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I N D E X

<u>Agenda No.</u>	<u>Petition No.</u>	<u>Page</u>
1 1 2006-529)	PDD2006-01682 (Control	5
2 Control 1985-072)	Z/DOA/CA-2007-01185 (5
	3 ZV/DOA/R-2007-01597 (Control 1998-023)	6
	4 DOA-2007-02013 (Control 1989-0117)	6
5	SR 1998-077 (Control 1998-077)	7
6 1977-148)	CR 1977-148 (Control	7
7 (Control 2007-0236)	ZV/PDD/ABN-2007-0728	8
8 ol 1999-0004)	DOA-2007-01777 (Control	8
9 (Control 2006-0099)	PDD/R/ABN-2007-02023	8, 9
10	Z-2007-01188 (Control 2007-0342)	8
	11 ZV/DOA/R-2008-0288 (Control 2004-0616)	8

	12	ABN/Z/CA-2008-0444(C ontrol 2005-0394)	8, 9
13		DOA-2007-01594(Contr ol 1980-0187)	8
14		SR 81-233.8(Control 1981-233)	12
15		SR 1984-163A.6(Control 1984-163A)	12
16		SR 1988-019A(Control 1988-019A)	12
17		SR 2002-054(Control 2002-054)	14
	18	DOA/TDR-2007-01202(C ontrol 2003-0011)	14
19		ZV/DOA/R-2008-0306(C ontrol 1997-0118)	8
20		CA/TDR-2007-01190(Co ntrol 2007-0339)	51
21		ULDC Round 2008-01	54
22		Moratorium on Mining Applications in EAA	57
23		SR-2003-086(Control 2003-086)	7
22		Comprehensive Plan Text Amendments	61

P R O C E E D I N G S

CHAIRPERSON GREENE: Good morning.
Have roll call, please.
CLERK: Commissioner Aaronson.
COMMISSIONER AARONSON: Here.
CLERK: Commissioner Greene.
CHAIRPERSON GREENE: Here.
CLERK: Commissioner Kanjian.
COMMISSIONER KANJIAN: Here.
CLERK: Commissioner Koons.
VICE CHAIRMAN KOONS: Here.
CLERK: Commissioner McCarty.
(No response)
CLERK: Commissioner Marcus.
(No response)
CLERK: Commissioner Santamaria.
COMMISSIONER SANTAMARIA: Here.
CHAIRPERSON GREENE: We'll have opening prayer and Pledge of Allegiance by Commissioner Koons.
VICE CHAIRMAN KOONS: If you could please stand.
(Whereupon, the prayer and Pledge of Allegiance were given.)
CHAIRPERSON GREENE: Let the record show that Commissioner McCarty will be absent and Commissioner Marcus is having battery problems. I told her to get rid of that car.
COMMISSIONER AARONSON: Car or --
CHAIRPERSON GREENE: Oh, her car battery died.
Okay. We'll tell her that.
Okay. May we have proof of publication, please?
MR. Mac GILLIS: Yes, Madam Chair.
VICE CHAIRMAN KOONS: I'd move approval of the --
CHAIRPERSON GREENE: We have a motion by --
VICE CHAIRMAN KOONS: -- publication.
CHAIRPERSON GREENE: -- Commissioner -- who moved it?
VICE CHAIRMAN KOONS: Me.
CHAIRPERSON GREENE: -- Aaronson, second by Commissioner Koons.
Ready for the question.
All in favor.
COMMISSIONERS: Aye.
CHAIRPERSON GREENE: All opposed.
(No response)
CHAIRPERSON GREENE: Ayes have it, 5-0.
Mr. Attorney, swearing in.

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

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Motion to adopt the agenda.

VICE CHAIRMAN KOONS: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

CHAIRPERSON GREENE: Item 1.

MR. Mac GILLIS: Postponements begin on Page 2.

Item 1, PDD-2006-1682, 112th/Northlake Office.

We need a motion to postpone 60 days to August 28th, 2008.

COMMISSIONER AARONSON: So moved.

CHAIRPERSON GREENE: You heard the motion by Commissioner Aaronson.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Item 2,Z/DOA/CA-2007-1185, Winners Church, a request to postpone 60 days to August 28th, 2008.

COMMISSIONER AARONSON: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Page 3 of your agenda, Item 3, ZV/DOA/R-2007-1597, Pratt and Orange MUPD, postponement for 30 days to July 24th, 2008.

COMMISSIONER AARONSON: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Item 4, DOA-2007-2013, Del Mar Plaza, postponement for 30 days --

COMMISSIONER AARONSON: So moved

MR. Mac GILLIS: -- to July 24th, 2008.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Item 5, Status Report 1998-077, Village Corner MUPD, postponed for 60 days to --

COMMISSIONER AARONSON: So moved.

MR. Mac GILLIS: -- August 28th, 2008.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

Consent.

MR. Mac GILLIS: Item 23, there's an additional item on your add and delete, Status Report 2003-86, Boynton Golf Estates.

That's postponed for 60 days to October 28th, 2008. [Sic]

COMMISSIONER KANJIAN: So moved.

CHAIRPERSON GREENE: Motion by Commissioner Kanjian.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: That'll bring us to Page 4 of the consent agenda.

Would you like me to go through these one by one or --

CHAIRPERSON GREENE: Yes, sir.

MR. Mac GILLIS: Okay. Item 6, CR 1977-1487 [sic], a request for -- staff is recommending approval of a time extension until March 12th, 2009, for Condition E.7 which has to do with the dedication of a corner clip.

COMMISSIONER AARONSON: You want individual motions?

MR. Mac GILLIS: We can go through them one by one -- no, we don't need it. We'll just do one --

COMMISSIONER AARONSON: Let's go through the whole thing.

MR. Mac GILLIS: Item 7, ZV/PDD/ABN-2007-728, Tidal Wave Industrial Park. Staff is recommending approval of this subject to two motions.

Page 5, Item 8, DOA-2007-1777, Lake Worth & State Road 7 MUPD. Staff is recommending approval of this development order amendment.

Item 9, PDD/R/ABN-2007-2023. Staff is recommending approval of the Palm Meadows AGR PUD, subject to three motions.

Page 6, Item 10, Z-2007-1188, Lewis Property. Staff is recommending approval. This is subject to seven conditions and one motion.

Item 11, ZV/DOA/R-2008-288, Delray Marketplace. Staff is recommending approval, subject to 84 conditions, two motions.

Page 7, Item 12, ABN/Z/CA2008-444, Lazy F. Staff is recommending approval, subject to three motions on the add and delete, deleting Condition No. 5 and renumbering and adding a new No. 6.

Item 13, DOA-2007-1594, Trinity Church International. Staff is recommending approval, subject to one motion.

And an add-on on your add and delete, Item 19, ZV/DOA/R-2008-306, Addison Place MUPD. Staff is recommending of this request.

That concludes the consent agenda. If we could have a motion on those items.

COMMISSIONER AARONSON: I have a -- I'll make a motion to approve consent agenda unless we have some cards.

CHAIRPERSON GREENE: Yes.

VICE CHAIRMAN KOONS: Can we pull nine and 12? We have two public comment cards.

CHAIRPERSON GREENE: Those two on consent, too?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER AARONSON: Okay. I'll make the motion to approve the consent agenda, delete -- moving nine and 12.

VICE CHAIRMAN KOONS: With conditions that staff has added.

Second.

CHAIRPERSON GREENE: Oh, okay. Ms. Larson.

COMMISSIONER AARONSON: There's a motion and a second for approval.

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

Ready for the question.

COMMISSIONER KANJIAN: Madam Chair.

CHAIRPERSON GREENE: All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Yes, sir.

COMMISSIONER KANJIAN: Just a disclosure for Item 12.

I did speak to Mr. Kilday for the applicant on the phone.

VICE CHAIRMAN KOONS: I guess I did that, too.

CHAIRPERSON GREENE: I did, too.

VICE CHAIRMAN KOONS: On 12.

CHAIRPERSON GREENE: I think.

MR. Mac GILLIS: Okay.

CHAIRPERSON GREENE: Okay. Ms. Larson.

MR. Mac GILLIS: Okay. That'll bring us to Item 9.

COMMISSIONER SANTAMARIA: Yeah, I also spoke to the applicant.

CHAIRPERSON GREENE: Okay. Did we vote?

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Okay. That'll bring us to Item 9 that was pulled, Palm Meadows AGR PUD.

Would you like a presentation or just go to the --

VICE CHAIRMAN KOONS: Let's hear public comment.

CHAIRPERSON GREENE: We'll hear the public comments.

MR. Mac GILLIS: Okay.

MS. LARSON: I was just curious. Three hundred and forty-two grooms quarters?

I talked to a horsie friend of mine, and he said that that would equal to 1200 horses 'cause each -- usually each groom takes care of three to four horses. I mean is this a -- is this a giant horse racing facility?

VICE CHAIRMAN KOONS: Yes.

MS. LARSON: Okay. Because I did --

VICE CHAIRMAN KOONS: Or training facility, not racing.

MS. LARSON: Well -- 'cause they were -- down south they didn't have quite that many grooms quarters.

They had like 12 on the biggest racetrack in Hialeah.

I had to ask. I asked one of my horse friends. So that was a curiosity.

It is a training facility. I had to ask 'cause even Rosa asked me to ask.

You want me to go to 12 now?

VICE CHAIRMAN KOONS: Yes.

MS. LARSON: Just get it over with for you?

CHAIRPERSON GREENE: Yes.

MS. LARSON: Make it painless today?

Item 12, Palm Beach Aggregates. We're reverting it back because the applicant can't afford the taxes?

I think that's unusual. I mean we -- we, the taxpayers, we paid 212 million bucks for a hole in the ground out there.

This is a very controversial piece of land. It has -- I hope everybody's acknowledging that.

This was -- when we came to you, the lowly little people and said, hey, would you look at the votes on this piece of land, we were told we didn't have to.

And now the applicant comes and says, hey, we want to go back because we can't afford the taxes.

I think they realize they cannot build 2,000 homes in the shadow of the biggest power plant in the United States. Nobody's going to want to live there.

But I think we deserve the tax roll. They asked for it. They should keep it.

Thank you.

CHAIRPERSON GREENE: Thank you.

Ms. Nancy Stroud and Ms. Barbara Katz.

VICE CHAIRMAN KOONS: Barbara, you are No. 9, I think.

MS. KATZ: Yes.

VICE CHAIRMAN KOONS: Okay.

MS. KATZ: Good morning. I'm Barbara Katz. I'm president of COBWRA.

I'm here about Palm Meadows which we thought would be on consent and would not have any problem.

The groom quarters already exist.

VICE CHAIRMAN KOONS: Uh-huh.

MS. KATZ: They've been there for years, so there is no change in the training center.

This is really -- I believe they had to use the whole property to get additional units for the housing development that they are building.

We have no problems. We worked with the developer. We fully support it.

There is no change in the training center. It stays as it is, and everybody loves it.

VICE CHAIRMAN KOONS: Okay.

MS. KATZ: Thank you.

CHAIRPERSON GREENE: Thank you.

Ms. Stroud, I'm sorry, Ms. Stroud is on No. 6.

VICE CHAIRMAN KOONS: Oh, she's on six?

CHAIRPERSON GREENE: She's consent.

VICE CHAIRMAN KOONS: I think there was another nine.

CHAIRPERSON GREENE: No. Oh, I'm sorry. There is another nine. I'm sorry.

VICE CHAIRMAN KOONS: Harriet.

CHAIRPERSON GREENE: Ms. Harriet Helfman. Nine.

VICE CHAIRMAN KOONS: This is nine.

MS. HELFMAN: I'm wearing my COBWRA badge, but I am here to speak on behalf of my homeowners association, Venetian Isles.

We are directly north of Palm Meadows. They have been outstanding corporate neighbors for the past six years.

We want development of houses on that property for the very reason that we want to squelch the rumors that that is going to be an active pari-mutuel betting horse track.

They have really been fantastic, and we are fully in support of their desire to build houses there now because then there won't be any empty land for a track and for rumors.

So we fully support it, and we live next door, and we've lived next door to them for at least six years.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

We have one more --

COMMISSIONER AARONSON: You have another --

CHAIRPERSON GREENE: We have No. 6, I got it --

COMMISSIONER AARONSON: I'm sorry.

CHAIRPERSON GREENE: I called it out of order.

COMMISSIONER AARONSON: Go ahead.

CHAIRPERSON GREENE: Is Ms. Stroud here?

VICE CHAIRMAN KOONS: I think --

MS. ALTERMAN: I think she left.

VICE CHAIRMAN KOONS: She's here -- she's gone 'cause we did six on the consent.

She just said if there was a question.

CHAIRPERSON GREENE: Oh, okay.

Commissioner Aaronson.

COMMISSIONER AARONSON: I'm going to make a motion to approve nine and 12.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: This will bring us to Page 8, the regular agenda, Item 14, Status Report 81-233.8, Balmoral PUD.

John Pancoast will present this.

Staff is recommending a time extension until April of 2011 --

COMMISSIONER AARONSON: So moved.

MR. Mac GILLIS: -- for platting of the civic site.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Item 15, Status Report, 1984-163A.6, Arcadia Properties.

Staff is recommending a time extension until March 24th, 2011.

COMMISSIONER AARONSON: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: Item 16, Status Report 1998-019A, staff is recommending approval of Sy's Supplies for a time extension until March 27th, 2011.

COMMISSIONER AARONSON: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

COMMISSIONER KANJIAN: Madam Chair, a quick question.

