

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Thursday, April 26, 2018</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:39 p.m. - 9:30 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Tradrick McCoy, Chair James Gallon, Board Member Edward Kunuty, Board Member Margaret Shepherd, Board Member Jon Gustafson, First Alternate Member Anthony Brown, Second Alternate Member Jeff Gagnon, Acting Director of Community Development Lina F. Busby, Assistant City Attorney Simone Davidson, Staff Assistant</p>	<p style="text-align: right;">Page 3</p> <p>1 Burgess.</p> <p>2 (No response.)</p> <p>3 MS. DAVIDSON: Tradrick McCoy.</p> <p>4 CHAIR McCOY: Here.</p> <p>5 MS. DAVIDSON: You have a quorum.</p> <p>6 CHAIR McCOY: Thank you. Acknowledgment of</p> <p>7 Board member absence notification.</p> <p>8 MR. GAGNON: Thank you, Chair. Jeff Gagnon,</p> <p>9 Acting Director of Community Development.</p> <p>10 I did not receive word from Ms. Burgess</p> <p>11 tonight. In the absence of two or more regular</p> <p>12 members, I would like to request that both the first</p> <p>13 alternate and second alternate receive voting rights.</p> <p>14 CHAIR McCOY: Thank you. Additions and</p> <p>15 deletions.</p> <p>16 MR. GAGNON: Yes, thank you, sir. I do want</p> <p>17 to mention one addition to the agenda. It is a</p> <p>18 stricken through and underlined copy associated with</p> <p>19 new business, letter A. And what that is is</p> <p>20 identifying how the proposed text would appear within</p> <p>21 the City's Zoning Code of Ordinances. So that was</p> <p>22 passed out to the Board. It's also placed in the</p> <p>23 public record binder, which is available in the back of</p> <p>24 the dais tonight.</p> <p>25 And one thing I want to mention as well,</p>
<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED that the following Planning</p> <p>2 and Zoning Board meeting was had at Riviera Beach City</p> <p>3 Hall Council Chambers, 600 West Blue Heron Boulevard,</p> <p>4 Riviera Beach, Florida, on Thursday, April 26, 2018,</p> <p>5 beginning at 6:39 p.m., with attendees as hereinabove</p> <p>6 noted, to wit:</p> <p>7 ---</p> <p>8 CHAIR McCOY: Good evening. We're going to</p> <p>9 call the April 26, 2018 Planning and Zoning Board</p> <p>10 meeting to order. We'll start with a moment of</p> <p>11 silence, followed by the Pledge of Allegiance.</p> <p>12 (Moment of silence observed. Pledge of</p> <p>13 Allegiance recited.)</p> <p>14 CHAIR McCOY: Roll call.</p> <p>15 MS. DAVIDSON: Edward Kunuty.</p> <p>16 MR. KUNUTY: Here.</p> <p>17 MS. DAVIDSON: Margaret Shepherd.</p> <p>18 MS. SHEPHERD: Here.</p> <p>19 MS. DAVIDSON: James Gallon.</p> <p>20 MR. GALLON: Here.</p> <p>21 MS. DAVIDSON: Jon Gustafson.</p> <p>22 MR. GUSTAFSON: Here.</p> <p>23 MS. DAVIDSON: Anthony Brown.</p> <p>24 MR. BROWN: Here.</p> <p>25 MS. DAVIDSON: Rena James. I'm sorry, Rena</p>	<p style="text-align: right;">Page 4</p> <p>1 Chair, we don't always a full attendance, but we have a</p> <p>2 few individuals here tonight, so maybe mention the</p> <p>3 comment card system we use, so that way, if individuals</p> <p>4 do want to speak, then we'll have those comment cards</p> <p>5 available.</p> <p>6 Do we have them in back as well?</p> <p>7 MS. DAVIDSON: Yes.</p> <p>8 MR. GAGNON: Okay, so we have comment cards</p> <p>9 available in back. So if anyone is interested in</p> <p>10 speaking, they'll just need to fill out the comment</p> <p>11 card and provide it to staff up front. There's also an</p> <p>12 option if you don't want to publicly speak, you can</p> <p>13 just write in comments, and that can be read into the</p> <p>14 record if you so choose. So I just wanted to make</p> <p>15 mention of that option for the public. Thank you.</p> <p>16 CHAIR McCOY: Thank you, Mr. Gagnon.</p> <p>17 Disclosure by members and adoption of the</p> <p>18 agenda. Any members wishing to disclose? Hearing</p> <p>19 none, is there a motion to adopt the agenda?</p> <p>20 MR. KUNUTY: So moved.</p> <p>21 MS. SHEPHERD: Second.</p> <p>22 CHAIR McCOY: It's been moved and properly</p> <p>23 seconded. Roll call.</p> <p>24 MS. DAVIDSON: Edward Kunuty.</p> <p>25 MR. KUNUTY: Yes.</p>

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1 MS. DAVIDSON: Margaret Shepherd.  
2 MS. SHEPHERD: Yes.  
3 MS. DAVIDSON: James Gallon.  
4 MR. GALLON: Yes.  
5 MS. DAVIDSON: Jon Gustafson.  
6 MR. GUSTAFSON: Yes.  
7 MS. DAVIDSON: Anthony Brown.  
8 MR. BROWN: Yes.  
9 MS. DAVIDSON: Tradrick McCoy.  
10 CHAIR McCOY: Yes.  
11 MS. DAVIDSON: Unanimous vote.  
12 CHAIR McCOY: Approval of the minutes from  
13 April 12, 2018. Is there a motion?  
14 MR. GALLON: So moved.  
15 MR. KUNUTY: Second.  
16 CHAIR McCOY: Been moved and seconded. Roll  
17 call.  
18 MS. DAVIDSON: Edward Kunuty.  
19 MR. KUNUTY: Yes.  
20 MS. DAVIDSON: Margaret Shepherd.  
21 MS. SHEPHERD: Yes.  
22 MS. DAVIDSON: James Gallon.  
23 MR. GALLON: Yes.  
24 MS. DAVIDSON: Jon Gustafson.  
25 MR. GUSTAFSON: Yes.

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1 MS. DAVIDSON: Anthony Brown.  
2 MR. BROWN: Yes.  
3 MS. DAVIDSON: Tradrick McCoy.  
4 CHAIR McCOY: Yes.  
5 MS. DAVIDSON: Unanimous vote.  
6 CHAIR McCOY: We have no unfinished business.  
7 We'll move into item number VIII, new business. And  
8 prior to -- excuse me -- starting, as Mr. Gagnon said,  
9 if any member from the public wishes to speak on any of  
10 the items, please fill out a card and then turn it in  
11 to staff.  
12 Mr. Gagnon.  
13 MR. GAGNON: Thank you, sir. We have three  
14 items tonight under new business, A, B and C. Letters  
15 B and C are connected in the fact that there's an  
16 abandonment request that's tied to a site plan approval  
17 and future construction of a clubhouse, community  
18 building.  
19 Letter A is also connected to the two as  
20 well, because letter A is requesting a text amendment  
21 to our parking regulations to create a specific  
22 definition for affordable housing, as well as a  
23 specific parking ratio for that housing type.  
24 So if it pleases the Board, I would like to  
25 really present each item concurrently and not have the

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1 Board take any action or take any motion on these items  
2 until all three are heard.  
3 So with that, I'd like to do the staff  
4 presentation, followed by the applicant's presentation,  
5 make sure there's adequate time for public comment, for  
6 any public cards we receive, and then following those  
7 three items, have the Board make any motion. So if  
8 there's deliberation or questions for each individual  
9 item, I think that would be highly appropriate for the  
10 Board just to ask whatever question arises.  
11 However, I think it's best to make any sort  
12 of motion at the end of hearing all three items. And I  
13 would request that the motions would be in the order of  
14 the items appearing on the agenda, so a motion for A,  
15 motion for B, motion for C. So if that pleases the  
16 Board, I will continue with new business, letter A.  
17 So for the record, letter A is an ordinance  
18 of the City Council of the City of Riviera Beach, Palm  
19 Beach County, Florida, amending Chapter 31 of the  
20 City's Code of Ordinances entitled Zoning, Article 1,  
21 In General, Section 31-1, Definitions, and amending  
22 Article VII, Off-Street Parking and Loading, Section  
23 31-577, Off-Street Parking Ratios in order to add  
24 definitions for and associated with affordable housing,  
25 low income housing, workforce housing and similar, and

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1 to provide specific parking ratios for the  
2 aforementioned uses, providing for conflicts,  
3 severability and codification, and providing for an  
4 effective date.  
5 So as mentioned under the add/delete section  
6 of tonight's meeting, each Board member received an  
7 underlined copy of the proposed text. I'll also have  
8 the text available within the PowerPoint presentation.  
9 Just in summary, the applicant is Millennia  
10 Housing Development, Limited, and the request, again,  
11 is to incorporate a new definition for affordable  
12 housing because our code is currently silent. In  
13 addition to that definition, also incorporate a parking  
14 ratio, which would be a ratio of one parking space  
15 required per each affordable housing unit.  
16 Being that this is an ordinance impacting the  
17 entire city, this would have a global impact, so it's  
18 not site specific, even though this specific ordinance  
19 would have an impact on items B and C as following the  
20 agenda.  
21 The item that's most important is this is the  
22 cornerstone of the site plan as well. Because of  
23 existing parking ratios within the development, the  
24 site is currently considered legal nonconforming. And  
25 we'll talk about that once we get into the specific

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1 site plan details and the abandonment request, but I  
2 did want to make sure that the Board and the public was  
3 aware of the connection between the three items.  
4 So before you on the screen, this is the  
5 proposed definition for affordable housing, which is an  
6 owner occupied or rental dwelling unit with a purchase  
7 cost, value or monthly rental, as applicable, equal to  
8 or less than the amounts established in the applicable  
9 standards for those individuals whose income is at or  
10 below 60 percent of the area median income, as  
11 published by the United States Department of Housing  
12 and Urban Development and certified by the Department  
13 of Community and Economic Development.  
14 So that's the proposed definition for  
15 affordable housing, which seems to be rather standard  
16 within the industry.  
17 And the entire off-street parking ratio  
18 section of the code was provided to the Board and is  
19 also available to the public.  
20 Only section one, residential uses, would be  
21 impacted by this proposal. So again, the deletions are  
22 shown in strike-through format, the additions are shown  
23 underlined in red text. So you can see there's a minor  
24 modification under letter A, which removes all  
25 residential units, being that there are other

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1 categories possible. So B and C, as proposed, are also  
2 residential units. So that's a minor cleanup. That  
3 would ensure there's not a contradiction within the  
4 code itself.  
5 Within B, the black text, again, is already  
6 within our code structure, so for any elderly housing  
7 or age restricted housing, the parking ratio that's  
8 required is 0.8 parking spaces per unit, and we're  
9 proposing to add an additional request or requirement,  
10 being that a Parking Analysis and Management Plan will  
11 need to be provided to the City to ensure that both  
12 transportation and off-street parking needs will be  
13 met.  
14 That is mirrored in the text amendment within  
15 letter C. So that's the second sentence that's  
16 identical as proposed in B. Within C, the text states:  
17 Affordable housing units shall provide at least one  
18 parking space per unit. And that's -- I apologize --  
19 that units for the elderly shall include independent  
20 living units and assisted living units. That is, I  
21 believe, a typo on my part. Do apologize. So it  
22 should just read -- yes, that was a typo. I apologize.  
23 That was from the definition B.  
24 So it should read, for the record:  
25 Affordable housing units shall provide at least one

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1 parking space per unit. A Parking Analysis Management  
2 Plan shall be provided in order to ensure that  
3 transportation and off-street parking needs will be  
4 met. I do apologize for that.  
5 So that's the amendment proposed within the  
6 off-street parking ratio, and again, that's identified  
7 within the handout that was provided to the Board and  
8 available to the public.  
9 At this point, I think, if it pleases the  
10 Board, if you have no additional questions or  
11 questions.  
12 CHAIR McCOY: Yes, Mr. Gagnon, I have a  
13 question.  
14 MR. GAGNON: Yes, sir.  
15 CHAIR McCOY: I was curious, I just seen that  
16 definition tonight for the first time. And you said it  
17 was standard. The 60 percent below the area median was  
18 standard to define what affordable housing is?  
19 MR. GAGNON: To my knowledge, yes. And that  
20 was within the ordinance that was provided by the  
21 applicant provides the identical definition. So that  
22 was really copied and pasted from the applicant's  
23 proposal into this format and is shown in red text to  
24 provide the Board with an indication of how it would  
25 appear in the City's code.

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1 CHAIR McCOY: Okay. Well, and I guess I'll  
2 ask the applicant this later, but is that the standard  
3 and the premise in which they're getting, I believe,  
4 the financing from HUD, that it has to have that area  
5 of median -- 60 percent below the area median income,  
6 is that --  
7 MR. GAGNON: I believe that's the  
8 affordability threshold, yes. But again, it's, I  
9 think, a better question for the applicant when that  
10 time arises, just to confirm that.  
11 CHAIR McCOY: Okay. Secondly, the Parking  
12 Analysis and Management Plan, is that something that's  
13 new and specific to this project and something that  
14 we're going to be incorporating? So is there any  
15 standard operating procedures on what that looks like  
16 or what that includes?  
17 MR. GAGNON: So we currently don't have a  
18 requirement for any Parking Analysis or Management Plan  
19 other than our typical code requirements to demonstrate  
20 that traffic concurrency will be met, that, you know,  
21 there will be no above and beyond traffic congestion  
22 for a site.  
23 So what this will do, this allows staff to  
24 look at each site on a case by case basis, because the  
25 sites can be very, very different. So you can have a

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1 site that is, you know, within a downtown area of the  
2 city, adjacent to available transportation, so it can  
3 be available to Palm Tran, available to a bus stop,  
4 versus another location that might be proposed within a  
5 single family neighborhood that is, you know, ten  
6 blocks away from any existing bus route.  
7 So what we really want to do is make sure  
8 that any future proposal will be able to meet parking  
9 demand, and if there is a proposal to utilize this  
10 affordable housing structure, that there won't be  
11 parking issues in the future. Also, that there will  
12 also be opportunity for other transportation methods  
13 for the residents of the community, so ensuring that  
14 there is a bus shelter, ensuring that there is bus  
15 transportation or another transportation method that's  
16 readily available.  
17 CHAIR McCOY: Mr. Gagnon, I appreciate that,  
18 and I understand why we need it, but I'm not sure I  
19 understand what it is, you know. Is it a statement?  
20 Is it a summary? What kind of elements are contained  
21 in this Parking Analysis? What components is it made  
22 up of, because, you know, this becomes an ordinance.  
23 So, you know, it shouldn't be arbitrary. It should be  
24 something that's definable or there's something that we  
25 can point to similar to that we all know what a site

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1 plan is. Is there something a little more defining as  
2 to what must be inside of this Parking Analysis and  
3 this Management Plan?  
4 MR. GAGNON: So it's not specifically  
5 codified, as you just mentioned. We don't have a  
6 standard operating procedure associated with it yet.  
7 What I envision it to be is from the  
8 development team, they would have to provide us with  
9 what the industry standards are, what their anticipated  
10 parking demand is, what transportation opportunities  
11 exist in the area and what guarantees they have to  
12 ensure that if they are utilizing a reduced parking  
13 ratio, that those traffic impacts aren't going to  
14 impact the neighborhood and greater community.  
15 So in some ways, we already ask for that  
16 information through our site plan analysis and through  
17 our traffic concurrency process. But we wanted to  
18 really ensure that we have a separate document that we  
19 can rely on and state within this summary, within this  
20 management plan, this is how parking was to occur, this  
21 is how transportation was going to be facilitated for  
22 the site so we'll have, again, another document to rely  
23 on to ensure that there's nothing that's missed.  
24 CHAIR McCOY: Okay. And I know when we seen  
25 this the last time, there was a discussion of variance.

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1 So that's not even an issue, or won't be an issue,  
2 because we're doing a text amendment. Am I right?  
3 MR. GAGNON: Right, that's correct.  
4 CHAIR McCOY: So what was the -- how did they  
5 go about doing a text amendment, an application to do a  
6 text amendment? Is it specific, or is there a uniform  
7 application, and what's the process of that?  
8 MR. GAGNON: Yes, we utilize the same  
9 application for almost any development proposal or  
10 request. So the same application we utilize for a site  
11 plan or a plat we would request from the applicant that  
12 is proposing a text amendment.  
13 The process, it's really something where the  
14 applicant has the right and opportunity to make the  
15 request. It's something that the initial request isn't  
16 always accepted verbatim, however, so there were some  
17 conversations between really myself and the applicant  
18 where some of the ratios that were initially proposed  
19 didn't seem feasible based on our community's dynamics.  
20 You know, we're not necessarily in a downtown  
21 area per se. You know, we're not downtown West Palm,  
22 we're not downtown Fort Lauderdale, we're not downtown  
23 Miami, so some of the public transportation options are  
24 not as readily available here as in those locations.  
25 So we had a discussion and talked about what we thought

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1 could potentially work.  
2 So the ratio that's provided tonight is  
3 something that staff can see it working, so long as  
4 this transportation and management plan, Parking  
5 Analysis Management Plan is provided to guarantee that  
6 it will still foster adequate off-street parking and  
7 provide enough opportunity for transportation to and  
8 from the location.  
9 CHAIR McCOY: Okay. Any other members with  
10 questions?  
11 MS. SHEPHERD: Mr. Gagnon, on the one with  
12 the handout --  
13 MR. GAGNON: Yes, ma'am.  
14 MS. SHEPHERD: -- kind of explain it to me  
15 just a little.  
16 MR. GAGNON: Sure.  
17 MS. SHEPHERD: (B), parking units for the  
18 elderly shall be provided at least 0.8 parking spaces.  
19 I'm sorry. (B), talking about the parking for the  
20 elderly at 0.8. Kind of explain that to me a little  
21 bit.  
22 MR. GAGNON: Sure, sure. So all the text  
23 that appears in black, that is our current code  
24 structure.  
25 MS. SHEPHERD: Okay.

