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| <p style="text-align: right;">Page 118</p> <p>1 brings to the table, especially with this Community 2 Development, is at least a focal point. Obviously, 3 Mr. Thomas, as your representative, held a meeting that 4 a lot of people say they weren't even noticed. But at 5 least with the CRA, we've got one entity that's heading 6 it up, okay, that's saying we're going to do this for 7 Riviera Beach Heights. So having said that, do we have 8 a motion? 9 MR. COULTON: Motion to approve. 10 MS. SHEPHERD: Second. 11 CHAIR KUNUTY: Okay, we have a motion to 12 approve and a second. 13 MR. VELASQUEZ: Zedrick Barber, II. 14 MR. BARBER: No. 15 MR. VELASQUEZ: Tradrick McCoy. 16 MR. McCOY: No. 17 MR. VELASQUEZ: Margaret Shepherd. 18 MS. SHEPHERD: Yes. 19 MR. VELASQUEZ: Julius Whigham. 20 MR. WHIGHAM: Yes. 21 MR. VELASQUEZ: Brian Coulton. 22 MR. COULTON: Yes. 23 MR. VELASQUEZ: Rena James. 24 VICE-CHAIR JAMES: No. 25 MR. VELASQUEZ: Edward Kunity.</p> | <p style="text-align: right;">Page 119</p> <p>1 CHAIR KUNUTY: Yes. 2 MR. VELASQUEZ: Four, yes; three, no. Motion 3 approved. 4 CHAIR KUNUTY: Okay, moving on to the next 5 item. 6 MS. CAMBLOR: Thank you. 7 CHAIR KUNUTY: Mr. Gagnon. 8 MR. GAGNON: Yes, sir. We just have to 9 switch the laptop very quickly. 10 Our next item is an application for site plan 11 and replat approval from KT 5000, LLC to develop 4.39 12 acres of land -- I'm sorry, one second, please. 13 CHAIR KUNUTY: Yes, let's -- 14 MR. GAGNON: This is a point of order. 15 Someone left a cell phone on the dais. Know whose cell 16 phone this is? If anyone's looking for a cell phone, 17 it's up here. Sorry for that. To continue -- 18 CHAIR KUNUTY: Okay, could everyone who's 19 leaving please exit the room so we can continue. 20 MR. GAGNON: An application for site plan and 21 replat approval from KT 5000 -- 22 CHAIR KUNUTY: Mr. Gagnon, before you get 23 started, do we have a time element, a time limit or 24 anything like that? 25 MR. GAGNON: No.</p> |
| <p style="text-align: right;">Page 120</p> <p>1 CHAIR KUNUTY: Just keep going? Okay, okay. 2 MR. GAGNON: We keep going. And if there's 3 any particular Board member that needs to go, it's 4 understood; however, I'll be here until we don't have a 5 quorum. 6 CHAIR KUNUTY: Okay, very good. All right, 7 move on. 8 MR. GAGNON: One more time. An application 9 for site plan and replat approval from KT 5000, LLC to 10 develop 4.39 acres of land at 5000 North Ocean Drive, 11 known as Harbor Point and Harbor Point replat in order 12 to construct a 48 unit, 19 story condominium, 200 feet 13 in height, with an additional 15 foot roof 14 architectural feature, positioned westward of the 1997 15 Coastal Construction Control Line, located within the 16 high density multifamily RM-20 zoning district. 17 Additionally -- that was item C1. Item C2 is 18 also associated with this, which is an ordinance 19 abandoning Harbor Point Drive, as shown on a portion of 20 lots one, three, four, five and six of the plat of 21 Riviera Beach, as recorded in Plat Book 26, page 71 in 22 the public records of Palm Beach County, Florida, in 23 association with the Harbor Point site plan application 24 from KT 5000, LLC to develop land at 5000 North Ocean 25 Drive for a 48 unit, 19 story condominium.</p> | <p style="text-align: right;">Page 121</p> <p>1 I do have a presentation. Here's a location 2 map of 5000 North Ocean Drive, known as Harbor Point 3 property. The Harbor Point right-of-way bisects this 4 lot and runs through the center here. To the north, 5 Ocean's Edge exists, and to the south is the Beach 6 Front development, which is 4600 North Ocean Drive. 7 Here's the aerial view. You may recognize the fire 8 station on North Ocean Drive here as a landmark. The 9 roadway itself, Harbor Point, is somewhat hidden, but 10 this is the development we are speaking of tonight. 11 So current site conditions, we have the 12 entrance sign bordering both sides and the entranceway 13 of Harbor Point. As you move forward along the 14 roadway, you can start seeing the building itself. And 15 it cul-de-sacs at the end of the right-of-way. This 16 demonstrates some of the conditions along the roadway. 17 And this is a view looking south from the east side of 18 the project along the ocean. This is looking back 19 towards the development, looking west, and then looking 20 north. 21 So provided to the Board tonight within the 22 packet there's the eight and a half by 11. 23 Additionally, a supplemental sheet, 11 x 17, was 24 provided, a color site plan, which should be the first 25 sheet in the packet of 11 by 17 documents.</p> |

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| <p>1 Additionally within those documents are the proposed 2 site elevations. Again, you can see the architectural 3 feature on the top of the building. The overall height 4 of the building would be limited to 220 feet.</p> <p>5 So this is the landscape plan, which is 6 actually divided into two parts, but provides somewhat 7 different details on the development and the location 8 of the structure itself. I'm going to show you both 9 side by side here. This is Harbor Point Drive, as a 10 landmark. And the current development, the current 11 building is located here, which would obviously be 12 demolished. And the new development is located west of 13 the 1997 Coastal Construction Control Line. So this is 14 the eastern portion of the plan. Again, here's the 15 tower that's proposed.</p> <p>16 And the current building, again, is really 17 located here for the most part, in between the '79 and 18 '97 Coastal Construction Control Lines. So what this 19 plan does is bring the building back away from the 20 dunes, away from the beach area. It actually starts to 21 reestablish a park like ecosystem and reestablish the 22 dune that was once more prevalent there.</p> <p>23 This is to demonstrate the replat and how it 24 would look after abandonment of the right-of-way. 25 Again, Harbor Point Drive kind of snakes through the</p> | <p>1 property in this manner, and the abandonment of the 2 right-of-way is a fundamental component of the site 3 plan approval, meaning that it does add to the area 4 available for density. However, along with that, there 5 will also be an access easement maintained with Ocean's 6 Edge to the north, and there's also a discussion with 7 Palm Beach County to make sure that they're allowed to 8 also access the site to add beach sand as required. So 9 that will be for Palm Beach County use. It won't be 10 for public use.</p> <p>11 Currently there is no public use all the way 12 to the beach. The right-of-way itself being public 13 right-of-way is accessible, however, it does dead end 14 at this cul-de-sac. So unfortunately, there really 15 isn't much use for the general public as currently 16 existing.</p> <p>17 And this is a somewhat grainy image, but this 18 is the actual right-of-way itself. So if you flash 19 back and forth between the plat and the right-of-way, 20 you can see the existing location of the plat and 21 right-of-way.</p> <p>22 So staff is recommending approval of both the 23 site plan application, the plat and also the 24 abandonment. The abandonment is by ordinance, so we 25 would ask that there's a separate motion for that. The</p> |
| <p>Page 124</p> <p>1 site plan and the plat approval could be done in one 2 motion. The recommendation could be provided to City 3 Council for approval.</p> <p>4 To recap some of the conditions associated 5 with that, the first condition is that visitor parking 6 spaces specified in the site plan must remain for 7 visitor parking in perpetuity and may not be sold for 8 private use.</p> <p>9 The second condition is that a Sea Turtle 10 Protection Lighting Plan approved by Palm Beach County 11 or a State agency is required to be submitted to the 12 City prior to issuance of construction permits.</p> <p>13 Condition three, documentation from the 14 Florida Department of Environmental Protection 15 authorizing the removal and approving the mitigation of 16 mangrove must be provided prior to issuance of building 17 permits.</p> <p>18 Condition four, approval from FDEP for any 19 dune modifications or walkways east of the 1979 Coastal 20 Construction Control Line must be provided prior to the 21 issuance of construction permits.</p> <p>22 Additionally, a landscape bond at 100 percent 23 of the value of landscaping and irrigation is required 24 prior to issuance of a Certificate of Occupancy. 25 The next condition is that within 90 days of</p> | <p>Page 125</p> <p>1 City Council approval of this resolution, the applicant 2 shall contribute \$350,000 to the City, which shall be 3 kept within a special wetland mitigation account and be 4 used solely for the acquisition, conservation and/or 5 maintenance of wetlands and/or special preservation 6 land.</p> <p>7 The next condition is that future amendments 8 to the site -- for the site plan may be made 9 administratively, so long as the site plan does not 10 deviate greater than five percent from the originally 11 approved submittal.</p> <p>12 So in addition, for the ordinance for 13 abandonment, staff simply would recommend approval of 14 that abandonment.</p> <p>15 Additionally, we have representatives from 16 Kolter Design Team, the Harbor Point design team. They 17 could -- well, we're all here to answer questions. I'm 18 not sure if they'd like to add anything else. We'll 19 have at least one designee come up and say hi.</p> <p>20 CHAIR KUNUTY: Okay.</p> <p>21 MR. GAGNON: And we'll go from there.</p> <p>22 CHAIR KUNUTY: Yes. Does the Board have any 23 questions of staff so far? Okay.</p> <p>24 Applicant, please.</p> <p>25 MR. BOYCE: Hello. My name is Jim Boyce.</p> |

