

**ZONING COMMISSION
OF PALM BEACH COUNTY**

Thursday, May 3, 2007
9:00 a.m. - 11:30 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

Richard E. Bowman, Alternate

Bob Banks, Assistant County Attorney

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner, Zoning

Doug Robinson, Planner II, Zoning

Ora Owensby, Senior Planner, Zoning

Joyce Lawrence, Planner II, Zoning

Whitney Carroll, Consultant, Zoning

Bryce Van Horn, Planning Department

Jim Choban, Land Development

Robert Kraus, ERM

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. I'd like to call the meeting to order.

MS. KWOK: Okay. Good morning, Commissioner.

CHAIRMAN BARBIERI: Good morning.

MS. KWOK: Commissioner Bowman.

COMMISSIONER BOWMAN: Here.

MS. KWOK: Commissioner Feaman.

COMMISSIONER FEAMAN: Here.

MS. KWOK: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: Here.

MS. KWOK: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Here.

MS. KWOK: Commissioner Barbieri.

CHAIRMAN BARBIERI: Here.

MS. KWOK: Commissioner Hyman.

COMMISSIONER HYMAN: Here.

MS. KWOK: Commissioner Dufresne.

COMMISSIONER DUFRESNE: Here.

MS. KWOK: Commissioner Kaplan.

COMMISSIONER KAPLAN: Here. MS. KWOK:

Yes, we have a quorum.

CHAIRMAN BARBIERI: Thank you.

Would you all rise for the opening prayer and the Pledge of Allegiance.

And would I remind all of you, please to turn off your cell phones or put them on vibrate. Thank you.

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

CHAIRMAN BARBIERI: The Zoning Commission of Palm Beach County has convened at 9:00 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 at 301 North Olive Avenue, West Palm Beach, Florida, in the Jane M. Thompson Memorial Chamber, 6th Floor, at 9:30 a.m. on Thursday, May 24th, 2007, to take final action on the applications listed below.

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.

Staff, do we have proof of publication?

MS. KWOK: Yes, we do.

CHAIRMAN BARBIERI: Do we have a motion to receive and file?

COMMISSIONER DUFRESNE: So moved.

CHAIRMAN BARBIERI: Motion made by Commissioner Dufresne.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Seconded by Commissioner Kaplan.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

For those of you that wish to speak 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: Are there any disclosures by the commissioners, starting with Commissioner Kaplan?

COMMISSIONER KAPLAN: No, sir.

CHAIRMAN BARBIERI: Commissioner Dufresne.

COMMISSIONER DUFRESNE: No.

CHAIRMAN BARBIERI: Commissioner Hyman.

COMMISSIONER HYMAN: No.

CHAIRMAN BARBIERI: I have none.

Commissioner Anderson.

VICE CHAIRMAN ANDERSON: No.

COMMISSIONER BRUMFIELD: No.

COMMISSIONER FEAMAN: None.

CHAIRMAN BARBIERI: Thank you.

CHAIRMAN BARBIERI: Staff. MS. KWOK: Okay. Yes, we have three postponement items on the agenda. The first one is ZV2007-016, the Morgan Hotel.

The postponement is for June 7th, 2007. We need a motion for that.

VICE CHAIRMAN ANDERSON: So moved.

COMMISSIONER HYMAN: Second. Is anybody here from the public?

CHAIRMAN BARBIERI: Is anybody here from the public to speak on ZV2007-016, the first item on the agenda?

(No response)

CHAIRMAN BARBIERI: Motion was made by Commissioner Anderson, seconded by Commissioner Hyman.

Is there any discussion on the motion for postponement?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay. The next item is CB2006-947, Lee Road Property, a postponement to June 5th, 2007 -- I mean July 5th, 2007.

CHAIRMAN BARBIERI: Is there anybody here from the public to speak on CB2006-947?

COMMISSIONER KAPLAN: Not hearing anyone, Mr. Chairman, I move to postpone to July 5th, 2007, CB2006-947.

VICE CHAIRMAN ANDERSON: Second.

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

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. We have a third one, which is Colonial Lakes, as is shown on your add/delete agenda, CA2006-022.

The request is to postpone to June 7th, 2007.

CHAIRMAN BARBIERI: Is there anybody here from the public to speak on DOA2007-049 [sic], third item on the agenda?

(No response)

CHAIRMAN BARBIERI: Could I have a motion from the Board.

COMMISSIONER HYMAN: So moved.

COMMISSIONER DUFRESNE: Second.

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

Motion made by Commissioner Hyman, second by Commissioner Dufresne.

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. Remands items, No. 3, DOA2007-049, Kabbalah Learning Center.

The applicant is requesting to remand this project to the June 13th, 2007, DRO meeting.

We need a motion for this.

CHAIRMAN BARBIERI: Is there anybody here from the public to speak on Z/CA/ZV2006-1933 [sic], the fourth item on the agenda.

COMMISSIONER KAPLAN: There being no members of the public, Mr. Chairman, I move that we remand to June 13th Development Review Officer meeting DOA2007-049.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Second by Commissioner Anderson to remand.

Any discussion.

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: The next item is St. John the Evangelist East, CA/ZV2006-1933.

Again, this is administrative remand back to the June 13th, 2007, DRO meeting.

CHAIRMAN BARBIERI: You know, Mary -- Maryann on that last one I -- when I asked for the motion, I read the Z/CA/ZV2006-1933. Which one were on on that one?

MS. KWOK: This is on Page -- Item No. 4 on page 3. Oh.

CHAIRMAN BARBIERI: Which was the prior one we just --

COMMISSIONER DUFRESNE: Kabbalah.

MS. KWOK: Colonial Lakes.

CHAIRMAN BARBIERI: Okay. Got it.

MS. KWOK: Right.

CHAIRMAN BARBIERI: All right. So now we're on a -- now we're on agenda Item No. 4.

MS. KWOK: Right.

CHAIRMAN BARBIERI: Z/CA/ZV2006-1933.

Is there any member of the public here to speak on this item?

(No response)

CHAIRMAN BARBIERI: There are none. Need a motion.

COMMISSIONER HYMAN: So moved.

COMMISSIONER KAPLAN: Need a motion on that, Mr. Chairman?

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, seconded by Commissioner Kaplan to remand to the June 13th, 2007, Development Review Officer meeting.

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 consent agenda. We have two items requested to be placed on the consent agenda, and they are reflected on your add/delete memo.

The first one is ZV2006-1907, Murphy's Towing Variance.

The motion can be found on Page 5 on your regular agenda.

I would like the agent to come up to the podium to agree to the conditions.

MR. TERRY: Good morning. Brian Terry,

with Land Design South.

And I am representing Harold Murphy, the property owner, and he is in agreement with the conditions of approval.

I do, however, have a letter that would like to be just entered into the record from Mr. Murphy, who was unable to attend today, just regarding background of the variance request, again, just regarding his concerns with the request, and the fact of the matter is, is we are accepting the conditions of approval.

CHAIRMAN BARBIERI: Does your letter reflect his objection to some of the conditions?

MR. TERRY: No, it does not.

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

COMMISSIONER KAPLAN: So moved.

COMMISSIONER DUFRESNE: Second.

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

Any discussion on that one?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

All right. We're discussing Item 6, ZV2007-1907. Is there any member of the public here to speak on that item?

COMMISSIONER HYMAN: I'm going to move approval, ZV2006-1907, subject to the conditions as modified.

COMMISSIONER KAPLAN: Second.

VICE CHAIRMAN ANDERSON: Second.

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

MR. TERRY: Thank you.

MS. KWOK: Okay. The next item to be placed on consent is Temple Shaarei Shalom Expansion. It's ZV2007-329.

We're recommending approval, subject to the conditions in the staff report.

CHAIRMAN BARBIERI: Is the agent here?

MR. KILDAY: Yes. Kieran Kilday, representing the petitioner.

And we have read the conditions, and the conditions are acceptable.

CHAIRMAN BARBIERI: Okay. Are there any members of the public here to speak on Item No. 7, ZV2007-329?

(No response)

COMMISSIONER KAPLAN: Not hearing any, Mr. Chairman, I'll move to adopt a resolution approving a reduction in the required number of parking spaces for a place of worship for ZV2007-329.

VICE CHAIRMAN ANDERSON: Second.

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

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. KILDAY: Thank you.

MS. KWOK: Okay. This will bring us to the previously postponed items, Item No. 5, ZV2006-1925, Public Storage.

This item was postponed by the Zoning Commission so that the applicant can go back and get more information in terms of the grade difference between the site and the adjacent Hypoluxo Road, and the Zoning Director will give us an update on this.

MR. Mac GILLIS: Thank you, Maryann.

Good morning, Commissioners. As Maryann indicated, this application was on the March 1st Zoning Commission meeting. Staff was recommending denial of the request.

Staff explained as we went through the seven criteria that this is an existing nonconforming sign that was damaged during Hurricane Wilma.

The applicant is requesting to come back

in and install a new sign.

The existing sign under provisions of Article 1 would allow the sign to be considered nonconforming and to be improved by 30 percent. It's currently valued at \$3,000, so that would be a \$900 improvement that he could make to this existing nonconforming sign.

The applicant is out of California that represents the Public Storage indicated that the repairs are going to far exceed the \$900. So they want to come in with a new sign.

At the last meeting staff had also indicated that when we developed the new sign Code, there was new provisions put in for point of purchase signs limiting them to 12 feet. This sign far exceeds that.

We further explained that when the sign Code was adopted, the Board did not adopt an amortization program. It was their -- the direction of staff that these signs would eventually come down through normal attrition through hurricanes or whatever damage, and that we would have them replaced and not put the burden back on the County staff to have to go out and do an amortization program to take these signs down.

So staff has gone through the seven criteria. We have not changed it from the last meeting.

We did meet with the applicant, and on the last page we've provided you, Page 22, staff put this elevation drawing together 'cause there was some questions at the last meeting from several commissioners, the change in grade.

If you will turn to Page 22, I'll go through this drawing. On the right, the far right of this drawing, you'll see the guardrail and the road. The road elevation's at 45.86. The guardrail is at 48.78, and the 50.57 is the sight of line for someone in a vehicle or walking along there that would see a direct line of sight across to the top of the sign where it would be located.

Staff has shown several signs on this elevation just to give you an idea of the difference. The first one at the 12 feet would be meeting Code requirement, and, obviously, as you can see, there's quite a difference in the changed grade there.

The middle one, 38, was what staff was trying to work out with the applicant in our original negotiations which they didn't want to -- did not want to accept.

Fifty-five was the height proposed as part of this variance, and 62 feet is actually what the applicant had come back to staff after the last meeting.

Staff has continued to negotiate with the applicant, and we actually -- if the Board chooses to approve this we've recommended three conditions.

The height of the sign, if the Board chooses to approve this, on a compromise we would suggest the 42 feet. That would be taking the

50.47 high elevation minusing the low grade of where the actual building grade is at 19.60, which is a difference of three point -- 30.87 feet, and if you added the 12-foot height sign that's allowed currently, that would give you a total of 42 feet.

As you can see on the conditions of approval on Page 11, staff is recommending 42 feet on the sign. The applicant, we've spoken to him, and said if the Board would approve that, he would accept that 42 feet.

So staff is still recommending denial, feeling it doesn't meet the seven criteria.

The seven criteria was not revised by the applicant. He still feels that the original request that he put in to the Zoning Division is warranted.

Therefore, staff is still recommending denial, but, however, recommending conditions of approval if the Board chooses to find the applicant has met any of the seven criteria.

CHAIRMAN BARBIERI: All right.

Petitioner, you've heard the staff report.

If this Commission does decide to approve the variance, do you accept those conditions that they've put in there?

MR. BELL: Yes, the Public Storage is willing to accept the 42 feet.

Jonathan Bell, Interstate Signcrafters.

COMMISSIONER HYMAN: Can I -- I have a question.

How large is the sign face itself? I wasn't able to figure that out.

MR. Mac GILLIS: I think there's an elevation in your backup material. Let me see if I can find it.

COMMISSIONER DUFRESNE: Was it more along the 38 feet depicted or the 55 foot one?

COMMISSIONER HYMAN: Yeah, 'cause on the drawing there were all kinds of shapes.

MR. Mac GILLIS: I'd ask the applicant. What -- I know we -- the drawing wasn't correct.

COMMISSIONER HYMAN: Was it six-something feet or something?

MR. BELL: It's 10 by 16.

MR. Mac GILLIS: Which would meet Code. The actual sign face will meet Code.

COMMISSIONER HYMAN: Ten foot by 16 feet?

MR. BELL: Yes.

COMMISSIONER HYMAN: Ten feet?

MR. BELL: Ten foot tall, 16 foot wide.

COMMISSIONER HYMAN: That's so huge.

MR. Mac GILLIS: Is that correct? That's correct.

That will meet Code. The sign face will meet Code.

COMMISSIONER FEAMAN: Is staff's only objection the height?

MR. Mac GILLIS: Yes.

COMMISSIONER FEAMAN: Proposed?

MR. Mac GILLIS: 'Cause he meets the --

the actual sign face meets Code.

COMMISSIONER FEAMAN: You're okay with everything else?

MR. Mac GILLIS: Yes.

COMMISSIONER HYMAN: Staff, is that huge?

I mean I know you said it meets Code, but we typically hold them to more strict standards, or oftentimes we hold them to more strict standards with regards to signs, so do you feel that it's warranted to be 16 by 10?

MR. Mac GILLIS: I think on this, just because of the location of where it is. He only has one sign on that location, and due --

COMMISSIONER HYMAN: Okay.

MR. Mac GILLIS: Due to its -- the obstruction of the road, I think if the Board feels he meets the criteria to grant the height, I think the --

COMMISSIONER HYMAN: Okay.

MR. Mac GILLIS: -- considering it's meeting the sign face, we wouldn't object to it.

COMMISSIONER HYMAN: Okay. I'm going to move approval.

I think there are special conditions and circumstances that exist for this particular piece of property that are peculiar to this parcel and that do not result from the actions of the applicant, and I don't think granting the variance would confer upon them any special privilege, and I think a literal interpretation enforcement of the Code would deprive them of certain rights, and that the granting of the variance is the minimum variance, and we'll get into what the height will be, and it is consistent with the purposes, goals and objectives and will not be injurious to the area.

And I would make the motion subject to the three conditions of approval, and the first one being that the maximum sign feet not exceed the 42 feet that the staff recommended. I think that's the right number.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: All right. Any other comments from the commissioners?

(No response)

CHAIRMAN BARBIERI: Is there any member of the public here to speak on this item, Item ZV2006-1925, agenda Item No. 5.

