



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

LOCAL PLANNING AGENCY

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

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

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

If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

Rena James, Chairperson

Tradrick McCoy, Vice-Chair

Corey Blackwell, Sr., Board Member

James Gallon, Board Member

Edward Kunuty, Board Member

Margaret Shepherd, Board Member

Julius Whigham, Sr., Board Member

Jon Gustafson, 1st Alternate Member

Anthony Brown, 2nd Alternate Member

III. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION

IV. ADDITIONS AND DELETIONS TO THE AGENDA

V. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA

VI. APPROVAL OF MINUTES – April 27, 2017.

VII. UNFINISHED BUSINESS

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

VIII. NEW BUSINESS

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

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

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

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

IX. GENERAL DISCUSSION

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS
 1. Project Updates / Upcoming Projects
 2. Upcoming P&Z Board Meetings – May 25, 2017 / June 8, 2017

X. ADJOURNMENT

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, www.rivierabch.com.

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CITY OF RIVIERA BEACH
PLANNING AND ZONING BOARD

Thursday, April 27, 2017

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:34 p.m. - 8:50 p.m.

IN ATTENDANCE:

Tradrick McCoy, Chair
Corey Blackwell, Sr., Board Member
James Gallon, Board Member
Edward Kunuty, Board Member
Margaret Shepherd, Board Member
Jon Gustafson, 1st Alternate Member
Anthony Brown, 2nd Alternate Member
Jeff Gagnon, Assistant Director
of Community Development
Mario Velasquez, Senior Planner
Andrew DeGraffenreidt, City Attorney

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1 BE IT REMEMBERED that the following Planning
2 and Zoning Board meeting was had at Riviera Beach City
3 Hall Council Chambers, 600 West Blue Heron Boulevard,
4 Riviera Beach, Florida, on Thursday, April 27, 2017,
5 beginning at 6:34 p.m., with attendees as hereinabove
6 noted, to wit:
7 ---
8 CHAIR McCOY: Good evening. We're going to
9 call the meeting of the Planning and Zoning Board to
10 order. We'll start with a moment of silence, followed
11 by the Pledge of Allegiance.
12 (Moment of silence observed. Pledge of
13 Allegiance recited.)
14 CHAIR McCOY: Mr. Velasquez, roll call.
15 MR. VELASQUEZ: Anthony Brown.
16 MR. BROWN: Present.
17 MR. VELASQUEZ: Jon Gustafson.
18 MR. GUSTAFSON: Present.
19 MR. VELASQUEZ: James Gallon.
20 MR. GALLON: Present.
21 MR. VELASQUEZ: Julius Whigham.
22 (No response.)
23 MR. VELASQUEZ: Margaret Shepherd.
24 MS. SHEPHERD: Here.
25 MR. VELASQUEZ: Edward Kunuty.

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1 MR. KUNUTY: Here.
2 MR. VELASQUEZ: Corey Blackwell, Sr.
3 MR. BLACKWELL: Present.
4 MR. VELASQUEZ: Tradrick McCoy.
5 CHAIR McCOY: Here.
6 MR. VELASQUEZ: Rena James.
7 (No response.)
8 MR. VELASQUEZ: A quorum is present.
9 CHAIR McCOY: Mr. Velasquez, do we have any
10 substitution of voting rights for this evening's
11 meeting.
12 MR. GAGNON: Yes. Jeff Gagnon, Assistant
13 Director of Community Development.
14 We did hear from Ms. James that she would not
15 be able to make tonight's meeting due to a family
16 emergency. I did not hear from Mr. Whigham, so he may
17 be en route currently. However, due to both of those
18 primary Board members being absent, I would ask that
19 both the first alternate and second alternate receive
20 voting rights.
21 CHAIR McCOY: Thank you, Mr. Gagnon.
22 That takes us right to number III,
23 acknowledgment of those members that are absent and the
24 notification. Is there a motion? Is there a motion
25 for acknowledgement of the Board member absence?

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1 MR. KUNUTY: So moved.
2 CHAIR McCOY: It's been moved. Is there a
3 second?
4 MR. BLACKWELL: Second.
5 CHAIR McCOY: Moved by Mr. Kunuty, and there
6 was a second by Mr. Blackwell. Roll call on the
7 acknowledgement of Board member absence.
8 MR. VELASQUEZ: Anthony Brown.
9 MR. BROWN: Yes.
10 MR. VELASQUEZ: Jon Gustafson.
11 MR. GUSTAFSON: Yes.
12 MR. VELASQUEZ: James Gallon.
13 MR. GALLON: Yes.
14 MR. VELASQUEZ: Margaret Shepherd.
15 MS. SHEPHERD: Yes.
16 MR. VELASQUEZ: Edward Kunuty.
17 MR. KUNUTY: Yes.
18 MR. VELASQUEZ: Corey Blackwell, Sr.
19 MR. BLACKWELL: Yes.
20 MR. VELASQUEZ: Tradrick McCoy.
21 CHAIR McCOY: Yes.
22 MR. VELASQUEZ: Unanimous voting. Motion
23 approved.
24 CHAIR McCOY: Thank you.
25 Item number IV, additions and deletions to

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1 the agenda.

2 MR. GAGNON: Yes, I want to notify the Board

3 that City Manager Evans did state that he would be

4 unable to make it to tonight's meeting due to a

5 previous engagement as well. However, as he stated

6 previously, he does intend on coming to Planning and

7 Zoning Board meetings in the future.

8 I also want to make note of documents that

9 were provided to the Board. First, we have a revised

10 public comment card. So this was not provided to the

11 Board, however, they are available in the back of the

12 room. So it's new and improved. It allows for

13 comments to be read into the record or for individuals

14 to speak on items, whichever they choose to do, and it

15 allows for additional public participation in the

16 meetings.

17 Additionally, please note that there is a

18 membership list that was provided. It's in a draft

19 form, so if you could all look at the contact

20 information and update it accordingly, if you provide

21 me any updates at the end of the meeting, I can revise

22 that and provide a finalized form to the Board.

23 There's also a memo provided dated April 20th

24 which discussed the acknowledgement of Board member

25 absence or vacation that we just ran through. There's

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1 also a copy of the PowerPoint presentation, a hard copy

2 that we will get into momentarily in regards to Board

3 member orientation.

4 There are no other changes and no other

5 notifications.

6 CHAIR McCOY: Thank you, Mr. Gagnon.

7 Disclosure by members of the Board. Any

8 members wishing to disclose?

9 Adoption of the agenda. Is there a motion to

10 adopt the agenda?

11 MR. KUNUTY: So moved.

12 MS. SHEPHERD: Second.

13 CHAIR McCOY: Moved by Mr. Kunuty, and there

14 was a second by Mrs. Shepherd. Roll call.

15 MR. VELASQUEZ: Anthony Brown.

16 MR. BROWN: Yes.

17 MR. VELASQUEZ: Jon Gustafson.

18 MR. GUSTAFSON: Yes.

19 MR. VELASQUEZ: James Gallon.

20 MR. GALLON: Yes.

21 MR. VELASQUEZ: Margaret Shepherd.

22 MS. SHEPHERD: Yes.

23 MR. VELASQUEZ: Edward Kunuty.

24 MR. KUNUTY: Yes.

25 MR. VELASQUEZ: Corey Blackwell, Sr.

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1 MR. BLACKWELL: Yes.

2 MR. VELASQUEZ: Tradrick McCoy.

3 CHAIR McCOY: Yes.

4 MR. VELASQUEZ: Unanimous voting. Motion

5 approved.

6 CHAIR McCOY: Thank you.

7 Item number VI, approval of the minutes of

8 April 13, 2017. Is there a motion to approve those

9 minutes?

10 MR. KUNUTY: So moved.

11 CHAIR McCOY: Properly moved.

12 MS. SHEPHERD: Second.

13 CHAIR McCOY: And there's a second by

14 Mrs. Shepherd. Roll call.

15 MR. VELASQUEZ: Anthony Brown.

16 MR. BROWN: Yes.

17 MR. VELASQUEZ: Jon Gustafson.

18 MR. GUSTAFSON: Yes.

19 MR. VELASQUEZ: James Gallon.

20 MR. GALLON: Yes.

21 MR. VELASQUEZ: Margaret Shepherd.

22 MS. SHEPHERD: Yes.

23 MR. VELASQUEZ: Edward Kunuty.

24 MR. KUNUTY: Yes.

25 MR. VELASQUEZ: Corey Blackwell, Sr.

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1 MR. BLACKWELL: Yes.

2 MR. VELASQUEZ: Tradrick McCoy.

3 CHAIR McCOY: Yes.

4 MR. VELASQUEZ: Unanimous voting. Motion

5 approved.

6 CHAIR McCOY: Thank you.

7 Item number VII, Board member orientation.

8 Mr. Gagnon.

9 MR. GAGNON: Yes, thank you, Chair.

10 So due to the fact that we have four new

11 Board members, it seemed prudent to go through an

12 orientation and a refresher for those Board members

13 that have been with us for some time. Within this

14 discussion I'll touch upon both the duties of the

15 Planning and Zoning Board, parliamentary procedure and

16 Robert's Rules of Order, Government in the Sunshine Law

17 and public records. If at any point a Board member has

18 questions, please just stop me, and I'll be happy to

19 answer them.

20 So the Planning and Zoning Board was created

21 and defined in Chapter 27 of the City's Code of

22 Ordinances. This was originally approved in 1957, so

23 there are some elements that may not be as relevant now

24 as they were then, however, this code section does

25 govern the Board and the responsibilities and duties.

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1 Overall, the Planning and Zoning Board is
 2 responsible for reviewing documents and amendments to
 3 those documents. Those include the Comprehensive Plan
 4 and the future land use map, as well as Land
 5 Development Regulations, our zoning map and other
 6 zoning designations.
 7 Another major component of the Board is to
 8 review land development applications, which could be
 9 for site plan approval, could be for plats, could be
 10 for landscape plans associated with site plans. So
 11 those are the main aspects of the Board's duties.
 12 Overall, the Board is an Advisory Board to
 13 the City Council, meaning that you're really tasked
 14 with making a recommendation to City Council. However,
 15 the City Council does have the authority to either
 16 approve, modify or overrule any recommendation from the
 17 Planning and Zoning Board.
 18 Today I did send out an e-mail that provided
 19 web links to some of the most often used resources by
 20 the Planning and Zoning Board. That included a link to
 21 the City's Comprehensive Plan. There was a link also
 22 to the future land use map and zoning map, as well as
 23 the City Code of Ordinances, which is maintained by a
 24 third party provider known as municode.com. It's a
 25 pretty customary procedure and method of maintaining

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1 Codes of Ordinances.
 2 If you go to their web site, which is
 3 municode.com, you can see that there are multiple
 4 municipalities that use the same provider for
 5 maintenance of Codes of Ordinances. Within the code,
 6 Chapter 31 is most frequently used by the Board, that's
 7 our zoning section of the code. And the district
 8 regulations sections which outline specific provisions
 9 for land development are held within Article V.
 10 The City's web site is also a pretty valuable
 11 resource. And we also upload the recordings of the
 12 meetings to You Tube as well. So if you choose to go
 13 back and reference any point in the meeting, we've been
 14 doing that for some time, so we have meetings archived
 15 for the past few years that way.
 16 Do you have any specific questions at this
 17 point? Seeing none, moving on to Roberts Rules of
 18 Order and just parliamentary procedure.
 19 So our Board quorum is four members. We have
 20 seven full-time members and two alternates. As we've
 21 seen tonight, if the primary members are absent, then
 22 the alternate members would have voting rights as well.
 23 So we've already seen that firsthand, so I don't really
 24 need to discuss that much more.
 25 So basics for preliminary procedure. It's

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1 really intended to have an organized structure for
 2 discussion and really to allow for all parties to
 3 participate fully in conversation, whether they're for
 4 or against an item.
 5 When making a motion on an item, a majority
 6 of the Board members would constitute approval of that
 7 motion. And when making a motion, typically it's
 8 preferred to have an affirmative motion. So the motion
 9 would be that "I move that we" versus "I move that we
 10 do not." So that helps avoid some confusion if it's
 11 affirmative.
 12 However, if there is ever a time where
 13 there's a motion made and there's any sort of confusion
 14 on what the actual intent is of the motion by the
 15 motion maker, or if there's any confusion to what the
 16 final result of the motion would cause, it's definitely
 17 appropriate and customary for a Board member to ask
 18 questions. So we'd much rather have you ask a question
 19 and say, "I don't fully understand this aspect of this
 20 particular motion. Can I have further clarity?"
 21 instead of voting and feeling as if you voted
 22 incorrectly or you may have voted in a manner that
 23 wasn't true to what you wanted to vote.
 24 One item that hasn't come up in some time is
 25 the ability for a Board member to abstain from voting.

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1 So really the only time that a Board member can just
 2 completely abstain from voting is if there's a
 3 conflict. So if there's an item that may be somewhat
 4 of a hot button item, and maybe you just don't want to
 5 vote on it, unfortunately, that's not reason enough to
 6 recuse yourself from voting. So in that situation, you
 7 would still have to vote if you're an active Board
 8 member.
 9 Any questions?
 10 MS. SHEPHERD: Jeff, may I ask a question?
 11 MR. GAGNON: Yes, Ms. Shepherd.
 12 MS. SHEPHERD: So if you definitely take a
 13 stand that you're not going to vote on that item, is
 14 there some type of reprimand, or do you try to come to
 15 some type of agreement? Just how does that work?
 16 MR. GAGNON: That's a good question. I guess
 17 I'd have to research it further. But I think that
 18 really the item wouldn't be able to progress or the
 19 motion wouldn't be able to progress unless that Board
 20 member took action, whether it was a yes or no vote.
 21 MS. SHEPHERD: Well, will you have an
 22 opportunity to table that item until you get clarity on
 23 that item?
 24 MR. GAGNON: If there's an active motion on
 25 the floor, I don't believe that that would be an option

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1 unless the original motion maker amended their motion.
 2 So really, once the motion has been made and voting has
 3 started, and if there's no direct conflicts, then that
 4 Board member would have to proceed with a yes or no
 5 vote on the motion.
 6 MR. DeGRAFFENREIDT: Ms. Shepherd, if I may,
 7 as the authorized representatives of the City compelled
 8 to, as the representative, voice whatever your
 9 conscience is, the only time the law permits you not to
 10 vote is if there's a conflict of interest, which,
 11 concisely defined, is you're going to make money in the
 12 deal, somebody close to you is going to make money in
 13 the deal or if there's some other special benefit
 14 that's going to procure, especially to you or somebody
 15 in your immediate family as a result of the decision,
 16 then you cannot vote. That's the only time you can't
 17 vote.
 18 MS. SHEPHERD: Okay.
 19 MR. DeGRAFFENREIDT: You don't like the
 20 issue, vote against it.
 21 MS. SHEPHERD: No, not that I've ever
 22 encountered it. I'm just saying --
 23 MR. DeGRAFFENREIDT: Yes, ma'am. That is the
 24 only time you cannot vote, is when there's obviously
 25 something available which is going to inure to your

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1 private benefit or somebody close to you, in your
 2 immediate family in some form or fashion, whether it be
 3 financial or otherwise. And if that does occur,
 4 there's certain disclosure requirements you're to make
 5 within a prescribed period. I think it's 15 days, but
 6 I'm not sure, as I said.
 7 MS. SHEPHERD: Okay, thank you.
 8 MR. DeGRAFFENREIDT: Yes, ma'am.
 9 CHAIR McCOY: Mr. Gagnon.
 10 MR. GAGNON: Yes, sir.
 11 CHAIR McCOY: To that same point, would you
 12 be able to speak to the disclosure requirement that we
 13 actually just went through today when it comes to
 14 disclosure by Board members prior to voting on the
 15 item, if you're prepared?
 16 MR. GAGNON: Right. So to restate the
 17 question, if you knew of a conflict prior to the item
 18 being discussed, is that what you're referencing, or
 19 during conversation you may realize that there is a
 20 potential conflict?
 21 CHAIR McCOY: Well, no, not necessarily. But
 22 I know routinely, and I know at least for the last few
 23 years we've kind of made note on the record that we've
 24 met with, you know, potential --
 25 MR. GAGNON: Yes.

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1 CHAIR McCOY: -- applicants, or you know,
 2 we've took a tour of the property, just to put on the
 3 record that we've had some contact with the applicant.
 4 Or you know, I don't know if that provision still
 5 applies for like what we have today, like the land use
 6 ordinances, but is there, I guess, a mechanism in which
 7 we would need to disclose, even when we've had
 8 discussions with the City Attorney, the City Manager or
 9 some other staff member regarding something that comes
 10 before the Board?
 11 MR. GAGNON: Yes, I understand your question
 12 now. There is actually a section a little bit later on
 13 in the presentation that discusses disclosures in a
 14 little bit more detail. As you did mention, there is a
 15 disclosure section on tonight's agenda. It's Roman
 16 numeral five. So that really provides any Board member
 17 the opportunity just to state that they either met with
 18 a potential developer or they met with their agent.
 19 It's really just to air out any sort of meeting that
 20 could have potentially happened, and that would be the
 21 appropriate time to do so.
 22 CHAIR McCOY: Thank you, Mr. Gagnon.
 23 MR. GAGNON: So Florida's Government in the
 24 Sunshine Law, which is most commonly referred to just
 25 as the Sunshine Law, the intent of this law is to

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1 really provide access to public meetings so that any
 2 sort of either advisory board, whether it's full of
 3 elected officials or people that are appointed to the
 4 board, no matter what type of meeting, that if it's a
 5 public meeting, it's open to the public, allows for
 6 public participation, and that it's accessible to
 7 anyone that wants to access it.
 8 So the specific statute, Section 286.011
 9 provides that the meeting must be open and available to
 10 the public, so that would apply to the Planning and
 11 Zoning Board; that reasonable notice is given and that
 12 meeting minutes are also taken, which by default would
 13 become part of the City's public records, so if any
 14 interested party wanted to request meeting minutes,
 15 they'd be able to do so.
 16 Now, there are specific limitations on
 17 discussion of items by Board members outside of a
 18 public meeting. So if you have an individual meeting,
 19 just one-on-one with staff, that's perfectly fine. I
 20 would recommend if you have any specific questions
 21 about items, that you contact staff directly.
 22 But what can happen is that two Board members
 23 or three Board members, any number of Board members
 24 outside of the active meeting discuss an item that they
 25 may have to act on as a Board, so that would be in

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1 direct violation of the Sunshine Laws, and there are
 2 penalties that would potentially come down if that were
 3 to occur.
 4 One interesting, I guess it's a case that
 5 occurred, is this can be as specific as a recess period
 6 during an active meeting. So if for some reason we had
 7 a five minute recess at our meeting today, and you
 8 know, two Board members started having a conversation
 9 about the ordinance that we have a little bit later on
 10 in the agenda, technically that could be seen as a
 11 violation, being that it's not an active meeting. So
 12 even be mindful of when you first come into the Council
 13 chambers, you know, small talk about the weather, or
 14 you know, the game last night is perfectly fine, but
 15 just don't start having a conversation a little bit too
 16 early about agenda items. So just be very mindful of
 17 that and that the Sunshine Laws do exist.
 18 So just a few suggestions. Again, please
 19 contact staff if you have questions about anything to
 20 do with the agenda. I know that prior to this meeting
 21 I did have Board members reach out to me, and I think I
 22 got back to them within half an hour maybe. So we're
 23 accessible, we want to provide answers. That's really
 24 what we're here for. The sooner you ask the questions,
 25 the sooner we can prepare responses for you. So we

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1 definitely appreciate the Board being active. But
 2 again, don't be active amongst one another outside the
 3 meeting, just direct it to staff.
 4 One thing to be --
 5 MR. GUSTAFSON: Mr. Gagnon, I have a
 6 question.
 7 MR. GAGNON: Yes.
 8 MR. GUSTAFSON: What is considered staff?
 9 MR. GAGNON: I'm using staff very open. It's
 10 just a City employee.
 11 MR. GUSTAFSON: Thank you.
 12 MR. DeGRAFFENREIDT: The representatives of
 13 the appointing authority.
 14 MR. GAGNON: One thing that I haven't seen
 15 happen firsthand, but I've heard stories of "replying
 16 all" to an e-mail. When maybe it's an accidental
 17 "reply all" and you may not even see that there's 50
 18 people copied on this e-mail, if you accidentally "reply
 19 all," you could inadvertently copy another Board member
 20 if there's any sort of conversation about an item
 21 that's to be discussed. It's just something, again, to
 22 be aware of, because that could run into Sunshine
 23 issues as well. So be very careful with "relay all" in
 24 e-mails if it has anything to do with pending items or
 25 items that you think may come before the Board.

