

**ZONING COMMISSION
OF PALM BEACH COUNTY**

Thursday, September 6, 2007
9:00 a.m. - 1:20 p.m.
Jane M. Thompson Memorial Chambers
301 North Olive Avenue
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer
Notary Public

A T T E N D E E S

Frank Barbieri, Chairman

William F. Anderson, Vice Chairman

Alexander Brumfield, III, Commissioner

Peter Feaman, Commissioner

Don Dufresne, Commissioner

Allen Kaplan, Commissioner

Sherry L. Hyman, 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

Carrie Rechenmacher, Senior Planner, Zoning

Ron Sullivan, Senior Planner, Zoning

Anthony Wint, Planner II, Zoning

Doug Robinson, Planner II, Zoning

Donna Adelsperger, Zoning Tech

Carol Glasser, Zoning Consultant

Isaac Hoyos, Planning Department

Bryce Van Horn, Planning Department

Ken Rogers, Director, Land Development Division

Jim Choban, Land Development

Kenny Wilson, Health Department

Bob Kraus, ERM

Michael Owens, School Board Rep.

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 the meeting started. Please, everybody take your seats.

Staff, please take roll.

MS. KWOK: Good morning, Commissioner.
Commissioner Bowman.

COMMISSIONER BOWMAN: Here.

MS. KWOK: Commissioner Armitage.

COMMISSIONER ARMITAGE: Here.

MS. KWOK: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: Present.

MS. KWOK: Commissioner Feaman.

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

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

CHAIRMAN BARBIERI: The Zoning Commission of Palm Beach County has convened at 9:02 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 Monday, September 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 Zoning 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: We need a motion to receive and file.

COMMISSIONER HYMAN: So moved.

COMMISSIONER KAPLAN: So moved.

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

Any discussion?

(No response)

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

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

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

MR. BANKS: Thank you.

CHAIRMAN BARBIERI: Do we have any disclosures from the commissioners, starting with the --

COMMISSIONER BOWMAN: I spoke with Dean Turney. I believe he represents Rinker.

COMMISSIONER ARMITAGE: None.

COMMISSIONER BRUMFIELD: I spoke with the representative from South Bay Quarry, as well as with Kahlert.

COMMISSIONER FEAMAN: Spoke with a Mr. Kilday regarding one of the variance applications.

CHAIRMAN BARBIERI: Okay.

VICE CHAIRMAN ANDERSON: Yes. I spoke with Kieran Kilday and also on the South Bay Quarry.

CHAIRMAN BARBIERI: I also spoke with Mr. Kolins on South Bay and Mr. Kilday on the sign variance.

COMMISSIONER HYMAN: I think I spoke with everybody. I got -- I spoke with Ray Royce regarding a postponement on the Lee County. I spoke with George Gentile. He's got about four or five petitions. We had a very brief conversation.

Talked with Alan Ciklin about one of his which -- I don't even know which one that is. Talked with Ron Kolins regarding his petition, Kerry Kilday regarding his petition.

Did I miss anybody? I disclose about every petition.

COMMISSIONER DUFRESNE: Aren't you popular.

COMMISSIONER HYMAN: Yeah.

COMMISSIONER DUFRESNE: I spoke with petitioners' representatives on Items 14, 16 and 19.

COMMISSIONER KAPLAN: I spoke with a member of the public on Item 2 and to petitioner's representative on Items 16 and 19.

CHAIRMAN BARBIERI: Okay.

CHAIRMAN BARBIERI: Staff, go over the postponements.

MS. KWOK: Yes, we have five items on the postponement agenda. The first one is DOA2006-1694, Friendship Baptist Church.

We need a motion to postpone this item to October 4th, 2007.

COMMISSIONER HYMAN: I have another disclosure.

This is ironic that this is being -- there's a request by the petitioner for a postponement because I got a letter from the petitioner's representative, Dennis Koehler, who objected pretty vehemently to the postponement that we voted for last meeting and was pretty critical of the process.

And I don't know if anybody else got a copy of the letter, but I did. It was not very nice.

Anyway, now his client's asking for another postponement, so I don't understand. First he's objecting to it --

MR. Mac GILLIS: Since the last meeting he did meet with myself and some of the Zoning staff.

We went over concerns with the architecture, the preservation of trees on site so the architect could not resubmit in time. So the architect agreed to the additional time to address the Board's concerns.

COMMISSIONER KAPLAN: Mr. Chairman, if I may, I'm going to move to postpone, but before I do, I'd like to clarify some of my statements made last week. Apparently, there's some confusion.

I stated that I would object to all postponements made voluntarily by the Board as part of their micromanaging process. I did not and I will not postpone any petition made by members of the public or petitioner except where it's made for a good cause, I will consent to that postponement, but my objection to postponing is

made only and solely by this Board voluntarily to micromanage.

And with that, if the members of the public have to be heard, and if they don't, I'll make my motion to postpone this matter.

CHAIRMAN BARBIERI: All right. Is there anybody here from the public to speak on DOA2006-1694? We are going to entertain a motion to postpone this. That's the first item on the agenda.

COMMISSIONER HYMAN: Is the petitioner here?

CHAIRMAN BARBIERI: Is the petitioner here?

(No response)

COMMISSIONER HYMAN: He should be here.

CHAIRMAN BARBIERI: There's no petitioner here? Is this requested by the petitioner, this postponement?

MR. Mac GILLIS: Yes, this was requested by the petitioner.

There's a letter on Page 1.

CHAIRMAN BARBIERI: What if this Commission would have decided not to postpone today? The petitioner decided not to show up?

MR. Mac GILLIS: Staff makes it clear they're supposed to be here for the meeting, especially on a second request.

COMMISSIONER KAPLAN: Mr. Chairman, under the circumstances, the petitioner not being here, I suggest we put this to the end of the postponement calendar.

We have three or four others. Maybe he'll show up in that time.

CHAIRMAN BARBIERI: Okay. All right.

COMMISSIONER HYMAN: I agree.

CHAIRMAN BARBIERI: Let's move to Item No. 2.

MS. KWOK: Okay. Item No. 2 is CB2006-947, Lee Road Property.

The applicant is requesting for a 60-day postponement to November 1st, 2007.

CHAIRMAN BARBIERI: Petitioner here on this?

COMMISSIONER HYMAN: He's here.

MR. ROYCE: Good morning, Mr. Chairman, members of the planning commission. My name is Raymond Royce. I'm the attorney for the applicant.

I request a postponement so that we can

find an alternate site. We've been working very hard on that. It is a slow process.

I know we have a long agenda. I could supply a letter that goes into great detail about the various sites we're looking at and so forth.

In essence, Helena has been serving the agricultural community for about 40 years. They wish to continue to do that. They essentially have lost their present site because of road widening and so forth.

They acquired this property in the Ag Reserve on Lee Road and State Road 7. They have a good plan and so forth. Staff has approved it, but the Loxahatchee Refuge has objected because it is on the road that leads to the refuge.

In view of that we have been working very hard to see if we can find an alternative site.

I have met with Ruth Clement (ph) at the South Florida Water Management District. I believe we've identified a site that will work. I discussed that site with Ms. Fury of the Refuge and with some of the folks from COWBRA. There seems to be a general agreement that they would have no objection to that site.

We're continuing to look at some other sites. It is a slow process, but we're working very diligently to try and avoid conflict to see if we can't find a site that will allow our clients to continue to serve agriculture and at the same time not be objectionable to the Loxahatchee Refuge.

So we would respectfully request a postponement for 60 days, and I'd be happy to go into further detail if you wish, but that is the essence of it.

We would respectfully request your approval of this postponement.

CHAIRMAN BARBIERI: All right. We'll ask for members of the public, but I just wanted to tell you that I did -- we did get your request.

I, as the Chair, got a copy of your request, and I did discuss this with staff, and I personally would support the postponement only because you are looking for an alternative site.

Certainly, I would not ever vote in favor of your current site, so as long as you -- and we have verified with staff that you are -- I don't think you need to submit any of that information if staff has information that you are looking at other sites.

Is there any member of the public here to speak on Item 2, CB2006-947?

(No response)

COMMISSIONER HYMAN: I move postponement of CB2006-947 to the November 1st meeting.

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion was made by Commissioner Hyman, second by Commissioner Kaplan for a 60-day postponement.

Is there any discussion?

(No response)

All in favor.

COMMISSIONERS: Aye.
CHAIRMAN BARBIERI: Opposed.
 (No response)
CHAIRMAN BARBIERI: Motion carries, 7-0.
MR. ROYCE: Thank you.
CHAIRMAN BARBIERI: You're welcome.

MS. KWOK: Okay. The third item is
 Z/CA2006-1914, The Residences at Haverhill,
 requesting postponement to November 1st, 2007.

CHAIRMAN BARBIERI: Petitioner.

MR. BARRY: Good morning. Chris Barry
 with Jon Schmidt & Associates, representing the
 applicant.

CHAIRMAN BARBIERI: And you are requesting
 a postponement for 60 days?

MR. BARRY: Yes, sir.

COMMISSIONER HYMAN: Ready for the public?

CHAIRMAN BARBIERI: Is there any member of
 the public here to speak on this Item No. 3,
 Z/CA2006-1914?

(No response)

COMMISSIONER HYMAN: Move postponement of
 Z/CA2006-1914 --

COMMISSIONER KAPLAN: Second.

COMMISSIONER HYMAN: -- to the November 1st
 meeting.

CHAIRMAN BARBIERI: We have a second?

COMMISSIONER KAPLAN: Second.

CHAIRMAN BARBIERI: Motion by **Commissioner
 Hyman**, second by Commissioner Kaplan for a 60-day
 postponement.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay. Item No. 4, DOA/R2007-528, Yamato Court MUPD, requesting for a 60-day postponement to November 1st, 2007.

CHAIRMAN BARBIERI: Petitioner here?

MR. BROPHY: Good morning. Jeff Brophy, with Land Design South.

We're requesting a 60-day by right postponement.

CHAIRMAN BARBIERI: Okay.

Is there any member of the public to speak on Item 4, DOA/R2007-528?

(No response)

COMMISSIONER HYMAN: Move postponement of DOA/R2007-528 to the November 1st meeting.

COMMISSIONER KAPLAN: Second.

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

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: We want to add onto one item for a 30-day postponement. This is Okeechobee Place, ABN/ZV/CB2007-335.

The applicant is requesting postponement to October 4th, 2007.

CHAIRMAN BARBIERI: What page is that on, Maryann?

MS. KWOK: It's not -- the item is on Page 5.

CHAIRMAN BARBIERI: Page 5?

MS. KWOK: Item No. 9.

CHAIRMAN BARBIERI: Is the petitioner here?

MR. MOSOLF: Good morning. Scott Mosolf (ph), with Urban Design Studio.

CHAIRMAN BARBIERI: You are requesting?

MR. MOSOLF: Yes, we're requesting 30 days to work out some issues on the conditions of approval.

CHAIRMAN BARBIERI: Okay. Is there any member of the public here to speak on Item 9, which is ABN/ZV/CB2007-335?

(No response)

COMMISSIONER HYMAN: Move postponement of ABN/ZV/CB2007-335 to the October meeting.

COMMISSIONER KAPLAN: Second.

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

Is there any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. MOSOLF: Thank you.

MS. KWOK: Okay. We have one withdraw item. This is CA/TDR2006-1555, Vivendi.

The -- there is no motion required for this withdrawal; however, I want to indicate to the Board that the applicant may go back to -- may go to the DRO to seek for those TDR units approval.

This is a project that has been postponed many times because of a lot of concerns from the adjacent property owners.

CHAIRMAN BARBIERI: Okay.

Is there anybody here to speak on Item 5, CA/TDR2006-1555?

Actually, we have a whole bunch.

UNIDENTIFIED SPEAKER: Yes.

CHAIRMAN BARBIERI: We have several people that want to speak.

Juan Para (ph), would you please come to one microphone, and Maria Aguilar (ph), please come to the other.

COMMISSIONER HYMAN: And this is a withdrawal? I mean they have a right to withdraw; right?

MR. Mac GILLIS: They have a -- it's up to the Board to whether it's withdrawal with prejudice or without prejudice.

Without prejudice is typically -- unless you indicate with prejudice.

With prejudice they can't come back, unless it's a substantially different application for a year, and the reason that's in the Code so residents don't have to keep coming back to the meeting with applicants resubmitting just minor modifications to an application.

CHAIRMAN BARBIERI: Does staff have any recommendations whether it should be with or without?

MR. Mac GILLIS: I would say without because the merits of their -- the opposition from the residents has to do with the developer, not specifically to the merits of this approval.

So staff had been supporting this thing,

but there was -- their concerns are the developer's performance on another project. I believe it's in Palm Springs.

So I don't believe it's relevant to this project in the sense that it's -- we would recommend denial on it.

CHAIRMAN BARBIERI: Okay. So will there be public participation in the DRO hearings for these people that want to --

MR. Mac GILLIS: No, that's an administrative meeting. It's open to the public, but they don't -- we do not take comments. It's a staff level meeting.

CHAIRMAN BARBIERI: Okay. So we'll allow you to speak, but you understand that they are requesting to withdraw their petition before the Zoning Commission, and we have no -- we have no alternative but to allow them to withdraw.

So if you'd like to speak on that, you're welcome to.

Are you Mr. Para?

MR. PARA: Yes, Commissioner.

CHAIRMAN BARBIERI: Speak close into the mic, please.

MR. PARA: When you say "they," who are you referring to? The developer?

CHAIRMAN BARBIERI: The developer.

MR. PARA: Okay. So they're requesting to withdraw the petition?

CHAIRMAN BARBIERI: That's correct.

MR. PARA: Okay.

CHAIRMAN BARBIERI: Would you state your name, please, and your address?

MR. PARA: Sure. My name is Juan Para, and I'm representing an owner of Tallia Estancia in Palm Springs.

And, again, I think he covered pretty much, and we're here -- a bunch of homeowners were here to comment on the developers', the builders', I guess lack of support for the project they built.

CHAIRMAN BARBIERI: Right.

MR. PARA: But if they're withdrawing the application, is there any sense of you hearing my comments?

CHAIRMAN BARBIERI: All right. If you want to check with staff, they'll give you information on when the DRO hearings are. They're open to the public. I guess you don't have an opportunity to speak, but you can attend those to -- if you want, if somebody wants to attend.

MR. PARA: And who is that staff member?

CHAIRMAN BARBIERI: Liz there, the lady with the -- the gentlemen in the back can give you information on that.

MR. PARA: Thank you.

MR. Mac GILLIS: Just for the record, there has been no application submitted for a DRO. It'd be a whole new application, and it has not been submitted yet.

CHAIRMAN BARBIERI: Okay. We also had a card from Maria Aguilar. Are you deciding not to

speaking?

COMMISSIONER HYMAN: That's her representative, I think. She needs an interpreter.

CHAIRMAN BARBIERI: We have cards from other people that do not wish to speak. I'll just read quickly their names.

Eddie Dumas is opposed to the project. Peter Mercer -- Mercier is opposed. Allison Frances is opposed. Kamisha Kerr is opposed, and Donna Wong is opposed.

Yes, ma'am. Your name, please.

MS. AGUILAR: My name is Maria Aguilar. I'm not going to speak.

CHAIRMAN BARBIERI: Okay. Thank you.

COMMISSIONER BOWMAN: Mr. Chair.

CHAIRMAN BARBIERI: Yes.

COMMISSIONER BOWMAN: I have a question for staff on this matter.

Can the Board, if it feels that it -- this project doesn't fit the surrounding area, would that be a reason to oppose it with prejudice?

MR. Mac GILLIS: Right now you're only voting on the motion of whether withdrawal or not, so I would say no.

The County Attorney can address that. I'd say right now all that's before you is whether or not to withdraw it, not on the merits of the project.

COMMISSIONER BOWMAN: I understand that, but we spoke about with -- with or without prejudice. I was just trying to figure out if the Board felt that this project did not fit the surrounding community, if that would be an adequate reason to oppose it with prejudice.

MR. Mac GILLIS: I guess for the record, yes, you could state that.

MR. BANKS: It's really -- I think that's a -- it's the discretion of the Board, so --

CHAIRMAN BARBIERI: Okay. We need a motion.

MR. BANKS: If the Board feels that, you know, this -- that the item had been heard enough, and that it -- really, with prejudice just means it's a -- one year before it can come before the Board.

If you think the item was, you know, heard so much and the public had to come to so many meetings that there should be a year before they submit the same application, again, you can vote that it be with prejudice.

It's really a discretionary decision on the Board's part.

CHAIRMAN BARBIERI: All right. We need a motion one way or the other.

COMMISSIONER HYMAN: I just think it's sufficient that it's withdrawn, and I would leave it at that.

I think the petitioner knows how we feel about that project, so --

CHAIRMAN BARBIERI: All right. So we don't need a motion. We do not need a motion.

MR. Mac GILLIS: You don't need a motion.

CHAIRMAN BARBIERI: Only -- we only need a motion if we're going to do it with prejudice.

MR. Mac GILLIS: Yes.

CHAIRMAN BARBIERI: Okay. All right. So it's done.

MS. KWOK: Okay. Good. Thanks.

CHAIRMAN BARBIERI: Move on.

MS. KWOK: Okay. This will bring us to the consent agenda, Item No. 6, PDD2007-055, Southern/Sansbury's MUPD.

We'd like the agent come up to the podium to agree to all the conditions.

There are a number of revised conditions shown on your add/delete agenda.

MR. GENTILE: Mr. Chairman, for the record, George Gentile, representing the project.

We had worked out with staff just two -- some minor modifications on Page 23 on the signs for the project.

We've -- going on Southern Boulevard with two 12-foot signs at 120 square feet, which is below Code allowed, and one eight-foot -- 80-foot -- 80 square foot sign, and on Sansbury's Way two 10-foot signs at 100 square feet and one eight-foot sign at 80 square feet, which is all well below the Code allowed for that project.

And then the last item is just a typo in Item No. 10 -- Condition No. 10, just the word "or" between all the items for the focal point, rather than all the focal points being on top of each other in that one location, and we agree with all the other conditions of approval, and we've worked that out with staff.

MS. KWOK: George, the signs on Sansbury's Way is one sign at 12 feet and another sign -- no, one sign at 10 feet and another sign at eight feet.

MR. GENTILE: That's correct, at eight feet. I'm sorry.

MS. KWOK: There's two signs.

MR. GENTILE: Yes, I misspoke. Yes.

COMMISSIONER HYMAN: Say that again.

MR. GENTILE: One sign at 10 feet, 100 square feet, and one smaller sign at eight-foot high, 80 square feet.

COMMISSIONER HYMAN: Where are those going?

MR. GENTILE: Those are going along Sansbury's Way. One will be at the entryway, and

one will be at one of the outparcel areas, and we're allowed three on each one of those right-of-ways, so we've -- and we're allowed larger signs.

So we've reduced the size of the signs with staff, and we've reduced the number.

COMMISSIONER HYMAN: Where's the outparcel on Sansbury's Way?

MR. GENTILE: Well, there -- it's the -- it's the --

MS. KWOK: It's Page 12 of the staff report --

MR. GENTILE: Yes.

MS. KWOK: -- on the site plan. There -- the Building F, which is right at the intersection of Southern and --

COMMISSIONER HYMAN: Oh, that's Outparcel F? Okay. So it's at the corner.

MR. GENTILE: At the corner, yes, and that's the smaller sign, so --

COMMISSIONER HYMAN: And then you -- okay.

MR. GENTILE: Okay.

COMMISSIONER HYMAN: All right.

CHAIRMAN BARBIERI: All right. Are there any members of the public here to speak on Item 6, PDD2007-055?

(No response)

COMMISSIONER HYMAN: I'm going to move approval of PDD2007-055, which is the official zoning map amendment from Agricultural Residential to Multiple Use Planned Development.

Was there -- there's no overlay or anything?

COMMISSIONER HYMAN: Not on this one 'cause this is a Multiple Use Planned Development --

COMMISSIONER HYMAN: It's a straight rezoning.

MS. KWOK: -- so there are conditions.

Yes, there are conditions.

COMMISSIONER HYMAN: There are conditions?

MS. KWOK: There are conditions because this is a planned development district.

COMMISSIONER HYMAN: Oh, okay. So subject to the conditions --

MS. KWOK: Right.

COMMISSIONER HYMAN: -- as modified.

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.

MS. KWOK: Okay. Item No. 7, ABN/Z2007-076, Angelo Property.

We're recommending approval for the Class B conditional use, the abandonment of the Class B conditional use and the approval for the rezoning with a Conditional Overlay Zone.

CHAIRMAN BARBIERI: Petitioner.

MR. PUTMAN: Good morning. Charles Putman, for the applicant.

We've reviewed the staff comments, and we have no objections.

CHAIRMAN BARBIERI: All right. Is there any member of the public here to speak on Item 7, ABN/Z2007-076?

(No response)

COMMISSIONER HYMAN: Move approval of ABN/Z2007-076 for the resolution approving the development order amendment -- abandonment, rather, for a Class B conditional use granted under ZR1996-002.

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.

COMMISSIONER HYMAN: Move approval of the official zoning map amendment from Residential Estate Zoning to Residential Transitional Zoning District, subject to the conditions.

MS. KWOK: With the -- yeah, Conditional Overlay Zone.

COMMISSIONER HYMAN: With the -- okay, with the COZ.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay. Item No. 8, Z/DOA2007-190, Palm Beach Volvo - Okeechobee Boulevard.

I'd like the agent come up to the podium to agree to all the conditions.

There are, again, a number of revised conditions on your add/delete memo.

MS. TIGHE: Yes, Jennifer Tighe, with Land Design South, and we did meet with Maryann yesterday and reviewed the conditions of approval and agree with those conditions.

There were two things that we needed to research for her, but they weren't major, so just wanted for the record to put that on.

CHAIRMAN BARBIERI: So you agree to all the conditions as modified today?

MS. TIGHE: There is a signage condition that we were researching, that the conditions of approval say one sign, and we currently have two signs existing.

She wanted to talk with her staff to see where that condition came from.

There is on part of the existing property a landscape buffer that is less than five feet, and she wants us to research on how that got approved.

It's not part of the portion of the project that we're affecting. She just asked us to do some research for it, and we said we'd be glad to, so --

CHAIRMAN BARBIERI: Okay. All right.

All right. Is there a member of the public here to speak on Item 8, Z/DOA2007-190?

(No response)

COMMISSIONER HYMAN: Move approval of Z/DOA2007-190 for the official zoning map amendment from Multifamily Residential to General Commercial Zoning District.

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.

COMMISSIONER HYMAN: Move approval of the development order amendment to add land area, reconfigure the site plan and modify or delete conditions of approval as amended.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.
Thank you, Jennifer.

MS. KWOK: Okay. No. 9 has been postponed.

This will bring us to Item No. 10, ZV2007-887, Boca Greens Plaza.

This is a variance, and we would like the applicant to come up to the podium.

MR. SEYMOUR: Good morning, Brian Seymour, of Gunster, Yoakley, on behalf of the applicant.

We've reviewed the staff comments, have no objections.

CHAIRMAN BARBIERI: Can -- staff, just explain to me why we'd want to get rid of an opaque door.

MS. KWOK: I would defer this to Ron Sullivan.

MR. SEYMOUR: I can do it pretty quick if you'd like.

Basically, the center was approved in '77. The only place to put these is over utility lines. The only way Utilities would allow it is if there were no actual physical structure, which means we're going to do plantings, and the doors would constitute a physical structure that Utilities was going to object to.

So we agreed that we'd variance just on this. It's two out of five enclosures on the back side of the shopping center.

CHAIRMAN BARBIERI: Okay. Is there any member of the public here to speak on Item 10, 2007-887?

(No response)

COMMISSIONER HYMAN: Move approval of ZV2007-887 for the resolution approving the Type II zoning variance to allow the elimination of the opaque door on the dumpster enclosure for the reasons set forth.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. SEYMOUR: Thank you.

MS. KWOK: Okay. Item No. 11, CA2007-056, Boynton Beach Community Church.

We're recommending approval, subject to conditions of approval.

MR. MCGINLEY: Good morning.

CHAIRMAN BARBIERI: Surprise, surprise, the church man.

MR. MCGINLEY: Kevin McGinley. Agree to all the conditions.

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Item CA2007-056?

(No response)

COMMISSIONER HYMAN: Move approval of CA2007-056 of the Class A conditional use to allow the place of worship.

VICE CHAIRMAN ANDERSON: Second.

COMMISSIONER KAPLAN: Second.

COMMISSIONER HYMAN: Subject to the conditions.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. MCGINLEY: Thank you.

CHAIRMAN BARBIERI: Thank you.

MS. KWOK: Item No. 12, 2007-524, Faris Property.

We're recommending rezoning with a Conditional Overlay Zone, subject to conditions.

MR. MCGINLEY: Good morning. Kevin McGinley again, and agree to all the conditions.

COMMISSIONER HYMAN: They going to be praying in the storage yard, right?

CHAIRMAN BARBIERI: Is there any member of the public here to speak on Z2007-524?

(No response)

COMMISSIONER HYMAN: Move approval of Z2007-524 for the official zoning map amendment from Residential Transitional zoning to the Light Industrial zoning, subject to the conditions.

COMMISSIONER KAPLAN: Second.

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

MR. MCGINLEY: Thank you.

CHAIRMAN BARBIERI: You're welcome.

MS. KWOK: Okay. There are four items that are on your add/delete shown as request for -- to be placed on the consent agenda, and the first one is Z/CA2006-1901, Glenwood Townhomes.

COMMISSIONER KAPLAN: What agenda number?

CHAIRMAN BARBIERI: What item is that?

MS. KWOK: That is Item No. 17.

COMMISSIONER KAPLAN: Thank you.

MS. KWOK: On Page 9.

CHAIRMAN BARBIERI: Would the petitioner please come forward on Glenwood Townhomes.

MR. MILLER: Good morning. For the record, Bradley Miller, of Miller Land Planning Consultants.

