

Thursday, October 25, 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
 Karen T. Marcus, Commissioner
 Burt Aaronson, Commissioner
 Bob Kanjian, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner,
Zoning

Carrie Rechenmacher, Senior Planner, Zoning

Ron Sullivan, Senior Planner, Zoning
 Anthony Wint, Site Planner II, Zoning
 Ora Owensby, Senior Planner, Zoning
 Joyce Lawrence, Planner II, Zoning
 Bob Banks, Assistant County Attorney
 Bryce Van Horn, Planning
 Bryan Davis, Principal Planner, Planning
 Scott Rodriguez, Planner II, Planning
 David Wiloch, Planner, Planning
 Jim Choban, Engineering Dept.
 Ken Rogers, Director, Land Development
 Division
 Allan Ennis, Asst. Director 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: We're all here.
Could we have roll call, please, and 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 Kanjian.

COMMISSIONER KANJIAN: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: Here.

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: Here.

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

(No response)

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

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

CHAIRPERSON GREENE: Thank you,
Commissioner McCarty.

Do we have proof of publication, please.

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Move to receive and
file.

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

COMMISSIONER McCARTY: Second.

CHAIRPERSON GREENE: Second by Commissioner
McCarty.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

We have the swearing in by the attorney.

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

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

MR. BANKS: Thank you.

CHAIRPERSON GREENE: Motion to adopt the agenda, please.

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Move adoption.

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.

CHAIRPERSON GREENE: Okay. Any postponements or withdrawals?

MR. Mac GILLIS: Yes, Madam Chair.

Postponements begin on Page 1, Item 1, DOA2006-1694, Friendship Baptist Church, postponed to November 29th, 2007.

Item 2, Z/CA2006-022, Colonial Lakes, postponed to November 29th, 2007.

Page 2 of your agenda, Item No. 3, CA2007-205, Lake Harbor Quarry, postponed to November 29th.

Item 4, PDD/R2007-519, postponed to November 29th.

Item 5, Status Report 1992-007.8, postponed to November 29th.

On your add/delete, Item 33, CA2006-1930, South Bay Quarry, Page 14 of your agenda, postponed to November 29th, 2007.

COMMISSIONER MARCUS: Jon.

CHAIRPERSON GREENE: Excuse me.

MR. Mac GILLIS: I'm sorry.

COMMISSIONER AARONSON: What page?

MR. Mac GILLIS: Item 33 was on Page 14 of your agenda.

COMMISSIONER AARONSON: Slow it down.

MR. Mac GILLIS: Okay.

And Item 16 --

COMMISSIONER MARCUS: Wait. We're still trying to find Page 14, Item 33.

MR. Mac GILLIS: Oh, okay. I'm sorry.

COMMISSIONER MARCUS: So 33 is postponed 'til November 29th.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: And then last item, we had a request late yesterday that didn't make it to the add and delete, Item 16, found on Page 7 of your agenda, DOA/R2007.074, Shoppes at Cresthaven, postponed to November 29th.

That's the -- all the postponed items.

COMMISSIONER MARCUS: Madam Chair, I'd move the staff recommendation on the postponements.

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

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: Second by Commissioner Koons.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: Okay. There are no withdrawals or remands, so that'll bring us to Page 3 of the agenda, Item No. 3, consent agenda.

First item -- and if any commissioner would like any of these pulled, just indicate so.

First item is Item 6, Status Report 1992-048C, Muslim Community Center.

Item 7, Status Report 2001-027.2, True Tabernacle.

Item No. 8, Status Report 2003-093, Savannah Square, also known as Haverhill Palms.

Page 4 of your agenda, Item 9, CR 2005-422, Allie Polo Estates PUD.

Item No. 10, CR 2005-595, Gulfstream Haas PUD. Linda indicated that this is the first public hearing of two that's required on these items. It'll be back before you next month.

That brings us to Page 5 of the agenda, Item No. 11, PDD2006-502, Seminole Orange Plaza.

I've had a request to pull Item 12. The applicant would like to show the new site plan to accommodate the park and ride.

COMMISSIONER MARCUS: So you're pulling No. 12?

MR. Mac GILLIS: Yes. That'll bring us to Page 6 of your agenda, Item No. 13, Z2007-892, the Southwest County Transfer Station. There's add and delete conditions found on Page 3 amending Condition No. 1.

Item 14, DOA2007-723, Appolonia Farms PUD. There's add and delete conditions on Page 4 amending Condition No. 4.

Brings us to Page 7 of the agenda, Item 15, DOA/EAC2007-875, the Vista Center PIPD Parcel 19. There's add and delete conditions on Page 4 adding a new Condition No. 7 related to landscaping.

Item 16, DOA/R2007-074, Shoppes at -- oh, I'm sorry. This one's going to be -- we had a request on this one to be postponed so we already did that one.

CHAIRPERSON GREENE: Right.

MR. Mac GILLIS: Page 8, Item 17, Abandonment 2007-335, Okeechobee Place.

Item G, corrective resolution, Item 18, Rosso Paving, for amending a condition -- Engineering Condition No. 4.

Item H is TDR contracts and deeds.

Item 19, PDD/TDR2006-1554, In the Pines North PUD.

Item 20, PDD/TDR2006-1554, In the Pines North PUD.

And that brings us to the end of the consent agenda. We need a motion.

COMMISSIONER MARCUS: Motion to --

COMMISSIONER McCARTY: Move approval of the consent agenda as amended.

COMMISSIONER MARCUS: Second.

CHAIRPERSON GREENE: You heard the motion by Commissioner McCarty, 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 MARCUS: We have no cards --

CHAIRPERSON GREENE: Well, Item 12 was pulled.

MR. Mac GILLIS: That'll bring us to the -- Page 9 of your agenda, the regular agenda items, and the first item that was pulled was Item 12, PDD2007-055, Southern/Sansbury's MUPD.

Unless the Board would like a presentation, we can go right to the applicant. He's going to go over the final site plan where they've accommodated a park and ride at the County's request.

So he can go over the changes that were made to the final plan.

CHAIRPERSON GREENE: Okay. Just a minute. Did you want to say something before they do the presentation?

VICE CHAIRMAN KOONS: No, when they're done, I just want to make a comment on staff and the petitioner.

MR. GENTILE: Commissioners, for the record, George Gentile, representing Panattoni Development, and I 'll be very, very brief.

We've been working with staff on this plan and have gone through a number of iterations. We just wanted to make sure that you saw the -- which you have on your dais, I think, add and delete items that show additional items that we were adding to the plan.

It's about a 24.35-acre project at Southern and Sansbury.

The plan that you see in front of you is close to what it -- where we are; however, we've added some additional items based on those conditions.

Very, very briefly, we've added some gazebo and trellis structures. As you see there, we're adding additional paving accents, including the compass pavement focal point in the center of the project which will add to the entry feature there.

