

**ZONING COMMISSION
OF PALM BEACH COUNTY**

Thursday, January 4, 2008
9:15 a.m. - 12:10 p.m.
Jane M. Thompson Memorial Chambers
301 North Olive Avenue
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer
Notary Public

A T T E N D E E S

Frank Barbieri, Jr., Chairman

William F. Anderson, Vice Chairman

Alexander Brumfield, III, Commissioner

Allen Kaplan, Commissioner

Richard E. Bowman, Commissioner

Barbara Alterman, Ex. Director of PZ&B

Bob Banks, Assistant County Attorney

Jon Mac Gillis, Zoning Director

Wendy Hernandez, Principal Site Planner, Zoning

Ora Owensby, Senior Site Planner, Zoning

Ron Sullivan, Senior Site Planner, Zoning

Carrie Rechenmacher, Senior Site Planner, Zoning

Douglas Robinson, Site Planner II, Zoning

Carol Glasser, Site Planner II, Zoning

Autumn Sorrow, Senior Site Planner, Zoning

Joyce Lawrence, Site Planner II, Zoning

Bryce Van Horn, Senior Planner, Planning

Patrick Rutter, Chief Planner, Planning

Ken Rogers, Dir., Land Development Division

Allan Ennis, Asst. Dir. Traffic Division

Jim Choban, Land Development

Kenny Wilson, Health Department

Bob Kraus, ERM

Elizabeth Murray, Zoning Secretary

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P R O C E E D I N G S

CHAIRMAN BARBIERI: All right. We'll get started, please. Everybody take their seats.

Staff, would you call roll, please.

MR. Mac GILLIS: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Here.

MR. Mac GILLIS: Commissioner Barbieri.

CHAIRMAN BARBIERI: Here.

MR. Mac GILLIS: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: Here.

MR. Mac GILLIS: Commissioner Kaplan.

COMMISSIONER KAPLAN: Here.

MR. Mac GILLIS: We have a quorum.

CHAIRMAN BARBIERI: All right. Would everybody please stand for the opening prayer and Pledge of Allegiance led by Commissioner Kaplan.

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

CHAIRMAN BARBIERI: The Zoning Commission of Palm Beach County has convened at 9:15 a.m. in the Jane M. Thompson Memorial Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters.

The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing in this room in the Jane M. Thompson Memorial Chambers, on Thursday, January 24th, 2008, at 9:30 a.m. to take final action on the applications we'll be discussing today.

Zoning hearings are quasi-judicial and must be conducted to afford all parties due process.

This means that any communication with commissioners which occurs outside of the public hearing must be fully disclosed at the hearing. In addition, anyone who wishes to speak at the hearing will be sworn in and may be subject to cross examination.

In this regard, if any group of citizens or other interested parties wish to cross-examine witnesses, they must appoint one representative from the entire group to exercise this right on behalf of the group. Any person representing a group or organization must provide written authorization to speak on behalf of that group.

Public comment continues to be encouraged, and all relevant information should be presented to the Commission in order that a fair and appropriate decision can be made.

Staff, do we have proof of publication?

MR. Mac GILLIS: Yes, Mr. Chair.

CHAIRMAN BARBIERI: We need a motion to receive and file.

COMMISSIONER BRUMFIELD: So moved.

COMMISSIONER KAPLAN: So moved -- second.

CHAIRMAN BARBIERI: Motion made by Commissioner Brumfield, seconded by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

Those of you who wish to address the Commission today would you please stand and be sworn in by the Assistant County Attorney.

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

MR. BANKS: Thank you.

CHAIRMAN BARBIERI: All right. Do we have any disclosures from the commissioners?

Commissioner Kaplan.

COMMISSIONER KAPLAN: Yes, on Items 15, 17 and 18 I spoke to the petitioner or their representative.

CHAIRMAN BARBIERI: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: No disclosures.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Yes, I spoke to the petitioner on agenda Items 18 and 19.

CHAIRMAN BARBIERI: I spoke to the petitioner on 18, 19 and 20.

I also want to disclose that on Item 20, the Walgreens at Loggers Run, there's a private agreement between the developer and the association, Loggers Run Association, for plantings on Loggers Run park property, and I am the president of that association. I do not have any financial interest in the project.

And also the attorney for the Walgreens at Loggers Run is an ex-partner, law partner, of mine, and we have -- no longer have -- I have no financial interest in this project with him.

And that's the end of disclosures.

CHAIRMAN BARBIERI: Staff, that takes us to postponements.

MR. Mac GILLIS: Postponements are found on Page 1 through two of your backup. We'll begin

on Page 2 of the agenda, Item No. 1, CB2006-947, Lee Road Property.

The applicant is requesting a 60-day postponement on this to March 6th, 2008.

Item 2, CA2007-205 -- I don't know if you want to take these one by one.

CHAIRMAN BARBIERI: Let's do them one at a time.

Do we have a motion to postpone on Item 1?

Is there anybody here to speak on Item 1?

Yes, sir.

MR. ROYCE: Mr. Chairman, members of the Commission. My name is Ray Royce. I represent the applicant.

I think we're making progress on this matter. I would appreciate a 60-day postponement, and, hopefully, we can resolve this to everybody's benefit.

CHAIRMAN BARBIERI: Great.

MR. ROYCE: Be happy to answer any questions.

COMMISSIONER KAPLAN: If that's the only member of the public, I'll move to postpone for 60 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. ROYCE: Thank you very much.

CHAIRMAN BARBIERI: You're welcome.

MR. Mac GILLIS: That brings us to Item 2, CA2007-205, Lake Harbor Quarry, motion to postpone 60 days to March 6th, 2008.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item No. 2?

(No response)

COMMISSIONER KAPLAN: There being none, Mr. Chairman, I'll move to postpone that item for 60 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Item 3, ZV2007-1411, North [sic] Value Place Hotel, that's also a postponement for 60 days to March 6th, 2008.

CHAIRMAN BARBIERI: Anybody here to speak on Item No. 3?

(No response)

COMMISSIONER KAPLAN: Not hearing anything from the public, I move to postpone that item for 60 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Item 4, ZV2007-1177, Fitzgerald Variance, postpone for 30 days to February 7th, 2008.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item 4?

(No response)

COMMISSIONER KAPLAN: No one here from the public, I move to postpone that item for 30 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner

Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: That would bring us to Page 3 of the agenda, Item No. 5, ZV2007-1403, the Maher Residence, postponement for 30 days to February 7th, 2008.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item No. 5?

(No response)

COMMISSIONER KAPLAN: There being no members of the public to speak, I'll move to postpone that item for 30 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Item 6, ZV2007-1422, Chick-Fil-A, postponement for 30 days to February 7th, 2008.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item 6?

(No response)

COMMISSIONER KAPLAN: There being no members of the public being present or opposed I move to postpone for 30 days.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Next item is Item 7, Z/CA2006-1914, the Residences of Haverhill.

The applicant -- actually that should have read requested a 90-day postponement to April 3rd, 2007 [sic].

Just for the Commission's information I did write a letter. The mayor of Haverhill also submitted a letter to me supporting the postponement, and I believe the District Commissioner supports this postponement.

Staff would ask if we're going to postpone, this thing has been postponed already 120 days -- that the applicant agree to pay for the readvertisement to notify the residents.

That's the reason why we have these limitations in the Code is so residents don't lose track of where the application is in the system, so --

COMMISSIONER KAPLAN: If I understand you -- the staff is recommending 30 days or denial completely?

MR. Mac GILLIS: Actually, we were recommending denial, but based on the fact that we got the letter from the mayor, and the District Commissioner, Commissioner Koons, supports this 'cause they're trying to work out -- it's approved for residential now, and they're trying to get it approved for a daycare center, which they're going to have to come back all through the system.

So staff had requested they withdraw the original application and wait 'til they get the traffic for the daycare center and resubmit a new application, and they've chosen not to do that.

That was staff's rationale for not supporting any additional postponements on this item, but --

COMMISSIONER KAPLAN: So you're opposed to any postponement?

MR. Mac GILLIS: Well, based on the fact

that we just heard that the commissioner supports it and I got the letter yesterday from the mayor of Haverhill that they're working with the town, as well, that we would support the 90 days, but this would be the last support that staff would recommend, with the condition the applicant pay that when we have to re-notify for the next hearing coming up.

We're going to have to send out new notices and postings on the site so any resident would know in April that this is coming back up for a hearing.

CHAIRMAN BARBIERI: All right.

COMMISSIONER KAPLAN: So if I understand you, you have no objection to 90 days, provided the applicant pays for the advertisement, readvertisement.

MR. Mac GILLIS: That's correct.

CHAIRMAN BARBIERI: State your name, please.

MR. SCHMIDT: Jon Schmidt, agent for the applicant.

We're in complete agreement with that.

CHAIRMAN BARBIERI: So you will pay for the readvertisement --

MR. SCHMIDT: Right.

CHAIRMAN BARBIERI: -- and whatever's got to be done?

MR. SCHMIDT: That's correct.

CHAIRMAN BARBIERI: Okay. Is there anybody here to speak on Item No. 7?

(No response)

COMMISSIONER KAPLAN: Not hearing any, Mr. Chairman, I'll move to postpone this item for 90 days, provided that the applicant pays for readvertising.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: What would that date be, staff?

MR. Mac GILLIS: That would be April 3rd, 2008.

CHAIRMAN BARBIERI: So this will be heard at the April 3rd Zoning Commission meeting.

MR. SCHMIDT: Thank you.

CHAIRMAN BARBIERI: All right. The motion was made by Commissioner Kaplan, seconded by Commissioner Anderson.

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Next item is nine on Page 4 of the agenda which is on the add and delete, PDD2007-731, Cypress Point MUPD, postponement for 30 days to February 7th, 2008.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item No. 9?

(No response)

MR. Mac GILLIS: There's no motion required on this item. It's by right.

CHAIRMAN BARBIERI: Okay. This will be postponed then 'til the February 7th?

MR. Mac GILLIS: Yes.

CHAIRMAN BARBIERI: Okay. Great.

MR. Mac GILLIS: Next item would be Item 17 on Page 9 of the agenda, PDD2006-1682, 112th Northlake Office, postpone for 30 days to February 7th, 2008.

CHAIRMAN BARBIERI: Do we need a motion on this one?

MR. Mac GILLIS: Yes.

CHAIRMAN BARBIERI: Okay. Is anybody here to speak on Item No. 17?

(No response)

COMMISSIONER KAPLAN: Not hearing any, Mr. Chairman, I'll move we postpone Item 17 for 30 days.

CHAIRMAN BARBIERI: Okay. Motion was made by Commissioner Kaplan, seconded by --

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: -- Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

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

We'd ask that the applicant come to the podium and state their name and agree to the conditions as their item is called.

First item is Item 8, CA/TDR2007-509, Gulfstream Villas, found on Page 40 through 60 of your backup.

Staff is recommending approval, subject to 17 conditions found on Page 53 through 56. There are three motions on this item.

CHAIRMAN BARBIERI: Will you state your name, please, for the record.

MR. KEIR: Good morning. David Keir, Seminole Bay Land Company, representing the owners.

CHAIRMAN BARBIERI: And do you agree to all the conditions as publicized --

MR. KEIR: Yes, we --

CHAIRMAN BARBIERI: -- in the staff report?

MR. KEIR: Yes.

CHAIRMAN BARBIERI: Okay.

MR. Mac GILLIS: There were 15 letters of opposition to this project. They were opposed to the high density. Little info was provided to them on the project, and they were concerned with traffic issues.

CHAIRMAN BARBIERI: Is there anybody here to speak on Item No. 8?

(No response)

COMMISSIONER KAPLAN: Mr. Chairman, I'll move --

CHAIRMAN BARBIERI: No, there is. Would you please come up to the podium? State your name, please.

MR. CIMBARO: My name is John Cimbaro (ph). I reside at 4156 Foss Road.

CHAIRMAN BARBIERI: And you're opposed to this?

MR. CIMBARO: I am opposed.

CHAIRMAN BARBIERI: All right. Let's pull this from consent, and we'll hear it the first item on the regular agenda.

We're going to pull this, and we'll hear it again in a few minutes.

MR. Mac GILLIS: Okay. That'll bring us to Item No. 9, PDD2007-731, and that actually postponed. I'm sorry.

MS. Mac GILLIS: So we'll go on to Item Number -- Page No. 5, Item No. 10, ZV/Z/CB2007-070, Dunworth Office Warehouse, found on Page 82 through 107.

Staff is recommending approval, subject to 22 conditions found on Page 97 through 100.

CHAIRMAN BARBIERI: Is the petitioner here for Item No. 10?

COMMISSIONER KAPLAN: Not having anyone opposed, I move to adopt a resolution approving a Type II zoning variance to allow a reduction in the required lot size.

CHAIRMAN BARBIERI: Wait a minute, Commissioner Kaplan.

Staff, don't we need the petitioner to agree to the conditions?

MR. CHOBAN: He's here.

MR. KEIR: I apologize.

CHAIRMAN BARBIERI: That's all right.

MR. KEIR: This is Dunworth Office-Warehouse; correct?

CHAIRMAN BARBIERI: Yes.

MR. KEIR: David Keir, Seminole Bay Land Company, agent for the owner.

CHAIRMAN BARBIERI: Do you agree to all the conditions?

MR. KEIR: Yes.

CHAIRMAN BARBIERI: Okay.

COMMISSIONER KAPLAN: Now I'll move to adopt a resolution approving a Type II zoning variance to allow a reduction in the required lot size.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Is there anybody here to speak on this? I don't have any cards.

(No response)

CHAIRMAN BARBIERI: All right. The motion was made for approval by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion on that motion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I'll also recommend approval of official zoning map amendment from the Multifamily Residential Zoning District to the General Commercial Zoning District with a COZ.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I'll also move to

recommend approval of a Class B conditional use to allow the office/warehouse, subject to the approval of the rezoning.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

Thank you.

CHAIRMAN BARBIERI: No. 11.

MR. Mac GILLIS: Okay. Item No. 11, DOA2007-996, Delray Marketplace, found on Page 108 through 139.

Staff is recommending approval, subject to 72 conditions found on Page 122 through 136.

There's one motion on this item. There were no letters of objection.

CHAIRMAN BARBIERI: Good morning.

MS. TUMA: Good morning. Wendy Tuma, with Urban Design Studio, representing the property owner.

CHAIRMAN BARBIERI: Do you agree with the conditions?

MS. TUMA: Yes, we agree with all the conditions.

MR. VAN HORN: Excuse me, Commissioner. Bryce Van Horn, with the Planning Division.

There was 10 Planning conditions that were inadvertently left out, but they're just being carried forward from the previous resolution, Resolution 2007-0083.

The applicant has agreed to those conditions, and this request is not for modification of any of those conditions.

CHAIRMAN BARBIERI: All right. For the record, applicant, do you agree to those?

MS. TUMA: Yes, we agree with the Planning conditions.

CHAIRMAN BARBIERI: Okay. Great.

Are there any members of the public here to speak on Item No. 11?

(No response)

COMMISSIONER KAPLAN: I'll move -- hearing none, I'll move to recommend approval of

development order amendment to modify condition of approval and to add a temporary access point with the modifications as set forth.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

CHAIRMAN BARBIERI: No. 12.

MR. Mac GILLIS: This brings us to Page 6, Item 12, PDD/DOA2007-1420, DuBois Ag PUD, found on Pages 140 through 179.

Staff is recommending approval, subject to conditions found on Page 161 through 173.

There are two motions to this item, and there were no letters.

CHAIRMAN BARBIERI: Mr. Kilday.

MR. KILDAY: Kieran Kilday, for the record, and the conditions are all acceptable.

Thank you.

CHAIRMAN BARBIERI: All right. Do we have anybody here to speak on Item No. 12?

(No response)

COMMISSIONER KAPLAN: Not hearing anyone in opposition, I'll recommend approval of official zoning map amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development District.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I'll also recommend approval of development order amendment to add land area and delete land area.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by

Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Item 13, Z2007-1421, WFLX Tower, found on Pages 180 through 200.

There's no conditions on this item. Staff is recommending approval.

There were no letters.

CHAIRMAN BARBIERI: And there's no conditions?

MR. Mac GILLIS: There are no conditions.

This is tied to the previous application.

CHAIRMAN BARBIERI: Okay.

MR. KILDAY: My name's Kieran Kilday, representing the applicant, and I don't agree to anything on this one.

CHAIRMAN BARBIERI: Typical. Is there anybody here to speak on Item No. 13?