We are in agreement with the staff report and recommendations.

The last time we were here last month Ms. Hyman asked that we take another look at the recreation parcel, which we -- good suggestion.

We made some modifications there, and assuming you saw them, you're --

COMMISSIONER HYMAN: Yeah, and I appreciate you doing that. I think it's better.

You know, I wasn't thrilled that there's still a break. I mean you still have the volleyball area, which is still technically part of the rec area, on the other side of the entrance.

You know, I don't want to kill you about this 'cause I think you did a better, you know, a good job.

MR. MILLER: Yeah, the idea there was to -- with that use it's much more of a destination. They're going to go and do it and then leave again --

COMMISSIONER HYMAN: Yeah, I --

MR. MILLER: -- as opposed to what your opposition was last month.

COMMISSIONER HYMAN: Yeah, I think that's probably right, so --

CHAIRMAN BARBIERI: All right. Is there

any member of the public here to speak on Item 17, Z/CA2006-1901?

(No response)

CHAIRMAN BARBIERI: Have cards?

MS. KWOK: I just want to add that the rezoning is subject to a COZ, C-O-Z.

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

CHAIRMAN BARBIERI: Wait. I'm sorry. We have a couple cards.

COMMISSIONER HYMAN: Oh, okay.

CHAIRMAN BARBIERI: Sandy Parker from COWBRA. Sandy, did you wish to speak on --

MS. PARKER: No, we approve it. We worked with Brad. We're fine.

CHAIRMAN BARBIERI: Okay. Harriet Helfman also is not speaking. Okay.

COMMISSIONER HYMAN: I'm going to move approval of Z/CA2006-1901 of an official zoning map amendment from Agricultural Residential to the Single Family zoning district with a Conditional Overlay Zone, subject to the conditions.

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. Mac GILLIS: Need a second motion on that on the COZ.

COMMISSIONER HYMAN: I don't think there is a second motion.

MR. Mac GILLIS: It's on your add and delete, the first item.

MS. KWOK: Actually, the second motion is to recommend approval of a Class A conditional use to allow townhomes.

COMMISSIONER HYMAN: Okay. So -- okay. I'm going from the other sheet. Okay.

I'll make the motion to approve the Class A conditional use to allow the townhomes, subject to the conditions.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

Thank you.

MS. KWOK: The next item is No. 18 on Page 9 of the agenda.

This is DOA/CB2006-1697, Brown Landholding, requesting to be placed on the consent.

CHAIRMAN BARBIERI: Good morning.

MS. COTTRELL: Good morning. I'm Anna Cottrell. I'm representing the owner.

The conditions are acceptable. There's been -- on the add/delete there's one condition, Engineering Condition No. 3, that's actually being replaced by Engineering Condition No. 5.

CHAIRMAN BARBIERI: Engineering?

MR. CHOBAN: That's correct. It should be deleted, E.3.

CHAIRMAN BARBIERI: All right. And you agree to all the other conditions?

MS. COTTRELL: Yes, we agree to all the other conditions.

CHAIRMAN BARBIERI: Is there anybody here from the public to speak on 18, DOA/CB2006-1697?

(No response)

COMMISSIONER HYMAN: Move approval of DOA/CB2006-1697 for the development order amendment to modify or delete the conditions of approval and to reconfigure the site plan.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. COTTRELL: Thank you.

COMMISSIONER HYMAN: Move approval of the Class B conditional use to allow the vehicle sales and rentals, subject to the conditions.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

Thank you.

MS. KWOK: Okay. The next one is Item No. 21 on Page 10 of your agenda.

This is PDD/DOA2007-051, Arrigo Dodge MUPD. We're recommending approval, subject to all the conditions of approval, plus there are a couple of revised conditions on your add/delete memo.

MS. BAXTER: Kara Baxter, from Greenberg, Traurig.

We agree to --

CHAIRMAN BARBIERI: Would you pull the microphone closer, please.

MS. BAXTER: Kara Baxter, from Greenberg, Traurig.

We agree to the conditions as modified by the add/delete sheet.

CHAIRMAN BARBIERI: Okay.

Is there any member of the public here to speak on Item 21, PDD/DOA2007-051?

(No response)

CHAIRMAN BARBIERI: Yes, sir.

MR. ROGERS: Mr. Chairman, I was informed this morning that there's been a discrepancy in the build-out date for this.

We have not had time to meet with the petitioner before this meeting to discuss this. So I'd just like to go on record that we will be modifying our condition concerning the build-out date for this project, and we will discuss it with the petitioner between this meeting and the Board of County Commissioners meeting.

CHAIRMAN BARBIERI: Okay. All right.

COMMISSIONER HYMAN: Okay.

CHAIRMAN BARBIERI: Is there any -- anybody here to speak?

(No response)

CHAIRMAN BARBIERI: Okay. Sherry.

COMMISSIONER HYMAN: Move approval of PDD/DOA2007-051 for the official zoning map amendment from Agricultural Residential to the Multiple Use Planned Development Zoning District.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

COMMISSIONER HYMAN: Move approval of a development order amendment to add the land area, reconfigure the site plan, add square footage, add access point on Jog Road, modify/delete conditions of approval, as amended.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay. The last one on the consent agenda is Item No. 22 on Page 11 of your agenda.

This is DOA2007-721, Lake Worth Self Storage, and we're recommending approval, subject to conditions of approval.

CHAIRMAN BARBIERI: Is there a petitioner here?

MR. GENTILE: Mr. Chairman, we agree to all the conditions of approval as indicated by staff.

CHAIRMAN BARBIERI: Okay.

Is there anybody here from the public to speak on Item 22, DOA2007-721?

(No response)

COMMISSIONER HYMAN: Move approval of DOA2007-721 for the development order amendment to modify the conditions of approval.

VICE CHAIRMAN ANDERSON: Second.

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

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay.

CHAIRMAN BARBIERI: Takes us back to Item 1.

MS. KWOK: This --

COMMISSIONER HYMAN: No. There was a request, I believe, to --

MS. KWOK: Right.

COMMISSIONER HYMAN: -- move Item No. 19 up if there's anybody from the public to speak on that?

CHAIRMAN BARBIERI: Well, we still have Item 1 to deal with; right?

MS. KWOK: Yes, which is on the postponement item.

COMMISSIONER HYMAN: Oh. I don't see anybody.

MR. Mac GILLIS: The applicant is on his way so if you want to leave it. Mr. Uphoff has been contacted. He's coming if you want --

CHAIRMAN BARBIERI: All right. So on Item 19, CA2006-1930 Mr. Kolins has requested the Commission to reorder the agenda based on the fact that he has to appear before the West Palm Beach Zoning Board of Adjustment at 1:00 o'clock today so if we can get a motion to that effect.

COMMISSIONER KAPLAN: So moved.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion made by Commissioner Kaplan, seconded by Commissioner Hyman [sic].

MS. KWOK: Actually, I wanted to bring something up that the County staff actually wants to postpone this, the hearing of this project because the Planning Director has written a letter to the Board indicating that there is a workshop with the BCC on -- coming up September 11th, and the workshop is on mining impacts within this EAA.

So that's why we want to have this postponed, this item, after the workshop.

MS. ALTERMAN: Mr. Chairman, if I may.

CHAIRMAN BARBIERI: Yes, ma'am.

MS. ALTERMAN: For the record, Barbara Alterman.

The Board of County Commissioners had directed the County staff to do a study on mining in the Everglades Agricultural Area, that the culmination of that and a report is finally going to the Board on September 11th.

The reason for the request for the postponement today is to give the Board of County Commissioners the opportunity to give staff any

particular direction they want on mines and, therefore, be able to implement it thoroughly through all the mines that are coming through the process now.

So this is a 50-year, 60-year mine. I don't think that one month is going to make a huge difference in whether it gets started today or next month.

So we are requesting a postponement in order to give the Board the full opportunity to review the mining report and give us direction.

CHAIRMAN BARBIERI: Mr. Kolins.

MR. KOLINS: Mr. Chairman, ladies and gentlemen, my name is Ron Kolins, from Greenberg, Traurig. I represent the applicant.

And particularly after hearing Mr. Kaplan this morning I find myself in the enviable position of saying to you I oppose the postponement. My client does not want this matter postponed.

There are a variety of business and other reasons why the delay is important to us, but let me suggest to you the reasons why there is no need for the postponement, and the postponement is not appropriate.

First of all, while Ms. Alterman is quite right, the County Commission did ask Ken Todd and the County staff to review the processes that mines must go through to make sure that those processes provided sufficient scrutiny for the implications of those mines.

I should point out that was done in conjunction with the Board voting to have a short, they assured us, moratorium on mining applications while that study was done, but at the same time that they did that they made specifically clear that any mine operator who wished to file an application for a mine prior to the date the moratorium took effect would be subject to the existing rules on mines and not anything subsequent that might come out.

Number one, Rinker met that requirement, filed its application before the moratorium took effect, and so whatever Mr. Todd's report might compel the Board of County Commissioners to want to do, we will not be subject to it.

Secondly, while I am certainly not in a position to, nor do I attempt to speak for Mr. Todd, his report has been circulated. I have read it. Perhaps some of you have read it, and it is my personal view that there is nothing in there that finds fault with the present system of approvals, and while certainly in the future there might be changes, it is not a report that castigates the present system.

Indeed, to the contrary, and I can read you excerpts, it in five or six different places in the report commends the present process.

So with that, I see absolutely no reason to detain us, but, finally, if we are heard today by this Board as we request and you make your recommendation to the Board of County

Commissioners, Mr. Todd will present his report in an official way to the Board of County Commissioners on September the 11th. We will be appearing before the Board of County Commissioners on September the 24th.

If, for whatever the reason that none of us can predict today, the Board of County Commissioners decides to do something in relation to our application which it feels you should review, then they have the right and we would accept being remanded back to you.

I do not think that will happen, but if it would happen, that would be the method for the Board to accomplish that.

So with all of that, there really is no reason for this continuance. We are prepared to go today. We've got a number of folks here that we've engaged to be of assistance to us, and so I'd respectfully request that the request of staff for continuance not be granted, and that we be allowed to go forward.

Thank you.

CHAIRMAN BARBIERI: Ms. Alterman, if we did hear it today and the County Commission gets the report from Mr. Todd on September 11th and the petitioner is agreeing that he would -- he is agreeing that if the County Commission wanted him to come back to us, the Zoning Commission, for additional conditions, isn't everything protected as far as you're concerned with respect to what we would accomplish if we just postponed today?

We'd still have the opportunity to have him come back here if there were things that needed to be changed?

MS. ALTERMAN: Well, clearly, that could happen; however, with all due respect to this Board, it has always been your position that you want to see these full petitions with all the conditions so that you can work them out and be advised of them before it goes to the Board of County Commissioners.

I mean it could be, you know, and I'm not going to speculate what's going to happen, but it's possible the Board could give the staff direction. We could take this -- because you've already reviewed it, it would go directly to the Board of County Commissioners, and they may choose to approve it or deny it or whatever they do without your reviewing those additional conditions, and if that's all right with you, I guess that's fine. That's just very inconsistent with what your policy has been in the past.

MR. KOLINS: Mr. Chairman, if I may just address that point real briefly.

I think the instances we're talking about is when we -- you know that there are conditions to be worked out in the future, and your position, rightly, would be well, wait a minute, come back to us when you've got everything done.

There's nothing here to suggest that there's going to be any further conditions at all. That is purely speculative.

So to hold us up on the possibility that there might be future conditions I think's inappropriate, and I might add further and finally that in any case that comes before you, when that case ultimately gets to the Board of County Commissioners, they could add additional conditions. They could add reasons to send the case back to you.

This shouldn't be treated any differently.

CHAIRMAN BARBIERI: Commissioner Hyman.

COMMISSIONER HYMAN: Yeah, I think that under the circumstances where the petitioner has -- you know, is prepared to move forward, and you have -- I don't know if everybody else got this book, but I assume all these experts are here also.

I think it would be an undue hardship to postpone you under the circumstances, and I think, County and staff, we haven't sufficient time to address any other things that may get raised by the County Commission, but as you said, there's nothing that -- no questions that I had, like lack of elevations or things like that that typically would cause us to postpone an item.

There's nothing that jumped out at me that would require a postponement.

So I would -- I would move forward with it.

CHAIRMAN BARBIERI: Any other commissioners have any comments?

(No response)

CHAIRMAN BARBIERI: All right. I guess, first of all, we need a motion to reorder the agenda because we just heard 19, and it's -- started to hear 19 and it's down the line, so can we have a motion to move it to this current position on the agenda?

VICE CHAIRMAN ANDERSON: So moved.

COMMISSIONER HYMAN: So moved.

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

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries.

Okay. So now we're officially on 19.

Now we need a motion with either respect to a postponement or to hear it today.

COMMISSIONER HYMAN: I don't know that we need a motion. I would just move to -- I would just hear it and not move to postpone, so -- unless there's support for a motion to postpone, I would say let's move forward.

CHAIRMAN BARBIERI: All right. Do we have a motion to postpone?

(No response)

CHAIRMAN BARBIERI: Apparently, nobody's willing to make a motion so you're up, Ron, you're -- unless staff has anything else they want to do before 19 that we need to get done?

MR. Mac GILLIS: Staff's presentation.

MS. KWOK: Do you want -- correct.

CHAIRMAN BARBIERI: Yeah, let's do the staff presentation.

MS. RECHENMACHER: Would you like a -- would you like a brief presentation from staff?

MS. KWOK: Yes.

MS. RECHENMACHER: Okay. All right.

This is a Type III-B excavation on 3,773 acres in the agricultural production zoning district and future land use designated area.

The petitioner is proposing to excavate approximately 80 percent of the land, the total which would be 3,013 acres. It would be excavated over a period of 37 years from 2009 to 2045 at a maximum rate of 100 acres a year. Anything exceeding 100 acres would be a development of regional impact.

There will be a total of 10 reservoirs. There will also be a consolidated littoral area of three -- 33.48-acre littoral area.

The project is a little -- in your staff report there's an existing and proposed mining exhibit on Page 335, and also on Page 337 it shows the -- how this project is going to work.

It's a little bit different than some of our other excavations. The access is going to be from U.S. Highway 27 on the western side, and then there will be 11 to 14-mile internal roadway of 100 feet in width that'll access the site.

So you'll see that on the exhibit on Page 337. It's not real easy to read, but I'm sure Mr. Kolins will have a better exhibit.

The Comprehensive Plan requires any excavation in the agricultural production zoning district to support public roadway projects, agricultural activities, the water management projects associated with ecosystem restoration, regional water supply or flood protection.

The applicant indicates in his justification statement that he's meeting this criteria to support public roads, to more efficiently manage water, surface water area and provide agricultural irrigation, support public efforts at a regional watershed restoration, and also that the South Florida Water Management District acknowledges that the shift from the land's current use as a sugar cane farming to water storage will help reduce the nutrient burden, the water entering the stormwater treatment area.

As I indicated before, there's -- the Code requires eight square -- eight square feet, linear feet of shoreline for littoral area. In this case they've decided to consolidate the littoral area to 33.48 acres.

The excavation operation will involve the use of blasting with dynamite and explosives. The blasting will not impact the surrounding area because it will be done beneath the water table in the wet, generally reducing and controlling noise, vibration and dust impacts.

At the time of publication staff had received only one letter of objection, which is from the Planning Division.

Staff recommended approval of the project, subject to 44 conditions as contained in Exhibit C.

Thank you very much.

CHAIRMAN BARBIERI: Mr. Kolins.

MR. KOLINS: Thank you very much. Ron Kolins, again, for the record.

There are numerous folks in the audience here today that are part of our team. There are people from the Rinker company itself, including Scott Banyan (ph), Greg Dayco (ph) and others, and we have a team of consultants who we believe are the finest in their respective fields that you can have, and it has been my privilege to work with them in this case.

In the spirit of trying to present a major case to you as quickly and as efficiently as possible, what I would like to do, with your permission, Mr. Chairman, is the following.

First, I'm going to make our entire, at least, initial presentation, but we have experts in every field of importance here that will be available to us to answer any technical questions that you have, most of which, no doubt, will be far beyond my level of knowledge.

Also, at the outset I'd like to introduce into the record two composite exhibits so that I don't have to introduce every piece individually.

This will help us move along much more quickly.

The first is the binder that was provided to each of you individually a few days ago so you would have a chance to review it before this hearing.

This is applicant's composite Exhibit A, and what this contains basically are the résumés and reports from each of our experts, and firstly, with your permission, Mr. Chairman, I'd like to have that introduced into the record.

CHAIRMAN BARBIERI: Do we have a motion?

COMMISSIONER HYMAN: So moved.

COMMISSIONER KAPLAN: Moved, Mr. Chairman.

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

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. KOLINS: I guess I'll provide this right here.

Before I move on to the next exhibit, I'd like to, again, in the spirit of efficiency, ask that we collectively and as quickly as possible go through the various expertise of these consultants so they can be qualified by you as experts in their respective fields so that when they speak individually, to the extent that they need to do so, that's already been taken care of and it's out

of the way.

You have all had the opportunity, as I said, to review their résumés which attest to their expertise, and with that --

CHAIRMAN BARBIERI: The County Attorney's advising that we don't have to get -- we don't have to qualify your experts, so --

MR. BANKS: You can present your evidence -- you can present evidence regarding their expertise and just present it into the record, and --

MR. KOLINS: Okay. Well, their résumés are in the record then already.

COMMISSIONER HYMAN: I need to just -- I want to just make a disclosure, and I'm not sure I have to disclose it, but just in the spirit of openness, I do represent not one of the experts, but one of the -- well, one of the experts personally, not in terms of the company and not -- and I also represent his wife and her company.

That's with regards to Ji-Ang Song of Taylor Engineering, so I represent Ji-Ang.

I didn't even know you were the expert in this petition.

I don't have any financial interest one way or the other, as you know, but I just want to disclose that I do represent Ji-Ang.

MR. KOLINS: Mr. Chairman, what I would like to do, I think, is just quickly read down the list for the record of our experts, however, so you that you know not only who they are, but the record's clear as to the issues that they're here to discuss, should you care to discuss them.

CHAIRMAN BARBIERI: Okay.

MR. KOLINS: The first are representatives of Fishkind & Associates, Inc., and they have submitted two reports, one on the fiscal impacts to Palm Beach County of this project and, second, as to the economic impact analysis, and that includes also the employment figures that would relate to this business.

Jiang Song, as was mentioned, is from Taylor Engineering, and they are experts in, among other things, and as here relevant, water resources, environmental assessment and hydrology.

Steve Lamm is here from McVicker, Frederico & Lamm (ph), and they are water quality experts.

Jeff Straw, from GO Sonics is here with an expertise in acoustics, vibration, explosives as it would relate to this mining operation.

Steve Cullin is here from Coogler & Associates (ph), and they are experts in air quality, particulates and dispersion of particulates.

Stephen Bitner is here from Breedlove, Dennis & Associates (ph), and they are experts in wildlife evaluations, threatened and endangered species, wildlife habitat and environmental planning.

And, finally, last, but certainly not least, is Rob Renenbaum (ph) from Simmons & White,

who are traffic and transportation experts.

The second exhibit is our Composite Exhibit B, and what this is, for your convenience, and we're going to pass out to each of you -- we're going to pass out to each of you a copy of this exhibit because it contains at least most of the exhibits that we will be presenting to you today, and it will allow you to look at them individually in your book, should you choose to do so.

COMMISSIONER HYMAN: After the meeting can we all leave these materials so that you can re-use them so that we could save --

MR. KOLINS: Certainly.

COMMISSIONER HYMAN: -- a few trees?

MR. KOLINS: If you're finished with them, we'll collect them and take them with us. That'd be for sure, and I said just make sure, please, that the clerk gets one, as well.

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

COMMISSIONER HYMAN: So moved.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Motion made by **Commissioner Hyman**, seconded by Commissioner Dufresne.

Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries.

MR. KOLINS: With that, and notwithstanding our -- I'd like to think minor dispute about the continuance, I would like to first take the opportunity to commend your staff in this case.

They have worked -- these cases are technical and difficult, and they have worked very hard. They have worked very well with us. They have been cooperative. They have been available.

As a function of that, among other things, we have been able to reach agreement on the conditions. There might be one or two we have a little tweak we want to talk to them about between now and the Board of County Commissioners, but by and large we have, with their cooperation and flexibility on all sides been able to reach accommodation on all conditions.

So, hopefully, if you see your way fit to approve this application, as the staff recommends you do, we are on that basis accepting all of the conditions.

When I was asked to represent Rinker in this matter, I have to tell you there was a substantial learning curve for me because I knew very little about aggregate mining, and I want to take just a minute for those of you who are in the same place I was some months ago to tell you just a few things that I learned about aggregate mining because I think it's important to put this

application in some kind of public context.

Aggregate mining is the crushing of limestone so that you get material that can be used for construction.

The first thing I learned was that any limestone will not do. It has to be a certain type, a certain density, a certain consistency, a certain this, a certain that. So the sources of this material are very limited.

As a consequence when you find a source, it's very important to utilize it because you can't necessarily go around the corner and find another source.

And I learned that aggregate, rock, call it what you will, is vital in virtually all kinds of construction, whether you're building roads, be they blacktop, concrete or any kind of road, whether you're building virtually any kind of structure, other than steel and glass, but anything that has block or cement or any of those materials in it, be it buildings or dams or any kind of construction, limestone rock is a critical component.

And in order for this State and this County and any other state to function and to be able to keep up with the needs of the public, you got to have this stuff.

You also want to have it at a price that's relatively affordable. We all know what's going up, what's happening to the cost of the components of construction today, pricing everything out of everybody's pocketbook, including government.

Now, aggregate in and of itself is not expensive stuff, but where the expense can come in is if you have to transport it a long distance. So if Palm Beach County, for example, needs aggregate because it's going to build a road and it has to get it from South Carolina, it costs a fortune. So by having it close by the financial savings are dramatic.

So, clearly, the first benefit of aggregate mining is that you create a product that is vitally needed, and you create it, at least for local purposes, at a very reasonable cost.

But there are more benefits to this kind of a mining operation than just that. As perhaps you realize, as these mines are dug, there is, of course, a water table somewhat under the ground, and they fill up with water. This water isn't taken from anywhere else. It is naturally under the surface of the ground and fills this up, and it creates whatever the word you want, lakes, reservoirs, bodies of water.

It is not potable water, but it can serve many valuable purposes that potable water is otherwise used for, thus conserving potable water.

Let me give you a couple of examples.

As you will see in a few minutes, our location for our mine is in the middle of an agricultural area. Agricultural runoff contains pesticides, nutrients of all sorts that are not good for the potable water supply.

If our application is approved, that water which now runs into the canal system will be diverted and will run into our reservoirs or our lakes, so we are keeping all those pesticides, all those nutrients out of the canal system.

Conversely, the agricultural areas have to be irrigated. Water from the canals is usually used for that. We will be able to irrigate the agricultural lands from our water bodies, and it will not have to come out of the reservoirs, and we can do all this without lowering the water table while creating any detriment to the public welfare.

It is, in essence, a plus-plus or win-win situation.

Seth Bain (ph) here, who works with me, is operating the slides, and we are going to do the best we can to have his slides and my words match.

I can't promise you that's always going to work, but we're going to try, and to start with, and very much in general, there is a list of some of the benefits, and, in addition to the ones that I mentioned to you, there are the fiscal impacts, the employment benefits, that will take place, particularly since, as you will see, we're located in kind of the central to central western part of the County, and the opportunities for employment that we provide can help people in the western part of the County who particularly so desperately need jobs.

The littoral zones that you're seeing listed up there and were mentioned by Carrie when she gave you her report -- it's a very interesting thing what we're doing with the blessing of South Florida.

Normally when you create these water bodies from aggregate mining, you are required to put littoral or planting zone sloped in a certain way and all that sort of thing around each of these water bodies.

Given where we are, which if I may euphemistically say, is in the middle of nowhere, and you'll see this pretty soon, it was agreed that there is really no substantial benefit to creating those individual littoral zones around the various water bodies that our mining operation will, over time, create.

So what we have agreed to do with the blessing -- with their blessing, is consolidate all of our littoral planting requirements into one area, and so we're going to create a 33.48-acre consolidated littoral zone or littoral area, which will be a preserve, which will be a preserve used by wildlife, critters of all sorts. We'll have all the plantings we're supposed to have.

And by consolidating it together you'll have a real meaningful public benefit, rather than scattering this stuff all over the area.

Having said that, let's move to where we're going to do this, where the location is.

You're looking at the King Ranch property. Now, King Ranch is something y'all might have

heard of from Texas. It is a huge, huge ranch business in Texas, and they also own property in a variety of other locations, including, as here relevant, Palm Beach County, and as you can see, they own over 17,000 acres in Palm Beach County.

And those 17,000 acres are located between Brown's Farms Road and U.S. 27, which is to the west. Of that 17,000 acres we have entered into a lease agreement with King Ranch where we're leasing, and I'm going to give you round numbers, 3,700 acres, and that is shown in the hatched area up there.

I should tell you, as you'll see in a minute, that of that 3,700 acres, only about 3,000 or 3100 of those acres will actually be mined. The rest will be for offices and plants and the littoral zone acreage that I told you about.

In order to transport the materials that we get out of that area, you got to go by truck or you got to go by rail. It is the County's preference, be it for traffic reasons, whatever reasons, that most of it go by rail.

So we have agreed that we will transport 90 percent of the aggregate we mine by rail. In order to do that and to give you some sense of the scope of my client's investment, one of the things we have to do is build a railroad.

So we're going to build a railroad line which you see up there in a color that maybe should have been a different color, but it's a slightly darker green from our quarry area over to and, indeed, beyond U.S. 27 where there's a railroad consolidation yard, and you hook up with other trains and so forth, and so we're going to build the railroad.

CHAIRMAN BARBIERI: I'd be interested to see what that train does when it gets to that 90-degree turn.