And then we have put in two PalmTran bus shelter locations and have worked out with PalmTran and an area to provide 20 spaces for park and ride on the site at the location on Sansbury where PalmTran wanted those.

And we just wanted to make sure you saw what we did in those changes to make the conditions and the add/deletes a little bit more clear.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: I just want to thank the petitioner and staff for working this out.

There was a -- when this came through the process, we always perceived this as, because it's on these -- on Southern and it was on one of our target routes to do mass trans improvements, and

somehow the owner and -- never quite -- and we never -- what happens when we go through the Comp Plan change, we couldn't add anything to it.

So I just want to really thank the petitioner for working on this and staff for not beating them up too bad when they came and made these changes. So I just want to really thank the cooperative nature, everybody working well together. So everybody played well in this one.

So thank you very much. Appreciate it.
Okay.

MR. GENTILE: Thank you, Commissioner.

VICE CHAIRMAN KOONS: Yeah, I guess motion to approve staff recommendation as amended.

CHAIRPERSON GREENE: You've heard the motion 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, 6-0.

That's end of consent agenda. We've done disclosure.

MR. Mac GILLIS: Yes. We're on Page 9. That will bring us to Item 22, Status Report 1993 -- I'm sorry, 21, Status Report 1983-056C.3, West Boca Medical Center.

Linda Monroe will present this.

MS. MONROE: This item is only on the regular agenda because of the number of time extensions it's --

COMMISSIONER MARCUS: I'd move approval. Not going to get in the way of the hospital.

VICE CHAIRMAN KOONS: Second.

CHAIRPERSON GREENE: You've heard -- who made the motion?

COMMISSIONER MARCUS: Me.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: Item 22 --

CHAIRPERSON GREENE: No. 22.

MR. Mac GILLIS: -- 22, Status Report

1993 --

COMMISSIONER MARCUS: I move approval.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: Item 23, Status Report
1995-031.8, Johnson's Property.

Linda Monroe.

COMMISSIONER MARCUS: I move approval.

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

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, 6-0.

MR. Mac GILLIS: Page 10 of your agenda, Item 24, Status Report 1997-085.4, Gateway Gardens.

Linda Monroe will present this.

MS. MONROE: Likewise, this is on the agenda because of the number of time extensions it has had.

It is insignificant as to traffic performance standards, and the concurrency was revoked in 2003.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER KANJIAN: Madam Chair, I'll move --

CHAIRPERSON GREENE: Oh, Commissioner Kanjian.

COMMISSIONER KANJIAN: -- move approval.

VICE CHAIRMAN KOONS: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. Mac GILLIS: Item 25, CR 2001-075/E.2.4, Northlake Post Office.
Linda Monroe will present this.

MS. MONROE: This is before you for failure to comply with a condition of approval.

The Post Office, we have no idea what's going to happen with them. They don't talk to us very often, but we need to treat them like we do everyone else, and, thus, the status report and staff recommendation before you.

COMMISSIONER MARCUS: Move approval.

COMMISSIONER AARONSON: Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MS. MONROE: Thank you.

MR. Mac GILLIS: Next item is Item 26 and 27 are -- are tandem applications, so if its the pleasure of the Board we'll have Planning present the Comp Plan amendment and then go right to Zoning to present the -- Item 27, the rezoning.

So 26 is a small scale Comp Plan amendment, 2006-029, Woolbright/Jog Office, and David Wiloch from Planning will present this.

MR. WILOCH: Morning. David Wiloch, with the Planning Division.

Item before the Board is a proposed small scale amendment to the future land use atlas known as Woolbright/Jog Office.

This 3.63-acre site is located in the urban-suburban tier on the southwest corner of Woolbright Road and Jog Road.

The request is for a land use change from low residential, three units per acre, to commercial low with underlying LR-3, for a maximum of 50,000 square feet of office uses.

Site is currently vacant and supports substantial native vegetation.

The existing uses and future land use designations surrounding the subject site, to the north across Woolbright Road is a vacant parcel designated commercial low with underlying LR-3.

This parcel was approved for 175,000 square feet of commercial use.

To the south and west the Valencia Isles Planned Unit Development with a future land use designation of LR-3.

To the east, a vacant lot designated commercial low with underlying LR-3 and a lot containing the Delray Funeral Home, designated commercial low office with underlying LR-3.

Staff is recommending approval with conditions based on the following criteria.

The applicant has provided adequate justification as this intersection is developing as a commercial node with existing commercial FLUA designations to the east, north and southeast.

Their proposal is consistent with the Comprehensive Plan as it relates to commercial development in the urban-suburban tier.

Their proposal is consistent with the recommendations of the West Boynton Area Community Plan. The applicant has met demonstration need through the market study that shows a need for commercial office in this area.

Additionally, the office use would provide an effective transition between the commercial uses to the north and east and the residential uses to the south and west.

The Land Use Advisory Board recommended approval of the applicant's request with the added conditions in an eight to zero vote at the August 18th, 2006, public hearing.

In conclusion, the applicant has provided adequate justification for a land use change on the subject site; therefore, staff recommends a condition approval of their proposed land use change from LR-3 to CL-3.

And that concludes the presentation.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Madam Chair, the Board asked me to go and work it out with the petitioner and the people in the area.

I had a meeting with COWBRA. I had a meeting with the people from Valencia Isles. I had a meeting with Mr. Gentile, and we worked everything out, as the Board had requested I do, and I am moving for approval.

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

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

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

COMMISSIONER AARONSON: Mr. Gentile.

CHAIRPERSON GREENE: Twenty-seven.

COMMISSIONER AARONSON: And disclosure on 26 and 27, I met with everybody involved, so --

CHAIRPERSON GREENE: Commissioner Kanjian, did you meet with anyone on 26 or 27?

COMMISSIONER KANJIAN: No.

CHAIRPERSON GREENE: Me, either.

COMMISSIONER AARONSON: Okay.

Twenty-seven, on 27 I will make the motion to recommend approval, subject to conditions.

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

COMMISSIONER AARONSON: To adopt a resolution approving an official zoning map amendment from the Agriculture Residential Zoning District to the Multiple Use Planned Development Zoning District.

MR. VAN HORN: Excuse me.

COMMISSIONER AARONSON: It was worked out, again, with COWBRA and everybody --

MR. VAN HORN: Commissioner, I'm sorry.

There's one change that would have to be made -- Bryce Van Horn, with the Planning Division -- to the condition, the Planning condition on Page 305, and the condition currently reads, limiting this development to a maximum 55,342, but that would have to be amended to 50,000 --

COMMISSIONER AARONSON: It was cut down to 50,000. That was part of the agreement made, together with the residents and with the developer, and that's the only change in there.

MR. VAN HORN: Right.

