

**ZONING COMMISSION  
OF PALM BEACH COUNTY**

Thursday, April 5, 2007  
9:00 a.m. - 9:50 a.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, Chairman

William Anderson, Vice Chairman

Don Dufresne, Commissioner

Allen Kaplan, Commissioner

Sherry L. Hyman, Commissioner

Alex Brumfield, III, Commissioner

Peter Feaman, Commissioner

Leonard Berger, Assistant County Attorney

Barbara Alterman, Executive Dir., PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Barbara Taylor-Nau, Principal Planner, Zoning

Wendy Hernandez, Acting Principal Planner, Zoning

Ron Sullivan, Senior Planner, Zoning

Ora Owensby, Senior Planner, Zoning

Carrie Rechenmacher, Senior Planner, Zoning

Bryce Van Horn, Planning Department

Jim Choban, Land Development

Robert Kraus, ERM

Kenny Wilson, Health Department

Elizabeth Murray, Zoning Secretary

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P R O C E E D I N G S

CHAIRMAN BARBIERI: We'll get started.

MS. KWOK: Good morning, Commissioners.  
Commissioner Brumfield.

COMMISSIONER BRUMFIELD: Present.

MS. KWOK: Commissioner Feaman.

COMMISSIONER FEAMAN: Here.

MS. KWOK: Commissioner Barbieri.

CHAIRMAN BARBIERI: Here.

MS. KWOK: Commissioner Hyman.

COMMISSIONER HYMAN: Here.

MS. KWOK: Commissioner Kaplan.

COMMISSIONER KAPLAN: Here.

MS. KWOK: And I see Commissioner  
Anderson.

VICE CHAIRMAN ANDERSON: Here. MS. KWOK:

We have a quorum.

CHAIRMAN BARBIERI: Okay. The --

MS. KWOK: And Commissioner Dufresne --

COMMISSIONER DUFRESNE: Here.

MS. KWOK: -- has stepped in.

COMMISSIONER DUFRESNE: Thank you.

COMMISSIONER HYMAN: We do the roll -- we  
did the roll call. You could do whatever. Yeah,  
that's what I do.

CHAIRMAN BARBIERI: Would everybody stand,  
please, for the opening prayer and the pledge of  
allegiance.

COMMISSIONER KAPLAN: The Pledge of  
Allegiance?

COMMISSIONER HYMAN: The prayer.

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

CHAIRMAN BARBIERI: The minutes should  
reflect that Commissioner Anderson is here.

The Zoning Commission of Palm Beach County  
has convened at 9:00 o'clock a.m. in the Jane M.  
Thompson Memorial Chambers, 6<sup>th</sup> 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 the 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 at 301  
North Olive Avenue, West Palm Beach, Florida, in  
the Jane M. Thompson Memorial Chambers, 6<sup>th</sup> Floor,  
at 9:30 a.m. on Thursday, April 26, 2007, to take  
final action on the applications listed below and  
Monday, May 7, 2007, to take final action on  
Callery-Judge Grove TTD.

Do we have -- forget that.

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 the 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.

Do we have proof of publication, staff?

MS. KWOK: Yes, we do.

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

COMMISSIONER HYMAN: So moved.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Hyman, second by Commissioner Dufresne.

Any discussion?

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed

(No response)

CHAIRMAN BARBIERI: Motion carries.

Those of you that wish to speak today, would you please stand and be sworn in by the County Attorney.

(Whereupon, speakers were sworn in by Ms. Springer.)

CHAIRMAN BARBIERI: Are there any disclosures by the commissioners?

COMMISSIONER KAPLAN: Yes, Mr. Chairman. I spoke to the petitioner on Item 8, which is the Callery-Judge. That's all.

COMMISSIONER DUFRESNE: Mr. Chairman, I also met with petitioner's representatives on Item 8.

COMMISSIONER HYMAN: I also met with petitioners on the Callery-Judge Grove matter.

CHAIRMAN BARBIERI: Same for me.

VICE CHAIRMAN ANDERSON: Same. Same here.

COMMISSIONER FEAMAN: Ditto.

COMMISSIONER HYMAN: Alex, you better say yes, too.

COMMISSIONER BRUMFIELD: I didn't meet anybody.

CHAIRMAN BARBIERI: Your microphone isn't on.

COMMISSIONER BRUMFIELD: I received an e-mail, but I did not meet.

CHAIRMAN BARBIERI: Okay. Staff.

MS. KWOK: The postponement items, there are two items on the agenda.

The first one is CA2006-022, Colonial Lakes, and the applicant is requesting to postpone 30-days to May 3rd, 2007.

We need the motion for that.

CHAIRMAN BARBIERI: Are there any members of the public here to speak on Item Z/CA2006-022?

(No response)

COMMISSIONER KAPLAN: There being none, Mr. Chairman, I move postponement of Z/CA2006-022 until May 3rd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan and seconded by Commissioner Dufresne.

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed

(No response)

CHAIRMAN BARBIERI: Motion carries.

MS. KWOK: Okay. There is also a request for Item No. 8, TDD/2006-1142, Callery-Judge Grove TTD, which is Traditional Town Development, and the applicant is requesting to postpone this item to April 20th, 2007. It's a Friday.

We need a motion for this.

CHAIRMAN BARBIERI: Are there any members of the public here to speak on the Callery-Judge petition?

(No response)

CHAIRMAN BARBIERI: Petitioner, would you come forward, please?

Yes, sir. Would you come up to the microphone.

COMMISSIONER HYMAN: It's just on the postponement.

MR. RAYSIDE: Since it's postponed, I no longer want to speak today.

CHAIRMAN BARBIERI: Okay.

MR. RAYSIDE: I'll wait 'til the 20<sup>th</sup>.