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| <p>1 Thank you very much for your time. I don't really 2 think the presentation did the project much justice. A 3 lot of the pictures were very grainy. I do actually 4 have a thumb drive.</p> <p>5 MR. GAGNON: Sure. I like my photos. 6 MR. BOYCE: (Inaudible.) 7 MR. GAGNON: I could show you -- 8 MR. BOYCE: So I'm not sure if you're 9 familiar with the -- Jeff showed pictures as far as the 10 existing building that's there, or was there. In fact, 11 it's in the process of actually being torn down right 12 now. It was in a state of severe disrepair. A number 13 of the windows had actually been broken out. They'd 14 been boarded up for approaching ten years. In fact, 15 when we took over the property, there were a number of 16 squatters on the property. So -- and there was actual 17 structural concerns on portions of the property also. 18 We purchased the property about a year ago, maybe a 19 year ago, and since then tenants have slowly moved out.</p> <p>20 So let me pull up -- so one of the things we 21 did do on this, Jeff touched on it briefly, was we 22 situated approximately one foot behind the 1997 Coastal 23 Construction Control Line. And that was voluntarily we 24 were situated behind the line when they did pass it. 25 There is beach renourishment.</p> | <p>1 So you can actually see on that site plan, or 2 actually that rendering, between Ocean's Edge to the 3 north and Beach Front to the south, our building, the 4 back of our building is about 106 feet off of where the 5 existing building is right now. That equates to about 6 just under an acre of beach dune easement there. Not 7 easement. Beach dune, replenished beach dune, 8 ecosystem.</p> <p>9 (Inaudible) and this is why I said this did 10 not do, just a slide presentation did not really do the 11 building justice. This is a very contemporary, in 12 fact, it's tropical modern, is the actual theme of the 13 building. It's a very contemporary building. It's a 14 very elegant building. Only 48 units. The existing 15 building had 37 units to begin with. So there's one 16 during the day.</p> <p>17 There's 117 -- there's 48 units. There are 18 117 parking spaces provided on the property. There 19 would be a gated access, and that's a rendering of the 20 guardhouse coming into the property on what would be 21 Harbor Point Drive.</p> <p>22 And then we get into some of the actual 23 elevations of the property. The building tower 24 component, the 19 stories is situated on top of a plaza 25 deck located on top of the parking garage. So while</p> |
| <p>1 there is some surface parking on the plaza deck, the 2 majority, the vast majority of the parking is below, 3 underneath the -- below the building in the garage 4 area.</p> <p>5 It's just a basic floor plan. Three units 6 per (inaudible), so it's not a very dense property for 7 floor plan. And then just some other additional 8 renderings of the pool area, and then the (inaudible) 9 the building. So all in all, it's a -- if you're 10 familiar with the property at all, it's a great 11 improvement to the site.</p> <p>12 It does actually represent a considerable 13 amount of tax revenue increase for the City. Right 14 now, currently, the property taxes are about 11 and a 15 half million dollars. The project would push it close 16 to \$110 million worth of revenue. What that translates 17 to right now, the taxes on the property are about 18 \$240,000. You would be increasing your taxes, tax 19 revenue annually by about \$2 million.</p> <p>20 That is, based on everything I've heard 21 today, that is money that goes into the general fund. 22 That is money that goes to police, to parks. That's 23 taxes alone. To build a building like that too, you 24 also have impact fees. That's additional revenue. 25 That's parks, that's police, that's fire.</p> | <p>1 So in closing, I think it's a beautiful 2 improvement to the City. It's a benefit to the City, a 3 benefit to all people involved, and I hope there's 4 no -- if there's any questions, I'd be more than happy 5 to answer some or have --</p> <p>6 CHAIR KUNUTY: Does the Board have any 7 questions? Mr. Barber? 8 MR. BARBER: I don't have any. 9 CHAIR KUNUTY: Mr. Whigham? No? 10 MR. WHIGHAM: No. 11 MR. McCOY: I do have a question of staff. 12 CHAIR KUNUTY: Okay. Just keep yourself 13 available. 14 MR. McCOY: I want to find out, Jeff, the 15 \$350,000 contribution, I mean that seems pretty -- it's 16 a condition. Why is that? 17 MR. GAGNON: So the project itself, being 18 that -- and I don't have my photos up that I did like. 19 The roadway itself hasn't been revitalized or really 20 renovated in some time. Because of that, the area 21 adjacent to it has really provided habitat for specific 22 mangrove species, so black, white and red mangroves. 23 Additionally, there's kind of a center 24 portion of the fork of Harbor Point and the entrance 25 roadway where it's somewhat of a wetland area that also</p> |
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| <p>1 does support mangroves, however, it's not really highly 2 functional.</p> <p>3 So what this condition does is it allows the 4 City, at a future date, to mitigate for the loss of 5 those mangroves. So whether that is a joint project 6 with, you know, DEP or Palm Beach County ERM, it just 7 allows for flexibility to mitigate for the loss of 8 those mangroves, and it does it in a manner where the 9 developer really is not involved in that process once 10 the contribution is made. And it's solely used for 11 that mitigation function.</p> <p>12 MR. McCOY: But my question is to why is it a 13 condition? Is it -- because obviously, it's still not 14 the responsibility of the applicant, but why is it a 15 condition? If it's a good faith thing, then I 16 understand that, but why is it a condition?</p> <p>17 MR. GAGNON: It's a condition because we 18 don't want to approve the site plan --</p> <p>19 MR. McCOY: If they don't give us money.</p> <p>20 MR. GAGNON: -- unless -- well --</p> <p>21 MR. McCOY: Because it seems like --</p> <p>22 MR. GAGNON: -- unless there's a way to 23 mitigate for the loss of those wetland areas. So there 24 could be other ways of doing that, but the contribution 25 into this fund is potentially the simplest way of</p> | <p>1 accomplishing that.</p> <p>2 MR. McCOY: And I guess it's probably not 3 even fruitless -- it's fruitless to ask if -- was it 4 agreed upon, because if he's here, I imagine they had 5 to have agreed upon. But I just was curious about 6 that. So I don't have any further questions.</p> <p>7 MR. BARBER: Mr. Kunuty.</p> <p>8 CHAIR KUNUTY: Yes, Mr. Barber.</p> <p>9 MR. BARBER: I have some questions.</p> <p>10 CHAIR KUNUTY: Sure.</p> <p>11 MR. BARBER: You brought up the estimated tax 12 revenue that would come from developing the project. 13 My question is what type of manpower would it take to 14 operate that type of building, and you know, how many 15 jobs do you expect to bring into Riviera Beach?</p> <p>16 MR. BOYCE: To operate the building, just to 17 answer the specific question first, to operate the 18 building, to be perfectly honest, it doesn't take that 19 much manpower. We're looking at about ten full-time 20 employees and maybe an additional five or six part-time 21 employees. But along with that -- that's staff for the 22 building. Along with that, you do have subcontract 23 service personnel. You have maintenance requirements, 24 you have window washing, you have a number of other 25 people that actually help to maintain that building.</p> |
| <p>Page 132</p> <p>1 As far as the actual employees of the building, it 2 would be minimal; maybe ten.</p> <p>3 MR. BARBER: And of those employees, are 4 there any preferences to residents of the City?</p> <p>5 MR. BOYCE: I really hadn't gone into that. 6 That would be a property manager issue.</p> <p>7 MR. BARBER: Is the property manager here?</p> <p>8 MR. BOYCE: No.</p> <p>9 MR. GAGNON: What I can suggest is I know 10 there's multiple job fairs that are offered through 11 various entities, including some elected officials. So 12 one of the, I guess, potential solutions to encourage 13 Riviera Beach residents to have that availability and 14 job opportunity would be to just have a condition of 15 approval asking the developer to participate in that 16 job fair. Unfortunately, it is a minimal number of 17 full-time jobs. But something very simple like that 18 could be done.</p> <p>19 MR. BARBER: I think that condition should be 20 applied also as far as conditions to be applied are 21 concerned. Do you know at this point, or is there 22 anyone who might be able to tell me whether or not your 23 applications will ask applicants whether or not they've 24 committed any crimes or been convicted of felonies or 25 any other crimes in the past?</p> | <p>Page 133</p> <p>1 MR. BOYCE: I wouldn't know that at this 2 time.</p> <p>3 MR. BARBER: I think another condition that 4 should be applied is that those applications don't ask 5 those type of questions. Those types of questions 6 aren't asked until the offer for employment -- at least 7 until an offer for employment is extended.</p> <p>8 MR. BOYCE: Noted.</p> <p>9 MR. BARBER: Mr. Chair.</p> <p>10 CHAIR KUNUTY: Okay, thank you.</p> <p>11 This is a question for staff. You mentioned 12 mitigating the wetlands. How much wetlands are we 13 losing, or will we lose?</p> <p>14 MR. GAGNON: Do you know the acreage?</p> <p>15 MR. BOYCE: About 14,000 maybe.</p> <p>16 MR. GAGNON: It's approximately a quarter to 17 half an acre. It's pretty minimal. Let's see, I'm 18 going to pull up my presentation again because I like 19 my photos. Actually, I like the aerial. The square 20 footage is 11,691, extremely precise, which is less 21 than what I just stated.</p> <p>22 It's difficult to see because of the color in 23 the projector, however, there is Harbor Point Drive, 24 which is a right-of-way, then there is a drive aisle on 25 the south side. The wetland area that we're talking</p> |