CHAIRPERSON GREENE: Yes, sir.

COMMISSIONER KANJIAN: Just, Mr. Mac Gillis, can you just give me a quick update?

When we're doing these time extensions there were some questions about whether or not new studies would need to be done for traffic and what have you.

What is our current status on what needs to be done?

MR. Mac GILLIS: These have all been done. Jon.

MR. PANCOAST: These are all reviewed by Traffic. There are some projects that are insignificant that don't require a traffic study.

This particular project, the one that you just approved, was on the basis of a new traffic study.

COMMISSIONER KANJIAN: Jon, we are looking at --

MR. Mac GILLIS: Yes.

COMMISSIONER KANJIAN: -- the possibility of not requiring a \$150,000 study on some of these things, or even 10 or \$15,000 study for them using the current data.

MR. Mac GILLIS: Correct.

COMMISSIONER KANJIAN: Okay. I just want to make sure --

MR. Mac GILLIS: In your round of amendments at the end of the agenda there is a staff recommendation not to require a staff -- a traffic study if you're still within your buildable --

COMMISSIONER KANJIAN: That's what I wanted to make sure of.

MR. Mac GILLIS: -- build-out date.

COMMISSIONER KANJIAN: Thank you, Jon.

MR. Mac GILLIS: Okay. That'll bring us to Item 17, Status Report 2007-054 [sic], Bethel Church of God.

Staff is recommending approval of a time extension until April 24th, 2011.

COMMISSIONER AARONSON: So moved.

COMMISSIONER KANJIAN: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MR. Mac GILLIS: That'll bring us to Item 19 [sic], DOA/TDR-2007-1202 --

COMMISSIONER AARONSON: Which --

MR. Mac GILLIS: -- Colonial [sic] at Lake Worth PUD --

COMMISSIONER KANJIAN: Nineteen or 18, Jon?

MR. Mac GILLIS: Eighteen, I'm sorry.

Pages 238 through 286 of your backup.

Staff is recommending approval, subject to 64 conditions and two motions.

This item -- there's also on the add and delete amendments to Conditions 6 and 7.

This item was before the Board in April 24th and May 22nd of this year. The Board directed the applicant to continue working with staff to

work -- or staff and the residents to work out issues on compatibility.

I'm going to have Joyce Lawrence give you a brief presentation of what occurred since the --

COMMISSIONER AARONSON: Before you do that, I'd like to disclose I met with the applicant.

VICE CHAIRMAN KOONS: I also met with the applicant.

COMMISSIONER KANJIAN: Madam Chair, I met with the applicant, many homeowners, many times.

CHAIRPERSON GREENE: Thank you.

I met with the homeowner, also. I met with the applicant, also. Thank you.

Okay.

MR. Mac GILLIS: Okay. Joyce Lawrence will give you a presentation.

MS. LAWRENCE: Good morning, Commissioners. Joyce Lawrence, for the record.

This item was postponed twice by the Board of County Commissioners on April 4th and May 22nd, 2008, to allow the applicant to work out issues with adjacent homeowners and leaders.

The applicant has since then reduced the number of units from 226 to 224. They have increased the lake tract.

They also did a reduction in the recreation tract, and they also increased the north buffer to 40 feet.

There is a revised plan that is shown in your staff report, and this is shown on Page 247 and 248.

Staff is recommending approval of the request, subject to 39 conditions of approval as indicated in Exhibit C found on Page 264 to 267 and 12 conditions of approval that's for the TDR on Pages 279 to 281.

There were four letters in opposition with concerns regarding density and increase in traffic.

If there are no questions, I'll now turn it over to the agent for --

MS. TIGHE: Good morning.

MS. LAWRENCE: -- presentation. Sorry.

MS. TIGHE: Good morning. For the record, my name is Jennifer Tighe. I'm here this morning representing Holiday Organization on the request for Colony at Lake Worth.

Just to orient everyone to the property, the subject property is 22.2 acres in size. It's located on the north side of Lantana Road just west of Haverhill.

Some of the adjacent roadways include Jog Road to our west, Military Trail to our east and Hypoluxo Road to our south.

This is an aerial showing the directly adjacent properties. You can see again the subject property is 22.2 acres in size.

We're bordered by Myers Road just to the east of us.

East of that is the American-German Club. It's a pretty quiet use except for the month of October, and I'm sure many of you have visited the site for their annual Oktoberfest.

Just to the east of that is Abel Lawnmower and Repair, again, a commercial development. East of that is an approved MUPD, Lantana Plaza. Just to the east of that is an ALF.

Then going to the south side of Lantana Road we have the Winston Trails apartment pod. One thing to note about this parcel is that it has a density of 19 dwelling units per acre, and they have three-story apartment buildings located within the development.

Just to the south of our property is Buttonwood Park. It's a County park, approximately 20 plus acres in size.

And to the west of us is a small daycare facility.

Directly west of us is property that's land used MR-5, meaning medium density residential, five units to the acre.

This property contains some agricultural uses, some nurseries, some two and a half to five-acre residential home lots, but the allowable density, again, it's a medium density land-used property, and I think that's important to remember as I go through the project.

The project history. For those of you that were on the Board back in 2004 you may remember the Belmont at Greenacres project that was presented to the Board in January and approved by the Board for 148 multi-family units.

We at that time purchased 38 TDR units. Those units have actually been paid for by the applicant.

This is a copy of the plan that was certified by the DRO. This plan was to be presented to the Board back in May of '08.

We took a 30-day postponement from that meeting in order to try and address some of the concerns that the neighbors had.

This plan, again, was certified by the -- by your staff, and this was the plan that was certified by Zoning Commission to be presented to the Board.

Two things that we did to the plan. This plan showed a 15-foot buffer and a 20-foot buffer located on the northern portion of the property.

It also had approval for 226 units.

We resubmitted a plan, and the big difference in the two plans were the buffer along the north property line. It doubled in size and went from 15 and 20 to 40 -- to a 40-foot buffer,

and we had -- in order to accomplish that we were required to reduce the overall density by two units.

This plan is a little bit tighter. The separation between units, instead of being 23 and 24 feet, dropped down to 20 feet building separation.

We just basically tightened up the plan to provide as much land as possible for the northern property line.

Some of the -- just overall details of the project, again, it's 22 acres in size.

We're requesting approval from the Board for 224 units. Fifty-six of those units will be workforce housing units, meaning they're designated as workforce housing units. They'll be deed restricted showing that.

Again, the density is 10 units per acre. As I mentioned earlier, across the street we had a residential pod that was developed at 19 dwelling units per acre.

This is a copy of the proposed site plan -- sorry.

This is -- these -- what I'm doing now is I'm showing you the differences between the two plans that were approved in '04 versus the plan that we're presenting to you today.

The '04 plan, which the Board approved, was for two -- a two-story multi-family product. We are doing a two-story multi-family product.

We had two ingress and egresses. Our main ingress and egress was off of Lantana Road in the before plan, as well as in the after plan, and we had an access point onto Myers Road.

Our right-of-way buffers are the same in the old plan versus the new plan.

The buffer along the northern property line which I just mentioned has been increased from the old plan, which was 15 and 20 feet, to the new plan, which is a 40-foot wide buffer.

The old plan had a six-foot privacy wall, slash, fence. The new plan, we're proposing a six-foot privacy wall, slash, fence.

The -- we're proposing a wall. I think staff is recommending a fence. It's whatever the pleasure of the Board is.

But, again, I -- what I'm trying to emphasize is the fact that the plans are very similar in design. The biggest difference is density.

The old plan had a 65-foot landscape preserve buffer along our western property line. With the new plan, in order to accommodate, again, that separation with the single family to the west, we moved the lake from being located in the center of the property to our western property line to

create a greater separation with the single family agricultural to the west.

Most developers would not do this. We're reducing our amenitized units by half, but this developer wanted to do everything possible to try and address the concerns that the neighbors had.

The old plan had a single family home on its northern parcel. The same, we're not proposing any change to that. We're maintaining our preserve area on the northern portion of the property.

So these plans show -- basically are very similar except for the fact that the lake has been relocated from the center portion of the property to the western portion of the property.

The big issue with this project from meetings that we've had with the neighbors and, you know, articles I've read in the newspaper is the fact that it is a workforce housing project.

And I just went to a seminar last week on workforce housing, and mixed -- what is workforce housing, and I know the Board knows what workforce housing is, but just for the record, mixed - or workforce housing is mixed income communities serving households earning between 40 and -- between 60 and 140 percent of the average -- in the tri-county area median income.

And for the tri-county area, which is Palm Beach, Broward and Dade, it's 35,000 to 93,000.

There is clearly a need for workforce housing in Palm Beach County. In January of 2008, Florida International University said that approximately 85 percent of Palm Beach County residents cannot purchase a median priced home.

I think it's obvious that there's a strong need for workforce housing, and what we're doing is we're providing a project that will begin to chip away at the need for workforce housing.

The Comprehensive Plan indicates that we are required -- or that the Board is to encourage development in infill areas in order to be able to increase the efficient use of land and existing public facilities and infrastructure.

This area clearly shows that this parcel is truly an infill parcel. It's a location east on Jog Road, the heavily developed residential completely surrounding the site and the commercial that I'll present further on into the presentation. But is a clearly an infill development parcel.

Secondly, the housing element of the Comprehensive Plan says that the County shall make adequate provisions to enable the public, private and not-for-profit sectors to provide affordable housing and shall support the distribution of housing.

And the Board has made this possible by putting in place the Workforce Housing Ordinance.

Why this site for workforce housing?
It's -- it's prime -- it's a prime spot to provide workforce housing on.

One of the elements of workforce housing is are there shopping opportunities nearby, are there employment opportunities nearby.

Again, at the corner of Jog and Lantana we have a Publix, a Home Depot, an Office Depot. We have a Walgreens located at the intersection of Lantana and Military Trail, and, again, just south of that we have a Wal-Mart, Albertson's and Washington Mutual, lots of shopping and employment opportunities.

Schools are very important for workforce housing projects. We have two elementary schools located within approximately a mile from the site.

Just to the north of that is the middle school, and to the south of that, southeast, is the high school, all within close proximity to the site, and daycare opportunities.

Directly west of the subject property is an existing daycare facility.

As far as recreational opportunities, directly south of the subject property is Buttonwood Park.

Again, we're on the PalmTran Route 62, mass transit, another important element for workforce housing.

The workforce housing analysis. The site is in a sector that allows for 49 percent concentration of low and very low households. This 49 percent concentration equates to the developer being allowed a minimum of 40 percent and a maximum of 60 percent density bonus.

We originally submitted for a 60 percent density bonus request. Palm Beach County Planning Division came back and recommended a 45 percent density bonus request; therefore, we reduced our bonus density and are requesting a total of 56 workforce housing units.

The mandatory Workforce Housing Program became effective in December of '06. Since then 100 workforce housing units have been approved, 206 are currently in the approval process, and our project accounts for 28 percent of those units that are in the process.

Again, we're trying to chip away at any that Palm Beach County has for workforce housing.

The project is proposing 14 workforce housing units in each of those categories. These workforce housing units will be inter-disbursed throughout the community and will be of the same quality and size as the market rate units.

In addition, they will be deed restricted.

The neighborhood concerns. As staff indicated, we've taken two postponements, one

because we were at the end of the agenda when the mining projects were up, and the second was to, again, work with the neighbors on their concerns.

We've had multiple meetings with the neighbors, and our client, Holiday Organization, has done everything possible to be able to accommodate their concerns.

Their concerns include buffering of the single family homes. I've went over the fact that we have very large buffers on both north and western portion of the property that abut the single family and agricultural homes.

Traffic. The primary ingress and egress to the site is off of Lantana Road. We have a second ingress, and we have a right turn lane on Lantana Road that we're providing.

We have a secondary ingress and egress off of Myers Road which will require the developer, again, to access Lantana Road -- or the residents.

All traffic will utilize Lantana because there is a barricade located at the intersection of Nash Road and Myers Road.

This portion of Nash Road has not been constructed. You cannot get from the eastern portion of the property to the western portion of the property, and we've agreed that no construction shall utilize Nash Road.

Finally, the German-American Club has requested that we participate in the abandonment of Myers Road, and our client has agreed to participate with them in that abandonment.

We meet all of traffic -- the traffic performance standards. From a traffic standpoint the project works.

The utilities. We're getting -- our water comes in off of Nash Road to the northwest, and sewer is the northeast corner.

We do have -- in the staff report you're going to hear we received a letter from the City of Greenacres. Their concerns are density and the fact that it doesn't meet the charrette plan.

Density -- when you do workforce housing, you need density. Density and workforce housing -- you can't do workforce housing unless you have the density. The cost of land in Palm Beach County is just too expensive.

That in turn is why you did the mandatory Workforce Housing Program, which our client is utilizing.

As far as the charrette goes, there are many of the elements of the charrette that the project does meet, and I won't go through all of these, but the fact that Palm Beach County was a participant in the charrette and Palm Beach County staff is recommending approval of the project just, again, re-emphasizes the fact that there are

elements that we are -- have incorporated in the overall plan.

And, again the charrette was not adopted by the Board of County Commissioners.

Secondly, some of the exemplary design criteria, just because it's a workforce housing project does not mean we do not have to meet the exemplary design criteria. In fact, we actually do have to meet the exemplary design criteria.

Some of the things we've done is we have visitor parking evenly disbursed throughout the project. We have a six-foot high privacy -- we've proposed a wall, staff is proposing fence, around the entire site.

