

Planning Board Meeting - Nov. 21,2019

#LGXFMT=RUS

00:00:00,000 --> 00:00:41,866

>> GOOD EVENING, EVERYBODY.

00:00:41,866 --> 00:00:43,900

WELCOME TO THE PLANNING BOARD.

00:00:43,900 --> 00:00:46,600

THIS IS THURSDAY, NOVEMBER 21ST.

00:00:46,600 --> 00:00:49,900

WE'RE GOING TO CALL THIS MEETING

00:00:49,900 --> 00:00:58,033

TO ORDER. MUST NOT BEING MUCH

00:00:58,033 --> 00:00:59,533

GOING ONTO SEE THIS MANY PEOPLE.

00:00:59,533 --> 00:01:01,166

WE HAVE HOT ITEMS TO TALK ABOUT.

00:01:01,166 --> 00:01:03,200

IF YOU WANT TO SPEAK, YOU NEED

00:01:03,200 --> 00:01:04,633

TO SIGN UP WITH THE CLERK, AND I

00:01:04,633 --> 00:01:08,266

WOULD ASK YOU TO TURN YOUR

00:01:08,266 --> 00:01:15,733

PHONES TO SILENT. PLEASE BE

00:01:15,733 --> 00:01:16,866

RESPECTFUL OF THE SPEAKERS

00:01:16,866 --> 00:01:19,233

TONIGHT AND WE'LL MOVE ALONG.

00:01:19,233 --> 00:01:21,933

THE FIRST IS THE ROLL CALL

00:01:21,933 --> 00:01:24,633

>> BROWNING. HENDERSON.

00:01:24,633 --> 00:01:26,066

MR. LLOYD.

00:01:26,066 --> 00:01:26,633

>> HERE

00:01:26,633 --> 00:01:28,733

>> MR. RUSSO.

00:01:28,733 --> 00:01:29,100

>> HERE.

00:01:29,100 --> 00:01:31,100

>> MR. DAVILA.

00:01:31,100 --> 00:01:31,433

>> HERE

00:01:31,433 --> 00:01:33,000

>> VICE CHAIR --

00:01:33,000 --> 00:01:33,866

>> CHAIRMAN HOLLAND

00:01:33,866 --> 00:01:36,766

>> HERE.

00:01:36,766 --> 00:01:40,900

>> MISS HENDERSON HAS N EXCUSED

00:01:40,900 --> 00:01:42,700
ABSENT AND WILL BE HERE. AND

00:01:42,700 --> 00:01:45,566
MR. BROWN'S ABSENCE IS EXCUSED

00:01:45,566 --> 00:01:46,966
AS WELL. IF YOU WOULD PLEASE

00:01:46,966 --> 00:01:51,633
RISE FOR THE

00:01:51,633 --> 00:01:52,366
UNITED STATES OF AMERICA AND TO

00:01:52,366 --> 00:01:53,000
THE REPUBLIC FOR WHICH IT

00:01:53,000 --> 00:01:53,733
STANDS, ONE NATION, INDIVISIBLE,

00:01:53,733 --> 00:01:54,433
WITH LIBERTY AND JUSTICE FOR

00:01:54,433 --> 00:02:01,633
ALL."

00:02:01,633 --> 00:02:10,300
>> APPROVAL OF THE AGENDA.

00:02:10,300 --> 00:02:12,766
ITEMS 5, 6, AND 8 ARE MOST

00:02:12,766 --> 00:02:15,466
MOANED BY STAFF, AND TEM 10 -

00:02:15,466 --> 00:02:17,233
POSTPONED BY STAFF AND ITEM 10

00:02:17,233 --> 00:02:19,600
HAS BEEN WITHDRAWN BY THE

00:02:19,600 --> 00:02:21,166
APPLICANT. ANY CHANGES WE NEED

00:02:21,166 --> 00:02:24,866
TO BE AWARE OF? NO. ALL IN

00:02:24,866 --> 00:02:27,833
FAVOR OF APPROVAL OF THE AGENDA?

00:02:27,833 --> 00:02:28,866
>> APPROVE.

00:02:28,866 --> 00:02:32,766
>> YOU WANT ME TO CALL IT OUT?

00:02:32,766 --> 00:02:35,166
I'M OKAY. OKAY. AND IF YOU

00:02:35,166 --> 00:02:37,000
PLAN TO GIVE TESTIMONY, PLEASE,

00:02:37,000 --> 00:02:38,466
UH, THE CLERK IS GOING TO ISSUE

00:02:38,466 --> 00:02:43,200
THE OATH. YOU'LL NEED TO STAND.

00:02:43,200 --> 00:02:44,400
>> IF YOU'RE ABOUT TO GIVE

00:02:44,400 --> 00:02:46,266
TESTIMONIES ON THE ITEMS BEFORE

00:02:46,266 --> 00:02:50,066
US, STAND AND RAISE YOUR RIGHT

00:02:50,066 --> 00:02:52,100
HAND. DO YOU SWEAR ON FIRM THE

00:02:52,100 --> 00:02:53,000
TESTIMONY YOU WILL GIVE AT

00:02:53,000 --> 00:02:55,666
TONIGHT'S PROCEEDINGS WILL BE

00:02:55,666 --> 00:02:57,166
THE TRUTH, THE WHOLE TRUTH AND

00:02:57,166 --> 00:03:00,733
NOTHING BUT THE TRUTH. THANK

00:03:00,733 --> 00:03:01,033
YOU.

00:03:01,033 --> 00:03:02,033
>> THANK YOU. NEXT ON THE

00:03:02,033 --> 00:03:03,833
AGENDA IS THE APPROVAL OF THE

00:03:03,833 --> 00:03:07,600
MINUTES. I DON'T HAVE ANY

00:03:07,600 --> 00:03:09,200
COMMENT. ANYTHING ELSE?

00:03:09,200 --> 00:03:12,400
>> MOVE TO APPROVE.

00:03:12,400 --> 00:03:16,166
>> MOTION BY LLOYD AND SECOND BY

00:03:16,166 --> 00:03:18,300
RUSSO. ANY OPPOSED. NONE.

00:03:18,300 --> 00:03:20,300
MINUTES APPROVED. FIRST ITEM IS

00:03:20,300 --> 00:03:24,266
AN ACTION ITEM AND IT'S THE 2020

00:03:24,266 --> 00:03:26,066
MEETING DATES WITH HASN'T

00:03:26,066 --> 00:03:27,166
CHANGED. IT'S THE THIRD

00:03:27,166 --> 00:03:29,300
THURSDAY OF EVERY MONTH. 5:00

00:03:29,300 --> 00:03:31,100
HERE. IS THAT ALL WE NEED TO

00:03:31,100 --> 00:03:33,500
DO? DO WE NEED TO ACKNOWLEDGE

00:03:33,500 --> 00:03:33,800
THAT?

00:03:33,800 --> 00:03:35,700
>> APPROVE THE MEETING DATES, IT

00:03:35,700 --> 00:03:36,433
REQUIRES MOTION.

00:03:36,433 --> 00:03:38,333
>> OKAY.

00:03:38,333 --> 00:03:39,000
>> SO MOVED.

00:03:39,000 --> 00:03:41,233
>> MOTIONED BY LLOYD AND APPROVE

00:03:41,233 --> 00:03:44,233
THE MEETING DATES AND SECONDED

00:03:44,233 --> 00:03:46,366
BY RUSSO.

00:03:46,366 -> 00:03:46,966
>> YE.

00:03:46,966 -> 00:03:49,566
>> ANY OPPOSED. MEETING DATES

00:03:49,566 -> 00:03:51,066
APPROVED. IT TAKES US TO OLD

00:03:51,066 -> 00:03:52,033
BUSINESS. IF YOU'RE PLANNING TO

00:03:52,033 -> 00:03:54,233
SPEAK ON THIS ITEM, YOU NEED TO

00:03:54,233 -> 00:03:58,066
COME SIGN UP. ONCE WE GET

00:03:58,066 -> 00:04:00,200
GOING, IF YOU HAVEN'T SIGNED UP

00:04:00,200 -> 00:04:01,233
AND YOU HEAR SOMETHING YOU WANT

00:04:01,233 -> 00:04:04,433
TO SPEAK ON, I DON'T GO BY THAT.

00:04:04,433 -> 00:04:06,033
IF YOU LIKE TO SIGN UP TO SPEAK,

00:04:06,033 -> 00:04:08,766
YOU NEED TO DO IT NOW. ITEMS 3

00:04:08,766 -> 00:04:09,766
AND 4 --

00:04:09,766 -> 00:04:11,133
>> MR. CHAIR, EXCUSE ME.

00:04:11,133 -> 00:04:15,166
>> I'M SORRY. >> I HAVE TO

00:04:15,166 -> 00:04:16,733
DECLARE CONFLICT FOR 3 AND 4.

00:04:16,733 -> 00:04:18,466
>> LET THE RECORD REFLECT

00:04:18,466 -> 00:04:21,066
MR. RELLA IS GOING TO RECUSE

00:04:21,066 -> 00:04:25,366
HIMSELF OR 3 AND 4 FOR A

00:04:25,366 -> 00:04:25,766
CONFLICT.

00:04:25,766 -> 00:04:29,566
>> SO 3 IS A FUTURE LAND USE MAP

00:04:29,566 -> 00:04:42,700
AMENDMENT FOR 318-324ETRONIA

00:04:42,700 -> 00:04:44,533
FOLLOWED BY AN AMENDMENT. STAFF

00:04:44,533 -> 00:04:46,166
WILL PRESENT AS ONE ITEM, BUT

00:04:46,166 -> 00:04:47,733
WE'LL TAKE PUBLIC COMMENT ON

00:04:47,733 -> 00:04:52,166
BOTH SO EVERYBODY HAS TIME TO

00:04:52,166 -> 00:04:57,100
PUT ON THE RECORD WHATEVER THEY

00:04:57,100 -> 00:04:58,400
LIKE TO. VANESSA.

00:04:58,400 --> 00:05:02,500
>> JASON, MAY I HAVE VIDEO.

00:05:02,500 --> 00:05:04,333
GOOD MORNING, VANESSA SELLER,

00:05:04,333 --> 00:05:05,433
PLANNING STAFF. THIS IS A

00:05:05,433 --> 00:05:06,700
REQUEST TO AMENDING THE

00:05:06,700 --> 00:05:08,133
BOUNDARIES OF THE COMPREHENSIVE

00:05:08,133 --> 00:05:10,366
PLAN FUTURE LAND USE MAP OR

00:05:10,366 --> 00:05:14,500
REFERRED TO SOMETIMES AS THE

00:05:14,500 --> 00:05:18,300
FLUME FROM HISTORIC RESIDENTIAL

00:05:18,300 --> 00:05:24,500
TO RESIDENTIAL. AND HMDR TO

00:05:24,500 --> 00:05:26,100
HCN3. THE APPLICATION CONSIST

00:05:26,100 --> 00:05:30,200
OF ONE PROPERTY, 318 TO 324

00:05:30,200 --> 00:05:32,200
PETRONIA STREET AND A PORTION OF

00:05:32,200 --> 00:05:36,466
THIS PROPERTY TOTALING OVER

00:05:36,466 --> 00:05:37,900
10,000 SQUARE FEET WITHIN -- AND

00:05:37,900 --> 00:05:41,100
THE HNC3 OFFICIAL ZONING MAP

00:05:41,100 --> 00:05:42,500
DISTRICT. THE BALANCE OF THE

00:05:42,500 --> 00:05:44,466
PROPERTY JUST OVER 6,000 SQUARE

00:05:44,466 --> 00:05:46,700
FEET WITHIN THE HISTORIC

00:05:46,700 --> 00:05:47,766
RESIDENTIAL FLUME ZONING

00:05:47,766 --> 00:05:49,833
DISTRICT AND THE HMDR OFFICIAL

00:05:49,833 --> 00:05:51,833
ZONING MAP DISTRICT. AND THE

00:05:51,833 --> 00:05:54,633
AERIAL IMAGE ON THE SCREEN SHOWS

00:05:54,633 --> 00:05:57,066
THE SUBJECT PARCEL OUTLINED IN

00:05:57,066 --> 00:05:59,600
TEAL WITH THE DISTRICT BOUNDARY

00:05:59,600 --> 00:06:01,800
LINE IN RED. THE APPLICANT IS

00:06:01,800 --> 00:06:03,733
PROPOSING THE ENTIRE PARCEL BE

00:06:03,733 --> 00:06:05,233
ZONED HISTORIC COMMERCIAL ON THE

00:06:05,233 -> 00:06:07,200
PLUME. AND THE EXISTING MAP ON

00:06:07,200 -> 00:06:08,266
THE LEFT OF THE SLIDE AND ON THE

00:06:08,266 -> 00:06:14,500
RIGHT IS THE PROPOSED. AND

00:06:14,500 -> 00:06:16,800
CONCURRENT WITH THE AMENDMENT,

00:06:16,800 -> 00:06:19,066
THE APPLICANT IS REQUESTING AN

00:06:19,066 -> 00:06:20,666
AMENDMENT TO THE EXISTING ZONING

00:06:20,666 -> 00:06:22,633
MAP AND WE HAVE THE MAP ON THE

00:06:22,633 -> 00:06:24,433
LEFT WITH THE PARCEL WITHIN TWO

00:06:24,433 -> 00:06:25,466
DIFFERENT ZONING DISTRICTS AND

00:06:25,466 -> 00:06:27,400
THE MAP ON THE RIGHT SHOWING THE

00:06:27,400 -> 00:06:31,233
SUBJECT PARCEL WITHIN ONE ZONING

00:06:31,233 -> 00:06:36,933
DISTRICT. AND THE PROPERTY WAS

00:06:36,933 -> 00:06:38,900
WITHIN THE HD3 ZONE AND ALLOWED

00:06:38,900 -> 00:06:41,133
XHER RL AND INSTITUTIONAL USES

00:06:41,133 -> 00:06:42,500
AS A SPECIAL EXCEPTION SIMILAR

00:06:42,500 -> 00:06:47,000
TO A CONDITIONAL USE. AND THE

00:06:47,000 -> 00:06:49,766
PROPOSED HNC3 ZONE HAVE USED

00:06:49,766 -> 00:06:50,766
ALLOWED BY RIGHTS AND THE

00:06:50,766 -> 00:06:52,433
SPECIFIC UGSS ALLOWED THROUGH

00:06:52,433 -> 00:06:53,966
THE CONDITIONAL USE PROCESS AND

00:06:53,966 -> 00:06:58,366
IT SHOULD BE NOTED THAT LOW

00:06:58,366 -> 00:06:59,000
INTENSITY COMMERCIAL USE, UM, IS

00:06:59,000 -> 00:07:03,533
RETAIL IS POSSIBLE BECAUSE

00:07:03,533 -> 00:07:06,766
MEDIUM AND HIGH INNOCENCY IS

00:07:06,766 -> 00:07:07,966
PROHIBITED AND IT REQUIRES

00:07:07,966 -> 00:07:09,966
APPROVAL FROM YOU, THE PLANNING

00:07:09,966 -> 00:07:11,066
BOARD AND STAFF RECOMMENDATION

00:07:11,066 --> 00:07:13,433
FOR AGENDA ITEM NUMBER 3, BASED

00:07:13,433 --> 00:07:15,000
ON THE CRITERIA ESTABLISHED BY

00:07:15,000 --> 00:07:17,233
THE COMP PLAN AND THE RDR'S,

00:07:17,233 --> 00:07:19,333
PLANNING STAFF RECOMMENDS TO THE

00:07:19,333 --> 00:07:21,033
PLANNING BOARD THAT THE REQUEST

00:07:21,033 --> 00:07:24,300
TO AMEND THE FLUME BE APPROVED

00:07:24,300 --> 00:07:26,100
AND AGENDA ITEM 4, THE SAME

00:07:26,100 --> 00:07:28,800
BASED ON THE COMP PLAN AND HE

00:07:28,800 --> 00:07:32,566
LDR'S, PLANNING STAFF RECOMMENDS

00:07:32,566 --> 00:07:36,466
APPROVAL. THANK YOU. BEFORE WE

00:07:36,466 --> 00:07:38,833
HEAR FROM THE APPLICANT, ANYBODY

00:07:38,833 --> 00:07:42,400
HAVE QUESTIONS. MR. TAPANIER.

00:07:42,400 --> 00:07:44,466
>> SO THANK YOU MR. CHAIR, BOARD

00:07:44,466 --> 00:07:47,866
MEMBERS, OWEN, 1421 FIRST

00:07:47,866 --> 00:07:50,666
STREET, I APOLOGIZE, I'M UNNING

00:07:50,666 --> 00:07:51,666
A LITTLE BIT BEHIND AND I'M

00:07:51,666 --> 00:07:53,766
TRYING TO GET MY PRESENTATION.

00:07:53,766 --> 00:07:56,833
I'VE MADE THIS PRESENTATION ONCE

00:07:56,833 --> 00:07:58,666
BEFORE YOU BEFORE, SO MAYBE I'LL

00:07:58,666 --> 00:08:00,233
CUT TO THE CHASE. THE PLANNING

00:08:00,233 --> 00:08:02,900
DEPARTMENT EXPLAINED IT IN GREAT

00:08:02,900 --> 00:08:07,000
DETAIL. WHAT WE HAVE A, UM,

00:08:07,000 --> 00:08:09,000
IT'S A ZONING ERROR THAT IS

00:08:09,000 --> 00:08:10,366
REFLECTED IN THE LOCATION OF THE

00:08:10,366 --> 00:08:12,800
LINE RELATIVE TO THE PROPERTY.

00:08:12,800 --> 00:08:15,833
AND WE HAVE THIS, UH, WE HAVE

00:08:15,833 --> 00:08:17,233
THIS PROPERTY THAT MR. SWIFT

00:08:17,233 --> 00:08:21,366
BOUGHT IN EARLY 90S. THE CITY

00:08:21,366 --> 00:08:25,466
WENT THROUGH A RFLUME ZONING

00:08:25,466 --> 00:08:27,000
PROCESS BEGINNING IN 1993 THAT

00:08:27,000 --> 00:08:29,433
WAS CAUGHT UP N A LONG, DRAWN

00:08:29,433 --> 00:08:31,200
OUTLAW SUIT OVER HURRICANE

00:08:31,200 --> 00:08:33,933
EVACUATION WHICH WAS FINALLY

00:08:33,933 --> 00:08:37,466
SETTLED, AND ZONING ORDINANCE

00:08:37,466 --> 00:08:48,400
CAME INTO EFFECT PRIOR TO THE

00:08:48,400 --> 00:08:50,533
FIRE. IT CAME INTO EFFECT PRIOR

00:08:50,533 --> 00:08:54,766
TO SWIFT FINISHING UP THE BAHAMA

00:08:54,766 --> 00:08:56,366
VILLAGE MARKET. WHEN THE ZONING

00:08:56,366 --> 00:08:59,200
CAME INTO EFFECT, THE CITY

00:08:59,200 --> 00:09:03,366
PLANNER TED TRADER REALIZED THIS

00:09:03,366 --> 00:09:08,433
BUY BIFURCATES THE PROPERTY.

00:09:08,433 --> 00:09:10,566
AND IT DOES AT THE ZONING

00:09:10,566 --> 00:09:14,600
DISTRICT, ONE ZONING AND ONE

00:09:14,600 --> 00:09:16,366
COMMERCIAL, IT BISECTS THE

00:09:16,366 --> 00:09:18,666
BUILDING, SO BISECTING

00:09:18,666 --> 00:09:19,366
COMMERCIAL PROPERTY WITH TWO

00:09:19,366 --> 00:09:20,900
DIFFERENT ZONING DISTRICTS, IT'S

00:09:20,900 --> 00:09:23,100
NOT USUAL. IT'S NOT BEST

00:09:23,100 --> 00:09:25,933
MANAGEMENT PRACTICES, AND IT'S

00:09:25,933 --> 00:09:29,033
INDICATIVE OF A MAPPING ERROR. 3

00:09:29,033 --> 00:09:30,633
MAPPING ERRORS HAPPEN. AND

00:09:30,633 --> 00:09:32,566
THERE'S A PREVISION OF THE CODE

00:09:32,566 --> 00:09:33,900
TO CORRECT THEM. AND THAT'S

00:09:33,900 --> 00:09:36,500
WHAT WE'RE -- THAT'S WHAT WE'RE

00:09:36,500 --> 00:09:38,300
FOLLOWING NOW. THIS MAPPING

00:09:38,300 --> 00:09:39,733
ERROR, WHAT WE'RE ASKING TO DO

00:09:39,733 --> 00:09:42,266
IS TO MOVE THE LINE TO THE EDGE

00:09:42,266 --> 00:09:45,366
OF THE PARCEL THAT HAS THE

00:09:45,366 --> 00:09:46,766
BUILDINGS THAT ARE BIFURCATED BY

00:09:46,766 --> 00:09:48,966
THE ZONING DISTRICT AND THE

00:09:48,966 --> 00:09:50,566
BAHAMA VILLAGE PROPERTY

00:09:50,566 --> 00:09:52,500
CONTINUES ON FURTHER, AND OUR

00:09:52,500 --> 00:09:54,633
ORIGINAL APPLICATION INCLUDED

00:09:54,633 --> 00:09:56,233
THE ENTIRE COMMERCIAL PROPERTY,

00:09:56,233 --> 00:09:58,266
BUT THE NEIGHBORS ASKED US TO

00:09:58,266 --> 00:09:59,833
EXTEND THE LINE TO THE EDGE OF

00:09:59,833 --> 00:10:02,133
THE PARCELS THAT HAD THE ACTUAL

00:10:02,133 --> 00:10:03,400
BUILDINGS ON THEM. AND

00:10:03,400 --> 00:10:05,433
MR. SWIFT AGREED TO THAT SO WE

00:10:05,433 --> 00:10:07,866
AMENDED OUR APPLICATION AND

00:10:07,866 --> 00:10:09,766
THAT'S BEFORE YOU TONIGHT. WE,

00:10:09,766 --> 00:10:11,833
UH, SO WE WENT TO GO MEET WITH

00:10:11,833 --> 00:10:13,800
OUR NEIGHBORS AFTER THE LAST

00:10:13,800 --> 00:10:15,833
MEETING, AND WE HAD A

00:10:15,833 --> 00:10:16,900
NEIGHBORHOOD MEETING. SOME OF

00:10:16,900 --> 00:10:22,700
YOU ATTENDED IT. AND IT WAS --

00:10:22,700 --> 00:10:24,433
IT WAS AN EXCITING EXCHANGE THE

00:10:24,433 --> 00:10:26,566
IDEAS THAT EVENING, AND WHAT WE

00:10:26,566 --> 00:10:28,500
REALIZED FROM THE DISCUSSION,

00:10:28,500 --> 00:10:30,366
AND I DON'T MEAN TO SORT OF MAKE

00:10:30,366 --> 00:10:35,000
LIGHT OF THAT. IT WAS A VERY

00:10:35,000 --> 00:10:37,533
HONEST, EMOTIONAL DISCUSSION

00:10:37,533 --> 00:10:41,066
THAT WAS HAD IN WHAT BECAME

00:10:41,066 --> 00:10:45,933
EVIDENT TO ME WAS THAT MOST OF

00:10:45,933 --> 00:10:46,766
THE CONCERN FROM THE

00:10:46,766 --> 00:10:48,533
NEIGHBORHOOD WASN'T ABOUT

00:10:48,533 --> 00:10:49,900
CORRECTING THE ZONING CHANGE,

00:10:49,900 --> 00:10:52,533
BUT THE RESTAURANT THAT OPERATES

00:10:52,533 --> 00:10:54,500
UNDER CONDITIONAL USE UNDER PART

00:10:54,500 --> 00:10:58,833
OF THE AHAMA PROPERTY. WE

00:10:58,833 --> 00:11:00,366
POSTPONED OR YOU POSTPONED US

00:11:00,366 --> 00:11:03,200
AND WE MET WITH THE NEIGHBORS

00:11:03,200 --> 00:11:04,766
AND THEN SOME -- WHEN WE

00:11:04,766 --> 00:11:07,200
IDENTIFIED THE FACT THAT THE

00:11:07,200 --> 00:11:11,633
ISSUE WAS REALLY MORE

00:11:11,633 --> 00:11:12,666
OPERATIONALS TO THE RESTAURANT,

00:11:12,666 --> 00:11:14,866
WE TRIED TO ORGANIZE MEETINGS

00:11:14,866 --> 00:11:18,666
AND WE HAD, WE WERE UNABLE TO

00:11:18,666 --> 00:11:25,200
ORGANIZE THOSE, UM, AND I HAD

00:11:25,200 --> 00:11:26,633
ONE ORGANIZED AND I SCREWED IT

00:11:26,633 --> 00:11:28,333
UP. AND I APOLOGIZE TO EVERYONE

00:11:28,333 --> 00:11:31,500
WHO WENT TO THE MEETING, BUT NOT

00:11:31,500 --> 00:11:33,533
FOR ME, EXCEPT FOR ME. WE'RE

00:11:33,533 --> 00:11:35,900
ASKING TO CORRECT THE ERROR.

