

**ZONING COMMISSION
OF PALM BEACH COUNTY**

Thursday, July 5, 2007
9:05 a.m. - 10:25 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

Don Dufresne, Commissioner

Allen Kaplan, Commissioner

Alex Brumfield, III, Commissioner

Peter Feaman, Commissioner

Kelley Armitage, Commissioner

Richard Bowman, Commissioner

Barbara Alterman, Executive Dir. PZ&B

Bob Banks, Assistant County Attorney

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner, Zoning

Anthony Wint, Planner II, Zoning

Bryce Van Horn, Planning Department

Jim Choban, Land Development

Kenny Wilson, Health Department

Bob Kraus, ERM

Brian Shields, Water Utilities

Elizabeth Murray, Zoning Secretary

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P R O C E E D I N G S

CHAIRMAN BARBIERI: All right. We'll get started. We'll staff call roll, please?

MS. HERNANDEZ: Kelley Armitage.

COMMISSIONER ARMITAGE: Present.

MS. HERNANDEZ: Alex Brumfield.

COMMISSIONER BRUMFIELD: Present.

MS. HERNANDEZ: Peter Feaman.

COMMISSIONER FEAMAN: Present.

MS. HERNANDEZ: Frank Barbieri.

CHAIRMAN BARBIERI: Present.

MS. HERNANDEZ: Don Dufresne.

COMMISSIONER DUFRESNE: I'm here.

MS. HERNANDEZ: Allen Kaplan.

COMMISSIONER KAPLAN: Present.

MR. Mac GILLIS: We have a quorum. MS. HERNANDEZ: We have a quorum.

CHAIRMAN BARBIERI: All right. The record should reflect that Commissioner Armitage will be voting today as a voting member of the Commission.

Would everyone stand please for the opening prayer and Pledge of Allegiance.

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

CHAIRMAN BARBIERI: The record should reflect Commissioner Bowman's present. He will also be a voting member of the commission today.

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, July 26th, 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. HERNANDEZ: Yes.

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

COMMISSIONER KAPLAN: So moved.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by **Commissioner Kaplan**, second by Commissioner Dufresne. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

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

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

MR. BANKS: Thank you.

CHAIRMAN BARBIERI: Commissioners, do you have any disclosures, starting with Commissioner Bowman.

COMMISSIONER BOWMAN: No, I do not.

COMMISSIONER ARMITAGE: None. No disclosures.

COMMISSIONER FEAMAN: I spoke to Mr. Perry.

CHAIRMAN BARBIERI: I also spoke to Mr. Perry.

COMMISSIONER DUFRESNE: No disclosures.

COMMISSIONER KAPLAN: No disclosures.

CHAIRMAN BARBIERI: Staff.

MS. HERNANDEZ: Okay. That brings us to the postponement items.

We have -- on the amendments to the agenda there are six additional postponement items. These items came about due to an error by Net Post which failed to send out our courtesy notifications to surrounding residences.

These items include Item 8, 9, 10, 13, 14 and 15. So we'll go over them individually to do a motion for postponement, 30 days.

So Item No. 1, Z/CA2006-022, Colonial Lakes, the motion to postpone 30 days.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Item No. 1?

(No response)

CHAIRMAN BARBIERI: Need a motion.

COMMISSIONER KAPLAN: So moved --

COMMISSIONER DUFRESNE: Second.

COMMISSIONER KAPLAN: -- to postpone for 30 days.

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

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. HERNANDEZ: Item 2, CA/TDR2006-1555, Vivendi, motion to postpone 30 days to Thursday, August 2nd, 2007.

CHAIRMAN BARBIERI: I have two cards, Donna Long and Allison Frances, and do you understand that we are postponing this?

All right. We need a motion.

COMMISSIONER KAPLAN: So moved that we postpone to 30 days 'til August 2nd.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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. HERNANDEZ: Item 3, PDD2006-960,

Woolbright Office Center, the motion to postpone 30 days to Thursday, August 2nd, 2007.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Item No. 3?

COMMISSIONER KAPLAN: Move we postpone the petition 'til August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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. HERNANDEZ: Item 4, ZV2007-725, Kahlert Self-Service Storage Facility, the motion to postpone 30 days to Thursday, August 2nd, 2007.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Agenda Item No. 4.

(No response)

COMMISSIONER KAPLAN: Motion to postpone 'til August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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. HERNANDEZ: Item No. 5, PDD/R2006-

1675, Hagen Ranch/Boynton Beach MUPD, the motion to postpone 30 days to Thursday, August 2nd, 2007.

CHAIRMAN BARBIERI: Any member of the public to speak on Item No. 5?

(No response)

COMMISSIONER KAPLAN: I move to postpone 'til August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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. HERNANDEZ: Item No. 6, CB2006-947, Lee Road Property.

This motion is to postpone 60 days to Thursday, September 6th, 2007.

CHAIRMAN BARBIERI: All right. I have a card from Cindy Fury, and her comments are she supports the postponement but not the project.

Is anybody else here from the public that wishes to speak on this item?

(No response)

CHAIRMAN BARBIERI: Okay.

COMMISSIONER KAPLAN: I'll move to postpone to Thursday, September 2nd -- 6th, rather, 2007.

CHAIRMAN BARBIERI: I'm sorry. Would you come up to the right podium. State your name and address, please.

MS. FURY: Good morning. This is Cindy Fury, with the Arthur R. Marshall Loxahatchee National Wildlife Refuge.

And we would like to support the postponement of the project in order for Helena chemical to find an alternate location.

The currently proposed location is almost immediately adjacent to the main public entrance to the refuge.

CHAIRMAN BARBIERI: Okay.

MS. FURY: Thank you.

CHAIRMAN BARBIERI: You're welcome. Thank you.

COMMISSIONER KAPLAN: I'll move to postpone Item CB2006-947 60 days to September 6th,

2007.

COMMISSIONER DUFRESNE: I'll second that.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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.

CHAIRMAN BARBIERI: Going to skip over seven and go to the postponements, and we'll come back.

MS. HERNANDEZ: Okay. That brings us to the consent agenda, zoning application ZV/DOA-2006-1938, Military 6.

There are two motions, and there is one item on the amendment to the agenda with regards to a sign condition.

CHAIRMAN BARBIERI: Okay. Is the petitioner here? Want to come up, please.

MR. KRUGER: My name's Beril Kruger, representing the petitioner.

CHAIRMAN BARBIERI: Do you agree to the conditions that staff --

MR. KRUGER: Yes.

CHAIRMAN BARBIERI: -- including the amended condition?

MR. KRUGER: Yes.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Item No. 7?

(No response)

COMMISSIONER KAPLAN: There being none, Mr. Chairman, I'll move to adopt a resolution approving a Type II zoning variance to allow a reduction of loading spaces.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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.

COMMISSIONER KAPLAN: I'll make a motion

to recommend approval of a development order amendment to reconfigure site plan and modify conditions of approval.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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.

MR. KRUGER: Thank you very much.

CHAIRMAN BARBIERI: You're welcome. Thank you.

MS. HERNANDEZ: We have two items on the regular agenda, a brief presentation for reclaimed water and a previously postponed variance for Glades Stor-All.

It would be up to the Board if you'd like to renumber the agenda --

CHAIRMAN BARBIERI: No, let's -- why don't we take the reclaimed water after we get finished with the agenda. All right.