CHAIRMAN BARBIERI: All right.

MR. RAYSIDE: Thank you.

CHAIRMAN BARBIERI: What's your name?

MR. RAYSIDE: Hugh Rayside.

CHAIRMAN BARBIERI: Okay, Mr. Rayside.

COMMISSIONER KAPLAN: Mr. Chairman, on the motion -- on the application I'd like to be heard

at this point in time.

I'm very perturbed about how this has come about. In fact, I spent last night preparing a statement, and with your permission I'd like to read it, I think pretty well sets out why I am disturbed.

And I'd like to also have a preamble so that there's no misunderstanding that my comments in no way reflect upon the petitioner or his application.

I am not against a postponement as such. I am against it for the reason it is being postponed and the date of April 20<sup>th</sup>. What is so holy about the 20<sup>th</sup> that another date satisfactory to all commissioners cannot be approved?

I have been on the Commission for 18 years. Never has there been an attempt to usurp the authority of the Commission. This is the first time one commissioner has insisted that the hearing be postponed because of the commissioner's private afternoon appointment. This is a terrible precedent.

To the best of my knowledge, practically ever commissioner has occasionally left early. The meeting continued and a vote taken. The same occurs at BCC's meetings. What is so sacrosanct about this petition?

Why should one commissioner inconvenience six commissioners and the members of the public? The commissioners had full knowledge that this hearing would be long.

As an aside, I had my wife cancel a dinner party that we had tonight so I could stay into the wee hours because of the obligation I feel very strongly that we commissioners have.

When notified of the date of postponement I advised the Chair and our secretary that I would be away that date for the weekend. I made arrangements to be present today as long as necessary. I am prepared to proceed today or postpone to a date when I can be present.

I ask for equal rights as any other commissioner now has to insist upon being present; otherwise, the public, which includes my District 1 residents, will be disenfranchised.

One final thought and question for each commissioner.

Before you vote, are you willing to accede to the demands of one commissioner and trample the rights of another?

If time is of the essence, and, if so, I have not received any information as to why, I am available April 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13, 18, 23, 25, 26, 27 and most of May, including May 3<sup>rd</sup>, our next regular date.

Thank you, Mr. Chairman, for permission to read the statement.

CHAIRMAN BARBIERI: You're welcome.

Just for the other commissioners' information, I did send all of you an e-mail. The -- there was a -- there was an issue with respect to whether or not we could get this

completed today, so Ms. Alterman had suggested we have a backup date, anyway. Didn't appear as though we could finish it at today's meeting, and it was going to have to carry over to another date.

With that thought, I asked why we couldn't do it on the May 3<sup>rd</sup> Zoning Commission regularly scheduled date, and I was advised that the agenda for that day is already filling substantially so that we would not be able to handle Callery-Judge on that date and get it done on that date, either.

There was four dates where the commission chambers were available for us to meet. I guess we could have moved to the Solid Waste site if we needed to, but the four days that were suggested, the 17<sup>th</sup> and 20<sup>th</sup>, seemed to be best for everybody.

We were set on the 17<sup>th</sup>, and then we found out that Maryann Kwok could not make it, and she's -- her presence is critical with this since she's been working on this project.

So the only date, Commissioner Kaplan, that appeared to be available for the chambers and also Maryann would be the 20<sup>th</sup>.

**Commissioner Hyman.**

COMMISSIONER HYMAN: And I also thought that this hearing should be -- on the Callery-Judge Grove should have its own special set time because of the size of it and the amount of information that we have to consume, and I didn't think there would be enough time on any regular Zoning Commission regular hearing date.

The date that I had preferred was the 17<sup>th</sup> when I was told all commissioners would be available. I was -- I told staff that I was not available on the 20<sup>th</sup> when they asked if I could meet on the 20<sup>th</sup>. I said I had a meeting out in Miami, and they asked that, you know, please cancel that meeting because it was the only day everybody else was available.

I had no idea when I consented to the 20<sup>th</sup>, and I cancelled my plans, that you would be unavailable. So don't -- I don't think you should take this like this was a personal attack on you.

So, anyway, the 20<sup>th</sup> was not my preference, but in light of the importance of this project, you know, I agreed, and I cancelled my plans so we could have a special set hearing on that date.

CHAIRMAN BARBIERI: Staff, what other days -- is there any other days available, these chambers are available, besides the 17<sup>th</sup> and 20<sup>th</sup>?

COMMISSIONER DUFRESNE: What about Solid Waste?

CHAIRMAN BARBIERI: And what about Solid Waste, moving to Solid Waste to do this?

MR. Mac GILLIS: We would -- we would always have to look into that, unless we could do it by the end of the meeting.

If you would like us to check, I'd have to have Liz go and check additional dates, and maybe we could reorder this, if you'd like, to the end of the agenda. That's the only way we could do it, come back, 'cause you're going to need a time



certain date; otherwise, we'll have to readvertise it and -- with a new date on it then.

COMMISSIONER HYMAN: Well, let's -- let's hear from the petitioner, too, because obviously this affects them.

MR. KILDAY: A couple of items. One is when we asked that it be set to a time, it made sense, it still makes sense, we said any time in my letter --

COMMISSIONER HYMAN: Oh.

MR. KILDAY: -- and then staff's been working hard to make it work.

I would not suggest you go to Solid Waste Authority because there's a lot of people who are going to be here. This has been advertised here.

The boards out there on the property say it's here, and I just think it would cause huge confusion to change the venue.

In fact, we had talked about trying to use the room at Vista Center for the meeting, and it was decided. So that's my only thing, and it's really not -- I can go anywhere, and my experts can. I'm more concerned that the public feel that things are moving on them.