00:11:35,900 --> 00:11:37,533
THE IMPORTANT THINGS I LIKE O

00:11:37,533 --> 00:11:38,900
RELAY TO YOU ABOUT THE

00:11:38,900 --> 00:11:40,733
CORRECTION, BY FIXING THE

00:11:40,733 --> 00:11:43,466
ZONING, WE WILL BE IN NO WAY

00:11:43,466 --> 00:11:46,100
ALTERING THE EXISTING APPROVAL,
00:11:46,100 --> 00:11:48,966
THE CONDITIONS AND LIMITATIONS
00:11:48,966 --> 00:11:51,166
FOR THE RESTAURANT OPERATION.
00:11:51,166 --> 00:11:54,166
AND SO THEIR HOURS OF OPERATION,
00:11:54,166 --> 00:11:56,400
THEIR WASTE HANDLING, THEIR
00:11:56,400 --> 00:11:58,800
LIMITATIONS ON THE LOCATION OF
00:11:58,800 --> 00:12:01,033
SEATING. THEIR NOISE
00:12:01,033 --> 00:12:03,366
LIMITATIONS. NONE OF THOSE
00:12:03,366 --> 00:12:06,200
CHANGE AS A RESULT OF THIS
00:12:06,200 --> 00:12:07,500
ZONING CORRECTION, AND NOT TO
00:12:07,500 --> 00:12:10,733
SAY THEY COULDN'T CHANGE, BUT
00:12:10,733 --> 00:12:14,833
THEY COULDN'T CHANGE UNLESS THAT
00:12:14,833 --> 00:12:19,666
APPROVAL AME BEFORE YOU TO GO
00:12:19,666 --> 00:12:21,000
THROUGH SIMILAR HEARING, SO I
00:12:21,000 --> 00:12:23,766
ASK FOR YOUR SUPPORT TONIGHT.
00:12:23,766 --> 00:12:26,000
>> THANK YOU, ANY QUESTIONS FOR
00:12:26,000 --> 00:12:30,333
MR. TRAPENNY. >>
00:12:30,333 --> 00:12:32,600
>> YES, I DO. HI, OWEN.
00:12:32,600 --> 00:12:34,700
>> HI. THIS IS A PART OF THE
00:12:34,700 --> 00:12:36,200
BAHAMA REDEVELOPMENT PROGRAM
00:12:36,200 --> 00:12:37,066
THEY HAD GOING ON?
00:12:37,066 --> 00:12:39,466
>> YES, IT'S WITHIN THE TIFF
00:12:39,466 --> 00:12:42,633
DISTRICT. I WAS ASTONISHED
00:12:42,633 --> 00:12:47,100
BECAUSE IN 2011, I BELIEVE, THE
00:12:47,100 --> 00:12:53,400
RESOLUTION WAS PASSED, IN ZONE
00:12:53,400 --> 00:12:55,866
THEY TRY TO KEEP IT LOW AND
00:12:55,866 --> 00:12:57,033
LIMITED AND THEY DON'T WANT

00:12:57,033 -> 00:12:58,133
PROJECTS THAT'S GOING TO IMPACT

00:12:58,133 -> 00:12:59,133
THE NEIGHBORS AND THEIR QUALITY

00:12:59,133 -> 00:13:04,433
OF LIFE. I COULD SEE THAT

00:13:04,433 -> 00:13:06,533
INITIALLY YOU GOT APPROVED FOR

00:13:06,533 -> 00:13:11,266
40 SEATS, I'M SORRY, IN 2011.

00:13:11,266 -> 00:13:19,566
SO MOFSH/ MSHGS -- THAT

00:13:19,566 -> 00:13:22,466
-MORPHED UP TO 100 SEATS AND WE

00:13:22,466 -> 00:13:24,666
GAVE YOU 500 --

00:13:24,666 -> 00:13:26,566
>> FLEXIBLE SEATING AREA, RIGHT.

00:13:26,566 -> 00:13:29,466
SO THE -- RIGHT, YES. I MEAN,

00:13:29,466 -> 00:13:32,366
I'M SURE YOU'RE FAMILIAR WITH --

00:13:32,366 -> 00:13:34,100
I CAN EXPLAIN IF YOU WANT ME

00:13:34,100 -> 00:13:34,400
TOO.

00:13:34,400 -> 00:13:36,500
>> NO, I'M TRYING TO GET THE

00:13:36,500 -> 00:13:38,533
FACTS HERE. AS PART OF UR

00:13:38,533 -> 00:13:39,800
RESOLUTION, THERE WERE A COUPLE

00:13:39,800 -> 00:13:41,566
OF ASPECTS THAT DEALT WITH THE

00:13:41,566 -> 00:13:43,700
GARBAGE, THAT SEEMS TO BE A

00:13:43,700 -> 00:13:45,833
COMPLAINT AND THE NOISE, AND

00:13:45,833 -> 00:13:49,100
BACK EIGHT YEARS AGO, WE

00:13:49,100 -> 00:13:50,733
INDICATED THAT THE WASTE AND

00:13:50,733 -> 00:13:53,266
RECYCLING AND HANDLING SHALL BE

00:13:53,266 -> 00:13:54,666
SCREENED FROM ADJACENT

00:13:54,666 -> 00:13:55,966
PROPERTIES AND APPROPRIATE

00:13:55,966 -> 00:13:59,000
FENCES OR WALLS AND LANDSCAPING

00:13:59,000 -> 00:14:02,566
IN CODE NATION WITH 106-279 AND

00:14:02,566 -> 00:14:04,500
THE AREA SHALL BE ENCLOSED ON

00:14:04,500 --> 00:14:06,966
ALL FOUR SIDES WITH A ROOF AND

00:14:06,966 --> 00:14:09,433
DOORS FOR ACCESS. NOW, WE'RE

00:14:09,433 --> 00:14:11,300
GOING ON EIGHT YEARS, IS THERE

00:14:11,300 --> 00:14:15,400
SUCH A STRUCTURE IN PLACE?

00:14:15,400 --> 00:14:17,766
>> UM, THIS IS - I'M NOT

00:14:17,766 --> 00:14:19,166
WORKING ON THAT PARTICULAR

00:14:19,166 --> 00:14:20,133
THING, AND THE RESTAURANT IN

00:14:20,133 --> 00:14:23,033
THIS CASE IS NOT MY CLIENT. BUT

00:14:23,033 --> 00:14:24,766
SO I'M NOT SPEAKING FOR THEM.

00:14:24,766 --> 00:14:26,333
BUT MY UNDERSTANDING OF WHAT'S

00:14:26,333 --> 00:14:29,333
HAPPENING WITH THAT IS THAT THE

00:14:29,333 --> 00:14:29,866
STRUCTURE WAS UNDER

00:14:29,866 --> 00:14:32,300
CONSTRUCTION. IT WAS STOPPED BY

00:14:32,300 --> 00:14:33,733
A CODE COMPLAINT FOR NOT HAVING

00:14:33,733 --> 00:14:35,266
A PERMIT. THEY ACQUIRED A

00:14:35,266 --> 00:14:38,633
PERMIT AND I BELIEVE THEY WERE

00:14:38,633 --> 00:14:41,133
ASKED TO CONSTRUCT UNTIL THIS

00:14:41,133 --> 00:14:42,733
PROCESS WAS FINISHED IN CASE?

00:14:42,733 --> 00:14:45,066
OTHER COMPROMISE CAME OUT OF IT,

00:14:45,066 --> 00:14:47,300
BUT I'M NOT ENTIRELY SURE ABOUT

00:14:47,300 --> 00:14:47,600
THAT.

00:14:47,600 --> 00:14:49,833
>> WHEN WAS THIS PERMIT FINALLY

00:14:49,833 --> 00:14:51,333
PULLED? >> I'M AFRAID I DON'T

00:14:51,333 --> 00:14:53,033
KNOW. IT AS IN THE RELATIVE

00:14:53,033 --> 00:14:54,633
NEAR PAST. SEVERAL MONTHS AGO.

00:14:54,633 --> 00:14:56,500
>> IN THE LAST COUPLE OF MONTHS.

00:14:56,500 --> 00:14:58,700
>> SOMETHING LIKE THAT.

00:14:58,700 -> 00:15:00,066
>> ALSO AS PART OF A RESOLUTION

00:15:00,066 -> 00:15:04,666
AND THIS DEALS WITH THE SOUND OR

00:15:04,666 -> 00:15:08,933
NOISES, THE APPLICANT WILL

00:15:08,933 -> 00:15:13,766
INSTALL AND MAINTAIN A SOUND

00:15:13,766 -> 00:15:18,300
SYSTEM TO BE - SECTION 26-191

00:15:18,300 -> 00:15:20,800
OF THE CODE OF ORDINANCES. AND

00:15:20,800 -> 00:15:23,233
SHALL INCLUDE COMPUTERIZED SOUND

00:15:23,233 -> 00:15:25,866
MONITORING SYSTEM WITH REAL-TIME

00:15:25,866 -> 00:15:27,466
MONITORING ACCESS IS PROVIDED TO

00:15:27,466 -> 00:15:30,200
THE CITY. THE APPLICANT AGREES

00:15:30,200 -> 00:15:32,766
TO PROVIDE THE CITY'S AGENT

00:15:32,766 -> 00:15:35,233
ACCESS TO THE COMPUTER GENERATED

00:15:35,233 -> 00:15:37,233
REPORT IN FULL REAL-TIME, WEB

00:15:37,233 -> 00:15:39,700
BASED ACCESS TO DIGITAL

00:15:39,700 -> 00:15:41,500
MONITORING OF THE ONSITE

00:15:41,500 -> 00:15:43,133
ACOUSTICS FOR THE PURPOSES OF

00:15:43,133 -> 00:15:44,500
ASSURING COMPLIANCE WITH

00:15:44,500 -> 00:15:46,066
CONDITIONS CONTAINED THERE

00:15:46,066 -> 00:15:47,766
WITHIN. MY QUESTION TO YOU, HAS

00:15:47,766 -> 00:15:49,566
SUCH A SYSTEM BEEN PUT IN PLACE?

00:15:49,566 -> 00:15:51,666
>> MR. LLOYD, I DON'T KNOW. I

00:15:51,666 -> 00:15:53,733
APOLOGIZE.

00:15:53,733 -> 00:15:58,733
>> WHO WOULD KNOW
>> UH, I IMAGINE THE POSSIBLY

00:15:58,733 -> 00:16:00,800
CODE ENFORCEMENT CERTAINLY THE

00:16:00,800 -> 00:16:03,766
OPERATOR OF THE RESTAURANT.

00:16:03,766 -> 00:16:06,566
>> OKAY.

00:16:06,566 -> 00:16:10,233
>> WHO IS THE OWNER OF THIS

00:16:10,233 -> 00:16:10,633
PROPERTY.

00:16:10,633 -> 00:16:12,933
>> HISTORIC TOUR OF AMERICA.

00:16:12,933 -> 00:16:17,066
>> WHO IS THE OWNER OF THAT?

00:16:17,066 -> 00:16:22,933
>> MR. SWIFT IS HERE, AND WITH

00:16:22,933 -> 00:16:24,833
HIS PARTNERS, HE OWNS THE

00:16:24,833 -> 00:16:25,200
COMPANY.

00:16:25,200 -> 00:16:27,000
>> I'M ASSUMING HE WAS AT THE

00:16:27,000 -> 00:16:28,966
MEETING THAT DEALT WITH HIS

00:16:28,966 -> 00:16:33,500
PROPERTY IN 2011.

00:16:33,500 -> 00:16:35,166
>> I CAN'T REMEMBER IF HE WAS,

00:16:35,166 -> 00:16:37,566
BUT I IMAGINE HE WOULD HAVE

00:16:37,566 -> 00:16:37,866
BEEN.

00:16:37,866 -> 00:16:40,700
>> PART OF THIS BOUNDARY AS IT

00:16:40,700 -> 00:16:44,166
STANDS, WAS PUT IN PLACE IN WHAT

00:16:44,166 -> 00:16:44,466
YEAR?

00:16:44,466 -> 00:16:45,933
>> THIS BOUNDARY BECAME --

00:16:45,933 -> 00:16:47,900
>> THAT'S CURRENTLY EXISTING?

00:16:47,900 -> 00:16:49,833
>> THIS BECAME EFFECTIVE IN

00:16:49,833 -> 00:16:52,633
1997.

00:16:52,633 -> 00:16:54,266
>> 1997. WHEN DID YOU BUILD

00:16:54,266 -> 00:16:54,266
THAT STRUCTURE THAT GOES ACROSS

00:16:54,266 -> 00:16:57,800
THE ONE SECTION THAT LOOKS LIKE

00:16:57,800 -> 00:16:58,800
RETAIL SHOPPING?

00:16:58,800 -> 00:17:03,266
>> IN THE BACK, THE OLD MARKET

00:17:03,266 -> 00:17:03,633
BUILDING?

00:17:03,633 -> 00:17:04,000
>> YES.

00:17:04,000 -> 00:17:10,800
>> MR. LLOYD, I'M NOT SURE THE

00:17:10,800 -> 00:17:12,466

EXACT DATE, BUT IT'S SOMETIME

00:17:12,466 --> 00:17:14,600
AROUND THAT TIME PERIOD. 95,

00:17:14,600 --> 00:17:15,900
96, 97.

00:17:15,900 --> 00:17:18,700
>> HOW ABOUT 1998.

00:17:18,700 --> 00:17:19,433
>> 98.

00:17:19,433 --> 00:17:20,233
>> MAYBE 99.

00:17:20,233 --> 00:17:22,333
>> SIR, I JUST DON'T KNOW. I

00:17:22,333 --> 00:17:23,500
COULD ANSWER THE QUESTION IN A

00:17:23,500 --> 00:17:24,966
COUPLE OF MINUTES IF YOU GAVE IT

00:17:24,966 --> 00:17:25,300
TO ME.

00:17:25,300 --> 00:17:26,166
>> SURE, OKAY.

00:17:26,166 --> 00:17:29,333
>> NOT NOW, BUT YOU CAN MAYBE

00:17:29,333 --> 00:17:31,066
LATER ON ADVISE ME AS THE DATES.

00:17:31,066 --> 00:17:33,033
>> I'D BE HAPPY TO DO SO.

00:17:33,033 --> 00:17:41,933
>> NOW, AS IT CURRENTLY IS --

00:17:41,933 --> 00:17:44,000
I'M SPEAKING OF BOUNDARIES, THAT

00:17:44,000 --> 00:17:45,266
PREVENTS YOU FROM PUTTING UP

00:17:45,266 --> 00:17:46,800
TABLES AND CHAIRS ON ONE SIDE OF

00:17:46,800 --> 00:17:48,066
THAT BUILDING, CORRECT?

00:17:48,066 --> 00:17:49,100
>> I'M SORRY, I DIDN'T HEAR.

00:17:49,100 --> 00:17:50,500
WHAT PREVENTS US?

00:17:50,500 --> 00:17:53,533
>> AS -- NOW I'M REFERRING TO

00:17:53,533 --> 00:17:55,766
THE LARGE STRUCTURE WHICH WE'LL

00:17:55,766 --> 00:17:57,566
CALL THE HOUSE. AND YOU HAVE

00:17:57,566 --> 00:17:59,533
SEATING INSIDE THE HOUSE, BUT

00:17:59,533 --> 00:18:01,566
YOU'RE PROHIBITED FROM HAVING

00:18:01,566 --> 00:18:02,466
SEATING THROUGH THAT PATIO

00:18:02,466 --> 00:18:04,633

BECAUSE THAT'S WHERE THE
00:18:04,633 -> 00:18:06,300
PROPERTY LINE RUNS OR THE ZONING
00:18:06,300 -> 00:18:08,500
LINE RUNS, CORRECT?
00:18:08,500 -> 00:18:11,066
>> WELL, I WOULD -- I WOULD, IF
00:18:11,066 -> 00:18:13,100
YOU ASKED ME WHY THERE'S NO
00:18:13,100 -> 00:18:15,266
SEATING THERE, I WOULD SAY IT'S
00:18:15,266 -> 00:18:18,633
BECAUSE IT'S A CONDITION OF THE
00:18:18,633 -> 00:18:22,466
CONDITIONAL USE. THAT'S NOT A
00:18:22,466 -> 00:18:24,633
RECOGNIZED CONSUMPTION AREA OF
00:18:24,633 -> 00:18:25,500
SEATING OF THIS RESTAURANT.
00:18:25,500 -> 00:18:27,666
>> YOU CAN'T HAVE SEATING IN A
00:18:27,666 -> 00:18:28,300
RESIDENTIAL ZONE.
00:18:28,300 -> 00:18:33,466
>> YOU MAY HAVE SEATING IN
00:18:33,466 -> 00:18:34,600
RESIDENTIAL KNOWN IN THE
00:18:34,600 -> 00:18:37,333
CONFORMITY WAS RECOGNIZED. IN
00:18:37,333 -> 00:18:38,700
2011, BE HAD THESE DISCUSSIONS
00:18:38,700 -> 00:18:40,366
ABOUT THE NON CONFORMING AND I
00:18:40,366 -> 00:18:43,433
BELIEVE IT WAS -- THE PLANNING
00:18:43,433 -> 00:18:45,000
DIRECTOR AT THE TIME, THAT THE
00:18:45,000 -> 00:18:49,700
NON CONFORMING USE OF THAT
00:18:49,700 -> 00:18:50,900
RESIDENTIAL PIECE OF PROPERTY
00:18:50,900 -> 00:18:52,800
HAD BEEN LOST THROUGH THE
00:18:52,800 -> 00:18:54,433
ABANDONMENT PREVISION. I
00:18:54,433 -> 00:18:55,566
CERTAINLY WOULD -- I DON'T
00:18:55,566 -> 00:18:58,233
-BELIEVE A GREED WITH THAT, SO --
00:18:58,233 -> 00:19:01,233
I BELIEVE I DON'T AGREED WITH
00:19:01,233 -> 00:19:02,266
THAT. IF YOU'RE ASKING MY
00:19:02,266 -> 00:19:03,366

OPINION, I DON'T THINK IT'S IN

00:19:03,366 --> 00:19:04,833
THE CONDITIONAL USE AND WHY IT'S

00:19:04,833 --> 00:19:06,133
NOT RECOGNIZED AS SEATING.

00:19:06,133 --> 00:19:08,266
>> EXCUSE ME. MR. LLOYD, WITH

00:19:08,266 --> 00:19:10,300
ALL DO RESPECT, I WANT - I

00:19:10,300 --> 00:19:13,366
THINK IT'S A GOOD TIME TO INJECT

00:19:13,366 --> 00:19:16,666
THIS. WE ARE GOING TO HEAR FROM

00:19:16,666 --> 00:19:19,266
THE PUBLIC AND THERE'S GOING TO

00:19:19,266 --> 00:19:21,600
BE FURTHER DISCUSSION. I WANT

00:19:21,600 --> 00:19:23,800
TO POINT OUT THE STAFF APPROVAL

00:19:23,800 --> 00:19:25,066
OF RECOMMENDATION EARLIER

00:19:25,066 --> 00:19:27,833
REFERENCED THAT IT WAS APPROVED

00:19:27,833 --> 00:19:29,833
IF ALL THE CONDITIONS OF THAT

00:19:29,833 --> 00:19:31,566
2011 CONDITIONAL USE APPROVAL

00:19:31,566 --> 00:19:33,066
THAT YOU'RE REFERENCING QUITE A

00:19:33,066 --> 00:19:40,900
BIT RIGHT NOW ARE MET. HOWEVER,
THAT IS NOT, UM, ACTUALLY

00:19:40,900 --> 00:19:43,700
ALLOWABLE BY FLORIDA STATUTE FOR

00:19:43,700 --> 00:19:45,866
THE ZONING ISSUES. CONDITIONS

00:19:45,866 --> 00:19:48,566
MAY NOT BE ATTACHED TO IT.

00:19:48,566 --> 00:19:50,866
STAFF IS, MY UNDERSTANDING, NOT

00:19:50,866 --> 00:19:52,866
CHANGING THEIR RECOMMENDATION

00:19:52,866 --> 00:19:53,700
FROM APPROVAL. THEY FEEL IT

00:19:53,700 --> 00:19:56,000
MEETS THE CRITERIA, BUT THEY'RE

00:19:56,000 --> 00:19:57,700
NOT CONDITIONING IT ON ANYTHING

00:19:57,700 --> 00:20:00,566
TO DO WITH THAT 2011 CONDITIONAL

00:20:00,566 --> 00:20:04,666
USE. I ALSO BELIEVE THERE IS

00:20:04,666 --> 00:20:07,533
POTENTIAL, UM, PUBLIC COMMENT,

00:20:07,533 -> 00:20:09,266
MAYBE, FROM MR. YOUNG, I DON'T

00:20:09,266 -> 00:20:10,633
KNOW IF HE'S HERE TONIGHT IN

00:20:10,633 -> 00:20:13,866
REGARDS TO CODE ENFORCEMENT WITH

00:20:13,866 -> 00:20:15,666
THIS PROJECT. I WANT YOU TO BE

00:20:15,666 -> 00:20:17,433
AWARE OF THAT. OTHER THAN THAT,

00:20:17,433 -> 00:20:17,833
CONTINUE.

00:20:17,833 -> 00:20:20,500
>> I'M COGNOSCENTE. OH, LET'S

00:20:20,500 -> 00:20:22,666
TALK ABOUT THE EXPANSION OF THE

00:20:22,666 -> 00:20:25,266
NOISE AREA BECAUSE IN THE

00:20:25,266 -> 00:20:27,900
RESIDENTIAL SIDE, UH, IT GOES UP

00:20:27,900 -> 00:20:31,200
-- CORRECT ME IF I'M WRONG, TO

00:20:31,200 -> 00:20:34,266
75 DBA'S, IS THAT THE CORRECT,

00:20:34,266 -> 00:20:42,533
UH -- AND THEN IT CUTS DOWN FOR

00:20:42,533 -> 00:20:45,366
HALF THE NIGHT DOWN TO 60.

00:20:45,366 -> 00:20:49,133
>> LET ME BE CLEAR OF MY ANSWER.

00:20:49,133 -> 00:20:51,400
I CAN EXPLAIN MY UNDERSTANDING

00:20:51,400 -> 00:20:55,400
OF THE CODE. HOW THAT CODE

00:20:55,400 -> 00:20:57,733
REFERS TO THE LAND, PREFER TO

00:20:57,733 -> 00:20:59,200
CONSULT WITH A LAWYER. FROM

00:20:59,200 -> 00:21:01,666
8:00 IN THE MORNING TO 8:00 AT

00:21:01,666 -> 00:21:03,566
NIGHT, YOU CAN HAVE 85 DECIBELS

00:21:03,566 -> 00:21:05,466
OF SOUND AND I DON'T KNOW WHAT

00:21:05,466 -> 00:21:07,133
THAT MEANS IN TERMS OF SOUND.

00:21:07,133 -> 00:21:07,766
>> I UNDERSTAND.

00:21:07,766 -> 00:21:09,666
>> FROM 8:00 IN THE EVENING TO

00:21:09,666 -> 00:21:14,700
8:00 AT NIGHT, YOU MAY HAVE 8

00:21:14,700 -> 00:21:15,866
DECIBELS OF SOUND. A COMMERCIAL

00:21:15,866 -> 00:21:17,800
PIECE OF PROPERTY NOT IN THE

00:21:17,800 -> 00:21:20,766
COMMERCIAL CORE, YOU MAY HAVE 70

00:21:20,766 -> 00:21:22,066
DECIBELS OF SOUND MEASURED FROM

00:21:22,066 -> 00:21:25,333
THE PROPERTY LINE AND IT MAY NOT

00:21:25,333 -> 00:21:27,100
EXCEED THAT IN A 24 HOUR PERIOD.

