly within the area, as has been mentioned, we're looking to construct a temporary facility.

The funds have been allocated or proposed to be allocated within the CIP for 2010, 2011 with construction after that.

Because the property's owned by the City, it's serviced by City utilities, it's going to be a city-operated fire station, the City's actually in the process of annexing -- going before the commission on April 9<sup>th</sup> -- the property within the City limits.

The City's found that based upon Chapter 171 of the Florida Statutes, and the County staff has agreed, that it does not violate and is consistent with the chapter.

Most importantly, it's going to allow the permitting process to go through the City, which we can guarantee time-wise that that'll happen.

We can guarantee that within 30 days of submittal of a permit application we can have that permit issued and then construction beginning, as Mr. Faso said, by July.

That would allow us to build the facility by January and have adequate time to equip and staff that facility so that we can meet the March 14, 2008 deadline.

A letter from Mr. Mac Gillis on March 5th, 2007, indicated that it would take two to three months for the DRO process so that's what we are pushed up against, and under the City's process, as I mentioned, we could guarantee you 30 days to have a permit issued.

If the County can commit to this time line and matching the City's time line within the 30 days, we'll consider withdrawing the annexation. We'll take that into consideration.

But more specifically, in regards to the access and one of the biggest City's objections is that we previously worked with the County engineers, and they're actually requesting that we provide access -- or that our access to the fire station be provided off of Memorial Park Drive, as proposed to a new curb cut on Northlake Boulevard even though the PUD already provides that access point.

The County Planning staff, as well as the City, had worked in cooperation with the County's engineer, and we previously had in there the condition that the developer would grant the easement directly to the City; however, after a meeting with Commissioner Marcus and the developer on March 19<sup>th</sup> that amendment which is before you provides that it be granted to Palm Beach County, who could then transfer it to the City upon satisfaction of the County, i.e., withdrawing of the annexation request.

Just keep in mind that preventing access to the legal parcel for the consideration of a fire station that benefits not only the County and the City residents, hampers our ability to provide service as we've committed in the deed and would constitute a taking to the property.

We ask that the easement be dedicated directly to us. We're objecting to the amendment to the condition, and we'll consider withdrawing the annexation application if we can get a commitment from the County that they can match our

30-day requirement, and we ask for that in writing, please.

CHAIRPERSON GREENE: Thank you.

I'll just have to say Max because I can't read the last name.

VICE CHAIRMAN KOONS: Max.

MR. FASO: Thank you, Commissioners, for your support. Appreciate it very much. MR. DUFFOCQ: Thank you, Commissioners, for your attention.

CHAIRPERSON GREENE: Could you give us your first and last name, sir.

MR. DUFFOCQ: Yes. My name is Max Duffocq, and I'm a resident of the County. I live in Osprey Lake -- Osprey Isles Boulevard in the Osprey Isles neighborhood, and that's where I'm a homeowner.

First I'd like to begin by clarifying a couple of things that have been said here before.

Number one, there has been no communication between the gentleman representing the developer and the Osprey Isles community, none whatsoever.

Number two, there's plenty of letters that I'm going to give you today objecting to this rezoning and to permitting this construction.

My wife and I purchased our home in this area, and we traded the convenience of being away from the City and our workplaces to be in an area which, up until now, has been zoned primarily for residential, recreational and agricultural uses.

The Northwest Corridor Land Use Study prohibits, like it was said before, mid-block and strip commercial development, which this would represent.

It only allows for neighborhood business. A self-storage facility is not a neighborhood business.

The plan being proposed here is merely an attempt to dress this facility as something that has -- that is more likely to meet the guideline -- the existing guidelines, yet at the end of the day is still a storage facility.

We ask what sense does it make to build a community like Osprey Isles, and even before all the homes are sold to even consider rezoning an adjacent parcel to put a facility like this. The answer is clear. It makes no sense.

We ask what kind of planning paves the way for 101 homes and families and individuals to put -- make a significant investment on their homes and then somehow to justify putting a self-storage adjacent to their investment.

It makes no sense, and, further, it is irresponsible.

We've been told our community has one of the highest ratios of wetlands and preserve areas per home in the County. In fact, we pay nearly \$1,000 per year per home just to maintain these sensitive areas. That's a third of our HOA budget.

Then does it make sense to put a self-storage facility next to these areas? It doesn't. It simply doesn't.

This facility only belongs in an area zoned for industrial use.

These are the views of my neighbors. Some of them are here. Most of them couldn't make. I brought, like I said, with me many letters signed by them objecting to the rezoning and objecting to this facility being built.

And the message from Osprey Isle community is clear. We do not want a self-storage facility adjacent to us, and we do not want the noise, the traffic, the congestion and the strangers that this is going to bring near our community and our children.

I also bring with me two letters, one from the Rustic Lakes HOA, a community across the street from us, and one from Menorah Gardens, both strongly opposing this rezoning and this facility.

I ask you to consider this, as well as the objection already in record from the City of Palm Beach Gardens and please deny the permit to build this facility and do not rezone this parcel

Thank you very much.

COMMISSIONER MARCUS: Madam Chair, I'd move to receive and file the letters.

CHAIRPERSON GREENE: You've heard the motion to receive and file --

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Question for the gentleman who just stepped up.

You objected to the storage; correct?

MR. DUFFOCQ: Yes.

COMMISSIONER SANTAMARIA: Do you have any objections to the -- the rest of the -- I guess the office, 75,000 square feet of office space?

MR. DUFFOCQ: We're -- I'm not prepared to give you an answer for that because we did not discuss that with our neighbors. We discussed the self-storage facility.

I can only answer to you today that we oppose a self-storage facility next to our neighborhood.

Perhaps that's a different item that we'll -- I'll have to discuss with our neighbors and with the ones across the street and with Menorah Gardens, but we don't -- I can't give you an answer for that because I can't speak for them.

We have not discussed that possibility.

COMMISSIONER SANTAMARIA: But --

MR. DUFFOCQ: If you're asking for my personal opinion, I object to having a business built right next to where I put all my investments towards the home with my wife.

Yes, I do, because this area has been shown for residential, low density residential, for a long time. We are surrounded by communities like Carlton Oaks, like Rustic Lakes, like Bay Hill Estates. These are all residential. We got a golf course right next to us.

A self-storage or an office space or anything belongs to -- certainly, not a self-storage. A self-storage facility belongs in the industrial zone area.

COMMISSIONER SANTAMARIA: That's not my question. My question is -- still remains.

What is your objection to the office part of the application?

MR. DUFFOCQ: We are not objecting to one item over everything that is being presented. We're objecting to the package that is being presented.