(No response)

COMMISSIONER HYMAN: Okay. Yeah, I made the motion, and, of course, that's subject to all three conditions.

COMMISSIONER KAPLAN: I second it.

CHAIRMAN BARBIERI: Staff, do you have anything else?

(No response)

CHAIRMAN BARBIERI: Staff's okay. Do you have anything else?

(No response)

CHAIRMAN BARBIERI: All right. We have a motion by Commissioner Hyman, seconded by Commissioner Kaplan for approval of the variance.

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. BELL: Thank you.

CHAIRMAN BARBIERI: You're welcome.

MS. KWOK: Okay. The next item is Item No. 8, CA/TDR2006-733, Dryden Apartments.

Mrs. Owensby will provide you a presentation on this project.

MR. BANKS: Apparently, some members of the public came in late, and so I think we need to swear in anyone who's arrived at the meeting since we did the original swearing in.

So anybody additionally needs -- wants to speak, and I think we have four or five people who have since submitted cards, would you please rise.

CHAIRMAN BARBIERI: Those of you that weren't sworn in earlier, would you please stand if you want to speak to us today.

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

MR. BANKS: Thank you.

MS. OWENSBY: Okay. This is Dryden Apartments. The proposed development is a multifamily residential project with 24 units.

They are requesting eight transfer of development rights from the TDR program. They have four bonus units available to them through the Workforce Housing Program.

A total of 11 workforce housing units will be provided on site. The site plan includes a 2.58-acre site with a 0.16-acre recreation area, two two-story buildings with 12 units in each building, a total of 57 parking spaces, and access is from Dryden Road.

The subject site has adjacent multifamily development on the east side of the property, and there is one triplex on the west side.

The balance of the properties on the west and the north end of the property are vacant. They have RM zoning and MR-5 land use, which is similar to the Dryden Apartments property.

There is also a single family residence on the east side at the north end of the property, and to the northeast is Dyson Circle, which is a County housing project with a land use of HR-12.

To the south across Dryden Road is a single family subdivision.

An earlier design of this project located all the buildings at the north end of the project and -- which was close to the single family home.

Staff informed the applicant that that design would not be supported by staff because it did not adequately address compatibility.

The project was remanded back to the DRO and redesigned. The agent worked with staff on relocating the north building as far away from that single family house as possible, and staff is also recommending landscape Condition 6 to require a six-foot wall in the east buffer the length of both buildings, and staff also recommends that the median of the north parking lot be planted with additional palms to provide further screening from that north building.

As part of the TDR program elevations have been provided. Staff believes that they are average and need a little bit of work so we've added a condition to require it to be upgraded at final DRO.

At the time of publication staff had received 148 letters in objection. Staff's recommendation of approval is based on the 29 conditions of approval that we recommend to mitigate the concerns in the neighborhood, and it is also the County's goal to provide workforce housing.

That concludes this presentation.

CHAIRMAN BARBIERI: Thank you.

Petitioner, would you state your name, please.

MR. PERSAUD: Good morning, Mr. Chair, members of the Board. My name is Brahmdeo Persaud. I am the applicant for the subject site which is referred to on application as Dryden Apartment.

I have a PowerPoint presentation I'd like to -- for you to view that gives you an idea of the overall property site plan.

Today we are seeking site plan approval with Class A conditional use allowing the transfer of development rights of eight units.

To give you an idea of the location where this property is at, on the PowerPoint presentation it's that brown overlay. It is within the Military Trail Revitalization and Redevelopment Area, which is bounded by Haverhill, to the east by Congress, to the north by Southern Boulevard and to the south by Forest Hills.

This site is located directly north of Dryden Road. Again, it's on the brown overlay that you could see.

On Military Trail there is the Auto Mall that you can see here. On the northeast of that property is Palm Beach housing.

The zoning is residential multifamily. Further land use is MR-5, which is consistent with the existing property to the east. To the northeast is HR-12, and also we have to the east a

mixture of triplexes, duplexes and some single family.

This third slide shows we have some vacant land which is the same zoning on the north. To the west of the property we have residential multifamily, also, and to the south residential family -- multifamily.

We believe this site is a good transition from the surrounding vacant infill, the two-story Palm Beach housing and the old age triplex, duplex to the east and west of this site.

Mr. Chair, today we are -- the building is going to be a two-story building, two two-story building with 12 units each. All units have separate utilities. The site contains all amenities that promote a sense of a community within and around.

Some data on the site. It's a 2.56-acre.

Again, it's zoned residential multifamily, Florida land use MR-5.

Twelve units are designated for PUD, Planned Unit Development, four units as a -- qualify workforce housing site, 10 units designate TDR as an infill.

Mr. Chair and members of the Board, today we are asking for eight TDRs for a total of 24 units, of which 11 units are designated workforce housing.

What I can assure you today, Mr. Chair and members of the Board, is that all 24 units on this site are within the workforce-designated price range.

This is a site plan of the project. The site is -- it's a very narrow strip of land going from south to north on Dryden Road. Dryden Road is a primary ingress, egress to this site. Other egress can be considered as Jamaica Road, Montego Road and Mango Road.

Jamaica is here (indicating), Montego.

To the west we have created an easement so that the present vacant lands that are to the west of this property can have access to those -- to those land.

A 30-foot easement is also provided on Dryden Road. We have provided a 30-foot easement on Dryden Road.

Dryden Road is expanded to a full 20 feet from Jamaica to Montego Road within the existing 30-foot right-of-way on Dryden.

This orange overlay, as you can see, is the extended portion that we will be providing.

We have pursued for several months an easement on the western property, which I'm indicating here (indicating), from Mr. Floyd.

After several months we are unsuccessful in obtaining that easement, but we are okay with expanding the road which we'd have liked the easement, but, unfortunately, we weren't able to secure that easement -- right-of-way, sorry.

Next slide is giving you as you enter Dryden Road to the property, we have a driveway, a long driveway, which is about 225 feet. On both

sides of that driveway we have lines of decorated canopy trees with open green space on both sides.

To the right we have a dry retention area.

To the left we have a tot lot.

Ahead, as you're moving in that driveway, you will see lush green vegetation, and together with the curve, driveway, mitigates any offsite view from the parking lot, the building, to activities on Dryden Road.

There is plenty of lights on every 50 feet as you're going up that road. There is specific lighting around the parking area. There is also lighting in front of the buildings.

The driveway is separated -- the pedestrian walkway in front of the buildings are separated by a green space from the driveway.

As you move to the second parking lot, it is a divider island fully landscaped with canopy trees, shrubs, and that helps mitigate off-site view to the nearby residents, also.

Next slide, we are showing overview of the building itself. There is two buildings, as I said earlier. They are located towards the forward end of the property, and they were positioned specifically in that area so that we can access utilities which are indicated by the orange dot at the end of the property there.

At the top we show an overlay of a similar building that was done by the same architect that we are utilizing, and the building is -- basically the architecture will be pretty much the same.

The middle building that is situated at the center of the site, which is indicated by the yellow, is -- that's the building that we have set back 28 feet from the property line, which is a little bit less than twice the required distance for compatibility, and at the back of that, that's going to be also part of the dry retention area.

The parking is distributed evenly around the building so residents has easy access to their -- to their vehicles.

Again, the overlay is showing it's on Briar -- it's Briarwood and Jog Road north of -- north of Okeechobee before you get to Roebuck, that overlay building is a model of what we are using.

This next slide show we have active pedestrian walkway within the site which leads from building, one building to another and also to the amenities on site. It's also -- leads out to Dryden Road, and on Dryden Road there is a pedestrian walkway that leads to Haverhill and also south that leads to Summit Boulevard to Jamaica Drive and Montego.

We have a -- quite a lot of green space on that site. To the rear we have a 45 feet area there which pedestrian can -- which residents can congregate and can use as activity.

We have the dry retention area which is open green space. We have the tot lot area, which is also green space.

This site show elevation, architect again.

We are showing comparables with what the architect has done previously and what we are -- our intentions are.

It has a front porch that leads up from the pedestrian walkway into the buildings.

To the rear of the building we have porches also at the top which residents can sit on and overlook the green.

To the bottom they can come out of the building and mingle within the green space, also.

The building amenities and landscape we think might, 20, 30 years in time, in the future the same as it is today.

We do have some issues. Obviously, with workforce housing, it brings issues in the neighborhood. We have speak with the individual neighbors. We have sent out pamphlet with site plan, tell the neighbors what we are trying to do.

We also had a meeting at the local restaurant where we invited community to come out and speak with us.

Some of the concern -- some of the concern that we had at that time were residents were concerned with regards to the conduct on site and also with regards to traffic.

We tried to address the concern on site. We proposed a 10-point management plan with a strong lease agreement.

As you know, recently last week there was even -- there was a lease agreement -- tenant-landlord law in Tallahassee which was signed, which really reinforces tenant-landlord lease agreement.

On top of that 10-point management plan that we have proposed, we would do a rigorous background check, zero tolerance of illegal drugs, zero tolerance of alcohol on public site. We provide 24-hour electronic surveillance. We have staff on site, et cetera.

With regards to the traffic on -- the neighborhood were looking to meet with the County to provide speed bumps and street lights within the neighborhood.

We have volunteered to put speed bumps on Dryden Road, and we also beefed up the light within the site, also. We were not able to come to any conclusion in that.

This site has been -- Mr. Chair, and members of the Board, this site has been around for quite awhile, and we would like to move forward with it.

I would like to say thanks to the County staff who has been very helpful in moving this project to this point where we are today.

I would like to give a special thanks to our project manager, Ms. Owensby, who has been very, very cooperative and also was very nice to work with us to have this project move to this point.

With that, Mr. Chair, I would just like to make a quick summarization.

The staff support this petition. We meet

all Palm Beach County agency criterias, this site.

This site also address all Palm Beach County agency concerns and issues. It is an infill project in a community revitalization area.

The site provide workforce housing. In fact, we are providing 11 workforce housing out of 24 units. They are deed-restricted.

The site also contains all amenities to promote the sense of community within and around.

With that, Mr. Chair, and members of the Board, I'd like to conclude my presentation, and I would like to reserve any time that you may see -- that you could grant me to rebut any comments from probably neighbor residents and yourself and staff.

Thank you very much.

CHAIRMAN BARBIERI: You're welcome.

Staff, do you have anything before I go to the public?

MR. Mac GILLIS: No, Mr. Chairman.

CHAIRMAN BARBIERI: We have 10 people that want to speak, and we have four cards that people don't want to speak. So I'm going to limit you to three minutes per speaker.

I ask those of you that want to speak today that if you want to say something that's already been said, just please say you agree with the prior speakers rather than repeating.

And the lady with the baby, did -- have you submitted a card? If you want to come up first, we'll make it a little easier. Did you submit a card?

UNIDENTIFIED SPEAKER: (Inaudible)

CHAIRMAN BARBIERI: Okay. No problem.

All right. Then I'll call them in the order that I have them.

Brian Bray, would you please come to the podium on your left, and Carmen Messing (ph), would you please come to the podium on your right.

Would you please state your name.

MR. BRAY: Brian Bray.

CHAIRMAN BARBIERI: Go ahead.

MR. BRAY: Yeah, I just want to say I live on the -- if they put the sign back up, it might be somewhat easier for some of us neighbors to point out what our discrepancies are with this development.

First of all, I really don't agree with putting a two-story building there with 24 units.

Let's multiply that times cars and living space.

I don't know the 10-point move in, if they're going to have people that have low income or no income. They say they do, but I don't really believe them. I don't think they have follow-through.

I don't believe in surveillance cameras. I've been robbed three times. My car's been robbed twice. I live at the end of the street, Harth Drive, which he didn't mention, and I see that there's going to be crime in my neighborhood more, I should say, than there is now.

We live behind Dyson Circle, which is not

a very good place to live.

I think that he's trying to sneak something in there. It should be a one story or -- we're a subdivision. I don't think he should be able to put two-story, 24 units, and I don't know how many people are going to live in each unit.

This is Florida, and a lot of people live in apartments that say two people. They have 10 people living in there.

I don't think he'll ever control it once they put it up, and I don't trust what he's saying.

Dryden Road is a one-lane highway. I don't see where he's going to open it up to where you can have two lanes of traffic. Traffic there is already busy, and people go fast through there, and adding what, 42, 52, 62 more cars and traffic going through there? I just don't see it's feasible or acceptable. I don't know how the County can let him do that.

The people that live in a second story behind my house will be able to look at my back yard and tell when I come and go and rob me any time they want with every other person in that subdivision.

If you'd like -- like I said, if you put where the houses going to be, I live on the very north part -- on the very north part of that subdivision. That one duplex is right in my back yard. You can look right down there.

And you have balconies in the back where you can watch people what they do.

I just -- I live on Dyson Circle. I can see that from my house. I've been -- like I said, I've been robbed. My car's been robbed out of my driveway.

I -- there's people that roam the neighborhood. I just -- the security is not going to be good. I don't believe it. I don't believe he'll control the people that live in that subdivision.

It'll be a traffic problem, and it's -- I think it's ludicrous that you want to put two stories in there. One story's fine. To the east of it there's one-story apartments. Why does he have to put two so people can look down on where we live and what we do?

CHAIRMAN BARBIERI: All right. Thanks.

Petitioner, would you please come up to your computer and show us where this gentleman lives. Can you put your pointer up there and show us where he lives?

MR. BRAY: I'll show you where I live. I asked you to put the sign up. If you put a better sign up, I'll show you where he -- all right.

Right there. Back up, back up to the top, to the -- to the left. Keep going. Right there (indicating)0, bam, that's my house.

Show where they're going to put the first -- the furthest north building.

Yeah, see that's where he's putting there,

my house is right there (indicating).

MR. PERSAUD: Your house is over here.

MR. BRAY: And I don't -- and you can look out that balcony, and you can go out the back of that slider and just cut across that empty lot and rob anybody you want in that neighborhood if you're not a working person or have anything to do during the day.

And it's been done to my house before, and I don't look forward to seeing 24 units sitting in my back yard. I've lived there for 20 years almost, and I was planning on putting an addition.

Now it looks like I'm planning to move, and I don't appreciate that at all.

CHAIRMAN BARBIERI: Thanks.

Commissioner Hyman.

COMMISSIONER HYMAN: On your site plan you put in, what, those are apartments on the bottom?

MR. PERSAUD: Pardon me? These are existing here (indicating).

COMMISSIONER HYMAN: But you don't show the single family homes on the top?