00:21:27,100 -> 00:21:30,166
>> YOU CAN KEEP YOUR MUSIC UP 24

00:21:30,166 -> 00:21:31,766
HOURS A DAY IN THAT ZONE.

00:21:31,766 -> 00:21:34,700
>> YOU CAN KEEP IT AT THE NOISE,

00:21:34,700 -> 00:21:38,533
I SUPPOSE, YES, 24 HOURS A DAY.

00:21:38,533 -> 00:21:40,166
>> THANK YOU.

00:21:40,166 -> 00:21:40,633
>> YES

00:21:40,633 -> 00:21:44,600
>> MISS RU - MR. RUSSO.

00:21:44,600 -> 00:21:46,866
>> HI, OWEN.

00:21:46,866 -> 00:21:47,233
>> HI

00:21:47,233 -> 00:21:48,800
>> WERE THERE ANY MEMBERS OF THE

00:21:48,800 -> 00:21:52,200
BOARD WHEN THIS ZONE CHANGE

00:21:52,200 -> 00:21:52,566
OCCURRED?

00:21:52,566 -> 00:21:56,533
>> FEELS LIKE, BUT --

00:21:56,533 -> 00:21:56,933
[LAUGHTER]

00:21:56,933 -> 00:22:09,033
>> I D

00:22:09,033 -> 00:22:10,400
>> I'M TRYING TO DIG INTO THE

00:22:10,400 -> 00:22:12,633
INTENT. YOU KEEP CALLING THIS

00:22:12,633 -> 00:22:20,533
AN ERROR MISTAKE. IT'S NOT JUST

00:22:20,533 -> 00:22:23,100
US, BUT IT'S THE CITY

00:22:23,100 -> 00:22:24,666
COMMISSION. WERE THEY BEING

00:22:24,666 -> 00:22:26,566
ENLIGHTENED AND ID THEY DO THIS

00:22:26,566 -> 00:22:28,166
ON PURPOSE BECAUSE IT IMPACTS A

00:22:28,166 -> 00:22:29,533
PIECE OF PROPERTY HE WAY THEY

00:22:29,533 -> 00:22:32,266
WANT IT TO OR WAS THIS JUST -- I

00:22:32,266 -> 00:22:34,366
MEAN, IT'S A BIG ERROR. THIS

00:22:34,366 -> 00:22:35,566
ISN'T ANYTHING THAT CAN BE

00:22:35,566 -> 00:22:39,400
EASILY MISSED. WHAT'S YOUR --

00:22:39,400 -> 00:22:41,700
WHAT FACTS DO YOU KNOW THAT

00:22:41,700 -> 00:22:43,633
PROVES THIS WAS AN ERROR AND NOT

00:22:43,633 -> 00:22:44,833
AN ENLIGHTENED OPINION.

00:22:44,833 -> 00:22:54,733
>> THANKS FOR THE QUESTION. IF

00:22:54,733 -> 00:22:56,733
WE HAVE RUN INTO THIS PROBLEM IN

00:22:56,733 -> 00:22:57,866
TOWN. I DON'T KNOW IF THAT'S

00:22:57,866 -> 00:23:02,300
THE ONLY LOCATION. IN TONY

00:23:02,300 -> 00:23:04,266
MCGEE'S MOTORCYCLE SHOP WHICH

00:23:04,266 -> 00:23:06,000
WAS LATER VICTOR MILLS HONDA

00:23:06,000 -> 00:23:07,400
SHOP AND I'M NOT SURE WHAT IT

00:23:07,400 -> 00:23:10,000
IS. IT'S ACROSS FROM THE GREEN

00:23:10,000 -> 00:23:11,233
PARROT. THAT PROPERTY HAD A

00:23:11,233 -> 00:23:12,933
VERY SIMILAR SITUATION WHERE THE

00:23:12,933 -> 00:23:16,033
ZONING LINE WAS DRAWN RIGHT

00:23:16,033 -> 00:23:19,133
THROUGH THE BUILDING. AND THAT

00:23:19,133 -> 00:23:21,266
WAS TWO YEARS AGO, WE WENT

00:23:21,266 -> 00:23:22,633
THROUGH THE PROCESS TO CORRECT

00:23:22,633 -> 00:23:24,500
THAT. THAT'S THE ONLY INSTANCE

00:23:24,500 -> 00:23:26,966
I KNOW. IN THIS CASE, UH, WHEN

00:23:26,966 -> 00:23:30,466
THIS -- THIS ZONING LINE WAS

00:23:30,466 -> 00:23:31,566
DRAWN, ACTUALLY THE FUTURE LAND

00:23:31,566 -> 00:23:33,500
USE MAP BECAUSE AT THAT TIME THE

00:23:33,500 -> 00:23:35,566
LAND USE MAP AND THE ZONING MAP

00:23:35,566 -> 00:23:40,100
WERE, UM, EXACT COPIES OF ONE

00:23:40,100 -> 00:23:45,200
ANOTHER. IT WAS DRAWN IN 1993

00:23:45,200 -> 00:23:47,633
AND IT WAS IN A LAWSUIT THAT WAS

00:23:47,633 -> 00:23:49,566
RESOLVED AND IT DIDN'T BECOME

00:23:49,566 -> 00:23:51,533
EFFECTIVE IN 1997. WHEN THIS

00:23:51,533 -> 00:23:53,166
HAPPENS FROM A LAND USE

00:23:53,166 -> 00:23:54,233
PERSPECTIVE, THERE'S NO NOTICE

00:23:54,233 -> 00:23:55,966
THAT THE LAWSUIT SETTLED AND THE

00:23:55,966 -> 00:23:59,300
ZONING IS BECOME EFFECT -

00:23:59,300 -> 00:24:01,633
EFFECTIVE. IT JUST BECOMES

00:24:01,633 -> 00:24:04,300
EFFECTIVE. HTA, I SAY HTA, I

00:24:04,300 -> 00:24:06,133
DON'T KNOW IF HTA OWNED IT THEN,

00:24:06,133 -> 00:24:08,133
BUT MR. SWIFT AND HIS BUSINESS

00:24:08,133 -> 00:24:09,366
PARTNERS WERE DEVELOPING THIS

00:24:09,366 -> 00:24:10,333
PROPERTY. AND THEY CAME TO

00:24:10,333 -> 00:24:13,433
THEIR DEVELOPMENT APPROVAL JUST

00:24:13,433 -> 00:24:16,400
AFTER THE EFFECTIVE DATE OF THE

00:24:16,400 -> 00:24:19,800
ZONING LINE COMING INTO -- BEING

00:24:19,800 -> 00:24:21,266
EFFECTIVE. SO WHAT THE CITY

00:24:21,266 -> 00:24:24,433
DID, THEY WENT TO SEE THE THEN

00:24:24,433 -> 00:24:27,966
CITY PLANNER, TED, AND MINDZING

00:24:27,966 -> 00:24:32,200
IS TED DID NOT WANT TO REOPEN
THE ZONING PROCESS AGAIN. AND

00:24:32,200 -> 00:24:35,866
SO THE CITY ISSUED THE PROPERTY,

00:24:35,866 -> 00:24:39,433
WHAT'S CALLED AT THAT TIME A

00:24:39,433 -> 00:24:41,233
SPECIAL EXCEPTION TO ALLOW A

00:24:41,233 -> 00:24:43,500
COMMERCIAL USE WITHIN THE

00:24:43,500 --> 00:24:46,233
RESIDENTIAL PORTION OF THE

00:24:46,233 --> 00:24:52,866
PROPERTY. AND IN THE LATE 90S,

00:24:52,866 --> 00:24:54,866
I DON'T HAVE THE DATE, AND I

00:24:54,866 --> 00:24:58,733
APOLOGIZE, THE DEO PASSED AN

00:24:58,733 --> 00:24:59,800
ADMINISTRATIVE RULE THAT

00:24:59,800 --> 00:25:01,200
PREVENTS AREAS OF CRITICAL STATE

00:25:01,200 --> 00:25:03,166
CONCERN FROM ISSUING SPECIAL

00:25:03,166 --> 00:25:06,600
EXCEPTIONS OR VARIANCES TO USE.

00:25:06,600 --> 00:25:09,200
UH, AND SO THEN AT THAT POINT IN

00:25:09,200 --> 00:25:10,866
TIME, THE RESIDENTIAL PORTION OF

00:25:10,866 --> 00:25:12,500
THIS PROPERTY BECAME NON

00:25:12,500 --> 00:25:14,833
CONFORMING. AND SO, AND THAT

00:25:14,833 --> 00:25:17,300
LED TO MR. LLOYD'S QUESTION

00:25:17,300 --> 00:25:18,833
ABOUT, YOU KNOW, DID WE HAVE A

00:25:18,833 --> 00:25:21,200
RIGHT TO USE IT. IT WAS NON

00:25:21,200 --> 00:25:22,400
CONFORMING AND I BELIEVE WHEN WE

00:25:22,400 --> 00:25:24,133
WENT THROUGH THE -

00:25:24,133 --> 00:25:25,966
>> STOP, STOP, STOP. WE'RE

00:25:25,966 --> 00:25:27,733
GIVING ME A HEADACHE WITH ALL

00:25:27,733 --> 00:25:28,233
THIS STUFF.

00:25:28,233 --> 00:25:29,100
>> SORRY

00:25:29,100 --> 00:25:31,000
>> WERE YOU INVOLVED IN ANY OF

00:25:31,000 --> 00:25:31,300
THIS?

00:25:31,300 --> 00:25:32,833
>> STARTING IN 2011.

00:25:32,833 --> 00:25:35,200
>> THAT'S AS SOON AS YOU GOT

00:25:35,200 --> 00:25:36,333
INVOLVED IN THIS?

00:25:36,333 --> 00:25:39,200
>> I HAD SOME DEALINGS WITH THIS

00:25:39,200 -> 00:25:41,600
WHEN I WORKED WITH THE CITY.

00:25:41,600 -> 00:25:48,600
>> YOU WERE INVOLVED IN THE

00:25:48,600 -> 00:25:50,466
CITY-- PERSPECTIVE.

00:25:50,466 -> 00:25:52,200
>> IT WAS WHEN THEY WERE

00:25:52,200 -> 00:25:53,300
PERMITTING RESTAURANTS BACK

00:25:53,300 -> 00:25:54,966
THEN. BUT I DIDN'T GET INVOLVED

00:25:54,966 -> 00:25:57,300
IN THE ZONING UNTIL 2011.

00:25:57,300 -> 00:25:59,066
>> MR. CHAIRMAN, WHILE WE'RE

00:25:59,066 -> 00:26:00,400
HERE AT THIS MOMENT, WE'RE

00:26:00,400 -> 00:26:01,566
STARTING THIS PROCESS. ONE OF

00:26:01,566 -> 00:26:03,200
THE THINGS THAT I THINK MAYBE

00:26:03,200 -> 00:26:04,766
LEGAL COUNSEL CAN ADDRESS IS THE

00:26:04,766 -> 00:26:06,400
FACT THAT MEMBERS OF THE

00:26:06,400 -> 00:26:07,666
PLANNING BOARD ARE GETTING

00:26:07,666 -> 00:26:09,533
E-MAILS IMPROPERLY AND MAYBE YOU

00:26:09,533 -> 00:26:12,766
CAN GO OVER WHAT'S APPROPRIATE

00:26:12,766 -> 00:26:14,500
AND WHAT'S NOT. IF THIS GOES ON

00:26:14,500 -> 00:26:15,633
FOR MORE OF THE MEETING, WE'RE

00:26:15,633 -> 00:26:17,500
GOING TO BE INUNDATED WITH MORE

00:26:17,500 -> 00:26:20,333
E-MAILS WHICH IS INAPPROPRIATE,

00:26:20,333 -> 00:26:20,733
I'M TOLD.

00:26:20,733 -> 00:26:22,466
>> YOU'RE TALKING ABOUT PUBLIC

00:26:22,466 -> 00:26:22,800
COMMENT?

00:26:22,800 -> 00:26:25,133
>> NO, NO. THE PLANNING BOARD

00:26:25,133 -> 00:26:27,300
IS GETTING E MAILS FROM THE

00:26:27,300 -> 00:26:30,533
PUBLIC, AND GEORGE INSTRUCTED US

00:26:30,533 -> 00:26:32,100
NOT TO READ THEM AND NOT TO

00:26:32,100 -> 00:26:32,966
FORWARD THEM.

00:26:32,966 -> 00:26:37,633
>> AS FAR AS EX PARTE

00:26:37,633 -> 00:26:39,133
COMMUNICATIONS IT HAS TO DO WITH

00:26:39,133 -> 00:26:42,500
THE PPLICANT TO THE BOARD.

00:26:42,500 -> 00:26:44,433
PUBLIC TYPE E-MAILS IS

00:26:44,433 -> 00:26:45,433
-DIFFERENT.

00:26:45,433 -> 00:26:48,033
>> SIR, RON IS SITTING IN FOR

00:26:48,033 -> 00:26:51,900
MR. WALLACE. AND WE APPRECIATE

00:26:51,900 -> 00:26:54,700
YOU BEING HERE. WHAT MR. RUSSO

00:26:54,700 -> 00:26:58,400
IS REFERRING SO, IN AN ABUNDANCE

00:26:58,400 -> 00:27:00,866
OF CAUTION, HE NCOURAGED US

00:27:00,866 -> 00:27:03,366
WHEN E'RE ON AN E-MAIL

00:27:03,366 -> 00:27:05,966
TOGETHER, AS RECIPIENTS AND THEN

00:27:05,966 -> 00:27:08,400
THERE'S A LOT OF COPIES, HE HAS

00:27:08,400 -> 00:27:12,566
ENCOURAGED US TO BE VERY, VERY

00:27:12,566 -> 00:27:15,500
CAREFUL IN RESPONDING AND HE

00:27:15,500 -> 00:27:18,066
SAID IN AN ABUNDANCE OF CAUTION,

00:27:18,066 -> 00:27:18,966
YOU SHOULDN'T RESPOND AT ALL.

00:27:18,966 -> 00:27:20,366
>> THANK YOU FOR THE

00:27:20,366 -> 00:27:20,800
CLARIFICATION.

00:27:20,800 -> 00:27:23,300
>> HE RECOMMENDED ANYTHING WE

00:27:23,300 -> 00:27:25,800
RECEIVE, WE SHOULD FORWARD TO

00:27:25,800 -> 00:27:26,433
THE OFFICE.

00:27:26,433 -> 00:27:28,266
>> AS PART OF PUBLIC RECORD.

00:27:28,266 -> 00:27:31,400
>> CORRECT. SO I RECEIVED - WE

00:27:31,400 -> 00:27:34,600
-RECEIVED, UH, SOMETHING AS LATE

00:27:34,600 -> 00:27:36,633
AS THIS MORNING ON ANOTHER ITEM,

00:27:36,633 -> 00:27:38,466
AND -- ACTUALLY ON THIS ITEM,

00:27:38,466 -> 00:27:40,333
AND I JUST FORWARDED IT TO

00:27:40,333 -> 00:27:42,166
NATALIE. I MADE NO COMMENT. I

00:27:42,166 -> 00:27:43,566
JUST PUSHED FORWARD AND SENT IT

00:27:43,566 -> 00:27:46,500
TO OUR ADMIN PERSON AND THAT WAS

00:27:46,500 -> 00:27:47,733
IT. I THINK THAT'S WHAT HE'S

00:27:47,733 -> 00:27:49,033
REFERRING TO. WE CAN'T STOP

00:27:49,033 -> 00:27:51,300
PEOPLE FROM SENDING US E-MAILS,

00:27:51,300 -> 00:27:52,933
BUT WHAT WE DO WITH THEM.

00:27:52,933 -> 00:27:55,233
>> THE REPLY INVITES OTHER

00:27:55,233 -> 00:27:59,500
COMMENT WHICH COULD CREATE A

00:27:59,500 -> 00:28:00,466
"SUNSHINE VIOLATION."

00:28:00,466 -> 00:28:02,066
>> WE NEED ADDITIONAL TESTIMONY

00:28:02,066 -> 00:28:03,200
IN REGARDS TO THIS POINT.

00:28:03,200 -> 00:28:04,600
>> I THINK WE HAVE A FEW PEOPLE

00:28:04,600 -> 00:28:05,833
TO SPEAK ON THIS ITEM.

00:28:05,833 -> 00:28:07,666
>> YEAH, YEAH, YEAH, I'M TRYING

00:28:07,666 -> 00:28:09,266
TO CHARACTERIZE IT AND MAKE SURE

00:28:09,266 -> 00:28:11,100
THEY'RE FOCUSED ON A PARTICULAR

00:28:11,100 -> 00:28:12,766
POINT I'M TRYING TO MAKE WHICH

00:28:12,766 -> 00:28:15,566
IS, I THINK WE NEED DDITIONAL

00:28:15,566 -> 00:28:16,900
PROOF, SOME TESTIMONY SOMEWHERE

00:28:16,900 -> 00:28:19,300
THAT PROVES THIS WAS MISTAKEN

00:28:19,300 -> 00:28:22,833
AND NOT AN ENLIGHTENED MESSAGE
OUR PREDECESSORS WERE HANDING

00:28:22,833 -> 00:28:24,733
DOWN, AND A MAJOR PROBLEM HERE

00:28:24,733 -> 00:28:27,866
IS IT SEEMS THE INFORMATION THAT
HAS BEEN COMING TO THE BOARD

00:28:27,866 -> 00:28:29,433
SEEMS TO BE PHONING USED ON THE

00:28:29,433 -> 00:28:34,866
THINGS -- FOCUSED ON HINGS THAT

00:28:34,866 -> 00:28:37,133
SHOULDN'T HAVE -- OCCURRED.

00:28:37,133 -> 00:28:38,766
MAYBE WE'RE GOING TO BE DEBATING

00:28:38,766 -> 00:28:41,500
THE WRONG THINGS, BUT LET'S HEAR

00:28:41,500 -> 00:28:44,466
FROM THE PUBLIC, MR. CHAIRMAN.

00:28:44,466 -> 00:28:47,766
>> THANK YOU. JIM, ARE YOU

00:28:47,766 -> 00:28:50,433
GOOD? OKAY. WE HAVE A LOT OF

00:28:50,433 -> 00:28:51,233
SPEAKERS SIGNED UP.

00:28:51,233 -> 00:28:52,933
>> YES, SIR, AND THEY HAVE A

00:28:52,933 -> 00:28:54,733
POWER POINT ON, UM, BOTH ITEMS 3

00:28:54,733 -> 00:28:56,533
AND 4. SO I'M NOT SURE HOW YOU

00:28:56,533 -> 00:28:58,066
WANT TO HANDLE THEIR THREE

00:28:58,066 -> 00:28:58,433
MINUTES.

00:28:58,433 -> 00:29:03,466
>> WHO HAS -- WHO HAS THE POWER

00:29:03,466 -> 00:29:03,766
POINT?

00:29:03,766 -> 00:29:05,366
>> MR. CHAIR. SEVERAL HANDS ARE

00:29:05,366 -> 00:29:07,833
GOING UP. HERE'S WHAT CAN

00:29:07,833 -> 00:29:08,500
HAPPEN. SIR.

00:29:08,500 -> 00:29:10,233
>> I'M SORRY, I THINK WHAT I

00:29:10,233 -> 00:29:11,966
HEARD MR. RUSSO SAY IS HE NEEDS

00:29:11,966 -> 00:29:13,933
MORE EVIDENCE AND TESTIMONY IN

00:29:13,933 -> 00:29:15,233
THAT REGARD. ARE YOU REFERRING

00:29:15,233 -> 00:29:17,400
TO POSSIBLE POSTPONEMENT?

00:29:17,400 -> 00:29:19,000
>> NO. NO. WE'LL SEE HOW THIS

00:29:19,000 -> 00:29:20,833
GOES, AND MAYBE THE MEMBERS OF

00:29:20,833 -> 00:29:23,266
THE PUBLIC WILL ENLIGHTEN US IN

00:29:23,266 -> 00:29:25,300
WHETHER THIS WAS A ZONING ERROR

00:29:25,300 -> 00:29:26,733
OR INTENTIONAL MESSAGE.

00:29:26,733 -> 00:29:29,733
>> THE ONLY REASON I ASK BECAUSE

00:29:29,733 -> 00:29:32,933
IF THAT WAS YOUR INTENTION OF

00:29:32,933 -> 00:29:33,733
AVOIDING THIS FROM HAPPENING

00:29:33,733 -> 00:29:35,300
OVER AGAIN, MAKE THAT MOTION NOW

00:29:35,300 -> 00:29:36,900
AND SEE WHERE IT GOES.

00:29:36,900 -> 00:29:38,600
->> NOT YET. IT MAY HAPPEN, BUT

00:29:38,600 -> 00:29:41,300
NOT YET.

00:29:41,300 -> 00:29:45,700
>> OKAY. SO, YOU'R

00:29:45,700 -> 00:29:47,633
MR. FERLAND, RIGHT. AND YOU

00:29:47,633 -> 00:29:49,066
HAVE A POWER POINT. YOU'RE

00:29:49,066 -> 00:29:51,433
LIMITED TO THREE MINUTES -- LET

00:29:51,433 -> 00:29:53,866
ME FINISH. I CAN'T HEAR YOU, O

00:29:53,866 -> 00:29:55,600
I CAN'T HEAR GOOD ANYWAY, SO LET

00:29:55,600 -> 00:29:58,466
ME FINISH. I WILL ALLOW PEOPLE

00:29:58,466 -> 00:30:00,800
WHO HAVE SIGNED UP TO DEFER

00:30:00,800 -> 00:30:02,100
THEIR TIME TO YOU, BUT I'M NOT

00:30:02,100 -> 00:30:04,033
GOING TO GIVE YOU JUST AN

00:30:04,033 -> 00:30:07,266
UNLIMITED -- I'M NOT GOING TO

00:30:07,266 -> 00:30:10,500
TURN YOU LOOSE UP HERE. WHO

00:30:10,500 -> 00:30:11,833
SIGNED UP IS FORGOING THEIR

00:30:11,833 -> 00:30:13,600
OPPORTUNITY TO SPEAK TO ALLOW

00:30:13,600 -> 00:30:15,333
YOU THE TIME TO DO YOUR POWER

00:30:15,333 -> 00:30:16,900
POINT UNLESS YOU CAN DO IT IN

00:30:16,900 -> 00:30:18,166
THREE MINUTES. ARE YOU

00:30:18,166 -> 00:30:19,666
FOLLOWING -- ARE YOU FOLLOWING

00:30:19,666 -> 00:30:19,933
ME?

00:30:19,933 -> 00:30:20,866
>> I AM.

00:30:20,866 -> 00:30:21,966
>> OKAY.

00:30:21,966 -> 00:30:23,600
>> MY WIFE SUZANNE WAS FIRST.

00:30:23,600 -> 00:30:24,966
>> HI, SUZANNE.

00:30:24,966 -> 00:30:26,266
>> I'M SORRY.

00:30:26,266 -> 00:30:28,000
>> MY WIFE SUZANNE --

00:30:28,000 -> 00:30:29,666
>> WILL YOU COME TO THE

00:30:29,666 -> 00:30:30,300
MICROPHONE. THANK YOU.

00:30:30,300 -> 00:30:31,966
>> COME UP AND TALK.

00:30:31,966 -> 00:30:33,933
>> MY NAME IS SUZANNE KEY AND

00:30:33,933 -> 00:30:36,333
I'M INTRODUCING MYSELF TO THE

00:30:36,333 -> 00:30:38,233
BOARD FOR THE FIRST TIME. IT'S

00:30:38,233 -> 00:30:40,400
NICE TO SEE ALL OF YOU. WE

00:30:40,400 -> 00:30:41,533
POWERED UP THE POWER POINT TO

00:30:41,533 -> 00:30:43,166
MEET THE TERMS OF THE THREE

00:30:43,166 -> 00:30:43,533
MINUTES.

00:30:43,533 -> 00:30:44,333
>> GO AHEAD.

00:30:44,333 -> 00:30:46,100
>> WE DIVIDED UP THE POWER POINT

00:30:46,100 -> 00:30:49,300
TO AVOID THE THREE MINUTE

00:30:49,300 -> 00:30:51,066
LIMITATION, BUT WE BE HAPPY TO

00:30:51,066 -> 00:30:51,800
DEFER OUR TIME. 3

00:30:51,800 -> 00:30:54,300
>> IT'S TOTALLY UP TO YOU. IF

00:30:54,300 -> 00:30:56,300
YOU EACH WANT TO CARVE IT UP,

00:30:56,300 -> 00:30:57,966
AND THAT'S FINE. IF YOU WANT TO

00:30:57,966 -> 00:30:59,333
DEFER AND HAVE ONE PERSON SPEAK,

00:30:59,333 -> 00:31:02,700
THAT'S FINE TOO. WHATEVER YOU

00:31:02,700 -> 00:31:03,666
WANT TO DO.