MR. SULLIVAN: Commissioner, I would like to add also that there are four conditions on the add/delete that are primarily a result of your negotiations, and --

MR. GENTILE: Yes.

COMMISSIONER AARONSON: Well, the good part is that it was worked out with everybody --

MR. SULLIVAN: Yes, sir.

COMMISSIONER AARONSON: -- and Mr. Gentile was very instrumental in that, and the owner of the property, and I want to give credit to the people at Valencia Isle being able to accommodate the developer, as well as the COWBRA organization. I think they all deserve a round of applause for what they did to make this happen. Okay.

MR. SULLIVAN: I agree.

VICE CHAIRMAN KOONS: So the motion includes all -- all the amendments --

COMMISSIONER AARONSON: All the amendments.

VICE CHAIRMAN KOONS: -- that staff proposed? Staff -- okay.

CHAIRPERSON GREENE: And, also, thank you, Commissioner Aaronson, for making it happen.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MR. GENTILE: Thank you, Commissioners.

MR. Mac GILLIS: Next item is 28.

Twenty-eight and 29 are tandem applications, once again. Twenty-eight is a small scale Comp Plan amendment, 2007-018, for the Okeechobee Volvo, and Item 29, Z/DOA2007-190, is the development order amendment and the rezoning.

Scott Rodriguez from the Planning Division will present the Item 28.

MR. RODRIGUEZ: Good morning. Scott Rodriguez, with the Planning Division.

The item before you is the Okeechobee Volvo small scale that proposes a land use designation change from medium residential five and commercial low with an underlying three units per acre to commercial high with crosshatching and an under -- with an underlying five units per acre.

The proposal is for temporary parking and storage.

The subject site consists of three parcels just south of the Volvo dealership and is located at the southwest corner of Okeechobee and Breezy Lane, and the total size of the subject site is 1.08 acres.

To the south and west of the site are single family residences. To the east is a utilities designation, and to the north is Okeechobee Boulevard and commercial high intensities.

Now, in order to clarify the three-parcel land use change, I wanted to go back to 1993 where an amendment was before the Board requesting a land use change from an LR-3 to a CL-3, and it was approved.

The conditions of that approval were based on a restrictive covenant for temporary parking and storage.

Today's request is for an MR-5 and CL-3 to a CHX, so essentially the land use change will provide for consistency and to square up the parcels that are affected.

Staff is recommending approval with the condition of temporary parking and to prohibit commercial activity and intensity on the subject site.

Staff is recommending approval for the following reasons.

Applicant has provided adequate justification. The subject site is situated along a commercial corridor and is consistent with surrounding commercial depth and intensities of the area.

Need is demonstrated as the dealership is expanding, and temporary parking and storage is needed, and the subject site is at an appropriate location and intensity, consistent with Comp Plan policies, and measures will also be used to limit the use of the site per the condition of temporary parking and prohibiting commercial activity and intensity.

No modification or expansion of the building will occur, and no additional trips will occur due to the -- due to the change, thus providing for effective transition.

May 11th, 2007, the LUAB recommended approval, seven to nothing, seven-zero.

And this concludes my presentation. I'll be happy to take any questions.

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Yeah, just a notification.

I did meet with petitioner. There was an issue that they brought forward except I forget what it was, did it get all worked out?

MR. Mac GILLIS: There were issues with the signage, I believe those --

VICE CHAIRMAN KOONS: The signage?

MR. WINT: Yeah, the signage was worked out.

VICE CHAIRMAN KOONS: They were all worked out? Okay.

MS. VAIL: Actually -- Jennifer Vail, Land Design South, for the record.

We actually --

COMMISSIONER AARONSON: Madam Chair, if I may just one second --

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: Staff, if I can interrupt you.

If you take a look at the agenda item, it says District 2 and 5. Five is not included in there. Five isn't even close to two. So --

VICE CHAIRMAN KOONS: Where assuming that's a typo.

COMMISSIONER AARONSON: Let's assume it's a typo, but it shouldn't be.

VICE CHAIRMAN KOONS: But I love having your district work on Okeechobee Boulevard. I could use all the help I can get.

COMMISSIONER AARONSON: But if you want me to come up and help you, I'll be happy to do it.

VICE CHAIRMAN KOONS: Everybody buys all these Lexuses. We're trying to give Volvo a little business here.

COMMISSIONER AARONSON: So having said that, now do we share that?

VICE CHAIRMAN KOONS: That's right.

MS. VAIL: If I could, the condition of approval related to signage, we actually do have a presentation, but we were going to make that as part of the next item. We don't have any problems with the land use change.

MR. Mac GILLIS: We just need a motion on -- then if the Board --

COMMISSIONER KOONS: The land use change. Okay. I'll make a motion on that to approve staff recommendation.

MR. Mac GILLIS: Page 11.

CHAIRPERSON GREENE: You heard a motion 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, 6-0.

MR. Mac GILLIS: Okay. That'll bring us to Item 29 then, the zoning application, Z/DOA2007-190.

Anthony Wint will present this.

CHAIRPERSON GREENE: Oh, I'm sorry. That was 5-0, Commissioner Marcus is not here.

Thank you. Twenty-nine.

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

We will now turn to Item No. 29, which can be found on Page 23 of today's agenda.

Proposed is the rezoning of 0.47-acre parcel of land from the residential multi-family zoning district to the general commercial zoning district to be added to the existing 2.94-acre Palm Beach Volvo car dealership facility for a total of 3.41 acres.

The dealership facility was approved by the Board of County Commissioners for a 22,800 square foot vehicle sales and rental use in 1984.

The applicant is requesting to utilize the 0.47-acre parcel for employee parking and storage of automobiles. No additional square footage is being proposed for the existing facility.

Also proposed is a reconfiguration of the previous site plan and to amend Conditions A.1, A.2, G.2, G.3, G.4, J.2 and M.1 of Resolution 96-1008.

Due to the reconfiguration of the site to accommodate additional parking and display spaces the site plan indicates 279 parking spaces, and access will remain from Okeechobee Boulevard.

At the time of publication staff had received one letter of opposition from the public.

Staff is recommending approval, based on the conditions of approval that's presented, both in the staff report and on the add/delete sheet in terms of the signage conditions, the two signage conditions.

I did receive an e-mail from the applicant stating that they were in agreement with the signage conditions; however, there seems to be some disagreement, so I will turn it over to the applicant and let them explain.

MS. VAIL: Good morning. For the record, Jennifer Vail, with Land Design South.

I'm not aware of the e-mail so I apologize for this, but we'll try to make this presentation as brief as possible.

Again, the proposed site plan accommodates approximately three acres with existing 227 parking spaces, the total square footage of 22,800 square feet.

