



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, June 8, 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 – May 11, 2017.

VII. UNFINISHED 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

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 THE RIVIERA BEACH HOUSING AUTHORITY TO DEVELOP 101 SENIOR LIVING APARTMENTS (PHASE 1) AND 79 MULTIFAMILY UNITS (PHASE 2) ON A PARCEL OF LAND, FORMERLY KNOWN AS THE IVEY GREEN VILLAGE, APPROXIMATELY +/- 15.37 ACRES, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-31-01-000-0010, LOCATED WEST OF CONGRESS AVENUE, WITHIN THE LOW DENSITY MULTIPLE FAMILY ZONING DISTRICT (RML-12); 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 THE HERON LAKES SENIOR CENTER PLAT FROM THE RIVIERA BEACH HOUSING AUTHORITY, APPROXIMATELY +/- 15.37 ACRES, IDENTIFIED BY PARCEL CONTROL NUMBER 56-43-42-31-01-000-0010, LOCATED WEST OF CONGRESS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING ORDINANCE NO. 4088 ADOPTING CHAPTER 25 OF THE CITY'S CODE OF ORDINANCE ENTITLED "FLOOD PREVENTION AND PROTECTION" TO SUPPLEMENT THE WHEREAS CLAUSES TO REFERENCE STATUTORY AUTHORITY RELATED TO THE FLORIDA BUILDING CODE; TO MAKE TWO EDITORIAL CHANGES; TO ADD A FISCAL IMPACT STATEMENT RELATED TO AMENDING THE FLORIDA BUILDING CODE; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; 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 – June 22, 2017 / July 13, 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, May 11, 2017

Council Chambers
600 West Blue Heron Boulevard
Riviera Beach, Florida

6:33 p.m. - 9:32 p.m.

IN ATTENDANCE:

Rena James, Chair
Tradrick McCoy, Vice 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 MR. VELASQUEZ: Edward Kunuty.
2 MR. KUNUTY: Here.
3 MR. VELASQUEZ: Corey Blackwell, Sr.
4 MR. BLACKWELL: Present.
5 MR. VELASQUEZ: Tradrick McCoy.
6 CHAIR McCOY: Here.
7 MR. VELASQUEZ: Rena James.
8 CHAIR JAMES: Here.
9 MR. VELASQUEZ: A quorum is present.
10 CHAIR JAMES: Thank you.
11 Move to item III, acknowledgment of Board
12 member absence notification.
13 MR. GAGNON: Good afternoon. Jeff Gagnon,
14 Assistant Director of Community Development.
15 I did hear from Mr. Whigham today, and he
16 will not be able to make tonight's meeting. Everyone
17 else is currently present. With Mr. Whigham absent,
18 our first alternate would receive voting rights for
19 tonight's meeting.
20 CHAIR JAMES: Thank you.
21 Item IV, are there any additions or deletions
22 to the agenda?
23 MR. GAGNON: Yes, I did want to make note of
24 the fact that we did receive a rather voluminous amount
25 of correspondence in regards to our new business,

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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, May 11, 2017,
5 beginning at 6:33 p.m., with attendees as hereinabove
6 noted, to wit:
7 ---
8 CHAIR JAMES: Good evening. Ready to call
9 the May 11th Planning and Zoning Board meeting to
10 order. Let the record reflect the time. We'll have a
11 moment of silence, followed by the Pledge of
12 Allegiance.
13 (Moment of silence observed. Pledge of
14 Allegiance recited.)
15 CHAIR JAMES: Roll call.
16 MR. VELASQUEZ: Anthony Brown.
17 MR. BROWN: Present.
18 MR. VELASQUEZ: Jon Gustafson.
19 MR. GUSTAFSON: Present.
20 MR. VELASQUEZ: James Gallon.
21 MR. GALLON: Present.
22 MR. VELASQUEZ: Julius Whigham.
23 (No response.)
24 MR. VELASQUEZ: Margaret Shepherd.
25 MS. SHEPHERD: Here.

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1 letter A item, which is the Crab Pot restaurant
2 proposal. So what we did is we compiled all the
3 information, and we have provided a copy to the Board
4 members. We do know this is rather last minute,
5 however, we did receive a lot of these comments just
6 over the past few days. I think that with tonight's
7 attendance, we'll hear many of the comments, the
8 questions, firsthand as well, and we obviously want to
9 answer as many questions as we can moving forward. But
10 for the record, we have this document available.
11 And also, we may want to consider moving
12 unfinished business, letter A, which is nomination of
13 Chairperson and Vice Chair, until after our new
14 business section, just to move through the agenda more
15 swiftly tonight.
16 CHAIR JAMES: All right, thank you.
17 Item V, disclosure by Board members and
18 adoption of the agenda. Are there any disclosures by
19 Board members? Seeing none, we'll move to adoption of
20 the agenda. Is there a motion?
21 VICE CHAIR McCOY: Move to adopt the agenda,
22 and moving our unfinished business to item number IX.
23 CHAIR JAMES: Is there a second?
24 MR. KUNUTY: Second.
25 CHAIR JAMES: Roll call.

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1 MR. VELASQUEZ: Jon Gustafson.
 2 MR. GUSTAFSON: Present and agree.
 3 MR. VELASQUEZ: James Gallon.
 4 MR. GALLON: Yes.
 5 MR. VELASQUEZ: Margaret Shepherd.
 6 MS. SHEPHERD: Yes.
 7 MR. VELASQUEZ: Edward Kunuty.
 8 MR. KUNUTY: Yes.
 9 MR. VELASQUEZ: Corey Blackwell, Sr.
 10 MR. BLACKWELL: Yes.
 11 MR. VELASQUEZ: Tradrick McCoy.
 12 CHAIR McCOY: Yes.
 13 MR. VELASQUEZ: Rena James.
 14 CHAIR JAMES: Yes.
 15 MR. VELASQUEZ: Unanimous voting. Motion
 16 approved.
 17 CHAIR JAMES: Item VI, approval of minutes
 18 from April 27, '17. Is there a motion?
 19 MR. KUNUTY: Move to approve.
 20 CHAIR JAMES: Is there a second?
 21 VICE CHAIR McCOY: Second.
 22 CHAIR JAMES: Roll call.
 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: Rena James.
 11 CHAIR JAMES: Yes.
 12 MR. VELASQUEZ: Unanimous voting. Motion
 13 approved.
 14 CHAIR JAMES: Thank you. Item VII, new
 15 business.
 16 MR. GAGNON: Yes, thank you, Chair. We have
 17 two items under new business tonight. Just
 18 procedurally, we do have white comment cards available
 19 in the back of the Council chambers. If anyone here
 20 would like to either speak or provide comments in
 21 writing, both of those options are available on the
 22 card. Typically, we'll ask for those cards to be
 23 submitted at the beginning of the item itself, so now
 24 would be the time to submit that card.
 25 So letter A under new business is a

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1 resolution of the City Council of the City of Riviera
 2 Beach, Palm Beach County, Florida, approving a site
 3 plan application from Seven Kings Holdings,
 4 Incorporated to build and operate a 4,482 square foot
 5 restaurant on a vacant parcel of land which is
 6 approximately .35 acre, identified by parcel
 7 control number 56-43-42-28-00-003-0090, located on the
 8 north side of Blue Heron Boulevard and east of Lake
 9 Shore Drive, within the downtown general zoning
 10 district, and providing for an effective date.
 11 So again, for the presentation portion of
 12 tonight's meeting, we'll have staff presentation, we'll
 13 have an opportunity for the applicant to present as
 14 well and then open the floor for public comments.
 15 So at this time I'd like to ask our Senior
 16 Planner, Mario Velasquez, to provide the Board and
 17 general public with a presentation on this item.
 18 CHAIR JAMES: Jeff, were there any comments
 19 cards?
 20 MR. GAGNON: There are comment cards, yes.
 21 CHAIR JAMES: Okay.
 22 MR. VELASQUEZ: Good evening, everyone.
 23 Mario Velasquez, Senior Planner.
 24 Tonight we are here to review the application
 25 from Seven Kings Holdings, Inc. for the Crab Pot

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1 restaurant, application number SP-16-18. It is a
 2 retail project. It entails a restaurant that is
 3 4,482 square feet, with outdoor deck seating. We will
 4 go over the location, get familiarized with the
 5 surroundings and continue with the staff analysis.
 6 As we can see on the screen, the red dot
 7 represents the location, the proposed location for the
 8 restaurant. And as we zoom in, we can see the
 9 surrounding area a little bit closer, with Marina
 10 Grande on the north and the west, and the Intracoastal
 11 on the east side and Blue Heron on the south side.
 12 The picture on the screen shows what the
 13 property looks like right now. It's a vacant lot
 14 identified with parcel control number
 15 56-43-42-28-00-003-0090. It's approximately .35 of an
 16 acre, and the current zoning is downtown general and
 17 the future land use is downtown mixed use. To the west
 18 and the north side of this property, we can clearly see
 19 that is the Marina Grande, which is inlet harbor center
 20 planned unit development. That's the zoning. And to
 21 the east and south, we have the Intracoastal and the
 22 Blue Heron bridge.
 23 On the screen we can look at the proposed
 24 site plan. It shows the placement of the building with
 25 the proposed parking spaces.

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1 Now we have the landscape plan on the screen,
 2 which shows some improvement on the site and landscape
 3 and screening. These are some of the perspectives that
 4 have been provided by the applicant, what the building
 5 would look like once it's built.
 6 I will continue with the staff analysis. As
 7 far as the proposed development and use, the applicant
 8 is proposing to develop a 4,482 square feet restaurant,
 9 with outdoor deck seating. The proposed use complies
 10 with the City's Land Development Regulations for the
 11 downtown general zoning district. It is also
 12 consistent with the Comprehensive Plan's downtown mixed
 13 use future land use designation.
 14 For compatibility, we say that specific
 15 conditions of approval may be needed to ensure that
 16 this is -- that this use is compatible with adjacent
 17 residential development -- Marina Grande -- which may
 18 include but not be limited to hours of business
 19 operation and specific provisions to govern permitted
 20 timeframes for amplified music.
 21 Continue with the levels of service. City
 22 services such as roads, water, sewer and garbage
 23 collection are currently available to the site.
 24 Also, the proposed landscape plan is
 25 compatible to the City's Land Development Regulations.

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1 As far as parking, the number of parking
 2 spaces proposed, which is 18 spaces, is in compliance
 3 with the City's Land Development Regulations for
 4 parking within the downtown area, which requires 15
 5 spaces; specifically City Code, Section 31-539, table
 6 A, Downtown Zoning District Parking Ratios, which
 7 requires one space, one parking space per 300 square
 8 feet.
 9 To conclude, City staff advises that the
 10 Planning and Zoning Board review and consider all
 11 information presented and provide a recommendation to
 12 the City Council. If the Planning and Zoning Board
 13 chooses to recommend approval, City staff recommends
 14 including the following conditions of approval.
 15 A two year landscape performance bond for 110
 16 percent of the value of landscaping and irrigation
 17 shall be required before a Certificate of Occupancy or
 18 a Certificate of Completion is issued.
 19 Construction and landscaping improvements
 20 must be initiated within 18 months of the effective
 21 date of this resolution.
 22 This development must receive final
 23 Certificate of Occupancy from the City for all
 24 buildings and units approved within five years of the
 25 approval of the adopting resolution, or the adopting

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1 resolution shall be considered null and void.
 2 The full conditions are on the papers
 3 provided. I'm just providing a summary of the
 4 conditions. And they are also shown on the screen, for
 5 the record.
 6 Number four, all future advertising must
 7 state that the development is located in the City of
 8 Riviera Beach.
 9 Once approved, this resolution shall
 10 supersede any previous site plan approval resolutions
 11 associated with this property, causing previous site
 12 plan approval resolutions to be null and void.
 13 Number six, City Council authorizes the City
 14 staff to approve future amendments to this site plan
 15 administratively, so long as the site plan does not
 16 deviate greater than five percent from the original
 17 approved site plan.
 18 Number seven, hours of business operation;
 19 open to the public. This business shall close to the
 20 general public at 2 a.m. daily.
 21 Number eight, hours for amplified music, we
 22 have two, A and B. A, amplified music shall be
 23 prohibited on Friday and Saturday between the hours of
 24 11:30 p.m. and 8 a.m. the next day. Letter B,
 25 amplified music shall be prohibited on Sunday through

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1 Thursday between the hours of 10 p.m. and 8 a.m. the
 2 next day.
 3 The applicant is present. If the Board has
 4 any questions, feel free to ask, and we'll try to
 5 provide the best answer.
 6 VICE CHAIR McCOY: Madam Chair.
 7 CHAIR JAMES: Yes, Mr. McCoy.
 8 VICE CHAIR McCOY: Mr. Velasquez, if we can
 9 go back to that slide, I wanted to find out
 10 specifically for number seven and number eight, the
 11 business hours of operation that's under Staff
 12 Conclusion, how did we arrive at that? Is that in the
 13 code? Because I know there's a provision that prevents
 14 the sale of alcohol after a certain hour. Is that a
 15 recommendation from staff?
 16 MR. GAGNON: Yes, Mr. McCoy, so our current
 17 code requirements are silent on hours of business
 18 operation. So being that there is a potential
 19 compatibility issue with a restaurant use being
 20 adjacent to a residential use, this was really the
 21 first attempt at providing a definitive timeline that
 22 we can carry along as a condition of approval for this
 23 property. So it's not to say that that can't be
 24 amended. That was really just the initial starting
 25 point in order to provide at least a time as far as

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1 when business operations should conclude for that
 2 property.
 3 VICE CHAIR McCOY: Okay, but it's not a
 4 condition?
 5 MR. GAGNON: No. These are the conditions of
 6 approval that are provided. So even though the heading
 7 of this slide says Staff Conclusion, the specific
 8 conditions of approval that are recommended are
 9 provided. It's numbers one through eight, and then
 10 under eight there's both A and B, which discuss
 11 amplified music.
 12 VICE CHAIR McCOY: Okay, thank you.
 13 MR. KUNUTY: Madam Chair.
 14 CHAIR JAMES: Yes, Mr. Kunuty.
 15 MR. KUNUTY: So the time of 2 a.m. was kind
 16 of an arbitrary number that was picked just to have a
 17 number?
 18 MR. GAGNON: Yes and no. The 2 a.m.
 19 requirement actually corresponds to the sale of
 20 alcohol. So that's not to say that the business has to
 21 be open till 2 a.m., but we know for a fact that they
 22 can't sell alcohol after 2 a.m. due to City codes. So
 23 there is at least code requirements that govern the
 24 sale of alcohol, so that's where that 2 a.m. number
 25 came from.

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1 MR. KUNUTY: Did the applicant have any input
 2 to the time?
 3 MR. GAGNON: The proposed conditions were
 4 provided to the applicant, and they didn't have any
 5 opposition to those conditions. I didn't follow
 6 through any further to ask if there's additional
 7 flexibility. There may be, depending on, really,
 8 tonight's meeting and how we move forward.
 9 MR. KUNUTY: Thank you. No other questions
 10 at this time.
 11 CHAIR JAMES: Okay, proceed. If staff is
 12 finished with the presentation, then the applicant?
 13 MR. GAGNON: Yes, ma'am.
 14 MR. GENTILE: Thank you, Madam Chair and
 15 Commissioners. For the record, my name is George
 16 Gentile. I'm president of Gentile Glas Holloway
 17 O'Mahoney & Associates. And a pleasure being here
 18 tonight with you on this project.
 19 I have a lot of familiarity with this project
 20 because of its historical background, as I grew up here
 21 in Riviera Beach. And this was a great place for
 22 eating seafood, and it was one of the only waterfront
 23 restaurants that was available back when I was a young
 24 person living here with my family.
 25 The pictures you see here are the proposed

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1 site plan, but the other one is the historical picture
 2 of the Crab Pot. That was the restaurant that was
 3 there for decades on that site.
 4 The staff went over the location. It's an
 5 existing about a third acre piece of property that's
 6 located right, what we consider, right at the base of
 7 the bridge, almost under the bridge as it inclines
 8 there, and it was the original site of the Crab Pot
 9 restaurant.
 10 This is the proposed site plan in relation to
 11 the surrounding area, the bridge, the Marina Grande
 12 project, the Marina Grande parking garage on the west
 13 side of it and its context to the Intracoastal
 14 Waterway.
 15 Just a little history. The original
 16 restaurant site here was 6,000 plus square feet. It
 17 was built around 1974. Actually, I think there was a
 18 restaurant there even before then, but that's the
 19 dates. And the hurricanes of 2000, 2005 caused a
 20 little bit of -- it caused quite a bit of damage to it.
 21 In August 2005 the restaurant was demolished
 22 to make way for the Inlet Tower, a 20 story condominium
 23 building that was going on this site. So the 20 story
 24 condominium that was approved on this site was
 25 approved, but did not go through because of the

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1 economy. And it, of course, is currently vacant.
 2 So the proposal here is to actually bring the
 3 Crab Pot restaurant, but I would say that in a more
 4 appropriate venue here, as it will be very similar to a
 5 lot of other waterfront restaurants, including the
 6 model for this was the U-Tiki restaurant in Jupiter, on
 7 the Jupiter Inlet, which is a very popular waterfront
 8 quality restaurant. And that's what the owners here
 9 are bringing to the project.
 10 This was the site. You can see in this
 11 corner here the Crab Pot was existing when the Marina
 12 Grande project had its construction trailers out there,
 13 had cleared the site and started to begin construction.
 14 In fact, this is the site during construction, and as
 15 well you can see, the restaurant, the 6,000 square foot
 16 restaurant was there and continued to be there through
 17 the construction, and then was damaged and then
 18 eventually was taken down. That is it right there with
 19 its associated parking for that venue.
 20 Interesting enough, this is the site plan for
 21 the Marina Grande project, and if you look down in the
 22 corner here, when that project was approved by this
 23 City in 2004, the restaurant was still an existing use.
 24 That was the Crab Pot restaurant location. This was
 25 the Marina Grande project, and then the Loggerhead

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1 Marina was done as a part of this project, and in fact,
 2 has coordinated parking both outside and inside the
 3 facility.
 4 This was approved, again, by the City
 5 Council, and I think a lot of the residents here live
 6 in that project. You'll notice that our firm was the
 7 site planner for that project as well.
 8 The project's about a third of an acre. It's
 9 very important to know that this is in the downtown
 10 mixed use Comprehensive Plan designation. It's in your
 11 downtown general district, part of the CRA. There were
 12 specific reasons to include this whole area in the CRA.
 13 You can see by the site data that we are in compliance
 14 or exceed all the Land Development Regulations, and I
 15 think that that is a very important thing for this
 16 Board to understand.
 17 The parking required is one per 300 square
 18 feet, as per that zoning district, which requires 15,
 19 and we have 18 on the site. We have a lease agreement
 20 with the marina to use overflow parking, if necessary,
 21 with access being provided by the restaurant back and
 22 forth to those parking lot areas. So we feel very
 23 comfortable that the venue of this restaurant will be
 24 adequately served with parking.
 25 Just to reiterate the staff's comments, which

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1 I think, again, is very, very important, because this
 2 use is a use by right in your downtown district, we
 3 meet the downtown mixed use land use requirements of
 4 the City's Comprehensive Plan. Your staff just
 5 provided that to you. The restaurant is a previous
 6 permitted use on this site. It was a use by right back
 7 then. It's a use by right now. And it also is
 8 permitted in the general zoning district as a use by
 9 right on this property.
 10 The proposed site plan associated development
 11 documents, as we provided the Town, and the entire
 12 program meets the Land Development Regulations of the
 13 City. And we are not requesting any waivers or
 14 deviations or variances or anything to the City of
 15 Riviera Beach codes. And I think that's also another
 16 very important aspect that you need to consider with
 17 the project. This is meeting all your Land Development
 18 Regulations for that property.
 19 The staff has given you conditions of
 20 approval. And I know that Jeff was kind enough to say
 21 that they came up with the conditions, we've reviewed
 22 them, and at this time we have no issues with the
 23 conditions, including the hours of operation, the
 24 restriction of time for the music, and we agree with
 25 those conditions of approval as submitted by the staff.

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1 This is the site plan, and I want to -- we
 2 are using, through a lease agreement with the FDOT,
 3 parking on a portion of their extended right-of-way
 4 that they had taken for construction purposes of the
 5 Blue Heron bridge. We're on a one-way drive access to
 6 come into the site, and we have additional parking on
 7 the west side, which actually backs up to the parking
 8 garage of the Marina Grande project.
 9 This project is a much more lower rise
 10 building. We did that purposely to make it fit in with
 11 the community there. And you'll see in the
 12 architecture in a minute some of the other items that
 13 Harvard Jolly -- we have our architect,
 14 René Tercilla, here from Harvard Jolly in case you have
 15 any questions on the architecture.
 16 We landscaped and buffered against the Marina
 17 Grande project to the north.
 18 We do have a marginal dock that will go out
 19 to allow boaters to come up to utilize the restaurant
 20 and to encourage people to come and visit by boat,
 21 which Riviera Beach is well noted as a marine venue and
 22 town.
 23 This is the elevations, and I want you to
 24 look at specifically what we've done on the north
 25 elevation and the west elevation. We actually

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1 purposely did not put windows or openings in those
 2 areas to provide for not only visual but also sound and
 3 anything else buffer to the project, to the residential
 4 project. We kept the cupola areas in a low-rise
 5 position just to give it accent and to provide a
 6 nautical type architectural and Keys kind of
 7 architecture to the site.
 8 The staff has shown you the elevations. This
 9 is actually the south elevation that faces the Blue
 10 Heron bridge. That's the side of the project that is
 11 the main entrance. Again, this is that side facing the
 12 other -- towards this it will have a metal, (inaudible)
 13 metal roof and clapboard siding. And we think it
 14 really is an attractive building.
 15 The original Crab Pot had a very high
 16 roofline. It had actually a billboard sign that went
 17 above the bridge, so as you came over the bridge, you
 18 were able to see that. We are, of course, not
 19 providing that or proposing that at all in this
 20 project.
 21 Again, I want to reiterate that we think that
 22 this is a great use for that site, particularly being
 23 under the bridge. It will bring, I think, a great
 24 venue, an outdoor restaurant, a restaurant and
 25 waterfront restaurant. We do have some seating

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1 outside. It will allow the patrons, the residents of
 2 Riviera Beach, as well as the visitors to Riviera Beach
 3 to come here and enjoy the waterfront and to be able to
 4 eat. It will be a mixed food venue, and we think it's
 5 going to be a great facility.
 6 I want to reiterate too that this is a use by
 7 right and we do meet all your development, Land
 8 Development Regulations. So I'll be glad to answer any
 9 questions. We have our architect here as well if we
 10 need to answer any of those questions. And we would
 11 ask to be able to give additional time in case there's
 12 questions from the public that we may need to respond
 13 to.
 14 Thank you, Ms. Chair.
 15 CHAIR JAMES: Thank you, Mr. Gentile.
 16 VICE CHAIR McCOY: Mr. Gentile.
 17 MR. GENTILE: Yes, I'm sorry.
 18 VICE CHAIR McCOY: Going to ask some
 19 questions of you.
 20 MR. GENTILE: Sure, absolutely.
 21 CHAIR JAMES: You're recognized, Mr. McCoy.
 22 VICE CHAIR McCOY: How far out -- and I
 23 couldn't determine this from the site plan. How far
 24 out does that marginal dock extend eastward into the
 25 Intracoastal?

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1 MR. GENTILE: I'll give you the exact
 2 dimension. Hold on. It's 350 feet.
 3 VICE CHAIR McCOY: My next question is -- and
 4 perhaps I don't know if it would be you or perhaps the
 5 Planning Department: Who provides the structural
 6 inspection of that dock? Is it someone in our Building
 7 Department, or is there, I guess, an Army Corps or
 8 something like that, Army Corps of Engineers?
 9 MR. GAGNON: Yes, there would be a separate
 10 permit required through DEP, and I believe Army Corps
 11 of Engineers is also involved in permitting the docks.
 12 They're also associated with really any sort of
 13 structural element in the dock or the length of the
 14 dock. So that would really be outside of the City's
 15 hands.
 16 MR. GENTILE: Right. And that is the
 17 proposed dimension. We still have to get that
 18 permitted, so it could be reduced. But that was the
 19 maximum that we will request in a permit, but it could
 20 be made smaller by the agencies.
 21 VICE CHAIR McCOY: Okay. But that, I guess,
 22 the approval is not by right for the marginal dock,
 23 because that would seem to be -- that's definitely
 24 outside of the parcel that I see. So is it possible
 25 that they won't approve it and --

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1 MR. GENTILE: Well, there was a dock there
 2 historically on that site in that location. And they
 3 have a submerged land lease, and of course, that will
 4 all be brought into it. That will determine the
 5 length. We put it in the site plan that you all know
 6 that we're putting a dock there. It's a marginal dock
 7 because boats can only come up on a side to it. And if
 8 we get 350 feet or if we get 50 feet approvals by the
 9 agencies, then we have to live by what the agencies, as
 10 well as the City, so --
 11 VICE CHAIR McCOY: Okay. I'm not real
 12 familiar with how that works, so I was just curious.
 13 But that just seems a little unusual. But they don't
 14 even give you a conditional approval based on the site
 15 plan?
 16 MR. GENTILE: Well, we have to actually --
 17 when you request permits, you have to have an approval
 18 from the City that you have zoning approval, and that's
 19 what we're going through now. And then we will put in
 20 our permits to both the FDEP and Army Corps of
 21 Engineers for that, and they will determine, based on
 22 review of the application, where its location is, what
 23 the subsurface is, the elevations, and they will
 24 dictate whether they will permit it or not.
 25 VICE CHAIR McCOY: And these --

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1 MR. GENTILE: The two agencies, Florida
 2 Department of Environmental Protection and the Army
 3 Corps of Engineers, because this is in the waters of
 4 the Federal government.
 5 VICE CHAIR McCOY: Okay.
 6 MR. GENTILE: Yes.
 7 VICE CHAIR McCOY: So they do -- do they also
 8 do the structural inspection of the dock as well?
 9 MR. GENTILE: They will review the structural
 10 and development permits, but you also will review it in
 11 your Building Department, your engineering consultants
 12 and your Building Department. I'm sorry, I didn't mean
 13 to say that, but --
 14 MR. GAGNON: No, that's very true.
 15 MR. GENTILE: -- your staff.
 16 MR. GAGNON: We'll review it for Building
 17 Code compliance. However, the actual parameters of the
 18 dock fall outside of the City's control.
 19 VICE CHAIR McCOY: Okay. My next question is
 20 the lease you said you have with FDOT regarding those
 21 six spaces, is that inside of our packet, because I
 22 didn't see that.
 23 MR. GENTILE: Yes, it's in the justification
 24 statement. You mean the lease document?
 25 VICE CHAIR McCOY: Right, because it would

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1 appear that if you don't get -- and I trust you at your
 2 word. But you need those spaces in order to satisfy
 3 the --
 4 MR. GENTILE: Right.
 5 VICE CHAIR McCOY: -- parking requirement,
 6 and I would have thought that was going to be
 7 something --
 8 MR. GENTILE: We have a conceptual approval
 9 from the FDOT for that lease of those spaces. And as
 10 soon as the site plan is -- if the site plan is
 11 approved, then we will sign that lease with the FDOT.
 12 VICE CHAIR McCOY: Okay, fair enough. And my
 13 last question --
 14 MR. GENTILE: Yes, sir.
 15 VICE CHAIR McCOY: -- for now is you said you
 16 guys were the planners for the Marina Grande project as
 17 well?
 18 MR. GENTILE: I'm sorry?
 19 VICE CHAIR McCOY: You said your firm was the
 20 planners for the Marina --
 21 MR. GENTILE: Yes, we were. We were the site
 22 planners and landscape architects for the Marina Grande
 23 project.
 24 VICE CHAIR McCOY: Okay, that's it for now.
 25 MR. GENTILE: As well as the Loggerhead

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1 Marina project.
 2 VICE CHAIR McCOY: Okay, that's it for me
 3 now, Madam Chair.
 4 MR. GENTILE: Thank you.
 5 MR. BLACKWELL: Madam Chair.
 6 MR. KUNUTY: Madam Chair.
 7 MR. BLACKWELL: Go ahead, Mr. Kunuty.
 8 CHAIR JAMES: Mr. Kunuty, you're recognized.
 9 MR. KUNUTY: Yes, Mr. Gentile, what is the
 10 capacity of the restaurant?
 11 MR. GENTILE: There'll be 150 seats under the
 12 roof of the building, and they have an ability -- we're
 13 showing approximately 50 seats that could be done out
 14 on the deck outside, in the outside area.
 15 MR. KUNUTY: That would not be under cover.
 16 MR. GENTILE: That's correct.
 17 MR. KUNUTY: How many would be actually
 18 inside?
 19 MR. GENTILE: 150.
 20 MR. KUNUTY: 150?
 21 MR. GENTILE: Yes, that's the minimum for the
 22 restaurant use.
 23 MR. KUNUTY: No other questions at this time.
 24 CHAIR JAMES: Help me out. Mr. Brown?
 25 MR. BLACKWELL: Blackwell.

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1 CHAIR JAMES: Blackwell, okay.
 2 MR. BLACKWELL: Mr. Kunuty actually addressed
 3 my question of the seating, because I was concerned
 4 about the outside spacing of the -- well, the 4,000
 5 square footage, how much of the square footage is going
 6 to be actually designated for outside use or not
 7 covered?
 8 MR. GENTILE: Well, the restaurant itself is
 9 4,300. They will have outdoor seating. Particularly
 10 like they do up in several of the outdoor venues, they
 11 will put tables and chairs out. People may sit out
 12 there and wait for a table inside, or they may be
 13 served food outside, so --
 14 MR. BLACKWELL: In which direction of the
 15 parcel?
 16 MR. GENTILE: It will be straight out to the
 17 east.
 18 MR. BLACKWELL: East?
 19 MR. GENTILE: Yes, that's the only location.
 20 As you can see, the palm trees that we have on that
 21 side, they will be able to move seats around. Those
 22 will be movable seat areas in this location right here,
 23 okay?
 24 CHAIR JAMES: I have a question --
 25 MR. GENTILE: Yes, ma'am.

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1 CHAIR JAMES: -- for you. The previous
 2 restaurant site, before it was demolished, how many
 3 seats did it have under cover?
 4 MR. GENTILE: I don't know, but it was almost
 5 2,000 square feet larger. So if you -- it probably had
 6 inside maybe 200 seats.
 7 CHAIR JAMES: 200 seats inside --
 8 MR. GENTILE: Yes.
 9 CHAIR JAMES: -- and how many parking spaces?
 10 I think in the report it did say previously it only had
 11 14 --
 12 MR. GENTILE: Yes.
 13 CHAIR JAMES: -- parking spaces.
 14 MR. GENTILE: They had 14.
 15 CHAIR JAMES: Where did they used to do the
 16 overflow parking?
 17 MR. GENTILE: I couldn't answer that
 18 question. Maybe under the bridge, or maybe down the
 19 road. I don't know what they did.
 20 CHAIR JAMES: Okay.
 21 MR. GENTILE: Yes, ma'am.
 22 CHAIR JAMES: Thank you.
 23 Are there any more Board questions?
 24 MR. GUSTAFSON: Madam Chair.
 25 CHAIR JAMES: Go ahead, you're recognized.