COMMISSIONER SANTAMARIA: But --

MR. DUFFOCQ: The majority of this is going to be self-storage, and that's what we object to.

There's parking places that goes along with it. It's a two-storage facility -- two-story facility. That's what we object to.

It's being presented as being something multi-use with residential units. It makes absolutely no sense.

We don't want a self-storage facility.

COMMISSIONER SANTAMARIA: Yeah, I heard that, but I --

MR. DUFFOCQ: If they're going to put the --

COMMISSIONER SANTAMARIA: I heard that already, but you're still avoiding my question.

MR. DUFFOCQ: I'm not avoiding your question, Commissioner

COMMISSIONER SANTAMARIA: My question is the -- what is -- what is your stand -- when I say you, since you are speaking in behalf of the homeowner association, so I'm going to have to stay on track on your statements.

Your statements basically said that you have a certain number of residents who are objecting to the self-storage, but the other half is 75,000 of office. It's in equal amount from what I see in the application, 75,000 of self-storage and 75,000 of office.

So for the final time I'm going to -- I want a direct answer to a direct question.

What are your objections, if any, you, meaning the residents, against office?

MR. DUFFOCQ: Against office, they're probably not as severe as they are for a self-storage -- for a storage facility, but I can't say unequivocally that because we have not discussed --

COMMISSIONER SANTAMARIA: Okay.

MR. DUFFOCQ: -- an office space.

COMMISSIONER SANTAMARIA: I got your answer. Thank you.

I guess my other question, the staff recommends denial. How does this affect the fire station?

COMMISSIONER MARCUS: We can't get the easement. We can't get the access.

MR. CHOBAN: Well, if this were not approved, the condition for the easement --

COMMISSIONER SANTAMARIA: Right.

MR. CHOBAN: -- would go away, and the fire station then would be -- have to go onto Northlake Boulevard for their direct access.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: What is the property to the north? That says institutional. What is that use?

MR. SULLIVAN: That's Menorah Gardens.

VICE CHAIRMAN KOONS: Menorah Gardens.

COMMISSIONER NEWELL: That is the cemetery.

VICE CHAIRMAN KOONS: Those -- those are great neighbors.

COMMISSIONER NEWELL: Quiet. So that's been there for a long time, I guess.

And how close is the closest residence to this? Can you tell from -- or some -- Mr. McGinley, you got a -- okay.

MR. MCGINLEY: I do, and --

COMMISSIONER NEWELL: So you're on the -- you're building on the west side, so you're --

MR. MCGINLEY: We're building on the west side, this being our property, Osprey Isles, there's no home, Osprey Isles, within 500 feet for the notification.

The property's been posted, obviously, since November. That's where they would get their notice, and they're here, but there are no homes within 500 feet of our property in Osprey Isles.

You can see the homes that would be within 500 feet in Carlton Oaks separated by the civic tract, and here is the Memorial Gardens Drive that we're talking about (indicating).

COMMISSIONER NEWELL: Okay. Thank you.

MR. MCGINLEY: If -- Madam Chair, if I may, I would just like to take exception to what the gentleman said about not notifying Osprey Isles.

This application was originally heard by the Zoning Commission in December. There were three members of Osprey Isles -- of Osprey Isles here at that meeting.

I met with them after the meeting. We took a two-month postponement at that meeting.

I met with them after the meeting. I e-mailed. I sent them copies of the site plan, the elevations, spoke with a Mrs. Patti Kidder at 9333 Osprey Isles. We went back and forth several times, and this is going back since December.

CHAIRPERSON GREENE: Are you talking about the three people that attended the meeting, or are you talking about --

MR. MCGINLEY: I'm talking about the residents of Osprey Isles 'cause --

CHAIRPERSON GREENE: Residents. Okay.

MR. MCGINLEY: -- these residents of Osprey Isles, the first time I've ever heard from them was 10 minutes ago when they appeared at this meeting.

So we have been in contact. I have been in contact with a representative of Osprey Isles since November, e-mails, as I said, mailing them copies of the plans, the elevations proposed and discussing the access from Osprey Isles.

Their concern back then was that we were going to have an access point from Osprey Isles Drive onto our property. We agreed then to delete that, and at the Zoning Commission level the Zoning Commission decided to put it back in and said you know what, it's connectivity, it needs to be there.

So I have not heard from anybody else from Osprey Isles in the months that we've been postponing this.

They didn't -- I don't think they were here at the last Board of County Commissioners meeting when this was postponed, but I just wanted to clear the record up for that.

Secondly, we are not holding, and my -- and my client does not plan on holding the City of West Palm Beach and the civic tract hostage over this easement.

Whatever happens with this, fire protection is needed for everybody there. We're not using this in any means to get approvals.

Thank you.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Kevin, you met with three people at that meeting that you had.

MR. MCGINLEY: Yes.

COMMISSIONER AARONSON: Is there a homeowners association for Osprey Isles?

VICE CHAIRMAN KOONS: There's another one that came in right now.

COMMISSIONER AARONSON: I'm not asking you the question. I'm asking -- and then I'll ask you the question.

MR. MCGINLEY: No, when I asked the three people that were here who was my contact --

COMMISSIONER AARONSON: Okay.

MR. MCGINLEY: -- at the association, I don't believe there was one. I was given the name of one individual.

COMMISSIONER AARONSON: Okay. So there's no homeowners association for Osprey Isle.

So some people want it -- well, I can't hear what you're saying, but there's a -- go ahead.

MR. DUFFOCQ: Commissioner, the answer to that is the homeowners association has not yet been turned over by the builder. We've been asking to -- for turnover to occur.

Currently we have a loosely group, may I say, of all resident homeowners, a loosely group association where we address concerns by the neighbors, but we don't have yet control of the homeowners association, the builder has.

And we've been asking for the turnover to occur, and it has yet to happen.

COMMISSIONER AARONSON: Well, in most homeowners associations, and I know 'cause I could tell you from personal experience, that even while the developer still has control, there is usually a group called the homeowners association ad hoc group that looks for the takeover, and they actually form an association.

From what I'm hearing, there's no association. Three people came to your meeting. Three people are here today from your side.

There seems to be no cohesive group of people that -- or any elected group of people that could speak on behalf of the entire community.

MR. DUFFOCQ: Pardon me, sir. I'd like to object to that observation because we do have a fairly large group which cannot do anything right now to get control over the HOA.

COMMISSIONER AARONSON: Okay. You --

MR. DUFFOCQ: We have --

COMMISSIONER AARONSON: You can object to my observation, but that's my observation.

