

1 like to have pulled, anyone?

2 COMMISSIONER HUBBARD: No.

3 CHAIR MILLER-ANDERSON: Are you thinking,
4 or --

5 COMMISSIONER HUBBARD: No, I don't have any.

6 CHAIR MILLER-ANDERSON: All right. So do we
7 have a motion to accept the consent agenda?

8 VICE CHAIR DAVIS JOHNSON: So moved.

9 COMMISSIONER HUBBARD: Second.

10 (Vote taken. Motion to accept the consent
11 agenda unanimously approved.)

12 CHAIR MILLER-ANDERSON: All right. Item
13 number three.

14 ADMINISTRATIVE ASSISTANT SEGUIN: A
15 resolution of the Board of Commissioners --

16 CHAIR MILLER-ANDERSON: You've got to speak
17 up a lot more.

18 ADMINISTRATIVE ASSISTANT SEGUIN: A
19 resolution of the Board of Commissioners of the Riviera
20 Beach Community Redevelopment Agency finding that the
21 site plan for the proposed single story Crab Pot site
22 restaurant at 386 East Blue Heron Boulevard, which is
23 located north of Blue Heron Boulevard and east of Lake
24 Shore Drive, is consistent with the CRA Plan, providing
25 an effective date.

1 CHAIR MILLER-ANDERSON: All right. Do we
2 have a motion?

3 COMMISSIONER HUBBARD: So moved.

4 VICE CHAIR DAVIS JOHNSON: Second.

5 CHAIR MILLER-ANDERSON: All right, Mr. Evans.

6 INTERIM EXECUTIVE DIRECTOR EVANS: Did you
7 want the presentation --

8 CHAIR MILLER-ANDERSON: I'm sorry, yes, the
9 PowerPoint, yes. I'm sorry. Mr. Spacht. Spacht?

10 MR. SPACHT: Spacht.

11 CHAIR MILLER-ANDERSON: Okay. Well, I called
12 the wrong one. This is the one that -- no, go ahead;
13 you go ahead. But, yes, I wrote it down wrong. The
14 3(a), we're on 3(a) -- well, we're on three for
15 Mr. Spacht, and then 3(a) is the agenda item that you
16 just read.

17 MR. SPACHT: I'd like to thank you for the
18 opportunity to speak this evening on behalf of the
19 residents of Marina Grande.

20 Could the folks that are supporting me please
21 hold your hands up for a second? Thank you; thank you
22 very much.

23 Just to give you a background of where we
24 stand, the restaurant has a site application that's
25 incomplete and does not state the facts accurately. In

1 fact, we went to the Planning and Zoning Board on this,
2 and they denied the application because it was -- it's
3 based on having to have a piece of FDOT property leased
4 to it to provide three parking spaces. In addition,
5 they have their entire semicircular driveway on the
6 property, so without the FDOT property, the whole
7 project doesn't work.

8 FDOT confirmed in writing, both to the Marina
9 Grande attorney -- that is the Marina Grande HOA
10 attorney -- and residents of Marina Grande through
11 various people at various times that they won't lease
12 the property in question.

13 They reserve the right to cancel the lease,
14 if they had given a lease, within 30 days' notice. And
15 the reason that they won't lease the property is they
16 intend to use the property in the future for
17 construction work on the Blue Heron bridge.

18 And finally, they have a clause in all their
19 leases that states that the lease cannot be used to
20 meet code requirements, and the three parking spaces
21 that were planned for that FDOT property are necessary
22 to meet the code requirements.

23 So what we're here to discuss tonight, even
24 in a situation where we're not really sure why we're
25 here, because the project hasn't been approved by the

1 Planning and Zoning Board, what we're here to discuss
2 is if it was approved, if there was a waiver granted of
3 some form, then is it compatible with Marina Grande.
4 And we feel the answer to that is no.

5 First of all, there are issues associated
6 with noise because the restaurant is immediately
7 adjacent to the living spaces of Marina Grande.
8 There's insufficient parking in the area, and there's a
9 traffic issue that the old Crab Pot had, which was 150,
10 could handle 150 patrons, and the new restaurant that's
11 going in is planned to be 230 patrons, plus
12 approximately 30 staff, according to the developer.

13 The noise issues come in two pieces. One is
14 the proximity to the source. That's -- the proximity
15 is because the restaurant is approximately 25 feet --
16 the deck of it is within 25 feet of a residence, and it
17 has open dining, so there's noise associated with that.

18 There's also amplified music that's not
19 contained in the building. And there was an agreement
20 between the HOA and the developer associated with
21 amplified live music, but that does not cover amplified
22 music as a whole.

23 Furthermore, there's a reflective noise
24 problem because the building is right next to a
25 concrete bridge. And the bridge structure reflects

1 southbound noise, that is noise that would flow
2 southward from the restaurant back onto Marina Grande.

3 The proximity problem we can relate to, a
4 problem that was experienced at the Ritz Carlton
5 relative to the noise from Two Drunken Goats. I have
6 submitted to the Board a more detailed presentation
7 that explains this issue in a bit more detail, but the
8 bottom line is if you compare the Ritz Carlton and
9 Marina Grande situations for similar noise, Marina
10 Grande is 20 to 40 times closer than the Ritz Carlton,
11 and as a result, the perceived noise -- I'm not talking
12 about dBs, et cetera, but what you literally hear from
13 your ears would be six to nine times greater than the
14 noise that the Ritz Carlton complained about. So you
15 can see that this is an issue. It's not a small issue.
16 This is an issue of whether people can even use their
17 homes.

18 The bridge, in addition, aggravates the noise
19 problem because it acts like an acoustic mirror. When
20 you go to an amphitheater to hear a performance, the
21 amphitheater has a large backdrop, and that takes noise
22 that's on the stage and projects it forward onto the
23 audience. In the case of Marina Grande, you've got a
24 bridge next to the restaurant that will take noise
25 generated by the restaurant that would flow south, and

1 it bounces off that concrete surface.

2 And then some of it will reflect off the
3 water, because the water, again, is an acoustic mirror.
4 As anyone who lives near the water can tell you, sound
5 carries across the water. So the sound will reflect
6 off the concrete building, off the water and onto
7 Marina Grande. And that noise combines with the
8 proximity noise to make the situation -- the Marina
9 Grande, the noise situation at Marina Grande will be
10 intolerable.

11 So the issue is that Marina Grande is
12 literally too close to the restaurant to allow
13 amplified music. The issue is magnified by the
14 location of the restaurant, which is next to a bridge,
15 which reflects the noise onto Marina Grande. The water
16 in front of Marina Grande further exacerbates the
17 issue. And finally, we believe that the noise from the
18 deck may exceed the Riviera Beach noise ordinance, even
19 without music.

20 Just literally, you've got people dining --
21 think of it this way: You have a home, and some 200
22 people show up on your driveway and have dinner. Now,
23 I'm exaggerating, because only 70 of them are on the
24 deck. But 70 people show up on your driveway and have
25 dinner. What will the noise be like?

1 And what will happen if you've approved this
2 project? After it's approved, what do we do with the
3 noise? We'll be filing noise complaints, the police
4 will be dealing with it, eventually fines will occur.
5 The issue won't be resolved. Are we going to close the
6 deck, which has a negative impact on the business, or
7 are we going to waive the ordinance and thereby devalue
8 the Marina Grande property value? Neither one of those
9 is an attractive solution, and we believe that there is
10 really no solution to the problem other than don't
11 build the project.

12 The parking is another problem. Currently,
13 essentially, the parking situation on -- at Marina
14 Grande is that there are 75 spaces inside of Marina
15 Grande that are under an easement to the Marina, and
16 there are 64 surface spots that the Marina has. The
17 Marina has entered into an agreement to allow up to 75
18 spaces to be used by the restaurant, but that's on a
19 nonexclusive basis. So that's like telling you that if
20 you have four people sitting at the table, we're going
21 to take away all the extra chairs, and then we'll allow
22 four more people to be able to use your seats. They
23 won't be able to. So that agreement that allows
24 nonexclusive use of the spaces is of zero value.

25 So what's the situation when we start -- when

1 we put the restaurant in place? Per the developer's
2 presentations, 230 patrons and about 30 staff, so it's
3 260 people. So how many cars are required by 260
4 people? Other municipalities require about, or
5 calculate it essentially two and a half people per car.
6 So you take two and a half and divide it into 260, and
7 you find that you need 104 parking spaces to
8 accommodate the restaurant.

9 The proposed restaurant, as it stands today
10 without the FDOT property, has 12 spaces available in
11 it. There's another eight that the Marina Grande and
12 the developer have agreed they can use on the Marina
13 Grande property, but the parking requirements with
14 those 104 additional spaces added that I mentioned
15 previously, says that there's 90 spaces, 90 new spaces
16 that are required in order to satisfy the parking for
17 this restaurant.

18 Since there are only 12 new spaces to be
19 built with the proposed restaurant, and the new
20 parking -- a new parking facility is required that
21 holds 90 vehicles as a minimum, and if it isn't
22 provided either by the City of Riviera Beach or by the
23 developer, we're going to end up with a huge illegal
24 parking problem for the local businesses.

25 The current Publix, if you go speak to the

1 manager at Publix, already has a problem with illegal
2 parking on a busy day when the Marina is busy,
3 et cetera. So parking is a problem that can only be
4 resolved by a new parking facility.

5 This is the third issue, which is traffic.
6 It's too small to read there, but the upper arrow
7 points to an estimate that says that the restaurant
8 will only generate 326 trips per day to it by cars.
9 And the second arrow, again which is difficult to read,
10 essentially says during the peak morning and evening
11 hours, there will be essentially 15 cars coming and 15
12 cars leaving. That's 30 trips.

13 I should point out going forward a traffic
14 engineer calls a trip a car moving to or coming from a
15 location. You and I might think of a trip to the
16 restaurant is -- going and coming is one trip. In this
17 case, a trip is either going or coming. So when you
18 look at that, it says at the peak time there's only
19 going to be 15 cars going to the restaurant. Does that
20 seem right for a restaurant that's got 230 people
21 capacity?

22 So I started to do a little research.
23 Remember, I was looking at a Palm Beach County letter
24 to Riviera Beach basically saying the traffic will be
25 no problem. Well, Palm Beach County was given a report

1 put together by a professional engineering firm paid
2 for by the developer that ignored dining on the deck.
3 So it assumed that it was only the -- the only patrons
4 would be within the physical space of the restaurant.

5 The developer plans to use valets in order to
6 deal with parking the cars. That doubles the number of
7 trips a car has to make, because you drive the car to
8 the restaurant, the valet drives the car to the parking
9 lot, eventually drives the car back to the restaurant,
10 you then drive away. As a result, those 326 trips per
11 day turn into 815 trips per day.

12 But if you look carefully, you realize that
13 326, the original number, is it really 163 cars going
14 to the restaurant? You do some calculations, you find
15 out that's 420 people over the entire day visiting a
16 restaurant that has a capacity of 230. That doesn't
17 seem correct to me.

18 So we went to an individual in the restaurant
19 business and asked him if you've got a restaurant with
20 a capacity of 230 people, how many people would be in
21 your restaurant on a given day, at a given time?

22 And he gave me a so many people between five
23 and eight, et cetera, et cetera. And you build that
24 up, and you find that on a day when you have full
25 capacity, you have about 1,515 people passing through

1 the restaurant. The details of this, again, is in the
2 full presentation that I gave you.

3 As a result, again we go back, well, if it's
4 1,515 people, how many cars is that? Back to the two
5 and a half people per car says there's 606 cars. How
6 many trips per car? Well, the car has to come and the
7 car has to go, so that's two trips per car, that's
8 1,212 without the valet. If you use a valet, you have
9 to double it. That's 2,424 trips per car. That's 7.4
10 times the 326 trips that Palm Beach County analyzed.
11 So they were told a number that doesn't represent what
12 the restaurant will create.

13 The reason I got involved in this is because
14 the owner of the old Crab Pot told us that traffic was
15 a huge problem for the old Crab Pot, that cars coming
16 up the service road had to turn right on Lake Shore
17 Drive. He also told us that parking was a huge problem
18 for the old Crab Pot. So that's why I started to go
19 through this research and couldn't believe what the
20 Palm Beach County was told would be the traffic, and
21 the analysis backs that up.

22 If you look at this, you can see this is the
23 Blue Heron Bridge coming through the middle of the
24 picture, if you will. Above it is the access road that
25 I was speaking of. Now, that access road empties out

1 on a very convoluted intersection. And for some
2 reason -- there we go.

3 The green arrow is the cars coming up the
4 access road. The access road is one way. It enters
5 into the Lake Shore Drive at an on-demand signal. That
6 signal doesn't work unless a car is at the access road.
7 When it does open, it turns on for eight seconds and
8 then goes back to red.

9 And you can see all the various traffic
10 sources merging. You've got cars in and out of Marina
11 Grande, cars coming in and out of Publix. There's a
12 dentist office there that I don't show the cars coming
13 out of. You've got cars turning right off of Blue
14 Heron in front of the service road. So it is a very
15 dense intersection.

16 If we go back and ask the question, I talked
17 before about how many trips per day might you see, and
18 it looked like it was -- the estimate was way low.
19 Let's look at how many trips per hour you would see
20 when you have 230 people in the restaurant.

21 And again, 230 people are there for about an
22 hour, which is for a high turn restaurant, which is
23 what this is estimated to be according to the report
24 given to Palm Beach County. Then, again, 230 people,
25 2.5 patrons per car, and again, two trips per car, you

1 end up with 185 trips per hour coming down that access
2 road. Remember, they were told 15. Palm Beach County
3 was told 15 trips per hour. I'm telling you 185, or
4 three cars per minute that come to that on-demand
5 light. The on-demand light's only on for eight
6 seconds.

7 In addition, there are 92 trips per hour that
8 leave and go onto Lake Shore Drive, and that will
9 aggravate the traffic situation as well. So the peak
10 traffic can be 12 times as high as what was told to
11 Palm Beach County, and the amount that Palm Beach
12 County is the reason that you were given a letter
13 saying that there was no traffic impact of this
14 restaurant.

15 So this is a graphic way of looking at it.
16 You've got 185 cars coming up to that red on-demand
17 light. You've got 92 cars -- these are cars per hour
18 going north on Lake Shore Drive and 95 coming south on
19 Lake Shore Drive. As a minimum, the on-demand light is
20 going to have to change. In all likelihood, the light
21 on Blue Heron will have to change. If you don't change
22 the on-demand light on the service road, it will
23 literally come to a halt. It will become saturated or
24 inoperative, based on the mathematics.

25 So from a traffic standpoint, per the former

1 owner, who warned us that the Crab Pot was a traffic
2 problem before Marina Grande was built, before Publix
3 was built, before the Marina was built, all right, the
4 developer's traffic submitted to Palm Beach is
5 inaccurate. It doesn't include valets, it didn't
6 represent the restaurant's capacity, and it
7 underrepresented the actual patronage of the
8 restaurant. A traffic study is required to understand
9 what the impact of the restaurant is on that Blue
10 Heron/Lake Shore intersection and what steps have to be
11 taken to remediate the impact.

12 So in conclusion, the proposed restaurant is
13 incompatible with the existing community because of the
14 noise impact itself on Marina Grande, the lack of a
15 vehicle parking facility that houses at least 90
16 vehicles, and the proposed restaurant may also prove to
17 be incompatible as a result of adverse traffic. But I
18 can't make that assertion until someone does an
19 accurate and complete traffic study.

20 So finally, what I'm asking is that the CRA
21 not approve the proposed project, given its
22 incompatibility with and the adverse impact upon the
23 community. Thank you very much for your time.

24 CHAIR MILLER-ANDERSON: Thank you.

25 Okay, so the PowerPoint presentation was

1 basically just your typical -- not typical -- your
2 public comment card, so we will not have as many to
3 come through. We'll follow up now with our item 3(a),
4 which is the actual item. You want to restate that for
5 us, please?

6 ADMINISTRATIVE ASSISTANT SEGUIN: A
7 resolution of the Board of Commissioners of the Riviera
8 Beach Community Redevelopment Agency finding that the
9 site plan for the proposed single story Crab Pot site
10 restaurant at 386 East Blue Heron Boulevard, which is
11 located north of Blue Heron Boulevard and east of Lake
12 Shore Drive, is consistent with the CRA Plan, providing
13 an effective date.

14 CHAIR MILLER-ANDERSON: Motion.

15 VICE CHAIR DAVIS JOHNSON: We already --

16 CHAIR MILLER-ANDERSON: We already gave it,
17 yes, I'm sorry.

18 Okay, so Mr. Scott Evans, do we have someone
19 that's doing a presentation?

20 INTERIM EXECUTIVE DIRECTOR EVANS: Good
21 evening, yes. The new site plan applications that are
22 submitted to the City that fall within the CRA
23 boundaries are required to be reviewed by the CRA Board
24 for consistency with the CRA Plan, and then this
25 recommendation is then forwarded to the City Council.

1 It's forwarded along with the Planning and Zoning
2 Board's. So the CRA Board is a recommending body,
3 along with the Planning and Zoning Board, and the City
4 Council is the official approving authority for all
5 development projects.

6 The City's -- the CRA Board's review of this
7 particular project does not include consistency with
8 the City code, however, the Interim Director of
9 Community Development, Jeff Gagnon, is here in case the
10 Board has any questions they'd like to answer on the
11 code issue.

12 The restaurant is located directly south of
13 the Marina Grande condominium, and it's north of the
14 Blue Heron Bridge. The site was formerly the Crab Pot
15 restaurant, as was mentioned earlier, and the new
16 proposed plan is for a 4,482 square foot new
17 restaurant.

18 The project is located in our downtown zoning
19 district, and this was developed with assistance from
20 the Treasure Coast Regional Planning Council, and it
21 was based on the citizens' charette. And these
22 principles were designed to promote urban development
23 which allows combining residential and commercial
24 development.

