



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

LOCAL PLANNING AGENCY

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

Commencement – 6:30 PM
Thursday, May 11, 2017

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

If you wish to speak on any item(s) on this agenda, please complete a 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, 1st Alternate Member

Tradrick McCoy, Vice-Chair

James Gallon, Board Member

Margaret Shepherd, Board Member

Anthony Brown, 2nd 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 27, 2017.

VII. UNFINISHED BUSINESS

A. NOMINATION OF CHAIRPERSON AND VICE-CHAIRPERSON (Term until April 2018).

VIII. NEW BUSINESS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM SEVEN KINGS HOLDINGS, INC. TO BUILD AND OPERATE A 4,482 SQUARE FOOT RESTAURANT, ON A VACANT PARCEL OF LAND, APPROXIMATELY +/- 0.35 ACRE, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-28-00-003-0090, LOCATED ON THE NORTH SIDE OF BLUE HERON BOULEVARD AND EAST OF LAKE SHORE DRIVE, WITHIN THE DOWNTOWN GENERAL ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION APPLICATION FROM CATOE HOLDINGS, LLC TO BUILD AND OPERATE AN 8,078 SQUARE FOOT WAREHOUSE WITH ACCESSORY OFFICE, ON A VACANT PARCEL OF LAND, APPROXIMATELY +/- 1.0 ACRE, IDENTIFIED BY PARCEL CONTROL NUMBER 56-42-42-26-02-000-0010, LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF HAVERHILL ROAD AND HAVERHILL BUSINESS PARKWAY, WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

IX. 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 25, 2017 / June 8, 2017

X. 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.

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<p>CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p>---</p> <p>Thursday, April 27, 2017</p> <p>Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p>6:34 p.m. - 8:50 p.m.</p> <p>---</p> <p>IN ATTENDANCE:</p> <p>Tradrick McCoy, Chair Corey Blackwell, Sr., Board Member James Gallon, Board Member Edward Kunuty, Board Member Margaret Shepherd, Board Member Jon Gustafson, 1st Alternate Member Anthony Brown, 2nd Alternate Member Jeff Gagnon, Assistant Director of Community Development Mario Velasquez, Senior Planner Andrew DeGraffenreidt, City Attorney</p>	<p>1 MR. KUNUTY: Here.</p> <p>2 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>3 MR. BLACKWELL: Present.</p> <p>4 MR. VELASQUEZ: Tradrick McCoy.</p> <p>5 CHAIR McCOY: Here.</p> <p>6 MR. VELASQUEZ: Rena James.</p> <p>7 (No response.)</p> <p>8 MR. VELASQUEZ: A quorum is present.</p> <p>9 CHAIR McCOY: Mr. Velasquez, do we have any</p> <p>10 substitution of voting rights for this evening's</p> <p>11 meeting.</p> <p>12 MR. GAGNON: Yes. Jeff Gagnon, Assistant</p> <p>13 Director of Community Development.</p> <p>14 We did hear from Ms. James that she would not</p> <p>15 be able to make tonight's meeting due to a family</p> <p>16 emergency. I did not hear from Mr. Whigham, so he may</p> <p>17 be en route currently. However, due to both of those</p> <p>18 primary Board members being absent, I would ask that</p> <p>19 both the first alternate and second alternate receive</p> <p>20 voting rights.</p> <p>21 CHAIR McCOY: Thank you, Mr. Gagnon.</p> <p>22 That takes us right to number III,</p> <p>23 acknowledgment of those members that are absent and the</p> <p>24 notification. Is there a motion? Is there a motion</p> <p>25 for acknowledgement of the Board member absence?</p>
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<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 27, 2017,</p> <p>5 beginning at 6:34 p.m., with attendees as hereinabove</p> <p>6 noted, to wit:</p> <p>7 ---</p> <p>8 CHAIR McCOY: Good evening. We're going to</p> <p>9 call the meeting of the Planning and Zoning Board to</p> <p>10 order. We'll start with a moment of silence, followed</p> <p>11 by the Pledge of Allegiance.</p> <p>12 (Moment of silence observed. Pledge of</p> <p>13 Allegiance recited.)</p> <p>14 CHAIR McCOY: Mr. Velasquez, roll call.</p> <p>15 MR. VELASQUEZ: Anthony Brown.</p> <p>16 MR. BROWN: Present.</p> <p>17 MR. VELASQUEZ: Jon Gustafson.</p> <p>18 MR. GUSTAFSON: Present.</p> <p>19 MR. VELASQUEZ: James Gallon.</p> <p>20 MR. GALLON: Present.</p> <p>21 MR. VELASQUEZ: Julius Whigham.</p> <p>22 (No response.)</p> <p>23 MR. VELASQUEZ: Margaret Shepherd.</p> <p>24 MS. SHEPHERD: Here.</p> <p>25 MR. VELASQUEZ: Edward Kunuty.</p>	<p>1 MR. KUNUTY: So moved.</p> <p>2 CHAIR McCOY: It's been moved. Is there a</p> <p>3 second?</p> <p>4 MR. BLACKWELL: Second.</p> <p>5 CHAIR McCOY: Moved by Mr. Kunuty, and there</p> <p>6 was a second by Mr. Blackwell. Roll call on the</p> <p>7 acknowledgement of Board member absence.</p> <p>8 MR. VELASQUEZ: Anthony Brown.</p> <p>9 MR. BROWN: Yes.</p> <p>10 MR. VELASQUEZ: Jon Gustafson.</p> <p>11 MR. GUSTAFSON: Yes.</p> <p>12 MR. VELASQUEZ: James Gallon.</p> <p>13 MR. GALLON: Yes.</p> <p>14 MR. VELASQUEZ: Margaret Shepherd.</p> <p>15 MS. SHEPHERD: Yes.</p> <p>16 MR. VELASQUEZ: Edward Kunuty.</p> <p>17 MR. KUNUTY: Yes.</p> <p>18 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>19 MR. BLACKWELL: Yes.</p> <p>20 MR. VELASQUEZ: Tradrick McCoy.</p> <p>21 CHAIR McCOY: Yes.</p> <p>22 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>23 approved.</p> <p>24 CHAIR McCOY: Thank you.</p> <p>25 Item number IV, additions and deletions to</p>

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<p>1 the agenda.</p> <p>2 MR. GAGNON: Yes, I want to notify the Board</p> <p>3 that City Manager Evans did state that he would be</p> <p>4 unable to make it to tonight's meeting due to a</p> <p>5 previous engagement as well. However, as he stated</p> <p>6 previously, he does intend on coming to Planning and</p> <p>7 Zoning Board meetings in the future.</p> <p>8 I also want to make note of documents that</p> <p>9 were provided to the Board. First, we have a revised</p> <p>10 public comment card. So this was not provided to the</p> <p>11 Board, however, they are available in the back of the</p> <p>12 room. So it's new and improved. It allows for</p> <p>13 comments to be read into the record or for individuals</p> <p>14 to speak on items, whichever they choose to do, and it</p> <p>15 allows for additional public participation in the</p> <p>16 meetings.</p> <p>17 Additionally, please note that there is a</p> <p>18 membership list that was provided. It's in a draft</p> <p>19 form, so if you could all look at the contact</p> <p>20 information and update it accordingly, if you provide</p> <p>21 me any updates at the end of the meeting, I can revise</p> <p>22 that and provide a finalized form to the Board.</p> <p>23 There's also a memo provided dated April 20th</p> <p>24 which discussed the acknowledgement of Board member</p> <p>25 absence or vacation that we just ran through. There's</p>	<p>1 MR. BLACKWELL: Yes.</p> <p>2 MR. VELASQUEZ: Tradrick McCoy.</p> <p>3 CHAIR McCOY: Yes.</p> <p>4 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>5 approved.</p> <p>6 CHAIR McCOY: Thank you.</p> <p>7 Item number VI, approval of the minutes of</p> <p>8 April 13, 2017. Is there a motion to approve those</p> <p>9 minutes?</p> <p>10 MR. KUNUTY: So moved.</p> <p>11 CHAIR McCOY: Properly moved.</p> <p>12 MS. SHEPHERD: Second.</p> <p>13 CHAIR McCOY: And there's a second by</p> <p>14 Mrs. Shepherd. Roll call.</p> <p>15 MR. VELASQUEZ: Anthony Brown.</p> <p>16 MR. BROWN: Yes.</p> <p>17 MR. VELASQUEZ: Jon Gustafson.</p> <p>18 MR. GUSTAFSON: Yes.</p> <p>19 MR. VELASQUEZ: James Gallon.</p> <p>20 MR. GALLON: Yes.</p> <p>21 MR. VELASQUEZ: Margaret Shepherd.</p> <p>22 MS. SHEPHERD: Yes.</p> <p>23 MR. VELASQUEZ: Edward Kunuty.</p> <p>24 MR. KUNUTY: Yes.</p> <p>25 MR. VELASQUEZ: Corey Blackwell, Sr.</p>
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<p>1 also a copy of the PowerPoint presentation, a hard copy</p> <p>2 that we will get into momentarily in regards to Board</p> <p>3 member orientation.</p> <p>4 There are no other changes and no other</p> <p>5 notifications.</p> <p>6 CHAIR McCOY: Thank you, Mr. Gagnon.</p> <p>7 Disclosure by members of the Board. Any</p> <p>8 members wishing to disclose?</p> <p>9 Adoption of the agenda. Is there a motion to</p> <p>10 adopt the agenda?</p> <p>11 MR. KUNUTY: So moved.</p> <p>12 MS. SHEPHERD: Second.</p> <p>13 CHAIR McCOY: Moved by Mr. Kunuty, and there</p> <p>14 was a second by Mrs. Shepherd. Roll call.</p> <p>15 MR. VELASQUEZ: Anthony Brown.</p> <p>16 MR. BROWN: Yes.</p> <p>17 MR. VELASQUEZ: Jon Gustafson.</p> <p>18 MR. GUSTAFSON: Yes.</p> <p>19 MR. VELASQUEZ: James Gallon.</p> <p>20 MR. GALLON: Yes.</p> <p>21 MR. VELASQUEZ: Margaret Shepherd.</p> <p>22 MS. SHEPHERD: Yes.</p> <p>23 MR. VELASQUEZ: Edward Kunuty.</p> <p>24 MR. KUNUTY: Yes.</p> <p>25 MR. VELASQUEZ: Corey Blackwell, Sr.</p>	<p>1 MR. BLACKWELL: Yes.</p> <p>2 MR. VELASQUEZ: Tradrick McCoy.</p> <p>3 CHAIR McCOY: Yes.</p> <p>4 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>5 approved.</p> <p>6 CHAIR McCOY: Thank you.</p> <p>7 Item number VII, Board member orientation.</p> <p>8 Mr. Gagnon.</p> <p>9 MR. GAGNON: Yes, thank you, Chair.</p> <p>10 So due to the fact that we have four new</p> <p>11 Board members, it seemed prudent to go through an</p> <p>12 orientation and a refresher for those Board members</p> <p>13 that have been with us for some time. Within this</p> <p>14 discussion I'll touch upon both the duties of the</p> <p>15 Planning and Zoning Board, parliamentary procedure and</p> <p>16 Robert's Rules of Order, Government in the Sunshine Law</p> <p>17 and public records. If at any point a Board member has</p> <p>18 questions, please just stop me, and I'll be happy to</p> <p>19 answer them.</p> <p>20 So the Planning and Zoning Board was created</p> <p>21 and defined in Chapter 27 of the City's Code of</p> <p>22 Ordinances. This was originally approved in 1957, so</p> <p>23 there are some elements that may not be as relevant now</p> <p>24 as they were then, however, this code section does</p> <p>25 govern the Board and the responsibilities and duties.</p>

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<p>1 Overall, the Planning and Zoning Board is</p> <p>2 responsible for reviewing documents and amendments to</p> <p>3 those documents. Those include the Comprehensive Plan</p> <p>4 and the future land use map, as well as Land</p> <p>5 Development Regulations, our zoning map and other</p> <p>6 zoning designations.</p> <p>7 Another major component of the Board is to</p> <p>8 review land development applications, which could be</p> <p>9 for site plan approval, could be for plats, could be</p> <p>10 for landscape plans associated with site plans. So</p> <p>11 those are the main aspects of the Board's duties.</p> <p>12 Overall, the Board is an Advisory Board to</p> <p>13 the City Council, meaning that you're really tasked</p> <p>14 with making a recommendation to City Council. However,</p> <p>15 the City Council does have the authority to either</p> <p>16 approve, modify or overrule any recommendation from the</p> <p>17 Planning and Zoning Board.</p> <p>18 Today I did send out an e-mail that provided</p> <p>19 web links to some of the most often used resources by</p> <p>20 the Planning and Zoning Board. That included a link to</p> <p>21 the City's Comprehensive Plan. There was a link also</p> <p>22 to the future land use map and zoning map, as well as</p> <p>23 the City Code of Ordinances, which is maintained by a</p> <p>24 third party provider known as municode.com. It's a</p> <p>25 pretty customary procedure and method of maintaining</p>	<p>1 really intended to have an organized structure for</p> <p>2 discussion and really to allow for all parties to</p> <p>3 participate fully in conversation, whether they're for</p> <p>4 or against an item.</p> <p>5 When making a motion on an item, a majority</p> <p>6 of the Board members would constitute approval of that</p> <p>7 motion. And when making a motion, typically it's</p> <p>8 preferred to have an affirmative motion. So the motion</p> <p>9 would be that "I move that we" versus "I move that we</p> <p>10 do not." So that helps avoid some confusion if it's</p> <p>11 affirmative.</p> <p>12 However, if there is ever a time where</p> <p>13 there's a motion made and there's any sort of confusion</p> <p>14 on what the actual intent is of the motion by the</p> <p>15 motion maker, or if there's any confusion to what the</p> <p>16 final result of the motion would cause, it's definitely</p> <p>17 appropriate and customary for a Board member to ask</p> <p>18 questions. So we'd much rather have you ask a question</p> <p>19 and say, "I don't fully understand this aspect of this</p> <p>20 particular motion. Can I have further clarity?"</p> <p>21 instead of voting and feeling as if you voted</p> <p>22 incorrectly or you may have voted in a manner that</p> <p>23 wasn't true to what you wanted to vote.</p> <p>24 One item that hasn't come up in some time is</p> <p>25 the ability for a Board member to abstain from voting.</p>
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<p>1 Codes of Ordinances.</p> <p>2 If you go to their web site, which is</p> <p>3 municode.com, you can see that there are multiple</p> <p>4 municipalities that use the same provider for</p> <p>5 maintenance of Codes of Ordinances. Within the code,</p> <p>6 Chapter 31 is most frequently used by the Board, that's</p> <p>7 our zoning section of the code. And the district</p> <p>8 regulations sections which outline specific provisions</p> <p>9 for land development are held within Article V.</p> <p>10 The City's web site is also a pretty valuable</p> <p>11 resource. And we also upload the recordings of the</p> <p>12 meetings to You Tube as well. So if you choose to go</p> <p>13 back and reference any point in the meeting, we've been</p> <p>14 doing that for some time, so we have meetings archived</p> <p>15 for the past few years that way.</p> <p>16 Do you have any specific questions at this</p> <p>17 point? Seeing none, moving on to Roberts Rules of</p> <p>18 Order and just parliamentary procedure.</p> <p>19 So our Board quorum is four members. We have</p> <p>20 seven full-time members and two alternates. As we've</p> <p>21 seen tonight, if the primary members are absent, then</p> <p>22 the alternate members would have voting rights as well.</p> <p>23 So we've already seen that firsthand, so I don't really</p> <p>24 need to discuss that much more.</p> <p>25 So basics for preliminary procedure. It's</p>	<p>1 So really the only time that a Board member can just</p> <p>2 completely abstain from voting is if there's a</p> <p>3 conflict. So if there's an item that may be somewhat</p> <p>4 of a hot button item, and maybe you just don't want to</p> <p>5 vote on it, unfortunately, that's not reason enough to</p> <p>6 recuse yourself from voting. So in that situation, you</p> <p>7 would still have to vote if you're an active Board</p> <p>8 member.</p> <p>9 Any questions?</p> <p>10 MS. SHEPHERD: Jeff, may I ask a question?</p> <p>11 MR. GAGNON: Yes, Ms. Shepherd.</p> <p>12 MS. SHEPHERD: So if you definitely take a</p> <p>13 stand that you're not going to vote on that item, is</p> <p>14 there some type of reprimand, or do you try to come to</p> <p>15 some type of agreement? Just how does that work?</p> <p>16 MR. GAGNON: That's a good question. I guess</p> <p>17 I'd have to research it further. But I think that</p> <p>18 really the item wouldn't be able to progress or the</p> <p>19 motion wouldn't be able to progress unless that Board</p> <p>20 member took action, whether it was a yes or no vote.</p> <p>21 MS. SHEPHERD: Well, will you have an</p> <p>22 opportunity to table that item until you get clarity on</p> <p>23 that item?</p> <p>24 MR. GAGNON: If there's an active motion on</p> <p>25 the floor, I don't believe that that would be an option</p>

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<p>1 unless the original motion maker amended their motion. 2 So really, once the motion has been made and voting has 3 started, and if there's no direct conflicts, then that 4 Board member would have to proceed with a yes or no 5 vote on the motion. 6 MR. DeGRAFFENREIDT: Ms. Shepherd, if I may, 7 as the authorized representatives of the City compelled 8 to, as the representative, voice whatever your 9 conscience is, the only time the law permits you not to 10 vote is if there's a conflict of interest, which, 11 concisely defined, is you're going to make money in the 12 deal, somebody close to you is going to make money in 13 the deal or if there's some other special benefit 14 that's going to procure, especially to you or somebody 15 in your immediate family as a result of the decision, 16 then you cannot vote. That's the only time you can't 17 vote. 18 MS. SHEPHERD: Okay. 19 MR. DeGRAFFENREIDT: You don't like the 20 issue, vote against it. 21 MS. SHEPHERD: No, not that I've ever 22 encountered it. I'm just saying -- 23 MR. DeGRAFFENREIDT: Yes, ma'am. That is the 24 only time you cannot vote, is when there's obviously 25 something available which is going to inure to your</p>	<p>1 CHAIR McCOY: -- applicants, or you know, 2 we've took a tour of the property, just to put on the 3 record that we've had some contact with the applicant. 4 Or you know, I don't know if that provision still 5 applies for like what we have today, like the land use 6 ordinances, but is there, I guess, a mechanism in which 7 we would need to disclose, even when we've had 8 discussions with the City Attorney, the City Manager or 9 some other staff member regarding something that comes 10 before the Board? 11 MR. GAGNON: Yes, I understand your question 12 now. There is actually a section a little bit later on 13 in the presentation that discusses disclosures in a 14 little bit more detail. As you did mention, there is a 15 disclosure section on tonight's agenda. It's Roman 16 numeral five. So that really provides any Board member 17 the opportunity just to state that they either met with 18 a potential developer or they met with their agent. 19 It's really just to air out any sort of meeting that 20 could have potentially happened, and that would be the 21 appropriate time to do so. 22 CHAIR McCOY: Thank you, Mr. Gagnon. 23 MR. GAGNON: So Florida's Government in the 24 Sunshine Law, which is most commonly referred to just 25 as the Sunshine Law, the intent of this law is to</p>
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<p>1 private benefit or somebody close to you, in your 2 immediate family in some form or fashion, whether it be 3 financial or otherwise. And if that does occur, 4 there's certain disclosure requirements you're to make 5 within a prescribed period. I think it's 15 days, but 6 I'm not sure, as I said. 7 MS. SHEPHERD: Okay, thank you. 8 MR. DeGRAFFENREIDT: Yes, ma'am. 9 CHAIR McCOY: Mr. Gagnon. 10 MR. GAGNON: Yes, sir. 11 CHAIR McCOY: To that same point, would you 12 be able to speak to the disclosure requirement that we 13 actually just went through today when it comes to 14 disclosure by Board members prior to voting on the 15 item, if you're prepared? 16 MR. GAGNON: Right. So to restate the 17 question, if you knew of a conflict prior to the item 18 being discussed, is that what you're referencing, or 19 during conversation you may realize that there is a 20 potential conflict? 21 CHAIR McCOY: Well, no, not necessarily. But 22 I know routinely, and I know at least for the last few 23 years we've kind of made note on the record that we've 24 met with, you know, potential -- 25 MR. GAGNON: Yes.</p>	<p>1 really provide access to public meetings so that any 2 sort of either advisory board, whether it's full of 3 elected officials or people that are appointed to the 4 board, no matter what type of meeting, that if it's a 5 public meeting, it's open to the public, allows for 6 public participation, and that it's accessible to 7 anyone that wants to access it. 8 So the specific statute, Section 286.011 9 provides that the meeting must be open and available to 10 the public, so that would apply to the Planning and 11 Zoning Board; that reasonable notice is given and that 12 meeting minutes are also taken, which by default would 13 become part of the City's public records, so if any 14 interested party wanted to request meeting minutes, 15 they'd be able to do so. 16 Now, there are specific limitations on 17 discussion of items by Board members outside of a 18 public meeting. So if you have an individual meeting, 19 just one-on-one with staff, that's perfectly fine. I 20 would recommend if you have any specific questions 21 about items, that you contact staff directly. 22 But what can happen is that two Board members 23 or three Board members, any number of Board members 24 outside of the active meeting discuss an item that they 25 may have to act on as a Board, so that would be in</p>

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<p>1 direct violation of the Sunshine Laws, and there are 2 penalties that would potentially come down if that were 3 to occur. 4 One interesting, I guess it's a case that 5 occurred, is this can be as specific as a recess period 6 during an active meeting. So if for some reason we had 7 a five minute recess at our meeting today, and you 8 know, two Board members started having a conversation 9 about the ordinance that we have a little bit later on 10 in the agenda, technically that could be seen as a 11 violation, being that it's not an active meeting. So 12 even be mindful of when you first come into the Council 13 chambers, you know, small talk about the weather, or 14 you know, the game last night is perfectly fine, but 15 just don't start having a conversation a little bit too 16 early about agenda items. So just be very mindful of 17 that and that the Sunshine Laws do exist. 18 So just a few suggestions. Again, please 19 contact staff if you have questions about anything to 20 do with the agenda. I know that prior to this meeting 21 I did have Board members reach out to me, and I think I 22 got back to them within half an hour maybe. So we're 23 accessible, we want to provide answers. That's really 24 what we're here for. The sooner you ask the questions, 25 the sooner we can prepare responses for you. So we</p>	<p>1 And again, there are many resources 2 available. I've provided one web link to the Attorney 3 General's web site, which is a good place to start. 4 However, there's a lot of resources online. And if you 5 have any specific questions following the meeting, then 6 please reach out to me. 7 So any time you reach out to me, be very 8 mindful that e-mail correspondence is public record. 9 So if it's something that you feel is personally 10 confidential, if there's a reason that you have to miss 11 a meeting and you don't want it to be an e-mail record, 12 then just give me a phone call. Again, it could be 13 e-mail, text, written correspondence, anything like 14 that will be part of the public record, so just be 15 mindful of that. 16 More so, the membership list is also public 17 record. Your applications for the Board would be 18 considered public record. So anything that you want to 19 have or remove from that membership list, just let me 20 know and we can have the final list published and make 21 sure that we have the information we need to on there. 22 MR. BLACKWELL: Excuse me, if I may. As part 23 of that item right there, my home address maybe should 24 be redacted from, I guess, this list, as well as any of 25 the prior lists that we have published so far because</p>
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<p>1 definitely appreciate the Board being active. But 2 again, don't be active amongst one another outside the 3 meeting, just direct it to staff. 4 One thing to be -- 5 MR. GUSTAFSON: Mr. Gagnon, I have a 6 question. 7 MR. GAGNON: Yes. 8 MR. GUSTAFSON: What is considered staff? 9 MR. GAGNON: I'm using staff very open. It's 10 just a City employee. 11 MR. GUSTAFSON: Thank you. 12 MR. DeGRAFFENREIDT: The representatives of 13 the appointing authority. 14 MR. GAGNON: One thing that I haven't seen 15 happen firsthand, but I've heard stories of "replying 16 all" to an e-mail. When maybe it's an accidental 17 "reply all" and you may not even see that there's 50 18 people copied on this e-mail, if you accidentally "reply 19 all," you could inadvertently copy another Board member 20 if there's any sort of conversation about an item 21 that's to be discussed. It's just something, again, to 22 be aware of, because that could run into Sunshine 23 issues as well. So be very careful with "relay all" in 24 e-mails if it has anything to do with pending items or 25 items that you think may come before the Board.</p>	<p>1 of my capacity as a Deputy Sheriff. 2 MR. GAGNON: Understood. We can put back 3 what we have for records, and I'll do so to the fullest 4 extent possible. 5 MR. BLACKWELL: Thank you. 6 MR. GAGNON: And also, I'll make note so we 7 can update the membership list. 8 So to the Chairperson's point earlier as far 9 as the timing of the meeting for disclosure, there is a 10 specific agenda section at the beginning of the meeting 11 to allow for disclosures from the Board. At that point 12 if you have had a meeting with any agent or any 13 applicant, that's the time to disclose that. 14 In conjunction with that membership list, 15 there is contact information that's public record. So 16 if an agent wants to reach out to you, they have the 17 ability to do so, but it's really up to the individual 18 Board member how they want to react to that. 19 There's nothing that compels you as a Board 20 member to entertain that. If you have specific 21 questions that you would like to ask them, you can do 22 so, however, you can also say: No, thank you. I'll 23 contact staff if I have specific questions. So that's 24 really a personal preference, and it might depend on 25 the item being presented, but just be mindful of that</p>

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<p>1 as well.</p> <p>2 So overall, does the Board have any questions</p> <p>3 on what was presented tonight?</p> <p>4 CHAIR McCOY: Mr. Gagnon.</p> <p>5 MR. GAGNON: Yes, sir.</p> <p>6 CHAIR McCOY: My question about the</p> <p>7 disclosure, does that only apply to agents and</p> <p>8 applicants, or is there a requirement that we</p> <p>9 disclose -- like I think I called you about a question</p> <p>10 I had related to the filling stations. Is there a</p> <p>11 requirement that I disclose that in a public meeting,</p> <p>12 that I met with staff regarding that?</p> <p>13 MR. GAGNON: I'm not sure if there's --</p> <p>14 MR. DeGRAFFENREIDT: There's no legal</p> <p>15 requirement that you do it. You can.</p> <p>16 CHAIR McCOY: Okay. Well, you know, I think</p> <p>17 it's probably good to know just going forward.</p> <p>18 MR. DeGRAFFENREIDT: Yes, sir.</p> <p>19 MR. GAGNON: I'm sorry, sir.</p> <p>20 Yes, so there may not be a legal requirement,</p> <p>21 but personally, I think that just any sort of</p> <p>22 disclosure that you feel is appropriate as a Board</p> <p>23 member, then just do so. And that way, it will be part</p> <p>24 of the record, and you'll feel more comfortable and</p> <p>25 there won't be any questions in the future.</p>	<p>1 work through it to get an answer, or you just pull back</p> <p>2 and let it go?</p> <p>3 MR. GAGNON: Sometimes if there's still not</p> <p>4 full satisfaction, I found that maybe it's asking the</p> <p>5 question in a different way. So sometimes it's just</p> <p>6 staff's not fully understanding what's being asked in a</p> <p>7 question. Oftentimes we're used to seeing things in a</p> <p>8 more rigid manner versus someone that's not working</p> <p>9 with site plans or landscape plans all day.</p> <p>10 So sometimes by revisiting the question and</p> <p>11 kind of going through really where the starting point</p> <p>12 is and where the question asker is trying to go, we're</p> <p>13 often able to provide a more elaborate and detailed</p> <p>14 response. That doesn't mean it's going to fully</p> <p>15 satisfy the question, but it helps at least to provide</p> <p>16 further direction.</p> <p>17 MS. SHEPHERD: So does Legal has the last</p> <p>18 say-so in that particular matter, or do you take it a</p> <p>19 step further to satisfy that person? Does Legal have</p> <p>20 the last say-so in a matter that's being, I guess,</p> <p>21 going back and forth, because I think that particular</p> <p>22 answer, I don't think that person ever received an</p> <p>23 answer. Mr. Legal?</p> <p>24 MR. DeGRAFFENREIDT: You lost me.</p> <p>25 MS. SHEPHERD: Okay.</p>
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<p>1 CHAIR McCOY: Okay.</p> <p>2 MS. SHEPHERD: Mr. Gagnon.</p> <p>3 MR. GAGNON: Yes, ma'am.</p> <p>4 MS. SHEPHERD: If a Board member -- I just</p> <p>5 recently saw this happen -- call you and they don't</p> <p>6 agree with your synopsis of the question, how do you</p> <p>7 handle that? I mean it was a long, drawn out question.</p> <p>8 I think Legal answered it, but the person still was not</p> <p>9 happy with the legal question. How do we do that? Do</p> <p>10 we continue to dialogue of what they want, or do they</p> <p>11 have to accept what Legal, or I guess the Director have</p> <p>12 to say, because I don't think we should ever go through</p> <p>13 that again. Do we have some type of structure in</p> <p>14 place?</p> <p>15 MR. GAGNON: I think as City staff, we really</p> <p>16 try to base our opinions off of law whenever possible.</p> <p>17 So if there's specific code sections that are being</p> <p>18 questioned, oftentimes staff will provide specific code</p> <p>19 sections to whoever is asking the question, and</p> <p>20 normally that kind of provides a final answer. Not to</p> <p>21 say that it will fully satisfy whoever is asking the</p> <p>22 question, but at least it will be a response provided</p> <p>23 and it will be based on some legal structure.</p> <p>24 MS. SHEPHERD: And if they don't accept your</p> <p>25 answer, then what do you do? You continually try to</p>	<p>1 MR. DeGRAFFENREIDT: I can say this. I do</p> <p>2 not control the decision making. That is really clear.</p> <p>3 That's why you've been appointed to make the decisions.</p> <p>4 If there is an issue presented to you and there's a</p> <p>5 lack of information or a lack of understanding, then</p> <p>6 staff will do whatever it can to try to resolve that</p> <p>7 lack of information. We may or we may not. The</p> <p>8 ultimate decision, with or without that information,</p> <p>9 would be yours, but you would have to vote.</p> <p>10 MS. SHEPHERD: But I think I'm asking a</p> <p>11 question to Legal.</p> <p>12 MR. DeGRAFFENREIDT: Okay, you're asking me.</p> <p>13 MS. SHEPHERD: You.</p> <p>14 MR. DeGRAFFENREIDT: Okay, yes, ma'am.</p> <p>15 MS. SHEPHERD: After you give the report back</p> <p>16 to the Director, are you the one that have the last</p> <p>17 say-so over the legal issue, or does it go back to the</p> <p>18 Director? I mean how do you figure it out? It was a</p> <p>19 cloud there that no one seemed to have an answer to,</p> <p>20 and it just went on and on and on. And how do you</p> <p>21 figure it out?</p> <p>22 MR. DeGRAFFENREIDT: We've got two questions</p> <p>23 that affect your decision making. The fact questions</p> <p>24 belong to him. The legal questions belong to me. But</p> <p>25 they are both fit within the scope of advice. One of</p>

