

| | |
|---|--|
| <p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p style="text-align: center;">---</p> <p style="text-align: center;">Thursday, May 9, 2019</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:34 p.m. - 7:21 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Rena Burgess, Chair Anthony Brown, Board Member James Gallon, Board Member Edward Kunuty, Board Member Margaret Shepherd, Board Member Jeff Gagnon, Acting Director of Development Services Lina F. Busby, Assistant City Attorney Simone Davidson, Staff Assistant</p> | <p style="text-align: right;">Page 3</p> <p>1 MS. DAVIDSON: Rena Burgess. 2 CHAIR BURGESS: Present. 3 MS. DAVIDSON: You have a quorum. 4 CHAIR BURGESS: Thank you. 5 Item III, acknowledgment of Board member 6 absence notification. 7 MR. GAGNON: Thank you, Madam Chair. 8 Jeff Gagnon, Acting Director of Development 9 Services. 10 Tonight we did, unfortunately, hear from 11 Mr. Gustafson. He had a death in the family, so he 12 won't be joining us tonight. 13 Additionally, we received word from 14 Mr. Jackson that he actually submitted a resignation 15 notice this afternoon, so we want to thank him for his 16 time volunteering on the Board, and we know that he'll 17 continue being involved in the community. 18 I think everyone else is present. And 19 everyone is a permanent Board member, so don't have to 20 give any voting rights, so -- 21 CHAIR BURGESS: All right, thank you. 22 Item IV, additions and deletions to the 23 agenda. 24 MR. GAGNON: Thank you, Madam Chair. 25 I did want to make note of the May 6th memo</p> |
| <p style="text-align: right;">Page 2</p> <p>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 9, 2019, 5 beginning at 6:34 p.m., with attendees as hereinabove 6 noted, to wit: 7 --- 8 CHAIR BURGESS: Good evening. The time is 9 now 6:34 p.m. We'll go ahead and start the Thursday, 10 May 9, 2019 Planning and Zoning Board meeting with a 11 moment of silence, followed by the Pledge of 12 Allegiance. 13 (Moment of silence observed. Pledge of 14 Allegiance recited.) 15 CHAIR BURGESS: Roll call. 16 MS. DAVIDSON: Anthony Brown. 17 MR. BROWN: Present. 18 MS. DAVIDSON: Margaret Shepherd. 19 MS. SHEPHERD: Here. 20 MS. DAVIDSON: Edward Kunuty. 21 MR. KUNUTY: Here. 22 MS. DAVIDSON: James Gallon. 23 MR. GALLON: Here. 24 MS. DAVIDSON: Jon Gustafson. 25 (No response.)</p> | <p style="text-align: right;">Page 4</p> <p>1 that should be in the back of your binder. There's a 2 cover memo dated May 6th, and within that there were 3 City comments from April 12th, as well as an applicant 4 response from April 15th. Those were inadvertently 5 omitted from the original packet, so I wanted to make 6 sure those were included. But that was kind of the 7 discussion between staff and our consulting plat 8 reviewer and the applicant as far as finalizing 9 comments. 10 Additionally, there were some minor 11 amendments that were made to both the northern plat and 12 the southern plat, and those are provided in that 13 supplemental packet that was provided to the Board. So 14 those would supersede the documents within the original 15 packet that was distributed. 16 CHAIR BURGESS: Okay, thank you. 17 Item V, disclosure by Board members and 18 adoption of the agenda. Are there any disclosures? 19 Seeing none, do we have a motion to adopt the agenda? 20 MR. GALLON: So moved. 21 MR. KUNUTY: Second. 22 CHAIR BURGESS: Roll call. 23 MS. DAVIDSON: Anthony Brown. 24 MR. BROWN: Yes. 25 MS. DAVIDSON: Margaret Shepherd.</p> |

Page 5

1 MS. SHEPHERD: Here -- I mean yes. I'm
2 sorry.
3 MS. DAVIDSON: Edward Kunuty.
4 MR. KUNUTY: Yes.
5 MS. DAVIDSON: James Gallon.
6 MR. GALLON: Yes.
7 MS. DAVIDSON: Rena Burgess.
8 CHAIR BURGESS: Yes.
9 MS. DAVIDSON: Unanimous vote.
10 CHAIR BURGESS: All right, item VI, approval
11 of minutes from the April 11th, 2019 meeting. Is there
12 a motion?
13 MR. GALLON: So moved.
14 MR. KUNUTY: Second.
15 CHAIR BURGESS: Roll call.
16 MS. DAVIDSON: Anthony Brown.
17 MR. BROWN: Yes.
18 MS. DAVIDSON: Margaret Shepherd.
19 MS. SHEPHERD: Yes.
20 MS. DAVIDSON: Edward Kunuty.
21 MR. KUNUTY: Yes.
22 MS. DAVIDSON: James Gallon.
23 MR. GALLON: Yes.
24 MS. DAVIDSON: Rena Burgess.
25 CHAIR BURGESS: Yes.