MR. KOLINS: Now, some, 10 percent, is going to be shipped by road. The easy thing for us to do, and what we wanted to do and thought we should be able to do, quite frankly, is ship it right out Brown's Farms Road, which is immediately adjacent to our quarry area. That's an improved road. It's used by many, many agricultural trucks. We thought it would be just fine.

The County staff determined no, the road wasn't up to snuff to handle the kind of traffic we would put on it, and so until and unless it is rebuilt to a higher standard, which may happen in the future by our cooperation or however it's done, we cannot use Brown's Farms Road.

So we are going to truck our materials to U.S. Highway 27 and be able to move around the area via Highway 27.

In order to do that, and one of the exhibits in your book, by the way, and so are all these slides, we had to get a special permit from the Florida Department of Transportation which would allow us to come out of the quarry area and hook up to the road system, and we have a conceptual permit for that from the Florida

Department of Transportation.

Okay. Well, let's go beyond this. Let's -- can we outline the whole thing? Let's -- no, that's Phase 1 -- okay.

What you see here, we're going to do this operation in three phases. Okay. Brilliantly, Phase 1, 2 and 3.

The three lakes you see up there are the first phase, but it also shows you the area of the 33.48-acre littoral zone, as well as the 63.88 acres for our offices and plant and so forth.

Over the years, and, by the way, the mining itself will be done over a 35-year period.

This is Phase 1. This is Phase 2, and this is Phase 3.

But I should point out that in any given year there will be no more than 100 acres that will be mined, and that shows you as a matter of scale the maximum that we will do in any given year, and the reason for that is because if you do more than 100 acres in any given year, you become a DRI, and we don't want to be a DRI. Okay.

So we're going to do 70, 75, 80, 85, whatever it is, acres per year. So there's not going to be this whole area undergoing mining at one time. It's going to go in phases. Within each phase it's going to be up to 100 acres per year.

We have a little something, I think, on the littoral zone, do we not? That's the littoral area, and this will just give you a cross section of what it's going to be like.

There will be no change to the water table, and there will be -- put up the slide about the seepage, please -- seepage. No, no, that. Well, go back to the one just before.

This is our area. You see the L-15 canal. To the west is the Loxahatchee Wildlife Refuge, and we have, I will tell you, been especially sensitive to make sure that we are not going to do anything which is going to negatively impact that refuge, and one of the concerns one would have about that, not only for the refuge, but whenever you have a mining operation, is if the waters of the mining operation are going to seep into the areas that are adjacent.

Not only will ours not seep into the adjacent areas, it cannot, and I'm going to show you why.

It turns out that there are three -- as here relevant, three different elevations, ground elevations, that are relevant. The ground elevation for our mining area is at nine to nine and a half feet NGBD, which is a couple of feet lower than the elevation for the adjacent canal on the east, and next to that farther east is the preserve which is two to three feet higher than that.

So we are below the level of those things, so our water will not seep into them. If anything, their water might seep into us. So that is not a problem.

I should tell you when we talk about location, the near -- I said we're in the middle of nowhere, to be euphemistic.

The nearest house, single house, to us is 2.8 miles away. The nearest neighborhood is 13 miles away. We're in the middle of an agricultural area. So, fortunately, there's nothing that we're going to do that is going to impact people.

And the last point in this regard I'll make is one always has a concern about whether there's going to be any ground seepage into a public wellfield. It is not going to happen here because, if nothing else, besides other protections that we will take, the nearest public wellfield is 20 miles away. So we don't have that problem.

Now, I read you a list of our experts who have analyzed all the potential issues that attend an operation like this, and for external reasons or internal operational reasons they have concluded that none of them, air particulates, noise, any of the laundry list I read you before, is going to create a problem or any kind of a measurable problem at all for people or wildlife.

Should you have any specific questions about that, we have people here to answer them.

CHAIRMAN BARBIERI: Mr. Kolins.

MR. KOLINS: Yes, sir.

CHAIRMAN BARBIERI: With all due respect, I've looked at the other Zoning Commissioners here, and staff's 100 percent supporting you with their conditions. You agreed to all the conditions. We have no public opposition.

It appears as though you're not going to impact anybody but alligators and snakes --

MR. KOLINS: And maybe not even them.

CHAIRMAN BARBIERI: I don't understand. We probably could have taken this on consent.

I understand it's a huge project, but I mean there's no opposition and staff is in support, so what do we -- I'm not sure how much information -- how much technical information we need.

MR. KOLINS: I'm happy to stop right here and now if you're satisfied.

CHAIRMAN BARBIERI: The technical stuff is not going to help us because if staff --

MR. KOLINS: That's good for me.

AUDIENCE: (Applause)

MR. KOLINS: I think they want to go home, so maybe --

CHAIRMAN BARBIERI: I mean if you can get to -- if there's -- if there's issues that involves how it affects the residents, the closest residents, I'm not sure how far they are -- I mean I think we need to hear what kind of impact you're going to have on people that live there in the area.

I'm not sure who lives there, but rather than getting all this technical information that staff --

MR. KOLINS: Sure.

CHAIRMAN BARBIERI: -- has already worked -- you worked with Engineering and Zoning and --

MR. KOLINS: Well, let me -- I'll just address that and happy to be done, and if questions come up, so be it, but as I said just a moment ago, we're very far from the closest individual house, let alone anything that you could call a neighborhood. There will not be any kind of significant impacts, if at all, on any human being.

So being that we are so -- we're in the middle of an agricultural area. We're so far from humanity, if you will, that this is really a great location for it, and I don't think there should be the slightest problem.

CHAIRMAN BARBIERI: And there's no problem with South Florida Water Management. You worked those issues out.

So there's absolutely no problem with any of your particulates from your water or your --

MR. KOLINS: No, sir. And let me just say one final thing.

The process to be able to be approved to do something like this extends well beyond the County and the County Commission and you.

We have to get permits from South Florida, from the Corps, from DEP, from the State Fire Marshal.

This is a process that is so dramatically scrutinized, you can't imagine. So every single issue will be addressed before we can put the first shovel in the ground, and, quite frankly, that could take some years.

COMMISSIONER FEAMAN: Well, I have a -- just a layperson's question.

What happens to the 100-acre lake or mine when you're done with it and you move on to the next 100 acres?

MR. KOLINS: Well, it will stay there as --

COMMISSIONER FEAMAN: You said you can do --

MR. KOLINS: -- as a -- as a resource for irrigation and for runoff and --

COMMISSIONER FEAMAN: So it becomes basically a lake or --

MR. KOLINS: Basically, yeah.

COMMISSIONER FEAMAN: And is there any type of mitigating work that's done to that when you've moved on to the next 100 acres?

MS. RECHENMACHER: It's going to result in 10 separate lakes. There'll be 10 separate reservoirs.

COMMISSIONER FEAMAN: All right.

MS. RECHENMACHER: That's what the reclamation plan indicates.

COMMISSIONER FEAMAN: Okay.

MR. Mac GILLIS: The way the process works, before they typically post a bond on the first excavation and prior to moving on to the

next lake they -- in transferring the bond to the next one, they come through the final DRO process.

We have the original reclamation plan on file to see how the lake's done. They have to bring in an as-built drawing to confirm everything meets the County standards before they can -- staff will release the bond on the first excavation and transfer it to start the excavation on the subsequent lake.

COMMISSIONER FEAMAN: All right. Thank you, Jon.

COMMISSIONER KAPLAN: Ron, are you going to stock these lakes?

MR. KOLINS: You want them stocked?

COMMISSIONER KAPLAN: I want them stocked with bass.

CHAIRMAN BARBIERI: Ron, what is the --

COMMISSIONER HYMAN: It would be salty.

CHAIRMAN BARBIERI: What is the condition with respect to the danger for kids? Some day there may be children. I mean are these things drop off dramatically, or is there some kind --

MR. KOLINS: Well, this is not an area that will be or should be accessible to the public, okay, for a variety of reasons.

This will be part of the King Ranch property and will not be accessible to the public or used by the public.

CHAIRMAN BARBIERI: So we're assuming there's never going to be people living there, ever? I mean I'm just concerned --

MR. KOLINS: Well, obviously --

CHAIRMAN BARBIERI: -- if you have these very deep lakes with no kind of sloping, a kid goes out there and runs his motorbike and disappears and he drops in the -- how deep are these things? Are they just --

MR. CHOBAN: There is an approved cross section for the lake.

CHAIRMAN BARBIERI: Okay.

MR. CHOBAN: The lake just does not have vertical slopes.

CHAIRMAN BARBIERI: Okay.

MR. KOLINS: Okay. I'm told that there are safety slopes and all that sort of stuff is addressed.

CHAIRMAN BARBIERI: All right. Are there any other questions?

(No response)

CHAIRMAN BARBIERI: Staff, do you have anything to add?

MR. KOLINS: Please don't put in a condition about stocking them because I'm not sure we can.

COMMISSIONER HYMAN: I'm going to move approval of CA2006-1930 for the Class A conditional use to allow the Type III-B excavation, subject to all the conditions, as modified.

And have you seen the amended conditions?

MR. KOLINS: Yeah, we've talked about those, and, as I said, other than a tweak we may

want to talk about with them, yeah, we agree to the conditions.

COMMISSIONER KAPLAN: Second, subject to bass.

COMMISSIONER HYMAN: Subject to bass.

CHAIRMAN BARBIERI: We have a motion to approve a Class A conditional use made by **Commissioner Hyman**, seconded by Commissioner Kaplan.

Is there any -- I'm sorry, I didn't ask.

Is there anybody -- we don't have any cards, but is there anybody here from the public that wishes to speak on this?

(No response)

CHAIRMAN BARBIERI: All right. We'll take a vote on the motion then.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

(No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. KOLINS: Let me just take one second to thank you not only for that vote, but for moving the agenda to accommodate me. I really, really appreciate it, and I thank you all.

COMMISSIONER HYMAN: And, Ron, can you take --

MR. KOLINS: We'll collect --

COMMISSIONER HYMAN: -- all these things, yeah.

MR. KOLINS: We'll collect all your stuff, yeah.

CHAIRMAN BARBIERI: The church, is the Baptist church here?

MS. KWOK: We can actually go back to the Friendship Baptist Church.

The agent is here to discuss the postponement for DOA2006-1694.

CHAIRMAN BARBIERI: All right. The agent come to the microphone, please, for Item 1, Friendship Baptist Church.

Maybe they'll find him, and we'll take him whenever he gets here.

CHAIRMAN BARBIERI: Let's go to -- Item 13 is next?

MS. KWOK: Yes. Item No. 13, PDD2006-960, Woolbright Office Center.

Ron Sullivan will provide you an update of this project.

MR. SULLIVAN: My name is Ron Sullivan, from Palm Beach County Zoning.

And Woolbright Office MUPD begins on Page 181 of the packet, and it's located on the south side of Woolbright Road about 200 feet west of Jog Road.

And the applicant is seeking to rezone a 3.63-acre parcel from agricultural residential to MUPD.

The preliminary site plan indicates a two-story, 54,800 square foot office building. There are 219 parking spaces shown and one access point off of Woolbright Road.

Bordering the property on the east at the intersection of Woolbright and Jog Road is Woolbright-Jog MUPD which consists currently of a funeral home, Beth Israel Memorial Chapel and also approval for a restaurant.

Across Woolbright to the north is the Shops of Madison MUPD with approval for 171,500 square feet of retail and a restaurant.

Between Valencia -- adjacent to the south and to the west is Valencia Isles Planned Unit Development residential development, and between Valencia Isles residential development and this property is a 100-foot preserve.

The aerial on Page 187 of your packet, you can see that clearly.

The MUPD, in addition, is providing a 15-foot Type II incompatibility buffer on the south and west property lines adjacent to the preserve, and, in addition, there is about a 37-foot additional preserve on the inside of the west property line, so there's considerable distance between the residential development and this MUPD.

In addition, staff is proposing a condition limiting the hours of operation for this development to 7:00 to 9:00 p.m., and the applicant has agreed to the conditions of approval.

There were 75 letters of opposition from residents of Valencia Isles, and primarily the concerns range from worries about increased traffic and congestion to just not wanting an office as a neighbor.

Staff, with the conditions that are proposed, anticipates no adverse impacts, and subject to those conditions recommends approval of the proposal.

CHAIRMAN BARBIERI: Okay.

MR. GENTILE: Mr. Chairman, for the -- and Commissioners, for the record, George Gentile, representing Woolbright Investment Group.

The first thing I do want to say is that we do agree to all of the conditions as staff has indicated. We've worked very diligently with

them.

We have a companion application going through for the land -- a small scale land use amendment. We've had support, unanimous recommendation for approval on that by the LUAB and -- with limitations on the size of the building, and we are below the size of the building that the LUAB had asked us to stay within for this area.

I'm going to be very brief so that you can get on with what you need to do, but I would like to just go over some of the items on this.

Ron went over all the site data. The one issue that we are providing here, which this site is below the upland preservation area, although it has some unique vegetation on it, and we've agreed with Resource Management to preserve about 20 percent of the site additionally on the perimeter, mainly on the west side, which you'll see in a minute, for a tree preservation area.

We'll be also moving vegetation into that area.

This is the location, Woolbright and Jog.

There are a number of retail projects around this site that came into fruition with the West Boca Area Community Plan.

This area -- this intersection in this corner is within that area and was programmed in that plan to have a commercial use, either retail and/or office.

We've limited it to office to minimize the impacts to the area, and it will be mainly medical office for support into that area.

You have the retail shops across the street, which is the Shops of Madison. You have what I just opened up there, the funeral home, and there is also another restaurant approved for that, and then we have the other medical office that runs along Jog Road in that area.

All the indications and all the documentation indicate that we're below the commercial requirements in this area. Your Planning staff has done a very good job of putting all that documentation in the staff report for you.

And then, again, this is our site located right here (indicating).

And just in -- as well as the site plan, we have also worked out with the constituents in the area, as well as staff, the access points.

We initially -- when the funeral home to the east was proposed, that would be the only access point to this site. We initially came in with only one access, but after the request from COWBRA and other constituents in that area, we did put an additional access and worked very diligently with staff on making sure that happened.

We also -- this is the proposed tree preservation area. It's an additional 0.7 acres of the site that's being preserved. We'll be moving a lot of the large dahoon hollies that are

on this site into that area, and it goes adjacent with the 100-foot preserve that Ron just explained to you, and I'll show you that, as well, in a minute.

Just a little bit larger area. As you can see, there is a substantial preservation from the Valencia Isles program -- plan that was adopted that goes around the site, the west side, as well as the south side of the property, and just to give you -- that area is about 130 feet -- 130 feet in width there.

We put additional preserve to make it actually 183 feet, and then we moved the building as far as we could to the east, and we have about a 265-foot area.

We also originally came in with this building as a three-story building with parking underneath, and based on comments we received from meetings with Valencia Isles and COWBRA we reduced that down to two stories and moved the parking on the outside so that there would be less impact, no different than if you put townhomes on that site, buffering both those major roadways.

In the rear we have a 100-foot buffer that's already in the plan, and we've moved the building, and I'm just showing the canopy. It's actually a little farther back, but we're over 246 feet away from the nearest home on that side.

So we've done everything that we can on this program. This is, again, the buffer section. Most of the pine trees on that site are 30 to 60 feet tall and are well going to screen the program.

Just in summary, we are consistent with the County's Comp Plan, as indicated. The LUAB recommended the square footage. We're actually a little bit less than what it was recommended consistent with the recommendations of the West Boca Area Community Plan --

CHAIRMAN BARBIERI: You mean West Boynton. I think.

MR. GENTILE: I mean -- I'm sorry, West Boynton. I apologize.

CHAIRMAN BARBIERI: Okay.

MR. GENTILE: It's been a long day.

Additional tree preservation area provided and concurrences approved, and the market study that we did provide for this site met the needs requirement for that area, and there's definitely adequate public facilities, and we agree with all of the conditions, and we have no objections to those at all.

I will be glad to answer any questions if I can.

Thank you.

CHAIRMAN BARBIERI: All right. We have some cards.

We first have Barbara Katz from COWBRA. Barbara, would you come to the podium, and then Murray Cohen would be next.

MS. KATZ: Good morning. I'm Barbara Katz, president of COWBRA.

We've worked with the developer, and he's been extremely cooperative. He did -- worked with all our concerns, all our requests. We have absolutely no problems with his design, and we wholeheartedly support his project, and we ask you to do the same.

CHAIRMAN BARBIERI: Thank you.

Murray Cohen. Please state your name for the record and your address.

MR. COHEN: My name is Murray Cohen. I live at 11124 Mandalay Way, Boynton Beach, and I'm talking about this -- I heard you earlier talk about how this might affect the residents of our community or any other community that people are doing.

I think this will have an adverse effect.

First of all, many of us initially did not reply to the letters because we were confused because, as the gentleman spoke just before us, there's another medical building going up, and we were under the impression that the office building and/or medical building were one and the same.

Now, his drawing is lovely and it's terrific, and it shows there's approximately 100 feet of preserve, but it's a heck of a lot closer.

He also did not show that there were going to be huge parking problems and difficulty in getting in and out of that particular building.

Number one, the funeral home has its own driveway off Woolbright. He didn't show that. So his other entrance and exit, which will be one thing, will be approximately, I guess, 50 feet west of the funeral home's entrance off Woolbright causing possibly some accidents, as well.

Second of all, you have to understand that Valencia Isles is an adult community, and the fact that it's going to be in operation from 7:00 in the morning to 9:00 at night with lights is definitely going to affect the way we live, and, thirdly, has anyone taken a poll to see what the ecology of all the fumes and everything else that will be present at this particular site, because we are older, and we would like you to reconsider approving this.

Thank you very much.

CHAIRMAN BARBIERI: You're welcome.

Can we next have Florence Cohen. Please state your name and address for the record.

MS. COHEN: Yes, my name is Florence Cohen, 11124 Mandalay Way in Boynton Beach.

I have spoken to many residents in our community who are unaware that there was a second building going up.

We were all under the assumption that the medical building in front on Jog Road would be the only building there, and now this building is really very close to our complex, and a lot of people in the community are elderly, and there are breathing issues and fumes and noise and maybe hangout issues with kids and cars.

It's a big parking lot that's going to be available at night, and I feel that the area is

basically residential and should remain that way.

Thank you very much.

CHAIRMAN BARBIERI: You're welcome. Thank you.

Ken Cohen, would you please come to the podium. State your name and address for the record.

Are you all together, the Cohens?

MR. K. COHEN: No. No, we're no relation, that I can tell you.

Good morning, ladies and gentlemen. My name's Ken Cohen, 6511 Lucaya Avenue, Boynton Beach.

I'm going to say this because something else I want to bring out. I'm a former City Commissioner in the City of Aventura for nine years. In our city the City Commission sat as the Zoning Board, so I well understand the problems that you people have, and you do a great job.

I'm a little upset about the gentleman from the applicant saying that he's had all these meetings with us. He's met twice with the people from Valencia Isles. I was at both of those meetings.

I've made three telephone calls to the man and never got a call back. Now, you know, ladies and gentlemen, the one thing that you want in zoning is you want everybody to be satisfied.

We are not satisfied at all. We're very disenchanted with exactly what the man is doing. He has not worked with us in all due respect to COWBRA, and I love COWBRA, and I'm a member of COWBRA, and Valencia Isles is a member of COWBRA, they don't live in Valencia Isles.

Now, you have to understand a little bit about this particular little piece of land. I think it's about three and a half acres.

Originally they were going to build some townhomes here. We had no, absolutely no complaints whatsoever if residential went there.

Our complaints is commercial. Well, naturally, the housing market went sour so you're not going to build any residential so you go ahead and you look to build an office building.

This is the wrong place for an office building.

Now, I know one of the great criteria in zoning is if there's commercial one place, well, okay, the door is open, but we have commercial on the corner. We have commercial that's a medical building on Jog Road, was zoned. Thank goodness the building hasn't been built. We have the Shops of Madison across the street.

I mean how much do we really need in commercial?

We are 793 homes. We would like to have the quality of life to stay the way it is, and after all, zoning primarily is when you're going to put in something in a residential area, is the quality of life.

There's not a 100-foot buffer there around the preserve. Maybe there is in one place, but

most places it's 20 feet, 30, 40 feet. So this is not exactly the way it is.

On three and a half acres they want to build a 55,000 square foot office building. I mean it just -- it doesn't conform to the neighborhood.

Another thing, we have one de-acceleration lane going in off of Woolbright going into the funeral parlor. The applicant said that he had an easement from them, but he never had an easement.

So he went ahead, and staff gave him the permission, 100 feet west of that to build another de-acceleration lane in.

Now, do you know what two de-acceleration lanes 100 feet apart is? Has any of you people been to Woolbright Road? Do you have an idea what kind of a throughway this is going to be?

Remember, right on Hagen Road we're having Greystone built which is going to be a tremendous -- I don't know how --

CHAIRMAN BARBIERI: That's all right.

MR. K. COHEN: Okay. It's going to be a tremendous project.

In the middle of that project is going to be a new school. So, therefore, you're going to have schoolbuses go back and forth there.

Across the street you have Valencia Point, another tremendous development. On the corner you're going to have the Madison Shops. How much do we need?

I mean at least -- at least -- we've had the commercial. At least have it.

We're asking you on behalf of the 700 -- by the way, I am speaking for the Board of Directors of which I am. The Board of Directors unanimously voted to ask this Zoning Board in their good order to please turn down this application.

I thank you for your time.

CHAIRMAN BARBIERI: You're welcome. Mr. Cohen, if you come to the Board of County Commissioners meeting, you want to bring a letter with you.

MR. K. COHEN: I have a letter here, sir.

CHAIRMAN BARBIERI: Okay.

MR. K. COHEN: Do I give it to -- who do I give it to, sir?

CHAIRMAN BARBIERI: Why don't you give it to Liz right there.

MR. K. COHEN: I brought that along. I'm sorry I didn't give you that originally.

CHAIRMAN BARBIERI: It's okay.

MR. K. COHEN: Thank you.

CHAIRMAN BARBIERI: Thank you for your presentation.

Sandy Parker is here. She says she does not wish to speak. She's in support. She's from COWBRA.

Harriet Helfman, do not wish to speak. She's in support, from COWBRA.

Wendy Bartos, you didn't check your card. You say you're in opposition. Did you want to

Speak?

MS. BARTOS: Yes.

CHAIRMAN BARBIERI: Would you please come to the podium.

We're going to --

MS. BARTOS: My name is Wendy Bartos.

CHAIRMAN BARBIERI: -- give you three minutes.

MS. BARTOS: I live at 11048 Manilee (ph) Court, Boynton Beach. My house will be the back part to this building.

First of all, it -- the building does not suit the landscape. Secondly, the preserve is not as wide as we are told, and, thirdly, at a meeting of the planning board last August we were told this was going to be a professional building.

A professional building does not run hours from 9:00 -- from 9:00 to 9:00 at night. Professional buildings usually run hours from 9:00 to 6:00.

Second, I'm concerned about the lighting that will be in the parking lot. I am concerned about the traffic problem, and I would recommend to this planning -- to this Zoning Board that you do not permit this building, and if you do, that you change the zoning to professional use only and limit the hours.

CHAIRMAN BARBIERI: Thank you.

We have nothing else. Anybody else from the public wish to speak?

(No response)

CHAIRMAN BARBIERI: All right. We'll close the portion.

Come back to the Commissioners, you have questions?

COMMISSIONER HYMAN: Just two things. I mean I -- how wide is the buffer? Isn't it as wide as it's shown?

MR. GENTILE: Absolutely. We --

COMMISSIONER HYMAN: Okay.

MR. GENTILE: The preserve area was in the Valencia Isles plan, and we've added additional buffer to that side. I'll put the dimensions back up.

That's what they are. They're --

COMMISSIONER HYMAN: And you have the standard conditions regarding lighting; right?

MR. GENTILE: Absolutely. We will not throw lights off onto anybody's property, and there's substantial tree height to protect the projects to the west -- homes to the west and to the south with no problem.

COMMISSIONER HYMAN: I, you know, with all respect to the neighbors, I think a medical office building is a great transitional use between the residential and the funeral home that's on the other side of them.

So I'm in support of the project.

CHAIRMAN BARBIERI: Mr. Gentile, would you -- Mr. Cohen, the first Mr. Cohen, said something about the ingress and egress.

MR. GENTILE: Yes.

CHAIRMAN BARBIERI: Address that. I'm not sure I understood what he meant.

MR. COHEN: You're talking to me, sir?

CHAIRMAN BARBIERI: No, I was just referring to a comment that you made.

MR. COHEN: Well --

CHAIRMAN BARBIERI: I'm going to ask -- I'm asking him to explain where -- to us where those cuts are in, so --

MR. GENTILE: They're -- the original access for this site was -- there was a requirement for the funeral home, restaurant site that's to our east to provide an easement to this site for access from this location, if you can see the arrow going by here, right here (indicating).

That was going to be our main access, but we heard from a lot of the residents in COWBRA and other individuals that we get a secondary, at least a right turn in, right turn out, to relieve some of that on Woolbright Road, and we worked with staff on that, and that's the second entrance that you see that is down along Woolbright Road at the middle portion of the property, and that's where they had us put it.

CHAIRMAN BARBIERI: And where's the deceleration lane going to be?

MR. GENTILE: The deceleration lane, as you can see, is on -- along Woolbright from that entryway all the way back beyond our property.

CHAIRMAN BARBIERI: Okay. And then there's another one just to the north of you?

MR. GENTILE: There may be one to their project. I'm not sure of that, but I think there may be one up at that point.

There's not -- it's not an unusual situation to have that dual acceleration lanes on projects that continue on. There's probably anticipation or maybe more even farther west.

CHAIRMAN BARBIERI: Okay.

Mr. Rogers, just for the benefit of the people that are here, you obviously looked at the traffic issues on this project, and do you see any problems that it presents?

