



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, July 27, 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 – June 8, 2017.

VII. UNFINISHED BUSINESS

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "LICENSES AND BUSINESS REGULATIONS", ARTICLE VIII, ENTITLED "MOBILE VENDORS", TO AMEND EXISTING REGULATIONS AND TO CREATE NEW REGULATIONS FOR MOBILE VENDOR USES WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

VIII. NEW BUSINESS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MAGNOLIA PLACE PLAT, CONSISTING OF APPROXIMATELY 1.52 ACRES, IDENTIFIED BY PARCEL CONTROL NUMBER 56-42-42-25-00-000-1210, LOCATED EAST OF N. MILITARY TRAIL AND SOUTH OF LEO LANE; 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 – August 10, 2017 / August 24, 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.

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Thursday, June 8, 2017</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:36 p.m. - 10:25 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Rena James, Chair Tradrick McCoy, Vice Chair Corey Blackwell, Sr., Board Member James Gallon, Board Member Edward Kunuty, Board Member Margaret Shepherd, Board Member Anthony Brown, 2nd Alternate Member Jeff Gagnon, Assistant Director of Community Development Mario Velasquez, Senior Planner Lina F. Busby, Assistant City Attorney Jonathan Evans, City Manager</p>	<p style="text-align: center;">Page 3</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 VICE CHAIR McCOY: Here.</p> <p>6 MR. VELASQUEZ: Rena James.</p> <p>7 CHAIR JAMES: Here.</p> <p>8 MR. VELASQUEZ: A quorum is present.</p> <p>9 CHAIR JAMES: Okay, item III, acknowledgement</p> <p>10 of Board member absence notification.</p> <p>11 MR. GAGNON: Yes, thank you, Chair. Jeff</p> <p>12 Gagnon, Assistant Director of Community Development.</p> <p>13 We did receive word from both Mr. Whigham and</p> <p>14 Mr. Gustafson that they would not be in attendance at</p> <p>15 tonight's meeting.</p> <p>16 CHAIR JAMES: So noted. Item IV, are there</p> <p>17 any additions and deletions to the agenda?</p> <p>18 MR. GAGNON: There are no additions or</p> <p>19 deletions. I want to make note of the fact that</p> <p>20 Ms. Lina Busby is here as our Assistant City Attorney,</p> <p>21 as well as our City Manager, Mr. Jonathan Evans is</p> <p>22 present as well.</p> <p>23 CHAIR JAMES: Glad to have you with us.</p> <p>24 MS. SHEPHERD: Welcome back.</p> <p>25 MS. BUSBY: Thank you. Good evening.</p>
<p style="text-align: center;">Page 2</p> <p>1 BE IT REMEMBERED that the following Planning</p> <p>2 and Zoning Board meeting was had at Riviera Beach City</p> <p>3 Hall Council Chambers, 600 West Blue Heron Boulevard,</p> <p>4 Riviera Beach, Florida, on Thursday, June 8, 2017,</p> <p>5 beginning at 6:36 p.m., with attendees as hereinabove</p> <p>6 noted, to wit:</p> <p>7 ---</p> <p>8 CHAIR JAMES: Good evening. The time is now</p> <p>9 6:36, and the June 8th meeting of the Planning and</p> <p>10 Zoning Board is called to order. We'll have a moment</p> <p>11 of silence, followed by the Pledge of Allegiance.</p> <p>12 (Moment of silence observed. Pledge of</p> <p>13 Allegiance recited.)</p> <p>14 CHAIR JAMES: Are we ready for 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 (No response.)</p> <p>19 MR. VELASQUEZ: James Gallon.</p> <p>20 MR. GALLON: Here.</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 style="text-align: center;">Page 4</p> <p>1 CHAIR JAMES: Good evening.</p> <p>2 Okay, item V, disclosure by Board members,</p> <p>3 and then the adoption of the agenda. Are there any</p> <p>4 disclosures?</p> <p>5 MR. BLACKWELL: Yes, Madam Chair,</p> <p>6 disclosures.</p> <p>7 CHAIR JAMES: Go ahead.</p> <p>8 MR. BLACKWELL: Corey Blackwell, for the</p> <p>9 record.</p> <p>10 On June 1st I did go over to the Crab Pot</p> <p>11 site and request a tour of the parking facilities of</p> <p>12 the Marina Grande and Loggerhead Marina, and at which</p> <p>13 time I met with the property manager of Marina Grande,</p> <p>14 Mr. Delroy Anglin, and the HOA president, Mr. Gino</p> <p>15 Tonetti. Excuse me if I mispronounced his name. We</p> <p>16 took a tour of the facility and the property parking</p> <p>17 facilities. And that's it.</p> <p>18 CHAIR JAMES: Thank you.</p> <p>19 Any other disclosures?</p> <p>20 MR. KUNUTY: I was contacted by the applicant</p> <p>21 for the senior housing, returned their call, and we</p> <p>22 just never hooked up, so --</p> <p>23 VICE CHAIR McCOY: Madam Chair.</p> <p>24 CHAIR JAMES: Yes, you're recognized.</p> <p>25 VICE CHAIR McCOY: As it relates to the Seven</p>

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<p>1 Kings project or the Crab Pot, I met -- I was contacted 2 by the HOA president, Mr. Gino, as well as the 3 treasurer. And I did take a tour of Marina Grande and 4 the parking facilities, as well as I received a number 5 of e-mails, one including Brenda Grigg. And also, I 6 spoke to the attorney for Marina Grande. And as for 7 the Housing Authority, I did get contacted by e-mail 8 and phone call from two persons from the engineering 9 company. 10 CHAIR JAMES: Okay, any other disclosures? 11 MS. SHEPHERD: Margaret Shepherd. I do sit 12 as a volunteer with the Riviera Beach Housing 13 Authority. 14 CHAIR JAMES: Any others? 15 MR. GALLON: Yes. I received a couple of 16 e-mails from, I guess, a couple of the tenants from 17 Marina Grande, and also an e-mail from the engineer for 18 the Housing Authority. 19 CHAIR JAMES: Okay. I did not receive 20 anything. Wow. 21 So now that we have the disclosures out of 22 the way, we'll go ahead to the adoption of the agenda. 23 Is there a motion? 24 VICE CHAIR McCOY: So moved. 25 MR. KUNUTY: Second.</p>	<p>1 absent tonight, if it pleases the Board, Mr. Brown 2 would receive voting rights as well, so he would have 3 been able to vote on that last item as well. 4 CHAIR JAMES: Okay. 5 MR. GAGNON: So I just want to make that 6 very, very clear moving forward. He is a voting member 7 of the Board tonight. 8 CHAIR JAMES: Thank you. So noted. 9 VICE CHAIR McCOY: Did he vote? He did vote? 10 MR. VELASQUEZ: He did not vote on the last 11 motion. 12 CHAIR JAMES: So from here on, he will be 13 voting. 14 Did we get a second for the approval of the 15 minutes? 16 MR. VELASQUEZ: Yes. 17 MS. SHEPHERD: Second. I did. 18 MR. VELASQUEZ: Anthony Brown. 19 MR. BROWN: Yes, yes. 20 MR. VELASQUEZ: James Gallon. 21 MR. GALLON: Yes. 22 MR. VELASQUEZ: Margaret Shepherd. 23 MS. SHEPHERD: Yes. 24 MR. VELASQUEZ: Edward Kunuty. 25 MR. KUNUTY: Yes.</p>
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<p>1 CHAIR JAMES: Roll call. 2 MR. VELASQUEZ: Anthony Brown. 3 (No response.) 4 MR. VELASQUEZ: Sorry. James Gallon. 5 MR. GALLON: Yes. 6 MR. VELASQUEZ: Margaret Shepherd. 7 MS. SHEPHERD: Yes. 8 MR. VELASQUEZ: Edward Kunuty. 9 MR. KUNUTY: Yes. 10 MR. VELASQUEZ: Corey Blackwell, Sr. 11 MR. BLACKWELL: Yes. 12 MR. VELASQUEZ: Tradrick McCoy. 13 VICE CHAIR McCOY: Yes. 14 MR. VELASQUEZ: Rena James. 15 CHAIR JAMES: Yes. 16 MR. VELASQUEZ: Unanimous voting. Motion 17 approved. 18 CHAIR JAMES: Item VI, approval of the 19 minutes from the May 11, 2017 meeting. Is there a 20 motion? 21 VICE CHAIR McCOY: So moved. 22 MS. SHEPHERD: Second. 23 CHAIR JAMES: Roll call. 24 MR. GAGNON: I'm sorry, just as a point of 25 order, because we do have multiple members that are</p>	<p>1 MR. VELASQUEZ: Corey Blackwell, Sr. 2 MR. BLACKWELL: Yes. 3 MR. VELASQUEZ: Tradrick McCoy. 4 VICE CHAIR McCOY: Yes. 5 MR. VELASQUEZ: Rena James. 6 CHAIR JAMES: Yes. 7 MR. VELASQUEZ: Unanimous voting. Motion 8 approved. 9 CHAIR JAMES: Okay, on to item VII, 10 unfinished business. 11 MR. GAGNON: Yes, thank you, Chair. Under 12 unfinished business tonight it's a resolution of the 13 City Council of the City of Riviera Beach, Palm Beach 14 County, Florida approving a site plan application from 15 Seven Kings Holdings, Incorporated to build and operate 16 a 4,482 square foot restaurant on a vacant parcel of 17 land, approximately .35 acre, identified by parcel 18 control number 56-43-42-28-00-003-0090, located on the 19 north side of Blue Heron Boulevard and east of Lake 20 Shore Drive, within the downtown general zoning 21 district, and providing for an effective date. 22 Just for edification of the public, we do 23 require a public comment card to be submitted if you 24 wish to speak on an item. There's also an option to 25 write down comments if you don't wish to speak and</p>

<p style="text-align: right;">Page 9</p> <p>1 still provide that for the record.</p> <p>2 I did want to make note of the fact that we</p> <p>3 received approximately 15 to 20 comment cards from</p> <p>4 interested individuals that do not wish to speak,</p> <p>5 however, they wish to provide their time to separate</p> <p>6 legal counsel that's representing Marina Grande. So if</p> <p>7 it pleases the Board, we feel as if that would be</p> <p>8 suitable to allow for their counsel to speak tonight as</p> <p>9 well.</p> <p>10 CHAIR JAMES: That's fine.</p> <p>11 MR. GAGNON: So we anticipate the order being</p> <p>12 the staff presentation, followed by the applicant's</p> <p>13 presentation, presentation by Marina Grande's legal</p> <p>14 counsel, and then any other public comments that would</p> <p>15 follow.</p> <p>16 So at this point I'd like to ask Mr. Mario</p> <p>17 Velasquez, Senior Planner, to provide the Board and</p> <p>18 general public with a presentation.</p> <p>19 MR. VELASQUEZ: Good evening, everyone.</p> <p>20 Mario Velasquez, Senior Planner.</p> <p>21 It was read earlier into the record, this is</p> <p>22 a site plan application submitted by Seven Kings</p> <p>23 Holdings, Inc. for a restaurant, approximately 4,482</p> <p>24 square feet and with outdoor deck seating. I'm going</p> <p>25 to go over the location, the proposed location and</p>	<p style="text-align: right;">Page 11</p> <p>1 mixed use designation. For compatibility, specific</p> <p>2 conditions of approval may be needed to ensure that</p> <p>3 this use is compatible with adjacent residential</p> <p>4 development -- Marina Grande -- which may include but</p> <p>5 not be limited to hours of operation and specific</p> <p>6 provisions to govern permitted timeframes for amplified</p> <p>7 music.</p> <p>8 As far as the levels of service, services</p> <p>9 such as roads, water, sewer and garbage collection are</p> <p>10 currently available to the site.</p> <p>11 The landscaping regulations. The proposed</p> <p>12 landscape complies with the Land Development</p> <p>13 Regulations.</p> <p>14 And for parking, the number of parking spaces</p> <p>15 proposed, 18 spaces is in compliance with the City's</p> <p>16 Land Development Regulations for parking within the</p> <p>17 downtown area, which requires 15 spaces, and</p> <p>18 specifically City Code, Section 31-539, Table A,</p> <p>19 Downtown Zoning District Parking Ratios, which requires</p> <p>20 one space per 300 square feet.</p> <p>21 City staff advises that the Planning and</p> <p>22 Zoning Board review and consider all presented</p> <p>23 information and provide a recommendation to the City</p> <p>24 Council.</p> <p>25 If the Planning and Zoning Board chooses to</p>
<p style="text-align: right;">Page 10</p> <p>1 surrounding area and continue with the staff analysis.</p> <p>2 As you can see on the screen, the red dot</p> <p>3 represents the proposed location of the project, and as</p> <p>4 we zoom in, we can determine that the property is</p> <p>5 vacant and surrounded by Marina Grande to the north and</p> <p>6 west, the Intracoastal on the east and right-of-way on</p> <p>7 the south.</p> <p>8 The screen shows what the property looks like</p> <p>9 right now. It's a parcel identified with parcel</p> <p>10 control number 56-43-42-28-00-003-0090. The property</p> <p>11 is approximately .35 acres. Current zoning is downtown</p> <p>12 general, and the future land use designation is</p> <p>13 downtown mixed use.</p> <p>14 On the screen we can see the north, the</p> <p>15 neighbors to the north and the west, which is Marina</p> <p>16 Grande, and the properties to the south and east, which</p> <p>17 is the right-of-way, Blue Heron bridge and the</p> <p>18 Intracoastal. For the record, we have the site plan on</p> <p>19 the screen, as well as the landscape plan. Now some</p> <p>20 perspective of what the building, the proposed building</p> <p>21 will look like.</p> <p>22 Under staff analysis, the proposed 4,482</p> <p>23 square foot restaurant with the outdoor deck seating</p> <p>24 area complies with the downtown general zoning district</p> <p>25 regulations, as well as the Comprehensive Plan downtown</p>	<p style="text-align: right;">Page 12</p> <p>1 recommend approval, City staff recommends including the</p> <p>2 following conditions of approval, the standard</p> <p>3 conditions, which include a three year landscaping</p> <p>4 performance bond; construction and landscaping</p> <p>5 improvements must be initiated within 18 months and be</p> <p>6 completed and receive Certificate of Occupancy within</p> <p>7 five years; all future advertising must state that the</p> <p>8 development is located within the City of Riviera</p> <p>9 Beach.</p> <p>10 Also, once approved, this resolution shall</p> <p>11 supersede any previous resolution related to the site</p> <p>12 plan, to this property.</p> <p>13 City Council authorizes City staff to approve</p> <p>14 future amendments to this site plan administratively,</p> <p>15 so long as the site plan does not deviate greater than</p> <p>16 five percent from the originally approved site plan.</p> <p>17 Number seven, hours of operation, open to the</p> <p>18 public: This business shall close to the general</p> <p>19 public at 2 a.m. daily.</p> <p>20 Number eight, hours for amplified music.</p> <p>21 It's got two sections. (A), amplified music shall be</p> <p>22 prohibited on Friday and Saturday between the hours of</p> <p>23 11:30 p.m. and 8 a.m. the next day.</p> <p>24 Letter (B) states that amplified music shall</p> <p>25 be prohibited on Sunday through Thursday between the</p>

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<p>1 hours of 10 p.m. and 8 a.m. the next day.</p> <p>2 The applicant is present in case the Board</p> <p>3 has any questions. We'll try to answer it to the best</p> <p>4 of our knowledge.</p> <p>5 CHAIR JAMES: We're going to move into the</p> <p>6 Marina Grande presentation by the attorney.</p> <p>7 MR. GAGNON: Chairperson, I don't know if you</p> <p>8 wanted the applicant to provide their presentation</p> <p>9 before legal counsel. It's up to the Board --</p> <p>10 CHAIR JAMES: Okay.</p> <p>11 MR. GAGNON: -- to deal with as you wish.</p> <p>12 CHAIR JAMES: We'll go with the applicant.</p> <p>13 MR. PERRY: Good evening. My name is Marty</p> <p>14 Perry. I'm here representing the applicant.</p> <p>15 I read the transcript of your prior meeting,</p> <p>16 which was a two or three or four hour meeting; I'm not</p> <p>17 sure how long. It was a 100 page transcript. There</p> <p>18 was a fairly complete presentation that was made to you</p> <p>19 at that time. The presentation that was just made to</p> <p>20 you is pretty much the same as was made previously by</p> <p>21 your staff.</p> <p>22 Mr. Gentile, our planner, is here with me</p> <p>23 tonight. He's prepared to make either an abbreviated</p> <p>24 presentation or a complete presentation. It's your</p> <p>25 call on that. Frankly, we came with the idea that this</p>	<p>1 the history the last time. But I do want to</p> <p>2 reemphasize that this was the approved site plan by the</p> <p>3 City Council previously, and -- for the Marina Grande</p> <p>4 project, and if you'll notice, the restaurant site was</p> <p>5 included in that site plan and has been on that until</p> <p>6 it was -- and it still is in the approved site plan,</p> <p>7 with the exception that it was damaged during a</p> <p>8 hurricane and was taken out.</p> <p>9 It was an icon in the area of Riviera Beach</p> <p>10 as I grew up here as a little boy, and that restaurant</p> <p>11 was there. You can see the restaurant here during the</p> <p>12 construction in 2005; it was still there. It's down in</p> <p>13 this location. It was a larger restaurant than we're</p> <p>14 proposing. And here is, again, the construction site.</p> <p>15 You can see the restaurant.</p> <p>16 And of course, during the day there wasn't</p> <p>17 many cars, but there are cars parked there in the front</p> <p>18 on the south side, as well as in the parking lot in the</p> <p>19 back configuration, very similar to the configuration</p> <p>20 of our restaurant as you saw there. I'm not going to</p> <p>21 go into the site data. This was the site plan and the</p> <p>22 parking plan.</p> <p>23 I do want to make it known again, I want to</p> <p>24 reiterate that we're here tonight for a site plan</p> <p>25 approval. This is a permitted use in your downtown</p>
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<p>1 Board had given specific instructions to the applicant</p> <p>2 at the conclusion of the last meeting as to things that</p> <p>3 you wished us to address, and that's what we prepared</p> <p>4 ourselves to do tonight.</p> <p>5 Those things dealt with issues such as</p> <p>6 operating hours, the issue of music and noise, the</p> <p>7 issue of whether or not this was a bar or a restaurant.</p> <p>8 And those are issues we're prepared to address, but</p> <p>9 we'll follow whatever direction you want to provide to</p> <p>10 us.</p> <p>11 CHAIR JAMES: Abbreviated is fine.</p> <p>12 MR. PERRY: Thank you. We appreciate that.</p> <p>13 With that, George, you can have the mike.</p> <p>14 MR. GENTILE: Thank you. For the record,</p> <p>15 George Gentile with Gentile Glas Holloway O'Mahoney &</p> <p>16 Associates. We are the planners and landscape</p> <p>17 architects for the project, for the record, and I</p> <p>18 appreciate being able to do the abbreviated, because I</p> <p>19 will be able to sit down quicker.</p> <p>20 So anyway, you sent us back to discuss</p> <p>21 several items, as Mr. Perry indicated, for the project.</p> <p>22 And I want to go over a few of them, and then Mr. Perry</p> <p>23 will address the remainder of those items and some</p> <p>24 additional remarks at the end of our presentation.</p> <p>25 The staff went over the site. We went over</p>	<p>1 district and your CRA district. Permitted uses that</p> <p>2 meet -- it also meets all of the criteria, regulations,</p> <p>3 the Land Development Regulation and your Comprehensive</p> <p>4 Plan, and it should be reviewed as it's a site plan</p> <p>5 only for this project. We are not asking for any</p> <p>6 deviations or waivers or variances to any of the Land</p> <p>7 Development Regulations for this area.</p> <p>8 I did want to -- this is one item that I did</p> <p>9 not show the last time because there's questions as to</p> <p>10 whether this is a restaurant or a bar. If you go to</p> <p>11 any restaurant in Palm Beach County, I guarantee you</p> <p>12 that there will be an area such as the small area in</p> <p>13 this restaurant, which has a very large kitchen area</p> <p>14 that has been established to be a restaurant to provide</p> <p>15 the services to the patrons who come here. I can</p> <p>16 guarantee you that you haven't gone in many restaurants</p> <p>17 that do not have either a small bar with four or five</p> <p>18 seats to the amount of seats I have here.</p> <p>19 The restaurant that I quoted to you the other</p> <p>20 night is the same thing. They have more dining tables</p> <p>21 such as this than a specific bar which you can also</p> <p>22 receive food service at. So we hope that this dispels</p> <p>23 the fact that this is a restaurant with a bar, as every</p> <p>24 other restaurant, most restaurants have in this entire</p> <p>25 county.</p>

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<p>1 So I wanted to make sure, because I did not 2 show this, and I apologize for that. The staff did 3 have that. It was in your packages. You had the full 4 presentation. This was the elevations. 5 And I do want to make a comment, because 6 there was some question. The Marina Grande project is 7 to the north, and you can see that we did not put any 8 windows on the north side of the project. That was 9 specifically done that way to make sure that there was 10 even dining conversations that would be limited to be 11 heard from that area. 12 And we feel that the architecture, of course, 13 is appropriate. It is a coastal architecture style, 14 and we think it's appropriate there. Of course, we 15 don't have the billboard sign, as the previous Crab Pot 16 had on to be able to see up on the bridge, because we 17 do have a bridge that actually we are down below in 18 this area. 19 This is the site. I want to bring your 20 attention -- there was a discussion and a comment 21 regarding the access to this site. As you know, on the 22 Marina Grande plan there is an easement that was 23 maintained by the owners of the marina project on the 24 site which goes on the entire east side bulkhead area 25 of the Marina Grande project. And that was negotiated</p>	<p>1 That's all I have at this point. I'm going 2 to turn it over to Mr. Perry again. He'll address some 3 of the other items that you had some concern with, and 4 we're here to answer any questions that you have, okay? 5 MR. PERRY: Probably the most significant 6 thing that you provided us direction at the conclusion 7 of your last meeting was that the parties get together 8 and attempt to resolve differences. 9 And I am recently into this; have been 10 involved for maybe, at most, maybe a week. 11 Mr. Schiller, who is representing Marina Grande, is 12 also recently in this, I think for probably about the 13 same period of time. We have spoken. We have 14 communicated through correspondence. I'm going to 15 review some of that with you. George has already 16 touched on some of this, but I want to go into it in a 17 little more detail in some regards. 18 Probably the most significant issue is really 19 the issue of hours of operation. Your staff report 20 listed a condition that talked about hours of operation 21 that were closing hours at 2:00, and they explained 22 during the previous hearing that that was really 23 related to basically being outside hours; that's when 24 you can't serve alcohol past 2:00. Well, we've never 25 had the intention of operating till 2:00 in the</p>
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<p>1 and done prior to anyone buying there. 2 The problem that everyone we heard from the 3 other night was that the area has accessibility and 4 people will be walking down there. At the present 5 time, which is not proposed to be changed unless the 6 Marina Grande people want to have their own locked 7 access to not have to go out on the parking lot and 8 come around to the restaurant and want to come into the 9 restaurant in this location, we will not take down this 10 fence area that crosses across the walkway and also has 11 what we call a water barrier so that nobody can crawl 12 around the fence, put their feet on the bulkhead on 13 either side and get around. 14 And you can see that in this location. This 15 is the waterside barricade. This is the fence. The 16 fence continues down the Marina Grande property here. 17 And this, of course, is the current construction fence 18 that was left up there to provide safety until this is 19 developed. 20 So I wanted to make sure that we address that 21 so that everybody understands that. We think that this 22 meets CPTED goals, because when you bring people into 23 an area in a quality restaurant such as this, the place 24 is safe in this location, as the patrons are at the 25 restaurant.</p>	<p>1 morning. In fact, in our application we had indicated 2 in there that operating hours would be 11 a.m. to 3 midnight every day. 4 We've received a response from Mr. Schiller, 5 and that response was that initially that they would 6 prefer to have operating hours that ended at 10:00 at 7 night. And I indicated to him that that was a 8 nonstarter. 9 Since then, Mr. Schiller's gotten back to me 10 as late as just about 5:00 this afternoon with a list 11 of proposed conditions of approval, and I'll talk about 12 conditions in a little bit. But in any event, in this 13 proposal he's indicated to me that they're proposing 14 that the hours of operation be 11 a.m. to 10 p.m. 15 Sunday through Thursday, and 11 a.m. to 11:30 Friday 16 and Saturday. 17 Well, we're not prepared to accept that. We 18 think that 12:00 is not an unreasonable period of time. 19 But we're open to continuing to discuss that item with 20 them, and we will continue to do that. This isn't the 21 last hearing on the matter. We still have to go before 22 the City Commission. There's a few more weeks that we 23 can continue a dialogue with them. 24 The next item that came up was the item of 25 parking. There are three surface parking lots, and I</p>

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<p>1 think it was Mr. McCoy had indicated that he had gone 2 over and visited the site this week at the request or 3 suggestion of somebody from Marina Grande. And I'm 4 sorry. Mr. Evans. 5 MR. BLACKWELL: Blackwell. 6 MR. PERRY: Blackwell. In any event, I went 7 over myself a couple days ago. I'm familiar with the 8 site. I had been to the Crab Pot on numerous occasions 9 through the years. This is night and day, what's 10 proposed here and what the Crab Pot was, but the 11 reality was I wanted to refamiliarize myself. 12 And secondly, I wanted to take a look at they 13 have the rights to use three surface parking lots, one 14 of which is immediately adjacent to the site, two of 15 which are adjacent to the marina. I walked all three 16 of those sites, and all three of those sites are easily 17 walkable. If somebody wanted to park at the furthest 18 one, it might take you somewhere in the neighborhood of 19 five to eight minutes to walk from the furthest site to 20 the restaurant. I did. I walked it myself. You know, 21 if I can walk it in that period of time, most anybody 22 can walk it in that period of time. 23 In addition to that, they have rights to use 24 the parking garage. The parking garage is an issue 25 that we're sensitive to. We understand that they have</p>	<p>1 there. 2 MR. PERRY: Yes, sir. 3 VICE CHAIR MCCOY: Madam Chair. 4 You spoke of a parking plan? 5 MR. PERRY: Yes, sir. 6 VICE CHAIR MCCOY: Well, that's the first 7 I've heard of it in relation to this project. Is it in 8 this -- 9 MR. PERRY: There was a request for 10 additional information. In fact, there were two 11 requests for additional information that were sent to 12 the applicant by your staff during the process of 13 reviewing this application, and in one of the responses 14 to that request for additional information was a 15 discussion of the parking. That's the parking plan 16 that I'm talking about. 17 VICE CHAIR MCCOY: But it's not in our packet 18 today. 19 MR. PERRY: I don't know what's in your 20 packet. I haven't seen your packet. 21 VICE CHAIR MCCOY: Okay. I'm sorry, you can 22 finish. 23 MR. PERRY: No problem; no problem. 24 The next item was the question of a bar 25 versus a restaurant. Well, you know, Mr. Gentile</p>
Page 22	Page 24
<p>1 concerns about that. We're more than willing to 2 continue to sit down and continue that dialogue and see 3 if we can reach a reasonable accommodation relative to 4 our use of the parking garage. 5 You need to understand and remember that 6 that's not their parking garage. That parking garage 7 belongs to the marina, to our use, as well as to the 8 condominium association. It's a shared parking garage. 9 So the reality is we have some rights to that parking 10 garage. Now, we're not unwilling to discuss that. 11 That's an open item. We'll talk to them about that and 12 we'll continue to try to reach some kind of an 13 understanding on that. 14 But the fact of the matter is not only do we 15 meet your code, but we have substantial additional 16 parking that is within easy walking distance, and we 17 intend to use valet parking. And part of our submittal 18 to you that's part of the package that's been in the 19 City for some time now, since the application was 20 filed, is basically a parking plan that talks about the 21 valet parking. Now, that can be expanded on, if 22 necessary, but it's there, and the intent is to use 23 valet parking as much as necessary. 24 The next item was the question of -- 25 VICE CHAIR MCCOY: Let me stop you right</p>	<p>1 showed you the floor plan of the bar, okay? The bar 2 consists of roughly about 18 seats. This is a 3 restaurant. If you look at the size of that kitchen 4 and the size of the seating there, it is clear that 5 this is not intended to be a bar, as has been thought 6 that this might be. This is not going to be another 7 Waterway Cafe or something of that nature. 8 Basically, the intent is to serve food here. 9 I'm a single person. I eat out frequently. And when I 10 go out, I sit at bars, and that's where I eat, you 11 know. Not everybody does that, but some of us like to 12 do that. 13 You know, I think the concern is really 14 overblown. I understand how that might arise, but I 15 think the concern is way overblown. I think anyone 16 that had the perception that this is going to be 17 another Crab Pot, that's nowhere near what we're 18 talking about doing here. 19 The next issue was traffic. Well, I'm not a 20 traffic engineer, but there are traffic engineering 21 reports that have been submitted. It's been reviewed 22 by Palm Beach County, as it was required to, and the 23 reality is that they meet all the requirements of 24 traffic. From my perspective, the traffic issue is a 25 nonissue.</p>

<p style="text-align: right;">Page 25</p> <p>1 The circulation, yes, you have an issue where 2 that's basically a one-way street that goes around 3 under the bridge. There's a right turn to go onto 4 Shore Drive to get to the parking areas, you know, but 5 there's traffic signals there. There's nothing that's 6 unsafe about that. Have there been accidents there? 7 There are accidents at almost every intersection. 8 Sure, they occur. The reality is accidents are caused 9 by people who drive poorly. But the reality is you 10 can't just assume there are going to be accidents here 11 because there have been accidents. That's not the 12 intent here.</p> <p>13 Concerns about loud music. My answer to 14 that, to Mr. Schiller, was of course there's going to 15 be music. This is a restaurant. All restaurants have 16 music. The music, more than likely, will be taped 17 music, but occasionally there may be live music. Is it 18 going to be loud, amplified music? No, it's not going 19 to be loud, amplified music.</p> <p>20 Are we going to be willing to limit that 21 we're not going to have the -- the comment that I got, 22 the condition that was proposed, we agree to restrict 23 live music to nonelectric instruments. Well, 24 everywhere you go, you'll see someone, whether he's 25 playing a guitar or he's singing solo, where he's got</p>	<p style="text-align: right;">Page 27</p> <p>1 I'm not here to tell you what the law is. 2 You have an attorney sitting there with you. But the 3 reality is that this is a site plan review. We're not 4 here asking you to grant us zoning to allow the use of 5 a restaurant here. Your zoning already allows the use 6 of a restaurant. We're here simply to see whether or 7 not our application, as it's presented, and our site 8 plan meets all the requirements of your code. Your own 9 staff has told you that we do.</p> <p>10 Now, they added a couple of conditions onto 11 it. We don't have any problem with the conditions that 12 they added onto it. But conditions really -- and I'm 13 not going to get into the legal aspect of it, but 14 really, any condition that's imposed here has to be 15 something that's in your regulations. We're entitled 16 to know exactly what we're required to meet in terms of 17 this application, and we've done that.</p> <p>18 So we're here simply to ask you -- I 19 understand people are concerned. They have a right to 20 express their feelings and concerns. We have no 21 objection to that whatsoever. But the reality is that 22 we have a right to go forward here, and that's what 23 we're requesting, that you approve this and recommend 24 that we proceed on to the City Commission for another 25 hearing. Thank you very much.</p>
<p style="text-align: right;">Page 26</p> <p>1 basically, I don't know what they call them, they're 2 like Music Masters that basically it's recorded music 3 that's amplified.</p> <p>4 You know, that's what accompanies the 5 singing. You know, that's amplified music. Are we 6 going to outlaw that? I mean to me, that's kind of 7 ridiculous. And again, it gets into conditions. Is 8 the intent to have loud, blaring music that's going to 9 be interfering with peace and quiet? No, no intent to 10 do that.</p> <p>11 There was an issue raised about whether 12 amplified music would be pointed in the direction of 13 the condominium. Well, that's kind of silly in and of 14 itself. The reality is any music that's there is going 15 to be directed for the patrons of the restaurant. It's 16 not going to be there to entertain boats out in the 17 waterway, entertain the people over in the Marina 18 Grande condominium. It's there for the patrons, 19 period, plain and simple.</p> <p>20 I think that gets down to really the basic 21 issue, and George touched on this, and I want to touch 22 on it again. You know, and I'm a lawyer. Lawyers 23 beget lawyers. Marina Grande got a lawyer. My client 24 ended up getting a lawyer. You know, pretty soon 25 you'll have the whole Bar Association here.</p>	<p style="text-align: right;">Page 28</p> <p>1 Again, as Mr. Gentile has indicated, we're 2 here to answer any questions you might have. We have 3 with us representatives from our client. We're here to 4 help make this an easy decision for you, and we'd like 5 to reserve an opportunity to rebut.</p> <p>6 CHAIR JAMES: Well, I just have a comment 7 real quick for you.</p> <p>8 MR. PERRY: Yes, ma'am.</p> <p>9 CHAIR JAMES: And I was trying to be real 10 good about taking my notes, but --</p> <p>11 MR. PERRY: I didn't talk too fast, did I?</p> <p>12 CHAIR JAMES: Not too fast. I'm a good note 13 taker. But you guys got together and you had some 14 discussions, but it doesn't seem like you agreed upon 15 much.</p> <p>16 MR. PERRY: I don't think we're far apart, to 17 be honest with you. There are a couple of the things 18 that they've asked for -- one of the things they've 19 asked for is that they want us to put in a fully 20 enclosed air-conditioned dumpster. Well, you know, I 21 think that's an unreasonable request. There has been 22 no indication that anything that we're providing or 23 that the City has reviewed and approved relative to our 24 dumpster doesn't meet code. You know, that's just -- 25 and we've located it far enough away from there. So we</p>