00:31:03,666 -> 00:31:05,133
>> WHY DON'T YOU LET ME SPEAK

00:31:05,133 -> 00:31:06,766
AND WE'LL LET THE OTHER PEOPLE
AFTER.

00:31:06,766 -> 00:31:08,866
>> THIS IS THE MAJOR AUTHOR OF

00:31:08,866 -> 00:31:10,400
THE POWER POINT, SO HE'S

00:31:10,400 -> 00:31:11,400
FAMILIAR WITH THE SITES.

00:31:11,400 -> 00:31:12,400
>> HOW MANY PEOPLE ARE GOING TO

00:31:12,400 -> 00:31:15,700
SPEAK ON THE POWER POINT?

00:31:15,700 -> 00:31:18,000
>> SIX. 3

00:31:18,000 -> 00:31:21,700
>> DOES EVERYBODY AGREE THAT WAS

00:31:21,700 -> 00:31:24,233
GOING TO SPEAK ON THIS, TO THE

00:31:24,233 -> 00:31:27,333
SIX PEOPLE ARE WILLING TO DEFER?

00:31:27,333 -> 00:31:28,100
YES, HELLO!

00:31:28,100 -> 00:31:30,433
>> DO YOU WANT TO SPEAK ON YOUR

00:31:30,433 -> 00:31:30,700
OWN?

00:31:30,700 -> 00:31:32,566
>> WE HAVE ONE PERSON WHO WANTS

00:31:32,566 -> 00:31:33,433
TO SPEAK.

00:31:33,433 -> 00:31:37,000
>> I GOT HERE LATE, BUT I SIGNED

00:31:37,000 -> 00:31:38,000
UP TO SPEAK.

00:31:38,000 -> 00:31:41,600
>> GO NOW. OKAY. SIR. MARK.

00:31:41,600 -> 00:31:43,066
I'M GOING TO GIVE YOU 12

00:31:43,066 -> 00:31:43,400
MINUTES.

00:31:43,400 -> 00:31:44,200
>> FOUR PEOPLE ARE GOING TO

00:31:44,200 -> 00:31:48,000
DEFER TO MARK.

00:31:48,000 -> 00:31:50,000
>> OKAY. I'M GOING TO GIVE HIM

00:31:50,000 -> 00:31:53,266
12 MINUTES AND EVERYBODY ELSE

00:31:53,266 -> 00:31:56,266
CAN COME AFTER MARK. I'M GIVING

00:31:56,266 -> 00:31:59,166
MARK 12 MINUTES AND THE

00:31:59,166 -> 00:32:00,533
SUBSEQUENT SPEAKERS THREE AS

00:32:00,533 -> 00:32:05,933
THEY'RE SUPPOSED TO.

00:32:05,933 -> 00:32:07,366
MR. HOLLAND, CAN YOU SPEAK INTO

00:32:07,366 -> 00:32:09,000
YOUR MIC.

00:32:09,000 -> 00:32:10,166
>> I'M SORRY. THANK YOU. FOUR

00:32:10,166 -> 00:32:11,833
PEOPLE OR SO HAVE DEFERRED AND

00:32:11,833 -> 00:32:13,866
MARK IS GOING TO SPEAK ON THEIR

00:32:13,866 -> 00:32:15,100
BEHALF. HE'S GOING TO HAVE A

00:32:15,100 -> 00:32:16,833
TOTAL OF 12 MINUTES AND WE'LL

00:32:16,833 -> 00:32:19,000
HAVE ADDITIONAL SPEAKERS AT

00:32:19,000 -> 00:32:22,633
THREE MINUTES, WHOEVER SIGNED

00:32:22,633 -> 00:32:26,600
UP. ARE WE GOOD. GO AHEAD,

00:32:26,600 -> 00:32:27,533
SIR.

00:32:27,533 -> 00:32:29,933
>> IF WE CAN GO TO THE SECOND

00:32:29,933 -> 00:32:32,033
SLIDE. AT THE LAST MEETING IN

00:32:32,033 -> 00:32:35,700
THE POWER POINT OWEN PUT ON, HE

00:32:35,700 -> 00:32:39,800
CITED TO 122-147 AS APPLYING

00:32:39,800 -> 00:32:42,366
WHEN YOU'VE GOT CONFUSION. AND,

00:32:42,366 -> 00:32:45,300
I'M HERE TO TELL YOU THAT I

00:32:45,300 -> 00:32:47,466
THINK THAT HE'S WRONG ON SEVEN.

00:32:47,466 -> 00:32:49,700
I THINK TWO APPLIES. BECAUSE IF

00:32:49,700 -> 00:32:53,033
YOU LOOK AT TWO, YOU FOLLOW THE

00:32:53,033 -> 00:32:55,233
LOT LINES. AND GUESS WHAT THE

00:32:55,233 -> 00:32:56,733
BOARD, I MEAN GUESS WHAT THE

00:32:56,733 -> 00:32:58,133
CITY OF KEY WEST DID IN THIS

00:32:58,133 -> 00:33:00,866
CASE. THEY FOLLOWED THE LOT

00:33:00,866 -> 00:33:02,966
LINES. LOT SEVEN, LOT NINE.

00:33:02,966 -> 00:33:05,700
THEY CALL THEM PARCELS, BUT A

00:33:05,700 -> 00:33:08,600
COUPLE OF PLEADINGS CALLED THEY

00:33:08,600 -> 00:33:09,933
WILL RIGHT AS LOTS. THEY WENT

00:33:09,933 -> 00:33:12,733
DOWN THE LOT LINE DIVIDING THE

00:33:12,733 -> 00:33:20,666
HNC3, AND THE HMDR. AND IF YOU

00:33:20,666 -> 00:33:22,433
LOOK, THERE IS NO ONE PROPERTY.

00:33:22,433 -> 00:33:24,366
THERE'S A WHOLE BUNCH OF

00:33:24,366 -> 00:33:25,966
PARCELS, AT LEAST THERE WAS IN

00:33:25,966 -> 00:33:28,800
1997 WHEN THE ONING CODE WENT

00:33:28,800 -> 00:33:30,633
IN. AND IF YOU LOOK, THIS IS

00:33:30,633 -> 00:33:33,766
ONE PARCEL THAT CONTAINS, I

00:33:33,766 -> 00:33:37,000
MEAN, ONE TAX ID NUMBER THAT

00:33:37,000 -> 00:33:38,766
CONTAINS BOTH PARCEL SEVEN AND

00:33:38,766 -> 00:33:40,800
PARCEL NINE WHICH ARE THE ONLY

00:33:40,800 -> 00:33:42,066
THINGS THAT THE APPLICATION

00:33:42,066 -> 00:33:46,666
DEALS WITH. TWO LOTS. AND,

00:33:46,666 -> 00:33:50,466
THIS IS -- 806 WHITEHEAD.

00:33:50,466 -> 00:33:53,966
BECAUSE IF YOU LOOK AT THE 2010

00:33:53,966 -> 00:33:58,400
ZONING VERIFICATION LETTER, THIS

00:33:58,400 -> 00:34:03,466
IS EXHIBIT A. IT'S THE HMDR

00:34:03,466 -> 00:34:06,633
PARCEL. IT'S 806 WHITEHEAD. IT

00:34:06,633 -> 00:34:08,633
GOES ALL THE WAY FROM TERRY LANE

00:34:08,633 -> 00:34:13,100
TO WHITEHEAD. IT FORMS THE

00:34:13,100 -> 00:34:17,200
BORDER. NOW, MR. SWIFT, THROUGH

00:34:17,200 -> 00:34:18,900
ALL IN LAST TIME CLAIMS THIS WAS

00:34:18,900 -> 00:34:20,866
- ACTUALLY THIS WAS IN HIS

00:34:20,866 -> 00:34:23,633
APPLICATION, HE CLAIMS THEY ONLY

00:34:23,633 -> 00:34:33,566
DISCOVERED A UNIQUE PER CUIITY

00:34:33,566 -> 00:34:34,300
THROUGH THE PROPERTY. THERE'S

00:34:34,300 -> 00:34:35,800
NO SUCH THING AS SPLIT ZONING.

00:34:35,800 -> 00:34:39,166
YOU GOT ZONING DISTRICTS AND IN

00:34:39,166 -> 00:34:42,800
THIS CASE, THE LINE GOES BETWEEN

00:34:42,800 -> 00:34:46,766
804 WHITEHEAD ND 806 WHITEHEAD.

00:34:46,766 -> 00:34:59,133
NOW, IF YOU TURN TO, UH, SLIDE
NUMBER SIX.
>> THAT WAS FOR 2010. OH, I'M

00:34:59,133 -> 00:35:09,333
SORRY, IF YOU GO BACK TO SLIDE
FOUR, SLIDE THREE. THERE YOU

00:35:09,333 -> 00:35:13,166
CAN SEE WHAT WAS IN EXISTENCE

00:35:13,166 -> 00:35:15,400
BACK WHEN THE ZONING CODE WENT

00:35:15,400 -> 00:35:17,200
INTO EFFECT, AND THAT'S ONE

00:35:17,200 -> 00:35:18,800
PARCEL. THERE'S A BUNCH OF

00:35:18,800 -> 00:35:19,933
PARCELS HERE. THERE'S NOT JUST

00:35:19,933 -> 00:35:22,233
ONE PROPERTY. THERE WAS A BUNCH

00:35:22,233 -> 00:35:24,133
OF TAX ID NUMBERS WHEN THEY

00:35:24,133 -> 00:35:25,666
CHANGED THE ZONING, AND IF YOU

00:35:25,666 -> 00:35:28,166
GO ON TO THE NEXT SLIDE FOUR,

00:35:28,166 -> 00:35:30,666
THIS WAS IN THE 2010 ZONING

00:35:30,666 -> 00:35:32,566
VERIFICATION LETTER, IT SHOWS

00:35:32,566 -> 00:35:36,368
806 WHITEHEAD WHICH IS THE

00:35:36,368 -> 00:35:38,968
ENTIRE PARCEL, SEVEN TO NINE,

00:35:38,968 -> 00:35:42,433
LOTS SEVEN AND NINE, AND YOU'LL

00:35:42,433 -> 00:35:46,866
SEE THE LINE BETWEEN THE HMD3

00:35:46,866 -> 00:35:50,966
BORDER AND THE HMD BORDER AND

00:35:50,966 -> 00:35:58,466
THAT'S ONE STREET ADDRESS, 806.

00:35:58,466 --> 00:36:03,800
AND IF YOU GO SLIDE SIX, THIS IS

00:36:03,800 --> 00:36:08,633
WHAT MR. SWIFT PUT IN HIS 1996

00:36:08,633 --> 00:36:09,966
APPLICATIONS WHEN HE WAS TRYING

00:36:09,966 --> 00:36:11,500
TO GET AHEAD OF THE ZONING

00:36:11,500 --> 00:36:12,600
CHANGE BECAUSE REMEMBER THE

00:36:12,600 --> 00:36:15,100
ZONING BEFORE FOR THE ENTIRE

00:36:15,100 --> 00:36:16,433
PROPERTY WAS COMMERCIAL BUT IT

00:36:16,433 --> 00:36:18,133
WAS THE COMMERCIAL WHERE YOU CAN

00:36:18,133 --> 00:36:19,600
DO ANY RESIDENTIAL YOU WANT TO

00:36:19,600 --> 00:36:21,400
DO, BUT IF YOU WANT ANYTHING

00:36:21,400 --> 00:36:23,566
COMMERCIAL, YOU GOT TO GO IN FOR

00:36:23,566 --> 00:36:26,633
A SPECIAL USE. [COUGHING] SO HE

00:36:26,633 --> 00:36:27,966
WENT IN FOR TWO SPECIAL USES

00:36:27,966 --> 00:36:31,066
BEFORE THE ZONING CHANGE. ONE

00:36:31,066 --> 00:36:34,700
WAS TO GENERALLY GET RESTAURANT,

00:36:34,700 --> 00:36:36,900
YATTA, YATTA ON ALL THE PROPERTY

00:36:36,900 --> 00:36:38,466
WHICH HE DID AND THE ONLY THING

00:36:38,466 --> 00:36:41,766
HE STAKED OUT WAS THAT 75-FOOT

00:36:41,766 --> 00:36:43,933
LONG BUILDING ON PETRONIA

00:36:43,933 --> 00:36:46,000
STREET. PREVIOUSLY IN 1990, HE

00:36:46,000 --> 00:36:48,000
RECEIVED APPROVAL FOR A BUNCH OF

00:36:48,000 --> 00:36:51,333
CARTS OUT THERE, UST ON THE

00:36:51,333 --> 00:36:56,133
CORNER OF WHITEHEAD AND PETRONIA

00:36:56,133 --> 00:36:58,700
STREET. IF YOU READ THE THING

00:36:58,700 --> 00:37:01,833
THAT I -- R THAT WE FILED LAST

00:37:01,833 --> 00:37:04,700
FRIDAY, UH, AND THE 900 PAGES OF

00:37:04,700 --> 00:37:07,966
ATTACHMENTS WHICH IS THE HISTORY

00:37:07,966 -> 00:37:09,300
OF THIS PROPERTY THROUGH THE

00:37:09,300 -> 00:37:17,766
CITY OF KEY WEST VARIOUS, YOU
KNOW, HARK AND TREE BOARD AND

00:37:17,766 -> 00:37:20,800
EVERYBODY ELSE, UM, YOU'LL SEE

00:37:20,800 -> 00:37:24,833
THAT THE - THE ZONING HAS BEEN

00:37:24,833 -> 00:37:29,266
-- NO DISPUTE. IT HAS BEEN, UM,

00:37:29,266 -> 00:37:31,000
IT HAS BEEN CRYSTAL CLEAR FROM

00:37:31,000 -> 00:37:33,566
DAY ONE. IF YOU COULD GO TO

00:37:33,566 -> 00:37:36,366
THIS -- NUMBER 6 HERE. LIKE I

00:37:36,366 -> 00:37:40,966
SAID, IT WAS IN THE 1990, SIX

00:37:40,966 -> 00:37:42,566
APPLICATION AND YOU CAN SEE --

00:37:42,566 -> 00:37:44,300
IN THE 1996 APPLICATION AND YOU

00:37:44,300 -> 00:37:46,466
CAN SEE THE YELLOW LINE GOING

00:37:46,466 -> 00:37:46,766
ALONG.

00:37:46,766 -> 00:37:48,966
>> SIR, YOU HAVE TO BE CLOSE TO

00:37:48,966 -> 00:37:50,366
THE MICROPHONE.

00:37:50,366 -> 00:37:51,666
>> THIS IS MR. SWIFT'S

00:37:51,666 -> 00:37:53,033
APPLICATION AND THIS IS WHAT HE

00:37:53,033 -> 00:37:55,200
SUBMITTED FOR THE SITE PLAN. E

00:37:55,200 -> 00:37:58,266
MARKED HMDR ON ONE SIDE AND HC

00:37:58,266 -> 00:37:59,966
ON THE OTHER. AND IT GOES RIGHT

00:37:59,966 -> 00:38:01,866
DOWN AND YOU CAN SEE THE COVERED

00:38:01,866 -> 00:38:04,666
PORCH RIGHT THERE. IT HAS THE

00:38:04,666 -> 00:38:08,166
LINE THROUGH IT BECAUSE THAT'S

00:38:08,166 -> 00:38:11,066
80, UM, 6 WHITEHEAD. MAYBE

00:38:11,066 -> 00:38:14,733
THERE'S A COVERED PORCH ON 806

00:38:14,733 -> 00:38:16,033
WHITEHEAD, BUT IT'S A STREET

00:38:16,033 -> 00:38:17,166

ADDRESS. AND HE KNEW ABOUT

00:38:17,166 -> 00:38:19,400
THIS. THIS IS BEFORE THE ZONING

00:38:19,400 -> 00:38:21,033
CHANGE WENT INTO EFFECT. HE

00:38:21,033 -> 00:38:22,900
MARKED IT ON THERE BECAUSE THE

00:38:22,900 -> 00:38:24,033
ZONING BOARD OF APPEALS AT THE

00:38:24,033 -> 00:38:25,833
TIME WAS LOOKING AHEAD, AND THEY

00:38:25,833 -> 00:38:26,666
WEREN'T GOING TO GIVE HIM

00:38:26,666 -> 00:38:29,300
ANYTHING THAT REALLY WAS OUT OF

00:38:29,300 -> 00:38:31,966
LINE WITH WHAT WAS APPROPRIATE.

00:38:31,966 -> 00:38:34,000
AND LIKE I SAID, THE ZONING IN

00:38:34,000 -> 00:38:36,266
PLACE REQUIRED A SPECIAL USE FOR

00:38:36,266 -> 00:38:38,900
ANY COMMERCIAL USE. SO THIS IS

00:38:38,900 -> 00:38:40,266
WHAT THEY GAVE HIM. THEY GAVE

00:38:40,266 -> 00:38:44,100
HIM, AND IF YOU GO TO THE NEXT

00:38:44,100 -> 00:38:46,066
SLIDE, THIS IS THE ONE OF THE

00:38:46,066 -> 00:38:47,733
TWO RESOLUTIONS THAT WERE PASSED

00:38:47,733 -> 00:38:49,733
BY THE ZONING BOARD IN 1996.

00:38:49,733 -> 00:38:52,333
AND THIS IS THE ONE THAT GAVE

00:38:52,333 -> 00:38:54,500
THEM THE ESTAURANT SPACE, THE

00:38:54,500 -> 00:38:56,166
45 SEAT RESTAURANT THAT HE

00:38:56,166 -> 00:38:59,600
APPLIED FOR ALTHOUGH HE ONLY

00:38:59,600 -> 00:39:01,800
PAID TAXES FOR, UH, 40 OF THEM

00:39:01,800 -> 00:39:03,300
AND THAT'S ESSENTIALLY WHAT THEY

00:39:03,300 -> 00:39:04,700
GOT OING FORWARD. IF YOU LOOK

00:39:04,700 -> 00:39:08,200
AT THIS, THERE'S THE YELLOW LINE

00:39:08,200 -> 00:39:10,333
THAT WAS IN THIS ATTACHED SITE

00:39:10,333 -> 00:39:13,733
PLAN. ALL OF THE CONSUMPTION

00:39:13,733 -> 00:39:14,766

SPACE FOR THE RESTAURANT IS ON
00:39:14,766 -> 00:39:20,600
THE BOTTOM OF THE LINE TOWARD
00:39:20,600 -> 00:39:23,033
PETRONIA STREET AND NONE ON THE
00:39:23,033 -> 00:39:24,733
HDMR PROPERTY. IF YOU LOOK AT
00:39:24,733 -> 00:39:26,400
THE OVERED PORCH ON THE OTHER
00:39:26,400 -> 00:39:27,633
SIDE OF THE YELLOW LINE,
00:39:27,633 -> 00:39:30,466
EVERYBODY KNEW ABOUT IT WAY BACK
00:39:30,466 -> 00:39:33,166
IN '96 EFORE THE ZONING AND
00:39:33,166 -> 00:39:34,266
KNEW WHAT IMPACT IT WAS GOING TO
00:39:34,266 -> 00:39:37,300
HAVE ON THE PROPERTY. IF YOU GO
00:39:37,300 -> 00:39:39,500
TO THE SLIDE 8, THIS WAS WITH
00:39:39,500 -> 00:39:46,766
THE 2010 ZONING VERIFICATION AT
806 WHITEHEAD. LOTS SEVEN AND
00:39:46,766 -> 00:39:49,700
NINE. 806 WHITEHEAD STREET HAS
00:39:49,700 -> 00:39:50,600
LEGALLY ESTABLISHED COMMERCIAL
00:39:50,600 -> 00:39:53,133
USES AND IT DOES NOT APPEAR
00:39:53,133 -> 00:39:54,066
RESTAURANT OR OUTDOOR
00:39:54,066 -> 00:39:56,466
ENTERTAINMENT USES CAN BE
00:39:56,466 -> 00:39:58,333
SUBSTANTIATED IN THIS AREA.
00:39:58,333 -> 00:40:01,000
OKAY. THEN WE GO DOWN TO THE
00:40:01,000 -> 00:40:03,100
2011. THE NEXT PAGE. NUMBER
00:40:03,100 -> 00:40:06,533
NINE. IN 2011 WHEN - AFTER
00:40:06,533 -> 00:40:08,566
THIS ZONING LETTER - LEGAL
00:40:08,566 -> 00:40:11,533
ZONING LETTER CAME INTO EFFECT
00:40:11,533 -> 00:40:12,666
AND EVERYBODY KNEW WHAT WAS
00:40:12,666 -> 00:40:16,333
WHAT, MR. SWIFT APPLIED FOR THE
00:40:16,333 -> 00:40:19,766
RESTAURANT USE. AND YOU CAN SEE
00:40:19,766 -> 00:40:22,666
THERE WAS NO CONFUSION BECAUSE,

00:40:22,866 -> 00:40:26,400
IF YOU LOOK AT THE PICTURE HERE,

00:40:26,400 -> 00:40:28,733
SEE THE BLUE CIRCLE. IT SAYS

00:40:28,733 -> 00:40:31,966
BACK OF THE HOUSE. THAT'S AT

00:40:31,966 -> 00:40:35,666
75-FOOT -- THAT'S THAT

00:40:35,666 -> 00:40:38,666
75-BUILDING AT 724 PETRONIA THAT

00:40:38,666 -> 00:40:40,900
EXTENDS ON TO THE LOT 7 AND 9.

00:40:40,900 -> 00:40:45,500
AND IF YOU LOOK, IT'S WHITE.

00:40:45,500 -> 00:40:46,633
THE BACK OF THE HOUSE. THE

00:40:46,633 -> 00:40:48,533
BLACK IS A CONSUMPTION SPACE FOR

00:40:48,533 -> 00:40:50,100
THE RESTAURANT. SO THEY KNEW

00:40:50,100 -> 00:40:52,766
THEN WHEN HE APPLIED, HE APPLIED

00:40:52,766 -> 00:40:55,033
DOING THIS SITE PLAN. HE KNEW

00:40:55,033 -> 00:40:57,166
THAT HE COULDN'T HAVE RESTAURANT

00:40:57,166 -> 00:40:59,633
CONSUMPTION SPACE ON THE HDR

00:40:59,633 -> 00:41:02,300
PROPERTY WHICH IS WHY THAT ISN'T

00:41:02,300 -> 00:41:05,566
THERE. AND WHEN THE BOARD

00:41:05,566 -> 00:41:08,733
GRANTED HIS, ULTIMATELY HIS USE

00:41:08,733 -> 00:41:12,000
FOR THE RESTAURANT, IT DID NOT

00:41:12,000 -> 00:41:14,000
GRANT IT ON ANY HMDR PROPERTY.

00:41:14,000 -> 00:41:15,866
IT'S CLEAR IF YOU LOOK AT THIS

00:41:15,866 -> 00:41:17,266
LINE, AND ACTUALLY BEFORE WE GO

00:41:17,266 -> 00:41:18,833
TO THE NEXT PAGE, YOU CAN SEE TO

00:41:18,833 -> 00:41:21,666
THE RIGHT IS THE PICTURE THAT

00:41:21,666 -> 00:41:23,666
WAS IN THE POWER POINT THAT OWEN

00:41:23,666 -> 00:41:25,500
GAVE AT THE AUGUST 15TH MEETING.

00:41:25,500 -> 00:41:31,366
IT HAS THE REDLINE. THAT IS THE

00:41:31,366 -> 00:41:32,766
DIFFERENTIATION BOUNDARY LINE

00:41:32,766 -> 00:41:37,766
BETWEEN THE LOT 7 AND 9 AND THE

00:41:37,766 -> 00:41:39,866
HMC3 PROPERTY. AND THAT AREA TO

00:41:39,866 -> 00:41:42,500
THE LEFT OF THE REDLINE, IF YOU

00:41:42,500 -> 00:41:46,300
LOOK OVER TO THE LEFT, THAT'S

00:41:46,300 -> 00:41:48,100
THE BACK OF THE HOUSE. THAT

00:41:48,100 -> 00:41:51,066
THIS BOARD, BACK IN 2011 SAID

00:41:51,066 -> 00:41:54,033
NO, YOU DON'T GET ANY RESTAURANT

00:41:54,033 -> 00:41:55,233
CONSUMPTION SPACE THERE. DOES

00:41:55,233 -> 00:41:58,566
ANYBODY SEE ANY CONFUSION THERE?