Page 6

1 MS. DAVIDSON: Unanimous vote.
2 CHAIR BURGESS: Item VII, unfinished
3 business. There is none. On to item VIII, new
4 business.
5 MR. GAGNON: Thank you, Madam Chair.
6 We have one item under new business, which is
7 letter A: A resolution of the City Council of the City
8 of Riviera Beach, Palm Beach County, Florida, approving
9 the plat application PA-19-01 for Florida Power &
10 Light, FPL, totaling approximately 88.68 acres, located
11 at 2460 Port West Boulevard, associated with parcel
12 control number 56-42-42-36-33-000-0000, and providing
13 for an effective date.
14 This is actually somewhat of a continuation
15 from the previous site plan that was provided to the
16 Board in regards to the site, I believe previously
17 about six months, maybe a little bit longer than that
18 or so ago.
19 FPL provided site plan information for
20 approval by the Planning and Zoning Board as well as
21 City Council, and this is associated with that as far
22 as cleaning up those different parcels and providing,
23 you know, final platting to legally create the property
24 boundaries and delineating those sites.
25 At this point in time I'd like to ask Ms. Ann

Page 7

1 DeVeaux, our senior planner, to provide a presentation
2 for the Board and public.
3 Ms. DeVeaux. And I'll get out of your way.
4 MS. DeVEAUX: Thank you, Mr. Gagnon.
5 Good evening, Planning and Zoning Board
6 members. Ann DeVeaux, Development Services, for the
7 record.
8 To briefly summarize, the plat application
9 before you is a request on behalf of Florida Power &
10 Light. The project name is Florida Power & Light, Port
11 West Physical Distribution Center Plat.
12 The request is to approve two final plats,
13 north and south, for the Florida Power & Light Port
14 West site to consolidate the six parcels owned by
15 Florida Power & Light that support the existing
16 Physical Distribution Center facilities. This plat
17 application is required to comply with the condition of
18 approval contained in Resolution Number 141 approving
19 the major site plan review application to create a
20 master plan of record for the six parcels.
21 This is the location of the subject property.
22 It's approximately .12 miles east of the intersection
23 of Military Trail and Port West Boulevard.
24 An aerial view depicts A, B and C as plat
25 north, and parcels D, E and F as plat south. The

Page 8

1 zoning district for parcels A, B and C is general
2 industrial, IND, and parcels D, E and F is utilities.
3 The zoning designation is consistent with the future
4 land use designation.
5 Now, to the north you have the general
6 industrial zoning district. A recreational vehicle
7 park is there. To the south you have the general
8 industrial zoning district as well. The Florida Power
9 & Light offices are there. To the east, also zoned
10 general industrial, the Florida Power & Light power
11 plant and Interstate I-95 is there. And to the west is
12 also general industrial, and the Rapids Water Park and
13 other industrial uses borders the west. The lot size
14 is approximately 88.68 acres.
15 The north plat consists of parcels A, B and
16 C, and it is comprised of five pages. And the south
17 plat is comprised of four pages.
18 All parcels are owned by Florida Power &
19 Light, and they have been in existence for
20 approximately 30 years to support the operations of the
21 public utility. It should be noted that, as Mr. Gagnon
22 previously pointed out, that the City Council approved
23 a major site plan application, SP 18-17. That was
24 approved on December 19, 2018 to create a master site
25 plan that includes the properties in these two final

Page 9

1 plats.
2 Staff is recommending approval of the plat
3 application PA 19-01 from FP&L imposed by Resolution
4 Number 141 as a condition of approval to create a
5 master plan of record and unify the parcels.
6 That concludes my presentation. If the Board
7 has any questions, I'll be happy to address those.
8 CHAIR BURGESS: Does the Board have any
9 questions of staff? Seeing that there are no
10 questions, Jeff, is the applicant here?
11 MR. GAGNON: Yes, ma'am. Ms. Walter is
12 present, representing the applicant, and if you have
13 any questions.
14 CHAIR BURGESS: Okay.
15 MS. WALTER: Good evening, Madam Chair, Board
16 members. Collene Walter with Urban Design, Kilday
17 Studios here on behalf of Florida Power & Light.
18 CHAIR BURGESS: Good evening.
19 MS. WALTER: As Mr. Gagnon has indicated, and
20 Ms. DeVeaux, this is essentially the last step in
21 completing the overall master site plan for the sites.
22 There was a condition of approval imposed by the City
23 Council to plat the properties, and so we are bringing
24 forth the two plats that are before you this evening.
25 I'd be happy to answer any questions that you