And the only other thing I would point out is that trying to make sure the public got word today it wasn't happening today, and it was successfully done as shown, the County did put out on their Website the April 20<sup>th</sup> date, so it might cause --

COMMISSIONER HYMAN: And it was in the newspaper, as well.

MR. KILDAY: -- confusion now to switch to another date, but I'm happy on any date. I just want to lay those facts out more for the public than for us.

COMMISSIONER KAPLAN: Mr. Chairman, I've given 10 dates plus the month of May. That's -- it -- almost the entire month of May and the 10 dates in April. You're talking about 30 days that it seems to me that we should be able to work out something that most -- all of us should be there.

This is an important issue. I'm well aware of it. But I think that is particularly pertinent to my District 1 since we are one of the adjacent areas.

We have three major thoroughfares that are directly involved, and to disenfranchise my residents I think would be putting this Commission in a very bad public light.

I don't see any reason why with 30 days that I've given you, 10 in April and 20 in May, that we can't come up with a suitable date, and as far as I'm concerned, I'm prepared to go ahead today, and if I stay here at night, I'll stay at night. I have no problem with that.

COMMISSIONER HYMAN: Well, obviously, I can't stay today, and so you'd be happy with that, right?

COMMISSIONER KAPLAN: I'm happy at any time -- we've always walked out on meetings early. This is nothing new --

COMMISSIONER HYMAN: I don't do that.

COMMISSIONER KAPLAN: -- to this Commission, and the BCC. You look at the BCC's vote, and you'll see many times four-zero, four-one. They don't have necessarily 100 percent attendance.

There is no vested right, no rule of law that requires that we have seven commissioners. We need a quorum to vote. We've done this in the past for all the years I've been here. We have voted many times, four-zero, four-one. One or two commissioners do leave early, nothing unusual about that.

COMMISSIONER FEAMAN: Mr. Chairman.

CHAIRMAN BARBIERI: Yes.

COMMISSIONER FEAMAN: Frank, from what I can tell, this is one of the largest projects ever that we're going to deal with in the past or in the foreseeable future.

Given the impact on the entire county, there must be a way that we can find a date that everybody can be present, all seven commissioners.

COMMISSIONER KAPLAN: I agree with you 100 percent.

COMMISSIONER FEAMAN: I mean it's one thing to say people can walk out early when you're dealing with projects of less of an impact, but on a project such as this I can't see it ever being more important than finding a date, and if it's put off a month or two even, so be it.

This is a Wellington, so to speak, not quite, but almost, and other counties already talk about not being "Wellingtonized."

We can't afford, it seems as even quasi-public servants, we don't get paid, to have this meeting at a time when one of our members can't be there, especially somebody's who's been around for as long as I've been alive.

COMMISSIONER KAPLAN: You know, I agreed -- I agreed with your statement, Peter, 'til that last statement.

COMMISSIONER FEAMAN: Oh, okay. Well, then, that part's withdrawn.

VICE CHAIRMAN ANDERSON: He's been around longer.

COMMISSIONER KAPLAN: I agree with you 100 percent. That's why I've --

COMMISSIONER HYMAN: Well, let me --

COMMISSIONER KAPLAN: -- given specific days.

CHAIRMAN BARBIERI: Okay. Let's -- okay. Hold on. Let's get back to staff. Staff.

MR. Mac GILLIS: We're going to check with administration over at Vista Center to see if that room -- it has a CO on it, but it's not ready for -- we're told not ready yet for -- it's not set up for staff to be using yet, but maybe -- we're going to contact the administrator and see if she can get back to us.

If that's the case, that gives us a lot of flexibility with you on your schedules.

CHAIRMAN BARBIERI: What about the problem that the petitioner raised with respect to making sure everybody knows that they have to go there instead of here? That -- that could be --

CHAIRMAN BARBIERI: We would do a special advertisement in the paper and stuff. We had to notify everyone on the 300. We would do that again. Staff would take that responsibility.

COMMISSIONER DUFRESNE: Mr. Chairman, I think it's important that we all agree on a date first, then we can figure out a location second.

COMMISSIONER HYMAN: I agree. I mean it's cart before the horse here.

Why not, you know, let's -- you can't decide the date right now. Let's make -- I'm going to make a motion to postpone to a date that all commissioners can be present, and let's have staff coordinate and try to come up with that date.

COMMISSIONER BRUMFIELD: Second.

VICE CHAIRMAN ANDERSON: Is that okay with the petitioner?

CHAIRMAN BARBIERI: Yeah, let me get the motion first just on the record.

It was made by Commissioner Hyman, seconded by Commissioner Brumfield?

COMMISSIONER BRUMFIELD: Yes.

CHAIRMAN BARBIERI: Okay. Before we go to discussion, Mister -- yes, sir.

MR. KOLINS: Ron Kolins, for the applicant.

I certainly want to make clear that your choice is -- we'll deal with whatever your choice is, and we're not here to in any way try to change what you want to do.

The one thing I would like to make clear to you as you determine when you want to do this is that it is imperative to us that we appear as scheduled before the Board of County Commissioners on May the 7<sup>th</sup>.

So whatever date you select, we would hope you could find a date in April, if it's not going to be the 20<sup>th</sup>, you know, somewhere around the 20<sup>th</sup> of April so this matter can be handled expeditiously.

As to where you conduct it and which of those dates, that's certainly up to you, but I did want to bring that out to you because we really can't have this spill over on into May, and that's the only thing I wanted to tell you.

CHAIRMAN BARBIERI: Okay.

MR. KOLINS: Do I understand correctly, by the way, that whatever date is ultimately selected we'll know it by the end of your meeting today?

COMMISSIONER HYMAN: I don't know. Is that true?

MS. ALTERMAN: Yes.

MR. Mac GILLIS: Yes. Hopefully, yes. That would be our goal.

