



**MEETING AGENDA
PLANNING AND ZONING BOARD CITY
OF RIVIERA BEACH, FL**

LOCAL PLANNING AGENCY

Development Services Department: (561)845-4060, www.rivierabch.com

Commencement – 6:30 PM
Thursday, April 14, 2022

Riviera Beach – Event Center
190 E 13th Street, Riviera Beach, FL33404

Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.

*If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item.
Thank you.*

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

Evelyn Harris Clark, Chairperson
Anthony Brown, Board Member
William Wyly, Board Member
Frank Fernandez, Board Member
Moeti Ncube, 1st Alternate

Rena Burgess, Vice-Chair
Margaret Shepherd, Board Member
James Gallon, Board Member
Russell Barnes, 2nd Alternate

III. ACKNOWLEDGEMENT OF BOARD MEMBER ABSENCE NOTIFICATION

IV. ADDITIONS AND DELETIONS TO THE AGENDA

V. DISCLOSURE BY BOARD MEMBERS AND ADOPTION OF THE AGENDA

VI. APPROVAL OF MINUTES – February 24, 2022

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

A. Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving plat application (PA-21-03) from BLP Blue Heron Commercial, to combine approximately 57,520 square feet of abandoned canal right of way with the adjacent vacant parcel of land to the south identified by parcel control number 56-43-42-29-37-000-0030 into one lot totaling approximately 4.91 acres in land area, for the real properties located north of West Blue Heron Boulevard, south of West 23rd Street, east of RJ Hendley Avenue, and west of Avenue 'O', identified by parcel control number 56-43-42-29-37-000-0030 and including land formerly designated as a canal right of way; providing for conditions of approval; and providing for an effective date.

B. A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving site plan application (SP-21-16) from Sonshine Builders LLC, to construct a 3,295 square foot triplex, with associated parking and landscaping, on approximately 8,744 square feet of land, located at Avenue I and Dr. Martin Luther King Jr. Boulevard, identified by parcel

control numbers 56-43-42-32-01-022-0070, having a Medium Density Multi-Family Residential (MF-15) future land use designation and Downtown Residential (DR) zoning designation, providing for conditions of approval, and providing for an effective date.

IX. WORKSHOP ITEMS

- A. Comprehensive Plan discussion on property rights element

X. GENERAL DISCUSSION

- A. PUBLIC COMMENTS
- B. CORRESPONDENCE
- C. PLANNING AND ZONING BOARD COMMENTS
 - A. Upcoming Meetings – April 28, 2022

XI. ADJOURNMENT

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, www.rivierabch.com.

1 CITY OF RIVIERA BEACH PLANNING AND ZONING BOARD
2 MEETING

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4 RIVIERA BEACH, FLORIDA

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10 Department of Development Services

11 600 W. Blue Heron Boulevard

12 Riviera Beach, Florida 33404

13 February 24, 2022

14 6:39 p.m.

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17 Nicolette Greco

18 Digital Reporter

19 Commission No. GG181571
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APPEARANCES OF COUNSEL

On behalf of the Clerk of Port of Palm Beach:

LINA BUSBY, ESQ.
Office of the City Attorney
600 West Blue Heron Boulevard
Suite 1
West Palm Beach, Florida 33404
581-845-3454.
Lbusby@riverabeach.org

BOARD OF COMMISSIONERS - PRESENT
Chair Evelyn Harris Clark
Board Member William Wylly
Board Member Frank Fernandez
Board Member James Gallon
First alternate Moeti Ncube
Second Alernate Russell Barnes
Assistant Director Development Services - Mary Dunham
Clerk/Simone Davidson
Director of Development Services - Clarence Sirmons
Anitta Jenkins

PROCEEDINGS

CHAIR CLARK: Today is Thursday, February 24, 2020. The commencement time is now 6:40 p.m. And we are going to go in and start the meeting.

I'd like to welcome our viewing audience, our residents of Riviera Beach and our viewing guests this -- not seen each other since last year December. As well as our staff, we have not seen each other since last year, December. So I like to say welcome to each and every one of you.

For today's meeting, I'd like to read a caveat before we move any further. Due to Covid-19, attendees must adhere to the city of Riviera Beach guidelines.

Next I'd like to give the caveat as we move into any public comments later on in the meeting, if you wish to speak on any item on this agenda, please complete a public comment card and provide it to planning and zoning staff. Cards must be submitted prior to board discussion of an item. Thank you.

And at this moment we're gonna go into a moment of silence and Pledge of Allegiance. And let's see -- I would like Mr. Nueve, Board member Nueve, if you could lead us into a moment of silence, and Pledge of Allegiance, please.

MR. NUEVE: Do I have to say anything or nothing?

CHAIR CLARK: Just a moment of silence and then stand and we'll follow you with the Pledge of Allegiance.

MR. NUEVE: Okay. So we'll start with a moment of

1 silence. And now we'll do the pledge.

2 (All reciting the Pledge of Allegiance in unison.)

3 CHAIR CLARK: Thank board member Nueve. May we have
4 roll call, madam clerk?

5 THE CLERK: James Gallon.

6 MR. GALLON: Present.

7 THE CLERK: William Wyly.

8 MR. WYLY: Present.

9 THE CLERK: Frank Fernandez.

10 MR. FERNANDEZ: Present.

11 THE CLERK: Anthony Brown. Margaret Shepherd. Renee
12 Burgess. Moeti Ncube.

13 MR. NCUBE: Present.

14 THE CLERK: Russell Barnes.

15 MR. BARNES: Present.

16 THE CLERK: Evelyn Harris Clark.

17 CHAIR CLARK: Present.

18 THE CLERK: You have a quorum.

19 CHAIR CLARK: Thank you. May we have an
20 acknowledgement of board member absence notifications please?

21 THE CLERK: Yes, Madam Chairman. Mr. Brown announced
22 that he lost his mom, mom/aunt, so he will not be with us this
23 evening. So we send him our condolences. Also notice was
24 provided by the vice chair. She had another engagement, she
25 will not be with us this evening. And Ms. Shepherd had a

1 pre-scheduled vacation, so she is also not with us this evening.

2 CHAIR CLARK: Okay. Thank you so very much, Madam
3 Clerk. Okay, next item on the agenda. Any additions or
4 deletions to our agenda this evening?

5 THE CLERK: None, Madam Chair.

6 CHAIR CLARK: Do we have any board member disclosures?
7 You seeing none? Okay. And may we have adoption of the agenda?

8 MS. DUNHAM: So move.

9 MR. NCUBE: Second.

10 CHAIR CLARK: Okay. And may we have a roll, Madam
11 Clerk?

12 THE CLERK: James Gallon.

13 MR. GALLON: Yes.

14 THE CLERK: William Wyly.

15 MS. DUNHAM: Yes.

16 THE CLERK: Frank Fernandez.

17 MR. FERNANDEZ: Yes.

18 THE CLERK: Moeti Ncube.

19 MR. NCUBE: Yes.

20 THE CLERK: Russell Barnes.

21 MR. BARNES: Yes.

22 THE CLERK: Evelyn Harris Clark.

23 CHAIR CLARK: Yes.

24 THE CLERK: Unanimous vote.

25 CHAIR CLARK: Okay.

1 THE CLERK: If I may Madam Chair, based on the
2 absences, I just wanted to point out that we needed to bestow
3 voting rights to Mr. Ncube, the first alternate and also Mr.
4 Barnes, the second alternate.

5 CHAIR CLARK: Okay. All right. Then at this point,
6 we need to have a vote on voting rights for Board Member, Moeti
7 Ncube, who's first alternate and also Board Member Russell
8 Barnes, who is, second alternate. May I have a motion, please?

9 M So moved.

10 MR. GALLON: Second.

11 CHAIR CLARK: May we have a roll call, please?

12 THE CLERK: James Gallon.

13 MR. GALLON: Yes.

14 THE CLERK: William Wyly.

15 MR. WYLY: Yes.

16 THE CLERK: Frank Fernandez.

17 MR. FERNANDEZ: Yes.

18 THE CLERK: Moeti Ncube.

19 MR. NCUBE: Yes.

20 THE CLERK: Russell Barnes.

21 MR. BARNES: Yes.

22 THE CLERK: Evelyn Harris Clark.

23 CHAIR CLARK: Yes.

24 THE CLERK: Unanimous vote.

25 CHAIR CLARK: All right. Down to item number seven on

1 the agenda. Do we have any unfinished business?

2 THE CLERK: No.

3 CHAIR CLARK: Okay. Now we're down to agenda item
4 number eight, and we're gonna start with new business.

5 MS. DUNHAM: Thank you, Madam Chair. For the record,
6 Mary Savage Dunham, Development Services Department and Happy
7 New Year.

8 So tonight, we're here to talk about one item. It's a
9 staff-initiated amendment to the Code of Ordinances. It's an
10 ordinance of the city council of the City of Riviera Beach, Palm
11 Beach County, Florida amending Chapter 26 of the city's code of
12 ordinances entitled Minority Employment and Affordable Housing
13 Opportunity plan by the adding the IHC-PUD and providing a
14 mechanism for a height bonus by updating definitions and
15 clarifying the purpose of the housing trust fund; by providing a
16 mechanism for the post-construction conversion of resort hotel
17 units to year-round residential units; by increasing the per
18 unit in-lieu-of contribution rate; providing for severability
19 and conflicts; providing for codification and providing for an
20 effective date.

21 So this section 26 is our MEAHOP code. Now, the
22 purpose of MEAHOP is to decrease unemployment by encouraging the
23 hiring of minorities in the construction industry including
24 minority businesses, skilled and non-skilled labor and
25 professionals; two, to provide a means of increasing the supply

1 of affordable housing in the city; three to encourage
2 revitalization of the downtown, particularly mixed-use
3 development; four, to accomplish the objectives of this section
4 through the use of a voluntary program utilizing zoning-related
5 incentives in various zoning districts throughout the city.

6 So this ordinance revision is being brought forward
7 for general updates, and to address emergent needs. This is an
8 existing section of your code. And what is being proposed is
9 not a full revision of the section by any means.

10 The changes being proposed can be categorized as
11 follows: Revisions to definitions and language regarding the
12 housing trust fund; an adjustment to the fee in-lieu-of
13 construction; insertion of the IHC-PUD to this section of the
14 code so these development projects are eligible for bonuses and
15 a revision to the tables accordingly to provide a mechanism for
16 an additional 5 stories of height. And the insertion of a
17 mechanism for a post-construction conversion of resort hotel
18 suites to year round housing units.

19 So let's talk through those categories one by one.
20 The revisions to the definitions and language regarding the
21 housing trust fund. We actually became aware that our
22 definitions needed revision during the Berkley Landing Process.
23 And after the city counsel meeting, I checked with Ms. Jenkins
24 and we collaborated on bringing our definitions up to, really,
25 industry standards.

