

<p style="text-align: right;">Page 1</p> <p>CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD</p> <p style="text-align: center;">---</p> <p>Thursday, January 9, 2020</p> <p style="text-align: center;">Council Chambers 600 West Blue Heron Boulevard Riviera Beach, Florida</p> <p style="text-align: center;">6:43 p.m. - 10:01 p.m.</p> <p style="text-align: center;">---</p> <p>IN ATTENDANCE:</p> <p>Rena Burgess, Chair Anthony Brown, Board Member James Gallon, Board Member Stephen Hunt, 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</p>	<p style="text-align: right;">Page 3</p> <p>1 MR. HUNT: Here. 2 MS. DAVIDSON: Evelyn Harris Clark. 3 MS. CLARK: Present. 4 MS. DAVIDSON: Moeti Ncube. 5 MR. NCUBE: Present. 6 MS. DAVIDSON: You have a quorum. 7 CHAIR BURGESS: Thank you. Item III, 8 acknowledgement of Board member absence notification. 9 MR. GAGNON: Thank you, Madam Chair. Jeff 10 Gagnon, Acting Director of Development Services for the 11 City. 12 I did hear from Mr. Gustafson, as well as 13 Ms. Shepherd, that they would be unable to attend 14 tonight's meeting. With that said, I would ask that 15 both alternates receive voting rights for tonight's 16 meeting. 17 CHAIR BURGESS: Thank you. Item IV, 18 additions and deletions to the agenda. 19 MR. GAGNON: Yes, thank you. I only want to 20 comment on the fact that the Traffic Performance 21 Standard Review letter from the County, which is dated 22 August 6th, 2019 for the Storage Rentals of America 23 project, that was omitted from the packet when it was 24 distributed. So we have provided a hard copy in 25 everyone's binder tonight, as well as for public</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, January 9, 2020, 5 beginning at 6:43 p.m., with attendees as hereinabove 6 noted, to wit: 7 --- 8 CHAIR BURGESS: Call to order the meeting of 9 the January 9th, 2020 meeting for the P & Z Board. 10 We'll begin with a moment of silence, followed by the 11 Pledge of Allegiance. 12 (Moment of silence observed. Pledge of 13 Allegiance recited.) 14 CHAIR BURGESS: Roll call. 15 MS. DAVIDSON: James Gallon. 16 MR. GALLON: Here. 17 MS. DAVIDSON: Anthony Brown. 18 MR. BROWN: Here. 19 MS. DAVIDSON: William Wyly. 20 MR. WYLY: Present. 21 MS. DAVIDSON: Jon Gustafson. 22 (No response.) 23 MS. DAVIDSON: Margaret Shepherd. 24 (No response.) 25 MS. DAVIDSON: Stephen Hunt.</p>	<p style="text-align: right;">Page 4</p> <p>1 consumption in the back of the Council chambers as 2 well. That's the only addition. Thank you. 3 MR. HUNT: Madam Chair, if I could add just a 4 very short discussion on the possibility of a work 5 group on the coming Saturday to talk about planning and 6 strategies? 7 CHAIR BURGESS: Right. We can cover that 8 under item X, general discussion. 9 MR. HUNT: Yes, thanks. 10 CHAIR BURGESS: Okay. Moving on to item V, 11 disclosure by Board members and adoption of the agenda, 12 are there any disclosures? Seeing none, is there a 13 motion to adopt the agenda? 14 MR. HUNT: I so move. 15 MR. GALLON: Second. 16 CHAIR BURGESS: Roll call. 17 MS. DAVIDSON: James Gallon. 18 MR. GALLON: Yes. 19 MS. DAVIDSON: Anthony Brown. 20 MR. BROWN: Yes. 21 MS. DAVIDSON: Stephen Hunt. 22 MR. HUNT: Yes. 23 MS. DAVIDSON: William Wyly. 24 MR. WYLY: Yes. 25 MS. DAVIDSON: Evelyn Harris Clark.</p>

<p style="text-align: right;">Page 5</p> <p>1 MS. CLARK: Yes. 2 MS. DAVIDSON: Moeti Ncube. 3 MR. NCUBE: Yes. 4 MS. DAVIDSON: Unanimous vote. 5 CHAIR BURGESS: Item VI, approval of minutes 6 from the December 19, 2019 meeting. Is there a motion 7 to approve? 8 MR. HUNT: I so move. 9 MS. CLARK: Second. 10 MR. WYLY: Second. 11 CHAIR BURGESS: Roll call. Second by 12 Ms. Clark. 13 MS. DAVIDSON: I'm sorry? 14 CHAIR BURGESS: Second by Ms. Clark. 15 MS. DAVIDSON: Thank you. 16 William Wyly. 17 MR. WYLY: Yes. 18 MS. DAVIDSON: Stephen Hunt. 19 MR. HUNT: Yes. 20 MS. DAVIDSON: James Gallon. 21 MR. GALLON: Yes. 22 MS. DAVIDSON: Anthony Brown. 23 MR. BROWN: Yes. 24 MS. DAVIDSON: Evelyn Harris Clark. 25 MS. CLARK: Yes.</p>	<p style="text-align: right;">Page 7</p> <p>1 31-1, Definitions, by adding a definition for 2 self-service storage; and amending Chapter 31, Zoning, 3 Article V, District Regulations, Division 18, IG, 4 General Industrial District; Section 31-382, Use 5 Regulations, by adding self-service storage as a 6 special exception use; and amending Chapter 31, Article 7 VII, Off-Street Parking and Loading, Section 31-577, 8 Off-Street Parking Ratios, by adding parking 9 requirements for self-service storage facilities; 10 providing for conflicts and severability and providing 11 for an effective date. 12 So Madam Chair, this item is being presented 13 separate from new business item B because this request 14 is for a global amendment to the City's Code of 15 Ordinances. It is interrelated to item B, however, 16 because the site plan that's being proposed is reliant 17 on this ordinance amendment proceeding as well in order 18 for that item to proceed. But being that they are 19 separate from one another, as far as the ordinance 20 having a global impact, we'll proceed with the 21 independent presentation for that item at this time. 22 So again, before you is the title block for 23 this item. This is staff number ZA-19-01. So the 24 background and analysis on this is the applicant for 25 letter B is also the applicant for letter A, which is</p>
<p style="text-align: right;">Page 6</p> <p>1 MS. DAVIDSON: Moeti Ncube. 2 MR. NCUBE: Yes. 3 MS. DAVIDSON: Rena Burgess. 4 CHAIR BURGESS: Yes. 5 MS. DAVIDSON: Unanimous vote. 6 CHAIR BURGESS: All right, item VII, 7 unfinished business. Seeing none, on to item VIII, new 8 business. 9 MR. GAGNON: Yes, thank you, Madam Chair. 10 Under new business, we have six items 11 tonight. The first two are interrelated, and the last 12 four are interrelated. I'll be able to explain that 13 more as we go through each item. 14 The presentation order that I'd like to 15 provide to the Board, if it pleases the Board, is to 16 have an independent presentation for item A and B, and 17 a uniform or collective presentation for the last four 18 items. So that would be a collective presentation for 19 letters C, D, E and F, if that pleases the Board. 20 CHAIR BURGESS: Fine. 21 MR. GAGNON: So the first item under new 22 business is letter A, which is an ordinance of the City 23 Council of the City of Riviera Beach, Palm Beach 24 County, Florida, amending City Code of Ordinances, 25 Chapter 31, Zoning, Article I, In General, Section</p>	<p style="text-align: right;">Page 8</p> <p>1 Storage Rentals of America. They somewhat recently 2 acquired the property located at 1177 West Blue Heron 3 Boulevard. I guess it would have been two years ago 4 now, being that we're in 2020. And what they're 5 looking to do is really renovate that site. The 6 previous owner had not really maintained the facility 7 up to most standards, and this new proposal would 8 result in a new facade for the building, as well as a 9 new building itself. 10 As we went through the site plan process in 11 some of the pre-application meetings, we realized that 12 the City Code really didn't have a definition for 13 self-storage use, and that resulted in City staff 14 having to really look at other Code sections that could 15 be applicable. 16 So as far as parking ratios for off-street 17 parking ratios, the only item that was somewhat close 18 would be a warehouse designation, which was requiring 19 one parking space per every thousand square feet of 20 building area. 21 Now, that ratio is really contemplating 22 employees as far as a larger warehouse use, while the 23 self-service facility typically has only a few 24 employees that operate the entire facility, as well as 25 the traffic demand and daily trips, as demonstrated by</p>

<p style="text-align: right;">Page 9</p> <p>1 the Traffic Performance Standard Review letter that was 2 referenced earlier. There's really a di minimus amount 3 of traffic that's generated by the site. 4 So, knowing that we had this really gap 5 within our code, we wanted to make sure that as the 6 applicant proceeded, we were really speaking to these 7 items in the future as well. So what we don't want to 8 have happen is other applicants come in and have us end 9 up in the same predicament, where we really don't have 10 a definition for this use, especially because this use 11 is becoming more and more prevalent. 12 And in many places it's regarded as not as 13 desirable a use as some uses that could provide more 14 employment opportunities. So a lot of municipalities 15 have protections in place to ensure that there's 16 adequate separation, things of that nature, so there's 17 not an oversaturation of this type of use. 18 So the applicant, in tandem with City staff, 19 looked at other municipalities to see what type of 20 parking ratios applied to self-storage use, and the 21 backup information and the narrative that's provided by 22 the applicant is actually really enlightening as far as 23 how far off the City's regulations would be if we were 24 using a warehouse use. I think it would have required 25 something around 125 parking spaces, while in</p>	<p style="text-align: right;">Page 11</p> <p>1 as far as how they define self-storage uses. 2 So the proposed definition is that 3 self-storage would be defined as a place of business 4 providing individual self-contained units which are 5 available for short-term or long-term lease to the 6 general public for the storage of goods and belongings. 7 Additionally, as a customary secondary use, 8 designated areas may also be utilized for the storage 9 of automobiles, trailers, recreational vehicles and 10 similar rolling stock, as provided by an approved site 11 plan. Also, outdoor storage must be shielded from view 12 of adjacent property owners and public right-of-way. 13 The next has to do with the actual use 14 regulations of the City, so this amendment would 15 incorporate a self-service storage use as a use that 16 requires a special exception approval within the 17 general industrial districts. So again, this would 18 allow future applicants to proceed with application for 19 this use in the city and also would provide City staff 20 with some guidance on what parts of the city would be 21 appropriate for this type of self-storage use in the 22 future. 23 Finally, the off-street parking ratios would 24 be amended by adding the new parking ratio for the 25 self-storage use, so that would be at least one</p>
<p style="text-align: right;">Page 10</p> <p>1 comparison to other municipalities, for self-storage 2 use you would be looking at a third or a fourth or a 3 fifth of those parking spaces. 4 So we thought that creating a new off-street 5 storage category just for self-storage use at a ratio 6 of one space for every 75 units, with a caveat that 7 there must be at least five parking spaces on site, we 8 thought that that was in line with other 9 municipalities. And it was really mirroring what Palm 10 Beach Gardens utilizes and Boynton Beach as well. 11 The final talking point I want to mention is 12 unincorporated Palm Beach County has a much more 13 flexible ratio, where they allow one parking space for 14 200 bays. So in comparison, it is more stringent than 15 that ratio. 16 So as alluded to previously, this code 17 amendment must move forward and be approved in order 18 for the site plan to proceed as well, because there are 19 elements of the site plan that are requiring the new 20 parking ratios in order to satisfy code requirements 21 for the City. 22 So as referenced in the backup material, we 23 have for your review definitions for a self-storage 24 facility. And this was based off of, I guess, the best 25 practices or industry standards, other municipalities</p>	<p style="text-align: right;">Page 12</p> <p>1 off-street parking space for every 75 storage bays or a 2 fraction thereof, and we would ensure that there's no 3 less than five total parking spaces for this type of 4 use. So if we had an application come in and they only 5 had 74 storage bays, they wouldn't be able to have only 6 one parking space; they would have to have a minimum of 7 five. 8 City staff is recommending that the Planning 9 and Zoning Board recommend approval to City Council. 10 And the applicant is present to answer any questions 11 you may have, and I can answer any questions you have 12 at this time. 13 CHAIR BURGESS: All right, thank you. 14 We'll begin with Board comments. There's no 15 comment cards on item A, so we'll begin with Board 16 comments, and we're going to go down the line, as I 17 normally do. So we'll go ahead and start with 18 Mr. Wyly. 19 MR. WYLY: I have no questions at this time. 20 CHAIR BURGESS: Okay, Mr. Hunt. 21 MR. HUNT: Mr. Gagnon, are there other 22 self-storage units in the City of Riviera Beach that 23 would be forced to make any adjustment in their 24 strategy in order to comply with this new ordinance? 25 MR. GAGNON: So we do have other self-storage</p>

Page 13

1 facilities within the city, however, this new code
2 requirement would only come into play if there was a
3 substantial improvement on that site. So if they came
4 in and applied for renovations exceeding 50 percent of
5 the value, or if they applied for a brand new site plan
6 for an addition to the building, similar to the
7 applicant that we'll speak of in a moment, then they
8 would likely have to meet these regulations based on
9 that substantial improvement finding. Otherwise,
10 anyone that exists in the city now would be able to
11 continue on as if there was no change at all.
12 MR. HUNT: There's no retroactive implication
13 at all.
14 MR. GAGNON: That is correct.
15 MR. HUNT: Okay, thank you.
16 That's all I have, ma'am.
17 CHAIR BURGESS: Thank you, Mr. Hunt.
18 Mr. Ncube.
19 MR. NCUBE: I have a question. Is there a
20 separation between handicap parking and maybe
21 motorcycle parking in the parking ratio, or is it
22 just -- how do they decide that?
23 MR. GAGNON: So for accessible parking
24 spaces, the total number on site depends on the total
25 number of parking spaces within a development. Just

Page 14

1 for conversational purposes, it's typically a ratio of
2 one space for every 25 spaces. With that there is a
3 larger space requirement that must be provided, as well
4 as a walkway area, and typically those accessible
5 spaces are placed at the closest possible location to
6 the main entrance of the facility.
7 In relation to any motorcycle parking spaces,
8 our code really doesn't speak to motorcycle parking.
9 It's an option available to applicants. But from what
10 I recall, our code is silent as far as location of
11 motorcycle parking currently.
12 MR. NCUBE: So that wouldn't count towards
13 their requirement if they basically included motorcycle
14 parking? Would that count towards their ratio?
15 MR. GAGNON: It really wouldn't. If there
16 was a unique circumstance and they could justify why,
17 you know, maybe it was a motorcycle repair shop and
18 they have 70 percent of their employees all ride bikes,
19 so they come in and say, hey, we don't have as many
20 cars on site, so we want to convert some standard
21 parking spaces to motorcycle parking and they want to
22 try to satisfy the parking ratio based on that, there
23 is a section of the code that allows us some
24 administrative discretion as far as what the use on
25 site is. So that would be a case by case basis.

Page 15

1 MR. NCUBE: Okay, thank you.
2 CHAIR BURGESS: Mrs. Harris Clark.
3 MS. CLARK: Yes. The structure itself, I
4 haven't seen it. Is it one level, two levels? Before
5 I ask the next question, the storage --
6 MR. GAGNON: So, and I want to answer your
7 question, but I also want to, I guess, reiterate the
8 fact this is a global ordinance that would be across
9 the city as well. So even though it is associated with
10 the next item, this is still separate. But the current
11 facility is a one story facility.
12 MS. CLARK: Okay. Just on our end, what if
13 it is a storage complex that has two or three levels,
14 and then this parking ratio may not apply because there
15 are more floors, more units? Where this has nothing to
16 do with the current applicant because it's just one
17 level, maybe this recommendation wouldn't apply.
18 But in terms of us as a City making sure that
19 if another storage company that is like in West Palm
20 Beach, they're mega, they're two, three, four stories
21 high, how do they address the parking ratio when it's
22 going up that way, not width-wise?
23 I just want to make sure that our staff
24 recommendation covers that sort of potential that may
25 come into the city or get converted. So I don't know

Page 16

1 if that's something that you would address now. I'm
2 just saying take that into consideration. It doesn't
3 have anything to do with the applicant.
4 My question in regards -- my second question
5 in regards to the applicant, when we say parking, I'm
6 thinking of an individual moving truck or SUV or a
7 person coming in and that's a parking spot. But what
8 else does this accommodate in terms of tractor trailer,
9 32 footers, you know, coming and they need parking?
10 How are those sort of vehicles being addressed with the
11 parking?
12 MR. GAGNON: Those are both very good
13 questions. To answer your first, as far as the
14 multi-floor building, what we would do is we would look
15 and kind of dissect the uses. So if there was a large
16 office component or if there was a mixed use component,
17 which is becoming more popular -- for example, the
18 bottom floor might be commercial or retail, and maybe a
19 second or third story could be storage use -- what we
20 would do is ask the applicant to break down those
21 individual uses, and we would apply our parking ratios
22 for each one of those uses.
23 So an office calculation could be one parking
24 space for every 200 square feet. For the storage
25 aspect, you would then have the calculation being

Page 17

1 discussed now of a minimum of five parking spaces. But
2 depending on the total number of units in those
3 additional floors, that would provide the grand total
4 of parking spaces for that future development.
5 MS. CLARK: You mean I didn't get you off
6 guard, Jeff?
7 MR. GAGNON: That's a really good question;
8 it's a really good question. And I think that
9 thinking, you know, vertically is something we need to
10 start doing more often because we're running out of
11 green space. So we're looking at a lot of
12 redevelopment and vertical construction and creative
13 ideas as far as how we can move forward with that.
14 MS. CLARK: Okay, thank you. Good job. The
15 second question.
16 MR. GAGNON: Yes, and the second, if there
17 was a circumstance where there was a delivery or
18 something along those lines, there actually are loading
19 areas on site, and the parking spaces are really
20 intended for long-term parking as well. So the way
21 that the site is currently designed, and I know I'm now
22 referencing the site we're going to talk about, but
23 what staff would do is ensure that there are proper
24 loading areas within the site plan.
25 So let's say you have a U-Haul truck. You'd

Page 18

1 be able to pull up to an area that's very close to a
2 bay door, and that would be separate and apart from any
3 parking requirement. So we would ask for a loading and
4 unloading zone. So the parking ratio is in addition to
5 a loading and unloading zone.
6 MS. CLARK: Okay, so if I'm understanding,
7 the facility is going to accommodate long-term parking,
8 such as motor homes, boats, large trailers, maybe even
9 some sort of commercial truck. So it's not what I'm
10 thinking in my head, the public storage where they just
11 move their furniture in, or a company, excess boxes of
12 paper, but we're really talking long-term, high-end
13 sort of accommodation for those type of, that type of
14 equipment --
15 MR. GAGNON: Absolutely. So what this new
16 definition will help really clarify is that how outdoor
17 storage can be designated on a site plan for whether
18 it's a motor home or an 18 wheeler or a boat or any
19 other type of rolling stock that is going to be
20 potentially a high value item that's stored for an
21 extended period of time.
22 So that can be called out on the site plan as
23 far as where those spaces will be, and you know, where
24 the striping will be, total number of storage spaces,
25 things like that. So this definition will help staff

Page 19

1 guide that in the future.
2 MS. CLARK: Okay, Madam Chair, if I may, that
3 just generated another question.
4 And that is with that type of equipment being
5 stored for long term, and you may address this a little
6 bit later in the presentation, but my question is when
7 you get to the how it shouldn't be visible from the
8 street, you can either answer that now or later, I want
9 to be clear in understanding that that sort of
10 equipment would not be visible from the street based
11 upon the type of exterior landscaping or barriers that
12 would hide this equipment and keep the aesthetic of
13 Blue Heron. And so you could address that now or you
14 could address it later, your preference.
15 MR. GAGNON: Yes --
16 CHAIR BURGESS: Jeff, one moment. I would
17 like to add to --
18 MR. GAGNON: Sure.
19 CHAIR BURGESS: -- what Ms. Harris Clark just
20 stated. Also, could you add to the safety, so like
21 when we experience a storm, what would be the
22 requirement to have those items secured? Like if it
23 was a boat, does it need to be moved from that storage
24 facility to a different facility? So address the
25 safety concerns as well.