MS. HERNANDEZ: Okay. So that brings us to Item 12, ZV2007-328 --

CHAIRMAN BARBIERI: What about -- what about eight? Are we going to postpone these?

MS. HERNANDEZ: Yes.

MR. Mac GILLIS: Yes.

MS. HERNANDEZ: They're all postponed from the --

MS. KWOK: Need a motion.

CHAIRMAN BARBIERI: We need a --

MS. HERNANDEZ: Oh, I'm sorry.

CHAIRMAN BARBIERI: We're going to need motions on these.

MS. HERNANDEZ: Okay. We need a motion

for Item Number -- do you want me to do them all at the same time -- 8, PDD/TDR2006-1554, In the Pines North; ZV2007-727, Lawrence Variance; Z2007-336, West County Jail Expansion; Z/CA2006-1901, Glenwood Townhomes; DOA2007-050, Peninsula Bank at Loggers Run; DOA2007-181, Temple Shaariei Shalom Expansion.

The motion would be to postpone these items 30 days to the August 2nd, 2007 --

CHAIRMAN BARBIERI: All right. Is there anybody here to speak on Agenda Items 8, 9, 10, 13, 14 or 15?

(No response)

COMMISSIONER KAPLAN: Hearing none, I'll move for the postponement to August 2nd of PDD/TDR2006-1554.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Allen, why don't you modify --

COMMISSIONER DUFRESNE: Want to do them all?

CHAIRMAN BARBIERI: -- your motion to do all of them at the same time.

COMMISSIONER DUFRESNE: Want to do them all? He's allowing the group --

COMMISSIONER KAPLAN: I'll move for the -- for the postponement of Item ZV2007-727 to August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Okay. All right. So we have a motion to postpone eight and nine at this point. Okay.

All right.

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

COMMISSIONER KAPLAN: I'll move for postponement Z2007-336 for -- 'til August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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.

COMMISSIONER KAPLAN: I'll move to
 postpone Z/CA2006-1901 to August 2nd, 2007.
COMMISSIONER DUFRESNE: Second.
CHAIRMAN BARBIERI: Motion made by
 Commissioner Kaplan, 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.

COMMISSIONER KAPLAN: I'll move to
 postpone Item DOA2007-050 30 days to August 2nd,
 2007.

COMMISSIONER DUFRESNE: Second.
CHAIRMAN BARBIERI: Motion made by
 Commissioner Kaplan, 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.

COMMISSIONER KAPLAN: I'll move to

postpone Item DOA2007-181 to August 2nd, 2007.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, 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.

CHAIRMAN BARBIERI: And that takes us back to Item No. 12; correct?

MS. HERNANDEZ: Yes. Item No. 12, ZV2007-328, Glades Stor-All, presentation by staff.

Wendy Hernandez, for the record.

The proposed request before you is several variances which are necessary for the storage facility to utilize an existing on-site freestanding sign within the Piccadilly Square Shopping Center.

The existing sign was permitted under B97-008790 for an on-site point of purchase sign for Dunkin' Donuts. Dunkin' Donuts is currently located within the Piccadilly Square.

The applicant, Glades Stor-All, is in need of an off-site sign due to its location, 550 feet north of Glades Road, directly behind the Piccadilly Square.

The Glades Stor-All shares an access point easement running along the east side of Piccadilly Square and is dedicated through recorded documents.

The proposed variances sought before you are to allow a sign, an off-site sign, 50 feet or greater from a point of ingress in excess of 24 square feet in sign area and to exceed the maximum height within the urban-suburban tier of eight feet.

The request before you obtained a variance back in November 20th of 2003, in which the Board of Adjustment previously approved this sign. However, the applicant did not make use of the variance and it had expired, and thus it's before you again to re-apply for these variances.

The Zoning Commission approved a request on March 1st, 2007, to eliminate frontage for the Glades Stor-All for a Planned Unit Development district.

The proposed location of the sign, as shown on Page 79 of your packet, is located within the Piccadilly Square in a terminal island at the southwest corner of the existing building. This sign is a non-conforming sign for both on-site and an off-site directional sign.

Staff is recommending denial of the three -- the two requests.

Would you like to hear any more?

CHAIRMAN BARBIERI: Petitioner.

MR. MILLER: Good morning, Commissioners.

For the record my name's Bradley Miller, of Miller Land Planning Consultants, and representing the applicant here, Stor-All Systems.

This one -- a few of you have seen me present on this project before, dating back into '03 is when we got started with this project, but to give an overview of where we've come from, I'll go through a quick presentation.

First of all, the site is just north of Glades and west of the Turnpike.

It's an interesting parcel because you can see by the orange block there where the property is, it has no frontage on Glades Road or the Turnpike. It's difficult from a locational standpoint, both from visibility and from an access off of Glades Road.

That access goes through an easement that's granted to that property and actually the property to the north of this parcel through the Piccadilly Square Shopping Center. That's their only legal means of access.

When the rezoning application came through previously, actually it was the Zoning Commission that asked me to take a postponement, which I did, and look at other means of access, which it ended up that this was the only way that we are going to be able to access the site.

The sign that we're talking about today, as Ms. Hernandez indicated, is within the Piccadilly Square Shopping Center. It's been there for 10 years.

In 1997 it was permitted, and at that time this whole property, the orange piece for Stor-All, and the Piccadilly Square Shopping Center was all one ownership; however, the owners at that time thought ahead, and it had actually executed some agreements to allow for the use of this sign on this property for the future user, which is now Stor-All. So there's actually two private agreements for that.

To give you a little closer location, the sign is as indicated, it's in this terminal island of the parking within the Piccadilly Square Shopping Center.

The access is about 105 feet to the east.

The driveway on the right side of the screen there is that legal access that I was mentioning to you before. That's where it's at currently.

The sign itself was originally used by Dunkin' Donuts, which is a user that was within the shopping center of Piccadilly Square.

They are a party to these agreements, and we're aware that there was, I guess in no better terms, a temporary use of this sign for their operation.

It was permitted at six feet by 12 feet and 25 feet in height.

What we're proposing to do is simply do that, is replace that sign face.

When Wilma came along, it blew out the Dunkin' Donuts sign face. You can actually see that in your staff report on Page 81. It kind of gives you a middle ground between when Dunkin' Donuts was there using it and then when it was blown out by the hurricane.

So right now it's in the condition of no sign face there at all, and we would just like to replace that sign face with the Stor-All signage.

The variances, as indicated, are to be -- the first one is the location itself. The Code is requiring 50 feet. We are at an existing 105 feet.

And for the size of the sign, which was the approval before by the Board of Adjustment, the Code talks about 24 square feet of sign face and eight feet of height. The sign was permitted and is constructed at 72 square feet of sign face and 25 feet of height.

The chronology here I think is very important. We've gone through, obviously over three years now, otherwise we wouldn't be here, to go through the various processes to get this project underway. It's been a long one.

Our original variance was approved in November of '03. We did the variance in conjunction with the one that you approved a couple of months ago for me with the frontage -- the PUD frontage requirement, and at the time it was determined that we needed to go through those variances in advance of our zoning hearings in a make or break situation, which we did, and those were approved.

We then went on through the rezoning process, which you can see to get through the rezoning process and the site plan approval process was about a year and a half later.