1 The definition for affordable housing now has been
2 revised. The definition for attainable, workforce and market
3 rates housing program were added to this definition section of
4 the code. And the in-lieu-of construction monetary contribution
5 which is deposited into the housing trust fund per the existing
6 code, we've now added a clarifying statement of what the purpose
7 of those monies is for.

8 So our existing code says when somebody essentially
9 buys out of building affordable housing, they can make a
10 contribution into the housing trust fund, that's existing. But
11 the code doesn't really say, you know, connect all the dots and
12 say what that housing trust fund is used for.

13 So we wanted to make clear what the intent was of that
14 if a developer is giving money, in lieu of doing something then
15 that money should be used to accomplish those municipal goals.

16 So we've added language that says the housing trust
17 fund is to provide funds for the city to use to build, preserve
18 rehabilitate or otherwise create affordable, attainable,
19 workforce housing, and to support the provision of affordable,
20 attainable, workforce housing opportunities to income eligible
21 residents. Land acquisition for the construction of affordable,
22 attainable, workforce units shall be deemed an eligible expense
23 of housing trust fund monies. Expenditures from the housing
24 trust fund must be for these purposes. So we're trying to
25 codify what seems to have been the intent all along.

1 Now, a little background on affordability on of the
2 housing of the city, if you'll indulge me. Average income of
3 the city is over a thousand dollars a month. So as you'll know
4 household who pay more than 30 percent of their income towards
5 housing, can be considered to be rent overburdened. In Riviera
6 Beach, a household making less than \$3450 a month would be
7 considered overburdened when renting an apartment at or above
8 the median rent. 62% of the households who rent in the City,
9 are overburdened. And our renter occupancy rate is about 70%,
10 70 to 75% so most of the renters in the City are paying more
11 than a third of their monthly income towards housing.

12 MR. BARNES: Mary --

13 MS. DUNHAM: Uh-huh.

14 MR. BARNES: Would you be comfortable in removing your
15 mask. I'm having a hard very hard time hearing, I'm sorry.

16 MS. DUNHAM: Sure.

17 MR. BARNES: Yeah -- the second is, back to the
18 previous -- where did we get the number up on the previous
19 slide, the 40,675? Where did that come from? I Googled it
20 today and it was 47,193.

21 MS. DUNHAM: I got this from Palm Beach County, from
22 our AMI comes from the Palm Beach Incorporated County. So I got
23 this from their source.

24 MR. BARNES: Okay. I googled it for -- is that for
25 city of Riviera Beach. So was that Palm Beach County or is that

1 the city of Riviera Beach number?

2 MS. DUNHAM: Well, this is what Palm Beach County says
3 for the city. And Palm Beach County, we use their AMI so --

4 MR. BARNES: Okay. I got a different number when I
5 googled it today.

6 Ms. Dunham: Okay. So the area median income in
7 Riviera Beach, our affordable housing program eligibility is
8 determined by one's income. Each household income is compared
9 to the income of all other households in the area. This is
10 accomplished through a statistic established by the government
11 called the area median income, most often referred to as AMI.
12 The AMI is calculated and published each year by HUD.

13 HUD often uses an area larger than the city to
14 determine the AMI because HUD anticipates that those people
15 searching for housing will look beyond individual cities during
16 their housing search. For Riviera Beach, the AMI is calculated
17 from all households within Palm Beach County. In Riviera Beach,
18 HUD calculates the 2021 AMI for a family of four as \$80,200.

19 So in order to secure development bonuses (typically
20 density) through this section of the code, applicants can
21 participate in MEAHOP and choose either employment or housing
22 requirements to qualify for the bonus and density. Under the
23 housing requirements a developer can construct affordable units,
24 or pay a "fee in lieu of construction" for the units.

25 The current fees in our ordinance were set in 2006 and

1 have not been adjusted since that time. Given the changes in
2 the market and economy since that time as well as the need for
3 affordable attainable workforce housing, and because this
4 section of the code is being revised for other purposes already,
5 our recommendation is to adjust the fees now.

6 Our existing code has the per unit contribution set at
7 a percentage of the sale price value per unit and then specifies
8 a minimum per unit contribution (currently \$30,000). So we
9 took a look at what some of our neighbors were doing for in-lieu
10 contributions. And I will say that not all workforce housing
11 and inclusionary zoning programs are created equally. So it's a
12 little tricky comparing them because a lot of times there's
13 just, they're very nuanced.

14 However, in Jupiter for an ownership unit, their in
15 lieu contribution is \$200,000. For a rental unit there in lieu
16 of contribution is \$150,000. Delray for an ownership unit is
17 \$160,000 is their in lieu of contribution. Palm Beach County,
18 there in lieu of contribution for an ownership unit in 2021 is
19 105,300, their rental unit is 78,975.

20 In Riviera Beach, we are proposing to shadow Palm
21 Beach County, we are proposing \$105,000 for an ownership unit,
22 78,000 for a rental unit. Boynton Beach currently they charge
23 82,096 for a fee in lieu of ownership and 36,760 for a rental
24 unit. We did find several other programs with different
25 numbers, but those programs were just so different from our

1 program that it didn't make sense to kind of put the numbers up
2 there.

3 I didn't find any programs there were really exactly
4 like our program. And I do think ultimately our program should
5 be revised a little bit more deeply. So we are recommending at
6 this time, because we are modifying this code that we adjust
7 those in-lieu-of contributions and we recommend corresponding
8 our requirements with Palm Beach County.

9 Now putting the IHC-PUD into this section of the code
10 was one of the main reasons for opening up this code. The
11 planning, Board, you'll recall at the December 16 meeting
12 reviewed and approved revisions to the PUD in downtown districts
13 regulations in order to allow new IHC-PUDs in the CRA as a
14 mechanism for high-intensity mixed use that economic
15 development. That allowed a maximum building height of 20
16 stories in line with several other zoning districts in the city.

17 It was brought to staff's attention that there is
18 interest in the development community and the administration to
19 be able to consider projects up to 25 stories in high. For this
20 reason, this code is been revised to enable applicants to apply
21 for height bonus of an additional five stories by participating
22 in MEAHOP and constructing affordable units or contributing to
23 the housing trust fund. We put that five stories in the MEAHOP
24 instead of in the PUD code because it's a discretionary or a
25 choice of developers and that's a little different than just

1 allowing throughout the entire downtown, 25 story buildings. So
2 the revisions in the code are to include the IHC-PUDs in tables
3 two, three and four to provide this mechanism for the density
4 bonus to mixed use projects developed as IHC-PUDs.

5 The final change that we made, again, was brought
6 forward as a result of concerns that we heard and we are
7 inserting a mechanism for post-construction conversion of resort
8 hotel suites to year-round housing units. There are
9 developments that were approved in Riviera Beach under the
10 resort hotel zoning code that have a mix of year-round housing
11 units as well as resort hotel suites.

12 We currently have seven properties owned RH. One
13 development expressed interest in converting the resort hotel
14 suites two year-round residences for a couple of reasons. One,
15 to enable their owners to qualify for homestead provisions and
16 financing, and then also to eliminate the conflicts that arose
17 between the year-round residents and then the vacationers that
18 were using resort hotel suites.

19 Staff is also aware that some lenders are struggling
20 with how to finance these resort hotel suites because they're
21 not really homes, they're transient units but people are trying
22 to get them financed as apartments or second houses. And it's
23 become -- it's come to our attention that some financing and
24 landings are having problems with that. So this is a challenge
25 that wasn't anticipated. We are trying to provide a mechanism

1 to address it that makes sense for the community. So
2 understanding that we have several projects permitted with the
3 same zoning code, and that the markets always changing, staff is
4 proposing a revision to the section that provides a mechanism
5 for the post-construction conversion of resort hotel rooms to
6 year-round residences up to a maximum residential density of 28
7 units per acre.

8 Once converted the owners would then be able to
9 qualify for homestead exemptions. They could secure more
10 favorable financing for their units. And the conversions would
11 only be allowed when the site already had the required parking
12 per unit available. So as the board knows a housing unit
13 requires two parking spaces, a hotel room only requires one.
14 Some hotels actually do construct surplus parking but it's a
15 development by development location.

16 Staff felt strongly that while we were sensitive to
17 the concerns, we wanted to be sure that if a project did take
18 advantage of this conversion process, that there wouldn't be any
19 unintended consequences on the neighboring properties. You want
20 to make sure that there is adequate parking to support the uses.
21 So we feel that the supplemental bonuses supportive of the
22 existing developments. We certainly don't want to see any of
23 our existing businesses in distress. And it also would provide
24 a benefit to the city.

25 And so those are the four categories of changes that

1 brought us forward. The real impetus was the IHC-PUD revision
2 and then the post conversion for the resort hotel suites, but we
3 did know that we had to update definitions. We did know that
4 the contribution fee had not been changed since 2006. So since
5 we are where already in front of you with an ordinance we tried
6 to be efficient and kinda wrap everything into one.

7 I will have to be back before you with, you know, our
8 code has general definition section, I'll likely have to mirror
9 these definitions in that section but I did not bring that
10 forward to you today.

11 CHAIR CLARK: It's a lot to take in, so this is how I
12 see that we're going to approach it so we can look at this
13 clearly and take in everything with each area that we have to
14 take a look at and get our questions out of the way.

15 So let's go back to the first part of the change and
16 let's take a look at that. And we're going to find out if we
17 have any questions. And we're just going to move down to the
18 various changes until we've flushed out all of our questions.

19 MS. DUNHAM: Well the first question there, the first
20 category that I brought up to you is revisions to the
21 definitions and language regarding the housing trust fund.

22 CHAIR CLARK: Okay. I just want to take a moment just
23 to go back over that and then we're going to start with
24 questions, is how I normally do is just go down the line. And
25 if anyone has any questions prior to it not being your turn yet,

1 just look at me or get my attention, so that you can be
2 recognized. But we're gonna start with Mr. Brown first so give
3 him a minute to take a look at this and the rest of us, we'll
4 get questions and move down the line.

5 MS. DUNHAM: And I'm very lucky because the revisions
6 to the definitions, Ms. Jenkins is here and I relied on her for
7 a lot of input on these because she's far more of a resource on
8 affordable housing.

9 CHAIR CLARK: Okay, that's fine. And we can ask the
10 question --

11 MS. DUNHAM: Very good.

12 CHAIR CLARK: How whether yourself or Ms. Jenkins,
13 which ever person is applicable to answer the question.

14 MS. DUNHAM: And for the board's reference, the
15 definitions, you do have a redline of the document and that's
16 where all the definition is. They're pretty straightforward,
17 revise the definition for affordable housing and we added in
18 definitions for attainable and workforce and market rate
19 housing.