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| <p>1 about is in the center right where the roadway forks. 2 And again, there was an environmental analysis done, 3 and it was shown to not be highly functional, 4 unfortunately.</p> <p>5 But additionally, along this roadway, since 6 it hasn't been maintained in a rather long time, when 7 they come in and do infrastructure improvements, there 8 will also be some minor losses along the right-of-way 9 itself. So again, we want to be able to mitigate for 10 the loss of mangroves. I think everyone understands 11 the importance of them. There are fines issued for 12 those that cut them without permits, and we've seen 13 that happen recently. So we're very careful of how we 14 proceed with that.</p> <p>15 CHAIR KUNUTY: Go to public comments. Fane 16 Lozman.</p> <p>17 MR. LOZMAN: Fane Lozman. I own the property 18 directly across the street from that project. Back in 19 1924 when that land was sold, it was sold from the 20 Atlantic Ocean all the way over to the Intracoastal. 21 And the owner before me, he split it in half, and he 22 sold half to where the condo is, and he kept the other 23 half to develop. But he gave that road where it says 24 Harbor Point Drive, he gave that, this would be in 25 perpetuity, to the City. The City owns that right now.</p> | <p>1 And the reason that Harbor Point road goes where it is 2 is that between the old building and the next door 3 property owner is a five foot strip of land called an 4 easement. And over the years, the public could go down 5 Harbor Point Drive and go through the easement.</p> <p>6 Now, I plan to develop my property. The 7 people around me, we're going to have 40, 50, 100 8 floating homes there one day. Those people need to get 9 to the beach. It's the people's beach. It's not these 10 guys' beach. It's a public beach and with a public 11 easement. And over the years surfers and other people 12 would use the public road, and they'd go between the 13 buildings.</p> <p>14 Now, what's happened, if the City doesn't 15 want black people -- and that's the truth. McKinney 16 doesn't want black people going through easements in 17 those buildings, nor does this guy. There's Ed, Judge 18 Ed Rodgers, the first black Chief Judge in Palm Beach 19 County. He signed a Court Order saying the Via Delfino 20 has to be a public easement. I will give each of you a 21 copy of that Order. And this man right here and 22 McKinney are ignoring that Order to open up that 23 easement.</p> <p>24 Okay, so they don't want easements between 25 the buildings. I want one as a developer. I want my</p> |
| <p>Page 136</p> <p>1 people to be able to get to the beach. I want the 2 public to get to the beach. Now, it's interesting to 3 say, well, the people next door, we're going to make 4 sure they can go through our property, and Palm Beach 5 County, we'll make sure they can get their sand trucks 6 out that the taxpayers are paying to dump the sand, but 7 we don't want the public to go there, where in 1959 the 8 plat says right on the plat, it say there's a five foot 9 easement on the plat, and that's what people have been 10 using to get to the beach. So you cannot approve that 11 project without assuring that there's a public easement 12 to get from the road to the beach, okay?</p> <p>13 Now, I have a lot of money, and I also have 14 some great legal firepower. I won a Supreme Court case 15 with some of the best lawyers in the country. I have a 16 financial interest to keep the easement open. The 17 public has a financial reason, interest to keep the 18 easement open. If you're going to have a sand access 19 easement that dumps sand, then you block off five feet 20 to make sure people can go from the beach -- from the 21 road to the beach. But hell's going to freeze over 22 before I'm just going to say, okay, let's give away the 23 road that the guy that owned my property purposely put 24 in there so he could get to the beach.</p> <p>25 That's what it comes down to. You cannot</p> | <p>Page 137</p> <p>1 take away the public's access to that beach and say, 2 okay, we'll take taxpayers' money to dump sand on 3 there, but we don't want any black people or anybody 4 else going to our beach. That's B.S. That easement's 5 always been there. It needs to be maintained there. 6 And that they would play this little game is 7 despicable.</p> <p>8 CHAIR KUNUTY: Thank you.</p> <p>9 MR. GAGNON: Just as a point of order, I'm 10 sorry.</p> <p>11 CHAIR KUNUTY: Yes.</p> <p>12 MR. GAGNON: Some of those comments were 13 extremely untrue and rather disgusting, so --</p> <p>14 CHAIR KUNUTY: You want to --</p> <p>15 MR. GAGNON: -- I understand that certain 16 people have a wow factor they try to portray, but that 17 was just crossing a line that is disgusting. That was 18 disgusting.</p> <p>19 UNIDENTIFIED SPEAKER: I've got all the 20 backup to show to you.</p> <p>21 MR. GAGNON: Potentially in the future, try 22 to keep -- I know it's impossible too, but try to keep 23 comments on point, because again, that was gross.</p> <p>24 CHAIR KUNUTY: Mr. Graham, Robert Graham.</p> <p>25 MR. GRAHAM: I really have no further comment</p> |

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| <p>1 right now.</p> <p>2 CHAIR KUNUTY: Thank you. Marie Davis.</p> <p>3 UNIDENTIFIED SPEAKER: She left.</p> <p>4 CHAIR KUNUTY: She left, okay. No other</p> <p>5 comment?</p> <p>6 MR. WARD: Where are my cards?</p> <p>7 UNIDENTIFIED SPEAKER: I have a card.</p> <p>8 CHAIR KUNUTY: You have a card on the road</p> <p>9 easement.</p> <p>10 MR. WARD: No, I have a card on both.</p> <p>11 CHAIR KUNUTY: No, I'm talking to</p> <p>12 Ms. Newbold.</p> <p>13 UNIDENTIFIED SPEAKER: Okay.</p> <p>14 CHAIR KUNUTY: You said C2, which would be</p> <p>15 the next item, okay? Okay, I missed you then. It must</p> <p>16 be your handwriting. You're right. Sorry about that.</p> <p>17 MR. WARD: I have a card for every item</p> <p>18 tonight. Unfortunately, Mr. Chairman, this agenda is</p> <p>19 full of it. May I proceed?</p> <p>20 CHAIR KUNUTY: Yes, please.</p> <p>21 MR. WARD: Gerald Ward, 3930 North Ocean, the</p> <p>22 furthestmost east point in the state of Florida, which</p> <p>23 is several parcels south of this. Unfortunately or</p> <p>24 fortunately, I've been working, as of last month, over</p> <p>25 a half a century on this beach, the lake and the Port.</p> | <p>1 I'll talk to you about the Port later on tonight. But</p> <p>2 I would tell you that Mr. Lozman alleged things which</p> <p>3 are more true than staff. Staff leaves out the plat.</p> <p>4 And I have for you as an exhibit, which I'd like to</p> <p>5 have -- which one of you want to distribute it?</p> <p>6 MR. GAGNON: It won't be distributed. Thank</p> <p>7 you.</p> <p>8 MR. WARD: It won't be distributed? Well,</p> <p>9 then we'll spend time reading the statute, because the</p> <p>10 law says you can't do this item tonight, and you need</p> <p>11 to refer this back to attorneys to provide that. I was</p> <p>12 told earlier that you would take it tonight by the</p> <p>13 Chairman. That's what I asked.</p> <p>14 CHAIR KUNUTY: No, I didn't say that. You</p> <p>15 handed me a copy of it as I walked in. Normally our</p> <p>16 procedure is if you have handouts, if you get them to</p> <p>17 staff prior to the meeting, and staff will ensure they</p> <p>18 get distributed.</p> <p>19 MR. WARD: We're wasting my time, so I'd like</p> <p>20 to have a little extra time when we come to the buzzer.</p> <p>21 CHAIR KUNUTY: Let's move on.</p> <p>22 MR. WARD: Let's go. The mitigation I would</p> <p>23 call extortion. \$350,000 for an item that could not be</p> <p>24 defined specifically until he got to the aerial up</p> <p>25 there, there's something wrong with that picture. This</p> |
| <p>Page 140</p> <p>1 is the record of Riviera Beach lately, that for the</p> <p>2 last 20 years there have been staff asking for things</p> <p>3 that probably don't have ordinance backup.</p> <p>4 The beach dune planting program is totally</p> <p>5 backwards. They plant the seagrape at the beach line</p> <p>6 and the sea oats up at the top. And that's phase III</p> <p>7 of the 5 Harvard Circle write-up.</p> <p>8 So where we go is the handout provides you a</p> <p>9 copy of the plat. You cannot take replat on this item</p> <p>10 nor the abandonment on the next item without knowing</p> <p>11 what you're giving up. But this plat shows clearly</p> <p>12 that from the cul-de-sac, you can go north on a five</p> <p>13 foot easement and over to the beach. I've done that</p> <p>14 for 50 years. The same exists, go south from the</p> <p>15 cul-de-sac and over to the beach. Surfers, fishermen</p> <p>16 have used these accesses. They parked in the</p> <p>17 cul-de-sac, which I describe as the biggest cul-de-sac</p> <p>18 in Palm Beach County, for 50 years.</p> <p>19 So we have prescriptive easements, and just</p> <p>20 so that you get the flavor of the subparagraph five on</p> <p>21 the second page: Where the public has established an</p> <p>22 accessway through private lands to land seaward of the</p> <p>23 mean high tide or waterline by prescription,</p> <p>24 prescriptive easement, or any other legal means,</p> <p>25 development -- that's development here -- or</p> | <p>Page 141</p> <p>1 construction shall not interfere with that right of</p> <p>2 public access. So this law, which is 161.55, prohibits</p> <p>3 the action of replat or platting, which I guess I get</p> <p>4 back up and talk in a few minutes.</p> <p>5 CHAIR KUNUTY: Thank you. Staff would you</p> <p>6 like to comment?</p> <p>7 MR. GAGNON: Sure. Just to note on the</p> <p>8 record, the information provided by Mr. Ward was</p> <p>9 distributed to the Board, at least the amount of copies</p> <p>10 that we were provided with. Again, it was Florida</p> <p>11 Statute 161.55, in addition to the Harbor Point plat</p> <p>12 from, I think it's 1960 is the date.</p> <p>13 Is there a specific question that the Board</p> <p>14 would like a response to?</p> <p>15 CHAIR KUNUTY: No. Do you want to comment on</p> <p>16 the easement?</p> <p>17 MR. GAGNON: To my knowledge, there is no</p> <p>18 public access easement dedicated on this plat here.</p> <p>19 CHAIR KUNUTY: Okay.</p> <p>20 MR. GAGNON: And if there was, then that</p> <p>21 would mean the existing facility had developed over it,</p> <p>22 which does not seem to be the case, because currently</p> <p>23 there is no beach access. And I'm sure if there was,</p> <p>24 it would be a very popular roadway.</p> <p>25 CHAIR KUNUTY: Mr. McCoy.</p> |