MR. ROGERS: Mr. Chair, both the Land Development Division staff and the Traffic Division staff have reviewed the site plan and the access to and from this project, and we are in a position that we can support what the developer is presenting to you today.

As a further explanation there is a concern that the, because of the nature of the use to the east, meaning the funeral home, that sole traffic in and out of this building could possibly, if there was only reliance on the driveway to the east which would be a shared driveway with the funeral home, that there would be interruption of the funeral home traffic leaving the funeral home going to the cemetery, and that there was concern that there would be need for an alternate place for vehicles to leave this office building site without interfering with the funeral home traffic.

So that was one of the major considerations for allowing a second access onto Woolbright Road. We have reviewed that, and we can recommend to you that it is something that our office will permit.

CHAIRMAN BARBIERI: Commissioner Hyman.

COMMISSIONER HYMAN: Is there a cross access easement with the funeral home?

MR. GENTILE: Yes.

COMMISSIONER HYMAN: So that's in existence.

MR. GENTILE: Yes.

MR. ROGERS: It's not just the funeral home. The funeral home is one of the uses on the property --

COMMISSIONER HYMAN: Oh.

MR. ROGERS: -- to the east. There are other uses on the property.

COMMISSIONER HYMAN: Right, like the restaurant and stuff.

MR. K. COHEN: Is there any -- is there -- Mr. Chairman, can I answer that question about the traffic with the --

COMMISSIONER HYMAN: No.

MR. K. COHEN: -- egress in and out?

CHAIRMAN BARBIERI: If you want to rebut something that he's telling us, you can do that, otherwise --

MR. K. COHEN: Well, I don't think that the -- that the people really understand exactly what we're talking about.

There's a de-acceleration lane going into the funeral parlor. That's been there. That's off of Woolbright.

The funeral parlor would not allow -- originally on the original site plan he was to use the funeral parlor's egress into the thing and then make a right turn into his property.

The funeral parlor just said no to that because if you've ever been to a funeral there, there's no parking whatsoever.

So staff and him went ahead and made another de-acceleration lane 100 feet, exactly 100 feet, to the west to go in.

Now, you know, when you're going to have, and I think I went through all the traffic that's going to be on Woolbright. Woolbright is going to be a major, major thoroughfare now.

So you're having two de-acceleration lanes within 100 feet. I don't care whatever anybody says, and in due respect to traffic, you know, they put up traffic lights with blinkers. When somebody gets killed, then they put in the red thing.

There is no way -- there is no way that you're not going to have an accident.

CHAIRMAN BARBIERI: All right.

MR. K. COHEN: Thank you for the time, sir.

CHAIRMAN BARBIERI: You're welcome.

Mr. Gentile, address the lighting. Well, obviously you're close -- you're close to a

residential area.

MR. GENTILE: Yes.

CHAIRMAN BARBIERI: Your lights will --

MR. GENTILE: First of all, the lights that we're required to put on the site will have to meet the County's requirements for foot candles along the parking lot and the safety areas of the pedestrians on that site.

But they also require that we have no -- zero throw-off of light off the property boundaries, and we are -- we will make our lights, make sure that they don't even go into the preserve area that's there, and further that the homes are over 100 feet plus from that preserve area with substantial vegetation. They will not have any throw-off.

So we're not going beyond our property boundary with any overthrow of light, which is required, and we will not impact their properties at all.

CHAIRMAN BARBIERI: All right.

COMMISSIONER HYMAN: Well, that addresses my concern if you're ready for a motion.

CHAIRMAN BARBIERI: Any other commissioners?

COMMISSIONER HYMAN: Anything else?

(No response)

COMMISSIONER HYMAN: I'm going to move approval of PDD2006-960, official zoning map amendment from the Agricultural Residential zoning to the Multiple Use Planned Development Zoning District, subject to all the conditions as modified.

VICE CHAIRMAN ANDERSON: Second.

CHAIRMAN BARBIERI: Motion was 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.

MR. GENTILE: Thank you, Mr. Chair and commissioners.

MS. KWOK: Okay. This will bring us to Item No. 14, PDD/2006-1675.

CHAIRMAN BARBIERI: Maryann.

MS. KWOK: Yes.

CHAIRMAN BARBIERI: The court reporter's asked for a short break --
MS. KWOK: Okay. Sure.
CHAIRMAN BARBIERI: -- so she can rest her fingers, whatever she does over there.
MS. KWOK: Okay.
CHAIRMAN BARBIERI: We'll come back at five 'til 11:00.
MS. KWOK: Okay.
(Whereupon, a short break was taken in the proceedings.)

CHAIRMAN BARBIERI: If everyone will please sit down and be quiet, we'll get started.
MS. KWOK: Do we want to go back to the postponement item?
CHAIRMAN BARBIERI: Yeah, is the --
MS. KWOK: We found the applicant.
CHAIRMAN BARBIERI: Is the church here? Freedom --
MS. KWOK: This is -- this is going to be quick.
The agent, Mr. Uphoff, will come up to the podium to discuss that postponement item on Friendship Baptist Church.
CHAIRMAN BARBIERI: Yes, sir. You're asking for a postponement of this item?
MR. UPHOFF: Yes, 'til October 4th.
CHAIRMAN BARBIERI: Commissioner Hyman wants --
COMMISSIONER HYMAN: I just had a question because I had gotten a copy of a letter by -- is it your attorney, Mr. Koehler, and he was objecting to the fact that we had voted for the postponement, and he wrote a pretty scathing letter about it, and now you're -- and now you're saying you want a postponement?
MR. UPHOFF: Yes, because there wasn't enough time in between the submittal requirements of the --
COMMISSIONER HYMAN: Okay.
MR. UPHOFF: -- DOA to do the revisions that were requested.
COMMISSIONER HYMAN: Okay. All right. Well --
CHAIRMAN BARBIERI: All right. We need a -- we need a motion to postpone.
COMMISSIONER FEAMAN: So moved.
COMMISSIONER KAPLAN: Second.
COMMISSIONER DUFRESNE: Second.
CHAIRMAN BARBIERI: Be 30 days to October

4th, 2007.

Motion was made by Commissioner Hyman. I think --

COMMISSIONER HYMAN: No, no, I didn't make it.

CHAIRMAN BARBIERI: Motion made by Commissioner -- who made the motion?

Commissioner Dufresne made the motion, was seconded by somebody over at this end?

COMMISSIONER FEAMAN: I made the motion.

MR. Mac GILLIS: Feaman.

COMMISSIONER FEAMAN: Dufresne was the second.

CHAIRMAN BARBIERI: Dufresne is the second on the motion?

COMMISSIONER DUFRESNE: Yes.

CHAIRMAN BARBIERI: Okay. So we have a motion on the floor.

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. Good.

CHAIRMAN BARBIERI: See, it wasn't as bad as you all thought. We weren't going to take another hour of your time. It was very quick. Okay.

CHAIRMAN BARBIERI: Now we're on No. 14.

MS. KWOK: Yeah, No. 14, PDD/R2006-1675, Hagen Ranch/Boynton Beach MUPD.

Carrie Rechenmacher will give us a presentation on this project.

MS. RECHENMACHER: Okay. Good morning again, Commissioners.

This item was originally scheduled for the August 2nd Zoning Commission, and the agent postponed the petition due to the adamant opposition to the restaurant, a 6,000 square foot restaurant, on the site.

There was also a proposal for two 5,000 square feet banks.

So the agent deleted the 6,000 square foot restaurant and added 6,000 square feet medical office and 6,000 square feet for personal services. So they added 6,000 square feet.

It originally started at 16,000. Now it's at 2,000 -- 22,000 square feet.

The deletion of the restaurant also added a two-story building and added the 6,000 square feet.

So staff has not had any objection because the area -- it's generally consistent with the area. There's other two-story structures, and the office building is close to Boynton Beach Boulevard.

Staff had recommended approval, subject to 21 conditions.

There was -- the original request had 140 letters in opposition and two in approval.

We did a new notice with the deletion of the restaurant. We still had 40 letters of opposition and three letters of approval.

So with that, I'll let the agent discuss.

Thank you.

MR. PERRY: Good morning. Marty Perry, on behalf of the applicant.

With me this morning are three representatives of the applicant, Angel Mendez, Kyle Moets and Paul Trembly (ph), and Brian Terry from Land Design South, which is our land planning firm.

As indicated by Carrie what we're looking at here is basically a rezoning from an AR to an MUPD. Basically, we're looking for two financial institutions, each of which are 5,000 square feet.

AUDIENCE: Can't hear.

CHAIRMAN BARBIERI: Marty, can you get a little closer to the microphone. They've been waiting for three hours to hear you speak, so --

MR. PERRY: I, you know, normally I don't even need a microphone, but here we go.

In any event, we're looking for two banks of 5,000 square feet each and a two-story 12,000 square foot office building of six -- two 6,000 square foot floors. The banks will have drive-in facilities.

I love doing this. You know, my stature is such that sticking the computer in front of me makes me just a talking head.

Eleven years ago this entire corridor was the subject of a number of Comp Plan amendments, and it was -- this intersection in particular, as well as other areas along the corridor, were studied intensely, and several Comp Plan amendments were granted, including this one, and the present petition is an effort to comply with the Comp Plan amendment which was granted, which took this corner of just under four acres from MR-5 to CL-O, commercial light office, with an underlying residential density up to five units per acre.

This is the general area. The site is at the northwest corner of Boynton Beach and Hagen Ranch.

I'm just working my way into the 21st Century so bear with me as I work my way through here.

There is the site. Immediately to the west of it is the ANSCA office building, which is

a little over 50,000 square feet.

The Palm Isles PUD is to the north. To the east is a vacant parcel which is also CL-0 with an underlying residential density of up to five units to the acre.

To the south is a Target shopping center, and on the other corner is another commercial center.

This is a major commercial center. This is the site plan that we're proposing. The total site area is 3.7 acres.

As I indicated before and the staff indicated, the total building square footage is 22,000 square feet with two banks at 5,000 each and an office building of 12,000 square feet.

The most northern building is a bank. The two buildings to the south running on Boynton Beach Boulevard, the most westerly one is the office building, the easterly one is the other bank.

The banks are Fifth Third Bank and SunTrust.

Previously, as indicated by staff, we had a Chili's restaurant. In a series of meetings with COWBRA we were unable to persuade them that the restaurant made any sense. As a concession to COWBRA we eliminated the restaurant and are putting in the office buildings.

This is the pedestrian circulation pattern, which is basically a safe pattern from both Boynton Beach and Hagen Ranch.

Basically, this shows the pedestrian access. Also, the parking is exceeded by 10 spaces.

The County is requiring two cross-throughs. These were required when ANSCA was approved several years ago.

We met with ANSCA. ANSCA also had concerns about the restaurant. In meeting with ANSCA they requested that we delete the northern cross access point.

We were willing to do that. Staff has objected to that and insisted that remain. That was part of ANSCA's approval.

We are prepared to agree to that. We have no objection putting that back in again.

Aesthetics-wise, both entry areas off of Hagen Ranch, and we have a right-in only on Boynton Beach Boulevard, have pavers, and between the two southern buildings there are pavers.

We have two separate PalmTran easements which are shown in yellow.

We have extensive 25-foot buffers along the northern and southern property lines, which is consistent with the Boynton Beach Turnpike Interchange Corridor design guidelines.

This is another description of the parcel which shows that we are a total of 22,000 square feet with only 0.14 FAR and a 10 percent building coverage.

The building immediately west of us, the ANSCA building, is only half an acre larger, has

more than twice the amount of square footage that we're talking about, has almost double the FAR and has a third more building coverage than we do so that as you can see, the effort here was to de-intensify the site as a concession to the neighborhood and the concerns of the neighbors. So we're substantially less intense than we could be.

Again, the site plan. Here's the elevations.

The great concern that was expressed by everyone was the ANSCA building was a beautiful building, and in fact the ANSCA building is a beautiful building.

These buildings and these elevations are reflective of the ANSCA building. This is the same architectural design and treatment as you will find on the existing ANSCA building.

This is the north elevation toward the residential development. This is the east elevation, and I think you'll agree these are very attractive buildings. South elevation.

COMMISSIONER HYMAN: That's a medical office building?

MR. PERRY: And the west elevation.

COMMISSIONER HYMAN: This is the medical building, right, not the bank.

MR. PERRY: This last one here --

MR. Mac GILLIS: Yes, it's the medical building.

MR. PERRY: -- is the medical building.

MR. Mac GILLIS: Two stories.

MR. PERRY: That's the two-story building.

Again, I, you know, we've -- we met with staff. We think this is going to satisfy all the requirements of architectural guidelines. We believe it's very consistent with the neighborhood.

Every effort has been made at significant potential future expense to make this building consistent with the ANSCA building.

Let's see. I think I'm about done, aren't I, Brian?

Trying to get back to a site plan here.

Okay. Let's talk about the uses.

When we eliminated the restaurant, we met with COWBRA, and it was clear that we were going nowhere with the restaurant, and I went to the client, and I said look, you know, there's no sense beating our head against the wall.

No matter what, even though we believe the restaurant was a good use for the site and was consistent with the zoning and everything, you know, in an effort to be good neighbors we said fine, and the same held for ANSCA.

We'll eliminate the restaurant. We'll put an office building.

That was received fairly well when we presented that. The problem we ran into -- we had Carol Thompson do a -- Carol Thompson did the study in 1996 for the entire corridor.

We had Carol Thompson come back again and

do the study all over again. Unfortunately, she's away on vacation today because of scheduling and can't be here.

The results of her analysis were reflective of really what just happened in the prior petition. You just approved another 54,000 square feet of medical office which is within the same market area.

Last year I brought in a petition at the Turnpike and Boynton Beach Boulevard of 100,000 square feet of office. Now, they have leased up -- and that's all medical office. They have leased up 50,000 square feet of that, but they have 50,000 to go.

Carol Thompson's analysis reflected that this area, the immediate two or three miles surrounding area, has way too much office space for the long term, as well as the near term. There was more of a need for retail space. The neighbors really don't want retail. So we're really in kind of a bind.

We're not office builders, but we agreed we would do this, and we're proposing that we will do the second floor of this building at 6,000 square feet of medical office, but we need some flexibility so we can lease this up, we gave up a tenant, and get out of here.

The permitted uses for the site include laundry services, medical or dental office, professional offices, personal services, printing and copying services, government services. If we can get any of those, we'll lease to any of those, but we want that flexibility.

And when you get to the issue of personal services, basically what you're looking at is an establishment engaged in the provision of frequently or recurrent services of a personal nature or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products, and that's important. Limited accessory retail.

This is really not intended to be a retail center which is part of the concerns you're going to hear expressed today.

What we're looking at is the typical types of uses that we'd be looking for tenants from would be art/music schools, beauty salons, barber shops, driving schools, you know, physical therapy, photography studies, a tanning salon, you know, basically just giving us the flexibility to be able to lease this up, make up for the difference of having given up a solid tenant and be able to finish this project and make it an acceptable project for the neighborhood.

Basically, that's our presentation. We'd like to have an opportunity. There are a number of people here, as you can see. They have a number of concerns that range from we don't need any more banks, we don't want any restaurants, we don't need the rats and the vermin that come with that. Well, we've eliminated that problem.

This is too intense. There are traffic problems. This is a significant area.

Along those lines we have met all of the requirements of concurrency for traffic. We've -- you'll find that there are conditions that require the Hagen Ranch Road access to the property is right in and right out.

We are required to put a concrete divider in Hagen Ranch Road so that there will be no mistakes. No one will be able to make a left turn onto Hagen Ranch into conflicting traffic causing an accident.

We have on Boynton Beach Boulevard, DOT has approved a right in only. We have a deceleration lane for that right in only. We have cross access as required by the prior approval and as currently required.

Although not shown here we will put the northern cross access in. There may be objection to that from ANSCA. I'm not sure.

But basically we've met with COWBRA five times. They're a very nice group of people, you know, I'd be happy to have breakfast or lunch with them any time.

I think in this particular case, however, they are being a little bit unreasonable.

With that, I would request your approval and an opportunity to rebut any comments that are made.

Thank you.

CHAIRMAN BARBIERI: All right. Thank you. We'll go to the public.

Barbara Katz from COWBRA, please, first, and behind her will be Donald Mylan.

We're going to limit everybody to three minutes, Barb.

MS. KATZ: Okay. I'll speak fast.

CHAIRMAN BARBIERI: Okay.

MS. KATZ: Good morning. I'm Barbara Katz, president of COWBRA.

COWBRA has met with Mr. Perry, the agent, many times regarding this project, and every time we had major concerns with the site plan as proposed.

This property has a long history. The site was one of the sites which led to the creation of the West Boynton Community Area Plan whose guidelines we have followed since the plan was adopted.

Originally there were two parcels, this parcel and the parcel to the west of the site, which was developed by ANSCA and which we refer to as the ANSCA office building.

Many years ago it was planned that these two parcels were to be developed as a compatible office complex, an office park. The two parcels were to be commercial low office with connectivity.

ANSCA developed its site the way it should be with the proper setbacks, architectural design, additional landscaping and buffering, which can also be seen in the Target on the south side of

Boynton Beach Boulevard.

COWBRA and the surrounding neighborhood communities approved of ANSCA's plans and are very pleased with the way ANSCA developed their site. We expected today's proposed site to be developed the same way, but this is not happening.

When the same site was presented to COWBRA a few years ago, we originally approved a medical building and a bank, and we discussed with the then agent that the history of the area indicated that retail was not a permitted use on the north side of Boynton Beach Boulevard at that intersection.

The north side is predominantly residential, and we did not want retail which creates additional traffic.

We also do not support the personal services use of the planned office building because banks and shops create more traffic than an office building does.

We cannot support the project as presented, and we ask that it remain under the current zoning with retail not permitted. We feel three buildings are too intense for a fewer than four-acre site.

We oppose the placement of the buildings in the site plan as the bank and the office building are too close to Boynton Beach Boulevard and not compatible with our West Boynton look and design.

We asked the petitioner to develop a new site plan that is more compatible with the surrounding community and the ANSCA office building with the desirable setbacks, but he did not.

We told him that we could not support the three buildings because, again, they're too intense.

We can support one bank and one office building on this site, especially a medical office building with the new West Boynton Hospital a definite probability to be built on Boynton Beach Boulevard and 441.

Most of all, we are concerned about maintaining and continuing our West Boynton look.

We feel the site plan as currently proposed is not consistent with the West Boynton Community Area Plan and is not as appropriate as envisioned by the plan and by the residents of our area.

We are the West Boynton area. We have a certain look. Our developers usually follow these guidelines, and it works. We feel we are unique.

Thank you.

And ANSCA, by the way, even though these developers did not come back with a plan showing a further setback, but we've been dealing with ANSCA, and I think Bill Grey is here, and I hope he speaks.

They did a -- they generated a plan which shows with the two buildings pushed back, and it -- in line with ANSCA, and it's -- I'll give this to you guys, and it's much more towards what

we would like.

So we're not totally against this project. We just feel it needs a lot of trimming.

Thank you.

CHAIRMAN BARBIERI: Don -- Donald Mylan.

MS. KATZ: Was that fast enough?

CHAIRMAN BARBIERI: Great.

MS. KATZ: Thank you.

MR. MYLAN: Good morning. Thank you for listening to us.

I have a few notes, but I do want to address the postponement problem. This has been postponed twice to us. July hearing was postponed, and the August hearing.

We had many more people who were willing to come to those meetings. They kind of lose interest if you keep putting these things off. We have a good number, almost 100 people, that we came by bus.

We would have had more, and I believe you would have gotten many more replies except that the people who replied for the first hearing felt they didn't have to re-apply or send their cards in, those notices back to you for additional hearings.

So saying that, I just wanted you to know that we normally would have had more people to come and share the morning with you, but this is what we have now.

None of us that are here want the property rezoned. We don't see any benefit to our community if you would do so.

We're a senior citizen community. We live right behind the property in question.

We would be burdened by the traffic problem on Hagen Ranch Road. What would occur is that even though the developer says it'll all be right turns in and out, well, someone coming from the south would come up to our development because there's a divider will be placed there.

They will come to our development and use our entrance as a U-turn so they can get back to the parcel involved. I don't see any other way for them to get in there except if they go to our entrance, make a U-turn in our entrance and then come back and make a right turn into the space.

I think egress and ingress should all be from Boynton Beach Boulevard. I think it's going to be a problem for our residents and for the people who use the space to be able to go in that manner.

Also, I have concern about the retail use of the space. I saw the typical uses that were listed, and one of them said tanning salon, and I -- comes to mind is a massage parlor or a tattoo parlor, which are also consistent with that, or you could put in an adult bookstore because all of these things would possibly be able to be used there, and if whoever they rented to originally moved out, then I'm sure the landlord will put anybody in that will pay the rent.

Now, as far as I'm concerned, rezoning

this parcel is a mistake. The original intention should be upheld, and that's what we all expected, we would love for you to do.

Thank you.

CHAIRMAN BARBIERI: Can we hold the applause? We understand that you're all in favor of these speakers so you don't have to do that for our benefit.

Would William Grey please come up and behind him, Sandy Parker.

Are you -- you didn't check your card that you wanted to speak so if I call somebody's name and you do not wish to speak, fine, you don't have to come up. Thank you.

Sandy.

MS. PARKER: Good morning. I'm Sandy Parker, from COWBRA, and thank you, Mr. Perry, for the invitation for breakfast and lunch. I'd just like to know if it's dinner and cocktails after we speak.

With all due respect to Mr. Perry, he did meet with us several times, and one of the reasons why he told us in a comment that he wanted the restaurant at that time is 'cause he didn't see there was any more need for professional buildings in this area, that we were over-flooded with professional buildings, and now here we got a professional building again.

My concern is a little different. I'm concerned about traffic. Having been in my prior life a retired bank manager who was in charge of 17 banks, I will tell you that the traffic flow around those two banks with drive-in windows is a nightmare.

The tendency to make a right in on -- from Boynton Beach Boulevard and go around, there's one lane circumventing the property. You have two banks with three drive-in lanes, and as anybody knows who comes out of a drive-in, there's a stop sign there, and everybody who drives in Palm Beach County knows that nobody stops at stop signs.

My other concern is I don't know where in the infinite wisdom of the DOT that they allowed a cut-in from Boynton Beach Boulevard immediately before the cut-in to ANSCA, and now he shows us on the site plan that we're going to have a PalmTran bus stop.

If you've driven down that street, both Hagen Ranch and Boynton Beach Boulevard in the morning, it's the Boynton Beach 500.

I'm concerned about opening up the interconnectivity in the back. I believe that people who will be coming down Hagen Ranch Road will use it as a shortcut not to go to the light and not to get stacked up on traffic.

While on paper this is acceptable and it's a good thing for the developer, I think that there are nightmares built into the traffic flow on the property and outside of the property.

We had asked Mr. Perry to come back and please show us other plans. We were not happy with the two-story building.

I don't feel that replacing a two-story building with what was a one-story restaurant is proper.

Thank you.

CHAIRMAN BARBIERI: Please, hold the -- hold the applause, please.

William Grey, and after William Grey, would Shirley Kreiger (ph) please come to the podium.

MR. GREY: Good morning, still. My name's William Grey. I'm with the firm of ANSCA Communities. We're the property owners immediately adjacent to this site, and we certainly want to welcome our, hopefully, new neighbors.

We understand they purchased the property so I guess they are our neighbors now.

I've handed out a site plan. I'll make my comments really quick.

Number one, we have gone through an extraordinary effort with COWBRA and with our own building to produce what we think is an exemplary product, and we've been rewarded by nearly complete leasing to all medical facilities and a small bank facility and some insurance.

It's a robust market. We think that there's plenty of room in that market for additional office structure immediately adjacent to us.

We also think that the setback of the building to match our own is consistent with what the long-term plans have always been for this corridor.

We are concerned that without that setback the right turn into the property will not function safely, and we, of course, would also like to have the architectural detailing for the building done in a way that matches ours, not just has a transitional effect from our building to theirs and then onto their bank buildings, which are completely different, are not at all consistent with the rather ornate Mediterranean architecture and elaborate landscaping that we've invested into our site.

We also do make the request to take them up on their offer to close the northwest access point, leave it available only for emergency vehicles, either with a gate card or some other obstruction so it's not used by the general public.

It is an important item here that with a medical facility that we have, we have a lot of people who are under medical care, wheelchairs, walkers and the like, and we just cannot imagine what kind of traffic problems we're going to have if this is allowed to be a general circulation route, which the northwest access point would facilitate.

Finally, with regard to the uses, in a perfect world we think that the additional retail might be useful. The problem we have is that there's no way to truly control it, and we

appreciate that there is a conflict that doesn't have an easy solution.

For us, we can only tell you, as we've said already, that the market for office is robust, and we believe that there's a perfectly good reason to use that full 12,000 square feet for office structure. Let them use it for additional medical facilities or the like.

The intense vehicular access for these two banks, two drive-in banks is going to be more than sufficient traffic activity on this site, and anything else we can do to help create a common center of excellence for all of the office structures is certainly in our interest and we think in the community's interest, as well.

So, if -- realizing that this is not a site plan approval process, the one thing I would ask you to do is to have as a part of the conditions of this approval matching the architectural detailing, landscaping and character of our project so that we have in fact a unified theme throughout this corner which would add dramatically to the effectiveness for the community as a whole.

Secondly, that you accept their offer to close off the northwest entrance and, finally, to push the building back in line with our building consistent with the site plan that I proposed, which is really their site plan, just inverting some of the various components. So it's really their work. It's just modulated a little bit to take in effect what we're proposing.

That's it. Thank you very much. Any questions, I'm right here.

CHAIRMAN BARBIERI: Thank you.

After Shirley Krieger, Elaine Brauer, do you wish to speak?

COMMISSIONER HYMAN: Can I ask a --

MS. FINE: Did you call me? Gloria Fine?

CHAIRMAN BARBIERI: Pardon me?

MS. FINE: Did you call me? Gloria Fine?