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1 MR. GAGNON: So what we currently have in our  
2 code is really an exemption for our parking standards  
3 for any elderly or age restricted development. So what  
4 that allows to happen, because some seniors get to a  
5 point where they're not driving anymore, so the need to  
6 have multiple vehicles isn't there. And oftentimes age  
7 restricted developments or senior living developments  
8 will start providing transportation as well. So let's  
9 say there's a shuttle bus that goes to the grocery  
10 store every day at 1:00.  
11 So because of that, staff previously had  
12 looked at parking ratios, and we would consider other  
13 transportation options versus just having parking  
14 spaces. So that's why there's a reduced parking ratio  
15 for any elderly type of development.  
16 MS. SHEPHERD: So what you're saying, they  
17 would lose that parking space in lieu of transportation  
18 coming to them?  
19 MR. GAGNON: So if you're proposing a brand  
20 new development, our current requirements, which -- so  
21 under letter A, the current requirement is to have two  
22 parking spaces per each residential unit. So  
23 oftentimes elderly housing or age restricted housing  
24 starts having smaller units for one, so you know, it's  
25 one bedroom, one bath, maybe two bedroom, two bath. So

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1 that factors into this parking calculation.  
2 In addition to that, a lot of the residents  
3 within that style of residence, they're no longer  
4 driving or they'll seek alternate transportation  
5 methods. So that's why we have a lower parking ratio  
6 than two parking spaces per unit.  
7 MS. SHEPHERD: Okay, I get it. Thank you.  
8 MR. GAGNON: You're welcome.  
9 CHAIR McCOY: Any other members?  
10 MR. KUNUTY: Yes, I'm not really sure I  
11 understand how we modify the two parking rule, two  
12 parking space rule with a text amendment. Is this text  
13 amendment unique to this piece of property and this  
14 development only?  
15 MR. GAGNON: Well, it will be -- the text  
16 amendment will have a global implication. So if the  
17 text amendment's approved, any development proposal  
18 meeting that definition for age restricted housing --  
19 excuse me -- for affordable housing will be able to  
20 utilize one parking space per unit, so long as they  
21 also provide the traffic analysis and parking  
22 management plan. So this will not only be applicable  
23 to the development we'll discuss in letters B and C  
24 tonight, but this would be applicable to the entire  
25 city.

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1 MR. KUNUTY: Seems to me that that has way  
2 more impact than I was considering on this. You know.  
3 I mean there will be future developments. I mean we've  
4 got three big parcels over on U.S. 1 that could turn  
5 into that.  
6 And it seems to me, you know, I guess I don't  
7 have a real problem with maybe considering it as unique  
8 to this property, but I think I have a problem with  
9 making it global in the sense that anybody, forever, in  
10 the city can use that. You know for a fact that that's  
11 going to -- that's probably what's going to happen,  
12 okay. Once you do that, nobody's going to have two  
13 parking places, okay.  
14 So I don't know how we handle that. But like  
15 I say, I don't have a problem with something being  
16 unique to this development, you know, if other  
17 conditions are in place, but I have a problem making it  
18 global throughout the city.  
19 And then my final point is how is this  
20 process? Does that text amendment come here and we  
21 approve it or disapprove it.  
22 MR. GAGNON: So the text amendment process is  
23 going to follow really the same process as the  
24 abandonment that's requested on B and C, as well as the  
25 site plan. It will go to the Planning and Zoning Board

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1 for review and discussion. Their recommendation will  
2 be provided to the City Council.  
3 The text amendment and the abandonment  
4 require approval by ordinance, so there will be two  
5 City Council readings. The site plan will be brought  
6 before the Council, likely during the first reading as  
7 well, just for their information, so they understand  
8 how they're all associated. But it would be approved  
9 upon second reading of the ordinance, so it's really a  
10 typical ordinance process.  
11 MR. KUNUTY: Sure.  
12 MR. GAGNON: It's brought to the Board and  
13 then goes to City Council for two readings.  
14 MR. KUNUTY: But I guess from a protocol  
15 standpoint, if we're being asked to approve this now  
16 without the text amendment, it's like we're getting  
17 half the information we need to make the decision.  
18 MR. GAGNON: Well, it's going to be -- the  
19 project, as provided, is going to be contingent upon  
20 approval of the text amendment. So if a recommendation  
21 from the Planning and Zoning Board is provided to City  
22 Council and City Council decides to not move forward  
23 with the text amendment, then the site plan that's  
24 provided wouldn't be able to move forward.  
25 MR. KUNUTY: I understand that. But what I'm

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1 saying is at this juncture right now, shouldn't we have  
2 the text amendment language in front of us to assess it  
3 before we consider approving A?  
4 MR. GAGNON: Well, the text amendment, as  
5 proposed, is identified on the previous two slides, as  
6 well as the handout. So all the red line information  
7 is the proposed amendments to our existing code.  
8 So in order to implement that, we would need  
9 to incorporate the definition for affordable housing,  
10 as well as incorporate letter C as provided, which  
11 speaks to that ratio associated with affordable housing  
12 at one parking space per unit.  
13 MR. KUNUTY: Okay, let me massage that. I'm  
14 not sure. No other questions.  
15 CHAIR McCOY: Any other members?  
16 Okay, Mr. Gagnon, if you could remind me of  
17 how we're taking the next items so I'm clear, because I  
18 did want to ask questions from the applicant.  
19 MR. GAGNON: Sure.  
20 CHAIR McCOY: But I think Mr. Kunuty was  
21 already going down the route that some of these  
22 questions might be directed to the applicant, because I  
23 wanted to know more about the affordable housing  
24 component. But while you're there, I wanted to know  
25 what -- how are we going to take this? Are we going to

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1 get another presentation?  
2 MR. GAGNON: Yes, I think procedurally if we  
3 allow for public comments for A, B and C following  
4 staff presentation of A, B and C, and also applicant  
5 presentation of A, B and C, I think that will be fair  
6 for everybody, and then that way, all the information  
7 will be available, and it might answer some questions  
8 the Board may have or some of the questions that the  
9 public may have.  
10 So that would be my recommendation, to  
11 proceed with the staff presentation on letter B and C,  
12 follow that up with the applicant's presentation on all  
13 three items, open up for public comments and then  
14 follow with Board comments.  
15 CHAIR McCOY: I don't have a problem with  
16 that. I just wanted to find out what the pleasure was,  
17 because I do have other questions, and it relates to  
18 how this is all implemented.  
19 And I asked initially what this -- I guess  
20 this text amendment is an alternative to a variance,  
21 which would seem like it would have been more  
22 appropriate in this sense for a few different reasons.  
23 Number one, I know we just did the Heron  
24 Estates, you know, within the last year or so, and I  
25 don't even recall, I don't think they had a variance or

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1 anything, so I think they had to meet whatever the  
2 parking requirement is.  
3 But it did bring up to my concern this  
4 definition of affordable housing is specific. Well, I  
5 guess we're bringing this here because this applicant  
6 has some sort of mortgage backing by HUD, and I guess  
7 there is a requirement of this mortgage that it has to  
8 be affordable housing.  
9 But when that mortgage is satisfied, or when  
10 that mortgage isn't satisfied, or whatever that  
11 arrangement is with HUD no longer exists and there's  
12 not really a component or a requirement for affordable  
13 housing, then what happens in that parking situation,  
14 because now we've really changed the code across the  
15 city to accommodate one applicant.  
16 And I know specifically of a place where that  
17 occurred at. If anyone in here is familiar with,  
18 there's a place on Australian Avenue called Joseph  
19 Village. It was a HUD property that was originally for  
20 senior living, and it's just south of 25th Street.  
21 Well, that changed maybe six years ago and it's no  
22 longer affordable housing. And you know, why it's that  
23 way, I'm not sure, but it's privately owned, and it's  
24 no longer a HUD regulated property. So that  
25 definition, in my opinion, wouldn't exist anymore for

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1 that property.  
2 But now the code is changed, and I can see  
3 that is very much of a possibility. And that's why I  
4 initially thought we would see it as a variance, and I  
5 didn't really know that we was going to get a text  
6 amendment.  
7 So I guess my concern is similar to what  
8 Mr. Kunuty brought up. This seems like it's going to  
9 be -- it's going to have some unintended consequences  
10 at some point. You know, while, you know, I'm  
11 definitely willing to be open for some variance or  
12 deviation from the code for the applicant, this may be  
13 more harmful than anything.  
14 You know, when you think about if they don't  
15 satisfy their obligations with HUD and it gets  
16 foreclosed and it goes out on the private market, I  
17 mean that's a real concern. Now you have, you know,  
18 this large, multifamily property in the city that  
19 essentially has a designation of affordable housing  
20 that's no longer affordable housing, but has diminished  
21 significantly in the parking requirements. So  
22 that's -- I know it's a lot to digest, but that was my  
23 first concern. And then my other concerns are for the  
24 applicant.  
25 So that's all for me for now.

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1 MR. GAGNON: Well, if it pleases the Board,  
2 we can continue staff presentation with letters B and  
3 C. At this time I'd like to ask Ms. Andrea Harper, our  
4 Principal Planner, to provide the Board with a  
5 presentation on item B. And I will read that into the  
6 record as well.

7 B is an ordinance of the City Council of the  
8 City of Riviera Beach, Palm Beach County, Florida,  
9 abandoning an unnamed road right-of-way located within  
10 the city, approximately 50 feet wide, adjacent to and  
11 surrounded by the real property accessed as -- excuse  
12 me -- addressed as 1555 Dr. Martin Luther King, Jr.  
13 Boulevard, parcel control number 56-43-42-06-000-0090,  
14 as recorded in plat book 5, page 67 of the public  
15 records of Palm Beach County, Florida as William Taylor  
16 Subdivision, containing approximately 30,000 square  
17 feet, .68 acres, more or less, providing conditions,  
18 providing for severability and conflicts, and providing  
19 for an effective date.

20 And also, the presentation will touch upon  
21 the site plan as well, so it's a joint presentation for  
22 B and C.

23 So for the record, letter C is a resolution  
24 of the City Council of the City of Riviera Beach, Palm  
25 Beach County, Florida, approving a site plan

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1 application associated with the real property addressed  
2 as 1555 Dr. Martin Luther King, Jr. Boulevard, parcel  
3 control number 56-43-42-06-000-0090, commonly know as  
4 the Stonybrook Apartments, providing specific  
5 conditions of approval, and providing for an effective  
6 date.

7 So at this time I'd like to ask Ms. Harper to  
8 make the presentation.

9 MS. HARPER: Thank you, Jeff.

10 Good evening, Planning and Zoning Board  
11 members. Andrea Harper, Principal Planner, for the  
12 record.

13 Applicant is Millennia Housing Development.  
14 The project name is Azure Estates, currently known as  
15 Stonybrook Apartments. The applicant has two requests  
16 before you this evening.

17 The property is located in the southeast  
18 corner of Martin Luther King Drive and Sam Cooper Way.

19 The land use is multifamily, and the zoning  
20 district is multifamily, which the zoning district is  
21 currently consistent with the land use. The  
22 surrounding zoning district, to the north you have a  
23 single family zoning district; to the south, general  
24 industrial; to the east, general industrial; and to the  
25 west, general industrial.

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1 The lot size is 9.33 acres. Currently  
2 existing on the property is 14 two-story buildings.  
3 Access point will continue to take place on Martin  
4 Luther King Drive.

5 The first request is to abandon the unnamed  
6 public right-of-way, public roadway that runs north and  
7 south through the center of the existing Stonybrook  
8 Apartments. As you see highlighted in yellow, that's  
9 the abandonment. For this request, the applicant has  
10 satisfied all conditions as noted in the staff report.

11 Recommendation: City staff advises the Board  
12 to review and to consider all information present and  
13 provide recommendations to the City Council. If the  
14 Board chooses to approve this proposal, two conditions  
15 of approval, as noted within the staff report. Those  
16 conditions are -- you have up front, and you also have  
17 it in your staff report.

18 The second proposal is the applicant is  
19 requesting site plan approval to modify the existing  
20 site plan to add a 4,480 square foot community center.  
21 Once again, the site currently supports 14 two-story  
22 buildings. You can see clouded in red the proposed.  
23 In the center of this site plan is the proposed  
24 community center.

25 Just to give you a little bit of background

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1 about this project, staff reviewed the project,  
2 provided comments. Staff's biggest concern is with  
3 parking, based on the site does not meet the current  
4 parking requirements. Per code, based on 216 units,  
5 it's required to have 442 parking spaces. The  
6 applicant is only providing 232 parking spaces,  
7 including ten handicap, with no guest parking.

8 Also, the applicant did not address prior  
9 comments, Utility comments and Public Works comments,  
10 so staff provided conditions of approval to address  
11 those comments.

12 The applicant also provided a landscaping  
13 plan. This is the north portion of the site. That's  
14 the central portion and the southern portion of the  
15 site. Elevation plan as well they provided.

16 And once again, City staff advises the Board  
17 to review and to consider this information and the  
18 presentation and provide recommendations to the City  
19 Council. If the Board chooses to approve this project,  
20 City staff also recommends seven conditions, as stated  
21 in the staff report.

22 This concludes my presentation. If you have  
23 any questions, be glad to answer.

24 CHAIR McCOY: Members.

25 MR. KUNUTY: I have a question about the

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1 traffic flow on there. Obviously, the traffic flow, is  
2 it moving around the community center?  
3 MS. HARPER: Let's go back to the site plan.  
4 Based on the proposed site plan here, the entrance,  
5 once again, the access point is Martin Luther King. So  
6 you have parking here, proposed new parking, and you go  
7 around here all the way through. You have parking,  
8 then you go out all the way around and in, same as  
9 before.  
10 MR. KUNUTY: So basically, you're building  
11 the community center in the middle of -- between -- in  
12 the middle of the roadway, and you're going to have  
13 traffic moving on both sides of it?  
14 MS. HARPER: Um-hmm, right in the middle.  
15 CHAIR McCOY: Is that it, Mr. Kunuty?  
16 MR. KUNUTY: Yes, that's it for right now.  
17 CHAIR McCOY: Any other members?  
18 MS. SHEPHERD: Mrs. Andrea, you did a real  
19 good presentation. So the community center is sitting  
20 right there in the middle.  
21 MS. HARPER: Right. It's going to be  
22 proposed right in the middle, Ms. Shepherd.  
23 MS. SHEPHERD: Okay, so the cars have to go  
24 around?  
25 MS. HARPER: Yes.

