

<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, February 13, 2020</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:41 p.m. - 9:09 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Jon Gustafson, Vice Chair Anthony Brown, Board Member James Gallon, Board Member Stephen Hunt, Board Member Margaret Shepherd, Board Member William Wyly, Board Member Evelyn Harris Clark, 1st Alternate Moeti Ncube, 2nd Alternate Jeff Gagnon, Acting Director of Development Services Lina F. Busby, Assistant City Attorney Simone Davidson, Planner Ann DeVeaux, Senior Planner/GIS Specialist</p>	<p style="text-align: right;">Page 3</p> <p>1 MS. DAVIDSON: Evelyn Harris Clark. 2 MS. CLARK: Present. 3 MS. DAVIDSON: Moeti Ncube. 4 MR. NCUBE: Present. 5 MS. DAVIDSON: Jon Gustafson. 6 VICE CHAIR GUSTAFSON: Here. 7 MS. DAVIDSON: Rena Burgess. 8 (No response.) 9 MS. DAVIDSON: You have a quorum. 10 VICE CHAIR GUSTAFSON: Thank you all. 11 Acknowledgement of Board meeting absence 12 notifications. 13 MR. GAGNON: Yes, thank you, sir. Jeff 14 Gagnon, Acting Director of Development Services. 15 We did hear from our Chairperson that she 16 would be unable to attend tonight's meeting. So with 17 that, we'd have one Board member absent, so we'd ask 18 that the first alternate receive voting rights for 19 tonight's meeting. 20 VICE CHAIR GUSTAFSON: Very well. Item IV, 21 additions or deletions to the agenda. 22 MR. GAGNON: Thank you, sir. We do not have 23 any additions or deletions to tonight's meeting. 24 I did want to welcome our friends from the 25 Riviera Beach Volunteers, a police service group. They</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, February 13, 2020, 5 beginning at 6:41 p.m., with attendees as hereinabove 6 noted, to wit: 7 --- 8 VICE CHAIR GUSTAFSON: The time is 6:41. 9 Good evening. I'd like to call to order the February 10 13th, 2020 meeting for the P&Z or Planning and Zoning 11 Board. We'll begin with a moment of silence, followed 12 by the Pledge of Allegiance. 13 (Moment of silence observed. Pledge of 14 Allegiance recited.) 15 VICE CHAIR GUSTAFSON: Roll call. 16 MS. DAVIDSON: Margaret Shepherd. 17 MS. SHEPHERD: Here. 18 MS. DAVIDSON: William Wyly. 19 MR. WYLY: Present. 20 MS. DAVIDSON: Stephen Hunt. 21 MR. HUNT: Present. 22 MS. DAVIDSON: James Gallon. 23 MR. GALLON: Here. 24 MS. DAVIDSON: Anthony Brown. 25 MR. BROWN: Present.</p>	<p style="text-align: right;">Page 4</p> <p>1 hold a monthly or annual meetings, and they actually 2 invited me to speak at their meeting. And I told them 3 unfortunately we had a conflict, but invited them to 4 our meeting, and they actually took us up on the 5 invite. So I wanted to welcome that group to our 6 meeting tonight. I thank all of them for attending. 7 Their intent is really to learn about different 8 departments and processes, so this is probably a great 9 opportunity to see it firsthand. So I just wanted to 10 welcome that group. Thank you. 11 VICE CHAIR GUSTAFSON: Welcome all. 12 Item V, disclosure by Board members and 13 adoption of the agenda. Hearing none, approval of the 14 minutes for January 9, 2020. 15 MR. HUNT: I so move. 16 MS. SHEPHERD: Second. 17 VICE CHAIR GUSTAFSON: That was by -- the 18 first by Hunt and second by Ms. Shepherd. Roll call. 19 MS. DAVIDSON: Margaret Shepherd. 20 MS. SHEPHERD: Yes. 21 MS. DAVIDSON: William Wyly. 22 MR. WYLY: Present -- yes. 23 MS. DAVIDSON: Stephen Hunt. 24 MR. HUNT: Yes. 25 MS. DAVIDSON: James Gallon.</p>

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1 MR. GALLON: Yes.
2 MS. DAVIDSON: Anthony Brown.
3 MR. BROWN: Yes.
4 MS. DAVIDSON: Evelyn Harris Clark.
5 MS. CLARK: Yes.
6 MS. DAVIDSON: Moeti Ncube.
7 MR. NCUBE: Yes.
8 MS. DAVIDSON: Jon Gustafson.
9 VICE CHAIR GUSTAFSON: Yes.
10 MS. DAVIDSON: Unanimous vote.
11 VICE CHAIR GUSTAFSON: Moving on, unfinished
12 business. Mr. Gagnon.
13 MR. GAGNON: Thank you, sir. You know what?
14 I failed to mention that with the Chairperson out, Vice
15 Chair, Mr. Gustafson, would serve in the Chair
16 capacity. It probably doesn't need to be stated, but
17 just for the record we'll make that announcement. So
18 thank you, sir.
19 VICE CHAIR GUSTAFSON: You're welcome. Thank
20 you.
21 MR. GAGNON: Tonight's business, we have
22 multiple items under unfinished business, which we're
23 actually carrying over from our previous Planning and
24 Zoning Board meeting where these items were discussed
25 on January 9th of this year. These items were also

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1 workshopped in December of last year; it was December
2 19th of 2019.
3 If it pleases the Board, I'd like to provide
4 a staff presentation for all four items. It's letters
5 A, B, C and D under unfinished business. They're all
6 associated with the same development proposal, so just
7 for continuity, it would probably be best to have a
8 uniform presentation, if that so pleases the Board.
9 VICE CHAIR GUSTAFSON: Any comments from the
10 Board? Very well.
11 MR. GAGNON: Okay, thank you.
12 So for the record, we have four applications
13 that are currently under staff review and have been
14 provided before the Planning and Zoning Board tonight.
15 The first is an abandonment of a City canal
16 right-of-way, which is staff number AB-19-02. The
17 second is a land use map amendment, which is LU-18-02.
18 Third is a zoning map amendment, RZ-18-02. And fourth
19 and final is site plan approval, which is SP-18-13.
20 For the record, the first item is an
21 ordinance of the City Council of Riviera Beach, Palm
22 Beach County, Florida, approving the application from
23 BLP Blue Heron, LLC, requesting abandonment of
24 approximately 57,520 square feet of canal right-of-way
25 located adjacent to and north of the vacant parcel of

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1 land identified by parcel control number
2 56-43-42-29-37-000-0030, located north of West Blue
3 Heron Boulevard, south of West 23rd Street, east of
4 R. J. Hendley Avenue, and west of Avenue O,
5 establishing a perpetual City utility access easement,
6 and providing for an effective date.
7 The second, for the record, is an ordinance
8 of the City Council of the City of Riviera Beach, Palm
9 Beach County, Florida, approving the application from
10 BLP Blue Heron, LLC requesting a future land use map
11 amendment from an office designation to a commercial
12 designation for approximately 4.91 acres of vacant land
13 identified by parcel control number
14 56-43-42-29-37-000-0030, and including land formerly
15 designated as a canal right-of-way, located north of
16 West Blue Heron Boulevard, south of West 23rd Street,
17 east of R. J. Hendley Avenue, and west of Avenue O, and
18 providing for an effective date.
19 Our third item is an ordinance of the City
20 Council of the City of Riviera Beach, Palm Beach
21 County, Florida, approving the application from BLP
22 Blue Heron, LLC requesting a zoning map amendment from
23 an OP, office and professional district designation, to
24 a CG, general commercial district designation, for
25 approximately 4.91 acres of vacant land identified by

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1 parcel control number 56-43-42-29-37-000-0030, and
2 including land formerly designated as a canal
3 right-of-way located north of West Blue Heron
4 Boulevard, south of West 23rd Street, east of R. J.
5 Hendley Avenue, and west of Avenue O, and providing for
6 an effective date.
7 The fourth and final item is a resolution of
8 the City Council of the City of Riviera Beach, Palm
9 Beach County, Florida, approving an application from
10 BLP Blue Heron, LLC requesting site plan approval to
11 construct five commercial buildings, totaling
12 approximately 31,286 square feet on approximately
13 4.91 acres of vacant land identified by parcel control
14 number 56-43-42-29-37-000-0030, and including land
15 formerly designated as a canal right-of-way located
16 north of West Blue Heron Boulevard, south of West 23rd
17 Street, east of R. J. Hendley Avenue, and west of
18 Avenue O, providing for conditions of approval and
19 providing for an effective date.
20 So what you have before you is an aerial view
21 of the site. The site that we're discussing tonight is
22 currently called out in red. That's on the north side
23 of Blue Heron Boulevard and indicated here.
24 This is a little bit closer view of the site.
25 You can see how it's kind of bookended by two different

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1 roadways. There's a canal that runs on the north side
2 of the property, and we have single family residential
3 uses to the north of the canal.
4 This is a view from the eastern property line
5 looking west; and this is from the western property
6 line looking east. Again, you can see in this photo
7 the canal running east and west.
8 So to briefly talk about some of the project
9 items, all four of these items would require approval
10 in order for the project to move forward as proposed.
11 If any individual item didn't proceed, then the project
12 could not proceed successfully.
13 So the existing land area is currently
14 platted. It's approximately 3.59 acres, and we
15 approximate that the canal abandonment will add an
16 additional 1.32 acres to the site, so that will
17 generate the 4.91 total acres. The City sees this as a
18 benefit because we're creating over an acre of taxable
19 land that currently is serving as canal only. And with
20 this proposal, that canal function would still exist,
21 it would just be piped underground, and then, again,
22 generating over an acre of taxable land for the City.
23 Briefly, some of the background on the site,
24 it has been vacant and undeveloped for a significant
25 amount of time. We think that it's due to a couple

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1 different factors. We think the lot configuration
2 itself is one of the limiting factors. We also believe
3 that the current future land use designation as well as
4 the zoning designation of office professional may also
5 have restricted some development proposals that we may
6 have seen otherwise.
7 So what the current property owner has done
8 is really proposed a unique way of dealing with that
9 challenge, where they're looking to abandon that canal
10 right-of-way as currently platted and incorporating it
11 into their site design. Again, what that will do is
12 provide additional area that counts towards their
13 development, I guess, requirements as far as total
14 acreage for the site.
15 It lessens the burden on the City as far as
16 maintenance of that open canal area. The applicant has
17 agreed to a perpetual easement for the canal itself and
18 piping of that canal, so the City is pretty comfortable
19 with the proposal as provided.
20 Just for the record, the legal description
21 has been provided in your backup material for tonight's
22 meeting.
23 The image you see before you is associated
24 with the future land use map amendment. You can see
25 the section on the top side of the screen here, and

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1 I'll highlight it with the mouse cursor. This is the
2 current configuration, which is an office future land
3 use designation. And what's currently being proposed
4 is that this area will have a commercial future land
5 use designation, which you can see the area just south
6 also has that commercial designation, so we feel like
7 it would be consistent.
8 The image before you now is associated with
9 the zoning map. The image on the top of the page is
10 office professional, and what is currently proposed is
11 an amendment to general commercial zoning. Again, that
12 would be consistent with the property to the south.
13 I'll touch upon some of the high points
14 within the staff analysis. Within this project there
15 are five new buildings. We feel like the future land
16 use map amendment and the zoning map amendment, if
17 those are approved, then the project would be
18 consistent with our requirements. We feel like there's
19 been significant efforts to ensure compatibility with
20 adjacent uses as well.
21 All levels of service are currently available
22 to the site, water, sewer, roadway, garbage collection,
23 et cetera. There's a brand new landscape package
24 that's proposed for the site significantly in line with
25 our overlay district for Blue Heron Boulevard, which we

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1 think you'd be pleased with. And parking and traffic
2 is in line with all the concurrency requirements.
3 For the record, here's a copy of the site
4 plan, which is also provided in your backup material.
5 This is the configuration and layout of the
6 design. This is east to west, and you can see the
7 building footprints as proposed.
8 And this is a copy of the landscape plan, and
9 you can see the treatment on the south side of the
10 project, which is along Blue Heron Boulevard. Pretty
11 significant landscape treatment, as well as a landscape
12 buffer on the north side adjacent to existing
13 residential uses.
14 Here are a few of the renderings that have
15 been provided by the applicant. This would be the view
16 from Blue Heron Boulevard, and this is the view from
17 Blue Heron Boulevard at the center of the site.
18 For the record, the elevations have been
19 provided in the backup and are demonstrated before you.
20 I believe there are five in total, one for each
21 building.
22 So what staff would like to do is go over
23 some of the proposed conditions of approval for each
24 item. Of course, we'd want to hear public comments for
25 each item separately, allow for public comments, and

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1 the Board would have to provide guidance on each item
2 individually as well.
3 So staff recommendation for the abandonment
4 request, which is AB-19-02, City staff is recommending
5 that P&Z recommend approval to City Council for this
6 canal right-of-way abandonment with the following
7 conditions.
8 The first is the applicant shall provide a
9 City access easement identical to the legal description
10 of the City canal right-of-way abandonment area in
11 order to ensure access in perpetuity.
12 The second condition is following City
13 Council approval and adoption of this abandonment
14 ordinance and prior to the City canal right-of-way
15 abandonment becoming effective, the applicant shall
16 provide the City with a construction performance bond
17 for 110 percent of the value of the cost to channelize
18 or pipe and fill the existing City canal.
19 The third condition is the applicant is
20 responsible for any and all costs associated with
21 channelization or piping of the existing City canal.
22 The water management capacity of the newly piped canal
23 shall be equal to or greater than the capacity of the
24 existing canal, and the final design of the
25 infrastructure improvement shall be approved by the

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1 City's Public Works Department. The applicant must
2 also apply and be issued one or more City building
3 permits prior to any site work commencing for
4 channelization of the existing canal.
5 The fourth condition is the applicant shall
6 replat the City canal right-of-way abandonment area
7 with the adjacent parcel, known by PCN
8 56-43-42-29-37-000-0030, prior to the issuance of a
9 Certificate of Occupancy for the location, and the
10 replat shall include City access easement that was
11 required as a condition of approval for the
12 abandonment.
13 So that concludes the recommended conditions
14 for the abandonment.
15 The recommendation for the future land use
16 map amendment is that the City staff recommends
17 Planning and Zoning Board recommend approval of the
18 future land use amendment to City Council from office
19 to commercial.
20 The next recommendation is associated with
21 the zoning map amendment, and City staff is also
22 recommending that the Board recommend approval to City
23 Council from an office professional designation to a
24 general commercial designation.
25 So we have multiple conditions associated

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1 with the site plan, which is SP-18-13. A few of the
2 conditions are our boilerplate conditions which we use
3 for all of our development orders. So the first,
4 second, third, fourth, fifth and sixth are all
5 customary conditions.
6 Number seven is somewhat unique. It states
7 the three concurrently processed ordinances for the
8 abandonment, the future land use map amendment and
9 zoning map amendment must be adopted, approved and
10 become effective prior to the site plan approval
11 becoming effective. So that's a timing condition for
12 the project.
13 Number eight is the applicant shall consult
14 with the Riviera Beach Police Department in order to
15 incorporate one or more internet protocol or IP cameras
16 within their site design for RBPD use.
17 Number nine is that the applicant shall
18 replat the City canal right-of-way abandonment area
19 with the adjacent parcel, known by PCN
20 56-43-42-29-37-000-0030, prior to the issuance of a
21 Certificate of Occupancy for the location, and the
22 replat shall include the City access easement that was
23 required as a condition of approval for the
24 abandonment.
25 Condition number ten has to do with water