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1 And again, there are many resources
 2 available. I've provided one web link to the Attorney
 3 General's web site, which is a good place to start.
 4 However, there's a lot of resources online. And if you
 5 have any specific questions following the meeting, then
 6 please reach out to me.
 7 So any time you reach out to me, be very
 8 mindful that e-mail correspondence is public record.
 9 So if it's something that you feel is personally
 10 confidential, if there's a reason that you have to miss
 11 a meeting and you don't want it to be an e-mail record,
 12 then just give me a phone call. Again, it could be
 13 e-mail, text, written correspondence, anything like
 14 that will be part of the public record, so just be
 15 mindful of that.
 16 More so, the membership list is also public
 17 record. Your applications for the Board would be
 18 considered public record. So anything that you want to
 19 have or remove from that membership list, just let me
 20 know and we can have the final list published and make
 21 sure that we have the information we need to on there.
 22 MR. BLACKWELL: Excuse me, if I may. As part
 23 of that item right there, my home address maybe should
 24 be redacted from, I guess, this list, as well as any of
 25 the prior lists that we have published so far because

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1 of my capacity as a Deputy Sheriff.
 2 MR. GAGNON: Understood. We can put back
 3 what we have for records, and I'll do so to the fullest
 4 extent possible.
 5 MR. BLACKWELL: Thank you.
 6 MR. GAGNON: And also, I'll make note so we
 7 can update the membership list.
 8 So to the Chairperson's point earlier as far
 9 as the timing of the meeting for disclosure, there is a
 10 specific agenda section at the beginning of the meeting
 11 to allow for disclosures from the Board. At that point
 12 if you have had a meeting with any agent or any
 13 applicant, that's the time to disclose that.
 14 In conjunction with that membership list,
 15 there is contact information that's public record. So
 16 if an agent wants to reach out to you, they have the
 17 ability to do so, but it's really up to the individual
 18 Board member how they want to react to that.
 19 There's nothing that compels you as a Board
 20 member to entertain that. If you have specific
 21 questions that you would like to ask them, you can do
 22 so, however, you can also say: No, thank you. I'll
 23 contact staff if I have specific questions. So that's
 24 really a personal preference, and it might depend on
 25 the item being presented, but just be mindful of that

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1 as well.
 2 So overall, does the Board have any questions
 3 on what was presented tonight?
 4 CHAIR McCOY: Mr. Gagnon.
 5 MR. GAGNON: Yes, sir.
 6 CHAIR McCOY: My question about the
 7 disclosure, does that only apply to agents and
 8 applicants, or is there a requirement that we
 9 disclose -- like I think I called you about a question
 10 I had related to the filling stations. Is there a
 11 requirement that I disclose that in a public meeting,
 12 that I met with staff regarding that?
 13 MR. GAGNON: I'm not sure if there's --
 14 MR. DeGRAFFENREIDT: There's no legal
 15 requirement that you do it. You can.
 16 CHAIR McCOY: Okay. Well, you know, I think
 17 it's probably good to know just going forward.
 18 MR. DeGRAFFENREIDT: Yes, sir.
 19 MR. GAGNON: I'm sorry, sir.
 20 Yes, so there may not be a legal requirement,
 21 but personally, I think that just any sort of
 22 disclosure that you feel is appropriate as a Board
 23 member, then just do so. And that way, it will be part
 24 of the record, and you'll feel more comfortable and
 25 there won't be any questions in the future.

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1 CHAIR McCOY: Okay.
 2 MS. SHEPHERD: Mr. Gagnon.
 3 MR. GAGNON: Yes, ma'am.
 4 MS. SHEPHERD: If a Board member -- I just
 5 recently saw this happen -- call you and they don't
 6 agree with your synopsis of the question, how do you
 7 handle that? I mean it was a long, drawn out question.
 8 I think Legal answered it, but the person still was not
 9 happy with the legal question. How do we do that? Do
 10 we continue to dialogue of what they want, or do they
 11 have to accept what Legal, or I guess the Director have
 12 to say, because I don't think we should ever go through
 13 that again. Do we have some type of structure in
 14 place?
 15 MR. GAGNON: I think as City staff, we really
 16 try to base our opinions off of law whenever possible.
 17 So if there's specific code sections that are being
 18 questioned, oftentimes staff will provide specific code
 19 sections to whoever is asking the question, and
 20 normally that kind of provides a final answer. Not to
 21 say that it will fully satisfy whoever is asking the
 22 question, but at least it will be a response provided
 23 and it will be based on some legal structure.
 24 MS. SHEPHERD: And if they don't accept your
 25 answer, then what do you do? You continually try to

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1 work through it to get an answer, or you just pull back
 2 and let it go?
 3 MR. GAGNON: Sometimes if there's still not
 4 full satisfaction, I found that maybe it's asking the
 5 question in a different way. So sometimes it's just
 6 staff's not fully understanding what's being asked in a
 7 question. Oftentimes we're used to seeing things in a
 8 more rigid manner versus someone that's not working
 9 with site plans or landscape plans all day.
 10 So sometimes by revisiting the question and
 11 kind of going through really where the starting point
 12 is and where the question asker is trying to go, we're
 13 often able to provide a more elaborate and detailed
 14 response. That doesn't mean it's going to fully
 15 satisfy the question, but it helps at least to provide
 16 further direction.
 17 MS. SHEPHERD: So does Legal has the last
 18 say-so in that particular matter, or do you take it a
 19 step further to satisfy that person? Does Legal have
 20 the last say-so in a matter that's being, I guess,
 21 going back and forth, because I think that particular
 22 answer, I don't think that person ever received an
 23 answer. Mr. Legal?
 24 MR. DeGRAFFENREIDT: You lost me.
 25 MS. SHEPHERD: Okay.

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1 MR. DeGRAFFENREIDT: I can say this. I do
 2 not control the decision making. That is really clear.
 3 That's why you've been appointed to make the decisions.
 4 If there is an issue presented to you and there's a
 5 lack of information or a lack of understanding, then
 6 staff will do whatever it can to try to resolve that
 7 lack of information. We may or we may not. The
 8 ultimate decision, with or without that information,
 9 would be yours, but you would have to vote.
 10 MS. SHEPHERD: But I think I'm asking a
 11 question to Legal.
 12 MR. DeGRAFFENREIDT: Okay, you're asking me.
 13 MS. SHEPHERD: You.
 14 MR. DeGRAFFENREIDT: Okay, yes, ma'am.
 15 MS. SHEPHERD: After you give the report back
 16 to the Director, are you the one that have the last
 17 say-so over the legal issue, or does it go back to the
 18 Director? I mean how do you figure it out? It was a
 19 cloud there that no one seemed to have an answer to,
 20 and it just went on and on and on. And how do you
 21 figure it out?
 22 MR. DeGRAFFENREIDT: We've got two questions
 23 that affect your decision making. The fact questions
 24 belong to him. The legal questions belong to me. But
 25 they are both fit within the scope of advice. One of

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1 the challenges I've had for 35 years being a lawyer is
 2 you can give clients the best advice in the world. The
 3 final decision is always theirs.
 4 MS. SHEPHERD: Is always?
 5 MR. DeGRAFFENREIDT: The client's.
 6 MS. SHEPHERD: The client.
 7 MR. DeGRAFFENREIDT: And for the purposes of
 8 this meeting, you are my client.
 9 MS. SHEPHERD: Okay.
 10 MR. DeGRAFFENREIDT: So I will give you what
 11 the law says, but how you utilize that tool in terms of
 12 your decision making is something up to your
 13 discretion. You know, and sometimes it's not done
 14 correctly, you know, and those issues are addressed in
 15 the judicial forum. But trust me, I'll do everything I
 16 can to make sure it doesn't get there.
 17 MS. SHEPHERD: Thank you. Thank you,
 18 Mr. Gagnon.
 19 CHAIR McCOY: Are you finished with your
 20 presentation, Mr. Gagnon.
 21 MR. GAGNON: Yes, sir.
 22 CHAIR McCOY: Any other members' questions or
 23 comments of Mr. Gagnon's presentation, now is the time.
 24 No questions.
 25 Thank you, Mr. Gagnon.

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1 We'll go on to the next item, item number
 2 VIII, unfinished business and nomination of Chairperson
 3 and Vice Chairperson.
 4 MR. GAGNON: Yes. So at this point, what we
 5 do is open up the floor for potential nominations of
 6 Chairperson. Anyone can nominate any other Board
 7 member, or they can nominate themselves. Typically,
 8 you'd nominate another Board member.
 9 I would suggest, and it's not a requirement,
 10 but it would make the most sense to have a full-time
 11 member in these positions just in case we did have a
 12 full Board, that might preclude the Chairperson or Vice
 13 Chair, if they were the first or second alternate, from
 14 acting in that capacity. So historically, it's been a
 15 full-time member appointed to those positions. So at
 16 this point, the floor is open for nominations of
 17 Chairperson.
 18 MS. SHEPHERD: Well, I'd like to nominate
 19 Mr. Edward Kunuty for Chairperson.
 20 CHAIR McCOY: Any other members with a
 21 nomination?
 22 MR. KUNUTY: Thank you, Ms. Shepherd, but I'm
 23 going to decline the nomination for Chair. I've done
 24 it on numerous times, and at this point, I respectfully
 25 decline. However, I would like to nominate Mr. McCoy,

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1 our current Vice Chair, to take over the seat as Chair.
 2 CHAIR McCOY: Any other members?
 3 Well, actually, I wanted to nominate Ms. Rena
 4 James again. I mean I didn't really see an issue with
 5 the election of officers unless a member pointed it
 6 out. But I think my question a couple of weeks ago, or
 7 even -- I'm sorry, yes, a couple weeks ago in our last
 8 meeting, was there a requirement or is there an annual
 9 election of Vice Chair and Chairperson, and I don't
 10 think there's an absolute requirement. And so, you
 11 know, with that, I don't have a problem with keeping
 12 Ms. James as Chairperson, and I renew my nomination for
 13 Ms. James.
 14 MR. KUNUTY: Okay, I think there was a
 15 requirement that came up a number of years ago that the
 16 Chair can only do two terms, consecutive terms. And I
 17 can't remember, is this her second term?
 18 MR. GAGNON: I believe this is her first --
 19 MR. KUNUTY: Is it?
 20 MR. GAGNON: -- in this series. Historically
 21 she's been Chairperson. I don't know if that's an
 22 actual code requirement or if that was just the purview
 23 of the Board. I think it was, if I remember correctly,
 24 just decided by the Board as far as having different
 25 Board members having the opportunity to serve as Chair.

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1 MR. KUNUTY: I believe it was. We had one
 2 long-term Chair, and I think the Board at that time
 3 decided that it would be better to rotate the position
 4 periodically, so -- but I'm okay with the nomination of
 5 Ms. James for another term as Chair. So in that, I
 6 will withdraw my nomination for Mr. McCoy.
 7 MR. BLACKWELL: And I will just -- I will
 8 nominate Tradrick McCoy as Vice Chair again. Is this
 9 your second term as Vice Chair or --
 10 CHAIR McCOY: Yes. But --
 11 MR. GAGNON: Before we move to Vice Chair,
 12 the floor is still open for the Chairperson.
 13 MS. SHEPHERD: Mr. Gagnon, does Ms. James
 14 need to --
 15 CHAIR McCOY: Excuse me one second.
 16 Mr. Blackwell, you did understand what he
 17 said --
 18 MR. BLACKWELL: Yes --
 19 CHAIR McCOY: -- so we're still on
 20 Chairperson now.
 21 MR. BLACKWELL: -- yes.
 22 CHAIR McCOY: Okay. So you're acknowledged,
 23 Ms. Shepherd.
 24 MS. SHEPHERD: Does Ms. James have to be
 25 here, because that's something I really thought about,

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1 since this is her -- going into her second term, and
 2 they're new, to kind of keep it even with her being
 3 here to continue as Chair. But does she have to be
 4 here to accept that nomination?
 5 MR. GAGNON: I would say technically, no, but
 6 it would make more sense that she be present. I guess
 7 it's something that we could push off to the next Board
 8 meeting if the Board chooses to do so. I do agree that
 9 her being present would be an important aspect, just
 10 because if she does not wish to continue as Chair, she
 11 would have the opportunity to say so.
 12 MS. SHEPHERD: I wish that we would table
 13 this until she's here. She's been here for a while,
 14 and I think it would be only fair that she's here in
 15 body to accept it or not. She can kind of move us
 16 along. I was trying to think of, since Mr. McCoy was
 17 Vice Chair, just keep it as it is to move on, but keep
 18 everything stable as we come into a new set of members.
 19 MR. GAGNON: Understood.
 20 MS. SHEPHERD: So I wish you would just table
 21 this until Ms. James get here at the next meeting, stay
 22 focused.
 23 MR. GAGNON: Do we have a consensus of the
 24 Board to table the item to the next meeting?
 25 MR. DeGRAFFENREIDT: You're going to motion

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1 to table a second and act on it.
 2 CHAIR McCOY: Well, before we entertain any
 3 motions, I just want to allow anybody on the Board,
 4 whatever your feedback or whatever your comments is, I
 5 guess now would be appropriate to make those comments
 6 on whether or not we should have a vote on Chair and
 7 Vice Chair. Members?
 8 MR. BLACKWELL: Mr. McCoy, this is a learning
 9 process for me, so I would rather for it to stay as it
 10 is also.
 11 CHAIR McCOY: Stay in its -- explain that.
 12 MR. BLACKWELL: The same capacity.
 13 CHAIR McCOY: Okay. Any other members? Is
 14 there a motion? Well, I guess do we close the floor
 15 and then -- because, you know, if I'm not interested in
 16 it and she's not here to acknowledge, I mean do we just
 17 close the floor and entertain a motion.
 18 MR. GAGNON: I believe it was suggested that
 19 an official motion be made to table it, and then if
 20 it's seconded, then we'll have a roll call vote and
 21 move on from there.
 22 CHAIR McCOY: Okay, is there a motion.
 23 MR. GUSTAFSON: I'll make a motion.
 24 CHAIR McCOY: You're acknowledged,
 25 Mr. Gustafson.

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1 MR. GUSTAFSON: I'll make a motion to table
 2 Vice Chair and Chairperson for at least till the next
 3 meeting.
 4 MS. SHEPHERD: Second.
 5 CHAIR McCOY: Just before you put the second,
 6 can you clarify, just so we can understand?
 7 MR. GUSTAFSON: I make a motion for the Vice
 8 Chair position and the Chairperson position to be
 9 tabled until the next meeting.
 10 CHAIR McCOY: And that's the election of
 11 those positions?
 12 MR. GUSTAFSON: And that's the election of
 13 those positions.
 14 CHAIR McCOY: Is there a second?
 15 MR. BLACKWELL: Second.
 16 CHAIR McCOY: It was moved by Mr. Gustafson
 17 and seconded by Mr. Blackwell.
 18 MR. VELASQUEZ: Anthony Brown.
 19 MR. BROWN: Yes.
 20 MR. VELASQUEZ: Jon Gustafson.
 21 MR. GUSTAFSON: Yes.
 22 MR. VELASQUEZ: James Gallon.
 23 MR. GALLON: Yes.
 24 MR. VELASQUEZ: Margaret Shepherd.
 25 MS. SHEPHERD: Yes.

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1 MR. VELASQUEZ: Edward Kunity.
 2 MR. KUNUTY: Yes.
 3 MR. VELASQUEZ: Corey Blackwell, Sr.
 4 MR. BLACKWELL: Yes.
 5 MR. VELASQUEZ: Tradrick McCoy.
 6 CHAIR McCOY: Yes.
 7 MR. VELASQUEZ: Unanimous voting. Motion
 8 approved.
 9 CHAIR McCOY: Thank you.
 10 Item number VIII-B.
 11 MR. GAGNON: Letter B is an ordinance of the
 12 City Council of the City of Riviera Beach, Palm Beach
 13 County, Florida, amending Chapter 31 of the City's Code
 14 of Ordinances entitled Zoning, Article I, In General,
 15 Section 31-1, Definitions, and Article VI, Supplemental
 16 District Regulations, by creating Section 31-559,
 17 entitled Regulations for Filling Stations, a/k/a gas
 18 stations, in order to provide and amend definitions and
 19 to provide separation requirements between filling
 20 stations to promote diversified development patterns
 21 within the City, providing for conflicts, severability
 22 and codification, and providing for an effective date.
 23 So Board members, if you recall at our last
 24 meeting we did discuss this item. I know that the new
 25 Board members we have tonight as their first meeting

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1 were also present, although they weren't sworn in at
 2 the time, however, they were here to at least listen to
 3 the discussion and listen to the previous presentation.
 4 This has been initiated by staff. What we're
 5 looking to do is create separation requirements between
 6 filling stations, which really are retail gas stations.
 7 We feel it's important to do so because there's
 8 becoming to be an oversaturation of these uses within
 9 the City. Within the staff report it's defined that
 10 there's 18 filling stations within the City limits,
 11 which is approximately two per square mile. In
 12 comparison, North Palm Beach has approximately seven,
 13 which is 1.9 per square mile, and Palm Beach Gardens,
 14 which is a much larger land area, has 13 filling
 15 stations, which is about a quarter of a filling station
 16 per square mile.
 17 Additionally, staff had provided a matrix of
 18 other ordinances utilized by adjacent municipalities as
 19 far as regulations for filling station uses and whether
 20 or not they had separation requirements or any other
 21 special exception approval required to approve those
 22 uses. The City currently does require special
 23 exception approval within the general commercial zoning
 24 districts, however, there is not a separation
 25 requirement that's currently on the books.