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<p>1 the challenges I've had for 35 years being a lawyer is</p> <p>2 you can give clients the best advice in the world. The</p> <p>3 final decision is always theirs.</p> <p>4 MS. SHEPHERD: Is always?</p> <p>5 MR. DeGRAFFENREIDT: The client's.</p> <p>6 MS. SHEPHERD: The client.</p> <p>7 MR. DeGRAFFENREIDT: And for the purposes of</p> <p>8 this meeting, you are my client.</p> <p>9 MS. SHEPHERD: Okay.</p> <p>10 MR. DeGRAFFENREIDT: So I will give you what</p> <p>11 the law says, but how you utilize that tool in terms of</p> <p>12 your decision making is something up to your</p> <p>13 discretion. You know, and sometimes it's not done</p> <p>14 correctly, you know, and those issues are addressed in</p> <p>15 the judicial forum. But trust me, I'll do everything I</p> <p>16 can to make sure it doesn't get there.</p> <p>17 MS. SHEPHERD: Thank you. Thank you,</p> <p>18 Mr. Gagnon.</p> <p>19 CHAIR McCOY: Are you finished with your</p> <p>20 presentation, Mr. Gagnon.</p> <p>21 MR. GAGNON: Yes, sir.</p> <p>22 CHAIR McCOY: Any other members' questions or</p> <p>23 comments of Mr. Gagnon's presentation, now is the time.</p> <p>24 No questions.</p> <p>25 Thank you, Mr. Gagnon.</p>	<p>1 our current Vice Chair, to take over the seat as Chair.</p> <p>2 CHAIR McCOY: Any other members?</p> <p>3 Well, actually, I wanted to nominate Ms. Rena</p> <p>4 James again. I mean I didn't really see an issue with</p> <p>5 the election of officers unless a member pointed it</p> <p>6 out. But I think my question a couple of weeks ago, or</p> <p>7 even -- I'm sorry, yes, a couple weeks ago in our last</p> <p>8 meeting, was there a requirement or is there an annual</p> <p>9 election of Vice Chair and Chairperson, and I don't</p> <p>10 think there's an absolute requirement. And so, you</p> <p>11 know, with that, I don't have a problem with keeping</p> <p>12 Ms. James as Chairperson, and I renew my nomination for</p> <p>13 Ms. James.</p> <p>14 MR. KUNUTY: Okay, I think there was a</p> <p>15 requirement that came up a number of years ago that the</p> <p>16 Chair can only do two terms, consecutive terms. And I</p> <p>17 can't remember, is this her second term?</p> <p>18 MR. GAGNON: I believe this is her first --</p> <p>19 MR. KUNUTY: Is it?</p> <p>20 MR. GAGNON: -- in this series. Historically</p> <p>21 she's been Chairperson. I don't know if that's an</p> <p>22 actual code requirement or if that was just the purview</p> <p>23 of the Board. I think it was, if I remember correctly,</p> <p>24 just decided by the Board as far as having different</p> <p>25 Board members having the opportunity to serve as Chair.</p>
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<p>1 We'll go on to the next item, item number</p> <p>2 VIII, unfinished business and nomination of Chairperson</p> <p>3 and Vice Chairperson.</p> <p>4 MR. GAGNON: Yes. So at this point, what we</p> <p>5 do is open up the floor for potential nominations of</p> <p>6 Chairperson. Anyone can nominate any other Board</p> <p>7 member, or they can nominate themselves. Typically,</p> <p>8 you'd nominate another Board member.</p> <p>9 I would suggest, and it's not a requirement,</p> <p>10 but it would make the most sense to have a full-time</p> <p>11 member in these positions just in case we did have a</p> <p>12 full Board, that might preclude the Chairperson or Vice</p> <p>13 Chair, if they were the first or second alternate, from</p> <p>14 acting in that capacity. So historically, it's been a</p> <p>15 full-time member appointed to those positions. So at</p> <p>16 this point, the floor is open for nominations of</p> <p>17 Chairperson.</p> <p>18 MS. SHEPHERD: Well, I'd like to nominate</p> <p>19 Mr. Edward Kunuty for Chairperson.</p> <p>20 CHAIR McCOY: Any other members with a</p> <p>21 nomination?</p> <p>22 MR. KUNUTY: Thank you, Ms. Shepherd, but I'm</p> <p>23 going to decline the nomination for Chair. I've done</p> <p>24 it on numerous times, and at this point, I respectfully</p> <p>25 decline. However, I would like to nominate Mr. McCoy,</p>	<p>1 MR. KUNUTY: I believe it was. We had one</p> <p>2 long-term Chair, and I think the Board at that time</p> <p>3 decided that it would be better to rotate the position</p> <p>4 periodically, so -- but I'm okay with the nomination of</p> <p>5 Ms. James for another term as Chair. So in that, I</p> <p>6 will withdraw my nomination for Mr. McCoy.</p> <p>7 MR. BLACKWELL: And I will just -- I will</p> <p>8 nominate Tradrick McCoy as Vice Chair again. Is this</p> <p>9 your second term as Vice Chair or --</p> <p>10 CHAIR McCOY: Yes. But --</p> <p>11 MR. GAGNON: Before we move to Vice Chair,</p> <p>12 the floor is still open for the Chairperson.</p> <p>13 MS. SHEPHERD: Mr. Gagnon, does Ms. James</p> <p>14 need to --</p> <p>15 CHAIR McCOY: Excuse me one second.</p> <p>16 Mr. Blackwell, you did understand what he</p> <p>17 said --</p> <p>18 MR. BLACKWELL: Yes --</p> <p>19 CHAIR McCOY: -- so we're still on</p> <p>20 Chairperson now.</p> <p>21 MR. BLACKWELL: -- yes.</p> <p>22 CHAIR McCOY: Okay. So you're acknowledged,</p> <p>23 Ms. Shepherd.</p> <p>24 MS. SHEPHERD: Does Ms. James have to be</p> <p>25 here, because that's something I really thought about,</p>

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<p>1 since this is her -- going into her second term, and 2 they're new, to kind of keep it even with her being 3 here to continue as Chair. But does she have to be 4 here to accept that nomination? 5 MR. GAGNON: I would say technically, no, but 6 it would make more sense that she be present. I guess 7 it's something that we could push off to the next Board 8 meeting if the Board chooses to do so. I do agree that 9 her being present would be an important aspect, just 10 because if she does not wish to continue as Chair, she 11 would have the opportunity to say so. 12 MS. SHEPHERD: I wish that we would table 13 this until she's here. She's been here for a while, 14 and I think it would be only fair that she's here in 15 body to accept it or not. She can kind of move us 16 along. I was trying to think of, since Mr. McCoy was 17 Vice Chair, just keep it as it is to move on, but keep 18 everything stable as we come into a new set of members. 19 MR. GAGNON: Understood. 20 MS. SHEPHERD: So I wish you would just table 21 this until Ms. James get here at the next meeting, stay 22 focused. 23 MR. GAGNON: Do we have a consensus of the 24 Board to table the item to the next meeting? 25 MR. DeGRAFFENREIDT: You're going to motion</p>	<p>1 MR. GUSTAFSON: I'll make a motion to table 2 Vice Chair and Chairperson for at least till the next 3 meeting. 4 MS. SHEPHERD: Second. 5 CHAIR McCOY: Just before you put the second, 6 can you clarify, just so we can understand? 7 MR. GUSTAFSON: I make a motion for the Vice 8 Chair position and the Chairperson position to be 9 tabled until the next meeting. 10 CHAIR McCOY: And that's the election of 11 those positions? 12 MR. GUSTAFSON: And that's the election of 13 those positions. 14 CHAIR McCOY: Is there a second? 15 MR. BLACKWELL: Second. 16 CHAIR McCOY: It was moved by Mr. Gustafson 17 and seconded by Mr. Blackwell. 18 MR. VELASQUEZ: Anthony Brown. 19 MR. BROWN: Yes. 20 MR. VELASQUEZ: Jon Gustafson. 21 MR. GUSTAFSON: Yes. 22 MR. VELASQUEZ: James Gallon. 23 MR. GALLON: Yes. 24 MR. VELASQUEZ: Margaret Shepherd. 25 MS. SHEPHERD: Yes.</p>
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<p>1 to table a second and act on it. 2 CHAIR McCOY: Well, before we entertain any 3 motions, I just want to allow anybody on the Board, 4 whatever your feedback or whatever your comments is, I 5 guess now would be appropriate to make those comments 6 on whether or not we should have a vote on Chair and 7 Vice Chair. Members? 8 MR. BLACKWELL: Mr. McCoy, this is a learning 9 process for me, so I would rather for it to stay as it 10 is also. 11 CHAIR McCOY: Stay in its -- explain that. 12 MR. BLACKWELL: The same capacity. 13 CHAIR McCOY: Okay. Any other members? Is 14 there a motion? Well, I guess do we close the floor 15 and then -- because, you know, if I'm not interested in 16 it and she's not here to acknowledge, I mean do we just 17 close the floor and entertain a motion. 18 MR. GAGNON: I believe it was suggested that 19 an official motion be made to table it, and then if 20 it's seconded, then we'll have a roll call vote and 21 move on from there. 22 CHAIR McCOY: Okay, is there a motion. 23 MR. GUSTAFSON: I'll make a motion. 24 CHAIR McCOY: You're acknowledged, 25 Mr. Gustafson.</p>	<p>1 MR. VELASQUEZ: Edward Kunuty. 2 MR. KUNUTY: Yes. 3 MR. VELASQUEZ: Corey Blackwell, Sr. 4 MR. BLACKWELL: Yes. 5 MR. VELASQUEZ: Tradrick McCoy. 6 CHAIR McCOY: Yes. 7 MR. VELASQUEZ: Unanimous voting. Motion 8 approved. 9 CHAIR McCOY: Thank you. 10 Item number VIII-B. 11 MR. GAGNON: Letter B is an ordinance of the 12 City Council of the City of Riviera Beach, Palm Beach 13 County, Florida, amending Chapter 31 of the City's Code 14 of Ordinances entitled Zoning, Article I, In General, 15 Section 31-1, Definitions, and Article VI, Supplemental 16 District Regulations, by creating Section 31-559, 17 entitled Regulations for Filling Stations, a/k/a gas 18 stations, in order to provide and amend definitions and 19 to provide separation requirements between filling 20 stations to promote diversified development patterns 21 within the City, providing for conflicts, severability 22 and codification, and providing for an effective date. 23 So Board members, if you recall at our last 24 meeting we did discuss this item. I know that the new 25 Board members we have tonight as their first meeting</p>

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<p>1 were also present, although they weren't sworn in at 2 the time, however, they were here to at least listen to 3 the discussion and listen to the previous presentation. 4 This has been initiated by staff. What we're 5 looking to do is create separation requirements between 6 filling stations, which really are retail gas stations. 7 We feel it's important to do so because there's 8 becoming to be an oversaturation of these uses within 9 the City. Within the staff report it's defined that 10 there's 18 filling stations within the City limits, 11 which is approximately two per square mile. In 12 comparison, North Palm Beach has approximately seven, 13 which is 1.9 per square mile, and Palm Beach Gardens, 14 which is a much larger land area, has 13 filling 15 stations, which is about a quarter of a filling station 16 per square mile. 17 Additionally, staff had provided a matrix of 18 other ordinances utilized by adjacent municipalities as 19 far as regulations for filling station uses and whether 20 or not they had separation requirements or any other 21 special exception approval required to approve those 22 uses. The City currently does require special 23 exception approval within the general commercial zoning 24 districts, however, there is not a separation 25 requirement that's currently on the books.</p>	<p>1 station uses or storage of petroleum is allowed in 2 other zoning districts in the City, so the general 3 industrial zoning district may allow similar use, 4 however, it wouldn't be through a special exception 5 process. So this separation requirement would be that 6 much more valuable if there's already an existing 7 filling station adjacent to industrial locations. 8 CHAIR McCOY: So in general industrial, 9 essentially they're permitted by right. 10 MR. GAGNON: I believe that's the case. I'd 11 have to double-check. I wonder if staff can pull up 12 that code section. 13 CHAIR McCOY: Okay. Well, you know, I want 14 to allow you to finish your presentation, but I wanted 15 to make sure I got clarification on that, and then I'll 16 have some follow-up questions a little later. So thank 17 you. 18 MR. GAGNON: Sure. Yes, and it's an 19 important question to ask as well. I should know it 20 off the top of my head, but you got me on that one. 21 But this separation requirement is really 22 mostly pertinent to commercial locations in the City, 23 as you can see from the map. And let me just discuss 24 it briefly. So this is Blue Heron Boulevard running 25 east and west through the City, and this is U.S. 1</p>
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<p>1 CHAIR McCOY: Mr. Gagnon, if I can interrupt 2 you. 3 MR. GAGNON: Yes. 4 CHAIR McCOY: Did you just say there is a 5 special exception requirement within the general 6 industrial zoning district. 7 MR. GAGNON: General commercial. 8 CHAIR McCOY: General commercial. 9 MR. GAGNON: Yes, sir. 10 CHAIR McCOY: So it's not citywide that 11 there's a special exception, or is it that filling 12 stations can only be in general commercial. 13 MR. GAGNON: I believe within general 14 commercial, and also within our downtown mixed use 15 zoning districts it can only be provided, it being a 16 filling station, can only be provided on any of those 17 parcels within those zoning districts if they go 18 through a special exception approval process. 19 CHAIR McCOY: Okay. And I apologize for 20 interrupting your presentation, but I just want to make 21 sure that I'm clear. Are those the only two zoning 22 districts that were allowed to have filling stations, 23 because I didn't -- pardon me -- I didn't see the 24 zoning map when I reviewed this. 25 MR. GAGNON: Yes, I believe that filling</p>	<p>1 running north and south. This is President Barack 2 Obama Highway, also running north and south. North 3 Congress Avenue running north and south. Here's I-95. 4 So each green dot represents an existing 5 filling station, and the yellow outline surrounding the 6 green dot is a 1,000 foot radius from that point. And 7 what the current ordinance proposes is a separation 8 between these uses of 1,000 feet. So that's what those 9 yellow circles represent. 10 The red circle is proposed to have an 11 exemption area from this requirement from the 12 intersection of Interstate 95 and Blue Heron Boulevard. 13 I know we discussed it at our last workshop meeting, 14 and the Board may feel otherwise about moving forward 15 with that element, however, staff included it on the 16 map still just to have further discussion on that 17 matter. 18 So at this point, I'll pull up the actual 19 ordinance that's being proposed. So page two of the 20 staff report indicates an amendment to the filling 21 station definition, which is Section 31-1. So there's 22 a few minor amendments within that definition. And the 23 major amendment is Section 31-559, Regulations for 24 Filling Stations. Anything you see that is underlined 25 is new language, so all this language is new and</p>

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<p>1 proposed to be put into the code structure.</p> <p>2 (A) is the separation requirement between</p> <p>3 filling stations. Number (1) is the 1,000 foot</p> <p>4 separation buffer. It also describes any development</p> <p>5 order that's provided for a parcel would also be</p> <p>6 considered to have an active filling station.</p> <p>7 So when staff was looking at this, the</p> <p>8 question was asked, let's say there isn't a gas station</p> <p>9 in the intersection and two applicants apply at the</p> <p>10 same time. Because the use hasn't been constructed and</p> <p>11 isn't active, the buffer really wouldn't apply. So</p> <p>12 that way we can say, if we have somebody that's going</p> <p>13 through the approval process, and once approved, that</p> <p>14 1,000 foot buffer would come into effect.</p> <p>15 Underneath (1) to (1)(a) is the description</p> <p>16 of the 2,000 foot intersection point from Interstate 95</p> <p>17 and Blue Heron Boulevard, which would be that exemption</p> <p>18 from the 1,000 foot separation requirement.</p> <p>19 So I'd like to open the floor for Board</p> <p>20 questions at this time.</p> <p>21 CHAIR McCOY: Well, I just want to make sure</p> <p>22 that we proceed, you know, with the interests of the</p> <p>23 public comments that we have. So members, if you have</p> <p>24 any questions of the presentation, and I mean of what</p> <p>25 Mr. Gagnon has already laid out, now would be the time.</p>	<p>1 separation requirements, not necessarily between</p> <p>2 filling stations, but between existing uses, such as a</p> <p>3 church or a school and a filling station that's being</p> <p>4 proposed. There's one that's rather complicated. I</p> <p>5 believe it's the Juno Beach requirement where there is</p> <p>6 almost a triangulation that's required to identify</p> <p>7 where a new fuel service station can be located.</p> <p>8 So it seems like every municipality has</p> <p>9 really their own unique way of permitting this use, but</p> <p>10 it seems as if the trend is that most locations</p> <p>11 identify this as something that is more dense and</p> <p>12 intense than a typical everyday use, so there's some</p> <p>13 additional protections that are put in place.</p> <p>14 MR. BLACKWELL: All right. Thank you for</p> <p>15 your indulgence. I didn't get to the back page.</p> <p>16 CHAIR McCOY: Any other members wishing to</p> <p>17 ask a question of the presentation?</p> <p>18 MR. KUNUTY: Mr. Chair.</p> <p>19 CHAIR McCOY: You're recognized, Mr. Kunuty.</p> <p>20 MR. KUNUTY: Did staff ever calculate the</p> <p>21 amount of actual pump stations in total, because some</p> <p>22 of these stations are small --</p> <p>23 MR. GAGNON: Right.</p> <p>24 MR. KUNUTY: -- and you know, some, like the</p> <p>25 Wawa, you know, has quite a few pumping stations.</p>
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<p>1 And I would ask that we reserve any comments, if you</p> <p>2 can, until after we hear public comments. So if you</p> <p>3 have questions of the presentation, you may do so now.</p> <p>4 Mr. Blackwell, you're acknowledged.</p> <p>5 MR. BLACKWELL: Mr. Gagnon, in reference to</p> <p>6 the 1,000 foot buffer --</p> <p>7 MR. GAGNON: Yes, sir.</p> <p>8 MR. BLACKWELL: -- the other cities that were</p> <p>9 mentioned within the presentation here, what buffer, or</p> <p>10 if they are using a buffer for their cities?</p> <p>11 MR. GAGNON: Let me pull up the specific</p> <p>12 sheet. So the final page within the hard copy packet</p> <p>13 has a title of Filling Station Matrix. And that was</p> <p>14 staff research from adjacent municipalities and</p> <p>15 municipalities in Palm Beach County and how they handle</p> <p>16 filling stations. Let me pull up the digital copy as</p> <p>17 well here.</p> <p>18 MR. BLACKWELL: I apologize. I never got to</p> <p>19 the back page.</p> <p>20 MR. GAGNON: No, that's perfectly fine, and</p> <p>21 now is the time to talk about it.</p> <p>22 So when we look through other municipalities</p> <p>23 and how they handle this use, there are some that</p> <p>24 require additional architectural features and other</p> <p>25 treatments to the site. There are some that have</p>	<p>1 MR. GAGNON: We didn't look into the specific</p> <p>2 amount of fuel pumps per location during the study.</p> <p>3 The one municipality that does identify that is</p> <p>4 Jupiter, where they actually regulate the number of</p> <p>5 fuel stations or fuel pumps at the station as part of</p> <p>6 the review process. However, staff didn't look at each</p> <p>7 station here.</p> <p>8 So it could be something that is limited in</p> <p>9 the future or described by the Planning and Zoning</p> <p>10 Board to potentially be limited, because currently you</p> <p>11 could have an approval of X amount of fuel pumps and</p> <p>12 you just fill in the blank, depending on the size of</p> <p>13 the site and what the economic demand is. So there</p> <p>14 really aren't any limitations on the number of fuel</p> <p>15 pumps currently.</p> <p>16 MR. KUNUTY: Yes, because that's really the</p> <p>17 driver for the traffic, you know, how many; how many</p> <p>18 stations.</p> <p>19 The other question I have, you mentioned the</p> <p>20 zoning areas where it's allowed by special exception,</p> <p>21 and in industrial they're not allowed -- they're</p> <p>22 allowed without a special exception.</p> <p>23 MR. GAGNON: Actually, staff was able to pull</p> <p>24 up the general industrial code, and it describes</p> <p>25 storage of petroleum, but not retail fuel sales. So</p>

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<p>1 from staff analysis now, it does not appear as if it's</p> <p>2 a permitted use within general industrial.</p> <p>3 MR. KUNUTY: Should we modify the ordinance</p> <p>4 to limit it to the two areas that we discussed?</p> <p>5 MR. GAGNON: Well, if the code is silent on a</p> <p>6 specific use, normally that's considered not permitted.</p> <p>7 So if there are three uses that are identified within a</p> <p>8 general industrial zone and the fueling station isn't</p> <p>9 one of them, then it's considered not a permitted use.</p> <p>10 MR. KUNUTY: Okay, thank you. I have no</p> <p>11 other questions.</p> <p>12 CHAIR McCOY: Any other members?</p> <p>13 Well, you know, I'll take the opportunity to</p> <p>14 ask and kind of follow up with the comments from</p> <p>15 Mr. Kunuty. But I don't even understand what your</p> <p>16 definition of mixed use is, because the land use map</p> <p>17 doesn't identify what mixed use is, the land use zoning</p> <p>18 map.</p> <p>19 MR. GAGNON: There's a specific section</p> <p>20 that's labeled downtown mixed use, and that really, for</p> <p>21 the most part, mirrors the CRA overlay. And then there</p> <p>22 are three specific zoning districts that are utilized</p> <p>23 to implement that future land use. So it's downtown</p> <p>24 core zoning, downtown general zoning, and I guess</p> <p>25 there's a few others. There's downtown residential and</p>	<p>1 what happens is companies or businesses that have fleet</p> <p>2 accounts with this fueling station, they just pull up</p> <p>3 there, use some sort of transponder card or something</p> <p>4 and they fill up.</p> <p>5 And my whole concern was if we're going to</p> <p>6 regulate this, should we be looking for not just retail</p> <p>7 gas stations, and should we be expanding to commercial</p> <p>8 filling stations that fill up fleet vehicles like,</p> <p>9 let's say a cargo van or a van like that, because you</p> <p>10 know, for all intents and purposes, you know, I just</p> <p>11 don't see that we should have -- you know, I think</p> <p>12 we're at capacity. Irrespective of where we put it at,</p> <p>13 I think we have more than enough gas stations.</p> <p>14 And I just wanted to find out was this not a</p> <p>15 use, and I spoke to Mr. Gagnon. He explained that</p> <p>16 because it's not a retail establishment where someone</p> <p>17 would actually go into a brick and mortar building and</p> <p>18 pay for gas, then it's considered petroleum storage,</p> <p>19 so --</p> <p>20 MR. KUNUTY: Where exactly are you referring</p> <p>21 to?</p> <p>22 CHAIR McCOY: It's on Garden Road, south of</p> <p>23 Blue Heron Boulevard.</p> <p>24 MR. KUNUTY: Okay.</p> <p>25 CHAIR McCOY: And it's just south of, I think</p>
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<p>1 downtown industrial as well. But those are less</p> <p>2 frequently utilized in the City.</p> <p>3 CHAIR McCOY: But the purposes of industrial,</p> <p>4 you said because the code is silent, it's understood</p> <p>5 that it's not allowed.</p> <p>6 MR. GAGNON: Right. So if under the</p> <p>7 permitted uses, if a specific use isn't identified,</p> <p>8 then typically staff would view that as being not a</p> <p>9 permitted use, because there could be a million</p> <p>10 different uses that we'd have to plug in --</p> <p>11 CHAIR McCOY: Sure.</p> <p>12 MR. GAGNON: -- as permitted or not permitted</p> <p>13 uses.</p> <p>14 CHAIR McCOY: But, you know, I don't want to</p> <p>15 stretch this out more than it has to be, but it would</p> <p>16 appear that that petroleum storage place that we do</p> <p>17 know of, I don't believe that's identified.</p> <p>18 MR. GAGNON: Which location?</p> <p>19 CHAIR McCOY: The one off of Garden Road.</p> <p>20 And if I could share with our members, I had</p> <p>21 a question when I first reviewed this packet, but there</p> <p>22 is on Garden Road, just north of Interstate -- the</p> <p>23 north Interstate, there is what they call a Fleet</p> <p>24 filling station that's right next to Anolaze. And it's</p> <p>25 a gas station, but it's not a retail gas station. And</p>	<p>1 the school is Riviera Beach Preparatory Academy. So</p> <p>2 it's immediately south of that.</p> <p>3 MR. GAGNON: If you look at the map currently</p> <p>4 on the screen, I believe it's in this area, if I'm not</p> <p>5 mistaken, Mr. McCoy.</p> <p>6 CHAIR McCOY: And you know, when I thought of</p> <p>7 it, you know, just like you, we don't even realize it's</p> <p>8 there until you actually drive there and you actually</p> <p>9 look over there. But I was just in that area, and it</p> <p>10 seems as if, you know, if we're going to make an</p> <p>11 attempt at regulating filling stations, we shouldn't</p> <p>12 limit them to retail, because there's nothing to stop a</p> <p>13 petroleum storage place for pulling up, you know, and</p> <p>14 going off of those terminals in that area by the UPS</p> <p>15 facility, you know.</p> <p>16 So those are the kind of concerns that I had</p> <p>17 with it, and I just wanted to make sure that, you know,</p> <p>18 we took a holistic approach and see if there was</p> <p>19 something additional that, you know, we should look at</p> <p>20 expanding this language to cover.</p> <p>21 And quite honestly, you know, I think a</p> <p>22 special exception is appropriate for all zoning</p> <p>23 districts, because I want to be able to have an opinion</p> <p>24 and have an opinion by the Police Department, the Fire</p> <p>25 Department and the various departments, Utilities, how</p>