Page 10

1 have. Thank you.
2 CHAIR BURGESS: Thank you.
3 Let the record reflect that there have been
4 no comment cards issued by the public. So we'll go
5 into Board comments, and I'll start with Mr. Brown.
6 MR. BROWN: No comments.
7 CHAIR BURGESS: Mr. Kunutty.
8 MR. KUNUTTY: I'm just curious. Is there a
9 timetable to complete the next phases?
10 MS. WALTER: At this point in time there is
11 no new development proposed. However, the condition of
12 approval does require that the plats be recorded before
13 they come forward and seek any further development
14 approvals. So we're just essentially completing this
15 so that the properties will be in position to move
16 forward with any future expansions that FPL may have.
17 MR. KUNUTTY: Are there future expansion plans
18 on that property?
19 MS. WALTER: Not at this point in time.
20 MR. KUNUTTY: Okay, no other questions.
21 CHAIR BURGESS: Thank you.
22 Ms. Shepherd.
23 MS. SHEPHERD: Yes. You mentioned the past,
24 I guess the past productions you are doing on that
25 property. Have you started? My mind is kind of

Page 11

1 cloudy. I think it was about trucks or something you
2 were building there. Kind of explain that again.
3 MS. WALTER: Okay, sure. Let me pull up my
4 aerial.
5 (Discussion held off the record.)
6 MS. WALTER: With all due respect to Board
7 Member Brown, plats are not good color renderings.
8 Thank you, that's perfect. Great, thank you.
9 Yes, this project has been a three step
10 process, this being the third step. But initially we
11 came in for a site plan amendment for what is known as
12 parcel A. And that was to add a permanent building
13 that was associated with the vehicle commissioning
14 that's part of the Physical Distribution Center,
15 because at that time when we met with staff, it was
16 identified that there was not a complete record of the
17 Physical Distribution Center on file in the City's
18 records. As Ms. DeVeaux said, these facilities have
19 been out there for over 30 years, and there just were
20 not plans that showed what was there.
21 So we did come forward and receive site plan
22 approval for that. As a condition of that site plan
23 approval, there was a requirement, or actually an
24 agreement to bring in an overall site plan so that
25 there would be a record of the existing facilities on

Page 12

1 site. And so that, I believe, was brought to the
2 Planning and Zoning Board last November and approved by
3 the City Council in December. And as part of that
4 approval, the City Commission imposed the condition to
5 plat. So this is the third step to complete that.
6 But yes, your recollection of that very first
7 application up here was for an additional building.
8 That was the only improvement that was shown on the
9 overall master plan.
10 MS. SHEPHERD: Thank you. You kind of
11 cleared it up. One more question. Have you started
12 anything in that first particular building?
13 MS. WALTER: Yes, I believe that it's under
14 construction. Yes, the permits have been issued and
15 it's under construction.
16 MS. SHEPHERD: Okay, thank you.
17 CHAIR BURGESS: Thank you.
18 Mr. Gallon.
19 MR. GALLON: No questions.
20 CHAIR BURGESS: And I don't have any
21 questions as well.
22 MR. BROWN: Madam Chair.
23 CHAIR BURGESS: Yes, Mr. Brown.
24 MR. BROWN: I just have one. And there's a
25 typographical error in the mortgagee's consent. State

Page 13

1 of New Your, New Y-o-u-r.
2 CHAIR BURGESS: Is that on the plans?
3 MR. BROWN: On the front page of the plats.
4 MR. GAGNON: That's in the north plat?
5 MR. BROWN: Yes. No, south plat, sorry, and
6 the north plat also.
7 MS. WALTER: I do know the plats -- I think
8 the addendum to your agenda includes the revised plats
9 that had the name of the new mayor revised for that.
10 MR. GAGNON: Yes, you can see it, Your versus
11 York.
12 MR. BROWN: Your, Your.
13 MS. WALTER: Gotcha, yes. Thank you.
14 MS. DeVEAUX: Thank you.
15 CHAIR BURGESS: Okay, so if we have no
16 further Board questions or comments, is there a motion?
17 MR. BROWN: I move for the plat with the
18 correction.
19 CHAIR BURGESS: Is there a second?
20 MR. GALLON: Second.
21 CHAIR BURGESS: Roll call.
22 MS. DAVIDSON: Anthony Brown.
23 MR. BROWN: Yes.
24 MS. DAVIDSON: Margaret Shepherd.
25 MS. SHEPHERD: Yes.