Page 20

1 MR. GAGNON: Okay. The visibility
2 conversation, from staff's perspective we would allow
3 the applicant to propose how they could satisfy that
4 request as far as ensuring that any sort of items being
5 stored would not be visible from our major roadway
6 corridors. So that can be done through landscaping.
7 The other thing that's worthwhile mentioning
8 is oftentimes the rolling stock can be of high value.
9 So you're describing boats that have exposed motors,
10 RVs. So more often than not, the storage areas are
11 secured and there's some sort of security fence that's
12 provided to ensure that people just can't come and go
13 from the site.
14 So landscaping is typically the preferred
15 method, however, and we'll discuss a little bit on the
16 next item, the actual building configuration itself is
17 providing a majority of that visibility screen. It's
18 almost a horseshoe shaped concept. So there's only a
19 very small area that could be visible, and the
20 landscaping that's being provided will ensure that
21 there's no visibility of storage from Blue Heron
22 Boulevard.
23 CHAIR BURGESS: But one thing I would like to
24 add. We're just talking about this particular area,
25 but in the future, we're putting this in an ordinance

Page 21

1 that, you know, there could be other potential areas as
2 well, so --
3 MR. GAGNON: Absolutely.
4 CHAIR BURGESS: -- we want to make sure that
5 we keep that in mind.
6 MR. GAGNON: Yes, so it would be each site is
7 somewhat unique and each proposal is somewhat unique.
8 So staff would work with the applicant to see what
9 tools are in the toolbox to see how we can satisfy that
10 requirement.
11 Now, your follow-up question as far as moving
12 devices -- not devices -- rolling stock, if there was a
13 storm, a hurricane, things of that nature, it might end
14 up being an internal policy of that operator. So
15 management could say, you know, if there's a category
16 three or four hurricane that's expected, it's the
17 owner's responsibility to remove belongings from the
18 site, or perhaps they would be moved for them. But
19 that's really more of an operational aspect for the
20 management team.
21 But it's a really good question, and beyond
22 that, I don't think I have a more in-depth answer at
23 this time. We can look into it more though.
24 CHAIR BURGESS: Okay, I would like to -- I
25 don't know if we should kind of leave our safety up to

Page 22

1 the management. So if the City could, you know, look
2 into it a little bit more to see what we could put in
3 place on our end to secure the safety of our residents.
4 MR. GAGNON: Understood.
5 MS. CLARK: If I can piggyback on the
6 comments that Madam Chair has just said, we, as a city,
7 are pretty much a marine industry city. And I'm pretty
8 sure that there has to be something in place where we
9 don't leave the operational aspect of that up to the
10 management teams with the boats and the equipment and
11 the -- everything else that has to go along in a marine
12 industry, because if they don't do it right, then, you
13 know, we are at risk as residents, and other property
14 and things of that nature. So there has to be
15 something in place.
16 And maybe the management company, they've
17 been doing this for maybe a long time, maybe they
18 already know that already, how they accommodate falling
19 in line with the municipality's procedures in that
20 instance. Maybe it's already there.
21 But clearly, us being a marine industry and
22 knowing how volatile those hurricanes, because we get
23 hit dead-on. We've been lucky; we got missed the last
24 couple hurricanes. But the next time we get a CAT 4
25 and CAT 5, I cannot believe that we have, as a City,

Page 23

1 just let the management teams of these businesses, of
2 these industries just say, well, we'll decide at the
3 last hour if we're going to pull this out; we're just
4 going to wait and see if this hurricane comes and hits.
5 And then by then, it's just too late, because I live by
6 the Marina, and maybe I do want a big old sail to come
7 and hit my roof so I can get a new house, or maybe I
8 don't.
9 MR. GAGNON: Yes, and oftentimes it would be
10 to the benefit of whoever owned the belonging to
11 protect it however they could. So if that meant moving
12 it, I could see a circumstance where maybe someone's
13 out of state and they don't have access to it. But I'm
14 trying to think of other examples.
15 So even throughout the city if you had a
16 vehicle and you don't have a garage, the vehicle's
17 going to be outdoors. So, you know, it's going to be
18 difficult to really get to each business and ensure
19 that all of the rolling stock is placed somewhere else
20 during a storm event.
21 MS. CLARK: I'm raising eyebrows.
22 CHAIR BURGESS: Me too.
23 MS. CLARK: But again, just in this instance
24 for the applicant, they've probably gone down this path
25 and maybe have an answer for us. But we, as a City, we

Page 24

1 should know for sure, because truly, we are a marine
2 industry, and we got the most dangerous type of
3 equipment that if it is catapulted in the wrong type of
4 category hurricane, we're in big trouble. And we've
5 seen some of that. But just in their case, maybe they
6 may have an answer just for their applicant process.
7 MR. GAGNON: Okay. It might be more
8 appropriate during the next item for them to --
9 MS. CLARK: Sure.
10 MR. GAGNON: -- kind of talk about how they
11 operate internally. I don't think they'll be able to
12 speak for other businesses, but maybe just best
13 management practices throughout the industry.
14 MS. CLARK: Sure.
15 CHAIR BURGESS: Okay, Mr. Brown.
16 MR. BROWN: No comments at this time.
17 CHAIR BURGESS: Mr. Gallon.
18 MR. GALLON: No comment.
19 CHAIR BURGESS: All right, so seeing no other
20 comments on the item and there's no comment cards, what
21 is the pleasure of the Board?
22 MR. HUNT: I move we adopt the proposed
23 change in the code to address the self-service storage
24 unit issue and with the appropriate comments added to
25 Mr. Gagnon's responsibility to take a look at the

Page 25

1 detailed wording on safety and security.
2 MR. NCUBE: I second.
3 CHAIR BURGESS: Roll call.
4 MS. DAVIDSON: William Wyly.
5 MR. WYLY: Yes.
6 MS. DAVIDSON: Stephen Hunt.
7 MR. HUNT: Yes.
8 MS. DAVIDSON: James Gallon.
9 MR. GALLON: Yes.
10 MS. DAVIDSON: Anthony Brown.
11 MR. BROWN: Yes.
12 MS. DAVIDSON: Evelyn Harris Clark.
13 MS. CLARK: Yes.
14 MS. DAVIDSON: Moeti Ncube.
15 MR. NCUBE: Yes.
16 MS. DAVIDSON: Rena Burgess.
17 CHAIR BURGESS: Yes.
18 MS. DAVIDSON: Unanimous vote.
19 CHAIR BURGESS: All right, item B.
20 MR. GAGNON: Thank you, Madam Chair.
21 So the next item, item B, is a resolution of
22 the City Council of the City of Riviera Beach, Palm
23 Beach County, Florida, approving an application,
24 SP-19-23, from SROA Capital, LLC requesting site plan
25 amendment approval to expand the existing self-storage

Page 26

1 use by constructing an additional 36,310 square feet of
2 new building area, as well as providing building facade
3 and landscaping improvements at 1177 West Blue Heron
4 Boulevard, comprised of approximately 8.58 acres of
5 land, identified by parcel control number
6 56-43-42-29-56-000-0010, providing for conditions of
7 approval and providing for an effective date.
8 So the title block is provided before you on
9 the PowerPoint, and this is staff number SP-19-23.
10 So as previously mentioned, this is the
11 companion item to letter A. And the applicant is SROA
12 Capital, and they're represented by Schmidt Nichols.
13 And the request is to seek site plan approval to
14 construct an expansion to the existing facility. And
15 again, it's located on Blue Heron Boulevard. The
16 address is 1177 West Blue Heron.
17 The information before you is taken directly
18 from the staff report. I just wanted make sure it was
19 available for the general public on the record, but it
20 gives you some of the existing site dynamics. The
21 zoning is currently limited industrial, with industrial
22 future land use, and the site is primarily surrounded
23 by industrial uses as well. Blue Heron is directly to
24 the north. Further north is the existing multifamily
25 residential uses, as well as Avenue O.

Page 27

1 So here is an aerial view of the site. And
2 as we get a little closer, you can really see that, you
3 know, the new ownership group does want to improve the
4 site. The previous ownership group did not maintain it
5 to the standards that most would, so we're happy to see
6 that the new ownership group is here and they're
7 looking to renovate the site. Kind of excited about
8 the new building facade and landscape package. I think
9 it will be a really nice addition to Blue Heron.
10 And so again, this is taken directly from the
11 staff report. I did just mention the fact of the
12 facade improvements and the landscaping improvements.
13 In total, if this proceeds, it will result in a total
14 of 120,983 total square feet of building area for
15 self-storage use.
16 And this is referring to the fact that the
17 concurrent application was provided for the text
18 amendment that was just discussed by the Board, and
19 that is really tied to that ordinance proceeding,
20 because there's some site characteristics that are
21 reliant on that ordinance proceeding.
22 So for the record, here is the site plan.
23 And this is just zooming a little closer for everyone's
24 ability to see it, because the text is rather small. I
25 do call out here, this is the existing building area in

Page 28

1 yellow, and the new proposed addition is called out in
2 green.
3 So as discussed previously, it does form
4 almost a horseshoe pattern, where most of the uses or
5 any sort of internal storage use would be shielded from
6 view from the street. Additionally, there will be
7 heavy landscaping as well as fencing around the
8 interior storage areas.
9 For your record, the landscape plan is
10 attached as Exhibit B. And here are just the four cut
11 sheets, because it's a larger site. What I did here
12 was zoom in on two of those cut sheets that front Blue
13 Heron Boulevard to really allow the Board and general
14 public to see how there really will be a new landscape
15 facade included. And that's following our principal
16 arterial design overlay guidelines which were approved
17 a few years back, or amended a few years back to really
18 push future development to provide a really nice
19 landscape package and to try to create a uniform design
20 along Blue Heron Boulevard.
21 Here is the proposed building elevation for
22 the site. The top image is the full view from Blue
23 Heron Boulevard, and the side two, the next two are
24 just the sides of that top building elevation. And
25 what we did here is provide a comparison of the

Page 29

1 existing building facade with the proposed.
2 So the proposed is up top. You can see it
3 will be a nice, really clean design. There will be
4 much glass exterior. And what isn't really
5 demonstrated on the rendering is how the landscaping
6 will really improve the site and kind of shield a lot
7 of the building from view, more or less.
8 So just for the record, the staff analysis is
9 provided from our staff report in the PowerPoint, and
10 staff is recommending approval, with the following
11 conditions.
12 The first is that a two year landscaping
13 performance bond for 110 percent of the value of
14 landscaping and irrigation shall be required before a
15 certificate of occupancy or a certificate of completion
16 is issued.
17 The second is that construction and
18 landscaping improvements must be initiated within 18
19 months of the effective date of this resolution, in
20 accordance with Section 31-60(b) of the City's Code.
21 Number three is the City Council authorizes
22 City staff to approve future amendments to this site
23 plan administratively, so long as the site plan does
24 not deviate greater than five percent from the
25 originally approved site plan.

Page 30

1 The fourth is that this development must
2 receive final C.O. from the City for all buildings and
3 units approved within five years of the approval of the
4 adopting resolution or that adopting resolution shall
5 be considered null and void.
6 Number five is all future advertising must
7 state the development is located within the City of
8 Riviera Beach. Fees and penalties in accordance with
9 the City Code Section 31-554 will be levied against the
10 property owner and/or business for violation of this
11 condition.
12 Number six, once approved, this resolution
13 shall supersede any previous site plan approval
14 resolutions associated with this property, causing
15 previous site plan approval resolutions to be null and
16 void.
17 Number seven is that the applicant shall
18 consult with the Riviera Beach Police Department in
19 order to incorporate one or more internet protocol IP
20 cameras within their site design for Riviera Beach
21 Police Department use.
22 Number eight is the concurrently processed
23 ordinance associated with creating an off-street
24 parking ratio for self-storage use must be approved and
25 adopted prior to the site plan approval becoming

Page 31

1 effective.
2 And finally, number nine, prior to the
3 approval of City building permit, the applicant shall
4 provide a drainage report sufficient to demonstrate
5 compliance with City and South Florida Water Management
6 District regulations, specifically demonstrating
7 compliance with City Comprehensive Plan Infrastructure
8 Element, Policy 1.5.3.
9 So the applicant is available to answer any
10 questions, and I'm also here to answer any questions at
11 this time.
12 CHAIR BURGESS: Okay, so there's no comment
13 cards, no public comment cards on this item, so we'll
14 go ahead and hear from the applicant, if the applicant
15 wants to, would like to speak.
16 MR. GAGNON: Yes, Madam Chair, they would
17 like to present as well.
18 CHAIR BURGESS: Okay.
19 MR. NICHOLS: Thank you, Jeff, I appreciate
20 it.
21 For the record, Josh Nichols with Schmidt
22 Nichols.
23 Jeff did a great job. I really don't have a
24 lot to go through here, but I did want to touch on a
25 couple of quick points. Really want to show you the

Page 32

1 color site plan, because I think it pops a little
2 better. It's tough to read with the black and white
3 version.
4 So this is kind of showing how that
5 landscaping will look throughout the front corridor.
6 As you saw on the existing shot there, there's just a
7 few palm trees. So this will really create a nice,
8 lush landscape in the front. The building facade, as
9 you saw, was a modification there.
10 We had also spoken about the storage area.
11 So this area in the middle is what we were talking
12 about on the last item for storage of those larger
13 vehicles. So those are 30 foot depth spaces, so they
14 would be for boats, RVs, larger trucks, as we had
15 mentioned.
16 And again, as Jeff said, you know, there's
17 really this small window here that's viewed from the
18 right-of-way, and as you can see, this landscaping, you
19 have a focal point tree here, and then this also curves
20 around. So you have a lot of screening there, and then
21 the balance of it is all behind the -- you know, we
22 planned it that way, of course, to make sure that it
23 was screened.
24 Another thing that we talked about that was a
25 concern was the storm prep. And I think that's a very

Page 33

1 valid point. I think there's a couple things going on
2 there, because I think when we do get a storm warning,
3 you're going to see a lot of people flock to utilize
4 this site, because in my eyes, I'd rather have my
5 neighbor's boat at this facility versus next door with
6 the boat stuff flying around and hitting my house
7 there. I'd rather have it, you know, stationed here
8 where it's surrounded by industrial uses.

9 What they do in other facilities is that they
10 do a walk-through, make sure that there's no loose
11 materials or loose things on the boats or RVs. They
12 send out e-mails and correspondence to those owners.
13 The owners all have to have insurance, you know, to be
14 able to park their vehicles there.

15 And then also, we were also thinking it may
16 be wise, because of the proximity to the coast and that
17 there will be quite a few boats that would be parked in
18 here, is to do eye hooks that would be secured into the
19 ground, and that way, you could tie down the vehicle.
20 So I think that would be a really big help.

21 Again, they do that walk-through, so that's
22 part of the management aspect of it, because again,
23 they don't want loose material flying into their
24 building either. So they're going to do as much as
25 possible. But again, not everyone is going to want or

Page 34

1 take their vehicle or boat out of the facility, and I
2 think actually more people will want to get in here,
3 they'll be clamoring to get in. So, but that is what
4 this middle area is intended for.

5 As Jeff had mentioned, you know, we have
6 loading zones here, here, and then also there's loading
7 zones back here as well for the building. So any of
8 those larger trucks that are there for unloading, like
9 a U-Haul or something, they have those specific areas.
10 The general parking that's required is all provided
11 for. You know, these are just customer parking spaces,
12 and also for employees. So those would not be where
13 U-Hauls and things of that nature would be located.

14 Again, just showing -- I thought this was
15 great that Jeff had this in here of the current. As
16 you can see, it's a little dated, a little worn and was
17 in need of some update. So it's just good to see, you
18 know, this and the next project you're going to hear
19 are both in this immediate vicinity on Blue Heron and
20 are really going to spruce up the corridor. So looking
21 forward to that.

22 So again, with that, just wanted to mention
23 those few items and be happy to take any questions.
24 Thank you.

25 CHAIR BURGESS: Thank you.

Page 35

1 We'll start with Board comments with
2 Mr. Wyly.

3 MR. WYLY: I don't know whether this question
4 is for yourself or Mr. Gagnon. I wanted to ask, the
5 building that's located directly behind you, who
6 operates that building? Do you --

7 MR. NICHOLS: Yes, so that's -- let me go
8 back to the site plan. So that's a Fed Ex distribution
9 facility.

10 MR. WYLY: Okay.

11 MR. NICHOLS: So, and again, I didn't bring
12 this up because it's not really part of our project,
13 but there is a cross-parking agreement that was entered
14 into between the subject parcel and the Fed Ex. So
15 those additional spaces are for the use of the Fed Ex,
16 and there's two access points through the subject
17 property to allow them access.

18 MR. WYLY: Okay, because actually I used to
19 manage that Fed Ex back then. That's why I was asking,
20 to see if it was still back there.

21 MR. NICHOLS: Absolutely.

22 MR. WYLY: The question I have for you there
23 is there's a lot of traffic that's going through there
24 for Fed Ex throughout the course of the day, even
25 usually late at night also, but late trucks coming in,

Page 36

1 especially at the Christmastime. Is there a security
2 between coming from your entrance there for your
3 building going to Fed Ex? Is that separated, or is
4 that something that you guys are going to share?

5 MR. NICHOLS: No. So this drive is obviously
6 open --

7 MR. WYLY: Right.

8 MR. NICHOLS: -- you know, to keep. But
9 there's fencing that comes. It touches the building
10 here, it connects, comes over, and then crosses here
11 and connects here. So this entire yard area, I guess
12 you could say, is all fenced in and secured.

13 MR. WYLY: Got it. Now, also when you got
14 ready --

15 MR. GAGNON: (Inaudible.)

16 MR. NICHOLS: Oh, gotcha.

17 MR. WYLY: When you got to develop this area,
18 was it made big enough, because some of the trucks that
19 are coming through there are pretty big. So will it
20 still be protected from anyone, any parking, because I
21 see through one area there, I see parking spaces on the
22 side of that area.

23 MR. NICHOLS: Is that over -- which side are
24 you --

25 MR. WYLY: Right here to the left side, like

Page 37

1 right where it curve to come around and go up a little
2 bit more, right there.
3 MR. NICHOLS: Oh, right here, yes.
4 MR. WYLY: All right, so now, with the trucks
5 coming through that area, because like I say, some of
6 the trucks are pretty large, would those vehicles there
7 be protected also, and was it made to actually be --
8 accommodate those larger vehicles going through there
9 without any damage to any other vehicles or any private
10 property in that area?
11 MR. NICHOLS: Absolutely. So that's a
12 standard size drive aisle, and there's actually an
13 access road easement. And that encompasses, basically,
14 that driveway. So we maintained -- just looking for --
15 it's 20 feet in sections, and it looks like it goes out
16 to 24 feet in some other sections. So there's plenty
17 of room for trucks to be able to maneuver through
18 there. So we had to maintain that as part of the
19 access easement.
20 MR. WYLY: So during certain parts of the
21 day -- what was your access for that building? Will it
22 be 24 hours?
23 MR. NICHOLS: No, not 24 hours, no.
24 MR. WYLY: What will the later hour be?
25 UNIDENTIFIED SPEAKER: 9 a.m. to 5:30 p.m.

Page 38

1 MR. WYLY: To 5:30. All right, because I
2 just wanted to make -- to see if that would actually
3 interfere with the Fed Ex building, with the vehicles
4 that are coming in at that time, or would that
5 actually, I guess, the traffic coming through that
6 area, would it hurt your --
7 MR. NICHOLS: It's a very low traffic
8 generator, the storage. And they're currently
9 operating now with this same situation, so you know, so
10 we will be adding a little bit of square footage, but
11 it won't impede on their operation.
12 MR. WYLY: Won't impede anything, okay. Just
13 wanted to make sure. Thank you.
14 CHAIR BURGESS: Thank you.
15 Mr. Hunt.
16 MR. HUNT: Yes, and I applaud your mention of
17 the tie-down hooks and things of that sort. So I would
18 strongly encourage you to take a look at that as a good
19 option, and if so, perhaps suggest it back to the City
20 for something that we should consider for future
21 projects and things of that sort. I mean I think
22 that's a very prudent strategy. It still does not
23 absolve the owner of the vehicle or the boat from
24 paying good attention, but having that there makes it a
25 lot less easy to ignore.