MR. KOLINS: Okay.

CHAIRMAN BARBIERI: Barbara.

MS. ALTERMAN: May I suggest that you at

least table this for right now? Let's try and find a date so that you can announce that date today, a date certain, so that we don't have to come back and redo this.

So if you can table this for now, we'll work with you all right now and the different buildings that we can find and try and get a date that's acceptable, and then we can make that announcement, and you continue it to that date certain at the end of the meeting.

CHAIRMAN BARBIERI: All right.

Commissioner Hyman, will you withdraw your motion?

COMMISSIONER HYMAN: Yeah, it didn't -- it doesn't conflict with that, but I'll withdraw it.

MR. KOLINS: Can I just make one other point, Mr. Chairman, if I may?

Knowing for ourselves that there are going to be a number of witnesses, boards, PowerPoints, it's -- it's a rather involved thing, and I expect there'll be a number of people from the public, whatever venue you select I hope will be large enough and set up in a way that will be conducive to that, rather than, you know, a large conference room or something like that.

COMMISSIONER HYMAN: No, no. We want to do it here. We want to do it right here.

CHAIRMAN BARBIERI: Well, I think they're looking at Vista Center, right, Barbara?

MS. ALTERMAN: Well, I think the problem is that they've checked the dates that the hearing room here is open, and it's very limited.

So what Jon was saying is that we'll try and see if Vista Center -- there is a large hearing room set up very much like this at Vista Center, but we don't know whether it's still going to be available to be used yet. So we're going to have to check that out.

And that's what we can do between now and the time you end your meeting.

COMMISSIONER HYMAN: Okay.

CHAIRMAN BARBIERI: Do all the commissioners know what their schedule looks like on the 17 days that Allen said? You all have your calendars with you?

MR. Mac GILLIS: If I could then maybe just pass this April calendar, if you could put your initials in what day you're available, so once we know the hearing room's ready by the end of the meeting, we could tell you what day and time and place.

CHAIRMAN BARBIERI: Sure. Give it to Commissioner Brumfield.

All right. We need a motion to reorder the agenda to move this to the end, I guess.

COMMISSIONER HYMAN: So moved.

VICE CHAIRMAN ANDERSON: Second.

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

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed  
 (No response)  
CHAIRMAN BARBIERI: Motion carries.

CHAIRMAN BARBIERI: Moving right along.  
MS. KWOK: Good. Okay. This will bring us to the consent agenda, Item No. 2, 2007-188, Spalding Variance.

We're recommending approval for this Type II zoning variance, and to allow the reduction of the rear and the side interior setbacks.

There are no conditions tied to this recommendation.

CHAIRMAN BARBIERI: Zoning variance. Do we need a petitioner, somebody to come forward and --

MS. KWOK: Yes, please.

CHAIRMAN BARBIERI: Okay.

Good morning. Would you state your name, please, for the record?

MR. SPALDING: Good morning. I'm Jonathan Spalding.

MS. SPALDING: And Laura Spalding.

CHAIRMAN BARBIERI: Okay. Good. Go ahead.

MR. SPALDING: I'm --

CHAIRMAN BARBIERI: If there's anything you'd like to tell us before we take a motion and --

MS. SPALDING: No.

MR. SPALDING: I think everything's been stated in our petition.

CHAIRMAN BARBIERI: Okay. We need a motion then on --

COMMISSIONER HYMAN: Well, based upon staff's recommendations and their compliance with the criteria for the variance, I'm going to move approval of ZV2007-188 --

COMMISSIONER KAPLAN: Second.

COMMISSIONER HYMAN: -- the support in the materials.

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, second by Commissioner Kaplan. Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. SPALDING: Thank you.

MR. SPALDING: Thank you.

CHAIRMAN BARBIERI: You're welcome.

MS. KWOK: Item No. 3, ZV2007-189, Grove MUPD Variance.

Again, we're recommending approval for this Type II zoning variance to allow 100 percent of the landscaping on the south side of the wall.

There are no conditions tied to this recommendation.

Also, on your add/delete we're deleting the first motion because that's already allowed by Code so it's not necessary for the variance to go through.

CHAIRMAN BARBIERI: All right. Is there somebody here to speak on this?

Mr. Perry.

MR. PERRY: Good morning. Marty Perry, for the applicant.

This is really consistent with the original approval, both by this Board and the Board of County Commissioners, as well as an agreement with the residents.

COMMISSIONER HYMAN: Yeah, I'm going to move approval of ZV2007-189.

COMMISSIONER KAPLAN: Second.

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

(No response)

CHAIRMAN BARBIERI: Motion was made by **Commissioner Hyman**, second by Commissioner Kaplan.

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. PERRY: Thank you.

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

MS. KWOK: No.

COMMISSIONER HYMAN: No, that's it.

MS. KWOK: That's it.

MS. KWOK: Okay. This will complete our consent agenda.

We have a corrective resolution on Item No. 4, Gollin Variance. It's just to correct a typo, and we need a -- we need a motion to do the --

COMMISSIONER HYMAN: So moved.

MS. KWOK: -- resolution.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion was made by Commissioner Hyman, second 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, 7-0.

MS. KWOK: Okay. This will bring us to the previously postponed variance item.

The first one is Item No. 5, ZV2006-1751, Liberati Variance. This was previously postponed by the Zoning Commission so that the applicant could meet with staff and work out the issues regarding that gazebo, and it will be presented by Wendy Hernandez.

MS. HERNANDEZ: Good morning, Commissioners.

The variance before you, again, was heard on March 1<sup>st</sup> and postponed in order to meet with staff to discuss other options with regards to the existing gazebo.

That particular gazebo was required to meet a 10-foot setback from the rear and side property lines. The structure was located two and a half feet from the side property line and with a utility easement and 0.3 feet from the rear property line.