Page 14

1 MS. DAVIDSON: Edward Kunuty.
2 MR. KUNUTY: Yes.
3 MS. DAVIDSON: James Gallon.
4 MR. GALLON: Yes.
5 MS. DAVIDSON: Rena Burgess.
6 CHAIR BURGESS: Yes.
7 MS. DAVIDSON: Unanimous vote.
8 CHAIR BURGESS: Thank you.
9 MS. WALTER: Thank you very much for your
10 consideration. Good evening.
11 CHAIR BURGESS: You're welcome. Thank you.
12 Item IX, workshop items.
13 MR. GAGNON: Yes, Madam Chair. Under
14 workshop items we have letter A, which is a discussion
15 of proposed amendments to Chapter 28 of the City's Code
16 of Ordinances, entitled Signs, in order to provide for
17 content neutral sign regulations as well as digital
18 sign use associated with places of worship.
19 What we want to do at this point in time --
20 again, this is just a workshop item, but what we want
21 to do is provide the Board and public with kind of an
22 overview of some of the research we've been able to do
23 to date specifically associated with digital sign use
24 in relation to places of worship.
25 So once again, I will pass the baton over to

Page 15

1 Ms. DeVeaux and ask that she provide a presentation of
2 her findings. She's been doing a good majority of the
3 research on this, so she's now turning into our
4 resident expert on this.
5 CHAIR BURGESS: All right.
6 MR. GAGNON: We'll set the bar high.
7 MS. DeVEAUX: Good evening once again. Ann
8 DeVeaux, for the record, Development Services.
9 MS. SHEPHERD: Excuse me, Mr. Gagnon. I
10 don't think that particular item is in my book.
11 CHAIR BURGESS: It's not in the binders.
12 MR. GAGNON: No, ma'am.
13 MS. SHEPHERD: Oh, it's not in --
14 MR. GAGNON: There's no text or hard copy
15 document. It's just a presentation to provide our
16 research and findings to date, so we don't have a hard
17 copy of the document. But we can provide a hard copy
18 if you'd like one.
19 MS. SHEPHERD: I would like to read it.
20 MR. GAGNON: Okay, we'll get hard copies
21 printed right now.
22 MS. HARPER: I can give her one.
23 MR. GAGNON: You have an extra one?
24 CHAIR BURGESS: Thank you, staff.
25 MS. DeVEAUX: Okay, the presentation involves

Page 16

1 research into digital signs and being permitted in the
2 residential zoning district. Just to summarize, let me
3 read first the code definition for digital signs.
4 According to City Code Ordinance, Section
5 28-1: Digital sign means a type of animated sign
6 capable of displaying words, symbols, figures, numerals
7 or images that can electronically or mechanically
8 change by remote or automatic means. And its
9 components may include, but are not limited to light
10 emitting diodes, liquid crystal display screens, plasma
11 screens and their functional equivalents. Sign display
12 elements may be illuminated by reflected light. A
13 digital sign may be a part of another permanent sign
14 that is not a digital sign.
15 The City Code of Ordinances, Section 28-125
16 states: Programmable digital signs, approved by
17 Ordinance Number 4059 in 2015, regulates permissible
18 locations for digital signs in addition to providing
19 separation requirements from residential districts.
20 Currently the code limits the use of digital signs to
21 locations having a community facility zoning
22 designation.
23 Section 28-125 permits digital signs in the
24 community facility, CF zoning district. And this
25 district basically is lands that are owned by the City

Page 17

1 or administered by the City for the purpose of public
2 uses. The permitted location must be associated with a
3 public use. One sign per development site, not more
4 than 100 square feet in area per street front is
5 permitted, and no digital sign within 250 feet of a
6 residentially zoned parcel or residential structure.
7 The following slides are digital sign
8 examples, photos, what some of them may look like.
9 This particular one is a part -- the digital part is a
10 part of the sign. Associated with a school, public
11 use. Associated with a university. An elementary
12 school.
13 The slide that we just passed, this is an
14 aerial view of that slide. It is located in the
15 community facility zoning district, but as you can see,
16 there is a major thoroughfare separating it from the
17 residential zoning district where the sign is located,
18 about there. There's also a wall that buffers that
19 residential zoning district there. So there's
20 absolutely no impact from this sign to those
21 residences.
22 The staff also did some research actually of
23 approximately 41 municipalities, and the chart that you
24 see here is a representative sample of the larger
25 municipalities. And as you can see in the red, most of

Page 18

1 these were not permitted anywhere. There was one, I
2 believe, that was permitted in a single family zoning
3 district and multifamily zoning district in Boca Raton,
4 but there were stringent guidelines and regulations for
5 those signs.
6 Next slide. Also, there were two other
7 outside jurisdictions that were considered and
8 researched as well, and the same does apply to those
9 outside of the county.
10 Okay, some of the standards that we work and
11 staff was considering if we did want to move forward
12 with making amendments to approve digital signs in
13 residential zoning districts as a special exception
14 approval process, we would basically have the standards
15 that we have for digital signs presently in the code in
16 addition to some additional standards to be met as a
17 condition of approval.
18 Some of those would be that we would consider
19 meeting a separation criteria of no closer than 100
20 feet from the right-of-way. It must be located 250
21 feet from a residential structure. Not be located on a
22 site with less than 100 parking spaces located on the
23 site. Limited to only one sign. Limited to 24 square
24 feet per sign face and an aggregate of 48 square feet.
25 Limited to seven feet in height.