Page 39

1 MR. NICHOLS: Absolutely.
2 MR. HUNT: That's all I have.
3 CHAIR BURGESS: Thank you, Mr. Hunt.
4 Mr. Ncube.
5 MR. NCUBE: This is probably more of a
6 I-watch-too-much-TV question. I'm just curious about,
7 you know, I guess like biohazards and stuff that people
8 store. Like what are the protocols for just ensuring
9 that nothing crazy is, you know, going on in the units?
10 Do they have like dogs that come through, or is there
11 some type of -- I don't know, based off your
12 experience, I'm sure there's things in place. I just
13 was curious about that.
14 MR. DEWHURST: Yes, so my name is Sean
15 Dewhurst. I'm with Storage Rentals of America. I'm
16 their construction manager.
17 I'm not as familiar with the day-to-day
18 operations, but I am aware we do not allow them to
19 store any food, any hazardous materials, anything that
20 would -- perishable items, anything of that nature. I
21 don't believe the City of Riviera Beach, but other
22 facilities that we have, they do use our facility as
23 training areas and do bring dogs in for drugs of that
24 nature, or, you know, meth labs and things. But I'm
25 not aware of anything specific with the City of Riviera

Page 40

1 Beach.
2 MR. NCUBE: So is that a City requirement,
3 that sometimes you have to have dogs come through?
4 MR. DEWHURST: No. In other cities we've
5 partnered with and offered up the facility to them for
6 training purposes, to the police so that they can do
7 that. We don't allow -- obviously, we can't regulate
8 and have access or enter people's units. But we don't
9 currently have anything in place with the City of
10 Riviera Beach.
11 MR. NCUBE: Well, you wouldn't be opposed if
12 we wanted --
13 MR. DEWHURST: No.
14 MR. NCUBE: Okay.
15 MR. DEWHURST: Yes, we currently -- I believe
16 you guys have gunshot monitors on our roof currently
17 that you guys maintain and support. We haven't put
18 cameras in yet, just because it's cost prohibitive with
19 what we'd like to do. So we're willing to add cameras
20 to your facility as well.
21 MR. NCUBE: Okay, thank you.
22 MS. CLARK: Just a caveat off of my
23 colleague's question, and I have a couple of more.
24 You may not be able to go into someone's
25 storage unit. I would hope you would have all rights

Page 41

1 to do that in today's unfortunate landscape.
2 I work for a cargo shipping company, and we
3 go into cargo all the time because people want to move
4 explosives. They want to move lithium batteries that
5 blow up. They don't think, because they're in the
6 iPads, which -- or computers, which are -- and cell
7 phones which are on pallets, that that's not flammable.
8 So, you know, with you being so close to a
9 residential area, I'm pretty sure you must have some
10 sort of criteria where you're going to ensure
11 flammables are not being brought in, lithium batteries,
12 which are explosive, you know, that type of thing. If
13 you could address that, and then I have a couple of
14 other questions.
15 MR. DEWHURST: So I'm, again, not as familiar
16 with the operations, but all tenants are required the
17 insurance; they are not allowed to store with us
18 without insurance. We are only operable during
19 business hours when management is on site, so
20 management does have somewhat of a view of what comes
21 in and out, but we don't inspect boxes. It's, I mean
22 that's just time prohibitive.
23 I don't know too many people that would be
24 willing to store with people that have it rigorously
25 searched in such a manner. But we do require the

Page 42

1 insurance policies. If we do smell things or there is
2 anything suspicious, they are notified, the correct
3 authorities, whoever that may be. I can bring it to
4 their attention about implementing a policy --
5 MS. CLARK: Sure. I mean I'm in the
6 transportation industry, and you'd be surprised what
7 people sneak by you. Explosives. And one of the
8 things you want to do is put it in a storage unit until
9 you decide you want to do something with it.
10 But going on to the next question I have is
11 the aesthetics. And I'm just going to take off my P&Z
12 hat and just really speak as a resident. And I don't
13 live too far from here, and we, as a City, are trying
14 to determine who do we want to be when we grow up.
15 You know, we don't have a downtown area. Are
16 we going to be warehouses everywhere? Are we going to
17 be storage units or building facilities everywhere?
18 And are we going to look very industrial? And we could
19 easily very much look like that in today's landscape,
20 because the businesses aren't doing more to beautify
21 their property.
22 And I'm just asking you to take this under
23 consideration, because that street, Blue Heron, and
24 your facility, you're going to do some great
25 renovations, modifications to it, but on the exterior,

Page 43

1 you said lush. Lush is relative. And I'm sure you can
2 put up trees and everything, but I'm just saying could
3 you just make it spectacular? Can you make it
4 beautiful?
5 We have developers and their representatives
6 who come in and say this: Well, we've met the bare
7 minimum. I'm tired of businesses coming into our city
8 and meeting the bare minimum. I want them to step up
9 their game.
10 I, as a resident, have to step up my
11 property, because I live as the gateway, if you will,
12 into the boats, tourists coming into Rivera Beach. And
13 I could have done the bare minimum, put out one palm
14 tree and called it a day, but I put a lot of money into
15 my property because I want people to feel that when
16 they came down my street, that this wasn't a poor
17 neighborhood, that people didn't care, that somebody
18 took enough time to do more than the bare minimum.
19 So I'm sure you might have a little bit more
20 in your budget that even if you stick an artifact or
21 two out there, if you got some great lighting out
22 there, if you kick it up with more of the palm trees
23 and bring some nice color, you know, help us so we can
24 help you. And so I'll put my P&Z hat back on. Thank
25 you.

Page 44

1 CHAIR BURGESS: Thank you, Ms. Harris Clark.
2 Well said.
3 Any thoughts on that?
4 MR. NICHOLS: I was just going to say, you
5 know, this is part of the Blue Heron overlay that was
6 recently adopted. And I think staff did a great job in
7 requiring above and beyond landscaping that you would
8 find in any other corridor or property in the city.
9 So, you know, going back to, you know, well,
10 again, what's out there now, but what we've done across
11 the frontage there has really created -- you know, we
12 actually, there's so much landscaping we're worried
13 that you're not going to be able to see the building.
14 And of course, people know that this building use is
15 there --
16 MS. CLARK: Just bring in the revenue.
17 That's good.
18 MR. NICHOLS: Exactly. But no, I think
19 you're going to get that wow factor from the amount of
20 trees and the types of species that are out there.
21 It's really going to make a big difference to the
22 corridor. And I think a lot of that is due to the
23 up-the-ante of the code that was created for this
24 corridor, so you're going to see that on the next
25 project as well.

Page 45

1 But there's a lot of trees that were put in.
2 I think the code requires 250 trees for the site just
3 based on the new corridor requirements, and so it's
4 quite upgraded from the standard code, absolutely.
5 CHAIR BURGESS: Thank you, Ms. Harris Clark.
6 A question while you're up here. You stated,
7 or maybe it was the previous gentleman before you, that
8 the business operation hours were from 9:30 to 5 p.m.
9 and that --
10 MR. DEWHURST: 9 to 5:30.
11 CHAIR BURGESS: 9 a.m. to 5:30. And that
12 your clients would only, or your customers would only
13 have access during those hours?
14 MR. DEWHURST: To the building itself.
15 CHAIR BURGESS: To the building.
16 MR. DEWHURST: But for boat storage and the
17 outside area, that would be controlled by a keypad
18 which they would be able to, after hours, drop off
19 their boat, their trailer or things like that.
20 CHAIR BURGESS: Okay, and so --
21 MR. DEWHURST: But the building itself, they
22 would not be able to enter the building.
23 MR. GAGNON: Up to the mic.
24 MR. DEWHURST: The building itself, they
25 would not be able to enter after 5:30, but the parking

Page 46

1 area, for purposes of business trailers and things of
2 that nature, or like night boat rides.
3 CHAIR BURGESS: Thank you for that
4 clarification. The other thing that I think I just
5 heard was mentioned about the cameras and that you
6 would be willing to. But that is item seven. As part
7 of your approval, it is a condition that the applicant
8 will consult with Rivera Beach Police Department in
9 order to incorporate one or more IP cameras within
10 their site.
11 MR. DEWHURST: I meant to say that we would
12 have done it already. Just at this point, it's cost
13 prohibitive with the amount of work that's going to be
14 done --
15 CHAIR BURGESS: Gotcha.
16 MR. DEWHURST: -- to implement the camera
17 program and then redo it for the addition.
18 CHAIR BURGESS: Gotcha. Thank you for that
19 clarification.
20 Do you have a --
21 MS. CLARK: Yes, this question may be more
22 for Mr. Gagnon. Because of now the size of this
23 expansion, what is the City lighting going to look like
24 to cover this property now, because it's expanded, and
25 we're talking, you know, cars going by, pedestrians.

Page 47

1 Just lighting, what are we doing as a City now since
2 this is going to be expanded?
3 CHAIR BURGESS: A very good question, because
4 when we leave here, that particular stretch of Blue
5 Heron is very dark. Like the lights are always out in
6 that area. So very good; very good question.
7 MR. GAGNON: So I guess it's a twofold
8 response. First is Blue Heron is a State roadway.
9 Is this one working?
10 MR. HUNT: No.
11 MR. GAGNON: So Blue Heron is a State
12 roadway, so they have specific lighting requirements
13 for that roadway.
14 Our code structure actually speaks to what's
15 referred to as light trespass. So what it is is if you
16 have lights on site, what the code is requiring is that
17 you first of all install new lighting if you have
18 significant improvements such as this. That's
19 typically done in conjunction with the landscaping so
20 there's no conflicts.
21 But that light trespass requirement precludes
22 lighting that is on the private property from really
23 going to an adjacent property, or even it's really
24 supposed to preclude lighting escaping from that
25 private property into the right-of-way. So the

Page 48

1 question that you have is a valid one, but I think
2 we'll have to look at it separately based on how our
3 code is currently written.
4 CHAIR BURGESS: I'm going to double check
5 tonight when I leave to see how dark, because I've even
6 brought that up to the Board before. That particular
7 stretch from about Dixie on down to about O Avenue, the
8 street lighting is like never working.
9 MR. GAGNON: Okay. And if there ever is a
10 time where it's a light fixture that is actually out,
11 then definitely please contact the City and let us
12 know. We can ensure that it is fixed. So I wasn't
13 sure if it was, really the question was the lights are
14 out, how do we fix them or the quality of light is
15 substandard in your opinion, which is something else
16 that we'll have to look at.
17 CHAIR BURGESS: I think it's kind of both,
18 kind of twofold.
19 MR. GAGNON: Understood.
20 MS. CLARK: But I think that it's kind of,
21 getting to my point, is that whether it's this facility
22 or another facility, and if we expect to see continued
23 growth, I'm trying to understand what kind of lighting
24 do we have that fits the smaller footprint and is
25 sufficient, but now we're expanding. And I'm pretty

Page 49

1 sure the applicants would like to know too. The City
2 or the County, who's going to put the right type of
3 lighting? I'm not saying the applicant needs to put
4 lighting on their building. I'm saying the stretch of
5 Blue Heron, and this building is now broad, do we have
6 the right sort of City lighting, County lighting,
7 whatever it may be?
8 MR. HUNT: State.
9 MR. GAGNON: Yes, it's going to have to be a
10 larger conversation, really, for that entire corridor,
11 because Blue Heron is a State roadway. So we'd have to
12 look and see what their timeline is as far as what the
13 life expectancy of the existing lighting is supposed to
14 be and see as far as staff going back and researching
15 to see when it is up for improvements or if it's
16 something that we need to start pushing for based on
17 other improvements in that corridor.
18 MS. CLARK: Exactly. Madam Chair, so for
19 tonight's purposes, this has nothing to do with the
20 applicant, because we don't want to hold up that
21 process, but I think we, as a Board, need to look at
22 the broader picture of the various growth, and we need
23 to start to say to staff expedite this to make sure
24 that we got the proper lighting in place. And if we
25 don't need it, we don't need it. It's better to have

Page 50

1 it and to get it.
2 But the fact of the matter is we've got this
3 applicant, they're building, and the dynamics of the
4 lighting I think for this space has to be accommodated.
5 And I know -- I'm just saying we need to push back on
6 the staff to move that request forward. But this has
7 nothing to do with the applicant and not approving
8 their request, but this is just something for us as a
9 City. And I'm speaking to the entire Board.
10 CHAIR BURGESS: Yes, and we can definitely
11 revisit that before we adjourn tonight so we make sure
12 we get that in writing and have staff consult with the
13 State or whatever they need to find out, you know, to
14 see, because it also plays into our safety. I mean
15 can't drive in the dark. So yes, we'll revisit that
16 before the end of the meeting.
17 Is that it, Ms. Harris Clark?
18 MS. CLARK: Yes, thank you.
19 CHAIR BURGESS: Okay, Mr. Brown.
20 MR. BROWN: Mr. Nichols mentioned some shared
21 parking. With the 36,000 foot expansion, how will that
22 affect Fed Ex?
23 MR. NICHOLS: It's a good question. So we're
24 only required, based on the number of bays that we have
25 within the facility, we're only required 12 parking

Page 51

1 spaces. So there's 92 that exist on the site. So that
2 difference is all allocated basically to Fed Ex. So it
3 doesn't affect our project or expansion at all. It's
4 been accounted for. And again, there's an agreement
5 that's in the public record, so we have to provide
6 those number of spaces to Fed Ex.
7 MR. BROWN: Thank you.
8 CHAIR BURGESS: Okay, Mr. Gallon.
9 MR. GALLON: I just have one quick question.
10 On that existing building, will they be demolishing
11 that building and rebuilding it, or that will just be a
12 remodel?
13 MR. NICHOLS: It's a remodel. So that will
14 maintain, absolutely. A full new facade, and yes,
15 everything will be redone.
16 CHAIR BURGESS: Thank you.
17 And I've asked my questions as we went along.
18 So if we don't have any further comments from the
19 Board, is there a motion?
20 MR. HUNT: I move that we approve the site
21 plan as presented, and based upon the additional
22 conversations about future actions on tie-downs and
23 other security strategies.
24 MR. BROWN: Second.
25 MR. WYLY: Second.

Page 52

1 CHAIR BURGESS: Second by Mr. Wyly. Roll
2 call.
3 MS. DAVIDSON: William Wyly.
4 MR. WYLY: Yes.
5 MS. DAVIDSON: Stephen Hunt.
6 MR. HUNT: Yes.
7 MS. DAVIDSON: James Gallon.
8 MR. GALLON: Yes.
9 MS. DAVIDSON: Anthony Brown.
10 MR. BROWN: Yes.
11 MS. DAVIDSON: Evelyn Harris Clark.
12 MS. CLARK: Yes.
13 MS. DAVIDSON: James Ncube. I'm sorry.
14 MR. NCUBE: Moeti Ncube?
15 MS. DAVIDSON: Moeti Ncube. My apologies.
16 Moeti Ncube.
17 MR. NCUBE: Yes.
18 MS. DAVIDSON: Rena Burgess.
19 CHAIR BURGESS: Yes.
20 MS. DAVIDSON: Unanimous vote.
21 MR. NICHOLS: Really appreciate it. Thank
22 you.
23 MR. HUNT: Thought your brother was here.
24 CHAIR BURGESS: Okay, item C.
25 MR. GAGNON: Thank you, Madam Chair.

Page 53

1 So as previously mentioned, items C, D, E and
2 F under new business are all connected. You have
3 before you a cover sheet, so to speak, for the upcoming
4 presentation. So what this is attempting to do is
5 indicate each one of these four items. So they all
6 pertain to the Blue Heron Commercial Project, which is
7 currently vacant. However, it is known by parcel
8 control number 56-43-42-29-37-000-0030.

9 There is an abandonment of City canal
10 right-of-way, which is staff number AB-19-02. There's
11 a land use map amendment request, which is LU-18-02.
12 There's a zoning map amendment request, which is
13 RZ-18-02. And there's also a site plan approval
14 request, which is staff number SP-18-13.

15 So if it pleases the Board, I'd like to
16 provide an overview concurrently of all these items,
17 and then once all questions are responded to and public
18 comments are satisfied, then we would proceed with
19 action on each individual item separately, if it
20 pleases the Board.

21 So just for the record, I'll read each item.

22 The first is an ordinance of the City Council
23 of the City of Riviera Beach, Palm Beach County,
24 Florida, approving the application AB-19-02 from BLP
25 Blue Heron, LLC, requesting abandonment of

Page 54

1 approximately 57,520 square feet of canal right-of-way
2 located adjacent to and north of the vacant parcel of
3 land identified by parcel control number
4 56-43-42-29-37-000-0030, located north of West Blue
5 Heron Boulevard, south of West 23rd Street, east of
6 R.J. Hendley Avenue and west of Avenue O, establishing
7 a perpetual City utility access easement and providing
8 for an effective date.

9 The next is associated with LU-18-02, which
10 is an ordinance of the City Council of the City of
11 Riviera Beach, Palm Beach County, Florida, approving
12 the application LU-18-02 from BLP Blue Heron, LLC,
13 requesting a future land use map amendment from an
14 office designation to a commercial designation for
15 approximately 4.91 acres of vacant land identified by
16 parcel control number 56-43-42-29-37-000-0030, and
17 including land formerly designated as a canal
18 right-of-way located north of West Blue Heron
19 Boulevard, south of West 23rd Street, east of R.J.
20 Hendley Avenue, and west of Avenue O, and providing for
21 an effective date.

22 The next is associated with RZ-18-02, an
23 ordinance of the City Council of the City of Riviera
24 Beach, Palm Beach County, Florida, approving the
25 application RZ-18-02 from BLP Blue Heron, LLC,

Page 55

1 requesting a zoning map amendment from an OP, office
2 and professional district designation, to a CG, general
3 commercial district designation for approximately 4.91
4 acres of vacant land identified by parcel control
5 number 56-43-42-29-37-000-0030, and including land
6 formerly designated as a canal right-of-way located
7 north of West Blue Heron Boulevard, south of West 23rd
8 Street, east of R.J. Hendley Avenue and west of Avenue
9 O, and providing for an effective date.

10 And the final and fourth item which pertains
11 to SP-18-13 is a resolution of the City Council of the
12 City of Riviera Beach, Palm Beach County, Florida,
13 approving an application, SP-18-13, from BLP Blue
14 Heron, LLC, requesting site plan approval to construct
15 five commercial buildings, totaling approximately
16 31,286 square feet on approximately 4.61 acres of
17 vacant land identified by parcel control number
18 56-43-42-29-37-000-0030, and including land formerly
19 designated as canal right-of-way located north of West
20 Blue Heron Boulevard, south of West 23rd Street, east
21 of R.J. Hendley Avenue and west of Avenue O, providing
22 for conditions of approval and providing for an
23 effective date.

24 So you have before you a location map
25 depicting the site. As we go a little closer, you can

Page 56

1 see it's on the north side of Blue Heron, just south of
2 West 23rd Street, and it's bookended by Avenue O and
3 R.J. Hendley Avenue. From this aerial, you can
4 somewhat see the fact that there is a canal running on
5 the north side of the property, and we have a few other
6 images later on that depict it a little more clearly.

7 So this image was taken just from Google
8 Earth, and if you're familiar with the site, you'll
9 understand the true length of the parcel. I believe
10 it's approximately 1,400 feet in length, you know, plus
11 or minus 100 feet or so. But as I was preparing the
12 presentation and trying to provide some images, I guess
13 I was looking to see if you look in the very far
14 distance -- and I'll try to get the mouse out.

15 So in this very far distance is what appears
16 to be a white building, and that's just on the other
17 side of R.J. Hendley. And that's kind of the end of
18 the parcel. So it almost goes as far as the eye can
19 see as far as this image. So this image is looking
20 west down Blue Heron Boulevard.

