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CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, December 8, 2016

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:36 p.m. - 9:25 p.m.

IN ATTENDANCE:

Rena James, Chair
Tradrick McCoy, Vice Chair
Edward Kunuty, Board Member
Margaret Shepherd, Board Member
Julius Whigham, Sr., Board Member
Lina F. Busby, Assistant City Attorney
Jeff Gagnon, Assistant Director of
Community Development
Mario Velasquez, Senior Planner
Allison Goldberg, Senior Planner

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1 BE IT REMEMBERED that the following Planning
2 and Zoning Board meeting was had at Riviera Beach City
3 Hall Council Chambers, 600 West Blue Heron Boulevard,
4 Riviera Beach, Florida, on Thursday, December 8, 2016,
5 beginning at 6:36 p.m., with attendees as hereinabove
6 noted, to wit:
7
8 ---
9 CHAIR JAMES: It is now 6:30, and I'm going
10 to call the meeting to order. At this time we'll have
11 a moment of silence, followed by the Pledge of
12 Allegiance as soon as Jeff finishes our handouts.
13 (Moment of silence observed. Pledge of
14 Allegiance recited.)
15 CHAIR JAMES: Roll call, please.
16 MR. VELASQUEZ: Julius Whigham.
17 MR. WHIGHAM: (No response.)
18 MR. VELASQUEZ: Margaret Shepherd.
19 MS. SHEPHERD: Here.
20 MR. VELASQUEZ: Edward Kunuty.
21 MR. KUNUTY: Here.
22 MR. VELASQUEZ: Zedrick Barber, II.
23 MR. BARBER: (No response.)
24 MR. VELASQUEZ: Tradrick McCoy.
25 VICE CHAIR McCOY: Here.
MR. VELASQUEZ: Rena James.

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1 CHAIR JAMES: Here.
2 MR. VELASQUEZ: Quorum is present.
3 CHAIR JAMES: Are there any deletions, any
4 additions and deletions to the agenda?
5 MR. GAGNON: Good evening. Jeff Gagnon,
6 Assistant Director of Community Development.
7 I do have a few additions and deletions. I
8 also wanted to inform the Board that we received two
9 items that would fall under correspondence, but I just
10 wanted to mention that now.
11 (Whereupon, Mr. Whigham took his seat on the
12 dais.)
13 MR. GAGNON: For additions and deletions,
14 agenda item B1, B2, B3 and B4, that was advertised and
15 acted on by staff as if it was going to be an action
16 item on tonight's agenda, however, at this point in
17 time we'd like to move that as just a workshop item.
18 So there will be public discussion on the items
19 themselves, however, City staff is not asking for any
20 formal action from the Planning and Zoning Board at
21 this time.
22 Additionally, we'd like to shift those items,
23 B1, 2, 3 and 4, in front of A1, A2 and A3 so we could
24 do those items first on the agenda.
25 Additionally, you've been provided a hard

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1 copy of correspondence provided from West Palm Beach in
2 regards to the Port items, as well as Mr. Gerald Ward
3 just provided a hard copy document that I have not yet
4 read, but all the Board Members received that handout
5 as well.
6 CHAIR JAMES: Thank you. Is there a motion
7 to adopt the agenda with the stated changes?
8 MR. KUNUTY: Move to adopt the agenda.
9 VICE CHAIR McCOY: Second.
10 CHAIR JAMES: It's properly moved and
11 seconded. Roll call.
12 MR. VELASQUEZ: Julius Whigham.
13 MR. WHIGHAM: Yes.
14 MR. VELASQUEZ: Margaret Shepherd.
15 MS. SHEPHERD: Yes.
16 MR. VELASQUEZ: Edward Kunuty.
17 MR. KUNUTY: Yes.
18 MR. VELASQUEZ: Tradrick McCoy.
19 VICE CHAIR McCOY: Yes.
20 MR. VELASQUEZ: Rena James.
21 CHAIR JAMES: Yes.
22 MR. VELASQUEZ: Motion approved.
23 CHAIR JAMES: Let the record reflect that
24 Board Member Whigham, Mr. Whigham is now present,
25 before the roll call, actually.

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1 Move on to the next item, disclosure by Board
 2 Members. Are there any disclosures by Board Members?
 3 None.
 4 It was just adopted, just adopted the agenda,
 5 so we're going to move on to approval of minutes from
 6 the October 27th meeting. Is there a motion?
 7 VICE CHAIR McCOY: So moved.
 8 MR. KUNUTY: Second.
 9 CHAIR JAMES: Properly moved and seconded.
 10 Roll call.
 11 MR. VELASQUEZ: Julius Whigham.
 12 MR. WHIGHAM: Yes.
 13 MR. VELASQUEZ: Margaret Shepherd.
 14 MS. SHEPHERD: Yes.
 15 MR. VELASQUEZ: Edward Kunuty.
 16 MR. KUNUTY: Yes.
 17 MR. VELASQUEZ: Tradrick McCoy.
 18 VICE CHAIR McCOY: Yes.
 19 MR. VELASQUEZ: Rena James.
 20 CHAIR JAMES: Yes.
 21 MR. VELASQUEZ: Unanimous voting. Motion
 22 approved.
 23 CHAIR JAMES: Being there is no unfinished
 24 business, we're going to go to item B1.
 25 MR. GAGNON: And also, if I may, just for the

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1 record, Mr. Barber did contact me and said he would not
 2 to able to attend tonight's meeting.
 3 Item B1 is an ordinance of the City Council
 4 of the City of Riviera Beach, Palm Beach County,
 5 Florida, amending the City's Future Land Use Map
 6 Designation for the real property located at 105
 7 Broadway, consisting of approximately 5.22 acres of
 8 land, from a utilities land use designation to an
 9 industrial land use designation in order to facilitate
 10 use of the site for storage of rolling and bulk cargo,
 11 and providing for an effective date.
 12 Again, this particular item is associated
 13 with B2, B3 and B4 as well. And these will just be a
 14 workshop tonight, so no formal action will be taken.
 15 However, public comments are welcome.
 16 So if it pleases the Board, I'd like to
 17 discuss really all four items simultaneously. B1 is a
 18 future land use amendment; B2 is a zoning amendment; B3
 19 is a site plan approval; and B4 is a plat approval.
 20 All four items are interrelated, and really would all
 21 need to be approved concurrently as we move forward.
 22 First, for the land use amendment, on the
 23 left side it shows the existing land use designation of
 24 utilities, and the right side is the proposed
 25 designation, which would be industrial. For the

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1 rezoning, the left side of the screen once again shows
 2 the zoning designation, which is utilities, however,
 3 the proposed zoning amendment would change that to
 4 limited industrial zoning.
 5 And before I move from this screen, please
 6 make note of the fact that this property does border
 7 the City of West Palm Beach. Historically, the City of
 8 Riviera Beach has worked closely with West Palm Beach
 9 staff, as well as the Port of Palm Beach, to make sure
 10 that any future uses on this parcel would be agreeable
 11 to all parties.
 12 So it's currently shown on the screen and has
 13 also been provided in the hard copy packet printouts.
 14 On the left side is an aerial view of the project
 15 location and an overall location map.
 16 Not so easy to see on the screen, however,
 17 the 11 by 17 handouts might be better to reference.
 18 But this is the existing site conditions.
 19 Historically, the Port had used this parcel of land
 20 during the Energy Center construction projects. And
 21 there's a tri-party agreement entered into between the
 22 City of Riviera Beach, West Palm Beach and the Port of
 23 Palm Beach as far as particular conditions associated
 24 with the use of the property. Many of those conditions
 25 have been rolled into conditions of approval associated

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1 with the proposed site plan as well, which I'll go over
 2 in a few minutes.
 3 Just for discussion purposes, this is also
 4 the site plan. The hard copy printout is probably more
 5 legible. What this will do is maintain the existing
 6 concrete wall on the south portion of the site.
 7 Additionally, there is a utility -- or excuse
 8 me, not utility -- a water management tract on the
 9 south side of the parcel as well, which creates an
 10 additional buffer area in between the residential uses
 11 in West Palm Beach and the uses proposed on this
 12 property.
 13 Additionally, City staff has requested a
 14 drive aisle be identified on the site plan. Again,
 15 that's on the south portion of the property, which
 16 would, again, have an additional separation from the
 17 property line, so as a cargo is stored on the property,
 18 it won't, potentially won't be visible from the
 19 adjacent residential properties to the south.
 20 In conjunction with the site plan, there's
 21 also a landscape package proposed. City staff had
 22 pushed pretty hard previously with the Port and tried
 23 to get landscape added along U.S. 1. We felt that that
 24 was very important. Additionally, there's also palm
 25 trees proposed as a buffer on the west side of the

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1 property. And as we move forward with the discussion
 2 for West Palm, we can look at the landscape package
 3 further to make sure that it's agreeable to the
 4 residents to the south as well.
 5 So I'm going to refer to the staff report,
 6 which is provided in your packet as well, in one
 7 moment, but I wanted to mention the fact that again, we
 8 anticipate having another tri-party meeting between the
 9 City of Riviera Beach, City of West Palm and the Port
 10 of Palm Beach to work out any sort of final tweaks to
 11 the conditions of approval associated with the site
 12 plan. I think we're at probably 97 percent right now,
 13 so just a few minor things we need to work on.
 14 So within your hard copy document, if you
 15 reference the staff report for SP-16-13, that's the
 16 site plan for 105 Broadway. And in the recommendation
 17 section -- go full screen. In the recommendation
 18 section you can see that staff is currently
 19 recommending approval of the site plan, in addition to
 20 the future land use amendment, rezoning and plat.
 21 However, there are multiple conditions that
 22 would apply to the use of the property in the future.
 23 Some are more boilerplate style conditions that would
 24 be associated with any sort of site plan approval in
 25 the City. Others are more fine tuned for the specific

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1 uses proposed by the Port, and also in consideration of
 2 the residential uses in West Palm Beach.
 3 So I don't think I'm going to read through
 4 each specific condition, however, I do want to note
 5 that they're available within the staff report. And as
 6 part of our tri-party meeting, we'll work through the
 7 conditions and make sure that all parties are
 8 agreeable, and when we vet that out further, we'll
 9 provide the Planning and Zoning Board's final
 10 conditions of approval in association with the site
 11 plan. Also, within the correspondence from West Palm
 12 Beach, there were some suggested changes to conditions,
 13 so we'll consider those as well as we move forward.
 14 VICE CHAIR McCOY: Madam Chair.
 15 CHAIR JAMES: Yes.
 16 VICE CHAIR McCOY: Mr. Gagnon, can you speak
 17 to that, because I was just curious. I didn't really
 18 have time to thoroughly --
 19 MR. GAGNON: Sure.
 20 VICE CHAIR McCOY: -- go into the letter, but
 21 have you had a chance to gather an opinion on the
 22 letter that came from the City of West Palm just today?
 23 MR. GAGNON: Yes, I think that it is a
 24 benefit to the process that we received the
 25 correspondence. I think that the specific conditions

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1 that have been asked by West Palm would improve the
 2 future use of the property and clarify some items that
 3 may not have been clear in the draft proposal. So I
 4 think overall for the project, it's a benefit. The
 5 response that we've received so far from the Port of
 6 Palm Beach has been positive, so I think that it's
 7 something that will really improve the situation
 8 overall.
 9 CHAIR JAMES: Any other questions, Mr. McCoy?
 10 VICE CHAIR McCOY: Yes, just a follow-up. I
 11 just was curious because I didn't know if this came up.
 12 Is this the reason that the item was pulled today, the
 13 letter that was received from the City of West Palm
 14 Beach?
 15 MR. GAGNON: City staff received comments
 16 from both West Palm Beach and the Port of Palm Beach,
 17 so being that both the applicant had a few minor things
 18 they wanted to work out on their end, as well as
 19 receiving comments from West Palm Beach, it seemed most
 20 prudent just to workshop the item and have public
 21 discussion. But there really isn't a time sensitive
 22 nature for the project, so I think it was best just to
 23 make sure that, you know, all parties are working
 24 together and are comfortable with the document moving
 25 forward.

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1 VICE CHAIR McCOY: Okay, nothing further,
 2 Madam Chair.
 3 CHAIR JAMES: Okay.
 4 MR. KUNUTY: Madam Chair.
 5 CHAIR JAMES: You're recognized, Mr. Kunuty.
 6 MR. KUNUTY: Just a quick glance through the
 7 West Palm letter, it seems like a lot of those items in
 8 there are already addressed in your document. So am I
 9 on the right track with that?
 10 MR. GAGNON: Yes. So what they did is they
 11 provided a comment letter in strike-through and
 12 underline format. So if you reference the second page
 13 on the back side of the printout, specifically
 14 condition number five and number six and also number
 15 seven, I believe, there was an additional condition
 16 proposed, number six, which would further clarify some
 17 of the height restrictions and storage locations on the
 18 property. Additionally, within number five there's, I
 19 guess, clarification on specific storage containers.
 20 So the proposed amendments are underlined in the
 21 document and deletions are stricken through.
 22 MR. KUNUTY: I'm wondering the height of a
 23 container.
 24 MR. GAGNON: Yes, it's just under nine feet.
 25 MR. KUNUTY: So in effect, with the 25 feet,

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1 you could stack three containers.
 2 MR. GAGNON: It would -- only two.
 3 MR. KUNUTY: Okay.
 4 MR. GAGNON: Only two based on the height,
 5 and there was --
 6 MR. KUNUTY: And with the 20 that they're
 7 recommending, still stack two?
 8 MR. GAGNON: Twenty would still stack two; 25
 9 would not stack two.
 10 MR. KUNUTY: Okay.
 11 MR. GAGNON: That was actually --
 12 MR. KUNUTY: Okay.
 13 MR. GAGNON: The 20 foot reference was taken
 14 from the tri-party agreement previously, so it's
 15 something that I think we can revisit during our
 16 intergovernmental meeting to see if 20 feet is better
 17 than 25 feet if it doesn't result in additional
 18 stacking. Additionally, there's specific reference
 19 within number five that shipping containers can only be
 20 stacked one on top of another, so two in total height.
 21 So we wanted to make sure that we addressed that and
 22 that West Palm was comfortable with this moving
 23 forward.
 24 MR. KUNUTY: Okay, so 20 or 25 feet really
 25 isn't a restriction then it appears.

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1 MR. GAGNON: It wouldn't relate to typical
 2 storage shipping containers. The 25 feet high
 3 restrictions may allow additional equipment to be
 4 stored on site. If there was, for example, a large
 5 crane or a large piece of machinery that may be over
 6 that 20 foot height limitation, then there will be some
 7 flexibility with that.
 8 MR. KUNUTY: No other questions.
 9 MR. GAGNON: And the fourth and final item
 10 was the plat. The parcel itself had not been platted,
 11 so as part of site plan approval, the Port would have
 12 to go through the platting process. And it's really
 13 just delineating the property boundaries, any easements
 14 that are on the property.
 15 So at this time I think we could open it up
 16 to either public comments or Board comments. I'm not
 17 sure if the Board wishes to handle each item
 18 individually or just have more open comment, being that
 19 it's just a workshop item.
 20 CHAIR JAMES: I'm going to go ahead and go
 21 with the public comments and give the Board a minute to
 22 think about how we want to address them.
 23 MR. GAGNON: Okay.
 24 CHAIR JAMES: So first up for item B1, Gerald
 25 Ward.