(No response)

COMMISSIONER KAPLAN: Not hearing any opposition from members of the public, I recommend approval of this official zoning map amendment from the Agricultural Reserve Planned Unit Development Zoning District to the Agricultural Reserve Zoning District.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson -- I should know this by now -- Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. KILDAY: Thank you.

MR. Mac GILLIS: Brings us to Page 7, Item 14, DOA2007-1189, The Grove PUD, found on Page 201 through 229.

Staff is recommending approval, subject to 37 conditions found on Pages 214 through 221.

There's one motion, and there was three letters of opposition. Only one of them stated a reason. It was for increase in traffic.

MR. De YOUNG: David De Young, with Kimley-Horn and Associates, representing the applicant, and we agree to all the conditions.

CHAIRMAN BARBIERI: All right. Is there anybody here to speak on Item No. 14?

COMMISSIONER KAPLAN: Hearing no members of the public in opposition, I'll recommend approval of a development order amendment to reconfigure the site plan and to modify and delete conditions of approval.

COMMISSIONER BRUMFIELD: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Item 15, ZV2007-1611, Atlantis Reserve, Pages 230 to 252 of the backup. Conditions of approval, there's three found on Page 239.

Staff is recommending approval of this Type II variance.

There were two letters supporting the variance.

CHAIRMAN BARBIERI: Good morning.

MR. BROPHY: Good morning. Jeff Brophy, with Land Design South, representing the owner. We accept all the conditions of approval.

CHAIRMAN BARBIERI: All right. Is there anybody here to speak on Item No. 15?

(No response)

COMMISSIONER KAPLAN: Not hearing any members of the public in opposition, I'll move to adopt a resolution approving a Type II zoning variance to allow a reduction in the right-of-way buffer width.

VICE CHAIRMAN ANDERSON: Second, and I had

a discussion with the petitioner on this.

CHAIRMAN BARBIERI: Okay. Motion made by Commissioner Kaplan, seconded by Commissioner Anderson.

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: That brings us to Page 8. The first item on the regular agenda would be the item that was pulled from the consent, Item 8, Gulfstream Villas.

Joyce Lawrence will give us a brief overview of this application.

CHAIRMAN BARBIERI: All right.

MS. LAWRENCE: Good morning, Commissioners. My name is Joyce Lawrence.

Proposed is a Class A conditional use to allow for the transfer of development rights. The applicant is requesting for an additional three units under the TDR program for a purchase price of one dollar per unit for an overall total of six units on a 0.98-acre parcel of land, providing a gross density of six unit per dwelling unit.

Of these six units a total of three are workforce housing units.

The proposed site indicates one building containing all six multifamily units with a total of 14 parking spaces.

The site plan shows a covered pavilion by the residents walking around the detention area, and the agent will show a graphical view of this.

One access point to the site will be provided from Gulfstream Road.

Staff had received 15 letters of opposition, and the Zoning Director already mentioned that, and they had different concerns on traffic, high intensity, loss of privacy, property taxes and property value.

Staff is recommending approval of this request, subject to 16 conditions of approval as stated on Page 53 of the staff report.

Do you have any questions?

CHAIRMAN BARBIERI: Not at this time.

Is the petitioner here?

MR. KEIR: Good morning. David Keir, with Seminole Bay Land Company, representing Gulfstream

Villas.

Good morning.

The proposed project is utilizing three workforce units to create a total of six units on the property. This is a deadend road, essentially, Gulfstream Road, which is located very close to where the drive-in theater is located on Lake Worth Road.

This is an area our company is particularly familiar with, being that we had offices at Kirk Road and Lake Worth Road for many, many years prior to our movement to Dixie Highway, and we know this area intimately.

This is a changing area. Prior Commissioner Newell worked very hard during his tenure here to bring Lake Worth Road in this area around, and the surrounding neighborhoods contain housing stock that goes back probably into the 1940s.

At one time this was probably more of a rural area with cows, farming, things, of that nature, but through the years it's been developed into single family houses.

This particular site is surrounded by a lot of single family housing. You'll see that I've passed out for you a copy of a two-page letter, slash, brochure that we sent out to residents within 1,000 feet of the project.

We had numerous meetings with the Office of Community Revitalization, and it was determined by Mr. Tate that we would not necessarily need to put together a neighborhood meeting. I guess a lot of the letters came in a little bit late due to the holidays so the mailing was deemed sufficient in terms of sort of the neighborhood interaction.

I think you can see from the plans that it is extensively landscaped, and we've worked very hard here to not only sort of fulfill the ideas of affordable housing, but also to keep some measure of recreation on site.

Even though we're going to be making a contribution to neighborhood parks, we felt this needs to be a place for working families to call home. So we took areas like the detention area and put a little path around there where the kids can ride their tricycles.

We're going to put a gazebo out there where mom and dad can sit out there and read and watch their kids. We've had some fun with the sidewalk by meandering it through the neighborhood down the street there.

And other than that, we've met with staff on everything from fire issues to landscaping, signage, et cetera.

I think with that said and done I'll be happy to answer any questions you have.

CHAIRMAN BARBIERI: All right. I guess one of the concerns of the residents were that loss of privacy, but the way that you've got this situated on the property it doesn't appear as though there's anybody that's adjacent to you on

at least the west side of the property. There's where the closest residents are at, and you don't have any -- you have a -- what is that area on your site plan between your buildings and the residences on the west?

MR. KEIR: That's probably about 70 -- 70, 75 feet 'til you actually hit one of the houses back there.

We also have a fence back there. We'll have extensive landscaping that'll screen the view basically from ground up to about 16 feet.

This lot right now, for what it's worth, is a vacant lot, overgrown. It has one storage structure on site. Immediately to the north of it is another house. I did receive a call from two residents about that house which has been abandoned, and apparently homeless have taken up residence there. It is also very overgrown.

And then to the south of our site is a cleared lot for another project which I believe was called Gulfstream Square. We were the landscape architects on that project. It was approved, I believe, about a year, year and a half ago.

So this is an area that is transitioning.

We feel we're coming in there leaving as much green space, and we are very careful in this plan, I think if you look at it, that we are trying to create a home, not just an apartment here ganged up next to each other. We're really having a lot of thought about the families being there and enjoying where they live.

CHAIRMAN BARBIERI: Okay. What did you say is coming into the south? I'm sorry.

MR. KEIR: A project called Gulfstream Square. I believe it is either 12 or 16 units going in there, central recreation area in it, as well.

CHAIRMAN BARBIERI: And it's -- has affordable units in there?

MR. KEIR: Yes, sir. I believe it took four TDRs, if I'm right, but I know it definitely had TDRs associated with that, as well.

CHAIRMAN BARBIERI: All right. And I guess one of the other concerns to Engineering was the traffic. I mean this shouldn't overburden the roadway there? Shouldn't be any issue?

MR. ROGERS: The three additional units meet all -- actually the entire project meets all of the traffic performance standards.

I believe what the comment concerning residents about traffic is that Gulfstream Road is primarily a road that has relatively low density on it and as a result does not have that much traffic on the road, and a higher density project gives the appearance of having -- creating much more traffic on the road than what should be there.

And so as far as this project overburdening the thoroughfare plan roads of Palm Beach County, no, I think more of the traffic statement here is about the traffic on a side

street.

CHAIRMAN BARBIERI: Okay.

MR. ROGERS: And there is adequate capacity on that side street for this project.

CHAIRMAN BARBIERI: All right.

Mr. Cimbaro, would you come up to the podium, please, and state your reasons for objecting?

MR. CIMBARO: Thank you. I'm opposed to the transfer of development rights. My primary concern here today is the request for the three additional units. This is going to be an increase in the density of housing in the area.

Everyone in the vicinity is going to experience a loss of privacy due to these two-story homes, as well as an increase in traffic and an increase in noise.

I also see absolutely no need for an increase in housing density beyond the existing zoning requirements because of the amount of housing that's already available in the area.

Everywhere I drive, including Gulfstream Boulevard and my own Foss Road I see for sale signs everywhere.

A friend of mine just told me this week that he just recently had to drop the asking price of his home \$24,000 in order to start getting offers. The home he's hoping to move into just dropped an additional \$40,000 in price.

Housing is readily available. The prices are dropping, and they're going to continue to do so for the foreseeable future.

If three additional units are approved for this property in excess of the zoning -- the existing zoning requirements, three families might possibly be benefitted. I'm doubtful about that because, as I mentioned, the readily availability of housing and the dropping prices around us.

However how many families might be negatively impacted by the increase in density here? By the Zoning office's own conditions possibly every single family that was sent a public hearing notice.

That's quite a larger number than three individual families.

It doesn't make sense to me to possibly negatively impact this larger number of individuals to possibly -- possibly benefit three families.

I believe that each one of you is sitting where you are today because you have an underlying belief that the zoning laws have value and that the zoning laws mean something.

Please don't discard that by bypassing the existing zoning laws for this single story, single family community and allowing more units than would normally be allowed in that area.

Please do not approve the -- any transfer of development rights that so exceeds the existing zoning requirements that the County Commissioners actually have to be involved.

That's all I have to say to you today. I

thank you very much for your time.

I did have a couple of questions. One of them you already answered. I wanted to know how many letters of opposition have been received, 15.

By speaking with my neighbors I can assure you that there are more residents in the area that are opposed to this project than actually have the time to send in forms.

I would also like to mention that right -- coming right out of the holidays people getting back to work and being very difficult to come back from two holidays and take extra time off. If this meeting were not occurring today, I think that more people would be here to speak on this issue.

One additional question that I had was, as I mentioned, my primary concern is the increased density of units for this property. I don't see that listed on the agenda. All it mentions is transfer of development rights.

I don't see any request for additional units, although, obviously, from the site plan and from the mailing that Seminole Bay sent out, six units are still being proposed. Could someone please explain that to me as a layman, please?

CHAIRMAN BARBIERI: Staff, can you answer his question?

MR. Mac GILLIS: Yes. The TDRs are being requested as part of this application.

MR. CIMBARO: And could you show me on the consent agenda where the three additional units for a total of six units are being listed? I was just confused by that.

MR. Mac GILLIS: I mean on the -- Page 40 of the -- I don't know if you have a copy of the staff report --

MR. CIMBARO: My agenda copy goes only to Page 11. Is there a different version that's available?

Thank you very much.

The wording of this is very similar to the public hearing notice that I received. I was just curious why the agenda itself didn't spell it out in the same terms.

I did have one additional question. Looking at the mailing that was sent out by Seminole Bay Land Company, I have a question about lighting.

My wife and I have very much enjoyed the privacy that we have in our back yard. From looking at the proposed construction, except for the trees, the lighting on the property is going to be taller than anything else in the area, including the two-story homes, and it doesn't look like it's directional lighting. It looks like it's omni-directional lighting.

Is the lighting going to extend beyond this, quote, unquote, intimate community, to the rest of the community? Am I going to have bright light shining in my back yard all the time? Will I no longer be able to sit out there at night with my wife and look at the stars like we enjoy or

float in the pool?

CHAIRMAN BARBIERI: All right. Thank you. To answer your questions, staff, what type of lighting -- is it the directional lighting?

MR. Mac GILLIS: The lighting will all have to meet the zoning requirements in Article 5 prior to the issuance of the lighting permit for this.

They have to bring in a plan from a engineer showing that the light -- luminance will fall within the site, not glare onto another property, and they have to have deflectors on the poles, and they're limited to a certain height and everything, so -- MR. CIMBARO: Okay. That doesn't appear to be the case on the mailing that was sent out. It looks like unidirectional lighting taller than the buildings themselves --

CHAIRMAN BARBIERI: There's Code -- there's Code requirements that would require them to keep it on the site so there's no spillover of the light onto the adjacent properties.

MR. CIMBARO: Okay. That answers my question.

Once again, not necessarily opposed to the project itself, just please don't extend it beyond the existing zoning requirements. This is a dramatic alteration to the single family, single home neighborhood that I bought into and that all my neighbors bought into.

Many of them are also single family homes on two parcels. Every single home around me was that way when I first moved in. Please don't make an already dramatic change that much more of an impact to the surrounding community.

CHAIRMAN BARBIERI: All right.

MR. CIMBARO: Thank you.

COMMISSIONER KAPLAN: Staff, what is the --

CHAIRMAN BARBIERI: Microphone.

COMMISSIONER KAPLAN: Staff, what is the status of the south -- south property which has a TDR approval for nine units with the gross density of 7.31 units?

This particular application is only for 6.1. Has that one moved forward, or is that under construction? Do you have any idea what the status of that application is?

MS. LAWRENCE: That was approved in '05, so I have --

COMMISSIONER KAPLAN: That's a TDR --

MS. LAWRENCE: Construction has --

COMMISSIONER KAPLAN: -- 2004-12. They have an approval for nine units. Is that under construction?

MS. LAWRENCE: No, it's not.

COMMISSIONER KAPLAN: Is that -- are they moving forward with that?

MR. Mac GILLIS: They -- their approval is still valid on it. It hasn't been revoked yet, so they just -- I don't know, maybe because of the market it hasn't been constructed yet, but it is -- the approval on it is still valid.

CHAIRMAN BARBIERI: Petitioner, do you want to answer that question?

You're involved with the property to the south?

MR. KEIR: Yeah, we were the landscape architects on that project.

It is not under construction right now, and our latest communication with the owners is pretty much that they're in a wait and see position with the market.

CHAIRMAN BARBIERI: Okay.

COMMISSIONER KAPLAN: Thank you.

MR. Mac GILLIS: In response to the applicant's concerns, on Page 41 the Planning Division has done an excellent analysis of the additional request for the three units under the TDR program, and the Board's well aware of the County's desire to approve workforce housing in the county.

So this is in a CCRT revitalization area where anything east of the Turnpike could qualify up to four additional TDR units. They're asking for three here. So it'd be three in addition to the three already there.

Staff feels that it's consistent with the Board's direction on getting additional workforce housing units in here, and with the proposed layout of the site plan it'll be compatible with the area.

COMMISSIONER KAPLAN: Okay. Thank you.

CHAIRMAN BARBIERI: Is there anybody else here from the public to speak?

(No response)

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Yes. Looking at the site plan that was handed out, I'm looking at the floorplan, and I notice each unit has three bedrooms; is that correct?

MR. KEIR: Yes, sir.

VICE CHAIRMAN ANDERSON: I'm just -- then I look at the -- the issue is parking. I look at the driveway, and I notice there's a carport that'll hold one car, and it looks like a parking area behind it that'll hold one car, and then on the whole site I see, except for the handicap, I see two additional parking places? Is that all there is?

MR. KEIR: Yes, sir.

VICE CHAIRMAN ANDERSON: And I just -- I just question if you have a husband and wife with a car and a teenager, that's three cars per unit, and you got six, so that's 18 cars and you got 14 parking places.

I'm just wondering, you know, I know that's probably the Code, but I've always, you know, had a concern over too little parking in this kind of a situation.

I don't know if that's a concern of yours, if it's a concern of staff or of my fellow commissioners, but that's a concern of mine, if you would address that or somebody would.

MR. KEIR: Yes, sir. This sort of

question comes up a lot of times in affordable housing where you're struggling so hard to, you know, get density and get that in there.

I've reviewed a lot of projects myself in other capacities where you end up putting the two parking spaces in front and then the garage, and then you end up essentially with a concrete desert.

So we specifically discourage the client from doing that, putting that much parking in front of the units 'cause we really did want to create more green space, more of that traditional front yard that is typical to that neighborhood, but we also have room, if you'll notice, between the sidewalk and the curb, so if there is a guest parking, that can happen there. There is room on the road. It is a wide road. I think you can handle that.

But to specifically address the idea of, you know, mom and pop and the teenager with a car, I guess that's just going to be -- I don't know how to address it.

There is room, I guess, if we needed to put a, you know, one or two more spaces on the site, but my hope is that we're not going to be looking to put, you know, all these parking spaces in front of the units.

VICE CHAIRMAN ANDERSON: I notice at the very end of the drive, is there any way that can be parking, that turnaround, or is there not enough room to do that?

MR. KEIR: If the County's open to that, we certainly could put a couple spaces in there. We've probably got the room, actually, using nine-foot spaces to put three in there.

One of the concerns, though, has been that we're going to need room for trash trucks to turn around, fire department vehicles, et cetera, and that's why we had sacrificed the one space there for the turnaround space.

We do have some room, I guess, to work with that a little. We could -- if staff was willing to let us push the driveway back to within, say, maybe five feet of the property line.

Unfortunately, that's encroaching into the landscape buffer --

VICE CHAIRMAN ANDERSON: Right.

MR. KEIR: We might have enough room to make the turnaround space or, quite frankly, come to think of it, if Engineering's happy with this, we could move the turnaround space, swap it maybe in the handicap space.