CHAIRMAN BARBIERI: I can't hear you. Speak into the microphone.

MS. FINE: Did you call me before? Gloria Fine?

CHAIRMAN BARBIERI: I don't know if I called you yet, but if you're there, stay there.

I've got a bunch of cards, and you didn't check off -- none of you checked off whether you want to speak or don't want to speak.

So when I call your names, if you don't want to speak, just holler out you don't want to speak so that we don't -- okay.

What is your name, please?

MS. FINE: My name is Gloria Fine, Palm Isles.

CHAIRMAN BARBIERI: All right. Go ahead. You have your three minutes.

MS. FINE: Okay. I'm Gloria Fine, president of Palm Isles Master Association, and I'm here today to speak in opposition of the proposed development.

Our community is 992 units. It's an adult community, and we have homeowners -- four associations, homeowners and three condo associations, two of which have access from Hagen Ranch Road less than a mile from the proposed development.

We feel -- we have been there almost 15 years, and we have seen the development of the area. We have seen the development and the increase of traffic, and we can understand what problems would -- it would -- it would provide by developing this with the site -- the development proposal.

First of all, the traffic would be absolutely nightmare. Furthermore, it would be a potential for fatal, if not very serious accidents at that corner. So the access that they require out onto Hagen Ranch Road would be very unacceptable to us.

I would like to also speak to the need because it was a question. It was something that was spoke to before.

Less than a mile away we have the Canyon project, which is a huge development with multiple uses, and so some of these personal uses could be there, plenty of space for that. And I feel that as we do not feel as if the personal use situation is for this property, but mainly because of our question about the traffic and the potential for accidents it is totally unacceptable to us.

Thank you.

CHAIRMAN BARBIERI: You're welcome. If you address the County Commission, you may want to bring a letter stating you're the president of this association. Okay.

Shirley Krieger, did you wish to speak?

MS. KRIEGER: No.

CHAIRMAN BARBIERI: Elaine Brauer.

MS. BRAUER: No.

CHAIRMAN BARBIERI: Al Ianello (ph).

MR. IANELLO: No.

CHAIRMAN BARBIERI: Mr. Ianello's comment is danger to community because of increased traffic.

Raymond Stark.

MR. STARK: No.

CHAIRMAN BARBIERI: Phyllis Ianello.

MS. IANELLO: No.

CHAIRMAN BARBIERI: (Reading:) Will create too much congestion, more pollution, unsanitary conditions. and there is a food service there due to -- I'm sorry. I can't read it.

Edward Rosen.

MR. ROSEN: No.

CHAIRMAN BARBIERI: Mickey Ficet (ph).

MR. FICET: No.

CHAIRMAN BARBIERI: (Reading:) There is no need to rezone since we have a bank, a medical facility next to this parcel. To rezone would permit other types of facilities which we do not want.

Geraldine Sack (ph).

MS. SACK: No.

CHAIRMAN BARBIERI: (Reading:) Traffic and safety are major concerns available, area too small for the projected buildings and traffic to service area.

Elaine Tiplitski (ph).

MS. TIPLITSKI: No.

CHAIRMAN BARBIERI: (Reading:) My concern is the traffic conditions on Hagen Ranch Road cannot handle increased traffic as the road exists. Mass confusion and no legitimate turns will be made causing extreme safety hazards.

Lana Paylor (ph).

MS. PAYLOR: No.

CHAIRMAN BARBIERI: (Reading:) Concern about traffic safety.

Helene Perlmutter (ph).

MS. PERLMUTTER: No.

CHAIRMAN BARBIERI: (Reading:) Concern about traffic safety.

Hilda Levin. Hilda Levin.

MS. LEVIN: No.

CHAIRMAN BARBIERI: No? (Reading:) Concerned about traffic safety.

Eileen Margolese (ph).

MS. MARGOLESE: No.

CHAIRMAN BARBIERI: (Reading:) Oppose rezoning for Hagen Ranch and Boynton Beach Boulevard.

Marvin Margolese.

MR. MARGOLESE: No.

CHAIRMAN BARBIERI: (Reading:) Oppose rezoning change for Hagen Ranch Road and Boynton Beach Boulevard.

Lila Goldberg. Lila Goldberg.

MS. GOLDBERG: No.

CHAIRMAN BARBIERI: Okay. (Reading:) Oppose zoning plan for Boynton Beach Boulevard and Hagen Ranch.

Melvin Goldberg.

MR. GOLDBERG: No.

CHAIRMAN BARBIERI: (Reading:) Oppose because rezoning -- okay.

Joan Dolan (ph).

MS. DOLAN: No.

CHAIRMAN BARBIERI: (Reading:) Great concerned about traffic into area.

Shirley Sinaski (ph). I'm sorry if I screwed that up.

MS. SINASKI: No.

CHAIRMAN BARBIERI: (Reading:) Concern about traffic on Hagen Ranch Road.

Linda Rothman (ph).

MS. ROTHMAN: No.

CHAIRMAN BARBIERI: (Reading:) Rezoning is absolutely unnecessary and detrimental to adjacent communities inasmuch as the increasing traffic would present a danger to our citizens.

Rela and Harold Adler.

MS. ADLER: No.

CHAIRMAN BARBIERI: (Reading:) Very concerned about traffic safety.

Howard Good.

MR. GOOD: No.

CHAIRMAN BARBIERI: Beverly Lobel (ph).

MS. LOBEL: No.

CHAIRMAN BARBIERI: Cheryl Katz (ph).

MS. C. KATZ: No.

CHAIRMAN BARBIERI: Joan Kramer (ph).

MS. KRAMER: No.

CHAIRMAN BARBIERI: April Geller (ph).

(No response)

CHAIRMAN BARBIERI: April Geller.

MS. GELLER: No.

CHAIRMAN BARBIERI: No.

All of those people had checked opposed to the -- in the opposition box.

Beatrice Bergen (ph).

MS. BERGEN: No.

CHAIRMAN BARBIERI: (Reading:) I'm opposed to changing this site to an MUPD as this will lead to over-commercialization of our residential area. Also, the egress onto Hagen Ranch Road only will cause heavy traffic for residents of Palm Isles who must use Hagen Ranch to exit from our community.

Mr. and Ms. Salvatore.

MS. SALVATORE: No.

CHAIRMAN BARBIERI: They're opposed, also. There's another stack that -- of opposition, and we have probably another 50 cards of people that checked the box you do not wish to speak, but you're opposed.

So we have those of record, and they'll be pushed onto the County -- the County Commission I guess will get a record of those.

Is there anybody that I didn't call that would like to speak?

Please come to the podium and state your name, please.

MR. PAYLOR: My name is Myron Paylor (ph).

I'm a resident of Palm Isles West.

My house -- if you look at the north behind the second proposed bank, my house can be seen beyond the greenery.

Reason why you don't have my card, I was too late again, but I want to say something.

Nobody brought out why are two banks needed. Can somebody answer that question? Why are two banks needed?

And those two banks are in the vicinity -- it's got to be maybe 100 yards, maybe a little more than 100 yards, so why are two banks needed on Hagen Ranch Road, which is a -- not a wide street, and the access into two banks, I mean it's going to be chaos out there, complete chaos. I see it coming.

Can somebody answer why two banks are needed?

COMMISSIONER HYMAN: Well, first of all, you know, I don't think that's our job to, yeah, to determine whether or not something's needed.

We have to look at it from a land use basis, and so we don't get into the economics of,

you know, whether things are needed or not needed.

The other issues that you guys have raised are all, you know, relevant in terms of traffic and the effect on the neighbors, but the use itself, whether or not it's needed economically or whatever, I think that's beyond us.

MR. PAYLOR: Is there any access into that development from Boynton Beach Boulevard?

CHAIRMAN BARBIERI: Yes, there is.

MR. PAYLOR: There is access?

CHAIRMAN BARBIERI: Yes.

MR. PAYLOR: So there'll be access in from Hagen Ranch Road and Boynton Beach Boulevard.

CHAIRMAN BARBIERI: That's correct.

MR. PAYLOR: And are there going to be two access -- two entries in from Hagen Ranch or just one?

CHAIRMAN BARBIERI: There's just one down there, it's at the north -- north end of the property along Hagen Road. You can see it up there on the map. It's the pinkish colored pavers. That's the entrance up there.

MR. PAYLOR: Yeah. Yeah. I think you're making a mistake with this proposed project.

I could see possibly the two buildings adjacent to ANSCA where he would like them, but that third building on the north side, that second bank, for whatever reason we need a second bank in that small area, okay, I'm opposed to that, and it's right on top -- it's right near my property, and as a property owner, and I'm sure others in the area who are with me now are against that, also.

And I thank you for listening.

CHAIRMAN BARBIERI: You're welcome. Thank you.

Ma'am, would you state your name and address, please.

MS. FLINK: Yes. My name is Rosalie Flink. I also live in Palm Isles West.

I drive a cop car in the morning on Friday from 7:00 to 10:00 a.m. I cut across from the north end of Palm Isles to Palm Isles III, which is on the west end. There is a circle there.

There are many times that I have to stand at Palm Isles with my light flashing 'cause I can use it to cross the street only, cannot use the flashing light on Hagen Ranch. I can stand there for five or six cars that speed by.

There is a big sign that says yield. Not one car yields, seeing my flashing light in the police car. They speed down Hagen Ranch. That's from 7:00 to 10:00 in the morning that I'm there.

Now, also my concern is coming out of the bank. People are going to come out of the bank, make the right turn, but they're going to want to make a left turn, which means they're going to have to cut across two lanes to make that left turn to go onto Boynton Beach Boulevard heading east.

It's really going to cause a lot of traffic. You're going to have a lot of accidents,

as I see going by there every Friday what can happen.

I thank you.

CHAIRMAN BARBIERI: You're welcome.

Is there anybody else that I didn't call that would like -- yes, sir. Come up to the microphone, please.

MR. FEDERMAN: My name is Art Federman. I live in Palm Isles West.

I don't know if the Board is aware of this.

Boynton Beach Boulevard is six lanes, three lanes going west and three lanes going east. Hagen Ranch Road is two lanes, one lane going north and one lane going south.

We put entrances to this project on Hagen Ranch Road and exits on Hagen Ranch Road, you're going to have traffic backed up for a mile.

In addition, in the -- almost any time of the day where the speed limit is 45 on Hagen Ranch Road, the traffic moves very, very quickly. You got to be very, very careful from coming out of any of those entrances onto Hagen Ranch Road. I'm sure that there's going to be accidents.

Thank you.

CHAIRMAN BARBIERI: You're welcome. Thank you.

All right. Marty, if you would like to address some of this --

MR. PERRY: If I may, let's --

CHAIRMAN BARBIERI: -- some of those issues.

MR. PERRY: If we can, let's stay with the traffic issue.

Let's assume -- this property has been comprehensively planned for CL --

AUDIENCE: Can't hear you.

MR. PERRY: This property has been comprehensively planned for CL-O. What you're hearing is they want to see professional office.

We could build one building, just like ANSCA did, of approximately 40,000 square feet. If we did that, you would have exactly the same traffic issues that are being raised right now.

The access to this site is still going to be a right in/right out on Hagen Ranch with a median divider to keep traffic exiting on Hagen Ranch from going north. Okay.

You're still going to have the access on Boynton Beach Boulevard. You would still be able to get from DOT, just like we did, a right in. You'd have the cross access.

You have the other -- the issue that was raised was is there a Boynton Beach access. Well, yes, you have -- if I could figure out how to use this.

Right there is the entrance to ANSCA, and there is the cross access right here, and here's the other cross access (indicating), and you can see it up there. It's already been planned. Okay.

So when you talk about traffic, no matter

what the use is, those issues remain the same.

AUDIENCE: No.

MR. PERRY: When you're all done, I'll start again.

So I, you know, that's a non-issue, frankly. We've been through the Traffic Division. We've been through Land Development. These issues have all been addressed by professional planners, professional engineers.

You know, do they have concerns? Sure. There are always traffic concerns at major intersections. You don't get away from that, but that's handled by traffic control devices.

Is there never going to be an accident? I suspect there have been accidents there without this project. You know, that doesn't change, but the fact is, is that this site is going to be developed as something, and no matter what is developed there, there are going to be the same traffic issues that are being raised here.

Let's talk about Mr. Grey's comments and Mr. Grey's site plan.

When we originally came in, we had the three buildings spaced throughout the property. We had -- and I'm not adept enough at this, but let me see if I can get us forward to the site plan again. Okay.

We had the -- we had the office building, which is right there, located in this area right here (indicating), and staff said no, we want you to move down to the corner.

That's that whole urban concept of design.

Buildings should be on the street front. Okay.

Now we've got a proposal from ANSCA, let's move the buildings back. We have a comment from COWBRA, let's move the buildings back.

Well, is that really the issue? I don't think so. The issue really comes down to use. That's what this is all about.

Are there too many banks? We did a market study. The market study reflected there is a demand for five banks in this immediate market area, and --

AUDIENCE: No.

CHAIRMAN BARBIERI: Ladies and gentlemen, please. We gave everybody the opportunity to speak. Let him speak, please.

MR. PERRY: Proof of the fact is that we already have two banks. They're signed up. They're ready to go, just like we had a restaurant that was signed up and ready to go. We gave that one up.

Now, you know, we're not trying to be difficult neighbors. In terms of ANSCA, you know, Mr. Grey indicated he wanted to make sure that there were conditions that would show that we would be consistent with the style of his building.

We have made every effort to do that, and if you've been down in that area, you will know that what we've proposed for architectural elevations basically mimics their building. It's

identical treatment.

Landscaping, the conditions already require that. We're doing the same type of landscaping as ANSCA.

A gentleman spoke about he's right here, right above us. He's got a house right here (indicating), I guess. Okay.

We've got significant setback and buffering there. We meet that West -- that West Boynton Turnpike interchange requirements and everything. The buildings are set back significantly from his home.

We've got Sandy Parker who talks about traffic circulation on site. She's a retired bank manager. Well, that's fine, and she probably knows a lot about that, but we've got professionals that took a look at this and said this works internally and externally, you know.

If there is a concern that we're going to bring in some type of businesses of ill repute, you know, dirty bookstores, massage parlors, we have no intention of doing that.

I've represented this company, which is the Paradise Group. They've built all over Palm Beach County, Broward County, all over the State of Florida. They're an excellent company with an excellent reputation. They don't do that, and we'll agree that we won't lease to those types of uses. That's not a problem.

All we're asking for is some flexibility because we believe there is already too much office space in that area. We made this concession.

We don't want to get stuck with something that is going to take us too long to lease up, and that's the only reason that we're here.

Again, I request your consideration.

We meet -- we meet, we're consistent with the Comprehensive Plan. We meet all the requirements of the ordinance. We have staff support. We meet concurrency. We address all the issues.

Thank you.

CHAIRMAN BARBIERI: Commissioner Hyman, you have a question?

COMMISSIONER HYMAN: I do have a question. There seems to be a conflict as to whether or not the building should be pushed forward onto Boynton Beach Boulevard or moved back.

Staff, I guess you're recommending approval the way it's proposed.

Normally, I thought that you took into consideration what COWBRA or COWBRA's standards were, and, of course, they want it moved back.

So which way should this project really be?

MS. RECHENMACHER: I'm a little puzzled because I'm -- I would support that would be away from residential, the two-story building would be furthest away from residential.

So I don't -- I was surprised --

COMMISSIONER HYMAN: Well, I think what --

MS. RECHENMACHER: -- when I heard they wanted it further back.

COMMISSIONER HYMAN: Well, I think what they're saying is that the back building is going to be where it is, regardless of where the front two buildings are, and from the streetscape perspective they want it to be, you know, the same depth as the next building since it's going to look like it, anyway.

So can't we --

MS. RECHENMACHER: If there's some way that they can work things out with the agent if he needs to move things around a little bit --

COMMISSIONER HYMAN: I mean couldn't you, Marty --

MR. PERRY: We --

COMMISSIONER HYMAN: -- move it back to meet COWBRA's --

MR. PERRY: Commissioner, Commissioner --

COMMISSIONER HYMAN: -- address their concerns?

MR. PERRY: This is something we just really heard of recently --

COMMISSIONER HYMAN: Oh, really?

MR. PERRY: -- about moving them back; however, the only thing that we would need to do is that we have -- which bank is it -- SunTrust Bank has that corner location, and that's an important thing for SunTrust.

We would have to talk to SunTrust first and get their agreement that they would be willing to move further back.

We think we might be able to do that. You know, if we can do that, fine. It's just a matter of site planning.

I've already talked to our site planner. He's convinced he can make that work.

If that were -- if that were something that was -- had to be done, we'll work with them on that.

COMMISSIONER HYMAN: So if we move the buildings back, COWBRA would be happier in that regard.

The other thing I heard was that perhaps the two bank buildings did not meet the same architectural treatments as the office building.

Are they all the same? Do -- will they all be treated the same or similarly?

MR. PERRY: They're all going to be the same. That's why we had -- those elevations are of all the buildings, and I think if -- let me find them again here.

COMMISSIONER HYMAN: So if there was a condition requiring all three buildings to --

MR. PERRY: We'll -- we'll make -- we'll make these elevations -- this is the north elevation. That's the north bank. Okay.

COMMISSIONER HYMAN: Oh, that's the north bank?

VICE CHAIRMAN ANDERSON: That's a two-story --

COMMISSIONER HYMAN: Are you sure that's the north bank?

MR. PERRY: Oh, that's the office -- I'm sorry, that's the office building.

COMMISSIONER HYMAN: That's the office building.

MR. PERRY: East elevation --

COMMISSIONER HYMAN: I don't -- hi.

MR. PERRY: That's the office building.

UNIDENTIFIED SPEAKER: I'm not trying to --

COMMISSIONER HYMAN: Marty, you got somebody behind you.

UNIDENTIFIED SPEAKER: Yeah, it's not possible.

MR. PERRY: Just --

UNIDENTIFIED SPEAKER: It's not possible.

MR. PERRY: If you just give me a little space, I'd appreciate it. Thank you. When it's your turn, you can step up here.

Do we have an elevation of the banks? That's the south bank.

COMMISSIONER HYMAN: That's the Fifth Third, or that's the north bank, right?

MR. PERRY: That's the north bank.

COMMISSIONER HYMAN: That looks similar, doesn't it?

MR. PERRY: In our agreements with the banks --

COMMISSIONER HYMAN: Okay. So we can put a condition in --

MR. PERRY: -- tie them to our architectural control, and I believe these are consistent.

COMMISSIONER HYMAN: Okay. So there was a comment about that, but that's probably not the case. They probably are -- and we could put a condition in that say that --

MR. PERRY: Have no problem with that.

COMMISSIONER HYMAN: So if it was moved back and all three buildings were treated architecturally like the ANSCA building, then the only issue really is the additional commercial uses that you're asking about?

AUDIENCE: Traffic.

CHAIRMAN BARBIERI: Traffic is --

COMMISSIONER HYMAN: Well, I'm going to go over the traffic for a second because regardless of what's built there, you're -- I do agree with petitioner. You're still going to have the same traffic issues.

AUDIENCE: No, we're not.

COMMISSIONER HYMAN: But -- so isn't it really the issue as to whether or not to allow the additional commercial uses over and above the office?

MR. PERRY: The personal service uses and the other permitted uses.

COMMISSIONER HYMAN: And did COWBRA have a problem with that, too? Did COWBRA have a problem with the commercial uses?

CHAIRMAN BARBIERI: Barbara, would you --

Barbara, come up to the -- could we have one COWBRA representative please come to the microphone.

No, no, no. Public portion is closed. We have some questions for COWBRA.

MS. KATZ: All right. First thing we said was we didn't want three buildings. We could -- we could support a bank and an office building. That's one thing.

We did not want the personal services 'cause they really fall into the retail aspect, and as I said, the history of this area, this particular -- those two parcels and you -- the other agent that we had dealt with originally, who, by the way, was Bradley Miller, had agreed to a medical building and a bank. That was it originally.

But, of course, you know, the banks went out of business or whatever they did, or they were taken over, and that fell through, and now they've come through with this project.

But our feelings have not changed about that site.

COMMISSIONER HYMAN: All right. So what you're saying, so moving the building back satisfies one concern.

MS. KATZ: Yes.

COMMISSIONER HYMAN: Architectural treatment satisfies another concern.

MS. KATZ: Right.

COMMISSIONER HYMAN: But you still don't want the third building, the northern building --

MS. KATZ: Right.

COMMISSIONER HYMAN: -- and you don't want the retail uses.

MS. KATZ: We feel that's too much. We feel that really is too much. It's overkill.

COMMISSIONER HYMAN: But the site plan that you showed us that ANSCA did for this site --

MS. KATZ: Well, because he could -- he --

COMMISSIONER HYMAN: -- shows the third building.

MS. KATZ: He didn't get rid of the third building. He just showed that to me this morning.

But because he also had requested, as we had, for them to do a different plan and bring it in, considering the site, you know, the back-ups, and we said that we really felt we didn't want three buildings, and we didn't want the retail there.

This is really a residential area. This is not an intersection like Jog Road and Boynton Beach Boulevard.

Anything that really is commercial in that area for the most part is on the south side where Target is, where you have that shopping center where Flakowitz (ph) is and all the others.

This is really all residential along that area, and we're trying to keep it as contained as possible.

COMMISSIONER DUFRESNE: But if they go with their current zoning or what they're entitled

to, the underlying land use, it's 40,000 square feet, they're proposing 22,000 square feet, that's half of what they're entitled to.

MS. KATZ: Yeah, we understand that, but we still live in the area, and we just feel you drive by, you look, and what's going to happen is you're going to have all these cars and these people and especially the personal services.

I'm not saying they're putting in shops that shouldn't be there, but that generates more traffic. The beauty parlor has a lot of people coming in. The cleaners has a lot of people coming in. Whereas an office building, it's more restrained, shall we say.

That's all we're really saying. We're not saying they shouldn't build there, but what we would like to see is one office building and one bank, as we originally had worked out several years ago, and we have not changed our feelings about that.

We, you know, the newspapers called COWBRA the watchdog of the area, and that's a loving title they've given us 'cause we do watch out for our area. We're very proud that we don't look like some of the other areas where it just look like Topsy and she grew.

You know, we're very concerned about what our area looks like, and when we drive by -- and by the way, we love ANSCA's building.

I particularly love his building. Every time I drive by I say that's a beautiful building.

We want to keep it that way. I don't think we're being, you know, overly mean or selfish -- we live there. This is our home, and these people live there, and I think they all agree with us that we -- you want to build, that's fine, but make it a place that we can live in and we can be proud of.

We don't want to just keep driving by every morning and saying oh, my God, that awful building, you know. And I don't know why --

COMMISSIONER DUFRESNE: But, Barbara --

MS. KATZ: -- everybody thinks the streets are paved with gold in our area.

COMMISSIONER DUFRESNE: -- think of 40,000 -- 40,000 square feet would look a lot less attractive than 22,000 square feet.

MS. KATZ: Well, not if it's well done.

COMMISSIONER DUFRESNE: And you will have --

MS. KATZ: ANSCA did a great job.

COMMISSIONER DUFRESNE: -- double the traffic issues that you would have with 22,000 square feet.

MS. KATZ: Well, you know, ANSCA originally was -- I believe, if I'm not -- if I'm wrong, Bill -- I think ANSCA originally had put in for two buildings, and they themselves decided to make it one. And it came out looking great.

We think this would come out looking well, but you make the decision. We're just telling you our feelings, and the community is telling you

theirs.

COMMISSIONER HYMAN: Thank you.

CHAIRMAN BARBIERI: Thank you, Barbara.

MS. KATZ: Okay.

CHAIRMAN BARBIERI: Do you have a question for Marty?

VICE CHAIRMAN ANDERSON: Well, it's a question for either Marty or staff.

The ANSCA building, do you have a rough idea of what type of traffic that generates, just an approximation?

MR. PERRY: Do you know?

MR. ROGERS: No, I don't have that information --

MR. GREY: As I said -- I'm sorry.

VICE CHAIRMAN ANDERSON: Well, if you have that information, go ahead.

MR. GREY: No. What I was going to say is that this is medical office. If this were in the middle of a young single family community, it would be one nature, but --

MR. PERRY: That's not responsive.

CHAIRMAN BARBIERI: We want to --

MR. PERRY: That's not responsive.

CHAIRMAN BARBIERI: Just please answer Commissioner --

MR. PERRY: It's not responsive.

CHAIRMAN BARBIERI: Answer his question.

VICE CHAIRMAN ANDERSON: I'm just curious about how much traffic --

CHAIRMAN BARBIERI: Do you know how much traffic your building generates?

MR. GREY: No, I don't.

CHAIRMAN BARBIERI: Okay. Thank you.

COMMISSIONER FEAMAN: How many square feet is it?

UNIDENTIFIED SPEAKER: Fifty thousand.

VICE CHAIRMAN ANDERSON: I mean would it -- can you say that that building has more traffic than what's proposed here?

COMMISSIONER DUFRESNE: ANSCA's around 50,000 square feet, I believe.

MR. ROGERS: A medical office building, if my memory serves me correctly, would have a generation rate of somewhere in the neighborhood of 30 trips per day per 1,000 square feet.

So if it was a 50,000 square foot building, 50 times 30 would be 1500 trips per day.

VICE CHAIRMAN ANDERSON: Okay.

MR. ROGERS: So probably somewhere in that order of magnitude.

COMMISSIONER HYMAN: And how many trips does this project show?

VICE CHAIRMAN ANDERSON: Nineteen hundred -- 1929. Okay. Thank you.

MR. CHOBAN: It's identified as 1929 trips per day.

COMMISSIONER DUFRESNE: And if it were a 40,000 square foot office building?

MR. ROGERS: Well, 40 times 30 would be 1200.

COMMISSIONER HYMAN: So what hikes it up,

the bank or the retail?

MR. ROGERS: Well, banks have different generation rates than what office -- medical office buildings would have, yes.