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1 MS. SHEPHERD: Okay. So they -- take it slow  
2 with me now.  
3 MS. HARPER: Um-hmm, sure.  
4 MS. SHEPHERD: So they have no parking places  
5 set aside for this community center? Is this what  
6 you're saying? Where will they park if it's a party?  
7 MS. HARPER: Well, typically for a community  
8 center, the parking ratio is one to 200. So if they  
9 are proposing 232 parking spaces, so with that count,  
10 they'll probably only have 16 left over. Based on my  
11 calculation of 4,000 -- or 482 parking spaces, they  
12 need 22 more parking spaces for the community center.  
13 MS. SHEPHERD: Okay, so where does the  
14 residents park? I mean because the community center --  
15 I've been there before, now, so if they're having a  
16 party, then they're going to kind of push out the  
17 residents, their parking spaces. I mean this kind of  
18 like not make any sense. So they want this Board to  
19 justify giving them the opportunity to bring in their  
20 project, but you're not thinking about the residents.  
21 MS. HARPER: Yes, ma'am.  
22 MS. SHEPHERD: So if you're having a party --  
23 I've been there, I've been there, so I know what I'm  
24 talking about. They're parking all up on the grass,  
25 they're parking on the side of the road. Now, you're

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1 saying it's in the middle. Am I correct?  
2 MS. HARPER: Yes, ma'am.  
3 MS. SHEPHERD: So the cars are coming on the  
4 side. If it's raining, the mud, the whatever is going  
5 everywhere. It's going to create chaos.  
6 MS. HARPER: That's why, ma'am, that's why  
7 staff is having a big problem with the parking, because  
8 it doesn't take any account for guest parking, and it  
9 doesn't meet the requirements and current code  
10 requirements. And on top of that, they're adding 4,000  
11 plus more square footage.  
12 MS. SHEPHERD: So let's stop. Let me think  
13 now. So if the Fire Department comes, there's a fire,  
14 all of these spaces are taken up, how do the fire  
15 trucks come in? How do EMT get in?  
16 MS. HARPER: That might be a problem down the  
17 line.  
18 MS. SHEPHERD: I think it's called a hazard  
19 to people's lives. I'm through; I'm through.  
20 CHAIR McCOY: Any other members?  
21 Okay, there was a comment, and I was looking  
22 for it, I didn't see anything about those departments.  
23 You said they weren't, those comments weren't satisfied  
24 by the other departments?  
25 MS. HARPER: Yes. So what we did was in the

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1 conditions of approval, to address the comments here  
2 with Utilities -- okay, to address the comments here,  
3 Public Works was asking for a Palm Tran easement. So  
4 to address that, we made it as a condition of approval.  
5 Fire is also asking --  
6 CHAIR McCOY: I'm sorry, I'm sorry, I don't  
7 understand what you're saying. So if you can --  
8 MS. HARPER: Go ahead.  
9 CHAIR McCOY: -- slow us down and walk me  
10 through it. You said Public Works requested a Palm  
11 Tran shelter?  
12 MS. HARPER: Yes, a bus --  
13 CHAIR McCOY: But they need the easement  
14 portion?  
15 MS. HARPER: Correct, first.  
16 CHAIR McCOY: Okay.  
17 MS. HARPER: So in order to kind of force  
18 their hand, we made it as a comment, a condition of  
19 approval.  
20 CHAIR McCOY: Okay. So I'm just not sure I  
21 understand how that even is incorporated, because I've  
22 never seen something like this conditioned on approval.  
23 MS. HARPER: It's pretty standard.  
24 CHAIR McCOY: Well, I guess what I mean is  
25 these kinds of things are generally resolved before



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1 they even get to us. So, you know, if Fire signs off  
2 and if Public Works signs off, it would never become a  
3 condition of approval. So you know, it seems like  
4 we're way ahead of ourselves.  
5 So I don't even see how we get to this  
6 process if, you know -- you know, I think the bus is  
7 almost discretionary, if they want to give it up, you  
8 know. But the fire rated walls and things that, you  
9 know, first responders think is critical, how does that  
10 even come to this point without even -- I mean I don't  
11 even understand how we're here right now, because I  
12 mean that seems pretty critical to me, because usually  
13 we've not seen things like this come before the Board,  
14 anything related to certain fire hazard requirements  
15 that have to be met. You know, it seems very premature  
16 that this is here.  
17 And if I can jump back to the other ones, I  
18 don't even know what Utility --  
19 MS. HARPER: Chair, can I answer the  
20 question?  
21 CHAIR McCOY: Yes, ma'am.  
22 MS. HARPER: Normally if it gets approved,  
23 say if this project gets approved and it goes to the  
24 City Commission, they have the comments, and these  
25 comments or these conditions are approved. Prior to --

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1 that's why this one says prior to C.O. certificate,  
2 prior to getting a building permit, they have to  
3 provide this easement and the bus. That's prior to  
4 that, okay. So it would be done prior to, in the  
5 building permit process. Also, condition number seven  
6 as well.  
7 CHAIR McCOY: Okay.  
8 MS. HARPER: Else we won't sign off on the  
9 building permit.  
10 CHAIR McCOY: Okay.  
11 MS. HARPER: Okay. And going back -- bear  
12 with me -- and with abandonment, these are pretty  
13 standard conditions associated with all abandonments.  
14 CHAIR McCOY: Okay, any other members having  
15 questions of the presentation by Ms. Harper? If not, I  
16 wanted to ask the applicant questions, so do you want  
17 to --  
18 MR. KUNUTY: Yes, I do. I just have one.  
19 I'm looking for where, and I couldn't remember reading  
20 where it says that all of those conditions are going to  
21 be met. I mean has Fire seen this? Has Police seen  
22 this? I mean, you know, have they reviewed it and made  
23 comments?  
24 MS. HARPER: Yes, sir, they reviewed it, and  
25 these are the comments. But we made them conditions of

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1 approval.  
2 MS. SHEPHERD: Is it in our --  
3 MS. HARPER: No, it's not in your packet.  
4 But if you like, I can provide you with those comments.  
5 MR. KUNUTY: Well, I think they should be in  
6 here, the comments from, you know, from the various  
7 departments and the conditions that -- you know, we're  
8 the Planning Board, and we're trying to approve or  
9 disapprove something. I mean those conditions should  
10 be here.  
11 MS. HARPER: If you like, I can bring them up  
12 to you, the comments from the --  
13 MR. KUNUTY: Well, yes, I understand that.  
14 But I mean shouldn't that all be incorporated,  
15 Mr. Gagnon --  
16 MR. GAGNON: Yes, sir.  
17 MR. KUNUTY: -- into this official document  
18 so that when it goes to the City Council --  
19 MR. GAGNON: Right.  
20 MR. KUNUTY: -- they could say Fire approved  
21 it? You know, because I think Mr. McCoy is right  
22 ahead, you know, we're kind of jumping ahead to approve  
23 this, and then they say, oh, and by the way, now you  
24 guys have to still do something.  
25 MR. GAGNON: Well, I want to, for the record,

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1 state that I did not include the comments that we  
2 received from the Utility District, however, they are  
3 incorporated in this condition of approval for the  
4 abandonment request.  
5 Additionally, the comments received from the  
6 Fire Department were somewhat boilerplate, and those  
7 conditions were incorporated in the site plan approval  
8 to ensure that there's no question in the future.  
9 Prior to this meeting and part of the reason  
10 why the timing of this meeting is so crucial, and I  
11 think the applicant can be expand on this more, but  
12 they have certain timing elements that they're trying  
13 to meet as well.  
14 So I had sent two e-mails to department  
15 heads, to individuals that are reviewing the project,  
16 asked specific questions, did not receive responses in  
17 a timely manner. So this was staff's method, and  
18 really my method of ensuring that the comments and  
19 concerns that were expressed from these departments  
20 were incorporated into the staff report as conditions  
21 of approval. So that was the justification, the  
22 reasoning why they weren't provided within the packet.  
23 MR. KUNUTY: Well, I'm looking at the  
24 conditions of approval for the abandonment, and it's  
25 basically they take over the ownership and they're

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1 responsible for the utilities there. They give us an  
2 easement to fix them, and if they want to do anything  
3 or if they sell the property, want to do anything in  
4 the future, whoever owns it pays for it. Okay, that's  
5 the conditions of that.  
6 MS. HARPER: Yes, sir.  
7 MR. KUNUTY: The conditions for the site plan  
8 are basically, you know, the standard boilerplate, two  
9 year landscaping; construction has to start, so forth;  
10 all future advertising is in Riviera Beach; once  
11 approved, this resolution shall supersede prior receipt  
12 of Certificate of Occupancy; a Palm Tran easement and  
13 fire walls and doors will be required in all units.  
14 Does that mean every unit in the complex?  
15 MR. GAGNON: Yes.  
16 MR. KUNUTY: So I don't see where it says  
17 that we're going to -- I don't see where we've  
18 incorporated Fire Department, Police Department  
19 comments in any of the conditions, okay. So we got the  
20 abandonment. Then number three, we got the site plan  
21 and the conditions on the -- you know, those are  
22 basically the two. So I don't see where those things  
23 are there.  
24 You know, we've gone down this path before  
25 where we kind of rushed, you know, and in good faith

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1 approved things, and the applicants made a lot of, you  
2 know, claims that they will take care of all the stuff,  
3 and then all of a sudden we find out that all the  
4 stuff's not taken care of, you know. And at that point  
5 in time, we have no recourse but to just say, you know,  
6 we screwed up.  
7 MR. GAGNON: And that's why -- one of the  
8 reasons we ensured there were conditions of approval.  
9 And that will run through the approval process as  
10 stated for the Planning and Zoning Board. So as you  
11 indicated, a lot of those conditions are standard  
12 conditions, but those few items that seem to be  
13 outstanding were presented as conditions of approval,  
14 so that way if it appears in an ordinance or it appears  
15 in a resolution in the future, it'll be provided in  
16 that document and it will be a legal document where the  
17 City can fall back on and state these are the  
18 requirements of this approval, and they need to be  
19 satisfied.  
20 MR. KUNUTY: Well, I understand. But right  
21 now we've got something in front of us that says  
22 "H. Recommendations." And I just read to you all the  
23 conditions that you propose, and I don't see anything  
24 that's addressing Fire, okay, Police or some of the  
25 other stuff, you know.

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1 I mean, you know, the traffic flow around  
2 that -- down that abandoned street is going to be -- I  
3 think is going to be an issue, you know. I mean, you  
4 know, you've got a community center and you've got  
5 traffic running back and forth on both sides. Okay,  
6 somebody -- you know, I mean that doesn't seem like the  
7 Police or Traffic would be kind of, you know, too keen  
8 on that. So anyway, I have no other comment right now.  
9 MS. SHEPHERD: Ms. Andrea, where was the  
10 community center before the applicant? I've been over  
11 there. It's been a while since I've been there. Where  
12 was the community center before the applicants came in?  
13 MS. HARPER: And you might have to ask the  
14 applicant that question.  
15 MS. SHEPHERD: Okay.  
16 CHAIR McCOY: Before we bring up that, any  
17 other questions of staff?  
18 MS. SHEPHERD: I'm asking a question now. I  
19 want to visualize where this community -- well, I'll  
20 wait till the applicants come, because I'm kind of  
21 curious where the community center was at and how did  
22 it function. Now you have it in the middle. The  
23 children are coming and going. Yes, I'll wait for  
24 that.  
25 MS. HARPER: I don't think they had a

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1 community center, to be honest with you.  
2 CHAIR McCOY: There was. There's one on  
3 there.  
4 MS. SHEPHERD: It was a little, small thing  
5 setting off to the side.  
6 MS. HARPER: Okay, which is -- you have a  
7 maintenance, on-site maintenance building, a laundry  
8 room --  
9 CHAIR McCOY: It may be -- --  
10 MS. HARPER: -- they convert one of those  
11 buildings.  
12 CHAIR McCOY: Okay, any other questions of  
13 Ms. Harper?  
14 Can we have the applicant to address some of  
15 these questions?  
16 MR. GAGNON: Thank you, Chair. There are  
17 multiple individuals here with the Millennia  
18 Development team. Mr. Tom Mignogna is one of the lead  
19 agents that have been working on this project, and I  
20 will turn over the microphone to the Millennia  
21 Development team.  
22 Tom.  
23 MR. MIGNOGNA: Thank you.  
24 Mr. Chair, honorable Board members, my name  
25 is Tom Mignogna. I'm here with our design architect,

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1 Paul Glowacki from Dimit Architecture, Rich Ionelli and  
2 Pieter Bockweg from NEI General Contractors.  
3 We are back here before you today to, I  
4 think, shed some light on a few things, and I think  
5 we -- we're seeking some guidance as well then, because  
6 some of the issues that were discussed today, I had not  
7 seen those conditions before, and neither had my design  
8 team, so we're not aware of those.  
9 So yes, I think some of those conditions are  
10 too early to bring before you, because we haven't even  
11 had a chance to review them, see where they fit within  
12 the scope of the project, whether they're feasible for  
13 the project and whether we can move forward. So yes,  
14 that item was way too early.  
15 Typically when we do development projects, we  
16 work with staff, a team from the municipality, and have  
17 a go-between to understand what their comments are and  
18 to see if we can address them before they're brought  
19 before any Board for a decision. So I apologize to you  
20 on that. We're going to have to have a very big  
21 discussion with City staff on this matter.  
22 We do not own the property. We want to  
23 purchase the property. The community center that was  
24 just discussed is not there. The current community  
25 center is in an 800 square foot block building off into

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1 the corner of the property. And the intent for that  
2 was to bring it to a centralized location and not off  
3 into the corner, to unify the left side and right side  
4 of the property into one community, to provide traffic  
5 calming design around the sides. But let's go into --  
6 let's follow the agenda items.  
7 For starters, the item A concerning the  
8 affordable housing, Mr. Chair, you had some questions  
9 about the 60 percent. The 60 percent of area median  
10 income is the national definition used to determine low  
11 income eligible, low income individuals. It is a  
12 condition for receiving low income housing tax credits  
13 from state agencies.  
14 It is often accompanied with a 30 year land  
15 use restriction, which means if the property is no  
16 longer providing affordable housing to folks who meet  
17 that 60 percent AMI definition, then they are in  
18 violation of that land use restriction.  
19 Let's talk about the timing associated with  
20 the financing for this project. This project will have  
21 a 30 year LURA on it. It will have a 40 year HUD  
22 insured mortgage on it. Both are conditioned upon  
23 providing affordable housing. Well, no, let me correct  
24 that.  
25 The 30 year will be the restriction on the

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1 affordable housing. The 40 year HUD insured mortgage  
2 is a vehicle used by market rate and affordable housing  
3 developers to provide housing product in multifamily  
4 projects not tied to affordable housing. It could be  
5 one or the other.  
6 This project at Riviera Beach and Stonybrook  
7 has a 100 percent housing assistance payment contract  
8 on it and has had one on it for decades. That's rental  
9 assistance for eligible residents. It's not part of  
10 the financing of this project. It already exists at  
11 the property. We are renewing that contract for  
12 another 20 years. So we wanted to give you some idea  
13 of the long-term plans of maintaining and sustaining  
14 the affordability of this project in the long run.  
15 I believe that we did not want to go after  
16 the variance because that is a three to four month  
17 process through a magistrate, one which we did not want  
18 to take the time to afford, but instead, engaged in  
19 discussion with the City about the need for identifying  
20 issues that address the ability to build and sustain  
21 affordable housing across the country, in Florida, and  
22 in particular, in Riviera Beach.  
23 And you have this in your packet. We had  
24 done an analysis of the population of Riviera Beach,  
25 the percentage of low income individuals, and the

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1 identified amount of affordable housing units in your  
2 community and found that there was only 12 percent of  
3 that population, of that low income population of  
4 having enough units available to them.  
5 And it's not just an issue that is affecting  
6 Riviera Beach. It's affecting Florida, it's affecting  
7 Ohio, it's affecting all across the country. There is  
8 a deficit of affordable housing in this country.  
9 Housing prices are increasing. The cost to build  
10 affordable housing is increasing. Materials, labor,  
11 all going up. The ability to provide affordable  
12 housing is directly impacted by the cost to build it,  
13 and so within your packet are studies and best  
14 practices from across the country confirming that.  
15 I believe that is why the zoning code  
16 amendment or the text amendment is put before you, to  
17 address a larger issue than just one affecting this  
18 property.  
19 That being said, we did do a parking analysis  
20 of the property and found that of the 248 parking  
21 spaces that exist there, only 70 of those spaces were  
22 used by residents. And we did that by utilizing a tag  
23 system and having our management team go out there  
24 different times of day and do counts.  
25 Cars that were not tagged were not residents.

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1 And we're finding that that is an issue that's plaguing  
2 this property, that there are unwanted visitors, there  
3 are cars that are dumped there.  
4 There are traffic issues that need to be  
5 controlled, not only for maintaining the site plan and  
6 maintaining the property, but for the security of the  
7 residents. We don't want unwanted traffic going  
8 through there. Visitors are fine, as long as they're  
9 welcomed. But that leaves, what, roughly 170 spaces  
10 available for guests and visitors and additional  
11 parkers if residents come in with cars.  
12 So we feel that -- and this is supported by  
13 national trends -- affordable housing properties  
14 nationally do not require two spaces per unit. It's  
15 just not the case.  
16 Now, Stonybrook Apartments was built in, I  
17 believe, 1974.  
18 UNIDENTIFIED SPEAKER: '72.  
19 MR. MIGNOGNA: '72, thank you.  
20 It was grandfathered in. And if we do  
21 nothing to the property to improve it, we don't have to  
22 come here today asking for a variance or a text  
23 amendment. We can leave the property in its current  
24 condition and be within the code. But because we want  
25 to do such a substantial rehabilitation to improve the

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1 units, to improve the conditions for the residents, we  
2 have to come before you today to ask for this text  
3 amendment.  
4 If we were to have to add the additional  
5 number of spaces, for a total of 432 parking spaces,  
6 that would practically eliminate all the green space  
7 within the property. This is an existing property that  
8 had and was functioning with an excess of parking  
9 spaces for many, many years. So we don't see an issue,  
10 based on the last 18 months that we've been analyzing  
11 this property.  
12 I think one way of addressing some of the  
13 concerns that Mr. Kunuty had about the breadth of the  
14 text amendment is to identify that existing low income  
15 housing, affordable properties can have a one-to-one  
16 ratio and then you don't have to worry about new  
17 construction properties that haven't even designed  
18 their property yet.  
19 But because this is an existing, we are in a  
20 footprint that cannot expand. And we do not want to  
21 eliminate any public housing -- or not public housing,  
22 but low income housing units, because there are only  
23 950 in the city, according to -- who did I speak to? I  
24 spoke to the --  
25 CHAIR McCOY: John Hurt?