It was postponed for 30 days to meet with staff to come up with other options.

The applicant has suggested to convert the gazebo to an arbor, which involves a removal of the roof --

COMMISSIONER HYMAN: To me, that's -- it's so funny. I mean he takes the roof off. I mean --

MS. HERNANDEZ: Yeah. Converting it to an arbor, removing the roof, creating cross beams

across the top, and if he wants, plant material.

He'll also be removing the electrical equipment that's located within the structure 'cause the Building Code would not allow that.

COMMISSIONER HYMAN: Yeah. I didn't even know what an arbor was. I thought he was putting a tree there.

But based upon staff's recommendation, I didn't have a problem with it before, and I certainly don't have a problem with it now, I move for approval of ZV2006-1751.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: I don't think you need to say anything. You might screw things up.

COMMISSIONER HYMAN: He was here last time.

CHAIRMAN BARBIERI: Looks like you got it, so --

MR. LIBERATI: Thank you.

MS. HERNANDEZ: There --

COMMISSIONER DUFRESNE: I think he has to accept the conditions, no?

COMMISSIONER HYMAN: I don't think there are conditions.

MS. HERNANDEZ: There are two conditions.

COMMISSIONER HYMAN: Are there?

CHAIRMAN BARBIERI: Okay. I'm sorry.

There are -- yeah, you need --

COMMISSIONER HYMAN: Subject to the conditions.

CHAIRMAN BARBIERI: You do need to come up and accept the conditions.

MS. KWOK: Yeah, there are two conditions --

COMMISSIONER HYMAN: Oh, the electricity and the roof.

MS. KWOK: -- on Page 22 of the staff report.

CHAIRMAN BARBIERI: Your name, please.

MR. LIBERATI: Thomas Liberati.

CHAIRMAN BARBIERI: Do you --

COMMISSIONER HYMAN: Yeah.

CHAIRMAN BARBIERI: Do you accept the conditions of --

MR. LIBERATI: Yes, I do.

CHAIRMAN BARBIERI: All right. We had a motion by **Commissioner Hyman**. It was seconded by whom? Commissioner Kaplan.

Is there any discussion on the motion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. LIBERATI: Thank you very much. Appreciate it.

CHAIRMAN BARBIERI: You're welcome.



MS. KWOK: Okay. Item No. 6, DOA/ZV2006-185, Boynton & Lawrence Office MUPD.

Ron Sullivan will give us an update on this project.

MR. SULLIVAN: Good morning, Commissioners.

Item 6 is the Boynton Lawrence office development which begins on Page 25 of the packet, and it's located on the northeast corner of Boynton Beach Boulevard and Lawrence Road.

The applicant is seeking to rezone a 0.78-acre parcel they acquired from the Lake Worth Drainage District from specialized commercial to MUPD and the development order amendment to add this parcel to the existing planned development.

The purpose of the added parcel is to provide additional parking to serve staff of the medical offices. The current site plan indicates a 3650 square foot financial institution with a drive-through and 18,430 square feet of medical office building with 110 parking spaces.

The proposed plan indicates a one-way drive and 20 parking spaces on the north side of the building on the added land.

Because the added land is a Lake Worth Drainage District easement a Type II variance is also being requested to relocate the required perimeter landscape buffer entirely on the easement.

The variance findings are on Page 38 of your packet.

The ULDC only allows a maximum five-foot overlap of a buffer with an easement. The applicant has executed a piping, paving and parking agreement with the drainage district to allow this.

The original plan that was approved in the '80s as a planned commercial development and a planned office business park should have evenly distributed the parking between the uses; however, in this case that wasn't done so more of the parking was allocated to the bank than would have been appropriate currently, and this variance is to correct the situation so that the staff of the medical offices have adequate parking.

It should be noted that there is a condition of approval, Condition 5, that requires the owner to revise the plan and layout to the previously approved layout, should the drainage district require full use of this easement. So -- and that is in compliance with the Code.

And we have received 37 letters in support of this project and 17 letters opposed.

The letters of opposition had mainly to do with concerns about increased congestion, but when we were able to explain what actually was taking place on this plan, most of those people opposed understood.

So that concludes my part of this.

CHAIRMAN BARBIERI: All right.

Petitioner.

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

We did contact the 17 people, 14 of the 17. Ten of those were -- did change their mind, once they did understand the -- what we were doing with the project.

We're in agreement with the conditions of approval and happy to answer any questions you may have.

CHAIRMAN BARBIERI: Commissioners, you have anything?

COMMISSIONER HYMAN: So this is another one, we're doing the Comp Plan at the same time, the Comp -- I mean we're not doing the Comp Plan, but the Comp Plan amendment's in the process at the same time that this is going forward?

MS. KWOK: There's -- no.

MR. SULLIVAN: No.

COMMISSIONER HYMAN: No?

MR. SULLIVAN: No, this doesn't require a Comp Plan amendment. It's just a rezoning, MUPD

COMMISSIONER HYMAN: I thought it said it did. Hmm. Okay.

CHAIRMAN BARBIERI: All right. Anybody else?

COMMISSIONER HYMAN: I'll find it in here somewhere.

CHAIRMAN BARBIERI: Do we have a motion?

I'm sorry. Is there anybody here from the public to speak on Agenda Item No. 6, Z/DOA-ZV2006-185?

(No response)

CHAIRMAN BARBIERI: All right. Back to the Commission.