25 The adjacent Marina Grande project is also a

1 very dense urban mixed use development, and the City is
2 seeking to attract additional projects which are
3 similar to that, like the Publix on Blue Heron.

4 The regulations also allow flexible and
5 reduced parking requirements. A lot of downtown areas
6 all across the country adopt reduced parking
7 requirements. They allow the development of small and
8 medium sized infill sites and mixed use projects by
9 allowing parking to be provided in other locations.
10 This includes right-of-way, on-street parking, surface
11 lots and parking garages.

12 The Planning and Zoning Board reviewed this
13 project for consistency with the Comprehensive Plan and
14 the zoning regulations on May 11th and June 8th of
15 2017, and many residents attended, along with attorneys
16 representing the Property Owners' Association. And the
17 Planning and Zoning Board voted to recommend that City
18 Council deny the project by a vote of five to two.

19 The CRA staff recommends finding that the
20 site plan for this project is consistent with the
21 Redevelopment Plan as a mixed use project within the
22 downtown zoning area, and we recommend that the Board
23 find that finding. It would be a recommendation that
24 would then be forwarded to the City Council in final
25 review of the development application.

1 If the Board elects not to approve the
2 resolution, the agency will transmit the Board's
3 discussion and findings to City Council based on what
4 you decide here today additionally.

5 The applicant's representative, George
6 Gentile, has prepared a presentation for the Board to
7 review tonight which highlights their proposed project.

8 CHAIR MILLER-ANDERSON: All right.

9 MR. PERRY: I'm not George Gentile.

10 CHAIR MILLER-ANDERSON: State your name for
11 the record, please.

12 MR. PERRY: My name is Marty Perry, and I'm
13 here representing Seven Kings Holdings. With me this
14 evening is George Gentile, as well as Dan Siemsen with
15 his firm of Gentile Glas Holoway and O'Mahoney.
16 Additionally, I have Ray Graziotti, the President of
17 Seven Kings Holdings, and Tyson Waters, its general
18 counsel, and Shelby Lowe of Shelby Lowe and Associates,
19 who is a consultant to the project.

20 Just very briefly, and with all due respect
21 to the gentleman that just spoke at some length with
22 and through his PowerPoint, as pointed out by
23 Mr. Evans, the reality of tonight's issue is that we
24 are seeking approval of a determination as to whether
25 we are consistent with the CRA Master Plan. A

1 significant amount of the issues that were brought up
2 by this gentleman dealt with the issue of
3 compatibility, with noise, et cetera.

4 As Mr. Gentile will point out to you, and it
5 was mentioned briefly by Mr. Evans, we meet all of the
6 code requirements of the City. We're here basically
7 seeking a determination, as I've said, of consistency.
8 It's as limited and simple as that.

9 We will, however, be happy to address a
10 number of the points that he raised. These same points
11 were raised at the meeting before the Planning and
12 Zoning Board. A significant, if not -- number of
13 these, if not all of them have been addressed
14 subsequently.

15 We have met on numerous occasions with
16 representatives of the condominium's Board of
17 Directors, and the result of that is included in your
18 package. And that's an agreement that was reached
19 between us and the Board, the details, several of the
20 items that were brought up by him, and frankly, all of
21 them, the issues of noise and all of the rest of the
22 issues.

23 So having said that, we have Mr. Neil
24 Schiller here, who represented the Condominium
25 Association at the Planning --

1 UNIDENTIFIED SPEAKERS: (Inaudible.)

2 CHAIR MILLER-ANDERSON: Excuse me, excuse me.

3 Go ahead.

4 MR. PERRY: Just if I may speak.

5 CHAIR MILLER-ANDERSON: But this is what I
6 want to say you, if you don't mind. I know you said
7 that some of the items have been corrected or modified.
8 Can you just state on record what those items are
9 specifically so that we have those to counter those --

10 MR. PERRY: Yes, ma'am.

11 CHAIR MILLER-ANDERSON: -- points that were
12 made?

13 MR. PERRY: Hours of operation: The kitchen
14 and bar service is going to be restricted to 11 a.m. to
15 10 p.m. from Sunday through Thursday, and 11 a.m. to
16 11 p.m. on Friday and Saturday.

17 Parking. Seven Kings agrees to limit its use
18 of the Marina Grande parking garage to no more than
19 eight key employees, which eight employees will be
20 issued bar code stickers, access cards or fobs, as then
21 used by the Association, and will provide the
22 Association with the names of those employees, together
23 with vehicle information.

24 Noise. Seven Kings will only have live
25 amplified music on Saturdays, Sundays and nationally

1 recognized holidays, which live amplified music will
2 cease by 7 p.m. each night. Seven Kings will use its
3 best efforts to direct the use of amplifiers and
4 speakers away from the Marina Grande residential
5 towers. Other than that, the only other music will be
6 background music by tape, and it will not be directed
7 toward Marina Grande. It will be low-key noise. That
8 addresses the noise issue.

9 Access from Marina Grande. Seven Kings
10 agrees to allow Marina Grande to maintain and modify,
11 as necessary, the fence located along the existing
12 bulkhead in order to prevent restaurant patrons from
13 accessing the seawall behind Marina Grande residential
14 towers.

15 Furthermore, in the event Marina Grande
16 desires to install a secure access gate in the fence
17 for the exclusive use of residents and tenants of
18 Marina Grande residential towers and their guests and
19 invitees to have direct access to the restaurant, Seven
20 Kings agrees to a one time contribution for up to two
21 gates, with one gate to be located on or adjacent to
22 the existing bulkhead, and one gate located adjacent to
23 or near the northwest corner of the restaurant property
24 line in a mutually agreeable location.

25 Security. Seven Kings agrees to install

1 security cameras on the subject property and to work
2 with Marina Grande security to coordinate the efforts
3 for the safety and security of both properties.

4 Garbage dumpster. Seven Kings agrees to
5 fully enclose the proposed dumpster and will schedule
6 pickups for no less than three days a week.

7 After hours use of dock. As part of Seven
8 Kings closing process of the restaurant, each night
9 Seven Kings will have an employee walk the dock
10 associated with the restaurant in order to prohibit
11 restaurant patrons from traversing of the dock or
12 staying aboard vessels until the restaurant opens for
13 business the following day.

14 Now, those are the points that were all
15 agreed and set forth in the agreement with the
16 Association.

17 Granted, as reflected here tonight, and
18 people have raised their hands, there are members of
19 the Association that are still not in agreement with
20 this. But there are a number of residents of the
21 Association -- and there are 350 units in this
22 building -- that are in agreement with this, and
23 they're not here tonight.

24 UNIDENTIFIED SPEAKERS: (Inaudible.)

25 CHAIR MILLER-ANDERSON: Go ahead.

1 MR. PERRY: Having said those things, what
2 I'd like to do is let Mr. Gentile take you through,
3 quickly through his own PowerPoint, and I'd like to
4 reserve a little time for final comments. Thank you.

5 CHAIR MILLER-ANDERSON: Okay, thank you.

6 MR. PERRY: And forgive me, one other point.
7 Mr. Schiller, who is the attorney representing the
8 Association, is here this evening, and he intends to
9 speak also.

10 CHAIR MILLER-ANDERSON: Okay.

11 MR. GENTILE: Good evening, Chair and --

12 CHAIR MILLER-ANDERSON: Good evening.

13 MR. GENTILE: -- members of the CRA District.
14 Thank you for letting us come here tonight to show you
15 this.

16 I do want to reiterate that you all have
17 adopted the CRA Plan. You set codes in place for that.
18 We're in the downtown general district, and we are
19 consistent, as your staff has said, with that plan and
20 all of its requirements. And I just want to make sure
21 that you all knew that.

22 So the project, of course, is located on the
23 north side of the Blue Heron bridge, on the western
24 portions of it. It's a .34 acre site. Historically,
25 as was indicated earlier, there was a -- the Crab Pot

1 restaurant, and actually as I grew up here, that had
2 been there for years on that site. It was bigger than
3 the one we're proposing. It was about 6,000 square
4 feet. It was damaged in the 2005 hurricane and
5 basically was not rebuilt because of the -- as the
6 market turned as well. The site is currently vacant at
7 the present time.

8 And again, this is the plan for the Marina
9 Grande project as well as the Loggerhead Marina
10 facility. And you can actually see on there, there's a
11 very familiar name on the plan. We were very much
12 involved with this from day one, working with the
13 project as it was developed.

14 In the small corner down on the bottom you
15 can see that was the former plan, which was actually
16 still there when this plan was being developed for
17 Marina Grande and the Loggerhead Marina. As the site
18 was cleared, you can still see the restaurant was still
19 there in the location. So there's been a restaurant on
20 this site for numerous years.

21 And again, this is during the construction.
22 You can see the restaurant there as well. And I'm just
23 going to show you. It was slightly larger. And that
24 is the new site plan, which is the plan for the 4,482
25 square feet restaurant that we're proposing here, to be

1 also called the Crab Pot as well. This is the site
2 plan as it sits on that property. I'll go over the
3 plan in a little bit more detail.

4 As I said, it was .34 acre. It's 4,482
5 square feet. We've met, as you can see there, and I
6 won't go through every number, but we're allowed
7 building lot coverage of 80 percent, and we're at 30
8 percent. We're below the FAR. We're allowed to go
9 three stories. We've kept it one story. You can see
10 the setbacks there. We've exceeded the setbacks except
11 for the rear.

12 And the parking required, and I do want to
13 talk about that very briefly here, is that your code
14 specifically requires, your CRA code, we're required 15
15 spaces for that site. However, your regular code for
16 restaurants in the other districts in the community is
17 one per 300. So, but we're required 15 on this.

18 And so with the 12 on site and the 75 off
19 site, which your code also provides, as Mr. Evans
20 indicated, as with any downtown district, you have
21 on-street parking, you have off-site parking, and it's
22 basically to create walkability.

23 And that is -- so we meet -- we have 87
24 spaces, and we're required 15. Under the regular code,
25 we would be required actually 22 spaces, even including

1 the outdoor dining deck. So at 87, we far exceed the
2 parking requirements for this particular project. And
3 again, this is the calculation. The on site is 12.

4 And if you'll notice, we did not, in this
5 calculation, include the on-street parking that is in
6 the site plan just so that we would understand that we
7 will actually have six additional spaces if the FDOT
8 does lease that property for this. I think that at
9 some point in time there will be on-street parking
10 there, even as they do construction renovations to the
11 bridge, which we don't know when that will be.

12 And again, we indicated that your code, under
13 that Section 31-539 -- I can't read it from here, but
14 it says the CRA can allow, with permit arrangements,
15 off-site parking to meet the requirements. And we
16 provided you with a lease agreement that does do that,
17 so you have evidence that we have the ability to
18 provide well, well in exceeding the code requirements
19 for the parking.

20 This is the site plan. No, it won't show on
21 there, but the building is, as I said, 4,482 square
22 feet. We have 12 parking spaces. The dumpster has
23 been put far away from the residential side. When I
24 show you the architecture in a minute, you'll notice
25 that the architectural side facing the residents to the

1 north has been blanked off. There's no windows in that
2 location.

3 The entry comes in. There will be a drop-off
4 at the front main entry, and then they will come back
5 down into the access drive and go out. There will be
6 valet service there, and they will assist taking the
7 cars into the off-site parking.

8 This is the -- architecturally, this is the
9 plan. We have a very large kitchen area to serve this
10 restaurant. The service area will be in that area.
11 And this is oriented as it goes towards the water.
12 There's a bathroom area that's against the west side,
13 and then this is the entire dining area. And you'll
14 see the entry area is towards the south side. Truly,
15 dining is the main function and restaurant service for
16 this facility.

17 Architecturally, these are the elevations.
18 It's a coastal architectural style, and it does also
19 meet all the requirement that you have in your
20 guidelines and your CRA Plan. This is a view looking
21 towards the north where you see the Marina Grande and
22 the parking garage, and this is the one story building
23 that will be put in.

24 This is the access road that will be in the
25 front, and you can see the cars going towards the

1 drop-off area. This is a view looking eastbound from
2 the access drive, and this is the building as it will
3 be placed on the site so that you can see how it
4 engages the site where the drop-off area is and
5 architecturally how it meets your requirements for
6 having an entryway out on the roadway.

7 Again, I'm going to state for the record, as
8 your staff report did, we are consistent with all the
9 requirements. This is a permitted use in the downtown
10 general district, and I feel that we have met and
11 complied with everything.

12 On the traffic basis, I do want to make one
13 last comment. We all here in Palm Beach County come
14 under the guise of the Palm Beach County Transportation
15 Division. We have to meet the TPS or the
16 Transportation Plan Specifications. All of the numbers
17 are done consistently so that everyone in the county is
18 dealt with consistently.

19 This was provided. A traffic report was done
20 in accordance with the County standards, as well as the
21 City of Riviera Beach. It was provided to the County
22 for their review, and they have provided us a letter,
23 which your City requires, that we are found consistent
24 with their plans and requirements.

25 The trips that are proposed in there are to

1 meet the requirements based under the TPS guidelines,
2 and then they have to look at peak hour trips, which
3 all relate to all of the traffic on there, including
4 all the lanes, because every lane on the road has an
5 approximately 11,000 trip capacity. And so they look
6 at it in that basis. So we are consistent with the
7 TPS, we are consistent with the County traffic
8 requirements, which makes us consistent with the City
9 of Riviera Beach requirements.

10 I'd be glad to answer any questions. I'm
11 going to turn it back over to Marty to close right now.

12 MR. PERRY: I think, if you don't mind, just
13 for your convenience, I know you have some comment
14 cards, and Mr. Schiller wants to address the Board, and
15 I think what I'd like to do is just reserve a couple
16 minutes at the end just to make final comments.

17 CHAIR MILLER-ANDERSON: Do we have someone
18 else that needed to speak?

19 MR. PERRY: Pardon me? No, we're done, other
20 than me making final comments.

21 CHAIR MILLER-ANDERSON: Okay, so what we'll
22 be doing is going into public comments.

23 MR. PERRY: Pardon me?

24 CHAIR MILLER-ANDERSON: We'll go into public
25 comments --

1 MR. PERRY: Yes, ma'am.

2 CHAIR MILLER-ANDERSON: -- and then we'll
3 have our comments as well afterwards.

4 MR. PERRY: Okay. Will I have an opportunity
5 for any final comments?

6 CHAIR MILLER-ANDERSON: Is Mr. Schiller going
7 to do his -- will he be doing a three minute public
8 comment card, or will he be --

9 MR. PERRY: Yes.

10 CHAIR MILLER-ANDERSON: -- doing a --

11 MR. PERRY: Yes.

12 CHAIR MILLER-ANDERSON: Three minutes? Yes,
13 okay.

14 MR. PERRY: Yes.

15 CHAIR MILLER-ANDERSON: All right, so we'll
16 go ahead and go to public comment.

17 You already put it in, Mr. Schiller? Okay.

18 All right, public comment cards. Call like
19 the first three so we can have the people be prepared.

20 ADMINISTRATIVE ASSISTANT SEGUIN: Okay, the
21 first person up is Michael Albanese, followed by
22 Gabriela Johnson and Gary Palma.

23 CHAIR MILLER-ANDERSON: Is the first person
24 here? You can come on up.

25 MR. ALBANESE: I'm here, but I had X'd it

1 out.

2 CHAIR MILLER-ANDERSON: Oh, you're not going
3 to speak? Okay. So what was the second name?

4 ADMINISTRATIVE ASSISTANT SEGUIN: Gabriela
5 Johnson.

6 CHAIR MILLER-ANDERSON: Are you coming?

7 MS. JOHNSON: No.

8 CHAIR MILLER-ANDERSON: You're not speaking?
9 Okay.

10 ADMINISTRATIVE ASSISTANT SEGUIN: Gary Palma.

11 MR. PALMA: I didn't check the box.

12 CHAIR MILLER-ANDERSON: Not speaking, okay.
13 What box are they saying they checked off?

14 THE CLERK: No box. They wrote -- they
15 didn't say that they wanted to pass their three minutes
16 along, so --

17 CHAIR MILLER-ANDERSON: Okay, just go through
18 the list and we'll see who --

19 ADMINISTRATIVE ASSISTANT SEGUIN: Brian
20 Gibbons.

21 CHAIR MILLER-ANDERSON: Just say pass if
22 you're not going to speak, and if you are speaking,
23 just come to the mic.

24 ADMINISTRATIVE ASSISTANT SEGUIN: And then it
25 will be Jaxon Ferm and Mary Collins.

1 CHAIR MILLER-ANDERSON: Okay. And as I
2 reminded you before, we have three minutes, and I'd
3 just ask that everyone pay attention to the clock so
4 that we don't have to stop you.

5 MR. GIBBONS: Okay. My name is Brian
6 Gibbons. I live at Rio -- at Marina Grande in Unit
7 103.

8 My concern is the parking, and I'm not sure
9 that I understand how this is all going to work. I did
10 read the agreement that was signed by -- the Board's
11 representative is not the Association's representative.
12 And it says that there's going to be eight spots where
13 they can get into our parking unit. My question is:
14 Where did the 75 spots come from? I think if this is
15 going to be approved, they should have a written piece
16 of paper or a document as to where this parking's going
17 to be and how many spaces are dedicated for it.

18 Seventy-five parking spots is not enough. I
19 was in the -- well, I designed restaurants in both the
20 United States and Canada for a good number years for a
21 company. This the first time I've ever seen a project
22 where you didn't have to have on-site parking for your
23 restaurant. But I understand what you're talking
24 about.

25 However, what I don't understand is where is

1 this parking going to be? Are we actually going to
2 allow street parking? Are we going to allow this
3 confusion that these guys are talking about where we've
4 got valets running cars to a parking lot, bringing them
5 back? First of all, the customer bringing the car
6 there, valet running it out, valet bringing it back,
7 then the customer leaving again, that's four trips.