We are maintaining the south and east right-of-way buffers, and we've increased the north buffer to 40 feet.

We have additional open space throughout the plan. We've increased our side setback from 15 to 20 feet. It actually was larger than 20, but in order to accommodate the northern buffer we dropped it down to a 20-foot building separation.

We have a centrally located pool, clubhouse and tot lot for recreational facilities, and if that's not enough, they have the County park right across the street.

We have passive open spaces. We have resident gathering areas. We have a pathway around the lake that connects the clubhouse seating areas and tot lot. We have additional recreational area and open space on the plan.

We have the use -- the pavers at the intersections, trying to add curvature to the street, as well as varied building footprints set back from the roadway.

The BCC on May 13th, 2008, approved to continue with the inclusionary Workforce Housing Ordinance.

Colony at Lake Worth is an excellent example of the benefits of the Workforce Housing Program.

In the future it's been discussed that impact fee credits may be allowed for workforce housing projects, and we just would like the -- if that is the case, that this project would be able to utilize any impact fee credits that may be given in the future.

That concludes my portion of the presentation.

I'd like Michael Minor is going to come up with a few closing words.

MR. MINOR: Thank you, Jennifer.

First of all, we'd like to thank the neighbors, the German-American Club, those around us, for working with us with respect to this

project. It's been long in coming, and as you can see, a great number of concessions that were made.

The one concession which, unfortunately, because we'd all love to be on the consent agenda if we could, that we cannot make has to do with density because that comes to our TDR program and our Workforce Housing Program.

Don't forget, we're down to 10 units per acre.

You must remember that in order to be able to get this incentive, and it is an incentive that you give in your ordinances, it's not greed on behalf of the developer. This is where you're directing developers to go.

In order to get it we have to meet exemplary design criteria, not ordinary, not standard, not mediocre; exemplary. And if you notice, there's more than 50 conditions that have to be met before it is that this project can go forward.

Look, there's been a lot of debate, but we're really debating about 50 or less units, and if you think about it, it's seven trips a day for residential.

That means we're talking about, oh, somewhere around 300 trips. On roads that have tens of thousands of cars daily it's microscopic to do anything in reduction of density and think you're affecting traffic.

What we are going to be doing is delivering 28 units, and, remember, at less than \$200,000, some as low as \$164,000 and 56 units altogether.

Even in this day and age and this marketplace finding new construction for \$164,000 is impossible. You are helping workforce housing.

If you listen to what the public wants, and, you know, this has been a long debate. They'll speak here today, but think about the other debates that we've had.

What they're really saying is that workforce housing owners are -- somehow have a propensity towards criminal behavior, that workforce housing owners, some have a propensity towards being reckless drivers.

I don't think that has anything to do whatsoever with what it is that we're talking about.

We're talking about carrying out a program which you spent countless hours through 2006 in bringing to the forefront and to making sure that it was an incentive.

Jennifer took you through the number of units that you have in the pipeline and the actual number of units you have built.

This is a significant amount of additional units. Reducing them reduces a significant amount

of workforce housing that you said would be provided to the public.

Therefore, when you consider what it is that is before you and the number of concessions that have truly been made, we ask you to back your TDR and Workforce Housing Program and vote in favor of this particular project.

Thank you.

CHAIRPERSON GREENE: Thank you.

Let the record show that Commissioner Marcus is present, please.

COMMISSIONER MARCUS: With a new battery.

CHAIRPERSON GREENE: With a new battery.

Okay. I want the Board to know that we have an attorney that represents this -- the people, rather, and the attorney and the expert witness will be the -- the attorney will be speaking first, right?

MR. CROWLEY: Yes, ma'am.

CHAIRPERSON GREENE: And the expert witness would be speaking second.

MR. CROWLEY: Yeah, we have a presentation that together will run about 15 minutes, so I'll speak for maybe, you know, five to 10, and then Matt will finish up.

CHAIRPERSON GREENE: And just give us your name, please.

MR. CROWLEY: Yes, ma'am. Spencer Crowley, 1 Southeast 3rd Avenue, Miami, Florida, for the neighbors here.

Thanks for having us today.

I want to start by emphasizing that the neighbors' issue here is not workforce housing. The neighbors' issue here is the density of this proposed project.

For those of you who may not know this neighborhood is a unique rural neighborhood that has agricultural and equestrian uses and all sorts of other low density uses, landscaping, things like that.

This proposal is simply not compatible due to the density.

Let's look at what's really going on here because I think you got an interesting spin from the applicant about how this -- why this is being proposed as is, but if you look at the property value that this developer paid, in 2003 this site was assembled for about three and a quarter million dollars.

The information that we found on the property appraiser Websites indicates that they bought it in 2006 and 2007 for over \$10 million, around 13½ million.

The bottom line is they need this density increase to make the project work, to make the numbers work on this project.

If you look at the 76 units that you would be granting today at 200 and \$300,000 a unit, you're looking at a net revenue increase to them of 15 to \$22 million for this project, and we don't think that it's the responsibility of the County to essentially bail out developers when they make bad business decisions. I mean that's their issue. They have to live with it.

Another sort of common sense issue when you look at this application is -- gets to the charrette. And in 2005 the Treasure Coast Regional Planning Council conducted a charrette for this neighborhood, and the City of Greenacres, the City of Atlantis, Palm Beach County all participated, and essentially this application is ignoring the results of that charrette. And we think it's bad public policy for the county to simply ignore what the charrette said.

We think it leads, you know, to disenchantment, disenfranchisement with local government when people see the County and the region spending money on these plans that are just simply ignored.

So with that I'm going to get into the specific legal arguments that we have.

Our first legal argument goes to the fact that this site is not an appropriate receiving site for TDRs.

When you look at the table here of sort of what the units are and how they've cobbled these units together, you'll see that they're asking for 64 TDRs, and those TDRs all have to go to a designated receiving site.

In order for a receiving site to be designated it has to meet certain criteria, and we don't think that this application or this site meets those criteria.

We think the TDR units should be eliminated, so those 64 units should be eliminated from the application and that the site would be capped at 160 units, max.

It's important for you all to realize that the TDRs are discretionary. They're not -- it's not required that you designate them, even if they meet criteria.

The applicant has to meet the criteria, and then the commission has the discretion to approve or deny these TDRs.

So getting back to the criteria for a receiving area, the sites must meet five criteria in order to qualify as a TDR receiving area.

One of those criteria is that the site is compatible with surrounding land uses, and it's obvious when you look at this neighborhood and this proposed development that the proposal simply isn't compatible with the existing neighborhood, and,

therefore, it doesn't meet the criteria as a receiving site, and, therefore, these TDRs should not be approved.

The -- another issue, you know, is that you have to show compatibility with the surrounding land uses, and that's just not the case here.

When you get to another part of the criteria to designate an area as a receiving site, there's an additional requirement that in order for a receiving site to be eligible for an increase in density, it also has a compatibility standard, and, you know, obviously, this application just doesn't comply with that because of the high density of this proposal and the low density of the neighborhood.

The second major deficiency that we see with this application, legal deficiency, is that it's inconsistent with three of the nine approval standards required by the code for a development order amendment.

So any time you come in for a development order amendment you have to meet nine criteria. Those aren't -- there's no discretion. The code is very clear. It says you shall meet these criteria. If you don't meet them, then you can't get your development order amended.

So the first of those three development order amendment criteria is, again, a compatibility issue.

This compatibility determination is a little bit different, but what it says is the application must be compatible with the uses and character of the land proposed for development, and so, you know, it's -- again, the application here simply is not compatible with the uses and character of the neighborhood, and, therefore, it doesn't meet this criteria of the development order amendment.

The second criteria for development order amendments that we think is not met is consistency with the neighborhood plan.

This criteria requires that an application for a development order amendment be consistent with applicable neighborhood plans, and we would argue that even though the charrette study may not have been adopted formally by the County Commission, it's an applicable neighborhood plan that should be complied with as part of a development order amendment.

Since this application is not consistent with that charrette, we feel like this condition is not met.

And the final criteria for development order amendments that we think is not met is that you're required to make a demonstration that there's been a change in circumstances from the

time you originally got your application approved until now, the time that you're seeking this amendment.

The applicant has made some sort of general assertion about housing affordability and how it emerges, an increasingly important issue, but actually we've provided evidence on the record that demonstrates that from that time to now housing affordability is less of an issue.

There's more housing available for these types of price ranges than there was in 2004. So, if anything, we've seen a change that sort of mitigates against their proposal instead of for the proposal.

Getting to our third legal argument, we believe that this proposal is not consistent with the Comprehensive Plan, and we think it's not consistent with the Comp Plan for three reasons.

First is because it's not consistent with the future land use element and the County direction section of that future land use element which right up front says, again, going back to compatibility, the purpose of this future land use element is to ensure that densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated. And, again, we've talked about compatibility and why that's not achieved here.

The second reason why this is not consistent with the Comp Plan, again, gets back to the charrette and why this application is not consistent with the charrette.

You know, the charrette proposed that any applications for this area should maintain the equestrian and rural character of the area.

It demonstrated concerns about growing densities in this area, and it said something about, you know, varying densities from the center to the edge, and this application just doesn't comply with any of those guidelines.

The Comp Plan sets forth requirements about proposed applications being consistent with neighborhood plans like the other section of the code.

And so because this is inconsistent with the charrette, again, we think it's not consistent with the Comp Plan.

And the final reason we think it's not consistent with the Comprehensive Plan goes to the ULDC and the fact that this application is not consistent with the ULDC.

The ULDC is required by State law to implement the Comprehensive Plan, and so if an application comes in and is not consistent with that ULDC, then it's by virtue not consistent with the Comp Plan.

And the final legal deficiency that we see in this application relates to a principle of common law called spot zoning, and we think that this proposed application violates that principle of spot zoning.

Essentially, what that principle holds is that it's not proper to rezone a certain small area in the context of a greater area when that smaller area is totally inconsistent with the character and surrounding uses of this sort of general neighborhood.

Florida law has four -- provides four factors for determining when something is spot zoning, and those are listed in your presentation, but we would submit that all of those are met in this case, and actually our planner will testify as to why that's the case.

And, you know, for some of you that might think this principle is some sort of arcane legal theory that, you know, hasn't really been tested in awhile, there is a recent case out of Miami regarding the Vizcaya Museum down there that upheld this principal of spot zoning.

There was a proposed development close by to that museum, and the development was approved but overturned by the courts because it was determined to be impermissible spot zoning.

So this principle is alive and well, so to speak, and we think that this application is really a textbook example of that type of spot zoning.

So with that sort of a quick rundown of our legal arguments, I'm going to turn it over to Matt and let him provide a little more testimony.

Thanks.

MR. BARNES: Good morning, Chairperson Greene and Commissioners. My name is Matthew Barnes, urban planner with Akerman, Senterfitt, offices at 1 Southeast 3rd Avenue, Miami, Florida.

I'll try to speak quickly as I know we're approaching our time limit.

My résumé has been submitted for the record, but my brief background is that I have a master's degree in community and regional planning from UNC Chapel Hill.

I've been a practicing planner for six years, all in south Florida. Five of those years were with Seiman and Larson in Boca Raton. I'm in my first year with Akerman, Senterfitt.

I've represented and worked on both sides, on both public side and private side planning projects in a variety of jurisdictions, and I'm a member of the American Institute of Certified Planners. I'm also a member of the Boynton Beach Planning and Development Board.

So why does compatibility matter? As Spencer has pointed out, your code relies upon the

term "compatibility" when it's looking at the several different review criteria that are out there for -- one of them is whether a site is a proper TDR receiving area, and the other place it looks towards compatibility is it's a factor in determining whether an amendment to a development order should be approved by the Board of County Commissioners.

So I'm going to start off by looking at the definition of "compatibility," and where better to start off looking than in the definition section of your own code.

The first definition you see on the screen is the definition of the word "compatibility," and it says, "Land uses that are congruous, similar in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous or discordant activities, including the impacts of intensity of use, traffic, hours of operation," et cetera, et cetera.

So right here we see that the intensity of use, which in terms of residential development, can only be measured in terms of density.

We see here in the definition of "compatibility" it's bringing that issue up, and the proposed development is more dense than the existing neighborhood by a factor of 20.

The next definition -- if you can go back one slide -- is the definition of "compatible sites," and that says -- I think this is even more appropriate.

It says, "Residential uses or pods adjacent to residential uses or pods or adjacent to residential uses or pods with a density difference less than or equal to two units an acre."

This goes to the heart of the planning principle that there should be a gradual transition of density from residential neighborhood to residential neighborhood, and we just don't have that here.

We have densities going from very rural, you know, one unit per two and a half acres, to one unit per 10 -- or 10 units per acre.

The 224-unit plan has a density of 10 units an acre, which is more than five units an acre different than the planned density of the future land use map, and there's even a larger difference compared to the actual density of the adjacent residential neighborhood.

Even when you take out the 30 workforce housing units allowed by the bonus density and the mandatory inclusionary units, the resultant density is 8.7 units an acre, still a difference of more than two units an acre from the surrounding land.

So it's clear when you look at the definitions of compatibility and the compatible sites in the code, the proposed project does not meet either definition.

This next slide here is sort of a look at it from the air of, you know. The area outlined in red is the proposed project, 10 units an acre.

The area outlined in green is developed at -- using the property appraiser data I counted roofs, and I looked at the -- looked at the number of units and the land area of each property in there, and it's one unit per 2.2 acres, which translates into a density per acre of 0.45.