COMMISSIONER HYMAN: Oh, yeah. I'll move for approval, Z/DOA/ZV2006-185, the zoning map amendment from Specialized Commercial Zoning to Multiple Use Planned Development Zoning District.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, second by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

COMMISSIONER HYMAN: Move approval of the development order amendment to add land area, subject to the conditions.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, second by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

COMMISSIONER HYMAN: I move approval for adoption of a resolution approving the Type II zoning variance to allow the 100 percent of a buffer within an easement, subject to the conditions.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, second by Commissioner Anderson.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. SCHMIDT: Thank you very much.

MS. KWOK: Okay. All right. Item Number --

CHAIRMAN BARBIERI: Staff.

MS. KWOK: Item No. 7, ZV2007-191, Fortnash Variance.

Barbara Pinkston-Nau is going to give us a brief presentation on this variance request.

MS. TAYLOR-NAU: Good morning, Commissioners.

The request before you today is to allow a reduction in a rear setback requirement from 41.68 feet to 31.2 feet for an addition to a single family home.

Staff has actually recommended denial of this request as we have determined that there is sufficient space along the rear of the property, and that the addition should be able to meet setbacks.

The property is a nonconforming lot located in the AR district.

Again, based upon the seven criteria and staff's analysis, there are other design alternatives that would allow the applicant to meet the rear setbacks.

CHAIRMAN BARBIERI: Is the applicant here?

MS. FORTNASH: I'm Melanie.

MR. FORTNASH: I'm James Fortnash. We're the homeowners.

CHAIRMAN BARBIERI: Would you speak closer to the microphones.

MR. FORTNASH: Okay. We spent a lot of

time on this.

When I was originally trying to make a decision on building an addition to our home, I went to the County.

Let me step back here. When I built my house, I was the owner-builder, and my setbacks were set at 25 feet. That was -- I have my documentation of that with me right here. These are my original setbacks. They -- it says 25 feet right on it when I built my house.

So I strategically placed my house in a position to where I could add -- put an addition on the back and not encroach on that 25-foot setback. That was 12 years ago, almost 13 years ago.

COMMISSIONER HYMAN: What, did they increase the setback?

MR. FORTNASH: When I was going to have my drawings drawn for my set -- for my addition, I went to the County to see what my setbacks might have changed, and I spoke with the woman there -- could you find that paper?

MS. FORTNASH: Yeah.

MR. FORTNASH: Here it is right here.

And I went in with my --

MS. FORTNASH: Survey.

MR. FORTNASH: -- my survey, went in with my survey, and she wrote on this survey what my -- what the new setbacks were, and she wrote specifically 31.20 for my rear setback.

So I went to my architect, told him what we have to work with. He drew up my plans to keep within that 31.20 setback and spent a lot of time working it out with -- with what we were trying to accomplish.

MS. FORTNASH: And money, \$3,000 worth of plans drawn by our architect.

MR. FORTNASH: And when I went to get my -- went to my surveyor to survey my -- get a new survey for my property with the new addition in place, he informed me, he said these setbacks are improper.

I said no, I went to the County. These were the setbacks they gave me.

And he said no, I believe you need to go back there and just verify.

So I went back, and -- to the same person I spoke with before, and she told me yes, I -- I made an error. It should be 41.68.

I said well, that's a big error, and that's really what brought us here today. That's -- I mean --

MS. FORTNASH: So we've -- we've had several meetings at the County office and they've been lovely to us. They couldn't have been nicer.

And basically if you look at our lot -- do you have a survey in front of you? Do you know what our -- okay.

COMMISSIONER HYMAN: We have a survey. It's -- it's very small.

MS. FORTNASH: Okay. We have pictures, too. If you want to see photographs, we can pass

them around.

Our lot is positioned -- it's, I believe, two and a half acres, but the first 190 feet of that we cannot build on because of drainage and road easement. We -- we're on a road and a canal so we can't build on that.

To the north of us is our garage. To the south we have our drainfield. So we can't expand south, north or east. So the only way we can go is back.

If our -- our house faces east. We were informed if in fact our house was facing south, we would not be having this problem at all. We would not have a problem with the setback. It's the way the house is facing.

Also, if you're familiar with The Acreage, even by requesting this extra 10 feet for our variance, it still puts us 70 feet away from our closest neighbor, and I believe all of our neighbors were surveyed, and none of them opposed this addition.

COMMISSIONER HYMAN: Well --

MS. FORTNASH: In fact, what you got back --

COMMISSIONER HYMAN: That was my question.

MS. FORTNASH: -- was approval from the people who did respond.

So the reason for the addition is I have a father who has Alzheimer's, and we're trying to move them down from Titusville so we can care for them a little better.

My husband's a paramedic with the Fire Department, and during this delay with all of this my dad had another stroke, so -- just a couple weeks ago so we really are trying to get him down here.

And the reason for the pool that you see is my parents are elderly. My mom does water aerobics. That's the only form of exercise that's approved by her physicians.

I don't know. Do you have a set of plans in front of you so you can see where the -- we have our plans if you want to see them.

What the 10 feet would take away is basically space around the pool, the patio area. So if you'd like to see them or you want to see pictures --

COMMISSIONER DUFRESNE: The survey doesn't show the pool, but is the pool going to be between the two structures?

MR. FORTNASH: Actually, the pool is -- is tentative.

MS. FORTNASH: Right.

MR. FORTNASH: It's -- we're not doing it right now, but we do -- we are going to do it. We can't do it all at once.

MS. FORTNASH: It's between the two buildings.

COMMISSIONER DUFRESNE: But it's between the two? Okay. 'Cause that's not shown on the survey.

MS. FORTNASH: Yeah, it's between the two

buildings. You want to take out the floorplan so they can see it?

COMMISSIONER DUFRESNE: And I'd like to ask staff what is the setback exactly?

MS. FORTNASH: The setback --

MS. TAYLOR-NAU: The required setback?

COMMISSIONER DUFRESNE: Yeah.