MR. DUFFOCQ: We don't have -- we don't have three people here. We have a whole row back there, and these are only the people that could take away from work, take vacation time to come here and try to protect our rights regarding this property.

COMMISSIONER AARONSON: Okay.

MR. DUFFOCQ: There's -- you have over 40 -- 45 letters signed from homeowners.

COMMISSIONER AARONSON: How many homes?

MR. DUFFOCQ: You can -- there's 101 homes, many of them still not sold, many of them in the hands of investors.

COMMISSIONER AARONSON: How many would you say are sold out of the 101?

MR. DUFFOCQ: I would say there's probably close to 90 because at 90 percent --

COMMISSIONER AARONSON: So if you have -- if you have 90 sold, you have 45 signatures; correct?

MR. DUFFOCQ: Correct, but some of these -- some of --

COMMISSIONER AARONSON: I'm just asking a question. I'm not making a decision. I'm just asking a question. Okay. You answered my question.

MR. DUFFOCQ: Yes.

COMMISSIONER AARONSON: Thank you.

CHAIRPERSON GREENE: Dr. Christine Jax and Ms. Patti Kiddler (ph).

DR. JAX: Thank you for the opportunity and thank you for letting me speak when I came in late.

I've only lived in your community for two weeks. I'm one of those people who couldn't chime in earlier because I just moved here. I just closed on my house on March 5<sup>th</sup>.

I'm happy to be living here, but I chose to live in Osprey Isles because of the quality of life, because of the community.

By the way, I'm a former Commissioner of Education for the State of Minnesota, so I do understand your issues as an elected body.

What I also know is that you're -- as I was as an education commissioner -- generalists, and I really hope that you will defer to the experts and the zoning people who came up with the zoning in the first place, and I understand Palm Beach Gardens City is recommending that the zoning stays in place.

We do not have the representation that you might think that we have. We're unincorporated. So we don't have City representation. We don't have people who can also lobby for us and talk to. We don't have an association.

We have people who are trying to gather together. There are a lot of renters there because there are a lot of investors. There are a lot of people like myself who are just moving in.

So this has come in a very opportune time for the builder -- the developer, but a very inopportune time for people who are moving there.

Of course, if I were in his shoes, I'd probably be choosing this timing myself, a place that's not incorporated, a place that doesn't have an association, a place that maybe looks like there isn't a community will, but I really urge you to understand why people move into this area, why we chose to live by the wetlands and by the preserves, the quality of our house, our lifestyle.

I understand that in this time and the turn-down of the market that developers have to do what they have to do to mitigate their losses, but they're investors, and this is cyclical, the economic environment.

We, however, are not investors. We're your constituents. We're your voters. We're your neighbors, and we've chosen to live there. And if there's someone whose damages you need to mitigate, I would argue that it would be ours.

It's not your job to take care of developers or builders who are trying to lessen their loss in an economic downturn.

So I hope that you really stand behind the community and the people who live at Osprey Isles. Thank you.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER NEWELL: Madam Chair.

CHAIRPERSON GREENE: Commissioner Newell.

COMMISSIONER NEWELL: Help me out. I'm already forgetting from last meeting, but do I not recall that this petitioner actually came in years ago for the project, and County staff told him to hold off and wait for a number of years?

In fact, if I recall, this was in way before Osprey or any other developments probably were out there. I don't know, but wasn't this the one that came in years ago, and you -- and then staff said post- -- hold off, and let's wait 'til we have a study done, and then you came back, and they said hold off again, and in the interim the guys to the south went ahead and got their approvals for commercial?

Isn't that what happened? Jon, help me out.

MR. Mac GILLIS: Yes. Kevin stated -- went through that all at the last meeting on how the property to the south came in through a large scale amendment, I believe, and was processed and got his approval, where Kevin's site was coming

through, was told to hold off 'til the study was finished for Northlake.

COMMISSIONER NEWELL: Told to hold off by who?

MR. Mac GILLIS: Well, I believe it was part of the -- the planning was in the midst of working on the Board-directed study for the Northlake.

So he was directed to hold off to make sure it was going to be consistent with that final study.

COMMISSIONER NEWELL: So how -- how many -- how long was he held off?

MR. MCGINLEY: Well, if I can, just go back.

In 2003 we submitted, and there was a recommendation in the Northlake Corridor Study that no land use land changes be adopted until 2005. We were premature. We realized it was -- it was in the plan, and that they -- and the three entities, West Palm Beach, the Gardens and the County were still working out details.

We voluntarily withdrew our application, resubmitted it.

And just the history so that people at Ibis understand this, as well, and the Commission does, too, this goes very germane to this point.

It's the same property owner as the subject property here today in Ibis. When he sold the property to Shelby Homes, who is now controlling the property where these neighbors live, on the deeds there was a reference to an agreement, and every deed, every property owner has this -- has this deed with the reference to these documents that are recorded.

And under Item 7 it clearly states that the Four JR property, the one that's subject is here today, it says the parties acknowledge and agree that the Four JR property will be developed as a commercial project, and Shelby agrees to cooperate with Four JR and not to object to the Four JR property being zoned or rezoned for commercial uses.

This has been in their deed since they bought the property. The property has been posted as such. To say today that this is a surprise and it should never happen here I think is disingenuous.

Thank you.

CHAIRPERSON GREENE: There's one other person. Oh, Ms. Kiddler.

MS. KIDDER: Hi there. My name is Patty Kidder, and I'm a resident of Osprey Isles.

I had spoken to Kevin awhile back. I was one of the representatives at the December meeting for Osprey Isles.

No, we do not have a homeowners association as of yet, but there is a core group of homeowners that has lived in the community like I have for the past two years that we're actually right now going to elect our board of directors and our president and so on to, you know, come to these meetings and do things like this.

The only thing that I had spoken to Kevin about, yes, he did e-mail me, was the opposition we also have, in addition to self-storage is this property is going to connect to our development.

Our entrance is also their entrance. Osprey Isles, Osprey Isles II. When you drive into our community to the right-hand side, it's -- actually, there's an entrance already paved there. Right now there are signs there like a do not enter, but that goes right into these -- this commercial property.

You could see the green up there. Where you see the long driveway that goes back to our community, that is our entrance.

What you do not see is right to -- when you first turn in on the right-hand side, it also -- there's a driveway that connects right to the commercial property.

So that is what Max was speaking about as far as our children, people be sharing our entrance. Our children's bus stop is right there.

When I'd spoken to Kevin and he e-mailed me the plans for the development, we had talked about Osprey's opposition and, hopefully, taking that drive away, to not connect anything from our property, and he said that the Zoning Commission had recommended they'd like everything to connect. So he basically said that was a dead issue in the water.