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<p>1 haven't reached agreement on that point. I don't think 2 we're -- 3 CHAIR JAMES: Can you just give me the points 4 real quick about what you did reach agreement out from 5 the meeting? 6 MR. PERRY: We didn't reach exact agreement 7 on the hours of operation, but we're not far -- 8 CHAIR JAMES: So nothing? 9 MR. PERRY: -- we're not far apart, okay? 10 That's number one. 11 CHAIR JAMES: So the fact is no agreement was 12 reached -- 13 MR. PERRY: No agreement reached on that. 14 CHAIR JAMES: -- on anything? 15 MR. PERRY: No, ma'am. 16 CHAIR JAMES: Okay. 17 MR. PERRY: Secondly, they talked about live 18 music to nonelectric instruments. We're not going to 19 agree to that, but -- 20 CHAIR JAMES: Yes, I got the notes. I just 21 wanted to double-check that -- 22 MR. PERRY: -- the amplifiers, the valet 23 parking, we're providing that. You know, we have a 24 plan. If the City wants to see -- 25 CHAIR JAMES: I got it.</p>	<p>1 you've seen, this is the proposed project. The black 2 box is the property that they have. They're proposing 3 a just under 4,500 square foot restaurant. 4 We're arguing today, ladies and gentlemen, 5 that their application is incomplete. Now, what do I 6 mean by incomplete? Well, they have failed to address 7 some very substantive portions of the application that 8 make it difficult for really anybody to discern what is 9 what. 10 So, for instance, they failed to include the 11 FDOT property in their application, they don't have an 12 Agent Authorization Form from FDOT, nor does the survey 13 that they applied for with their application include 14 the FDOT property. The applicant failed to submit 15 variance applications for at least five different 16 issues; five different issues. So we don't feel that 17 their application is germane today. We feel that it's 18 incomplete and that it should be withdrawn. 19 I want to talk about the FDOT property. That 20 was a big point of discussion at the last meeting. I 21 want to show you that. You'll see the red area 22 outlined. That is the applicant's leased property. 23 And the yellow underneath is the FDOT property. This 24 is -- and by the way, I have copies of everything for 25 you, so you don't have to look at the screen.</p>
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<p>1 MR. PERRY: -- it in more detail, we'll -- 2 CHAIR JAMES: I got it. I just wanted to 3 again just make sure that I did not have -- well, that 4 I heard you right that nothing was agreed upon. Okay. 5 MR. PERRY: Correct. 6 CHAIR JAMES: Thank you. 7 Marina Grande. 8 MR. SCHILLER: Good evening. 9 CHAIR JAMES: Good evening. 10 MR. SCHILLER: My name is Neil Schiller. I'm 11 here tonight with my associate, Eric Aaronson. We're 12 from the firm Arnstein & Lehr. We're representing the 13 Marina Grande Riviera Beach Condominium Association. 14 Many of our members are here tonight. And 15 before I get started, could I ask everybody that is 16 here from Marina Grande to please rise and be counted? 17 And maybe some of my comments will -- you'll agree with 18 them and you'll forego your opportunity to speak 19 tonight. And thank you very much. I think they get 20 the picture; I think they get the picture. 21 So we have a brief presentation. We 22 submitted a third party intervenor letter to your 23 staff. We met with your staff. And here we go. 24 This is the Marina Grande, about 349 units 25 directly north, directly west of the subject site. As</p>	<p>1 I don't know if those could be passed out 2 now, Mario. 3 This is the applicant's leasehold property. 4 It expires in 2025. Underneath is the FDOT property. 5 That's a much better, easier way to see the 6 delineation. 7 I looked at the applicant's Uniform Land Use 8 Application, and I noticed that under the name of 9 property owners, there was no FDOT, no Florida 10 Department of Transportation. Then I looked at the 11 property control number, and there's no property 12 control number signifying that piece of property. 13 There wasn't even an attempt to make a -- to indicate 14 that the FDOT property was being included in this 15 application, because, ladies and gentlemen, it simply 16 is not. 17 Then I went a step further. An Agent 18 Authorization Form, you require these. Every 19 governmental entity requires these with an application. 20 Why? It's to ensure that the property owner has 21 knowledge and agrees to the site plan application or 22 any other land use plan application occurring on their 23 property. So wouldn't you know that on the Agent 24 Authorization Form, there's no FDOT. On the Agent 25 Authorization Form, there's no PCN for the FDOT</p>

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<p>1 property.</p> <p>2 I looked at the boundary survey that they</p> <p>3 submitted. As you can see, it's a boundary survey. It</p> <p>4 says that specifically on the plan. It is that little</p> <p>5 trapezoid -- not little -- that trapezoid to the north.</p> <p>6 And again, the yellow portion is the property owned by</p> <p>7 the Florida Department of Transportation, not included</p> <p>8 in the survey.</p> <p>9 The applicant, if you remember, uses the FDOT</p> <p>10 property to meet its parking requirement. They failed</p> <p>11 to include the FDOT property in its application, they</p> <p>12 failed to include the Agent Authorization Form in the</p> <p>13 application, and they failed to include the FDOT</p> <p>14 property in their survey.</p> <p>15 Because they rely -- and I'll get to this a</p> <p>16 little bit more later in the presentation -- because</p> <p>17 they rely on that parking to be in their site plan, the</p> <p>18 fact that they don't have any rights to the FDOT</p> <p>19 property, the FDOT is not a property owner that's on</p> <p>20 the application, nor have they filled out an Agent</p> <p>21 Authorization Form, nor is that property surveyed, we</p> <p>22 feel that the application is incomplete and it should</p> <p>23 be withdrawn today.</p> <p>24 I want to talk about variances, because there</p> <p>25 have been many statements made by the applicant and its</p>	<p>1 Based on their application and the review of</p> <p>2 the voluminous documents, I found that they needed to</p> <p>3 file for six, six different variances: Rooftop</p> <p>4 equipment, street design standards, pedestrian walkway,</p> <p>5 frontage standards, architectural standards, downtown</p> <p>6 parking and access. And I'm going to go into each one</p> <p>7 of those briefly.</p> <p>8 Here you'll see page two of the applicant's</p> <p>9 site plan application narrative. In page two it says</p> <p>10 specifically: Rooftop equipment is shielded from</p> <p>11 ground view by placing on the roof, per Section</p> <p>12 31-535(a)(9). The applicant writes: Given the height</p> <p>13 of the proposed building and the heights of the</p> <p>14 surrounding buildings, shielding the visual impact from</p> <p>15 adjacent buildings is not possible.</p> <p>16 I'm a lawyer. I've been doing this job for</p> <p>17 almost 16 years, if not longer, plus I went to law</p> <p>18 school, so -- and you guys can read. But that says to</p> <p>19 me that they don't meet Section 31-535(a)(9). They</p> <p>20 don't meet it. They admit they don't meet it. That's</p> <p>21 called an admission against interest if we were in a</p> <p>22 court of law right now.</p> <p>23 The applicant failed to submit the variance,</p> <p>24 or a request for this issue. In fact, there is no</p> <p>25 indication on the site plan. I looked at it. I may be</p>
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<p>1 counsel and its engineer that they don't have any</p> <p>2 variances. Well, I would beg to differ, and I'm going</p> <p>3 to point out some portions of your code. And I'm not</p> <p>4 going to read this to you because you guys know how to</p> <p>5 read. But Section 31-1 defines what a variance is, and</p> <p>6 I just want to read: Variance means a relaxation of</p> <p>7 certain regulations contained in this chapter.</p> <p>8 If you go to 31-6, it talks about variances.</p> <p>9 And they're for the purpose of promoting the health,</p> <p>10 safety, morals and general welfare of the city. And if</p> <p>11 you go down to that bottom red section: Such ordinance</p> <p>12 may provide that the Zoning Board of Appeals may</p> <p>13 authorize variances -- and this is the key wording --</p> <p>14 from the strict application of the regulations in such</p> <p>15 situations and subject to such limitations as set forth</p> <p>16 in the ordinance.</p> <p>17 Strict application of the code. If the</p> <p>18 application doesn't meet the code specifically or</p> <p>19 strictly, you must file for a variance. That didn't</p> <p>20 happen here. In fact, here is a copy of the</p> <p>21 applicant's application. Very plainly, "N/A" on the</p> <p>22 variance end. And because they failed to file variance</p> <p>23 information on at least five different issues, we think</p> <p>24 their application is incomplete and should be withdrawn</p> <p>25 today.</p>	<p>1 mistaken, but I'm pretty sure I looked at it</p> <p>2 comprehensively. I couldn't find where the rooftop</p> <p>3 equipment was, where the equipment was. If it's not on</p> <p>4 the roof, where is it on the ground floor? It's not on</p> <p>5 the site plan. Maybe it doesn't deserve to be on the</p> <p>6 site plan. Be happy to be educated. But I couldn't</p> <p>7 find it. And if it's not there, then that certainly</p> <p>8 proves that the application isn't complete.</p> <p>9 Street standards. Page three of the</p> <p>10 application narrative says specifically: The existing</p> <p>11 characteristics of the site do not meet any of the</p> <p>12 standard design nor location criteria referred to in</p> <p>13 Section 29-65. The applicant writes: The site is</p> <p>14 located on a one-way service road, and therefore, it</p> <p>15 cannot comply with any of the standard design examples</p> <p>16 shown in the code.</p> <p>17 Ladies and gentlemen, that is -- that's true.</p> <p>18 It is a one-way service road. But again, as they</p> <p>19 correctly point out, it can't comply with any of the</p> <p>20 standard design examples shown in the code. It can't</p> <p>21 comply. And so they failed to file a variance request</p> <p>22 for this particular code section, and we feel that the</p> <p>23 application should be withdrawn until a variance is</p> <p>24 filed or they successfully address this code section.</p> <p>25 Pedestrian walkway. The applicant again on</p>

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<p>1 page three of their site plan application wrote: Due 2 to the existing conditions of the site, particularly 3 the wide distance between the property line and the 4 existing pedestrian walk parallel to the existing 5 service road, a combined eight foot pedestrian walk 6 cannot be accommodated per Section 31-536(b)(3)(a)(2), 7 okay? They said they can't meet the code. The 8 applicant failed to submit a variance request. 9 Now, I looked at the code. The pedestrian 10 walkway shall be accommodated as set forth in another 11 code provision, which I will get to. And here is the 12 code provision. And this code provision about 13 pedestrian walkways in the CRA is intended to create 14 pedestrian friendly developments. 15 So when this developer or applicant says that 16 they can't meet the goal of the pedestrian walkway and 17 they didn't file a variance request, then guess what? 18 The application is incomplete and the application 19 should be withdrawn today. They may have very good 20 reasons for all of these things, but ladies and 21 gentlemen, they didn't file the variance request and 22 the application should be withdrawn today. 23 We talked a little bit about dumpsters. The 24 location of the dumpster, if not enclosed with odor 25 control, may dissuade pedestrians, which is</p>	<p>1 We go to architectural standards. Now, this 2 wasn't in the site plan narrative, page three. This is 3 actually page three of the December 8th, 2017 applicant 4 response to your City staff's comments. The City staff 5 comment, number 11, says: Proposed site plan does not 6 show compliance with Section 31-536(b)(4)(c), which 7 requires an opaque masonry wall six feet in height on 8 the property line along the side and rear lot lines 9 that abut lots in a residential zoning district. 10 They wrote: Per discussions with staff, 11 since a wall or fence combination exists on the 12 property line, the applicant proposes a thick hedge 13 material along the west and northern property line. 14 Well, they clearly are not complying with Section 15 31-536(b)(4)(c). They didn't file a variance on that 16 issue. 17 There are questions related to that buffer. 18 Why? Because that buffer abuts my client's property. 19 We want to know what is going to be used on that -- in 20 that buffer material. Is it going to be a thick hedge 21 that may die at some point or get uprooted by a 22 hurricane? Is it going to be just a fence? Is it 23 going to be a wall? How high is it going to be upon 24 planting, if it gets planted? All substantive, pretty 25 reasonable questions if you ask me, unanswered.</p>
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<p>1 contradictory to the code. What does that mean? You 2 know, it sounds like we want the trash to be 3 air-conditioned. Well, we want it to be to 4 air-conditioned to prevent odors, being so close to a 5 residential neighborhood. 6 And I recognize and applaud the applicant for 7 locating the dumpster as far away as possible from my 8 client's building, but it's still very close, and it is 9 literally right up against the sidewalk. So if they 10 want to keep it up against the sidewalk, which we 11 prefer, we'd like it to be enclosed so that people can 12 walk by that site without having to smell trash, 13 especially food trash, which, as you know, is the most 14 odorous of all the solid waste out there, manmade solid 15 waste. 16 Frontage standards. Again, site plan -- page 17 three of the Site Plan Application narrative: Due to 18 grade differences facing the south elevation to the 19 right-of-way, it is unsafe to comply with 20 31-536(b)(3)(b). Again, they failed to submit a 21 variance for their inability to comply with that 22 section of the code. The application should be 23 withdrawn until a variance is filed. The fact that 24 they don't even address this, ladies and gentlemen, 25 proves that the application is incomplete.</p>	<p>1 Evidence that the application -- further evidence that 2 the application is incomplete and that a variance is 3 required here. 4 Downtown parking. I talked a little bit 5 about the FDOT property. I'm going to talk about it a lot 6 right now. They propose -- you have to have 15 spaces 7 on the site -- we know that -- in order to be compliant 8 with your code. They propose 12 on-site spaces within 9 the property that they're leasing, and they propose six 10 additional off-site spaces on the FDOT property. 11 Remember, they don't own the FDOT property. They don't 12 lease the FDOT property. They don't have any rights to 13 that FDOT property. 14 So on the same December 8, 2017 (sic) 15 narrative on the parking issue, the staff's comment 16 says: The project generally describes seating for 150 17 patrons. How many are you really going to have? They 18 say they could have up to 230, plus or minus, patrons, 19 just patrons. Additional seating would occur on the 20 outside patio. 21 In comment 19 they wrote that the maximum 22 number of employees per shift would be 30; 30 people. 23 So I went to law school. I'm not a mathematician, but 24 I can add 230 plus 30. That's 260 people. They all, 25 hopefully, don't have cars, but that is a substantive</p>

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<p>1 parking demand which the applicant failed to address. 2 So this is a portion of your code about 3 downtown parking, and I'm going to read you the 4 specific language that I want you to hear: All parking 5 spaces shall be located on the same lot or parcel of 6 land as the building or use served. 7 Same lot? Because we know right now they're 8 two different lots. Same parcel? They're two 9 different parcels, okay? The proposed off-street 10 parking spaces are not on the same site or parcel. And 11 may I remind you they're not on the same survey, they 12 don't have an Agent Authorization Form, and they're not 13 included in the application. To be frank with you, 14 that's a fatal flaw of that application. 15 So because there was so much talk about FDOT 16 and the rights on the FDOT property and conceptual 17 approval, I decided to contact FDOT myself. And in 18 fact, a copy of this e-mail was provided to you 19 separately if you can't read it in your presentation or 20 on the screen. I want to just read the relevant parts 21 of the whole e-mail. 22 Particularly they address in the first 23 paragraph that they had some negotiations with Andrew 24 Podray and his counsel regarding the lease. The 25 Department advised him that the property will be used</p>	<p>1 requirements for parking or circulation. Ladies and 2 gentlemen, it says in black and white directly from the 3 chief counsel of FDOT you can't park here, and yet the 4 applicant is using that property to meet their parking 5 requirement. Doesn't smell right to me. The applicant 6 proposes to meet the code using the FDOT property 7 against the landlord's wishes. 8 Again, this is the downtown parking 9 requirement right from their application that says that 10 they are going to use the FDOT parking spaces. They 11 say they have preliminary discussions with FDOT that 12 have yielded an informal approval of the submitted site 13 plan and willingness for the landowner to enter into a 14 lease agreement for the shown parking. I don't think 15 that that's 100 percent accurate. 16 So five variances required. Again, we 17 believe that they should have been required to file a 18 variance on the parking issue as well because of the 19 FDOT e-mail that I just explained to you. 20 On the procedural deficiencies of this 21 application, they failed to include FDOT as a property 22 owner, they failed to include the proper authorization 23 forms, they failed to file for the required variances 24 based on their plan as it stands today that are 25 required on the application, and they failed to</p>
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<p>1 for future bridge construction. The Department 2 informed him that his approved site plan could not rely 3 on the Department's property to meet development 4 requirements for parking or circulation. 5 I have to read that again. The property -- 6 you can't use the property to meet development 7 requirements for parking or circulation. And the 8 Department requested written assurances that his 9 required parking would be accommodated either within 10 his site or an approved off-site location, as the 11 Department -- and this makes sense -- the Department 12 would not want to create an adverse situation following 13 the development of the property. 14 Later on in the third paragraph: Currently 15 there are no active discussions with anyone regarding 16 the lease of this property. I understand as late as 17 yesterday it may have changed. However, in the fourth 18 paragraph it says: However, additional business 19 related use, such as parking, would not be allowed. 20 There's not much more I can say about that 21 e-mail. 22 Oh, yes there is. No lease with the 23 applicant or active discussions. The property will be 24 used for future bridge construction. Site plan cannot 25 rely on the Department's property to meet development</p>	<p>1 disclose what was actually going on with the FDOT 2 property. 3 In our opinion, the application is 4 incomplete, and it cannot move forward today. I think 5 moving forward with the application today creates some 6 legal liability issues, but I'll leave that for your 7 counsel to talk about if they want to talk about it. 8 The review process -- and down here is a 9 little portion of your code about the CRA and the CRA 10 district. I don't have to read that for you. 11 We talked about the restaurant use. It's 12 great to hear that this is an actual sit-down 13 restaurant that's going to serve food and not just 14 alcohol or liquor. However, in this, I found this 15 little piece of information that was a little 16 disconcerting, obviously, that the applicant had 17 originally thought this was going to be called the 18 Salty Mermaid, which doesn't sound like a nice family 19 friendly sit-down restaurant. It sounds more of like a 20 bar, to be frank with you. 21 They did, to their credit, to their credit 22 they did withdraw this extended hours application on 23 December 8, 2016. However, they wrote: At this time 24 the applicant doesn't envision the need for this 25 additional approval.</p>

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<p>1 We looked at similar restaurants that have a 2 4COP license in Riviera Beach, and these are the five 3 that we came up with. And most importantly is the 4 hours. And we're going to talk about compatibility and 5 hours and noise and all those things, but -- and 6 clearly, we have concerns. But I just want you to see 7 the hours, the range of hours of similar restaurants in 8 Riviera Beach that have a 4COP license per DBPR, and 9 that's the Department of Professional Regulations.</p> <p>10 So Mr. Perry accurately advised you that we 11 had submitted some proposed conditions of approval to 12 the applicant based on some discussions that we had. 13 I'd like to point out that we reached out to the 14 applicant. They didn't reach out to us. We took the 15 bull by the horns and wanted to have a conversation 16 with them because we wanted to know what was going on 17 on the site because we weren't getting any information 18 back.</p> <p>19 So when it comes to hours of compatibility, I 20 hear that anything past midnight is a nonstarter for 21 the applicant. That's unfortunate, seriously, because 22 we think that if the hours of operation are tempered, 23 then maybe the project would be more palatable to my 24 client. Midnight, it is not palatable to my client. 25 So we came up with these conditions of approval. We</p>	<p>1 Florida that had to deal with this, you know, police 2 could get called out multiple times a night. So I 3 would say that I would take that into consideration on 4 the noise issue, because I think that that is a major 5 consideration.</p> <p>6 And again, we would ask that you adopt our 7 conditions of approval. We think these are reasonable. 8 I'm sorry that the applicant thinks that they're silly. 9 They're not silly when we're picking up the phone and 10 calling the police at 1 a.m. because the music is too 11 loud.</p> <p>12 Parking. And again, may I remind you that 13 your staff wrote this section that says compatibility, 14 that says specific conditions of approval may be needed 15 to ensure that this use is compatible with adjacent 16 residential neighborhood or development.</p> <p>17 So parking, we recognize that the only 18 requirement in the code is to have on-site parking of 19 15, which I remind you they don't meet. But because 20 they are so heavy on 260 people potentially at a time, 21 we think that off-site valet parking is important, 22 which is why we propose these conditions, i.e., making 23 sure that there is an off-site parking plan that's 24 submitted prior to City Council approval so that 25 everybody knows where they're going to park these</p>
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<p>1 hope the applicant will sincerely reconsider.</p> <p>2 I would ask that this Board adopt conditions 3 of approval and our proposed conditions of approval, 4 which you will find on a separate sheet of paper marked 5 one through 12.</p> <p>6 On the noise issue, we have concerns, 7 obviously. My client and their residents spent a lot 8 of money to live at Marina Grande. And whether there 9 was a restaurant on the site plan or not, it wasn't 10 this restaurant; it wasn't this restaurant. So what we 11 want to do is try to maintain the quiet enjoyment that 12 our clients deserve and enjoy today.</p> <p>13 I would like to say that hours -- noise 14 hours -- noise issues are a problem. They're a problem 15 from a resident side because you have to have like a 16 noise meter almost to ensure that the noise is over the 17 decibel level required by your ordinances or required 18 by a condition of approval.</p> <p>19 And then what's even worse for you, the City 20 of Riviera Beach, if there is a noise complaint, guess 21 who gets called out to the scene? One of your police 22 officers. That's one person not doing their job of 23 policing the streets. So, and being on the other side 24 of a noise ordinance, having represented some 25 restaurants, wouldn't you imagine, in Hollywood,</p>	<p>1 vehicles, number one.</p> <p>2 Number two, I'm going to say this tactfully. 3 We do not -- there is a disagreement over the actual 4 status or rights. They have some rights to the parking 5 in our parking garage. Whether it's ours or theirs is 6 almost immaterial. But there's, I think, a 7 disagreement as to what they think they can use and 8 what we think they can use.</p> <p>9 But let's be frank. We don't want them using 10 any of the Marina Grande spots, and I'll tell you why, 11 because our parking lot comes with a security gate. 12 And so if there is a backup at the security gate, 13 whether it's all valets or whether it's the public -- 14 we certainly don't want the public there -- that 15 gives -- that will create some backup into -- from our 16 entrance, number one.</p> <p>17 Number two, if the valets were allowed to use 18 the parking garage, then we would be able -- they would 19 be able to access all of the Marina Grande property, 20 because they would be in the -- quote, unquote -- gate. 21 So we wouldn't want that either.</p> <p>22 We think, and if the applicant is so 23 confident that they have three others or two other 24 surface parking lots to meet their off-site valet 25 issue, let them use the other two surface lots and not</p>

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<p>1 Marina Grande. And that is something that is very, 2 very important to my client, and we'd ask that you 3 adopt that. 4 The dumpster issue, I already addressed that. 5 I don't think we need to address that either. However, 6 that is a compatibility issue; it is a compatibility 7 issue. 8 Conclusion, finally. The application is 9 incomplete. They failed to use -- they failed to 10 properly include the FDOT authorization, and they 11 failed to include the FDOT property in the application, 12 in the survey. They failed to submit for variances on 13 at least five different issues. 14 From a parking perspective, the FDOT property 15 cannot be parked on. Let me say it again. You can't 16 park on the FDOT property. Yet they used that property 17 to meet their on-site parking demand. That, in and of 18 itself, is a reason to stop this proceeding now, 19 move -- send them back to the drawing board, make them 20 give you evidence that FDOT's going to sign off on 21 this, and then come back through the process. But as 22 of now, they don't meet the code, and they didn't file 23 a variance. The application is incomplete. 24 Conditions of approval. Whether you vote to 25 deny or approve this project, your recommendation is</p>	<p>1 CHAIR JAMES: Okay, that's fine. I'll move 2 right into public comment. 3 Does the Board have any questions right now 4 though for the -- 5 MR. BLACKWELL: If I may, Chair. 6 CHAIR JAMES: Okay, Mr. Blackwell. 7 MR. BLACKWELL: And this is for the 8 applicant, if you could. I know you don't want to 9 respond right now, but what is your response to the 10 attorney's position that the application right now is 11 not sufficient, if you could just answer that question? 12 Are you dead set on the application is complete at this 13 time? 14 MR. PERRY: My answer to that, Mr. Blackwell, 15 is that this application was submitted and thoroughly 16 vetted by your staff, who are proficient relative to 17 your codes, and they found the application to be 18 sufficient. And I think what you've heard is one man's 19 opinion. Thank you. 20 MR. BLACKWELL: Thank you. 21 CHAIR JAMES: Any other Board comments? 22 Okay, moving into public -- 23 VICE CHAIR McCOY: Well, Madam Chair, I just 24 want to understand where we go from here, because if we 25 do public comments, are we going to have an opportunity</p>
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<p>1 going to the City Council. And having sat through 2 hours of testimony now, I think it behooves you as a 3 Board to make recommendations on conditions of 4 approval. I think it sends a strong message that this 5 project is not compatible with the surrounding land 6 use, and that as your staff clearly indicated to you, 7 the way to make it compatible is with conditions of 8 approval. 9 We will continue to work with the applicant. 10 If they're true to their word and some of these issues 11 are nonstarters, I'm worried about the future. So we 12 would ask that you recommend denial, include the 13 conditions of approval, and better yet, send them back 14 to the drawing board because the project is incomplete. 15 That's it. Thank you. 16 CHAIR JAMES: Thank you, Mr. Schiller. 17 Okay, applicant, if you want to come to the 18 podium, I only need you to respond to any items on the 19 sheet that you may have reconsidered. 20 MR. PERRY: Does that conclude public 21 comment? 22 CHAIR JAMES: We haven't went into public 23 comment yet. That's next. 24 MR. PERRY: Why don't we wait until we finish 25 public comment.</p>	<p>1 to respond, because I don't want to waive that 2 opportunity -- 3 CHAIR JAMES: Yes. 4 VICE CHAIR McCOY: -- but I do have some -- 5 CHAIR JAMES: After public comments, yes. 6 VICE CHAIR McCOY: Okay. 7 CHAIR JAMES: Okay, first up we'll have Don 8 Crotty. 9 MR. CROTTY: I'm good. The lawyer said 10 everything I wanted to say. 11 CHAIR JAMES: Okay, thank you. 12 Next up, Marybeth Coffey. 13 MS. COFFER: Thank you. I'm Marybeth Coffey. 14 I live in Unit 909 at Marina Grande. 15 I think Mr. Schiller pretty well summed it 16 up, I think, about what most of us feel, but I just 17 wanted to just give you a little insight into why I 18 live where I live. 19 We moved here from Hong Kong, a very busy, 20 busy city. We rented our rental house off the 21 internet, Marina Grande. We spent about six months 22 there, looked at a lot of other places further south, 23 further north. Ended up we really liked it, we liked 24 the people, we liked the peace and quiet, we liked the 25 tranquility, we liked the neighborhood.</p>

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<p>1 And we have good neighbors outside the gate 2 of Marina Grande. We have some wonderful small 3 businesses around us too that will be impacted by 4 whatever happens with this proposed restaurant. 5 But I feel that whatever you decide to do, 6 and I know you will do the right thing, you will think 7 about what is a good neighbor to us and get us the 8 right fit for that space, whether it be a scaled down 9 restaurant, it be some other type of business, but you 10 will do what is right. And if you don't, then our 11 follow-on would be we will go to the Council and fight 12 the case there. 13 But I believe the application, as he said, is 14 incomplete; it's incomplete. And if you were school 15 teachers, you'd send the child back with their homework 16 and ask them to do some more and make it complete and 17 to try to work with us. 18 But again, I hope you will do what is right. 19 And to that end, I would like to bring to your 20 attention that at the Marina Grande marina -- I mean at 21 the Riviera Beach Marina you have a restaurant/bar 22 that's operating there, the Rafiki Tiki, and the 23 closing time of that facility is 10 p.m., not 2 a.m. 24 And if that was good for a CRA project, then it ought 25 to be good in our area of the CRA and in our neighbor.</p>	<p>1 The reason we moved into Marina Grande, a lot 2 of the reason was pure security. I really liked the 3 setup of what it is. Having the general public coming 4 in and using the ground floor of the parking garage is 5 unacceptable to me. Having valet parking is 6 unacceptable to me, and I'll tell you why. I'm not 7 being familiar with valet parking much. I can't tell 8 you how many times in the past 13 months I went and got 9 my own car, walked around (inaudible) because the young 10 men or girls are gone. So we just collect our keys, I 11 go get it and come back and go home. I'm not going to 12 wait 30 minutes for these people. 13 We're going to have all kinds of people 14 wandering around our property -- such as me. Hopefully 15 only three out of four of them have been drinking; 16 hopefully at least somebody is sober when they get 17 ready to go home and they're all walking through our 18 property looking for their cars. You can't stop them. 19 It's their car. 20 So it's unacceptable to say, oh, yes, you and 21 I both can use this, but it was intended for the boat 22 owners, and all of a sudden, oh, no, we're now going to 23 use it for a restaurant. It was never intended for a 24 restaurant. So I'm very, very against that. It's not 25 the intent of what was set up for, the way it was</p>
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<p>1 Thank you very much for listening, and good 2 luck. 3 CHAIR JAMES: Thank you. Jimmy Coffey. 4 MR. COFFER: Good evening. I'm Jim Coffey. 5 I live at 2640 Lake Shore Drive, Unit 909. 6 And I just wanted to thank you for spending 7 your time looking at our problem and making Riviera 8 Beach, which is now part of my city, a better place to 9 live. 10 I'm not against development. I'd like to see 11 something, a good neighbor come in there. We need to 12 have some development in Riviera Beach, and that's good 13 for us. But what's being proposed is not good for us. 14 Whether it be at 2 a.m. or 12:30, even the full service 15 bar, the Inlet bar down the street from us closes at 16 12:00. 17 So they're willing to back off till 12:30, 18 but they want to leave it in the record that they're 19 able to stay open till 2 a.m. And Mr. Gentile, at the 20 last meeting, said, well, that's a no-go if we don't 21 get to go till 2 a.m., and by the way, we'll let 22 economics dictate it. So if it's approved to stay open 23 till 10:00 or 11:00, but yet it is not put in stone 24 into the code, as soon as business gets good, they're 25 going to -- they're just open till 2:00.</p>	<p>1 explained to me. 2 So I hope you do the right thing. I'd like 3 to thank you for your time and your efforts to look at 4 this project, and hopefully we can find something 5 that's a good fit as a good neighbor, not something 6 that just wants to be another bar open till 2 a.m. 7 serving a bunch of drunks. We don't need that in 8 Riviera Beach. We need good quality. Thank you. 9 CHAIR JAMES: Thank you. Jaxon Fenn. 10 MR. FENN: Hello. My name is Jaxon Fenn. I 11 live at 2640 Lake Shore Drive, Unit 2507. 12 This is my favorite place to live. I have a 13 house in Ocean City, a house in Delaware. I'm a real 14 estate developer in Delaware, and I'm a Florida 15 resident. I love the view off of my patio. 16 First off, I'd like to say you're three 17 spaces short, so you don't even meet code if everything 18 the lawyer described -- and I have already looked at a 19 lot of the paperwork for the last two months. I flew 20 down here just for this meeting. I love my neighbors, 21 I love my community, and right out of the shoot, the 22 thing doesn't meet code. 23 But forget about that. You're sitting a bar 24 with open sides on the back ten feet off of the poor 25 souls that are in building -- in the 16 stack. Ten</p>