MR. BRAY: No, he doesn't show them. He shows them there, but right there is my house, right there, see --

COMMISSIONER HYMAN: I got it.

MR. BRAY: You can throw a rock from there to my house on the second story, hit somebody in the head if you want.

I just don't agree on two stories. We're a subdivision. Why can't he put single family houses in there?

CHAIRMAN BARBIERI: All right, Mr. Bray. Thank you.

Let's hold the applause, please. We'll hear from all of you, but please hold the applause.

MS. MESSINA: Good morning. I'm Carmen Messina.

What I'm talking about, the problem we have right now is the traffic. So if we have more units, we have more traffic, and we have a lot of children around there. We have families with five childrens living -- using the corner.

So I think the problem is the traffic, and I agree with him.

Thank you. That's it.

CHAIRMAN BARBIERI: Okay. Thank you.

I think a couple of us up here, Petitioner, are confused about -- the site plan that we're looking at that staff gave us with the aerial shows the site butted right up against buildings, but apparently there's a vacant lot between where you're going to build and the actual place where these homes are, and we're not sure what we're looking at.

COMMISSIONER HYMAN: There's two -- are there two RM pieces next to each other, and you're the easternmost?

MR. PERSAUD: We're -- to the east of our property line there are -- if we looked at the site -- these are duplexes, triplexes. There is a

duplex that locates here, and there is a single family --

COMMISSIONER HYMAN: And they're all single story?

MR. PERSAUD: They are single story, right.

COMMISSIONER HYMAN: Okay. And then go to the next -- is that vacant?

MR. PERSAUD: On the west is the vacant, and the home that the gentleman was just speaking about locates here (indicating) just --

COMMISSIONER HYMAN: All right. So how wide is that vacant piece?

MR. PERSAUD: Probably 170 feet, approximately.

COMMISSIONER HYMAN: So it's the same kind of thing we have here.

And does your client own that piece, too? I doubt it, right?

MR. PERSAUD: No.

COMMISSIONER HYMAN: No.

COMMISSIONER DUFRESNE: Mr. Persaud, you said there were some two-story units in the neighborhood?

MR. PERSAUD: Yes, to the northeast we have -- to the northeast in that area over there, and if I can back up a few slides here -- this is Dyson Circle, Palm Beach Housing Authority. Those are two-story buildings.

COMMISSIONER HYMAN: Where are they?

MR. PERSAUD: They are directly adjacent northeast --

COMMISSIONER HYMAN: Across the street?

MR. PERSAUD: No, they're adjacent. They're butting up on this intersection here. Those are two stories.

COMMISSIONER HYMAN: It's across the street and diagonal?

MR. PERSAUD: No, no. It's -- there isn't no street. The two property meets there at that point.

COMMISSIONER HYMAN: That's the only two-story?

MR. PERSAUD: That's -- and across there is a single family that is a two-story, and there are one or two two-story -- one, I think there is one more in -- somewhere in the neighborhood over there.

COMMISSIONER HYMAN: Okay. All right.

CHAIRMAN BARBIERI: All right. Would Crystal Eldred please come to the podium on your left, and Tina Bourgault, please come to the podium on your right.

Yes, ma'am. Would you state your name, please.

MS. ELDRED: Crystal Eldred.

CHAIRMAN BARBIERI: All right.

COMMISSIONER HYMAN: Crystal what?

MS. ELDRED: Crystal Eldred.

CHAIRMAN BARBIERI: E-l-d-r-e-d?

MS. ELDRED: Yes.

CHAIRMAN BARBIERI: Thank you. Go ahead.

MS. ELDRED: Okay. We have a lot of families in our neighborhood, a lot of little kids. I have an almost one-year old daughter, and we have a lot of traffic. The kids, it's not safe for them to play in the street.

I mean we have problems already. It's just going to add to it tremendously.

Also, the crime in the neighborhood, it's going to make it go up, I think.

Just -- I think, you know, my husband and I and my family is going to have to move if this happens.

So I really hope you don't approve it.

CHAIRMAN BARBIERI: Thank you.

MS. ELDRED: Thank you.

CHAIRMAN BARBIERI: Tina, would you spell your last name?

MS. BOURGAULT: B, as in boy, o-u-r-g-a-u-l-t.

CHAIRMAN BARBIERI: Thank you.

MS. BOURGAULT: Tina Bourgault.

I represent the Dillman Heights Neighborhood Watch, and we've been working with Commissioner Koons' office and Ruth Mogalinski De Rosas (ph) for the neighborhood revitalization project for about four years.

We're trying to get our crime, traffic issues and things solved, you know, for four years.

This new development will pretty much negate all of our efforts. The traffic is very bad as it is now. That's why we're trying to get speed humps, and when Mr. Persaud talks about speed humps, he talks only about Dryden.

There's a light on Dryden and Haverhill, and everybody flies through there, our streets, which is Harth, Scott, Mango, Burch -- I'm sorry, not Burch, Jamaica and Montego.

All of those streets traffic just flies down there so they don't have to wait at the light. Either they come flying down Dryden so they don't have to wait when they're on Haverhill, or if they're on Summit, they come flying down one of those other five streets so they don't have to wait at the light.

My -- I've been a resident of Mango Drive for 18 years. My street is 14 feet wide. I drive a big van, and I have to pull over just for a Volkswagen to pass me.

Mr. Persaud is not talking about speed humps or widening of any of the other streets. There's traffic. Putting in 57 parking spaces is just going to kill us.

We're going to have at least, you know, depending on his vacancy rates, 40, 50 cars at any time coming through that neighborhood in which we're already taxed as far as we can take it on the traffic.

Like the other lady said, there's a lot of children playing in the street.

We've had a lot of crime problems. We've had a lot of things.

You know, talking about the two-story Dyson Circle, to me, that's not a noble goal if you want to model your style after Dyson Circle. That's where most of our, you know, we have a lot of walk-through traffic from there, and we have people walking through our streets all the time. They're casing houses.

They -- some of the neighbors -- a lot of the neighbors come to me, being the founder of the Neighborhood Watch, and they tell me what their crime problems are, and they have people walking through that will just take their mail right out of their mailbox.

They can't -- you can't leave a bicycle in the street 'cause someone will just pick it up. They think nothing of it. They just, you know, they think they're entitled, and they can do whatever they want.

And adding workforce housing to this neighborhood doesn't seem -- we're flooded with workforce housing. We have 350 units all around our area that are already workforce housing, and to want to change the zoning to put 24 units instead of eight or whatever he's allowed at the current zoning, I feel like he's using the workforce housing as an excuse just to get, you know, the 24 units in there. We don't really need more workforce housing. We have plenty as it is.

As, you know, you already had mentioned, we had 148 of petitions of our neighbors that have already, you know, voiced their, you know, disapproval of this, and that was -- we only went around for two days to get that, and we got 148 yeses and no nos.

Nobody in the neighborhood is in favor of this.

As far as the crime and the traffic, I don't think the 10-point --

CHAIRMAN BARBIERI: You've got to wrap it up for me.

MS. BOURGAULT: Okay.

CHAIRMAN BARBIERI: You've got to wrap it up.

MS. BOURGAULT: I just don't feel that the 10-point management plan is going to weed out any of that.

Okay. That's all I have.

CHAIRMAN BARBIERI: Thank you.

COMMISSIONER KAPLAN: Mr. Chairman, may I ask staff a question, please, before we proceed?

CHAIRMAN BARBIERI: Yes, sir.

COMMISSIONER KAPLAN: Staff, in your report you said to the northeast is Dyson Circle, a County housing apartment complex, HR-12.

How many units are in there and how tall -- how many stories on that County complex?

MS. OWENSBY: They are two-story, they are two-story units for the entire complex. I don't know the exact count.

COMMISSIONER KAPLAN: How tall -- how many units?

COMMISSIONER HYMAN: Two.

MS. OWENSBY: They're two-story -- two-story, and I do not know the exact count for the number of units.

COMMISSIONER KAPLAN: Thank you.

MS. OWENSBY: It's 12 units per acre.

CHAIRMAN BARBIERI: Mr. Perry, I realize that your card is in here, do you want to wait to the end and kind of summarize it or would you like --

MR. PERRY: That's fine.

CHAIRMAN BARBIERI: Okay.

Commissioner Hyman, did you have something?

COMMISSIONER HYMAN: Oh, I just -- you're done. You're fine.

I just wanted to just mention to the members that this isn't a zoning, a rezoning. It's a Class A conditional use and a request to allow the transfer of development rights.

So they're not requesting a rezoning.

CHAIRMAN BARBIERI: All right. We need Brandon Eldred to please come to the podium on your left and, Edward Floyd, please come to the podium on your right.

State your name for the record, please.

MR. ELDRED: My name is Brandon Eldred. That's E-l-d-r-e-d.

CHAIRMAN BARBIERI: Thank you.

MR. ELDRED: And I'm against it.

First thing I'd like to say is he said that he sent letters letting everybody know what was going on.

I've talked to at least 20 people in the neighborhood, and not one of them has seen that letter notifying us what was going on. The only way we knew was because one of our neighbors that was next door to the site put a big sign letting everybody know we need to save our neighborhood.

And I moved in there with my wife. We just had our daughter, plans to bring up a family in a nice neighborhood, and we strongly feel that if this goes on, that the crime rate, which is already there -- I had my work truck broken into two years ago.

I lost over \$4,000 worth of tools I had to replace because, you know, that's not going to get done by the, you know, the government's not going to pay for that.

So, you know, I'm fearing that this is going to go on and be worse, especially if this gets built because, you know, he does a background check on people, you do it on the person that signed the lease.

Well, who moves in there with them? They can only do so much to check that and help that.

So, you know, I'm really against this.

CHAIRMAN BARBIERI: All right.

COMMISSIONER HYMAN: Well, are these rentals, or are these going to be for sale?

MS. OWENSBY: Rental.

COMMISSIONER HYMAN: Because you're talking about the workforce units, and we've got, I think, sales prices here.

MR. PERSAUD: Yeah, that -- we -- our -- the -- our objective was to provide a condo to resell to the public.

As you know, we have some problems in the market, and financing is an issue.

We are trying to hedge our position by provide -- these units are going to be built as condo units. The examples that I show are condo units. They are built that way.

We are -- we were discussing the probability of obtaining finances if we can resell.

But to answer your question directly, right now we're proposing apartments. They're -- they're rental apartment at this time. That's what we are proposing.

COMMISSIONER HYMAN: And you said there was on-site -- there was going to be an on-site person.

Where would they be living?

MR. PERSAUD: We have a -- we have an apartment, a triplex, adjacent to that property, probably about 500 yards to that property, which we have one of the person that work with us is living there.

COMMISSIONER HYMAN: Five hundred yards from the property?

MR. PERSAUD: I would say -- let me identify directly where it's at. I don't have the exact measurements, but it's -- it would be one, two, three streets over.

COMMISSIONER HYMAN: So that's not on site.

MR. PERSAUD: No, it's not on site, no. Not on site.

MR. ELDRED: They -- that's, you know, and that's not even going to -- how can you tell what's going on in that property and you're 1500 feet away? You know.

And then he also says that he's a little bit over double, 28 feet. Now, for me to you, about 28 feet. Okay. Now, if I'm in a second story, I know everything you're doing.

You know, I can watch you, just like the other gentleman said.

So, you know, the houses behind them to the -- to the east of that property, all going to have problems, and, you know, we're totally against it. The whole neighborhood's against it.

A lot of people aren't here 'cause they couldn't take the time off from work. You know, I took the day off from work so I could be here so I could say what I need to say because I am totally against this.

You know, I've made an investment in my house, and it's hard to get that now. I can't move in West Palm Beach because it's too expensive.

I bought our house six years ago for \$85,000, you know. We were able to get it then. Now we can't. We're going to have to move to Port St. Lucie. I probably have to change my job and

everything, so, you know, it'd be very difficult, not only my family, but several families in the whole neighborhood.

CHAIRMAN BARBIERI: All right. Thank you, Mr. Eldred.

Mr. Floyd.

MR. FLOYD: Yeah. Hi. I'm Edward Floyd.

We own the property he refers to as the triplex, the one that he tried to buy the --

COMMISSIONER HYMAN: Can you put the other one on that shows closer, shows the -- the aerial that's -- yeah, that one.

Which one are you in?

MR. FLOYD: The building just right there (indicating).

Even though that is a triplex, that's our homesteaded property. We live there as a family, my wife's parents, her grandmother and us.

COMMISSIONER HYMAN: Oh.

MR. FLOYD: Our kids attend Summit Christian School, which is down the street.

We believe that Mr. Persaud is proposing rentals so he can avoid the subdivision rule that requires him to have 60 feet right-of-way to Haverhill, and that once the building is built, try to, you know, sell them off as condos and avoid that rule based on it's an existing structure. That's kind of our belief.

The multifamily to the east that he refers to, those do not use our neighborhood. They exit out Gardenette, Gardenette that comes out by the West Palm Beach Auto Mall.

So even though those are multifamily, that's an adjoining neighborhood. It's not actually our subdivision.

So our subdivision is single story, single family residences. That's what it is.

As we said, there's at least 350 workforce priced units available currently in our geographical area. We had a realtor search that for us and are 350 available units already. So we're -- we're -- don't have a shortage of workforce housing in the area.

We've been -- we've been trying to do positive things in the neighborhood, put in street lightings and, you know, hopefully, one day we're trying to find a neighborhood park, a space for a park, but we certainly wouldn't want this. This would ruin the efforts from the last several years.

Additionally, an issue that I haven't heard yet is where the road tapers in front of our triplex there's actually only 10 feet of asphalt there. No one has seemed to address that.

It shows 20 feet, but the County has improperly paved 10 feet onto our property. I have a, you know, a little better aerial map of that. So we're going to restore our property line and put the grass out the additional 10 feet.

So in one section he's going to have 10 feet of asphalt, and the road is far too narrow to have 200 plus trips a day on.

COMMISSIONER HYMAN: How wide is that road?

MR. FLOYD: It's 12 feet in front of his property to the west. In front of ours is actually only 10 feet of asphalt that belongs to the County, that the County is allowed to have there.

We may be willing to leave two more feet and only take eight feet of the asphalt off so you would have still, you know, what would be okay with the County. It would match the additional -- or the 12 feet that's to the west of it, or to the east of it already.

The roads are plenty sufficient for the residents that live there now. We just don't believe that any improvement could handle 200 extra trips a day.

CHAIRMAN BARBIERI: Kind of summarize for me, please.

MR. FLOYD: Right. Basically, you know, we're opposed to it based on those reasons. The density is much too high.