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1 MR. WARD: Good evening. Gerald Ward, 2135
 2 Broadway.
 3 I have a three page letter with attachments,
 4 one attachment which deals in the application in
 5 principle. I was coming here tonight to say that they
 6 clearly have a deficient, false application, and I've
 7 given you a couple of pages of the problems.
 8 The Port, in the minutes of a meeting which
 9 was held the 29th on their Comprehensive Plan update,
 10 which I'll talk about later on in another item, clearly
 11 said that they don't think they really own it. And I
 12 have objected in that manner for many, many years when
 13 they went to the DOT and got the DOT to quitclaim, with
 14 substantial conditions.
 15 So it really is not ownership of the
 16 property, because this is a 180 foot wide by a quarter
 17 mile long link condemned by the Florida Department of
 18 Transportation for the purposes of reconnecting State
 19 Road 710 to U.S. Highway 1, State Road 5. And I've
 20 laid that out in the letter or the memo so that you
 21 have some background.
 22 I think it is absolute that none of these
 23 approvals can be granted without being conditioned that
 24 the reconnection is an agreement with the City of
 25 Riviera Beach. We had a four-lane highway -- that was

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1 the only section of State Road 710 that was four
 2 laned -- built from U.S. 1 out to the, what was then
 3 Old Dixie, now President Barack Obama Highway, and we
 4 required them, when they wanted to close that for use
 5 of the public, to replace it.
 6 I would suggest you take a look, the
 7 application was signed by the Executive Director on the
 8 17th of November, yet there is a notary public
 9 signature on the 16th. It's to the point I think we're
 10 going to have to fill up the jails of the state with
 11 false use of the notary and other process. If you look
 12 on page three, for not doing it correctly, you can
 13 recommend to the City Clerk and the Mayor that they
 14 just execute a fine letter to the Port. I don't think
 15 you need to deny it, since you now have said you're not
 16 going to do it.
 17 Now, we have four items, Madam Chair, and I
 18 have yet to get to the specifics, but you do have for
 19 part of the record, which I will also give the court
 20 reporter a copy, the three page letter and attachments,
 21 which I think is very important.
 22 In that, the last part of the letter deals in
 23 traffic conditions. The traffic statement talks about
 24 number of trips per day, and which is double the
 25 vehicles per day. This is at the bottom of the

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1 Skypass. In reality, using the per day trips is not
 2 exactly right because what I suspect is going to happen
 3 is it may be used as parking for the ferry to Freeport.
 4 CHAIR JAMES: Mr. Ward, I have a question.
 5 Because you have comment cards on the other B items as
 6 well, and we're over the three minutes for the B1, do
 7 you just want to --
 8 MR. WARD: Well, I think that the CDEC
 9 decided he wanted to try and coalesce everything
 10 together, and so I just get up one time and talk about
 11 it, or I can break it up, if you want to, in the three
 12 items.
 13 CHAIR JAMES: No, we can do it that way.
 14 We're just going to restart the clock now for item B2.
 15 MR. WARD: Okay. I actually will be much
 16 shorter on the next nine minutes, because I do think
 17 you have in writing the letter, and I've talked about
 18 the State Road 710 reconnection and conditioning any
 19 approvals with the fact that they must proceed towards
 20 accomplishing that agreement.
 21 The City of West Palm Beach letter did hit on
 22 several items that I have. And you have looked at it
 23 from a responsible attitude that we need consistency.
 24 The problem is that the submission of the Port has
 25 numbers like 20 feet for the height of the container

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1 stacking, whereas the conditions of the City would be
 2 25 feet. Don't have a problem with that. But in the
 3 end, since you have some time, you should require them
 4 to make the documents consistent throughout. I think
 5 that's sort of what the City was attempting to try to
 6 do.
 7 The limited industrial was obviously a
 8 specification of the City. This is a divorced parcel
 9 from the Port of Palm Beach. It is not coincident with
 10 any of the Port properties. So I tend to support the
 11 staff's pushing limited industrial. Remember though
 12 that the general port, we changed it to general
 13 industrial, and so we don't want to have confusion
 14 later on when people try and play games with our
 15 zoning.
 16 The document says high noise level. That's
 17 not defined. That's a Port term in their description.
 18 You need to consider whether that is enforceable.
 19 The plat. You should note that it is done by
 20 the City's contracted plat contractor or consultant,
 21 professional surveyor/mapper. We went through a
 22 procurement process to do that. That cost money. Now
 23 we're going to have to go out and hire another review
 24 professional surveyor and mapper. So I think a
 25 condition needs to be added that they pay for that

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1 additional service, because they selected our surveyor
 2 and mapper, who cannot review his own work.
 3 I would say that I basically have covered
 4 most of the issues, and your deliberations need to give
 5 recommendations so that staff can get them to get the
 6 documents consistent and get a new application in
 7 that's not falsified. They didn't even bother to put
 8 the name of who was executing it. So that shows you
 9 how government to government, sometimes things just do
 10 not get done properly.
 11 CHAIR JAMES: Thank you, Mr. Ward.
 12 We'll have the record reflect that Mr. Ward's
 13 comment was also for the cards he submitted for item B3
 14 and B4.
 15 Now we're going to move on to Board comments.
 16 Start with Mr. Whigham.
 17 MR. WHIGHAM: No comment.
 18 CHAIR JAMES: Mr. Kunutty.
 19 MR. KUNUTTY: Mr. Gagnon.
 20 MR. GAGNON: Yes, sir.
 21 MR. KUNUTTY: Do you have any comment on the
 22 public comments?
 23 MR. GAGNON: Yes. They're voluminous, but I
 24 wanted to say a few different things. First of all, I
 25 wanted to make mention of the fact that Port staff is

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1 here with us tonight, in addition to staff from West
 2 Palm Beach, so I thank both of them for coming out and
 3 hearing this item.
 4 In response to some of the comments from
 5 Mr. Ward, historically this property was proposed to
 6 function as a roadway connection in between U.S. 1,
 7 which this may not be the best image, but U.S. 1 to the
 8 east and what's now President Barack Obama Highway to
 9 the west. So the thought process was they'd be able to
 10 have a roadway connection for freight deliveries and
 11 other items, just for general pedestrian traffic as
 12 well.
 13 Unfortunately, to the west side of the
 14 property is FEC property, and FEC was not willing to
 15 grant another cross-access agreement at that time. So
 16 in essence, that killed the proposal to have the
 17 roadway connection. And that was probably 15 years or
 18 so ago. This is before I was with the City, so this is
 19 what I've learned through research or through
 20 face-to-face conversation with involved individuals.
 21 So I don't believe that the roadway connection is a
 22 viable option any longer.
 23 Additionally, if I was a resident in West
 24 Palm Beach, I think that I would oppose any sort of
 25 roadway construction which would generate additional

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1 traffic, just through traffic continuously just north
 2 of the property. So that also may be a stumbling block
 3 if that proposal were to move forward.
 4 Mr. Ward also commented on trips per day. So
 5 the narrative that the Port had provided basically
 6 describes the use of this property mainly through
 7 internal Port access points. So being that the Port is
 8 a secure facility, it would make sense for them to have
 9 one secure access point.
 10 So the current proposal has access agreements
 11 which are really not called out here, but access
 12 agreements that run north and south through the FPL
 13 parcel to the north. And what that will do is allow
 14 the Port, who has property just to the north of this
 15 parcel, to continuously access this through internal
 16 roadway infrastructure.
 17 So we're really not anticipating an increased
 18 traffic load through the entrance on U.S. 1. So that's
 19 not to say that's not possible, being that the ingress
 20 and egress point is already constructed, and it has
 21 been used historically, but the current proposal is
 22 really to access this site through the interconnected
 23 Port roadways, being that it's a secure facility.
 24 Mr. Ward also mentioned the surveyor,
 25 specifically Mr. Phillips, I believe he's referencing.

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1 And although Mr. Phillips has historically performed
 2 plat review and survey review for the City, he's not
 3 one of the three companies that the City had acquired
 4 through a recent procurement process. So we'd have one
 5 of those entities review the plat, and it wouldn't be
 6 Mr. Phillips.
 7 And I think that may not cover all of
 8 Mr. Ward's comments, but that's my best effort at it at
 9 this time.
 10 MR. KUNUTY: Let me ask you a question about
 11 the 710 reconnect.
 12 MR. GAGNON: Yes, sir.
 13 MR. KUNUTY: So that was a condition of the
 14 original agreement when they abandoned that 710 that
 15 went, previously went to U.S. 1?
 16 MR. GAGNON: I don't know if that was a
 17 condition of a previous agreement. It wasn't a
 18 condition of the tri-party agreement. That was back in
 19 2012. That was just for the use, the temporary use of
 20 the property for construction associated with the
 21 Energy Center.
 22 MR. KUNUTY: So the most recent agreement was
 23 '12?
 24 MR. GAGNON: Yes.
 25 MR. KUNUTY: Okay. And there was no

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1 agreement on a 710 reconnect?
 2 MR. GAGNON: No, from everything I've seen,
 3 the Department of Transportation has removed that from
 4 any sort of, you know, Master Plan, being that FEC
 5 would not grant that access point. And without
 6 agreeing to traffic going over that rail, then it
 7 really eliminated that possibility.
 8 MR. KUNUTY: Technically, running a road
 9 through that piece of property basically destroys the
 10 use of it almost in terms of what their current use is
 11 as indicated.
 12 MR. GAGNON: Right. And the Port did acquire
 13 the property, so they have title to the property.
 14 There are specific conditions within the warranty deed
 15 as far as how the property can be utilized by the Port.
 16 But Department of Transportation did sell the property
 17 to the Port, so the Port owns it outright.
 18 MR. KUNUTY: Okay, no other questions at this
 19 time. Thank you.
 20 CHAIR JAMES: Ms. Shepherd.
 21 MS. SHEPHERD: Thank you, Madam Chair.
 22 Mr. Gagnon, I think I've asked you this
 23 question. Were the residents over in that
 24 neighborhood, they were notified, and did you get any
 25 response from that area?

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1 MR. GAGNON: Yes, ma'am. We initiated the
 2 process through the IPARC Clearinghouse, which is an
 3 intergovernmental review committee that is responsible
 4 for coordination of any sort of future land use
 5 amendments. So that notice went out approximately a
 6 month ago. And what happens is it's sent to each
 7 municipality that is in Palm Beach County that has the
 8 opportunity to comment on the proposal.
 9 In addition to that, we provided legal
 10 notification of the project. We also provided
 11 mail-outs for a 300 foot radius. We haven't received
 12 any specific comments from the residents to this point.
 13 I don't know if West Palm Beach has either. However,
 14 we've been trying to notify every party that could be
 15 impacted to the greatest extent possible.
 16 MS. SHEPHERD: Thank you. I keep hearing
 17 Mr. Gerald Ward keep referencing to something illegal.
 18 Can you just expound that a little bit more, what he
 19 keeps saying is illegal and people are going to jail?
 20 I didn't get a chance to read his letter. I have no
 21 clue what the letter --
 22 MR. GAGNON: I didn't get a chance to read it
 23 in full either. It was just provided during the start
 24 of the meeting, so it would be very difficult for me to
 25 comment on that.

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1 CHAIR JAMES: I want to interject for a
 2 second. Ms. Shepherd, are you talking about the notary
 3 part of that --
 4 MS. SHEPHERD: I think that's what it was.
 5 CHAIR JAMES: -- or the sale?
 6 MS. SHEPHERD: I think it was both. I'm just
 7 going through the letter very quickly, and I'm trying
 8 to, I guess, get it all in my mind exactly what
 9 Mr. Ward is talking about. I have no clue. I'll pass,
 10 Madam Chair, until I get my thoughts together.
 11 CHAIR JAMES: Okay. Vice Chair.
 12 VICE CHAIR McCOY: Madam Chair, I was
 13 actually just going to ask a question about the
 14 reverter, but I think it's been explained.
 15 Yes, a couple things. I don't think there's
 16 300 -- there's a residence within 300 feet of that
 17 location that's actually in Riviera Beach. Perhaps
 18 West Palm Beach, but certainly not in Riviera Beach.
 19 That's on the furthestmost southern portion of the City.
 20 MR. GAGNON: Yes, sir.
 21 VICE CHAIR McCOY: So I don't know if we
 22 really sent a letter, and I don't really know if it's
 23 of any really public interest, because it's contained
 24 as it is now within, I mean a confined area.
 25 I really have nothing. And it seems to be

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1 pretty routine. I just would be interested to see what
 2 comes back from, I guess, the tri-governmental meeting
 3 and what recommendations are made. But I would
 4 certainly, I mean in its current form I don't see
 5 anything material as to why I wouldn't support it.
 6 So those are my comments, Madam Chair.
 7 CHAIR JAMES: Thank you.
 8 I just have one question. That meeting
 9 that's going to take place, is that going to be open to
 10 the public, or is it going to be only the City, the
 11 Port and City of West Palm?
 12 MR. GAGNON: I'm anticipating that being
 13 staff only, just to work through specific conditions.
 14 However, it would have to come back to the Planning and
 15 Zoning Board. I'd be more than happy to share the
 16 results of that with any members of the public. And
 17 again, being that it has to come to the Planning and
 18 Zoning Board, I'll do a written summary of the meeting
 19 and we can have open conversation. And then the
 20 Planning and Zoning Board will obviously still have the
 21 opportunity to make any recommendations or comments
 22 that you see fit.
 23 CHAIR JAMES: So the public's only
 24 opportunity to provide their input will be at the City
 25 of Riviera Beach P & Z meeting, this workshop?

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1 MR. GAGNON: Well, this item will have to go
 2 to Planning and Zoning for recommendation. It's within
 3 the City's CRA, so there would have to be a CRA
 4 Commissioners' meeting and be found consistent with the
 5 CRA Plan. And then being that the land use and rezone
 6 is in ordinance form, there would be two City Council
 7 meetings. So there'd be at least four public meetings
 8 discussing these items. So in addition to that, I'm
 9 more than happy to sit down with any members of the
 10 public and receive recommendations, comments, anything
 11 like that.
 12 CHAIR JAMES: Okay, two more questions.
 13 Well, actually, just one. Is this item, even though
 14 it's coming before our Board, will it be -- I'm just
 15 kind of curious -- discussed at like the Port's next
 16 meeting or the City of West Palm Beach's Council
 17 meeting?
 18 MR. GAGNON: I know that --
 19 CHAIR JAMES: If you can't speak to it, you
 20 can have a representative from each agency --
 21 MR. GAGNON: Sure, sure.
 22 CHAIR JAMES: -- come up and speak to that.
 23 MR. GAGNON: Absolutely. I'll invite both
 24 representatives from the Port and from West Palm to
 25 come up if they so choose.

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1 From my correspondence with Mr. Almira, the
 2 Port's Executive Director, it seems as if the Port was
 3 going to have a presentation at their upcoming
 4 Commissioners' meeting just to inform their Council and
 5 also the public of the project moving forward.
 6 However, I'll let a Port representative or Mr. Almira
 7 address that question at this time.
 8 CHAIR JAMES: Okay.
 9 VICE CHAIR McCOY: Madam Chair, while he's
 10 coming, before Mr. Gagnon sits down, there's no legal
 11 requirement that this goes before West Palm Beach.
 12 It's not in West Palm Beach. And I think more or less,
 13 we're being good neighbors. Am I right with that?
 14 MR. GAGNON: So technically, being that it is
 15 a future land use amendment process, West Palm Beach,
 16 if they adamantly oppose the project, would have a
 17 method and mechanism to weigh in on that amendment, so
 18 I think there is a potential hammer. However, you
 19 know, we've worked together well historically, and I
 20 think we're just trying to, as you said, just be good
 21 neighbors and make sure everyone's happy with the final
 22 project.
 23 VICE CHAIR McCOY: Thank you. Just one
 24 thing. I think it seems pretty routine though. I mean
 25 I don't really see that is something of huge

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1 controversies. I mean we're transferring the property
 2 from the Department of Transportation over to -- well,
 3 it's already at the Port of Palm Beach, and just
 4 changing the use so that storage containers can be held
 5 on it. And I don't know that prior to this, that
 6 anybody was impacted so significantly.

7 I think it's certainly important that if we
 8 have the staff from the three agencies there, I would
 9 certainly not want to live on that northern portion of
 10 the City of West Palm Beach and I've got, you know,
 11 three -- stack three containers, you know, in my back
 12 yard where I could see right over the wall. But I
 13 think certainly that is the major concern, that it
 14 doesn't, you know, greatly impact someone's way of
 15 living in West Palm Beach.

16 CHAIR JAMES: Thank you, Vice Chair.
 17 MS. SHEPHERD: Madam Chair --
 18 CHAIR JAMES: Yes.
 19 MS. SHEPHERD: -- before the Port come up,
 20 and while I greatly respect the Port and I think I have
 21 a good relationship with the Port, I want to make it
 22 clear when you hand out handouts like this and they get
 23 out in the City or wherever it gets out, you must be on
 24 your guard at all time to protect not only the City of
 25 Riviera Beach, but the Port. And you should be able to

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1 answer all questions, not think about the questions
 2 when you hand out a handout like this.

3 And Mr. Gerald Ward know where we at. It
 4 should have been put in our packages, or he could have
 5 called. I know where he's at. I could have picked up
 6 the particular package. But I want to go on record by
 7 saying one thing: I take things serious in this City.
 8 Thank you.

9 CHAIR JAMES: Okay, you can have the
 10 gentlemen approach, one at a time.

11 MR. LONG: Good evening. Casey Long with
 12 CH2M Hill. I'm the Port's consulting engineer. Thank
 13 you for having us tonight.

14 Just to address a couple minor items, the
 15 intent of this parcel is exactly what it is, limited
 16 industrial. This is not a standard Port parcel where
 17 you're going to see major straddle carriers in the Port
 18 running all over the place, carrying containers and
 19 stacking them high in a heavy industrial environment.
 20 It is intended to be exactly what it is in this light
 21 industrial.

22 The FDOT warranty deed has a reverter clause
 23 in it that basically states that it can only be used
 24 for specific items, and that is rolling cargo and cargo
 25 operations for the Port for the use of -- and I don't

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1 have the exact details, but it does not permit, you
 2 know, very heavy, loud, noisy industrial operations to
 3 be done in this area, stacking containers three high
 4 and whatnot. So the Port, in their submittal and
 5 application had every intent of following that warranty
 6 deed, and that's the language that's in place.

7 Secondly, there was a three-party
 8 agreement, and most, if not all of the -- I can't say
 9 all because some of it doesn't apply anymore from
 10 FP&L's perspective of construction, but most of the
 11 language was brought into this to follow the previous
 12 tri-party agreement.

