



# **MEETING AGENDA PLANNING AND ZONING BOARD CITY OF RIVIERA BEACH, FL**

LOCAL PLANNING AGENCY

Department of Community Development: (561)845-4060 / [comdev@rivierabch.com](mailto:comdev@rivierabch.com)

Commencement – 6:30 PM  
Thursday, April 27, 2017

Council Chambers – Municipal Complex  
600 West Blue Heron Boulevard, 33404

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*If you wish to speak on any item(s) on this agenda, please complete a pink public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.*

**I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

Rena James, Chairperson

Corey Blackwell, Sr., Board Member

Edward Kunuty, Board Member

Julius Whigham, Sr., Board Member

Jon Gustafson, 1<sup>st</sup> Alternate Member

Tradrick McCoy, Vice-Chair

James Gallon, Board Member

Margaret Shepherd, Board Member

Anthony Brown, 2<sup>nd</sup> Alternate Member

**III. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION**

**IV. ADDITIONS AND DELETIONS TO THE AGENDA**

**V. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA**

**VI. APPROVAL OF MINUTES – April 13, 2017**

**VII. BOARD MEMBER ORIENTATION**

**VIII. UNFINISHED BUSINESS**

**A. NOMINATION OF CHAIRPERSON AND VICE-CHAIRPERSON**

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1 "DEFINITIONS" AND ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", BY CREATING SECTION 31-559, ENTITLED "REGULATIONS FOR FILLING STATIONS", (AKA GAS STATIONS), IN ORDER TO PROVIDE AND AMEND DEFINITIONS, AND TO PROVIDE SEPARATION REQUIREMENTS BETWEEN FILLING STATIONS TO PROMOTE DIVERSIFIED DEVELOPMENT PATTERNS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

1. Presentation(s)
2. Public Comments
3. Board Comments

**IX. NEW BUSINESS – None.**

**X. GENERAL DISCUSSION**

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS
  - 1. Project Updates / Upcoming Projects
  - 2. Upcoming P&Z Board Meetings – May 11, 2017 / May 25, 2017

**XI. ADJOURNMENT**

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, [www.rivierabch.com](http://www.rivierabch.com).

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD MEETING and WORKSHOP</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Thursday, April 13, 2017</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:37 p.m. - 8:42 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Rena James, Chair Tradrick McCoy, Vice Chair Edward Kunuty, Board Member Margaret Shepherd, Board Member Jeff Gagnon, Assistant Director of Community Development DeAndrae Spradley, Principal Planner Andrew DeGraffenreidt, City Attorney Jonathan Evans, City Manager</p>	<p style="text-align: right;">Page 3</p> <p>1 MR. SPRADLEY: We have a quorum.</p> <p>2 CHAIR JAMES: Okay, item III, are there any</p> <p>3 additions or deletions to the agenda?</p> <p>4 MR. GAGNON: Good afternoon, Board. Jeff</p> <p>5 Gagnon, Assistant Director of Community Development.</p> <p>6 I do have a few additions and deletions</p> <p>7 tonight. First, I want to make note of the fact that</p> <p>8 on Tuesday the City Council did take action. That</p> <p>9 action consisted of removing Mr. Barber from the Board.</p> <p>10 He was replaced by Mr. Blackwell. Additionally, there</p> <p>11 was a motion to appoint Mr. Gallon to the Board as a</p> <p>12 full-time member. Mr. Gustafson has been appointed as</p> <p>13 the first alternate, and Mr. Brown as the second</p> <p>14 alternate.</p> <p>15 At least three of the four individuals are</p> <p>16 here tonight as well, so I propose that we add Roman</p> <p>17 numeral IV-B to allow for Board member introductions.</p> <p>18 And before IV-B, I propose that we have IV-A,</p> <p>19 and that would be for the approval of absence</p> <p>20 notification. This is something that's come up, and</p> <p>21 I'll provide the Board with a memo to kind of really</p> <p>22 fill everyone in on the intent of this. However, our</p> <p>23 code structure requires that absences are approved, so</p> <p>24 what we're going to do moving forward is just identify</p> <p>25 anyone that provides notification for absence and</p>
<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED that the following Planning</p> <p>2 and Zoning Board meeting was had at Riviera Beach City</p> <p>3 Hall Council Chambers, 600 West Blue Heron Boulevard,</p> <p>4 Riviera Beach, Florida, on Thursday, April 13, 2017,</p> <p>5 beginning at 6:37 p.m., with attendees as hereinabove</p> <p>6 noted, to wit:</p> <p>7 ---</p> <p>8 CHAIR JAMES: The time is now 6:37. We'll go</p> <p>9 ahead and begin the meeting with a moment of silence</p> <p>10 and then the Pledge of Allegiance.</p> <p>11 (Moment of silence observed. Pledge of</p> <p>12 Allegiance recited.)</p> <p>13 CHAIR JAMES: Go ahead with roll call.</p> <p>14 MR. SPRADLEY: Rena James.</p> <p>15 CHAIR JAMES: Present.</p> <p>16 MR. SPRADLEY: Tradrick McCoy.</p> <p>17 VICE CHAIR MCCOY: Here.</p> <p>18 MR. SPRADLEY: Zedrick Barber, II.</p> <p>19 (No response.)</p> <p>20 MR. SPRADLEY: Edward Kunuty.</p> <p>21 MR. KUNUTY: Here.</p> <p>22 MR. SPRADLEY: Margaret Shepherd.</p> <p>23 MS. SHEPHERD: Here.</p> <p>24 MR. SPRADLEY: Julius Whigham.</p> <p>25 (No response.)</p>	<p style="text-align: right;">Page 4</p> <p>1 present that to the Board.</p> <p>2 So for tonight, I did hear from Mr. Whigham,</p> <p>3 who had a medical issue. So for IV-A I would ask that</p> <p>4 we take note of that and approve that absence.</p> <p>5 The only other thing I want to make note of</p> <p>6 is we do have the nomination of Chair and Vice Chair at</p> <p>7 tonight's meeting. So being that the new Board members</p> <p>8 haven't been sworn in yet, they can't actually</p> <p>9 participate, so it may be something that the active</p> <p>10 Board wishes to postpone for one meeting, but that's at</p> <p>11 the discretion of the Board.</p> <p>12 And that is it for additions and deletions.</p> <p>13 CHAIR JAMES: Okay. Is there going to be a</p> <p>14 motion to approve that, the additions and deletions, or</p> <p>15 we don't need one?</p> <p>16 MR. GAGNON: I think under Roman numeral IV,</p> <p>17 just the general disclosure and adoption of the agenda,</p> <p>18 under the adoption of the agenda I think these</p> <p>19 additions and deletions will be automatically inserted.</p> <p>20 CHAIR JAMES: Okay, so moving to item IV,</p> <p>21 Board disclosures and adoption of the agenda, we'll do</p> <p>22 that.</p> <p>23 MR. KUNUTY: Madam Chair.</p> <p>24 CHAIR JAMES: Yes.</p> <p>25 MR. KUNUTY: I don't know if this is the</p>

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<p>1 appropriate time, but I just had a question about the  2 sequence of events that we're addressing. You know,  3 first we have the applicant, and then on item X-A we're  4 having a workshop, which I'm assuming is going to lead  5 to some kind of an adoption of new standards for, you  6 know, for overstock and discount stores. I guess my  7 question to you is shouldn't we do that first in terms  8 of getting it either adopted or not adopted down the  9 road and before we approve another --</p> <p>10 MR. GAGNON: Right, yes, I understand your  11 question. I believe that it's staff's current approach  12 that the applicant we're reviewing tonight under  13 unfinished business had applied prior to any discussion  14 of a moratorium taking place, so the application is  15 being processed as such. I do understand your thought  16 process. However, I don't think that any action taken  17 in the future workshop item could really be implemented  18 in regards to their site plan application.</p> <p>19 MR. KUNUTY: Okay, thank you.</p> <p>20 CHAIR JAMES: Okay, so disclosures by Board  21 members. Are there any disclosures?</p> <p>22 VICE CHAIR McCOY: Madam Chair.</p> <p>23 CHAIR JAMES: Yes.</p> <p>24 VICE CHAIR McCOY: Item VI-A and VI-B, I  25 spoke to a representative from the Equitas Management</p>	<p>1 have approval of absences for Board members. It was  2 something that had been discussed and not formally  3 implemented, so that's why it's an add-on for this  4 agenda. But moving forward, it will be a reoccurring  5 process each meeting.</p> <p>6 VICE CHAIR McCOY: Follow-up.</p> <p>7 CHAIR JAMES: Go ahead.</p> <p>8 VICE CHAIR McCOY: So is there a prescribed  9 method in which a member has to inform someone? Is it  10 to staff that, they're going to be absent, or is it to  11 the Chairperson?</p> <p>12 MR. GAGNON: The way that it's written in the  13 code, any Board member is supposed to inform the  14 secretary of the Board. I would assume that it's me,  15 being the primary administrator of the Board itself.  16 So I will provide any information I receive to the  17 Board during the meeting. The way I see it, so long as  18 we're notified, then it's probably something that  19 should be accepted unless it's a reoccurring issue. So  20 we just want to have something formal on record so it's  21 common knowledge that the absence occurred.</p> <p>22 VICE CHAIR McCOY: Additional follow-up.</p> <p>23 So is it -- I guess the memo will spell out  24 what will be notification and what is considered  25 notification. Is it, you know, anytime, you know,</p>
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<p>1 Group, or a representative of the Equitas Management  2 group.</p> <p>3 CHAIR JAMES: Are there any other  4 disclosures?</p> <p>5 Okay, Jeff, could you restate? You said IV-A  6 is going to be the absence notification?</p> <p>7 MR. GAGNON: Yes. So IV-A was Board approval  8 of absence notification. And the intent of that,  9 again, was to have a formal record of the Board  10 accepting the absence request. So tonight we had an  11 absence request from Mr. Whigham.</p> <p>12 MR. KUNUTY: Are you looking for a motion on  13 that?</p> <p>14 MR. GAGNON: Yes, sir.</p> <p>15 MR. KUNUTY: I move that we accept  16 Mr. Whigham's absence and his reason.</p> <p>17 CHAIR JAMES: Is there a second?</p> <p>18 VICE CHAIR McCOY: Second for discussion.</p> <p>19 Just so I'm clear, Mr. Gagnon, so this is a  20 regular occurring thing and we don't have any -- only  21 when there's absences, or how does it work?</p> <p>22 MR. GAGNON: Moving forward, there will be a  23 static item on the agenda where you'll see it every  24 time. So the same way that we have an unfinished  25 business section, all the agendas moving forward will</p>	<p>1 12:00 or earlier on the day of the meeting or something  2 of that sort, that will be spelled out in the memo?</p> <p>3 MR. GAGNON: Yes. You know, there will  4 always be an emergency situation that could arise. So  5 long as it's not habitual and reoccurring, I don't  6 think it will be an issue. And I don't think we have  7 any Board members where absences have been an issue.  8 But what I'll try to do in the future, in other words,  9 is kind of delineate our code structure and what it  10 prescribes, and we can kind of come up with our own  11 process that's acceptable to the Board moving forward  12 as well.</p> <p>13 VICE CHAIR McCOY: Thank you.</p> <p>14 CHAIR JAMES: Okay, one moment. I need to  15 turn the gavel over to the Vice Chair as I step out and  16 take an important call.</p> <p>17 (Whereupon, Chair James left the dais.)</p> <p>18 VICE CHAIR McCOY: Any other members'  19 questions of the absence notification?</p> <p>20 Well, can we, Mr. Gagnon, can we defer voting  21 on that item until -- or can we table?</p> <p>22 MR. DeGRAFFENREIDT: I think you have to wait  23 until you've --</p> <p>24 MR. GAGNON: Yes, technically, I think we'll  25 have to recess momentarily, because currently, we don't</p>

