

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, July 26, 2007
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301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th Floor
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

A T T E N D E E S

_____ Addie L. Greene, Chairperson
Jeff Koons, Vice Chairman
Mary McCarty, Commissioner
Jess R. Santamaria, Commissioner
Karen T. Marcus, Commissioner
Burt Aaronson, Commissioner

Barbara Alterman, Director, PZ&B
 Verdenia Baker, Asst. County Administrator
 Jon Mac Gillis, Zoning Director
 Maryann Kwok, Chief Planner, Zoning
 Wendy Hernandez, Acting Principal Planner,
 Zoning
 Douglas Robinson, Planner II, Zoning
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 William Cross, Zoning Division
 Ann DeVeaux, Zoning Division
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 Isaac Hoyos, Planning Dept.
 Jim Choban, Engineering Dept.
 Ken Rogers, Director, Land Development
 Division
 Allan Ennis, Asst. Dir. Traffic Division
 Linda Monroe, Monitoring Division
 Bob Kraus, ERM
 Kenny Wilson, Health Department
 Linda Federico, Clerk
 Lorraine Cuppi, Senior Secretary, Zoning

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P R O C E E D I N G S

CHAIRPERSON GREENE: Good morning. Let me have roll call, please, and then we'll have opening prayer and Pledge of Allegiance by Commissioner McCarty.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: Here.

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

COMMISSIONER McCARTY: If everybody would please rise for the invocation and the Pledge.

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

CHAIRPERSON GREENE: Do we have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and file.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: We have tongue twisters this morning.

You've heard the motion from Commissioner Marcus for proof of publication, seconded by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Mr. Attorney, we'll have swearing in.

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

CHAIRPERSON GREENE: Wow. I told you what you need to start doing is say everyone who does not need to be sworn in sit down.

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Thank you.

Motion to adopt the agenda.

COMMISSIONER AARONSON: So moved.

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

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Second by Commissioner Marcus.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

CHAIRPERSON GREENE: Are there postponements or withdrawals?

MR. Mac GILLIS: Yes, Madam Chair, we'll go through them.

Just for the commissioners' benefit there are several postponements on this agenda because the courtesy notices that are mailed out to the residents for the Zoning Commission, unfortunately, we have a consultant that does that.

We've automated all that system, and there was -- somehow system failure.

We've put safeguards in place. Hopefully, this won't happen again, but that's why you have a lot of postponements on your agenda this morning.

So we'll go through those starting on Page 1, Item 1, Boynton & Lawrence Office MUPD.

Item 2, Military 6.

Item 3 on Page 2, Colonial Lakes.

Item 4, Vivendi.

Item 5, Woolbright Office Center.

Page 3, Item 6, Hagen Ranch/Boynton Beach MUPD.

Item 7, In the Pines North.

Item 8, West County Jail Expansion.

Page 4, Item 9, Glenwood Townhouses.

Item 10, Peninsula Bank at Loggers Run.

Item 11, Shalom Expansion.

Item -- on the add and delete we had Item 17, status report 2003-036, South Road Office MUPD.

That concludes the postponed items. We need a motion to approve --

COMMISSIONER AARONSON: So moved.

MR. Mac GILLIS: -- to the date indicated.

COMMISSIONER MARCUS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: There are no withdrawals or remands.

That brings us to Page 5 of the agenda, the consent agenda.

COMMISSIONER MARCUS: Madam Chair.

CHAIRPERSON GREENE: Commissioner Marcus.

COMMISSIONER MARCUS: I just have one question on one item that there is a card for on this No. 14, Linda?

Apparently, the information that we have here is not correct, and I know Collene is here to -- I'd rather just give a six-month extension instead of the two-year.

Did anybody call you about this?

MS. MONROE: No.

COMMISSIONER MARCUS: Okay. Madam Chair, if maybe we could do this real quickly, 'cause I was going to pull this and ask that we not do it, but then there's some more information on it.

CHAIRPERSON GREENE: What do you want to do?

COMMISSIONER MARCUS: I want to see if they'll take a six-month extension.

COMMISSIONER McCARTY: But also, though, I -- I support the two years, so we need to kind of maybe have a discussion about that.

CHAIRPERSON GREENE: Okay.

COMMISSIONER MARCUS: Okay. Well, then I guess we'll just pull it off consent.

COMMISSIONER McCARTY: Yeah.

COMMISSIONER MARCUS: Sorry.

COMMISSIONER McCARTY: Maybe we need to do that.

VICE CHAIRMAN KOONS: So that would be consent minus 14?

COMMISSIONER MARCUS: Yeah.

COMMISSIONER AARONSON: Okay. Then I --

CHAIRPERSON GREENE: Is that the only one?

COMMISSIONER MARCUS: Yes.

CHAIRPERSON GREENE: Okay.

MR. Mac GILLIS: There are, just so the Board knows, minor modifications to conditions on some of these on the add and delete, so when you make the motion, include the add and delete modifications.

VICE CHAIRMAN KOONS: Yeah, I accept -- yes.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: Yes what?

VICE CHAIRMAN KOONS: Yes, I accept the amendments --

COMMISSIONER MARCUS: Turn your microphone --

VICE CHAIRMAN KOONS: Excuse me. I'm sorry.

Accept the amendments as designated in the add and delete sheet, the corrections, additions.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER AARONSON: That's excluding -- excluding 14.

CHAIRPERSON GREENE: Excluding 14.

VICE CHAIRMAN KOONS: Yes, excluding 14, yes.

MR. Mac GILLIS: So that brings us to Page 9, the item for the regular agenda.

COMMISSIONER MARCUS: Are we going to do 14?

MR. Mac GILLIS: Oh, yes. We'll --

COMMISSIONER MARCUS: You want to do consent first? Sorry.

CHAIRPERSON GREENE: We'll do 14 first.

MR. Mac GILLIS: Okay. You -- do you want me to go through each item on the consent or --

VICE CHAIRMAN KOONS: No, we're done with consent.

MR. Mac GILLIS: We've done that. Okay.

So that brings us to the regular agenda.

CHAIRPERSON GREENE: We have the regular agenda, so we would discuss Item 14.

MR. Mac GILLIS: Yes. Linda Monroe will present this item.

COMMISSIONER MARCUS: Actually, Linda probably doesn't need to if Collene wants to tell us what the status is because I called about this, and the status was something different than on the -- at least that's what I was told.

MS. WALTER: Good morning. Collene Walter, with Kilday & Associates here on behalf of Woolbright Development.

This is the Shoppes of Madison commercial development at Jog Road and Woolbright Road.

It was approved for its rezoning back in 2002, received site plan approval in 2003.

It was owned by the Kahlert family, and due to circumstances revolving settlements of estates, the property was essentially tied up.

In last fall the Kahlert family entered into a contract with Woolbright Development. Since that time Woolbright Development has received new site plan approval, has obtained all of the permits from South Florida, Lake Worth Drainage District, Utilities Department.

They've platted the property, and they are moving forward. They're actually moving dirt on site as we sit here today.

The new information in regards to why we are asking for a one-year time extension is that Woolbright Development just entered into a letter of intent with Publix for the anchor parcel at this center.

We now need to go back in and get a new site plan approval and revise the engineering plans to incorporate the Publix footprint.

Publix is part of Phase I development. So we're going to need the full 12 months, we believe, to accomplish all of that, get the permit and pass the first inspection.

COMMISSIONER MARCUS: Madam Chair, I would move the one-year extension.

CHAIRPERSON GREENE: You've heard the motion by Commissioner Marcus for a one-year extension.

MS. MONROE: May I ask for a clarification?

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

MS. MONROE: The one year is to begin from today or from the last expiration?

COMMISSIONER MARCUS: Whenever Collene -- she's saying a year, so whatever --

MS. MONROE: Our staff recommendation was until January the 1st, 2009, which was about a year and a half from now.

COMMISSIONER MARCUS: Okay. That's fine.

MS. WALTER: And that's concurrent with the build-out date.

COMMISSIONER MARCUS: Just under discussion -- under discussion on this, the reason I said the information was changed were there's different owners and all that stuff.

MS. WALTER: Yes.

MS. MONROE: Yes, staff uses the property appraiser records, and Collene said the sale was very recent, and the records would not have been updated for us to know that until she notified us this week.

COMMISSIONER MARCUS: Only because I called.

COMMISSIONER AARONSON: So is it for one year or one and a half years?

COMMISSIONER MARCUS: It's for a year -- it's to the staff's date of January '09.

COMMISSIONER AARONSON: January '09. Okay.

CHAIRPERSON GREENE: Ready for the question.

VICE CHAIRMAN KOONS: Just for disclosure, one of the principals of Woolbright Construction is involved in a non-profit I'm involved with, the Science Museum. So I just want to make that clear.

They -- there's no particular conflict. I haven't written anything up. I probably should have 'cause I thought this was going to be postponed, so just on notice.

COMMISSIONER AARONSON: Nobody has spoken to me about this.

VICE CHAIRMAN KOONS: Nobody spoke to me about it, either.

COMMISSIONER MARCUS: I made a phone call, but nobody approached me.

CHAIRPERSON GREENE: Me, either.

COMMISSIONER MARCUS: On the 14?

COMMISSIONER SANTAMARIA: No.

CHAIRPERSON GREENE: Neither did anyone speak to me.

COMMISSIONER AARONSON: Okay.

CHAIRPERSON GREENE: Okay. We're ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MS. WALTER: Thank you.

MR. Mac GILLIS: Next item is 22, Palm Beach Plumbing.

Linda Monroe will present this.

MS. MONROE: Commissioners, the only reason this is on the regular agenda is the number of time extensions it has had in the past.

It meets the traffic performance standards as an insignificant project, and also it's in the Westgate transportation concurrency exemption area; therefore, staff has recommended the time extension until April 25th, 2009.

VICE CHAIRMAN KOONS: So moved.

COMMISSIONER MARCUS: Second.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: Item -- next item, 23, E&H Self Storage.

Linda Monroe will present that.

MS. MONROE: Comments are exactly the same. It's here because of the number of time extensions. It's in the Westgate transportation concurrency exemption area and is an insignificant project.

COMMISSIONER AARONSON: Motion to approve.

CHAIRPERSON GREENE: Got a motion by Commissioner Aaronson --

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: -- to approve -- for approval.

Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: 6-0.

MR. Mac GILLIS: Item 24, Polo Museum.
Linda Monroe will present.

MS. MONROE: This project is also here because of the number of time extensions; however, in this case they did do a new traffic study.

It's not being recommended for a time extension because it's insignificant, but, rather, a new traffic study showed that it met traffic performance standards.

It's also a partially built project. One building has been constructed.

They have submitted an application to the Building Division for the next building; therefore, staff is recommending a time extension until May the 27th, 2009.

VICE CHAIRMAN KOONS: Motion to approve staff recommendation.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

Next item.

MR. Mac GILLIS: Brings us to Page 10, Item 25.

This is the first reading of the ULDC amendments, Round 2007-01. Final adoption will be August 23rd, 2007.

CHAIRPERSON GREENE: Thank you. We have --

MR. Mac GILLIS: Board, would you like any type of presentation on this or --

VICE CHAIRMAN KOONS: Couple cards.

CHAIRPERSON GREENE: I have a few cards on this item -- I have two cards on this item, Ms. Rosa Durando and Mr. Kevin Ratterree.

MS. DURANDO: Yes. I'm not sure of your procedure. I had two comments on two different things under the ULDC. Should I address them both now? Okay.

The first one that I want to address is -- what do I call it, Chapter B.A.77, AR district, storage accessory use and so on.

I think you're looking for a lot of enforcement problems in this language, and not that I want to snitch on anyone because they're in business in agriculture, but if you drove down Heritage Road and Park Lane in either direction, I guarantee you, 20 violations right off the bat, but that patently is not fair.

That's an AR district, and people are working, and business is thriving, and they're all in horticulture, and as far as storage of debris, I don't know what you call debris.

VICE CHAIRMAN KOONS: Can I ask a point of order? Where are you? Which -- which item?

MS. DURANDO: Chapter B, Section -- Chapter B, definitions, landscape service, AR district storage, accessory use.

VICE CHAIRMAN KOONS: Oh, you're going right to the sticky wicket wormy thing, aren't you?

MR. Mac GILLIS: I think she's on Page 106, Line 38, which is the landscape service.

MS. DURANDO: There was a lot of discussion at our LDRAB meeting on that that the enforcement you're inflicting is a possibility -- is so unrealistic and unnecessary, that when you get back in certain areas, and there are active landscape businesses where they maintain plant and whatever.

There's very little retail business. I would say probably not at all.

But the violations that you're listing here exist, and I don't think it's fair to people in horticulture who are working very hard. They had enough problems with the water shortage.

But outdoor storage of debris, that one really floored me. Would you call the storage -- I know Loxahatchee isn't a big problem now.

Would you call fertilizer, manure, shavings, mulch, even huge piles of rock that they use in different landscape jobs, is that considered debris? I don't know.

If there was an unhappy neighbor, could they report some of these people in business and get them in a lot of hot water. I don't think that's fair.

And then, again, when you say it should be on a collector and arterial, well, Park Lane and Heritage Road are neither, and these businesses -- that's where they front, on Park Lane and Heritage Road.

So how does that work out in the eyes of the law, and why should you inflict on Terry Verner such an impossible task?

I don't know that these nitpicking little things serve any purpose, other than to cause trouble for people in business.

CHAIRPERSON GREENE: I'm going to ask them to reply to your question, but we hear from the commissioners first.

MS. DURANDO: Why is -- did this originate? Why did this whole --

CHAIRPERSON GREENE: Okay. We'll hear from the commissioners first, then I'll have staff to answer your questions.

Commissioner Marcus.

COMMISSIONER MARCUS: Well, Rosa, we actually -- I brought this up because Jupiter Farms and other areas and I think like The Acreage were getting notices of violation for lawn companies who were trying to operate in the area.

So we were trying to -- and it's probably an appropriate use for a lawn company to function out of -- and I do have a question on here on the one-acre size.

I thought we had talked larger lots like maybe three or five-acre lots that they could have the more vehicles and stuff like that, and that there should be a natural buffer around where they keep their equipment.

And so it's -- it's -- was really, I think, designed to allow, because we've gotten a lot of folks calling us, landscape companies to function in rural areas but not to be nuisances to the neighbors that are out there because there are a lot of landscape companies, and they really don't have any place to go.