13 So the Port's intention is to do exactly
 14 that, be a good steward to all of the neighbors,
 15 maintaining the clear distances, maintaining lowered
 16 heights, bringing the light levels down. And
 17 consistency is the key. Thank you for bringing up
 18 those comments.

19 The City of West Palm Beach are going to be
 20 meeting with us soon about the 25 versus 20 foot rule,
 21 and we look forward to that staff meeting. As I
 22 stated, this is just not a typical Port area. We're
 23 not intending to use this in the heavy industrial side
 24 of things.

25 As far as the Port meeting is concerned, this

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1 next Thursday, the 15th, there will be a Port meeting,
 2 and one of the agenda items is to present these 11
 3 items that were brought up regarding the site plan
 4 approval to the Board and to discuss the comments of
 5 the City of West Palm Beach and others and the results
 6 of this meeting, to notify their Board just the same as
 7 you're being notified. And then from there, we'll move
 8 forward, hopefully with an approval process in January.

9 Other than that, you know, the forms related
 10 to Mr. Ward, we signed one form on the 17th, and
 11 completely independent from the sign on the previous
 12 day regarding an agency form. So they're not part of
 13 the same document. They were signed on different
 14 dates.

15 CHAIR JAMES: Thank you. You answered my
 16 question.

17 EXECUTIVE DIRECTOR ALMIRA: Good evening.
 18 I'm Manny Almira, Executive Director of the Port of
 19 Palm Beach.

20 Just a couple of things. The meeting this
 21 Thursday is nothing more than, as mentioned by Casey
 22 Long, it's a housekeeping. We like to inform my Board
 23 of exactly what we have discussed here, and now what
 24 we're going to be discussing in the tri-party meeting,
 25 which I hope it will be sooner rather than later.

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1 Something else I'd like to mention, that
 2 parcel of land that we're looking at will be primarily
 3 for storage. You're not going to be seeing much
 4 activity out there. You're going to be seeing maximum
 5 two containers high, one is grounded, or one container
 6 when it's on top of a chassis.
 7 You're not going to see a lot of activities,
 8 and if you are on the south side, those neighbors
 9 looking at their back yard, I doubt if you'd be able to
 10 see all of those containers because we're making a
 11 point, (a), you can only work there between the hours
 12 of 8 a.m. and about 5:30. I believe that's the
 13 agreement. Secondly, there's going to be a 30 foot
 14 setback from the wall. As such, you will not be able
 15 to see the distance. So we have our neighbors' best
 16 interests at heart, as well as the Port.
 17 Lastly, we do have two permanent easements
 18 from our Port into that land through the FP&L power
 19 lines, and yes, sometimes we may need to use that land
 20 for parking for the cruise activity. Sometimes. Not
 21 all the time. That particular business is in cycles.
 22 Right now if you go to the Port, you will see that
 23 there is absolutely no parking other than inside of the
 24 Port for those passengers. However, February through
 25 September, that's when the peak period begins, and you

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1 will see that as an alternate for some of these cars to
 2 be parked.
 3 So I'm glad that we're having this workshop.
 4 I'm glad that we're getting to know each other, and I
 5 thank you for the ability for us to speak. I do know
 6 Ms. Shepherd, and I do know Mr. McCoy. Thank you
 7 again.
 8 CHAIR JAMES: Thank you.
 9 EXECUTIVE DIRECTOR ALMIRA: If you have any
 10 questions, please.
 11 CHAIR JAMES: Thank you.
 12 Okay, Jeff, we're ready for item A1.
 13 MR. GAGNON: Thank you. Find the right
 14 sheet, bring up the agenda for the reference.
 15 So in a similar manner of the Port of Palm
 16 Beach District items for 105 Broadway, which had four
 17 items that were interrelated on the agenda, the next
 18 development proposal is really one proposal that has
 19 three segments as well.
 20 So what staff would prefer to do is allow
 21 public comment on all three segments, however, we would
 22 like to present these items in more of a uniform manner
 23 in order to provide the Board with as much information
 24 about the entire proposal consecutively as possible. I
 25 think if we broke them up into individual segments, it

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1 may lead to more questions and more confusion.
 2 So if it pleases the Board, I'd like to also
 3 make a unified staff presentation for A1, A2 and A3.
 4 We still have a public comment portion for all three,
 5 and City staff would ask that the Planning and Zoning
 6 Board make three separate recommendations following
 7 discussion.
 8 CHAIR JAMES: Is the Board in agreement?
 9 MR. KUNUTY: Yes, I'm okay with that, but
 10 just one quick question on that. The way I read this,
 11 we're basically modifying the primary land use, and
 12 then we're addressing Mediterranean. So in effect, I'm
 13 seeing two different things.
 14 MR. GAGNON: You're correct in the fact that
 15 there is an amendment to the R-PUD zoning code that's
 16 being proposed, and that would actually have a global
 17 impact on the City. And I'll be happy to describe that
 18 in more detail.
 19 However, if the Board does not move forward
 20 with that amendment -- the site plan application and
 21 the plat application for development are relying upon
 22 that text amendment moving forward as well, so if the
 23 Board doesn't support the text amendment to modify that
 24 R-PUD language, then the site plan and plat would not
 25 be in compliance with the existing regulations. So let

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1 me proceed with the presentation, and hopefully as I go
 2 through each item --
 3 MR. KUNUTY: But let me just add this. You
 4 know, it seems that they have presented their site plan
 5 based on a set of regulations that haven't even been
 6 adopted. Is that correct?
 7 MR. GAGNON: I'll agree to that partially,
 8 yes.
 9 MR. KUNUTY: Okay. Just seems unusual to do
 10 it that way, because, you know, if we change some of
 11 the items in item one, okay, we're at ground zero
 12 anyway, I mean if we change just a couple of items.
 13 MR. GAGNON: I can't disagree that the
 14 developer has, in essence, put themselves at risk,
 15 because if the Board does choose to not go forward with
 16 item one, there's been an investment in plans and other
 17 time invested that may not be recovered. So I fully
 18 understand what you're stating.
 19 MR. KUNUTY: Yes, and I'm not even saying
 20 don't go forward; I'm just saying modify it to some
 21 degree. So that's my point on it, so --
 22 MR. GAGNON: So first, for the record I will
 23 read the title block A1. A1's an ordinance of the City
 24 Council of the City of Riviera Beach, Palm Beach
 25 County, Florida, amending Chapter 31 of the City's Code

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1 of Ordinances entitled Zoning, Article V, District
 2 Regulations, Division 23, PUD, Planned Unit Development
 3 District, Section 31-494, property development
 4 standards for the R-PUD residential planned unit
 5 development in order to provide for updated residential
 6 development standards to promote creative design and
 7 land use, providing for conflicts, severability and
 8 codification, and providing for an effective date.
 9 So before you on the screen, this was a
 10 section from the staff report. And as Mr. Kunuty and I
 11 were discussing, the text amendment will have global
 12 impacts on the City. So this will be in conjunction
 13 with any property that has an R-PUD zoning designation.
 14 And a few slides in, I'll show you the specific parcels
 15 that these text amendments could potentially impact.
 16 To summarize, this language has not been
 17 revisited for over 30 years. And I think that City
 18 staff has attempted to be more proactive recently and
 19 has brought multiple text amendments to the Planning
 20 and Zoning Board to really revisit the fact that we
 21 have stale language that needs to be revised in order
 22 to really modernize in accordance with development
 23 trends and also to really allow more unique development
 24 to occur in the City.
 25 I think that's what residents are asking for.

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1 I know that's what developers would like to have as far
 2 as have more flexibility and having the ability to
 3 offer a better product overall to potential buyers.
 4 So again, it's been over 30 years since this
 5 language has been revisited. As I've summarized in a
 6 nutshell, there are new development trends that are
 7 occurring. There's a movement away from what's been
 8 coined as, you know, McMansion, where you have to have
 9 at least a one acre lot and it had to be a single
 10 family home.
 11 And it really created this Euclidean style of
 12 development where it separated uses. It didn't provide
 13 for a variety within residential units, so you didn't
 14 have the opportunity to have a unit that would function
 15 for, let's say, a starter family or for a retiree. And
 16 development trends were really just focused on, you
 17 know, a family of five or six, and that's what was
 18 really pushed historically.
 19 I think that the City needs to revisit that,
 20 especially following the recession, where a lot of
 21 people now choose to rent property versus own property
 22 for various reasons. But a major goal of planning is
 23 to have different types of housing types available. So
 24 I think that's what this code amendment allows to occur
 25 in the City. So as I referenced before, this will

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1 impact anything that has an R-PUD zoning designation.
 2 The Mediterranean parcel that we'll speak of
 3 in a few moments is located at this portion of the
 4 City, which is just east of Military Trail, which runs
 5 north and south, I-95 runs north and south through the
 6 City, and Blue Heron Boulevard is to the south. So
 7 this is the specific Mediterranean parcel.
 8 This is the last parcel that really hasn't
 9 been fully developed that has that R-PUD zoning
 10 designation in the City. We have other development
 11 that had occurred historically in the City. We have,
 12 you know, we have Woodbine, Thousand Oaks, Villa Rosa,
 13 Sonoma Bay, other developments that occurred ten plus
 14 years ago in the City. So this is really one of the
 15 last remaining parcels that has really yet to realize
 16 development.
 17 I thought it was simpler to reference the
 18 staff report in the same way that we did for the Port
 19 items to speak on the specific amendments proposed.
 20 It would help if I'd look in the right
 21 folder.
 22 So if you reference in your packet, the title
 23 should say R-PUD Text Amendment Ordinance. On page two
 24 of that begins the strike-through and underline
 25 portion. And I'll bring this up full screen. So

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1 again, this section of the code really hasn't been
 2 altered or amended in 30 years.
 3 It is, again, imperative that we revisit this
 4 and we make amendments in order for this particular
 5 development to move forward, but also other development
 6 in the future which may occur as these other housing
 7 developments are really rebuilt in the next, let's say,
 8 another 30 years. So if we follow our current trend of
 9 not revisiting this language every 30 years, then it
 10 may be in place the next time a redevelopment proposal
 11 comes in.
 12 VICE CHAIR McCOY: Can I stop you there,
 13 Madam Chair?
 14 CHAIR JAMES: You're recognized.
 15 VICE CHAIR McCOY: Was this initiated by the
 16 applicant or by the City?
 17 MR. GAGNON: So technically it was initiated
 18 by the applicant. However, it's fully supported by the
 19 City. So in my personal opinion, this was a way of
 20 having City staff look at old, archaic zoning and
 21 regulations, and being that it's project based, it kind
 22 of provided the impetus and reason for looking at this
 23 specific section.
 24 Historically when we've -- won't say we --
 25 when City staff looks at other sections of the code,

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1 there's a question of: Well, why this section versus
 2 another section? So being that this was developer
 3 initiated, but staff supported, it allowed City staff
 4 to move forward with amendments to the code which are
 5 needed, but it also provides, I guess, an additional
 6 reason to look at this specific section.
 7 VICE CHAIR McCOY: Thank you.
 8 MR. GAGNON: So when you move down in
 9 language, some are just minor housekeeping items. For
 10 example, in my opinion, it's never good to have -- let
 11 me zoom in one more. So it's never really good to have
 12 an "et cetera" in your code, because that means
 13 something else that a very clever land use attorney can
 14 make up, potentially. So I thought it was important to
 15 make sure that "et cetera" was removed and that the
 16 format for cluster housing was written in the same way
 17 as other sections that already exist. So this is a
 18 minor housekeeping item in number two.
 19 As you move down to 2(a)(1), there's a
 20 proposal to modify the patio home minimum lot size from
 21 4,500 to 2,400 square feet. And number two, it's an
 22 amendment proposal from 1,800 to 700 square feet.
 23 Within 2(b)(1) there's another proposal from 45 feet to
 24 25 feet for minimum lot width. That's for a patio
 25 home. And then for townhouses, the amendment would be

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1 from 25 feet to 15 feet.
 2 I thought it was interesting that within the
 3 maximum height section, we have other residential
 4 zoning codes that have a specific caveat that says 35
 5 feet or three stories. For some reason, this
 6 particular code section didn't have the "or three
 7 stories" capability. So what this will do is if
 8 there's an interesting development option where there
 9 might be an architectural feature that might be
 10 slightly over 35 feet, if it still meets the intent of
 11 the three story development, then we'll be able to
 12 approve it and we'll be able to have the code structure
 13 to support that. So I thought that was important.
 14 For the minimum floor areas, that is
 15 unchanged, so that table would remain as is.
 16 Under (e), the distance between buildings,
 17 there's a few modifications. And part of it was
 18 housekeeping on my part as well, because the proposal
 19 is from ten feet to a five foot minimum.
 20 And then the existing code has this
 21 discussion of without window openings, and then number
 22 two talks about at least one window opening. And the
 23 way that it was written I think was very open for
 24 debate once again, because I don't think it's really
 25 specific as far as where the window is located being

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1 adjacent to another residential unit.
 2 So I thought it was too vague, so it would be
 3 simpler to just say we have a set distance between
 4 buildings, and it has to be at least five feet. So
 5 that way it allows developers to have more flexibility
 6 and creativity, bearing in mind that it's to their
 7 advantage to have the best product available, because
 8 ultimately, they want to have the best neighborhood
 9 possible, because that's how, you know, you sell units
 10 and you attract potential buyers.
 11 MR. KUNUTY: Madam Chair, a question.
 12 CHAIR JAMES: Yes, you're recognized,
 13 Mr. Kunuty.
 14 MR. KUNUTY: On this distance between
 15 buildings, basically then you're saying that the
 16 building is two and a half feet off the property line.
 17 MR. GAGNON: So if --
 18 MR. KUNUTY: If there's two lots and a
 19 building on each lot, it's two and a half feet. So in
 20 effect, the setback there is two and a half feet?
 21 MR. GAGNON: That's one possibility. Or if
 22 it's a zero lot line development, it has to be at least
 23 five feet from the zero lot line wall.
 24 MR. KUNUTY: Okay, but this is a
 25 contradiction of that. I mean what you're saying here

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1 is five feet between buildings if it's not a zero lot
 2 line. So I've got two buildings, and it's two and a
 3 half feet and two and a half feet from the property
 4 line, but if I have a zero lot line, I can be five
 5 feet. Isn't that what you're saying?
 6 MR. GAGNON: Well, so within -- this is all
 7 under number two, and that's describing various housing
 8 types. So that could be cluster house, such as a patio
 9 home, a townhouse, a zero lot line development or other
 10 multifamily structures. So if it were to be a zero lot
 11 line development, then it would have to be five feet
 12 from the property line if a line was -- if a property
 13 line was utilized for the building wall. So that was
 14 the example I was providing.
 15 MR. KUNUTY: I understand. But you're
 16 contradicting that in saying the distance between
 17 buildings is five feet. So that means it's got to be
 18 two and a half feet off the property line. So we're
 19 saying zero lot lines are five feet, but in this
 20 example, it's two and a half feet. I think, if I'm
 21 correct, that's inconsistent. We should be consistent
 22 and say -- you know, have a clearer rule.
 23 MR. GAGNON: Okay, I understand where you're
 24 going. I guess I'm not fully visualizing it yet.
 25 MR. KUNUTY: Well, picture two pieces of

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1 property --
 2 MR. GAGNON: Sure.
 3 MR. KUNUTY: -- okay? And I build a building
 4 on one and a building on the other. It's not zoned
 5 zero lot line, so I have to be five feet from the other
 6 building, which means I can go up to two and a half
 7 feet on my property, and on the adjacent property, they
 8 can go the two and a half feet. So we've got five feet
 9 between the buildings.
 10 MR. GAGNON: Okay.
 11 MR. KUNUTY: Okay? If there are two zero lot
 12 line parcels, they have to be ten feet apart.
 13 MR. GAGNON: So in a situation where the
 14 building wasn't placed on a zero lot line, I agree that
 15 this would state it has to be five foot between
 16 buildings. However, that could also be flexibility to
 17 say three feet, two feet or four feet and one foot, so
 18 long as it's five feet.
 19 So the way that it's proposed here would
 20 allow, I guess, additional design flexibility. If it
 21 were to be two zero lot line units, then it would
 22 really require that there would be a five foot
 23 separation between each additional building. So if you
 24 build out on unit A or lot A a zero lot line building
 25 to, let's say, the east, and you wanted to progress

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1 eastward, there would have to be a five foot separation
 2 between that zero lot line and the next building.
 3 MR. KUNUTY: It just seems to me five feet
 4 between a building is a narrow alley, okay? I'm not
 5 sure what we're accomplishing in allowing buildings to
 6 be stuck together like that. If I'm -- correct me if
 7 I'm wrong, but this does not affect zoning as far as
 8 density.
 9 MR. GAGNON: Overall density, no, it won't
 10 modify densities whatsoever.
 11 MR. KUNUTY: Okay, so now we still have an
 12 acre of land, okay, that we can put 15 units on. Now
 13 we're going to take 15 units and put 15 smaller units,
 14 squeezed close to each other essentially, and have more
 15 open space. Is that what we're saying?
 16 MR. GAGNON: It could work in that manner.
 17 And again, this section is for really this cluster type
 18 of housing. So if it were to be designed as just
 19 single family detached units, then these specific
 20 regulations wouldn't apply.
 21 So instead of, let's say, a developer
 22 proposing townhome units where they're all attached,
 23 maybe there's another design option where you could
 24 have something very similar to that, however, you can
 25 now have, you know, home ownership of each individual