Real quick I'm going to point out that the applicant has characterized their site as being defined by its frontage on Lantana Road, which, clearly, when you look at this site, though, when you look at the aerial, the site has a longer frontage with the -- along with the neighborhood and extends deeper into the neighborhood than it does laterally along Lantana Road.

So I would submit that the site is more defined by its location within this unique rural and equestrian quarter section of land in here.

The charrette report, by the way, does suggest transitioning any housing on this site from multi-family along Lantana Road in the front to single family in the northern portion of the site, and they obviously have not done that.

One more definition of compatibility which is from the American Planning Association Planners Dictionary, just sort of a compendium of different definitions from across the nation.

I like this definition because it's very simple. It says, "Compatibility refers to the sensitivity of development proposals in maintaining the character of existing development."

So for a minute let's put aside the numerical differences here in density and look at the character of the existing neighborhood compared with the proposed development.

Simply put, the character of the existing neighborhood is rural and equestrian style single family homes on large private lots.

Next slide.

The character of the proposed project is suburban style multi-family homes and condominium ownership where no unit has a private yard, and all amenities are shared.

Now, I'm not saying that the character of the existing neighborhood is better than the character of the proposed neighborhood, nor am I suggesting that we all live on single family homes on 2.5-acre lots. It's just not realistic.

But we have a situation here that demands that we look at the character of the two proposed -

- of the proposed project compared with the existing neighborhood, and the fact is that it's vastly different than that of the existing neighborhood, and that should be considered when you make your deliberations on the application.

Perhaps this illustration drives home the stark contrast between the intensity of use and character of the neighborhood and the proposed development.

According to the site plan, the Colony at Lake Worth has 4.33 acres of usable common area for the enjoyment of residents and their kids, and these numbers come straight off the site plan, 1.13 acres of open space, 0.17 acres of land around the lake that isn't water or littoral zone, two acres of buffers and 1.03 acres of recreation area.

Divide that by 223 units, and you have 846 square feet of, you know, common area per unit, per family, whereas the typical 2.5-acre lot has about 100,000 square feet of common area, which is your lot size.

Again, I'm not saying that one's better than the other. I'm just contrasting this for you, that you see what's going to be next to each other.

The final slide I have before I turn it back over to Spencer for a brief summary is about spot zoning, and Spencer touched upon this earlier.

There's four kind of general factors to see if spot zoning has occurred.

The first one is the size of the land in question, that is, specifically when compared to the size of the surrounding area.

In this case the application is for 22 acres of the 160 acres that -- of the quarter section that surrounds this, which is only 14 percent of the land. So I would argue that that's a spot zoning specific item.

The compatibility of the use and intensity with the surrounding area is another factor. I think I've covered that in my presentation.

The benefit to the owner, Spencer touched upon that earlier, the financial benefit that these TDR units would bring to the developer.

And the final one is the detriment to the neighborhood, and I think the best way to sum that up is that the incompatibility creates a nuisance to the neighborhood.

You know, we could get into specific things, but I think that's a general -- that's a nice way to summarize it, that the incompatibility creates a nuisance to the neighborhood.

So with that I'll turn it back over to Spencer for a brief summary and conclusion.

MR. CROWLEY: Thanks, Matt.

CHAIRPERSON GREENE: Can you do your conclusion in three minutes?

MR. CROWLEY: Yes, ma'am. Probably less than that.

CHAIRPERSON GREENE: Okay.

MR. CROWLEY: So just to summarize, we really think that this application does not meet the essential requirements of the law since it's inconsistent with the ULDC, the Comp Plan and common law principles regarding spot zoning which myself and Matt have talked about.

We think the applicant has failed to provide competent substantial evidence that they're entitled to this application, and, again, we think the application is inconsistent with this -- with the TCRPC charrette.

I want to emphasize a little bit that I think it's important for you all to understand and to know that this neighborhood is not unreasonable.

The neighborhood has supported a plan that is approved for 149 units, which is much greater than the density of their existing neighborhood.

They reluctantly did so, but I think some in the neighborhood are pragmatists, most of them, and they realize that there's nothing you can do to completely stop development and retain that rural character.

But, you know, there's a point when it gets to be too, too much, you know, and I think going from 149 units to 226 really -- it draws that line. It goes over the line.

And, again, it's not about workforce housing. I mean they could put all 160 units as workforce housing, and I think this neighborhood would be fine.

What they're opposed to is this density increase of 76 units which you're considering today.

So in conclusion we ask that you all deny this application for a development order amendment or at least limit the site to 160 units, which would eliminate the TDRs, which we feel they're not legally entitled to.

Thank you.

CHAIRPERSON GREENE: Thank you.

Before we hear the rest of the cards, Bob, some of the people -- I'm not going to receive any more cards, by the way, and some people have not been sworn in because I received some cards after they were sworn in.

MR. BANKS: Is there anyone testifying who has not been sworn in?

Okay. Would you please rise.

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

MR. BANKS: Thank you.

COMMISSIONER MARCUS: Madam Chair --

MR. MINOR: On behalf of the applicant --

COMMISSIONER MARCUS: Madam Chair, I wasn't here this morning when you did disclosure, but I did meet with, I believe, both sides.

CHAIRPERSON GREENE: Okay. Thank you.

COMMISSIONER MARCUS: Thank you.

MR. MINOR: We have a point of procedural question that we'd like to address if it 's possible.

The -- and we aren't certain for the record on whose behalf that particular speech was made, but obviously more than three minutes from the public testimony was taken, and you now are going to have more public comment cards.

We would think that under the circumstances that it would only be fair that those people who have already addressed this commission through their appointed professionals not return to the microphone again, but it's a point of order so I'll leave it to you.

Thank you.

CHAIRPERSON GREENE: Bob?

MR. BANKS: No.

CHAIRPERSON GREENE: I don't understand --

MR. BANKS: Public gets to speak,

CHAIRPERSON GREENE: I don't understand what he said.

COMMISSIONER MARCUS: He doesn't want the public to speak.

CHAIRPERSON GREENE: Oh, really? That'll never happen.

Okay. Ms. Anne Menor and Ms. Seretha George.

MS. MENOR: My name is Anne Menor. I'm a neighbor in the community. I'm also a member of the Steering Committee for the charrette.

This first -- sorry, I'm nervous -- this is the aerial photo used for the site plan application. Isn't it ugly?

But we don't see it where we are. The commercial is well hidden. There is no intrusion on the viewshed, so Abel's is all the way to the left on all those shots, and it's blocked by the bougainvillea, two sets of palms and two fences. So we don't have any view of the commercial transition into our neighborhood.

Okay. The County direction number one, recognizing the unique and diverse characteristics of each community, you'll see them coming up here on the large lot, agricultural, as well as -- I'll just keep going. Here we go.

We may be zoned MR-5 for the future land use, but the fact is we are single family homes on acreage, and these are just some more slides.

We are old Florida. We are agricultural. Love the goats.

And Walt, who is doing my video here, has the best hydroponic tomatoes in the nation, by the way, in case you're looking for tomatoes.

County direction number five, respect the integrity of neighborhoods, including their geographic boundaries and social fabric. Horses are the fabric of our area.

The horses are an integral part of the economics. There are few places left east of Jog Road to board, take lessons or go for a trail ride.

And, by the way, Kit does have a home on there, although they only say that there is a barn. Next.

And this is Patrice's, and she has a home on there, even though they say it's vacant.

Ensure the densities and intensities of land uses are not in conflict with the surrounding areas, whether incorporated or unincorporated. You've heard that already.

Encourage neighborhood spirit, local pride in the County and a commitment to working constructively on community problems.

I believe in your opening statement this morning, Commissioner Koons, you said something about working out the complexity of problems.

And this is it. Thank you.

CHAIRPERSON GREENE: You're welcome.

COMMISSIONER MARCUS: Can we ask that whoever's thing that is up there, that they could lay it down 'cause it's hard for --

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: -- people to have paper.

CHAIRPERSON GREENE: Mr. Skip Miller, take this mic, please.

And Ms. George.

MS. GEORGE: Good morning, Honorable Chair and Board of County Commissioners.

My name is Seretha George, and I am the planner at the City of Greenacres.

Respectfully, I am before you today to reiterate the City of Greenacres' objective [sic] for the approval of the project, Colony at Lake Worth, with the reasons as stated in our letter dated April 10th, 2008.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Daniel -- I will not try to pronounce your last name. Okay. You take that mic.

MR. MILLER: Good morning, Commissioners. My name is Skip Miller. I'm the chair-elect of the Housing Leadership Council of Palm Beach County.

We are a nonprofit organization whose mission is to increase the availability of housing throughout Palm Beach County for workers at all income levels.

We have a severe shortage of housing for essential workers in our community, teachers, nurses, police and fire.

In addition with the dramatic recent increase in transportation cost, living in more moderately priced housing outside of Palm Beach County is no longer a viable option for our workforce.

The Housing Leadership Council has established goals and criteria for review and support of developments that provide workforce housing. Our Public Policy Committee reviewed this development in September of 2007 and decided that the development met our goals and criteria.

Therefore, we encourage you to approve this development and provide much needed workforce housing for our community.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Walter Ross to take this mic, please.

Would you pronounce your name for us, sir?

MR. OZYCZ: My last name is Ozycz.

CHAIRPERSON GREENE: Okay.

MR. OZYCZ: All right. My name is Dan Ozycz. I live at 5410 Nash Trail, which is at the northwest corner of the property, so my property is directly affected by this new development.

Just a couple things I wanted to point out, that the developer had brought up the point that the buffers were increased around the new proposed property.

They actually were decreased around my area. They went from 65 feet to 40 feet, which, to put it in sports perspective, is 20 feet less than pitcher's mound to home plate. So to me that's not meeting any large buffers whatsoever.

Just a couple of things here. In 2004, as we know, the developer met with us several times back then, and we did work out what we thought was an amicable agreement.

This wasn't the best scenario for all of us, but, you know, it was supposed to be used for 100 units. It was up to 149, which we did agree upon.

I don't know how many more times we can come back here and discuss this issue, but to currently go in with 226 -- no, 224, excuse me, they gave us two back, they took two out of that. That's not even close to being a compromise as what we had asked for.

She also said multiple meetings that we had discussed. I don't know what -- my definition of "multiple" is three or more. They had two meetings, and they came back and actually gave us nothing, nothing in return at all.

So please review this again. It's not even close to what we want or what we discussed back in 2004.

Whatever you decide is going to affect us for years to come, so please keep that in mind and don't allow this project to go through as currently scheduled.

Thank you.

CHAIRPERSON GREENE: Mr. Aaron Pope, will you take this mic, please.

Mister --

MR. ROSS: Good morning, Commissioners. Walter Ross, 5407 Nash Trail, also known as the tomato guy.

I'll reiterate most what you heard already. In 2004 equestrian residential neighborhood of two and a half, five-acre properties entered into an agreement with the County Zoning Commission and developers based on the facts which were security nuisance, traffic evaluation and was mitigated between all parties.

Then the project wasn't compatible with the neighborhood, but we came together on an agreement, and in '04 the agreement was allowed to increase 49 percent from the 100 units to 148 on 20 acres, leaving that little two and a half-acre property as a single family to make this all work for the developer.

Well, then, the developer turned around with that density and flipped the property.

So it sat vacant for four years until the current owner has now put in an application to rezone.

So I stand here on the record to remind the commission that I and the neighborhood still believe a deal is a deal, from 2004.

This current application before you increases the density well in excess of our agreement of 148 units to 224, and the application was loosely mitigated with the neighbors 'cause in 2004 we didn't need an attorney, and this time around we've spent a lot of funds on an attorney and a planner to defend our position and the agreement that we all came together on in 2004.

The application before you just flaunts our previous agreement, and if allowed will ruin the neighborhood.

And lastly, to pass a proposal, call in a question of the credibility of our previous agreement and the due process which is intended to hold the public trust in the best interest of preserving our long-established equestrian, residential neighborhood.

Please deny this request.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Palahunik, Robert.

Mr. Pope.

MR. POPE: I can speak now. Thank you very much.

My name is Aaron Pope, 5141 Nash Trail. Our property -- I've been there for 33 years.

Our neighbor had -- our neighborhood has met six times here concerning this piece of property.

The following issues are very important to our equestrian neighborhood.

The density of the proposed project is overwhelming. It is more than 50 percent increase from the 149.

Our homes are on acreages, mostly with horses. If you look at where we live and what we have, if we have -- and we live on two and a half acres, and we have two kids, we have four people per two and a half acres.

At the current rate of this project if there were four people living in each unit, there'd be 44 people per acre. Where is the compatibility?

We have over -- approximately 50 horses in our neighborhood. We've tried to preserve this neighborhood.

I think that Commissioner Kanjian has been to our neighborhood, and he makes comments of very unique neighborhood, not much left.

Well, if this is the way the County is going to go, to allow 226 units on this, we eventually will probably be consumed.

I myself will not -- I'll be there until I'm dead.

I met with the developers because they cancelled the last meeting, and they said, well, what do you want to meet about, and I said, well, what do you want to propose.

"We don't propose anything."

I said okay. My proposal is we knock out 30 units on the north end.

They said we'll think about it.

They then at that time said that we'll get back with you.

It took approximately two and a half weeks, and they would not talk to me. They'd talk, but they would not show me what they're going to plan. Is that negotiating with the neighborhood or is this, again, just dictating to the neighborhood?

So they came back with well, gee, we knocked off two units, and we gave you another 20 feet.

Well, my property happens to be 325 feet from this project, and they're giving me 20 feet.