We are requesting to add 0.47 acres to the site, and that's additional square -- or acreage

will be for employee parking only; therefore, the total site area would increase to approximately 3.4 acres, 278 parking spaces, and, again, there's no change to the square footage.

The issue that we do want to discuss with you today is regarding the existing signage.

At the corner of Okeechobee and Breezy Lane the existing sign is approximately 27 feet in height, double-faced, 127 square feet.

There is a second sign at the entrance to the Volvo dealership off of Okeechobee at 18 feet in height, double-faced and 80 square feet. We had proposed no change to the signage.

What staff has recommended is when this -- when the signs are proposed to be redeveloped, that they would be reduced.

COMMISSIONER KOONS: Here's a question. Those are -- can you go back?

MS. VAIL: Yes.

COMMISSIONER KOONS: Those are the existing signs?

MS. VAIL: Correct.

COMMISSIONER KOONS: Okay.

MS. VAIL: Again, current signage surrounding the parcel are identified on the screen.

VICE CHAIRMAN KOONS: Wait, wait, wait, wait.

I don't call your commission district schlocky. Let's don't -- let's don't -- let's not go there.

CHAIRPERSON GREENE: I told you they were ugly.

VICE CHAIRMAN KOONS: I tried to work hard on signs 10 years ago, and I couldn't get the County and the City on the same sign code. Anyway.

MS. VAIL: And, again, we have identified additional signage that is along the Okeechobee Boulevard corridor. It is located within the City of West Palm Beach; however, this is the competition that the dealership is going up against.

Therefore, what we have requested is, again, we have the existing 27-foot high sign. The condition or the ULDC allows a 20-foot high sign, which we would be agreeable to limit the sign to if it were ever redeveloped; however, staff has implemented a condition that if the sign were to be redeveloped, that it's 15-foot in height as long -- as well as a monument-style sign.

Again, our proposal is that the sign, if it were to be redeveloped, be consistent with the existing ULDC and not further limited, therefore, keeping in context with the existing character of

the site, as well as the other vehicular dealerships along the Okeechobee corridor.

If you have any additional questions, be happy to answer them.

COMMISSIONER McCARTY: Can I just --

COMMISSIONER AARONSON: Okay.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: I'll ask the question. Okay. Not a question, I'm going to make a statement.

When we have a situation in the County where we have certain restrictions, and because of what a municipality may -- that borders us, if their -- if they permit their signs to be in a position to block out signs that we in the County would allow to render those who are paying taxes in the County, as well, and make their signs so that they're not visible to the public, which would cost them the loss of business, I think we ought to have some special exceptions if this is the case.

Now, Commissioner Koons is in a very funny position. He wants to do this so that now that he's a County Commissioner, that this dealership could be visible from the signs that he approved when he was a City Commissioner to block it out.

VICE CHAIRMAN KOONS: I could show you my scars from my sign ordinance in West Palm Beach.

COMMISSIONER AARONSON: You're face is red. But now that he is, and we have to look at it from the County, having signs that are not visible or that are blocked out by other signs serves no purpose of having a sign at all; correct?

So how close are those other signs to the Volvo sign, and how much do they block it out?

CHAIRPERSON GREENE: Commissioner Koons.

VICE CHAIRMAN KOONS: Well, I think going -- I think going to the -- so -- so the hurricane hits, you rebuild the sign, I don't -- I think going to the 20-foot sign, the existing -- the land use regulation seems reasonable to me.

And I did try 10 years ago to get Palm Beach County and the City on the same sign code, and we tried and, you know, I -- one of my favorite phrases, I'm from Palm Beach County, I'm here to help, and then they all run away so we couldn't come up with a common sign code on Okeechobee.

So I'm -- I, you know, I think it is a matter of in that geographic area being somewhat like the neighborhood is, so I'm -- I'm okay with the 20. So I'm -- I'm fine with that.

I mean I'm -- I'm -- anyway, I'm --

COMMISSIONER AARONSON: Well, it's a special exception.

I think, you know --

VICE CHAIRMAN KOONS: Well, it -- if the --

COMMISSIONER AARONSON: -- when you drive up and down Okeechobee Boulevard, I don't --

VICE CHAIRMAN KOONS: -- the existing land use regulation is what -- is what they --

COMMISSIONER AARONSON: -- I don't know if there's any limit to any sign. I think we have to look at each individual road, and Okeechobee is so loaded with signs that I don't know whether anybody realizes something's 20 feet or 27 or 16 or whatever it is.

All you know is you see a hell of a lot of signs on Okeechobee Boulevard, and --

VICE CHAIRMAN KOONS: If you were not -- if you weren't coming through any changes and the hurricane knocked your sign down, you would -- you would come back in and automatically built it at 20; right?

MR. Mac GILLIS: That's correct.

MS. HERNANDEZ: No, they would be vested for the condition of approval, which would be the 27-foot sign.

VICE CHAIRMAN KOONS: So they're compromising to go to 20, which is the existing land use regulation.

COMMISSIONER AARONSON: You're making a motion?

VICE CHAIRMAN KOONS: Yeah, I'll make a motion, staff's recommendation.

COMMISSIONER AARONSON: Second.

VICE CHAIRMAN KOONS: With the proposed sign being at the existing land use regulation, 20 feet.

CHAIRPERSON GREENE: 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.

VICE CHAIRMAN KOONS: And we hope that -- that firm's going to participate in Habitat for Humanity House in Westgate.

MR. Mac GILLIS: Just could we --

MS. HERNANDEZ: Can I --

CHAIRPERSON GREENE: Could --

MS. HERNANDEZ: Can I make a comment about the area?

They have two signs proposed on Okeechobee Road, so we want to make sure that the area doesn't exceed the allowable by right.

So they have a 15-foot sign -- they have the 27-foot sign that if it were to be damaged, would be 20-foot high, 200 square feet, and then they have a second sign which is 18 -- 15 feet and

80 square feet, and that would exceed the, the allowed square footage that they would get, so we would have to adjust the numbers to make sure that they are within their allowed area.

MS. VAIL: Which we would be agreeable to.

VICE CHAIRMAN KOONS: Okay. Great. Thanks for working that out.

CHAIRPERSON GREENE: And this is in whose district?

VICE CHAIRMAN KOONS: Commissioner Koons.

MR. Mac GILLIS: Koons.

CHAIRPERSON GREENE: Commissioner Koons.

MR. BANKS: Were there any disclosures on this item?

CHAIRPERSON GREENE: Not District 2 and 5.

VICE CHAIRMAN KOONS: Yeah, I met with the petitioner.

COMMISSIONER MARCUS: No. I don't think we met with anybody.

COMMISSIONER AARONSON: I didn't.

CHAIRPERSON GREENE: I didn't.

VICE CHAIRMAN KOONS: Okay. We need two motions?

CHAIRPERSON GREENE: Two motions.

MR. Mac GILLIS: The motions are found on Page 12.