That was one of our main things we talked about as working together to get something that was deemed acceptable to our community.

As far as your question, Commissioner Santamaria, before about the office space, about it's acceptable, right now we can't say, obviously, 'cause what they're doing right now is a mixed use property.

Obviously, self-storage is something we do not like and don't want.

We can't say about office space because we don't know what kind of office space. Things that are going to bring people to our neighborhood or be connected to our neighborhood that aren't, you know, for our community, our preserves and our children, we, you know, we'd have to see.

Right now this facility, the way it's zoned, what they're planning on rezoning, our community is strongly against.

I know Max has only 45 letters, and there are a group of people here, but the others oppose it, also. We, you know, have a group e-mail we send out, and people couldn't be here, but they are opposed to it.

So as what he said before about Shelby knowing from the beginning about this property, we're not Shelby. We're the homeowners now. This was a -- Shelby had intention of knowing this was commercial a long time ago. They never disclosed it to any of the homeowners.

When we purchased our properties, it was all zoned as residential, low density. We were told by the builder there was going to be 10 maybe one-acre homes there, nice estate-style homes with a -- and that's fine with an entrance attached to ours, but not an office space with self-storage.

I mean, yes, they're -- the houses are 500 feet from the commercial property, but I walk my one-year old and my four-year old up there. Our entrance is right there. I don't want to be walking my stroller around while trucks are driving into a storage facility. It's not something that people in our community want.

Just because my house isn't near it -- I live at the fourth house at the front -- I don't want to be in my community walking right next to a commercial self-storage facility. That's not why I bought my house.

CHAIRPERSON GREENE: Thank you.

MS. KIDDER: And I do speak on behalf of most of the residents, so -- sorry --

CHAIRPERSON GREENE: Thank you.

MS. KIDDER: -- if I'm getting a little upset.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I heard you say something I wanted -- in their deeds it says that there's going to be commercial there?

MR. MCGINLEY: When they -- when they get their deeds, it, as it does in all language of a deed, it says, "...and it's subject to conditions, restrictions, limitations, reservations, agreements and declarations in the public records."

I'm representing to you that one of the agreements, it's called Agreement, and it's between the developer and the Four JR Corporation, which is referenced in this, which should show up on their title, if they would look at this, they would see that the intent all along was for this to be developed as commercial, and that's the point I'm trying to make, that and, also, the

developer is not here complaining about this because he has an agreement that says he's not to.

Whether he passed it along to the people or they read the agreement that's an attachment to their -- to their deed, I can't speak to that.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER AARONSON: So in other words, in their deed there was notification to them, and if they had read it, they would have realized that there would be commercial there.

MR. MCGINLEY: In the deed there's a -- the reference to agreement, subject to all those things in your deed, if they'd taken the --

MS. KIDDER: I'd like to review my -- I'd like to review my deed then because I never noticed that, and I was never explained to that at my closing or title, whatnot.

COMMISSIONER AARONSON: I'm asking him the question.

MS. KIDDER: Okay. I'm sorry.

COMMISSIONER AARONSON: Okay.

CHAIRPERSON GREENE: Okay. Commissioner Marcus.

COMMISSIONER MARCUS: Thank you, Madam Chair.

You actually are -- I'm glad to meet all of you. You're all actually in District 1, and we will be glad to reach out, as you put together an HOA, to start getting information to you and providing you with things that are going on.

We do that with Carlton Oaks, which is your neighbors to the other side of you, and we did work with them on this petition so that they are aware of it.

My concern today is after having the struggle with the City of West Palm Beach and trying to provide this fire station since last year when we actually sold the property to the City, we now have an opportunity to act on it expeditiously, sort of in the greater good for everybody, and not approving this today would, I think, cause us a delay in terms of getting the access easement.

I don't know if they showed you the design of it, and Kevin, maybe you can explain, at least on this barrel tile one, how much of this is office and how much of this is self-storage from your diagram there.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER MARCUS: Oh, he was --

MR. MCGINLEY: I'm sorry.

COMMISSIONER MARCUS: He was asking -- answering my question.

CHAIRPERSON GREENE: Oh, I'm sorry.

MR. MCGINLEY: This -- what we're proposing under this application is a 75,000 square feet of self-storage, 6,000 square feet of professional office.

The Comprehensive Plan refers to a maximum of an additional 75,000 square feet of office, which we have not applied for now. We cannot meet the concurrency for it.

COMMISSIONER MARCUS: So on --

MR. MCGINLEY: So right now it's 75,000 square feet --

COMMISSIONER MARCUS: On this design this is all self-storage?

MR. MCGINLEY: That's self-storage with 6,000 square feet of office on the first floor,

COMMISSIONER MARCUS: On the first floor.

MR. MCGINLEY: Yes, ma'am.

COMMISSIONER MARCUS: Okay. So they'll be on the first floor here some office, and then the rest of it will be self-storage.

MR. MCGINLEY: Right. And this is also limited access self-storage. This isn't one where everybody pulls up to a bay and gets a car or a boat or takes things out. You walk into a main door like an office building, and then once you're inside the corridor, then you go to your individual units or bays.

COMMISSIONER MARCUS: The -- Madam Chair, the other issue is -- on the whole issue with the City of West Palm Beach is that this property is in the future annexation area of the City of Palm Beach Gardens, and that was really one of the areas of major disagreement we had with the City of West Palm Beach, and Gardens is not here today to protest or to at least add their two cents about the annexation issue.

But that was why it's so important for us to work out this relationship, this 30-day relationship with the City of West Palm Beach, including the access easement, so that we can get the fire station built.

The biggest objection of the staff was not the need. It was not the use. It was the fact that it's mid-block, and if you are familiar with Northlake Boulevard, one of the nice things about Northlake Boulevard is that it's surrounded by a preserve with Grassy Waters on one side, Loxahatchee Slough on the other side, and these two neighborhoods kind of nestled into that.

There are no mid-blocks. There are no major -- if there was a major east-west road, we took it off the map because of all the preserve areas.

So that's why it doesn't meet our Code, not because it's a compatibility issue or not because there was no need issue, from what I

understand from the staff. It's -- it was that one criteria.

And they have agreed to condition the size of the project so that it doesn't trigger the traffic issues.

So I want to reach out and work with the Osprey Isles folks, and from here on, you know, as you put your association together, because there's a lot of stuff that's going to be happening on Northlake Boulevard, and you need to be involved in that, and what happens with Mecca Farms and what happens out west of town will also affect, you know, the quality of life of where you are.

But for today's purposes I really want to move forward with the amended condition so that we can at least get the fire station moving forward and then sit down with you all in the future on any other issues that might come up.