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<p>1 have a quorum.</p> <p>2 VICE CHAIR McCOY: Okay, we stand in recess.</p> <p>3 (Whereupon, there was a recess in the</p> <p>4 proceedings.)</p> <p>5 VICE CHAIR McCOY: Call the meeting back to</p> <p>6 order.</p> <p>7 We were currently handling a motion and a</p> <p>8 second, and I think it's appropriate that I pass the</p> <p>9 gavel back to the Chairperson since I seconded the</p> <p>10 motion. Madam Chair.</p> <p>11 MR. GAGNON: Further questions, or ready for</p> <p>12 roll?</p> <p>13 CHAIR JAMES: Yes.</p> <p>14 MR. SPRADLEY: Rena James.</p> <p>15 CHAIR JAMES: Yes.</p> <p>16 MR. SPRADLEY: Tradrick McCoy.</p> <p>17 VICE CHAIR McCOY: Yes.</p> <p>18 MR. SPRADLEY: Edward Kunuty.</p> <p>19 MR. KUNUTY: Yes.</p> <p>20 MR. SPRADLEY: Margaret Shepherd.</p> <p>21 MS. SHEPHERD: Yes.</p> <p>22 MR. SPRADLEY: That motion passes.</p> <p>23 CHAIR JAMES: So item IV-B.</p> <p>24 MR. GAGNON: Yes, so IV-B, I wanted to</p> <p>25 provide an opportunity for our new Board members to</p>	<p>1 MR. KUNUTY: Thank you. Welcome.</p> <p>2 CHAIR JAMES: Welcome. Thank you for</p> <p>3 volunteering to serve.</p> <p>4 MR. GUSTAFSON: Hello. My name is Jon</p> <p>5 Gustafson. I'm a new resident to Riviera Beach. I've</p> <p>6 been here about five years now. I look forward to</p> <p>7 adding some value to the Board, as well as hopefully</p> <p>8 making the City grow in a positive direction. Thank</p> <p>9 you.</p> <p>10 CHAIR JAMES: Welcome.</p> <p>11 MR. KUNUTY: Welcome aboard.</p> <p>12 MR. BROWN: Good afternoon. I'm Anthony</p> <p>13 Brown. I've been a resident of Palm Beach County for</p> <p>14 30 years or a little over. I have been a resident of</p> <p>15 Riviera Beach for a little over ten years. I am here;</p> <p>16 I'm ready to serve. All right, thank you.</p> <p>17 VICE CHAIR McCOY: Glad to have you. Thank</p> <p>18 you.</p> <p>19 CHAIR JAMES: Thank you. Welcome.</p> <p>20 MR. KUNUTY: Thank you. Welcome aboard all</p> <p>21 of you.</p> <p>22 CHAIR JAMES: Are there any other Board</p> <p>23 members that would like to say any greetings to the new</p> <p>24 members?</p> <p>25 Ms. Shepherd.</p>
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<p>1 introduce themselves. They're all here in attendance</p> <p>2 tonight after very short notice, which is a great sign</p> <p>3 for the Board moving forward, I think. You'll have</p> <p>4 some new faces and some new blood. And judging from</p> <p>5 tonight's barely quorum, it's definitely needed.</p> <p>6 So at this point, I guess I'll ask</p> <p>7 Mr. Blackwell to come up, if he chooses to, followed by</p> <p>8 Mr. Gallon, who are both members of the Board. Third</p> <p>9 will be Mr. Gustafson, who is the first alternate,</p> <p>10 followed by Mr. Brown, who's the second alternate.</p> <p>11 Mr. Blackwell.</p> <p>12 MR. BLACKWELL: Good afternoon. My name is</p> <p>13 Cory Blackwell. I'm a lifelong resident of Riviera</p> <p>14 Beach. I was just newly appointed to the P &amp; Z Board.</p> <p>15 I'm a fresh retiree of Palm Beach County Sheriff's</p> <p>16 Office after 26 years. I look forward to working with</p> <p>17 this Board and our Commission. Thank you.</p> <p>18 VICE CHAIR McCOY: Thank you.</p> <p>19 MR. KUNUTY: Thank you.</p> <p>20 CHAIR JAMES: Thank you. Thank you for</p> <p>21 coming.</p> <p>22 MR. GALLON: My name is James Gallon, and I'm</p> <p>23 also a lifetime resident of Riviera Beach, and I look</p> <p>24 forward to joining you guys.</p> <p>25 VICE CHAIR McCOY: Thank you. Welcome.</p>	<p>1 MS. SHEPHERD: First I would like to thank</p> <p>2 you for choosing Riviera Beach. Some of you say you're</p> <p>3 new here, been here a few years. If you've been here a</p> <p>4 year, you are family. So I'd like to say thank you for</p> <p>5 coming on board, and I look -- really looking for</p> <p>6 fresh, new idea, because you are fresh new faces.</p> <p>7 Thank you again for coming aboard; thank you so much.</p> <p>8 CHAIR JAMES: Any other Board members?</p> <p>9 Welcome.</p> <p>10 Moving to adoption of the agenda. Is there a</p> <p>11 motion?</p> <p>12 VICE CHAIR McCOY: Move to adopt the agenda</p> <p>13 with the changes that have been proposed by Mr. Gagnon.</p> <p>14 CHAIR JAMES: Is there a second?</p> <p>15 MR. KUNUTY: Second.</p> <p>16 CHAIR JAMES: Roll call.</p> <p>17 MR. SPRADLEY: Rena James.</p> <p>18 CHAIR JAMES: Yes.</p> <p>19 MR. SPRADLEY: Tradrick McCoy.</p> <p>20 VICE CHAIR McCOY: Yes.</p> <p>21 MR. SPRADLEY: Edward Kunuty.</p> <p>22 MR. KUNUTY: Yes.</p> <p>23 MR. SPRADLEY: Margaret Shepherd.</p> <p>24 MS. SHEPHERD: Yes.</p> <p>25 MR. SPRADLEY: That motion passes.</p>

3 (Pages 9 to 12)

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<p>1 CHAIR JAMES: Approval of minutes from the 2 February 9th and the March 23rd workshop meeting 3 minutes. 4 VICE CHAIR McCOY: Move to approve the 5 minutes with any necessary changes. 6 CHAIR JAMES: Is there a second? 7 MR. KUNUTY: Second. 8 CHAIR JAMES: Roll call. 9 MR. SPRADLEY: Rena James. 10 CHAIR JAMES: Yes. 11 MR. SPRADLEY: Tradrick McCoy. 12 VICE CHAIR McCOY: Yes. 13 MR. SPRADLEY: Edward Kunuty. 14 MR. KUNUTY: Yes. 15 MR. SPRADLEY: Margaret Shepherd. 16 MS. SHEPHERD: Yes. 17 MR. SPRADLEY: That motion passes. 18 CHAIR JAMES: Into unfinished business. 19 MR. GAGNON: Yes, ma'am, under unfinished 20 business we have two items, letter A and B. Letter A 21 is an application from Equitas Management Group, LLC 22 and Thomas Engineering Group, LLC, staff number 23 SP-16-16, requesting site plan approval to develop a 24 single story, 8,247 square foot retail building on a 25 0.92 acre -- on 0.92 acres of 1.93 acres of vacant</p>	<p>1 industrial uses, and there's an industrial future land 2 use and limited industrial zoning. The subject parcel 3 has a commercial future land use and a general 4 commercial zoning. 5 This particular project is consistent with 6 and compatible to the City's Comprehensive Plan and 7 Land Development Regulations. City services, such as 8 roads, water, sewer and garbage collection, are 9 currently available to the site. Adequate parking has 10 been proposed by the applicant. There were no 11 departmental objections from staff. 12 At this particular point, staff is requesting 13 the Planning and Zoning Board to consider the 14 information presented and make a recommendation to the 15 City Council. 16 And at this time I will ask for the developer 17 to come up and do their portion of the presentation. 18 MR. DICKERSON: Good evening. My name is 19 Dwayne Dickerson. I'm an attorney with the law firm of 20 Dunay, Miskel and Backman, offices at 14 Southeast 4th 21 Street, Boca Raton, Florida. I'm here tonight on 22 behalf of the applicant, Equitas Management Group, LLC, 23 as well as Thomas Engineering Group. 24 As previously stated by staff, the property 25 is located on the southwest corner of Blue Heron</p>
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<p>1 commercial land located at PCN number 2 56-43-42-28-31-015-0010. 3 At this time I'd like to ask Mr. DeAndrae 4 Spradley, our Principal Planner, to provide the Board 5 with a presentation. 6 MR. SPRADLEY: Good evening, ladies and 7 gentlemen. DeAndrae Spradley, Principal Planner. 8 This particular presentation, first it will 9 be staff presentation, and then following me, the 10 applicant will come up and do their presentation. 11 Just to give an overview of the project, the 12 applicant is requesting site plan approval to develop 13 .092 acre of 1.93 acres of vacant commercial land. 14 They are proposing to build a single story, 8,247 15 square foot retail building. Here's a site location 16 map. Here is the aerial map. 17 The adjacent uses and description. To the 18 north there are vacant commercial uses. That 19 particular property has commercial future land use and 20 general commercial zoning. To the south there is a 21 Public Works facility, and it has community facility 22 future land use and zoning. To the east there are 23 industrial uses. The future land use for that 24 particular area is commercial, and it has a general 25 commercial zoning. To the west there are also</p>	<p>1 Boulevard and Avenue L, as you can see there. The 2 property site before you tonight, which includes the 3 site plan, is approximately .92 acres, and that's the 4 portion you see there in the white. It's part of a 5 larger parcel, which is approximately 1.93 acres, which 6 you see in the red outline there. It's currently 7 vacant, and the land use is commercial. The zoning for 8 the parcel is general commercial, which is CG, and the 9 proposed use is 8,247 plus or minus square feet of 10 retail building. 11 The specific request before you tonight is to 12 allow for a site plan approval to develop the single 13 story, 8,247 square foot building on the .92 acres that 14 I just showed you, which is the smaller portion of the 15 larger 1.93 acres of the vacant commercial land, as 16 well as to allow for a plat approval to facilitate the 17 development of the retail facility. As you know, 18 usually site plans run consistent with the plats. 19 This is an aerial, so you can see the area, 20 the specific parcel, as well as the surrounding parcels 21 and the zoning designations. So as staff discussed, 22 you see directly to our north is general commercial 23 zoning district. To our east is general commercial 24 zoning district. To our west is general commercial 25 zoning district, as well as some industrial. And then</p>

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<p>1 on the south you will see the industrial, as well as  2 community facility, which is the Public Works building  3 for -- one of the Public Works buildings.  4 With the future commercial development parcel  5 you'll see on the west side of this current  6 application, unfortunately, because there is an active  7 moratorium and there's no application for that portion,  8 we haven't had an opportunity to market it. Of course,  9 we want to understand what the new regulations are  10 going to be so we can actively market that vacant land  11 and develop it as well.  12 This is just a synopsis of the uses that are  13 permitted by right in your CG or general commercial  14 zoning district. Of course, all nonresidential uses  15 within the district, as well as you'll see, highlighted  16 in red, retail uses, including, but not limited to  17 those list of uses there.  18 So the use that's proposed tonight, the  19 retail building use is permitted by right. And what I  20 mean legally by right is that there are no special  21 approvals that are required. This use is compatible  22 with the adjacent properties, it's compatible and  23 consistent with your Land Development Regulations, as  24 well as compatible with the City's Comprehensive Plan.  25 So that's a use that's permitted by right, without any</p>	<p>1 you'll see another side elevation, which is the east  2 elevation, and then on the bottom you'll see the rear  3 elevation, which is the south elevation.  4 And then this is the plats. The Avenue L  5 Retail at Australian and Blue Heron is the name of the  6 plat. As discussed, this is an administrative plat  7 approval which is consistent with the site plan, which  8 provides for the access points and any other  9 designations that are required by the City and/or the  10 County. And then this is the second page of the plat,  11 as you can see. Just shows pictures consistent with  12 the site plan as it's being proposed.  13 A few things I wanted to add, and I'll be  14 brief; I'm almost done.  15 In addition to this plan, there are  16 improvements that the applicant has agreed to,  17 including new sidewalks, new curb and gutters, upgraded  18 water main, and this is all on Avenue L. This is in  19 conjunction with the staff and the improvements that  20 they've requested. So on Avenue L you will see new  21 sidewalks along the frontage of our property, you will  22 see new curb and gutters. We have to upgrade the water  23 main system, as stated, on the east side of Avenue L.  24 And I also wanted to point out with respect  25 to traffic that we provided a traffic analysis to the</p>
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<p>1 additional approvals that are required.  2 This is the site plan once again. For your  3 orientation, Blue Heron's on top or to the north,  4 Avenue L is to the right or to the east. And so you'll  5 see the access that's proposed is off of Blue Heron  6 Boulevard, which is a right-in and a right-out. And  7 then on Avenue L, that's a full access. That's  8 left-in/left-out, right-in/right-out.  9 As you'll see, the site plan provides for  10 parking as required by code, it provides for open  11 space, landscaping, setbacks. There are no variances  12 that are being requested to accommodate this site plan,  13 no special exceptions that are being requested to  14 accommodate the site plan, no conditional uses. All  15 parking, setback, landscaping, access, building height  16 and all the other Land Development Regulations and  17 Comprehensive Plan requirements are being met with this  18 application with no additional request.  19 This is just a picture of the elevations that  20 you'll see for the building. So on top is the front  21 elevation, which is the north, which will be fronting  22 Blue Heron. And the side elevation on the bottom,  23 that's the west elevation, so you'll see the look of  24 the building.  25 This is the elevations continued, so on top</p>	<p>1 City, which was reviewed by your City officials, as  2 well as to the County. And you'll see in your backup  3 materials there was a letter that's from Quazi Bari.  4 He's a Senior Professional Engineer in the Traffic  5 Division with Palm Beach County. The name's spelled  6 Q-u-a-z-i, last name Bari, B-a-r-i.  7 This letter was sent to Mr. Gagnon or March  8 14, 2017, and it states, in part, that the access, as  9 proposed, is a right-in/right-out driveway connection  10 on the west Blue Heron Boulevard and full access  11 driveway connection to Avenue L.  12 And it states: Based on our review, the  13 Traffic Division has determined the proposed  14 development does not have significant peak hour traffic  15 impact, as defined in PBC-TPS on the roadway network,  16 and therefore, meets the traffic performance standards  17 of Palm Beach County.  18 So they reviewed not only our analysis, but  19 they've reviewed our site plan and our proposed access  20 points and have determined that we meet the standards  21 of Palm Beach County.  22 Additionally, I just wanted to point out a  23 few very important sections in staff's report. In  24 part, as part of the background materials, it states  25 that on September 29, 2016, Equitas Management Group,</p>

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<p>1 LLC and Thomas Engineering Group, LLC submitted the 2 official site plan application, which is SP-16-16, to 3 staff. City departmental staff reviewed the site plan 4 application and provided corresponding comments to the 5 applicant. All comments were addressed by the 6 applicant, and City staff has no objection to the site 7 plan application.</p> <p>8 It goes on to say in part: The Community 9 Development Department reviewed the site plan 10 application SP-16-16 for compatibility and consistency 11 with the City's Comprehensive Plan and Land Development 12 Regulations and found that the proposed plan was in 13 compliance.</p> <p>14 And lastly, in part in the report, under 15 compatibility, it says: The applicant's proposed 16 project is compatible with the surrounding parcels.</p> <p>17 So I just state that to tell you that we are 18 consistent with your Land Development Regulations, we 19 are consistent with the City's Comprehensive Plan, and 20 this application is consistent with the law. And so we 21 respectfully request that you approve the site plan and 22 the plat as submitted.</p> <p>23 And with that, I'm happy to take any 24 questions that you may have, and I would like to 25 reserve a few moments to address any comments or</p>	<p>1 MR. GUNTHER: Terrence Bailey, the City 2 Engineer.</p> <p>3 MR. DICKERSON: Mr. Terrence Bailey, the City 4 Engineer.</p> <p>5 VICE CHAIR McCOY: So you guys are going to 6 actually make those improvements to the water main, or 7 is it -- how does that -- I don't understand how you 8 can make an improvement to the water main.</p> <p>9 MR. DICKERSON: Well, when you -- and if you 10 have a specific, the City Engineer's here, Jason 11 Gunther -- or I'm sorry, the Project Engineer is here, 12 Mr. Jason Gunther.</p> <p>13 But when this comes on line and to 14 accommodate the water that's going to be coming into 15 the project, sometimes you may need a bigger pipe to 16 accommodate more water to support the facility. So 17 that is something that we've agreed to do, to upgrade 18 that water main that we will be connecting to on Avenue 19 L to allow for the proper water to the facility.</p> <p>20 MR. GUNTHER: It's asbestos pipe now. We're 21 upgrading to a suitable material.</p> <p>22 MR. DICKERSON: As well, it's one of the 23 older, it's one of the older asbestos pipes, and we all 24 know that, and so it is being upgraded, along with this 25 improvement, to bring it up to the current materials,</p>
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<p>1 questions that you raise. Thank you very much.</p> <p>2 VICE CHAIR McCOY: Madam Chair, question.</p> <p>3 CHAIR JAMES: You're recognized. Go ahead.</p> <p>4 VICE CHAIR McCOY: Can you remind us of your 5 name?</p> <p>6 MR. DICKERSON: Yes, sir. Dwayne Dickerson.</p> <p>7 VICE CHAIR McCOY: Mr. Dickerson, you spoke 8 about the sidewalks and the water main. That was a 9 condition?</p> <p>10 MR. DICKERSON: Our engineer's here.</p> <p>11 Was that just a voluntary upgrade, or was 12 that part of the staff --</p> <p>13 MR. GUNTHER: A request by Engineering.</p> <p>14 MR. DICKERSON: That was a request by the 15 City's Engineering Department to make those 16 improvements.</p> <p>17 VICE CHAIR McCOY: And was that Utility 18 Engineering?</p> <p>19 MR. GUNTHER: Water main, yes.</p> <p>20 MR. DICKERSON: The water main that is on the 21 east side of Avenue L was a Utility Department request.</p> <p>22 MR. GUNTHER: The curb and the sidewalk was 23 by Terrence.</p> <p>24 MR. DICKERSON: Curb and sidewalk was by 25 Mr. Terrence?</p>	<p>1 which is a better material.</p> <p>2 VICE CHAIR McCOY: Okay. My question is -- 3 and I understand the water main, but I'm trying to 4 understand whoever your GC is that Equitas, I guess, 5 contracts with, they're responsible for replacing the 6 City's water main?</p> <p>7 MR. DICKERSON: Jason, do you want to speak 8 to that?</p> <p>9 MR. GUNTHER: Good evening. Jason Gunther, 10 Thomas Engineering. Office address is 125 West 11 Indiantown Road, Jupiter, Florida.</p> <p>12 Yes, as part of our GC who's building the 13 building, we'll have several subcontractors, one of 14 which would be an underground contractor that will do 15 your underground piping for your water services, your 16 sewer services, drainage, like that.</p> <p>17 They would also get necessary right-of-way 18 permits through the City to -- connecting to the water 19 main that's in Blue Heron, running parallel, PVC or 20 ductile iron main, a suitable material for today's day 21 and age down the frontage, while leaving the existing 22 water main intact. So we're not taking away water from 23 existing customers.</p> <p>24 Tying that in once it's cleared the Health 25 Department testing and procedures, and then being able</p>