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<p>1 it all fits in with the adjacent uses. And I think 2 having a special exception process allows us a little 3 more latitude to vet out these projects and see if they 4 fit. 5 So, you know, I don't want to trample on the 6 work that has been done, but I know certainly at some 7 point we need to keep our minds open that, you know, 8 we're essentially regulating the retail ones, but there 9 are other forms of fueling stations that can come into 10 the City, so -- 11 MR. BLACKWELL: If I may, with that being 12 said, is that Fleet a private owned entity, or is it -- 13 because with the Sheriff's Office, we had Fleet filling 14 stations ourselves throughout the county, but that was 15 the County's fueling stations for law enforcement or 16 County workers. Is this a privately owned Fleet 17 fueling station, or is this something that a government 18 entity is using or utilizing or both? 19 MR. GAGNON: For the definition purposes of 20 the code, if it's not a retail use available to the 21 public and it doesn't meet the current code 22 definition -- and I definitely, I hear the 23 Chairperson's concerns and comments -- for this 24 ordinance at this time it may have additional 25 unintended consequences though, because staff hasn't</p>	<p>1 1,000 foot radius from a petroleum station as it exists 2 now. So you know, just expanded. But those are just 3 my thoughts. I shared that with staff prior to the 4 meeting, but I just wanted to make sure that, you know, 5 the members of the Board knew exactly, you know, that 6 there are some things that are very close, but just 7 outside the actual definition. 8 But you know, it's something that, you 9 know -- and I guess to our new Board members, when you 10 see these projects come before the Board and you get an 11 agenda packet, I think it's very important. And one of 12 the rights that we have is to kind of just kind of take 13 a look at some of how our City is laid out, and when 14 you go to various places, you know, you can kind of 15 relay those comments back to staff or bring them into a 16 public meeting, you know, why do we have a Fleet 17 filling station and we're not regulating that along 18 with retail establishments. So those are my comments 19 on that. 20 Any other members? 21 MS. SHEPHERD: Yes. Mr. Gagnon -- 22 MR. GAGNON: Yes, ma'am. 23 MS. SHEPHERD: -- how long have that Fleet 24 station been there? Do you have any idea? 25 MR. GAGNON: It's been there, I would say at</p>
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<p>1 fully researched what other private or government 2 filling stations may exist. For example, you know, our 3 Public Works Department has fueling capabilities as 4 well. 5 So I think it's important to look at. I'm 6 not trying to say it's not important to look at. But 7 as far as the scope of this ordinance, I think there's 8 more of an immediate need to try to, I guess, curb the 9 existing demand specifically along the principal 10 arterial roadways of the City. 11 CHAIR McCOY: But to your question, 12 Mr. Blackwell, I'm almost certain that it is private, 13 meaning it's not a government owned or operated Fleet 14 filling station. 15 But you know, to his point, I certainly think 16 we need to have language in place, but I will hope that 17 we're cognizant of, you know, we need to come back and 18 make sure that if we're going to, you know, stop 19 filling stations, let's do it for retail purposes as 20 well as for commercial and fleet vehicles. But I think 21 that commercial and fleet vehicles is something that we 22 can certainly look at in the future. 23 But, you know, here, now, you know, I would 24 even go so far to say based off of the language, that 25 we should do this regulations that way. We can keep a</p>	<p>1 least since -- 2 UNIDENTIFIED SPEAKER FROM AUDIENCE: It's 3 been there about ten years. 4 MR. GAGNON: So ten years. 5 UNIDENTIFIED SPEAKER FROM AUDIENCE: Because 6 I work back in that area. It's been there a while; 7 it's been there a while. 8 CHAIR McCOY: Mr. Brown says ten years. 9 MS. SHEPHERD: It's been there about ten 10 years. And I noticed that different, you know, trucks 11 pull up there and gas up. What company own that 12 particular Fleet, because it's been there about 10, 12 13 years, because it's down from the -- where the bus, you 14 know, the school buses. So it's down a little further 15 from there. And I think during the storm I even saw, I 16 think, Coca-Cola pull up there and kind of gas up. So 17 is this open to the public, or just what is it? 18 MR. GAGNON: I'm not positive on the 19 ownership information, so staff will be happy to 20 research that. To my understanding, it's not open to 21 the general public, so it's only fleet services. So I 22 don't know if they use a specific key fob type of 23 system, but it's not a location where you can just pull 24 up and buy gas at a retail level. So I'd be happy to 25 look into it further though.</p>

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<p>1 MS. SHEPHERD: All right, okay. Thank you.</p> <p>2 MR. DeGRAFFENREIDT: Excuse me.</p> <p>3 MR. GAGNON: Yes, sir.</p> <p>4 MR. DeGRAFFENREIDT: I'm not familiar with</p> <p>5 this operation either. If I'm understanding you</p> <p>6 correctly though, it is for they're doing basically</p> <p>7 commercial trucks.</p> <p>8 MR. GAGNON: Commercial vehicles, so it could</p> <p>9 be vans, cars, could be trucks.</p> <p>10 MR. DeGRAFFENREIDT: But basically, they're</p> <p>11 all commercial vehicles that are --</p> <p>12 MR. GAGNON: Commercial in nature, yes.</p> <p>13 CHAIR McCOY: For business use, I think is</p> <p>14 the better question, business uses probably.</p> <p>15 MR. GAGNON: Right, so not about personal</p> <p>16 use.</p> <p>17 CHAIR McCOY: Yes. Even though they may fill</p> <p>18 up a small compact car or they may even fill up a</p> <p>19 tractor-trailer.</p> <p>20 MR. DeGRAFFENREIDT: That's what I was trying</p> <p>21 to be clear on.</p> <p>22 CHAIR McCOY: So it varies.</p> <p>23 MR. DeGRAFFENREIDT: Okay, gotcha.</p> <p>24 CHAIR McCOY: Any other members' questions of</p> <p>25 the presentation?</p>	<p>1 little bit more -- and when I say us, I mean us as the</p> <p>2 City, the various departments and the Board, to vet</p> <p>3 these out a little more thoroughly as opposed to they</p> <p>4 just put in a site plan application and we have to</p> <p>5 allow them to be here because they're not specifically</p> <p>6 excluded. But a site plan has to go through the review</p> <p>7 of every single -- I think almost every department that</p> <p>8 touches or affects that business.</p> <p>9 So if there's no other questions of the</p> <p>10 presentation -- now, this is just of the</p> <p>11 presentation -- I would like to open up the two public</p> <p>12 comment cards that we have. So any other members with</p> <p>13 a question? Hearing none, we'll jump right into public</p> <p>14 comments. And the first person is Mr. Lloyd Brown.</p> <p>15 MR. LLOYD BROWN: Good evening. This is the</p> <p>16 first time I came up here, but what I was thinking</p> <p>17 about, he talked about the gas stations, right, but</p> <p>18 right here on this corner there --</p> <p>19 MR. KUNUTY: Would you identify yourself.</p> <p>20 MR. LLOYD BROWN: Oh, Lloyd Brown, I'm sorry.</p> <p>21 Lloyd Brown. Well, the name was Lucy Brown when they</p> <p>22 (inaudible) me Tom Brown. A just want you to know my</p> <p>23 mother taught me right and my father did too.</p> <p>24 Anyway, the reason I'm up here talking about</p> <p>25 the gas stations over here, I can understand the 24</p>
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<p>1 MR. KUNUTY: Yes, you know, it stimulates</p> <p>2 another question. We just approved a Palm Tran</p> <p>3 contractor on -- I'm trying to remember. It was they</p> <p>4 were going to have a fleet operation storage area. And</p> <p>5 I wondered, I don't recall them ever saying anything</p> <p>6 about fueling on that site. And it was off of</p> <p>7 Congress --</p> <p>8 MR. GAGNON: Yes.</p> <p>9 MR. KUNUTY: -- just before you get to Martin</p> <p>10 Luther King.</p> <p>11 MR. GAGNON: I think off of 10th Street. I</p> <p>12 believe that the project was Maroney. And I think that</p> <p>13 it's funny you mention that, because I think that</p> <p>14 there's a different site plan that's moving through the</p> <p>15 process now. I don't remember there being any fueling</p> <p>16 element associated with that previous site plan though.</p> <p>17 MR. KUNUTY: Yes. I guess we should be aware</p> <p>18 of that when that type of project comes before us.</p> <p>19 MR. GAGNON: Definitely.</p> <p>20 CHAIR McCOY: Well --</p> <p>21 MR. KUNUTY: No other questions.</p> <p>22 CHAIR McCOY: That's exactly why I think, you</p> <p>23 know, regardless of where it's at, being industrial or</p> <p>24 mixed use or commercial, we need to have a special</p> <p>25 exception process, because that allows us to use a</p>	<p>1 hour gas stations out by 95, you know, if you</p> <p>2 regularly -- I don't know if you regularly go. And I</p> <p>3 just can't understand the ones that are right directly</p> <p>4 in the crime areas. You know, it's like that's where</p> <p>5 all our problems are, I mean right in the center.</p> <p>6 Like, okay, along -- on Broadway I can</p> <p>7 understand you having a gas station 24 hours, honestly,</p> <p>8 because it's over there on Broadway, which is like a</p> <p>9 main thoroughfare. But right on Blue Heron and Obama</p> <p>10 Avenue right there, I mean Obama Highway, okay, those</p> <p>11 two places, why would you sell gas in that area after</p> <p>12 dark? You think you're going to get -- I'm not trying</p> <p>13 to say -- any Caucasians come over there at 2:00 in the</p> <p>14 morning to buy gas?</p> <p>15 They sell cigarettes. They sell loose</p> <p>16 cigarettes, both stores. Not just the gas stations,</p> <p>17 but the stores also too in those areas that are</p> <p>18 24 hours. That's like who let this happen? I mean</p> <p>19 that's ridiculous, because those areas, that's like a</p> <p>20 nest egg for crime right there. Who's going to hang</p> <p>21 out at a gas station and a 24 hour store except for</p> <p>22 thugs, drug addicts and people trying to purchase</p> <p>23 drugs?</p> <p>24 And I believe that we need to do something</p> <p>25 about those places. And I think it would be easier for</p>

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<p>1 us to live in this City, I mean, if you got rid of 2 those 24 hour gas stations that's right in the crime 3 areas. But you can come over there, and you arrest a 4 guy for hanging in the crime area, but he's only 5 hanging there because there's a place for him to hang 6 24 hours a day.</p> <p>7 And then early in the morning up by the 8 Imperial, that's the other gas station, they stay open 9 24 hours. I don't know what they mean by dual use. 10 But anyway, these places, they got restaurants in them, 11 no bathrooms. They don't sell gas at night. They sell 12 everything that -- I was on drugs. I know. They sell 13 everything that a drug addict need, paraphernalia, 14 rolling papers, alcohol. And they got the drug dealers 15 right on the side. But they open 24 hours. They're 16 supposed to be gas stations. Yes, it's gas, all right. 17 It's according to which type of gas you're talking 18 about.</p> <p>19 Because I just can't see it. I think if we 20 got rid of these, at least the ones that are 21 (inaudible) -- I hope you don't start with the ones 22 that are in our general area -- and we got rid of 23 those, I think this City might be a little more 24 cleaner, a little more less crime, because those guys 25 only hang there because it's open. And most of the</p>	<p>1 that say open 24/7.</p> <p>2 This did not happen by accident at all. This 3 is ludicrous. An eight mile stretch of territory. 4 It's a difference when you do not live here and you see 5 the harm of coming in, investing in what you invest in. 6 We welcome the business, but it's how and what business 7 regulates and puts that perception on us as a City, who 8 we are.</p> <p>9 No one travels from I-95 24 hours a day to go 10 over on Singer Island or coming back. You even got the 11 Imperial down there, 24/7. Who did this madness? Who 12 did this madness? We hold the officials accountable 13 for this madness. This should have had moratoriums, it 14 should have had better regulations.</p> <p>15 Mr. Kunuty made mention about the pump 16 stations. You have them sitting there. You need to 17 put some teeth in these regulations here. You need to 18 put some teeth in this Comprehensive Plan here that is 19 delegating and would set the course for what we, as a 20 City, who we are and whose we are would look like on 21 every corner in this City here.</p> <p>22 Mr. Brown talks about it all the time. The 23 residents talks about it too. So in that, Jeff, I 24 would like for you also to include the residents has 25 always had a major concern about these gas stations.</p>
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<p>1 guys that hang out, they don't care nothing about it. 2 And the stores don't really care anything about the 3 neighborhood. They're there to make money. They're 4 not selling gas.</p> <p>5 Now, honestly, who do you expect to get off 6 95, pass by all those gas stations out there and come 7 right in here to Riviera Beach to the one right on 8 Obama and Blue Heron unless they were coming to 9 purchase drugs? That's what I'm trying to say. And I 10 appreciate you listening to me. You all have a nice 11 day.</p> <p>12 CHAIR McCOY: Next comment is Mary Brabham. 13 MS. BRABHAM: Good evening to the Board 14 members. Ms. Mary Brabham, Riviera Beach. 15 Good to see men in the house. Margaret and 16 Ms. James, you all hold your weight well. Thank you, 17 as a Board.</p> <p>18 The ball dropped. It just did not drop here. 19 It been dropped. City staff has frequently received 20 inquiries from the developers. It also should have 21 been included residents, because we have been in this 22 chambers numerous of times talking about the filling 23 stations in this City here. If you say 1,000 feet, you 24 have two filling stations right here where City Hall 25 sits, and the Tiger store there, so let's say three</p>	<p>1 Pumps. How many pumps does a filling 2 station -- should be regulated in this City? Is it two 3 or one? You have Wawa that just opened up. That's 4 marvelous. You have the Hess station that's going over 5 on Singer Island. You have JW down the street on 6th 6 Street, and he has a liquor store up on the Dixie here. 7 They do not stay open 24/7.</p> <p>8 You also have on MLK, on Congress down there 9 where you have the Marathon station. They do not stay 10 open 24/7. I know I think down there on Congress and 11 MLK, I think that closes by 11:00. And if I'm 12 incorrect, you all can -- I'm sure that you all have 13 been that way before, because I travel that way. JW 14 down there, he doesn't stay open 24/7.</p> <p>15 This is horrible for this City. It's 16 horrible for the residents that live in these 17 perimeters, and it's horrible for the peoples that are 18 coming off I-95 going towards the waters or living over 19 there as well. We have a chance now to modify this, to 20 modify this. You got a chance to correct this, and you 21 got a chance to go back and say that these filling 22 stations cannot be allowed to operate 24/7. Nobody's 23 buying gas 24/7.</p> <p>24 The hub is right here where the crime is, 25 right across from City Hall here. Let your minds</p>

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<p>1 picture that. And from here to right down there to the 2 Imperial Plaza, let your minds picture that. Something 3 is wrong with this picture here; something has been 4 wrong. 5 But you all have a chance to do what is 6 right. Look at these land regulations and uses. 7 Modify. This Board has that authority. And a lot of 8 this stuff here that's been presented is not fully 9 vetted. I'm holding you all men and womens accountable 10 for how this City is perceived. And we must stop doing 11 business as usual, the buddy system pack. What are 12 they selling in those stores 24/7? That should be 13 better regulated. 14 You work with the Sheriff Department. I'm 15 sure you've had your hands full with this type of 16 chaos. Others have worked in an entity where you see 17 all kinds of chaos. 18 I don't know who lives in the City, but I'm 19 assuming that everyone lives in this City. And your 20 desire should be just like Ms. Brabham and her 21 children's desire, because even in the morning times 22 children walk past those stores there and see all of 23 that chaos going on. It is not acceptable, and we 24 should not allow our children to feel that it is 25 acceptable and this is how we live. Our kids portray</p>	<p>1 component that is really being questioned, which would 2 definitely require a much more thorough analysis than 3 just the filling stations. 4 Currently I don't believe there's any 5 restriction on hours of operation within our Code of 6 Ordinances. There is for alcohol sales, but I think 7 that's the only specific use that's outlined as far as 8 having a time structure. So we would have to go back 9 and look and see, again, what other municipalities have 10 done, what the City may be able to do legally and how 11 that would apply to other retail uses in the City. 12 MR. BLACKWELL: Okay, I understand that we're 13 here today for the 1,000 foot buffer, so to speak, for 14 new and existing filling stations, but based on public 15 comment, I just wanted to ask that question and 16 inquire. Thank you. 17 MR. GAGNON: Understood. 18 CHAIR McCOY: Any other members wishing to 19 comment? 20 MS. SHEPHERD: Yes, I would like to make a 21 comment. 22 CHAIR McCOY: You're recognized. 23 MS. SHEPHERD: Thank you. 24 Mr. Gagnon, how many more filling stations 25 can we take here in the City? We have 18, and I keep</p>
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<p>1 and live and act out the way and what we do and see and 2 said. Thank you. 3 CHAIR McCOY: Thank you. 4 Those were our public comments. The agenda 5 now calls for Board comments. So any members of the 6 Board wishing to comment? 7 MR. BLACKWELL: If I may, Chair, or Vice 8 Chair? 9 CHAIR McCOY: Mr. Blackwell, you're 10 recognized. 11 MR. BLACKWELL: Thank you. 12 Hearing public comments, I do take these 13 matters seriously, and I do hear you. The items that 14 are here before us today have no language in it as far 15 as hours of restrictions or modifications of that. 16 So with that being said, and this is a 17 question for Mr. Gagnon, could this language also be 18 included in the restrictions or the mixed uses of 19 filling stations? I know it's a separation of code and 20 ordinances, but I'm just asking as a matter of -- 21 MR. GAGNON: I think it's something that 22 could be investigated further as far as hours of 23 operation for businesses. The scope of that, however, 24 may end up being much larger than just filling 25 stations, because it seems as if there's also a retail</p>	<p>1 hearing Mr. Brown continuously bring it up about the 2 filling stations. Is there a way we can put a hold on 3 what's coming to the City, because you have Broadway, 4 Blue Heron. We need to build that up with restaurants, 5 not Dollar Stores; restaurants, not filling stations. 6 Is there any way? I know if the investors have land 7 here, we can't restrict them from building, but is 8 there any type of legislation they could put in place 9 to restrict these? 10 MR. GAGNON: I guess to provide the most 11 wide-sweeping answer I can, I don't know if there's 12 really one way of solving it. You know, I think right 13 now the City is going through kind of a re-imagination 14 process. We've had a lot of discussion of the U.S. 1 15 corridor, of the Blue Heron corridor. There's 16 currently a moratorium in place which allows for 17 development of regulations such as this, where staff is 18 looking at the existing uses and seeing what may be 19 becoming oversaturated in the City. 20 So from my perspective, enacting smaller 21 regulations such as this that help guide us to where we 22 want to be, I think it helps. It may not be the silver 23 bullet, but it starts getting us to what our final goal 24 really is for how the City will eventually be 25 developed.</p>

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<p>1 MS. SHEPHERD: And I want Mr. Brown to know 2 that I know I hear him. I myself go out in the City, 3 and I watch all of the filling stations and the things 4 that he's talking about. But we have to get a solution 5 to the problem here in this City. We have a great 6 City. We don't want to be labeled as the filling 7 station or the Dollar Store City. So I think we should 8 start thinking about put some restrictions there, 9 because I think we have enough. Eighteen is 18 really 10 too many. Thank you.</p> <p>11 CHAIR McCOY: Any other members wishing to 12 comment?</p> <p>13 MR. GUSTAFSON: I have a comment, Vice Chair.</p> <p>14 CHAIR McCOY: Mr. Gustafson, you're 15 recognized.</p> <p>16 MR. GUSTAFSON: With the City wanting to move 17 forward in a new direction, new imagination, is there 18 any way that we could put in the verbiage some type of 19 architectural -- I mean we're looking at Jupiter here, 20 and they have so many different points of view that 21 they have to meet and clarify.</p> <p>22 I agree, 18 filling stations is too many, and 23 we have to put some type of wording in the rule that 24 says if they want to put a gas station here and be the 25 19th gas station, are they going to put it at some type</p>	<p>1 the City, if we can start with the gas stations, which 2 seem to be trouble points, and we keep them to a higher 3 architectural standard, it might -- and even if I'm 4 sure it's very difficult with a retail store, with 5 selling retail items, that it's difficult to regulate 6 when they can be open or not, but if that facility is 7 held to a higher architectural standard, it might be a 8 place of -- more luxurious that it may keep the trouble 9 away, because that type of owner that wants to keep 10 that facility and make money at that facility is also 11 going to make sure that he doesn't have trouble outside 12 of his facility. So I'm just looking at the gas 13 stations to move in that direction, which could also 14 help the corridor of the balance.</p> <p>15 MR. GAGNON: Understood.</p> <p>16 CHAIR McCOY: Any other members?</p> <p>17 MR. BROWN: Yes.</p> <p>18 CHAIR McCOY: Mr. Brown, you're recognized.</p> <p>19 MR. BROWN: Mr. Gagnon --</p> <p>20 CHAIR McCOY: Can you make sure you speak 21 into the mike.</p> <p>22 MR. BROWN: The actual developments go 23 through this Board?</p> <p>24 MR. GAGNON: Yes.</p> <p>25 MR. BROWN: If somebody want to develop a</p>
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<p>1 of new architectural form that would meet the City and 2 also influence the City in a positive direction, with 3 landscaping, trees, screening and so forth.</p> <p>4 And I think that maybe if we change the 5 wording a little bit to make it a little bit harder to 6 put a gas station here, it's going to cost that 7 developer more money and so forth. If he really wants 8 to do it, he has to keep it to a standard that the 9 Board wants to do, and that would, I would think, would 10 bring the City to a new imagination to get better.</p> <p>11 MR. GAGNON: Yes, to build off that comment, 12 I think that during our last workshop meeting a similar 13 thought process was discussed where I don't know if 14 specifically for filling stations, if that's the best 15 answer, or maybe we need to look at kind of the global 16 view of how we develop our major roadways and whether 17 or not we need to strengthen what architectural 18 standards we have and what development guidelines we 19 have as far as building design and landscaping and 20 things of that nature. So I don't know if it's best to 21 try to look just at the filling station or just the 22 corridor as a whole.</p> <p>23 MR. GUSTAFSON: And back to that, the 24 corridor is something that we have to look at, but the 25 types of facilities that are going to try to move into</p>	<p>1 property, it has to go through this Board, right?</p> <p>2 MR. GAGNON: That's correct. So any --</p> <p>3 specifically for the gas stations, it would provide the 4 Board the opportunity to review it, be a special 5 exception process. There's additional criteria that 6 the developer would have to meet currently, and then 7 once the Planning and Zoning Board reviewed it, it 8 would go to City Council for a final approval or a 9 denial.</p> <p>10 MR. BROWN: Okay, so this is just a 11 regulation approval right now?</p> <p>12 MR. GAGNON: Yes. This is not for any 13 specific project. This is a global ordinance that 14 would impact future development in the City.</p> <p>15 MR. BROWN: Thank you.</p> <p>16 CHAIR McCOY: Any other members?</p> <p>17 MR. KUNUTY: Mr. Chair.</p> <p>18 CHAIR McCOY: You're recognized, Mr. Kunuty.</p> <p>19 MR. KUNUTY: Does it make sense to put an 20 upward limit on the number of gas stations in the City, 21 a finite limit?</p> <p>22 MR. GAGNON: So as far as a cap on the number 23 of filling stations, or are we talking about just the 24 pumps --</p> <p>25 MR. KUNUTY: No. Number of filling stations.</p>

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<p>1 And is that even possible?</p> <p>2 MR. GAGNON: The City currently doesn't have</p> <p>3 any sort of use caps of that manner, so staff would</p> <p>4 have to research what's been implemented elsewhere and</p> <p>5 what's successful. As far as growth management</p> <p>6 practices, similar type of things have occurred, but</p> <p>7 I'm just not as familiar with how to implement that</p> <p>8 strategy.</p> <p>9 MR. KUNUTY: Is it worthwhile to investigate</p> <p>10 that?</p> <p>11 MR. GAGNON: Yes, definitely.</p> <p>12 MR. KUNUTY: No other questions at this time.</p> <p>13 CHAIR McCOY: I have a few comments. And I</p> <p>14 want to kind of stick to the issue at hand, and then I</p> <p>15 have some other side comments to state because of what,</p> <p>16 you know, what we came up with.</p> <p>17 But I remember when we had this item two</p> <p>18 weeks ago, it was stated, Mr. Gagnon, and if you could</p> <p>19 just refresh our memory about why we have the exemption</p> <p>20 for the area near I-95 and Blue Heron Boulevard and</p> <p>21 what drove us, what drove that reason and how did we</p> <p>22 get there to have that exemption, that carve-out for</p> <p>23 that little section.</p> <p>24 MR. GAGNON: Yes, so when staff was looking</p> <p>25 at the map, we wanted to take into consideration the</p>	<p>1 and Garden Road area that do repair and maintenance</p> <p>2 that I'm sure they have some portable storage of</p> <p>3 diesel, and you know, just a number of different</p> <p>4 hazardous materials. We had Airgas.</p> <p>5 So I just think from the standpoint, there</p> <p>6 shouldn't be any exemptions. You know, when we -- if</p> <p>7 we all look at our last page in our packet, you know, I</p> <p>8 mean it kind of gives you -- they have some pretty</p> <p>9 tight language. And I don't see that ours is so tight.</p> <p>10 In fact, ours is a little bit loose. And I think we</p> <p>11 need to, you know -- eight just between Military Trail</p> <p>12 and I want to say Avenue S is probably an</p> <p>13 oversaturation of gas stations. I don't think we need</p> <p>14 a carve-out.</p> <p>15 So, you know, if I can call the members'</p> <p>16 attention just to the language, I think section A, in</p> <p>17 my opinion, is unnecessary, because looking at the land</p> <p>18 use map -- and you know, correct me if I'm wrong,</p> <p>19 Mr. Gagnon, but it appears that just that 1,000 feet</p> <p>20 around I-95, that area, actually I have it on my</p> <p>21 computer, but it's in, I want to say, a color almost</p> <p>22 like a burgundy, but that represents commercial. And</p> <p>23 if I understood correctly, just being in commercial</p> <p>24 requires a special exception already.</p> <p>25 MR. GAGNON: Yes.</p>
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<p>1 fact that Interstate 95 is considered an evacuation</p> <p>2 route for the area, so Blue Heron Boulevard would be</p> <p>3 also a primary evacuation route. So providing that</p> <p>4 exemption to the buffer would allow for filling station</p> <p>5 uses to develop within the, again, what staff considers</p> <p>6 an evacuation route buffer zone, I guess, for lack of a</p> <p>7 better term.</p> <p>8 However, there was discussion during the last</p> <p>9 meeting that maybe it wasn't needed. And I think it's</p> <p>10 really up to the Planning and Zoning Board to consider</p> <p>11 it, and it could be something that is removed if the</p> <p>12 Board doesn't feel as if it's necessary.</p> <p>13 CHAIR McCOY: Okay. Part of the reason I ask</p> <p>14 is because I don't think it's necessary that we need to</p> <p>15 make an exception. And, you know, I'm looking at it</p> <p>16 from the oversaturation standpoint of the number of</p> <p>17 filling stations, and I'm looking at it also from the</p> <p>18 standpoint of gas is toxic, you know. I mean it's</p> <p>19 flammable.</p> <p>20 And we have to know where our filling</p> <p>21 stations are, we have to know what petroleum storage</p> <p>22 is, we have to know where, you know, we have a whole --</p> <p>23 I can probably tell you we had at least three or four,</p> <p>24 maybe even five different industrial truck facilities</p> <p>25 or repair facilities that came in off of the Blue Heron</p>	<p>1 CHAIR McCOY: So that would essentially mean</p> <p>2 it has to go through that whole vetting process anyway.</p> <p>3 So that would, in essence, make part A of the language</p> <p>4 a little bit, and I don't want to say overkill, but</p> <p>5 almost fruitless at this point. So I particularly</p> <p>6 don't like the exception.</p> <p>7 Secondly, just dealing with the 1,000 foot</p> <p>8 separation buffer, was there a -- I want to say was</p> <p>9 there a standard in which we arrived to 1,000 feet?</p> <p>10 Obviously, it's not local. It's not local best</p> <p>11 practices, because I see 1,000 feet for Palm Beach</p> <p>12 Gardens with some other requirements. But, you know, I</p> <p>13 think just where we are, because we already have 18, I</p> <p>14 think we can even go down to 500. I'm sorry. Not down</p> <p>15 to 500. We can go up to 2,000. That's my opinion.</p> <p>16 So, and I welcome feedback from the other members.</p> <p>17 Also, in addition to going up to 2,000, I</p> <p>18 would ask and I would read what I think, you know, my</p> <p>19 proposal is for that language. It says -- and I'm</p> <p>20 changing my 1,000 to 2,000 for the regulation for</p> <p>21 filling stations. And my version would read as this,</p> <p>22 if you kind of want to follow. Separation requirements</p> <p>23 between filling stations. A 2,000 foot separation</p> <p>24 buffer is required between filling stations. And I</p> <p>25 will propose that we add a comma and add petroleum</p>