I mean if you wanted to build what he's allowed to build, we could probably live with that or if it were single family homes.

CHAIRMAN BARBIERI: All right. Thank you.

COMMISSIONER HYMAN: What's the deal with the road?

CHAIRMAN BARBIERI: Engineering --

MR. CHOBAN: Conditions of approval, Condition E.4, requires reconstruction of Dryden Road from Montego to Jamaica.

And if Mr. Persaud could show us the area that he will be widening, I don't know if you can see Dryden to the left.

MR. FLOYD: Right, but he failed to address in front of our property where there's only 10 feet.

MR. CHOBAN: This dark orange that he shows would then widen the road back out to 20 feet so that you would have 20 feet in front of --

COMMISSIONER HYMAN: Just 20 feet in front of his property? What about to the --

MR. CHOBAN: His property.

COMMISSIONER HYMAN: -- main road to Military?

MR. CHOBAN: Well, it already exists 20 feet further on Haverhill Road, and he will be widening it then adjacent to his property down to the bottom of the site plan.

MR. FLOYD: But it doesn't -- there is actually 20 feet of asphalt, but it's not County property. Ten feet of it is, so he has --

COMMISSIONER HYMAN: You guys paving some other property?

MR. CHOBAN: I believe he's talking about the area directly in front of his house.

MR. FLOYD: I have a closer up map --

MR. PERSAUD: He's talking about this area (indicating).

MR. FLOYD: -- that would -- you could look at, and it'll show our property line versus

the road.

CHAIRMAN BARBIERI: You should probably give that to Engineering staff here.

COMMISSIONER HYMAN: Okay.

CHAIRMAN BARBIERI: Thank you.

COMMISSIONER HYMAN: Thank you. Okay. Anybody else?

CHAIRMAN BARBIERI: Mr. Johnson, would you come to the podium on your left, and, Julie De Nicolais, please come to the podium on your right.

MR. JOHNSON: Good morning. My name's Mike Johnson. I live at 858 Harth Drive. We have been residents there since 1980, have seen a lot of changes.

Traffic, I know you've asked us not to repeat the same thing, but all the concerns are the same for the neighborhood.

The traffic, because of the changes in growth and the patterns on Haverhill and Summit have already impacted our neighborhood, and we all have small children and grandchildren, and we wish that the Board would reconsider this and disapprove this building.

CHAIRMAN BARBIERI: All right. Thank you very much, Mr. Johnson.

Ma'am, would you spell your last name for the court reporter, please.

MS. De NICOLAIS: D-e, capital N-i-c-o-l-a-i-s, De Nicolais.

CHAIRMAN BARBIERI: Thank you.

MS. De NICOLAIS: I want to say that Tina and I have spent countless hours over the last four years getting petitions signed to lower our speed limit, put in speed humps, put in streetlights, and for the last four years we were asking the County to put a park there.

We realize Mr. Persaud purchased it. He can do with it as he wishes. We are only asking you not to let him put in the additional units.

We already have a drainage problem very much in Dillman Heights. The Mosquito Control Department knows us very well.

Dyson Circle is such a high crime area that the Sheriff's Department has a satellite office there, and I personally had my car all gone through Friday night.

I grew up in this neighborhood, and I have owned my own house in this neighborhood for 19 years and personally just put \$100,000 into my house, that the property value is going to be ruined.

And what -- Mr. Persaud has other assets.

We are all workforce people already. This is our biggest asset that we have, and our values are going to be ruined if this is put into our neighborhood.

I could repeat a lot of this. I personally pulled up that there are over 350 units available for sale under \$300,000 in a short -- a very small area.

Palm Hill Apartments at Forest Hill and Haverhill can't give the units away. You can move

in and buy them for under \$500. Turtle Cove at Summit and Kirk have move-in specials all the time and many vacancies.

I know that the County wants workforce housing. Our whole neighborhood is already workforce housing, and I don't think for all the efforts that we have put into improve our neighborhood that was deteriorating, that it should be yanked out from under us.

Commissioner Koons knows us very well. Kim Ciklin knows us very well. Ruth De Rosas knows us very well.

We attend CCRT meetings all the time. We work with the Sheriff's Department, and we are just strongly asking you just to stick to the units that it's already zoned for.

CHAIRMAN BARBIERI: All right. Thank you very much.

MS. De NICOLAIS: Sorry that I don't speak -- I'm a little shaky.

CHAIRMAN BARBIERI: That's okay. You did a fine job.

Mr. Perry, would you please come up to the podium.

MR. PERRY: Good morning. Marty Perry, I'm here representing J.D. and Barbara Parker who are right behind me. They live at basically catty-corner from this site there at --

COMMISSIONER HYMAN: Can we put the other site plan up again?

MR. PERRY: -- there at 4866 -- if we could get the map up here, it'd be helpful.

COMMISSIONER HYMAN: The aerial, that one. Right.

MR. PERSAUD: That one?

COMMISSIONER HYMAN: That one. Thank you.

MR. PERRY: The Parkers live -- you see the site here. They're catty-corner from the site. They're a single family home right there at the corner.

COMMISSIONER HYMAN: On the north?

MR. PERRY: On the lower end of the map here, just west of the RM, the red RM. Right there (indicating).

The one thing I think is clear from the people who have spoken to you, and that includes the Parkers, who've lived in this neighborhood for 30 years, and that is that this is a stable neighborhood. Most of these people have lived here on a long-term basis.

The multifamily that you see here is predominantly --

COMMISSIONER HYMAN: It's a little too high tech for you.

MR. PERRY: Too high tech for me is right.

Multifamily that you see in here is predominantly this single story triplexes and duplexes, and this one that the gentlemen just spoke from, this triplex here (indicating).

COMMISSIONER HYMAN: Nothing's --

MR. PERRY: The rest of these are all single family homes except for Dyson Circle, which

is really not a part of this neighborhood, up here on the top (indicating).

If you go down this street, and I walked the entire area on Tuesday, this does not go through here. This is a totally separate area up here.

And this area down here down here and going south --

CHAIRMAN BARBIERI: Marty -- Marty, would you mind pointing to that one over there. Some of the commissioners can't see this one up here.

Thank you.

MR. PERRY: This area to the south of this -- of Dryden is all single family. This neighborhood probably dates back somewhere in the neighborhood of 30 to 40 years, maybe a little bit further.

The streets are all substandard streets. Most of them are probably in the 12 to 15-foot width range of pavement.

I have some photographs that I think will clearly indicate that. These are photographs of Dryden, one of which -- and I'll hand them up to you -- shows a vehicle coming west on Dryden that takes up predominantly the entire width of the street, as has been indicated by a couple of the people.

Since the improvements to Summit and Haverhill Road, and you have a major intersection where those two roads intersect, people are avoiding the intersection by going through the neighborhood, and Dryden has become a speedway, and it's a real problem.

Frankly, the suggestion by Mr. Persaud, who is not just the representative of the owner, he is the owner, the suggested -- the suggestion that this is a good transition parcel is really inaccurate.

This two-story building with twice the density of everything around it, the closest multiple family, is going to rise up like a phoenix there. I mean it's just going to be a horrible thing. It doesn't belong in the center of this neighborhood.

He's asking for twice the density that he should have here. Twelve units would be an acceptable number of units for this area. It would be complementary to the duplexes and triplexes adjacent to him.

The additional traffic that he's going to generate, which is close to 100 additional trips, is just too much for the neighborhood.

This neighborhood, which has existed for many years, is stable. It's starting to redevelop in the sense that people are making improvements to their homes. It's well maintained.

It's just going to be a problem to put this kind of density because one begets another. It just will start a trend here and will destroy this neighborhood, and I think the people are exactly correct.

He mentioned one other thing that I think

is interesting, and that is that he has a triplex in the area from which he would be able to monitor activities.

Well, my clients did some research, and they found that Mr. Persaud owns several properties in the general area.

I have some photographs of his properties, and, frankly, if this is any example of the manner in which he will develop and maintain this property, I think these photographs militate in direct opposition to anything he intends to do, and I submit these as part of the record.

COMMISSIONER HYMAN: Marty, do you want us to submit those other pictures, as well?

MR. PERRY: Yes.

COMMISSIONER HYMAN: I'm going to make a motion to admit all these pictures.

CHAIRMAN BARBIERI: Motion made by Commissioner Hyman.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Second by Commissioner Dufresne.

All in favor.

COMMISSIONERS: Aye.

MR. PERRY: And just finally --

CHAIRMAN BARBIERI: Opposed.

(No response.)

CHAIRMAN BARBIERI: Motion carries.

MR. PERRY: -- I think that Mr. Persaud's goals and objectives are laudable. I mean everybody recognizes we need affordable workforce housing, but as several of the people indicated, this is clearly a workforce housing neighborhood.

This is all workforce housing there, and there are a substantial number of units, as the young lady just before me pointed out, that are in the general vicinity that are going unasked for. So there's really no great need or demand for the additional 12 units that he's asking for here.

And I recommend that you deny the application.

Thank you.

CHAIRMAN BARBIERI: Thank you, Mr. Perry.

COMMISSIONER HYMAN: These are all copies, right? Are these the same? No.

CHAIRMAN BARBIERI: I also have four cards from people that said they don't want to speak, but I have comments.

From Ruth Ann Sheffy, Mango is only 14 feet wide and Dryden is only 12 feet in the area concerning this project. The streets and drainage are certainly not adequate for this project.

Deana Floyd submitted a card, just says she's opposed and doesn't wish to speak.

Ben Savage, opposed, doesn't wish to speak.

And Raymond Hoopes, opposed because of traffic, density, safety, already available housing, single family homes.

We also have a letter here from Michael and Lamar Tucker. It was handed to us by the County Attorney. Apparently it got to

Commissioner Santamaria. I'll read it.

"Cannot attend meeting. The owner of the Floyd property has a temporary restraining order against me. I believe he conspired with others to keep me away from the hearing because I have filed a lawsuit against him, Floyd, personal, and Palm Beach County Building and Zoning. Thank you." Lamar for Michael -- Michael and Lamar Tucker, 15100 Southwest Connors Highway in Okeechobee, Florida.

We need a motion to accept this one into the record.

VICE CHAIRMAN ANDERSON: So moved.

COMMISSIONER KAPLAN: Second.

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

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries.

COMMISSIONER HYMAN: Did you submit a card?

MR. HOOPES: Yes, I did. It's up there, he read my name, but I did say I wanted to speak.

COMMISSIONER HYMAN: Oh.

CHAIRMAN BARBIERI: Well, come on up to the podium there. I'm sorry.

MR. HOOPES: My name is Ray Hoopes, and I've lived on Jamaican Drive for about 11 years.

I'm concerned that the traffic density's going to go up, just like everyone else is, and especially on Jamaican Drive because that'll become a thoroughfare for what's going on because of the improvements on Haverhill Road at Summit Boulevard. That forces traffic onto Jamaican Drive.

And it's sure to cause a problem, not only a safety issue for the children, but a maintenance issue, as well. Those roads simply will not support the additional five -- 50 cars a day or actually, if you say coming and going, you're looking at about 100 cars a day.

The density of the area is going to be risen to approximately 75 to 100 people, and that area just won't support that kind of density.

I'm concerned that -- I've heard this issue about video surveillance. Is there going to be someone that can watch these cameras 24 hours a day?

I have cameras surrounding my house, and I can't keep up with watching them 24 hours a day. So just what is going to happen? Is there going to be a guard on the premises to watch this stuff?

I'm also concerned that the plants and the shrubbery in the area that he claims to say he's going to maintain will not be maintained properly, and that's evidence of how his existing properties are currently taken.

That's about all I have to say. I'm very opposed to this, and I'm very concerned that it's

going to drive down our property values.

CHAIRMAN BARBIERI: All right. Thank you, Mr. Hoopes. I'm sorry I'm missed you.

COMMISSIONER HYMAN: Mr. Persaud, we got some pictures of other properties that they say you own, like this one. Do you own that? McSherry (ph) Road? Nice name.

MR. PERSAUD: I do own that property. That's what --

CHAIRMAN BARBIERI: You need to speak into the microphone, please.

MR. PERSAUD: Yes, I do own that property. It's located in Lake Worth.

COMMISSIONER HYMAN: Okay. Thank you.

CHAIRMAN BARBIERI: Thank you.

COMMISSIONER HYMAN: Okay.

CHAIRMAN BARBIERI: Staff, do you have any -- wait. Wait a minute. Wait --

COMMISSIONER HYMAN: Put your mic on.

COMMISSIONER KAPLAN: May I ask the petitioner a question, please? I can't remember what it was. Oh.

Mr. Persaud, can you arrange -- is it feasible that you have a caretaker stay in one of the apartments, rather than 500 yards down the road?

MR. PERSAUD: Actually, that is a very strong consideration to have someone living there.

I myself is -- and my son are involved in this business.

We are looking into that option to have one caretaker because I do not have sufficient amount of properties as yet to hire someone who lives in a specific property -- in a property.

This is one of the property that we are looking at probably. We'll entertain that idea to have one apartment designated for that.

COMMISSIONER KAPLAN: Thank you.

COMMISSIONER DUFRESNE: Mr. Chairman.

CHAIRMAN BARBIERI: I know -- yes, I know a lot of the commissioners have some concerns, and I certainly do, too, but **Commissioner Hyman** was next and then Commissioner Dufresne.

COMMISSIONER HYMAN: Oh, well, I can -- I can go last.

CHAIRMAN BARBIERI: Okay. Commissioner Dufresne.

COMMISSIONER DUFRESNE: Mr. Persaud, when you talk about the security cameras, if you don't have anybody on site, how are they possibly going to be monitored?

MR. PERSAUD: What we have proposed in the 10-point plan that we have is the -- we understand the concern of the neighbors, and we have proposed to them that in addition to having security in the area, we have a 24-hour -- a 24-hour telephone numbers that we would ask neighbors to also assist if they see any vagrancies, illicit behavior on site, we ask them to call us so that we can provide that.

We -- we -- the surveillance camera is to take pictures in the area to see if there is

activity that goes on that we can curb and try to desist in the future.

COMMISSIONER DUFRESNE: Okay. Thank you.

CHAIRMAN BARBIERI: Anybody --

Commissioner Bowman, you have anything?

Commissioner Brumfield. Commissioner --

COMMISSIONER HYMAN: Anderson.

CHAIRMAN BARBIERI: -- Anderson.

VICE CHAIRMAN ANDERSON: No, I'm fine.

CHAIRMAN BARBIERI: Who am I missing?

Commissioner Feaman. I'm sorry.

COMMISSIONER FEAMAN: I have nothing.