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1 unit. And even though five feet is not a very large
 2 amount of space, you would at least have that
 3 separation, and you'd be able to have, you know, a side
 4 garden or access or storage, or you know, just
 5 additional use of the property in general.
 6 MR. KUNUTY: Well, I don't know how much
 7 you're going to do with it. I mean you have two and a
 8 half feet, you know. I mean let's be realistic.
 9 MR. GAGNON: Yes, you can physically --
 10 MR. KUNUTY: I mean that's like a block and a
 11 half, you know, laying down.
 12 MR. GAGNON: Well, it allows people to walk
 13 from the front to the back of property.
 14 MR. KUNUTY: It does that; it does that,
 15 granted. So if I recall, their site plan, they've got
 16 five and nine cluster houses together. So I mean so
 17 the only people that can walk easily to the back of
 18 their house are one in nine or one in five.
 19 MR. GAGNON: There's multiple unit types
 20 within the site plan proposal. Some are separated
 21 units and some are a townhouse style unit. And I'd be
 22 happy to discuss that more within the site plan
 23 segment. We might be able to do some comparisons at
 24 that time as well for the Board.
 25 MR. KUNUTY: What was the logic to come out

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1 to -- the logic to go from a 4,500 square foot lot size
 2 down to 2,400? I mean and then on the other one was
 3 what, 18 to 7?
 4 MR. GAGNON: I'll be happy to answer that.
 5 Do you want me to continue with just a few more lines
 6 of the text --
 7 MR. KUNUTY: Sure. Yes, go ahead.
 8 MR. GAGNON: -- and then I can go back and
 9 revisit that?
 10 MR. KUNUTY: Okay, go ahead. I'm sorry I'm
 11 getting ahead of you.
 12 MR. GAGNON: Thank you.
 13 I think we're on the setback section, and
 14 there's no modifications or amendments proposed here.
 15 Within number three, we'll go to page three of the
 16 staff report, and there's no modifications in three.
 17 In four, which is describing density, there's no
 18 modification whatsoever, so this won't impact any
 19 density restrictions that Mr. Kunuty mentioned
 20 previously.
 21 And then within number five there's a
 22 grouping requirement. And historically, it said that
 23 the total length of any townhouse structure shall not
 24 exceed six units, and we're proposing that to be 12
 25 units. We actually found that historically there have

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1 been site plan approvals that seemed to deviate from
 2 the six unit requirement. Don't exactly know how that
 3 occurred, but it seems as if that occurred
 4 historically.
 5 And I think that adding the ability to have
 6 more sequential units gives developers more flexibility
 7 as far as the final product that they can provide, so
 8 that could be potentially these smaller units that
 9 would be more affordable and be able to serve, you
 10 know, a new family that's just starting out or a recent
 11 retiree, just different segments of the population
 12 group for the City. So the final line just states: In
 13 order to promote unique development design. So that at
 14 least includes the intent of the modification.
 15 CHAIR JAMES: Okay, did you have something
 16 else?
 17 MR. GAGNON: I was just going to respond to
 18 Mr. Kunuty's comments --
 19 CHAIR JAMES: Okay.
 20 MR. GAGNON: -- on the square footage.
 21 CHAIR JAMES: Go ahead.
 22 MR. GAGNON: So having either 4,500 square
 23 feet or 1,800 for the patio home or townhouse, if a
 24 developer wanted to come in, if this amendment
 25 occurred, and build that 45 square foot -- excuse me --

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1 4,500 square foot patio home, they would have the
 2 ability to do so. However, it seems as if the market
 3 isn't really demanding that product. It seems as if
 4 the trend is smaller units, more affordable units
 5 really for, you know, the working person. So what this
 6 will do is provide that flexibility for any future
 7 developer.
 8 So again, this is a global impact. It's not
 9 just this specific developer, but a global impact for
 10 any property that has an R-PUD zoning district. So it
 11 doesn't prohibit development of a townhouse at 1,800
 12 square feet, however, it does provide in this amendment
 13 the capability of having maybe one unit that's 1,800
 14 square feet, and then the next unit is 700 square feet.
 15 So you have mixed uses and mixed size units in the same
 16 building project.
 17 CHAIR JAMES: Does that answer your question,
 18 Mr. Kunuty?
 19 MR. KUNUTY: It does, but it raises some
 20 other ones. But go ahead. We'll come back.
 21 CHAIR JAMES: No, you can go ahead, because I
 22 think I'm going to go into this as well at this time
 23 for this one particular, for A1. So go ahead with
 24 yours.
 25 MR. KUNUTY: Yes. My comfort level with

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1 approaching it this way is that we're making a global
 2 decision for the whole City, okay, that seems to be
 3 kind of geared towards finishing off Mediterranean. And
 4 what I'm afraid is that -- and we all know this -- most
 5 developers are going to try to build to maximize their
 6 profits, which I don't -- you know, I think they
 7 should. So they're going to try to build the property
 8 the smallest property.
 9 Are we -- and this is a question. Are we, as
 10 a City now, when we put these minimum standards so low
 11 as far as square footage, are we relegating ourselves
 12 to be the entry level housing place, period? Okay? I
 13 mean developers are probably not going to build 700
 14 square foot properties next to 4,500 square foot
 15 properties. They're going to cluster them together.
 16 So we're going to get a lot of the same
 17 properties, okay; they're going to be entry level
 18 properties. And I'm not characterizing that as a good
 19 or a bad thing, but it seems to, from a standpoint of
 20 the City, eliminate some of our flexibility, okay,
 21 particularly when I don't understand where we say no
 22 setback requirements. You know, I mean there's just a
 23 lot of questions I have. So that's it.
 24 CHAIR JAMES: Yes, I want to -- one thing I
 25 want to add to what Mr. Kunuty just said, what is the

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1 price point? Are these -- these are going to be for
 2 purchase or just strictly rentals?
 3 MR. GAGNON: I am not sure of a specific
 4 price point at this time. I'm sure that the
 5 development team would be happy to provide those
 6 numbers to the Board. If the Board chooses to discuss
 7 that during this segment, I think we can accommodate
 8 that.
 9 CHAIR JAMES: I would like to know that. So
 10 we're going to keep that on the back burner for now,
 11 but I'm going to go ahead and let the Vice Chair make
 12 his comment.
 13 VICE CHAIR McCOY: Actually, I just have one
 14 question of Mr. Kunuty. I didn't know what entry level
 15 properties actually meant, and --
 16 CHAIR JAMES: I think it's price point that
 17 Mr. Kunuty --
 18 VICE CHAIR McCOY: -- I wanted to understand
 19 exactly what that meant, because that's a new term for
 20 me.
 21 MR. KUNUTY: You know, maybe it's a misnomer,
 22 but I mean it's obviously appealing to the first time
 23 buyer, for someone who may not have had a property
 24 before, you know, has, say, minimum down payment
 25 available. And there are a lot of people like that

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1 that need to be accommodated, okay. But what I'm
 2 saying is when we put -- set minimum standards, do we
 3 open our doors for us to just only accommodate those?
 4 VICE CHAIR McCOY: Thank you. That's it for
 5 my question of his statement.
 6 CHAIR JAMES: Yes, going with what I asked
 7 you about the price point, the market, is this going to
 8 be termed as affordable housing? I mean what is the
 9 market they're trying to -- they want to be able to
 10 fill this housing unit with as well? So if someone
 11 from the development could come up now and answer that.
 12 MR. GAGNON: Sure.
 13 MS. CALHOUN: Good evening. My name is Hope
 14 Calhoun. I'm the attorney here on behalf of the
 15 applicant of items two and three. I guess one,
 16 technically, also. I'm happy to answer any questions
 17 that you have. I'll start with the few that you have
 18 asked so far. But if I could, if you don't mind, I'd
 19 like to make a couple of general statements before I
 20 answer the questions.
 21 I, as I said, I'm an attorney. I'm a land
 22 use and development attorney by trade. I've been doing
 23 this for almost 20 years, so I represent a number of
 24 developers in a number of different counties and
 25 municipalities specifically.

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1 And so the changes that are being proposed,
 2 some by us, some you heard Mr. Gagnon say by himself,
 3 are consistent with what the market is pushing and
 4 demanding, not just in Palm Beach County and Riviera
 5 Beach, but throughout. It's just market demands lead
 6 to the change. You've heard, you know, millennials
 7 live a little bit differently than those of us that are
 8 not millennials, so they're looking for different
 9 spaces.
 10 With regard to entry level and that comment,
 11 the site plan that you will see this evening and that
 12 you'll consider after this, it considers all different
 13 types of people living together. It could be that you
 14 start out in a townhouse and move to a single family
 15 that's also available in the same development, or you
 16 start out in a single family and then move to a
 17 townhouse, but you can still be in the same
 18 development. Once you've gotten to know your
 19 neighbors, you continue to live there.
 20 The importance of the proposed text amendment
 21 is really to encourage development. And yes, it
 22 impacts our parcel, but you've also heard Mr. Gagnon
 23 say we're the last R-PUD parcel in the City. So
 24 although it is a global text amendment, it really
 25 impacts more specifically one parcel more than any

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1 other. So it's not as though you're opening the
 2 floodgates for a plethora of R-PUDs coming in with
 3 something that's different than what's there now.
 4 Also, you heard Mr. Gagnon say that some of
 5 the changes that are being made are being made to be --
 6 so that existing properties in the City are consistent
 7 with the code. He said -- you heard him say that some
 8 properties already exist with some of these parameters,
 9 so you want to just make those consistent with the
 10 existing code.
 11 With regard to this particular -- I'm kind of
 12 mixing apples and oranges, but you asked. With regard
 13 to this particular parcel that you see the site plan
 14 for, keep in mind you all live here, so you know it has
 15 been a stalled development for a number of years.
 16 Although I did not work with the prior developers, it
 17 is my understanding that they tried to work within the
 18 parameters of the existing code, and due to a couple of
 19 constraints, they couldn't; they couldn't make it all
 20 work for them.
 21 What you're going to see tonight is an
 22 opportunity to provide the City with a finished
 23 project, a finished product that you will find the City
 24 will be proud of. This developer is one who has done
 25 work throughout the state, who does work throughout the

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1 state and has a great reputation.
 2 With regard to price point, the townhomes,
 3 they will be market rate. More specifically, they are
 4 not going to be marketed as affordable housing units
 5 either, and they will be for sale, not for rent. The
 6 price point of the townhomes, again, market rate.
 7 Right now the market is bearing probably the mid to low
 8 200s -- excuse me -- the 200s, the low 200s for the
 9 townhomes. That's what market rate is bearing right
 10 now. And for single families, probably the mid twos to
 11 threes. That's what the market is bearing now. Of
 12 course, if the market goes up, prices go up likewise.
 13 I think that I have answered all of the
 14 questions that you asked. We are here to answer any
 15 other questions about this and the other questions
 16 posed tonight.
 17 The one thing I want to say about the PUD is
 18 that the PUDs generally are intended to create
 19 flexibility. Again, you all have been on this Board,
 20 and you know just as well as Mr. Gagnon does that a PUD
 21 is designed to create maximum flexibility, and
 22 generally speaking, are larger parcels, properties that
 23 aren't just your run-of-the-mill five or ten or two
 24 acres. PUDs and R-PUDs are intended to allow for
 25 greater flexibility than you would have on your normal

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1 straight zoning, in this example, residential
 2 categories.
 3 So what you're doing here actually is
 4 creating more flexibility instead of less. As was
 5 stated, these are minimum standards, not maximum, so
 6 you're really opening up the door to allow different
 7 types of housing stock within a particular parcel.
 8 So we hope that you see it that way and that
 9 you vote to approve this, because it really will help
 10 that parcel in particular and really to clean up some
 11 other items, as was pointed out by Mr. Gagnon.
 12 Thank you. Questions for me?
 13 CHAIR JAMES: No, thank you.
 14 Mr. Kunuty, did that answer all of your
 15 questions?
 16 MR. KUNUTY: It did for now.
 17 CHAIR JAMES: Okay, Jeff, I have a question
 18 following what Attorney Calhoun stated. So we have
 19 existing developments in the City now that already kind
 20 of conform to what's being proposed? And if so, could
 21 you name those developments?
 22 MR. GAGNON: Yes. Interestingly enough, the
 23 previous approval for the original Mediterranean
 24 development specifically -- and I'll point it out in
 25 the code -- specifically seemed to deviate from the

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1 groupings section. So as far as the total length of
 2 any townhouse structure being limited to six units,
 3 that previous Mediterranean development approval seemed
 4 to go beyond six units. So there were more than six
 5 sequential units approved at that time.
 6 So it's something that has been demonstrated
 7 in the development community that maybe six is just not
 8 enough in general. I'm not sure of the history on that
 9 item. That was approved over ten years ago. But there
 10 was either a miss as far as reviewing this code
 11 section, perhaps there was, you know, some other
 12 variance that I'm not privy to, but it seemed as if
 13 historically there were other development actions
 14 specifically in accordance to this groupings section
 15 that were approved that didn't follow the six unit
 16 grouping structure.
 17 CHAIR JAMES: Is that the only one, the only
 18 development in the City?
 19 MR. GAGNON: That's the only one that I'm
 20 aware of. And the interesting part about that is it
 21 directly correlates to items A2 and A3 on our agenda
 22 tonight, being that it's within that same planned unit
 23 development.
 24 CHAIR JAMES: Interesting. Okay, I have a
 25 comment card here for this item A1, so I'm just going

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1 to go ahead and go into the comment for the A1 before
 2 we move on. Gerald Ward.
 3 MR. WARD: Good evening again. Gerald Ward,
 4 2135 Broadway.
 5 If I hadn't been here for the Port, which I
 6 will have more to say about later, I would tell you
 7 that I was totally aghast, and Mr. Kunuty phrased it in
 8 his terminology pretty well to say that a developer
 9 that comes in and decides this is the code that I want
 10 to build to, and by the way, you need to modify your
 11 code is probably somebody we need to say: Good to have
 12 you come by, but we'll see you later.
 13 I was part of most of the development of
 14 this, and the R-PUD, as well as the other PUDs were
 15 developed back in the mid eighties. I totally reject
 16 the CDEC's concept that it's always old and archaic. I
 17 think that you have somebody here that's looking to do
 18 it their way.
 19 I happen to own a rowhouse, and I certainly
 20 will tell you that having 12 rowhouses is not something
 21 that's going to happen. Mine is a 1913 house in a
 22 group of '13 and '14, 1913 and 1914 houses which has
 23 distance between them.
 24 I heard and I have seen nothing in the backup
 25 that this has been staffed through the Fire Department.