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<p>1 storage as well.</p> <p>2 So that way, we won't -- like, for instance,</p> <p>3 if that language was there, Wawa would not be allowed</p> <p>4 to be in existence, because we have a petroleum storage</p> <p>5 that's just maybe an eighth of a mile to the south. So</p> <p>6 particularly, I don't want to limit it to filling</p> <p>7 stations. I don't want someone to find some back door</p> <p>8 area to come into our City in the industrial area to</p> <p>9 put a petroleum storage, which essentially goes against</p> <p>10 the whole purpose of us trying to lay out some</p> <p>11 regulations to decide on where these facilities could</p> <p>12 go.</p> <p>13 So it would be a comma, and petroleum</p> <p>14 stations. So not necessarily saying that we're</p> <p>15 regulating petroleum stations, but we don't want a</p> <p>16 filling station within 2,000 feet of an existing</p> <p>17 petroleum station. So that's my proposal with the</p> <p>18 language. And, you know, if there's other members that</p> <p>19 feel the same, I mean I would certainly ask that you,</p> <p>20 you know, kind of share your opinion and your thoughts</p> <p>21 on it.</p> <p>22 Now, if I could just shift gears for just a</p> <p>23 little bit. Because I have my computer here and the</p> <p>24 luxury of having a computer, I was able to look at the</p> <p>25 code. And I know I heard it mentioned about the</p>	<p>1 that defined amount of time, it would not be able to</p> <p>2 reopen as a filling station use.</p> <p>3 CHAIR McCOY: Okay. And you know, I wanted</p> <p>4 certainly our members to understand that legally</p> <p>5 nonconforming clause and what that actually means and</p> <p>6 the impact of it, because, you know, we can't go in and</p> <p>7 tell somebody we no longer want a filling station if</p> <p>8 they've already been existing and they're already in</p> <p>9 operation. But you know, if they close for whatever</p> <p>10 reason beyond the six months -- is it for whatever</p> <p>11 reason?</p> <p>12 MR. GAGNON: Well, it would be closed,</p> <p>13 lacking any sort of City license. So for example, if</p> <p>14 I'm a business owner and I am seasonal, and I choose to</p> <p>15 have my shop open for half a year, and I maintain my</p> <p>16 City license, then that would still be considered an</p> <p>17 active business. But if the business was completely</p> <p>18 shut down, with no active City business license, then</p> <p>19 the nonconforming use regulations would come into play.</p> <p>20 CHAIR McCOY: Okay. Well, that is one of the</p> <p>21 impacts, whether it be intended or unintended. So</p> <p>22 certainly be aware of that.</p> <p>23 And also, you mentioned that there is an</p> <p>24 ordinance, and I didn't get a chance to actually find</p> <p>25 it, there is an ordinance that restricts alcohol</p>
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<p>1 closeness of these facilities. And Mr. Brown spoke of</p> <p>2 Barack Obama Highway and Blue Heron. Now, I remember</p> <p>3 the filling station on the southwest corner -- I don't</p> <p>4 know if it's a Marathon or whatever it is, or Rec 90 or</p> <p>5 whatever they call it, that filling station, but it was</p> <p>6 closed for some time.</p> <p>7 UNIDENTIFIED SPEAKER: Chevron.</p> <p>8 CHAIR McCOY: It wasn't the Chevron. It's</p> <p>9 the one on the southwest corner.</p> <p>10 MR. GALLON: Where the Mobil is.</p> <p>11 CHAIR McCOY: Is it Mobil?</p> <p>12 MR. GALLON: It's Mobil.</p> <p>13 CHAIR McCOY: Okay. And I guess this is for</p> <p>14 our members as well. So when we put language in place</p> <p>15 like this, and let's just say this passes us and goes</p> <p>16 to two readings on City Council, if a filling station</p> <p>17 goes out of business, I believe it's for six months,</p> <p>18 that use is no longer required -- I'm sorry. Let me</p> <p>19 say that again. That use is no longer allowed. And I</p> <p>20 think -- am I correct, Mr. Gagnon?</p> <p>21 MR. GAGNON: So if there is another filling</p> <p>22 station within the defined radius, if this ordinance</p> <p>23 was approved, it may create legal nonconforming uses,</p> <p>24 meaning that two uses would exist within that specific</p> <p>25 radius. So if one of the two uses were to close for</p>	<p>1 purchases -- or not purchases, the selling of alcohol</p> <p>2 at a certain hour.</p> <p>3 You know, my issue is this, and I'm going to</p> <p>4 be straightforward with you. You know, I liked it that</p> <p>5 we had our City Manager in our first two meetings. If</p> <p>6 he can't come, because I know he manages, I think, 13</p> <p>7 departments, or however many departments, and over 400</p> <p>8 employees and has a personal life, you know, we should</p> <p>9 have some designee or someone here from the City</p> <p>10 Manager's office so that it's not always someone has to</p> <p>11 review the record to find out what Planning and Zoning,</p> <p>12 you know, intended or some of the comments that came</p> <p>13 up, because, you know, this is important. And none of</p> <p>14 this stuff comes to light until an individual comes to</p> <p>15 a public meeting.</p> <p>16 But is there any enforcement of the alcohol</p> <p>17 being sold after these restricted hours? Because I</p> <p>18 never even heard of or even knew of any kind of</p> <p>19 enforcement. Who does it, the Police Department, Code</p> <p>20 Enforcement? You know, it looks like we need to -- you</p> <p>21 know, I'm at the point if I could hit delete, I want to</p> <p>22 delete everything out of our code, because if we're not</p> <p>23 using it, we should delete it. And the fact that it's</p> <p>24 there means that it is enforceable. And if we're not</p> <p>25 enforcing them, if we're not enforcing it, it makes no</p>

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<p>1 sense for us to have it in our code.</p> <p>2 And I struggle, because I deal with -- and</p> <p>3 I've spoken to the Mayor several times, as well as the</p> <p>4 City Manager, and I have to agree with the public</p> <p>5 comments. These places breed the criminal element.</p> <p>6 When you have people outside at all times of the night,</p> <p>7 and you have a store that's dispensing alcohol or</p> <p>8 whatever they're doing, and loitering, and that's just</p> <p>9 fueling this activity, you know, that's why we have</p> <p>10 shootings and that's why we have robberies and a number</p> <p>11 of different things.</p> <p>12 But I want to find out, can we, as a Board,</p> <p>13 make a request that's separate from this item that</p> <p>14 we're discussing that the City Manager or</p> <p>15 administration of the City provides some sort of</p> <p>16 information on how, you know, some of these things that</p> <p>17 we're seeing is being enforced, because if there's no</p> <p>18 enforcement, I mean I think, you know, that is not so</p> <p>19 much a proactive way, but that is a way that we can</p> <p>20 kind of limit some of these things and attract better</p> <p>21 businesses into the City, because this, you know, this</p> <p>22 is a balancing act that we have as being appointed</p> <p>23 members, that we recognize these things and bring them</p> <p>24 to the forefront. So I definitely want to ask about</p> <p>25 the enforcement mechanism of some of these existing</p>	<p>1 simply because I don't want to railroad the work that</p> <p>2 our Planning Department has done, you know, which, you</p> <p>3 know, it's a little bit outside of their scope, and I</p> <p>4 think it deals more with the Code Enforcement side of</p> <p>5 it.</p> <p>6 But don't make a recommendation that's going</p> <p>7 to cause this language to crash somewhere down the</p> <p>8 line, being it's too heavy with, you know -- because</p> <p>9 you don't get to vote "yes, with conditions." You</p> <p>10 either vote yes or no. So if there is a motion or some</p> <p>11 sort of recommendation by members of the Board, just if</p> <p>12 we could do it separately from what we've already</p> <p>13 worked on. So those are my comments.</p> <p>14 Any other members wishing to comment?</p> <p>15 MR. BLACKWELL: If I may, Chair.</p> <p>16 CHAIR McCOY: Mr. Blackwell.</p> <p>17 MR. BLACKWELL: After reviewing the</p> <p>18 regulations for filling stations on the back page, once</p> <p>19 again, Exhibit B here, I kind of agree with Chair here.</p> <p>20 If you look at our language, this is pretty much a play</p> <p>21 on words, and it's very vague. But if you go down to</p> <p>22 Lake Park and North Palm Beach, which are compatible</p> <p>23 cities to our square mileage, they have outlined a more</p> <p>24 complex and definitive regulatory statute or something.</p> <p>25 And I would like to see maybe a 2,000 foot</p>
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<p>1 statutes.</p> <p>2 And lastly, is there -- of that 24 -- I'm</p> <p>3 sorry, not the 24 hours. Of the restriction on</p> <p>4 purchases of alcohol, does that function -- and this</p> <p>5 may be a question for the City Attorney. Does that</p> <p>6 regulation, is that something that is proposed, or is</p> <p>7 that a function of our Board when it comes to reviewing</p> <p>8 land use ordinances as well as applications, because I</p> <p>9 know we've made recommendations with conditions. So is</p> <p>10 that a function? Can we actually put that in language</p> <p>11 as a recommendation to City Council?</p> <p>12 MR. DeGRAFFENREIDT: Yes.</p> <p>13 CHAIR McCOY: We can. We have that</p> <p>14 authority.</p> <p>15 MR. DeGRAFFENREIDT: Yes.</p> <p>16 CHAIR McCOY: Okay. So you know, with that</p> <p>17 being said, you know, members, I think, you know, our</p> <p>18 attorney laid it out so eloquently that we can receive</p> <p>19 whatever kind of legal advice from him. It's up to,</p> <p>20 you know, Advisory Board members to make that</p> <p>21 recommendation. It's up to City Council to make that</p> <p>22 decision.</p> <p>23 But I will caution you on this. If any</p> <p>24 member chooses to make any kind of recommendation, keep</p> <p>25 it separate from our land use and make another motion,</p>	<p>1 separation buffer and the language of the "comma,</p> <p>2 petroleum storage," only because you look at that map</p> <p>3 there, and if it's going on in one place, well, who's</p> <p>4 precluded from going on off of Australian Avenue where</p> <p>5 it's industrial mixed use there?</p> <p>6 But that 2,000 foot buffer may not reach the</p> <p>7 Australian Avenue plats or land, but if we add that</p> <p>8 language in there, "comma and petroleum storage</p> <p>9 facilities," maybe that may be, you know, a way of</p> <p>10 addressing any future fleet and/or service stations</p> <p>11 that are not convenience stores and/or commercial use.</p> <p>12 CHAIR McCOY: Thank you, Mr. Blackwell.</p> <p>13 Any other members with comments?</p> <p>14 MR. GUSTAFSON: Mr. Chair, if I could say one</p> <p>15 more comment.</p> <p>16 CHAIR McCOY: You're recognized,</p> <p>17 Mr. Gustafson.</p> <p>18 MR. GUSTAFSON: I like the 2,000 feet, and I</p> <p>19 also like your petroleum -- "comma, petroleum facility"</p> <p>20 or storage facility. I just want to question that</p> <p>21 "petroleum facility," and why not change the words to</p> <p>22 hazardous material or anything that is flammable or</p> <p>23 dangerous in the capacity of being next to a fuel</p> <p>24 storage or a fuel depot, fueling station or so forth?</p> <p>25 Petroleum is just one type of material, and using the</p>

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<p>1 words such as hazardous materials or other types of 2 flammables might make that a stronger, more difficult 3 way to put a station there.</p> <p>4 CHAIR McCOY: Thank you, Mr. Gustafson. And 5 I want to be the first to respond and tell you I like 6 the idea, but I just don't think that that will work, 7 because when you say hazardous material, I mean just 8 being on this Board, we've had a number of different 9 businesses that come in with hazardous material, and we 10 just had a chlorine facility, you know.</p> <p>11 So basically, you know, we will be 12 prohibiting Airgas, which, because it's under, you 13 know, a lot of the products that they provide, be it 14 oxygen or propane or whatever it is. I mean we would 15 just now be really -- I mean hazardous has so many 16 definitions, and I think we will find ourselves in more 17 trouble if we included hazardous.</p> <p>18 I think if we kind of keep it limited and 19 take a, you know, one bite at a time, I think that's 20 probably, in my opinion, a better road, because if you 21 say hazardous, there is a whole list of hazardous 22 materials, and then there has to be a whole other 23 process in defining what exactly is hazardous and 24 knowing what's already existing.</p> <p>25 Now, just from the standpoint when you think</p>	<p>1 you go, it should be a special exception so at least we 2 have, you know, a second bullet to fire at it?</p> <p>3 So my question to you is this: Do we need to 4 send this back to you and implement all of these 5 different items, because I think if we just pass this 6 and say address these issues, we're going to, you know, 7 we're going to lose something in the translation.</p> <p>8 So my question to you, is it going to be 9 easier for you to, for staff to implement these 10 questions or conditions, and at the same time find out 11 if we really can put a limit on the total and how we 12 define a petroleum storage facility and dispensing 13 facility? So from just a housekeeping standpoint, is 14 it better for you to go ahead and do that, rewrite it, 15 bring it back here for the next meeting?</p> <p>16 MR. GAGNON: Ultimately, it's going to depend 17 on the motion made by the Board. It's not, I guess, 18 impossible for staff to make corrections or make any 19 amendments as defined. However, if the Board wishes to 20 see amendments brought back, then staff can also do 21 that, bring back the amendments discussed tonight, 22 whatever is motioned by the Board, if that would be the 23 pleasure of the Board, and make all Board members more 24 comfortable in moving forward with that item.</p> <p>25 MR. KUNUTY: I personally would feel better</p>
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<p>1 about something about the 2,000 -- like I said, the 2 exemption around 95, remember members, we have two 3 dealerships right at the intersection of I-95 and Blue 4 Heron Boulevard. And I'm sure they have some sort of 5 storage of some sort of gasoline or some sort of bulk 6 oil or something of that sort, which essentially is 7 petroleum. So I think it's best that we kind of limit 8 it where we have succinct, but definitely effective, 9 you know, definitions as opposed to not have too many 10 unintended consequences. So that's my concern with it.</p> <p>11 Any other members?</p> <p>12 MR. KUNUTY: Yes, just a question for staff. 13 We basically asked to modify this ordinance, okay, with 14 eliminating the special exception in the 95 area, okay. 15 Should we limit the total number of gas stations?</p> <p>16 We said a number of Board members want to 17 expand the distance to 2,000, okay? We don't mention 18 anything in our ordinance about distance from schools, 19 hospitals, et cetera, et cetera, which a number of the 20 other communities do. We're talking about a petroleum 21 storage facility, but do we actually mean a petroleum 22 storage and dispensing facility? So that's a question.</p> <p>23 And the other question is why shouldn't any 24 gas station, whether it be in commercial or mixed use, 25 et cetera, be a special exception, so no matter where</p>	<p>1 to read all of this stuff into the ordinance as opposed 2 to, you know, just saying go ahead, we'll approve it 3 and you put this in.</p> <p>4 So the other question I have is related to 5 what Mr. McCoy said. If we do expand to the 2,000 6 feet, okay, and recommend that, and a gas station 7 that's 500 feet away from a current one goes out of 8 business, is that a strong enough reason to say it's 9 now not a conforming use, because the only reason I say 10 that is that mostly it's a zoning change, you know, 11 like we've had on Broadway, zoning changes that, you 12 know, somebody wanted to come back in and said, well, I 13 used to have that kind of business here and now I want 14 to do it again.</p> <p>15 MR. GAGNON: So what would happen in a few 16 situations, if this ordinance, just using the 1,000 17 foot that is on paper currently for reference, if this 18 ordinance was proposed or enacted, then it would create 19 legal nonconformities with some of the existing gas 20 stations, meaning that they are located within that 21 buffer of another gas station. So by default, there 22 would be a legal nonconformity created. Whether or not 23 they meet the requirements and conditions of going out 24 of business for a set amount of days and basically 25 forfeiting that use is kind of a case by case basis.</p>

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<p>1 MR. KUNUTY: But it would have to be the 180</p> <p>2 days out of business, inactive?</p> <p>3 MR. GAGNON: Correct.</p> <p>4 MR. KUNUTY: Okay, in order for it to become</p> <p>5 nonconforming.</p> <p>6 MR. GAGNON: Yes.</p> <p>7 MR. KUNUTY: Well, you know, if the Board's</p> <p>8 more comfortable with sending this back, implementing</p> <p>9 these items that we all brought up, I'll make that</p> <p>10 motion, that we send the ordinance back to staff to</p> <p>11 modify it with all of the Board comments.</p> <p>12 CHAIR McCOY: And I won't recognize that</p> <p>13 motion, Mr. Kunuty, simply because I want to give you</p> <p>14 the opportunity -- well, let's just make sure that</p> <p>15 everybody is all clear on it.</p> <p>16 MR. KUNUTY: Yes.</p> <p>17 CHAIR McCOY: I'll allow you the opportunity</p> <p>18 to, you know, take a stab at it. But is there any</p> <p>19 other members? And I definitely want to hear some</p> <p>20 feedback from staff, because I don't want to --</p> <p>21 MR. KUNUTY: Well, I think staff's already</p> <p>22 given the feedback. If it's the pleasure of the Board</p> <p>23 to send it back to implement these things, so be it.</p> <p>24 CHAIR McCOY: Right. But, and that's not so</p> <p>25 much the point that I was going to make, Mr. Kunuty.</p>	<p>1 any impossibilities, but again, we'd look at it and</p> <p>2 we'd create a new map that identified what a 2,000 foot</p> <p>3 buffer would be versus a 1,000 foot buffer, as</p> <p>4 proposed, just for, you know, research and discussion</p> <p>5 purposes.</p> <p>6 CHAIR McCOY: Okay, any other members?</p> <p>7 Before we take any motions, I just want comments and</p> <p>8 questions at this point.</p> <p>9 MS. SHEPHERD: Can I ask a question?</p> <p>10 CHAIR McCOY: Yes, you're recognized.</p> <p>11 MS. SHEPHERD: Mr. DeGraffenreidt.</p> <p>12 MR. DeGRAFFENREIDT: Yes, ma'am.</p> <p>13 MS. SHEPHERD: Do you have an opinion on this</p> <p>14 particular item that Mr. McCoy is discussing? With</p> <p>15 staff going back and reiterating this particular item,</p> <p>16 do you see any consequences or anything at all?</p> <p>17 MR. DeGRAFFENREIDT: If I'm understanding</p> <p>18 correctly, the Board is sending it back because there's</p> <p>19 some concerns that have been discussed that they want</p> <p>20 addressed in order to perfect their recommendation</p> <p>21 moving forward.</p> <p>22 CHAIR McCOY: Sure.</p> <p>23 MR. DeGRAFFENREIDT: I think that's within</p> <p>24 your prerogative. If that's what you want to do, it is</p> <p>25 wise to do so, in my opinion. That ain't a legal</p>
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<p>1 But, you know, they are, as well as the City Attorney,</p> <p>2 subject matter experts, and I don't want them to go</p> <p>3 back right now without -- like, for instance, is there</p> <p>4 an opinion or is there -- staff have a position, I mean</p> <p>5 as it stands, on some of the things that we kind of</p> <p>6 suggested or would be some pitfalls?</p> <p>7 Like I know I was able to almost immediately</p> <p>8 tell Mr. Gustafson that that might put us in trouble.</p> <p>9 But I want to kind of hear back from them as to our</p> <p>10 suggestions if this is something that, you know, us not</p> <p>11 being experts on it, might not realize that it's going</p> <p>12 to affect us.</p> <p>13 And you're still going to have the</p> <p>14 opportunity, Mr. Kunuty.</p> <p>15 MR. GAGNON: What I'd say in response to that</p> <p>16 is whenever amendments are proposed, it requires</p> <p>17 additional research from the staff level. I don't</p> <p>18 think there's anything that has been discussed that's a</p> <p>19 complete no-go. You know, I think it will, however,</p> <p>20 require staff to go look and see how the petroleum</p> <p>21 storage facility is defined, if we have to create a</p> <p>22 specific definition for petroleum storage, if there'd</p> <p>23 have to be modification of the section heading because</p> <p>24 it would be for more than just the filling stations, it</p> <p>25 would also include petroleum storage. So I don't see</p>	<p>1 answer. But if you have those issues before you can</p> <p>2 formulate your recommendation, I think it may be wise</p> <p>3 to do so.</p> <p>4 MS. SHEPHERD: Okay, thank you.</p> <p>5 CHAIR McCOY: Any other members?</p> <p>6 Well, Mr. Kunuty, you have a heavy task, and</p> <p>7 I want to make sure that, you know, you get all of the</p> <p>8 time to try to explain it in your motion, what you --</p> <p>9 MR. KUNUTY: Well, yes, I mean it's a pretty</p> <p>10 simple motion. It's to send the ordinance back and</p> <p>11 have it rewritten, taking into consideration all of the</p> <p>12 comments that were made by the Board and suggestions</p> <p>13 made by the Board, knowing full well that some may be</p> <p>14 able to be researched and done, and there may be some</p> <p>15 that may not be able to be done for a variety of</p> <p>16 reasons. So, and I'm more comfortable in having that</p> <p>17 come back to us --</p> <p>18 CHAIR McCOY: Sure.</p> <p>19 MR. KUNUTY: -- as opposed to just saying:</p> <p>20 Okay, we made some general comments. Implement them</p> <p>21 and send it on the City Council. So if you need --</p> <p>22 MR. GAGNON: Prior to -- I'm sorry. Prior to</p> <p>23 finalization of the motion, just so I can relay what</p> <p>24 staff's understanding of the discussion so far tonight</p> <p>25 has been, one amendment would be modifying the</p>

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<p>1 1,000 foot separation to a 2,000 foot separation.</p> <p>2 MR. KUNUTY: Yes.</p> <p>3 MR. GAGNON: Another amendment would be</p> <p>4 adding petroleum storage or a similar defined use</p> <p>5 within that separation requirement. And additionally,</p> <p>6 there was discussion of removing the exemption of the</p> <p>7 exemption specified within letter A for the 2,000 foot</p> <p>8 radius at the intersection point of Interstate 95 and</p> <p>9 Blue Heron Boulevard.</p> <p>10 MR. KUNUTY: And making all gas stations a</p> <p>11 special exception, no matter where they go in the City.</p> <p>12 And in addition, having the buffer between schools and</p> <p>13 other facilities, as many of the other municipalities</p> <p>14 have.</p> <p>15 MR. GAGNON: So if I may, for that buffer,</p> <p>16 are you also suggesting a 2,000 foot buffer from those</p> <p>17 uses as well? I think what I found is the</p> <p>18 municipalities that do have a separation requirement</p> <p>19 from specific uses such as a school, they don't</p> <p>20 necessarily have a separation requirement from similar</p> <p>21 uses. So just so I fully understand what the Board is</p> <p>22 requesting, it's a separation between identical uses,</p> <p>23 being filling stations, separation between petroleum</p> <p>24 storage, and also separation between schools?</p> <p>25 MR. KUNUTY: Sure, because I think the</p>	<p>1 purposes? So you know, I don't want to get too tied up</p> <p>2 in it.</p> <p>3 I certainly understand what you mean, but if</p> <p>4 we had, you know, a list of schools, it probably would</p> <p>5 be better to know if we should include that in there as</p> <p>6 opposed to sending him back to do it now, and he pops</p> <p>7 up and the definition of school encompasses 400</p> <p>8 different, you know, little parcels throughout our</p> <p>9 City, you know. So I agree if that's what you want to</p> <p>10 do, then by all means, but I just want to point out</p> <p>11 that schools is a pretty -- and related institutions is</p> <p>12 a pretty broad definition.</p> <p>13 MR. GAGNON: If I may, Chair, as well, I just</p> <p>14 want to express the need of having some regulations as</p> <p>15 soon as possible and the importance of that, because</p> <p>16 currently there is no separation requirement. So we do</p> <p>17 have a special exception approval process, however,</p> <p>18 there is no separation requirement. Staff does</p> <p>19 frequently get requests on fueling stations, whether or</p> <p>20 not they could potentially be approved in the City.</p> <p>21 So I don't disagree that the City needs to</p> <p>22 really contemplate really many aspects of our code</p> <p>23 which are outdated. However, if it's at all possible,</p> <p>24 to move forward with this as a starting point, and then</p> <p>25 it's not something that can be added to in the future,</p>
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<p>1 facility that Mr. McCoy referred to on Garden probably</p> <p>2 falls within 1,000 feet or 2,000 feet --</p> <p>3 CHAIR MCCOY: More like 200.</p> <p>4 MR. KUNUTY: -- okay, of the school.</p> <p>5 CHAIR MCCOY: But Mr. Kunuty, if I could just</p> <p>6 interrupt you, and I apologize, but that almost goes to</p> <p>7 the same, you know, point that I could have seen</p> <p>8 potentially happening with Mr. Gustafson's</p> <p>9 recommendation. And part of it is I totally agree that</p> <p>10 we should probably do it within the schools and maybe</p> <p>11 even religious facilities, but until we have a layout</p> <p>12 of where everything is as far as schools and -- I mean</p> <p>13 did you say religious facilities, or did you just say</p> <p>14 schools?</p> <p>15 MR. KUNUTY: No, I said schools and other</p> <p>16 similar institutions. So that would certainly fall</p> <p>17 under it. But I think that's really staff's job to</p> <p>18 come back to us and say we can't do 2,000 feet from</p> <p>19 schools or these other facilities, that has to be 1,000</p> <p>20 feet; but we can do 2,000 feet for gas stations.</p> <p>21 CHAIR MCCOY: Well, and that's fine. But you</p> <p>22 know, I guess my question is: Is it okay for us to</p> <p>23 include schools, because, you know, there's almost a</p> <p>24 school or related institution on every corner. Now, do</p> <p>25 we consider daycares as a school for that definitional</p>	<p>1 because it seems as if what's being asked now is going</p> <p>2 to require additional staff research in order to</p> <p>3 provide a final product that's going to be reliable.</p> <p>4 So if that's the direction of the Board, then honestly,</p> <p>5 I'm not anticipating staff having the resources to</p> <p>6 complete it in the very near future.</p> <p>7 CHAIR MCCOY: And what part is so arduous?</p> <p>8 Is it the portion about the schools and the related</p> <p>9 institutions?</p> <p>10 MR. GAGNON: It's not really any one thing.</p> <p>11 I think it's just starting to turn into something very</p> <p>12 different.</p> <p>13 CHAIR MCCOY: Well, Mr. Kunuty, if I could --</p> <p>14 MR. KUNUTY: Well, let me just ask a</p> <p>15 question.</p> <p>16 CHAIR MCCOY: Go ahead.</p> <p>17 MR. KUNUTY: Let's take each step.</p> <p>18 Eliminating the exception around I-95.</p> <p>19 MR. GAGNON: Yes.</p> <p>20 MR. KUNUTY: Okay, does that take a lot of</p> <p>21 staff analysis to do?</p> <p>22 MR. GAGNON: Easy.</p> <p>23 MR. KUNUTY: Expanding it to 2,000 feet</p> <p>24 between gas stations?</p> <p>25 MR. GAGNON: Relatively easy.</p>

<p style="text-align: right;">Page 89</p> <p>1 MR. KUNUTY: Petroleum storage and dispensing 2 facilities? 3 MR. GAGNON: We're going to have to look and 4 see exactly how they're defined and then have a 5 conversation with the Board whether or not it meets the 6 definition that the Board intends. 7 MR. KUNUTY: Okay. So what about eliminating 8 a special exception or having all gas stations under 9 special exception? 10 MR. GAGNON: That may require slightly more 11 research. We'll have to look at each zoning code and 12 implement accordingly. 13 MR. KUNUTY: Okay, so basically, what you're 14 saying is eliminating the expansion, okay, and -- I'm 15 sorry, the exception and expanding to 2,000 feet are 16 pretty simple? 17 MR. GAGNON: Yes. 18 MR. KUNUTY: Okay, and that's something that 19 doesn't entail a lot of staff work? 20 MR. GAGNON: Correct. 21 MR. KUNUTY: And how much staff work is 22 involved in making all gas stations under a special 23 exception? I mean we know that they can't go in a 24 whole lot of areas, can only go in -- 25 MR. GAGNON: It's not -- I'm not concerned</p>	<p style="text-align: right;">Page 91</p> <p>1 MR. KUNUTY: Yes. 2 CHAIR McCOY: So 2,000 feet and removing the 3 special exception. 4 MR. KUNUTY: Correct. No. I said nothing of 5 the special exception. I said the exception around 6 I-95 -- 7 CHAIR McCOY: The exemption, I'm sorry. 8 Okay. 9 MR. KUNUTY: Yes, exemption around I-95, and 10 expanding the distance between similar uses to 2,000 11 feet. And as far as the special exception for all gas 12 stations, I guess my suggestion is if you can get that 13 done, okay, that just gives the City a hell of a lot 14 more control over gas stations. 15 MR. GAGNON: Understood. 16 MR. KUNUTY: Which is what we're trying to 17 do. So those three items would be in my motion. 18 CHAIR McCOY: It's been properly moved by 19 Mr. Kunuty. Is there a second? 20 MR. BLACKWELL: Chair, before you second, I 21 just want to make sure I'm clear. Did we also include 22 the language of the petroleum storage use in that? 23 MR. KUNUTY: No. No, he said that that's 24 going to be difficult to do. 25 MR. BLACKWELL: So it's just for those two.</p>
<p style="text-align: right;">Page 90</p> <p>1 currently with the number of hours necessarily, but 2 when the available staff will be able to bring it back 3 to the Board and where this item is as far as 4 priorities, being that we're not fully staffed 5 currently, and we're having other applications provided 6 which may take precedence over this item. So the last 7 thing I want to see is have this kind of get placed 8 behind other items moving through the process, and it 9 could happen if research and other things require much 10 staff time. 11 MR. KUNUTY: All right. 12 CHAIR McCOY: Well, Mr. Kunuty, can I just 13 offer this? 14 MR. KUNUTY: Well, let me ask him one more 15 question. 16 So you're basically saying that between now 17 and the next meeting, okay, the two, exception and 18 expanded distance, are easy enough to do? 19 MR. GAGNON: Yes. 20 MR. KUNUTY: Okay. All right, then I will 21 modify my motion, okay, and say that my motion now is 22 to approve this with the eliminating the special 23 exception and expanding the distance between stations 24 to 2,000 feet. 25 CHAIR McCOY: Is that your motion?</p>	<p style="text-align: right;">Page 92</p> <p>1 Okay, so I'm clear. 2 CHAIR McCOY: Is there a second? 3 MR. GUSTAFSON: I'll second that. 4 CHAIR McCOY: It's been properly moved and 5 second. 6 And I want to ask one other question. And I 7 hate to keep going back here, but we got the exemption 8 removal around the 95 area, and we're increasing the 9 buffer to 2,000 feet. Wouldn't it be easier just to 10 vote on those two items, and at this point, as it 11 stands today, that can go right to City Council from 12 here? 13 And then Mr. Kunuty makes a separate 14 exception -- I mean, I'm sorry, a separate motion 15 saying that all filling stations come through by 16 special exception, so not to hold up the process, so 17 that we have something in place and at least we're 18 addressing the exemption and we're increasing the 19 buffer to 2,000 feet. Is that possible. 20 MR. DeGRAFFENREIDT: It's possible because 21 that's part of your discussion, but currently there's a 22 motion on the floor. 23 CHAIR McCOY: Right. And I wanted to get 24 clarification in case a substitute is -- 25 MR. DeGRAFFENREIDT: Yes.</p>