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1 MR. GUSTAFSON: Jon Gustafson, for the
 2 record.
 3 Are you requesting any overnight dockage?
 4 MR. GENTILE: No.
 5 MR. GUSTAFSON: So --
 6 MR. GENTILE: This is just for coming up to
 7 the restaurant, very similar to the Waterway Cafe in
 8 North Palm Beach -- actually, Palm Beach Gardens, the
 9 Seasons 52. The U-Tiki bar has -- U-Tiki restaurant,
 10 I'm sorry, in Jupiter, as well as the Jetty's
 11 restaurant have marginal docks for people to
 12 occasionally stop their boat there, come out and have
 13 dinner or lunch and then leave. Yes, we will not allow
 14 24 hour boat docking there.
 15 MR. GUSTAFSON: So there will be no power on
 16 the dock and no water on the dock?
 17 MR. GENTILE: No.
 18 MR. GUSTAFSON: No more questions.
 19 MS. SHEPHERD: Madam Chair.
 20 CHAIR JAMES: You're recognized,
 21 Ms. Shepherd.
 22 MS. SHEPHERD: Can't think of your name right
 23 now.
 24 MR. GENTILE: George Gentile, Mrs. Shepherd.
 25 MS. SHEPHERD: Mr. Gentile. How well do I

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1 know you.
 2 MR. GENTILE: You know me very well.
 3 MS. SHEPHERD: Very well. I heard you say
 4 something about the parking, the overflow will go to
 5 the marina.
 6 MR. GENTILE: We have a lease agreement with
 7 the marina for 75 additional spaces, which is actually
 8 more than you would need if you did the original --
 9 your typical zoning code in your commercial district is
 10 one, I think one space per -- is it three seats? Yes,
 11 three seats. So if you take 200 seats, you would need
 12 60 spaces. We have 18 on site and 75 available to us
 13 for overflow, so that's more than the 63 spaces that we
 14 would need.
 15 MS. SHEPHERD: So how will the people get to
 16 overflow --
 17 MR. GENTILE: They will use a golf cart or
 18 whatever to bring those people to the restaurant, or
 19 they will valet park them, depending on what they --
 20 the venue.
 21 MS. SHEPHERD: Next question, how many
 22 handicapped spaces are there?
 23 MR. GENTILE: We have provided handicapped
 24 spaces. There are two on this site, and there are, of
 25 course, more at the marina which they would have access

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1 to. But we're required two spaces on this property for
 2 the amount of spaces we have, per the ADA code.
 3 We've also, just so you know, we moved our
 4 required dumpster area to this corner here so that it
 5 is away from the north property boundary as far as we
 6 could get away on our property as well, so --
 7 MS. SHEPHERD: Thank you, Madam Chair.
 8 That's all.
 9 CHAIR JAMES: Are there any more Board
 10 questions for the applicant at this time?
 11 VICE CHAIR McCOY: Madam Chair.
 12 CHAIR JAMES: You're recognized, Mr. McCoy.
 13 VICE CHAIR McCOY: Did you say you were going
 14 to use a golf cart from the marina?
 15 MR. GENTILE: They would -- that's how they
 16 would provide people to come back and forth for
 17 overflow parking, yes.
 18 VICE CHAIR McCOY: That's got to be at least
 19 a quarter of a mile. Riviera Beach Marina?
 20 MS. SHEPHERD: No.
 21 MR. GENTILE: No, no, no, no. From the
 22 marina here, the Loggerhead Marina, yes, right there at
 23 the site. They have an outdoor parking lot in the
 24 back, and they have spaces that are available in the
 25 garage.

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1 VICE CHAIR McCOY: Okay, my apologies.
 2 MR. GENTILE: No problem. It would be good
 3 to bring people up from the Riviera Beach Marina, back
 4 and forth, but we wouldn't want to interrupt --
 5 MS. SHEPHERD: Absolutely.
 6 MR. GENTILE: -- the restaurant at, the
 7 marina restaurants at Riviera Beach's marina.
 8 MS. SHEPHERD: Absolutely. Have enough
 9 problems.
 10 MR. BLACKWELL: Madam Chair, one more
 11 question before --
 12 CHAIR JAMES: Mr. Blackwell, you're
 13 recognized.
 14 MR. BLACKWELL: Yes, sir, one more question.
 15 As far as the 2 a.m. daily closing time that was
 16 proposed, is the applicant definitively going to open
 17 this operation from whenever he opens to 2 a.m. every
 18 day or --
 19 MR. GENTILE: The intended hours will be
 20 competitive with other restaurants in the City of
 21 Riviera Beach, would be from 11:00, for a lunch trade,
 22 to 2:00 in the morning.
 23 MR. BLACKWELL: Riviera Beach, we have no
 24 other restaurants, so --
 25 MR. GENTILE: Well, you do have some over on

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1 the beach --

2 MR. BLACKWELL: Singer Island, yes.

3 MR. GENTILE: -- and you have some on Singer

4 Island, which is --

5 MR. BLACKWELL: But I don't think they stay

6 open till 2 a.m. But my question is: Is the applicant

7 set on a 2 a.m. timeframe?

8 MR. GENTILE: The restaurant owner, the

9 developer is pretty set on those hours.

10 MR. BLACKWELL: 2 a.m.

11 MR. GENTILE: Yes.

12 MR. BLACKWELL: Okay, thank you.

13 CHAIR JAMES: Thank you, Mr. Blackwell.

14 Mr. McCoy, did you have something else before

15 we move into public comment?

16 VICE CHAIR McCOY: I did. And I apologize,

17 because I --

18 MR. GENTILE: That's not a problem.

19 VICE CHAIR McCOY: -- I totally misunderstood

20 you when you said the marina. I don't know what I was

21 thinking. So there's 75 additional spaces at the

22 Loggerhead Marina?

23 MR. GENTILE: They have a lease to use an

24 additional 75 as a shared parking because the marina

25 closes at 5 p.m., the offices there close at 5 p.m.,

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1 and most of the patrons there, except for some people

2 that are still out on their boats that may come back at

3 night have some of their cars parked there, but all

4 their spaces are typically available. The Loggerhead

5 Marinas everywhere in Palm Beach County have closed at

6 5:00, so --

7 VICE CHAIR McCOY: Okay. Well, you know,

8 I've certainly seen that you were able to meet the code

9 requirements --

10 MR. GENTILE: Right.

11 VICE CHAIR McCOY: -- of one space to every

12 300 feet.

13 MR. GENTILE: Right.

14 VICE CHAIR McCOY: But just from the

15 accessibility and capacity, that just seems like quite

16 a bit for seats with such limited parking and then

17 having to go to another marina. And that just begs the

18 question of public safety. Having just the one way

19 access to -- is that called Blue Heron Boulevard

20 Service Road? Is that the name of it?

21 MR. GENTILE: Yes.

22 VICE CHAIR McCOY: So what is -- I wish there

23 was a --

24 MR. GENTILE: I'm going to get to it. That

25 roadway comes in from the intersection right here, and

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1 comes in and comes underneath the bridge right to

2 there.

3 VICE CHAIR McCOY: Right. And from -- I

4 guess I didn't see that in the Fire Department's

5 comments, but you know, if you got on-street parking on

6 that service road --

7 MR. GENTILE: They have full access to that

8 through that parking area. I'll go back to the site

9 plan. This is your service road right here, and they

10 also have access right -- I'm sorry? Yes, I'm sorry.

11 I said they have access on this road right here coming

12 around, and they also have an access drive coming in

13 right here to get up against the building and then

14 right back out.

15 So they have a full -- we have a drop-off

16 area there that is also emergency vehicle access that

17 comes here, gets back in and goes straight to where

18 they have to go towards the west, which is where your

19 hospital is and your other activities.

20 CHAIR JAMES: Go ahead, Mr. McCoy.

21 VICE CHAIR McCOY: My -- pardon me, folks, I

22 just want to make sure I'm clear on these questions.

23 So what I don't want to see happen is if

24 you're limited with 12 spaces on your lot and six

25 spaces that's on the street, I hate when I go to a

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1 restaurant where you're forced to valet park. And I

2 don't know what kind of restaurant you can operate

3 that's 4,500 square feet with maybe two people. So I

4 can just imagine you're going to have, at minimum,

5 eight people working inside of a restaurant. So --

6 MR. GENTILE: Well, we will have 18 spaces on

7 this site, and six of them will be on the right-of-way.

8 VICE CHAIR McCOY: Right. But my concern is

9 the lease for those spaces, does that give you

10 exclusive right to those spaces, or can someone else

11 from the general public park in those spaces that's

12 along the road and walk out to the Intracoastal?

13 MR. GENTILE: That parking is open to the

14 public to use the marina. They will control it. I

15 would imagine that the marina operator will have --

16 they will have to control it when the restaurant's

17 open.

18 VICE CHAIR McCOY: I'm speaking of the

19 on-street parking where that red car is.

20 MR. GENTILE: The on-street parking there?

21 VICE CHAIR McCOY: Where that red car is.

22 MR. GENTILE: Um-hmm.

23 VICE CHAIR McCOY: Is that open to the

24 general public? If I chose to just drive down and park

25 along the road, would I be able to do that?

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1 MR. SIEMSEN: No.
 2 MR. GENTILE: No. I'm sorry.
 3 VICE CHAIR McCOY: So how do you prevent
 4 someone from doing that?
 5 MR. SIEMSEN: Hi, good evening. Dan Siemsen
 6 with Gentile Glas Holloway O'Mahoney.
 7 That car there is just a representation of a
 8 car in the road. It's not actually parked there. It's
 9 static because it's an image. But there is no parking
 10 on-street on that service road at all, zero. That is
 11 access only.
 12 The only parking that's occurring is going to
 13 be in the site here. Once you enter the driveway here,
 14 you're into the restaurant parking. That's exclusively
 15 for the restaurant only. That lease agreement is
 16 between the restaurant and the DOT. That's it. So
 17 there is no on-street parking there.
 18 And as a matter of fact, the DOT is very
 19 adamant that the parking underneath the bridge that's
 20 currently fenced in is to stay fenced in. There's to
 21 be no on-street parking down there because they want to
 22 maintain access for emergency vehicles.
 23 VICE CHAIR McCOY: Well, Dan, can you -- and
 24 pardon me, because I'm a layperson. Can you point to
 25 it with that cursor, those six spaces that you're

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1 leasing from DOT?
 2 MR. GENTILE: One, two, three, four --
 3 MR. SIEMSEN: There's six.
 4 MR. GENTILE: -- five, and there's here.
 5 It's one, two, three, four, five, six spaces right
 6 there.
 7 VICE CHAIR McCOY: Okay, I'm sorry. I had
 8 the impression that it was actually on the road.
 9 MR. GENTILE: No, it's not on the road.
 10 That's just showing a graphic, a car going around the
 11 circulation, so that there's no obstruction of any
 12 traffic on the service road under the bridge at all.
 13 VICE CHAIR McCOY: Okay.
 14 MR. GENTILE: I'm sorry.
 15 MR. GAGNON: And technically, the area that
 16 we're describing is technically right-of-way. So this
 17 is why they have to have the access agreement with
 18 FDOT. So there's a black line that goes through the
 19 middle of the image. North of that line is private
 20 property. However, south is FDOT right-of-way, so
 21 that's why they had to go through a separate agreement
 22 with FDOT in order to secure those specific parking
 23 spots for the restaurant use only.
 24 VICE CHAIR McCOY: Okay, understood.
 25 That's it for me, Madam Chair, for now.

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1 MR. KUNUTY: Madam Chair, I have a question.
 2 CHAIR JAMES: You're recognized, Mr. Kunuty.
 3 MR. KUNUTY: Yes, Mr. Gentile, basically from
 4 the black line to where the road is is the leased land
 5 from --
 6 MR. GENTILE: This is the leased land right
 7 here.
 8 MR. KUNUTY: Okay.
 9 MR. GENTILE: That's it.
 10 MR. KUNUTY: Okay. You kind of mentioned
 11 access into the Marina Grande parking area off the
 12 property. Is that correct?
 13 MR. GENTILE: Yes. I said that they have a
 14 lease agreement to utilize up to 75 spaces of that
 15 marina itself's parking.
 16 MR. KUNUTY: But that would be to the west of
 17 the marina barn --
 18 MR. GENTILE: Yes.
 19 MR. KUNUTY: -- correct?
 20 MR. GENTILE: Yes.
 21 MR. KUNUTY: And across the street.
 22 MR. GENTILE: They have some in the garage
 23 and they have some in the parking lot that is across
 24 the street.
 25 MR. KUNUTY: My question though is: Is there

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1 an access from the private property into the Marina
 2 Grande parking area?
 3 MR. GENTILE: No.
 4 MR. KUNUTY: So they would have to leave the
 5 property and go on the service road to get to the
 6 parking?
 7 MR. GENTILE: Correct.
 8 MR. KUNUTY: Okay, thank you.
 9 CHAIR JAMES: Okay, we're going to move into
 10 public comment. Before we do, I am going to read the
 11 statement on the back of the card. I don't know if you
 12 had a chance to read it, but it will be read for the
 13 record. And when I finish, there will be no more
 14 comment cards that will be allowed because these are
 15 supposed to be submitted before.
 16 Members of the public are encouraged to
 17 actively participate during Planning and Zoning Board
 18 meetings and may do so by speaking on items or by
 19 providing comments in writing to be read into the
 20 record. Most often three minutes are provided to each
 21 individual on each action item, and we will stick to
 22 the three minute rule tonight because we have a stack
 23 of comment cards.
 24 If you wish to address the Board, please
 25 complete the reverse side of the card and provide it to

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1 City staff. Please be mindful that this must be
 2 submitted to City staff before the item you wish to
 3 comment on is open for discussion.
 4 When your name is called by the Chairperson
 5 to speak, please state your name and address for the
 6 record before beginning your comments. Comments should
 7 be pertinent to and associated with the specific agenda
 8 item being discussed.
 9 Any person making impertinent or slanderous
 10 remarks or acting in a disruptive manner may be barred
 11 from further participation. The Chairperson may advise
 12 that person to cease their discussion and may also ask
 13 that an individual be removed from the meeting.
 14 If you have any questions, please ask City
 15 staff. Thank you. And at this time, I will not accept
 16 any more comment cards.
 17 VICE CHAIR McCOY: You've got two more that
 18 was already, you know --
 19 CHAIR JAMES: Yes, this is it. So the first
 20 person we're going to have up is Marybeth Coffey.
 21 MS. COFFER: Go over here?
 22 CHAIR JAMES: Yes, ma'am, go up to the podium
 23 and please state your name and address.
 24 MS. COFFER: My name is Marybeth Coffey. I
 25 reside at Marina Grande in Unit Number 909. We're an

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1 owner and resident, full-time resident.
 2 I am not antidevelopment. I welcome
 3 something on that vacant lot, and a restaurant, to me,
 4 would be the perfect thing for that lot. However, I
 5 have numerous concerns that I don't feel have been
 6 addressed.
 7 While the petition may meet the zoning
 8 requirements, do they meet the good neighbor
 9 requirements? For example, the timing, opening till
 10 2:00 in the morning. Someone told me once nothing good
 11 happens after midnight, and I believe that to be true
 12 for a couple of reasons. One, we don't need to
 13 encourage drinking into the late hours. Two, there
 14 will be employees in that restaurant who, if it closes
 15 at 2 a.m., may be forced to walk to get their cars,
 16 creating a very unsafe situation.
 17 In addition to unsafe situations which the
 18 gentleman mentioned, this service road comes out at a
 19 stoplight that is no right turn on red. I have
 20 witnessed many people turning right on that red turn.
 21 And it's already a very bad street with the Publix
 22 entrance, the Marina Grande entrance, the confusing
 23 stop signs, the sign that says through traffic doesn't
 24 stop, even though there's a stop sign at the Publix. I
 25 think that your safety people need to relook at all the

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1 traffic flow that's going to occur if that happens.
 2 I'm also concerned whether this is a
 3 restaurant and going to operate as a restaurant or if
 4 this is a bar disguised as a restaurant. I welcome the
 5 restaurant idea. I do not welcome the idea of a 2 a.m.
 6 closure on a restaurant and the loud noise that may
 7 come with some of the noise provisions that have been
 8 recommended by staff. And while I understand those are
 9 broad guidelines, it sounds to me like the developer
 10 intends to stick with those. So I think that we should
 11 look more closely at those before approval is given.
 12 I'm also very concerned about trash, because
 13 I understand when the Crab Pot was there, there was a
 14 rodent problem. Our trash is enclosed and refrigerated
 15 at Marina Grande; it's air conditioned. Will they do
 16 the same so that we don't have more raccoons, possums
 17 and animals coming into that area? Because we are a
 18 pet friendly complex and we have a lot of dogs and
 19 cats, it should remain the same.
 20 Also, in terms of keeping with comparable
 21 establishments, I think Sailfish Marina is a very good
 22 comparable because it is close to residential and also
 23 transient housing. It closes at 10 a.m. seven nights a
 24 week. 7 p.m. -- 10 p.m. seven nights a week. It does
 25 not stay open until 2:00 in the morning. And that was

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1 one of the most comparable that I found.
 2 Thank you for listening.
 3 CHAIR JAMES: Thank you, Ms. Coffey.
 4 I do have a question for staff before we go
 5 on in reference to the public comments. Do you take
 6 notes and are you going to address everything at the
 7 end? How do you want to --
 8 MR. GAGNON: Yes, so historically, staff will
 9 take notes of public comments. We'll always do our
 10 best to address as many comments as possible. I have a
 11 feeling there will be, again, a voluminous amount of
 12 comments tonight. I think we've touched upon a few of
 13 the comments stated already, however, I think a larger
 14 discussion will have to be really had by the Board in
 15 general in order to determine how to move forward. But
 16 any sort of technical analysis, staff will be able to
 17 provide comment on.
 18 CHAIR JAMES: All right, thank you.
 19 Next up is Chris Farrell. Forgive me if I
 20 mispronounced your last name.
 21 MR. FARRELL: Thank you. I appreciate the
 22 opportunity to be here. I also live at Marina Grande,
 23 Unit 603.
 24 And as the previous speaker noted, I'm in
 25 favor of development too. I'm for it. But you need to

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1 really, really, really slow it down and back down on
 2 this, because there are so many problems here that you
 3 didn't even address tonight.
 4 I didn't hear anybody say anything about
 5 music. You know, the hours are prohibited between
 6 11:30 p.m. and 8 a.m., so does that mean they can start
 7 cranking up a band at 9:00 on a Saturday morning and
 8 just play until 11:30 on Saturday night? Is it going
 9 to be an outdoor band, indoor band?
 10 I didn't hear anything about liquor sales.
 11 As a previous speaker noted, is it going to be a
 12 restaurant disguised as a bar or a bar disguised as a
 13 restaurant? Are they going to be able to -- are they
 14 going to have an outdoor tiki bar where you can just
 15 pull up like it's, you know, the Waterway Cafe and just
 16 sit out there all afternoon and drink and listen to
 17 music and do whatever you want?
 18 I understand there's no overnight boating,
 19 but are you going to have a guard there that says, you
 20 know, you've got to move your boat, you've got to leave
 21 whether you're too drunk to or not?
 22 They're going to have a golf cart that's
 23 going to bring people, overflow into our house. And
 24 whether they're inebriated or not, they're going to get
 25 in cars in our house, on our property.

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1 What about our legal responsibility? What
 2 happens if somebody runs into somebody else? What
 3 happens if there's some sort of an assault or
 4 something? I mean we are going to incur a huge legal
 5 responsibility once you start bringing people who have
 6 alcohol in them on our property. In fact, we're going
 7 to incur a huge legal responsibility anyway if they
 8 start bringing people on our property.
 9 There are so many questions, so many
 10 problems. I got 59 seconds left, and I don't even know
 11 where to start. I mean the music, the alcohol, the
 12 boats. I mean I'm all in favor of a Sailfish type
 13 Marina kind of a thing, but I mean when you start
 14 operating until 2:00 in the morning, you close the
 15 doors, you cart all these people out of here and put
 16 them in their cars in my house, that's where I live,
 17 and who know who's coming in there? I mean we have a
 18 gate guard. You don't get in there without a -- we
 19 don't get in there without a driver's license.
 20 And the parking there is -- that's a one-way
 21 street anyway. I don't see how this little golf cart
 22 is going to pull people around and put them in our
 23 garage, inebriated, and then turn around and drive back
 24 the wrong way down that one-way street, or is he going
 25 to go all the way around and back down, around and

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1 under the bridge and come back through in that little
 2 golf cart?
 3 A lot of problems here. I'm in favor of
 4 development, but we really need to back it down and
 5 slow it down here. Thank you.
 6 CHAIR JAMES: Thank you.
 7 Jimmy Coffey.
 8 MR. COFFER: Thank you for the opportunity to
 9 speak. My name is Jimmy Coffey. I live in Marina
 10 Grande, Unit 909.
 11 Several of my concerns are, one, that this is
 12 comparable to the U-Tiki bar, which he referred to the
 13 U-Tiki bar up in Jupiter, but that to model it after
 14 that, they have to realize there is no residential near
 15 the U-Tiki bar plus restaurant, where there is within
 16 100 feet of this. Right up against our neighbor you're
 17 going to have residential. So I don't think that's a
 18 fair comparison to try to model it after.
 19 Secondly, the trash concerns are going to be
 20 great. If you have a restaurant, it's 100 people or
 21 even 200 people, it produces a lot of food type
 22 restaurant. I would propose that they make it
 23 mandatory that it be an enclosed, in an
 24 air-conditioned, closed unit where it's only rolled
 25 out, not a dipsty-dumpster where there's going to be

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1 flies and there's going to be rodents and there's going
 2 to be rats, which we live on the water, so we're going
 3 to see that.
 4 My next concern is the amplified music.
 5 There's no statement of how loud this can be. What are
 6 they going to try to do? Can you do 4,000 decibels?
 7 Can we put a 25 piece rock and roll band out there? I
 8 would like to see that we state it and they look at --
 9 the comparable example is the Sailfish Marina, which
 10 has outside music, and follow those guidelines and make
 11 it mandatory, not optional for the developer, but make
 12 it mandatory.
 13 And lastly, I'd like to point out that in the
 14 parking situation, whether they're underneath our
 15 building or if they're parking over at the Loggerhead
 16 Marina, they're going to take a golf cart onto Lake
 17 Shore Drive, cross Blue Heron Boulevard, a major
 18 highway, people going very quickly, come back
 19 underneath the bridge, drop people off, or are they
 20 planning to go the wrong way on a one-way street, which
 21 again is another safety concern that the Fire
 22 Department should be looking at. I think that's very,
 23 very unsafe.
 24 There's not parking facilities available for
 25 the site. So what I would say, let's limit the size of

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1 this restaurant, not to 200 people, plus another 30 or
 2 40 staff. Let's take it down to around a 50 or 60
 3 person restaurant, something they can handle with the
 4 parking and the situation, try to keep it in
 5 perspective.
 6 Yes, we would like to have a good neighbor,
 7 but not one that's going to be open till 2:00 in the
 8 morning, playing loud rock and roll, with absolutely no
 9 restriction on how loud this music can be. We need to
 10 set guidelines specifically, and I think we need to
 11 follow the example such as the Sailfish Marina.
 12 Thank you very much.
 13 CHAIR JAMES: Thank you.
 14 Patty Schneider. Patty Schneider?
 15 UNIDENTIFIED SPEAKER: I'm not signed to
 16 speak.
 17 CHAIR JAMES: Okay. Next, Gino Tonetti.
 18 MR. TONETTI: Good afternoon, good evening.
 19 My name is Gino Tonetti. I live at 2640 Marina Grande,
 20 Lake Shore Drive.
 21 And what I've heard so far -- thank you very
 22 much for the opportunity to speak as well. What I've
 23 heard so far, I concur with all the problems we're
 24 going to incur with this operation. But one thing I
 25 have not heard and I don't know if I missed it or not,

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1 but we don't have a traffic study impact or a social
 2 impact, economic impact on this facility.
 3 Now, as in business for 35 years, 40 years of
 4 my career, I happen to be on the other side of the
 5 fence. I am a developer and (inaudible) to be in front
 6 of people like you to try to get a permit. And before
 7 even anything was discussed, I would have to provide
 8 what is the impact that is going to cause my
 9 development in the community itself. So I've not heard
 10 anything of such yet.
 11 And so -- and to assume that DOT is going to
 12 give a permit for parking on that kind of facility, a
 13 one-way street underneath a bridge without a traffic
 14 study, knowing what we have in the corner between
 15 Publix and Marina Grande, to me is inconceivable. But
 16 that is for you to decide.
 17 And as far as the Army Corps of Engineers,
 18 they're going to wait for this body to give them the
 19 okay so they can look at it, well, that is a very, very
 20 difficult permit to obtain, especially in that area.
 21 You have, I believe it's they say you have a
 22 lot of manatees back and forth, you have a lot of sea
 23 life there. I think it's some kind of a restricted
 24 area for boating. So that is going to be opened up
 25 again for boating? Again, that's another problem.

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1 But primarily, primarily what I'm trying to
 2 say is this. Before the permit is granted or even
 3 considered, they should give us, they should give you
 4 what is this project going to be, what is this project
 5 going to cost economically for the area, for the people
 6 lives around here, the traffic, a traffic study. And
 7 that is primarily the paramount before this Board would
 8 make any decision.
 9 That has been my experience through the years
 10 that I've been in this business. That would never be
 11 considered without even anything else. Plans or no
 12 plans, that is primarily what they want first. What is
 13 the impact it's going to cause in the community and the
 14 surrounding people that lives around that area.
 15 Thank you very much.
 16 CHAIR JAMES: Thank you. I have a comment
 17 card from Dennis George of 2640 Lake Shore Drive,
 18 Riviera Beach. He would like his comments read into
 19 the record: Concerns for noise limits and trash
 20 enclosure.
 21 So the next person up to speak will be
 22 Mr. Dick Giles.
 23 MR. GILES: Thank you. My name is Dick
 24 Giles. I live at 2640 Lake Shore Drive, Unit 910 in
 25 Marina Grande.

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1 First of all, this is my first opportunity to
 2 come and listen to a Zoning Board meeting, and I got to
 3 tell you, I'm impressed so far, because you people have
 4 a monumental task in front of you. Because when I
 5 moved here and moved to Marina Grande, it was one of
 6 the bright developments on this side of the bridge.
 7 And I think it's been good.
 8 When you went in the new marina complex that
 9 you built, I think you've done a wonderful job. But I
 10 think you've got a great task in front of you, because
 11 this is a wonderful area that can produce a lot of tax
 12 revenue for Riviera Beach and change the whole dynamics
 13 here.
 14 And I don't think this restaurant next to one
 15 of your premier projects that you approved -- and I
 16 think it's been a success. And this whole rejuvenation
 17 of the Broadway corridor in Riviera Beach, I mean the
 18 Blue Heron area, I think has so much to offer. So I'd
 19 just ask you to be cautious in what you're doing and
 20 really consider what this is.
 21 Is this the proper use of a very small lot
 22 with very amplified music and all kinds of things that
 23 will diminish the value of some of the properties of
 24 Marina Grande if it turns out like I think it might?
 25 And there's just so much, so much opportunity ahead of

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1 you as a development council. And it's wonderful the
 2 things that you can do, and I ask you to just be
 3 cautious about what you do.
 4 Thank you.
 5 CHAIR JAMES: Thank you.
 6 Richard Steck.
 7 MR. STECK: Richard Steck. I live in Marina
 8 Grande also.
 9 And most of the questions have been answered
 10 already. But why I bought there -- I didn't buy there
 11 for the building; I didn't buy for the area. I bought
 12 to look at the view going up and down. And that 350
 13 foot, little 350 thing -- I watch the manatees. I'm
 14 old. I'm only going to live a few more years. I watch
 15 the manatees go back and forth. And now we're going to
 16 have a 350 foot jetty going out there? Those people
 17 that love those manatees would rather me die than one
 18 of those manatees.
 19 And I think this is like putting the World
 20 Trade Center or the Empire State Building on a postage
 21 stamp. I think you better look very closely at it. We
 22 live in a beautiful, beautiful place. You did a
 23 beautiful job down the road. I go over there and eat
 24 and drink.
 25 Here I'd pull up -- I can remember when I was

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1 a kid, and I'd pull up with my little boat with the
 2 three horse on it, and I'd drink, and I'd get drunk.
 3 And three of us on there, we're not going to drive that
 4 boat at night. We just stayed there. Two in the
 5 morning, I got to go make a pee. Where do I go? I go
 6 on the Marina Grande in the back on the bushes and pee.
 7 I mean that was horrible, but that's what happens;
 8 that's what happens when you have people drinking.
 9 They pull in on a boat over there.
 10 I think you just look at it. You did a super
 11 job down at the restaurant. I go down there. Super,
 12 every one of you, but really look at this with open
 13 eyes. Thank you.
 14 CHAIR JAMES: Thank you.
 15 Jim Cunningham; Jim Cunningham.
 16 MR. CUNNINGHAM: Hi. My name is Jim
 17 Cunningham. I live at 2650 Lake Shore Drive, 2101.
 18 I've been reading through the ordinances on
 19 noise today, and from what I can tell, we are
 20 considered a residential area. The noise compliances
 21 for them next to a residential area are completely
 22 different than being in a downtown district. On the --
 23 not even considering amplified music, but even music
 24 going to be out there on the patio or talking out on
 25 the patio I think will probably be over the limit.

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1 In a residential area, it calls for, between
 2 7 a.m., 8 p.m., ten decibels; between 8 p.m. and
 3 7 a.m., five decibels. Five decibels is very low
 4 volume, and that's major at our fence line or their
 5 boundary line, whichever way you want to look at it.
 6 And closing at 2:00 in the morning, boats are
 7 going to be out there till late. They might stay after
 8 unless their management or security runs them off at
 9 night. Are they going to be drinking beer from their
 10 cooler, or are they going to be drinking beer from the
 11 restaurant?
 12 A lot of questions to be answered. As far as
 13 the amplified music, their hours that they show for
 14 amplified music are completely different than what it
 15 shows in your ordinance. On your -- on theirs, 11:30
 16 at night. On Riviera Beach's it's showing 8 p.m. at
 17 night for amplified music. On Sunday through Thursday
 18 they're showing 10 p.m., and Riviera Beach is showing
 19 8:00 p.m. on those hours.
 20 So I think there's a lot to think about here.
 21 The noise level at the docks is going to be great.
 22 I've boated before, and I've been around boating
 23 people. There's always a designated driver, of course,
 24 but some of the people get in pretty bad shape.
 25 Thank you very much.

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1 CHAIR JAMES: Thank you.
 2 Joseph Sellitto. Joseph Sellitto, Sellitto.
 3 MR. SELLITTO: Sellitto, that's it. Joseph
 4 Sellitto. I'm a resident at Marina Grande, Unit 1015.
 5 Everything really has been said that I would
 6 have wanted to say, but I would want to reach out to
 7 you as our representatives. We are 349 units. That's
 8 349 taxpayers. We have legitimate concerns about this
 9 property.
 10 We're not opposed to development. Most of us
 11 would agree that a restaurant could be a good thing.
 12 But I think this is going to be a tiki bar, more of a
 13 drinking establishment than an actual restaurant.
 14 That's our concern. When Crab Pot was here, there
 15 weren't 1,000 people living next door. Please consider
 16 that. Thank you very much.
 17 CHAIR JAMES: Thank you.
 18 Judith Feinberg.
 19 MS. FEINBERG: Thank you. My name is Judy
 20 Feinberg. I live at 2640 Lake Shore Drive, Unit 1110.
 21 I would like to add something to that visual
 22 up there. The words Crab Pot Site, that's where Marina
 23 Grande is. The windows on the apartments on the south
 24 side of the building look at those trees there. Maybe
 25 they are 15, 20 feet away. So that is not indicated

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1 here, how close the building is to the proposed site.
 2 I'd also like to talk about the noise, the
 3 ambient, the non-ambient noise, such as amplified music
 4 and other non-ambient noise. It has been addressed,
 5 but I would like to read from Article IV, Division 1,
 6 Section 11-141, Definition of Noise. This is from the
 7 Riviera Beach noise ordinance dated March 16th, 2017.
 8 Unnecessary, excessive or offensive noise
 9 means any sound or noise conflicting with the criteria,
 10 standards or levels set forth in this article for
 11 permissible noise. In the absence of specific maximum
 12 noise levels, a noise level which exceeds the ambient
 13 sound level -- and ambient is just normal, outside
 14 noise -- by five dBA -- I don't know what that means,
 15 but we can look it up -- or more when measured at the
 16 nearest property line, or in the case of multifamily
 17 residential buildings, when measured anywhere in one
 18 dwelling unit or from common space in the same
 19 building, shall be deemed an unnecessary, excessive or
 20 offensive noise.
 21 So yes, we have levels that we measure. I
 22 think the people who are intending to build here should
 23 be aware of that, and I think I would be very grateful
 24 if you people would think about that a lot. This is
 25 very important to us.