CHAIRMAN BARBIERI: Okay.

COMMISSIONER HYMAN: Can I just say something?

You know, when I first looked at this project, you know, I wasn't quite sure, you know, it's -- aesthetically, I think the elevations really are lacking.

But, also, you know, you're asking for a lot of density units. You're asking for things that normally wouldn't you require an exemplary project for the TDRs?

MS. KWOK: Not -- this is not a PUD.

Exemplary standards only apply to Planned Unit Development.

Transfer of development rights, we ask for the architecture elevations ahead of time so we can, you know, review them.

COMMISSIONER HYMAN: So this didn't fall within that?

MS. KWOK: But actually the design issue has been brought up during the review process.

In fact, we have been working with them very diligently in moving the buildings around to make sure that, you know, those compatibility issues are being addressed.

We realize that, you know, there's this height difference between the proposed and the existing, and that's why, you know, the buildings are removed from most of those single family homes, the existing single family homes.

COMMISSIONER HYMAN: Well, we are definitely in need of workforce housing. I mean there's no question. We just approved a project.

One of my main reasons for voting to approve it was, you know, workforce housing. We need it.

But I don't think that means that you just take a project that may have workforce housing or another project and just dump it into a neighborhood that is inconsistent with that project.

And, you know, we've heard from the neighbors who live there. We don't live there. You know, it's easy for us to talk up here, but we don't live there, and the neighbors are here, and they're all saying, you know, this two-story dense development is going to adversely impact their neighborhood.

So I don't know how, you know, we -- and I haven't heard anything that really contradicts that.

I know you've said a lot of things, but, quite frankly, I -- there's no way that you could implement some of the things that you said. I just know it's not going to happen.

So I think that this project, you know, it needs to be one story. I think there needs to be less units so that it blends in with the neighborhood, and I'm just -- I'm just not going to support it.

MS. KWOK: I just want to clarify something.

You know, this project, they're asking for the -- for the additional units through the Transfer of Development Rights Program.

If you don't approve the transfer of development rights today -- in fact, they're asking for eight transfer development right units, they can come back -- they can actually go through another process through DRO to get, I believe, 16 units to get this project forward, move forward.

COMMISSIONER HYMAN: So they would have a total of 16 units, as opposed to 24?

MS. KWOK: And Planning staff is here, and he can help me out, but in terms of the density calculation.

MR. VAN HORN: Right. Sixteen would be the total number of units with the workforce housing bonus density. Twelve units is what they can get for their land use.

The 16 includes a 40 percent bonus density through the Workforce Housing Program.

MS. KWOK: Right.

COMMISSIONER HYMAN: But that doesn't mean that they can get two-story?

MR. VAN HORN: No.

COMMISSIONER HYMAN: Okay. So let them do, you know, try to get 16 single story. I don't know that they can fit them, but --

CHAIRMAN BARBIERI: I --

MR. VAN HORN: It would need staff approval.

MR. Mac GILLIS: Just to clarify that, the two-story buildings, 35 feet in straight zoning would be allowed, and I have no authority, or have very limited authority to put conditions on it through the DRO process to restrict them to less if he wanted to do two-story, 'cause 35 feet is allowed in that zoning district.

So I want you to know that.

VICE CHAIRMAN ANDERSON: So it would not come back to us?

MR. Mac GILLIS: It would not come back to you, but I think **Commissioner Hyman** is thinking that they can only do one story.

DRO would -- could allow them up to two stories 'cause I have no authority not to. That's permitted by Code.

Through a public hearing we could limit them through conditions of approval.

COMMISSIONER HYMAN: Well, I just want to make sure the audience understands what we were just told.

MR. VAN HORN: I also -- I'd like to clarify one thing, also.

The TDRs that they're requesting, I think the reason that they are here is because they're requesting more than two TDRs per acre, which is a Class A conditional use.

If he requested less than two TDRs per acre, I believe it would be DRO approval, and Zoning can confirm that.

MS. OWENSBY: Yes, that's correct.

COMMISSIONER HYMAN: And why was he paying a dollar for the TDRs? Because of the area that he's in?

MR. VAN HORN: The price for the TDRs, \$50,000, is set by the Board of County Commissioners.

COMMISSIONER HYMAN: Right, right.

MR. VAN HORN: Planning staff proposed conditions to 50 percent of those TDRs be available at the workforce housing price ranges.

These are rentals. They'd be at the rental prices.

In return, we recommended that those -- that that 50 percent of those TDRs be available at the cost of a dollar, and, of course, the Board of County Commissioners would ultimately set that price. It's a Planning recommendation.

The other 50 percent of the TDRs would be at full cost; however, Mr. Persaud opted to deed restrict the other 50 percent. So, in essence, all eight of the requested TDRs would be deed restricted at workforce housing prices.

We would recommend that those TDRs be available at a cost of a dollar to the Board of County Commissioners.

CHAIRMAN BARBIERI: Staff, I don't like this project at all, and I just -- I just want to make sure I understand.

First of all, I don't understand what's going on with Engineering. I mean not you guys, but I don't -- the streets out there. I -- those photographs show that there's like no room for bicycles, no room for sidewalks, and if there's a lot of kids out there, it's just a recipe for disaster.

I also didn't see any place for these kids in this development to stand in a bus shelter after they walk how many hundreds of feet down the driveway to get there and wait for the bus in the morning.

Are they're going to be standing out in front of this -- in front of this place where there's not even enough room for cars to get by now.

So if for some reason we approve this project, we certainly should put a bus shelter provision in there so -- I can't believe that these 24 units are only going to have five kids, either.

The School Board indicates -- I guess your staff report indicates that there's five public school students, but it seems to me there's going

to be more than five kids that live here that are going to go to school.

So certainly we got to take into consideration where those kids are going to stand or where their parents are going to park in the morning to let them sit in the cars until they get out.

MR. CHOBAN: Yeah, we need to find out from the School Board if they pick them up in front of this, or if they go to either Haverhill or Summit to pick them up.

CHAIRMAN BARBIERI: Is the School Board representative here today?

MR. CHOBAN: I don't know. I just asked Ora and she didn't know.

I can ask where they're -- where the children are picked up.

CHAIRMAN BARBIERI: All right. We need -- we need to -- if we get that --

MR. CHOBAN: Somebody in the audience might know.

CHAIRMAN BARBIERI: Does anybody know? Ma'am, would you come up to the podium, please.

MS. BOURGAULT: There's -- there's a bus stop on -- where Society Hill is across the street from Haverhill, there's a bus stop right there where Dryden is across Haverhill.

So they already have to cross Haverhill to wait at the bus stop. There's also a bus stop at the end of Burch and Summit.

And it's rough. The kids, you know, they're dodging traffic as it is now because two cars can't pass on any of those streets as it is.

Any more traffic is, you know, we're going to get some flattened kids waiting for the bus.

MR. CHOBAN: So the bus does not come into the neighborhood to pick up?

MS. BOURGAULT: There is -- there is a handicap bus that goes through the neighborhood in the morning and picks up -- there's a few kids on Jamaica and Montego --

MR. CHOBAN: The general -- the general pickup, is that --

MS. BOURGAULT: Yeah, but the actual -- Summit Christian School just added another driveway, but their buses actually used to cut through our neighborhood before they added their driveway.

COMMISSIONER HYMAN: I have a question.

MS. BOURGAULT: Public school buses, also, and the Little Dude Ranch on Summit and Haverhill, they have buses that come through there, and they will cut through there, too.

I mean we have bus traffic cutting through our neighborhood, as well as cars.

CHAIRMAN BARBIERI: Just state your name again so the court reporter has it.

MS. BOURGAULT: Tina Bourgault.

CHAIRMAN BARBIERI: Okay.

You had a question?

COMMISSIONER HYMAN: Yeah, I have a

question.

Yeah, I under -- what's the Class A conditional use, the specific Class A conditional use that they are requesting?

MS. OWENSBY: It's for TDRs.

COMMISSIONER HYMAN: Just the TDRs?

MS. OWENSBY: Just TDRs.

COMMISSIONER HYMAN: Okay.

CHAIRMAN BARBIERI: So if --

COMMISSIONER HYMAN: So --

CHAIRMAN BARBIERI: What are they allowed to do here without our consent?

COMMISSIONER HYMAN: Sixteen units?

MS. OWENSBY: Sixteen units.

CHAIRMAN BARBIERI: And they could be two-story?

MS. OWENSBY: Yes.

CHAIRMAN BARBIERI: So they could do this without -- no matter what the Zoning Commission says today, they could build two-story, 16 units, on that property?

MS. OWENSBY: Right. That is correct.

COMMISSIONER HYMAN: Do you have aesthetic control over that?

MS. OWENSBY: Very little.

COMMISSIONER HYMAN: Any kind of architectural control?

MS. OWENSBY: No. The architectural doesn't come into play until the building exceeds 16 units in one building.

So they could come in with, you know, 10 to 12 units in a building, and it would not be subject to architectural review.

COMMISSIONER HYMAN: Well, if -- petitioner, if you were held to the 16 units, would you still do two-story, or would you agree to do one story?

MR. PERSAUD: I don't know if we can fit 16 units in a one story in the property the way it is. That's a question I have to go back to the site plan to look to see if that's possible.

CHAIRMAN BARBIERI: Commissioner Anderson.

Oh.

COMMISSIONER DUFRESNE: Can't you do two buildings of eight units each, one story?

MR. PERSAUD: Possibly, yeah.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: It looks like there's three options here. It looks like currently, the census I get -- the consensus I get of the Board is that they might deny this request as it is, which means you could then go forward with the denial to the Board of County Commissioners and see what they would do, or you could take a denial, if that's what it is, and go back and build your 16, or you could choose that maybe the Board would grant, maybe just as an idea, a couple of extra units, like maybe go to 18, and which would then allow us to have you come back and review the site plan and get a better project with 18 than maybe we would get at 16 if you just went through and did nothing.

So those are kind of where -- what I'm looking at, and if -- to get my support, I would prefer to see all one story. Maybe there could be a one story, you know, a couple of two stories, maybe, if they were in an area that was less objectionable.

And I'd like to see more buffers between the buildings and the property line, if possible, even with the parking 'cause if we reduce the number of units down, there'd be less need for parking, and you might be able to widen those buffers or increase them a little bit.

But that -- that's my suggestion.

MR. PERSAUD: If -- if I may -- if I may, Commissioner.

CHAIRMAN BARBIERI: Yes.

MR. PERSAUD: Originally we had the setback in the -- for the compatibility over 60 feet.

Because the -- it's an infill project that -- that the land width is only 160 feet.

We are providing 20 feet on the west side of the property. We're providing -- we have to provide a parking area. We have to provide space for the building, and there's just not sufficient space to fit the building, to have a 40-foot wide building and fit it in there to get that extra buffer.

We had to move the building in order to provide a 20 feet -- 25 feet easement to the vacant land that is to the west of the property, and that's why we wind up with the 28 feet buffer instead of a 60 feet buffer --

VICE CHAIRMAN ANDERSON: I completely agree with what you've done on the way it's designed now, but I'm saying if we reduced the number of units and you reduced a little bit of the parking, if maybe the -- if you decide to come back to us hoping to get a little higher density than what you can do on your own, I would suggest if you did have any two stories on the project, 'cause maybe two stories can help improve the, you know, a couple of them could maybe help improve the site plan, have those two stories located in such a way that maybe they're not as close to the property line.

And there'd be a much bigger buffer between there and any -- and increase of high story trees and stuff so that the people up on that second story would not be looking down in people's back yards. And maybe orient them more, you know, toward the vacant lots and not toward any of the homes that are very close to it, but make sure there's a little more set back there and a little more buffer.

That -- that's just my thought for you to come back to us 'cause I'd hate to see a 16-unit project built on this property that we would have no control over, and the neighbors would object to even more, and maybe if you went to 18, then we can control it.

That would give you an incentive to come

back to us so that we could have a little say on the site plans.

COMMISSIONER HYMAN: Well, you --

VICE CHAIRMAN ANDERSON: That's my suggestion.

COMMISSIONER HYMAN: Yeah, and I agree with Commissioner Anderson.

Are you willing to come back with a redesign that -- of one story buildings that may give you a couple of extra units through the TDRs, or you just willing to, you know, shoot the dice or whatever the expression is here.

MR. PERSAUD: Well --

COMMISSIONER HYMAN: Roll the dice.

MR. PERSAUD: We have been in the process for quite some time. It's been over a year. We have been back, remanded.

I don't know what the option is if we go to Palm Beach County commissioners and see what their recommendation, also, instead of having to go back, come back to you, then go to them for another recommendation and then go back again.

I don't know if that's an option, actually, if you feel that's an option at this time.

CHAIRMAN BARBIERI: Are you willing -- are you willing to take a postponement and come back to us next month?

MR. PERSAUD: Well, what I'm -- the -- what I'm actually asking, Commissioner, is if I were to go back and come next month here, then I obviously have to proceed to County Commissioners, which is the next phase in this cycle.

If I get to the County Commissioners and their recommendation has to remand back to DRO, I will prefer, in the essence of time and getting the project together, if I could get some feedback from the County Commissioners as to what their position are with regards to the project, and maybe we'll be back here.

Is that an option?

COMMISSIONER HYMAN: You know, you can just wait and see how we vote, and if we vote to recommend denial, you're going to go to the County Commission with a recommendation of denial, and then who knows what they're going to do. I guess that's what you seem to want to do.

I think we prefer for you to listen to your neighbors and try to make a project that's more consistent with your neighborhood. You have to live with these people, okay, and we're asking you to come back with a redesign.

We can't tell you what the County Commission's going to say. Perhaps staff can tell you, but I think that we have a pretty good handle on -- I think we have a pretty good handle on what might be acceptable to them, I'm not sure.

And what we're saying is to be consistent, come back with a one-story project, less units and -- that fits in better with the neighborhood and let us, you know, look at it, and if it's okay, you know, move you forward with a

recommendation of approval.

MR. PERSAUD: Commissioner, would you -- would I be penalized in one way if I were to go forward to the County Commissioners and then --

COMMISSIONER HYMAN: Well, that's just saying, okay, we don't care what you say, and --

MR. PERSAUD: No, no, no, no, that's not -- that's not --

COMMISSIONER HYMAN: -- you know, we just want to hear --

MR. PERSAUD: That's not -- that's not what it is.

COMMISSIONER HYMAN: It's up to you.