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1 management on site. I believe the applicant has
2 already provided this documentation, but just for belt
3 and suspenders, condition ten is prior to issuance of
4 any City building permit, the applicant shall provide a
5 drainage report sufficient to demonstrate compliance
6 with the City and South Florida Water Management
7 District regulations, specifically demonstrating
8 compliance with the City Comp Plan infrastructure
9 element, policy 1.5.3, which is provided just for
10 further information. And this information is in the
11 staff report as well.
12 So that concludes staff's presentation on the
13 item. I know the applicant is present as well. If it
14 pleases the Board, I would like to provide an
15 opportunity for the applicant to present.
16 VICE CHAIR GUSTAFSON: Thank you, Mr. Gagnon.
17 MR. GAGNON: So Mr. Nichols.
18 MR. NICHOLS: Thank you, Jeff.
19 Members of the Board, good evening. Josh
20 Nichols, for the record, of Schmidt Nichols.
21 I've also got the development team with us
22 this evening. We've got the attorney for the project,
23 Seth Behn. The client and owner of the property is
24 here with us as well, Stu Hankin. And also, Rob
25 Rennebaun is the engineer of record, and he's going to

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1 be speaking as well today.
2 I wanted to just start -- I know that
3 you've -- Jeff, of course, did a great job, as last
4 time.
5 Is this the right button to push? Okay,
6 perfect. Yes, it switched over.
7 So I will keep this very brief. I think you
8 have a good understanding of kind of what the requests
9 are and what the project is, so I'll keep that brief,
10 and then we'll turn it over to Stuart Hankin for kind
11 of an update on his task, which was to go out to the
12 neighbors and see what their understanding was of the
13 project and kind of just get some feedback there. So
14 he's got some really good updates, so I'll move my side
15 of it along.
16 So again, the Comprehensive Plan amendment,
17 the rezoning, all required in order to make this come
18 to fruition. The site plan is about 31,000 square
19 feet, and some of the uses that we're hoping to get in
20 there, again, some first class retail, restaurant,
21 medical clinic, so kind of like an M.D. Now or
22 something like that. I think there's a need for that
23 in the area, so hoping to get one of those users in
24 there. And then also the abandonment of the canal.
25 So I think this is good just to show kind of

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1 a color rendering of the site plan and so you can see.
2 So you have the retail, restaurant, medical buildings
3 kind of all fronting on Blue Heron. There was a
4 recently adopted Blue Heron corridor plan, and so this
5 is -- correct me if I'm wrong -- one of the first
6 projects to kind of institute a lot of that streetscape
7 design.
8 So all the buildings were pushed up to the
9 front. There's a meandering sidewalk that goes along
10 all the frontage of the buildings, and then the
11 landscaping was upgraded as well to kind of go with
12 that motif along the frontage. So I think it turned
13 out to be a really good plan. I know you saw the
14 renderings. I'll show that real quick as well.
15 One thing that Stuart had gained in his
16 meetings with the residents was that this, the home
17 here on the western end would like nothing to be behind
18 their home, so -- which is good, because they're on the
19 end here, so it's not behind one of the buildings or
20 anything like that, so it's next to the canal.
21 So we would ask -- and we can work with staff
22 between here and City Commission. But to -- because I
23 know we're required a buffer along the perimeter, but
24 maybe we can shift that landscape material outside of
25 that and create a view window there so we're not

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1 impacting that, because it is the pleasure of one of
2 the residents in that area. So we did want to honor
3 that and bring that to the Board's attention, that we
4 would work with staff in between to come up with a
5 solution there for them.
6 Let me just quickly go to -- and again, you
7 saw these in Jeff's presentation, but again, I just
8 wanted to show you we're really looking at some
9 high-end design, a lot of glazing, which is a
10 requirement of the corridor, and also the architectural
11 treatment, splitting the buildings up so you don't have
12 a large massing along the roadway, pulling those
13 buildings up to the front.
14 So I think the design came out really nice.
15 Again, we've been in the -- well, not in the process,
16 but in the design process for about two years, the
17 better part of that. The abandonment was a big part of
18 it. So we really look forward to your support in kind
19 of moving this forward.
20 Just to kind of go over these, we talked
21 about them last time, but some of the benefits to the
22 community in terms of the estimated project cost, the
23 jobs and the tax revenue generation. So you saw those
24 last time. Same run-through there.
25 So with that, I'd like to bring up Stuart and

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1 kind of walk through some of his discussions with the
2 adjacent property owners. Thank you.
3 MR. HANKIN: Hello, everyone.
4 MS. CLARK: Good evening.
5 MR. HANKIN: Thank you again for the
6 opportunity to come before you and discuss our project.
7 I guess this is the third time we're talking about
8 this. For some of you, it may be the second time, and
9 for some of you the first time.
10 In our last meeting it was abundantly clear
11 that we needed to do some more community outreach to
12 share our vision for the project and let the
13 homeowners -- give the homeowners a chance to give us
14 some direct feedback and for us to inform them about
15 the plans for the project.
16 So last Wednesday I went door to door at two
17 times, one at 12:00 and one at 5:30. Not everybody was
18 home, but I think over 75 percent of the people I was
19 able to talk to directly. There are 21 houses that
20 buffer my land, of which 20 of them currently have a
21 fence or bushes or some sort of buffer that they use as
22 security for their house.
23 And as Josh spoke about, there is one that
24 has no fence, has no bushes, has no buffer, and because
25 of the way the project is laid out, we're able to keep

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1 that that way, again at the homeowner's request.
2 There were three specific things that we got
3 overwhelmingly positive support for, so just wanted to
4 share that with you. First was the wall, a six foot
5 wall, barrier wall behind their houses. Again, I
6 really wasn't sure how the people would receive it, but
7 again, overwhelmingly positive response. The level of
8 security that the wall would provide versus the fences
9 that are there today, almost everybody was very happy
10 about replacing what exists there with a six foot wall.
11 The second was the canal. Again, I didn't
12 have anybody say that they loved the canal or wanted
13 the canal. The canal was a burden for most people.
14 Not safe, and a breeding ground for mosquitoes for
15 times of the year. So that was number two.
16 And the third was new business and economic
17 development. Virtually everyone saw that as a positive
18 for themselves and the greater community.
19 We did have conversations about concerns as
20 well. One concern was that our -- the construction of
21 our project would in a way do damage to their
22 project -- or to their houses, excuse me. And that's
23 completely false. There's no construction work that
24 we're doing, whether it be the canal or the
25 construction of the buildings, that is going to somehow

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1 vibrate the ground and crack their pipes or their
2 foundation. It's just not going to happen. And we
3 have a civil engineer here that's been working on the
4 project for a few years already that's just going to
5 add a little bit to that.
6 And really, that was it. Happy to answer any
7 questions. Again, I was very happy the response from
8 the community, and you know, look very excited about
9 the project, look forward to vote. And thank you.
10 Going to bring up Rob to briefly speak about
11 the engineering impact of construction.
12 VICE CHAIR GUSTAFSON: Thank you, Mr. Hankin.
13 MR. RENNEBAUN: Good evening. My name is Rob
14 Rennebaun. I'm a registered professional engineer and
15 the president of Simmons & White Engineers.
16 Our office is just one exit down, five
17 minutes from here, at 45th Street and I-95. And I've
18 been with Simmons & White for over 30 years, and I've
19 done hundreds, if not thousands of projects just like
20 this. And in my experience, we've never had an
21 adjacent homeowner where pipes or foundations cracked
22 or pipes damaged with the type of construction that's
23 anticipated here on this project.
24 We've had some people say they felt
25 vibrations from projects, and humans are very sensitive

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1 to vibrations. And the type of construction techniques
2 that are going to be used here with vibratory rollers
3 are the same type of rollers that are used for house
4 pad constructions.
5 So the 21 houses that are adjacent to us,
6 they weren't all built at the same time. One's built,
7 and two's built and then another one's built next door
8 to it. For the filling of that house pad, the same
9 type of equipment that's used to vibrate that house pad
10 is going to be used on our project.
11 And the thing to remember is we're not
12 compacting three or four or five feet of fill at a
13 time. It's layered in very thin layers, so the
14 construction equipment can be less vibratory than
15 things you see at heavy DOT construction or heavy
16 bridge construction where they're putting in sheet
17 piles, that if you're not careful and you're not
18 engineered correctly, they can cause some damage to
19 existing structures.
20 Now, I was told that there was some concern
21 from members of the Board and neighbors about the
22 vibration, and I'm pretty good with this. But there's
23 a local expert, a geotechnical engineer that I asked to
24 meet with, and he came to my office. And he probably
25 gave me more information than any of you are concerned

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1 in, but it's more technical and it has to do with DOT
2 standards.
3 For years in the old days, people would
4 complain about vibration, and there was no real
5 standards. So DOT actually created standards for this
6 type of construction. And the variable is inches per
7 second. And the DOT has a standard. They want us to
8 keep our vibrations at .2 inches per second, with a
9 maximum of .5 inches per second.
10 And he told me that to crack a foundation, to
11 crack concrete, to crack a wall or to settle pipes in
12 nearby neighborhoods or under the residences, it takes
13 in the neighborhood of seven to ten inches per second
14 from the equipment. And that, he said, is severe pile
15 driving, heavy, heavy duty bridge construction type
16 things.
17 So what we're going to be doing here compared
18 to the DOT standards, compared to what could crack or
19 could settle pipes is like 35 to 50 times less
20 intensive. So I don't think there's going to be any
21 problem. We've never had a problem with this type of
22 work, and we wanted to come and let you know the
23 magnitude of the safety factor. We, as engineers, deal
24 with safety factors of two or three. Here it's 35 to
25 50 times less than what could cause damage to the

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1 neighbors.
2 And I'm here to answer any questions if you
3 have anything you'd like. Thank you.
4 VICE CHAIR GUSTAFSON: Thank you,
5 Mr. Rennebaun.
6 MR. NICHOLS: And again, just, I know we went
7 on there for a bit, so we want to just open it up now
8 to any questions you may have. So thank you.
9 MR. NCUBE: Board Chair.
10 VICE CHAIR GUSTAFSON: Mr. Ncube.
11 MR. NCUBE: Yes, I just want to make a
12 comment and actually commend you guys for following
13 through with the requests that were made last time. I
14 was a little bit skeptical because I actually wanted to
15 see if you were going to do anything like this.
16 And just looking at the survey, this actually
17 exceeded my expectations, because I really like the
18 fact that you made notes and spoke about the
19 conversations. You know, I especially liked the fact
20 that, you know, it was one person you were able to sit
21 there and just talk to him for 30 minutes, you know.
22 And that's important, because I think when you're doing
23 things like that, the community is impacted, and it's
24 important that people know who's actually doing the
25 work. And I'm sure that you probably may have learned

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1 something from the community.
2 So again, you know, like I said, it's always
3 a -- we all have to make decisions, but I definitely
4 think this is a really great job.
5 MR. NICHOLS: Good job, Stuart.
6 MR. HANKIN: Thank you.
7 VICE CHAIR GUSTAFSON: Ms. Clark, you're
8 recognized.
9 MS. CLARK: Yes, I think my colleague has
10 expressed my sentiment exactly, because I was very
11 adamant to have some forum with the community to get
12 their buy-in.
13 To the engineer, and just for the viewing
14 audience, I just want them to clearly understand that
15 the Board didn't necessarily have a problem with the
16 interruption of pipes and the land settling and that
17 sort of thing. It was, unfortunately, on those
18 residents who had another engineering company, another
19 vendor who did a shoddy job of some other street
20 repairs, and they were absolutely gun-shy, thinking
21 that they would see a replication of a job that was not
22 done very well. So your engineer here was just really
23 to clarify, to give a comfort level, to use this forum
24 right now to get that message out, plus it's of record
25 too.

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1 I want to go to the wall design. I know at
2 this point there is buy-in, except for that one house
3 on the corner, and I don't know if the architect has
4 already, with that six foot wall, talked about the
5 aesthetic of that. Sure it can go up six feet, but did
6 you get any feedback in terms of the aesthetic, or did
7 you present aesthetic and the neighbors said thumbs up?
8 MR. NICHOLS: I don't mean to speak for Stu,
9 but I don't think -- did you talk specifically about
10 the aesthetic?
11 Well, we're required to have architectural
12 consistency between the buildings and the wall. So
13 that will be, you know, of that same color scheme. The
14 wall can't be -- you know, it's not going to be a
15 fancy, over the top ornate wall or anything, but it's
16 going to -- you know, you have the columns and then the
17 slats that kind of slip in there. So there's not a
18 huge footer. It's a pretty sleek design, and it's
19 going to be the same color scheme as the buildings.
20 MS. CLARK: And that's okay. I just want to
21 make sure that the residents will not be surprised to
22 say you know what, for example, off of Australian, the
23 walls that the City put in, I think it's -- no, it's
24 Martin Luther King Boulevard over there, and the
25 neighbors were really distraught when they eventually

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1 saw the wall. And they were just not happy because no
2 one spoke to them. They expected a high wall. They
3 got a really short wall, and I'm hoping that the lovely
4 landscape kind of made up for it.
5 And what I'm saying is if I'm one of the
6 homeowners, and a wall goes up, and I just want to look
7 out my window, I just want to make sure I'm looking at
8 something that makes me feel good when I go look in the
9 morning or when I go to bed, that it looks okay. And
10 that was really about it.
11 It doesn't have to be ornate. I'm not saying
12 that. Just that there is some level of expectation,
13 because that's going to be the first thing they see
14 when they wake up, probably the last thing they see
15 when they go at night, and maybe it will be sleek and
16 it looks great.
17 MR. HANKIN: So what was explained was that
18 there would be a six foot concrete wall. The wall will
19 have stucco on both sides and be finished on both
20 sides, and it will be aesthetically pleasing. That's
21 really the short version of that. Nobody really
22 expressed anything above and beyond requirements, but
23 it will definitely be consistent with the rest of the
24 project. It will look great, and it will add to the
25 back of their house for sure.