20 CHAIR CLARK: Sure. I'm going to start with you, Mr.
21 Brown on this particular item.

22 MR. GALLON: Gallon?

23 CHAIR CLARK: Oh, I'm sorry. I don't know who I'm
24 talking about here, I'm sorry, Mr. Gallon.

25 MR. GALLON: I'm -- the question that I have is is if

1 these are supposed resort units, and you're making provisions to
2 where I guess so many units can be year-round living spaces; is
3 this what this is going to be?

4 MS. DUNHAM: So that's for, that's for the post
5 construction conversion, but we can certainly talk about that.

6 CHAIR CLARK: Well, let's kind of go in order. I
7 don't want to jump around because it's going to, I believe it's
8 going to confuse me. So let's stay on this item. If Mr.
9 Gallon's question comes up in the second phase -- can I get you
10 to do that?

11 MR. GALLON: That'll be fine. I don't have any
12 questions for the first item.

13 CHAIR CLARK: And he's going to come back to that. So
14 go back to where we were.

15 MS. DUNHAM: Okay.

16 CHAIR CLARK: We're going to take it change by change
17 by change.

18 MS. DUNHAM: And this slide lists all of them. So the
19 first one is revisions to definitions and language regarding the
20 housing trust fund.

21 CHAIR CLARK: Actually, can you go back to the one you
22 had up there? All right, cool, great. Mr. Gallon, did you have
23 any questions --

24 MR. GALLON: I don't have any questions on this.

25 CHAIR CLARK: Okay. My -- I'm going to go ahead to

1 Mr. Wyly and then I'll be last.

2 MS. DUNHAM: Okay. I know Ms. Jenkins is helping out
3 with this. Is there any kind conflict myself because she's
4 pretty much my boss on the CDC board? So is that any conflict
5 with that?

6 MS. DUNHAM: Do you think that a conflict of interest?

7 MS. BUSBY: Who is your boss, I'm sorry?

8 MS. DUNHAM: Ms. Jenkins, well, I'm on the CDC Board
9 also and she's, she's over the board.

10 Ms. Busby: It's also another advisory board?

11 MS. DUNHAM: Yes.

12 SPEAKER: You don't receive any pecuniary benefit from
13 serving on board?

14 MS. DUNHAM: No, ma'am.

15 MS. BUSBY: I don't believe that there is a conflict.

16 MS. DUNHAM: Okay. I just wanted to be sure. My
17 question is pretty much the same as Mr. Gallon's, so I don't
18 have any questions at this time.

19 MS. DUNHAM: Okay.

20 MR. FERNANDEZ: I've got a question on the housing
21 trust fund. How long has it been in effect? What year, 06?

22 MS. DUNHAM: I believe '06 because that's when the
23 fees were established.

24 MR. FERNANDEZ: Okay.

25 MS. DUNHAM: Do you think it's been happening before

1 then? I would say '06.

2 MR. FERNANDEZ: Okay, good. Has the city developed
3 any affordable housing OR work force housing with the monies
4 that have been provided to them since 06?

5 MS. DUNHAM: That's a great question. We have
6 received monies. And I know that they have been expended to
7 improve things within the city. I do not have a table listing
8 the projects that they've been expended upon.

9 MR. FERNANDEZ: So we haven't, you're not aware we
10 haven't built any units?

11 MS. DUNHAM: I personally don't have a list of any, a
12 balance sheet with the money in and out.

13 MR. FERNANDEZ: Okay, because the key here is we want
14 to collect these funds --

15 MS. DUNHAM: Uh-huh.

16 MR. FERNANDEZ: -- to be able to place in the trust
17 fund so we can develop workforce housing?

18 MS. DUNHAM: Correct.

19 MR. FERNANDEZ: Correct? So it doesn't mix if we
20 haven't been doing that since the inception, that's my question.
21 So I just want to make sure that if we're going to vote on
22 something that, that definition is adhered to and right now, it
23 doesn't seem like we know where those monies have been spent.

24 MS. DUNHAM: I can provide, I can look for that
25 information. I don't have a specific example for you.

1 MR. FERNANDEZ: Okay.

2 MS. DUNHAM: I will say that I know it predates me.
3 I know money has come in and I know money has been used for
4 municipal purposes. Part of my intent of clarifying the
5 language here is to really provide a clear roadmap going forward
6 for just that reason.

7 MR. FERNANDEZ: Right, because this money should be
8 going, like it's intent from '06, towards a housing trust fund.
9 Not to be used as a slush fund for other municipal expenditures.
10 So if we're going to be approving a language change I also
11 suggest that we make sure that the city coffers or whoever
12 touches those little monies realize that these funds were
13 intended for affordable housing or work force housing, whatever
14 you call it now. Not to be spent on other municipal slush
15 funds. That makes sense?

16 MS. DUNHAM: 100% and in fact that's such a great
17 point, some communities actually established a housing
18 committee.

19 MR. FERNANDEZ: Right.

20 MS. DUNHAM: Or an affordable housing trust. And one
21 of the things they do is work on projects, you know, to expend
22 those funds.

23 MR. FERNANDEZ: Well, what I would like to see here is
24 to make sure that we have the language in there to prohibit the
25 expenditure municipal projects other than what we're doing here

1 which is the intention of this definition language and the
2 intent of the 2006 trust fund.

3 CHAIR CLARK: That's a good idea. To caveat on that,
4 who accesses, who accessed the money in the past? And even now,
5 once we vote on this and going back to our board members
6 insertion of language that should be added --

7 MS. DUNHAM: Uh-huh.

8 CHAIR CLARK: -- I want to understand who accessed it
9 in the past and who will access it in the future and how does
10 that process happen.

11 MR. FERNANDEZ: A control mechanism --

12 CHAIR CLARK: Right.

13 MR. FERNANDEZ: -- to make sure if we are collecting,
14 if we're going to vote on \$105,000 to be collected, we want to
15 make sure that money is spent on exactly what it's intended for.
16 And I keep hearing, I believe it was for other municipal
17 allocations. No. So we need to tighten up this wording. If
18 you can add something to it to make sure that these funds will
19 be used specifically for housing trust fund, affordable housing,
20 exactly what you have in the definition. Not to be utilized for
21 any other municipal slush fund.

22 MR. GALLON: Agreed.

23 MS. DUNHAM: Well it does say expenditures from the
24 housing trust fund must be used for these purposes --

25 MR. FERNANDEZ: Oh does it?

1 MS. DUNHAM: -- so this is an ordinance --

2 MR. FERNANDEZ: So the 2006 mandate, wasn't it?

3 That's what --

4 MS. DUNHAM: The red language is new. So I'm
5 proposing that we insert the red language because --

6 MR. FERNANDEZ: Right.

7 MS. DUNHAM: -- to provide clarification and guidance
8 moving forward with regard to the expenditure of the funds. So
9 the red language is a revision that we're -- the current text
10 just says -- hold on let me find the page so you can see what is
11 in there now and what we're proposing to change it to because I
12 agree with you.

13 So if you go to page 8 of 15 of the redline
14 document --

15 MR. BARNES: It's on page 8.

16 MS. DUNHAM: -- page 8, it says currently about the
17 housing trust fund, it just says under this option the developer
18 chooses to contribute directly to the housing trust fund in
19 according with, accordance with table 4, table 4 is the one that
20 says how much money goes into it. And then it simply says
21 timing the contribution is one half prior to building permit and
22 the remaining prior to CO.

23 So the language, to your point Mr. Fernandez, that
24 staff is recommending is number three, that clearly says the
25 purpose of the housing trust fund is to provide funds for the

1 city to build to use preserve rehabilitate or otherwise create
2 affordable attainable workforce housing. And to support the
3 provision of affordable attainable workforce housing
4 opportunities to income eligible residents. Land acquisitions
5 for the construction of affordable attainable workforce units
6 shall be deemed an eligible expense of housing trust fund
7 monies. Expenditures from the housing trust fund must be for
8 these purposes. So we're recommending we put this language in
9 the ordinance and, for exactly what you're talking about.

10 MR. FERNANDEZ: Okay.

11 CHAIR CLARK: Are you saying you just want it to be
12 firmer or is this language --

13 MR. FERNANDEZ: No, actually, if you read the language
14 that she just read that was already in there. It said for the
15 housing trust fund. Okay? So what I'm trying to figure is if
16 we're doing the same thing in red, expenditures from the housing
17 trust fund must be for these purposes --

18 CHAIR CLARK: Right.

19 MR. FERNANDEZ: -- so I just want to make sure that
20 the language there specifically prohibits the utilization --

21 CHAIR CLARK: Outside those parameters --

22 MR. FERNANDEZ: Exactly.

23 CHAIR CLARK: -- yes, gotcha.

24 MR. FERNANDEZ: So if the representative here for the
25 city is attesting that, yes it will be done and the language

1 will cover us, and Ms. Busby agrees to it, then I'm perfectly
2 okay with it.

3 CHAIR CLARK: Okay. So we have that noted and I want
4 to go back to my question and you can answer it later. I don't
5 want to go out of order, so I'm going to go down to Mr. Moeti,
6 you're next.

7 MR. NCUBE: Okay. So I guess from reading, let me see,
8 so I'm just trying to catch up to the definition. So we have
9 affordable housing, attainable housing, workforce housing and
10 market rate housing. So this is a little bit this is kind of a
11 side question but do we know what the present breakdown is
12 currently in the city?

13 MS. DUNHAM: I don't know that off the top of my head.
14 Do you mean how many people are each income level?

15 MR. NCUBE: Yes, I guess the four categories. Because
16 I don't know if there is a target that we are, as a city that we
17 want to have these percentages, this is our goal. I don't know
18 what, you know, if we are having these definitions, like, is
19 there some type of vision as to what the breakdown that we want?

20 MS. DUNHAM: I do not have a vision, and do not know
21 the current percentages. I do know that the need is great in
22 the city. I don't know if the CDC has a vision or -- do you
23 have a -- do you want to answer that? We'll let Ms. Jenkins
24 speak to that. She's our expert.

25 MR. NCUBE: Yeah.

1 MS. JENKINS: Forgive me, I'm a little challenged in
2 walking today. We do know that our city has a very, very high
3 rate of rentership. And we know that in certain areas of the
4 city, that our neighborhoods are considered low to moderate
5 income. And we, to answer your first question, no we do not
6 have a breakdown of how many people might be eligible or qualify
7 in those categories. We've been talking about collaborating on
8 a housing study just for the city.

9 Palm Beach County is undergoing a housing study.
10 There are several municipalities that are doing their own
11 housing study that would give us more direct data. Because we
12 have such a high rate of rentership and because the number of
13 those rental units are in those low to mod census tracts, I
14 could tell you that most of the people in those census tracts
15 will qualify for 80% and below just knowing those facts about
16 our population.