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1 CHAIR McCOY: Mr. Gagnon, if I can interrupt
 2 you.
 3 MR. GAGNON: Yes.
 4 CHAIR McCOY: Did you just say there is a
 5 special exception requirement within the general
 6 industrial zoning district.
 7 MR. GAGNON: General commercial.
 8 CHAIR McCOY: General commercial.
 9 MR. GAGNON: Yes, sir.
 10 CHAIR McCOY: So it's not citywide that
 11 there's a special exception, or is it that filling
 12 stations can only be in general commercial.
 13 MR. GAGNON: I believe within general
 14 commercial, and also within our downtown mixed use
 15 zoning districts it can only be provided, it being a
 16 filling station, can only be provided on any of those
 17 parcels within those zoning districts if they go
 18 through a special exception approval process.
 19 CHAIR McCOY: Okay. And I apologize for
 20 interrupting your presentation, but I just want to make
 21 sure that I'm clear. Are those the only two zoning
 22 districts that were allowed to have filling stations,
 23 because I didn't -- pardon me -- I didn't see the
 24 zoning map when I reviewed this.
 25 MR. GAGNON: Yes, I believe that filling

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1 station uses or storage of petroleum is allowed in
 2 other zoning districts in the City, so the general
 3 industrial zoning district may allow similar use,
 4 however, it wouldn't be through a special exception
 5 process. So this separation requirement would be that
 6 much more valuable if there's already an existing
 7 filling station adjacent to industrial locations.
 8 CHAIR McCOY: So in general industrial,
 9 essentially they're permitted by right.
 10 MR. GAGNON: I believe that's the case. I'd
 11 have to double-check. I wonder if staff can pull up
 12 that code section.
 13 CHAIR McCOY: Okay. Well, you know, I want
 14 to allow you to finish your presentation, but I wanted
 15 to make sure I got clarification on that, and then I'll
 16 have some follow-up questions a little later. So thank
 17 you.
 18 MR. GAGNON: Sure. Yes, and it's an
 19 important question to ask as well. I should know it
 20 off the top of my head, but you got me on that one.
 21 But this separation requirement is really
 22 mostly pertinent to commercial locations in the City,
 23 as you can see from the map. And let me just discuss
 24 it briefly. So this is Blue Heron Boulevard running
 25 east and west through the City, and this is U.S. 1

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1 running north and south. This is President Barack
 2 Obama Highway, also running north and south. North
 3 Congress Avenue running north and south. Here's I-95.
 4 So each green dot represents an existing
 5 filling station, and the yellow outline surrounding the
 6 green dot is a 1,000 foot radius from that point. And
 7 what the current ordinance proposes is a separation
 8 between these uses of 1,000 feet. So that's what those
 9 yellow circles represent.
 10 The red circle is proposed to have an
 11 exemption area from this requirement from the
 12 intersection of Interstate 95 and Blue Heron Boulevard.
 13 I know we discussed it at our last workshop meeting,
 14 and the Board may feel otherwise about moving forward
 15 with that element, however, staff included it on the
 16 map still just to have further discussion on that
 17 matter.
 18 So at this point, I'll pull up the actual
 19 ordinance that's being proposed. So page two of the
 20 staff report indicates an amendment to the filling
 21 station definition, which is Section 31-1. So there's
 22 a few minor amendments within that definition. And the
 23 major amendment is Section 31-559, Regulations for
 24 Filling Stations. Anything you see that is underlined
 25 is new language, so all this language is new and

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1 proposed to be put into the code structure.
 2 (A) is the separation requirement between
 3 filling stations. Number (1) is the 1,000 foot
 4 separation buffer. It also describes any development
 5 order that's provided for a parcel would also be
 6 considered to have an active filling station.
 7 So when staff was looking at this, the
 8 question was asked, let's say there isn't a gas station
 9 in the intersection and two applicants apply at the
 10 same time. Because the use hasn't been constructed and
 11 isn't active, the buffer really wouldn't apply. So
 12 that way we can say, if we have somebody that's going
 13 through the approval process, and once approved, that
 14 1,000 foot buffer would come into effect.
 15 Underneath (1) to (1)(a) is the description
 16 of the 2,000 foot intersection point from Interstate 95
 17 and Blue Heron Boulevard, which would be that exemption
 18 from the 1,000 foot separation requirement.
 19 So I'd like to open the floor for Board
 20 questions at this time.
 21 CHAIR McCOY: Well, I just want to make sure
 22 that we proceed, you know, with the interests of the
 23 public comments that we have. So members, if you have
 24 any questions of the presentation, and I mean of what
 25 Mr. Gagnon has already laid out, now would be the time.

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1 And I would ask that we reserve any comments, if you
 2 can, until after we hear public comments. So if you
 3 have questions of the presentation, you may do so now.
 4 Mr. Blackwell, you're acknowledged.
 5 MR. BLACKWELL: Mr. Gagnon, in reference to
 6 the 1,000 foot buffer --
 7 MR. GAGNON: Yes, sir.
 8 MR. BLACKWELL: -- the other cities that were
 9 mentioned within the presentation here, what buffer, or
 10 if they are using a buffer for their cities?
 11 MR. GAGNON: Let me pull up the specific
 12 sheet. So the final page within the hard copy packet
 13 has a title of Filling Station Matrix. And that was
 14 staff research from adjacent municipalities and
 15 municipalities in Palm Beach County and how they handle
 16 filling stations. Let me pull up the digital copy as
 17 well here.
 18 MR. BLACKWELL: I apologize. I never got to
 19 the back page.
 20 MR. GAGNON: No, that's perfectly fine, and
 21 now is the time to talk about it.
 22 So when we look through other municipalities
 23 and how they handle this use, there are some that
 24 require additional architectural features and other
 25 treatments to the site. There are some that have

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1 separation requirements, not necessarily between
 2 filling stations, but between existing uses, such as a
 3 church or a school and a filling station that's being
 4 proposed. There's one that's rather complicated. I
 5 believe it's the Juno Beach requirement where there is
 6 almost a triangulation that's required to identify
 7 where a new fuel service station can be located.
 8 So it seems like every municipality has
 9 really their own unique way of permitting this use, but
 10 it seems as if the trend is that most locations
 11 identify this as something that is more dense and
 12 intense than a typical everyday use, so there's some
 13 additional protections that are put in place.
 14 MR. BLACKWELL: All right. Thank you for
 15 your indulgence. I didn't get to the back page.
 16 CHAIR McCOY: Any other members wishing to
 17 ask a question of the presentation?
 18 MR. KUNUTY: Mr. Chair.
 19 CHAIR McCOY: You're recognized, Mr. Kunuty.
 20 MR. KUNUTY: Did staff ever calculate the
 21 amount of actual pump stations in total, because some
 22 of these stations are small --
 23 MR. GAGNON: Right.
 24 MR. KUNUTY: -- and you know, some, like the
 25 Wawa, you know, has quite a few pumping stations.

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1 MR. GAGNON: We didn't look into the specific
 2 amount of fuel pumps per location during the study.
 3 The one municipality that does identify that is
 4 Jupiter, where they actually regulate the number of
 5 fuel stations or fuel pumps at the station as part of
 6 the review process. However, staff didn't look at each
 7 station here.
 8 So it could be something that is limited in
 9 the future or described by the Planning and Zoning
 10 Board to potentially be limited, because currently you
 11 could have an approval of X amount of fuel pumps and
 12 you just fill in the blank, depending on the size of
 13 the site and what the economic demand is. So there
 14 really aren't any limitations on the number of fuel
 15 pumps currently.
 16 MR. KUNUTY: Yes, because that's really the
 17 driver for the traffic, you know, how many; how many
 18 stations.
 19 The other question I have, you mentioned the
 20 zoning areas where it's allowed by special exception,
 21 and in industrial they're not allowed -- they're
 22 allowed without a special exception.
 23 MR. GAGNON: Actually, staff was able to pull
 24 up the general industrial code, and it describes
 25 storage of petroleum, but not retail fuel sales. So

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1 from staff analysis now, it does not appear as if it's
 2 a permitted use within general industrial.
 3 MR. KUNUTY: Should we modify the ordinance
 4 to limit it to the two areas that we discussed?
 5 MR. GAGNON: Well, if the code is silent on a
 6 specific use, normally that's considered not permitted.
 7 So if there are three uses that are identified within a
 8 general industrial zone and the fueling station isn't
 9 one of them, then it's considered not a permitted use.
 10 MR. KUNUTY: Okay, thank you. I have no
 11 other questions.
 12 CHAIR McCOY: Any other members?
 13 Well, you know, I'll take the opportunity to
 14 ask and kind of follow up with the comments from
 15 Mr. Kunuty. But I don't even understand what your
 16 definition of mixed use is, because the land use map
 17 doesn't identify what mixed use is, the land use zoning
 18 map.
 19 MR. GAGNON: There's a specific section
 20 that's labeled downtown mixed use, and that really, for
 21 the most part, mirrors the CRA overlay. And then there
 22 are three specific zoning districts that are utilized
 23 to implement that future land use. So it's downtown
 24 core zoning, downtown general zoning, and I guess
 25 there's a few others. There's downtown residential and

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1 downtown industrial as well. But those are less
 2 frequently utilized in the City.
 3 CHAIR McCOY: But the purposes of industrial,
 4 you said because the code is silent, it's understood
 5 that it's not allowed.
 6 MR. GAGNON: Right. So if under the
 7 permitted uses, if a specific use isn't identified,
 8 then typically staff would view that as being not a
 9 permitted use, because there could be a million
 10 different uses that we'd have to plug in --
 11 CHAIR McCOY: Sure.
 12 MR. GAGNON: -- as permitted or not permitted
 13 uses.
 14 CHAIR McCOY: But, you know, I don't want to
 15 stretch this out more than it has to be, but it would
 16 appear that that petroleum storage place that we do
 17 know of, I don't believe that's identified.
 18 MR. GAGNON: Which location?
 19 CHAIR McCOY: The one off of Garden Road.
 20 And if I could share with our members, I had
 21 a question when I first reviewed this packet, but there
 22 is on Garden Road, just north of Interstate -- the
 23 north Interstate, there is what they call a Fleet
 24 filling station that's right next to Anolaze. And it's
 25 a gas station, but it's not a retail gas station. And

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1 what happens is companies or businesses that have fleet
 2 accounts with this fueling station, they just pull up
 3 there, use some sort of transponder card or something
 4 and they fill up.
 5 And my whole concern was if we're going to
 6 regulate this, should we be looking for not just retail
 7 gas stations, and should we be expanding to commercial
 8 filling stations that fill up fleet vehicles like,
 9 let's say a cargo van or a van like that, because you
 10 know, for all intents and purposes, you know, I just
 11 don't see that we should have -- you know, I think
 12 we're at capacity. Irrespective of where we put it at,
 13 I think we have more than enough gas stations.
 14 And I just wanted to find out was this not a
 15 use, and I spoke to Mr. Gagnon. He explained that
 16 because it's not a retail establishment where someone
 17 would actually go into a brick and mortar building and
 18 pay for gas, then it's considered petroleum storage,
 19 so --
 20 MR. KUNUTY: Where exactly are you referring
 21 to?
 22 CHAIR McCOY: It's on Garden Road, south of
 23 Blue Heron Boulevard.
 24 MR. KUNUTY: Okay.
 25 CHAIR McCOY: And it's just south of, I think

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1 the school is Riviera Beach Preparatory Academy. So
 2 it's immediately south of that.
 3 MR. GAGNON: If you look at the map currently
 4 on the screen, I believe it's in this area, if I'm not
 5 mistaken, Mr. McCoy.
 6 CHAIR McCOY: And you know, when I thought of
 7 it, you know, just like you, we don't even realize it's
 8 there until you actually drive there and you actually
 9 look over there. But I was just in that area, and it
 10 seems as if, you know, if we're going to make an
 11 attempt at regulating filling stations, we shouldn't
 12 limit them to retail, because there's nothing to stop a
 13 petroleum storage place for pulling up, you know, and
 14 going off of those terminals in that area by the UPS
 15 facility, you know.
 16 So those are the kind of concerns that I had
 17 with it, and I just wanted to make sure that, you know,
 18 we took a holistic approach and see if there was
 19 something additional that, you know, we should look at
 20 expanding this language to cover.
 21 And quite honestly, you know, I think a
 22 special exception is appropriate for all zoning
 23 districts, because I want to be able to have an opinion
 24 and have an opinion by the Police Department, the Fire
 25 Department and the various departments, Utilities, how

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1 it all fits in with the adjacent uses. And I think
 2 having a special exception process allows us a little
 3 more latitude to vet out these projects and see if they
 4 fit.
 5 So, you know, I don't want to trample on the
 6 work that has been done, but I know certainly at some
 7 point we need to keep our minds open that, you know,
 8 we're essentially regulating the retail ones, but there
 9 are other forms of fueling stations that can come into
 10 the City, so --
 11 MR. BLACKWELL: If I may, with that being
 12 said, is that Fleet a private owned entity, or is it --
 13 because with the Sheriff's Office, we had Fleet filling
 14 stations ourselves throughout the county, but that was
 15 the County's fueling stations for law enforcement or
 16 County workers. Is this a privately owned Fleet
 17 fueling station, or is this something that a government
 18 entity is using or utilizing or both?
 19 MR. GAGNON: For the definition purposes of
 20 the code, if it's not a retail use available to the
 21 public and it doesn't meet the current code
 22 definition -- and I definitely, I hear the
 23 Chairperson's concerns and comments -- for this
 24 ordinance at this time it may have additional
 25 unintended consequences though, because staff hasn't

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1 fully researched what other private or government
 2 filling stations may exist. For example, you know, our
 3 Public Works Department has fueling capabilities as
 4 well.
 5 So I think it's important to look at. I'm
 6 not trying to say it's not important to look at. But
 7 as far as the scope of this ordinance, I think there's
 8 more of an immediate need to try to, I guess, curb the
 9 existing demand specifically along the principal
 10 arterial roadways of the City.
 11 CHAIR McCOY: But to your question,
 12 Mr. Blackwell, I'm almost certain that it is private,
 13 meaning it's not a government owned or operated Fleet
 14 filling station.
 15 But you know, to his point, I certainly think
 16 we need to have language in place, but I will hope that
 17 we're cognizant of, you know, we need to come back and
 18 make sure that if we're going to, you know, stop
 19 filling stations, let's do it for retail purposes as
 20 well as for commercial and fleet vehicles. But I think
 21 that commercial and fleet vehicles is something that we
 22 can certainly look at in the future.
 23 But, you know, here, now, you know, I would
 24 even go so far to say based off of the language, that
 25 we should do this regulations that way. We can keep a

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1 1,000 foot radius from a petroleum station as it exists
 2 now. So you know, just expanded. But those are just
 3 my thoughts. I shared that with staff prior to the
 4 meeting, but I just wanted to make sure that, you know,
 5 the members of the Board knew exactly, you know, that
 6 there are some things that are very close, but just
 7 outside the actual definition.
 8 But you know, it's something that, you
 9 know -- and I guess to our new Board members, when you
 10 see these projects come before the Board and you get an
 11 agenda packet, I think it's very important. And one of
 12 the rights that we have is to kind of just kind of take
 13 a look at some of how our City is laid out, and when
 14 you go to various places, you know, you can kind of
 15 relay those comments back to staff or bring them into a
 16 public meeting, you know, why do we have a Fleet
 17 filling station and we're not regulating that along
 18 with retail establishments. So those are my comments
 19 on that.
 20 Any other members?
 21 MS. SHEPHERD: Yes. Mr. Gagnon --
 22 MR. GAGNON: Yes, ma'am.
 23 MS. SHEPHERD: -- how long have that Fleet
 24 station been there? Do you have any idea?
 25 MR. GAGNON: It's been there, I would say at

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1 least since --
 2 UNIDENTIFIED SPEAKER FROM AUDIENCE: It's
 3 been there about ten years.
 4 MR. GAGNON: So ten years.
 5 UNIDENTIFIED SPEAKER FROM AUDIENCE: Because
 6 I work back in that area. It's been there a while;
 7 it's been there a while.
 8 CHAIR McCOY: Mr. Brown says ten years.
 9 MS. SHEPHERD: It's been there about ten
 10 years. And I noticed that different, you know, trucks
 11 pull up there and gas up. What company own that
 12 particular Fleet, because it's been there about 10, 12
 13 years, because it's down from the -- where the bus, you
 14 know, the school buses. So it's down a little further
 15 from there. And I think during the storm I even saw, I
 16 think, Coca-Cola pull up there and kind of gas up. So
 17 is this open to the public, or just what is it?
 18 MR. GAGNON: I'm not positive on the
 19 ownership information, so staff will be happy to
 20 research that. To my understanding, it's not open to
 21 the general public, so it's only fleet services. So I
 22 don't know if they use a specific key fob type of
 23 system, but it's not a location where you can just pull
 24 up and buy gas at a retail level. So I'd be happy to
 25 look into it further though.

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1 MS. SHEPHERD: All right, okay. Thank you.
 2 MR. DeGRAFFENREIDT: Excuse me.
 3 MR. GAGNON: Yes, sir.
 4 MR. DeGRAFFENREIDT: I'm not familiar with
 5 this operation either. If I'm understanding you
 6 correctly though, it is for they're doing basically
 7 commercial trucks.
 8 MR. GAGNON: Commercial vehicles, so it could
 9 be vans, cars, could be trucks.
 10 MR. DeGRAFFENREIDT: But basically, they're
 11 all commercial vehicles that are --
 12 MR. GAGNON: Commercial in nature, yes.
 13 CHAIR McCOY: For business use, I think is
 14 the better question, business uses probably.
 15 MR. GAGNON: Right, so not about personal
 16 use.
 17 CHAIR McCOY: Yes. Even though they may fill
 18 up a small compact car or they may even fill up a
 19 tractor-trailer.
 20 MR. DeGRAFFENREIDT: That's what I was trying
 21 to be clear on.
 22 CHAIR McCOY: So it varies.
 23 MR. DeGRAFFENREIDT: Okay, gotcha.
 24 CHAIR McCOY: Any other members' questions of
 25 the presentation?

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1 MR. KUNUTY: Yes, you know, it stimulates
 2 another question. We just approved a Palm Tran
 3 contractor on -- I'm trying to remember. It was they
 4 were going to have a fleet operation storage area. And
 5 I wondered, I don't recall them ever saying anything
 6 about fueling on that site. And it was off of
 7 Congress --
 8 MR. GAGNON: Yes.
 9 MR. KUNUTY: -- just before you get to Martin
 10 Luther King.
 11 MR. GAGNON: I think off of 10th Street. I
 12 believe that the project was Maroney. And I think that
 13 it's funny you mention that, because I think that
 14 there's a different site plan that's moving through the
 15 process now. I don't remember there being any fueling
 16 element associated with that previous site plan though.
 17 MR. KUNUTY: Yes. I guess we should be aware
 18 of that when that type of project comes before us.
 19 MR. GAGNON: Definitely.
 20 CHAIR McCOY: Well --
 21 MR. KUNUTY: No other questions.
 22 CHAIR McCOY: That's exactly why I think, you
 23 know, regardless of where it's at, being industrial or
 24 mixed use or commercial, we need to have a special
 25 exception process, because that allows us to use a

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1 little bit more -- and when I say us, I mean us as the
 2 City, the various departments and the Board, to vet
 3 these out a little more thoroughly as opposed to they
 4 just put in a site plan application and we have to
 5 allow them to be here because they're not specifically
 6 excluded. But a site plan has to go through the review
 7 of every single -- I think almost every department that
 8 touches or affects that business.
 9 So if there's no other questions of the
 10 presentation -- now, this is just of the
 11 presentation -- I would like to open up the two public
 12 comment cards that we have. So any other members with
 13 a question? Hearing none, we'll jump right into public
 14 comments. And the first person is Mr. Lloyd Brown.
 15 MR. LLOYD BROWN: Good evening. This is the
 16 first time I came up here, but what I was thinking
 17 about, he talked about the gas stations, right, but
 18 right here on this corner there --
 19 MR. KUNUTY: Would you identify yourself.
 20 MR. LLOYD BROWN: Oh, Lloyd Brown, I'm sorry.
 21 Lloyd Brown. Well, the name was Lucy Brown when they
 22 (inaudible) me Tom Brown. A just want you to know my
 23 mother taught me right and my father did too.
 24 Anyway, the reason I'm up here talking about
 25 the gas stations over here, I can understand the 24

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1 hour gas stations out by 95, you know, if you
 2 regularly -- I don't know if you regularly go. And I
 3 just can't understand the ones that are right directly
 4 in the crime areas. You know, it's like that's where
 5 all our problems are, I mean right in the center.
 6 Like, okay, along -- on Broadway I can
 7 understand you having a gas station 24 hours, honestly,
 8 because it's over there on Broadway, which is like a
 9 main thoroughfare. But right on Blue Heron and Obama
 10 Avenue right there, I mean Obama Highway, okay, those
 11 two places, why would you sell gas in that area after
 12 dark? You think you're going to get -- I'm not trying
 13 to say -- any Caucasians come over there at 2:00 in the
 14 morning to buy gas?
 15 They sell cigarettes. They sell loose
 16 cigarettes, both stores. Not just the gas stations,
 17 but the stores also too in those areas that are
 18 24 hours. That's like who let this happen? I mean
 19 that's ridiculous, because those areas, that's like a
 20 nest egg for crime right there. Who's going to hang
 21 out at a gas station and a 24 hour store except for
 22 thugs, drug addicts and people trying to purchase
 23 drugs?
 24 And I believe that we need to do something
 25 about those places. And I think it would be easier for