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<p>1 feet. There's a little, teeny hedge right there, and 2 then ten feet more their patios are. So I think you 3 might want to go out and look and see what's going to 4 happen if you -- if they meet code later on. 5 The dumpster is zero feet off the property 6 line, right where everybody walks their dog. And 7 they're arguing about air-conditioning the garbage. 8 Well, they need to at least air condition it, and they 9 better put a masonry wall behind it, because who wants 10 to look at a garbage dumpster? 11 If they don't go in our parking garage, but 12 God forbid they do, because the marina has rights to 13 the parking spaces and easements all through our 14 property. So they'll go in the garage, they'll wander 15 through our property. We've already had a motorcycle 16 stolen last week. And there'll either be valets or 17 drunken patrons. 18 So let's just assume they don't get in the 19 garage. We've got two outside lots which the residents 20 have already looked and (inaudible) -- looked at. 21 They're full. On a Saturday or Sunday, a lot of people 22 leave them overnight, their cars out there. So I think 23 before they say they have the spots, I'd like to see 24 the lease from the marina of how many spaces they 25 actually have. I'd like to see them document that.</p>	<p>1 there's a little math required in what I'm about to 2 tell you. To try to give you an understanding of what 3 the amplified noise impact would be at Marina Grande, 4 I'm going to try to give you a comparison between 5 another situation that exists in Riviera Beach, and 6 that is the relationship between a restaurant called 7 Two Drunken Goats on Singer Island and the Ritz-Carlton 8 condominium hotel. 9 They've had noise problems between those two 10 locations. And if you look at the geometry of that, 11 the condo is about 1,000 feet, roughly, from Two 12 Drunken Goats, who was using amplified music. If we 13 take that same situation and say how loud would the 14 music be if you were in the position of the living room 15 of Unit 116 at Marina Grande and they were playing the 16 same music, it would be 32 dBA higher. 17 And that's what I'd like to do, is give you 18 some perspective. What does 32 dBA mean? It means to 19 your ear, that sound would be nine times louder. So 20 you've got people that are complaining about the noise 21 being too loud at Ritz-Carlton. That same music being 22 played at the proposed restaurant next to Marina Grande 23 would be nine times louder. 24 How can you approve something like that? It 25 would be a terrible negative impact to everyone that</p>
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<p>1 The lawyer kind of missed that one. Show us the spaces 2 they're going to lease and show us the spaces that they 3 need to operate their business. 4 And there must be some code for a 300 slip 5 high and dry that needs a certain amount of parking. 6 Let's see if it's going to work. If it works, that's 7 great. It doesn't look like it from the people that 8 are in the community going around taking photos. You 9 don't got 260. I think there's only 140 total. I 10 don't have the total number. Let's see if it works. 11 Again, I'm a developer. This guy is trying 12 to put 500 pounds of shit in a one pound bag, period. 13 You're putting 5,000 square feet of building on 15,000 14 square feet of land, and you're trying to park on 15 another 10,000 square feet that you don't even own or 16 you don't even have a lease for. 17 So that's all I got to say. 18 CHAIR JAMES: Thank you. 19 Next we'll have Glenn Spacht. 20 MR. SPACHT: Close enough. 21 CHAIR JAMES: Thank you. 22 MR. SPACHT: My name is Glenn Spacht. I live 23 at 2650 Lake Shore Drive, Unit 2606. 24 I've got a Master's degree in aeronautics and 25 astronautics, and I'm just telling you that because</p>	<p>1 lives at Marina Grande. It would be a terrible 2 negative impact to the property values, and when the 3 property values go down, the income to the City goes 4 down. That's not what we're trying to accomplish here. 5 That is an incompatible situation. 6 So I respect the request by the developer, 7 but this is not compatible. He's trying to maximize 8 his income, not trying to maximize the integration 9 between his restaurant and Marina Grande. So I ask 10 that you restrict their operation and prevent any 11 amplified music if this restaurant or a subsequent 12 restaurant of a smaller footprint, for example, that 13 fits the site, provides enough parking, et cetera, is 14 approved. 15 Thank you very much for your time and for 16 everything you're doing for us. 17 CHAIR JAMES: Thank you. 18 Sunny Maffeo. Did I get that right? 19 MS. MAFFEO: Yes, you did. 20 CHAIR JAMES: I remember from last meeting. 21 MS. MAFFEO: Very good. I'm Sunny Maffeo 22 from 2650 Lake Shore Drive, Number 2105. 23 We were just talking, Glenn, about the music, 24 the sounds from the music. I live in the building that 25 faces away from that. But I have been on Mr. Jaxon</p>

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<p>1 Ferm's terrace on a Sunday, and we can hear the music 2 coming from Two Drunken Goats. 3 I walk my dog at night, and if someone's 4 playing a stereo under the bridge or going by in a 5 boat, I hear every single thing that's there, because 6 all of this travels across the water. 7 What I got up here to tell you about is last 8 week we had two parties during the week at Marina 9 Grande. Marina Grande is a highly social community. 10 We have lots of company on the weekends, and we more or 11 less do everything that we like to do fun there. 12 My point about the two parties, one -- I'm 13 sorry, one was on a Saturday and one was on a Tuesday 14 night. The party on Tuesday night was 25 people on the 15 guest list. I happened to arrive home about the time 16 the party was beginning. I sat for eight minutes 17 waiting just to get past the stop sign to get to Publix 18 and then was out in the street waiting to get into my 19 own driveway. Could not get in because we have two 20 security guards, and all the I.D.s cannot be checked at 21 that time. It can't. It's impossible. So people who 22 live there can't even get in. 23 Saturday night there was a wedding in our 24 clubhouse. I understand there were 55 to 60 cars and 25 guests arriving. Again, around 6:00 to 7:00 it took 20</p>	<p>1 waive -- but defer, there's no coming back, because we 2 have a pretty lengthy agenda. So waive is, I think, a 3 more appropriate word. 4 CHAIR JAMES: Thank you, Mr. McCoy. 5 MR. PODRAY: Madam Chair, if I can't defer, 6 then I would like to speak. 7 CHAIR JAMES: Come up to the podium and state 8 your name. 9 MR. PODRAY: Good evening, Board. Andrew 10 Padre, 800 North Road, Boynton Beach. And I'm also the 11 owner of the site at 386 East Blue Heron Boulevard. 12 Speaking before you tonight, members of the 13 Board, Chair, members of the audience, just to break up 14 the monotony of all the people that don't want this 15 restaurant, but I do have a couple of valuable 16 insights. 17 As a developer myself, I've been doing this 18 for close to 20 years. I'm the president and CEO of a 19 real estate development and holding company. I 20 personally own more than a million square feet of 21 commercial real estate, close to 800 apartments. This 22 is just the latest development that I've been working 23 with the lessee on. 24 I also happen to serve on the Planning & 25 Development Board in the City of Boynton Beach. And I</p>
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<p>1 minutes to get from Blue Heron Boulevard, off the 2 bridge, through the light and to the beginning of the 3 driveway. Twenty minutes. That's a very short 4 distance. People could not get out of Publix because 5 of the traffic there. 6 And we want to bring more cars to the area 7 that's already congested with our own people? With 8 that wedding last week, people who had company besides 9 the people at the wedding couldn't even get into our 10 own development. I could not get to my own valet. I 11 had to -- I went up in the garage. I had a lot of 12 groceries. 13 My point is we are already taxed, and so when 14 something comes along like even one of our own parties, 15 we cannot manage all of that at a gate. We are not a 16 huge community. Thank you. 17 CHAIR JAMES: Thank you, Ms. Maffeo. 18 Eric Aaronson. 19 MR. AARONSON: I defer my time. 20 CHAIR JAMES: Thank you. 21 Andrew Podray. 22 MR. PODRAY: I defer my time as well. 23 CHAIR JAMES: Thank you. 24 VICE CHAIR MCCOY: Madam Chair, let's clarify 25 it. Deferred -- we can't come back, so you either</p>	<p>1 must say, frankly, that had this very issue come before 2 my Board, it would have been approved and it would have 3 been approved unanimously. Now, I can hear the 4 gasping, but let me explain. 5 Typically when we have people that talk for 6 hours, it's always about the same issues. It's always 7 about the sound and always about the smell and the 8 parking and the traffic and that whole thing. It's 9 basically the litany of things that we go through on 10 our Board. 11 But what's not coming before you tonight is a 12 change of use. When we see these people in front of 13 our Board, it's always a change of use. It's either 14 going from residential to industrial -- we're not 15 building smokestacks next to these people. 16 These people knew that this property was 17 zoned commercial from the very get-go. And as a matter 18 of fact, the May 11th meeting, I believe that the 19 planner brought before you guys the picture that showed 20 that the restaurant was there, indeed, before their 21 building was, okay? This isn't a surprise. This has 22 always been zoned commercial. 23 This is also not an increase in density. 24 That's the second thing everybody comes before my Board 25 about, is that they always want to build bigger and</p>

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<p>1 higher and that sort of thing, and they need a special 2 variance for that. There is no increase in density 3 here. All of this is exactly permitted the way it is 4 in your code, okay?</p> <p>5 The last thing is that we also have permitted 6 use and special exemption use. This is not something 7 where the opinion of the public, frankly, is considered 8 by my Board, because it's not a special exception. 9 It's a right by permit or a permit by right, depending 10 on you how you want to say it. It's basically if we 11 meet the code and the ordinance that the City has laid 12 before us. And we spent the last year and a half 13 meeting that very code. It should be approved 14 unanimously.</p> <p>15 And I would simply mention that, look, I have 16 the ability as well to hire four, five, six attorneys 17 that can come up here and that can pick apart your 18 code. They're completely subjective. They're working 19 for me, similar to the way that this counsel is working 20 for Marina Grande.</p> <p>21 It's ambiguous. Every city's code that I've 22 seen -- and I've been serving on the Board for years -- 23 is ambiguous because it gives a little bit of 24 flexibility for the Planning & Development Board to 25 kind of insert some credentials to the development.</p>	<p>1 CHAIR JAMES: Okay, so noted. 2 Next up we'll have Karen Christopher. 3 MS. CHRISTOPHER: Good evening. 4 CHAIR JAMES: Good evening. 5 MS. CHRISTOPHER: Karen Christopher, 2640 6 Lake Shore Drive, Unit 416. I'm going to be in 7 restaurant central if this goes through. 8 Now, I really wish I didn't have to be here 9 tonight, honestly. But since I'm around a couple of 10 attorneys, I'm really happy, because one of my favorite 11 shows on TV is Judge Judy. And she has a saying: 12 Don't pee on my leg and tell me it's raining. Okay? 13 And I can't tell you even where I want to start with 14 all this.</p> <p>15 Their beautiful floor plan, I don't believe 16 that for a minute. Floor plans change. You can go 17 into a condo building and they show you a floor plan, 18 and then they've got to make a little change here, a 19 little change there. So that one, I'm sorry, I don't 20 believe for a minute.</p> <p>21 The zoning, that it was commercial: Now, 22 when I bought, and I think I put my deposit down in 23 2004, what was being represented, and there was a sign 24 on the property, was Inlet Tower, residential, 16 25 condos starting at a million dollars. And then the</p>
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<p>1 But it's like that way on purpose. 2 I would simply say that this is his 3 subjective interpretation of what your code is, and you 4 have to rely upon your staff. Your staff has approved 5 this and worked with this applicant for the last year 6 and a half, and in doing so, they've already come to a 7 head on their conditions. I ask that you consider 8 that. This is not a complicated case. Approve. Thank 9 you.</p> <p>10 VICE CHAIR McCOY: Madam Chair. 11 CHAIR JAMES: Yes, Mr. McCoy. 12 VICE CHAIR McCOY: I want to ask -- and I 13 apologize, Mr. Podray, I didn't realize you were the 14 person -- 15 MR. PODRAY: Should I re-approach? 16 VICE CHAIR McCOY: No, not right now. But I 17 do want to ask some questions, because I didn't realize 18 you were the person that was referenced in the letter 19 from DOT. So it appears that you would have firsthand 20 knowledge on this.</p> <p>21 So when we get through with public comments, 22 I do want to ask him some questions, because he is the 23 subject of the Department of Transportation, I guess, 24 e-mail regarding the parking. So if I can do that 25 later, Madam Chair?</p>	<p>1 economy went. So if that was approved, didn't they 2 have to have residential zoning at that point, 3 somewhere around there? And if it changed, why, and 4 why weren't we notified that it changed?</p> <p>5 The beautiful picture they had of that -- of 6 our walkway with the fanning thing with all the spikes 7 on it that nobody would cross, I can't tell you how 8 many people I have seen sneak over and around onto our 9 property. We even had at one point a young man who 10 decided to put on a hat and his sunglass, crawl over, 11 walk around, go up to one of our valets and try to get 12 keys to some of the cars. So that's nonsense.</p> <p>13 I am single, Mr. Perry. I go to bars. I sit 14 at bars too. I have never sat at a bar at two in the 15 morning. I never wake up at one in the morning and 16 think, oh, I'm hungry. Let me go out and get a piece 17 of steak. Hasn't happened.</p> <p>18 I have lived with noise under the bridge for 19 the first six years, and that noise is amplified, I 20 can't tell you how loud. You have somebody sitting in 21 a car playing rap, and all you hear in my living room 22 is ba-boom, ba-boom, ba-boom, ba-boom, ba-boom.</p> <p>23 Okay, air-conditioned dumpster. I'm looking 24 at my thing here. I've got so much, I don't even know 25 where to go. The air-conditioned dumpster, yes. And I</p>

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<p>1 don't think it should be where they want it. I think 2 it should be on the southeast corner of their building 3 facing front so we don't have to see it, our neighbors 4 and guests driving in don't have to look at it straight 5 in their face when they come driving down our driveway. 6 And lastly, the marina, the tiki bar. I went 7 there. It's really good. Build that area, build the 8 marina. Get that going. Move out from there, not a 9 patchwork quilt. Thank you. 10 CHAIR JAMES: Thank you, Ms. Christopher. 11 Joel Goldberg. 12 MR. GOLDBERG: Joel Goldberg, 2640 Lake Shore 13 Drive, Unit 808. 14 I'd just like to address something that I 15 brought up in one of our condo meetings. I'm concerned 16 about a restaurant being there and being a mecca for 17 homeless. There are homeless under the bridge. I 18 can't go to Walgreens without being accosted by 19 panhandlers. And here's a restaurant that people could 20 come out of, and they might be carrying doggie bags, 21 and you could have a whole -- it could be a great place 22 for a feeding place for homeless. 23 After the restaurant maybe closes at night, 24 is it going to become a homeless hotel for people to 25 come onto that restaurant property and sleep? Could</p>	<p>1 talking, people talking on that fishing pier from 2 across the water. At night sound carries across water. 3 Anyhow, that's it. Thank you for your time. 4 CHAIR JAMES: Thank you. 5 Jim Bosely. 6 MR. BOSELY: I waive. 7 CHAIR JAMES: Thank you. 8 Brian Gibbons. 9 MR. GIBBONS: Hi. My name is Brian Gibbons. 10 I live in 2650 Lake Shore Drive, Unit 103. 11 I want to talk a little about the parking. 12 That was one of my concerns when I was here last week. 13 As I mentioned at that time, I was a head of an 14 engineer that was building restaurants all over the 15 U.S. and Canada, and never were we allowed to build 16 something that didn't have on-site parking. 17 But my concern is this. Even today before 18 coming over here, I went through the parking garage 19 where they claim they have their rights, and there were 20 43 cars parking there this morning, which meant they 21 were there yesterday afternoon and overnight. I don't 22 know if there's 75 there. I didn't count how many 23 there are. But over the last weekend or when we had 24 the holiday weekend, Memorial Day, I counted them on 25 those days. There were 53 cars in that garage</p>
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<p>1 they have access to the dumpsters? 2 Also, Florida is like the wild west. 3 Everyone carries a gun. Are they going to have guns 4 going into that restaurant? Are they going -- this is 5 a residential community. Are they going to have drunk 6 people? People at night, when they come out of 7 parties, even in that condo, they shout: Hey, let's 8 see you tomorrow. And they come out, they don't 9 realize that people are sleeping. 10 So also, I don't know what the story is; I 11 hear there's going to be dredging. 12 And restaurants fail all the time. Are we 13 going, if a restaurant fails, are we going to have an 14 abandoned building on our property with a cyclone fence 15 around it? I'm just concerned. And it's going to 16 become a hotel for people we don't necessarily want 17 walking around at night. 18 And that fence that separates our property, 19 I've watched people climb over it. It's easy. You 20 could climb right over that fence and get on there. So 21 that's my concerns. I know there's many others, but 22 that was just something brought up at one of our 23 council meetings. Who are you going to bring into that 24 area? 25 Also, on that fishing pier I can hear people</p>	<p>1 overnight and all through the day over that holiday 2 weekend. 3 There was also -- there's parking right 4 adjacent to our guard station. It's not a large one, 5 but there were 11 cars parked overnight, and during the 6 day three spaces were available because boaters were in 7 there using the parking spot. I went around to the 8 side where they claim they can use the west side of the 9 building where the tower is, where the boats are kept. 10 Overnight there were 15 cars parked in there, and the 11 next day there were 53 cars parked in that spot, boat 12 users. 13 So my question to them I'd like to have them 14 answer: As they've already stated, there's some 300 15 people. Some of them are going to come together, some 16 of them are not. Let's say that there's even a need 17 for some 200 spots. If they were in business over last 18 Memorial Day weekend, where would they going to be 19 parking those cars? 20 If I'm not correct, I think the parking in 21 the garage is leased spaces to people who have boats 22 there. If they're leased spaces that the boat owners 23 have, do they have the right to come in and just tell 24 those lessees, sorry, you're not using this spot, we're 25 going to give it to the restaurant? That doesn't make</p>

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<p>1 sense to me. And if they can't park, if the boat 2 owners can't park on the left side, or, I guess, the 3 west side of the tower because there are restaurant 4 people, what are they supposed to do? 5 And lastly, I would say we have mentioned 6 that we have good neighbors there, and we do have good 7 neighbors there. And there are two streets that come 8 off that west side parking street that they're going to 9 use. If they can't make a left turn to get back onto 10 Blue Heron Boulevard, they're going to use those two 11 narrow side streets. I don't know if you've been down 12 those streets or not, but they're narrow, and the 13 people who live there park their cars on the street, 14 basically making it a one-way street. And they're 15 going to be in there going down those streets, causing 16 problems for those people also. 17 I think the parking situation is absolutely 18 crazy. It doesn't belong there. The restaurant, I 19 think, will fail within the year. Who's going to want 20 to wait 20 minutes for a valet, and in the summertime, 21 when we've got 90 degrees and 100 percent humidity or 22 it's raining, want to walk down there, women in their 23 high heels wanting to walk down there? 24 Thank you. I'm sorry. But I appreciate all 25 the work you're doing.</p>	<p>1 going to have 30 in staff, as one gentleman mentioned. 2 Hope they come on foot, the staff, and leave on foot. 3 And you're not going to -- and I heard at the 4 last meeting they were talking about shuttling people 5 back and forth via a golf cart to the restaurant. Now 6 tonight they're talking about valet parking. If you 7 are going to allow outside parking, it must be marked 8 off. You can't just say you're going to park over 9 there and then, like the gentleman just said, all the 10 boaters come in and they're expecting to park there 11 too. You have to have a concrete number of parking 12 spaces, and you have to have that zoned off. 13 We have enough parking problems in Riviera 14 Beach as it is, so what we -- every new structure we 15 put in the city must be self-contained as far as 16 parking goes. We can't say I'm going to rent from him, 17 I'm going to rent parking spots from him. That never 18 works out. 19 The lady who said she heard music from Two 20 Drunken Goats, you're going to hear this music, no 21 matter what kind of music it is, amplified music, 22 you're going to hear it on Singer Island, you're going 23 to hear it on the mainland, you're going to hear it 24 everywhere. A commercial development went in behind 25 us. We can't use our back yard anymore. We're going</p>
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<p>1 CHAIR JAMES: Thank you. 2 Bonnie Larson. 3 MS. LARSON: Good evening. Bonnie Larson. 4 A lot of things. We keep calling this the 5 Crab Pot. It has nothing -- it doesn't even resemble 6 the Crab Pot. You're putting 4,482 square feet, and 7 then it says with outdoor seating -- so does that mean 8 there's additional square footage -- on a one-third 9 acre property. One-third of an acre is what you should 10 be putting your house on, a small house. One-third of 11 acre, now you want to put -- they want to put 4,000 12 almost 500 square feet on that little parcel with no 13 parking. If what Mr. Schiller said tonight, we have a 14 lot more problems than we thought we did. FDOT says 15 they can't use the parking, then they're certainly not 16 in compliance with the number of parking spots. 17 It says in our staff analysis the 18 applicants -- oh, yes, I already said that. 19 Parking number. The number of parking spaces 20 proposed, 18 spaces is in compliance with the City's 21 Land Development Regulations. That's why we're redoing 22 all of our regulations. These are 1950 codes and 23 limitations. The year is 2017. They're talking about 24 having 2,060 (sic) customers. Where are those people 25 going to sit? Where are they going to park? They're</p>	<p>1 to hear that music. We're in the vicinity of Marina 2 Grande. We're going to hear that music, just like 3 you're going to hear it on Singer Island, because 4 music, loud noises travel over water like you cannot 5 believe. 6 Let's not get ourselves into a situation, a 7 lawsuit like we were -- like Jupiter and Tequesta have 8 been with (inaudible) and with Harbourside. Look at 9 all those people who are complaining about the noise. 10 So let's not -- let's be smarter than they were. 11 Oh, the dumpster, yes. You're going to have 12 rats and all kinds of things, so I can understand why 13 they want that blocked off. Also, people are going to 14 be going through those dumpsters -- ask me how I know 15 that -- picking out everything that's in there. Is 16 this what we want for the new Riviera Beach? I don't 17 think so. Thank you. 18 CHAIR JAMES: Thank you, Ms. Larson. 19 Applicant, this is your opportunity, really 20 briefly, please. And I just want to know if you are 21 open to any of the proposed conditions by Marina 22 Grande. 23 MR. PERRY: You know, I just want to make a 24 couple of quick comments, if you don't mind. 25 CHAIR JAMES: Are they in reference to the</p>

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<p>1 conditions?</p> <p>2 MR. PERRY: They're in reference --</p> <p>3 CHAIR JAMES: Because you've already had your</p> <p>4 presentation.</p> <p>5 MR. PERRY: I'm not making that I just want</p> <p>6 to make a rebuttal comment. You've heard a lot of</p> <p>7 opinions, particularly from their counsel, and I'd just</p> <p>8 like to respond. Two things.</p> <p>9 CHAIR JAMES: Briefly.</p> <p>10 MR. PERRY: Very briefly.</p> <p>11 On the issue of parking, this is in the CRA.</p> <p>12 Your code specifies: Within the CRA, off-site parking</p> <p>13 arrangements may be provided in lieu of on-site parking</p> <p>14 as long as sufficient documentation of the location and</p> <p>15 number of spaces is provided to the review authority.</p> <p>16 Now, Mr. Schiller missed, I guess, that</p> <p>17 somehow. But the reality is that's what your code</p> <p>18 says. We meet that requirement.</p> <p>19 Secondly, he's talking about air-conditioning</p> <p>20 equipment on the rooftop, and he's reciting from</p> <p>21 things. But the reality is what the code says is:</p> <p>22 Shall not be visible from adjoining properties. The</p> <p>23 only thing that's visible is if you were looking from</p> <p>24 the tower down, and that's a simple fix. We just put a</p> <p>25 cover on that. That's a simple solution.</p>	<p>1 that has reviewed this application and said we meet the</p> <p>2 code. You have an attorney who has come and who's</p> <p>3 analyzed and made a very cogent presentation to you,</p> <p>4 but it was his opinion, his interpretation. So the</p> <p>5 reality is I stand on that. We meet your requirements.</p> <p>6 I think we're entitled to a recommendation of approval,</p> <p>7 and we request that you do that.</p> <p>8 I'll be happy to answer any questions.</p> <p>9 CHAIR JAMES: Thank you.</p> <p>10 We're going to move into Board comments, so</p> <p>11 we're going to start down with Ms. Shepherd.</p> <p>12 MS. SHEPHERD: Madam Chair, I would like to</p> <p>13 pass until I get some thoughts together --</p> <p>14 CHAIR JAMES: Okay.</p> <p>15 MS. SHEPHERD: -- if you allow me to come</p> <p>16 back.</p> <p>17 CHAIR JAMES: Yes, ma'am.</p> <p>18 MS. SHEPHERD: Thank you.</p> <p>19 CHAIR JAMES: Mr. Blackwell.</p> <p>20 MR. BLACKWELL: Where do I start here? Okay,</p> <p>21 as far as the parking is concerned, I still have a big</p> <p>22 issue with the parking, as well as numerous other</p> <p>23 issues. Do you have anything in writing from the</p> <p>24 Loggerhead Marina which authorizes parking -- I'm</p> <p>25 talking to the attorney or the plan, project manager --</p>
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<p>1 So the reality is although everybody has</p> <p>2 opinions, you know, we had -- I'm confused, to answer</p> <p>3 your question, okay, as to what's really being asked</p> <p>4 here. Your staff has analyzed this thoroughly and</p> <p>5 completely, found the application to be sufficient, has</p> <p>6 suggested some conditions. We don't object to those</p> <p>7 conditions, and in fact, suggested that the hours of</p> <p>8 operation your staff has suggested are beyond what we</p> <p>9 want. We're willing to agree to 11 a.m. to midnight.</p> <p>10 That's fine.</p> <p>11 They proposed 12 conditions; I think it was a</p> <p>12 total of 12. They proposed 12 conditions. I indicated</p> <p>13 to you when I first got up here that their hours of</p> <p>14 operation conditions, that we still have a problem with</p> <p>15 that, but we're not unwilling to continue that dialogue</p> <p>16 with them. We will be happy to continue that dialogue.</p> <p>17 You can take action here tonight. You want</p> <p>18 to incorporate their conditions, do whatever you feel</p> <p>19 is the right thing to do. But I want to remind you</p> <p>20 again, this is site plan review. This is not a</p> <p>21 rezoning. We're not here -- it's not a special</p> <p>22 exception. We're here to determine whether we meet the</p> <p>23 code.</p> <p>24 And the only reliable testimony you've got is</p> <p>25 that you've got your own staff, your planning staff</p>	<p>1 that says you're going to have 75 spaces that are</p> <p>2 allotted to the Crab Pot restaurant?</p> <p>3 MR. WATERS: Mr. Blackwell, my name is Tyson</p> <p>4 Waters. I'm corporate counsel for Seven Kings</p> <p>5 Holdings.</p> <p>6 And the answer to that question is yes.</p> <p>7 There's an easement recorded in the public records</p> <p>8 between the marina and Seven Kings Holdings that allows</p> <p>9 us to use 75 parking spaces out of, I believe,</p> <p>10 approximately 150 that the marina has access to, which</p> <p>11 would be the garage plus the three outside parking</p> <p>12 spaces. But to answer your question directly, yes,</p> <p>13 sir, there's a recorded document that allows us that</p> <p>14 right.</p> <p>15 MR. BLACKWELL: I'm saying but which spaces</p> <p>16 have been identified, because I took a tour over there,</p> <p>17 and as many of the residents have indicated, during my</p> <p>18 tour I was shown three or four parking lots. Every one</p> <p>19 of those parking lots had cars parked in them. So I</p> <p>20 need to know -- I want to know where the 75 number is</p> <p>21 coming from.</p> <p>22 MR. WATERS: They're not specifically</p> <p>23 designated. The easement allows us to use 75 parking</p> <p>24 spaces, and we're to work with the marina to identify</p> <p>25 where those 75 parking spaces are.</p>

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<p>1 MR. BLACKWELL: So basically, this is a 2 premature -- 3 MR. WATERS: No -- 4 MR. BLACKWELL: -- anticipation that 75 5 spaces will be there in the future. 6 MR. WATERS: They are there. Today we have 7 the right to use 75 parking spaces. 8 MR. BLACKWELL: Okay, that's my comments 9 for -- at this time. 10 CHAIR JAMES: Okay, thank you, Mr. Blackwell. 11 Okay, Mr. Kunuty. 12 MR. KUNUTY: Yes. A question here for staff. 13 The motion that we passed last meeting regarding this 14 was that a Marina Grande representative, the 15 developer's representative would jointly meet with 16 staff to kind of iron out some of these issues and come 17 to an agreement on at least the ones they can. Seems 18 to me that we're here kind of prematurely, because we 19 have two attorneys who just got involved like within a 20 week or so, and we really don't have any agreement on 21 anything. 22 You know, the Marina Grande people have 12 23 conditions. Some of them seem pretty sensible and 24 probably can be agreed to. But I think the predicament 25 that I'm having is, one, we'd like to give everybody a</p>	<p>1 think that you all need to come to some type of 2 agreement. I would love to see a restaurant there, but 3 I have an issue with the music. I also have an issue 4 with the parking. And I think that parking is really 5 going to be a big issue. 6 Thank you, Madam Chair. 7 CHAIR JAMES: Vice Chair McCoy. 8 VICE CHAIR MCCOY: Trying to see where to 9 start. I guess I can appreciate Mr. Podray saying, you 10 know, we're really charged with being -- with asking 11 the question is it consistent with the code. And you 12 know, as much as I want to be good neighbors, but if 13 they have a permitted by right, then that's what we 14 should deal with, those issues, you know. 15 And I think I shared this with the person, 16 Brenda Grigg, that, you know, the expectations that we 17 consider the noise and how it impacts is not this 18 project, because it's not here on a special exception. 19 And I've heard a lot of people from Marina 20 Grande, and I guess those in opposition saying things 21 about the parking and the traffic, and I guess a number 22 of different things just as incompatible. And you 23 know, I get that. But I have to respect private 24 property rights. And my only concern, I guess the only 25 question is if it's compliant.</p>
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<p>1 fair shot, but if you disapprove this, okay, it's a 2 dead issue. If we conditionally approve it, it's still 3 conditional. 4 So I guess my question is do we need to 5 replay last meeting, send this back to you in Planning 6 and Zoning and let's really put in a full court press 7 to kind of work these issues out? I mean out of the 12 8 that they're proposing, I'm sure some can be agreed to 9 and some can't be agreed to, but at least I think, in 10 fairness to this Board, what we need to have is kind of 11 a summary statement that says they've agreed to the 12 hours of work, the amplified music, the parking, 13 there's a plan for parking, here's how it's going to 14 work, okay, and all of those things. 15 So, you know, at this point my feeling is 16 that we're kind of premature to approve or disapprove 17 this. So no other questions at this time. 18 CHAIR JAMES: Thank you, Mr. Kunuty. 19 Mr. Brown. 20 MR. BROWN: Madam Chairman, I think my 21 comments have been addressed. 22 CHAIR JAMES: Thank you, Mr. Brown. 23 Mr. Gallon. 24 MR. GALLON: Yes, Madam Chair. 25 I have an issue with the music. You know, I</p>	<p>1 Now, here's what I did. I got a number of 2 e-mails, and then I got a call from Marina Grande's 3 treasurer early in the week, and I also met with staff. 4 And one of my concerns with staff was something that I 5 heard come from the gentleman at Marina Grande, and it 6 was related to the FDOT project -- I'm sorry, related 7 to the FDOT property. And staff said we basically have 8 reviewed the site plan at that point and everything 9 seemed consistent. It wasn't, in my opinion, if I can 10 recollect, that they didn't require verification. 11 And I actually took the extra step to reach 12 out to FDOT in addition to what I've just seen here 13 today, the letter from FDOT. But I shared it with 14 staff, and I asked that he provide the members with the 15 e-mail that I sent to, in fact, the Secretary of DOT, 16 and it actually spoke to the same thing that I heard 17 Mr. Schiller say. 18 And if I could quote it real quick, and I'll 19 ask Mr. Podray -- no, my e-mail. And my questions were 20 pretty specific, and it basically -- and I don't want 21 to read it too much, but I certainly can give it to 22 Seven Kings, and perhaps they can respond. 23 But I asked: Good morning, Secretary 24 O'Reilly -- who's the Secretary of DOT's District 4, 25 which is basically all of south Florida. I'm a member</p>