We understand that workforce housing is needed. It's not needed this year. It's going to be needed in five years, but then on the other side

of that, how can we plan what's going to happen in the next five years?

CHAIRPERSON GREENE: Time, sir.

MR. POPE: Time's up? Thank you.

CHAIRPERSON GREENE: Thank you.

Ms. Patrice Manley, take this mic.

Mr. Roberts.

MR. PALAHUNIK: My name's Robert Palahunik, and I live in the neighborhood at 5536 52nd Drive South.

It's interesting that this individual in the back thinks that we need housing. I wasn't going to bore you with all these numbers, but since he went there, I'll be more than happy to.

I'm a licensed professional in this State, and within the five-mile radius the DCA allows for workforce housing there are over 1,000 homes for sale, 436 priced from 75 to 164,000, 612 from 164 to 304.

If you look at what's sold in the last five months from January 1st to May 19th, that's -- they sold 25 a month, so we'll be here a long time just selling what 's currently available in that market, and that's just a very small area, and the proposed property is dead smack in the middle of it.

I didn't want to print off a whole lot of paper 'cause I don't -- I can't afford the paper to print off the 96,000 homes that are for sale on the MLS.

It's interesting, the spin that they did this with. I've been to almost every meeting, and I'll tell you right now I don't enjoy dealing with them. I don't believe that you can believe what they say, as Mr. Pope indicated.

The density's too much. They did address the buffers, absolutely, but it's not what we wanted. They didn't address the density.

When the builder bought this property, he knew he was buying 149 units, no loss of use. The price point was 400,000 plus. They were happy, happy, happy, going to make a lot of money.

Well, the market changed, and now he's looking for you to bail him out, and I think Commissioner McCarthy [sic], who 's not here, has indicated it's not for Palm Beach County to bail out a builder, and that's exactly what they 're trying to do.

This is not compatible with the neighborhood. There are over 50 horses. People ride every weekend on the trails.

I don't think the neighborhood has ever said no, no, no. We knew something was going to get built. We tried to work with them. We worked with EB, the prior developer, but there seems to be no go with this one.

So my deal is we had a deal, 149 units. There's only two commissioners that are sitting on this Board that didn't vote on it, and that'd be Santamaria and Mr. Kanjian. The rest of you were all here when this deal came down, 149 units.

A deal is a deal. We have to be accountable for what we say and what's voted on.

Yes, they have a right to come back, and, yes, they have a right, but it doesn't guarantee that they get that right. It doesn't mean that they just have carte blanche and they get to do it.

This is about money and them making money, and with that, the density's too much. I'm not in favor of this project, and they should be denied.

Thank you very much.

CHAIRPERSON GREENE: Susan Colavéra. I think I have that right.

Ms. Manley.

MS. MANLEY: Yes, I'm Patrice Manley, and I live at 5400 Thunderbird Drive, which on their plans for all this time, these years, has been vacant, but I've been there almost five years this December.

And, yes, I do not approve of the high density. Like everyone else says, it does not meet the consistency of the area, and it's not compatible.

Just because they have everything in line to say this is their rights to do this all within the County, doesn't mean that this has to be adopted. This does not even go with the consistency of other projects that have been here, especially on April 3rd the RV park in Jupiter and the daycare center across the street, which didn't meet the density of that particular neighborhood, either.

And there's no reason why this should not be at least looked at upon other things that have been not voted upon on that particular date.

Yes, we're assuming that they have a tot lot. This maybe is pure speculation, but they are assuming there is going to be children there, but they're assuming that once these children get older, whether these people stay there or sell out, whatever they do, that they are going to grow up.

There is no place on that property for even older than tots, and they expect to cross Lantana Road, and over the years -- I've been there five years, and there's been more traffic on that road. How safe is that for the children of our county?

Kids wander. Kids going to run across the street. How many kids at bus stops have been killed because they don't see by other cars going by? That's also a safety issue.

And I do believe that it's the obligation of the residents, the people of the county and the

commissioners to at least look at this project to know that it doesn't fall in line.

It's our responsibility, not just for us, but for our children, our children's children. This is going to allow -- if this happens, this is going to allow somewhere else in our county to be built as if this is.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

Ms. Colavéra.

MS. COLAVÉRA: Hi. I'm Suzanne Colavéra, the president of the Housing Leadership Council, and we are here because we were created by some businesses that are very concerned about the future of workforce housing, the economy, that we need this housing to go forward.

And I think this project is particularly important 'cause it not only creates workforce housing, but it preserves it, and that's something I'm very concerned about now and in the future.

I'm getting a lot of calls. People call us when they're looking for housing in the area, and they're calling from places like Port St. Lucie saying we can't afford that drive anymore, what can you help me find.

You know, they may want new housing down here. They want the same quality they had up there, and they said if we can't find something down here, 'cause we can't afford \$1,000 for gas a month, we'll look for a job up there.

Well, if it's a choice between losing the jobs and providing the kind of housing people want, desire down here, I think we have to do the kind of housing people want down here near the workforce where people can afford and don't have to -- they can't afford to drive 'til they qualify anymore.

And I think we have to encourage this type of development. Under the mandatory inclusionary zoning this requires deed-restricted units, and I think part of that deal was that they would get density bonuses for it, and I think we have to send a message to developers that if you will work with our rules for creating and preserving workforce housing, we'll keep our part of the deal, too, which is increasing the density they need to make these deals work and to encourage more of them.

So we do support this project.

CHAIRPERSON GREENE: Thank you.

That was -- that's the last speaker.

Before I say anything, Commissioners? Any comments from the commissioners?

Commissioner Santamaria.

COMMISSIONER SANTAMARIA: No reasonable person wants to stop development. Reasonable people want reasonable development.

After listening to both sides of the argument it's my opinion that the neighborhood around this development have been more than reasonable in their requests.

The fact that the applicant overpaid for this land, you know, is regrettable, you know, I wish I could help them. A lot of people would like to help them for having overpaid during times when price were spiraling upwards.

There are probably over 1,000 foreclosures right now in Palm Beach County, you know, and hundreds of thousands of people in the country are being foreclosed, also for having overpaid when prices were spiraling upwards. I wish we could help them.

You know, we're trying to help the thousands of people who are being foreclosed. It's sad. It's regrettable.

Unfortunately, there's not much that can be done with people who overpaid when prices were excessively high.

The fact is that we have a community that, you know, it's -- it has a lot of open space, and they're going to be negatively impacted by this excessive density.

The issue is in fact density. It's -- does not belong in this particular neighborhood, and, really, I -- again, once again, I say they're -- they're asking for reasonable density, which is still way above their own density, and I really feel their request is extremely reasonable.

I don't know -- if I myself -- if I were living in that neighborhood, if I would even be that reasonable.

So, really, the applicant really has -- I would like to approve them, but they really have to go to more reasonable density.

MR. MINOR: Chairperson Greene, if I might for a procedural issue.

It's always been the custom of this particular Board to give the applicant a few moments of rebuttal when considering the amount of testimony that's new that was furnished here by professionals.

If you could give us three minutes, I -- we would certainly appreciate it before deliberations.

CHAIRPERSON GREENE: Okay.

MR. MINOR: Thank you.

First of all, to the technical arguments. They make very technical arguments, but when the technicalities desert them, they leave it aside.

First of all, is the land use. We're not talking about what's existing on the ground. We're actually talking about your land use might be part of their problem.

It's five units to the acre, and while that's not on the ground, that's what you compare it with so land use compatibility is in fact there.

They talked about a differential between pod to pod, but they're not a Planned Unit Development. That particular section of your ordinance just doesn't apply.

Let's face it. It's residential to residential. The use is compatible.

Once again, the charrette, they boldly admit is not a neighborhood plan, but yet they want to lift it up. Again, when the technicalities undercut them, they just leave them aside.

They -- we've talked about changed circumstances, and there's been some discussion of what's available.

The important point is quality of housing. You get new construction for \$164,000 that's unavailable at all unless you approve this project.

I don't know what we're talking about on zoning. We're not rezoning. We're amending a development order.

Spot zoning issue, complete smokescreen, has nothing to do with us.

Compatibility. They use a soft definition by the APA. It's just not your definition.

Look, this particular area that is the rural lifestyle has a lot of vitality to it. Jog Road, Military Trail, all of them are shopping centers, did not dislodge that rural area.

The one question that hasn't been answered, not brought up and not demonstrated and is the missing link in their argument is why do 76 more families undercut the rural area.

They can't prove it. They gave no information, and 76 additional families, in comparison to all the shopping centers, schools, the apartment complex at 19 units to an acre across the street, which did not affect them to this date, is not in fact going to make any difference.

Commissioner Santamaria is right. You're voting on density. You vote against this density now, and all you're saying is density is a nuisance which they tried to say in one sentence but could not prove.

Do not let this Board vote in favor of a proposition that says density is a nuisance. That's a terrible precedent for you to set.

Thank you.

CHAIRPERSON GREENE: May I ask you a question before you sit down?

MR. MINOR: Surely.

CHAIRPERSON GREENE: I have two questions. The gentleman, Daniel -- I can't -- forgive me for calling you Daniel, but I can't pronounce your last name.

When he addressed the two concerns. He -- one, he said something about the buffer on his property, and the other one is increasing the number of units.

Just tell me why you increase the units and address the concern about the buffer.

MS. TIGHE: I'm not sure where -- maybe you can point out.

Can you bring the site plan down here -- where the buffer dropped from 60 to 40, because along this northern property line here (indicating) we had a 15 and a 20-foot landscape buffer, and we actually increased that to 60 feet.

MR. OZYCZ: I'm on the northwest corner -- straight down.

MS. TIGHE: Along here? Right there?

MR. OZYCZ: Nash Trail on the corner.

MS. TIGHE: So unless you're referring to right here, I need to compare the plan.

What we tried to do was maintain that 40-foot landscape buffer here.

MR. OZYCZ: My property is right here (indicating).

MS. TIGHE: Okay. Yeah, that's what I'm saying, right there.

I don't know. We didn't reduce that buffer there.

MR. OZYCZ: From the original plan.

MS. TIGHE: Oh, from the 2004 -- yeah, the 2004 plan had a 65-foot preserve buffer, and what we did is we have a minimum 28-foot landscape buffer, but we created -- we pulled this lake down so the majority of the lake acts as a separation between the single family and agricultural, and this corner is -- how wide is -- how much is that?

It's probably like 45 -- you're probably right, 45 or 60.

CHAIRPERSON GREENE: And the other one is why the units were increased.

MS. TIGHE: From the '04 plan? Well, actually, I've been involved throughout the entire process.

In '04 when EB Developers -- we came through, and at that time the TDR program was kind of kicking off, and he wanted to add additional density.

The way to get the additional density was through the TDR program.

As the residents have indicated, that property was sold to Holiday Organization at the height of the market.

Obviously, luxury townhouse units in this market does not work.

At that same time the Board of County Commissioners was working -- discussing the Workforce Housing Ordinance and discussions about

the fact that the County needs more workforce housing. And between the time that the old plan was approved and our client submitted for this project the ordinance came on line.

We were -- the -- our client read lots of articles in the paper about the need for workforce housing and said, hey, will this work on my property because my luxury townhouse units don't work, but maybe this is an avenue we can go down to make, you know, to see if we can make it work. It should be a win for the County.

And, you know, and our develop -- our client is not going to be making a windfall profit, as was mentioned earlier. He's just trying to, you know, get out of the -- this market, just like anyone else that's in this residential market. Is just trying to look for a way to limit your damages, and that's what he's doing.

But he has abided by all the rules and regulations of the Workforce Housing Ordinance.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: First I want to ask staff.

Staff is recommending this. Why?

MR. Mac GILLIS: It meets all Comp Plan and zoning code requirements.

It's a workforce housing project. The Board's been cleared to work with developers when they come in and residents to get these projects approved, and as far as staff's review of the application, it complies with the compatibility, with the additional conditions staff's imposing, in addition to other conditions that we've imposed.

I mean, yes, there are 16 lots that are affected here, the rural life; however, when you look at the whole general area, this is not inconsistent with the density off the new projects that have come in along Lantana Road.

COMMISSIONER AARONSON: Okay. So what you're telling me is you approved it, and the Zoning Commission approved it.

You approved it because they met every condition that we set for builders.

MR. Mac GILLIS: That's correct.

COMMISSIONER AARONSON: Correct? It's not what they did. It's what we did.

MR. Mac GILLIS: Correct.

COMMISSIONER AARONSON: We looked for infill; correct? We looked for density. We looked for giving bonus. So I just want to get this straight.

They meet all the conditions of the neighborhood, all the surrounding, according to staff.

They've not done anything behind the scenes. They've lived up to everything that we the

County Commission set for affordable housing. Is that correct?

MR. Mac GILLIS: Yes.

COMMISSIONER AARONSON: I just wanted to get that out of the way.

The other part is that -- I believe it was Sunday's paper that had in it, and I think it was mentioned, that people today who moved to St. Lucie County who work in Palm Beach County now are looking to move back to Palm Beach County because it costs them about \$1,000 a month for gasoline to get back here.

So what they thought they were saving in St. Lucie County they're no longer saving, and they're coming -- looking back here again.

I understand that there's a lot of foreclosures and there's a lot of homes for sale, but personally I can't see me penalizing the applicant for doing exactly what we asked the applicant to do, and with staff's recommendation I see no reason to oppose it because you say it's consistent with the neighborhood, and it's part of our infill; is that correct?

MR. Mac GILLIS: That's correct.