CHAIRPERSON GREENE: Motion to --

MR. Mac GILLIS: Item 29.

COMMISSIONER MARCUS: On Page 12?

MR. Mac GILLIS: Right.

CHAIRPERSON GREENE: Right.

MR. Mac GILLIS: Page 12, Item 29.

COMMISSIONER MARCUS: I would move --

COMMISSIONER AARONSON: Well, Jeff already made the motion.

COMMISSIONER MARCUS: -- to adopt the resolution approving the official zoning map?

MR. Mac GILLIS: Yeah.

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

COMMISSIONER KANJIAN: Second.

CHAIRPERSON GREENE: Second by Commissioner Kanjian.

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

COMMISSIONER MARCUS: I move to adopt the resolution approving a development order amendment to add land area, reconfigure the site plan and modify/delete conditions of approval to parking, site design, landscaping and the sign thing.

VICE CHAIRMAN KOONS: As we've agreed upon. Second.

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

Ready for the question.

All in favor.

COMMISSIONERS: Aye.

CHAIRPERSON GREENE: All opposed.

(No response)

CHAIRPERSON GREENE: Ayes have it, 6-0.

MS. VAIL: Thank you.

CHAIRPERSON GREENE: Thirty.

MR. Mac GILLIS: Yeah, that brings us to Item 30 and 31 are also tandem applications, small scale Comp Plan amendment and a rezoning application.

Item 30, small scale Comp Plan amendment, 2006-030, the Congress/Summit Hotel, also known as the Morgan Hotel.

Bryan Davis will present this from Planning.

MR. DAVIS: Good morning, Commissioners. Bryan Davis, urban designer, principal planner with the Planning Division.

The item before you today, as Mr. Mac Gillis indicated, is the Congress/Summit Hotel, a small scale amendment.

Let's bring up the map here.

As you can see, this amendment is located just east of Congress Avenue, north of Summit Boulevard, and specifically it's just -- it's on the north side of Oklahoma Street, which is in the state street area region, if you will, just east of Congress where there's New York, Ohio, Kentucky and so forth in that area.

The parcel size is 0.16 of an acre, or about a little under 7,000 square feet, and their request is to amend the future land use atlas designation for this parcel from MR-5, or medium residential five dwelling units per acre, to a commercial high with an underlying five dwelling units per acre.

And this is the subject site, as you can see. It doesn't really lend itself well to photography. It's currently wooded, but it's this area back in here that I'm indicating on the screen, so.

The subject site. The existing future land uses to the west is commercial high with an underlying five units per acre. To the -- and

it's currently vacant, well, except it's improved with a billboard.

To the north there are existing single family residences, and to the east is a vacant lot.

COMMISSIONER McCARTY: Does your property have a billboard on it?

MR. DAVIS: No. To the south is the Board of Realtors site, which is currently undeveloped. It has an approved site plan, and then, of course, to the west across Congress is the Trump golf course, so everyone's aware of the geography out there.

It's a little south of T's Lounge.

VICE CHAIRMAN KOONS: Let's say it's in a interesting neighborhood.

MR. DAVIS: Yes, it is.

VICE CHAIRMAN KOONS: Okay.

MR. DAVIS: The staff analysis. The applicant has provided adequate justification of need or justification for the amendment, has demonstrated need.

It is located within a number of County incentive areas, including the redevelopment -- or revitalization, redevelopment infill overlay, a countywide community revitalization team area, neighborhood, Palm Acres Estates and Congress Meadows, and it's also located within the urban redevelopment area but with -- specifically, within the urban redevelopment area, or the URA, as we like to call it.

It is located on the Congress Avenue Priority Corridor, and I'll tell you a little bit more about that in a minute.

It is currently -- or it is consistent with the current policies in the plan relationships to the building and the street. The infill gets additional intensity.

There's also other complementary policies for the URA to talk about interconnectivity and increased intensity, and it also meets the requirement that you have no significant impact on roadways.

And then just to bring you up to speed, this amendment was actually brought in back in the middle part of last year, and it was heard by our advisory board back in August. So the entire URA study was done after this amendment was processed by Planning, but I wanted to bring you up to speed that it's generally consistent with that.

So just what I've brought up is a background as how the URA study proceeded. It's actually been completed. You'll have taken action on it as a Board back in July, and you will see it for adoption in November when we come back to complete the amendment round.

But we wanted to emphasize this because it certainly is generally consistent with the direction of the URA master plan, even though it's -- it was -- it's sort of in between the process.

And then within the URA -- I brought up the overall map of the URA that Treasure Coast did emphasizing the redevelopment areas, and I'm indicating where this is, and it's in an area that was indicated as appropriate for redevelopment.

And then to sort of emphasize some of the unique issues with this site, just to provide some background, even though this is a land use amendment, it's very closely tied to what we're working on for redevelopment as a whole.

And so Treasure Coast performed a zoning analysis, and what you see on the left-hand side is a depiction of Treasure Coast trying to test the existing zoning districts, and what this indicated was what your actual entitlement is the land development regulations don't actually allow you to do.

This also depicts a typical suburban thing once you take all the setbacks and the retention requirements, and, really, it indicates it doesn't work, and the reason I want to indicate this to you is because this project did need 14 variances to get through the existing Code, and these -- this applicant is bringing in a project that effectively is trying to be the URA before the URA is actually in place, and that's really the point of this, and so they're doing this without a lot of the incentives that the URA calls for.

And I also want to call your attention to two recommendations from Treasure Coast from the URA master plan. They had about seven in general, but they recommend for Planning to create a new future land use in the area, which we're in process of actually working on this, is to remove floor area ratio and density restrictions, although there is a statutory requirement for that so we're going to have to figure out how we get around that.

It's also linked to new land development regulations which include standards for urban design, streetscape and landscaping. Really, that's how the building and the site itself function with the street in shaping the public realm.

It says it needs to implement the requirements of any sort of stormwater solutions that we come up with, and it complements the transportation concurrency exemption, which this site actually does not need.

Also called for is a new form-based Code to help implement the new future land use

designation. It should be clear and concise. It mandates building and parking placement, flexibility within the building uses. The actual streetscape we would actually be stipulated, and the idea is that if you do all this and it's known in advance up front, you should actually have some sort of an expedited process.

This was all called for in the study, and they are effectively doing all this without all the benefits, and I just wanted to point that out.

And then just to go through the site plan real quickly, these are some renderings that were provided by Rick Gonzalez, the architect for the project, but -- you still can't see T's. I'm not showing T's.

The building is brought up to the street. The parking is --

CHAIRPERSON GREENE: That looks better than the first picture you had.

MR. DAVIS: This structured parking is actually called for here to the rear, and also they are actually doing a rather innovative, almost -- well, certainly novel approach in the County of they are having their retention placed under part of the parking garage, and so they're actually solving some of their own stormwater issues in a slightly different way than what we are currently accustomed to.