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1 MR. MIGNOGNA: I believe so.  
2 CHAIR McCOY: Riviera Beach Housing?  
3 MR. MIGNOGNA: Yes, thank you.  
4 We don't want to eliminate housing. We want  
5 to improve it. If we could expand it, we would, but  
6 the footprint doesn't allow. And the parking is what  
7 it is. We cannot expand on that either.  
8 So I would argue that zoning codes across the  
9 country get in the way of developers being able to  
10 develop affordable housing. And to apply a market rate  
11 zoning code to an affordable housing project is not the  
12 best practice.  
13 So I would argue that you would consider to  
14 apply that for any affordable housing project, but if  
15 you want to limit the breadth of it, you can reduce it,  
16 the breadth, to say existing affordable housing that  
17 has a long-term land use restriction on it, because  
18 we're not going to flip it, and we're not going to turn  
19 it to market rate.  
20 And if we did, under our review of the zoning  
21 code change that was put before you, if it went to  
22 market rate, it would no longer be eligible for the  
23 one-to-one requirement because it would no longer  
24 have -- meet that affordability requirement that's  
25 being proposed for the code amendment.

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1 CHAIR McCOY: Right, and let me chime in  
2 right there. So if that's the case, in the event,  
3 similar to this other property that I brought up called  
4 Joseph Village, if we allow you that one-to-one ratio,  
5 then for whatever reason you convert or foreclose or  
6 new owners or structure change, then you're legally  
7 nonconforming at that point, because you're supposed to  
8 only have this one-to-one for affordable housing, but  
9 you won't have that classification anymore, and we'll  
10 kind of be upside down in parking.  
11 MR. MIGNOGNA: I would see how the variance  
12 would create a situation like that, because you're  
13 taking that property and you're saying this property is  
14 allowed to proceed with a one-to-one ratio. But under  
15 the zoning code, if there is a transfer and a change of  
16 use from affordable to market rate, I would think it  
17 would be -- it wouldn't -- it would have a title defect  
18 in it, because it would no longer be zoned  
19 appropriately.  
20 Just like if we wanted to build a high-rise  
21 in a multifamily district that's not zoned for  
22 high-rise, we would have to come back before the Board  
23 for a variance. I believe the same situation would  
24 exist in this case if we were to no longer be  
25 affordable and rely on that for a one-to-one parking

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1 ratio.  
2 We have to get a zoning review, and we have  
3 to share that with our lenders and with the title  
4 company before every project. And if we are legal  
5 nonconforming, then we can move forward in this  
6 instance. But if we're in -- if there's a zoning code  
7 violation, that has to be fixed before we can move  
8 forward with our financing. That would be the case  
9 with anyone's lender forward, I believe.  
10 CHAIR McCOY: Members, questions of the  
11 applicant?  
12 MR. KUNUTY: You mentioned regarding this  
13 parking and that you're -- it still seems to me that a  
14 variance for this particular project would make more  
15 sense. But your argument is good about the  
16 affordability of housing.  
17 I have one question about the 60 percent  
18 median income. How is that enforced in the sense of --  
19 how is that enforced? Does an applicant have to prove  
20 their income?  
21 MR. MIGNOGNA: Yes, they have to prove their  
22 income, and we have to report it, not only to the State  
23 agency, but to the tax credit investor involved, who is  
24 at risk if that tenant isn't eligible. Then there are  
25 economic penalties, not only to --

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1 MR. KUNUTY: Is that to the landlord?  
2 MR. MIGNOGNA: To the owner --  
3 MR. KUNUTY: To the owner, yes.  
4 MR. MIGNOGNA: -- through the limited  
5 partnership agreement, because that tax credit investor  
6 is relying on the affordability and the reporting of  
7 that person's income as an eligible tenant under the  
8 tax credit program.  
9 MR. KUNUTY: So there's a mechanism in place  
10 to control that.  
11 MR. MIGNOGNA: A very painful mechanism. It  
12 is followed, trust me.  
13 MR. KUNUTY: Good. As far as the parking and  
14 the affordable housing, you mentioned to apply it to  
15 the existing. I'm not sure existing is really the  
16 issue. I mean whatever is there is there, okay, just  
17 like Stonybrook. So I think that I throw this out for  
18 debate, but it seems to me that what we're really  
19 considering is future development of affordable housing  
20 and the application of that particular standard.  
21 MR. MIGNOGNA: This is true, the difference  
22 being -- and that is a debate for the Board, is we are  
23 landlocked with an existing site, with an existing  
24 footprint, and we have to live with the number of  
25 spaces that we have. A new development does have the

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1 opportunity to design where its units are, how many  
2 units it can fit and also fit within the zoning code  
3 the number of spaces required.  
4 So there is a large differential in those  
5 processes. That's why I would argue if you wanted to  
6 limit the scope or the breadth of this text amendment  
7 to existing properties that want to spend the necessary  
8 rehabilitation dollars to improve those properties to  
9 such an extent that they're no longer grandfathered in,  
10 then you're providing an incentive as opposed to a  
11 disincentive to anyone who wants to come in and make  
12 rapid, grand improvements to aging, decrepit housing  
13 stock, which is what we'd like to do.  
14 We're going to be spending \$11.5 million,  
15 roughly 59,000 a unit, to improve these units. And we  
16 are doing that for the residents because right now the  
17 conditions of those units are deplorable.  
18 MR. KUNUTY: No, I agree with that. I mean,  
19 you know, I'm not trying to discourage what you're  
20 doing, okay, I'm trying to protect, I guess, the City's  
21 right for the future of what happens.  
22 MR. MIGNOGNA: Sure.  
23 MR. KUNUTY: I mean somebody -- if somebody  
24 has -- is currently an owner of a decrepit property, as  
25 you said, and they want to turn it into -- fix it up

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1 and turn it into affordable housing, it would seem to  
2 me that they can come to the City and just say, look,  
3 you know, we'd like to have the one parking space so  
4 that we can do that. And I'm sure the City would be  
5 amenable to grant the variance for that particular  
6 property, you know.  
7 So I don't see the problem going backwards.  
8 I see the issue, you know -- and maybe there isn't an  
9 issue, but I see it going forward.  
10 MR. MIGNOGNA: Sure. I touched on many of  
11 the points on the PowerPoint already.  
12 CHAIR McCOY: Mr. Mignogna, one second.  
13 MR. MIGNOGNA: Yes.  
14 CHAIR McCOY: Ms. Harper, is it possible that  
15 we can get those comments you spoke of?  
16 MS. HARPER: Yes.  
17 CHAIR McCOY: Okay.  
18 MR. MIGNOGNA: And we would like copies of  
19 those as well, please, Ms. Harper.  
20 So there are existing 216 units, 248 parking  
21 spaces. I wanted to clarify that for the record. And  
22 for under the code, we would have to add 184 spaces to  
23 432, not 442, for the record.  
24 I also think it's important to know we're not  
25 adding any new units to the property, but we are

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1 proposing a community center that will be utilized by  
2 the residents only. It's, unfortunately, not a  
3 community center for Rivera Beach. It's for the  
4 tenants of Azure Estates. There are currently four  
5 parking spots that are handicap accessible. We are  
6 adding eight additional handicap accessible parking  
7 spots.  
8 Again, we talked about our rationale, but I  
9 really want to reiterate it because I think it's  
10 important. I mean we're here for this project, but  
11 we're also in this business, or I am because I'm an  
12 advocate of affordable housing for low income  
13 individuals. Costs in housing development are  
14 increasing rapidly. This affects the affordability of  
15 rents.  
16 I think affordable housing options are  
17 decreasing across the country, and as we showed and as  
18 we discussed, only 12 percent of the low income  
19 population in Riviera Beach has a unit available to  
20 them. Cities across the country are trying to  
21 determine incentives to address how they can inspire  
22 and incentivize more affordable housing construction in  
23 their communities.  
24 One such suggestion was the one-to-one  
25 parking ratio, which in your packet you'll see, you

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1 know, identified in other best practices in other  
2 cities as one item that is used to help affordable  
3 housing developers address the growing need for  
4 creating housing.  
5 Now, here's an existing aerial showing that  
6 we have 248 spaces in the existing site plan. And yes,  
7 that big square in the middle is where we would like to  
8 move the community center, which I would believe is --  
9 Is that the big one in the middle? And Paul,  
10 where's the --  
11 MR. GLOWACKI: I think it's the one to the  
12 left.  
13 MR. MIGNOGNA: Right there?  
14 MR. GLOWACKI: Yes.  
15 MR. MIGNOGNA: So that's where the community  
16 center is right now, off into the corner, off into the  
17 side, and really a benefit for the folks on the left  
18 side of the property. We have made a very concise,  
19 planned move to put the community center within the  
20 center of the property, (a), for traffic calming,  
21 because that is important. We want people to drive  
22 slow and carefully throughout this property.  
23 (B), we want to unify the entire property.  
24 It is not only for the residents on the far right side  
25 of the site plan, but also for the property management

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1 team to have a centralized location so that they can  
2 offer a unified service and assistance to the  
3 residents. Currently the property management office is  
4 tucked away right here in the very first building. We  
5 want them dead center, center of the property, so that  
6 they can, again, monitor and assist.  
7 Our new proposed site plan, again, shows the  
8 one-to-one. We're not -- we were able to add the  
9 community center in the middle and maintain 248 parking  
10 spots. Quite honestly, I would be more comfortable if  
11 we could get lesser, because it would make for a better  
12 site plan, but we knew the importance of maintaining at  
13 least a one-to-one ratio of existing to proposed.  
14 Again, none of this is happening if we can't  
15 figure this out, so I want you to know this is  
16 important that we work through this.  
17 CHAIR McCOY: Well, I would like, you know --  
18 it has to be something done. But clearly, it's kind  
19 of -- you know, it's pretty tough.  
20 MR. MIGNOGNA: How so?  
21 CHAIR McCOY: I mean can we -- is this the  
22 only workup of a plan that you guys could come up with?  
23 You know, I mean I'm sure you know your business  
24 structure and what will work for -- what you guys are  
25 trying to accomplish more so than I can, but just from

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1 the existing code, being that obviously this whole  
2 affordable definition is going to have a global impact  
3 and it's causing some hesitation, but how about even  
4 trying to rework it to at least one and a half? That  
5 would put us at almost probably another 80 spaces or  
6 so.  
7 MR. MIGNOGNA: I don't know if we can agree  
8 to that for a few reasons.  
9 CHAIR McCOY: And I'm not asking you to. But  
10 you know, I'm trying to find some median, because it  
11 clearly doesn't seem like there is, at least from the  
12 comments that I've been hearing, that there's a whole  
13 lot of support for the current plan. And you know, it's  
14 kind of hard to tell you guys to walk away, but we  
15 really need you guys here at the table to get it done.  
16 But you know, first of all, my first concern  
17 and the first thing I noticed that it wasn't a  
18 variance. Now I'm looking at this whole parking thing.  
19 That's a serious issue. And I really want to be  
20 optimistic, but it's really hard.  
21 I mean obviously, I was going to go down the  
22 list of asking about traffic calming devices in there,  
23 but I think I heard it mentioned. And is there not a  
24 possibility to even expand -- like you say, the  
25 footprint is limited -- to expand just to the east of

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1 the property, because I know that there's some vacancy  
2 there for a project that never went through.  
3 But it doesn't seem like a whole lot that can  
4 happen with this property under the current code. But  
5 if we change to affordable housing and give you a  
6 one-to-one, that really puts -- you know, I've actually  
7 seen it. All of the parking isn't utilized.  
8 You know, a lot of people do use public  
9 transit, which I'm okay with. So definitely I can  
10 understand why the bus shelter, the easement for the  
11 bus shelter was asked for. And I just want to see if  
12 there is something better that can be counted as  
13 opposed to, you know, this is the plan. I think it's  
14 nothing changed since we seen it the last time.  
15 MR. MIGNOGNA: It has changed slightly. So I  
16 believe the plans examiner was showing you an outdated  
17 version of the plan.  
18 CHAIR McCOY: So you have something  
19 different?  
20 MR. MIGNOGNA: Well, this shows 248. I  
21 believe she showed something that showed 232.  
22 CHAIR McCOY: Okay.  
23 MR. MIGNOGNA: Okay. All turning radiuses  
24 and all widths of car paths meet the code requirement  
25 to allow fire trucks through. They allow for the

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1 turning radiuses of fire trucks to access the units in  
2 the event of a fire.  
3 CHAIR McCOY: Okay.  
4 MR. MIGNOGNA: So again, comments that were  
5 raised should have been addressed with the development  
6 team, between the professional civil engineer and the  
7 architect designer before coming to you so that those  
8 things could have been vetted and put -- you know,  
9 discussed, because again, they were all designed with  
10 those items within the code and presented before you  
11 today.  
12 MR. GAGNON: If I may, Chair, as well,  
13 there's a reoccurring question about the variance  
14 process and why a text amendment versus the variance  
15 process. So just for everyone's information, the  
16 variance process would not be brought before the  
17 Planning and Zoning Board. That would go before the  
18 development special magistrate.  
19 There are seven criteria that are associated  
20 with the variance process itself. One of those  
21 criteria is that the variance requested is not  
22 self-caused. The concern that I had, and I'm not the  
23 development special magistrate, however, the concern I  
24 had is being that the clubhouse was being added and it  
25 wasn't just requesting a variance to existing

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1 standards, so there was additional square footage being  
2 proposed, which, from my perspective, from staff's  
3 perspective, it seems like it's a community benefit.  
4 Because it's being proposed, I thought that it would be  
5 very difficult to achieve all of the variance criteria.  
6 So it's not something that I can prohibit the  
7 development team from seeking a variance, however, my  
8 own personal take on this was the variance may have  
9 some elements that would be much more difficult to  
10 overcome versus a text amendment, being that our code  
11 structure is relatively outdated. And that's every  
12 element of our code structure.  
13 Current housing trends seek to promote any  
14 sort of development opportunity for affordable housing  
15 by revisiting the zoning structure, revisiting  
16 requirements to see what may not be an essential  
17 component of some old zoning codes.  
18 So, you know, we are stuck with what they  
19 call an Euclidean type of zoning standard where, you  
20 know, residential goes here, commercial goes here,  
21 industrial goes here. And we're slowly starting to  
22 evolve from that and create, you know, downtown mixed  
23 use areas and promote mixed use corridors within the  
24 city.  
25 We haven't visited affordable housing at this

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1 point, so this was a great opportunity to look at our  
2 existing code regulations. And the safeguard, as I  
3 envision it, is requiring this Parking Analysis  
4 Management Plan so if the development team for a new  
5 project comes in and they just try to fit, you know, a  
6 square peg in a round hole and it just will not work  
7 and they don't have analysis to back it up, then that  
8 gives staff and P & Z and City Council enough  
9 information to turn it down because of parking.  
10 So that is at least the information leading  
11 up to this point as far as why the variance wasn't  
12 requested to date. Again, a variance could be  
13 requested, however, in my opinion, I don't believe it  
14 was right for a variance because of the fact that the  
15 clubhouse was being added.  
16 CHAIR McCOY: Well, in response to that, is  
17 it possible, and you know, I'm not trying to recreate  
18 the City codes, but can we do a carve-out specifically  
19 based on location? Like for instance, if we used  
20 language south of Dr. Martin Luther King, Jr. Boulevard  
21 and west of Australian Avenue and east of Congress,  
22 but, you know --  
23 MR. GAGNON: We could. I wouldn't recommend  
24 doing it in that manner. If perhaps specific zoning  
25 districts were to be able to take advantage of

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1 affordable housing, perhaps trying to create -- and it  
2 sounds like you're trying to create an overlay to say  
3 this area of the city will have special consideration  
4 for affordable housing.  
5 I kind of caution the Board in treating it in  
6 that manner because of some spot zoning issues, because  
7 if there's only one parcel that can really take  
8 advantage of this zoning, then someone can make the  
9 argument, or another property owner can make the  
10 argument that, you know, I wasn't even given an  
11 opportunity because this is the only parcel that could  
12 be utilized for affordable housing.  
13 So it's something that staff sought from  
14 really an opportunity standpoint where we got to  
15 revisit our code. Is it perfect? No. Is it better?  
16 Definitely.  
17 So right now if we had an affordable housing  
18 project to be brought before us, we would say you have  
19 to have two parking spaces, no matter what. There's no  
20 variance, there's no exception to it, there's no  
21 parking management plan discussed, required, even  
22 requested.  
23 So this at least gives an opportunity to  
24 start having that conversation with development teams  
25 in the future, be able to consider what other elements

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1 associated with affordable housing the City really  
2 needs to incorporate, and this is really just the  
3 starting point for that.  
4 CHAIR McCOY: Okay, I have nothing else.  
5 MR. KUNUTY: Just one question of Mr. Gagnon.  
6 Is this, in fact, a trend of one parking space  
7 nationally for affordable housing?  
8 MR. GAGNON: I can't say that as a matter of  
9 fact, but I can say that reduced parking ratios for  
10 affordable housing is definitely a national trend.  
11 It's really, it's city specific, it's municipality  
12 specific where you have to look at what the demands  
13 currently are, what transportation options exist.  
14 You know, again, as I spoke of earlier in the  
15 meeting, we're not downtown West Palm, we're not  
16 downtown Fort Lauderdale, we're definitely not Miami.  
17 So we have very limited transportation options in the  
18 state of Florida. We're not anticipating a subway  
19 anytime soon. You know, we're talking about new train  
20 connections and things like that.  
21 But anything we can do to try to foster  
22 affordable housing, specifically in Palm Beach County,  
23 is very important because the county is expensive. So  
24 this was one opportunity for us to look at our zoning  
25 code and requirements and at least start having that