And, in the meantime, if you have any other issues in terms of design or any of that stuff, I'm sure Kevin is going to be willing to sit down, and we would facilitate having a neighborhood meeting with you all so that you could find out more details and maybe put some other requirements or requests upon them, 'cause they have shown a willingness to work with most of the other neighborhoods.

MS. KIDDER: Commissioner, could I just ask one question? I --

CHAIRPERSON GREENE: Just a minute. Commissioner Santamaria.

COMMISSIONER SANTAMARIA: One further clarification to make sure I understand what we're either approving or denying today.

Exactly how many square feet of each are you applying for today?

MR. MCGINLEY: Well, actually, we have two applications before you today.

The zoning application before you today is only asking for the 75,000 square feet of self-storage, 6,000 square feet of office and the five live-work units.

The Comprehensive Plan change had a condition with it that limited us to the 75,000, 75,000 office.

We -- so before you today is not the 75,000 square feet large office component. That is a -- that is a restriction on the property that we accepted, and, you know, if the conditions prevail in the future where we can come back before you and show you a plan to develop this portion of it, we will, but before you today is only the approval of the 6,000 square feet of office and the 75,000 square feet of self-storage.

COMMISSIONER SANTAMARIA: So you could come back a year, two years from now, three years from now, for the balance of the office space?

MR. MCGINLEY: Well, it'd probably be a little bit longer, but we would --

COMMISSIONER SANTAMARIA: Whatever -- whatever the date is, you could come back.

MR. MCGINLEY: Yes, sir.

COMMISSIONER SANTAMARIA: I am not really --

MR. MCGINLEY: Yes, sir.

COMMISSIONER SANTAMARIA: So that -- that's the question. The answer is yes.

MR. MCGINLEY: Yes.

COMMISSIONER SANTAMARIA: Okay. Make it very clear.

What have you done or will be doing to mitigate your impact on the residential area.

MR. MCGINLEY: Well, first of all, the residents are, at least Osprey Isle residents, are to the northwest of us. We have a preserve along this portion of the property here (indicating), which is the direct relationship with Osprey Isles.

This is Menorah Gardens to the north of us here (indicating). Osprey Isles preserve continues to the northwest.

We have offered to the neighbors that -- and I made that representation to Patti -- that we would request that this entrance from Osprey Isles be deleted. We don't need it. We have an entrance, main entrance, off Northlake, and, again, we have this entrance from Memorial Gardens Drive.

However, when Osprey Isles was approved, there was a condition for Osprey Isles to have connectivity to this parcel.

We told them that what we could do if the Board wanted to keep that in -- again, we're willing to have you remove that connection to Osprey Isles, except every time I would appear in front of either the Zoning Commission or the Board of County Commissioners, I was preceded by the Treasure Coast Regional Planning Council, who was talking about sustainable communities and connectivity, and I come right on the heels, and everybody would tell me connectivity is the way to go.

So what we offered to do was to meander this road and preserve this area in here (indicating) so that this road would come in now and meander a bit so you wouldn't have a straight shot, and you wouldn't see it.

To tell the neighbors that no one's going to use this road, I wouldn't say that, but it's not going to be our primary access point.

Anybody traveling west will use our main entrance. They won't go past the main entrance to come back here and go back again, and why wouldn't they use Memorial Gardens to get in here.

This -- and all it would be is some people from the west coming this way would either turn in here or turn in Memorial Gardens.

So self-storage isn't going to create much traffic, anyway. We're talking about --

COMMISSIONER SANTAMARIA: My next -- okay. Thanks.

My next question is to our staff who's familiar with this access road that goes to Osprey.

Is there a way of avoiding that problem? I'm asking our staff now.

MR. SULLIVAN: The access is paved up to the property line from Osprey Isles currently, and that's their part of it. As Kevin mentioned, that was a condition of approval.

This could be removed, but recommendation has been to leave it in for interconnectivity, and as --

COMMISSIONER SANTAMARIA: That was yesterday. I'm talking of today.

What I'm saying, we're hearing an objection from the residents of Osprey regarding that road. So I know it was a condition -- I know it was a condition yesterday, but I'm talking of today and tomorrow.

Can you justify doing away with that road?

MR. SULLIVAN: The road on Osprey Isles is already there.

COMMISSIONER SANTAMARIA: Yeah.

MR. Mac GILLIS: But we could take it off. I mean I think Zoning and Planning staff would obviously like to see it there because some of the residents might be using this facility, and to come out you're going to have to drive all the way down Northlake Boulevard and come in that other entrance.

UNIDENTIFIED SPEAKER: No way.

MR. Mac GILLIS: If they cut that access point off -- I think it was originally put on anticipating this would be some type of neighborhood commercial in there so that the residents of Osprey would use this.

So now that it's not being really used for neighborhood commercial and more storage use, I think, you know, if it's the Board's desire to take that off, I don't think Zoning would object to taking it off, other than your direction to us, as always, to interconnectivity, keeping people off the main roads as much as possible when they're coming in their own development.

So whether the residents will ever use this use, I don't know. So it's up to the Board. I don't think staff -- Zoning staff would object to that being taken off.

MR. HOYOS: Commissioner, if I may. This is Isaac Hoyos.

I want to answer that question. I'm the principal planner from the Planning Department.

One potential problem, we are asking the developer to have interconnectivity with the fire station to the right and then deleting the interconnectivity to the left, it could hinder the possibility of the fire truck to go into the neighborhood to provide service.

They would have to go out to Northlake Boulevard, do a U-turn, do whatever they need to do in order to serve the -- the same development.

So basically they -- if we're going to have interconnectivity to the right, we need it, also, to the west so that the actual connectivity for the fire station would work.

CHAIRPERSON GREENE: Let me ask you a question.

Why would you want interconnectivity to a community and a warehouse?

MR. HOYOS: Well, the interconnectivity -- they're going to -- they may be users of that --

DR. JAX: No.

MR. HOYOS: -- of that facility.

DR. JAX: Don't make that decision for us, please.

COMMISSIONER AARONSON: Wait, wait.

MR. HOYOS: But the main point is not the connectivity to the self-storage. The main point is the connectivity for the fire station --

CHAIRPERSON GREENE: That's not --

MR. HOYOS: -- to be able to move back and forth.

CHAIRPERSON GREENE: That -- the fire -- interconnectivity to the fire station didn't come up until you came to the mic. We were talking about interconnectivity to warehouse and this community.

So the interconnectivity is from where? You were saying it's -- it's two places. So I need staff to tell me the interconnectivity is where.

MR. Mac GILLIS: Well, I mean I think Planning obviously has their rationale for where it would be.