COMMISSIONER AARONSON: And if we keep on knocking down one after another, we might as well come back and revisit our affordable housing because we keep on knocking it down, and why have it in place to start with?

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: The charrette that the City of Greenacres referred to and that Palm Beach County participated in, in their letter to us they said it reflected more of a transitional use in this location.

MR. RUTTER: It did. It indicated -- the original site -- let me put it back up a second.

The site plan that was put together in the charrette included 150 units. On the northern portion of the property it had 7, 8, 9, 10 single family units.

COMMISSIONER MARCUS: But the charrette itself referred to a transitional of single family detached it says here?

MR. RUTTER: To some degree. It includes -- the overall charrette area tried to identify larger areas for transitioning to the larger lot areas, yes.

COMMISSIONER MARCUS: And this was one of those?

MR. RUTTER: It could have been one, yes. Just let me be clear on a couple points, though, with the charrette.

First of all, you directed, conducted and directed by the Board and conducted with Greenacres

and Atlantis. It was brought to the Board. It was received and filed.

It is not part of the Comprehensive Plan. It was considered in review. We are required by the Comprehensive Plan to consider neighborhood studies and other things, that was done. That was considered.

This was presented to the Steering Committee. I can tell you I participated in reviewing this with other staff members.

As we looked at it, the biggest thing to remember is the Inclusionary Zoning Ordinance was not in place. So when we talk about increasing the density, the 49 units that were the bonus density were not able to be considered when the charrette site plan was drawn up.

I would present to you that what is really up for consideration in the form of density increase are just this new increment of TDRs that's out there 'cause, remember, there were TDRs originally approved with --

COMMISSIONER MARCUS: Okay. I just wanted to get back to the charrette, and just because we didn't adopt it doesn't mean we shouldn't pay attention to it, especially since we are a party to it.

MR. RUTTER: Understandably, and we did consider it though.

COMMISSIONER MARCUS: If it -- if it specifically said in there that this should be a transitional area, to me there should have been a focus on that.

I have two issues. First of all is the charrette process, that if we're going to do them -- I know my communities, once we do them, really like us to pay attention to them, and probably they need to get updated from time to time.

And the other is, as the neighbor said, we thought we had this all worked out, and then all of a sudden it got flipped, and all of a sudden now the -- because of the interest of inclusionary -- of workforce housing is out there.

According to the realtors and our home builders there's 18,000 available workforce housing units on the market right now, and the issue's not availability, it's more what the lending institutions are doing because they were so generous before, they've now decided not to give any money to anybody, and I'm not sure that's a problem any of us in this room can fix right now unless we buy a bank.

So I'm not going to support the increase in the TDRs, and I'd move to deny the request.

CHAIRPERSON GREENE: Ms. Baker, is your light on?

COMMISSIONER MARCUS: If there's no second.

COMMISSIONER SANTAMARIA: I'll second. I'm second.

CHAIRPERSON GREENE: Oh, I'm sorry.

COMMISSIONER SANTAMARIA: I'll second.

CHAIRPERSON GREENE: Okay. You've heard the motion and a second but we --

COMMISSIONER SANTAMARIA: I also have further comment.

CHAIRPERSON GREENE: Yes. I was going to say we still have some comments.

Commissioner -- I mean Ms. Baker, you want to --

MS. BAKER: My only comment was to -- for the Board to consider during their deliberations that, yes, we have a number of foreclosures that are out there, and it does -- the market will dictate that.

Once we continue to approve projects without the mandatory inclusionary requirements and making the numbers work, we may not have an opportunity to go back and recapture that particular opportunity to again designate workforce housing and put a restriction on that particular property.

That is the only way we're going to have an impact in the future when the housing market comes back because, as we know, the market will dictate what these units go for.

Again, in the past those units, during the time frame when units were -- the cost of housing was spiraling upward we couldn't afford to have a number of our employees working here.

Now that the market has come down, it's starting to correct itself, there is no guarantee that we're still going to have workforce housing and in the price range that it is today.

Just recently last week it was reported that the average median price of homes are starting to go up again. So until we are able to continue to improve -- to approve the number of restricted units and put that cap on, we're losing opportunities to guarantee future workforce housing.

So I'd like the Board to consider that, even though the units are here today and within our range, it may not be tomorrow, and I would hate to miss this opportunity.

CHAIRPERSON GREENE: Thank you.
Commissioner Koons.

VICE CHAIRMAN KOONS: Yes. I'm supportive of this application. I think it's -- it -- it's an infill area, a County park to the south, adjacent schools nearby, job opportunities, a main road with a -- the possibility of mass, you know, mass transit going forward.

I think there's protections by some of the roads not being linked up. There is some other protection opportunities for the neighborhood.

So I'm in favor of this so I'm going to vote against the motion.

CHAIRPERSON GREENE: Okay. You've heard -- oh, Commissioner Santamaria. Sorry about that.

COMMISSIONER SANTAMARIA: Initially I'd like to direct my question to the staff.

Could you give me examples of successful developments with approved workforce housing?

MR. RUTTER: Commissioner, if you refer to ones that have actually been constructed to date, projects that were required through the Workforce Housing Program, none have been constructed to date.

Projects prior to that, certainly can think of one that was under construction, Briella (ph) down in Boynton Beach was required, the Board conditioned certain number of the TDRs to be sold at certain price points. Those were constructed, and I believe those were sold pretty quickly, the Green Cay project down in south county, as well.

Quite honestly, about the time that the Board was conditioning projects to provide workforce housing and then subsequently the MIZ, the Mandatory Inclusionary Zoning Program came about, the market started going south, and we've not seen many of these projects come to construction.

COMMISSIONER SANTAMARIA: So the -- we have approved projects with workforce housing, but hardly any have been moving forward, is that what you're saying?

MR. RUTTER: We've approved a significant number of projects, yes.

COMMISSIONER SANTAMARIA: We've approved a significant number of workforce housing, but they have not gone forward.

MR. RUTTER: Correct.

COMMISSIONER SANTAMARIA: And so the -- so, you know, based on that it looks to me that workforce housing really is not working, and it's my opinion, it's my opinion, that the current supposed workforce housing is not really a -- is faulty.

It's my opinion that what we call affordable workforce housing is not truly affordable housing.

One of the faults of what's in the books right now is we're calling it affordable workforce housing, but there 's really no parameters.

For example, can somebody build 800 square foot one-bedroom, one-bathroom unit and call it workforce housing?

MR. RUTTER: Potentially they could, yes.

COMMISSIONER SANTAMARIA: Yeah, so there -- there's the problem right there. We can -- we can build -- we can have a developer have a few what he calls workforce housing to be able to get the density that he wants and really build a postage stamp residential home of one-bedroom, one-bathroom house, and that would be considered workforce housing, and he could sell it for 164,000, and that would be considered workforce housing and meet the criteria; correct?

MR. RUTTER: Just to that point, Commissioner, the units if built on site, while we do not stipulate what the sizes and construction must be, they must be consistent with the rest of the development.

So -- but I just -- just to make this point to you, you could not have in a single family development of standard detached homes a 600, 800 square foot postage stamp-type home. That would not be consistent with the development.

COMMISSIONER SANTAMARIA: Yeah, but attached homes you could.

MR. RUTTER: You -- under our regulations it would not make it through the DRO process if it was something significantly different than what was being produced in the rest of the neighborhood.

COMMISSIONER SANTAMARIA: Yeah, but that -- that's my problem.

My problem is we have not set reasonable true, you know, reasonable homes for the workforce that -- to call it affordable housing.

I say what's in the books does not have enough criteria to make it a marketable reasonably priced, good -- reasonably sized affordable home, and that's the problem.

So until we make some modifications to the existing criteria, I feel we're not going to have successful workforce housing in the market, and the fact remains that there are tens of thousands of homes right now that are well below our criteria of workforce housing that in fact are available in the market for those who want affordable workforce housing.

CHAIRPERSON GREENE: Before we go to Commissioner Kanjian and Commissioner Aaronson, I want to hear from our attorney.

MR. BANKS: No, I just wanted to say that if we -- if the Board's going to approve a motion to deny the project, each motion should contain which criteria in the code the project doesn't meet, and those are contained in the staff report at Page 261 and 262.

So if the maker of the motion would look at the criteria in the code, then in the motion state which criteria the application doesn't meet.

Thank you.

CHAIRPERSON GREENE: Thank you.

Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

This has been a very difficult project to take a look at and -- agenda item, because, and I will tell you just as I've told the developer, as well as what I've told the homeowner associations.

The homeowner association talks about -- or the homeowners I should say, talk about a density issue, and I don't see a density issue here whatsoever.

But what I do see and what impacts density is I do see the transition issue from this area, which will be built with condos and townhomes, into the area of the residential for the -- the surrounding neighbors. And over the last couple of months we've worked with the developers to talk about making some additional buffer areas or some transition areas between that -- what ends up being the -- call it the sea at the top of the project, which would be the northwest corner, the northeast corner, the north border.

And I was hoping that when it came back from the developer, it would have a little bit more of a transition between there.

I'm not as concerned about density, although I have a realistic understanding that if you increase those buffers, the chances are you're going to take out some of the possible units that are there.

That being said, my point has always been to the homeowners that if there was enough transition there and there was enough space in that transition, that I would be supportive of the developer, irrespective of the number of homes.

So today I have to support Commissioner Marcus' viewpoint but only because of the transition, and if it comes back and there is a plan that has 400 units in it that gives a nice enough transition between the homeowners that are there -- and I did drive the neighborhood, and it is quite unique.

I do not believe that the homeowners are correct when they say they're going to worry about people coming into their neighborhood, traffic and any of those other issues because those are -- just do not exist, and if you drive out there and you realize where the roads go and how they go, that's not an issue.

They may be concerned about that, then I also challenged the neighbors and said if you don't like your underlying zoning, would you be ready to give up your five to the acre zoning, and nobody was willing to do that, either.

So I've been trying to be fair throughout the entire process, but I think we probably could come back to the Board with a little bit better transition on the northeast, northwest -- or I should say the northeast and northwest corner back there, which might mean a couple homes.

But, again, to me it's not a density issue. It was that transition issue, and it wouldn't be that much more to get that done.

So I'm going to support Commissioner Marcus but not because of just what the homeowners have said, because I think some of their reason is faulty, but, nonetheless, I think we could do something better on that corner.

Thank you, Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Commissioner Santamaria makes a good point. I made this point last week.

Affordable housing is a moving target. Okay. What's affordable today, if gasoline goes to \$5 a gallon, it's -- no matter what the price is it's less affordable than when it was \$4 a gallon, and all your numbers were based upon \$2 a gallon, so 164,000 is not an affordable today with gasoline at 400 [sic].

But having said that, they comply to everything that we have asked them to comply to; correct?

MR. Mac GILLIS: Correct.

COMMISSIONER AARONSON: As a result I can't see how I can vote and support Commissioner Marcus on this because the lived up to our standards.

We set the standards. Now, if we want to, let's go back and change the standards. Let's go back and say if -- look, the realtors say there are so many homes out there. The realtors have been fighting us. The builders have been fighting us on affordable housing from the first day we talked about affordable housing; is that correct?

The builders would be very happy --

CHAIRPERSON GREENE: Don't do that.

COMMISSIONER AARONSON: I thought somebody was screaming. I thought that was a builder.

The fact is the builders would be very happy if we abandoned affordable housing. They're sitting out there and smiling.

The fact is we put in affordable housing for a reason. Of course, the market has collapsed, but that doesn't mean I have to agree with Verdenia Baker.

The market will come back. If we abandon our plan for affordable housing, we will have abandoned it for a long period of time and allowed the properties that we want to protect to go unprotected anymore.

So, yes, how many affordable housing units have we sold? You know, about 98 with the TDRs?

MR. RUTTER: Just a little over 100, yes.

COMMISSIONER AARONSON: Little over 100. It's not been successful, but that doesn't mean that we shouldn't still look at affordable housing for the future.

Now maybe a lot of people will come back from St. Lucie County because they can't afford the gasoline and will move into a place that's 164,000, and maybe, as Commissioner Kanjian said, if the people are worried about the buffer and that's the greatest claim that they're worried about, then maybe go back and take a look, reduce a few units and go back and change your buffer.

MR. MINOR: We would -- we'd welcome that opportunity if we were given that opportunity to do that.

COMMISSIONER AARONSON: Well, the thing is it depends upon how -- Commissioner Marcus made a motion. It was seconded, and we'll vote on it, I imagine.

If we vote on it, it depends upon how the vote comes as to whether or not you'd be allowed to go ahead --

MR. MINOR: Attorney Banks will tell you that possibly a substitute motion can be made under the --

COMMISSIONER AARONSON: I know a substitute motion can be made.

COMMISSIONER KANJIAN: Madam Chair, may I ask -- oh, after you're done.

COMMISSIONER AARONSON: Okay. So I will make the substitute motion, postpone for 30 to 60 days to come back with a new plan to give more buffering, to reduce some of the density, and that would be my motion.

CHAIRPERSON GREENE: You heard the substitute motion. Is there a second?

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Before we vote on the motion, I'd like to hear from Ms. Baker and then --

COMMISSIONER AARONSON: She said no.

CHAIRPERSON GREENE: -- Commissioner Marcus.

COMMISSIONER MARCUS: I was going to give you the reasons that Mr. Banks asked for, my reasons for denial.

I will say that I'm not going to support the postponement, either, though, because I think these folks have been through enough.