8 On the day that this restaurant is in full
9 capacity -- and if I were a restaurant owner, I'd hope
10 that was a good portion of the time -- I don't see this
11 working at all. It's going to be a nightmare. But I
12 would like them to address for us where are these 75
13 spots or the 90 spots, they actually are, and have they
14 got a dedicated and signed permit to use the spot.

15 My understanding was that they were not,
16 according to the agreement, they were not going to use
17 75 spots that are contained in our parking garage on
18 the Marina property; they were going to get eight.
19 Now, maybe I misunderstood what they said, but it
20 sounded to me like that's where the 75 were coming
21 from. I don't know that, but maybe they could explain
22 that for me. That's what I would like to have
23 resolved.

24 CHAIR MILLER-ANDERSON: Okay, thank you.

25 ADMINISTRATIVE ASSISTANT SEGUIN: Jaxon Ferm.

1 MR. FERM: Hello. My name is Jaxon Ferm.

2 CHAIR MILLER-ANDERSON: Good evening.

3 MR. FERM: And I'm totally confused. I'm a
4 developer in Delaware, but usually when we don't get --
5 when we fail Planning, we go back and we change the
6 plan a little bit. All I hear us doing right now is
7 changing what is perceived as code. I mean one of the
8 key reasons it didn't meet Planning approval and got,
9 you know, disallowed was that you had 12 instead of 15.
10 Now it's okay we don't have those three.

11 Now, I understand this isn't your place to
12 fix this problem, but it just doesn't even meet the
13 code that was written on the application that he showed
14 up there that said 15. So I don't understand how now
15 you can change it and say you only need 12. I know
16 that's not necessarily your job to figure that one out.

17 The rest of the presentation, the parking and
18 traffic is never going to work. You know, your
19 designated zoning makes a lot of sense if you had
20 parking garages. It works great in West Palm Beach.
21 You don't have one single structured parking nearby.
22 You don't have any on-street parking, and you're
23 pushing them into a neighborhood, a community that was
24 built. And the leased area that's being promised to
25 these guys was for the Marina to use in their boatel

1 that came with our community. Works great for that.

2 We never thought you were going to bring a restaurant
3 into our property.

4 And if you looked at the uses in the current
5 location, you've got a boat dealer moving in there,
6 you've got a marina operation, and you've got 350
7 residents parking.

8 There's about 130 total spaces, of which 75
9 of them were agreed upon by the developer of our
10 community, with 350 people's investments, based on the
11 fact they were going to be used as -- you know, they
12 were going to be used to operate Loggerhead, not to
13 come in and park at a restaurant and be a parking
14 garage to take the place for a city development plan
15 that should have provided the parking garage. Build a
16 parking garage, and then approve the plan.

17 CHAIR MILLER-ANDERSON: Thank you.

18 Is Mr. Davis on the phone, or did he get
19 disconnected?

20 MS. JENKINS: Mr. Davis? Mr. Davis?

21 CHAIR MILLER-ANDERSON: Tamara, you can go
22 ahead and call a few.

23 ADMINISTRATIVE ASSISTANT SEGUIN: Mary
24 Collins, followed by Daniel McGilverly and Marybeth
25 Coffer.

1 MS. COLLINS: I've lived in Marina Grande for
2 three years.

3 CHAIR MILLER-ANDERSON: Pull the mic down,
4 please.

5 MS. COLLINS: Pardon me?

6 CHAIR MILLER-ANDERSON: Pull the mic down and
7 state your name for the record.

8 MS. COLLINS: Mary Collins, at Marina Grande
9 for three years in 706.

10 I think the whole world knows what
11 compatibility means. This restaurant is not compatible
12 with a neighborhood of 350 people that live in Marina
13 Grande. There isn't anyone that I have spoken to,
14 there isn't anyone that I've talked to in the elevator,
15 passing, that is for this project. And if there are
16 people that are for this project, I would like to know,
17 where are you? Thank you.

18 CHAIR MILLER-ANDERSON: Thank you.

19 Who's next?

20 MR. MCGILVERY: Got a PowerPoint.

21 CHAIR MILLER-ANDERSON: You're doing a three
22 minute PowerPoint?

23 MR. MCGILVERY: Yes.

24 CHAIR MILLER-ANDERSON: It's already on
25 there?

1 MR. MCGILVERY: Three minute PowerPoint.

2 CHAIR MILLER-ANDERSON: Okay, the three
3 minute one. You're doing your timer?

4 THE CLERK: Yes.

5 CHAIR MILLER-ANDERSON: Okay, so she'll have
6 the time on her phone, and you will have to stay within
7 the three minutes.

8 MR. MCGILVERY: I understand. Starting now?

9 CHAIR MILLER-ANDERSON: Yes. State your name
10 for the record.

11 MR. MCGILVERY: I just want a quick --
12 Mr. Perry, you mentioned that you had met --

13 CHAIR MILLER-ANDERSON: Sir, let's stop for
14 one minute. So with your public comment, you'll just
15 state -- you'll make your comments up here. There
16 won't be any interaction.

17 MR. MCGILVERY: Okay.

18 CHAIR MILLER-ANDERSON: So you do your
19 PowerPoint, and all questions --

20 MR. MCGILVERY: I got it.

21 CHAIR MILLER-ANDERSON: -- they will be able
22 to answer at the end.

23 MR. MCGILVERY: Thank you.

24 Unless I misunderstood Mr. Perry, he said
25 that he had met extensively with the Board of Directors

1 of the Marina Grande. I am a member of the Board. I
2 haven't met with you at all. I'm guessing that you
3 actually only met with two individuals.

4 This is the Marina Grande. In an aerial
5 view, you can see this is our complex, the two
6 buildings, Ocean Building, Marina. This is our parking
7 garage underneath the tennis courts and the swimming
8 pool. This is our entrance, the only entrance and exit
9 into the complex.

10 Crab Pot parking, unless it's changed, they
11 have six different locations. On-site parking, 12
12 spots. Parking garage we had understood to be eight
13 spots. Off-site parking here, here and here.

14 With the exception of the on-site parking,
15 none of these spots are conveniently located. Even the
16 garage parking, there's no access to the Crab Pot plot.
17 Anyone parking here in the parking garage would have to
18 go out, back down and come out here.

19 As far as valet parking, I still have no idea
20 how that's going to work. Bear with me here. A valet
21 picks up the car, drives down here, drives up here, up
22 here, parks the car. Then he's going to come back, and
23 he goes back here, across the intersection, down under
24 the bridge, back and here to pick up another car. Even
25 if you had 10 to 12 valets, you're going to have cars

1 backed up underneath this road going all the way down
2 here to the laundromat.

3 Another issue with parking is that the
4 parking, as I understand it, is based on first come,
5 first served basis. They have no guaranteed spots.
6 These are photos. In all due fairness, these were
7 taken on a holiday weekend. But this is the parking
8 lot here, and you can see there are two empty spots.
9 These are both handicap parking. This has, I think,
10 six empty spots.

11 And as far as noise, I want to draw your
12 attention to this area here. This is a pathway. The
13 next slide shows this is the distance; this is that
14 actual pathway, and you can see that there's a fence.
15 There's a fence here that is actually on the property
16 line. The distance is 27 feet from the physical
17 building to that fence.

18 THE CLERK: Three minutes.

19 CHAIR MILLER-ANDERSON: Time, okay. Thank
20 you.

21 ADMINISTRATIVE ASSISTANT SEGUIN: Marybeth
22 Coffer, followed by Jimmy Coffer and Chuck Collins.

23 CHAIR MILLER-ANDERSON: Pull your mic down.

24 MS. COFFER: I have a very crude -- I'm
25 Marybeth Coffer.

1 CHAIR MILLER-ANDERSON: Good evening.

2 MS. COFFER: I live in 909 at Marina Grande.

3 I have a very crude map that I'm passing out to you.

4 My first comment is I understand that this
5 development may meet the general code and may be in
6 compliance in most areas. However, sometimes things
7 just don't make sense, and this is just one of those
8 things.

9 We talk about a downtown zone in Riviera
10 Beach. There is no downtown in Riviera Beach. You
11 know, I think about if I go down to Lake Worth and I
12 walk, and I park on the street or I have a valet or I
13 go to a public lot, that's a downtown. These are
14 essentially strip shopping center spaces that have not
15 been developed for walkability or for general parking
16 or for people to come and go. I think the definition
17 is flawed. And that's nothing that can be fixed
18 tonight, but it's something that should be taken into
19 consideration.

20 So this little map I'm presenting you is
21 about traffic. I live there. I'm not the world's
22 finest driver, as many of my fellow residents probably
23 are not either, but we do have a serious problem there
24 the way the traffic flows right now.

25 Yesterday I drove the access road just one

1 more time. I sat through a whole Chicago song before
2 the light changed. I had a big SUV behind me that
3 started honking its horn because I wouldn't do the
4 right turn on red, which is not allowed coming off that
5 access road. I've seen many, many people make that
6 turn improperly and illegally.

7 We have stop signs, and then we have signs
8 that say there are no stop signs. We have a driveway
9 that backs up when we have even a simple party at the
10 complex. We have two children's school bus stops
11 adjacent to the property. That, in the afternoon, is a
12 big concern if people have a liquid lunch and go out
13 and hurt a child.

14 I really -- there's no left-hand turn lane
15 coming from Blue Heron towards Singer Island to make
16 that turn. Then you're going to be having traffic
17 going to the right, coming around the access road. And
18 the trips, oh, my goodness.

19 I just, you know, I think the number -- I
20 appreciate what the developers have done and what
21 they're trying to do, but I think the calculations are
22 flawed. And I think, unfortunately, no one has really
23 dug deep enough. And just because there's a piece of
24 paper that says yes, it meets the standard, does it
25 meet the smell test? And I'm sorry, I think someone

1 must look at the parking and must look at the change to
2 the traffic flow before a restaurant is built there.

3 I'm not antidevelopment.

4 CHAIR MILLER-ANDERSON: Thank you.

5 ADMINISTRATIVE ASSISTANT SEGUIN: Jimmy
6 Coffe, Chuck Collins and then Tom Fink.

7 MR. COFFER: Good evening.

8 CHAIR MILLER-ANDERSON: Good evening.

9 MR. COFFER: My name's Jimmy Coffe. I live
10 in Unit 909 at Marina Grande. Thank you very much for
11 taking your time to listen to us tonight.

12 The proposed development I think is an
13 interesting development. I just don't think it's going
14 to work in that particular spot. I wish the lot was
15 twice as big; I wish there wasn't the one way road,
16 because I think it would be a great development for
17 Riviera Beach, but it's not the right development for
18 that piece of property.

19 The real winner out of this is the people
20 that actually own the Marina. They have doubled and
21 triple leased out those parking places. One of the
22 things that Daniel was trying to point out is that in
23 the front left as we come into our driveway, ten of
24 those spaces are leased forever. They belong to the
25 dentist across the street.

1 Then when you take the people that own the
2 boats, and they're almost full right now, the boat
3 ownership, you take them underneath the parking and put
4 it to the two other service, it's routinely full. I
5 walk my dogs out there routinely late at night.

6 There's boats out there. There's no requirement for
7 the boats to be in by 4:00 or 5:00. Routinely, 9 and
8 10:00 people are coming back.

9 At the same time, I understand the restaurant
10 people would say, oh, look, it's a different timeframe,
11 those places won't be used. Not true at all. They're
12 opening this thing at 11 a.m. The boat people are out
13 there on the weekend. Their biggest time is going to
14 be on the weekend. It's just not going to work. I
15 wish that they'd come up with a better idea of a better
16 place to put it, but I think it's going to do nothing
17 but cause an incredible headache.

18 The last thing I'd like to say is I
19 understand when you talk about a downtown CRA zoning
20 rule, and with parking, they assume that you're down on
21 Clematis Street and you have a multistory parking lot.
22 We don't have one of those. Our closest parking lot is
23 on Clematis Street. There's not a high rise parking,
24 public parking closer than that. No one's going to
25 walk from Clematis Street.

1 So I think if you're looking at creating an
2 absolute nightmare, you're going to horribly ruin the
3 business for Publix, they're not going to be able to
4 get in and out, or you can make it miserable for the
5 people that actually live in Marina Grande, approve the
6 project. But I really would stress, please don't do
7 that. Thank you.

8 CHAIR MILLER-ANDERSON: Thank you.

9 ADMINISTRATIVE ASSISTANT SEGUIN: Chuck
10 Collins, followed by Tom Fink and Tia Williams.

11 MR. COLLINS: Madam Chair, Commissioners,
12 thank you for giving me time to speak on this subject.
13 My name's Chuck Collins. I'm Executive Director of the
14 Marine Industries Association of Palm Beach County.

15 We're a not-for-profit, trade based
16 association, and we represent all businesses, marine
17 businesses in the county. There are over 40,000
18 registered boats that transverse the area, and we want
19 to lend our support for this project.

20 I think it will be a great attraction for our
21 marina -- our marine recreational boaters, because when
22 you think of Palm Beach County, Riviera Beach, what do
23 you think of? You think of palm trees, you think of
24 sand, you think of boats. This project will be
25 popular, and I predict it will be popular for the

1 boaters. So thank you.

2 CHAIR MILLER-ANDERSON: Thank you.

3 ADMINISTRATIVE ASSISTANT SEGUIN: Tom Fink,
4 followed by Tia Williams and Michael Erven.

5 MR. FINK: Thank you very much. My name's
6 Tom Fink, past president of Marina Grande Condominium
7 Association.

8 CHAIR MILLER-ANDERSON: Good evening.

9 MR. FINK: The first thing I want to state is
10 Neil Schiller does not represent the Association. He
11 represents the Board, four members of our Board. We've
12 had a vote to recall our Board, and we have an election
13 coming up on November 16th. I want to point out that I
14 don't believe that our current Board will be in place
15 after November 16th.

16 That being said, I'd like to ask each and
17 every one of you sitting here tonight, would you want
18 this in your back yard, or would you want this sitting
19 next to you?

20 The next question I have is the parking
21 situation. As proposed, the parking is going to be in
22 spaces that you've already allocated to a marina.
23 Where are those people going to park? Are you double
24 parking? Are you stacking them on top of each other?
25 So the parking issue is huge, and you people have to

1 look at that. The Marina parking, the restaurant
2 parking, how many spaces are they going to use?

3 So I just want you to think about that before
4 you make your decision, and at least, at the very
5 least, can you have a new traffic study done to make
6 sure that what the developer is proposing is exactly
7 accurate? Thank you.

8 CHAIR MILLER-ANDERSON: Thank you.

9 ADMINISTRATIVE ASSISTANT SEGUIN: Tia
10 Williams, followed by Michael Erven and Tamra
11 Fitzgerald.

12 MS. WILLIAMS: First off, thank you. My name
13 is Tia Williams, and I want to speak on the youth that
14 we have in the city.

15 As far as building this restaurant in our
16 city, I have a niece that attends a school, and she
17 does culinary. And I think building something like
18 this in our city will only benefit the children that we
19 have that can go there and actually do an internship
20 and go from there.

21 Also, we're building this in our city. We
22 can actually take the residents that's in our city and
23 provide jobs for those people that's in the city.
24 Instead of getting jobs from people who are outside of
25 the city, we can bring it back to our city, and on top

1 of that, we'll bring the money back to our city.

2 So it's not just about -- I get what you're
3 saying about parking and everything, but we have to
4 think about our city, what's best for our city and our
5 youth. Thank you.

6 ADMINISTRATIVE ASSISTANT SEGUIN: Michael
7 Erven, followed by Tamra Fitzgerald and Teresa
8 Sullivan.

9 MS. FITZGERALD: We didn't check the boxes
10 (inaudible).

11 ADMINISTRATIVE ASSISTANT SEGUIN: Teresa
12 Sullivan.

13 MS. SULLIVAN: I didn't check.

14 ADMINISTRATIVE ASSISTANT SEGUIN: Okay.
15 Roger Amidon, followed by Kimberly McCarten and Holly
16 Stewart.

17 MR. AMIDON: Good evening, Madam Chair --

18 CHAIR MILLER-ANDERSON: Good evening.

19 MR. AMIDON: -- members of the CRA. My name
20 is Roger Amidon, and I'm the general manager of the
21 Palm Beach Marriott Singer Island Beach Resort & Spa.
22 I have over 300 employees in my establishment. I'm
23 also the past Chair of the Florida Restaurant and
24 Lodging Association.

25 I'm here in support of the proposed

1 restaurant at 386 East Blue Heron Boulevard. The 4,500
2 square foot restaurant will employ approximately 60
3 people, and as this lady just spoke about earlier, that
4 would most likely be our local residents here.

5 Having another waterfront restaurant will
6 help Riviera Beach be competitive in the local area for
7 restaurants and will be a destination for tourists,
8 locals and boaters. I encourage the CRA to support
9 this project. Thank you very much.

10 ADMINISTRATIVE ASSISTANT SEGUIN: Kimberly
11 McCarten, followed by Holly Stewart and Karen
12 Christopher.

13 MS. McCARTEN: Thank you. Good evening. I'm
14 Kimberly McCarten. I'm the CEO of The Arc of Palm
15 Beach County, and I am in support of the restaurant,
16 the new Crab Pot. Thank you so much for allowing me to
17 speak before you tonight.

18 We have -- we're here in Riviera Beach. Our
19 headquarters is here. We're very excited to be here,
20 and all the new development and exciting things
21 happening in Riviera Beach. We employ 172 employees,
22 and on a given day have over 80 clients at our
23 facility, as well as over 30 employees there. So we
24 are throughout Palm Beach County, but have quite a few
25 people here in Riviera Beach on a regular basis.