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<p>1 CHAIR McCOY: -- possible, that is --</p> <p>2 MR. GAGNON: If Mr. Kunuty wishes to amend</p> <p>3 his motion, then that's definitely a possibility. And</p> <p>4 then so there would be a motion to approve with the</p> <p>5 2,000 foot radius versus the 1,000 foot radius. And it</p> <p>6 would also include removal of an exemption from the</p> <p>7 1,000 foot separation requirement shall be provided for</p> <p>8 any property located within 2,000 feet of the</p> <p>9 intersection point of Interstate 95 and Blue Heron</p> <p>10 Boulevard. And then if Mr. Kunuty chooses, he can make</p> <p>11 an additional motion separate that asks staff to go</p> <p>12 back and perform the research that we have discussed</p> <p>13 tonight.</p> <p>14 MR. KUNUTY: Okay, let's be clear.</p> <p>15 Eliminating the special exception or the exemption</p> <p>16 around I-95.</p> <p>17 MR. GAGNON: Yes.</p> <p>18 MR. KUNUTY: Okay, so that will now be 2,000</p> <p>19 feet.</p> <p>20 CHAIR McCOY: No.</p> <p>21 MR. GAGNON: So within the ordinance itself,</p> <p>22 it would be (a)(1)(a), so the last text proposed would</p> <p>23 be eliminated altogether.</p> <p>24 MR. KUNUTY: Okay. All right, yes, that</p> <p>25 would be (a)(2), correct? Or (b)? All right, yes,</p>	<p>1 MR. GALLON: Yes.</p> <p>2 MR. VELASQUEZ: Margaret Shepherd.</p> <p>3 MS. SHEPHERD: Yes.</p> <p>4 MR. VELASQUEZ: Edward Kunuty.</p> <p>5 MR. KUNUTY: Yes.</p> <p>6 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>7 MR. BLACKWELL: Yes.</p> <p>8 MR. VELASQUEZ: Tradrick McCoy.</p> <p>9 CHAIR McCOY: Yes.</p> <p>10 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>11 approved.</p> <p>12 CHAIR McCOY: Thank you.</p> <p>13 Mr. Kunuty, if you're so inclined, you're</p> <p>14 recognized for the other motion.</p> <p>15 MR. KUNUTY: No, we'll leave it at that for</p> <p>16 now.</p> <p>17 CHAIR McCOY: Okay, so we're not going to</p> <p>18 address the special exception, I guess, just as a</p> <p>19 general recommendation to Council separate from the</p> <p>20 ordinance?</p> <p>21 MR. KUNUTY: Well, it's a recommendation to</p> <p>22 staff, not to Council, correct?</p> <p>23 MR. GAGNON: If the Board wishes to make a</p> <p>24 motion just requesting staff to research this, I'd be</p> <p>25 happy to go through the existing code structure and</p>
Page 94	Page 96
<p>1 you're eliminating that one section.</p> <p>2 MR. GAGNON: Right. So that would be</p> <p>3 completely eliminated. And (a)(1), which references</p> <p>4 the separation buffer currently at 1,000 feet --</p> <p>5 MR. KUNUTY: Correct.</p> <p>6 CHAIR McCOY: -- that could be modified to</p> <p>7 read 2,000 feet.</p> <p>8 MR. KUNUTY: Okay. Okay, I'll modify the</p> <p>9 motion to be to limit it to those two. So in essence,</p> <p>10 we're approving the ordinance, and with -- by</p> <p>11 eliminating the exception in the I-95 area and</p> <p>12 increasing the distance between stations to 2,000 feet.</p> <p>13 That's the motion.</p> <p>14 CHAIR McCOY: Thank you, Mr. Kunuty. We</p> <p>15 finally got there. It's been moved. Is there a</p> <p>16 second?</p> <p>17 MR. BLACKWELL: I'll second.</p> <p>18 CHAIR McCOY: It's been moved and it's been</p> <p>19 second. Hearing no other Board member comments, can we</p> <p>20 have the roll?</p> <p>21 MR. VELASQUEZ: Anthony Brown.</p> <p>22 MR. BROWN: Yes.</p> <p>23 MR. VELASQUEZ: Jon Gustafson.</p> <p>24 MR. GUSTAFSON: Yes.</p> <p>25 MR. VELASQUEZ: James Gallon.</p>	<p>1 identify each zoning code section to describe how</p> <p>2 filling stations are classified, just as another</p> <p>3 talking point. And the Board can review that</p> <p>4 information and decide how to move forward.</p> <p>5 MR. KUNUTY: I'll make the motion to have</p> <p>6 staff research special exceptions for gas stations, as</p> <p>7 we defined it, and make all gas station approval under</p> <p>8 the special exception.</p> <p>9 CHAIR McCOY: It's been properly moved. Is</p> <p>10 there a second?</p> <p>11 MR. GALLON: Second.</p> <p>12 CHAIR McCOY: Moved by Mr. Kunuty, and there</p> <p>13 was a second by Mr. Gallon. Roll call.</p> <p>14 MR. VELASQUEZ: Anthony Brown.</p> <p>15 MR. BROWN: Yes.</p> <p>16 MR. VELASQUEZ: Jon Gustafson.</p> <p>17 MR. GUSTAFSON: Yes.</p> <p>18 MR. VELASQUEZ: James Gallon.</p> <p>19 MR. GALLON: Yes.</p> <p>20 MR. VELASQUEZ: Margaret Shepherd.</p> <p>21 MS. SHEPHERD: Yes.</p> <p>22 MR. VELASQUEZ: Edward Kunuty.</p> <p>23 MR. KUNUTY: Yes.</p> <p>24 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>25 MR. BLACKWELL: Yes.</p>

Page 97	Page 99
<p>1 MR. VELASQUEZ: Tradrick McCoy. 2 CHAIR McCOY: Yes. 3 MR. VELASQUEZ: Unanimous voting. Motion 4 approved. 5 CHAIR McCOY: Thank you. 6 We're moving on to item number IX, which is 7 new business. Having none, I guess we'll jump right 8 into general discussion. And I have two public comment 9 cards. Is Mr. Lloyd Brown still here? 10 UNIDENTIFIED SPEAKER: No. 11 CHAIR McCOY: Okay, Ms. Mary Brabham. 12 MS. BRABHAM: Ms. Mary Brabham, Riviera 13 Beach. 14 Thank you, Board, for finally getting some 15 teeth somewhere where it is much needed. There is 16 other work to be done with this. I was listening to 17 Jeff and the things that you all were trying to do. 18 This is the elephant in the room about doing the 19 business of the City, and when it comes down to these 20 things that are critical to our City here, it should be 21 no limitation on what we can do and what we shall do. 22 Now, this Board here delivers everything that 23 comes in and goes out to our City, so we need to have 24 it right, and we need to get it right. We need the 25 things that are in place to make it workable so that if</p>	<p>1 I thought, Mr. Kunuty, it would be -- not 2 really knowing how it was going, that you kind of 3 shift. I think you and Mr. Whigham are the oldest one 4 on the Board. So that's how I was thinking, without 5 Mrs. James not being here. But saying that, I'm glad 6 that we're holding off to give her an opportunity to 7 respond back to us, because I think this Board need to 8 catch up to where we are, and I think she's doing a 9 good job leading us on. Thank you. 10 CHAIR McCOY: Any other members wishing to 11 comment? 12 MR. KUNUTY: Just a correction. Longest 13 tenured on the Board. Maybe not the oldest. 14 MS. SHEPHERD: I said tenured, didn't I? 15 (Inaudible.) I meant tenured. 16 CHAIR McCOY: Any other members wishing to 17 comment on general items related to the Board? 18 MR. BROWN: No comments. 19 CHAIR McCOY: Okay, I do just want to say 20 this. I know we had a very thoughtful discussion 21 today, and I appreciate everyone's input. And you 22 know, that is exactly what I see as being the purpose 23 of the Board. That way, we have an opportunity to have 24 a discussion about what works, you know, within reason, 25 without being too, you know, top heavy to potentially</p>
Page 98	Page 100
<p>1 the businesses are -- because we welcome the 2 businesses, but it's not what we have, but how we would 3 have what we have to make it workable for the City to 4 move it forward and change the perception that Riviera 5 Beach is just a dumping stage and everyone comes here 6 thinks that no one knows how to conduct business. 7 So Ms. Brabham thank this Board. And 8 Mr. Brown also voiced his concerns as well. You all 9 have heard from him also. So thank you as a Board. 10 Thank you. 11 CHAIR McCOY: That concludes our public 12 comments. 13 Mr. Gagnon, do we have any correspondence? 14 MR. GAGNON: No additional correspondence. 15 CHAIR McCOY: Thank you. 16 Members of the Board having general comments 17 related to anything related to the City? Any members? 18 No member comments? 19 Ms. Shepherd, you're recognized. 20 MS. SHEPHERD: Yes, I just want to clear up 21 one thing going back to voting for the Chairperson. 22 I'm glad that we decided to hold off until Ms. James 23 get here and give this Board an opportunity to catch up 24 where we are at, and then have the Vice Chair move into 25 that position that next year, I think.</p>	<p>1 have problems when it gets to the next level. But I 2 think that is what makes the Board great, because we 3 can all have some input on it. So thanks so much, 4 members, for the thoughtful and spirited discussion. 5 So those are my comments. 6 And Mr. Gagnon, we're back at you for 7 Planning and Zoning Board updates and upcoming 8 projects. 9 MR. GAGNON: Yes, sir. Our next meeting is 10 scheduled May 11th. We're anticipating at least two 11 items, both site plans. One is for a potential 12 restaurant called -- well, it's at the old Crab Pot 13 site, which is located southeast of Marina Grand. It 14 hasn't been finalized yet, but that's anticipated to 15 come before you on May 11th. 16 Additionally, there is an industrial 17 development located in the Haverhill Business Parkway 18 in the west part of our community. It's called Catoe 19 Plumbing. And that's also anticipated to come before 20 the Board on the 11th. 21 CHAIR McCOY: Question. Mr. Gagnon, is the 22 site plans and I guess the preliminary information up 23 on the web site regarding these two projects? 24 MR. GAGNON: Yes, I believe both site plan 25 submittals and the application packets are available on</p>

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<p>1 our web site currently.</p> <p>2 CHAIR McCOY: Okay. One other unrelated</p> <p>3 comment. I was looking at the land use map and the</p> <p>4 Garden Road area. I know a lot of that over there is</p> <p>5 unincorporated, and my question is why. And it's a</p> <p>6 rhetorical question, but what does it take for us to</p> <p>7 annex some of those things into our City, because I'm</p> <p>8 wondering, just looking at this map, and I know we have</p> <p>9 those trailer parks both on the west side of 95 which</p> <p>10 are essentially in the City, but they're classified as</p> <p>11 unincorporated Palm Beach County.</p> <p>12 There are a few pockets, however, right</p> <p>13 around just north of the Pepsi-Cola facility in an area</p> <p>14 that's on the land use map as white. Why are they in</p> <p>15 our City and not in our City? And pretty much what I</p> <p>16 mean is we provide them with police services and fire</p> <p>17 services. That's my question. You know, it's a</p> <p>18 rhetorical question, but I just would like to know why,</p> <p>19 you know, they want to -- they're physically within our</p> <p>20 boundaries, but their carve-out makes them</p> <p>21 unincorporated. And do we actually get anything as far</p> <p>22 as providing first responder services that you know of</p> <p>23 for those unincorporated places?</p> <p>24 MR. GAGNON: To answer the first part of the</p> <p>25 question, over the years the City has actually annexed</p>	<p>1 wherever they are located to come and service, you</p> <p>2 know, any calls for that specific business. So those</p> <p>3 are my comments.</p> <p>4 Any other member?</p> <p>5 MR. BLACKWELL: Actually, I can answer that.</p> <p>6 Yes, they do.</p> <p>7 CHAIR McCOY: They do?</p> <p>8 MR. BLACKWELL: Any of the unincorporated</p> <p>9 areas off of Garden Road the Sheriff's Office actually</p> <p>10 responds. It doesn't really happen often, but at the</p> <p>11 Sheriff's Office, we were compelled to respond and take</p> <p>12 those calls. Riviera Beach sometimes would come and</p> <p>13 assist and take them, but for the most part, we were</p> <p>14 dispatched there as unincorporated officers, yes.</p> <p>15 CHAIR McCOY: So as far as, I guess, fire and</p> <p>16 ambulance service and paramedic service, how does that</p> <p>17 work? I mean is that the same?</p> <p>18 MR. BLACKWELL: It would still come from --</p> <p>19 we would request Fire-Rescue, and it would still come</p> <p>20 from Palm Beach County.</p> <p>21 CHAIR McCOY: Just curious. Okay, you know,</p> <p>22 thank you, Palm Beach County. Thank you for your</p> <p>23 service. And I'd like our tax base just a little bit</p> <p>24 better. So that's it for me, members.</p> <p>25 Any other members?</p>
Page 102	Page 104
<p>1 property into the municipal boundary moving west. So</p> <p>2 there are some enclaves that are located in the City's</p> <p>3 current jurisdiction that still are unincorporated Palm</p> <p>4 Beach County.</p> <p>5 So there's really two ways that those</p> <p>6 properties can come into the City. There's a voluntary</p> <p>7 annexation process, which is at the will of the</p> <p>8 property owner, and then there is more of a forced</p> <p>9 annexation process, which is something I haven't</p> <p>10 experienced firsthand, but I hear that it's much more</p> <p>11 serious legally and not really something that is</p> <p>12 attempted very often. So if there are any business</p> <p>13 entities that wish to voluntarily annex into the City,</p> <p>14 we have a procedure in place that can accommodate that.</p> <p>15 As far as additional funding that's provided</p> <p>16 by those parcels, I'll have to look into that a little</p> <p>17 bit further. I don't know if there's any mutual aid</p> <p>18 agreements that currently exist. I'm guessing that</p> <p>19 there are, but as far as direct funding, I'd have to</p> <p>20 look into that.</p> <p>21 CHAIR McCOY: Okay. I was just curious</p> <p>22 because it was quite obvious on our land use map when</p> <p>23 you looked around that area why is, you know, maybe</p> <p>24 five or six parcels considered unincorporated. And I'm</p> <p>25 sure Palm Beach County doesn't send a fire truck from</p>	<p>1 MR. KUNUTY: Just a question on what's coming</p> <p>2 up on the restaurant. Is that going to require a</p> <p>3 zoning change, because that's zoned residential now?</p> <p>4 MR. GAGNON: I think it currently has a</p> <p>5 downtown general zoning designation and a downtown</p> <p>6 mixed use future land use, so I think the use is</p> <p>7 actually compatible with the existing --</p> <p>8 MR. KUNUTY: Is it? Okay.</p> <p>9 MR. GAGNON: -- zoning.</p> <p>10 MR. KUNUTY: Because I thought we changed it</p> <p>11 to -- at that time.</p> <p>12 MR. GAGNON: Historically, I believe there</p> <p>13 was a zoning change that was in conjunction with Marina</p> <p>14 Grand. But during our most recent visit to that CRA</p> <p>15 area and zoning amendments, it was updated.</p> <p>16 MR. KUNUTY: Thank you.</p> <p>17 CHAIR McCOY: One last thing. Mr. Gagnon, at</p> <p>18 your leisure, can you provide us all the link, and I'm</p> <p>19 specifically saying to the new members, where they can</p> <p>20 actually view the site plans that's, you know, still in</p> <p>21 review by the staff?</p> <p>22 MR. GAGNON: Sure.</p> <p>23 CHAIR McCOY: Okay, so thank you.</p> <p>24 If there's no other comments, I'll hear a</p> <p>25 motion to adjourn.</p>

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1 MR. KUNUTY: So moved.
2 MS. SHEPHERD: Second.
3 CHAIR McCOY: Thanks.
4 (Whereupon, at 8:50 p.m., the proceedings
5 were concluded.)
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Page 106

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 4th day of May, 2017.
16
17
18
19
20
21

Susan S. Kruger
22
23
24
25

27 (Pages 105 to 106)



**STAFF REPORT – CITY OF RIVIERA BEACH
CASE NUMBER SP-16-18
PLANNING AND ZONING BOARD, MAY 11, 2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM SEVEN KINGS HOLDINGS, INC. TO BUILD AND OPERATE A 4,482 SQUARE FOOT RESTAURANT, ON A VACANT PARCEL OF LAND, APPROXIMATELY +/- 0.35 ACRE, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-28-00-003-0090, LOCATED ON THE NORTH SIDE OF BLUE HERON BOULEVARD AND EAST OF LAKE SHORE DRIVE, WITHIN THE DOWNTOWN GENERAL ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicant: Seven Kings Holdings, Inc.

B. Request: The applicant is requesting site plan approval to build a 4,482 square foot restaurant with outdoor deck seating.

C. Location: The proposed site is located north of Blue Heron Blvd., east of Lake Shore Dr. (386 E. Blue Heron Blvd.).

D. Property Description and Uses: The subject property description and uses are as follows:

Parcel Control Number: 56-43-42-28-00-003-0090.

Parcel Size: +/- 0.35 acre.

Existing Use: Vacant Lot.

Zoning: Downtown General (DG) Zoning District.

Future Land Use: Downtown Mixed Use.

E. Adjacent Property Description and Uses:

North: Residential (Marina Grande Development); Inlet Harbor Center Planned Unit Development (IHC-PUD) Zoning and Downtown Mixed Use Future Land Use.

South: "Big" Blue Heron Bridge; Various Commercial Uses; Downtown General (DG) Zoning and Downtown Mixed Use Future Land Use.

East: Intracoastal Waterway.

West: Residential / Parking Garage (Marina Grande Development); Inlet Harbor Center Planned Unit Development (IHC-PUD) Zoning and Downtown Mixed Use Future Land Use.

F. Background:

On October 2016, Seven Kings Holdings, Inc. submitted an application for site plan approval, which has been reviewed by City staff for compatibility and consistency with the

City's Comprehensive Plan and Land Development Regulations. The following staff analysis has been prepared for your review:

G. Staff Analysis:

Proposed Development/Use: The applicant is proposing to develop a 4,482 restaurant with outdoor deck seating.

Zoning Regulations: The proposed use complies with the City's Land Development Regulations for the Downtown General (DG) Zoning District.

Comprehensive Plan: The proposed use is consistent with the Comprehensive Plan's Downtown Mixed Use Future Land Use designation.

Compatibility: Specific conditions of approval may be needed to ensure that this use is compatible with adjacent residential development (Marina Grande), which may include, but not be limited to, hours of business operation and specific provisions to govern permitted timeframes for amplified music.

Levels of Service: City services such as roads, water, sewer, and garbage collection are currently available to the site.

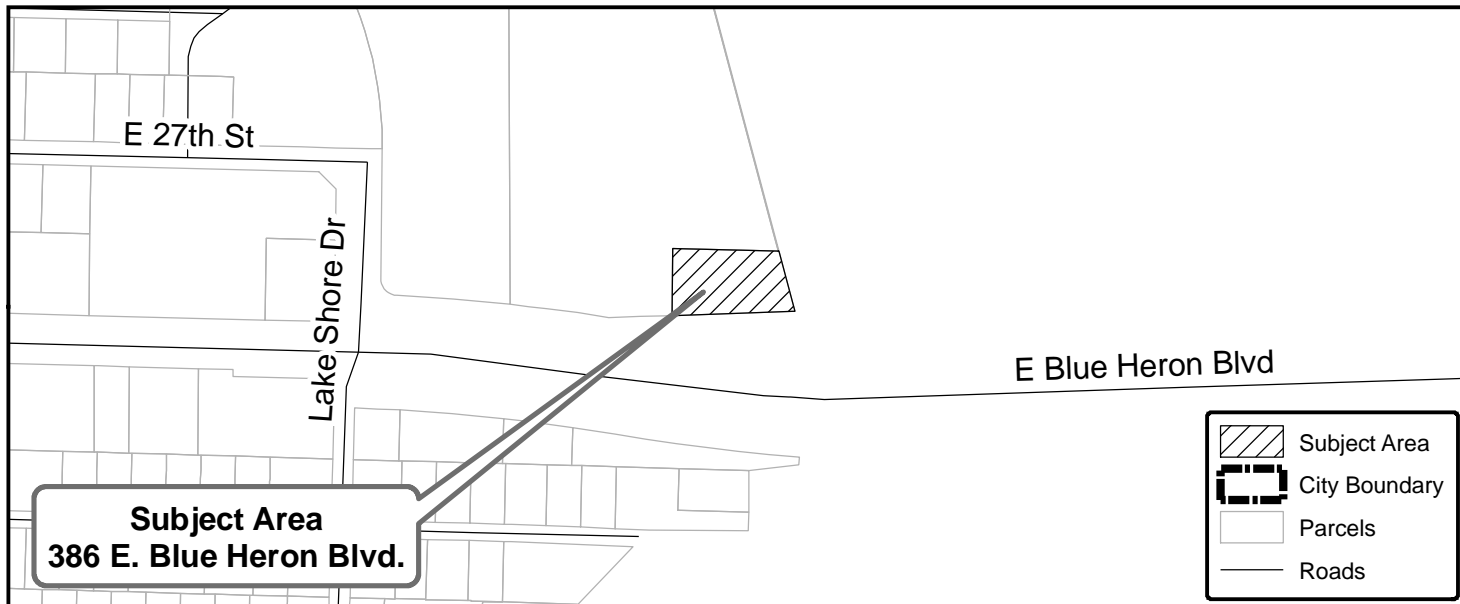
Landscaping: The proposed landscape plan is compatible with the City's Land Development Regulations.

Parking/Traffic: The number of parking spaces proposed (18 spaces) is in compliance with the City's Land Development Regulations for parking within the Downtown area (15 spaces required); specifically City Code Sec. 31-539 "Table A Downtown Zoning District Parking Ratios" (1 space per 300 sq. ft.)

H. Staff Conclusion: City staff advises that the Planning and Zoning Board review and consider all information presented and provide a recommendation to the City Council. If the Planning and Zoning Board chooses to recommend approval, City staff recommends including the following conditions of approval:

1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a certificate of occupancy or certificate of completion is issued.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
3. This development must receive final Certificate of Occupancy from the City for all buildings and units approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.

4. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
5. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
6. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
7. Hours of business operation (open to the public): This business shall close to the general public at 2:00 AM daily.
8. Hours for amplified music:
 - a. Amplified music shall be prohibited on Friday and Saturday between the hours of 11:30 PM and 8:00 AM the next day.
 - b. Amplified music shall be prohibited on Sunday through Thursday between the hours of 10:00 PM and 8:00 AM the next day.



0 37.575 150 225 300
Feet

Data and Map Disclaimer: The Data is provided as is without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Riviera Beach and Palm Beach County make no warranties, expressed or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction, and update.

Location Map

SP-16-18

Crab Pot Restaurant







27th St

Blue Heron Blvd

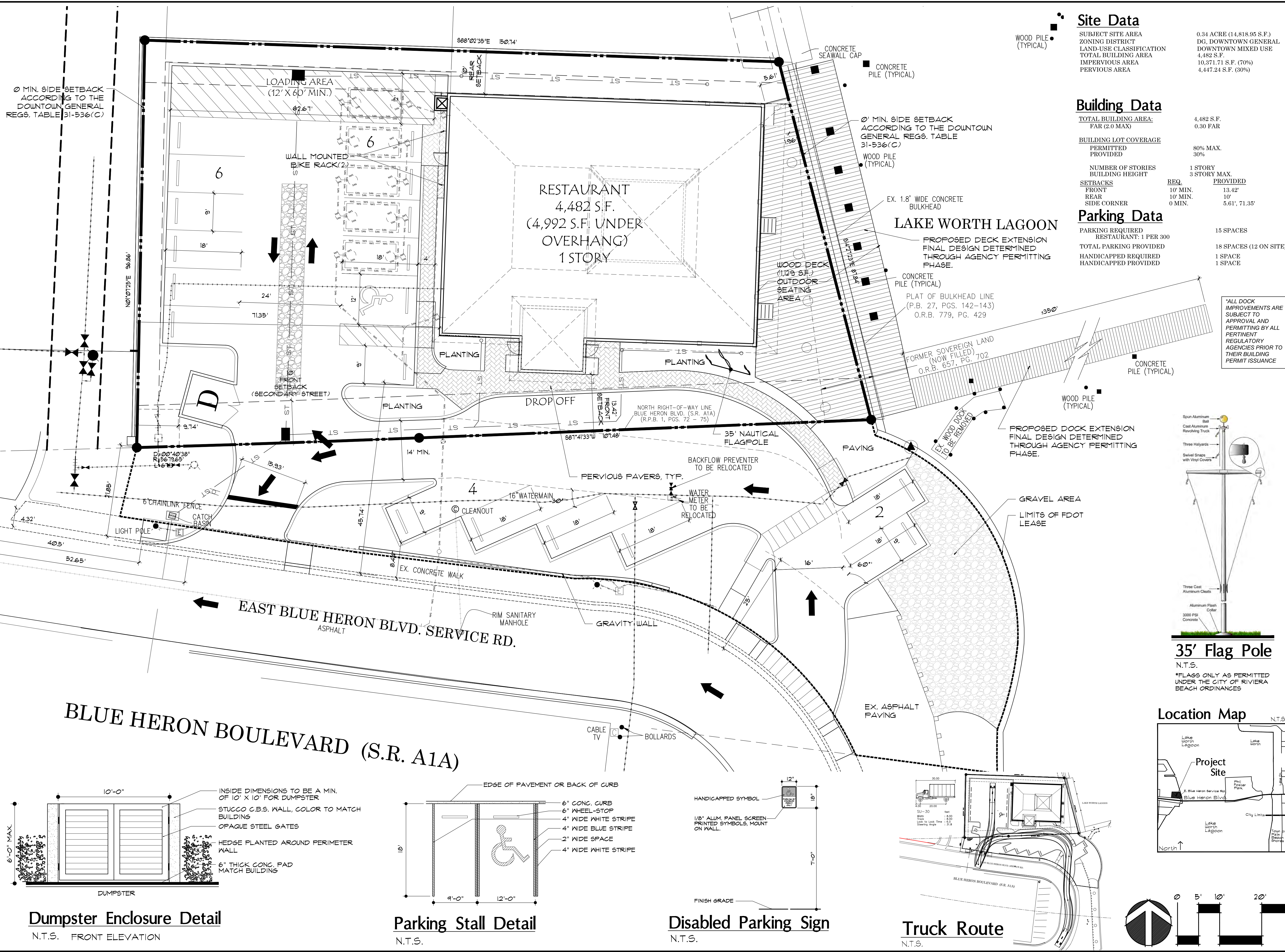
25th St

Lake Shore Dr

-  Crab Pot Restaurant
-  City Boundary



FILE: N10CRAB POT - 15-1017.DWG
PLOT: 3/16/17 AT 11:02PM BY: DSIEMEN
KEEP FOLDING



Site Data

SUBJECT SITE AREA
ZONING DISTRICT
LAND-USE CLASSIFICATION
TOTAL BUILDING AREA
IMPERVIOUS AREA
PERVIOUS AREA

0.34 ACRE (14,818.95 S.F.)
DG, DOWNTOWN GENERAL
DOWNTOWN MIXED USE
4,482 S.F.
10,371.71 S.F. (70%)
4,447.24 S.F. (30%)

Building Data

TOTAL BUILDING AREA:
FAR (2.0 MAX)

4,482 S.F.
0.30 FAR

BUILDING LOT COVERAGE
PERMITTED
PROVIDED

80% MAX.
30%

NUMBER OF STORIES
BUILDING HEIGHT

1 STORY
3 STORY MAX.

SETBACKS

FRONT
REAR
SIDE CORNER

REQ.

10' MIN.
10' MIN.
0 MIN.