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| <p>1 MR. McCOY: Thank you, Mr. Chair. 2 Are we speaking beach access or public 3 access, because I just heard two of the -- I just heard 4 both of them used, and it seemed like they're being 5 used synonymously for you, but not for him. 6 MR. GAGNON: Well, I think the point that is 7 being made is the Harbor Point right-of-way leads to 8 beach access. 9 MR. McCOY: Right. 10 MR. GAGNON: So, and what I was trying to 11 establish is there is currently no beach access. 12 MR. McCOY: No public access. 13 MR. GAGNON: Well, it's -- 14 MR. McCOY: Because he -- 15 MR. GAGNON: There's no public access 16 easement. 17 MR. McCOY: Right. But I'm speaking of the 18 abandonment. Is there public access to the beach -- 19 UNIDENTIFIED SPEAKER: No. 20 MR. McCOY: -- through the abandonment that 21 we're -- we have in front of us? 22 MR. GAGNON: I see. What's being discussed 23 is there's an easement for Palm Beach County for sand 24 nourishment activities. So if there was any sort of 25 storm event that washed away the sand, that's another</p> | <p>1 access point that Palm Beach County can actually access 2 to add additional sand, which actually could 3 potentially increase funding opportunities. But that's 4 not for just regular public use. 5 MR. BARBER: Mr. Chairman. 6 MR. McCOY: Well -- 7 CHAIR KUNUTY: One second. Jeff, are you 8 done? 9 MR. RICHARDS: I was going to help. 10 CHAIR KUNUTY: Okay. 11 MR. RICHARDS: If I may, Wayne Richards on 12 behalf of the applicant. The answer is no, Mr. McCoy; 13 the answer is no. 14 MR. McCOY: So the answer is there is no 15 public access? 16 MR. RICHARDS: The answer is no, correct. 17 Harbor Point Drive currently ends in a cul-de-sac in 18 front of a building. There is no easement by 19 prescription. If one believes that they go to court 20 and get a Court Order, the statute and case law is 21 clear that there has to be ongoing, open and notorious 22 activity over many, many years for a property owner to 23 lose their right to another person. That's nonsense. 24 Yes, Mr. Ward, that is nonsense. And there is no 25 easement on a plat. Currently Harbor Point Drive</p> |
| <p>1 simply -- it was originally developed by -- 2 MR. McCOY: No, no, no. Hold on; hold on. 3 Obviously, you have a vested interest, and if you're 4 representing the applicant, maybe I should defer that 5 question to the City Attorney. And I'll tell you why. 6 Simply because if you're working for them, then, you 7 know, I at least -- 8 MR. RICHARDS: I'm stating facts. 9 MR. McCOY: Well, I beg to differ. 10 CHAIR KUNUTY: Mr. McCoy, let him finish the 11 point. 12 MR. McCOY: No, I'm not going to let him 13 finish the point because -- 14 MS. SHEPHERD: Point of order; point of 15 order, please. 16 MR. McCOY: I asked Mr. Gagnon a question, 17 and he deferred to him. Obviously, he has a vested 18 interest, so I don't even know if -- 19 CHAIR KUNUTY: Well, I understand that. So 20 you know he has a vested interest -- 21 MR. McCOY: Right. 22 CHAIR KUNUTY: -- but he still has the 23 right -- 24 MR. McCOY: But that's deviating from my 25 question that I initially asked, Mr. Chair, so I mean</p> | <p>1 are you going to -- 2 CHAIR KUNUTY: Ask your question. 3 MR. GAGNON: I think that I had already 4 provided the answer to the question, and I have no 5 vested interest. 6 MR. McCOY: Right. But, okay -- 7 MR. GAGNON: There is no public access. 8 MR. McCOY: So let's not defer to 9 Mr. Richards for a second. So my follow-up to that, 10 Mr. Gagnon -- and Mr. Chair, if you would indulge me to 11 finish what -- 12 CHAIR KUNUTY: Yes, go ahead. 13 MR. McCOY: -- my line of questioning is. 14 CHAIR KUNUTY: Go ahead. 15 MR. McCOY: When these matters come up of 16 abandonment, because I remember when we did the Avenue 17 N, there was some sort of sign-off by different 18 departments. And I know when we did the abandonment of 19 Avenue N there was a petition, and then it went to City 20 staff, the City Attorney and then the various agencies, 21 being the police and fire. Was that the process here? 22 MR. GAGNON: Yes, it was done concurrently. 23 So even more so being that it is a public right-of-way 24 currently, our utility department had a vested 25 interest, being that there's water structures and</p> |

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| <p>1 utilities and infrastructure that currently exists. So 2 there were probably more meetings than I can even 3 recall to discuss the ongoing future, and one, if the 4 right-of-way could potentially be abandoned, and two, 5 how easements and other things would act in the future, 6 being that there is a shared access agreement with 7 Ocean's Edge to the north. So there were various 8 factors that were discussed over multiple meetings with 9 every department, and it was reviewed concurrently with 10 the site plan and replat application.</p> <p>11 MR. McCOY: Right. And the sign-off was not 12 in the packet is what I'm saying. So there was no 13 actual sign-off by our attorney's office, because what 14 I'm thinking is this. If for whatever reason -- 15 obviously, the plat has a legal description on it. Am 16 I right? The official plat, I should say.</p> <p>17 MR. GAGNON: Yes.</p> <p>18 MR. McCOY: And is that not examined prior to 19 an abandonment?</p> <p>20 MR. GAGNON: I don't understand the question.</p> <p>21 MR. McCOY: Okay, so if we're going to 22 abandon City owned property --</p> <p>23 MR. GAGNON: Yes.</p> <p>24 MR. McCOY: -- and give it to a developer or 25 whomever, do we then actually go and refer back to the</p> | <p>1 official records to figure out what the plat is, or do 2 we just arbitrarily give them what the applicant says 3 is the right-of-way, or do we defer to our attorney's 4 office or to someone specialized that works for the 5 City, not the applicant? Do we do that?</p> <p>6 MR. GAGNON: Yes. So not only do we have a 7 survey of the entire parcel, we have our City engineer, 8 who has expertise in that field, as well as I believe 9 we worked with --</p> <p>10 MR. McCOY: And is he here to attest to that?</p> <p>11 MR. GAGNON: -- maybe it was the Wantman 12 Group was the third party entity that reviewed the 13 plat.</p> <p>14 MR. McCOY: Well, I guess, and here we are 15 again. This is a part of my concern. Are we doing a 16 different process in different places, because I 17 remember specifically there were -- and this is prior 18 to some of the members coming on. When we abandoned 19 Avenue N, there was a whole litany of things that had 20 to happen, I mean from going to get petitions from the 21 neighboring neighbors around the community, sign-off by 22 the various departments. I'm not sure if that occurred 23 here. So is that not the same process that should have 24 been applied, or is this something different?</p> <p>25 MR. GAGNON: There is nothing that occurred</p> |
| <p>1 that was unusual in this process. All the departments 2 were included. There's backup information in the 3 packet --</p> <p>4 MR. McCOY: And I'll move forward. My only 5 line of thinking, Mr. Chair and Mr. Gagnon, is I'm not 6 going to sit here and allow you or anybody else to tell 7 me what the applicant wants me to hear. If there's 8 somebody that we assigned or designated in the City, or 9 a specialist, because I mean this is pretty 10 overwhelming, what the last two commenters got up and 11 said. And if you're going to expect that I'm going to 12 allow you to defer to the same person that stands to 13 benefit off of it, that's hideous.</p> <p>14 MR. GAGNON: Well, I did answer your 15 question, and I did not defer. I allowed him to 16 expound upon --</p> <p>17 MR. McCOY: Okay. Well, I appreciate it. 18 Thank you, Mr. Gagnon. That's it for now.</p> <p>19 MR. GAGNON: You're very welcome, sir.</p> <p>20 CHAIR KUNUTY: Any comment from our Board 21 attorney?</p> <p>22 MR. SHUTT: No, sir. I would, you know, I 23 would defer to the City Attorney's Office as far as, 24 you know, the matter of the easement.</p> <p>25 CHAIR KUNUTY: Would that end the abandonment</p> | <p>1 or not the abandonment?</p> <p>2 MR. SHUTT: Well, then the abandonment as 3 well, yes, sir.</p> <p>4 CHAIR KUNUTY: Okay. All right, Mr. Barber.</p> <p>5 MR. BARBER: Mr. Gagnon, did we get any input 6 from our City Attorney as to whether or not there is a 7 prescriptive easement and whether or not we can abandon 8 it? And if so, what was said or written?</p> <p>9 MR. GAGNON: There is no easement shown on 10 the plat. And Mr. Ward actually provided the plat as 11 an exhibit to the Board right now. So there's no 12 public access easement dedicated on the plat.</p> <p>13 MR. BARBER: Right. But has our City 14 Attorney confirmed that? Has her or her staff been 15 able to? Because I'm sure these types of issues have 16 come up at meetings before today, right? Can you tell 17 me whether or not she has confirmed or her staff has 18 confirmed whether or not it is a prescriptive easement 19 or whether or not it is something that can be abandoned 20 by the City?</p> <p>21 MR. GAGNON: Again, our City engineering 22 department would review it, and we had a third party 23 engineering team review it. So it's not something that 24 I believe our Legal Department specifically reviewed to 25 determine, because again, the plat does not show it.</p> |