Page 19

1 And the sign would convey only information
2 relating to operation of the premises where located.
3 No advertising related to other entities or businesses
4 would be allowed.
5 It would emit no more than one foot candle of
6 light measured from the property line of an adjacent
7 property. The display would be limited to alpha
8 numeric text and directional symbols. It must contain
9 static, motionless messages only, and each message on a
10 digital sign must be displayed for a minimum of six
11 seconds. Each message must be complete and not
12 continued subsequently to another displayed message.
13 Displaying of any form of motion or optical illusion of
14 movement, movement of any illumination or flashing,
15 scintillating video or varying light intensity is
16 prohibited -- would be prohibited.
17 And the sign would be operational during
18 hours actively engaged in the activity, but in no event
19 would it be earlier than 7 a.m. or later than 9:00 p.m.
20 And the sign must be licensed -- well, the business or
21 the place of worship must be licensed, with an active
22 business tax receipt for a minimum of one year.
23 These are just some of the additional
24 standards that staff is considering in case the Board
25 decides to move forward with the special exception

Page 20

1 approval process. This concludes my presentation.
2 CHAIR BURGESS: Thank you.
3 MS. DeVEAUX: You're welcome.
4 CHAIR BURGESS: Let the record reflect that
5 there's no public comment cards, so we'll move into
6 Board comments. Mr. Brown.
7 MR. BROWN: Nothing at this time.
8 CHAIR BURGESS: Mr. Kunuty.
9 MR. KUNUTY: So what's our next step?
10 MR. GAGNON: So the real intent of tonight's
11 presentation was to bring the Board and public up to
12 speed as far as what our research has discovered. I
13 believe, if I remember correctly, Ms. DeVeaux stated
14 there were approximately 41 locations that were
15 examined, and only one of them allowed for this use,
16 with additional considerations. So it seems as if what
17 the research is indicating is this is something that's
18 not very frequently occurring.
19 And I think we're at a point now, based on
20 this research, where staff is looking for direction
21 from the Planning and Zoning Board whether or not the
22 Planning and Zoning Board wants to have staff continue
23 down this pathway. These standards that were just
24 discussed are some options that we could utilize as far
25 as additional standards to safeguard the community or

Page 21

1 adjacent residents that could be located either across
2 the street or within close proximity of a digital sign.
3 But overall, I think staff is looking for
4 feedback from the Board on whether or not we should
5 proceed or whether or not we should provide this
6 information to City Council with a recommendation
7 potentially to stop going down this pathway.
8 MR. KUNUTY: I was just curious. What was
9 the genesis of bringing this up in the first place? It
10 doesn't sound like almost anyone is doing it in other
11 municipalities. There doesn't seem to be any cry for
12 digital signs in Riviera Beach or people demanding
13 them. I mean should our position just be we don't need
14 them?
15 MR. GAGNON: It could be. The genesis of
16 this process was actually through a City Council
17 directive which happened, I don't remember the meeting
18 date, but it was a few months back at this point.
19 There was, I believe, one constituent that was --
20 MR. KUNUTY: Well, that's changed.
21 MR. GAGNON: That is true; that is true. And
22 with that, I think that's why staff is looking for
23 input from the Planning and Zoning Board as far as if
24 the Board sees this as a direction that would be
25 beneficial to the city.

Page 22

1 Again, you know, Ms. DeVeaux has spent a good
2 amount of time, you know, really digging down into this
3 and drilling down to see what adjacent municipalities
4 are also doing, so we're at a point where we feel as if
5 we have a large enough data set to indicate that this
6 is not something that is frequently occurring, not to
7 say that the Planning and Zoning Board could be an
8 outlier or that the City Council could recommend
9 something different. But I think we're at a point
10 where we're looking for input from the Planning and
11 Zoning Board.
12 MR. KUNUTY: If I remember our discussion,
13 the primary potential user would be churches, which are
14 usually in residential areas.
15 MR. GAGNON: That's correct.
16 MR. KUNUTY: And I think a few of the
17 comments that were made were that that would kind of be
18 an imposition, you know, in your neighborhood to see
19 these flashing signs or whatever, however we describe
20 them. My feeling is, you know, we're creating a rule
21 that nobody seems to need, you know, or trying to
22 create a rule that nobody seems to need, and, you know,
23 probably better off without. So that's my view.
24 CHAIR BURGESS: Thank you, Mr. Kunity.
25 Ms. Shepherd.