PROVIDED

13.42'
10'
5.61', 71.35'

Parking Data

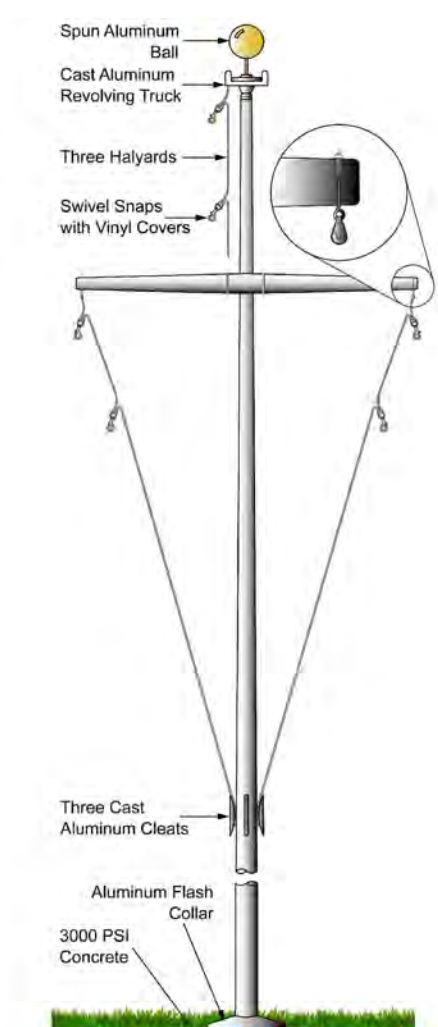
PARKING REQUIRED
RESTAURANT: 1 PER 300

15 SPACES

TOTAL PARKING PROVIDED
HANDICAPPED REQUIRED
HANDICAPPED PROVIDED

18 SPACES (12 ON SITE)
1 SPACE
1 SPACE

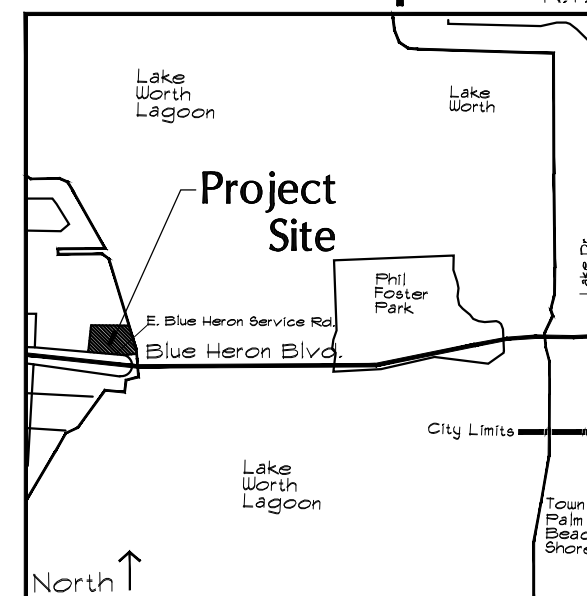
*ALL DOCK
IMPROVEMENTS ARE
SUBJECT TO
APPROVAL AND
PERMITTING BY ALL
PERTINENT
REGULATORY
AGENCIES PRIOR TO
THEIR BUILDING
PERMIT ISSUANCE



35' Flag Pole

N.T.S.
*FLAGS ONLY AS PERMITTED
UNDER THE CITY OF RIVIERA
BEACH ORDINANCES

Location Map



Dumpster Enclosure Detail

N.T.S. FRONT ELEVATION

Parking Stall Detail

N.T.S.

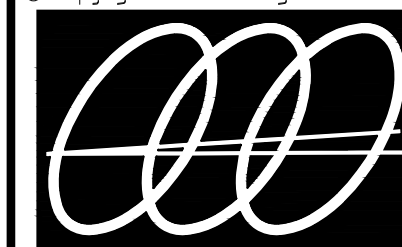
Disabled Parking Sign

N.T.S.

Truck Route

N.T.S.

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Gentile Glas
Holloway
O'Mahoney
& Associates, Inc.
Landscape Architects
Planners and
Environmental Consultants

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561-575-5260 FAX
www.landscapes-architects.com

Crab Pot Site

Final Site Plan

Riviera Beach, Florida

Designed: PSS, GGG
Drawn: PSS
Approved: GGG/EOM/MTH/JML
Date: 10-2-16
Job no: 15-1017
Revisions: 3-10-17

N.T.S.
*FLAGS ONLY AS PERMITTED
UNDER THE CITY OF RIVIERA
BEACH ORDINANCES

Location Map

LC 0000171

Sheet Title:
Final
Site Plan

Scale: 1"=10'-0"

Sheet No.

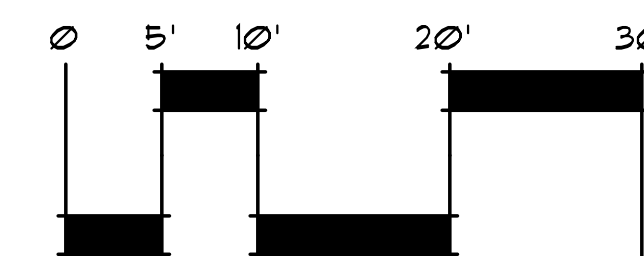
FSP-1

15-1017

1907 Commerce Lane
Suite 101
Jupiter, Florida 33458
561-575-9557
561-575-5260 FAX
www.2GHO.com

Designed: _____ DS
 Drawn: _____ DS
 Approved: _____ GGG/EOM/MT
 Date: _____ 10-3-1
 Job no. _____ 15-101
 Revisions: _____ 12-2-1
 _____ 3-10-1

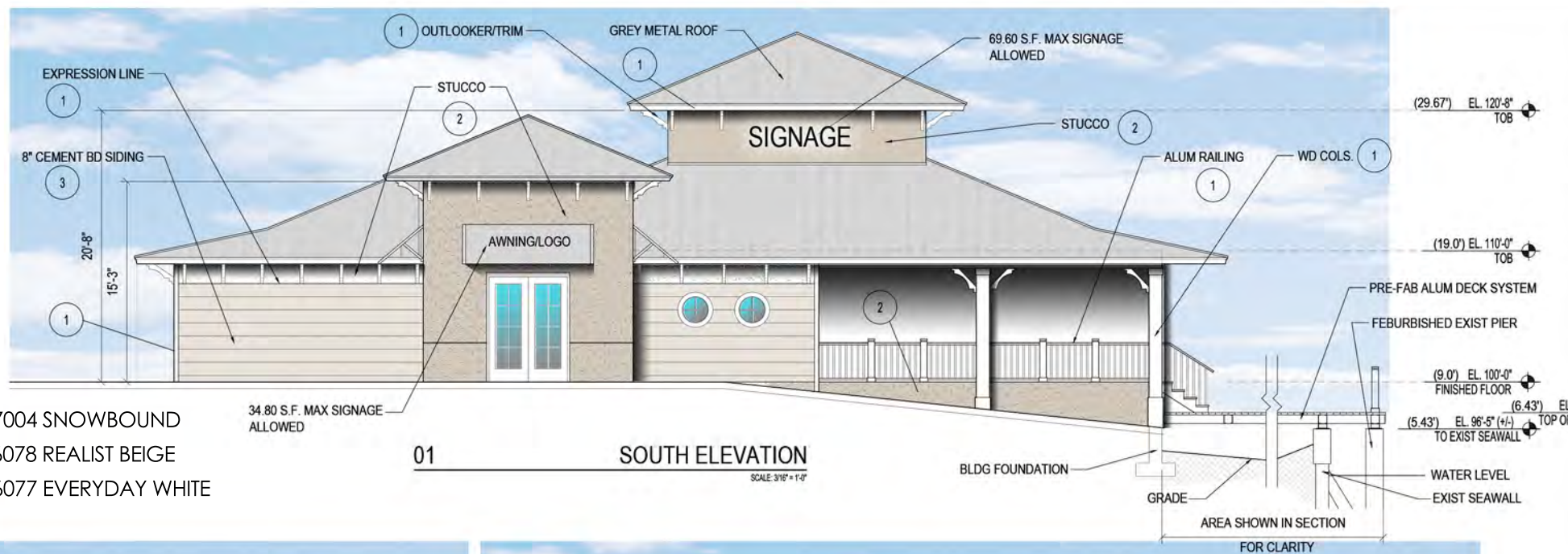
15-1017



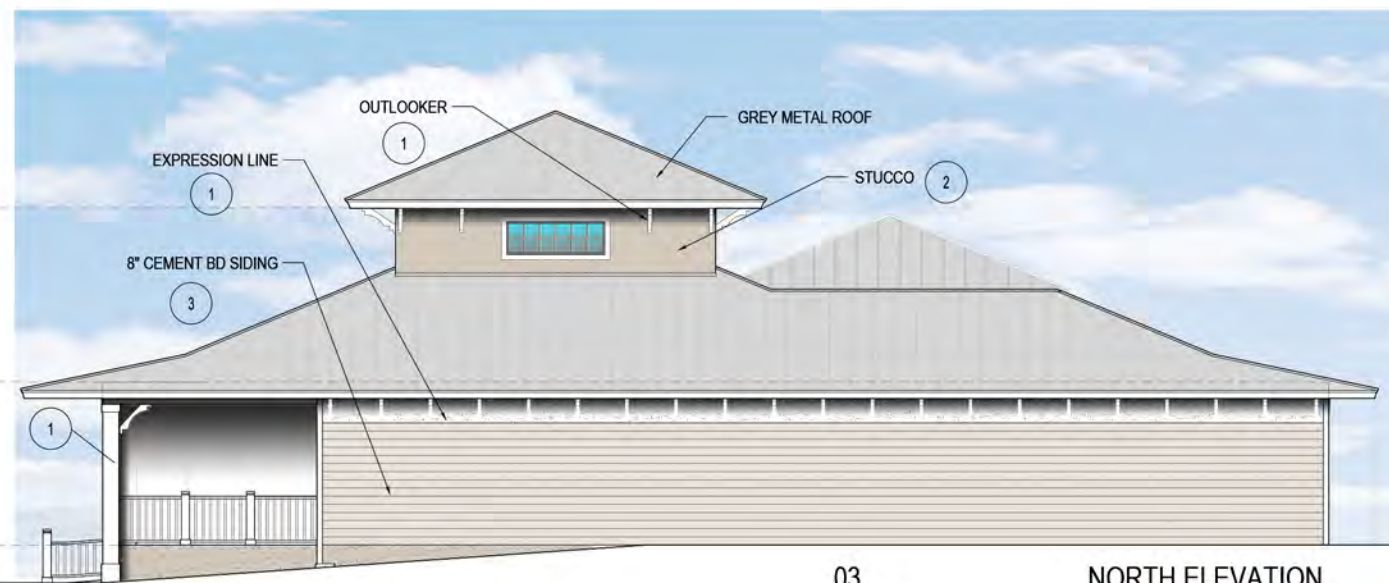
FILE: N:\CRAB POT - 15-1017\DRAWINGS\2GHO FINAL SITE PLAN 15.DWG
PLOTTED: 3/20/17 AT 10:07AM BY: DSIENSEN
REFS: FLRNDWG

COLOR LEGEND	
1	SHERWIN WILLIAMS SW 7004 SNOWBOUND
2	SHERWIN WILLIAMS SW 6078 REALIST BEIGE
3	SHERWIN WILLIAMS SW 6077 EVERYDAY WHITE

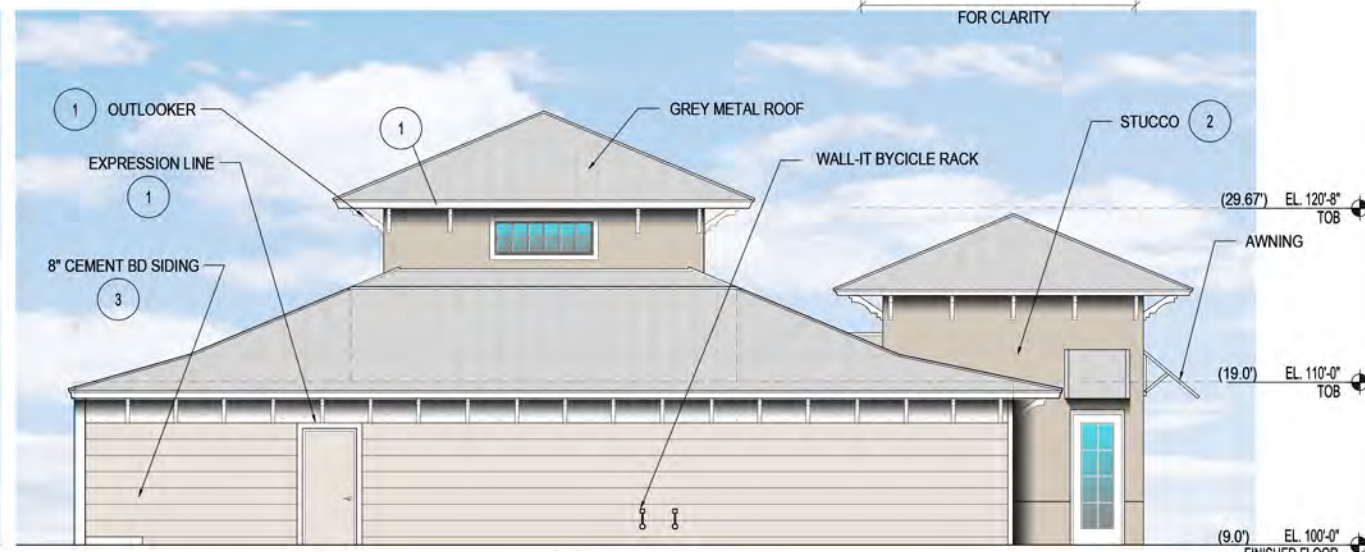
- 1 SHERWIN WILLIAMS SW 7004 SNOWBOUND
 2 SHERWIN WILLIAMS SW 6078 REALIST BEIGE
 3 SHERWIN WILLIAMS SW 6077 EVERYDAY WHITE



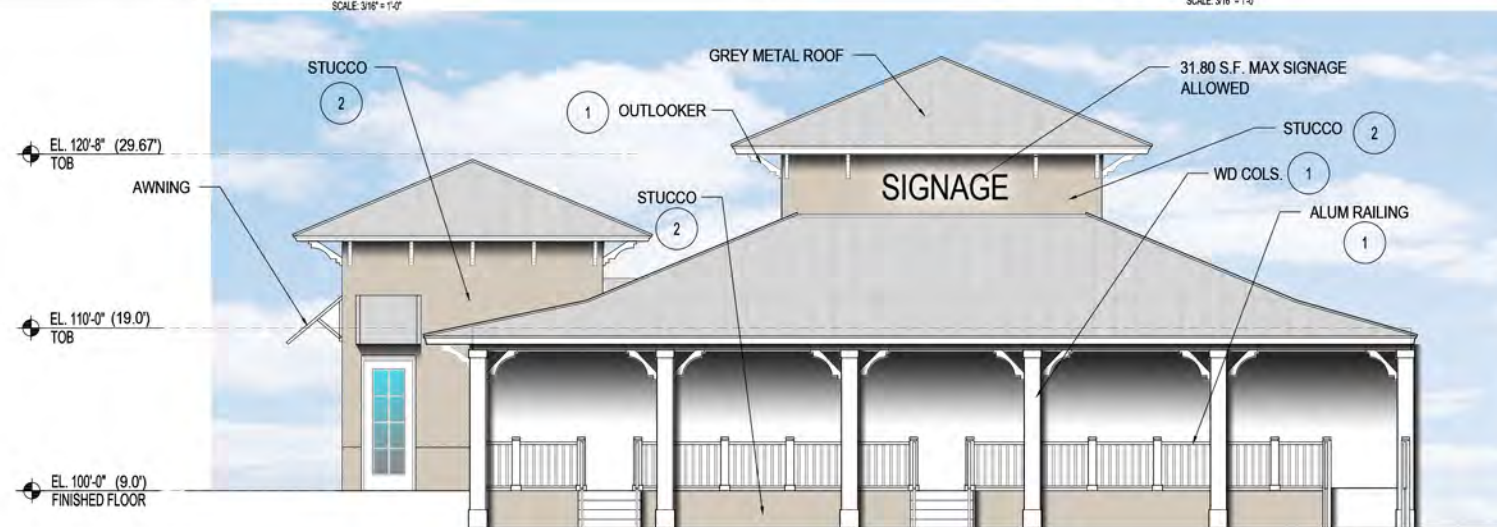
01 SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"



03 NORTH ELEVATION
 SCALE: 3/16" = 1'-0"



02 WEST ELEVATION
 SCALE: 3/16" = 1'-0"



04 EAST ELEVATION
 SCALE: 3/16" = 1'-0"

HARVARD•JOLLY
ARCHITECTURE
 Ft. Myers 239-275-7774
 Jacksonville 904-396-3300
 Orlando 407-667-7727
 St. Pete 727-422-5403
 Tampa 813-286-8006
 West Palm Beach 561-478-4457
 www.harvardjolly.com
 AAC000119
 DESIGN OFFICE LOCATION: 3047 VISTA PARKWAY, STE. 100, WEST PALM BEACH, FL 33411, PH: 561.478.4457

NEW RESTAURANT
 CRAB POT SITE
 386 EAST BLUE HERON BLVD.
 RIVIERA BEACH,
 FLORIDA

Comm. No:	15158.00
Date:	9-26-16
Drawn:	LPC
Revised:	
△	
△	
△	
△	
△	
△	
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René Tercilla AIA, REFP

C1.1





For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required)	

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)
Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):	RIVIERA SHORES LLC		
	Mailing Address:	800 NORTH ROAD, BOYNTON BEACH, FL 33435-3238		
	Property Address:	306 EAST BLUE HERON BLD., RIVIERA BEACH		
	Name of Applicant (if other than owner):	SEVEN KINGS HOLDINGS, INC.		
	Home: ()	— N/A —	Work: (561) 625-9443	Fax: (561) 625-5689
	E-mail Address:	KEN@SKHOLDINGS.COM		

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	DOWNTOWN MIXED USE	Current Zoning Classification:	DOWNTOWN-GENERAL (CITY) IHC-PUD: INLET HARBOR CR (CR)
	Square footage of site:	14,819 SF	Property Control Number (PCN):	56-43-42-28-00-003-0090
	Type and gross area of any existing non residential uses on site:	VACANT SITE		
	Gross area of any proposed structure:	4,500 ⁺ SF		
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [X] No	— N/A —		
	If yes, please describe:	— N/A —		
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [X] No	— N/A —		
	If yes, indicate date, nature and applicant's name:	— N/A —		
	Briefly describe use of adjoining property:	North: MARINA GRANDE TOWERS South: BLUE HERON BLVD BRIDGE & SERVICE ROAD East: INTRACASTAL WATERWAY West: MARINA GRANDE CONDO PARKING STRUCTURE		

REZONE	Requested Zoning Classification:	NO CHANGE FROM EXISTING ZONING.
	Is the requested zoning classification contiguous with existing?	— N/A —
	Is a Special Exception necessary for your intended use? [] Yes [X] No	
	Is a Variance necessary for your intended use? [] Yes [X] No	

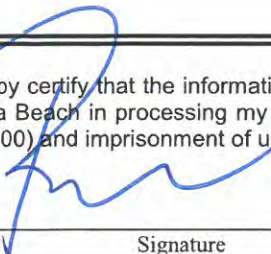
FUTURE LAND USE	Existing Use: <u>VACANT LAND</u>	Proposed Use: <u>RESTAURANT</u>
	Land Use Designation: <u>DOWNTOWN MIXED USE</u>	Requested Land Use: <u>DOWNTOWN MIXED USE</u>
	Adjacent Land Uses: North: <u>RESIDENTIAL (CONDO)</u>	South: <u>BLUE HERON BLVD. BRIDGE / SERVICE ROAD</u>
	East: <u>ICW</u>	West: <u>PARKING GARAGE FOR CONDO BLDG.</u>
	Size of Property Requesting Land Use Change: <u>N/A</u>	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development: WATERFRONT RESTAURANT
	Demonstrate that proposed use is appropriate to site: HISTORICAL USE OF PROPERTY WAS A FORMER RESTAURANT (CRAB POT)
	Demonstrate how drainage and paving requirement will be met: DRAINAGE WILL BE MET USING EXFILTRATION TRENCH & A PIPED DRAINAGE SYSTEM TO THE FDOT DRAINAGE SYSTEM ON THE SERVICE ROAD. PARKING & DRIVE AISLE AREAS WILL BE PAVED.
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: THE SITE IS ALREADY SCREENED ALONG THE NORTH SIDE (CONDO TOWER) & WEST SIDE (PARKING STRUCTURE). NO SCREENING IS PROPOSED FOR WATERFRONT, & SOUTH SIDE IS SCREENED BY ELEVATED BRIDGE EMBANKMENT.
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: PROJECT IS BEING RE-DEVELOPED INTO SAME USE AS PREVIOUSLY ON SITE. TRAFFIC IMPACT WILL BE NO MORE THAN PREVIOUSLY THERE, & IMPROVED PEDESTRIAN/BOATER ACCESS IS ANTICIPATED.
	Demonstrate how utilities and other service requirements of the use can be met: PROPOSED USE MEETS CONCURRENCY.
Demonstrate how the impact of traffic generated will be handled:	SEE ATTACHED TRAFFIC STATEMENT
On-site:	
Off-site:	

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 Signature	SEVEN KINGS HOLDINGS, INC. BY: RAYMOND E GRAZIOTTO, PRES. OCT 3, 2016 Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: RIVIERA SHORES LLC, BY ANDREW PODRAY, AMBR

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared ANDREW PODRAY

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

PC N 56-43-42-28-00-003-0090

the street address of which is: 386 EAST BLUE HERON BLVD., RIVIERA BEACH, FL
and that we hereby appoint:

Name: SEVEN KINGS HOLDINGS, INC. & ITS DESIGNEES
Address: 630 MAPLEWOOD DRIVE, SUITE 100
JUPITER, FL 33458
Telephone: (561) 625-9443

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.

[Signature] (Seal)
[Signature] (Seal)
[Signature] (Seal)

Sworn to and subscribed before me this 29 day of SEPTEMBER, 2016.

[Signature]
Notary Public



AGENT AUTHORIZATION FORM

Owner(s) of Record: AUTHORIZATION TO:
SEVEN KINGS HOLDINGS, INC. & ITS
DESIGNEES.

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared RAYMOND E.
GRAZIO

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of
record of the following described real property: TENANT

PCN 56-43-42-28- 00-003-0090

the street address of which is: 386 EAST BLUE HERON BLVD., RIVIERA BEACH, FL
and that we hereby appoint:

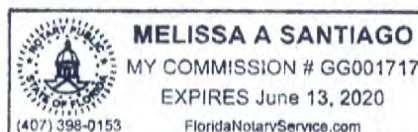
Name: GENTILE, GLAS, HOLLOWAY, O'MATTONEY & ASSOC., INC.
Address: 1907 COMMERCE LANE, SUITE 101
JUPITER, FL 33458
Telephone: (561) 575-9557

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to
represent me (us) at any Hearing regarding my (our) interest.

[Signature] (Seal)
SEVEN KINGS HOLDINGS, INC. (Seal)
RAYMOND E GRAZIO (Seal)
PRESIDENT (Seal)

Sworn to and subscribed before me this 7th day of DECEMBER, 2014.

Melissa A Santiago
Notary Public



CRAB POT SITE
Riviera Beach, FL

SITE PLAN APPLICATION NARRATIVE

The subject site was previously occupied by the Crab Pot, a waterfront restaurant that had been on its site since roughly the middle of the last century. The Crab Pot consisted of about 6,000 square feet, and approximately 14 on-site parking spaces with the balance of any parking historically derived from parking under the adjacent Blue Heron Blvd. bridge and along the service road.

Due in part to the significant damage arising from the 2004 / 2005 hurricane season, the Crab Pot was demolished in 2005, with the then-intent of constructing Inlet Tower, what was to be a 20-story residential condominium building (1 unit per floor). However, with the downturn in the economy and the condominium market collapse the proposed plan proved unfeasible and was abandoned. The site remains currently vacant.

The property is currently owned by Riviera Shores LLC. The Applicant is Seven Kings Holdings, Inc., who has a long term lease with the landowner.

The site itself is comprised of a total of 14,819 square feet (0.34 acres) of land, located in Flood Zone A7, with a minimum elevation of 8' NGVD resulting in a regulatory mandated finish floor elevation of 9' NGVD. Current Land Use / Zoning on the property Downtown Mixed Use / Downtown – General (from the City) and IHC-PUD: Inlet Harbor Center (CRA) respectively. No change from the current Land Use / Zoning designations are being requested.

The Applicant believes this application is fully compliant with the various City Land Development Code for the building.

Relative to concurrency, attached is:

- A traffic statement noting the site is within the City's TCEA, and is therefore in compliance with the Countywide TPS. An application has been filed with the Palm Beach County Traffic Engineering Department for review and approval;
- A City of Riviera Beach Utility District Letter of Capacity for the site;

As a non-residential project school concurrency is not applicable.

Since the demolition of the Crab Pot:

- FDOT has grassed over former paved areas adjacent to the site, while also erecting fencing under the Blue Heron bridge to disallow any random parking;

- The adjacent 20-story Marina Grande condominium towers were completed, which occupy the north side of the property;
- The adjacent 7-story Marina Grande parking structure and recreational facility occupies the west property line; and
- In conjunction with its construction, the above adjacent Marina Grande property (north and west property lines) had installed a fence / wall / landscaping buffer on the Marina Grande property facing this site.

In addition to the above referenced adjoining properties, the subject parcel is bounded on the east by the Intracoastal Waterway, and on the south by the Blue Heron Blvd. service road.

This application is for the City's approval of a roughly 4,500 square foot, one-story waterfront restaurant with seating for a minimum of 150 patrons. Parking consists of both on-site parking (12 on-site parking spaces), and immediately adjacent "off-site" parking in the form of a lease arrangement with FDOT (6 parking spaces), owner of the southerly adjacent ROW for the public service road on which the site faces. Preliminary discussions with FDOT have yielded an informal approval of the submitted site plan and willingness for the land owner to enter into a lease agreement for the shown parking. Formal application to the FDOT has been made concurrent with this City application. FDOT has further indicated any such final lease arrangement will be conditioned upon the City's approval of the submitted site plan.

While the submitted plans include a site plan data sheet showing compliance with the City Land Development Code, a summary of compliance with the Building Standards are as follows:

- The building is a one-story building as defined by the ULDC and complies with Section 31-535(a).
- Ground story of commercial is ten feet to 18 feet tall per Section 31-535(a)(2).
- Roof top equipment is shielded from ground view by placing on the roof per Section 31-535(a)(9). Given the height of the proposed building (one story) and the heights of the surrounding buildings (seven stories plus) shielding the visual impact from adjacent buildings is not possible.
- As a single story structure, the project complies with Section 31-535(a)(10).
- A significant portion of the building's south façade is open air as well and thus meets requirements of Section 31-535(f)(1).
- The nature of the overall design (open structure) does not generally include windows. However, those windows and doors that do occur do include muntins, with limited use of circular windows per Section 31-535(f)(2).
- An expression line has been included in the building design to respond to Sections 31-535(f)(4)) and 31-536(4)a.

- The existing characteristics of the site do not meet any of the standard design nor location criteria referred to in section 29-65. The site is located on a one-way service road and therefore it cannot comply with any of the standard design examples shown in the code. The applicant has designed the subject site to comply with all interior and parking landscape requirements of Section 31-536(b)(3)a.1.
- Due to the existing conditions of the site, particularly the wide distance between the property line and existing pedestrian walk parallel to the existing service road, a combined 8' pedestrian walk cannot be accommodated per Section 31-536(b)(3)a.2. The applicant does propose a pedestrian connection from the proposed building and outdoor dining area to the existing public right-of-way that shall comply with ADA accessibility requirements as well as surface treatment.
- Front setback area has been designed to incorporate pedestrian circulation to the main building entry and outdoor dining area while incorporating complimentary landscape elements without obstructing views of the restaurant use in accord with Section 31-536(b)(3)a.3.
- Due to grade differences facing the south elevation to the ROW it is unsafe to comply with Section 31-536(b)(3)b. However, the proposed building has used a Storefront type of entrance with a "faux" entrance doors facing the south ROW, and the building entrance feature as a whole facing the ROW in an attempt to satisfy this appearance criteria.
- The proposed building complies with using at least one of the allowed frontage types, in this case a Storefront per Sections 31-536(b)(3)c and 31-537(a).
- The applicant has provided a continuous maintained hedge to screen the view of the on-site parking from the right-of-way. Additionally, shade trees have been incorporated in this area as required under Section 31-536(b)(4)b.
- The adjacent residential site to the side and rear have an existing 6' wall and fence combination. The adjacent use to the west side is a parking garage and to the north (rear) is the side of a 20 story condo building. The adjacent buffer is heavily landscaped; however, the Applicant proposes to supplement landscape material where screening may need to be increased from the actual residential units such as from a window into the subject property to address those requirements of Section 31-536(b)(4)c.



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Mary Lou Berger, Mayor

Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

September 26, 2016

Jeff Gagnon
Planning and Zoning Administrator
City of Riviera Beach
600 W. Blue Heron Boulevard
Riviera Beach, FL 33404

**RE: Crab Pot Site
Project #: 160911
TRAFFIC PERFORMANCE STANDARDS REVIEW**

Dear Jeff:

The Palm Beach County Traffic Division has reviewed the **Crab Pot Site** Trip Generation Statement prepared by Pinder Troutman Consulting, Inc., dated August 31, 2016, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code (ULDC). The project is summarized as follows:

Municipality:	City of Riviera Beach
Location:	North of E. Blue Heron Boulevard and approximately 500' east of Lake Shore Drive
PCN #:	56-43-42-28-00-003-0090
Existing Uses:	Vacant
Proposed Uses:	4,486 SF of high turnover sit-down restaurant
Access:	One ingress-only and one egress-only driveway connecting the service loop road under the bridge
New Net Daily Trips:	326
New Net PH Trips:	28 AM (15/13) and 25 PM (15/10)
Build-Out:	December 31, 2020

Based on our review, the Traffic Division has determined the proposed development is located within Riviera Beach TCEA and meets the Traffic Performance Standards of Palm Beach County.

Please note the receipt of a Traffic Performance Standards (TPS) approval letter does not constitute the review and issuance of a Palm Beach County Right-of-Way (R/W) Construction Permit nor does it eliminate any requirements that may be deemed as site related. For work within Palm Beach County R/W, a detailed review of the project will be provided upon submittal for a R/W permit application. The project is required to comply with all Palm Beach County standards and may include R/W dedication.

No building permits are to be issued by the City after the build-out date specified above. The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development Order has been submitted, or the approval letter has been superseded by another approval letter for the same property.

If you have any questions regarding this determination, please contact me at 684-4030 or email to gyuan@pbcgov.org.