17 MR. NCUBE: Okay, so would it be safe to assume that,
18 let's say 90% of renters are going to fall into the affordable
19 housing category?

20 MS. JENKINS: I don't know if it would be that high
21 because we do have renters who are, for instance, in Singer
22 Island or out west who are, you know, seasonal renters or
23 whatever, but it would be a high percentage.

24 MR. NCUBE: Okay. Yeah, I don't know if it's possible
25 for us to maybe get some type of numbers, but I do think it

1 would be good to kind of know -- because I don't know, like for
2 instance, let's say if we know that 30% you know it's like
3 market rate housing and 70% is, you know, or 40% is affordable
4 housing and 30 -- it's just to kind of know what's our goal. I
5 think it can definitely help with planning, you know, when we
6 had those breakdowns.

7 MS. JENKINS: I can tell you, for instance, that we
8 support a home buyers club, where people are being trained.
9 They're interested in home ownership. And number one, we don't
10 have a lot of supply. The demand is great.

11 MR. NCUBE: Uh-huh.

12 MS. JENKINS: There is not a lot of subsidy available
13 in the county or the city to assist it. I've just got off a
14 call before this meeting and the median price of housing in the
15 county is upwards above \$400,000, which puts us out of range.
16 And we have a pipeline of at least 200 families right now that
17 are interested in housing that would fall in those categories of
18 80% and below.

19 MR. NCUBE: Okay.

20 MR. FERNANDEZ: Okay. Follow-up question to that is
21 if we have almost 200 families --

22 CHAIR CLARK: Mr. Fernandez, we're going to let
23 everybody get their questions out --

24 MR. FERNANDEZ: Okay.

25 CHAIR CLARK: -- and then if you have a question, then

1 direct towards me so I can get recognized because I haven't had
2 a chance to answer, ask my questions either.

3 MR. NCUBE: Okay.

4 CHAIR CLARK: So Mr. Moeti, you're finished?

5 MR. NCUBE: I'm finished.

6 MR. BARNES: Couple of things, I like the language.
7 It's good, I think you've got a really good job, just general
8 questions, who, who -- to sort of follow-up to Mr. Fernandez,
9 who oversees this fund?

10 MS. DUNHAM: So the housing trust fund right now is in
11 the finance department. We have two sections of the city that
12 really does housing projects. And one is this housing
13 department that -- well, let me back up -- development services
14 used to have a housing department that was disbanded. We're
15 hoping to get it back. So that's one thing, we'll put that on
16 the inside. Currently assisted city manager Mrs. McBride is
17 doing housing revitalization work and she's actually hiring a
18 housing manager to assist with some of that. And Ms. Jenkin's
19 group does housing work in the city.

20 So at the moment we're all talking about a couple of
21 things housing related to kind of get everything to gel back
22 together. One is to work on getting that housing study funded
23 for the city so that we have our own data, targeted data for
24 Riviera Beach. And that housing study and plan can then provide
25 a vision and goals intangible metrics.

1 Mrs. McBride is very busy working on grantsmanship.
2 Our department does support that. So we all are involved. Back
3 to your point, I added this language to the code because I felt
4 that there needed to be a little finer point on the pencil. And
5 it very well may be that the administration chooses to set up
6 another advisory board --

7 MR. BARNES: Right.

8 MS. DUNHAM: -- a lot of communities that have a
9 housing trust fund also have advisory boards that do that. And I
10 have some language about housing trust fund and how could be set
11 up. I think that's something that administration would need to
12 tackle. But we need to re-formalize that.

13 MR. BARNES: Right. And the reason that I was -- is
14 there a current balance that we have in the current fund, does
15 anyone know what that is? And then how much revenue is
16 generated? This has the potential of generating millions of
17 dollars. And then I'm just curious, is one individual in the --
18 making the decision of we're going to buy this piece of
19 property, and build a house on it? Or how was this process of
20 spending the dollars that are being generated?

21 CHAIR CLARK: What's the process now? Let's start
22 this question --

23 MR. BARNES: Yeah, thank you.

24 CHAIR CLARK: -- what's the process now, so we can
25 understand, to his point, the coffers building up and our point

1 is not for access willy-nilly. I don't know if we have any
2 jurisdiction over that but we would like to know what is the
3 process now? And when the coffers are built up, who has access
4 to it? And for example, and we have the CDC and we have the
5 CRA, they're also responsible for affordable attainable
6 workforce housing. Now they have their own separate budgets, I
7 would imagine. Are they tapping into this once it builds up?

8 MS. DUNHAM: So that's a --

9 CHAIR CLARK: Was that a hot question? Mr. Sirmon run
10 from fear?

11 MS. DUNHAM: No, no, this is a great conversation and
12 those are great questions. What I would tell you is that, there
13 hasn't been any money generated from this program since 2011.
14 So we're hoping as part of the PUD zone changes and the MEAHOP
15 provisions to really kind of stimulate some development. Now we
16 do actually have another project that will be before you in a
17 couple of months that's going to go through the MEAHOP program.
18 So we haven't had any money put in since 2011. I don't believe
19 that there's any money now.

20 Who spends money on housing? Again it would be Mrs.
21 McBride, or the city, a city initiative or Ms. Jenkins. But I
22 will defer to Mr. Sirmons.

23 MR. SIRMONS: Good evening Madam chair, Clarence
24 Sirmons, Director of Development Services. As far as the
25 current process what I can contribute to the conversation is

1 that those accounts are managed through the finance department
2 and they are bound by any ordinances connected to them. So in
3 this scenario the finance director would have to receive
4 authorization from council to expend funds from this account and
5 the primary goal in this ordinance update is to make sure that
6 we have better language regulating how funds or what funds can
7 be expended for from the account.

8 But, currently yes, they are managed through the
9 finance director in terms of having access for expenditures and
10 he has to be authorized for the expenditures.

11 CHAIR CLARK: Okay. So if we're understanding that,
12 it's house and finance and depending upon when it finally gets
13 built up, public knowledge, city Council would know how much
14 money is there. And if we got these certain affordable
15 attainable workforce housing projects in the pipeline, they know
16 that the monies are there to upstart those particular
17 initiatives and it's really at their jurisdiction of how that
18 money is going to be accessed and what they're going to do with
19 it.

20 Hopefully, the definition that's here, as well as CRA
21 -- I'm not sure, but the CRA or CDC also can petition for those
22 funds too, for the same initiatives.

23 MR. SIRMONS: The project generally would need to be
24 approved by Council and by way of that Council approval they
25 give authorization to the finance director to expend funds out

1 of said account. And if there's an ordinance governing what
2 those funds can be expended for, it put in those protections
3 down the road that we would know as fund come and what they
4 would go out for.

5 CHAIR CLARK: And those funds for development is,
6 they're going to be city proprietary, if you will? It's --
7 outside developer cannot come and say, "Hey they got all this
8 money, let's tap Intuit, it's really the city, our money that we
9 can do these initiative. Its propriety just for the city of
10 Riviera Beach, us.

11 MR. SIRMONS: That's correct, the city Council engages
12 in some type of agreement to partner with someone for affordable
13 housing or something of that nature. But yes, the funds are of
14 the city's for their discretion based on the ordinance. Does
15 that answer your question?

16 CHAIR CLARK: That brings in another dynamic into
17 this, who can petition to access this money? Surely, the city
18 council starts it, but it's my point that I was asking is can
19 someone outside of the city have access. Because it is public
20 knowledge that, let's say a developer comes in and they are not
21 capitalized, but they know that we have these coffers and being
22 a smart developer, they will come and say, let's see how much we
23 can chisel off the city of Riviera Beach out of these coffers.

24 Now CDC and CRA that's entirely different because they
25 are proprietary to the city. I, I don't know we can do anything

1 about that, but that leaves it wide open for someone to tap into
2 this, what we're trying to do, you know, for the city because
3 they are not capitalized. I mean we got projects in the
4 pipeline now and they're not capitalized and they're asking for
5 incentives. And just that this was booked up with money they
6 surely would have tapped into it. That was just my comment and
7 thought.

8 MR. GALLON: Is there, is there a limit?

9 MS. DUNHAM: That's not the intent of this fund. The
10 intent of this fund is for city projects. Right, and so that's
11 why again we wrote this language so I thought was if the CRA or
12 are housing internals --

13 CHAIR CLARK: I'm okay with the CRA and the CDC
14 because they are up under our umbrella --

15 MS. DUNHAM: Right.

16 CHAIR CLARK: -- and but I'm saying if they're outside
17 of that. If a developer knows that this is here, and whatever
18 reasons, you know, they're not capitalized and the city Council
19 votes to say hey they can have a portion of the money that's in
20 this coffer to get there affordable housing, workforce housing
21 whatever up and running.

22 MS. DUNHAM: So to be clear --

23 CHAIR CLARK: Yes, please.

24 MS. DUNHAM: This is not the intent of this fund. And
25 the ordinance actually would prefer, we would prefer that the

1 developers build affordable housing instead of, you know, doing
2 the in lieu of contributions because their contribution actually
3 doesn't even pay for what it costs to build a unit, right, to
4 provide affordable housing. So we would prefer that they
5 provide the housing. If they choose to buy out of providing the
6 housing the money goes into this fund. The city would then
7 leverage this money to provide affordable, attainable, workforce
8 housing. And we want to be sure that it's clear in the code
9 that that's what the money is for. This money is not money for
10 someone else to tap into.

11 Now, the city council ultimately, if a project is
12 coming forward, the city council has the right to expend funds
13 on a project for this. The city council are our leaders.

14 CHAIR CLARK: Would that become a conflict --

15 MR. GALLON: It is.

16 CHAIR CLARK: -- with developer A, developer B --
17 developer A is fully capitalized but they didn't tap into this.
18 And developer B knows that we've got this little pot over here
19 and they may make a request; is there a conflict, I mean, would
20 that cause some turmoil; that's my question?

21 MS. DUNHAM: I don't think - so again, this is to
22 provide funds for the city to use, right? For the city to use
23 to build, preserve, rehabilitate or otherwise create affordable
24 attainable workforce housing. This is not a fund for somebody
25 else to come in to use. This is for the city to use.

1 CHAIR CLARK: And I understand that. I just want it
2 to be clear that it's for the city to use whether it is the CRA,
3 whether it's the CDC but not for anyone outside of those
4 entities, for example, who are not capitalized and they're
5 looking for some extra support to accomplish affordable
6 attainable workforce housing but they're not capitalized and
7 they can get city council to partner with them and give them
8 some money on this. And then you have developer A over here who
9 is well-capitalized and didn't tap into this. If I were A, I
10 would be mad at B.