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1 conversation.  
2 MR. KUNUTY: Do you think that the one  
3 parking space criteria would have an impact on the  
4 three parcels on U.S. 1? I mean would that encourage  
5 someone to come in and say, you know, that makes more  
6 sense, I think I can develop this?  
7 MR. GAGNON: I think it could. I think it  
8 definitely could.  
9 There is -- our downtown, not to get very off  
10 topic, our downtown code was designed almost as if  
11 we were downtown West Palm. It's designed as if there  
12 are parking nodes, whether it's surface parking or  
13 parking garages throughout the community that citizens  
14 can take advantage of, any visitors can take advantage  
15 of, similar to downtown West Palm. You know, if you  
16 want to go to City Place, you're probably not going to  
17 find on-street parking along the roadway, you're going  
18 to utilize a parking garage.  
19 So there's some carve-outs within that  
20 downtown code that talk about if you have certain lot  
21 dimensions, then technically, you don't have to provide  
22 any parking, which is something staff is looking at  
23 very seriously now. And you know, there's other  
24 criteria in place to provide site plan and development  
25 approval, but to be that liberal, as far as saying if

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1 you have a really small parcel and there's adequate  
2 parking on street, you don't have to provide a driveway  
3 at all. So that's already in our code.  
4 So it's something where I think we need to  
5 really start having a conversation about it and looking  
6 at it more, because housing trends have definitely  
7 changed, housing needs have changed, specifically in  
8 Florida where, you know, we have an aging population,  
9 we have different concerns that weren't necessarily in  
10 existence 20, 30, 40 years ago.  
11 MR. MIGNOGNA: Now, I can add to that just  
12 from having a little bit of flavor of doing development  
13 across the country. Parking requirements for market  
14 rate housing have been significantly reduced in areas  
15 in the west coast. From Minnesota to San Francisco, as  
16 you can imagine, they're not requiring construction of  
17 one-to-one parking spaces for some of those properties  
18 over there, market rate or affordable. In Albany, New  
19 York we're working on a project, 107 units that only  
20 have 42 parking spots, and the City is not requiring an  
21 addition to that.  
22 MR. KUNUTY: Is that New York City?  
23 MR. MIGNOGNA: No, no, no, Albany.  
24 Yes, so one of the things that is also unique  
25 to Florida is the trigger of exceeding X amount of



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1 improvement dollars per unit that takes you outside of  
2 being grandfathered in from an existing zoning  
3 condition, which many other states and municipalities  
4 do not have. So this is a unique item, at least that  
5 I've seen, in Florida and nowhere else.  
6 MR. KUNUTY: Okay, thank you for your  
7 comments.  
8 MR. MIGNOGNA: To wrap up the presentation,  
9 unless there are any more questions, again, we want you  
10 to know that we are looking to do 59,000 per unit to  
11 make these significant improvements. We feel like we  
12 have submitted the best site plan for everyone, again,  
13 to make this community safe. And by community, I mean  
14 the residential community safe.  
15 And it allows our management team to optimize  
16 their services for the entire site and not to be off in  
17 one corner. It will improve the operational  
18 management, is what I'm trying to say.  
19 Again, the curb appeal. Property values to  
20 the entire site will increase. It is currently owned  
21 by a nonprofit. We are a for-profit. The property  
22 would come back onto the tax rolls.  
23 We're trying to do everything we can to make  
24 this deal work, but we cannot incur unforeseen costs,  
25 which is why, for one, we don't want to add unnecessary

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1 parking spaces. And two, we have to review the  
2 conditions that Mrs. Harper has put forth that we have  
3 not reviewed yet to see if the budget can carry that.  
4 We would very much like to do this project, and we hope  
5 that we can get your support and work through this.  
6 Thank you.  
7 MR. GUSTAFSON: I have a couple questions for  
8 you. Someone did a parking analysis and put the  
9 pictures together. What is the occupancy rate at  
10 Stonybrook now?  
11 MR. MIGNOGNA: It has fluctuated between 90  
12 percent and 80 percent. The increase for that had to  
13 do with the hurricane, which created some down units,  
14 as well as two fires started by residents.  
15 MR. GUSTAFSON: And with that, I see that  
16 you've also generated, or the management team gave  
17 stickers out --  
18 MR. MIGNOGNA: Yes.  
19 MR. GUSTAFSON: -- to each of the residents.  
20 And out of the 200 -- so at 90 percent, that would be  
21 roughly -- at 216 is roughly --  
22 MR. MIGNOGNA: That would be about 190.  
23 MR. GUSTAFSON: -- be 190 or so. Out of  
24 those residents, how many of them had vehicles that had  
25 stickers?

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1 MR. MIGNOGNA: Seventy.  
2 MR. GUSTAFSON: Seventy. So on those numbers  
3 alone, if that was a continuing trend in affordable  
4 housing --  
5 MR. MIGNOGNA: That leaves us with 178 unused  
6 units.  
7 MR. GUSTAFSON: Leaves you with 178 on that  
8 particular piece of property.  
9 MR. MIGNOGNA: Correct.  
10 MR. GUSTAFSON: And with the clubhouse -- and  
11 I commend you for putting all this together. It needs  
12 to happen. Traffic calming, is that building meant to  
13 slow down traffic coming in and out of that property?  
14 MR. MIGNOGNA: Absolutely. The reason why  
15 it's not a straight shot like it currently is, cars can  
16 fly through there.  
17 MR. GUSTAFSON: Absolutely. I drove there  
18 today, so I understood, and I saw people driving and  
19 speeding through while I was in there.  
20 And how do you meet your -- well, I guess we  
21 have to wait till Fire and Police come back and meet  
22 those recommendations. But do you see anything that's  
23 out there now that's going to cause that to be a  
24 problem for Fire to come in to make -- respond to calls  
25 or -- I mean when I was there, the roads seemed quite

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1 large in comparison to other apartment complexes that  
2 are even modern. And the spaces, I don't know what the  
3 dimensions are on those spaces, but they seem to be  
4 larger than a typical parking space at a big box store.  
5 MR. MIGNOGNA: Right. So if we go back to  
6 the site plan, and I'm sorry, it's not defined as well  
7 as it could be, but the buildings are outlined. And in  
8 between the buildings are a courtyard that the  
9 residents use in front of their entry doors. But  
10 honestly, a fire vehicle would be able to utilize those  
11 courtyards, if necessary, to access a building. And I  
12 know that they do drive over onto the grass --  
13 MR. GUSTAFSON: Sure.  
14 MR. MIGNOGNA: -- to do whatever they have to  
15 do. That is part of my argument of why we cannot add  
16 additional parking spots, because that's where they  
17 would have to go. They could -- we're going to have a  
18 pavilion right here.  
19 Paul, what is this right here?  
20 MR. GLOWACKI: That would be the playground.  
21 MR. MIGNOGNA: And a playground for the  
22 children. We would not want to lose those amenities or  
23 put parking around those amenities if we didn't have  
24 to.  
25 The traffic calming you could see are also in

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1 the form of the islands which separate the incoming and  
2 the outgoing at the north and south ends of the  
3 property. And it's, again, it was designed with all  
4 turning radiuses for large vehicles in mind.  
5 MR. GUSTAFSON: Now, you're also on the  
6 corner of Sam Cooper Way on the south end of the  
7 property. Is there any means that we could also, if  
8 Fire is requesting it, we could probably put a fire  
9 gate in there?  
10 MR. MIGNOGNA: I don't know. Are you  
11 familiar with that condition?  
12 MR. GLOWACKI: Yes. We haven't looked at  
13 that. You're saying going to the west out the --  
14 MR. GUSTAFSON: On Sam Cooper Way.  
15 MR. MIGNOGNA: Which is which way, right here  
16 or --  
17 MR. GUSTAFSON: No, it would be to the left.  
18 Correct, there's a road that's right there.  
19 MR. MIGNOGNA: Okay. Paul, if you want to  
20 step up and introduce yourself.  
21 MR. GLOWACKI: Sure.  
22 Good evening. My name is Paul Glowacki. I'm  
23 with Dimit Architects, the architecture firm that's  
24 working with Millennia, and we've been working hand in  
25 hand with Florida Engineering Group, who is the civil

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1 engineer.  
2 We have not looked at that proposal of  
3 accessing out through the west side of the site there.  
4 There's a dumpster there currently that could be  
5 relocated. The site is maintaining all of the fire  
6 truck radiuses. It's been designed that way. So  
7 you'll notice as the curves are kind of very subtle,  
8 that's all based around a fire truck being able to move  
9 through those radiuses. It meets all the zoning  
10 requirements for those, for the width of the road and  
11 additionally for the radiuses of those turns.  
12 One additional item that was brought up that  
13 I'd like to speak to was the concept of the clubhouse  
14 being in the middle of the site and issues with people,  
15 you know, crossing traffic. And really, that happens  
16 currently. The community building is on the left-hand  
17 part of the site, so everybody that lives on the  
18 right-hand part or even in kind of the north or south  
19 parts of the site already cross that road. That road,  
20 as you mentioned, is almost a drag strip right now.  
21 Cars can get going pretty quickly from north to south.  
22 A number of items that we have included in  
23 the site plan, at the very entry to the north, here  
24 there's currently a set of gates, vehicular gates that  
25 create kind of a backup of cars out onto Martin Luther

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1 King. And the concept is to pull these gates a little  
2 bit farther south here. What it does, it actually  
3 reduces the length of pavement here that a car could  
4 accelerate even getting into the main part of the site.  
5 And then obviously, the curves that are  
6 there, we have many pedestrian crosswalks that will  
7 obviously be demarcated there. I believe there are  
8 also stop signs at those locations.  
9 So really, quite a few things that we've done  
10 to make sure that the real amenity of having the  
11 community building be the heart of the entire project,  
12 having those views out of the -- there's very large  
13 windows out of the community building to see  
14 essentially all throughout the site. The leasing  
15 offices have great windows to be able to see as people  
16 pull in and out of the site.  
17 And then additionally, the security.  
18 Additional lighting throughout the site really helps as  
19 an amenity to locate that community building. And the  
20 location we think really is the best part of the site  
21 and really gives the amenity to all the residents  
22 versus maybe just half the residents having, you know,  
23 direct access to that location.  
24 CHAIR McCOY: Any other members with  
25 questions or comments?

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1 MS. SHEPHERD: Not trying to throw a damper  
2 on the picture, and I get it; I get it. Once again,  
3 how many people -- the clubhouse, how many people does  
4 it hold in that clubhouse?  
5 MR. GLOWACKI: It's about, say, 4,000 square  
6 feet, and so approximately -- I can't remember what the  
7 code is. It's like 15 square feet per person.  
8 Somebody can do the quick math on that. You're talking  
9 about --  
10 MR. MIGNOGNA: I have a layout of the  
11 clubhouse.  
12 MR. GLOWACKI: Yes, that'd be great.  
13 So the clubhouse is broken up into a few  
14 different spaces. And so you'll see on kind of the  
15 left-hand side of this plan here there's a fitness  
16 room, there's a couple of leasing offices here. And  
17 then there's bathrooms here, and then there's like a  
18 large community space here. There's also a large  
19 community space that's outside.  
20 The proposed occupancy -- we just looked at  
21 the code -- is 200 occupants for that building.  
22 Obviously, these spaces are going to hold a lot less.  
23 You can see we're showing kind of six person tables in  
24 here, so, you know, if you could fit eight to ten of  
25 those, it's probably very likely it would be, you know,

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1 50 to 100 people kind of inside of that large space.  
2 And then the same could be on the outside in this  
3 pergola covered outdoor area as well.  
4 MS. SHEPHERD: Well, I keep harping on the  
5 parking. So if you have a large party of about 100,  
6 where are they going to park?  
7 MR. MIGNOGNA: The property management team  
8 is going to utilize this for the residents and the  
9 tenants, and if there is a number where they feel that  
10 a significant number of people who aren't residents  
11 there would create a hazard, they would probably limit  
12 the amount of people that can come in here.  
13 I don't think that can hold 100 people. I  
14 would say I see six six-tops. That's 36 people. Maybe  
15 50 to 60 people could attend a party within there. If  
16 there is a large 100 person party planned, I don't  
17 think the management team would want that, and if they  
18 decided it was feasible, they would work on the parking  
19 associated for the needs with that. But that would be  
20 an exception and not the norm.  
21 MR. GUSTAFSON: Is that space there, the  
22 community center, is that going to be open to residents  
23 at all times, or is it going to have to be, I guess,  
24 signed out for a party, so management would -- a  
25 resident would come in and say, hey, I would like to

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1 throw a birthday party for X, and I'd like to utilize  
2 the space?  
3 MR. MIGNOGNA: That's a great question.  
4 That's an operational question. Typically, we sign it  
5 out so that we can understand what is going to occur  
6 there, the hours of which would need to be monitored,  
7 and normally with staff present at the time.  
8 MR. GUSTAFSON: Absolutely. And I take it  
9 that also would mean if they're throwing a party,  
10 management, as an operational question, would say: How  
11 many are you expecting? Are most of these tenants that  
12 are living inside the community, or are they outside  
13 guests coming in? Therefore, you could manage your  
14 parking situation.  
15 MR. MIGNOGNA: That is true. Especially in  
16 situations where we're coming into a new property, to  
17 understand the tenancy and the issues associated with  
18 that particular property, our management team takes a  
19 very active role and a very proactive stance on  
20 understanding exactly what's occurring on site at all  
21 times.  
22 MS. SHEPHERD: So will you have extra  
23 security if you know it's going to be a large party, or  
24 what is the security there? How many security guards  
25 are you going to have, or have you thought that through

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1 or --  
2 MR. MIGNOGNA: Yes, there is a security plan  
3 that has been developed. It will involve security  
4 cameras throughout the site, as well as coordination  
5 with a security company. There's one currently  
6 utilized, and I think they are being vetted right now  
7 to see if we want them to remain as the security  
8 provider once the acquisition moves forward. But there  
9 will be a form of security --  
10 MS. SHEPHERD: A security person is going to  
11 be there?  
12 MR. MIGNOGNA: Correct.  
13 MS. SHEPHERD: Is that what you're saying?  
14 MR. MIGNOGNA: Correct.  
15 MS. SHEPHERD: I guess that's all I have to  
16 ask.  
17 MR. MIGNOGNA: In fact, we have a  
18 dedicated former -- well, no, he's a current police  
19 officer from Indiana, from one of our previous  
20 projects, who we coordinate closely with -- the City of  
21 Gary, Indiana. This police officer is coming on staff  
22 to be our Director of Security and has met with the  
23 Councilperson and with Mr. Gagnon, I think January of  
24 this year, to discuss the security protocols and the  
25 plans for the operations of the property.

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1 MS. SHEPHERD: One more question. It's just  
2 one-way in and one-way out?  
3 MR. GLOWACKI: Yes, it's essentially a loop;  
4 it's essentially a loop through the site. So  
5 essentially, around the community building you have a  
6 one-way road down south, and then it loops and then  
7 goes back out the north, correct.  
8 MS. SHEPHERD: I'm not trying to put a damper  
9 on it, and I applaud you all for Stonybrook, I really  
10 do. It's a good project. But I just want to know if  
11 there's a fire or a shooting, you have one -- I'm  
12 trying to visualize how you're getting out of that  
13 particular place with the -- how are the people going  
14 to get out if it's just one exit?  
15 MR. MIGNOGNA: Well, there's one exit at the  
16 moment.  
17 MS. SHEPHERD: At the moment?  
18 MR. MIGNOGNA: Yes.  
19 MS. SHEPHERD: So you're anticipating  
20 another?  
21 MR. MIGNOGNA: No. We're utilizing the same  
22 entrance and exit. We're just putting a traffic  
23 calming median in between them on the site plan.  
24 MS. SHEPHERD: Okay, thank you.  
25 MR. GALLON: I have a comment. I see that

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1 there's a lot of comments here from staff, and I don't  
2 see how you can put these stipulations in here with all  
3 these comments. I see 27 just from the Planning and  
4 Zoning Division.  
5 MR. GAGNON: We can have Ms. Harper speak to  
6 the specific comments. During the review process,  
7 comments are generated by each department, and  
8 typically the applicant will respond to the comments  
9 and modify the site plan accordingly.  
10 If I recall correctly, the development team  
11 acknowledged the specific Planning and Zoning comments.  
12 The largest comment that was still outstanding had to  
13 do with parking, which we've spent really a majority of  
14 tonight's meeting discussing potential paths forward.  
15 If there's specific questions or comments that you  
16 would like to have more information on, we can  
17 definitely speak about those tonight.  
18 MS. SHEPHERD: When is this going before  
19 Council?  
20 MR. GAGNON: It's not scheduled for Council  
21 at this point in time, so it --  
22 MS. SHEPHERD: Oh, it's not?  
23 MR. GAGNON: No, no.  
24 MS. SHEPHERD: Thank you.  
25 MR. GAGNON: You're welcome.