MS. TAYLOR-NAU: It's 41.68 feet.

COMMISSIONER DUFRESNE: And is that arrived in a formula? I mean it's kind of a strange number.

MS. TAYLOR-NAU: Right, it's a percentage.

COMMISSIONER DUFRESNE: Okay.

COMMISSIONER HYMAN: Okay. Can I say something?

CHAIRMAN BARBIERI: Sure, Commissioner.

COMMISSIONER HYMAN: I can appreciate the staff's response to the various conditions that have to be met for a variance because on its face you would think that seeing the size of the property.

However, hearing the testimony of the applicant, I do think that there are special conditions and circumstances that exist, and I don't think that they're necessarily as a result of the actions of the applicant, and I don't think it confers upon them, you know, special privileges, and I can go down the list for the other remaining ones.

And I would make a motion for approval of this variance of ZV2007-191.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion was made by **Commissioner Hyman**, second by Commissioner Dufresne for approval of the variance.

Is there any discussion from the commissioners?

(No response)

CHAIRMAN BARBIERI: Is there anybody here from the public to speak on this besides the owners of the property?

(No response)

CHAIRMAN BARBIERI: We're ready for a vote.

All those in favor of approving the variance.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. TAYLOR-NAU: We --

CHAIRMAN BARBIERI: I'm sorry. Staff.

MS. TAYLOR-NAU: Sorry. We would need to add a condition --

CHAIRMAN BARBIERI: Okay.

MS. TAYLOR-NAU: -- requiring that they apply for a building permit within one year or the variance will lapse.

COMMISSIONER HYMAN: I will add that to my motion and make that as a condition.

CHAIRMAN BARBIERI: And you will --

COMMISSIONER FEAMAN: I think they're

going to do that tomorrow, but --

CHAIRMAN BARBIERI: You will accept that?

MS. FORTNASH: Yeah. Thank you very much.

COMMISSIONER HYMAN: You're welcome.

COMMISSIONER DUFRESNE: You're welcome.

MR. FORTNASH: Thank you.

COMMISSIONER HYMAN: Good luck.

CHAIRMAN BARBIERI: Next.

MS. KWOK: Yeah, we can -- this is the end of the application -- all the zoning variance applications.

We can actually go back to the Item No. 8, regarding the dates set for the Callery-Judge Grove.

CHAIRMAN BARBIERI: Okay. I know -- I appreciate -- Liz was calling my office because I'm not sure what days were available. Okay.

COMMISSIONER HYMAN: I think, you know, also, didn't Ron Kolins say that anything before May 7<sup>th</sup>, so even though I think it was slim pickings in April, and that's even without the Chair, and we don't know what his availability is and we're not doing it without him, you know, we have a whole week in -- from April 30<sup>th</sup> through the 4<sup>th</sup> that we could probably look at, also.

CHAIRMAN BARBIERI: Barbara, do you -- do you have --

COMMISSIONER HYMAN: I'm real clear at that time.

CHAIRMAN BARBIERI: -- some dates now for us that --

MS. ALTERMAN: Yeah, I do. I mean the chambers are available. We can get this room on the 25<sup>th</sup>, the 27<sup>th</sup> and the 30<sup>th</sup>.

Frank, you are available all three.

CHAIRMAN BARBIERI: Okay.

MS. ALTERMAN: Okay.

COMMISSIONER KAPLAN: Which dates are those again, Barbara?

MS. ALTERMAN: Twenty-fifth, the 27<sup>th</sup> and the 30<sup>th</sup> of April.

COMMISSIONER KAPLAN: Thirtieth?

MS. ALTERMAN: But I'm looking at these dates, and I see that Sherry's --

COMMISSIONER HYMAN: You know what, I can --

MS. ALTERMAN: -- not available --

COMMISSIONER HYMAN: I can cancel the 25<sup>th</sup>. I can --

COMMISSIONER KAPLAN: Twenty-fifth and

27<sup>th</sup>.

MS. ALTERMAN: So I've got one, two, three, four, five people --

COMMISSIONER KAPLAN: But Don said no.

MS. ALTERMAN: Don said no.

COMMISSIONER KAPLAN: If the 30<sup>th</sup> is no good, Barbara, the 25<sup>th</sup> and 27<sup>th</sup> are fine.

COMMISSIONER HYMAN: Yeah, I can't do those.

COMMISSIONER KAPLAN: I have a court date. I can swing that. If we get into a pressure point, I'll call the judge and put that off.

MS. ALTERMAN: On what date?

COMMISSIONER KAPLAN: On the 30<sup>th</sup>, but I prefer the 25<sup>th</sup> and --

MS. ALTERMAN: Well, I only have two people -- three people --

COMMISSIONER HYMAN: I can't do that.

MS. ALTERMAN: Three people who can do the 30<sup>th</sup>. I mean you're -- I understand you are all very busy people.

COMMISSIONER DUFRESNE: If we're going out --

COMMISSIONER HYMAN: How about the 1<sup>st</sup>?

COMMISSIONER DUFRESNE: If we're going out that far, I don't think renoticing would be a problem if we have an alternate location --

COMMISSIONER HYMAN: Well, can we --

COMMISSIONER DUFRESNE: -- but let's find a date.

MS. ALTERMAN: Well, I think we'll do some renotice, anyway, but --

COMMISSIONER HYMAN: How about the 1<sup>st</sup> of May?

MS. ALTERMAN: Not available here. The chambers aren't available, and Vista Center is definitely not available to be used.

COMMISSIONER DUFRESNE: How about the 2<sup>nd</sup> of May?

COMMISSIONER HYMAN: Second?

COMMISSIONER DUFRESNE: Second of May?

MS. ALTERMAN: Pardon me?

COMMISSIONER HYMAN: May 2<sup>nd</sup>.