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1 us to live in this City, I mean, if you got rid of
 2 those 24 hour gas stations that's right in the crime
 3 areas. But you can come over there, and you arrest a
 4 guy for hanging in the crime area, but he's only
 5 hanging there because there's a place for him to hang
 6 24 hours a day.
 7 And then early in the morning up by the
 8 Imperial, that's the other gas station, they stay open
 9 24 hours. I don't know what they mean by dual use.
 10 But anyway, these places, they got restaurants in them,
 11 no bathrooms. They don't sell gas at night. They sell
 12 everything that -- I was on drugs. I know. They sell
 13 everything that a drug addict need, paraphernalia,
 14 rolling papers, alcohol. And they got the drug dealers
 15 right on the side. But they open 24 hours. They're
 16 supposed to be gas stations. Yes, it's gas, all right.
 17 It's according to which type of gas you're talking
 18 about.
 19 Because I just can't see it. I think if we
 20 got rid of these, at least the ones that are
 21 (inaudible) -- I hope you don't start with the ones
 22 that are in our general area -- and we got rid of
 23 those, I think this City might be a little more
 24 cleaner, a little more less crime, because those guys
 25 only hang there because it's open. And most of the

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1 guys that hang out, they don't care nothing about it.
 2 And the stores don't really care anything about the
 3 neighborhood. They're there to make money. They're
 4 not selling gas.
 5 Now, honestly, who do you expect to get off
 6 95, pass by all those gas stations out there and come
 7 right in here to Riviera Beach to the one right on
 8 Obama and Blue Heron unless they were coming to
 9 purchase drugs? That's what I'm trying to say. And I
 10 appreciate you listening to me. You all have a nice
 11 day.
 12 CHAIR McCOY: Next comment is Mary Brabham.
 13 MS. BRABHAM: Good evening to the Board
 14 members. Ms. Mary Brabham, Riviera Beach.
 15 Good to see men in the house. Margaret and
 16 Ms. James, you all hold your weight well. Thank you,
 17 as a Board.
 18 The ball dropped. It just did not drop here.
 19 It been dropped. City staff has frequently received
 20 inquiries from the developers. It also should have
 21 been included residents, because we have been in this
 22 chambers numerous of times talking about the filling
 23 stations in this City here. If you say 1,000 feet, you
 24 have two filling stations right here where City Hall
 25 sits, and the Tiger store there, so let's say three

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1 that say open 24/7.
 2 This did not happen by accident at all. This
 3 is ludicrous. An eight mile stretch of territory.
 4 It's a difference when you do not live here and you see
 5 the harm of coming in, investing in what you invest in.
 6 We welcome the business, but it's how and what business
 7 regulates and puts that perception on us as a City, who
 8 we are.
 9 No one travels from I-95 24 hours a day to go
 10 over on Singer Island or coming back. You even got the
 11 Imperial down there, 24/7. Who did this madness? Who
 12 did this madness? We hold the officials accountable
 13 for this madness. This should have had moratoriums, it
 14 should have had better regulations.
 15 Mr. Kunuty made mention about the pump
 16 stations. You have them sitting there. You need to
 17 put some teeth in these regulations here. You need to
 18 put some teeth in this Comprehensive Plan here that is
 19 delegating and would set the course for what we, as a
 20 City, who we are and whose we are would look like on
 21 every corner in this City here.
 22 Mr. Brown talks about it all the time. The
 23 residents talks about it too. So in that, Jeff, I
 24 would like for you also to include the residents has
 25 always had a major concern about these gas stations.

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1 Pumps. How many pumps does a filling
 2 station -- should be regulated in this City? Is it two
 3 or one? You have Wawa that just opened up. That's
 4 marvelous. You have the Hess station that's going over
 5 on Singer Island. You have JW down the street on 6th
 6 Street, and he has a liquor store up on the Dixie here.
 7 They do not stay open 24/7.
 8 You also have on MLK, on Congress down there
 9 where you have the Marathon station. They do not stay
 10 open 24/7. I know I think down there on Congress and
 11 MLK, I think that closes by 11:00. And if I'm
 12 incorrect, you all can -- I'm sure that you all have
 13 been that way before, because I travel that way. JW
 14 down there, he doesn't stay open 24/7.
 15 This is horrible for this City. It's
 16 horrible for the residents that live in these
 17 perimeters, and it's horrible for the peoples that are
 18 coming off I-95 going towards the waters or living over
 19 there as well. We have a chance now to modify this, to
 20 modify this. You got a chance to correct this, and you
 21 got a chance to go back and say that these filling
 22 stations cannot be allowed to operate 24/7. Nobody's
 23 buying gas 24/7.
 24 The hub is right here where the crime is,
 25 right across from City Hall here. Let your minds

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1 picture that. And from here to right down there to the
 2 Imperial Plaza, let your minds picture that. Something
 3 is wrong with this picture here; something has been
 4 wrong.
 5 But you all have a chance to do what is
 6 right. Look at these land regulations and uses.
 7 Modify. This Board has that authority. And a lot of
 8 this stuff here that's been presented is not fully
 9 vetted. I'm holding you all men and womens accountable
 10 for how this City is perceived. And we must stop doing
 11 business as usual, the buddy system pack. What are
 12 they selling in those stores 24/7? That should be
 13 better regulated.
 14 You work with the Sheriff Department. I'm
 15 sure you've had your hands full with this type of
 16 chaos. Others have worked in an entity where you see
 17 all kinds of chaos.
 18 I don't know who lives in the City, but I'm
 19 assuming that everyone lives in this City. And your
 20 desire should be just like Ms. Brabham and her
 21 children's desire, because even in the morning times
 22 children walk past those stores there and see all of
 23 that chaos going on. It is not acceptable, and we
 24 should not allow our children to feel that it is
 25 acceptable and this is how we live. Our kids portray

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1 and live and act out the way and what we do and see and
 2 said. Thank you.
 3 CHAIR McCOY: Thank you.
 4 Those were our public comments. The agenda
 5 now calls for Board comments. So any members of the
 6 Board wishing to comment?
 7 MR. BLACKWELL: If I may, Chair, or Vice
 8 Chair?
 9 CHAIR McCOY: Mr. Blackwell, you're
 10 recognized.
 11 MR. BLACKWELL: Thank you.
 12 Hearing public comments, I do take these
 13 matters seriously, and I do hear you. The items that
 14 are here before us today have no language in it as far
 15 as hours of restrictions or modifications of that.
 16 So with that being said, and this is a
 17 question for Mr. Gagnon, could this language also be
 18 included in the restrictions or the mixed uses of
 19 filling stations? I know it's a separation of code and
 20 ordinances, but I'm just asking as a matter of --
 21 MR. GAGNON: I think it's something that
 22 could be investigated further as far as hours of
 23 operation for businesses. The scope of that, however,
 24 may end up being much larger than just filling
 25 stations, because it seems as if there's also a retail

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1 component that is really being questioned, which would
 2 definitely require a much more thorough analysis than
 3 just the filling stations.
 4 Currently I don't believe there's any
 5 restriction on hours of operation within our Code of
 6 Ordinances. There is for alcohol sales, but I think
 7 that's the only specific use that's outlined as far as
 8 having a time structure. So we would have to go back
 9 and look and see, again, what other municipalities have
 10 done, what the City may be able to do legally and how
 11 that would apply to other retail uses in the City.
 12 MR. BLACKWELL: Okay, I understand that we're
 13 here today for the 1,000 foot buffer, so to speak, for
 14 new and existing filling stations, but based on public
 15 comment, I just wanted to ask that question and
 16 inquire. Thank you.
 17 MR. GAGNON: Understood.
 18 CHAIR McCOY: Any other members wishing to
 19 comment?
 20 MS. SHEPHERD: Yes, I would like to make a
 21 comment.
 22 CHAIR McCOY: You're recognized.
 23 MS. SHEPHERD: Thank you.
 24 Mr. Gagnon, how many more filling stations
 25 can we take here in the City? We have 18, and I keep

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1 hearing Mr. Brown continuously bring it up about the
 2 filling stations. Is there a way we can put a hold on
 3 what's coming to the City, because you have Broadway,
 4 Blue Heron. We need to build that up with restaurants,
 5 not Dollar Stores; restaurants, not filling stations.
 6 Is there any way? I know if the investors have land
 7 here, we can't restrict them from building, but is
 8 there any type of legislation they could put in place
 9 to restrict these?
 10 MR. GAGNON: I guess to provide the most
 11 wide-sweeping answer I can, I don't know if there's
 12 really one way of solving it. You know, I think right
 13 now the City is going through kind of a re-imagination
 14 process. We've had a lot of discussion of the U.S. 1
 15 corridor, of the Blue Heron corridor. There's
 16 currently a moratorium in place which allows for
 17 development of regulations such as this, where staff is
 18 looking at the existing uses and seeing what may be
 19 becoming oversaturated in the City.
 20 So from my perspective, enacting smaller
 21 regulations such as this that help guide us to where we
 22 want to be, I think it helps. It may not be the silver
 23 bullet, but it starts getting us to what our final goal
 24 really is for how the City will eventually be
 25 developed.

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1 MS. SHEPHERD: And I want Mr. Brown to know
 2 that I know I hear him. I myself go out in the City,
 3 and I watch all of the filling stations and the things
 4 that he's talking about. But we have to get a solution
 5 to the problem here in this City. We have a great
 6 City. We don't want to be labeled as the filling
 7 station or the Dollar Store City. So I think we should
 8 start thinking about put some restrictions there,
 9 because I think we have enough. Eighteen is 18 really
 10 too many. Thank you.

11 CHAIR McCOY: Any other members wishing to
 12 comment?

13 MR. GUSTAFSON: I have a comment, Vice Chair.

14 CHAIR McCOY: Mr. Gustafson, you're
 15 recognized.

16 MR. GUSTAFSON: With the City wanting to move
 17 forward in a new direction, new imagination, is there
 18 any way that we could put in the verbiage some type of
 19 architectural -- I mean we're looking at Jupiter here,
 20 and they have so many different points of view that
 21 they have to meet and clarify.

22 I agree, 18 filling stations is too many, and
 23 we have to put some type of wording in the rule that
 24 says if they want to put a gas station here and be the
 25 19th gas station, are they going to put it at some type

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1 of new architectural form that would meet the City and
 2 also influence the City in a positive direction, with
 3 landscaping, trees, screening and so forth.

4 And I think that maybe if we change the
 5 wording a little bit to make it a little bit harder to
 6 put a gas station here, it's going to cost that
 7 developer more money and so forth. If he really wants
 8 to do it, he has to keep it to a standard that the
 9 Board wants to do, and that would, I would think, would
 10 bring the City to a new imagination to get better.

11 MR. GAGNON: Yes, to build off that comment,
 12 I think that during our last workshop meeting a similar
 13 thought process was discussed where I don't know if
 14 specifically for filling stations, if that's the best
 15 answer, or maybe we need to look at kind of the global
 16 view of how we develop our major roadways and whether
 17 or not we need to strengthen what architectural
 18 standards we have and what development guidelines we
 19 have as far as building design and landscaping and
 20 things of that nature. So I don't know if it's best to
 21 try to look just at the filling station or just the
 22 corridor as a whole.

23 MR. GUSTAFSON: And back to that, the
 24 corridor is something that we have to look at, but the
 25 types of facilities that are going to try to move into

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1 the City, if we can start with the gas stations, which
 2 seem to be trouble points, and we keep them to a higher
 3 architectural standard, it might -- and even if I'm
 4 sure it's very difficult with a retail store, with
 5 selling retail items, that it's difficult to regulate
 6 when they can be open or not, but if that facility is
 7 held to a higher architectural standard, it might be a
 8 place of -- more luxurious that it may keep the trouble
 9 away, because that type of owner that wants to keep
 10 that facility and make money at that facility is also
 11 going to make sure that he doesn't have trouble outside
 12 of his facility. So I'm just looking at the gas
 13 stations to move in that direction, which could also
 14 help the corridor of the balance.

15 MR. GAGNON: Understood.

16 CHAIR McCOY: Any other members?

17 MR. BROWN: Yes.

18 CHAIR McCOY: Mr. Brown, you're recognized.

19 MR. BROWN: Mr. Gagnon --

20 CHAIR McCOY: Can you make sure you speak
 21 into the mike.

22 MR. BROWN: The actual developments go
 23 through this Board?

24 MR. GAGNON: Yes.

25 MR. BROWN: If somebody want to develop a

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1 property, it has to go through this Board, right?

2 MR. GAGNON: That's correct. So any --
 3 specifically for the gas stations, it would provide the
 4 Board the opportunity to review it, be a special
 5 exception process. There's additional criteria that
 6 the developer would have to meet currently, and then
 7 once the Planning and Zoning Board reviewed it, it
 8 would go to City Council for a final approval or a
 9 denial.

10 MR. BROWN: Okay, so this is just a
 11 regulation approval right now?

12 MR. GAGNON: Yes. This is not for any
 13 specific project. This is a global ordinance that
 14 would impact future development in the City.

15 MR. BROWN: Thank you.

16 CHAIR McCOY: Any other members?

17 MR. KUNUTY: Mr. Chair.

18 CHAIR McCOY: You're recognized, Mr. Kunuty.

19 MR. KUNUTY: Does it make sense to put an
 20 upward limit on the number of gas stations in the City,
 21 a finite limit?

22 MR. GAGNON: So as far as a cap on the number
 23 of filling stations, or are we talking about just the
 24 pumps --

25 MR. KUNUTY: No. Number of filling stations.

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1 And is that even possible?
 2 MR. GAGNON: The City currently doesn't have
 3 any sort of use caps of that manner, so staff would
 4 have to research what's been implemented elsewhere and
 5 what's successful. As far as growth management
 6 practices, similar type of things have occurred, but
 7 I'm just not as familiar with how to implement that
 8 strategy.
 9 MR. KUNUTY: Is it worthwhile to investigate
 10 that?
 11 MR. GAGNON: Yes, definitely.
 12 MR. KUNUTY: No other questions at this time.
 13 CHAIR McCOY: I have a few comments. And I
 14 want to kind of stick to the issue at hand, and then I
 15 have some other side comments to state because of what,
 16 you know, what we came up with.
 17 But I remember when we had this item two
 18 weeks ago, it was stated, Mr. Gagnon, and if you could
 19 just refresh our memory about why we have the exemption
 20 for the area near I-95 and Blue Heron Boulevard and
 21 what drove us, what drove that reason and how did we
 22 get there to have that exemption, that carve-out for
 23 that little section.
 24 MR. GAGNON: Yes, so when staff was looking
 25 at the map, we wanted to take into consideration the

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1 fact that Interstate 95 is considered an evacuation
 2 route for the area, so Blue Heron Boulevard would be
 3 also a primary evacuation route. So providing that
 4 exemption to the buffer would allow for filling station
 5 uses to develop within the, again, what staff considers
 6 an evacuation route buffer zone, I guess, for lack of a
 7 better term.
 8 However, there was discussion during the last
 9 meeting that maybe it wasn't needed. And I think it's
 10 really up to the Planning and Zoning Board to consider
 11 it, and it could be something that is removed if the
 12 Board doesn't feel as if it's necessary.
 13 CHAIR McCOY: Okay. Part of the reason I ask
 14 is because I don't think it's necessary that we need to
 15 make an exception. And, you know, I'm looking at it
 16 from the oversaturation standpoint of the number of
 17 filling stations, and I'm looking at it also from the
 18 standpoint of gas is toxic, you know. I mean it's
 19 flammable.
 20 And we have to know where our filling
 21 stations are, we have to know what petroleum storage
 22 is, we have to know where, you know, we have a whole --
 23 I can probably tell you we had at least three or four,
 24 maybe even five different industrial truck facilities
 25 or repair facilities that came in off of the Blue Heron

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1 and Garden Road area that do repair and maintenance
 2 that I'm sure they have some portable storage of
 3 diesel, and you know, just a number of different
 4 hazardous materials. We had Airgas.
 5 So I just think from the standpoint, there
 6 shouldn't be any exemptions. You know, when we -- if
 7 we all look at our last page in our packet, you know, I
 8 mean it kind of gives you -- they have some pretty
 9 tight language. And I don't see that ours is so tight.
 10 In fact, ours is a little bit loose. And I think we
 11 need to, you know -- eight just between Military Trail
 12 and I want to say Avenue S is probably an
 13 oversaturation of gas stations. I don't think we need
 14 a carve-out.
 15 So, you know, if I can call the members'
 16 attention just to the language, I think section A, in
 17 my opinion, is unnecessary, because looking at the land
 18 use map -- and you know, correct me if I'm wrong,
 19 Mr. Gagnon, but it appears that just that 1,000 feet
 20 around I-95, that area, actually I have it on my
 21 computer, but it's in, I want to say, a color almost
 22 like a burgundy, but that represents commercial. And
 23 if I understood correctly, just being in commercial
 24 requires a special exception already.
 25 MR. GAGNON: Yes.