I mean while I sympathize and I appreciate the folks, you don't know what the vote's going to

be up here, but -- although there's been a couple of us have said they would support it.

I just -- I think it's enough already. We postponed a couple of times to try to work it out. These folks work for a living, have to take off, I'm assuming, from your jobs, and I think we just need to vote on it today.

COMMISSIONER AARONSON: Call the question.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, just a question, 'cause as I look at the plan and I do thank you for coming back, and you did increase them. It just wasn't as much as I think the homeowners would have asked for.

What's your width of these units?

MS. TIGHE: The units are -- how wide are -
- what's the width?

Sixteen --

COMMISSIONER KANJIAN: Yes.

MS. TIGHE: -- foot wide units.

COMMISSIONER KANJIAN: And that's -- and I expected somewhere in that range.

So when I look at this plan, if -- and forget it from a unit standpoint, but if you took out of the site plan two units from the upper northwest corner each from those buildings and got 32 feet so that there's 32 feet on the northeast corner in addition to what you already have, and if just -- again, you'll have to plan it, but if you took out two units on the north-south grid over there, that will be an extra 32 feet.

If you added 32 feet to that northeast corner and you added 32 feet to the north of that property, by my calculations that would take out 12 units.

Again, I don't care if you take them out or not, but if you added 32 feet on that end and 32 feet on the northeast corner by doing that, 'cause those four buildings that go from east to west, if you took two out of that row and two out of the north row, you'd add additional 32 feet of buffer, which would almost double the buffer that's up there.

And there may be some other issues that go with that --

MS. TIGHE: So take those two and --

COMMISSIONER KANJIAN: Yeah, any -- at any point in time you take two out of that --

MS. TIGHE: -- Okay.

COMMISSIONER KANJIAN: -- side end so that there's 32 feet on the corner, which the gentleman --

MS. TIGHE: Sure.

COMMISSIONER KANJIAN: -- talked about over there, which would about double his buffer, and

then 32 feet would be additional between the north side.

Now, let's also point out, in due respect to the developer, the area in the upper right-hand corner is a single family home that's going to remain there. So that's all woods, and it's going to stay there so that's pretty darn well buffered already.

It's -- when I first looked at this plan months ago, I thought that was a community center, and I could see why it would make a difference to people, but it's not. It's just an old single family home.

But if you did that -- and I don't care if you could still get all the units in there some other way, but if you added 32 feet to that side and, in essence, it would be 32 feet to the north side, I could be supportive of that because that would add a lot more buffer.

Now, by my quick calculations that takes 12 units out, but I'm not, again, as concerned about the units as I am about the transition, as I've spoken to the neighborhood about in the past.

So I would be supportive if we did that in a substitute motion, if that makes some sense.

Again, I --

COMMISSIONER AARONSON: Well, the substitute motion is for them to come back, and you as the district commissioner, if you want to work together with them and with the community to solidify it so that they can come back and you're happy with it --

COMMISSIONER KANJIAN: Well, then, we've been doing that for months, Commissioner --

COMMISSIONER AARONSON: My motion --

COMMISSIONER KANJIAN: We've been doing that.

COMMISSIONER AARONSON: I'd like to call the question.

CHAIRPERSON GREENE: You heard the -- ready for the question.

COMMISSIONER KANJIAN: I'd like to get just -- if we could just get the follow-up from them if that's something that they'd be willing to look at 'cause I think that --

MS. TIGHE: Yes, definitely, we would welcome the --

MR. MINOR: The owner is -- is shaking his head yes.

COMMISSIONER KANJIAN: And what about from the other side, because if it is something we can do right now --

MR. CROWLEY: Well, I -- I appreciate the -- the willingness to try to find a solution.

This is something we suggested 60 days ago, and --

COMMISSIONER KANJIAN: So if we added 32 feet --

MR. CROWLEY: -- it was ignored by the applicants, and so --

COMMISSIONER KANJIAN: Okay. But we're past that. We went -- I've been through that with everybody. We're past it.

MR. CROWLEY: Well, I --

COMMISSIONER KANJIAN: If we add an additional 32 feet of --

MR. CROWLEY: The 32 feet issue, I mean we haven't had a chance for our planner to sit down and look at that.

I will say the one option that we looked at was eliminating those three whatever you call them, three buildings on the northern edge --

COMMISSIONER AARONSON: Why don't -- why don't we just do this.

MR. CROWLEY: -- and --

COMMISSIONER AARONSON: I have a motion on the floor.

CHAIRPERSON GREENE: Thank you.

COMMISSIONER AARONSON: I have a motion on the floor.

Mr. Kanjian will sit down with the developer and somebody from the homeowners and see if he can come to some kind of solution where everybody would be happy.

Let's not try to redesign it right here.

MR. BANKS: Was it 30 --

MR. CROWLEY: Yes, sir. I understand. If I could just add one -- I would request, however, that the commission put some parameters on this request to redesign so that we don't get back here in another 30 days with them eliminating two units like what happened last time.

The neighbors have to -- have to pay for my representation --

CHAIRPERSON GREENE: Commissioner Kanjian.

MR. CROWLEY: -- they have to miss work.

CHAIRPERSON GREENE: Just a minute, sir.

COMMISSIONER KANJIAN: Since Commissioner McCarty's not here, and she usually does the polling, I would ask that if we added an additional 32 feet on the north side, added the additional 32 feet on the west side where those two buildings are at the northwest corner, is that something that Commissioner Santamaria and Commissioner Marcus would be more supportive of?

COMMISSIONER MARCUS: Madam Chair, I'm not into making a deal here at the dais when these folks have had the 60 days to sit down with the developer to meaningfully do it.

I think that they had their chances, and only because it appears that they might not -- or

at least get a tie is that they're willing to talk about it.

I just don't think it's fair, and I can't tell you today sitting up here what I would agree to --

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: -- or what the neighbors would, so I think we ought to vote on this motion or vote on this next motion.

They had their chances to work with the community.

CHAIRPERSON GREENE: Okay. Call the question on Commissioner Aaronson's motion.

MR. BANKS: Is it for 30 or 60 days?

COMMISSIONER AARONSON: Thirty puts us at what date?

MR. CHOBAN: That's only three weeks.

MS. ALTERMAN: It would be July 24th, Commissioner.

COMMISSIONER AARONSON: July 24th? Okay. Make it a 30-day.

AUDIENCE: No.

AUDIENCE: Come on.

CHAIRPERSON GREENE: Okay.

MR. CROWLEY: Apparently, there are some people that are going to be on vacation. Sixty days would work better, I think, for the residents.

COMMISSIONER AARONSON: Fine. Okay. So it's the first meeting we come back in August.

VICE CHAIRMAN KOONS: Yeah, and I'll support that as the seconder.

CHAIRPERSON GREENE: Okay. It would be 60 days instead of 30.

You've heard the motion by Commissioner Aaronson, second by Commissioner Kanjian [sic].

COMMISSIONER KANJIAN: I didn't second that.

CHAIRPERSON GREENE: Ready for the question.

All in favor by show of hands.

COMMISSIONER AARONSON: (Raises hand)

VICE CHAIRMAN KOONS: (Raises hand)

COMMISSIONER KANJIAN: (Raises hand)

CHAIRPERSON GREENE: (Raises hand)

All opposed.

COMMISSIONER MARCUS: (Raises hand)

COMMISSIONER SANTAMARIA: (Raises hand)

CHAIRPERSON GREENE: Motion passed, 4-2.

MS. ALTERMAN: Madam Chair, for the record, that would be August 28th.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: Can we have a five-minute break for the court reporter?

CHAIRPERSON GREENE: Oh, yes.

(Whereupon, a short break was taken in the proceedings.)

MR. Mac GILLIS: Okay. Item 20, CA/TDR-2007-1190, Mirzadeh Apartments, found on Page 311 through 338.

Douglas Robinson will give you a brief presentation on this item.

MR. ROBINSON: Good morning, Commissioners.

CHAIRPERSON GREENE: Good morning.

MR. ROBINSON: Doug Robinson, for the record.

The applicant is requesting a Class A conditional use to allow the transfer of development rights for 11 units at a reduced cost.

The 2.67-acre site is north of Purdy Lane on the west side of Major Drive.

The applicant is proposing to provide 35 -- a 34-unit multi-family development, and of the 34 units, 14 will be designated for workforce housing, and the applicant is also requesting the transfer of development rights for 11 units.

On June 5th the Zoning Commission heard this petition and recommended approval with a vote of 7-0.

The main issues raised at the Zoning Commission were the traffic, paving and pedestrian access.

Traffic concerns were due to Forest Hill Elementary and the traffic on Purdy Lane.

This project meets the overall traffic performance standards for the proposed development.

Paving concerns were for the lack of paving on portions of Major Drive, and the applicant agreed to an Engineering condition that the project be paved in any gaps up to the entrance to this project.

Zoning Commission directed, and also the applicant agreed, to condition pedestrian access along the north property line to connect internal sidewalks in the property line to allow pedestrian access to the site, and a sidewalk is being provided along the east side of Major Drive to Purdy Lane.

Staff recommends approval of this petition, subject to conditions of approval found on Page 329, Exhibit C, and transfer of development rights conditions, Exhibit C-1, found on Page 333.

And at the time of the publication staff had received eight contacts from the public, five letters in opposition and five for approval.

And at this time if there are any more questions, I would defer to the applicant.

MR. KIER: Good morning, Commissioners, Commissioner Greene.

CHAIRPERSON GREENE: Good morning.

MR. KIER: Rest of the commissioners.

This morning -- my name is David Kier, Seminole Bay Land Company, representing Major Road Commons, also known as Mirzadeh Apartments.

It's another workforce housing project. You have been through your full course already before me so I'm not going to waste any of your time explaining workforce housing.

CHAIRPERSON GREENE: Thank you.

MR. KIER: Probably the biggest issue for you to know here, Commissioners, that we work very hard on all of our projects to create a community, and on this particular project -- we have Ms. Matthews from your Parks and Recreation Department here.

We worked very hard with -- and also with Douglas, and we had some very wonderful meetings where we decided to put the recreation area in the center where everybody can keep an eye on the kids and everything that's happen, versus wandering roads and little pockets for security issues.

My position is and has always been high density doesn't equal crime. Badly designed high density can equal crime.

I think with that said and done, Douglas, you've laid everything out well. I'll just entertain any questions at this point.

Thank you.

CHAIRPERSON GREENE: Okay. We only have one card, Ms. Loretta Gilfus (ph). I do that right?

MS. GILFUS: Gilfus. Yes. My name is Loretta Gilfus. I'm from 16847 Shetland Lane in Loxahatchee, Florida.

I am the apartment manager for my parents, and they have the property on the northwest corner.

So part of what's affecting me is that the entire property that this gentleman is proposing, my tenants have to go down.

When we built, we were the first ones building on the street, and we were only allowed to build eight units on over an acre.

Is -- we've had to run the city water. Now we just ran the city sewer.

And in this they aren't talking about that when they did their road surveys, at the corner of Purdy Lane and Major Drive they've now built a new fire station, and across the street from Major Drive on Purdy Lane they've approved townhomes of over 240.

Purdy Lane is only a two-lane road with Forest Hill Elementary one block away. It is going to be a major problem for the children.

They -- we asked that they had paved all around the property, and they only agreed to pave up to the entrance.

My understanding was that the rest of it was private road, is actually County easement. It's not private road, and we still ask that that be paved because we will have people go past their entrance onto the non-paved sections, and we, as the other owners, the other properties, are going to be the burden to maintain all that non-paved road.

It's already been an issue with potholes and all in existence as it is.

Is the other issue is that it's a lot of units for less than three acres. Is everything in there is pretty much rental properties. I can't get more than \$825 a month rent for a two-bedroom, one-bath almost 1,000 square foot unit in that area.

And they're proposing, they said, 1100 a month units. That's way beyond most people in that area's income range, and it concerns me that they really are going to price the area up.

They're going to make -- if their property, I don't know what their units are going to sell for, is 160,000 a unit, then that's going to make my assessment on each of my rentals go up to 160,000. I can't afford to raise two or \$300 month rent per tenant to cover an increase in assessment, also.

So that's something that has to be considered when you're approving all of this because you are affecting the property values of the properties around.

We are able to keep our rents lower, and it does make a difference to the people who want good, clean communities.

Also, on the northern side of this property, it borders the whole property, is an ODAC (phon) facility, which is rehabilitation, and that's just been in the last two years.

Those people came in. They bought it from affordable homes. They cleaned up the property wonderfully, and we've had no problems with them. We work as a community.

The people have come in here. They've not talked to any of the property owners in the area.

CHAIRPERSON GREENE: Thank you.

That was the only card.

COMMISSIONER AARONSON: Madam Chair.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I'm going to make a motion to adopt a resolution approving a Class A conditional use to allow transfer of development rights for 11 units, to designate the subject property as the receiving area and to allow the sale of each TDR unit that is designated as workforce housing at a cost of \$1.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: That brings us to Item H, the ULDC amendments, Item 21.

This is a request for permission to advertise the Unified Land Development Code Round 2008-01.

Staff is recommending to approve on preliminary reading and advertise for first reading on July 24th, 2008, at 9:30 a.m.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: Just before we move it forward, I have two changes I'd like to request, and I talked to the County Attorney's Office.

It's on Page 369. This is the off-street parking in residential on D.a. It says parking for 10 vehicles. I would recommend we make that seven vehicles, and it should read, "Parking for seven vehicles, a maximum of seven vehicles may" --

COMMISSIONER AARONSON: Where is that, Karen?