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1 The other thing that's important is allowing
 2 cars in our garage. We take pains to keep that place
 3 safe and quiet. This will destroy it. I can't put
 4 that in strong enough words. You're going to destroy
 5 our community with this type of restaurant. Another
 6 restaurant would be fine, but not this one.
 7 Thank you very much.
 8 CHAIR JAMES: Thank you.
 9 William Schnell.
 10 MR. SCHNELL: Thank you. I had a number of
 11 things, but I think much of it has been covered. The
 12 one thing I would like to emphasize is the problem with
 13 the valet parking. And the reason for that is cars
 14 coming off the bridge. As you all probably know, there
 15 have recently been two or three accidents with cars
 16 running off the bridge.
 17 Now, in order to get to this restaurant with
 18 a valet, you're talking about golf carts crossing that
 19 same road where cars race off the bridge, where there
 20 have been all those accidents, going all the way around
 21 on the south side and getting back to this restaurant.
 22 So my real concern is you've got Publix, you've got
 23 cars coming out of our driveway with the valet, however
 24 they're going to do it, crossing that busy road where
 25 there have been all kinds of accidents recently, and

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1 you're talking about people who are perhaps drunk. You
 2 don't know what they're going to be. And that, to me,
 3 is a real serious problem. And I think you've got to
 4 give consideration to the traffic aspects of entering,
 5 getting out of and moving to that area. Anyway, thank
 6 you.
 7 CHAIR JAMES: Mr. Schnell, can you state your
 8 address for the record.
 9 MR. SCHNELL: 2640 Lake Shore Drive, Unit
 10 1110.
 11 CHAIR JAMES: Thank you.
 12 Hannah Gravino.
 13 MS. GRAVINO: May I speak from here?
 14 CHAIR JAMES: We really -- yes, we really
 15 need you to come up to the podium and speak into the
 16 microphone.
 17 MS. GRAVINO: Hannah Gravino, 2640 Lake Shore
 18 Drive, Unit 515.
 19 I've been here a very short time, and I love
 20 the place. And looking at this, I'm concerned about
 21 how our property is going -- how the value is going to
 22 go down on our property. I've already heard comments
 23 from real estate people, and I'm so concerned about
 24 that.
 25 The noise, I am close to the building. I'm

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1 not right on the corner, but I'm in one, and I'm going
 2 to hear everything and smell the food. And that's not
 3 what I moved here for. It's a beautiful place, and I,
 4 you know, I'm just sick about this. So I'm asking that
 5 you reconsider this and just help us. And the traffic
 6 as well. Thank you.
 7 CHAIR JAMES: Thank you.
 8 Karen Christopher.
 9 MS. CHRISTOPHER: Hi. I'm Karen Christopher.
 10 I live 2640 Lake Shore Drive, Unit 416.
 11 My living room and my balcony will be in
 12 their back yard. I will be hearing the noise and be
 13 smelling the smells. But I don't want to talk about
 14 that because they've already talked about it.
 15 On May 9th I sent an e-mail to Jeff and
 16 Mario, and I don't know if all of you got copies. I
 17 made copies. Because Mr. Gentile took you down memory
 18 lane with photos of the old Crab Pot, I have memory
 19 lane of the goings-on under the bridge. I've lived
 20 there since 2007, and for the first seven years -- do
 21 you want -- have you seen this? I can -- can
 22 somebody --
 23 CHAIR JAMES: We're looking through our
 24 packet.
 25 MR. GAGNON: We can provide a few more

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1 seconds, just so I can comment.
 2 MS. CHRISTOPHER: Okay.
 3 MR. GAGNON: So we did receive --
 4 CHAIR JAMES: Yes, it is in the packet.
 5 MR. GAGNON: -- the packet, and we did
 6 provide all the information.
 7 MS. CHRISTOPHER: Okay, this is my jaunt down
 8 memory lane. And I had been to the Crab Pot before,
 9 and as wonderful as the memories might be, the food and
 10 the rats running around were not so wonderful.
 11 We also had so many issues under the bridge
 12 when I first moved in. We had vagrants, we had drug
 13 deals, we had people with graffiti, loud music with
 14 parked cars. You're under that bridge, and it's just
 15 amplifying. You can put the radio on low, and you
 16 could hear it going into my bedroom practically. And
 17 people were having sex down there, urinating in public.
 18 I have a picture of the guy doing it.
 19 And I went on a crusade for the first six
 20 years that I lived there. I sent e-mails, I called the
 21 police. I sent e-mails to everybody. The County
 22 Commissioners used to shake when I would come to a
 23 meeting. We don't want to go back to that.
 24 Now, I know we have to develop the area, but
 25 I think that you need to take a long-range view of what

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1 a restaurant like that is going to be. We're going
 2 backwards. We're going back to the noise, the
 3 drinking, the nuisance factor, I guess you could say.
 4 And if Hannah's sick about it, think about me on the
 5 fourth floor with all that going on till two in the
 6 morning. I don't have a loud enough sound machine in
 7 my bedroom to blank out all that noise.
 8 We have to think about what the area is like
 9 now, not what the area was like when the Crab Pot was
 10 there, because the Crab Pot had overflow parking where
 11 our building is now. We also have to think about the
 12 manatees. But I think we've got to think of the
 13 standards that we want to continue in Riviera Beach,
 14 the standards that we want to bring to our community,
 15 to raise the standards of what goes in.
 16 The marina that was just completed is
 17 absolutely wonderful; it's fabulous. That needs to be
 18 expanded. Broadway needs to be cleaned up more. When
 19 I bought there, and I'll make it fast, Inlet Tower was
 20 supposed to be going in. Now it's a restaurant. So I
 21 really want you to think about it and scrutinize this
 22 plan and just look to see what you're going to do to
 23 our area and our property values. Thank you.
 24 CHAIR JAMES: Thank you, Ms. Christopher.
 25 You did a wonderful job. These are some detailed

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1 pictures.
 2 MS. CHRISTOPHER: I have a lot more, and I
 3 have e-mails to the Mayor and to the police.
 4 CHAIR JAMES: You did your homework.
 5 MS. CHRISTOPHER: I've been doing it for the
 6 last ten years.
 7 CHAIR JAMES: Daniel McGilvery.
 8 MR. McGILVERY: Yes, my name is Daniel
 9 McGilvery. The address is 2640 Lake Shore Drive, Unit
 10 2012.
 11 Virtually all of the comments I was going to
 12 make have already been made. I won't repeat them. One
 13 thing that concerns me, and noise is obviously a
 14 concern of ours, I haven't heard anything about noise
 15 restrictions. Can we anticipate that noise
 16 restrictions will be part of these documents? Is there
 17 anyone who can answer that question?
 18 CHAIR JAMES: The questions will be answered
 19 afterwards.
 20 MR. McGILVERY: Okay. And I also want to
 21 know if that's going to apply to the boats. That's it.
 22 CHAIR JAMES: Thank you.
 23 Next, Jaxon Ferm.
 24 MR. FERM: My name is Jaxon Ferm, 2640 Lake
 25 Shore Drive, 2507.

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1 I'm also not against development. I'm a
 2 developer in Wilmington, Delaware. I don't understand
 3 business district zoning. Well, I do understand it,
 4 but I think it's been misapplied here. If you have 18
 5 spaces and 152 seats and 30 or 40 people on the patio
 6 and a 350 foot long dock that will probably hold 40
 7 boats, I don't know where you're going to park all
 8 these people. We do have 75 spots in our garage that
 9 Loggerhead supposedly has total use of. I guess they
 10 can rent them outside and bring all these people into
 11 our community. I don't know if they can legally do
 12 that or not.
 13 My main thing is parking and traffic. How
 14 are you going to get the valet back and forth to pick
 15 up all these people? At 2:30 in the morning, how are
 16 they going to get through our guard gate? I guess
 17 we're going to pay our guard to screen them. I'm not
 18 sure legally if they can do all of this.
 19 You know, Seven Kings used to own Loggerhead
 20 Marina. Now they sold it. So I guess the new
 21 Loggerhead owner is going to let them use these spaces.
 22 And 75 is the perfect number, right inside of our site.
 23 So now you're going to approve somebody to open a
 24 restaurant when 75 spots might not be enough, and
 25 they're all going to be coming into our community, as

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1 well as all the other nuisances that have been
 2 mentioned. It doesn't make any civic sense. I
 3 wouldn't, as a developer, even ask to do that, and
 4 Delaware wouldn't let me do it.
 5 So that's really all I have to say. I
 6 support development, and I think this Council has been
 7 very proactive in the questions they've asked. So
 8 thank you.
 9 CHAIR JAMES: Thank you.
 10 Brian Gibbons.
 11 MR. GIBBONS: Hi. My name is Brian Gibbons.
 12 I live at 2650 Lake Shore Drive in the Marina Grande,
 13 the complex, in 103.
 14 I agree with everything that's been said so
 15 far, but I'm concerned about the safety factor with
 16 regard to the parking situation. In my earlier years I
 17 was the head engineer for a company that built
 18 restaurants and other facilities all over the United
 19 States and Canada, and never once have I ever seen --
 20 been able to build a project where I could put a
 21 restaurant with 200 people in it with not adequate
 22 parking, on-site parking for that facility. I've never
 23 seen it done before. This is amazing to me.
 24 And I read some things, I guess, that I'm
 25 thinking about here. My understanding is that they

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1 could actually park on the west side of the marina
 2 tower. I guess they call it the dry stack, the big dry
 3 stack Loggerhead had there. And I wasn't aware until
 4 tonight that they can actually enter our property, go
 5 past our guard gates and get into our property and
 6 park. That's going to be a serious safety concern for
 7 me in several areas.
 8 First of all, if they could park on the west
 9 side of that tower or that dry stack building, they
 10 could go around the north side of that tower and enter
 11 our property, which is private property at that point.
 12 What kind of safety can we have if we have people who
 13 can wander through our property like that? That's
 14 crazy. And if they can actually get in through our
 15 property and park in the garage, in our own garages,
 16 that's insane. It just doesn't make any sense to me.
 17 The safety factor is not going to be there.
 18 And the idea of having golf carts running
 19 back and forth, there's not anybody in here, I don't
 20 believe, that's going to say that everybody's going to
 21 wait till they can get a cart. They're going to start
 22 wandering back through our property to get to their
 23 cars, whether it's on the west side of that stack or
 24 whether it's in our parking garage.
 25 And we're expected to just tolerate that

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1 we're going to have drunk people running through our
 2 property and making it unsafe for those of us who live
 3 there? It just doesn't make any sense to me at all,
 4 and I hope that you guys will all consider that.
 5 I appreciate the questions that have been
 6 asked, particularly from the one gentleman who asked so
 7 many questions, and I hope the rest of you will
 8 consider this in a big way, because this just doesn't
 9 make sense at all. Thank you.
 10 CHAIR JAMES: Thank you.
 11 Sunny Maffeo.
 12 Sunny Maffeo, 2650 Lake Shore Drive, Unit
 13 2105. And I thank you for the opportunity to speak as
 14 well tonight, and I'm happy to see so many neighbors
 15 here.
 16 I'm here to read a letter from Judith and
 17 Peter Foster, which I very much concur with, but having
 18 heard some of this presentation, I cannot go without
 19 saying, firstly, one of the main reasons, the main
 20 reason why I chose to move to Marina Grande in Riviera
 21 Beach was because I felt really safe there. We have
 22 security. Our management works very hard to keep us
 23 safe.
 24 What Mr. Gentile is avoiding telling you, I
 25 think, is just how those golf carts that might come

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1 through storms and everything else to get to those cars
 2 that are in our garage, on our ground floor, are they
 3 not planning to come through our security gate or use
 4 their back way that they've done before to go through
 5 the marina and right between the buildings and into the
 6 garage? And anyone who's in that garage can walk right
 7 into our elevators. There is nothing preventing that.
 8 I would like to take the liberty to invite
 9 all of you to come over and walk these paths that are
 10 being proposed here.
 11 I'd also like to bring attention to the fact
 12 that in the presentation we just heard, it was often
 13 referred to as the application that has 150 patrons,
 14 minimum. 150 is not the maximum, it's the minimum. So
 15 what is the maximum that we're talking about here?
 16 In the secure areas that we have, this will
 17 be completely erased in this plan. Is there any
 18 responsibility on the owners to address excessive noise
 19 as it interferes with their neighbors' right of quiet
 20 enjoyment of their homes?
 21 The application does not address the number
 22 of boat dockage and how they anticipate their foot
 23 traffic to the restaurant. And there will be foot
 24 traffic. People will not stand, and they'll want to
 25 stroll along the water, and they'll be just strolling

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1 all through our community, putting us at security risk
 2 and risk of lawsuits. We've already had, from time to
 3 time, people have slipped through and into the garage
 4 and caused damage to cars. Why would we want to invite
 5 people who are intoxicated possibly in to do that? And
 6 it would be an invitation.

7 There is no requirement in the -- quote --
 8 staff conclusion for a maximum decibel. This is about
 9 the sound again, and I won't go into that because we've
 10 done so much of that. But some of the cases in point
 11 when it comes to this, Sailfish Marina, the music
 12 consists of a guitar which starts early and ends at
 13 9 p.m. And Two Drunken Goats can have a band once a
 14 month because the Ritz Carlton complained. And that
 15 band goes on from 4 p.m. to 9, and any other day it's
 16 one person. Thank you very much.

17 CHAIR JAMES: Thank you.
 18 Edward Payne.

19 MR. PAYNE: Yes, by way of introduction, my
 20 name is Edward Payne. I live at 2640 Lake Shore Drive,
 21 Riviera Beach, Apartment 1915.

22 Just to reiterate one point that Sunny had
 23 mentioned about the noise relative to Sailfish Marina
 24 and the Ritz Carlton, I think it's important to note
 25 that the distances between those -- that residential

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1 complex and the Two Drunken Goats is something like
 2 1,500 feet, and what we're dealing with is a situation
 3 where you have this proposed restaurant and its noise
 4 and music, and it's only about 15 or 20 feet from us.
 5 So whatever standards were applicable to the situation,
 6 the Ritz Carlton, Two Drunken Goats, I think need to be
 7 considered, given the fact that we are so close to
 8 this, and plus the fact that they're asking for a 2:00,
 9 you know, timeframe.

10 And I think, just to reiterate again, some of
 11 the concerns that have been voiced here are only
 12 magnified by the fact that the restaurant is so close
 13 to our residential buildings, I think within 20 feet.
 14 And also the fact that the design of the restaurant is
 15 such that especially on the south side, it's an open
 16 design, it's an open concept. There is no barriers.
 17 So even if there's music to be played inside, there's
 18 nothing to prevent that music from flowing out onto the
 19 deck as well. And so those are -- you know, that's a
 20 major concern that certainly I have.

21 What also was addressed before by Gino and
 22 some others was a concern that I had with regards to
 23 the environmental issue that deals with manatees, which
 24 are a protected species. They do migrate in large and
 25 small family groups right in front of our, you know,

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1 bulkhead there. And so the proposed dock that was --
 2 is being requested is something like 350 feet.

3 Now, I'm not an expert here, but 350 feet
 4 protrudes quite a bit out into the Intracoastal. Are
 5 we to believe that these manatees now, to avoid the
 6 dock, are going to have to migrate now into the middle
 7 of this waterway, which is basically comparable to the
 8 I-95 highway? I mean they're going to be put into
 9 additional danger.

10 Now, there's also a number of Florida and
 11 State regulations that deal with these protected
 12 species, and I'll just name a few for you. And I don't
 13 know whether, you know, the proposed plan has addressed
 14 them at all, but there's the Florida Manatee Protection
 15 Plan, there's the Florida Manatee Protection Zones,
 16 there's the Florida Manatee Protection Act. There's a
 17 Federal and State Marine Mammal Protection Act of 1972,
 18 there's a Federal and State Endangered Species Act of
 19 1978, there's Federal Fish and Wildlife Service Area,
 20 there's a Federal Protectors Act of 1989, and there's a
 21 Governor and Cabinet Directive Number 13, all dealing
 22 with the manatees.

23 Other issues, well, my time is up, but other
 24 residents will deal with, you know, additionally with
 25 concerns that I have for safety, for parking, for

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1 traffic. Some of them have been addressed to date,
 2 some of them will continue to be addressed, because
 3 it's a major concern for all of us. Thank you for your
 4 consideration.

5 CHAIR JAMES: Thank you.
 6 Bill Davidson.

7 MR. DAVIDSON: Madam Chair, Commissioners,
 8 thank you. I'm Bill Davidson. I live at 2640 Lake
 9 Shore, Unit 1516.

10 And I've been trying to consolidate my notes.
 11 There's been so many things said I don't want you to
 12 have to hear again, but I guess I would start with two
 13 things.

14 First of all, I've learned from Mr. Gentile a
 15 bit more about this project, especially the intended
 16 use of our secured parking structure. But I did want
 17 to correct him on a couple of things. I have a set of
 18 the plans. There's 172 seats on the plans, and then
 19 there was discussion of another 50 outside on the
 20 balcony or on the deck, and then, of course, I'm
 21 estimating 20 to 30 employees. So we're talking about
 22 probably 222 people that are going to be working --
 23 going to be at this restaurant at peak times.

24 You know, there's two big impediments to the
 25 development of this property. And I'm a real estate

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1 developer also, and I'm not, obviously not
 2 antidevelopment, and I'm not against this project. But
 3 those impediments are the size and the proximity to our
 4 properties.
 5 And I think that the applicant has a very
 6 unique situation, a unique opportunity here, because he
 7 developed that property, he developed the marina. And
 8 he sold the land to the developer who built the
 9 condominiums, and he had certain easements that he
 10 included in that sale. And just as important, he has a
 11 unique relationship with the City of Riviera Beach, as
 12 he manages the marina for them.
 13 I spoke to him on Tuesday and asked him some
 14 questions regarding this matter, and in the course of
 15 that conversation I asked him if he was going to be
 16 here tonight so that I could meet him and speak with
 17 him and bring other questions, and he said, no, he
 18 wouldn't be here. He felt this was a useless meeting.
 19 Those were his exact words.
 20 I don't think this is a useless meeting. I
 21 think that you guys have volunteered your time and come
 22 here for a reason, and I'm glad that you're listening
 23 to what we have to say.
 24 I have further concerns because in my
 25 conversations with the applicant, Mr. Ray Graziotto, he

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1 misled me about the parking and telling me that it was
 2 going to be on the west side of the dry stack outside
 3 of our secured area. And since that time I have heard
 4 bits and pieces, and now when the number 75 comes up,
 5 which is the amount of parking the marina has on our
 6 first floor that they can use for their customers, that
 7 is, the people who have boats that put them in the dry
 8 stack and put them in the marina, now he has found a
 9 way to get around that matter.
 10 I think that's probably something that you
 11 won't be able to deal with tonight, but it's something
 12 that we'll be able to deal with as an organization.
 13 So quickly, three things. Safety and
 14 security, we've heard that; the parking, we've heard
 15 that; and then the traffic issues. The traffic is --
 16 there's a confluence there where our only ingress and
 17 egress and Publix's only ingress and egress come
 18 together near that intersection. I guess I'll stop
 19 there. Thank you for your time.
 20 CHAIR JAMES: Thank you.
 21 Randy Powell.
 22 MR. POWELL: Hello. My name is Randy Powell,
 23 and I live at 2640 Lake Shore Drive, Unit 611. Thank
 24 you very much for listening to us all tonight.
 25 I have a couple points, some that have been

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1 expressed, some haven't. One of them is that this is
 2 being stated as a restaurant. However, with the hours
 3 of operation, I would beg to differ. I would say that
 4 this is definitely a bar.
 5 Further, he went ahead and stated this is
 6 going to be -- trying to sync with a restaurant that is
 7 up in Jupiter, which I know I've gone to, and it's not
 8 a restaurant, it's a bar that serves food. So you
 9 know, this is a bar. Let's not kid ourselves about it.
 10 I have a different concern than some other
 11 people expressed up here, and maybe they have the same
 12 concerns and didn't express them, but I have small
 13 children, okay? The idea of having people that are
 14 intoxicated -- as we know will happen, this is a bar --
 15 around my children and my safe home I have serious
 16 concerns about, okay?
 17 Additionally, there's been a lot of talk
 18 about the parking. And if I could have you guys look
 19 up at that Crab Pot sign there, it's kind of funny how
 20 that actually mimics what our property looks like. If
 21 you looked at that Crab Pot Site sign, if you looked at
 22 that as being the inlet for the north side of our
 23 property, and then the tree line down being the east
 24 side, that is basically our property. And then this
 25 over to the bottom corner would end up being where the

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1 restaurant is, scaled differently, of course.
 2 Now, something that has not been brought up
 3 is that on the outside perimeter of our property, going
 4 all the way along the water is an easement that the
 5 marina owns. We do not have possession of it. It's
 6 about probably this wide from the water to our piece of
 7 property. It's a sidewalk. Everyone thinks it's ours.
 8 It is an easement that the marina owns.
 9 Now, I don't know how long it's going to
 10 take, and I assume it won't take long. I think people
 11 are saying one thing and going to do another. What I
 12 definitely, definitely, definitely do not ever want to
 13 see happen is for that easement to be used as a conduit
 14 to take people from their restaurant to their parking
 15 lot on the other side, because that's going to be the
 16 next step they're going to say. They're going to say:
 17 You know what? We have that parking lot over there.
 18 That's our parking lot. Fine. This is our easement
 19 sidewalk here. People can go ahead and walk through
 20 there. Mission accomplished.
 21 But there's one big problem. They're walking
 22 through the middle of my back yard. They're walking
 23 through their back yard. They're going ahead and
 24 having all these people that we don't know, that we pay
 25 over \$300,000 a year for for security, going ahead and

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1 coming into our property. Are we supposed to go ahead
 2 and have our security stop every single person and ask
 3 them for identification.
 4 I mean obviously that's -- there's a lot of
 5 issues with this, and I please hope that you consider
 6 all these options carefully. Thank you.
 7 CHAIR JAMES: Thank you.
 8 Mary Brabham.
 9 MS. BRABHAM: Good evening. Excuse me,
 10 Board, is this the public comment? Are we in public
 11 comment or are we on the line item, before I start
 12 speaking, so because I want to be clear and precise
 13 what --
 14 CHAIR JAMES: We're on Crab Pot, and that's
 15 what you have marked down on your card for agenda item.
 16 MS. BRABHAM: Okay, I'm going to speak on
 17 that too, but I also had another card in there too.
 18 You see, it's -- Ms. Mary Brabham, Riviera
 19 Beach. It is major concerns all over here. The
 20 gentleman just talked about his children and his
 21 property, the noise, how the traffic will invade your
 22 communities. See, it is the same problems all over
 23 this city.
 24 Now, when I speak again, I'm going to also
 25 share with you some hideous invasement that is also

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1 coming back to try to impede our community that will
 2 also be derelict to the imposition of our neighbors
 3 that still resides in the same locality that we reside
 4 in. Their concerns are great, just like all of the
 5 concerns all over our community.
 6 So if this, whatever is to be deliberated
 7 here, you all think wisely. Take into consideration
 8 what they are saying. If these are impediments upon
 9 their lives and their children, we have to weigh that
 10 for the comfort of our homes, our schools and our
 11 community and our entire residents. That's what
 12 encompasses a City. So therefore, I speak in reference
 13 to the things that accommodate our lives to make us all
 14 better.
 15 Yes, it is some traffic concerns here. And
 16 the parking, we're talking about our marina parking.
 17 Yes, it is some parking issues here. So take into
 18 consideration all of these things and then weigh them
 19 with the meeting of the mind and say if you were living
 20 there, if you were part of this, would this be suitable
 21 for your living. Thank you. Ms. Mary Brabham.
 22 CHAIR JAMES: Graham Harrison.
 23 MR. HARRISON: Hi. I'm Graham Harrison, 2650
 24 Lake Shore, Unit 904.
 25 And a lot of things have been said, so I

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1 won't really regurgitate it, but I don't know if any of
 2 you have ever lived on the water. It's a beautiful
 3 place on the water. I live on the ninth floor. Now,
 4 I'm not on that side; I'm on the marina.
 5 Let me tell you, when you're by the water,
 6 it's noisy. I sit on the ninth floor, and I hear the
 7 guy coming with his boat, and I hear what he caught
 8 that day. The sound just goes up and down. And that's
 9 from the boats. Now, I get along with that. I can't
 10 imagine being in another tower with a bunch of drunks
 11 sitting out on there, and those people in 12 -- 11, 12,
 12 whatever, sitting on their deck and the noise that's
 13 going to come to them.
 14 Now, one of the other things that Gino said
 15 very rightly is we should be taking consideration of
 16 impact. Well, let's be selfish, okay? I don't think
 17 there's anybody anywhere with any real estate knowledge
 18 will tell you that this will be a positive impact on
 19 our property values, not one. And I can tell you
 20 something else. A negative impact on our property
 21 values is a very real negative impact on tax revenue on
 22 this City.
 23 So when we take a look and say what's this
 24 going to cost, there's also a financial cost, both to
 25 us if our property, God forbid, went down ten percent,

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1 or because of it, we didn't increase ten percent on
 2 whatever we got, two, three, 400 units. What does that
 3 cost financially on the bottom line of the City? Let's
 4 just all talk dollars and cents. I mean I don't know
 5 what it is, but I can guarantee you it's a hell of a
 6 lot more than any tax revenue you're going to get out
 7 of a restaurant.
 8 And the other thing that's funny is it is not
 9 a restaurant. It's a bar. I mean, you know, the
 10 developer very clearly, when the question was asked is
 11 the developer strong on a 2 a.m. closing, and I think I
 12 definitely heard, yes, that's imperative. Was it not?
 13 Wasn't that very -- so there is no justification it's a
 14 restaurant. It is absolutely a bar, because if it's
 15 not 2 a.m., the deal's off the table the way I was
 16 interpreting it. And once again, there goes my
 17 property values, there goes the tax revenue. That's
 18 just dollars and cents. Thank you.
 19 CHAIR JAMES: Okay, the next couple of cards
 20 have all requested that they do not wish to speak, but
 21 would like their comments read into the record.
 22 So the first reading for the record is from
 23 Gary Palma; address, 2650 Lake Shore Drive, Number 706:
 24 I am opposed to the Crab Pot. It will degrade the
 25 Marina Grande condos and surrounding area. And it's

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1 checked: I do not support this item.
 2 Mary Marzolo, 2650 Lake Shore Drive, Number
 3 706: This restaurant will strongly impact property
 4 values negatively and would adversely impact our
 5 community at Marina Grande -- 300 residents -- in these
 6 ways: Extreme loud music past 11 p.m.; unwarranted
 7 smells of food; traffic and congestion in our immediate
 8 area; trespassing on our property. I do not support
 9 this item.
 10 Brenda and Scott Grigg, 2650 Lake Shore
 11 Drive, Number 2106: We do not want this restaurant.
 12 Cindy Davidson, 2640 Lake Shore Drive, Number
 13 1516: I do not support this item.
 14 Robert Smith, 2640 Lake Shore Drive, Number
 15 1414: Object to noise, parking and potential intrusion
 16 into Marina Grande. I do not support this item.
 17 Nunzia Alvergue, 2650 Lake Shore Drive,
 18 Number 103: Trash, rodents, bugs, smell, parking,
 19 noise level. I do not support this item.
 20 Barbara Lambrecht, 2640 Lake Shore Drive,
 21 Number 1710: The Marina Grande tried to purchase said
 22 plot several years ago. We were told it was deemed
 23 unbuildable by Riviera Beach. I do not support this
 24 item.
 25 Catherine Leon: I do not support this item.

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1 And her address is 2640 Lake Shore Drive, Unit 1014.
 2 Toby Payne, 2640 Lake Shore Drive, Number
 3 1915: Have concerns about noise levels, traffic,
 4 parking, safety, smoke -- slash -- odors. I do not
 5 support this item.
 6 Joe Bahr, 2640 Lake Shore Drive, Number 2108.
 7 It's just checked: I do not wish to speak, but would
 8 like the following comments read. There's no comments,
 9 and there is no checkmark. Is Mr. Bahr here?
 10 Mr. Bahr, am I to assume that you are not in
 11 support of this item?
 12 MR. BAHR: Yes.
 13 CHAIR JAMES: Mr. Bahr, for the record, does
 14 not support this item.
 15 And those are all of the public comment
 16 cards. Now that that's completed, we're going to move
 17 into Board comments. And I'm going to start from my
 18 left with Mr. Blackwell -- I'm sorry, Ms. Shepherd.
 19 MS. SHEPHERD: First, I want to thank the
 20 public for coming out. And I just want to make it
 21 clear that I live on 23rd Street, and the marina is on
 22 13th Street. When I open my bathroom window to get air
 23 in it on Friday night, my whole house shakes. So I
 24 don't have to sit here and figure out the width of the
 25 building, how depth it is. I know what noise is. And

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1 I really feel very compassionate for your homes, your
 2 safety and your welfare. I will go on record right now
 3 by saying I will not support this. I can't do it.
 4 I'm the only one that voted against all of
 5 these Dollar Stores coming here. I know Riviera Beach
 6 has great potential, and this is not great potential.
 7 So my heart go out to you, because I danced at the Crab
 8 Pot, so I know what the Crab Pot is all about.
 9 And with that, Madam Chair, I thank you.
 10 CHAIR JAMES: Thank you, Ms. Shepherd.
 11 I need to go back to let staff and the
 12 applicant respond to the public comments.
 13 So staff, do you want to go ahead and take
 14 that over?
 15 MR. GAGNON: Sure. Thank you, Chair.
 16 Although we received many comments, there's
 17 two items I wanted to point out specifically, one
 18 regarding traffic and the second regarding noise.
 19 If you look in your packet, there is a
 20 traffic concurrency standard approval letter from the
 21 County. So that TPSR letter is included, and it is
 22 approving the current traffic proposal and traffic
 23 study.
 24 The noise ordinance. So there's been a lot
 25 of discussion on noise, and specifically with the

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1 conditions of approval. So the times provided in the
 2 conditions of approval was really an additional
 3 safeguard that staff was trying to put on the property
 4 in order to guide and also inform everyone involved
 5 with this project what hours of operations could be
 6 like.
 7 There is a separate section, a City ordinance
 8 that has been in place for some time now, and that
 9 governs noise standards within the City. That is
 10 Section 11-171. So that provides specific decibel
 11 levels for what's considered daytime hours and
 12 nighttime hours. And nighttime hours are actually in
 13 between 8 p.m. and 7 a.m., and the decibel threshold
 14 for that timeframe is 45 decibels, which is extremely
 15 low. During the daytime hours I believe it's 50
 16 decibels.
 17 So there is an existing noise ordinance in
 18 place. The difficulty with any noise ordinance is
 19 actually enforcing the ordinance. So from a staff
 20 perspective and a City perspective, we want to make
 21 sure that we lay out all of the regulations as early as
 22 possible in this potential approval process so that way
 23 it's very clear throughout.
 24 So those were the staff comments in regards
 25 to the traffic and noise. The dumpster was located on

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1 the site. I believe it's not air-conditioned. The
 2 code requirements don't require it to be, however,
 3 that's something that the applicant would have to look
 4 into further.
 5 I think additional questions are really
 6 geared more towards the applicant, if they wish to
 7 provide additional responses, or if there's specific
 8 items that were addressed that the Board wishes staff
 9 to comment on further, we'd be happy to.
 10 CHAIR JAMES: I have a question, Jeff. I
 11 know normally for City Council there's a book in the
 12 back that basically contains our packet. Is that
 13 available for the audience as well?
 14 MR. GAGNON: That is correct. There's
 15 actually two books tonight.
 16 CHAIR JAMES: Okay, thank you.
 17 So next we'll have the applicant come up and
 18 address concerns.
 19 MR. GENTILE: Madam Chair, Commissioners,
 20 thank you. I just want to make a couple of comments.
 21 Yes, the traffic was reviewed, as required
 22 for every project in town, in the City of Riviera
 23 Beach, through Palm Beach County's TPS ordinance. And
 24 we meet concurrency, and we meet the TPS for this
 25 specific area.