MR. Mac GILLIS: I just want to make --

MR. PERSAUD: That's not what it --

MR. Mac GILLIS: If he does proceed to the Board of County Commissioners, they could deny it with prejudice, and staff might recommend that because of the neighbors having to show up two or three, four meetings and taking time off from work to make a conclusion to this, and then --

COMMISSIONER HYMAN: Yeah, I mean --

MR. Mac GILLIS: -- he would not be able to come back for a year unless it's a -- he can demonstrate substantially different design.

So that -- that's a risk he takes.

CHAIRMAN BARBIERI: Maryann.

MS. KWOK: But then -- but then on the other hand, I just want to follow up with what Bryce just said, Bryce Van Horn from Planning Division, about the TDRs.

The TDRs before you, they're asking for four dwelling unit acres. They exceed, you know, because they're asking for four dwelling unit acres, it became a Class A conditional use.

They -- the petitioner actually can go to another route. They can ask for two dwelling unit acres, you know, for the TDRs, and that does not have to go before you, before the Board of County Commissioners.

VICE CHAIRMAN ANDERSON: And what would that density be?

MS. KWOK: And that density will go all the way to four -- from --

MR. DUFRESNE: Eighteen.

MR. VAN HORN: It'd be a total of --

MS. KWOK: -- 16 plus five TDR, it would be 21 units.

So by, you know, without going to the Board they can actually get 20 -- they can get 21 units on the project, and do a two-story building, too.

COMMISSIONER HYMAN: Through which process? This is --

MS. KWOK: DRO.

MR. Mac GILLIS: Development Review Officer.

MS. KWOK: Development review, staff approval process.

COMMISSIONER HYMAN: But that's discretionary with staff. I mean under what circumstances would you possibly approve that

under these conditions?

MR. Mac GILLIS: I mean I think we look at the same things that you're raising.

COMMISSIONER HYMAN: Right.

MR. Mac GILLIS: We would go back after, you know, the direction --

COMMISSIONER HYMAN: Right.

MR. Mac GILLIS: -- that you're giving us today. We're obviously not going to ignore that, plus the response from the concerned residents --

COMMISSIONER HYMAN: So --

MR. Mac GILLIS: So that would be considered in our recommendation on whether he got the extra two TDRs through DRO.

COMMISSIONER HYMAN: So I'm going to ask the petitioner straight up.

Are you willing to take a postponement and redesign this to be a one story with a reduced density than the 24 you're showing?

MR. PERSAUD: Do I have to make that decision today?

CHAIRMAN BARBIERI: Yes.

COMMISSIONER HYMAN: Yep, right now.

MR. PERSAUD: I would -- I would prefer to move forward to the County Commissioners --

COMMISSIONER HYMAN: Okay.

MR. PERSAUD: -- with this project at this time.

CHAIRMAN BARBIERI: All right.

COMMISSIONER HYMAN: All right. I'm going to make --

CHAIRMAN BARBIERI: No, the public portion is closed. Unless you have something to add, I -- I think the Commission's going to vote a recommendation of denial from based on what I'm hearing here, so --

MR. ELDRED: Well, just a comment on --

CHAIRMAN BARBIERI: No, you can't speak from there because you can't -- she can't pick it up on the microphone.

Be brief, please.

MR. ELDRED: I believe she said earlier that he can go ahead without your approval on building two stories, but that's after he goes in a public hearing --

CHAIRMAN BARBIERI: No.

MR. ELDRED: -- and gets that approved?

COMMISSIONER HYMAN: No, no --

MR. ELDRED: Okay. That's what I thought she had said earlier.

COMMISSIONER HYMAN: No.

CHAIRMAN BARBIERI: He's allowed to do that without ever coming back to us or talking to you, he's allowed.

MR. ELDRED: Okay.

COMMISSIONER HYMAN: Okay.

MR. ELDRED: And I think he's a County worker, too. So that helps.

COMMISSIONER HYMAN: Okay.

VICE CHAIRMAN ANDERSON: Just one quick --

COMMISSIONER HYMAN: See, we didn't need to hear that.

VICE CHAIRMAN ANDERSON: Before a motion one quick comment.

If you do come back to us with a redesign, just as a suggestion, in case there has to be some two-story, is there any thought of putting a few two stories on the north end of the project that would not be looking at any of the -- no.

I'm just saying that my guess is that he's going to go to Board of County Commissioners. It's going to get denial. Then he's going to redesign the site plan, and he's going to be coming back to us because he's probably not going to get the 21 through the DOR [sic] process.

COMMISSIONER HYMAN: We don't know. We don't know what's going to happen.

VICE CHAIRMAN ANDERSON: So I'm just saying if you do come back with a redesign and you do have to have two stories, my opinion would be they should be -- the back should be facing north so they don't interfere with any of the neighborhood. That's all.

COMMISSIONER HYMAN: I'm going to move for denial of this petition, CA/TDR2006-733, to deny the Class A conditional use to allow the TDRs, and I'm going to recommend that when it goes on to BCC, if they recommend -- or if they make a decision of denial, that it is, you know, also without -- with prejudice.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: We have a motion by Commissioner Hyman, second by Commissioner Dufresne.

The only other thing that I want to add, staff, before we vote on the motion is would you please work with the School Board and find out if there is an area where these kids all stand now and there's a place to build a shelter, this petitioner, if he's going to get all these extra units, should be required to fund building a place where these kids can stand out of the rain.

So would you work with the School Board and find out where that's at?

MR. Mac GILLIS: Yes, Mr. Chairman.

CHAIRMAN BARBIERI: All right. Is there any discussion on the motion?

COMMISSIONER FEAMAN: I just have one quick comment for the record.

Going over the conditional use standards and remarking on the two-story aspect of it, I think the record is clear, and I want the record to note clearly, that the proposed two-story, whether it's now or later through a DRO, is not compatible and generally consistent with the uses and character of the land surrounding it.

It does not minimize the adverse impact. It does not minimize the design environmental impact. It is not consistent and does not result in a logical timely and orderly development pattern, just so this is clear on the record in accordance with what the law requires.

It is not consistent with neighborhood plans, and based upon what I've seen in the record

today, the proposed development does not complement adjacent uses and would not result in a better and higher use of the vacant infill parcel.

With that, I call the question.

COMMISSIONER DUFRESNE: Is that your motion? I'll second that.

COMMISSIONER HYMAN: I made the motion.

COMMISSIONER FEAMAN: No, that's just -- the motion's already on the floor.

I just wanted the record to reflect at least this commissioner's strong thoughts on the two-story nature of this proposal now and forever.

COMMISSIONER KAPLAN: Mr. Chairman, I'd like to ask staff a question.

Based upon Peter's comments, which are certainly acceptable, any comments that we make pertaining to what was just said affect DRO?

Can they do their own thing without paying any attention to our recommendation?

MR. Mac GILLIS: Well, the development review is made up of various County agencies. Obviously I represent the Zoning Division, so I most certainly would take your comments and the public's into consideration, with the request for the TDRs.

COMMISSIONER KAPLAN: Yeah, but that's not binding upon them, is my question.

COMMISSIONER HYMAN: No, it's not.

MR. Mac GILLIS: No, it's not. There's -- I get my authority out of the Unified Land Development Code, and I --

COMMISSIONER KAPLAN: Thank you.

CHAIRMAN BARBIERI: All right.

If there's no further discussion, the question's been called.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0, for denial.

MS. KWOK: Okay. This brings us to the last item on the agenda. This is CA/TDR2006-1555, Vivendi.

CHAIRMAN BARBIERI: Hold on for a minute, Maryann.

MS. KWOK: What was that?

CHAIRMAN BARBIERI: Would the people that are in the room, just so you know, the County Commission will be hearing this petition on what

day, Maryann?

MS. KWOK: This is going to be on May --

MR. Mac GILLIS: May 24th.

CHAIRMAN BARBIERI: May 24th. Would you ask the County Commission if they can set it early on the agenda? If these people are going to come from work again, they can take care of this first thing in the morning.

MR. Mac GILLIS: We could request that.

AUDIENCE: Thank you.

CHAIRMAN BARBIERI: You're welcome. Thank you.

I'm sorry, Maryann. Continue.

MS. KWOK: Okay. Doug.

MR. ROBINSON: Good morning, Commissioners.

This proposed application is a Class A conditional use to allow TDR rights for nine units for a total of 48 dwelling units on 3.5 acres of property. Seventeen of these 48 units would be dedicated as workforce housing units.

The proposed site plan is on Page 72 of the staff report and shows four apartment buildings with 12 units each in each building and a 2.16-acre recreation area located in the median of the parking lot.

Access to this site is from Melaleuca Lane.

When we look at requests for transfer of development rights to increase density to a site, it is important to look at the surrounding uses, what is existing and what has been approved in the neighborhood.

To the north across Melaleuca Lane are multifamily and single family residential uses. Immediately south of this site are large lot single family residences. East of the site across Mathis are one-story single family residences and commercial uses.

West of the site is multifamily and single family and commercial uses -- excuse me. West of the site is multifamily and single family residential uses. These multifamily uses range from one to two-story in height.

During review of this project staff expressed concerns regarding design, layout and proposed buildings in the parking lot. The recreation area is in fact located in the median of the parking tract, and staff met with the applicant regarding compatibility, design and internal layout issues.

There has been a revised plan dated February 26th, 2007, that has minor improvements to the original plan.

Staff has determined that the current design lacks creativity and pedestrian safety.

This particular site is not a PUD so it has no exemplary standards -- design standards; however, it is important to note that this project has workforce housing units, and we strongly feel that a workforce housing project would deserve to have a nice quality design that provides

recreational opportunity and safe vehicular and pedestrian circulation within the development.

Staff cannot support the request for additional units through the TDR program until this design is improved.

Staff is recommending denial based on the request is not consistent with three of the 10 standards under Article 2.B.2.B of the zoning Code, and these findings can be found on Page 65 through 67 in the staff report, and they are compatibility, design minimizes adverse effects and standards related to workforce housing flexibility property development regulations.

And please be reminded that staff is in total support of workforce housing units and understands that it is important to meet the workforce housing goal of the County by approving this project; however, staff feels strongly that workforce housing project also deserves a design that fosters pedestrian friendly and safe environment and provides good design, and this could be easily achieved if more thoughts are put together in designing this site.

In conclusion, staff supports -- in conclusion, if the Zoning Commission supports staff recommendation for denial, this project, without the TDRs can still move forward under the DRO process and will result in a total of 39 units with eight workforce housing units, 28 units by right and 11 with the workforce housing bonus.

However, if the Zoning Commission supports the TDR request, there are conditions of approval that staff recommended, and they are in Exhibit C of the staff report on Pages 78 to 82.

CHAIRMAN BARBIERI: Thank you.
Petitioner.

I'm sorry. Commissioner Dufresne first.

COMMISSIONER DUFRESNE: I'm sorry.

Douglas, can you, or anyone, answer for me where the TDR overlay is, the Revitalization and Redevelopment Infill Overlay, the --

MR. Mac GILLIS: The revitalization area is actually -- it's being -- it was just to -- just to give you a background on it.

The Planning Division is still working with the Board of County Commissioners on laying it out, but, generally, it -- and correct me if I'm wrong, Planning, Community Development Drive all the way down to 10th Avenue, over to Jog, Haverhill and west to -- east to Congress. It's a very large geographical area.

MR. VAN HORN: Right. It's a large geographic area. It encompasses all the CCRT -- most of the CCRT areas.

The Revitalization and Redevelopment Infill Overlay potentially allows you to get up to four additional TDRs per acre anywhere in the urban-suburban tier.

Other than the Revitalization and Redevelopment Infill Overlay the potential is three TDRs per acre, then west of the Turnpike --

COMMISSIONER DUFRESNE: So the more

urban --

MR. VAN HORN: -- is two.

COMMISSIONER DUFRESNE: -- the fewer you get?

MR. VAN HORN: The more urban --

MR. Mac GILLIS: More -- the more you get.

MR. VAN HORN: -- the higher potential for TDRs. You can request more TDRs.

You're not guaranteed that you're going to be approved with those TDRs, but you can request up to four TDRs per acre in the RRIO.

COMMISSIONER DUFRESNE: I mean I understand TDRs in an urban area when you can go high, but in a geographic area that's got so many single family houses we're going to come across this problem over and over and over again, and you're trying to infill and add density to substandard roadways. It just -- you've got to look at this policy again where it makes sense and maybe limit the geographic areas in which it works and can work productively.

It doesn't make any sense to put more traffic on already substandard roads.

So if we can, maybe from a policy standpoint, start looking at that, and since you're discussing, you really having zeroed in, you know, I'd be in favor of shifting more to an urban area, less in the geographic area that they qualify for because I think we're just going to keep coming across this problem over and over and over again and having negative impacts on existing neighborhoods.

So, sorry.

CHAIRMAN BARBIERI: Commissioner Anderson.

COMMISSIONER DUFRESNE: Thank you for indulging me, by the way.

VICE CHAIRMAN ANDERSON: Just along that same point, I kind of feel a little uncomfortable of the fact that any project that's an infill that the developer can get such a large number of TDRs and increase the density without having to come to us for any kind of site approval.

COMMISSIONER HYMAN: It's not the TDRs.

VICE CHAIRMAN ANDERSON: Well, he can --

COMMISSIONER HYMAN: Workforce housing.

VICE CHAIRMAN ANDERSON: Aren't those workforce housing TDRs?

MR. Mac GILLIS: Well, not -- not -- I mean, generally, that's what they're using the TDR program for now, but historically the TDRs were available in a bank for anyone to use until we adopted the Workforce Housing Program.

Now anyone wanting to only pay a dollar for the workforce housing units is obviously going to use that TDR program.

VICE CHAIRMAN ANDERSON: Right. But all I'm getting at is it's kind of -- we're in this dilemma that the builder's going to ask for a couple more units, which requires them to come to us, but then if they don't like what they say, then they just knock a couple units off, and then they can do whatever they want.

MR. Mac GILLIS: But I think it should be made clear. I mean there was long, long discussions last year between County staff, industry and administration on establishing those thresholds through DRO.

There was a very conscious decision made to allow a certain amount of units through the DRO process, not to discourage people from smaller projects where the Code was supposed to have been drafted to ensure the compatibility issues, but that could be done through an administrative level.

So you didn't want to discourage those smaller projects that wanted to get where we, very long discussion, established that number of what was DRO-approved and what required a public hearing.

VICE CHAIRMAN ANDERSON: It just seems a little excessive in the situations that I'm currently seeing. That's all.

CHAIRMAN BARBIERI: All right.

Now you're up.

MS. GLAS-CASTRO: Good morning. My name is Kim Glas-Castro. I'm a certified land planner with Ruden, McClosky.