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| <p>1 It's a black and white plat. 2 MR. BARBER: My next question is for 3 Mr. Richards. You said that one of the elements of the 4 prescriptive easement, or two of the elements of the 5 prescriptive easement would have been for it to be open 6 and notorious. And as I understand open and notorious 7 to mean, it is something that happens, you know, out in 8 the open constantly and continually. And from what I 9 understand from Mr. Lozman and other comments is that 10 people have open and notoriously used that land to 11 access the beach, or to at least park. Would you not 12 consider people walking along that road or driving 13 along that road, or you know, using it in order to 14 access the beach over a number of years activity that 15 is open and notorious? 16 MR. RICHARDS: First of all, it's good to see 17 you, Mr. Barber. 18 MR. BARBER: Likewise. 19 MR. RICHARDS: Thank you. We heard two 20 different things, and I think we're just -- that way, I 21 think individuals are throwing things on the wall 22 hoping something will stick, because the first thing 23 that we heard was it's on the easement. And the other 24 person said, well, it's by prescription because they're 25 using it.</p> | <p>1 There's no easement. And the City hired a 2 professional plat reviewer, engineers; that's what they 3 do, the Wantman Group. This is what they do. The City 4 hired a third party company to review the replat. They 5 reviewed it in its entirety. They have signed off on 6 it, Mr. Barber. The City departments have signed off 7 on it. Every professional the City has employed inside 8 and outside has signed off on it, notwithstanding at 9 the 12th hour throwing two things up on the wall to see 10 if anything could stick. I don't think it's going to 11 stick. 12 MR. BARBER: With respect to what you just 13 said, Mr. Gagnon already seemed to confirm for me, and 14 maybe I heard him, you know, wrong, but of all of the 15 departments that you stated a second ago, one of the 16 departments that did not review whether or not there 17 was an easement, and if there was an easement, if it 18 could be abandoned, was the Legal Department. 19 MR. RICHARDS: There is no easement. It 20 would be on a plat. 21 MR. BARBER: Right. And I understand what 22 you're saying, and I'm a lawyer as well. But I think 23 the prudent thing to do, for the Board or anyone else, 24 or for the City in general would be to at least run 25 that by our Legal Department. I think that's why we</p> |
| <p>1 pay them. 2 MR. RICHARDS: But that's not your process. 3 Mr. McCoy is very big on process. We hear about 4 process. Your process is for City staff to handle -- 5 the City staff and departments to handle these matters, 6 and when there are matters that they believe they need 7 extra assistance, they send out to the top 8 professionals. And that process was followed here. 9 MR. BARBER: Right. But you also have to 10 agree that that process is followed many times all 11 across the country, and courts determine that, you 12 know, that process is basically null and void, not to 13 say that this -- that would happen in this particular 14 case. 15 MR. RICHARDS: Your process was adhered to. 16 Your City Attorney's extremely competent, but they gave 17 it to professionals that do just that. 18 MR. BARBER: Mr. Chair. 19 CHAIR KUNUTY: Yes. Any other comments? 20 MS. SHEPHERD: Mr. Chair. Mr. Chair -- 21 CHAIR KUNUTY: Ms. Shepherd. 22 MS. SHEPHERD: One question for Mr. Richards, 23 Attorney Richards. 24 Mr. Richards, there was a meeting held on 25 what day? I can't remember.</p> | <p>1 MR. RICHARDS: January 5th. 2 MS. SHEPHERD: January 5th. Refresh my mind. 3 It's about 20, 25 people at that meeting? 4 MR. RICHARDS: No, I counted 38, 39. There 5 were a lot of us there. 6 MS. SHEPHERD: Okay. A lot of them came in 7 early, so you might (inaudible). And was there anybody 8 in that room -- they were all from the Island except 9 for me and I think another young lady. Was anybody in 10 that room that was against it? 11 MR. RICHARDS: The support, there was 12 overwhelming support by everyone -- 13 MS. SHEPHERD: It was what? 14 MR. RICHARDS: Overwhelming support. 15 MS. SHEPHERD: Overwhelming support. 16 Thank you, Mr. Chair. 17 CHAIR KUNUTY: Any other questions or 18 comments from the Board? Okay, Mr. McCoy. 19 MR. McCOY: I just want to know where we are 20 now. I don't have any comments. I just know what 21 direction we're going in, because -- 22 CHAIR KUNUTY: Well -- 23 MR. McCOY: -- I believe we're still in 24 public comment. 25 CHAIR KUNUTY: There are no more public</p> |

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| <p>1 comments, unless I missed somebody. 2 MR. McCOY: Okay. 3 CHAIR KUNUTY: Okay? So we're to the point 4 of discussion and a motion. 5 MR. BARBER: Before we make that motion. 6 CHAIR KUNUTY: Mr. Barber, go ahead. 7 MR. BARBER: I'd just like to say I think 8 that I could support a motion that had conditions upon 9 it, one of which would be the confirmation from Legal 10 that that is indeed not an easement, and also the 11 condition that job applicants aren't asked about their 12 prior criminal activity or prior criminal convictions 13 prior to the extension of a -- of the job. 14 MR. McCOY: Follow-up questions, Mr. -- 15 CHAIR KUNUTY: Mr. McCoy. 16 MR. McCOY: Mr. Barber, I certainly 17 understand your intentions, but do you want to do that 18 as a condition, simply because I would hate for the 19 applicant not to be able to offer up that simply 20 because they're only the developer. And I don't want 21 us to potentially have roadblocks that that's not 22 something they even control after the job -- after the 23 job portion. 24 MR. BARBER: The issue is -- 25 MR. McCOY: I mean obviously, we're a</p> | <p>1 recommending body, but -- 2 MR. BARBER: Right. The issue I see in the 3 future is if we didn't at least put forth the effort to 4 confirm that there is no easement, you know, we 5 potentially put ourselves in a bad predicament as a 6 City moving forward when it comes to possible 7 litigation on the issue. So I think we could eliminate 8 and give ourselves at least some comfort on the front 9 end by simply examining whether or not there is even an 10 issue of an easement. And I think the best and prudent 11 thing to do would be to have that done before a vote by 12 the Council, as opposed to them looking at it after the 13 fact or in court. 14 MR. COULTON: Chair. 15 CHAIR KUNUTY: Mr. Coulton. 16 MR. COULTON: I think what's in front of us 17 is an approval or denial of construction. What's not 18 in front of us, and I think if it comes up if there's 19 an easement, that may be interpreted yea or nay, 20 there's an easement. Our approval doesn't stop someone 21 from saying there is an easement to stop this project 22 or to let this go unless we abandon it, and then if we 23 abandon it, the City Council has the final, or if we 24 vote to recommend the abandonment, the City Council has 25 the final say in actually officially abandoning it. I</p> |
| <p>Page 156</p> <p>1 am hoping that the City staff and our attorneys, like 2 they said, have vetted this particular project. 3 Secondly, I would not vote on any project 4 while I'm on this Board with any condition of asking 5 any applicant about how they hire, because to me, that 6 would be extortion. Don't want to extort someone to 7 say for me to approve it, you have to have this on your 8 application. Thank you. 9 CHAIR KUNUTY: Okay, thank you, Mr. Coulton. 10 Do we have a motion? 11 MR. McCOY: Mr. Chair, I would like to put a 12 motion that says we can move -- 13 CHAIR KUNUTY: Okay. 14 MR. McCOY: -- forward for the comments. I 15 mean Board comments. 16 MR. COULTON: On what? 17 CHAIR KUNUTY: There are none. 18 MR. McCOY: I do have -- okay, well, I move 19 to table. 20 VICE-CHAIR JAMES: Second. 21 CHAIR KUNUTY: Okay, we have a move to table 22 the project. Mr. Barber. 23 MR. BARBER: Let me ask, would the developer 24 have any issue with the conditions that have been 25 outlined, or at least the recommendations that have</p> | <p>Page 157</p> <p>1 been outlined and the proposals? 2 MR. RICHARDS: The answer is no. I -- we are 3 proponents of banning the box. We know about banning 4 the box. The answer is no. I do believe that is 5 citywide. It's really for the Council to determine the 6 policy of the City. So we share your sentiments 7 personally in many whichways, so we are not opposed. 8 We are opposed to tabling. We have been 9 great corporate citizens. When the City wanted to 10 change their zoning and modify the CCCL, we sat by for 11 over nine or ten months. We have lost the season. We 12 have given up an acre of land for beach renourishment 13 behind our building. We are trying to catch the last 14 one month of our season. This is a very big project, 15 and there's no reason to table. 16 The good news is, ladies and gentlemen, this 17 has to go to the City Council, and that's three weeks 18 from now; it's three to four weeks from now. And if 19 there was -- if there are any questions to be asked, 20 legitimate questions, they will definitely be brought 21 up between now and then. But we have waited very 22 patiently. We have lost the season, and it's really 23 not fair. 24 MR. BARBER: Mr. Chair. 25 CHAIR KUNUTY: Mr. Barber.</p> |