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1 We have an agreement with DOT for the lease,
 2 which will be signed if this site plan is approved. If
 3 it's not approved, we, of course, wouldn't sign a lease
 4 with them to obligate the owner of the property or the
 5 developer of the property, that situation. So I wanted
 6 to make sure you understood that.
 7 I want to clarify a couple of my comments,
 8 because it seemed that some of them were issues of a
 9 lot of the comments.
 10 First of all, the overflow -- I want to
 11 continue to reiterate that your City Council and your
 12 CRA developed a plan for this area which includes this
 13 property. It's in the downtown development area.
 14 There is Land Development Regulations that are in place
 15 for that, and your staff has indicated, as we have as
 16 well indicated that we meet the standards that we're
 17 required to, as anyone else in the City developing a
 18 piece of property.
 19 We have -- I indicated that we would be using
 20 a 75 space lease that was agreed to, and as it was also
 21 indicated that the developer -- actually, the developer
 22 of this project was the owner of the marina and the
 23 owner of the Marina Grande project. And when everyone
 24 bought in there, there was lease agreements for that
 25 marina to use certain parking. They also have

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1 approximately 76 spaces that are outside of the parking
 2 garage.
 3 The lease allows them to utilize 75 spaces
 4 wherever the marina has an agreement, and it does
 5 include the garage. However, the sequence of parking
 6 for this on a valet basis, or if the public wants to
 7 park there and walk the sidewalk, they would be able to
 8 park, first of all, in the closest parking lot that's
 9 outside the garage that is marina property.
 10 There is a second parking lot that is farther
 11 to the west that is also a marina parking lot and not
 12 in the garage. And there's a third parking lot that is
 13 surface parking and not in the garage that is on the
 14 other side of the street that the marina also has in
 15 their ownership. So the sequence of valet for that
 16 overflow would be to use the surface parking, and then
 17 at last resort, would use anything in the garage.
 18 The other reason is that there will be
 19 patrons that will probably be using the marina parking
 20 spaces in the garage that would possibly come over or
 21 walk over to the restaurant. Those people will be in
 22 that garage no matter what, because they park there
 23 today as marina boaters and using that facility. So I
 24 wanted to clarify that.
 25 We will talk with staff about any golf cart

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1 use. It may not have been the -- you know, we may not
 2 utilize that. But we may have some ability to use that
 3 for staff being taken by valet to parking or whatever.
 4 So I wanted to clarify that.
 5 Jeff Gagnon indicated that you have a noise
 6 ordinance, and we've agreed that we have to abide by
 7 that noise ordinance. I have done a tremendous amount
 8 of noise evaluation in my career as a planner on almost
 9 every project that I do. We are all talking right here
 10 at about 50, 55 decibels. I'm talking a little bit
 11 louder right now because I have amplified noise. We
 12 have agreed to meet the noise ordinance. We have to
 13 meet the noise ordinance of your code, so that's -- I
 14 don't know what else we can do. That is consistent
 15 with every project in this city. They have to meet
 16 that noise ordinance, okay?
 17 As far as the manatee safety goes, whether
 18 that marginal dock is 350 feet or five feet off the
 19 water, they will have to meet the Manatee Protection
 20 Code, they will have to meet the Fish and Wildlife
 21 Commission requirements, they will have to meet the
 22 FDEP, the Florida Department of Environmental
 23 Protection, and they will also have to meet the Army
 24 Corps of Engineers to obtain their permits for any kind
 25 of dock.

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1 And just remember, this is not a dock that is
 2 solid concrete all the way to the bottom. It's just
 3 like every other dock that is built within the City of
 4 Riviera Beach, at the City Marina, at all the docks
 5 throughout the entire area in Riviera Beach, and it
 6 will have pilings that go down with at least eight to
 7 ten foot of separation, which the water flows all the
 8 way through. And I guarantee you that the manatees
 9 have complete access through all of the docks,
 10 particularly the ones at the Riviera Beach Marina that
 11 the City owns and all the rest of the docks in that
 12 entire area.

13 And the agencies will not issue a permit for
 14 any type of a dock that doesn't meet all the
 15 requirements, both federally and State. So I think you
 16 could rest assured that we are going to have to meet
 17 those requirements.

18 Again, this is a -- and your staff can
 19 address this. They indicated it in their staff report.
 20 This is a use by right. You have conditions of
 21 approval that we've met. We didn't say that the item
 22 is a deal killer at 2:00. That is a standard that your
 23 staff has done because you have no standard.

24 We can't -- no bar or restaurant, no
 25 restaurant in this city can sell alcohol after 2:00 in

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1 the morning. So we just -- the staff put that in there
 2 because there is nothing in the code that restricts
 3 that timeframe other than the alcohol sales. This is a
 4 retail restaurant. So we agreed to those conditions.
 5 Conditions can be modified. That is something that's
 6 the purview of this Commission.

7 And I also want to reiterate that I don't
 8 believe, nor would I ever indicate that the public
 9 process that this City has had, that I've been in front
 10 of for numerous years, actually practicing over 33
 11 years, that this is not a very important Commission in
 12 regards to providing beneficial advice and
 13 recommendations to the City Council and the CRA. And I
 14 do not believe that our client indicated that this was
 15 a useless committee.

16 I certainly, as his representative, as his
 17 planner, would never, never insinuate or even think
 18 that, because this is the public process, the
 19 democratic process that we live by throughout this
 20 entire county, and in fact, the entire state of
 21 Florida. This Commission plays a vital role in
 22 providing public input as members of the public who are
 23 not elected, but advisory to the Town Council, and we
 24 appreciate all the stuff that you do.

25 Madam Chair, that's all I have to provide

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1 you. We think the project, it meets all your Land
 2 Development Regulation. We have adequately addressed
 3 any issues of overflow parking. Now, whether there's
 4 agreement issues privately that have to be dealt with,
 5 there is lease agreements in place, that will have to
 6 be worked out by the private sector. That is really
 7 not -- your code requires on this project 18 spaces --
 8 15 spaces. We provided 18, but we've accommodated for
 9 overflow through a lease agreement that has been in
 10 place since Marina Grande was envisioned.

11 So that's all I have. Thank you, Madam
 12 Chair.

13 CHAIR JAMES: Thank you.

14 VICE CHAIR McCOY: Actually, Madam Chair, I
 15 want to ask some questions of the applicant.

16 MR. GENTILE: Sure.

17 CHAIR JAMES: You're recognized.

18 VICE CHAIR McCOY: Your narrative says that
 19 this was previously occupied by Crab Pot. Who is the
 20 end user restaurant?

21 MR. GENTILE: Who is the end -- who's going
 22 to be the owner? Seven Kings Holdings, and that is
 23 owned by Ray Graziotto, and there's several other
 24 members of that corporation.

25 VICE CHAIR McCOY: Well, I was speaking of

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1 who's going to -- what's the restaurant? What is going
 2 to be the use? What's actually going to be -- you said
 3 a --

4 MR. GENTILE: The restaurant is going to be
 5 what we consider a coastal seafood fare, just like the
 6 Crab Pot had. It will have fish, it will have steaks,
 7 it will have -- it is a restaurant, and it will have,
 8 like every other restaurant has, a bar, as well, as a
 9 part of it. The licensing on it requires them to have
 10 the restaurant, food service. So just to let you know.

11 VICE CHAIR McCOY: Okay, I was looking at the
 12 traffic report. How do you come up with -- how did you
 13 estimate the net new daily trips? I think it was 326
 14 maybe.

15 MR. GENTILE: I don't have that right in
 16 front of me. Here, yes. This is the letter from --
 17 yes, it will have 326 net daily trips. It will have
 18 only 28 a.m. new trips, and that's usually typical of a
 19 restaurant, because the lunch trade is not as large as
 20 the evening dinner trade. And they will have
 21 additional -- they'll have 25 p.m. trips, and the total
 22 is actually 326 new trips.

23 And that is a model that is required for
 24 every project in the county. The City of Riviera Beach
 25 is not the only city that has to use that, but it's

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1 done under the transportation standards. There is a
 2 number for this type of restaurant that will generate
 3 based on capacity.
 4 And this roadway has a capacity of X number
 5 of trips. They calculate the number of trips. New
 6 trips is 326. And they determine if the level of
 7 service of that road is reduced, and it's done on a
 8 grade level, A, B, C, D, E. And we are within -- we
 9 are not impeding or decreasing the service level of the
 10 road, and we are in compliance with the traffic
 11 performance standards that the City of Riviera Beach
 12 has adopted, okay.
 13 CHAIR JAMES: Do you have any more questions,
 14 Mr. McCoy, because you can continue, and then we'll go
 15 back down the line.
 16 VICE CHAIR McCOY: I do, just a couple more.
 17 It was mentioned about the easement, and I
 18 tried to pull it up on my computer. And it does appear
 19 to be an easement that is owned by -- and I'll get it
 20 here. It's associated with the marina.
 21 MR. GENTILE: Yes.
 22 VICE CHAIR McCOY: But it's so narrow, I
 23 couldn't determine on the eastern portion of Marina
 24 Grande how wide was that easement.
 25 MR. GENTILE: Oh, you're talking about the

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1 walkway easement along the water or along the Marina
 2 Grande property?
 3 VICE CHAIR McCOY: Well, I can't -- I suppose
 4 it's a walkway. I didn't even --
 5 MR. GENTILE: It's a seawall, right.
 6 VICE CHAIR McCOY: My question is --
 7 MR. GENTILE: Yes, it's not part of this
 8 restaurant's easement, so it's part of the -- it's the
 9 marina easement.
 10 VICE CHAIR McCOY: So you can't speak to
 11 that?
 12 MR. GENTILE: I can't speak to that easement
 13 because we don't have the right to use that specific
 14 easement at all. It's the marina.
 15 VICE CHAIR McCOY: Right. Well, my question
 16 is --
 17 CHAIR JAMES: Excuse me. You can't speak out
 18 of turn. We can't hear, so we need to get
 19 clarification, we need to be able to hear, and it needs
 20 to be -- we need to hear for the record as well.
 21 So go ahead and restate your question,
 22 Mr. McCoy.
 23 VICE CHAIR McCOY: Okay, so you don't have
 24 permission to use it, and it was brought up, so I guess
 25 my question was: Is that a part of the plan, because

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1 it was mentioned today, and I had no knowledge of it.
 2 And I'm looking at it now, and I didn't even or
 3 couldn't even tell from looking at it on the computer
 4 that it was just as wide as a walkway. So would you
 5 say that there's no plans to even use that?
 6 MR. GENTILE: I think if you look at the
 7 corner of our plan, that easement is -- yes, that's
 8 what I'm talking about, and the way that it jogs over.
 9 If you see where that easement -- and I'm going to put
 10 the cursor. This is the easement and this is the
 11 bulkhead right here. This is the walkway easement.
 12 Our dock or deck/dock area, dock area stops right here.
 13 And we haven't connected it to that walkway. There is
 14 a bulkhead there that is connected, and we do not have
 15 any right through the marina owner to use that walkway.
 16 VICE CHAIR McCOY: Okay.
 17 CHAIR JAMES: Remember, we can only speak one
 18 at a time. Thank you.
 19 VICE CHAIR McCOY: That's it for me for the
 20 applicant, Madam Chair. Thanks.
 21 MR. KUNUTY: Madam Chair, I have a question
 22 for the applicant.
 23 CHAIR JAMES: You're recognized, Mr. Kunity.
 24 MR. KUNUTY: In your site plan application
 25 narrative, third paragraph, it says the property is

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1 currently owned by Riviera Shores, LLC. The applicant
 2 is Seven Kings Holding, who is a long-term -- has a
 3 long-term lease with the landowner. My question is:
 4 Is that lease in place, or is that lease conditional on
 5 this restaurant approval?
 6 MR. GENTILE: The lease is in place as we
 7 speak.
 8 MR. KUNUTY: So it's not conditional on
 9 anything?
 10 MR. GENTILE: No, no.
 11 MR. KUNUTY: Further down it says that the
 12 traffic statement was presented to County Traffic for
 13 review and approval. Now, do we have approval?
 14 MR. GENTILE: Yes, sir. Your staff just
 15 indicated and I just was reading from the letter of
 16 approval from Palm Beach County Engineering, Traffic
 17 Engineering, yes.
 18 MR. KUNUTY: When you present it to Palm
 19 Beach County Engineering, Traffic, my question is did
 20 you present the fact that -- of the whole idea of a
 21 golf cart shuttle on the public road, service road to
 22 shuttle people?
 23 MR. GENTILE: No, that was not a part of the
 24 requirements. I mean that's -- excuse me, but that is
 25 a method of accessing people back and forth which is

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1 done in numerous locations. And it may be an item that
 2 we use, it may be an item that we don't use.
 3 The traffic performance standards and the
 4 County review is for the number of daily and p.m. and
 5 a.m. trips that are generated from a use.
 6 There are a number of venues that use
 7 trollies, buses, street legal golf carts to transport
 8 people back and forth to outlying parking areas or
 9 whatever throughout this entire county. It is a method
 10 that we possibly could use. We may discuss it with
 11 staff. It may be something before the City Council
 12 that we decide that we may not be using.
 13 But the people can park in those parking
 14 areas outside, that the marina owns that are outside in
 15 the open area, and they can walk to this facility.
 16 There is a sidewalk system that can take them to the
 17 facility. The valets can take the car from the
 18 drop-off area -- and that's why we have a drop-off
 19 area -- they can take them to those back on-grade
 20 parking spaces and walk back. It's done all over the
 21 county.
 22 MR. KUNUTY: Understood.
 23 MR. GENTILE: Yes.
 24 MR. KUNUTY: It seems that your first comment
 25 on hours of operation were pretty rigid as far as hours

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1 of operation, but lately you've said something a little
 2 differently, that it was just an arbitrary number that
 3 staff came up with.
 4 So just for staff and your presentation, I
 5 went on about 15 local restaurant web sites, and some
 6 of them are national chains, some were just one-offs,
 7 and the consensus -- actually, all restaurants that I
 8 looked at, and I don't know, I looked at maybe 15,
 9 closed at 10 or 11 p.m.
 10 No other questions for the applicant.
 11 MR. GENTILE: Mr. Kunuty, if I could just
 12 make a comment on that.
 13 CHAIR JAMES: Really quick, please. Go
 14 ahead, Mr. Gentile, really quick.
 15 MR. GENTILE: Yes. The marketplace will
 16 actually dictate the timeframe, because if there is --
 17 most of those restaurants may not have patrons that
 18 want to come after 10:00 or 11:00. But that was an
 19 item because you have nothing in your code that
 20 indicates the timeframe of closing.
 21 I think there -- you do have an alcohol
 22 restriction, so that's after 2:00. But that doesn't
 23 restrict the restaurants from being open. So staff put
 24 that in there. We didn't -- actually, I don't even
 25 think we gave you hours of operation. It was something

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1 that the staff conditioned, and we agreed with it, and
 2 that, of course, is open to your discussion.
 3 CHAIR JAMES: Thank you, Mr. Gentile.
 4 MR. KUNUTY: Thank you. No other questions
 5 for the applicant.
 6 MR. GAGNON: As I stated at the beginning of
 7 the meeting, just to state it one more time, the
 8 2:00 p.m. time was put as a condition -- excuse me --
 9 2 a.m., thank you. The 2 a.m. time was put as a
 10 condition of approval because the code is silent as far
 11 as hours of business operation, meaning there is no
 12 code section that governs that. So the alcohol section
 13 of our code says that alcohol sales must stop at
 14 2 a.m., so that's where that reference point came from.
 15 CHAIR JAMES: Thank you, Jeff.
 16 We are under Board comments --
 17 MR. KUNUTY: Yes, just --
 18 CHAIR JAMES: -- so Mr. Kunuty, we're going
 19 to hold that, because we're under Board comments and we
 20 need to go back to Mr. Blackwell. And then you can, in
 21 your Board comments, you can ask the applicant to come
 22 back to the podium.
 23 Okay, Mr. Blackwell.
 24 MR. BLACKWELL: Thank you.
 25 First and foremost, I would like to thank all

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1 the residents of Marina Grande for coming out, sharing
 2 their concerns and helping us with this matter that we
 3 have before us to deliberate upon. I do not live in
 4 Marina Grande, but I hear you; I hear you.
 5 I know the applicant is represented by an
 6 attorney, and attorneys will do their best for their
 7 applicant or the person they represent. But I don't
 8 think that the 2 a.m. operation of hours is a genuine
 9 thing that's going to make or break this deal.
 10 I think that there are some people in this
 11 room know that this restaurant would be a good idea, it
 12 would be an economic boost for our community. But
 13 however, we're going to ask that the applicant be a
 14 little reasonable and come back and be a good neighbor.
 15 I think there's a lot of opportunity that if we work
 16 together, that this could come to fruition.
 17 I would like to see that land developed.
 18 It's probably going to be developed one way or another
 19 sooner or later. So I just say to the residents, you
 20 know, be careful what you wish for and let's kind of
 21 work together on this and just not all come in and say
 22 we're going to kill this idea just because of the hours
 23 of operation.
 24 The music, I have concerns about the music
 25 level. The boating, the dock, 300 feet or what have

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1 you protruding into the Intracoastal Waterway, I think
 2 these are all issues that need to come back with more
 3 definitive answers and something with more realistic
 4 numbers or figures.
 5 The parking, that's -- I know you're saying
 6 it fits -- the applicant says it fits the code. But
 7 common sense tells me that a 4,000 square foot
 8 restaurant, you have 18 spaces, and 75 of those spaces
 9 that you have allocated in another location, that's
 10 with the lease agreement with Loggerhead Marina, what
 11 happens if that lease expires or they somehow withdraw
 12 from that lease? Where are these people going to park?
 13 So these are all things, I think, that need
 14 to be ironed out. I do think that a restaurant is a
 15 good idea, but I have my reservations right now as it
 16 is presented. Thank you.
 17 CHAIR JAMES: Thank you, Mr. Blackwell.
 18 Mr. Kunuty.
 19 MR. KUNUTY: I feel a lot like Mr. Blackwell
 20 does. I think it would be nice to have a restaurant
 21 there, but I think in this project where we stand right
 22 now there are way too many questions for us to consider
 23 voting on it.
 24 The hours of operation are certainly one, the
 25 noise level of the music, the whole way the shuttle is

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1 going to work, the trash issue, the parking, I think
 2 all of these are questions that can be addressed to
 3 everyone's satisfaction -- well, not everyone, but to
 4 consensus satisfaction. So, you know, my feeling is
 5 that this needs to go back to staff for a lot more work
 6 before it comes back here. So no other questions.
 7 CHAIR JAMES: Thank you, Mr. Kunuty.
 8 Mr. Brown, do you have Board comments?
 9 MR. BROWN: No comments.
 10 CHAIR JAMES: Thank you, Mr. Brown.
 11 Mr. Gustafson.
 12 MR. GUSTAFSON: I want to thank the public
 13 for coming out and voicing all their concerns and
 14 opinions. I also agree that there are some major
 15 concerns with the operation ahead of us here. One
 16 thing in particular is the parking, the shuttle, and
 17 the off-site location with the lease. The dock length
 18 frightens me as well, as well as the trash and the
 19 noise. No other comments.
 20 CHAIR JAMES: Thank you.
 21 Mr. Gallon.
 22 MR. GALLON: The comments that I have have
 23 already been spoken, but I would like to ask about
 24 security. I've heard nothing about security.
 25 CHAIR JAMES: Do you want to direct that

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1 question to staff or the applicant?
 2 MR. GALLON: To the applicant.
 3 MR. GENTILE: The project was reviewed by
 4 your Police Department. We've agreed to do the
 5 conditions that they have. I'm just reiterating -- and
 6 by the way, just so that you know, I'm not an attorney.
 7 I want to make that very clear. I'm a planner.
 8 MR. DeGRAFFENREIDT: Is that a bad thing?
 9 MR. GENTILE: It's not a bad thing. But we
 10 planners like to practice, but the attorneys don't like
 11 us to, so they were letting me know that.
 12 We don't know if there will be security on
 13 this site. The Police Department reviewed it. We've
 14 agreed to their conditions, providing cameras and those
 15 type of things that they do require on most projects
 16 like this.
 17 So, and I do want to also reiterate while I'm
 18 here that the lease agreement on the parking is
 19 actually an easement, so it is in place in perpetuity
 20 on that project. So you don't have to be afraid that
 21 the parking will be going away at any time. It is an
 22 easement agreement that goes and runs with the land.
 23 So that was done by the owner who owned it all and is
 24 still here today asking you for approval for the
 25 restaurant, so --

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1 CHAIR JAMES: Thank you, Mr. Gentile.
 2 MR. GENTILE: Yes, ma'am.
 3 CHAIR JAMES: Vice Chair McCoy, your Board
 4 comments, please.
 5 VICE CHAIR MCCOY: Yes, I don't know if I can
 6 even say anything new. I'm just lost, because, you
 7 know, I seen that it was stated in the applicant's
 8 narrative that it was consistent with the code, but
 9 that's only the code as far as zoning. But there are
 10 some other things in the code that brings up questions
 11 certainly related to the compatibility of its adjacent
 12 uses, and there are a lot of things that are still
 13 outstanding.
 14 The parking is certainly one for me. And
 15 then in the letter it actually stated preliminary
 16 discussions with FDOT have yielded an informal
 17 approval. I don't even know what that means.
 18 But I just don't think I'm comfortable with
 19 supporting it because it just seems like there are some
 20 things at this point that need to be resolved. And in
 21 good conscience, I don't think I can put this next to a
 22 residential, multifamily residential community without
 23 the support of the community. And not by petition or
 24 popular opinion.
 25 I certainly support the development, but we

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1 have to be good neighbors, because there are several
 2 points, or I guess several -- it's indicated several
 3 times in our code. And I'll just take one for example,
 4 and this actually speaks to a different district, but
 5 it says: No operational activities shall be allowed in
 6 any neighborhood commercial district which would
 7 disturb or annoy the residential inhabitants in the
 8 adjacent or nearby residential areas.

9 Now, while that isn't exactly the same zoning
 10 code, I think in the spirit of being consistent, I just
 11 don't think that I can support it, despite that it has
 12 consistency with the land use. It's just, you know,
 13 Mr. Gentile, I wouldn't think you would want it right
 14 next to your house if you lived there.

15 So respectfully, I'm not doing it for
 16 applause but I just want to say this. It's just hard
 17 to ignore when I got at least 50 people that came out
 18 to a meeting to voice their opposition to it. It's
 19 just something I cannot ignore.

20 So with that, Madam Chair, you know, I don't
 21 know where we go from here, but those are my comments
 22 for now.

23 CHAIR JAMES: Let me go to my comments, and
 24 then we're going to entertain a motion. So my
 25 comments, I did get the opportunity to ask staff

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1 questions, and the applicant, and what I feel is
 2 nothing new that hasn't already been discussed.

3 So at this time, do we have a motion?

4 VICE CHAIR McCOY: Madam Chair, I don't have
 5 a motion, but you know, to Mr. Kunuty's point, and if
 6 the applicant is so willing, I don't want to outright
 7 deny an application or send a negative recommendation
 8 to Council. If there's something that can be worked
 9 on, you know, I think I'm open for that. But I don't
 10 have any motions to accept nor deny at this point.

11 CHAIR JAMES: I believe we have to have a
 12 motion to either approve or deny and then do some
 13 discussion, so --

14 MR. KUNUTY: Well, I'm not sure we have to
 15 have a motion to approve or deny. Since there were so
 16 many questions surfaced, we can send this back to staff
 17 to do some more work and bring it back with a lot of
 18 these questions answered. Some of them, I mean some of
 19 people in the audience said they'd like to have a
 20 restaurant there, and some of the people didn't want it
 21 in any case. And that would be kind of like a normal
 22 reaction.

23 I think if we send this back to staff, and
 24 staff, with Mr. Gentile and some input from maybe a
 25 representative from Marina Grande, we may be able to

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1 work it out. If we can't work it out, then we have a
 2 yea or nay vote. So I'm --

3 MR. GENTILE: Mr. Kunuty, we would --

4 CHAIR JAMES: Mr. Gentile --

5 MR. GENTILE: I'm sorry.

6 CHAIR JAMES: -- I'm sorry, I haven't
 7 given -- I haven't recognized you.

8 MR. GENTILE: I'm sorry.

9 MR. KUNUTY: Yes, I would like to hear what
 10 he has to say.

11 CHAIR JAMES: Okay, so did you have a
 12 question specifically for him, because --

13 MR. KUNUTY: No. You know, it seems like
 14 based on the Board comments, he's ready to make some
 15 kind of a statement.

16 CHAIR JAMES: Okay. Well, I have a question
 17 first of staff. How are we proceeding? Is there still
 18 a motion that needs to be made, or can we give just a
 19 recommendation to push this back to staff for further
 20 review? What is the direction of staff?

21 MR. GAGNON: So at this point, the Planning
 22 and Zoning Board can make any motion they choose to
 23 make. However, being that there are multiple
 24 outstanding questions, I believe that the development
 25 team and Mr. Gentile probably would like the

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1 opportunity to come back with more thorough responses
 2 to some of the questions, and staff would, as
 3 Mr. Kunuty indicated, want to work with the development
 4 team and make sure that we at least provide very
 5 thorough answers.

6 And then that way, the Board can review those
 7 questions and answers at an upcoming meeting,
 8 potentially I think it's the 25th is our next meeting.
 9 So I think that the questions -- and I can defer to
 10 Mr. Gentile, but I think answers to the questions can
 11 be generated before that meeting, and you could bring
 12 it back with further responses, because at this point,
 13 it seems there are just multiple outstanding questions
 14 that need more work.

15 CHAIR JAMES: Okay.

16 MR. KUNUTY: Based on that, Madam Chair --

17 CHAIR JAMES: Yes, Mr. Kunuty, you're
 18 recognized.

19 MR. KUNUTY: Yes, I'll make a motion that we
 20 send this project back to staff for review and
 21 answer -- and bring it back with answers to the
 22 multiple questions that are brought up. And I would
 23 recommend also in that motion that between staff,
 24 Mr. Gentile and a representative from Marina Grande to
 25 work on this together.

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1 CHAIR JAMES: Is there a second?
 2 MR. BLACKWELL: I will second it with one
 3 caveat. I think there is also a question as to what
 4 type of establishment, Mr. Gentile, this is going to
 5 be. Is it a bar or is it a restaurant? Is it going to
 6 be operated as a bar/restaurant or a restaurant? So
 7 there's clearly a definitive difference between the
 8 two, but --
 9 MR. GENTILE: If we could -- I'm just going
 10 to have that very brief answer on the restaurant. But
 11 I would like to ask Mr. Kunuty and the Commission to
 12 consider us coming back to the June meeting with our
 13 answers and responses and working it out with staff and
 14 others, if that would be possible.
 15 CHAIR JAMES: Thank you. So there's a motion
 16 on the floor and a second, which includes the question,
 17 the definition that will be added. And that was one of
 18 the many questions that was proposed by the residents
 19 and also the Board, so that should be included.
 20 MR. KUNUTY: I will modify the motion to
 21 include that issue.
 22 CHAIR JAMES: Okay. Is there a second on
 23 that amendment?
 24 MR. BLACKWELL: Yes, second.
 25 CHAIR JAMES: Roll call.

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1 MR. VELASQUEZ: Jon Gustafson.
 2 MR. GUSTAFSON: Yes.
 3 MR. VELASQUEZ: James Gallon.
 4 MR. GALLON: Yes.
 5 MR. VELASQUEZ: Margaret Shepherd.
 6 MS. SHEPHERD: No.
 7 MR. VELASQUEZ: Edward Kunuty.
 8 MR. KUNUTY: Yes.
 9 MR. VELASQUEZ: Corey Blackwell, Sr.
 10 MR. BLACKWELL: Yes.
 11 MR. VELASQUEZ: Tradrick McCoy.
 12 CHAIR McCOY: Yes.
 13 MR. VELASQUEZ: Rena James.
 14 CHAIR JAMES: Yes.
 15 MR. VELASQUEZ: Six yes, one no. Motion
 16 passes.
 17 CHAIR JAMES: Thank you.
 18 MR. GENTILE: And that will be the -- the
 19 date, did you set the date for --
 20 MR. KUNUTY: No. I think staff will set the
 21 date.
 22 CHAIR JAMES: Staff.
 23 MR. GENTILE: Okay, I'll let staff.
 24 MR. GAGNON: Just for the anticipated
 25 timeline for everyone in the audience too, I did state

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1 that May 25th is our next Board meeting, however, I
 2 think if we give ourselves a little bit more time to
 3 make sure we have thorough responses, June 8th would be
 4 the anticipated meeting date.
 5 MR. GENTILE: And we agree with that. Thank
 6 you.
 7 CHAIR JAMES: Okay, just for the public that
 8 is here, I see there is someone in the back that had
 9 their hand raised. Please know that your next
 10 opportunity for a comment will be under general
 11 discussion, item number A. So if you wish to speak at
 12 that time, you will have to complete a new public
 13 comment card, okay?
 14 So we're moving on to the next item, B, and
 15 we're ready for a staff presentation.
 16 MR. GAGNON: Thank you, Chair.
 17 Under new business, letter B is a resolution
 18 of the City Council of the City of Riviera Beach, Palm
 19 Beach County, Florida approving a site plan and special
 20 exception application from Catoe Holdings, LLC to build
 21 and operate an 8,078 square foot warehouse with
 22 accessory office on a vacant parcel of land,
 23 approximately one acre in size, identified by parcel
 24 control number 56-42-42-26-02-000-0010, located on the
 25 north side of the intersection of Haverhill Road and

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1 Haverhill Business Parkway, within the general
 2 industrial zoning district, and providing for an
 3 effective date.
 4 CHAIR JAMES: Please, if you're exiting,
 5 please exit quietly so we can continue the meeting.
 6 Presentation.
 7 MR. GAGNON: Yes, and at this time I'd like
 8 to ask Mario Velasquez, our Senior Planner, to provide
 9 a presentation to the Board and general public.
 10 MR. VELASQUEZ: Good evening, everyone. Once
 11 again, Mario Velasquez, Senior Planner.
 12 The second item tonight is the Catoe Plumbing
 13 applicant. The owner is Catoe Holdings, LLC. The
 14 application number is SP-16-15 and SE-16-02,
 15 corresponding to the site plan and the special
 16 exception.
 17 It's an industrial project that entails
 18 approximately an 8,000 square foot plumbing warehouse
 19 with its accessory office. We'll go over -- again, I
 20 will go over the location, get familiarized with the
 21 area, continue with the staff analysis and conclude
 22 with special exception analysis.
 23 If you look at the screen, the red dot
 24 represents the location of the proposed warehouse and
 25 tells us that it is on the west side of the city. As

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1 we zoom in, we can see that it's a vacant lot. This
 2 vacant lot is identified with parcel control number
 3 56-42-42-26-02-000-0010. It is approximately one acre
 4 in size, and the current zoning is general industrial
 5 and the future land use is industrial.
 6 Also, you can see the sign for the
 7 notification. The property was properly -- we put a
 8 sign for notification, anyone that drives by. Everyone
 9 within 300 feet was sent a postcard also informing them
 10 of the application on this property. That's required
 11 by the special exception.
 12 Now, on the screen you can see that the
 13 picture shows, standing on the, like on the center of
 14 the property, the neighbors to the north and to the
 15 east, they are -- one is industrial warehouse and the
 16 other is vacant. They're both though industrial. From
 17 the same point looking south and west, we have, well,
 18 mainly the Haverhill roadway. And across that street
 19 we just have green area, and that's actually Palm Beach
 20 County incorporated.
 21 Now we have the site plan that shows the
 22 placement of the building, the warehouse and the
 23 proposed parking.
 24 Now we have the proposed landscape showing
 25 adequate landscaping to provide buffer and

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1 beautification to the site.
 2 Now we have a rendering showing what the
 3 proposed building will look like if built.
 4 For the staff analysis, as far as the
 5 proposed development, the applicant is proposing to
 6 develop 8,078 square feet of warehouse with accessory
 7 office use. This proposal would allow an existing
 8 business in the city to expand its business capacities,
 9 while at the same time keeping the business within the
 10 city.
 11 Also, the proposed use complies with the
 12 City's Land Development Regulations for the general
 13 industrial IG zoning district, providing that a special
 14 exception approval is granted by the City Council for
 15 the warehouse use.
 16 As far as the Comprehensive Plan, the
 17 proposed use is consistent with the Comprehensive
 18 Plan's industrial future land use designation, and the
 19 proposed project is also compatible with the
 20 surrounding parcels and uses, which we just saw
 21 pictures of what they look like.
 22 For levels of service, City services such
 23 roads, water, sewer and garbage collection are
 24 currently available to the site. The proposed
 25 landscape plan is compatible with the City's Land

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1 Development Regulations. And for parking and traffic,
 2 adequate parking has been proposed in accordance with
 3 the City's Land Development Regulations.
 4 Now going into the special exception
 5 analysis, as far as ingress to and egress from the
 6 property, ingress to and egress from the site are
 7 available directly off of Haverhill Business Parkway,
 8 which can be accessed from the north and south via
 9 Haverhill Road.
 10 For off-street parking and loading areas,
 11 adequate parking spaces have been proposed in
 12 accordance with the City's Land Development
 13 Regulations, and also one truck loading/unloading area
 14 will be provided.
 15 For refuse and service areas, a six foot high
 16 masonry enclosure has been proposed to hold a dumpster
 17 for on-site garbage collection, with proper landscape
 18 screening.
 19 For utilities, they are currently available
 20 to the site and will be properly connected as regulated
 21 by the Utility District.
 22 As far as screening, buffering and
 23 landscaping, adequate landscaping has been proposed
 24 along the perimeter of the property, which must be
 25 maintained according to the City's Land Development

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1 Regulations. Also, the applicant has preserved many of
 2 the existing trees and vegetation.
 3 For signs or outside displays, one attached
 4 sign is proposed to the main facade of the building,
 5 which will be later regulated the by the Code of
 6 Ordinances. No freestanding signage is currently
 7 proposed.
 8 And also, a lighting plan has been provided
 9 which demonstrates adequate lighting and no light
 10 trespass from the property.
 11 As far as required yards and open spaces,
 12 adequate yard and open space has been proposed in
 13 accordance with the City's Land Development
 14 Regulations.
 15 Now for staff conclusion, City staff advises
 16 that the Planning and Zoning Board review and consider
 17 all information presented and provide a recommendation
 18 to the City Council. If the Planning and Zoning Board
 19 chooses to recommend approval, City staff recommends
 20 including the following conditions of approval.
 21 A two year landscaping performance bond for
 22 110 percent of the value of landscaping and irrigation.
 23 Number two, construction and landscaping
 24 improvements will be -- must be initiated within 18
 25 months of the effective date of this resolution in

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1 accordance with Section 31-60(b).
 2 Number three, this development must receive
 3 final Certificate of Occupancy from the City for all
 4 buildings and units approved within five years of the
 5 approval of the adopting resolution or the adopting
 6 resolution shall be considered null and void, requiring
 7 the applicant to resubmit application for site plan and
 8 special exception.
 9 Number four, all future advertisement must
 10 state that the development is located in the City of
 11 Riviera Beach.
 12 Number five, once approved, this resolution
 13 shall supersede any previous site plan approval
 14 resolutions associated with this property, causing the
 15 previous site plan approval resolutions to be null and
 16 void.
 17 And number six, City Council authorizes City
 18 staff to approve future amendments to this site plan
 19 administratively so long as the site plan does not
 20 deviate greater than five percent from the originally
 21 approved site plan.
 22 The applicant representative is present. If
 23 you have any questions, we are here to answer those.
 24 CHAIR JAMES: Okay, thank you. The applicant
 25 like to say something?