21 And this image is looking from R.J. Hendley
22 east, back across the canal and down Blue Heron
23 Boulevard, which is just to the right side of the
24 screen. This image was used because it provides a
25 better visual for the existing canal, which is depicted

<p style="text-align: right;">Page 57</p> <p>1 here, running east and west. 2 So again, the location at the first photo was 3 from -- you can see a speck of a building in the 4 distance, and that's where the first image was from. 5 So this is a very long, linear piece of land. We 6 believe that the length of the property and the format 7 of the property has provided difficulty in development, 8 so we're trying to come up with some solutions to that. 9 So just for the record, the applicant is BLP 10 Blue Heron, LLC, and their agent is Schmidt Nichols. 11 And as previously discussed, the request is associated 12 with the four previously mentioned items. Location has 13 been discussed previously. 14 This is the information taken directly from 15 the staff report -- I just wanted to provide it for the 16 record -- which identifies PCN, parcel size where the 17 current parcel is approximately 3.59 acres, and the 18 canal that's proposed to be abandoned is approximately 19 1.32 acres. So looking at a total 4.91 acres for this 20 site if all four items proceed. 21 It currently is vacant. And the zoning is 22 currently office professional, and there's a proposed 23 amendment to modify that to general commercial. The 24 future land use designation is office, and the proposal 25 is to amend that to commercial.</p>	<p style="text-align: right;">Page 59</p> <p>1 in proposing to abandon the canal right-of-way, which 2 results in an additional acre plus of land for future 3 development. With that abandonment, the proposal would 4 be to channelize the existing canal underground. They 5 would then use the new surface area created for parking 6 or other uses that would not interfere with the 7 underground channeling of the canal. 8 And the design team will be able to expand 9 upon some of the buffering that's proposed with the 10 adjacent residential uses to the north. They're also 11 looking into the best approach to ensure that there's 12 no water management issues to those properties to the 13 north, and the design team has a strategy for that as 14 well. 15 Just for the record, the legal description 16 for both the parcel and the proposed canal right-of-way 17 to be vacated is provided in the staff report and also 18 provided before you tonight. 19 The image before you is associated with the 20 future land use map. And the existing future land use 21 map is the above image. The current parcel is shown 22 here, and it's designated as an office future land use 23 designation, and the proposed future land use as 24 commercial is denoted here on the bottom. 25 This image is depicting the zoning map of the</p>
<p style="text-align: right;">Page 58</p> <p>1 As far as adjacent uses, Blue Heron Boulevard 2 is located to the south, a canal is located adjacent to 3 the north. There are multiple residential uses just to 4 the north, primarily single family residential uses. 5 And then Avenue O and R.J. Hendley more or less bookend 6 the site. 7 So as alluded to previously, this site has 8 been really vacant and undeveloped for more years than 9 I was able to even research. But we again think it has 10 to do with the lot configuration makes it really 11 difficult to come up with a site design that really 12 works for the property. 13 In addition to that, we believe that the 14 future land designation and zoning designation of 15 office wasn't really effective as far as promoting 16 redevelopment of the site as well. Mostly throughout 17 the city adjacent to any sort of principal arterial 18 roadway we have a commercial zoning and commercial 19 future land use designation, mainly because of the 20 number of trips and things of that nature. So it's 21 much more appealing to have that designation and could 22 facilitate future development, as proposed tonight. 23 So this background, again, was taken directly 24 from the staff report, and it really touches upon the 25 creative strategy that the design team has come up with</p>	<p style="text-align: right;">Page 60</p> <p>1 City. The above image is the current zoning of office 2 professional, which is shown in this magenta color, and 3 the proposed zoning amendment would result in a general 4 commercial zoning designation, as demonstrated with 5 this red color on the bottom image. As you can see, 6 the future land use and zoning directly to the south 7 also would be consistent with general commercial or 8 commercial for future land use and zoning. So the staff 9 analysis, again, was taken from the staff report. 10 As far as services, the existing City 11 services that are required to develop the site all 12 exist. The ultimate use is really very commercial, 13 retail, restaurant, medical type use within these five 14 stand-alone buildings. Staff believes that if the 15 zoning amendment proceeds, that the development would 16 be consistent with the zoning regulations. 17 Similarly, the Comprehensive Plan would be 18 compatible and consistent, so long as the desired 19 Comprehensive Plan amendment also proceeds. 20 We see that this redevelopment of the site 21 would be compatible to the surrounding and adjacent 22 uses, and additional attention will be provided to 23 ensure that that compatibility is maintained, 24 especially with the residential uses just to the north. 25 We touched upon it briefly with the other</p>

Page 61

1 project, or really more than briefly, but the landscape
2 design, it's going to be in line with our principal
3 arterial overlay standards, so we think you'll be very
4 pleased with the landscape palate that's provided.
5 And parking and traffic meets the County's
6 Traffic Performance Standards, and the Traffic
7 Performance Standard Review letter is provided within
8 the packet tonight.
9 Here is the site plan, just for the record.
10 And I have sectioned out the actual area to be
11 developed from the site plan, and let me mouse over the
12 five buildings. So north is up, and Blue Heron is to
13 the south of the site. So you can see there's
14 building -- if I can read it myself here, I'll go from
15 left to right. So from west to east, building A,
16 building B, building C, D and E.
17 MR. HUNT: Actually, it's reversed.
18 MR. GAGNON: Is it? Did I misspeak? It's
19 the opposite of whatever I just said, is what I meant
20 to say. Doing a lot of talking tonight, so --
21 CHAIR BURGESS: That's because you don't have
22 water.
23 MR. GAGNON: Yes, I have my side water here.
24 Maybe I just need to take a sip from it.
25 CHAIR BURGESS: We don't have water.

Page 62

1 MS. CLARK: That was the hint.
2 MR. GAGNON: I'll share mine if you'd like
3 some. We can get water; we will get water.
4 For the record, before you is a landscape
5 plan. Because it's such a long, linear site, there are
6 four sections. I have zoomed in on that so you can
7 kind of get a feeling for the landscape design and
8 landscape palate. The design team likes to hoard their
9 nice color renderings until their presentation and they
10 don't share them with me, so I'm sure that they'll
11 provide them in their presentation.
12 But I think you'll be really pleased with the
13 landscape proposed as well, and also with, again, a lot
14 of the treatment to the north side of the site where we
15 were very conscious of the existing residential
16 community. And we want to make sure that there really
17 are the least amount of impacts as possible for use of
18 the site and that any anticipated uses would have been
19 mitigated in some way, shape or form.
20 So here is a rendering of the site. This is
21 going from east to west, I believe, and Mr. Hunt might
22 be able to correct me on that. But this is the main
23 entrance to the plaza, so this is really in the center
24 of the site. I think it really would do justice for
25 the Blue Heron corridor.

Page 63

1 I think we've seen recently some similar
2 developments. The first one that pops into my head is
3 another one on Northlake where it really is coming into
4 really current standards as far as what best zoning
5 practices would be as far as trying to front the
6 building, having parking in the rear, allowing adequate
7 space for pedestrians, ensuring there's a really nice
8 landscaping package, as Ms. Clark had alluded to. And
9 again, it's going to be in their best interests to make
10 sure that the landscape is well maintained as far as
11 attracting future tenants, and you know, customers to
12 those businesses.
13 MR. HUNT: Mr. Gagnon, if I can make a
14 comment? On this particular chart, the artist took a
15 little bit of liberty and misplaced where that left
16 turn is coming eastbound on Blue Heron. It actually
17 lines up perfectly with the main entrance into the
18 plot.
19 MR. GAGNON: Okay.
20 MR. HUNT: And so it is not a U-turn and a
21 complicated entrance. It's much cleaner on the site
22 plan.
23 MR. GAGNON: Very good observation. I know
24 that the project has been worked on for a period of
25 time, and I know there has been some modifications

Page 64

1 within the Blue Heron right-of-way as far as some of
2 those medians. So thank you for that observation.
3 MR. WYLY: Mr. Gagnon, one question real
4 quick. Since we have this picture up already where you
5 are making the north entrance if you were going west,
6 the only conflict that I would have in that situation,
7 that given the vehicles that will be going in that
8 area, and I'm sure we -- a couple of us discussed this
9 last week during the last meeting, that turn-in area,
10 was there any way possible where that black car is
11 there to actually have that as a turn-in, to where the
12 cars will not be in traffic to actually hinder traffic
13 going west?
14 MR. GAGNON: So I think you were referring to
15 something along the lines of a deceleration lane --
16 MR. WYLY: Exactly.
17 MR. GAGNON: -- or a separate turn lane.
18 MR. WYLY: Absolutely.
19 MR. GAGNON: So I believe the development
20 team has a traffic engineer with them tonight, so
21 hopefully they can answer that question more
22 succinctly. But from my knowledge, there are certain
23 levels, there's a certain amount of trips that start to
24 require that for the County standards.
25 MR. WYLY: Right.

Page 65

1 MR. GAGNON: And based on the proposal and
2 the County's review of the project, the total number of
3 trips anticipated wouldn't require that additional turn
4 lane.
5 CHAIR BURGESS: Proceed, Mr. Gagnon.
6 MR. GAGNON: And I may have, again, misspoke,
7 but the State controls a lot of the turning
8 functionality on Blue Heron Boulevard, the same as
9 lighting. But the County does approve the Traffic
10 Performance Standards for the site.
11 And I guess one of the other difficulties in
12 attempting to provide the turn lane, really the
13 shallowness of the site, which is really one of the
14 issues that I believe is preventing redevelopment or
15 has throughout the years. If you take another 25 feet
16 or so to incorporate that lane, you're then shifting
17 everything back that far, which will start impacting
18 the size of the building that can be built, the number
19 of parking spaces that can fit on site. So it's kind
20 of a domino effect, but --
21 MR. WYLY: As far as the area there -- I mean
22 I'm assuming that this is what it's going to look like.
23 As far as the area there, like with the palm tree, the
24 two palm trees are there in front of the little signage
25 area, I'm just saying not move the building back, but

Page 66

1 just take that land area there in front of it and then
2 use that as a turning lane, because at certain times of
3 the day, especially with the UPS trucks and the Fed Ex
4 trucks and normal traffic going through there, it's
5 going to be very, very busy, and we don't want anyone
6 running into -- you know, for safety issues, running
7 into the back of someone.
8 MR. GAGNON: Understood.
9 MR. WYLY: So if they can actually get into a
10 safety lane before they actually make that turn, I just
11 thought that would be beneficial. I'm not asking that
12 the building be moved to where --
13 MR. GAGNON: I see.
14 MR. WYLY: -- they're losing building, just
15 that they're taking that certain part of the area and
16 using that for a safety lane.
17 MR. GAGNON: Okay, I absolutely agree with
18 that, and I think the applicant should explain how
19 they've come up with this design.
20 MR. WYLY: Right.
21 MR. GAGNON: But I 100 percent agree with
22 that, because we want to make sure that safety is the
23 top priority --
24 MR. WYLY: Right.
25 MR. GAGNON: -- especially for pedestrians

Page 67

1 and for any vehicular traffic. So I'm hopeful that the
2 design team and their traffic engineer has a more
3 elaborate explanation than I can provide for that.
4 MR. WYLY: Thank you; thank you.
5 MR. GAGNON: So the building elevations,
6 they're not really as pretty and colorful as the
7 rendering, but I wanted to provide them for just
8 informational purposes and for the record. So each
9 building has its own building elevation sheet, so this
10 is sheet 83.1, 83.2, 83.3, 83.4, as well as 83.5. So
11 all the building design is consistent, and they all are
12 really, as demonstrated before, will be the same design
13 throughout.
14 So at this point, I'd like to continue with
15 staff recommendation for each item, and then we can go
16 into Board comments and public comments on each
17 individual item respectively, if that please the Board.
18 So City staff recommendation for the
19 abandonment proposal, which is AB-19-02, City staff is
20 recommending that the P&Z Board recommend approval to
21 the City Council of this canal right-of-way abandonment
22 with the following conditions of approval.
23 The applicant shall provide a City access
24 easement identical to the legal description of the City
25 canal right-of-way abandonment area in order to ensure

Page 68

1 access in perpetuity. Following City Council approval
2 and adoption, and prior to the City canal right-of-way
3 abandonment becoming effective, the applicant shall
4 prepare and ensure recordation of the City's access
5 easement within the official records of Palm Beach
6 County, with proof provided to the City's Development
7 Services Department.
8 Condition number two, following City Council
9 approval and adoption of this abandonment ordinance,
10 and prior to the City canal right-of-way abandonment
11 becoming effective, the applicant shall provide the
12 City with a construction performance bond for 110
13 percent of the value of the cost to channelize or pipe
14 and fill the existing City canal.
15 This performance bond may be utilized by the
16 City to pay for channelization of the City canal in the
17 event that the applicant fails to complete the
18 channelization of the project within two years of the
19 effective date of this ordinance.
20 If the City utilizes the construction
21 performance bond, the applicant also authorizes the
22 City to place a lien on the property for an amount
23 equal to any additional channelization and fill
24 construction costs that exceed the value of the bond.
25 This condition intends to further incentivize the

<p style="text-align: right;">Page 69</p> <p>1 applicant to complete the channelization or piping 2 project and helps to protect the City from financial 3 risk. 4 Condition number three, the applicant is 5 responsible for any and all costs associated with 6 channelization or piping of the existing City canal. 7 The water management capacity of the newly piped canal 8 shall be equal to or greater than the capacity of the 9 existing canal. The final design of this 10 infrastructure improvement shall be approved by the 11 City's Public Works Department. The applicant must 12 apply for and be issued one or more building permits 13 prior to any site work commencing for channelization or 14 piping of the existing City canal. 15 Condition four, the applicant shall replat 16 the City canal right-of-way abandonment area, AB-19-02, 17 with the adjacent parcel known by PCN 18 56-43-42-29-37-000-0030 prior to the issuance of a 19 Certificate of Occupancy for this location. This 20 replat shall include the City's access easement that 21 was required as a condition of approval for the 22 abandonment. 23 So that ends the conditions of approval and 24 recommendation for the abandonment. 25 Staff's recommendation for the future land</p>	<p style="text-align: right;">Page 71</p> <p>1 administratively, so long as the site plan does not 2 deviate greater than five percent from the originally 3 approved site plan. 4 Condition four, this development must receive 5 final Certificate of Occupancy from the City for all 6 buildings and/or units approved within five years of 7 the approval of the adopting resolution or the adopting 8 resolution shall be considered null and void. 9 Condition five, all future advertising must 10 state that the development is located in the City of 11 Riviera Beach. Fees and penalties in accordance with 12 City Code Section 31-554 will be levied against the 13 property owner and/or business for violation of this 14 condition. 15 Condition six, once approved, this resolution 16 shall supersede any previous site plan approval 17 resolutions associated with this property, causing 18 previous site plan approval resolutions to be null and 19 void. 20 Number seven, the three concurrently 21 processed ordinances, known by staff number AB-19-02, 22 LU-18-02 and RZ-18-02, must be adopted, approved and 23 become effective prior to this site plan approval 24 becoming effective. 25 Condition eight, the applicant shall consult</p>
<p style="text-align: right;">Page 70</p> <p>1 use map amendment is that staff recommends that the 2 Planning and Zoning Board recommend approval for the 3 future land use map amendment to the City Council from 4 an office designation to a commercial designation, and 5 that's staff number LU-18-02. 6 The next recommendation pertains to the 7 rezoning request, which is RZ-18-02. City staff 8 recommends that the Planning and Zoning Board recommend 9 approval of the zoning map amendment to the City 10 Council from office professional to general commercial. 11 And the fourth item is the City staff 12 recommendation for SP-18-13. City staff recommends 13 that the Planning and Zoning Board recommend site plan 14 approval to the City Council with the following 15 conditions. 16 The first is a two year landscaping 17 performance bond for 110 percent of the value of 18 landscaping and irrigation shall be required before a 19 Certificate of Occupancy is issued for the site. 20 The second is construction and landscaping 21 improvements must be initiated within 18 months of the 22 effective date of this resolution in accordance with 23 Section 31-60(b) of the City's Code of Ordinances. 24 Number three, City Council authorizes City 25 staff to approve future amendments to the site plan</p>	<p style="text-align: right;">Page 72</p> <p>1 with the Riviera Beach Police Department in order to 2 incorporate one or more internet protocol IP cameras 3 within their site design for RBPD use. 4 Condition nine, the applicant shall replat 5 the City canal right-of-way abandonment area AB-19-02 6 with the adjacent parcel known by PCN 7 56-43-42-29-37-000-0030 prior to the issuance of a 8 Certificate of Occupancy for this location. This 9 replat shall include the City access easement that was 10 required as a condition of approval for the 11 abandonment. 12 Finally, condition ten, prior to the issuance 13 of a City building permit, the applicant shall provide 14 a drainage report sufficient to demonstrate compliance 15 with the City and South Florida Water Management 16 District regulations, specifically demonstrating 17 compliance with City Comprehensive Plan Infrastructure 18 Element, Policy 1.5.3, which is listed in full for 19 reference. 20 So that concludes staff's presentation. I 21 know that the applicant would also like the opportunity 22 to present to the Board at this time. 23 CHAIR BURGESS: We would love to hear from 24 them. 25 MR. GAGNON: Mr. Behn.</p>

Page 73

1 MR. BEHN: Thank you, Jeff.
2 Start this up here?
3 MR. GAGNON: Yes, sir.
4 MR. BEHN: Good evening, ladies and gentlemen
5 of the Board. For the record, Seth Behn, the firm of
6 Lewis Longman & Walker, here on behalf of the
7 applicant. I'm joined tonight by the applicant,
8 Mr. Stu Hankin. Josh Nichols of Schmidt Nichols is
9 here as well, the site planner. We have the builder,
10 general contractor with us tonight, and we also have
11 Kyle Dunkin from Simmons & White.
12 I obviously appeared before you very recently
13 to discuss this project, and at the conclusion of that
14 workshop hearing, I left the building with my client.
15 And then I realized when I was reading the transcript a
16 few days ago that you had a very extensive and well
17 thought out discussion about planning, the role of
18 planning in your city, the various jurisdictions that
19 are involved in that. I know Mr. Hunt did a yeoman's
20 amount of work on exploring that.
21 And when I read that transcript, I realized
22 there were a couple of very important concepts that
23 were discussed that were extremely relevant to our
24 project. Part of that was complexity and balance, the
25 fact that, you know, we are dealing with a myriad of

Page 74

1 different planning forces, regulations, rules.
2 We talked about traffic, we talked about
3 stormwater, and so the role we have and the role you
4 have of trying to figure out how to best balance those
5 things for your city. There's also been a lot of talk
6 today about the corridor and about the new regulations
7 that were put in place for the Blue Heron corridor.
8 And what resonated with what was discussed at
9 that workshop was the idea of making it easy to do the
10 right thing. And I think that's why when you see the
11 self-storage project that came before you earlier this
12 evening and how much time and effort and how attractive
13 that project is, and a lot of the work and effort
14 that's gone into this project and why I think it's been
15 so well received thus far is because your staff has
16 created a framework to really improve that corridor.
17 It makes people want to invest in it, and it's really
18 made our client want to invest in it.
19 With that said, I'm not going to go through
20 the entire presentation since you've seen most of it,
21 but I do want to address a few items. You know, a very
22 important point when we look at the location in the
23 aerial, and as you well know, is how this canal has
24 been both a barrier to the site for a long time and an
25 opportunity.

Page 75

1 The homes that exist along the north side of
2 it are set at a distance from that canal. Some of them
3 are fenced, have fenced-in back yards, some do not.
4 They don't border immediately adjacent to that canal
5 because that canal has crept and eroded to the south
6 over time.
7 But as you saw from that picture that Jeff
8 showed earlier, that canal is extremely deep, somewhat
9 precipitous, and always has, you know, there's always a
10 certain amount of water in there. But it's difficult
11 to maintain, it's difficult to keep up, and it has been
12 an intrusion into the property for a long time.
13 So while we are requesting the City abandon
14 it so that we may utilize it in order to make this site
15 functional, the end result is going to be, you know,
16 creating something that can be maintained, something
17 that will no longer be an eyesore or a danger to the
18 residents to the north.
19 As we talked about, you know, it is our
20 intention, through both the setback requirements and
21 landscaping requirements, to do a number of things.
22 One is make sure that if there's any runoff from those
23 homes, that we are gathering it on our property and
24 channelizing it into it, which we would anticipate
25 being a low swale like you typically have on the front

Page 76

1 of a road, except it will be adjacent to the six foot
2 high wall that your code requires we install when we're
3 building a commercial project next to residential.
4 So there will be a six foot high -- so there
5 will be a certain distance of a grass swale, the six
6 foot high privacy wall, and then beyond that, all of
7 the landscaping and parking along it. So that's what
8 we're proposing.
9 So these are the requests that we have had
10 before you this evening. As you know, we don't know
11 what the ultimate mixture of uses will be in there, but
12 our goal is to promote small businesses in the
13 district, the sorts of uses that can be of benefit to
14 the residents in the immediate surroundings.
15 I know in part of that discussion at the
16 workshop after we left was about that need to have uses
17 proximate to your neighborhoods so that people can be
18 less car dependent, so that they can walk to a
19 restaurant or walk to a store or to the salon. And
20 that's increasingly what we're attempting to do.
21 I think these images, better than any of the
22 site plans, really reflect what it is we're trying to
23 achieve. And Jeff was exactly right, we're trying to
24 promote that sort of urban feel where you can see the
25 buildings, you don't have a huge parking lot in the

Page 77

1 front of them like you have in some of your older
2 traditional strip retail neighborhoods. You've got
3 lovely architecture, a strong architectural landscape
4 feel and a meandering sidewalk through it.
5 So here is that site plan in that slightly
6 better colored version. So there was the mention of
7 the traffic and a turn-in to it. From a purely
8 technical standpoint, and Kyle could speak to this
9 better than I could, but as it talks about in the
10 traffic study, there's a threshold for when you're
11 required to put a right-hand turn lane in, and it's
12 based on the number of trips you expect.
13 The reality of this site is even though it's
14 extremely long, we're putting a far lower density than
15 would typically be permitted in your general
16 commercial. Your general commercial zoning district
17 allows a 1.4 FAR. That would be, you know, 200,000
18 square feet on the site of development. And to
19 accomplish that, it would be many stories, et cetera.
20 And we're maintaining a scale that's
21 compatible with the neighborhood to the north that will
22 fit on the site. But the reality is the traffic
23 generation by this site is very low, and there won't be
24 a grocery store here, there won't be a Target, there's
25 nothing that's attracting huge amounts of traffic.