Sincerely,

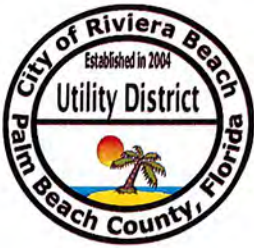
Quan Yuan, P.E.
Professional Engineer
Traffic Division

QY/dd

ec: Addressee
Rebecca J. Mulcahy, P.E. – Pinder Troutman Consulting, Inc.
Quazi Bari, P.E., Professional Engineer – Traffic Division
Steve Bohovsky, Technical Assistant III – Traffic Division

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\MMT\MUNICIPALITIES\APPROVALS\2016\160911 - CRAB POT SITE.DOC

RECEIVED
OCT - 1 2016
COMMUNITY DEVELOPMENT
DEPARTMENT



CITY OF RIVIERA BEACH UTILITY DISTRICT

600 W. BLUE HERON BLVD
TELEPHONE (561) 845-4185

RIVIERA BEACH, FL 33404
FAX (561) 840-7292

September 8, 2016

Mark Williams, P.E.
Southern Design Group
609 North Hepburn Avenue, Ste 204
Jupiter, FL 33404
561-743-0501

RE: Letter of Capacity for Crab Pot Restaurant in Riviera Beach, Florida.

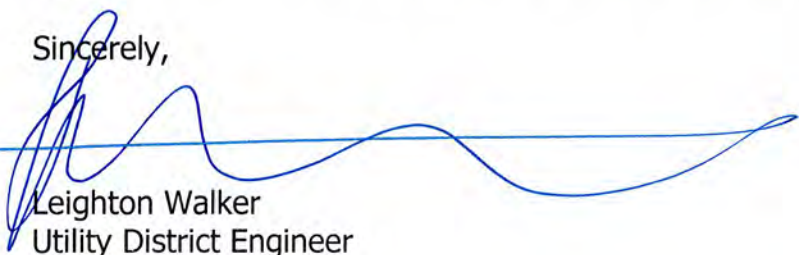
Dear Mr. Williams:

This letter is to confirm that there is sufficient potable water, irrigation water, fire protection pressure, and sewer collection to service this project proposed to be located at 386 East Blue Heron Boulevard. Our understanding is that this 4,486 square foot site will be designed to seat 250 with restrooms and associated facilities.

Please note that it is the District's intention to retain full utility authority and service on this property.

If additional information is needed, please feel free to contact me at (561) 845-4185.

Sincerely,



Leighton Walker
Utility District Engineer

cc: File

From: [March, Ladi](#)
To: [Bailey, Terrence](#); [Velasquez, Mario](#); [Duren, Reginald](#); [Williams III, Clarence D](#); [Perry, Troy](#); [Evans, Jonathan](#)
Cc: [Hughes, Tom](#); FStallworth@wpb.org; [Madden, Michael](#); [Thomas, Steven](#); [Walker, Leighton C](#); [Gagnon, Jeff](#)
Subject: RE: SP-16-18 CRAB POT - 386 E Blue Heron Blvd
Date: Monday, April 10, 2017 5:19:02 PM

Building has no outstanding comments at this time.

From: Bailey, Terrence
Sent: Monday, April 10, 2017 1:20 PM
To: Velasquez, Mario <mvelasquez@Rivierabch.com>; March, Ladi <lmarch@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>; Williams III, Clarence D <cwilliams@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>; Evans, Jonathan <jevans@Rivierabch.com>
Cc: Hughes, Tom <THughes@Rivierabch.com>; FStallworth@wpb.org; Madden, Michael <MMADDEN@Rivierabch.com>; Thomas, Steven <ssthomas@Rivierabch.com>; Walker, Leighton C <Lcwalker@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>
Subject: RE: SP-16-18 CRAB POT - 386 E Blue Heron Blvd

Good afternoon Team,

The developer of the Crab Pot is asking why they have not been scheduled for PZ Board review. We would like to place this project on the next meeting if the comments have been addressed. We have received comments from Police and Fire and need comments from the remaining departments with outstanding comments.

Thank you for your assistance in advance.

Terrence N. Bailey, LEED AP, P.E.
Director of Community Development
[600 Blue Heron, Riviera Bch 33404](#)
Phone: (561) 845-4060
Fax: (561) 840-4038
tbailey@rivierabch.com

We are what we repeatedly do. Excellence then is not an act, but a habit
-Aristotle

From: Velasquez, Mario
Sent: Wednesday, April 5, 2017 10:47 AM
To: March, Ladi <lmarch@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>; Williams III, Clarence D <cwilliams@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>
Cc: Hughes, Tom <THughes@Rivierabch.com>; FStallworth@wpb.org; Madden, Michael <MMADDEN@Rivierabch.com>; Thomas, Steven <ssthomas@Rivierabch.com>; Walker, Leighton C <Lcwalker@Rivierabch.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Gagnon, Jeff

<Jgagnon@Rivierabch.com>

Subject: SP-16-18 CRAB POT - 386 E Blue Heron Blvd

Good morning everyone,

The deadline for the comments was on Monday April 3, 2017. At this time, I have only received comments from Fire Department (THANK YOU).

Please review the information provided and provide your comments as soon as possible. Staff is planning on submitting a response to the applicant on Friday April 7, 2017 and would like to include your comments.

Thank you all for your cooperation,

Mario Velasquez, *Senior Planner/GIS Specialist*
City of Riviera Beach, P: (561) 845-4034, F: (561) 845-4038

From: Velasquez, Mario

Sent: Monday, March 27, 2017 4:59 PM

To: March, Ladi <lmarch@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>; Williams III, Clarence D <cwilliams@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>

Cc: Hughes, Tom <THughes@Rivierabch.com>; 'FStallworth@wpb.org' <FStallworth@wpb.org>; Madden, Michael <mmadden@Rivierabch.com>; Thomas, Steven <ssthomas@Rivierabch.com>; Walker, Leighton C <Lcwalker@Rivierabch.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>

Subject: SP-16-18 CRAB POT - 386 E Blue Heron Blvd

Good afternoon,

The applicant has resubmitted and provided responses to your comments and concerns.

Please provide comments in your area of expertise on or before Monday April 3, 2017.

A link has been provided for you to access the digital copies of the submittal:

<https://files.secureserver.net/OfUsmuxHuwlgne>

Thank you for your cooperation,

Mario Velasquez, *Senior Planner/GIS Specialist*
City of Riviera Beach, P: (561) 845-4034, F: (561) 845-4038

From: [Bailey, Terrence](#)
To: [Velasquez, Mario](#)
Cc: [Gagnon, Jeff](#)
Subject: RE: SP-16-18 CRAB POT - 386 E Blue Heron Blvd
Date: Friday, January 20, 2017 10:19:26 AM

Mario,
Below was my comments on the Crab Pot.

Terrence N. Bailey, LEED AP, P.E.
Director of Community Development
[600 Blue Heron, Riviera Bch 33404](#)
Phone: (561) 845-4060
Fax: (561) 840-4038
tbailey@rivierabch.com

We are what we repeatedly do. Excellence then is not an act, but a habit
-Aristotle

From: Bailey, Terrence
Sent: Monday, December 19, 2016 1:45 PM
To: Velasquez, Mario <mvelasquez@Rivierabch.com>
Cc: Gagnon, Jeff <Jgagnon@Rivierabch.com>
Subject: RE: SP-16-18 CRAB POT - 386 E Blue Heron Blvd

Engineering is satisfied with the comments and revisions.

Terrence N. Bailey, LEED AP, P.E.
Riviera Beach City Engineer
[2391 Ave L Riviera Bch 33404](#)
Phone: (561) 845-3472
Fax: (561) 840-4845
tbailey@rivierabch.com

We are what we repeatedly do. Excellence then is not an act, but a habit
-Aristotle

From: Velasquez, Mario
Sent: Thursday, December 15, 2016 12:23 PM
To: buildingofficialtemp <buildingofficialtemp@Rivierabch.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>; Williams III, Clarence D <cwilliams@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>
Cc: Jones, Danny <ddjones@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>; Hughes, Tom <THughes@Rivierabch.com>; FStallworth@wpb.org; Madden, Michael <MMADDEN@Rivierabch.com>; Thomas, Steven <sssthenas@Rivierabch.com>; Walker, Leighton C <Lcwalker@Rivierabch.com>
Subject: RE: SP-16-18 CRAB POT - 386 E Blue Heron Blvd

Good afternoon,

The applicant has resubmitted and provided responses to your comments and concerns.
Please provide comments in your area of expertise on or before Friday December 30, 2016.
A link has been provided for you to access the digital copies of the submittal:

<https://files.secureserver.net/Of3SNe5TmTzyjR>

Thank you for your cooperation,

Mario Velasquez, *Senior Planner/GIS Specialist*
City of Riviera Beach, P: (561) 845-4034, F: (561) 845-4038

Velasquez, Mario

From: Bailey, Terrence
Sent: Thursday, April 20, 2017 1:23 PM
To: Gagnon, Jeff; Velasquez, Mario
Subject: FW: SP-16-18 Crab Pot

Follow Up Flag: Follow up
Flag Status: Flagged

Terrence N. Bailey, LEED AP, P.E.
Director of Community Development
[600 Blue Heron, Riviera Bch 33404](#)
[Phone:](#) (561) 845-4060
[Fax:](#) (561) 840-4038
tbailey@rivierabch.com

We are what we repeatedly do. Excellence then is not an act, but a habit
-Aristotle

From: Duren, Reginald
Sent: Thursday, April 20, 2017 1:23 PM
To: Bailey, Terrence <TBailey@Rivierabch.com>
Subject: RE: SP-16-18 Crab Pot

Yes, the project can move forward pursuant to the guidance detailed in the Fire Rescue Department memo dated March 31, 2017, from Fire Inspector Frank Stallworth.

Reginald K. Duren
Fire Chief
Riviera Beach Fire Rescue
600 West Blue Heron Blvd.
Riviera Beach, FL 33404
rduren@rivierabch.com

From: Bailey, Terrence
Sent: Wednesday, April 19, 2017 10:11
To: Walker, Leighton C <Lcwalker@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>
Subject: FW: SP-16-18 Crab Pot

Chief Duren and Leighton

I see your comments, can this project move forward with site plan approval with these comments being addressed. If this is acceptable please amend the letter to state that the project can move forward with site plan approval.

Terrence N. Bailey, LEED AP, P.E.
Director of Community Development
[600 Blue Heron, Riviera Bch 33404](#)

[Phone: \(561\) 845-4060](tel:(561)845-4060)
[Fax: \(561\) 840-4038](tel:(561)840-4038)
tbailey@rivierabch.com

We are what we repeatedly do. Excellence then is not an act, but a habit
-Aristotle

From: Velasquez, Mario
Sent: Tuesday, April 18, 2017 1:23 PM
To: Kenneth A. Blair <Ken@SKHOLDINGS.com>
Cc: Dan Siemsen <DSiemsen@2gho.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>
Subject: SP-16-18 Crab Pot

Good afternoon Ken,

Please see attached the comments the Crab Pot project.
If you have any questions, please do not hesitate to contact me.

Have a nice day,

Mario Velasquez, *Senior Planner/GIS Specialist*
City of Riviera Beach, P: (561) 845-4034, F: (561) 845-4038

POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

To: DeAndrae Spradley
From: Steven Thomas, Major of Police
Date: April 5, 2017
Re: Crab Pot SP-16-18

The police department has no further comments.

CC: Clarence Williams, Chief of Police
Michael Madden, Asst. Chief of Police
Natalie Moore, Code Enforcement Administrator
Spencer Rozier, District 1 Commander



MEMORANDUM

To: **Mario Velasquez, Senior Planner**
Community Development

From: **Leighton Walker – Utilities Engineer**

Date: **April 20, 2017**

Re: **Crab Pot Plan Review**

The Utility District approves the site plan provided that the below stated condition which was agreed to by the owner's engineer (in the attached email sent) on April 12, 2017 is satisfactorily met:

- Based on the field location of the existing 16" water main along the frontage of the property, a utility easement granted to the RBUD may be required prior to the certificate of occupancy for the building. The existing 16" water main will be field located by the owner/contractor to the satisfaction of the RBUD and a determination made at that time regarding the need for a utility easement.

LCW

Walker, Leighton C

From: Mark Williams <markw@sdgcivil.com>
Sent: Wednesday, April 12, 2017 4:42 PM
To: Walker, Leighton C
Cc: 'Ken Blair'
Subject: Crab Pot - FDOT Utility Permit application
Attachments: Utility permit 2 pgs.pdf

Leighton,

See attached FDOT application for your signature as discussed. We also need at least one set of stamped approved plans please.

Please sign and advise regarding pick up.

Also, as discussed, you indicated that the need for a utility easement on the property relative to the location of the existing 16" water main (for maintenance purposes) can be required as a condition of the approval. Can we add a condition to the site plan approval that states " based on the field location of the existing 16" water main along the frontage of the property, a utility easement granted to the RBUD may be required prior to the certificate of occupancy for the building. The existing 16" water main will be field located by the owner/contractor to the satisfaction of the RBUD and a determination made at that time regarding the need for a utility easement".

If we can include this type of verbiage in the approval of the site plan, it will avoid another submittal and review relative to the obtaining final approval of the site plan.

Thank you for considering the above.

Mark A. Williams, P.E.
Southern Design Group, Inc.
609 No. Hepburn Avenue, Suite 204
Jupiter, FL 33458
Ph. No. 561-743-0501
Cell No. 561-389-8401
Fax. No. 561-743-1420
markw@sdgcivil.com



**STAFF REPORT – CITY OF RIVIERA BEACH
CASE NUMBERS SP-16-15 / SE-16-02
PLANNING AND ZONING BOARD, MAY 11, 2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION APPLICATION FROM CATOE HOLDINGS, LLC TO BUILD AND OPERATE AN 8,078 SQUARE FOOT WAREHOUSE WITH ACCESSORY OFFICE, ON A VACANT PARCEL OF LAND, APPROXIMATELY +/- 1.0 ACRE, IDENTIFIED BY PARCEL CONTROL NUMBER 56-42-42-26-02-000-0010, LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF HAVERHILL ROAD AND HAVERHILL BUSINESS PARKWAY, WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicant: Catoe Holdings, LLC

B. Request: The applicant is requesting site plan and special exception approval to build a new plumbing warehouse with its accessory office space, to relocate an existing business within the City.

C. Location: The proposed location is on the north side of the intersection of Haverhill Rd and Haverhill Business Parkway.

D. Property Description and Uses: The subject property description and uses are as follows:

Parcel Control Number: 56-42-42-26-02-000-0010.

Parcel Size: +/- 1 acre.

Existing Use: Vacant Lot.

Zoning: General Industrial (IG) Zoning District.

Future Land Use: Industrial.

E. Adjacent Property Description and Uses:

North: Industrial Building; General Industrial (IG) Zoning and Industrial Future Land Use

South: Vacant; COUNTY

East: Vacant; General Industrial (IG) Zoning and Industrial Future Land Use

West: Vacant; COUNTY

F. Background:

Mid 2016, Mr. Warren Catoe contacted the City and discussed with staff the options to expand his existing business in the City and develop a new facility. Late 2016, Catoe Holdings, LLC submitted an application for site plan and special exception, which has been reviewed by City staff for compatibility and consistency with the City's Comprehensive Plan

and Land Development Regulations. The following staff analysis has been prepared for your review:

G. Staff Analysis:

Proposed Development/Use: The applicant is proposing to develop an 8,078 warehouse with accessory office use. This proposal would allow an existing business in the City to expand its business capacities while at the same time keeping the business within the City.

Zoning Regulations: The proposed use complies with the City's Land Development Regulations for the General Industrial (IG) Zoning District, providing that a Special Exception approval is granted by City Council for the warehouse use.

Comprehensive Plan: The proposed use is consistent with the Comprehensive Plan's Industrial Future Land Use designation.

Compatibility: The proposed project is compatible with the surrounding parcels and uses.

Levels of Service: City services such as roads, water, sewer, and garbage collection are currently available to the site.

Landscaping: The proposed landscape plan is compatible with the City's Land Development Regulations.

Parking/Traffic: Adequate parking has been proposed in accordance with the City's Land Development Regulations.

H. Special Exception Analysis

a. *Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

- Ingress to and Egress from the site are available directly off of Haverhill Business Parkway, which can be accessed from the north and south via Haverhill Rd.

b. *Off-street parking and loading areas, where required, including consideration of relevant factors in subsection (2)a. of this section, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.*

- Adequate parking spaces have been proposed in accordance with the City's Land Development Regulations.
- One truck loading/unloading area will be provided.

c. *Refuse and service areas, including consideration of relevant factors in subsections (2)a and b of this section.*

- A 6 foot high masonry enclosure has been proposed to hold a dumpster for onsite garbage collection.

d. *Utilities, including such consideration as hook-in locations and availability and compatibility of utilities for the proposed use or structure.*

- Utilities are currently available to the site and will be properly connected as regulated by the Utility District.
- e. *Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.***
- Adequate landscaping has been proposed along the perimeter of the property which must be maintained according to the City's Land Development Regulations.
 - The applicant has preserved many of the existing trees and vegetation.
- f. *Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.***
- One attached sign is proposed on the main façade of the building, which will be regulated by the Code of Ordinances.
 - No freestanding signage is currently proposed.
 - A lighting plan has been provided, which demonstrates adequate lighting and no light trespass from the property.
- g. *Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.***
- Adequate yard/open space has been proposed in accordance with the City's Land Development Code.
- I. **Staff Conclusion:**** City staff advises that the Planning and Zoning Board review and consider all information presented and provide a recommendation to the City Council. If the Planning and Zoning Board chooses to recommend approval, City staff recommends including the following conditions of approval:
1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued.
 2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
 3. This development must receive final Certificate of Occupancy from the City for all buildings and units approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan and special exception approval and re-initiate the site plan approval process.

4. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Sec. 31-554 will be levied against the property owner and/or business for violation of this condition.
5. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
6. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.





0 37.5 75 150 225 300
Feet

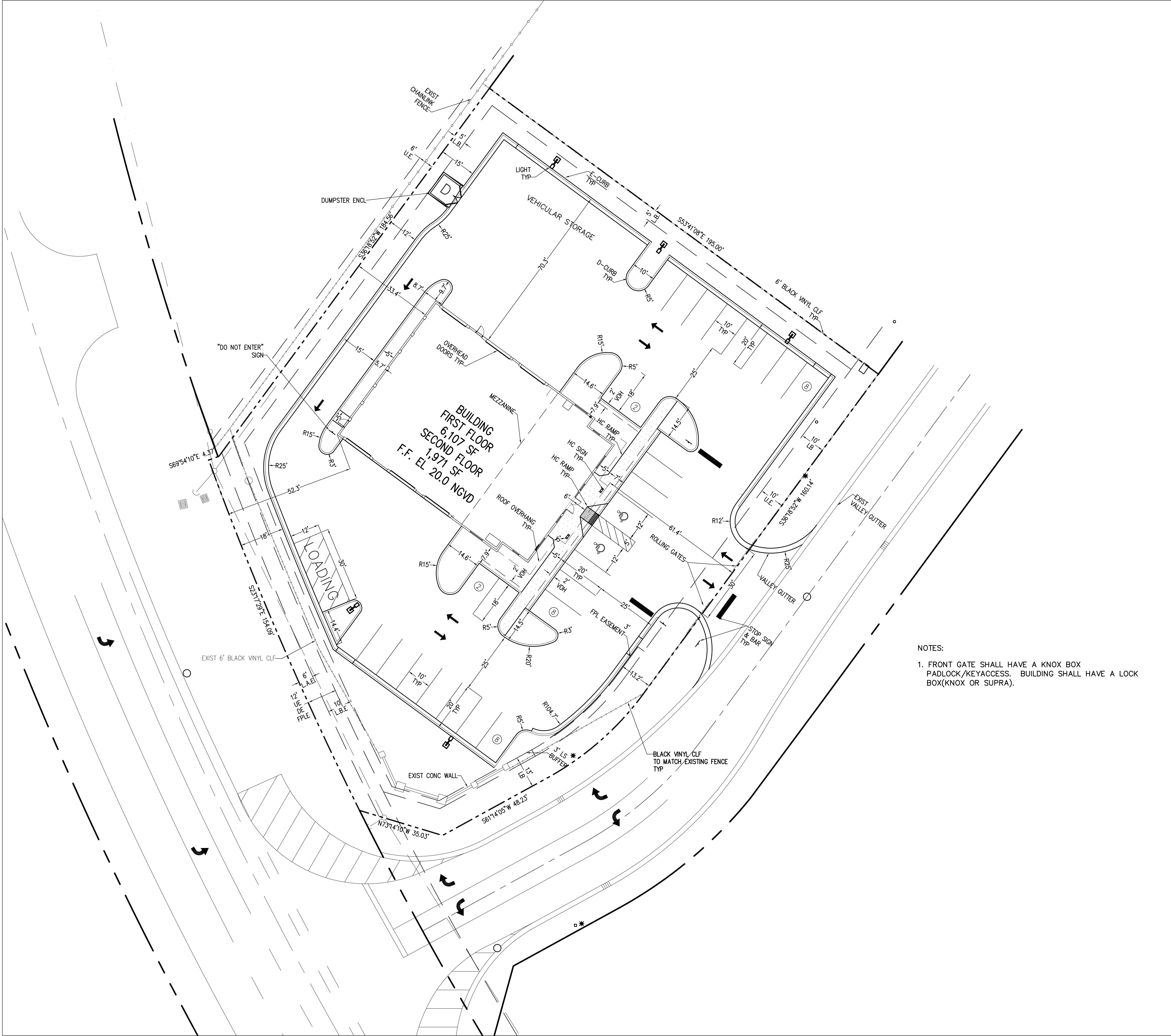
Data and Map Disclaimer: The Data is provided as is without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Riviera Beach and Palm Beach County make no warranties, expressed or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction, and update.

Location Map SP-16-15 & SE-16-02 Catoe Holdings

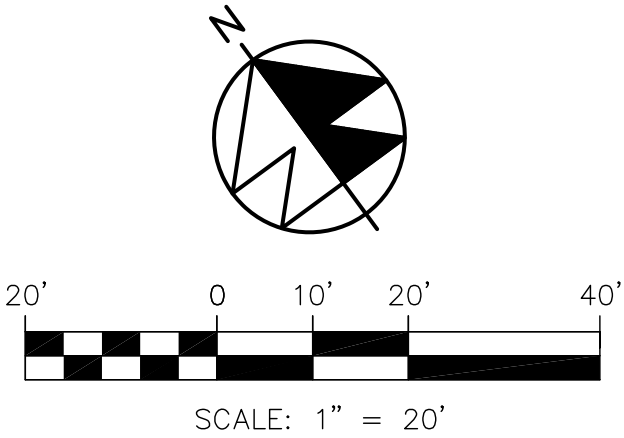
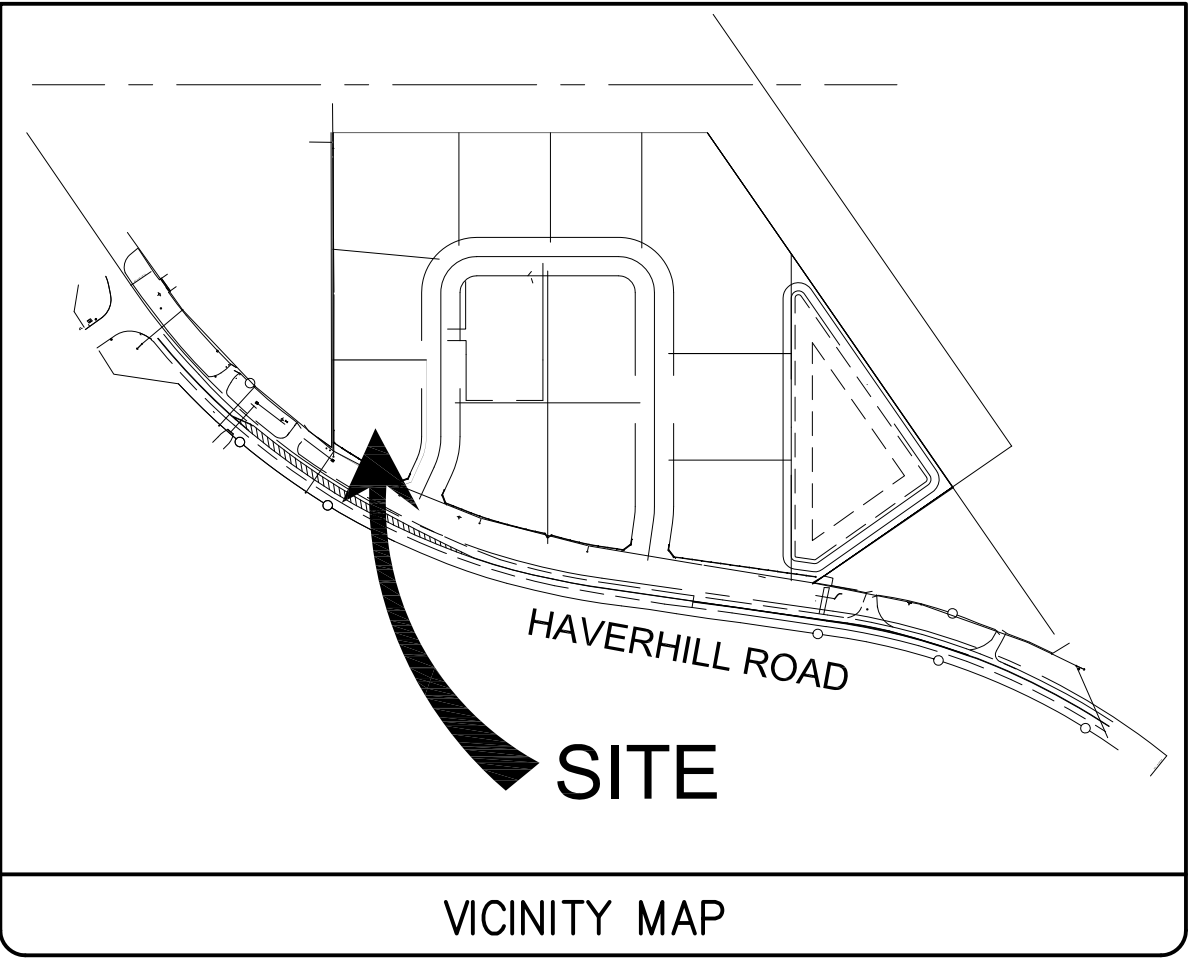




-  Catoe Holdings
-  City Boundary

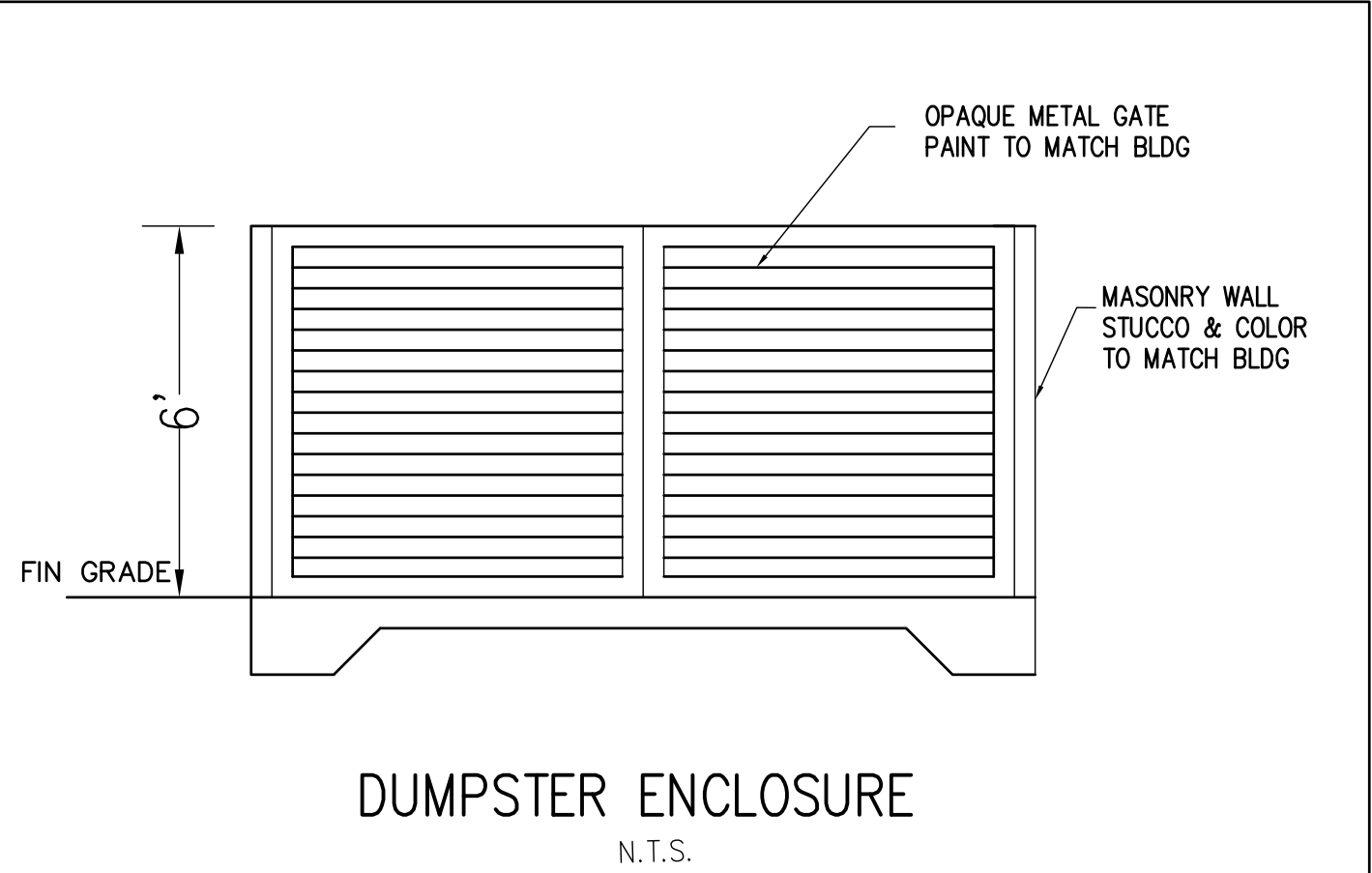


- NOTES:
1. FRONT GATE SHALL HAVE A KNOX BOX PADLOCK/KEYACCESS. BUILDING SHALL HAVE A LOCK BOX(KNOX OR SUPRA).