11 MS. DUNHAM: Would you like me to say for this, to
12 provide funds for the city to use for city initiatives or for
13 municipal initiatives to make it -- I mean, I think it's clear,
14 but I could certainly strengthen that language, if you wanted to
15 be clear that this money is for city projects. That's how we,
16 that's what I was trying to get at here.

17 CHAIR CLARK: And my point being here at PNZ, whether
18 it's as board members or staff, we know that our language is
19 outdated. And because it's been outdated and not strong, you
20 can consider it loopholes. Our roles here is to support you,
21 you bring forth the recommendation, we kind of put a little pin
22 in it a bit and poke at it just to make sure that the language
23 is strong, is precise and it does what it's supposed to do. And
24 that was my only point.

25 MS. DUNHAM: I appreciate that. No, that's -- you

1 guys are so insightful and you know this city. And you know how
2 things happen, so let's strengthen the language. Let's --

3 CHAIR CLARK: Let me get some feedback from the other
4 board members. Mr. Gallon, did you have any feedback to this
5 particular conversation?

6 MR. GALLON: I kind of understand your point as far as
7 having developers come in and ask the city for many that comes
8 out of this fund. Is there any way that we can put any wording
9 in there saying that we should not do that or make it prohibited
10 to do that.

11 MR. WYLY: Yeah, to where it's not even an option.

12 MS. DUNHAM: Ultimately, the city council handles the
13 pocketbook. However, we're trying to clarify within the order
14 the parameters on how this fund will be spent, like what it will
15 be used for. And then ultimately the city council votes, but
16 they're going to vote to expend \$20,000 from the housing trust
17 fund for the CRA project.

18 CHAIR CLARK: And we're okay with that, that's a city
19 initiative, CDC. I think were okay with that.

20 MS. DUNHAM: But do you want me to say, to provide
21 funds for the city to use or CDC, for the city or the CDC to
22 use, build, you know to clearly state which two agencies should
23 be using that money.

24 CHAIR CLARK: Well, those are the two agencies I know
25 of. But if there's another city initiative that's along this

1 same line that may not be CDC it may not be CRA, I don't want to
2 tie their hands. I only wanted tie an uncapitalized developer's
3 hand, so that we don't have any issue with developer B being
4 undercapitalized and gets the support from city council to tap
5 into this. Developer A is well-capitalized, their plan gets off
6 up under the ground, and then they find out later hey they could
7 have gotten at least 10 percent support over here. And because
8 this company over here got 30%. I don't want to see that sort
9 of dynamic. Any city initiatives whether CDC, CRA or any other
10 entity that's like that under our city's umbrella, I'm okay with
11 it. Mr. Wylly do you have a comment?

12 MR. WYLY: No, no, I agree totally agree with what
13 you're saying. I agree.

14 CHAIR CLARK: Mr. Fernandez?

15 MR. FERNANDEZ: I already stated at the beginning.

16 CHAIR CLARK: Okay.

17 MR. NCUBE: No comment.

18 MR. BARNES: No more comment.

19 CHAIR CLARK: Okay.

20 MS. DUNHAM: So should I, am I adding after for the
21 city or the CDC --

22 MR. WYLY: Uh-huh.

23 MS. DUNHAM: -- to use in that first sentence? To
24 provide funds for the city and or the CDC?

25 MS. JENKINS: Madam chair --

1 CHAIR CLARK: Yes.

2 MS. JENKINS: May I make a comment. I know that you
3 all are looking at language which about the uses of the money.
4 And I'm sitting here thinking about how the county's commission
5 on affordable housing works which is their affordable housing
6 trust fund advisory group. West Palm has one. Boynton has one.
7 Delray has one.

8 Usually, and I know in this ordinance there is some
9 suggested language on how that oversight group will be
10 comprised. Generally, a local government will have an approved
11 housing plan. For instance, if there is \$5 million in the fund,
12 then the plan for fiscal year 2022 might say something like
13 750,000 is set aside to be used for local government
14 contribution if there is a tax credit project.

15 An example is Berkeley Landing that we are breaking
16 ground on on Tuesday. In order to qualify for millions of
17 dollars in tax credit equity, you have to have a local
18 government contribution and the CRA provided that for that
19 project. A trust fund like this would be a great way, a great
20 mechanism to fund local government contribution.

21 The plan might say that \$2 million for the next fiscal
22 year will be set aside for down payment assistance for
23 affordable attainable buyers. You know, so if you're buying a
24 house in the city and your within that income category, then
25 whatever the guidelines for down payment assistance are the

1 money could come out of that fund.

2 Another use might be, and I hear your concern about a
3 developer just showing up saying I need \$3 million and you know,
4 go to the council and they tap into the fund. But might have
5 something that says okay, we're going to issue an RFP for
6 development proposals to create affordable housing in our
7 low-mod neighborhoods. So a for-profit developer, the CDC,
8 somebody could come with a proposal that is evaluated that might
9 be the recipient of those funds. So it should be a process, a
10 plan and an advisory group that's overseeing it and reporting
11 back to the council.

12 CHAIR CLARK: And I hear you, Ms. Jenkins. I think
13 our question is and I want going to go back down to Board Member
14 Barnes, what he said and it might've been a Board Member
15 Fernandez too, that we haven't done this at all. Am I correct
16 that we haven't had any monies and therefore we haven't even
17 done this, so theoretically were kind of treading on some new
18 ground here.

19 MS. DUNHAM: There hasn't been any money since 2011 --

20 CHAIR CLARK: This is new for us --

21 MR. BARNES: Yeah, we haven't done it, we don't know
22 who oversees it.

23 MR. FERNANDEZ: We don't know where the monies were
24 spent on other municipal items.

25 CHAIR CLARK: Right. And I like to also see to the

1 point of having an advisory board, we haven't had one. We need
2 an oversight advisory board so I like where the staff is going
3 with this. And again, the pins are to be not painful but just
4 to point out that, I just kind of feel that there is somewhat of
5 a strength gap because we don't have a template of doing this
6 before. This is kind of new, technically.

7 MS. DUNHAM: Well, and that's a good point. It feels
8 a little bit like the cart before the horse because we haven't
9 used it. Ms. Jenkins is investigating seeing if the city can
10 piggyback on the housing study. And we think that there may be
11 monies to have a housing plan developed for the city, and that
12 housing plan would further guide this. And that housing plan,
13 probably one of those recommendations would be to set up a
14 housing trust, you know, set up an advisory board.

15 If and when we move forward with housing study, which
16 we are still investigating, we will certainly tell you. I think
17 it would be helpful to have members of different boards involved
18 in that process and kind of as a liaison.

19 But that housing plan would then tell the city okay,
20 here's where you are. Here's what you still need to do
21 capacity- wise or, you know, logistics wise and then it would
22 also talk to your questions about what should our goals be,
23 where are the gaps, you know, where's our greatest need, what
24 are the different opportunities to address the different needs.

25 That's, we need to do that. Ms. Jenkins is working on

1 getting us to that point. So --

2 CHAIR CLARK: I think that what this board has been
3 good at as well as staff is going through this process,
4 tightening it up as much as possible. And generally what I've
5 seen when it gets to city council, it's already vetted. And
6 they go ahead and they prove it because we've done a good job
7 here, staff and board.

8 MS. DUNHAM: Uh-huh.

9 CHAIR CLARK: So I just want to see some language to
10 tighten it up further. If we had done this before it probably
11 would be a moot point, maybe it wouldn't be so much, but this is
12 relatively new. We haven't had the money. And this is probably
13 the first time being presented in front of this type of body.
14 So were looking at this with new fresh eyes, and to see it
15 tighten up.

16 And I'd like to also see that there is definitely an
17 oversight board attached to this as well. That can only be a
18 benefit to help future city councils, when you have a situation
19 of A and B. When you have a situation that Ms. Jenkins spoke
20 about affordable housing and there has to be some money to
21 partner with that type thing. And how that partnering really is
22 going to shape out.

23 MR. BARNES: May I make a suggestion --

24 CHAIR CLARK: Yeah.

25 MR. BARNES: -- I mean because I really, really like

1 where you going there. Maybe Mary, on page 8 there is a subset
2 three that gives the definition -- maybe there's a four that
3 says prior to the issuances of any dollars from this fund, an
4 oversight board will be created and that will identify the means
5 and methods of the distribution of funds that come from this
6 account. Or just something to that magnitude that just, sort of
7 what's the next step after this.

8 Because as I look at this is just a really great idea
9 but then I'm just thinking through if I have a house that needs
10 to be rehabbed, and somebody else here has a house that needs to
11 be rehabbed, how do you choose? Is it going to be my house, is
12 going to be your house? How do those dollars get spent? And
13 how are you choosing? Do you fix my roof? Do you fix your
14 driveway?

15 There's just a lot of different items. Or do you go
16 build a new -- after you build a house, are you granting it to
17 someone? Who gets the new house? How do you, how do you get
18 chosen that you get the new house or do you, do we sell it?
19 There's just a lot of details that will come. Hopefully will
20 come through the development of a substantial amount of dollars
21 from this program.

22 MS. DUNHAM: Yeah, I did have some language in the
23 original draft which ultimately I took out before I brought it
24 forward because I didn't want to overstep my boundaries. But I
25 had some language exactly to your point that said the town

1 manager and/or his or her designee shall provide the required
2 supervision for the housing trust fund account and a financial
3 status report on the housing trust fund account shall be
4 provided to the town council annually on or before October 1.

5 MR. FERNANDEZ: We should all find an advisory, it is
6 suggested that we have an advisory, advising that designee from
7 the town manager. Like an advisory committee, like you said
8 before, we should have a housing advisory committee to make
9 sure, number one, compliance with the ordinance, make sure the
10 monies are going to the right place; not some municipal slush
11 fund somewhere. And not just decide to just leave it up to the
12 designee of the town manager, so it's like an advisory board to
13 the designee.

14 MS. DUNHAM: So the advisory board originally that I
15 had envisioned, without going too far down a rabbit hole, would
16 include someone from the finance department of course, someone
17 from the CDC or CRA; somebody from development services since we
18 do housing development, and then someone from the city manager's
19 office. That was the internal staff level team. I mean the
20 city council upon completion of a housing plan, that housing
21 plan may say set up a board --

22 MR. FERNANDEZ: Right.

23 MS. DUNHAM: -- to manage housing within the
24 parameters of the ordinance. I didn't feel to take, you know,
25 that position, you know, to say set up this advisory board. I

1 think that kind of comes out of a study. But I could definitely
2 add --

3 MR. FERNANDEZ: It's a recommendation.

4 MS. DUNHAM: The recommendation would be in a staff
5 report. The ordinance is like the law.

6 MR. FERNANDEZ: Right.

7 MS. DUNHAM: But within the ordinance we could
8 certainly lay out the parameters to say who's providing
9 oversight and it has to be not a committee of one. Right?