So it wasn't designed to be a nightmare for Terry 'cause Terry's already out there in a nightmare citing all of these companies, and then the companies are calling us saying why am I getting cited, nobody can even see my truck and I'm not putting a lot of traffic on the road.

So I think that's sort of what we're trying to balance here.

I do -- I do think on Page 107 where we talk about the one-acre site, I really think we wanted to increase that to three or five acres. It really -- if you're going to have that much, you know, the trucks, no more than or that kind of stuff.

I thought we had talked maybe about bigger acreage sizes because otherwise you're going to have a lot of single family homes out there that they're just going to haul in the trucks, and it could pose problems for one-acre neighbors through there. So I thought maybe we could change it to five acres or something.

MR. Mac GILLIS: That's fine. I think in The Acreage and that most of those lots are 1.5

minimum, anyway, but I think there's no problem with us increasing that.

COMMISSIONER MARCUS: I think one is good for a residential living. I think five is better if you're going to run a business out of it.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I think we have to decide what is debris. What is the definition of "debris," and I'm getting it, by the way.

Things that are used and have a purpose for using, being used, such as fertilizer, maybe rocks for ornamental rocks, that, to me, is not debris.

I don't normally agree with you, but in this case I think I'm agreeing with you.

What is debris?

MS. DURANDO: Yes.

COMMISSIONER AARONSON: Okay. And if we can come to the findings and definition of what is debris, I think many of these things that Rosa is talking about would not be considered debris.

So I think the definition of debris has to be spelled out. You know, if you have a hurricane and you have buildings whipped up that can't be used again, and you have wood and nails and whatever it may be, that's debris, but having rocks that may be used for ornamental purpose or fertilizer which is used for a purpose or a thing such as that, that's not debris.

But I think the definition of debris has to be --

MS. DURANDO: Or huge piles of mulch that, you know --

COMMISSIONER AARONSON: Well, if -- mulch is used for something; correct?

MS. DURANDO: Yes.

COMMISSIONER AARONSON: That's not debris.

MR. Mac GILLIS: We can define that landscape debris, and add the word "landscape" in front of the debris, so then it would --

COMMISSIONER AARONSON: So I think -- I think --

MR. Mac GILLIS: -- include grass and branches and --

COMMISSIONER AARONSON: Well, I -- yes. And I think the definition of debris is what really has to be in here, not just saying debris, and to me, who comes from New York and New Jersey, fertilizer would be a debris, but to a farmer down here fertilizer is not a -- not debris.

So I think we have to have the definition -

MS. DURANDO: Yes.

COMMISSIONER AARONSON: -- and I do agree with you.

MS. DURANDO: So the compost piles ought to be exempted.

I'm just trying -- I don't know specifically the problems or complaints from Jupiter Farms, but I don't think anyone from Heritage Farms has ever complained, but that's not to say in the future it won't happen, that I know what goes on at the end of Heritage Road and Park Lane. They're very, very active horticultural, and you can find almost anything there, and I would hate to see a new type of neighbor move in, buy land and make it tough on some of the people who've been in business there for years.

I mean --

COMMISSIONER MARCUS: No, we don't want to do that.

MS. DURANDO: -- I would venture to say that Heritage Farms is one of the oldest agricultural communities in this part of the county, and they're very, very active now, and they're all not very neat and pretty, but they're in business, and they should be protected.

COMMISSIONER AARONSON: Now, there's also another part of it where debris -- where this is located.

In the middle of Boca Raton on St. Andrews Boulevard it would be considered debris, but it's not considered debris in Heritage.

So I think we have to have different definitions.

MS. DURANDO: I just wanted to mention that.

And the other thing I wanted to mention is on Article 14 -- where is it -- Page, like 133 or something -- yeah, 133, vegetation, preservation and protection.

I know that originally it was recommended that if it was a four-acre tract, that there would be no requirement for preserve, and the language has been changed and opened up a little, and I think that's a good thing, including parcel -- ERM may encourage upland preserve areas greater than half an acre, but large tracts of land, hundreds, thousands of acres will come before you eventually, and they will subdivide and sell parcels of four acres and less, and there are large tracts of uplands there.

There are gopher tortoise, and I will draw your attention to the fact that the Game Commission has stopped incidental take, that a gopher tortoise on less than half an acre can survive very well if given half a chance.

So I don't mind encouraging upland preserves greater than half-acre, but I don't want to see interpreted a limit that if it's not greater than, it will not be a preserve.

And I would also like to see the County have a responsibility on parcels of 20 acres or

less, that you're now going to be desperate in future years for park land and building land, but I don't want to see it at the expense of diminishing upland preserves, especially if there's a survey and there's a protected species using that land.

So parks and homes can be compatible if given half a chance. The unfortunate thing is that a lot of developers are not willing to put that little effort in, and it's easier to bulldoze down.

So the language as it exists is all right, but I would like to see the County put in an obligatory position if there's a listed species, whether they intend to have a park or not.

CHAIRPERSON GREENE: Thank you.

Mr. Ratterree.

MR. RATTERREE: Good morning, Commissioners. For the record, my name is Kevin Ratterree, vice president with GL Homes.

I'm here this morning on behalf of the CDC Gold Coast and the builders of Palm Beach County in reference to Exhibit I, Page 128 of your backup relative to the traffic performance standards changes.

COMMISSIONER MARCUS: What page?

MR. RATTERREE: One of the changes that's being proposed which we do support --

CHAIRPERSON GREENE: Mr. Ratterree, what page?

MR. RATTERREE: I'm sorry.

CHAIRPERSON GREENE: What page?

MR. RATTERREE: One twenty-eight.

COMMISSIONER MARCUS: One twenty-eight?

MR. RATTERREE: The organizations I mentioned are in full support of the staff recommendation to approve a change of the build-out date for residential projects from 80 percent to 50 percent plus one.

This will apply to all projects which have an existing build-out date in their DO. It will not apply to any projects which are approved after the effective date, which is August 23rd.

As you all know, the building industry is in a deep recession. There are many projects out there that are beyond the 50 percent in terms of permits pulled but will not reach the 80 percent threshold.

Those projects will be stopped, and those projects will not be allowed to complete, even though they are over half done.

We have met several times with Mr. Webb, Ms. Baker from the County Administrator's Office, and staff.

We've drafted the language. Everybody's in agreement with the language, and we endorse and

support and want that language adopted in the Code.

Thank you.

CHAIRPERSON GREENE: Thank you.

Commissioner Marcus.

COMMISSIONER MARCUS: You didn't call me again, Kevin.

MR. RATTERREE: What?

COMMISSIONER MARCUS: I said you didn't call me again.

MR. RATTERREE: If it's any consolation, I didn't talk to anybody. I just got back from vacation.

COMMISSIONER MARCUS: No, but Verdenia and George did call me late yesterday.

The only discussion change that we had was that maybe, you know, for projects that have been in the pipeline, and if I haven't squeezed them out already like 20 or 15 years, then they shouldn't have --

MR. RATTERREE: Right.

COMMISSIONER MARCUS: -- because it was a different market back then.

So I don't know if there's a start date. Is it everything in the last five years? Is that a -- does that cover enough?

MR. RATTERREE: The reality of it is the -- we're dealing with projects that have a build-out date in their DO, and as you know, that is a recent trend within the last four or five years where projects were given a build-out date in their DO.

So I think by default it's already covered because only those projects which have been in the approval process for the last four or five years have that build-out date in their DO.

COMMISSIONER MARCUS: Okay. So it -- but if you've been in the process for 20 years, we should have yanked you, anyway, correct, Verdenia?

Maybe between now and the final adoption we can get that information from Linda Monroe and just find out if there's any other -- 'cause it's capacity for everybody else, so we shouldn't let it be sitting out there.

MR. RATTERREE: Agreed.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: Thank you.

No other questions, Item 26?

MR. Mac GILLIS: Just one -- one comment.

On Page -- just note on the add and delete, Page 135, Lines 31 through 36, staff is requesting that that be deleted at this time. We'll bring it back at a later date.

We were just fixing an anachronism in the Code, and I'd like more time to bring it back to

the Planning Director and LDRAB to revisit this item.

So I'd request at this time it be deleted.

VICE CHAIRMAN KOONS: Madam Chair, I'll make a motion for the ULDC amendment, Round 2007-01, first reading, with staff -- with the recommended staff changes.

COMMISSIONER MARCUS: I'll second for discussion.

MR. Mac GILLIS: And to advertise for adoption for the August 23rd --

VICE CHAIRMAN KOONS: And advertise for the adoption for August 23rd.

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

COMMISSIONER MARCUS: Yes. Are we going to make the change on the landscape businesses from one acre to five?

MR. Mac GILLIS: Yes.

MS. PINKSTON-NAU: Yes.

COMMISSIONER MARCUS: Is that included in your motion?

VICE CHAIRMAN KOONS: Yes.

COMMISSIONER MARCUS: Okay. Thank you.

CHAIRPERSON GREENE: Ready for -- Commissioner Aaronson.

MR. Mac GILLIS: And add a definition for landscape debris.

COMMISSIONER AARONSON: I also have the definition of debris from American Heritage Dictionary.

American -- debris, the remains of something broken, destroyed or discarded; two, an accumulation of relatively large rock fragments. Want it?

CHAIRPERSON GREENE: He's done your work for you.

VICE CHAIRMAN KOONS: Well, and/or soft debris.

CHAIRPERSON GREENE: Thank you, Commissioner Aaronson.

Oh. 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 brings us to Page 11 of the agenda, Item 26, the Palm Beach Transportation Communication Center.

This item's been before the Board twice. Both those times there was residents to the south of this project that voiced concerns with noise, lighting, traffic coming into the site, hours of operation and access through their development.

At the last meeting Commissioner Santamaria asked that -- made a motion to this item be postponed so he could go out and meet with the residents on the site We did do that.

Staff has made some additional conditions to the staff recommendation of approval to address the noise, the hours of operation and access into that development.

On the add and delete there are some amended conditions.

Staff has a brief PowerPoint presentation just to give the Board an overview of the building and stuff because several questions came up at the last meeting whether there was openings in the building and conditions of existing landscaping and stuff.

So if we could -- Wendy Hernandez will walk us through that quickly.

MS. HERNANDEZ: Good morning, Commissioners. Wendy Hernandez.

Just to walk you through, we met out on site with the residents and Commissioner Santamaria.

This particular picture is the aerial of the site with the building being at the southwest corner, the parking closest to the Jog Road and the No Name Street on the north side of the screen that you have.

This is the proposed site plan showing the existing structure, the parking and the small access connection to Lakeside Drive. This particular area will be closed off with a proposed condition of approval of an eight-foot wall and landscape material.

The next slide is a zoomed-in area showing where the proposed -- the wall will be located, as well as landscape material, majority of which will be on the residential side of the western property line.

We also will beef up the -- tear out the pavement for the access drive along Lakeside Drive and add landscape material in that particular area.

This is the east facade. There are two existing bay doors which will remain. This will be the area in which they will do the repair and maintenance within these bay areas.

Again, another east facade at an angle showing the bay doors.

This is the north facade. There are no windows on it. This facade faces the BellSouth site to the north.

Now this will be a kind of a panoramic view starting at the southwest of the building looking towards the Turnpike, Jog Road -- if you can click -- going around through the parking area.

Again, the main access. This will be the east, the only access to the site, which will remain.

More parking, and, again, now we're going towards the BellSouth site, the existing plant material. This particular property line, staff has proposed to bring it up to Code to infill it with the proper plant material and the trees.

This is the rear facade, the western facade that faces the residential. There are only three doors on this facade. They're all for emergency purposes. There are no windows. It isn't an area in which somebody will be coming in and out.

The existing A/C equipment. All the vegetation is all existing. We are proposing to increase that plant material in there.

This now is the start of looking towards the residential and the existing plant material that is on site.

We're kind of going a panoramic towards the north, towards the BellSouth.

Existing vegetation, the homes that are adjacent to the property.

This is the proposed location. In this particular area -- this is a shot where the existing parking is. The buffer shown is only 10 feet. Where the existing parking is we will jog it in 15 feet past the parking area.

We will provide an eight-foot wall, along with the additional arecas and plant material on the residential side. Next to the parking area we'll also include vines and hedges to screen the wall in the parking area.

Again, further back shot looking towards the south side of the property where a wall placement and hedge material will go on the parking area, the residents' side being on the right side of the screen.

Again, we tried to do a graphic showing the location of the wall with the hedge material on the outside on the parking side. There will be landscaping on the western side of the property line.

This access point is an existing access point that leads you to the Lakeside Drive. This area is proposed to be removed and walled off with the eight-foot wall. There'll be no access to the residential development.

This is an inside shot of the proposed -- the existing building. Staff -- on the wall that's on the left side of the screen, basically that is about the line of area in which -- it's 60-foot inside the building where an interior wall would be constructed to restrict the use of the repair and maintenance.

That's an inside shot looking outwards. Those are the bay doors, the two bay doors that are existing.

This site plan that's shown is created by the applicant. I'm showing cross section details of the proposed landscape material and the wall within the 15 and 10-foot buffer on that west property line.

Okay. This brings us to the conditions of approval that are within the staff report in order to try to address the concerns of the residents.

There's an architectural condition, should there be renovations of the structure that exceeds 75 percent of the assessed value, that building would have to be revised to meet the architectural guidelines of Article 5.c.

Condition No. 2 proposed is that the applicant has to construct that floor to-ceiling wall within the building to separate the repair and maintenance from the residential property line. So it'd be 100-foot from that residential property line.

And then we added the condition, because there were concerns with the number of bay doors, they will not add any additional bay doors. The two bay doors that are remaining will be the only bay doors they will have.

Then we bring to the landscape conditions of approval. We have our standard landscape plans they will submit an alternative landscape plan to relocate all -- virtually all the landscape material from in and outside of the wall to the west side of the property line to help shield the residents so they don't see this eight-foot concrete wall. It will be softened with the additional plant material. We've increased the heights, staggering the spacing.

This Condition No. 6, this goes into more detail with regards to the plant material that is proposed. The eight-foot concrete panel wall, originally the staff report said just an eight-foot panel wall, be an eight-foot concrete panel wall, the plant material to be spaced 20

feet on center and additional height and canopy spacing to help create a more dense vegetation.

This is more -- we've added the areca palms, six feet in height. That will be on the western property line on the side facing the residential so the residences will have that six-foot arecas, along with the eight-foot wall and the other trees and existing vegetation that is on site.