Through the rezoning process there was -- through -- there were some things we dealt with with staff. There were some resident concerns. The West Boca Community Council got involved. We were postponed again when we came to the Zoning Commission for -- to take another look at the access and the -- to the site.

So it took us some time to get through that process and then followed by the site plan approval after that.

We then got into our permitting. This was the first permit that was issued in December of '05 for our permits, and you can't submit for permits until you have your site plan approved.

To jump ahead, and this is where we really got caught at the very end, was with the Water Utilities. You can see it took us a year there to

get through the permitting process, not only with the County, but with all the various agencies.

The last one was with Water Utilities that pertain to a lift station site that is right at the -- our southeast corner of our property. That lift station -- at the last minute Water Utilities wanted us to completely relocate that lift station, which was a big ticket item for our client.

We went through negotiations with Water Utilities. Mr. Perry was involved in helping with those negotiations, and we got through that. The lift station is exactly where it is today, and it's going to stay there, but that dragged out the process, as well.

Our extensions expired three days after that agreement with the Water Utilities Department. So that's what kicked us back in to having to come back to you for the variance.

There's been several reliances that my client has based his actions and business movements on.

One is that we did get the prior approvals before, and because of the process, it caught up with the -- with him and all of us on the time frame to get through it within the three years that we were given through the variance process.

The agreements for the signage have been in place. The original one was in place quite a long time before Stor-All was even involved, and then when they came about, they had their attorney go back and make sure that it was still a valid agreement, and that actually came out with a more specific location, of essentially a 10-inch by 10-inch easement, or in real terms, the width of the pole that's holding up that sign is the easement that they're allowed to work within for that signage.

Those agreements are part of the record in the staff files.

The -- again, the prior variance approvals from the Board of Adjustment, as indicated, the staff recommended denial there, too. Board of Adjustment saw the criteria and the arguments made at that time, and they granted those variance approvals for that sign.

The unique circumstances of the property here, I don't know if I've worked on one that's been more complicated from a locational standpoint.

Even before we got into the zoning we had complications on the north end of being able to get legal positive outfall that took about two years to get through and working with the adjacent property owner to get an easement from him to accomplish that.

I myself have been working on this for probably six years of trying to get this thing through.

Visibility to that site is blocked by the shopping center along the south side. From the Turnpike there's a new storage facility that's

been approved just to the east of this property that will be in between the Turnpike and our project so the sign that we need here for this direction is really critical to get the people in off of Glades Road and to this site.

The seven criteria itself, if I could just go through those.

The first one pertains to the special conditions and the circumstances. I just touched on that a little bit. We're completely landlocked here with only one point of access through an agreement and easement that's been recorded. We have the private agreements that I spoke about for the sign itself that reserved this sign for the use of this property.

The sign is there today, and it's -- structurally it's still there. Later on I'll touch on the structural things and some of the things with the non-conformities that actually the Code doesn't even allow you to make structural modifications to a non-conforming sign so we're working with the replace the sign face scenario.

Any other location for an off-premise sign here close to Glades Road would require my client to go back to that property owner and find a location.

If you look at the site here, and I don't know if any of you have been there, but it's complicated with the access, the parking. There's very little area for signage or landscaping, as far as that goes.

The widening of Glades Road has taken some frontage off of Glades and through the staff report I understand that the Piccadilly Square people have -- they've actually taken down a sign and are coming back in with a new one. It's very limited on where a sign could go, and I question if it's possible at all.

We've made attempts. We've asked our client to try to touch base with that property owner to see if something is there, but nothing has been worked out.

So as far as the special conditions and circumstances, I think there's -- there's many, contrary to what staff report is saying. It's one, it's unique as far as I've worked on the 20 plus years of my experience of location and visibility for a site like this.

The second criteria is that it's not a result from the action of the applicant. The property was originally owned by one owner. It was split off into different pieces with Piccadilly Square to the south side, Pronto Lawnmower is to the north. They've established this piece kind of in between.

They did have some forethought in granting the access easements, having the agreements in place for the signage itself.

So all of that was done prior to Stor-All becoming involved in this property.

Number three is the special privilege defined by the Comprehensive Plan. I think

because of the unique circumstances here it kind of overweighs that -- that issue. There's -- the purpose of the variance is to come and show that there are unique circumstances.

Number four, the literal interpretation depriving the applicant of rights commonly enjoyed by other parcels. Almost every commercial parcel has some road frontage and some ability, at least, to have signage close to the road to bring their customers to the site.

In this instance the property is set some 500 feet back off the road, and as I've indicated, it's blocked by other development. So I do believe that without having this off-site directional sign it would deprive the applicant from the enjoyment that others would get.

Number five is the minimum variance. It truly is because the sign is existing. The Code prohibits any alteration to a non-conforming sign. So we're simply complying with what was permitted before by replacing the sign face in the same frame of dimensional criteria that was there some 10 years ago.

Number six is, again, Comprehensive Plan. The sign's been there for 10 years. The -- I keep hitting on these same remarks. I'm just changing the sign face so I'm trying to skip ahead here.

The easement I think is an important part. The easement itself, as I mentioned, for the sign is essentially 10 inches by 10 inches, the size of the pole.

We've looked at maybe, you know, can we add some landscaping or something like that to add to it. My client doesn't have the right to do that because of the easement that's in place for it.

The last criteria is would it be injurious -- injurious to the area involved and detrimental to the public welfare.

Again, the sign's been there for 10 years. One of the things I think that staff is looking at is the conflict and perhaps the effects it would have on residential development.

There's a three-story office building that blocks the view, along with the existing vegetation. The residential part is Boca Glades, which is to the west of this project, and it's completely screened by either the existing building or the vegetation that's there now.

So we feel that we have met these seven criteria. I know staff has come across and is recommending denial, but I do think that there are some very unique circumstances in this case relative to those criteria.

COMMISSIONER KAPLAN: Mr. Chairman, I have a question, please.

Brad, would you reconfirm for my own knowledge there is absolutely no change you are requesting in the existing height nor in existing face; is that correct?

MR. PERRY: That's correct.

COMMISSIONER KAPLAN: Other than --

MR. MILLER: Of size. Yes, all we'd be doing is replacing the sign face from what used to be the Dunkin' Donuts to the Stor-All.

COMMISSIONER KAPLAN: Other than that, there is no physical change in the size or the height?

MR. MILLER: Correct.

COMMISSIONER KAPLAN: Thank you.

MR. PERRY: If I may -- Marty Perry, also representing Glades Stor-All.

I'd just like to offer a couple of thoughts.

You know, this is really kind of déjà vu, and I -- you've got a history that Brad put up there.

This variance was previously granted. Staff objected then, but I think probably the most pertinent thing that staff indicated today, Ms. Fernandez -- Ms. Hernandez made the statement that Glades Stor-All is in need of an off-site sign because of its location some 500 and some feet north of Glades Road.

That's been the issue from the outset. They don't have any other opportunities. The staff report mentions time after time that they should explore other opportunities, but there really are no other opportunities because of these longstanding agreements that are in place.

They're not going to be able to go out and put something on the street frontage because that's going to interfere with parking.

The monument sign that's about to be built is already taken. So the issue is how do they get it. This is a problem center. They're set way back in there.

We went through all these issues four or five years ago, and the Board of Adjustment agreed that there was justification for this variance. We're simply requesting you reinstate it.