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<p>1 to cut the existing water main out with the new water 2 main that we just put in and now in service, and remove 3 that or grout fill and abandon the existing water main. 4 VICE CHAIR McCOY: Okay, I guess what I 5 didn't understand was it was said that we are going to 6 replace the water main, and I just wanted to make sure 7 that it was a utility contractor that the City uses as 8 opposed to a GC, and I was wondering, do you guys 9 actually have a GC that goes into the public roadway 10 and replace a water main. So I just wanted to get 11 clarification that you are using a -- 12 MR. GUNTHER: We are doing it. We're doing 13 it at our cost -- 14 VICE CHAIR McCOY: At your cost, but the City 15 contractor. 16 MR. GUNTHER: -- but at the request of the 17 Utility District, Leighton Walker. And he'll be 18 approving our plans, and he'll be inspecting it, making 19 sure we're doing it in all the right ways of the City 20 and making sure the City's interests are looked after. 21 VICE CHAIR McCOY: Good enough. Thank you. 22 MR. KUNUTY: Madam Chair. 23 CHAIR JAMES: Go ahead, Mr. Kunuty. 24 MR. KUNUTY: The pipe that you're replacing 25 that you referred to in the write-up, it said a clay</p>	<p>1 MR. KUNUTY: Okay, thank you. 2 Question on the second parcel that -- are you 3 planning to develop that, or is this something that is 4 going to be sold off and developed by someone else? 5 MR. DICKERSON: We would -- in a perfect 6 world, I believe we would like to develop that, but 7 unfortunately, I can't represent that one way or 8 another to you tonight because with the moratorium, we 9 don't know what uses are going to be permitted, and so 10 it's difficult to understand what we can do with that 11 until we get to that process. 12 MR. KUNUTY: Sure, understood. 13 MR. DICKERSON: Thank you. 14 MR. KUNUTY: One comment, aesthetic comment. 15 Looking at the east elevation, which is probably the 16 second most viewed elevation, it seems that there's 17 something we could do to that or you can do to that to 18 make it a little bit more attractive. You know, the 19 front is the front, and that's okay. But actually the 20 south elevation looks a lot better than the east 21 elevation, and only Public Works is looking at the 22 south elevation. 23 So my suggestion is that there's got to be 24 something you can do architecturally that's, you know, 25 not prohibitive to make that a much more attractive</p>
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<p>1 pipe, I believe. Is that the asbestos pipe? 2 MR. GUNTHER: Yes. 3 MR. KUNUTY: And they also said it was raw 4 water. So I was a little questioning, is that just 5 utility drinking water coming in, or is that sewage? 6 MR. GUNTHER: The water main that we're 7 replacing is potable water. 8 MR. KUNUTY: Okay. 9 MR. GUNTHER: There is a separate 30 inch 10 water main that runs down the frontage of our property 11 along Blue Heron Boulevard. We're not connecting into 12 that at all. That's actually going to, I think, a 13 treatment plant. That's just in the frontage of our 14 property, but we're not engaging that water main at all 15 with our construction activity. 16 MR. KUNUTY: Okay, but there was a comment 17 from Utility that that was a problem for them. So is 18 that -- 19 MR. GUNTHER: Yes, we did agree to provide an 20 additional five foot wide easement so they have 21 maintenance rights for that pipe, should, for whatever 22 reason, they need to maintain or get to it. 23 MR. KUNUTY: Okay. 24 MR. GUNTHER: But we're not digging it up or 25 touching it.</p>	<p>1 looking wall. You know, I'm looking at it and seeing a 2 blank wall with three doors, three double doors. 3 MR. DICKERSON: I'm taking good notes, and I 4 will definitely have a conversation with our design 5 team. 6 MR. SPRADLEY: And if I may, those are 7 actually what they call like faux windows. Because of 8 the layout of the store, I believe this is where the 9 refrigerators will be for drinks and things like that, 10 so you really can't do any real windows in this 11 particular location. 12 MR. KUNUTY: No, I understand. But what I'm 13 saying is if you look at the south elevation, there's 14 kind of a decorative border along the top that breaks 15 up the whole wall, and you know, makes it look better. 16 And what I'm suggesting is that it would be, I think, 17 in the interest of, you know, people driving Blue Heron 18 looking at that wall to have something a little more 19 attractive done to it. 20 MR. DICKERSON: Madam Chair, may I approach 21 for one moment? I would like to show the landscape 22 plan. And there's a significant amount of landscaping 23 on that side that I think would help to beautify that 24 elevation, if I may show you. 25 CHAIR JAMES: We don't have an image for that</p>

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<p>1 up on the screen?</p> <p>2 MR. DICKERSON: It's part of your backup</p> <p>3 materials. It's sheet --</p> <p>4 MR. SPRADLEY: If you go to --</p> <p>5 MR. DICKERSON: -- L-2.</p> <p>6 MR. SPRADLEY: -- of the elevations.</p> <p>7 MR. DICKERSON: It's sheet L-2.</p> <p>8 CHAIR JAMES: Because this is recorded, I</p> <p>9 think it probably would be in the best interest if we,</p> <p>10 you know, show it up on the screen that way.</p> <p>11 MR. DICKERSON: So you'll see on the right</p> <p>12 side, which is the east side, substantial landscaping</p> <p>13 on that side to make sure that that's aesthetically</p> <p>14 pleasing.</p> <p>15 MR. KUNUTY: Well, I would just like to pass</p> <p>16 that the landscaping is still going to be a little</p> <p>17 lower than the building, the top of the building, and</p> <p>18 some kind of treatment up there, you know, obviously at</p> <p>19 this point it's voluntary on their part, but it would</p> <p>20 improve the aesthetics when you're going west on Blue</p> <p>21 Heron.</p> <p>22 MR. DICKERSON: And one of the</p> <p>23 representatives from Equitas is here tonight, and he</p> <p>24 gave me the thumbs up, so we will look at that and see</p> <p>25 how we can accommodate your request.</p>	<p>1 I'm just afraid that the trucks will blow over there or</p> <p>2 something in your neighborhood. I'm just wanting to</p> <p>3 protect the Public Works Department. I just have a</p> <p>4 concern about that. Could you address -- I know I'm</p> <p>5 kind of stumbling around it.</p> <p>6 MR. DICKERSON: No, that comment was passed</p> <p>7 on to me. I think the good news is if you look at the</p> <p>8 aerial -- let me see if I can pull my presentation back</p> <p>9 up. Let me see if I can get -- this is a little</p> <p>10 cleaner.</p> <p>11 You can see where our building's located and</p> <p>12 where the Public Works building is located. We</p> <p>13 designed it in a way that we would create maximum</p> <p>14 separation between not only our property line and our</p> <p>15 building, shifted on to the north and fronting Blue</p> <p>16 Heron Boulevard, but then if you look at the distance</p> <p>17 separation between the Public Works building, they</p> <p>18 looked at that, and our design team is very comfortable</p> <p>19 that it won't pose any safety or nuisance issues even</p> <p>20 the way it's designed.</p> <p>21 But they did look at that, and the building</p> <p>22 was shifted towards Blue Heron to make sure there's a</p> <p>23 nice separation there, which would not cause any</p> <p>24 negative impacts to our facility and uses, as well as</p> <p>25 to protect Public Works and make sure that there are no</p>
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<p>1 MR. KUNUTY: Okay, thank you very much.</p> <p>2 MR. DICKERSON: Thank you.</p> <p>3 MR. KUNUTY: No other questions.</p> <p>4 CHAIR JAMES: Okay, I just want to make sure,</p> <p>5 Jeff, that we didn't have any public comment cards,</p> <p>6 because I didn't receive any for this item.</p> <p>7 MR. GAGNON: I don't believe we received any</p> <p>8 tonight.</p> <p>9 CHAIR JAMES: Okay, so we're going to</p> <p>10 continue with the Board questions.</p> <p>11 MR. SPRADLEY: And Madam Chair, if I may, if</p> <p>12 the Board desired, you could make that as a condition</p> <p>13 of approval, for them to either add a few columns or</p> <p>14 something more architecturally pleasing on that</p> <p>15 particular elevation.</p> <p>16 CHAIR JAMES: So noted.</p> <p>17 Ms. Shepherd.</p> <p>18 MS. SHEPHERD: Yes, Madam Chair. I did bring</p> <p>19 it up at the last meeting, the concerns of Public Works</p> <p>20 being in the back of this project. And my concern was</p> <p>21 why did you not think of putting a wall up there? And</p> <p>22 I think I made mention because of the storms and</p> <p>23 everything that come through the state of Florida, and</p> <p>24 the gas tanks are back there, the City trucks are back</p> <p>25 there, and I just look at the storm and the wind, and</p>	<p>1 issues there either. So they did assure me that this</p> <p>2 design would not cause any negative impacts on Public</p> <p>3 Works.</p> <p>4 CITY MANAGER EVANS: Madam Chair, if I may</p> <p>5 opine on this particular matter? Jon Evans, City</p> <p>6 Manager, Riviera Beach.</p> <p>7 One of the things that's going to be coming</p> <p>8 before the Council, I would say probably within the</p> <p>9 next 60 days, is the discussion with regards to the</p> <p>10 Public Works site and looking to architecturally</p> <p>11 redesign that site and then eventually move forward</p> <p>12 into construction. So I would anticipate here in the</p> <p>13 next couple of months we will be having more</p> <p>14 substantive discussions with the Council, and then</p> <p>15 ultimately, that site plan will be coming before the</p> <p>16 Planning and Zoning Board.</p> <p>17 So that particular site, I would say probably</p> <p>18 in the next couple of years, is going to be completely</p> <p>19 renovated for the purposes of our new Public Works</p> <p>20 facility, because it has exhausted the end of its</p> <p>21 useful life. So that particular facility, what you see</p> <p>22 today, in the next couple of years will not be the same</p> <p>23 facility. So we will relocate some of our operations</p> <p>24 to be more consistent with the needs and demands of</p> <p>25 what our community needs for Public Works.</p>

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<p>1 So the decision shouldn't really be 2 predicated on what we're going to do over at Public 3 Works, because that is going to be something that we'll 4 be bringing before the Council and this Board here, I 5 would say in the next couple of months. 6 CHAIR JAMES: Good to know. 7 MS. SHEPHERD: Thank you, Madam Chair. May I 8 continue? 9 CHAIR JAMES: Yes. 10 MS. SHEPHERD: Thank you, Mr. Evans. 11 Another thing that bothers me. Over on 12 Broadway and Blue Heron, are you aware of the Dollar 13 General over there? 14 MR. DICKERSON: I'm familiar with that area, 15 yes, ma'am. 16 MS. SHEPHERD: Would you guarantee us that 17 the Dollar General that you want to build will not look 18 like what's over there, because it's -- once again, I 19 don't see a separation still at the wall. It just 20 don't look nice over there. 21 And I think the one on Congress, they had a 22 little problem because they didn't want to cut the 23 trees on the back of Congress, and I think that 24 development made a lot of comments about they don't 25 take care of that, once again, wall over there.</p>	<p>1 all goes well, we'll have a future development right 2 next door. 3 So it's in our best interest to make sure 4 that this site is awesome, so that, one, we can market 5 the next site and get an awesome tenant there as well. 6 So we have a vested interest in making sure this is 7 done the right way. 8 MS. SHEPHERD: Well, I thank you for that. 9 And once again, let me clear the air. I said Dollar 10 General. It's kind of on my brain today because I 11 visited that store. It's open now, so I was over there 12 today. And I want to make sure that the residents 13 understand and hold you clear to your word that you're 14 going to make sure that this particular store is 15 maintained. I understand it's a franchise -- 16 MR. DICKERSON: Yes. 17 MS. SHEPHERD: -- but the name, everybody 18 look at the name. They don't look at what's behind the 19 products that's going over there. That was just my 20 only concern, is Public Works, and I've got a clarity 21 on that, and just the structure and the look of that 22 piece of prime land in Riviera Beach. 23 MR. DICKERSON: Yes, ma'am. Your concerns 24 are very fair, and we've expressed them to the contract 25 purchaser, who will be the property owner, as well as</p>
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<p>1 Is that something that you all are really 2 going to look at, maintaining that property? Because 3 it's on Blue Heron. It's the main drag of the city. 4 What can you really guarantee the residents to make 5 sure your Dollar General don't look like that or have 6 problems? 7 MR. DICKERSON: Well, a couple of things. 8 First of all, this product is not Dollar General. 9 That's a different brand. This is actually Family 10 Dollar. 11 MS. SHEPHERD: I'm sorry, sir, you're 12 correct, Family Dollar. 13 MR. DICKERSON: And I just say that to say 14 unfortunately, I can't speak for their business 15 operations. 16 But I can speak for my client, who's the 17 contract purchaser, Equitas, and this end user in that 18 they are a multimillion dollar, if not billion dollar 19 company, and their goal is to have nice, inviting 20 variety stores where people feel comfortable and safe 21 coming to and shopping. 22 So it's very important in their corporate 23 model to have well maintained, nice facilities. And 24 then the property owner as well is going to be adamant 25 that this site will maintain, because guess what? If</p>	<p>1 to the end user, who will be Family Dollar, and we're 2 on the same page here. This is something that we want 3 to be a community asset, and obviously we're in for the 4 long haul because we would own the parcel directly 5 adjacent to it, and it's very important for us to make 6 sure this is done correctly. 7 MS. SHEPHERD: Thank you. 8 MR. DICKERSON: Thank you. 9 MS. SHEPHERD: Thank you, Madam Chair. 10 CHAIR JAMES: Thank you. 11 Mr. Kunuty. 12 MR. KUNUTY: No, I have no other questions. 13 CHAIR JAMES: Mr. McCoy. 14 VICE CHAIR McCOY: Nothing, Madam Chair. 15 CHAIR JAMES: Just if you could pull up and 16 show the lighting, because I didn't see where the 17 lighting scheme or security cameras were -- 18 MR. DICKERSON: Mr. Gunther, do you have the 19 photometrics plan? If not, we can maybe bring it up in 20 the master plan set. 21 But I'll tell you that with lighting, and 22 that there's, you know, the photometrics plan and 23 there's a code requirement on the foot candles that the 24 light has to be at or be reduced to once you get to the 25 property line so as there's no glare or spillage off of</p>