00:41:58,566 -> 00:42:00,633
NO. EVERYBODY KNEW, MR. SWIFT

00:42:00,633 -> 00:42:01,800
KNEW, THE PLANNING BOARD KNEW

00:42:01,800 -> 00:42:05,033
AND HE NEIGHBORS WHO ACTUALLY

00:42:05,033 -> 00:42:06,500
HAD TO COME IN WITH AN AGREEMENT

00:42:06,500 -> 00:42:09,400
TO ALLOW HIM TO COME UP WITH

00:42:09,400 -> 00:42:12,900
THIS 150-SEAT RESTAURANT

00:42:12,900 -> 00:42:14,200
INTENSITY IN THEIR NEIGHBORHOOD.

00:42:14,200 -> 00:42:17,366
THEY AGREED TO - THEY KNEW THE

00:42:17,366 -> 00:42:19,200
SAME THING. THAT WAS THE BORDER

00:42:19,200 -> 00:42:20,733
THAT EVERYBODY AGREED TO. AND

00:42:20,733 -> 00:42:22,533
IF YOU GO TO THE NEXT PICTURE,

00:42:22,533 -> 00:42:26,200
THIS SHOWS IT EVEN MORE CLEARLY

00:42:26,200 -> 00:42:29,866
ON PAGE 10. THERE'S THE LINE

00:42:29,866 -> 00:42:31,866
DOWN THERE AND YOU CAN SEE THE

00:42:31,866 -> 00:42:33,633
-RESTAURANT CONSUMPTION SPACE AND

00:42:33,633 -> 00:42:35,133
THE DARK AREA IS ALL TO THE LEFT

00:42:35,133 -> 00:42:36,600
OF THE LINE AS YOU LOOK AT THE

00:42:36,600 -> 00:42:38,833
PICTURE, AND THAT'S THE HMC3

00:42:38,833 -> 00:42:41,066
PROPERTY. AND YOU LOOK TO THE

00:42:41,066 -> 00:42:43,133
RIGHT, THE HMDR PROPERTY,

00:42:43,133 -> 00:42:46,200
THERE'S NOTHING ON THERE. NO

00:42:46,200 -> 00:42:47,933
CONSUMPTION SPACE. AND THEN WE

00:42:47,933 -> 00:42:50,433
GO ON TO 2015 AND THE PLANNING

00:42:50,433 -> 00:42:54,633
BOARD, IF YOU LOOK AT SLIDE 11

00:42:54,633 -> 00:43:01,433
NOW, IN THE MINOR MODIFICATION,

00:43:01,433 -> 00:43:02,466
CRYSTAL CLEAR FOUR OR FIVE

00:43:02,466 -> 00:43:06,400
YEARS, AND BY THE WAY, WHAT ANY

00:43:06,400 -> 00:43:09,166
RESTAURANT SPACE -- THERE WASN'T

00:43:09,166 -> 00:43:10,500
A RESTAURANT GOING ON UNTIL THIS

00:43:10,500 -> 00:43:12,033
PERIOD OF TIME. I MEAN, IT WAS

00:43:12,033 -> 00:43:13,833
A COUPLE OF YEARS WHERE NOTHING

00:43:13,833 -> 00:43:15,433
WAS HAPPENING, AND HERE THEY GO

00:43:15,433 -> 00:43:17,633
IN FOR A MINOR MODIFICATION TO

00:43:17,633 -> 00:43:18,833
MOVE SOME OF THE RESTAURANT

00:43:18,833 -> 00:43:20,666
SPACE AROUND, AND AGAIN, THIS

00:43:20,666 -> 00:43:22,900
WAS THE PROBLEM THE NEIGHBORS,

00:43:22,900 -> 00:43:26,666
BY THE WAY, HAVE WITH THIS WHOLE

00:43:26,666 -> 00:43:29,666
PROCESS. UM, OWEN SEEMS TO SAY

00:43:29,666 -> 00:43:31,300
THAT OR SOMEONE SAID THAT IT

00:43:31,300 -> 00:43:33,300
WOULD TAKE SOME KIND OF A

00:43:33,300 -> 00:43:34,866
PROCESS TO MOVE RESTAURANT

00:43:34,866 -> 00:43:36,500
CONSUMPTION SPACE. WELL, IF YOU

00:43:36,500 -> 00:43:38,600
LOOK AT THE 2015 MINOR

00:43:38,600 -> 00:43:39,800
MODIFICATION, IT SAYS ANY LESS

00:43:39,800 -> 00:43:42,533
THAN 1,000 SQUARE FEET OF USE,

00:43:42,533 -> 00:43:44,900
YOU CAN MOVE AROUND WITH A MINOR

00:43:44,900 -> 00:43:46,166
MODIFICATION. WE DON'T GET

00:43:46,166 -> 00:43:47,000
CARDS. WE DON'T KNOW WHAT'S

00:43:47,000 -> 00:43:49,200
GOING ON. NONE OF US, FOR

00:43:49,200 -> 00:43:50,566
BEDTIME READING ARE LOOKING AT

00:43:50,566 -> 00:43:52,166
YOUR AGENDA TO FIGURE OUT

00:43:52,166 -> 00:43:54,233
WHETHER YOU'RE GOING TO BACKDOOR

00:43:54,233 -> 00:43:56,400
US WITH MODIFICATION ON THIS

00:43:56,400 -> 00:43:57,866
PROPERTY, AND THAT WAS OUR

00:43:57,866 -> 00:43:58,900
PRIMARILY PROBLEM WITH ALL THIS.

00:43:58,900 -> 00:44:04,400
WE WANTED TO MEET WITH RAM SAID

00:44:04,400 -> 00:44:05,933
AND WE CONTINUED TO GET A

00:44:05,933 -> 00:44:08,200
MEETING WITH RAMSAD SO MAYBE

00:44:08,200 -> 00:44:09,733
THEY CAN GET TO THE BOTTOM OF

00:44:09,733 -> 00:44:12,500
THE PROBLEM AND MY LAST THREE

00:44:12,500 -> 00:44:15,400
AND FOUR E-MAILS WITH OWEN ABOUT

00:44:15,400 -> 00:44:17,433
SETTING UP A MEETING WENT

00:44:17,433 -> 00:44:20,033
UNANSWERED AND THAT'S WHY WE 3

00:44:20,033 -> 00:44:21,800
ASKED FOR A CONTINUANCE OF THE

00:44:21,800 -> 00:44:22,633
OCTOBER MEETING SO WE CAN MAYBE

00:44:22,633 -> 00:44:25,066
HAVE THAT MEETING AND WE WERE IN

00:44:25,066 -> 00:44:26,600
AGREEMENT WITH OWEN ON THAT, BUT

00:44:26,600 -> 00:44:31,700
IT NEVER HAPPENED. UM, SO GOING

00:44:31,700 -> 00:44:39,433
TO SLIDE NUMBER 1 - 12 OUT OF

00:44:39,433 -> 00:44:40,166
26

00:44:40,166 -> 00:44:44,100
>> OH, 11, IF WE GO BACK TO 11

00:44:44,100 -> 00:44:44,366
-

00:44:44,366 --> 00:44:46,933
>> MARK, I'M GOING TO GIVE YOU

00:44:46,933 --> 00:44:48,566
ANOTHER MINUTE AND THE NEXT

00:44:48,566 --> 00:44:50,033
PERSON HAS TO COME UP.

00:44:50,033 --> 00:44:55,033
>> SO THE COVERED PORCH THAT --

00:44:55,033 --> 00:44:58,466
THAT'S IN THE HMDR REPORT. THE

00:44:58,466 --> 00:45:00,400
2015 MODIFICATION AID YOU CAN'T

00:45:00,400 --> 00:45:01,833
HAVE RESTAURANT USE OUT THERE,

00:45:01,833 --> 00:45:07,566
AND THE TWO PICTURES ON THE NEXT

00:45:07,566 --> 00:45:09,000
PAGE ARE FROM WEN'S POWER POINT

00:45:09,000 --> 00:45:10,233
SHOWING WHERE THE LINE IS, AND

00:45:10,233 --> 00:45:13,366
THAT COVERED PORCH IS 806

00:45:13,366 --> 00:45:14,666
WHITEHEAD. AND, UH, THE FRONT

00:45:14,666 --> 00:45:16,466
AND THE BACK, I MEAN, THE LINE

00:45:16,466 --> 00:45:17,800
IS CLEAR. NOBODY HAD ANY

00:45:17,800 --> 00:45:19,200
PROBLEM FIGURING OUT, AND THE

00:45:19,200 --> 00:45:22,333
BOARD DIDN'T EITHER, FIGURING

00:45:22,333 --> 00:45:23,766
OUT WHAT COULDN'T GO THERE IN

00:45:23,766 --> 00:45:26,766
TERMS OF PERMITTED USES OR OTHER

00:45:26,766 --> 00:45:28,733
USES AND WE THINK IT'S JUST

00:45:28,733 --> 00:45:31,066
CRYSTAL CLEAR, AND THERE IS NO

00:45:31,066 --> 00:45:34,533
CONFUSION, AND THIS IS JUST AN

00:45:34,533 --> 00:45:41,100
ATTEMPT TO GET MORE VALUABLE

00:45:41,100 --> 00:45:45,266
LAND THAN ESSENTIAL LAND.

00:45:45,266 --> 00:45:46,000
THANK YOU FOR YOUR TIME.

00:45:46,000 --> 00:45:47,533
>> THANK YOU. WHO IS ON THAT

00:45:47,533 --> 00:45:49,600
LIST THAT HE SPOKE FOR?

00:45:49,600 --> 00:45:51,066
>> THAT WOULD HAVE TO E

00:45:51,066 -> 00:45:53,700
CLARIFIED BY HIM. I HAVE

00:45:53,700 -> 00:45:57,833
SUZANNE KEGAN.

00:45:57,833 -> 00:45:59,000
>> KNOCK MR. WALSH OFF. THREE

00:45:59,000 -> 00:46:01,366
OTHER PEOPLE THAT NEED TO --

00:46:01,366 -> 00:46:04,600
>> SUZANNE IS OFF.

00:46:04,600 -> 00:46:08,833
>> JOHN. THAT GENTLEMAN IS OFF.

00:46:08,833 -> 00:46:10,066
>> CAN I SAY SOMETHING?

00:46:10,066 -> 00:46:12,766
>> NO, NOT YET. YOU CAN'T SPEAK

00:46:12,766 -> 00:46:14,833
FROM THE AUDIENCE.

00:46:14,833 -> 00:46:17,066
>> THAT'S NANCY POLLET.

00:46:17,066 -> 00:46:21,466
>> NANCY, YOU'RE GOING TO SPEAK.

00:46:21,466 -> 00:46:24,566
>> IS THERE A FOURTH TIME WE

00:46:24,566 -> 00:46:26,566
GAVE HIS TIME FOR? PARDON ME.

00:46:26,566 -> 00:46:28,066
>> I DIDN'T GIVE HIM MY TIME.

00:46:28,066 -> 00:46:29,100
>> I'VE GOT THE FOUR.

00:46:29,100 -> 00:46:30,466
>> YOU'RE GOOD TO GO. ALL

00:46:30,466 -> 00:46:32,633
RIGHT, NANCY, YOU'RE UP.

00:46:32,633 -> 00:46:33,433
>> HELLO.

00:46:33,433 -> 00:46:38,933
>> MY NAME S NANCY PALLOCK AT

00:46:38,933 -> 00:46:41,066
802 PERRY LAKE. DURING THE

00:46:41,066 -> 00:46:42,666
AUGUST 15TH MEETING, REMEMBER

00:46:42,666 -> 00:46:44,533
RUSSO ASKED WHAT ARE YOUR PLANS

00:46:44,533 -> 00:46:45,700
FOR THE PROPERTY IF THE

00:46:45,700 -> 00:46:47,166
APPLICATIONS ARE GRANTED.

00:46:47,166 -> 00:46:50,200
MR. SWIFT SAID, I HAVE NO PLANS.

00:46:50,200 -> 00:46:52,433
IF MR. SWIFT HAS NO PLANS, THEN

00:46:52,433 -> 00:46:54,500
WHY CONSIDER A ZONING CHANGE

00:46:54,500 -> 00:46:56,166
NOW? THE APPLICATIONS

00:46:56,166 -> 00:46:58,000
THEMSELVES VIOLATE THE

00:46:58,000 -> 00:46:59,600
AGREEMENT, MR. SWIFT REACHED

00:46:59,600 -> 00:47:01,200
WITH THE NEIGHBORS MEMORIALIZED

00:47:01,200 -> 00:47:04,500
IN THE RESOLUTION OF 2011. IF

00:47:04,500 -> 00:47:07,133
YOU CONVERT LOT 7 AND 9 TO

00:47:07,133 -> 00:47:08,300
COMMERCIAL LANDOVER THE

00:47:08,300 -> 00:47:12,533
NEIGHBOR'S OBJECTIONS, THE

00:47:12,533 -> 00:47:13,966
NEIGHBORS ANTICIPATE THAT SWIFT

00:47:13,966 -> 00:47:17,500
MR. LOAVES UP TO 990 SQUARE FEET

00:47:17,500 -> 00:47:18,533
OF RESTAURANT CONSUMPTION SPACE

00:47:18,533 -> 00:47:21,833
AND AMPLIFIED MUSIC TO LOTS 7

00:47:21,833 -> 00:47:24,733
AND 9 EITHER WITH OR WITHOUT A

00:47:24,733 -> 00:47:28,466
MINOR MODIFICATION. IN ANY

00:47:28,466 -> 00:47:32,266
EITHER CASE THIS WILL BE -- THIS

00:47:32,266 -> 00:47:33,766
WILL BE DONE WITHOUT NOTICE.

00:47:33,766 -> 00:47:35,933
THEY HAVE BEEN VIOLATING

00:47:35,933 -> 00:47:38,133
RESOLUTION 2011 CONDITIONS ALL

00:47:38,133 -> 00:47:40,566
ALONG, AND WE EXPECT NO LESS

00:47:40,566 -> 00:47:42,066
FROM THEM IF THE PLANNING BOARD

00:47:42,066 -> 00:47:45,000
GRANTS THESE APPLICATIONS. THE

00:47:45,000 -> 00:47:48,100
SITE PLAN APPROVED BY RESOLUTION

00:47:48,100 -> 00:47:50,100
2011 WAS MEANT TO BE A BUFFER

00:47:50,100 -> 00:47:51,900
FOR THE NEIGHBORS. THE HOUSE

00:47:51,900 -> 00:47:53,366
AND COMMERCIAL SPACE WHERE THE

00:47:53,366 -> 00:47:56,333
RESTAURANT CONSUMPTION SPACE WAS

00:47:56,333 -> 00:47:57,800
LOCATED WHERE THE AMPLIFIED

00:47:57,800 --> 00:47:59,633
MUSIC COULD BE LOCATED, THESE

00:47:59,633 --> 00:48:01,800
WERE ALL PART OF THE DEAL. THE

00:48:01,800 --> 00:48:06,033
FACT THAT THAT TIME, LOTS -- LOT

00:48:06,033 --> 00:48:07,633
7 AND 9 WERE RESIDENTIAL WAS

00:48:07,633 --> 00:48:09,500
PART OF THE DEAL. THE

00:48:09,500 --> 00:48:11,266
NEIGHBORS, MR. SWIFT, THE

00:48:11,266 --> 00:48:13,333
PLANNING BOARD, AND KEY WEST

00:48:13,333 --> 00:48:15,500
KNEW WHAT THOSE LOTS COULD BE

00:48:15,500 --> 00:48:18,133
USED FOR, AND THAT WAS NOT FOR

00:48:18,133 --> 00:48:21,033
COMMERCIAL USES. THE ZONING AND

00:48:21,033 --> 00:48:22,700
CITING STATUS QUO ARE ALL PART 3

00:48:22,700 --> 00:48:25,133
OF MR. SWIFT'S AGREEMENT. WITH

00:48:25,133 --> 00:48:40,833
THE NEIGHBORS AS A-- WITH A

00:48:40,833 --> 00:48:41,500
QUID PRO QUO AND MR. SWIFT

00:48:41,500 --> 00:48:42,100
VIOLATED THIS WITH THE

00:48:42,100 --> 00:48:42,833
NEIGHBORS. IF YOU GRANT THESE

00:48:42,833 --> 00:48:43,433
APPLICATIONS, YOU'LL BE

00:48:43,433 --> 00:48:45,000
VIOLATING THE AGREEMENT THE

00:48:45,000 --> 00:48:46,666
PLANNING BOARD, MR. SWIFT, AND

00:48:46,666 --> 00:48:49,200
THE NEIGHBORS REACHED IN 2011.

00:48:49,200 --> 00:48:53,033
PLEASE DO NOT GO BACK ON YOUR

00:48:53,033 --> 00:48:54,533
WORD. THANK YOU.

00:48:54,533 --> 00:48:56,866
>> THANK YOU. WHO IS NEXT?

00:48:56,866 --> 00:49:05,400
>> JEFF DNAWAY.

00:49:05,400 --> 00:49:11,500
>> MY NAME IS JEFF AT 807 THOMAS

00:49:11,500 --> 00:49:14,066
STREET. I WANT TO SAY THANK

00:49:14,066 --> 00:49:16,133
YOU, MR. LLOYD, FOR REMEMBERING

00:49:16,133 -> 00:49:17,400
THAT THAT BUILDING WASN'T THE --

00:49:17,400 -> 00:49:20,366
IT WASN'T PUT THERE IN 1998 OR

00:49:20,366 -> 00:49:21,766
1999. WE OUGHT OUR HOME IN

00:49:21,766 -> 00:49:24,700
1998 AND I DON'T RECALL IT BEING

00:49:24,700 -> 00:49:26,133
THERE UNTIL SHORTLY THEREAFTER.

00:49:26,133 -> 00:49:28,800
I LIKE TO SAY THE APPLICANT IS

00:49:28,800 -> 00:49:32,900
NOT CONSISTENT WITH THE FUTURE,

00:49:32,900 -> 00:49:34,500
UM, LAND ELEMENT OF THE

00:49:34,500 -> 00:49:37,600
COMPREHENSIVE PLAN, SPECIFICALLY

00:49:37,600 -> 00:49:41,300
POLICY 1-1.13. IT INCREASES THE

00:49:41,300 -> 00:49:45,266
FLOOR AREA RATIO BY 80% WHEN YOU

00:49:45,266 -> 00:49:49,266
GO TO HNC3 AS OPPOSED TO THE

00:49:49,266 -> 00:49:50,500
HMDR3. I WAS PRESENT AT THE

00:49:50,500 -> 00:49:51,466
NEIGHBORHOOD MEETING THAT

00:49:51,466 -> 00:49:53,633
MR. SWIFT HAD IN FRONT OF THE

00:49:53,633 -> 00:49:55,300
RETAIL BUILDING THAT R. LLOYD

00:49:55,300 -> 00:49:57,566
REFERENCED EARLIER BACK IN 2011

00:49:57,566 -> 00:49:59,333
WITH ALL THE PROMISES THAT WERE

00:49:59,333 -> 00:50:02,200
MADE ABOUT WHAT WOULD BE DONE

00:50:02,200 -> 00:50:03,600
WITH THE CURRENT RESTAURANT.

00:50:03,600 -> 00:50:08,766
THE FORMER TENANT, FRAN, ABIDED

00:50:08,766 -> 00:50:11,033
BY THE ON NOISE, 75 DECIBELS.

00:50:11,033 -> 00:50:13,833
IN FACT, HE HAD HIS OWN READER

00:50:13,833 -> 00:50:15,300
ONSITE. SINCE THE NEW TENANT

00:50:15,300 -> 00:50:21,500
HAS BEEN THERE, WE NEVER HEARD
MUSIC AT MY RESIDENCE. NOW, WE

00:50:21,500 -> 00:50:23,966
DO OCCASIONALLY AND WE GET TO

00:50:23,966 -> 00:50:26,033
HEAR THE MUSIC FROM "BLUE

00:50:26,033 --> 00:50:27,333
HEAVEN" AND THEY'RE NOT THE

00:50:27,333 --> 00:50:29,300
SUBJECT. THEY HAVEN'T ABIDED BY

00:50:29,300 --> 00:50:30,400
THAT NOR DID THEY MEET THE

00:50:30,400 --> 00:50:32,233
CONDITIONS IN PLACE WITH THE

00:50:32,233 --> 00:50:34,766
RESOLUTION FROM 2011. I STOOD

00:50:34,766 --> 00:50:37,766
BEFORE THIS BOARD IN 2011, AND

00:50:37,766 --> 00:50:40,300
SAID SPECIFICALLY, FELT AS

00:50:40,300 --> 00:50:43,800
THOUGH, UM, WHAT MR. SWIFT WAS

00:50:43,800 --> 00:50:46,600
ASKING FOR WAS FOR THE

00:50:46,600 --> 00:50:48,033
NEIGHBORHOOD, FOR US TO MAKE

00:50:48,033 --> 00:50:49,933
SACRIFICES TO RESCUE HIS

00:50:49,933 --> 00:50:51,733
INVESTMENT. AND I FEEL THE SAME

00:50:51,733 --> 00:50:57,100
WAY TODAY. I DON'T KNOW WHY UH,

00:50:57,100 --> 00:51:02,800
THE BAHAMA VILLAGE IS A SMALL

00:51:02,800 --> 00:51:05,433
HEAD. WE HAVE 150 SEATS AT BLUE

00:51:05,433 --> 00:51:07,333
HEAVEN. I DON'T KNOW THE NUMBER

00:51:07,333 --> 00:51:13,000
OF SEATS THAT THE LITTLE

00:51:13,000 --> 00:51:14,133
GUATEMALAN RESTAURANT HAVE.

00:51:14,133 --> 00:51:17,500
THERE'S SANTIAGO'S AND THERE'S,

00:51:17,500 --> 00:51:19,200
UM, FIRE FLY ALL WITHIN TWO

00:51:19,200 --> 00:51:20,833
BLOCKS. WE HAVE ALL THOSE

00:51:20,833 --> 00:51:23,300
RESTAURANTS IN TWO BLOCKS. AND

00:51:23,300 --> 00:51:24,733
I CAN'T IMAGINE THAT IF THAT'S

00:51:24,733 --> 00:51:28,100
-- HNC3 IS ALLOWED, THAT RAM'S

00:51:28,100 --> 00:51:30,866
HEAD WOULDN'T COME IN AND DO A

00:51:30,866 --> 00:51:33,200
MINOR MODIFICATION OR MR. SWIFT,

00:51:33,200 --> 00:51:35,333
AND MORE SEATS WOULD BE MOVED

00:51:35,333 -> 00:51:40,633
AROUND INTO AN AREA WHERE IT

00:51:40,633 -> 00:51:42,800
WOULD BE UNTENTANTABLE FOR THE

00:51:42,800 -> 00:51:44,300
HOMES ON TERRY LANE AND FOR US

00:51:44,300 -> 00:51:45,833
ON THOMAS STREET. THANK YOU FOR

00:51:45,833 -> 00:51:47,966
YOUR TIME.

00:51:47,966 -> 00:51:51,933
>> THANK YOU, SIR. WHO IS NEXT?

00:51:51,933 -> 00:51:59,933
>> NEXT I HAVE TODD STANTORO.

00:51:59,933 -> 00:52:05,100
>> GOOD EVENING, GENTLEMEN.

00:52:05,100 -> 00:52:07,166
THANKS FOR HAVING ME. MY NAME

00:52:07,166 -> 00:52:11,566
IS TODD SANTORO AT 818 WHITEHEAD

00:52:11,566 -> 00:52:13,033
STREET. BY APPROVING THIS

00:52:13,033 -> 00:52:14,100
APPLICATION, YOU'RE APPROVING A

00:52:14,100 -> 00:52:16,100
FEW THINGS IMMEDIATELY. NOISE

00:52:16,100 -> 00:52:20,000
WILL GO FROM 60 DB AT 8:00 P.M.