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<p>1 of the Riviera Beach Planning and Zoning Board. I am 2 writing to find out about the agreement and preliminary 3 approval with Seven Kings, who is the proposed 4 developers of the project located at -- and I gave him 5 the parcel number.</p> <p>6 It was represented that there has been an 7 application for a lease agreement for the property 8 owned by FDOT adjacent to the northwest foot of the 9 Blue Heron bridge. Can you kindly provide the 10 application for Seven Kings Holding, Incorporated?</p> <p>11 I also asked: How long has the applicant 12 been in discussion with your office regarding the lease 13 of this portion of the right-of-way? Also, is it 14 common practice for FDOT to grant preliminary approval 15 of the lease agreement for a right-of-way that has not 16 yet received site plan approval? Has there been any 17 FDOT review of the proposed site plan application to 18 know how this right-of-way lease would affect the 19 through access to the service road and Blue Heron 20 bridge?</p> <p>21 And I went on to apologize for the urgent 22 request.</p> <p>23 And their response back was on Wednesday, and 24 I think he almost laid it out precisely as what I heard 25 Mr. Schiller say. And this came back from Secretary.</p>	<p>1 assurances that his required parking would be 2 accommodated either within his site or in an approved 3 off-site location, as FDOT would not want to create an 4 adverse situation following the development of his 5 property. Any parking provided on FDOT property must 6 be in excess of the City's parking requirements.</p> <p>7 Now, Mr. Perry said that Mr. Schiller had his 8 opinion. And I got this directly from FDOT myself. 9 And I hate to kind of break up, you know, what was 10 said, but, you know, I tend to agree.</p> <p>11 Now, the site plan had, I think it was 18, 12 and if six of them are on FDOT's property, I mean I 13 want to find out, and you know, we have to be 14 straightforward at this point, how do we fulfill the 15 parking requirements if FDOT has made it clear that 16 their six parking spaces cannot be used?</p> <p>17 Additionally, if we go further, the last 18 portion says -- and pardon me, I've got to slow down 19 and catch back up. It says: FDOT requested written 20 assurances that his parking, his required parking would 21 be accommodated either within his site or in an 22 approved off-site location, emphasis on off-site. I 23 don't know if off-site could work for us, because that, 24 in itself, would not be in compliance with the parking 25 requirements.</p>
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<p>1 O'Reilly, and he says: In response to your inquiry 2 regarding the existence of an agreement between FDOT 3 and the proposed developer of the Crab Pot, it is 4 important to understand that leasing of any portion of 5 FDOT property would occur between the property owner 6 and FDOT. Any development adjacent to FDOT 7 right-of-way will likely require permits from FDOT. 8 The developer of the property would typically apply for 9 such permits.</p> <p>10 Regarding this proposed development of the 11 Crab Pot, I can advise you that FDOT and the property 12 owner discussed leasing the FDOT property under terms 13 that will be acceptable to FDOT. The property owner 14 initially contacted FDOT in February 2015 regarding his 15 interest in leasing the property. The owner eventually 16 rejected these terms, and no further discussions 17 related to the lease have taken place since 18 approximately August 2016. Currently there are no 19 active discussions regarding the lease of the property. 20 FDOT remains willing to lease the property, provided we 21 can negotiate acceptable terms.</p> <p>22 The property owner was informed that his 23 approved site plan could not rely on the property 24 leased from FDOT to meet development requirements for 25 parking or circulation, and FDOT requested written</p>	<p>1 So, you know, I did have this in expectations 2 of hearing something. But I don't know if this was 3 directed to Seven Kings, because Mr. Schiller pointed 4 out in his letter that it was directed to Mr. Podray. 5 So I will hope that someone can kind of explain the 6 discrepancy or justify that there are parking spaces, 7 because from what I see, I don't know where they could 8 possibly be if that is the case from FDOT. I know it's 9 a lot, but you know --</p> <p>10 MR. PERRY: Well, it is a lot, but you know, 11 the reality is that -- again, Marty Perry, for the 12 record.</p> <p>13 A few years back I represented Mr. Podray 14 relative to negotiations with FDOT. Gerry O'Reilly 15 sits next to me. I sit on the Governing Board of 16 Tri-Rail, and Gerry O'Reilly sits on that Board, so we 17 know each other.</p> <p>18 I had discussions with him back then. At 19 that time we were trying to see if they would agree, 20 and at that time Mr. Podray wanted to do the restaurant 21 and we were trying to see whether or not FDOT would 22 allow the use of that area underneath the bridge that's 23 fenced off for parking. And they were adamant in their 24 refusal against that.</p> <p>25 But the reality is, and I just saw -- I</p>

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<p>1 haven't seen what you read, but I have a copy of what 2 Mr. Schiller read. And it's interesting, and I want to 3 refer specifically to the language that is in the -- 4 it's this letter actually came from Rafael Garcia, 5 Chief Counsel, District 4, Florida Department of 6 Transportation, and it says: Although the Department 7 was willing to lease this property -- they're not 8 unwilling to lease it, FDOT -- Mr. Podray disagreed 9 with the Department's appraisal method, and all 10 discussions regarding the lease of the property ended. 11 That's all I know about that. I don't know 12 what those discussions were at that time. I wasn't 13 involved with Mr. Podray; I haven't been for at least 14 three or four years. 15 The reality, however, is that I got up a few 16 minutes ago to read from your CRA, the code section 17 that deals with the CRA, and this property is in the 18 CRA. This is a mixed use area that was created by the 19 CRA. That's why it's kind of interesting. If you add 20 all this together, yes, this is a residential 21 condominium, no question about it. Yes, this is a 22 commercial lot, no question about that. Yes, this is a 23 marina; it's in and out storage. It's in the nature of 24 light industrial use, okay? 25 Across the street you have Publix, which is</p>	<p>1 VICE CHAIR McCOY: Right. Let's stop right 2 there. But on that same point, wouldn't you have to 3 have an Agent Authorization? If that is true that 4 you're going to use their parking to fulfill the 5 parking requirement, shouldn't you be required to 6 present that along with the application? 7 MR. PERRY: You know, I don't know the answer 8 to that question off the top of my head. But to be 9 honest with you, we don't need those spaces in order to 10 meet your parking requirements, plain and simple. 11 VICE CHAIR McCOY: Okay. Well, let me not 12 confuse it with the Agent Authorization, but is there 13 something inaccurate about -- and I'll give you a copy 14 of the e-mail that I sent and also the response -- 15 MR. PERRY: And I don't think it's going to 16 read any different than this, to be honest with you. 17 VICE CHAIR McCOY: But the question that I'm 18 stuck with is -- and pardon me, we've gotten inundated 19 with so many papers. 20 MR. PERRY: It certainly has ballooned 21 tonight. 22 VICE CHAIR McCOY: Any parking provided by 23 FDOT property must be in excess of any City parking 24 requirements. So let's just take the six that is in 25 your site plan that's on FDOT property off of the</p>
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<p>1 CG commercial. You have a dentist's office. You have 2 another bar down the street, Inlet Lounge. I mean this 3 whole area is a grand mixed use area that was perceived 4 by the CRA to fulfill certain purposes, one of which is 5 the use that's portrayed here tonight, and that's a 6 restaurant use. You know, I keep harping on that, and 7 I don't mean to do that, but the reality is it's an 8 approved use. 9 But what I read to you before was that under 10 the CRA, you don't have to have on-site parking if you 11 have provable off-site parking. And we have that. 12 This gentleman got up and said there's an easement 13 that's recorded that clearly sets out the rights of 14 this property owner, Seven Kings, relative to -- Seven 15 Kings was the owner of the marina. They recently sold 16 it. Clearly sets out their rights relative to those 17 surface parking areas, as well as the garage. 18 Now, the Condominium Association can dispute 19 those rights and everything, but that's not in your 20 purview. That's a civil issue between -- 21 VICE CHAIR McCOY: Sure. 22 MR. PERRY: -- those parties. They granted 23 that easement. If they want to object to that, that's 24 fine. They can take that up. That's another issue 25 outside of this --</p>	<p>1 table. That would leave you with 12. 2 MR. PERRY: Correct. 3 VICE CHAIR McCOY: You have 40 -- 4 MR. PERRY: We have 75 spaces available other 5 than that. 6 VICE CHAIR McCOY: You have 4,482 square foot 7 of usable space. Our code requires one parking space 8 for every 300 square foot, which is equivalent to 9 requiring 15 parking spaces. You have 12. If you have 10 any additional parking spaces that has to be used to 11 fulfill this requirement, my question was: Is there an 12 Agent Authorization Form for that, those additional 13 three spaces? And if not, I'll (inaudible) with you on 14 that. 15 But here's where it gets even more confusing. 16 I don't know if we can even entertain what you're 17 saying, that you have a lease agreement, because what 18 happens is, and I asked staff for this, and I didn't 19 want to inundate them because it was short notice, but 20 how is it that we can have two towers at Marina Grande, 21 the Loggerhead Marina, and from my understanding, also 22 the dentist's office that use spaces there and 23 everybody can meet the parking requirement, and you 24 still lease 75 spaces? 25 Now, if you can justify that in some sort</p>

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<p>1 of -- and excuse me, I have the easement up here and I 2 haven't had a chance to go through the recorded 3 easement in the clerk's office. But that seems like a 4 lot going on there, Mr. Perry. 5 MR. PERRY: Well, Mr. McCoy, with all due 6 respect, okay, the reality is that we've provided 7 evidence of an easement. It's off-site parking -- 8 VICE CHAIR McCOY: No, you didn't. 9 MR. PERRY: It's part of our application. We 10 indicated that we had the access, we had the 11 availability of 75 off-site parking spaces. 12 VICE CHAIR McCOY: But did you provide that 13 evidence? It would come through by either the actual 14 easement that's recorded in the clerk and comptroller's 15 office, or it would be on some sort of Agent 16 Authorization Form. 17 MR. PERRY: Apparently we didn't give them 18 the actual document. 19 VICE CHAIR McCOY: Well -- 20 MR. PERRY: Let's simplify things, if we can. 21 VICE CHAIR McCOY: Move forward. 22 MR. PERRY: You know, I just -- we just want 23 to move forward here. There are things that can be 24 continued to work on here. This Board has to do -- has 25 an obligation to take action. You can either approve</p>	<p>1 MR. PERRY: I understand you're struggling, 2 and I understand that it's the desire of this Board to 3 see these parties reach an agreement so that you 4 wouldn't have to wrestle with this. But the reality 5 is, and I've been doing this for 50 years, the reality 6 of this is there is no obligation on any of the parties 7 to reach an agreement just because it makes it easier 8 to make a decision. We can't. There are things that 9 we can agree to; there are some things we're not 10 willing to currently agree to. We can agree to 11 disagree. 12 You can decide that you don't want to accept 13 that, you don't like that, that doesn't meet your 14 terms. Deny the petition, okay? The reality is that 15 they've come here and they've said, well, if you impose 16 these 12 conditions -- at least that's what I seem to 17 hear them saying -- if you impose these 12 conditions, 18 we're okay. Well, I don't agree with the 12 19 conditions. You want to attach these 12 conditions to 20 a recommendation of approval, that's your prerogative, 21 you can do that. But I think this Board has an 22 obligation to take action to do something here. 23 VICE CHAIR McCOY: Well, I disagree. And I 24 can kind of say this, and I'm not going to rehash this 25 again, but it's in the site plan application narrative,</p>
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<p>1 or you can deny. 2 VICE CHAIR McCOY: Yes, we do have an 3 obligation to take action. But here it is. You even 4 said it yourself that there's evidence that's 5 submitted. In fact, there's not. 6 Additionally, when we sent this back, it was 7 for you guys to kind of come to some sort of meeting of 8 the minds. 9 Additionally, and I really didn't want to go 10 here, but I don't think that the narrative was in good 11 faith to say that there was a preliminary approval, and 12 I found that personally not to be true, because it was 13 stated -- 14 MR. PERRY: Who made the statement there was 15 a preliminary approval? 16 VICE CHAIR McCOY: Well, it was in -- it's in 17 the narrative of the Crab Pot site. It's by -- let's 18 see who signs off on it. But no one signs off on it, 19 but it's in this narrative. 20 MR. PERRY: I can tell you I didn't say there 21 was a preliminary approval -- 22 CHAIR JAMES: No, it was last month's 23 meeting; it was last month's meeting. And you know, I 24 just didn't really see that that was exactly accurate. 25 So it's kind of hard for me to sit here and --</p>	<p>1 and I'll read it to you: Preliminary discussions with 2 FDOT have yielded an informal approval of the submitted 3 site plan and willingness for the land owner to enter 4 into a lease agreement for the shown parking. 5 Mr. Perry, last month after I read that, I 6 assumed everything was fine. And I found out otherwise 7 after I got the response back from your colleague, 8 Secretary O'Reilly. So to sit here and present 9 anything else is just like -- I think number one is we 10 don't have enough information; that's number one. And 11 I'm not speaking to the issues of the noise and the 12 traffic. I'm speaking to just the bare minimum of 13 satisfying the code requirement. 14 And respectfully, you can say that for 15 Mr. Schiller, but don't insult me and say that what I 16 have here is not correct, because I went to the 17 Secretary of Transportation myself. So you know, I'm 18 not going to deny it -- 19 MR. PERRY: I have no intention of accusing 20 you of anything. 21 VICE CHAIR McCOY: I'm not going to deny or 22 I'm not going to suggest that we deny. I just, you 23 know, in all fairness, it's just not complete. And 24 until we can have some assurances on how this is to 25 work, we just spent two hours on discussions, and I</p>

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<p>1 can't even see that you've even met the bare minimum to 2 be here today, Mr. Perry. 3 CHAIR JAMES: Okay. 4 VICE CHAIR McCOY: And Madam Chair, I'm not 5 finished. 6 Mr. Podray, if you want to indulge me for 7 just a moment if -- now, I'll allow you to respond, but 8 my main concern is the letter that was presented by 9 Mr. Schiller in reference to DOT. That would kind of 10 speak to the same thing we're dealing with here today. 11 Maybe it was a different idea or a different 12 restaurant, but it was clear again in that letter, and 13 I don't see much difference in the one that I've gotten 14 back. So I kind of want to get your thoughts in case 15 I'm missing something. 16 MR. PODRAY: Of course. I'll expand on that 17 if I can. It's true that since 2015 when I purchased 18 this property, I did try to develop it myself, which 19 predicated my conversations directly with the FDOT. I 20 did hire Mr. Perry at the time, and we had started 21 lease negotiation, because originally I was trying to 22 purchase the property. But there was always an 23 understanding. 24 And I happen to know Mr. O'Reilly. I deal 25 with Stacey Miller and Sue, their legal counsel there</p>	<p>1 requirement, or downtown Delray? 2 You have all of these sites that piggyback 3 and lease parking from other people, and they show 4 these documents. There is no contiguous on-site 5 parking requirement. You could never develop a 6 downtown core. And if it's Riviera Beach's, I guess, 7 prerogative to develop this downtown core, you can't 8 have one either. 9 We have to have the ability to have and 10 satisfy the on-street parking requirements with 11 noncontiguous property, as Delray Beach has done for 12 years, downtown Fort Lauderdale has done for years and 13 all these other places that I'm sure several of us like 14 to frequent. So that's the notion. 15 But as far as I'm concerned, and I've been 16 negotiating with FDOT, we're in full compliance of 17 this. I've been -- 18 VICE CHAIR McCOY: Sure. 19 MR. PODRAY: -- negotiating with them. 20 VICE CHAIR McCOY: And I think you are 21 correct. Here it is: Within the CRA, off-site parking 22 arrangements may be required in lieu of on-site parking 23 as long as sufficient documentation of the location and 24 the number of spaces is provided to the review 25 authority. That's the evidence that I'm speaking of,</p>
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<p>1 all the time. I have been in direct communication with 2 them through the last two or three years. 3 And so to clarify the e-mail, the e-mail is 4 simply as follows: They are not allowed, or we, as the 5 applicant, are not allowed to utilize their parking for 6 purposes of pulling this application with the City, 7 okay. 8 VICE CHAIR McCOY: That's exactly what 9 happened here today -- well, last month. 10 MR. PODRAY: According to the CRA document 11 that the, I guess, the developer just presented, we 12 don't need to have the on-site parking. Once they have 13 the 75 spaces, plus the 12, they meet that requirement. 14 Therefore, the FDOT lease and the FDOT parking spaces 15 are redundant. 16 And so that's my concern. We're dealing with 17 two different points. If there is a contiguous on-site 18 parking requirement that can be substantiated by this 19 Board, then yes, according to your interpretation, you 20 would be correct. 21 However, according to the CRA 22 interpretation -- because look at it like this. Let's 23 use some decorum here. And I go before the Board 24 thinking as if I was up on the Board. How would you 25 have places like Las Olas if you had an on-site parking</p>	<p>1 Mr. Podray. So -- 2 MR. PODRAY: Well, I would suggest that the 3 applicant simply submit the easement agreement. That's 4 a five minute process. We can e-mail it tonight. 5 VICE CHAIR McCOY: Well, here it is. I would 6 say yes, but that's not up to me. I want to see what 7 the Board thinks. But those are my comments and my 8 concerns. 9 But I know that this is a lot for staff to 10 comprehend, because I know when I asked the question 11 this week, a lot of it was new information. So out of 12 respect for them, you know, I don't know if it's going 13 to satisfy the requirement if you just send an e-mail, 14 and I am not comfortable with sending this on with the 15 approval of the Board until we -- I mean we spend the 16 time vetting this out, or at least should be vetting it 17 out with compliance to the code, and I will hope that 18 we can have the satisfaction of knowing that it was 19 met. 20 So I want to hear from our staff, Madam 21 Chair. 22 CHAIR JAMES: Okay. 23 MR. PODRAY: Thank you. 24 CHAIR JAMES: Thank you, Mr. Podray. 25 I don't know who you are or --</p>

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<p>1 MR. BLAIR: Gee. My name is Ken Blair. I'm 2 with Seven Kings Holdings. I'm one of the fellows who 3 puts a lot of this stuff together. 4 So to answer directly your question, if I 5 may, and I just wanted to confirm with staff, when we 6 made the original application, there were the meetings. 7 And I'm trying to answer your question specifically 8 about what was submitted. 9 When we submitted the initial application, 10 the best that you could get out of FDOT at this point 11 in time, because as has been pointed out, there's not 12 an actual signed lease, the condition precedent to 13 having an actual signed lease included at the time that 14 they told us you need a utility permit, which we've 15 gotten; you need a drainage permit, which we've gotten; 16 you need a connection permit, which has been 17 conceptually approved pending posting of a bond. And 18 when those three conditions precedent were done, they 19 would then consider and start entering into -- not 20 consider. They would start working on the paperwork to 21 do a lease. 22 So therefore, you get this chicken and egg 23 situation where FDOT is not going to approve anything 24 until the City approves it. The City is not going to 25 approve anything until there's an FDOT lease. So the</p>	<p>1 We've obtained the approvals that were stated 2 as being a condition precedent to entering into a 3 lease. I now have those, and so now all of a sudden, 4 in concert with us completing those applications, as 5 well as what I'm led to believe, and I'm surmising 6 here, are comments and questions from Marina Grande, 7 questions and comments from Riviera Beach, all of a 8 sudden it's made the radar. 9 And now, again, as you can imagine, the 10 higher-ups are saying what's going on, and the various 11 hands are doing what they need to do to report to their 12 people. So I don't know if that helps -- 13 VICE CHAIR McCOY: It doesn't really, 14 Mr. Blair. But I wanted to find out from staff if 15 they -- 16 MR. BLAIR: Oh, well. 17 VICE CHAIR McCOY: Because here it is. We're 18 advisory in nature. 19 MR. BLAIR: I understand. 20 VICE CHAIR McCOY: And you know, I want to at 21 least allow our staff, in light of, you know -- because 22 I sent this e-mail to staff yesterday which I received, 23 and I sent it for two reasons. Number one, so I'm not 24 in violation of the Sunshine Law. And I certainly 25 wanted them to provide it to the members of the Board.</p>
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<p>1 best that we could at the time get out of FDOT was a 2 letter, an e-mail, actually, that indicated that 3 they -- I can't say approved, because -- 4 VICE CHAIR McCOY: Right, you can't say that. 5 MR. BLAIR: -- it's all unofficial, okay. 6 But they were aware of the site plan, they had seen the 7 site plan, they had commented on the site plan. We had 8 made adjustments to the site plan to satisfy the 9 comments that they had, the unofficial -- I know you 10 can't do air quotes on this, but unofficial comments 11 that they had. 12 And that e-mail was submitted with our 13 application to staff. And so I don't know whether it 14 made your packets or it didn't make your packets, but 15 it was part of the application, and that served as 16 approval from FDOT, or at least initial acknowledgement 17 of FDOT as to what was going on. 18 We have continued, and to the e-mails that 19 have just recently gone back and forth that you were 20 speaking of, I don't know how many people here have 21 worked with FDOT before, but right hand doesn't always 22 know what left hand is doing. And so possibly 23 Mr. Podray hasn't talked to them in a number of months, 24 but in the meantime, we, as the applicant, have been 25 diligently working away with FDOT.</p>	<p>1 And secondly, for their review and attention. 2 You know, I don't exactly know if they've had 3 an opportunity to really look at it, but I certainly 4 will look to them for some guidance. But I came here 5 expecting that there was going to be something 6 definitive regarding parking, and you know, I just 7 can't say that we've gotten it. 8 But respectfully, I would ask, Madam Chair, 9 if we could hear back from our staff if they have 10 anything or have had time to formulate any kind of 11 opinions or proposed process at this point. 12 MR. BLAIR: I just want to thank you. And my 13 purpose was to clarify the kind of smoke surrounding 14 FDOT and what's going on. I hope I've at least done 15 that. 16 CHAIR JAMES: Thank you, Mr. Blair. 17 VICE CHAIR McCOY: Thanks. And I have that 18 letter. I certainly can give you guys a copy of the 19 e-mail that I sent. 20 CHAIR JAMES: Jeff, do you -- okay. 21 MR. GAGNON: Thank you, Chair. So from 22 staff's perspective, the FDOT area in question is an 23 integral part of the site plan itself. When staff 24 reviewed the site plan, we reviewed it anticipating 25 that in the future, FDOT would grant access to utilize</p>

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<p>1 those spaces for parking.</p> <p>2 If that agreement is not enacted, if it's not</p> <p>3 executed, then the site plan itself couldn't be</p> <p>4 completed as provided to the Board. So there would</p> <p>5 have to be adjustments made, whether that meant an</p> <p>6 additional site plan approval, amendments to a site</p> <p>7 plan approval, but additional actions would have to</p> <p>8 take place if the applicant could not receive the</p> <p>9 approval from FDOT in order to move forward in the</p> <p>10 manner provided on the site plans.</p> <p>11 And additionally, the method that staff would</p> <p>12 utilize to make sure that this happens is if this</p> <p>13 proposal were to go through the Planning and Zoning</p> <p>14 Board, the CRA Board, and be approved by City Council,</p> <p>15 prior to issuance of a building permit, we would</p> <p>16 require that executed agreement from FDOT as part of</p> <p>17 that submittal package to ensure that all the legal</p> <p>18 rights to utilize that space had been acquired. So if</p> <p>19 that's not provided to staff, then we would not issue a</p> <p>20 building permit to move forward.</p> <p>21 CHAIR JAMES: Did that answer your question,</p> <p>22 Mr. McCoy?</p> <p>23 VICE CHAIR McCOY: Yes. But I'm still -- I</p> <p>24 don't understand how they meet the minimum</p> <p>25 requirements, and that's where I'm at. Those are my</p>	<p>1 back to retire.</p> <p>2 I want to say to you I thank you for coming</p> <p>3 out once again, but I cannot support this. At no means</p> <p>4 can I support this. A nice Denny's or a nice morning</p> <p>5 breakfast sitting by the pool -- or the water, I'm</p> <p>6 sorry, and just having a nice cup of coffee and having</p> <p>7 a -- but I know this City has to grow. That's the one</p> <p>8 thing we have to understand. But we have to come to</p> <p>9 the meeting of the minds. Right now we have not got</p> <p>10 there.</p> <p>11 I really don't see nothing wrong with the 12</p> <p>12 conditions. I think they're very good. Who wants to</p> <p>13 be up at 2:00, not getting any sleep? And I don't know</p> <p>14 how anybody feel, but when I'm not sleeping, I'm very</p> <p>15 grumpy, very grumpy. So I can imagine all these people</p> <p>16 waking up in the morning -- they say they're a knit</p> <p>17 community -- grumpy. And you will be grumpy listening</p> <p>18 to this noise.</p> <p>19 So with that, Madam Chair, I say to you and</p> <p>20 to the Marina Grande, welcome to the City of Riviera</p> <p>21 Beach. And to the Crab Pot, I thoroughly cannot</p> <p>22 support this. Thank you.</p> <p>23 CHAIR JAMES: Thank you, Mrs. Shepherd.</p> <p>24 Okay, my questions have been answered along</p> <p>25 the way. I kind of have the same sentiment as</p>
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<p>1 comments for now, Madam Chair.</p> <p>2 CHAIR JAMES: Thank you.</p> <p>3 Ms. Shepherd.</p> <p>4 MS. SHEPHERD: Yes, Madam Chair.</p> <p>5 Once again, thank you for coming out to this</p> <p>6 meeting. Someone said last week they wouldn't take a</p> <p>7 hand clap, but the one thing I want to say, you need to</p> <p>8 clap for yourselves for coming together as a team,</p> <p>9 allowing the City of Riviera Beach to know, by way of</p> <p>10 Channel 18, how you feel.</p> <p>11 I live on 23rd Street. You walk out of my</p> <p>12 house, turn right, go down and then go -- what is the</p> <p>13 back -- is it East 13th Street where the marina is at?</p> <p>14 And just imagine, I live on 23rd. I hear the amplified</p> <p>15 music. Therefore, I'm very sympathetic.</p> <p>16 I've been knowing Mr. Gentile for a very long</p> <p>17 time. We have a great relationship. I hope after this</p> <p>18 we still have a great relationship.</p> <p>19 But for Mr. Neil, I think the attorney has</p> <p>20 done a great job laying out how the residents feel.</p> <p>21 They have spent their life earnings coming back to the</p> <p>22 great City of Riviera Beach to only be met with having</p> <p>23 a restaurant -- slash -- bar in their neighborhood,</p> <p>24 smelling of the food, the noise. It propels me that</p> <p>25 anybody want to live like that when they are coming</p>	<p>1 Mr. Kunuty previously stated about the recommendations</p> <p>2 that we passed down at the last meeting. Doesn't seem</p> <p>3 like much was accomplished. So I'm good on that. And</p> <p>4 I understand, like I stated, not much, if anything, was</p> <p>5 accomplished with that request.</p> <p>6 So with that being said, what's the pleasure</p> <p>7 of the Board? Is there a motion?</p> <p>8 MR. BLACKWELL: Yes, Madam Chair.</p> <p>9 CHAIR JAMES: Mr. Blackwell.</p> <p>10 MR. BLACKWELL: Before I go into the motion,</p> <p>11 like Ms. Shepherd, I just want to thank everyone who</p> <p>12 did come out and speak on behalf of Marina Grande.</p> <p>13 Also to the Crab Pot representatives, Mr. Perry,</p> <p>14 Mr. Gentile and Seven Kings, you guys did a wonderful</p> <p>15 job.</p> <p>16 As it's been brought to our attention, we're</p> <p>17 just an advisory board. And not disagreeing with my</p> <p>18 colleagues, I do think that we are ready to make an up</p> <p>19 or down decision tonight. We have given this some</p> <p>20 thought. It has been back and forth for about four</p> <p>21 weeks now, and we're here tonight with the same issues.</p> <p>22 What we have before us is two parties that</p> <p>23 are just stuck on being stubborn and not moving and</p> <p>24 budging an inch. And with that being said, Marina</p> <p>25 Grande has reached out to the Crab Pot and tried. Like</p>

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<p>1 Ms. Shepherd stated, the 12 conditions I think are 2 somewhat reasonable, but Mr. Perry and Mr. Gentile have 3 stood before this panel and said they're not budging on 4 a lot of these issues. So I think that we're still 5 going to be at a standstill. 6 Based upon all the information and the facts 7 that we've been given, it is my opinion that we do not, 8 the City of Riviera Beach do not move forward with this 9 project based on the following three issues. 10 One, I find that the 4,000 square foot 11 restaurant and the alleged 18 spaces are not comparable 12 or do not meet the minimum requirements as per the 13 ordinance. Further, I find that the 75 spaces that 14 have been exclusively deemed a variance for this to 15 Seven Kings has not been proven. We have no 16 documentation that an agreement exists between the 17 Loggerhead and the Crab Pot location. 18 Further, I find that a one-way street, Mr. -- 19 I forget the attorney's name, Mr. -- 20 CHAIR JAMES: Schiller. 21 MR. BLACKWELL: -- Schiller did point out a 22 safety issue, which I too agree with. During my visits 23 over at Marina Grande, I stood on that corner and I 24 observed just 14 or 12 cars at the one red light which 25 leads back out to the intersection of Lake Shore Drive</p>	<p>1 police, as Mr. Schiller pointed out again, which would 2 cause, I think, an undue burden on our Police 3 Department. 4 And it is for those reasons that I do not 5 support this project and I would rely on the City 6 Council to reject it as well. Thank you. 7 CHAIR JAMES: So Mr. Blackwell, your stated 8 motion was for denial because of the points you pointed 9 out? 10 MR. BLACKWELL: That is correct, Madam Chair. 11 CHAIR JAMES: So now we need a second. 12 VICE CHAIR McCOY: Well, Madam Chair, can he 13 clarify and do it again, because that was quite a bit. 14 I want to make sure that we don't confuse it, because 15 he started off by saying do not move forward, so -- 16 MR. BLACKWELL: Okay. 17 VICE CHAIR McCOY: -- we need to make sure -- 18 MS. SHEPHERD: Not perfect like you. 19 CHAIR JAMES: Okay, Mr. Blackwell. 20 MR. BLACKWELL: I can clarify it, Madam 21 Chair. 22 CHAIR JAMES: Okay. 23 MR. KUNUTY: Just word it in terms of a 24 motion. 25 MR. BLACKWELL: Okay. I hereby present a</p>
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<p>1 and Blue Heron Boulevard where there was confusion with 2 one car trying to get into Marina Grande, and then the 3 parking, the cars being parked to exit were backing up. 4 So if we add another 50 to 80 cars during the 5 peak hours of 12 noon restaurant time, 5:00, these 6 residents trying to get back in their residence and the 7 5:00 crowd coming to the Crab Pot, I think this would 8 cause congestion, this would cause more accidents, this 9 would be a burden on the City of Riviera Beach's Police 10 Department. 11 And in saying that, I further find that this 12 project, this is not a Dunkin Donuts, this is not a 13 Starbucks we're talking about or we wouldn't be having 14 all this conversation if those type of commercial 15 restaurants were being proposed. We're talking about a 16 restaurant -- slash -- bar here, a 4,000 plus square 17 foot restaurant -- slash -- bar. 18 And it would be -- during my visit, I stood 19 on the property of 2640. That property line is less 20 than 200 feet from your proposed site, and I think even 21 a loud conversation would be heard. We're not going to 22 talk about the amplified music, but a loud 23 conversation, the pots and pans in the restaurant, the 24 cars, just the noise itself will become a nuisance. 25 These residents then will in turn be calling the</p>	<p>1 motion that we do not move forward with the Crab Pot 2 restaurant for one -- issue number one is the parking. 3 I don't have feel that they meet the parking 4 requirements. Issue number two is safety of traffic 5 concerns coming to and from the restaurant and the 6 Marina Grande on a one-way street. And number three 7 would be the peace and prosperity of the residents, 8 having an undue nuisance, or, so to speak, being 9 overburdened with loud music, unwanted guests 10 trespassing on their private property, and those 11 leading to a burden upon the Police Department 12 responding to those nuisance calls. And that will be 13 my motion. 14 CITY MANAGER EVANS: Madam Chair, if I may? 15 CHAIR JAMES: Yes, City Manager. 16 CITY MANAGER EVANS: Jonathan Evans, City 17 Manager. 18 It would be a recommendation for denial. I 19 would not encourage the motion to encapsulate all those 20 things because it is speculative. 21 CHAIR JAMES: Okay. Mr. Blackwell, can you 22 repeat that motion just to -- short and brief? 23 MR. BLACKWELL: Short and brief, I recommend 24 that we deny this proposal. 25 CHAIR JAMES: Is there a second?</p>