That would give us enough turnaround space, and then we could utilize that end if there are no staff objections to it.

VICE CHAIRMAN ANDERSON: That might --

MR. KEIR: That may be a really good idea, and I believe we could get three spaces in there.

MS. HERNANDEZ: It would probably have to be analyzed a little further.

VICE CHAIRMAN ANDERSON: Yeah, but --

MS. HERNANDEZ: The Fire Department would

have certain requirements of turning in and out, as well.

VICE CHAIRMAN ANDERSON: If this goes through, if you just work with the petitioner on that between now and BCC, that would be --

MR. KEIR: I think it's a very good comment, and I think just with that little one move of the turnaround space up to where the handicap is, we probably can make the Fire Department happy there.

I've also got a little room to even continue to move towards the next driveway. So I think we should be able to work that out.

VICE CHAIRMAN ANDERSON: Okay. Thank you.

MR. KEIR: And if I might just real quick comment on the lights, the lights are 20 feet tall. These particular lights can be shielded on any side to completely cut off, you know, lighting and glare, and there's been a little bit of artistic license taken in the drawing to try to put some foreground in it, so this -- the lights come off a little bit larger as if they're in the foreground, like me.

So those -- that is covered on the regulating plan, I believe, and then as Mr. Mac Gillis has said, there's certainly enough provisions in place with the photometrics, et cetera, to guarantee the neighbors won't be drenched with light.

CHAIRMAN BARBIERI: Okay. Thank you.

Any other comments?

(No response)

CHAIRMAN BARBIERI: Staff, you have any further comments?

MR. Mac GILLIS: No.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Just one last comment.

If this passes through, the person who objected, you know, part of it is the direction from the Board of County Commissioners. You'll have another opportunity to meet with them.

What is the date of that, the next meeting?

CHAIRMAN BARBIERI: February 7th.

MR. Mac GILLIS: January 24th.

CHAIRMAN BARBIERI: Oh, I'm sorry. January 24th.

VICE CHAIRMAN ANDERSON: On January 24th, and since it's their direction to approve these kind of projects, that would be, you know, they'd be the one to address it to.

Thanks.

COMMISSIONER KAPLAN: Staff, how can we accommodate the request of the commissioner as far as the parking is concerned? Certainly, the handicap, I agree, wouldn't -- the commissioner has a problem.

VICE CHAIRMAN ANDERSON: Well, as far as the County Attorney had mentioned, that on these types of developments that we shouldn't postpone them for moderate -- for minor site review.

I'd be happy with letting the staff and the petitioner work it out between now and the Board of County Commissioners.

I think they can increase it a -- if they can increase it three parking places, that would be sufficient for me.

COMMISSIONER KAPLAN: Well, is petitioner willing to accept that, the additional parking we're talking about?

MR. KEIR: Absolutely. I feel very confident we can work this out.

COMMISSIONER KAPLAN: Thank you.

VICE CHAIRMAN ANDERSON: Okay. I'll make a motion to recommend approval of a Class A conditional use to allow the transfer of development rights, subject to all the conditions.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion made --

COMMISSIONER KAPLAN: With the modified conditions.

VICE CHAIRMAN ANDERSON: Yes, as modified.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, second by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

VICE CHAIRMAN ANDERSON: Make a motion to recommend approval of transfer of development rights to allow the transfer of development rights of three units.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, second by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

VICE CHAIRMAN ANDERSON: I make a motion to --

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Motion carries, 4-0.

VICE CHAIRMAN ANDERSON: I make a motion to recommend approval to allow a reduction of cost of one dollar per transfer of development rights unit.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, seconded by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: This brings us to Page 8

of the agenda, Item 16, PDD/DOA/W2006-1934, Amestoy AGR PUD, found on Page 253 through 306.

Staff is recommending approval, subject to 47 conditions.

There are three motions on this item.

This item was postponed at the December 6th hearing to allow the applicant to meet with COWBRA.

Unless the Board would like a presentation on this, we would ask maybe the applicant could update the Board on what's transpired since the last hearing.

CHAIRMAN BARBIERI: That would be fine. Petitioner. Mr. Kilday.

MR. KILDAY: Thank you. For the record, Kieran Kilday, representing the petitioner.

As was said, we were postponed so that we could do a presentation to COWBRA, which is the citizens group who monitors this area of Palm Beach County.

That presentation was made. Their representative is here to speak on their behalf today.

The conditions are all acceptable to us.

What this is, is, just very briefly, is an increase in acreage of the PUD, both within the development area and the preserve area, which allows for additional units. The density remains the same, however, at the one net unit per acre.

We are making a change. This project, when it came before you earlier, was an age-restricted community. It will not be an age-restricted community, although another GL project which will be coming before you in about 30 days is now making the opposite switch from a non-age to an age.

That's not normally a consideration of the Board, but I just want to put it on the record. It's a consideration of traffic generation which -- and we've done -- redone the traffic study to make sure we met all traffic performance standards.

I'm happy to answer any questions. If you want to take public comment first, and then I can come back at the end.

Thank you.

CHAIRMAN BARBIERI: Mr. Kilday, I have a question.

You are changing from age-restricted to non-age-restricted, so is there a school bus shelter here on this property then since you're going to have kids?

MR. KILDAY: Yes. Yeah, we have two entrances so we have one at each entrance.

CHAIRMAN BARBIERI: Okay.

MR. KILDAY: One on Boynton and one on Lyons Road.

CHAIRMAN BARBIERI: Okay. Fine.

Harriet Helfman from COWBRA, would you please come up?

MS. HELFMAN: Good morning. I'm Harriet Helfman, second vice president of COWBRA.

In addition to the latest presentation we have had several presentations by GL Homes to COWBRA about this Amestoy property, and although it is being changed from an age-restricted to an all-age community, we do support all the conditions that have been presented for the Amestoy property.

I personally have lived on Lyons Road for seven years, watched it go from a two-lane farm road to a four-lane road, and we are very excited about all the development at the intersection of Lyons Road and Boynton Beach Boulevard, and at some point that intersection may become the four corners of unincorporated Boynton Beach, which is what COWBRA represents.

The Coalition of Boynton West Residential Associations represents 87 communities, and although some of our communities may disagree with the decisions of the executive board, we look in terms of the interest of all 87 communities.

Thank you.

CHAIRMAN BARBIERI: Thank you.

Mr. Fischer, Eric Fischer.

MR. FISCHER: Good morning. My name is Eric Fischer. I live in the neighboring community.

Unlike the developer, I am a Palm Beach County resident. I pay taxes in Palm Beach County. I vote in Palm Beach County.

This project, as previously mentioned, was originally proposed as a 640-home adult age-restricted community, and now for reasons stated I think in the staff report the developer can make more money if they increase density and make it a family community consisting of 793 homes, of which 88 percent will be zero lot line. That's 88 percent of the homes being zero lot line.

This increase of 153 units will increase the density to three units per acre. It also increases traffic by over 2400 trips. This increase in density will impact the entire community.

I know COWBRA mentioned there's 86 associations. Canyon is one of them. I live in a community that's very close to this Amestoy just south of the proposed project.

It's going to increase not only traffic, school population, just the general population in the area and the new shops. It's going to affect our quality of life. Perhaps in the unbuilt park, as well, when that's built out, will have a higher population of children.

Based upon the calculation that I saw in the report, they're only projecting 230 students to come out of a community, a family community of 793 homes. I'm not sure how they get that number.

I estimate it should be more than 230.

They're also seeking a number of other requests in addition to the increase in density. You've noted some of them, rezoning. They want to add land, restart the commencement clock, redesignate preserve development -- preserve area

to development area, modify conditions of approval, waive performance standards.

In addition, they want to ask that you waive a condition that was based upon the initial use in density and asked that you eliminate an Engineering condition to improve an intersection that, albeit not adjacent to this property, is nearby, and the savings to them probably result in something over two and a half million dollars if they don't have to meet this condition of approval.

Staff's own report indicates that these proposed changes are incompatible with surrounding land uses because of the increased density, inconsistent with the ULDC and the West Boynton Area Community Plan and requires a waiver of performance standards.

I'm not sure why the Commission needs to grant these waivers when the developer can modify their plans to change -- to achieve the required results.

We have these standards and land use regulations for a purpose, and it just seems every time it works out to the economic benefit of the developer they're coming in and asking for a change.

No approval should be granted which are going to be detrimental to the public, which I believe these requested changes will be.

You shouldn't eliminate an Engineering condition that's intended to alleviate traffic in the future.

Probably 10 years ago nobody thought Lyons Road and Boynton Beach Boulevard was going to be a busy intersection. As we can tell and as COWBRA hopes it will become a major intersection, so, too, may 441 and Atlantic Avenue.

I'm sure the representative from GL and his consultants will tell you that this is driven by changes in the market. We all understand what's happening out there.

As another gentleman spoke, there is a number of homes available, and it is okay to say no to this request of an increase of 153 units. Sometimes we have to say no. Doesn't mean that -- you know, I say no to my children, doesn't mean I don't love them, but there are rules that we all have to live by, and it's in the best interest of the public.

There is -- this is a significant increase in the community. It's not the County's job to guarantee a profit for a private party. If they can make more money, it's -- that's great, but if it means waiving performance standards or waiving other conditions that have previously been required, I'm not sure that that makes sense for the people in the community.

I hope you'll consider the cumulative impact of all of the changes that the developer is seeking, not only on this project, Acme East, Lyons West, some of the other developments, they've also sought increases in density.

Some have already been received, some they're going to be seeking. This is going to create additional impact, as I've previously discussed, and the development order amendment standards have not been met, and I would ask that you deny this request and deem them adverse to the public interest.

And I thank you for your time.

CHAIRMAN BARBIERI: Thank you.

Staff, I didn't see any places in here where -- in the staff report where you indicated that there were any adverse impacts or -- did I miss it?

MS. OWENSBY: We don't anticipate any negative impacts to the external of the PUD. The density increases are at the north end of the PUD, and we have additional focal points being added to that portion of the property.

They do have existing buffers approved. They've got the 50-foot wide Royal Parkway. These units are being transferred from the rezoning of 152.3 acres of South Florida Water Management District preserve. So we'll be adding 150 -- 152 acres of preserve area to the County.

So we don't anticipate negative external impacts from the development area.

CHAIRMAN BARBIERI: Okay. Mr. Kilday, which Engineering condition was he referencing when he said there was a roadway improvement that was being deleted?

MR. KILDAY: There was a serious of previous conditions, and what it is -- in fact, I was looking for an aerial, but there is a condition regarding the construction of left turn lanes at State Road 7, which is down here (indicating), this is our project up here (indicating), and you go another two and a half miles off this aerial. So this is a improvement that's about -- from this site about six miles away.

It's a change just based on the traffic standard that rather than a through lane and two left lanes, the new condition reads, I believe, two left lanes. So it's a modification of a condition based upon the traffic reports.

CHAIRMAN BARBIERI: Okay.

MR. KILDAY: And as approved by the County Engineer.

MR. ENNIS: Excuse me.

CHAIRMAN BARBIERI: Yes, sir.

MR. ENNIS: Commissioner Barbieri and members of the Zoning Commission, I'm Allan Ennis from the County Traffic Division.

Just a clarification on that, it's Condition E.1, Part A, that was eliminated, and that addresses the improvements at the West Atlantic, State Road 7 intersection, and it has to do with north and south approach additional through lanes, rather than left turn lanes that are being deleted as a result of this change.

When they came back in with a new traffic study, because they had to do a new traffic study

for the additional units and because they're converting from an adult senior community to a community that's open to all residents, the new traffic study did not show a need for those lanes at that intersection.

So they do meet our traffic performance standards with the new traffic study.

CHAIRMAN BARBIERI: Okay.

MR. ROGERS: And, Mr. Chair, if I just may, this is not the first project that you have seen that was approved a couple years ago that as a result of some changes in the traffic patterns in the area and changes of traffic counts, that they have also had their conditions of approval related to improve -- these same improvements at this intersection deleted when they came back to this Board for a --

CHAIRMAN BARBIERI: Okay.

MR. ROGERS: -- re-approval of their project.

CHAIRMAN BARBIERI: Okay.

MR. ROGERS: So this is something that we knew it was coming, and we totally agree with it, and this is not a waiver of the traffic performance standards of Palm Beach County.

This project meets the traffic standards of Palm Beach County.

CHAIRMAN BARBIERI: Okay. Is there anybody else here from the public to speak on this item?

(No response)

VICE CHAIRMAN ANDERSON: I just had one comment since Sherry -- **Commissioner Hyman** is not here today.

Being this a project that requires the exemplary standards, I just had to mention that approximately 15 percent of the lots are back-to-back lots, which **Commissioner Hyman** usually brings up that for exemplary projects there should be as few back-to-back lots as possible, so I wanted to --

MR. KILDAY: I had thought and -- 'cause I'm always anticipating the back-to-back question and I looked at it, and --

VICE CHAIRMAN ANDERSON: I count about 80.

MR. KILDAY: -- it was this one section here (indicating)--

VICE CHAIRMAN ANDERSON: Then there -- then there's the little teeny ones in every development --

MR. KILDAY: -- and then there was just a couple of more, what we call corners, but those -- most of those are back to sides.

VICE CHAIRMAN ANDERSON: Back to side.

MR. KILDAY: But where we do have a back-to-back, and, clearly, these are back to back, we then went with the deeper lots.

VICE CHAIRMAN ANDERSON: Okay.

MR. KILDAY: And so -- versus the 115 standard lot, we'd go to the 125s.

VICE CHAIRMAN ANDERSON: Okay. I just bring that up to keep emphasizing --

MR. KILDAY: Yeah, we -- we tried it. We look hard at it on every project and try to keep it minimized.

If I could while we're talking, the other issue that is on -- before you, and it's an issue you see often, is the -- which is the waiver, has to do with the cul-de-sacs. And, again, what it -- it always reads so much -- although I know you like cul-de-sacs yourselves personally, but often it reads like we're asking for a big waiver.

Most of our cul-de-sacs are very short runs. So what I did was I said how many lots are on a deadend street in a cul-de-sac, and the answer is there's 16 percent on the lots, which is well under the 25 percent standard.

But the way the County is, one cul-de-sac is equal to one long road. So that's why it looks like we're asking for this huge waiver, but in fact we have a very small number.

Like here's a case where I've got three lots in this whole subdivision that are technically on a deadend road because they're on this little stub.

So it's really 16 percent of our lots, but we still need the waiver because of the way the Code is written.

VICE CHAIRMAN ANDERSON: Yeah, I have no problem with your design as far as cul-de-sacs. I think -- as long as it's not a long cul-de-sac, I don't have a problem with a cul-de-sac at all.

CHAIRMAN BARBIERI: Staff, I thought we were -- you were looking at a condition -- change in the Code to get rid of these cul-de-sac restrictions.

MR. Mac GILLIS: I was just -- I know there was a Code amendment done. I thought it was --

MS. OWENSBY: The current code allows 40 percent cul-de-sacs.

This project was submitted prior to that Code change.

When this project was submitted, it was a 25 percent maximum number of streets ending in a cul-de-sac. Current code is 40 percent. They're actually proposing 52 percent of the named streets will end in a cul-de-sac.

CHAIRMAN BARBIERI: Okay. All right. As I've stated before, my kids grew up on a cul-de-sac.

This is going to be a kid's neighborhood, and I think it's safer for kids to live on deadend streets where they can play without cars zooming down. So I have no problem.

VICE CHAIRMAN ANDERSON: I think a development should have as many cul-de-sacs as possible, as long as they're very short cul-de-sacs. It's the real long -- you know, you have one road with 200 homes on it and one cul-de-sac, and that becomes a problem.

Thank you.

CHAIRMAN BARBIERI: All right. Ready for a motion on this, one way or the other?

COMMISSIONER KAPLAN: I'll move the -- recommend approval of official zoning map amendment from the Agricultural Reserve Zoning District to the Agricultural Reserve Planned Unit Development Zoning District for PDD/DOA/W2006-1934.

COMMISSIONER BRUMFIELD: Second.

VICE CHAIRMAN ANDERSON: Second, subject to all conditions.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, second by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I'll recommend approval of a development order amendment to add land area, restart the commencement clock, to redesignate preserve to development area, modify conditions of approval and add units and to allow a model row.

COMMISSIONER BRUMFIELD: Second.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, second by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I recommend approval of a waiver from performance standards to allow more than 25 percent of the streets to end in cul-de-sacs or deadends.

COMMISSIONER BRUMFIELD: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. KILDAY: Thank you.