10 MR. FERNANDEZ: Right.

11 MS. DUNHAM: And I do like the idea of an annual kind
12 of balance sheet to provide the transparency to the community.
13 That's always been good where I've been from. So I can
14 certainly add that, to your point. And you'd like to that after
15 number three in that section?

16 MR. BARNES: Yeah, that's fine, wherever you think
17 would be a appropriate.

18 CHAIR CLARK: And typically when these contributions
19 happen, is it somewhere notated who contributes and how much for
20 future records down the road? Is that documentation follows
21 that person's or that entity's contribution?

22 MS. DUNHAM: It would be in the accounting --

23 MS. CLARK: Oh, so it's always going to be in the
24 accounting.

25 MS. DUNHAM: It would go through the finance

1 department. I mean of course I think that as new life is being
2 breathed into this in the -- our department will probably just
3 start a spreadsheet tracking things. We have not had any input
4 since 2011.

5 MS. CLARK: Right.

6 MS. DUNHAM: So this is a great time for us to just
7 set up a spreadsheet tracking is part of development and
8 monitoring reporting something. So I think that that's
9 something we can do as a staff function.

10 MS. CLARK: I have a question for Ms. Jenkins. There
11 is, and it might be at the county level, there is some sort of
12 housing agency that might be at the county level. I remember
13 that agency one time wanted to put affordable housing, right on
14 Broadway, that division. Would that type of entity also be able
15 to access these funds too, for example?

16 MS. JENKINS: I'm not sure. It would not have been a
17 county department that was attempting to put housing there.
18 There have been, I think you're referring to a private developer
19 that has housing in its name that was applying, wanted to apply
20 for tax credits. And --

21 MS. CLARK: Oh well, let me say -- I remember they
22 wanted to buy that land that was on Broadway and backed up to E
23 they wanted that section and they wanted to buy that from the
24 city to put up a --

25 MS. JENKINS: You're referring to the Riviera Beach

1 housing authority.

2 MS. CLARK: -- was that County? That's Riviera Beach
3 Housing?

4 MS. JENKINS: Riviera Beach Housing Authority. There
5 have been several development proposals that have come, have
6 bubbled up from time to time, not a county agency but I think
7 you're referring, if it's south of Blue Heron I think you're
8 referring to the Riviera Beach Public Housing Agency or Housing
9 Authority.

10 MS. CLARK: Is that under our city umbrella, is that
11 part of the city of Riviera Beach or is that something separate?
12 I don't, I don't get that agency.

13 MS. JENKINS: I'll ask out attorney to --

14 MS. BUSBY: You mean the Riviera Beach Housing
15 Authority?

16 MS. CLARK: Yes

17 MS. BUSBY: Okay, so, I'll provide you -- I want to
18 give you the exact, because we have it.

19 MS. CLARK: Is it, is it private?

20 MS. BUSBY: It is separate and apart.

21 MS. CLARK: Part of us or what?

22 MS. BUSBY: No, it's an affordable housing
23 organization that works to develop and recommend different
24 housing options for the city of Riviera Beach.

25 MS. CLARK: Right. But I do remember them coming to

1 put a proposal for us to give them pretty much that land dirt
2 cheap and then to build affordable housing on that land which
3 didn't even coincide with our re-envisioned Riviera Beach, even
4 though we didn't have that. But us residence at that time were
5 very clear we didn't want that type of housing on Broadway or E
6 Avenue. But they came to not only get the land pretty much free
7 but also to get monies from the city free. And my question is
8 they could have theoretically, maybe gotten it from this type.
9 But I wasn't sure if it was a proprietary --

10 MS. BUSBY: No, they are separate. They were
11 established by a resolution of the city of Riviera Beach. I'm
12 trying to find a date that it was established because it was
13 maybe in the '60s. However, I can't speak to the details of
14 that particular project.

15 MS. CLARK: Right. And it was at those sort of
16 instances as well as developers that brought to mind when we
17 were talking about this. How they were so undercapitalized and
18 wanted the city to pay for everything, As well as give away the
19 land. You have land acquisition well, they wanted to buy it for
20 a couple of dollars. And the land was worth about probably four
21 or \$5 million, overlooking the intercoastal. You get my point?

22 MS. DUNHAM: I understand you 100%. I think
23 affordable housing and affordable housing production has really
24 changed a lot over the years. And so now we are trying to bring
25 our code up to current standards to position us with the current

1 marketplace. But your points are well taken and certainly we
2 are looking to safeguard the city as well.

3 MS. CLARK: Right. Well, so we just need to tighten
4 it up. Because we know who we are we know what we got. We know
5 what we want to do and we as residents as well as the board is
6 to look at the best interests of the city of Riviera Beach. So
7 if the language was a little more sharper I think we would have
8 a comfort level.

9 MS. CLARK: Mr. Barnes made a great suggestion which I
10 made a note of which is to add a number four after the housing
11 trust fund and add in language that we just discussed with
12 regard to, and I'll wordsmith it a little bit before I put it
13 in, but the committee including but not limited to the town
14 manager, his or her designee and a representative of the finance
15 department, the CDC and the development services department
16 shall together provide the required supervision for the
17 expenditure of funds from the housing trust fund. A financial
18 status report on the housing trust fund account shall be
19 provided to the town council annually on or before October 1 from
20 this committee or this group.

21 I won't call it a committee but I'll -- this team.
22 So I'll wordsmith it a little bit but essentially that would be
23 number four underneath the housing trust fund language and that
24 may bookend this and provide the desired result you want.

25 MS. CLARK: Okay. I have one last question. This

1 focuses on the affordable, attainable, workforce housing, were
2 there other instances where this fund was tapped into outside of
3 these parameters with other municipalities for example?

4 MS. CLARK: So these parameters they we're putting in
5 now, again this language, this new language, I will work to find
6 some data for you. I did start to look for some data with
7 regard to in the past. I'm trying to lay the path forward in
8 the future. So attainable and workforce those words were even
9 in this section of the code until hopefully when this goes
10 forward. That's new language. So it was -- so that would be my
11 response.

12 MS. CLARK: So we don't have to vote on this we can
13 just bring this back with revised language, correct?

14 MS. DUNHAM: I was hoping that the board would be able
15 to move it forward tonight. There's an interest in getting it
16 in front of the city council in April. But let's hear your
17 feedback. I would like to try to move it forward in the
18 interest of the other projects.

19 I haven't advanced the IHC-PUD code revision yet
20 because the direction I got from my superiors was that they
21 wanted this code revision to advance with the IHC-PUD code
22 revision so that the administration and the Council and the
23 development community can see how both codes work together. So
24 my hope was that, my hope is that we can move it forward.

25 MS. CLARK: But we will not be able to see as a board

1 what the final language looks like. Not unless you give us the
2 exact way it's going to be, we could say yes, but if we are
3 going to approve it, I say hypothetically we would approve it,
4 but the language isn't written yet or revised yet.

5 MS. DUNHAM: So the language that I just said to you,
6 if that's the roadblock, we can certainly settle that right now.
7 As far as that number four if the board, if that's the board's
8 pleasure.

9 MS. CLARK: Okay. With the board's pleasure, with Ms.
10 Savage just reading the language that's going to put forth
11 forward, then we would be able to take a vote on that. But
12 personally I just didn't want to vote with the informational
13 quandary of not knowing what that language is.

14 So I'll give you a chance to go ahead Ms. Savage to
15 delineate that and then we go ahead and we make a motion and
16 make a vote. Is that all right with everyone?

17 MR. WYLY: Uh-huh.

18 MR. FERNANDEZ: Uh-huh.

19 CHAIR CLARK: So everybody knows what they're voting
20 on specifically.

21 MS. DUNHAM: Are you ready?

22 MS. CLARK: Sure.

23 MS. DUNHAM: So this would be number four, this would
24 go after number three, the housing trust fund, the supervision
25 for the housing trust fund shall be provided by a team including

1 but not limited to representatives of the finance department,
2 the development services department, the CDC, and the town
3 manager or his or her designee. A financial status report on
4 the housing trust fund account shall be provided to the town
5 council annually on or before October 1.

6 CHAIR CLARK: Okay. And does that --

7 MS. BUSBY: Excuse me, chair --

8 MS. CLARK: -- date coincide with other financial
9 reports that are also due?

10 MS. DUNHAM: That I cannot speak to.

11 MR. BARNES: But that is the fiscal year.

12 MR. NCUBE: That's the end of the fiscal year.

13 MS. DUNHAM: That's the budget yeah --

14 CHAIR CLARK: -- the budget and the fiscal year, yeah.
15 I mean sometimes the budget and the fiscal year are different
16 that's the only reason I ask.

17 MS. BUSBY: Excuse me chair -- May I ask staff, Ms.
18 Savage Dunham to clarify the acronym for CDC in the use of it
19 because Ms. Jenkins has an objection to that use.

20 MS. JENKINS: Just a clarification, Madam Chair -- I
21 think we talked about CRA, it should be CRA in there.

22 MS. DUNHAM: Okay. So would be the finance
23 department, development services, the CRA?

24 MS. JENKINS: Yes.

25 MS. DUNHAM: Thank you. And the town manager and his

1 or her designee. Thank you.

2 MS. CLARK: And that was the only reason I wanted to
3 have you repeat it, so we can really vet the language. Thank
4 you Ms. Jenkins. Okay. Was that it?

5 MS. DUNHAM: That was it.

6 MS. CLARK: That was it, okay. Okay, all right. Then
7 on this particular portion of the language regarding the housing
8 trust fund of the new proposal language with the caveat of
9 additions on item number four, I'm asking for a motion to
10 approve the language as stated by Ms. Savage and to get a
11 second.

12 MR. FERNANDEZ: So moved.

13 MR. BARNES: Second.

14 MS. CLARK: Okay. May we have a roll count please or
15 vote?

16 THE CLERK: Mr. Gallon?

17 MR. GALLON: Yes.

18 THE CLERK: Frank Fernandez.

19 MR. FERNANDEZ: Yes.

20 THE CLERK: William Wyly.

21 MR. WYLY: Yes.

22 THE CLERK: Moeti Ncube.

23 MR. NCUBE: Yes.

24 THE CLERK: Russell Barnes.

25 MR. BARNES: Yes.

1 THE CLERK: Evelyn Harris Clark.

2 CHAIR CLARK: Yes.

3 THE CLERK: Unanimous vote.

4 MS. DUNHAM: Should we move onto the next category?

5 MS. CLARK: Yes.

6 MS. DUNHAM: Okay. So the next category is adjustment
7 of the in-lieu contribution number. Again, right now for
8 ownership units, our fee would be 3.5% of the sale price, or 30,
9 a minimum of \$30,000 per unit. We are recommended to change
10 that \$30,000 per unit to \$105,000 per unit for a townhome or
11 ownership unit. And 78,000 for a rental unit.