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1 MR. IRAVANI: Madam Chair, Board members,
 2 good evening.
 3 CHAIR JAMES: Good evening.
 4 MR. IRAVANI: Jeff Iravani on behalf of Catoe
 5 & Son. I'll be very brief.
 6 This is going to be a new office for Catoe &
 7 Son, which is the plumbing company. They're going to
 8 be moving here. They're going to be hoping to hire
 9 some ten more people in there, and so we think that the
 10 project is going to be an asset. The property value is
 11 going to go up probably about 500 percent, and we think
 12 the new jobs is going to be certainly an asset.
 13 I had a presentation, but I have to get
 14 the -- I'll be brief. I know you guys been through a
 15 lot already.
 16 All right, this is the location. It's on
 17 Haverhill Road. It's an industrial park. We designed
 18 actually the whole project about ten years ago. And
 19 all the other development are industrial. This is lot
 20 one right adjacent to Haverhill Road.
 21 This is our site plan. We meet all the
 22 requirements. We are in agreement with the City staff
 23 recommendation. And I think it's going to be -- it's a
 24 beautiful landscape, and I think it's going to be an
 25 asset. And that's the perspective, and also the

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1 building elevation.
 2 And I'll be glad to address any question or
 3 comments you may have.
 4 CHAIR JAMES: Okay, we're going to go into
 5 Board comments, and if they have any questions, they'll
 6 call you up.
 7 MR. IRAVANI: Thank you.
 8 CHAIR JAMES: Thank you.
 9 Okay, we're going to start with Ms. Shepherd.
 10 MS. SHEPHERD: This is an excellent project,
 11 sir, coming to the City of Riviera Beach. I have no
 12 questions. Thank you.
 13 CHAIR JAMES: Okay, Mr. Blackwell.
 14 MR. BLACKWELL: No questions.
 15 CHAIR JAMES: Mr. Kunuty.
 16 MR. KUNUTY: Really no questions.
 17 CHAIR JAMES: Mr. Brown.
 18 MR. BROWN: No questions.
 19 CHAIR JAMES: Mr. Gustafson. Am I
 20 pronouncing your name correctly?
 21 MR. GUSTAFSON: Gustafson.
 22 CHAIR JAMES: Gustafson.
 23 MR. GUSTAFSON: Close enough. No comment.
 24 CHAIR JAMES: Do you have any comments? No?
 25 MR. GUSTAFSON: No comment.

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1 CHAIR JAMES: Okay. Mr. Gallon.
 2 MR. GALLON: No questions.
 3 CHAIR JAMES: Vice Chair McCoy.
 4 VICE CHAIR MCCOY: Nothing, Madam Chair.
 5 CHAIR JAMES: Well, I have no questions as
 6 well. Is there a motion?
 7 MR. KUNUTY: I move to approve, with staff's
 8 conditions.
 9 CHAIR JAMES: Is there a second?
 10 MR. GUSTAFSON: Second.
 11 CHAIR JAMES: Roll call.
 12 MR. VELASQUEZ: Jon Gustafson.
 13 MR. GUSTAFSON: Yes.
 14 MR. VELASQUEZ: James Gallon.
 15 MR. GALLON: Yes.
 16 MR. VELASQUEZ: Margaret Shepherd.
 17 MS. SHEPHERD: Yes.
 18 MR. VELASQUEZ: Edward Kunuty.
 19 MR. KUNUTY: Yes.
 20 MR. VELASQUEZ: Corey Blackwell, Sr.
 21 MR. BLACKWELL: Yes.
 22 MR. VELASQUEZ: Tradrick McCoy.
 23 CHAIR MCCOY: Yes.
 24 MR. VELASQUEZ: Rena James.
 25 CHAIR JAMES: Yes.

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1 MR. VELASQUEZ: Unanimous voting. Motion
 2 approved.
 3 MR. IRAVANI: Thank you.
 4 CHAIR JAMES: Thank you.
 5 MR. KUNUTY: Thank you for sitting through
 6 that.
 7 CHAIR JAMES: Okay, general discussion.
 8 MR. GAGNON: I'm sorry, Madam Chair, I
 9 believe the Board reordered the agenda.
 10 CHAIR JAMES: Oh, that's right.
 11 MR. GAGNON: I think the nomination of Chair
 12 and Vice Chair is up next.
 13 CHAIR JAMES: Thank you for reminding me.
 14 MR. GAGNON: So at this point in time, the
 15 process for nomination of Chair and Vice Chair is the
 16 floor is opened up for nominations of the Chairperson,
 17 and you could either nominate an alternate Board member
 18 or yourself. That person has the opportunity to either
 19 accept or decline that opportunity. Once everyone has
 20 the opportunity to nominate somebody, the floor will
 21 close and the Board will make a selection on the final
 22 nominated Chairperson. So at this point in time, the
 23 floor is open for any nominations for Chairperson.
 24 MS. SHEPHERD: I'd like to renominate
 25 Mrs. Rena James as the Chairperson.

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1 MR. KUNUTY: Second.
 2 MR. GAGNON: Yes, so are there any other
 3 nominations? So there's no need to second any motions
 4 unless you want to nominate the same person. So anyone
 5 can nominate anybody else.
 6 And Ms. James, would you accept that
 7 nomination?
 8 CHAIR JAMES: Yes.
 9 MR. GAGNON: Are there any other nominations
 10 for Chairperson? It seems as if -- would you like to
 11 do a roll call vote or just a consensus?
 12 CHAIR JAMES: Consensus.
 13 MR. GAGNON: Okay, Ms. James,
 14 congratulations. You're once again Chairperson.
 15 CHAIR JAMES: Thank you.
 16 Thank you, Board.
 17 MR. GAGNON: My speech thanking you for your
 18 last year of service is not timely anymore, so I'll
 19 have to edit that and change it to two years, in
 20 addition to your previous experience as Chair.
 21 So at this point we open the floor for
 22 nomination of Vice Chair.
 23 MR. BLACKWELL: I nominate Tradrick McCoy.
 24 MR. GUSTAFSON: Second.
 25 MR. KUNUTY: Second.

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1 MR. GAGNON: I'll let Ms. James -- the
 2 Chairperson can handle it at this point, I think.
 3 CHAIR JAMES: Any other nominations?
 4 Consensus?
 5 Congratulations, Mr. McCoy.
 6 MR. GAGNON: If he accepts.
 7 VICE CHAIR McCOY: Madam Chair, I have to
 8 accept.
 9 CHAIR JAMES: I'm sorry.
 10 VICE CHAIR McCOY: So are you going to ask
 11 me?
 12 CHAIR JAMES: Do you accept?
 13 VICE CHAIR McCOY: Can we table and I think
 14 about it? Actually, I accept.
 15 CHAIR JAMES: Congratulations.
 16 Okay, now moving to general discussion,
 17 public comments. So I have two comment cards. First
 18 up will be Mary Brabham.
 19 MS. BRABHAM: Good evening, Board. Ms. Mary
 20 Brabham, Riviera Beach.
 21 Congratulation to the Chair as well as the
 22 Co-Chair, and congratulation to all of this Board here,
 23 as I said before. And you said that you would see me
 24 again. Definitely you will see me again. So kudos to
 25 Ms. Margaret Shepherd. She's been a long-standing

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1 member, as well as Mr. Whigham. And I would like to
 2 give a shout-out to Mr. Julius Whigham too, because he
 3 has been so valuable, you know, to this Board and
 4 community.
 5 But to put you on notice -- because I'm glad
 6 that he's sitting here, Mr. Terrence Bailey --
 7 sometimes staff does not work in the conjunction of the
 8 community. We just finished Odyssey, and the residents
 9 spoke loud and clear. This man here that sits here
 10 that was put in a position, he's trying to bring in
 11 Odyssey again under Beyel's and Crane over at 900 West
 12 15th Street. Now, you know where West 15th Street is
 13 over there, almost near Barack Obama Highway. And over
 14 there it's also adjacent to the surrounding
 15 neighborhoods.
 16 He even wanted it expedited. I have the
 17 critical elements here, and I also have other details
 18 about it too. He wants this project expedited with
 19 priority, Mr. Terrence Bailey, yes. So they're coming
 20 in on the Beyel and Crane and Odyssey.
 21 And guess what else that they're doing here
 22 too? Twenty-four storage tanks. Can you believe this
 23 again? This hideous nonsense, this impediment of
 24 derelict, irresponsible leadership to our community and
 25 trying to destroy our community.

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1 We set up an overlay district way out west
 2 out there to address these type of things that we say
 3 no, you can't have chemicals and stuff. We went
 4 through Chlorite in this city here. And a lot of the
 5 evidence was brought out about Chlorite, how it
 6 infested these kids, and this is why some of the kids
 7 and residents are like they are today, because they was
 8 imposed by these chemicals that filtrated the air.
 9 You couldn't get Odyssey in one way, so you
 10 trying to bring in Odyssey in another way. We say no.
 11 We say respect the community and respect the well-being
 12 of the entire community from the north, south, east and
 13 west. Ms. Brabham does not come parlaying about you
 14 one against the other. What is good for one is good
 15 for all.
 16 And we say this is a hideous process again.
 17 And they're trying to set up the exterior tanks
 18 outside. So we say no to this project here, and we say
 19 stop this travesty. This man, Bailey, here, he wants
 20 to expedite it. It's evidence right here. If you all
 21 would like copies of it, Ms. Brabham will furnish you
 22 the copies, because it's hot press.
 23 So we are at this same thing again. It has
 24 been signed, an application, and they try to sneak it,
 25 all of this stuff in here on the residents. Yes, yes,

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1 yes, this is what's going on now. And it's all at the
 2 hands of this so-called Community Director that was
 3 appointed prior to us getting the City Manager in here
 4 so that he wants to expedite this. And what we stand
 5 here and say, these underlying parlays, yes, it is
 6 happening right underneath our noses here.
 7 CHAIR JAMES: Thank you, Ms. Brabham.
 8 MS. BRABHAM: Thank you.
 9 CHAIR JAMES: Next up we'll have Randy
 10 Powell.
 11 MR. POWELL: Hello. Once again, Randy Powell
 12 from Marina Grande, 2640, Unit 611.
 13 I just wanted to -- we had an opportunity to
 14 listen to the developer, and then us, and the developer
 15 talked again. I just wanted to speak real quickly from
 16 the community's point of view again.
 17 We cannot thank you all enough for taking the
 18 time, especially looking up something in the middle of
 19 a meeting to make sure that there is actually an
 20 easement and what all goes on. We appreciate all your
 21 efforts, and we want to work with you.
 22 I believe somebody up there made mention that
 23 for them to go back, reevaluate the stuff and to come
 24 together with possibly even a member of Marina Grande,
 25 to go ahead and make sure that we can come up to the

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1 same page.
 2 I happen to be on the Board of Marina Grande;
 3 I'm the treasurer. Gino Tonetti here is the president.
 4 And he and I have reached out to them and given them
 5 our contact information, with the hopes that they can
 6 contact us and then we can come up with a solution
 7 that's amicable towards everybody, especially the fact
 8 of this charade that it, you know, it's a restaurant.
 9 You know, the only restaurant I know that's open at
 10 1 a.m. is Denny's, and they're not opening up a
 11 Denny's.
 12 So we want to make sure that our family lives
 13 are protected. You know, if there's a restaurant in
 14 there, I actually kind of like the idea, but it would
 15 have to be a restaurant. You know, you look at what
 16 Sailfish Marina's got. You know, something like that,
 17 sure. But a 350 foot dock, I have to make mention of
 18 that also. My gosh, that's longer than Sailfish
 19 Marina. You're going to put those guys out of
 20 business.
 21 But anyhow, I just wanted to say thank you
 22 very much. I think you guys are doing a great job, and
 23 thank you very much for hearing us.
 24 CHAIR JAMES: Thank you. Mr. Powell, did you
 25 give the developer your information tonight, to

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1 Mr. Gentile? That was just tonight you gave him?
 2 MR. POWELL: Yes.
 3 CHAIR JAMES: Okay.
 4 MR. POWELL: Yes, that was this evening
 5 after -- we stepped out for a second and gave them the
 6 information.
 7 CHAIR JAMES: Okay, great, great.
 8 MR. POWELL: Thank you.
 9 MR. TONETTI: Just a few points that I'd like
 10 to make.
 11 CHAIR JAMES: Really quick, Mr. Tonetti --
 12 MR. TONETTI: Yes, I will, I will.
 13 CHAIR JAMES: -- because you didn't submit a
 14 card. I'm going to need you to submit a card too since
 15 you're speaking.
 16 MR. TONETTI: I will.
 17 CHAIR JAMES: Okay, go ahead.
 18 MR. TONETTI: I only want to say that we are
 19 not here to try to derail this project. The only thing
 20 we're trying to do is to safeguard the safety and the
 21 value of our properties. And thank you so much for --
 22 actually, you brought up many points that I think are
 23 very valid for you to consider.
 24 The only thing I'd like to say, let us have
 25 time to evaluate and to have conversation with them so

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1 we can come to an understanding on this project. And I
 2 think for them to come back as soon as June, the June
 3 Board meeting I think is a little bit stretched as far
 4 as getting to it, because, you know, to a certain
 5 extent, if we don't see eye to eye, then it's for us to
 6 come back requesting a traffic study to counterbalance
 7 their traffic study, impact, social impact, economic
 8 impact of the facility, which is going to take time.
 9 So it's for both of us interests to be able
 10 to come to a resolution on this project, but I don't
 11 think that we can achieve that in one month, from my
 12 understanding talking to Mr. Water (phonetic). And so
 13 if we can somehow maybe work it out, give a little bit
 14 of time so we don't reinvent the wheel twice or go back
 15 to it twice in front of you, that is my primary
 16 concern, is to give us the time to be able to review
 17 this thing and to talk to these people so we can become
 18 very good neighbors and everyone else is --
 19 CHAIR JAMES: That's fine. You guys can work
 20 that out, because it's not --
 21 MR. TONETTI: Okay. But that was the reason,
 22 that was agreed, you know, that was suggested, that you
 23 get together and work this project out together.
 24 CHAIR JAMES: Yes.
 25 MR. TONETTI: Thank you so much.

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1 CHAIR JAMES: You're welcome. I need you to
 2 fill out a comment card, because we can't -- I don't
 3 have a comment card. I mean, Mr. Tonetti, please do a
 4 comment card before you leave.
 5 And remember the comment cards are supposed
 6 to be submitted before. So we don't have anyone here
 7 right now, so just really quick.
 8 MR. PAYNE: Very quick.
 9 CHAIR JAMES: State your name and address for
 10 the record.
 11 MR. PAYNE: Edward Payne, 2640 Lake Shore
 12 Drive. We have Unit 1915.
 13 Just very quickly to the staging of the next
 14 meetings, just be cognizant of the fact that, you know,
 15 we had 50 or so people here today at this meeting, but
 16 also be aware that many of our residents have traveled
 17 north to visit family, and they have second homes and
 18 they're back north. And most of them are not going to
 19 be back, and a lot more people like myself will be
 20 leaving shortly. We won't be back until the end of the
 21 summer. So --
 22 CHAIR JAMES: I saw that comment in the
 23 packet, and what I would say to that is you guys do
 24 have a Board.
 25 MR. POWELL: Yes.

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1 CHAIR JAMES: So even if they can't be
 2 present, if they are snowbirds and they're not here,
 3 please, if you have communications with them by e-mail,
 4 just gather their comments and have them submit them to
 5 their HOA president --
 6 MR. POWELL: Good point. We will do that.
 7 CHAIR JAMES: -- so that can be included in
 8 the next packet as well.
 9 MR. POWELL: Thank you; thank you very much.
 10 CHAIR JAMES: You're welcome.
 11 Okay, we're going to move on to
 12 correspondence.
 13 MR. GAGNON: Thank you, Madam Chair.
 14 The only item for correspondence was
 15 mentioned under the additions and deletions section.
 16 That was the additional correspondence from interested
 17 residents regarding the Crab Pot restaurant proposal.
 18 CHAIR JAMES: Okay. So Planning and Zoning
 19 Board comments, project updates. I do have a comment
 20 card for Mary Brabham. Can she submit a comment card
 21 for general discussion for upcoming P & Z Board?
 22 UNIDENTIFIED SPEAKER: I think so.
 23 CHAIR JAMES: You've got to let me know,
 24 because I'm not sure.
 25 MR. GAGNON: I think it's at the discretion

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1 of the Chair. So I don't see why not at this point for
 2 another three minutes.
 3 CHAIR JAMES: Please, Ms. Brabham, three
 4 minutes, because the time is late.
 5 MS. BRABHAM: Ms. Mary Brabham, Riviera
 6 Beach.
 7 The upcoming projects. So like I said, it is
 8 noted that he's trying to expedite this. And it is
 9 also Beyel's and Odyssey's intent to construct, in
 10 spite of well-known sentiments from the Council, as
 11 well as the residents. I have residents here tonight
 12 too was opposed to this also too.
 13 So I am here, as well as with the community,
 14 to voice our great concern. And if he is trying to
 15 expedite this and trying to slip it in here, we are
 16 well aware of it, to put them definitely on notice.
 17 And we say no to this, to construct 24
 18 storage tanks. You go from eight now to 24, and you
 19 uses the exterior outside. See, Beyel and Crane,
 20 you're partnering up with them because he wants to get
 21 rid of whatever he have, and they try to slip this in
 22 here.
 23 Do you know it is great industrial components
 24 and businesses on that area, as still as well as those
 25 schools are still all over in that area and all over on

1 this side too. So we did this. So we asking you all
 2 to consider and for them to consider that overlay
 3 district out there.
 4 Michael Brown was not sitting here for
 5 nothing. If you all observed him, he was here too. So
 6 it is the same players from the play prior, and these
 7 same players are playing here now, and we will not
 8 play. Thank you.
 9 CHAIR JAMES: Thank you, Ms. Brabham.
 10 Upcoming P & Z meeting. Staff, really real
 11 quick.
 12 MR. GAGNON: Yes, at this time we don't
 13 necessarily have an item for the May 25th meeting, so
 14 that may be canceled. I will, however, follow up with
 15 an e-mail to the Board at least a week in advance. So
 16 it might be June 8th.
 17 CHAIR JAMES: Thank you. Okay, is there a
 18 motion for adjournment?
 19 MS. SHEPHERD: Motion to adjourn.
 20 CHAIR JAMES: Second. Good night, everyone.
 21 (Whereupon, at 9:32 p.m., the proceedings
 22 were concluded.)
 23
 24
 25

1 CERTIFICATE
 2
 3
 4 THE STATE OF FLORIDA)
)
 5 COUNTY OF PALM BEACH)
 6
 7
 8 I, Susan S. Kruger, do hereby certify that
 9 I was authorized to and did report the foregoing
 10 proceedings at the time and place herein stated, and
 11 that the foregoing pages comprise a true and correct
 12 transcription of my stenotype notes taken during the
 13 proceedings.
 14 IN WITNESS WHEREOF, I have hereunto set my
 15 hand this 16th day of May, 2017.
 16
 17
 18
 19
 20
 21 _____
 Susan S. Kruger
 22
 23
 24
 25



**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.

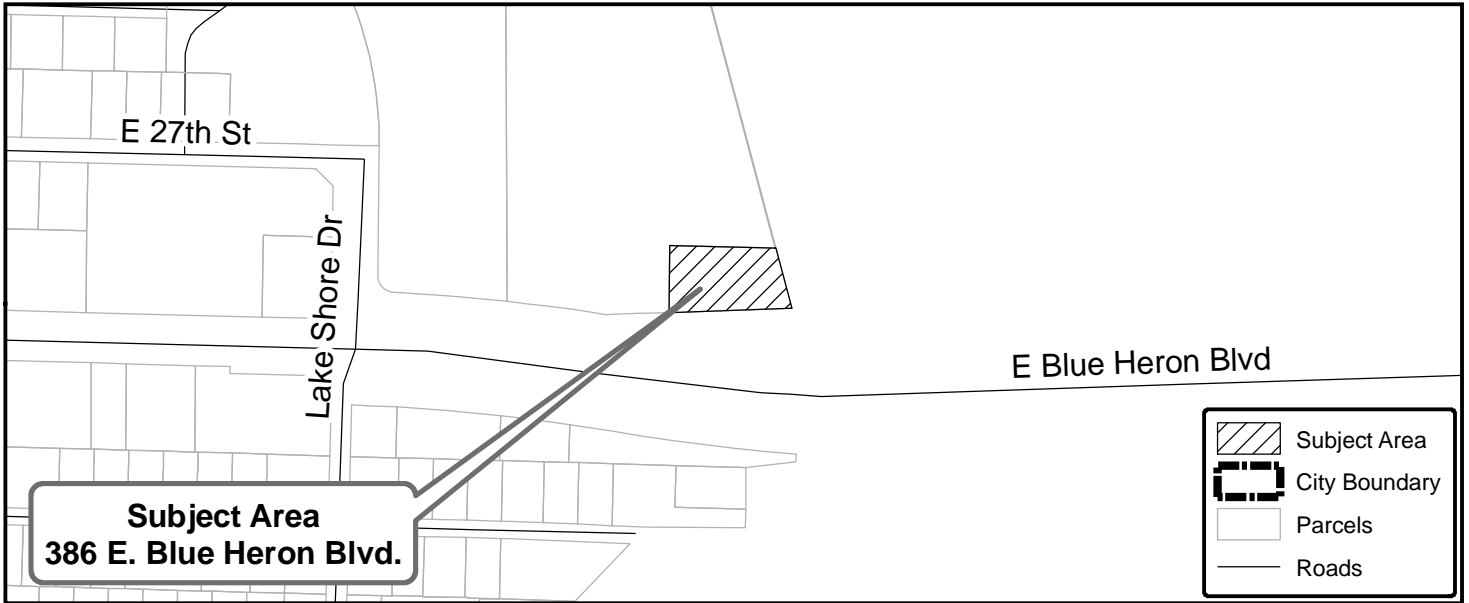
Landscaping: The proposed landscape plan is compatible with the City's Land Development Regulations.

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

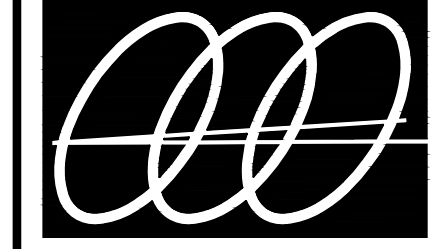
Blue Heron Blvd

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

BUILDING HEIGHT: 1 STORY MAX.
3 STORY MAX.

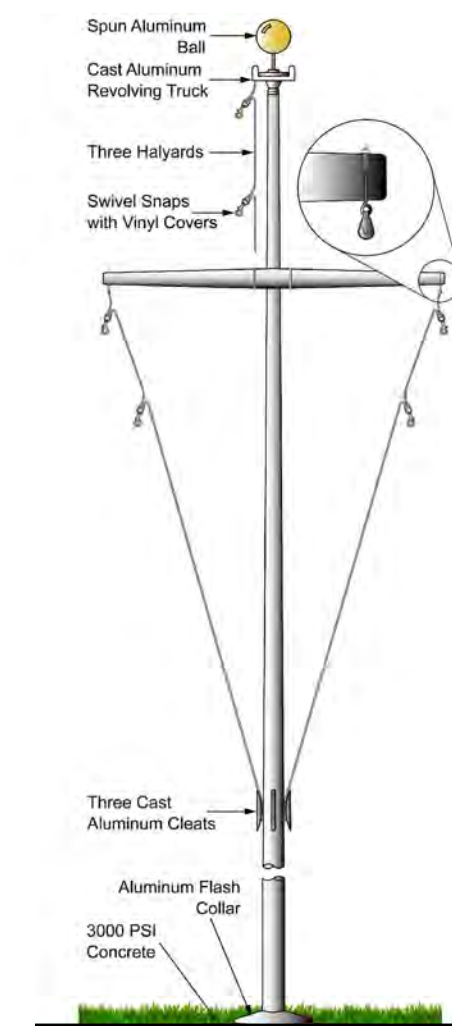
SETBACKS

	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

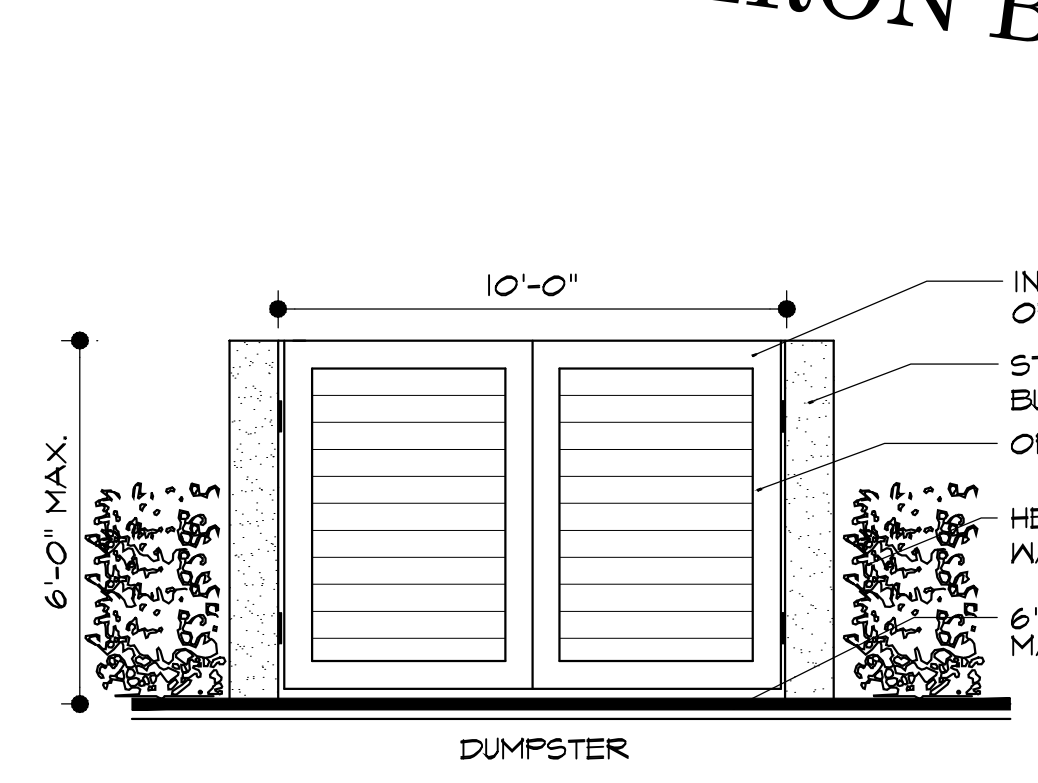
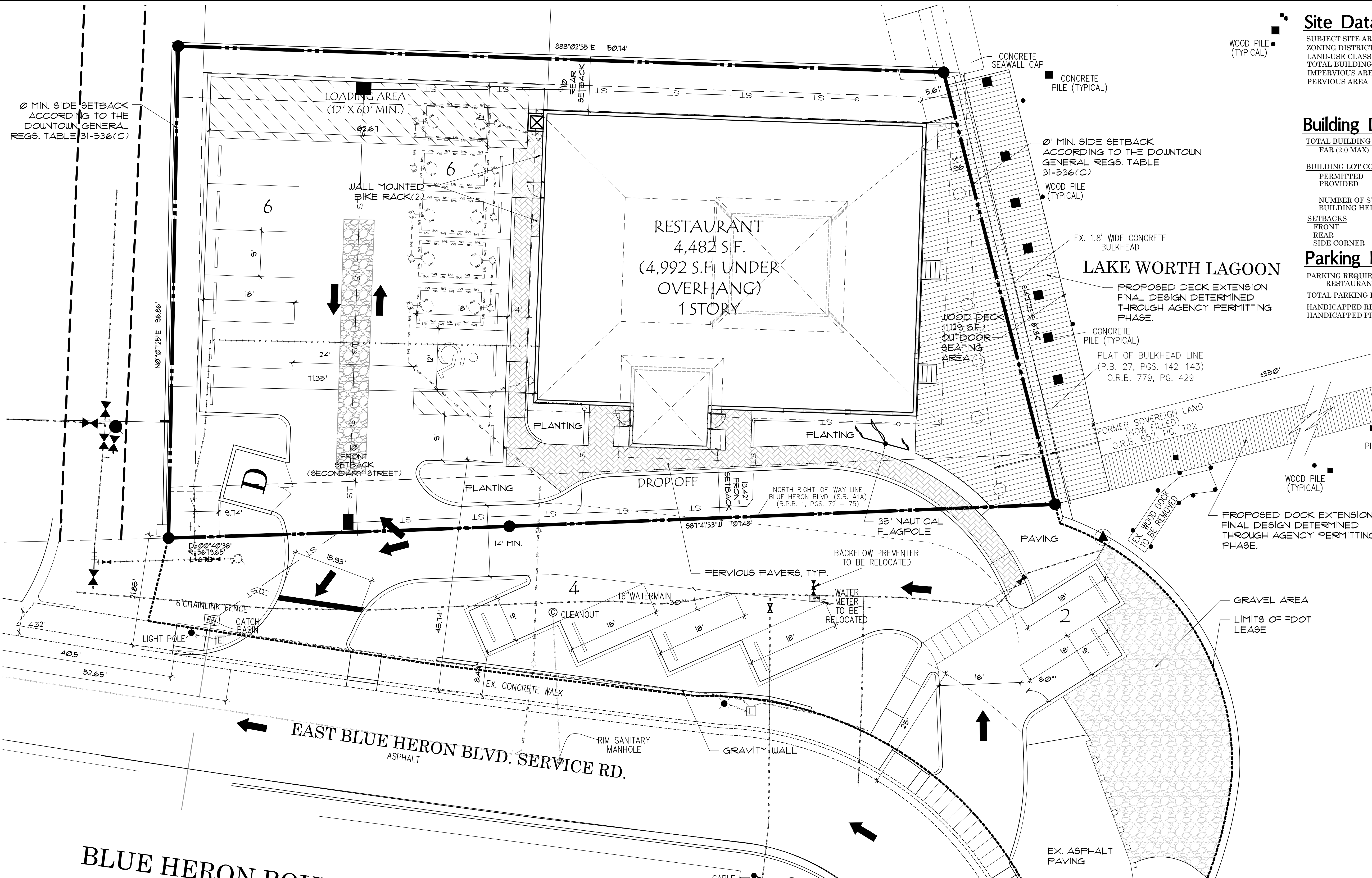
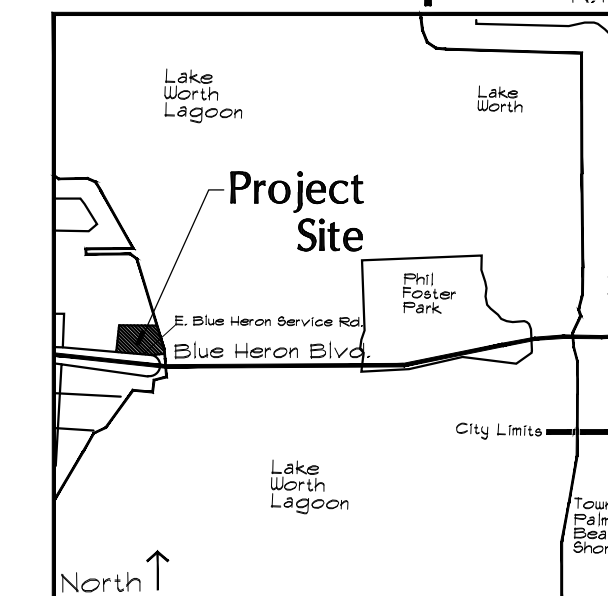
"ALL DOCK IMPROVEMENTS ARE SUBJECT TO APPROVAL AND PERMITTING BY ALL PERTINENT REGULATORY AGENCIES PRIOR TO THEIR BUILDING PERMIT ISSUANCE"