00:52:20,000 -> 00:52:21,933
TO 75 DB. US NEIGHBORS DO NOT

00:52:21,933 -> 00:52:25,200
HAVE THE CT TO INCREASE OUR

00:52:25,200 -> 00:52:27,333
VOLUME FROM 60 TO 70. WE'RE

00:52:27,333 -> 00:52:29,333
CAPPED AT 60 DB AND YOU'RE

00:52:29,333 -> 00:52:30,933
GIVING THEM A LICENSE TO BE MORE

00:52:30,933 -> 00:52:33,700
ANNOYING AND DESTRUCTIVE FROM

00:52:33,700 -> 00:52:35,133
8:00 P.M. TO 8:00 A.M. ON THIS

00:52:35,133 -> 00:52:37,366
PROPERTY AND YOU INCREASED THE

00:52:37,366 -> 00:52:38,233
VALUE OF THE PROPERTY BECAUSE

00:52:38,233 -> 00:52:41,500
THERE'S 10 ACCEPTABLE USES AT

00:52:41,500 -> 00:52:43,500
THE EXPENSE OF ALL NEIGHBORS AND

00:52:43,500 -> 00:52:45,733
OUR PROPERTY VALUE IS LOWERED

00:52:45,733 -> 00:52:48,566
AND NO ONE WANTS TO LIVE NEXT TO

00:52:48,566 -> 00:52:50,866
A LOUD VENUE. ALL OF YOU WERE

00:52:50,866 -> 00:52:52,466
APPOINTED BY ELECTED OFFICIALS

00:52:52,466 -> 00:52:54,866
THAT RAN ON AFFORDABLE HOUSING

00:52:54,866 -> 00:52:56,600
OR HOUSING IN SOME POINT IN

00:52:56,600 -> 00:52:58,533
THEIR CAREERS AND YOU'RE ASKED

00:52:58,533 -> 00:53:00,800
TO REMOVE ANOTHER RESIDENTIAL

00:53:00,800 -> 00:53:04,366
PROPERTY FROM, U, A RESIDENTIAL

00:53:04,366 -> 00:53:06,066
PROPERTY THAT WILL NEVER HAVE

00:53:06,066 -> 00:53:07,833
HOUSING AND THE PLAN STATES THAT

00:53:07,833 -> 00:53:09,766
IT WANTS SMALL NEIGHBORING --

00:53:09,766 -> 00:53:10,633
NEIGHBORHOOD SERVING BUSINESSES

00:53:10,633 -> 00:53:13,466
ON PETRONIA STREET. YOU HAVE AN

00:53:13,466 -> 00:53:15,200
AGENDA ITEM COMING UP THIS

00:53:15,200 -> 00:53:18,533
EVENING FOR 300 PETRONIA AND I'M

00:53:18,533 -> 00:53:21,366
IN FAVOR BECAUSE THE CREPTRY IS

00:53:21,366 -> 00:53:22,666
A SMALL NEIGHBORHOOD AND YOU

00:53:22,666 -> 00:53:26,800
CAN'T HEAR THEM ACROSS THE

00:53:26,800 -> 00:53:29,500
STREET. RAMSAD IS A RESTAURANT

00:53:29,500 -> 00:53:32,300
AND A BAR ATTACHED. YOU'LL BE

00:53:32,300 -> 00:53:34,000
HARD-PRESSED TO FIND A MUSIC

00:53:34,000 -> 00:53:35,266
VENUE IN A NEIGHBORHOOD LIKE US.

00:53:35,266 -> 00:53:36,400
THEY'RE ON DUVAL TREET WHERE

00:53:36,400 -> 00:53:38,700
THEY BELONG. WHAT WOULD HAPPEN

00:53:38,700 -> 00:53:40,133
-- THEY STARTED PLAYING MUSIC

00:53:40,133 -> 00:53:42,766
FROM 11:00 A.M. TO 10:00 P.M. 7

00:53:42,766 -> 00:53:44,933
DAYS A WEEK, THE NEIGHBORHOOD

00:53:44,933 -> 00:53:47,466
WOULD LOSE THEIR COLLECTIVE

00:53:47,466 --> 00:53:50,766
MINDS. THE MUSIC IS LOUD ENOUGH

00:53:50,766 --> 00:53:53,400
DURING THE DAY, AND ONE OF MY

00:53:53,400 --> 00:53:58,433
NEIGHBORS ON PETRONIA STREET AND

00:53:58,433 --> 00:54:00,666
WHITEHEAD TOLD ME ABOUT A STORY

00:54:00,666 --> 00:54:04,733
ABOUT HER DAUGHTER STUDYING FOR

00:54:04,733 --> 00:54:07,066
THE SAT'S. SHE HAD TO TAKE HER

00:54:07,066 --> 00:54:09,200
DAUGHTER TO THE LIBRARY TO

00:54:09,200 --> 00:54:10,733
STUDY. WE CAN'T CHANGE THE FACT

00:54:10,733 --> 00:54:12,866
WE HAVE A RESTAURANT PLAYING

00:54:12,866 --> 00:54:19,166
MUSIC AT A 75 CAP DB ND LOUDER.

00:54:19,166 --> 00:54:20,733
WE CAN -- IT'S JUST OPENING THE

00:54:20,733 --> 00:54:22,633
DOOR FOR FUTURE COMMERCIAL

00:54:22,633 --> 00:54:25,800
ACTIVITY. FURTHER, THE FACT

00:54:25,800 --> 00:54:32,366
THAT HTA RAM DAD EIGHBORS DO

00:54:32,366 --> 00:54:33,900
NOT GET NOTICE BECAUSE THE CITY

00:54:33,900 --> 00:54:36,300
OF KEY WEST THROWS THE POST CARD

00:54:36,300 --> 00:54:38,733
IN THE FILE SO THEIR OICE IS

00:54:38,733 --> 00:54:40,400
NOT HEARD. HAVE THEY REACHED

00:54:40,400 --> 00:54:42,800
OUT TO ME OR THEM, THEY WOULD

00:54:42,800 --> 00:54:45,800
HAVE GOTTEN AN EAR FULL. I HAVE

00:54:45,800 --> 00:54:46,866
MEASURED THE NOISE COMING FROM

00:54:46,866 --> 00:54:48,900
RESTAURANT AT 9:30 P.M. AND IT

00:54:48,900 --> 00:54:51,866
WAS 80 TO 90 DECIBELS FOR THREE

00:54:51,866 --> 00:54:55,400
MINUTES. I HAVE A RECORDING,

00:54:55,400 --> 00:54:58,000
OSHA SAYS THAT 90 DBA IS HARMFUL

00:54:58,000 --> 00:55:01,166
LEVEL FOR EMPLOYEES AND I DO NOT

00:55:01,166 --> 00:55:02,200
WANT THAT NOISE CREEPING INTO

00:55:02,200 -> 00:55:03,966
THE NEIGHBORHOOD. I URGE YOU TO

00:55:03,966 -> 00:55:06,666
DISAPPROVE THIS APPLICATION.

00:55:06,666 -> 00:55:07,200
THANK YOU.

00:55:07,200 -> 00:55:08,033
>> THANK YOU.

00:55:08,033 -> 00:55:18,133
>> JULIA JOHNSON.

00:55:18,133 -> 00:55:21,333
>> HELLO. MY NAME IS JEWEL

00:55:21,333 -> 00:55:24,166
E-JOHNSON AND I LIVE ACROSS THE

00:55:24,166 -> 00:55:25,733
STREET ON WHITEWHITE AND I TOO

00:55:25,733 -> 00:55:28,200
DO NOT APPROVE OF THIS. I THINK

00:55:28,200 -> 00:55:30,133
IT WAS QUITE CLEAR FROM THE

00:55:30,133 -> 00:55:32,066
POWER POINT PRESENTATION THAT

00:55:32,066 -> 00:55:34,800
THIS WAS NOT AN ERROR IN THE

00:55:34,800 -> 00:55:37,266
ZONING. THAT LOT 7 AND 9 ARE

00:55:37,266 -> 00:55:39,766
SUPPOSED TO STAY RESIDENTIAL SO

00:55:39,766 -> 00:55:41,400
THEY ARE A BUFFER. IF THEY'RE

00:55:41,400 -> 00:55:43,633
ALLOWED TO BECOME COMMERCIAL

00:55:43,633 -> 00:55:45,433
THAT WOULD MEAN NOISE CAN BE ON

00:55:45,433 -> 00:55:46,500
THAT LEVEL, THEY CAN PUT

00:55:46,500 -> 00:55:47,666
RESTAURANT SEATS ON THAT LOT AND

00:55:47,666 -> 00:55:50,000
THAT'S ACROSS THE STREET FROM MY

00:55:50,000 -> 00:55:51,766
HOUSE. IT IS NOT CONDUCIVE TO A

00:55:51,766 -> 00:55:53,066
RESIDENTIAL AREA. IT'S NOT

00:55:53,066 -> 00:55:54,466
CONDUCIVE TO A RESIDENTIAL

00:55:54,466 -> 00:55:56,900
RESTAURANT, AND IT IS NOT

00:55:56,900 -> 00:55:58,633
CONDUCIVE TO A NICE ENVIRONMENT

00:55:58,633 -> 00:56:00,400
TO LIVE IN. SO I AGAIN, ASK YOU

00:56:00,400 -> 00:56:04,466
TO PLEASE DENY THIS.

00:56:04,466 -> 00:56:08,400
>> THANK YOU. WHO'S NEXT.

00:56:08,400 -> 00:56:14,200
>> SUZANNE DOTSWORTH.

00:56:14,200 -> 00:56:24,800
>> HELLO. MY NAME IS SUZANNE

00:56:24,800 -> 00:56:27,733
DOTSWORTH AND I LIVE AT 818

00:56:27,733 -> 00:56:29,466
WHITEHEAD. I'M OPPOSED TO THIS

00:56:29,466 -> 00:56:31,233
APPLICATION BECAUSE WE DO NOT

00:56:31,233 -> 00:56:34,366
NEED MORE COMMERCIAL ACTIVITIES

00:56:34,366 -> 00:56:37,066
IN -- COMMERCIAL ACTIVITY IN

00:56:37,066 -> 00:56:40,233
THIS NEIGHBORHOOD. THANK YOU.

00:56:40,233 -> 00:56:45,666
>> MARCEY ROSE.

00:56:45,666 -> 00:56:48,400
>> GOOD EVENING, PLANNING BOARD.

00:56:48,400 -> 00:56:56,400
MARCEY ROSE, 810 AND 812 THOMAS
STREET. UM, FROM MY

00:56:56,400 -> 00:56:58,833
PERSPECTIVE, THIS IS NOT A

00:56:58,833 -> 00:57:01,433
MISTAKE. WHEN YOU SEE THE LINE

00:57:01,433 -> 00:57:04,200
ON TO PARCELS RIGHT IN BETWEEN,

00:57:04,200 -> 00:57:07,433
IT'S NOT DIVIDING THE BUILDING.

00:57:07,433 -> 00:57:08,533
WHO PROBABLY HAPPENED BECAUSE

00:57:08,533 -> 00:57:11,633
THESE WERE SEPARATE PARCELS,

00:57:11,633 -> 00:57:14,066
THAT AT ONE TIME WERE COMBINED, 3

00:57:14,066 -> 00:57:19,333
YOU HAD AN ENCROACHMENT ON THE

00:57:19,333 -> 00:57:20,300
PORCH TO ANOTHER PROPERTY.

00:57:20,300 -> 00:57:21,766
THAT'S FORMAL BECAUSE I HAVE A

00:57:21,766 -> 00:57:25,700
-- THEY'RE NOT GOING TO CHANGE

00:57:25,700 -> 00:57:29,533
MY LINE OR THE LAND USE LINE TO

00:57:29,533 -> 00:57:32,000
BE COMMERCIAL FROM HISTORIC

00:57:32,000 -> 00:57:33,100
RESIDENTIAL OFFICE. MAYBE I

00:57:33,100 -> 00:57:36,466

SHOULD COME IN FRONT AND ASK FOR

00:57:36,466 -> 00:57:38,866
THAT NEXT. BUT IT'S DEFINITELY

00:57:38,866 -> 00:57:41,233
NOT A MISTAKE. THE BUSINESS

00:57:41,233 -> 00:57:43,366
HASN'T COMPLIED WITH THE

00:57:43,366 -> 00:57:46,766
CONDITIONS THAT WERE THERE FROM

00:57:46,766 -> 00:57:49,266
2011. THE WASTE HANDLING WAS

00:57:49,266 -> 00:57:52,133
SUPPOSED TO BE, I BELIEVE ON

00:57:52,133 -> 00:57:54,366
WHITEHEAD AND PETRONIA AND IT

00:57:54,366 -> 00:57:55,966
HASN'T BEEN. THE GARBAGE

00:57:55,966 -> 00:57:58,200
STRUCTURE WAS NEVER BUILT AND TO

00:57:58,200 -> 00:57:59,766
COME BEFORE THE BUILDING

00:57:59,766 -> 00:58:01,666
DEPARTMENT AND ASK FOR THAT,

00:58:01,666 -> 00:58:06,400
JUST MONTHS BEFORE THIS IS

00:58:06,400 -> 00:58:07,366
IMPROPER. BEFORE AT THE LAST

00:58:07,366 -> 00:58:10,700
HEARING E HAD BEFORE THIS WAS

00:58:10,700 -> 00:58:14,300
CONTINUED, UM, HE PRESENTER OR

00:58:14,300 -> 00:58:15,333
APPLICANT HAD SAID THERE WOULD

00:58:15,333 -> 00:58:18,100
BE ABSOLUTELY NO CHANGE. NOISE

00:58:18,100 -> 00:58:20,133
IS A BIG CHANGE. IF YOU CAN

00:58:20,133 -> 00:58:22,000
CHANGE THE DECIBELS FROM 8:00

00:58:22,000 -> 00:58:25,566
P.M. TO 8:00 A.M., UM, FROM 60

00:58:25,566 -> 00:58:30,400
TO 75, THAT'S A HUGE IMPACT. AT

00:58:30,400 -> 00:58:32,466
MY PROPERTY HIGH IS OVER A

00:58:32,466 -> 00:58:34,600
BLOCK AWAY, WHEN I HAVE THE

00:58:34,600 -> 00:58:36,933
WINDOWS OPEN, THANK GOD TONIGHT

00:58:36,933 -> 00:58:38,566
I DO, YOU CAN HEAR THE MUSIC. I

00:58:38,566 -> 00:58:40,166
DON'T WANT TO HEAR HAT MUSIC.

00:58:40,166 -> 00:58:42,666

I'VE SPENT A LOT OF MONEY ON MY
00:58:42,666 -> 00:58:44,366
HOME AND I'VE GIVEN A LOT TO OUR
00:58:44,366 -> 00:58:46,500
COMMUNITY, AND I DON'T WANT MY
00:58:46,500 -> 00:58:49,733
PEACE AND QUIET ENJOYMENT
00:58:49,733 -> 00:58:52,133
JEOPARDIZED MORE THAN IT ALREADY
00:58:52,133 -> 00:58:53,633
IS. I'VE LREADY HAD PEOPLE
00:58:53,633 -> 00:58:54,833
FROM THE STREET COME INTO MY
00:58:54,833 -> 00:58:57,700
HOME ASKING IF THEY CAN PARK
00:58:57,700 -> 00:58:59,233
HERE, SO I DON'T WANT ANYTHING
00:58:59,233 -> 00:59:01,900
ELSE. THIS IS A BUFFER. I
00:59:01,900 -> 00:59:08,300
ACTUALLY SAT ON BAHAMA VILLAGE
00:59:08,300 -> 00:59:09,966
COMMITTEE ADVISORY FOR YEARS AND
00:59:09,966 -> 00:59:13,500
ALTHOUGH PETRONIA WAS CONSIDERED
00:59:13,500 -> 00:59:16,433
A BLIGHTED AREA, THERE WAS AT NO
00:59:16,433 -> 00:59:18,900
TIME ANYONE WHO WANTED TO MAKE
00:59:18,900 -> 00:59:21,133
THE RESIDENTS SUFFER. WE WANTED
00:59:21,133 -> 00:59:24,800
INCREASED ACTIVITY, BUT WE
00:59:24,800 -> 00:59:26,066
DIDN'T WANT THE RESIDENTS
00:59:26,066 -> 00:59:27,500
SUFFER. THERE'S TWO ISSUES AND
00:59:27,500 -> 00:59:28,966
THAT'S THE IMMEDIATE IMPACT AND
00:59:28,966 -> 00:59:31,233
THE UNINTENDED FUTURE IMPACT.
00:59:31,233 -> 00:59:34,500
AND THAT IS THE CHANGE OF
00:59:34,500 -> 00:59:36,900
OWNERS. SO PUTTING SEATS,
00:59:36,900 -> 00:59:38,466
RESTAURANTS IN THIS AREA WILL
00:59:38,466 -> 00:59:40,233
DEFINITELY INCREASE NOISE. AND
00:59:40,233 -> 00:59:42,033
INCREASE IMPACT TO NEIGHBORS.
00:59:42,033 -> 00:59:43,766
AND THE RESIDENTS AND IT'S TIME,
00:59:43,766 -> 00:59:47,566

AS A CITY, WE TAKE CARE F OUR
00:59:47,566 -> 00:59:51,166
RESIDENTS BECAUSE -- [TIMER]
00:59:51,166 -> 00:59:52,733
BECAUSE SOMETIMES I FEEL LIKE
00:59:52,733 -> 00:59:54,166
LEAVING BECAUSE OF ALL THE
00:59:54,166 -> 00:59:56,266
IMPACT. WE GET THE GREAT
00:59:56,266 -> 00:59:58,866
WEATHER, BUT WE GET HUGE
00:59:58,866 -> 00:59:59,966
TOURISM. PLEASE CONSIDER US AS
00:59:59,966 -> 01:00:01,066
RESIDENTS AND THANK YOU FOR
01:00:01,066 -> 01:00:01,666
LETTING ME FINISH.
01:00:01,666 -> 01:00:02,333
>> THANK YOU.
01:00:02,333 -> 01:00:03,733
>> HAVE A GOOD NIGHT.
01:00:03,733 -> 01:00:07,233
>> YOU TOO.
01:00:07,233 -> 01:00:10,133
>> GEORGE LENOX.
01:00:10,133 -> 01:00:24,133
>> GEORGE LENOX, 816 -- I LIVE
01:00:24,133 -> 01:00:25,466
NEXT TO THE PROPERTY. IT'S 50
01:00:25,466 -> 01:00:27,300
FEET FROM MY HOUSE. THE
01:00:27,300 -> 01:00:29,133
PREVIOUS OPERATORS OF THE
01:00:29,133 -> 01:00:32,333
RESTAURANT, WE NEVER HEARD THE
01:00:32,333 -> 01:00:34,233
MUSIC, EVER. TODAY, MY WIFE CAN
01:00:34,233 -> 01:00:36,000
HEAR IT IN THE HOUSE. I WORK
01:00:36,000 -> 01:00:37,666
DURING THE DAY. SHE CAN HEAR IT
01:00:37,666 -> 01:00:38,933
DURING THE DAY. THE PRESENT
01:00:38,933 -> 01:00:40,466
OWNERS ARE PLANNING TO MAKE A
01:00:40,466 -> 01:00:42,900
BEER GARDEN IN THIS ONE AREA
01:00:42,900 -> 01:00:44,533
THAT'S GOING TO CHANGE. FOR
01:00:44,533 -> 01:00:46,233
THAT REASON, AND ARE PLANNING TO
01:00:46,233 -> 01:00:48,666
MOVE THE MOVIE -- MOVE THE MUSIC
01:00:48,666 -> 01:00:50,966

INTO MY BACKYARD. I DON'T THINK

01:00:50,966 -> 01:00:54,066
THAT'S RIGHT. THANK YOU FOR

01:00:54,066 -> 01:00:54,633
LISTENING.

01:00:54,633 -> 01:00:58,266
>> THANK YOU. THAT'S ALL,

01:00:58,266 -> 01:00:58,666
CHAIRMAN.

01:00:58,666 -> 01:01:00,233
>> NOBODY ELSE SIGNED UP?

01:01:00,233 -> 01:01:02,200
>> NO, SIR.

01:01:02,200 -> 01:01:05,233
>> OKAY. THE STAFF OR OWEN, DO

01:01:05,233 -> 01:01:06,633
YOU WANT TO RESPOND TO ANY OF

01:01:06,633 -> 01:01:12,300
THE PUBLIC COMMENT? VANESSA, DO

01:01:12,300 -> 01:01:14,400
YOU HAVE ANYTHING TO ADD AT THIS

01:01:14,400 -> 01:01:14,700
POINT?

01:01:14,700 -> 01:01:15,300
>> NO, SIR, THANK YOU.

01:01:15,300 -> 01:01:17,933
>> THANK YOU, MR. CHAIR. IF I

01:01:17,933 -> 01:01:20,000
COULD ADDRESS A COUPLE OF

01:01:20,000 -> 01:01:20,333
ISSUES.

01:01:20,333 -> 01:01:20,733
>> GO AHEAD.

01:01:20,733 -> 01:01:22,333
>> I LIKE TO CLARIFY WE'RE

01:01:22,333 -> 01:01:24,366
SEEKING A CHANGE TO THE ZONING

01:01:24,366 -> 01:01:25,666
LINE. WE'RE NOT SEEKING ANY

01:01:25,666 -> 01:01:27,633
CHANGES TO THE CONDITIONAL USE

01:01:27,633 -> 01:01:30,300
OF THE APPROVALS THAT REGULATE

01:01:30,300 -> 01:01:31,433
THE RESTAURANT. SO WE'RE NOT

01:01:31,433 -> 01:01:32,766
REALLY HERE TO TALK ABOUT THE

01:01:32,766 -> 01:01:33,500
RESTAURANT. THAT'S WHAT WE

01:01:33,500 -> 01:01:35,066
FOUND WHEN WE STARTED TALKING TO

01:01:35,066 -> 01:01:36,300
OUR NEIGHBORS IS THEY HAVE

01:01:36,300 -> 01:01:37,933

-CONCERNS ABOUT THE OPERATION OF

01:01:37,933 --> 01:01:40,366
THE RESTAURANT, AND IF IT'S --

01:01:40,366 --> 01:01:42,833
IT'S OPERATION RELATIVE TO ITS

01:01:42,833 --> 01:01:45,000
CONDITIONS OF OPERATION ARE, UH,

01:01:45,000 --> 01:01:45,933
I DON'T REALLY UNDERSTAND THOSE.

01:01:45,933 --> 01:01:47,533
I MEAN, THAT'S NOT FOR ME.

01:01:47,533 --> 01:01:51,800
THAT'S A CODE ENFORCEMENT ISSUE,

01:01:51,800 --> 01:01:54,866
SO I LIKE TO ADDRESS A COUPLE OF

01:01:54,866 --> 01:01:56,333
THINGS THAT MR. FIRLAND

01:01:56,333 --> 01:01:58,900
MENTIONED. THIS IS NOT A SINGLE

01:01:58,900 --> 01:02:02,000
PARCEL. IT'S A SINGLE PARCEL.

01:02:02,000 --> 01:02:03,966
A SINGLE PARCEL IN KEY WEST CAN

01:02:03,966 --> 01:02:06,766
BE MADE UP OF SEVERAL PARCELS.

01:02:06,766 --> 01:02:08,333
THIS ARCEL IS A UNIFIED GROUP

01:02:08,333 --> 01:02:11,500
OF PROPERTIES AND THE DEFINITION

01:02:11,500 --> 01:02:15,200
OF LOTS IN 88-9 INCLUDES A

01:02:15,200 --> 01:02:17,766
COMBINATION OF FULL AND PARTIAL

01:02:17,766 --> 01:02:20,133
LOTS AS A DEVELOPMENT SITE.

01:02:20,133 --> 01:02:24,933
THIS LOT, THE ENTIRETY OF IT WAS

01:02:24,933 --> 01:02:27,733
APPROVED FOR RESTAURANT USE, UH,

01:02:27,733 --> 01:02:29,500
FOR THE SPECIAL EXCEPTION BY

01:02:29,500 --> 01:02:32,400
RESOLUTION 97-73 AND THAT

01:02:32,400 --> 01:02:34,700
SPECIAL EXCEPTION READS THIS WAY

01:02:34,700 --> 01:02:36,233
BECAUSE I THINK WHAT

01:02:36,233 --> 01:02:38,000
MR. FIRLAND, IF I HEARD THEM

01:02:38,000 --> 01:02:40,133
RIGHT, HESE PROPERTIES WERE NOT

01:02:40,133 --> 01:02:41,666
APPROVED FOR RESTAURANT USE.