And I suggest that one thing that should be considered is that if for any reason we can't utilize this sign, this sign remains. It doesn't go away. It's an approved non-conforming sign. If we can't use it, Dunkin' Donuts is going to use it.

You know, this is basically just an agreement that was put in place. All we want to do is replace the sign face, not change any other thing, and I think that there's ample justification for the re-approval of this variance, and we request that you do so.

Thank you.

CHAIRMAN BARBIERI: Staff, would you respond -- could you respond to some of the comments that the petitioner made?

MS. HERNANDEZ: Yes. The Board of Adjustment did previously approve the variance for the sign; however, staff recommended denial.

With regards to the sign being non-conforming, staff does recognize that the site is located 500 feet from Glades Road; however, there

are alternative locations in which the sign could be put and be built in accordance with the Code, eight feet in height, 24 square feet.

There is an approved sign located at the entrance of the access easement for the Piccadilly Square in which there is a divider median. The Glades Stor-All could put a sign in that location or could have put a sign on the adjacent property, the Boca Shopping Center.

The recommendation for denial is with regards to this current sign being non-conforming. Changing the on-site sign to a non-conforming -- to an off-site sign further negates the fact that it is a non-conforming sign.

If the sign were to remain, the sign still is non-conforming in which they would be subject to the Article 1, the renovation of a non-conforming structure. So they would be able to replace the face; however, if anything happened to the structure or the renovation of it, Dunkin' Donuts or whoever were to use that sign would be still subject to the thresholds of it being non-conforming.

So as far as -- we do recognize that Glades does need a sign; however, there are alternative locations in which a conforming sign can be constructed.

MS. KWOK: I also want to add, too, that the applicant has several times mentioned that there were a private sign agreement between the Glades Stor-All and the developer to utilize existing sign, rather than constructing a new sign on Glades Road.

However, these -- this is just a private agreement, and the private agreement failed to reference compliance with the ULDC, the zoning Code sign code. So that's actually very critical. You can't have -- draft a private agreement without referencing compliance with the code.

CHAIRMAN BARBIERI: Brad, if we assume for a minute that you can't get approval from the property owner in front to put your sign somewhere else, why can't you reduce the size of the Dunkin' Donut sign and bring it down instead of 25 feet high?

You've got it on a pole. Why can't it be brought down to 10 feet or 12 feet and make -- why can't you make it smaller?

MR. MILLER: Actually, physically I think that's a possibility. The Code somewhat ties our hands there where -- in fact, it's in the staff report on Page 85 where it talks about non-conforming signs, that they can't be -- and I'm paraphrasing here, non-conforming sign may not be enlarged, structurally altered, so --

MS. KWOK: Actually, Commissioner --

MR. MILLER: Reducing that down structurally alters the height of the sign.

MS. KWOK: Yeah, Commissioner Barbieri brought up a very interesting point because if that storage sign, the existing Dunkin' Donut sign is being changed to a directional sign, that sign

could possibly be brought down to eight-foot in height -- eight feet in height and, what, 30 -- 24 square feet in sign face area, and all they have to do is get a variance for the location for the directional sign.

MR. MILLER: Let me ask a question. Wouldn't that conflict with the Code that I just read?

MS. KWOK: That would be a variance. That would be a new directional sign, and all they have to do is get a variance for the location criteria.

COMMISSIONER KAPLAN: Mr. Chairman, I have a question for staff.

MS. KWOK: And this is what I -- this is what I -- staff had been always talking about, design solution.

It's not staff to bring up design solution. In fact the burden actually goes back to the applicant or the applicant's consultant to look for -- to demonstrate to us that there are no other design alternatives, rather than saying, yeah, we have a private agreement, and we're stuck with, you know, a -- with no frontage from Glades Road.

I mean there are other design solutions that they need to be further explored.

COMMISSIONER KAPLAN: Maryann, what will happen to the existing sign if the Commission denies the application's request for the variances?

MS. KWOK: The existing sign is a non-conforming sign, and then there are Code requirements that say, hey, if you want to replace the sign face area being damaged by the hurricane, they can replace just the sign face area. They're vested for the height and the dimension.

COMMISSIONER KAPLAN: Well --

MS. KWOK: So they can come by us -- let's say the -- any other tenants that's in Piccadilly Square can come in and say, okay, I can put in a new sign face area.

The sign, the structure of the sign is vested --

COMMISSIONER KAPLAN: Well --

MS. KWOK: -- as a non-conforming sign, and they are vested so long they do not do structural replacement.

COMMISSIONER KAPLAN: Well, clarify something. Is the donut sign still there?

MS. KWOK: The Dunkin' Donut sign -- the face area is gone. That's --

COMMISSIONER KAPLAN: It's gone.

MS. KWOK: And Mr. Miller suggested that it was being damaged during the last hurricane.

COMMISSIONER KAPLAN: That's what I wanted to -- thank you.

MS. KWOK: But the tenant of Dunkin' Donuts is still there.

MS. HERNANDEZ: Under Article 8, as well, there are time frames for the removal of non-conforming signs.

COMMISSIONER DUFRESNE: Which is?

MS. HERNANDEZ: Six months.

COMMISSIONER DUFRESNE: If it's not being utilized?

MR. PERRY: If it's not being used, if it's abandoned.

MS. HERNANDEZ: It went -- it went down before back in '05; however, they had a valid development order for their variance.

COMMISSIONER DUFRESNE: Okay. But what we're saying is that it comes down to replacing whether it's a Dunkin' Donut sign or a Stor-All sign.

Are you objecting to the fact --

MS. KWOK: No, no. Or Jewelry Exchange. There are many other tenants within that Piccadilly Square.

COMMISSIONER DUFRESNE: But -- okay. Let's assume for the sake of this discussion the other tenants are not allowed to use this sign because Stor-All has the agreement to use the sign, which supersedes any other tenant's rights. Okay.

We're talking about replacing the sign face. Are we objecting to the fact that it says entrance? What if it just said Stor-All instead of Dunkin' Donuts? Does that make any difference?

MR. Mac GILLIS: I think it's partly the location. That criteria is set up in the Code. The sign Code was rewritten in 2003.

The 150-foot is to make sure the sign is in close proximity to the entrance so you don't confuse --

COMMISSIONER DUFRESNE: I understand that, but I -- and I'm okay with that, but my question is if they just put a Stor-All sign there, like the Dunkin' Donuts sign without the arrow, does that -- what's the difference between that and the Dunkin' Donuts sign?

MS. HERNANDEZ: Well, the distinction is this is an off-site sign that they're proposing, not an on-premise sign.

COMMISSIONER DUFRESNE: Okay. But they have an easement there. You can't -- they've got a 10 by 10 -- 10-inch by 10-inch easement to utilize the sign.

MR. Mac GILLIS: They have a private --

MS. HERNANDEZ: A private.

COMMISSIONER DUFRESNE: That's right. It's a private agreement.

MS. HERNANDEZ: Right.

MR. Mac GILLIS: But it doesn't meet the -- I mean the Code because the reason they're here is to get a variance to do an off-premise sign because you're not allowed unless you get this variance.

CHAIRMAN BARBIERI: So I guess my --

COMMISSIONER DUFRESNE: The sign's not going away.

CHAIRMAN BARBIERI: The off --

COMMISSIONER DUFRESNE: In my opinion it's going to be there --

CHAIRMAN BARBIERI: The reason it's an

off-site sign is because the Stor-All is not a part of Piccadilly Square. So what you're saying is any other tenant in Piccadilly Square could use that sign, but -- that's not a problem.