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1 CHAIR McCOY: So that would essentially mean
 2 it has to go through that whole vetting process anyway.
 3 So that would, in essence, make part A of the language
 4 a little bit, and I don't want to say overkill, but
 5 almost fruitless at this point. So I particularly
 6 don't like the exception.
 7 Secondly, just dealing with the 1,000 foot
 8 separation buffer, was there a -- I want to say was
 9 there a standard in which we arrived to 1,000 feet?
 10 Obviously, it's not local. It's not local best
 11 practices, because I see 1,000 feet for Palm Beach
 12 Gardens with some other requirements. But, you know, I
 13 think just where we are, because we already have 18, I
 14 think we can even go down to 500. I'm sorry. Not down
 15 to 500. We can go up to 2,000. That's my opinion.
 16 So, and I welcome feedback from the other members.
 17 Also, in addition to going up to 2,000, I
 18 would ask and I would read what I think, you know, my
 19 proposal is for that language. It says -- and I'm
 20 changing my 1,000 to 2,000 for the regulation for
 21 filling stations. And my version would read as this,
 22 if you kind of want to follow. Separation requirements
 23 between filling stations. A 2,000 foot separation
 24 buffer is required between filling stations. And I
 25 will propose that we add a comma and add petroleum

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1 storage as well.
 2 So that way, we won't -- like, for instance,
 3 if that language was there, Wawa would not be allowed
 4 to be in existence, because we have a petroleum storage
 5 that's just maybe an eighth of a mile to the south. So
 6 particularly, I don't want to limit it to filling
 7 stations. I don't want someone to find some back door
 8 area to come into our City in the industrial area to
 9 put a petroleum storage, which essentially goes against
 10 the whole purpose of us trying to lay out some
 11 regulations to decide on where these facilities could
 12 go.
 13 So it would be a comma, and petroleum
 14 stations. So not necessarily saying that we're
 15 regulating petroleum stations, but we don't want a
 16 filling station within 2,000 feet of an existing
 17 petroleum station. So that's my proposal with the
 18 language. And, you know, if there's other members that
 19 feel the same, I mean I would certainly ask that you,
 20 you know, kind of share your opinion and your thoughts
 21 on it.
 22 Now, if I could just shift gears for just a
 23 little bit. Because I have my computer here and the
 24 luxury of having a computer, I was able to look at the
 25 code. And I know I heard it mentioned about the

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1 closeness of these facilities. And Mr. Brown spoke of
 2 Barack Obama Highway and Blue Heron. Now, I remember
 3 the filling station on the southwest corner -- I don't
 4 know if it's a Marathon or whatever it is, or Rec 90 or
 5 whatever they call it, that filling station, but it was
 6 closed for some time.
 7 UNIDENTIFIED SPEAKER: Chevron.
 8 CHAIR McCOY: It wasn't the Chevron. It's
 9 the one on the southwest corner.
 10 MR. GALLON: Where the Mobil is.
 11 CHAIR McCOY: Is it Mobil?
 12 MR. GALLON: It's Mobil.
 13 CHAIR McCOY: Okay. And I guess this is for
 14 our members as well. So when we put language in place
 15 like this, and let's just say this passes us and goes
 16 to two readings on City Council, if a filling station
 17 goes out of business, I believe it's for six months,
 18 that use is no longer required -- I'm sorry. Let me
 19 say that again. That use is no longer allowed. And I
 20 think -- am I correct, Mr. Gagnon?
 21 MR. GAGNON: So if there is another filling
 22 station within the defined radius, if this ordinance
 23 was approved, it may create legal nonconforming uses,
 24 meaning that two uses would exist within that specific
 25 radius. So if one of the two uses were to close for

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1 that defined amount of time, it would not be able to
 2 reopen as a filling station use.
 3 CHAIR McCOY: Okay. And you know, I wanted
 4 certainly our members to understand that legally
 5 nonconforming clause and what that actually means and
 6 the impact of it, because, you know, we can't go in and
 7 tell somebody we no longer want a filling station if
 8 they've already been existing and they're already in
 9 operation. But you know, if they close for whatever
 10 reason beyond the six months -- is it for whatever
 11 reason?
 12 MR. GAGNON: Well, it would be closed,
 13 lacking any sort of City license. So for example, if
 14 I'm a business owner and I am seasonal, and I choose to
 15 have my shop open for half a year, and I maintain my
 16 City license, then that would still be considered an
 17 active business. But if the business was completely
 18 shut down, with no active City business license, then
 19 the nonconforming use regulations would come into play.
 20 CHAIR McCOY: Okay. Well, that is one of the
 21 impacts, whether it be intended or unintended. So
 22 certainly be aware of that.
 23 And also, you mentioned that there is an
 24 ordinance, and I didn't get a chance to actually find
 25 it, there is an ordinance that restricts alcohol

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1 purchases -- or not purchases, the selling of alcohol
 2 at a certain hour.
 3 You know, my issue is this, and I'm going to
 4 be straightforward with you. You know, I liked it that
 5 we had our City Manager in our first two meetings. If
 6 he can't come, because I know he manages, I think, 13
 7 departments, or however many departments, and over 400
 8 employees and has a personal life, you know, we should
 9 have some designee or someone here from the City
 10 Manager's office so that it's not always someone has to
 11 review the record to find out what Planning and Zoning,
 12 you know, intended or some of the comments that came
 13 up, because, you know, this is important. And none of
 14 this stuff comes to light until an individual comes to
 15 a public meeting.
 16 But is there any enforcement of the alcohol
 17 being sold after these restricted hours? Because I
 18 never even heard of or even knew of any kind of
 19 enforcement. Who does it, the Police Department, Code
 20 Enforcement? You know, it looks like we need to -- you
 21 know, I'm at the point if I could hit delete, I want to
 22 delete everything out of our code, because if we're not
 23 using it, we should delete it. And the fact that it's
 24 there means that it is enforceable. And if we're not
 25 enforcing them, if we're not enforcing it, it makes no

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1 sense for us to have it in our code.
 2 And I struggle, because I deal with -- and
 3 I've spoken to the Mayor several times, as well as the
 4 City Manager, and I have to agree with the public
 5 comments. These places breed the criminal element.
 6 When you have people outside at all times of the night,
 7 and you have a store that's dispensing alcohol or
 8 whatever they're doing, and loitering, and that's just
 9 fueling this activity, you know, that's why we have
 10 shootings and that's why we have robberies and a number
 11 of different things.
 12 But I want to find out, can we, as a Board,
 13 make a request that's separate from this item that
 14 we're discussing that the City Manager or
 15 administration of the City provides some sort of
 16 information on how, you know, some of these things that
 17 we're seeing is being enforced, because if there's no
 18 enforcement, I mean I think, you know, that is not so
 19 much a proactive way, but that is a way that we can
 20 kind of limit some of these things and attract better
 21 businesses into the City, because this, you know, this
 22 is a balancing act that we have as being appointed
 23 members, that we recognize these things and bring them
 24 to the forefront. So I definitely want to ask about
 25 the enforcement mechanism of some of these existing

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1 statutes.
 2 And lastly, is there -- of that 24 -- I'm
 3 sorry, not the 24 hours. Of the restriction on
 4 purchases of alcohol, does that function -- and this
 5 may be a question for the City Attorney. Does that
 6 regulation, is that something that is proposed, or is
 7 that a function of our Board when it comes to reviewing
 8 land use ordinances as well as applications, because I
 9 know we've made recommendations with conditions. So is
 10 that a function? Can we actually put that in language
 11 as a recommendation to City Council?
 12 MR. DeGRAFFENREIDT: Yes.
 13 CHAIR McCOY: We can. We have that
 14 authority.
 15 MR. DeGRAFFENREIDT: Yes.
 16 CHAIR McCOY: Okay. So you know, with that
 17 being said, you know, members, I think, you know, our
 18 attorney laid it out so eloquently that we can receive
 19 whatever kind of legal advice from him. It's up to,
 20 you know, Advisory Board members to make that
 21 recommendation. It's up to City Council to make that
 22 decision.
 23 But I will caution you on this. If any
 24 member chooses to make any kind of recommendation, keep
 25 it separate from our land use and make another motion,

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1 simply because I don't want to railroad the work that
 2 our Planning Department has done, you know, which, you
 3 know, it's a little bit outside of their scope, and I
 4 think it deals more with the Code Enforcement side of
 5 it.
 6 But don't make a recommendation that's going
 7 to cause this language to crash somewhere down the
 8 line, being it's too heavy with, you know -- because
 9 you don't get to vote "yes, with conditions." You
 10 either vote yes or no. So if there is a motion or some
 11 sort of recommendation by members of the Board, just if
 12 we could do it separately from what we've already
 13 worked on. So those are my comments.
 14 Any other members wishing to comment?
 15 MR. BLACKWELL: If I may, Chair.
 16 CHAIR McCOY: Mr. Blackwell.
 17 MR. BLACKWELL: After reviewing the
 18 regulations for filling stations on the back page, once
 19 again, Exhibit B here, I kind of agree with Chair here.
 20 If you look at our language, this is pretty much a play
 21 on words, and it's very vague. But if you go down to
 22 Lake Park and North Palm Beach, which are compatible
 23 cities to our square mileage, they have outlined a more
 24 complex and definitive regulatory statute or something.
 25 And I would like to see maybe a 2,000 foot

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1 separation buffer and the language of the "comma,
 2 petroleum storage," only because you look at that map
 3 there, and if it's going on in one place, well, who's
 4 precluded from going on off of Australian Avenue where
 5 it's industrial mixed use there?
 6 But that 2,000 foot buffer may not reach the
 7 Australian Avenue plats or land, but if we add that
 8 language in there, "comma and petroleum storage
 9 facilities," maybe that may be, you know, a way of
 10 addressing any future fleet and/or service stations
 11 that are not convenience stores and/or commercial use.
 12 CHAIR McCOY: Thank you, Mr. Blackwell.
 13 Any other members with comments?
 14 MR. GUSTAFSON: Mr. Chair, if I could say one
 15 more comment.
 16 CHAIR McCOY: You're recognized,
 17 Mr. Gustafson.
 18 MR. GUSTAFSON: I like the 2,000 feet, and I
 19 also like your petroleum -- "comma, petroleum facility"
 20 or storage facility. I just want to question that
 21 "petroleum facility," and why not change the words to
 22 hazardous material or anything that is flammable or
 23 dangerous in the capacity of being next to a fuel
 24 storage or a fuel depot, fueling station or so forth?
 25 Petroleum is just one type of material, and using the

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1 words such as hazardous materials or other types of
 2 flammables might make that a stronger, more difficult
 3 way to put a station there.
 4 CHAIR McCOY: Thank you, Mr. Gustafson. And
 5 I want to be the first to respond and tell you I like
 6 the idea, but I just don't think that that will work,
 7 because when you say hazardous material, I mean just
 8 being on this Board, we've had a number of different
 9 businesses that come in with hazardous material, and we
 10 just had a chlorine facility, you know.
 11 So basically, you know, we will be
 12 prohibiting Airgas, which, because it's under, you
 13 know, a lot of the products that they provide, be it
 14 oxygen or propane or whatever it is. I mean we would
 15 just now be really -- I mean hazardous has so many
 16 definitions, and I think we will find ourselves in more
 17 trouble if we included hazardous.
 18 I think if we kind of keep it limited and
 19 take a, you know, one bite at a time, I think that's
 20 probably, in my opinion, a better road, because if you
 21 say hazardous, there is a whole list of hazardous
 22 materials, and then there has to be a whole other
 23 process in defining what exactly is hazardous and
 24 knowing what's already existing.
 25 Now, just from the standpoint when you think

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1 about something about the 2,000 -- like I said, the
 2 exemption around 95, remember members, we have two
 3 dealerships right at the intersection of I-95 and Blue
 4 Heron Boulevard. And I'm sure they have some sort of
 5 storage of some sort of gasoline or some sort of bulk
 6 oil or something of that sort, which essentially is
 7 petroleum. So I think it's best that we kind of limit
 8 it where we have succinct, but definitely effective,
 9 you know, definitions as opposed to not have too many
 10 unintended consequences. So that's my concern with it.
 11 Any other members?
 12 MR. KUNUTY: Yes, just a question for staff.
 13 We basically asked to modify this ordinance, okay, with
 14 eliminating the special exception in the 95 area, okay.
 15 Should we limit the total number of gas stations?
 16 We said a number of Board members want to
 17 expand the distance to 2,000, okay? We don't mention
 18 anything in our ordinance about distance from schools,
 19 hospitals, et cetera, et cetera, which a number of the
 20 other communities do. We're talking about a petroleum
 21 storage facility, but do we actually mean a petroleum
 22 storage and dispensing facility? So that's a question.
 23 And the other question is why shouldn't any
 24 gas station, whether it be in commercial or mixed use,
 25 et cetera, be a special exception, so no matter where

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1 you go, it should be a special exception so at least we
 2 have, you know, a second bullet to fire at it?
 3 So my question to you is this: Do we need to
 4 send this back to you and implement all of these
 5 different items, because I think if we just pass this
 6 and say address these issues, we're going to, you know,
 7 we're going to lose something in the translation.
 8 So my question to you, is it going to be
 9 easier for you to, for staff to implement these
 10 questions or conditions, and at the same time find out
 11 if we really can put a limit on the total and how we
 12 define a petroleum storage facility and dispensing
 13 facility? So from just a housekeeping standpoint, is
 14 it better for you to go ahead and do that, rewrite it,
 15 bring it back here for the next meeting?
 16 MR. GAGNON: Ultimately, it's going to depend
 17 on the motion made by the Board. It's not, I guess,
 18 impossible for staff to make corrections or make any
 19 amendments as defined. However, if the Board wishes to
 20 see amendments brought back, then staff can also do
 21 that, bring back the amendments discussed tonight,
 22 whatever is motioned by the Board, if that would be the
 23 pleasure of the Board, and make all Board members more
 24 comfortable in moving forward with that item.
 25 MR. KUNUTY: I personally would feel better

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1 to read all of this stuff into the ordinance as opposed
 2 to, you know, just saying go ahead, we'll approve it
 3 and you put this in.
 4 So the other question I have is related to
 5 what Mr. McCoy said. If we do expand to the 2,000
 6 feet, okay, and recommend that, and a gas station
 7 that's 500 feet away from a current one goes out of
 8 business, is that a strong enough reason to say it's
 9 now not a conforming use, because the only reason I say
 10 that is that mostly it's a zoning change, you know,
 11 like we've had on Broadway, zoning changes that, you
 12 know, somebody wanted to come back in and said, well, I
 13 used to have that kind of business here and now I want
 14 to do it again.
 15 MR. GAGNON: So what would happen in a few
 16 situations, if this ordinance, just using the 1,000
 17 foot that is on paper currently for reference, if this
 18 ordinance was proposed or enacted, then it would create
 19 legal nonconformities with some of the existing gas
 20 stations, meaning that they are located within that
 21 buffer of another gas station. So by default, there
 22 would be a legal nonconformity created. Whether or not
 23 they meet the requirements and conditions of going out
 24 of business for a set amount of days and basically
 25 forfeiting that use is kind of a case by case basis.

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1 MR. KUNUTY: But it would have to be the 180
 2 days out of business, inactive?
 3 MR. GAGNON: Correct.
 4 MR. KUNUTY: Okay, in order for it to become
 5 nonconforming.
 6 MR. GAGNON: Yes.
 7 MR. KUNUTY: Well, you know, if the Board's
 8 more comfortable with sending this back, implementing
 9 these items that we all brought up, I'll make that
 10 motion, that we send the ordinance back to staff to
 11 modify it with all of the Board comments.
 12 CHAIR McCOY: And I won't recognize that
 13 motion, Mr. Kunuty, simply because I want to give you
 14 the opportunity -- well, let's just make sure that
 15 everybody is all clear on it.
 16 MR. KUNUTY: Yes.
 17 CHAIR McCOY: I'll allow you the opportunity
 18 to, you know, take a stab at it. But is there any
 19 other members? And I definitely want to hear some
 20 feedback from staff, because I don't want to --
 21 MR. KUNUTY: Well, I think staff's already
 22 given the feedback. If it's the pleasure of the Board
 23 to send it back to implement these things, so be it.
 24 CHAIR McCOY: Right. But, and that's not so
 25 much the point that I was going to make, Mr. Kunuty.

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1 But, you know, they are, as well as the City Attorney,
 2 subject matter experts, and I don't want them to go
 3 back right now without -- like, for instance, is there
 4 an opinion or is there -- staff have a position, I mean
 5 as it stands, on some of the things that we kind of
 6 suggested or would be some pitfalls?
 7 Like I know I was able to almost immediately
 8 tell Mr. Gustafson that that might put us in trouble.
 9 But I want to kind of hear back from them as to our
 10 suggestions if this is something that, you know, us not
 11 being experts on it, might not realize that it's going
 12 to affect us.
 13 And you're still going to have the
 14 opportunity, Mr. Kunuty.
 15 MR. GAGNON: What I'd say in response to that
 16 is whenever amendments are proposed, it requires
 17 additional research from the staff level. I don't
 18 think there's anything that has been discussed that's a
 19 complete no-go. You know, I think it will, however,
 20 require staff to go look and see how the petroleum
 21 storage facility is defined, if we have to create a
 22 specific definition for petroleum storage, if there'd
 23 have to be modification of the section heading because
 24 it would be for more than just the filling stations, it
 25 would also include petroleum storage. So I don't see

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1 any impossibilities, but again, we'd look at it and
 2 we'd create a new map that identified what a 2,000 foot
 3 buffer would be versus a 1,000 foot buffer, as
 4 proposed, just for, you know, research and discussion
 5 purposes.
 6 CHAIR McCOY: Okay, any other members?
 7 Before we take any motions, I just want comments and
 8 questions at this point.
 9 MS. SHEPHERD: Can I ask a question?
 10 CHAIR McCOY: Yes, you're recognized.
 11 MS. SHEPHERD: Mr. DeGraffenreid.
 12 MR. DeGRAFFENREIDT: Yes, ma'am.
 13 MS. SHEPHERD: Do you have an opinion on this
 14 particular item that Mr. McCoy is discussing? With
 15 staff going back and reiterating this particular item,
 16 do you see any consequences or anything at all?
 17 MR. DeGRAFFENREIDT: If I'm understanding
 18 correctly, the Board is sending it back because there's
 19 some concerns that have been discussed that they want
 20 addressed in order to perfect their recommendation
 21 moving forward.
 22 CHAIR McCOY: Sure.
 23 MR. DeGRAFFENREIDT: I think that's within
 24 your prerogative. If that's what you want to do, it is
 25 wise to do so, in my opinion. That ain't a legal

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1 answer. But if you have those issues before you can
 2 formulate your recommendation, I think it may be wise
 3 to do so.
 4 MS. SHEPHERD: Okay, thank you.
 5 CHAIR McCOY: Any other members?
 6 Well, Mr. Kunuty, you have a heavy task, and
 7 I want to make sure that, you know, you get all of the
 8 time to try to explain it in your motion, what you --
 9 MR. KUNUTY: Well, yes, I mean it's a pretty
 10 simple motion. It's to send the ordinance back and
 11 have it rewritten, taking into consideration all of the
 12 comments that were made by the Board and suggestions
 13 made by the Board, knowing full well that some may be
 14 able to be researched and done, and there may be some
 15 that may not be able to be done for a variety of
 16 reasons. So, and I'm more comfortable in having that
 17 come back to us --
 18 CHAIR McCOY: Sure.
 19 MR. KUNUTY: -- as opposed to just saying:
 20 Okay, we made some general comments. Implement them
 21 and send it on the City Council. So if you need --
 22 MR. GAGNON: Prior to -- I'm sorry. Prior to
 23 finalization of the motion, just so I can relay what
 24 staff's understanding of the discussion so far tonight
 25 has been, one amendment would be modifying the

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1 1,000 foot separation to a 2,000 foot separation.
 2 MR. KUNUTY: Yes.
 3 MR. GAGNON: Another amendment would be
 4 adding petroleum storage or a similar defined use
 5 within that separation requirement. And additionally,
 6 there was discussion of removing the exemption of the
 7 exemption specified within letter A for the 2,000 foot
 8 radius at the intersection point of Interstate 95 and
 9 Blue Heron Boulevard.
 10 MR. KUNUTY: And making all gas stations a
 11 special exception, no matter where they go in the City.
 12 And in addition, having the buffer between schools and
 13 other facilities, as many of the other municipalities
 14 have.
 15 MR. GAGNON: So if I may, for that buffer,
 16 are you also suggesting a 2,000 foot buffer from those
 17 uses as well? I think what I found is the
 18 municipalities that do have a separation requirement
 19 from specific uses such as a school, they don't
 20 necessarily have a separation requirement from similar
 21 uses. So just so I fully understand what the Board is
 22 requesting, it's a separation between identical uses,
 23 being filling stations, separation between petroleum
 24 storage, and also separation between schools?
 25 MR. KUNUTY: Sure, because I think the

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1 facility that Mr. McCoy referred to on Garden probably
 2 falls within 1,000 feet or 2,000 feet --
 3 CHAIR McCOY: More like 200.
 4 MR. KUNUTY: -- okay, of the school.
 5 CHAIR McCOY: But Mr. Kunuty, if I could just
 6 interrupt you, and I apologize, but that almost goes to
 7 the same, you know, point that I could have seen
 8 potentially happening with Mr. Gustafson's
 9 recommendation. And part of it is I totally agree that
 10 we should probably do it within the schools and maybe
 11 even religious facilities, but until we have a layout
 12 of where everything is as far as schools and -- I mean
 13 did you say religious facilities, or did you just say
 14 schools?
 15 MR. KUNUTY: No, I said schools and other
 16 similar institutions. So that would certainly fall
 17 under it. But I think that's really staff's job to
 18 come back to us and say we can't do 2,000 feet from
 19 schools or these other facilities, that has to be 1,000
 20 feet; but we can do 2,000 feet for gas stations.
 21 CHAIR McCOY: Well, and that's fine. But you
 22 know, I guess my question is: Is it okay for us to
 23 include schools, because, you know, there's almost a
 24 school or related institution on every corner. Now, do
 25 we consider daycares as a school for that definitional

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1 purposes? So you know, I don't want to get too tied up
 2 in it.
 3 I certainly understand what you mean, but if
 4 we had, you know, a list of schools, it probably would
 5 be better to know if we should include that in there as
 6 opposed to sending him back to do it now, and he pops
 7 up and the definition of school encompasses 400
 8 different, you know, little parcels throughout our
 9 City, you know. So I agree if that's what you want to
 10 do, then by all means, but I just want to point out
 11 that schools is a pretty -- and related institutions is
 12 a pretty broad definition.
 13 MR. GAGNON: If I may, Chair, as well, I just
 14 want to express the need of having some regulations as
 15 soon as possible and the importance of that, because
 16 currently there is no separation requirement. So we do
 17 have a special exception approval process, however,
 18 there is no separation requirement. Staff does
 19 frequently get requests on fueling stations, whether or
 20 not they could potentially be approved in the City.
 21 So I don't disagree that the City needs to
 22 really contemplate really many aspects of our code
 23 which are outdated. However, if it's at all possible,
 24 to move forward with this as a starting point, and then
 25 it's not something that can be added to in the future,

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1 because it seems as if what's being asked now is going
 2 to require additional staff research in order to
 3 provide a final product that's going to be reliable.
 4 So if that's the direction of the Board, then honestly,
 5 I'm not anticipating staff having the resources to
 6 complete it in the very near future.
 7 CHAIR McCOY: And what part is so arduous?
 8 Is it the portion about the schools and the related
 9 institutions?
 10 MR. GAGNON: It's not really any one thing.
 11 I think it's just starting to turn into something very
 12 different.
 13 CHAIR McCOY: Well, Mr. Kunuty, if I could --
 14 MR. KUNUTY: Well, let me just ask a
 15 question.
 16 CHAIR McCOY: Go ahead.
 17 MR. KUNUTY: Let's take each step.
 18 Eliminating the exception around I-95.
 19 MR. GAGNON: Yes.
 20 MR. KUNUTY: Okay, does that take a lot of
 21 staff analysis to do?
 22 MR. GAGNON: Easy.
 23 MR. KUNUTY: Expanding it to 2,000 feet
 24 between gas stations?
 25 MR. GAGNON: Relatively easy.