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<p>1 MS. SHEPHERD: Second.</p> <p>2 CHAIR JAMES: Ms. Shepherd, did you second?</p> <p>3 MS. SHEPHERD: I second it, yes; I did second</p> <p>4 it.</p> <p>5 CHAIR JAMES: Roll call.</p> <p>6 MR. VELASQUEZ: Anthony Brown.</p> <p>7 MR. BROWN: Yes.</p> <p>8 MR. VELASQUEZ: James Gallon.</p> <p>9 MR. GALLON: No.</p> <p>10 MR. VELASQUEZ: Margaret Shepherd.</p> <p>11 MS. SHEPHERD: Yes.</p> <p>12 MR. VELASQUEZ: Edward Kunuty.</p> <p>13 MR. KUNUTY: No.</p> <p>14 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>15 MR. BLACKWELL: Yes.</p> <p>16 MR. VELASQUEZ: Tradrick McCoy.</p> <p>17 VICE CHAIR MCCOY: Yes.</p> <p>18 MR. VELASQUEZ: Rena James.</p> <p>19 CHAIR JAMES: Yes.</p> <p>20 MR. VELASQUEZ: Motion passes. Four yes --</p> <p>21 five yes, two no.</p> <p>22 CHAIR JAMES: Thank you.</p> <p>23 On to item VIII, new business.</p> <p>24 If you guys could exit quietly, please, and</p> <p>25 thank you.</p>	<p>1 which is actually item (B) under new business, is a</p> <p>2 plat to reconfigure that parcel of land into one large</p> <p>3 parcel. So that will be following the site plan</p> <p>4 presentation.</p> <p>5 Now, here's a view that is looking west</p> <p>6 across the site. It's difficult to see on the screen,</p> <p>7 however, there is old signage from the Ivey Green</p> <p>8 Village that's still present. This image was taken</p> <p>9 from Google Earth, so the existing site conditions may</p> <p>10 be slightly different. However, the parcel itself is</p> <p>11 vacant, except for two structures that are minimal in</p> <p>12 nature that are towards the center of the site, and you</p> <p>13 can see them here. There's one structure here and also</p> <p>14 slightly to the north.</p> <p>15 For the record, this is a copy of the final</p> <p>16 site plan. It's also been provided within your packet</p> <p>17 as well. Phase one of the site plan, which is easier</p> <p>18 to visualize on following slides. However, this line</p> <p>19 drawn through the center of the site is the identifier</p> <p>20 for phase one of the project, and that's for the 101</p> <p>21 senior resident unit component of the development.</p> <p>22 And this is a portion of the landscape plan.</p> <p>23 All of the landscape pages were also provided as part</p> <p>24 of your packet as well, however, this does kind of</p> <p>25 bifurcate that phase one area from the overall site</p>
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<p>1 MR. GAGNON: Thank you, Chair. Our first</p> <p>2 item under new business, letter A, is a resolution of</p> <p>3 the City Council of the City of Riviera Beach, Palm</p> <p>4 Beach County, Florida approving a site plan application</p> <p>5 from the Riviera Beach Housing Authority to develop 101</p> <p>6 senior living apartments in phase one, and 79</p> <p>7 multifamily units in phase two on a parcel of land</p> <p>8 formerly known as the Ivey Green Village, approximately</p> <p>9 15.37 acres in size, identified by parcel control</p> <p>10 number 56-43-42-31-01-000-0010, located west of</p> <p>11 Congress Avenue, within the low density multiple family</p> <p>12 zoning district, abbreviated RML-12, and providing for</p> <p>13 an effective date.</p> <p>14 We do have the applicant, and their team is</p> <p>15 here tonight as well of the Riviera Beach Housing</p> <p>16 Authority and Wantman Group. So I'll continue with the</p> <p>17 presentation at this time.</p> <p>18 On the screen before you is a location map of</p> <p>19 the site. This is currently land that's owned by the</p> <p>20 Riviera Beach Housing Authority. It is west of North</p> <p>21 Congress Avenue, and there's an access point, West 17th</p> <p>22 Court.</p> <p>23 The way that the image identifies the</p> <p>24 different parcels, there's actually three separate</p> <p>25 parcels of land. The second portion of this approval,</p>	<p>1 plan.</p> <p>2 And the building structure itself is seen</p> <p>3 here. And this is Congress Avenue running north and</p> <p>4 south. There is a proposal for a new ingress and</p> <p>5 egress point towards the north side of the site as well</p> <p>6 that's located here and shown on the screen.</p> <p>7 This is the first floor plan, and it kind of</p> <p>8 starts to identify the layout of the structure.</p> <p>9 There's a community pool. There's also a drive-through</p> <p>10 canopied drop-off area that's proposed in the front of</p> <p>11 the structure as well.</p> <p>12 Within the packet we have provided the</p> <p>13 elevations. There are color elevations as well as the</p> <p>14 black and white elevations that are shown on screen.</p> <p>15 Just for the record, we have provided a few of the</p> <p>16 color elevations, however there are a few other color</p> <p>17 elevations that are provided in the packet as well.</p> <p>18 This is the view from the front entrance of</p> <p>19 the proposed development, so the center of the screen</p> <p>20 would be the main entranceway into the development</p> <p>21 proposal. And this is a view from the side of the</p> <p>22 project, so you can see there's some unique</p> <p>23 architectural designs that kind of set the development</p> <p>24 apart from just a standard residential structure.</p> <p>25 There's different balconies, different architectural</p>

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<p>1 features that almost seem to separate the building 2 visually into different units, although it is one large 3 structure and one building. 4 So City staff advises that the Planning and 5 Zoning Board review and consider all information 6 presented and provide a recommendation to City Council. 7 If the Planning and Zoning Board chooses to 8 recommend approval, City staff recommends including the 9 following conditions of approval. There are six 10 conditions of approval in total, and these are our 11 standard conditions of approval. 12 Condition one is a two year landscaping 13 performance bond for 110 percent of the value of 14 landscaping and irrigation. 15 Number two is construction and landscaping 16 improvements must be initiated within 18 months of the 17 effective date of this resolution. 18 Number three, this development must receive a 19 final Certificate of Occupancy from the City for all 20 buildings and units approved within five years of the 21 approval. 22 Number four, all future advertising must 23 state that the development is located in the City of 24 Riviera Beach. 25 Number five, once approved, this resolution</p>	<p>1 MS. ZOLEZZI: So as mentioned by Jeff, this 2 is an approval for 101 senior living units. The 3 architecture is, we feel it is a superior design. This 4 project has always been an affordable housing 5 development. The site has always been for affordable 6 housing. 7 It's compatible with the community. We've 8 actually had a neighborhood meeting. We've reached out 9 to the community. We've met with the leasing team at 10 Spinnaker (inaudible). We've talked to some of the 11 residents over in Congress Lakes. We've given them all 12 flyers from their meeting. So we have reached out to 13 the community. We've received positive response on the 14 project. 15 A little history on the site. It was 16 formerly the Ivey Green Village site. There was 17 hurricane damage in 2004, so it was demolished in 2008. 18 But it has always been owned by Riviera Beach Housing 19 Authority and there was always a plan to put affordable 20 housing back on this site. 21 This shows you a graphic of the site plan. 22 As Jeff, we think that it's a little bit easier to see 23 this graphic than the black and white. But phase one 24 is, again, 101 senior units. It's right around the 25 lake, so there's going to be amenities. It's going to</p>
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<p>1 shall supersede any previous site plan approval 2 resolutions. 3 Number six, City Council authorizes City 4 staff to approve future amendments to this site plan 5 administratively so long as the site plan does not 6 deviate greater than five percent from the originally 7 approved site plan. 8 So we do have representatives from Riviera 9 Beach Housing Authority. Mr. Hurt is present, as well 10 as Ms. Zolezzi from Wantman Group. So at this point, 11 we could open the floor to the applicant or Board 12 comments, whatever the Board desires. 13 CHAIR JAMES: The applicant can come up, if 14 they wish. 15 MS. ZOLEZZI: Good evening. I'm Lynn Zolezzi 16 with Wantman Group, and I'm here representing Housing 17 Group. We do have a PowerPoint presentation for you. 18 We will keep it brief, as we know you've been here 19 already for quite a while. 20 CHAIR JAMES: Yes, seems like it's getting 21 colder too. 22 MS. ZOLEZZI: We'll make it very brief. 23 CITY MANAGER EVANS: We do that on purpose. 24 CHAIR JAMES: To get us out of here? Well, 25 Mr. McCoy has coffee, so --</p>	<p>1 be a gated community. There will be security. 2 This is the project overview. We have 81 3 one-bedroom units, and the rental rate is going to be 4 709, projected. It is age restricted, 62 years and 5 older only. We have 20 two-bedroom units, and again, 6 the price is 859. 7 Again, this is going to be a nice 8 development. There's going to be a plethora of 9 amenities. We have a walking trail, we have a swimming 10 pool, exercise room. It's going to be a nice 11 community. 12 There's many safety issues that we've 13 addressed. We have 24 hour surveillance. We have a 14 gated, controlled access. We have professional site 15 management, and we think that's very important to keep 16 this area nice and to have a very secure community. 17 There's energy efficiency. And the graphics, I think, 18 they tell the story that this is going to be a well 19 maintained community. It's an improvement to a vacant 20 site in this community. You can see the north 21 entrance, south entrance, lake features. 22 And that's pretty much it. So we're here to 23 answer any questions you have. We have Housing Trust 24 Group, and we have also John Hurt from Riviera Beach 25 Housing Authority.</p>

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<p>1 CHAIR JAMES: Thank you. We just have one 2 public comment card on this item, and that's Mary 3 Brabham. 4 MS. BRABHAM: Ms. Mary Brabham, Riviera 5 Beach. 6 I would just like to say that we are glad to 7 see that this project here is moving on. Over on that 8 corridor we all know that that was a senior living 9 facility, and we know that it has been a long time 10 coming. So hopefully that we can proceed forward on 11 this project. 12 And if I remember, I would like to also know 13 too that how many units were to be set aside for the 14 veterans? Was the veterans supposed to also utilize, 15 you know, a component of this building project? So I 16 would like that question also answered. 17 And I think from what I can remember, this is 18 the first phase of it for 101 units, with the age limit 19 being 55 plus, single family. This is the first phase 20 of it. So is there any other phase that also 21 incorporated the veterans? Because if I remember, it 22 was a conversation about the veterans, setting aside 23 some of those units for our veterans here in the City 24 of Riviera Beach. So thank you. 25 CHAIR JAMES: Thank you, Ms. Brabham.</p>	<p>1 call you up. 2 Okay, Ms. Shepherd. 3 MS. SHEPHERD: Madam Chair, thank you. 4 Mr. Hurt, may I ask you one question while 5 it's on my brain? 6 MR. HURT: Yes, ma'am. 7 MS. SHEPHERD: I know you said it was 62. 8 MR. HURT: Sixty-two years of age and older. 9 MS. SHEPHERD: Okay. First let me thank 10 Mr. Hurt. I was the second to the last person that 11 lived in Ivey Green, and I thank you for allowing me to 12 volunteer and show my pictures. 13 But Mr. Hurt, if I remember, while I was 14 there, if there was a vacancy and someone came there 15 that was like 55, 56 or whatever and they came with a, 16 I think like abuse or whatever, they would allow them 17 to come in at an early age. Will the Riviera Beach 18 Housing Authority up under your (inaudible) consider 19 that particular scenario? 20 MR. HURT: I think in our management plan as 21 we will develop for the senior building, it will 22 certainly be a consideration for some handicapped and 23 disabled families that may be less than 62 years of age 24 or under. That would be a consideration. However, in 25 our application we did design it for age 62 years of</p>
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<p>1 Applicant, can you clarify the age limits? I 2 thought I saw on the side the age limit was 62 plus. 3 MR. HURT: Good evening. I'm John Hurt from 4 the Riviera Beach Housing Authority. Phase one, we 5 have set the age limit at age 62 years of age and 6 older, okay? It is a mixed income community, a 7 residential community. Heron Estates, as it will be 8 named, will no longer be identified as a public housing 9 site. It's an affordable residential community. Phase 10 one is designed for the seniors. 11 To the question, phase two is 79 units of 12 residential housing. We anticipate we will have a 13 veterans preference. Veterans will get a higher 14 priority in admissions to that phase two, which is a 15 family development of one, two and three bedroom units. 16 CHAIR JAMES: Okay. 17 MR. HURT: If you have any other questions, 18 we have our co-development partners here of the Housing 19 Trust Group, Mr. Finnie. 20 CHAIR JAMES: Hi. 21 MR. FINNIE: Good evening. Bryan Finnie of 22 the Housing Trust Group, Vice President of Development. 23 Am I answering questions? 24 CHAIR JAMES: Oh, okay. Well, we'll go into 25 Board comments, and then if they have anything, we'll</p>	<p>1 age and older. So there may be exceptions. 2 Mr. Finnie just reminded me that this is a 3 mixed income community. We will have some project base 4 vouchers in there to assist in assisting those families 5 of lower income and in those project based units. 6 Because they are subsidized by HUD, then they will be 7 available to handicapped and disabled families under 8 the age of 62 years of age. So the threshold would, at 9 that point, be 55, yes, ma'am. 10 MS. SHEPHERD: So you will be opening up to 11 that criteria. 12 Number two, I can't quite remember, but was 13 there supposed to be a pool put in there, or am I 14 getting the retention pond mixed up with the pool? Can 15 you clarify? 16 MR. HURT: Perhaps if we could go back, 17 there's both a lake feature, which is a retention 18 pond -- 19 MS. SHEPHERD: Okay. 20 MR. HURT: -- and in addition to that, there 21 is a pool with a spa. 22 MS. SHEPHERD: It's a spa. 23 MR. HURT: A pool and a spa. 24 MS. SHEPHERD: And a spa, okay. 25 MR. HURT: And a spa, yes, ma'am.</p>

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<p>1 MS. SHEPHERD: One more thing. I think, if 2 my memory serve me well, did we talk about having like 3 a weight room or a sauna? I'm not quite sure. I think 4 we talked about, or you talked about it. 5 MR. HURT: I and our Board has had a lot of 6 discussion about the amenities in the building. At 7 this point in time we will have a community room, we 8 will have laundry facilities in the building along with 9 the pool. There's been discussion as to allowable 10 space for an exercise room as well. 11 MS. SHEPHERD: Okay. I'm trying to refresh 12 my memory. 13 MR. HURT: Yes, ma'am. 14 MS. SHEPHERD: Will you have security and 15 cameras on that property since you have seniors that 16 will be occupying that particular building? 17 MR. HURT: Yes. Yes, ma'am, it will be a 18 controlled access building, okay? Once we complete the 19 entire site, we will have a controlled access gated 20 community, and upon the final completion of phase two, 21 we will have a manned guardhouse at the main entry. 22 MS. SHEPHERD: Okay. And another question -- 23 about to lose my mind here thinking about it. Oh, I 24 know; I know. Talking about the hurricane season, 25 someone was very clear at is that building going to be</p>	<p>1 initiate the redevelopment of that site has had its 2 challenges. We are fortunate at this point in time to 3 have partnered with the Housing Trust Group and to be 4 able to bring a funding, a financial plan together that 5 we can get phase one done. And we're working steadfast 6 on getting phase two done. Developing affordable 7 housing in the state of Florida, in the county of Palm 8 Beach has its challenges. 9 MR. FINNIE: Again, this is Bryan Finnie from 10 the Housing Trust Group. 11 I just have to take this opportunity, because 12 you did open the door. We're proud of where we are 13 right now. We've got this project funded and we expect 14 to close late summer, early as fall. 15 But I will say that because of the changes in 16 Washington, resources that were available may not 17 always be available, so we need as much help as 18 possible to get through the approval process so we can 19 close this thing before anybody decides to change 20 budgets or make those changes that we anticipate are 21 coming but not quite here yet. So please pray for us, 22 because I don't want to come back and say that we 23 missed the boat because we did not do this as soon as 24 possible. I had to take that opportunity. 25 CHAIR JAMES: Good to know.</p>
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<p>1 hurricane safe with the hurricane windows? 2 MR. HURT: We will comply with all required 3 codes for the building. We would -- 4 MR. FINNIE: Hurricane resistant 5 construction. 6 MR. HURT: Thank you. 7 MR. FINNIE: Yes. The answer is yes. 8 MS. SHEPHERD: Okay. All right, I think 9 that's all I can remember. 10 MR. HURT: Well, thank you. Thank you, 11 Ms. Shepherd -- 12 MS. SHEPHERD: Thank you. 13 MR. HURT: -- and thank you for your 14 continued support. 15 MS. SHEPHERD: Thank you, Mr. Hurt. 16 CHAIR JAMES: Mr. Blackwell. 17 MR. BLACKWELL: No comment. 18 CHAIR JAMES: Okay, Mr. Brown. 19 MR. BROWN: No questions. 20 CHAIR JAMES: Mr. Gallon. 21 MR. GALLON: I have one question. What took 22 so long? 23 MR. HURT: You're asking me? We certainly -- 24 we've been here six years and working with the Board of 25 the Riviera Beach Housing Authority. Trying to</p>	<p>1 MS. SHEPHERD: All right. 2 CHAIR JAMES: Were you talking about the 3 Sadowsky housing? 4 MR. FINNIE: I'm talking -- 5 CHAIR JAMES: All of it. 6 MR. FINNIE: I'm talking about Tallahassee 7 and I'm talking about Washington. 8 CHAIR JAMES: Okay. Thank you, Mr. Finnie. 9 Mr. -- oh, Mr. Kunuty, did I skip over you? 10 MR. KUNUTY: Yes, you did. 11 CHAIR JAMES: I'm so sorry. 12 MR. KUNUTY: That's all right. Don't worry 13 about it. 14 I just have a couple of questions. Would you 15 consider this a government/private business, joint 16 venture kind of a project? 17 MR. HURT: This is certainly a public/private 18 partnership. 19 MR. KUNUTY: Okay. And the Wantman Group is 20 the public? 21 MR. HURT: No, the Riviera Beach Housing 22 Authority is the public. 23 MR. KUNUTY: Okay. Now, they're the owners 24 of the land, but -- 25 MR. HURT: That's correct.</p>

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<p>1 MR. KUNUTY: -- you're buying the land from 2 them? 3 MR. HURT: We're leasing the land to the 4 development entity. 5 MR. FINNIE: The developer for the project is 6 the Housing Trust Group. We're leasing -- oh, sorry. 7 The developer for the project is the Housing Trust 8 Group. The Housing Trust Group is in joint venture 9 with the Riviera Beach Housing Authority. The Wantman 10 Group is our consultant that we hired to help us with 11 the land use planning and getting items ready for 12 approval, for permits, you know, like land use items. 13 MR. KUNUTY: Okay, understood. So do our 14 residents of Riviera Beach get any preferential 15 treatment, or is this -- to this housing, or is it kind 16 of first come, first served? 17 MR. HURT: Absolutely Riviera Beach residents 18 will have a priority. 19 MR. KUNUTY: Okay. 20 MR. HURT: And in addition to that, former 21 residents of the Ivey Green Village senior building 22 will have preference. 23 MR. KUNUTY: Okay. I'm impressed with the 24 project, and you know, I have no other questions. 25 MR. HURT: Thank you.</p>	<p>1 hard to tell. The tree in the middle is the median, 2 the tree in the middle. Let me use this. 3 VICE CHAIR McCOY: In both -- 4 MS. ZOLEZZI: Right here; right here. It's 5 ingress this way, and it's egress. 6 VICE CHAIR McCOY: Right, so is there a 7 security? Is there like a security -- 8 MS. ZOLEZZI: Card reader; card reader. 9 There will be a card reader at that gate, and then 10 there'll be a security officer at the southern 11 entrance. The southern is the main entrance; the 12 southern is the main entrance, which is right here. 13 That's the main entrance, and that'll have a security 14 gate. And when it's totally built out, it will have -- 15 it will be manned. 16 VICE CHAIR McCOY: So is that not the first 17 phase? 18 MS. ZOLEZZI: You're going to have to answer 19 that for me. The structure is part of the first phase. 20 You're going to have to answer the manned -- 21 MR. HURT: The structure is part of the first 22 phase. It will be manned upon the completion of the 23 entire site. And the new entry is residents; it's 24 planned for resident only entries. 25 MS. ZOLEZZI: Right. And the main entrance</p>
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<p>1 MR. KUNUTY: Good luck with it. 2 MR. HURT: Thank you. 3 CHAIR JAMES: Mr. Blackwell, did I get you? 4 MR. BLACKWELL: Yes. 5 CHAIR JAMES: Okay, good. 6 MR. BLACKWELL: I had no comments. 7 CHAIR JAMES: Vice Chair McCoy. 8 VICE CHAIR McCOY: Yes, I was looking at your 9 site plan. Is there a new ingress? 10 MR. HURT: We plan to apply. 11 MS. ZOLEZZI: Yes, there's a new ingress off 12 of -- yes, I'll bring it up. It's right here. 13 Do you have a pointer? 14 (Discussion held off the record.) 15 MS. ZOLEZZI: Right here. This is -- sorry, 16 I'm used to a pointer. Right there. Yes, that's the 17 new ingress right here. Currently the ingress is off 18 of 17th Court, which is south of the subject property. 19 That's the existing ingress. But the one that is in 20 the middle, just in the middle right there, that's the 21 proposed new ingress, and that does meet traffic 22 standards. 23 VICE CHAIR McCOY: And is it both ingress and 24 egress? It's kind of -- 25 MS. ZOLEZZI: It is ingress and egress. It's</p>	<p>1 will be card reader until it is manned. 2 VICE CHAIR McCOY: And is the Wantman Group 3 responsible for the architecture here? 4 MS. ZOLEZZI: It's another consultant. It 5 was David Lawrence. And we're responsible for 6 engineering, site planning, permits, anything, 7 everything else. 8 VICE CHAIR McCOY: Okay. All right -- 9 MS. ZOLEZZI: Landscape. We're responsible 10 for landscape architecture too, which it will be nice 11 landscaping also. It's going to be a quality project. 12 VICE CHAIR McCOY: Sure. Thank you. 13 MR. FINNIE: And excuse us. With us, we have 14 Jason Larson of the Housing Trust Group, so if you want 15 to blame anybody for the architecture, you can blame 16 him. 17 VICE CHAIR McCOY: It's different, you know. 18 MR. LARSON: Yes, it was different. 19 VICE CHAIR McCOY: It's definitely different. 20 MR. LARSON: Hi. I'm Jason Larson with the 21 Housing Trust Group. 22 And yes, David Lawrence is an architect that 23 does a lot of work in the county and had a relationship 24 with that Riviera Beach Housing Authority. And so we 25 decided to stick with him, and I think he did a very</p>

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<p>1 good job. Something, yes, a little different on the 2 design, but modern design, and I think it will be well 3 suited.</p> <p>4 VICE CHAIR McCOY: Thank you. And there 5 wouldn't be a management company, it just would all be 6 managed by Housing Authority, correct?</p> <p>7 MR. HURT: We will have a private management 8 company. The Housing Authority -- well, this is not a 9 Housing Authority site, okay?</p> <p>10 MR. FINNIE: I'm sorry. There will be a 11 private managing company, but it will be a joint 12 venture between the Housing Authority and HTG. So we 13 will be the managing entity of the property.</p> <p>14 MR. HURT: Going forward, yes. We're in 15 negotiations with that as we speak. The Housing 16 Authority will be involved as an entity going forward 17 because ultimately, with our partners, this being a tax 18 credit property, once the tax credit is burned off in 19 15 years, this project is scheduled to revert back to 20 the Housing Authority as a permanent fixture in the 21 community. So we, as the Housing Authority, early on 22 want to get involved in the management and operations 23 going forward, but I say transitional sort of 24 initiative over time.</p> <p>25 VICE CHAIR McCOY: Sure. Okay, thank you.</p>	<p>1 that had pictures, and I'm the only one that had 2 newspapers. So when Mr. Hurt and them that did not 3 understand, I -- I had no say-so in anything.</p> <p>4 Volunteering is just giving them the pictures and the 5 history of the City. But I had no sit-down to a table 6 with them over nothing.</p> <p>7 MR. GAGNON: Okay. The only other portion 8 that I would caution you on is any sort of financial 9 transaction could be viewed, even the perception of a 10 conflict, not to say that there is a conflict, however, 11 any sort of current residential situation, any --</p> <p>12 MR. HURT: If I may, if I may for disclosure, 13 I would, for disclosure purposes, say that Ms. Shepherd 14 is a resident in one of our neighborhood stabilization 15 program houses that we own. It is not a public 16 housing, nor is it affiliated with this project in any 17 way. She happens to be a resident of one of the few 18 houses, affordable houses that we have in the City of 19 Riviera Beach.</p> <p>20 MR. GAGNON: Again, I will let Ms. Shepherd 21 be the ultimate decision making authority on this, 22 however, even the perception of a conflict -- and 23 again, I just want to caution you, Ms. Shepherd, that 24 it just may be best to recuse yourself from --</p> <p>25 MS. SHEPHERD: Once again, Jeff, let me</p>
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<p>1 CHAIR JAMES: Thank you, Mr. McCoy. 2 Ms. Shepherd, did you have another comment?</p> <p>3 MS. SHEPHERD: Yes, Madam Chair.</p> <p>4 While it's on my mind, Mr. Ron Lewis, who is 5 one of the former managers here in the City of Riviera 6 Beach -- you know, I'm getting kind of up there -- how 7 does he fit into the equation.</p> <p>8 MR. HURT: Ron Davis, the former City Manager 9 here at Riviera Beach has been involved in this project 10 from the beginning. He's an integral part and 11 partnership in this, and you will see him, you know, 12 involved through this entire process.</p> <p>13 MS. SHEPHERD: Okay. Thank you, Madam Chair.</p> <p>14 CHAIR JAMES: Okay, if there's no further 15 questions from the Board, do we have a motion?</p> <p>16 MR. GAGNON: Madam Chair, if I may, I just -- 17 I want to ask Ms. Shepherd a question just out of, I 18 guess, caution.</p> <p>19 I know you mentioned before and you disclosed 20 you'd volunteered with the Housing Authority. I don't 21 know if there's any other potential conflicts 22 whatsoever. It may be best to just recuse yourself 23 from voting.</p> <p>24 MS. SHEPHERD: Well, may I clarify it? I 25 thought about it. Volunteer is that I'm the only one</p>	<p>1 clarify for the community.</p> <p>2 MR. GAGNON: Yes, ma'am.</p> <p>3 MS. SHEPHERD: I have had no dialogue with 4 the City of Riviera Beach Housing Authority. When I go 5 into the meetings, I sit to the back. I don't sit to 6 the table. I give no input, only the pictures and the 7 newspapers. But if it would clear the air, if it will 8 clear the air with any type of perception that I have 9 any dealings -- I have no dealings, but I will recuse 10 myself, Madam Chair.</p> <p>11 CHAIR JAMES: From the voting?</p> <p>12 MS. SHEPHERD: Yes, from the voting.</p> <p>13 CHAIR JAMES: Okay.</p> <p>14 MS. SHEPHERD: But I want the public to know 15 I haven't been in a while. That's why I keep asking 16 questions, to refresh my memory. And still, the 17 pictures are what tells the story. Also, on, I think, 18 Channel 18 there was a little segment of me showing the 19 property where I live.</p> <p>20 So absolutely I have nothing to do with it, 21 never spoke in those meetings, only to say what I 22 thought was wrong with my property and also the 23 pictures, which I think I showed Mr. Evans. And 24 anybody that want to know, I have the only pictures 25 when the Housing Authority went down.</p>

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<p>1 But to make you comfortable, Jeff --</p> <p>2 CHAIR JAMES: So noted, Ms. Shepherd. It's</p> <p>3 noted for the record.</p> <p>4 MS. SHEPHERD: Okay, thank you.</p> <p>5 CITY MANAGER EVANS: And also, Ms. Shepherd,</p> <p>6 if we can make sure that you file the appropriate</p> <p>7 paperwork for recusing yourself from this particular</p> <p>8 vote, because that needs to be filed with the</p> <p>9 appropriate entity. So staff will make sure that you</p> <p>10 get that.</p> <p>11 MS. SHEPHERD: No problem. Thank you.</p> <p>12 CHAIR JAMES: Okay, so is there a motion for</p> <p>13 item A?</p> <p>14 MR. BLACKWELL: Yes, Madam Chair.</p> <p>15 CHAIR JAMES: Yes, Mr. Blackwell.</p> <p>16 MR. BLACKWELL: I move that we accept and</p> <p>17 more forward with the Riviera Beach Housing project and</p> <p>18 with the caveat that this seven conditions also be</p> <p>19 included. Seven or six? Excuse me, strike that. Six</p> <p>20 special conditions.</p> <p>21 VICE CHAIR McCOY: Second.</p> <p>22 CHAIR JAMES: Roll call.</p> <p>23 MR. VELASQUEZ: Anthony Brown.</p> <p>24 MR. BROWN: Yes.</p> <p>25 MR. VELASQUEZ: James Gallon.</p>	<p>1 56-43-42-31-01-000-0010, located west of Congress</p> <p>2 Avenue, and providing for an effective date.</p> <p>3 So this plat is in conjunction with the site</p> <p>4 plan that was just viewed by the Board. It's the same</p> <p>5 location map that was provided previously. And really,</p> <p>6 it's just what we consider a boundary plat which would</p> <p>7 make this one unified parcel for development to</p> <p>8 continue in the future.</p> <p>9 So City staff advises that the P & Z review</p> <p>10 and consider the information presented and provide a</p> <p>11 recommendation to City Council.</p> <p>12 CHAIR JAMES: Okay. There are no public</p> <p>13 comment cards for this item, so we're going to move</p> <p>14 right into Board comments.</p> <p>15 Ms. Shepherd.</p> <p>16 MS. SHEPHERD: This is --</p> <p>17 CHAIR JAMES: This is comments, so if you</p> <p>18 have a Board comment, this not a vote.</p> <p>19 MS. SHEPHERD: Oh. No, no comment.</p> <p>20 CHAIR JAMES: Okay. Mr. Blackwell.</p> <p>21 MR. BLACKWELL: No comment.</p> <p>22 CHAIR JAMES: Mr. Kunuty.</p> <p>23 MR. KUNUTY: No comment.</p> <p>24 CHAIR JAMES: Mr. Brown.</p> <p>25 MR. BROWN: It's probably insignificant, but</p>
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<p>1 MR. GALLON: Yes.</p> <p>2 MR. VELASQUEZ: Edward Kunuty.</p> <p>3 MR. KUNUTY: Yes.</p> <p>4 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>5 MR. BLACKWELL: Yes.</p> <p>6 MR. VELASQUEZ: Tradrick McCoy.</p> <p>7 VICE CHAIR McCOY: Yes.</p> <p>8 MR. VELASQUEZ: Rena James.</p> <p>9 CHAIR JAMES: Yes.</p> <p>10 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>11 approved.</p> <p>12 CHAIR JAMES: Okay, item B.</p> <p>13 MR. HURT: Thank you very much. I would also</p> <p>14 like to note we have one of our Board of Commissioners</p> <p>15 meeting -- Board of Commissioners in attendance,</p> <p>16 Mr. Horace Towns, who is the newest member to our Board</p> <p>17 of Commissioners.</p> <p>18 CHAIR JAMES: Welcome.</p> <p>19 MR. TOWNS: Thank you.</p> <p>20 MR. GAGNON: Under new business, letter B, a</p> <p>21 resolution of the City Council of the City of Riviera</p> <p>22 Beach, Palm Beach County, Florida approving the Heron</p> <p>23 Lakes Senior Center plat from the Riviera Beach Housing</p> <p>24 Authority, approximately 15.37 acres in size,</p> <p>25 identified by parcel control number</p>	<p>1 on the first sheet of the plat on the section one, line</p> <p>2 four, it's inconsistent. I think that should be</p> <p>3 corrected.</p> <p>4 MR. GAGNON: It's section one?</p> <p>5 MR. BROWN: Section one, line four.</p> <p>6 MR. GAGNON: Section one, line four. And I</p> <p>7 know you do have expertise in the plat field --</p> <p>8 MR. BROWN: Yes.</p> <p>9 MR. GAGNON: -- so I would definitely adhere</p> <p>10 to that advice. And what we'll do is prior to final</p> <p>11 execution of the plat, we'll make sure the third party</p> <p>12 plat review is finalized and also all entities from the</p> <p>13 City will sign off on the final plat. So thank you for</p> <p>14 noting that.</p> <p>15 CHAIR JAMES: Yes, thank you, Mr. Brown.</p> <p>16 Mr. Gallon.</p> <p>17 MR. GALLON: No comment.</p> <p>18 CHAIR JAMES: There's no comments from myself</p> <p>19 as well. Is there a motion?</p> <p>20 MR. KUNUTY: So moved that we approve it with</p> <p>21 staff recommendations.</p> <p>22 MR. BLACKWELL: Second.</p> <p>23 MR. GAGNON: Just for the record, because</p> <p>24 it's a similar item, similar entity -- same entity, to</p> <p>25 be clear, prior to calling the roll, will you be</p>