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1 Where is their comments on this? I can't believe you
 2 would even consider approving the five foot, which you
 3 have scoped out could be two and a half feet from the
 4 property line. And that's certainly not adequate as to
 5 how a town that has -- did have 35,000 people in 1835
 6 and only has 30,000 now. But it's density of houses
 7 and size of houses does not go down anywhere close to
 8 this in the current standards and the current viable
 9 housing that exists in that town.
 10 The change in size of townhouses is a 250
 11 percent difference. The change in the size of patio
 12 homes is an 87 and a half percent difference. That is
 13 excessive. And there is no statistics, no
 14 documentation of a little study of what that does for
 15 units. The width of townhouses of 15 feet is grossly
 16 inadequate.
 17 CHAIR JAMES: Go ahead. Are you finished,
 18 Mr. Ward?
 19 MR. WARD: Well, I --
 20 CHAIR JAMES: Do you have some more?
 21 MR. WARD: -- I could go on, but I've hit the
 22 primary items I wanted to.
 23 CHAIR JAMES: Thank you.
 24 That was only -- that was the only public
 25 comment card. I'm going to move into Board comments

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1 before we go on, so I'm going to start with
 2 Mr. Whigham.
 3 MR. WHIGHAM: Yes, I have one comment. Over
 4 the years we have had all these (inaudible) in the City
 5 when we had a lot of land. We don't have a whole lot
 6 of land for redevelopment in Riviera Beach now, but we
 7 want to develop.
 8 I could give you a map of several years ago
 9 when I asked the Planning and Zoning Administrator to
 10 reassess the Congress corridor by Silver Beach Road for
 11 me; the Congress corridor by Silver Beach Road. Thank
 12 you. They did. They made it residential rather than
 13 warehouses and other little kind of districts.
 14 One developer came up, developed Thousand
 15 Oaks. We know that's a beautiful site. We know that.
 16 We're glad that that change came. But across the
 17 street from there, the developer was supposed to do the
 18 same identical thing, build homes, but we know what
 19 happened. That developer sold that land, and the other
 20 developer came in and wanted to put in apartments, 500
 21 apartments.
 22 The neighbors in my area stormed the roof.
 23 They had so many petitions, we couldn't even keep up
 24 with the pages. But then he backed off. Then he put
 25 townhouses up, which nobody complained about because

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1 they weren't apartments, but they were townhouses.
 2 We've had problems selling these townhouses. Some of
 3 them are for rent right now.
 4 My thing is this. We are short -- we don't
 5 have a whole lot of space to build houses. I can
 6 understand the lines coming in from a certain feet,
 7 they close in because we don't have that kind of land
 8 anymore. But the thing I'm concerned about is the
 9 developer coming in where you're supposed to have homes
 10 set up, can they go through, get around our code and
 11 start putting up townhouses or apartments and stuff
 12 like that? They have done it in the past.
 13 MR. GAGNON: What would have to happen is any
 14 development proposal that utilizes the zoning
 15 regulations would still have to go in front of the
 16 Planning and Zoning Board and be approved by the City
 17 Council. So there's still an approval mechanism that's
 18 in place that allows for public input, allows for a
 19 potential rejection to a site plan application if the
 20 Planning and Zoning Board or City Council felt that the
 21 development proposed just did not meet the intent of
 22 the code or it didn't meet the intent of the community.
 23 So there are mechanisms that would remain in place even
 24 if the amendment moved forward.
 25 MR. WHIGHAM: What I was just concerned

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1 about, the code zoning itself. If it says residential,
 2 don't change; let it stay residential. If it's
 3 commercial, let it stay. We don't have a lot of land
 4 here that we can go back and forth like we did years
 5 ago.
 6 So we're going to have to be careful with
 7 what we're doing tonight and other nights on this
 8 agenda. We're going to have to protect the City; we're
 9 going to have to protect the City. We want our young
 10 people to come back to the City where their parents
 11 are, and you know, they want their children and
 12 grandchildren. That's what I was looking for too when
 13 I asked for the development on Congress. I wanted my
 14 children back here; I want my grandchildren here.
 15 I taught school here for 36 years, so I know
 16 exactly what's going on in this City. We have a
 17 beautiful City. A lot of you know that. And unless we
 18 stick to what we're doing tonight and get this
 19 resolved, we're going to have a problem. We're going
 20 to have people leaving, going out west. I want the
 21 people out west to come back into this City and be
 22 here.
 23 So let's work on this very diligently, and
 24 let's everybody agree to allow (inaudible) that our
 25 Planning and Zoning Administrator is doing. They have

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1 worked hard on this. This is not something I know they
 2 just did overnight and just throw it at us. When we
 3 read it, if you don't understand what it is, call Jeff
 4 before you come to the meeting. That's what we need to
 5 do.
 6 Now, if you want to have some workshops in
 7 January, next year, to revitalize a lot of this on
 8 here, let's do it. If not, let's approve this so it
 9 can get done.
 10 Thank you very much, Madam Chair.
 11 CHAIR JAMES: Mr. Kunuty.
 12 MR. KUNUTY: Well, I think you've got my
 13 points pretty clear. I think that, you know, as far as
 14 the global portion of this that we're talking about
 15 is -- has a wide-ranging effect. I know today there's
 16 only one R-PUD, but you know, who knows what's going to
 17 happen in the future? There are some older
 18 developments that might get revitalized.
 19 So I think we've got a lot of holes, and I
 20 think a couple of things is that I think for,
 21 particularly for the global common portion, we really
 22 do need to hear from Fire and Police and other
 23 departments on what their feeling is. I know the last
 24 couple of things we approved, it was a big deal for the
 25 Fire Department to be able to get their trucks in

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1 through the property to every place they had to go. So
 2 I don't know if they can still do that on this, but
 3 they're certainly not going to get it through a five
 4 foot space.
 5 So the other thing I would like to see is I'd
 6 like to see what some of our surrounding communities
 7 are doing in terms of what their requirements are. I
 8 mean are they, you know, are they requiring -- have
 9 they modified theirs to the same extent that we've
 10 modified ours? I think we could use that kind of input
 11 from staff to make a more informed decision.
 12 And I think some backup of the trends that
 13 you're stating this is the trend of where the market is
 14 going, I don't really know that, okay. And I don't
 15 know, maybe some of the other Board Members do, but I'd
 16 like to see some real hard data that says, hey, you
 17 know, this is what the world is doing, so you know, we
 18 need to get on the bandwagon.
 19 So you know, based on that, I'm uncomfortable
 20 with going forward with this, you know, and you know,
 21 that would be my feeling. No other comment.
 22 CHAIR JAMES: Thank you, Mr. Kunuty.
 23 Ms. Shepherd.
 24 MS. SHEPHERD: While this particular project
 25 was going forward, I think ten years ago, I think I was

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1 sitting on Planning and Zoning, and I attended all the
 2 meetings that the Mediterranean had over at the
 3 Utilities Department. And I was quite happy with that
 4 project, because I have friends that live over in parts
 5 of that little segment.
 6 If you look at Thousand Oaks and Marsh
 7 Harbor, the streets are very small. How they get the
 8 big trucks through there if there's a fire, because
 9 they've built so tight, I don't know. But I'm sure
 10 they have a plan. I too would like to hear what the
 11 Fire Department has to say, the Police have to say.
 12 But I know that it is a good plan.
 13 And they've been on lockdown for many, many
 14 years, and it's time to move this City forward. As the
 15 young lady said, the children, in the future, they
 16 don't want big homes. They just want a small apartment
 17 or a small home where they can come in, maintain, and
 18 then go around the world, want to go shopping. They
 19 got their ideas all different from what we had.
 20 And so I congratulate you all for being here
 21 today. I am excited about it. I am ready to have it
 22 completed. It has been barren so long. The flowers
 23 are beautiful there, but it need life. It has no life
 24 over there. We need to finish what you started or that
 25 other developer started. We need to finish this

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1 project and make sure that it's right now, it's a
 2 showpiece. I go over there, so I know what's there.
 3 And they're beautiful inside. I commend you for taking
 4 the chance of coming back to the City of Riviera Beach
 5 and finishing this project, and I thank you for it.
 6 Thank you.
 7 CHAIR JAMES: Thank you, Ms. Shepherd.
 8 Vice Chair McCoy.
 9 VICE CHAIR McCOY: Madam Chair, thank you.
 10 Mr. Gagnon, I want to make sure that we're on
 11 the zoning regulations, right, and not the project?
 12 MR. GAGNON: Yes, sir.
 13 VICE CHAIR McCOY: Okay. Is there a grouping
 14 requirement for apartments in the City?
 15 MR. GAGNON: Not currently that I'm aware of.
 16 I think this is the only provision as far as groupings
 17 that we have in our code structure apparently.
 18 VICE CHAIR McCOY: Okay. I was going to ask
 19 a question about the overall density, and I don't know
 20 if those numbers that Mr. Gerald Ward spoke about is
 21 accurate. But I certainly would kind of share the
 22 sentiments of Mr. Kunuty that it's definitely going to
 23 have an overall effect with the increase in density.
 24 But I'm really interested, because there's a
 25 lot of things that comes into play here, and one of the

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1 questions that I think might be appropriate for the
 2 applicant or the developer, is this a condominium
 3 community that's going to be proposed?
 4 And I can certainly -- well, I guess my
 5 concern is if it is, that creates more of a problem for
 6 me, simply because condominiums and HOAs fall under a
 7 very unique portion of the statute, especially one that
 8 I've seen with condominium communities where a
 9 developer -- or, I'm sorry, not a developer -- an
 10 investor can purchase somewhere, about 80 percent of
 11 the properties and then turn it back into apartment
 12 communities.
 13 Now, you know, I certainly think that's
 14 possible, because I've seen it happen a number of
 15 times, not just in -- well, I can't speak of anything
 16 in Riviera Beach. But I know in Mangonia Park it's
 17 happening in Tiffany Lakes. It happened on Congress
 18 down in West Palm Beach just north of the Outlet Mall.
 19 I can't recall, I think it's Woodstock.
 20 And it's created a serious problem that one
 21 of these first time home buyers that you mentioned
 22 might purchase a property for \$200,000 into a
 23 condominium association, and they may stay there three
 24 or four years.
 25 And investors come in, and they purchase up

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1 enough of those units where this archaic, in my
 2 opinion, statute allows them to purchase 80 percent of
 3 them and convert that condominium association back to
 4 apartments, and then turn around, and they have the
 5 sole authority to then buy that one property owner who
 6 spent \$200,000 on their property and offer \$75,000,
 7 which completely leaves them upside down. So I think
 8 that's certainly something that's of a concern to me.
 9 And I think I know we like to ask the
 10 question: Is this affordable housing? There's no
 11 affordable housing in Riviera Beach. It's all about
 12 making the maximum profit, I mean unless you're going
 13 to get a development such as the Housing Authority or
 14 another Stonybrook. But I think our new development
 15 that's coming into Riviera Beach is not affordable
 16 housing, and I think we shouldn't even begin to think
 17 that in some kind of way it's going to benefit, you
 18 know, the overall community, because, you know, I just
 19 don't think that that's the case.
 20 But I certainly have some reservations,
 21 because it seems as if we are doing just what
 22 Mr. Kunuty said, that we're changing the land use
 23 regulations specifically for Mediterranean. And as I'm
 24 looking here on my computer, currently the same units,
 25 the units that are existing there are beyond the six

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1 grouping. And Sonoma Bay is beyond the six grouping,
 2 and I think the same applies for Marsh Harbor.
 3 And I just -- and you know, I certainly want
 4 to support the project, but I'm curious as to our role
 5 in this situation. I don't want to give a blanket
 6 denial, but I'm interested to see if there's some sort
 7 of way we can kind of figure out if there is just a
 8 better way that we can have some inclusion and input,
 9 because I think 12 units is definitely excessive. You
 10 know, I mean are we going to pack this thing like a can
 11 of sardines or what?
 12 It's like Mr. Kunuty brought up a point.
 13 Five feet is, I mean five feet is about the average
 14 height of a person. So that's all you have in between
 15 two different buildings. I think that kind of
 16 certainly restricts you from a public safety standpoint
 17 and from a development standpoint. You know,
 18 personally, I don't think nobody wants to really be in
 19 a 12 unit grouping where the building next to it is
 20 just five feet away. I mean it seems like we're going
 21 to try to pack as many people into a development as we
 22 possibly can.
 23 And I don't want to outright say no, but I
 24 think that this can work a little bit better. And I
 25 want to find out, is it something that we can do from

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1 this point, because I mean I certainly have some
 2 apprehensions about it in its current form, and I want
 3 to see if we can kind of figure out a way to address
 4 some of these concerns without telling somebody no. I
 5 think, you know, somewhere we have to kind of meet in
 6 between, and I'm open for suggestions on that. And,
 7 you know, I would hope that there is some other
 8 dialogue about it.
 9 Thank you, Madam Chair.
 10 MR. GAGNON: I think that as we move forward
 11 through the site plan presentation as well, I think
 12 that will at least allow the Board to see the
 13 development proposal and how the layout is situated.
 14 I did want to just mention again that the
 15 density itself is not being modified. So I believe the
 16 current maximum density is 15 units per acre. So if
 17 you have an acre of property, it's 15 units, no matter
 18 how you place them or configure them. So if you had
 19 multiple acres, you could, you know, play with that and
 20 have maybe the unit configuration, I guess, more
 21 bunched in one area and then have the rest just open
 22 space. However, the density is not being modified by
 23 this proposal. So I just wanted to make sure that the
 24 Board was aware that the density is not being modified.
 25 VICE CHAIR McCOY: Well, perhaps the density

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1 isn't changing, but certainly the overall occupancy is.
 2 I mean the number of units is. I mean the ratio may
 3 not be changing, but I mean you are having an increased
 4 amount of units.
 5 MR. GAGNON: So if you had one acre, you
 6 could have, in concept, you could have 15 units
 7 situated on an acre. So if those 15 units were spread
 8 out evenly, that could be an option, or if 15 units
 9 were, you know, bunched together in one corner of the
 10 parcel, then that could also be a development option.
 11 It doesn't seem to be the most likely way of moving
 12 forward, but that density is having 15 units per that
 13 acre of land. That structure is still in place. So
 14 even though the unit size may be smaller with the code
 15 amendment, the actual number of units would not be able
 16 to be increased.
 17 And actually, as we move forward through the
 18 development, you'll see that in comparison to the
 19 previous Mediterranean development proposal, which was
 20 about 1,000 units, this development proposal is
 21 proposing around 600 units. So it's already a drastic
 22 reduction, and in my opinion, a much better project and
 23 product for the community versus the previous
 24 Mediterranean development that was approved ten plus
 25 years ago.

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1 So I think if -- well, I don't think the
 2 Chairperson has made comments. But I think as we move
 3 through the actual site plan presentation and we look
 4 into the site plans -- and the development team, 13th
 5 Floor, actually has an ongoing development project that
 6 our staff will mention in the presentation. They have
 7 done a site visit as well, so there's a few photos from
 8 the existing project that 13th Floor has done. Maybe
 9 it will visually start helping to answer some of the
 10 questions that the Board currently has.
 11 CHAIR JAMES: Are you done, Mr. McCoy?
 12 VICE CHAIR McCOY: Yes, I'm sorry. Yes,
 13 Madam Chair.
 14 CHAIR JAMES: Okay. I'm just trying to
 15 decide if I want to call a vote now or proceed, because
 16 I kind of feel like we may be sweet talked into it.
 17 Why don't we have any backup in the documents
 18 from Fire and the Police Department and something
 19 relating to the trends to speak on how these
 20 determinations came about for the new requirements,
 21 staff?
 22 MS. CALHOUN: I know that was a question for
 23 him, but somebody asked about condos. If I could just
 24 answer that question?
 25 CHAIR JAMES: Let me get his --

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1 MS. CALHOUN: Okay.
 2 CHAIR JAMES: Let me have staff respond
 3 first, and then I'll have you speak to that.
 4 (Discussion held off the record.)
 5 MR. GAGNON: I'm sorry. So part of the site
 6 plan approval process is to distribute it to each
 7 department, so it could have been staff oversight why
 8 it wasn't included. However, staff is going to pull
 9 the document, and we'll provide hard copies prior to
 10 any action by the Board.
 11 But the project has been reviewed by each
 12 department, actually very rigorously. The applicant
 13 team might know the exact submittal date off the top of
 14 their head. But this project has been through multiple
 15 staff review phases, and each department has been able
 16 to comment on the project. So if it wasn't included,
 17 then that was staff oversight on my part, so I'll take
 18 responsibility for that.
 19 As far as specific data or research, staff
 20 would be more than willing to go and compile that
 21 information. The development team may have some
 22 existing facts or information that they can provide
 23 tonight, being that they have the ongoing development
 24 project and other development projects throughout the
 25 state. So they may be able to better answer that

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1 question tonight for you.
 2 CHAIR JAMES: Okay. Ms. Calhoun wanted to
 3 come back to the microphone to answer a question.
 4 MS. CALHOUN: Thank you again for the
 5 opportunity. I can answer some of the questions that
 6 were posed by the Board.
 7 With regard to the review of the site plan,
 8 Mr. Gagnon has already said it's been reviewed by every
 9 department in the City, and the Fire Department did not
 10 issue us any comments or objections to the building
 11 separation or any of those things that were raised as a
 12 concern. So the Fire Department has no objections to
 13 that.
 14 Respectfully, very respectfully, I'd like to
 15 let the Board know this was not a case where a
 16 developer just showed up into town and demanded the
 17 approval of a site plan regardless. We've worked very,
 18 very, very closely with City staff in order to get to
 19 the point where we are tonight. And again, you've
 20 heard it stated that a lot of this is, I kind of call
 21 it cleanup items just to make things consistent with
 22 what's already existing in the City.
 23 I know I said it before, but just for a
 24 reminder, these are minimums we're talking about,
 25 except for this number five, Groupings, which is a

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1 maximum. So if someone wanted to have five, they
 2 could. If they wanted to keep it at six, they could.
 3 We're talking about a maximum of 12. So that's just
 4 something to keep in mind there.
 5 With regard to density, that question's
 6 already has been answered. I won't belabor this point
 7 since we're talking about a text amendment and not our
 8 site plan yet, but we are proposing fewer units on the
 9 land, so that's important.
 10 The global trends that I can tell you I've
 11 seen is really is a lot more flexibility than what is
 12 in the City's code now. You asked what are people
 13 doing generally -- not people -- what are
 14 municipalities doing generally. And oftentimes,
 15 probably more often than not, the developer will come
 16 into a particular community and create their own
 17 regulations.
 18 What most PUDs or R-PUD type zoning
 19 regulations provide is kind of an open book. And it
 20 says -- and I'm making a general statement when I say
 21 these things -- is if you want to develop under the PUD
 22 regulations, you have to propose your setbacks, your
 23 height, your density, your -- I said height already --
 24 those type of regulations. And you kind of work
 25 through the site plan and develop, you know, the