Then we added the condition for the north, south and east property line to add the native canopy trees to be reviewed prior to final DRO with an alternative landscape plan.

Another issue that was brought up by the residents is with regards to the noise. Their concern, obviously, is the 24-hour operation with the use of the vehicles coming and going in the evenings, the backing up with the beeping sound, the use of -- the fueling of the vehicles in the middle of the evening.

We had created or want to use the -- utilize the maximum sound levels established within the Code, although we are restricting it more on the weekend, Saturday and Sunday, not to exceed the 50 decibels that is established within the Code.

Site design, this condition created will -- basically is closing off that ingress, egress location to Lakeside Drive, as well as Item No. 2 is talking about the hours of operation.

The Condition No. 3 is the business tax receipt, also known as the occupational license, allowing the applicant to occupy the building at the same time as they're applying for the DRO approval.

Okay. Use limitation. Here we broke it down by the uses proposed by the applicant, the dispatching, the general repair and maintenance, and then we further went into detail about airgun use for the general repair and maintenance.

Based on the information that the applicant has provided us, we've restricted the dispatching Monday to Friday, 4:00 a.m. to 11:00, Saturday, 4:00 a.m. to 11:00 and Sunday, 4:00 a.m. to 11:00.

Now, note any vehicle that's returning after 11:00 p.m. will go to the Florida Mango facility.

The general repair and maintenance is restricted to the 7:00 to 11:00 p.m. -- 7:00 a.m. to 11:00 p.m., Saturday, 7:00 to 5:00, and Sunday, no general repair and maintenance.

And then C, airgun use, again, Monday through Friday, 7:00 to 9:00, Saturday, 7:00 to 5:00, and Sunday, no use of air guns.

All the air gun use -- the use of compressors will be located within the building

and not external, and then the use of the general repair is limited to their preventive maintenance, such as tire repair, oil changes, taking out dings and so forth.

And that is the end.

CHAIRPERSON GREENE: Thank you.

We have 10 cards. First we have Ms. Jill Reiter and Ms. --

MR. PERRY: Commissioner.

CHAIRPERSON GREENE: Oh, I'm sorry. I forgot you.

MR. PERRY: Thank you. I'm so easy to forget.

CHAIRPERSON GREENE: No, you're not.

MR. PERRY: Marty Perry, representing the applicant.

Just a few comments. The staff has gone through a fairly detailed presentation which will save us a lot of time, or at least save me a lot of your time.

This photo here gives you a pretty clear idea of what we're talking about. These are the most affected residents. They're the closest to the property.

This is an existing site, just an existing building, existing parking lot. This is the existing BellSouth.

This is Jog Road, and down here you can just barely see, this is the Turnpike which runs this way, and Jog Road and the Turnpike intersect.

As I believe Commissioner Santamaria can confirm to you, the ambient noise from Jog Road and the Turnpike, at least from 2:00 o'clock -- 2:00 o'clock to 3:30 in the afternoon on a Monday is fairly significant, standing in this location right here (indicating).

The goal is to -- and what we were there to address with Commissioner Santamaria was the buffering that was described fairly clearly by Wendy, and basically we're setting the wall 15 feet inside our property line which preserves the bulk of the vegetation that's already there. We won't have to remove any that way, and we'll be adding to that vegetation.

And then as we come easterly, we'll create -- there's a little jog where we can't do that because of the parking lot, but we'll create an entryway so we can go through and maintain it, and we'll be setting the wall seven and a half feet in from our property line for the rest of the property and maintaining it well.

And then in the area that she mentioned where we're closing off the road, that will be landscaped. The existing pavement will be torn up. That'll be landscaped, and that'll be walled off.

The primary issues, really, have been the issues of noise and the number of vehicles.

There are a total of 150 vehicles. There are, as Mr. Cohen, who's the head of PalmTran and PalmTran Connection will -- who's here today and will confirm to you, there are an average of 115 vehicle trips daily from Monday through Friday.

The majority of those vehicle trips take place during the hours of 7:00 and -- 7:00 a.m. and 7:00 p.m. There are some vehicle trips that take place that start as early as 4:00 for dialysis purposes. There are some trips that return after 11:00 o'clock, very few.

We've agreed, and we have no objection to the condition that any vehicles returning to the site after 11:00 p.m. will go to our site on Florida Mango Road and will not come back to this site.

We have agreed, also, that in terms of the operation that we will be considerate. Any morning trips or late night returning trips will come to this area right here (indicating) where they're blocked by the building, as well as this proposed eight-foot wall and landscaping.

I think it's important to note, and Mr. Cohen will confirm this, that my client has within the past week, given Mr. Cohen a letter indicating that by the end of October we will replace 35 of our diesel vehicles with gas-powered vehicles, new gas-powered vehicles.

By the end of the year, 2007, we will replace the entire diesel fleet with gas-powered vehicles so that there will no longer by the end of the year be diesel vehicles.

The diesel vehicles clearly are much noisier than the gas-powered vehicles so that we don't anticipate actually being in operation here much earlier than October, and by the end of December the diesels will all be gone.

Secondly, in the interim all diesel vehicles will be fueled off site. We'll fuel them at our Florida Mango site.

We do have gasoline-powered vehicles. We need to fuel those vehicles. It is too expensive to send those vehicles to a gasoline station for refueling.

We will, as the neighbors have pointed out, be bringing a fuel truck on site to service the unleaded gasoline vehicles. We will agree that that fueling will take place no later than 8:00 p.m. Monday through Friday. There will be no refueling done on site on Saturdays and Sundays.

We would like to get that earlier, but we can't because a majority of the vehicles aren't back until 7:00 p.m., and in order to make sure that the vehicles are properly fueled for the next

day the fuel truck needs to be there from 7:00 'til 8:00 p.m., and that can be added by staff as an additional condition to limit the refueling to 8:00 p.m. at night and no later than that.

The -- let me just make sure that I haven't forgotten anything here.

It's important to note that on Saturdays and Sundays there are only approximately 30 routes, as opposed to 115 during the week, and of those 30 routes, of those 30 routes, approximately six start somewhere in the neighborhood of 4:30 to 6:00 in the morning, and there are about four of those that return as late as 9:00 o'clock at night, none after that. So the bulk of them are really between 7:00 and 5:00 or 7:00 and 6:00 on Saturdays and Sundays, and it's minimal number of trips.

The -- Mr. Cohen will address the issues of additional efforts that the -- that the County staff is going to make with dialysis centers where they're going to attempt to work on these early morning trips.

Those trips that are ambulatory, they're going to try to work on that so that taxicabs can be used, as those will be initiated out of the Florida Mango site and try to reschedule some of them so they're later in the day, as opposed to early morning. That'll be an ongoing effort. Mr. Cohen will address that issue.

The only comments I have regarding the conditions, and I have no objection to them as long as there is a clear understanding, deal with the architectural review, the one that Ms. Hernandez went over that said that at the time of submittal for final DRO approval of the site plan the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5 of the ULDC.

Well, we have an existing building here. I understand that if we were to remodel the building up to 75 percent, then we need -- then we need to deal with architectural revisions.

I just want to make certain that that's clear, and that there's no issue so that when we come through for final DRO, we don't lose a month or two months arguing over what this provision really means, and that we're only limited by the Code.

Other than that, the condition can stand as it reads.

Secondly, there is a request for -- on the site plan this dotted line that comes across the building here (indicating) is the line east of which maintenance only can take place in this area

here. This condition requires that we construct the floor-to-ceiling wall along this line.

Our problem with that is, is that we need - - we don't mind building a wall or something to show the maintenance area, but we need to be able to have access through the wall because this is a large area for us to store vehicles, not to perform any maintenance on them, simply to park them and store them from time to time, and I just want to make certain that we're clear on that, and I think that requires a little bit of a modification, and I discussed this earlier with Mr. Mac Gillis.

Lastly, while we were at the site, and I'll start with an apology, one of the neighbors handed me a three-page, single spaced typewritten list, which essentially is basically an argument, but it addresses several issues. The issues that it addresses are noise, primarily, inside and outside, number of vehicles, number of employees.

I believe all of these are addressed in the conditions. I apologize. I told her I would get a written response to her. I did not, but I think that if I could go down through this quickly, I can address them very fast.

Her comments deal with hours of operation. The hours we've been over. They're covered by the conditions.

The -- their request is they want normal business hours. We're just not in a position to provide that. We think that the steps that we've taken will provide them with protection that they're seeking.

They've talked in terms of the number of vehicle trips, do 500 trips a day really mean 500 round trips, and, no, that's the total trips in and out. That's everything.

Does that include employees that are administrative employees? Yes, it does. It includes everybody.

The service bays, we're agreeing to restrict ourselves to the two bays that are there. We don't need any more than that.

The question of can we close these bays while we're working on the vehicles, the answer to that is no. There are health reasons not -- that we can't do that. We don't believe that the noise will be an issue. We think that that will -- that will prove itself.

The outside noise, they talked about the service vans are diesel. I've already pointed out that we're converting them all to gasoline, and that'll be done by the end of the year.

The fueling, I've addressed that issue.

The wall -- the real issue of the landscaping and the wall. The wall is sound

protection, and that's evidenced as we drive up and down I-95 and the Turnpike. That's the purpose of those walls.

The landscaping is visual, and I suppose it does provide some benefit from a sound standpoint.

Who's responsible for maintenance, cleaning, painting. That's our responsibility, and it will continue to be.

Lighting. We have no plans to change the lighting on the site. There are existing lights on the site currently. We have no intention of changing them.

If we did, we would have to come back here and seek approval for the lighting, and we'd be covered by the -- by the ordinance, and I don't believe that we would have a problem there.

Again, I apologize for not having gotten a written response, but I believe that most of this is argument that was presented. Most of it is already and had already been addressed.

Thank you very much.

CHAIRPERSON GREENE: Ms. Jill Reiter and Ms. Ella Jean Field.

(No response)

CHAIRPERSON GREENE: Oh, okay. Opposed, do not wish to speak.

Ms. Reiter opposes, does not wish to speak. Ms. Ella Jean Field opposes, does not wish to speak.

Ms. Carmen Rodriguez, opposed, but it does not designate whether you -- specify whether you want to speak or not. No? Okay.

Mr. Russell Reese opposes.

MR. REESE: I live on the street that backs up to the property, and I can appreciate all they are doing to accommodate us as neighbors.

My only concern is -- if you could put the slide back up that shows the operations, the hours of operations -- there you go.

The general repair hours. Are you telling me there's no way they have to go from 7:00 o'clock in the morning to 11:00 o'clock at night with the air guns and everything going 'til 9:00 o'clock at night? It seems to me they can -- they can at least accommodate that under normal business hours, say, 'til 5:00 o'clock.

If the air guns and all the general repairs are done inside the building -- I mean I appreciate all that they're doing, but they should be -- at least in the dispatching, I understand dispatching has certain hours they have to accommodate, but as far as repairing and maintenance of the vehicles, they should be able to do that by 5:00 o'clock, I would think. So that's my main concern with that one.

Other than that, I think that they're doing a good job trying to accommodate the neighbors. My personal opinion, I think that we should be able to address the maintenance a little bit tighter than that. Just when we come home from working all day long that we don't have to hear that at 9:00 o'clock at night.

So thank you.

CHAIRPERSON GREENE: Thank you.

Ms. Sandy Rice opposes, but does not wish to speak.

Mr. Warren Brams and Ms. Debra Esler.

Mr. Brams.

MR. BRAMS: Good morning. May it please the Commission.

I would like to address the specific zoning variance that it's my understanding that is at issue, that the zoning requirement otherwise is from 6:00 until 11:00, and that the hours of primary operation that they're seeking are from 4:00 until 11:00.

And when Mr. Perry says that he believes that the accommodations made by Palm Beach Transportation had been for our protection, I think it changes really the nature of how we should look at this. We should be protected by the existing zoning regulations of Palm Beach County.

It is Palm Beach Transportation who is asking for a variance from those regulations. Their only justification, which was reported to staff, which is found on the report of the -- that has been presented to you under the variance summary seems to be that these zoning regulations should not apply to them, but why? Why should that -- they not apply to them.

This is a private, for-profit company who is going to benefit to the obvious detriment of our neighborhood.

We have over the last four meetings come before you and told you the various issues of concern that we have, and it is without doubt that the applicant has made a substantial effort to try to control the noise, but control the noise when?

The noise is going to be a major problem from 4:00 a.m. until 6:00 p.m. -- 6:00 a.m., and that we as citizens of this county have a right to rely upon the existing zoning regulations when we purchased our homes.

The zoning was commercial there. It is subject to a zoning regulation. I buy a home in that area. I can -- I should have a right to rely upon the existing regulations, and they will not be changed to devalue my home and to reduce the appreciation of my home.

Thank you.

CHAIRPERSON GREENE: Thank you.

MS. ESLER: Hello. I'm Debbie Esler. I'm the property owner that is immediately adjacent on the right-hand side of the drawing there.

We've had lots of talks about the walls. Being the owner that I feel is most affected by that, the wall is a good idea, eight foot, 10 feet. The landscaping, it really hasn't been a big issue with us.

I asked several times to hear the vehicles running. Yesterday I got my wish because some of the vehicles were actually on site so I was able to hear the amount of noise that they were going to create.

Now, being that they're going to go to gasoline it's probably a non-issue, but they really weren't that loud. I was inside. I didn't hear them coming and going. That's my main concern, when I'm inside, am I going to hear this.

What I did hear, my only sticking point remains, I did hear the beeping, and it -- the vehicle was all the way on the east side at the other side of the building, and I could hear the beeping, and it was much louder than the vehicle, and, granted, it was only, you know, five-second burst, but if I had to listen to that in the middle of the night, I'm not sure it would -- I could hear it, but that really is my main concern with it.

Because I know, I hear -- I hear Jog Road. I heard the diesel vehicle going up Jog Road because they had to gas it so hard, but, again, that's every day. I mean we do have the noise from there. Granted, we live with that, but if I have to have it at 4:00 in the morning, you know, they're going to try and stage them, turn them the other way, if they can stick to that, but I don't know how we enforce that.

But that's pretty much all I had to say. Thanks.

CHAIRPERSON GREENE: Thank you.

Ms. Barbara Ur and Ms. Laretta Perry.

MS. UR: Good morning.

CHAIRPERSON GREENE: Good morning.

MS. UR: I'm Barbara Ur, and I live on Lakeside Road.

Thanks very much to all the commissioners and the staff and agent Perry who represents the applicant for the many times that they have met and the time exhibited on this issue.