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<p>1 our property onto adjacent parcels, and we fully 2 satisfied all of your code requirements there. 3 I'm not exactly sure what the foot candle 4 measurement is. Sometimes it's zero at the property 5 line; sometimes it's .1. But whatever that measurement 6 is to satisfy your code, we've met that. So there will 7 be no glare or spillage. 8 Another good thing I noticed with the lights, 9 the modern technology, is you can do almost anything. 10 You can put that light almost anywhere you want it to 11 go. Obviously, we need it for safety. We need to make 12 sure people can get to and from their car safely. 13 Also, I'm sure your Police Department will 14 tell you -- the gentleman here is 26 years Police 15 Department, he'll tell you that the police officers 16 need to be safe and the visibility as well. So you 17 have to find that balance where they can drive by and 18 see what's going on and make sure things are safe, but 19 that's not a nuisance to adjacent property owners. 20 This site fully meets all the photometrics, and there's 21 no issue with spillage or glare of our lighting 22 systems. 23 CHAIR JAMES: What about your security 24 cameras? Do you plan on having extra security or 25 spoken with the Police Department? What's the plan for</p>	<p>1 approve this recommendation with all of staff's 2 recommendations and the additional recommendation that 3 the applicant develop a decorative treatment to the 4 east elevation similar to the south elevation. 5 CHAIR JAMES: Is there a second? 6 VICE CHAIR McCOY: Second for discussion. 7 And I guess my question is for Mr. Kunuty. 8 Yes, I certainly don't have a problem with 9 supporting it, but, you know, I was -- I have two 10 things. The first one, I wanted to make sure that -- 11 and I know that they said that they are committed to 12 making, or I guess to reviewing it is what they said, 13 to revisiting it. And I just don't want the condition 14 to be so restrictive that if it doesn't happen, then 15 that's the end of the site plan. 16 So, you know, I don't have a problem with 17 supporting the motion, but if they're committed to 18 doing that, and you know, it may or may not be 19 possible, you know, I don't know. But you know, there 20 may be something else, and I just didn't want to kind 21 of, in my opinion, agree to stipulate to something 22 until we know all of the nuances and what may come up 23 or if it's actually possible. 24 MR. KUNUTY: No, I understand that. I think 25 they've kind of indicated that they're willing to do</p>
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<p>1 that? 2 MR. DICKERSON: I'm not sure if -- what the 3 exact security plan is for this facility. I will tell 4 you my experience. It's always a good idea to partner 5 with the Police Department, not only to allow them to 6 come on the site, but to make sure that you're running 7 a nice site so that they feel confident and comfortable 8 driving by and seeing everything. 9 And also, we usually -- the store manager 10 will try to have a relationship with the local 11 community as well as with the Police Department so that 12 they can prevent issues. We don't want to be at a 13 point where we're stopping issues once they've started. 14 We want to be proactive so that we're preventing issues 15 before they start. 16 So I will pass that message on to corporate, 17 that the Board has expressed that we make sure that 18 we're running a very safe operation and that we're 19 coordinating with City officials, including the Police 20 Department, and make sure that happens. 21 CHAIR JAMES: Okay, thank you, Mr. Dickerson. 22 MR. DICKERSON: Thank you, Madam Chair. 23 CHAIR JAMES: Are there any more Board 24 comments? If not, I'll entertain a motion. 25 MR. KUNUTY: I'd like to move that the Board</p>	<p>1 that, but, you know, willing and doing are two 2 different things. We've seen that on this Board a lot 3 of different times, where somebody says, yes, no 4 problem, and that is the end of it. 5 In terms of what it is, it's not reinventing 6 the wheel. It's basically just the treatment that's 7 similar to what they did on the south side. So I mean 8 it's in the plan, you know, I mean it's -- you know, 9 architecturally it doesn't seem to be, you know, all 10 that radical to just improve that. So I would, you 11 know, I would like to stick with it so that in effect, 12 you know, even though they agree, you know, that we get 13 it done. 14 MR. DICKERSON: Madam Chair, if I may 15 respond? 16 CHAIR JAMES: Yes, Mr. Dickerson. 17 MR. DICKERSON: Thank you. 18 To use a legal phrase, mama didn't raise no 19 fool. And I say that because, one, I know I have to go 20 on to your City Commission, and also I know that I'll 21 be before you in the future at some point if all goes 22 well with development of the parcel just to the west. 23 So the only reason with Mr. McCoy's point is 24 I'm not the architect. The architect's not here 25 tonight. And I would hate for him to tell me, Dwayne,</p>

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<p>1 I can't do that because it is a fire safety issue, or I 2 can't do that because it's a low bearing wall and it 3 would affect the structure or something like that. So 4 I don't want to overcommit to that. 5 But like I say, the representative for the 6 applicant is here tonight. We've discussed it briefly. 7 He's given me the thumbs up. I assure you that we will 8 look at it, and if there's anything that we can do 9 that's reasonable cost, of course, and that it doesn't 10 affect the structure or any issues with code, we 11 definitely will look at that before we come back to 12 City Commission. 13 CHAIR JAMES: Thank you, Mr. Dickerson. 14 CITY MANAGER EVANS: Madam Chair, if I may? 15 Also, when this item would come before the 16 Council, it would say that the Planning Board approved 17 this item with this specific condition or stipulation. 18 So it would be advantageous for the applicant to make 19 the modifications and then proffer that to the Council. 20 If they don't do that, staff will say that the site 21 plan is consistent with what the Planning and Zoning 22 Board approved, but the condition that the approval was 23 offered was not met to staff's satisfaction. 24 So that will be communicated, and I think you 25 have on the attorney's word that they're going to look</p>	<p>1 and in compliance with all code. 2 VICE CHAIR McCOY: I renew my second. 3 MR. KUNUTY: Say again. 4 VICE CHAIR McCOY: I renew my second. Thank 5 you. 6 MR. KUNUTY: Okay, thank you. 7 CHAIR JAMES: Okay, so there's a motion and a 8 second. Roll call. 9 MR. SPRADLEY: Edward Kunuty. 10 MR. KUNUTY: Yes. 11 MR. SPRADLEY: Margaret Shepherd. 12 MS. SHEPHERD: No. 13 MR. SPRADLEY: Tradrick McCoy. 14 VICE CHAIR McCOY: Yes. 15 MR. SPRADLEY: Rena James. 16 CHAIR JAMES: Yes. 17 MR. SPRADLEY: That motion passed, with one 18 dissenting. 19 MR. DICKERSON: Thank you. Have a good 20 evening. 21 MR. KUNUTY: Thank you. 22 CHAIR JAMES: Thank you. 23 MR. KUNUTY: Welcome to Riviera Beach. 24 CHAIR JAMES: And B. 25 MR. GAGNON: Yes, letter B is an application</p>
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<p>1 at this and be able to offer some items to the Council 2 to help address the concerns of the Planning and Zoning 3 Board. 4 CHAIR JAMES: Okay. 5 VICE CHAIR McCOY: Follow-up. 6 CHAIR JAMES: Go ahead, Mr. McCoy. 7 VICE CHAIR McCOY: Now that it's been laid 8 out that that's how it will be presented to the 9 Council, I don't have a problem with supporting it, 10 Mr. Kunuty. But I would offer if you could just amend 11 to spell out that it is consistent with the 12 Comprehensive Plan, the Land Development Regulations, 13 as well as to its adjacent uses in addition, because I 14 kind of found in a number of different cases when we 15 just rubber stamp and approve, it almost seems as if 16 there's no real findings or there's no real review by 17 the Board other than us saying vote to approve. But I 18 would ask if you are willing to amend the motion just 19 to include that it is consistent with the Comprehensive 20 Plan, LDR and its adjacent uses. 21 MR. KUNUTY: I don't have a problem with 22 doing that, but I think that's already in the body of 23 everything we've done. But I will amend it to say that 24 the treatment would be consistent with our, you know, 25 Comprehensive Plan, the Land Development Regulations</p>	<p>1 from Equitas Management Group, LLC and Thomas 2 Engineering Group, LLC, staff number PA-16-05, 3 requesting approval of a plat for a property located at 4 parcel control number 56-43-42-28-31-015-0010, totaling 5 1.93 acres of land, to facilitate the development of a 6 single story, 8,247 square foot retail building on 0.92 7 acres of 1.93 acres of vacant commercial land. 8 At this time I'd ask Mr. Spradley to present 9 the plat to the Board. 10 MR. SPRADLEY: Good evening, ladies and 11 gentlemen. DeAndrae Spradley, Principal Planner. 12 Again, the applicant is requesting to develop 13 0.92 acre of 1.93 acres of vacant commercial land, and 14 they are proposing to do a single story, 8,247 square 15 foot retail building. This particular replat is needed 16 in order to facilitate the development. The plat was 17 reviewed and approved by the City's plat review 18 consultants, and at this particular time, I request the 19 Planning and Zoning Board to consider the information 20 presented and make a recommendation to the City 21 Council. 22 CHAIR JAMES: Okay, does the applicant, would 23 you like to come up and say anything? 24 MR. DICKERSON: For the record, Dwayne 25 Dickerson on behalf of the applicant, attorney with</p>

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<p>1 Dunay, Miskel and Backman. Our office is 14 Southeast 2 4th Street, Boca Raton, Florida. 3 We'd just like to please request that the 4 PowerPoint presentation that was made for the site plan 5 be placed into the record for the plat approval. And 6 I'm happy to answer any questions that you may have 7 regarding the plat. 8 CHAIR JAMES: Thank you, Mr. Dickerson. 9 MR. DICKERSON: Thank you. 10 CHAIR JAMES: There's no public comment 11 cards, so I'll state that for the record. So we're 12 going to move over to Board comments. 13 Ms. Shepherd, do you have any comments? 14 MS. SHEPHERD: None. 15 CHAIR JAMES: Mr. Kunuty. 16 MR. KUNUTY: No comment. 17 CHAIR JAMES: Mr. McCoy. 18 VICE CHAIR McCOY: Nothing, Madam Chair. 19 CHAIR JAMES: I have no comments as well. 20 I'll entertain a motion. 21 VICE CHAIR McCOY: Move to approve the 22 replat, Madam Chair. 23 CHAIR JAMES: Is there a second? 24 MR. KUNUTY: Second. 25 CHAIR JAMES: Roll call.</p>	<p>1 do have new Board members that have not yet been sworn 2 in, so it's up to the current Board whether or not 3 you'd like to move forward with this action now or 4 postpone it. If it's the pleasure of the Board to move 5 forward with this action now, we can definitely do so, 6 and we would open the floor for nominations of a 7 Chairperson. 8 CHAIR JAMES: Will they be sworn in by the 9 next meeting? 10 MR. GAGNON: I believe that the Clerk's 11 office has scheduled applicants to be sworn in on 12 Monday, so yes. 13 CHAIR JAMES: Okay. What is the pleasure of 14 the Board? 15 MR. KUNUTY: I would say we give our new 16 members the opportunity to participate. 17 CHAIR JAMES: Ms. Shepherd. 18 MS. SHEPHERD: I would like to wait till the 19 new Board. 20 CHAIR JAMES: Mr. McCoy. 21 VICE CHAIR McCOY: I have a question. 22 CHAIR JAMES: Sure. 23 VICE CHAIR McCOY: Why do we have to vote for 24 Chairperson? Is this in the Charter, or is it a rule 25 that we vote every annual time, because I know that</p>
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<p>1 MR. SPRADLEY: Edward Kunuty. 2 MR. KUNUTY: Yes. 3 MR. SPRADLEY: Margaret Shepherd. 4 MS. SHEPHERD: No. 5 MR. SPRADLEY: Tradrick McCoy. 6 VICE CHAIR McCOY: Yes. 7 MR. SPRADLEY: Rena James. 8 CHAIR JAMES: Yes. 9 MR. SPRADLEY: That motion passed, with one 10 dissenting. 11 CHAIR JAMES: Thank you. 12 Move over to new business. There is none. 13 MR. DICKERSON: Thank you. 14 CHAIR JAMES: You're welcome, Mr. Dickerson. 15 On to general discussion. There's also no 16 public comment cards submitted for general 17 discussion -- I'm sorry -- for public comments. So 18 staff, is there any correspondence? 19 MR. GAGNON: No additional correspondence 20 tonight. 21 CHAIR JAMES: So item C, nomination of 22 Chairperson and Vice Chairperson. 23 MR. GAGNON: So at this point, we'll open the 24 floor for any nomination of Chair and Vice Chair. 25 Again, as I mentioned at the start of the meeting, we</p>	<p>1 there's a lot of friction and frustration about voting 2 for Chairperson. 3 MR. GAGNON: I don't believe there's a 4 specific code section in the City's code. However, 5 just Robert's Rules of Order, I think to have the 6 meeting decorum, we just have a Chairperson and Vice 7 Chair in case that Chairperson has to step out or miss 8 a meeting. 9 VICE CHAIR McCOY: Okay, thank you. 10 CHAIR JAMES: Do you have any feelings about 11 voting tonight or waiting? 12 VICE CHAIR McCOY: It doesn't bother me to 13 wait, Madam Chair. I mean, but you know, what I will 14 say is this. I think we're only missing one member 15 that's already existing, and I think it would be fair 16 if everyone had an opportunity to kind of weigh in on 17 it, so we can wait. 18 CHAIR JAMES: That's fair enough. We'll wait 19 till the next meeting. 20 MR. KUNUTY: Do we need a motion on that, or 21 just our agreement is good? 22 MR. GAGNON: I think there's a general 23 consensus, so I'll roll it over to the next agenda. 24 MR. KUNUTY: Okay. 25 CHAIR JAMES: Okay. Planning and Zoning</p>