12 We feel that mirroring what the county is doing is
13 reasonable and it's less than some of our other neighbors. And
14 that that's really the second category is changing the in-lieu
15 contribution. And I will say to that again, this is not a full
16 revision of the code. You know we took a look at some of the
17 square footage values that you will see in the contribution
18 table. We didn't choose to adjust those at this time because I
19 would need to have a further study done to provide a legitimate
20 suggestion to you. Since were hoping to have a housing study
21 done it may well be that once that study is done that this code
22 gets revised further.

23 We felt more comfortable looking at the in-lieu
24 contribution fees because they were not changed since 2006 and
25 we had other samples to look at in our area. So that's why we

1 didn't target any of the other fees. We wanted to do, have a
2 more thoughtful process to do a deeper revision.

3 MS. CLARK: My question is you're looking at today's
4 numbers.

5 MS. DUNHAM: Uh-huh.

6 MS. CLARK: And those numbers are going to be
7 hopefully looked at again because of the changing market
8 conditions going up. And we want to at least be in step with
9 that. You can always, is what the county does with our own
10 personal homeowner taxes, right now we're all going to be
11 assessed in November. And being looked at now our taxes are
12 going to be higher when we get our November bills because of
13 what's going on. And let's just say that there was an economic
14 turn down then the county would go back and make those
15 adjustments. I just want to make sure when there are those
16 fluctuations in the highs, and maybe the fluctuations of the
17 lows, that this will adjust itself accordingly just like the
18 market.

19 So when it's high, where getting a maximum like
20 everybody else, if it's low, we got to make the adjustment. I
21 don't know if that has to be language, but I want us to be in
22 step or at least be assured that it's going to be taking a look
23 at three months from now, six months from now, 12 month from
24 now, that once we vote that it will not just go up under the
25 table and is not looked at again for another five years.

1 MS. DUNHAM: Well, it's actually been 18 years and
2 that's a really fabulous point. I will say that different
3 communities reevaluate the fees on different schedules. Palm
4 Beach County looks at theirs annually. But in Palm Beach
5 County, the director of their planning department has the
6 ability to change, recommend changing the fees. Here it's
7 within our ordinance. So what I would suggest is that when our
8 housing studies is done the housing study is going to tell us
9 how to do it.

10 Right now the way to change that number is it's an
11 ordinance so it would have to come back and modify the
12 ordinance. It very well may be that we change how we do things
13 in the future. I understand how Palm Beach County does it and
14 that they have the director level decision to modify it. Again
15 I didn't bring forth that decision now because I didn't have all
16 of the backup to justify it. We make it to a point where we
17 suggest a different mechanism. Right now it would be incumbent
18 on staff to annually monitor what happens and bring back a
19 revision to you.

20 MS. CLARK: I like to know that it is annually,
21 eyeballs on it. And and I don't mind that it's staff taking a
22 look at it, long as there is a timeline there just like we do in
23 corporate America. Like there's a time like just like on
24 contracts, you know, we do contracts and then nobody looks at it
25 and this vendor has gone on forever and that contract should

1 have been taking a look at. So I just want to see some sort of
2 annualized. In which this is taking a look at, therefore it
3 will not ever fall off of the radar.

4 And I have one question regarding Palm Beach, well
5 actually Jupiter and Delray Beach, it's just really interesting
6 that their numbers are so much higher. They may have higher
7 population density than Riviera Beach, then Palm Beach County
8 certainly has more density than everybody but their number is
9 105. I'm not quite sure with what's happening with Boynton
10 Beach there. But my question is why is there such a --

11 MR. GALLON: Disparity.

12 CHAIR CLARK: -- yes, a difference? What is it based
13 upon that those numbers are so different that we are aligning
14 ourselves with Palm Beach County? What are the qualifiers?

15 MS. DUNHAM: So the programs are very different. I
16 did look through Jupiter's program somewhat. I looked through
17 Palm Beach County's program somewhat. Palm Beach County I mean
18 that is a huge area, so you have the very dense areas and that
19 you have the very rural areas so I think it kind of just
20 averages out. I think if you did a an analysis of just the
21 urbanized areas, your number would be higher than Jupiter I
22 would suspect. But their programs are all different than ours.
23 They were the closest that we had. Typically the intent of
24 these is not to build another unit necessarily but help fund the
25 gap of affordability for owners. However, that may be

1 structured in their programs. You certainly can't bill an
2 affordable unit \$105,000, but you can subsidize it. So the
3 programs are very different. And that leads to the variability
4 and they each have their own kind of formula for figuring things
5 out.

6 Palm Beach County looks at how much would it cost for
7 a family of four if they were to buy a house and if they were
8 80% AMI like income eligible family, and then they wanted to buy
9 a market rate unit, what could they get and not be
10 cost-burdened. And then what's the gap, you know, between what
11 it would cost and that and that's how they kind of look at
12 their, their number. Again --

13 MS. CLARK: Is that like right now today number?
14 Because right now I was say all across the United States, there
15 is a gap of what the tax rate is for a homeowner versus where
16 should be because of what the market is doing right now. And
17 all of the counties across the United States are now looking at
18 this trying to figure out where is their sweet spot to charge us
19 residents. And then as residents kind of being mad at once they
20 find that sweet spot, unfortunately for us, it's going to be way
21 up here. So this data, how old is it, how new is it?

22 MS. DUNHAM: This date is new. I mean I just compiled
23 this. Palm Beach County is actually, they typically update
24 their numbers once a year, I believe in the fall. But we
25 checked in with them last week, or the week before and they are

1 actually getting ready to modify their numbers again.

2 So they're going to do it, they are not going to wait
3 a full 12 months to modify their numbers, but again we haven't
4 updated our numbers for 18 years. Perhaps that's the case with
5 Boynton, maybe that's whether numbers are so low.

6 MS. DUNHAM: That's sort of my point, with Palm Beach
7 County, because I've had conversations with Palm Beach.

8 MS. DUNHAM: Palm Beach does it annually.

9 MS. CLARK: They're getting ready to do that and so
10 because they already know that they're short. Short to their
11 disadvantage and unhappily for us residents, because it's going
12 to hit us the hardest. But the fact of the matter is that they
13 know they're short and they're gonna make that adjustment. I
14 just want us to be in step and in line as they make the
15 adjustments because we're using them as a benchmark. So we just
16 want to follow suit if we got 105, 105 let us be in suit with
17 their updates as well.

18 And I don't know if you've got to do something to make
19 sure that we're in step because that's going to happen real
20 soon.

21 MS. DUNHAM: What we would do as staff again, is
22 monitor our peer communities or comparable communities, but
23 again, we're going to be looking at all of this is part of the
24 housing study and figuring out what is the best way, is there a
25 better way, is there right way to follow Palm Beach County? We

1 do that in a lot of different ways or should we have a Riviera
2 Beach, you know, calculation. We don't have that study right
3 now. That's why staff suggests it's reasonable to follow the
4 county. They update their number once a year. Staff will, if
5 we continue to update our numbers annually, staff may look to
6 provide a mechanism within the ordinance so that that can happen
7 outside so we don't have to every single year bring back an
8 ordinance just to change the number unless that's the pleasure
9 of the board, you know, we're not quite there yet. We're still
10 trying to get past this 18-year update.

11 MS. DUNHAM: Okay. So we're getting past the 18-year
12 update, which is fine. But were not in the position knowing
13 that just in a few months, this is going to change and when
14 we're going to take a look at it to make sure that we're, you
15 know, pretty much up-to-date and aligned. So you are just
16 asking us to vote on this although we know that there is going
17 to be an informational update disconnect?

18 MS. DUNHAM: I am asking you to accept this because
19 this is where Palm Beach County is right now. That is a
20 reasonable comparison community. We use it in many other ways
21 within the city. Although staff has said they're looking at the
22 numbers now we don't have a schedule for the update. And I
23 think is already a change from where we were in 2006. I think
24 it this is a good step. I would be hesitant to delay waiting on
25 another board's action, like an outside agency. I think we

1 should take a first step and if we need to revisit it, I think
2 staff is shown that were responsive enough to bring it back to
3 you and say let's look at it. But I would hate to wait, you
4 have a lot of development on your doorstep.

5 CHAIR CLARK: Sure. We don't want to wait. I just
6 want some stipulation in there because it's happening right now
7 across our nation where these numbers are going to be revised
8 because they just have to the way the market is going. And I
9 just want to be assured that we are going to be in line in the
10 next six months or less.

11 MS. DUNHAM: Under the in-lieu contribution section, I
12 can find a place to put in that, you know, staff will evaluate
13 the contribution.

14 MS. CLARK: That's fine.

15 MS. DUNHAM: Annually, you know, type of thing.

16 MS. CLARK: Yeah. That's what I want to see because
17 we have to, because it is changing.

18 MS. DUNHAM: Should I move onto the next one?

19 MR. FERNANDEZ: No, I have questions and --

20 MS. CLARK: Sure, go ahead.

21 MR. FERNANDEZ: Just real quick, who pays for these?

22 MS. DUNHAM: Typ --

23 MR. FERNANDEZ: Is it like an individual?

24 MS. DUNHAM: The developer does, but typically a
25 developer would pass it through to the, you know, through the

1 pro forma to the buyer likely, but it comes from the developer.

2 MR. FERNANDEZ: Correct. So if you have a developer
3 that wants to come in and build townhomes for income eligible
4 individuals, affordable housing, workforce housing we're going
5 to hit them up for the \$105,300.

6 MS. DUNHAM: If someone was building affordable
7 housing, they would not be going through MEAHOP.

8 MR. FERNANDEZ: Okay.

9 MS. DUNHAM: MEAHOP is for the developers, for
10 example, somebody wants to build in the IHC-PUD and they can
11 build a 20 story mixed-use project. And they hey, I want to
12 build a 24, 25 story building. How do you get there? You
13 participate in this program. You can either provide affordable
14 housing, which obviously, they won't. They will want to buy
15 their way out because they will have a luxury building and
16 they're not going to want to do that. So then they'll say I'll
17 pay the contribution. You can take my money, city and meet that
18 need somewhere else. I would like the density bonus. Right?
19 And then so the developer is paying that that fee.

20 MR. FERNANDEZ: Okay. I just wanted to make sure that
21 it's not tied to an individual homeowner or somebody that wanted
22 to build a house for affordable housing, that's all.