Our two main concerns, as has been stated, has always been predominantly noise and the abnormal and what we consider unreasonable hours of operation adjacent to an existing neighborhood.

We did our part. We contacted Adco (ph), which is the largest acoustical company in North

America. We also forwarded to you their dismal outlook on the proposed noise mitigation which indicated, and I quote them, "a potential for negative effect on your community's quality of life and health exists," end of quote.

Now, while we still object to the noise concerns, we understand that staff feels that the revised conditions do not warrant any further noise or environmental impact studies; however, what we would strongly request is that an audit procedure be established to ensure that the auditing procedures that the County would set for itself are completed routinely, and that this business conforms to the noise standards in all ways at all times, and this burden should not fall on the residents.

Several comments have been made to our second issue, which is the hours of operation. I need to go on record and to state to you that, unfortunately, an inaccurate statement has been submitted by the applicant to staff as to -- and I'm sorry -- and was used as a basis for staff recommendation of the hours.

No resident has ever agreed to the stop hour work of 11:00 p.m. This is also evidenced in a letter that we sent to Adco just this Monday wherein we stated that these proposed abnormal hour of operations were from 4:00 to 11:00.

The concern that we have is that we're not -- I would like a clarification at the end if you don't mind as to how the 115 trips per day yield 520 trips in the proposal.

Apparently, also, this application allows flexibility for this 24/7 situation, and this is regardless of the, quote, anticipated hours.

So there apparently are some circumstances that can yield a 24/7 scenario.

Our further concern is if the contract with Palm Beach County ever ceases with this owner, then the owner still apparently has a 24/7 variance that they can implement, and we absolutely object to those abnormal hours of operation.

And, again, I would just like to say to you this. Humanly, if you could picture this, you're at your home, you, your spouse and your kids are asleep, and less than 500 feet away 50 to 60 diesel vans, soon to be gasoline, but still 50 to 60 vehicles will start their engines, close their doors and accelerate their way unto the day, and this is going to happen every single day between 4:00 a.m. and 6:00 a.m. or even 5:00 a.m. to 6:00 a.m.

And I ask you, would this not affect your sleeping schedule? Would your family not be affected by this?

In all sincerity we are asking for us no less than what you would want for yourselves, and we trust that you will make your decision accordingly when you consider allowing a 24/7 --

CHAIRPERSON GREENE: Ms. Ur, are you ending?

MS. UR: -- potential operation at this existing neighborhood, and I'm finished.

And thank you so very much for your time for this matter.

CHAIRPERSON GREENE: Thank you.

MS. PERRY: Good morning. My name is Laretta Perry, and I live at 1610 Feather Trail, and I'm no relation to Marty, but we thank Marty because he has helped us try and get the conditions that we have now, and we're thankful for that, but we still are not happy.

Our neighborhood -- it was stated before at other commission meetings that we are already surrounded by industrial and commercial enterprises, including BellSouth and a lot of things along Skees Road. We have the Turnpike, we have Jog Road, we have the new SunPass that we opposed coming in our back yard, but just because we have all of that doesn't mean that we can have something else. Something else is now being thrown at us.

And this operation -- all the other businesses around us, including BellSouth, basically work normal business hours. They are -- BellSouth once in awhile has an emergency, and they'll send a couple of trucks out in the middle of the night, but they don't disrupt us. They go out Jog Road. We don't hear them.

And all the other businesses along Skees Road, they have normal business hours. It's usually 7:00 o'clock to 7:00 o'clock at night maybe, 6:00 o'clock at night.

We oppose having businesses running out of here, all these trucks running in -- buses running in and out of here at 4:00 o'clock in the morning, 4:00 to 7:00 in the morning and also on Saturdays and Sundays. So it's like we're not -- we're never going to have a break from it. It's every single day.

And I want to thank Santamaria -- Commissioner Santamaria for coming out for our meeting with the neighbors. I really appreciate that, and I appreciate all your time, and I would just like you to please think about us and our children and our neighborhood.

Thank you.

CHAIRPERSON GREENE: Thank you.

We have two more people, Ms. Marianne Sardino and Ms. Diane Reese.

MS. SARDINO: Good morning. I, too, appreciate County Commissioner Santamaria for coming and listening to us. We really appreciate that.

My name is Marianne Sardino. My husband and I have lived at 6733 Lakeside Road since August 4th, 1978. There are other families with more longevity than we.

When we moved in, we were the last house on the street. Belvedere Road and Okeechobee Road were two lanes.

We had moved from the noisy busy city to the calm, tranquil, quiet country. There were many reasons we moved here. Among the most important was the fact that I have lupus, and in having lupus I am required by my physician to have eight hours' restful sleep. My husband has had a heart attack.

There are other people in our neighborhood who have had heart attacks. We need our sleep. I don't see that happening with this. I really don't.

I don't tell you this for sympathy, but for understanding. The noise this new complex will produce for the number of hours of operation may be detrimental to mine and other peoples' health.

My husband worked for 45 years as an auto mechanic in a service station which he owned. He knows that the proposed wall for this new complex will not be enough. He relates that the noise of the pneumatic air guns are airborne and will not be stopped by a wall.

As an example, there was an auto body repair shop on the same block as his business. There were two barrier walls, and they still heard the noise from the air guns and the compression equipment.

Our neighbors went on an expedition to the Florida Mango site and discovered loud music piped over an intercom or loudspeaker. Can you assure me this piped music is not going to come out of this Lakeside Road area?

If the -- if -- can -- if these things do not happen, Commissioners, you will be receiving phone calls from me as a sick person who didn't get enough sleep, and I mean I will be calling the County Commissioner, and I will be calling the Palm Beach Sheriff's Office to come and take care of the noise.

You may think well, if it bothers me that much, why don't I move? Where will I, a 70-year old retired nurse and my husband, a 76-year old retired mechanic on Social Security and a modest pension from St. Mary's Medical Center find a comparable home for a comparable price?

If our fears with this complex are realized, my property value may go down, and there goes my equity.

To you it's a project or a complex. To me it's my livelihood, my security, my health, my home.

With the price of homes in Palm Beach County, even after homestead, which is now shaky, there's no place that I can go. I don't want another mortgage. I cannot afford a rent.

If I must move, I may be put in the same position as some of my patients. I will have to make a choice between paying my rent, buying my medicine, which are very costly and many, buying food or having a home.

CHAIRPERSON GREENE: How much time -- how much do you have left?

MS. SARDINO: Just two sentences.

Please don't put me in a position where I may end up being hungry, sick and maybe even homeless. I wouldn't wish that for anybody.

And if this project goes through and my prices and my house go down or my health deteriorates, I will have to move.

Thank you.

CHAIRPERSON GREENE: Thank you.

MS. REESE: Good morning, Commissioners. My name is Diane Reese, and I live directly behind the property that is being requested for rezoning.

And when I first received the notice of the requested zoning change, I contacted the Zoning Department and was told that this was to be a 24-hour dispatch operation of medical transport vehicles.

It was not explained to me at that time that this would instead become a maintenance compound, and no dispatchers would be located in the building.

There was also no mention of vehicles being fueled on the property.

Even though the noise level of a vehicle maintenance compound will change the way I will be able to use my back yard, the fact that now there will be gas fumes I will have to deal with, as well as the danger of a flash fire if some of the fuel is spilled will severely limit my using my back yard for enjoyment.

My home is less than 50 feet from this building. I can hear the air conditioning compressors, so you can imagine the noise level that I will have to deal with when the air tools are going from 4:00 a.m. to 11:00 p.m. six days a week.

Concrete walls may help, but I can tell you that when they were building the Jog Road interchange for the Turnpike, even though I'm

right behind that concrete building, I could still hear the construction going on.

I have a two-year old who lives with me, and I keep her on a daily basis so I use my yard every day. She loves playing outside. So she is scared even when she hears the sirens of the ambulance and stuff. That scares her. So can you imagine what it's going to be like for her to deal with the noise from this level?

So I ask you to consider the residents who live there that our homes and our living, way we live, is going to be jeopardized by this -- allowing this rezoning change to go through.

So I ask you to kindly consider what the residents think and ask this not to be rezoned.

Thank you for your kindness.

CHAIRPERSON GREENE: Thank you.

Any comments from the commissioners?

(No response.)

CHAIRPERSON GREENE: Mr. Perry?

MR. PERRY: Just briefly. I mean I -- I understand the comments that have been made. That's what we've been attempting to deal with is to address these issues.

I think that a good number of the concerns that have been expressed are going to be addressed by the -- by the wall. I think the wall is going to provide some protection against the ambient noise they currently get from the Turnpike and Jog Road.

CHAIRPERSON GREENE: Mr. Perry, could you address the beeping noise she referred to?

MR. PERRY: The trucks are required by federal law to have a beeping sound when they're in reverse gear so that anyone standing behind the vehicle is alerted that the vehicle's backing up.

We had agreed that any vehicles that were leaving in the early morning hours would be leaving from a -- from a position where they would be driving straight out and not having to back up.

In addition to that, they would be -- they would be staged -- early departing vehicles would be staged in this area in here so that they would be blocked by the building, which is a concrete building, as well as by the wall, and they would be leaving along here and going straight out. There are no vehicles that go back here (indicating).

During the day these vehicles in here during normal operating hours would be operating but these vehicles, when they come in would be backed in so that when they leave in the morning, if they're in the early hours, they would be driving straight out without beeping.

The intent is to try to keep -- contain the noise as much as possible.

The concerns about noise from inside the building, again, this is a solid concrete wall. This is solid concrete, this is solid concrete, and this is solid concrete (indicating).

The only windows in this building are at this main entry area, and there are four windows along here, if I remember correctly, and this is the administrative area. This area back here is all concrete (indicating).

So the concerns that are being expressed about the noise from inside the building, I believe, are concerns that I think you're going to find are not -- not real concerns.

The only other issue is that -- the first gentleman that got up made the comment that he was concerned about maintenance after 5:00 p.m.

We addressed that previously. The problem with maintenance ceasing at 5:00 p.m. is that all the vehicles aren't back by 5:00 p.m. It's -- the vehicles don't get back until as late as 11:00 o'clock at night, with some vehicles coming back after that that we've agreed will go to another location.

Those vehicles have to be ready to go in the morning again, and if there is any work that needs to be done to them, it's done after 5:00 o'clock.

We've agreed to restrict the use of the air guns after 9:00 o'clock at night. We've agreed to restrict the maintenance on Saturdays to 5:00 p.m. We've agreed there's no maintenance on Sundays.

I'll be happy to address any questions that you might have.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, I volunteered to try to mediate between the residents and the applicant because I happen to be familiar with the area.

I often go through both Okeechobee and Belvedere and often go through Skees Road, as well, so I am quite familiar with the area, and I volunteered, and I did visit the community twice, once with Barbara and George Webb. We did a survey of the surrounding areas.

And the other reason that I volunteered is I do have familiarity with industrial buildings and commercial buildings, having owned them for the last 25-plus years, and I am -- had noise situations, as well, you know, between tenants and the neighborhood.

So I do have a little bit of personal experience with this type of situation.

First of all, I'd like to thank Mr. Perry in the amount of time and cooperation he has had

in accommodating to the best of his ability the residents of the Lakeside Road.

So we did spend, you know, quite a bit of time really trying to understand the problem and find solutions, and quite a number of them have in fact been implemented, which I think will probably alleviate, you know, a good percentage of the concerns of the residents.

With respect to -- with respect to noise penetrating walls, Mr. Perry, you might -- and I did mention it in one of our meetings. You might consider polystyrene.

Polystyrene, if you would put panels on those concrete walls, would further prevent noise from penetrating concrete.

I live in a house that's concrete with, in fact, the product known as polystyrene, and I don't hear airplanes above or even rain when it rains. I don't even hear the rain, living in a house with polystyrene panels on the walls. So you might look into that possibility of adding further insulation to prevent the noise.

The beeping sound that is brought up, is there a way of disconnecting it when you -- when they're on the premises until they leave the premises so that it does not beep?

MR. PERRY: I made an inquiry as to whether or not those could be put on some type of a toggle switch, and the preliminary indication that I got was no, that they could not be, but I, you know, I haven't confirmed that. That's second-hand information that really came from the company.

What I'd like to do is explore that a little further, and if it's possible to do that, then I certainly would do that, and if you want to put a condition that if it's legally possible to do that, then we will do that.

COMMISSIONER SANTAMARIA: Yeah. So I hope that might be one other improvement.

So I believe 90 to 95 percent of the concerns are being addressed and precautions taken and under the conditions of approval that will further protect, you know, the piece and quiet of the neighborhood.

I guess the only remaining suggestion I have would be should there -- should there be further problems in the future after this project is in fact operational, would you -- would there be a way of monitoring and if the residents still feel there are some noise problems, that they could be further addressed at a later date, you know, after we make a decision on this project.

Should there be further complaints, you know, six months from now, seven months from now -

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MR. PERRY: I think we can agree to come back -- and I discussed this earlier with Mr. Mac Gillis.

I think we can agree to come back and revisit this, let's say after six months of operation and take a look at it if there -- if there are complaints. If there are no complaints, I really don't see any need to do that.

I can tell you that I have been searching -- one of the ladies indicated that they had gotten a report from some noise consultant.

I had been searching for a noise consultant to see if I could get a study done. I discovered -- I had a couple of consultants I had used in past years, one of them is no longer in business. The other one didn't want to be bothered with it, I think primarily because I had used him in a situation like this before, and he just didn't want to get involved in a neighborhood dispute.

But I did find someone in San Diego. I discovered, for example, Sound Advice uses somebody in Texas. I mean there really aren't any consultants around here of any significance. You have to go out of the area.

But we did a preliminary study that was done in a 24-hour basis that indicated that they didn't believe, considering the Turnpike and the Jog Road and the number of vehicles and everything else -- they looked at our traffic study and did some modeling -- that there would be a problem.

That's not to say that you're not going to -- as the one lady indicated, a vehicle backs up, you're not going to hear the beeping sound. So if we can somehow address the beeping, you know, but I don't have a problem.

If there's a concern, we can come back and take a look at it and do a noise study and see whether additional, as you put it, insulation or something like that might be of assistance.

COMMISSIONER SANTAMARIA: So in summary, this is what I propose.

It is my opinion based on my own personal experience and the cooperation I've seen you work with the residents, it's my opinion that 95 percent of the concerns have been addressed and are being taken care of.