When we learned last Thursday that staff was not going to support this project, we were kind of surprised because we thought we had worked well with staff over the last few months to develop a community workforce housing project that was compatible with the neighborhood.

When I received the staff report Tuesday, I was further confused that staff wasn't adequately reviewing the aspects in the plan that we had provided.

I'd like to take you through and show you what went into our planning considerations and the proposed project itself.

This property is located on Melaleuca Road -- Melaleuca Lane, sorry, at Mathis Street in the high density residential area.

For some reason my pointer is not reaching that far.

You can see it's primarily high density residential area with some medium residential to the north.

The zoning in the area is predominantly RM.

This is the subject property. Zooming in closer, you can see it's an infill site. We have single family residential to our east and to our south, multifamily to our west. Across Melaleuca Lane it's a mix of single family and multifamily.

Across Melaleuca Lane the single family and multi family.

On the west side, multifamily duplexes and triplexes. Down Mathis Street there's a commercial operation right at the corner and then single family homes as you go down south down the road. And another shot down Melaleuca -- or down Mathis, sorry.

This is an architect's rendition of the

site plan. It's not a colorized version. There's some details in the technical site plan that are not on this, but I wanted to show this because it pops out the buildings, pops out the layout.

We have a circular drive, common recreation facilities in the center, as well as passive recreation areas on the south end and dry retention on the south end.

It's four buildings, each having 12 units, for a total of 48 units.

These are three-story structures. The first story is what I'll call flats with two-story townhomes above them, for a total of three stories.

This is the site plan that we filed with the Zoning Division.

This is a flat colored elevation. I'm going to go to a perspective that shows the relief, the setbacks and the staggering in the elevations that we've worked with the architectural review staff to create some better harmonious massing with the neighborhood.

This is a perspective that would be taken from the northwest corner of the property.

You can see that we worked with staff -- if I can use this pointer -- to set back the third-story element so it's interior to the site.

So the rear has just a two-story feel, the massing of a two-story building on the west side adjacent to the multifamily.

You can see balconies, relief staggering in the architectural features to create more of a single family feel in the building.

This is the front elevation so you can see that the third story element is pulled forward interior to the site. There are single car garages, single car driveways which provide 52 parking spaces, about half of the parking spaces that would be required to meet Code.

We have four buildings, each of them being common in design and layout so it presents a harmonious built environment.

This is another flat colored elevation.

COMMISSIONER HYMAN: These are rentals, right?

MS. GLAS-CASTRO: No, these are condo ownership.

COMMISSIONER HYMAN: So they're for sale.

MS. GLAS-CASTRO: Of the 48 units, 17 will be deed restricted to affordable levels.

When we met with the neighbors, they were concerned about having low income housing next to them. We explained that while these are subsidized, that the owners who buy these need to meet financing on their own. They still have to qualify for mortgages at their own levels. These are not subsidized in the terms of Section 8 or other government subsidies.

Staff had mentioned conflict or lack of pedestrian circulation in the site, which we found hard to interpret because there's sidewalks through out and paved crosswalks that go over to

the pool and cabana area.

So we do not agree with staff's interpretation of the pedestrian connectivity within the neighborhood.

COMMISSIONER HYMAN: Can I ask a question?

Staff, you know, when I was reading this, first thing I looked at the site plan and I compared it to the other one we just did, and I said jeez, this is much more creative, looks much better, and then I said oh my gosh, staff is recommending denial of this.

Is it primarily because they have to cross the driveway to get to the rec facilities that we always want centralized? Is -- you know, is that it? What is --

MS. KWOK: Actually, there's one -- this is one of the major reason that we -- we worked with them before. This is the second time that -- they improved the design, you know, over the review process, and then we asked them to do further review.

In fact, you know, staff actually have provided them a few sketches and say hey, these are a few design ideas that you can incorporate, but they choose to move forward, and so that's why, you know, we feel, you know, either recommend denial on the TDRs, you know, either you redo the -- reduce the number of units to accommodate something -- you know, it's very centralized, but it does not get, you know, safe crosswalks or sidewalks connected from the actual apartment buildings to the central recreational area.

There's no sidewalks. I mean there's some striping on the parking tract.

I wouldn't -- there's basically parking spaces surrounding a recreational area.

COMMISSIONER HYMAN: So --

MS. KWOK: That's our major concern.

COMMISSIONER HYMAN: So what did you -- what did you design? You put the -- what did -- what did you do in terms of your little drawing?

MS. KWOK: We told them to actually move the building, reorientate the building so that the -- the recreational area is more to the north side of the building, the north side of the site.

Actually, sorry. It's on to the south side of the site where they have -- if you look at Page 72 of the site plan.

I have Wendy Hernandez from the --

COMMISSIONER HYMAN: So you wanted the rec facility to be more where --

MS. KWOK: Right.

COMMISSIONER HYMAN: -- I guess it's their dry retention area.

MS. KWOK: Actually, Wendy was the one who actually come up with the design. Maybe she can help us to explain it better.

COMMISSIONER HYMAN: And did they lose units when they -- when you did that?

MS. HERNANDEZ: May I jump in?

Staff had --

CHAIRMAN BARBIERI: Yes.

MS. HERNANDEZ: Staff had met with -- architectural review staff had met with Doug and Ms. Castro and their client with regarding a redesign of the site, and one of the suggestions that they had done was moving the buildings off of the north property line to a central location and another building perpendicular to the property lines so that -- and then the rec area in between them so they're not having to have to cross the cars and the drive aisles, as required in Article 6, that they're not going through vehicular traffic in order to get to the recreation area, and it makes the rec area centralized to the units.

I'll see if I have my drawings.

COMMISSIONER HYMAN: I mean, Kim, is it possible -- you know, we hate to do this, but --

MS. GLAS-CASTRO: No. This was the site plan we had proposed.

February 6th I received a phone call from Douglas Robinson asking that we move the pool and cabana into the center central greenway.

We then went in on February 12th and met with staff, and this was when we were instructed to -- as one of the options to more centrally locate it, that the Zoning Commission liked to see the recreation area centralized, that kind of the Jane Jacobs eye on the street factor, that you have people looking from their residence into the pool-cabana area so it provides a more safe environment.

So we have followed that instruction.

These are my notes from our meeting February 12th with staff.

One of the designs was a circular drive on the outside with the four buildings on the inside and keeping the pool-recreation area on the south end.

One was kind of an off-centered loop with the buildings -- I want to use the word "haphazardly aligned."

What we went with was keeping a uniform built environment. We did centralize the pool-cabana area following staff's recommendation, but this was our original proposal.

COMMISSIONER HYMAN: So what was wrong with that?

Doug, what was wrong with that?

MR. ROBINSON: Well, when we originally sat down and met with Kim, I discussed about moving the rec area into a more centralized location. Also we talked about some different building designs, and an issue that came up was the pedestrian safety because of the interior rec areas and across and over, and we came up with -- I have several sketches here on the site plan that we've met where they have more internalized buildings, where they have the rec area more centralized, and they did revise the site plan to accommodate that, but that was a minor revision to some of the more -- we had several more design options that we suggested, but they chose to move

ahead.

COMMISSIONER HYMAN: Okay. I don't understand because the other project, which had two linear buildings, they were not very attractive, that had a recommendation of approval.

This one which seems to have a lot more, you know, just it's a much -- I think it's a better design in terms of the buildings, gets a recommendation of denial.

You know, at first, you know, I looked at the rec facilities in the middle of the -- in the middle of the project, said okay, that's great, centrally located. Everybody can just sort of walk to the center island and go use the pool.

I understand staff's concern, though. Everybody's walking across the driveway. Okay.

So if staff's correct, then you put the -- the only other place you could really put the pool is back where the retention area is on the -- what is it, the south side? And that's the way they started it.

So they're sort of like caught between a rock and the hard place.

MS. GLAS-CASTRO: And I want to mention we did go through different versions to see how we might be able to realign. So it's not like we totally dismissed what staff was saying, but we felt that the plan that we -- that was certified to move forward to hearings was the best layout, that it was four buildings that were harmonious, it's structured, symmetrical and provides sensitivity to the single family to the south.

You got multifamily to the west, which would be the top side here, and then on the -- Mathis Street it -- Mathis Street itself serves as a form of buffer and setback to those single family residences.

CHAIRMAN BARBIERI: All right. Before we take more comments from commissioners, why don't we get to the public. There's some people who want to speak, and that way we'll have the advantage of hearing their concerns, also, before we discuss it.

I guess before we do that, we're going to take a 10-minute break for the court reporter and Commissioner Hyman.

So we'll come back at five minutes after 11:00.

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

CHAIRMAN BARBIERI: We'll get started back again.

I don't remember. Where were we?

MS. KWOK: Actually, the -- I was going to say before the break we were just focusing on the central location of the recreation area, and I think the other issues that were being discussed at the last project was also the height difference.

As Kim Glas was talking about, these proposed buildings are three-story in height, and then the existing buildings to the, I believe, to

the west.

To the east and also to the south are all either one-story, and in some cases two-story high. So I think there's a height difference issue there.

CHAIRMAN BARBIERI: Okay. Thank you. Let's go to the public.

Janett Garcia, would you come to the podium on your left, and, Peter Mercier, please come to the podium on your right.

Would you state your name for the record, please?

MS. GARCIA: Janett Garcia.

CHAIRMAN BARBIERI: Go ahead.

MS. GARCIA: I have quite a few concerns.

The first concern is the height of the three-story.

My house is directly on Mathis Street. I don't know if you could show the view of that, and literally those -- the third story will literally be able to see my house, my -- if you see -- directly in the -- right -- right there, that vacant lot is where I'm building my home.

Right directly next to that is my father-in-law's home where I'm staying at right now, and it's literally the back yard, will be able to see our -- oh, sorry. I don't have the --

CHAIRMAN BARBIERI: Can you point over there?

MS. GARCIA: She's -- she's pointing.

CHAIRMAN BARBIERI: Thank you.

MS. GARCIA: Okay. That property right there is my lot where I will be building my home. We're in the process of that.

My father-in-law is right here, where he as well does not agree with -- they're going to see -- the three stories are going to be able to see our property and what we're doing on a day-to-day base.

All's they're doing to protect, you know, us from is putting bushes. They're not even putting up a wall.

If there's an overflow in parking, which with 48 units there's going to be an excess of parking, they're going to come onto our street to park and go straight through the bushes to their homes.

Also, I know that with his construction -- he's done other communities where there's also other people here to say that his work ethics of maintaining the property -- if I'm going to be living here long term raising my children, to maintain the property and to know that it's going to be a well-built area, I want to be able to know that that's -- that's reliable.

And, also, the -- unfortunately, people weren't able to come from our communities, but there's the gentleman who lives right here with the pool, who doesn't agree, and he says, you know, they're going to see my back yard, they're going to see my pool area.

He's got a fence, but with three stories

they're not going to have that.

Also, I know that the community is worried about with the sewer connection, saying that, you know, we don't have the -- the sewer connection, they're putting it in, but they're not giving us tubing or anything to be able to put towards -- to be able to get sewer connection.

Let's see what else. I think that's pretty much it.

CHAIRMAN BARBIERI: So you all have septic there around this property?

MS. GARCIA: Yeah, I'm actually -- where I'm building, I'm putting a septic tank in. I don't have a choice, but -- so that's it.

CHAIRMAN BARBIERI: All right. Thank you. Would you spell your last name, please.

MR. MERCIER: It's M-e-r-c-i-e-r.

CHAIRMAN BARBIERI: Okay. Great. Thanks.

MR. MERCIER: First name, Peter.

CHAIRMAN BARBIERI: Go ahead.

MR. MERCIER: Okay. The reason I'm here

today is because before you give this developer a permit, there's something you should be aware of.

I live in Estancia-Palm Springs, which he just completed. Well, actually, it's incomplete still. Been living there for two and a half years, and we have several major violations going on still.

Actually, I was the first one that closed.

When I first closed, there was no shelving throughout the house. My suits, all my clothes pretty much were on the floor until I put them in myself.

When I confronted the developer, he said that it simply wasn't in the budget.

Missing tile throughout the house, which I replaced myself. The pool's had a leak in it for the last two years. Nobody has ever been at the pool, and right now as we speak, there's no gate, so it's a violation. Children could walk through there and drown.

And the list goes on. I mean it's something to think about before you allow this to affect other families, and I'm kind of disturbed right now because he's trying to get another permit for another development. He hasn't completed my area yet, and I'm not the only voice.

There's about 40 other people that are working right now that can't be here.

COMMISSIONER HYMAN: Is the developer here?

MR. MERCIER: Yes, he is.

COMMISSIONER HYMAN: Where -- is that next to you, Kim?

MR. MERCIER: I believe.

COMMISSIONER HYMAN: Let's ask him.

UNIDENTIFIED SPEAKER: I'm the architect.

COMMISSIONER HYMAN: You're the -- is the developer here? Is that you?

Let's hear what you have to say in response to that.

CHAIRMAN BARBIERI: Thank you.

MR. MERCIER: Thank you.

MR. BIBAS: Good morning. My name is Oliver Bibas. I'm the project engineer.

COMMISSIONER HYMAN: Oh, you're the project engineer?

MR. BIBAS: Yes. I have done the project of Estancia, but that was with a partnership, and this project is turned over to homeowners association, and we didn't have any problem with this project.

COMMISSIONER HYMAN: So the things that this gentleman just mentioned, you're saying you don't know about?

MR. BIBAS: No, the project is done, the project is finished.

COMMISSIONER HYMAN: The project is done?

CHAIRMAN BARBIERI: Okay. Ms. -- Mr. Rodriguez, would you please come to the podium on your left, and, Alison Francis, would you please come to the right.

MR. RODRIGUEZ: Does it matter?

CHAIRMAN BARBIERI: It doesn't matter.

MS. FRANCIS: Alison Francis is the name.

I just purchased my house in December 2006. He's been there two years. I've been there six months. Same issues.

Here are pictures of the mold that's in my house. I've e-mailed to Estancia. I have response.

Right now I have pictures in my wallet that they came and took down my walls. I have a four-year old living in a construction zone inside my house.

There's leakage in my bathroom. The settlement of my unit, when it's settling, my tiles are cracked.

All of the pictures which have been e-mailed, I have copies of my e-mails here -- he also has a picture of one of the back, what our walls are supposed to be, that he hasn't completed.

Here's a picture of my air condition unit growing mold, as well.

I have went to the Health Department. I've had them come out. I've had reports done stating that it's an issue.

I've also had -- here are all my e-mails to HRT, which is the homeowners association that handles them. Various response to my complaint.