COMMISSIONER HYMAN: It's a higher rate; right?

MR. ROGERS: Well, it's really a function of the number of drive-in lanes that you have and your square footage such that you can mix and match with the numbers.

MR. ROGERS: Okay.

MR. CHOBAN: And they also have some retail which is generally a little bit higher.

COMMISSIONER HYMAN: How does staff feel about the retail, the limited retail that they're asking for?

I know you're recommending approval, but you don't have any problem with that?

MS. RECHENMACHER: With the access point?

COMMISSIONER HYMAN: No.

CHAIRMAN BARBIERI: No, with the --

MS. RECHENMACHER: Oh, the retail use.

COMMISSIONER HYMAN: The limited retail use.

MS. RECHENMACHER: No, it's really not retail. It's considered personal services.

COMMISSIONER HYMAN: Personal services.

MS. RECHENMACHER: It's a little bit different in the Code. It's more like they said, beauty salons --

COMMISSIONER HYMAN: More like neighborhood use.

MS. RECHENMACHER: -- tanning salons, that type of a thing.

COMMISSIONER HYMAN: Right. Okay.

MR. PERRY: That --

MS. RECHENMACHER: No, it's a permitted use.

MR. PERRY: That's a point that I wanted to make 'cause this really isn't -- I mean the comment's being made --

COMMISSIONER HYMAN: They're not retail.

MR. PERRY: -- but this really is not retail.

Some of it -- depending on the tenant you get, they might have some limited retail accessories, but this is not retail.

COMMISSIONER HYMAN: So -- and the uses are specified as to which ones would be permitted? It's that limited --

MS. RECHENMACHER: Personal -- personal services is permitted in the commercial low MUPDs.

COMMISSIONER HYMAN: So as a matter of right they really have --

MS. RECHENMACHER: Actually -- yeah, all those items that Marty put up there, those would all be permitted uses, but personal --

COMMISSIONER HYMAN: And Marty --

MS. RECHENMACHER: -- services is a separate classification in the Code.

COMMISSIONER HYMAN: And have we limited it to eliminate the ones he's crossed off in red,

or are those --

MR. PERRY: And we're agreeable to doing that.

COMMISSIONER HYMAN: You're agreeable to limit --

MR. PERRY: Yeah.

COMMISSIONER HYMAN: -- restricting it to the ones that are not crossed off?

MR. PERRY: Yes.

COMMISSIONER HYMAN: Well --

VICE CHAIRMAN ANDERSON: What about reducing the -- increasing the medical slightly and reducing the personal services slightly? Would that be a possibility?

MR. PERRY: I couldn't hear you, Bill.

VICE CHAIRMAN ANDERSON: If -- right now you have 12,000 square feet of personal services and 6,000 square feet of medical. Could we rebalance that to some degree?

MR. PERRY: We -- we can do a lot of things. We would prefer not to.

I mean if in fact, you know, we had someone that came in that wanted 12,000 square feet of medical, we'd grab it in a heartbeat.

VICE CHAIRMAN ANDERSON: I understand.

MR. PERRY: That's not the issue. We're just looking for a little flexibility, and it's only 6,000 feet of flexibility, and keep in mind, I mean what's important here is that we're less than 50 percent of what we could do.

VICE CHAIRMAN ANDERSON: I understand.

MR. PERRY: And I just do have one more comment, and that deals with moving the buildings back.

I mean this is the first look we got at ANSCA's site plan, and our site planner's taken a look at it.

And moving that bank building north presents traffic conflicts with the other bank building. It just really creates problems.

So that's going to -- that's going to cause some conflicts. If it was a matter of them finding a way to move the office building, I suppose we could work with that, but that was part of the concept that Carrie's commented on, is to get the two-story building as far away from the residential as possible.

You know, it's just -- it's not that simple, and I don't think that what we're asking for is intense at all.

MS. RECHENMACHER: We could --

COMMISSIONER HYMAN: Okay. I -- anybody else?

CHAIRMAN BARBIERI: Anybody else have any comments?

COMMISSIONER BRUMFIELD: Staff's feelings with regard to the second bank, that's on the north side of the building.

MS. RECHENMACHER: Actually, Sherry Hyman put it very well that we really don't evaluate the types of uses. It's -- if it's something that the applicant considered appropriate and he has a

client already ready to fill in those spaces, that's his determination. It meets the ULDC as far as our standards are concerned, and buffering, foundation planting, that's all that we really look at, I mean -- traffic.

The only thing that I might suggest is that we could do a condition -- it's somewhat difficult to monitor, but we could do a condition listing those services limiting to the 6,000 square feet medical office and 6,000 square feet for these other items that he's asking.

COMMISSIONER HYMAN: I would suggest that.

MS. RECHENMACHER: Personal services, he's got a government services, printing, copying.

Well, he already has the medical and dental. I guess laundry services.

So limiting to 6,000 square feet to personal services, printing and copying and government services and laundry services, and the other 6,000 would be for medical and dental offices.

MR. PERRY: Which is what I would suggest -- and we don't have a problem with that.

What I would suggest is that the 6,000 feet of personal services be 6,000 feet of personal services or medical offices --

COMMISSIONER HYMAN: Oh, absolutely.

MR. PERRY: -- because if we get a 12,000 square foot medical tenant --

COMMISSIONER HYMAN: Right.

MR. PERRY: -- we're done.

MS. RECHENMACHER: That's fine.

COMMISSIONER HYMAN: Yeah, I don't have a problem with that.

MS. RECHENMACHER: Okay.

CHAIRMAN BARBIERI: All right. Anybody else?

COMMISSIONER HYMAN: Well, I'm going to -- don't throw anything at me.

I'm going to move approval of PDD2006-1675 --

AUDIENCE: No.

CHAIRMAN BARBIERI: Please, ladies and gentlemen.

COMMISSIONER HYMAN: -- to recommend approval of the official zoning map amendment from the Agricultural Zoning to the Multiple Use Planned Development Zoning District.

CHAIRMAN BARBIERI: We have a motion by Commissioner Hyman.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Seconded by Commissioner Dufresne.

Discussion?

VICE CHAIRMAN ANDERSON: Subject to the -- adding the --

COMMISSIONER HYMAN: I'll get to that.

VICE CHAIRMAN ANDERSON: Okay.

CHAIRMAN BARBIERI: Do that on the next one.

COMMISSIONER HYMAN: I guess.

CHAIRMAN BARBIERI: Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

COMMISSIONERS: (No response)

COMMISSIONER HYMAN: I'm going to do the second one.

CHAIRMAN BARBIERI: Motion carries, 7-0.

MR. PERRY: Thank you.

COMMISSIONER HYMAN: Wait, I'm not finished.

I'm going to recommend approval of the requested use to allow the financial institutions with the drive-through lanes, subject to all the conditions and also subject specifically to the -- all buildings have similar architectural treatments to the adjacent ANSCA building.

MS. KWOK: Right.

COMMISSIONER HYMAN: Looking at pushing the building back a little bit from the corner, not pushing the northern building back, not making that go any further north, but pushing the front buildings back as best you can to be -- to go in alignment with the ANSCA building.

CHAIRMAN BARBIERI: If possible.

COMMISSIONER HYMAN: Restricting the retail uses -- not the retail, restricting the personal services uses to no more than 6,000 square feet, but also that they could be medical.

We didn't address this northern entrance.

Staff, you want that northern entrance?

The neighbors said they didn't want the northern entrance.

MR. VAN HORN: I can address that. For the record, Bryce Van Horn, with the Planning Division.

The western site, the ANSCA site, was approved, site planned and conditioned for those two cross access points.

Those cross access points have already been constructed, paved to the property line.

So with this application we've required that this site connect to those two cross access points.

COMMISSIONER HYMAN: Okay. So we would leave -- we would leave that in as it is.

VICE CHAIRMAN ANDERSON: I just -- can I make a comment?

CHAIRMAN BARBIERI: I have a question, too.

They were concerned, and I kind of feel the same way. I mean that could become a shortcut, couldn't it, to bypass the intersection?

People will cut down that driveway to go around the building.

And, secondly, do they have a medical office in the ANSCA building where there are people in wheelchairs that go -- is it possible that -- I mean unless you have a real valid reason to keep that connection, I see some definite disadvantages of having it there.

MR. VAN HORN: Well, the northern -- are

you saying that the northern connection would, in essence, allow access through the ANSCA site --

CHAIRMAN BARBIERI: Right.

MR. VAN HORN: -- to cut the corner?

CHAIRMAN BARBIERI: Correct.

MR. VAN HORN: It's a possibility they could cut through this site, also.

COMMISSIONER HYMAN: But don't we want them to do that? Don't we want the cross access?

CHAIRMAN BARBIERI: No, no. What we're -- what they're saying --

MR. VAN HORN: But I think --

CHAIRMAN BARBIERI: -- is they come off of here, and they go out here -- they come here and go out here (indicating).

It's a -- they don't have to wait for all the traffic at the intersection. They can bypass it by cutting through the back.

MR. VAN HORN: They could potentially put in some mitigation measures to --

UNIDENTIFIED SPEAKER: Mitigation measures.

MR. VAN HORN: Right, to address your concerns and to discourage people from accessing the site to, in essence, cut the corner. Speed bumps are a possibility.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Just looking at the site plan and referring to the back gate, if I was driving down Hagen Ranch going south, and I wanted to -- let's say the traffic was backing up and I wanted to cut through, and I turned in, and as I'm going west, there's that 90-degree turn.

I would -- and then there's a straight shot to the other entrance or to the other cross access.

I don't see, even if people are -- the few number of people that are going to try to cut through this site, they would just go down the site that's on this proposed plan.

They wouldn't stop then and then make a right-hand turn to then go through a more dense parking lot. This is more of a straight access.

So although I agree with the concept of trying to, you know, limit cross access and people cutting through, I don't think closing that gate is really going to eliminate anybody trying to cut through the property.

So I don't really see the need to close that gate. I don't think it would really make that much difference.

But I would see the need to maybe on that long strip if they could put some kind of slowing down traffic -- yes.

COMMISSIONER DUFRESNE: Well, I'd like to weigh in with my two cents about these cross accesses.

COMMISSIONER HYMAN: Someone make like a second to my motion, do this under discussion.

CHAIRMAN BARBIERI: Are you done -- are you done with your motion?

COMMISSIONER DUFRESNE: Okay. I'll

second. I'll second your motion.

CHAIRMAN BARBIERI: You were still in the process of --

COMMISSIONER HYMAN: Oh.

CHAIRMAN BARBIERI: -- drafting it.

COMMISSIONER HYMAN: I was -- yeah, I really was.

COMMISSIONER DUFRESNE: Yes, I think you were, yeah.

COMMISSIONER HYMAN: Okay. I'll leave it open.

COMMISSIONER DUFRESNE: All right. If we're going to address these interconnectivity on the inside of the sites, I would prefer to see one central interconnectivity --

VICE CHAIRMAN ANDERSON: But it's already located on the other site.

COMMISSIONER DUFRESNE: Well, but that's pavement and landscaping.

But from a traffic standpoint to turn off of Boynton Beach Boulevard and have that interconnectivity with ANSCA right there causes me concern with traffic being backed up, people trying to turn, figure out which way to go to get to the bank.

I'd rather see something more central in the property line.

I don't know how that ties in with ANSCA's site plan, actually, but if I were to weigh in, that's what I would ask for, but --

COMMISSIONER BRUMFIELD: Would you repeat the --

CHAIRMAN BARBIERI: Commissioner Brumfield, did you have something?

COMMISSIONER BRUMFIELD: I was -- I wanted him to repeat himself. I didn't quite understand.

CHAIRMAN BARBIERI: I think -- I think what he's asking for is a connection in here in the middle --

COMMISSIONER DUFRESNE: Right.

CHAIRMAN BARBIERI: -- rather than entrance here and entrance here (indicating). It's actually putting it -- the entrance -- the cross connection between the two properties somewhere in the middle of ANSCA's building --

COMMISSIONER DUFRESNE: Right.

CHAIRMAN BARBIERI: -- in the middle of the property, rather than --

COMMISSIONER DUFRESNE: Rather than one at the bottom and one at the top, I'd rather see, even if it's a larger one in the middle, so that people aren't turning off of Boynton Beach Boulevard and then hanging -- having to hang a left or people coming out trying to get out there. I'd rather see them more centrally located, if possible, and that would also tend to cut down on the cut-through.

COMMISSIONER HYMAN: That's the only one?

CHAIRMAN BARBIERI: Yes, Mr. Rogers.

MR. ROGERS: Under the premise of no good idea and no good deed goes unpunished, had the ANSCA site been redesigned to accommodate that,

that would be an excellent idea.

However, what we have is that in order to do that the vehicles would have to then drive through an actual parking aisle that's in the ANSCA parking lot, which we were trying to avoid that, and that's why that was -- when this was done over 10 years ago, that's why those access points were put in those locations.

CHAIRMAN BARBIERI: Okay.

MR. ROGERS: So, yes, there is a benefit to it, but there's also a definite drawback, and we feel that that drawback is significant.

COMMISSIONER DUFRESNE: Outweighed by the others. I agree.

COMMISSIONER HYMAN: So the only access points are the one on Boynton Beach Boulevard and then the one on the north side of the project?

COMMISSIONER DUFRESNE: And then you'll have these internally.

COMMISSIONER HYMAN: Then the cross access.

COMMISSIONER DUFRESNE: Right.

COMMISSIONER HYMAN: And what you -- I think you were saying is can you put the -- move the --

COMMISSIONER DUFRESNE: No, no, talking about this, rather than two cross accesses --

COMMISSIONER HYMAN: Why isn't the access like in the middle of the property? Would that -- that wouldn't help any either; right?

MR. ROGERS: The access along Hagen Ranch, in order to get the access as far away from the intersection to give vehicles that wish to turn left to go eastbound on Boynton Beach Boulevard as much opportunity to merge into the traffic and get into that --

COMMISSIONER HYMAN: Right.

MR. ROGERS: -- turn lane as possible.

COMMISSIONER HYMAN: And if you actually moved it closer, you'd probably have more people cutting the corner.

MR. ROGERS: It would be a much more difficult and dangerous movement, that's correct.

COMMISSIONER HYMAN: Okay. So my motion is to leave that accessway as it is. That's my motion.

COMMISSIONER DUFRESNE: Second.

COMMISSIONER HYMAN: With all the other stuff.

CHAIRMAN BARBIERI: Okay. We have a motion by **Commissioner Hyman**, seconded by Commissioner Dufresne.

Is there any discussion on that motion?
(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

COMMISSIONERS: (No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. KWOK: Okay. The next item is Item No. 15 --

COMMISSIONER FEAMAN: Mr. Chairman, I --

I've got to leave. Okay. I have an appointment I can't --

MR. PERRY: Thank you.

COMMISSIONER FEAMAN: -- I can't change.

CHAIRMAN BARBIERI: Okay. Commissioner --

COMMISSIONER HYMAN: What's his name.

CHAIRMAN BARBIERI: -- Feaman, Commissioner Feaman is leaving, and Commissioner Armitage will be serving as the voting commissioner in his absence.

Ladies and gentlemen, if you could keep it quiet on your exit, we'd appreciate it so we can continue with our business.

COMMISSIONER HYMAN: Okay. Let's go.

CHAIRMAN BARBIERI: Ladies and gentlemen, please keep quiet. We're trying to conduct business here. Thank you.

MS. KWOK: Okay.

CHAIRMAN BARBIERI: Go ahead.

MS. KWOK: This would bring us to Item No. 15, 2006-022, Colonial Lakes.

This project's been postponed couple of times, and Anthony Wint is going to give us an update on this project.

MR. WINT: Good afternoon, Commissioners.

Anthony Wint, Planner II, for the record.

This item, as Maryann said, was postponed from the August 2nd, 2007, Zoning Commission hearing.

Staff was directed to coordinate a meeting between the applicant and the City of Greenacres, Mr. Lanahan, which occurred on August 15th, 2007.

Present were Wendy Hernandez, myself, Christian Ballesteros, who's the architect for the applicant, and planning and engineering director for the City of Greenacres, Tom Lanahan.

Mr. Ballesteros wanted to add more green space by providing additional foundation planting.

He wanted to add balconies to improve the building exterior and allow the columns to arch out to give better appeal.

Staff proposed Condition No. 6 which addressed additional foundation planting and green space as well.

Mr. Lanahan appreciated the efforts of Mr. Ballesteros and staff, and at that point on August 24th, 2007, the applicant submitted a revised site plan showing the changes that were discussed at the August 15th meeting.

The applicant is here, and he can

elaborate on the changes that were made to the site plan if there are no questions for staff.

Before I turn it over to the applicant, I would like to point out that there were conditions that were amended.

Architectural Review No. 1, which can be found on the add/delete sheet and which addresses the height restriction of no more than 35 feet.

And so if there are no questions from this panel, I would like to turn it over to the applicant.

MR. WORSHAM: Good morning. It's been a long morning. I'm tired, and I've just been watching.

Lee Worsham, with Ruden, McClosky. I'm pinch hitting for Kim.

I'm waiting for this thing to come up, if you'll just bear with me for a second, so we can get the slides on.

COMMISSIONER HYMAN: Lee, remind us, this is really the same developer that the other project they were objecting to, right, the same principal? Was it Biba (ph) or --

MR. WORSHAM: No. Oh, no. This is -- this is Colonial Lakes, LLC. It's not -- it's not that developer.

COMMISSIONER HYMAN: Not that developer at all?

MR. WORSHAM: Different developer.

COMMISSIONER HYMAN: Okay.

MR. WORSHAM: I need to come into the 20th century.

COMMISSIONER HYMAN: Where's Kim when you need her?

MR. WORSHAM: Yeah, where's Kim.

CHAIRMAN BARBIERI: Can you do it like we used to do it back in the 80s without your computer?

MR. WORSHAM: No, it's coming up. Thank you.

MR. Mac GILLIS: While we're waiting for him, we can refer you to Page 235 and 236 with the revised elevations.

At the last meeting there was concerns when the elevations were projected by the applicant that because these buildings are raised off the ground and have the under -- the parking under the buildings, that there was a -- concerns by the Board for the lack of foundation plantings and just the overall appearance of the building.

And as Anthony indicated, the applicant, when he met with staff, came back and try to treat the building differently by adding some balconies to it. I think you can see that on the elevations.

And the columns that are on the first floor holding up the building there, they expanded those columns to widen them and make them more architecturally appealing with the massing and the bulk of the building. Before, they were just thin columns and tended to look like they were just stem walls.

So adding that bulk there and plus the foundation planting is their attempt to try and address the Board's concern.

MR. WORSHAM: Okay. This is Colonial Lakes. Our climate -- our client is Colonial Lakes, LLC.

This has been a long process. It's been about two plus years. We initially started out talking to the City of Greenacres and coordinated with them, got their wishes, and we went in with a straight development, multi-family, and then it was suggested by the County that we should do workforce housing.

So we went back to the drawing board. We've been in front of the DRO approximately 12 times, and now we're here. Hopefully, this is the final stretch.

The issues that we faced last time, and the reason that you sent us back to the drawing board, was essentially because of the elevations, because of the design, and those have been addressed. Let me just go through it real quickly.

These are the renderings that were presented previously, last month, site plan -- okay.

Mr. Ballesteros, I think, will run you through the revised renderings.

MR. BALLESTEROS: Okay. Christian Ballesteros, from CBR Group, Architects.

Basically, the site plan on this project had almost no perceivable change. There was only a small change on the column configuration on the buildings to be able to enhance its mass and make it more appealing on the first floor.

As you can see, there were also added some additional elements in between the columns so that they are perceived as more massive and more in proportion to the upper part of the building that -- where the apartments are designed.

The other concern of the -- of the comments were the foundation planting, which has been enhanced a good amount. The prior rendering -- how can I go back on this? Oh, I see. Okay.

We can see it on -- okay. Yeah, let's go back another shot. There you go.

If you see these are the prior rendering.

It was not showing basically any foundation planting at all. That was not exactly the intention of the design when we started. That was shown on this rendering rather as a mistake of the drawing.

But on the new rendering is more appreciative of the -- that's the old renderings we're going through.

On this one you'll notice on the one that you will see next that we did take out the gate, which was another concern, because the project has been asked by staff to be an open project, and you'll see that the landscaping has also been enhanced a great deal.

You see here the foundation planting has been enhanced, and in fact it could even take lush landscaping if that is the -- it probably will be reflected on the landscaping plan when it goes for approval.

This is the other rendering that you just saw where you can see that the gates were taken out, and that the planting extends throughout the project, and it frames the sidewalks.

We also enhanced the elevations with a little bit more embellishment on the elevations to make it more attractive, and most of these changes were basically the result of the meeting that Anthony Wint was kind enough to put together for us with Tom Lanahan of the City of Greenacres.

And out of that meeting I believe that the City of Greenacres was satisfied, at least on this one concern.

MR. WORSHAM: This is Lee Worsham again.

I want to point out just a couple of things.

The staff has made additional recommendations, two changes, one of which is landscaping, additional enhancements, and that's something we don't really have any problem with.

The other recommendation was to reduce the height of the buildings from 39 to 35 feet.

The problem that we have with that -- well, first of all, we started out with three stories over the parking, and so we took out one story, went down to 42 feet, and then as a result of some concerns went down to 39 feet, but if we go down any further, because of fire safety, life safety concerns, being able to get under the buildings with equipment, it's going to have to come out of the roof, and if you can see, the roof is low enough.

There's no other -- there's no other place to take the additional height out of. So we do object to that recommendation of condition going down to 35 feet, and we feel that 39 is the appropriate aesthetic to keep the buildings looking as nice as they do.

CHAIRMAN BARBIERI: Commissioner Hyman, you have a question?

COMMISSIONER HYMAN: Oh, go ahead.

COMMISSIONER DUFRESNE: I have a question. What you have in here, 59 units -- I'm sorry, let me get the workforce housing units.

What is the square footage of those workforce housing units?

MR. BALLESTEROS: I think we have -- we have a combination that fluctuates between the 1200 and 1600 square feet.

I think we may have one unit that may be smaller, but under -- I think it was on the 1100 square feet, the smallest unit, I believe.

COMMISSIONER DUFRESNE: That would qualify for workforce housing?

MR. BALLESTEROS: Yes, sir.

COMMISSIONER DUFRESNE: Okay. Thank you.

CHAIRMAN BARBIERI: Commissioner Hyman.

COMMISSIONER HYMAN: Surrounding this property is what? Is it single family, a single story? What is it?

MR. BALLESTEROS: You have a trailer park --

COMMISSIONER HYMAN: On which --

MR. BALLESTEROS: -- on the west side, and you have single family homes on the east side right across the street.

COMMISSIONER HYMAN: There's trailers on the west side, and on the east side are what?

MR. BALLESTEROS: Single family homes.

COMMISSIONER HYMAN: Single family homes.

MR. BALLESTEROS: Yeah.

MR. WORSHAM: It's zoned multi-family, but they're all single family residences there.

COMMISSIONER HYMAN: Okay.

MR. WORSHAM: And then immediately to the east and fronting the street is a drugstore. So there is commercial adjoining it to the east.

COMMISSIONER HYMAN: And across Lake Worth Road is single family?

MR. WORSHAM: Pawn shop. It's commercial.

COMMISSIONER HYMAN: Okay.

MR. WORSHAM: Yeah, a pawn shop. It's -- it's commercial right across the street.

COMMISSIONER HYMAN: Okay. All right. I think you did a better job with the elevations, and we appreciate that.

I do think you have to beef up the foundation planting because those little bushes, they'll be trampled on. So I don't think those should satisfy the landscaping requirements. Maybe you can -- may need bigger bushes and trees and things like that.

MR. WORSHAM: No problem.

MR. Mac GILLIS: I think we'll recommend that they also, in addition to the hedge materials they're showing, wherever it's appropriate where those landscape areas are that they also install 10 to 12-foot small flowering shade trees.

COMMISSIONER HYMAN: Nice.

MR. Mac GILLIS: That'll accent the buildings, as well as give some shade to that --

COMMISSIONER HYMAN: Right.

MR. Mac GILLIS: -- sidewalk.

COMMISSIONER HYMAN: And I'm not quite sure why you put the parking under the building, but that's -- that was your design so I don't want to question that, but it does, of course, hike the building up substantially, and if everything around you is pretty low, the height is a concern.

So I wouldn't want to see you -- you're at what, 39 feet now?

MR. WORSHAM: Thirty-nine.

COMMISSIONER HYMAN: You know, you don't want the flat roof, although I live in a flat roof house, have nothing against flat roofs, but I don't think you want flat roofs here, but, you know, I also think you need to bring down the height of the building.

How high are the ceilings in these

apartments?

MR. BALLESTEROS: Nine feet.

COMMISSIONER HYMAN: So I mean that's -- you're not going to go any lower than that.

MR. BALLESTEROS: No.

COMMISSIONER HYMAN: So you're saying that the underground -- that the -- that the surface parking under the building is as low as you could possibly get it for the safety vehicles?

MR. BALLESTEROS: Yes, in fact, that was one of the comments of the City of Greenacres because it seems like they're going to service with the fire vehicles this project at one time, and they required that they have a 40-foot ladder truck, and the minimum height for it I believe is 15, 16 feet.

COMMISSIONER HYMAN: Why would they have to go under the building? Why couldn't they just service the building outside like they do any other building?

MR. BALLESTEROS: Because --

COMMISSIONER HYMAN: I mean you don't usually go under -- yeah.

MR. BALLESTEROS: To be able -- to be able --

COMMISSIONER HYMAN: You don't park under a burning building.

MR. BALLESTEROS: If we go back to right there --

COMMISSIONER HYMAN: That was Don's comment. Very good.

MR. BALLESTEROS: Okay. Just right there.

If you see the circulation of around the buildings, the building is cantilevering over the driveway, and, therefore, at in one instance, you know, the truck would need to go underneath the building to be able to go around the buildings.