Page 23

1 MS. SHEPHERD: Mr. Gagnon, going back to the
2 churches, can you give me a -- go back and give me a
3 view of what the signs you're talking about with the
4 churches flashing. I haven't seen one flashing.
5 MR. GAGNON: I believe these are just general
6 examples, so --
7 MS. SHEPHERD: Hold it there. Now, what's
8 wrong with that sign? And they're flashing a message
9 of the time or the date or --
10 MR. GAGNON: I don't want anyone to think
11 that we're saying there's something wrong with the
12 sign. We're just providing the data and the research
13 as far as whether or not other municipalities have
14 these regulations or don't have the regulations.
15 So the trend right now is that other
16 municipalities don't provide for this type of signage,
17 for digital signage. But again, we're not saying that
18 there's something wrong with it, we're just saying that
19 this is not the trend that we're seeing in neighboring
20 communities.
21 MS. SHEPHERD: So if this go into effect with
22 the Council, you would send letters to these different
23 churches or businesses and say they can't use these
24 signs? Because I know one church came to my house and
25 started talking about the City or Planning and Zoning

Page 24

1 is trying to shut down the church from getting a sign.
2 And I just need to know what's wrong with a sign like
3 that that's flashing their messages?
4 MR. GAGNON: The current conflict is our sign
5 code doesn't allow for that use, so the discussion and
6 the practice we're going through now is to see what
7 other local municipalities have done and how they've
8 treated that use. The research has shown that there's
9 not really many others that are allowing that type of
10 use or sign functionality. But the current difficulty
11 staff is having is that our code doesn't allow for it,
12 our current code.
13 MS. SHEPHERD: Not being disrespectful,
14 that's your people saying it's flashy and whatever. I
15 don't think the churches are bothering anybody. I
16 think that if they want a sign, they should have a
17 sign. I don't think it should be no restrictions.
18 Those churches been there before I was even
19 born, and now they want to put the signs where people
20 would see. It's not flashy, it's not bothering
21 anybody. And I want to know why did this come up? The
22 churches are really, really upset. So why are we
23 talking of this? We should be doing other things
24 rather than talking signs for the church.
25 MR. GAGNON: So again, Ms. Shepherd, the

Page 25

1 discussion was our current code, in essence, prohibits
2 this use. So there was the discussion at a Council
3 meeting, and they directed staff to look at the code
4 requirements. And part of any code amendment process
5 would be providing the information to the Planning and
6 Zoning Board, receive input from the Planning and
7 Zoning Board, and then provide it back to City Council.
8 MS. SHEPHERD: Mr. Gagnon, truly, I
9 understand what you're talking about. But I've been to
10 these churches and the cities of Riviera Beach. Those
11 churches not bothering anybody. And they want to put a
12 sign out there. I mean why bother? Because what
13 you're going to do is flare up, and those people going
14 to come in here and bust these chambers wide open if
15 you brother with the churches.
16 Now, I just don't see it. I want to go on
17 record, I really -- that's why I asked for this,
18 because I really don't want to be a part of it, I
19 really don't.
20 MR. GAGNON: The difficulty staff has, again,
21 is that the code prohibits it currently, so --
22 MS. SHEPHERD: Staff need to go to church.
23 CHAIR BURGESS: Okay, I have a question for
24 staff.
25 Are you finished, Ms. Shepherd?

Page 26

1 MS. SHEPHERD: Yes, I am.
2 CHAIR BURGESS: Okay, staff, does
3 Ms. Shepherd need to state, for purposes of disclosure,
4 the churches that she had communication with in
5 reference to this issue?
6 MS. BUSBY: Well, Ms. Shepherd can disclose,
7 make a public disclosure of whoever that she feels that
8 she met, and that if this item comes before the
9 Planning and Zoning Board -- today it was just as an
10 informative discussion, workshop item. So yes, if
11 you're going to make any recommendations regarding
12 amending the sign code to allow for this use, then yes,
13 at that time I think it would be appropriate.
14 MS. SHEPHERD: First of all, I'm just
15 rescinding from being a part of it. And in my home,
16 with private conversations, I don't have to disclose
17 anything. It was the discussion. I was there. They
18 brought it to me. And you know, to have it not into
19 the agenda, I mean I'm just -- but you can do what you
20 want to do.
21 CHAIR BURGESS: Thank you, staff, for your
22 response.
23 MS. SHEPHERD: Excuse me. I was not through,
24 Ms. Burgess; I was not through.
25 CHAIR BURGESS: I'm sorry, Ms. Shepherd, but