CHAIRMAN BARBIERI: Thank you.

MR. Mac GILLIS: That'll bring us to Page

9 of the agenda, Item No. 18, ZV/DOA2007-737, Pinewood Square, found on Page 335 through 378.

Staff is recommending approval, subject to 43 conditions found on Page 357 through 366. There are two motions on this.

This item actually could have been moved to the consent agenda.

MS. OWENSBY: We've got cards.

MR. Mac GILLIS: Oh, okay. We just recently got a card on this one so -- Ora will give us a brief presentation.

MS. OWENSBY: Okay. This is a development order amendment for Pinewood Square. Pinewood is a 28.39-acre planned commercial development. It was originally approved in 1986.

The development order amendment is to add 11,015 square feet of retail space to this shopping center which will bring it to a total of 199,568 square feet.

The combination of the proposed variances and improvements to the affected area will bring this Planned Commercial Development up to the ULDC requirements for a multiple use planned development.

There are four variances proposed to address the existing south property line, and that is to reduce the current requirement for a 20-foot wide buffer down to the 10-foot buffer that currently exists, to eliminate the wall requirement and to allow a 100 percent overlap of the utility easements over the buffer. Those easements currently exist, and to allow a reduction of the tiered shrub requirement for the incompatibility buffer.

The current buffer is -- consists of mature trees and hedges, and these variances would allow that buffer to continue to remain without having to tear up existing landscaping and remodel it.

There's also -- of course, to the south there's a 70-foot wide canal in addition to this buffer to buffer this property from Winston Trails to the south.

There are two variances proposed for the north property line for a portion of the north property line, which is at Parcel 3, which would allow a new turn lane to be installed.

The two variances are to reduce the required 15-foot width down to -- I'm sorry, to reduce the required width to 10 feet and to allow a 10-foot utility easement overlap.

The new turn lane is being required due to existing traffic conditions, not the result of the -- any impacts of the proposed additional retail space.

Another variance being requested is parking location. The Code currently requires 10 percent of the parking to be located at the rear or sides of the shopping center. They are proposing two percent.

The existing striping at the rear of the center is stripes on pavement which does not meet

any Code requirements, and the request to locate the parking to the existing parking lot as it currently exists would not reduce any required parking on the site.

There is also a request for a variance to reduce the required landscape medians in the front parking lot to five medians. This would allow the existing parking lot to remain as it is. They are proposing improvements, constructed improvements, to the parking lot in front of the affected area for their added retail space.

The total project will have 969 parking spaces and five access points. Three of them are on Lantana, and two are on Jog Road.

This property is surrounded by both residential and commercial uses. To the north is Lee Square Shopping Center. To the south is Winston Trails Residential Planned Unit Development which is across a 70-foot wide canal.

To the east is Strawberry Lakes PUD. That is -- there is a 30-foot wide buffer required by a previous condition of approval on the east side of Pinewood.

To the west across Jog Road is another shopping center, and so those are the surrounding uses, and there are existing landscape conditions for all of the buffers, and we are not proposing any changes to those perimeter buffers.

And we do request a new condition along the south facade of the expanded retail store to provide additional facade plantings just to address the affected area of the added square footage.

Prior to publication we had received no letters on this project, and staff recommends approval, subject to 43 conditions on the development order amendment and three conditions on the variances.

I believe we do have some cards from the public.

CHAIRMAN BARBIERI: All right. Thank you. Good morning.

MS. NIELSEN: Good morning. For the record, Arianne Nielsen, with Land Design South, on behalf of the applicant.

I do have a presentation prepared, but possibly we could go to public comment first and hear any of their concerns, and then I could address it all at once.

CHAIRMAN BARBIERI: Sounds like a good plan.

Harold Hiller. I have one card on this. State your name and address, please.

MR. HILLER: Good morning. My name is Harold Hiller. I'm president of Winston Trails. We're a residential community with approximately 1900 homes and 6,000 residents, and the northern part of our community borders on the south, Pinewood Shopping Center.

Over the past nine, 10 years that I've lived there we've had a constant problem with vandals and theft from individuals coming from

shopping center into our community.

We have 233 homes in two communities that border directly on the north side, and those people are constantly having a problem with mostly teenagers, I guess, coming in, stealing stuff out of their back yards, destroying their property, and although we have a four-foot chainlink fence and we also have areca palms and ficus trees very heavily in there, it doesn't seem to stop the kids from coming through.

Now there is a 70-foot canal, but the children have been putting boards down to cross it, and they've also -- there's sort of an outflow pipe that they can walk across to get into our community, and we're concerned about reducing the buffer behind Pinewood, that area, because it would tend to increase the problems that we already have.

We would make a recommendation that the shopping center put up a fence, maybe an eight -- a six or eight-foot fence, chainlink fence, that borders the back side of their property which will prevent, you know, people from coming through into our property.

Thank you.

CHAIRMAN BARBIERI: Thank you.

What's -- petitioner, what side is he referring to on the --

MR. CHOBAN: South.

CHAIRMAN BARBIERI: South side?

MS. NIELSEN: It's the south buffer here (indicating), which is an existing 10-foot landscape buffer. It does have a row of mature trees and hedge material there.

We are not proposing to reduce that buffer. We are proposing to maintain what is there existing in that buffer. So we are not proposing to remove any of that material, but it is existing there as a 10-foot landscape buffer.

CHAIRMAN BARBIERI: Is there anything that can be done to give them better security between the back of the shopping center and their homes?

MS. NIELSEN: Let me pull up this picture so I can show you. We'll skip through this.

If you can see on the bottom of the screen, this is looking at that southern buffer where it does have the mature hedge material and trees.

The reason we weren't proposing to put a fence or wall material there was because we were hoping to maintain those existing vegetative materials and the screen that it does provide there, and we were concerned that it would affect -- it would affect those materials if we did have to come in and put in a wall or a fence there.

CHAIRMAN BARBIERI: Are your trees the ones to the left of that picture, or those --

MS. NIELSEN: Yes. To the left.

CHAIRMAN BARBIERI: -- the ratty things on the right? Okay.

MS. NIELSEN: They're to the left, and

then there's a drainage retention swale, and there's an additional row of trees there.

CHAIRMAN BARBIERI: And then right across that road are the homes? What is that there in the bottom right -- the left picture?

MS. NIELSEN: In the bottom right that is the drive aisle.

You're looking -- that picture is taken here looking back towards that. So that would be the drive aisle --

CHAIRMAN BARBIERI: Yeah, I see.

MS. NIELSEN: -- that's shown here (indicating).

CHAIRMAN BARBIERI: Okay. Staff, are you concerned with some type of compatibility -- incompatibility buffer being --

MR. Mac GILLIS: I think -- I mean this, once again, this is an infill redevelopment order. Somebody's coming in trying to do something on a shopping center that's been -- tenants moved out of there, and we're always struggling with this, but I mean it does meet Code.

The affected area of the shopping center is where they're actually putting in the -- they're doing the -- at the other end there, which is going to be meeting Code. I --

CHAIRMAN BARBIERI: Mr. Hiller, you understand that if we were to require them to put a fence, they would have to take out some of the landscaping that's already mature landscaping in there, so that's going to reduce your buffer.

MR. HILLER: I'd like to make a comment on that.

I was back there yesterday. It's a three-foot high hedge that they have there. It's not much landscaping, really, and it affords no protection at all. Anybody can walk through there.

There's no fence. There's just this little hedge. I mean it's not a mature, high, you know, landscaping. It's little hedge. That's it, and that's no protection, and we're only concerned that this is going to increase the problem that we already have. We're living with the problem.

We have fixed our fence many times, and the kids keep breaking it down. We put the boards up, and they go over the fence, and it's just unfair to put our residents in jeopardy when they -- something could be done about it as far as just protecting either a wall or a fence, something.

And I'd also like to comment that the shopping center itself has had some problems over the years with burglaries and thefts and things like that, and this is just another egress point, and it has come up when the sheriff has responded, that people burglarizing the shopping center have a way to get out by just going across into Winston Trails and disappearing, and it's just another point that creates a problem for the community.

MS. NIELSEN: In speaking to that I also did want to make the point that that 10-foot --

that 10-foot landscape buffer is overlapped by a 10-foot utility easement, and that is an existing condition on the site.

So we were concerned about getting the permission to put a fence or a wall within that because it is overlapped by the utility easement, and, again, I mean we can't expand that because we are limited in the space there on the rear.

CHAIRMAN BARBIERI: Personally I'd like for you to explore the possibility of putting in some type of fence to give better protection to the residences.

He's correct. I mean if you've got a dark back of a shopping center that backs up to residential property, it's easy for burglars to park back there and come across the hedge and get into the back yards of the homes.

So if you can possibly do that -- I understand that if you're on a utility easement, you know, you're probably going to have difficulty getting permission to put a fence in there, but --

MS. NIELSEN: And I think we would be more than happy to put the fence if we could get permission or a release from the utility holder to put that in.

CHAIRMAN BARBIERI: All right. I would be comfortable moving this forward if you will work with staff and see if that's a possibility before the BCC meeting to --

MS. NIELSEN: Definitely that's something that we could work with.

CHAIRMAN BARBIERI: Okay.

MR. HILLER: Thank you very much.

CHAIRMAN BARBIERI: Okay.

MR. Mac GILLIS: Just so we're clear, that fence, if it can be installed, will run the whole length of the southern property line?

CHAIRMAN BARBIERI: Yes.

MR. Mac GILLIS: Did the applicant agree to that?

MS. NIELSEN: Yes.

CHAIRMAN BARBIERI: Okay. All right.

Is there anybody else here on Item No. 18?
(No response)

CHAIRMAN BARBIERI: Okay. Ready for a motion.

COMMISSIONER KAPLAN: I'll make a motion to adopt a resolution approving a Type II zoning variance to allow a reduction of incompatibility buffer width, a reduction of planting requirements, to eliminate a wall requirement, subject to obtaining approval from the requisite authority for a fence on the easement area --

VICE CHAIRMAN ANDERSON: Second.

COMMISSIONER KAPLAN: -- to allow a reduction of the right-of-way buffer width, to allow a reduction of the requirement for 10 percent of the parking to be located at the rear and side of the building and to allow a reduction of the number of divider medians for every three rows of parking.

CHAIRMAN BARBIERI: All right. Motion

made by Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

COMMISSIONER KAPLAN: I'll also make a recommend -- recommend approval of a development order amendment to add square footage and to reconfigure the site plan.

VICE CHAIRMAN ANDERSON: I'll second that again with the modified amendments.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, seconded -- excuse me -- Commissioner Kaplan, seconded by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. Mac GILLIS: Does the court reporter need a --

CHAIRMAN BARBIERI: Need a break? Okay. We'll take a 10-minute break. We'll reconvene at 20 'til --

COMMISSIONER KAPLAN: Mr. Chairman, may I suggest we don't take a break. I'm leaving, as I told our secretary, by 11:30 today, and I would not want to leave and not have a quorum here, so I would suggest that we continue on so that we can handle all of the petitions today.

CHAIRMAN BARBIERI: Five minutes.

COMMISSIONER KAPLAN: Five minutes. Okay.

We'll compromise.

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

CHAIRMAN BARBIERI: All right. We're going to reconvene. I need a motion to reorder the agenda. We're going to take the Walgreens at Loggers Run PUD at this time instead of the -- No. 19.

VICE CHAIRMAN ANDERSON: So moved.

COMMISSIONER KAPLAN: So moved.

COMMISSIONER BRUMFIELD: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, seconded by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

Okay. Staff, I understand that you're in support of the variance -- Mr. Mac Gillis.

MR. Mac GILLIS: Yeah, staff is recommending approval of ZV2007-1799, which is the Walgreens at Loggers Run, for the Type II variances.

Staff had just spoken to the applicant, and then the applicant has agreed to reduce the proposed Walgreens building less than 10,000 square feet, and that would be a DRO approval for a commercial use in a commercial pod of the PUD.

With that, staff would look for a motion, unless there's anyone here to address this item.

CHAIRMAN BARBIERI: All right. You're in agreement on that, Mr. Miller?

MR. MILLER: Yeah. Just for clarification, there is -- as of late yesterday there are two issues of the square footage and the DOA issue, as well as the setback, and just, Jon, just for clarification, understanding, the additional variance that was being kicked around would not be required, either.

MR. Mac GILLIS: No. If this -- this parcel is considered part of the commercial tract, there wouldn't be the setback variance needed. It'd be -- setbacks would be internal to the whole parcel, not within the pod itself.

CHAIRMAN BARBIERI: All right. Great.

Are there any members of the public here to speak on Item No. 20?

(No response)

CHAIRMAN BARBIERI: Ready for a motion.

COMMISSIONER BRUMFIELD: I would move to adopt a resolution -- move to adopt a resolution approving a Type II zoning variance to eliminate the berm, to allow reduction in pervious area, to allow 100 percent encroachment of utility easement, to allow reduction of the right-of-way buffers and to allow reduction of the numbers of tiered shrubs.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Brumfield, seconded by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MR. MILLER: Thank you.

MR. Mac GILLIS: We've also had a request on Item 21 by the applicant for a postponement for 30 days.

There's apparently some people in the audience that have concerns with this request. He's agreed to take a 30-day postponement to work with those residents to address their concerns.

CHAIRMAN BARBIERI: All right. That's on Item Number -- I'm sorry.

MR. Mac GILLIS: Item No. 21.

UNIDENTIFIED SPEAKER: That was a proposal by the applicant, but the representatives of the community do not want a postponement.

CHAIRMAN BARBIERI: Okay. We just want you to understand that we may lose quorum because one of the commissioners is leaving at 11:30, so we were trying to clear up the agenda.

If you're willing to stay and if we don't get -- if we lose quorum, we're not going to be able to finish the meeting today, so -- okay.

VICE CHAIRMAN ANDERSON: Does he have a right to postpone?

MS. HERNANDEZ: So it'll be postponed --

CHAIRMAN BARBIERI: Does he have a right to postpone?

MR. Mac GILLIS: Yes.

CHAIRMAN BARBIERI: Oh, he does have a right to postpone. I'm sorry.

MR. Mac GILLIS: It's up to the motion of the Board, though, because --

VICE CHAIRMAN ANDERSON: I make a motion to reorder the agenda to hear a motion for postponement on Item 21.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: All right. There's a motion by Commissioner Anderson, second by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

So we're on Item No. 21.

MR. Mac GILLIS: So it is postponed?

CHAIRMAN BARBIERI: No. That was just a motion to reorder the agenda so we can hear it now.

MR. Mac GILLIS: Okay. We're on Item 21,

ZV2007-1421 [sic], Palm Center Car Wash Variance, found on Page 426, 438.

Staff is recommending approval of the variance for to reduce the minimum lot acreage.

There's two conditions found on Page 432.

Autumn Sorrow will give a brief presentation of this --

CHAIRMAN BARBIERI: No. Wait a minute. I understood we were reordering the agenda so that the petitioner could make his petition or make his request for postponement on this.

MR. Mac GILLIS: Okay. I'm sorry.

CHAIRMAN BARBIERI: Otherwise, we're not going to reorder because the -- we need to take --

MR. MILLER: I agree. We would agree to the postponement. We understand the residents are here so we're ready to address it today as well, but if the desire is to postpone, we'd be happy to meet with them in those 30 days.

CHAIRMAN BARBIERI: One member of your group come up, please, that's opposed to the -- I just want you to understand that we are going to lose quorum most likely, and we're not going to get to this, anyway, so you're -- we're better off to take a postponement so we know that it's going to be on next month's agenda and give you opportunity to meet with the petitioner, but if -- state your name, please.

MR. SEASE: Douglas Sease, resident of the Arcadam (phon.) subdivision.

Let me understand. If you say we're halfway through, we lose quorum, does it pick up at the next meeting or --

CHAIRMAN BARBIERI: Unless the Board decides to schedule a special meeting. We'd have to schedule either a special meeting between now and February --

MR. SEASE: Okay.

CHAIRMAN BARBIERI: -- or we'd move these to the February meeting.

MR. SEASE: If we're on the agenda next, I think it can move pretty quickly.

CHAIRMAN BARBIERI: Pardon me?

MR. SEASE: I think we can go ahead and see where we get on this if --

CHAIRMAN BARBIERI: Okay. Then let's move it -- let's go back to the -- I'm sorry. We need to go back and take --

MR. Mac GILLIS: Item Number --

CHAIRMAN BARBIERI: Aspen Square, No. 19.

MR. Mac GILLIS: Okay. Item 19,

DOA/TDR2007-1398, the Aspen Square, found on Page 379 through 404.