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1 MS. HARPER: Yes, Mr. Gallon, I really don't  
2 have a specific question to any of the comments. I'm  
3 just seeing that there's quite a few comments, and with  
4 these few stipulations that's in here, it just doesn't  
5 make any sense. Typically, the project shouldn't have  
6 gone forward, to me, because --  
7 MR. GALLON: I agree.  
8 MS. HARPER: -- I would have deemed it  
9 insufficient.  
10 MS. SHEPHERD: It should have what now?  
11 MS. HARPER: I would have deemed it  
12 insufficient. It shouldn't have come forward. I would  
13 have deemed it insufficient based on them not  
14 responding to all the department comments. But just  
15 like Mr. Gagnon said, they're under the gun as far as  
16 funding, so he made a call.  
17 MR. GAGNON: Right. And the comments were  
18 addressed by the applicant towards the end of the  
19 packet. So if you can see, there's a response letter  
20 from FEG, which is Florida Engineering Group. So the  
21 same comments --  
22 MS. SHEPHERD: Where are you at?  
23 MR. GAGNON: If you go all the way to the  
24 back of the packet, that's the easiest way to find it.  
25 So maybe five or six pages from the back. It has a

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1 green header on the response letter.  
2 MS. HARPER: And just to piggyback, most of  
3 those are my comments, not the other department  
4 comments.  
5 MR. GAGNON: So the applicant identified each  
6 comment and provided responses in red. Again, some of  
7 the responses were modifications to the site plan, some  
8 technical requirements and questions that I believe  
9 have occurred. Again, the biggest is parking.  
10 CHAIR McCOY: Anything else, members? If  
11 not, I want to go to these public comment cards.  
12 Courtney Butler.  
13 MR. BUTLER: Hello. My name is Courtney  
14 Butler. I live at 1555 Martin Luther King, Stonybrook.  
15 I have some issues with the whole thing that  
16 they're planning to do. One is that I go to the  
17 community meetings. I'm one of their ambassadors. I'm  
18 a single father, and we utilize the community center  
19 that they have now, which is to the west of the  
20 property.  
21 I like the part that they have about the new  
22 community center. But like you're saying, that there's  
23 not required parking for the Bridges, Community  
24 Partners, all of the other people that come in to serve  
25 the low income to come in to park.

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1 It would take away the residents' parking to  
2 some extent, because you saw a lot of residents still  
3 don't have vehicles, and if there's an event going, not  
4 a party, but an event that we're holding for the  
5 community, for the outside the community to come to  
6 enjoy the things that we have going on, there's not  
7 going to be enough parking. But there is, you know,  
8 parking down the street, you know, at the (inaudible),  
9 so I've been thinking about that. I'm thinking park  
10 down there and just walk down to the Stonybrook.  
11 But the issue that I'm having is I've asked  
12 Millennia to come to our meetings -- they never come --  
13 to ask, to get some of our input on what do we see, you  
14 know, things that you can help do with, because we  
15 wanted to thank them for coming to try to make our  
16 community better, but they never come.  
17 So I just wanted to know, you know, why, you  
18 know, is there -- you know, it's like they make a  
19 problem with the management and the residents, and the  
20 residents end up getting no -- with each other or  
21 having problems with each other because, you know,  
22 they're not, you know, trying to be a solution. I  
23 think it's a bigger picture than what they're saying  
24 tonight.  
25 So I just want to know if, you know, if they

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1 can come back to our community meetings, which, you  
2 know, we need more meetings throughout the month. We  
3 have the one meeting with the month. But if they can  
4 come and we can, you know, shed some information that  
5 we want to collaborate back and forth with them, it  
6 could ease up some of the things they're concerning  
7 tonight about the whole parking and all that stuff.  
8 That's all.  
9 MR. MIGNOGNA: We'll do that.  
10 Mr. Chair, may I address that?  
11 CHAIR McCOY: Yes, please.  
12 MR. MIGNOGNA: So on January 16th we did have  
13 a community meeting where we outlined the project. We  
14 had roughly 23 residents attend, and we can submit for  
15 the record the sign-in sheet, as well as the  
16 advertising notification of the resident meeting.  
17 Millennia Housing Management is managing the  
18 property for the current owner, who is not related to  
19 the company. In other words, this is an arm's length  
20 transaction. The management company that formerly  
21 managed it for the ownership, the current owner, they  
22 walked when they learned that the property was being  
23 sold.  
24 So we stepped in to manage the property while  
25 we also work on the acquisition of it. So Ms. Lee or

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1 Ms. Paula or Rita Mooney should be in the property  
2 management office, and they should be responding to  
3 requests for participating.  
4 Okay, I'll give you my card so the next time  
5 there's a scheduled one, I'll make sure we have a  
6 representative there for more meetings.  
7 MR. BUTLER: The issue is that they're not  
8 just coming.  
9 MS. SHEPHERD: Go to the mike, please.  
10 MR. BUTLER: You know, the issue that I have  
11 is they're just not coming. And when I go and -- you  
12 spoke of with Ms. Lee. When I go speak to Ms. Lee,  
13 it's that she pulls in this whole corporate said this  
14 and corporate said that. I reached out to corporate.  
15 Never called me back, never. And this has been going  
16 on.  
17 I have an incident where they're trying to  
18 charge me for property being damaged that I didn't or  
19 my guest didn't create. And they didn't want to accept  
20 my rent because property has been damaged that another  
21 resident's done, that they know, and they have cameras,  
22 know who did it, and they still want to charge the  
23 whole building for something someone else did.  
24 And I don't have money to just give to fix  
25 your property. I mean I think you should fix your

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1 property and go after whoever damaged your property,  
2 not try to charge the whole building or charge the  
3 whole -- because they tear that gate up. And I'm a  
4 resident. If they tear that gate up, they're not going  
5 to charge everybody out there to fix their gate.  
6 They're going to fix the gate and then they're going to  
7 go about with doing what they supposed to be doing.  
8 MR. MIGNOGNA: Sure.  
9 MR. BUTLER: But I don't think that -- it's  
10 Ms. Lee and the other management, they don't try to be  
11 a voice of reason. They try to just keep up the whole  
12 bickering from the other management. And so that, you  
13 know, it just keeps a big circle going, and I don't  
14 think that should happen.  
15 That's why we, as ambassadors, asked for you  
16 guys to come before the whole thing, the project, you  
17 know, you did the whole thing, and for you to work with  
18 us and we work with you guys on to, you know, kind of  
19 being -- like all the shooting and stuff going on, a  
20 lot of this stuff could have been avoided, a lot of  
21 those killings that happened. It wasn't you guys'  
22 fault, but I think a lot of stuff could have been  
23 avoided, you know, if you guys would come to our  
24 meetings.  
25 MR. MIGNOGNA: Sure. And let me point out

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1 for you and for the Board, we're not the owner. So  
2 Ms. Lee and Ms. Paula, they represent the current  
3 owner, and they take their instructions from him,  
4 because Millennia isn't the owner now, and we don't  
5 have the standing to tell them what to do. We don't  
6 own the property. So that being said, it's hard for us  
7 to talk for the current owner and why he makes his  
8 decisions or not.  
9 But the design of the property and the  
10 necessary improvements I think were just bolstered by  
11 what you just heard as the condition of the property.  
12 We have to do something to deal with the shootings, to  
13 deal with people crashing through the gates.  
14 So in part, we have a short time line,  
15 because it's not only driven by our financing and the  
16 timing on our purchase and sale agreement, but also  
17 because these improvements have to start now. They  
18 have to start getting into place so we can change the  
19 community, right? We have to change the atmosphere  
20 there to a safer, better managed, better owned  
21 property.  
22 I'll give you my card though, and we can talk  
23 afterwards.  
24 CHAIR McCOY: Mr. Butler, I want to ask you a  
25 couple questions. You spoke that you're an ambassador.

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1 Can you explain what that is?  
2 MR. BUTLER: Well, one of the things that we  
3 do, we try to get the mothers, which is pretty much, I  
4 guess, 98 percent of the residents out there are single  
5 mothers, to come out and to be a part of the community,  
6 not just, you know, be a person that just, you know,  
7 you tend to yourself, but be a part of the community  
8 and bring out a certain quality of life that you want,  
9 just help us come out, and you know, things that you  
10 want for your kids and things that, you know.  
11 Because we're all on low income, so there are  
12 companies that come out, like Community Partners'  
13 Bridges that come out to provide services. And so we  
14 want them to keep coming if, you know, we want to get  
15 some of the services as far as day care and all that  
16 other stuff that, you know, people are providing. You  
17 can get referrals to get you above the list because  
18 you are on low income.  
19 But one of the ambassadors, what we do is  
20 just we just go out and we try to be, you know, a help,  
21 a barrier in between Community Partners or Bridges so  
22 we can -- a person like myself can go and talk to  
23 single fathers, and maybe they can come out and start  
24 coming to, you know, the community meetings, because  
25 the community meetings are just not just for Stonybrook

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1 residents. People on outside who are low income, these  
2 people come out and come to our meetings and to get  
3 help. Seniors, you know, come to our meetings, you  
4 know, from outside of the community. So it's just not  
5 about, you know, community -- I mean Stonybrook's  
6 residents coming out to this community center.  
7 But I mean as far as what the ambassadors do,  
8 we just go and we try to be a voice for parents that  
9 are in low income and to help them. You know, like me,  
10 myself, I want to go and try to get first time home  
11 buyer. So I don't plan on living out at Stonybrooks  
12 for too many more years.  
13 But as far as what they say, the 60 percent,  
14 I think that's actually 70 percent in our lease, and we  
15 pay 30 percent of our income. As far as what that  
16 whole percentage is, I think that in the lease it's 70  
17 percent. And so if you look at it how, if I was making  
18 9.50 an hour and I worked 32 hours a week, not a lot of  
19 money that you can afford to pay that \$1,000 a month  
20 for what they're saying how Stonybrook looks now. And  
21 I wouldn't do it.  
22 But if they're going to improve and all that  
23 stuff, you need the extra income. So I can understand  
24 their saying do you want to change it to the 60  
25 percent. But as far as what the economy is doing, that

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1 9.50 an hour, you can't afford to pay that, you know,  
2 what they're saying.  
3 CHAIR McCOY: Let me ask you this,  
4 Mr. Butler: Your role as an ambassador, that's a  
5 volunteer role?  
6 MR. BUTLER: Yes, I volunteer.  
7 CHAIR McCOY: Okay. And you do that for  
8 what? You just do that for the Stonybrooks community?  
9 MR. BUTLER: Well, yes. And so we went to,  
10 early this year, in January, I went to a, it's called a  
11 conference, parenting and ethics conference in Oakland,  
12 California, and at that Community Partners sponsored me  
13 and another resident. Well, she's not a resident,  
14 she's an ambassador. She lives outside the community  
15 that comes out there. And so we went there to try to  
16 see if we can get some equality for our kids, equal  
17 playing field for all of our kids in education.  
18 And so a couple weeks ago I came here for  
19 more a racial and equity conference that they had here.  
20 Tonya Davis Johnson had it for all people to come, and  
21 we had a conference here.  
22 So I just -- I volunteer because there's not  
23 a lot of men that support their kids. They have  
24 dropped the ball; we have dropped the ball. So that's  
25 why I had stepped up, because I saw the guy Cleveland

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1 from Community Partners; he was the only guy coming out  
2 there trying to get those girls to come. And so I  
3 said: I'm going to get your back, bro. We need more  
4 fathers to come out here. And I know, me as a father,  
5 I need somebody else to come out here and help me. I  
6 would like somebody to help me, so I got your back.  
7 But they've, you know, kind of changed the people that  
8 are coming out there. There's some other ladies coming  
9 out there now.  
10 But like I say, I'm still a volunteer, and I  
11 try to be a voice for the fathers who -- and you know,  
12 try to be somewhat of a mentor for the kids to see that  
13 they can have, you know, a better life, they can have,  
14 you know, men in their life that aren't necessarily,  
15 you know, their biological family.  
16 CHAIR McCOY: Sure.  
17 MR. BUTLER: So that's what I -- I volunteer  
18 for Stonybrook and pretty much the community.  
19 CHAIR McCOY: Well, I appreciate you. Thank  
20 you for that.  
21 MS. SHEPHERD: I commend you, Mr. Butler, for  
22 such eloquently speaking. You shed a lot of light on  
23 what's going on in there, and I do appreciate you  
24 coming. And please do not make this your last time.  
25 Please continue to come out and speak.

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1 MR. BUTLER: I had spoken with Tonya Davis,  
2 and so what we're trying to do right now with the  
3 ambassadors, we want to get the seniors involved with  
4 the whole Lindsey Davis thing, because what the --  
5 where our seniors go. So we're trying to get to see  
6 if, like they were saying, to bring some  
7 transportation. So I wanted -- I asked Tonya to see  
8 maybe possibly we could have the trolley system, like  
9 they have in Delray and Boynton, to bring the trolley  
10 system to, you know, ease up some of the traffic for  
11 the seniors riding the bus.  
12 So maybe that's one thing that they can do  
13 for us if they wanted to have the bus system. But  
14 there is a bus system. You know, it runs east and west  
15 on Martin Luther King. There's just not a covering  
16 there. So, you know, there is transportation for, you  
17 know, the seniors or people that don't have, you know,  
18 transportation, because when I moved out there, I  
19 didn't have transportation. I walked and I rode the  
20 bus for almost two years before I got some  
21 transportation.  
22 And there is a sticker that works on the back  
23 of the bus -- I mean on your car. But the thing about  
24 the security, they have not tried to find who are the  
25 real residents. It becomes a problem, because they

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1 harass the residents. And I think if the security  
2 finds out who the residents are, they won't have the  
3 other issues and they can -- if you know -- if you're  
4 not supposed to be out there, they can know who you  
5 are, they know you're not supposed to be out here  
6 because they know the residents. That's the issue that  
7 the security have.  
8 They, I cannot put the words, but they --  
9 it's an issue that they -- I mean they harass the  
10 residents for certain things that, you know, if you  
11 know I'm a resident, I have six cases of water, I need  
12 to park here in the front to bring in six cases of  
13 water, because you can't drive up in there like they're  
14 saying. They put a barrier there. You can't drive up  
15 in there to unload my water.  
16 So I went and got a dolly, and you know, I  
17 used my dolly to, you know, carry all my water, you  
18 know, because they put a barrier there for me. I  
19 can't -- if I had big furniture, I can't drive up in  
20 there. I would have to lug my furniture way from  
21 there, you know, from the back up to the road. And  
22 then they'll be like: Oh, you can't park there. You  
23 know you can't park there. But I'm trying to move  
24 furniture. I'm trying to unload my water. Like what  
25 do you want me to do?

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1 CHAIR McCOY: Gotcha.  
2 MS. SHEPHERD: Thank you.  
3 MR. MIGNOGNA: Sure. Just for a point of  
4 clarification, it is 60 percent AMI to determine  
5 eligibility of being low income. The Section 8 HAP  
6 contract that is already awarded to the property for  
7 the last several decades pays 70 percent of the  
8 tenant's income. The tenant is responsible for the 30  
9 percent of the rent. HUD pays that 70 percent. So  
10 that's the differential between 70 and the 60. I  
11 wanted to make sure you were clear on that.  
12 CHAIR McCOY: Okay.  
13 MR. MIGNOGNA: Rich Ionelli from our general  
14 contractor is also here. He's been working on the  
15 design and the pricing of this project for the last 12  
16 months.  
17 MR. IONELLI: I just wanted to add something  
18 quickly to Mr. Butler's conversation. I mean not only  
19 are we here to build this project, and one thing that's  
20 going to benefit you and the residents, the first thing  
21 we'll intend to do is look to hire residents. This  
22 is -- they aren't minimum wage jobs. It's a prevailing  
23 wage project.  
24 So not only are they investing money into the  
25 project, but into the residents and into your community

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1 for the long haul. We have stories of people we hired  
2 with no construction education, and yet they're still  
3 an employee today that started out making \$19 an hour  
4 and currently are making \$75,000 a year. So just we  
5 want to let you guys know that that's part of the  
6 reason expediting this project can benefit us all.  
7 CHAIR McCOY: Well, thank you.  
8 Next public comment, Peter --  
9 MR. HRUDA: Hruda.  
10 CHAIR McCOY: -- Hruda. Thank you.  
11 MR. HRUDA: I don't actually know if this is  
12 the forum. It's about parking on Rivera Beach, on  
13 Singer Island for construction, and I'm not sure if  
14 this is the place and the forum for it. I kind of ask  
15 that question. I can bring it up at a different time.  
16 It doesn't -- it's not related to this project, and I  
17 don't know that --  
18 CHAIR McCOY: We can take you; yes, we can  
19 take you later.  
20 MR. HRUDA: Okay. So that's kind of where I  
21 am with that.  
22 CHAIR McCOY: Okay, I'm sorry about that.  
23 MR. HRUDA: No, not a problem.  
24 CHAIR McCOY: And Willie Mankins.  
25 See, you could have took Willie Mankins'