I'm more concerned with my health. Mold is something I can't -- I can't fix. I'm not a construction -- and he's aware of these problems.

I'm not the only one.

My sister also wanted to buy a unit in there, Unit 417. When we went in there, the mold was very obvious so we were asked to get a separate mold testing, which we did.

The mold came back to be one of the most dangerous molds there was.

We -- she opted not to buy hers. I opted to buy mine, but there was no mold present at the time, but from what I'm understanding, it was

painted and sold to me, anyways, and Unit 417 that my sister got a test on was sold, knowing that the mold was there.

The homeowner of that unit was coming, but she's -- she's not here, and I have the report to back up that mold was present and painted and sold to me with my four-year old.

CHAIRMAN BARBIERI: All right. Thank you. Mr. Rodriguez.

MR. RODRIGUEZ: Sir, ma'am, gentlemen of the Commission, good morning. My name is Diego Rodriguez, and I'm also a homeowner at Estancia and live there with my family.

Originally, our development was a large retaining ditch. The developers filled the land and set the foundations of our homes over it.

The retaining wall that you see here, was constructed behind our homes and made up of cement bags simply stacked one on top of the other. There's no wall or any anchors holding these bags in place.

I was able to physically lift these bags, and realized that there was nothing keeping the stacks of cement together.

Our development is in the flood zone area.

In case of flooding there's a retaining wall, will easily cave in, along with topsoil and the foundations of our homes along with it.

My family is one of the first to move into Estancia. I paid for a new home but received an incompletely built home, along with all the trash and residue left behind inside my home.

Mr. Oliver Bibas was constantly made aware of all the problems we were having with our homes.

At the time the second phase of the development was being constructed Mr. Bibas would continually make excuses as to when the electricians, plumbers or carpenters would come by to correct our problems.

As time went on, he stated that he would -- that we should not worry because when the development was completed, he would perform a final walk-through and correct any problems we were having.

When the development was finally completed, we were given no final walk-through.

I have witnessed many of the homeowners voice their problems to Mr. Bibas and the manner in which he has handled it.

For example, one of the elderly women approached Mr. Bibas to make him aware of her problems, and he had the nerve to tell this poor woman to, quote, unquote, shut up and leave him alone because it is not his problem anymore, and we should not complain because of the low price we paid for our homes.

Mr. Bibas was clearly buying his time to complete the development and wash his hands of all errors that were made and corners that were cut in completing our homes.

He is still president of the homeowners association, which has not been turned over, but

says that he has nothing to do with our development anymore, and we should contact the HRT Realty Service, the firm that is supervising the homeowners association at the time and presently.

When HRT is contacted, they tell us that they are not responsible for any problems that we are having and should contact Mr. Bibas. So it's constantly going back and forth.

As you can see, with the lack of professionalism, neglect, irresponsibility, disrespectful and vulgar manner, Mr. Oliver Bibas has conducted himself throughout the development at Estancia, he should no longer be permitted to take part in or commence with any developments.

Furthermore, any licenses Mr. Bibas may have should be revoked in order to ensure the safety and well-being of any future homeowners that this man's lack of professionalism and character may affect.

Thank you, sir.

COMMISSIONER KAPLAN: Mr. Chairman, may I ask?

Mr. Rodriguez, did you report this to Code Enforcement to the County?

MR. RODRIGUEZ: No, sir.

COMMISSIONER KAPLAN: Has anybody done so?

MR. RODRIGUEZ: No, sir, and I was not aware that I --

COMMISSIONER KAPLAN: Staff, do you have anything from Code Enforcement?

CHAIRMAN BARBIERI: Staff.

MR. Mac GILLIS: Nothing's been brought to my attention.

I think they're talking about another project so --

MR. ROBINSON: It's in another municipality.

MS. FRANCIS: Well, this is -- yes, this is --

MR. Mac GILLIS: In a different municipality.

MR. ROBINSON: I think it's Palm Springs.

MR. CHOBAN: Where is it? Where is it?

MS. FRANCIS: It's in Palm Springs.

MR. ROBINSON: Palm Springs.

MS. FRANCIS: The city of Palm Spring has been out. They actually sent an electrician out to my unit and found more issues.

Also, I went through the city of Palm Springs to do -- the Health Department so I can get the check out for the mold, and I know a few other owners in our unit has been to the city of Palm Springs.

A matter of fact, I thought that Carl Umberg (ph), who works with the city of Palm Springs, he was supposed to be here to also speak on our behalf.

CHAIRMAN BARBIERI: Okay. Thank you.

COMMISSIONER KAPLAN: Staff, what has the city of Palm Springs got to do with the County?

MR. Mac GILLIS: I think what this resident is pointing out simply that this

developer had constructed a project in Palm Springs that they have violation on.

It has no -- I mean it has relevance, I guess, the developer's credibility on completing a project.

COMMISSIONER KAPLAN: I just wanted that clarified. Thank you.

CHAIRMAN BARBIERI: Thank you, sir.

COMMISSIONER HYMAN: Well, I appreciate the information because, for one, we do look to -- we try not to reward people who fail to comply with applicable Codes.

You know, we have a difficult situation here. I mean he's a property owner, but I, for one -- I mean I think this is very disturbing, and it -- what it does is it directly undermines the credibility of the applicant, and with the -- with that, I don't know how I can vote to support, you know, this project if they don't live up to their obligations on another project through this testimony.

So I, for one, would postpone this item until there's -- I know there's some more cards.

I, for one, would recommend postponing this item to give the developer a chance to go and meet with these homeowners and try to address their concerns and clean up his act, so to speak, and then come back to us, you know, on this new project and also address the concerns that staff has set forth in the materials concerning height and things like that and -- yeah, they need to meet with their neighbors.

So I'm not going to be able to support the project the way it is.

CHAIRMAN BARBIERI: Susanna Vondeck.

Thank you, Mr. Rodriguez.

Would you please come to the podium. You also live in Estancia in Palm Springs?

MS. VONDECK: Yes, so that's why I'm not sure if this is quite necessary to repeat some of the same things, the problems that we've had with Mr. Bibas.

CHAIRMAN BARBIERI: But you've had the same issues?

MS. VONDECK: Yes. My -- the staff had said their concern was with safety. We've had this -- a lot of concerns with safety. There are lights in our community installed by Mr. Bibas that have never really worked.

It is pitch black in the neighborhood. There's kids running around. I feel very unsafe driving through the neighborhood.

The other problems that we've had is we've been promised since November 15th of 2005 that our gates would be closed, front security gates. They have been sending us letters for months and months and months and years, I should say, and tested them on April 17th when I was in a car accident with such gate, and it closed in to me, and I have whiplash.

But that's not -- you know, that's not my problem here. My problem is that this man has

gotten away with a lot of things. He's told me things such as when I inquired about why the neighborhood was taking so long to be finished, Mr. Bibas told me that he was being held up by the inspections from the Village of Palm Springs.

He asked me if I would like him to go into Betty Lowe's (ph) office and threaten her with a gun to give him the permit to finish the property.

Other incidents is that he told me he received a building certificate of occupancy for one of the buildings from the City because he built the bus stop in front of the community.

The pool has been chain locked due to chlorine levels, and there's never been chaise lounges or chairs for us to enjoy our pool.

As of right now, as Peter stated, there's no gate on it at all. I took a picture of that last night which is indeed a safety issue.

I just feel like we've been threatened by Mr. Bibas. I got an alarm installed. He came into -- knocked on my door and said, "You have to go with Jet Security," and I felt like why should I have to go with security when I just purchased it through ADT, and he strong-armed me, he strong-armed other people. I stood my ground and just took all the ADT stuff inside.

I feel like every time I've had communication with him he's yelled at me, said the things and problems in my house were my fault, which, you know, I'm a single person. I don't think I'm doing much damage to my house.

So I just feel like this man should not be given further permits when we've had so many incidences in our homes and our community. It's not a safe place to be.

Thank you.

CHAIRMAN BARBIERI: All right. Thank you, Ms. Vondeck.

Staff, you have any comments?

COMMISSIONER HYMAN: Well, I'm going to make this easy.

I think -- I'm going to move to postpone.

I think you need to address staff's concerns. You need to address the concerns of the homeowners, as an aside, you know, you need to address those concerns so that your client's credibility is, you know -- that he can recover some of that --

MS. GLAS-CASTRO: It's not --

COMMISSIONER HYMAN: -- credibility.

MS. GLAS-CASTRO: It's not Mr. Bibas. He was a minority partner in this Estancia partnership.

COMMISSIONER HYMAN: They all mentioned him by name.

MS. GLAS-CASTRO: Right. He's the -- he was the project manager so he was the face person.

COMMISSIONER HYMAN: Well, who's the -- what's the construction company?

MR. BIBAS: Estancia-Palm Springs was the company who built the project.

COMMISSIONER HYMAN: Are they a licensed

contractor?

MR. BIBAS: It was Royal Palm Communities.

COMMISSIONER HYMAN: It's what?

MR. BIBAS: RPC, Royal Palm Communities, the developer.

COMMISSIONER HYMAN: I'm sorry, I'm having trouble --

MR. BIBAS: Royal Palm Communities.

COMMISSIONER DUFRESNE: Who was the construction company?

MR. BIBAS: Royal Palm --

COMMISSIONER DUFRESNE: Not the developer.

MR. BIBAS: Royal Palm Communities.

COMMISSIONER HYMAN: Are they licensed?

MR. BIBAS: Yes.

COMMISSIONER HYMAN: Well, then somebody can call the Construction Industry Licensing Board and file a complaint because there are certain remedies that they have through the licensing Board.

Maybe, staff, if you can meet with some of the homeowners that have expressed their concerns.

In the meantime, you have a site plan that's three stories. The whole rec area is a concern to staff, and I think you need to go back and address those concerns, and I'm going to move for postponement.

VICE CHAIRMAN ANDERSON: Just under discussion, if I may --

CHAIRMAN BARBIERI: Do we have a second on Commissioner Hyman's motion?

COMMISSIONER KAPLAN: Well, there's no motion been seconded.

CHAIRMAN BARBIERI: Pardon me?

COMMISSIONER KAPLAN: Anyone second the motion?

CHAIRMAN BARBIERI: You're seconding the motion?

COMMISSIONER KAPLAN: No. I'm just --

COMMISSIONER FEAMAN: I'll second.

CHAIRMAN BARBIERI: Okay. Motion's been seconded by Commissioner Feaman.

All right. Commissioner Anderson.

VICE CHAIRMAN ANDERSON: I just -- I have a problem with, you know, I mean in the last proposal we were talking about two stories up against one stories, and now we're talking three-stories against one-stories, and the three-stories the balconies and everything, again, are at the extreme perimeter of the property.

I just have a problem with the whole site plan concept. I think the buildings should be more interior with parking around the exterior, and the three-story balcony component should be more toward a center courtyard with the pool and the rec center.

Everybody could walk out their buildings, walk directly to the pool. The parking lot goes -- the driveway and parking lot goes around the perimeter. To me that makes so much more -- this -- it's like this project is built inside out from what it should be. I mean that's my opinion.

COMMISSIONER KAPLAN: Mr. Chairman.

CHAIRMAN BARBIERI: Commissioner Kaplan.

COMMISSIONER KAPLAN: According to staff report there are single family residents to the east, to the west and almost surrounding this.

I cannot support this, and I will support staff's suggestion to deny the nine TDR units, rather than postpone it.

CHAIRMAN BARBIERI: All right.

Commissioner Bowman, Commissioner Feaman, Commissioner Brumfield.

I understand that you had mixed -- you believe you had mixed signals from Zoning Department as to how to structure this, but just so you know my position, I'm concerned about having the kids having to walk through the parking lot to get to the pool. Little kids are going to run out in the middle of this, and God knows what could happen.

So when you come back with a redesign, which I assume you are going to do, I agree with Commissioner Anderson, I think you need to make sure that the children don't have to walk through a parking lot to get to the pool area --

MS. GLAS-CASTRO: Okay.

CHAIRMAN BARBIERI: -- or to the playground area.

Are there any other comments? Do you have anything else you'd like to say, Petitioner?

MS. GLAS-CASTRO: Not at this time.

COMMISSIONER HYMAN: There's a motion on the table. I call the question.

COMMISSIONER KAPLAN: Mr. Chairman, I'm going to vote against this postponement.

I feel strongly that based upon the three stories and the other comments we've heard today that I would prefer to deny the application for the nine TDRs at this time, rather than have the petitioner come back.

We have other problems here besides the three stories that the members of the public have set forth, and I don't see any sense in postponing it. He's not going to be able to correct whatever the members of the public have alleged between now and a short postponement.

CHAIRMAN BARBIERI: All right. The question's been called by **Commissioner Hyman**.

All in favor of the motion for postponement.

COMMISSIONER HYMAN: Aye.

COMMISSIONER FEAMAN: Aye.

VICE CHAIRMAN ANDERSON: Aye.

COMMISSIONER DUFRESNE: Aye.

COMMISSIONER BRUMFIELD: Aye.

CHAIRMAN BARBIERI: Aye.

Opposed.

COMMISSIONER KAPLAN: Opposed.

MS. GLAS-CASTRO: Is that a postponement for 60 days?

COMMISSIONER HYMAN: Yes. Yes.

MS. GLAS-CASTRO: Give us time to rework the plan.

CHAIRMAN BARBIERI: Okay. So there was one -- one in opposition.

So the motion passes, 6-1 for a postponement for 60 days, and that day will be --

MS. KWOK: July the 5th.

CHAIRMAN BARBIERI: July the 5th?

MS. KWOK: Yes.

CHAIRMAN BARBIERI: Thank you.

MS. GLAS-CASTRO: Thank you.

CHAIRMAN BARBIERI: You're welcome.

COMMISSIONER HYMAN: That's it.

CHAIRMAN BARBIERI: Staff, do you have anything else for us?

MR. Mac GILLIS: Nothing else, Mr. Chairman.

CHAIRMAN BARBIERI: All right. Do we have a motion to adjourn?

COMMISSIONER HYMAN: So moved.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Seconded.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries.

COMMISSIONER HYMAN: Good job.

(Whereupon, the hearing was concluded at 11:30 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

DO HEREBY CERTIFY that the above-entitled
and numbered cause was heard as hereinabove set
out; that I was authorized to and did report the
proceedings and evidence adduced and offered in
said hearing and that the foregoing and annexed
pages, numbered 4 through 63, inclusive, comprise
a true and correct transcription of the 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 May, 2007.

Sophie M. Springer, Notary Public