SITE DATA

PROPOSED USE	INDUSTRIAL			
ZONING	IG			
FUTURE LAND USE	INDUSTRIAL			
PCN	56-42-42-260-2000-0010			
SECTION 33, TOWNSHIP 42S, RANGE 43E				
LOT AREA NET	45,233 SF	1.04 AC	100.0%	
BUILDING COVERAGE	6,107 SF	0.14 AC	13.5%	
PAVT/SW	25,592 SF	0.59 AC	56.6%	
IMPERVIOUS AREA	31,699 SF	0.73 AC	70.1%	
PERVIOUS AREA	13,534 SF	0.31 AC	29.9%	
GROSS FLOOR AREA	8,078 SF			
BLDG HEIGHT LIMIT	35 FT. MAX			
BLDG HEIGHT PROPOSED	27'-4" FT			
PARKING REQ	AREA	RATE	REQ'D	
OFFICE	1,971 SF	1 PER 300 SF	7 PS	
WAREHOUSE	4,136 SF	1 PER 1000 SF	6 PS	
MEZZANINE/STORAGE	1,971 SF	1 PER 1000 SF	2 PS	
			15 PS	
			REQ'D	
		PROPOSED PARKING SPOTS	27	
		REQUIRED HANDICAP SPOTS	2	
		PROPOSED HANDICAP SPOTS	2	
FRONT SETBACK (MINIMUM)	=	40 FEET		
REAR SETBACK (MINIMUM)	=	20 FEET		
SIDE SETBACK (MINIMUM)	=	15 FEET		



REVISIONS
12-07-2016 REV PER CITY

Jeff H. Iravani, Inc.
Consulting Engineers
1934 COMMERCE LANE, SUITE 5
JUPITER, FLORIDA 33458
TEL: (561) 575-6030
FAX: (561) 575-6088
www.jhinc.com
JHI@ellsouth.net

Catote & Son Plumbing, Inc.
Haverhill Industrial Park Lot-1
Riviera Beach, Florida

SITE PLAN			
DATE	SCALE	DESIGNED BY	DRAWN BY
07/12/2016	1/20	JHI	JBI

SEAL
JEFF H. IRAVANI, PE FL REG #33155 COA #6986 JOB NO.
1606-1188 SHEET NO.
SP-1

SHEET 1 OF 2

© COTLEUR & HEARING, INC.

These drawings are the property of the architect and are not to be used for extensions or on other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:		Case Number:	
	Project Title:			
	Fee Paid:		Notices Mailed:	
	1st Hearing:		2nd Hearing:	
	Publication Dates (if required)			

UNIFORM LAND USE APPLICATION

(Please attach separate sheet of paper for required additional information)

Complete appropriate sections of Application and sign.

APPLICANT	Name of Property Owner(s):
	Mailing Address:
	Property Address:
	Name of Applicant (if other than owner):
	Home: () Work: () Fax: ()
	E-mail Address:

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	Current Zoning Classification:
	Square footage of site:	Property Control Number (PCN):
	Type and gross area of any existing non residential uses on site:	
	Gross area of any proposed structure:	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North:	
	South:	
	East:	
	West:	

REZONE	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Is a Variance necessary for your intended use? <input type="checkbox"/> Yes <input type="checkbox"/> No

FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN

Describe proposed development:

Light industrial, office & warehouse use for a plumbing company.

Demonstrate that proposed use is appropriate to site:

The proposed use is appropriate to site.

Demonstrate how drainage and paving requirement will be met:

Drainage shall connect to existing master drainage system.

Demonstrate any landscaping techniques to visually screen use from adjacent uses:

Hedges & trees are used for buffering per landscape plan.

Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:

There are none.

Demonstrate how utilities and other service requirements of the use can be met:

There are existing water & dry utilities on site.

Demonstrate how the impact of traffic generated will be handled:

On-site: Project traffic impact is insignificant.

Off-site:

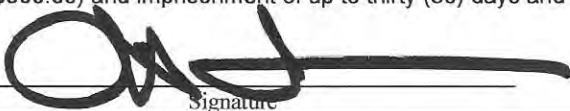
OTHER

COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:

- Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit.
- Antenna manufacture cut sheets including antenna size and shape.
- Zoning map of area with site clearly marked.
- Photos of existing building or tower and surrounding uses.
- Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional.
- Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop.
- Letter of structural capacity and building code compliance.
- Notes on plan or letter demonstrating floor area coverage not in excess of restrictions
- Provide Photo Enhancements of proposal.
- Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy

I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.


Signature

1-9-17
Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: Catoe Holdings LLC

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared Warren Catoe

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

Lot 1, Haverhill Business Park as recorded in Plat Book 101, Page 139, Palm Beach
County, Florida.

the street address of which is: Lot 1, Haverhill Business Park

and that we hereby appoint:

Name: Jeff H. Iravani

Address: 1934 Commerce Lane, Suite 5, Jupiter, FL 33458

Telephone: 561-575-6030

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.

Warren Catoe (Seal)
Warren Catoe, President

(Seal)

(Seal)

Sworn to and subscribed before me this 26th day of August, 2016.

C. J. Masel
Notary Public



Catoe & Son Plumbing, Inc

COVER LETTER

The site is lot 1 of Haverhill Industrial Park and consists of 1.04 ac of vacant land. Haverhill Industrial Park is located on the east side of Haverhill Road and approximately 0.25 mi south of Beeline Hwy and consists of 20.65 ac of vacant land which is to be subdivided into 12 lots.

It is proposed to construct an 8,078 SF office warehouse building with required infrastructure to be utilized by a plumbing company.

Section 26, Township 42S, Range 42E, City of Riviera Beach, Palm Beach County, Florida.

Traffic Impact Statement

For

Catoe & Son Plumbing, Inc
Haverhill Industrial Park
Lot 1

PCN# 56-42-422-602-0000-010

Riviera Beach, Florida

8-29-2016

Prepared By:

Jeff H. Iravani, Inc.
Consulting Engineers
1934 Commerce Lane, Suite 5
Jupiter, Florida 33458
JHI@bellsouth.net
www.JHIinc.com
Tel: (561) 575-6030
Fax: (561) 575-6088

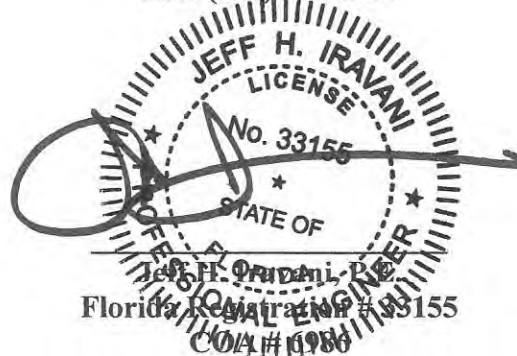


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I. Introduction

The site is lot 1 of Haverhill Industrial Park and consists of 1.04 ac of vacant land. Haverhill Industrial Park is located on the east side of Haverhill Road approximately 0.25 mi south of Beeline Hwy and consists of 20.65 ac of vacant land which is subdivided into 12 lots. It is proposed to construct a 8,078 gross sf(6,107sf first floor) warehouse facility and supporting infrastructure.

See Exhibit-A.

Access to the project is provided by two driveways from Haverhill Business Parkway.

Section 26, Township 42S, Range 42E, Riviera Beach, Florida

II. Trip Generation

A. Proposed

USE		Bldg SF/EA	ADT VTEPD	AM PHT VTEPH					PM PHT VTEPH				
	(%)				IN	(%)	OUT	(%)		IN	(%)	OUT	(%)
Warehouse ITE 150		6,107	22	2	2	79%	0	21%	2	0	25%	1	75%
Internal	0%			0	0		0			0		0	
Pass-by	10%		2	0	0		0		0	0		0	
General Office ITE 710		1971	66	8	7	88%	1	12%	3	0	17%	2	83%
Internal	0			0	0		0			0		0	
Pass-by	10%		7	1	1		0		0	0		0	
Total Generated		8,078	88	10	9		1		5	0		4	

Trip Generation formulas:

Warehouse ITE 150: ADT= 3.56/KSF, AM PHT=0.30/KSF, PM PHT=0.32/KSF

General Office ITE 710: ADT= LnT=0.76LnX+3.68, AM PHT= LnT=0.80LnX+1.57, PM PHT= 1.49/KSF

III. Radius of Influence

The proposed project increases the AM PHT by 10 and PM PHT by 5.

Per Palm Beach County Unified Land Development Code Table 12.B.2.D-7 3A, the radius of influence for 10 peak hour trips is the directly accessed arterial for Tests 1 and 2. The directly accessed arterial for the project is Haverhill Road link from Beeline Hwy to 45th Street.

IV. Impact Analysis

The generated peak hour traffic is assigned per Exhibits D & E. The maximum generated peak hour peak directional trips for this project is 5.

Test-1

The impact of this proposal on Haverhill Road is insignificant since the proposed maximum generated trips are less than 1% of LOS-D for a Class-I two lanes undivided roadway or 9 trips. Please see Exhibit B for Table.

Test-2

The impact of this proposal on Haverhill Road is insignificant since the proposed maximum generated trips are less than 3% of LOS-E for a Class-I two lanes undivided roadway or 27 trips.

This project meets Test-1 & Test-2 requirements. Therefore, the proposal is in conformance with Palm Beach County Unified Land Development Code Traffic Performance Standards.

Exhibit-A: Aerial

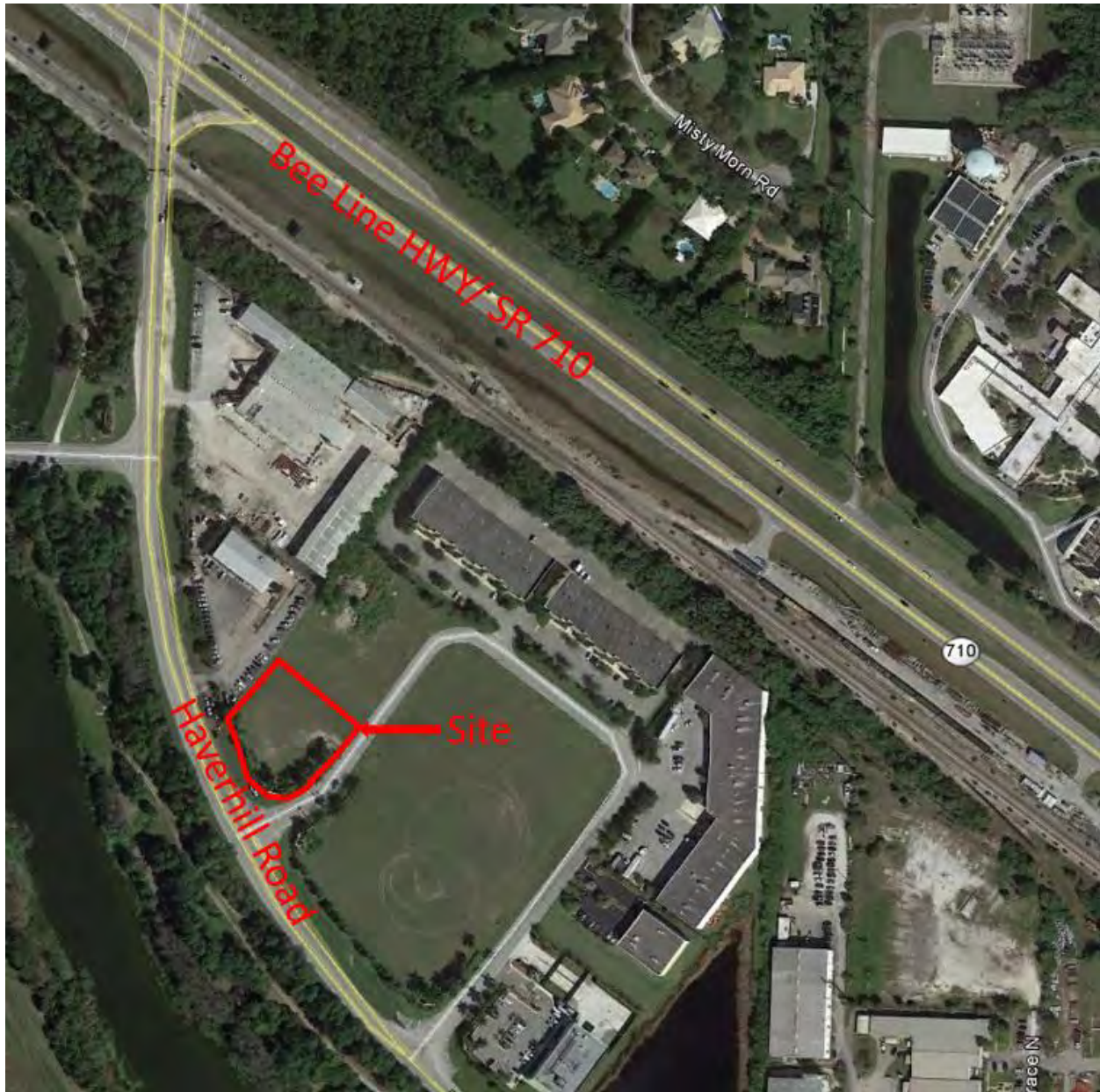


Exhibit-B: Peak Hour Tables

AM Peak Hour

Segment	From	To	Direction	Lanes	LOS D Directional Peak Hour	Directional Peak Project Volume	Project % Assignment	Directional % Project of Capacity?	More than 1% Capacity?
Haverhill Road	Beeline HWY	45 th St	NB	2L	880	4	40%	0.45%	No
			SB	2L	880	5	50%	0.55%	No

PM Peak Hour

Segment	From	To	Direction	Lanes	LOS D Directional Peak Hour	Directional Peak Project Volume	Project % Assignment	Directional % Project of Capacity?	More than 1% Capacity?
Haverhill Road	Beeline HWY	45 th St	NB	2L	880	2	40%	0.23%	No
			SB	2L	880	2	40%	0.23%	No

Exhibit-C: Driveway Peak Hour Turning Movements

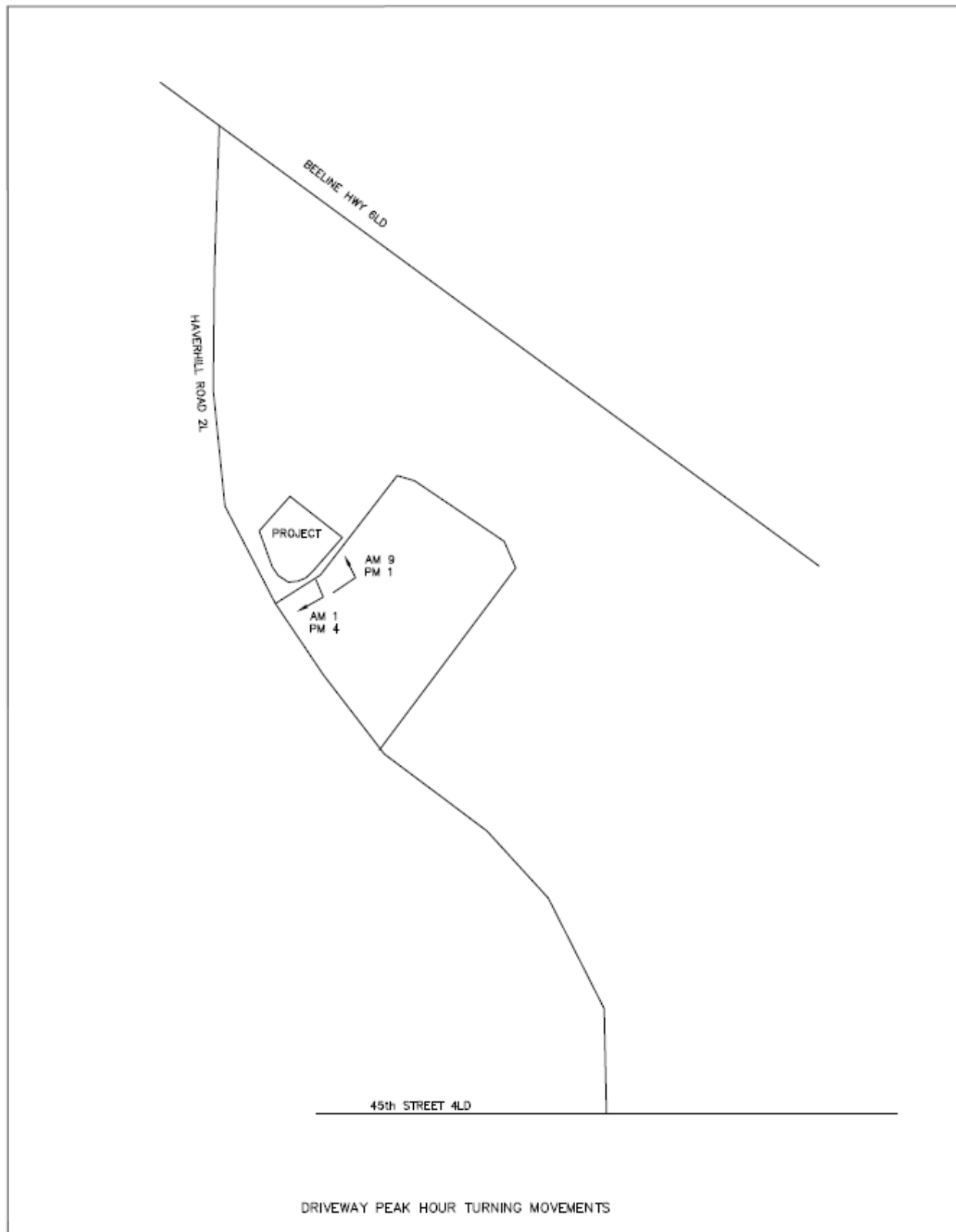


Exhibit-D: AM PH Assignment

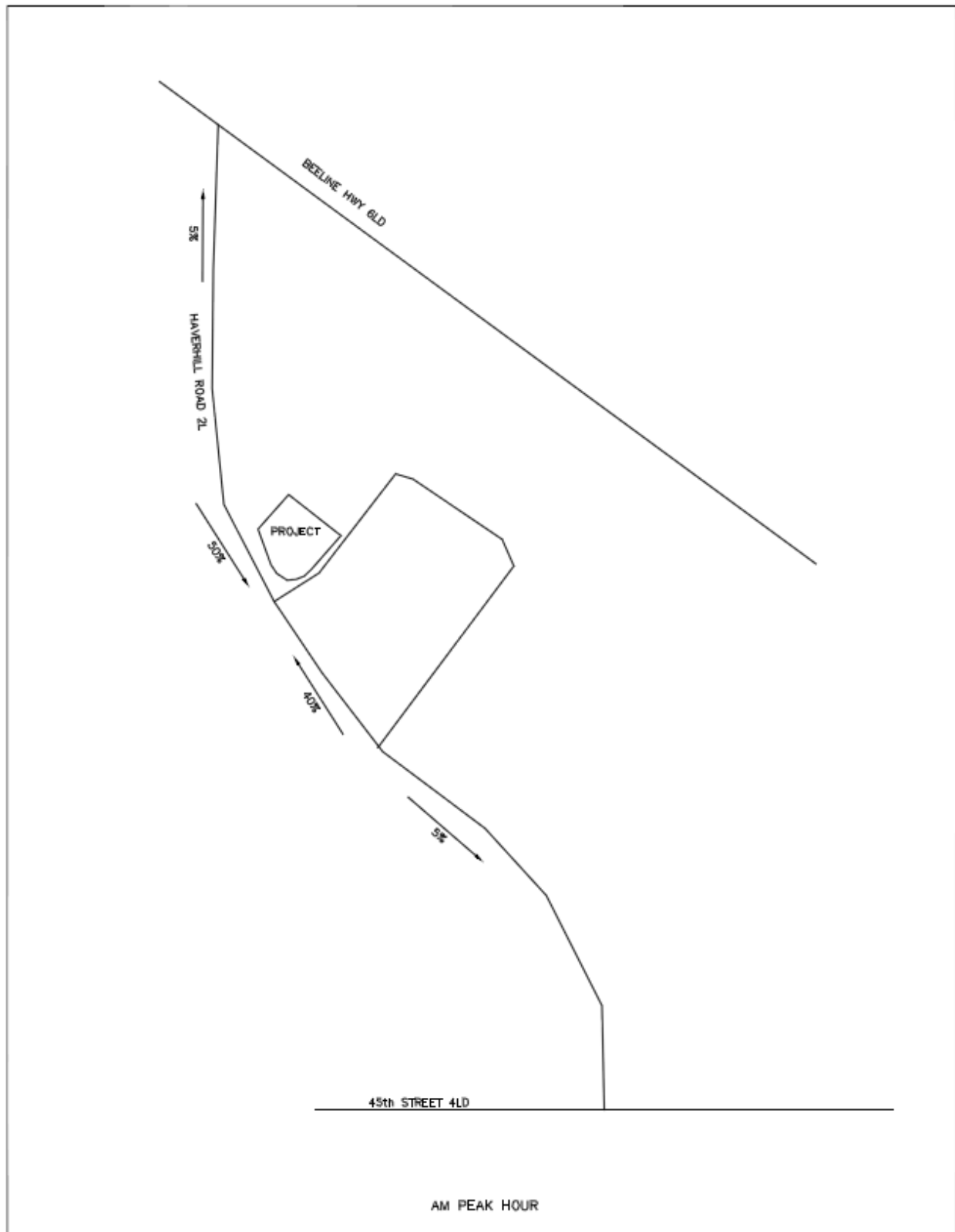
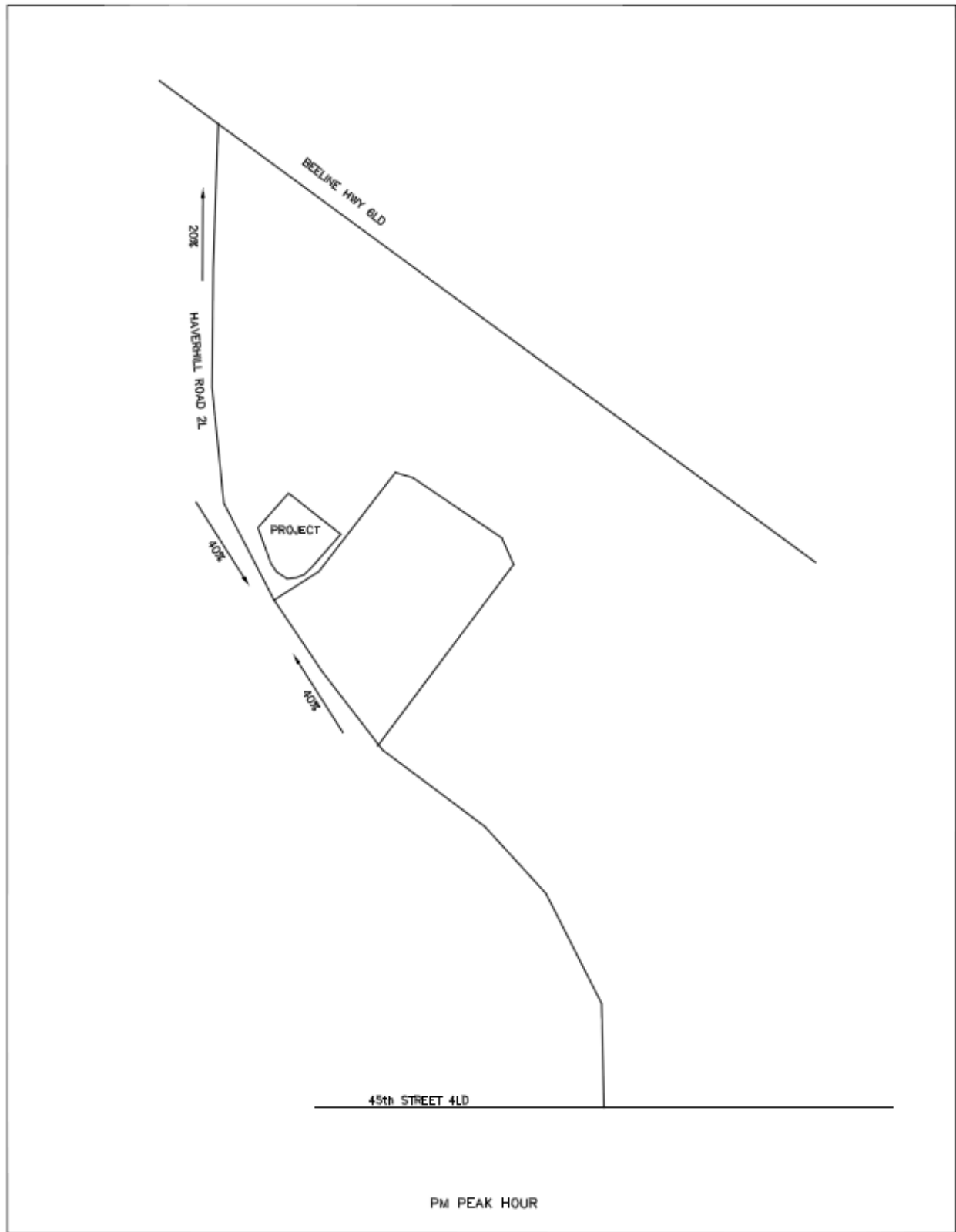


Exhibit-E: PM PH Assignment



Velasquez, Mario

From: March, Ladi
Sent: Thursday, May 4, 2017 4:14 PM
To: Velasquez, Mario
Subject: RE: SP-16-15 Catoe Holdings

Our office has reviewed the available specifications for this project and approval has been granted provided all incoming documents (plans, specifications, etc) meet the current State and local building codes, Fire and Life Safety Management restrictions, and a comprehensive detail of the square footage of the project is included. Please note, this is a conditional approval based on the information that has been proffered to date. Understanding that should any element of the project be altered or amended in the preliminary phases of site plan approval conditions for the permit issuance can change as well.

From: Velasquez, Mario
Sent: Wednesday, April 19, 2017 4:45 PM
To: March, Ladi <lMarch@Rivierabch.com>; Henry, Earl <ehenry@Rivierabch.com>; Perry, Troy <TPERRY@Rivierabch.com>; Williams III, Clarence D <cwilliams@Rivierabch.com>; Duren, Reginald <rduren@Rivierabch.com>
Cc: Richards, Bovell <Brichards@Rivierabch.com>; Walker, Leighton C <Lcwalker@Rivierabch.com>; Madden, Michael <MMADDEN@Rivierabch.com>; Thomas, Steven <sssthenry@Rivierabch.com>; Hughes, Tom <THughes@Rivierabch.com>; FStallworth@wpb.org; Bailey, Terrence <TBailey@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>
Subject: SP-16-15 Catoe Holdings

Good afternoon everyone,

Due to some departmental changes I have been assigned the Catoe Holdings project (SP-16-15) located in the Haverhill business park. At this time I would like to request from you a copy of the latest response that was sent from your department to community development. This document could be either a list of comments that need to be satisfied by the applicant or a "no further comments" memo. My goal is to find out the status of the project and help it move along the process, but always making sure that every department is fully satisfied with the information provided by the applicant.

If you could please provide this copy of such document before the end of the week, it would be really appreciated.

Thank you for your cooperation,

Mario Velasquez, *Senior Planner/GIS Specialist*
City of Riviera Beach, P: (561) 845-4034, F: (561) 845-4038

TO: Mario Velasquez, Senior Planner
FROM: Terrence N. Bailey, PE
DATE: 4/25/17
RE: Catoe and Sons Plumbing Site Plan Review- SP-16-15 Review

=====

Engineering Division has reviewed the submittal and the project is satisfactory for advancing to Planning and Zoning.

A handwritten signature in blue ink, appearing to read "T. Bailey", is written over a horizontal line.

Terrence N. Bailey, P.E.
City Engineer

CITY OF RIVIERA BEACH


P.O Box 10682

RIVIERA BEACH, FLORIDA 33419

POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

To: Jeff Gagnon

From: Steven Thomas, Acting Major of Police 

Date: December 17, 2016

Re: Haverhill Pkwy (SP-16-15) Second Submittal

The Police Department has no further comments.

CC: Clarence Williams, Chief of Police
Michael Madden, Asst. Chief of Police
Natalie Moore, Code Enforcement Administrator