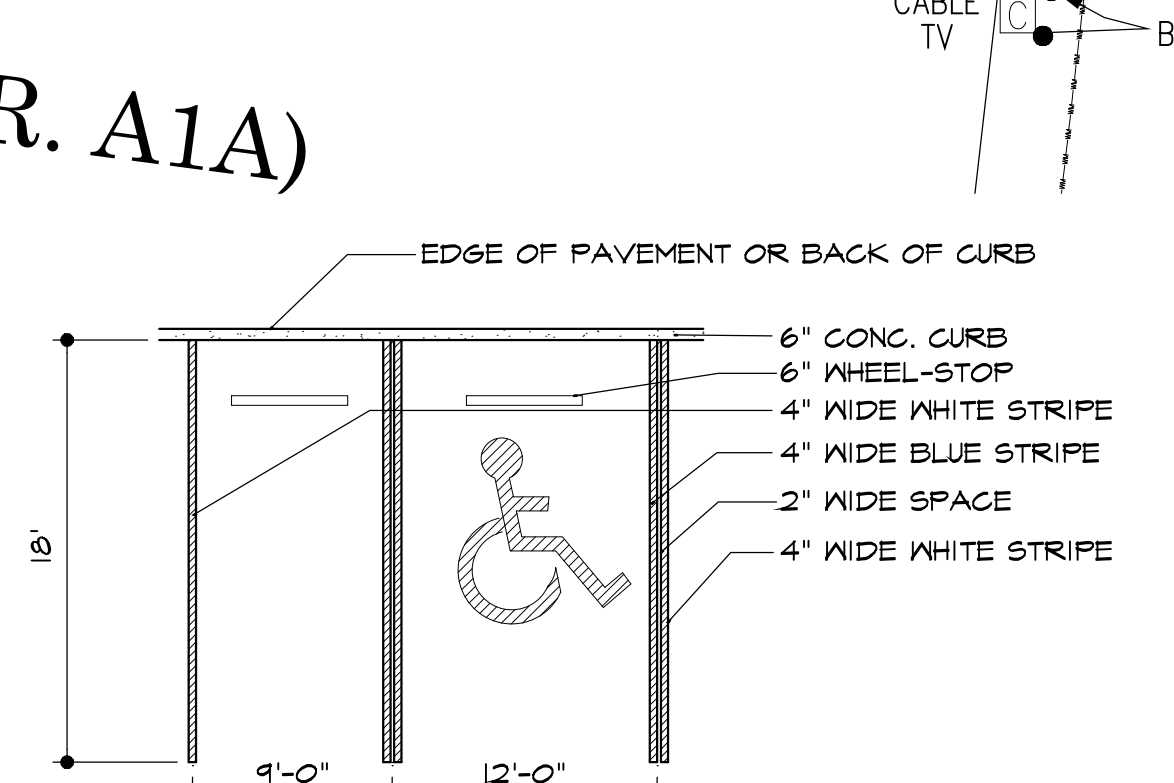
35' Flag Pole

N.T.S.
*FLAGS ONLY AS PERMITTED UNDER THE CITY OF RIVIERA BEACH ORDINANCES

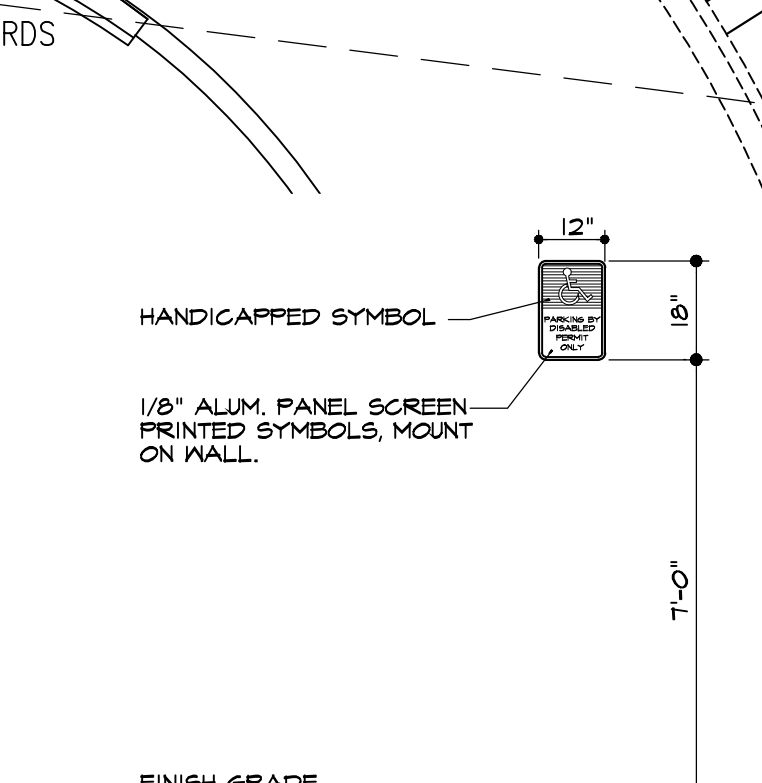
Location Map



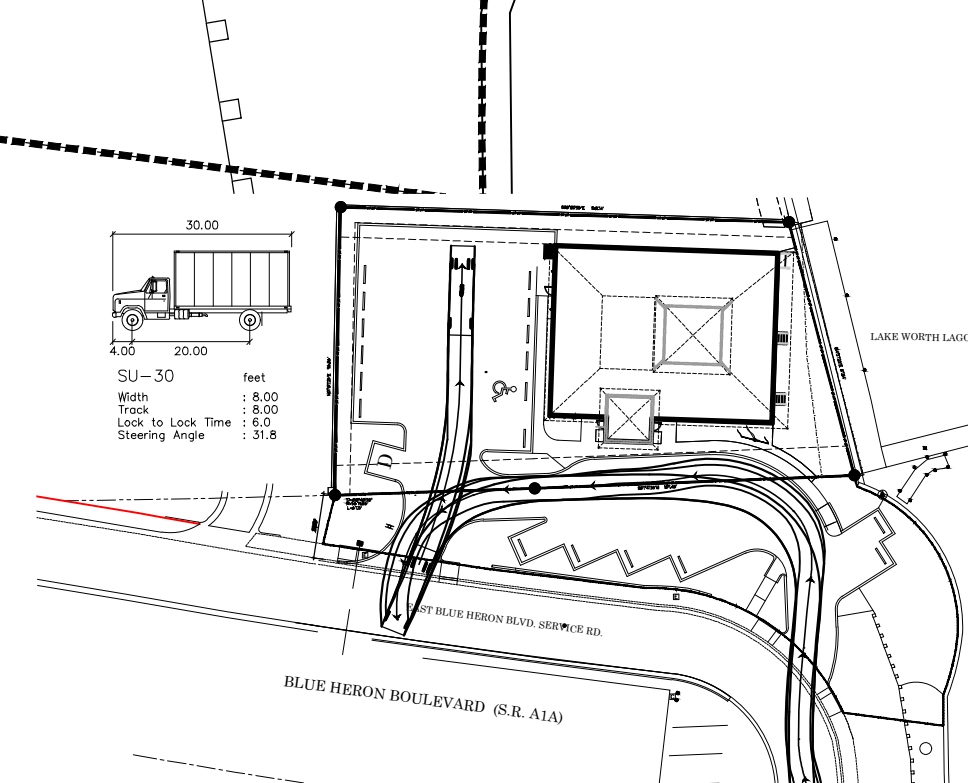
Dumpster Enclosure Detail
N.T.S. FRONT ELEVATION



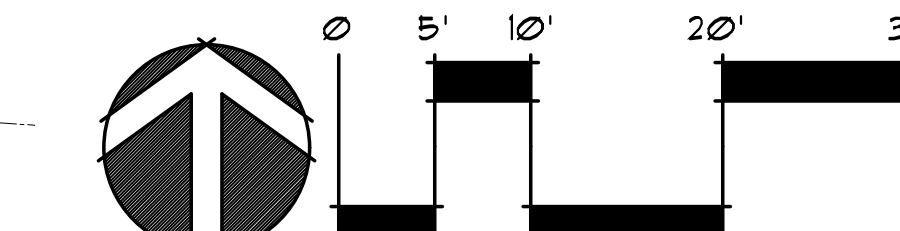
Parking Stall Detail
N.T.S.



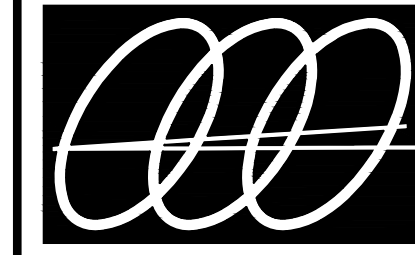
Disabled Parking Sign
N.T.S.



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**

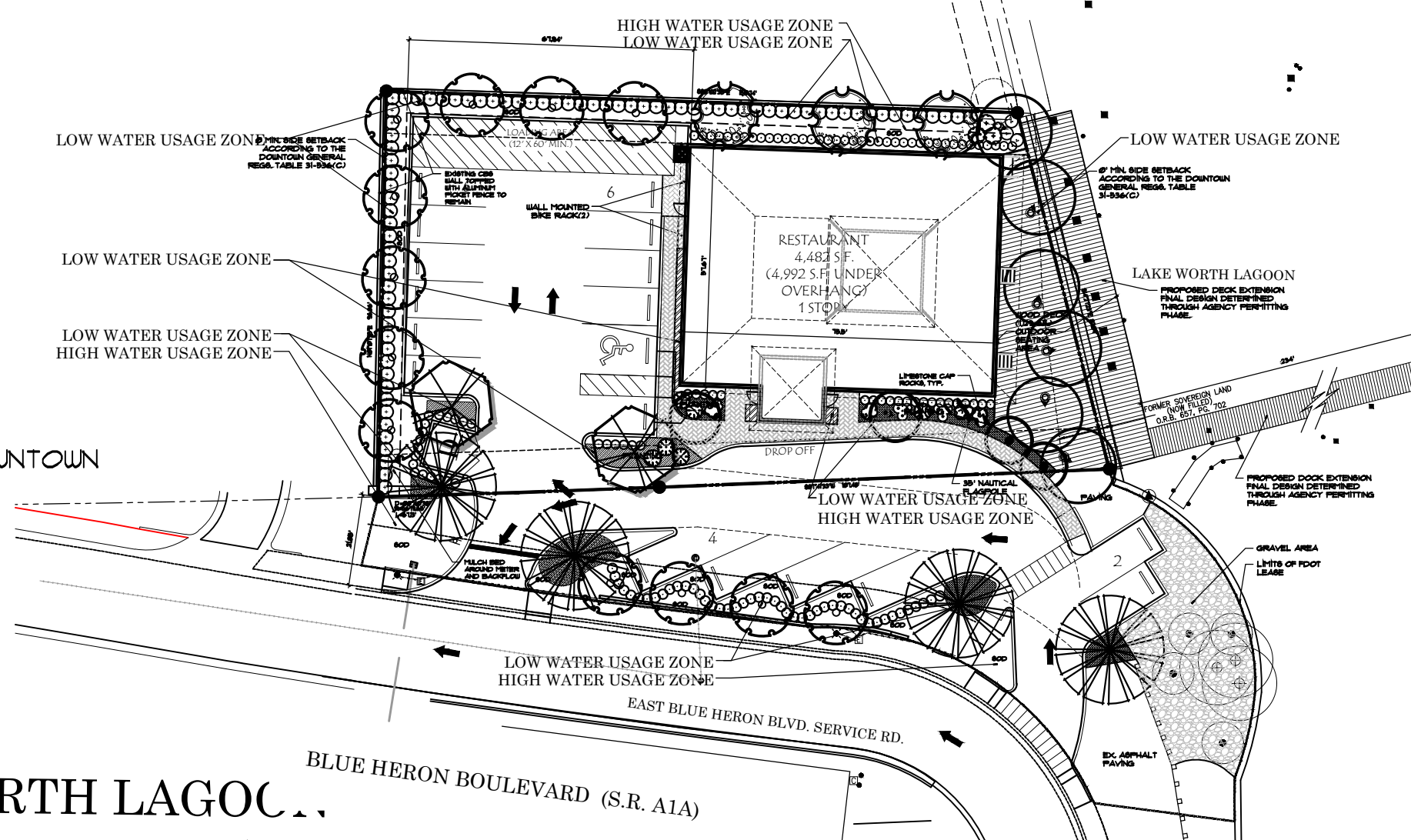
Scale: 1"=10'-0"

Sheet No.

LP-1

15-1017

Water Usage Zones:

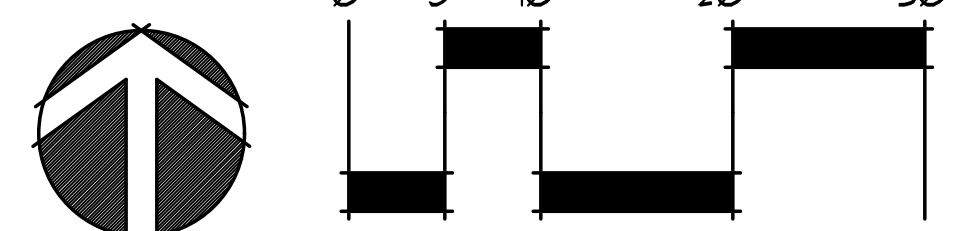
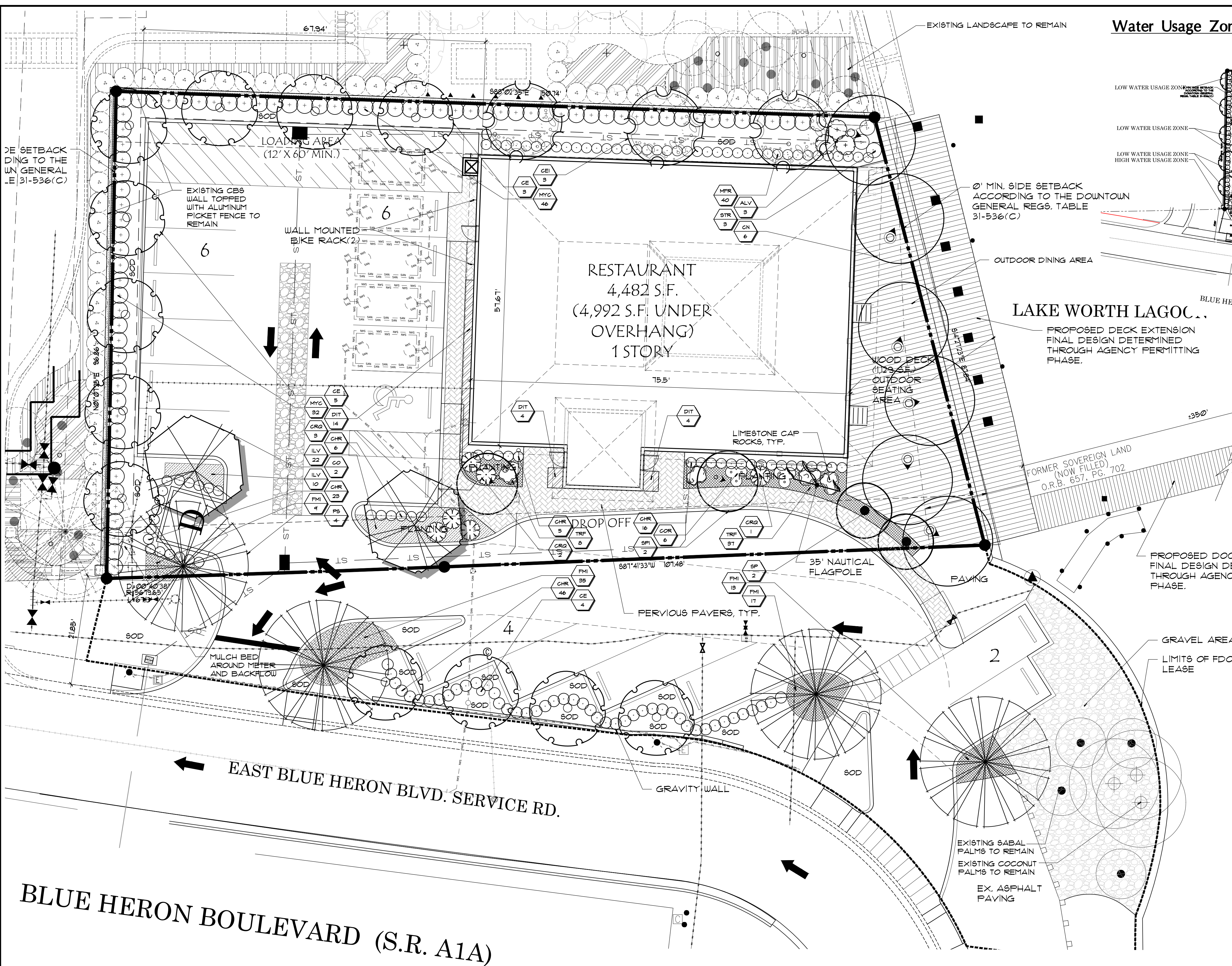


Landscape Data

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 S.F.
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

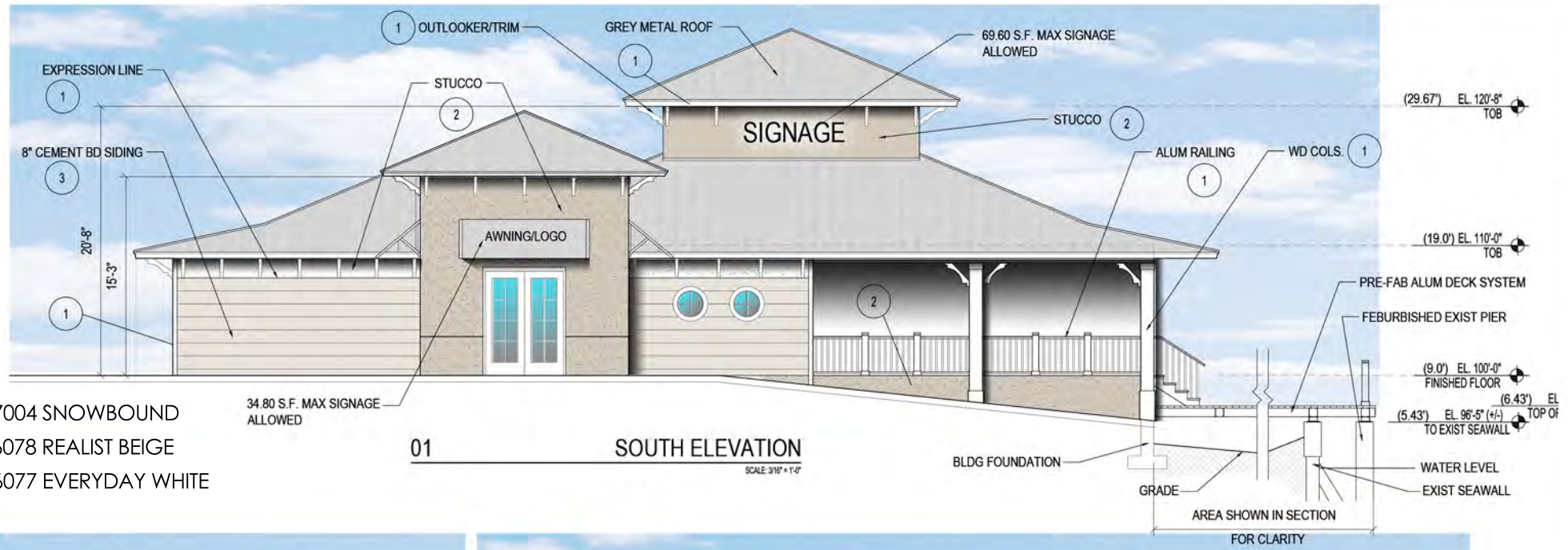
DESIGN OPTIONS	POSSIBLE POINTS	PLAN POINTS
UTILIZATION OF MOISTURE SENSING CONTROLLER OTHER THAN SOIL-SENSING OR OVERSICR DEVICE	5	
PLAN SUBMITTED WITH LOW, MODERATE AND HIGH WATER USAGE ZONES INDICATED ON THE LANDSCAPE PLAN.	5	5
GRASSES: 25 - 50% OF THE GRASS AREAS ARE MADE UP OF DROUGHT-TOLERANT GRASS SPECIES FROM THE LIST.	5	
5% 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	
5% 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	
5% 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



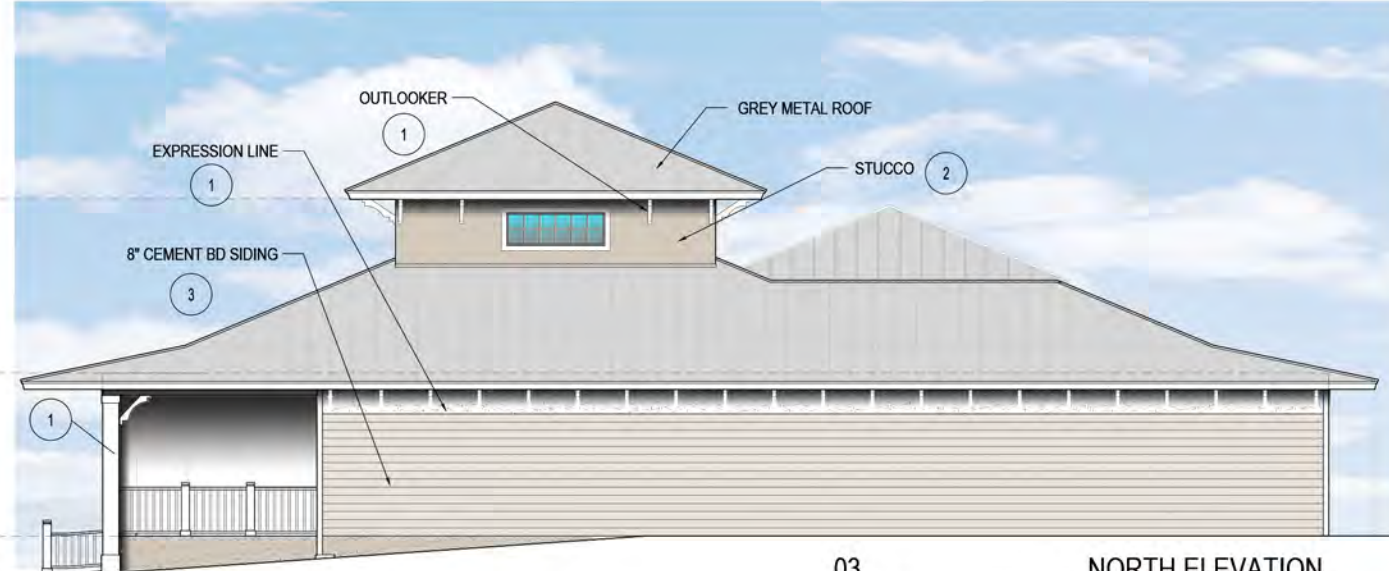
FILE N:\CRAB POT - 15-1017\DRAWINGS\326-0 FINAL SITE PLAN 15.DWG
PLOTTED: 3/20/17 AT 10:07AM BY: DSIEVSEN
SHEET: 1 OF 1

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

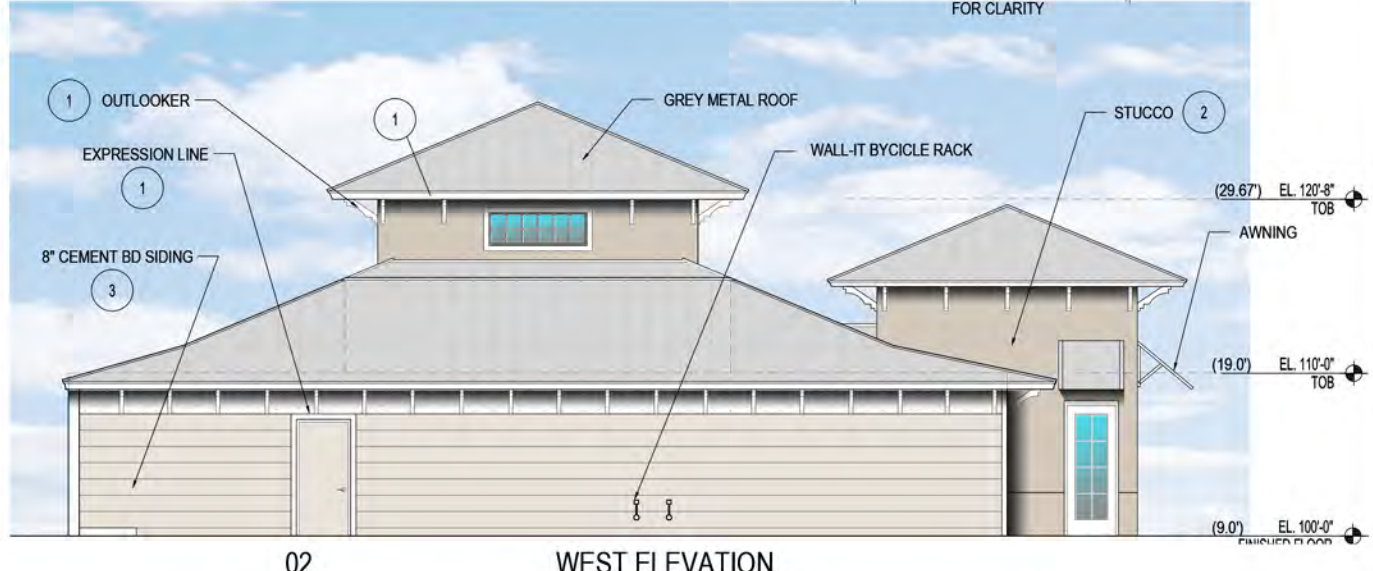
- ① SHERWIN WILLIAMS SW 7004 SNOWBOUND
- ② SHERWIN WILLIAMS SW 6078 REALIST BEIGE
- ③ SHERWIN WILLIAMS SW 6077 EVERYDAY WHITE



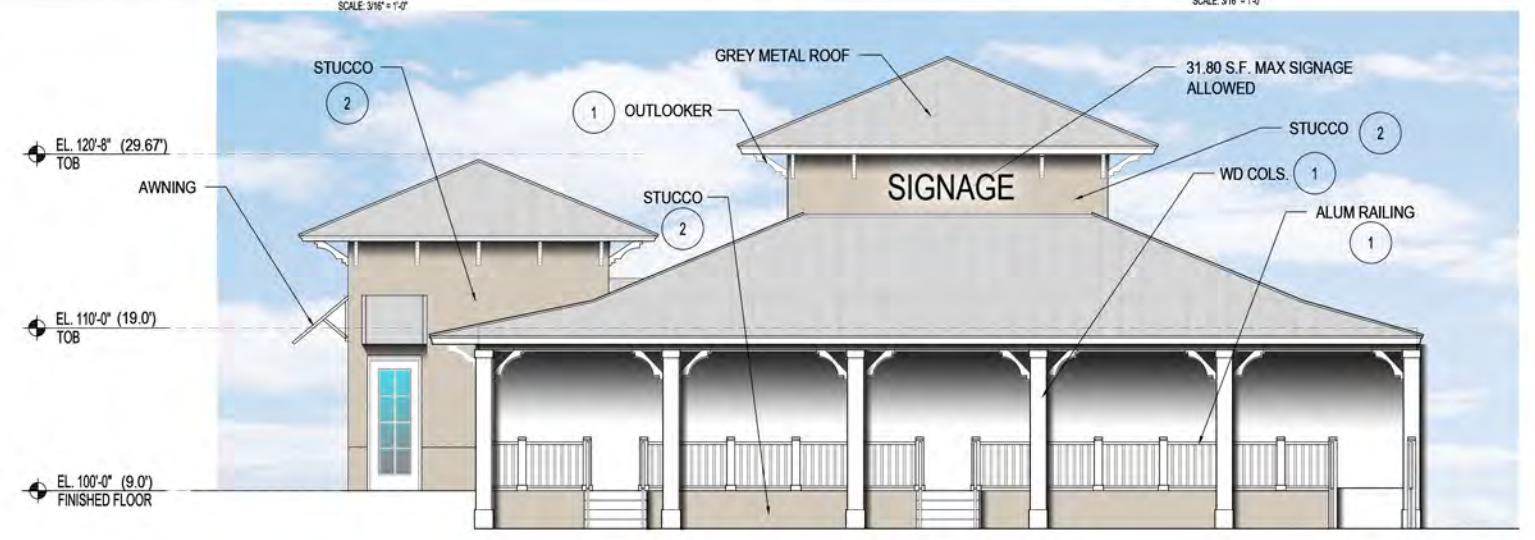
01 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



03 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



02 WEST ELEVATION
SCALE: 3/16" = 1'-0"



04 EAST ELEVATION
SCALE: 3/16" = 1'-0"

HARVARD•JOLLY
ARCHITECTURE

FL. Myers 239-275-7774
Jacksonville 904-396-3300
Orlando 407-667-7727
St. Petersburg 727-498-4611
Tampa 813-286-9208
West Palm Beach 561-478-4457
A/C 0000119
DESIGN OFFICE LOCATION: 2047 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
Revised:	
△	
△	
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THE CONTENTS OF THESE DOCUMENTS, INCLUDING OR EXCLUDING ANY ATTACHED DRAWINGS, SHALL BE THE PROPERTY OF HARVARD•JOLLY ARCHITECTURE AND SHALL REMAIN THE PROPERTY OF HARVARD•JOLLY ARCHITECTURE. ANY USE OR REPRODUCTION OF THESE DOCUMENTS WITHOUT THE WRITTEN PERMISSION OF HARVARD•JOLLY ARCHITECTURE IS PROHIBITED.

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	

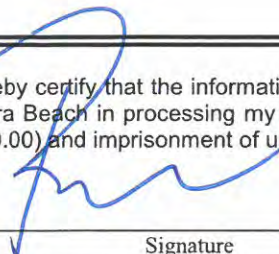
FUTURE LAND USE	Existing Use: <u>VACANT LAND</u>	Proposed Use: <u>RESTAURANT</u>
	Land Use Designation: <u>DOWNTOWN MIXED USE</u>	Requested Land Use: <u>DOWNTOWN MIXED USE</u>
	Adjacent Land Uses: North: <u>RESIDENTIAL (CONDOS)</u>	South: <u>BLUE HERON BLVD. BRIDGE / SERVICE ROAD</u>
	East: <u>ICW</u>	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. Oct 3, 2016 Date

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# 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.
GRAZIO

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:

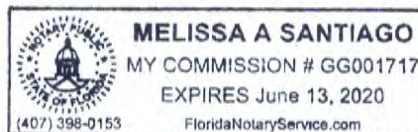
Name: GENTILE, GLAS, HOLLOWAY, O'MATTONEY & ASSOC., INC.
Address: 1907 COMMERCE LANE, SUITE 101
JUPITER, FL 33458
Telephone: (561) 575-9557

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 GRAZIO (Seal)
PRESIDENT (Seal)

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

[Signature]
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



**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

**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.

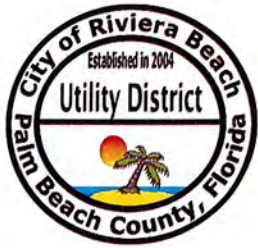
Sincerely,

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

"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.

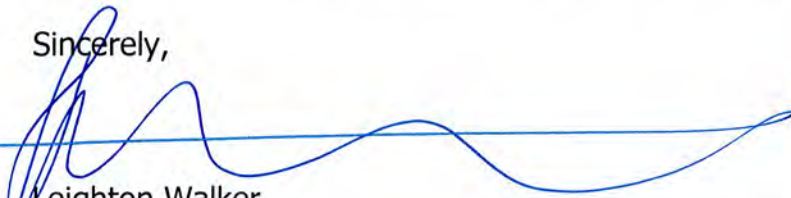
Dear Mr. Williams:

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/OfUsmuxHuwIgnE>

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

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-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

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-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

Velasquez, Mario

From: EAPAY@aol.com
Sent: Monday, May 8, 2017 1:10 PM
To: Gagnon, Jeff
Cc: Velasquez, Mario; Bailey, Terrence; Kashamba Miller-Anderson; Masters, Thomas A; djones@rivierabch.com
Subject: Crab Pot Restaurant Approval Process
Attachments: MGPropertyMemo05072017.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached letter addressing some of the concerns I and most of the residents of the Marina Grande Condominium have regarding this site and proposed use as a restaurant.