But just to bring you -- this is if you're looking to the east from the rear of the property, what it could look like, and then, again, looking from the south.

And then just to sum up, the staff recommendation is for approval, subject to a condition. It has demonstrated need. There is adequate justification, it's consistent with the plan policies, and it furthers the strategies currently in the URA master plan.

And the reason we're recommending condition, the condition would limit this 0.16-acre parcel to landscaping, drainage and parking, and this is to help pull -- make sure that the building gets pulled up, and there is, you know, minimized impact to the surrounding residential area.

And then finally the -- our local planning agency, the Land Use Advisory Board, endorsed the recommendation, staff's recommendation, for approval, 7-1, with one condition last August.

That concludes my presentation. I'd be happy to answer any questions you may have.

CHAIRPERSON GREENE: Any questions?
Commissioner Kanjian.

COMMISSIONER KANJIAN: No questions. I'll move a -- that we adopt an ordinance to approve the proposed amendment from MR-5 to CH/5.

CHAIRPERSON GREENE: Motion by Commissioner Kanjian.

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, 6-0.

VICE CHAIRMAN KOONS: Good job, staff.

CHAIRPERSON GREENE: And I'd also like to recognize one of our former mayors of West Palm, Mr. Joel Daves.

VICE CHAIRMAN KOONS: And keep up the good work. Thank you so much for working this thing through.

This is -- again, I want to compliment everybody for working on this, and, you know, bringing it forward and getting it done.

MR. Mac GILLIS: That'll bring us to Item 31, the companion zoning application, PDD/R2006-953.

Ron Sullivan will present this.

MR. SULLIVAN: Good morning, Commissioners. I'll make this brief since he went over a lot of what I was going to talk about.

But generally their application is requesting to rezone 2.77 acres of land from CG, CN and RS to MUPD, and the site plan shows a 10-story, 108,000 square foot hotel with 81 units in it and a five-story 31,188 square foot parking structure with parking for 232 vehicles.

Access to the project is from Oklahoma Street and Kentucky Street on the sides, and as Bryan mentioned, there were 13 variances that were granted by the Zoning Commission, and they are all summarized in the staff report.

I'll just mention briefly they had to do with minimum size for an MUPD is five acres, and it didn't have that, so there was a variance for that.

It didn't have frontage on Congress directly, so there was a variance for that, and there were variances for a number of the property development regulations to make this work with the URA guidelines.

And the Zoning Commission approved these variances unanimously, subject to nine conditions of approval.

These conditions of approval, in addition to the conditions that we're placing on this project, staff believes will have minimal impact on the neighboring areas, and in fact we had had no negative letters from any of the residents adjacent and one letter in support of it.

So staff recommends approval of this, subject to the conditions of approval and the variance conditions of approval.

MR. CHOBAN: Commissioners, we have a chance to conditions. It would be deletion of Condition E.2, deals with the landscape median on Congress Avenue. There is no median to landscape adjacent to the site. There's no grass, so we'll just delete that condition.

CHAIRPERSON GREENE: Okay. Thank you.
Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I make a motion that we adopt the resolution approving the official zoning map amendment from the General Commercial, the Neighborhood Commercial and Single Family Residential Zoning Districts to the Multiple Use Planned Development Zoning District with the amendments as stated by staff.

COMMISSIONER MARCUS: Second.

MR. BANKS: Okay. And we need disclosure on these items, also.

CHAIRPERSON GREENE: Okay.

COMMISSIONER KANJIAN: I didn't meet with anyone.

CHAIRPERSON GREENE: Do disclosure first.

COMMISSIONER KANJIAN: No.

CHAIRPERSON GREENE: Commissioner Kanjian.

COMMISSIONER KANJIAN: No.

CHAIRPERSON GREENE: Commissioner Aaronson.

COMMISSIONER AARONSON: No.

CHAIRPERSON GREENE: Commissioner --

VICE CHAIRMAN KOONS: I met with the petitioner and staff on the --

COMMISSIONER MARCUS: Nobody.

COMMISSIONER McCARTY: Nobody.

CHAIRPERSON GREENE: Me either. Okay.

We're ready for the question on the first motion made by Commissioner Kanjian and seconded by --

MR. Mac GILLIS: Commissioner Marcus.

CHAIRPERSON GREENE: -- Commissioner
Marcus.
Ready for the question.
All in favor.
COMMISSIONERS: Aye.
CHAIRPERSON GREENE: All opposed.
(No response)
CHAIRPERSON GREENE: Ayes have it, 6-0.
Second motion to adopt the resolution.
COMMISSIONER KANJIAN: Yeah, I make a
motion to adopt the resolution approving the
requested use to allow a hotel.
CHAIRPERSON GREENE: You've heard the
motion by Commissioner Kanjian.
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.

MR. Mac GILLIS: That brings us to the last
item on the agenda, Item 32, which was previously
postponed by the Zoning -- BCC last month,
PDD/R2006-1675, Hagen Ranch/Boynton Beach MUPD.

Carrie Rechenmacher will give you an update
on what's occurred with the meeting with the
district commissioner, the applicant and COWBRA.

MS. RECHENMACHER: Okay. Actually, this
item would have been on consent, we had a little
bit of miscommunication here, but it gives us the
opportunity to amend one more condition or clarify
one condition about the window signage, but as
Commissioner Aaronson knows, we've gone through a
lot of meetings on this, and on Page 415, 416 and
417 have revised site plans dating back from May
14th up until now. So the agent has really been
trying to work with the adjacent property owners.

We had 189 letters of opposition and 12 in
favor, so it's been a lot of work.

Staff is recommending approval, 26
conditions, subject to 26 conditions.

There is some amendments on the add/delete sheet, and the one thing that we're trying to clarify is about the window signage, it's on the last page of the add/delete on Page 7.

We'd like to clarify for signage Condition No. 2 to say no advertising window signage shall be permitted, and that would allow them to put hours of operation or if they're a notary public or something like that.

And with that, I don't know if Marty has anything more to say.

MR. PERRY: Good morning, Commissioners. My name is Marty Perry, representing the petitioners, and, no, we're in agreement with all conditions, and thank you, Commissioner Aaronson.

COMMISSIONER AARONSON: Okay. Let me -- the Board asked me to meet with the -- with everybody, okay, and I had a meeting with Marty Perry, his client, COWBRA, Palm Isles, Palm Isle West and staff.

I want to thank you for all the hard work that you did. The staff did a magnificent job, but at the end of the day we accomplished what we started out to accomplish. Everybody came away with something. Everybody wasn't totally happy, but they were happy enough to all come to an agreement.