Staff is recommending approval of this application, subject to 20 conditions. There were 27 letters of -- on this item. Twenty-three were opposing it, four supporting it.

There's revised conditions on the add and delete, and there's three motions.

Autumn Sorrow will give a brief presentation on this project.

MS. SORROW: Good morning. For the record, Autumn Sorrow, with the Zoning Division to hear application DOA/TDR2007-1398.

The applicant is requesting a development order amendment to reconfigure the site plan and modify conditions of approval associated with the project formerly known as Aspen Glen and to allow the transfer of development rights for 35 units at a reduced cost.

Aspen Glen was originally approved in 2004 for a residential PUD featuring 90 fee simple townhome units. Aspen Glen was never built, and the 11.85-acre site remains vacant.

The applicant states that since the approval of the original townhome project there has been an increase and need for workforce housing units in Palm Beach County and the recently adopted Workforce Housing Program allows the opportunity for a project such as this to provide rental units in Palm Beach County at a reduced cost.

The 11.85-acre subject site is located a half-mile south of Lake Ida Road on the west side of Sims Road and north of Atlantic Avenue.

The applicant is proposing to provide a multi-family development with a total of 171 multi-family units. Of those 171 units, 62 units will be workforce housing units, and the applicant is also requesting 35 TDRs with this request.

The preliminary master plan provides for six multi-family buildings, a 1.43-acre lake tract, a 0.43 civic site and a 0.18 recreation pod.

There are a total of 385 parking spaces and 43 guest parking spaces.

Access to the site is from the west side of Sims Road and North of Atlantic Avenue.

Staff recommends approval of this request, subject to 26 conditions of approval.

Staff has received 20 letters in opposition to the project and four letters in support of the project.

The public's main concern with the project is the proposed density and the resultant traffic and noise concerns.

CHAIRMAN BARBIERI: Okay. Petitioner.

MS. SORROW: And additional letters today were received, as well.

CHAIRMAN BARBIERI: Okay.

MS. HERNANDEZ: We have one modification to Landscape Condition 2. On the north property line they are going to do a six-foot fence with

four-foot hedge on each side, rather than the six-foot wall.

MR. TUMA: Thank you. If I may, for the record, my name is Ken Tuma, with Urban Design Studio.

Today I'm going to do a very short presentation, and I'm going to focus in on workforce housing. We're really excited about bringing workforce housing to Palm Beach County.

We have our whole team here, the developer, the engineer, and, of course, Wendy Tuma here from Urban Design who knows more about the project than anyone.

First thing, we wanted -- we agree with all the conditions and also want to thank the staff for working through this project. This project has gone through very speedily, and we really appreciate the opportunity here.

Again, as Autumn had already said, the requested action, we're requesting a development order amendment. We're reconfiguring the site plan. We're providing workforce housing units. We're transferring the development rights. We're designating the site as a receiving site, and also we're requesting a reduction in TDR pricing for workforce housing.

The site location, just so you're aware, Autumn had already addressed it, this is the site.

It's 11.55 acres. This is Atlantic Avenue. Here's Sims Road. It's on the west side.

And kind of a blow-up of the site. This is the High Point community to the east, and this is Aspen Glen to the south. This is the Green Giant nursery and the other nurseries surrounding the subject site.

As Autumn had mentioned, the existing land use and all the surrounding land uses in that area are HR-8, and we're consistent with that.

The zoning request is currently a PUD, and the surrounding zoning to the north, south and west is AR, and to the east is RS.

The site area, again, is 11.85 acres. We're requesting 171 apartment units. Of those, 62 are workforce housing, and 109 are market rate rental units.

And then below is the density calculation, and we can go through that later if you have questions on that.

This is the site plan. Kind of walking our way around the site plan, there will be a left turn into the site.

The access point here is exactly the same as it was on the other plan. You come into a cul-de-sac, and then you have the opportunity to go to the clubhouse, slash, leasing center, and then, as Autumn had addressed, you'll see six buildings. Those buildings are 27 units and 30-unit buildings, flat over flat apartment buildings, between one story and three story -- excuse me, between one bedroom and three building -- one bedroom and three bedrooms.

Then you'll also notice that there's four

16-car parking garage scattered throughout the site, and then in this corner this is a -- an area for storage so people have the opportunity to store extra things.

And as you work your way around the site, you'll notice that there's a tot lot in this corner, the pool area here (indicating) and, again, back to the clubhouse and out the subject site.

This -- to meet the exemplary conditions of the PUD we have included many additional things, including, just some brief comments, four-sided architecture, decorative paintings. There's additional fountains. There's additional landscaping.

The developer's done a really good job on this project, and we're excited about bringing it forward.

So I guess the real question is, what is workforce housing. I'm going to spend a minute talking about workforce housing.

What is it? Well, we all know what it is.

It's basically it's the ability for people to have the opportunity to live in Palm Beach County who will live and work here. It's based on the medium income in Palm Beach County, between 60 and 150 percent of the medium income.

It's a mandatory program. The Board of County Commissioners and your Board moved this forward in November, 2006, to require this, and it's also an incentive-based thing.

So, basically what we're doing is we're providing 62 units that allow people in the 60 to 150 percent income bracket to have the opportunity to live.

As you know, the current medium price in Palm Beach County -- excuse me, the current is \$61,000 for the medium income, and in this what happens is the rent then ranges between 1200 and \$2100 for rent on these units. They're one to three-bedroom units, and with great vision this also is deed restricted for 25 years.

So the real question is who lives in workforce housing? People get it confused. This isn't government housing. This isn't bond-financed housing. This is real live people who live there and who work there.

You have teachers who live-work there. You have policemen who work there. You have firemen who work there, you have planners, you have landscape architects, anyone in the normal income brackets here in Palm Beach County.

As you know, our market's increased pretty significantly.

So we are proposing to have 62 of those units.

In summary, just to conclude very quickly here, and we're available to answer any questions.

We're looking forward today for your recommendation so we can move this workforce housing project ahead.

Thank you very much.

CHAIRMAN BARBIERI: You're welcome.

We have several cards, and I notice in some of the comments, as the petitioner suggested, people are confused about low income housing, and basically this calculation of 61,000 for median income and 60 percent is 36,000, those are teachers, folks. Those are teachers that we pay \$38,000 a year to work in our County, and they have no place to live.

So this is not slum housing. This is not, you know, transient housing. This is a place for teachers and policemen and firemen that don't make \$61,000 a year to live.

So I personally am going to disregard those kind of comments on these cards because I think it's misplaced, and we'll discuss the other issues, of course, with respect to your concerns on traffic and those issues, but these comments about slum housing certainly don't get far with me.

We'll start with Shirley Bellak, would you please come to one podium. I'm sorry, she says she does not wish to speak. Her comment is, "Has the Traffic Department surveyed the area and gotten a clearance? Urban Design never contacted the residents." We'll discuss those two issues in a minute.

Next card is from Paul Garfinkle who also apparently doesn't wish to speak. He wants this read into the record.

"Oppose development plan modification for higher density and change to rental. Request postponement until we at Pinewood Cove a/k/a Heritage Park, have an opportunity to review impact studies."

We have Leonard Cohen. Do you wish to speak, Mr. Cohen?

MR. COHEN: No.

CHAIRMAN BARBIERI: Okay. "Opposed to building plan," is his comment.

Alice Szylit, did you wish to speak? Mr. Szylit, if you'd come up to one podium -- Mrs. Szylit, you do not wish to speak? I have a card from each of you. Okay.

Phyllis Desfor, do you wish to speak?

MS. DESFOR: Yes.

CHAIRMAN BARBIERI: Would you please come up to the other podium.

Okay. We're going to limit these speakers to three minutes, and we'll start with Mr. Szylit with you first.

MR. SZYLIT: Thank you. I'll have very little to say. We were ill prepared for this. We only found out about this building project last week, and it's only through somebody else giving us a notification from another development.

We were completely left out of the picture. We were told we were too far away from the item that the site's going to be built on. Actually, it's like two minutes' walk there, where we are, and we find it absolutely crazy to build such a development in an area where the -- we have

just two single roads, one road with two lanes, one coming, one going. There isn't even an overtake lane in there. There's no space for it.

There's a canal on one side, and it's impossible to put so many houses -- so many people in there to go in and out of this -- we have only a stop sign on Atlantic Avenue. We've been promised a traffic light for years since we're living there.

And on the other end is also a stop sign.

There is no, you know, any way that you can even think that so many cars passing, and they're going to make a space for 365 or so parking spaces just alone for that project that's shown there, looks very pretty here, and it -- actually, it's impossible to have so many people going in there.

There'll be so many accidents as we have now. We have quite a few on Atlantic Avenue just crossing over there, and it's -- just doesn't -- it's senseless to even accept something like that.

We are all very much against it, not because it's lower income housing. It's just too big a project. If it was a smaller number of houses, it would be fine. We could probably accept it, the, you know, so much traffic.

And between that -- is between us and this project there is a home for elderly people, and some of them are very weak-minded, and they walk out of there on their own, and they walk up on the streets, and they get lost, and we have to call the police or somebody to take them back to their, you know, living quarters.

And we cannot see that, you know, we can let people walk around there and so much traffic coming down here that are incapable of caring for themselves.

Some of them, as I say, they don't even know where they came from. They walk out 10 feet from the property, and then they walk in the streets and so forth, and I foresee a lot of people getting hurt in that manner.

And besides the fact, it just seems senseless. There's so many houses similar to that in other areas that are unoccupied, beautiful buildings, and also their rental is approximately the same because we were looking to sell our home and decided later on not to do so, but we had a customer, and we were looking at some of them at that time, and they were just perfect for people that can walk up and down.

My wife, unfortunately, has difficulty with her health. She couldn't walk upstairs so we had to turn down the offers to go in them, but for the same rental that offered there without even having to build them. They're already built, and they're brand new, and there's nobody parking in there now because nobody ever bought the property.

So why they put this up is -- it fails to --

VICE CHAIRMAN ANDERSON: If you can wrap it up.

MR. SZYLIT: -- you know, make sense to

us.

So I just want to say we are absolutely against the project for that reason. It's just -- it's just out of place in that area.

CHAIRMAN BARBIERI: All right.

MR. SZYLIT: Thank you for listening to me. Thank you very much.

CHAIRMAN BARBIERI: You're welcome. Thank you for coming.

Deanne Bennardo, would you please come up to the other podium.

Ms. Desfor.

MS. DESFOR: Good morning and thank you for the opportunity of speaking.

I have -- I live next door to the proposed project during the winters at my sister's house for the last 27 years. I am not opposed to development there. I am opposed to the high density.

I am certainly not opposed to the workforce. I am a nurse myself, and I have been for 40 years, and I really appreciate that workforce people can be in the area.

It's the high density, and as a nurse my concern is the high traffic on a mile stretch of road, two lanes, that have very dangerous intersections on either end where fatalities are going to happen.

They propose almost 1200 in and out of the driveway from the proposed site of cars going in and out per day, and that driveway is right next to my sister's driveway, and it's a blind driveway.

If I can point to my sister's driveway, it is right here (indicating). It's going to be a very dangerous situation.

I tried to contact the residents yesterday that are in the communities in Aspen Ridge next to this proposed site. Nobody was aware of this Zoning meeting. They were horrified at the high density. They wanted the opportunity to come and speak and voice their opinions, but they were not notified over the -- until during the holidays.

Most of them are working people, two people working in the home, lots of children. They wanted the opportunity to come, but they had to be at work today. They had no advance notice of this meeting.

So on their behalf I am trying to ask for an extension of time to let all the people that are involved in this and concerned be able to speak.

And thank you very much for the opportunity to speak.

CHAIRMAN BARBIERI: You're welcome. Thank you for coming.

Deanne Bennardo, you --

UNIDENTIFIED SPEAKER: She left. She had to go pick up her kids.

CHAIRMAN BARBIERI: Okay. Josephine Bennardo, would you please come up to one podium.

Barbara Kamhi, would you please come up to

the other one.

MS. BENNARDO: Hello. My name is Josephine Bennardo, and I am a homeowner in Aspen Ridge, and I'm also a board member there.

We just found out about this within the last week. We had no idea of the changes that were being requested. We knew about the 90 homes originally.

Just looking at that landscaping and the way those homes are built and the amount of traffic that was -- that's going to be coming from this is ridiculous, and we just want some more time to review this, meet with the builder, discuss our concerns.

I just don't think it's fair that -- the way this just popped up.

I have no problem with low income housing if -- I didn't know what it stood for. So now that it's been explained to me, I have no problem with it.

I do have a problem with the road not having a light, the immense amount of traffic. You're looking at 171 apartments. There's basically just about two parking spots per person -- per household that's going in it. That's not enough.

I mean I live in my community. I have two kids that in three years will be teenagers, you know, you're -- it's impossible if these are going to be working family homes, apartments, that that's going to even be half of what you need there, and I just don't think it's fair that we've been thrown into this without having enough time to review it.

There are lots of other concerns that I have, but there are plenty of people here to give you that, but I just think it should be postponed, and we should be -- we should have time to review it as Aspen community and the other people on Sims Road.

He can show you -- if he can show you that picture again of the road, of Aspen Ridge and Sims Road, across the street on Atlantic and Sims they're building a whole bunch of new rental apartments there, and there's -- there have been three other developments of rentals that are there.

And, again, I have no problem with it being rentals. I have a problem the way it looks.

I have a problem with the traffic that's coming out of this, and, you know, no one's -- no one's come to us. No one's come to discuss anything with us.

You know, we've lived there -- I've lived there since it was a deadend road, and they ripped it apart. They opened up Sims Road to Lake Ida, and it just bothers me the way it looks and the way it's coming about with the traffic, and I don't think it's right.

COMMISSIONER KAPLAN: I think, Mr. Chairman, that we ought to advise the members of the public that we are an advisory committee, that

you will have another opportunity to appear before the Board of County Commissioners.

What's the date, Jon?

MR. Mac GILLIS: January 24th.

COMMISSIONER KAPLAN: January 24th, so you got three weeks, approximately, to go before the Board of County Commissioners, give you an opportunity to go and study this.

Regardless of what decision we make. It will still go before the Board of County Commissioners in three weeks.

MS. BENNARDO: Do they end up making the final say?

CHAIRMAN BARBIERI: Yes. Yes, the County Commission makes the final decision on this. We are -- we will be making a recommendation to the County Commission to either approve it or deny it today.

MS. BENNARDO: Will that be here?

CHAIRMAN BARBIERI: It'll be in this room; correct.

MS. BENNARDO: Thank you.

CHAIRMAN BARBIERI: You're welcome.

Barbara, you're next, and then Burt Birnbaum --

MS. KAMHI: Yeah.

CHAIRMAN BARBIERI: -- are you here? Would you please come up.

MS. KAMHI: Okay. Good morning. My name is Barbara Kamhi. I'm the property that is north of the proposed site. I share almost an 500-foot common border. I'm the single residence piece of property next to the site. I've lived on Sims Road for 27 years.

I was fortunate in that I received a mailing from the County about this meeting; however, I received it on December 23rd, and the 24th was Christmas Eve. I tried to get a hold of everybody on Sims Road, which is a very rural small road.

Most HOA offices were closed until January 2nd, and that is why yesterday, on the third, my sister, I and anyone I knew was out trying to tell the residents what was happening and what was going on at this meeting.

Most of them were shocked. I'm here with e-mails from them asking for the opportunity to speak. The density is the problem.

I'm speaking on behalf of Sims Road where I've lived for 27 years. It's unique. It's rural. It's small. It's one lane in each direction.

There's a stop sign on Atlantic Avenue. There are a multitude of accidents there already. You can't make a left over there.

Lake Ida Road has a stop sign, as well, and a blind curve looking west.

With the 1200 estimated daily trips that this project is going to add I don't know where it's going to go on Sims Road.

The three pieces that are on the boundaries of this new project are agricultural.

I'm a small nursery, and there are two large nurseries, one on the west and one on the south. Their south border, it's also Frost Lane, which is a dirt road with rural people living on the dirt road.

We've got Heritage Park on the south end, which is assisted living people that are out there with walkers and wheelchairs.

This is a very strange, unique old Florida road. You can't widen it. They've already done eminent domain and taken from our property to pave it. It was a dirt road.

We've got the canal on the east. You can't widen it any more. It's two lanes. It's not Hagen Ranch Road. It's not Jog Road. It's not Lyons. It's not 441.

They're coming in, and they're asking for 14 dwellings per acre. We were all supposed to be at eight units per acre. That was the future land development.

Fourteen units is crazy on this road. These people -- we're not ready for this. There are so many roads that you can do a large development on where they've widened it to four lanes. This is rural. This is unique. It's defined by two traffic -- by two stop signs.