Page 78

1 Again, these are smaller businesses that will
2 attract people throughout the day, the sorts of
3 businesses that, you know, even if it were an office
4 where there was a huge influx of traffic in the
5 morning, that won't be the case here. The sorts of
6 businesses here are the sorts that will get a certain
7 amount of traffic in and out throughout the day.
8 The second point, how we addressed
9 specifically what he was talking about is as you can
10 kind of see from the mouse here, where that turn-in
11 occurs, we have what the traffic engineers refer to as
12 throat depth, which is that there's a really long
13 distance here before you have to come to a stop,
14 meaning four to five cars can fit in there so that
15 there's no backup onto the road.
16 So typically when you've got those
17 deceleration lanes, it's because you're entering into
18 immediately a parking area, and you don't want that
19 stacking out on the street. In this instance, you can
20 make that right turn in, and then you can immediately
21 proceed into the site for some distance before you hit
22 any intersection.
23 There's no parking spaces along that spot,
24 there's -- let's get back to where I'm at. There's no
25 parking here, there's -- you get all the way past the

Page 79

1 building before you get to where there's a crosswalk,
2 and that's the first spot. But you can stack, you
3 know, four to five cars in there. And that's how
4 functionally it addresses that fact that even though
5 there's no turn-in lane, at the anticipated traffic
6 volumes, there's no conflict and there would be no
7 backing up onto Blue Heron Boulevard at that main
8 entrance, or at any of them, for that matter.
9 Again, you know, the landscape standards are
10 what they are. I think, you know, Jeff and Josh have
11 done a good job of talking about how the code has been
12 set in place to really make -- you know, to hold every
13 developer's feet to the fire. And the overlay corridor
14 really does step up the requirements on that area.
15 So this is the site. We're asking for that
16 40 foot to be abandoned so it can be incorporated into
17 it with, you know, the conditions that Jeff has read
18 before you this evening. We've, you know, reviewed
19 those conditions and accept all of them as proposed.
20 You know, this is how the site plan, how the
21 rezoning and land use would be modified, again
22 consistent with what's along the corridor and what's
23 along across the street from it, just mirroring that
24 and consistent with the uses in the area.
25 Going over again, we have had discussions

Page 80

1 with, you know, people throughout the city, and I think
2 there's a certain amount of enthusiasm about the
3 investment made into this corridor. And like I said,
4 you know, it's not the most intense use that could
5 possibly be made, but because of the constraints of the
6 site, it is still a significant investment, it's a
7 significant improvement in the value of the corridor,
8 and it's really beginning to make that overlay that was
9 put into place come to life.
10 The traffic study was done, as Jeff alluded
11 to. The traffic study was in your package this
12 evening, I believe, and it met the standards. And
13 again, because of the type of uses and the scale of it
14 and the distribution throughout the day, and the fact
15 that this is the sort of project that captures trips as
16 they go by and is not a huge draw from the region, it
17 met the County standards and was not considered a --
18 there was no problem. And the Department of
19 Transportation reviewed the driveways and preliminarily
20 approved them as well.
21 So we appreciate Jeff's comments. We believe
22 that the site does improve the corridor, and it's an
23 exciting opportunity for us, and we'd be happy to
24 address any questions you may have. Thank you.
25 CHAIR BURGESS: Okay, thank you.

<p style="text-align: right;">Page 81</p> <p>1 We do have two comment cards on the issue, so 2 we're going to hear from the public before we have 3 Board comments. So first up with comments for item C, 4 D, E and F is Lynne Hubbard. 5 MS. HUBBARD: Good evening, Madam Chair and 6 fellow Board members. 7 CHAIR BURGESS: Good evening. 8 MS. HUBBARD: I'm Lynne Hubbard. And the 9 members out there are my neighbors. We live on 23rd 10 Street, and most of us have lived there for quite a few 11 years; the least of us, maybe ten years. 12 That property has been proposed to be 13 developed for a very long time, but the reason that it 14 hasn't been developed is because of its constraints. 15 And the canal and the configuration is one of the 16 constraints of that property. 17 Some of the things that we have a problem 18 with and that we are concerned about is the impact that 19 it's going to actually do to our property, such as the 20 foundation. The construction alone, the bringing in, 21 closing up the canal, the cement, the trucks, all of 22 that is going to have a major impact on the foundation 23 of our homes. 24 And you ask me how I know that? That's 25 because this work has been studied and gone over every</p>	<p style="text-align: right;">Page 83</p> <p>1 barrier of sound right against our homes as we try to 2 sleep and we try to secure our properties. Thank you. 3 CHAIR BURGESS: I'll allow you to proceed if 4 you need more time, because we only have two comments. 5 And you're a resident, you live on the back of this 6 project, so we certainly want to hear the voice of our 7 citizens. 8 MS. HUBBARD: Thank you. I appreciate that. 9 It was stated that there wouldn't be a whole 10 lot of traffic, that it would just be traffic that was 11 moving and going back and forth. But it was also 12 stated that we don't know what kind of businesses would 13 be there, so we don't -- so we really can't say what 14 kind -- how much traffic, if you will, that would 15 actually be there. 16 And again, the buffering, we live across from 17 Fed Ex and we live across from UPS, and the noise is 18 already, you know, an inconvenience. You know, if we 19 thought -- if the noise was just a problem and we 20 thought the wall would do that, then that would be up 21 for discussion. But what we're talking about now is 22 the homes that we've invested in and the damage that 23 it's going to be. 24 I know that their professional service 25 persons would probably tell you that these are things</p>
<p style="text-align: right;">Page 82</p> <p>1 time a developer wants to do this, as far back as when 2 we had Mr. William Wilkins as our City Manager. 3 The closing off of the canal, the 4 right-of-way, we've always been told by the Utility 5 Department as well as Public Works, the X amount of 6 feet behind your home that is our property, we have to 7 give it up as a right-of-way so that the City can come 8 in there and maintain and do their business. So while 9 it's now in the hands of the City, the City wants to 10 give away that right-of-way to the developer so that 11 that land can be developed. 12 The filling in, the compacting of that canal 13 itself is going to have a major impact on our homes. A 14 lot of our homes still have the cast iron pipes. This 15 is a major detriment to our investment. What we just 16 experienced with the streets in Monroe Heights was 17 devastating to our community and to our homes when the 18 work that was done there, the seismic pressure, it 19 broke, it came up into people homes, the pipes broke, 20 everything that could possibly happen affected our 21 homes. 22 We fought against the culverts in the middle 23 of the street. We're stuck with that. And everything 24 that's proposed is a deterioration to our investment. 25 A six foot wall is not going to do anything for the</p>	<p style="text-align: right;">Page 84</p> <p>1 that we shouldn't be concerned with, but the reason 2 that we already know that they are is because these 3 things have been looked into in the past, and we've 4 been educated on all the damage and how the damage 5 would occur. We, ourselves, we are not professional 6 engineers by any stretch of the imagination, but we've 7 already been educated as to what is going to happen, 8 the impact that it's going to have on our homes and how 9 it's going to impact our homes. 10 I'm sorry that more of our residents couldn't 11 make it out tonight, but we hope to bring more of them 12 out, you know, for the next hearing. 13 And the other thing that we talked about or 14 that was mentioned again was, you know, just the 15 configuration of that property is what it is. And to 16 acquire it to assume that you're going to be able to 17 just change it to meet your needs is quite presumptuous 18 when we have been there at a minimum -- I've been there 19 more than 30 years on that strip, and the other people 20 have been there quite a while too, so we have endured a 21 lot of stuff. 22 But we know that we had to give up that land 23 so the City could get back and forth. We're asking and 24 we're hoping that they hear us and not give it away so 25 that the canal could be closed in, because that's going</p>

<p style="text-align: right;">Page 85</p> <p>1 to be a lot of construction, number one, a lot of noise 2 and a lot of vibration for months on end to our houses. 3 And can you imagine the cracks and the shakes and that 4 cast iron pipes are being subsequently affected? And a 5 lot of us right now can't afford to go under there and 6 have all that cast iron replaced right now. Usually 7 you get it replaced when it breaks because you have no 8 other choice. 9 So I thank you for listening to me, and we 10 ask that you consider us and the effect that it will 11 have on our community. Thank you so much. 12 CHAIR BURGESS: Thank you, Ms. Hubbard. 13 Next comment card we have is from Claudene 14 Anthony. 15 MS. ANTHONY: Good evening, Madam Chair and 16 members of the Board. My name is Claudene Anthony. 17 CHAIR BURGESS: Good evening. 18 MS. ANTHONY: I am a resident of the city as 19 well as an employee, so I get it on both sides. 20 However, as Ms. Hubbard previously stated, I am an 21 investor of the city. I own my property. I believe 22 I'm the youngest resident on 23rd Street. 23 Ms. Hubbard spoke of the things of the 24 history, of the past and the configuration of the 25 property, but my concern is safety, the safety of not</p>	<p style="text-align: right;">Page 87</p> <p>1 his bad days. However, I can see how this will be 2 disadvantageous to him. 3 And we talk about compatibility. Well, there 4 is residential on the east side of this piece of 5 property as well as the west side, along with the north 6 side, so this would not only affect the single homes 7 that's directly to the north of this project, but also 8 to the east and the west of this project. 9 So I, as a resident of this city, I am asking 10 that you all do not approve this. I'm not against 11 progress in our city, but I vaguely remember that that 12 was supposed to be a linear park. That never came to 13 fruition, for whatever reason. I do not want to look 14 out my back window looking at a wall. I purposely did 15 not put up a fence so that I could look at the 16 beautiful palm trees along Blue Heron Boulevard. 17 I ask and I plead that you all take us, the 18 residents, especially my seniors, as I approach to 19 being a senior myself, take our safety into 20 consideration when you look at this project. Thank 21 you. 22 CHAIR BURGESS: Thank you, Mrs. Anthony. 23 Okay, we're going to move into -- well, I 24 should ask this of the applicant, if you would like to 25 address any of the concerns -- before we move to Board</p>
<p style="text-align: right;">Page 86</p> <p>1 only myself, but of the seniors on my street. When you 2 put up a buffer wall and you think about the opioid and 3 heroin pandemic currently we have in this society, we 4 have to go in our back yards for our garbage; now we 5 have to be concerned about being jumped by someone 6 who's an addict. 7 Not only that, but someone said that it's an 8 eyesore right now. For me, it's not an eyesore. When 9 I look out my back door, because I do not have a fence, 10 I made the decision not to get one, I look at the 11 beautiful palm trees that are along Blue Heron 12 Boulevard. This will block my view. 13 I've heard one of my elected officials that 14 requested that this be made a two story project. 15 Really? You didn't think about me, as well as the 16 foundation? 17 Ms. Hubbard talked about UPS. We hear the 18 trucks when they don't purposely hit the building as 19 they're backing in 2 and 3:00 in the morning, being 20 awakened out of our sleep, saying what is that? So we 21 will have to deal with not only UPS, Fed Ex, but the 22 construction that I'm quite sure, if I remember 23 correctly, our code allows to begin at 7 a.m. I myself 24 have a chronically ill husband. And all his days are 25 not good days, but thank God, his good days outweigh</p>	<p style="text-align: right;">Page 88</p> <p>1 comments -- that the residents brought up. 2 MR. BEHN: I would be happy to. A couple of 3 things to consider. One is when you look at the aerial 4 of the site and you see the location of that canal and 5 how much it has impacted the property, any future 6 development of the site is going to require some 7 relocation of that canal. And that would have to be a 8 discussion with the City as to whether that's the 9 City's cost or some shared cost, because the reality is 10 that it's apparently trespassing onto the site, and if 11 there's any future development that's going to occur 12 there, some earthwork is going to have to occur there. 13 The second is we're becoming a denser 14 community and city. Development of new construction 15 next to existing housing occurs every day and occurs 16 throughout this county. And it's something that both 17 the construction experts can -- you know, are cognizant 18 of and recognize, because there's certainly liability 19 when you damage somebody's house that you're next to. 20 But more to the point is the location of this 21 canal and the proposed pipe and the location of those 22 homes. The distance of the proposed pipe is more than 23 40 to 50 feet away from all of the homes, so it would 24 be well removed from them. 25 The location of the wall is intended to</p>

Page 89

1 provide for just the sort of noise buffer and security
2 that, you know, they recognize occurs along Blue Heron.
3 The fact that, you know, UPS is there and Fed Ex is
4 there, there's quite a bit of traffic noise. And the
5 reality is that the wall and the buildings are going to
6 actually provide, and the significant landscaping
7 throughout the site will be a significant buffer to
8 that noise, to that activity out there.
9 The reality of the security of your back
10 yards is something that, you know, we all struggle
11 with, no matter where we live. I'd like to think that
12 this wall would be an increase in security as to what
13 it is now, you know, an area that people can traverse
14 through, that vagrant people can camp out in, that
15 trash accumulates and et cetera.
16 Certainly on our side of the wall there's
17 going to be lighting, there's going to be security,
18 there's going to be monitoring. As you saw, one of the
19 conditions is that we have to have the Police
20 Department's IP protocol cameras on site to make sure
21 that from Blue Heron to that wall, that we're keeping
22 it secure. And then on the other side of the wall, you
23 know, we would hope that the residents would be able to
24 do the same. So that's all my comments. Thank you.
25 CHAIR BURGESS: Yes, I mean we all understand

Page 90

1 that, you know, population growth and that we're all
2 dealing with denser population. But when you're a
3 resident and you've invested your money, your lives,
4 the lives of your family in a community, and you know,
5 to have a project come out to just kind of downplay
6 what that means to a homeowner, to a resident of this
7 community, yes, people deal with it every day, but
8 that's why we have these Boards, to be a voice for our
9 residents.
10 So just because it's happening and it may be
11 happening in other communities doesn't necessarily mean
12 that we have to let it happen in our community. And so
13 I don't like that it's downplayed. If anything, if
14 you're coming in and you're trying to work with
15 residents, see how you can better build that
16 relationship so you get what you want, but they also
17 protect their investment as well, okay?
18 So we're going to start with our Board
19 comments. I'm going to start with Mr. Wyly.
20 MR. WYLY: Okay, let me ask a question. I
21 know Mrs. Hubbard said something about -- not
22 Mrs. Hubbard, Mrs. -- I'm sorry, ma'am.
23 UNIDENTIFIED SPEAKER: Anthony.
24 MR. WYLY: Yes.
25 CHAIR BURGESS: Anthony.

Page 91

1 MR. WYLY: Ms. Anthony. Ms. Anthony, you
2 asked a very good question about the wall. Let me ask
3 you a question, if I can. Is it the size of the wall
4 that may be the issue, or it's just the wall, period?
5 Or do you want it to be increased from six feet, or
6 would it be just not the wall, period?
7 MS. ANTHONY: I prefer not to have a wall.
8 MR. WYLY: To not have a wall, period. Okay,
9 because I was just saying from a safety issue where you
10 said between the vagrants or anyone in the area --
11 MS. ANTHONY: We don't have a problem with
12 vagrants on that property.
13 MR. WYLY: Right.
14 MS. ANTHONY: In spite of what the developer
15 stated, we don't have that issue.
16 MR. WYLY: Right.
17 MS. ANTHONY: We don't have tents.
18 MR. WYLY: No, I'm saying from what you said
19 earlier about, I guess, you know, heroin epidemic and
20 drugs or whatever like that to where your safety's
21 coming in.
22 MS. ANTHONY: Yes, because if you look at the
23 proposed building and look at you may have medical
24 offices there --
25 MR. WYLY: Right.

Page 92

1 MS. ANTHONY: -- they're going to have to
2 throw out their stuff. People are going to go through
3 that stuff looking for needles.
4 MR. WYLY: Right, right. Okay, so I didn't
5 know whether that was -- I just wanted to make sure
6 that was clarified or whether that could be a simple
7 solution, to be able to either build a bigger wall or
8 whether your desire was not to have one at all.
9 MS. ANTHONY: I'm not against development in
10 our city.
11 MR. WYLY: Right.
12 MS. ANTHONY: It's much needed. However,
13 this type of project along that corridor, behind those
14 single family homes, you talk about compatibility,
15 that's not compatible for us, let alone how the
16 construction is going to affect the foundations of our
17 home, the roofs of our home, the walls of our home, the
18 cast iron pipes.
19 Like I said, I'm the youngest resident on
20 that street. I've been on that street for 12 years.
21 So there's no one on that street that has been there
22 less than ten, as I am the youngest resident. So the
23 comments made by the developer were appalling and
24 offensive.
25 CHAIR BURGESS: Do you have any other

Page 93

1 comments, Mr. Wyly?
2 MR. WYLY: That was it.
3 CHAIR BURGESS: Okay, Mr. Hunt.
4 MR. HUNT: Maybe this is for Mr. Gagnon or
5 maybe we need to address it with the folks at
6 stormwater. My presumption is that the idea of piping
7 that canal and getting it under cover, it's been done
8 in the city before. There's even indications coming
9 from the north side of that property. So have we
10 looked at how to minimize the disruption and the
11 complexity of the process of just piping and filling in
12 that waterway is just the first issue.
13 And then what can be done, perhaps as the
14 Chair has recommended, with the neighbors to figure out
15 how best to schedule the right timing and minimize the
16 disruption during the actual construction of the
17 facility itself. I think the closest to the property
18 line is the canal and the changes to that canal.
19 So I'd like to really understand how can we
20 minimize the disruption and also address the issue of
21 getting connectivity from those homeowners without
22 causing a ripple effect back into their plumbing and
23 things of that sort.
24 MR. GAGNON: Yes, sir. So I think the
25 vibration concern is a very valid concern. We've

Page 94

1 experienced enough either roadway reconstruction
2 projects or other large scale projects that we've seen
3 what the effect of that could be. However, there are
4 construction best management practices where, you know,
5 non-vibratory machines are used or more careful care is
6 taken based on the adjacent conditions of property or
7 things of that nature.
8 So it very well could be a recommended
9 condition of approval. And if the development team
10 accepts the condition to ensure that the least invasive
11 construction techniques are utilized, even if that does
12 mean a larger cost, because it could be specialized
13 equipment, specialized machinery, just out of pure
14 consideration of that neighborhood to the north, in
15 addition to the fact that even though it might be a
16 smaller up-front cost, the long-term benefit as far as
17 not running into liability issues for, you know,
18 damaged pipes, damaged foundations due to vibratory
19 actions for the constriction would probably result in a
20 longer term savings for the development team.
21 MR. HUNT: If I may follow up, I mean it
22 seems to me that with precast pipe and things of that
23 sort that would be going into the area for the canal,
24 that that could be done very relatively quickly. It's
25 not going to be done overnight, but it could be done