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1 MR. KUNUTY: Petroleum storage and dispensing
 2 facilities?
 3 MR. GAGNON: We're going to have to look and
 4 see exactly how they're defined and then have a
 5 conversation with the Board whether or not it meets the
 6 definition that the Board intends.
 7 MR. KUNUTY: Okay. So what about eliminating
 8 a special exception or having all gas stations under
 9 special exception?
 10 MR. GAGNON: That may require slightly more
 11 research. We'll have to look at each zoning code and
 12 implement accordingly.
 13 MR. KUNUTY: Okay, so basically, what you're
 14 saying is eliminating the expansion, okay, and -- I'm
 15 sorry, the exception and expanding to 2,000 feet are
 16 pretty simple?
 17 MR. GAGNON: Yes.
 18 MR. KUNUTY: Okay, and that's something that
 19 doesn't entail a lot of staff work?
 20 MR. GAGNON: Correct.
 21 MR. KUNUTY: And how much staff work is
 22 involved in making all gas stations under a special
 23 exception? I mean we know that they can't go in a
 24 whole lot of areas, can only go in --
 25 MR. GAGNON: It's not -- I'm not concerned

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1 currently with the number of hours necessarily, but
 2 when the available staff will be able to bring it back
 3 to the Board and where this item is as far as
 4 priorities, being that we're not fully staffed
 5 currently, and we're having other applications provided
 6 which may take precedence over this item. So the last
 7 thing I want to see is have this kind of get placed
 8 behind other items moving through the process, and it
 9 could happen if research and other things require much
 10 staff time.
 11 MR. KUNUTY: All right.
 12 CHAIR McCOY: Well, Mr. Kunuty, can I just
 13 offer this?
 14 MR. KUNUTY: Well, let me ask him one more
 15 question.
 16 So you're basically saying that between now
 17 and the next meeting, okay, the two, exception and
 18 expanded distance, are easy enough to do?
 19 MR. GAGNON: Yes.
 20 MR. KUNUTY: Okay. All right, then I will
 21 modify my motion, okay, and say that my motion now is
 22 to approve this with the eliminating the special
 23 exception and expanding the distance between stations
 24 to 2,000 feet.
 25 CHAIR McCOY: Is that your motion?

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1 MR. KUNUTY: Yes.
 2 CHAIR McCOY: So 2,000 feet and removing the
 3 special exception.
 4 MR. KUNUTY: Correct. No. I said nothing of
 5 the special exception. I said the exception around
 6 I-95 --
 7 CHAIR McCOY: The exemption, I'm sorry.
 8 Okay.
 9 MR. KUNUTY: Yes, exemption around I-95, and
 10 expanding the distance between similar uses to 2,000
 11 feet. And as far as the special exception for all gas
 12 stations, I guess my suggestion is if you can get that
 13 done, okay, that just gives the City a hell of a lot
 14 more control over gas stations.
 15 MR. GAGNON: Understood.
 16 MR. KUNUTY: Which is what we're trying to
 17 do. So those three items would be in my motion.
 18 CHAIR McCOY: It's been properly moved by
 19 Mr. Kunuty. Is there a second?
 20 MR. BLACKWELL: Chair, before you second, I
 21 just want to make sure I'm clear. Did we also include
 22 the language of the petroleum storage use in that?
 23 MR. KUNUTY: No. No, he said that that's
 24 going to be difficult to do.
 25 MR. BLACKWELL: So it's just for those two.

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1 Okay, so I'm clear.
 2 CHAIR McCOY: Is there a second?
 3 MR. GUSTAFSON: I'll second that.
 4 CHAIR McCOY: It's been properly moved and
 5 second.
 6 And I want to ask one other question. And I
 7 hate to keep going back here, but we got the exemption
 8 removal around the 95 area, and we're increasing the
 9 buffer to 2,000 feet. Wouldn't it be easier just to
 10 vote on those two items, and at this point, as it
 11 stands today, that can go right to City Council from
 12 here?
 13 And then Mr. Kunuty makes a separate
 14 exception -- I mean, I'm sorry, a separate motion
 15 saying that all filling stations come through by
 16 special exception, so not to hold up the process, so
 17 that we have something in place and at least we're
 18 addressing the exemption and we're increasing the
 19 buffer to 2,000 feet. Is that possible.
 20 MR. DeGRAFFENREIDT: It's possible because
 21 that's part of your discussion, but currently there's a
 22 motion on the floor.
 23 CHAIR McCOY: Right. And I wanted to get
 24 clarification in case a substitute is --
 25 MR. DeGRAFFENREIDT: Yes.

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1 CHAIR McCOY: -- possible, that is --
 2 MR. GAGNON: If Mr. Kunuty wishes to amend
 3 his motion, then that's definitely a possibility. And
 4 then so there would be a motion to approve with the
 5 2,000 foot radius versus the 1,000 foot radius. And it
 6 would also include removal of an exemption from the
 7 1,000 foot separation requirement shall be provided for
 8 any property located within 2,000 feet of the
 9 intersection point of Interstate 95 and Blue Heron
 10 Boulevard. And then if Mr. Kunuty chooses, he can make
 11 an additional motion separate that asks staff to go
 12 back and perform the research that we have discussed
 13 tonight.
 14 MR. KUNUTY: Okay, let's be clear.
 15 Eliminating the special exception or the exemption
 16 around I-95.
 17 MR. GAGNON: Yes.
 18 MR. KUNUTY: Okay, so that will now be 2,000
 19 feet.
 20 CHAIR McCOY: No.
 21 MR. GAGNON: So within the ordinance itself,
 22 it would be (a)(1)(a), so the last text proposed would
 23 be eliminated altogether.
 24 MR. KUNUTY: Okay. All right, yes, that
 25 would be (a)(2), correct? Or (b)? All right, yes,

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1 you're eliminating that one section.
 2 MR. GAGNON: Right. So that would be
 3 completely eliminated. And (a)(1), which references
 4 the separation buffer currently at 1,000 feet --
 5 MR. KUNUTY: Correct.
 6 CHAIR McCOY: -- that could be modified to
 7 read 2,000 feet.
 8 MR. KUNUTY: Okay. Okay, I'll modify the
 9 motion to be to limit it to those two. So in essence,
 10 we're approving the ordinance, and with -- by
 11 eliminating the exception in the I-95 area and
 12 increasing the distance between stations to 2,000 feet.
 13 That's the motion.
 14 CHAIR McCOY: Thank you, Mr. Kunuty. We
 15 finally got there. It's been moved. Is there a
 16 second?
 17 MR. BLACKWELL: I'll second.
 18 CHAIR McCOY: It's been moved and it's been
 19 second. Hearing no other Board member comments, can we
 20 have the roll?
 21 MR. VELASQUEZ: Anthony Brown.
 22 MR. BROWN: Yes.
 23 MR. VELASQUEZ: Jon Gustafson.
 24 MR. GUSTAFSON: Yes.
 25 MR. VELASQUEZ: James Gallon.

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1 MR. GALLON: Yes.
 2 MR. VELASQUEZ: Margaret Shepherd.
 3 MS. SHEPHERD: Yes.
 4 MR. VELASQUEZ: Edward Kunuty.
 5 MR. KUNUTY: Yes.
 6 MR. VELASQUEZ: Corey Blackwell, Sr.
 7 MR. BLACKWELL: Yes.
 8 MR. VELASQUEZ: Tradrick McCoy.
 9 CHAIR McCOY: Yes.
 10 MR. VELASQUEZ: Unanimous voting. Motion
 11 approved.
 12 CHAIR McCOY: Thank you.
 13 Mr. Kunuty, if you're so inclined, you're
 14 recognized for the other motion.
 15 MR. KUNUTY: No, we'll leave it at that for
 16 now.
 17 CHAIR McCOY: Okay, so we're not going to
 18 address the special exception, I guess, just as a
 19 general recommendation to Council separate from the
 20 ordinance?
 21 MR. KUNUTY: Well, it's a recommendation to
 22 staff, not to Council, correct?
 23 MR. GAGNON: If the Board wishes to make a
 24 motion just requesting staff to research this, I'd be
 25 happy to go through the existing code structure and

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1 identify each zoning code section to describe how
 2 filling stations are classified, just as another
 3 talking point. And the Board can review that
 4 information and decide how to move forward.
 5 MR. KUNUTY: I'll make the motion to have
 6 staff research special exceptions for gas stations, as
 7 we defined it, and make all gas station approval under
 8 the special exception.
 9 CHAIR McCOY: It's been properly moved. Is
 10 there a second?
 11 MR. GALLON: Second.
 12 CHAIR McCOY: Moved by Mr. Kunuty, and there
 13 was a second by Mr. Gallon. Roll call.
 14 MR. VELASQUEZ: Anthony Brown.
 15 MR. BROWN: Yes.
 16 MR. VELASQUEZ: Jon Gustafson.
 17 MR. GUSTAFSON: Yes.
 18 MR. VELASQUEZ: James Gallon.
 19 MR. GALLON: Yes.
 20 MR. VELASQUEZ: Margaret Shepherd.
 21 MS. SHEPHERD: Yes.
 22 MR. VELASQUEZ: Edward Kunuty.
 23 MR. KUNUTY: Yes.
 24 MR. VELASQUEZ: Corey Blackwell, Sr.
 25 MR. BLACKWELL: Yes.

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1 MR. VELASQUEZ: Tradrick McCoy.
 2 CHAIR McCOY: Yes.
 3 MR. VELASQUEZ: Unanimous voting. Motion
 4 approved.
 5 CHAIR McCOY: Thank you.
 6 We're moving on to item number IX, which is
 7 new business. Having none, I guess we'll jump right
 8 into general discussion. And I have two public comment
 9 cards. Is Mr. Lloyd Brown still here?
 10 UNIDENTIFIED SPEAKER: No.
 11 CHAIR McCOY: Okay, Ms. Mary Brabham.
 12 MS. BRABHAM: Ms. Mary Brabham, Riviera
 13 Beach.
 14 Thank you, Board, for finally getting some
 15 teeth somewhere where it is much needed. There is
 16 other work to be done with this. I was listening to
 17 Jeff and the things that you all were trying to do.
 18 This is the elephant in the room about doing the
 19 business of the City, and when it comes down to these
 20 things that are critical to our City here, it should be
 21 no limitation on what we can do and what we shall do.
 22 Now, this Board here delivers everything that
 23 comes in and goes out to our City, so we need to have
 24 it right, and we need to get it right. We need the
 25 things that are in place to make it workable so that if

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1 the businesses are -- because we welcome the
 2 businesses, but it's not what we have, but how we would
 3 have what we have to make it workable for the City to
 4 move it forward and change the perception that Riviera
 5 Beach is just a dumping stage and everyone comes here
 6 thinks that no one knows how to conduct business.
 7 So Ms. Brabham thank this Board. And
 8 Mr. Brown also voiced his concerns as well. You all
 9 have heard from him also. So thank you as a Board.
 10 Thank you.
 11 CHAIR McCOY: That concludes our public
 12 comments.
 13 Mr. Gagnon, do we have any correspondence?
 14 MR. GAGNON: No additional correspondence.
 15 CHAIR McCOY: Thank you.
 16 Members of the Board having general comments
 17 related to anything related to the City? Any members?
 18 No member comments?
 19 Ms. Shepherd, you're recognized.
 20 MS. SHEPHERD: Yes, I just want to clear up
 21 one thing going back to voting for the Chairperson.
 22 I'm glad that we decided to hold off until Ms. James
 23 get here and give this Board an opportunity to catch up
 24 where we are at, and then have the Vice Chair move into
 25 that position that next year, I think.

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1 I thought, Mr. Kunuty, it would be -- not
 2 really knowing how it was going, that you kind of
 3 shift. I think you and Mr. Whigham are the oldest one
 4 on the Board. So that's how I was thinking, without
 5 Mrs. James not being here. But saying that, I'm glad
 6 that we're holding off to give her an opportunity to
 7 respond back to us, because I think this Board need to
 8 catch up to where we are, and I think she's doing a
 9 good job leading us on. Thank you.
 10 CHAIR McCOY: Any other members wishing to
 11 comment?
 12 MR. KUNUTY: Just a correction. Longest
 13 tenured on the Board. Maybe not the oldest.
 14 MS. SHEPHERD: I said tenured, didn't I?
 15 (Inaudible.) I meant tenured.
 16 CHAIR McCOY: Any other members wishing to
 17 comment on general items related to the Board?
 18 MR. BROWN: No comments.
 19 CHAIR McCOY: Okay, I do just want to say
 20 this. I know we had a very thoughtful discussion
 21 today, and I appreciate everyone's input. And you
 22 know, that is exactly what I see as being the purpose
 23 of the Board. That way, we have an opportunity to have
 24 a discussion about what works, you know, within reason,
 25 without being too, you know, top heavy to potentially

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1 have problems when it gets to the next level. But I
 2 think that is what makes the Board great, because we
 3 can all have some input on it. So thanks so much,
 4 members, for the thoughtful and spirited discussion.
 5 So those are my comments.
 6 And Mr. Gagnon, we're back at you for
 7 Planning and Zoning Board updates and upcoming
 8 projects.
 9 MR. GAGNON: Yes, sir. Our next meeting is
 10 scheduled May 11th. We're anticipating at least two
 11 items, both site plans. One is for a potential
 12 restaurant called -- well, it's at the old Crab Pot
 13 site, which is located southeast of Marina Grand. It
 14 hasn't been finalized yet, but that's anticipated to
 15 come before you on May 11th.
 16 Additionally, there is an industrial
 17 development located in the Haverhill Business Parkway
 18 in the west part of our community. It's called Catoe
 19 Plumbing. And that's also anticipated to come before
 20 the Board on the 11th.
 21 CHAIR McCOY: Question. Mr. Gagnon, is the
 22 site plans and I guess the preliminary information up
 23 on the web site regarding these two projects?
 24 MR. GAGNON: Yes, I believe both site plan
 25 submittals and the application packets are available on

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1 our web site currently.
 2 CHAIR McCOY: Okay. One other unrelated
 3 comment. I was looking at the land use map and the
 4 Garden Road area. I know a lot of that over there is
 5 unincorporated, and my question is why. And it's a
 6 rhetorical question, but what does it take for us to
 7 annex some of those things into our City, because I'm
 8 wondering, just looking at this map, and I know we have
 9 those trailer parks both on the west side of 95 which
 10 are essentially in the City, but they're classified as
 11 unincorporated Palm Beach County.
 12 There are a few pockets, however, right
 13 around just north of the Pepsi-Cola facility in an area
 14 that's on the land use map as white. Why are they in
 15 our City and not in our City? And pretty much what I
 16 mean is we provide them with police services and fire
 17 services. That's my question. You know, it's a
 18 rhetorical question, but I just would like to know why,
 19 you know, they want to -- they're physically within our
 20 boundaries, but their carve-out makes them
 21 unincorporated. And do we actually get anything as far
 22 as providing first responder services that you know of
 23 for those unincorporated places?
 24 MR. GAGNON: To answer the first part of the
 25 question, over the years the City has actually annexed

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1 property into the municipal boundary moving west. So
 2 there are some enclaves that are located in the City's
 3 current jurisdiction that still are unincorporated Palm
 4 Beach County.
 5 So there's really two ways that those
 6 properties can come into the City. There's a voluntary
 7 annexation process, which is at the will of the
 8 property owner, and then there is more of a forced
 9 annexation process, which is something I haven't
 10 experienced firsthand, but I hear that it's much more
 11 serious legally and not really something that is
 12 attempted very often. So if there are any business
 13 entities that wish to voluntarily annex into the City,
 14 we have a procedure in place that can accommodate that.
 15 As far as additional funding that's provided
 16 by those parcels, I'll have to look into that a little
 17 bit further. I don't know if there's any mutual aid
 18 agreements that currently exist. I'm guessing that
 19 there are, but as far as direct funding, I'd have to
 20 look into that.
 21 CHAIR McCOY: Okay. I was just curious
 22 because it was quite obvious on our land use map when
 23 you looked around that area why is, you know, maybe
 24 five or six parcels considered unincorporated. And I'm
 25 sure Palm Beach County doesn't send a fire truck from

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1 wherever they are located to come and service, you
 2 know, any calls for that specific business. So those
 3 are my comments.
 4 Any other member?
 5 MR. BLACKWELL: Actually, I can answer that.
 6 Yes, they do.
 7 CHAIR McCOY: They do?
 8 MR. BLACKWELL: Any of the unincorporated
 9 areas off of Garden Road the Sheriff's Office actually
 10 responds. It doesn't really happen often, but at the
 11 Sheriff's Office, we were compelled to respond and take
 12 those calls. Riviera Beach sometimes would come and
 13 assist and take them, but for the most part, we were
 14 dispatched there as unincorporated officers, yes.
 15 CHAIR McCOY: So as far as, I guess, fire and
 16 ambulance service and paramedic service, how does that
 17 work? I mean is that the same?
 18 MR. BLACKWELL: It would still come from --
 19 we would request Fire-Rescue, and it would still come
 20 from Palm Beach County.
 21 CHAIR McCOY: Just curious. Okay, you know,
 22 thank you, Palm Beach County. Thank you for your
 23 service. And I'd like our tax base just a little bit
 24 better. So that's it for me, members.
 25 Any other members?