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<p>1 recusing yourself once again, Ms. Shepherd?</p> <p>2 MS. SHEPHERD: Madam Chair, I will be</p> <p>3 recusing myself.</p> <p>4 CHAIR JAMES: Thank you, Ms. Shepherd.</p> <p>5 MR. GAGNON: Thank you very much.</p> <p>6 MR. VELASQUEZ: Anthony Brown.</p> <p>7 MR. BROWN: Yes.</p> <p>8 MR. VELASQUEZ: James Gallon.</p> <p>9 MR. GALLON: Yes.</p> <p>10 MR. VELASQUEZ: Edward Kunuty.</p> <p>11 MR. KUNUTY: Yes.</p> <p>12 MR. VELASQUEZ: Corey Blackwell, Sr.</p> <p>13 MR. BLACKWELL: Yes.</p> <p>14 MR. VELASQUEZ: Tradrick McCoy.</p> <p>15 VICE CHAIR McCOY: Yes.</p> <p>16 MR. VELASQUEZ: Rena James.</p> <p>17 CHAIR JAMES: Yes.</p> <p>18 MR. VELASQUEZ: Unanimous voting. Motion</p> <p>19 approved.</p> <p>20 CHAIR JAMES: Okay, on item C.</p> <p>21 MR. GAGNON: So item C, as I scroll down,</p> <p>22 it's an ordinance of the City Council of the City of</p> <p>23 Riviera Beach, Palm Beach County, Florida amending</p> <p>24 Chapter 10 of the City's Code of Ordinances entitled</p> <p>25 "Licenses and Business Regulations," Article VIII,</p>	<p>1 city. Specifically, it identifies certain sections of</p> <p>2 the city along Blue Heron Boulevard and also along</p> <p>3 Broadway and also encompasses the City's marina uplands</p> <p>4 as well.</p> <p>5 So at this point, I don't know if it would</p> <p>6 please the Board to look through the ordinance</p> <p>7 provisions line by line, if you just want to open it up</p> <p>8 to general comments or conversation, whatever pleases</p> <p>9 the Board.</p> <p>10 VICE CHAIR McCOY: I have one question,</p> <p>11 Mr. Gagnon.</p> <p>12 Madam Chair.</p> <p>13 CHAIR JAMES: Go ahead.</p> <p>14 VICE CHAIR McCOY: Is there an actual, I</p> <p>15 guess a GIS mapping or something of that, sort of the</p> <p>16 overlay?</p> <p>17 MR. GAGNON: An overlay for mobile vendors?</p> <p>18 VICE CHAIR McCOY: Well, for this district.</p> <p>19 MR. GAGNON: I don't believe a map has been</p> <p>20 created at this point to identify geographically where</p> <p>21 changes would occur. It's something that could be</p> <p>22 done.</p> <p>23 VICE CHAIR McCOY: Okay.</p> <p>24 And Madam Chair, if I may?</p> <p>25 CHAIR JAMES: Jump right in.</p>
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<p>1 entitled "Mobile Vendors," to amend existing</p> <p>2 regulations and to create new regulations for mobile</p> <p>3 vendor uses within the city, providing for conflicts,</p> <p>4 severability and codification, and providing for an</p> <p>5 effective date.</p> <p>6 I also wanted to be sure that we did receive</p> <p>7 comments from Mr. Brown on the language. I do</p> <p>8 appreciate that. So I did want to pass out that</p> <p>9 e-mail. It was passed out. So there was a few items</p> <p>10 that were noted, so we can kind of use that as a</p> <p>11 jump-off point, or at least reference that as we go</p> <p>12 through the language.</p> <p>13 So this is a City initiated code amendment</p> <p>14 process, and we've found throughout the years that the</p> <p>15 perception for mobile vendors and what's currently</p> <p>16 desired in the form of food trucks and other type of</p> <p>17 food capabilities or having different food options</p> <p>18 available to the public has changed over the past ten</p> <p>19 years or so.</p> <p>20 Historically, there was a mobile vending</p> <p>21 ordinance that was approved back in 2009, which, in</p> <p>22 essence, restricted the location for mobile vendors</p> <p>23 within the city itself. What this ordinance does is</p> <p>24 reconsider the mobile vending use, and specific</p> <p>25 locations of that use could be approved within the</p>	<p>1 VICE CHAIR McCOY: My next question was the</p> <p>2 moratorium that exists currently on the Blue Heron and</p> <p>3 Broadway corridor, that wouldn't impact this, would it?</p> <p>4 MR. GAGNON: I believe that moratorium's for</p> <p>5 site plan applications. So to move forward with mobile</p> <p>6 vending, it's typically just a permit that's required,</p> <p>7 so it's not a full site plan application process. So I</p> <p>8 don't believe that that moratorium would impact mobile</p> <p>9 vending.</p> <p>10 VICE CHAIR McCOY: Okay, so the moratorium is</p> <p>11 for site plan.</p> <p>12 MR. GAGNON: I believe that's the language in</p> <p>13 the moratorium, yes, sir.</p> <p>14 VICE CHAIR McCOY: Okay.</p> <p>15 CHAIR JAMES: Okay, and Jeff, I guess if you</p> <p>16 could just read what's the now proposed language.</p> <p>17 MR. GAGNON: So the new language contemplates</p> <p>18 the creation of different districts, so the Blue Heron</p> <p>19 civic district and the Broadway commercial district.</p> <p>20 So that language is provided, underlined on the screen</p> <p>21 currently.</p> <p>22 What it does is it really focuses on the</p> <p>23 roadway itself and then expands from there that 200</p> <p>24 foot radius to encompass other parcels within that</p> <p>25 area. So if you had a parcel within that defined area,</p>

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<p>1 you'd be able to potentially have mobile vending uses 2 occur according to these new ordinance amendments and 3 the new regulations proposed. 4 There's discussion of also providing a 5 definition for a manufactured metal facility. It's 6 becoming more prevalent to utilize metal type of 7 facilities for mobile vending uses. So historically, 8 we haven't had a definition for that, so this amendment 9 would provide a definition for these metal facilities. 10 So letter (m), it describes those specific 11 districts along Broadway and the Blue Heron district as 12 far as the locations that mobile vending can occur. 13 Additionally, there's specific conditions 14 that need to be met, which are listed here, one, two, 15 three and four. 16 I don't know if there's any specific elements 17 that the Board would like further information on within 18 this section. 19 CHAIR JAMES: I just have a quick question. 20 The metal facilities, is there a size restriction or a 21 size requirement? 22 MR. BAILEY: Terrence Bailey, Director of 23 Community Development. I worked on this a little bit 24 with Jeff. 25 There is a size requirement in this</p>	<p>1 non-operation. So that way you can't have a mobile 2 vending unit that really just sits there as a permanent 3 structure. 4 So this is really structure within the code 5 that allows the City to really take action if there is 6 not compliance with this section. So we just want to 7 make sure that these mobile units are exactly that and 8 not permanent structures. 9 VICE CHAIR McCOY: Mr. Gagnon. 10 If I may, Madam Chair? 11 CHAIR JAMES: Yes. 12 VICE CHAIR McCOY: So the technical things 13 that I think was pointed out by Mr. Brown, that's going 14 to be taken care of administratively before it goes on 15 to -- 16 MR. GAGNON: Within the e-mail? 17 VICE CHAIR McCOY: Yes. 18 MR. GAGNON: Yes, any sort of language 19 conflicts or typos or anything like that we'll be sure 20 to correct prior to advancing it. 21 VICE CHAIR McCOY: Okay. Now, just a couple 22 questions. Number one, related to alcohol, is there 23 anything that prohibits these mobile vendors from 24 selling alcohol? And if not, would we require -- 25 because here's two things that I'm thinking.</p>
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<p>1 regulation, and I believe it's further down, because we 2 did get specific on the size of the facility. 3 Obviously, they can't be large buildings. No mobile 4 vending shall be larger than 40 feet long and 20 feet 5 wide unless it's approved by the City Council. So 6 basically, after that size, you're kind of getting into 7 the site plan arena where it would trigger a lot more 8 criteria other than a -- something a little bit smaller 9 than that. 10 CHAIR JAMES: Okay, thank you, Mr. Bailey. 11 MR. GAGNON: So this is identifying specific 12 hours of operation for mobile vendors within these new 13 districts that are created. So again, we want to both 14 provide flexibility for the vendors and potential uses, 15 but also consider the fact that, you know, these are 16 more or less mixed use areas, so we want to be 17 sensitive to other potential conflicts that may arise. 18 So we were cognizant of that when these hours were 19 created. 20 You know, more specifically, number two, it 21 prohibits operation between midnight and six in the 22 morning for mobile vendors. 23 And also, number three, which is similar to 24 language that currently exists where the mobile vending 25 unit needs to be removed from site during hours of</p>	<p>1 Number one, should it be prohibited, the sale 2 the alcohol out of mobile vending units? And 3 secondly -- obviously, if they're selling alcohol, they 4 need to have some sort of, I guess, a license for it. 5 And secondly, is there -- should it be within -- 6 probably not, but should it -- I guess my question is 7 should there be some sort of regulations on if this is 8 an event, a food truck event or a festival, if they're 9 allowed to sell alcohol, there's a special permit 10 that's required? 11 So that's my concern. I don't think I've 12 seen it here. But certainly I don't know if it would 13 potentially create a conflict with the CRA in how at 14 least the current restaurant that's there being -- I 15 don't know if the lease has like a no compete clause or 16 something like that, or the City can't lease any space 17 within the marina district to a business that's selling 18 the same product. So, you know, when I look at it, 19 those are my concerns. 20 And I know what a food truck is. I just was 21 a little confused when it actually spoke of the 22 shipping containers. And I mean is these actual -- I 23 mean is these containers? 24 So I mean those are my questions, and I'm -- 25 you know, it does seem pretty technical, and I trust</p>

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<p>1 that these things can be addressed administratively.</p> <p>2 But those kind of are my concerns. And nothing major,</p> <p>3 but I would, you know, hope --</p> <p>4 MR. GAGNON: I'm not 100 percent aware of any</p> <p>5 sort of noncompete clause within the CRA, at least with</p> <p>6 the existing restaurant that was referenced. I would</p> <p>7 think that being the intent of having multiple</p> <p>8 restaurants in that area, that probably some of that</p> <p>9 does not exist.</p> <p>10 But to respond to your question in regards to</p> <p>11 alcohol sales, I think it's something that staff should</p> <p>12 look at carefully. And I think there may be a</p> <p>13 difference between, you know, a larger special event or</p> <p>14 festival versus just, you know, a food truck that's on,</p> <p>15 you know, a random corner along Broadway. So there's</p> <p>16 just a different level of scrutiny, security. It's</p> <p>17 just different. So I think your observation is</p> <p>18 accurate and on point. There would be a State license</p> <p>19 for any sort of alcohol sales that would be required as</p> <p>20 well.</p> <p>21 VICE CHAIR McCOY: There would be?</p> <p>22 MR. GAGNON: Yes.</p> <p>23 VICE CHAIR McCOY: Okay. Now, I may be</p> <p>24 missing it, but I've never heard of Broadway commercial</p> <p>25 district and Blue Heron civic district. How is that</p>	<p>1 corridors where we have the majority of our traffic.</p> <p>2 VICE CHAIR McCOY: And I understand that, and</p> <p>3 I guess it was oversight by me. But it appears that it</p> <p>4 goes from Blue Heron and President Barack Obama Highway</p> <p>5 to North Ocean Avenue.</p> <p>6 MR. BAILEY: Yes. So you have Broadway from</p> <p>7 Obama all the way, and North Ocean is the light at the</p> <p>8 northwest corner of the Ocean Mall. So, you know, as</p> <p>9 it begins arcing around and you stop at the light</p> <p>10 there, that's North Ocean. So you have all of that</p> <p>11 segment of road, which will get you the ability to have</p> <p>12 these regulations in effect at the Ocean Mall, along</p> <p>13 Singer Island, here all along Blue Heron Boulevard, all</p> <p>14 the way to the west, and City Hall, where we are,</p> <p>15 stopping at Obama.</p> <p>16 Similarly, Broadway goes -- has its</p> <p>17 definitions on the north and south, and you have that</p> <p>18 200 foot on either side in order to -- where you could</p> <p>19 potentially place a mobile vending location.</p> <p>20 VICE CHAIR McCOY: Okay. And I guess the use</p> <p>21 of these containers doesn't have to be associated with</p> <p>22 any event specific to the marina, correct, so if</p> <p>23 someone at the Wells Recreation Community Center over</p> <p>24 here wants to do something --</p> <p>25 MR. BAILEY: Right. So understand that there</p>
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<p>1 going to be outlined or defined?</p> <p>2 MR. BAILEY: I'm not sure if -- I had to step</p> <p>3 out for a moment. I'm not sure if Jeff mentioned it,</p> <p>4 but this request initially came from the CRA to allow</p> <p>5 flexibility that did not currently exist in the code</p> <p>6 for mobile vending near the marina.</p> <p>7 We initially contemplated using the verbiage</p> <p>8 of the marina district. But that verbiage and area is</p> <p>9 specifically defined at the marina, which required us</p> <p>10 to create new districts with new specific names so they</p> <p>11 would not be confused with the existing marina</p> <p>12 district. And they are defined here in this code, in</p> <p>13 essence, along the Broadway civic district.</p> <p>14 But the Blue Heron civic district and the</p> <p>15 Broadway commercial district are basically Broadway,</p> <p>16 and there's a start and stop, as defined in here, with</p> <p>17 the 200 foot buffer on either side. So the length of</p> <p>18 the segment of road, Broadway and Blue Heron, are</p> <p>19 defined in their definition, and then the width of 200</p> <p>20 feet.</p> <p>21 Because some of the parcels on those roads</p> <p>22 are deeper and shallow, that'll give you a still -- you</p> <p>23 know, you're obviously fronting those roads. You'll</p> <p>24 have the ability to have parking and things like that.</p> <p>25 So it's sort of a narrow band along our two primary</p>	<p>1 are a lot of -- the food truck sort of popularity, it</p> <p>2 takes a lot of forms. We call them food trucks, but</p> <p>3 some of them are pull-behinds, some are these --</p> <p>4 they're very different. And that's why we didn't use</p> <p>5 the words shipping container, because they're doing a</p> <p>6 lot of very creative things with the metal fabrication.</p> <p>7 So we went with a little bit more generic term that</p> <p>8 would encompass a lot more different options in the way</p> <p>9 how food and other vending is currently being done at a</p> <p>10 lot of sites.</p> <p>11 So I understand that it may be a little</p> <p>12 confusing, but in order to capture all the different</p> <p>13 options that are sort of out there, we used a little</p> <p>14 bit more generic term that would capture -- yes, a</p> <p>15 shipping container would qualify, but so would the</p> <p>16 different kind of pull-behinds that are sort of</p> <p>17 prefabricated and homemade or things of that nature as</p> <p>18 well in that definition.</p> <p>19 VICE CHAIR McCOY: Like a hot dog cart.</p> <p>20 CHAIR JAMES: Yes.</p> <p>21 MR. BAILEY: Technically, a hot dog cart</p> <p>22 would fall into that definition. But again, we've also</p> <p>23 put a lot of other requirements and regulations in</p> <p>24 there to sort of box in what we generally expect.</p> <p>25 VICE CHAIR McCOY: And do we require a</p>

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<p>1 business tax receipt if they're just here for the 2 weekend?</p> <p>3 MR. BAILEY: Yes. Again, all of the other 4 normal business operational items to operate within the 5 City still qualify, similar to your question about 6 alcohol. All the other State, Federal requirements and 7 City requirements for alcohol all qualify. This is 8 more of we already have a vendor -- a mobile vending 9 criteria and legislation. This will give a little bit 10 more flexibility and allow us to be more similar to 11 other communities.</p> <p>12 In addition, I'd take this opportunity to say 13 we approach this more from an economic development 14 perspective, because to find two or three million 15 dollars for some of our local food providers to get a 16 brick and mortar restaurant may be unobtainable. But 17 some of these other type of delivery vehicles, where 18 they can get going with lesser capital improvements and 19 the City working with them on truing up their menu, 20 getting ready and building up some capital to then get 21 a fixed business, that is a little bit more in line 22 with the model that we're seeing today in a lot of food 23 and other retail vending opportunities.</p> <p>24 So we see this as a great opportunity for our 25 community to participate in the economy as the marina</p>	<p>1 the food trucks as part or a component of that special 2 event, that would sort of be a little bit separate than 3 this.</p> <p>4 This is a little bit more consistent and 5 fixed. If you knew for season that you wanted to have 6 a food truck at a specific location, you would apply 7 through this new legislation and go through a 8 permitting process that would also concurrently require 9 you to have a business tax. If you knew you were going 10 to come every weekend for 12 or 15 weekends, you're 11 still going to need a business tax. So you're not -- 12 this does not address the business tax license because 13 it's legislated in other place in our code.</p> <p>14 VICE CHAIR McCOY: Sure. And I'm just -- 15 because you're right, there's so many variations. And 16 I'm even thinking about when you go to a construction 17 site, the folks that pull up in a pickup truck that has 18 this stainless steel container on the back, I mean do 19 they require a license for that, because I just --</p> <p>20 MR. BAILEY: From my conversations with a lot 21 of food truck vendors, because I eat at a lot of them, 22 they are required to get business tax receipts in every 23 city they operate in, because if, you know, the 24 regulatory agency rolls up on that truck to get 25 something to eat and they don't have this tax license,</p>
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<p>1 and Broadway and Blue Heron sort of take off.</p> <p>2 VICE CHAIR McCOY: Sure. But I guess I'm 3 still at the business tax receipt.</p> <p>4 MR. BAILEY: Yes, they need a business tax 5 receipt.</p> <p>6 VICE CHAIR McCOY: And I hear you, but the 7 thing is if I'm running a business, and let's say I 8 sell peanuts off of the back of my three wheel bicycle, 9 every city that I stop in, I'm going to be expected to 10 get a business tax receipt? I mean they're mobile, so 11 you know.</p> <p>12 There's another portion here that says they 13 must show -- a business tax receipt must be posted in a 14 visible location. So if this is just a weekend thing 15 or two day event, I mean do we go and require them to 16 do a business tax receipt, or is there a special permit 17 that's required? But you know, I think certainly if 18 someone is just coming here because there's a festival, 19 do we make them go through the whole arduous process of 20 doing a business tax receipt, or is it more or less a 21 special permit? And I just wanted to kind of make sure 22 that there was a distinction between --</p> <p>23 MR. BAILEY: Yes, there is a distinction. We 24 have an ordinance on special events, and there's a lot 25 of legislation on that. And if the special event had</p>	<p>1 they're going to get questioned.</p> <p>2 And we also don't want people showing up in 3 the city who we don't know who they are, we have no 4 contact with and they're selling food to our community, 5 and if something happens, we don't know who they are or 6 how to catch up with them.</p> <p>7 VICE CHAIR McCOY: Okay.</p> <p>8 MR. BAILEY: So there is a mechanism and an 9 intentionality behind why we do it.</p> <p>10 VICE CHAIR McCOY: Okay, fair enough. 11 Thanks.</p> <p>12 MR. KUNUTY: Madam Chair.</p> <p>13 CHAIR JAMES: Yes, Mr. Kunuty, you're 14 recognized.</p> <p>15 MR. KUNUTY: I'm just a little unclear on the 16 shipping container. In here, I don't know exactly 17 where, we say that a food truck needs to disappear at 18 the end of the business day, and they can't spend -- 19 they can't permanently park there. So are we saying 20 that the shipping container somehow gets retrofitted to 21 be mobile?</p> <p>22 MR. BAILEY: Yes. They take shipping 23 containers, they put them on axles and pull them. 24 There are a lot of -- it may have started out as a 20 25 by 40 shipping container, and then once they've chopped</p>

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<p>1 it, reformatted it, it's not what you think. That's</p> <p>2 one of the reasons why we didn't use the words shipping</p> <p>3 container, because they do a lot of, a lot of</p> <p>4 modifications to them.</p> <p>5 MR. KUNUTY: Yes, I know that they're using</p> <p>6 shipping containers and converting them into apartments</p> <p>7 and homes, okay, but I wasn't aware of that.</p> <p>8 The other question I had was on page two,</p> <p>9 restricted mobile vendor, a mobile vender offering only</p> <p>10 packaged foods, snow cones, raw produce or packaged ice</p> <p>11 cream from a mobile vending unit or a mobile auto</p> <p>12 dealer. So basically, and is -- these vendors can only</p> <p>13 sell prepackaged stuff? Because what I see in food</p> <p>14 trucks is they prepare the food right there, kind of</p> <p>15 cooked to order.</p> <p>16 MR. BAILEY: That's existing language, but</p> <p>17 it's a definition for a restricted mobile vendor. So</p> <p>18 if you say I'm a restricted mobile vendor, then you</p> <p>19 need to meet these criteria. So it's not necessarily</p> <p>20 universal, sir.</p> <p>21 MR. KUNUTY: Okay, thank you. So a food</p> <p>22 truck can pull up and prepare --</p> <p>23 MR. BAILEY: Yes, sir.</p> <p>24 MR. KUNUTY: -- a special order meal.</p> <p>25 MR. BAILEY: Yes, that is a traditional food</p>	<p>1 they sell liquor from those trucks. So are we going to</p> <p>2 limit the trucks that come into Riviera Beach from not</p> <p>3 selling liquor? Are we going to put -- you know,</p> <p>4 because a cold glass of beer or wine would go great</p> <p>5 with a hot dog.</p> <p>6 So now what are you saying? Are we going to</p> <p>7 put a hold on selling liquor, or are you going to look</p> <p>8 for it in the near future? Just how are you going to</p> <p>9 address this?</p> <p>10 MR. BAILEY: Well, I said we're not</p> <p>11 specifically addressing it because it's regulated in</p> <p>12 other locations. So if you have a license to sell</p> <p>13 liquor and could have sold liquor before under the</p> <p>14 current regulation, you still can. And so we're not</p> <p>15 doing anything to touch or restrict the ability to sell</p> <p>16 liquor, because it's already legislated in other</p> <p>17 locations in the City Code and at the State level.</p> <p>18 MS. SHEPHERD: Okay, let me try it again. So</p> <p>19 if a new truck come in and they want to sell liquor,</p> <p>20 they cannot sell liquor because they're not up under</p> <p>21 the auspice of a new -- what is it, a new law or -- I'm</p> <p>22 not getting it, I'm really not.</p> <p>23 MR. BAILEY: This ordinance, the current</p> <p>24 ordinance in its current fashion and the modification</p> <p>25 we're making don't talk about liquor at all.</p>
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<p>1 truck model.</p> <p>2 MR. KUNUTY: Okay. All right, thank you. No</p> <p>3 other questions.</p> <p>4 CHAIR JAMES: Okay, was there anything else,</p> <p>5 Ms. Shepherd?</p> <p>6 MS. SHEPHERD: Madam Chair, yes.</p> <p>7 You're talking about the liquor. What is the</p> <p>8 big deal about the liquor? It kind of went over my</p> <p>9 head a little bit.</p> <p>10 MR. BAILEY: There was a question about</p> <p>11 liquor and whether this legislation spoke to liquor.</p> <p>12 And the answer was no. Liquor is regulated in other</p> <p>13 sections of the City Code, as well as the State and</p> <p>14 Federal level. So we didn't specifically speak to</p> <p>15 liquor in this existing ordinance and the</p> <p>16 modifications.</p> <p>17 MS. SHEPHERD: So they cannot -- what are you</p> <p>18 saying, they cannot sell liquor from the mobile trucks?</p> <p>19 Is that what you're saying?</p> <p>20 MR. BAILEY: No, what we're saying is that</p> <p>21 liquor is not specifically addressed in this ordinance,</p> <p>22 in the modifications to the ordinance.</p> <p>23 MS. SHEPHERD: Will it be addressed in the</p> <p>24 future? And I ask the question because down in West</p> <p>25 Palm Beach they have the Mobile Explosion, and I mean</p>	<p>1 MS. SHEPHERD: They don't talk about it.</p> <p>2 MR. BAILEY: It does not talk about liquor at</p> <p>3 all, because liquor is regulated in other sections of</p> <p>4 the City Code.</p> <p>5 MS. SHEPHERD: Okay.</p> <p>6 MR. BAILEY: So if they have the license to</p> <p>7 sell liquor in West Palm and wherever else they may be</p> <p>8 doing it, and they come to Riviera Beach and apply, and</p> <p>9 all their documentation is in a row and it meets our</p> <p>10 ordinance, they could sell liquor. So we don't speak</p> <p>11 to it specifically in this ordinance.</p> <p>12 MS. SHEPHERD: Okay, I get you.</p> <p>13 Thank you, Madam Chair.</p> <p>14 CHAIR JAMES: Okay, are there any more Board</p> <p>15 comments?</p> <p>16 MR. BLACKWELL: Yes, Madam Chair, one.</p> <p>17 CHAIR JAMES: Okay.</p> <p>18 MR. BLACKWELL: I just looked up at the</p> <p>19 board, and you had -- you scrolled up or down. Anyway,</p> <p>20 it was reference to the amount of time that the mobile</p> <p>21 food unit can be in one place. Since we're reviewing</p> <p>22 this ordinance, is the 100 days, was that in the old</p> <p>23 ordinance, or is that something being proposed right</p> <p>24 now?</p> <p>25 MR. BAILEY: It's new in this section. I</p>

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<p>1 believe that there were conversations potentially about 2 some fixed, potentially fixed vendors, and we came up 3 with this. If you want to -- if there's a requester 4 who wanted to be more fixed, it would have to go to 5 City Council, and the CRA specifically in the marina. 6 So what this would do, right now I believe 7 there are two or three restaurant sites at the marina. 8 In the event that you wanted to put a more permanent 9 food truck or an entity that did not have to move, you 10 don't necessarily go all the way through a site plan 11 process, you would simply go to Council under the 12 auspices of this sort of carve-out to say in the marina 13 district we may want these here for the season, for 100 14 days, but we're going to the City Council to let the 15 City Council approve that and the CRA Board, not done 16 at a staff level. 17 MR. BLACKWELL: Okay. 18 MR. BAILEY: So this just indicates that the 19 staff will not be considering that. It's going to the 20 City Council. 21 MR. BLACKWELL: To the City Council, okay. 22 Thank you. 23 CHAIR JAMES: Any more Board comments? 24 Okay, we're going to go into the public 25 comments. There's two, Ms. Brabham and then Bonnie</p>	<p>1 manufactured metal facilities shall only operate within 2 the following hours of operation: Monday to Saturday 3 from 7:00 a.m. to midnight, and Sunday from 8:00 a.m. 4 to 10:00 p.m. 5 Now, remember now, those who know in the 6 general audience, I'm sure they all aware of it. These 7 were hours that they was trying to integrate with that 8 other site what they had. And I don't know whether you 9 remember when I was here with the Crab Pot, when I read 10 out that he -- I have to refer to it, because it's in 11 the minutes. 12 CHAIR JAMES: Well, I mean -- 13 MS. BRABHAM: I know. I understand 14 what you're saying. 15 CHAIR JAMES: -- specifically because it's 16 the City -- 17 MS. BRABHAM: Right, right. 18 CHAIR JAMES: -- and so we don't want to try 19 to point it out as just being him. 20 MS. BRABHAM: But I'm just saying, right, 21 because it is in the minutes. 22 CHAIR JAMES: Right, but this is two 23 different things. This is pertaining to -- 24 MS. BRABHAM: I'm saying -- okay, I'm 25 talking -- right, but I'm talking about this --</p>
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<p>1 Larson. 2 MS. BRABHAM: Ms. Brabham, Riviera Beach. 3 I want you to look at page four of page nine. 4 See, I see what's going on here. Bailey already said 5 he incorporated this manufactured metal containers. 6 Look at this section here where this ordinance here is 7 integrated in this. Bailey precisely said he did this. 8 Remember what we have said as a community base. He's 9 already pushing these 24 storage chemical tanks -- 10 CHAIR JAMES: Ms. Brabham. 11 MS. BRABHAM: -- on Broadway. 12 CHAIR JAMES: Ms. Brabham, let's be 13 respectful. 14 MS. BRABHAM: Okay, I am. 15 CHAIR JAMES: The hour is late. 16 MS. BRABHAM: I am. 17 CHAIR JAMES: Okay, thank you. 18 MS. BRABHAM: -- and right in here where we 19 go down here, where he included it in the mobile 20 vendor. 21 Now, the question too is we need to establish 22 an overlay district, and this is not in here. Now, 23 he's already said here within the Broadway commercial 24 district and Blue Heron civic -- civil district, mobile 25 operators and -- that word and is a conjunction --</p>	<p>1 CHAIR JAMES: -- mobile food truck. 2 MS. BRABHAM: -- what he has integrate. But 3 he has used the manufactured metal facilities. 4 Manufactured metal facilities. Look at it there. It 5 is a lot of stuff in here that you all are not 6 catching, because see, this going to come back to bite 7 you really, really big. It is a lot of stuff in here 8 that you all are not catching at all. And this is a 9 portion of it here, because see, once when this is not 10 detailed out and you don't know what in the world 11 you're voting on and passing here, this is how they get 12 us. They always say, well, you voted on it without 13 even getting that full clarity or precisely here what 14 are the manufactured metal facilities. 15 CHAIR JAMES: Thank you, Ms. Brabham. 16 MS. BRABHAM: Thank you. 17 CHAIR JAMES: Jeff, could you, I mean because 18 you were doing the review before, could you go up -- 19 can you come up and explain that, that the manufactured 20 metal facilities stated in this ordinance is pertaining 21 to food trucks and not a building. 22 MR. GAGNON: Yes, ma'am. Page three of nine. 23 CHAIR JAMES: Four. 24 MR. GAGNON: So the definition for the 25 manufactured metal facility is at the top of page three</p>