1 We would love the opportunity to be able to
2 dine at a wonderful sit-down restaurant right here in
3 our back yard and give back to the city that gives so
4 much to us.

5 We also have an incredible employment program
6 for people with disabilities. And in speaking to
7 Mr. Graziotto, that is so passionate about this
8 community, is involved here, his business is here, he
9 lives here, his kids go to school here, he's very
10 involved, the first I thing I asked him is: Is there a
11 possibility for people with disabilities to be employed
12 in the restaurant? He absolutely said yes, and we are
13 working on how we can use our culinary -- we have all
14 kinds of different programs that we do for our clients,
15 and so they'll be doing on-the-job training there, as
16 well as employed there.

17 So this is a huge opportunity for us at The
18 Arc of Palm Beach County and for us just to be able to
19 do things here and support the community that we love
20 being a part of. Thank you.

21 CHAIR MILLER-ANDERSON: Thank you.

22 ADMINISTRATIVE ASSISTANT SEGUIN: Holly
23 Stewart, followed by Karen Christopher and Marin
24 Spence.

25 MS. STEWART: My name is Holly Stewart. I am

1 also from The Arc of Palm Beach County.

2 CHAIR MILLER-ANDERSON: Good evening.

3 MS. STEWART: -- and I am here in support of
4 the restaurant, especially the on-the-job training
5 program.

6 The Arc of Palm Beach County uses a U.S.
7 Department of Education certified curriculum to teach
8 our clients food service skills specifically, so this
9 restaurant will represent a very unique and vital
10 opportunity for our clients to receive vocational
11 training here in their community, which will allow them
12 to be competitively employed right here in Riviera
13 Beach.

14 In addition, I believe a previous speaker
15 spoke to the opportunities for our youth to be able to
16 find employment here. I also think that in terms of
17 the urban development and being able to bring a new,
18 beautiful sit-down restaurant to this area, it will
19 really help job opportunities across the board. Thank
20 you.

21 CHAIR MILLER-ANDERSON: Thank you.

22 ADMINISTRATIVE ASSISTANT SEGUIN: Karen
23 Christopher, followed by Marin Spence and Peter
24 Rubando.

25 MS. CHRISTOPHER: Hi. I'm Karen Christopher.

1 I live a Marina Grande, Unit 416.

2 This is a lucky developer. He has two
3 attorneys, and Marina Grande is paying for one of them.

4 Let me be clear. The Board of Directors and
5 Marina Grande and their attorney do not speak for me or
6 the majority of residents at Marina Grande.

7 I do not support this agreement. It is
8 one-sided, and it's nothing more than a capitulation to
9 the developer. I read through most of the 400 pages of
10 the charrette and the 2011 Master Plan, but I'm not
11 here to speak about that.

12 What I want to talk about is how a developer
13 who submitted a fraudulent application to the City that
14 was turned down by Planning and Zoning is here tonight.

15 After that proposal was turned down, our
16 Board of Directors pushed through these concessions
17 amidst protests from a majority of the owners. No one
18 could understand their motivation. We tried to reason
19 with them. We had a Town Hall meeting where we spoke
20 about our concerns with our Councilwoman, with Scott
21 Evans, Jeff Gagnon and the Police Major from the
22 Riviera Beach Police Department. The Board still
23 didn't want to listen to us, so we decided to recall
24 them.

25 Lucky for us, in response to our recall, our

1 Board president sent out a community e-mail blast, and
2 in that was the reason that they were doing this. And
3 I'm going to read to you what he said. He said, and I
4 quote: I personally have spoken to a senior CRA
5 official that has stated to me, and I quote, it would
6 be a shame to miss out on this opportunity to
7 negotiate.

8 More than once at our Board meetings he had
9 spoken about this person and said it was the name of
10 one of you on the Council, but never identified them by
11 name. One can only infer what that statement implied.

12 Now, at our town council I said my concern
13 was this is Riviera Beach, and it's a done deal. So
14 what have I inferred? I've inferred there was a
15 conversation with a Council member who indicated that
16 it was a done deal and the restaurant would be
17 approved. And given the press that Riviera Beach has
18 gotten in the last few days, I don't think that's much
19 of a stretch. So in my opinion, the reason we are here
20 tonight is because a member of your Council used their
21 influence to steer negotiations to benefit a developer
22 at Marina Grande's expense.

23 Now, listen, I think this restaurant could be
24 good, but here in Marina Village where you've got the
25 space, the docks and the parking. This Marina is the

1 heart of Riviera Beach, and it needs to flourish.

2 You were elected to represent our best
3 interests, so as a taxpayer, a voter and a concerned
4 citizen, I'm asking you to do the right thing for us.
5 And we do know who the Council member is, because our
6 president did let it slip. But unfortunately, they
7 aren't sitting there tonight for me to look at them and
8 say, "Shame on you."

9 ADMINISTRATIVE ASSISTANT SEGUIN: Marin
10 Spence.

11 MS. SPENCE: Pass.

12 CHAIR MILLER-ANDERSON: Pass.

13 ADMINISTRATIVE ASSISTANT SEGUIN: Peter
14 Rubando, followed by --

15 MR. RUBANDO: Pass.

16 ADMINISTRATIVE ASSISTANT SEGUIN: -- Glenn
17 Spacht.

18 MR. SPACHT: I spoke already.

19 ADMINISTRATIVE ASSISTANT SEGUIN: Okay. Joel
20 Goldberg, followed by Marcia Goldberg.

21 COMMISSIONER HUBBARD: While he's coming,
22 Madam Chair.

23 Ma'am, the e-mail that you said the gentleman
24 said that a senior CRA person, that would be a staff
25 person, wouldn't it, not a Councilperson?

1 MS. CHRISTOPHER: No (inaudible). I do have
2 the e-mail.

3 COMMISSIONER HUBBARD: Can I see it? Because
4 it sounded, when you read it, that it said senior CRA.

5 MS. CHRISTOPHER: But he said at a lot of
6 meetings that it's a member of the City Council. And
7 in here it just says CRA, but it was -- it's a member
8 of the CRA who's not here. This is just a rehash of
9 all of this.

10 COMMISSIONER HUBBARD: Okay, thank you.

11 CHAIR MILLER-ANDERSON: All right. Sorry
12 about that. Good evening.

13 You all ready, Darlene? Okay.

14 MR. GOLDBERG: Yes, Joel Goldberg, Marina
15 Grande, 808.

16 I've heard a lot of ifs tonight, and you make
17 this sound like a restaurant, that it's not going to be
18 a restaurant, but it's going to be a culinary training
19 institute. It's not. The original restaurant was
20 going to be called the Salty Mermaid and was going to
21 be a bar, and they wanted to keep it open till 2:00 in
22 the morning. Thank God, that has changed.

23 I have a question about television, sporting
24 events, televisions, karaoke, parties --

25 CHAIR MILLER-ANDERSON: Keep going, sir.

1 MR. GOLDBERG: -- parties that are going to
2 be there, like I said, TV sets. They could turn that
3 into a sports bar. Also --

4 CHAIR MILLER-ANDERSON: Pause it for a
5 minute; pause the time.

6 Mr. Davis, Councilman Davis.

7 Who is he talking to?

8 COMMISSIONER DAVIS: No, no, that's the
9 television; that's the television thing.

10 CHAIR MILLER-ANDERSON: Okay, but I need him
11 to mute his phone. Can he hear?

12 MS. JENKINS: Commissioner Davis, could you
13 mute your phone. Can you hear me?

14 CHAIR MILLER-ANDERSON: Can someone text him
15 and let him know he needs to mute his phone?

16 Okay, go ahead, we'll give you a couple
17 seconds over, sir. Sorry about that.

18 MR. GOLDBERG: Okay. There are also going to
19 be a lot of boats going to be parking there. There are
20 going to be boats coming off of Peanut Island. Some of
21 those boats are those big cigarette boats with those
22 large engines coming in there, people coming out of the
23 restaurant; they're going to make a lot of noise.
24 There's a homeless problem in that area. That's a
25 homeless -- it's like it could be a homeless hotel over

1 there.

2 And you're saying that, you know, it's going
3 to have a lot of benefits for employment. At whose
4 expense is the employment going to be? People don't
5 live -- who want to have the employment here, they're
6 not going to live over that restaurant. They're not
7 going to smell the food; they're not going to smell the
8 food --

9 (Feedback from telephone).

10 MR. GOLDBERG: Quiet.

11 They're not going to smell the food that's
12 being cooked over there.

13 Also, you're getting a new restaurant, a
14 Mulligan's at the Ocean Mall, and that --

15 CHAIR MILLER-ANDERSON: Disconnect that.

16 Can --

17 VICE CHAIR DAVIS JOHNSON: He's just trying
18 to make sure that he's --

19 CHAIR MILLER-ANDERSON: What?

20 VICE CHAIR DAVIS JOHNSON: He said hello.

21 Because I don't know if he's --

22 CHAIR MILLER-ANDERSON: Yes?

23 MS. JENKINS: Commissioner Davis, they're
24 doing public comment.

25 CHAIR MILLER-ANDERSON: We'll take care of

1 his time.

2 COMMISSIONER DAVIS: (Inaudible.)

3 CHAIR MILLER-ANDERSON: But ask him if he can
4 just mute his phone, please.

5 MR. GOLDBERG: You got the wrong number.

6 All right, all these things.

7 CHAIR MILLER-ANDERSON: Go ahead.

8 MR. GOLDBERG: It was mentioned that you
9 wouldn't want to live over that restaurant. I wouldn't
10 want to smell the smell of burgers coming off of that
11 exhaust fan on the roof. There are so many things.
12 What we could use there is a nice Starbucks or a
13 miniature golf course. But there's arsenic on that
14 land, so I wouldn't recommend it to be a golf course.
15 That's all; that's all.

16 You have to search your heart, because you
17 wouldn't want to live there. And some of you have seen
18 that area. It's, yes, it might be good for a lot of
19 things, but it's not good for the three -- for maybe
20 the thousand people that are living in Marina Grande.
21 So thank you for your time.

22 CHAIR MILLER-ANDERSON: Thank you.

23 ADMINISTRATIVE ASSISTANT SEGUIN: Marcia
24 Goldberg, followed by Deborah Sellitto, followed by
25 Darren Thornton.

1 MS. GOLDBERG: Good evening.

2 CHAIR MILLER-ANDERSON: Good evening.

3 MS. GOLDBERG: My name is Marcia Goldberg. I
4 live at the Marina Grande, Unit 808.

5 CHAIR MILLER-ANDERSON: Good evening.

6 MS. GOLDBERG: My husband, Joel, just spoke.

7 I have other concerns besides those. My
8 concerns is safety for our schoolchildren. There was
9 not long ago an incident of an attempted abduction of a
10 child. There are concerns of patrons have had a lot of
11 liquor consumption, as to how they will interact with
12 these young children. I mean there is a parking
13 problem, there's the traffic. I'm against it. I'm not
14 against a restaurant, but I'm against one that has
15 liquor and other -- a lot of their proposed noise
16 issues and the security to us from their patrons.
17 Thank you.

18 CHAIR MILLER-ANDERSON: Thank you.

19 ADMINISTRATIVE ASSISTANT SEGUIN: Deborah
20 Sellitto, followed by Darren Thornton and Jatelsa
21 Brown.

22 MS. SELLITTO: My name is Deborah Sellitto.
23 I'm a resident at Marina Grande --

24 CHAIR MILLER-ANDERSON: Good evening.

25 MS. SELLITTO: -- Unit 1015.

1 On behalf of Peter and Judy Foster, who are
2 residents there also, they are in 1416, which is the
3 stack that would overlook the restaurant, she has asked
4 me to say a few comments.

5 This project, as presented to the Planning
6 and Zoning Board was so flawed that it was rejected.
7 What we don't understand is how we can be rejected by
8 the Planning and Zoning and still be able to come
9 before the CRA. With the recent approval and
10 announcement of the opening in January of 2018 of
11 Mulligan's Beach House Bar & Grill located right next
12 to Two Drunken Goats and right down the street from
13 Johnny Longboats in the Sands Hotel, how many more bars
14 do we really need in a half a mile radius? Aren't
15 there any projects proposed for Riviera Beach other
16 than bars?

17 A better, safer and more prosperous Riviera
18 Beach. That is the mission stated in your
19 information that I read online. Quote: Expand the
20 tax base by creating a welcoming environment that
21 eliminates blight and improves perception of safety in
22 an area. Projects that have the capacity to act as a
23 catalyst and help to improve the quality life for city
24 residents' enhanced daily life in Riviera Beach. These
25 are your words, not mine.

1 So I guess you have to ask yourself is the
2 Crab Pot project accomplishing the goals that we have
3 set forth as our mission? I don't think so, and I
4 don't think you can honestly say it does either. The
5 project proposed is for a bar, plain and simple, and a
6 bar in that location is not compatible with our
7 residential community or the location, with its
8 proximity to the undesirable under the bridge crowd,
9 not to mention the burden that will be placed on
10 Riviera Beach Police Department with the numerous
11 complaints of noise, rowdy behavior, worse. And they
12 will be asked to respond and will take away time from
13 Riviera Police and their daily bases of operation.

14 Parking. We already talked about parking.
15 It is a problem. The Planning and Zoning question
16 is -- here's the answer. So how can a project of this
17 size be considered with no parking? It really can't.
18 The noise is another situation that we talked about.
19 The proposed dock is another problem. The garbage.

20 So we all realize that this property has
21 every right to be developed, and we are not against
22 that. However, what we are asking is a project that
23 would be a good neighbor to the residential community
24 of over 700 people, as well as one that would meet our
25 requirements for the CRA mission to expand.

1 CHAIR MILLER-ANDERSON: Thank you; thank you
2 so much.

3 Ms. Hatcher, you ought to pull up a --

4 ADMINISTRATIVE ASSISTANT SEGUIN: Darren
5 Thornton.

6 CHAIR MILLER-ANDERSON: -- paper or
7 something.

8 MR. THORNTON: Yes, good evening --

9 CHAIR MILLER-ANDERSON: Good evening.

10 MR. THORNTON: -- to the CRA and all the
11 residents of Marina Grande. My name is Darren
12 Thornton, long time resident of Riviera Beach, Federal
13 Garden, 1620.

14 I am just here on behalf of just speaking
15 about the possibility of the restaurant, you know,
16 making available jobs to some of the underprivileged
17 kids, you know what I mean? If you look at your news
18 and you see what's going on, and there's a great need
19 for our youth to be able to find employment within this
20 area, within the area.

21 And that's not to minimize the concern of the
22 residents of Marina Grande, but it's not to diminish or
23 discount the need for jobs to enhance the livelihood of
24 some of the underprivileged people. So we're just
25 hoping that this thing will go forward because of, as

1 you say, the community redevelopment, and we are
2 looking forward -- I'm looking forward to maybe being
3 employed and serving some of you guys myself, you know.
4 And that would be a beautiful thing, you know.

5 And considering everything that's been said,
6 and not minimizing the concerns of the residents, but
7 really, really just the need, the need, the need, the
8 need; there is a great need; there is a great need for
9 jobs. And we just look forward to just enhancing not
10 only, you know, the lives of those who are
11 underprivileged, such as myself, who have made some
12 mistakes, and like you say they want to reach out to
13 the handicapped, you know, the people of The Arc and
14 all that thing. And the guy said -- what he said,
15 something about a culinary training school. That would
16 be a beautiful thing, man, to train some people to do
17 something, you know, positive. So we look forward to
18 that.

19 And I just thank you for allowing me to just
20 share that. And I don't know the legalities of a
21 parking space, but I know there's a need for jobs, and
22 this is what this is about. So hopefully that this
23 will go through, and more jobs, and once they become,
24 you know, fruitful and the residents will start
25 enjoying some of that great food that I look forward to

1 maybe being there employed and serving you guys. Thank
2 you for letting me share that.

3 CHAIR MILLER-ANDERSON: Thank you.

4 MR. THORNTON: Thank you.

5 ADMINISTRATIVE ASSISTANT SEGUIN: Jatelsa
6 Brown, followed by Rick Johnson and Neil Schiller.

7 MS. BROWN: Good evening, Council.

8 CHAIR MILLER-ANDERSON: Good evening.

9 MS. BROWN: My name is Jatelsa Brown, and I
10 come to speak on the project.

11 For one, when I was younger, I used to eat at
12 Crab Pot a lot with my mom. And we used to go to the
13 Singer Island beach, walk over the bridge and then go
14 to Crab Pot. I have children that don't get a chance
15 to experience that, so that will be something different
16 that we can experience with them too also.

17 There's really no restaurants that's on the
18 west side of our bridge. If you think about it,
19 there's really none. I live on Blue Heron. I live a
20 mile away from Singer Island. So I'm just asking that
21 you consider this project as to go through, and
22 hopefully, if you approve it, I'll be one of the
23 servers that's going to serve you guys. Thank you.

24 CHAIR MILLER-ANDERSON: Thank you.

25 ADMINISTRATIVE ASSISTANT SEGUIN: Rick

1 Johnson, followed by Neil Schiller and Tradrick McCoy.

2 MR. JOHNSON: Good evening, everyone. I'm
3 Rick Johnson.

4 CHAIR MILLER-ANDERSON: Good evening. Pull
5 your mic down, please.

6 MR. JOHNSON: I support the restaurant for
7 several different reasons, personal reasons. First
8 off, I'm hearing everyone's concern, but not yet have I
9 heard anyone speak on trying to work together so that
10 we can bring a positive situation. Our kids. We hear
11 bad stuff from the news every day.

12 Parking. Seems like that's an issue that
13 comes up every day. But not yet has anyone sat down
14 and talked about the economics of it. What about
15 training the people? Someone spoke of the homeless.
16 Okay, let's build a restaurant. Let's work with the
17 homeless. Let's take those people and try to train
18 some of them and work together. Just because that area
19 is there, I never heard so many problems before in my
20 life. Everybody from that little complex over there is
21 looking at the negative. Not once has anybody looked
22 at a positive.