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<p>1 Board comments. We'll go into project updates from 2 City staff.</p> <p>3 MR. GAGNON: What I'll do prior to our next 4 meeting, which is anticipated April 27th, is provide a 5 written list of our current projects and the current 6 status and dates to come either before the Planning and 7 Zoning Board or to City Council.</p> <p>8 CHAIR JAMES: That would be a really good 9 idea, since we will have new members.</p> <p>10 MR. GAGNON: Yes. As Mr. Spradley mentioned, 11 we also have been utilizing the City web site, and 12 specifically the Community Development web site, and we 13 posted all of our current applications online. So 14 that's also another good resource to utilize for 15 information.</p> <p>16 CHAIR JAMES: Okay. Are there any other 17 Board comments? Ms. Shepherd.</p> <p>18 MS. SHEPHERD: None.</p> <p>19 CHAIR JAMES: Mr. Kunuty.</p> <p>20 MR. KUNUTY: Just one addition to that list, 21 if you could kind of give us a little heads-up on 22 what's coming down the pipeline too, you know, not only 23 stuff that you're actually working on, but things that 24 look like, you know, down the road are going to be, you 25 know, coming here.</p>	<p>1 They're in the planning phases and architectural phases 2 of, you know, moving on some of that.</p> <p>3 So I just wanted to kind of find out if that 4 was on our radar, what's the structure. I mean even if 5 it's not there, or what do we kind of foresee that will 6 take place.</p> <p>7 CITY MANAGER EVANS: Certainly. Mr. Vice 8 Chair, we've had some preliminary discussions 9 internally with respect to that particular oversight 10 committee, and we're doing a little bit more research. 11 Certainly we wanted to watch what our peers did with 12 respect to how they establish the roles and 13 responsibility.</p> <p>14 And one of the things that we also want to 15 look at that particular oversight committee, at least 16 from my perspective, is to allow for them to 17 participate in the budgetary process with the City. So 18 I would like really to expand their duties, not just to 19 have the oversight of just the surtax moneys that the 20 City is anticipated to receive, but also to have a more 21 broad role in the finances of the organization.</p> <p>22 So we're looking at how do we incorporate 23 that or if we can, in fact, incorporate that and serve 24 as a tax and oversight committee or a fiscal advisory 25 board or something that we can utilize from the staff's</p>
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<p>1 MR. GAGNON: Yes.</p> <p>2 MR. KUNUTY: Okay, no other questions.</p> <p>3 CHAIR JAMES: Mr. McCoy.</p> <p>4 VICE CHAIR McCOY: Yes. Since we have our 5 City Manager, I want to find out, and perhaps even 6 staff or someone that would have any knowledge of it, 7 where are we on our independent surtax, sales surtax 8 oversight review committee, because I've watched both 9 Palm Beach County and Palm Beach County School District 10 organize their committee, and I've not heard or seen 11 anything from us as it relates to the one cent sales 12 tax and the oversight.</p> <p>13 And my specific concern, and if you would 14 just indulge me for one second, is the exact policies 15 and how this is going to be set up, because I have this 16 concern that I want to make sure that it is an 17 oversight committee and not an appointed position 18 similar to how we're appointed on the Board, because an 19 oversight committee has accountability to the voters of 20 Palm Beach County, and not necessarily to a Council 21 member.</p> <p>22 So I want to find out, because we knew since 23 November the 9th, and I've not heard anything as of 24 yet. And the County has already, you know, started 25 to -- well, projects have already been identified.</p>	<p>1 point of view to help that, you know, public policy or 2 anything that has a fiscal impact.</p> <p>3 So we're looking at what the oversight 4 committee and what the rules and regulations are in 5 place, but also seeing if we can add some additional 6 responsibilities and duties so this is a Board that is 7 consistently interacting with staff, and anything that 8 touches the organization financially, this Board will 9 have an opportunity to opine on.</p> <p>10 So this will be something I would envision 11 that will be discussed here probably in May and June, 12 with us moving forward with establishing that and then 13 starting to prioritize how do we spend those pennies, 14 moneys. So that's something that we can certainly 15 bring an update here to the Board in the next couple of 16 meetings that you do have, but we have been discussing 17 it internally.</p> <p>18 VICE CHAIR McCOY: Follow up.</p> <p>19 CHAIR JAMES: Go ahead.</p> <p>20 VICE CHAIR McCOY: Thank you, Mr. Manager. 21 And part of what you've mentioned is something I know 22 I've shared here on this Board for a number of years, 23 as well as I heard our Chairperson mention it, but a 24 part of our function is to make recommendations to the 25 capital improvement plan, and I know, you know, we have</p>

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<p>1 some ways to get there.</p> <p>2 And also, you know, I would reiterate I would</p> <p>3 hope that we can do it where it's not just an</p> <p>4 appointment by a Councilperson, because the allegiance</p> <p>5 or the accountability almost exists with that</p> <p>6 Councilperson and not the actual voters.</p> <p>7 So, you know, if it can be incorporated by</p> <p>8 selecting a member and an alternate from the Planning</p> <p>9 and Zoning Board, but I kind of think that goes hand in</p> <p>10 hand with our roles and our function, being that we</p> <p>11 have a budgetary role in capital improvements as well</p> <p>12 as a role, you know, for information regarding any</p> <p>13 public street or utility or any City owned property.</p> <p>14 So certainly if we could hear back something</p> <p>15 on that, you know, I'm just willing, because -- willing</p> <p>16 to find out, because I just see so much moving around</p> <p>17 this, and I wanted to make sure that we don't fall too</p> <p>18 far behind.</p> <p>19 CITY MANAGER EVANS: And certainly there's a</p> <p>20 couple options with respect to how you select that</p> <p>21 board. You can look at an opportunity if it allows for</p> <p>22 the administrator to select the individuals on that</p> <p>23 board and then it's confirmed by the Council, or you</p> <p>24 can go to a lottery system where you put the names into</p> <p>25 a hat, they're randomly selected, and that is the</p>	<p>1 discussion, and how long ago?</p> <p>2 MR. GAGNON: Yes, sir, it's probably been --</p> <p>3 could be approximately a year at this point. So we can</p> <p>4 bring it back for information.</p> <p>5 CITY MANAGER EVANS: If it is the desire of</p> <p>6 this particular Board, we can bring it to you guys</p> <p>7 again for discussion, and then ultimately to the</p> <p>8 Council. But I would like to get it to the Council in</p> <p>9 the month of May, because time is of the essence with</p> <p>10 respect to some grant funding that we have received,</p> <p>11 that if we don't move forward with this project, we run</p> <p>12 the risk of losing the grant funding.</p> <p>13 VICE CHAIR McCOY: No. My answer is no, I</p> <p>14 don't want additional bureaucracy there to cause us to</p> <p>15 potentially lose funding, especially if it's already</p> <p>16 been through our Board and there's really nothing</p> <p>17 significant. I just kind of wanted to know where we</p> <p>18 were in the process, and I don't want to -- and I would</p> <p>19 hope that we don't ask to bring it back here for just</p> <p>20 information. So that's that.</p> <p>21 I reached out to our staff, and you know,</p> <p>22 thank our Assistant Director of Community Development,</p> <p>23 I was just curious about, you know, when we have new</p> <p>24 stop signs and new traffic signals placed in the City,</p> <p>25 I believe that's something that should come before the</p>
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<p>1 board, so it is completely transparent in an autonomous</p> <p>2 fashion.</p> <p>3 So there's certainly ways that we can do it,</p> <p>4 and we will certainly look at lessons learned and then</p> <p>5 take some direction from, you know, our peers, as well</p> <p>6 as what the balance of the Council wants to do. But</p> <p>7 this is going to be a very transparent process, because</p> <p>8 it's a very important process.</p> <p>9 So we will bring this Board kind of an update</p> <p>10 with some options, and then ultimately, we will discuss</p> <p>11 it with the Council and see which option that they are</p> <p>12 comfortable with. But also, we will convey the</p> <p>13 concerns from this Board or any other Board that you</p> <p>14 would like this process to be something that is unique</p> <p>15 and is not the traditional way in which we've gone</p> <p>16 about appointing.</p> <p>17 VICE CHAIR McCOY: Thank you. One other</p> <p>18 thing, is there an update on our Cunningham Park?</p> <p>19 CITY MANAGER EVANS: That item, I believe, is</p> <p>20 slated to go before the Council at the May 3rd meeting,</p> <p>21 if I'm not mistaken. Staff and I have had internal</p> <p>22 conversations with respect to that project, and we</p> <p>23 really need to move that project forward.</p> <p>24 What we can do, I can look to bring that --</p> <p>25 has this come before this particular Board for</p>	<p>1 Planning and Zoning Board so you're not targeted when</p> <p>2 you drive down a street that you've known only for 35</p> <p>3 years, and now there's a stop sign, with no</p> <p>4 notification to the area residents or anything.</p> <p>5 But I noticed the flashing light that's on</p> <p>6 13th Street and Australian, and I kind of hoped that</p> <p>7 there would have been a little more participation, or</p> <p>8 at least now that we're aired on our local 18, that,</p> <p>9 you know, folks would have known that, okay, well, that</p> <p>10 light or that traffic signal will be going in effect</p> <p>11 on, you know, April 28th or whatever that day is, as</p> <p>12 opposed to, you know, a cop coming down Australian and</p> <p>13 a gotcha type thing. So that's my comment on that.</p> <p>14 Also, and this is another concern that I had</p> <p>15 in the Federal Gardens neighborhood, the ongoing</p> <p>16 traffic of freight trucks in a residential</p> <p>17 neighborhood. And they generally go in the morning</p> <p>18 times and in the afternoon times. And I know I was on</p> <p>19 this Board, I think four years ago when we dealt with</p> <p>20 expanding large family day cares, and I know</p> <p>21 specifically, at least when we were taking up that</p> <p>22 item, we probably approved two that's just in that one</p> <p>23 block.</p> <p>24 And I was visiting someone over there, and it</p> <p>25 was almost like you had to wait ten minutes just to</p>

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<p>1 back out of the driveway, because there was UPS truck  2 after UPS truck, and then even tractor-trailers. And  3 it's really not good for our neighborhood. And I was  4 hoping that that is the reason we have that traffic  5 signal on 13th Street and Australian, as opposed to  6 using, you know, the local neighborhood, the Federal  7 Gardens road as, you know, a way to get in and out of  8 their facility, because it's really not good for the  9 people that live there, the noise, and you know, just  10 the overall increase in traffic.</p> <p>11 So I would hope that, you know, at least look  12 at it, because, you know, we talk about it, but it  13 really means something when you have to live there  14 every day and you have to experience this day in and  15 day out. It's like annoying.</p> <p>16 I mean, you know, I've just noticed that Blue  17 Heron has had a large increase in traffic. But to have  18 that kind of traffic on your residential street, and  19 it's all commercial vehicles that are -- I mean you're  20 required to have a CDL license to have, and they're up  21 and down the street.</p> <p>22 So that's a problem. And you know, even if  23 there's something that we have to do administratively,  24 we need to have Public Safety Officers there to  25 redirect them to go the other way. And you also deal</p>	<p>1 were discussing now is more western. There are  2 multiple industrial uses in the area very close to  3 residential uses, so I think it's something we need to  4 look at, the current traffic patterns. I think it's  5 one large company that is sending most of their  6 vehicles through the area, so it could just be a  7 communication with that one entity, just as a stopgap,  8 and then looking back at our current signage package to  9 see what we can do to curtail that from happening in  10 the future.</p> <p>11 MR. KUNUTY: Yes, I think there's a Palm Tran  12 depot someplace right there too. So anyway, that was  13 my only comment. No other comment.</p> <p>14 CHAIR JAMES: I just have a comment. I want  15 to thank the new City Manager for joining us. What a  16 pleasant surprise and opportunity to have you see what  17 we do. We had a small audience tonight, but there will  18 be other nights where we can entertain you better. But  19 just thank you. In all of my years serving on this  20 Board, just have never seen this.</p> <p>21 So I, for one, as a city resident and a  22 longtime member of the Board, appreciate the  23 assistance. And I know your day must be long, as most  24 of our days are long, so I really appreciate that you  25 feel us worthy to come out and take the time to join</p>
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<p>1 with the issue of we have three schools on that  2 corridor, so you know --</p> <p>3 CITY MANAGER EVANS: We can certainly put  4 appropriate signage there, as well as some law  5 enforcement personnel to curtail that behavior. I've  6 experienced that in other communities, so I'm well  7 familiar with those types of issues.</p> <p>8 But staff will note that and make sure that  9 we inform the Chief and take some corrective actions to  10 make sure that that's not like a pass-through for, you  11 know, freight traffic and those types of things. So we  12 will make sure we make that contact tomorrow. And then  13 if we can provide a memorandum to the Board when we do  14 talk with the Chief and what his corrective actions  15 will be to address that issue.</p> <p>16 VICE CHAIR McCOY: Thank you, Mr. Evans.  17 MR. GAGNON: It will have to be next week,  18 I'm sorry. Won't be tomorrow.</p> <p>19 CITY MANAGER EVANS: Yes.  20 VICE CHAIR McCOY: Thank you, Madam Chair.  21 MR. KUNUTY: Madam Chair, just a comment.  22 I agree with Mr. McCoy, but didn't we  23 designate 13th Street though as a gateway street for  24 the city when the Marina was under plan?  25 MR. GAGNON: I think this location that they</p>	<p>1 us. So thank you.</p> <p>2 CITY MANAGER EVANS: Thank you, Madam Chair.  3 CHAIR JAMES: Is there a motion to --  4 MR. KUNUTY: By the way, that's two meetings  5 in a row that he's been here.</p> <p>6 CHAIR JAMES: Good job.  7 VICE CHAIR McCOY: If there's nothing, Madam  8 Chair, I move to adjourn.</p> <p>9 CHAIR JAMES: Okay.  10 MR. KUNUTY: Second.  11 MS. SHEPHERD: Second.  12 CHAIR JAMES: We're adjourned.  13 (Whereupon, at 7:56 p.m., the regular  14 Planning and Zoning Board meeting was adjourned and the  15 workshop was called to order.)</p> <p>16 MR. McCOY: We're not done now. We've got a  17 workshop.</p> <p>18 MS. SHEPHERD: There was a motion to adjourn.  19 VICE CHAIR McCOY: We adjourned our regular  20 meeting. We've got a workshop now.  21 (Discussion held off the record.)  22 MR. GAGNON: So the workshop tonight, these  23 items were both discussed at, I guess, our last  24 Planning and Zoning Board workshop, which was intended  25 to be a regular meeting, but we workshopped the items</p>