Want to thank COWBRA, Barbara, the president of COWBRA and the COWBRA staff. I want to thank Marty for all your hard work. I want to thank the staff, and if anybody is here from Palm Isle -- well, nobody from Palm Isle and Palm Isle West, so there 's nobody here objecting to it, and I want to thank everybody.

It was a difficult task, but we accomplished it.

I have something here which -- I'm disclosing I met with everybody, maybe with more people than I should have met with, but the fact is we met with everybody. We accomplished it, and it's here today, and I'm going to make the motion that --

CHAIRPERSON GREENE: We have one card.

COMMISSIONER AARONSON: Pardon me? You have one card from Barbara Katz.

MS. KATZ: Well, first we'd like to thank you, Commissioner Aaronson, because you brought all the parties together, including the staff, the residents, the agent and COWBRA, and after many, many, many meetings we were finally able to reach an agreement, and we do.

I just want to make sure because my copy of the -- don't show the agreed conditions, and we just want to make sure about the sign. Basically it will follow the Turnpike Corridor Plan, but mainly it'll be similar to the ANSCA sign on the

adjacent property that -- and we do -- I just heard you discuss the no advertising in the window.

By that we just mean milk, \$2 a half-gallon or whatever it costs nowadays, but they can put their hours of operation. We're fine with that.

The height of the building is -- will not be over 35 feet, except for the tower, and the personal services were going to be restricted and limited to no tanning salons, no massage places, and I think laundry services, too. It's not in this, so I just want to make sure it is in the one you have.

MS. RECHENMACHER: Yes, we have an add/delete sheet --

MS. KATZ: Okay.

MS. RECHENMACHER: -- and it says excluding massage parlors and tanning salons, and there was a -- the signage condition saying the sign shall be architecturally consistent with the buildings and existing signage on the adjacent parcel to the west.

MS. KATZ: Okay. And she just gave me a copy of that, so with these items on the conditions, then we're fine. We support it.

And I want to thank Marty who was very, very patient. We worked all of that, and especially you, Commissioner Aaronson, bringing this to a conclusion after many, many months.

MS. RECHENMACHER: All right. Well, we're going to add excluding laundry services.

MS. KATZ: And you, too, Carrie, for working with us.

MS. RECHENMACHER: Okay. We're going to also add excluding laundry service, as well.

COMMISSIONER AARONSON: Exactly.

MS. KATZ: Okay. Thanks.

COMMISSIONER AARONSON: The fact is a big sticking point with many people were massage parlors and Marty didn't mean massage parlors, what Marty meant was therapeutic --

MS. KATZ: Right.

COMMISSIONER AARONSON: -- actually, physical therapy.

MR. PERRY: Correct.

COMMISSIONER AARONSON: That's what he meant.

MR. PERRY: Correct.

COMMISSIONER AARONSON: But I guess Marty -- I don't want to say it, but you must prefer massage parlors to physical therapy, as many people do.

VICE CHAIRMAN KOONS: That's called no touchy, no feely. That's what that thing is.

COMMISSIONER AARONSON: Commissioner Kanjian's laughing like hell over here about it.

COMMISSIONER KANJIAN: I'm thinking about getting one this afternoon, now that you say that.

COMMISSIONER AARONSON: Having said that, I'm going to make the motion to adopt a resolution approving an official zoning map amendment from the Agricultural Residential Zoning District to the Multiple Use Planned Development Zoning District, and -- can I make two motions at one time, Bob?

MR. BANKS: Yes.

COMMISSIONER AARONSON: And a motion to adopt a resolution approving a requested use to allow financial institutions with drive-through lanes.

CHAIRPERSON GREENE: You've heard both motions 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. Thirty-three.

MR. PERRY: Thank you.

MR. BANKS: Okay. Were there any disclosures, other than Commissioner Aaronson's?

CHAIRPERSON GREENE: We did them.

COMMISSIONER MARCUS: No, we didn't.

CHAIRPERSON GREENE: We didn't?

COMMISSIONER KANJIAN: I did meet with them long time ago, not since the last meeting, but prior to that.

CHAIRPERSON GREENE: I don't remember.

COMMISSIONER KANJIAN: Petitioner and COWBRA.

VICE CHAIRMAN KOONS: I didn't meet.

COMMISSIONER MARCUS: I think we did e-mail or they talked to my staff. We're doing disclosures.

COMMISSIONER McCARTY: I didn't meet with them.

CHAIRPERSON GREENE: No.

Thirty-three.

COMMISSIONER AARONSON: Thirty-three's postponed.

CHAIRPERSON GREENE: Thirty-three was postponed?

MR. Mac GILLIS: Yes.

CHAIRPERSON GREENE: Oh, okay. Sorry about that. Thank you.

CHAIRPERSON GREENE: Okay. With that, we're at the end of the agenda.

Any comments from the County Attorney?

MR. BANKS: No.

CHAIRPERSON GREENE: Zoning Director?

MR. Mac GILLIS: No, Madam Chair.

CHAIRPERSON GREENE: Planning Director? Commissioners? No?

VICE CHAIRMAN KOONS: I have a comment.

CHAIRPERSON GREENE: Make it short.

VICE CHAIRMAN KOONS: I do. Since --

COMMISSIONER AARONSON: Hiss, boo.

VICE CHAIRMAN KOONS: Since Commissioner Aaronson opened the door, I'm going to walk through it.

I have a letter from Village of Palm Springs regarding adult entertainment businesses.

So I would -- yeah, I connected the dots.

This is an issue that we faced before, other adult establishments operating in the guise of photographic studios, art studios, massage parlors in the Village, and this is from the Village of Palm Springs. Goes down several subject to annexation.

Closing these requires substantial amount of police investigation; therefore, the police request that Palm Beach County look at revising Zoning Codes in order to restrict the non-bar type establishments.

They've had some discussions with our Code staff, and so there has been a proliferation. There might not be in District 5, but in District 3 and 2 it's gotten worse and worse, and we've had some discussions about this, and we're in a series of lawsuits, anyway, with -- so, anyway, I'd like to just sit down with staff and see if we might go back and take a look at our existing Code regulations.

This is one of our targeted areas we want to take a look at, and --

COMMISSIONER McCARTY: Back to that word "opaque"?

VICE CHAIRMAN KOONS: What's that?

COMMISSIONER McCARTY: Opaque.

VICE CHAIRMAN KOONS: Opaque.

COMMISSIONER McCARTY: We used to make a big thing about -- remember when we had the hotdog vendors?

COMMISSIONER MARCUS: Oh, you --

COMMISSIONER McCARTY: And the coverings of the body and the whole -- I mean we could go revisit this. I just -- a few of us have been to this movie, and it's -- it's a lot of fun.

VICE CHAIRMAN KOONS: No, that's now video. Commissioner, it's a little older than we are right now. It's video.