23 I, myself, did 18 years in prison. Somebody
24 gave me a chance. I've been out of prison now for
25 seven and a half years. I have not looked back because

1 someone gave me a chance. I beat the odds. Here today
2 I have a job. Today I'm a certified chef. I great
3 openly hearted would like this restaurant to go through
4 because it's a chance for me to get my foot in, because
5 I could use it as a stepping stone and go higher. I'm
6 all for it.

7 I wish that everybody could just come
8 together instead of looking at all the negatives.
9 People in the residential side, it could be a big plus
10 to you guys. Look at all the security you guys will
11 have. If nobody -- if you haven't had problems before
12 this came up, I pity you, because we all have problems;
13 we just don't focus on them. But now it's like
14 everybody is focusing on the negative. What about the
15 positive? Thank you for letting me speak.

16 CHAIR MILLER-ANDERSON: Thank you.

17 ADMINISTRATIVE ASSISTANT SEGUIN: Neil
18 Schiller, followed by Tradrick McCoy and Sandy Foland.

19 MR. SCHILLER: Good evening.

20 CHAIR MILLER-ANDERSON: Good evening.

21 MR. SCHILLER: My name is Neil Schiller. I'm
22 an attorney with the law firm of Saul Ewing Arnstein &
23 Lehr located at 515 West -- North Flagler Drive, excuse
24 me, Suite 1400 in West Palm Beach, Florida.

25 Despite what you may have heard, I am here

1 tonight representing the Marina Grande Riviera Beach
2 Condominium Association, Inc.

3 UNIDENTIFIED SPEAKERS: No, you're not.

4 CHAIR MILLER-ANDERSON: Go ahead.

5 MR. SCHILLER: Thank you; thank you, Madam
6 Chair.

7 And for the record, I would just like to
8 point out that I am not being paid by anyone else other
9 than the Marina Grande Riviera Beach Condominium
10 Association, Inc. However, that may change in a couple
11 of days, I have just learned. But I want you to know
12 that as an attorney, representing the entity of the
13 Condo Association is permitted. It's been done for
14 years under Chapter 720, Florida Statutes.

15 At the Planning and Zoning meeting I stood
16 before the Planning and Zoning Board and I asked for
17 their denial of this project. I asked for their denial
18 on behalf of my client, as I was directed to, because
19 there were a lot of issues with the project.

20 Once the denial was granted by the Planning
21 and Zoning Board, the applicant and myself have met,
22 had numerous conversations. Some members of the Board
23 were involved, some were not, for reasons I don't know.
24 But at the end of the day, we came to an agreement on
25 the issues that really mattered to my client.

1 Those issues are hours of operation, parking,
2 noise, access to Marina Grande, security, dumpsters and
3 after hours use of the dock. I believe you had the
4 applicant's attorney read these conditions of approval
5 into the record. I have extra copies that I plan to
6 give to the Board. I can give them to the Clerk now.

7 Because of these recommendations, because of
8 these negotiated conditions of approval, we -- the
9 Board, after many meetings, decided to support the
10 application in front of you tonight with those
11 conditions of approval attached. And I believe the
12 applicant will concur with that. There's a lot of --
13 well, I'll let that be said. Without that being said,
14 it's been a long night. I'm sure you want to get to
15 your deliberations. I'm here to answer any questions
16 you may have.

17 CHAIR MILLER-ANDERSON: Thank you. And just
18 so you know, we had this in the backup, so we did have
19 it, yes.

20 Any more comment cards?

21 ADMINISTRATIVE ASSISTANT SEGUIN: Tradrick
22 McCoy and Sandy Foland.

23 MR. McCOY: Good evening, members. Tradrick
24 McCoy, Riviera Beach. Thank you for the opportunity to
25 serve as an appointed member of the Planning and Zoning

1 Board.

2 There are some inconsistencies with what's
3 been stated tonight, and I wanted to point out a couple
4 things. There's a staff report in the backup from the
5 Planning and Zoning Board that pointed out that there
6 were 18 spaces. Since I've heard tonight that they're
7 no longer considering the six spaces that's on FDOT's
8 right-of-way, now what's particularly interesting about
9 that is I e-mailed FDOT back in June, and I received a
10 letter back saying that the owner of the property knew
11 that they could not use those six spaces, which in
12 essence, gives them 12 spaces. So that's where we are
13 now.

14 But the problem that exists, and I need you
15 to really pay attention to this, and this is what's
16 important, if those six spaces are no longer -- well,
17 in fact, they never was a part of a plan FDOT would
18 have approved, then they need to submit a whole new
19 site plan, because what happens is that significantly
20 alters the ingress and egress onto that property,
21 because if you look at the site plan application that
22 was up there, I don't know how you can remove those six
23 spaces and you still have an ingress and egress.

24 Now, I think the right-of-way was designated
25 specifically for maintenance for the Blue Heron bridge

1 in the event that it comes. There's no possible way
2 that FDOT can do any staging of any construction
3 equipment and maintain that same ingress and egress
4 according to that site plan. So first off, that needs
5 to be sent back, and it should be tabled today simply
6 because there's no way that you could access that
7 property and eliminate those six spaces because the
8 parcel is so small.

9 Furthermore, there is something that I don't
10 even know how it could pass with a signature from
11 Mr. Haygood as being legally sufficient if there's no
12 new site plan. First at Planning and Zoning, it said
13 18 spaces. Now I'm hearing the applicant say that they
14 have 12 spaces. So clearly, that is inconsistent.

15 Bear with me. There was something else. Oh,
16 this is a really good comment, and please pardon my
17 French. There was a gentleman that came to the meeting
18 named Jaxon Ferm. And I just loved his comment that he
19 said at the Planning and Zoning Board meeting, and I
20 have to concur and agree. He says: Again, I'm a
21 developer. This guy's trying to put 500 pounds of shit
22 in a one pound bag, period.

23 And that is exactly what it is, and it needs
24 to be sent back today. And ask your staff questions
25 about if those six spaces belong to FDOT, how can they

1 even begin to use them if they haven't even
2 recalculated or refigured the ingress and egress to the
3 property.

4 Let me just make sure. I've got ten seconds.

5 Those are my comments. Thank you, members.

6 CHAIR MILLER-ANDERSON: Thank you.

7 ADMINISTRATIVE ASSISTANT SEGUIN: Sandy

8 Foland.

9 MS. FOLAND: Madam Chair and Council, I don't
10 know how I can follow that comment, but I'll do my
11 best. I'm here tonight in favor of this as a business
12 owner and property owner in Riviera Beach.

13 CHAIR MILLER-ANDERSON: State your name for
14 the record.

15 MS. FOLAND: Forgive me. Sandy Foland, 900
16 13th Street, Riviera Beach.

17 I go to work early, I'm here at noon, I'm at
18 night, I entertain my customers, my neighbors, my
19 business associates, and we come to the U-Tiki. I have
20 a card that he stamps because I'm here every day
21 eating.

22 We need other places in Riviera Beach. I
23 compliment the CRA so we have and continue to beautify
24 our waterfront and bring people to this city to see
25 what a beautiful waterfront. For the economic reasons,

1 we add tax base. And if any of you have children,
2 nieces, nephews that can do valet, they can put
3 themselves through college doing valet. So let's
4 applaud the jobs, bringing and beautifying the
5 waterfront, and see if we can't bring this venue and
6 add more restaurants to the city. Thank you.

7 CHAIR MILLER-ANDERSON: Thank you.

8 ADMINISTRATIVE ASSISTANT SEGUIN: That was
9 the last card.

10 CHAIR MILLER-ANDERSON: All right, so that's
11 the end of public comment. So do you all want to
12 discuss or you want to --

13 COMMISSIONER HUBBARD: He has a closing
14 comment.

15 CHAIR MILLER-ANDERSON: Okay, well, I'll have
16 him come back up.

17 MR. PERRY: Just a few comments, if you don't
18 mind.

19 CHAIR MILLER-ANDERSON: Okay.

20 MR. PERRY: Marty Perry again, for the
21 record.

22 George is going to put up a copy of the floor
23 plan, because there were issues raised relative to
24 whether this is a bar or a restaurant, and I think it's
25 abundantly clear when you look at the floor plan that

1 this is a restaurant. You know, we've dealt with that
2 issue before at the Planning and Zoning Board. You
3 know, sometimes things like that get started and it's
4 hard to dispel them, but the reality is this is a
5 restaurant.

6 And as a matter of fact, other than to the
7 best of my knowledge -- and I was a frequenter of the
8 Crab Pot previously. I've lived here since the early
9 sixties. To my knowledge currently, the only other
10 waterfront restaurant in Riviera Beach on the west side
11 of the Intracoastal is the U-Tiki right here, and this
12 would be the second one.

13 But I want to focus your attention on this
14 whole CRA Master Plan that a great deal of time and
15 effort was spent on. And I also want to focus your
16 attention, there's been a lot of emotional comments
17 made tonight. I grant these people have a right to
18 express themselves. I don't have any problem with
19 that.

20 But the reality is that the City spent a lot
21 of time and effort and money and staff time, as well as
22 public input relative to developing this Master Plan.
23 And this Master Plan which was developed contemplated
24 fewer parking spaces being required of uses. But you
25 know, we are far beyond what the CRA -- what the plan

1 requires. We're well beyond what the code requires.

2 There was a question raised as to where those
3 parking spaces was, and then there was another
4 gentleman that got up who complained about, you know,
5 where they were located. But he showed you where they
6 are. There's 75 parking spaces that are shown in three
7 different lots in the Marina proper.

8 But you need to keep in mind two things.
9 One, this is exactly the type of use that you were
10 looking for when the CRA Plan was developed, and that's
11 a restaurant type use. I mean we're not asking you to
12 change your zoning or anything. Basically, this site
13 is perfect for what we're proposing it for.

14 Secondly, if you look at the Marina Grande
15 condominium, the Marina Grande condominium is a part of
16 a mixed use PUD. When these people bought into those
17 condominium units, they knew they were buying into a
18 condominium residential tower that was part of
19 commercial uses around them, the Marina.

20 And in fact, if you look at the original
21 plan, on the other side -- we're on the south side of
22 the condominium tower. On the north side of the
23 condominium tower, on the waterfront was proposed an
24 even larger restaurant that was never built, okay? So
25 the concept of "this restaurant is incompatible with

1 the Marina Grande", the whole project that they bought
2 into contemplated that it would have a restaurant right
3 next to it. It's just a --

4 UNIDENTIFIED SPEAKERS: It did not.

5 CHAIR MILLER-ANDERSON: Hold on.

6 MR. PERRY: With all due respect, we didn't
7 interrupt anybody, and I'd appreciate my opportunity to
8 finish my comments.

9 CHAIR MILLER-ANDERSON: Just continue your
10 comments.

11 MR. PERRY: The fact is that that was always
12 contemplated. They knew they were buying into a
13 commercial type of a neighborhood. You know, if they
14 didn't, they weren't paying much attention.

15 And the reality is that this was a plan by
16 the City. The City was planning for the future. They
17 weren't saying, well, we're only going to look at this
18 for today. That plan was adopted several years ago.
19 It is being implemented as time goes on. It is
20 creating that downtown area, that downtown that you
21 wanted to have there. So this fits into that whole
22 plan, so I suggest to you that that makes sense.

23 I repeat again, we meet all of the
24 requirements of your code. We exceed them. George --
25 Mr. Gentile went through that in detail. Yes, there

1 are objections to it, there are questions. The Crab
2 Pot had issues, you know. Everybody dealt with those.
3 It worked. The tower may not have been there at the
4 time, but the fact is the Crab Pot was still there when
5 the tower was going up, when they were selling units,
6 when they had the sales -- they had a huge -- because I
7 remember being there. They had a huge sales --

8 CHAIR MILLER-ANDERSON: Trailer or something?

9 MR. PERRY: -- trailer that was there, okay,
10 and the restaurant was there. The Crab Pot was still
11 in existence. It hadn't gone away yet. So this is
12 nothing new.

13 You know, we -- the gentleman that came up
14 here last, and I really appreciated his comments
15 because I thought he was speaking from the heart, he
16 said something about trying to work together.

17 Well, we had a very emotional hearing before
18 the Planning and Zoning Board. We listened to all of
19 the comments that were made, all the concerns that were
20 expressed. And we sat down and we met with their
21 attorney and with their Board, because who would we
22 meet with? Are we going to meet with the 50 or 60
23 people in this room? What would that have
24 accomplished? I mean we wouldn't have gone anywhere
25 with that. You've seen what happened here tonight.

1 We met with a representative group of that
2 Board, and we said: Okay, we heard you. Okay, let's
3 talk about your issues. And we addressed each and
4 every one of them, and that's in your agreement that's
5 part of your package. We've looked at them, we
6 addressed them.

7 Now, we had some -- the first gentleman that
8 got up here, and I don't know what his qualifications
9 were, he didn't tell us what his qualifications were,
10 but we had professional traffic engineers that did
11 traffic studies that submitted those studies in
12 accordance with your ordinances, with the County
13 ordinances, and they were reviewed by professional
14 traffic engineers in the County Engineer's office. So
15 the reality is that there were professional people that
16 looked at these according to existing standard.

17 Now, you know, we sat here, you know, and the
18 gentleman spoke about everybody talking about the
19 negatives. Well, in the trade we have an expression
20 for this. What you've heard tonight is a parade of the
21 horribles, okay? Negatives, horribles, it doesn't
22 matter.

23 The reality is that we need to look at this
24 thing factually. Is this thing -- first of all, does
25 it make sense on that site? Your staff has already

1 reviewed that and said yes, it's consistent, it meets
2 your Plan.

3 Secondly, you know, it's replacing something
4 that was there for many, many years. That issue is a
5 foregone conclusion. And it's providing something that
6 the city really needs, and that's another waterfront
7 restaurant and is providing a significant number of
8 jobs that's going to be part of your community. I urge
9 you to recommend approval to the City Council. Thank
10 you very much.

11 CHAIR MILLER-ANDERSON: Thank you.

12 All right, Commissioners, do you have any
13 questions for the representatives from the Crab Pot or
14 any questions for Mr. Gagnon?

15 VICE CHAIR DAVIS JOHNSON: Madam Chair.

16 CHAIR MILLER-ANDERSON: Go ahead.

17 VICE CHAIR DAVIS JOHNSON: I do have a
18 question for Mr. Gagnon.

19 Mr. Gagnon, with regards to the -- let me
20 first say I did not see the Planning and Zoning minutes
21 so that I could have reviewed the concerns that the
22 Planning and Zoning Board had. It wasn't attached to
23 our item.

24 But in light of the comments made by
25 Mr. McCoy of the Planning and Zoning Board, is there --

1 does the objections of the Planning and Zoning Board
2 require a revised site plan or revised application?

3 MR. GAGNON: Good afternoon, Commissioners.

4 CHAIR MILLER-ANDERSON: Good evening.

5 MR. GAGNON: Jeff Gagnon, Acting Director of
6 Community Development.

7 So my understanding is there's not a new
8 application that's required. The Planning and Zoning
9 Board is an advisory board of the City Council in a
10 similar nature to the CRA Board acting in an advisory
11 capacity.

12 The meeting minutes were published, made
13 available. I know we did receive a request for them
14 today. I did distribute them to all of the
15 Commissioners, as well as their assistants. So it's
16 been public record. It's been available.

17 Can I answer any other questions though in
18 regards to specific items from the previous meetings?

19 VICE CHAIR DAVIS JOHNSON: So when there is a
20 concern -- I recognize that Planning and Zoning is
21 advisory. When there is a concern or issues that are
22 raised, staff does not take that into consideration to
23 provide a response to the concerns that have been
24 addressed by the members?

25 MR. GAGNON: So I don't want to say no. So

1 we do. However, the items that were addressed were not
2 code based, so they were things that I will say are --
3 I guess the smell test was used, as an example. So
4 it's not a legal basis for City staff to deny the
5 project from moving forward. However, there could be
6 other conditions that could be put in place in between
7 the Planning and Zoning Board, the CRA Board and City
8 Council that can make the project better for everyone
9 involved.

10 The initial Planning and Zoning Board
11 meeting, there really wasn't any sort of conditions
12 offered by the applicant during that meeting as far as
13 hours of operation -- well, hours of operation actually
14 were specified in conditions of approval. But specific
15 items as far as amplified music wasn't considered. So
16 there had been other concessions that had been made
17 through the different parties interacting together,
18 however, it's not required by City code, so because of
19 that, City staff can't prevent the project from moving
20 forward.

21 VICE CHAIR DAVIS JOHNSON: So parking is not
22 a condition of code?

23 MR. GAGNON: The applicant meets the current
24 City parking code.

25 VICE CHAIR DAVIS JOHNSON: With the reduction

1 of the spaces from FDOT?

2 MR. GAGNON: The site plan that was provided
3 and also the same site plan provided to the Planning
4 and Zoning Board factors in 18 parking spaces. Twelve
5 are on site, and six are adjacent, within the FDOT
6 property.

7 VICE CHAIR DAVIS JOHNSON: But I thought that
8 there was no authorization of the FDOT parking spaces.

9 MR. GAGNON: The project would only receive
10 building approval, a building permit, if they did
11 receive FDOT approval.

12 VICE CHAIR DAVIS JOHNSON: Did they or did
13 they not receive FDOT approval?

14 MR. GAGNON: I have not seen FDOT approval at
15 this time. So in order for the applicant to pull a
16 building permit and for the City to authorize any
17 future construction, they would have to receive FDOT
18 approval to do so.

19 VICE CHAIR DAVIS JOHNSON: Okay, I'm just a
20 little -- I need a little more clarity, because if they
21 are saying -- I think that the initial indication was
22 18 total spots.