01:02:41,666 --> 01:02:42,833

THE TITLE OF THE SPECIAL

01:02:42,833 -> 01:02:44,300
EXCEPTION IS, A SPECIAL

01:02:44,300 -> 01:02:46,100
EXCEPTION TO ALLOW SMALL SCALE

01:02:46,100 -> 01:02:50,566
COMMERCIAL USES, RETAIL SELLS

01:02:50,566 -> 01:02:52,133
AND RESTAURANTS ON THE THREE

01:02:52,133 -> 01:02:56,033
LOTS WITH THE FLUME WITH HMD3.

01:02:56,033 -> 01:02:57,200
THE THREE LOTS ON THE SIDE OF

01:02:57,200 -> 01:02:58,266
THIS PROPERTY. WE'RE NOT ASKING

01:02:58,266 -> 01:02:59,866
TO FIX THE LINE BACK TO THE

01:02:59,866 -> 01:03:01,600
THREE LOTS. OUR NEIGHBORS ASKED

01:03:01,600 -> 01:03:03,966
US NOT TO. THEY ASKED US TO

01:03:03,966 -> 01:03:05,866
KEEP IT ON THE LOT THAT IS --

01:03:05,866 -> 01:03:09,533
THAT HAS THE ENCROACHING

01:03:09,533 -> 01:03:12,500
BUILDINGS ON TO IT. THE LAST

01:03:12,500 -> 01:03:14,666
COMMENT I WOULD LIKE TO MAKE,

01:03:14,666 -> 01:03:16,200
AND THEN MR. SWIFT WOULD LIKE TO

01:03:16,200 -> 01:03:19,633
MAKE A COMMENT IS THAT THIS --

01:03:19,633 -> 01:03:23,600
THE CONDITIONAL USE, THE

01:03:23,600 -> 01:03:24,233
CONSUMPTION AREA OF THE

01:03:24,233 -> 01:03:25,866
CONDITIONAL USE WAS MODIFIED

01:03:25,866 -> 01:03:28,000
THROUGH A MINOR MODIFICATION,

01:03:28,000 -> 01:03:30,066
AND THAT WAS A NUMBER OF YEARS

01:03:30,066 -> 01:03:33,366
AGO. [COUGHING] AND WITHIN THE

01:03:33,366 -> 01:03:37,800
CODE, THE PLANNING DIRECTOR HAS

01:03:37,800 -> 01:03:41,100
DISCRETION TO APPLY -- IF THE

01:03:41,100 -> 01:03:43,533
CODE DOES NOT APPLY, THE

01:03:43,533 -> 01:03:44,733
PLANNING DIRECT HAS THE

01:03:44,733 -> 01:03:46,666

DISCRETION WHATEVER LEVEL OF

01:03:46,666 -> 01:03:49,600
REVIEW HE DEEMS FIT SO THAT THE

01:03:49,600 -> 01:03:51,600
APPROVAL IS PROPERLY REVIEWED.

01:03:51,600 -> 01:03:53,566
IN THIS CASE, THAT MODIFICATION

01:03:53,566 -> 01:03:55,666
WAS MOVING CONSUMPTION AREA AWAY

01:03:55,666 -> 01:03:58,500
FROM TERRY LANE, AND OUT TO THE

01:03:58,500 -> 01:03:59,800
COMMERCIAL CORNER OF WHITEHEAD

01:03:59,800 -> 01:04:04,066
AND PETRONIA SO WE WERE REDUCING

01:04:04,066 -> 01:04:07,333
THE IMPACTS AND THE CITY PLANNER

01:04:07,333 -> 01:04:08,633
DECIDED TO APPROVE IT AND BRING

01:04:08,633 -> 01:04:11,700
IT TO THE PLANNING BOARD AND

01:04:11,700 -> 01:04:15,633
MAKE AN ANNOUNCEMENT MADE IN

01:04:15,633 -> 01:04:18,266
PUBLIC.

01:04:18,266 -> 01:04:20,500
>> WHEN WE STARTED TO WORK ON

01:04:20,500 -> 01:04:21,300
THIS PROPERTY -

01:04:21,300 -> 01:04:22,900
>> PUT YOUR -- JUST FOR THE

01:04:22,900 -> 01:04:24,500
RECORD. I KNOW YOU'RE THE OWNER

01:04:24,500 -> 01:04:26,866
AND APPLICANT.

01:04:26,866 -> 01:04:27,733
>> (INDISCERNIBLE) SWIFT. WHEN

01:04:27,733 -> 01:04:29,866
WE STARTED TO WORK ON THIS

01:04:29,866 -> 01:04:36,000
PROPERTY IN THE EARLY 90S, UM,

01:04:36,000 -> 01:04:39,033
IT WAS PRETTY MUCH DILAPIDATED,

01:04:39,033 -> 01:04:43,966
AND WE WORKED ON RESTORING THE

01:04:43,966 -> 01:04:47,233
BUILDING. UM, WE WERE PART OF

01:04:47,233 -> 01:04:48,900
WHAT WAS AN ATTEMPT BY THE CITY

01:04:48,900 -> 01:04:56,366
TO BRING COMMERCIAL ACTIVITY TO

01:04:56,366 -> 01:04:57,566
PETRONIA DOWN FROM DUVAL STREET

01:04:57,566 -> 01:05:00,233

DOWN FROM HE ARCH ON DUVAL

01:05:00,233 -> 01:05:04,266
STREET TO REVITALIZE THE AREA.

01:05:04,266 -> 01:05:05,533
AND PERHAPS THE CITY HAS BEEN

01:05:05,533 -> 01:05:08,833
MORE SUCCESSFUL N THEIR PLAN

01:05:08,833 -> 01:05:13,933
THAN THEY THOUGHT THEY WOULD BE.

01:05:13,933 -> 01:05:16,233
UM, BLUE HEAVENS HAS BEEN THERE

01:05:16,233 -> 01:05:17,466
FOR QUITE WHILE. MOST OF THE 3

01:05:17,466 -> 01:05:19,966
OTHER RESTAURANTS HAVE BEEN

01:05:19,966 -> 01:05:27,466
THERE FOR QUITE A WHILE. IN

01:05:27,466 -> 01:05:31,633
1993, 1990, THE CITY STARTED

01:05:31,633 -> 01:05:36,400
REDOING THEIR MAPPING AND

01:05:36,400 -> 01:05:40,600
COMPREHENSIVE PLAN, AND THEN

01:05:40,600 -> 01:05:43,866
DURING CRITICAL CONCERN, UM, IN

01:05:43,866 -> 01:05:45,533
THE LAWSUITS THAT WERE FILED

01:05:45,533 -> 01:05:49,533
AGAINST WHAT THE CITY WAS DOING,

01:05:49,533 -> 01:05:53,966
THE CITY REMAPPED THE HISTORIC

01:05:53,966 -> 01:05:57,733
DISTRICT INCLUDING BAHAMA

01:05:57,733 -> 01:06:00,666
VILLAGE. I HAD APPLIED FOR AND

01:06:00,666 -> 01:06:03,466
RECEIVED PERMITS FOR RETAIL

01:06:03,466 -> 01:06:07,433
SELLS ON THE STRIP NEXT TO THE

01:06:07,433 -> 01:06:10,800
BIG HOUSE THAT HAS THE TURET ON

01:06:10,800 -> 01:06:12,900
TOP OF IT. I GOT PERMITS FOR

01:06:12,900 -> 01:06:18,466
SOME CARTS AND RETAIL SELLS. I

01:06:18,466 -> 01:06:22,133
WIRED THAT. HE ELECTRICAL IS

01:06:22,133 -> 01:06:23,333
STILL THERE FOR THE CARTS AND

01:06:23,333 -> 01:06:25,500
THE PHONE LINES ARE STILL

01:06:25,500 -> 01:06:29,433
UNDERGROUND FOR THE CARTS. AND

01:06:29,433 -> 01:06:33,600

WHEN I WENT BACK TO GET MY

01:06:33,600 -> 01:06:35,466
PERMITS WHICH I ALREADY HAD, I

01:06:35,466 -> 01:06:38,666
WAS TOLD, WAIT A MINUTE. THE

01:06:38,666 -> 01:06:42,100
NEW MAP LINE SAYS THAT YOU CAN'T

01:06:42,100 -> 01:06:45,733
HAVE THEM THERE. AND I WENT TO

01:06:45,733 -> 01:06:48,466
TED STRADE WHO IS THE PLANNING

01:06:48,466 -> 01:06:50,233
DIRECTOR AND HE SAID, TED, YOU

01:06:50,233 -> 01:06:53,766
GUYS DREW THE LINE RIGHT THROUGH

01:06:53,766 -> 01:06:58,366
TWO OF MY BUILDINGS. YOU TOOK

01:06:58,366 -> 01:07:02,500
AWAY MY ZONING, AND SPLIT THE

01:07:02,500 -> 01:07:06,000
ZONING ON TWO OF THESE

01:07:06,000 -> 01:07:07,766
BUILDINGS. NOW, I'VE HEARD ALL

01:07:07,766 -> 01:07:09,433
KINDS OF THINGS ABOUT PEOPLE

01:07:09,433 -> 01:07:12,933
OPENING BEER GARDENS AND

01:07:12,933 -> 01:07:15,066
DISTILLERIES AND BREWERIES AND

01:07:15,066 -> 01:07:17,066
ALL THOSE THINGS, AND NONE OF

01:07:17,066 -> 01:07:19,000
THOSE THINGS ARE BEING PLANNED

01:07:19,000 -> 01:07:21,833
OR GOING TO HAPPEN. [TIMER]

01:07:21,833 -> 01:07:24,366
WHEN I WENT TO TED, I SAID, ED,

01:07:24,366 -> 01:07:25,766
I CAN SOLVE YOUR PROBLEM. I DO

01:07:25,766 -> 01:07:28,466
NOT WANT TO OPEN THIS LAWSUIT UP

01:07:28,466 -> 01:07:31,366
AGAIN, AND THE COUNTY - THE

01:07:31,366 -> 01:07:32,500
CITY ATTORNEY SAID I DON'T WANT

01:07:32,500 -> 01:07:34,733
TO OPEN THIS LAWSUIT UP, BUT WE

01:07:34,733 -> 01:07:36,400
CAN SOLVE YOUR PROBLEM. I WAS

01:07:36,400 -> 01:07:39,666
GIVEN A SPECIAL EXCEPTION TO BE

01:07:39,666 -> 01:07:41,633
ABLE TO DO MY RETAIL SELLS ON

01:07:41,633 -> 01:07:45,066

THAT STRIP OF LAND NEXT TO THE

01:07:45,066 -> 01:07:47,366
BIG CORNER BUILDING, AND THAT'S

01:07:47,366 -> 01:07:50,133
ALL I'M ASKING FOR. I'M NOT

01:07:50,133 -> 01:07:52,300
ASKING OU TO CHANGE ZONING TO

01:07:52,300 -> 01:07:55,666
EXPAND THE BAR. I'M NOT ASKING,

01:07:55,666 -> 01:07:59,066
AND IN FACT, THE CURRENT TENANT

01:07:59,066 -> 01:08:02,333
IS USING THE 75-FOOT LONG

01:08:02,333 -> 01:08:04,100
BUILDING, HE'S USING 80% OF IT

01:08:04,100 -> 01:08:06,233
FOR STORAGE AND HE HAS

01:08:06,233 -> 01:08:07,233
APPLICATIONS TO FIX THE DOORS ON

01:08:07,233 -> 01:08:09,033
IT AND EVERYTHING, AND I THINK

01:08:09,033 -> 01:08:12,133
HE WANTS TO HAVE SOME ICE CREAM

01:08:12,133 -> 01:08:14,633
SERVED OUT ON TO PETRONIA STREET

01:08:14,633 -> 01:08:16,200
-ON THE FAR END. I HEAR ALL

01:08:16,200 -> 01:08:18,866
THESE THINGS, AND I CAN ASSURE

01:08:18,866 -> 01:08:21,133
YOU THAT IF YOU WANTS -- IF HE

01:08:21,133 -> 01:08:22,600
WANTS TO EXPAND THIS SEATING OR

01:08:22,600 -> 01:08:24,033
MOVE HIS SEATING OR WHATEVER HE

01:08:24,033 -> 01:08:26,400
WANTS TO DO, HE'S GOING TO HAVE

01:08:26,400 -> 01:08:28,533
TO GO BACK BEFORE THE CITY

01:08:28,533 -> 01:08:29,833
COMMISSION, AND ALL I'M ASKING

01:08:29,833 -> 01:08:33,266
IS TO CORRECT THE MAPPING ERROR

01:08:33,266 -> 01:08:35,433
THAT IS OBVIOUS AND SPLITS TWO

01:08:35,433 -> 01:08:38,133
OF OUR BUILDINGS. THAT'S IT.

01:08:38,133 -> 01:08:42,100
I'M NOT ASKING FOR ANYTHING

01:08:42,100 -> 01:08:43,533
ELSE. I APPRECIATE YOUR SITTING

01:08:43,533 -> 01:08:46,333
THROUGH THIS TWICE. I DON'T

01:08:46,333 -> 01:08:48,533

WANT TO DO IT A THIRD TIME. I

01:08:48,533 --> 01:08:50,333
HAVE ENJOYED THIS TREMENDOUSLY.

01:08:50,333 --> 01:08:50,900
THANK YOU VERY MUCH.

01:08:50,900 --> 01:08:52,733
>> HOLD ON ONE SECOND. WHAT WAS

01:08:52,733 --> 01:08:53,033
THAT?

01:08:53,033 --> 01:08:53,400
>> SURE.

01:08:53,400 --> 01:08:54,666
>> YOU HAVE A QUESTION?

01:08:54,666 --> 01:08:57,233
>> I HAVE A LOT OF QUESTIONS.

01:08:57,233 --> 01:09:00,533
>> GIVE ME ONE SECOND. ED,

01:09:00,533 --> 01:09:01,966
THANK YOU. I KNOW -- I DON'T

01:09:01,966 --> 01:09:03,200
WANT TO PUT YOU ON THE SPOT,

01:09:03,200 --> 01:09:05,133
MR. YOUNG, BUT DO YOU WANT TO

01:09:05,133 --> 01:09:06,133
ADD ANYTHING TO WHAT YOU HAVE

01:09:06,133 --> 01:09:08,800
HEARD ABOUT THE CODE ENFORCEMENT

01:09:08,800 --> 01:09:11,000
ISSUES? YOU'RE GOOD? OKAY.

01:09:11,000 --> 01:09:12,833
MR. RUSSO, GO AHEAD.

01:09:12,833 --> 01:09:14,733
>> MR. SWIFT, CAN YOU PLEASE

01:09:14,733 --> 01:09:19,533
RETURN TO THE PODIUM. SO THIS

01:09:19,533 --> 01:09:23,233
IS A VERY COMPLICATED

01:09:23,233 --> 01:09:26,533
APPLICATION OR IT'S BEING MADE

01:09:26,533 --> 01:09:28,766
TO BE THAT WAY. IT COMES DOWN

01:09:28,766 --> 01:09:31,366
TO TWO THINGS. IT COMES DOWN TO

01:09:31,366 --> 01:09:33,500
THE PLACE IS TOO LOUD. IF WE

01:09:33,500 --> 01:09:34,766
APPROVE THIS OR DENY THAT,

01:09:34,766 --> 01:09:36,166
THAT'S GOING TO CONTINUE. IT'S

01:09:36,166 --> 01:09:37,633
GOING TO CONTINUE IF WE DON'T

01:09:37,633 --> 01:09:41,333
HAVE CODE ENFORCEMENT. AND

01:09:41,333 --> 01:09:42,233

PERHAPS MAYBE WE SHOULDN'T

01:09:42,233 -> 01:09:43,566
DEPEND UPON THAT TONIGHT.

01:09:43,566 -> 01:09:44,500
TONIGHT, EVEN THOUGH OUR TOOLS

01:09:44,500 -> 01:09:46,800
ARE LIMITED, WE SHOULD TRY TO

01:09:46,800 -> 01:09:50,666
FIND A WAY TO CORRECT THE

01:09:50,666 -> 01:09:52,166
PROBLEM. AND IF I UNDERSTAND

01:09:52,166 -> 01:09:53,200
THE AUTHORITY WE HAVE, WE'RE NOT

01:09:53,200 -> 01:09:54,833
GOING TO BE ABLE TO CORRECT THAT

01:09:54,833 -> 01:09:59,000
WITHOUT YOUR HELP, ED. SO I

01:09:59,000 -> 01:10:02,533
THINK THE PROBLEM WITH US NOW,

01:10:02,533 -> 01:10:06,033
AND WITH THE NOISE. 75

01:10:06,033 -> 01:10:07,600
DECIBELS, I THINK 60 DECIBELS IS

01:10:07,600 -> 01:10:11,566
TOO LOUD, BUT THAT'S THE NORM.

01:10:11,566 -> 01:10:12,933
THAT'S AT THE PROPERTY LINE.

01:10:12,933 -> 01:10:15,033
WHAT ARE YOU WILLING TO DO, WHAT

01:10:15,033 -> 01:10:19,466
ARE YOU WILLING TO CONTRIBUTE TO
THIS TO SOLVE THESE TWO

01:10:19,466 -> 01:10:19,866
PROBLEMS.

01:10:19,866 -> 01:10:22,200
>> ED, DON'T ANSWER THAT.

01:10:22,200 -> 01:10:24,266
>> ED, YOU'RE GOING DOWN A ROAD

01:10:24,266 -> 01:10:27,500
AND THAT'S WHY I MADE THAT

01:10:27,500 -> 01:10:28,433
EARLIER. WE CANNOT CONDITION -

01:10:28,433 -> 01:10:30,933
NO CONDITIONS CAN BE ATTACHED TO

01:10:30,933 -> 01:10:35,100
THIS. NO REFERRING BACK TO 2011

01:10:35,100 -> 01:10:35,633
CONDITIONS CAN.

01:10:35,633 -> 01:10:38,333
>> I'M NOT REFERRING BACK TO

01:10:38,333 -> 01:10:38,666
THAT.

01:10:38,666 -> 01:10:39,466
>> PARDON ME. 3

01:10:39,466 --> 01:10:41,000
>> I'M NOT REFERRING BACK TO

01:10:41,000 --> 01:10:42,466
ANYTHING. I'M NOT SAYING IN ANY

01:10:42,466 --> 01:10:45,033
WAY THAT I'M ASKING THE BOARD TO
COME UP WITH CONDITIONS. I'M

01:10:45,033 --> 01:10:46,833
ASKING THE APPLICANT, WHAT IS HE

01:10:46,833 --> 01:10:48,833
WILLING TO DO TO SOLVE THE

01:10:48,833 --> 01:10:49,200
PROBLEM.

01:10:49,200 --> 01:10:50,933
>> YOU'RE NOT LOOKING TO PUT A

01:10:50,933 --> 01:10:52,500
CONDITION ON A MOTION?

01:10:52,500 --> 01:10:52,866
>> NO.

01:10:52,866 --> 01:10:55,700
>> OKAY. THAT'S ALL I WANT TO

01:10:55,700 --> 01:10:59,066
MAKE CLEAR. IF YOU WISH TO YOU
CAN ANSWER HIS QUESTION.

01:10:59,066 --> 01:11:01,300
>> I HAVE NO WAY TO SOLVE THE

01:11:01,300 --> 01:11:03,333
PROBLEM, EXCUSE ME, I HAVE NO

01:11:03,333 --> 01:11:04,666
WAY TO SOLVE THE PROBLEM. I

01:11:04,666 --> 01:11:06,900
HAVE A TENANT WHO HAS A LEASE ON

01:11:06,900 --> 01:11:09,266
THE PROPERTY. HE HAS APPLIED

01:11:09,266 --> 01:11:14,200
FOR A PERMIT TO PUT UP A WALL

01:11:14,200 --> 01:11:15,666
STRUCTURE ON, NOT ROOFED,

01:11:15,666 --> 01:11:24,366
BECAUSE I THINK PUTTING GABAGE

01:11:24,366 --> 01:11:26,133
ON A ROOF STRUCTURE IS CRAZY.

01:11:26,133 --> 01:11:28,166
IT HAS A WASHED DOWN SEWER

01:11:28,166 --> 01:11:29,300
SYSTEM INCLUDING A GREASE TRAP.

01:11:29,300 --> 01:11:32,300
THAT'S HOW WE DESIGNED IT

01:11:32,300 --> 01:11:33,800
ORIGINALLY. THAT HAS NOT

01:11:33,800 --> 01:11:35,766
CHANGED. THERE WAS A RESTAURANT

01:11:35,766 --> 01:11:36,700
THAT WENT IN BUSINESS IN FRONT

01:11:36,700 --> 01:11:38,833

OF US, AND I THINK IT WAS A

01:11:38,833 --> 01:11:40,166
CUBAN RESTAURANT OF SOME KIND.

01:11:40,166 --> 01:11:41,300
THEY'RE NOW OUT OF BUSINESS. IT

01:11:41,300 --> 01:11:44,733
WAS THEIR CANS THAT WERE BEING

01:11:44,733 --> 01:11:47,433
PUT IN TERRY LANE.

01:11:47,433 --> 01:11:49,400
>> I WENT PAST THERE THE OTHER

01:11:49,400 --> 01:11:50,733
DAY AND IT DIDN'T SMELL GOOD.

01:11:50,733 --> 01:11:52,500
AND ED, I'M NOT SURE HOW YOU'RE

01:11:52,500 --> 01:11:54,033
GOING TO SOLVE THAT. THIS VOTE

01:11:54,033 --> 01:11:55,800
IS NOT GOING TO OLVE THAT

01:11:55,800 --> 01:11:56,133
PROBLEM.

01:11:56,133 --> 01:11:57,966
>> AT ANY RATE, THE TENANT HAS A

01:11:57,966 --> 01:12:01,266
PERMIT TO PUT UP A FENCE THAT

01:12:01,266 --> 01:12:04,033
WILL OBSCURE ANY TRASH FROM

01:12:04,033 --> 01:12:06,900
TERRY LANE. I DON'T KNOW WHAT

01:12:06,900 --> 01:12:10,766
ELSE HE CAN DO. HE'S - THE

01:12:10,766 --> 01:12:11,933
WHITEHEAD STREET CONDITION, WE

01:12:11,933 --> 01:12:13,900
WENT TO THE CITY, THE PREVIOUS

01:12:13,900 --> 01:12:15,233
TENANT WENT TO THE CITY AND

01:12:15,233 --> 01:12:19,300
SAYS, I WANT TO PUT MY TRASH ON

01:12:19,300 --> 01:12:20,200
PETRONIA BECAUSE WASTE

01:12:20,200 --> 01:12:21,566
MANAGEMENT DOESN'T WANT TO PICK

01:12:21,566 --> 01:12:24,433
IT UP ON WHITEHEAD BECAUSE THEY

01:12:24,433 --> 01:12:25,566
COULDN'T GET INTO THIS SPACE O

01:12:25,566 --> 01:12:29,100
PICK IT UP. SO, EVERYBODY ON

01:12:29,100 --> 01:12:32,166
PETRONIA PUTS THEIR TRASH OUT ON

01:12:32,166 --> 01:12:34,366
PETRONIA. I MEAN EVERY

01:12:34,366 --> 01:12:35,533

RESTAURANT, EVERY STORE,

01:12:35,533 -> 01:12:37,833
EVERYBODY PUTS THEIR TRASH ON

01:12:37,833 -> 01:12:38,900
PETRONIA AND THAT'S WHERE HE'S

01:12:38,900 -> 01:12:41,733
PUTTING HIS TRASH. I WENT TO

01:12:41,733 -> 01:12:42,433
THE CITY MANAGER. I WENT TO

01:12:42,433 -> 01:12:43,700
EVERYBODY IN THE CITY AND THEY

01:12:43,700 -> 01:12:47,266
SAID, YES, PUT IT ON PETRONIA.

01:12:47,266 -> 01:12:49,466
WE DON'T PUT IT ON TERRY LANE.

01:12:49,466 -> 01:12:52,466
>> SO I'M NOT HEARING ANY

01:12:52,466 -> 01:12:53,066
SOLUTIONS TONIGHT?

01:12:53,066 -> 01:12:55,900
>> I'M SORRY, E. I DON'T HAVE

01:12:55,900 -> 01:12:57,866
A SOLUTION TO FOLKS THAT DON'T

01:12:57,866 -> 01:12:59,666
LIKE HAVING A RESTAURANT THERE.