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<p>1 because we didn't have a quorum. So during that 2 meeting there was discussion of having a separate 3 workshop for these two items prior to this meeting, 4 however, logistically, it couldn't happen. 5 So what we wanted to do is just take the 6 opportunity tonight to discuss both of the items, you 7 know, briefly and get really consensus from the 8 Planning and Zoning Board on whether or not you felt 9 these were things that should move forward to City 10 Council, and really just have an open discussion on 11 these items. 12 So with that, if there aren't any Board 13 questions, just for the record, the first workshop item 14 is an ordinance of the City Council of the City of 15 Riviera Beach, Palm Beach County, Florida, amending 16 Chapter 31 of the City's Code of Ordinances entitled 17 Zoning, Section 31-1, Definitions, and Section 31-551, 18 Principal Arterial Commercial Design Standards Overlay, 19 to create standards for single price overstock/discount 20 stores, and providing an effective date. 21 At this time I'd like to ask Mr. Spradley to 22 provide a brief presentation to the Board. 23 MR. SPRADLEY: DeAndrae Spradley, Principal 24 Planner. 25 Just to give an overview of how we got to</p>	<p>1 of a mile and a half radius of an existing single price 2 discount store, and this particular distance would be 3 measured in all directions from the point of egress. 4 And existing single price discount stores would be 5 allowed to basically improve or upgrade their facility. 6 And we were proposing that these particular stores will 7 go through the special exception approval process. 8 Just to give you an idea of what the one mile 9 buffer -- and it is important to note that there is a 10 Family Dollar that is located on Broadway that is not 11 depicted on this particular map, but this shows you 12 what the one mile buffer looks like, the one and a half 13 mile buffer, and here's the two mile buffer. 14 The pros of adopting the language that we're 15 proposing, it will potentially restrict or deter the 16 number of overstock/discount stores in the city. 17 However, the cons of adopting this particular language, 18 we could be possibly regulating commerce, which is 19 basically unconstitutional. 20 And then once we looked at the definitions, 21 we realized that we will be impacting unintended 22 prevention of other future larger retail stores, for 23 example, Ross, T. J. Maxx or similar stores. This 24 particular regulation will be very difficult to defend 25 in court, and this is going to open the City up to</p>
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<p>1 this particular point, back in December of 2016 the 2 City Council, they enacted a six month moratorium for 3 the filing and receiving of any site plans for single 4 price overstock/discount stores. 5 There was a consensus by the City Council, as 6 well as the general public, that at the time they did 7 not want additional Dollar Stores or Dollar Trees, 8 Family Dollars or any type of stores like that 9 associated in the city, and City Council directed staff 10 to basically develop new regulations in order to 11 regulate these type of uses. 12 Just for the public's sake, the definition of 13 the single price overstock/discount store that we 14 propose is establishments that sell a broad range of 15 outlet, closeout, discontinued, liquidation or 16 overstock and general merchandise, primarily at a 17 single discount price and/or in the low and very low 18 price ranges, including, but not limited to food items, 19 alcoholic beverages, apparel and accessories, custom 20 jewelry, notions and small ware, housewares, fountain 21 refreshment and toys. 22 Just to give an overview of the language that 23 was proposed -- and this particular language applied 24 only to the principal arterials commercial overlay 25 area. And staff did propose a separation requirement</p>	<p>1 frivolous lawsuits. 2 MR. DeGRAFFENREIDT: You should take out 3 frivolous. 4 VICE CHAIR McCOY: Yes, because it won't be 5 frivolous at all. 6 MR. DeGRAFFENREIDT: They won't be frivolous 7 at all. 8 MR. SPRADLEY: Okay, they won't be frivolous 9 at all. 10 MR. DeGRAFFENREIDT: There will be 11 substantial lawsuits. 12 MR. SPRADLEY: All right. And then it will 13 also create potential issues with existing operations, 14 such as the Jay's Ministries' thrift shops in the city, 15 DD's Discount on Broadway. 16 And here are options. We can proceed with 17 adopting the proposed amendments as presented, or staff 18 can work on creating additional architectural and 19 landscaping design standards for retail development 20 along the major roads in the city. And hopefully, the 21 intent of doing this here will be to either deter lower 22 budget retail developments from occurring in the city, 23 or attract more higher end retail developments based on 24 the additional architectural features or landscaping 25 design features that will -- that we can come up with.</p>

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<p>1 And at this time, if the Board has any 2 questions, now will be the time. We can entertain 3 questions. 4 VICE CHAIR McCOY: Madam Chair. 5 CHAIR JAMES: Yes, Mr. McCoy. 6 VICE CHAIR McCOY: You know, I certainly 7 understand the potential pitfall if you were to create 8 language that is not clearly defined. But if we have a 9 special exception, and there's a component of special 10 exception -- in fact, the first criteria when deciding 11 whether to use a special exception is the public 12 interest. And you know, if that's true, you know, I'm 13 okay with doing that. 14 But to create a buffer of one mile, 1.5 miles 15 and even two miles I think is a little -- that's really 16 restrictive. I would think that, you know, that public 17 interest component will really drive whether or not, 18 you know, that's something that, you know, is well 19 received in our community. Just thinking of it, I 20 don't really know. 21 I know that we have, you know, pharmacies 22 that are built one right across the street from the 23 other, but I don't really know if we're at a point 24 where we have much more spaces for any of these low 25 price stores. But, you know, as soon as I say it,</p>	<p>1 in Riviera Beach, how many type Dollar Stores can the 2 population support? You know, I mean there's a real 3 competitive factor in there. You know, we've got, 4 what, four now, I guess, with this new one, and you 5 know, we've got 33,000 people in the city. You know, 6 and you have people come from Lake Park and other 7 places. 8 But, you know, I mean there's, you know, kind 9 of a survival of the fittest too. You know, but the 10 other side of that coin is we don't have businesses 11 going out of business either, you know. So in some way 12 we want to be able to kind of manipulate the 13 environment so that everybody gets a fair shot, but you 14 know, we kind of spread it around a little bit. 15 So, but I think Mr. McCoy's on the right 16 track maybe with a special exception for certain 17 things, you know, and I don't know if you can do that 18 and say Dollar Stores are a special exception, or you 19 know, gas stations are a special exception or whatever, 20 which I guess we're going to get to next. But you 21 know, certain areas that might require a special 22 exception to develop a retail store, okay, something 23 like that. 24 No other comments. 25 CHAIR JAMES: DeAndrae, could you go back to</p>
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<p>1 there will probably be one showing up somewhere. 2 So you know, I don't necessarily support the 3 buffer. I like the fact that it would be done by 4 special exception so that we will have a chance to not 5 limit anyone, but to kind of know strategically where 6 they're placed, as opposed to just outright putting a 7 buffer to say, you know, you can't -- a two mile 8 buffer. If it's a two mile buffer, there's absolutely 9 nowhere that they can go into the city, nowhere. So 10 that's where I'm at, at least for that portion of it. 11 Thank you, Madam Chair. 12 MR. KUNUTY: Madam Chair. 13 CHAIR JAMES: Mr. Kunuty. 14 MR. KUNUTY: Yes, I tend to agree with that. 15 I think, you know, limiting what kind of businesses we 16 want to have, really I think runs into people's 17 property rights. I mean if I own a piece of land 18 that's been around for a while, you know, and now 19 suddenly I had the wherewithal to develop it, and you 20 know, I can't use the zoning that's already been in 21 place for years, that's a problem, you know. So I 22 think you ought to investigate the idea of a special 23 exception, you know, for some of these things, that 24 that might make some sense. I don't know if it does. 25 But you know, the other aspect of it too is</p>	<p>1 the prior slide? See, it's such a broad category to 2 me, because you even have Jay's Ministries and thrift 3 shops listed in this area. So to me, I would support 4 the special exception. I would support it for that 5 reason, because it's so broad. 6 MR. SPRADLEY: Right. And what we can do is 7 we can create the additional architectural requirements 8 for retail in the city that are along the principal 9 arterials in the city, Blue Heron, Broadway, MLK, 10 basically make it to a point where if a developer does 11 come in, and if it is a Family Dollar or a Dollar Tree, 12 it's not looking like the typical Dollar Tree. It will 13 be something where the residents can say, you know, 14 hey, this is actually a very nice facility -- 15 CHAIR JAMES: Right. 16 MR. SPRADLEY: -- it doesn't necessarily look 17 like a Dollar Tree. 18 CHAIR JAMES: Right. And we see that in some 19 communities. 20 So are there any other comments? 21 Ms. Shepherd? 22 MS. SHEPHERD: No comments. 23 MR. DeGRAFFENREIDT: I have a question. It's 24 a pragmatic question. When people come in to address 25 the development of a site, they don't request</p>

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<p>1 permission to build a Dollar Store. If I understand 2 correctly, they want to build a permitted retail 3 facility. 4 MR. SPRADLEY: Right, it would be like a 5 permitted retail, that's correct. 6 MR. DeGRAFFENREIDT: Okay. And the retail 7 would encompass a number of things, including Ross, 8 T. J. Maxx and other stores. 9 MR. SPRADLEY: Correct. 10 MR. DeGRAFFENREIDT: So what we're regulating 11 primarily is who the property owner is going to at 12 least contract with for his permitted retail store. 13 MR. SPRADLEY: Okay. 14 MR. DeGRAFFENREIDT: That gets shaky. 15 MR. SPRADLEY: That does. 16 MR. DeGRAFFENREIDT: And that's what we're 17 doing. That's what it's up to here is we're doing. 18 We're saying, here, you can have this structure. It's 19 permitted. Love to have retail uses, but you can't 20 rent to this guy. 21 MR. SPRADLEY: And so what we may have to do 22 is do it as all commercial development along the 23 principal arterials, you must follow these 24 architectural guidelines. 25 MR. DeGRAFFENREIDT: What if you made the</p>	<p>1 better term. 2 So if we go back and potentially look at all 3 of our overlay district standards and just say for any 4 new development within this overlay, whether it's 5 retail, whether it's any of these other potential uses, 6 your development has to meet these standards. 7 So that way, any new development along Blue 8 Heron, along U.S. 1, it's going to be a more finished 9 product. It's going to have higher architectural 10 standards. So we're not singling out any specific 11 user. So all new development will be, I guess, 12 improved development, for lack of a better term. 13 CITY MANAGER EVANS: And you see a lot of 14 communities do that with regards to some of their major 15 roadways into their community, especially those gateway 16 roadways, to ensure that you have quality developments. 17 If you look at some of the Walgreens 18 construction throughout the county. You can see 19 different siting of the building, that you'll be 20 fronted on the sidewalk, parking's in the back. 21 So there is some opportunities that we have 22 to be able to elevate the design element standards and 23 be able to start changing the development patterns in 24 our community by increasing the architectural 25 requirements for some of the development in our</p>
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<p>1 development requirements for retail stores accommodate 2 only stores of a certain size -- 3 MR. SPRADLEY: We could do that. 4 MR. DeGRAFFENREIDT: -- that you would like 5 to see, the Ross and the T. J. Maxx, so that it would 6 be economically impossible or unfeasible for the Dollar 7 Stores to build in those areas? So we're not 8 regulating the activity; we're regulating the 9 capability. 10 MR. SPRADLEY: I would caution that, because 11 then you have places like Dee's Tee Shirts, where it's 12 right on Broadway where, you know, they may have a 50 13 by 100 -- 14 MR. DeGRAFFENREIDT: You'll build off of 15 nonconforming use, so they don't -- 16 MR. SPRADLEY: Right. But any new uses along 17 Broadway, that could potentially be an issue. 18 MR. DeGRAFFENREIDT: But my point was perhaps 19 we could devise development standards for retail uses 20 that would only be economically feasible for the types 21 of stores you wanted to track on those arterials, those 22 major arterials. 23 MR. GAGNON: And I think that DeAndrae 24 alluded to this previously, where I don't know if we 25 can single out just a Dollar Store use, for lack of a</p>	<p>1 community. 2 And that also goes with some of our City 3 projects. As we look to reconstruct City facilities, 4 how do we make sure that we're consistent with higher 5 quality architectural standards so then you would 6 actually see other parcels that will fall in line when 7 they go to redevelop. So this is certainly, I think, a 8 step in the right direction for us to consider. 9 And also, we don't want to get in the 10 situation where you're regulating commence or 11 attempting to regulate commerce or creating any adverse 12 impact for those individuals that are coming in to 13 conduct business in our city, because in most cases, in 14 the State statutes or any ordinance or resolution, it 15 doesn't require them to divulge the type of business 16 that's coming in, so we may not know until the ribbon 17 cutting. The cases that we do find out it's a Dollar 18 Store, it's usually just divulged based on 19 conversations with staff, and then we're able to 20 communicate what it is. 21 MR. KUNUTY: We could also consider adding in 22 there that on these arterial roads, that the business 23 fills a real need in the city, you know, and that would 24 be -- that would give us -- give them a priority if it 25 truly fills a need, so --</p>