COMMISSIONER AARONSON: The fact of the matter is --

VICE CHAIRMAN KOONS: I would like to --

COMMISSIONER AARONSON: You can revisit it all you want. There are federal laws on all of this, and the fact is that our staff has many times told us that we can revisit whatever we want, but there are zoning rules and regulations, federal regulations, and --

MR. BANKS: And lots of --

COMMISSIONER AARONSON: -- you know, I'm going to stay out of it because I have somebody that's involved, and it's an attorney, and the fact of the matter is our staff has looked at it.

Commissioner Marcus brought it up many times.

COMMISSIONER MARCUS: Yeah, I'm willing to revisit it.

COMMISSIONER AARONSON: You want to look at it? It's fine with me. I have no objection.

VICE CHAIRMAN KOONS: I'm just -- it was very specific about the issue. I think the letter was very -- said look at revising the County's Zoning Codes on non-bar type of establishments.

COMMISSIONER MARCUS: I'm interested in how the City is able to close them down once they annex, what their rules are versus what our rules are. Are we aware of what the difference is?

MR. BANKS: But a lot of these things they're talking about, the art studios, massage studios, whatever, they're committing crimes in the establishment, so it's a question for either the sheriff or municipal police how they conduct their investigations to shut down establishments where they're conducting criminal activity.

It's really not adult entertainment because, you know, they're -- what they label the establishment's just a subterfuge for illegal activity.

VICE CHAIRMAN KOONS: Well, I don't --

COMMISSIONER AARONSON: You have a difference. Okay. In Boca Raton recently there was a place that was called a massage parlor that was closed down because it was really a house of

prostitution, okay, and they raided it, and it was in all the papers.

Now, there's a difference between adult entertainment and prostitution, and the fact is that they have the right, any city, to go in if they feel there's a crime being committed in a tanning parlor or a massage parlor or whatever it may be called.

The federal law, to the best of my knowledge, and Bob can correct me, the federal law specifically states where adult entertainment can be. A perfect example is Rachel's up on 45th Street. They're allowed, by law they're allowed to be there.

VICE CHAIRMAN KOONS: I've got --

COMMISSIONER AARONSON: So the thing is the municipalities have to -- they should be policing their own, and if their police force finds that anyone of these establishments are a house of prostitution and not within the law, then they should be able to bring them into Court.

VICE CHAIRMAN KOONS: Just as a courtesy, we have a member from Palm Springs council here.

MS. BRINKMAN: Hi. Joni Brinkman from Palm Springs.

VICE CHAIRMAN KOONS: I didn't -- I didn't do this 'cause she was here.

MS. BRINKMAN: No.

VICE CHAIRMAN KOONS: She just happened to be here.

MS. BRINKMAN: No. Our concern isn't so much with -- I know that the staff here had mentioned about changing the codes, but there are distance requirements in place right now.

The specific facilities we're referencing are opening up not as adult entertainment establishments, but as a talent agency or such as that, that it takes considerable amount of police and investigation time to go in and close down the illegal operations.

We have been doing that in our Village; however, some of these that are popping up are in the corridor that -- the Congress Avenue Redevelopment Corridor, outside our limits, and obviously they do -- we use voluntary annexation as our method of annexing properties.

These properties are not going to voluntarily annex into the Village when they know that we will make a targetive effort to make sure that there's -- are no illegal activities going on there.

So we're just asking potentially for maybe some more -- if it's not Code-related, but Sheriff-related or investigations.

COMMISSIONER AARONSON: Well, it's Sheriff-related, and as a result if you're asking

for our help in having the Sheriff's Department police in unincorporated area, these various massage parlors and so that you feel that are carrying on activities which are against the law and not what they're designed to be, then we should be able to ask the Sheriff's Department to do more investigation into these various facilities.

MS. BRINKMAN: That would be wonderful.

COMMISSIONER MARCUS: That was what we did do before, and the Sheriff's Department told us that unless we made these changes, that they could not -- it was harder for them to enforce. That's what I got involved in many years ago that didn't quite make it anywhere, so.

COMMISSIONER AARONSON: Well, then, why don't we get ahold of the Sheriff's Department and bring somebody in and let him tell -- let them tell us what we can and what we can not do.

COMMISSIONER MARCUS: They will tell you what they need for help to be able to go in and to do what you're talking about.

MS. BRINKMAN: Our staff would be more than willing to work with, our Code Enforcement and our police officers, it's just obviously we can't do anything in unincorporated Palm Beach County.

(Whereupon, a discussion was had off the record.)

MS. ALTERMAN: Let me just -- let me just say Code Enforcement works with the Sheriff's Department very well, and they do it all the time.

What I can do is at least have them go and take a -- kind of a sweep of the area, look and see if the -- make sure things are in compliance with the Codes, but that's as far as we can go is code violations and make sure that there are no code violations out there.

We can't go much further if there's illegal activities. If the Sheriff's Department has the resources to try and look at that, we can ask them to look at that, too.

VICE CHAIRMAN KOONS: And we'll connect the -- I want to thank the letter from Palm Springs for trying to be in a cooperative basis going forward so they're -- they'll be able to work with us, too, going forward.

Then just bring something back, and if we need to have a workshop and have better understanding or we need to update our codes or our strategies to be able to take a look at this if our -- if our zoning is weak or the enforcement is weak, but I would like to put -- it is bad in unincorporated Palm Beach County.

It's not the same way as in the cities, and I'd like to figure out what we could do.

COMMISSIONER MARCUS: And when -- and, Barbara, when you say you talked to the Sheriff's office and we work with them now, what happened when I originally got started in this years ago was because I was raising questions about a place, and that 's when they came to me and they said we need to have these changes; otherwise, we can't to our Code -- otherwise, we can't do what you want to do, so there may be some of that conversation.

(Whereupon, a discussion was had off the record.)

VICE CHAIRMAN KOONS: I'd just like to finish. I will make a comment.

COMMISSIONER MARCUS: Motion to adjourn.

VICE CHAIRMAN KOONS: Who is going to give us something back? Barbara?

MS. ALTERMAN: If the Board's direction is for Code Enforcement and the Sheriff to look at the issues, to come back and let us know if they need -- what else they need to do.

VICE CHAIRMAN KOONS: Great. Thank you. And review our ordinances and also to see if they're up to speed.

MS. ALTERMAN: We'll work with the County Attorney's Office, too.

VICE CHAIRMAN KOONS: And I'll also have the County Attorney update us on our legal issues with adult entertainment clubs, which is another issue.

COMMISSIONER MARCUS: Okay. Good for Congress Avenue.

VICE CHAIRMAN KOONS: Yeah. Good God.

COMMISSIONER MARCUS: Great job, everybody.

(Whereupon, the meeting was concluded at 11:00 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 5 through 34, 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 5th day of November, 2007.

Sophie M. Springer, Notary Public.