But having an off-site sign now from some other property owner is the issue.

MR. Mac GILLIS: Correct.

MS. HERNANDEZ: They're converting the on-site sign to an off-site sign.

COMMISSIONER DUFRESNE: Gotcha.

CHAIRMAN BARBIERI: Commissioner Bowman.

COMMISSIONER BOWMAN: Yes. If the Stor-All put the sign there, it still could be a non-conforming use, just as if Dunkin' Donuts puts a sign there; correct?

MS. HERNANDEZ: Granting the variances will make it a conforming.

MR. BOWMAN: So if Stor-All were allowed to re-face the sign, it would be a non-conforming -- in case it blew down in another hurricane, it would be to the same standards if Dunkin' Donuts were to be there; is that correct?

MS. HERNANDEZ: Well, you're granting the variance for the height, the area and the location. So they would be able to rebuild it with a granted variance.

MR. BOWMAN: Okay. And if Stor-All puts their sign there, it seems that's one less sign because it seems obvious that this -- there's a value to that spot there and somebody's going to reface that sign in that plaza, and now we're looking at two signs instead of one if we don't allow Stor-All to use that space; is that correct?

We're adding additional signage to an area that's -- I know the area fairly well. It's kind of clustered up like the land planner suggested, and it doesn't seem to me like we need additional signs in that area. We could -- we could save having a sign by letting them reface that area.

MS. KWOK: That's exactly the point because it's such an old shopping center with a lot of non-conforming signs in the -- within the existing shopping center.

So we take every opportunity to actually bring the shopping center in compliance with the current Code, and we start with this new sign.

I mean there are an existing median adjacent to the median -- to the easement, to the access easement, and they can very well put this off-site directional sign in compliance with the current Code within that median.

MR. BOWMAN: And now there's two signs instead of one?

MS. KWOK: And then eventually we can phase out all the non-conforming signs.

MR. BOWMAN: I disagree.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on this agenda item?

(No response)

CHAIRMAN BARBIERI: I have -- the commissioners have a report showing that there's 19 objections to this -- five in favor and 19

in -- what were the nature of the objections that you received?

MR. PERRY: Along those same lines, while you're waiting for that, you know, I --

MS. KWOK: Give us one minute and we'll pull the record.

MR. PERRY: We did meet with West Boca Community Council, and they -- Sherry Scarborough, who's the president, went and took a site -- made a site inspection and indicated that she had no objection to the variance request.

The sign really -- as I understand the objections from the residents, it was a visibility issue, and those have been addressed through landscaping, and this building blocks the -- the building here (indicating) blocks the visibility of this sign from the residents to the west.

MS. HERNANDEZ: Okay. As clarification, the Piccadilly Square has 330 feet of frontage. They had a sign recently permitted at that entrance location.

With the amount of frontage that they have they could get a second sign permitted for the shopping center. So they could end up with the two for Piccadilly Square and then the one, Glades Stor-All, on this site.

MR. BOWMAN: So you're saying that the Glades Stor-All -- the existing Dunkin' Donuts sign doesn't count as a Piccadilly sign, even though it's on their property?

MS. HERNANDEZ: Correct.

MS. KWOK: Actually, I just wanted to generally summarize the opposition.

Mostly it's saying that there -- the existing shopping center had way too many signs already, and this -- they're a residential community to the south and to the west of the project.

COMMISSIONER FEAMAN: I have a question.

CHAIRMAN BARBIERI: Commissioner Armitage.

COMMISSIONER ARMITAGE: I have a question for the petitioner.

Who currently owns this sign?

MR. PERRY: Well, Stor-All owns the right to the sign.

COMMISSIONER ARMITAGE: Who actually --

MR. PERRY: The sign is currently owned by the owner of Piccadilly Center.

COMMISSIONER ARMITAGE: Okay. And if this request goes through, will Piccadilly Center still own the sign, or is this part of the purchase and use by your client?

MR. PERRY: They will still own the sign.

We simply have negotiated an agreement that gives us the rights to use the sign, and therein really lies the problem.

I mean I -- you know, I appreciate staff's concern, but if you've been down there, and I've been down there several times, this area is a very confusing shopping center. It's an old center. It was not designed very well.

This is the final piece, along with the

piece in the northwest corner, to be developed in this. It's a prime site for redevelopment at some point in the future. When that will happen, I have no idea.

I defy anyone to go in there and not find it confusing to get -- to get in and out of there.

You actually have two shopping centers there that have been broken into about five parcels now so that directional signage is really an important issue.

To simply suggest that we've got -- and they passed -- staff passed out this sign here.

We have no rights to put signs in these places. We have to go renegotiate agreements. I don't know whether we can or not.

And I leave you with one final thought, and that is no matter what you do today, this sign does not go away. The only issue is what does the face of the sign look like.

It's either going to read Dunkin' Donuts, or it's going to read ABC Liquors, or it's going to read Stor-All, and if it reads Stor-All, then it at least affords the public some idea of where Stor-All is located so they can find the place, and that's really the purpose, and staff acknowledges there's a need for a directional sign.

The only question is where, and we think this is the simplest solution. It doesn't add additional signage. This sign won't go away.

Even if we could put another location, all we'd be doing is adding additional signage, and that defeats what the objections were related to.

So it just -- everything mitigates in favor of renewing what the Board of Adjustment did in 2003, and that's grant the variance.

COMMISSIONER FEAMAN: Mr. Chairman.

CHAIRMAN BARBIERI: Commissioner Feaman.

Give me one second, though, please.

Marty, I agree. I don't think we need more signs there, but my question, again, is why can't you reduce the size of the sign?

MR. PERRY: We may well be able to do that. I have concerns about the staff's suggestion of putting a monument-size sign at this island inside here because you've got vehicles that are parked along the street. You'll never see the monument sign.

But, you know, it's possible that we could reduce this sign down to 15 or 18 feet or something in that neighborhood, bring it down from the 25.

I think the issue, Mr. Barbieri, is is the height of the sign an issue from the standpoint of the people who are most concerned, and that's the people that live in this development to the west, and they can't see the sign except from Glades Road.

CHAIRMAN BARBIERI: I think the issue -- and I live out in the area, obviously, too, and I think the issue is more that it's just an eyesore shopping center. I mean there's --

MR. PERRY: No question.

CHAIRMAN BARBIERI: -- signs everywhere.

So I mean if we can accomplish the objective of reducing the size of the sign, rather than building a new sign, I mean I would be more in favor of seeing you reduce your sign and bring it down so that it's not such an eyesore when you drive by it.

MR. PERRY: I have no problem of doing that. What I would suggest, if we can, because I really need the -- I don't have the authority to make that decision -- is that -- do you have a problem with delaying?

MR. MILLER: No.

MR. PERRY: What I would suggest is you give me an opportunity to speak to the client, and maybe we can defer this to next month, and I'll get an answer from him and come back in. But I would certainly recommend that it be reduced down to 15 to 18 feet.

I think that gives you what you're looking at, and we can also take a look as to whether or not he'd be willing to reduce the size of the square footage of the sign to give you some options.

I mean we're not trying to shove this down anybody's throat. We're just trying to solve what we believe is a true problem, and that's being able to give the public an idea that there is a Stor-All facility there.