23 MR. GAGNON: Yes.

24 VICE CHAIR DAVIS JOHNSON: So we have the 12
25 on site. The off-site parking is in the form of a

1 lease agreement with FDOT, it says, but we don't have
2 that at this particular point, so we technically don't
3 have 18 spaces that we're talking about, correct?

4 CHAIR MILLER-ANDERSON (directed to audience):
5 You can't go back and forth like that.

6 MR. GAGNON: So --

7 UNIDENTIFIED SPEAKER (directed to Mr. Perry):
8 You can't speak again. If we can't, you can't.

9 CHAIR MILLER-ANDERSON: Go ahead.

10 MR. GAGNON: So the project, as proposed and
11 as demonstrated on the site plan that was submitted to
12 staff and was reviewed by staff demonstrates 18 total
13 parking spaces. So that would be contingent on FDOT
14 approval in order to develop that parking plan and the
15 site plan in totality as provided to staff.

16 VICE CHAIR DAVIS JOHNSON: But I'm just
17 wondering then, Mr. Gagnon, if the proposal is with 18,
18 but they came tonight to say that that had been
19 reduced, how does that not factor into code based, as
20 you said, code based requirement?

21 MR. GAGNON: I have not considered anything
22 reduced from the City perspective. I think the
23 applicant has demonstrated in their plan how they have
24 off-site parking that they're providing to the Board
25 for consideration. However, the site plan itself and

1 the plan that went to Planning and Zoning Board
2 considered 18 parking spaces. Six of those parking
3 spaces were adjacent, off site -- excuse me -- adjacent
4 off-site parking spaces which are allowed through the
5 City code. However, the plan, the site plan hasn't
6 changed, in my mind, from the Planning and Zoning Board
7 review to this point.

8 VICE CHAIR DAVIS JOHNSON: So they get here
9 and they represent something different than what's on
10 the application. You are not taking into consideration
11 what they're presenting tonight, you're simply going
12 based off the original application that was submitted?

13 MR. GAGNON: I don't believe an altered site
14 plan has been presented for Board consideration
15 tonight.

16 VICE CHAIR DAVIS JOHNSON: I'm not suggesting
17 that it's an altered site plan, but there is an
18 alteration in parking. So that's what I'm asking
19 about, or did I misunderstand that?

20 MR. GAGNON: I think that the development
21 team offered an alternate parking solution to be
22 considered. However --

23 VICE CHAIR DAVIS JOHNSON: Which is?

24 MR. GAGNON: -- from my perspective, from the
25 City perspective, the original site plan that went

1 through Planning and Zoning Board, two reviews through
2 Planning and Zoning Board has not changed. It's the
3 same site plan. It's still 18 parking spaces. Six of
4 those parking spaces are adjacent on-street parking
5 within the FDOT right-of-way.

6 VICE CHAIR DAVIS JOHNSON: But did we not see
7 some sort of presentation that said that FDOT had no
8 intentions of leasing the space? Did we see that, or
9 is that incorrect? Or you --

10 MR. GAGNON: I believe that the initial
11 presentation did state that. I don't know if that's
12 true.

13 VICE CHAIR DAVIS JOHNSON: Have we received
14 anything --

15 MR. GAGNON: I have reached out to FDOT to
16 try to confirm. But again, from a staff perspective,
17 if the applicant wished to apply at risk of future
18 approval or disapproval from FDOT, that would be really
19 at the applicant's, at their will.

20 VICE CHAIR DAVIS JOHNSON: Thank you,
21 Mr. Gagnon.

22 MR. GAGNON: Thank you.

23 CHAIR MILLER-ANDERSON: Okay, so I have a
24 question. So are there additional spots in other
25 locations, like west of the dry stack garage to the

1 west? And where are the extra six? You're only
2 talking about it being the FDOT's six parking spots or
3 the other spots?

4 MR. GAGNON: There are -- there is a separate
5 agreement in place that City staff has not factored
6 into the site plan analysis.

7 CHAIR MILLER-ANDERSON: Okay.

8 MR. GAGNON: So those parking spaces are
9 being demonstrated by the applicant as additional
10 off-site parking spaces.

11 CHAIR MILLER-ANDERSON: But you're not
12 considering those, you're only focused on the 12 that
13 are on site?

14 MR. GAGNON: The minimum parking requirements
15 that are required by the City's codes were satisfied
16 within the original site plan that was submitted.

17 CHAIR MILLER-ANDERSON: Which is how many
18 parking spots?

19 MR. GAGNON: If 18 were demonstrated, 15 are
20 required.

21 CHAIR MILLER-ANDERSON: Okay, wait a minute.
22 Let's stop there. So 15 are required.

23 MR. GAGNON: Yes, ma'am.

24 CHAIR MILLER-ANDERSON: There's 12 on site,
25 right?

1 MR. GAGNON: Yes.

2 CHAIR MILLER-ANDERSON: And then the other
3 six is from FDOT. But the e-mail that Mr. McCoy stated
4 from June of this year stated they have not given them
5 permission to use the six spots. So if they haven't
6 given them authorization to use the six spots, we can't
7 count on those six to meet the requirements. So
8 they're back at 12.

9 MR. GAGNON: I think that what FDOT also has
10 stated, and I haven't -- I've reached out to FDOT. I
11 still haven't touched base with them yet. What they've
12 also stated is they're unwilling to enter into an
13 agreement until the City approves the site plan. So
14 from the developer's standpoint, they can't have an
15 executed agreement for those extra parking spaces, for
16 the six off-site parking spaces, which again, are
17 adjacent to the site, until a site plan is approved by
18 the City. So --

19 CHAIR MILLER-ANDERSON: But then they're
20 asking us to make an approval before we -- based on
21 something that's not true yet.

22 MR. GAGNON: Well, what the ask is --

23 CHAIR MILLER-ANDERSON: They want us to go
24 out there, but they don't want to go out there.

25 MR. GAGNON: But we still have a safeguard as

1 far as a condition of approval. So our final condition
2 of approval and our final safeguard is we will not
3 issue a City building permit if the site plan deviates
4 from what was presented.

5 CHAIR MILLER-ANDERSON: So if we approve it,
6 it's a conditional approval based on them getting an
7 approval from FDOT. Should they not get the FDOT
8 approval, then our conditional goes away.

9 MR. GAGNON: Right. And it can be specified
10 as an exact condition of approval if the Board wishes
11 to really solidify and engrave it into the final
12 resolution that this is a known condition of approval.
13 However, by default, being that they would have to come
14 back through a City building permit process, if they
15 didn't have an agreement in place, we would not allow
16 them to construct the project as provided on the site
17 plan.

18 CHAIR MILLER-ANDERSON: Okay. And just going
19 back to the 15, you said within our code, 15 parking
20 spots are only required for how many -- what capacity
21 restaurant?

22 MR. GAGNON: It's by a square foot ratio. I
23 believe the calculation is one space per every 300
24 square foot of building area.

25 CHAIR MILLER-ANDERSON: And how many people

1 would fit in 300 square foot, possibly?

2 MR. GAGNON: So the way our code's written,
3 it doesn't really differentiate attendees or occupants.
4 So there are other codes, and I think it was discussed
5 previously tonight that other locations, other
6 municipalities, other counties may use an occupancy
7 based calculation for parking. However, our City code,
8 and specifically in the downtown area, it's by a square
9 footage of building versus expected occupancy.

10 CHAIR MILLER-ANDERSON: But that's like with
11 the expectation of if West Palm has a parking garage
12 offsite? Is that what you're referring to how others
13 are doing it? And it's just we don't have a parking
14 garage, but they -- I guess they plan on using those
15 additional. Is that where the additional parking
16 spaces come in?

17 MR. GAGNON: That could be part of the
18 calculation. And what I was really saying is the
19 locations that have more of an expected occupancy
20 ratio, it's more of a strict regulation and it requires
21 more parking to be provided upon initial approval. So
22 our current regulations do the opposite of that, where
23 it just looks at the building footprint, and the square
24 footage of the building determines the total number of
25 parking spaces required.

1 VICE CHAIR DAVIS JOHNSON: Could you repeat
2 the calculation. One space per how many?

3 MR. GAGNON: 300 square feet of building
4 area.

5 CHAIR MILLER-ANDERSON: Thank you.

6 Ms. Hubbard, did you have something?

7 COMMISSIONER HUBBARD: Yes, a couple things
8 here. The negotiated conditions of approval, did the
9 attorneys, the developer meet with these, the residents
10 to show them or to discuss these, this list of
11 negotiated conditions of approval from the Board?

12 UNIDENTIFIED SPEAKER: No, no.

13 COMMISSIONER HUBBARD: You know, I think that
14 even though you've heard them here tonight, I think
15 that's one of the things that need to happen. I think
16 that just meeting with the four Board members is not
17 going to be a good thing. I think that you should take
18 this list of things and meet with a body of residents
19 that are there year-round, that live there, and see
20 what -- see if there's any room, even to see if there's
21 any room for compromise. It might not be. It may not
22 be. But you will be able to say at the end of the day
23 that I sat down with the actual end users, the
24 stakeholders of this as opposed to just the Board
25 members, and see, you know, if any of the concerns can

1 be mitigated through just a conversation and listening
2 to them.

3 I too am a bit confused about the mathematics
4 of 18 minus six equals 12 and the requirement. The
5 requirement is -- the minimum requirement is 15, but
6 I'm kind of -- I am confused about that, but I think I
7 understand a little bit.

8 Jeff -- I know Jeff will help me. So Jeff,
9 we say that the minimum requirement is 15.

10 MR. GAGNON: Yes, ma'am.

11 COMMISSIONER HUBBARD: The way that you are
12 counting it, you're not taking off the six on-street
13 parking until FDOT says no. So this is what I'm
14 thinking to that end. I'm thinking that maybe FDOT can
15 put that in writing and say --

16 UNIDENTIFIED SPEAKER: They have. You've got
17 it.

18 COMMISSIONER HUBBARD: I mean and say that
19 they are going to give it --

20 UNIDENTIFIED SPEAKERS: No, they said they
21 will not. They said they will not give it. It's in
22 writing.

23 VICE CHAIR DAVIS JOHNSON: I'm sorry, point
24 of order, please.

25 COMMISSIONER HUBBARD: And I'll go back to it

1 and I'll look again, but I'm going to try to finish the
2 statement or ask the question. And you may have
3 answered it.

4 What I was thinking was this: I was thinking
5 that there's a possibility that FDOT would say
6 contingent upon getting the site plan approved, then we
7 are willing to give them the on-street parking. Now,
8 if FDOT has been clear in stating that whether they get
9 a site plan approval or not, we're not going to give
10 them the on-street parking, so Jeff, what do you say to
11 that? What do you say to the e-mail that FDOT has
12 stated that they're not going to give them the
13 on-street parking, or have you not been able to see
14 that particular e-mail?

15 MR. GAGNON: I honestly don't recall that
16 specific e-mail. Again, I have been playing phone tag
17 with an FDOT representative really as early as an hour
18 before this meeting.

19 The one thing I can say is from a City
20 perspective, from a government's perspective, I can
21 control my side of things, however, I can't mandate
22 FDOT to produce that document. So I think asking would
23 be very reasonable. It would be very nice of them to
24 accommodate the request. However, I don't have a
25 definite mechanism to compel them to --

1 COMMISSIONER HUBBARD: Absolutely,
2 absolutely. And it's only a suggestion.

3 MR. GAGNON: Yes.

4 COMMISSIONER HUBBARD: But comments have been
5 made that they've already answered the question, and so
6 if it's in this particular e-mail, then I'm going to
7 find it, and I want you to see it so that you can tell
8 me if you think that's conclusive that they are saying
9 that they're not going to do it.

10 MR. GAGNON: Okay.

11 COMMISSIONER HUBBARD: So she said she has
12 it. She's found it.

13 CHAIR MILLER-ANDERSON: June 2017.

14 COMMISSIONER HUBBARD: Okay, can you read it
15 for me?

16 CHAIR MILLER-ANDERSON: Want me to read the
17 whole thing?

18 COMMISSIONER HUBBARD: I mean the portion
19 that's relevant to whether they're going to give it to
20 us or not.

21 CHAIR MILLER-ANDERSON: It says that -- well,
22 they say: Regarding the proposed development of the
23 Crab Pot, I can advise that FDOT and the property owner
24 discussed leasing the FDOT property under terms that
25 would be acceptable to FDOT. The property owner

1 initially contacted FDOT in February 2015 regarding his
2 interest in leasing the property. The property owner
3 eventually rejected these terms, and no further
4 discussions relating to the lease have taken place
5 since approximately August 2016.

6 Currently, there are no active discussions
7 regarding the lease of the property. FDOT remains
8 willing to lease the property, provided we can
9 negotiate acceptable terms. The property owner was
10 informed that his approved site plan could not rely on
11 property leased from FDOT to meet development
12 requirements for parking or circulation, and FDOT
13 requested written assurances that his required parking
14 would be accommodated either within his site or at an
15 approved off-site location, as FDOT would not want to
16 create an adverse situation following the development
17 of his property. Any parking provided on FDOT property
18 must be in excess of any city parking requirements.

19 FDOT is reviewing the permit applications for
20 the site. However, if the development intends to use
21 the FDOT leased property, we will not issue a final
22 permit until the lease is finalized and signed.

23 And that was from Gerry O'Reilly, Wednesday,
24 June 7, 2017.

25 COMMISSIONER HUBBARD: Okay, so to that end,

1 so we don't have a firm 15 parking spots there. It
2 sounds like there's still a potential for the parking
3 spots, but I do think there needs to be a meeting, a
4 conversation held with the residents, and the
5 negotiated conditions of approval need to be gone over,
6 deleted or added, to find out if there's anything that
7 could be amicably worked out with the persons that
8 actually live in that department.

9 And at the same time, you know, like you say,
10 we can only control what we can do. We cannot compel
11 them to give us an answer. But I guess they have given
12 us something in writing, but it's still kind of iffy.

13 So what I would suggest or what I would like
14 to see is that the team would go and meet with the
15 residents that live there and see if you can come up
16 with some kind of amicable solution. And I'm real
17 clear that you're in the guidelines of the CRA and the
18 City and all of those things, but we still want to live
19 in a space where we're comfortable, where the noise is
20 at a minimum, the traffic is at a minimum. Everybody
21 wants to, when they come home, come home to quiet and
22 to rest.

23 So it's a possibility that that can be
24 achieved, and I'd like to see you guys, you know,
25 everybody go back and have a meeting with an open mind,

1 and at least this many people show up and participate
2 and ask questions and tell the developer -- and you
3 have, you have, I'm not saying tonight that you
4 haven't. I'm just saying based on these concessions
5 that they say that they've gone back and made, that
6 you'll go and talk with them and see what can happen,
7 if anything at all.

8 And we might end up hearing, you might say,
9 hey, no, we still don't like it. But at least let's
10 try to sit down and talk with everybody, as opposed to
11 just four people, because, you know, sometime people
12 will just feel slighted and they'll say no just because
13 you didn't take into consideration, you know, the fact
14 that they have to live there year-round. So that's my
15 two cents.

16 CHAIR MILLER-ANDERSON: So are you wanting to
17 make a motion, or Ms. Davis Johnson, did you have any
18 comments you wanted to add prior to that?

19 VICE CHAIR DAVIS JOHNSON: The only concern
20 that I have with the entire thing is the issue of
21 parking. I understand that it fits and that it was
22 there previously. I'm just concerned about the
23 disjointed parking, how it will actually flow, where
24 the bottom line is.

25 The bottom line, first, is that, you know,

1 you have a community. Although there was an
2 understanding that there would be some sort of
3 development or some sort of business in that community,
4 I just think that there should be a better way to
5 formulate and to situate parking, because you will -- I
6 believe that you will have some issues with how the
7 parking will be handled. And that's just been my
8 greatest concern in reading and understanding how the
9 parking will actually fit within the confines of that
10 community.

11 So, you know, that's the issue that I have,
12 and perhaps -- I did meet with Mr. Graziotto, and we
13 talked about it, but that was prior to me seeing the
14 plan.

15 You know, I don't deny that Riviera Beach
16 needs additional restaurants and opportunities in the
17 City. I just think that we need to be able to make it
18 work for all parties concerned, because I do know, and
19 I read that eight spaces will be inside the parking
20 garage at the Marina Grande, which I believe is a part
21 of the development agreement initially, so you've got
22 folks that will be running in and coming out of the
23 parking garage where folks live and have to come into.

24 But then I'm just thinking in terms of the
25 traffic, I'm thinking in terms of the number of spaces

1 that will be allocated, and I think you're going around
2 the Loggerhead building as well for additional parking,
3 is that --

4 CHAIR MILLER-ANDERSON: Yes.

5 MR. GENTILE: I'm sorry, what --

6 VICE CHAIR DAVIS JOHNSON: Point of order,
7 point of order. I'm asking a question. Please, point
8 of order.

9 CHAIR MILLER-ANDERSON: Go ahead.

10 MR. GENTILE: What was your question again?

11 VICE CHAIR DAVIS JOHNSON: I'm asking that
12 what I've -- that's behind the Loggerhead building,
13 those are additional spaces?

14 MR. GENTILE: There's -- yes. And we
15 presented that at the Planning Commission meeting. We
16 had a slide that we showed where those parking areas
17 were, surface parking. There's a lease agreement for
18 75. Even if there was just the eight spaces in the
19 parking garage, which we heard was acknowledged, that
20 the agreement is for eight instead of the additional
21 ones that they had, eight plus 12 is 20. That's still
22 over the 15 spaces, so, you know --

23 UNIDENTIFIED SPEAKERS: No, no, no.

24 VICE CHAIR DAVIS JOHNSON: Point of order,
25 please.

1 MR. GENTILE: Well, I'm just saying. But
2 yes, those are there, and then the other ones are on
3 the surface area that go all the way up to the access
4 road.