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1 regulations at that same time.
 2 And what happens more often than not is you
 3 come to the Planning and Zoning Board, and ultimately
 4 City Commission with a presentation of a project that
 5 has been developed in accordance with the regulations
 6 that are also being proposed at the same time. So
 7 that's pretty common, as opposed to specific
 8 regulations with regard to height, groupings, setbacks.
 9 That's kind of not the standard or the norm for PUD or
 10 R-PUD type regulations.
 11 The particular developer -- and again,
 12 Mr. Gagnon's already stated that we're talking about
 13 with regard to the site plan that's before you later on
 14 on this agenda again -- has been building in Florida
 15 for more than ten years. So when they tell you -- when
 16 we come to the City, when we come before you and
 17 propose a particular type of development style or size
 18 or dimension, they're speaking from a point of
 19 experience.
 20 With regard to the townhomes, they are
 21 building currently over approximately 700 of those
 22 townhouse units that we're proposing. The same size,
 23 type and quality that we're proposing here, we're doing
 24 in another -- they are doing in another municipality.
 25 So they've built it, and they see that it works. They

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1 would not have invested the time, the money, the effort
 2 and the drawings and everything else if they didn't
 3 know that it works. So they're not coming brand new to
 4 the table. They've done this before -- and I said it
 5 now three times -- and it works, so that's why they're
 6 proposing it.
 7 There will not be a condominium association
 8 here. These are for -- I'm an attorney, I should know
 9 this word -- for sale. They're for sale projects,
 10 properties. The townhomes are for sale, as are the
 11 single family homes.
 12 Again, you'll hear later on the site plan
 13 presentation, which might, again, as Mr. Gagnon's
 14 already said, help kind of put all of these things in
 15 perspective. I know when you see numbers on paper, it
 16 can be kind of abstract, but when you see the visual
 17 and how it really functions and flows, it might make a
 18 little more sense and help with regard to approving
 19 this text amendment.
 20 I want to say again very respectfully we did
 21 not come in just to dictate how we think things should
 22 be in the City. We looked very carefully at the
 23 existing housing stock in the City, existing
 24 development trends, and we're trying to be consistent
 25 with what's around. So that's why the plan came as it

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1 did.
 2 Thank you for the opportunity to answer those
 3 questions. I'm happy to answer any others.
 4 CHAIR JAMES: Ms. Calhoun, you just stated
 5 that there will be no HOA in this --
 6 MS. CALHOUN: No condo. Excuse me. There is
 7 not a condo association. That question was asked, will
 8 there be a condo association. There will be no condo
 9 association. I believe there's an existing HOA on the
 10 units that are already built and constructed, so
 11 actually, this helps that, because you're going to have
 12 now a number of units coming in and homeowners coming
 13 in who can infuse additional funds into the existing
 14 HOA. Be clear, they're not a condo association, but
 15 there is an HOA that will continue to be responsible
 16 for maintenance and actually be able to improve
 17 maintenance on the property.
 18 CHAIR JAMES: Okay, thank you.
 19 MS. SHEPHERD: Madam Chair.
 20 CHAIR JAMES: I'll go ahead and recognize
 21 Ms. Shepherd and then Mr. Kunuty.
 22 MS. SHEPHERD: Ms. Calhoun, may I ask you one
 23 more question? Is there a timeframe on this particular
 24 project? Is there a timeframe?
 25 MS. CALHOUN: Two weeks ago. I was just

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1 kidding. I'm kidding; I'm just joking. I'm joking,
 2 I'm sorry.
 3 If you mean like how soon do they want to get
 4 started or how soon do they anticipate getting started,
 5 they're very eager to get started. As you've already
 6 heard, this property has been vacant for ten years or
 7 more, and they are ready to come in tomorrow, if that
 8 was possible, to start construction.
 9 There is a need, a desire for housing in the
 10 City of Riviera Beach. You have around this
 11 property -- again, you all are familiar with the area,
 12 so you know there are economic drivers in the area, a
 13 hospital and potentially other economic drivers coming
 14 into the City. People want to live close to where they
 15 work. There's lots of places to work, not necessarily
 16 places where people can live.
 17 So they would like to come in as soon as
 18 possible. We have been working, as you've already
 19 heard, with the City for a long time to try and get
 20 this development started, so yesterday would have been
 21 great, but as soon as possible.
 22 MS. SHEPHERD: Thank you.
 23 CHAIR JAMES: Go ahead, Mr. Kunuty.
 24 MR. KUNUTY: Yes, I'd just like to clarify a
 25 point. I'm all in favor of finishing Mediterranean,

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1 okay. My issue is the fact that we're rewriting R-PUD
 2 code or a text amendment, and that has a global effect
 3 on other parts of the City, okay? Maybe not immediate,
 4 but it will have a global effect on other parts of the
 5 City. So that's my concern. I'd like to get that
 6 resolved.

7 I think there's a lot of inconsistency in
 8 this text amendment. I think, you know, things like no
 9 setbacks, I think the five -- two and a half or five
 10 feet minimum without -- I mean I think there's some
 11 other questions here.

12 So I just want the developer to understand
 13 that it's not a development issue, because we haven't
 14 even gotten to that. But I'm very familiar with
 15 Mediterranean, okay? I'm intimately familiar with it,
 16 so I know what's going on there, okay, and what has to
 17 get done there. So, and I support all of that. I just
 18 think we've got to clarify this piece of it, okay,
 19 before we can say move on.

20 CHAIR JAMES: Go ahead, Vice Chair McCoy.
 21 You're recognized.

22 VICE CHAIR McCOY: Mr. Gagnon, could this
 23 have been accomplished by a variance or a special
 24 exception as opposed to a text change or a text
 25 amendment?

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1 MR. GAGNON: So the applicant could have
 2 applied for a variance. However, there's specific
 3 requirements that need to be met in order to be
 4 eligible for a variance. I believe there's seven
 5 conditions. And one of those conditions is basically
 6 that whatever the variance you're requesting, it is not
 7 self-imposed.

8 So for example, if there was a way of
 9 utilizing the property and still allowing the property
 10 owner full use of the land without that particular
 11 variance moving forward, then technically they wouldn't
 12 be eligible for a variance. So staff recommended that
 13 they not move forward with the variance process, even
 14 though the development team has that legal option. So
 15 in my opinion, the variance, it's not an option to move
 16 forward with this project.

17 VICE CHAIR McCOY: And that's that way
 18 because of our ordinances?
 19 MR. GAGNON: Yes.
 20 VICE CHAIR McCOY: That it can't be
 21 self-imposed, our ordinances specifically speak to
 22 that?
 23 MR. GAGNON: Yes.
 24 VICE CHAIR McCOY: Okay. I, you know, I'm
 25 really looking for help, because I mean in its current

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1 form, it's kind of tough for us not to understand, you
 2 know, some of the points that have been laid out,
 3 especially by Mr. Kunuty. I mean I just want help,
 4 because I mean in its current form, I can't support it.

5 MR. KUNUTY: Madam Chair.
 6 CHAIR JAMES: Yes, Mr. Kunuty, you're
 7 recognized.

8 MR. KUNUTY: I'd like to offer Mr. McCoy a
 9 suggestion and some help. My feeling is that we ought
 10 to send this back to staff, we ought to get comments,
 11 we ought to get the needed backup, find out what other
 12 cities are doing. Let's understand from somebody other
 13 than the developer, okay, what the market trend is,
 14 okay. And not that I disagree with having the
 15 developer. They could certainly participate. But I
 16 think we need independent people to tell us, you know,
 17 this is what's happening, okay?

18 So I think if we get all of that and get that
 19 done as quickly as possible, we could probably proceed
 20 and make the text amendment changes that we have to
 21 make, maybe modify from what's there, get all of that
 22 done as fast as we can, and then proceed with, you
 23 know, whatever modifications, if any are necessary by
 24 Mediterranean to their site plan and go forward. So
 25 that's it. I think we could have a workshop as soon as

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1 possible to go over all of this and then bring it up
 2 and vote.

3 MR. GAGNON: Were there --
 4 MR. KUNUTY: I was just curious of the Board
 5 comments to do something like that.

6 CHAIR JAMES: Well, I have a question for
 7 staff. If we did that tonight, would this -- I know
 8 we're having a meeting next Thursday. Is this
 9 something you think would be done by then, to put on
 10 the agenda?

11 MR. GAGNON: Technically, the agenda packet
 12 and backup information for the meeting is provided a
 13 week in advance. So I sent out the agenda for next
 14 Thursday's meeting today, backups to follow.

15 So if it's the guidance of the Board to have
 16 staff work on specific information and provide it to
 17 the Board, then we can attempt to do that to the
 18 greatest extent possible. If there are certain
 19 conditions or provisions that the Board has other
 20 questions about, or if they require further amendments
 21 in the Board's opinion, then maybe after we look
 22 through just the site plan proposal and plat proposal,
 23 maybe we can come back to this and drill down on the
 24 specific items that you want staff to focus on. And
 25 that would be very beneficial to staff.

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1 However, I think, you know, just, I guess,
 2 per Robert's Rules of Order, we kind of jumped from the
 3 specific code amendment structure. And I wanted to
 4 start with this because I didn't want the Board to feel
 5 as if, you know, just staff led with the site plan and
 6 said: Here's this great site plan, approve it, but we
 7 need to move forward with the text amendment.
 8 So you know, we started with, in my opinion,
 9 the most difficult element, and I think that since the
 10 Board is reviewing it thoroughly, it's demonstrating
 11 that it is the most significant element, and in some
 12 regards, this may require more review, even though it's
 13 just one page in the site plan itself. But if we can
 14 drill down to specific items after the site plan, I
 15 think it would put everyone in a better place if the
 16 Board feels there are conditions that really prohibit
 17 this from moving forward.
 18 CHAIR JAMES: Any other Board comments on
 19 that thought? Or I mean it is the most important in
 20 order, because if we vote this down or vote to bring
 21 this back, then that's going to affect the other two
 22 items.
 23 So Vice Chair McCoy, you're recognized.
 24 VICE CHAIR McCOY: Thank you, Madam Chair.
 25 I agree with Mr. Kunuty, but my question is

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1 once we get the information back, what do we do with
 2 it? I'm, you know, I'm certainly in agreeance with you
 3 based on the fact that once we change it, this is
 4 citywide.
 5 So I'm not so much concerned about whatever
 6 relevant information is going to potentially come back
 7 for us, I'm just hoping not to have a blanket effect on
 8 the entire City when we do a text amendment as opposed
 9 to -- instead of changing the whole Code of Ordinances,
 10 why, you know, I mean even from a variance standpoint,
 11 if there was a way that we could waive that one
 12 requirement, that it could be self-imposed, you know,
 13 I'm likely to go there.
 14 But to then change the whole ordinance -- and
 15 I really am trying to find some optimism in this
 16 project. But it's kind of tough to think that we're
 17 going to do a text amendment, and I think it's -- you
 18 said it was initiated by staff, but it has
 19 Mediterranean's name listed all over it, and --
 20 MR. GAGNON: It was initiated by --
 21 VICE CHAIR McCOY: Let me finish, because
 22 this is the important part.
 23 But I don't even know if there's any teeth to
 24 it, because clearly, we didn't even follow our own code
 25 when we did Mediterranean, when we did Sonoma Bay, and

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1 probably Marsh Harbor as well. So I'm just wondering,
 2 you know, obviously I think someone -- and I know it
 3 wasn't you, because I'm sure you're very thorough, but
 4 somebody might have made an oversight and we missed it.
 5 But to come back and now change it, it just
 6 seems like we're going backwards. But are we going to
 7 try to correct this one issue, or are we going to try
 8 to create language for the entire City? And that's my
 9 contention. And you know, if we don't get anywhere,
 10 I'm ready to vote on it, and you know, just move
 11 forward.
 12 MR. GAGNON: If I may, Madam Chair?
 13 CHAIR JAMES: Go ahead.
 14 MR. GAGNON: As I stated previously, the text
 15 amendment was provided by the applicant, but that was
 16 really on the request of staff, because that allowed
 17 staff to go into this particular section of the code
 18 that hasn't been revisited for 30 years.
 19 So I think we've been very transparent in the
 20 fact that it has a direct correlation to the other
 21 items, the site plan and the plat, so I don't think
 22 that that was hidden. And I hope that I've been as
 23 transparent as possible that it was developer
 24 initiated, however, it is staff supported as well.
 25 And the discussion of the global impact, it's

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1 true. But again, this is -- and again, I'm saying
 2 "this is," being the Mediterranean parcel that we
 3 haven't really gotten to the site plan yet, but this is
 4 the last remaining parcel in the City that hasn't been
 5 developed. So every other R-PUD property has been
 6 developed. So I don't anticipate any redevelopment
 7 occurring on those parcels in the very near future,
 8 maybe 10, 15, 20 years from now. So although this does
 9 have a global impact, I don't think it's going to have
 10 an immediate global impact, being that those other
 11 developments have already come to fruition.
 12 And I think the fact that this particular
 13 development has sat really undeveloped for some time, I
 14 think that points to the fact that our code structure
 15 does need to be worked. And if historically there have
 16 been projects approved that didn't meet the existing
 17 code structure, or if there were oversights, or however
 18 that happened, I have no idea, but I think that also
 19 demonstrates that, you know, instead of going back in
 20 and revisiting outdated code structures, maybe it was
 21 easier to -- I don't know. I don't want to comment. I
 22 don't know how it happened. But there was development
 23 projects approved, and in my opinion, it didn't meet
 24 this code structure.
 25 So I think staff's trying to be very

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1 transparent in trying to provide this information to
 2 the Board, and I think it's necessary. I think the
 3 global impact will be a positive one.
 4 CHAIR JAMES: Okay, so I just have one
 5 question. I want to go ahead and call for a vote on
 6 this one item now for A1. Am I within Robert's Rules
 7 of Order to do that?
 8 MR. GAGNON: I would much rather present the
 9 site plan and plat to the Board as well, but the
 10 Board --
 11 CHAIR JAMES: So that means that I am.
 12 MR. GAGNON: The Board can make any motion at
 13 any time.
 14 CHAIR JAMES: Okay, so --
 15 MS. CALHOUN: Can I propose a compromise
 16 before you call a motion? I'm sorry to be out of
 17 order. I apologize. But somebody asked for a
 18 compromise, and I have a thought.
 19 CHAIR JAMES: Okay, I'll let you express that
 20 thought.
 21 MS. CALHOUN: I appreciate the indulgence.
 22 Thank you.
 23 So the concern is that we're amending a code
 24 for a specific parcel, and there's a concern that that
 25 will have a global impact. So I would ask if we know,

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1 everyone in the room knows that the proposed changes
 2 benefit most the next two applications -- well, the
 3 next application, really, the site plan, I would ask
 4 for the compromise to be, number one, that you allow
 5 Mr. Gagnon to go through the entire numbered -- the
 6 other two applications, specifically the second one, so
 7 that, again, you can see it in context and how it
 8 impacts. So before you make a motion on A1, I would
 9 ask that you let him present A2.
 10 Secondly, the compromise I think may be is
 11 once you see the impact of these code amendments on the
 12 site plan, you allow the site plan and the code
 13 amendment to move forward as proposed with the caveat,
 14 I guess, that you review the R-PUD after, because
 15 again, you haven't heard further. If you desire to
 16 review more of it later, obviously, that's within your
 17 purview.
 18 But what we're asking for tonight, we being
 19 the developer, and staff has indicated support, is that
 20 you look at the whole thing globally, see how we're
 21 impacted by it quite clearly, how we benefit from it,
 22 how the City benefits from it, and then if you still
 23 decide you want to look at the rest of the R-PUD, you
 24 can do that at your leisure, because there aren't a lot
 25 of -- there are no other properties in the City right

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1 now that are impacted by it. So you can move forward
 2 at your own pace. You don't have to rush and try to
 3 meet a Thursday deadline or some other deadline that's,
 4 you know, that needs to be met.
 5 We have a real deadline, a real need to move
 6 forward. I was being funny when I said, "Two weeks
 7 ago," but it is a real deadline we have, and we have to
 8 build out within five years. It's we cannot afford,
 9 quite honestly, for any further delays.
 10 So again, the compromise, you allow the
 11 presentation of A2, you see how the proposed changes
 12 impact the code, and then if you so desire, I would ask
 13 that you respect -- I would respectfully ask that you
 14 recommend approval of A1, A2 and A3 and then come back
 15 and decide to look at whatever provisions of the code
 16 you think necessary that will impact other properties
 17 in the City at a later time, because no one else right
 18 now has an R-PUD that's affected by this.
 19 Thank you for allowing me.
 20 CHAIR JAMES: Thank you, Ms. Calhoun.
 21 I'm going to go ahead and see if we have a
 22 motion right now on the floor for A1.
 23 VICE CHAIR McCOY: Madam Chair, I move to
 24 approve.
 25 CHAIR JAMES: Is there a second?