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<p>1 of nine, and then page -- so the same definition that 2 was on page three is discussed in the top of page four 3 as far as that manufactured metal container. So the 4 intent of this is supposed to relate directly to this 5 line here --</p> <p>6 CHAIR JAMES: A mobile. Something that's on 7 wheels, right, nothing that is permanent and built in 8 the ground, such as a building.</p> <p>9 MR. GAGNON: That's my understanding of the 10 intent of this, yes. So if there's any additional 11 clarification we need to make within the language, then 12 we'd be happy to do so, but this is not for any other 13 type of uses. This is for mobile vending uses only, 14 so --</p> <p>15 CHAIR JAMES: Can we just have that clarified 16 in that definition, that it's for a mobile vending unit 17 and not --</p> <p>18 MR. GAGNON: Yes, the fact -- I'm sorry. The 19 fact that the specific definition section would be in 20 the mobile vending ordinance itself --</p> <p>21 CHAIR JAMES: Right, that's what I was 22 thinking.</p> <p>23 MR. GAGNON: -- would qualify it just for 24 mobile vending.</p> <p>25 CHAIR JAMES: Okay, thank you, Jeff.</p>	<p>1 comes and he goes. Why aren't I doing that instead of 2 owning my own business here? It just seems like it 3 would discourage economic development.</p> <p>4 And especially because it was on the Broadway 5 commercial district -- I'm not sure where you mean by 6 that. Blue Heron civil district? Maybe I heard that 7 wrong. But just seems like this would be one of the 8 worst things to have on our major streets because of 9 that, they are so temporary, and it's not encouraging 10 business ownership. It's actually discouraging 11 business ownership.</p> <p>12 For them to be open also from 7 a.m. until 13 midnight, they're going to draw people. And we have a 14 lot of people walking around our streets at midnight 15 and beyond, and they're going to tell the police, we're 16 going to the mobile vendor right there. He's open till 17 midnight. Why is he open until midnight and other 18 companies cannot be? Again, I think it's going to be 19 an attractant for the wrong type of people.</p> <p>20 I live near Broadway, and the streets pretty 21 much roll up at 8:00, 8:30. But here are going to be 22 these businesses open till 12:00. And you were talking 23 about selling liquor and stuff. It doesn't seem like 24 they should be able to do that. That's going to 25 encourage, like I said, again, encourage the wrong type</p>
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<p>1 Okay, are there any more -- oh, Ms. Larson, 2 you're up for more comments, public comments.</p> <p>3 MS. LARSON: Yes, I'm sorry, I stepped 4 outside for a few minutes so I missed the first part of 5 this.</p> <p>6 I'm just wondering about Mr. Bailey said this 7 would -- having more mobile vending units would create 8 economic development. I think it would create exactly 9 the opposite, because if you're an investor and you 10 come into our city and you drive down Broadway or Blue 11 Heron or any of our main streets and you see mobile 12 vendor, mobile vendor, mobile vendor, we look like a 13 city, like a very temporary thing.</p> <p>14 And it seems like by encouraging people to 15 own and operate mobile vending, whatever we want to 16 call them --</p> <p>17 CHAIR JAMES: A food truck.</p> <p>18 MS. LARSON: -- food trucks, okay, we would 19 be discouraging them from actually operating, owning 20 and operating a business in Riviera Beach. Because 21 think about it, if you're a business owner, you have a 22 restaurant or whatever and then you say to yourself, 23 gee, you know, I own this building, I pay taxes, I do 24 this, I do that, I keep up my property, and right next 25 door to me there's a mobile vendor comes in and he just</p>	<p>1 of people. If they have a license to do that in West 2 Palm Beach, why should they be able to come into 3 Riviera Beach and do that.</p> <p>4 We should not be encouraging things, people 5 being up at midnight buying liquor and things like 6 that. So I just -- the hours, 7 a.m. until midnight, 7 but -- and then it said it has to be -- they have to 8 park at an established business. So is what you're 9 saying an established business will rent out part of 10 their parking lot to a mobile vendor? Is that what 11 that means?</p> <p>12 Anyway, I just -- I don't think it's going to 13 do much for the development of Riviera Beach to have 14 all these mobile things instead of a steady, permanent 15 building. Thank you.</p> <p>16 I know they can't afford it right now, but 17 it's -- and where are they going to park those things 18 at night? Can't park it at your house. Where are you 19 going to park all those food trucks, and who's going to 20 monitor that? You can't park it at your house. Thank 21 you.</p> <p>22 CHAIR JAMES: Thank you, Ms. Larson.</p> <p>23 MS. SHEPHERD: Madam Chair.</p> <p>24 CHAIR JAMES: Ms. Shepherd, can we be very 25 brief with the last comment, because the time is late.</p>

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<p>1 MS. SHEPHERD: Yes, yes, yes. May I clarify 2 something? I did not encourage liquor sales. The only 3 thing I was saying, in West Palm Beach, I was just down 4 there this weekend, the foods trucks was everywhere. 5 They had the nice tables sitting there. Everybody is 6 not bums. You do have people that want an alternative 7 to going into a restaurant. I did not encourage liquor 8 sales. I am encouraging entrepreneurship. What is 9 wrong with a food truck? I don't get it. Some things 10 I don't get. But don't sit here and say I encourage 11 liquor. 12 MS. LARSON: I didn't say that (inaudible). 13 MS. SHEPHERD: You're implying. 14 CHAIR JAMES: Thank you, Ms. Shepherd. 15 Are there any more Board comments? 16 VICE CHAIR McCOY: Madam Chair, I just -- I'm 17 not sure I can support it. I don't know if we put 18 enough work into it, because I see deficiencies in a 19 number of different areas. 20 CHAIR JAMES: To bring it back? 21 VICE CHAIR McCOY: And not specifically with 22 this, but there's other things that I see existing 23 already with this chapter that hasn't even been 24 addressed, because I was looking at the same thing. 25 I'm not comfortable with voting on it because</p>	<p>1 through -- 2 MR. BAILEY: Well, the marina is a very 3 tricky -- 4 VICE CHAIR McCOY: Exactly my point. So when 5 I -- 6 MR. BAILEY: -- because there are various 7 leases. The marina would not necessarily fall in that 8 public property because it's leased to private entities 9 and they sublease it again through the CRA, so -- 10 VICE CHAIR McCOY: Right. And then here's 11 the problem. Then further in this thing, there's a 12 buffer that prevents them from being within existing 13 businesses already. So I'm trying to figure out where 14 possibly could they go. And it's not in the new 15 language that you created, but there is a requirement 16 of being aware from other licensed -- mobile vendors 17 are not allowed to operate within 100 feet of another 18 licensed mobile vendor -- 19 MR. BAILEY: And I think that speaks to the 20 point of you're not going to see these, when you take 21 that section -- and I put it up here intentionally -- 22 with a 35 foot setback from intersections and 300 feet 23 from schools, playgrounds, child care facilities, and 24 100 feet from another mobile vendor, there are only 25 going to be a very few slots along our roads that all</p>
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<p>1 there is also the same thing that I heard Ms. Larson 2 say, specifically that it had to be -- it couldn't be 3 on a vacant or unimproved lot, so I'm thinking where 4 possibly could you do it? 5 Then I seen something in here that spoke to 6 mobile vendor access has to be renewed annually. I'm 7 not even sure what that is. Mobile vendor access 8 agreement has to be filed with the City annually, on an 9 annual basis. Now, is that access to be at someone's 10 property? I mean there's a number of things that just 11 kind of stick out to me as -- 12 MR. BAILEY: Well, sir, remember, your 13 business tax license has to be renewed each year. So 14 in that renewal, you would also have whatever lease 15 agreement that you have to use the parking or the 16 property or have access to that site would need to come 17 in with your tax license. So we want to make sure 18 every time we, as a City, issue you a business tax 19 license, you have still communicated with the owner and 20 your agreement is still valid. So that's all that that 21 means. 22 VICE CHAIR McCOY: Sure. I guess I kind of 23 understood that after reading it. But then you can't 24 operate on public property. So that would imply that 25 nothing in the marina is allowed unless you go</p>	<p>1 of those parameters are actually going to work. 2 So there are actually a fixed sort of 3 potential number of sites that meet all of these 4 parameters, and those sites become valuable and people 5 will enter agreements with where it works. But you 6 will not see these every 20 feet along Broadway and 7 Blue Heron because of the way we've structured the 8 legislation. 9 VICE CHAIR McCOY: Okay. Is there not 10 anything in here that prevents them from being -- I 11 thought I seen it somewhere, but I may be wrong -- 12 against, I guess, next to another business of the 13 same -- a similar business, not necessarily mobile, or 14 perhaps I may have misread. 15 MR. BAILEY: No, typically when you'll see a, 16 maybe a strip mall that doesn't have a restaurant in 17 it, they may use one of their parking spots or they may 18 use an area that's not specifically designated to have 19 a food vendor there to round out sort of the profile of 20 that strip mall. I mean that's sort of a number of -- 21 the ones that are there consistently in a location, 22 because everybody knows that's where you're going to 23 see the hot dog guy or whatever they may provide. So 24 we've looked at other legislation. And keep in mind, 25 this is an existing ordinance. We've made a few</p>

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<p>1 modifications to allow more opportunity. 2 VICE CHAIR McCOY: Right. And that's what I 3 was kind of concerned with. Should we just make a few 4 modifications, or should it be an entire rewrite of 5 this whole chapter, because, you know, it's kind of 6 like if we're going to go and open it up, let's go 7 ahead and make sure that we -- there's a lot. You 8 can't be within a child care facility. I mean there's 9 a number of different things that seems pretty 10 limiting, and I don't want to -- 11 CHAIR JAMES: That's fine. 12 VICE CHAIR McCOY: -- be overreaching, but -- 13 CHAIR JAMES: You can make a motion -- 14 MR. BAILEY: It was very limiting to begin 15 with, and we've loosened it up a little bit just along 16 Broadway and Blue Heron for opportunities along our 17 major corridors. And again, this was a concept brought 18 to the City from the CRA for opportunities that they're 19 trying to achieve down by the marina. 20 CHAIR JAMES: Thank you, Mr. Bailey. 21 Mr. McCoy, do you want to make a motion? 22 VICE CHAIR McCOY: I have nothing. 23 CHAIR JAMES: Make a motion to bring it back? 24 VICE CHAIR McCOY: I don't have a motion -- 25 CHAIR JAMES: Okay.</p>	<p>1 MR. BAILEY: I haven't heard, sir, your 2 concern of -- when you say you want more, you want more 3 opportunity for vendors throughout the city? 4 VICE CHAIR McCOY: No. 5 MR. BAILEY: So you would need to really help 6 us understand what it is you're looking for that this 7 does not provide. 8 VICE CHAIR McCOY: Well, I was concerned with 9 you said you only made modifications, and I wanted a 10 full incorporation of a rewrite for all of the other 11 things in here. Like it basically says if you're not 12 on a lot that's already improved, then you can't go 13 there. And I'm thinking to myself, where exactly can 14 they go if they can't go onto public property, they 15 can't go onto a vacant lot, then that means that 16 there's not really a whole lot. There's a whole 17 carve-out that you can't go into residential 18 communities. So, you know, and then without there 19 being an overlay of the map, you know, it's kind of 20 hard to say exactly what we're putting in place here. 21 MR. BAILEY: Well, sir, also keep in mind 22 with the Comp Plan being updated, we are doing a full 23 rewrite of the entire Land Development Regulations over 24 the next 18 months, so this will get a start from 25 scratch. This is also a stopgap until the entire code</p>
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<p>1 VICE CHAIR McCOY: -- because if that's where 2 they are, then I just guess I got a different 3 perspective on how it works. And I'm just advisory in 4 nature. So I just didn't see that this goes far 5 enough. 6 MS. SHEPHERD: Madam Chair. I move that we 7 bring it back. 8 CHAIR JAMES: Is there a second? 9 VICE CHAIR McCOY: Second for just a brief 10 discussion. 11 CHAIR JAMES: Brief; very brief. 12 MS. SHEPHERD: She just said we were out of 13 time talking, and you continue to talk. So now, what 14 is this a two-sided thing? 15 CHAIR JAMES: Ms. Shepherd, Ms. Shepherd, 16 we've got to be respectful. 17 MS. SHEPHERD: I am being respectful. But 18 you know, when you tell one to be quite, tell 19 everybody. 20 CHAIR JAMES: Mr. McCoy, go ahead with your 21 comments very briefly. 22 VICE CHAIR McCOY: I'm just curious. If we 23 bring it back, I mean are we going to try to make some 24 modifications or amendments, or should members send in 25 recommendations or --</p>	<p>1 can be rewritten. But it is a long process to redo the 2 entire code. 3 So understand that you -- what you want is on 4 the way for the department. As Mr. Evans has 5 indicated, it's coming, but this is something that the 6 CRA asked for while there is interest in a development 7 at the marina area. 8 CHAIR JAMES: Does that -- okay, Mario, 9 excuse me. There's a motion on the floor. Can you 10 repeat what the motion was? Did Ms. Shepherd make a 11 motion before she -- 12 MR. VELASQUEZ: She made a motion to bring it 13 back. 14 CHAIR JAMES: Okay, and was there a second? 15 MR. VELASQUEZ: Yes, Mr. McCoy seconded the 16 motion. 17 CHAIR JAMES: With discussion, okay. Can we 18 do a roll call? 19 MR. VELASQUEZ: Yes, ma'am. 20 Anthony Brown. 21 MR. BROWN: Yes. 22 MR. VELASQUEZ: James Gallon. 23 MR. GALLON: Yes. 24 MR. VELASQUEZ: Margaret Shepherd. 25 (No response.)</p>

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<p>1 MR. VELASQUEZ: Edward Kunuty. 2 MR. KUNUTY: No. 3 MR. VELASQUEZ: Corey Blackwell, Sr. 4 MR. BLACKWELL: Yes. 5 MR. VELASQUEZ: Tradrick McCoy. 6 VICE CHAIR McCOY: Yes. 7 MR. VELASQUEZ: Rena James. 8 CHAIR JAMES: Yes. 9 MR. VELASQUEZ: Five yes, one no. Motion 10 approved. 11 CHAIR JAMES: Okay, on the item D, and it is 12 10:20, so if we can move as quickly as possible. I 13 don't mean to offend anybody, but it's late. I have 14 been up since 5 a.m. this morning. And if we can just 15 get through this a little quicker, I would greatly 16 appreciate it. I don't know if you guys want to be 17 here all night. 18 VICE CHAIR McCOY: Well, in fairness of time, 19 I just move that we table this item till next meeting 20 unless there's of some urgent nature. 21 MR. GAGNON: The same way that you described 22 a full code rewrite, this is just cleaning up two or 23 three minor items based on the previous full code 24 rewrite. This is associated with our flood plan 25 ordinance. So this is really just a little cleanup</p>	<p>1 December or January of last year, based off of multiple 2 requirements, the City had gone back and updated the 3 flood prevention section of our Code of Ordinances. 4 That was required because of new FEMA regulations, as 5 well as the City's participation in multiple programs 6 related to flood insurance and discounts. 7 So what happened is the ordinance went 8 through, and then after the ordinance was approved, 9 there were a few minor modifications that were 10 requested prior to October. Two of those had to do 11 with whereas clauses. There was also a specific code 12 section that was referenced in the original ordinance 13 that was actually incorrect that needs to be amended, 14 and that's what this new proposal would amend and take 15 care of. 16 CHAIR JAMES: Okay. So that concludes the 17 staff presentation? 18 MR. GAGNON: Yes, ma'am. 19 CHAIR JAMES: Okay, there are no public 20 comments on this item. Board comments. 21 Mr. Gallon -- I'm sorry. Mr. Brown. 22 MR. BROWN: No comments. 23 CHAIR JAMES: Mr. Gallon. 24 MR. GALLON: No comment. 25 CHAIR JAMES: Ms. Shepherd, do you have any</p>
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<p>1 process, and it's something that the City has to get 2 done by October. So it would really just take five, 3 ten more minutes. 4 CHAIR JAMES: If we can be very quick about 5 it. 6 MR. GAGNON: I'll be very quick. 7 CHAIR JAMES: Okay, let's roll. 8 MR. GAGNON: If the Board wishes to postpone 9 it to a future meeting after I -- 10 CHAIR JAMES: What's the pleasure of the 11 Board? Five minutes? 12 MR. BLACKWELL: He can go and present. 13 CHAIR JAMES: Okay, let's roll. 14 MR. GAGNON: So for the record, letter D is 15 an ordinance of the City Council of the City of Riviera 16 Beach, Palm Beach County, Florida revising Ordinance 17 Number 4088, adopting Chapter 25 of the City's Code of 18 Ordinances entitled "Flood Prevention and Protection" 19 to supplement the whereas clauses to reference 20 statutory authority related to the Florida Building 21 Code, to make two editorial changes, to add a fiscal 22 impact statement related to amending the Florida 23 Building Code, providing for conflicts, severability 24 and codification, and providing for an effective date. 25 So as I mentioned previously, about January,</p>	<p>1 comments? 2 MS. SHEPHERD: None. 3 CHAIR JAMES: Mr. Blackwell. 4 MR. BLACKWELL: No comment. 5 CHAIR JAMES: Mr. Kunuty. 6 MR. KUNUTY: No comment. 7 CHAIR JAMES: Mr. McCoy. 8 VICE CHAIR McCOY: Nothing, Madam Chair. 9 CHAIR JAMES: I have no comments as well. Is 10 there a motion? 11 VICE CHAIR McCOY: Move to approve. 12 MR. KUNUTY: Second. 13 MR. VELASQUEZ: Anthony Brown. 14 MR. BROWN: Yes. 15 MR. VELASQUEZ: James Gallon. 16 MR. GALLON: Yes. 17 MR. VELASQUEZ: Margaret Shepherd. 18 MS. SHEPHERD: Yes. 19 MR. VELASQUEZ: Edward Kunuty. 20 MR. KUNUTY: Yes. 21 MR. VELASQUEZ: Corey Blackwell, Sr. 22 MR. BLACKWELL: Yes. 23 MR. VELASQUEZ: Tradrick McCoy. 24 VICE CHAIR McCOY: Yes. 25 MR. VELASQUEZ: Rena James.</p>

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1 CHAIR JAMES: Yes.
2 MR. VELASQUEZ: Unanimous voting. Motion
3 approved.
4 CHAIR JAMES: Okay, there are no public
5 comments under general discussion. Is there any
6 correspondence?
7 MR. GAGNON: Only what was provided and
8 discussed in conjunction with the Crab Pot item earlier
9 tonight, and we have that for public record.
10 CHAIR JAMES: Okay, and project updates,
11 upcoming projects.
12 MR. GAGNON: I don't have anything to present
13 at this time.
14 CHAIR JAMES: So then our next Board meeting
15 will be June 22nd. Is there a motion to adjourn?
16 VICE CHAIR McCOY: So moved.
17 MR. KUNUTY: Move to adjourn.
18 MR. BLACKWELL: Second.
19 (Whereupon, at 10:25 p.m., the proceedings
20 were concluded.)
21
22
23
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25

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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 14th day of June, 2017.
16
17
18
19
20
21
22 _____
23 Susan S. Kruger
24
25

46 (Pages 181 to 182)



**STAFF REPORT – CITY OF RIVIERA BEACH
MOBILE VENDOR ORDINANCE
PLANNING AND ZONING BOARD – JULY 27, 2017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10 OF THE CITY'S CODE OF ORDINANCES ENTITLED, "LICENSES AND BUSINESS REGULATIONS", ARTICLE VIII, ENTITLED "MOBILE VENDORS", TO AMEND EXISTING REGULATIONS AND TO CREATE NEW REGULATIONS FOR MOBILE VENDOR USES WITHIN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Applicant:** City / CRA initiated process.
- B. Request:** To amend the City's existing Mobile Vendor regulations to provide for additional Mobile Vendor opportunities within the Marina District Upland Area (hereinafter MDUA). A written description is provided below and a map of the MDUA has been attached to this staff report for reference.
- C. Location:** This Ordinance would provide for additional Mobile Vendor opportunities, including, but not limited to food trucks, trailers and carts within the MDUA. The MDUA is currently defined within City Code Section 28-126, as follows:

“For the purposes of this section, the Marina Upland Area Sign Overlay District shall be defined as follows. Beginning at the northwest point of the intersection of Broadway and East 17th Street, travel east to Avenue "C," south down Avenue "C" to the northernmost property line of Bicentennial Park, east to the Intracoastal Waterway, south to the southernmost Municipal Marina property line, west along the southernmost Municipal Marina property line to Avenue "C," south along Avenue "C" to East 11th Street, west along East 11th Street to the westernmost right-of-way line for Broadway, north along said line to West 13th Street, west along the southernmost boundary of 13th Street to the western boundary of Avenue "E," north to the northern boundary of West 13th Street, east along the northern boundary of West 13th Street to Broadway, then north to the point of beginning.”

- D. Background and Staff Analysis:** The City's current Mobile Vendor Code was approved in 2009 by Ordinance No. 3059. Since that time, Mobile Vendor uses (including food trucks and food trailers) have significantly increased in popularity. The City and CRA desire to promote the utilization of food trucks within the MDUA to encourage economic activity within this newly renovated area of the City. Amendments to the existing Mobile Vendor Code are required in order to provide for Mobile Vendor uses within the MDUA, which includes Bicentennial Park. If this proposed code amendment is approved and yields successful results, similar amendments could occur in order to incentivize mobile food vendor in other targeted areas of the City.
- E. Recommendation:** City staff advises that the Planning and Zoning Board review and consider all information presented and provide a recommendation to City Council.

Proposed additions are underlined and proposed deletions are shown in ~~striethrough~~ format:

ARTICLE VIII. - MOBILE VENDORS

Sec. 10-260. - Title.

This article shall be known and cited as the Mobile Vendor Ordinance.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-261. - Intent and purpose.

The purpose of this article is to protect and preserve the health, safety and general welfare of the residents of the City of Riviera Beach. This article is being enacted to regulate mobile vendors operating in the city.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-262. - Definitions.

The following words, term and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning.

Certificate of occupancy: means a certificate issued by the City of Riviera Beach Building Official to a builder or renovator, indicating that the building is in proper condition to be occupied.

Disposable tableware: Eating and drinking utensils made of paper and/or plastic that are disposed of after initial use.

Ice cream truck: A motor vehicle utilized as the point of retail sales of prewrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

Mobile vending unit: Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which goods, wares, merchandise or food is peddled, vended, sold, displayed, offered for sale or given away.

Mobile vendor: A person who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit which is parked or located on a parcel of private property.

Mobile vending operation: Peddling, vending, selling, displaying, offering for sale or giving away goods, wares, merchandise or food from a mobile vending unit located on private property.

Prepackaged food: means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

Restricted mobile vendor: A mobile vendor offering only prepackaged food, snow cones, raw produce, or prepackaged ice cream from a mobile vending unit, or a mobile automobile detailer.

Street-side vendor or road-side vendor: A person who peddles, vends, sells, displays, offers to sell or gives away any food products, wares, or merchandise while located in or on a public street, sidewalk, or right-of-way.

Temporary mobile vendor: A person and or group who peddles, vends, sells, displays, offers to sell or gives away merchandise from a mobile vending unit for less than 15 days per calendar year.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-263. - Permitted locations.

- (a) Mobile vendors, except for ice cream trucks and mobile automobile detailers, are not permitted in the following districts: RS-5, RS-6, RS-8, RML-12, RD-15, RM-15, RMH-15, RMH-20, or RM-20.
- (b) Mobile vendors are not permitted to conduct business in any area that is a public right-of-way.
- (c) Mobile vendors shall not operate in ~~parking spaces~~, driveways, drive aisles, landscape medians, easements, or fire lanes.
- (d) Mobile vendors shall not operate on vacant, unimproved lots.
- (e) Mobile vendors shall be located only on private property where an existing, permanent business operates in a building with a certificate of occupancy.
 - (1) Mobile vendors shall provide the city with a notarized copy of the "Mobile Vendor Access Agreement Form" on an annual basis.
- (f) ~~During the application process, mobile~~ Mobile vendors shall submit a sketch depicting the location of the mobile vendor on the property, including the designated parking spaces.
- (g) Mobile vendors shall be located within 100 feet of an entrance of a primary building that holds the certificate of occupancy.
- (h) Mobile vendors shall be setback a minimum of 35 feet from all intersections.
- (i) Mobile vendors shall be setback a minimum of 20 feet from all roads.
- (j) Mobile vendors are not allowed within 300 feet of a school, playground, or childcare facility.
- (k) Mobile vendors are not allowed to operate within 100 feet of another licensed mobile vendor.
- (l) Mobile vendors are prohibited in a temporary building, tent, or structure.
- (m) Mobile vending activities located within the Marina District Upland Area are exempt from the abovementioned regulations as long as the following conditions are met:
 - (1) Mobile vending activities occur within approved areas specifically designated for mobile vending activities.
 - (a) The City and CRA are authorized to designate specific areas within the Marina District Upland Area for mobile vending activities.
 - (2) The mobile vendor possesses a valid City Business Tax Receipt, and if applicable, any required state, county, and food safety licensure.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-264. - Hours of operation.

- (a) Mobile vendors may operate only during the business hours of the primary business on the property.
 - (1) Mobile vendors are restricted to the following hours of operation:
 - a. Monday to Thursday: 7:00 a.m. to 10:00 p.m.~~Midnight~~.
 - b. Friday and Saturday: 7:00~~8:00~~ a.m. to 11:30 p.m.~~Midnight~~.
 - c. Sunday: 12:00 p.m. to 9:00~~6:00~~ p.m.
- ~~(b) A mobile vendor shall not operate between the hours of 12:00 a.m. and 6:00 a.m.~~

- (be) The mobile vending unit shall be removed from the site during the hours of nonoperation. Any semi-permanent structure used and/or associated with the mobile vending operation shall also be removed from the site during hours of nonoperation.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-265. - Signage.

- (a) All signs advertising for the mobile vending unit must meet the following requirements;
- (1) Signs must be placed flat against the mobile vending unit.
 - a. Sandwich board signs are prohibited.
 - b. Any type of design or artwork that advertises the use of the mobile vending unit is considered to be a sign.
 - (2) Signs may not be larger than nine square feet.
 - (3) No more than three signs may be placed on the mobile vending unit.
 - ~~(4) All signs must be approved by the city prior to being posted.~~
- (b) Mobile vendors are prohibited from using right-of-way signs and off-premises signs.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-266. - Exemptions and restrictions.

- ~~(a) Temporary connections to potable water are prohibited. Water shall be from an internal tank within the mobile vending unit, and electricity shall be from a generator or a main power supply via a portable cord that is in conformance with the City of Riviera Beach Electrical Code.~~
- ~~(b) A mobile vendor shall at no time make use of any outdoor cooking facilities.~~
- ~~(1) Exceptions to this rule may be made by the planning and zoning administrator when the outdoor cooking facility is permanently attached to the mobile vending unit.~~
- ~~(c) A mobile vendor shall at no time utilize outdoor storage, or warming or refrigeration devices, except for disposable tableware.~~
- ~~(d) A drive through is not permitted in conjunction with the mobile vendor.~~
- (be) The mobile vendor shall install signage in a visible location on the mobile vending unit in a visible location indicating that loitering is not permitted and customers may only remain on the site for up to ten minutes after receiving their merchandise.
- ~~(cf) The mobile vendor must keep the immediate area surrounding the mobile vending unit. The area within which a mobile vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris.~~
- ~~(dg) Mobile vendors providing food or beverage intended for immediate consumption must provide a trash receptacle within ten feet of the mobile vending unit.~~
- ~~(eh) The use of amplified music must adhere to existing City noise regulations is prohibited, except when used in the operation of an ice cream truck.~~
- (fi) The use of temporary or portable lighting is prohibited except that which is required to illuminate the serving area of the mobile vending unit.
- ~~(j) No mobile vending unit shall be larger than 20 feet long by ten feet wide by ten feet high.~~

(gk) The current business tax receipt must be posted in a visible location on the mobile vending unit.

~~(l) A mobile vendor participating in a special event or event under this Code will be required to pay the registration fees set forth in section 10-121 and comply with the requirement of this article prior to participating in said event.~~

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-267. - Restricted mobile vendors.

(a) *Ice cream trucks.*

(1) *Permitted sales locations.*

- a. Sales from ice cream trucks shall occur only on public roadways with a speed limit of 25 miles per hour or less located within residential districts or on private ways with the consent of the owner or owners of the private roadway.
 1. Ice cream trucks shall pull as far as practicable to the side of the right of way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right-of-way.
 2. Ice cream trucks may stop for the purpose of making sales only between the hours of 11:00 a.m. and 7:00 p.m.
 3. Sales from the ice cream truck shall occur only when the ice cream truck is lawfully stopped.
 4. Sales shall occur only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street.
 5. Sales shall not occur to a person standing in the roadway.

(2) *Prohibited locations.*

- a. No ice cream truck shall make any sales within 500 feet of a restaurant or retail store selling prepackaged food items.
- b. No ice cream truck shall make any sales within 500 feet of any public school.
- c. No ice cream truck shall stop at any time for the purpose of making sales in any area where parking is prohibited.

(3) *Safety requirements.*

- a. Signs stating "WATCH FOR CHILDREN" must be provided on the front, back and both sides of the vehicle in at least four inches letters of contrasting colors.
- b. A serving window capable of being closed when not in use must be provided and located on the curbside only.
- c. The vehicle must be equipped with left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the vehicle to enable the driver to see around the entire vehicle.
- d. All vehicles must have operable four-way, yellow flashing hazard lights to warn approaching drivers of children.
- e. A rear bumper cover must be installed.

(b) *Raw produce vendors.*

(1) *Permitted locations.*

- a. Raw produce vendors shall be setback a minimum of 35 feet from all intersections.
 - b. Raw produce vendors shall be setback a minimum of 20 feet from all roads.
- (2) *Prohibited locations.*
- a. Raw produce vendors shall not operate in parking spaces, driveways, sidewalks, fire lanes, rights-of-way, or public roads.
 - b. Raw produce vendors are prohibited in a temporary building, tent or structure.
- (3) *Safety requirements.*
- a. All products must be the original produce or work of the vendor.
 - b. No items offered for sale will be commercially grown, created or produced without value added by the vendor.
 - c. Produce offered for sale must be free from harmful pesticide residues and any applications must have been made according to manufacturer's directions.
 - d. All food items must be free from insects and spoilage.
 - e. All produce must be washed.
- (c) *Mobile automobile detailers.*
- (1) *Permitted locations.*
- a. In all residential areas, mobile automobile detailers must operate in the driveway or parking lot.
 - b. Mobile automobile detailers shall not operate on sidewalks, fire lanes, rights-of-way, or public roads.
 - c. Mobile automobile detailers shall not block or impede traffic on any public or private road, easement, or right-of-way.
 - d. All water or other substances used by the mobile automobile detailer must be fully contained on the site where the vendor is operating.
 - e. Mobile automobile detailers shall not play music while operating in residential areas.
 - f. Mobile automobile detailers may not operate as a home occupation. Vendors are prohibited from servicing vehicles from their primary residence.
- (2) *Hours of operation.*
- a. Mobile automobile detailers are restricted to the following hours of operation in residential areas:
 - 1. Monday to Thursday: 8:00 a.m. to 6:00 p.m.
 - 2. Friday and Saturday: 7:00 a.m. to 7:00 p.m.
 - 3. Sunday: 12:00 p.m. to 6:00 p.m.
 - b. Mobile automobile detailers are restricted to the following hours of operation in nonresidential areas:
 - 1. Monday to Thursday: 7:00 a.m. to 7:00 p.m.
 - 2. Friday and Saturday: 7:00 a.m. to 8:00 p.m.
 - 3. Sunday: 12:00 p.m. to 6:00 p.m.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-268. - Licensing requirements.

Prior to the issuance of a business tax receipt, mobile food vendors must comply with the following State of Florida and local requirements as applicable:

- (1) Mobile food vendors engaged in the selling of cooked or prepared food must be licensed by the Florida Division of Hotels and Restaurants.
 - a. Obtaining licensing from the Florida Division of Hotels and Restaurants does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the Florida Division of Hotels and Restaurants to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (2) Mobile food vendors engaged in the selling of prepackaged ice cream, popcorn, raw produce, or smoothies must be licensed by the Florida Department of Agriculture and Consumer Services.
 - a. Obtaining licensing from the Florida Department of Agriculture and Consumer Services does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by Florida Department of Agriculture and Consumer Services to maintain the business tax receipt for their establishment.
 - c. Current inspection results must be conspicuously posted on the mobile vending unit.
- (3) Mobile food vendors must pass an inspection by the City of Riviera Beach Fire Department.
 - a. Obtaining a passing inspection does not guarantee approval by the City of Riviera Beach Planning and Zoning Division.
 - b. Mobile food vendors must pass all inspections conducted by the City of Riviera Beach Fire Department to maintain the business tax receipt for their establishment.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-269. - Parking requirements.

- (a) Mobile food vendors shall secure a minimum of two dedicated parking spaces for customers utilizing their services.
 - (1) Parking spaces shall be marked as required by zoning regulations.
 - (2) Parking spaces must meet the size requirements established by the city.
- (b) Mobile food vendors shall not utilize more than ten percent of the required parking for the primary business holding the certificate of occupancy.
- (c) Mobile food vendors shall not sell to customers parked in areas designated as public rights-of-way.
- (d) Mobile food vendors shall not solicit or conduct business with any customers in motor vehicles.

(Ord. No. 3059, § 2, 5-6-09)

Sec. 10-270. - Enforcement.