So there may be still a little bit of tweaking here and there, and if you can look into further insulation of those walls by some type of material, which there is in the market.

There is material that you can use in the building. There's sound boards that you can also use, sound boards and, like I said polystyrene I know for a fact works in preventing sound from penetrating concrete.

And if you also consider six months from now should there be any further concerns, to continue to address those concerns, then I feel, you know, we have exerted the best effort to get this resolved.

CHAIRPERSON GREENE: Thank you.
Commissioner Aaronson.

COMMISSIONER AARONSON: First of all, I think the residents have certainly expressed their gratitude to you for all the work that you've done and to Commissioner Santamaria.

We've been on this, on the noise. I had mentioned previous to this about whether or not the beeping sound could be disconnected or a toggle switch could be put on. Commissioner Santamaria has just mentioned the same thing.

I'm going to make a motion.

I think your company has gone as far as they can. I certainly believe that you can look into the polystyrene or whatever it may be to further muffle the noise.

I think you should look into whether or not a toggle switch or some kind -- Marty, I believe in today's age that if we could put a man on the moon, okay, I believe that there's some way that some kind of switch could be put on to stop the beeping. Okay.

I have a car today that does not require a beeping sound, but it's a GPS system which has -- when you put it in reverse, it's a camera, and it has no beeping whatsoever, but the GPS shows what's behind.

Now, I don't believe federal law allows that on a truck. I think federal law requires the beeping, and I think every one of us up here have heard the beeping when the garbage trucks come into our area at 6:00 o'clock in the morning, and we hear that beeping, as well.

I understand the problem that the people have.

I would say that some of the comments that Commissioner Santamaria made have some validity, a lot of validity, and I certainly would say that as we go along in six months' time, I think we should be able to -- in one of the conditions of approval that I would suggest is that we revisit any noise that has not been addressed.

Certainly, I take you -- I've known you for a lot of years, and I certainly take you at your word when you say that you will look into whether or not we can find a mechanism that will stop the beeping.

Having said all that, at this time I'm going to make a motion to approve and to go forward and with some of the conditions put in that we will review it at the end of the six-month

period, see if the neighbors -- maybe the neighbors will applaud everything that's been done, I don't know, but the possibility is there that they would -- if everything is done right, they will applaud it.

So I would make a motion that -- to adopt a resolution approving an official zoning map amendment from Single Family Residential Zoning District to the General Commercial Zoning District and a motion to adopt a resolution approving a Class A conditional use to allow a dispatching office and a general repair and maintenance facility.

CHAIRPERSON GREENE: You've heard the motion --

COMMISSIONER SANTAMARIA: I'd like to second -- I'd like to second the motion and just make one final statement.

And that is that I meant to bring up earlier that I feel as far as aesthetics, it'll improve the environment because right now looking at that area, it's highly industrial.

Putting up the wall and this -- all of this landscaping will certainly enhance the, you know, the aesthetics of the general area, you know, with the wall and the large amount of landscaping.

So it's my opinion, having been in the real estate business for over 30 years, that your values will not be affected.

The real estate values of your properties with this improvements should not have any effect on the values of your property.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: I'm assuming like in February we'll have the gas vehicles in place.

Maybe -- I'm not sure how we do the monitoring.

Mr. Perry, maybe you could schedule a meeting with the neighborhood out there and see where we go and then put something in writing to us, and then we can decide how to do it.

I don't know if we're really good at that monitoring aspect.

COMMISSIONER AARONSON: Why don't we just go ahead and pass the motion, and I think that if we -- if you, as the District Commissioner, do not hear from the people --

VICE CHAIRMAN KOONS: Well --

COMMISSIONER AARONSON: -- you know everything is working.

VICE CHAIRMAN KOONS: Mr. Perry has given his personal word and deals with them, so I think in February why don't you contact me, and then if we need to come out, and Commissioner Santamaria -

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MR. Mac GILLIS: Can add a --

VICE CHAIRMAN KOONS: Yeah --

MR. Mac GILLIS: Can add a condition, "The Zoning Director shall provide a status report on January 24th, 2008, zoning hearing of any operational issues related to the noise."

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Okay.

COMMISSIONER AARONSON: Fine.

CHAIRPERSON GREENE: We ready for the question?

MR. Mac GILLIS: There's -- staff, if you could give --

CHAIRPERSON GREENE: Yes.

MR. Mac GILLIS: If you want to make a motion --

MS. HERNANDEZ: We have --

MR. Mac GILLIS: -- or there's some conditions, if we could read them in just so we're all clear.

CHAIRPERSON GREENE: Sure.

MS. HERNANDEZ: Conditions and clarification. I want to talk about a clarification with regards to lighting, the issue with regards to lighting.

Lighting doesn't come back before the Board, but it is in Article 1, if they renovate that structure more than 35 percent of the value, the lighting would have to meet the photometrics as required by Code.

Another clarification with regards to the rezoning. The rezoning is only for the 0.17-acre parcel. It's the small area located in the access area. That's the only portion that's proposed for rezoning.

COMMISSIONER AARONSON: So the --

MS. HERNANDEZ: The other portion of the property is already zoned --

VICE CHAIRMAN KOONS: That's the ex-driveway that's going to be blocked off?

MS. HERNANDEZ: Correct.

VICE CHAIRMAN KOONS: Okay.

COMMISSIONER AARONSON: So you want two separate motions?

MS. HERNANDEZ: No, just clarification.

COMMISSIONER AARONSON: Okay.

MS. HERNANDEZ: Then to amend some of these conditions, Architectural Condition No. 1 we want to add to this condition that says that this condition shall apply if the architectural renovations exceed the Article 1.e thresholds.

Then moving to Condition 6.b, which talks about the west property line, we will include the statement that says, "This wall shall be insulated with noise-reduction material such as polystyrene or similar insulation products acceptable to the Building Division."

Then under the noise condition, it would be a Condition No. 2, "Prior to final site plan approval of the site plan, the applicant-owner shall provide the Zoning Director a letter clarifying the shut-off of the back-up alarms."

VICE CHAIRMAN KOONS: Okay.

MS. HERNANDEZ: And let's see. Okay. Clarification of Condition 1.b and 1.c, that there will be no operation on Sundays for general repair or the use of air guns.

Then we will add a Condition No. 4 that states that limousine or taxi services for dispatching use shall be prohibited.

This was an issue that had been brought up at the two previous meetings, and the applicant had agreed to it.

Also, to address the issues that the applicant -- or the residents have, a Use Condition No. 5 that says that there will be no use of outdoor speakers or sound systems for the music that they had heard at the other site.

And that's it.

CHAIRPERSON GREENE: Thank you.

MR. PERRY: Agreed.

VICE CHAIRMAN KOONS: So the maker and the seconder agree to those conditions --

COMMISSIONER AARONSON: Right. I agree with all the conditions.

VICE CHAIRMAN KOONS: -- and we'll receive something on January 24th.

CHAIRPERSON GREENE: Are you ready for the question?

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

VICE CHAIRMAN KOONS: Okay.

MR. PERRY: Thank you very much for your time and attention to this matter.

CHAIRPERSON GREENE: Need a break? Okay. We'll take a five-minute break, please.

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

CHAIRPERSON GREENE: Okay. We will begin where we left off if everybody would take their seats. We only have -- we can get out of here because this is the last item before lunchtime?

VICE CHAIRMAN KOONS: Before vacation time.

CHAIRPERSON GREENE: You know you're right. Okay. Item 27.

MR. Mac GILLIS: This Item 27, this item was postponed at the June 28th BCC hearing. The Commission requested clarification on the notification which I provided to several Commissioners were residents were questioning whether the courtesy notices, the three to 500-foot notices were sent out on the original application and this current application.

I did confirm. Staff went back through the historical records, and on the original application in 2005 did verify who was supposed to have been noticed within that three to 500 range was notified, and it was -- the notification for this hearing was properly notified.

The second thing that was raised at the last meeting was whether or not the applicant had properly met with the residents that were here at the hearing last time so I believe Land Design South is here and can address that.

So if Doug Robinson, the planner, can just briefly -- some of the other issues that were raised at the meeting.

MR. ROBINSON: Good morning, Commissioners.

CHAIRPERSON GREENE: Good morning.

MR. ROBINSON: Some of the other issues were the compatibility of a four-story building adjacent to a one-story building, which is the Cresthaven Condo Villas, and Cresthaven is located south of this proposed project across the Lake Worth Canal.

And on June -- on July 10th, 2007, staff, Cresthaven representatives and the agent, we met regarding these issues, and it's been resolved that the building adjacent to Cresthaven, the south property line, will be limited to three and four stories [sic], and it will be switched with the building adjacent to Lena Lane, which will be three and four stories, and those -- that adjacent property is two stories.

And the landscaping condition is -- will be in effect that with the additional plant material and the wall for this south property line, and additional plant materials for the east property line, and a revised plan has been submitted, and it's on Page 186 of your staff report.

CHAIRPERSON GREENE: Before we take the cards we need disclosure.

Commissioner Aaronson.

COMMISSIONER AARONSON: I think I met with them. I don't know. It's been going on so long I've forgotten, but I believe I have.

CHAIRPERSON GREENE: Did I meet with you?

MS. VAIL: Previously, yes.

CHAIRPERSON GREENE: Oh, okay.
Commissioner Koons.

VICE CHAIRMAN KOONS: Yes. I met with the -- both the petitioner and also with the representatives of Cresthaven.

CHAIRPERSON GREENE: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Same with me. I did meet with both the applicant, as well as officers of one of the homeowner associations.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah. Before we get started, I asked Barbara yesterday if we could spend a little time and talk about Palm Beach County's workforce initiative to be able to maybe have some explanation to the -- there's a series of cards here that worry about crime and the safe environment and muggings and guns, and we -- you know, with graffiti on the wall, and I'm just looking at the cards that came in here.

We as a county have -- must take a look at creating housing that the average person who works at the County can live in. So I just -- there's -- so I'm going to ask Barbara to take a look at it, and we passed out some material to you all.

These -- this is going to be a gated community with security. Okay. Let's make that really clear, and that's more than is in most of the adjacent neighborhoods or in communities in there.

So -- and we have been trying to make sure that we could incentivize having, you know, housing that's available for people who can live and work in Palm Beach County.

This is not Section 8 housing. This is not Housing Authority housing, if that might put a bad name on it, something like that, too, so I -- I just asked Barbara to be able to talk specifically about what the program is and how we're trying to take a look at it, and how this is a policy that Palm Beach County is trying to incentivize.

MS. ALTERMAN: Thank you, Commissioner.

And actually I did have a few minutes to speak to a couple of the residents there, and I did give them some of the materials that we've produced.

And obviously when the Board embarked on a Workforce Housing Program, recognizing how important it was to this community, a lot of the things that they considered were the need for workforce housing. And we call it workforce

housing and not affordable housing, and there is a distinction, because of the fact that we were trying to aim our program at County planners or firefighters or policemen or people who are at an income level where they can 't -- couldn't afford the cost of housing that was occurring in this county.

And it's aimed specifically, and I did -- and I did give some brochures out, and I certainly will get more if anyone's interested in them.

But the income levels that we're gearing this program to are 60 to 80 percent of the -- 60 to 150 percent of the median income level, and the median income level in Palm Beach County is about 300 -- \$64,000.

What that translates into in terms of price ranges if it's -- and those are part of the staff report, and I know that was somewhat confusing to some of the residents was that you're talking about a price range for a sales unit from about 164,000 up to a top level of about 300,000 and a rental unit of a maximum of about 1200 to over \$2,000 a month in rentals, and these are not subsidized, that's correct.

These would be the rents and the sales price that we've established, although they're maximum. Certainly someone can go lower.

But the fact of the matter is that there is a recognized need, and some of the brochures that we've put out are, you know -- and these are very interesting, if you have a chance to look at them. You know, it's kind of we can teach your child, we can service your family car and care for your family, but can we be your neighbor, you know, the nurse, the daycare worker, whatever it is, the teacher. And those are the kinds of people that are being targeted.

And one of the conversations I just had prior to the commencement of this hearing was that -- and I don't know the area personally, but it was indicated to me that this Purdy Lane area is a lower socio-economic area, and that in order to revitalize, what you need is new housing to come in, nice housing to come in, and that starts the revitalization of the area.

So if there are -- if there is a high crime rate, if there's low income there, this will actually assist the neighborhood in redeveloping and becoming a better community.

So -- and certainly our intent isn't to displace people, but at least to raise the community and the level of it.

If there's anything else that you think I should be addressing, I'll be happy to do it.

CHAIRPERSON GREENE: You did a good job.

VICE CHAIRMAN KOONS: I wanted to set a tone for the comments, we're going to take public comment after staff review, but I just wanted you all to hear what our goals are, what our strategies are and what we're trying to receive here.

MS. ALTERMAN: And if the community would like, we'll be happy to come out and speak to you and give you some more information on it and speak to the residents, also.

VICE CHAIRMAN KOONS: Okay.

CHAIRPERSON GREENE: Thank you.

You have a presentation?

MS. VAIL: Yes. Good morning. For the record, Jennifer Vail, with Land Design South, representing the Angelocci PUD and Mr. Angelocci.

Again, just to reiterate our request, we are requesting to add 0.42 acres of land area, to add 41 units, including workforce housing, and to reconfigure the site plan.

We're requesting to rezone an additional -- the additional four -- 0.42 acres of land from RM, residential medium, to PUD.

We're requesting to modify and delete conditions of approval to allow transfer of development rights for an additional 14 dwelling units, to allow workforce housing for 67 total dwelling units, and to deed restrict all of the proposed 51 TDR units as workforce housing units at a cost of one dollar each.

As you're aware, staff has recommended approval, subject to conditions, and the Zoning Commission also recommended approval subject to conditions.

In May of 2005, the Board had approved rezoning to PUD for the subject site of 12½ acres for 99 units, including 37 TDRs. As you are aware, we were before you last month, postponed 30 days in order to meet further with the adjacent residents in an effort to solve some of their concerns regarding the proposed project.

Just to orient you to the site, the proposed site is on the south side of Purdy Lane west of Haverhill Road, again, encompassing approximately 13 acres.

To the east of the site is Lena Lane Estates, also known as Alpine Villas.

South of the site is Cresthaven condos and Dudley Villas, which I believe the majority of the individuals here today are from to speak to you, the Green Gate apartments to the west, Purdy Lane Estates to the north.