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1 MR. KUNUTY: Just a question on what's coming
 2 up on the restaurant. Is that going to require a
 3 zoning change, because that's zoned residential now?
 4 MR. GAGNON: I think it currently has a
 5 downtown general zoning designation and a downtown
 6 mixed use future land use, so I think the use is
 7 actually compatible with the existing --
 8 MR. KUNUTY: Is it? Okay.
 9 MR. GAGNON: -- zoning.
 10 MR. KUNUTY: Because I thought we changed it
 11 to -- at that time.
 12 MR. GAGNON: Historically, I believe there
 13 was a zoning change that was in conjunction with Marina
 14 Grand. But during our most recent visit to that CRA
 15 area and zoning amendments, it was updated.
 16 MR. KUNUTY: Thank you.
 17 CHAIR McCOY: One last thing. Mr. Gagnon, at
 18 your leisure, can you provide us all the link, and I'm
 19 specifically saying to the new members, where they can
 20 actually view the site plans that's, you know, still in
 21 review by the staff?
 22 MR. GAGNON: Sure.
 23 CHAIR McCOY: Okay, so thank you.
 24 If there's no other comments, I'll hear a
 25 motion to adjourn.

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 105</p> <p>MR. KUNUTY: So moved. MS. SHEPHERD: Second. CHAIR McCOY: Thanks. (Whereupon, at 8:50 p.m., the proceedings were concluded.)</p>	
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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 106</p> <p style="text-align: center;">CERTIFICATE</p> <p>THE STATE OF FLORIDA)) COUNTY OF PALM BEACH)</p> <p>I, Susan S. Kruger, do hereby certify that I was authorized to and did report the foregoing proceedings at the time and place herein stated, and that the foregoing pages comprise a true and correct transcription of my stenotype notes taken during the proceedings.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 2017.</p> <p style="text-align: center;">_____ Susan S. Kruger</p>	
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**STAFF REPORT – CITY OF RIVIERA BEACH
CASE NUMBER SP-16-18
PLANNING AND ZONING BOARD, MAY 11, 2017**

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

A. Applicant: Seven Kings Holdings, Inc.

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

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

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

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

Parcel Size: +/- 0.35 acre.

Existing Use: Vacant Lot.

Zoning: Downtown General (DG) Zoning District.

Future Land Use: Downtown Mixed Use.

E. Adjacent Property Description and Uses:

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

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

East: Intracoastal Waterway.

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

F. Background:

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

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

G. Staff Analysis:

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

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

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

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

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

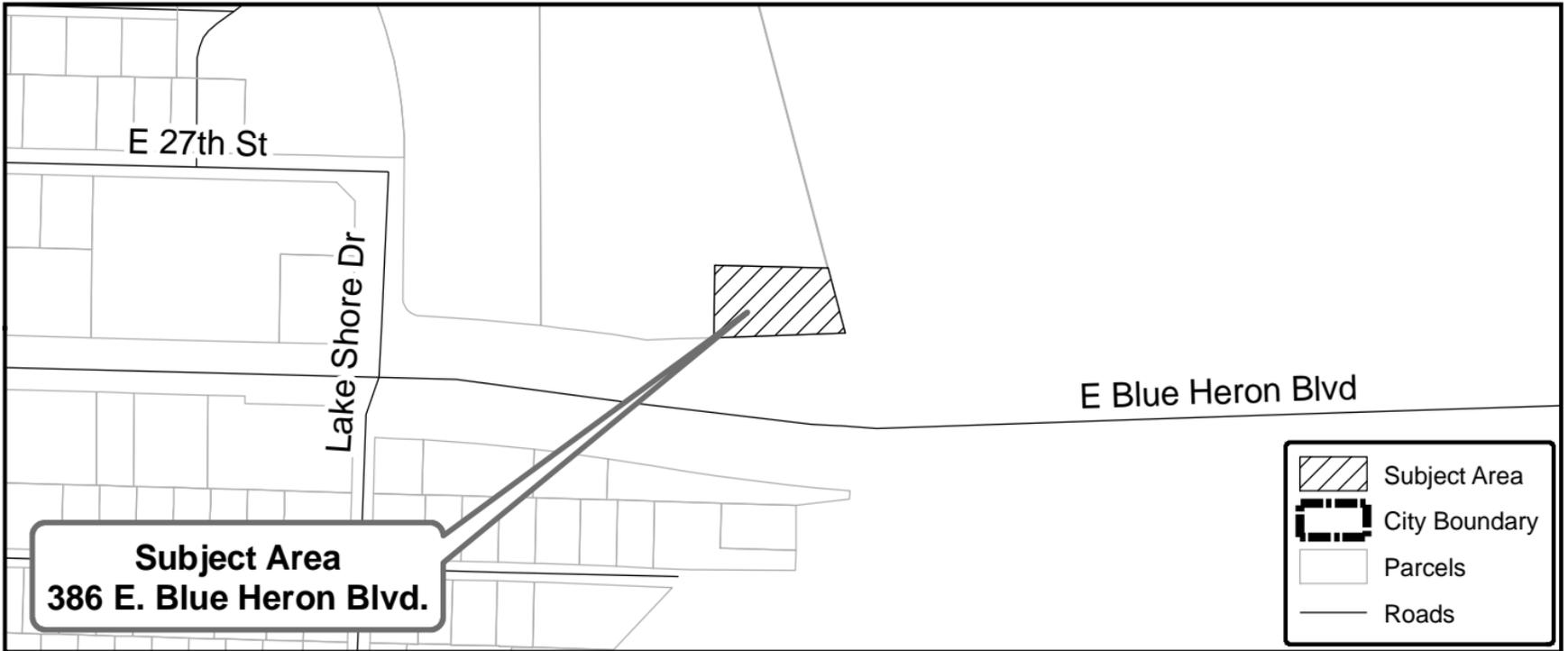
Landscaping: The proposed landscape plan is compatible with the City's Land Development Regulations.

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

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

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

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



0 37.575 150 225 300
Feet

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

Location Map SP-16-18 Crab Pot Restaurant





27th St

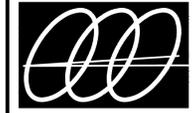
Blue Heron Blvd

Lake Shore Dr

25th St

-  Crab Pot Restaurant
-  City Boundary





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

1907 Commerce Lane
Suite 101
Jupiter, Florida 33458
561-575-9551
561-575-5260 FAX
www.landscape-architects.com

Final Site Plan Crab Pot Site Riviera Beach, Florida

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

Seal

LC 0000117

Sheet Title:
Final Site Plan

Scale: 1"=10'-0"

Sheet No.

FSP-1

15-1017

Site Data

SUBJECT SITE AREA	0.34 ACRE (14,818.95 S.F.)
ZONING DISTRICT	DG, DOWNTOWN GENERAL
LAND-USE CLASSIFICATION	DOWNTOWN MIXED USE
TOTAL BUILDING AREA	4,482 S.F.
IMPERVIOUS AREA	10,371.71 S.F. (70%)
PERVIOUS AREA	4,447.24 S.F. (30%)

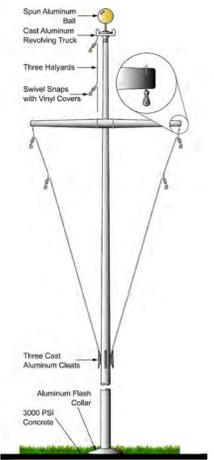
Building Data

TOTAL BUILDING AREA:	4,482 S.F.
FAR (2.0 MAX)	0.30 FAR
BUILDING LOT COVERAGE	
PERMITTED	80% MAX.
PROVIDED	30%
NUMBER OF STORIES	1 STORY
BUILDING HEIGHT	3 STORY MAX.
SETBACKS	REQ. PROVIDED
FRONT	10' MIN. 13.42'
REAR	10' MIN. 10'
SIDE CORNER	0 MIN. 5.61', 71.35'

Parking Data

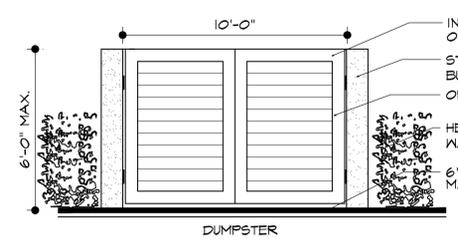
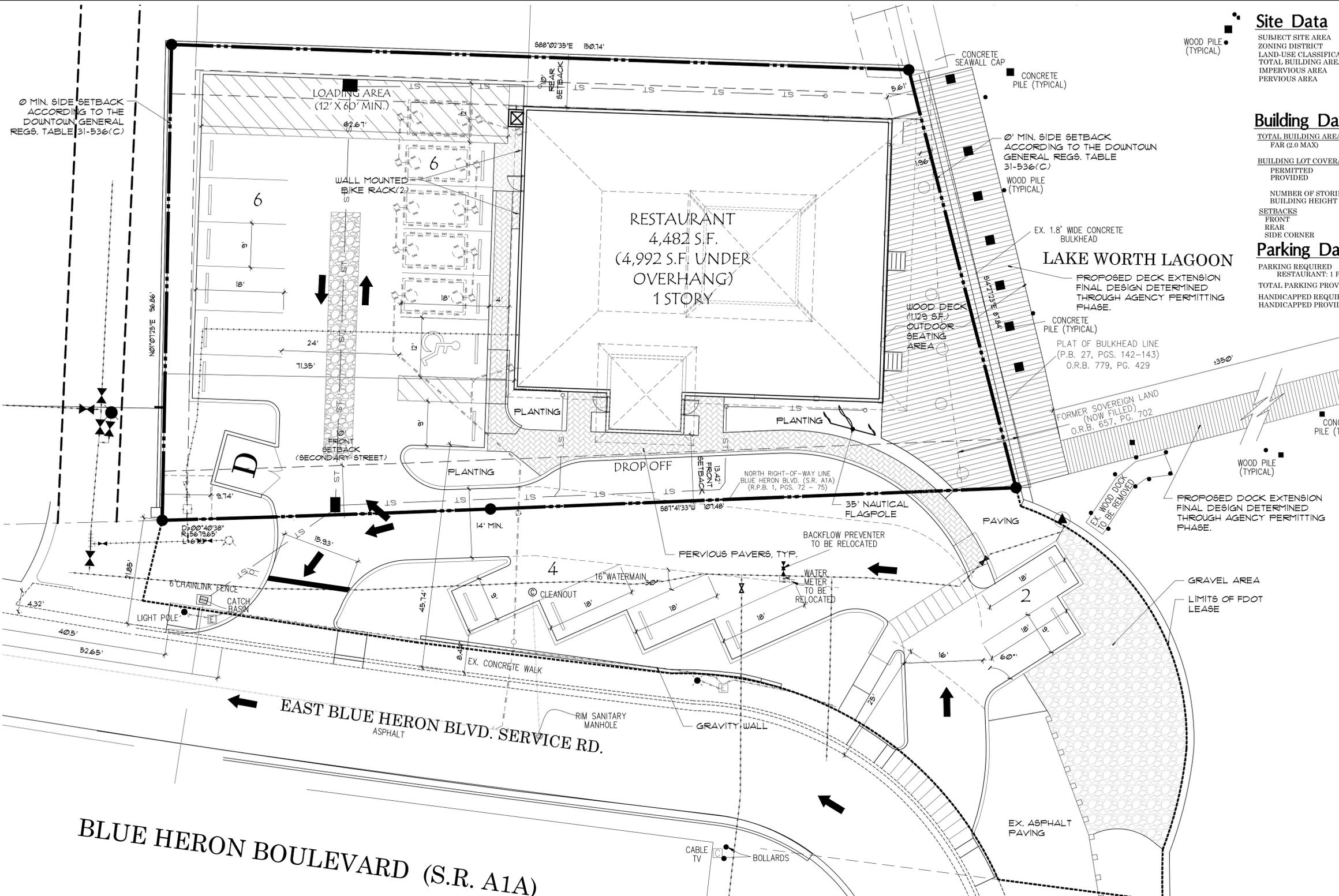
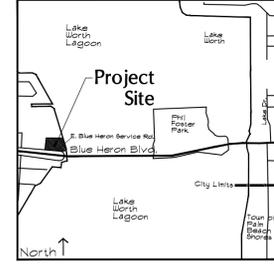
PARKING REQUIRED	15 SPACES
RESTAURANT: 1 PER 300	
TOTAL PARKING PROVIDED	18 SPACES (12 ON SITE)
HANDICAPPED REQUIRED	1 SPACE
HANDICAPPED PROVIDED	1 SPACE

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

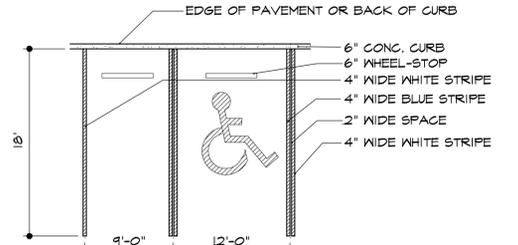


35' Flag Pole
N.T.S.
*FLAGS ONLY AS PERMITTED UNDER THE CITY OF RIVIERA BEACH ORDINANCES

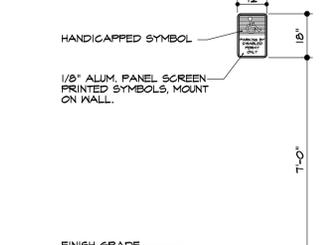
Location Map



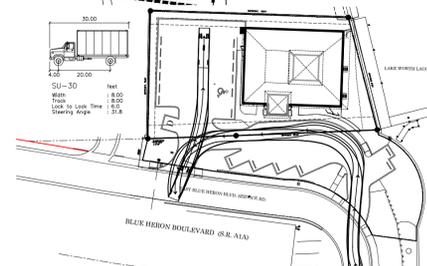
Dumpster Enclosure Detail
N.T.S. FRONT ELEVATION



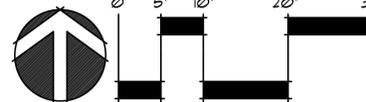
Parking Stall Detail
N.T.S.



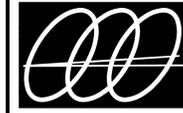
Disabled Parking Sign
N.T.S.



Truck Route
N.T.S.



FILE: N:\CRAB POT - 15-1017\DRAWINGS\26-0 FINAL SITE PLAN 15.DWG
PLOTTED: 3/16/17 AT 11:25 AM BY: DSIEBEN
SHEET: FSP-01



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

1907 Commerce Lane
Suite 101
Jupiter, Florida 33458
561-575-9551
561-575-5260 FAX
www.2GHO.com

Landscape Development Plan
Crab Pot Site
Riviera Beach, Florida

Designed: _____
Drawn: _____
Approved: _____
Date: _____
Job no.: _____
Revisions: _____

Scale

LC 0000177
Sheet Title:

Landscape
Development
Plan

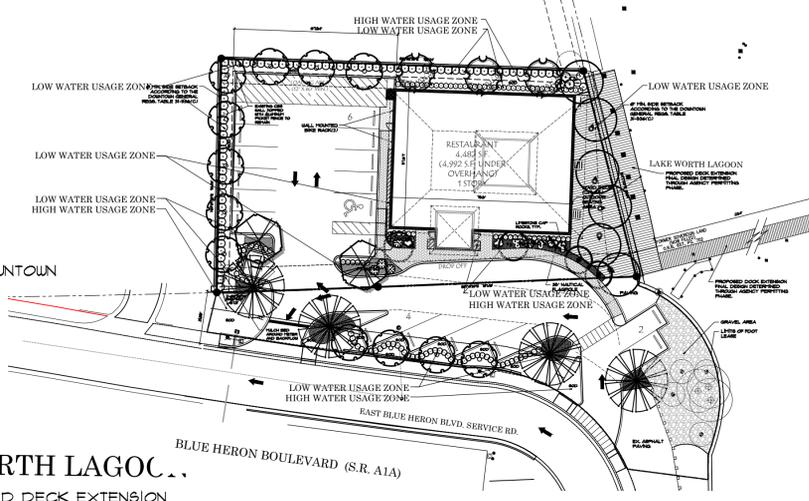
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Sheet No.

LP-1

15-1017

Water Usage Zones:

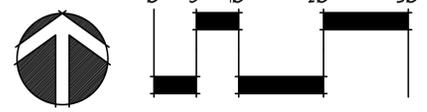
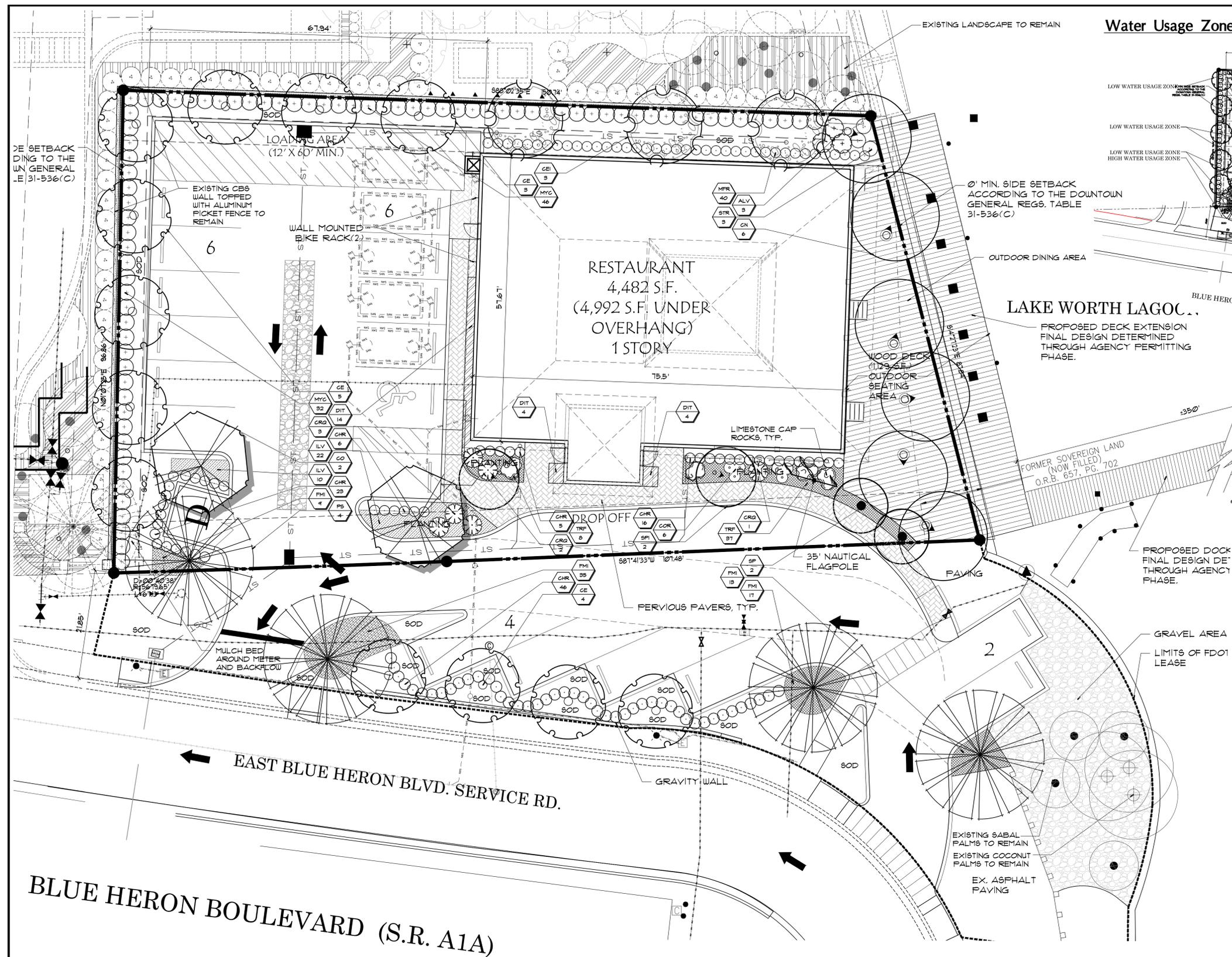