So we needed to provide that minimum height clearance for them. If you --

COMMISSIONER HYMAN: Just in that one area?

MR. BALLESTEROS: In all the buildings. I'm sorry.

COMMISSIONER HYMAN: But just in that one overhang area of the buildings?

MR. BALLESTEROS: Yeah, in the overhang area of the buildings, which is on both sides of the building.

If you see, the driveway enters underneath the building, goes around at the bottom and goes back out to the main driveway.

COMMISSIONER HYMAN: Just -- listen, I don't want to do just what Allen said, you know, I don't want to micromanage. I think he's right. We shouldn't be doing that.

But doesn't it look a little strange to have the building so high up in the air?

MR. Mac GILLIS: Commissioner, we went back and forth with this with the City of Greenacres, Tom Lanahan.

We -- I had two meetings with him, and County staff brought it up. We ran it by the Fire

Department.

The County's Fire Department said the way they originally designed it, being lower, met the County standards, but in an effort of cooperation with the City of Greenacres who potentially is going to be servicing this for fire, that was one of the items that we tried to work out with them, and they agreed, the architect to raise the building a bit to ensure that there was no areas wherever their trucks couldn't fit under when they were maneuvering through the parking lot, so --

COMMISSIONER HYMAN: And how --

COMMISSIONER DUFRESNE: I have to say I think that's ridiculous because they have too tall equipment, we have to adjust an entire building. I mean that's crazy, and we don't even know if they're going to be servicing.

Why wouldn't Palm Beach County service Palm Beach County residents?

By the look on this gentleman's face --

MR. Mac GILLIS: I mean this is in the future --

COMMISSIONER DUFRESNE: -- I assume he's from the City that --

MR. LANAHAN: Yeah, I am.

COMMISSIONER DUFRESNE: Yes, he is, Greenacres.

MR. Mac GILLIS: I didn't realize he was here.

MR. LANAHAN: Whenever you'd like I'm happy to answer those questions.

COMMISSIONER DUFRESNE: And the -- and then I think the -- it just puts it more even -- I think it's out of whack for the neighbor, surrounding neighborhood, anyway, and now you're adding more height to it.

COMMISSIONER BRUMFIELD: And the other --

COMMISSIONER DUFRESNE: Buy new equipment.

CHAIRMAN BARBIERI: Commissioner Brumfield.

COMMISSIONER BRUMFIELD: The other thing is that I didn't know what the roadway was that was behind the buildings. Why wouldn't that be an access to the back of the building, negating the need to travel underneath the structure?

I think the previous slide shows that there's a long road that shows where you can access the place where they're saying they need to get to by traveling under the building.

COMMISSIONER HYMAN: Like any other project.

CHAIRMAN BARBIERI: Would you like to state your name and --

COMMISSIONER HYMAN: Can I ask staff one question, though, before we go to --

CHAIRMAN BARBIERI: Yeah.

COMMISSIONER HYMAN: How low could the building be under the County standards? I mean how high would the building have been if we did it to County standards?

Instead of being 39 feet the comparable building would have been what?

MR. Mac GILLIS: I'd have to ask the architect.

What was the elevation you originally had before we requested that it be modified?

MR. BALLESTEROS: Originally it was four stories high.

MR. Mac GILLIS: No, but I mean the first --

COMMISSIONER HYMAN: Forget the four stories.

MR. BALLESTEROS: Then we took the -- the first one out -- I mean the top floor out to be able to accommodate even a lower height.

COMMISSIONER HYMAN: Right, but what we're asking, if you only had to go as high as the County required for the underground parking, how high would the building be with the two stories?

MR. BALLESTEROS: Oh, you could probably cut down to a couple feet, four feet, probably, to still have a clearance underneath for not fire trucks, but ambulances.

VICE CHAIRMAN ANDERSON: What is the clearance now underneath the building?

MR. BALLESTEROS: I believe it's 17 feet, if I'm not mistaken.

COMMISSIONER HYMAN: Seventeen feet?

MR. Mac GILLIS: We might have something in the file 'cause we did run this by fire --

CHAIRMAN BARBIERI: But would you have to get an ambulance under a building? I mean if it was a regular building, you would park in front of the door and go in and get somebody. Why would you have to park under the building to get --

MR. BALLESTEROS: I suppose it's because the proximity to the access of the elevator and the stairs, particularly the elevator, most likely.

MR. LANAHAN: They're in the middle.

COMMISSIONER HYMAN: I mean what do they do in other buildings, in other multistory buildings?

COMMISSIONER DUFRESNE: Yeah, what do you do in a six-story apartment building that's only got one main entrance like in downtown?

COMMISSIONER HYMAN: Or in a high rise? What do you do in a high rise?

CHAIRMAN BARBIERI: Now you're on.

MR. LANAHAN: Whenever you are. Okay.

Hello again. My name is Thomas Lanahan. I'm the planning and engineering director for the City of Greenacres.

A couple of questions have been raised about fire access to the buildings.

First of all, the reason why we have direct concern about fire access is a couple of years ago the Board of County Commissioners adopted a countywide level of service standard for fire/rescue. In the course of implementing that they are requiring cities to either go on the county system, dramatically increase their staffing or partner with them.

The partnership agreement that we're

discussing with the County is going to place certain areas that are immediately adjacent to Greenacres and are either enclaves or pockets into our service area for fire/rescue, and this happens to be one of the properties.

Greenacres is north, west, east and south of this property. So it is more efficient for Greenacres to provide that service there, and that's part of that partnering agreement, which has not been finalized yet, but it is in negotiation between our -- I'm sorry to leave you out -- between our Fire Department and the County.

So that's the -- that's why Greenacres might be providing service on this site in the future.

COMMISSIONER DUFRESNE: But --

MR. LANAHAH: Second, addressing --

COMMISSIONER DUFRESNE: Let me stop you right there.

But you don't have an agreement yet. We -- you might get an agreement that might include this property. Are you with me so far?

MR. LANAHAH: Yes, and if you'd like, I can discuss why anyone with the Fire Department would be concerned about what was proposed here.

NFPA requires that a dead end of greater than 150 feet be provided with a turnaround.

COMMISSIONER DUFRESNE: What I'm concerned about --

MR. LANAHAH: The first drive is more than 150 feet from the south property line so you have to go under the building to turn around to meet FPA.

COMMISSIONER DUFRESNE: What I'm concerned about is why did it meet the County standard but is not meeting Greenacres' standard?

MR. LANAHAH: That's an excellent question, and I don't know.

COMMISSIONER DUFRESNE: Okay.

MR. BALLESTEROS: If I may --

MR. LANAHAH: Evidently they interpret it differently.

COMMISSIONER DUFRESNE: And we're not here sitting as the City of Greenacres.

MR. BALLESTEROS: If I may say something.

I believe is because the truck that was described as the basis for the analysis of clearance is a 40-foot ladder truck, which is rather unique, I would say, 'cause we've done projects in many other cities, and they don't have such a big size equipment for -- I suppose would be high rises or something like that, yeah.

We also did a traffic study so that the truck can circulate throughout the property and be able to do the turns and Ls without problems.

MR. LANAHAH: The -- if you have a turnaround -- NFPA that I'm referring to is National Fire Protection Association standards.

If you have a turnaround, you have to have at least 14 feet of clearance. So the length of the truck is not material to the clearance need under the building. That's number one.

Number two, the -- all the access to this building for the people that live there is in the very center of the building where the elevator tower is. So naturally you want to try to get that ambulance as close as you can to the building so -- to the access point. So that would be pulling under the building, also.

So those are the two concerns that are driving that, and taking one step back, looking at the bigger picture, the question was asked why is there parking under the building. What's driving that is the density.

There are 14.63 units an acre on this project. Every unit has a certain parking requirement. When you reach a certain amount of parking, the only place to put it is under the building footprint; otherwise, there's not enough space left for parking.

VICE CHAIRMAN ANDERSON: You mentioned --

MR. LANAHAAN: That's also what's driving that ground floor height.

VICE CHAIRMAN ANDERSON: You mentioned 14 feet needed clearance --

MR. LANAHAAN: Yes.

VICE CHAIRMAN ANDERSON: -- and you mentioned 17 feet.

MR. WORSHAM: It's actually -- we checked.

It's 16.6.

VICE CHAIRMAN ANDERSON: Okay. Can we drop it a foot or so?

MR. BALLESTEROS: We could, but I believe that size truck will not get underneath it. The 14 feet are for ambulances, not for fire trucks.

MR. LANAHAAN: No, that's not -- with all due respect, 14½ feet, to be precise, 14½ feet is the minimum that's required.

Any apparatus that can go down the freeway has to clear 14 feet. That's the interstate highway system standard. So 14½ feet is plenty for us. Usually you do the extra half, six inches, just in case you have any grading issues under the building, but 14½ or 14 would be fine.

VICE CHAIRMAN ANDERSON: Fifteen.

COMMISSIONER HYMAN: So what are you --

MR. LANAHAAN: We don't need 17.

COMMISSIONER HYMAN: What are they at, 17?

CHAIRMAN BARBIERI: Yes.

COMMISSIONER HYMAN: You're at 17 -- so what, let's bring it down to 14½.

MR. LANAHAAN: Yeah, I'm surprised as you are that they have 17 feet.

COMMISSIONER HYMAN: Oh, really?

MR. WORSHAM: Okay. It's emergency vehicle clearance, 15. I'm sorry. It was --

MR. LANAHAAN: Okay.

MR. WORSHAM: -- 16½ to the top of the first floor slab, so it's -- it is 15 feet, emergency vehicle clearance.

MR. LANAHAAN: So there we go.

COMMISSIONER DUFRESNE: You could be good neighbors.

MR. ROGERS: Mr. Chair.

CHAIRMAN BARBIERI: Yes, sir.

MR. ROGERS: I believe the confusion was we were -- members of the Commission were thinking about clearance, and the information they gave you was the elevation of the first floor above ground.

It has to be a certain amount of the depth of the floor and the depth of the concrete span that's going to have to be built there over this, and so they're giving you -- they said a 15-foot clearance, but there's another couple of feet in the actual floor area before you get the floor area.

CHAIRMAN BARBIERI: Right.

MR. ROGERS: So they may be able to shave six inches off of it, but they're basically right at where they're supposed to be.

CHAIRMAN BARBIERI: Okay. All right. We have to do what we have to do. I mean got to be able to get a fire truck down there.

COMMISSIONER HYMAN: The staff --

COMMISSIONER DUFRESNE: Oh, no, I don't have a problem with that.

COMMISSIONER HYMAN: So, staff, you said -- one of your conditions is to reduce the height to what, 34?

MS. KWOK: Thirty-five.

COMMISSIONER HYMAN: How are you going to do that?

MR. WINT: Thirty-nine feet.

MS. KWOK: Thirty-five.

COMMISSIONER HYMAN: Thirty what?

MS. KWOK: Thirty-five.

MR. WINT: Thirty-five feet.

COMMISSIONER HYMAN: Thirty-five, and they're at 39.

MR. WINT: Yes.

COMMISSIONER HYMAN: Where are they going to get the four feet?

MR. BALLESTEROS: From the roof.

MR. Mac GILLIS: Roof. I mean the way the roof elevation now is -- measures the midpoint of that roof, so they'd have to reconfigure the roof to get --

CHAIRMAN BARBIERI: What is your elevation? How many feet are you above the top of the building to the peak?

VICE CHAIRMAN ANDERSON: Well, it'd be measured to midpoint.

CHAIRMAN BARBIERI: How do you measure that? I mean if you brought it down four feet, what would you end up with a flat roof, or what kind of pitch would you have?

MR. BALLESTEROS: Most likely, yeah. We wouldn't be able to use tile.

COMMISSIONER HYMAN: It just looks so out of scale. You know, I can't believe they --

VICE CHAIRMAN ANDERSON: Tom, I have a question.

COMMISSIONER DUFRESNE: Do you like this design if it gets incorporated in Greenacres?

COMMISSIONER HYMAN: Staff, you don't like this design.

MR. LANAHAN: I -- and I do appreciate the opportunity to meet with them, and I do thank the Commission for recommending that they look at the architecture further.

The buildings look better than they did, but they're still -- and I'll tell you they gave us revised drawings. We distributed that to our City Council. I was not given any direction to -- different than the direction that I had already been given, basically to oppose this project for -- for the City the big issue is the use.

COMMISSIONER HYMAN: They're opposed to it?

MR. LANAHAN: Is the Lake Worth Road commercial corridor, the commercial frontage, all of that, which I'm not going to belabor the point. We discussed that last month, but that is the -- that's the City's big issue.

Then we get into, you know, access is a major issue, and then we get into what it looks like. It looks better than it did, but what you have is you have an area that is all either single family or single story. There's no two-story trailers next door.

The commercial area is generally low in that area, and you have some pretty tall buildings going in, and so you have a lot of differing things fighting with each other, the need to fit all these -- or the desire to fit all these units, which generates the need for all this parking, which generates parking under the building, which the way they've located it with the circulation and the turnaround generates having to get under the building, which pulls the skirts up, and then we're trying to keep the building height down, so it's getting -- it's getting a little squishy between --

COMMISSIONER HYMAN: I just don't understand --

MR. LANAHAN: -- the bottom and the top.

COMMISSIONER HYMAN: I don't understand why the building has to be hiked up that much, even having heard everything.

I mean if someone, God forbid, needs an ambulance in this building right now, where's the ambulance going? It's on Dixie or Olive, right, ambulance outside?

MR. LANAHAN: But the ambulance is not going to be or the fire apparatus is not going to be required to back up more than 150 feet without turning around.

MR. ROGERS: If you take a look at the site plan, you'll notice that there's no --

MR. LANAHAN: Circulation is the issue.

MR. ROGERS: -- turnaround at the end of this --

COMMISSIONER HYMAN: So that's the issue?

MR. ROGERS: -- entrance road.

MR. LANAHAN: Yes.

VICE CHAIRMAN ANDERSON: Well, couldn't the parking --

MR. ROGERS: And so what --

VICE CHAIRMAN ANDERSON: -- lot be redesigned to accommodate the turnaround?

COMMISSIONER HYMAN: Well, then, it needs a cul-de-sac or something at the end for a turnaround.

MR. ROGERS: What this developer --

COMMISSIONER HYMAN: That's a different issue.

MR. ROGERS: What this developer has decided to do, instead of -- because of the small area in the site and the tightness of it is not to provide a turnaround at the end of the road --

COMMISSIONER HYMAN: Oh.

MR. ROGERS: -- but provide turnarounds underneath the building.

COMMISSIONER HYMAN: Aha ha. Now you made it clear.

MR. ROGERS: Okay.

COMMISSIONER HYMAN: You're so smart.

I was here. Did I miss that?

VICE CHAIRMAN ANDERSON: But couldn't --

MR. CHOBAN: Here's the site plan up on the --

VICE CHAIRMAN ANDERSON: But couldn't that parking lot at the western end of the property --

COMMISSIONER HYMAN: I think you need to fix that.

VICE CHAIRMAN ANDERSON: -- be designed --

MS. KWOK: Right.

VICE CHAIRMAN ANDERSON: -- for the turnaround? Then you'd be within the 150 --

MR. LANAHAH: We have no requirement that we be able to get under each and every building.

The issue driven from us was --

COMMISSIONER DUFRESNE: The turnaround.

MR. LANAHAH: -- turnaround at the south end of the property. The dead end is too long. So --

COMMISSIONER DUFRESNE: You can get in, but you can't get out.

MR. LANAHAH: Yeah. Yeah, exactly, and then --

COMMISSIONER HYMAN: I think you need to fix that.

MR. LANAHAH: -- you know, we want to provide service, but we need to use the trucks somewhere else later.

VICE CHAIRMAN ANDERSON: All they would have to do is redesign that parking lot --

COMMISSIONER HYMAN: Right.

VICE CHAIRMAN ANDERSON: -- to allow --

COMMISSIONER HYMAN: Right.

VICE CHAIRMAN ANDERSON: -- the trucks to be able to turn around, and that -- there's all that green space.

If they had to move that -- one of those center buildings a teeny bit and make one of those parking areas a little wider to handle the truck, we could drop the buildings down four feet and solve --

COMMISSIONER HYMAN: Absolutely.

COMMISSIONER DUFRESNE: I would -- I would

tell you that --

COMMISSIONER HYMAN: I'm sorry we didn't focus --

COMMISSIONER DUFRESNE: -- I'm not crazy about this whole project and this whole design.

I wouldn't mind if you guys came back with something a little less intense and something a little bit more balanced for the neighborhood, something that maybe Greenacres would like a little bit better, too.

VICE CHAIRMAN ANDERSON: As much as the underground parking looks strange, the one advantage is when you have a very intense project, the one thing that happens with intense project, one, you have no -- you end up getting rid of all your green space, which we've seen in some of those projects, and, two, you have no good line of sight.

Although it's a little strange, I'd have to kind of see a project to know if I agree with this, but at least when you're walking around this project, you have a good visual view --

COMMISSIONER DUFRESNE: But -- but, Bill --

VICE CHAIRMAN ANDERSON: -- 'cause you can see through.

COMMISSIONER DUFRESNE: -- I would challenge the premise that we need this intensive development here.

VICE CHAIRMAN ANDERSON: Well, we need workforce projects.

COMMISSIONER DUFRESNE: I mean on that premises, you know, on that premise.

Yes, but I mean I don't know that we need the intensity.

VICE CHAIRMAN ANDERSON: If you change -- if you eliminate the parking underneath, you're going to reduce the intensity, and then you're going to eliminate the ability for them to supply workforce housing.

COMMISSIONER DUFRESNE: No, no, no, no, no.

MR. WINT: That's the problem.

COMMISSIONER DUFRESNE: The workforce housing is -- gives them bonus density.

This is not a workforce housing project, per se. That's where they get their bonus density. So that's -- let's not confuse those issues.

VICE CHAIRMAN ANDERSON: I mean I'd be -- I'd be happy with this if they reconfigure the parking lot to accommodate the turnaround and drop the parking down from the 15 feet to, what, 11 or 12. What would be the --

COMMISSIONER HYMAN: Right.

MR. WINT: Thirty-nine to 35.

VICE CHAIRMAN ANDERSON: What will be a normal height?

MR. Mac GILLIS: Well, we can confirm that with the County's Fire Department and make sure what that number is, whether it's 12 feet or 15 feet.

COMMISSIONER KAPLAN: Mr. Chairman --
COMMISSIONER HYMAN: That's probably not

15.

COMMISSIONER KAPLAN: Mr. Chairman, at this point, very frankly --

CHAIRMAN BARBIERI: Microphone. Allen, microphone.

COMMISSIONER KAPLAN: I'm not satisfied with this project. I'm going to vote, if there's a motion made, to deny this project.

I don't think it's compatible with the area. I think the design area is bad, and I think that under the circumstances I cannot support it as it now stands.

CHAIRMAN BARBIERI: Do we have a second on Commissioner Kaplan's motion?

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Second by Commissioner Dufresne.

Is there any discussion on the motion for denial?

COMMISSIONER HYMAN: I have discussion.

Again, I don't think we're doing our job just to deny it and send it as it is up to the County Commission.

I think that we've just identified some areas that really should be addressed and could make this project acceptable to us, from what I've heard, and also maybe to the County Commission.

So I would like to see the project come back next time with a proper turnaround so that emergency vehicles can go down and turn around and come out, which would then allow the building heights to be lowered, and so we don't have that awkward looking Star Wars type of look in the building.

And then, you know, I think we should evaluate it at that point, but I don't think just denying it -- I don't think just denying it is appropriate.

CHAIRMAN BARBIERI: Microphone, Allen.

COMMISSIONER KAPLAN: Again, I objected last time. I'm objecting again.

This is a -- this is a Commission motion to postpone. I think we are absolutely shirking our duty.

I cannot see why we have to keep on micromanaging all of these applications. You got to stand up to be counted.

Very frankly, I've been wrong before, I'll probably be wrong again, I may be wrong here, but this is why we go to the BCC.

As far as I'm concerned, I see no reason to send this out again and come back again. We've been here the last time, and I strongly oppose, and I went on record, and I'll go on record again, that this Commission should not micromanage.

I supported some of the other postponements because there was a reason for it. I cannot support this motion, if there is one made, for a postpone to micromanage and come back with another plan.

VICE CHAIRMAN ANDERSON: Well, let's -- I have another motion.

Do we want to vote on the motion on the table?

CHAIRMAN BARBIERI: Is there any discussion -- other discussion on this motion first?

COMMISSIONER DUFRESNE: I guess I'd like to have the petitioner weigh in as to postponement versus denial.

CHAIRMAN BARBIERI: What is your choice? Would you rather --

MR. WORSHAM: We prefer postponement.

CHAIRMAN BARBIERI: My question for staff is if it's going to come back next month and they can only lower this building by one foot or two feet, it's still going to be the same building, just two feet lower.

So unless you can tell us that they can go from 15 feet down to eight feet or something, then it doesn't make sense. If nobody likes the design and it's going to come back next month and the only thing that's going to be different, it's going to be two feet lower, does it -- is that really satisfying any of us?

I mean everybody seems to be opposed to how high the buildings are, and I don't know if we're necessarily going to get there.

The parking deck downstairs in this building -- I know that every time I pull in with an SUV I'm worried about -- so I mean certainly how do you get away with building a building -- like a parking deck we have is like six or seven, whatever's down there, seven feet or whatever that is.

I mean can it actually come down that low so we could drop the height of this building down five feet?

VICE CHAIRMAN ANDERSON: Well, I don't see any reason why a parking garage has to be 15 feet. I mean you have --

COMMISSIONER HYMAN: I agree.

VICE CHAIRMAN ANDERSON: You know, the garage in my house, you know, I mean most houses has a seven-foot garage door for most vehicles to go in, so -- but if you have the turnaround, you don't need an ambulance driving into your garage.

COMMISSIONER DUFRESNE: Right, but that still --

VICE CHAIRMAN ANDERSON: Yeah, well, that's --

COMMISSIONER HYMAN: Well, it's a lot of feet.

VICE CHAIRMAN ANDERSON: That's a lot.

COMMISSIONER DUFRESNE: Yeah, well, not -- not if you live next door.

VICE CHAIRMAN ANDERSON: I mean, to me, if they could -- if they could move those two center buildings enough for whatever they have to do to create a turnaround in the parking lot and agree to lower the parking, let's say, five feet or some

number, if they can do that, instead of postponing or denying, I'd move them on --

COMMISSIONER BRUMFIELD: What about the --

VICE CHAIRMAN ANDERSON: -- with just a condition that they have to provide a turnaround and a condition that they drop the buildings five feet through the parking garage.

MR. BALLESTEROS: That would be fine. We would just limit the access of emergency vehicles from underneath the building, and we can --

VICE CHAIRMAN ANDERSON: You don't need that.

MR. BALLESTEROS: -- produce a turnaround.

That's no problem.

VICE CHAIRMAN ANDERSON: I have no problem.

COMMISSIONER BRUMFIELD: I see the representative from City of Greenacres shaking his head in agreement with that.

MR. LANAHAH: I think -- I think if we had our preference of where to turn around, not turning around underneath the building would be our strong preference.

Any time you're pulling the apparatus under the building you're taking the potential risk that the incident you're there for might happen to be in the building over your head.

COMMISSIONER HYMAN: Right.

MR. LANAHAH: So if you can create a scenario where we can turn around at the south end of the property without having to go under the buildings, that's a positive, and reducing the height of these buildings is a positive.

CHAIRMAN BARBIERI: So, petitioner, you're saying that if we moved you forward with a condition that you drop the height of the building five feet and put a turnaround in before you get to BCC, you can do that?

MR. BALLESTEROS: Yes, sir. We can do it.

VICE CHAIRMAN ANDERSON: But -- but I'd like to see it not just -- but keeping the roof elevation the way it is. I don't want you putting a flat roof and then moving on.

COMMISSIONER HYMAN: You know --

MR. BALLESTEROS: No, I don't want to touch the roof, either. We would just work on the height of the parking area.

COMMISSIONER HYMAN: I mean since when do we do that? Since when do we make such a major requirement or a condition and not ask to see what that looks like or, you know, what effect that has on the project?

I don't think that we should be afraid to postpone an item because we have one commissioner that, you know -- and he has a right to object to it, but who objects to the postponements? I mean everyone has a right to their opinion.

VICE CHAIRMAN ANDERSON: No. Well, my opinion is basically that all we're doing is -- everybody wants the buildings dropped five feet.

COMMISSIONER HYMAN: Right.

VICE CHAIRMAN ANDERSON: That's fine,

and --

COMMISSIONER HYMAN: I'd like to see what it looks like.

VICE CHAIRMAN ANDERSON: We can -- okay.

COMMISSIONER DUFRESNE: I'd rather see it.

COMMISSIONER HYMAN: He'd like to see what it looks like.

VICE CHAIRMAN ANDERSON: Okay. Then we'll postpone.

COMMISSIONER HYMAN: The person who made the second.

CHAIRMAN BARBIERI: All right. So we have a motion on the floor for denial.

COMMISSIONER DUFRESNE: Well, I can withdraw my --

COMMISSIONER HYMAN: He's withdrawing his second.

COMMISSIONER DUFRESNE: -- second.

CHAIRMAN BARBIERI: Okay.

COMMISSIONER DUFRESNE: And if **Commissioner Hyman** has made a motion to postpone, I will second that motion.

COMMISSIONER HYMAN: I have to wait 'til the chair announces that the first motion fails.

CHAIRMAN BARBIERI: Do we -- do we have a second on Commissioner Kaplan's motion for denial?
(No response)

CHAIRMAN BARBIERI: All right. That motion fails for --

COMMISSIONER HYMAN: Well, then I move to postpone this item to bring it back, but bring it back with the building down. We're looking at five -- about four or five feet.

We're looking -- we want to see a turnaround so emergency vehicles can turn around outside of the footprint of the building and --

COMMISSIONER DUFRESNE: And one other thing. I seem to recall the last time that that gate was being pushed off the street and into the project more.