5 CHAIR MILLER-ANDERSON: We can't take -- you
6 all did public comments. He's doing the presentation.
7 He's a part of the presentation, so that is why we're
8 interacting with him. However, those were public
9 comment cards. So that was an exception of an add-on;
10 that was a combination of public comment cards. That
11 was not an agenda item per se. It was a public comment
12 that I granted an exception to to make it longer than
13 the three minutes for Mr. Spacht.

14 MR. GENTILE: Ms. Johnson, did I answer your
15 question?

16 VICE CHAIR DAVIS JOHNSON: You did.

17 MR. GENTILE: Thank you.

18 COMMISSIONER HUBBARD: I have a question.

19 CHAIR MILLER-ANDERSON: Mr. Davis is also
20 asking.

21 MR. GENTILE: Yes, ma'am.

22 COMMISSIONER HUBBARD: Can you put the -- can
23 you point out the 20 parking spots for us on the map
24 diagram?

25 MR. GENTILE: If you'll give me one minute.

1 CHAIR MILLER-ANDERSON: Yes.

2 Mr. Councilman Davis?

3 Did he have a question?

4 VICE CHAIR DAVIS JOHNSON: He did.

5 CHAIR MILLER-ANDERSON: Go ahead, Mr. Davis.

6 COMMISSIONER DAVIS: (Inaudible.)

7 CHAIR MILLER-ANDERSON: Say that again.

8 COMMISSIONER DAVIS: Okay, I want to make
9 sure I'm coming in clearly because I got a little delay
10 on my other phone.

11 A quick question. Does the resolution ask us
12 to approve this, the Board to approve this item based
13 upon the CRA Comprehensive Plan or Master Plan? What
14 does it, the resolution is asking us to do tonight?

15 CHAIR MILLER-ANDERSON: Mr. Scott Evans, the
16 resolution -- he's asking --

17 INTERIM EXECUTIVE DIRECTOR EVANS: The
18 resolution just finds that the project is consistent
19 with the CRA Plan.

20 COMMISSIONER DAVIS: Okay. So here's my
21 concern. I do believe Councilperson Hubbard
22 (inaudible) making sure that the developer or the
23 restaurant meet with the residents of the Marina Grande
24 to sit down and hear and hash out these issues that are
25 confusing with the conversation with DOT.

1 At some point, this would have to come before
2 the City Council to address the parking issue. But
3 it's my understanding that this resolution is asking us
4 to be consistent with the Plan, and that's it. This
5 resolution doesn't ask or (inaudible) anything done
6 until it comes before the Council itself. But this
7 resolution is asking this Board if it's consistent with
8 the Plan. But the parking issue still it must have to
9 come before the Council for approval, at least that's
10 my understanding. I just want to make sure.

11 MR. HAYGOOD: That's correct.

12 CHAIR MILLER-ANDERSON: Who's saying that,
13 Mr. Haygood?

14 MR. HAYGOOD: Yes. He's correct. You don't
15 even have the opportunity to approve the final site
16 plan, that is, as a CRA. The final site plan approval
17 will actually be when it comes before the City Council.

18 CHAIR MILLER-ANDERSON: Well, why didn't you
19 say that at the other time --

20 MR. HAYGOOD: We said it earlier, I think.

21 CHAIR MILLER-ANDERSON: Oh, was I out? I was
22 out?

23 MR. HAYGOOD: Yes, when we prefaced it --

24 CHAIR MILLER-ANDERSON: I mean -- go ahead.

25 MR. HAYGOOD: It was prefaced before we got

1 started that this is solely to see if it was consistent
2 with the plan. You can't approve a final site plan.

3 CHAIR MILLER-ANDERSON: Right.

4 MR. HAYGOOD: The final site plan will come
5 before you as City Council.

6 CHAIR MILLER-ANDERSON: All right,
7 Ms. Hubbard, you still have some --

8 COMMISSIONER HUBBARD: My only concern is
9 this. Before we okay, it's here, it was at Planning
10 and Zoning. It didn't pass. Then it came to us, and
11 we still have concerns with it. And then now we're
12 going to shove it down the road to the City Council.
13 You know, be that as it may, we are still the same
14 people when we sit on the City Council.

15 I still stand by us asking these people, both
16 the developer and the residents to go back and sit down
17 together and then come back to us, because I know the
18 developer doesn't want to shove anything down the
19 people's throat that they don't want, and I know the
20 residents aren't just trying to be obstinate and don't
21 want anything. I just think that they need to sit down
22 and communicate and talk and figure it out to see if
23 it's possible. So -- and it might not be, but give it
24 a whirl.

25 MR. GENTILE: Ms. Hubbard, did you want me to

1 just show you this so --

2 COMMISSIONER HUBBARD: Yes, I did want to see
3 the 20 spots.

4 MR. GENTILE: Okay. As we indicated, right
5 now they're on the site plan, and as Mr. Gagnon said.
6 We have 12 spaces that are located on the site. We did
7 a configuration of the access road where we pulled off
8 in the DOT property and put an additional six there,
9 which made 18.

10 COMMISSIONER HUBBARD: Show me.

11 MR. GENTILE: It was on the site plan, ma'am.
12 I'm sorry, I'll have to go back, because it's not in --
13 it's too small for you to see.

14 COMMISSIONER HUBBARD: Okay, well, we'll work
15 with this one.

16 MR. GENTILE: Okay.

17 CHAIR MILLER-ANDERSON (directed to audience):
18 We really shouldn't have people coming back and forth.
19 If you want to hand us something, send it over there.

20 MR. GENTILE: And then this plan was shown at
21 the second Planning Commission meeting to show, because
22 usual ordinance, your CRA Plan indicates that you can
23 have -- you can approve off-site parking as long as
24 there's an agreement. And there's an agreement.
25 You've been provided that.

1 And these are the locations of the parking.
2 And in the garage there are -- the conditions that were
3 negotiated limited it to eight. So the garage is that
4 larger circle, kind of oblong circle; that's the
5 garage. Then the other three are surface parkings that
6 are taken into consideration, and that's the total of
7 75 spaces that are in that location that are available
8 for the restaurant to use per the agreement.

9 So there are 12 on our site and eight in the
10 garage, and the remainder equal the 75. And the
11 restaurant is only required to have, per your code, 15.
12 If you did it per your standard code, which is not a
13 part of the downtown development code or CRA code, we
14 would be required 22 spaces, so --

15 COMMISSIONER HUBBARD: So you're saying you
16 have 12 on site.

17 MR. GENTILE: Yes, ma'am.

18 COMMISSIONER HUBBARD: You've got eight in
19 the garage.

20 MR. GENTILE: Yes.

21 COMMISSIONER HUBBARD: Not counting --
22 nothing to do with DOT?

23 MR. GENTILE: That's correct. If the DOT
24 does not sign the agreement, we don't need -- we would
25 not need the six. We would have it in those other

1 areas. We have far more parking available. And we're
2 talking really three spaces needed to meet your
3 downtown development code.

4 And I can tell you that we have an access
5 driveway that's permitted, and the DOT would have to
6 provide us that access driveway because it's already
7 permitted by them.

8 So if for some reason they didn't approve the
9 six spaces, and Mr. Gagnon would -- he's correct, what
10 he said, we may have to come back with, you know, that
11 modification of that one area. But the DOT, I believe,
12 is -- they don't want the six spaces used for
13 approvals, but they're willing to work with us to do
14 that on that property at the time you all approve the
15 site plan saying that it's okay to put the parking
16 there, okay? And that's really what the question is.

17 COMMISSIONER HUBBARD: Okay. And again, my
18 concern is that there's just so much, you know,
19 contention between the project and the residents, and
20 some of which I think that could be worked out. So I,
21 you know, I suggest that the Board, as a Board, that we
22 ask you to go back, have a meeting, and possibly -- and
23 bring the item back; and bring the item back to us.

24 CHAIR MILLER-ANDERSON: Are you making a
25 motion?

1 COMMISSIONER HUBBARD: You have something
2 that you want to say?

3 VICE CHAIR DAVIS JOHNSON: I made the initial
4 motion.

5 COMMISSIONER HUBBARD: Oh, you made a motion?

6 MR. PERRY: Can I suggest something?

7 CHAIR MILLER-ANDERSON: Yes.

8 MR. PERRY: Just we've been here a long time.

9 CHAIR MILLER-ANDERSON: Yes.

10 MR. PERRY: Just one last suggestion. It
11 seems to me on the one hand we've got the statement
12 from your attorney, as well as from the other Council
13 member that -- and everybody's pretty much acknowledged
14 that we meet the Master Plan requirements. The staff
15 has recommended that we meet it, et cetera. Your issue
16 is you want us to meet again with the residents. Now,
17 you know, we made an effort to do that, and we're not
18 unwilling to do that again.

19 My suggestion to you, in the interest of
20 time, is (a), we're currently not scheduled before you
21 as a City Commission, okay? We don't have a date yet,
22 so we have time to do that, okay? My recommendation,
23 and I think it makes sense for all of you, is push this
24 onto the City Commission. In the interim period of
25 time leading up to that hearing, which hasn't been

1 scheduled yet, we will make an effort to meet with this
2 group here tonight.

3 You know, it's we've met with what we thought
4 was a representative group, which was the leadership of
5 the group, you know. We reached an agreement with
6 them. We'll meet with this group and see whether we
7 can. If we can, we'll do it. If we can't, we'll come
8 back to you, we'll say we made an effort and we
9 couldn't get there, you know. But nobody's lost any
10 time; we just go forward. You still have the
11 opportunity as a City Commission to consider all these
12 same issues.

13 COMMISSIONER HUBBARD: I understand exactly
14 what you're saying and what you're proposing, but I
15 think I'm more comfortable with seeing you go back and
16 meet with the residents and come back before us before
17 we move on to the City Council.

18 CHAIR MILLER-ANDERSON: I want to -- I wrote
19 something down here regarding, Mr. Gagnon, the -- I
20 guess there was a comment made about a fraudulent
21 application. Can you clear that up for us, or can you
22 comment on that?

23 MR. GAGNON: Yes. Once again, Jeff Gagnon,
24 Acting Director of Community Development.

25 The application I received is not fraudulent.

1 It was accepted by City staff and was processed by the
2 City. It continues to be processed by the CRA. And I
3 guess there's --

4 CHAIR MILLER-ANDERSON: You didn't have any
5 issues; you all didn't have any issues with it?

6 MR. GAGNON: No. I think that the statement
7 was based on the fact that FDOT has not approved usage
8 of the right-of-way for those parking spaces yet.

9 CHAIR MILLER-ANDERSON: Okay.

10 MR. GAGNON: But I would not classify the
11 application as fraudulent.

12 CHAIR MILLER-ANDERSON: Okay, and it is not
13 required for them to submit a new site plan due to them
14 only having the 12 parking spots?

15 MR. GAGNON: The development team could
16 choose to resubmit a different site plan. However, at
17 this point they can continue to move forward based on
18 the fact that they believe they will receive approval
19 from FDOT in the future to utilize those six parking
20 spaces.

21 CHAIR MILLER-ANDERSON: But with us approving
22 the site plan as consistent, that -- however, it does
23 not meet the 15 parking spots that's required yet.

24 MR. GAGNON: Well, the City's code does allow
25 for an adjacent parking area or on-street parking to

1 count towards the required parking count.

2 CHAIR MILLER-ANDERSON: So which adjacent
3 parking lots are you talking about? Are you referring
4 to the six right-of-way from FDOT or --

5 MR. GAGNON: Yes. So directly --

6 CHAIR MILLER-ANDERSON: That's the only area
7 you would count in for the number, or when you say
8 adjacent, are you speaking of those other areas as
9 well?

10 MR. GAGNON: The only adjacent parking I'm
11 referring to is directly south of the parcel in
12 question.

13 CHAIR MILLER-ANDERSON: Which is the FDOT?

14 MR. GAGNON: Which is FDOT right-of-way, and
15 that's for six parking spaces.

16 CHAIR MILLER-ANDERSON: And the valet
17 parking, a comment came up regarding the people, the
18 valet workers having to run around to the other side to
19 get the car, wait for the light, come around. And I
20 guess that would have been a part of the traffic study.
21 Was all of that taken into consideration when that was
22 done and how it would --

23 MR. GAGNON: I honestly don't believe I've
24 seen a valet plan submitted, so I can't really comment
25 on that.

1 CHAIR MILLER-ANDERSON: All right. Okay,
2 thank you.

3 VICE CHAIR DAVIS JOHNSON: Madam Chair.

4 CHAIR MILLER-ANDERSON: Yes.

5 VICE CHAIR DAVIS JOHNSON: Can we revisit the
6 parking that encompasses the smaller circle, not the
7 oval? The smaller circle is the parking that is where
8 the entryway to Marina Grande is. Is that correct?

9 MR. GENTILE: Yes.

10 VICE CHAIR DAVIS JOHNSON: What's the total
11 number of spaces in there?

12 CHAIR MILLER-ANDERSON: The smaller --

13 VICE CHAIR DAVIS JOHNSON: The smaller
14 circle. No, down here to the bottom. What's the total
15 number of spaces there?

16 MR. GENTILE: Ma'am, I don't know the exact
17 number that's in there. I'd have to pull the plan out.

18 VICE CHAIR DAVIS JOHNSON: But that is where
19 you're saying you have 12, and then we have --

20 MR. GENTILE: No, no, no, no.

21 VICE CHAIR DAVIS JOHNSON: No, no, no, no --

22 MR. GENTILE: I'm sorry.

23 VICE CHAIR DAVIS JOHNSON: -- listen to what
24 I'm asking.

25 MR. GENTILE: Yes, ma'am.

1 VICE CHAIR DAVIS JOHNSON: So you said you
2 have 12 on site.

3 MR. GENTILE: Yes.

4 VICE CHAIR DAVIS JOHNSON: You have the eight
5 in the oval.

6 MR. GENTILE: Right.

7 VICE CHAIR DAVIS JOHNSON: And then you said
8 how many spaces are --

9 MR. GENTILE: They have availability of use
10 of 75 spaces in those three other circles.

11 VICE CHAIR DAVIS JOHNSON: Not the three
12 other circles. I'm talking solely about the second
13 circle right here next to the oval.

14 MR. GENTILE: It's however they -- whoever's
15 there or not there, it's used by the individuals that
16 go there first.

17 VICE CHAIR DAVIS JOHNSON: I guess what I'm
18 trying to understand, there was a comment made that
19 there are some spaces that are leased in there to the
20 dentist's office that's across the street, so I'm
21 trying to get an understanding as to how many spaces
22 there are total that are being leased versus how many
23 spaces will be available to the Crab Pot.

24 MR. GENTILE: I'm going to have to have
25 Mr. Tyson discuss that. That's another --

1 VICE CHAIR DAVIS JOHNSON: Okay, that's fine.

2 MR. WATERS: Good evening. Tyson Waters.

3 I'm corporate counsel for Seven Kings Holdings.

4 So the property, the parking lot that you're
5 referring to, I believe there's 25 parking spaces in
6 there, ten of which have been designated for the use by
7 the dentist, I believe.

8 VICE CHAIR DAVIS JOHNSON: And so the 15, are
9 those for guests coming into the -- the remaining 15,
10 is that for guests? Who typically uses that? Do we
11 know?

12 MR. WATERS: Well, they're open for use by --
13 it's owned by the Marina, so the Marina has control
14 over those as to who uses them, whether they're Marina
15 tenants, they're guests, or in our case, once the
16 restaurant's open, restauranters. We will work with
17 the Marina to identify 75 spaces within those four
18 circles to accommodate our tenants -- our customers,
19 eight of which can be under the garage, under our
20 agreement with the Property Owners Association.

21 VICE CHAIR DAVIS JOHNSON: Right, I'm clear
22 on the eight that are designated. I'm just not clear
23 on that first circle where we talk 25 total spaces, ten
24 are for, designated for the dentist, and then you have
25 a remaining 15. And so am I understanding you to say

1 that the Marina has control of the remaining 15?

2 MR. WATERS: Well, all of those spots are
3 owned by the Marina. So we have an easement that's
4 been recorded, that's a public record that's been
5 provided to staff, and I believe to this Board as well,
6 that allows us to use 75 parking spaces. So in
7 coordination with the Marina owner, we'll identify the
8 most appropriate 75 parking spaces for the restaurant,
9 and then the remainder will be for the Marina uses and
10 for the Marina owner.

11 Those spaces haven't been identified yet
12 because we're not there yet. Ideally, certainly for
13 us, for our benefit is that parking space to the south,
14 which is the least benefit to the Marina. So there's a
15 coordination there that we've begun, this discussion to
16 identify what parking spaces would be best suited for
17 the two uses.

18 VICE CHAIR DAVIS JOHNSON: There's a
19 disconnect here.

20 MR. WATERS: Sure.

21 VICE CHAIR DAVIS JOHNSON: I understand that
22 you say you overall are looking to have 75 spaces. I'm
23 not addressing at all the two, I would imagine -- what
24 is that --

25 MR. WATERS: To the far left.

1 VICE CHAIR DAVIS JOHNSON: -- western?

2 That's west of the --

3 MR. WATERS: Right, yes.

4 VICE CHAIR DAVIS JOHNSON: I'm looking at
5 what's directly in the line of the restaurant, and I'm
6 just thinking about the entryway to Marina Grande. If
7 you're saying ten spots are gone of the 25, you haven't
8 clearly defined that you will use those spaces at this
9 point in order to get to your 75, or the plan is to use
10 them?

11 MR. WATERS: They have not been officially
12 identified. They're available for our use. So once
13 the restaurant's open and we get further along in the
14 process, we'll formalize and identify what parking
15 spaces we'll use and which ones the Marina will use.
16 Those are certainly available to us to identify and use
17 in cooperation with -- in our partnership with the
18 Marina.