I also have further comment.

If it gets to a point where I have to live with this project -- and it's not the type of housing they're building, it's the density of it.

I have asked in the last Zoning meeting in 2004 when they were going to build the 90 units for a privacy wall, a concrete wall.

I have a nursery. I have animals. I'm agriculturally zoned.

The fence that they're saying they want to put up is penetratable. I have animals. I don't want any -- I want my privacy protected, at least.

I am the lone homeowner with a 500-foot border to them.

I'm also wondering why their entryway and the lift station and the PalmTran stop and the school bus stop are all clustered on the northern end of their border, which is right at my boundary line where my driveway is.

I picture now with the new 1200 in and out trips going in being backed up to Lake Ida to get into my own driveway. I don't see how this is possible.

And people on Sims Road, we're not one huge community. We're rural. We're small. Nobody had time to deal with this. I got a notice 'cause I'm 500-foot.

CHAIRMAN BARBIERI: All right. Thank you.

We'll address those issues.

MS. KAMHI: Thank you.

CHAIRMAN BARBIERI: Yes, sir, Mr. Birnbaum. Good morning.

MR. BIRNBAUM: Good morning.

Basically, I don't live on Sims Road, but I'm a partner of Barbara Kamhi's, and what I wanted to just bring out is just numbers.

Barbara said it's 11.85 acres, which it is. At eight dwelling units per acre that would entitle them to 94 units.

You're receiving a 45 percent bonus because they claim 47.1 percent of low and very low income households live within census tract 59.11.

We researched the Internet. We cannot even find where the census tract is, but be it as it may, this is bound by Military Road, Lake Ida Road, Jog Road and Atlantic Avenue.

Yesterday, limited time, we rode through these areas. Well, if these are low and very low, they have pretty expensive cars. The area is pretty presentable. So the question is where did this 45 percent come from. I don't know.

Also, on May 1st of '03, the Zoning Commission approved 7-0, on Property Control No. 00-42-46-14, and I can give you the rest of the number, a total of 32 dwelling units on Sims Road, which is just a little south of this project, and this project, as far as I know, is currently under construction. They were allowed 9.06 dwelling units per acre.

Why should this property in question now get 14? It's the same road. Everything's the same.

They're also getting 35 TDR units.

One other thing, what Barbara Kamhi did not tell you, she lives on 4.32 acres of park-like nursery, with chickens, on Sims Road. Her land would probably increase in value if the density per acre was to be increased. Think about that. She's fighting an increase in the value of her land.

Barbara feels that preserving nature and quality of life is more important than gaining the last penny from her asset.

CHAIRMAN BARBIERI: Thank you, Mr. Birnbaum.

Lyndha Evenson.

MS. EVENSON: Hello. My name is Lyndha Evenson. I have -- I am treasurer for the homeowners for -- at Pinewood Cove a/k/a Heritage Park Homes, and I would just like to say again we did not receive any notification. We didn't know about it 'til Barbara notified me because she had gotten a notice, and that was, as she said, the 23rd of December, and it was impossible with the holidays to get everybody together or to find out -- let them know what was going on.

Also, I was not allowed -- I was invited to meet with the developer, but I was not allowed an opportunity to review the results of their impact studies, and I know that they were approved for 90 homes, 90 townhomes, on that property, which, as other people have said, is nine units per acre, and along that line, but -- and so I asked, I did ask the Planning Division why, if they wanted to have workforce homes, why they couldn't keep it with the 90, which is more in keeping with the available roads and available

resources and have the workforce portion a part of that, and they haven't even kept -- and they were told that, oh, I was told that their new plan would be a better configuration because it would allow more park-like land on there, and it wouldn't put as much onto Sims Road. In other words, they'd be back further.

Now I see that they won't. They'll be coming right out onto Sims, and Sims has not been repaved. It hasn't been upgraded.

Every other three-story building in the area, which, by the way, does offer low cost housing because the average median income in that area is 50,000, and most of them are retired, so at Jog -- at Lake Ida and Jog those big developments there, there is a three-story development in that area. It exits onto Jog Road. That is age restricted. So we do have a problem with that.

In Aspen Ridge there are more than probably nine homes for sale right now, 300,000 and lower.

Across on Atlantic Avenue you have luxury townhomes, Archstone (phon.) and something else going for around 1300 a month rentals available.

We have teachers in our development who own homes, and they can do so because our price of our homes -- only the new homes which are two-story buildings can command a price of 400,000, and that was with the last bubble.

We have people selling two-story homes at 325,000.

If you go -- the only three-story set of buildings that does not open onto a major road is a small apartment building called Mornings, and it opens onto Via Flora, but Via Flora has been upgraded. Via Flora is a two-lane road with passability. It opens within 300 feet of a stoplight to Jog Road -- no, to Atlantic Avenue.

So there are no three -- as far as I'm concerned, there are no three-story buildings, and certainly not of a density of six three-story buildings, opening onto small two-lane roads in our area, nor do I see overall a great urgency for 171 rentals in this area.

CHAIRMAN BARBIERI: All right. You need to wrap it up, please.

MS. EVENSON: Okay. And as I stated before, there's plenty of housing available. There's plenty of low cost housing rental there. It is at the south end of West Palm Beach, and if West Palm Beach would like to fulfill its need for housing for its workforce, maybe they should put them further north.

Thank you.

CHAIRMAN BARBIERI: Thank you.

Just for everybody's information, we have a commissioner on his way here so we will be able to continue with the meeting after 11:30.

Is there anybody else who wishes to speak?

I didn't have any other cards.

(No response)

CHAIRMAN BARBIERI: All right. Before we get into the -- there's -- obviously, there's several issues here. Traffic Engineering's going to have to address what the situation really is with Sims Road.

Let's discuss the notice requirement because this Commission has always taken the position that unless the HOA communities surrounding the property have given -- been given adequate notice and had an opportunity to at least discuss their concerns with staff and the petitioner, that we would not entertain a petition.

I understand from talking to the petitioner that they did meet with the Delray Alliance, which represents the communities in Delray Beach, but I'm not sure that Delray Alliance carried it to the next step and notified -- apparently High Point didn't have notice. Pinewood didn't have notice. Aspen Ridge didn't have notice.

Can you, petitioner, can you address who you met with and which communities from today that you haven't met with?

MR. TUMA: Sure. Up on the screen.

For the record, Ken Tuma, with Urban Design.

Up on the screen we've put a list -- we've actually really gone to extensive meetings here and really tried to work our way. First thing, we have sent three notices to the property owner to the north to try to contact him, Mr. Morton did. Then also on September 17th we contacted the Alliance and scheduled a presentation. On October 17th we did the presentation to the Alliance.

And then October 23rd we had a discussion with the Aspen Ridge HOA president, Mr. Albergo (ph). If I say his name wrong, I apologize. And he stated a presentation wasn't necessary, but he'll look to his Board for further guidance.

On October 31st we contacted Aspen Ridge HOA again, and he -- then he would send an e-mail to the residents if a -- to see if a presentation was necessary.

On January 2nd we also contacted the HOA president.

So we have really spent a lot of time trying to do this the right way.

CHAIRMAN BARBIERI: Where is the High Point community in relation to your property?

MR. TUMA: Sure. The High Point -- the High Point -- let me just adjust this on a north-south direction.

High Point community is over here (indicating), and just to kind of put it in some terms, it's a little bit over a football field away. My friend, Mr. Miller, and I had talked about that earlier as we were discussing college football.

It's approximately 300 feet to the east, and I could show you on an aerial.

CHAIRMAN BARBIERI: Do they access Sims

Road?

MR. TUMA: Yes, they do have an access on Sims Road.

CHAIRMAN BARBIERI: Is that their only access?

MR. TUMA: No, there are accesses on other parts of the property. I could put it up on an aerial if you'd like to see it.

CHAIRMAN BARBIERI: That's okay. And where -- and where is Pinewood?

MR. TUMA: Pinewood is -- I'm going to have to show you on a --

VICE CHAIRMAN ANDERSON: Yeah, if you could put the aerial up that'd be appreciated 'cause there isn't one in the -- our package.

MR. TUMA: Where my arrow is is where it is located. Of course, they're outside notification area for this site.

CHAIRMAN BARBIERI: Is their main access on Sims?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Yes.

MR. TUMA: Yes.

UNIDENTIFIED SPEAKER: Their only access is -- only access.

CHAIRMAN BARBIERI: Just -- no, you can't speak from out there. It's got to be picked up on the court reporter's -- so, please, if we need to come back to you, we will. Understand.

MR. TUMA: Thank you, Mr. Chairman.

CHAIRMAN BARBIERI: You know, I guess I feel in a particular bad situation here. I mean we encourage workforce housing. We want this project if it meets all the requirements that the County puts in place for a workforce housing project to be approved, but there seems to be a whole lot of homeowners that are directly impacted because they live on Sims Road that did not have the opportunity to discuss this project, and maybe the same result, you'll come back here -- you would come back here next month with exactly the same project, and that's fine.

But it just seems like there's a whole bunch of communities that have serious impacts on them that haven't had the opportunity to discuss, and it doesn't appear that was your fault.

I mean the Delray Alliance which represents these communities probably should have taken the next step and notified their members that this project was coming forward, and I'm not sure why that wasn't done or if it was done.

But I just feel very uncomfortable trying to listen to the concerns today and answer those concerns when there are so many residents -- this morning when I got here, there was a Federal Express package with the -- probably 40 or 50 signatures.

MS. HERNANDEZ: Hundred and eight signatures.

CHAIRMAN BARBIERI: Hundred and eight signatures from one of the communities that said they're opposed because they haven't had a chance

to, you know, discuss this with you.

So I really would appreciate it if you would take the burden off of us and ask for a postponement so we could move this and give time to these residents to discuss it with you.

If you don't wish to do that, then we'll go ahead with the merits of the case today, but --

MR. TUMA: Mr. Chair, first thing, we would like to move forward because of the importance of this project, but we'd also be willing to meet and have a community meeting with the residents between now and the Board of County Commission meeting to explain the project.

This project meets all the criteria for workforce housing. This is the right thing to do for Palm Beach County. It's a great project, and we're -- want to move it forward.

COMMISSIONER KAPLAN: Mr. Chairman, reluctantly, I must agree with you. I think that there's too many issues that have been raised.

We're going to have a quorum when another commissioner appears. I will certainly support your position, and I agree with it wholeheartedly that the issue raised is too great for this commission to make a recommendation and not enough time for the members of the public to come back and give us a full objection objectively at a full hearing.

So I will support -- in view of the petitioner's reluctance to go along with the suggestion, I will move this Commission to postpone for 30 days.

COMMISSIONER BRUMFIELD: Second.

MR. TUMA: If I may interject for a second.

CHAIRMAN BARBIERI: Sure.

MR. TUMA: Just to -- our client had just reminded me that the Alliance does include all these groups, and they were notified correctly, and we've really spent -- we really have done this the right way. And we would like to move forward.

CHAIRMAN BARBIERI: Understand. The other thing -- the other thing you need to consider is in about 15 minutes Commissioner Kaplan's leaving.

Commissioner Bowman is supposed to be here, but Commissioner Bowman can't finish this petition so we're going to have to postpone this, anyway, unless Commissioner Kaplan can stay.

So chances are if we don't postpone, then we're going to terminate this petition without any resolution today, and you're going to be postponed, anyway, because I'm going to lose Commissioner Kaplan, and, again, I -- we can't continue on with Commissioner Bowman because he hasn't listened to the comments from the residents.

So I have a motion on the floor for a postponement for 30 days made by Commissioner Kaplan --

MR. TUMA: We --

CHAIRMAN BARBIERI: -- and seconded by Commissioner Brumfield.

VICE CHAIRMAN ANDERSON: Under discussion.

CHAIRMAN BARBIERI: Discussion, Commissioner Anderson.

I was just thinking with the next 10 minutes, there's -- there are some issues with the traffic and the road and some other issues that it might be beneficial to discuss briefly and then do the postponement, just so we don't have to wait a month and then discuss those issues again and then postpone to come back.

If there's anything we can use this next 10, 15 minutes --

COMMISSIONER KAPLAN: Well, the problem with that is that the commissioners who will be here next meeting will not have had this opportunity to hear --

VICE CHAIRMAN ANDERSON: That's true.

COMMISSIONER KAPLAN: -- and so when I leave -- I'm going to leave soon as we're through with this motion, there's going to be no decision, anyway, and I don't think it's fair to the rest of the commissioners who are not here, who will be here next meeting to have -- not have the input that you're requesting.

Your input is correct, but --

VICE CHAIRMAN ANDERSON: No, I'm just saying if there's some issues with the traffic that would require us to maybe -- the petitioner would see that we're maybe leaning one way or another that he could do something between now and next month, that's all.

COMMISSIONER KAPLAN: Well, I think that the members of the public can certainly talk to the staff, Engineering, Traffic between now and a postponement and give them a better opportunity to know what the traffic conditions and the permitting processes are and the Code for the County to move on.

So I don't think anything would be accomplished by just going ahead for another few minutes 'cause this -- I'll be gone in two seconds.

CHAIRMAN BARBIERI: Before we take a vote on the motion, I do want to -- with respect to Commissioner Anderson's comments, I mean if this was just some community to say we oppose it, which is typically -- not typically, but sometimes we get communities just to oppose it because they don't want any more development in their area.

These residents seem to have raised some very serious concerns, and -- and one of those concerns is Sims Road, and I share the concern, and possibly in your presentation you would show us that we don't need to be concerned with that.

MR. TUMA: It would show we meet the traffic performance standards.

CHAIRMAN BARBIERI: Okay. But I think one thing that you're going to --

MR. TUMA: Without the workforce housing bonus, by the way.

CHAIRMAN BARBIERI: Okay. One thing when you come back next month, which obviously looks

like it's going to happen here, we need to make sure we -- you address the concerns with respect to Sims because if it is really a two-lane road and you're adding 1200 trips and we have another community down at the intersection that has their only access on Sims Road, and the lady that's next door says her driveway's right next to your main entrance and it's a blind driveway, I mean we -- and there's residences that apparently have some assisted living or people that are in walkers.

I mean I'm not sure how much of that has been over blown, but those concerns concern me, and I want to make sure that you understand next month when you come back that you need to address how this traffic is going to impact Sims Road and the residences.

Even though they're more than 1,000 feet away and you didn't notify them, we need to know how that's going to affect those -- those --

MR. TUMA: That -- that's a fair statement. Now, obviously we only have about five minutes before we lose quorum.

We would actually prefer today to move forward and take a vote on the project.

CHAIRMAN BARBIERI: You -- it can't happen in five minutes. I understand. It just can't happen because you're going to -- you're going to have to go through your presentation, and then we're going to have to discuss the conditions, and it's not going to happen in five minutes.

I'm sorry. It's not your fault. I apologize. It's not your fault. We thought we were going to have a quorum here today all day, and it didn't work that way, and --

MR. MORTON: Commissioner, I'm sorry to interrupt. Brad Morton, from Aspen Square.

I'm sorry it's come to this because we've done everything that Ken Tuma has spoken of before, meeting with the Alliance well in advance, which we do, like we do with COWBRA when we do business in their development -- in their area.

And we went to the Delray Alliance at the suggestion of Planning and Zoning. We met with their president. We did a presentation. They applauded us. They had no issue with anything that was brought today.

Those who now come forward and raise issue, I'm very sorry, but we went to the source, and these people all fall under the Delray Alliance umbrella, and now they're saying, oh, we're not under the umbrella, we have our own voice.

Who am I to rely on that? I've done everything I'm supposed to do. I've contacted Mr. Albergo, president of the -- at the Aspen Ridge HOA. We've had three or four conversations. He's fully supported us.

He said, "Yeah, I have concern about Sims Road, but if your traffic study supports your project, so be it," and we've had very nice amicable conversations.

Ms. Kamhi to the north of us is a very

nice person. I met her yesterday for the first time. I've sent letters on August 7th and two of them on August 20th addressing her at the same address, one to her business and the other one to her personally.

When I met with her yesterday, besides the numerous voice mails I left on her Ball Ridge (phon.) Nursery voice mail since August, I've never gotten one response. So I've made every attempt.

Now, she may feel, in all due respect, I should have barged through her electric fence that prohibits access to her property on Sims Road to contact her. I disagree.

COMMISSIONER KAPLAN: Before I leave, let me answer -- say this to the petitioner, if I may.

MR. TUMA: Thank you.

COMMISSIONER KAPLAN: We are not -- I am not questioning the notices or that you met --

MR. TUMA: Thank you.