MR. CHOBAN: It was being eliminated.

MR. BALLESTEROS: There is -- there is no gate.

COMMISSIONER DUFRESNE: It wasn't -- oh, it was just being eliminated? Okay.

COMMISSIONER HYMAN: And, you know, show the additional landscaping. Let's make sure the elevations are proper and -- so that we don't have to postpone you again. Let's see the whole package.

But I think you understand at least what our concerns are.

MR. BALLESTEROS: I understand.

COMMISSIONER HYMAN: Okay. Thank you.

COMMISSIONER ARMITAGE: Second.

CHAIRMAN BARBIERI: That motion was made by **Commissioner Hyman**, seconded by Commissioner Armitage.

COMMISSIONER KAPLAN: Mr. Chairman, I'm going to -- as a matter of principle I have to oppose this motion to postpone. We postponed it last time to micromanage. We're now postponing it

to micromanage again. It'll be back here, and we probably -- back to try to micromanage it a third time.

It comes time that we've got to let the petitioners know what we want and have them come the first time.

They already micromanaged it last time, and we're back again micromanaging.

I think as a matter of principle this Commission ought to stand on its feet and take a position, and so I cannot support this postponement again.

CHAIRMAN BARBIERI: Any other comments, discussion on the motion?

(No response)

CHAIRMAN BARBIERI: All in favor of the motion for postponement.

COMMISSIONER ARMITAGE: Aye.

COMMISSIONER HYMAN: Aye.

VICE CHAIRMAN ANDERSON: Aye.

COMMISSIONER BRUMFIELD: Aye.

COMMISSIONER DUFRESNE: Aye.

CHAIRMAN BARBIERI: Aye.

Opposed.

COMMISSIONER KAPLAN: Aye.

CHAIRMAN BARBIERI: Commissioner Kaplan.

MR. BALLESTEROS: Thank you.

VICE CHAIRMAN ANDERSON: Thank you.

CHAIRMAN BARBIERI: So you're 30 days

to --

COMMISSIONER HYMAN: See you next month.

MS. KWOK: October 4th.

CHAIRMAN BARBIERI: -- October 4th.

MR. WORSHAM: Thank you.

CHAIRMAN BARBIERI: And we have two short ones to go, so -- they're relatively short?

MS. KWOK: They're denial recommendation for the next two projects.

One is the Kahlert Self-Service Storage Facility, a zoning variance.

CHAIRMAN BARBIERI: All right. I just don't -- you know, I don't want to get -- last time I got chewed out by everybody 'cause we didn't break for lunch. So I just want to make sure everybody's on the same page. We're not breaking for lunch.

We have -- just going to -- if we can get this done by 2:00 o'clock, is staff okay with that?

If anybody has any objections, we'll break

for half an hour.

All right. We're moving on, I guess.

MS. KWOK: Okay. The next item is 16, 2007-725, Kahlert Self-Service Storage Facility.

I would like to introduce Carol Glasser. She's a consultant with the Zoning Division, and this is her first time presenting to the Zoning Commission.

And the recommendation for this project is for denial for a sign.

COMMISSIONER HYMAN: Welcome.

MS. GLASSER: Thank you.

This is application ZV2007-0725 requesting two variances from Article 8, signage, to allow a sign not facing a right-of-way and to increase the size of that sign face area by 60 square feet.

Douglas Robinson's going to pass out or has passed out additional materials that may help you.

The site is adjacent to the Turnpike at the northbound exit ramp to Boynton Beach Boulevard. The sign is proposed perpendicular to the Turnpike, as is customary for highway signs, and it's proposed in addition to existing signs, the west facade facing the Turnpike, on the east facade facing the entrance, and also a billboard sign approximately 90 feet to the south.

In your materials I passed out it reflects that the non-permitted signs have been removed, along with the signs that were non-permitted that were added after the Code Enforcement complaint.

So all the non-permitted signs have been removed.

Staff initially focused also on the perpendicular location as customary; however, consistent with the staff report for the recent Glades Stor-All sign variance request, the applicant can explore other design options; therefore, staff is recommending denial.

I'd like to direct you to Page 261, photos in your staff report, the photos provided by the agent. It shows the west facade approximately 408 linear feet that is facing the Turnpike.

In the middle photo you can see the existing permitted sign uses approximately 72 square feet of the allowed 204 square feet of sign face area on the west facade. It's located at approximately the midpoint of the 408-foot building.

In the bottom photo you can see off to the left that permitted sign. Off to the right you can see the billboard approximately 90 feet south of the west -- the south facade, and the design alternatives that they have is that the 408 linear foot of building allows 204 square feet of sign face area, and they're allowed to put that at any point along their -- including at that southwest corner of the building. It would support the entire proposed 100 square feet of sign face area at that corner.

COMMISSIONER HYMAN: So are they proposing not to put the sign on the southwest corner that

faces the road and to put it on the south side instead so there's still no net increase in signage? It's just the location is different?

MS. GLASSER: It's the location.

COMMISSIONER HYMAN: So what's the problem?

MS. GLASSER: The Code requires that it be facing the street, and they're requesting that it go on the side.

They're proposing not to take down the sign that's already there at 72 square feet, but in accordance with the new Article 8 that has recently, in the last few years, been drafted to reduce the visual blight in signs in the area, they can put that sign, and actually they address -- you'll see in your handout that the sign is supposed to be chosen, the size and the legibility to address the viewer, in this case, the Turnpike viewer.

In the existing sign they used the script for both Signature Storage. In the proposed sign they're changing the color a little bit, changing to block letters for storage so it increases the visibility and increasing the overall width.

The actual height of the sign is proposed two inches shorter but four feet eight inches wider. Then they're -- so they're increasing the readability, and that sign would, the design alternative --

COMMISSIONER HYMAN: Okay.

MS. GLASSER: -- that it would --

COMMISSIONER HYMAN: I think you've lost us.

MS. GLASSER: Okay.

COMMISSIONER HYMAN: I think you've lost us.

Can you just -- the sign that you're showing that faces -- what is it, I-95, the Turnpike?

MS. WALTER: The Turnpike.

COMMISSIONER HYMAN: Okay. You're going to get rid of that? You would get rid of that sign. In place you would put the sign on the south side?

MS. WALTER: Essentially, on --

COMMISSIONER HYMAN: And that doesn't comply because technically that's not the one facing the road, even though that's the one that would be visible from the road?

MS. WALTER: Correct. There's an existing --

COMMISSIONER HYMAN: Anybody have a problem with --

MS. WALTER: -- sign on the west facade.

Collene Walter, with Kilday & Associates, here for Kerry Kilday.

I have actually not been sworn in, Mr. Banks. I don't know if you want to do that quickly. I apologize.

MR. BANKS: Okay.

(Whereupon, Ms. Walter was sworn in by Mr. Banks.)

MS. WALTER: Thank you.

There is -- as staff has indicated, there is an existing small sign that's located on the center part of the west facade facing the Turnpike.

What we would like is a sign that is more visible for people who are coming to this site along the Turnpike. Because of the location of the building, this sign, as you can see from this photo here, is very difficult to read.

Staff has recommended that we use the extra square footage that we can have on the west facade and put a sign here on this corner, but, unfortunately, that location doesn't make that sign any more readable as you're traveling on the Turnpike.

So all we're asking is to be -- is to take the sign that we're allowed and to move it to the south facade, and that is the facade as you're traveling north on the Turnpike that is much more visible, especially this storage facility is being geared for RVs, mobile homes, large vehicles.

The speed on the Turnpike is very high, and we want people to be able to see where this site is located in ample time that they can move over, get in the right-hand lane, get in the turn lane and get off safely, and by providing the sign on the south facade we feel that's more appropriate.

COMMISSIONER DUFRESNE: What sign are you proposing? The RV Storage and More or the Signature Storage?

MS. WALTER: The sign that is being proposed is the RV Storage and More. We think that by essentially saying what the use of the site is, that helps facilitate people knowing that that is the RV storage place that they are going to.

MS. GLASSER: I'm sorry. We didn't get a copy of that revised sign.

MS. WALTER: It would be -- it would fit within the 100 square feet sign face area that is already being proposed as part of the variance.

So no change in the square footage or the location, just the text.

COMMISSIONER BRUMFIELD: So --

MS. GLASSER: What was in your packet was what was submitted. That's what we had at the time.

COMMISSIONER BRUMFIELD: So this is not what you're proposing. You're proposing the RV.

MS. WALTER: No. Based on further discussions we decided that it probably makes more sense to really identify that this is for the RV storage, and that way as people are coming up the Turnpike, they know that that is the building.

So we would like the RV Storage and More, but, again, it will be the same size font, and it would be within the 100 square foot sign face area that's the subject of the variance.

And, also, 132 square feet is what is left over on the west facade, so it would be less than

what would be allowed if it was placed on the west facade.

CHAIRMAN BARBIERI: All right. Barbara, would you come up, please, and then we have Sandy Parker and then Harriet.

MS. KATZ: No, Sandy left.

CHAIRMAN BARBIERI: Oh. She left?

MS. KATZ: Yeah.

I'm just a little confused before I start.

Originally they came to us and asked for an additional wall sign. They're not doing that now.

You changed this like overnight?

MS. WALTER: No. We're asking for an additional wall sign on the south facade of the building.

COMMISSIONER HYMAN: But you're not going to put the sign on the other side.

MS. WALTER: No, no.

MS. KATZ: But you're not going to have two signs?

MS. WALTER: Right.

MS. KATZ: You're getting rid of the existing one or --

MS. WALTER: No. The existing sign that's here at the midpoint of the building will remain --

MS. KATZ: Yeah.

MS. WALTER: -- on the west facade, and what we're proposing is a sign on the south facade. This is just --

COMMISSIONER HYMAN: So they won't have the --

MS. WALTER: -- being shown graphically to show you that it could be located there per Code, but we want to essentially take what could be located there and move it to the south.

So we're asking for one additional sign on the south facade.

MS. KATZ: All right. We were opposed to an additional sign because we're very, very sign conscious. We don't want it all over the place and the blight, and I -- basically, I'm going to start in with the west community, you know, the West Boynton Plan and corridor plan, and that the purpose is to encourage and provide uniform and minimum standards for the design and so on.

But actually the bottom line is that we were -- we did not want to start a precedent by granting this variance -- it was a variance at the time, and we felt granting the variance would not be consistent with the goals and objectives of the Turnpike guide, and that it would just be opening the door to other developers.

So we were against a second sign, an additional sign.

If you told me you were getting rid of the other one or were just doing something with the other one, you know, I told COWBRA that you were going to enlarge the other one, and it would, you know, answer your needs, we were with you, but we don't wait it at the -- we don't want to start a

precedent.

Then we're going to get other developers that are going to come to us. They're going to say well, you did it for this one --

CHAIRMAN BARBIERI: Barbara.

MS. KATZ: -- do it for us.

CHAIRMAN BARBIERI: Barbara.

MS. KATZ: Yes.

CHAIRMAN BARBIERI: You understand that they can put another sign now on the front of the building that faces the Turnpike.

All they're asking for is instead of putting it there where they're allowed to put it --

MS. KATZ: Yeah.

CHAIRMAN BARBIERI: -- they want to put it around the corner on the --

MS. KATZ: Where the -- yeah, because there's some ruling that they can't really have that --

COMMISSIONER DUFRESNE: Right, at the exit.

MS. KATZ: I think some of the right-of-way or something.

MS. WALTER: Correct. The reason we're here is we're seeking a variance to put a sign on a facade of a building that does not face a right-of-way.

COMMISSIONER HYMAN: I think the confusion is using the word "additional."

MS. KATZ: Yeah, that's really what threw us.

COMMISSIONER HYMAN: It's not an additional. It's a replacement sign.

MS. KATZ: We got the impression this was something --

COMMISSIONER DUFRESNE: The building's only going to have two signs.

MS. KATZ: -- it's not really --

COMMISSIONER DUFRESNE: One on the west side --

MS. GLASSER: It has three.

COMMISSIONER DUFRESNE: -- one on the southwest corner.

MS. WALTER: And there's an existing sign --

MS. GLASSER: It has three.

MS. WALTER: -- on the east facade.

COMMISSIONER HYMAN: Well, we know that, but --

MS. GLASSER: One on the east, west and south.

COMMISSIONER DUFRESNE: Oh, it's got one on the east? I don't care about the east.

MS. WALTER: Yeah, which doesn't face --

MS. KATZ: Is this part of the -- sorry. She's getting confused, too?

COURT REPORTER: Please, one at a time.

COMMISSIONER HYMAN: We're hungry.

CHAIRMAN BARBIERI: We thought you were great, you know.

MS. WALTER: Poor Bunny.

VICE CHAIRMAN ANDERSON: Super Woman.

MS. GLASSER: Yes, it has three signs, one on the east and on the west that are approximately 72 square feet, and they're proposing a sign on the south facade not facing the Turnpike and increasing that sign area to 100 square feet.

To point out what Barbara just said, this site is subject to a condition that they do have to comply with Section 5 of the signage guidelines for the Boynton Beach Turnpike Interchange Corridor, and that starts off with the words, "In addition to any Palm Beach County signage regulations, the following guidelines will also be met."

So it's up to you whether they --

COMMISSIONER HYMAN: Okay.

MS. KATZ: Thank you. I appreciate your --

COMMISSIONER DUFRESNE: But, Barbara, at the exit --

MS. KATZ: But are you telling me that they're -- if you're telling me their Code entitles them to it, we don't buck Code, we don't ask you to, but we felt that the Turnpike guide did not allow them.

Maybe it's because they use the word "additional sign." We did not want to start granting something that everybody's going to come and say to us, well, you did it for them, do it for us.

You know how we feel about our area. We guard it.

COMMISSIONER DUFRESNE: Yeah. I mean it's not going to be -- they're entitled to the sign, an additional sign on the west side.

MS. GLASSER: They're entitled to 204 square feet of signage anywhere along the west facade --

COMMISSIONER DUFRESNE: Right. So if they wanted to put a second sign --

MS. GLASSER: -- and a projected sign, there's -- anywhere along the west facade.

COMMISSIONER DUFRESNE: They could do that.

MS. GLASSER: The variance is to put it perpendicular on the south facade and increase that, which is not proportional to that 80 -- the south facade is only 80 to 82 linear feet, approximately. So they're increasing that sign area out of proportion.

They would else be allowed a 40-foot, square foot, sign on the south facade if that was the side facing the Turnpike.

CHAIRMAN BARBIERI: Commissioner Anderson.

VICE CHAIRMAN ANDERSON: Just real quick.

When you look at the ANSCA sign, the billboard, it's so huge. You never see billboards turned facing the road. They're always perpendicular to the road.

So the whole sign ordinance, to me, doesn't make a lot of sense to put all the -- all the sign where you can't read them so then they have to be so huge. Make the signs at a location

in a way that they can be read.

So I would support the -- I make the motion to support this variance.

COMMISSIONER HYMAN: I second it, and I would condition that that the sign go on the south side as requested, but that you not be able to get then another sign on the west side where you would originally have been permitted to have the sign.

MS. WALTER: And we are in agreement with that.

COMMISSIONER HYMAN: So it's one sign, but allow it on the south side.

MS. WALTER: And that -- Mr. Chairman, if I could make one comment.

On your add/delete memo there is a revised condition of approval. It did not quite get transcribed as it should have been.

It should have the words identical to stricken, and the condition requires that the site plan that is submitted be consistent with the site plan approved by the Zoning Commission because there have been administrative amendments for landscaping made in the interim.

COMMISSIONER HYMAN: Okay.

MS. WALTER: Just for clarification.

CHAIRMAN BARBIERI: Staff, you're okay with that?

COMMISSIONER HYMAN: Yeah.

MR. Mac GILLIS: Yes. There's just also on 264 there's conditions that were recommended by staff, which is the one you just read is corrected, but there's also a Condition 2.

CHAIRMAN BARBIERI: Are you in agreement with that condition?

MS. WALTER: Yes, we are, and then the new one you're proposing.

MR. Mac GILLIS: And then the additional condition by **Commissioner Hyman** to limit -- no additional signs on the western facade --

CHAIRMAN BARBIERI: Right.

MR. Mac GILLIS: -- facing the Turnpike.

COMMISSIONER HYMAN: Right.

MS. WALTER: And we're in agreement with that.

CHAIRMAN BARBIERI: Okay.

COMMISSIONER HYMAN: All right.

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

(No response)

CHAIRMAN BARBIERI: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

COMMISSIONERS: (No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

MS. WALTER: Thank you very much.

CHAIRMAN BARBIERI: You're welcome.

COMMISSIONER HYMAN: Last item?

CHAIRMAN BARBIERI: Last.

MS. KWOK: Yes. The last application is the Kabbalah Center, which is DOA2007-049 and is going to be presented by Doug Robinson.

It's also going to be focusing on a sign condition.

MR. ROBINSON: Good morning, Commissioners.

Proposed is a development order amendment for Kabbalah Learning Center. They have a condition of approval which restricts them to a sign of eight feet in height and 60 feet of sign face area, and the applicant is proposing to modify the sign to allow a bigger sign which is 10 feet in height and 107 feet in square face area in addition to a smaller sign six feet in height and 62 square feet of sign face area.

The 10-foot sign is going to be a changeable copy sign which allows for advertisement of services and events, and it'll be placed in the western part of Palmetto Park Road, and the smaller sign will be on the eastern part of Palmetto Park Road.

Staff is recommending denial, based on the evaluation of the site. The site is irregular in shape. It's rectangular shape and is pulled closer toward Palmetto Park Road, the site has a range of building structures, a 38-foot tower. The building is 33 feet, and it has a 30-foot dome, which you can see from Palmetto Park Road, and it has -- it's surrounded by residential uses to the north, Boca Lago, and to the south across Palmetto Park Road is Boca Rio and Boca Lyons.

And I have some pictures here showing the signs. This is the Addison Place sign, which is the first sign not within 500 feet of the Kabbalah Center, and if you -- this is approaching the Kabbalah Center so you can see the building. You can see the dome.

And it's also important to note that by granting an additional sign to the site it would be inconsistent with the recent Zoning Commission and Board of Commissioner -- Board of County Commissioners approvals for a place of worship which has limited such churches, such as Philadelphia Church of Nazarene and Friendship Baptist Church, which is coming back to Zoning Commission, to one freestanding sign.

What staff has recommended that they be allowed a bigger sign, a 10-foot in height and 100 square feet of sign face area and to relocate the sign within a better area so it can serve the purpose so you can see it.

COMMISSIONER HYMAN: Right. So instead of giving them two signs, just take the one sign, make it bigger and move it to the location where they want it.

Sounds good to me.

MS. KWOK: We -- actually, we're sensitive

to the situation that the road, Palmetto Park Road does bend a little bit in that area, but we're also looking to the site situation, you know, the area.

If you're driving east, driving from the Kabbalah Center to -- all the way up to State Road 7, most of the signs are very small, and they're all limited to one sign, you know.

The south -- the northeast corner, you have that Lowe's and a CVS. The sign is actually very small.

MR. ROBINSON: Here's the --

MS. KWOK: And it's like that.

MR. ROBINSON: -- Lowe's sign here, and if you keep going -- and this is the sign at a Catholic church at a corner of Lyons and Palmetto Park Road, and if you go one more slide, is the entryway sign for Boca Lyons.

MS. KWOK: And, more importantly, we just want to be consistent with how we approve signs for places of worship, you know, just like Doug was mentioning, those examples of other recently approved or postponed places of worship. We only allow one sign.

COMMISSIONER HYMAN: So, George, just can't you take the one sign that they have, modify it, make it bigger, move it, so that --

MR. GENTILE: We certainly would like that, but I would like five minutes of your time to just go through why we asked for the second sign, and then we'll go from there whenever staff's finished.

CHAIRMAN BARBIERI: Go ahead.

MR. GENTILE: Thank you so much, Mr. Chairman. Again, George Gentile. We're representing the Kabbalah Learning Center.

There we go.

And I will go through this. In fact, there's no need for you to look at the -- this is the site location on Palmetto Park Road, and what I do want you to realize that the reason we asked for the second sign is because that's the overpass coming over the Turnpike on Palmetto Park Road, the curved section of the road as you see, and the miles per hour on this road is 50 miles per hour.

We -- there is -- this is the front from Palmetto looking at the site. We have heavy landscape buffering in that area.

Also, as you come and approach it, there is a tremendous amount of landscaping that we had put in that you do see the dome, but it is screened as you're coming westbound. Okay.

That's the second sign that we asked for to go there so that as you're going by the site or coming within that area around the curve, you would see that small sign. That's the second sign we ask for.

And we do appreciate the staff recommending the larger one sign, and we certainly would not want to not have that because, as you'll see when we go through this very quickly, it

changes.

Again, these are -- this is what's around the site, the golf course. Palm Beach County owns a drainage tract that's right there, Addison Place, and then Addison Place has a very large landscape buffer, large trees in that area, so as you're coming around the curve, you really don't see the Kabbalah Center.

In fact, I, many times, because, unfortunately, it's 50 miles an hour, I go by the site and miss where I'm going for the meetings.

The one sign that we proposed, the larger one, was at this location, and staff and I agree that we should look on maybe relocating that, and the second sign was here (indicating).

One would be 79, one would be 42.

These are the signs, but I would like to just very quickly show you, just because we're getting so high tech now.

This is coming down Palmetto Park Road at 50 miles an hour coming into the sign area.

COMMISSIONER HYMAN: Oh, very impressive.

MR. GENTILE: The Kabbalah Center is the building to the right, and we're coming into view of the center now.

That would be the first sign, and then you still wouldn't see the second entrance is there, the larger sign.

COMMISSIONER HYMAN: Yeah, just got nauseous.

MR. GENTILE: That -- the -- that is the reason we asked staff to consider.

Your Zoning Code, your Code, allows us three ground signs on that property, and I would also, as a planner in Palm Beach County, request that if we're going to limit religious facilities or any facilities to one or two or whatever, it makes it a lot easier on us if you'd modify your codes because, particularly in situations where we have visibility issues and everything else and we go -- and we're telling clients to go to one sign, and it's not, you know, it's just not the Code.

I'm allowed three here. We asked for two, one large, one small, actually not as large as staff is suggesting, which we like that, but -- so whatever your decision is, we just wanted to make sure you understood our dilemma here.

And with that, I'll answer any questions 'cause I do want to get out of here, also.

COMMISSIONER HYMAN: We're conflicted, we're very conflicted now. That's a very --

CHAIRMAN BARBIERI: I can -- I can understand staff's position on this, and I appreciate that, but that's a beautiful building, and I don't think what you're asking for is out of line.

It is a -- nobody goes 50. I go home that way every day, and nobody goes 50. Seventy is the -- is the norm coming down off of there, and the police are out there regularly giving tickets, but everybody is speeding so I'm sure everybody misses that driveway 'cause it is right around the

bend.

And it's a beautiful building, and I think the signs that you proposed are nice-looking signs. It wouldn't junk up the area like some of the other signs that we have out in West Boca.

So I personally would support your request.

COMMISSIONER HYMAN: Well, if our Chair supports it, I'm supporting it.

CHAIRMAN BARBIERI: Anybody? I can't make a motion.

COMMISSIONER HYMAN: I, you know, I don't want -- I don't think that this necessarily sets a precedent. I think, you know, we do look at it on a case-by-case basis, and I'm very impressed with this visual that you did, George.

VICE CHAIRMAN ANDERSON: Anybody else wants something, they have to give the same visual --

COMMISSIONER HYMAN: I mean --

VICE CHAIRMAN ANDERSON: -- and show the same hardship.

MR. GENTILE: We'll be glad to help them out.

COMMISSIONER HYMAN: Very impressive.

MR. GENTILE: Thank you.

COMMISSIONER HYMAN: I'll move -- I'll move approval.

COMMISSIONER DUFRESNE: Second.

CHAIRMAN BARBIERI: Any discussion?

(No response)

CHAIRMAN BARBIERI: All in favor.

I'm sorry. The motion was made by

Commissioner Hyman, seconded by Commissioner Dufresne.

Any discussion?

COMMISSIONER HYMAN: Based upon the unique circumstances and the unique conditions of this property.

COMMISSIONER KAPLAN: Mr. Chairman, before we adjourn --

CHAIRMAN BARBIERI: Let me take a vote.

COMMISSIONER HYMAN: Let's vote.

CHAIRMAN BARBIERI: Let me take a vote.

All in favor.

COMMISSIONERS: Aye.

CHAIRMAN BARBIERI: Opposed.

COMMISSIONERS: (No response)

CHAIRMAN BARBIERI: Motion carries, 7-0.

COMMISSIONER KAPLAN: Before we adjourn, I

think it's appropriate, as far as I'm concerned, to commend staff --

CHAIRMAN BARBIERI: Microphone.

COMMISSIONER KAPLAN: -- to commend staff for their courtesy notices log entries.

I think it's very nice. I think they put a lot of time and effort into it, and we would be remiss if we didn't think that that deserves our thanks.

One other point I'd like to make as a suggestion.

If you could put in the agenda item so that I don't have to go searching by the control number back to the agenda number, I would appreciate that.

MR. Mac GILLIS: Actually, we're making a couple of modifications to this report. Actually, when you get it the next time, it should be in the order of the agenda --

COMMISSIONER HYMAN: Yeah.

MR. Mac GILLIS: -- the way the items are on the agenda, so this was our --

COMMISSIONER KAPLAN: I think you did a great job with this.

Thank you.

MR. Mac GILLIS: Thank you.

CHAIRMAN BARBIERI: Meeting's adjourned.

(Whereupon, the meeting was adjourned at 1:20 p.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

DO HEREBY CERTIFY that the above-entitled
and numbered cause was heard as hereinabove set
out; that I was authorized to and did report the
proceedings and evidence adduced and offered in
said hearing and that the foregoing and annexed
pages, numbered 4 through 112, 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 25th day of September, 2007.

Sophie M. Springer, Notary Public