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1 place. We'll hear you later.  
2 Any last questions, concerns or comments by  
3 members of the Board? Would we like to have the  
4 applicant to give some final remarks or whatever the  
5 pleasure? Anything from members?  
6 MS. SHEPHERD: First, let me thank you all  
7 for coming out. And I'm excited about the Heron  
8 Estates, and Stonybrook need to be repaired.  
9 I was in Ivey Green since 1995. I'm now in a  
10 piece of private property owned by the federal  
11 government, which is HUD. So I'm excited about it.  
12 Stonybrook needs a real overhauling and a real  
13 building.  
14 But my concern is really the parking and the  
15 senior citizens. Other than that, it's just if it's  
16 not planned out, I think it's just a catastrophe  
17 waiting to happen. But other than that, I have no  
18 problem with this particular project, I really don't.  
19 We need you, and I think you need us.  
20 MR. MIGNOGNA: That is true, and we  
21 appreciate the comment, honestly. Unfortunately, we're  
22 landlocked, and the site plan is such that we would not  
23 be able to meet code. That's just the bottom line.  
24 And then that's reinforced by the fact that after  
25 managing the property and doing our parking survey,

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1 only 70 spaces were being utilized, we feel we could  
2 work within those additional 178 spaces to accommodate  
3 anything that's thrown at us.  
4 And we feel that the community center is an  
5 absolute must for this property, for these residents.  
6 And after, you know, hearing Mr. Butler, he'll have a  
7 whole new forum in order to run his meetings. And our  
8 property management team would work closely with him on  
9 those issues. Again, we have to get to a point where  
10 we're the owners and we're, you know, doing these  
11 improvements and getting this property stabilized,  
12 improved and managed the right way.  
13 So thank you all for your time.  
14 MR. KUNUTY: I have a question. What's your  
15 timeframe as far as closing and starting?  
16 MR. MIGNOGNA: We would like to have permits  
17 issued within 60 to 70 days. And that coincides with  
18 the timing with our HUD financing approval. Once we  
19 get that, we are all but ready to close. The seller  
20 expects us to have this property acquired mid summer, I  
21 want to say June 30th. I don't think we'll hit June  
22 30th, but we won't have much more time after that.  
23 MR. KUNUTY: Thank you.  
24 MS. SHEPHERD: May I ask you a question?  
25 Have you talked to Mr. John W. Hurt? Have you had any

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1 type of -- since they're in negotiation right now,  
2 about to do the groundbreaking? Because as I hear you  
3 all talk -- and I do sit over there as a volunteer and  
4 kind of give them a step of the way, because I was the  
5 last one, next to the last to leave, so I kind of give  
6 them the steps and little tidbits. And I hear your  
7 frustration. And maybe just to get an understanding of  
8 what they're going through, Mr. Finnie and the tax  
9 credits and all that. I know it's mind boggling. And  
10 just to get a little, you know, from him. He's a great  
11 person.  
12 MR. MIGNOGNA: I'm not familiar with him.  
13 But we do roughly 10 to 12 low income housing tax  
14 credit deals a year.  
15 MS. SHEPHERD: Okay.  
16 MR. MIGNOGNA: And we manage over 250  
17 properties across the country, most of them low income,  
18 affordable housing. Many of those properties were in  
19 the condition that Stonybrook is in now, where it's a  
20 little bit like the wild, wild west, with not a lot of  
21 strong management and people living in poor conditions.  
22 And the reason why we were brought to the table for  
23 this project was because of our history of being able  
24 to deal with these challenging properties and to  
25 provide a decent, safe place for people to call home.

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1 CHAIR McCOY: Any other members?  
2 I have one question, Mr. Gagnon. Who  
3 presented us -- is this Millennia that presented us  
4 with this, I guess it's this journal article from --  
5 that contains the ordinance from the City of Miami?  
6 MR. GAGNON: Yes, that was information that  
7 was provided by the applicant. Staff had requested any  
8 additional research and backup information that would  
9 support some of the affordable housing trends locally  
10 or nationwide, if applicable.  
11 CHAIR McCOY: So, and I don't know if this is  
12 useful or even can be utilized in this situation. I'm  
13 not sure if I quite understand what it means, but it's  
14 a little -- has some legal jargon, but I'm going to try  
15 to go at it.  
16 But there's a section in here, and it might  
17 be better suited for Ms. Busby, but in this ordinance  
18 from the City of Miami, I think it's about -- there's  
19 no page number, but there's something that says a  
20 recorded covenant running with the land is acceptable  
21 to the City confirming the property will meet the  
22 criteria. And it referenced the subsections, which  
23 essentially models that of the 30 year, I guess the  
24 mortgage that they would have with HUD. Is that  
25 something that's appropriate that we what need to



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1 include?  
2 MS. BUSBY: The Miami case study was very  
3 extensive. If you give me a chance, I'll be able to  
4 respond in writing to you. Is it something that you  
5 think Riviera Beach can model? Is that what you're  
6 asking?  
7 CHAIR McCOY: Well, it almost sounds almost  
8 exactly like what I heard Mr. Mignogna speak of, that  
9 there will be a 30 year requirement to maintain it as  
10 affordable housing. But I wanted to know in our final  
11 draft that's going to be presented to the Council, is  
12 that something that may, you know, be a benefit for us  
13 to include in our language as well? But that's just  
14 something you can --  
15 MS. BUSBY: It's a good inquiry, and I'll  
16 look into it for you. But also, I think that the  
17 applicant can address the factual issue on that.  
18 CHAIR McCOY: Okay. Members, we don't have  
19 any other questions, comments or concerns?  
20 MR. KUNUTY: I would just like to make one  
21 comment. You know, the purpose of this meeting is to  
22 delve into facts and try to understand the reasoning  
23 behind all of it. And I would like to say that my  
24 views on the parking is really changed as long as we  
25 can apply it to projects from here into the future for

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1 low income housing, Mr. Gagnon.  
2 MR. GAGNON: Well, if by stating that you're  
3 referencing the text amendment being applied evenly for  
4 future proposals for affordable housing?  
5 MR. KUNUTY: Yes. Text amendment, yes.  
6 MR. GAGNON: That's absolutely --  
7 MR. KUNUTY: Exactly. Not going backwards.  
8 Going forward, okay?  
9 MR. GAGNON: Yes.  
10 MR. KUNUTY: No other comment.  
11 CHAIR McCOY: You know, I have some  
12 hesitation as well about the parking, but, you know,  
13 it's kind of hard to see any other option. And then I  
14 know I heard Mr. Mignogna speak that it was either the  
15 affordable housing or market rate. Is that correct?  
16 MR. MIGNOGNA: Mr. Chair, the two space per  
17 unit that is currently being applied is a market rate  
18 condition that there's no carve-out for affordable  
19 housing, which is why we're requesting in this instance  
20 that the two products be treated differently, because  
21 we feel, and it's supported by many national opinions,  
22 affordable housing requires less parking than market  
23 rate. Therefore, that's why we differentiated the two.  
24 CHAIR McCOY: Okay, good enough. So if  
25 there's nothing else concerning these items, we will

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1 open the floor for a motion on item number VIII, letter  
2 A, related to the affordable housing definition and  
3 parking analysis. Is there a motion for item VIII,  
4 letter A, related to the definition of affordable  
5 housing and an inclusion of the parking analysis  
6 language?  
7 MR. KUNUTY: I move that we approve item A  
8 with the addition to the text amendment that we add in  
9 all future affordable housing will be included.  
10 MR. GALLON: Second.  
11 CHAIR McCOY: There's been a motion and a  
12 second. Hearing nothing else, can we have the roll  
13 call on VIII A, please?  
14 MS. DAVIDSON: Edward Kunuty.  
15 MR. KUNUTY: Yes.  
16 MS. DAVIDSON: Margaret Shepherd.  
17 MS. SHEPHERD: Yes.  
18 MS. DAVIDSON: James Gallon.  
19 MR. GALLON: Yes.  
20 MS. DAVIDSON: Jon Gustafson.  
21 MR. GUSTAFSON: Yes.  
22 MS. DAVIDSON: Anthony Brown.  
23 MR. BROWN: Yes.  
24 MS. DAVIDSON: Tradrick McCoy.  
25 CHAIR McCOY: Yes.

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1 MS. DAVIDSON: Unanimous vote.  
2 CHAIR McCOY: And I'm sorry, let me just make  
3 sure I'm clear on that, Mr. Gagnon. You are removing  
4 that one sentence that was in error that was placed in  
5 there, correct?  
6 MR. GAGNON: Yes, I did change it in the  
7 PowerPoint earlier. So just for the record, there was  
8 an accidental copy from B which was inserted in C. So  
9 C will read: Affordable housing units shall provide at  
10 least one parking space per unit. A Parking Analysis  
11 and Management Plan shall be provided in order to  
12 ensure that transportation and off-street parking needs  
13 will be met.  
14 So the accidental text read: Units for the  
15 elderly shall include independent living units and  
16 assisted living units.  
17 MR. GUSTAFSON: Where is Mr. Kunuty's  
18 additional wording going to be filtered in?  
19 MR. GAGNON: My understanding of the request,  
20 and Mr. Kunuty can clarify, but once this is enacted as  
21 ordinance, any affordable housing development that's  
22 proposed would utilize this ratio. So that was my  
23 understanding of what Mr. Kunuty's comments were. But  
24 if you could clarify, that would be great.  
25 MR. KUNUTY: Well, yes, what I'm saying is

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1 that the one parking space does not apply to the  
2 current. Whatever the parking requirement is for  
3 current affordable housing stands as grandfathered in.  
4 This would be for all future affordable housing, this  
5 project and all future.  
6 MR. GAGNON: And to clarify that further, if  
7 there was another development proposal that was already  
8 built within the city, let's say 30 years ago, whatever  
9 approvals that were associated with that development  
10 would still run with that property. If, in fact, they  
11 came in, and if it was affordable housing and they came  
12 in and tried to renovates significantly, then they  
13 would have to provide that, the traffic plan as  
14 discussed, but they would be able to utilize the new  
15 traffic count if they were coming in for a full  
16 renovation and redevelopment.  
17 MR. KUNUTY: Yes. Basically, I'm saying we  
18 would address those each individually.  
19 MR. GAGNON: Right.  
20 MR. KUNUTY: Yes.  
21 CHAIR McCOY: I have a question, Mr. Gagnon.  
22 MR. GAGNON: Yes, sir.  
23 CHAIR McCOY: Being this has now reached a  
24 citywide impact as far as affordable housing, you know,  
25 I think the only strength and teeth that we're going to

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1 have at this point is making sure that there is a real  
2 solid standard operating procedure regarding a Parking  
3 Analysis and Management Plan.  
4 And I know this is outside of our scope, but  
5 you know, just because we passed this framework and  
6 we've offered this framework for Council to approve,  
7 you know, I kind of want to know what that is, you  
8 know. So whatever staff comes up with, you know, be it  
9 six months down the line regarding, you know, how do we  
10 make sure that this is not something that is going to  
11 be abused or there's not enough, I guess there's not  
12 policy behind it, I want to make sure that we can at  
13 least have an idea or see, you know, what this is that  
14 we've created.  
15 We've created a requirement to have a parking  
16 analysis, so if there's some sort of policies or  
17 framework or procedural how that will work in  
18 operation, I think, you know, it might be useful for us  
19 to know what that ended up, that final product looks  
20 like.  
21 MR. GAGNON: Yes, I'll be happy to bring it  
22 back to the Board.  
23 One of the discussion items, not to get too  
24 far off point, but one of the discussion items that was  
25 brought before the Planning and Zoning Board previously

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1 that's due to be presented at the next City Council  
2 meeting, I believe it's the 2nd, is discussion of the  
3 Policy and Procedural Manual for the City. So that  
4 would enable staff to enact and implement those certain  
5 policies associated with this and have it in a memo  
6 format so it would be available for everyone to view.  
7 CHAIR McCOY: Sure. Thank you.  
8 Members, item VIII B, the ordinance  
9 concerning the abandonment of the right-of-way, the  
10 floor is looking for a motion. Item VIII B, is there a  
11 motion to recommend approval for the abandonment of the  
12 right-of-way?  
13 MR. KUNUTY: I move to approve item B with  
14 staff's recommendations one and two.  
15 CHAIR McCOY: There's been a motion. Is  
16 there a second?  
17 MR. BROWN: Second.  
18 CHAIR McCOY: There's been a motion and a  
19 second.  
20 MR. GUSTAFSON: I just want to see where  
21 they -- where the one and two comments are.  
22 Mr. Kunuty, do you have the comments there?  
23 MR. KUNUTY: Yes, it says: Recommendation,  
24 Staff Recommendation. One: Water, sewer utilities  
25 within the abandoned area will become private. A

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1 master meter with backflow assembly is required until  
2 provided -- in order to provide for continued City  
3 access to maintain and repair the City sewer until the  
4 infrastructure. The applicant agrees to provide the  
5 City with utility access as required from time to time  
6 until said utility easements are recorded within the --  
7 basically, they're saying that they agree to let the  
8 City service it until the easement is filed.  
9 Item two is: The applicant or future  
10 property owner shall be responsible for the cost  
11 associated with relocating existing City water, sewer  
12 or other City utility lines if future owner initiated  
13 construction within the abandoned area impacts City  
14 utilities within the abandoned area. New utility  
15 easements may be required accordingly.  
16 MR. GUSTAFSON: Thank you.  
17 CHAIR McCOY: Anything else? There was a  
18 motion and a second. Roll call.  
19 MS. DAVIDSON: Edward Kunuty.  
20 MR. KUNUTY: Yes.  
21 MS. DAVIDSON: Margaret Shepherd.  
22 MS. SHEPHERD: Yes.  
23 MS. DAVIDSON: James Gallon.  
24 MR. GALLON: Yes.  
25 MS. DAVIDSON: Jon Gustafson.

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1 MR. GUSTAFSON: Yes.  
2 MS. DAVIDSON: Anthony Brown.  
3 MR. BROWN: Yes.  
4 MS. DAVIDSON: Tradrick McCoy.  
5 CHAIR McCOY: Yes.  
6 MS. DAVIDSON: Unanimous vote.  
7 CHAIR McCOY: Members, item VIII, letter C,  
8 related to the resolution for the site plan of  
9 Stonybrook Apartments/Azure Estates. Is there a  
10 motion?  
11 MR. GUSTAFSON: I'm looking for that page.  
12 CHAIR McCOY: Toward the back.  
13 MR. KUNUTY: Okay, I move to approve item C  
14 with staff's recommendations one through seven and the  
15 implementation of the comments from the various  
16 departments that were circulated here at the meeting.  
17 MR. GUSTAFSON: Second.  
18 CHAIR McCOY: Any final thoughts, questions?  
19 Hearing none, roll call on item VIII C.  
20 MS. DAVIDSON: Edward Kunutty.  
21 MR. KUNUTY: Yes.  
22 MS. DAVIDSON: Margaret Shepherd.  
23 MS. SHEPHERD: Yes.  
24 MS. DAVIDSON: James Gallon.  
25 MR. GALLON: Yes.