Zoning, we're looking more at the site plan aspect of it.

Planning is always looking at interconnectivity between parcels wherever it's applicable. They're stating they're also looking at the fire trucks coming through this site.

Zoning was looking more at how it relates to the residential use to the north.

CHAIRPERSON GREENE: Yes, ma'am.

MS. KWOK: The other option is that right now I think maybe, because of the self-service storage, maybe the residents from Osprey Oaks would not be able to use the self-storage facility, but in the long run when they're coming back for those 75,000 square feet office, maybe there is a need for connectivity at that time.

CHAIRPERSON GREENE: Well, I have a problem with y'all assuming that these people want to use this warehouse. That's why you want to put -- they have to use the same entrance.

I have nothing against your warehouse, but they don't -- could we do something about them not using the same entrance to their neighborhood and to the warehouse? You're assuming that they're going to use your warehouse.

COMMISSIONER MARCUS: He doesn't care.

MR. MCGINLEY: No, we're -- we're willing to delete the access from --

COMMISSIONER MARCUS: Madam Chair.

MR. MCGINLEY: -- Osprey Isles.

CHAIRPERSON GREENE: But they haven't answered my question. I want to know about can we do anything about them using the same road, go to the warehouse and to their community.

MR. Mac GILLIS: Yes, I mean if the Board decides to eliminate that entrance, all the traffic coming into this use would go right in off Northlake, and there would be no traffic for this use going up the Osprey Isle road.

CHAIRPERSON GREENE: My other question is -- let me ask you this.

If you are unable to build the warehouse, they don't get a fire station?

MR. CHOBAN: They don't get an access. The access is -- is --

CHAIRPERSON GREENE: No, that's not what I asked.

VICE CHAIRMAN KOONS: No, we're going to get the access.

MR. CHOBAN: They still get the fire station.

CHAIRPERSON GREENE: That's not what I -- that's not my question.

If you don't build the warehouse, will the fire station be built?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Yes.

CHAIRPERSON GREENE: That was my question. Okay.

VICE CHAIRMAN KOONS: Okay.

DR. JAX: Madam Chairwoman, could I make a point of clarification?

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Wait, wait, wait.  
Commissioner Aaronson, and then  
Commissioner Marcus and Santamaria.

COMMISSIONER AARONSON: I think there is a  
solution.

Number one, interconnectivity, as I've  
often said, and Commissioner Greene just said,  
Commissioner Marcus, doesn't always work.  
Sometimes interconnectivity, you know -- you're  
sitting there smiling, and you sat back so I can't  
see your face.

But sometimes it's a detriment --

VICE CHAIRMAN KOONS: She's smiling.

COMMISSIONER AARONSON: Okay. Sometimes  
it is a detriment, and I understand what the  
people are saying, but there can be a way to do  
it.

You can still keep that access road but  
only use it if there's concern because if the  
people are concerned for their children, they're  
also concerned for fire/rescue, the response time.

And if you're concerned for your children,  
you want better response time and not have to go -  
- have the fire trucks go the long way around,  
which will increase the amount of response time;  
correct?

So why can't that road not be just for  
emergency vehicles only?

COMMISSIONER MARCUS: I have a solution,  
too.

COMMISSIONER AARONSON: Wait. Let me just  
finish.

If we can go ahead and leave that road  
there -- you know, in many communities they have a  
gate, and the only people that have a key to that  
gate are fire/rescue, police and so on.

Why can that -- why can't that be done?

MR. MCGINLEY: Well, if you left the  
connectivity, I don't --

COMMISSIONER AARONSON: That way, the  
people are waving out there that they don't use  
that road, they don't need that road, they don't  
want that road.

So if they don't want that road, just  
leave that road for emergency vehicle. That  
satisfies them. It satisfies everybody.

MR. MCGINLEY: My only comment is I'm not  
sure how you enforce it if it's -- if it's an open  
road. If it stays open and you post it as  
emergency vehicles only, that's -- that's not a  
problem. We'll do that. I just don't know how  
it's enforced.

Secondly, I believe that the entrance to  
Ibis, their gate, would be north of the  
connectivity point because there just isn't enough

room here to turn around if you don't go through the gate.

So I imagine that that gated portion of Ibis would be --

COMMISSIONER MARCUS: Right.

MR. MCGINLEY: -- north of our entrance. I don't see where that's a concern.

Again, we're willing to delete this. This is an expense for us to bring this through and build a lane for connectivity. It's a condition of approval.

I would maybe perhaps throw this out as a compromise, delete it now from the plan, and if we do come back and the intensity increases, we could also see how we get along as neighbors and things like that, delete it now, knowing that, you know, in five or six or seven years or whenever it is that we come back with a second phase of this, we revisit the issue.

VICE CHAIRMAN KOONS: Commissioner Marcus.

COMMISSIONER MARCUS: Yeah, that was going to be my suggestion is that we -- we somehow take the condition where they don't build it now, and that -- but if they do reapply for the additional office, which might be more neighborhood-related, that this component then be readdressed during that site plan, and so then they don't have to build it right now.

With all due respect to Planning, I don't see the fire truck careening through the self-storage station to get into Osprey Isles. They just go out on Northlake, and they take a right, and they go through that way, and it's a much cleaner drive.

So I -- I think if you -- if we can change the condition that says that they're not required to build the access to self-storage from the Osprey Isles road, that it will be revisited if the applicant comes back in for the additional office space.

VICE CHAIRMAN KOONS: Can I ask just a question?

COMMISSIONER MARCUS: If we can change the condition to reflect that.

VICE CHAIRMAN KOONS: Do you all park your cars when the kids come and pick up the bus there?

UNIDENTIFIED SPEAKER: Yes.

VICE CHAIRMAN KOONS: Oh, that's interesting. Okay.

Well, now, you're not going to hold them responsible 'cause you're using their land here now, okay. So you guys are already neighbors. So you're using --

COMMISSIONER MARCUS: They're going to get to know each other.

UNIDENTIFIED SPEAKER: (Inaudible)

VICE CHAIRMAN KOONS: Yeah, you do. That's where you park your cars when the kids come pick up the bus, right?

MS. KIDDER: No, we park in our development where the school bus stop is.

VICE CHAIRMAN KOONS: Okay. Well, I think you could take a cut, and maybe you could work with them and put up a bus shelter for them, too. Kevin's really good at that stuff.

He handles all the churches, so he's a good people.

MR. MCGINLEY: This would be a good church site, I'll tell you.

VICE CHAIRMAN KOONS: Okay. Santamaria -- excuse me. Jess.