Page 27

1 you didn't ask to be acknowledged, and the question
2 was proposed --
3 MS. SHEPHERD: I didn't have to ask. You
4 called my name. You called my name, Ms. Burgess, and I
5 replied to it.
6 CHAIR BURGESS: No, ma'am. I was asking the
7 question to staff.
8 Staff, are you --
9 MS. SHEPHERD: So Mr. -- excuse me.
10 Mr. Gagnon.
11 CHAIR BURGESS: Staff, are you finished?
12 MS. SHEPHERD: Excuse me, Mr. Gagnon. I
13 don't want to be a part of this. And you know, I just
14 want to move the dais because I don't want to be -- I
15 just don't want to be a part of it.
16 MS. BUSBY: Permission to address the Board?
17 CHAIR BURGESS: Staff, yes, you may. Thank
18 you.
19 MS. BUSBY: Ms. Shepherd, you could always
20 abstain from any discussion or abstain from any kind of
21 recommendation that the Board makes with respect to
22 this issue. That is your pleasure, your choice.
23 CHAIR BURGESS: Thank you, staff.
24 Mr. Gallon, your comments.
25 MR. GALLON: Yes, I think I had spoke about

Page 28

1 this before. I know, first of all, I would like to say
2 I think the people in the neighborhood would also need
3 to be notified if this is going to happen, so it would
4 probably need to be added to your standards if we
5 decide to go forward with this. Some neighborhoods
6 have associations. You know, those people have to be
7 notified. They have to be able to make a decision
8 whether or not they want to see that in their
9 neighborhood.
10 I know with me, I have a church there. I
11 know I wouldn't want to see it in my neighborhood. And
12 I don't know what it would do to the property value
13 with having that sign or that type of signage there.
14 You know, so I think staff need to see if they can find
15 out any information on that.
16 MS. DeVEAUX: Just to be clear, to see
17 whether or not the property values would be decreased?
18 MR. GALLON: Yes.
19 MS. DeVEAUX: Certainly.
20 MR. GALLON: And that the neighborhood and/or
21 associations need to be notified to say whether or not
22 they would want it.
23 MS. DeVEAUX: Thank you. Noted.
24 CHAIR BURGESS: Thank you, Mr. Gallon.
25 Well, I did have one question in reference.

Page 29

1 Staff did research, 41 other cities, and most of them
2 did not agree or this is a non-permittable use. So did
3 you note any specific reasons that the signs were
4 unpermittable in those other 41 municipalities? Like
5 did you see a trend or something to that effect?
6 MS. DeVEAUX: It was basically the common
7 response was that the lighting would be a bit much for
8 the neighboring residents. And the other comment or
9 responses that were given is that they don't belong in
10 residential neighborhoods. Those were the two common
11 responses.
12 CHAIR BURGESS: Which I can totally agree
13 with, and that is how I see this situation. I don't
14 think that this would be something beneficial to our
15 city because we have a lot of churches, and I just
16 don't think at this time that this use would be
17 beneficial to the city. So those are my comments and
18 my view on this issue.
19 So being that we have all of the Board's
20 comments, how would we like to proceed? Motion to City
21 Council or directive to staff not to pursue any
22 further? What's the pleasure of the Board?
23 MR. GALLON: Chair.
24 CHAIR BURGESS: Yes, Mr. Gallon.
25 MR. GALLON: If it was up to me, I would say

Page 30

1 not to pursue it any further.
2 CHAIR BURGESS: I would agree. Do we have
3 agreement from the other Board members? Mr. Brown?
4 MR. BROWN: I agree with you.
5 CHAIR BURGESS: Mr. Kunuty.
6 MR. KUNUTY: Yes.
7 CHAIR BURGESS: Ms. Shepherd has already
8 stated that she would not like to take any part in
9 this. Am I correct, staff?
10 MS. DeVEAUX: Yes.
11 CHAIR BURGESS: So then you have consensus
12 from Mr. Gallon, Mr. Brown, Mr. Kunuty and Mrs. Burgess
13 to not proceed any further as our recommendation, as a
14 Board recommendation.
15 MR. GAGNON: Okay. What staff can do is
16 provide the meeting minutes from tonight's meeting, as
17 well as the consensus from the Planning and Zoning
18 Board to City Council. Ultimately, it's the City
19 Council's decision, so they'll take the Board's
20 recommendation into consideration.
21 CHAIR BURGESS: Thank you.
22 MS. DeVEAUX: Thank you.
23 CHAIR BURGESS: Moving on to item number X,
24 general discussion, public comments. Let the record
25 reflect that there are no public comment cards