Thank you for your anticipated continued cooperation.

Edward A. Payne

MEMORANDU

To: The Members of the Riviera Beach Planning & Zoning Board
From: Edward & Toby Payne and Marina Grande Concerned Residents
Dated: May 8, 2017
Re: Proposed Crab Pot Restaurant

As residents of the neighboring Marina Grande Condominium, the Crab Pot proposed application seems to raise many concerns needing further clarification. Marina Grande owner / residents are greatly concerned about the proposed Crab Pot restaurant and the negative impact it will have on the quality of life for all Marina Grande residents and community, as well as the potential negative impact on condo values.

Concerns and issues we believe should be looked into for clarification are many and include the following:

A. NOISE ABATEMENT: Given the very close proximity of the proposed restaurant to the Marina Grande building, noise and noise levels, are major concerns to residents. After all, The Ritz Carlton property on Singer Island is located much further from their source of music disturbance - Two Drunken Goats restaurant – and where're just a few feet away!!! The more obvious concerns deal with:

1. Restricting *hours* allowed for playing music inside / outside of the restaurant
2. Restrict playing any *amplified* music any time
3. Restricting *decible levels* for any music
4. Restricting all music playing outside on the deck and on docked boats

B. PARKING ISSUES

1. Are the number of parking spots in compliance with the size of the restaurant and restaurant seating capacity?
2. Would proposed off site parking spots (not owned by the restaurant) be in compliance given their current use? If not, will variances be required?

B. TRAFFIC AND SAFETY RELATED CONCERNS

C. RESTICTING OUTSIDE LIGHTING:

1. To ensure outside lighting does not create disturbances to residence in the Marina building and to the community

D. SMOKE AND COOKING SMELL ABATEMENT ISSUES

E. TRASH CONTAINMENT ISSUES

F. RAT AND OTHER VERMAN INFESTATION/CONTAINMENT ISSUES

G. SET BACK COMPLIANCE

1. Adherence to all regulations given the close proximity of the proposed restaurant to the Marina Grande buildings

H. SAFETY ISSUES:

1. Accessing on to community property

H. OUSIDE DECK / SEATING

1. Adherence to current codes / regulations as to how far out into the Intracoastal such a deck can extend from the current bulkhead
2. Will construction of a deck extending out into the Intracoastal require construction of a new bulk head
3. If so, does the Army Corps of Engineers need to approve such work? And does some impact study have to be conducted?

I. ENDANGERED SPECIES

1. Manatees and sting rays routinely travel up and down the Intracoastal very close to the shore line. To what extent does building a deck out into these waters impact on their migration patterns (forcing these species to travel further into the water way and into boat traffic). Doesn't this require an environmental impact study to be undertaken?

I. TEMPORARY DELAYS FOR FURTHER MEETINGS:

1. With so many Marina Grande residents being away for the summer and unable to attend meetings and or voice their concerns in person, we ask the Town to consider temporarily delaying any further meetings until September / October when all of our residents will be returning.

The Marina Grande Condominium community of approximately 350 units and about 1,000 residents represents a large tax base for the City of Riviera Beach (perhaps as much as \$3.5 million +/-). Having a bad neighbor is not good business for anybody. The loss of condo asset values (the opinions of many local real estate professionals) will also result in lower real estate tax revenues for the City. Many kudos to the City of Riviera Beach for its continuing efforts to enhance its image and in its pursuit of redevelopment projects. As such, the City should look to assure this project, if approved, is moved forward in such a manner beneficial to all those concerned. Lets all look to move forward in a cooperative and positive fashion, and one that will be beneficial to all our interests.

Thank you for your attention and anticipated cooperation in dealing with all these concerns.

Respectfully,

Toby & Edward Payne – Unit 1915

Velasquez, Mario

From: ruahbb@aol.com
Sent: Saturday, May 6, 2017 10:14 AM
To: Gagnon, Jeff; Velasquez, Mario; Bailey, Terrence; Kashamba Miller-Anderson; Masters, Thomas A; Jones, Danny
Subject: Crab Pot

Follow Up Flag: Follow up
Flag Status: Flagged

To: Riviera Beach Officials

From: Peter & Judith Foster
Marina Grande - Unit 1416

Your packet of information has been forwarded to us in reference to the Crab Pot Application. In reading through the packet, most of our original questions that we asked in our previous email to you remain unanswered. However, information enclosed in the packet raised some additional questions. Mainly, in the section titled "Staff Conclusion".

#7 -- Hours of business extend to 2:00 am.

#8 --- A. Amplified music shall be **PROHIBITED** on Friday & 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.

What exactly does that mean? Does that mean music is **ALLOWED** 7 days a week from 8:00 AM until 10:00 PM or 11:30 PM, depending on the day? This absolutely needs to be clarified and addressed at this time, not after the fact. Is the music a mellow piano, a single guitar, a 6 piece loud hard rock band? Is the music

enclosed within the area that has 4 walls or in the "open area"? The word "Music" has many meanings! Again this needs to be clarified at this time, not after the fact.

There is no requirement in the "Staff Conclusion" for a Maximum Decibel Level allowed and what manner of monitoring will be implemented.

The statements are way too vague! The Board should require a more defined and specific description of what their intentions are regarding their entertainment. Without parameters, we foresee a nightmare evolving! And perhaps ongoing lawsuits.

Addressing this now, avoids all the "unknowns". How can an application not address these very important issues and be considered by Riviera Beach?

A restaurant is one thing and a loud, rowdy bar is entirely something else. They each attract their own unique patrons. In keeping with the elevation of the area, the latter is not something that benefits any one. It just offers the opportunity to return to the "bad old days" and the reputation Riviera Beach is trying to distance itself from.

Cases in Point:

Sailfish Marina -- Music starts early, ends early 9PM, other side of the intercoastal.

Two Drunken Goats -- Music once a month with Memory Lane band starts at 4 and ends at 8:30. Assorted one piece music is present some afternoons. The Ritz Carlton complained a couple of years ago about the noise levels and allowable time, which were addressed and restricted. The tax dollars that Marina Grande pays

to Riviera Beach should allow that our voices are heard just as loud as the Ritz.

Harbourside in Jupiter --A constant legal lawsuit in progress by residents living ACROSS THE INTERCOASTAL. Decibel levels are way too high and events go too late at night. Even though all of the above has been drastically reduced, there are still on going law suits.

Interestingly, #4 in Staff Conclusion makes it VERY clear that all advertising must state the Crab Pot as being located in Riviera Beach and if not fees and penalties will be levied. And yet, these other very important issues have not been addressed as subject to fines. They haven't even been addressed!

Marina Grande Condominiums has in the neighborhood of approximately 1000 residents LIVING DIRECTLY NEXT DOOR to the proposed Crab Pot restaurant. We are NOT ACROSS THE INTERCOASTAL OR DOWN THE ROAD! The restaurant music and assorted noise will be in our living rooms and bedrooms. Every resident in Marina Grande Condominiums will be living the potential nightmare unless the City of Riviera Beach sets the strict boundaries and limitations needed from the onset. Our sliding doors and SOUTH and EAST windows will be closed on weekends and forever at night. Our condominium does not allow cooking or grilling on our decks BUT we will have to endure the smells of restaurant cooking, smoke and garbage. Our property values will struggle to hold their current values. All for a little city tax revenue for our neighboring commercial piece of property.

Good neighbors take into consideration the rights of "quiet enjoyment" of their neighbors' homes and if they do not, then it is the obligation and responsibility of our governing officials to ensure that all of our rights are equally respected.

Thank you,

Judith Foster

Peter Foster

Velasquez, Mario

From: Juan Carlos Fanjul <fanjul1@yahoo.com>
Sent: Monday, May 8, 2017 1:25 PM
To: Velasquez, Mario
Subject: New Restaurant/Letter of Support
Attachments: CrabPotSite (1).docx

May 8, 2017

Mr. Mario Velasquez
Senior Planner/GIS Specialist
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, FL 33404

Re: Crab Pot Site
Blue Heron Boulevard, Riviera Beach

Dear Mr. Velasquez,

I live at Marina Grande Condominiums and I have been an owner since 2010. I recently became aware there is an effort to build an all-new restaurant on the site of the old Crab Pot restaurant next to our building. I am writing to let you know I fully support such a project and ask the city does the same..

When I purchased my condo seven years ago, we were promised by the mayor and other city leaders that the surrounding area would blossom with new amenities and our property values would increase. The only major business to come in has been Publix. Although that was huge coup for the area, there has been nothing of significance since.

Adding a restaurant, especially on the water, would make the area more desirable for residents and visitors. Aside from a Jamaican joint and Popeye's fast food, there are no conventional restaurants to frequent in the area. You either have to drive across the bridge or head north. Having an eatery on the waterfront would be a game changer for the immediate area and the city as a whole. It is my hope as a taxpayer and resident of Riviera Beach that city staff will support the application to build this restaurant and that it is ultimately approved by the city council.

Thank you for your consideration,
Juan Carlos Fanjul
2650 Lake Shore Drive #1503
Riviera Beach, FL 33404

May 8, 2017

Mr. Mario Velasquez
Senior Planner/GIS Specialist
City of Riviera Beach
600 West Blue Heron Boulevard
Riviera Beach, FL 33404

Re: Crab Pot Site
Blue Heron Boulevard, Riviera Beach

Dear Mr. Velasquez,

I live at Marina Grande Condominiums and I have been an owner since 2010. I recently became aware there is an effort to build an all-new restaurant on the site of the old Crab Pot restaurant next to our building. I am writing to let you know I fully support such a project and ask the city does the same..

When I purchased my condo seven years ago, we were promised by the mayor and other city leaders that the surrounding area would blossom with new amenities and our property values would increase. The only major business to come in has been Publix. Although that was huge coup for the area, there has been nothing of significance since.

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Thank you for your consideration,
Juan Carlos Fanjul
2650 Lake Shore Drive #1503
Riviera Beach, FL 33404

Velasquez, Mario

From: Kenneth Summers <kennethsummers@icloud.com>
Sent: Monday, May 8, 2017 10:42 PM
To: Gagnon, Jeff
Subject: Site Plan application from Seven Kings
Attachments: FullSizeRender.jpg; ATT00001.txt

2650 Lake Shore Drive – Unit 903
Riviera Beach, FL 33404

May 8, 2017

Mr. Jeff Gagnon, AICP
Assistant Director of Community Development
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

Re: Crab Pot Restaurant site
Blue Heron Blvd., Riviera Beach, FL

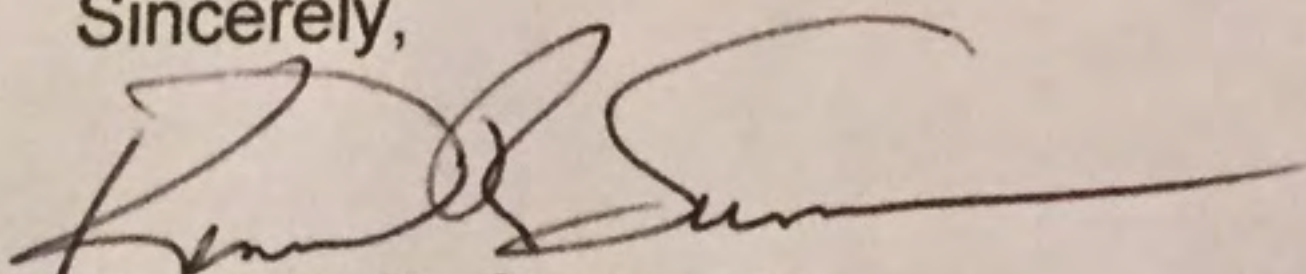
Dear Mr. Gagnon:

As a long-time visitor to Riviera Beach, and now a condominium owner in the adjacent Marina Grande complex, I had historically enjoyed the dining experience of the former Crab Pot restaurant prior to its closing & destruction. With very few waterfront food establishments in the general area, we hope the City will support the approval of the pending application for a new restaurant on the former Crab Pot site.

It certainly is more desirable than the previous high rise condominium that was approved but not built. It would be great to be able to just walk to the adjacent restaurant versus driving to West Palm Beach or Palm Beach Gardens for dinner.

I hope you will count my opinion among those being in support of this application.

Sincerely,



Kenneth R. Summers

Velasquez, Mario

From: Marybeth Coffe <marybeth.coffe@gmail.com>
Sent: Tuesday, May 9, 2017 1:34 PM
To: Gagnon, Jeff
Subject: Fwd: Planning & Zoning Meeting, 11 May 2017 Case Number SP-16-18

Jeff

My husband, Jimmy, just spoke with you regarding the crab shack replacement. I am forwarding the email I sent to Mayor Masters and Ms Miller. As Jim conveyed, we are concerned that the permissions are too broad and could hurt the property values of Marina Grande units.

We are pro development within a sound framework.

Marybeth

Sent from my iPad

Begin forwarded message:

From: Marybeth Coffe <marybeth.coffe@gmail.com>
Date: May 8, 2017 at 9:37:09 PM EDT
To: kmiller@rivierabch.com, mayormasters@rivierabch.com
Subject: Planning & Zoning Meeting, 11 May 2017 Case Number SP-16-18

Mayor Masters and Ms Miller

My husband and I are full time resident owners at Marina Grande Condominiums. We have reviewed the package regarding the request for zoning and planning commission approval Case Number SP-16-18, Restaurant on the vacant lot adjacent to Ocean Tower and Blue Herron Blvd.

First, let me say that we are exciting by the prospect of the right kind of development on this vacant lot. We believe a restaurant might well fill the bill.

However, after having reviewed the staff report, we have more questions for the city and developer and are concerned about the negative impact a poorly defined facility could have on our current lifestyle and property values. To this end, we would like to have more understanding of the following.

1. Is this facility going to primarily going to operate as a restaurant or a bar? The request advises that operating times will go until 2am daily. First, nothing good happens after midnight. Second, I researched similar combo restaurant and bar operations and most close at 11, some earlier, some later. Those that primarily functioned as bars stayed open later on weekends and those that were in close proximity to housing or hotel facilities closed earlier. Those that were more focused on food service also tended to close earlier. Can we get clarification? Sailfish Marina on Singer Island closes at 10 pm and is a perfect comparable in terms of proximity to residential space.

2. If this operation is going to be focused on liquor sales with food as an incidental item, this is not the type of neighbor we need as there is already a full service bar within one block of this location.
3. Amplified music may or may not be a problem depending upon the actual sound level. Will the music be loud bands, recorded music, or small combos? Is it possible to conduct a test at a particular decibel level before such a broad approval is granted? Can times be slightly more restricted?
4. The proposed building is wedged into the lot and it appears that the trash facilities will be on the rear side of the building which is the side closest to the Marina Grande fence on the Ocean Tower side. What arrangements are being made to contain trash, schedule pickup, minimize foul odors from decomposing food items, keep the area rodent and small animal free?
5. Understand that the parking lot spacing meets the minimum standards for a downtown location, I would have to argue that this vacant lot is not in a "downtown" location. A downtown location would have access to paid parking garages, paid lots, and metered street parking. The limited proposed parking of 14 on the lot and the possible 6 leased spaces is only 20 spaces. With a capacity of 150 to 250 guests, this makes no sense as this is not a walk to location. Potentially, restaurant/bar staff could take half these places and leave no parking for customers who are more likely to come in cars with loads of 2, 3 or 4 people. In addition, if staff are expected to park elsewhere, this creates an unsafe condition required for the closing staff who might be expected to walk some distances to their cars.
6. The additional street traffic on the service road and the existing confusing intersection with Lake Shore Dr is going to create traffic problems. The no turn on red light is currently slow and I have seen several people become impatient and run it. Further, traffic coming to the west from the bridge is moving at a pretty fast clip and many turn right, either on the green light or the right turn on red. Combining this with alcohol consumption, the Marina Grande entrance, the Publix entrance, and the odd stop signs, it is an accident waiting to happen. Perhaps, the traffic gurus can come up with a better, safer flow.

I am in no way anti development. I want Riviera Beach to improve and develop, but not at the expense of Marina Grande. We have made a huge financial commitment by making our home here. We need to insure our neighbors enhance our investments and make Marina Grande a place folks want to live. We currently have about 10% of the units for sale, the last thing we want is a neighbor that takes that number higher. I believe a well defined restaurant operation can be a plus for the neighborhood and draw the support of our residents. Please help us get the right fit neighbor.

Respectfully,

Marybeth & Jimmy Coffey
2640 Lake Shore Dr Unit 909
Riviera Beach FL 33404
561-563-2050

Sent from my iPad

Velasquez, Mario

From: Richard Giles <maragiles@yahoo.com>
Sent: Wednesday, May 10, 2017 10:32 AM
To: Community Development Department
Subject: Fwd: Proposed Crab Pot Site

Sent from my iPad

Begin forwarded message:

From: Richard Giles <maragiles@yahoo.com>
Date: May 10, 2017 at 10:15:17 AM EDT
To: mayormasters@rivierabch.com, comdew@rivierabch.com
Cc: Lindsay <manager@marinagrande.org>, Gino Tieppo <tonettitieppe@gmail.com>, admin@marinagrande.org
Subject: Proposed Crab Pot Site

I am writing you concerning the proposed development of the former Crab Pot Site . As a resident of Marina Grande I am very concerned as to its effect on future property values at Marina Grande. As you know we have 340 units and are significant tax payer in the City of Riviera Beach . In recent years those values have increased since the 2008 financial crisis. I would hate to see a hasty approach to approving any development that would hurt the property value here at Marina Grande. The property owners as well as the city would be the biggest losers. I will also say that the proper development could enhance the property values here at Marina Grande. I have some serious concerns about the current proposed restaurant . They are as follows.

Noise Control amplified music till 11:30 pm will be very disruptive to those of us using our balconies.

Smoke and cooking odors coming from the restaurant. We can not cook on our balconies for the very same reasons

Rat and Vermin infestation from restaurant waste

The lack of building set back (zero setbacks)

Deck compliance as it relates to noise and construction codes

Trash Containment

Out side lighting

Lack of sufficient parking 18 spots this is ludicrous

Threat to endangered species this area is a major migration route for Manatees and Sting Rays.

Potential damage from dredging

Return of criminal activity under the Blue Heron Bridge.

Increased need for police presence caused by this type of restaurant

I think this development would be very short sighted on the city's behalf. Proper development to this entire Broadway, Blue Heron area offers a great opportunity for the city of Riviera Beach, let's try to get it right this time. The small taxable value will be offset by Lower property values at Marina Grande.

Richard Giles
Unit 910 Marina Grande
Sent from my iPad

Velasquez, Mario

From: Caroline Goodman <Caroline@exclusivegroupfl.com>
Sent: Thursday, May 11, 2017 10:32 AM
To: Velasquez, Mario
Subject: Marina Grande letter from William Gould regarding Crab Pot site
Attachments: Marina Grande letter.pdf

Attached is a letter from William Gould. He is a resident of Marina Grande. This is a letter of support.

Caroline Goodman

Caroline@exclusivegroupFL.com

561-745-2780 Office
561-531-2166 Mobile
561-745-2781 Fax



May 10, 2017

via e-mail to MVelasquez@Rivierabch.com

Mr. Mario Velasquez
Senior Planner / GIS Specialist
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

Re: Crab Pot site and application for proposed restaurant; Blue Heron Boulevard,
Riviera Beach, Florida

Dear Mr. Velasquez:

I am a resident in the adjacent Marina Grande complex and would like to express my support for the pending application for a new restaurant on the adjacent property next to the Blue Heron bridge (commonly referred to as the Crab Pot property). I have been in the area for many years and remember with fondness the Crab Pot restaurant that used to be located on the property before it was damaged in the 2005 hurricanes. Myself and many others were extremely sad to see the restaurant go but were excited when we heard an application had been submitted with the City to resurrect a restaurant on the site. As a realtor in the area, I can appreciate the limited opportunities that exist for waterfront dining. The City, and community, are in need of a waterfront restaurant like the one proposed. The restaurant will be an asset to the community, to the City and, in my opinion, to the Marina Grande development.

I would hope, and ask, the City supports this application.

Sincerely,

A handwritten signature in black ink, appearing to read "William Gould". The signature is fluid and cursive, with a large loop at the end.

William Gould

Velasquez, Mario

From: Karen Christopher <parrotfisch@gmail.com>
Sent: Tuesday, May 9, 2017 12:08 PM
To: Gagnon, Jeff; Velasquez, Mario; Kashamba Miller-Anderson; Masters, Thomas A
Cc: Police; City Attorney Department; Community Development Department; Hubbard, Lynne; Davis Johnson, Tonya; Pardo, Dawn S.; Davis, Terence; City News; Pelican2is@bellsouth.net
Subject: Proposed Crab Pot restaurant

Attachment available until Jun 8, 2017

Attached is a letter outlining my objections to the proposed development of the Crab Pot restaurant that will be presented to Planning and Zoning Thursday night, May 11, 2017.

I will be at the Thursday meeting to speak about this proposal as well.

Thank you for your attention to this matter.

My best,
Karen Christopher
Marina Grande Unit #416

Karen Christopher
parrotfisch@gmail.com

772-285-9123

[Click to Download](#)

restaurant letter.pdf
96.9 MB

May 9, 2017

To: The City Riviera Beach Planning and Zoning Board

Re: Proposed Crab Pot Restaurant

As a ten-year homeowner at Marina Grande Condominium and a resident of Riviera Beach the proposed development presents with many issues that need to be addressed before any approval is given to this project.

For nearly eight years the owners on the south side of Marina Grande had been plagued with ongoing disturbances from under the bridge. There was a constant presence of vagrants, drug deals, graffiti, loud music from parked cars, people urinating in public, an inordinate amount of trash, people sleeping overnight in their cars and on occasion, people engaging in sexual activity. This was not an occasional disturbance. It was daily. Finally, after a concerted effort of calls to the police and emails to the FDOT, City Council, Mayor and every name on the Riviera Beach website actions were taken that cleaned up this area.

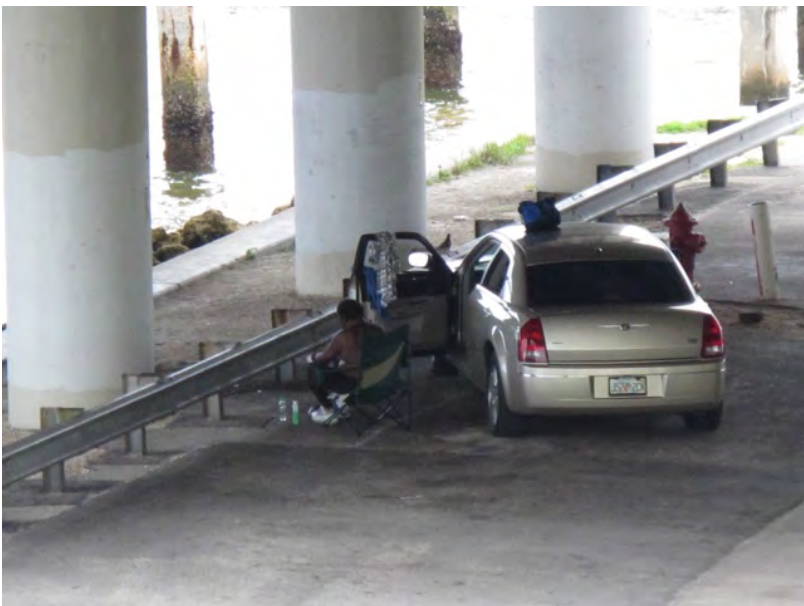
Now we can enjoy sitting on our balconies without having to endure these nuisances. Allowing an open-air restaurant to operate under our homes will destroy the quiet enjoyment we have had for the last few years. This area has been a testament to our City and shown that with a collaborative effort between residents, city officials and police areas of Riviera Beach can be cleaned up. Here are some examples of we lived with before actions were taken to clean up the bridge:

Graffiti and garbage

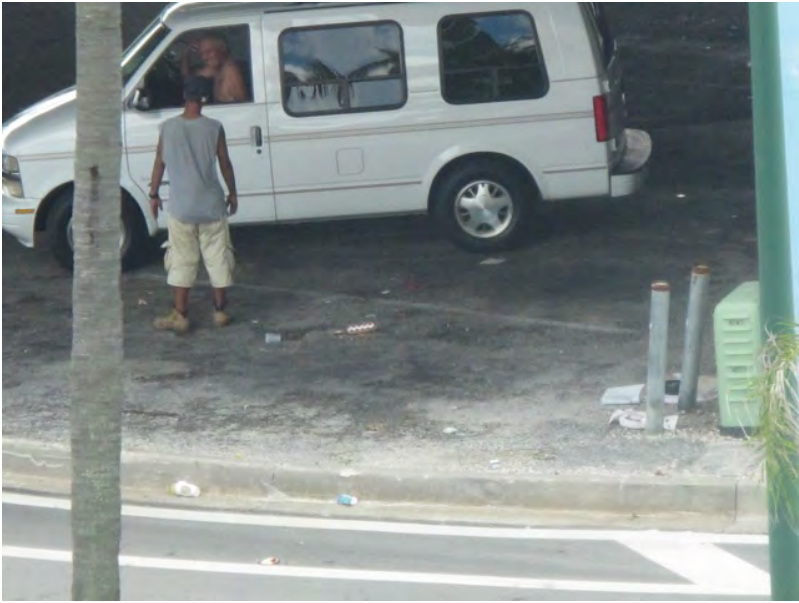




Vagrants







People cooking





The Homeless





Public urination



Marina Grande is a prominent luxury condominium community with a resident population of nearly 700+ individuals. The address on our tax bills and voter's registration is Riviera Beach. Our home values took a plunge during the recession and have started to rebound but now the rumors of a "tiki restaurant" opening is having an impact on showings and sales.

We have finally ended the problems that plagued us when we first moved in and now we are possibly looking at an establishment that will bring in a rowdy drinking crowd, noise from music until 11:00 at night, garbage, smells from cooking and more vermin. In addition to this the developers are proposing attracting boat traffic which will bring additional noise, fumes from boats and foot traffic that will create a security breach on our southern perimeter.

This proposal needs to be diligently scrutinized. This developer has no track when it comes to running successful restaurants. They are not restaurateurs. Allowing them to open this type of establishment on a "whim" is not in the best interest of our community or the City of Riviera Beach. If the restaurant fails, which many do in their first year, it will leave another vacant building to attract the undesirable elements we worked so tirelessly to clean up.

This is a unique piece of property and needs to be developed to enhance our area and keep the peaceful atmosphere we have been able and should be able to enjoy in the future.

Thank you for your time.

Sincerely,
Karen Christopher
Marina Grande Unit #416

Velasquez, Mario

From: Gagnon, Jeff
Sent: Tuesday, May 9, 2017 11:39 AM
To: 'EAPAY@aol.com'
Cc: Velasquez, Mario; Bailey, Terrence; Kashamba Miller-Anderson; Masters, Thomas A; Jones, Danny
Subject: RE: Crab Pot Restaurant Approval Process
Attachments: MGPropertyMemo05072017.doc

Good morning Mr. Payne,

We have received your correspondence regarding the Crab Pot development proposal. City staff will provide this document to the Planning and Zoning Board for their review. Thank you.

Jeff Gagnon, AICP - Assistant Director of Community Development - City of Riviera Beach, FL 33404 - JGagnon@RivieraBch.com - Phone: (561)845-4037 - Fax: (561)845-4038 - www.rivierabch.com

"This message may contain confidential and/or proprietary information and is intended for the person/entity to which it was originally addressed. Any use by others is strictly prohibited."

From: EAPAY@aol.com [mailto:EAPAY@aol.com]
Sent: Monday, May 08, 2017 1:10 PM
To: Gagnon, Jeff <Jgagnon@Rivierabch.com>
Cc: Velasquez, Mario <mvelasquez@Rivierabch.com>; Bailey, Terrence <TBailey@Rivierabch.com>; Kashamba Miller-Anderson <kmiller@Rivierabch.com>; Masters, Thomas A <Mayormasters@Rivierabch.com>; djones@rivierabch.com
Subject: Crab Pot Restaurant Approval Process

Please see attached letter addressing some of the concerns I and most of the residents of the Marina Grande Condominium have regarding this site and proposed use as a restaurant.

Thank you for your anticipated continued cooperation.

Edward A. Payne

Velasquez, Mario

From: Gagnon, Jeff
Sent: Tuesday, May 9, 2017 2:07 PM
To: 'Marybeth Coffer'
Subject: RE: Planning & Zoning Meeting, 11 May 2017 Case Number SP-16-18

Good afternoon Ms. Coffer,

Yes, it was nice to meet Jimmy today and discuss the Crab Pot Restaurant proposal. Thank you for providing the comments, concerns and suggestions below. I will provide this information to the Planning and Zoning Board for their review.

Jeff Gagnon, AICP - Assistant Director of Community Development - City of Riviera Beach, FL 33404 - JGagnon@RivieraBch.com - Phone: (561)845-4037 - Fax: (561)845-4038 - www.rivierabch.com

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From: Marybeth Coffer [mailto:marybeth.coffe@gmail.com]
Sent: Tuesday, May 09, 2017 1:34 PM
To: Gagnon, Jeff <Jgagnon@Rivierabch.com>
Subject: Fwd: Planning & Zoning Meeting, 11 May 2017 Case Number SP-16-18

Jeff

My husband, Jimmy, just spoke with you regarding the crab shack replacement. I am forwarding the email I sent to Mayor Masters and Ms Miller. As Jim conveyed, we are concerned that the permissions are too broad and could hurt the property values of Marina Grande units.

We are pro development within a sound framework.

Marybeth

Sent from my iPad

Begin forwarded message:

From: Marybeth Coffe <marybeth.coffe@gmail.com>
Date: May 8, 2017 at 9:37:09 PM EDT
To: kmiller@rivierabch.com, mayormasters@rivierabch.com
Subject: Planning & Zoning Meeting, 11 May 2017 Case Number SP-16-18

Mayor Masters and Ms Miller

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First, let me say that we are exciting by the prospect of the right kind of development on this vacant lot. We believe a restaurant might well fill the bill.

However, after having reviewed the staff report, we have more questions for the city and developer and are concerned about the negative impact a poorly defined facility could have on our current lifestyle and property values. To this end, we would like to have more understanding of the following.

1. Is this facility going to primarily going to operate as a restaurant or a bar? The request advises that operating times will go until 2am daily. First, nothing good happens after midnight. Second, I researched similar combo restaurant and bar operations and most close at 11, some earlier, some later. Those that primarily functioned as bars stayed open later on weekends and those that were in close proximity to housing or hotel facilities closed earlier. Those that were more focused on food service also tended to close earlier. Can we get clarification? Sailfish Marina on Singer Island closes at 10 pm and is a perfect comparable in terms of proximity to residential space.
2. If this operation is going to be focused on liquor sales with food as an incidental item, this is not the type of neighbor we need as there is already a full service bar within one block of this location.
3. Amplified music may or may not be a problem depending upon the actual sound level. Will the music be loud bands, recorded music, or small combos? Is it possible to conduct a test at a particular decibel level before such a broad approval is granted? Can times be slightly more restricted?
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5. Understand that the parking lot spacing meets the minimum standards for a downtown location, I would have to argue that this vacant lot is not in a "downtown" location. A downtown location would have access to paid parking garages, paid lots, and metered street parking. The limited proposed parking of 14 on the lot and the possible 6 leased spaces is only 20 spaces. With a capacity of 150 to 250 guests, this makes no sense as this is not a walk to location. Potentially, restaurant/bar staff could take half these places and leave no parking for customers who are more likely to come in cars with loads of 2, 3 or 4 people. In addition, if staff are expected to park elsewhere, this creates an unsafe condition required for the closing staff who might be expected to walk some distances to their cars.
6. The additional street traffic on the service road and the existing confusing intersection with Lake Shore Dr is going to create traffic problems. The no turn on red light is currently slow and I have seen several people become impatient and run it. Further, traffic coming to the west from the bridge is moving at a pretty fast clip and many turn right, either on the green light or the right turn on red. Combining this with alcohol consumption, the Marina Grande entrance, the Publix entrance, and the odd stop signs, it is an accident waiting to happen. Perhaps, the traffic gurus can come up with a better, safer flow.