CHAIRMAN BARBIERI: All right.

Commissioner Feaman.

COMMISSIONER FEAMAN: Yeah, the staff report says that if the Zoning Commission approves the variance, they have three conditions. Are you in agreement with those?

MR. PERRY: The one condition -- I do not agree with Condition No. 2.

Condition No. 2 deals with if you're renovating a sign. Now, you know, what we're -- what we're talking about now brings us into that category, but all we're doing is repairing a sign, and that allows 30 percent, as opposed to 20 percent.

MS. HERNANDEZ: No, on a non-conforming structure the maximum renovation is 20 percent, 30 percent if they were to have applied for a variance, and they did not apply.

COMMISSIONER BRUMFIELD: I have a question.

With regard to the proposed locations that staff submitted to us, has the petitioner been able to review the proposed sites from staff, and, if so, what are your difficulties with those proposed sites for the sign?

MR. MILLER: Yeah, actually this exhibit, other than -- is this the same one that's in the staff report, just little bigger, little more -- so this is a new exhibit to us.

As far as the locations there, as Mr. Perry indicated, that would require us to go negotiate a whole new agreement with the owners,

whether it's Piccadilly Square or whether it's the shopping center to the east. We don't know if that's possible or not.

In the one in the exhibit, the red -- is yours in color, as well?

COMMISSIONER BRUMFIELD: There's a red -- a red, orange and blue.

MR. MILLER: The -- well, just to the north of the blue one it -- I think that just smacks into the face of having too many signs out there. It would be one for Piccadilly Square, another one right behind it.

Visibility becomes another issue as you're traveling down Glades Road.

I think whether there's an agreement with the property owner or not, that's a very tough location for visibility.

The one to the east, you can see -- this is -- this is our entrance, and where they're suggesting is right here (indicating).

Again, there's parking all along the roadway as you're coming up to it.

Unfortunately, because of the age of these centers, I think Glades Road has widened and widened and widened.

In the -- in this exhibit this is a bus turn-out lane, so they just keep getting hit with additional widenings so you can see the lack of landscaping and area along there, and even the cars, how they're parking there.

The location, the red would be proposed there. In fact, you can see that's -- that's the sign. It's not there today. They took that one down. That one -- just from photographs that I've had from before, that was probably the size of 25 feet, as well, and just loaded up with tenants.

So the second location that staff is proposing, one would be there, one over in this area (indicating), both of which would be outside of the agreements that we have with the property owner now, and I think that there's some physical constraints there with being able to see them once they are there.

COMMISSIONER FEAMAN: Mr. Chairman, if I may, I'd like to make a motion. I'd like to move for approval of this variance one and variance two.

As I go through the eight criteria here, I have to agree with the applicant. I think there are special conditions and circumstances that exist that are particular to this parcel, of the land.

Without reciting all the eight, I think that when you go through the eight, I think you find that they do fall really on the applicant's favor, as opposed the other way around.

I'm particularly moved by the history of this that was shown to us in that this variance was actually approved back in 2003, and from what I can see, due to no fault or want of diligence on the part of the applicant, the time expired simply because they were trying to go through the

application process, and they got caught up in it, and the previous variance expired.

They're back here wanting what's already been given to them one time, and I'm -- I'm going to move for approval of both of these variances with Conditions 1 and 3, not Condition 2, recommended by the staff, as well.

COMMISSIONER KAPLAN: Mr. Chairman, is Commissioner Feaman willing to accept -- I'm in favor of approving, but since the petitioner has stated they're willing to lower it to 15 to 18 feet, would you accept an amendment, no higher than 15 feet, since the petitioner's willing to accept it?

COMMISSIONER FEAMAN: Let me just get the petitioner on the record on that, see what they say.

MR. PERRY: What I said was is that I don't have the authority to make that statement, that I would recommend it to the client, but I'm going to need 30 days in order to do that.

Frankly, I can tell you that the client's preference would be not to reduce it. I don't think the height of it, other than the fact that it's non-conforming, presents a visibility problem to the people here.

But if that were the Board's will, then I certainly would request that we be given additional time so I can go get some authority --

COMMISSIONER KAPLAN: How about the size of the sign itself?

MR. PERRY: And I indicated the same thing, that I would -- I would talk to him about both of those items.

COMMISSIONER KAPLAN: Under those conditions I would ask, Commissioner Feaman, if we would accept a 30-day postponement to let him speak to his client, come back here to see if we can lower the sign and the face of the sign square footage, as well.

Commissioner.

COMMISSIONER FEAMAN: If the applicant is amenable to that, sure.

MR. PERRY: Let me ask Mr. Banks, and I -- you know, because I really don't know the answer to this.

Does that put us in a difficult position now with the Code where we're now restructuring, or does this Board have the authority to, you know, do what we're talking about doing?

I -- good question.

MR. BANKS: We'd have to look at that during the 30 days.

COMMISSIONER FEAMAN: I mean I'm familiar with this area as well, Frank, and the sign is not visible from the residential area of the one -- the residents that are just north -- excuse me, just west of this sign. You really can only see it from the street.

I'm concerned that if we don't allow this, there is going to be a proliferation of additional signs, like Mr. Bowman was concerned about, and I

don't see this as anything other than a continuation of the status quo ante that we had before the hurricane, and I -- I don't think that this is all that bad out there, based on what we have.

CHAIRMAN BARBIERI: I agree that we shouldn't have any more signs.

I -- I don't agree with staff's position that we should find another location for an additional sign, but I think it's not just a question of the residential properties around there can see the sign, it's a question of driving by that shopping center and seeing -- it's just a mess.

As you indicated, it's five different parcels, and it's -- if we can get this sign lowered, let's leave the sign there, but let's just get it lowered so that it doesn't stay there with Dunkin' Donuts on it and have another sign somewhere else.

Let's just get the thing reduced to a more acceptable height and a smaller dimension.

It still accomplishes your client's objective of having, you know, indication that they're in the shopping center that can be seen from Glades Road without making this 25-foot sign still standing there.

COMMISSIONER DUFRESNE: Mr. Chairman.

CHAIRMAN BARBIERI: Commissioner Dufresne.

COMMISSIONER DUFRESNE: A question for staff.

The proposed sign with the entrance, I find this almost to be two signs on one sign, and not that attractive.

Is your objection to the fact that it is a directional sign with the entrance name on there, or would you be less objectionable to -

MS. HERNANDEZ: No.

COMMISSIONER DUFRESNE: I mean do you find this acceptable?

MS. HERNANDEZ: Under the Code, yes.

COMMISSIONER DUFRESNE: Okay. But if we were to grant the variance, would you prefer to see something else on the signage, not the entrance or --

MS. HERNANDEZ: Well, an off-site directional sign is restricted to being directional. The majority of the sign has to say it's entrance or an arrow.

The other 50 percent is the signage for the name. I don't know if that answers your question.

COMMISSIONER DUFRESNE: I mean I find this -- this looks like two signs, actually three signs to me.

COMMISSIONER KAPLAN: If I understand you, you're saying if they -- if they took the entrance wording off and just had an arrow, that would normally have been acceptable, other than off -- off and on the premise type of thing.

MS. KWOK: I think I understand your concern, Commissioner Dufresne. I think it's just

the graphic, you know, with the white and then the purple, green.