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<p>1 CITY MANAGER EVANS: And one of the things we 2 can certainly do is to look to partner with the CRA and 3 look for opportunities to incentivize those types of 4 operations that we're looking. If we're looking for 5 retail or commercial, is there an opportunity for some, 6 you know, economic incentives or some -- you know, if 7 we're looking for green manufacturing, those types of 8 things, what can we utilize to leverage those 9 opportunities.</p> <p>10 So that's part of the discussion I think that 11 we're going to have with the community when we start 12 talking about the Comp Plan and what do we want our 13 community to look like in the next 20 to 30 or 40 14 years. So those are all opportunities to look where 15 our commercial nodes are, how are we going to look at 16 our industrial park, how are we going to look at our 17 working waterfront.</p> <p>18 All those conversations are going to be had 19 with the community and this Board. So we have a great 20 opportunity to really set the foundation for what 21 Riviera Beach is going to look like from now, you know, 22 for the next 40 or 50 years.</p> <p>23 MR. KUNUTY: Well, that's a good point, 24 because that's exactly what we did on Singer Island on 25 that one project that was just here a couple months ago</p>	<p>1 also known as gas stations, in order to provide and 2 amend definitions and provide a separation requirement 3 between filling stations to promote diversified 4 development patterns within the City, providing for 5 conflicts, severability and codification, and 6 providing for an effective date.</p> <p>7 And so this item, on its face, is very 8 similar to the discount store conversation we just had, 9 but there's also multiple items that are very 10 dissimilar as well.</p> <p>11 What I want to present now is just a map of 12 the city. This is Blue Heron Boulevard running east 13 and west. Here's I-95. And what the green dots 14 represent are existing gas stations or filling 15 stations. These are all public filling stations, so 16 it's not for Public Works, for example, that has the 17 ability to have a filling station. So these are open 18 to the public, so general commercial business activity.</p> <p>19 The red circle indicates a radius of 2,000 20 feet from the intersection of Interstate 95 and Blue 21 Heron Boulevard. Interstate 95 is an integral 22 evacuation route, so the proposed setback or separation 23 requirement would not be in effect within this area. 24 So that way, there would be no burden on that 25 evacuation route and as many filling stations that the</p>
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<p>1 where, in combination with the CRA, we were able to 2 raise the number of floors, which suddenly made the 3 whole project very, very attractive and feasible for a 4 developer to come in, and you know, plunk down his 5 money, so --</p> <p>6 MR. SPRADLEY: So is there a consensus of the 7 Board that -- which of the options you would like to 8 do? Would you like to proceed with the adopted or with 9 adopting the proposed amendment as presented, or would 10 you like for staff to go in and look at the 11 architectural and landscaping design standards?</p> <p>12 CHAIR JAMES: I would say the architectural 13 standards for the entry roadways and special exception 14 for all of those.</p> <p>15 MR. SPRADLEY: Okay.</p> <p>16 MR. KUNUTY: I agree with that.</p> <p>17 CHAIR JAMES: Okay, that's the direction for 18 that.</p> <p>19 MR. GAGNON: Letter B is an ordinance of the 20 City Council of the City of Riviera Beach, Palm Beach 21 County, Florida, amending Chapter 31 of the City's Code 22 of Ordinances entitled Zoning, Article 1, In General, 23 Section 31-1, Definitions, and Article VI, Supplemental 24 District Regulations, by creating Section 31-559, 25 entitled Regulations for Filling Stations, which are</p>	<p>1 economy could support could be located in that area.</p> <p>2 But as you see throughout the city, all of 3 the orange circles are 1,000 foot radius from existing 4 stations. We did go back in, and part of our 5 discussion during our last workshop was the fact that 6 we missed a filling station on President Barack Obama 7 Highway, so we added that to the map as well. So that 8 only filled in the gap further to demonstrate that we 9 really do have -- we're reaching the point of, in my 10 opinion, oversaturation of filling stations throughout 11 the city.</p> <p>12 It's getting to the point where we have some 13 primary intersections that three out of the four 14 corners are filling stations. So I believe we're 15 starting to run a risk of losing all of our available 16 land for just this filling station use.</p> <p>17 And I think one of the biggest differences 18 between a discount store use, a general retail store 19 use is that the shell of the building can be occupied 20 by other tenants in the future rather easily, while a 21 filling station is going to have an infrastructure that 22 provides really just for that gas sale component. So 23 it's really difficult to facilitate renovation of those 24 sites in comparison to just having a new tenant move in 25 and do a different retail use.</p>

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<p>1 So the City currently has the filling 2 stations fall under a special exception approval 3 requirement. That's required in a few different zoning 4 districts, mainly in general commercial. 5 Following the last workshop we had, I also 6 went through eight other different municipalities, and 7 I'll pull that list up now. I just kind of did a 8 comparison and just some further research to see what 9 other regulations existed. 10 So obviously, the top location is Riviera 11 Beach, and we currently require a special exception 12 approval. However, there is no separation requirement 13 that's provided. So the ordinance that's being 14 proposed would create a separation requirement between 15 identical uses. So that's provided it doesn't separate 16 uses from, let's say, day cares or churches or schools 17 or things of that nature. It's just a separation from 18 an identical use. 19 Other municipalities have gone as far as to 20 have separation from similar uses, separation from 21 other uses similar to day care, schools, things of that 22 nature. Other municipalities -- for example, Lantana 23 has a special exception or conditional use approval 24 similar to us, however, there are no separation 25 requirements.</p>	<p>1 MR. GAGNON: Yes, ma'am. 2 CHAIR JAMES: Did you find anything from Palm 3 Beach, because I think I heard that they have no gas 4 stations on the Island. 5 MR. GAGNON: Yes, I would have to look. I 6 don't think I looked at Palm Beach, so I would have to 7 do further research on that municipality. 8 MR. KUNUTY: I know they have one near the 9 City Hall. I can't think of others. 10 CHAIR JAMES: Right. 11 MR. KUNUTY: And Juno, I think, only has two 12 gas stations, you know, one at where A1A splits off and 13 one that's by the Bluffs shopping center. But I'm not 14 even sure if that's Juno or Jupiter at that point, 15 so -- 16 MR. GAGNON: And again, Juno has some of the 17 most, I guess, complicated or most restrictive 18 regulations that I've found so far, so that would be 19 why. 20 MR. KUNUTY: On everything. 21 MR. GAGNON: Possibly, yes. 22 CHAIR JAMES: I would say most of the gas 23 stations also have a convenience store component. 24 MR. GAGNON: That's true. 25 CHAIR JAMES: So then that would fall under</p>
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<p>1 One of the most, I guess, the most complex 2 regulations that I found was Juno Beach, so I guess 3 we'll start there and work backwards. But they 4 actually have almost a triangulation approach, where 5 you have to identify locations of fueling stations or 6 convenience stores which are sometimes defined in a 7 similar manner in other municipalities. And again, 8 Juno Beach has this triangulation approach for, you 9 know, over a mile from one another. So they're 10 severely limiting this use in the city. 11 Other locations have identified architectural 12 standards for fueling stations, and also they start 13 looking at the number of fuel pumps at the locations. 14 So there's some corporations, and their model is to 15 put, you know, 30 fuel pumps on site, while others have 16 a smaller footprint, and they're just looking to have 17 12, let's say. So that's also something we can look 18 at, regulating as far as the number of fuel pumps. The 19 current code structure that's being proposed doesn't go 20 into that detail, however. 21 So those are just a few of the talking points 22 and some of the research that staff was able to 23 produce. So at this time I'll open it up for Board 24 comments. 25 CHAIR JAMES: I have a question.</p>	<p>1 retail? 2 MR. GAGNON: Well, the way that we have -- 3 let's see. I'm going to pull up the amendment, because 4 this has the definition. If an applicant wanted to 5 come in and just do a convenience store use, that would 6 technically just fall under retail. However, as soon 7 as you add a fueling component, that's where this 8 fueling station definition comes in, which is up on the 9 screen now. So some municipalities bundle the two 10 definitions. The way that the current ordinance is 11 written for the City, it's not done in that manner, but 12 it's something that we could look at. 13 However, the main intent of this ordinance 14 now is just to have the separation from the filling 15 station uses to have at least a starting point so if 16 you did have a new applicant come through the door on 17 Monday and submit an application, we'd at least have 18 some sort of regulations to provide separation between 19 those similar uses. 20 MR. KUNUTY: How many inquiries do you get, 21 say on an annual basis, for gas stations? 22 MR. GAGNON: It is probably right now, I'd 23 say a top five use inquiry. 24 MR. KUNUTY: Really? 25 MR. GAGNON: Yes. And we've had most</p>

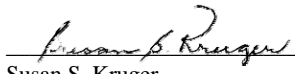

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<p>1 recently -- it's got to go back to the 711 proposal at 2 the corner of U.S. 1 and Blue Heron. This regulation 3 would be met. There's a gas station just south that 4 would prohibit a filling station from being put on that 5 lot. 6 We've had conversions of existing fueling 7 stations to other business entities, so there's a 711 8 on Military Trail. We've had a Wawa that was recently 9 approved and has been supported and is extremely 10 popular throughout Palm Beach County. 11 MR. SPRADLEY: And just to piggyback off of 12 what Jeff is saying, the site plan application that the 13 Board approved this evening, they were initially 14 wanting to do a gas station right next door to that 15 particular lot. And at the time staff said no, that's 16 not a use that we're looking for. 17 MR. GAGNON: Yes, so I had forgotten that 18 conversation, but that's very true. So the parcel that 19 was adjacent to the site tonight, they actually had a 20 preliminary drawing. I believe it was for the adjacent 21 site. 22 MR. SPRADLEY: Um-hmm. 23 MR. GAGNON: So we had mentioned that we were 24 looking at regulations and separation requirements and 25 that we didn't think the public would support that use,</p>	<p>1 accommodated those uses within the City. 2 VICE CHAIR McCOY: So the seven that's within 3 that 1,000 feet isn't enough? 4 MR. GAGNON: Well, this also could 5 potentially impact, you know, land use over the next 50 6 years, let's say, if there's never any other 7 amendments. So it's kind of shifting -- it's starting 8 to shift where these filling station could be proposed 9 or should be proposed. 10 VICE CHAIR McCOY: But the reason for that 11 was because it's an evacuation route or -- 12 MR. GAGNON: Yes. 13 VICE CHAIR McCOY: Well, I'm not convinced. 14 Well, excuse me, I'm not -- let me clarify that. I 15 just respectfully disagree. In fact, now that I 16 thought about it, it's eight within 1,000 feet of -- 17 MR. GAGNON: Yes, and again, it's the staff's 18 first approach. It was an attempt at identifying the 19 importance of filling stations within the city. I'll 20 pull the map up again. So I just didn't want the 21 argument to be made that staff is completely 22 disregarding this use and trying to preclude it from 23 the city. So that's definitely not the intent. But 24 including this 2,000 foot buffer area where these rules 25 and separation requirement wouldn't apply would combat</p>
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<p>1 so they've backed off on that. But again, if this is 2 proposed and doesn't move forward in any manner, then 3 they could come back in and apply and go through the 4 special exception process and maybe, or maybe not be 5 approved. 6 CHAIR JAMES: Okay, comments. So we don't 7 have any options right now like the last slide. We're 8 just totally -- 9 MR. GAGNON: Well, what the proposal is right 10 now is creating this new subsection within our 11 Supplemental District Regulations, so it's just a very 12 simple subsection. It talks about regulations for 13 filling stations, and it identifies just the 1,000 foot 14 separation buffer between any active filling stations 15 and a new filling station that would be proposed. And 16 it also calls out the exemption within 2,000 feet from 17 the intersection point of I-95 and Blue Heron. 18 VICE CHAIR McCOY: Why is that? You know, I 19 just don't see that that can really accommodate. 20 MR. GAGNON: Well, it was added because, 21 again, I think an argument could be made that it's 22 vital that the City allows for filling station uses 23 specifically on evacuation routes. So being that Blue 24 Heron and 95 would be a primary point of that 25 evacuation route, we wanted to make sure that we</p>	<p>1 that argument, really instantaneously. 2 MR. KUNUTY: There has to be some kind of 3 industry standard for gas stations, not government, but 4 an industry standard that says X number of population, 5 both permanent and transient, support X. You know, 6 it's kind of like restaurants. They know that people 7 are going to go to restaurants within a certain radius 8 of the restaurant, and then, you know, their attendance 9 diminishes after that. There's got to be something 10 like that on gas stations. 11 MR. GAGNON: I'm sure there is. I think that 12 what's happening more throughout Florida is that the 13 larger corporations have the capital to come in, build 14 a brand new facility and outcompete existing filling 15 stations. So if they can come in and sell gas and a 16 brand new convenience store for, you know, two cents 17 less a gallon and take business from existing 18 locations, they're, in essence, trying to outcompete 19 the existing locations. So you have the potential of 20 having one business outcompeting the other. 21 The difference between the retail business 22 and the filling station business is now you have really 23 a skeleton of fueling stations that's now not used if 24 they're outcompete, and it's much more difficult to 25 find an end user for that site.</p>

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<p>1 VICE CHAIR McCOY: Mr. Gagnon, are we missing  2 a gas station just east of I-95 on the south side of  3 the road, because I'm almost certain there's one on  4 both sides, one next door to the Wendy's and one right  5 across the street from Wendy's, and I only see what I  6 believe is one there. Not that one. I believe  7 that's --  8 MR. GAGNON: There's a BP --  9 VICE CHAIR McCOY: Right here.  10 CHAIR JAMES: And a Shell.  11 MR. GAGNON: Yes, I'll have to look.  12 MR. KUNUTY: There's a Shell there.  13 CHAIR JAMES: Yes, a Shell next to the  14 Wendy's.  15 MR. KUNUTY: Yes, I think it's a Marathon  16 across the street where your arrow is, yes.  17 VICE CHAIR McCOY: Yes, so, and that's what  18 I'm --  19 MR. GAGNON: Probably right here.  20 MR. KUNUTY: No, that's a Shell.  21 VICE CHAIR McCOY: That's on the north side  22 of the road.  23 MR. KUNUTY: Right.  24 VICE CHAIR McCOY: But on the south side  25 there's one as well.</p>	<p>1 workshop that I was like, well, you know, was I  2 inappropriate for asking for the layout of the churches  3 in Riviera Beach. But seeing today, I'm not, because  4 the Town of Lake Park requires a 1,000 foot buffer  5 between any kind of schools or places of worship or  6 anything like that. So I'm not too far off. And not  7 so much for the filling stations, but just for other  8 uses that just is not compatible, to put maybe a wine  9 and spirits store next to a --  10 CHAIR JAMES: School.  11 VICE CHAIR McCOY: -- or a church, a school  12 or a church, you know.  13 So yes, you know, I don't know, maybe we're  14 at that point where this is another one of those things  15 where we just -- you know, we have to really be careful  16 how we put it, but I just don't know if we can  17 accommodate any more. And you know, certainly at the  18 minimum, and I don't know if this is in here, but is  19 this proposed to have a special exception requirement  20 as well, or no?  21 MR. GAGNON: The use currently requires  22 special exception approval.  23 VICE CHAIR McCOY: Oh, it does.  24 MR. GAGNON: Yes.  25 VICE CHAIR McCOY: Okay. Now, there's not a</p>
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<p>1 MR. KUNUTY: Yes.  2 VICE CHAIR McCOY: But just from Wawa, where  3 we are at Wawa right there where your hand is at, from  4 that point going west to Military Trail, there's eight  5 gas stations. You know, 50 years or not, I don't see  6 that there should be an exemption, because if you  7 allow, they will squeeze it on top of -- they'll put it  8 on top of a roof, you know.  9 But it's like how many more do we need, you  10 know, in that little short block? And that's, you  11 know, I hate to -- you know, I've heard it said that  12 the chlorine plant could have been a terrorist target.  13 But that's a hot spot, coupled with the fact that I  14 believe the School District has its bus compound  15 facility, and then on the opposite side of that is the  16 School District's maintenance facility where they have  17 propane gases as well as additional fuel.  18 So, you know, I don't support that exemption.  19 I just don't see that as absolutely necessary, because  20 we have more than enough. And if you probably just  21 kind of gaze over that map and just brainstorm a little  22 bit, there may be some other ones that, you know -- but  23 you know, it's just quite a bit.  24 And I like the fact -- and what's  25 interesting, and I kind of thought after our last</p>	<p>1 moratorium on it currently, is it?  2 MR. GAGNON: Technically, depending on the  3 location where it's proposed, if there is a convenience  4 store proposed with it, I think the moratorium actually  5 applies to Blue Heron and U.S. 1 in its entirety, yes  6 so --  7 VICE CHAIR McCOY: Okay, currently --  8 MR. GAGNON: -- currently if it's on those  9 corridors, the existing moratorium could apply. But  10 once that moratorium goes away, or if a proposal  11 happened outside of that designated area, staff doesn't  12 have any sort of separation requirement to rely on to  13 slow down the saturation of this use in the city.  14 VICE CHAIR McCOY: Okay. Will those discount  15 stores that we spoke of just in the (inaudible), will  16 that encompass a Walmart? Because I mean Walmart is  17 like no other store. You can call it a hardware store,  18 you can call it -- you know, you can call it an  19 automotive, discount.  20 MR. GAGNON: I'd say it may be.  21 VICE CHAIR McCOY: You know, and the reason I  22 ask, because I thought, and I don't know how factual  23 this is, but the area where the trailer parks was at, I  24 heard that there was proposed, or the question, it was  25 someone that was interested in bringing a Walmart,</p>