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1 MS. SHEPHERD: I second it.
 2 CHAIR JAMES: Roll call.
 3 MR. VELASQUEZ: Julius Whigham.
 4 MR. KUNUTY: I have a question on the motion.
 5 CHAIR JAMES: Go ahead, Mr. Kunuty, you're
 6 recognized.
 7 MR. KUNUTY: You're making a motion to
 8 approve without any condition?
 9 VICE CHAIR McCOY: Correct.
 10 MS. SHEPHERD: With conditions?
 11 VICE CHAIR McCOY: Without any conditions,
 12 just as it's presented.
 13 And if I can have a moment to respond, Madam
 14 Chair?
 15 The reason I did is simply because at this
 16 point we've gotten, I think, one clarification from the
 17 Health -- not the Health Department -- the Fire
 18 Department, and we're relying on the information from
 19 our staff.
 20 And you know, one of the things that really,
 21 I think, is not the best practice, but you know, part
 22 of this ordinance, I guess part of this item is to
 23 promote creative design, and I don't want to be the one
 24 that holds up a project when, clearly, we think we know
 25 it's -- I want to say I think we know there's a better

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1 way that this could have been done.
 2 But certainly given the implication that it's
 3 only one unit, I don't want to, you know, continue back
 4 and forth with the bureaucracy. But we have to kind of
 5 figure this out from a grand scheme of things on how we
 6 approach these kind of issues. So I think, you know,
 7 it's not really any thought of the Board or the
 8 applicant per se, but you know, I just think we need to
 9 be more proactive.
 10 But I don't have any conditions, and you
 11 know, you're open to substitute and offer any kind of
 12 amendments or substitute -- I mean I just don't
 13 think -- and we're going to sit here. Clearly, there's
 14 nothing in the compromise that I've heard that actually
 15 appeases, to me, to really want to hear the other
 16 items. Let's just vote on it as is, you know, and if
 17 it fails, you know, regrettably, it fails. But unless
 18 you have some other --
 19 MR. KUNUTY: Well, no. My only suggestion
 20 was that, you know, we've got one page of things here
 21 that we've all discussed and everybody had some
 22 comments on, and it seems like a simple fix to do it.
 23 So my feeling is let's fix it and then move on. So,
 24 but you have the motion on the floor, and have a
 25 second, so --

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1 CHAIR JAMES: Right. So there is a motion on
 2 the floor to approve A1 as read on the agenda, and a
 3 second. So we need roll call.
 4 MR. VELASQUEZ: Motion by Mr. McCoy; second
 5 by Ms. Shepherd. Roll call.
 6 Edward Kunuty.
 7 MR. KUNUTY: No.
 8 MR. VELASQUEZ: Julius Whigham.
 9 MR. WHIGHAM: Yes.
 10 MR. VELASQUEZ: Tradrick McCoy.
 11 VICE CHAIR McCOY: Yes.
 12 MR. VELASQUEZ: Margaret Shepherd.
 13 MS. SHEPHERD: Yes.
 14 MR. VELASQUEZ: Rena James.
 15 CHAIR JAMES: No.
 16 MR. VELASQUEZ: Three yes, two no. Motion
 17 approved.
 18 CHAIR JAMES: Okay, A2.
 19 MR. GAGNON: Prior to reading the title for
 20 A2, I just wanted to state for the record that staff
 21 did print off hard copies of the Fire Department
 22 comments. So I apologize they weren't in the packet,
 23 but just for the record, they've been provided now.
 24 Item A2 is a resolution of the City Council
 25 of the City of Riviera Beach, Palm Beach County,

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1 Florida approving the site plan application from
 2 Mediterranea Palm Property Subsidiary, LLC for 236
 3 townhome units and 152 single family units in the
 4 Mediterranea planned unit development located on the
 5 east side of Military Trail, south of Leo Lane, at 4046
 6 Woods Edge Circle, providing specific conditions of
 7 approval, and providing for an effective date.
 8 So I hope that as staff goes through this
 9 presentation, some of the questions that were brought
 10 up during the text amendment portion are further
 11 answered, and it will also allow the development team
 12 to speak further on their existing construction
 13 projects throughout the state and maybe provide an
 14 additional level of comfort to the Board moving
 15 forward.
 16 So at this time I'd like to ask Mr. Mario
 17 Velasquez, our Senior Planner and GIS Specialist, to do
 18 a presentation on A2.
 19 MR. VELASQUEZ: Good evening, everyone.
 20 Mario Velasquez, Senior Planner.
 21 So the presentation is for the applications
 22 for the site plan SP-16-10 and the plat PA-16-01. We
 23 will go over the specs of the residential project, look
 24 at the location and get familiarized with the area, and
 25 continue with the staff analysis.

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1 The property, as stated before, is located at
 2 4046 Woods Edge Circle. It's approximately, plus or
 3 minus, 69 acres, currently zoned residential planned
 4 unit development. And the future land use is medium
 5 density, multifamily, with up to 15 units per acre.
 6 So as you can look at the screen, the
 7 property is located in the northwest quadrant of the
 8 City. I'll zoom in, and you can see that it's south of
 9 Leo Lane, east of Military, and extends all the way to
 10 I-95. The surrounding property, we have residential to
 11 the north and residential on the south. The south is
 12 Palm Beach County unincorporated property. We also
 13 have commercial/office and some residential on the
 14 west.
 15 The site plan shows the configuration and
 16 distribution of this type of units. We're looking at
 17 230 -- looking at 236 townhouses and 152 single family
 18 units throughout the site.
 19 Landscape plan. What you see on the screen
 20 you actually have in your packet, 11 by 17s with more
 21 details of the site plan, the landscape and the plat.
 22 The landscape plan complies with the City regulations.
 23 On the screen now we have the plat, which
 24 shows the legal distribution of the big parcel into
 25 single family and into townhouses. Then we have a

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1 drawing of a facade for the townhouses, the typical for
 2 five units and typical for nine units.
 3 This on the screen now are examples of the
 4 options for the single family, that the developer is
 5 providing multiple options and upgrades.
 6 Now, staff did a site visit to get firsthand
 7 data collection. We reviewed another location. It's
 8 in Tamarac, one of their current developments. And the
 9 screen shows the -- the colors are not providing
 10 judgment to the picture, but it shows the --
 11 (Discussion held off the record.)
 12 MR. VELASQUEZ: Like Mr. Gagnon is saying,
 13 the screen is showing a picture of an existing
 14 structure located in Tamarac, Florida, south of our
 15 location. This is one of the developer's existing
 16 neighborhoods. That's the back yard, the same unit.
 17 And what they are proposing in Mediterranean
 18 is turning a property that is approximately \$5 million
 19 in value into approximately \$78 million, which will
 20 provide a tax revenue to the City of approximately
 21 \$2.1 million per year.
 22 Now, going to the staff analysis, the
 23 proposed development and use, the applicant is
 24 proposing to develop 236 townhome units and 152 single
 25 family units. Both types will incorporate three and

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1 four bedroom units. This will -- the model units will
 2 provide approximately eight units per acre when it
 3 comes to density.
 4 As far as zoning regulations, the proposed
 5 use requires an amendment to the City's Land
 6 Development Regulations, which has been presented by
 7 staff prior to this presentation.
 8 For the Comprehensive Plan, the proposed use
 9 is consistent with the Comprehensive Plan's medium
 10 density, multiple family residential future land use.
 11 As far as compatibility, the proposed project
 12 will be compatible with the surrounding parcels and
 13 uses after minor approval of the text amendment of the
 14 Land Development Regulations, the R-PUD previously
 15 presented.
 16 Levels of service. All the City services,
 17 such as roads, water, sewer and garbage collection are
 18 currently available to the site.
 19 Landscaping. The proposed landscaping plan
 20 is compatible with the City's Land Development
 21 Regulations, as previously stated.
 22 As far as parking and traffic, adequate
 23 parking has been provided in accordance with the City
 24 of Riviera Beach Land Development Regulations, and the
 25 developer is working with Palm Beach County for the

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1 potential need for a traffic signal for the development
 2 in providing a northbound exclusive right turn lane at
 3 the project's main access driveway on Military Trail,
 4 which has already been platted.
 5 So when it comes down to recommendations, the
 6 staff recommends approval of the site plan application
 7 for Mediterranean Palm Properties Subsidiary, LLC for
 8 236 townhouse units and 152 single family units in the
 9 Mediterranean planned unit development located on the
 10 east side of Military Trail, south of Leo Lane, at 4048
 11 Woods Edge Circle, with the following conditions.
 12 Number one, a two year landscaping
 13 performance bond for 110 percent of the value of
 14 landscaping and irrigation shall be required before the
 15 Certificate of Occupancy is issued.
 16 Number two, construction must be initiated
 17 within 18 months of the effective date of the
 18 resolution, in accordance with Section 31-60(b).
 19 Number three, all future advertising must
 20 state that the development is located in the City of
 21 Riviera Beach.
 22 Number four, this development must receive
 23 final Certificate of Occupancy from the City for all
 24 buildings and units approved within five years of the
 25 approval of this resolution or the resolution shall be

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1 considered null and void, requiring the applicant to
 2 resubmit site plan fees, application for site plan
 3 approval and reinitiate the site plan approval process.
 4 Number five, once approved, this resolution
 5 shall supersede any previous site plan approval
 6 resolutions associated with this property, causing
 7 previous site plan approval resolutions to be null and
 8 void.
 9 Number six, City Council authorizes City
 10 staff to approve future amendments to this site plan
 11 administratively, so long as the site plan does not
 12 deviate greater than 5 percent from the originally
 13 approved site plan.
 14 Number seven, the developer must provide a
 15 northbound exclusive right turn lane at the project
 16 main access driveway on Military Trail prior to the
 17 first Certificate of Occupancy being issued for the
 18 project.
 19 Number eight, all units sold must be owner
 20 occupied for the first year the unit is being occupied.
 21 Number nine, the property owner shall finally
 22 cause a single installation at the project main access
 23 driveway, when and if warranted, as determined by the
 24 County Engineer.
 25 All the full details of the conditions are in

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1 the staff packet provided to the Board Members.
 2 Since this presentation is for two items, the
 3 staff recommends also approval for the plat application
 4 PA-16-01.
 5 VICE CHAIR McCOY: I'm sorry, Madam Chair.
 6 This is for the site plan and the plat?
 7 CHAIR JAMES: He said site plan --
 8 MR. VELASQUEZ: Site plan and --
 9 CHAIR JAMES: -- and A2 and A3.
 10 MR. VELASQUEZ: -- plat.
 11 VICE CHAIR McCOY: Okay.
 12 MR. GAGNON: What I'll do is reread A3 into
 13 the record.
 14 Do you have a copy of --
 15 (Discussion held off the record.)
 16 MR. GAGNON: So being that both items were
 17 connected, what we'll do is you can present -- this is
 18 just the separate plat, so we can do a separate action
 19 on the plat itself. However, both the site plan for A2
 20 and the plat for A3 were incorporated into this
 21 presentation. But we'll do separate action items on
 22 both the site plan and the plat.
 23 CHAIR JAMES: Okay, if that concludes the
 24 presentation, I'm going to move into public comments.
 25 And since we are moving them together, I have a comment

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1 card for A2 and A3 from Gerald Ward, so he will get the
 2 clock for the A2 started, and at the end of the three
 3 minutes, Mr. Ward, they'll reset it again and you'll
 4 speak on A3. So who's doing the clock?
 5 MR. WARD: I will need time. Thank you.
 6 Gerald Ward, 2135 Broadway.
 7 Obviously, the site plan has problems that I
 8 get chewed up by Warrie Leonard for National Village,
 9 because I was on the Board sitting where you all were
 10 when that project was approved, and she lives there.
 11 Think about how many cars every one of these
 12 families will have, and how are you going to
 13 accommodate them on these small lots on those streets?
 14 The Fire Department comments -- and I did get
 15 a copy from your planner, reviewed it. He did address
 16 fire lanes and said that they were going to have to
 17 have something because he recognized that there was a
 18 problem in providing fire access. He did not address
 19 the two and a half, five foot between the buildings. I
 20 think I'll call him up and ask him whether he thought
 21 about that. We still have Council to go to.
 22 The site plan needs to be reviewed also in
 23 relation to the numerous conditions that were
 24 recommended. The County says the build-out must be
 25 August 16th, 2018. So your 18 months doesn't even work

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1 on that one. That's just like the Port project where
 2 everything didn't -- you add them together, the
 3 drawings didn't equal the text.
 4 Number six says you'll get five percent,
 5 greater than five percent from the originally approved
 6 plan. Nobody ever defines in this City what the
 7 percentages are of. There's no specifics on that.
 8 So you've scoped out that this project got
 9 approved not in accordance with the code ten years ago.
 10 We've had 20 years of bad development and management,
 11 and you haven't seen the CDEC Director here. I
 12 understand she came to two meetings in 20 years, and I
 13 wasn't at either one, even though I come to a lot of
 14 meetings.
 15 In order to increase neighborhood stability,
 16 this is number eight, all units must be owner occupied
 17 for the first year after the initial sales date. Have
 18 you asked how you would possibly enforce that?
 19 And then last, the applicant must install any
 20 traffic control devices. Well, if he has to be done by
 21 the 2018, the County may not even have gotten to that
 22 particular issue, so are the homeowners going to have
 23 to -- association going to have to fund the traffic --
 24 CHAIR JAMES: Go ahead, Mr. Ward.
 25 MR. WARD: That was it.

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1 CHAIR JAMES: That was it?
 2 MR. WARD: I got to the end of the line.
 3 CHAIR JAMES: Okay. All right, staff, do you
 4 want to address the public comments before we move on
 5 to Board comments?
 6 MR. GAGNON: Yes. First, any correspondence
 7 from the County Engineering Department as far as
 8 build-out dates, that would be separate from any
 9 development approval guidelines from the City. So what
 10 that is, it's a timeframe that guarantees, or you know,
 11 provides a date certain for developers to utilize that
 12 approval letter because it's based off of time
 13 sensitive information. So it's an important date to
 14 recognize, however, they're kind of mutually exclusive.
 15 They're on separate timelines, so they really don't
 16 correlate to one another, so they don't really match
 17 one another.
 18 The five percent deviation condition that was
 19 referenced is now really a standard condition of
 20 approval that staff has applied to site plans now for,
 21 I'd say, approximately two years. And what that does
 22 is historically, if a developer has a minor amendment
 23 in their development plan, for example, if the driveway
 24 has to shift, you know, three feet to the north or the
 25 south, what that condition does is it allows staff to

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1 review that, see that it doesn't really greatly deviate
 2 from what the original site plan approval requested,
 3 and it provides authority to City staff to approve that
 4 project. So that's the intent of that language, and
 5 that's standard approval language that we've been
 6 including in our site plan conditions of approval.
 7 The owner occupied unit restriction was
 8 something that the property development team wanted to
 9 include and also something that City staff saw as being
 10 very important. So what this does, upon purchasing the
 11 unit, it incentivizes home ownership and long-term
 12 residency versus being able to buy the unit and renting
 13 it instantly. So this is supposed to be owner occupied
 14 units.
 15 It provides flexibility over time. However,
 16 in most cases I think that once you've purchased a unit
 17 and you're happy with the unit, you're there for at
 18 least one year, that you kind of grow roots in that
 19 area. And I think that research shows once you become
 20 stable in an area, it promotes additional home
 21 ownership and additional neighborhood stability, so
 22 it's kind of contagious.
 23 So that was -- that specific condition, 13th
 24 Floor or Ms. Calhoun I'm sure could address that
 25 further as far as how it will be implemented through

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1 deed restrictions or a restrictive covenant, things of
 2 that nature.
 3 CHAIR JAMES: Jeff, I just have a question
 4 about that. How is the City going to enforce that? I
 5 mean it's our condition, so what is going to be the
 6 checks and balances on that?
 7 MR. GAGNON: Currently in order to rent a
 8 property in the City legally, you'll have to apply for
 9 a rental license. So what staff will be able to do is
 10 verify the purchase date versus any sort of rental
 11 request. So for example, if the property was
 12 purchased, once completed, let's say in January of
 13 2020 -- let's use a round number. So in January of
 14 2020 the unit was sold to a family. They wouldn't be
 15 able to receive a rental license from the City for at
 16 least a one year period until after that purchase date.
 17 So they wouldn't legally be able to proceed with any
 18 sort of rental. Enforcement of that, obviously, could
 19 be difficult as --
 20 CHAIR JAMES: Yes, because I'm thinking, you
 21 know, the City has that much faith in residents that
 22 everybody comes in and applies for a rental license?
 23 MR. GAGNON: It's one of the things that --
 24 CHAIR JAMES: Never heard of it.
 25 MR. GAGNON: -- enforcement is extremely