I think if they all, you know, become like one color or even two colors, you know, the purple, green, and take out the white signs with the entrance, that may be able to help them to look at one sign rather than, you know, being split.

I think it's graphic -- a graphic problem.

COMMISSIONER FEAMAN: Excuse me, but in a variance request where does this Board have the authority to dictate to the applicant now the aesthetic value of the sign as opposed to, you know --

COMMISSIONER DUFRESNE: Well, if we're trying to reduce down the number of signs, this looks like three signs on one, if you ask me, and I'm just saying that I don't know if that's an issue versus --

MR. MILLER: Let me give some little history to where that came from.

Originally, we had a different -- essentially, just a Stor-All sign. In the Code itself and this graphic that's in your report almost mimics the graphic that's in the Code for a directional off-premise sign. So we were just following those criteria.

Our preference, I think, would -- would rather not have that part. Our -- the original design of it was just a Stor-All sign. So I think that is something that we would consider.

COMMISSIONER KAPLAN: Would you consider just putting an arrow, in order to conform with the directional and taking out the big word, "entrance"?

MR. MILLER: Yeah. No, I think that's -- that's feasible, too.

COMMISSIONER FEAMAN: All right.

COMMISSIONER KAPLAN: I think under the circumstances we ought to postpone this for 30 days, Commissioners, give them an opportunity to come back.

If they come back and make the modifications that have been suggested here, not mandatorily, but merely suggestions, I think we have a better position.

I think the consensus of the Board, if I'm wrong, please correct me, is based upon the length of time the fact the sign has been there and will remain there, leaves most of us to go along with the petitioner's application except with certain changes and modifications that we have suggested.

So I would certainly suggest a 30-day postponement to give an opportunity to come back here, discuss it with the client and see if we can't come to some meeting of the mind.

CHAIRMAN BARBIERI: All right. We have a motion without a second. Unless there's a second for Commissioner Feaman's motion, we can take a substitute motion.

COMMISSIONER KAPLAN: I'll make a motion then to postpone for 30 days.

COMMISSIONER DUFRESNE: I'll second that.

CHAIRMAN BARBIERI: All right. We have a motion by Commissioner Kaplan, second by Commissioner Dufresne for a 30-day postponement.

Is there any discussion on that motion?

COMMISSIONER FEAMAN: Yeah, I'm ready to approve this as it is, so I'm going to vote against the motion to postpone.

CHAIRMAN BARBIERI: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: I'm in favor of the motion to delay for 30 days.

CHAIRMAN BARBIERI: All right. If there's no further discussion, we'll take a vote on the motion.

All in favor of the postponement.

COMMISSIONER KAPLAN: Aye.

COMMISSIONER DUFRESNE: Aye.

COMMISSIONER BOWMAN: Aye.

COMMISSIONER ARMITAGE: Aye.

COMMISSIONER BRUMFIELD: Aye.

CHAIRMAN BARBIERI: Aye.

Opposed.

COMMISSIONER FEAMAN: Nay.

CHAIRMAN BARBIERI: So that's six in favor, one opposed.

Commissioner Feaman is in opposition.

Motion passes.

MR. PERRY: Thank you very much for your time.

MR. MILLER: Appreciate it. Thank you.

CHAIRMAN BARBIERI: Okay. Do you want to give us the reclaimed water presentation?

MR. Mac GILLIS: Yes, we have Brian Shields, the Director of Capital Improvement here.

At the last meeting several of the commissioners requested that we invite him to give you a -- give you a brief overview of this topic. Brian.

MR. SHIELDS: Yes. Good morning, everyone. I'm Brian Shields. I'm the engineering director for the Water Utilities Department.

And I'm here at your request to give an update on our water reclamation program, give you a little bit of its history and where we're at as far as the most recently adopted ordinances expanding the mandatory zone that was adopted last July of '06 by the Board of County Commissioners.

Next slide, please.

Our water reclamation program really

centers around the southern region water reclamation facility. You see a photo of it there, that's located on Hagen Ranch Road, Boynton Beach and Delray Beach, and that's a 35 million-gallon per day wastewater treatment plant which serves the area, generally from Lantana Road south to the Broward County line.

Little history of the facility.

Next, please. There we go.

It was built in a number of phases. In 1991 we decommissioned a number of developer-built package plants throughout the county and consolidated into a larger centralized facility. At the time it was a 12 million-gallon per day facility, was expanded in 1994 with a re-rating. The most recent expansions were in 1997, which was known as the Phase II expansion.

In 2005 we completed an additional expansion, and as I note on there, the mandatory reclaimed zone was expanded in 2006, just last year.

The next. There we go. Yeah, you can wrap that slide up and go to the next one, please.

Okay. The plant itself, as you can see located right up against the Turnpike, between the Turnpike and Hagen Ranch Road at the border of Delray Beach and Boynton Beach near Woolbright Road, again, that's an overview of the entire facility.

Next, please.

That's the southern region water reclamation facility. There's the Turnpike.

This shows you how the flow comes into the plant. Raw wastewater enters the head of the plant off of Hagen Ranch Road, works its way through the treatment process through secondary treatment. It's an activated sludge facility, aeration basins and clarifiers.

The flow eventually gets to the reclaim production facility which is located in the northwest corner of the property. You see the lines. We'll take you there on the next -- there we go.

And once the effluent is filtered, it is then stored in the storage tanks on the southwest corner of the property and pumped out by high service pumps out to our distribution system which takes it out to the various users.

There you go, through our storage tanks and then ultimately out to the various users, being golf courses and residential communities.

Our effluent management plan -- as I mentioned, the plan is a 35 million-gallon per day facility, currently operates at about 23 million gallons per day of flow.

The primary source of disposal at this point of our effluent is reuse, so we're reusing approximately half of the plant's capacity and more than two-thirds of our incoming flow for effluent reuse.

We have deep injection wells which are there for backup during wet weather, and then we

have created wetlands.

The Wakodahatchee Wetlands and the Green Cay Wetlands, which are located just east of the plant site are used for effluent disposal, as well as recharging the groundwater in the area.

Next, please.

And, again, our chronology of the reclaimed system itself, the plant was initially just designed to have reclaimed water on site for irrigation of the plant property itself, was expanded in 1994 by adding additional filters, was expanded in 1996 again to where it currently stands by adding 16 million gallons per day of filtration, those storage tanks and high service pumps that I mentioned.

In 1996 we constructed the Wakodahatchee Wetlands, a very showpiece environmental project, and in 1997 it expanded -- or actually established the initial reclaimed water ordinance, which was a four square mile area just surrounding the plant itself.

In 1999 we added the capability of taking some of our membrane concentrate, which comes from our Water Plant 3 located east of the plant property.

2001 was the big expansion of the mandatory zone, which took us to 10 square miles around the plant and encompassed many of the golf courses and residential communities.

We've had a number of expansions since then in piping. The Green Cay itself was constructed in 2004, 2005. We've added additional pumping facilities, expanded the piping itself to -- all the way to Linton Boulevard, and in Phase 6, as I mentioned, which was just done last year, last July the Board of County Commissioners approved the expanded mandatory zone, and I'll get into that on the next map.

Okay. This map shows you our existing users essentially in pink, which was the original 10 square mile area surrounding the plant property. It took us pretty much to Woolbright Road, Jog Road, down to Atlantic Avenue and was bounded on the west by the Turnpike.

At the time we didn't have any reclaim users west of the Turnpike.