COMMISSIONER KAPLAN: -- with the various associations.

This is a public hearing, and we are mandated by law, legally and ethically, to listen to any members of the public. So the fact that you met with these associations does not mean that we can deny the right of the public to voice their objections. This is the purpose of a public meeting.

So at this point we have the fourth commissioner. I'm going to leave now, but I want you to know I am not in any way impugning the fact that you notified the members according to statute, that you met with the associations, but that does not take away the right of this Commission to listen to others and for us to question that. That is the function.

So it is not in any way impugning your integrity or the fact that you have not complied with the requirements. With that --

MR. TUMA: Commissioner Kaplan, we appreciate that. Thank you.

COMMISSIONER KAPLAN: -- Mr. Chairman, I have to leave. Thank you.

CHAIRMAN BARBIERI: Okay. We need to take a vote on the motion for postponement.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

Again, I understand. It's not your fault, and I apologize. If we would have had a quorum, we would have continued on today, probably, and at least discuss the issues here, but -- and you did do what you were supposed to do.

I would hope that the residents that are here today will make every effort to get to staff and have your boards contact -- your board representatives contact staff so that they can be in touch with the petitioner because next month we don't want to hear that you didn't have the

opportunity.

So make yourselves available to the -- to the petitioner so that you can discuss these issues and come back to us next month.

MR. BANKS: And that was postponement for, what, 30 days --

CHAIRMAN BARBIERI: Thirty days.

MR. BANKS: The next meeting is --

CHAIRMAN BARBIERI: February 7th, 2008.

All right. Commissioner Kaplan has left, and we now have a quorum with Commissioner Bowman. Thank you, Commissioner, for coming in. So we need to continue on.

MR. Mac GILLIS: Okay. We're on Item 21, ZV2007-1424, Palm Center Car Wash Variance, found on Page 426, 438.

Staff is recommending approval, subject to two conditions.

There's one motion to allow a variance to reduce the minimum acreage.

There's three letters of objections on this, too dense of a project, traffic noise and possible loitering on site.

If you'd like a presentation on this, Autumn Sorrow can present it.

CHAIRMAN BARBIERI: Go ahead.

MS. SORROW: For the record, Autumn Sorrow, with the Zoning Division.

Application ZV2007-1424. The applicant is requesting a Type II variance to allow a reduction in the minimum acreage required for general commercial zoning districts.

The subject site is located on the east side of Military Trail approximately 300 feet north of Lantana Road.

Specifically, the applicant is requesting a reduction from the required one acre to a 0.65-acre lot size, which is 8.35-acre deviation. This is an infill site.

The 0.65-acre site is currently vacant and is irregular shaped and is proposed to be developed as a carwash.

Currently the site contains two zoning designations; therefore the site will need to be rezoned. The proposed carwash and rezoning of the site will be accomplished through a subsequent application.

Staff recommends approval of this request with two conditions of approval.

CHAIRMAN BARBIERI: All right. Mr.

Miller.

MR. MILLER: Good morning. For the record, my name is Bradley Miller, Miller Land Planning Consultants, and Happy New Year, as well.

This application, as stated, is on the east side of Military Trail and just north of Lantana.

If I could here, just to give you some orientation from the aerial, our site is highlighted here in red. Military is to the left-hand side of the site, and this is Lantana at the bottom of the board.

It might be hard for you to see from here, but if you can follow my marker here, there's -- this line is the designation of the land use for this whole area, which is commercial high. It's a commercial high land use.

The gas station that's here on the corner follows under the CG zoning, and what we're proposing to do is have a consolidated parcel here. There's 13 parcels that are within this property itself that are old platted lots that we're combining together and assembling into this piece.

This leg of the parcel, the eastern leg of the parcel -- do we need to wait?

MS. HERNANDEZ: We don't have a quorum.

MR. MILLER: Mr. Banks?

MR. BANKS: He can hear.

VICE CHAIRMAN ANDERSON: He can hear.

He's just in the other room so he's listening --

MR. MILLER: Okay.

VICE CHAIRMAN ANDERSON: -- and will be able to discuss, so we have a quorum, if that's okay with you.

MR. MILLER: I don't get to see his eyebrows moving up and down.

VICE CHAIRMAN ANDERSON: We'll take a video for you.

MR. MILLER: Okay. I'll continue on.

This east portion of the site is currently zoned residential, which is inconsistent with the Comprehensive Plan.

So the purpose of our application is to grant this reduction to the one-acre requirement for CG zoning so we can continue and actually submit an application for zoning, as well as a conditional use application for the carwash that we do propose to proceed with.

We -- there were -- until this morning there were three letters of opposition, and I know one gentleman is here. Maybe what we can do is hear the public --

VICE CHAIRMAN ANDERSON: Yeah, I was going to --

MR. MILLER: -- and then I can respond accordingly.

VICE CHAIRMAN ANDERSON: Be a good idea.

I have four cards. There's a Douglas Sease, if you wish to come forward and speak, and then I have Carol Ridge, if you want to come to the other mic and be prepared to speak, and if you

could limit your comments to about three minutes.

MR. SEASE: Okay.

VICE CHAIRMAN ANDERSON: Give your name and address for the record.

MR. SEASE: My name is Douglas Sease, resident of 5917 Morris Avenue, which is part of the Arcadam subdivision designation for the residential plot that is adjacent to the proposed development.

I would like to go on record of correcting the number of letters. We, too, had the same instance of late notice to residents, and I have signed signatures here. We went around the system since I didn't get the formal letter, and I have another seven oppositions.

So in total we have a clear majority of the 18 property owners opposing this zone variance. Okay.

And our opposition is -- has several different facets, but the main one is we understand that the ordinance or the Code for commercial development of one acre was set for a reason. We think that reason was community interest to limit the density of development and making sure you got adequate borders, adequate throughways, adequate traffic patterns, traffic and all that.

So the first issue we have is a variance taking that one acre down to 0.65. That's a very significant reduction for a general commercial development.

Our second issue is to get that 0.65 acres they have to also convert an existing residential property, although it's a vacant lot zoned residential and it borders the rest of the subdivision. So that's the second-fold.

Once the 0.65 acres is deviated, then the next deviation is now they have to change residential to commercial.

Now, there's only one access to our subdivision, and if I can go over to the aerial, the entrance to the subdivision.

The subdivision is here, and this has 18 property owners. This has existed since 1950. My grandfather started this plat. The generations have handled -- handed down through family lines, and still all the generations are still owning property here.

Our only access is here (indicating) next to a liquor store.

The proposed site, and I should have brought you some video of the traffic issues we have specifically on weekends and evenings when workers get off work, but this is a very dangerous intersection. Traffic is a real issue.

I guess those are our two main objections, traffic and any proposed development on this area.

I mean we don't -- we don't like the idea of this being commercial, given this is still a very active residential community, and we're bordered by residential in the back. Atlantis is located here (indicating), so we're not in the middle of a

commercial development zone.

And I'll turn it over to Carol if she wants to add or if you have questions for me.

CHAIRMAN BARBIERI: Thank you.

MS. RIDGE: Hi. My name is Carol Ridge. I bought into this development I would say what, about two years ago, for my family. I have two grandchildren that play on that street, and that is one of the reasons why I bought into that.

Trying to convert a residential into commercial does not improve the quality of living, and to consider this as an improvement, I don't believe it's an improvement, either. It doesn't better the community.

There is a carwash on Hypoluxo and Lawrence so to put another carwash, are we going to be another CVS on every corner? Now we have to have a carwash on every corner?

Just last week a person was shot at a carwash. Now, I chose this area for my grandchildren 'cause they can go out there and play. Now I got to tell my grandchildren no, you can't go out and play 'cause there's a carwash with undesirables there.

Not only that, we've got water restrictions. Why do we need another carwash when this is residential?

MR. SEASE: I -- I --

CHAIRMAN BARBIERI: Thank you.

MR. SEASE: Could I make one last comment?

CHAIRMAN BARBIERI: Quick.

MR. SEASE: Okay. I always question, isn't the burden on the developer to say what's in the community interest?

Why does this Code that exists for a reason for one acre of development have to be reduced by 0.65? How can that be in our interest? Don't they have to --

CHAIRMAN BARBIERI: Well, to get the variance they have to meet some special considerations so we'll be discussing those.

Christine Selhorst and Leo Gibbs, would you please come up to the two microphones.

MS. SELHORST: Hi. I'm Christine Selhorst, and where this is going to be proposed at is exactly right next door to my home. I'll show you right where it is.

The site is right here (indicating). This is my home.

CHAIRMAN BARBIERI: You need -- I'm sorry.

You need to pick up that microphone only because you have to be on the recording system.

MS. SELHORST: This is the site right here. That is my home right there (indicating). My house is going to be completely surrounded by a carwash.

There's already a carwash here at the Mobil station on the corner which we hear noise from already.

This is my mother-in-law's over here (indicating) on the corner, which my husband is here. He's part owner of that house, too.

We've been on this street, my husband's family, for over 50 years.

This is my husband's aunt and uncle's. This is his other aunt and uncle's, and we would like to keep it the way it's been for 50 years. It's very well kept. We've maintained the properties the way we've needed to, and we would just like to keep it the way it's been for all these years.

CHAIRMAN BARBIERI: Thank you.

MS. SELHORST: Thank you.

CHAIRMAN BARBIERI: Mr. Gibbs.

MR. GIBBS: Hello. My name is Leo Gibbs.

I'm here to support the opposition to this zoning change. We have a real nice community back in here. We've already got one carwash.

We do have a traffic problem on the entrance on Morrison Avenue there at the beer store Fridays and Saturdays. As you know, that can be a busy night for that type of business.

With a carwash going in on the other side it's just going to add to that traffic situation that we have. We have a lot of -- lot of Saturdays, Fridays we have trouble getting into our complex because of that.

We feel that another business going in there just going to add to our problems there. So we'd like you to take consideration of this.

Thank you.

CHAIRMAN BARBIERI: Thank you.

VICE CHAIRMAN ANDERSON: I have a couple of questions.

CHAIRMAN BARBIERI: All right. Anybody else here to speak?

(No response)

CHAIRMAN BARBIERI: All right. Back to -- yes, sir. Why don't you come up to the --

MR. BIBI: Good morning, and Happy New Year to everybody.

CHAIRMAN BARBIERI: Thank you. You, too.

MR. BIBI: If you see me talking fast because I get nervous talking in front of people, a lot of people. I always avoided it.

But listening -- my name is Jason Bibi. I'm the owner of the property. Okay.

Listening to the gentlemens and the lady, she didn't tell you all the facts. She told you about this -- the property is residential. It's not.

My property is commercial neighborhood, already zoned commercial neighborhood, was high intensity commercial use, high intense commercial use.

There's two piece of property. The one property facing Military Trail right here, piece of property facing Military Trail right here (indicating), all this commercial. I don't have to do anything. It's already commercial neighborhood with a high commercial intense use.

I have another piece of property I purchased from a gentleman. This is multi-residential use with high commercial intensity use

right here (indicating).

What I'm doing right now -- all we're doing, we want to put this piece together and zone it to general commercial. That's all we're doing.

We're not getting approval today for a carwash. All we're doing, we're saying okay, let's put it together, but right this second I can do a lot of business here without doing anything, but all I'm asking today is just to zone it to general commercial and being under acre, that's for the variance. That's the only variance. The variance is not for a carwash. Okay.

And they're talking about a great neighborhood and a quiet neighborhood. I'm talking in front of the people right now. I met with them four times, and every time I go there they tell me how much vandalism they have here, people putting graffiti, gangs, loitering, property damage, people sleeping here on the property because right there there's a stop -- there's a liquor store here. There is a bus stops, and a lot of people come and sleep in the neighborhood. It's very dangerous over there.

In fact, the whole neighborhood is so dark it's -- having this property right here, whatever I build there, is going to enhance the community.

It's going to have light.

It's going to -- we're going to have a wall all the way around this where nobody can walk to the back of the neighborhoods right there. They walk straight, and I'm right there. I talk to them, and they tell me they want to zone the whole property, and in front of them, and I'm talking under oath -- they want to zone the whole property general commercial.

What they told me is if I built anything here, whoever's going to buy this property, okay, it's going to decrease the value because I got the frontage.

That's all they're -- their concern is self-economic interest only. I can't believe I'm standing here, and they're saying how beautiful community, and every time I meet with them they tell me how horrible it is, and in fact I have -- I told them I might have an interest in somebody buying this property right here (indicating).

They said no, no, no, you don't want to buy it. We get vandalism all the time. We get graffiti all the time on the wall, on the -- there's a wood fence right here. You should see.

They break the fence. They come into property.

In fact, she told me she has a hole in -- big hole, and she goes out every other night or every once in awhile to blow the horn to have the people run away because they sleep here.

And people walk straight here all into the community, you can walk. There's nothing to stop them.

This community is -- they have a lot of gangs, vandalisms.

Two weeks ago I had the guy come in and clean, to maintain this property, keep it clean.

A hundred and twenty some bottles of beers and liquors was found. The guy wanted to charge me an extra \$50. He called me up, he said, "You owe me an extra \$50."

I said why. He said, "I had to collect about 120 bottles of liquor." This is almost a -- a place for homeless to be there, for a bad elements to be there.

I am improving that element, and the fact they're standing right there telling me how beautiful it is, I can't believe how they lie, and the fact is all -- what they want to do -- in fact, in one of the letters you read it tells you they want to move the -- they want to change the whole neighborhood into general commercial.

It tells you right there in one of -- from Selma, Wilma, something. You'll see it on the letter. It tells you they want to move -- they want to change the whole thing and basically told me, you know what, if you build here, nobody's going to want to buy this commercial piece.

So they want to prevent me from doing anything, to deprive me of economic benefit and interest of the property I worked so hard to buy because they want to have their own self-interest here.

This is un-American. America is all about free enterprise. You work hard, I'll help you. Free entrepreneurship. That's what I'm here for, okay, not a group telling me they want to keep it that way. They are changing it to general commercial, and the fact is I have the front piece. They're saying oh, no, you can't. We want to get the -- I know, but one more time.

About traffic. We don't have -- and I'm nervous right now. I'm really shaking, and hopefully you don't see it.

But anyhow, we're not going to even get in the community the traffic. They talk about traffic. We're not going to even get inside the community. Whatever I do there it's going to come right from Military Trail right into the property, and right here, there's an entrance to the Mobil station right here and right here (indicating). That's the entrance to whatever I do there.

So never, ever it's going to hurt the community, ever. There is no reason for anybody to go there.

My business will be right here, not here.

They come in this way, and they come in this way, and they exit this way out (indicating).

I -- I -- show me the, if you -- you have the --

MR. SEASE: Mr. Chairman, we do want to respond.

CHAIRMAN BARBIERI: Okay. We're going to have to wrap up your presentation.

MR. BIBI: Okay. But can I show you what we're doing here? I mean just the fact is what's we're doing, or what it is now to what we're doing right here.

Here's the front -- look at that, the

trees, the landscapes. Here's the Military Trail, and here -- what was now full of beers and bottles and all kind of thing. Look what it's going to be. Royal palm trees.

The reason I call it Palm Center, because I'm going to have Royal palm trees all in front, all the way around here.

Here's the community. This what they going to look at. Now they're looking at people sleeping there overnight, throwing bottles in their yards, spraying -- just two weeks ago they sprayed on their property vandalism and bad -- bad word and whatever. You know, I don't want to repeat them.

By having this prevent anybody from coming, and it makes it look nicer and safer. I'm doing everything for the community. The fact is I own the front piece, should not be a denial to me, okay, to take the fruit of my property -- I mean I'm nervous -- okay.

Okay. Wrap it up. Thank you.

By the way, this is the first time I stand up because I always avoid it, but I had to because listening to them how beautiful the property and how they want to keep it residential, to publicly lie -- and read the -- back on the letter, what it says.

CHAIRMAN BARBIERI: Okay. Thank you.

Mr. Miller, do you have anything to add to that?

MR. MILLER: There's some emotion and passion in this one.

CHAIRMAN BARBIERI: A little bit.

MR. MILLER: And I think it -- actually, he makes very good points. I think a lot of the issues that the residents seem to have are issues for our next application.

What we're asking for today is to allow this variance to give us the opportunity to make the formal application and address those issues.

I do think -- I mean you've had other applications here today. Infill is something that's encouraged and desired here in the County, and that's what Mr. Bibi's trying to do with this property.

You can see from the aerial that -- is this still on?

CHAIRMAN BARBIERI: Yes.