01:12:59,666 -> 01:13:01,500
>> IT'S NOT THE RESTAURANT.

01:13:01,500 -> 01:13:03,866
IT'S THE NOISE. IT'S NOT THE

01:13:03,866 -> 01:13:06,033
RESTAURANT. IT'S THE GARBAGE

01:13:06,033 -> 01:13:06,866
AREA.

01:13:06,866 -> 01:13:08,233
>> THE GARBAGE AREA DOESN'T

01:13:08,233 -> 01:13:09,866
SMELL, ED. I MEAN, YOU HAVE

01:13:09,866 -> 01:13:12,133
YOUR CODE ENFORCEMENT OFFICER

01:13:12,133 -> 01:13:15,933
HERE. ASK HIM. HE'S BEEN DOWN
THERE FOR ALL KINDS OF

01:13:15,933 -> 01:13:16,833
COMPLAINTS. ASK HIM IF THEY

01:13:16,833 -> 01:13:18,866
HAVE VIOLATED THE NOISE

01:13:18,866 -> 01:13:21,466
ORDINANCE, ASK HIM IF THEY HAVE

01:13:21,466 -> 01:13:24,133
VIOLATED THE GARBAGE ORDINANCE.

01:13:24,133 -> 01:13:25,466
ASK HIM WHATEVER YOU WANT TO ASK

01:13:25,466 -> 01:13:25,766
HIM.

01:13:25,766 -> 01:13:26,233
>> THANK YOU.

01:13:26,233 -> 01:13:27,633
>> THAT'S ALL I CAN SAY. I

01:13:27,633 -> 01:13:30,066
DON'T BELIEVE HE'S IN VIOLATION

01:13:30,066 -> 01:13:30,633
OF ANYTHING.

01:13:30,633 -> 01:13:32,566
>> DO WE HAVE THAT ABILITY?

01:13:32,566 -> 01:13:35,866
>> MR. YOUNG, WOULD YOU BE

01:13:35,866 -> 01:13:37,433
WILLING TO SPEAK? IS

01:13:37,433 -> 01:13:38,633
[LAUGHTER]

01:13:38,633 -> 01:13:40,366
>> THANK YOU, ED. I'M NOT SURE

01:13:40,366 -> 01:13:41,833
IF HE'S GOING TO THANK ME FOR

01:13:41,833 -> 01:13:42,166
THAT.

01:13:42,166 -> 01:13:43,833
>> WHILE MR. YOUNG IS COMING UP,

01:13:43,833 -> 01:13:44,933
FOR THOSE THAT DON'T KNOW

01:13:44,933 -> 01:13:46,900
BECAUSE SOME OF YOU ARE NOT AS

01:13:46,900 -> 01:13:49,166
- WELL, I TAKE THAT BACK. SOME

01:13:49,166 -> 01:13:51,266
OF YOU ARE, BUT THIS VOTE,

01:13:51,266 -> 01:13:54,133
WHATEVER OCCURS TONIGHT, UM, IS

01:13:54,133 -> 01:13:56,000
A RECOMMENDATION TO THE CITY

01:13:56,000 -> 01:13:58,100
COMMISSION IF APPROVED. IF IT'S

01:13:58,100 -> 01:14:00,700
NOT APPROVED HERE, THE

01:14:00,700 -> 01:14:04,733
RECOMMENDATION GOES AWAY.

01:14:04,733 -> 01:14:05,133
[COUGHING]

01:14:05,133 -> 01:14:07,066
>> JIM YOUNG, DIRECTOR OF CODE

01:14:07,066 -> 01:14:07,466
COMPLIANCE.

01:14:07,466 -> 01:14:10,666
>> MR. YOUNG, YOU HEARD

01:14:10,666 -> 01:14:11,400
MR. SWIFT MAKE CERTAIN

01:14:11,400 -> 01:14:12,200
CHARACTERIZATIONS AND SMELLS,

01:14:12,200 -> 01:14:14,733
CAN YOU SUPPORT THOSE

01:14:14,733 -> 01:14:15,233
CHARACTERIZATIONS?

01:14:15,233 -> 01:14:17,133
>> YES. WE'VE HAD THREE

01:14:17,133 -> 01:14:19,900
COMPLAINTS AT THESE DIFFERENT

01:14:19,900 -> 01:14:21,300
LOCATIONS, ADDRESSES. NONE OF

01:14:21,300 -> 01:14:27,666
THEM ARE NOISE COMPLAINTS. AND

01:14:27,666 -> 01:14:29,700
NOTHING ABOUT A SMELL.

01:14:29,700 -> 01:14:33,566
>> THANK YOU, MR. YOUNG.

01:14:33,566 -> 01:14:35,800
>> YOU'RE WELCOME.
>> MR. YOUNG, I'VE GOT A

01:14:35,800 -> 01:14:37,166
QUESTION.

01:14:37,166 -> 01:14:39,566
>> I'M SORRY, OOPS. MR. LLOYD.

01:14:39,566 -> 01:14:41,733
>> DID THEY PUT IN A SOUND

01:14:41,733 -> 01:14:43,733
MONITORING SYSTEM AS REQUIRED

01:14:43,733 -> 01:14:45,866
UNDER OUR RESOLUTION?

01:14:45,866 -> 01:14:48,233
>> FRAN GODSON, YES, HE HAD THAT

01:14:48,233 -> 01:14:50,666
SYSTEM INSTALLED. I DO ALL THE

01:14:50,666 -> 01:14:52,800
CONDITIONAL USE INSPECTIONS AND

01:14:52,800 -> 01:14:53,733
UNFORTUNATELY THIS PAST YEAR I

01:14:53,733 -> 01:14:56,166
HAD MEDICAL ISSUES AND I WAS NOT

01:14:56,166 -> 01:14:57,800
ABLE TO PERFORM THAT INSPECTION.

01:14:57,800 -> 01:14:59,233
FOR ALL THE CONDITIONAL USE

01:14:59,233 -> 01:15:00,433
PERMITS IN THIS CITY.

01:15:00,433 -> 01:15:02,566
>> SO WHEN WAS THIS SYSTEM PUT

01:15:02,566 -> 01:15:04,466
IN? WHAT YEAR?

01:15:04,466 -> 01:15:10,733
>> WHEN MR. GONSON, WHEN IT WAS

01:15:10,733 -> 01:15:12,533
THE "BLUE MCCALL CLOSE.

01:15:12,533 -> 01:15:13,733
>> HE MOVE IT HAD FROM HIS

01:15:13,733 --> 01:15:14,300
PREVIOUS RESTAURANT.

01:15:14,300 --> 01:15:16,766
>> THANK YOU.

01:15:16,766 --> 01:15:17,800
>> YOU'RE WELCOME.

01:15:17,800 --> 01:15:18,200
>>

01:15:18,200 --> 01:15:20,133
>> THANK YOU, JIM. ANY OTHER

01:15:20,133 --> 01:15:25,766
COMMENTS? STAFF, ANYBODY? JIM.

01:15:25,766 --> 01:15:28,300
YOU HAD QUESTIONS. GO AHEAD.

01:15:28,300 --> 01:15:29,566
>> I'M GOING TO PUT ON THE

01:15:29,566 --> 01:15:32,033
RECORD, IT'S MY UNDERSTANDING,

01:15:32,033 --> 01:15:34,733
REGARDLESS OF WHAT HAS BEEN SAID

01:15:34,733 --> 01:15:37,066
FROM BOTH OF THE APPLICANT AND

01:15:37,066 --> 01:15:39,966
THE PUBLIC COMMENT, UH, STAFF

01:15:39,966 --> 01:15:42,700
HAS CONFIRMED, AS FAR AS I

01:15:42,700 --> 01:15:45,100
UNDERSTAND IT, THAT ANY

01:15:45,100 --> 01:15:46,466
EXPANSION REGARDLESS -- IF THIS

01:15:46,466 --> 01:15:48,933
WAS TO MOVE FORWARD, ANY

01:15:48,933 --> 01:15:49,900
EXPANSION OF THE RESTAURANT

01:15:49,900 --> 01:15:52,166
SEATING, OUTSIDE OF THE NEW LINE

01:15:52,166 --> 01:15:53,666
WOULD REQUIRE THAT HAT

01:15:53,666 --> 01:15:56,266
APPLICANT COME BACK BEFORE THIS

01:15:56,266 --> 01:15:57,400
BOARD TO SEEK AN EXPANSION OF

01:15:57,400 --> 01:15:58,733
THE RESTAURANT, S THAT CORRECT?

01:15:58,733 --> 01:15:59,966
>> THAT IS CORRECT.

01:15:59,966 --> 01:16:01,966
>> THE SIMPLE DESIGNATION OF

01:16:01,966 --> 01:16:03,900
THAT LINE DOESN'T MAKE IT, YOU

01:16:03,900 --> 01:16:05,433
KNOW, THE GATES DON'T OPEN UP,

01:16:05,433 --> 01:16:08,300
IS THAT CORRECT?

01:16:08,300 --> 01:16:14,700
>> THAT'S CORRECT. JIM.

01:16:14,700 --> 01:16:21,666
>> QUESTIONS FOR STAFF. THE

01:16:21,666 --> 01:16:25,300
ITEM IN FRONT OF US IS ABOUT A

01:16:25,300 --> 01:16:28,500
FUTURE LAND USE MAP. THAT'S A

01:16:28,500 --> 01:16:31,033
STATEMENT. IT'S NOT ABOUT THE

01:16:31,033 --> 01:16:32,833
OPERATION OR IMPROPER PERATION

01:16:32,833 --> 01:16:34,266
OF THE EXISTING ENTITY THERE.

01:16:34,266 --> 01:16:35,466
THERE ARE TIMES THE PLANNING

01:16:35,466 --> 01:16:41,166
BOARD CAN PUT ON CONDITIONS THAT

01:16:41,166 --> 01:16:41,800
WILL HELP A NEIGHBORHOOD

01:16:41,800 --> 01:16:46,300
MITIGATE INTENSE USES OR CHANGES

01:16:46,300 --> 01:16:48,800
OF USES. QUITE OFTEN WE ET

01:16:48,800 --> 01:16:49,933
THOSE HERE AND WE'RE ABLE TO PUT

01:16:49,933 --> 01:16:53,900
THOSE IN, AND AS MR. YOUNG

01:16:53,900 --> 01:16:55,766
MENTIONED, CODE ENFORCEMENT

01:16:55,766 --> 01:16:57,300
ENFORCES THOSE ON THE APPLICANT

01:16:57,300 --> 01:17:01,066
WHEN THEY ASK FOR A SPECIAL

01:17:01,066 --> 01:17:03,200
CONDITIONS. IT'S JOKINGLY

01:17:03,200 --> 01:17:07,433
REFERRED TO AS THE GILLIAN RULE
AND MANY BUSINESSES N TOWN ARE

01:17:07,433 --> 01:17:09,900
NOT HAPPY WITH HE GILLIAN RULE

01:17:09,900 --> 01:17:11,200
BECAUSE I FELT VERY STRONGLY

01:17:11,200 --> 01:17:12,633
MANY YEARS AGO SITTING ON THIS

01:17:12,633 --> 01:17:16,033
BOARD THERE HAD TO BE A WAY TO

01:17:16,033 --> 01:17:18,633
MITIGATE WHEN THERE'S CHANGES

01:17:18,633 --> 01:17:20,433
THAT GO ON. WHAT WE'RE LOOKING

01:17:20,433 --> 01:17:24,866
AT TODAY IS FUTURE LAND USE MAP

01:17:24,866 --> 01:17:32,066

AMENDMENT. AND STAFF HAS LOOKED

01:17:32,066 -> 01:17:33,666
AT THE PACKAGE, AND AGREED IT

01:17:33,666 -> 01:17:38,233
SHOULD BE APPROVED. I THINK,

01:17:38,233 -> 01:17:43,066
AND NOW I GET TO THE QUESTION,

01:17:43,066 -> 01:17:45,633
THERE'S BEEN A FACT THAT THE

01:17:45,633 -> 01:17:50,433
ZONING, WHEN IT WAS CHANGED FROM

01:17:50,433 -> 01:17:54,433
HD3, THERE WAS AN ERROR MADE AND

01:17:54,433 -> 01:17:56,333
IT HAS MADE THAT THE PLANNING

01:17:56,333 -> 01:17:58,000
DIRECTOR T THE TME, THERE WAS

01:17:58,000 -> 01:17:59,233
ALLOWANCE FOR COMMERCIAL USE, IS

01:17:59,233 -> 01:18:01,200
THAT CORRECT, ON THIS PARCEL

01:18:01,200 -> 01:18:02,333
WE'RE TALKING ABOUT? ARE YOU

01:18:02,333 -> 01:18:03,433
AWARE OF THAT?

01:18:03,433 -> 01:18:05,400
>> I'M NOT SURE I UNDERSTAND THE

01:18:05,400 -> 01:18:05,800
QUESTION.

01:18:05,800 -> 01:18:09,833
>> OKAY. BACK IN 90, 93, ZONING

01:18:09,833 -> 01:18:11,033
WAY CHANGED, CORRECT?

01:18:11,033 -> 01:18:11,766
>> CORRECT.

01:18:11,766 -> 01:18:13,666
>> HP3 WAS THE OLD ZONE. NEW

01:18:13,666 -> 01:18:17,166
ZONE CAME IN. THERE WAS A LINE

01:18:17,166 -> 01:18:18,733
DRAWN. THE OWNER OF THE PARCEL

01:18:18,733 -> 01:18:20,600
WENT TO THE PLANNING DIRECTOR

01:18:20,600 -> 01:18:22,066
AND I BELIEVE HIS NAME WAS

01:18:22,066 -> 01:18:24,933
MR. STRADER AND SAID THERE'S AN

01:18:24,933 -> 01:18:26,766
AREA AND E WANT TO DO OUR

01:18:26,766 -> 01:18:28,066
COMMERCIAL USE OVER THERE.

01:18:28,066 -> 01:18:29,733
THERE WAS ALLOWED COMMERCIAL

01:18:29,733 -> 01:18:31,266

USE, AND THEN SUBSEQUENT TO

01:18:31,266 -> 01:18:33,166
THAT, THERE WAS AN ISSUE WITH

01:18:33,166 -> 01:18:36,500
THE DO, DOES THAT SOUND

01:18:36,500 -> 01:18:37,733
FAMILIAR IN THESE CONVERSATIONS

01:18:37,733 -> 01:18:38,333
TONIGHT

01:18:38,333 -> 01:18:39,800
>> YES, IT SOUNDS FAMILIAR.

01:18:39,800 -> 01:18:41,700
>> THE REASON I'M RESTATING THIS

01:18:41,700 -> 01:18:44,633
BECAUSE THIS IS A MATTER OF

01:18:44,633 -> 01:18:45,633
FACT. YES.

01:18:45,633 -> 01:18:46,933
>> THAT'S PROBABLY MORE --

01:18:46,933 -> 01:18:49,333
>> WELL, I THINK VANESSA CAN

01:18:49,333 -> 01:18:50,100
CONCUR, BUT I THINK IT'S

01:18:50,100 -> 01:18:51,933
IMPORTANT IT COMES FROM THE LEAD

01:18:51,933 -> 01:18:53,600
BUILDING OFFICIAL THAT HE'S

01:18:53,600 -> 01:18:56,866
AWARE OF THIS. AND LEGAL IS

01:18:56,866 -> 01:18:59,100
ALSO HERE. THIS IS A STATEMENT

01:18:59,100 -> 01:19:02,533
OF FACT AND NOT CONJECTURE AND

01:19:02,533 -> 01:19:04,233
PEOPLE SPOUTING OFF HEARSAY.

01:19:04,233 -> 01:19:06,266
THIS HAS OCCURRED IN NOW WHAT WE

01:19:06,266 -> 01:19:09,500
HAVE TODAY WHERE THE PLANNING

01:19:09,500 -> 01:19:11,133
DEPARTMENT HAS RECOMMENDED TO

01:19:11,133 -> 01:19:14,600
THE PLANNING BOARD TO GO AHEAD

01:19:14,600 -> 01:19:16,000
AND APPROVE THIS TO QUOTE,

01:19:16,000 -> 01:19:18,966
CORRECT A PROBLEM THAT HAS

01:19:18,966 -> 01:19:22,500
OCCURRED IN THE ZONING. THESE

01:19:22,500 -> 01:19:25,066
OTHER ISSUES WHICH ARE BONA FIDE

01:19:25,066 -> 01:19:26,800
WHICH I'M VERY CONCERNED ABOUT.

01:19:26,800 -> 01:19:29,866

I OPERATE, MOST OF YOU KNOW I

01:19:29,866 -> 01:19:32,466
OPERATE ON -- IT'S A FINE LINE

01:19:32,466 -> 01:19:34,766
BETWEEN OPERATING A BAR AND

01:19:34,766 -> 01:19:40,066
HAVING A GUESTHOUSE NEXT DOOR.

01:19:40,066 -> 01:19:43,100
WE ALWAYS -- IN THE PAST, HAVE

01:19:43,100 -> 01:19:44,733
ALWAYS, WHEN SOMEONE WANTS TO

01:19:44,733 -> 01:19:46,266
CHANGE A USE, HERE AT THE BOARD

01:19:46,266 -> 01:19:48,833
WE HAVE BEEN CLEAR WE DON'T WANT

01:19:48,833 -> 01:19:52,233
TO EVER SEE IMPACT NEIGHBORS,

01:19:52,233 -> 01:19:53,866
FOR A BUSINESS TO GET SOME KIND

01:19:53,866 -> 01:19:55,466
OF BENEFIT. UNFORTUNATELY WHAT

01:19:55,466 -> 01:19:57,433
WE'RE LOOKING AT IS NOTHING

01:19:57,433 -> 01:20:00,833
ABOUT USE ON THE PARCEL. WHAT

01:20:00,833 -> 01:20:02,666
WE'RE LOOKING AT IS A DISCUSSION

01:20:02,666 -> 01:20:05,133
ABOUT THE FUTURE LAND USE MAP.

01:20:05,133 -> 01:20:07,866
I'M MAKING A CORRECTION THERE.

01:20:07,866 -> 01:20:11,033
AND, UH, FOR ME, FOR WHAT I SEE

01:20:11,033 -> 01:20:13,033
HERE, TWO THINGS GOING ON. I

01:20:13,033 -> 01:20:17,000
NEED TO TAKE A LOOK AT THAT. I

01:20:17,000 -> 01:20:19,033
ALSO AM ARE CONCERNED THERE'S

01:20:19,033 -> 01:20:20,700
TWO MEMBERS OF THE BOARD WHO ARE

01:20:20,700 -> 01:20:22,933
NOT PRESENT SO I'M NOT SURE I'M

01:20:22,933 -> 01:20:24,933
PREPARED TO VOTE ON THIS. SO

01:20:24,933 -> 01:20:27,100
I'LL RESERVE MY COMMENT AND WHO

01:20:27,100 -> 01:20:30,100
WANTS TO DRAW THIS OUT? NOBODY.

01:20:30,100 -> 01:20:32,200
IT'S CLEAR WHAT WE'RE DISCUSSING

01:20:32,200 -> 01:20:35,366
TONIGHT. WE'RE ALSO CLEAR THAT

01:20:35,366 -> 01:20:39,400

THIS WILL NOT STOP HERE. IT

01:20:39,400 --> 01:20:40,833
WILL MOVE TO FULL COMMISSION. I

01:20:40,833 --> 01:20:43,600
HAVE BEEN NOTIFIED BY MEMBERS OF

01:20:43,600 --> 01:20:45,966
THE PUBLIC AND I HAVE READ

01:20:45,966 --> 01:20:46,866
E-MAILS AND I UNDERSTAND WHAT'S

01:20:46,866 --> 01:20:48,933
GOING ON AS FAR AS THE

01:20:48,933 --> 01:20:51,000
OPERATIONAL PART OF THIS

01:20:51,000 --> 01:20:53,033
BUSINESS AND HOW THIS COULD

01:20:53,033 --> 01:20:54,366
ADVERSELY IMPACT THIS IF THERE

01:20:54,366 --> 01:20:56,700
ARE NOT CONTROLS IN PLACE. WE

01:20:56,700 --> 01:20:58,900
HEARD FROM THE CODE ENFORCEMENT

01:20:58,900 --> 01:21:01,033
OFFICER THAT THERE HASN'T BEEN

01:21:01,033 --> 01:21:02,266
COMPLAINTS, BUT CLEARLY YOU

01:21:02,266 --> 01:21:04,733
FOLKS ARE HERE BECAUSE YOU'RE

01:21:04,733 --> 01:21:07,300
CONCERNED. GOING BACK, BRIEFLY,

01:21:07,300 --> 01:21:09,200
MARCEY, IT'S NICE TO SEE YOU. I

01:21:09,200 --> 01:21:11,033
REMEMBER WHEN BAHAMA VILLAGE,

01:21:11,033 --> 01:21:12,433
THERE WAS A TIME WHEN WE THOUGHT

01:21:12,433 --> 01:21:14,200
WE WERE GOING TO TAKE DOWN THE

01:21:14,200 --> 01:21:16,800
ENTRANCE SIGN AND TRY TO GET

01:21:16,800 --> 01:21:17,933
ACTIVITY AND THERE'S WORK DONE

01:21:17,933 --> 01:21:19,866
TO TRY AND GET ACTIVITY IN

01:21:19,866 --> 01:21:22,700
BAHAMA VILLAGE AND IT HAS BEEN

01:21:22,700 --> 01:21:24,466
SUCCESSFUL TO REVITALIZE A

01:21:24,466 --> 01:21:25,566
NEIGHBORHOOD, SO I'M PROUD TO

01:21:25,566 --> 01:21:28,600
SAY I WAS PART OF THAT, BUT AN

01:21:28,600 --> 01:21:30,500
INTENSITY OF USE IS MAYBE TOO

01:21:30,500 --> 01:21:32,366

MUCH MOVING FORWARD. BUT ONCE

01:21:32,366 -> 01:21:33,766
AGAIN, WHAT I'M TRYING TO LOOK

01:21:33,766 -> 01:21:36,700
AT ERE IS A FUTURE LAND USE MAP

01:21:36,700 -> 01:21:40,633
AMENDMENT AND CORRECTING WHAT

01:21:40,633 -> 01:21:43,000
STAFF IS SAYING IS A CORRECTION

01:21:43,000 -> 01:21:46,466
OF SOMETHING THAT HAPPENED BACK

01:21:46,466 -> 01:21:48,033
- THE TIME TO HAVE DONE THIS

01:21:48,033 -> 01:21:49,466
WAS PROBABLY 20 YEARS AGO, BUT

01:21:49,466 -> 01:21:53,100
HERE WE ARE TODAY. SO I'M

01:21:53,100 -> 01:21:55,033
RESERVE MORE TIME.

01:21:55,033 -> 01:21:58,400
>> THANK YOU, JIM. ANYBODY

01:21:58,400 -> 01:22:00,700
ELSE? MR. RUSSO.

01:22:00,700 -> 01:22:03,266
>> I THINK THIS IS THE WRONG

01:22:03,266 -> 01:22:04,533
FORUM TO ADDRESS SMELL AND

01:22:04,533 -> 01:22:08,533
NOISE. I THINK THE PROPER, UM,

01:22:08,533 -> 01:22:10,200
BOARD TO DO THIS IN FRONT OF IS

01:22:10,200 -> 01:22:12,000
THE CITY COMMISSION. I THINK

01:22:12,000 -> 01:22:13,366
THEY HAVE TO TAKE A STRONG LOOK

01:22:13,366 -> 01:22:15,566
AT THIS. AND THE BEST WAY TO

01:22:15,566 -> 01:22:16,600
GET IT THERE IS TO RECOMMEND

01:22:16,600 -> 01:22:18,933
THAT THEY LOOK AT THAT. SO I'M

01:22:18,933 -> 01:22:20,333
PREPARED TO MAKE A MOTION. IT'S

01:22:20,333 -> 01:22:22,066
A STRAIGHT MOTION, CORRECT?

01:22:22,066 -> 01:22:23,933
>> I WOULD LIKE TO MAKE COMMENT.

01:22:23,933 -> 01:22:25,833
>> PLEASE, PLEASE.

01:22:25,833 -> 01:22:26,633
>> MR. LLOYD.

01:22:26,633 -> 01:22:29,433
>> IN MY OPINION, WE'RE SIMPLY

01:22:29,433 -> 01:22:32,933