Last year we expanded the mandatory zone up to Boynton Beach Boulevard, down to Clint Moore Road, and now it goes from Jog Road to State Road 7, U.S. 441.

So on this map you will see existing users in pink, the wetlands themselves, Green Cay and Wakodahatchee, are shown in green, and then potential future users which are listed in blue include those properties west of the Turnpike which are ultimately going to be developed.

We've been approached by those developers for agreements. We don't necessarily have agreements in place with all of them. Some of them we do.

And most recently, due to the drought, we've seen a great demand in the reclaimed system,

and we've had users come from Aberdeen, Ponte Vecchio and Palms Isles West, which are actually north of Boynton Beach Boulevard, but we are under contract with them via standard developer agreements.

Tivoli Lakes is another that recently we just executed a standard developer agreement with us. We're currently working with Addison Reserve, as well, to the south, south of Linton Boulevard.

So as you can see, the program itself is expanding quite dramatically, and the drought has really enhanced the demand for our system.

Next slide.

CHAIRMAN BARBIERI: Can I ask you a question?

MR. SHIELDS: Sure. Go ahead.

CHAIRMAN BARBIERI: On that slide you just had up, it was my understanding when all this publicity about the South County Regional Park golf course that your -- your farthest south that you came with the reclaim water system was the Gleneagles development, but you're showing Clint Moore and 441. You actually have pipes that --

MR. SHIELDS: No, we do not. Those are the expanded zone. Users within that are mandatorily required to connect to our system once expanded.

The pipes themselves currently end at Atlantic and Lyons.

CHAIRMAN BARBIERI: Okay. So that pink--

MR. SHIELDS: We've recently crossed the Turnpike to the west of the Turnpike, and we go as far as Lyons Road and Atlantic. That's as far south as the system goes.

CHAIRMAN BARBIERI: All right. Thank you.

MR. SHIELDS: You're welcome.

Okay. Our inventory -- this is just to highlight the size of the system itself, again, a 22 million-gallon per day capacity of pipes, we've miles and miles of pipes already in the ground.

The point of this slide is that the backbone system that we have constructed and designed is essentially funded by the Water Utilities Department. We have funded over 97 percent of the system. Developers have only funded about three percent of the system.

Okay. Again, as I mentioned on the previous slide -- and you can go to the next one -- you see photos here of some of our existing users, the golf courses of Indian Springs. Look at the residential communities. Valencia Lakes is a good example.

And we've got some more reuse users on the next -- Via Borghese, Avalon Estates, Valencia Falls, et cetera, are current users of our system.

Now, as I mentioned with that expansion of the mandatory zone down to Clint Moore Road, up to Boynton Beach Boulevard and out west to State Road 7, we do have a number of projects in the planning stages. We are working with some of the current developers in negotiating agreements with them to accept reclaimed water.

As I mentioned, Aberdeen and Ponte Vecchio are already under contract to us and in fact in design right now to extend pipes north of Boynton Beach Boulevard. Palms Isles West is the same situation. We expect that next year, and the Grove, which is also located on Boynton Beach Boulevard at the Turnpike, has come to us for reclaim water.

The Ascot development, which includes the Delray Marketplace -- as I just mentioned to Mr. Barbieri, it was the pipeline that we extended on Atlantic out to Lyons that can serve those developments at the intersection of Lyons and Atlantic.

Future users that we're aware of and have been in discussions with the developers include the Canyons, which is west of the Turnpike, GL Development, Appalonia Farms (ph), which is as far south as we would go. That's almost at Clint Moore Road and Lyons, between Lyons and State Road 7.

We're looking at future expansions of our Green Cay wetland facility. Morikami Park is a potential future user, as well as a repump facility to get us to St. Andrews Country Club in Boca Raton and potentially the Oaks, which is another southern user down near Clint Moore Road.

The next slide shows you a number of -- again, just photos of some of those potential users, Palms Isle West being a good example.

And one of the real driving factors behind our reclaim program is our 20-year water use permit which takes us through 2023, and what this slide essentially shows is that we committed in our water use permit to a certain amount of reclaimed water, up to 23 million gallons a day.

We are currently way ahead of that. We have enough users on board to be years ahead of our commitments, and we fully expect that we will exceed our water use permit commitment, and this is a real benefit to the Everglades and the regional system in that rather than using Everglades or surficial water for irrigation, people will be using reclaimed water and take stress off of the regional system. It helps through the drought periods.

And with that, I'm open to any questions that you might have.

COMMISSIONER FEAMAN: I have a question which is a little bit off topic, but --

MR. SHIELDS: Sure.

COMMISSIONER FEAMAN: -- I think the water treatment plants, traditionally the biggest problem has been the odors that emanate from it, depending on the prevailing winds.

What technology, improvements have been made or are being made to minimize that.

MR. SHIELDS: Well, what -- you're talking about our water reclamation facility. Yes, there has been an odor issue in the surrounding communities. We've addressed that.

We've had numerous studies that are just

recently being completed. We have already implemented various additions out in our collection system to minimize the odor at the head of the plant.

We currently have two projects in design, one being an initial odor control, which is the addition of more chemicals scrubbers which takes foul air from the aeration basins and the head works, scrubs it through a chemical scrubber, and, therefore, it reduces the odor.

We have another project in design, which is a much larger scale, to actually add covers to a portion of those aeration basins and scrub that, as well.

So we have a multi-pronged attack taking place on the odor system.

COMMISSIONER BOWMAN: I have a question, also.

Existing developments like Mizner on Lyons, why is that left out?

MR. SHIELDS: The reason is when the ordinance was adopted, the way the ordinance reads is that it's strictly, quote, new users, and new users are any that are defined that do not have a site plan approval through Water Utilities Department.

In other words, the utility plant has not yet been approved. They are considered a new user, and it's mandatory that they connect to our system.

The existing developments that already had a plan approval were exempted by the ordinance so they're not required to connect; however, it should be pointed out that those particular developments that are considered existing developments would have a water use permit.

When their water use permit comes up for renewal by the South Florida Water Management District, we fully expect that they would be required by the Water Management District to connect to the reclaim system, and we're certain that will happen.

CHAIRMAN BARBIERI: I have a question.

Should this Commission and staff consider conditions of approval when an existing development comes forward with some kind of modification, should we require as a condition of approval, one of the conditions, that they -- even though they're exempt at this point, that they go ahead and are required to attach to your system?

MR. SHIELDS: That would really be your decision.

I don't necessarily believe that because the South Florida Water Management District does include that as a special condition on all of their water use permits. So it's already in place. The system is there, that if it's an existing user exempt from our ordinance, when their renewal comes up, which is in a five-year window, within that five-year window they would be mandated to connect by the Water Management District.

CHAIRMAN BARBIERI: Staff, do you have anything?

MR. Mac GILLIS: No.

CHAIRMAN BARBIERI: Any commissioners have anything else?

(No response)

CHAIRMAN BARBIERI: All right. Thank you very much.

MR. SHIELDS: Thank you very much for the opportunity.

CHAIRMAN BARBIERI: Thank you.

If staff has nothing else, we'll adjourn.

MR. Mac GILLIS: Thank you.

CHAIRMAN BARBIERI: Okay. Meeting's adjourned.

(Whereupon, the meeting was concluded at 10:25 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 37, 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 30th day of July, 2007.

Sophie M. Springer, Notary Public