COMMISSIONER SANTAMARIA: We all know that you can't please all of the people all of the time, but I hope you can appreciate that the commissioners here today are trying their darnedest to, you know, to satisfy most of the needs of everyone, in particular, the residents.

You know, what complicates my decision, and I'm sure it complicates the others, as well, is the fact that there is a firehouse that I think we do support the firehouse.

So that's -- and if one thing blocks the other, that's what complicates matters.

So, really, right now, the issue seems to be the access, this interconnectivity we're talking about.

So I hope that the planners and the applicant can solve that predicament because that's at the moment, at least I know I'm -- I know I support the firehouse, and, of course, Ibis people want the firehouse. So there's the other side of the fence.

So we're trying to do some kind of a balance, and if you can solve this interconnectivity, what I consider a minor problem that can solve the major issues, you know, that should make, you know, 80 percent satisfaction to all sides. So let's work that part out so we can all move on.

The other thing I want to say is the other 75,000 square feet of office commercial, I don't want that to be an automatic future approval. We can still deny that, regardless. So what we are approving today is simply what you -- what's on the table.

I don't want to think about the rest of the development. I want you to be fully aware that we can turn you down at any time in the future should you decide to come back.

So can we come upon some unified effort to resolve this interconnectivity situation?

COMMISSIONER MARCUS: Madam Chair, what I was -- what I was going to suggest in the form of a motion is to have the staff read a condition, an amended condition, that deletes the interconnectivity, and that it only be revisited if the 75,000 square feet office component comes in, and it will have to come back to us for approval, and then we --

CHAIRPERSON GREENE: Yes.

COMMISSIONER MARCUS: Wait, wait. And then we can have that discussion, and we'll have a relationship with the neighborhood at the time.

So if you can read the condition.

MS. KWOK: Okay. I have something prepared.

Prior to final DRO the site plan shall be placed -- the site plan shall be revised to indicate the elimination of the access driveway connecting to the Osprey Oaks PUD until the property owner applies for a future development order amendment to the project. The need of this access driveway shall be evaluated by the BCC at that time.

COMMISSIONER MARCUS: Okay.

Madam Chair, let me make a motion to approve the Item No. 13, which is the requested future land use change to CH-0/3.

COMMISSIONER AARONSON: Second.

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

COMMISSIONER MARCUS: And on disclosure, I met with the applicant and the Carlton Oaks residents.

MR. BANKS: Okay. We don't -- we don't need disclosure for the Comp Plan --

COMMISSIONER MARCUS: Oh, I'm sorry. Okay.

MR. BANKS: -- amendment, and is that with the condition to limit the property to 75,000 square feet of --

COMMISSIONER MARCUS: Yes, with all the conditions. Yes.

COMMISSIONER AARONSON: I met with nobody.

CHAIRPERSON GREENE: Neither have I. Commissioner Koons.

VICE CHAIRMAN KOONS: I met with the petitioner.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I have not.

CHAIRPERSON GREENE: Okay. We ready for the question.

Commissioner Newell.

COMMISSIONER NEWELL: I don't -- Kevin, I've not met with you, no.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: Now, Madam Chair, I would move approval of Item No. 14 with the conditions, as amended, both the original condition and the one that was just read into the record.

CHAIRPERSON GREENE: Could you --

COMMISSIONER AARONSON: Which -- which is eliminating the interconnectivity.

CHAIRPERSON GREENE: That's what I wanted to know.

COMMISSIONER MARCUS: Correct.

CHAIRPERSON GREENE: Okay. Just want to make sure I understand.

COMMISSIONER MARCUS: And the -- already on the add and delete sheet condition.

MS. KWOK: Right. I also want to add another architectural conditions just to make it clear that the applicant needs to bring us the two set of elevations.

So the condition would read, "The two architectural elevations discussed on March 22nd, 2007, shall be reviewed by staff at final DRO to ensure the most appropriate set of elevations is being selected to best fit the site situation and to be reviewed in compliance with Article 5.c."

COMMISSIONER MARCUS: The motion would be to adopt a resolution approving an official zoning map amendment from the Ag Residential and Specialized Commercial Zoning Districts to the Multiple Use Planned Development Zoning District.

Is this where the conditions are attached?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Yes, including all the amended conditions.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: And, Madam Chair, the second motion would be to adopt a resolution

approving a requested use to allow self-service storage facility.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: And, Madam Chair, could we also get Verdenia Baker to write the letter to the mayor today indicating that as soon as they give us an application, that we will process it in 30 days, and it -- work with the Building Department now to start getting ready to issue building permits?

There is a meeting tonight at 5:30, I think, at the City to go over design of the building, and I think once they get that resolved, they should be able to make application with us, so --

MS. BAKER: Madam --

COMMISSIONER NEWELL: Just as long as it's a complete application.

COMMISSIONER MARCUS: I understand, I think the City staff is here, and they hear that's got to be a complete application, also.

CHAIRPERSON GREENE: Ms. Baker.

MS. BAKER: Madam Chair, I would also like to get your permission from the Board to add in the letter that there be a mandatory pre-application meeting so that we can, between the applicant, the City and the County, make sure that whatever they're submitting they've received prior input so we can ensure that the application is complete, and we can process it within 30 days.

COMMISSIONER MARCUS: So the City staff, if you can meet with the County staff next week, we can get started.

So -- and to the Osprey Isles folks, if somebody would contact my office and just give us the name of a contact person, we'll start including you in all the things we do up here.

Thank you.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Can I ask two things?

The landscape Code up against the buffer on the northeast side, it will be City landscaping Code?

COMMISSIONER MARCUS: No, it's County.

VICE CHAIRMAN KOONS: County landscaping Code?

MR. Mac GILLIS: Yes.

VICE CHAIRMAN KOONS: Okay. So if you guys -- I don't want to hear that it's our Code, your Code. Make sure that that adjacent neighborhood's happy.

And who's going to be the contact in the County for all this coordination?

COMMISSIONER MARCUS: Me. Well, the staff, me and Verdenia.

VICE CHAIRMAN KOONS: Verdenia.

COMMISSIONER MARCUS: You'll be getting a daily phone call from me wanting to know what the status is.

VICE CHAIRMAN KOONS: Okay. Verdenia and Commissioner Marcus. Okay.

COMMISSIONER MARCUS: Today is March what, 27?

VICE CHAIRMAN KOONS: Did you guys hear that?

MR. Mac GILLIS: The 22nd.

CHAIRPERSON GREENE: I'd like to say something to the residents of Osprey Isles in the back. Hello? Hello?

Our landscaping experts up here are Commissioner McCarty and Commissioner Marcus. So she just said she wants to get with you all. You need to get with her when they get ready to landscape it.