MR. MILLER: You can see from the aerial that people are using it to their convenience right now to skirt across -- parking comes across from -- liquor store's a stretch. It's a beer store, and they have non-conforming situations where you got a parking situation that they back out directly onto the road.

I can understand their concerns, and it's -- that's not a good situation there, but what we're trying to do is improve it with new development.

Oftentimes you'll take a bad situation of -- of the homeless that are sleeping there, the vandalism, and with development there and some

control over it, it improves that situation. We're trying to get the opportunity to do that.

CHAIRMAN BARBIERI: Okay.

If you wish to rebut, we'll give you three minutes.

MR. SEASE: Three minutes. Yeah, I don't respond well to slander of the neighborhood.

The gentleman has only spoken, to my knowledge, and the people here will support it, that only Chris Selhorst and her husband that own -- that live in that one property have been contacted personally by him.

He met me out here and made some counter-offers and threats, basically, is what I interpret his threats as to, "You let this go through or I'm going to develop it as high density commercial 'cause I do that."

So he's attacking me and the community, and I don't appreciate that. This is a good community; otherwise, we wouldn't have generations from 1950 continuing to pass that on to their grandchildren.

It's a quiet community. It's got one entrance. We do have problems with the liquor store. We've admitted to that, but part of the problem is his land that he owns now. He doesn't take proper measures to make -- either put a fence to keep people from driving through that open lot and doing swirlies.

I mean there's some responsibility the owner can have that can help our situation without developing it and asking for a variance from one acre to 0.65 and wrapping it around an existing residential property. To me, that's not in the community interest, and he didn't represent the community interest.

Yes, long-term, 10, 15, maybe 20 years we see that area going commercial. It's inevitable, but this isn't the time for that change. We're not ready for that change.

CHAIRMAN BARBIERI: Okay.

MR. SEASE: Please take that into consideration.

CHAIRMAN BARBIERI: Yes, we will.

MR. SEASE: Thank you.

MR. MILLER: If I could add one more thing, Mr. Chair, again, just to clarify what's there now from a land use Comprehensive Plan, from a zoning standpoint, which is all in the staff report, this line that I drew out at the beginning by land use is all commercial high.

There's -- if you extend this line to the south from here over -- and, Wendy, I misspoke earlier. It's -- this portion is CN, which is a commercial designation already.

So the frontage on Morrison Avenue, their entrance, their driveway, is already a commercial designation.

It's this piece, which is inconsistent with the Comprehensive Plan, is zoned RS, it's inevitable for that piece and through infill it really needs to be rezoned to be consistent with

the Comprehensive Plan. That would be the next application to come in with that and be allowed to do that.

It would be consistent with across the road. It would be consistent with the gas station to the south.

Obviously, through the development plan, which we have here today, it's really not part of the item that's before you, but we have to provide the buffering and the wall and the landscaping and address all of those issues with that application.

We recognize that, and we intend to do it.

CHAIRMAN BARBIERI: Okay. Thank you.

Any comments from staff?

MR. BIBI: Can I say one more thing?

CHAIRMAN BARBIERI: No, sir. We're finished, finished with public comment unless your -- unless your agent wishes to speak.

MR. MILLER: Let's move forward. Let's do it through me.

MR. Mac GILLIS: Just from staff, the -- I think Bradley was clearly -- went over the consistency, the Comp Plan and the zoning Code.

I mean there are certain zoning Codes that don't even require a variance, would encourage people -- as long as you're decreasing the non-conformity by combining lots, you wouldn't even need a variance.

Palm Beach County, you may be looking at in the next year there are some revisions we're doing to Article 1 on non-conformities that we may be putting provisions in performance standards in there where you can do it, you wouldn't need a variance.

But the only thing that he could develop this parcel now is if he did get -- rezone that other parcel to CN, which wouldn't support a carwash, and develop the whole property 'cause you only need 0.5 acres, half an acre for CN.

I think Military Trail is a major commercial corridor in the county, and that's valuable commercial, high commercial area, so staff supports the variance on this application.

CHAIRMAN BARBIERI: Okay.

MR. MILLER: Just to pass on what my client -- the point the client wanted to raise, this little notch right here (indicating) is already zoned commercial and owned by the gas station.

So it's kind of a -- it's an odd situation. It wraps around. That was part of the gas station through the zoning process. So it's kind of this little enclave in there that's --

VICE CHAIRMAN ANDERSON: Where -- I'm a little confused. There's a parcel that they can build on that's owned by the gas station?

MR. MILLER: It's this back piece.

Actually, there is -- there's an old right-of-way that's on paper right now, right -- to the south of our property. It's called Orange Avenue, and it wrapped around this way and down. That -- this portion of it, the southern leg of it was

abandoned some several years ago.

This portion was never abandoned. It provides access to the gas station, actually shared access for our parcel, but for some reason this little segment out there was -- is also owned by the gas station.

VICE CHAIRMAN ANDERSON: And, staff, they would have the right to come in and build something on there?

MR. SEASE: I -- I have a comment relevant to the commercial, if I may.

CHAIRMAN BARBIERI: Staff.

MR. Mac GILLIS: I'm not sure how large the parcel is, if it's even -- it's -- even has --

MR. MILLER: I think by the time you plugged in buffers --

MR. Mac GILLIS: -- enough room for --

MR. BANKS: It's owned by -- it's another property owner.

CHAIRMAN BARBIERI: Okay.

VICE CHAIRMAN ANDERSON: Okay.

CHAIRMAN BARBIERI: All right.

Personally, I think it's an improvement to the neighborhood, and my only concern is making sure that the carwash behind the lady's house has sufficient buffers to not be overly adverse to her interest, you know, to live in the property; otherwise, certainly it seems to be an improvement to the neighborhood. It's already zoned commercial.

You know, you got the piece behind you that's commercial. At my first look at it I thought you were intruding into the neighborhood with the commercial -- sticking it back in, but you're telling us that that piece behind you is already commercial. It's part of the gas station property.

So I support the variances, provided that, you know, you have sufficient buffer between that home, the homes and your carwash.

So let's take a quick look at those. Would you tell me what those buffers look like again between --

MR. MILLER: Sure. They're going to be 15-foot wide buffers, a wall, six-foot high wall that runs north-south along the east property line here, and then this portion running east-west would be a six-foot high wall.

There's the -- the buffer requirement by Code, and usually by the time we get through an application, we're above and beyond Code on these, that 75 percent of the trees have to be on the exterior side of the wall. I think it's -- is it two layers of shrubs on the exterior side of the wall?

Essentially, the landscaping part of it is between the property line and the wall. The wall ends up in the middle of the buffer.

CHAIRMAN BARBIERI: Okay.

MR. MILLER: You've seen them before. So that's what our proposal will be when we get to that point of the application, and as we go

through that process, staff will probably have some recommendations of an enhanced landscaping through that area --

COMMISSIONER BOWMAN: Mr. Chair.

MR. MILLER: -- if that addressed it.

CHAIRMAN BARBIERI: Commissioner Bowman.

COMMISSIONER BOWMAN: At 0.65 acres and a reduction of 0.35 from what's expected it's a rather small site. When is the County going to look at staging of cars and then to make sure there's not cars sticking out on the street? Is that going to be your next step?

MR. MILLER: It will be, yes.

COMMISSIONER BOWMAN: You'll have to show you'll have adequate staging for the cars?

MR. MILLER: Yes.

COMMISSIONER BOWMAN: That will be reviewed? Okay.

MR. MILLER: That's a code requirement that we'll need to address through the rezoning and the conditional use application for the carwash.

COMMISSIONER BOWMAN: I just looked at the other carwash that was referred to over by Santaluces, and, you know, those cars wrap out dramatically onto the street, and you'd have some serious traffic flow problems at this location if it's not looked into properly.

MR. MILLER: They -- Motor City has a good problem there, if you will, from a business standpoint. They're booming. I'm very familiar with the carwash.

COMMISSIONER BOWMAN: But I just -- they have the opportunity -- they have a huge driveway to come in, and they can stack a lot of cars. I don't see any place to stack cars in this location.

MR. MILLER: And we can -- we can address that with the next application. I don't want to -- I mean we're getting into things that --

COMMISSIONER BOWMAN: Okay. I just wanted to make sure --

MR. MILLER: -- we haven't prepared, staff hasn't reviewed. It's not part of your package.

COMMISSIONER BOWMAN: Okay.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Yeah. I just want to say I've driven by this site, this intersection more than just about any other intersection in Palm Beach County, so I'm fairly familiar with it, and kind of surprised someone hadn't come up and bought the whole neighborhood and developed something, but be that as it may.

I would say to the property owner no matter what happens that he should try to maintain the property a little bit better, get rid of shrubs, level it out, whatever, to -- and maybe -- 'cause I know that drop-off on that road. He could put a little teeny fence there in the meantime that would stop traffic from going through there that might help the neighborhood situation.

As far as, you know, protecting the neighborhood, I know that the owner has a right to build something on the existing property, and there's probably a lot of things that he could currently build right now that would be more detrimental to the neighborhood than let's say, as an example, a carwash.

So, you know, you could fight against the carwash, and you might end up with something that you would dislike five times as much. So just keep that in mind.

Let's see what my next point -- what is the traffic of a carwash compared to most commercial developments? Is it -- is that much less intensity, or is that considered a high intensity use?

MR. MILLER: From a traffic generation standpoint? I don't know if I can address the number --

VICE CHAIRMAN ANDERSON: Does staff have any comment?

MR. ROGERS: We did not anticipate that question. We don't have that answer for you this morning.

VICE CHAIRMAN ANDERSON: Okay. 'Cause I know the -- like the similar building over there, which is a mini-storage unit, those typically have very low traffic flows, so --

MR. MILLER: Again, we would need to -- through our next application would need to provide the traffic study and the -- meet the traffic performance standards to get to you.

VICE CHAIRMAN ANDERSON: Okay. Now when you come -- if we -- if this goes through today and you come back to us, it'll come back to us, and then it goes to the Board of County Commissioners?

MR. Mac GILLIS: Correct.

MR. MILLER: Correct.

VICE CHAIRMAN ANDERSON: So before anything can be built you in the audience will have two more opportunities to object to anything going on on this property.

MR. Mac GILLIS: There is a Condition No. 1 that within 90 days of approval the applicant shall submit for the rezoning a conditional use approval.

So there is a time frame for them to get their rezoning and conditional use application in to us, so the public knows it will be coming soon.

VICE CHAIRMAN ANDERSON: Okay. And, again, if this goes through, I would be asking the petitioner and his agent to look at mitigating any sound that would come from a carwash that would interfere with the neighborhood. That'd be -- that'll be one of -- if and when that does come before us, that'll be one of the main concerns that I'll be thinking of as far as, you know, hours of operation, line of sight and, you know, how traffic flow will impact and especially any noise 'cause I know carwashes can be a noisy situation, so that's my comments.

MR. MILLER: If I could touch on the conditions, the second condition gives the typical variance a one-year time frame.

What I'd like to ask is we do need to come in with the -- assuming this is approved, that we're going to need to come in by the first condition to do the rezoning and the conditional use, and we'd like the -- if the variance is approved, that it would run with that development order so we're not coming back here in January next year asking for an extension to that so we can complete the process.

VICE CHAIRMAN ANDERSON: Staff.

CHAIRMAN BARBIERI: Staff, do you have an objection to that?

MR. MILLER: Just give me --

MR. Mac GILLIS: The condition is worded correctly right now. It says the development order for this particular variance shall lapse on January 4, 2009, one year from the approval date, or from the life of the development order, we could add in here, for the rezoning and the conditional use, whichever is later.

So this just insures --

MR. MILLER: Okay. So the development order pertains to the next step?

MR. Mac GILLIS: Yeah, rezoning. We can add that there to make sure it's clear, rezoning and conditional use A.

MR. MILLER: That's fine. Thank you.

CHAIRMAN BARBIERI: Okay.

VICE CHAIRMAN ANDERSON: Okay.

COMMISSIONER BRUMFIELD: With regard to Article 2, the variance standards, I think staff's analysis of those is on point with regard to this particular corner.

I also have much familiarity with it, have spent a lot of time. I used to live in the area so I'm much familiar with what goes on at that corner and so forth.

I do agree that the circumstances are peculiar to this parcel of land, that the special circumstances and conditions do not result from the actions of the applicant himself.

The granting of the variance shall not confer upon the applicant any special privileges denied by the Comprehensive Plan.

The literal interpretation and enforcement of the terms and provisions of the Code would deprive the applicant of the rights commonly enjoyed by other parcels of land, even the parcel that he currently owns right now.

The grant of the variance, as well as the subsequent conditions placed on it by staff would minimize the variance that will make it possible for the reasonable use of the parcel, building or the structure.

The grant of the variance will be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan as stated with the future land use for the Comprehensive Plan.

And the grant of the variance will not be injurious to the area involved otherwise detrimental. I have to agree with Commissioner Anderson on that.

With that I would move to adopt a resolution approving a Type II zoning variance to allow a reduction in the minimum acreage.

CHAIRMAN BARBIERI: Do we have a second on Commissioner Brumfield's motion?

COMMISSIONER BOWMAN: Second.

CHAIRMAN BARBIERI: Second by Commissioner Bowman.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

VICE CHAIRMAN ANDERSON: And I would just ask that the owner of the property and the neighborhood maybe get together and try to, you know, not fight over this issue and try to do something that'll be beneficial to everybody in the community.

MR. MILLER: The agent moderator will be there, as well.

VICE CHAIRMAN ANDERSON: Oh, good.

CHAIRMAN BARBIERI: Good idea.

What do we have left?

MR. Mac GILLIS: Okay. That brings us to our last item, 22, ZV/SV2007-1804, the Palms West Expansion, Page 439, 457 of your backup.

Staff is recommending approval, subject to seven conditions found -- some revised conditions on your add and delete.

I believe the applicant has just told me they've worked everything out with staff, and I don't believe there's any opposition.

So unless Carol -- is there anything else on this?

CHAIRMAN BARBIERI: Are you --

MS. GLASSER: I'm sorry. Is this on?

Just we're here to answer any questions, Zoning Division, as to the zoning variance and Land Development Division as to the subdivision variance.

If you have any questions, but they're recommending approval, subject to six conditions as modified by the add/delete page, and I had --

did pass out an Item No. 22, disclosure, because the applicant on the zoning variance is Palms West Hospital, the applicant on the subdivision variance is both Palms West Hospital and Everglades Farm Equipment.

CHAIRMAN BARBIERI: Okay. Could this have been on consent? We have no objections to this, right?

MR. Mac GILLIS: We've worked everything out since the agenda went out.

CHAIRMAN BARBIERI: All right.
So you'd agree to all the conditions?

MS. WALTER: Yes. Good afternoon, Commissioners, and Happy New Year.
Collene Walter, with Kilday and Associates.

We do agree with all of the conditions. These are two variances that are purely technical in nature which will allow these two parcels of property be platted.

Everglades Farm Equipment is in the town of Loxahatchee Groves. The Palms West Hospital parcel is in Palm Beach County. That will allow them each then to go through their separate processes for future approvals.

CHAIRMAN BARBIERI: Okay. Since there's nobody here but us, I guess there's nobody here from the public to speak. So we're ready for a motion unless the commissioners have any comments or questions.

VICE CHAIRMAN ANDERSON: I make a motion to adopt a resolution approving a Type II zoning variance to allow a reduction of lot frontage.

COMMISSIONER BRUMFIELD: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Anderson, second by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

VICE CHAIRMAN ANDERSON: I make a motion to adopt a resolution approving a Type II subdivision variance to allow a variance from the requirement that access to each subdivision lot shall be by the street of suitable classification and construction as established by the subdivision regulations set forth in the United [sic] Land Development Code, Article 11.E.2.A.2 and Title [sic] 11.2 -- 11.E.2.A.2, chart of minor streets.

COMMISSIONER BRUMFIELD: Second.

CHAIRMAN BARBIERI: Since you don't have your glasses on, I assume you meant Unified instead of United Land.

VICE CHAIRMAN ANDERSON: Yes. That's what I said.

CHAIRMAN BARBIERI: All right.

The motion was made by Commissioner Anderson, seconded by Commissioner Brumfield.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 4-0.

MS. WALTER: Thank you very much.

CHAIRMAN BARBIERI: We through?

You're welcome.

MR. Mac GILLIS: Yes, Mr. Chair.

CHAIRMAN BARBIERI: Okay. Happy New Year
to everybody, and we're adjourned.

(Whereupon, the meeting was concluded at
12:10 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. 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 77, inclusive, comprise
a true and correct transcription of the Zoning
Commission 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 21st day of January, 2008.

Sophie M. Springer, Notary Public