The provisions of this article may be enforced through the city's code enforcement procedures or as otherwise authorized in this Code and may be pursued by appropriate remedy in a court of competent jurisdiction at the city's discretion. If code enforcement is utilized to enforce this article, a resulting code

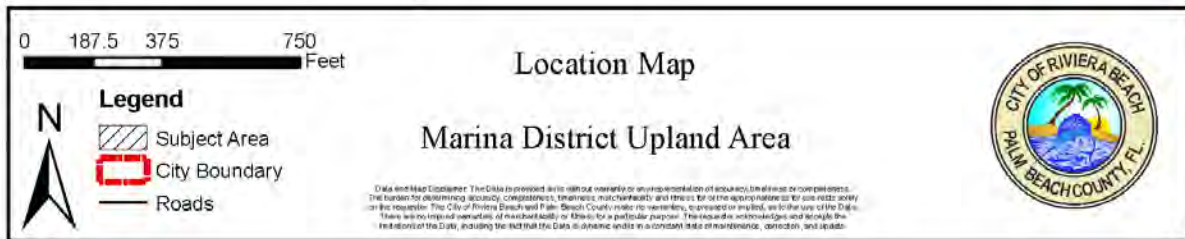
enforcement lien may be assessed against the private property upon which the mobile vending operation operates or operated.

(Ord. No. 3059, § 2, 5-6-09)

Marina District Upland Area (as currently provided within City Code Sec. 28-126, “Marina Upland Area sign overlay district”).

- “For the purposes of this section, the Marina Upland Area Sign Overlay District shall be defined as follows. Beginning at the northwest point of the intersection of Broadway and East 17th Street, travel east to Avenue "C," south down Avenue "C" to the northernmost property line of Bicentennial Park, east to the Intracoastal Waterway, south to the southernmost Municipal Marina property line, west along the southernmost Municipal Marina property line to Avenue "C," south along Avenue "C" to East 11th Street, west along East 11th Street to the westernmost right-of-way line for Broadway, north along said line to West 13th Street, west along the southernmost boundary of 13th Street to the western boundary of Avenue "E," north to the northern boundary of West 13th Street, east along the northern boundary of West 13th Street to Broadway, then north to the point of beginning.”

Marina District Upland Area Map below:





**STAFF REPORT – CITY OF RIVIERA BEACH
MAGNOLIA PLACE PLAT, CASE NUMBER PA-17-01
PLANNING AND ZONING BOARD, JULY 27, 2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MAGNOLIA PLACE PLAT, CONSISTING OF APPROXIMATELY 1.52 ACRES, IDENTIFIED BY PARCEL CONTROL NUMBER 56-42-42-25-00-000-1210, LOCATED EAST OF N. MILITARY TRAIL AND SOUTH OF LEO LANE; AND PROVIDING FOR AN EFFECTIVE DATE.

A. Applicant: Leo Lane Magnolia Place, LLC; Lindberg Land Surveying – Authorized Agent.

B. Request: The applicant is requesting plat approval in conjunction with the historic site plan approval to construct 18 for-sale units within three separate buildings.

C. Location: The site is located east of N. Military Trail and south of Leo Lane; addressed as 4444 Leo Lane.

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

Parcel Control Number: 56-42-42-25-00-000-1210.

Parcel Size: +/- 1.52 acres.

Existing Use: Residential.

Zoning: Low Density Multiple Family (RML-12) District.

Future Land Use: Medium Density Multiple Family Residential (MDMFR).

E. Adjacent Property Description and Uses:

North: Commercial Zoning Designation and Commercial Future Land Use.

South: Commercial Zoning Designation and Commercial Future Land Use.

East: RML-12 Zoning Designation and MDMFR Future Land Use.

West: R-PUD Zoning Designation and MDMFR Future Land Use.

F. Background:

In April of 2006, the City Council approved a site plan for 4444 Leo Lane, consisting of 18 units within three separate buildings. Infrastructure work commenced on site following this approval. This construction secured future development rights on this property. The project was put on hold during the recession period in 2007. In 2015, a new development team desired to complete the project. City staff required minor amendments to the 2006 site plan and allowed construction to move forward. The development team desires to see individual units and has requested approval of a plat in order to do so. The following staff analysis has been prepared for your review:

G. Staff Analysis:

Proposed Development/Use: The applicant is proposing to build 18 for-sale units within three independent buildings. This plat is required in order to sell these units.

Zoning Regulations: The proposed plat is consistent with the City's Land Development Regulations.

Comprehensive Plan: The proposed plat is consistent with the City's Comprehensive Plan.

Compatibility: N/A.

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

Landscaping: N/A.

Parking/Traffic: N/A.

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.

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): LEO LANE MAGNOLIA PLACE, LLC		
	Mailing Address: 7555 GARDEN ROAD, BUILDING A, RIVIERA BEACH, FLORIDA 33404		
	Property Address: 4444 LEO LANE, RIVIERA BEACH, FLORIDA 33404		
	Name of Applicant (if other than owner): DAVID LIDBERG, LIDBERG LAND SURVEYING, INC.		
	Home: ()	Work: (561) 746-8454	Fax: (561) 575-3735
	E-mail Address: david@lidberg.net		

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation: MF-15	Current Zoning Classification: RML-12
	Square footage of site: 66,247.56	Property Control Number (PCN): 56-42-42-25-00-000-1210
	Type and gross area of any existing non residential uses on site: NONE	
	Gross area of any proposed structure: 17,699.08 SQ. FEET	
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [✓] No	
	If yes, please describe:	
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [✓] No	
	If yes, indicate date, nature and applicant's name:	
	Briefly describe use of adjoining property: North: LEO LANE	
	South: COMMERCIAL	
East: RESIDENTIAL		
West: COMMERCIAL		

REZONE	Requested Zoning Classification:
	Is the requested zoning classification contiguous with existing?
	Is a Special Exception necessary for your intended use? [] Yes [] No
	Is a Variance necessary for your intended use? [] Yes [] No

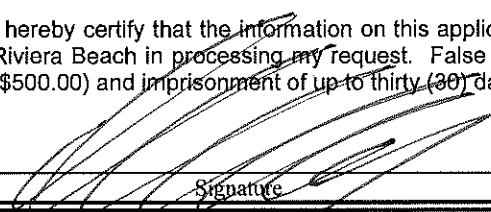
FUTURE LAND USE	Existing Use:	Proposed Use:
	Land Use Designation:	Requested Land Use:
	Adjacent Land Uses: North:	South:
	East:	West:
	Size of Property Requesting Land Use Change:	

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:
	Demonstrate that proposed use is appropriate to site:
	Demonstrate how drainage and paving requirement will be met:
	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	<u>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</u>
	<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	03/09/2017 _____ Date



675 West Indiantown Road, Suite 200, Jupiter, Florida 33458
VOICE 561-746-8454 FAX 561-575-3735

March 9, 2017

Mr. Jeff Gagnon
Assistant Director of Community Development
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, Florida 33404

Dear Mr. Gagnon:

Re: **PROPOSED PLAT OF MAGNOLIA PLACE, 4444 LEO LANE,
RIVIERA BEACH, FLORIDA**

The purpose of the plat is to create 18 fee simple lots in accordance with the approved site plan (SP-16-17) dated January 28th, 2016.

Sincerely,

LIDBERG LAND SURVEYING, INC.

By: David C. Lidberg, P.S.M.
President

enc.

LEGAL DESCRIPTION:

THE EAST 138 FEET OF THE WEST 454 FEET OF THE SOUTH 686.45 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE SOUTH 156.34 FEET AND THE NORTH 50 FEET THEREOF. ALL OF THE DESCRIBED LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 66,247 SQUARE FEET OR 1.521 ACRES, MORE OR LESS.

AGENT AUTHORIZATION FORM

Owner(s) of Record: LEO LANE MAGNOLIA PLACE, LLC

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared EUGENE FRANCAVILLA,
MANAGER

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:

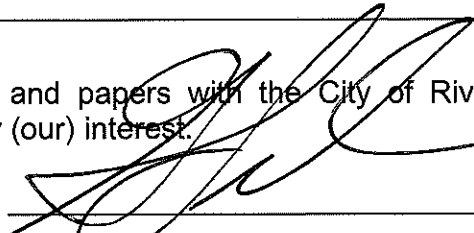
THE EAST 138 FEET OF THE WEST 454 FEET OF THE SOUTH 686.45 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER
OF SECTION 25, TOWNSHIP 42 SOUTH, RANGE 42 EAST, LESS THE SOUTH 156.34 FEET AND THE NORTH
50 FEET THEREOF. ALL OF THE DESCRIBED LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.
CONTAINING A TOTAL OF 66,247 SQUARE FEET OR 1.521 ACRES, MORE OR LESS.

the street address of which is: 4444 LEO LANE, RIVIERA BEACH, FLORIDA 33404

and that we hereby appoint:

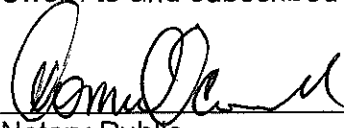
Name: DAVID C. LIDBERG, PRESIDENT OF LIDBERG LAND SURVEYING, INC.
Address: 675 WEST INDIANTOWN ROAD, SUITE 200
JUPITER, FLORIDA 33458
Telephone: (561) 746-8454

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.



(Seal)
EUGENE FRANCAVILLA
(Seal)
MANAGING MEMBER
(Seal)

Sworn to and subscribed before me this 9 day of March, 2017.



Notary Public





OFFICE OF
COMMUNITY DEVELOPMENT

CITY OF RIVIERA BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT
600 WEST BLUE HERON BLVD. • RIVIERA BEACH, FLORIDA 33404
(561) 845-4060 FAX: (561) 845-4038

January 28, 2016

Sent by email: tim@messassoc.com

Messler & Associates
ATTN: Timothy J. Messler, P.E.
5746 Via Rio
Jupiter, FL 33410

RE: Administrative Approval of Site Plan Amendments, 4444 Leo Lane (SP-15-17)

Dear Mr. Messler:

The proposed amendments to the Magnolia Place Condominium Development, previously approved by City Council Resolution No. 52-06 (April 19, 2006), have been administratively approved as follows:

1. Modified gazebo area.
2. Increased onsite parking; 36 spaces with 2 additional accessible spaces (38 in total).
3. Sidewalk connectivity from the Magnolia Place Development to Leo Lane added.
4. Flexibility in landscape design ensuring no conflicts between shade trees and utilities, etc.
5. Relocation of dumpster enclosure.

Please note that the following conditions of approval apply:

1. *A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before the certificate of occupancy is issued, in accordance with City Code of Ordinances Section 31-603.*
2. *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.*
3. *Any fencing visible from Leo Lane must consist of decorative aluminum or similar; chain-link fencing shall not be permitted.*
4. *Parking along Leo Lane is prohibited.*

You may apply for building permits at your convenience. Please contact Jeff Gagnon, Assistant Director of Community Development for assistance: jgagnon@rivierabch.com / (561) 845-4060.

January 25, 2016 (SP-15-17), Page 1 of 2

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mik', with a long horizontal flourish extending to the right.

Mary McKinney, AICP
Director of Community Development

C: Jeff Gagnon, AICP, Assistant Director of Community Development
Peter Ringle, Building Official
File: SP-15-17

Attached: City Resolution No. 52-06

RESOLUTION NO. 52-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SITE PLAN APPLICATION FROM ROBERT NOTHNAGLE FOR A THREE BUILDING, EIGHTEEN UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED AT 4444 LEO LANE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31-57 of the City of Riviera Beach Code of Ordinances establishes the requirements for Site Plan review by the City Council; and

WHEREAS, the City Council finds that the proposed site plan is consistent with the adopted City of Riviera Beach Comprehensive Plan Low Density Multi-Family Future Land Use designation and the Land Development Regulations; and

WHEREAS, the property is zoned Low Density Multiple Family Residential (RML-12) and the proposed use is consistent with this zoning; and

WHEREAS, Staff has reviewed the proposed application and recommends approval with conditions; and

WHEREAS, the Planning and Zoning Board met March 9, 2006 to review the site plan application and made a recommendation to the City Council for approval of the site plan application; and

WHEREAS, the City Council has considered the application; the evidence submitted by the applicant and staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. The Site Plan application from Robert Nothnagle and Magnolia Place to build a three building, eighteen unit residential condominium development is hereby approved with the following conditions:

1. A two year landscaping bond for 110% of the value of landscaping and irrigation shall be required before certificate of occupancy is issued.
2. All future advertising must state that the property is in the City of Riviera Beach. A fine of \$250 per day will be levied against the property owner for violation of this condition.

RESOLUTION NO. 52-06
PAGE 2

3. Construction must be initiated within 18 months of receiving City Council Approval.

SECTION 2. This Resolution shall act as the final order which is not required to be recorded in the public records of Palm Beach County.

SECTION 3. This Resolution shall take effect immediately upon approval.

PASSED AND APPROVED THIS 19TH DAY OF APRIL, 2006.

*******THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK*******

RESOLUTION NO. 52-06
PAGE 3

APPROVED:

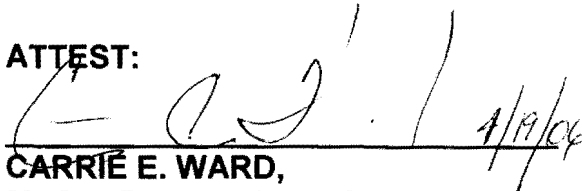


MICHAEL D. BROWN
MAYOR



ANN ILES
CHAIRPERSON

ATTEST:

 4/9/06

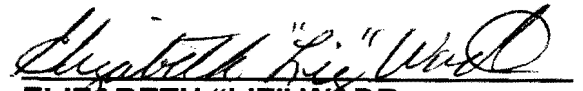
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



VANESSA LEE
CHAIR PRO TEM



NORMA DUNCOMBE
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON



JAMES "JIM" JACKSON
COUNCILPERSON

MOTIONED BY: E. WADE

SECONDED BY: V. LEE

A. ILES AYE

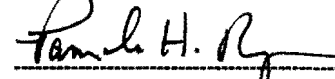
V. LEE AYE

N. DUNCOMBE AYE

E. WADE AYE

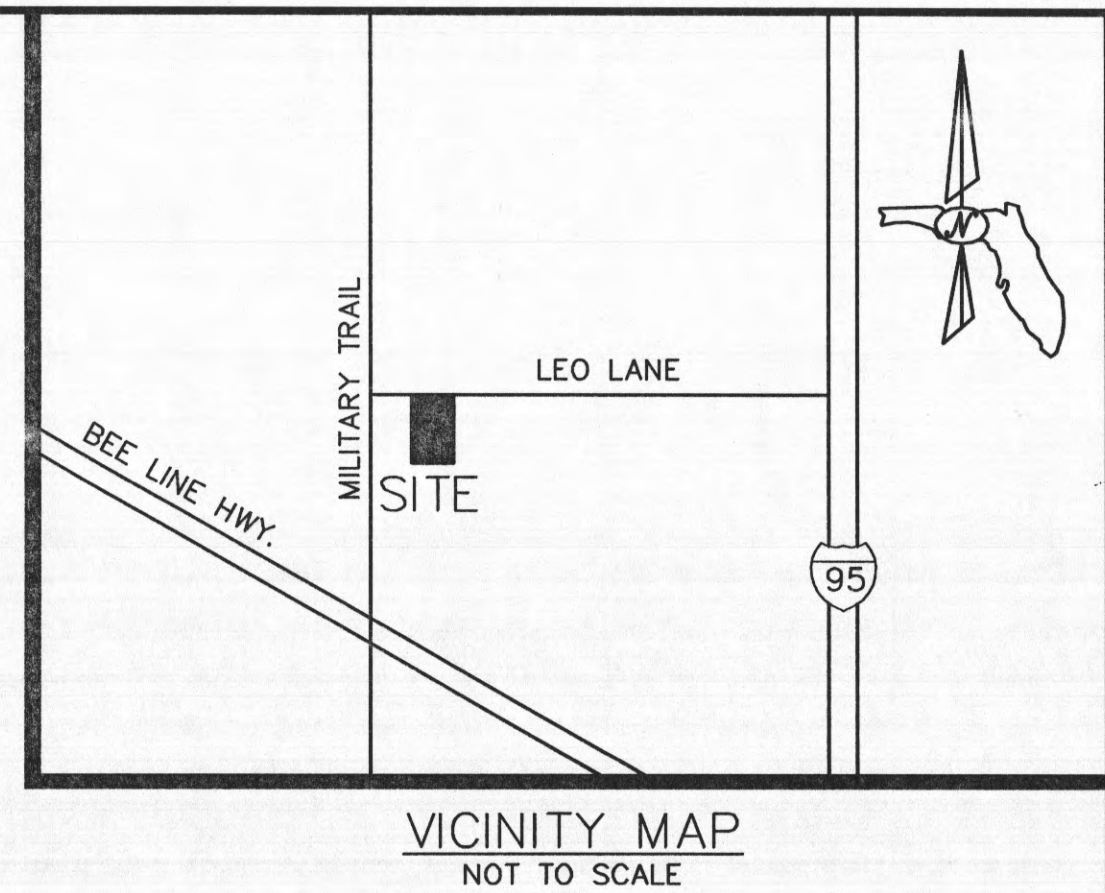
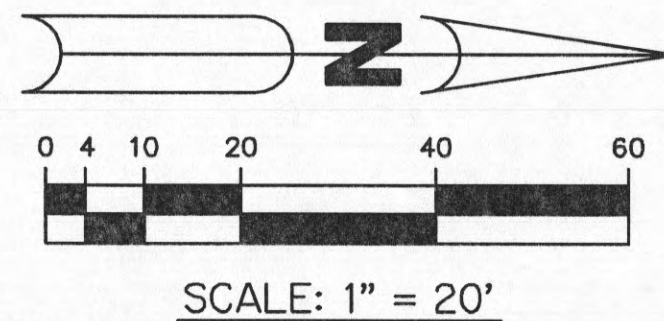
J. JACKSON AYE

REVIEWED AS TO LEGAL SUFFICIENCY



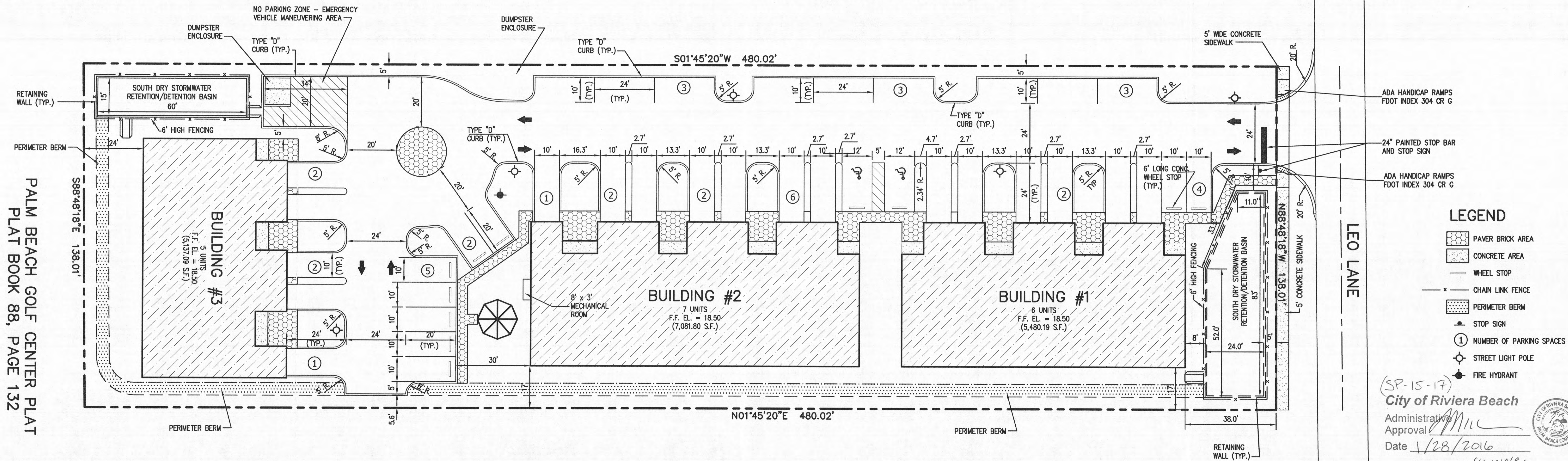
PAMALA HANNA RYAN/CITY ATTORNEY

DATE: 4/12/06



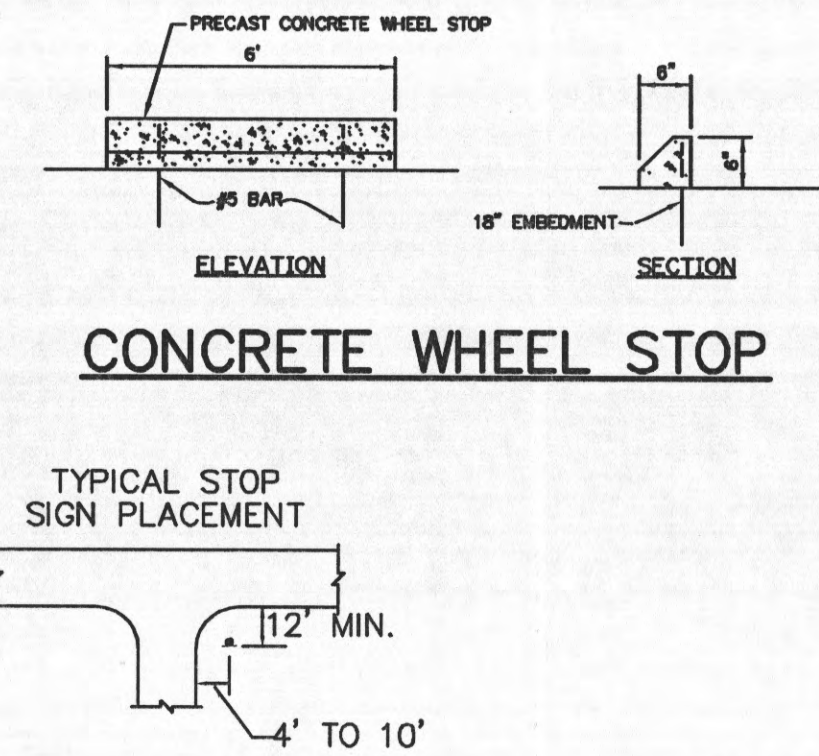
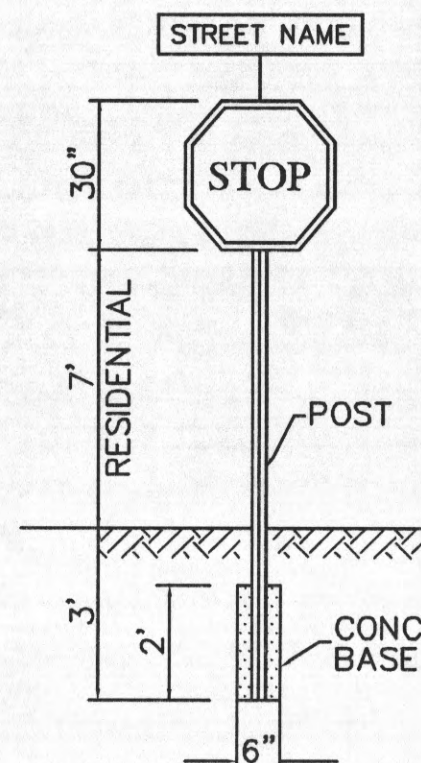
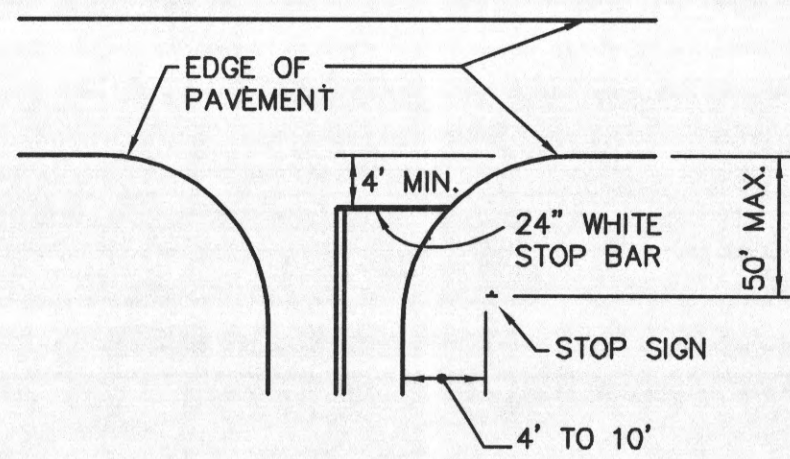
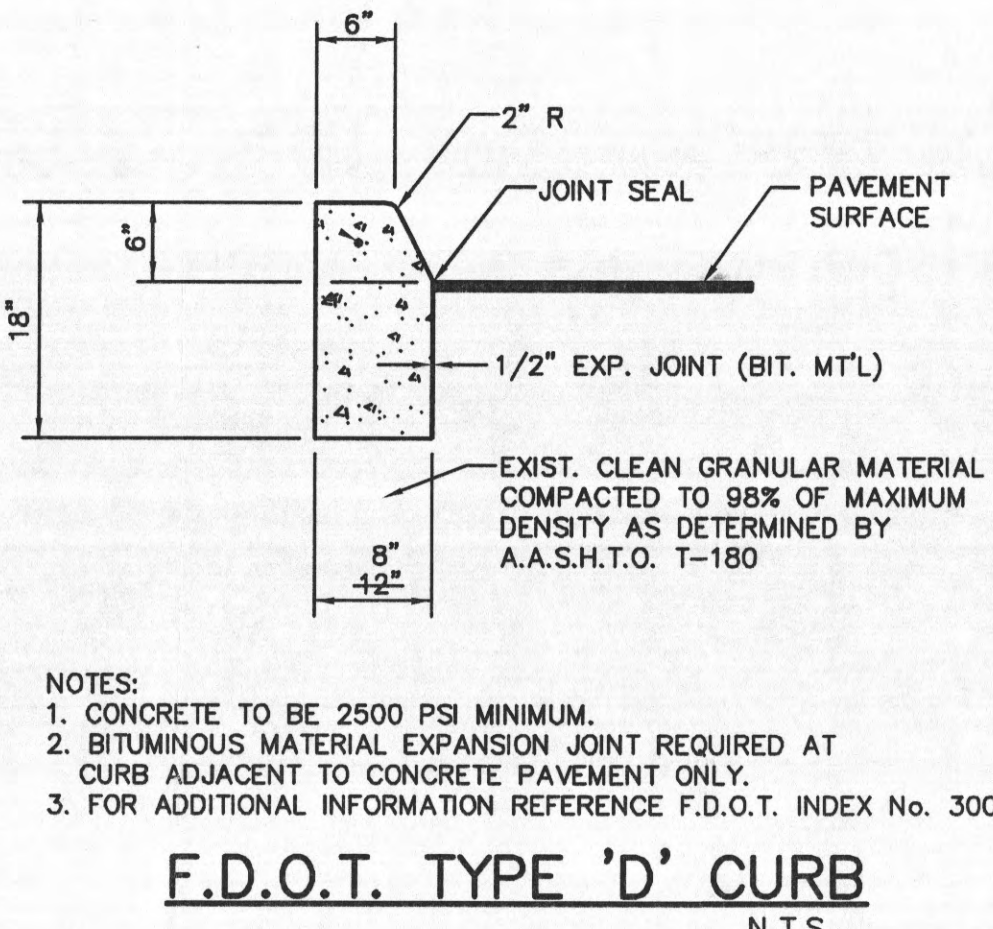
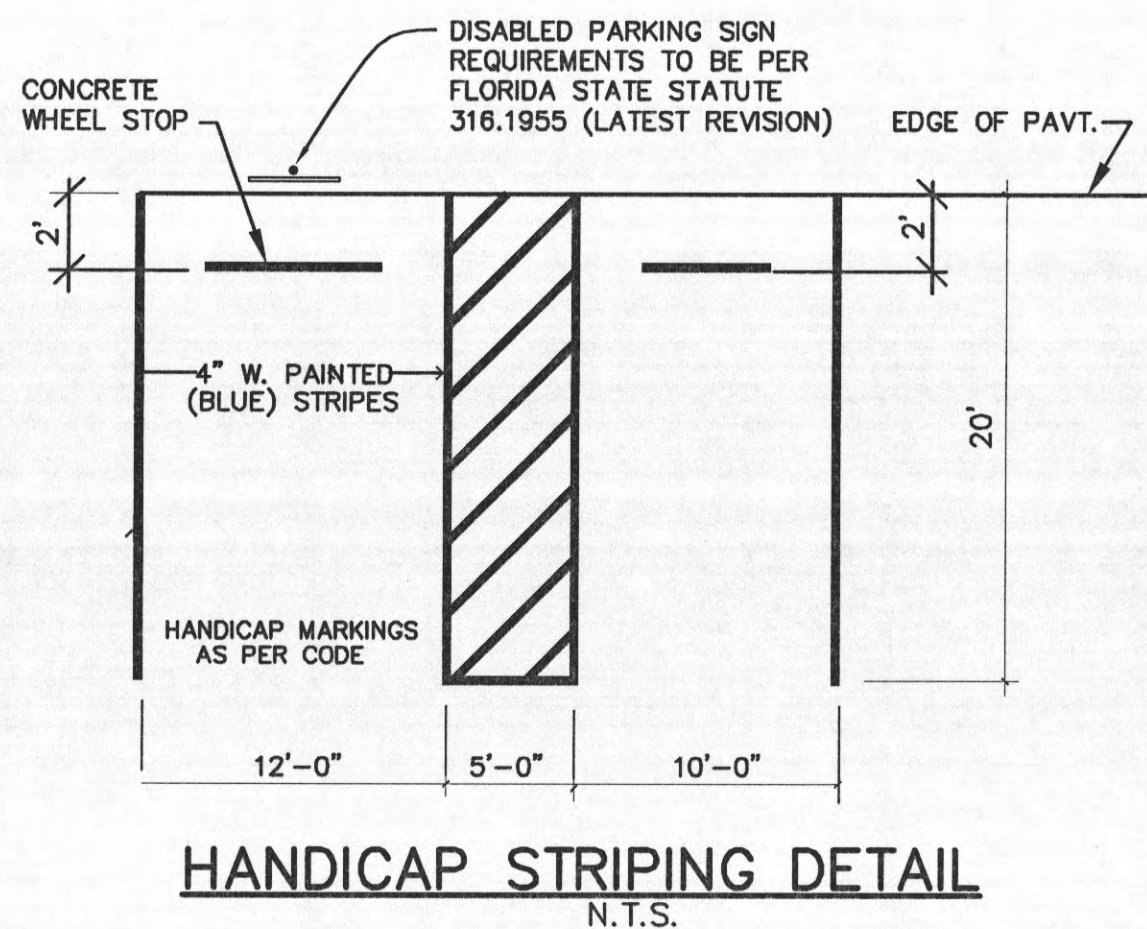
PALM BEACH GOLF CENTER PLAT
PLAT BOOK 88, PAGE 132

UNPLATTED



(SP-15-17)
City of Riviera Beach
Administrative Approval: *[Signature]*
Date: 1/28/2016
MARY McKINNEY

MYSTIC WOODS
PLAT BOOK 75, PAGE 69



SITE DATA

EXISTING SITE ZONING: RML12 (12 UNITS PER ACRE)
FUTURE LAND USE: MEDIUM DENSITY MULTI-FAMILY (15 UNITS PER ACRE)

TABLE			
TYPE	AREA (SF)	AREA (AC)	%
SITE	66,247.56	1.52	100
BUILDING	17,699.08 S.F.	0.41	16.70
PAVEMENT	24,000.87	0.55	33.59
DRY RET. (STM.WTR)	8,443.58	0.19	33.59
OPEN SPACE	16,104.03	0.37	24.31
# OF UNITS	11.8 UNITS/ACRE		18

PARKING			
STALL	REQUIRED	PROVIDED	
HANDICAP	2	2	
REGULAR	36	36	

DESIGN	TJM	5			
DRAWN	JAO	4			
CHECKED	TJM	3			
D.C.		2			
		1			
NO.	DATE	REVISION	APPD.	BY	

NOT VALID FOR CONSTRUCTION
UNLESS SIGNED IN THIS BLOCK

Messler & Associates
CONSULTING ENGINEERS
5746 VIA RIO, JUPITER, FLORIDA 33458
Phone (561) 748-6015 Fax (561) 748-6889
Certificate of Authorization No. 00003616

MAGNOLIA PLACE
A TOWNHOUSE COMPLEX
4444 LEO LANE
CITY OF RIVIERA BEACH, FLORIDA

SITE PLAN

PROJ. NO. 15-050
SCALE 1"=20'
DATE NOV 2015
SHEET 1 OF 1
TIMOTHY J. MESSLER, P.E.
FL. REG. No. 16422