COMMISSIONER MARCUS: -- be out -- be parked outdoors.

It's on Page 369.

COMMISSIONER AARONSON: Yeah. What line?

MS. PINKSTON-NAU: Line 23.

COMMISSIONER MARCUS: It's -- yes, Line 23.

This is in response to a request that I had made on parking. This is for single family residential, and I think seven cars outside is probably enough.

COMMISSIONER AARONSON: I agree.

COMMISSIONER MARCUS: So that would be my requested change, that it be parking for seven vehicles and add the word "outdoors."

COMMISSIONER AARONSON: Now, when you say seven vehicles, are you saying seven vehicles? Can they all be pickup trucks or --

COMMISSIONER MARCUS: Yeah.

COMMISSIONER AARONSON: -- large trucks or --

COMMISSIONER MARCUS: Cars, commercial vehicles --

COMMISSIONER AARONSON: Well, there's a difference between seven cars and seven --

CHAIRPERSON GREENE: Vehicles.

COMMISSIONER AARONSON: -- seven 18-foot trailers.

COMMISSIONER MARCUS: We refer to everything as a vehicle and not a car, and there's a definition for "vehicle" up on Section 20.

COMMISSIONER KANJIAN: Madam Chair, a question.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER AARONSON: Well, when you say recreational vehicles, recreational vehicles could be house trailers; correct?

MR. Mac GILLIS: I think the recreational vehicles --

COMMISSIONER AARONSON: RVs.

MR. Mac GILLIS: -- come under their own provisions in the code. They're distinct from commercial vehicles or -- RVs have their own definition in the code so they wouldn't be under this.

COMMISSIONER AARONSON: Okay.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: When we consider parking, are we talking about this is for overnight parking? How long has the car got to be there to be parked?

MR. Mac GILLIS: This is permanent parking on the site. It's related to the people living in the homes.

COMMISSIONER KANJIAN: Well, the reason I bring that up is, is we have a lot of places that have horses, people that board horses. They're at single family homes, and it would not be unusual for there to be seven, eight, nine, 10 cars on a Saturday or Sunday on a regular basis.

Would that violate this?

MR. Mac GILLIS: No. They're -- if they're transient vehicles, then they wouldn't be under this provision.

This is for permanent vehicles that are registered to the owners of the resident [sic].

COMMISSIONER KANJIAN: Okay. Okay.

COMMISSIONER AARONSON: Why don't we say permanent vehicle?

MS. PINKSTON-NAU: You want to add that language?

COMMISSIONER KANJIAN: Well, then also that wouldn't take care of it. If only one's registered to the owners, that wouldn't take care of the junk cars, and junk cars is what I think the commissioner's been working on; isn't that correct?

COMMISSIONER MARCUS: A maximum of seven permanent vehicles?

COMMISSIONER KANJIAN: But the question's whether --

COMMISSIONER MARCUS: Or should you say owner occupied vehicles?

MS. ALTERMAN: I think then you're actually limiting -- you're opening it up more by saying that if they're not owner occupied, essentially you're saying that they could be there.

COMMISSIONER MARCUS: Okay.

MS. ALTERMAN: So I think by leaving it silent --

COMMISSIONER MARCUS: Okay.

MS. ALTERMAN: -- you're probably better off.

COMMISSIONER MARCUS: Okay. Thank you. So I would move to advertise for public hearing with these changes.

COMMISSIONER AARONSON: Second.

MR. KRAUS: Commissioner. Hi, Bob Kraus, Environmental Resources Management.

I have a one-word minor modification to ERM's excavation language. This is located on Page 358, fourth line down.

We are adding the two words "or TDS," they should be "and TDS."

COMMISSIONER MARCUS: I'd include that in my motion.

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.

MR. Mac GILLIS: That'll bring us to the last item on the agenda, comments from the County Attorney.

COMMISSIONER MARCUS: Madam Chair, if -- and I know everybody's trying to get out of here. Could I -- could I address this since I raised this issue on the moratorium on additional mining applications?

CHAIRPERSON GREENE: Sure, and we have two cards.

COMMISSIONER MARCUS: I had a conversation this morning with Mr. Banks. I also had a conversation this morning with Carol Wehle from the Water Management District, and what I would like to suggest is that we have a moratorium on any type of uses out there, other than ones that are allowed based on their current zoning, which means if you're an ag operation and you're doing something to expand or add to it, you're allowed -- that's an allowed use out there.

I did talk to Carol this morning about that. I think they appreciate the help. As you all know, we're in the process of -- or they're in the process of looking at buying the property from U.S. Sugar.

This would allow them to make sure that there are no other problems to whatever the footprint may be, so -- and we would do this through the land development regulations, correct, Mr. Banks?

MR. BANKS: Yes, we would --

COMMISSIONER MARCUS: Which would allow us to --

MR. BANKS: We would put a moratorium in the ULDC so it -- we'll come back to the -- would come back to the Board three times for permission to advertise and then two public hearings to place it in the code, and then we would say it wouldn't exceed the length of one year.

And from what the commissioner is saying, it would prohibit anything that would require Board approval, which I guess would be conditional uses in the land that's zoned -- what is it, AP?

MR. Mac GILLIS: AP, yes.

MR. BANKS: Because, really, most of the uses that the ag operations do do not go to the Board. In fact, a lot of them don't even require building permits.

COMMISSIONER MARCUS: It would be then a moratorium on all conditional uses on all --

MR. BANKS: Right. We'd look at the --

COMMISSIONER MARCUS: -- AP land.

MR. BANKS: Right, and we'd look at the code to see if there is anything else that we'd have to place in that moratorium.

CHAIRPERSON GREENE: Make up your mind.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: We have a workshop or a discussion item coming up on August 19th on possibility of the inland distribution center. We're trying to get away from inland port 'cause people think a steamship's going to come up through the AA -- which seems to maybe work, maybe not work in that geographic area, and I'm just -- you know, and we're looking for direction.

It was the number one economic development priority for Palm Beach County that may offer opportunities out there because obviously this -- these -- you know, these communities are shifting.

And the other thing going on, too, is a lot of those communities out there are looking at trying to expand, you know, and there's annexation issues going on, and I'm not -- I -- is there -- do we need to -- this is like déjà vu.

Do we need to go to Tallahassee and say, hey, we'd like to have you help us --

COMMISSIONER MARCUS: Well, if --

VICE CHAIRMAN KOONS: -- remember the mining, we'd like to have you help us?

COMMISSIONER AARONSON: Jeff, are you suggesting that we wait until August 19th to bring this issue up?

COMMISSIONER MARCUS: Well, we have to bring this back, anyway, in writing, and I'd like to get that kind of dialog prior to then.

But this is only for a year, correct, Bob?

MR. BANKS: If the Board wants to proceed, that would be my recommendation.

COMMISSIONER AARONSON: I just got this, and I want some time to digest it, and I have a meeting to go to now, so I --

COMMISSIONER MARCUS: But could we at least give the staff the direction to bring it back to us?

COMMISSIONER AARONSON: Yeah, fine.

VICE CHAIRMAN KOONS: Yeah, I just -- if there's a place holder, and then do we shrink it, do we take a look at it? Do we strategically go ahead? Do we ask the State? Do we ask DCA?

COMMISSIONER MARCUS: Carol Wehle offered to have staff here if we needed to when we bring this back. So if Bob could bring back some draft language at -- for us so that they can see it?

COMMISSIONER KANJIAN: Madam Chair.

MR. BANKS: Bring back an ordinance on what date?

COMMISSIONER MARCUS: In August.

COMMISSIONER AARONSON: Not an ordinance, draft language.

COMMISSIONER MARCUS: Can you get the draft language out before then?

COMMISSIONER AARONSON: Well, if you get the draft language out, then we could look at it and digest it. That's one thing.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

I hope that we don't really take a serious look at a moratorium on anything, quite frankly. That's our job. Our job is to make decisions up here and not to do these.

Now, there's probably a lot of folks and a lot of our citizens would hope that we would make a moratorium on all our decisions for a year, and they'd probably be happy if we didn't exist, but that's our job to do.

So I'm not going to be supportive of moratorium language for just about anything unless we're going to moratorium on tax increases. I'll be very happy to ask for that as long as we'll do that, but other than that, I don't think I'd be supportive of a moratorium.

CHAIRPERSON GREENE: We have two cards. Ms. Larson and Ms. Davis.

MS. LARSON: I know you guys are really busy and you want to go to lunch, but when I read the paper the other day, bile came up in my throat because that buy-out, we got to clean that up. That's probably a six billion dollar clean-up. I hope you take that into consideration for the muck out there.

VICE CHAIRMAN KOONS: We'll be cleaning it after we own it.

MS. LARSON: I know. Well, I love how we have pretty spins on everything, and who's our governor after Charlie leaves us since he wants to be VP?

COMMISSIONER KANJIAN: He's around the corner right now. If you'd like to go see him, he's at the courthouse.

MS. LARSON: I'll probably just go out there.

But I'm really concerned about rock mining because on December 13, 2007, you guys had a joint meeting with the South Florida Water Management District, and somebody knew about the deal about buying all this sugar land. They already admitted that, that it was in the works for eight months, so that covers December.

So I'm really -- I hope the County Commissioners are very aware -- I know you weren't aware of this, but somebody was, and we were

doing -- we're doing a buy-out on sugar land. We're doing rock mining, which will get in the way of the buy-out of the flow-way, and we were also negotiating -- somebody at the District was negotiating their golden parachute.

I'm just really frightful for us, and I know, Commissioner Kanjian, you think I'm one of those people who would do a jig, and I would do a jig if you did no --

COMMISSIONER KANJIAN: There's a black helicopter outside waiting for you right now.

MS. LARSON: Yeah. I do, because we do -- we have a housing market that does have 96,000 homes on the market. We've got a lot of issues in Palm Beach County, and you guys are the stewards, and I hope you're looking at the big issues because the rock mining is a bad issue. The buy-out is a bad issue.

I did -- when the *Post* called me and asked me what I thought of the buy-out, I said they're trying to make Limburger cheese smell like lilacs.

Thank you.

CHAIRPERSON GREENE: Ms. Davis. Oh, there you are.

MS. DAVIS: Good morning. Joanne Davis, representing 1,000 Friends of Florida.

I would hope that you embrace holding off on making any decisions, be they good or be they bad, until we figure out what the State and the federal government are going to do with our Everglades.

We have to remember that the EAA is the historic Everglades. It used to be all underwater. It used to be under sawgrass, and now it isn't because of drainage, and now we have an opportunity to put it back right and reconnect Lake Okeechobee to the Everglades National Park and so on and the conservation areas.

Please embrace holding off on allowing any further use, other than currently agriculture and the restoration of Florida's Everglades.

CHAIRPERSON GREENE: There's a motion on the floor.

COMMISSIONER MARCUS: No, there's not a motion, just a, I think, consensus direction to bring it back to us. If you could get the draft out in maybe July, which is right around the corner --

MR. BANKS: In the form of an ordinance.

COMMISSIONER MARCUS: In the form of an ordinance that does all those types of uses, and then maybe we can look at it in the end of July or first part of August.

And if you could get a copy of that to Carol Wehle at the Water Management District?

MR. BANKS: Is that the consensus of the Board?

CHAIRPERSON GREENE: It's consensus of the Board, yes.

COMMISSIONER KANJIAN: That is not my consensus --

COMMISSIONER MARCUS: Except for --

COMMISSIONER KANJIAN: -- but others' consensus, I guess --

CHAIRPERSON GREENE: That's why we need a vote.

MR. BANKS: We have one other --

COMMISSIONER MARCUS: You want me to vote -
- make a motion?

MR. BANKS: -- item on the agenda.

CHAIRPERSON GREENE: We have another item?

MS. PETRICK: Yes.

MR. Mac GILLIS: On the add and delete,
Item 22. I apologize.

COMMISSIONER MARCUS: Do you understand the consensus then, everybody but Commissioner Kanjian? Okay.

VICE CHAIRMAN KOONS: A place holder.

CHAIRPERSON GREENE: Okay.

MR. Mac GILLIS: Item 22 on the add and delete. Bob will go over --

COMMISSIONER MARCUS: Twenty-three?

MR. BANKS: Amy Petrick's here from the County Attorney's office.

This is repeal of an ordinance regarding a Comprehensive Plan amendment that never went into effect, which is also regarding mining, but Amy can present the item.

MS. PETRICK: Certainly. We are currently involved in a Comprehensive Plan amendment challenge to the underlying ordinance, and that ordinance by its own terms put a temporary suspension on processing of mining permits with certain exceptions pending a study.

You guys have received that study, so by its own terms the language is essentially obsolete.

Repeal would not affect in any way your ability to address mining issues in the Comp Plan - the Comprehensive Plan or in the ULDC going forward, but it would resolve the currently pending Comprehensive Plan amendment challenge.

COMMISSIONER KANJIAN: I'd move the motion.

CHAIRPERSON GREENE: You heard the motion by Commissioner Kanjian.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for --

COMMISSIONER MARCUS: Staff direction, which is to do whatever she just said?

MS. PETRICK: At the last meeting.

COMMISSIONER KANJIAN: Yep.

MR. BANKS: Yes, there's a motion to adopt, so okay.

CHAIRPERSON GREENE: Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

Any other comments?

(No response)

CHAIRPERSON GREENE: No questions?

Motion to adjourn.

(Whereupon, the meeting was adjourned at 12:00 noon.)

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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 61, 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 22nd day of July, 2008.

Sophie M. Springer, Notary Public.