Page 95

1 relatively quickly with mostly positioning the material
2 into the canal and doing that rather than having a lot
3 of big earth movers and coming in and tearing up the
4 entire spot.
5 MR. GAGNON: Right. And there are techniques
6 that are available that can allow for monitoring of
7 vibrations, so basically utilizing equipment to ensure
8 that certain thresholds aren't exceeded. So things
9 like that could be put into conditions of approval to
10 ensure that there aren't any impacts to adjacent
11 properties or to mitigate those potential impacts.
12 MR. WYLY: Jeff, approximately how long would
13 that process take, or give me a good estimate of what
14 would be expected from that.
15 MR. GAGNON: I don't have a timeframe.
16 Perhaps the development team has an estimate of the
17 length of the construction.
18 UNIDENTIFIED SPEAKER: I'll say two weeks.
19 MR. GAGNON: So the development team is
20 saying approximately two weeks for that. That's for --
21 MR. HUNT: To put in the canal, yes. I mean
22 I think one of the things that becomes quite important
23 is the canal is not exactly the most desirable thing to
24 have close to anybody's property. And so it's not a
25 beautiful lake, and it requires other maintenance. So

Page 96

1 getting that enclosed, if it's only two to three weeks
2 or even a month, that would be a relatively short
3 period of time and could be done fairly surgically with
4 precast concrete pipe and things of that sort that
5 would require a minimal amount of heavy road graders
6 and things of that sort, it would seem to me.
7 MR. GAGNON: Having open canals in that
8 format, it really provides an additional liability
9 concern to the City. Being that it's open, it's
10 accessible from anyone that has access along the Blue
11 Heron corridor. So from a liability standpoint, from
12 the City's perspective, if it's channelized and put
13 underground, there really is less of a liability as far
14 as somebody gaining access to an open canal.
15 MR. HUNT: I think during the previous
16 presentation last month there was discussion about
17 connectivity or options for additional ducts to collect
18 rainwater from the other properties and feed that into
19 the new piping. Would that have any ripple effect back
20 on the homeowners' plumbing situation? I wouldn't
21 think so, because this is not a wastewater canal, this
22 is a stormwater canal.
23 MR. GAGNON: Right.
24 MR. HUNT: So it's stormwater coming off of
25 the roof and off the land and draining into the canal

Page 97

1 today. It's not wastewater, it's not anything
2 offensive.
3 MR. GAGNON: Correct. And what the design
4 team is proposing is to provide a swale like area
5 leading up to the proposed wall that will ensure that
6 if there is any rainwater that historically has flowed
7 south into the canal, that it's captured and it's
8 channelized into the underground piping.
9 MR. HUNT: Okay. I would suggest, subject to
10 any other Board comments, that there be a little bit
11 more clarity of definition and perhaps a workshop with
12 the neighbors to explain what can be done, not only to
13 simplify the process of getting the canal taken care
14 of, but also then how would the construction proceed in
15 ways to like pay close attention to their concerns and
16 their issues and minimize the disruption and the
17 difficulties.
18 MS. CLARK: Madam Chair.
19 CHAIR BURGESS: Thank you, Mr. Hunt.
20 Yes, Ms. Harris Clark.
21 MS. CLARK: The last time the applicant was
22 here, at the tail end I think I was very clear to have
23 indicated to get buy-in from the residents by having a
24 series of vignettes to discuss this project. And we
25 have two residents here, and I'm sure if the applicant

Page 98

1 had reached out, we probably would be in a different
2 position as far as how the residents feel. So that
3 hasn't taken place. And those residents probably saw
4 the last P&Z meeting, and here they are.
5 I want to look at what their broader concern
6 is. Again, them being a resident, and we're talking
7 about a wall buffering. And I had this in my notes
8 prior to the residents coming up, that we don't know
9 what type of entertainment is -- not entertainment, but
10 what type of businesses are going to be there. So
11 let's hypothetically say it's a restaurant and they're
12 going to have music. What is the wall going to do to
13 buffer that?
14 I mean I live at the Marina. I also live by
15 the old Maritime School. And I'm on 11th Street. The
16 Marina is -- Community Center is far away from me. But
17 I have impact windows and doors, and that music comes
18 through my house, and it shakes my house where I had to
19 complain to the City that you need to put an ordinance
20 in place to either shut the music down at a particular
21 time or you're going to have to look at the decibels,
22 if you will, because if I am three blocks away, there
23 isn't any reason why my house should shake.
24 So we don't know what type of businesses will
25 be on this property. It could be a restaurant.

Page 99

1 Restaurants make money if you've got entertainment.
2 Entertainment is music. And again, I think if this had
3 been flushed out with the developer to speak to the
4 residents and get their feedback, we might be in a
5 different position here today.
6 I want to go back to something that Mr. Wyly
7 said. I understood about the traffic engineer and the
8 traffic and how it met certain criteria. But the thing
9 is if you have successful businesses there, even if you
10 have an open house, a restaurant, it's doing good, it's
11 got music, the idea that traffic wants to slow down and
12 turn into that complex, you have slowed traffic down.
13 I'm just not really comfortable with the fact
14 that the traffic flow has simply met this criteria when
15 we don't know what type of businesses will be in the
16 complex, because their successful activity is relative
17 to the amount of people that want to turn into that
18 complex.
19 And the amount of noise is relative to the
20 comfort and convenience of the residents who -- this is
21 their property. This may be their property and which
22 they may sell it one day and move somewhere else, but
23 they want to be able to get the fair market value. And
24 I did speak to the applicant, where I did say you need
25 to speak with the residents and speak to them from a

Page 100

1 monetary standpoint and get their buy-in. So evidently
2 there's not buy-in, because there hasn't been open
3 dialogue.
4 And I probably had something else on there,
5 but I don't think it is relative now because I really
6 want to take the consideration of the residents in
7 play.
8 I want to say that using my home as an
9 example, I think Ms. Anthony has a valid point. There
10 may be a space between the property owner's house and
11 the complex. And even where I live at, I got that
12 opening right there. And to be perfectly honest, I got
13 a commune of homeless people right now living right
14 behind my house. In that area, there's this little,
15 small opening, even though there is a fence.
16 They argue, they fight. I got to call the
17 police. They got tents everywhere. And it's a bunch
18 of them, and I got to deal with that. And they're
19 absolutely right, we may think that the best case
20 scenario is that it's not going to happen, but when you
21 have a little area, unfortunately, someone who is in
22 that unfortunate situation, maybe they are homeless, or
23 maybe they have been abused by some sort of drug
24 situation, they are going to hide.
25 I see that right at the Marina. When I walk

Page 101

1 the Marina at night, I see individuals coming to our
2 Marina. They found the little hidden nicks and
3 crannies and behind a fence, the opening space of
4 buildings, and that's where they are. I have to deter
5 myself and walk somewhere else because I think someone,
6 unfortunately, who has put themselves in that position,
7 I don't know what state of mind that they're in, but I
8 certainly know if I keep walking, they jump out at me,
9 it's my fault because I saw them hide themselves in
10 that nook and cranny.
11 These things you do have to take in
12 consideration. I'm not exaggerating. It's behind my
13 house right now. Matter of fact, as I think about it,
14 I'm mad enough to call the Police Department and say
15 move them out right now because we got children. I
16 think about the Marina, as I just gave an example. I
17 don't walk by that little, tiny beach anymore because I
18 know that there are certain people who wait, and they
19 kind of walk over there, jump the barriers and sleep in
20 there, and they live.
21 So I think the residents have a valid point,
22 something that the developer really has to think about.
23 But all of this could have been alleviated by having
24 that dialogue previously with the residents.
25 CHAIR BURGESS: Thank you, Ms. Harris Clark.

Page 102

1 Going over to Mr. Ncube, do you have any
2 comments?
3 MR. NCUBE: Yes. Well, I guess I'll start
4 with I'm just looking at the plan again, and my first
5 question, is this an Opportunity Zone project?
6 MR. GAGNON: I don't believe so, no.
7 UNIDENTIFIED SPEAKER: It's not an Enterprise
8 Zone, no.
9 MR. HANKIN: It actually, it is in an
10 Opportunity Zone, but --
11 CHAIR BURGESS: Please speak into the
12 microphone. Whenever anyone's talking, we need you to
13 speak into the microphone.
14 MR. HANKIN: Hi. So I'm Stu Hankin. I'm the
15 developer.
16 It is in an Opportunity Zone, however, I
17 purchased it before Opportunity Zone came into effect,
18 so we're not getting Opportunity Zone tax benefits for
19 developing, if that's your question. But it is in an
20 Opportunity Zone.
21 MR. NCUBE: Okay, okay. So there's no
22 retroactive way to get into that program with the
23 Opportunity Zone?
24 MR. HANKIN: Not that I'm aware of. I mean I
25 think it's, yes, pretty clear if it's purchased before

Page 103

1 December 31st, 2018 or something like that, yes.
2 MR. NCUBE: Okay. I guess my comments are
3 just looking at the strip of land, it looks really --
4 it seems like a very difficult thing to develop, just
5 the way that it looks. So initially it seemed like an
6 interesting project, but obviously, we have residents
7 who are most affected by it. You know, to me it seems
8 that there's about 20 to 25 homeowners that definitely
9 need to be reached out to. And you know, I would like
10 to get a polling, at least on the 23rd Street, on what
11 residents actually think.
12 MR. HANKIN: Yes, absolutely. I'm not sure
13 why there's a strong perception that I have no
14 intention of working with the residents. I completely
15 understand that this is going to affect the people that
16 back up to that street more than the thousands of other
17 residents in the City of Riviera Beach.
18 I'm more than happy to sit and work with them
19 and have the conversation. Do we want a wall? Do we
20 want to keep it an open parking lot? We thought the
21 wall made a lot more sense, so that there aren't people
22 walking behind houses. But happy to sit and work with
23 the residents to have those types of conversations.
24 Over a year and a half ago I reached out to
25 Ms. Hubbard, who is here, to sit and talk about this

Page 104

1 project. We never made any progress in that year and a
2 half. But I'm more than happy to have that dialogue
3 with every single resident on that street, absolutely,
4 without a doubt.
5 MR. NCUBE: Yes, just from my comments, I'm
6 seeing about 25 homes.
7 MR. HANKIN: Yes.
8 MR. NCUBE: And I definitely think the people
9 on that main strip, it might just be an effort of just
10 one by one, because I think --
11 MR. HANKIN: Absolutely.
12 MR. NCUBE: -- every resident -- I'm a
13 statistician, so I believe everybody has an opinion.
14 But I do believe that, you know, if you, you know, to
15 try to get some consensus, look, if you can get 80
16 percent of the people, and they like what you have to
17 offer, then, you know, we can -- that's interesting. I
18 mean I think the idea about the -- you know, I
19 definitely have seen situations where there's
20 development, there's a lot of squatters.
21 And the other issue was, you know, and this
22 is kind of with the other project as well, where I
23 think that I know in Thousand Oaks we have -- we hire
24 off-duty police officers to kind of monitor our
25 streets. And I would like to see that be more of an

Page 105

1 initiative with development, where, you know, as part
2 of the development requirements that maybe we devote a
3 certain amount of hours to, you know, give police
4 officers in the City a chance to maybe make some extra
5 pay, you know, where they're actually keeping --
6 because they know the residents already.
7 They can, you know, actually protect the
8 areas, and it, you know, gives them opportunities to
9 increase, you know, their perks. So I would like to
10 see, especially with something like this if it was to,
11 you know, go through, I would like to see something
12 like that.
13 But definitely -- and then also regarding the
14 piping, the cast iron pipe, I think that one actually
15 stuck out to me because, look, I don't know anything
16 about this. I mean, hey, it could happen; it may not
17 happen. But the reality is I'd like to, you know, if
18 everybody's pipes break, what is the remedy? So let's
19 not talk about what's going to happen, what's not going
20 to happen. I'd like to say if the worst thing does
21 happen, what exactly are you willing to do or what is
22 the remedy? And you know, and those are the types of
23 the things I'm concerned about.
24 MR. HANKIN: Okay, yes. I just want to
25 repeat I hear you loud and clear. I'm open to -- you

Page 106

1 know, I'm not sure what the proper format is to having
2 a discussion with the residents and outlining specific
3 concerns, specific, you know, how we deal with
4 if/thens. If part of my construction causes damage to
5 their homes, then how do we deal with that, how do I
6 deal with that, how do we together figure that out?
7 Happy to work through that in the proper format. Not
8 really sure what the proper format is.
9 You know, everything -- the way I look at it,
10 when you boil it down, the simplest issue is we have a
11 commercial parcel that abuts 25 residential properties.
12 What do we do about it? I'm open, as the developer, to
13 figure that out in the proper format.
14 You know, if it's a question of not building
15 anything, obviously, that's a hard way to have that
16 conversation. So if the conversation is we're moving
17 forward with this building, let's figure out how we do
18 it together in a way where we're not damaging
19 properties, we're not hurting property values, we're
20 not causing extra noise, we're not making it so
21 residents can't sleep.
22 Obviously, if I'm doing any of those things,
23 I'm doing more damage to the community than good.
24 Ultimately, the way this project works is if I'm doing
25 good for the community, and I truly believe that, so --

Page 107

1 MR. NCUBE: Well, my last comment, basically
2 for me as far as, I guess, action steps, is I see about
3 25 homes. I think that if you came up with a simple,
4 you know, pamphlet summarizing what you're planning on
5 doing, and you know, and maybe going door by door and
6 getting feedback and seeing are people interested or
7 not, and if there is a -- if nobody is, 90 percent of
8 the people are not interested, it's probably a dead
9 project.
10 But, hey, if there's 70, 75 percent of the
11 people are interested, then I think that tells you that
12 you're bringing something that they actually --
13 because, hey, there might be people who actually want
14 this, we don't know. We only seen, you know, we only
15 have heard from a couple people, but I don't know.
16 MS. CLARK: I don't want you to take this the
17 wrong way of what the residents are saying. It's that
18 you, as the developer -- the residents are saying they
19 had a project done in their neighborhood, and the
20 construction company, the general manager and so many
21 people fought. And I've seen the pictures. It was an
22 absolute nightmare. So the residents have this gun
23 shyness in their heads, thinking the City allowed it to
24 happen to our neighborhood, and it's just -- it was
25 horrifying. I saw the pictures.

Page 108

1 So here we are getting ready to have another
2 project come in, and the residents weren't considered.
3 MR. HANKIN: Sure.
4 MS. CLARK: You may do a darn good job, great
5 general manager, great construction company, great
6 everything. You just have to alleviate, unfortunately,
7 the perception and bad work that someone had done
8 before you that has left a bad flavor in the residents'
9 mouths. And that's just a hurdle that you have to
10 overcome. So it's not anything that you've done, it's
11 just past experience that they're still dealing with
12 now --
13 MR. HANKIN: Sure.
14 MS. CLARK: -- and want to get that comfort
15 level. And that open dialogue I think will help
16 alleviate some of that.
17 MR. HANKIN: Yes. Again, I'm not exactly
18 sure what the right format is, you know, if we create
19 some sort of workshop or a meeting in which we can all
20 get together and have a conversation. Happy to do it.
21 MS. CLARK: Sure, sure. You can pull upon
22 the City.
23 MR. HANKIN: If it's everybody yelling at me
24 that they don't want it to happen, you know, I don't
25 think that will be very productive.

Page 109

1 MS. CLARK: Pull upon the resources of the
2 City, because we do this all the time, that we meet
3 with residents over coffee and doughnuts --
4 MR. HANKIN: Okay, yes, the door to door I
5 just --
6 MS. CLARK: -- lunch, a little room. Utilize
7 our facilities --
8 MR. HANKIN: Understood.
9 MS. CLARK: -- and it's very simple, very
10 easy.
11 MR. NCUBE: Can I comment one more time,
12 because I want to be extremely specific about what I
13 think you should do.
14 MR. HANKIN: Okay.
15 MR. NCUBE: Okay, I don't want to --
16 MR. HANKIN: I hear you.
17 MR. NCUBE: I think you should go door to
18 door --
19 MR. HANKIN: Okay.
20 MR. NCUBE: -- and talk to every single
21 person who is behind this development. I'm not talking
22 about doing coffee or anything. I think that's a good
23 idea, but I do feel like it's not the responsibility
24 for the people who live there to have to come out and
25 take time out of their day to see what you're doing.

Page 110

1 MR. HANKIN: Understood.
2 MR. NCUBE: I think that if you're really
3 interested in doing this, then reach out to them,
4 because personally, I like -- it looks like a nice
5 project, you know, to me. But I can't just make a
6 decision if the people who are most affected by it
7 don't like it.
8 But also, you know, from a developer's
9 perspective, you know, it would actually concern me if
10 you don't feel like it's worth your time to go into the
11 neighborhood. I'm just telling you from me --
12 MR. HANKIN: Sure.
13 MR. NCUBE: -- yes, that will bother me, if I
14 don't think you're willing to do that.
15 MR. HANKIN: Yes, I'm absolutely willing to
16 do that. I'm very invested in this project. I've been
17 working on it for over three years. I don't think you
18 were here at the last meeting, but I'm also heavily
19 invested in the community. I've completed five single
20 family affordable homes that we just recently sold to
21 homeowners. We have ten in construction right now. So
22 my concern is absolutely with the people of the
23 community. Happy to go door to door and have that
24 conversation.
25 You know, this project obviously affects

Page 111

1 those houses more than anybody else. I hear you. This
2 project is for everybody in Riviera Beach. You know, I
3 think that, you know, I'm not sure of the thousands of
4 residences, but this will have a generally positive
5 impact on the entire city. So whatever, you know,
6 conversations I need to have with those homeowners,
7 happy to do it, and I will make the effort, without a
8 doubt. So --
9 CHAIR BURGESS: Thank you.
10 MR. HANKIN: I'm sorry if I seem a little
11 tired. I had a baby girl five days ago, so --
12 MR. NCUBE: Congratulations.
13 MR. HANKIN: -- haven't been sleeping. Doing
14 my best. So thank you.
15 CHAIR BURGESS: Thank you and
16 congratulations.
17 MR. GAGNON: Madam Chair, if I may?
18 CHAIR BURGESS: Yes.
19 MR. GAGNON: As far as some of the
20 notification procedures and processes, I apologize, I
21 didn't specify the notices that have been sent.
22 Also, did want to touch upon the fact that we
23 did have this item workshopped at a City Council. I
24 don't have the exact date in front of me, but at a
25 previous City Council meeting it was workshopped. At

Page 112

1 our last Planning and Zoning Board meeting it was
2 workshopped as well. So those were two public meetings
3 where there was additional opportunity for public
4 comment.
5 Prior to the Planning and Zoning Board
6 workshop, notifications were sent out to all property
7 owners within a 300 foot radius, which captures really
8 everybody on the street just to the north, in addition
9 to residents beyond that. So that notice was sent out
10 prior to our previous Planning and Zoning Board
11 workshop on the item.
12 Those notices were also sent out prior to
13 this meeting as well. We post the information on the
14 City's website, we send legal notice as well. So we
15 definitely attempted to reach out, from a City
16 perspective, to inform that neighborhood of this
17 project proposal. So I just wanted to make that known
18 for the record.
19 CHAIR BURGESS: Thank you, and we appreciate
20 the City for that.
21 Mr. Brown, do you have anything you wanted to
22 say?
23 MR. BROWN: Yes. I think one of
24 Ms. Anthony's questions, I guess, was the safety of the
25 citizens from the proposed site. We know that the

Page 113

1 canal is a great buffer. I mean it is. Is there
2 anything that would come close to the canal as a
3 deterrent of, you know, going across or for anybody --
4 MR. GAGNON: Yes, and I guess the attempt is
5 to provide a different type of buffer, right? So
6 they're both vertical buffers. One is going into the
7 ground and one is coming out of the ground, right?
8 One of the items that was really difficult
9 with this site is if the canal isn't abandoned and that
10 land area can't be utilized for development, a lot of
11 the site logistics don't work as far as having enough
12 space for parking, as far as having enough just area
13 for site circulation.
14 What hasn't really been touched upon from a
15 City staff perspective is, you know, the density and
16 intensity of the proposal. So what's currently being
17 proposed is really as compatible of a project for this
18 location that could be proposed from a staff
19 perspective.
20 You know, I know there has been discussion at
21 the City Council workshop as far as asking for
22 additional height, contemplating three stories, four
23 stories, which if you could imagine, you would have
24 these building floors that would be able to look into
25 people's property, which is really not what staff would

Page 114

1 prefer from a compatibility perspective. So the design
2 that's proposed now, it has a two story type of
3 silhouette, but it's not an actual two story
4 development, plus the buildings are really situated as
5 far south as possible. So I did want to touch upon the
6 compatibility issue.
7 So to answer or attempt to answer the
8 question as far as what other methods are available to
9 try to prevent individuals from going from one parcel
10 to the other, I think that would have to be a
11 brainstorming session. I can't think of anything that,
12 any other option that is readily available that
13 coincides with the abandonment request in the site plan
14 as proposed.
15 So I don't know, we have multiple industry
16 experts here. Yourself, I consider you an industry
17 expert as well as far as some of the concepts that may
18 be available. So as previously discussed, you know, we
19 want to come up with the best solution for everybody,
20 so however that buffer area is resolved, we want to
21 make sure that it's as compatible as possible to the
22 adjacent community.
23 MR. WYLY: Madam Chair.
24 CHAIR BURGESS: Were you done, Mr. Brown?
25 MR. BROWN: Yes.