There is a small pocket of -- I believe it's four single family homes to the northwest of this site, Ambergate apartments to the north and a

fire station and Forest Hill Elementary School are both to the north of the subject site.

The plan presented to the Board in June identified all the one-story project as -- or one-story building as the clubhouse. This two-story product where one section of the building along the lake, three stories throughout the project, as well as the four-story throughout the project on the units backing to the preserve.

In our efforts to work with the Cresthaven community we have agreed to modify our proposal, updated the plan in order to modify and switch the locations of the building number one along the lake with building number five adjacent to Cresthaven in order to reduce the height for the building adjacent to Cresthaven to a maximum three-story height.

Again, it's two and three-story building with just the central portion of the building at that three-story height.

With updating the building along the lake to three and four stories adjacent to Lena Lane Estates on this plan, it would be to the bottom of the plan, we were sensitive to the adjacent community and did increase that building setback and have indicated that we would provide additional landscaping to that building between the two.

Again, neighborhood views. This is a view of the proposed plan from Cresthaven condos north looking across the canal.

Again, as you may recall in June we had agreed to increase the landscaping along the south property line to include a two and a half-foot continuous berm and a six-foot wall, and with the reduction of the building height there are very minimal views, if any at all, across from the proposed building from the adjacent Cresthaven condos.

The building setbacks are approximately 215 feet from the adjacent one-story buildings.

Sensitive to the other communities in the area we did contact the management companies for the apartment buildings, did not receive any comments.

As you're aware, most management companies will not comment directly on zoning issues, but we have provided information to show the visual analysis from the other surrounding communities, again, a one-story building. We have approximately 237 feet to the fourth floor, again, with the setbacks, the landscaping proposed, there will be minimal views from the adjacent residents to the -- this would be to the -- from the west.

Again, Lena Lane Estates, which is our neighbor to the east, we did increase landscaping.

We -- they are an existing two-story home. Actually, from the first floor there would be very little to no views; however, we did do an analysis from their second floor that does overlook into the proposed three and four-story building, and, again, pretty much the only portion of the building that would be visible would be the fourth floor that has no openings or visual impacts from our proposed building onto their site.

And, again, it is approximately 85-foot separation between the two buildings; however, the fourth floor component of the building is approximately a 130-foot setback from the existing adjacent two-story structure.

Again, just to indicate the architectural design throughout the community, buildings one and four are now a three and four-story component. Building two and three are also a three and four-story component, and building five we have now limited to the two and three-story component.

Again, the proposed site plan is a -- includes approximately 13 acres, 140 dwelling units, which includes 51 TDRs, and a total of 67 workforce housing units in the project are proposed, and, again, 67 workforce housing units, for approximately 48 percent of the total units.

If you have any further questions, I'd be happy to answer them.

CHAIRPERSON GREENE: We have a few cards.

Ms. Patricia Zoldan opposes but does -- do you wish to speak? I couldn't tell from the card.

MS. ZOLDAN: No.

CHAIRPERSON GREENE: Thank you.

Ms. Lucy Lo Piperio opposes, but she does not wish to speak.

Okay. The people wishing to speak, first person is Mr. John Hart. The second person is Mr. Nick Antillo.

Morning.

MR. HART: My name is John Hart. I'm the president of Dudley Master Association. Of course I was here before. You've seen me.

You're wondering probably why are all these old people here complaining about this thing, and I wanted to make a comment, and I've talked to Jeff Koons and Mr. Santamaria but haven't met the rest of you.

But I want to make a comment that some day you're all going to be retired, and some day when you're sitting out on your porch or your back whatever, smoking a cigar or doing whatever you do or having a mint julep and you look out on the lake you have, you'll understand why it's such an important thing to Dudley for this not to go through.

We are a -- I'll use the word pride, p-r-i-d-e. We're a proud organization. The Cresthaven people are very proud of their place. We love where we live, and it's a very serene, quiet community, really, and we have -- we don't have a lot of problems, but we also don't want a lot of problems.

And basically as I look at this thing myself, I look down the road at a lot of problems, and we -- we understand the architectural part. I met with the design people, and I met with Mr. Angelocci yesterday.

We understand their position on this as an investor and people building it, but we feel in Cresthaven complex, there's 2500 voters there, by the way, who get out and vote all the time, and we feel that the project itself is not a viable thing for our area because we're all single family villas this high (indicating), and this thing's up in the air, and we understand your need for workforce housing, all that, but we just don't like the idea.

I wrote down some notes that we were talking about it before, and I think you already covered some of them already, but the safety issues, school, traffic, fire department, et cetera.

There are the fire engines getting in and out of the area. You have to go way around the elementary school area because they can't go by that way, and they have to go around to get to a fire, it's going to take forever to get there.

Proper notification of the first time of this project. This gentleman just read that earlier, but there's three pages missing, and we -- the people along the canal were never notified. So we're wondering why did they miss the people that are so obviously in need of notification.

The other part of this is crime increases due to the increase in the population, and also the height is totally out of character with the neighborhood. We -- that's one thing -- when I checked with our attorney, he said also why do they have to build a building in that area like that when everything's single story, single family locations.

And it's a -- it's just a community that we're trying to protect. That's our basic -- that's our basic interest here. We're trying to protect our environment, where we live, and we totally are concerned -- as residents concerned about that.

And the last thing, in the newspaper today it said in August of 2006, Land Design South scrapped the plan and proposed a new one using

Workforce Housing Program to add 41 apartments while saving \$600,000 on development rights.

And I have a note on that, saving with an additional workforce TDR -- the housing being purchased at one dollar each, in other words, they're saving 600,000, but they're only charging a buck for the units, and it doesn't make -- the dollars and cents don't make a lot of sense in this whole scenario here.

So I'm not a politician, but --

CHAIRPERSON GREENE: Your time is up, but I --

MR. HART: I understand.

CHAIRPERSON GREENE: Okay.

MR. HART: I'm not a politician, but I'm pleading for my community to really consider this --

CHAIRPERSON GREENE: Okay.

MR. HART: -- and we don't like the idea, but that's my view on it. Okay.

CHAIRPERSON GREENE: Thank you.

Barbara, do you want to address that?

Thank you.

MR. HART: Thank you.

MS. ALTERMAN: Let me clarify the prices that you were talking about.

A TDR unit is normally \$50,000, but when it's restricted to workforce housing, staff makes a recommendation to the Board that they allow that sale -- or the sale of that unit to be one dollar instead of the 50,000. That doesn't mean they're selling it to the public at one dollar.

CHAIRPERSON GREENE: Uh-huh.

MS. ALTERMAN: That's the --

COMMISSIONER McCARTY: It's helping to keep the cost down.

MR. HART: Then they should say that. That's I guess my point.

MS. ALTERMAN: Well, I think maybe that's the newspaper.

CHAIRPERSON GREENE: Thank you, Barbara.

Mr. Antillo.

MR. ANTILLO: Yeah. Good morning.

CHAIRPERSON GREENE: Good morning.

MR. ANTILLO: My name is Nick Antillo. I'm a resident of Cresthaven.

John spoke very well.

I want you to take in consideration that these -- only money that people have there is the equity in their home, and the minute you put an apartment house behind them their equity goes down drastically, and I speak just from experience because I've been a retired real estate broker for 27 years, and these people are too old to go out and make any more money to make up for their equity.

So we ask you to take due consideration that this is our money, our life savings. You can't -- you can't take that away from us.

So I think you should vote against this project.

Thank you.

CHAIRPERSON GREENE: Thank you.

Mr. Bruce Oppenheimer and Ms. Barbara Hindman.

MR. OPPENHEIMER: Good morning. My name is Bruce Oppenheimer, 2521 Dudley Drive West, Apartment C. Thank you for hearing me.

A few years back, maybe two or three years ago, we had an inundation of motorcycles, dirt bikes, et cetera, ATVs, zooming along the canal path right-of-way in back of our unit at Dudley West.

After various e-mails to various Commissioners here with no response I finally contacted my representative in Tallahassee, and she contacted the Sheriff's Office, and the problem has been solved, no thanks to people here.

We're wondering, should this development go through and there is any trouble with noise, graffiti on the wall or any other aspects of uncomfortable living conditions, will the Commission help us and -- to alleviate these problems.

Thank you very much.

CHAIRPERSON GREENE: Thank you.

Ms. Hindman.

MS. HINDMAN: Good morning. I'm Barbara Hindman, and I would just like to say thank you for allowing me to speak this morning.

I have a few thoughts for your consideration.

As I believe, as has been seen with other, quote, wonder housing -- worker housing, pardon me, worker housing, rental projects that failing to occupy said development with the more desired professional workers, that is, teachers, firefighters, police and so forth, these developments will ultimately allow whomever they must to rent in order to achieve full occupancy.

Will the exception of our pristine 30-plus year old community of Cresthaven, one only has to open the Greenacres Observer crime blotter to realize this immediate area is perhaps sadly no longer identified with, shall we say, an overabundance of these worker professionals the developers claim they will -- they will attract.

On the north side of the proposed development is an area of homes that robberies and break-ins are routinely reported. We have heard this from people that have lived in this area.

If the rentals proposed must drop to lower prices in able to meet occupancy, we may have a far worse criminal element to battle.

It is our great concern, therefore, that an elevated criminal element and perhaps even danger to our sizeable elderly population could be greatly threatened.

Lately there is also the concern that the environmental impact of such a large scale development could be irrevocably damaging to the wildlife and flora in and around the canal area. In fact, that's why we bought in this area when we saw the lovely trees and wildlife that was before the -- before the hurricanes.

Has any study of any kind been done to assess the potential irreversible long-term damage to the small, yet critically important preserve?

As long --

CHAIRPERSON GREENE: How much more do you have? Your time is up.

MS. HINDMAN: As long-time faithful --

CHAIRPERSON GREENE: How much more do you have? Here I am.

MS. HINDMAN: What? I'm sorry. What?

CHAIRPERSON GREENE: I was just asking how much more do you have because the clock ran out.

MS. HINDMAN: Oh, just a couple sentences.

CHAIRPERSON GREENE: Okay.

MS. HINDMAN: As long-time faithful residents of Palm Beach County some people like myself here, since Military Trail was nothing but farm land and open pasture we ask that you truly consider our request.

And my son and I both have life saving --

CHAIRPERSON GREENE: Your time is up.

MS. HINDMAN: -- or life threatening diseases, and this noise is going to be a nightmare 'cause we're right behind them.

CHAIRPERSON GREENE: Thank you.

Ms. Shirley Adler [sic] is the next speaker, and Ms. Florence Kern.

MS. ADER: I'm sorry, the name is Ader, not Adler.

CHAIRPERSON GREENE: Oh, I apologize.

MS. ADER: That's quite all right.

According to today's paper, this has been developing since 2003. It is now 2007, and I was concerned as to why we were all notified a short time ago.

In addition to that, at the same time we were advised by the builder that this is -- these properties are not for sale, but total rental, which means I guess under the circumstances it would be much -- a much a busier thing, compared to the way we are living our own lives.

Because it's total rent, it surprised me because further down on Forest Hill, as well as Haverhill, there are properties there at the present time that are total rentals, and they hadn't been able to rent them. So now they're up for sale.

So if it's difficult to rent that -- those properties for the people that you want, why proceed further and build and make it much more difficult?

I was just curious as to whether any of the commissioners have seen this particular property that is available. I didn't know.

I was also told today here that this is for teachers, hopefully firemen, policemen. I happen to be a retired schoolteacher myself from New York. I taught for 25 years, and I really didn't live on top of the property that I was teaching at.

Thank you for your time.

CHAIRPERSON GREENE: Thank you.

Ms. Kern.

MS. KERN: I was concerned about what the other lady said, too. If you can't rent all the apartments at 1,000 to 2,000 a month, and that's not the neighborhood we have, what are you going to do?

Are you going to rent them -- I heard that oh, that's the high, that's not the real rent, and then I heard them say that they were going to rent it for whatever they can get.

Well, what does that mean? That means crime and so forth and so on. That's what we were worried about.

I can appreciate the fact that you'd like to put a three-two on that one area near Dudley, but the density of the whole thing and not being able to rent them all because of all the other renters that are around that's available, that -- whatever, I don't know -- that 's my concern.

Also, the berm, who's going to maintain it? Who's going to maintain the property after it's built? Are they really going to put a fence up on top of the property so it'd be two feet of one and eight feet of the -- or six feet of the fence, total of eight feet? Are they really going to do that? They're going to keep the children out of the canal?

They did say something about possible 25 children in the whole place. I doubt that. I think it'd be more.

Anyway, I'm opposed to the whole thing.

CHAIRPERSON GREENE: Thank you.

Ms. Josephine Byrne and Ms. Vinnie Monteferrante.

MS. MONTEFERRANTE: Perfect.

CHAIRPERSON GREENE: Thank you.

MS. BYRNE: Good morning and thank you. I'm Josephine Byrne, and I live at 2520 Dudley Drive East right in back of that canal, and we do not live in an upscale community.

We have plenty of crime all around us. Most of us seniors are prisoners in our own homes, and we are afraid to go out, especially in the evening, and on that canal we've had many break-ins. We've had rocks thrown at our buildings and stones, and as a result we had a lot of broken windows.

I oppose the three and four-story building. Thank you.

CHAIRPERSON GREENE: Thank you.

MS. MONTEFERRANTE: Doug, would you enter this into the record?

VICE CHAIRMAN KOONS: I'll make a motion to receive and file.

MS. MONTEFERRANTE: Thank you.

VICE CHAIRMAN KOONS: She's got some printed material she's going to --

CHAIRPERSON GREENE: Motion -- what is it?

VICE CHAIRMAN KOONS: She's --

MS. MONTEFERRANTE: What is it? I think you have to see to know what I'm talking about.

CHAIRPERSON GREENE: Well --

MS. MONTEFERRANTE: It shows exactly what I'm speaking about.

VICE CHAIRMAN KOONS: You're asking us to receive this in the record, right?

MS. MONTEFERRANTE: I don't know the procedure. I want you to look at it when I'm speaking so you know what I'm talking about.

CHAIRPERSON GREENE: Okay. Motion to receive and file by Commissioner Koons.

COMMISSIONER AARONSON: Second.

CHAIRPERSON GREENE: Second by Commissioner Aaronson.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 5-0.

MS. MONTEFERRANTE: Before you time me, I want to thank all of you and thank the builders for the times they've met with us and ask permission even if I go over a minute to allow me to finish because it's really quite important.