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| <p>1 MR. BARBER: I have to say I agree with 2 Mr. Richards on that issue, and I don't think that they 3 feel like they're being extorted. And seeing as though 4 they don't, I don't see why anyone would be against 5 what was recommended earlier.</p> <p>6 CHAIR KUNUTY: We do have a motion on the 7 floor to table.</p> <p>8 MR. McCOY: Is there any other discussion 9 about tabling before we --</p> <p>10 CHAIR KUNUTY: Well, you know, I tend to 11 agree with Mr. Barber. I'm not sure tabling, you know, 12 tabling is the way to go. You know, I could live with 13 Mr. Barber's suggestion of a condition that the City 14 Attorney signs off on it, but I don't think it's fair 15 to the developer for us to just put a stop on it on a 16 couple of late arriving comments. So Mr. McCoy.</p> <p>17 MR. McCOY: Okay, thank you, Mr. Chair. In 18 light of that, I do want to offer up an amended motion.</p> <p>19 CHAIR KUNUTY: Okay. Correct me if I'm 20 wrong. You have to withdraw the first motion, correct?</p> <p>21 MR. SHUTT: Yes, sir.</p> <p>22 CHAIR KUNUTY: Okay, you have to withdraw the 23 tabling motion.</p> <p>24 MR. McCOY: So I wouldn't be able to amend 25 it?</p> | <p>1 CHAIR KUNUTY: You could amend the tabling 2 motion, yes. You can amend the tabling motion, but we 3 can't have a new motion until this is resolved, that 4 either you withdraw or you vote.</p> <p>5 MR. McCOY: Well, I guess my thinking was 6 that, I guess to the point of what Mr. Barber was 7 speaking of, I mean obviously, I do want some sort of 8 Legal prior to this even going any further. I mean you 9 would think that would have already occurred, that 10 somebody in Legal should have signed off on it. But 11 perhaps not in this situation. But my thinking is that 12 if it is to move forward, it's under the condition that 13 it's signed off by the Legal Department.</p> <p>14 CHAIR KUNUTY: We still have to -- if, in 15 fact, that's a condition you want, we do have to either 16 withdraw the tabling motion -- is that correct?</p> <p>17 MR. SHUTT: Yes. Yes, Mr. Chairman. I mean 18 you can withdraw the motion --</p> <p>19 CHAIR KUNUTY: And then offer a new motion.</p> <p>20 MR. SHUTT: Correct.</p> <p>21 MR. McCOY: Well, actually, you know what? I 22 move to table.</p> <p>23 CHAIR KUNUTY: Move to table the motion.</p> <p>24 MR. McCOY: And keep it as is.</p> <p>25 CHAIR KUNUTY: All right. So the motion to</p> |
| <p>Page 160</p> <p>1 table has been withdrawn. Now, do we have --</p> <p>2 MR. McCOY: No, no, no. I keep it where it 3 is.</p> <p>4 CHAIR KUNUTY: I thought you said withdraw.</p> <p>5 MR. McCOY: No, I --</p> <p>6 CHAIR KUNUTY: I misunderstood.</p> <p>7 MR. McCOY: -- stated the motion to table.</p> <p>8 CHAIR KUNUTY: Okay.</p> <p>9 UNIDENTIFIED SPEAKER: I have a point of 10 order.</p> <p>11 MR. SHUTT: And it's been moved and seconded.</p> <p>12 CHAIR KUNUTY: Okay, it's been moved and 13 seconded. Call the roll.</p> <p>14 MR. VELASQUEZ: Zedrick Barber, II.</p> <p>15 MR. BARBER: No.</p> <p>16 MR. VELASQUEZ: Tradrick McCoy.</p> <p>17 MR. WHIGHAM: Just a minute. If we say 18 yes --</p> <p>19 CHAIR KUNUTY: We're tabling it. If you say 20 no, we're not tabling it.</p> <p>21 MR. WHIGHAM: Well, if we say no, we are not 22 tabling --</p> <p>23 CHAIR KUNUTY: Then we can go add -- someone 24 can offer another motion to do whatever.</p> <p>25 MR. McCOY: I know it's pressure, right?</p> | <p>Page 161</p> <p>1 MR. WHIGHAM: It's pressure. So if I said 2 yes, then --</p> <p>3 MR. SHUTT: It's going to be tabled and there 4 will not be any further motions tonight, unless there's 5 a motion for reconsideration.</p> <p>6 MR. WHIGHAM: If I said no, then --</p> <p>7 MR. SHUTT: The Board can -- someone else can 8 make another motion on this matter.</p> <p>9 MR. VELASQUEZ: Tradrick McCoy.</p> <p>10 MR. BARBER: Wait, Mr. -- you didn't get a 11 vote from --</p> <p>12 MR. VELASQUEZ: I did not call his name.</p> <p>13 MR. BARBER: Oh, okay.</p> <p>14 MR. McCOY: Yes.</p> <p>15 MR. VELASQUEZ: Margaret Shepherd.</p> <p>16 MS. SHEPHERD: No.</p> <p>17 MR. VELASQUEZ: Julius Whigham.</p> <p>18 MR. WHIGHAM: No.</p> <p>19 MR. VELASQUEZ: Brian Coulton.</p> <p>20 MR. COULTON: No.</p> <p>21 MR. VELASQUEZ: Rena James.</p> <p>22 VICE-CHAIR JAMES: Yes.</p> <p>23 MR. VELASQUEZ: Edward Kunity.</p> <p>24 CHAIR KUNUTY: No.</p> <p>25 MR. VELASQUEZ: Five, no; two, yes. Motion</p> |

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| <p>1 failed.</p> <p>2 MR. BARBER: Mr. Chair, I'd like to make a</p> <p>3 motion.</p> <p>4 CHAIR KUNUTY: Mr. Barber.</p> <p>5 MR. BARBER: I move that we approve with the</p> <p>6 condition that the Legal Department confirms that there</p> <p>7 is no easement, and that as such, there isn't anything</p> <p>8 to be abandoned, a right-of-way to be abandoned, and</p> <p>9 also with the condition that all job applicants are not</p> <p>10 questioned about their criminal arrests or convictions</p> <p>11 until an offer for employment is extended.</p> <p>12 MR. SHUTT: And if I may ask, sir, is it also</p> <p>13 incorporating the other conditions in the staff report?</p> <p>14 MR. BARBER: I would say yes.</p> <p>15 CHAIR KUNUTY: Okay.</p> <p>16 MR. BARBER: Yes.</p> <p>17 CHAIR KUNUTY: Okay, we have a motion. Do we</p> <p>18 have a second? Do we have a second? Okay, we do not</p> <p>19 have a second, so the motion fails for having a second.</p> <p>20 Is there anyone -- we have to address this</p> <p>21 issue, so is there anyone else who wants to make a</p> <p>22 motion on this item?</p> <p>23 MS. SHEPHERD: Mr. Chair.</p> <p>24 CHAIR KUNUTY: Yes.</p> <p>25 MS. SHEPHERD: I'd like to make a motion that</p> | <p>1 we approve this application at 5000 North Ocean Drive,</p> <p>2 known as Harbor Point, to begin construction of 48</p> <p>3 units, a 19 story condominium.</p> <p>4 CHAIR KUNUTY: Do we have a second?</p> <p>5 MR. COULTON: Second.</p> <p>6 MR. BARBER: Point of clarification. Is that</p> <p>7 with the conditions from the staff?</p> <p>8 CHAIR KUNUTY: That was her motion. There</p> <p>9 were no --</p> <p>10 MR. BARBER: I had a motion too --</p> <p>11 CHAIR KUNUTY: Are you including --</p> <p>12 MR. BARBER: -- the question was still asked.</p> <p>13 CHAIR KUNUTY: Okay, the question is: Are</p> <p>14 you including all of staff's recommendations in your</p> <p>15 motion?</p> <p>16 MS. SHEPHERD: I'm including all of staff</p> <p>17 recommendations.</p> <p>18 UNIDENTIFIED SPEAKER: I have a point of</p> <p>19 order. This book has a copy of the plat that shows the</p> <p>20 easement.</p> <p>21 CHAIR KUNUTY: No, I'm sorry.</p> <p>22 UNIDENTIFIED SPEAKER: This book here has a</p> <p>23 copy of the plat --</p> <p>24 MS. SHEPHERD: Point of order, Mr. --</p> <p>25 CHAIR KUNUTY: I'm sorry.</p> |
| <p>Page 164</p> <p>1 MS. SHEPHERD: Can we go with the roll call?</p> <p>2 CHAIR KUNUTY: We have a motion, and we</p> <p>3 have --</p> <p>4 UNIDENTIFIED SPEAKER: I can't believe it.</p> <p>5 It says right here --</p> <p>6 MR. McCOY: Mr. -- can we start over again?</p> <p>7 Could she restate her motion, because he said something</p> <p>8 earlier that he wasn't going to sign onto the 350,000,</p> <p>9 so can we start over, get another --</p> <p>10 MS. SHEPHERD: Absolutely not.</p> <p>11 CHAIR KUNUTY: He's already seconded it. So</p> <p>12 he heard --</p> <p>13 MS. SHEPHERD: It was approved and second.</p> <p>14 CHAIR KUNUTY: -- and he seconded it.</p> <p>15 MR. McCOY: So is it second with conditions,</p> <p>16 Mr. Coulton?</p> <p>17 MR. COULTON: Yes.</p> <p>18 MR. McCOY: Okay, thank you.</p> <p>19 MR. VELASQUEZ: Motion by Ms. Shepherd,</p> <p>20 second by Mr. Coulton.</p> <p>21 Zedrick Barber, II.</p> <p>22 MR. BARBER: Yes.</p> <p>23 MR. VELASQUEZ: Tradrick McCoy.</p> <p>24 MR. McCOY: No.</p> <p>25 MR. VELASQUEZ: Margaret Shepherd.</p> | <p>Page 165</p> <p>1 MS. SHEPHERD: Yes.</p> <p>2 MR. VELASQUEZ: Julius Whigham.</p> <p>3 MR. WHIGHAM: Yes.</p> <p>4 MR. VELASQUEZ: Brian Coulton.</p> <p>5 MR. COULTON: Yes.</p> <p>6 MR. VELASQUEZ: Rena James.</p> <p>7 VICE-CHAIR JAMES: No.</p> <p>8 MR. VELASQUEZ: Edward Kunuty.</p> <p>9 CHAIR KUNUTY: Yes.</p> <p>10 MR. VELASQUEZ: Five, yes; two, no. Motion</p> <p>11 approved.</p> <p>12 MR. GAGNON: We also would need a motion on</p> <p>13 the abandonment ordinance as well. So that was for the</p> <p>14 site plan and plat.</p> <p>15 CHAIR KUNUTY: Okay, any discussion, any --</p> <p>16 there was one Board comment -- one public comment on,</p> <p>17 let's see, Ms. Newbold.</p> <p>18 MR. WARD: I also have a comment.</p> <p>19 CHAIR KUNUTY: Mr. Ward, you queue up.</p> <p>20 MS. NEWBOLD: Hello again. I hate to say</p> <p>21 this, but I agree with Fane Lozman, and I never thought</p> <p>22 in my life I'd do that. It would be very hideous for</p> <p>23 us to abandon a public road. You've got 48 units. I</p> <p>24 feel like you all letting them just buy the City from</p> <p>25 us.</p> |

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| <p>1 And the previous vote that you made, I'm 2 disappointed, because if there's a question of 3 something illegal and somebody's providing you the 4 documentation, what's one month so that you can make 5 sure that what you're voting on is accurate? We got 48 6 units.</p> | <p>1 there's a problem there, let's investigate it. What's 2 another month? Forty-eight units, millionaires back 3 here, they can wait.</p> |