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1 MS. CLARK: Okay, thank you. That's fine.
2 You've clarified that. That's of record, so now they
3 know what to expect.
4 MR. NICHOLS: Thank you.
5 VICE CHAIR GUSTAFSON: Anything else from the
6 Board?
7 MR. HUNT: I have --
8 VICE CHAIR GUSTAFSON: Mr. Hunt, you're
9 recognized.
10 MR. HUNT: I'm sorry.
11 I have a couple of observations. First of
12 all, Mr. Rennebaun, I thank you again for taking the
13 time and effort to do it, because it showed the value
14 of having the real facts that we need to balance the
15 judgment of the community.
16 And while we want to listen to all of the
17 opposing views, we also want to make sure we listen to
18 the positive views as well. And I think you did a
19 great job of summarizing everything, and I think it
20 makes it a lot easier for the Council to approve it as
21 well, because it's not going to be a football tossed
22 into their lap. Thank you.
23 VICE CHAIR GUSTAFSON: Mr. Wyly, you're
24 recognized.
25 MR. WYLY: Yes. Excuse me. I'm a little bit

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1 under the weather today.
2 Again, I kind of, you know, expressed the
3 same type of feelings that my colleagues have, is thank
4 you for coming and bringing this project to the city,
5 because it's something I thought was well needed.
6 Because like I said, I'm born and raised here, and as a
7 little kid walking up and down Blue Heron, there was
8 nothing ever in that location. And finally, 50 years
9 later -- wow, Lord, I'm 50.
10 MR. HUNT: Forty-eight.
11 MR. WYLY: Yes, 48. That, you know, now that
12 something now is going to be there, because I was just
13 making a joke earlier about, you know, this is not
14 Rivera Beach country, it needs to be Rivera Beach city,
15 and it needs to have that kind of image.
16 So thanks a lot for like what he said, for
17 coming in and talking to the residents on 23rd and
18 actually getting a buy-in on it, even for the person on
19 the corner, because I know that person on that corner,
20 and they'd kind of like to have that view of Blue
21 Heron, look outside the house and see that. So I
22 understand that. And thank you for making an
23 adjustment for that.
24 I have one thing though. Do we think that
25 the idea of -- remember I talked about the driveway, of

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1 going in from Blue Heron and the traffic study that we
2 had on there? I'm still a little skeptical about the
3 traffic not being able to have a turn-in because of the
4 amount of traffic during certain times of the day to
5 where it will slow down traffic coming down Blue Heron,
6 especially going west if that was an issue.
7 So I know you can't really budge on that.
8 You talked about it, because I understand it's the
9 design there and it would kind of hurt the rest of the
10 design of the building. But you're still going to have
11 my strong vote on that, but that was something that to
12 where I was wondering did you do any more kind of to
13 look in on that to kind of see if anything can be done?
14 MR. HANKIN: So Josh will give you a
15 technical response. My response, I had breakfast in
16 PGA Commons this morning, and that's a very similar
17 site on PGA Boulevard, which has similar traffic
18 patterns. And the entrance of PGA Commons is the same
19 as we've proposed here. It's one long drive with no
20 turn-in lane. So we've done the traffic studies, and
21 I'm sure he will, you know, expand on the requirements,
22 but I just wanted to make that note to you.
23 MR. WYLY: Okay, okay.
24 MR. HANKIN: Is there anything else you want
25 to add?

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1 MR. NICHOLS: Yes, just to kind of restate
2 sort of what we had talked about last time, but I just
3 want to make you feel comfortable. We do meet -- this
4 is a DOT road, this section, right? So we have
5 approval from DOT on our driveways and with the
6 intensity and the number of turns. So it does meet all
7 those standards.
8 MR. WYLY: Okay.
9 MR. NICHOLS: So I just want -- so, yes, it
10 really -- again, the shallowness of the site, if we
11 start putting in turn lanes, really, really starts to
12 inhibit --
13 MR. WYLY: Right, right.
14 MR. NICHOLS: -- that ability to develop the
15 site. So luckily enough, we do meet all the standards
16 by what we're showing as proposed.
17 MR. WYLY: All right. One more question.
18 What is the time limit? Specifically, what's the time
19 limit on this project, because to be honest with you,
20 I'm kind of -- I will be excited to see it. I at least
21 want to be around to be able to see it.
22 MS. SHEPHERD: Going somewhere? Where you
23 going?
24 MR. NICHOLS: So obviously, depending on
25 permitting and -- but we'd like to get construction

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1 going before the end of the year, if that's possible.
2 So we're not going to --
3 MR. WYLY: Well, so what's the expectation of
4 the finish date?
5 (Discussion held off the record.)
6 MR. NICHOLS: So fourth quarter, 2021.
7 You'll make it to then. I have faith; I have faith; I
8 have faith.
9 MR. HUNT: You're not going anywhere.
10 MR. WYLY: Thank you, sir.
11 MR. NICHOLS: Thank you.
12 MS. CLARK: Mr. Chair, I have another
13 question.
14 VICE CHAIR GUSTAFSON: Ms. Clark.
15 MS. CLARK: That may be directed more at
16 Mr. Gagnon. We have a lot here of digits with the
17 traffic study, and I was a little bit glazed over
18 looking at all of that, because I do have a full-time
19 job.
20 So my question is we have, I believe it's
21 Australian, and we have Congress in which the project
22 is going to develop. And the criteria for the traffic
23 has been met. And my question is it's just focusing on
24 the traffic patterns between that Australian and
25 Congress where this project is, but did the DOT look at

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1 Riviera Beach, Blue Heron in aggregate to say that we
2 have these projects that are on Singer Island and Blue
3 Heron that we're looking at developing, and those
4 individuals, like I think it is a 30 story foot hotel
5 parking lot that's going to be on Singer Island, Blue
6 Heron, and that traffic flow any time of the day has to
7 come down to where this project will be to get to I-95
8 and go to West Palm Beach airport, for example, because
9 I don't think they're going to traverse back the other
10 way and cut through to Jupiter.
11 So my question is because of that future
12 traffic based upon those projects, what is that going
13 to do to this particular section of traffic where it is
14 Australian, Congress where this is?
15 MR. NICHOLS: I can jump in here, I think,
16 and Jeff can add anything that I may miss. But so
17 basically, we look at the background traffic. So
18 anything that's approved within a sphere of influence,
19 basically, is looked at and is evaluated in the traffic
20 study, so any projects that are on the books.
21 And again, the County, so not just DOT, but
22 the County also reviews for traffic performance
23 standards, and then the City also reviews it. So you
24 have three different agencies that are reviewing it.
25 But yes, all the background traffic, and I

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1 mean by background is any projects that are on the
2 books -- they have to actually be on the books, so they
3 can't be just in the pipeline totally unless they're,
4 you know, already reviewed by DOT or the County. But
5 otherwise, and then we look at all the road networks
6 that do have an impact on the project and where these
7 trips are going throughout the day. So all that is
8 evaluated in the traffic study.
9 MS. CLARK: Okay, thanks. I think it's a
10 valid question that the developer has a lot to do with
11 it, but it falls upon Department of Transportation, and
12 knowing what we have going on as a City in the bigger
13 picture in the future and have that futuristic look so
14 that we are managing that traffic flow and we don't end
15 up -- not that we're going to end up like Miami, Fort
16 Lauderdale or Atlanta or Chicago, for that example, but
17 for a small town, new traffic coming through should be
18 considered, because it would have an impact.
19 But go ahead, Mr. Gagnon.
20 MR. GAGNON: Yes, so if you can think of it
21 as there's a pot that has been established as far as
22 total number of trips available, so that's the metric
23 that's used for any sort of traffic calculation.
24 So I think your real point is as we're
25 experiencing more growth, how do we ensure that we're,

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1 you know, staying within the limitations that are
2 provided within the roadway itself. And as new
3 projects come in and seek concurrency approval and seek
4 approval from either FDOT or the County, they're given
5 a placeholder, for lack of a better term, and those
6 trips that are dedicated to the project are reserved
7 for them until either a date certain that's specified
8 within the concurrency letter that's provided or until
9 the project really comes to fruition and is built out.
10 So if we had an unfortunate circumstance
11 where a project was approved and went through the
12 process and reserved that capacity and then just didn't
13 come to fruition, for whatever reason, and wasn't
14 built, then those trips would go back into the pool and
15 be available for other development teams. But so long
16 as they have an active development order, those trips
17 are reserved for that development.
18 MS. CLARK: Thank you.
19 MS. SHEPHERD: Mr. Chair.
20 VICE CHAIR GUSTAFSON: Ms. Shepherd, you're
21 recognized.
22 MS. SHEPHERD: As I listen to my colleagues
23 talking, we have to remember one thing. Riviera Beach
24 is growing. It's growing fast now with all the
25 construction. And I want to make it clear, very clear

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1 that we're growing and we have to accept the roads
2 being torn up and the buildings are growing.
3 And you know, I'm just ecstatic this company
4 is here. And I think that this company is going to
5 make a statement that the city of Rivera Beach is
6 growing. I think you're moving in the right direction.
7 And I'm sure right there it's going to be stagnated
8 with the schools and Barracuda Bay, it's going to be
9 stagnated. The Fire Department is coming.
10 So when I go out and take a drive and I want
11 to go somewhere, I know I have to leave at least 20
12 minutes or an hour early. So my grandchildren say I
13 drive 20 miles an hour, and I know I'm a little slow,
14 but I get there. And so with this project coming on
15 Blue Heron, I used to live right there on Blue Heron,
16 and at certain times every the day, I'll tell you, the
17 traffic is horrible.
18 So I want to look at the good side, and I
19 want to say my city is growing. And I know for a fact
20 buildings are coming with the new -- sorry, my phone.
21 With the new buildings that's coming on the island, I'm
22 sure that we have to brace ourselves for the future. I
23 am bracing myself for the future of Riviera Beach.
24 My parents were born and raised here but
25 moved to Detroit. And I'll be honest with you, I've

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1 been here a little over 30 years, and it's been the
2 same. Nothing's been going up until now. And that
3 corner, I always wondered, who own that corner, who own
4 that corner? And now you're sitting in our chamber
5 saying this is your project. And I hope people take a
6 good look at you and say Riviera Beach is moving on.
7 With that, I thank you.
8 MR. NICHOLS: Thank you.
9 VICE CHAIR GUSTAFSON: Mr. Wyly, you're
10 recognized.
11 MR. WYLY: Just one more question. I know
12 you spoke -- I know you don't, really can't control, I
13 guess, the businesses when everything gets set up, all
14 the businesses are going in. But you spoke of like an
15 M.D. Now, like a medical center or something like that.
16 Is there any kind of negotiations with any company or
17 any companies at this moment who possibly may be coming
18 into that location, because I think that would be
19 great.
20 If an M.D. Now comes in, that would be great,
21 because I know a lot of people in that area who travel
22 to Palm Beach Gardens or either West Palm Beach or Palm
23 Beach Lakes just to get medical attention. If there's
24 something right there in your neighborhood, it would be
25 awesome, if it's a possibility that we can get that

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1 there.
2 MR. HANKIN: They're definitely on my short
3 list of businesses I think would be perfect there, but
4 I can't start negotiations with any until I have
5 approvals. Nobody's willing to have discussion until I
6 say here's the project, here are the approvals, here's
7 what's coming.
8 MR. WYLY: One more question for you. Are
9 you still working with the guy, the young man at the
10 storage building to try to make the buildings similar
11 as far as paint, because I know --
12 MR. HANKIN: The only time I ever met him was
13 sitting here, and we had never had a discussion on
14 coordinating that in any way.
15 MR. WYLY: Right, sort of assistance to where
16 it makes it look like the little city feel.
17 MR. HANKIN: Yes.
18 MR. WYLY: You know, so we talked about that
19 last meeting, but --
20 MR. NICHOLS: The good thing is they're both
21 our clients, so we can make that connection --
22 MR. WYLY: Oh, yes, exactly, exactly.
23 MR. NICHOLS: -- and look at that.
24 MS. SHEPHERD: Oh, they are?
25 MR. WYLY: Yes.

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1 MR. NICHOLS: Yes.
2 MS. SHEPHERD: Oh, good.
3 MR. NICHOLS: The storage facility across the
4 street, and obviously, this one, yes.
5 MS. SHEPHERD: That sounds even better.
6 MR. NICHOLS: Yes, so we'll try to -- we can
7 try to coordinate that, yes, at least so they don't
8 clash.
9 MR. WYLY: Exactly.
10 MR. NICHOLS: But I can't guarantee that
11 they'll be the same color, but at least that they won't
12 clash.
13 MR. WYLY: Exactly.
14 MR. NICHOLS: We can try to coordinate that,
15 absolutely.
16 MR. WYLY: Thank you again, sir; thank you.
17 MS. CLARK: Chair, just a question for you.
18 Are our questions kind of open, to get them out in the
19 open right now, or just ask them at the appropriate
20 time in the rest of the presentation?
21 VICE CHAIR GUSTAFSON: Right now we can get
22 as many questions out as we need to from the Board.
23 MS. CLARK: Okay. I wanted to just ask --
24 VICE CHAIR GUSTAFSON: As long as it's within
25 topic.

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1 MS. CLARK: It's in topic.
2 VICE CHAIR GUSTAFSON: Okay, very well.
3 MS. CLARK: Launching this project.
4 Okay, to the owner of the land, I was looking
5 at all of the documentation, so I want to understand
6 who actually owns the land. I'm looking at a warranty
7 deed. Is it your company, or do you have a consortium
8 of investors and the title is truly going to those,
9 that entity, or is it within your ownership?
10 Because if I'm understanding, once we do the
11 abandonment of the canal, that becomes real property
12 that follows the history of the parcel number. Even if
13 you were to sell the property and flip it, that canal
14 becomes, you know, real property. And I'm just trying
15 to understand in this documentation that's going to be
16 recorded --
17 MR. HANKIN: Sure.
18 MS. CLARK: -- is it, you know, under your
19 ownership or different, the LLC's, for example?
20 MR. HANKIN: So the LLC is BLP Blue Heron,
21 LLC. I am the owner and manager of that LLC. I have
22 one investor who's a silent partner that puts up money
23 along with me, but I'm 100 percent the decision maker
24 and the person that's running the project.
25 MS. CLARK: Okay, so the real property is up

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1 under your purview.
2 MR. HANKIN: Correct.
3 MS. CLARK: That's what I'm asking.
4 MR. HANKIN: Yes.
5 MS. CLARK: Okay, thank you for that.
6 And one last question. Mr. Gagnon showed us
7 a colorful picture of the view of the land pointing
8 towards I-95, for example, and there was that part of
9 the canal. I just wanted to get an understanding, and
10 it might be that total end piece that had the tunnel,
11 that canal, the big hole, are you covering over, making
12 that underground too, or is that just going to remain
13 as is?
14 MR. HANKIN: It's going to remain as is.
15 MS. CLARK: Oh, it's going to remain as is.
16 Oh, okay. All right. Not that it -- you know, I'm not
17 an engineer, so I didn't know if you were just going to
18 end up encasing that as well and making that part of
19 it, but you're just going to leave it as is.
20 MR. HANKIN: This picture is a good
21 representation of what our plan is.
22 MS. CLARK: All right. I just wanted clarity
23 on it, if it was coming in or if it was just going to
24 remain as is. Okay.
25 VICE CHAIR GUSTAFSON: Any other questions

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1 from the Board? Moving on, we have.
2 MR. NICHOLS: Excuse me, Mr. Chairman, one
3 quick second.
4 VICE CHAIR GUSTAFSON: Absolutely.
5 MR. NICHOLS: I just needed to make sure that
6 we agree to the conditions of approval. I missed that
7 at the end of the presentation. So we just wanted to
8 make sure that for the record, we're in agreement with
9 the conditions of approval for all four of the
10 applications. Thank you.
11 VICE CHAIR GUSTAFSON: Thank you.
12 Jeff, I also believe that there was a, in the
13 last meeting there was talk about having the department
14 speak about this -- is that true -- about any of the --
15 from the different Police Departments or Fire
16 Departments about the buildings?
17 MS. SHEPHERD: You mean a backup?
18 MR. HUNT: I don't recall.
19 MS. SHEPHERD: Of the Fire Department and --
20 VICE CHAIR GUSTAFSON: Yes.
21 MR. GAGNON: We haven't received any
22 additional concerns. They were part of the site plan
23 and project review process.
24 VICE CHAIR GUSTAFSON: So everything is
25 approved from all of our --