Page 115

1 CHAIR BURGESS: Was that your question?
2 MR. BROWN: I'm done, yes.
3 Go ahead, Mr. Wyly.
4 MR. WYLY: I want to talk about what he
5 actually stated also as a question. For the buffering,
6 if that wall is not put up, and let's say we made that
7 property, I guess, smaller to where the canal was still
8 there, the width that canal has over the years, you say
9 it's kind of morphed itself into a certain area.
10 So now, would that lead to other safety
11 issues later on down the line to where it would
12 actually now start to impede on the project -- impede
13 on the property to where now it's a safety issue for,
14 if that is built, to where now it will start being a
15 problem to the property to where now we may have a
16 situation to where we may have a cave-in or something
17 like that?
18 MR. GAGNON: Yes, so I know we're just
19 talking in hypothetical situations now, but from a very
20 real legal perspective, as mentioned by Mr. Behn, the
21 canal itself, it should exist within a platted
22 right-of-way area. So you could go out and survey the
23 site and determine if the canal area is truly within
24 the area that it's supposed to exist within.
25 Looking from the documents that I've seen,

Page 116

1 over time -- it could have been in existence this way
2 from day one. You know, it could have just been
3 trenched out this way, and over time erosion from one
4 side or the other could have kind of changed the
5 location of the canal.
6 But one of the worst case scenarios that
7 could come up is the property owner could demand that
8 the City remove the canal area from their property, and
9 then that could result in, again, more construction on
10 site, but not necessarily resulting in any true
11 improvements other than just redefining the location of
12 the canal. So that's a real possibility.
13 It could be, if there's a different
14 development design that's proposed, maybe it's even
15 smaller, the canal would have to be addressed in some
16 way, shape or form. If the site's being developed, the
17 canal is part of the equation.
18 MR. WYLY: So best case scenario is it is
19 what it is. Okay, thank you.
20 MS. CLARK: Mr. Gagnon, for me it's not so
21 much the design of making the canal work. It is we, as
22 a City, have not made any improvements in the
23 infrastructure on the property of those homeowners.
24 And I think what the homeowners are saying is if
25 there's any significant construction disruptions,

Page 117

1 because our infrastructure of cast iron pipes are so
2 weak, it's just going to snap them.
3 And I've experienced that already, not from a
4 construction standpoint, but my cast iron pipes were
5 weak, and they just broke. And I called the City. I
6 said: Hey, your cast iron pipes broke and water's
7 leaking everywhere. Come fix it. Well, I got a nice
8 little chuckle that said: Ma'am, that dime is on your
9 time. And I just bought the friggen house, and I had
10 to get someone out there to dig all of that up and go
11 into my pocket, and which I was not prepared to do that
12 and did not know those pipes were that crazy bad.
13 That's what the residents are saying. This
14 has nothing to do with the applicant. This has more to
15 do with us, as a City, to, along with the applicant, to
16 have heard that kind of feedback. We may even already
17 know it. I know we've been talking about it for five
18 years. The applicant doesn't know that. The residents
19 know it. The City know it. I don't live over there.
20 I experienced, and I know it. I think that's what the
21 other concern is, if we didn't cover that.
22 MR. NCUBE: Madam Chair, may I comment on
23 that?
24 CHAIR BURGESS: Yes, go ahead.
25 MR. NCUBE: Is there a -- during development,

Page 118

1 is there some type of insurance product that expands
2 beyond the construction to the nearby residents, where
3 if there's any major damage, you know, that it covers
4 that? I'm wondering if that's something that could
5 also be included, if we were to approve this, that, you
6 know, there's also on the condition that our insurance
7 actually expands to any negative impact that may affect
8 X amount of homes. Is there -- has that been done
9 before? Is there a product like that?
10 MR. GAGNON: Yes, I think that's a really
11 good question. I believe that does exist as far as
12 what insurance is available to contractors, but I think
13 it would be more appropriate for the development team
14 to respond to that inquiry directly.
15 MR. HANKIN: So I just asked the general
16 contractor. He's not aware. Unless we're specifically
17 doing work on somebody's property, there's no insurance
18 that we can have to cover damage to somebody else's
19 property. We'll have to, again, in those conversations
20 and workshops, discuss if, you know, if there's a crane
21 that -- well, there's not going to be a crane. But if
22 something we do directly damages something on their
23 property, how we deal with that. And again, I'm open
24 to discussing that.
25 And I think to the issue of the pipes, again,

Page 119

1 as we're building homes in these communities, I am also
2 aware of the pipe issue. We've had to dig up a street
3 recently and fix it all. The way the pipes run is
4 through the actual line of the street. And then from
5 the middle of the street, the cast iron pipes hook up
6 to the City's connection. So in the back of the
7 houses, there are no pipes running or connecting that
8 way.
9 So of course, I don't know for sure, but I
10 don't think it will have an immediate impact, because
11 the streets are directly on top of the pipes. We're
12 completely behind there, so there aren't any cast iron
13 pipes running on or around the back of those
14 properties, so --
15 MS. CLARK: And that's okay, that may well
16 be.
17 MR. HANKIN: Yes.
18 MS. CLARK: It's just to give the residents a
19 comfort level --
20 MR. HANKIN: Of course.
21 MS. CLARK: -- and also to give us a comfort
22 level, because --
23 MR. HANKIN: Of course.
24 MS. CLARK: -- again, I wouldn't know. I
25 just know what I experienced, because the pipes are on

Page 120

1 my property, and they did what they did. So it's just
2 to give everybody a comfort level, I guess.
3 MR. HANKIN: We'll explore the insurance.
4 We'll be fully insured, absolutely. But off the top of
5 our head, our G.C.'s been doing construction in Palm
6 Beach County for 40 years. He's not aware of any
7 specific product that insures surrounding properties
8 from damage, so --
9 MR. NCUBE: Well, I do know that the
10 insurance companies, sometimes they offer custom
11 insurance coverage just to, you know, even -- you know,
12 there's a price for anything, you know. And if we kind
13 of clearly define, hey, here goes the concerns that we
14 have, 30 homes that they're concerned that there might
15 be some damage from an impact, can we, you know, can we
16 pay some premium that if there's any claim, that they
17 can basically cover that?
18 Because again, for me, you know, I just want
19 to know what -- I want the residents nearby to feel
20 comfortable with it. And I would like to know what,
21 you know, one, what do they want to see in the area,
22 because, you know, like Jeff said, like I think it's a
23 very complicated -- it's not, you know, it's if you had
24 a large plot of land, there's a lot of different things
25 you can do with it. It's a very thin piece of land.

Page 121

1 It's long. You know, I mean how many projects can you
2 actually do with this type of property, you know?
3 So I get the difficulty, but I still feel
4 like they're -- you know, if we can just do some type
5 of survey and maybe get a feedback, like, hey, you
6 know, just to know, because I would feel comfortable if
7 that was -- with that effort. Just that strip alone,
8 that would make me feel comfortable.
9 CHAIR BURGESS: Okay, thank you, Mr. Ncube.
10 Mr. Gallon, your comments.
11 MR. GALLON: Yes, I really would like to see
12 this project move forward, but I've been in that
13 situation Ms. Hubbard is talking about. When they
14 redid the highway, Martin Luther King, I was one of
15 those homes that was damaged.
16 And the contractor's insurance company is
17 going to fight for the contractor, not for the
18 homeowner. So I had to pay my own. Been there, done
19 that, got that tee shirt. And Ms. Hubbard knows it.
20 That's why I said from the beginning when we had the
21 workshop, make sure you talk to the neighbors.
22 Is there any way that you can put up funds
23 yourself if there's any damage to those properties, to
24 where you can set it to the side, because your
25 insurance company is not going to do anything for them.

Page 122

1 MR. HANKIN: I don't fully understand the
2 situation and what damage we're talking about. I'm
3 absolutely --
4 MR. GALLON: Any type of construction damage.
5 It can be cracking from the outside to the inside.
6 MR. HANKIN: I'm absolutely open to that.
7 I'm absolutely open to figuring out how we deal with
8 any issues that I directly cause any of those
9 homeowners, absolutely open to that. I don't think --
10 you know, maybe there's an insurance product; maybe
11 there's not. Probably much easier to resolve without
12 an insurance product, absolutely, yes.
13 CHAIR BURGESS: Very good thoughts, and that
14 will be something that you would then go back to your
15 team, because they seem to be pretty competent. And
16 I'm sure you have those people to advise you on what's
17 the best way, once you get that feedback from the
18 residents. But that's going to be an integral part,
19 because, yes, this is our community, we want to see it
20 beautified, but we also want to protect our investment.
21 MR. HANKIN: Absolutely.
22 CHAIR BURGESS: Okay?
23 Do you have anything else, Mr. Gallon?
24 MR. GALLON: I'm good. I just wanted to make
25 that comment because I've been there. So I would

Page 123

1 rather for it to be taken care of up front if anything
2 does happen.
3 CHAIR BURGESS: Okay, so being that there's
4 no more Board comments, we've done the comment cards,
5 is there a motion?
6 MR. GAGNON: Madam Chair, I'm sorry. Just as
7 a point of clarity as well, I know that you offered
8 extended periods for public comments, so I just want to
9 make sure that that satisfied the public comment period
10 for all four items, if that's how we're treating it, or
11 for offering additional opportunity just to ensure that
12 there's no issue in the future as far as not providing
13 opportunity for public comment. I think we've
14 satisfied that, but I just wanted to clarify that for
15 the record.
16 CHAIR BURGESS: Yes, it's satisfied. We only
17 had the two, and I, you know, because we only had the
18 two, I did give them extended time. And we do have
19 other items, so there's a comment for another item
20 that's coming up. So we can address that, anything
21 else that comes up in public comment.
22 MR. GAGNON: Thank you.
23 CHAIR BURGESS: But I think you guys have
24 been given some good direction, staff along with the
25 applicant, to go from there.

Page 124

1 So the question at hand was for the items of
2 C, D, E and F, is there a motion?
3 MR. HUNT: As much as it breaks my heart to
4 say it, I think we have conversation about a bit of a
5 delay to allow time for the survey. So I move we delay
6 a decision on the project for one month to give time to
7 the developer to resolve the issue and to come back to
8 us with a much more focused issue on just the contacts
9 with the residents and not have to start from scratch,
10 but just to address that issue.
11 MR. BEHN: I believe we would --
12 CHAIR BURGESS: We're in the middle of a
13 motion, sir. I'm sorry.
14 MR. BEHN: I'm sorry.
15 CHAIR BURGESS: So we have a motion on the
16 floor. Is there a second?
17 MS. CLARK: Second.
18 CHAIR BURGESS: Okay, roll call.
19 MS. DAVIDSON: William Wyly.
20 MR. HUNT: Just a point of clarification,
21 it's to delay by one month the approval. That's the
22 motion?
23 MR. BEHN: Would that be to the next month's
24 Planning and Zoning Board meeting? Is there a date for
25 that?

Page 125

1 CHAIR BURGESS: We're still -- Legal, if you
2 can give us clarification, because there's a motion on
3 the floor, so I believe as the Chair how we have to
4 carry that out is anyone opposing, then they would just
5 vote against that and then make a new motion. Like,
6 say, if they wanted a new motion that did not, you
7 know, specify --
8 MS. BUSBY: Chair, you're correct.
9 CHAIR BURGESS: Okay, so the motion is as
10 stated on the floor to deny -- not deny -- delay for a
11 month and then come back. So it's been properly
12 motioned and seconded, and so now we're ready for the
13 roll call.
14 MS. DAVIDSON: William Wyly.
15 MR. WYLY: I'm sorry, just --
16 CHAIR BURGESS: Point of clarification. So
17 we'll have Legal clarify.
18 MR. WYLY: I understand.
19 CHAIR BURGESS: It's to delay it for one
20 month, for 30 days.
21 MR. WYLY: Until we find out from the
22 neighbors on 23rd --
23 MR. HUNT: That's what the --
24 CHAIR BURGESS: The motion was -- I'm going
25 to clarify the motion. The motion was to delay for

Page 126

1 30 days to give the applicant time to get refocused and
2 come back. That did not include anything from
3 residents. It was for the applicant to get focused and
4 then to come back within one month. So as it stands,
5 that is the motion on the floor. So you could either
6 yes or no it, and then you can make a new motion if so
7 need be. But that is the current motion that we have
8 to move with at this point.
9 MR. WYLY: Thank you for clarification. Yes.
10 MS. DAVIDSON: Stephen Hunt.
11 MR. HUNT: Yes.
12 MS. DAVIDSON: James Gallon.
13 MR. GALLON: Yes.
14 MS. DAVIDSON: Anthony Brown.
15 MR. BROWN: Yes.
16 MS. DAVIDSON: Evelyn Harris Clark.
17 MS. CLARK: Yes.
18 MS. DAVIDSON: Moeti Ncube.
19 MR. NCUBE: Yes.
20 MS. DAVIDSON: Rena Burgess.
21 CHAIR BURGESS: No.
22 MS. DAVIDSON: That vote passed, with Rena
23 Burgess dissenting.
24 CHAIR BURGESS: Okay, thank you.
25 Next item, IX --

Page 127

1 MR. GAGNON: Madam Chair --
2 CHAIR BURGESS: -- workshop items, we have
3 none, so we're going to move into item X, general
4 discussion. Item A, public comments, we do have one
5 public comment card for this item, and that is from
6 Lynne Hubbard.
7 MS. HUBBARD: Madam Chair, Board members,
8 originally the extension you gave us would have covered
9 this public comment. But I was a little confused with
10 the motion that was made. We kind of thought that we
11 was here to have the -- to determine whether or not,
12 you know, we were going to move forward with it or not
13 and not just have it delayed.
14 So based on the agenda book and the
15 recommendation that the motion is made to the
16 recommendation up or down, it didn't happen. So I was
17 just a little confused about that, and I was just
18 hoping that you could clear that up a little bit for
19 me, because based on the agenda, the item where it says
20 recommendation, was that recommendation voted up or was
21 that recommendation voted down? But there was a
22 totally different thing that took place, just a delay,
23 but that wasn't spoken to.
24 CHAIR BURGESS: Right. So the motion that
25 was made by Mr. Hunt was to delay a decision. So no

Page 128

1 decision was made. So that decision to approve or deny
2 this recommendation to City Council has been delayed
3 for a period of 30 days to give the applicant time to
4 go back and do whatever they need to do.
5 Now, I'm not sure if that's going to include
6 getting with the residents, as what was recommended,
7 because that was not specifically made in the motion.
8 So they could do that, they could not do that. That's
9 up to them on how they choose to work the 30 day
10 timeframe that they have.
11 But that was the motion, and that's why I
12 voted no for it, because it did not include that
13 specific thing. And I wouldn't have put a timeframe on
14 that, because they may need, more than 30 days to get
15 with the residents. But that was the motion that was
16 on the floor; that is the motion that passed.
17 MS. HUBBARD: Okay. I heard you guys speak
18 about a workshop that took place about this particular
19 item. Was it a public workshop or something --
20 CHAIR BURGESS: Yes.
21 MS. HUBBARD: A couple times it was referred
22 to that there had been a discussion concerning this
23 item at one time before.
24 CHAIR BURGESS: We workshopped this item on
25 December 19th. So in tonight's agenda, the minutes

Page 129

1 from that agenda, from that workshop are in the minutes
2 from December 19th.
3 MS. HUBBARD: Okay, okay.
4 MS. CLARK: It was also a workshop with the
5 City Council prior to P&Z. They did it first, and then
6 it came to us, maybe out of courtesy, I'm not sure, but
7 we got it second.
8 MS. HUBBARD: Okay, all right. Thank you
9 very much. Appreciate it. Thank you.
10 CHAIR BURGESS: You're welcome.
11 There's no more public comment cards at this
12 time, so the next item is B, correspondence.
13 MR. GAGNON: No correspondence, Madam Chair.
14 CHAIR BURGESS: Okay, so item C, Planning and
15 Zoning Board comments. I'll go back down the Board
16 because that's the best way to keep me in line and make
17 sure I don't miss anybody.
18 Mr. Wyly, do you have any additional comments
19 about anything?
20 MR. WYLY: Yes, not about this -- well, yes,
21 about this subject also. Again, I'm getting a couple
22 text messages and information and telephone calls and
23 actually a couple of visits again for what we talked
24 about earlier, Mr. Gagnon, about the trucks and the
25 vehicles coming through the neighborhoods over in the

Page 130

1 Federal Gardens area, the Parson Heights area close to
2 Suncoast, to where, again, one of our good -- they did
3 actually a great job. One of the police officers
4 actually stopped one of the 18 wheelers that were
5 actually coming through, crossing over Avenue R, and
6 made him actually exit out to Blue Heron and then come
7 back around, which was the right thing to do.
8 Again, there are no signs there to prohibit
9 that. And was there any correspondence to the
10 companies or to the businesses to where -- to educate
11 their drivers not to come through that area?
12 Because now I can understand what
13 Mrs. Hubbard is talking about, because when these
14 vehicles come through our house -- come through our
15 neighborhood and hit the speed bumps and come down,
16 they shake our foundation. And I have a leak in my
17 house right now that I can't find for some reason
18 because every time it seems like I'm having to shift or
19 whatever. So I understand where she's coming from and
20 that standpoint.
21 Is there any way possible we can actually get
22 these, because the neighbors are actually coming down
23 there now complaining about the vehicles coming through
24 there and the Fed Ex trucks, UPS trucks speeding
25 through. And I don't think they do as much damage, but

Page 131

1 the 18 wheelers is just, that's beyond me, because the
2 whole point of Martin Luther King being expanded and
3 being created for that standpoint was for the vehicles
4 to be able to go down that area, to come across
5 Australian, come up to Australian and down Martin
6 Luther King to where they have to go to where they're
7 able to get on I-95, I guess, or some major roadway.
8 But can you imagine how dangerous it is to
9 have an 18 wheeler driving through a neighborhood and
10 making a turn, and you got kids out playing, you have
11 vehicles parked on the side of the road. To me, that
12 seems to be a big hazard.
13 And now, like I say, when I'm coming home, I
14 got someone's knocking on my door saying, hey, listen,
15 you part of the Board, right? Hey, get this taken care
16 of, or try to get this done because this is what almost
17 happened, my car almost got hit, this almost happened.
18 So I definitely wanted to make sure I addressed that.
19 And was there any way possible that we can go
20 back now, and at the entrance of Federal Gardens where
21 those vehicles, now to where they know not to come in
22 that area, right, because there's no reason for an 18
23 wheeler to come through Parson Heights, go through the
24 Suncoast area or to go down R Avenue or to come into
25 Federal Gardens. That doesn't make any sense at all.

Page 132

1 MR. GAGNON: Well, if I remember correctly,
2 our Public Works Department had worked on a report
3 associated with some options available to try to
4 mitigate truck traffic through that 13th Street
5 corridor. Let me look and see. I believe it was a
6 digital report that I can forward to the Board.
7 I know that there's been a lot of discussion
8 about the item, and I think there's ultimately an issue
9 as far as whether or not, if there's signage put up,
10 whether or not it's enforceable per State law.
11 From what I recall, I remember participating
12 in the meeting. It was probably a year ago now, I
13 think. There was conversation from some of the police
14 officers associated with enforcement, and they found
15 that it was basically impossible to enforce violations
16 for trucks traveling through certain corridors unless
17 it was specifically associated with weight limits tied
18 to like a bridge or some roadway capacity, which was an
19 engineering capacity issue.
20 So I think from -- there's kind of two ways
21 to look at it. One is the purely legal perspective
22 where we kind of know there could be an issue. But the
23 other is from just a community perspective where we can
24 put up signs and we can attempt to reach out to
25 businesses and kind of come up with a handshake

Page 133

1 agreement saying, you know, unless you're delivering
2 packages to this specific neighborhood, we would prefer
3 if you use the main arterial roadways, Blue Heron,
4 Australian, Congress, versus taking these really
5 neighborhood streets to make deliveries or for any
6 other truck traffic circulation.