COMMISSIONER AARONSON: She also comes out personally and digs, so --

COMMISSIONER MARCUS: I pick the plant material, what can I tell you, but we will work with Ibis. This is a -- this is a community station. So Ibis and Carlton Oaks and Osprey Isles, so it reflects that.

CHAIRPERSON GREENE: Okay. Enough of that one.

CHAIRPERSON GREENE: Yes, sir. We're moving on.

MR. Mac GILLIS: That brings us to item 15, the last item.

We've worked out the remaining issues on this. This item would have been moved to the consent agenda, but the applicant just asked us this morning. We worked out the final issues, so if the Board would like a presentation; otherwise, we can just have the applicant stand up and agree to the conditions.

CHAIRPERSON GREENE: Up to the Board.

MR. CHEQUIS: Members of the Board --

CHAIRPERSON GREENE: Just read the conditions.

MR. CHEQUIS: We're in full agreement with the conditions, add/delete, as worked out this morning with staff.

For the record, Brian Chequis, with Cotleur & Hearing.

COMMISSIONER MARCUS: Madam Chair, I'd move approval of Item No. 15, which is an approval, subject to conditions.

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

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

COMMISSIONER NEWELL: Just under disclosure, I have met with the petitioner on this project.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: You haven't met with me, right?

MR. CHEQUIS: No, I have not met with you, Commissioner Aaronson.

CHAIRPERSON GREENE: And I don't know you, either.

Commissioner Koons.

VICE CHAIRMAN KOONS: I don't think I met with him.

COMMISSIONER MARCUS: No, I haven't.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: No.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Those are all the items on the agenda.

MR. CHEQUIS: Thank you.

CHAIRPERSON GREENE: We're down to 5.A, B and C.

(No response)

CHAIRPERSON GREENE: Didn't hear anything from A, B nor C.

Commissioner comments. Commissioner Newell.

(No response)

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I have a comment. I would like to move to reconsider action of the Board on March 13<sup>th</sup> regarding the Lox Road Triangle annexation which directed Representative Adam Hasner and the Palm Beach County legislative delegation to proceed with an annexation bill, which was not conditioned upon the removal of Riverside Drive and University Drive.

I'd like to move to direct Representative Hasner and the County legislative delegation to amend the pending bill which Representative Hasner introduced to the Florida legislature to provide that the annexation into Broward County not occur unless and until University Drive and Riverside Drive are removed from the Palm Beach County thoroughfare plan, and the right-of-ways for same are abandoned and, further, to withdraw the bill from legislative action in the event the amended language is removed or the bill cannot be passed in its proposed amended form.

In other words, annexation shall not occur without removal of the roads.

COMMISSIONER MARCUS: Second. Under discussion.

CHAIRPERSON GREENE: Our attorney --

MR. BANKS: This item was made at a regular meeting of the -- was approved by the Board at a regular meeting, and under the Board's rules it should be considered at the Board's next regular meeting, which would be --

COMMISSIONER MARCUS: Tuesday.

MR. BANKS: -- next Tuesday.

So it should not -- the Board should not -

-

COMMISSIONER AARONSON: In other words --

MR. BANKS: -- take action today, but the commissioner needs to bring it up on Tuesday.

CHAIRPERSON GREENE: He needs to read this again at a Tuesday meeting?

MR. BANKS: Yes.

COMMISSIONER MARCUS: You have to do it next Tuesday.

CHAIRPERSON GREENE: You just have to do it again next Tuesday.

COMMISSIONER AARONSON: Okay. I just want -- I'm on the record that I will be bringing this in -- up on next Tuesday's meeting, and it cannot be used and brought up today?

MR. BANKS: Cannot be -- I mean the Board's rules are that a motion for reconsideration occur at a like meeting.

This is not a like meeting. This is your zoning meeting, and --

COMMISSIONER AARONSON: Okay. I just want to inform the Board that I will be bringing this up on Tuesday's meeting, March 27<sup>th</sup>.

CHAIRPERSON GREENE: We have been warned.

COMMISSIONER AARONSON: Not warned. I think you've been informed.

CHAIRPERSON GREENE: Informed. Okay. Commissioner Koons.

VICE CHAIRMAN KOONS: No.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: None.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I'd just like to mention that during the past week I have been receiving increasing concerns from residents in District 6 about the high density requests being proposed by the two big developers, Callery-Judge and GL Homes in the western communities.

So there's a growing concern that the high residential density is of serious concern to the western communities residents.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Well, I just -- and I'm assuming that you met with the Planning staff or the Department about next Tuesday's meeting where they're going to be discussing the open space requirements and also recommending some kind of densities, just so that they can come next Tuesday and participate or listen to that discussion.

COMMISSIONER SANTAMARIA: Yes, I'm aware of that.

COMMISSIONER MARCUS: Okay.

CHAIRPERSON GREENE: No other concerns. I would just like to end by saying I'm very glad that we're doing the town hall meetings together and my fellow commissioners are allowing me to attend the town hall meetings.

And let me tell you how important it is and how effective it's becoming.

I attended a town hall meeting with Vice Chair Koons, and, believe it or not, I'd never been to this part of Palm Beach County.

VICE CHAIRMAN KOONS: It was Greenacres.

CHAIRPERSON GREENE: Greenacres. And as we were there, the elected -- he had his town hall meeting an hour before the regular meeting of the council, and you know what they said?

They have not had two County Commissioners at their town hall meeting in 23 years.

VICE CHAIRMAN KOONS: And then I told them we're coming with the URA.

CHAIRPERSON GREENE: Thank you. So just wanted to share that with you and thank you for allowing me to attend.

VICE CHAIRMAN KOONS: I think it was a very positive meeting.

COMMISSIONER MARCUS: I think the next one's going to be in District 1. We're having one in April, April 17<sup>th</sup> at Juno Beach Town Hall. We're inviting all of our elected officials.

CHAIRPERSON GREENE: Will you let us -- no, I can't say that.

Okay. If there are no comments --

COMMISSIONER SANTAMARIA: And I just want to follow up on what has been said.

I want to just remind you that you do have an open invitation to all of my monthly community -- I call them community forums on the third Wednesday of every month, 7:00 p.m. at the smaller, original Wellington Mall on Forest Hill.

CHAIRPERSON GREENE: He has standing room only at his town hall meetings. I think that's because he serves food.

If there are no other comments, motion to adjourn.

COMMISSIONER AARONSON: So moved.

CHAIRPERSON GREENE: Thank you.

(Whereupon, the meeting was adjourned at 11:05 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 9th day of April, 2007.

---

Sophie M. Springer, Notary Public.