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1 MR. GAGNON: Yes. One of the items, one of
2 the comments associated with police has to do with the
3 camera systems that they would like to have access to,
4 and they want to work with the development team, an IP
5 based camera system.
6 VICE CHAIR GUSTAFSON: And we have no update
7 from them. As long as the applicant is willing to work
8 with the Police Department, we make the recommendations
9 as per the --
10 MR. GAGNON: Yes, sir. And from a fire
11 standpoint, of course, when the project comes in for
12 building permit, all of the plans would have to be up
13 to date for all the fire code approvals and building
14 code requirements. And that typically is Fire
15 Department's main concern, just to ensure that all the
16 fire safety is up to current code.
17 VICE CHAIR GUSTAFSON: Very well. Thank you.
18 Moving on, I guess we would move on to public
19 comments regarding this before we move forward. We
20 have one card here from Claudene Anthony that would
21 like to discuss items A through D.
22 MS. ANTHONY: Good evening, Mr. Chair,
23 members of the Board. My name is Claudene Anthony.
24 VICE CHAIR GUSTAFSON: Good evening.
25 MS. ANTHONY: I am the property owner that's

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1 at the west end of the project who did not want a wall
2 behind her home -- or should I say our home, as I am
3 married -- because I do enjoy the view of Blue Heron in
4 the morning and at night.
5 I just want to say that I am -- it's
6 unfortunate that Ms. Hubbard was unable to be here this
7 evening.
8 But I do want to thank Mr. Hankin for coming
9 by my office, as well as my home last week. He did not
10 get the opportunity to speak with me, but he did speak
11 with my husband to advise the wall would not be behind
12 our home, nor will the canal be filled behind our home.
13 Ms. Harris Clark asked about the piping
14 that's over there by my home. That is City owned
15 property. That's part of our Utility Special District,
16 which, Ms. Clark, is the reason, possible reason why it
17 will not be bothered, which also may lend to why the
18 canal will not be fenced -- will not be filled on that
19 end, because not only do you have that pipe in there,
20 but you have a lift and a pump station that is there.
21 I moved there. I don't have to worry about a smell
22 that usually come from those things, okay?
23 However, I took the privilege of driving down
24 Blue Heron and through other thoroughfares of the city
25 to see what other neighborhoods were abutted by

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1 businesses, and to my surprise, there were not many, if
2 any. So the question becomes: Why here?
3 Mr. Wyly, I understand that you've been
4 wondering what was going to be built there because of
5 what you've seen through the years. At the last
6 meeting when this item was discussed, according to the
7 developer, the impact would only be on approximately 25
8 property owners and/or renters. I want to inform the
9 developer whether the number is 25, 2,500 or 25,000,
10 we, the residents of this city on 23rd Street, are
11 stakeholders, just like anyone else, and our dollars do
12 matter.
13 I made comments on safety concerns, noise
14 concerns during construction, possible damage to
15 residential infrastructure, but I did not bring to your
16 attention the effect of the City's fragile
17 infrastructure, as the lift and pump stations in that
18 area has issues currently with its current utilization.
19 What about the effect of the utility vehicles
20 being able to access homes between the fencing of the
21 properties and the barrier wall?
22 Better yet, how will the construction
23 equipment access the site? Do they plan on passing
24 through on the west end, which means driving on my
25 property, because you can't access from the east side?

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1 How will this project affect property values
2 once completed or once neglected? No, I do not have
3 confidence in the property being properly maintained as
4 time goes by.
5 You have heard my comments. I thank you for
6 your time.
7 VICE CHAIR GUSTAFSON: Thank you,
8 Ms. Anthony.
9 MS. SHEPHERD: Mr. Chair.
10 VICE CHAIR GUSTAFSON: Ms. Shepherd.
11 MS. SHEPHERD: I was under the understanding
12 that everybody in that neighborhood approved that. I'm
13 kind of stunned to hear Ms. Anthony talk about it. Did
14 it affect anybody else? Did you get any statements
15 from anyone else? This is the first I've heard of it.
16 And I got friends in that area, and I haven't heard
17 them talk about it, not at all.
18 MR. HANKIN: Yes, so there were two public
19 comments last time of people that were not excited
20 about the project. Ms. Hubbard was the other person.
21 But speaking to everybody else directly, they
22 responded very positively. And you know, we're able to
23 make the consideration to keep the project away from
24 the house all the way to the west. So we didn't take a
25 vote, we didn't ask anybody to sign anything. We let

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1 everybody know that we would be here tonight
2 presenting, and everybody had the opportunity to come
3 in opposition.
4 And again, you know, we have one person that
5 obvious -- that I'm not sure if that was all positive
6 or all negative. But, yes, that's the response. The
7 summary that's provided in your packet was every
8 discussion I had with the people there.
9 MS. SHEPHERD: Well, she brought it up.
10 Since Ms. Anthony brought it up, how will you get the
11 easement to her property to work on this project?
12 MR. HANKIN: Yes, we have access directly
13 from Blue Heron, so we don't need to come --
14 MS. SHEPHERD: You don't need to go through
15 her property?
16 MR. HANKIN: No, absolutely not.
17 MS. SHEPHERD: Okay, because I wouldn't want
18 to upset her.
19 MR. HANKIN: No. Today there is no access
20 through there. When people come and service the
21 property, they come in through Blue Heron Boulevard.
22 Right now they just kind of pull up on the sidewalk.
23 So there won't be any need for access through any part
24 of 23rd Street.
25 MS. SHEPHERD: How did you access the

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1 opinions? I've been out sick for a while, so I ask
2 these questions. What did you do, put door knockers,
3 or you just went?
4 MR. HANKIN: I literally knocked on the
5 doors, yes. And for everyone that was home, you know,
6 we just had a conversation. Some people had heard
7 about it and wanted to talk about it. Some people
8 wanted to explain their support.
9 Some people had some questions about what the
10 construction would be like, and I, you know, shared
11 that with them and I showed them pictures of what it
12 would look like. I wrote them a letter. I gave them
13 my personal cell phone number. I've received two calls
14 since then, both positive. So everybody was left with
15 my letter, pictures and my business card with my
16 personal cell phone on it.
17 MS. SHEPHERD: How many houses did you go to?
18 MR. HANKIN: There were 21. I knocked on --
19 there were 16 homeowners. Of the 21, there were five
20 investors. I didn't knock on the investor doors; I
21 knocked on the homeowner doors. And again, there's a
22 summary of my conversations with all of the homeowners.
23 MS. SHEPHERD: All right, thank you,
24 Mr. Chair.
25 MS. CLARK: Mr. Chair, all of the detail is

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1 here in the packet that the staff prepared for us, as
2 well as the developer and his team articulating even
3 further.
4 I want to have this question directed to
5 Mr. Gagnon just based upon Ms. Anthony's question, and
6 this is something that the developer may or may not
7 know, but we should. And she was pointing out the
8 fragileness of our infrastructure, because we, as a
9 City, just have bad piping, if you will, and it's
10 fragile.
11 So what she's asking is was that taken into
12 consideration when the development happens, and if
13 anything were to happen, if you will, the water pipes,
14 because I've experienced that myself with something as
15 much as just walking on the ground, and I ended up with
16 a 500, \$600 problem, and that was something that's the
17 City's issue because the pipes are so old. But yet
18 still when you have a developer coming in, they may,
19 may not know how fragile it is, but the residents want
20 to know. They don't want to see a problem, and if
21 there is a problem, maybe it falls upon us as a City.
22 I think that's what she's asking.
23 If I'm wrong, Ms. Anthony, please correct me.
24 But I want to make sure that that is
25 addressed, because that's something that's not here in

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1 the packet. The effort that he went, he did go door to
2 door, all of that's here and he spoke about that. I'm
3 clear on that. That's good. It's the infrastructure,
4 which maybe falls more in our lap as a City to address
5 the residents' concern.
6 MR. GAGNON: So if the project receives
7 approval and moves forward where they receive a
8 development order from the City Council, when they come
9 in for a City building permit, that information in that
10 packet is routed to each reviewing department and
11 division.
12 So one of those divisions is our Utility
13 District. So they're definitely aware of where their
14 lift stations are and if there's any concerns
15 associated with some of the construction, or, you know,
16 abandonment of the easement and piping of that canal.
17 If they feel like there's any sort of conflict or
18 concern, that's their true opportunity to see the
19 complete development plans, to make any comments or
20 amendments that they see fit.
21 If there's any concern or issue that does
22 require additional resolution or another meeting, they
23 have the option of really providing a request for
24 additional information to the applicant or any other
25 comments that they have. And the project can't proceed

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1 until that building permit application is approved by
2 each department or division. So the Utility
3 Department -- excuse me -- the Utility Division or the
4 District would have to approve any building permit
5 application that's submitted to the City prior to any
6 dirt being turned whatsoever.
7 MS. CLARK: And I'm just hoping that that
8 answers Mrs. Anthony's question as a resident, which is
9 what I'm trying to get at. And if it doesn't, I think
10 she can speak for herself.
11 VICE CHAIR GUSTAFSON: Very well. Moving on,
12 we have another public comment from Mercy Selver.
13 UNIDENTIFIED SPEAKER: (Inaudible.)
14 VICE CHAIR GUSTAFSON: Ms. Selver is looking
15 to make comments regarding B through D, so I don't see
16 why we couldn't vote, or if there was a motion out
17 there for item A.
18 MR. HUNT: I move that we adopt and approve
19 item A on the agenda.
20 MR. GALLON: Second.
21 MR. WYLY: Second.
22 VICE CHAIR GUSTAFSON: I believe that was a
23 motion by Mr. Hunt and a second by Mr. Gallon. Roll
24 call.
25 MS. DAVIDSON: Margaret Shepherd.

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1 MS. SHEPHERD: Yes.
 2 MS. DAVIDSON: William Wyly.
 3 MR. WYLY: Yes.
 4 MS. DAVIDSON: Stephen Hunt.
 5 MR. HUNT: Yes.
 6 MS. DAVIDSON: James Gallon.
 7 MR. GALLON: Yes.
 8 MS. DAVIDSON: Anthony Brown.
 9 MR. BROWN: Yes.
 10 MS. DAVIDSON: Evelyn Harris Clark.
 11 MS. CLARK: Yes.
 12 MS. DAVIDSON: Moeti Ncube.
 13 MR. NCUBE: Yes.
 14 MS. DAVIDSON: Jon Gustafson.
 15 VICE CHAIR GUSTAFSON: Yes.
 16 MS. DAVIDSON: Unanimous vote.
 17 VICE CHAIR GUSTAFSON: Moving on for --
 18 MR. NICHOLS: Thank you very much.
 19 VICE CHAIR GUSTAFSON: Very well.
 20 Ms. Selver, you'd like to make comments regarding items
 21 B through D?
 22 MS. SELVER: Yes, please. Good evening. My
 23 name is Mercy Selver, and I'm a resident on West 23rd
 24 Street. I've been there about 35 years. Ms. Claudene
 25 happens to be my neighbor.

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1 And my concern -- well, I want to thank
 2 Mr. Stuart. He did come by the home. I have a home
 3 day care. At the time he came, it was like noontime,
 4 and that's crunch time for me, so I really didn't have
 5 the time to talk with him. I maybe spoke maybe one or
 6 less than two minutes, because I didn't have time
 7 because of my children.
 8 But I was concerned about the canal behind my
 9 house. And he was saying that there would -- the canal
 10 was going to remain as is, that my home would not be
 11 impacted, because again, I was concerned about the
 12 impact of them filling in that canal would have on my
 13 home. And he was saying that it would have no impact,
 14 that it was going to be left as is.
 15 So I just want to make it clear I've heard
 16 all of the civil engineers and all that. I'm not
 17 familiar with all the technical terms or what have you,
 18 but the only thing I want to say is like I have been
 19 there for 35 years, and there's a lot of other people
 20 in our neighborhood that's been there a very long time,
 21 and they are senior citizens. A lot of them don't
 22 drive at night. You know, they have difficulty getting
 23 around.
 24 But I'm concerned about the damages that
 25 might happen to my home. I know the engineer was

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1 saying it was going to be very minimum. But in the
 2 event -- you know, I take pride in my home. I put a
 3 lot of money in there, always doing upgrades to make my
 4 home look beautiful, and I want it to remain that way.
 5 I am a retiree, and I have a -- this is a second career
 6 for me.
 7 But I want to make sure that my property is
 8 not impacted by all of this drilling and stuff like
 9 that. And if it is damaged, because there's nothing
 10 wrong with my home right now, but in the event --
 11 because of that other construction that we had, I mean
 12 it was terrible, all of the vibrations.
 13 And I don't want -- you know, I know business
 14 has to go on. I'm for growth and development because I
 15 know it brings in jobs. And I just want to make sure
 16 again, if something does happen, that I don't have to
 17 come out of my pocket or my neighbors don't have to
 18 come out of their pockets to get these repairs done.
 19 And as far as the traffic and things that are
 20 a concern, right now there's already a problem on West
 21 Blue Heron Boulevard when you're trying to get from,
 22 turn from Blue Heron to R. J. Hendley Boulevard.
 23 Getting across there is terrible. You know, you have
 24 to be very, very careful. Your car almost have to be
 25 in the road to see around the corner to get through

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1 Avenue R, and there's going to be accidents and things
 2 like that. So we need to make sure that we have the
 3 traffic control or whoever responsible for that, that
 4 that doesn't occur.
 5 And I saw the beautiful designs. You know,
 6 all this look good. And I pray that if it is approved,
 7 that we keep this design and it doesn't look like what
 8 we're looking at across the city -- across Blue Heron
 9 right now. When you look at all those things, they got
 10 every funeral home over there, they got some of
 11 everything there. And I just don't want -- you know,
 12 this look good. But hold them to this, you know.
 13 And as far -- we didn't even talk about the
 14 wall, but if a wall goes up, I don't want a big white
 15 wall behind my home. I want it to look nice, because I
 16 put a lot of money in my home to make it look nice. So
 17 whenever you all -- if you have to put the wall up
 18 there, make it look presentable, maybe put some flowers
 19 on there, do whatever so it is pretty. When you look
 20 at it, you want to see that.
 21 But just make sure that they're held
 22 accountable, and that, you know, like he was saying,
 23 there's going to be very minimum. You know, people say
 24 anything to get what they want done, but just hold
 25 people accountable to it. And I just don't want no

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1 damage to my property, my neighbors' property, because
2 we don't have money that like. And that's all I have
3 to say.
4 VICE CHAIR GUSTAFSON: Thank you for your
5 comments.
6 Mr. Gallon.
7 MR. GALLON: Jeff, I have a question about
8 that term that she's talking about. Those trees or
9 hedges in the middle of the road when you get ready to
10 make that left-hand turn on Hendley, is there any way
11 that they can take that shrubbery down or cut that one
12 tree down that's right there as you're making that
13 left-hand turn, because you really cannot see the
14 traffic coming. You have to pull out far enough to
15 where you can see that traffic coming.
16 MR. GAGNON: So this is within the landscape
17 median in the roadway?
18 MR. GALLON: Yes.
19 MR. GAGNON: I think we can absolutely have
20 that conversation with DOT. A lot of those landscape
21 packages that they put in are to FDOT standards, but if
22 there's any sort of line of sight issue where the view
23 for traffic or drivers is blocked, then we definitely
24 want to ensure that it's open --
25 MR. GALLON: It is. It's terrible.