7 MR. WYLY: So that is something that -- and I
8 don't -- I'm sorry, I'm probably ignorant to the fact
9 about Code Enforcement. That's something Code
10 Enforcement could not enforce, if an 18 wheeler came
11 through a neighborhood, because that would be -- if
12 that's something we agreed upon, that would be
13 something that wouldn't be a violation of.

14 Because like you said, Mrs. Hubbard here, and
15 we're talking about stopping a major project because of
16 that reason, because it may end up damaging someone's
17 foundation of their home that they actually own. So in
18 this situation I'm discussing the same thing with a
19 vehicle that constantly comes through. There's not a
20 two week period where this may hurt someone's property.
21 We're talking about something that comes through, you
22 know, I mean it's all the time.

23 And like I say, I personally, I live on that
24 block, and I feel when the trucks come through also.
25 And it's the same thing, it's a lot of traffic coming

Page 134

1 through, and a lot of it is just coming from the
2 vehicles that are coming from the warehouse district
3 and not taking Australian to Martin Luther King as they
4 should. I think that was the whole point of that being
5 built, was for that kind of transportation.

6 So if you can, Mr. Gagnon, please let's get
7 something done. I guess if it can be in writing to
8 where I don't want to have an issue to where I have to
9 stop a vehicle and park my car across the street to
10 make him go back, because it's getting to that point
11 now, to where, like I say, they're coming through with
12 all kind of speeds, and it's getting uncomfortable now
13 when the people start complaining about their kids
14 playing on the side of the road or cars parked and the
15 vehicle that almost got sideswiped.

16 MR. GAGNON: Let me -- I haven't been working
17 on that item specifically, so please allow staff a
18 little bit more time to go back and see how far we've
19 come as far as research. I know Councilperson Lanier
20 has really been trying to champion the same item, so I
21 know there has been recent progress on it. But I just
22 need a little bit more time to go back and get with our
23 Public Works Department and Police Department to see
24 where we are at this point.

25 MR. WYLY: Please do. Thank you, sir.

Page 135

1 MR. GAGNON: Yes, sir.

2 MR. HUNT: Can I (inaudible) off of that a
3 little bit? What I would suggest you do, Mr. Gagnon,
4 is to actually propose an ordinance that is directly
5 related to what kind of acceptable traffic is allowed
6 in residential areas. And let's stop beating around
7 the bush and pointing fingers over who's supposed to
8 enforce it, and let's make it a declaration of policy
9 within the city that residential streets are
10 residential streets only.

11 And small delivery trucks, that's fine, but
12 not 18 wheelers or big, heavy construction equipment
13 that's merely trying to be efficient. I think we ought
14 to be quite emphatic and bring it up as a proposal, and
15 then we can give it to the Council and they can see
16 whether or not that --

17 CHAIR BURGESS: That's what the developers do
18 when they come in and they want to do something and
19 it's not in place, they go to the City and propose an
20 ordinance for it.

21 MR. HUNT: That's right.

22 CHAIR BURGESS: Very good.

23 MR. WYLY: Thank you, Mr. Hunt.

24 CHAIR BURGESS: Very good thought, Mr. Hunt.
25 I also had a thought for you, Mr. Wyly.

Page 136

1 MR. WYLY: Yes, ma'am.

2 CHAIR BURGESS: You know you got to get them
3 where it hurts. So these companies that you refer to,
4 get your neighborhood, you know, your group, your
5 neighbors and write some letters and do some social
6 media, get the news out there, okay? Nobody does
7 anything without media attention these days.

8 MR. WYLY: Right. Now, one of the -- I'm
9 glad you said that.

10 CHAIR BURGESS: Okay, hit them in the
11 pockets.

12 MR. WYLY: I'm glad you said it, okay. I did
13 that also. The police officer, someone actually sent
14 me a picture of the police officer actually stopping
15 the 18 wheeler, and I actually posted that so everyone
16 can see. And I actually congratulated that police
17 officer for doing his job.

18 And it had him here, it's on -- actually on
19 one of the websites for the City of Riviera Beach to
20 where he was telling him, hey, you got to, you know, go
21 down R Avenue, you have to go around, you can't go
22 through the neighborhood. And I gave kudos to that
23 police officer for doing so.

24 So you're absolutely right. Give them proper
25 notification out there to where now hopefully he passes

Page 137

1 the word and say, hey, let's not go through these
2 neighborhoods anymore, let's not pass by the school
3 area anymore because there are kids there, and like I
4 say, this is a residential area. So absolutely
5 correct.
6 CHAIR BURGESS: And once they see we won't
7 tolerate it.
8 MR. WYLY: Absolutely.
9 CHAIR BURGESS: Okay. Mr. Hunt.
10 MR. HUNT: Yes, one quick item. I wanted to
11 give the Board an update. I've made good progress on
12 finishing up the first cut of Volume I of our members'
13 handbook, and I would like to see when we could
14 schedule a Saturday -- probably Sunday's not a good
15 idea, but Saturday or Sunday when we could get a
16 majority of the Board sometime in February or early
17 March to go through that Volume I -- by that time, I'll
18 probably have Volume II and III ready as well -- and at
19 least start the process of getting everybody up to
20 speed on some of the key issues that we're going to be
21 facing over time.
22 CHAIR BURGESS: Okay, so you're asking staff
23 to look at their calendar right now and see what
24 Saturdays could be open?
25 MR. HUNT: Let's see what we can do, yes, and

Page 138

1 poll the delegation, if you would, to propose perhaps
2 two or three dates and let us know. And we can all
3 vote on what days -- not vote here, but respond back to
4 you on what days would work. But I would propose
5 either a Saturday or a Sunday in February or the first
6 two weeks in March, and let's see what days we can get
7 the majority of the Board.
8 CHAIR BURGESS: I would say if it's Sunday,
9 it's Sunday afternoon.
10 MR. HUNT: Oh, yes, of course.
11 CHAIR BURGESS: Okay.
12 MR. HUNT: And I would say probably two to
13 three hours maximum, because their patience factor will
14 disappear if it goes beyond that.
15 CHAIR BURGESS: Okay, got it.
16 MR. HUNT: That's all I have.
17 CHAIR BURGESS: Thank you, Mr. Hunt.
18 Mr. Ncube.
19 MR. NCUBE: Just one observation that I had
20 regarding I know notice on both proposals that we had
21 that both companies are supposed to work with the
22 Police Department to put up cameras on their property.
23 And I think it might be a good idea, and I'm
24 not sure how we can actually structure this, but I
25 would like to see, if possible, to structure in the

Page 139

1 contracts maybe some minimum hour commitment to
2 overtime pay for some of our local police officers for
3 some of these, you know, especially for a warehouse
4 project.
5 That was something that just came to my mind
6 is, you know, I kind of think that, you know, it would
7 be nice if some of our officers were familiar with the
8 properties, they got some extra pay. And I think it
9 would actually benefit -- you know, everybody would
10 benefit from it.
11 And it also kind of guarantees that when
12 businesses come into the community, that we actually
13 are going to have some people from the community who
14 are getting jobs or actually getting hours, because I
15 kind of take the job commitment with a grain of salt.
16 You know, it's really hard to enforce. If they say
17 they're going to bring 50 to 100 jobs, we can't really
18 enforce that.
19 You know, so I think that -- but I do feel
20 that, you know, protection, safety, that some of the
21 issues that were spoken to about this project were
22 concerns about loitering or drug use. And I think a
23 lot of things could be alleviated if we do put pressure
24 on some of these developers to, hey, we have off-duty
25 police officers who, you know, we can hire.

Page 140

1 And we already have -- and we already do have
2 pay issues anyway, so if we can figure out a way to get
3 them extra money, improve the, you know, the safety of
4 the neighborhoods, for the developers to have to come
5 more out of pocket, and you know, and pay our
6 residents, I think it's kind of a win-win-win. So I
7 would like to see, you know, if we can figure some way
8 to incorporate some minimum -- I'm not saying maximum,
9 but some type of minimum for these major projects where
10 there might be safety concerns.
11 CHAIR BURGESS: We can always include that as
12 a condition of approval in our recommendations with the
13 project. Now, can we force them to do it? No. But so
14 when they stand to the podium and they tell us, oh,
15 okay, well, they don't want to do that, then when it's
16 time for us to vote, we still vote yes for them to come
17 and have their way with us, basically after we just
18 said we would like for this to be a condition of
19 approval, but then we don't back ourselves up when we
20 do that.
21 So, and if they don't like it, they don't
22 have to put their project here. They can look
23 elsewhere. But this is our city, and it's definitely
24 our right as a Board to recommend that to them. And
25 like they can tell us no, but when they tell us no,

Page 141

1 then what do we do?
2 MR. NCUBE: Well, I think so much of the
3 landscaping bonds that we have, the commitment where --
4 CHAIR BURGESS: That's a condition of
5 approval, so --
6 MR. NCUBE: Oh, it's a condition, so they
7 don't have to do that?
8 CHAIR BURGESS: Well, in order -- they have
9 to do it in order for the project to be approved. But
10 as far as like you were saying about making sure our
11 residents get jobs, they can say that. That's the hook
12 when they're at the podium. But like you said, how is
13 that policed?
14 And I don't think that's policed. Correct,
15 Jeff? I mean -- and we have --
16 MR. GAGNON: I've seen, historically, certain
17 applicants have committed to certain thresholds,
18 whether it's during the construction process. I know
19 there's other similar to -- I know Enterprise funds
20 have now changed to -- the word just escaped me.
21 MR. HUNT: Incentive?
22 MR. GAGNON: No. And Mr. Ncube had brought
23 it up previously, I believe.
24 CHAIR BURGESS: Oh, Enterprise Zone or
25 something?

Page 142

1 MR. GAGNON: It's not Enterprise anymore,
2 it's been --
3 MS. CLARK: Opportunity?
4 MR. NCUBE: Oh, Opportunity Zones.
5 CHAIR BURGESS: Opportunity Zone.
6 MR. GAGNON: Thank you so much, Opportunity
7 Zones.
8 So similar to Opportunity Zone, there's other
9 funding mechanisms that promote exactly that, and they
10 have to meet certain benchmarks. But not every
11 applicant is trying to take advantage of those funds,
12 so it is difficult to monitor as well, especially with
13 a smaller business that may only have a few employees.
14 So you know, a percentage of a five employee workforce
15 versus a percentage of 100 employees, you know, if you
16 lose one employee with a smaller business, there goes
17 20 percent, versus one employee with that larger
18 workforce is only a two percent impact. So it is
19 difficult to monitor.
20 MR. HUNT: At the risk of trying to engineer
21 a solution, I mean there's also the idea of a
22 stipulation that says you are strongly encouraged to
23 address security issues and consider these elements and
24 leave it at that and not try to put in the hammer of
25 enforcement. At least you're encouraging people, and

Page 143

1 at least you're starting the process of dialogue about
2 how to incentivize them rather than looking at it as an
3 enforcement issue. I think we want to keep enforcement
4 to things that are really much more severe than how
5 many jobs are being staffed.
6 CHAIR BURGESS: Well, that is kind of severe
7 for this area --
8 MR. HUNT: Well, no, no, I understand.
9 CHAIR BURGESS: -- but I understand what
10 you're saying too.
11 MR. HUNT: To mandate --
12 CHAIR BURGESS: Yes.
13 MR. HUNT: -- hiring X number of people or
14 something of that sort would be a real serious
15 intrusion into their --
16 CHAIR BURGESS: But other municipalities do
17 it. I'm not going to sit here and say that other
18 people don't do it in their communities. I mean that's
19 just what they stand for. And when we don't kind of
20 put our foot down and say this is what we want for our
21 community, then we come in and get anything, because,
22 yes, we want to see development and growth, but to what
23 extent? So that's, you know, that's opinion. But
24 again, yes, we can certainly put that in as a condition
25 of recommendation, so --

Page 144

1 MR. NCUBE: I just think it's (inaudible). I
2 do agree, and it's been frustrating to me too, because
3 I've seen it personally where I try to get someone a
4 job after -- well qualified, and then all of a sudden
5 you get this runaround, and you know, where you realize
6 that they're not doing what they say they're supposed
7 to do.
8 CHAIR BURGESS: That's the hook.
9 MR. NCUBE: But, you know, at the same time I
10 think that the reason why I wanted, I mentioned maybe
11 an officer is because I do feel that everybody desires
12 protection. You know, I think safety is a very
13 important issue. And you know, and having
14 professionals in our community, and not necessarily
15 forcing them to hire, but, you know, hey, like
16 throughout the year, you know, have to set a target of
17 let's say 100 man-hours of an off duty.
18 That way we know that, hey, we know that our
19 local officers are on site, we know that the more
20 officers around is going to lower the violence in that
21 area. So we're not just doing this just to create
22 jobs. We're literally lowering the chance that there's
23 going to be issues that are going to come on us.
24 So you know, I'm starting there because I
25 agree, I think that trying to mandate -- you know, as

Page 145

1 frustrating as it is trying to get them to hire
2 residents, there's a lot -- it's a lot more, I think,
3 of a challenge. But I do feel like we can maybe start
4 with, hey, getting them to utilize our police force. I
5 think that at least creates some type of dialogue where
6 everybody benefits; the business benefits, the
7 officers, and I think the community benefits.
8 CHAIR BURGESS: Thank you, Mr. Ncube.
9 MR. NCUBE: Ms. Harris Clark.
10 MS. CLARK: Just a caveat on the jobs. It's
11 always been a nice word to say to City Council and to
12 the Mayor and to the residents to get buy-in on a
13 particular project. But we've never, as a City, set
14 the tone and commitment for businesses to come in and
15 do the right thing by us. And that's a charge, I
16 think, with the Mayor and also the City Council, and
17 we, as residents, demand that since they are our
18 voices, that these are our expectations and bring the
19 jobs here.
20 And I 100 percent agree. I remember at some
21 point there was this motto, I'm the jobs person kind of
22 thing. And nobody got a job. And we're responsible
23 for that as a City, not holding these developers' feet
24 to the fire and we're just accepting everything.
25 To Mr. Wyly I want to say you are the voice

Page 146

1 for the concern that you just expressed to
2 Mr. Gagnon --
3 MR. WYLY: Right.
4 MS. CLARK: -- but you cannot do it alone.
5 And I became that spokesperson in my community, but I
6 flip the script and I say I'm empowering you,
7 resident --
8 MR. WYLY: Right.
9 MS. CLARK: -- to come and speak your
10 concerns. I will stand with you, I will stand
11 alongside of you, but I'm not going to speak for you,
12 because number one, I got a job, and I can speak for
13 myself. But I'm 100 percent to stand with you. If
14 it's that important, you come out, you talk to City
15 Council, you come to the association meetings, you talk
16 to Code Enforcement, you talk to whoever you got to
17 talk to. But residents have to be empowered, and you
18 have to empower them and give them power.
19 MR. WYLY: Absolutely.
20 MS. CLARK: And I want to say to the
21 residents that your P&Z Board is only as good as when
22 you come out and help us help you. I know that many of
23 you look at the P&Z Board meetings and you think that
24 we're doing a really good job. And we certainly
25 appreciate that. But we may not always have the

Page 147

1 answers, because I come from my personal experience.
2 So I'm open, and I want you to help me. We
3 can help the City together, and we can also help the
4 economic development growth of our city and make sure
5 that we can help people come here and develop our city
6 and grow our city and bring their business, but we have
7 to do it together. You have to help us help you and
8 help those developers. Thank you.
9 CHAIR BURGESS: Thank you, Ms. Harris Clark.
10 You preach. I just be wanting to say amen. I'm sorry.
11 Mr. Brown.
12 MR. BROWN: I have no additional comments.
13 CHAIR BURGESS: Mr. Gallon.
14 MR. GALLON: I think enough have been said.
15 I have no comments.
16 MR. WYLY: Madam Chair.
17 CHAIR BURGESS: Yes, Mr. Wyly.
18 MR. WYLY: Just one comment, please, because
19 you guys are making some very great points here.
20 I just wanted to say that when I first moved
21 back down here -- I'm born and raised here in West Palm
22 and Rivera Beach, Palm Beach County. When I first
23 moved here, I took a job promotion to the Fed Ex in
24 Fort Lauderdale, and I moved in the Delray area on
25 Atlantic, off Atlantic Boulevard.

Page 148

1 And one thing that I did see was that
2 development on Atlantic Boulevard, of how bad it was
3 and how the housing in the area was bad and everything.
4 And then now to drive down to Atlantic Boulevard and
5 see this beautiful stretch of road where people are now
6 enjoying themselves, you've got the tennis court over
7 there, you have the restaurants, you have clubs, you
8 have everything there. And this, it's like wow,
9 because I saw it when it was nothing.
10 And one thing I've always said was that when
11 I look back on our city and when I left here and came
12 back to where I see Blue Heron, and I see the
13 potential, and I see the things that we need to become
14 this great municipality, we can't be scared to make
15 changes in our city for progress, all right, because I
16 guarantee you on that Boulevard, at Atlantic Boulevard,
17 there were people who were not happy about the changes
18 that were being made.
19 I do understand the issues, but in the
20 process of having progress, we need to be able to open
21 up and say, you know what, if this is what's going to
22 help the greater city become the greater Rivera Beach,
23 what we want it to become, sometime there are changes,
24 and positive changes are going to have to be made. And
25 we have to come to that tough decision.

Page 149

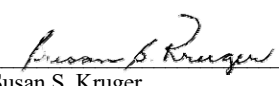
1 And boy, we have a tough decision here
2 between, you know, residents and our city prospering
3 and becoming something like what Delray is right now.
4 Because like I said, at some point, Delray was not like
5 that. It was really bad at some point, to where I
6 didn't want to go down Atlantic Boulevard. And now
7 it's just like it's a whole different thing. It's 10,
8 15 years later, and now it's like everyone kind of, you
9 know, goes down there and have a good time. They don't
10 have to travel to South Beach anymore, they don't have
11 to travel to Fort Lauderdale and Miami anymore. Now
12 they stop right there in Delray. I want them to be
13 able to stop right here, as what our motto was, a great
14 city to do what?
15 CHAIR BURGESS: Live, work and play.
16 MR. WYLY: Live, work and play. We can live,
17 work and play right here in our city, but guess what?
18 We have to put things here for progress to make our
19 city want to be here, to make our city become a city.
20 If it's going to be Riviera Beach City, let's make it
21 Riviera Beach City and let's make these changes.
22 I don't agree with everything that goes on in
23 my neighborhood. I just disclosed something that I do
24 not like. But guess what? For the greater good for my
25 city, this is something I'm going to have to allow on

Page 150

1 my property also. And I don't want something to lower
2 the value of my property, I understand that. But if it
3 comes to the greater good of my city to be able to
4 become that better city, I can make a sacrifice for
5 taking parts of my -- and that's just my personal;
6 that's just my personal viewpoint, to take a certain
7 part of my property to make it better, to expand the
8 road to make it better for the citizens there.
9 So I just want us to please, please, let's
10 think about the progress for our city and not be too
11 scared of change to be able to make this city as what I
12 saw what Delray become over the past ten years. Thank
13 you.
14 CHAIR BURGESS: Thank you.
15 Is there a motion to adjourn?
16 MR. HUNT: I so move.
17 CHAIR BURGESS: Is there a second?
18 MR. GALLON: Second.
19 CHAIR BURGESS: Meeting adjourned.
20 (Whereupon, at 10:01 p.m., the proceedings
21 were concluded.)
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Page 151

1
2 CERTIFICATE
3
4
5 THE STATE OF FLORIDA)
6)
7 COUNTY OF PALM BEACH)
8
9 I, Susan S. Kruger, do hereby certify that
10 I was authorized to and did report the foregoing
11 proceedings at the time and place herein stated, and
12 that the foregoing pages comprise a true and correct
13 transcription of my stenotype notes taken during the
14 proceedings.
15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 20th day of September, 2020.
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Susan S. Kruger