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1 MS. DAVIDSON: Jon Gustafson.  
2 MR. GUSTAFSON: Yes.  
3 MS. DAVIDSON: Anthony Brown.  
4 MR. BROWN: Yes.  
5 MS. DAVIDSON: Tradrick McCoy.  
6 CHAIR McCOY: Yes.  
7 MS. DAVIDSON: Unanimous vote.  
8 CHAIR McCOY: Thank you, members.  
9 MR. GAGNON: Chair, the applicant did have a  
10 comment in regards to the conditions of approval.  
11 MR. MIGNOGNA: Mr. Chair and the Board, we  
12 cannot at this time agree to items one through seven  
13 until they are vetted with our design and civil  
14 engineering teams. In part, we feel that from a site  
15 plan standpoint, these are more items that are relevant  
16 to the buildings and the construction and the building  
17 permits and plans, and not relevant to a site plan  
18 per se.  
19 So we feel that approval of the site plan  
20 with these conditions is something that we cannot agree  
21 to or act upon at this time and wanted to try to catch  
22 you before you made the motion and made the roll call  
23 on that. So from a standpoint of procedure, I don't --  
24 you know, this is passed. I don't know if we have to  
25 come back before you or whether we should table it or

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1 if we can still table it.  
2 But this is -- for instance, item number  
3 seven. We can't sprinkle a two-story, 214 unit  
4 building under our current budget. It would just take  
5 us out of feasibility. So these are all things that we  
6 need to work through with staff before an agreement can  
7 be reached.  
8 MR. GLOWACKI: It's also not -- I'm sorry,  
9 Paul Glowacki with Dimit.  
10 Number seven is not required by the building  
11 code either. Under the existing building code, we  
12 would not have to sprinkle those units. So that would  
13 have to be addressed kind of outside of the scope of  
14 the zoning. That's really a building code item.  
15 Sewer -- or, sorry, fire hydrants and that  
16 type of thing would be part of that, but not the actual  
17 buildings themselves, both the community buildings and  
18 the residential buildings.  
19 CHAIR McCOY: Well taken. Yes, and that's,  
20 you know -- here's what I would say to that. That's  
21 kind of why I was really unsure when we first seen  
22 that. That's not generally something that I've seen.  
23 But, you know, even from the permitting process, I mean  
24 it seems like these -- and then so what -- some of  
25 these things were never addressed. Can you tell us

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1 why?  
2 MR. MIGNOGNA: We had correspondence back  
3 from October of '17 between our civil engineer and  
4 Ms. Harper, and I believe that the correspondence and  
5 the discussions and the dialogue between the two of  
6 them broke down between the holidays till now.  
7 So there have been responses, and I believe  
8 that staff has acknowledged that there have been  
9 responses, but the dialogue has not been completed.  
10 And because we were presenting for a site plan and not  
11 for building code issues and building plan review  
12 comments, we didn't foresee that these issues would be  
13 raised for this agenda item.  
14 CHAIR McCOY: Mr. Mignogna, so is it just  
15 number seven is causing the heartburn?  
16 MR. MIGNOGNA: I'm going to invite my GC up  
17 here to see if we can -- if we have addressed the other  
18 items already.  
19 (Discussion held off the record.)  
20 MR. MIGNOGNA: Right, six requires  
21 negotiations with a third party organization and an  
22 additional structure to be added. That was not  
23 contemplated. I don't know if I can deliver on six. I  
24 don't want to make false promises just to get your  
25 approvals. So I would rather table this than to have

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1 to agree to six or seven.  
2 Regarding one through five, I haven't had the  
3 chance to examine these conditions.  
4 CHAIR McCOY: Well, let me -- what would be  
5 the maintenance that's involved in these bus shelters,  
6 Mr. Gagnon?  
7 MR. GAGNON: At this point, I think that the  
8 item was approved by the Planning and Zoning Board with  
9 specific conditions. Planning and Zoning Board is a  
10 recommendation board to City Council.  
11 If the development team -- and I believe  
12 everyone received this packet a week in advance. It  
13 was sent out; the web link was sent out. If there was  
14 miscommunication, I'll take responsibility for that.  
15 So to my knowledge, this information was made  
16 public a week ago. If there were questions or  
17 concerns, I wish they were discussed prior to tonight.  
18 But the bottom line is Planning and Zoning Board is an  
19 advisory board to the City Council. I will almost  
20 guarantee these items will be brought up again in the  
21 City Council forum.  
22 Between now and that point in time, I think  
23 we'll have adequate opportunity to discuss financial  
24 implications, feasibility, things of that nature. But  
25 I will guarantee that these questions will come up at a

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1 City Council meeting.  
2 MS. SHEPHERD: May I ask a question? The  
3 Palm Tran, where is it located now near Stonybrook? Is  
4 it one outside the --  
5 MR. GAGNON: There is an existing bus stop on  
6 the north and south side of MLK.  
7 MS. SHEPHERD: So what you're asking, for  
8 Palm Tran to come inside of the complex? Is that what  
9 you're asking?  
10 MR. GAGNON: No. So in order to establish a  
11 bus shelter, Palm Tran requires establishment of an  
12 easement and the shelter would be placed inside of that  
13 easement. This is something that we're anticipating is  
14 needed due to the frequent use of Palm Tran. I believe  
15 Mr. Butler had made a comment before that he was  
16 utilizing bus transit for some period of time.  
17 However, there's no existing shelter  
18 currently, so if you can imagine if it's hot out, if  
19 it's raining, there's no shelter to protect someone  
20 that's waiting for the bus. So our analysis of the  
21 site plan thought that it was crucial that that was  
22 identified and that an easement was granted and that a  
23 shelter was provided.  
24 MS. SHEPHERD: Okay.  
25 MR. KUNUTY: Mr. Chair.

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1 CHAIR McCOY: Mr. Kunuty.  
2 MR. KUNUTY: Yes, I mean I'm looking at the  
3 note from Palm Tran. And it says: Thanks for reaching  
4 out. I see the assessment -- the easement. I'm not  
5 sure if the City has made shelter installation part of  
6 the conditions of approval. If so, I've attached some  
7 requirements for the shelter.  
8 So I think that should be made available to  
9 the applicant, if it hasn't been.  
10 MS. HARPER: It was.  
11 MR. KUNUTY: It was, okay.  
12 CHAIR McCOY: Okay, well --  
13 MS. SHEPHERD: Well, they definitely need a  
14 shelter. That they need.  
15 MR. MIGNOGNA: Mr. Chairman, a point of  
16 clarification. Who is to build and install and  
17 maintain the bus shelter? I see where applicant must  
18 provide an easement. Do we know --  
19 MR. GAGNON: So it's staff's current  
20 recommendation that the applicant both installs it and  
21 maintains it. I don't know if this is the best forum  
22 to have that conversation at this point.  
23 Again, this information was made publicly  
24 available a week in advance of this meeting. If there  
25 was miscommunication, I'll apologize and take that on

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1 my shoulders. Again, we'll have an opportunity to  
2 discuss all of the conditions, all the elements, all  
3 the talking points that we went through tonight between  
4 this point and the City Council meeting, which  
5 Ms. Shepherd did bring up the point which City Council  
6 meeting is it scheduled for. It has not yet been  
7 scheduled for a City Council meeting.  
8 So if that needs to get pushed out to a much  
9 later date for these to get resolved, whatever needs to  
10 happen, if it has to come back to the Planning and  
11 Zoning Board, we can bring it back to Planning and  
12 Zoning Board, whatever needs to happen to resolve these  
13 items.  
14 MS. SHEPHERD: Yes, because if you're going  
15 to do it, you must do it right, you know. Got to do it  
16 right.  
17 MR. MIGNOGNA: Would it be wrong to ask for  
18 approval of the site plan without the requirements  
19 associated with the construction of the project and  
20 make that a condition of permit approval?  
21 MR. GAGNON: The City really doesn't have a  
22 legal mechanism to place it on the shoulders of permit  
23 approval. So having the conditions of approval with a  
24 resolution that would coincide with the site plan  
25 approval and the development order would allow staff,

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1 during that permit approval process, prior to final  
2 C.O., to have the ability to ensure that all conditions  
3 of approval were satisfied.  
4 MR. MIGNOGNA: So if this was approved, this  
5 moves on to City Council, and then that's a  
6 recommendation, but not a final determination?  
7 MR. GAGNON: Unless you want to table the  
8 item for tonight and bring it back to another Planning  
9 and Zoning Board meeting, that's exactly correct. This  
10 is a recommendation of the Planning and Zoning Board to  
11 City Council. City Council will review all the items  
12 presented to the Planning and Zoning Board tonight at a  
13 future City Council meeting.  
14 Again, Planning and Zoning Board is a  
15 recommending body to City Council. If there are  
16 economic reasons that these can't be facilitated, there  
17 will be at least two more public meetings to discuss  
18 those factors, being that the abandonment is an  
19 ordinance. So again, we have at least two more public  
20 meetings at City Council level to discuss all of the  
21 elements associated with this project.  
22 MR. MIGNOGNA: Then if we could just note for  
23 the record that staff will work with applicant to  
24 potentially discuss these items and modify the  
25 recommendations of the Planning and Zoning Board so

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1 that what appears as a recommendation from staff to  
2 City Council, if it is different is because it was  
3 performed after the approval of this, with the express  
4 understanding of the Planning and Zoning Board that  
5 additional conversations need to occur between  
6 applicant and City staff, which may change City staff's  
7 recommendation.  
8 MR. GAGNON: What I'll be happy to do is to  
9 provide the Planning and Zoning Board packet, as it  
10 exists, to Council and provide supplemental  
11 documentation in a memo format to Council that  
12 identifies the fact that the development team and City  
13 staff had worked through these specific talking points  
14 and provide City Council with final resolution to those  
15 items. But I won't modify this packet, because this is  
16 part of the Planning and Zoning Board record. However,  
17 I will provide that supplemental documentation.  
18 Additionally, staff has the opportunity, with  
19 the agenda item summary sheet that's basically the  
20 cover page for the City Council agenda item, to provide  
21 additional information as well, so I can make note of  
22 that within that agenda item summary.  
23 MR. MIGNOGNA: And we're fine with that. I  
24 just want to make sure you all know that, you know, we  
25 have some issues with these comments. We're not going

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1 behind your back when we go to City Council and push  
2 for something different, and perhaps we can reach  
3 agreements with staff to modify some of these  
4 requirements outside of your knowledge, because you've  
5 already approved it.  
6 MR. KUNUTY: Mr. Chair, the only thing I  
7 would ask is that whatever the modifications are, they  
8 are -- Planning and Zoning Board is informed of them.  
9 MR. GAGNON: I will provide the Council  
10 meeting minutes as soon as they're available.  
11 MR. KUNUTY: Okay, no further questions.  
12 MR. GUSTAFSON: Mr. Chair.  
13 CHAIR McCOY: You're recognized.  
14 MR. GUSTAFSON: If I understand correctly, we  
15 made a motion, which I also seconded, that we're going  
16 to approve item C with the recommendations one through  
17 seven. That went through and passed, but now are we  
18 going to see an alteration before it goes to Council?  
19 CHAIR McCOY: No, no. I think they were just  
20 supplementing the record that the applicant didn't  
21 approve of items six and seven, if I am correct.  
22 MS. BUSBY: You're correct, Chair.  
23 CHAIR McCOY: So there's no changing.  
24 MR. GUSTAFSON: Okay, so the item C will go  
25 through to Council with Planning and Zoning's

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1 recommendations one through seven?  
2 CHAIR McCOY: Yes.  
3 MR. GUSTAFSON: Very good. Thank you.  
4 CHAIR McCOY: Okay, so we're done with that.  
5 I think we're done with it, right? Good enough.  
6 Item number IX, workshop. We're not in a  
7 workshop. We're at item X, public comments.  
8 Peter Hruda.  
9 MR. HRUDA: Mr. Chair.  
10 CHAIR McCOY: Excuse me one second. Did we  
11 take a roll call vote on that item C? We did, correct?  
12 Yes, we did.  
13 Okay, Mr. Peter Hruda.  
14 MR. HRUDA: I'm a Singer Island resident, and  
15 I have a business here in Rivera Beach. And I like the  
16 idea of HUD coming in. It sounds like a great project  
17 if it can be approved.  
18 One of the things I have noticed recently is  
19 the amount of traffic on the Island and the amount of  
20 construction workers that are using the parking  
21 facilities all over the Island, on the Island side to  
22 park.  
23 I know Cast Construction at the 500 Building  
24 buses them in with a bus system that they, you know,  
25 sponsor the bus system, the transit. There are some

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1 other, the Amrit and some other ones do not have such  
2 facilities, and they're parking sporadically wherever  
3 they can find parking.  
4 I brought this up at one of the other  
5 meetings. I've actually had a conversation with Jeff  
6 on the same issue, just to kind of bring it up to his  
7 attention.  
8 And it's a concern, because they are coming  
9 in at very early hours, quite a few of them, and  
10 they're going rather quickly. I made the law  
11 enforcement, City of Riviera Beach Police, I've asked  
12 them to look into the traffic patterns and the speeding  
13 which is going on.  
14 And just the fact that, you know, they're  
15 transient, they're coming from different locations, a  
16 lot of them. The contractor is from Miami and the  
17 Miami/Fort Lauderdale area. They're coming up, and  
18 they park all day long. They undress in the parking  
19 lot before the end of the day to go home. And I would  
20 just like -- am I doing something? Sorry about that.  
21 So it's becoming an issue for residents, for  
22 our transient people that come in to enjoy the Island.  
23 You have the parking lot has been redone between Johnny  
24 Longboats and the Sands Hotel, which is nice. It's  
25 added to our parking. But these people are trying to

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1 find parking places.  
2 And I just wanted you to be made aware that  
3 something, if it can be addressed in some way, or the  
4 contractors at least can be noted that the amount of  
5 employees needs to seek some type of other  
6 transportation and parking for their construction  
7 workers, because it's a two year project. It's not  
8 something that's a short-term project. These projects  
9 that are going on are very long, long scheduled. So I  
10 see this as being a pattern, a continuing pattern --  
11 MS. SHEPHERD: Point of order one minute.  
12 Can they step outside, Mr. McCoy, so we can hear? We  
13 can't hear him.  
14 MR. HRUDA: Am I not speaking properly into  
15 the mike?  
16 MS. SHEPHERD: No, no. They were talking,  
17 and we couldn't hear.  
18 MR. HRUDA: I'm sorry.  
19 In the conditions, I know there are permits  
20 and fees, you know, towards these people, but the  
21 roadways and the conditions of the roadways at this  
22 early stage of the contract or the construction part  
23 are being damaged. And if just if someone could pay  
24 attention to that, make sure there is some type of  
25 repair in the future, that would be, you know,

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1 appreciated from the standpoint of just people on the  
2 Island using the roadways and what have you. So that's  
3 one of my biggest concerns.  
4 The other one is the actual conditions of the  
5 pathways to the beaches. Is there -- who monitors the  
6 particular pathways to the beach? Who takes care of  
7 that?  
8 MR. GAGNON: (Inaudible.)  
9 MR. HRUDA: Okay, all right. So my concerns  
10 are the conditions and the repairs on the pathways  
11 leading to the beach-ways. And that's it, and thank  
12 you for this time.  
13 MR. GAGNON: Turn this microphone on now and  
14 speak right into it, right?  
15 The specific paths to the beach, it's going  
16 to technically depend on if it's an easement, if  
17 someone has specific access to the easement, if it's a  
18 specific HOA or if it's just public.  
19 Public Works, if it was a community easement  
20 for the City only and not an HOA, then it would be  
21 Public Works Department. If it's a specific easement  
22 dedicated to a specific HOA or POA, then there might be  
23 a dedication requirement that requires that POA to  
24 maintain it.  
25 Oftentimes during the construction process,

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1 there is special treatment of those areas that needs to  
2 occur. Whether or not that's having a silt screen or  
3 having almost a pedestrian roof or a walkway to ensure  
4 that there's no construction element that could  
5 interfere with pedestrian access could also come into  
6 consideration.  
7 So that's a, I guess, very general answer.  
8 If there's a specific pathway or walkway, we'd be happy  
9 to look and see exactly how it was dedicated and who  
10 has responsibility to maintain that pathway.  
11 MR. HRUDA: Okay. My particular one is  
12 actually between the Tiara and the Amrit.  
13 MR. GAGNON: Okay.  
14 MR. HRUDA: It's in -- I've talked to Public  
15 Works, and they were very accommodating. They came  
16 out, met with me, and then it seemed to -- nothing  
17 happened. So I'm not sure if there's something going  
18 on that I don't -- I'm not, you know, aware of or  
19 there's a reason that hasn't taken place. But it's  
20 really bad.  
21 MR. GAGNON: Okay, I'll be happy to follow up  
22 with the Public Works Director --  
23 MR. HRUDA: Okay, thank you.  
24 MR. GAGNON: -- to address that.  
25 MR. HRUDA: And the parking?

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1 MR. GAGNON: Parking, I actually, I believe  
2 that -- I don't know if you made the comment at another  
3 community meeting on Singer Island, but that spurred on  
4 staff to do an analysis of existing parking. I believe  
5 that our Acting Assistant Chief had started an analysis  
6 of that. I need to see whether or not we received  
7 e-mail correspondence about those final results.  
8 MR. HRUDA: Okay.  
9 MR. GAGNON: I'd be happy to look and see  
10 what I have in my e-mail and follow up with you on  
11 that.  
12 MR. HRUDA: Thank you very much.  
13 MR. GAGNON: You're welcome.  
14 MR. HRUDA: Thank you, everybody.  
15 CHAIR McCOY: Thank you.  
16 P & Z Board comments. Any members with any  
17 comments?  
18 Hearing none, Mr. Gagnon, project updates.  
19 MR. GAGNON: I don't have a comprehensive  
20 project update at this time. I did want to mention the  
21 fact that we have multiple ordinances that came before  
22 the Planning and Zoning Board that are going before  
23 City Council on second reading on the 2nd, that is the  
24 medical marijuana ordinance, the principal arterial  
25 overlay ordinance, as well as the separation

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1 requirement for gas stations. Those will be presented  
2 on second reading.  
3 On first reading we'll have the Technical  
4 Manual and Policy and Procedural Manual, so we look  
5 forward to having those move forward.  
6 If it's okay with the Board, I'll move into  
7 correspondence as well. Just wanted to make note of  
8 the fact that we received documentation for an upcoming  
9 planning officials training workshop, so if the Board  
10 has interest in attending, please let me know off-line,  
11 and we'll make sure that anyone that's interested in  
12 attending has the opportunity to do so.  
13 MS. SHEPHERD: Mr. Gagnon, do we have to pay  
14 for that or --  
15 MR. GAGNON: No, the cost will be provided by  
16 the City.  
17 MS. SHEPHERD: Okay, I would like to go to  
18 that.  
19 MR. GAGNON: Okay.  
20 CHAIR McCOY: And do you have anything on  
21 upcoming meetings, Mr. Gagnon?  
22 MR. GAGNON: So our upcoming meetings are  
23 scheduled for May 10th, May 24th. At this point in  
24 time, I don't have anything in my mind that would make  
25 that May 10th agenda. It's subject to change, but more

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1 than likely, we'll meet on May 24th.  
2 CHAIR McCOY: Okay. Anything else from  
3 members?  
4 All right, we stand adjourned.  
5 (Whereupon, at 9:30 p.m., the proceedings  
6 were concluded.)  
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1 CERTIFICATE  
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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 5th day of May, 2018.  
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21 \_\_\_\_\_  
22 Susan S. Kruger  
23  
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