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1 MR. GAGNON: -- and accessible.
2 MR. GALLON: It really is, because you have
3 to pull out quite a ways to really make sure that
4 there's no traffic coming.
5 MR. GAGNON: Can we meet after the meeting
6 tonight, and you can pinpoint the exact location so I
7 can make sure to follow up on it?
8 MR. GALLON: Okay.
9 VICE CHAIR GUSTAFSON: Moving forward, do we
10 have a motion for item B?
11 MR. HUNT: I move that we accept and approve
12 item B on the agenda.
13 MR. WYLY: Second.
14 VICE CHAIR GUSTAFSON: The motion was by
15 Mr. Hunt, and seconded by Mr. Wyly. Roll call.
16 MS. DAVIDSON: Margaret Shepherd.
17 MS. SHEPHERD: Yes.
18 MS. DAVIDSON: William Wyly.
19 MR. WYLY: Yes.
20 MS. DAVIDSON: Stephen Hunt.
21 MR. HUNT: Yes.
22 MS. DAVIDSON: James Gallon.
23 MR. GALLON: Yes.
24 MS. DAVIDSON: Anthony Brown.
25 MR. BROWN: Yes.

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1 MS. DAVIDSON: Evelyn Harris Clark.
2 MS. CLARK: Yes.
3 MS. DAVIDSON: Jon Gustafson.
4 VICE CHAIR GUSTAFSON: Yes.
5 MS. DAVIDSON: Unanimous vote.
6 VICE CHAIR GUSTAFSON: Moving forward, item
7 C. Is there a motion?
8 MR. HUNT: I so move to approve item C and --
9 MR. GALLON: Second.
10 VICE CHAIR GUSTAFSON: We have a motion from
11 Mr. Hunt and a second from Mr. Gallon. Roll call.
12 MS. DAVIDSON: Margaret Shepherd.
13 MS. SHEPHERD: Yes.
14 MS. DAVIDSON: William Wyly.
15 MR. WYLY: Yes.
16 MS. DAVIDSON: Stephen Hunt.
17 MR. HUNT: Yes.
18 MS. DAVIDSON: James Gallon.
19 MR. GALLON: Yes.
20 MS. DAVIDSON: Anthony Brown.
21 MR. BROWN: Yes.
22 MS. DAVIDSON: Evelyn Harris Clark.
23 MS. CLARK: Yes.
24 MS. DAVIDSON: Jon Gustafson.
25 VICE CHAIR GUSTAFSON: Yes.

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1 MS. DAVIDSON: Unanimous vote.
2 VICE CHAIR GUSTAFSON: And finally, under
3 item VII, letter D. Do we have a motion?
4 MR. GALLON: I move that we approve item D as
5 submitted.
6 MR. BROWN: Second.
7 MR. HUNT: And I second.
8 VICE CHAIR GUSTAFSON: I believe that was a
9 motion from Mr. Gallon and a second from Mr. Hunt.
10 Roll call.
11 MS. DAVIDSON: Margaret Shepherd.
12 MS. SHEPHERD: Yes.
13 MS. DAVIDSON: William Wyly.
14 MR. WYLY: Yes.
15 MS. DAVIDSON: Stephen Hunt.
16 MR. HUNT: Yes.
17 MS. DAVIDSON: James Gallon.
18 MR. GALLON: Yes.
19 MS. DAVIDSON: Anthony Brown.
20 MR. BROWN: Yes.
21 MS. DAVIDSON: Evelyn Harris Clark.
22 MS. CLARK: Yes.
23 MS. DAVIDSON: Jon Gustafson.
24 VICE CHAIR GUSTAFSON: Yes.
25 MS. DAVIDSON: Unanimous vote.

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1 MR. HANKIN: Thank you.
2 VICE CHAIR GUSTAFSON: Moving forward, item
3 VIII, new business.
4 MR. GAGNON: Thank you, Chair.
5 We have one item on tonight's agenda under
6 new business. For the record, it is an ordinance of
7 the City Council of the City of Riviera Beach, Palm
8 Beach County, Florida, amending City Code of
9 Ordinances, Chapter 31, Zoning, Article I, In General,
10 Section 31-1, Definitions, by adding a definition for
11 drive-up or drive-through facility; a definition for
12 restaurant, excluding drive-through; and a definition
13 for restaurant drive-through, drive-in; and amending
14 Chapter 31, Zoning, Article VI, Supplemental District
15 Regulations, Section 31-551, Principal Arterial Design
16 Standards Overlay by amending the location criteria for
17 developments with drive-up facilities by deleting the
18 existing 500 foot separation requirement and requiring
19 special exception approval for drive-up facilities, and
20 providing for conflicts, severability and codification,
21 and providing for an effective date.
22 At this point in time, I would like to ask
23 our Senior Planner, Ms. Ann DeVeaux, to provide the
24 Board with a presentation. Thank you.
25 MS. DeVEAUX: Thank you, Mr. Gagnon.

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1 Good evening.
2 MR. HUNT: Good evening.
3 MS. DeVEAUX: Good evening, Planning and
4 Zoning Board members. Ann DeVeaux, Senior Planner,
5 Development Services.
6 VICE CHAIR GUSTAFSON: Good evening.
7 MS. DeVEAUX: One moment, please.
8 MR. GAGNON: I just put new batteries in it
9 too.
10 MS. DeVEAUX: So tonight an ordinance of the
11 City Council of the City of Riviera Beach, Palm Beach
12 County, Florida amending City Code of Ordinances,
13 Chapter 31, Zoning, Article I, In General, Section
14 31-1, Definitions, by adding a definition for drive-up,
15 drive-through facility; a definition for restaurant,
16 excluding drive-through; and a definition for
17 restaurant, drive-through, drive-in; and amending
18 Chapter 31, Zoning, Article VI, Supplemental District
19 Regulations, Section 31-551, Principal Arterial Design
20 Standards Overlay by amending the location criteria for
21 developments with drive-up facilities by deleting the
22 existing 500 foot separation requirement and requiring
23 special exception approval for drive-up facilities, and
24 providing for conflicts, severability and codification,
25 and providing for an effective date.

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1 Before you tonight is the applicant and
2 property owner, Riviera Partners, LLC. The authorized
3 agent is Hope Calhoun from Dunay, Miskel and Backman,
4 LLP.
5 The request on behalf of the applicant is to
6 amend the City Code of Ordinances to add definition for
7 drive-up facility as well as amend the location
8 criteria for developments with drive-up facilities by
9 deleting the existing 500 foot separation requirement
10 and requiring special exception approval for drive-up
11 facilities within the Principal Arterial Design
12 Standards Overlay.
13 The amendment is global, and it is not site
14 specific.
15 A little of the background and analysis. The
16 applicant purchased the vacant parcel identified by
17 parcel control number 56-43-42-30-37-003-0000 located
18 on Blue Heron Boulevard on May 22nd, 2018 with the
19 intent to develop the property for an end user. The
20 applicant has been unable to find a tenant for this
21 commercial space, and therefore, they desire to develop
22 the parcel with a drive-through, and it's likely a
23 restaurant.
24 The parcel is a little less than an acre,
25 .88.19 acres. The zoning designation is general

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1 commercial. The future land use is commercial. And it
2 is within the overlay, the Principal Arterial Design
3 Standards Overlay. It is situated in the Wedgewood
4 Center replat number one subdivision along the 1700
5 block on West Blue Heron Boulevard. And it is adjacent
6 to Taco Bell, which is a drive-through restaurant
7 facility. Palm Beach County records and City records
8 have revealed no prior development to the parcel.
9 The City's Principal Arterial Design
10 Standards Overlay regulations was originally approved
11 by Ordinance Number 2833 in 1999. It was amended
12 January 4th, 2017 by Ordinance Number 4091; amended
13 again May 2nd, 2018 by Ordinance Number 4110, and it is
14 codified in the City's Land Development Regulations.
15 Ordinance Number 4110 addressed a moratorium
16 that was enacted by Ordinance Number 4091, which
17 limited the filing and receiving of site plan
18 applications along Broadway, U.S. 1 and Blue Heron
19 Boulevard development corridors to allow City staff
20 time to evaluate and propose new amendments pertaining
21 to the corridors. The purpose and intent of the
22 overlay was to promote consistent and compatible
23 development and redevelopment within the City's primary
24 roadway corridors.
25 Now, the Rivera Beach Principal Arterial

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1 Overlay is now associated with the properties fronting
2 on any of the following roads in the City, and there
3 are eight of them: Dr. Martin Luther King, Jr.
4 Boulevard, President Barack Obama Highway, Blue Heron
5 Boulevard, Broadway, U.S. Highway Number 1, 13th
6 Street, Military Trail, Congress Avenue and Australian
7 Avenue.
8 The City's overlay code currently prohibits
9 drive-up facilities to be located within 500 feet of an
10 existing drive-up facility located on the same side of
11 a designated arterial road, and it permits existing
12 drive-up facilities located closer than 500 feet to be
13 improved or upgraded with conditions.
14 The proposed zoning text amendment to delete
15 the 500 foot separation requirement for drive-up or
16 drive-through facilities may create the potential for
17 adverse impacts to the balance of uses along these
18 roadway corridors.
19 From a planning aspect, restricting the
20 number of drive-through restaurant facilities within a
21 community may be beneficial to the community
22 environmentally and socially.
23 In summary, creating definitions for
24 drive-up, drive-through facility, restaurant excluding
25 drive-through, and restaurant drive-through, drive-in,

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1 are necessary City Code improvements. We currently
2 don't have definitions outlined in the code for those.
3 The request to modify the existing 500 foot separation
4 requirement for drive-through facilities could result
5 in both positive and negative community impacts.
6 The proposed new code definition, the
7 applicant proposal you will see there. And staff's
8 recommendation, which is drive-up, drive-through
9 facility, means any place of business or premises which
10 serves, sells or otherwise makes available its goods or
11 services directly to customers situated in motor
12 vehicles.
13 Restaurant excluding drive-through means an
14 establishment where the principal business is the sale
15 of food in a ready to consume state to persons who are
16 seated within the principal building, seated outside
17 on the premises, or for carryout.
18 And restaurant drive-through, drive-in means
19 an establishment where the principal business is the
20 sale of food in a ready to consume state to customers
21 within the establishment and directly to customers on
22 the premises situated in motor vehicles.
23 Section 31-551, Principal Arterial Design
24 Standards Overlay, the location criteria for
25 developments with drive-up facilities. And what you

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1 see before you is the existing code, and the changes or
2 the deletions that the applicant is proposing.
3 No drive-up facility -- number one, sorry.
4 No drive-up facilities may be located along a principal
5 arterial roadway unless approved in accordance with
6 special exception, Section 61 of the City Code, and
7 only in those zoning districts which currently permit
8 drive-up facilities by right or special exception.
9 And number two would be deleted.
10 Staff conclusion: The City staff recommends
11 that the Planning and Zoning Board review the
12 information that has been presented and to provide a
13 recommendation to the City Council.
14 That concludes my presentation.
15 VICE CHAIR GUSTAFSON: Thank you.
16 MR. HUNT: Questions. You can start at the
17 other end or whichever way you want to.
18 MS. CLARK: I just have a question. As we --
19 VICE CHAIR GUSTAFSON: Ms. Clark, you're
20 recognized.
21 MS. CLARK: As we discuss this, can we have
22 the picture that's in our deck here of the property
23 that we're talking about, so as we're discussing it, we
24 have a visual?
25 MS. DeVEAUX: This is a -- may I? This is a

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1 publicly initiated amendment, and the applicant will
2 have that information for you, because it --
3 MR. HUNT: This applies to everywhere
4 throughout the City.
5 MR. GAGNON: Yes. So if I may, the applicant
6 would also like to present information to the Board for
7 your review and consideration.
8 VICE CHAIR GUSTAFSON: Absolutely. Before we
9 go on to questions, let's hear from the applicant.
10 MR. GAGNON: Thank you. And just for the
11 record, the ordinance itself would have what we would
12 call a global impact, so it would potentially impact
13 any parcel that's fronting one of our principal
14 arterial roadway corridors. However, the applicant and
15 Ms. Calhoun can probably explain this in greater
16 detail, the applicant is looking to amend the code in
17 order to facilitate redevelopment of a particular site.
18 However, again, this amendment would have a global
19 impact.
20 MS. CLARK: Right. I get that it's global,
21 but the example in its globalness will give everybody a
22 visual. That's what I was requesting.
23 VICE CHAIR GUSTAFSON: Yes, let's hear from
24 the applicant.
25 MS. CALHOUN: Good evening. My name is Hope

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1 Calhoun, land development attorney, here tonight on
2 behalf of Rivera Partners.
3 And so as was already stated, the impact
4 potentially of what we are proposing is global,
5 however, the reason we're bringing it forward is for
6 our particular parcel, and it's the uniqueness of our
7 parcel. A couple of things I think that are important
8 before I -- and I'm going to put the visual up, I
9 promise.
10 MS. CLARK: Thank you.
11 MS. CALHOUN: A couple of things just to keep
12 in mind with regard to the globalness of this is that
13 we are not asking that drive-through facilities just be
14 permitted outright by right. They still have to be
15 permitted through the special exception process. So
16 this Board would see and have the ability still to
17 approve the location and appropriateness of a
18 drive-through facility. But again, what's driving this
19 particular application --
20 I use this one, right? Thank you.
21 What's driving this particular application is
22 the configuration of this particular parcel. And we've
23 been at this for probably over a year with Planning
24 staff in figuring out how can we accommodate our need
25 in a way that I guess everyone can still have control

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1 over.
2 So this is the project location, the one that
3 my particular client is impacted by. You can see it's
4 there just as a point of reference. I-95 is to our
5 west. This particular pad, you'll know again directly
6 on Blue Heron there's an O'Reilly's Auto Parts store,
7 there's a Taco Bell, and then there's the vacant
8 parcel.
9 Back in 2014 the prior owner of the parcel
10 got -- I'm going to call it a master plan approved for
11 this, all three lots. That master plan anticipated
12 retail uses on all three parcels. I wasn't a part of
13 that, I wasn't here then, but I would assume that at
14 that time that particular owner had a vision of what he
15 thought he could bring to the property and to all three
16 parcels. Again, I wasn't involved, I'm just making
17 assumptions that he thought that if he had, again,
18 those spaces, he would have the ability to add a retail
19 component on the last one.
20 What I can tell you is that I have, since
21 becoming involved with this property, and actually
22 prior to this owner, I spoke with -- I had a few
23 meetings with the City about different restaurant users
24 on this property, and none of them came to fruition.
25 The first one I'm going to tell you about, I

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1 was not involved in, but I understand the prior owner
2 tried to get a Zaxby's on this location, and for
3 whatever reason, that didn't work out. You guys are
4 all familiar with Zaxby's, so there's one here. So
5 that didn't work out.
6 I became involved in a use that you're
7 probably not going to like and you're happy it didn't
8 go forward. You don't have to comment, but it was a
9 Checker's, and that didn't go forward, and that
10 obviously needed a drive-through component. You never
11 saw it. We just had internal conversations with staff,
12 and it just didn't go forward for various reasons.
13 You'll note -- I think this was already
14 presented, the parcel size is less than an acre. It's
15 .888ths of an acre, so not even quite an acre. So it's
16 a very small parcel. And of that parcel size, the .8,
17 only approximately .6, .7 acres are actually buildable
18 once you -- because we can't build on that green space
19 behind us, and once you take out setbacks and
20 everything else, that still leaves us with less than an
21 acre to build on.
22 You already know what the text amendment is,
23 what the language is, rather, that we're proposing.
24 Again, this is just another visual showing
25 the site a little closer, closer up, if that's correct

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1 English.
2 The one thing about this particular corridor
3 and our particular parcel is that it's very auto
4 oriented, right? So I think it was mentioned in the
5 last presentation, Blue Heron is a highly traveled
6 corridor. It's one of the main arterial roads in the
7 city. And so, you know, in this context and along this
8 roadway, a use like we're proposing -- that we're
9 requesting that allows a drive-through is really
10 conducive and compatible with the stage that's already
11 been set along Blue Heron.
12 One of the objectives, or a couple of,
13 rather, the objectives, as stated previously by
14 Ms. DeVeaux in the, this particular code section, is
15 that uses along this corridor of Blue Heron should be
16 compatible with other permitted uses in the same
17 district, and things should be developed in a
18 consistent and harmonious manner. So we believe that
19 to allow a drive-through on our particular parcel does
20 that.
21 I know everybody doesn't like to see the fast
22 food that's being depicted here. You can see the
23 McDonald's and the Wendy's, but that's the kind of,
24 that's the tone that's been set along Blue Heron, at
25 least in this particular section of Blue Heron.