Landscape Data

TOTAL SITE AREA	0.34 ACRE (14,818.95 S.F.)
ZONING DISTRICT	DOWNTOWN GENERAL
LAND-USE CLASSIFICATION	DOWNTOWN MIXED-USE
TOTAL BUILDING AREA	4,486 SF.
RESTAURANT	
LANDSCAPE DATA	
TOTAL NUMBER OF TREES REQUIRED	28 TREES
TOTAL NUMBER OF TREES PROVIDED (SHADE AND PALM)	31 TREES
NUMBER OF SHADE TREES PROVIDED	17 TREES
NUMBER OF PALMS PROVIDED	14 PALMS
PERCENTAGE OF NATIVE TREE VEG. PROVIDED	68% (21/31)
PERCENTAGE OF NATIVE SHRUB VEG. PROVIDED	76% (291/383)
TOTAL PERCENTAGE OF NATIVE VEG. PROVIDED	75% (312/414)
PERCENTAGE OF DROUGHT TOLERANT TREES PROVIDED	100% (31/31)
PERCENTAGE OF DROUGHT TOLERANT SHRUBS PROVIDED	95% (365/383)
TOTAL PERCENTAGE OF DROUGHT TOLERANT PLANTS PROVIDED	96% (396/414)
MISC. DATA	
LANDSCAPE AREA REQUIRED (ON SITE)	2,963.8 S.F. (20%)
(20% OF TOTAL AREA)	
ADDITIONAL LANDSCAPE AREA REQUIRED (ON SITE)	0 SQ.FT.
(10 SQ. FT. FOR EACH PARKING SPACE SIZE REDUCTION) (0)	
ADDITIONAL LANDSCAPE AREA REQUIRED (NO ADDITIONAL ON SITE)	0 SQ.FT.
(10 SQ. FT. FOR EACH ADDITIONAL PARKING SPACE)	
TOTAL LANDSCAPE AREA REQUIRED	2,963.80 S.F. (20%)
TOTAL LANDSCAPE AREA PROVIDED	3,688.33 S.F. (25%)

XERISCAPE WATER EFFICIENT LANDSCAPING

DESIGN OPTIONS	POSSIBLE POINTS	PLAN POINTS
UTILIZATION OF MOISTURE SENSING CONTROLLER OTHER THAN RAIN-SENSING OR OVERSICR DEVICE	5	
PLAN SUBMITTED WITH LOW, MODERATE AND HIGH WATER USAGE ZONES INDICATED ON THE LANDSCAPE PLAN.	5	5
GRASSES: 25 - 50% OF THE GRASS AREAS ARE MADE UP OF DROUGHT-TOLERANT GRASS SPECIES FROM THE LIST.	5	
50% OR MORE OF THE GRASS AREAS ARE MADE UP OF DROUGHT-TOLERANT SPECIES FROM THE LIST.	10	
SHRUBS: 50% OF THE SHRUB AREAS ARE MADE UP OF DROUGHT-TOLERANT SPECIES FROM THE LIST.	5	
50% OF SITE OR MORE OF THE REQUIRED SHRUBS ARE MADE UP OF DROUGHT-TOLERANT SPECIES FROM THE LIST.	10	10
TREES: 25 - 50% OF THE GRASS AREAS ARE MADE UP OF DROUGHT-TOLERANT GRASS SPECIES FROM THE LIST.	5	
50% OF SITE OR MORE OF THE REQUIRED TREES ARE MADE UP OF DROUGHT-TOLERANT SPECIES FROM THE LIST.	10	10
EXTRA SHADE TREES IN VEHICLE USE AREAS: 25% MORE THAN THE REQUIRED SHADE TREES PLANTED IN THE VEHICULAR USE AREAS.	5	
50% MORE THAN THE REQUIRED SHADE TREES PLANTED IN THE VEHICULAR USE AREAS.	10	
SOD AREA LESS THAN 50% OF THE TOTAL LANDSCAPE AREA.	10	10
UTILIZATION OF COMPACTED MULCH BEDS AT LEAST THREE IN DEEP IN ALL PLANTED AREAS EXCEPT GRASS COVER.	10	10
TOTAL POINTS		45

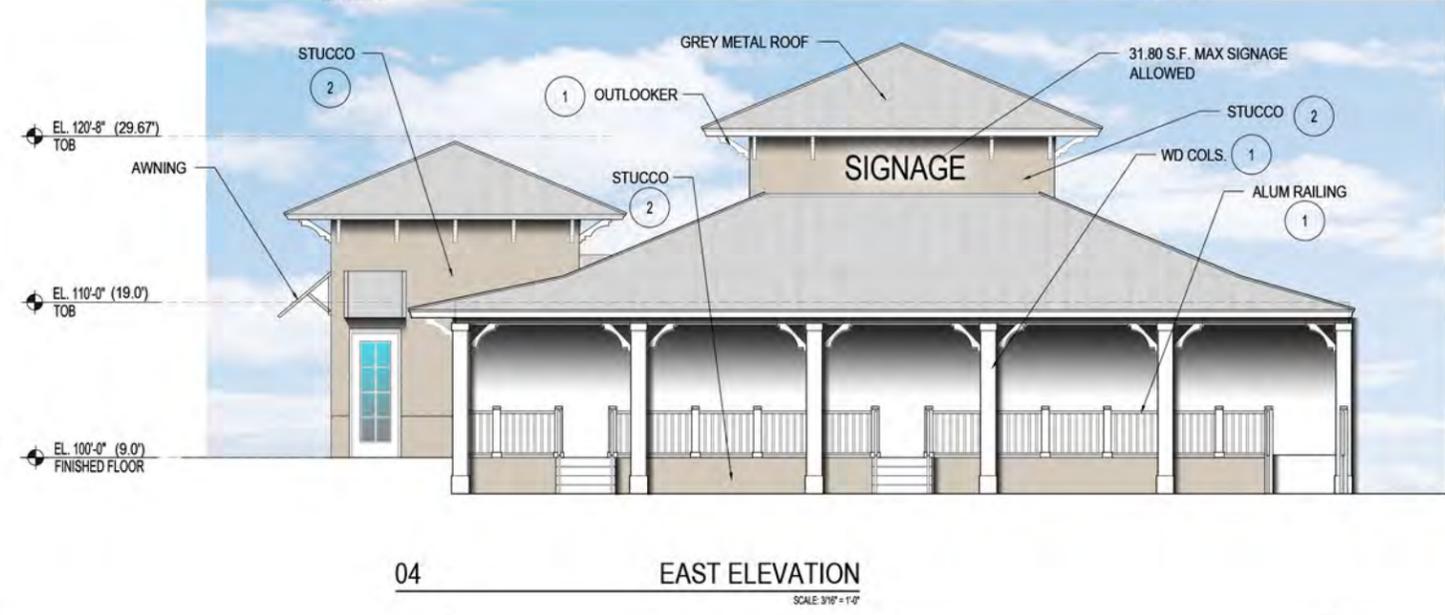
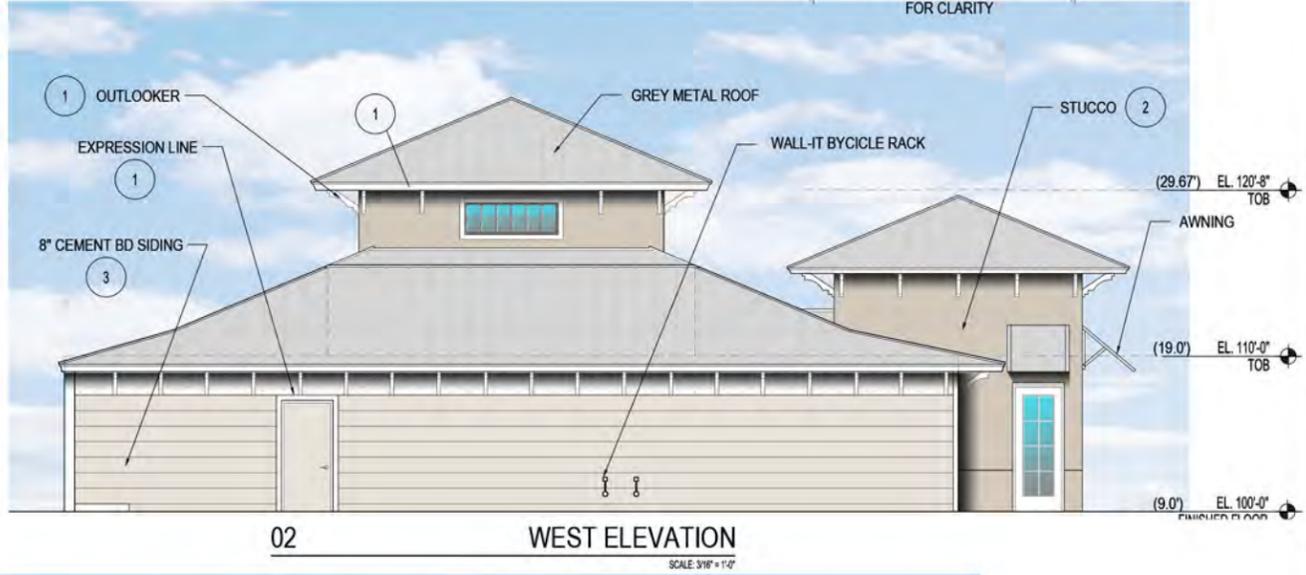
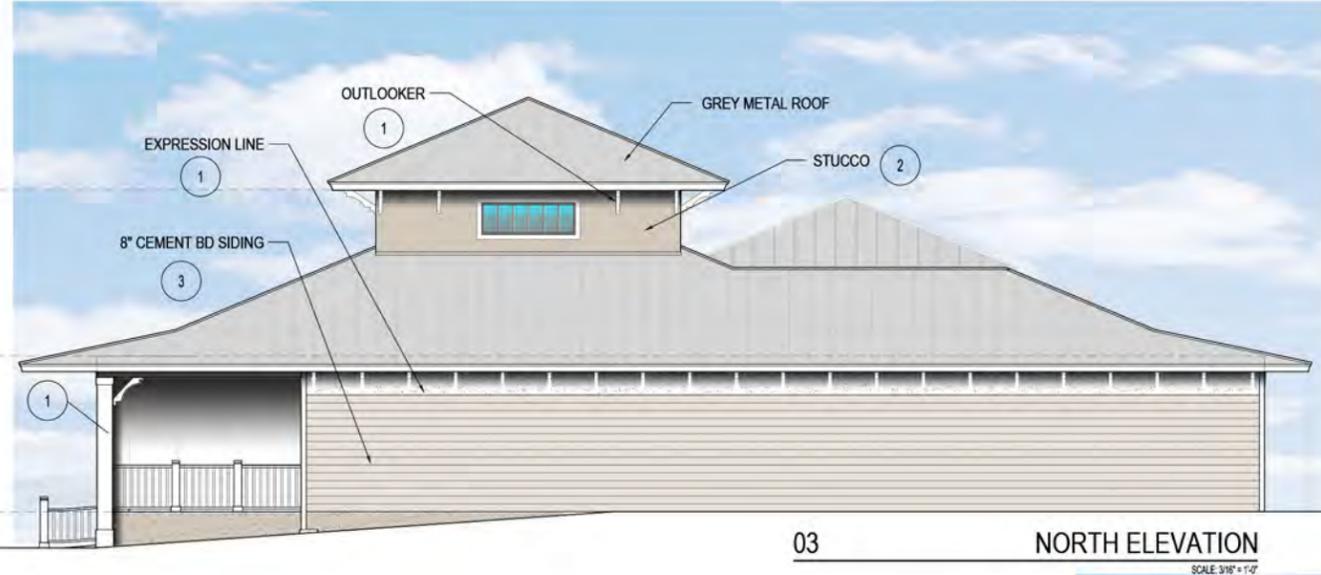
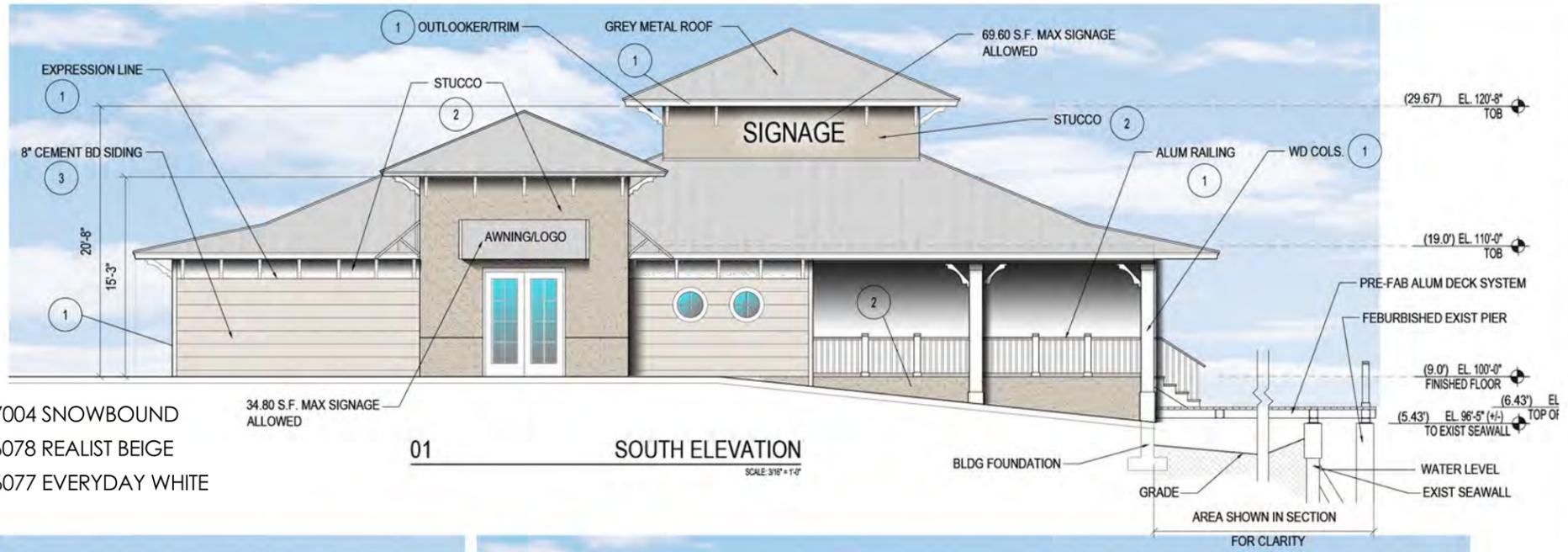


FILE N:\CRAB POT - 15-1017\DRAWINGS\326-0 FINAL SITE PLAN 15.DWG
PLOTTED: 3/20/17 AT 10:07AM BY: DSIEVSEN
SHEET: PLANDIG

COLOR LEGEND

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

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



HARVARD • JOLLY
ARCHITECTURE

FL. MYRS 239-275-7774
JACKSONVILLE 904-396-3300
ORLANDO 407-667-7727
ST. PETERSBURG 888-772-886-8611
TAMPA 813-286-9208
WEST PALM BEACH 561-478-4457
AAC0000119
DESIGN OFFICE: 3047 VISTA PARKWAY, STE. 100, WEST PALM BEACH, FL. 33411, PH. 561-478-4457

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

Comm. No: 15158.00
Date: 9-26-16
Drawn: LPC

copyright 2016

René Tercilla AIA, REFP

C1.1





For Staff Use Only

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

UNIFORM LAND USE APPLICATION

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

Complete appropriate sections of Application and sign.

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

PLEASE ATTACH LEGAL DESCRIPTION

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

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

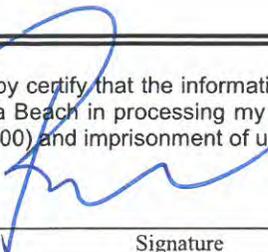
FUTURE LAND USE	Existing Use: <u>VACANT LAND</u>	Proposed Use: <u>RESTAURANT</u>
	Land Use Designation: <u>DOWNTOWN MIXED USE</u>	Requested Land Use: <u>DOWNTOWN MIXED USE</u>
	Adjacent Land Uses: North: <u>RESIDENTIAL (CONDOS)</u>	South: <u>BLUE HERON BLVD. BRIDGE / SERVICE ROAD</u>
	East: <u>ICW</u>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

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

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

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

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

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

AGENT AUTHORIZATION FORM

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared ANDREW PODRAY

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

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

the street address of which is: 586 EAST BLUE HERON BLVD., RIVIERA BEACH, FL

and that we hereby appoint:

Name: SEVEN KINGS HOLDINGS, INC. & ITS DESIGNEES

Address: 630 MAPLEWOOD DRIVE, SUITE 100
JUPITER, FL 33458

Telephone: (561) 625-9443

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

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

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

[Signature]

Notary Public



AGENT AUTHORIZATION FORM

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

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

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

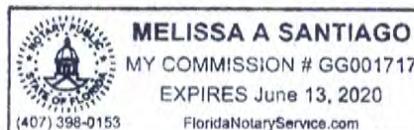
Name: GENTILE, GLAS, HOLLOWAY, O'MATTONEY & ASSOC., INC.
Address: 1907 COMMERCE LANE, SUITE 101
JUPITER, FL 33458
Telephone: (561) 575-9557

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

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

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

Melissa A Santiago
Notary Public



CRAB POT SITE
Riviera Beach, FL

SITE PLAN APPLICATION NARRATIVE

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

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

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

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

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

Relative to concurrency, attached is:

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

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

Since the demolition of the Crab Pot:

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

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

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

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

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

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

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



September 26, 2016

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

RECEIVED
OCT - 1 2016
COMMUNITY DEVELOPMENT
DEPARTMENT

**Department of Engineering
and Public Works**

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

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

Dear Jeff:

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

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

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

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

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

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

Sincerely,

Quan Yuan, P.E.
Professional Engineer
Traffic Division

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

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

**Palm Beach County
Board of County
Commissioners**

- Mary Lou Berger, Mayor
- Hal R. Valeche, Vice Mayor
- Paulette Burdick
- Shelley Vana
- Steven L. Abrams
- Melissa McKinlay
- Priscilla A. Taylor

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



CITY OF RIVIERA BEACH UTILITY DISTRICT

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

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

September 8, 2016

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

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

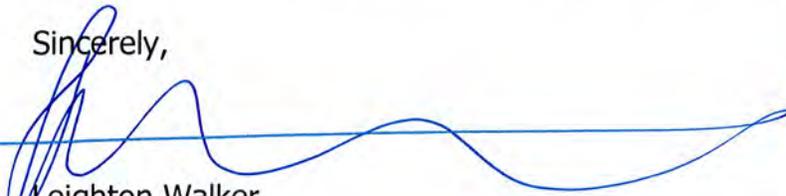
Dear Mr. Williams:

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

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

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

Sincerely,



Leighton Walker
Utility District Engineer

cc: File

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

Building has no outstanding comments at this time.

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

Good afternoon Team,

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

Thank you for your assistance in advance.

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

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

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

<Jgagnon@Rivierabch.com>

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

Good morning everyone,

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

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

Thank you all for your cooperation,

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

From: Velasquez, Mario

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

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

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

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

Good afternoon,

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

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

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

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

Thank you for your cooperation,

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

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

Mario,
Below was my comments on the Crab Pot.

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

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

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

Engineering is satisfied with the comments and revisions.

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

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

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

Good afternoon,

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

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

Thank you for your cooperation,

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

Velasquez, Mario

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

Follow Up Flag: Follow up
Flag Status: Flagged

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

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

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

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

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

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

Chief Duren and Leighton

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

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

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

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

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

Good afternoon Ken,

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

Have a nice day,

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

POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

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

The police department has no further comments.

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



MEMORANDUM

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

From: **Leighton Walker – Utilities Engineer**

Date: **April 20, 2017**

Re: **Crab Pot Plan Review**

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

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

LCW

Walker, Leighton C

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

Leighton,

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

Please sign and advise regarding pick up.

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

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

Thank you for considering the above.

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