CHAIRPERSON GREENE: It depends on how long you go.

MS. MONTEFERRANTE: I'll try not to go much -- I'll talk fast.

CHAIRPERSON GREENE: Okay.

COMMISSIONER AARONSON: Put the mic in front of you.

MS. MONTEFERRANTE: Okay?

CHAIRPERSON GREENE: We're ready.

MS. MONTEFERRANTE: Good morning, Commissioners.

I want you to know that when I speak, I am representing approximately 2500 condo owners in all of Cresthaven. I also want you to realize the small representation here today is due to the fact that approximately two-thirds of our owners are snowbirds and not here, and many of the yearly residents are elderly and incapacitated so they couldn't come, or they would be here.

As you are aware, we, the residents and voters in Palm Beach, are every upset about what has been occurring lately at the Board of Commissioners, and, unfortunately, there are components to the Angelocci development that have made us question if our input is really considered before your committee makes a decision or votes.

Our first concern is about our being notified in 207 -- 2007, but not in 205 [sic]. We've been saying that we were never notified and given an opportunity to offer input before you rezone the property in 205 [sic] from agriculture to residential and gave approval for the three-story project to be built.

At the June BCC meeting your staff representative, Jon Mac Gillis at Commissioner Koons' request was asked to explain the notification process. To quote him, he said we use the newspaper, signs, send out certified mail to anyone within 300 feet and regular mail to anyone within 500 feet. We can research the letters. If you were notified, I can pull this up. Letters are on file.

The June 7th Zoning meeting he said notices did go out, I want to make it clear and on the record.

I requested the letters, got them thanks to the two commissioners' offices, and I got them for 205 [sic] and 207 [sic]. I have lots of packets here you can all see, so I'm not just talking. I have the proof of it.

As the commissioner's office is aware and can verify, the original property owners list submitted with the final copy notice, affidavit notarized, August 6th, 2003, has missing pages. Pages 21, 22 and 23 are missing, and Mr. Koons' office is aware of it, couldn't find them any more than I could.

I also received the copies of the certified letter sent out in January of 205 [sic]. They gave me the signed and unsigned receipts. Please look at the packets I'm showing you.

This shows your outline of where we're supposed to get mail. That's Page 1. Now if you go to the next page, it shows the Dudley Villas that is supposed to be notified.

I want you to be aware that Villa 26, all the blue here, is the water property. Nobody on the water property has -- was notified in 205 [sic].

The people notified are all the way away from the water at a big distance.

In 26 [sic] you only notified 20 -- no, I'm sorry, 25 [sic], you notified 24 of the 96 residents. Seventy-six percent weren't notified.

In Villa 26, 20 of the 68 were notified, 71 weren't -- percent weren't notified.

In Barclays, and Barclay is the next page I gave you, I think a picture's more than words -- here's Barclay, here's the water. Nobody's notified. Look where they notified, way away from the water.

In Barclay only 11 out of 80 percent were notified -- 80 percent were un-notified.

There's a total of 244 units, and only 60 units were notified. Seventy percent of all the units involved weren't notified.

None of the residents closest to the development were notified. None of those are on the canal, as you can see.

This has nothing to do with the commissioners, nothing to do with the builders. It is the staff.

However, when John Hart and I met with your staff representative, Doug Robinson, questioned the poor showing of notification, he explained it, saying, I quote, maybe a few were missed.

We'll give you the benefit of a doubt, missing a few maybe could be a dozen, and that's a lot to be missing. Missing 184 out of 244 is not a few being missed.

We haven't been answered and aren't wise enough to understand what happened. One, if the mistake --

CHAIRPERSON GREENE: No, no, no. Time up. I've given you 45 seconds over.

MS. MONTEFERRANTE: This is --

CHAIRPERSON GREENE: You picked up another page.

MS. MONTEFERRANTE: This is really very urgent. Please.

VICE CHAIRMAN KOONS: She can --

CHAIRPERSON GREENE: Go on, finish.

VICE CHAIRMAN KOONS: She's the last speaker.

MS. MONTEFERRANTE: Thank you.

CHAIRPERSON GREENE: No, she's not. I have two more.

VICE CHAIRMAN KOONS: Okay.

MS. MONTEFERRANTE: Okay. Okay. If the office handling it made the mistake of notification, they did a very poor and inadequate job, which leaves a lot to be desired.

Two, if it wasn't due to a poorly handled job and horrendous mistake, then I leave it to your conclusion why all of those residents weren't notified, and not one resident who lives near the canal received notification.

I know according to your notification rules it says the failure to receive a courtesy notice by any property owner shall not deem a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving Board.

But I don't think it ever referred to such a lack of notification. The problem of lack of proper notification is one that I'm sure each of you commissioners weren't aware of as you considered and previously voted on this project; however --

CHAIRPERSON GREENE: Did you pick up another page?

MS. MONTEFERRANTE: No. That's it.

CHAIRPERSON GREENE: Okay.

MS. MONTEFERRANTE: However, in light of this new information and the fact the original approval was made without proper notification in 205 [sic], I hope you will seriously consider the wishes and concerns of the people I represent as you vote today and not approve the revised development order amendment to increase the number of units, introduce a fourth story and produce the -- increase the parking area and reduce the size of the perimeter buffers as requested by the developer.

Please vote it down and show us you care about the needs and wishes of the surrounding residents.

Thank you very much.

CHAIRPERSON GREENE: Thank you very much.

Ms. Kathleen Bright and Ms. Debra Lo -- pronounce your name when you come to the mic, please.

MS. BRIGHT: Kathleen Bright.

CHAIRPERSON GREENE: Oh, I can do that one. I couldn't do the next one.

MS. BRIGHT: Okay. It's not -- they can goof up on that, too, though.

I purchased at Cresthaven Ashley in March of this year. Had my broker been aware of this proposed project, I would have never purchased there.

We can talk about workforce housing, affordable housing. I have a lot of experience.

In end of January this year I stepped down as the president on the board at Presidential Golfview condominiums in West Palm Beach, Florida. I know you're all aware of it. The bad reputation precedes me.

Presidential Golfview condominiums, for those that you don't know, is a 368-unit condominium. It is currently occupied by 56 resident owners and 312 rental units. So the majority of it is investor owned, and the problem is our rentals go as high as \$1500 a month.

We do -- I -- I ran a criminal and credit check on every single tenant. Even doing all that, we hired and fired five private security companies since '03, then only to hire the Sheriff's Office, and by having the deputies there was the only way that they could arrest anybody that we could bring the community under control.

We only have 10 Section 8 residents there. We don't have a problem with Section 8. So you're talking moderate income, affordable housing, whatever.

The problems we had there were, but not limited to, car theft, drug dealers, prostitutions, break-ins, assaults, domestics and shootings.

Understand my concern. Cresthaven can never be gated. That's a reality, folks. So Cresthaven will be forced to hire private security, which means your HOA fees will go up.

And then I have a couple of questions regarding the builder. Will they be doing a criminal check on tenants and owners?

UNIDENTIFIED SPEAKER: Yes.

MS. BRIGHT: Okay. Will they have the power to evict tenants? Nobody's answering.

Will there be rules and regulations, and how will they enforce the housing occupancy code for West Palm Beach? Will there be a property manager with an LCAM license on site during normal business hours?

CHAIRPERSON GREENE: One more after her.

VICE CHAIRMAN KOONS: Ma'am, when you're done, we'll answer those questions.

MS. BRIGHT: I'm done, Jeff.

VICE CHAIRMAN KOONS: Okay. Thank you.

By the way, this will be under County standards, not West Palm Beach standards.

MS. BRIGHT: Okay.

VICE CHAIRMAN KOONS: You made a comment --

MS. BRIGHT: Yes, I did.

VICE CHAIRMAN KOONS: If staff and petitioners can answer those questions.

MR. Mac GILLIS: Which questions?

VICE CHAIRMAN KOONS: Well, we had a series of questions that she asked --

MS. BRIGHT: Yes. Yes, I did.

Criminal checks? Yes, no?

MS. VAIL: Yes. We -- actually, when we met with their representatives, John Hart and Vinnie, yesterday, we did indicate with the developer that we would be doing both credit and criminal background checks on all the applicants of the proposed development.

MS. VAIL: The eviction power? Yes, I believe we would have the eviction power.

MS. BRIGHT: You either have it or you don't have it. It's not that you can believe that you have it.

MS. VAIL: We have it.

The rules and regulations, we will be under a management plan for the community. As far as the workforce housing, it is under review by the County under their regulations under the Code as far as the deed restriction on the workforce housing units, as well as the income verifications and if the sales or -- if it were to be sales, sales pricing and the rental pricing of those units.

The on-site manager, we could surely propose that. We have not to date, but it is something that we would be willing to do to provide an on-site manager.

MS. BRIGHT: Your -- in articles of incorporation are as a condominium?

MS. VAIL: No, it is a rental community.

MS. BRIGHT: So with a sale there's no condominium law here then?

MS. VAIL: I'm sorry. There is no sales.

MS. BRIGHT: No sales.

MS. VAIL: At this time we have not proposed sales. We have proposed rental community exclusively.

MS. BRIGHT: So you're going to have security, but you don't know if you're going to have a property manager on site?

MS. VAIL: We had not proposed specifically a property manager at this time on site.

MS. BRIGHT: So who is going to be there during normal business hours to -- for questions from tenants or owners to come in? Who do they go to under normal business hours?

MS. VAIL: You would have a clubhouse with the rental agency, I believe, in house.

MS. BRIGHT: A real estate person, a licensed real estate person are we talking about?

MS. VAIL: No, it would be a rental apartment complex when you would come in --

CHAIRPERSON GREENE: Okay. Those were -- you asked -- you're asking more questions now. The questions that you asked first, she's answered.

MS. BRIGHT: No. No, I -- no.

CHAIRPERSON GREENE: Well, do you have a --

MS. BRIGHT: On my last point which was --

CHAIRPERSON GREENE: You have -- how many questions you have left?

MS. BRIGHT: That was the last question.

CHAIRPERSON GREENE: Okay. Thank you.

She said it was her last question.

MS. VAIL: As far as the on-site manager, I'm stating at this -- today's proposal we had not stated specifically that we would have an on-site manager.

We are willing to condition and accept a condition that that would be part of this approval.

MS. BRIGHT: Yes, it should be.

CHAIRPERSON GREENE: Okay. Thank you.

MS. BRIGHT: It should be.

Thank you.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: This is déjà vu for me.

CHAIRPERSON GREENE: Yes.

COMMISSIONER AARONSON: First of all, let me say this --

MS. Lo PIPERO: Excuse me. There is one more.

CHAIRPERSON GREENE: I haven't forgotten you.

COMMISSIONER AARONSON: All right. Let her finish. I'll wait.

CHAIRPERSON GREENE: Come on. And make sure you pronounce your last name.

MS. Lo PIPERO: I will. Thank you. My name is Debra Lo Piperio. Good morning.

I am very concerned. I just moved here on June 29th. I relocated my mother and I from New York because my parents were snowbirds at Cresthaven seven years ago, and it was a safe, quiet neighborhood.

My mother has a carotid artery. She just had an angioplasty. I need to work in order to support the two of us, and she needs to be exercising and walking for the carotid artery, and I purposely moved us here.

It was a huge project. I've lived in New York my whole life, worked in Manhattan for 23 years, and moved her here so that she can walk and swim while I'm at work, get her walker, put the key in the door, walk to the clubhouse, meet with the ladies, and then I get here and I hear about this project.

And we are at 23 -- 2532 Dudley Drive East, Unit C, which would look right at those buildings, and we are right by the canal, and I am very concerned for my mother's safety and mine.

I don't -- I cannot afford ADT and to put any kind of security in our home, and I just went through a tremendous life change to bring us here so that we are safe and protected, and I know that low income rental communities attract drugs, guns, crime, violence, burglaries, robberies, and I'm sure each of you have elderly parents. Would you want this in your parents' back yard?

I ask you please to take that into consideration.

Thank you for listening.

CHAIRPERSON GREENE: Thank you.

Commissioner Aaronson.

COMMISSIONER AARONSON: Madam Chair, I went through this a couple of years ago, same thing.

First of all, there are so many different opinions that I'm getting from people. One person got up there and said we have crime, we can't go out at night, we have people throwing rocks at our buildings, we have all that going on.

Another woman just comes up here and says her mother, 86 years old, could walk out at night, and that's why she moved here. So I don't know whether you have crime or you don't have crime.

If you have crime there now, maybe having something like this will help reduce the crime, more police presence.

AUDIENCE MEMBER: No.

AUDIENCE MEMBER: I doubt it.

AUDIENCE MEMBER: No.

AUDIENCE MEMBER: No.

COMMISSIONER AARONSON: You just keep on talking while I'm talking because I'm not going to hear you anymore.

The fact of the matter is what makes anybody here think that people who move in -- first of all, it's not low income. Okay. Probably the income of the people moving in are far greater than the income of the people living there.

The fact is that people paying 1,000, \$1200 a month rental, firemen who are just starting off in life, just got -- getting a job, police officers, and how many of you women sitting there now do your own hair?

Two, four? Okay. You're all raising your hand, but you all go to beauty parlors, also, many of you.

AUDIENCE MEMBER: No.

COMMISSIONER AARONSON: Not you, but the rest. Well, you want to know something? You all better learn to start to do your hair because you won't have hairdressers here, you won't have cooks here, you won't have waiters here.

I don't mind living next to a cook or a waiter or a waitress, people who are gainfully

employed that can afford to pay 1,000 and \$1200 a month rent. I am not afraid to live next door to them, and they are not criminals because you or people who I have -- opposed what I wanted to do in my district, I support affordable workforce housing.

The fact is we are living today in a condition in Palm Beach County where people can't afford to buy a house. They can't afford to buy a house so they rent, and how many of you out there ever rented?

Come on, all raise your hands because I did, too. I've been a renter most of my life, and the fact is we all grew up in areas that people rented, that people lived in harmony, whether they were a renter or an owner.

Down here it seems that if you're not an owner, then you're a second class citizen. Well, I refuse to believe that because I think people who rent are nice people, too, and I think people who own, like yourself, are nice people, too.

But I don't automatically assume that people who are going to move into a neighborhood are criminals. I don't believe that the crime is going to go up. I don't believe that there's going to be graffiti on the wall.

Many of you come from the New York metropolitan area or Chicago or New Jersey, Newark, and you remember what Section 8 housing was. This is completely different. Don't ever confuse Section 8 housing with what we're trying to do here.