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<p>1 exclusively the grocery store, to that trailer park.  2 But I thought maybe it was just some -- a rumor.  3 MR. GAGNON: I haven't heard that one yet,  4 but maybe.  5 VICE CHAIR McCOY: You know, I don't want to  6 tell someone no if they have a vested, committed right,  7 but I think we need to get out ahead of it. And I  8 couldn't quite get a chance to read in depth, but I  9 understand we're doing something with our Comprehensive  10 Plan and DEO just at our next Council meeting. Is that  11 correct?  12 MR. SPRADLEY: That is correct. Basically,  13 what we will be doing is requesting the City Council to  14 grant the City Manager the authority to transmit the  15 letter up to the DEO. And basically, this letter is  16 for a State requirement to say that every seven years  17 we must, you know, look at the Comprehensive Plan to  18 see if we want to amend it. And basically, the letter  19 is saying that the City desires to amend the  20 Comprehensive Plan at this time.  21 VICE CHAIR McCOY: And I guess at that point  22 then, you know, however that process started, we'll  23 tackle that or be included in on that in the Planning  24 and Zoning.  25 MR. SPRADLEY: That is correct. And just for</p>	<p>1 removed if it's the pleasure of the Board. Again, the  2 reason behind incorporating it was discussed  3 previously. It's not something that has to be there.  4 I don't think any municipality includes something like  5 that, so we can remove it.  6 VICE CHAIR McCOY: Well, you know, if you  7 have some logical reason or you have some technical  8 knowledge on why it should be there, then I don't have  9 a problem with that. I just kind of thought it was --  10 you know, I didn't know if it was really necessary.  11 But you know, I support the, definitely the 1,000 foot  12 buffer in between the existing filling stations.  13 I have nothing else, other than, I mean, you  14 know, definitely what's already there, so --  15 MR. KUNUTY: Are you saying you're not  16 supporting the special exception?  17 VICE CHAIR McCOY: Oh, no, that's fine.  18 MR. KUNUTY: Oh, okay.  19 VICE CHAIR McCOY: The special exception is  20 already in place, so yes, that's fine.  21 MR. KUNUTY: Does it make sense -- you  22 mentioned something about bundling. Does it make sense  23 to bundle the special exception with convenience  24 stores, or is that two different issues?  25 MR. GAGNON: My suggestion to move forward at</p>
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<p>1 informational purposes, Council Member Miller-Anderson  2 will be having one of the six public workshops  3 associated with the Comprehensive Plan on May 2nd, and  4 it will be held here in the City Council Chambers. Of  5 course, we will be sending out public notices. We just  6 met with her yesterday, or maybe -- yes, that was  7 yesterday. So we haven't prepared the notices yet, but  8 do anticipate that coming down the pipeline.  9 VICE CHAIR McCOY: This is like a charrette  10 type form of --  11 MR. SPRADLEY: That is correct.  12 VICE CHAIR McCOY: -- workshop? Okay. Yes,  13 so are we looking to give you any kind of direction, or  14 is staff requesting any kind of direction on this?  15 MR. GAGNON: Yes. I believe that this  16 ordinance is important, so I'm really looking forward  17 to P &amp; Z support to bring a final product, or at least  18 an active product to the Planning and Zoning Board for  19 potential approval. If it's the consensus of the Board  20 that the Board feels there's an oversaturation of this  21 use in the city, then I think we can proceed in that  22 manner.  23 VICE CHAIR McCOY: Do you support taking out  24 the exemption, Mr. Gagnon, or not currently?  25 MR. GAGNON: It's something that could be</p>	<p>1 this point would be to put something in place now. And  2 if it's something where the Board wants to look at it  3 in depth during the Comp Plan process, the Land  4 Development Regulation process, then we can do it at  5 that point.  6 However, there right now are no regulations  7 as far as separation requirements, so if we don't have  8 something on the books or have a process moving  9 forward, then we're very open for a developer to come  10 in and apply for another filling station.  11 MR. KUNUTY: Well, I would support the 1,000  12 foot, a minimum 1,000 foot for sure.  13 VICE CHAIR McCOY: Yes.  14 MR. KUNUTY: You know, I mean, you know, I  15 guess I'd even take a look at, you know, a future 2,000  16 feet or 1,500 feet or something like that. But is  17 there any precedent for a city saying we have enough  18 gas stations, we don't need any more, and if you'd like  19 to come into town and expand, buy one and do whatever  20 you want with it?  21 MR. GAGNON: Yes, there have been situations  22 where there's a total number of kind of permits issued  23 for a specific type of use. It's not something that  24 the City currently uses, but it's just a growth  25 management strategy that's been used, I guess,</p>

23 (Pages 89 to 92)

<p style="text-align: right;">Page 93</p> <p>1 throughout the country in our circumstances. But it  2 might be slightly advanced to try to incorporate  3 something like that right now. It's a good idea  4 though.  5 CHAIR JAMES: I also agree with the 1,000  6 foot minimum, so --  7 VICE CHAIR McCOY: Now, my question now is is  8 there a -- I don't remember what industry or what type  9 of use specifically that we did it for, but there's  10 something that we've done if a business goes out of  11 operation for, I think, six months or something, then  12 it becomes nonconforming.  13 MR. GAGNON: We have a legal nonconforming  14 section of our code. So if you have a business  15 operation that's currently legally nonconforming, so  16 something that doesn't meet the current zoning  17 regulations, if it goes out of business and stops  18 operation without a business tax receipt or a business  19 license for that 180 day period, it basically cannot go  20 back at that location. So --  21 VICE CHAIR McCOY: Even a fueling station?  22 MR. GAGNON: I'm sorry?  23 VICE CHAIR McCOY: Even a fueling station?  24 MR. GAGNON: If there was a fueling station  25 that was currently legal nonconforming and it was</p>	<p style="text-align: right;">Page 95</p> <p style="text-align: center;">1 CERTIFICATE  2  3  4 THE STATE OF FLORIDA )  5 )  6 COUNTY OF PALM BEACH )  7  8 I, Susan S. Kruger, do hereby certify that  9 I was authorized to and did report the foregoing  10 proceedings at the time and place herein stated, and  11 that the foregoing pages comprise a true and correct  12 transcription of my stenotype notes taken during the  13 proceedings.  14 IN WITNESS WHEREOF, I have hereunto set my  15 hand this 17th day of April, 2017.  16  17  18  19  20  21  22  23  24  25</p> <div style="text-align: right;">   Susan S. Kruger  </div>
<p style="text-align: right;">Page 94</p> <p>1 inoperable for that time period, it could apply to a  2 fueling station as well.  3 VICE CHAIR McCOY: Is that -- from staff's  4 perspective, is that something that we could do here?  5 MR. GAGNON: Well, it would apply  6 automatically. So that section of the code, if there's  7 any legal nonconformities created by this separation --  8 VICE CHAIR McCOY: Okay.  9 MR. GAGNON: -- it would apply to that  10 situation in the future if it were to arise.  11 VICE CHAIR McCOY: Okay.  12 CHAIR JAMES: Any more comments?  13 MR. KUNUTY: No comment.  14 MS. SHEPHERD: No comment.  15 CHAIR JAMES: No comments from me. Thank  16 you.  17 (Whereupon, at 8:42 p.m., the Planning and  18 Zoning Board workshop was concluded.)  19  20  21  22  23  24  25</p>	

24 (Pages 93 to 95)



## **STAFF REPORT – CITY OF RIVIERA BEACH FILLING STATION (GAS STATION) BUFFER ORDINANCE PLANNING AND ZONING BOARD – APRIL 27, 2017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE 1, "IN GENERAL", SECTION 31-1 "DEFINITIONS" AND ARTICLE VI, "SUPPLEMENTAL DISTRICT REGULATIONS", BY CREATING SECTION 31-559, ENTITLED "REGULATIONS FOR FILLING STATIONS", (AKA GAS STATIONS), IN ORDER TO PROVIDE AND AMEND DEFINITIONS, AND TO PROVIDE SEPARATION REQUIREMENTS BETWEEN FILLING STATIONS TO PROMOTE DIVERSIFIED DEVELOPMENT PATTERNS WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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- A. Applicant:** City initiated process.
- B. Request:** To create a separation requirement of 1000 feet between existing filling stations (gas stations) and new filling stations in order to promote diversified development patterns throughout the City.
- C. Location:** Citywide.
- D. Background and Staff Analysis:** Filling stations provide for the retail sale of automotive fuels and do not include private fueling areas for fleet services or similar. There are currently 18 filling stations operating within the City of Riviera Beach. This equates to approximately 2 filling stations per square mile (see attached map, Exhibit A). In comparison, North Palm Beach has approximately 7 filling stations (1.9 per square mile) and Palm Beach Gardens has 13 filling stations (0.24 per square mile).

The prevalence of filling stations, especially along major arterial roadways such as Blue Heron Boulevard and Broadway, may jeopardize the ability of the City to promote diversified development patterns and to provide the opportunity for the growth of a variety of business uses in the future. City staff anticipates further proliferation and increased concentration of filling stations within Riviera Beach unless additional guidance for filling station placement is provided within the City's Code of Ordinances. Please refer to the attached Exhibit B for regulations utilized by other municipalities associated with filling station uses (or similar).

City staff has frequently received inquiries from developers regarding the construction of new filling stations, most often along the Blue Heron and Broadway corridors. Requiring a separation of 1000 feet between existing and newly proposed fueling stations would restrict the locations available for development of new filling stations and help to preserve land for other commercial developments and uses. An exemption to this requirement has been proposed for a 2000 foot radius originating from the intersection point of the Interstate 95 and Blue Heron Boulevard roadways (see attached map, Exhibit A). The intent of this exemption is to provide opportunity to construct filling stations within close proximity of Interstate 95, which is an integral evacuation route for hurricanes and other potential emergencies.

- E. Recommendation:** City staff advises that the Planning and Zoning Board review and consider all information presented and provide a recommendation to City Council.

**Proposed additions are underlined and deletions are shown in ~~strikethrough~~ format:**

**CHAPTER 31 – ZONING  
ARTICLE 1 – IN GENERAL**

**Sec. 31-1. – Definitions.**

\* \* \*

*Filling (service) stations* means any building, structure or plot of land used or designed to be used for the storage and retail sale of automotive fuels ~~and lubricants~~ and which may also include the sale of lubricants, facilities for washing, polishing, greasing, waxing, ~~tire repairing~~ and other minor automobile repairs. No ~~major~~ vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

\* \* \*

**CHAPTER 31 – ZONING  
ARTICLE VI – SUPPLEMENTAL DISTRICT REGULATIONS**

**Sec. 31-559. – Regulations for filling stations.**

**(a) Separation requirement between filling stations:**

1. A 1000 foot separation buffer is required between filling stations. This 1000 foot separation shall be measured from the nearest points of property lines. For measurement purposes, City staff shall consider land with an active development order to construct a filling station as an existing filling station.
  - a. An exemption from the 1000 foot separation requirement shall be provided for any property located within 2000 feet of the intersection point of Interstate 95 and Blue Heron Boulevard.

# GAS STATIONS IN RIVIERA BEACH



<b><u>Location</u></b>	<b><u>Regulations for Filling Stations</u></b>
Riviera Beach:	Special Exception Approval within Commercial and Mixed Use Locations.
Village of Palm Springs:	Special Exception with criteria that there will not be a proliferation or concentration of the use in the area. No separation requirement.
Lantana:	Special Exception review and approval required. No separation requirements.
Jupiter:	Special regulations for fueling stations with between 11 to 16 fueling positions; site design, architecture, landscape and screening. Separation requirement of 750 feet.
Palm Beach Gardens:	Special Exception (conditional use) approval required; consider compatibility, patterns of development, screening and buffering. Either classified as a Auto Service Station with a separation requirement of 1000 feet, or, classified as a Convenience Store with Gas Sales, without a separation requirement.
Juno Beach:	Fuel Service Stations (Code Section 34-869) requires that no more than three of any combination of convenience store and fuel service station shall be located within 5,500 feet on one another.
West Palm Beach:	Special Use Approval required (Code Sec. 94-272).
Lake Park:	No gasoline and oil filling station and no service station shall be erected within 1,200 feet of any church, hospital, school or other similar institution, or within 500 feet of another gasoline and oil filling station or service station within the town (Sec. 78-148; 78-149). No gasoline and oil filling station and no service station shall be erected on any lot which fronts on Park Avenue.
North Palm Beach:	Supplemental use standards required; including architectural standards and a minimum separation distance of 500 feet from the nearest points of property lines for a parcel developed for use as an automobile service station and a parcel occupied by a church, school or hospital.