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1 One thing I want to point out also is that my
2 client -- I'm just going to -- I'm going to go
3 backwards, actually. One thing I want to point out
4 also is that my client has tried to speak with not just
5 fast food developers, but people that have what we call
6 now fast casual developers. Restaurants. I shouldn't
7 say developers. Fast casual restaurants.
8 So a Zaxby's is a fast casual. It provides
9 you with the opportunity to either eat inside, or if
10 you're driving along or you want to go home or you're
11 getting a quick dinner, you can go through the
12 drive-through, not just sit inside.
13 At one point Captain D's, I believe, was
14 interested in the site, but as the drive-through is not
15 permitted because of the existing, we couldn't get the
16 Captain D's, and that deal fell apart.
17 So what this amendment would allow would
18 allow my client to be able to take the property out to
19 market and maybe say to people now, look, it's not a
20 home run, but at least it's not prohibited at this
21 point. And that creates a greater opportunity for more
22 potential users to come and utilize the site.
23 And then very quickly, the existing -- these
24 regulations are taken from the existing City Code. A
25 full service restaurant -- the first thing, actually,

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1 the size of the building is not from the City Code; the
2 parking regulations are. So a full service restaurant
3 is generally about you see 4,000 to 9,000 square feet.
4 That requires a lot size of one to two acres. That's a
5 sit-down restaurant. I already explained we don't have
6 that. So for our parcel, we couldn't build you a full
7 service restaurant.
8 A fast food restaurant building, the footage
9 is typically 2,000 to 4,000 square feet, with a lot
10 size of .5 to one and a half acres. Again, we are .8
11 acres. So even to get what we're calling the fast
12 casual restaurant, it's going to take some creative
13 designing to be able to allow it.
14 But you can see one of our -- one of the
15 things that makes it more difficult is the required
16 parking. Everybody just thinks of the building, but we
17 forget about the parking, even when we're talking about
18 fast casual, because if you want a Captain D's or
19 you're going to a Zaxby's or you're going to have a
20 Chipotle or anything like that and you want to go in,
21 you have to park. That's 13 to 27 spaces for a fast
22 food restaurant. And a full service, sit-down
23 restaurant is 27 to 60 spaces. We are, again, less
24 than an acre, so we just don't have the space to do it.
25 And again, just as a reminder, a

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1 restaurant -- a parcel, sorry, this size -- excuse me.
2 A drive-through facility, if it's permitted here, still
3 has to go through the special exception process. So
4 it's not a slam dunk, it's not a by right use. We
5 would ask that you would look at this request
6 favorably.
7 The other definitions that were proposed were
8 really kind of -- we worked with the City and kind of,
9 in my words, kind of cleaned up, because some
10 definitions were not in the code. So we agreed to
11 include them with our application. So we would ask
12 that you would approve all of the language that we are
13 requesting tonight.
14 I'm here with my client. We are happy to
15 answer any questions should you have them. Thank you
16 for your time.
17 VICE CHAIR GUSTAFSON: Thank you very much.
18 MS. CALHOUN: And I'll put the site back up
19 so you can look at it while you're discussing.
20 VICE CHAIR GUSTAFSON: Mr. Ncube.
21 MR. NCUBE: You said Zaxby's, and my ears
22 perked up. Is that still a possibility, a Zaxby's?
23 MS. CALHOUN: Today, no, because
24 drive-through is not permitted.
25 MR. NCUBE: But if it was to get approved,

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1 would it still be a possibility?
2 MS. CALHOUN: I can't -- I don't know right
3 now, to be perfectly honest, because they won't know
4 who could come here until they know what happens. So
5 what would happen tonight -- after tonight, rather,
6 assuming this is sent forward with a positive
7 recommendation, we'd go to City Commission, hopefully
8 with a positive recommendation, hopefully they would
9 approve it, then my clients would go back out to market
10 and say guess what we got, and they would see who comes
11 to the table.
12 MR. NCUBE: Okay. I just want to say to the
13 Board, I don't know if you guys has Zaxby's, but we
14 need that. I drive all the way down to Okeechobee, all
15 the way out west just to get some of that chicken. So
16 if we can get one here, what do I have to do?
17 MS. CALHOUN: I just want to be clear, I'm
18 not saying that's what's going to happen.
19 MR. NCUBE: I know, I understand. I'm
20 just --
21 MS. CALHOUN: I don't want anybody to say you
22 said we were going to get a Zaxby's, but I'm not saying
23 that.
24 MR. NCUBE: Make it happen.
25 MS. CALHOUN: I'll do my best. We'll do our

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1 best.
2 VICE CHAIR GUSTAFSON: Any other questions?
3 MR. HUNT: Yes.
4 VICE CHAIR GUSTAFSON: Mr. Hunt.
5 MR. HUNT: Actually, it's not just a
6 question, but it's to more of Mr. Gagnon. I'm a little
7 frustrated with the definitions, because they seem to
8 fog things up a little bit about the distinction
9 between drive-up and drive-through. And we can talk
10 about it afterwards if you want and things of that
11 sort, because I think it needs a little bit more
12 cleanup than you referred to.
13 Here would be my concern. The 500 foot
14 separation seems grossly unrealistic. But if we look
15 at the property there, a drive-through would be traffic
16 going right up to the, essentially to the fence of the
17 property owners on the Blue Heron side of the -- or the
18 east side of that property line. And if I were one of
19 those property owners, I would be quite concerned about
20 the prospect of folks with blaring music or loud
21 mufflers or hotrodding kinds of things going through
22 the drive-through.
23 If it was a drive-up, it would be less likely
24 to cause problems on that side, because you could build
25 the restaurant closer to the property line, or to the

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1 houses, and have the traffic on the other side.
2 But I still think we need a little bit more
3 work to clarify the definitions and to be quite clear
4 that we're distinguishing between three different
5 classes. One is the drive-up, secondly is the
6 drive-through, and thirdly is the combination of both
7 of those.
8 MS. CALHOUN: I know you weren't asking me,
9 and I know Mr. Gagnon is going to speak, but I think a
10 large part of -- to address your concern would be where
11 the speakers and the box are placed through the site
12 planning process. But I understand your point.
13 MR. HUNT: Well, I'm sure we've all heard
14 some folks who choose not to use regular mufflers and
15 things of that sort, and if they're idling there at
16 10:00 to get their sandwich, that can become a serious,
17 serious problem for anybody living in that property.
18 So my concern is twofold. One is to clarify
19 the terms so that we're not using exclusion of the -- I
20 think the problem is it's excluding drive-through adds
21 a degree of fog. So what I would propose would be a
22 drive-up and drive-through, a drive-up and a
23 drive-through only, and that would distinguish each of
24 those three categories and make it a little bit simpler
25 to --

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1 MR. GAGNON: Yes. So when staff was looking
2 in our current definition section, we were trying to
3 use this as an opportunity to add specific definitions,
4 because we were finding that we were lacking in certain
5 areas. So the three different items that are attempted
6 to be defined, the first isn't necessarily associated
7 with a restaurant use.
8 MR. HUNT: That's fine.
9 MR. GAGNON: So that could be for a bank or
10 another -- a pharmacy maybe would have a drive-up
11 window.
12 MR. HUNT: Sure.
13 MR. GAGNON: And what staff was trying to do
14 is accommodate the definition to the way that these
15 uses have been referred to in our existing code
16 throughout the years. So we found some kind of
17 cross-terminology as far as a drive-up or drive-through
18 facility where it tended to mean the same exact thing,
19 but it was used in a different format.
20 So the first definition is really supposed to
21 apply to any business use that has that capacity --
22 MR. HUNT: Understand that.
23 MR. GAGNON: So the second one that we have
24 up, which is restaurant excluding drive-through, is
25 really supposed to be for, you know, what you would

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1 think of as a sit-down restaurant. So that could
2 provide takeout. I think carryout is becoming more and
3 more popular, and even for, you know, restaurants that
4 are customarily sit-down restaurants, carryout is
5 turning to a large percentage of their revenue. So
6 that's what the restaurant definition was attempting to
7 capture.
8 And then the final is really the drive-in
9 restaurant that allows the drive-through capability.
10 MR. HUNT: Yes, I understand the concept. I
11 think my previous comments apply still. I think it's a
12 bit foggy, because we're really talking about
13 drive-through and drive-up are the two key distinctions
14 here. Drive-through means there is a traffic line with
15 potential individuals idling, going through the
16 speakers and whatever other steps are necessary, and
17 that has more disruption to neighborhood residents. A
18 drive-up does not have those same kinds of potential
19 problems. It still is not a slam dunk --
20 MR. GAGNON: Yes.
21 MR. HUNT: -- but it doesn't have the same
22 degree of problems. So the drive-through is the most
23 critical aspect from protecting the property rights of
24 the adjacent homeowners and their peace and quiet,
25 reasonable hours.

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1 MR. GAGNON: I think that staff was including
2 the drive-in reference because, again, it is within our
3 code, and I don't think we have that really proffered
4 regularly by businesses. So that would almost be the
5 drive-in section at a Sonic restaurant, perhaps, where
6 it's not driving in through the window, but you're
7 parking and then the food's brought to the vehicle
8 while it's stationary.
9 So again, it's not perfect by any means, but
10 we're, again, trying to make really a silent code
11 section to at least refer to those elements within the
12 code. So we'd be happy to try to wordsmith that
13 further if you think that would be necessary.
14 MR. HUNT: My comments --
15 MS. CLARK: Chair.
16 MR. HUNT: -- apply. My concern is the
17 getting rid of the 500 feet separation makes a lot of
18 sense, but does that also mean zero feet separation is
19 a good idea too? I mean I'm more worried about the
20 property owners in those residences right adjacent to
21 your property.
22 And what happens when they propose a
23 drive-through? Does that come right back to us again
24 to have to mediate what degree of noise and disruption
25 is going to be allowed? And I think it's a potential

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1 issue.
2 I would suggest -- I'm not trying to give you
3 orders, but I would suggest we think about the
4 disruption to the neighbors, especially if they're
5 residential, for a drive-through. A drive-up, drive-in
6 could be mitigated a little bit, but there could still
7 be disruptive people. But the layout is not the same
8 as having to have a drive-through, which is a circular
9 drive all the way around the property.
10 That's all I have to say.
11 MS. CLARK: Chair.
12 VICE CHAIR GUSTAFSON: Mr. Wyly, and then
13 we'll come to you, Mrs. Clark.
14 MR. WYLY: Ladies first; I'll go second.
15 VICE CHAIR GUSTAFSON: Oh, ladies first.
16 Mrs. Clark.
17 MS. CLARK: I have the same comments that my
18 astute colleague has just presented. I'm getting the
19 feeling that this is the cart before the horse, that
20 we, as a City, address these issues when a developer
21 comes about and has an idea, and now we have to change
22 everything. I get it that we needed to have considered
23 this a long time ago, so it's not the cart before the
24 horse.
25 We're talking restaurant. He's not able to

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1 develop this -- find a buyer or someone to build out on
2 it. Why is that the City's problem? I don't know what
3 kind of effort that individual put in to really attract
4 businesses for this parcel of land and then just deem
5 that we're going to put a restaurant here. We don't
6 know what type of restaurant. Do I want to see a White
7 Castle, or do I want to see a Starbucks? This is just
8 so a quandary for me.
9 Granted that we need to look at these
10 definitions so we can enable future growth and future
11 opportunities like this, but I feel it's the cart
12 before the horse, that we're acquiescing to someone who
13 bought property, couldn't figure out what to do to
14 market it and come up with an idea of a restaurant. We
15 don't know what type of restaurant.
16 We have the issue that my colleague brought
17 up with the families or the houses next door. You
18 know, have they been surveyed to understand what impact
19 this is going to have on their quality of life? And
20 the reason that I'm bringing this up is because I live
21 in a neighborhood that's very similar. I'll be darned
22 if someone puts a Burger King that they plan on putting
23 on my street and ruin my quality of life with all sorts
24 of riff and raff.
25 I just think this is not quite thought

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1 through. I'd like to accommodate the developer, but I
2 just have questions, just like my colleague has
3 questions. Has anyone been spoken to to get buy-in?
4 We need to look at these ordinances of drive-in,
5 drive-through and get very clear on that. I'd really
6 like to know. They may not get a Zaxby's. They could
7 probably get -- end up with food trucks over there.
8 Who knows? You can drive up and drive through with a
9 food truck.
10 Why is that our challenge, that the developer
11 couldn't find someone to do something with that land in
12 terms of the configuration? You bought it. You knew
13 that when you bought it. Those are my comments. And
14 again, I'm not against development or growth. I'm just
15 saying it's the cart before the horse for me.
16 MS. CALHOUN: Mr. Chair, may I respond?
17 VICE CHAIR GUSTAFSON: Absolutely.
18 MS. CALHOUN: Thank you.
19 So I'm going to try to hit all your points,
20 but I didn't write them down, so I'll try my best.
21 I think one of the points or questions you
22 raise was what's the benefit to the City and why, why
23 does it matter. And so something to keep in mind is
24 that this parcel has been vacant for a very, very, very
25 long time, and I would venture to guess that one of the

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1 reasons it's been vacant for so long is because no one
2 has been able to find a tenant or a user that can
3 utilize the space as it is. Also, just a reminder,
4 there is already a Taco Bell on the site, so this isn't
5 introducing a new use, it's just introducing an
6 additional use.

7 Further, please keep in mind we're not asking
8 to have a drive-through by right. Any future use on
9 the property, if it should have a drive-through, has to
10 come back before this Board for a special exception and
11 site plan approval. And to use your example, today as
12 the code is written, we couldn't even put a Starbucks.

13 So what's happened is the current regulations
14 are so restrictive that they don't really allow for
15 anything. I showed you, and I can put it up again if
16 it's helpful, I showed you the average size of a retail
17 use. Just a regular retail use can't go there. It
18 just doesn't fit, it doesn't work. Once we add
19 setbacks and landscaping and buffers and parking, it
20 can't work. I showed you a sit-down regular
21 restaurant. Same issue.