What we're trying to do here is have places for people who are gainfully employed and will be investigated.

And as far as a property manager, anybody who builds anything today that doesn't have a property manager on site ought to have their heads examined and not be allowed to build. The fact is there should be a property manager, somebody that everybody should go to to be able to take care of. That's why you have a piece of property, and if you don't have a property manager, what you're going to end up with is a bad piece of property. So there should be a property manager, and there should be investigation.

But the fact is don't worry about crime. You have crime there now. Maybe other people moving in, maybe younger people moving in there will also be able to help deter criminals from coming into that area.

I think it's a benefit. I think it upgrades the community. You think it downgrades it. I disagree with you.

When I went ahead and supported affordable housing in my district, I had people coming at me

from every different corner and saying how could you do this. Now, you want to know? The first two people that moved into the affordable, workforce housing people, happened to be two science teachers from West Boca Community High. Okay?

And you know who else is moving in there? Nurses from the Delray Community Hospital. And you know who else is moving in there? Some beauticians who work in the beauty parlor that I believe my wife goes to.

So when you take it, you have a whole composite of people moving in. They're not bad people. They just come from different walks of life, and they make different salaries, but all of them have to qualify. They must qualify, am I correct, to be able to pay the rent?

CHAIRPERSON GREENE: Uh-huh.

MS. VAIL: That is correct.

COMMISSIONER AARONSON: Okay. And they have to be within, Barbara, the 60 to 150 percent.

MS. ALTERMAN: Are deed restrictions for each of the units in certain categories, that's correct.

COMMISSIONER AARONSON: Exactly. So the fact is I'm going to support this. I know your fears, but I think they're unwarranted. I really and truthfully believe they're unwarranted, and right now the same people that objected to the affordable housing in my area now are the same people that say to me, you know something, it's really nice, and that's what they're saying.

So I'm going to support this motion.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yes, I'm going to support the motion, too, and I just want to make some comments.

There were some comments about Palm Beach County and us connecting in with Cresthaven.

When the -- when the hurricanes came and took your roofs off, Barbara Alterman, how many meetings did we have down there?

MS. ALTERMAN: Many, a lot of meetings to assist the residents in getting the guarantees --

VICE CHAIRMAN KOONS: When your -- when your -- I think Jon mentioned it.

When your -- when your roofer -- when your -- when your roofers went in there and it was sub-code and you had to come in and we had to get roofs on your house as fast as we could, we were there numerous times and bent over backwards to watch -- to watch over what was happening and what -- and what should happen in there.

So we will continue to be accessible. The Sheriff will continue to be accessible.

This proposal coming in front of you is a gated community with full-time security. That's a lot more security than people coming over a vacant lot to get to whatever's happening. I'm not sure what happened there.

There won't be people throwing stones off of -- off this particular area because there'll be security watching over it now.

So if there's some -- if there's some uncertainties, just give us a call. We're very accessible all the time, whether it be the Code Enforcement in terms of graffiti or the Sheriff's Department for community policing or particular Code Enforcement issues.

So I would like to make a motion and also add the condition that there will be a full time -- there'll be a full-time resident manager.

CHAIRPERSON GREENE: You heard the motion by Commissioner --

MR. ROBINSON: Madam Chair -- Madam Chair.

CHAIRPERSON GREENE: Oh, there you are.

MR. ROBINSON: I'd like to read into the record amended condition.

Staff recommends approval, subject to conditions of approval and as amended on the add/delete sheet and --

VICE CHAIRMAN KOONS: So I'll make a motion to adopt a resolution approving the official zoning map amendment from Ag Residential Zoning District to Residential Planned Unit Development Zoning District.

COMMISSIONER AARONSON: I'll second that.

MR. ROBINSON: And we're going to add another --

MS. HERNANDEZ: Just for clarification, you want a use limitation on there that says --

VICE CHAIRMAN KOONS: Yeah.

MS. HERNANDEZ: -- the applicant-owner shall provide an on-site live-in office manager --

VICE CHAIRMAN KOONS: That's correct.

MS. HERNANDEZ: -- to live on site within one of the units of the development.

VICE CHAIRMAN KOONS: Correct.

CHAIRPERSON GREENE: Thank you.

Did I do disclosure? Did we do disclosure?

VICE CHAIRMAN KOONS: Yes, we did.

CHAIRPERSON GREENE: On this item?

VICE CHAIRMAN KOONS: Yes.

CHAIRPERSON GREENE: Okay. All right.

Ready for the question?

COMMISSIONER SANTAMARIA: No, I have a --

CHAIRPERSON GREENE: Oh, I'm sorry. Commissioner Santamaria. I did see your light.

COMMISSIONER SANTAMARIA: Yeah, I have a few questions.

First, this -- did they meet the traffic concurrency?

MR. Mac GILLIS: Yes.

COMMISSIONER SANTAMARIA: For the applicant I also have a few questions.

Forty-eight percent is supposedly workforce housing.

MS. VAIL: Correct.

COMMISSIONER SANTAMARIA: Can you describe the 52 percent, what type of -- what's the difference going to be between the 48 percent of workforce versus the 52 which is not workforce?

MS. VAIL: The 52 that is not would be market rate.

COMMISSIONER SANTAMARIA: Which is?

MS. VAIL: At -- I mean when this development comes through and it is actually built, which is -- we've stated to Cresthaven and to everyone it would be a minimum two years by the time we would actually be constructed through the remainder of the approval processes.

I don't know what the market is going to be at that time.

I am aware that the adjacent residents are looking to rent right now around \$700. They have indicated that they do have vacancies.

Our developer actually had stated that he would rather maintain vacancies in a project than lower rents to ensure that the type of resident that would be in the community would be the quality resident that we're looking to maintain for this area.

COMMISSIONER SANTAMARIA: Yeah, I still need my question answered.

When you say market rates, what are market rates as far as you understand them to be today on the 52 percent of the units?

MS. VAIL: Currently in this area they're approximately \$700 a month, so they are lower.

COMMISSIONER SANTAMARIA: Lower.

MS. VAIL: Than the workforce housing numbers that --

COMMISSIONER SANTAMARIA: So they're going to be actually lower than the workforce rentals. The 52 is actually lower?

Okay. That answered my question. I would actually have thought they would be higher, not lower, but -- but -- yeah.

COMMISSIONER AARONSON: If I may, I'd like to offer another thing into it, that none of the housing should be -- none of the rentals should be less than -- we can't do that. Okay.

MR. BANKS: We don't -- our Workforce Housing Program regulates the --

COMMISSIONER AARONSON: Yeah. Okay.

MR. BANKS: -- the maximum rents of the workforce units. We don't regulate the --

COMMISSIONER AARONSON: Okay. Fine.

CHAIRPERSON GREENE: Glad we have an attorney up here.

COMMISSIONER SANTAMARIA: Okay. You answered my first question.

Next question is will the owner have the ability to convert to condominiums at a later date?

MR. BANKS: Again, we regulate the use of the property -- we regulate the use of the property, but in the zoning process we don't regulate whether --

COMMISSIONER SANTAMARIA: No, I'm not --

MR. BANKS: -- in the future to --

COMMISSIONER SANTAMARIA: I'm not asking us to regulate anything. I'm just asking -- I just need an understanding.

As far as your knowledge is -- I just have a simple question -- will they be able to convert to condominiums?

I have a point to make, that's why. It has nothing to do with what we are going to do. It has to do with information. I'm asking for information.

MR. BANKS: Right. I'm saying most of the -- most of the modern rental projects could, by doing the proper paperwork at some --

COMMISSIONER SANTAMARIA: I realize -- I realize that. That's why I'm asking the question.

If you don't mind, Bob, if you allow me just to ask the question and get an answer, I do have a point to make.

MS. VAIL: Yes, we could convert --

COMMISSIONER SANTAMARIA: You could convert.

MS. VAIL: -- some rentals to sale.

COMMISSIONER SANTAMARIA: Okay.

MS. VAIL: Yes.

COMMISSIONER SANTAMARIA: See, again, I've been around in this business now for 33, 34 years, so I know a little bit about development, and I know for a fact that a great majority of the rental developments in the last few years had the ultimate objective of converting to condominiums.

Because the market today is bad to sell, that is one reason to -- most -- most investor developers would like to start as a rental so they can move them and get some income flowing.

Once -- once there is a cash flow and the market stabilizes, then most investors -- I'm in the western communities, in Wellington and Royal Palm Beach several rental units in the recent past started as rentals but converted to condominiums, because I personally, being a developer myself,

cannot see how you can make this a good investment just as a strictly rental with the rents that you're quoting.

I think you'll be hard-pressed just to break even, cash flow-wise. So I'm anticipating that some time in the future it'll eventually be condominiums, and based on the current rates in the market, these units will eventually be sold, I would think that they'd be comparable to the surrounding areas.

So that's really the point I'm trying to make, that there's a high probability. I'm not -- of course, I'm not the developer, but based on what I'm seeing in the industry, many nice apartment rentals -- and it appears to be that this is going to be an above average rental development from what I'm seeing.

And I encourage you to really further enhance the landscaping and buffering. You know, I would like to -- both as an investment and for the benefit of the residents, you know, I hope you really will beef up the landscaping in the buffer areas and the, you know, and the landscaping even within -- within the developments to really increase the future value of the property.

I drove around there this morning. I went there very early to try and drive around and see the, you know, the environment.

You know, my only concern is that most -- my only real concern on this development is that most of the homes surrounding it are single story homes.

You know, I drove around your community, and I saw single story homes so I just -- my real single apprehension is the four-story buildings. I only wish, you know, you had stayed within the three-story maximum height. So I'm -- that's really my main -- my main concern.

My main concern is that I wish the heights were not as far as four floors, but three stories instead.

But as far as protecting the values, I don't think it's going to -- again, based on my personal experience, I don't think it's going to affect the values of your property if -- if this development is done the way it should be done, and it appears to be a first class rental development, which it'll eventually become a condo project and not be a rental.

I would say once the market turns around, I would expect in the next two to five years, it's -- there's a high probability that this will be a condo development.

I noticed there are a lot of tall trees. I -- I drove through your development. I was trying to see through. There were a lot of high

trees in the, you know, in the immediate abutting area to the developments.

Are you going to keep most of those trees there?

MS. VAIL: We have conditions of approval in -- already in our proposed conditions that would maintain as many of those trees as possible in their current location, as well as we are preserving approximately 1.84 acres on site just behind the two and three-story building that we're proposing adjacent to Cresthaven.

COMMISSIONER SANTAMARIA: Yeah, that would help if you kept a lot -- are those pine trees I was seeing? Were there a lot of --

MS. VAIL: Yes, there are a lot of pine trees.

COMMISSIONER SANTAMARIA: -- pine trees?

Yeah, I hope you keep as many of them, if not all of them. It'll help buffer the area and reduce the site, you know, those four-story buildings because, like I said, that's really my -- if it were a three-story complex, you know, I would be a little more -- more receptive to moving forward.

But those are my main comments. Keep as much buffering in between the units and just -- the other point is a gated community. To me, the word "gated" makes it more high -- more likely that eventually this will be a condo development because it's gated.

As far as increasing crime, I think in this particular -- in this particular situation I don't think it'll be a cause for increasing crimes, personally, again, based on what I've seen. I think it's going to be an above average development that, other than the four stories, it would work well with the neighborhood.

Thank you.

VICE CHAIRMAN KOONS: Madam Chair, the -- if it goes condo, the existing units will be still capped out at the workforce strategies in the sales prices.

MS. VAIL: That is correct.

VICE CHAIRMAN KOONS: Okay. I just wanted to make that -- that's understanding.

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

Ready for the -- ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

VICE CHAIRMAN KOONS: Madam Chair, I'd like to make a motion to adopt a resolution approving a development order amendment to add land use area,

add units, reconfigure the master plan and modify/delete conditions of approval, and with those conditions we added today.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

VICE CHAIRMAN KOONS: And to adopt the resolution approving the transfer of development rights for 14 -- is that the number still?

MR. Mac GILLIS: Yes.

MS. VAIL: Fourteen additional.

VICE CHAIRMAN KOONS: Fourteen additional units and to designate this application as the receiving area.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 4-0.

MS. VAIL: Thank you.

CHAIRPERSON GREENE: Director's comments.

MR. Mac GILLIS: I'd just on the -- clarify some -- the two next hearings that are coming up.

I know several Commissioners were having issues to stay at the August 29th meeting so we are -- or the August 23rd.

We have a continuance date that we've confirmed with your staff, August 29th, so if we don't get through everything on the 23rd.

September 27th meeting has been changed to September 24th to accommodate your schedules. We've confirmed that with your staff.

COMMISSIONER AARONSON: My schedule was fine the way it was.

CHAIRPERSON GREENE: Thank you.

MR. Mac GILLIS: There is a -- Engineering had asked -- well, I guess they're not here. They asked to put a comment under for the Engineering Director, but I don't see them here, so -- it's the only comments that I --

VICE CHAIRMAN KOONS: Now is the time for Engineering to show up.

CHAIRPERSON GREENE: There they are.

MR. CHOBAN: Mr. Webb is right out in the hall. I don't know if he wanted to speak or not.

VICE CHAIRMAN KOONS: What?

MR. WEBB: No comments. Unless the Board has comments, we have no comments.

MS. HERNANDEZ: No comments.

CHAIRPERSON GREENE: No comments?

MR. Mac GILLIS: No comment.

VICE CHAIRMAN KOONS: They wish us happy Commission break, how does that sound, from the Engineering Department?

CHAIRPERSON GREENE: Okay. Are there any Commissioner's comments?

VICE CHAIRMAN KOONS: Yes. I just wish everybody a happy break, a very joyous and happy, pleasant good time.

CHAIRPERSON GREENE: Motion to adjourn?

VICE CHAIRMAN KOONS: So moved.

COMMISSIONER AARONSON: Second.

MS. BAKER: Staff wishes you a happy break.

MS. ALTERMAN: Yes, have a wonderful vacation.

CHAIRPERSON GREENE: George -- thanks. It worked.

(Whereupon, the meeting was concluded at 12:20 p.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

DO HEREBY CERTIFY that the above-entitled
and numbered cause was heard as hereinabove set
out; that I was authorized to and did report the
proceedings and evidence adduced and offered in
said hearing and that the foregoing and annexed
pages, numbered 4 through 63, 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 13th day of August, 2007.

Sophie M. Springer, Notary Public.