I am in no way anti development. I want Riviera Beach to improve and develop, but not at the expense of Marina Grande. We have made a huge financial commitment by making our home here. We need to insure our neighbors enhance our investments and make Marina Grande a place folks want to live. We currently have about 10% of the units for sale, the last thing we

want is a neighbor that takes that number higher. I believe a well defined restaurant operation can be a plus for the neighborhood and draw the support of our residents. Please help us get the right fit neighbor.

Respectfully,

Marybeth & Jimmy Coffey
2640 Lake Shore Dr Unit 909
Riviera Beach FL 33404
561-563-2050

Sent from my iPad

Velasquez, Mario

From: Gagnon, Jeff
Sent: Tuesday, May 9, 2017 11:22 AM
To: 'manager@marinagrande.org'
Cc: Kashamba Miller-Anderson; Masters, Thomas A; Jones, Danny; Bailey, Terrence
Subject: RE: Restaurant

Good morning Mr. Anglin,

Other than the current Crab Pot Restaurant proposal, (scheduled for the May 11, 2017 Planning and Zoning Board Meeting), I am not familiar with any other restaurant use proposed adjacent to Marina Grande.

Jeff Gagnon, AICP - Assistant Director of Community Development - City of Riviera Beach, FL 33404 - JGagnon@RivieraBch.com - Phone: (561)845-4037 - Fax: (561)845-4038 - www.rivierabch.com

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From: Property Manager [mailto:manager@marinagrande.org]
Sent: Tuesday, May 09, 2017 10:48 AM
To: Gagnon, Jeff <Jgagnon@Rivierabch.com>
Cc: Kashamba Miller-Anderson <kmillier@Rivierabch.com>; Masters, Thomas A <Mayormasters@Rivierabch.com>; Jones, Danny <ddjones@Rivierabch.com>
Subject: Restaurant

Hi,
It is my understanding that a few months ago a proposal was submitted to the City regarding the use of the adjacent lot next to Marina Grande for a restaurant use and the proposal was denied. If you concur with this, would you be kind enough to share with the Marina Grand Association any documentation to substantiate the denial. This information was shared with us by the former City Manager.

Thank you,



Delroy Anglin, LCAM
Community Association Manager
2640 Lakeshore Drive
Riviera Beach, FL 33404
Direct 561.844.1367 Ext. 0
Email manager@marinagrande.org
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Velasquez, Mario

From: Patricia Morgenthaler <pat.m@seashippingna.com>
Sent: Wednesday, May 24, 2017 11:35 AM
To: Bailey, Terrence; Gagnon, Jeff; Velasquez, Mario; Robinson, Claudene L; Smith, Tawanna
Cc: assistantmanager@marinagrande.org
Subject: Concerns: Proposed Restaurant adjacent to Marina Grande Complex

Good Morning:

We have been informed that there is a proposed restaurant/bar to be constructed on the lot adjacent to the Marina Grande Complex. Please be advised that it is our opinion that this proposal, as it stands, will have a negative effect on the Marina Grande Community as a whole.

The proposed hours of operation with a closing time of 2:00 AM are extremely excessive. Just about every restaurant, in the surrounding area of the Palm Beaches, closes at a considerate time of 10:00 PM. We feel that the proposal for this restaurant (should it be approved) would conform in respect for the community at large. The audibility of the music should be limited to the restaurant facility only.

Trash dumpsters, which will contain mainly discarded food waste and left on the property, will create a considerably unhealthy environment.

Marina Grande's trash receptacle is enclosed and air conditioned – we would expect nothing less from neighbors.

Please note that we totally object to the proposed parking arrangements; specifically to the use of the first floor of the Marina Grande Parking Garage which will raise huge security issues, open the Marina Grande property to the public and reduce the personal safety of all residents.

We also have a concern with the proposed 350' dock as we feel this will promote problems with boating including accidents and noise; and have an adverse affect on the sea grass areas as well as the manatees.

Please also be advised that we feel that the additional automobile traffic and noise from same will add to adverse affect on Marina Grande and the value of each condominium.

We strongly request that these concerns are taken into deep consideration by the powers that be of the City of Riviera Beach. As we are not present in Florida at this time, we ask that the foregoing be shared with all in attendance at the Town Hall meeting to be held in the social room of the Club House at Marina Grande on May 25, 2017.

Thank you

Best Regards,

**Fred and Patricia Morgenthaler
Unit 310
2640 Lake Shore Drive
Riviera Beach, Florida 33404**

Velasquez, Mario

From: Deb Grimwade <debgrimwade@yahoo.com>
Sent: Thursday, June 1, 2017 12:19 PM
To: jevens@rivierabch.com; Jones, Danny; City Attorney Department; Masters, Thomas A; Kashamba Miller-Anderson; Hubbard, Lynne; Davis Johnson, Tonya; Pardo, Dawn S.; Davis, Terence; Bailey, Terrence; Gagnon, Jeff; Velasquez, Mario; Robinson, Claudene L; Smith, Tawanna; Frazier, Jackie P; March, Ladi; Richards, Bovell; Hayes, Clarece D; Williams III, Clarence D; Police; Community Development Department; mmckinlay@pbcgov.org; pelican2is@bellsouth.net
Cc: Jim Grimwade
Subject: Concerns with Proposed Restaurant - Grimwade, Owners of Unit #1106, 2650 Lake Shore Drive, Marina Grande

Dear City of Riviera Beach Officials, City Council Members, Planning & Zoning Staff, Community Development Staff, Chief of Police, CRA, Palm Beach County Commissioner and Waterfront Advisory Board:

My husband and I, Jim and Deb Grimwade, would like to share our thoughts with regards to the proposed restaurant/bar "The Crab Pot".

We were renters at Marina Grande prior to purchasing our new unit #1106 in 2016. We were impressed with the area, the people and the level of security MG provided for the community. It was also a deciding factor MG was "Pet Friendly", as we have two small dogs.

As we are not opposed to a new development going in next door, we certainly would not have purchased knowing there would be a "late night" bar going in right next door. We attended the Board Meeting on May 18th for the hearing of the proposal. We are in our early 50's, love to dine out, seek entertainment and have a beverage or two. However, it is clear to us this proposal is hiding the fact it will be more of a bar than a restaurant. We would be curious for the developer to share their business plan, to include their estimated percentage of "food" and "libation" consumption. We personally know other restaurant/bar owners, and they have shared the norm is about 65% food and 35% for libations for true restaurants that have a bar within. If they are proposing the hours are open until 2:00 am every day of the week, we believe the consumption will be leaning much more heavily on the libation side. We also know that 10:00 pm is a reasonable and consistent closing time for other restaurants in the area, as we frequent them.

We have the security concern. As we are walking our dogs throughout the night (could be at any time), we fear our security will be compromised with patrons having access within our property gate and fences until 2:00 am every day having alcohol involved. MG spends approximately \$300,000 a year to make sure we have proper security 24/7. We don't think MG Security should have to incur additional responsibilities, expense and risk to protect our residents from people we do not know entering our "gated community". We are not aware of a plan for the restaurant to have proper security. Not to mention, loud music that will carry across to all of our homes every day and night.

Very concerned about the safety for pedestrians and traffic. The intersection of Lake Shore Drive and Blue Heron is already very busy with frequent accidents. The developer is planning on using "Golf Carts" for their shuttle service. In order to use the offsite parking locations (two West of the Loggerhead Marina), the golf cart will need to travel several hundred yards on Lake Shore Drive,

through the intersection of Lake Shore and cross busy Blue Heron, drive down the one way road south of the bridge, under the bridge and then into the Crab Pot parking lot. We have attached pictures of these two parking lots on a typical Saturday with the regular Marina parking. There are not many open parking places, so not sure how they believe there will be enough to accommodate both the Marina and the Restaurant.

Now, getting to the proposed dock for the restaurant. 350 ft. It is apparent the water level is quite shallow in that area. Therefore, they would need to dredge causing damage/removal to the preserved sea grass. Surprising this would be allowed by the Florida Environmental & Fish Agencies. Just the other day we had 7 manatees swimming along the boardwalk in front of the proposed restaurant and MG. They are seen regularly in this area.

In summary, like we mentioned, we would love to see something developed on the proposed property. However, we sincerely hope everyone will take a very close look at our concerns and the data available. We ask the developer to make modifications in order to create a friendly water environment and be a nice neighbor as we will be so close in proximity.

Thank you for your time and consideration,
Jim and Deb Grimwade
561.568.5464





Velasquez, Mario

From: ruahbb@aol.com
Sent: Wednesday, May 17, 2017 5:53 PM
To: Davis Johnson, Tonya; Hubbard, Lynne; Williams III, Clarence D; City Attorney Department; Police; Masters, Thomas A; Kashamba Miller-Anderson; Pardo, Dawn S.; Davis, Terence; Bailey, Terrence; Gagnon, Jeff; Velasquez, Mario
Subject: Crab Pot Proposal
Follow Up Flag: Follow up
Flag Status: Flagged

To: Riviera Beach Officials

After watching the on-line video of the Riviera Beach Planning & Zoning meeting that took place last week, we were left with even greater concerns about the Crab Pot Project. As we are not able to attend the meeting in June, we are voicing our concerns to you now.

1. The Crab Pot absolutely is a **BAR**, not a restaurant that they are proposing and that concerns us greatly and our safety and security living in a residential complex immediately next door to it. We foresee drunks staggering around at all hours of the night. Or worse yet, just dropping and sleeping on site.

2. Parking---after hearing their illogical and ill thought-out system (golf carts across Blue Heron Blvd.), we cannot even begin to believe such a convoluted arrangement could possibly get approval from the City of RB. That's just what Blue Heron Blvd. needs are golf carts dashing across a 5-way intersection. It makes absolutely no sense. What will end up happening is they will actually be driving the carts the wrong way down the access road or the easy route along the walkway on the water, thereby compromising our secure perimeter! How could anyone approve a plan that allocates only 18 spaces for a restaurant of 200 capacity and absolutely no possibility of more spaces on their site?

3. Hours of Operation -- until 2AM! The City should insist that they only get approval for the same hours of operation that the other nearby restaurants adhere to - 10:00PM closing. The only one we know that is open until 2:00AM is the Sands Hotel on Singer Island. And Lord knows that certainly we do NOT want THAT next door to our residential community. Sailfish Marina runs a

very successful business adhering to 10:00 closing. But they are a RESTAURANT!

4. They kept comparing themselves to the U-Tiki BAR, when they should be comparing themselves to an operation like Sailfish Marina Restaurant, which is located in a residential area. Their approval should be contingent on a Sailfish Marina type operation, not a U-Tiki BAR! This neighborhood has just seen the light of day and is being cleaned up, why would we ever welcome a BAR, and a rowdy late night one at that, in the area to take us backwards to the bad old days?

5. Noise--They absolutely must adhere to low-level decibels, and music should not be daily and should not extend beyond 9:00PM. Again modeling after Sailfish Marina, they end their music at 9:00 and it is a single guitar player. This is a residential community with 700-1000 people living RIGHT NEXT DOOR. Obviously, the developer could care less.

6. Dock Length--- A 350 foot dock is not what I would call "marginal" as the developer referred to

it several times. That is INSANE. As one of our residents stated, that is like forcing the Manatee population (which is protected) to travel I-95.

It appears to us that the developer has not given any great thought to this project, other than **they want to open a bar that will have loud amplified music and serve alcohol until 2AM.** Without the proper space for adequate parking, they have come up with this insane system of using OUR garage, coming through OUR security system and completely intruding upon OUR right of "peaceful enjoyment" of OUR home.

There are so many things wrong with this application!! Viewing the video of the meeting last week, there were many valid questions that were posed by the Riviera Beach Planning & Zoning Board. And we commend you on that. We certainly hope our elected officials will continue their vigilance and **NOT** approve this **BAR** to open. It serves & benefits no one.....not the City, not Marina Grande or other neighbors, just the developer!

Thank you for your time.

Respectfully,

Judith and Peter Foster
2640 Lakeshore Drive
Unit #1416

Velasquez, Mario

From: Bailey, Terrence
Sent: Wednesday, May 17, 2017 9:06 AM
To: Smith, Tawanna; Gagnon, Jeff; Velasquez, Mario
Cc: Robinson, Claudene L
Subject: FW: Crab Pot - Marina Grande

Follow Up Flag: Follow up
Flag Status: Completed

Ms Smith,
The below appears to be a public records request.

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: Bill Davidson [mailto:bill@davidsonland.com]
Sent: Tuesday, May 16, 2017 8:31 PM
To: Bailey, Terrence <TBailey@Rivierabch.com>
Cc: Velasquez, Mario <mvelasquez@Rivierabch.com>
Subject: Crab Pot - Marina Grande

Hello Mr. Bailey,

My wife & I reside at 2640 Lake Shore Drive, Unit 1516, in Riviera Beach. You & Mr. Velasquez were kind enough to speak with by phone early last week regarding the subject matter. We attended the meeting Thursday evening. Now I am working with my neighbors & the MG board to evaluate the facts. We need the following items from your department:

1. Traffic study documents discussed at the meeting.
2. Agreement granting parking on Loggerhead Marina and/or Marina Grande property.
3. Agreement with Florida Department of Transportation granting use of State land.
4. Environmental clearance or abatement plan to build on this site (excessive levels of arsenic reported).
5. Details regarding the ordinance sited by Commissioner Terrance McCoy regarding compatibility conflicts with residences & zoning matters
6. Details regarding your staff's study, consideration & recommendations regarding "Compatibility. Specific conditions of approval may be needed to ensure that this use is compatible with the adjacent residential development (Marina Grande), which may include, but not be limited to hours

of operation and specific provisions to govern permitted timeframes for amplified music. " - noted in Section G. Staff Analysis.

7. Details regarding additional restaurant/bar noise abatement conditions prompted by Ritz-Carlton owners.
8. Details regarding restaurants/bars noise complaints & police enforcement (number of calls, parties involved, citations issued, fines imposed) during the past twelve months.
9. The criteria used to adopt Downtown District zoning on the subject site & the date of such change.
10. Any information regarding the proposed 350' dock.

Obviously, time is of the essence since the next meeting is June 8. Please call or email with questions or comments. Email is the best method to deliver these items.

Thank you ~~~ Bill Davidson (972 742 6006)

Velasquez, Mario

From: Gagnon, Jeff
Sent: Tuesday, May 23, 2017 9:35 AM
To: Velasquez, Mario
Subject: FW: Proposed Crab Pot Restaurant on Lakeshore Drive, Riviera Beach

fyi

From: Elaine Ferm [mailto:elaineferm@gmail.com]
Sent: Monday, May 22, 2017 9:54 PM
To: jevans@riverbch.com; Jones, Danny <ddjones@Rivierabch.com>; City Attorney Department <cityattorney@Rivierabch.com>; Masters, Thomas A <Mayormasters@Rivierabch.com>; Kashamba Miller-Anderson <kmiller@Rivierabch.com>; Hayes, Clarece D <CHayes@Rivierabch.com>; Frazier, Jackie P <JPFrazier@Rivierabch.com>; Gagnon, Jeff <Jgagnon@Rivierabch.com>; tbaily@rivierabch.com; MMcKinlay@pbcgov.org; Pelican2is@bellsouth.net; myelasquez@rivierabch.com
Subject: Proposed Crab Pot Restaurant on Lakeshore Drive, Riviera Beach

My name is Elaine Ferm , I have lived in Marina Grande for 8 years . In that eight years I have grown to love my home here in Riviera Beach . I have seen many improvements to the area , the making of Riviera Beach , the building of Publix , redoing the sidewalks and the lights . It's looks beautiful.

When we heard that there was a proposed restaurant going in this location we were extremely concerned not only for the people at Marina Grande but the families in the surrounding neighborhoods. We feel that it will not do anything to improve this area but will only hinder its progress . This is not the location for this restaurant due to the size of the lot , the lack of parking space and the proximity to 350 unit condo building and its surrounding neighborhood. I realize that this location was once a restaurant before , but there was nothing else around it at the time . I feel that by putting this restaurant in this location it will be causing Riviera Beach to go backwards not forwards in its revitalization project. I myself and the people who live in the neighborhood of 2640 Lakeshore Drive in Riviera Beach feel that a restaurant in this location will cause an unsafe environment for the area due to the fact the people will need to walk from their cars to the restaurant at all hours of the day and night due to the fact that the proposed restaurant only has 18 parking spaces for more than 200 patrons this restaurant will be able to serve. This will cause a security issue not only for them but for the people in Marina Grande and its surrounding neighborhoods .The additional parking which is going to be used for this restaurant is right by a bus stop where

children stand and wait for the bus . Also ,this proposed restaurant would be on a very small one way street under a bridge. No telling what could happen there late at night when people are leaving the restaurant especially if they have been drinking. Another reason to not have a restaurant in this area is because of the proposed music that will be coming from it . Due to its proximity to the water the sound will travel to all the people who reside in that area which will impact adults and children alike .

There are many other locations along the water for this restaurant to be placed. There are 700 voting citizens of Marina Grande and the people living in its surrounding neighborhoods that would greatly appreciate your help in preventing this restaurant from getting its proper zoning . Please , please , please join us on June 8 to help block the zoning of this proposed restaurant. Thank you ,Elaine Ferm

Sent from my iPad

Velasquez, Mario

From: theinfotool@aol.com
Sent: Monday, May 22, 2017 4:24 PM
To: Evans, Jonathan; Masters, Thomas A; Davis Johnson, Tonya; Davis, Terence; Kashamba Miller-Anderson; Pardo, Dawn S.; Bailey, Terrence; Gagnon, Jeff; Velasquez, Mario; Robinson, Claudene L; Smith, Tawanna; Frazier, Jackie P; March, Ladi; Williams III, Clarence D; Pelican2is@bellsouth.net
Subject: June 8th Planning Board Meeting

Dear Esteemed Members of the Riviera Beach Government Board;

I am a Florida resident of Marina Grande whose condo, being on the direct south side of the building, will be looking directly at the proposed bar and dock proposed to be built. I strongly object to this permit being approved for a multitude of reasons. We have lived here for 10 years. No doubt, the residence of the entire building will be negatively impacted, but more so those on the 16th stack.

In the even I am unable to make the meeting on the 8th, I needed to express my personal objections.

1. I recognize that the Crab Shack previously occupied that space, but it was then not a residential community. Now with 325 families living next door This elevates a project of this description being a public nuisance, and injuriously injuring and interfering with quiet peace and enjoyment. Property values will be hugely and negatively impacted, especially for all residence on the south side of the building. Noise pollution til 2am, or anytime, will be extremely injurious, causing noise pollution.
2. If Harbourside is being attacked by homeowners across the inter-coastal, imagine being a next door neighbor to the noise.. That said, people across the inter-coastal should be notified, and joined, as to the meeting purpose on June 8 for them to attend and express their concerns about noise pollution to avoid lawsuits. The same noise will travel across the water to Sugar Sands and all the condos and residence on the opposite side of the inter-coastal. Definitely a Harbourside repeat.
3. A 350 foot dock will contribute to the noise pollution, but more importantly, be extremely hazardous to the manatee population. The dock will force the manatee into the channel where propeller and boat injuries will be more dangerous. I wrote to the FPL manatee center to have them join in to the objections to be filed.
4. I cc'ed in the police chief for extreme safety issues. For them to shuttle people on golf carts across blue Heron in the dark, through an intersection already plagued with its share of accidents, is a recipe for multiple death claims, especially when an accident will involve a golf cart and a motor vehicle. I personally have seen these accidents at this intersection.

In addition to my personal concerns, I wish to add to what my fellow owners will be sending:

1. Hours of Operation - The current proposal from the developer specifies a 2:00AM closing time - everyday. Almost every restaurant in the area closes at 10:00 as pointed out by a member of the city development board during the Planning and Zoning meeting last Thursday. A 10:00 closing time very reasonable and consistent with other restaurants in the area.
1. Amplified Music - The current proposal from the developer specifies that amplified music is permissible on Fridays and Saturdays until 11:30PM and 10:00PM from Sunday through Thursday. Needless to say, being forced to listen to loud and in some cases live music until 11:30 is not what many of us signed up for when we bought units at Marina Grande. Reduced hours allowed and specific noise levels should be a consideration.
1. Garbage Dumpsters - Due to the very small building lot, the developer's plan is to leave the garbage dumpster on the property and immediately adjacent to the walkway that is used daily by numerous residents as well as being in full view of all residents of the Marina Grande residents. There is concern that the dumpster will attract rats and

other animals and will create a generally unhealthy environment. Marina Grande's trash receptacle is enclosed and air-conditioned and many believe that the developer should follow the same policy.

1. Parking - The current proposal from the developer specifies that onsite parking will be provided for 18 vehicles for a "restaurant" that has a minimum seating capacity of 150. All other parking will be handled offsite and via a valet service. The developer has proposed three offsite locations including two west of the Loggerhead Marina as well as the first floor of the Marina Grande parking garage for a total of 93 parking spaces.

With restaurant parking being allowed on the first floor of our parking garage, the residents of Marina Grande would be sharing an entrance and exit point in the garage as well as entrance into property via the front guard shack. Peak traffic at the restaurant will coincide with normal peak traffic coming into and exiting Marina Grande creating congestion and a bottleneck for anyone driving in or out of the parking garage.

1. Security - There is a concern that some restaurant patrons who will be using the first floor of the garage as well as the remote parking locations will cut through the Marina Grande property thereby reducing the distance and time to get to the restaurant by roughly two thirds. The same thing works in reverse when the patrons leave the Crab Pot. The concerns is that security and personal safety will be compromised with this new restaurant.
1. Traffic - The intersection of Lake Shore Drive and Blue Heron Blvd is already a very busy intersection with frequent accidents. The developer has filed an application with the Palm Beach County Traffic department but the application did not mention the developer plans for using golf carts to move patrons back and forth to their cars. Golf carts would be required to travel several hundred yards on Lake Shore Drive, through the intersection of Lake Shore and Blue Heron and then down the one way road south of the bridge, under the bridge and then into the Crab Pot parking lot.
1. Dock Length - A 350 foot dock has been proposed that would extend into the intercostal. Anticipated problems include boating accidents, damage to the preserved sea grass areas, limits on the ability for manatees to freely through the intercostal and loud music coming from the docked boats.

The next meeting of Planning & Zoning Board is scheduled for June 8th. This board has already heard from roughly 50 residents who attended that last Planning & Zoning Board meeting but they haven't heard from the many residents who were unable to attend the meeting. This is your opportunity to share your opinions and concerns with the individuals who will be making the decisions on the above issues as well as many others.

Stanley S. Labovitz, Principal
SurveyTelligence, Inc.
www.surveytelligence.com
1(866)616-5552
[Visit My LinkedIn Profile](#)

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Velasquez, Mario

From: BILL DAVIDSON <bill@davidsonland.com>
Sent: Wednesday, May 31, 2017 8:42 PM
To: Bailey, Terrence
Cc: Velasquez, Mario
Subject: Marina Grande - Crab Pot

Hello Mr. Bailey,

Have you obtained a lease & further details regarding the Developer's off-site parking arrangements? As you will recall the commissioners asked many questions about the parking. The information provided by the Developer's engineer was incomplete & unclear.

In the Developer's December 8, 2016 letter to your assistant, Mr. Gagnon, he represented ownership of the adjoining marina & thus access to that parking. On April 17, 2017, the Developer sold all his interest in the marina to an unrelated entity according to Palm Beach County Public Records.

After closely monitoring the parking of the Marina (four lots - three owned & one leased) over the past several weeks it has become obvious there are not adequate spaces to accommodate the employees (30) & patrons (230) - the Developer's own numbers in the same letter.

Also, the assumptions in the traffic study do not match the peak loads at the restaurant. Please remember that with the use of valet the count of one vehicle becomes two (it comes to the front door twice) at an already crowded intersection. Has your staff reviewed it for accuracy?

Thank you ~~~ Bill Davidson (972 742 6006)

2640 Lake Shore Drive - 1516

Velasquez, Mario

From: Chris Farrell <CFarrell@sbgvtv.com>
Sent: Tuesday, May 23, 2017 9:13 AM
To: Velasquez, Mario
Subject: NO "BAR" by bridge and Marina Grande!

From: Chris Farrell
Sent: Tuesday, May 23, 2017 9:13 AM
Subject: NO "BAR" by bridge and Marina Grande!

Imagine someone opening a "BAR" in your neighborhood that is open EVERY DAY until 2AM... plays music EVERY NIGHT until 2 am... serves alcohol EVERY DAY until 2am EVERY DAY OF THE WEEK!?

Then imagine the "BAR" has a golf cart or valet, to take the drunk people and drop them off at YOUR FRONT DOOR ON YOUR PROPERTY SO THEY CAN WALK AROUND YOUR HOUSE...TO AND THROUGH YOUR GARAGE AND PICK UP THEIR CAR AND DRIVE HOME!?

Imagine that golf cart is going to drive across busy Blue Heron Boulevard to pick up "more drunk customers" to take them to their cars.

This will go on for hours every day and night as long as the restaurant is open!
How long before that golf cart gets into an accident?
How long before one of the drunk "customers" falls out of the cart?
How long before a car hits the cart crossing the street?
How long before one of the customers walks into traffic and gets hit by a car?

THAT IS EXACTLY WHAT IS GOING TO HAPPEN WITH THE "PROPOSED" BAR AT THE OLD CRAB POT SITE!

This whole restaurant concept on the north side of the Blue Heron bridge next to "our community" Marina Grande is a DISASTER WAITING TO HAPPEN! THIS ENTIRE IDEA IS A LAWSUIT WAITING TO HAPPEN!

The presentation by the attorney and developer stated "This will be like "U-TIKI" in Jupiter! Well take a look at the U-TIKI website and look at the Happy Hours and Alcohol Drink specials! <https://www.utikibeach.com/> You might also include that alcohol and alcohol related incidents can and will be expected! This will be a "bar" ...not a "restaurant". There will be music at all hours, there will be "drunk customers" ...walking in... around... and through our property! There will be drunk boaters, there will be fights, there will be people urinating on our property as they walk through and around it! The developer wants to stay open until 2am! How long will we have to wait for drunk people to "pass out" on our property?

This is a residential area! These are 350 homes! These are 350 families! There are children and seniors and families who's lives are going to be ruined by this "BAR" !

WE ARE A RESIDENTIAL NEIGHBORHOOD! THIS IS NOT CLEMATIS IN DOWNTOWN WEST PALM BEACH! THIS IS A FAMILY NEIGHBORHOOD NOT A DOWNTOWN!

If the developer thinks he's going to let a valet "drop-off" drunk customers at our gate, so they can walk in and get their cars...on our property and then drive through it!? THAT IS ABSURD! We will not tolerate any coming on to our property "under the influence"!

WE PAY A LOT FOR SECURITY TO KEEP PEOPLE OUT WHO DO NOT LIVE HERE! AND THEY ARE GOING TO DROP OFF INTOXICATED/DRUNK STRANGERS ON OUR PROPERTY!?

There are not enough parking places for his "concept" ... 18 SPACES ISNT EVEN ENOUGH FOR THE PEOPLE WHO WOULD WORK THERE!

THIS IS A BAD IDEA! NO!NO!NO!AND..... NO!
We have over 700 VOTES (and voices) from our community and WE WILL USE THEM AND

WE
VOTE!

Velasquez, Mario

From: Daniel McGilvery <info@bpiplans.com>
Sent: Thursday, May 25, 2017 12:19 PM
To: Gagnon, Jeff
Subject: Proposed Crab Pot Restaurant

Mr. Jeff Gagnon,

As a member of the Board of Directors of the Marina Grande condominiums, I've been inundated with comments and concerns from my fellow residents regarding the proposed new Crab Pot restaurant that will be located directly next to our complex on Blue Heron Blvd. The primary concerns include the following:

1. Hours of Operation - The current proposal from the developer specifies a 2:00 closing time - everyday. If the proposed new Crab Pot restaurant is in fact a restaurant rather than a bar, the developer should have no problem with a 10:00 PM closing time. Virtually all of the restaurants that we contacted in Riviera Beach close between 8:00PM and 10:00PM every evening. In the developer's application, this project is in every case referred to as a "restaurant." The word "bar" is never used in the description. There is no rational reason why a restaurant would need to be open until 2:00AM unless they are in fact a bar.
2. Amplified Music - The current proposal from the developer specifies that amplified music is permissible on Fridays and Saturdays until 11:30PM and 10:00PM from Sunday through Thursday. Forgetting for a moment the problems with controlling the volume of amplified and live music, imagine living within a few yards of this operation and having to endure this music and general noise level - every evening. The developer's application made no mention of noise level restrictions. How do we measure the volume of the music and how do we handle excessive volume violations. I'm sure that you're familiar with Harbourside Place and the many law suits that have been filed in that case.
3. Parking - The current proposal from the developer specifies that onsite parking will be provided for 18 vehicles for a "restaurant" that has a minimum seating capacity of 150. All other parking will be handled offsite and via a valet service. As a point of comparison, Frigates which has a maximum seating capacity of 180 has parking for 140 vehicles. The developer has proposed three offsite locations including two West of the marina and the first floor of the Marina Grande parking garage for a total of 93 parking spaces.

We strongly object to having restaurant patrons using the Marina Grande parking garage. The residents of Marina Grande would be sharing an entrance and exit point in the garage as well as entrance into property via the front guard shack. Peak traffic at the restaurant will coincide with normal peak traffic coming into Marina Grande. This will create a constant congestion getting in and out of the parking garage. There is also the issue of how patrons get from the parking garage to the restaurant. The correct way would be to go back out through the entrance, past the guard shack, then walking South on Lake Shore and then down the one-way street to the Crab Pot. Realistically, many patrons will gain access to the restaurant by walking through the Marina Grande property thereby reducing the distance by roughly two thirds. And of course the same thing works in reverse when the patrons leave the Crab Pot.

We will have the exact same problem with patrons who park in the west Loggerhead Marina parking lot(s). There is currently an open gate between the Lake Shore Drive and the marina road entrance. By far, the easiest and fastest method of getting to the restaurant is through this gate and through our property. Marina Grande residents would be continually exposed to restaurant patrons who are walking through our property and who in many cases will be under the influence of alcohol.

4. Security - We envision the above parking issue creating many serious security problems and a clear safety hazard to the Marina Grande Residents. The additional security guards that will be needed should NOT be the responsibility of the Marina Grande residents. Approval of the restaurant / bar will compromise the safety and security of our residents.
5. Traffic - The intersection of Lake Shore Drive and Blue Heron Blvd is already a very busy intersection and there are frequent accidents. It is very hard to believe that adding additional traffic from this proposed restaurant will

get the approval of the Palm Beach County Traffic department. We have been advised that an application has been filed but this application did not mention that the developer plans to use golf carts to move patrons back and forth to their cars. Golf carts would be required to travel several hundred yards on Lake Shore Drive, through the intersection of Lake Shore and Blue Heron Blvd and then down the one way road south of the bridge, under the bridge and then into the Crab pot parking lot.

6. Garbage Dumpsters - Due to the very small building lot, the developer's plan is to leave the garbage dumpster on the property and immediately adjacent to the walkway that is used daily by numerous residents as well as being in full view of all residents of the Marina Grande residents. The dumpster will attract rats and other animals and will create a generally unhealthy environment.
7. Dock Length - A 350 foot dock is clearly excessive. A reasonable recommendation is the Crab Pat dock should be equivalent to the average length of other docks currently used by waterfront restaurants.
8. Business Failure – What happens if this business fails? The failure rate for restaurants is something like 50%. Does that mean that we could be stuck with a vacant building that would attract vagrants, homeless and who would responsible to keep the building maintained. Case in point is the Olive Garden on Palm Beach Lakes next to I-95. It's an eyesore with seemingly no one responsible for upkeep.
9. Resale Value - Many of the residents of Marina Grande have invested their life savings in their condominium and having a bar located within a few yards of their units will have negative impact on their property values. Lower property values means lower property taxes and less income for Riviera Beach.

I know there is probably some resistance from local residents whenever there is a new commercial development is planned. What makes our circumstances unique, however, is the extremely close proximity of our buildings to the proposed Crab Pot restaurant. I'm not aware of any commercial building that is physically as close to a large residential building anywhere else in the entire county. The fact that this new restaurant is actually a bar that will be open until 2:00 every evening with loud music, outdoor seating on an extended deck with a 350 foot boat dock, it becomes painfully clear that we desperately need fair representation from our city officials. We look to you as an elected official to listen to our concerns and assure that proper decisions are made that protect the lives and interests of your constituents.

Thank you for your time and efforts.

Daniel & Dawn McGilvery
2640 Lake Shore Drive
Unity 2012
Marina Grande
Riviera Beach