19 So those are available parking spaces that we
20 can go to the Marina owner and say within this easement
21 document, we would like to use these parking spaces.
22 And it's not an exclusion of the ten parking spaces
23 with the dentist, because again, that's a more
24 compatible use because the dentist is nine to five, so
25 after 5:00 when the dentist is not using them, those

1 would be available for our additional use.

2 VICE CHAIR DAVIS JOHNSON: Right. But
3 between the hours of 11 and 5, they wouldn't be
4 available, right?

5 MR. WATERS: Well, on the weekends they'd be
6 available. And correct, say between eight and five or
7 whatever the dentist hours of operation would be, those
8 ten would not be available.

9 VICE CHAIR DAVIS JOHNSON: Okay.

10 MR. WATERS: Again, all of these are excess.
11 What we need to identify to meet your code are three
12 spaces. And again, with the DOT spaces, the eight
13 spaces that we've come into an agreement with the
14 Property Owner Association and these, we think we're
15 well above the 15 required. Whether DOT is there or
16 not, we've identified the other three required to meet
17 your code, and everything beyond that is excess, which
18 we I believe is appropriate for the site and the
19 development.

20 CHAIR MILLER-ANDERSON: I'm not sure if you
21 could answer this question. If the approval for the
22 FDOT six spaces are not provided -- maybe for
23 Mr. Gagnon -- what would the ingress and egress look
24 like?

25 MR. WATERS: Yes, well, I think one could

1 be --

2 CHAIR MILLER-ANDERSON: Well, Mr. Gagnon's
3 coming up if you can't answer it.

4 MR. WATERS: Oh, I'm sorry.

5 MR. GAGNON: There would have to be some sort
6 of site plan configuration to identify how ingress and
7 egress would work. Perhaps it would look identical as
8 far as the ingress and egress points, however, parking
9 wouldn't be provided. But that plan would have to be
10 created based off of future considerations and whether
11 or not the agreement was in place with FDOT.

12 CHAIR MILLER-ANDERSON: And that's not
13 something we need now in order to determine whether or
14 not this is an item that we should approve tonight?
15 That's something that can be --

16 MR. GAGNON: The site plan that -- I'm sorry.

17 CHAIR MILLER-ANDERSON: Is that something
18 that we can do down the line, or is that something we
19 need to know before we approve this site plan approval?

20 MR. GAGNON: I can say that the only site
21 plan submitted for consideration right now is the one
22 that was before the Board. I don't believe that the
23 development team has identified a phase two site plan,
24 for example, that would demonstrate alternate ingress
25 and egress or alternate parking locations. If they

1 have, it hasn't been presented formally to City staff.

2 CHAIR MILLER-ANDERSON: Okay. Well, I mean I
3 understand Ms. Hubbard's point, and you know, I
4 somewhat agree with that.

5 One of the other points that I, or concerns I
6 have outside of just the fact that I know that it would
7 be great if everyone could work some agreement, there's
8 only three Council people here, and with this being
9 such a large impact to a large group of people, for
10 those who live there as well as those who want to shop
11 there, be there, I don't think this is something that
12 we need to be doing with just three here. We really
13 should have a full Board to address this issue. That's
14 just my point on that.

15 I think that's something that we all -- and
16 Ms. Pardo's district is just across the bridge, so I
17 think it's important that she's here as well to share
18 her concerns and voice her concerns, because I mean I
19 just think that's something that all five of us should
20 be doing right now. But that's just my point.

21 VICE CHAIR DAVIS JOHNSON: If we were to --
22 when is the next scheduled meeting? I know we have --
23 we're typically the fourth Wednesday now.

24 INTERIM EXECUTIVE DIRECTOR EVANS: I believe
25 it's November 8th, is the next --

1 VICE CHAIR DAVIS JOHNSON: Oh, so you're
2 going to go with the second --

3 INTERIM EXECUTIVE DIRECTOR EVANS: Yes, we
4 are.

5 VICE CHAIR DAVIS JOHNSON: -- the second
6 Wednesday. Okay, so here's what I think --

7 CHAIR MILLER-ANDERSON: So the very next
8 meeting?

9 VICE CHAIR DAVIS JOHNSON: Would be November
10 8th. So then I will rescind the motion, and what I
11 would -- I would rescind the motion and make the
12 following motion in its place. In an effort to allow
13 all Council members or Commissioners to weigh in on
14 this matter, let's table it. That will allow the
15 consultants for the Marina Grande and the attorneys to
16 speak with those residents who have voiced some
17 opposition to it. It will then further give this
18 Commission an opportunity to have additional
19 conversation with the developer, with the attorneys,
20 and to really understand the whole parking layout and
21 see if there is an opportunity for us to reach
22 consensus. That will be my motion. I know that was
23 very long, but it's simply to table until November 8th
24 for further discussion.

25 THE CLERK: Excuse me, Madam Chair. The

1 maker of the motion was Commissioner Hubbard.

2 VICE CHAIR DAVIS JOHNSON: I thought it was
3 me.

4 THE CLERK: Commissioner Hubbard motioned,
5 and Vice Chair Tonya Davis Johnson seconded.

6 VICE CHAIR DAVIS JOHNSON: Well, I rescind
7 that rescinding.

8 CHAIR MILLER-ANDERSON: All right, so you
9 rescind the rescind, and back to you, Ms. Hubbard.

10 COMMISSIONER HUBBARD: Okay. I'd like to
11 make a motion to table it, but let Mr. Attorney -- I
12 would like to add that --

13 CHAIR MILLER-ANDERSON: First of all, you're
14 rescinding your original motion that she just referred
15 to?

16 COMMISSIONER HUBBARD: Because at this stage
17 of the game -- you want to read it?

18 MR. HAYGOOD: A motion to table will trump
19 your other motion, so you don't need to rescind it. So
20 if you want to make a motion to table --

21 COMMISSIONER HUBBARD: Okay, but I was asking
22 Ms. Hatcher would she read the original. But let me
23 say this: I would like to make a motion to table this
24 item pending a meeting with the residents of that tower
25 prior to bringing it back to the CRA Board.

1 CHAIR MILLER-ANDERSON: So you don't want it
2 to come on the agenda, the next meeting, which will be
3 November 8th?

4 COMMISSIONER HUBBARD: Unless they've met by
5 then.

6 CHAIR MILLER-ANDERSON: Okay. So it's you
7 want to leave it open-ended until we hear back from
8 them, and then they'll get with Mr. Evans to determine
9 when they're going to put it on the agenda? And the
10 reason I'm asking about that, because the very next
11 meeting is that Wednesday before Thanksgiving, and I
12 don't think we are going to be meeting. I don't think
13 we usually do. Maybe they look to --

14 COMMISSIONER HUBBARD: It would be up to them
15 to make that happen before the next meeting. But let
16 me restate that. They can go in the very next meeting
17 after their meeting, whenever that is. That's what I'm
18 saying. Whenever they come together, the two groups,
19 and meet, then they can notify Mr. Evans and then they
20 come on the subsequent --

21 CHAIR MILLER-ANDERSON: Agenda?

22 COMMISSIONER HUBBARD: -- agenda. So again,
23 I'll restate my motion. I move that we table this item
24 until the two groups can get together and meet, and
25 Mr. Evans will put them on the next agenda after being

1 notified that the groups have had a meeting.

2 CHAIR MILLER-ANDERSON: Is there a second?
3 Is there a second? All right, dies for lack of a
4 second.

5 VICE CHAIR DAVIS JOHNSON: All right, so I
6 would like to make a motion to table and have the
7 meetings occur before the November 8th meeting. I
8 think -- pardon me?

9 UNIDENTIFIED SPEAKER: (Inaudible.)

10 VICE CHAIR DAVIS JOHNSON: If it's important,
11 I think that we can make time. But I would suggest
12 that we have a conversation, and I still need an
13 opportunity, as a Commissioner making a decision, to
14 have additional discussion. I need to be comfortable
15 in what I decide and how I put out a response.

16 And so for me, I can meet before November
17 8th. I would like to meet with the community, I would
18 like to meet with the developer and the attorneys, and
19 I believe that that can be accommodated by November
20 8th. So I would like to table this and bring it back
21 on November 8th, with the meetings being held prior to
22 the meeting that we're asking to bring this item back.

23 CHAIR MILLER-ANDERSON: Is there a second?

24 COMMISSIONER HUBBARD: Honestly, I don't
25 think we have enough time. And I just wanted to let

1 them work that out for themselves to when they get
2 the --

3 CHAIR MILLER-ANDERSON: All right, so you're
4 not seconding? You're not going to second this?

5 COMMISSIONER HUBBARD: No.

6 CHAIR MILLER-ANDERSON: Okay, so it dies for
7 lack of a second. Okay, so let me say this. Okay, so
8 I guess I can see this working two ways here. You
9 would have one -- if you don't want it to really
10 happen, you'll probably not meet, so it would never
11 come to the agenda. I would imagine that would just be
12 a strategy to use.

13 INTERIM EXECUTIVE DIRECTOR EVANS: Madam
14 Chair.

15 CHAIR MILLER-ANDERSON: Yes.

16 INTERIM EXECUTIVE DIRECTOR EVANS: I do have
17 a suggestion. Since this is a recommending Board, I
18 believe what you could do is make your recommendation
19 not to find it in compliance with the CRA Plan, but to
20 say that you've identified -- your recommendation to
21 City Council is you've identified a series of issues
22 with the parking, potentially, and that you would like
23 the residents to meet with the developer, as you said,
24 and that you would like that to happen before it's
25 scheduled for City Council. You could -- you don't

1 have to vote on the resolution to approve.

2 CHAIR MILLER-ANDERSON: You said schedule
3 before the City Council?

4 INTERIM EXECUTIVE DIRECTOR EVANS: Yes.

5 CHAIR MILLER-ANDERSON: Or bring it back to
6 us with the CRA?

7 INTERIM EXECUTIVE DIRECTOR EVANS: I was
8 suggesting that you could make the finding that you
9 feel that there may be concerns with the parking --

10 CHAIR MILLER-ANDERSON: So you're saying
11 instead of two approvals, do the one?

12 INTERIM EXECUTIVE DIRECTOR EVANS: You could
13 just go to City Council, but require all of the things
14 you're saying --

15 CHAIR MILLER-ANDERSON: I'm not in favor of
16 that, no. I think we need to stick with the process in
17 which we were going.

18 VICE CHAIR DAVIS JOHNSON: Madam Chair.

19 CHAIR MILLER-ANDERSON: Go ahead.

20 VICE CHAIR DAVIS JOHNSON: Did you say we
21 could make a finding -- you said we could make a
22 finding not in favor, citing the concerns? Is that
23 what I understood you to say?

24 INTERIM EXECUTIVE DIRECTOR EVANS: Yes, as a
25 recommending body, you're just going to make a

1 recommendation, and you don't have to find it in
2 compliance with the CRA Plan. You could say that you
3 see some issues and you would like the City Council to
4 consider the issues that you found. It's not a
5 required step. The CRA Board makes a recommendation,
6 the Planning and Zoning Board makes a recommendation,
7 and the City Council makes a final determination.

8 COMMISSIONER HUBBARD: But that's kind of how
9 we got here. Planning and Zoning didn't approve it,
10 but they still moved forward to the CRA. Now we'll
11 still be kind of using that to move it to the City
12 Council. I guess what I'm trying to do is force some
13 kind of open communication and some kind of dialogue
14 that everybody gets heard and they can go over the
15 concerns and issues with a possible amenable resolution
16 if there's a half a chance.

17 INTERIM EXECUTIVE DIRECTOR EVANS: I just
18 mentioned it because I just wanted to make sure the
19 Board was clear that if you vote to find the project
20 not in compliance with the CRA Plan, then it still goes
21 to the City Council for final approval. It's not --
22 that wouldn't pause the process.

23 CHAIR MILLER-ANDERSON: If there were
24 different people sitting on that Board, then I could
25 see the sense in doing that. But I think we're going

1 to come back to the same answer or the same issues
2 unless it's been worked through before it comes to even
3 the City. I think it would be taking away those layers
4 and allowing these items to be addressed, such as the
5 parking, or whatever issues we may have similar to what
6 Ms. Hubbard just said. You know, it pushed from P & Z
7 to CRA, and basically, we'll be pushing it on the City,
8 but we're pushing it to the same people.

9 So I personally feel that we really need to
10 try to -- I know it's been a very tough situation in
11 terms of you all meeting together and trying to work
12 through this, but I'm not comfortable with voting on
13 this tonight, like I said, for a couple reasons, but
14 mainly, there's five people on this Council, and I
15 think all of -- five people on this Commission, and I
16 think all five should be here while we make this
17 decision.

18 COMMISSIONER HUBBARD: Well, what Commission
19 Johnson was saying, the only problem that I saw with it
20 was closing -- not leaving it open-ended, because I
21 think there are two groups that have -- and they should
22 be able to come together and decide on a date that is
23 amicable for the both of them. Now, we, of course,
24 wouldn't tolerate, you know, one group or the other
25 just dragging it out, saying that the, you know, oh,

1 the whole month of November went by and we couldn't
2 find a date to meet, you know. So that wouldn't be
3 tolerated. And so that was my only concern,
4 Councilwoman Johnson.

5 CHAIR MILLER-ANDERSON: Okay, so with the two
6 motions that you all were making, are you able to kind
7 of come to a middle road?

8 VICE CHAIR DAVIS JOHNSON: Well, in light of
9 the fact that we realize that November 22nd is not
10 going to be a meeting date, then the next available
11 date would be the 29th. Surely there could be a
12 meeting of the minds by that time if we were to
13 schedule a meeting, because we would have the
14 opportunity to cancel that meeting for the 22nd due to
15 the holiday, and we could --

16 INTERIM EXECUTIVE DIRECTOR EVANS: We do
17 tentatively have a date scheduled for November 29th.
18 It's for a workshop to work on the block which is on
19 the corner of Broadway and Blue Heron. So that is on
20 the calendar --

21 VICE CHAIR DAVIS JOHNSON: Could we place
22 that as an item on that workshop agenda, or --

23 INTERIM EXECUTIVE DIRECTOR EVANS: We could
24 have a meeting, yes.

25 CHAIR MILLER-ANDERSON: We could have a

1 meeting and a workshop.

2 VICE CHAIR DAVIS JOHNSON: A meeting and a
3 workshop.

4 INTERIM EXECUTIVE DIRECTOR EVANS: It might
5 be a long night. We might be better to move the
6 workshop to a different date. But that date is
7 available.

8 VICE CHAIR DAVIS JOHNSON: Okay, then that
9 would be my motion, to table, with the meeting to have
10 to take place between now and the 29th, before the --
11 well, before the meeting that occurs on the 29th.

12 CHAIR MILLER-ANDERSON: And can I just -- if
13 they were able to meet before the 8th, would we be open
14 to putting it on the agenda if --

15 VICE CHAIR DAVIS JOHNSON: Absolutely.

16 INTERIM EXECUTIVE DIRECTOR EVANS: Sure.

17 COMMISSIONER HUBBARD: If they meet before
18 the 8th and they notify Scott, then we'll get it on
19 that agenda.

20 CHAIR MILLER-ANDERSON: All right, so did you
21 get that, Ms. Hatcher?

22 THE CLERK: I just need to know -- we just
23 need to know who's going to make the motion.

24 CHAIR MILLER-ANDERSON: Ms. Davis Johnson.
25 Can you restate it?

1 THE CLERK: So the motion is to table the
2 item to November 8th if the two parties are able to
3 meet --

4 CHAIR MILLER-ANDERSON: No.

5 THE CLERK: -- before --

6 CHAIR MILLER-ANDERSON: The 29th.

7 VICE CHAIR DAVIS JOHNSON: 29th.

8 THE CLERK: Oh, okay. So the motion is to
9 table the item to November 28th --

10 CHAIR MILLER-ANDERSON: 29th.

11 THE CLERK: -- the 29th, I'm sorry,
12 contingent upon the two parties meeting before the
13 29th.

14 CHAIR MILLER-ANDERSON: If they are able to
15 meet before the 29th, we will be open to -- they need
16 to contact Mr. Evans to put it on the November 8th
17 agenda.

18 THE CLERK: November 8th, okay.

19 CHAIR MILLER-ANDERSON: The November 8th
20 agenda.

21 THE CLERK: November 8th agenda.

22 CHAIR MILLER-ANDERSON: Yes.

23 THE CLERK: Okay, and that motion was Vice
24 Chair Tonya Davis Johnson.

25 CHAIR MILLER-ANDERSON: Yes. Is there a

1 second?

2 COMMISSIONER HUBBARD: Second.

3 CHAIR MILLER-ANDERSON: All right, Madam
4 Clerk.

5 (Vote taken. Motion carried.)

6 CHAIR MILLER-ANDERSON: Item four. We're
7 going to take a two minute, just a two minute, okay.

8 (Whereupon, there was a recess in the
9 proceedings.)

10 CHAIR MILLER-ANDERSON: We're ready. So if
11 there are any side conversations, please take it out in
12 the hallway. Otherwise, we need to have quiet so we
13 can continue.

14 All right, go ahead.

15 ADMINISTRATIVE ASSISTANT SEGUIN: Marina
16 Village enhancements presentation.

17 INTERIM EXECUTIVE DIRECTOR EVANS: No, the
18 next one is second modification of professional
19 services agreement.

20 CHAIR MILLER-ANDERSON: Okay, item four?

21 VICE CHAIR DAVIS JOHNSON: Item three.

22 INTERIM EXECUTIVE DIRECTOR EVANS: The new
23 item four is a resolution of the Board of Commissioners
24 of Riviera Beach Community Redevelopment Agency
25 approving the second modification to professional