| <p>7 I just heard him say something about the 8 survey. My father had a construction company and 9 licensed by the State of Florida, I think 0021. You 10 know how many surveys he got and they were incorrect? 11 He did a \$250,000 home in the eighties, so that was a 12 lot of money. Right now that would be about a million 13 dollars. And the surveyors told him the property had 14 been demucked.</p> | <p>4 I feel like you letting them just take the 5 City over, because the public road should not be 6 abandoned. Access to our beaches should not be 7 abandoned. As a little girl growing up here in 8 Riviera, there's very few places you can go on our 9 beach. It's like you're telling them you own the 10 property, now we give you the beach. And that's not 11 fair.</p> |
| <p>15 But my father had the sense enough to walk 16 through the property, and he told the property owner: 17 There's muck here. Oh, Mr. Newbold, I got my survey. 18 It's signed, it's sealed, it's everything. He said: I 19 would not risk my license and have your building to 20 crack by me putting a house of that caliber here. He 21 made them come back out, and he simply showed the 22 surveyor one plant. He said: There's no way for this 23 to grow without muck being there. They found eight 24 pockets of muck that they claim was demucked.</p> | <p>12 And as far as this gentleman talking about 13 impact fees, fees are reduced when there was a 14 preexisting building there. The only time you pay 100 15 percent fees, there's never been a building there. So 16 they're bamboozling us, and I'm appalled.</p> |
| <p>25 So if the citizens is telling you that</p> | <p>17 And I think that you all made a grave 18 mistake, but please don't make a mistake with this 19 public road. Tell them no, you build your building, 20 but you can't have our public road. You've already 21 apparently given them the beach, and I don't think 22 that's fair to the citizens of Riviera Beach.</p> |
| <p>Page 168</p> | <p>Page 169</p> |
| <p>1 easement is there, according to the documentation I 2 saw -- and that the public road and the easement belong 3 to the citizens that's paying taxes other than the 48 4 million.</p> | <p>1 the third sheet. And the court reporter has a copy for 2 both C1 and C2, which I want continued in the record.</p> |
| <p>5 CHAIR KUNUTY: Mr. Ward.</p> | <p>3 But you have to exercise clear review, and 4 this is what the drawing looks like. It's got the 5 black roadway. So if you want -- I see some of you 6 paging through. But you will clearly see that from the 7 south side of the cul-de-sac there is two easements, 8 five foot width. So you have ten feet to go to the 9 south property line, and then you turn east with a five 10 foot easement which goes all the way along the south 11 property line to the, in this case, the ocean.</p> |
| <p>6 MR. WARD: Good evening again. Gerald Ward, 7 3930 North Ocean, slightly south of this location. 8 Obviously, the abandonment of the road is the real 9 action that oppresses the 30,000 people of Riviera 10 Beach who have had access, I know for 50 years, because 11 I've been there for that long.</p> | <p>12 The prescription I talked about goes to the 13 north side, from the cul-de-sac to the north side of 14 the existing condo. I looked at it yesterday from the 15 beach side, walked up and took a picture. I 16 happened -- just one of our condoites went to -- up the 17 roadway sometime this week, he and his wife, just 18 because they were seeing the demolition. It is a City 19 street that I've driven for 50 years because it's 20 access. And as I told you, it's the biggest cul-de-sac 21 that I know in Palm Beach County, and people parked 22 around the edge, took their surfboards, went to the 23 beach, took their fishing poles. Now I'm two minutes 24 or two seconds (inaudible). Thank you.</p> |
| <p>12 I would tell you that Mr. Gagnon got up here 13 and said he wanted his pictures, and he started 14 flipping back and forth. And so I went to one of the 15 flips, which is the Caulfield & Wheeler, Inc., Civil 16 Engineering, Landscape Architect, Surveying, Glades 17 Road, Harbor Point right-of-way exhibit, which is in 18 your package, date 6-5-2014. This is big enough.</p> | <p>25 MR. BOYCE: If I could just address those</p> |
| <p>19 Now, I have to admit I was cheap. The County 20 has raised its prices on getting copies, and the Harbor 21 Point plat would have cost me in the tens of dollars 22 instead of using the Xerox off the County web site. 23 But this document, which is in your pack, clearly shows 24 the easements that are emanating from plat book 26, 25 page 71, which is the exhibit that I gave you. It's</p> | |

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| <p>1 comments, please?</p> <p>2 MR. LOZMAN: I'm next.</p> <p>3 CHAIR KUNUTY: I don't have a card from you.</p> <p>4 MR. LOZMAN: I put a card in for C2, sir.</p> <p>5 CHAIR KUNUTY: You did?</p> <p>6 MR. LOZMAN: Yes, sir.</p> <p>7 CHAIR KUNUTY: Okay, let's just hear one more</p> <p>8 comment and then you can address it.</p> <p>9 MR. LOZMAN: Fane Lozman. I've actually</p> <p>10 taken the page out of this book. I'd like Mr. Barber</p> <p>11 to see it. And I've circled where it says easement on</p> <p>12 the actual plat. Can somebody give this to him,</p> <p>13 please?</p> <p>14 CHAIR KUNUTY: Give it to the staff, please.</p> <p>15 MR. LOZMAN: Can you give that to him now so</p> <p>16 he can look at it?</p> <p>17 MR. GAGNON: There's a copy in that --</p> <p>18 CHAIR KUNUTY: It's -- there's a copy in the</p> <p>19 packet.</p> <p>20 MR. GAGNON: On this document there's no</p> <p>21 place that says public access easement.</p> <p>22 MR. LOZMAN: Can you give me that a second?</p> <p>23 In that it has the word easement, it has the plat book,</p> <p>24 and it shows the five foot easement; four different</p> <p>25 five foot easements are on your own backup. He said</p> | <p>1 there was no easement on the plat.</p> <p>2 MR. GAGNON: No public access.</p> <p>3 MR. LOZMAN: He is -- excuse me. I have the</p> <p>4 floor; I have the floor.</p> <p>5 MR. GAGNON: There's no public access --</p> <p>6 MR. LOZMAN: You don't get to --</p> <p>7 CHAIR KUNUTY: Mr. Lozman, Mr. Lozman, have a</p> <p>8 little decorum, please.</p> <p>9 MR. LOZMAN: Excuse me. He wasted time.</p> <p>10 (Inaudible) the Chair. I have the floor.</p> <p>11 CHAIR KUNUTY: Can you get to the point?</p> <p>12 MR. LOZMAN: I have the floor.</p> <p>13 CHAIR KUNUTY: Yes, you do have the floor.</p> <p>14 MR. LOZMAN: Okay. That document in your</p> <p>15 record says the word easement four different times on</p> <p>16 it, okay? So when he said there was no easement on</p> <p>17 there, that is untruthful. I would like the Board --</p> <p>18 MR. GAGNON: That says easement --</p> <p>19 CHAIR KUNUTY: Let him finish, Jeff.</p> <p>20 MR. LOZMAN: I would like the Board to take a</p> <p>21 motion, a motion to censure if he can't come in here as</p> <p>22 a City employee and be untruthful (sic) to you. Right</p> <p>23 in the own backup it shows the plat book and where the</p> <p>24 easement is. It's clearly drawn on your own little</p> <p>25 map, but he said it doesn't exist. He's a liar. We</p> |
| <p>1 can't have somebody --</p> <p>2 CHAIR KUNUTY: Excuse me.</p> <p>3 MR. LOZMAN: He's another liar.</p> <p>4 UNIDENTIFIED SPEAKER: Nobody's a liar.</p> <p>5 CHAIR KUNUTY: Please, can you please have a</p> <p>6 little decorum and not call people names here?</p> <p>7 Otherwise, we're going to have you ejected.</p> <p>8 MR. LOZMAN: He's untruthful. It says on the</p> <p>9 plat easement, sir.</p> <p>10 CHAIR KUNUTY: I realize what it says, but I</p> <p>11 don't -- and you can say that, but don't call people</p> <p>12 names while you're here.</p> <p>13 MR. LOZMAN: I'm saying he's been untruthful</p> <p>14 to this Board. He said an easement doesn't exist on</p> <p>15 the plat, and there's four different instances where</p> <p>16 easement is on there with the plat book, okay? Now,</p> <p>17 the same thing is happening at Via Delfino now.</p> <p>18 There's a public easement. It was litigated in court.</p> <p>19 Judge Ed Rodgers signed it and the City refuses to open</p> <p>20 the easement because Mary McKinney and Gagnon doesn't</p> <p>21 want it open, okay?</p> <p>22 You cannot let a City employee be untruthful</p> <p>23 to a Board. When he said the word easement, it wasn't</p> <p>24 on the plat, it's on there four different times. If I</p> <p>25 was sitting up there, I would be livid that this man</p> | <p>1 would come in and be untruthful in his representation</p> <p>2 what is on the plat. He said it wasn't on the plat.</p> <p>3 But you didn't look at your own plat and see the word</p> <p>4 four times, easement, five feet and the plat book where</p> <p>5 it is.</p> <p>6 That is a public easement. That's a public</p> <p>7 road that's to be used by the people on the west side</p> <p>8 of the street to get to the beach. Now, Sugar Sands</p> <p>9 has an easement that goes to the beach, and so do some</p> <p>10 of the other areas. That's why there's an easement</p> <p>11 there. And they were supposed to fill in that property</p> <p>12 to give access to the people on the west side.</p> <p>13 Okay, we're not going to take away the</p> <p>14 people's right-of-way from the guy that gave that road</p> <p>15 and those easements for the public use because somebody</p> <p>16 comes in here and they have their little employee say</p> <p>17 it doesn't exist. It does exist, and you have a</p> <p>18 responsibility to make sure that that easement is</p> <p>19 upheld.</p> <p>20 CHAIR KUNUTY: Thank you.</p> <p>21 MR. GAGNON: So again, to clarify --</p> <p>22 CHAIR KUNUTY: Let Mr. Gagnon, please,</p> <p>23 comment.</p> <p>24 MR. GAGNON: Thank you very much.</p> <p>25 Again, there is no public access easement on</p> |