22 So what we're hoping to do here is open up
23 the door for fast casual users. If you'd like, if the
24 Chair would allow, I can have the current owner tell
25 you how many places and how many people he's gone to to

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1 try to get the use here, but my understanding is
2 everyone he's spoken with, every user -- and he is a
3 developer, so they have conferences and conventions
4 where they go out and they say I own this .8 acres in
5 Riviera Beach. Do you want to come? And to the best
6 of my knowledge and understanding, the response from
7 restaurants was: Can I do a drive-through there? Even
8 a Starbucks? And the answer is no, not as the
9 regulations are currently written because of the
10 distance separation issue.

11 And I know I've said it now three times, but
12 just as a reminder, any potential drive-through user,
13 drive-through, drive-up, whoever it is, is going to
14 have to come back before this body for a special
15 exception approval and a site plan approval. So that
16 site plan approval also gives you the opportunity to
17 address the location of the menu board, right? So if
18 you're concerned about the neighbors to the east, then
19 you can address -- that can be addressed during the
20 site plan phase.

21 But we can't bring you a site plan until we
22 have a regulation that allows us to get some additional
23 users to even show an interest in the site. So it
24 doesn't help the City that this parcel has been vacant
25 for so long. And what happens over time is that

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1 property values around the vacant parcel start to
2 become depressed because people start to wonder what's
3 going on in this corridor, why is nothing happening.

4 MS. CLARK: I'll buy it.

5 MS. CALHOUN: That's awesome. I can put you
6 in touch with my client, and he can tell you what the
7 asking price is.

8 MS. CLARK: Absolutely. I'm not seeing it.
9 I'm finding difficulty finding land in any
10 configuration because it's not available. And I
11 appreciate your explanation, I hear you, I agree with
12 some of it; some of it I don't. I'm caught in two
13 right now.

14 And just because we, as a City, made some
15 decisions 10, 15, 20, 30, 40 years ago didn't make it
16 right because it may not fit us today. That's what
17 we're trying to look at today, whether it's Blue Heron,
18 Broadway, some of our other streets. Who are we and
19 what do we want to be when we grow up? And so that's
20 on us, and we know quite clear what we want to do.

21 And I'd like to see feedback from our
22 residents. And I'll give you an example. We have on
23 Broadway residents clearly saying we do not want a
24 Dollar Store. It's horrid. It is terrible. And we
25 have heard our residents say not again. We don't want

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1 another 7-Eleven. I've heard them.

2 So, you know, again, I'd like the residents
3 to come out, and if they cosign on this, you know,
4 we're going to listen to them. We don't want to
5 interject our personal opinions, but we welcome our
6 residents to come and share in.

7 The thing that I do agree with the ordinances
8 for future opportunities, yes, we do need to take a
9 look at those definitions so that we can accommodate
10 businesses who want to come in and maybe have, you
11 know, an idea such as yours. I was just feeling it was
12 the cart before the horse. Thank you.

13 VICE CHAIR GUSTAFSON: You're very welcome.

14 Mr. Hunt --

15 MR. HUNT: And I already --

16 VICE CHAIR GUSTAFSON: Mr. Hunt.

17 MR. HUNT: Yes.

18 VICE CHAIR GUSTAFSON: Mr. Wyly, I know you
19 had a comment before.

20 MR. WYLY: Yes.

21 MR. HUNT: Oh, I'm sorry.

22 MR. WYLY: One thing I noticed about what's
23 going on with City, and like I said, I'm -- to me, I'm
24 excited and proud that, you know, companies now want to
25 come here and they want to develop and establish

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1 something here in the city.
2 My idea is anything that we put on that
3 property there is going be -- that's going to have
4 people involved or people, you know, paying for an item
5 or buying something, food or whatever, like that is
6 going to be a distraction to that location, regardless.
7 So any answer for that property will be not necessarily
8 a fence, but some kind of border, number one.
9 And then number two, and I'm not an engineer,
10 I'm a schoolteacher, but I have to come up with all
11 kind of solutions every day to try to get my kids to
12 learn a different way or learn something or see
13 something a different way, and it could be a design
14 issue to where maybe we have a drive-through, but the
15 drive-through is on the west side, and turn around
16 right where the Taco Bell is, in that side, and to loop
17 around. And that way, the building is almost
18 sheltering the noise from that end, and then have a
19 wall up and that way it protects it.
20 But I'm all for growth and I'm all for
21 potential. That's what I do. That's my job, is to
22 grow the kids and to be able to -- hopefully I took
23 this job to be able to grow the city and make it a
24 better city and make it where my son will want to come
25 here and stay also. So I think we need to come up with

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1 some kind of idea to where both sides are happy, but at
2 the same time I'm all for growth.
3 And especially if someone is saying I have
4 this property, I want to build something and I want to
5 make this profitable and I want to make this city
6 something else, because like I said, for 30, 40, 50
7 years, like she said earlier, we just been sitting in
8 one spot. So, and now is the time, it's the
9 opportunity. And that's what our city has been doing
10 for the past two years, is trying to grow. And I think
11 we need to make a change at some point.
12 So the 500 rule, I think definitely that
13 needs to be changed or talked about in some form,
14 because that's not even really conducive to what, if
15 any, growing business, especially want to bring in any
16 restaurants. But at the same time, we still want
17 people to be happy in their homes and still have the,
18 you know, peace and tranquility.
19 But also we have to come up with an answer to
20 where it satisfies both, because I guarantee if you put
21 their favorite restaurant on that corner, like he just
22 said about the Zaxby's, you put their favorite
23 restaurant there, they're going to loop around that
24 corner and they're going to say: Hey, can you knock
25 down a little wall so I can walk through and I can get

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1 my food without having to get in my car? So it's a
2 different, you know, way of looking at things.
3 But I just hope we come to a solution to that
4 and we can keep continuing to grow the city. And thank
5 you for at least trying to bring business into our
6 city.
7 MS. CALHOUN: Mr. Chair, if I could, just
8 really quickly, if you don't mind?
9 VICE CHAIR GUSTAFSON: Go ahead.
10 MS. CALHOUN: I think that the comments I'm
11 hearing are really -- and Mr. Gagnon can jump in and
12 correct me. I think they're more site plan issues that
13 have to be addressed at the time of site plan, whether
14 there's a wall, how tall the wall is, what goes around
15 the wall, where the board is placed, the sound,
16 acoustics, code enforcement, all those things. But
17 again, we can't get to any of that until we get through
18 this.
19 So with all due respect, I don't think it's
20 the cart before the horse, nor do I think we're
21 changing for a developer. I think we're asking for the
22 change in order to allow development. And the issues
23 that have been raised I think can be addressed during
24 the site plan phase.
25 MR. NCUBE: Chair. Oh, sorry.

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1 VICE CHAIR GUSTAFSON: Mr. Hunt.
2 MR. HUNT: Yes. Just out of curiosity, what
3 is the width of your property line there? Is it about
4 100 feet, 200 feet?
5 MS. CALHOUN: I think I have the survey.
6 Do you know off the top of your head?
7 MR. HUNT: What I'm trying to get to is
8 visualizing what a 500 foot separation means in any
9 practical sense. 500 feet's a long, long way. And
10 that would probably stretch all the way past the parts
11 store. 125 feet? Okay.
12 VICE CHAIR GUSTAFSON: I have about 124 feet.
13 MR. HUNT: Okay. I'm sorry, I should have
14 looked to see if that was in there.
15 So essentially, if we take four of the
16 equivalence of those blocks in all directions, you
17 can't build anything closer than that for any
18 drive-through, drive-in or anything of that sort. I
19 agree with the basic principle of getting rid of the
20 500 foot limitation. My concerns about the definitions
21 are separate.
22 So I think if we could get rid of the 500
23 feet, then we could at least start to make some
24 practical sense of offering the potential for finding a
25 good, suitable candidate. The sensitivity I have is

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1 leaving it zero feet separation merely puts the monkey
2 right back on our shoulders for every single new
3 development that comes in. And then how do we
4 collectively establish a fair and reasonable standard
5 that doesn't change every single time a particular
6 piece of property comes in?
7 So let's separate the discussion into
8 cleaning up the definitions. That's one issue. I
9 agree -- my personal view is I agree with getting rid
10 of the 500 foot separation. That makes no sense at
11 all. And I guess maybe we could ask the owner to see
12 if we remove that 500 foot requirement, would that
13 solve the -- or would it simplify the process of
14 finding a suitable buyer or investor in terms of the
15 property.
16 MS. CALHOUN: Just, I know you asked, but
17 what would you be suggesting then if we --
18 MR. HUNT: Well --
19 MS. CALHOUN: So the 500 feet -- and I don't
20 want to speak for City staff, but that's intended to
21 kind of create that distance so you don't have one
22 often.
23 MR. HUNT: Right. Well, 500 feet is heritage
24 from the past. I presume it wasn't recently
25 established. So Mr. Gagnon, is that -- that has been

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1 in the code for quite a while, the 500 foot separation?
2 MR. GAGNON: Yes. So the overlay district, I
3 believe it was originally approved in 1999. With that
4 we were actually able to pull the original agenda item
5 summary sheet, which kind of provided the staff
6 narrative that went along with the ordinance itself.
7 And at that point in time, there were no architectural
8 themes for the major roadway corridors in the city.
9 There was limited landscape requirements.
10 So I think that staff, at that point in time,
11 was trying to follow best available planning practices,
12 and drive-through facility kind of fell within to that
13 conversation -- fell into that conversation as far as
14 essentially having a separation between uses so there's
15 not oversaturation along, let's say, the Blue Heron
16 corridor, where let's say day one, if it's all green
17 space, it could be any commercial property is now
18 turning into a drive-through.
19 Now, I don't know if at that point in time if
20 a drive-through restaurant required a special exception
21 approval within general commercial districts. It does
22 currently. The applicant is now proposing again to
23 remove that 500 foot requirement between drive-through
24 uses in order to proceed with an application that would
25 still require a special exception approval.

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1 So from your standpoint, you know, you have
2 to look at it from a perspective of both, you know,
3 economic value to the City, but also kind of planning
4 theory as well, and kind of balance those two talking
5 points, really what direction does the City want to go
6 in.
7 MR. HUNT: Obviously I can't speak for the
8 City and I can't speak for the Board. My personal view
9 is that a 500 foot arbitrary distance separation
10 doesn't seem to make any particular sense, especially
11 when you look at that particular property. For all
12 practical purposes, you couldn't put anything there,
13 for all practical purposes, because of the 500 foot
14 separation requirement.
15 MR. GAGNON: Yes, when the site plan was
16 originally approved, there were three pads that were
17 created. So we had the O'Reilly site, which is the
18 westernmost parcel; we had the Taco Bell site, which is
19 the center parcel; and then the third parcel that we're
20 discussing tonight was approved for kind of a retail
21 shell. For whatever reason, that parcel was never
22 developed.
23 So previously, during the subdivision
24 process, it was known that that center would be a
25 drive-through. So now we're at the current situation

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1 where we do have the separation requirement that is
2 prohibiting the applicant from even providing an
3 application for a drive-through use.
4 MR. HUNT: Well, the 500 feet comes both from
5 the Taco Bell as well as from this particular property
6 too, so with the 500 foot rule, you couldn't possibly
7 have two adjacent drive-through facilities.
8 MR. GAGNON: Correct.
9 MR. HUNT: So if we were to get rid of the
10 500 foot issue, the definitions separate, would that
11 address the issue that we're trying to cover here in
12 this ordinance? I understand the definitions. Put
13 that aside. But the real guts of the whole issue, as I
14 understand it, is to get rid of that 500 foot
15 separation, because that's what's creating the problem,
16 and the catch 22 prevents anything from effectively
17 using that property. Is that correct?
18 MR. GAGNON: That's what the applicant's
19 proposing, correct.
20 MR. HUNT: Okay. I know I'm being a pain in
21 the butt on the definitions, but I would be supportive
22 of making an amended resolution about getting rid of
23 the 500 square feet and then having at least an
24 opportunity to adjust the terminology a little bit.
25 But it's up to the Chair to see if it goes beyond the

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1 question.
2 VICE CHAIR GUSTAFSON: Any other questions or
3 comments?
4 In closing, I've looked at it, and Jeff, I
5 have one question to staff. In the current situation,
6 is it required that there's a special exemption now,
7 even if there is a drive-through, one to another --
8 MR. GAGNON: So I'll use this parcel that
9 we've been discussing tonight, for that zoning district
10 as a general commercial zoning. So any drive-through
11 restaurant proposed in general commercial does require
12 a special exception approval.
13 VICE CHAIR GUSTAFSON: Okay. So my biggest
14 concern is that if we did make this amendment -- it is
15 global, and it could be anywhere in the city -- that we
16 would be fighting against the 500 feet. And it would
17 be my recommendation that it should only be under
18 special exemption.
19 But I would -- my personal opinion is we need
20 to keep the 500 feet apart from each other. But if the
21 property owner wants to make a case that he has a
22 business that is willing to come onto the property that
23 needs the special exemption to continue forward, that
24 business plan can come against this Board and the
25 Council to request that action to happen. But until

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1 then, I see no reason to get rid of the 500 feet
2 because of the global situation.
3 MR. GAGNON: So it would -- if I understand
4 what you're stating --
5 VICE CHAIR GUSTAFSON: It should always fall
6 under a special exemption to put --
7 MR. GAGNON: So the use will require a
8 special exception approval currently, and that's what
9 the development team is proposing, that the process is
10 utilized.
11 But what would happen is if they attempted to
12 provide staff with an application currently, they
13 would, in essence, have to provide a similar code
14 amendment or an identical code amendment that we're
15 discussing now that would simultaneously have to be
16 approved with that site plan application in order for
17 us to honor it. So that 500 foot separation is
18 prohibiting a potential application from being
19 submitted, just to try to clarify the process and
20 timing.
21 VICE CHAIR GUSTAFSON: So the 500 feet is the
22 control before the special exemption?
23 MR. GAGNON: Correct.
24 VICE CHAIR GUSTAFSON: Could we go by special
25 exemption first and look at the separation between

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1 drive-through facilities? Then we'd know that the
2 property owner has the ability to go shop a preferred
3 drive-through facility that the City could look at and
4 say this is appropriate for that particular piece. We
5 could then question the City and the residents to
6 north, south, east and west of that if it can happen
7 and to see what the responsibility is from this Board
8 to making a special exemption to happen.
9 I don't want to just delete the 500 feet,
10 because the amendment goes global. And then as soon as
11 it happens on Broadway, now it can -- excuse me. As
12 soon as it happens on Blue Heron, it can now happen on
13 Broadway, it can happen on Barack Obama, it can happen
14 on Military, and we can get inundated by
15 drive-throughs, which could be a negative aspect, as
16 staff has already presented.
17 So by dropping it, maybe it is a change to
18 the footage from 500 to 300. But right now there is a
19 Taco Bell that is directly adjacent to it that's 124
20 feet away, and it's 124 feet away from a residence.
21 And I agree with, you know, my colleagues on the Board
22 here that we may be over impacting that location by
23 dropping that 500 feet. I don't know if it's necessary
24 to do that. Maybe we need to look at a smaller foot
25 separation. That's my comments.