COMMISSIONER DUFRESNE: Second of May?

COMMISSIONER HYMAN: Or May 4<sup>th</sup>?

CHAIRMAN BARBIERI: So Vista Center's not available at all.

MS. ALTERMAN: May 4<sup>th</sup>.

COMMISSIONER HYMAN: May 4<sup>th</sup> it's available?

MS. ALTERMAN: Yeah. Now, understand, May 4<sup>th</sup> gives the staff no turnaround time, none, because it goes to the Board of County Commissioners on May 7<sup>th</sup>.

COMMISSIONER DUFRESNE: We didn't ask for this postponement.

COMMISSIONER HYMAN: Oh, well.

COMMISSIONER DUFRESNE: You know, I'd rather be doing it now.

COMMISSIONER HYMAN: I mean what turnaround time do you need?

MR. Mac GILLIS: Depends on how many



comments you give.

MS. ALTERMAN: I mean -- yeah. I mean this is a huge project --

COMMISSIONER HYMAN: Yeah.

MS. ALTERMAN: -- and not to give them any turnaround time, not give the Board of County Commissioners any ability to review whatever it is the Zoning Commission does is difficult.

VICE CHAIRMAN ANDERSON: It wouldn't surprise me if we postpone it at the meeting for 30 days.

COMMISSIONER DUFRESNE: What about a bifurcated -- what about a bifurcated meeting?

COMMISSIONER HYMAN: They don't want to do that.

COMMISSIONER DUFRESNE: I don't care what they want.

COMMISSIONER HYMAN: I don't want to do that. I think --

COMMISSIONER FEAMAN: Does it have to go on the 7<sup>th</sup> before the BCC?

MS. ALTERMAN: It's advertised for the 7<sup>th</sup> for the BCC, and that's including -- you have to understand that's not only just the zoning, that's the Comprehensive Plan and the DRI, also, too, so there's -- that's been advertised.

COMMISSIONER KAPLAN: What's your numbers on the 25<sup>th</sup> and 27<sup>th</sup>? You have most of us?

MS. ALTERMAN: For the 25<sup>th</sup> I've got one, two, three, four. I've got AB, PF --

COMMISSIONER HYMAN: If -- if --

MS. ALTERMAN: -- AJ --

COMMISSIONER DUFRESNE: Why don't we go --

COMMISSIONER HYMAN: If we can't have the meeting without everybody because you won't be there, then it's not fair to have the meeting when somebody else can't be there. The same rule has to apply for everybody, Allen.

COMMISSIONER KAPLAN: That's correct.

COMMISSIONER HYMAN: Okay.

VICE CHAIRMAN ANDERSON: Why don't we go day by day?

COMMISSIONER HYMAN: Okay. So the 27<sup>th</sup> I'm not here. You're not here the 25<sup>th</sup>.

VICE CHAIRMAN ANDERSON: Let's see who's not available and see if there's any way they can change their plans.

MS. ALTERMAN: Okay.

COMMISSIONER DUFRESNE: What date?

CHAIRMAN BARBIERI: So let's look at the 25<sup>th</sup>. Who can't make it the 25<sup>th</sup>? Who cannot make it the 25<sup>th</sup>?

Commissioner Dufresne.

COMMISSIONER DUFRESNE: I can --

COMMISSIONER HYMAN: Can you change it?

COMMISSIONER DUFRESNE: I can try to change that.

COMMISSIONER HYMAN: I have something that I will change if I -- if we have to do it the 25<sup>th</sup>.

MS. ALTERMAN: Okay. Let's just go to the 27<sup>th</sup>.

CHAIRMAN BARBIERI: No, no. Wait a minute.

COMMISSIONER DUFRESNE: Let's stay right there.

COMMISSIONER HYMAN: Stay with the 25<sup>th</sup>.

MS. ALTERMAN: Stay with the 25<sup>th</sup>?

COMMISSIONER DUFRESNE: We have the 25<sup>th</sup>. I'll make a commitment to change what I've got.

MS. ALTERMAN: Thank you.

COMMISSIONER DUFRESNE: Then Sherry will do that, and we're all good.

CHAIRMAN BARBIERI: Okay.

MS. ALTERMAN: The 25<sup>th</sup> then.

COMMISSIONER DUFRESNE: Everybody okay?

MS. ALTERMAN: Good.

CHAIRMAN BARBIERI: Okay.

MS. ALTERMAN: Great. Thank you all. So April 25<sup>th</sup> we will -- can we do a formal motion to continue it, and then we'll also --

COMMISSIONER HYMAN: I'm going to move for --

MS. ALTERMAN: -- readvertise.

COMMISSIONER HYMAN: -- move for postponement of the Callery-Judge Grove hearing until -- for a special set hearing on April 25<sup>th</sup>, 9:00 o'clock, these chambers.

COMMISSIONER BRUMFIELD: Second.

MS. ALTERMAN: Correct.

MS. KWOK: Yes.

CHAIRMAN BARBIERI: Motion was made by **Commissioner Hyman**, second by Commissioner Brumfield.

Is there any further discussion?  
(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.  
(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. ALTERMAN: Thank you all.

CHAIRMAN BARBIERI: Thank you.  
Is there anything else?

MS. KWOK: No. That's it.

CHAIRMAN BARBIERI: Do we have a motion to adjourn?

COMMISSIONER DUFRESNE: So moved.

CHAIRMAN BARBIERI: This meeting's adjourned.

COMMISSIONER HYMAN: We should keep our materials, right?

MS. ALTERMAN: Yes. Keep them.

(Whereupon, the meeting was concluded at 9:50 a.m.)

\* \* \* \* \*

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 26, 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 23rd day of April, 2007.

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Sophie M. Springer, Notary Public