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| <p>1 any document. Just because an easement appears 2 somewhere, it could be for utilities, it could be for 3 just property owner access among their own parcels. 4 There is no public access easement dedicated on any 5 document that I have ever seen associated with this 6 project. Thank you.</p> <p>7 CHAIR KUNUTY: Mr. Boyce.</p> <p>8 MR. BOYCE: Yes, I would just like to 9 reiterate, you are a Planning and Zoning Board; you are 10 very familiar with the term easement. There are 11 numerous, as Mr. Gagnon said, there are numerous 12 easements. What we're talking about here is a public 13 access easement, which is what Mr. Ward and Mr. Lozman 14 are talking about.</p> <p>15 There is no public access easement on that 16 property to the beach. You're intentionally being 17 misled, using the word easement. There's not public 18 access easement on the job. I'd be surprised if 19 anybody on that Board has walked through that property 20 to get to the beach as part of a public access 21 easement.</p> <p>22 Now, when we buy a piece of property and an 23 actual survey is done, a land title survey is done. 24 This information all comes back. Our survey, our plat 25 survey goes through that. I understand there are</p> | <p>1 issues sometimes with surveys. And that is why you 2 have your own engineers, your own survey company 3 actually review these plats.</p> <p>4 So not only do we have Caulfield Wheeler 5 review the plat, put the plat together, going through 6 the land title survey, they all do a survey, put 7 together all the title work for that property, you then 8 send that to the Wantman Group, who has come back and 9 gone through the plat, made a few recommendations for 10 minor changes.</p> <p>11 But again, this public beach access you're 12 hearing has not shown up on any of these surveys by 13 numerous professionals hired by the City, by ourselves. 14 So don't intentionally be misled by the word easement. 15 Because you see a word easement on a piece of paper, 16 that does not mean that you are perfectly entitled as 17 the general public to walk through any easement, be it 18 for FP&L, be it for Comcast, be it for any individual 19 person. Because you see an easement on a piece of 20 paper does not mean I have access to walk through your 21 back yard because FP&L has a power line running through 22 there.</p> <p>23 CHAIR KUNUTY: Thank you.</p> <p>24 MR. BOYCE: You're welcome.</p> <p>25 CHAIR KUNUTY: Any Board comments?</p> |
| <p>Page 176</p> <p>1 MR. BARBER: Mr. Chair -- 2 CHAIR KUNUTY: Yes.</p> <p>3 MR. BARBER: -- I'd just like to say I am 4 currently looking at the page electronically where 5 Mr. Lozman has argued that there is a public access 6 easement. I have to say I don't see the words public 7 access on the page and the easements to that. What I 8 do see don't seem to point directly at the cul-de-sac 9 that's at issue here.</p> <p>10 Also, I want to note that I see several 11 labels on the page that point to a BellSouth easement, 12 which I believe is about ten feet. And so as 13 Mr. Gagnon has said before, at least, you know, from my 14 legal training, I know that often cable companies and 15 phone companies in the past have created easements so 16 that they have access to make repairs or to do whatever 17 is necessary to maintain their property that might 18 happen to be on someone else's property. And so seeing 19 as though I don't see a public access easement labeled 20 on this paper, I tend to believe that just looking at 21 it and taking this sheet at face value, there is no 22 public access easement.</p> <p>23 However, I still think it would be most 24 prudent for our Legal Department, in conjunction with 25 every other department that we've had to look at this</p> | <p>Page 177</p> <p>1 property, to simply look at it and say, you know what, 2 I can confirm that, you know, this isn't a public 3 access easement. And I think that would ease the minds 4 of everyone in the City moving forward.</p> <p>5 CHAIR KUNUTY: Thank you, Mr. Barber. Any 6 other comments?</p> <p>7 MR. COULTON: Chair.</p> <p>8 CHAIR KUNUTY: Mr. Coulton.</p> <p>9 MR. COULTON: Being that this easement, 10 public access or not -- I'm not a surveyor, or you 11 know, I can look at it and pretty much read something, 12 but I can't interpret things. I would feel more 13 comfortable to know that there is something signed off 14 here in the presentation from City Attorney or engineer 15 to say okay. And I'm sure this isn't or should not 16 have been the first time an easement came up. So when 17 it says easement, I'm not sure.</p> <p>18 CHAIR KUNUTY: Any other Board comments? 19 Okay. Seems that that's -- the comfort level on that 20 is here. So do I have a motion that addresses the -- 21 this issue? Got a motion?</p> <p>22 MR. BARBER: I move that we approve. I also 23 recommend to the Council that, again, we have our Legal 24 staff confirm that indeed, this is not a public access 25 easement.</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 CHAIR KUNUTY: Do we have a second? 2 MR. COULTON: I second that. 3 CHAIR KUNUTY: Okay, we have a motion and a 4 second. Any discussion? Call the roll. 5 MR. VELASQUEZ: Motion by Mr. Zedrick Barber, 6 II; second by Brian Coulton. 7 Zedrick Barber, II. 8 MR. BARBER: Yes. 9 MR. VELASQUEZ: Tradrick McCoy. 10 MR. McCOY: Yes. 11 MR. VELASQUEZ: Margaret Shepherd. 12 MS. SHEPHERD: Yes. 13 MR. VELASQUEZ: Julius Whigham. 14 MR. WHIGHAM: Yes. 15 MR. VELASQUEZ: Brian Coulton. 16 MR. COULTON: Yes. 17 MR. VELASQUEZ: Rena James. 18 VICE-CHAIR JAMES: Yes. 19 MR. VELASQUEZ: Edward Kunuty. 20 CHAIR KUNUTY: Yes. 21 MR. VELASQUEZ: Unanimous voting. Motion 22 approved. 23 CHAIR KUNUTY: Okay. Moving on, slowly but 24 surely. 25 (Discussion held off the record.)</p> | <p style="text-align: right;">Page 179</p> <p>1 MR. GAGNON: Okay, next on the agenda we have 2 letter D, an application from the Maruti Fleet and 3 Management, LLC requesting site plan approval to 4 develop a single story 4,734 square foot dispatch and 5 vehicle fleet storage center on 1.7 acres of vacant 6 industrial land on parcel known by PCN 7 56-43-42-31-20-000-0090, which is located at the 8 northeast corner of the end of West 10th Street, east 9 of North Congress Avenue, west of Avenue U, and south 10 of West 12th Street. 11 At this point in time I would like to ask 12 Mr. DeAndrae Spradley, our Principal Planner, to 13 provide a presentation on this. 14 CHAIR KUNUTY: Jeff, can we close that door? 15 MR. GAGNON: Yes, absolutely. 16 MR. SPRADLEY: Good evening, ladies and 17 gentlemen. DeAndrae Spradley, Principal Planner. 18 Happy new year to all of you. 19 The applicant is requesting a site plan 20 approval to develop 1.70 acres of vacant industrial 21 land. They're wanting to build a single story, 4,734 22 square foot dispatch and vehicle storage center. They 23 are currently operating on the parcel to the south of 24 the referenced site plan application. 25 Here is a site location map just showing</p> |
| <p style="text-align: right;">Page 180</p> <p>1 where the property is located. Here's an aerial map 2 showing the property. To the north, the adjacent 3 property description and uses to the north, there is 4 single family and commercial uses. It has single 5 family residential and commercial future land use. To 6 the south there's industrial uses. That's where the 7 existing Maruti facility is located. There is limited 8 industrial future land use there. To the east there's 9 single family uses, single family residential future 10 land use. To the west, industrial uses, limited 11 industrial future land use. And the subject parcel has 12 a limited industrial future land use. 13 Staff analysis. The project is consistent 14 with and compatible to the City's Comprehensive Plan 15 and Land Development Regulations. City services, such 16 as roads, water, sewer and garbage collection are 17 currently available to the site. There's adequate 18 parking has been proposed by the applicant. There were 19 no objections from any departmental staff, including 20 Police, Fire, Utilities, Public Works and the Building 21 Department. 22 Palm Beach County owns the vehicles that they 23 will be on site there. They are expecting to employ 72 24 employees, and it will vary by shifts and days. The 25 current tax value before development right now was at</p> | <p style="text-align: right;">Page 181</p> <p>1 about 341,000, and after construction the tax value 2 will be 1.1 million. Here's a color elevation showing 3 the property. Here's the overall site plan itself. 4 And in conclusion, staff is recommending the 5 Board to consider approving the proposed site plan with 6 the following conditions. 7 A two year landscaping performance bond for 8 110 percent of the value of landscaping and irrigation 9 shall be required before the Certificate of Occupancy 10 is issued. 11 Construction must be initiated within 18 12 months of the effective date of the adopted resolution 13 in accordance with Section 31-60(b) of the City Code of 14 Ordinances. Demolition, site preparation or land 15 clearing shall not be considered construction. 16 Building permit application and associated plans and 17 documents shall be submitted in its entirety and shall 18 not be accepted by City staff in a partial or 19 incomplete manner. 20 All future advertising must state that 21 development is located in the City of Riviera Beach. 22 Fees and penalties in accordance with City Code, 23 Section 31-554 will be levied against the property 24 owner and/or business for violation of this condition. 25 This development must receive final</p> |