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1 MR. HUNT: May I ask a follow-up?
2 VICE CHAIR GUSTAFSON: Mr. Hunt.
3 MR. HUNT: What I heard you say, Mr. Gagnon,
4 is that the special exemption process cannot waive that
5 500 foot.
6 MR. GAGNON: Correct.
7 MR. HUNT: That that's a separate part of the
8 code, and so a special exemption can't overrule that.
9 You have to ultimately get rid of that 500 foot, or
10 modify it, not get rid of it --
11 MR. GAGNON: Right. So to --
12 MR. HUNT: -- modify it so that maybe there
13 is some other more reasonable number. But the special
14 exemption alone can't be worded in such a way that it
15 can overrule that 500 foot.
16 MR. GAGNON: Right. So when an application
17 is submitted to City staff, it would go through a
18 sufficiency period. And what would happen, let's say
19 tomorrow if Ms. Calhoun submitted an application for a
20 drive-through at the location that's shown on the
21 screen, during the sufficiency review period, staff
22 would identify the fact that there is a drive-through
23 adjacent, which is contradictory to the 500 foot
24 separation requirement.
25 So in essence, we would have to reject or

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1 return the application to the applicant because of that
2 separation requirement in the code. So the special
3 exception process would not be initiated because the
4 applicant wouldn't be deemed valid by staff in the
5 first place.
6 MR. HUNT: Okay. And then a second question.
7 And that 500 foot separation is in the overlay for the
8 eight separate roads that are addressed?
9 MR. GAGNON: Correct.
10 MR. HUNT: So if we were to modify the
11 overlay and change the footage, it would only apply to
12 those eight streets anyway.
13 MR. GAGNON: Yes.
14 MR. HUNT: Okay. So --
15 MS. CLARK: Mr. Chair.
16 VICE CHAIR GUSTAFSON: You're recognized.
17 MS. CLARK: We have a lot of conversation
18 going back and forth just trying to get clarity, just
19 trying to understand the beginning point and how we
20 need to get to the end to figure this out.
21 I'm just asking. We need to, as a body,
22 along with Mr. Gagnon, you know, to sit in some sort of
23 different forum and just talk through this so that we
24 all can get on the same page and we're all very clear,
25 so that we are able to help the applicant. And we can

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1 go back and forth, and everybody's going to be kind of
2 different. Trying to get us on the same page right now
3 is a bit challenging. I'd just like to, before I make
4 a decision, I want to be clear, and I want to be clear
5 for the applicant.
6 MS. CALHOUN: Mr. Chair, if I may?
7 VICE CHAIR GUSTAFSON: Absolutely.
8 MS. CALHOUN: So Mr. Gagnon clearly stated
9 our issue, which is we cannot -- we could leave here
10 tonight no different than we came, which means we are
11 not able to go out to the market and present anything
12 different than we have today. And I think, you know,
13 we are here, happy to answer any and all questions that
14 anyone might have about how this could impact us.
15 That's why we submitted the application, to have this
16 conversation and get a full understanding.
17 Again, our request is it doesn't change the
18 fact that any application for a drive-through, drive-up
19 use on this parcel still has to come before this body
20 through the special exception process. All we're
21 asking, as Mr. Gagnon explained, was for the
22 opportunity to even submit an application. As it
23 stands today, we can't even submit an application.
24 I think if there comes a point or a time
25 where a -- when we have a potential user, assuming that

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1 this application is ultimately successful, we are happy
2 to host a workshop so that we can talk about the site
3 plan and further refine and define. But as it stands
4 today, we'll never get to that point.
5 And the prior owner tried it. This owner has
6 tried it. Applicants before me have tried it, and no
7 development has happened. And the longer this stays
8 vacant, the harder it will be and the longer it will
9 take for the City to see any economic benefit from this
10 parcel, if any.
11 I recognize that it is global, but again,
12 every case, every case that will come before you for a
13 special exception application is separate, and it has
14 to meet the burden, and you have approve it and you
15 have to discuss it.
16 But again, we are happy -- I'm not even
17 looking at my client because he's probably not going to
18 be happy, but we'll come back at any point, you know,
19 if we have a user or a slew of users and discuss how
20 that would look and how it would work through the
21 special exception process. But again, we can't even --
22 we tried it; we tried it. We can't even move forward.
23 MS. CLARK: And I appreciate --
24 MS. SHEPHERD: Mr. Chair.
25 MS. CLARK: -- that and I understand --

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1 MS. SHEPHERD: May I chime in for one minute?
2 VICE CHAIR GUSTAFSON: Ms. Shepherd.
3 MS. SHEPHERD: I haven't said nothing because
4 I've been listening to Ms. Calhoun. That property
5 she's talking about has -- and that was when Ms. Wade
6 was the Chairwoman and I think Ms. Sylvia Lee Blue was
7 the Vice Chair. They wanted to put O'Reilly's there.
8 And it just blew up. I know they were saying that the
9 grease, the oil be -- blah, blah, blah. Now they're
10 talking about Taco Bell. Taco Bell will never be
11 built. And we go on and on and on. We would never
12 build this city up because we find a little flaw in the
13 milk.
14 If we have to have a workshop to get some
15 clear understanding, because I clearly have been here
16 30 years and seen that property turn over and over and
17 over, and we're sitting on the same conclusion that
18 this is wrong and that is wrong.
19 And Mr. Gagnon, it has to stop now with us of
20 getting a clear understanding. A workshop, I think,
21 would be nice in a setting that can get the
22 understanding, because we're sitting on their property.
23 This is their property, and they're not going nowhere
24 because we -- and it has to go before Council too, and
25 that's going to be another session.

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1 But I think it's time now, it's the Planning
2 and Zoning that we have to come to conclusion how we're
3 going to handle them. I know they want to move on. I
4 know they want to move on, because this property has
5 been vacant for years.
6 Thank you, Mr. Chair.
7 VICE CHAIR GUSTAFSON: Ms. Clark.
8 MS. CLARK: I agree with my colleague on the
9 other end. Just as the other applicant before us had a
10 challenge and we -- they didn't rush us. And we asked
11 them to go back and do some things to help us help
12 them, and they did that, and they walked out of here
13 very happy.
14 So no one is trying to inhibit growth,
15 inhibit what someone wants to do with the land, but I
16 think we need to do our due diligence so that we can
17 have an applicant who walked out of here right before
18 you, respectfully, very happy. They didn't push us.
19 They let us do what we needed to do. We did what we
20 needed to do, and you saw the smiles on their face.
21 You see the smiles on our faces.
22 So I think the residents of this city are
23 going to say don't get pushed around. You, Board, do
24 what you need to do, because you're our voice. Make
25 sure you're clear, you make sure you articulate to us

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1 that we're clear and we keep it moving. That's what
2 happened to the applicant before us, and now they're on
3 their merry way to give us this wonderful property.
4 That's all we're asking.
5 MS. SHEPHERD: I'm not saying not be --
6 MS. CLARK: I'm not --
7 MS. SHEPHERD: -- making them happy.
8 MS. CLARK: I'm not saying that.
9 VICE CHAIR GUSTAFSON: One at a time.
10 MS. SHEPHERD: What I am saying -- excuse me.
11 What I'm saying is we keep pushing people away. This
12 particular city will never have growth because we find
13 something to always say we can't do this, we can't do
14 that. Every city is growing but us. We're the only
15 city. Lake Park is moving. West Palm Beach downtown
16 is booming. And we're sitting in the middle of
17 paradise, and yet we sit here and find something wrong.
18 MS. CLARK: I don't find that -- I think,
19 again, I just articulated that we worked with a
20 developer who walked out of here very happy and we're
21 talking about making this applicant very happy too.
22 I'm just saying just as we did with the other
23 applicant, they were -- had some challenges. We needed
24 to think through that. We did. We came to a
25 resolution. It's closed. They're building.

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1 And it's not a nitpicking. That's not what
2 we're doing. We're just saying if we got questions and
3 we are not clear from the definitions, because that was
4 very clear, we know what the applicant wants to do,
5 let's take one more meeting and do what we did with the
6 other applicant. They did what they needed to do, and
7 it worked.
8 And it's not that anybody nitpicked. There
9 were gaps in the process of information, and they
10 cleared all of that up. We cleared everything up and
11 kept it moving. That's all we would like to do for
12 this applicant, to make sure we're all on the same
13 page. And when we are, we keep it moving. It is not
14 to stop the process. It's to be clear and comfortable
15 and we can say we made the right decisions, not only as
16 a Board, but also for the residents; but also for the
17 residents. But it's not inhibiting anything.
18 MS. SHEPHERD: I never said you were
19 nitpicking. I said we should stop and make a decision.
20 This has been going on for 30 years. That property has
21 stayed vacant. It is nothing but a Taco Bell. You see
22 the Walgreens. They're gone. You're going to have to
23 find somebody to take their property while this
24 particular property is vacant.
25 I'm so tired every time we come to the water

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1 and drink, somebody say, whoa, the water is dirty, or
2 there -- you know, it's time to move the city forward.
3 I did not say nobody's nitpicking. And I think that we
4 are adults, that we should look and see what's going
5 on, but yet say let's give these people an opportunity
6 to make sure that their property is protected so they
7 can build. The market might go down tomorrow. Then
8 they're stuck again with a piece of property they
9 cannot move. That's all I'm saying. Never did I say
10 nobody nitpicking. I'm saying --
11 MR. NCUBE: May I say something?
12 MS. SHEPHERD: I'm saying be adults and let's
13 move forward.
14 MR. NCUBE: Mr. Chair.
15 MR. GALLON: Chair, can we vote?
16 MR. NCUBE: Could I just ask one question?
17 VICE CHAIR GUSTAFSON: Mr. Ncube.
18 MR. NCUBE: What would be the worst case
19 scenario if we were to approve it as is? What's like,
20 what's the worst case scenario that could happen?
21 VICE CHAIR GUSTAFSON: I think the worst case
22 scenario, that it's global. But it still does fall
23 under special exemption.
24 MR. NCUBE: No, I get it's global. But, you
25 know, let's say that so for instance, like the 500

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1 foot, that's global to the whole city, but, you know,
2 ultimately anybody who -- you still have to submit an
3 approval. So I mean the worst case scenario is that
4 they have to -- there's more people submitting
5 applications for fast food restaurants, but they still
6 have to get approval.
7 VICE CHAIR GUSTAFSON: Through special
8 exemption.
9 MR. NCUBE: Yes. So I'm just saying if I
10 look at it, even if we approve this, I don't see there
11 being any real downside. There's no real downside.
12 You know, they still have to get approval. So
13 honestly, I don't -- I'm not saying I understand
14 everything here, but I don't see a real negative if
15 it's approved.
16 MR. HUNT: At the risk of --
17 VICE CHAIR GUSTAFSON: Mr. Hunt.
18 MR. HUNT: Mr. Gagnon, I thought you said
19 that this 500 foot separation requirement is in the
20 overlay only.
21 MR. GAGNON: That's correct.
22 MR. HUNT: And so it does not apply globally.
23 It applies to those eight streets in the city.
24 MR. GAGNON: When staff used the reference to
25 globally, it would be global for that overlay, but it's

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1 not parcel specific.
2 MR. HUNT: Okay, so --
3 MR. GAGNON: So I don't want anyone on the
4 Board to think it's only for this one parcel.
5 MR. HUNT: Precisely why I wanted to be sure,
6 okay.
7 VICE CHAIR GUSTAFSON: Well, I think we've
8 beaten the horse to death, so --
9 MR. HUNT: The horse is dead.
10 VICE CHAIR GUSTAFSON: Is there a motion?
11 MR. GALLON: Yes, I would like to motion that
12 we approve as submitted.
13 MS. SHEPHERD: Second.
14 VICE CHAIR GUSTAFSON: There's a motion from
15 Mr. Gallon and a second from Ms. Shepherd. Roll call.
16 MS. DAVIDSON: Margaret Shepherd.
17 MS. SHEPHERD: Yes.
18 MS. DAVIDSON: William Wyly.
19 MR. WYLY: Yes.
20 MS. DAVIDSON: Stephen Hunt.
21 MR. HUNT: Yes.
22 MS. DAVIDSON: James Gallon.
23 MR. GALLON: Yes.
24 MS. DAVIDSON: Anthony Brown.
25 MR. BROWN: Yes.

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1 MS. DAVIDSON: Evelyn Harris Clark.
2 MS. CLARK: No.
3 MS. DAVIDSON: Jon Gustafson.
4 VICE CHAIR GUSTAFSON: No.
5 MS. DAVIDSON: That vote passed with
6 Ms. Evelyn Harris Clark dissenting, and Mr. Gustafson.
7 MS. CALHOUN: Thank you very much. You'll
8 see us again, hopefully. Thank you.
9 VICE CHAIR GUSTAFSON: Item X, workshop
10 items. Mr. Gagnon.
11 MR. GAGNON: So we have no workshop items on
12 tonight's agenda, and I don't believe under general
13 discussion we've received any other public comment
14 cards.
15 Ms. Davidson, do we have any?
16 No other public comment cards either, Chair.
17 We've received no correspondence either.
18 MR. HUNT: I have one item.
19 VICE CHAIR GUSTAFSON: Mr. Hunt.
20 MR. HUNT: Mr. Chair, we had talked about
21 trying to find a date for the workshop to discuss the
22 Planning and the Zoning Handbook, and I would like your
23 permission to actually contact each of the members of
24 the Board to work out a schedule of what works for them
25 and what works for me. I think adding that to

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1 Mr. Gagnon's workload hasn't worked so far, and I just
2 need to be assured that I'm not going to be in
3 violation of the Sunshine rule. But I would like very
4 much to work out a date that is compatible with
5 everybody's schedule.
6 VICE CHAIR GUSTAFSON: Thank you for that
7 comment.
8 Mr. Gagnon or counsel, do we have a problem
9 with that?
10 MS. BUSBY: Yes, I just want to caution you
11 on contacting Board members for things that might come
12 before the Board. If it's just a schedule, that's --
13 MR. HUNT: It's just the schedule. I would
14 not touch any other issue. It would be just here's
15 some available dates --
16 MS. BUSBY: Oh, yes.
17 MR. HUNT: -- can you do that.
18 MS. BUSBY: Yes, scheduling is fine.
19 MR. GAGNON: If I may, there's actually -- I
20 don't remember the specific provider, but it's almost a
21 scheduling tool that you would schedule anyone that
22 you're interested in inviting to the meeting and have
23 open dates, and each individual can click the bubble on
24 the date that could apply, something like that. I
25 guess out of an abundance of caution, just because

1 Sunshine is -- and I wouldn't say that you would ever
2 even contemplate breaking any Sunshine Law, but just
3 removing any sort of possibility of that happening, to
4 use a scheduling mechanism like that, it might be
5 cleaner and --

6 MR. HUNT: I will certainly look at it. I'm
7 not opposed to using different technologies. The issue
8 is my schedule is getting more and more complicated,
9 and if we agree to a date that I can't meet, then the
10 whole thing falls apart. So I want to drive the date
11 and at least be handed with what dates I can support
12 and what dates I can't. I'll use whatever tool is
13 necessary.

14 MS. BUSBY: That's fine.

15 VICE CHAIR GUSTAFSON: Very well. Thank you.

16 Any other comments from the Board? Hearing
17 none, do I have a motion to adjourn?

18 MR. HUNT: I move we adjourn.

19 MR. GALLON: Second.

20 MR. NCUBE: Second.



21 (Whereupon, at 9:09 p.m., the proceedings
22 were concluded.)
23
24
25

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 20th day of February, 2020.
16
17
18
19
20

21 
22 Susan S. Kruger 

23
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