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1 difficult. However, the mistake that was made in other
 2 development communities was that there was no attempt
 3 even made to try to govern home ownership. So during a
 4 recession period, in some communities it seemed as if
 5 units were vacant and for sale, and investors were able
 6 to come in and purchase them at very low purchase
 7 prices. And quite honestly, from now till eternity,
 8 they'll probably just use them as rental properties.
 9 And not having that restriction for the first sale,
 10 which is being proposed now, kind of allowed that to
 11 occur.
 12 So I definitely agree the enforcement aspect
 13 is difficult, but this is our best effort at trying to
 14 govern how the property is used.
 15 CHAIR JAMES: Okay, thank you.
 16 Mr. Ward, did you have something else?
 17 MR. WARD: The plat.
 18 CHAIR JAMES: Okay, I'm going to allow him to
 19 come up because he did submit two cards.
 20 MR. WARD: Gerald Ward, 2135 Broadway.
 21 Obviously, if you look at the plat, you find
 22 out that it's totally incomplete after you get past the
 23 first page, which does have lots of dedications and
 24 some interesting surveyor's notes. But how you approve
 25 a plat with nothing on it is beyond me. And this is

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1 exactly why you raised the issue of things happening in
 2 the town. For 20 years McKinney did things her way,
 3 and you let it go by because you didn't have hard facts
 4 in front of you when you did it.
 5 I would comment on one of the pages has a
 6 cul-de-sac with a lot platted that has got the
 7 cul-de-sac of the old, last approved project ten years
 8 ago. That's sheet three of seven. It doesn't make any
 9 sense at all. But if you had at least more detail on
 10 there, you would have done it.
 11 You need to go in and read the dedications
 12 and reservations and the surveyor's notes. I have
 13 flagged three of the surveyor's notes and about five or
 14 six of the others. It could very well be that the City
 15 of Palm Beach Gardens has some interest in Riviera
 16 Beach.
 17 This is an old section of swampland,
 18 farmland. Because it was adjacent to Military Trail,
 19 it was the next use, and so there may have been
 20 something down the road with the previous district.
 21 But I don't think anybody's reviewed it.
 22 And then lastly, it makes my case about the
 23 review appraiser is the same -- surveyor is the same
 24 guy that did the Port's work, who Jeff just said, well,
 25 he's no longer working for us. But that's who's

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1 supposed to do the review on this plat. So somewhere
 2 along the line, the details are not getting checked and
 3 done in this town.
 4 CHAIR JAMES: Thank you, Mr. Ward.
 5 I'm going to go ahead and ask my question
 6 first, and this is for the applicant. For number
 7 eight, how do you plan to implement that special
 8 condition number eight: In order to increase
 9 neighborhood stability, all units sold must be owner
 10 occupied for the first year after the initial sales
 11 date.
 12 MS. CALHOUN: Thank you. First of all, thank
 13 you for approving our first request, item A1. We
 14 appreciate the faith, and hope things continue to go
 15 well as the night goes forward.
 16 With regard to all owner occupied units,
 17 actually that condition came up probably at the same
 18 time for both the City and the developer. It is
 19 standard, I think, language for probably most of the
 20 contracts they put together that they don't want their
 21 units to be rented. So it's a condition in their
 22 contracts, their closing contracts that potential
 23 purchasers cannot sell.
 24 They have no interest, and it does not help
 25 their community when they have investors come in and

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1 purchase lots or entire projects. It just doesn't help
 2 them at all. So the quick, short answer is it's in the
 3 purchase and sale contract. They have no interest in
 4 doing it because it does not help the communities.
 5 It's not a benefit to the community. It benefits the
 6 community when you have invested homeowners living in
 7 the community that they care about, so that's what they
 8 push for.
 9 CHAIR JAMES: Okay, thank you.
 10 We're going to go ahead and move on to Board
 11 comments. I'm going to start with Mr. Whigham.
 12 MR. WHIGHAM: Thank you.
 13 My comments are that that's a beautiful
 14 development. If you go around the state of Florida,
 15 Winter Park and other places, those are the type of
 16 buildings you're going to see. And you notice how
 17 close they are? That's the new tradition. We got to
 18 realize, we don't have a lot of land in the state of
 19 Florida anymore. You got millions of people moving
 20 into the state, but you're not getting any more land.
 21 So this is what you're going to have to do.
 22 You're going to have to put those type of buildings up.
 23 You can forget about the second story flat with all the
 24 land around front and back. You're going to have to
 25 forget that. This is what we're going to have to

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1 build. This is the future; this is the future. And
 2 tonight I am ready to vote. Let's get started.
 3 Thank you, Madam Chair.
 4 CHAIR JAMES: Thank you, Mr. Whigham.
 5 Mr. Kunity.
 6 MR. KUNUTY: The only comment that I have is
 7 my concern here with the site plan is the fact that
 8 we've got a text amendment that -- you've heard my
 9 comments on that -- is so loosely crafted that I think
 10 there can be a lot of changes made within the context
 11 of this and still say we're in compliance. So I'm
 12 worried about that. I'm not sure how we can control
 13 it. But I think that based on the rules that we set
 14 gives the developer a lot of latitude to maneuver and
 15 make changes, and that's my concern. And I'll think of
 16 how we can control that as we continue on.
 17 CHAIR JAMES: Thank you, Mr. Kunity.
 18 Mrs. Shepherd.
 19 MS. SHEPHERD: Thank you, Madam Chair.
 20 Mr. Gagnon, will this go before Council if
 21 it's approved?
 22 MR. GAGNON: Absolutely.
 23 MS. SHEPHERD: I will not continue to beat a
 24 dead horse. I'm with Mr. Whigham. I am truly
 25 believing that this is the future. And I realize it

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1 because I have girls at home that don't want big homes.
 2 They just want these small apartment or small home.
 3 What was done back then, it's no longer what people are
 4 really looking for.
 5 When I look at this particular drawing and I
 6 go to the -- that is what people are really vying for.
 7 And so I don't know why we want to continue to beat
 8 this dead horse. I think we need to move on and
 9 support this resolution to let this development come in
 10 and start their jobs.
 11 Thank you.
 12 CHAIR JAMES: Vice Chair McCoy.
 13 VICE CHAIR MCCOY: I have nothing.
 14 CHAIR JAMES: I don't have any comments
 15 either, so we'll entertain a motion.
 16 MR. WHIGHAM: Madam Chair, I would like to
 17 make a motion that we approve the resolution A2; rather
 18 than read off all of this, rather than read off all of
 19 this, with limited time, that we approve A2 tonight.
 20 Thank you very much.
 21 MS. SHEPHERD: I second it.
 22 CHAIR JAMES: It's been properly moved and
 23 seconded. Roll call.
 24 MR. VELASQUEZ: Julius Whigham.
 25 MR. WHIGHAM: Yes.

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1 MR. VELASQUEZ: Margaret Shepherd.
 2 MS. SHEPHERD: Yes.
 3 MR. VELASQUEZ: Edward Kunity.
 4 MR. KUNUTY: No.
 5 MR. VELASQUEZ: Tradrick McCoy.
 6 VICE CHAIR McCOY: Yes.
 7 MR. VELASQUEZ: Rena James.
 8 CHAIR JAMES: No.
 9 On to item A3 -- well, we did A3, so now we
 10 need a motion.
 11 MR. GAGNON: Well, just for the record, I'll
 12 read it into the record --
 13 CHAIR JAMES: Okay.
 14 MR. GAGNON: -- for A3. So we did review the
 15 plat and the staff presentation, but for the record, A3
 16 is a resolution of the City Council of the City of
 17 Riviera Beach, Palm Beach County, Florida approving the
 18 plat application from Mediterranea Palm Property
 19 Subsidiary, LLC for the Mediterranea planned unit
 20 development located on the east side of Military Trail,
 21 south of Leo Lane, and providing for an effective date.
 22 CHAIR JAMES: Is there a motion?
 23 VICE CHAIR McCOY: Move for A3, please.
 24 CHAIR JAMES: Is there a second?
 25 MR. WHIGHAM: Second.

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1 CHAIR JAMES: Roll call.
 2 MR. VELASQUEZ: Julius Whigham.
 3 MR. WHIGHAM: Yes.
 4 MR. VELASQUEZ: Edward Kunity.
 5 MR. KUNUTY: No.
 6 MR. VELASQUEZ: Margaret Shepherd.
 7 MS. SHEPHERD: Yes.
 8 MR. VELASQUEZ: Tradrick McCoy.
 9 VICE CHAIR McCOY: Yes.
 10 MR. VELASQUEZ: Rena James.
 11 CHAIR JAMES: No.
 12 MR. VELASQUEZ: Three to two, motion
 13 approved.
 14 MS. CALHOUN: Thank you for your time.
 15 CHAIR JAMES: Okay, we're on to general
 16 discussion, public comments. We have a card from
 17 Gerald Ward.
 18 MR. WARD: Good evening for the last time.
 19 Gerald Ward, 2135 Broadway.
 20 I wanted to bring to your attention four
 21 items that I've listed out when I first saw the agenda.
 22 Number one, again on Thursday -- and today
 23 was the deadline for receipt of public comments for the
 24 inclusion in the agenda of the Port of Palm Beach.
 25 They're beginning their Comprehensive Plan update.

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1 Now, it is in as bad a shape as you saw the use of the
 2 south property that they -- their engineer's alleged
 3 warranty deed. He finally came back in and said it
 4 doesn't have a warranty deed and it just has something
 5 like he -- I showed you in there where yesterday, or
 6 the 29th, he says we don't own it. So this Board needs
 7 to follow that.
 8 The Port of Palm Beach Charter update, I gave
 9 out two copies, and I've passed down the schedule for
 10 hearing the Charter update, which is a legislative
 11 action. It's about the sixth or so time that the Port
 12 has tried. They were supposed to do this back last
 13 century, and they have continued to stumble on it.
 14 The Corps of Engineers' project modification
 15 is another issue that is being pushed hard by the Town
 16 of Palm Beach Shores and the Town of Palm Beach. It
 17 will require a modification, because they went through
 18 the legislative process and got an appropriations act
 19 approval of that.
 20 The interlocal agreement is going to come
 21 forth. The Treasure Coast is orchestrating another
 22 meeting. They held one in June of 2014, and now
 23 they're finally coming back with the new Council of
 24 Riviera Beach to push getting the Port back under a
 25 current interlocal agreement.

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1 This Board needs to be involved in all of
 2 these, I hope. I would tell you from the action
 3 tonight, we have a number of parcels -- think of the
 4 number of trailer houses. Davendar put forth a
 5 provision in our Comp Plan back starting in '82 to try
 6 and get rid of trailer house parks, and you see how
 7 they've been cleared out on U.S. 1. But all of these
 8 are potentials for PUD conversions, and so if the
 9 ordinance should go through, there will be serious
 10 things.
 11 And lastly, your backup tonight had no
 12 agreement with these folks. I do not understand how
 13 you act upon something, and yet the agreement is not
 14 brought to you. So I think that is an item that really
 15 requires Board and Council action. So you may see it
 16 back in another meeting, Ms. Shepherd.
 17 CHAIR JAMES: Thank you, Mr. Ward.
 18 Item B, correspondence.
 19 MR. GAGNON: Yes. For correspondence tonight
 20 we had the one letter provided to the Board from West
 21 Palm Beach that was mentioned earlier, and Mr. Ward has
 22 provided two documents which were also mentioned
 23 throughout the meeting tonight.
 24 CHAIR JAMES: That's it for correspondence,
 25 okay. Planning and Zoning Board, let's do the project

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1 updates first.
 2 MR. GAGNON: Yes, for project updates, I'd
 3 like to just take the opportunity to briefly discuss
 4 our upcoming meeting on December 15th. If you recall,
 5 at our last Planning and Zoning Board meeting
 6 Ms. Brabham had mentioned a development proposal
 7 adjacent to Stonybrook. So that's what's being
 8 provided to the Board on December 15th. I've provided
 9 hard copies of the agenda for that meeting, for the
 10 December 15th meeting to the Board. I sent out digital
 11 copies as well. And I'll provide the full packet to
 12 the Board and general public tomorrow during the day.
 13 So that will be coming before the Board on December
 14 15th.
 15 CHAIR JAMES: Thank you. And now we'll go
 16 into Board comments. We'll start with Mr. Whigham.
 17 MR. WHIGHAM: No comment.
 18 CHAIR JAMES: Mr. Kunuty.
 19 MR. KUNUTY: No comment.
 20 CHAIR JAMES: Ms. Shepherd.
 21 MS. SHEPHERD: No comment.
 22 CHAIR JAMES: Mr. Vice Chair McCoy.
 23 VICE CHAIR McCOY: Yes, Madam Chair, a
 24 question for Mr. Gagnon, and then I do have a comment.
 25 The first question related to that project

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1 that's coming next week. Is that under a special
 2 exception?
 3 MR. GAGNON: It is a special exception and
 4 approval request.
 5 VICE CHAIR McCOY: Okay, all right. What's
 6 the sense of urgency that, you know, we have a special
 7 meeting? That never happened that I've known, that
 8 occurs on the -- what is this, the third week?
 9 MR. GAGNON: Yes. The developer has informed
 10 the City that they have a particular timeline that they
 11 need to meet to meet their due diligence requirements.
 12 I believe that was the impetus to have the special
 13 meeting, being that the holidays are the following
 14 week, so it was bumped up a week instead. And that was
 15 at the discretion of the City Manager.
 16 VICE CHAIR McCOY: Okay. Do you know where
 17 we are on E-Z Weld? Rumor has it that they're no
 18 longer doing the project on President Barack Obama
 19 Highway and 13th Street.
 20 MR. GAGNON: I've heard that the project is
 21 not moving forward currently. I don't have the reason
 22 exactly why. I don't know if it's a parent company
 23 type of issue, but I did hear the same thing, that
 24 they're not actively moving forward with site plan
 25 development.

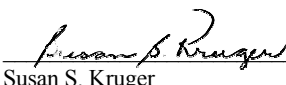
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1 It doesn't mean that it couldn't be developed
 2 within the conditions of approval, so they could come
 3 back towards the end of their 18 month construction
 4 initiation process. So it could happen, but it seems
 5 as if they've changed their mind as far as moving
 6 forward with the project currently.
 7 VICE CHAIR McCOY: Yes, that's what I think.
 8 I want to say this. You know, I voted under
 9 duress tonight. And that's exactly what it is. That
 10 was bad, and I felt like I should have supported my
 11 colleague. But we're presented with something. And
 12 these people have a project that's on the agenda, and
 13 nothing was right about it. And I just don't like how
 14 we're presented with this information.
 15 And I've seen something similar happen at the
 16 City Council level that you're forced to vote on
 17 something that's not proper, and to not approve it
 18 would show -- it would really look -- it won't cast the
 19 best light on the City. And I felt like I owed
 20 everyone the due diligence to send it back.
 21 But here it is, we have a company project
 22 that's following it, and it wasn't right. And the only
 23 reason I supported it was because based on staff's
 24 recommendation that this is the only property that this
 25 would potentially affect as it stands right now. But I

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1 can, you know, tell you if it comes back up again, then
 2 I'm certainly going to remember -- well, I don't know
 3 how long I'm going to be here.
 4 But I just didn't like that we had to vote on
 5 something that wasn't right. I mean we've already
 6 decided that -- we've already recognized that the code
 7 wasn't followed on a number of different occasions.
 8 Now to be asked publicly to change the code just for
 9 the specific applicant is, I think, is a way that it
 10 could have been done better.
 11 So my apologies to my colleague, but
 12 certainly I felt like if we didn't support it, if we
 13 didn't approve it, then that really makes, you know,
 14 the City as a whole look like we don't have our stuff
 15 together.
 16 And I would hope that we could have gotten
 17 that ordinance or even visited that kind of thing well
 18 before an application pulls in here, you know. And at
 19 least if it would have been at a meeting subsequent to
 20 that, then, you know, I'm almost, you know, able to
 21 kind of dive into the language and see if there's
 22 something that we could propose. And even after my
 23 suggestions, we couldn't come up with anything. And I
 24 just kind of felt like, you know, it really didn't
 25 leave us any other choice.

1 But those are my comments. Thank you.
 2 CHAIR JAMES: Okay, my comments are I don't
 3 knock anyone for how they choose to vote. I mean we
 4 all sit up here, and we represent our own opinions or
 5 whatnot. And I certainly hope that nobody up here
 6 thinks that I may ridicule them or make comments under
 7 my breath about maybe beating a dead horse or whatnot,
 8 because everybody's entitled to their say up here, and
 9 I respect how everybody votes, and we should all do the
 10 same. That's my one comment.
 11 My second comment, the reason I missed the
 12 last meeting is because I had responded and said that I
 13 was going to be here, and on my way here I had a death
 14 in the family. So that was my family emergency as to
 15 why I was not present.
 16 And is there any other motions on the floor
 17 at this time?
 18 MR. WHIGHAM: I make a motion that we
 19 adjourn.
 20 CHAIR JAMES: So moved.
 21 (Whereupon, at 9:25 p.m., the proceedings
 22 were concluded.)
 23
 24
 25

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 12th day of December, 2016.
 16
 17
 18
 19
 20
 21 
 22 Susan S. Kruger
 23
 24
 25