Page 31

1 submitted. So we'll move to item B, correspondence.
2 MR. GAGNON: Madam Chair, I just wanted to
3 make note of the correspondence provided by
4 Mr. Jackson, the resignation notice noted earlier.
5 CHAIR BURGESS: Okay, thank you.
6 Item C, Planning and Zoning Board comments.
7 Are there any final comments from the Board?
8 Mr. Brown?
9 MR. BROWN: No comments.
10 CHAIR BURGESS: Mr. Kunuty.
11 MR. KUNUTY: Just one question of staff. At
12 our last meeting you had mentioned that you were
13 working on a presentation for one of the Broadway
14 properties north of -- the vacant properties north of
15 Blue Heron. Is that still in process?
16 MR. GAGNON: Yes, we actually -- I believe,
17 if I remember correctly, and correct me if I'm thinking
18 something different, but one of the former sites that
19 functioned as a trailer park that has been
20 demolished -- that's the site?
21 MR. KUNUTY: Correct.
22 MR. GAGNON: Yes, we actually were
23 anticipating that coming to the Planning and Zoning
24 Board, I think it's on the May 23rd meeting.
25 MR. KUNUTY: Okay.

Page 32

1 MR. GAGNON: It's an application for future
2 land use amendment, zoning amendment, site plan
3 approval and plat.
4 MR. KUNUTY: Okay, very good. No other
5 questions.
6 CHAIR BURGESS: Thank you, Mr. Kunuty.
7 Ms. Shepherd.
8 MS. SHEPHERD: Yes. Mr. Gagnon, can you
9 please explain the drive-in on President Barack -- I'm
10 really not --
11 MR. GAGNON: Barack Obama Highway?
12 MS. SHEPHERD: Yes. I have people come and
13 they wanted me to explain it. I can't explain it. A
14 yellow sign was up, and I know I saw Planning and
15 Zoning. Did they sell the building or did they not?
16 MR. GAGNON: Yes, so --
17 MS. SHEPHERD: I'm sorry, the site.
18 MR. GAGNON: The site is located on the
19 northwest corner of President Barack Obama Highway and
20 13th Street. Is that the site that --
21 MS. SHEPHERD: Yes.
22 MR. GAGNON: -- functioned as an old drive-in
23 movie theater?
24 MS. SHEPHERD: That's it.
25 MR. GAGNON: So that was actually presented,

Page 33

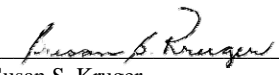
1 the site plan was presented to City Council on, I think
2 it was May 1st, the first Wednesday of the month. The
3 site plan was approved by Council with a three to two
4 vote, and it seems as if the development will move
5 forward.
6 MS. SHEPHERD: What are they building on that
7 site, the warehouses?
8 MR. GAGNON: So they're building what's been
9 called like a class A warehouse space, which is really
10 designed for today's kind of clean industries. So it
11 could be used for anything from a distribution center
12 for a company like Amazon or similar, all the way to
13 other supply chain or logistical centers for industries
14 that don't deal with any sort of chemicals or tires or
15 flammable liquids or anything that could be potentially
16 harmful to the community.
17 MS. SHEPHERD: Thank you.
18 MR. GAGNON: You're welcome.
19 CHAIR BURGESS: Mr. Gallon.
20 MR. GALLON: No question.
21 CHAIR BURGESS: I don't have any additional
22 comments, so we'll go into project updates and upcoming
23 projects.
24 MR. GAGNON: Yes, Madam Chair. Also as
25 previously noted, we are anticipating to meet on May

Page 34

1 23rd. We'll take a look at the project that was just
2 referenced.
3 What's the name of the project again?
4 MS. HARPER: Riviera Cove.
5 MR. GAGNON: The project name is Riviera
6 Cove, and it's proposing 89 townhomes. So we look
7 forward to review of that project.
8 CHAIR BURGESS: Okay, thank you.
9 MR. GAGNON: Thank you.
10 CHAIR BURGESS: There's nothing else. Do we
11 have a motion to adjourn?
12 MR. KUNUTY: So moved.
13 CHAIR BURGESS: Meeting adjourned.
14 (Whereupon, at 7:21 p.m., the proceedings
15 were concluded.)
16
17
18
19
20
21
22
23
24
25

Page 35

1 CERTIFICATE
2
3
4 THE STATE OF FLORIDA)
5)
6 COUNTY OF PALM BEACH)
7
8 I, Susan S. Kruger, do hereby certify that
9 I was authorized to and did report the foregoing
10 proceedings at the time and place herein stated, and
11 that the foregoing pages comprise a true and correct
12 transcription of my stenotype notes taken during the
13 proceedings.
14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 13th day of May, 2019.
16
17
18
19
20
21
22
23
24
25


Susan S. Kruger