23 MS. DUNHAM: These are for developers whether, so we
24 have another project that's under review now that's in the RM20
25 zone. RM20 allows units per acre, and you can get up to 20

1 units per acre by participating in this program. So it allows
2 them a three unit per acre density bonus provided they, you
3 know, provide the fee, provide the units. It's been our
4 experience that people prefer to pay the fee than the units.

5 MR. FERNANDEZ: Okay, thank you.

6 MR. BARNES: One question, and then, I mean to make no
7 doubt about it, the developers are going to pass the price onto
8 the people that are buying it. So we are increasing the cost of
9 the unit by \$100,000 or whatever it is. Just, if we're
10 currently sitting at \$30,000 per unit and we got zero dollars
11 and are fine, what are we doing differently now that if we more
12 than triple what we're doing, that we think people are going to
13 actually take advantage of? Is that the additional density that
14 we're talking about that would allow someone to say I want to,
15 although I'm not willing to pay \$30,000, I'm willing to pay
16 three times more.

17 MS. DUNHAM: That's a great question. I will say that
18 part of the reason this hasn't been used since 2011 probably has
19 to do with just the market, right? Not really the code or
20 anything that's happening just what's going on, because we have,
21 as I said, a current project pending that's interesting in up
22 zoning to build higher density multifamily residential. We've
23 seen a great interest lately in multifamily. I don't know if
24 the markets are back, the financing is more lucrative at the
25 moment, the land is cheaper, I'm not sure.

1 They're choosing, it is important enough to them, to
2 get the density bonus to participate in this program. So I
3 would say that that, it's a choice, right. You're not required
4 to participate in MEAHOP, but if you want to get more you can.
5 So for the --

6 MR. BARNES: They can get more now if they wanted to
7 at \$30,000 and they are choosing not to?

8 MS. DUNHAM: Well they could -- so I would say that's
9 not completely accurate because I do have a project pending that
10 applied with the \$30,000 fee in place. So we actually have a
11 development now that will -- I want to say too much about it --
12 it will be before your for your review. So we are reviewing a
13 project that's utilizing that. And the developer is savvy
14 enough to be able to realize the benefit of it and they have an
15 assemblage of properties that they're looking to build a high
16 density project on.

17 Now the other piece of this puzzle about, you know,
18 what you're really saying is how do we incentivize development
19 or why hasn't anyone done that? And some of that is a
20 conversation that doesn't have to do with this code. It's part
21 of a broader conversation that we've had in the city with the
22 CRA. It's part of the reason why we brought forward a
23 modification to the IHC-PUD code. The PUD code used to say no
24 more IHC PUD's in the CRA. So part of why nobody's used this
25 within the CRA is because it's been prohibited. The code said

1 you couldn't do it.

2 So we're saying, now the city has said we want
3 economic development. We want to revitalize. Team how can we
4 get there? And the team is saying here's one targeted mechanism
5 the PUD right, with control by our leaders, by you and by the
6 council. And then if you want to supersize it, we'll put a
7 mechanism in MEAHOP so that you can supersize it. But it's a
8 voluntary choice. So there's one project that, you know, with
9 five additional stories, they could get 75 more units. Those 75
10 units are going to be probably penthouse units, looking at the
11 ocean. They're are probably going to sell for three or \$4
12 million.

13 MR. BARNES: I guess my point is we want developers to
14 do this to generate dollars so we can then have more addition,
15 have more affordable housing. If we set the price too high, the
16 same number of people are going to -- right now it just doesn't,
17 I'm not comprehending why we would -- I like a lot of the
18 changes you're talking about, I don't understand why we would
19 triple the cost that we're charging when no developers are doing
20 this right now.

21 MS. DUNHAM: So --

22 MR. BARNES: So just philosophically, if someone is
23 not willing to pay \$30,000 to do this, they're not going to pay
24 \$105,000 unless there's something really big as the carrot to
25 have them do this. And thus we're going to end up with zero

1 dollars in the housing trust fund again.

2 MS. DUNHAM: So I wouldn't say nobody is willing to do
3 with this. So I don't agree with that statement.

4 MR. BARNES: But nobody has done this since 2011 --

5 MS. DUNHAM: Nobody's done this since 2011.

6 MR. BARNES: -- in the last decade.

7 MS. DUNHAM: We also had a recession and we've had a
8 pandemic. And --

9 MR. BARNES: We've got the hottest housing market
10 we've ever had, right?

11 MS. DUNHAM: -- there hasn't been a lot of development
12 in the city in the CRA. And the CRA also had a code of
13 ordinances that prohibited these projects. So within the CRA,
14 no more -- after Marina Grand was built they changed the code
15 and he said you can't build anymore PUD's in the CRA.

16 Now here we are today and people are saying we want to
17 have mixed use higher density economic development in the CRA.
18 Why isn't that happening? It's not happening because the code
19 says that you can't. This board had the foresight to support
20 revisions to the code which is moving forward. That code
21 revision not only reauthorized the PUD's which was great. And
22 those are PUD's that have three revenue-generating commercial
23 uses in them up to 20 stories. That is the PUD code.

24 However, we have an administration and we have
25 developers who want to use that code but then they also want to

1 have additional height. And so this is a way to provide a bonus
2 density. They don't have to pay the fee. They can provide the
3 units if they want. In fact, if you look at the --

4 MR. BARNES: They're not going to provide the units.
5 So right, are you saying that we don't currently have the option
6 of going with the additional five stories now and that's also
7 something that's also changing?

8 MS. DUNHAM: That is the bonus, so.

9 MR. BARNES: So that is different than what we
10 currently have?

11 MS. DUNHAM: This code provides a density bonus -- so
12 the IHC-PUD didn't even exist when this code was written.

13 MR. BARNES: Uh-huh.

14 MS. DUNHAM: So that specific type of PUD isn't in
15 this code. So that was the first thing, put that type of PUD in
16 here. But then the second part of that was to say okay the
17 people that want to build these mixed-use high density
18 multifamily buildings on the water, they want 25 stories. And
19 right now they can't do that.

20 MR. BARNES: Okay.

21 MS. DUNHAM: So that's an additional density bonus
22 that was added in here --

23 MR. BARNES: Gotcha.

24 MS. DUNHAM: -- for them, it's voluntary. They don't
25 have to do it. If they want to do it, it's a mechanism so they

1 can do it. But it also says if you want to build these five
2 additional stories, then please provide affordable housing. And
3 for those IHC-PUDs, the multiplier is for every bonus unit, that
4 you build counts as .5 of an affordable unit. So it's not
5 one-for-one. But it's saying if you want to do this, could you
6 provide affordable housing or pay a contribution?

7 If they stay at 20 stories and choose not to
8 participate in this, no contribution to MEAHOP, to the housing
9 trust fund, no affordable units, they won't even engage with
10 this.

11 MR. BARNES: Okay.

12 MS. DUNHAM: So it's kind of, it's kind of two
13 separate things. I mean, I do hear what you're saying. But I
14 don't think this hasn't been utilized greatly because another
15 portion of this program, which we're not talking about tonight
16 because I'm not editing it tonight, but if people don't want to
17 provide affordable housing or contribute to the fund, the other
18 option they have is to provide minority employment.

19 MR. BARNES: Right.

20 MS. DUNHAM: And a lot of people choose to do that
21 instead of doing this. So it's a multifaceted program. I'm not
22 editing that section of it tonight, which is why I'm not really
23 focusing on it. But we have people using this now. I talk to
24 people regularly about using it. And you're going have projects
25 in front of you that are using it. So that's what I would say

1 to you.

2 MR. BARNES: Okay. So the extra five stories the
3 bonus that they don't currently have which you feel will have
4 developers willing to pay \$100,000 more per unit? So if there's
5 five units per floor and they've got five floors that's two and
6 a half million dollars more that they would be willing to pay to
7 come. That's great if they're willing to do it.

8 MS. CLARK: Another way to look at it, if we look at
9 Lake Park for example, it's land blocked. There is no more land
10 in Lake Park. So the only thing a developer can do is go up.
11 And if you're willing to go or you want to go up, because there
12 is no more land and they want to build their taxable base, and
13 these developers want to go up, but the city also wants to get
14 some money, this is a way to do it.

15 The same thing is happening in West Palm Beach in the
16 urban part, it's land blocked. So the only thing you can do is
17 go up here. And they're probably, well obviously being assessed
18 that. But it's to the advantage of the municipality. That's
19 just the way I'm looking at it.

20 But if we are ready to vote, You've got all your
21 questions, we're ready to move?

22 MR. BARNES: Yeah.

23 CHAIR CLARK: Okay. Then I am asking for a motion
24 that we recommend to increase our minimum in-lieu-of
25 contribution requirements of \$105,000 to correspond with the

1 current Palm Beach County requirements with the additional
2 language of revisiting these numbers --

3 MS. DUNHAM: Annually.

4 MS. CLARK: -- annually. That's too long, but
5 annually. And so may I have a motion on that please?

6 MR. BARNES: So moved.

7 MR. WYLY: Second.

8 MS. CLARK: May we have a roll call vote, please?

9 THE CLERK: James Gallon?

10 MR. GALLON: Yes.

11 THE CLERK: William Wyly.

12 MR. WYLY: Yes.

13 THE CLERK: Frank Fernandez.

14 MR. FERNANDEZ: Yes.

15 THE CLERK: Moeti Ncube.

16 MR. NCUBE: Yes.

17 THE CLERK: Russell Barnes.

18 MR. BARNES: Yes.

19 THE CLERK: Evelyn Harris Clark.

20 MS. CLARK: Yes.

21 THE CLERK: Unanimous vote.

22 MS. DUNHAM: So the next revision is what we just
23 actually spoke about for quite a while, so perhaps this section
24 will be a little clearer. We're inserting the IHC-PUD's for
25 this section of the code for exactly what we just discussed.

1 MS. CLARK: Ms. Savage, the acronyms are great on
2 paper, instead of using the acronym so I can get a better
3 understanding of the proper terminology, could you break out the
4 acronym for me?

5 MS. DUNHAM: So the IHC is the Inlet Harbor Center,
6 that's what the CRA used to be called. I didn't change the name
7 of the PUD because it's already in the code and you already have
8 one developed. And PUD is a Planned Unit Development and
9 typically it's a larger higher density development.

10 MS. CLARK: Okay.

11 MS. DUNHAM: You have a section in your code that has
12 several different types, some focus just residential, you have
13 commercial ones, you have industrial ones. This particular one
14 is special because it requires, it allows high density
15 residential development which, of course, everybody wants to
16 build residential but it requires not less than three
17 revenue-generating commercial operations within the building.

18 So if you can envision a high-rise with commercial on
19 the bottom floor. And they don't have to put the commercial on
20 the bottom floor but typically that's what they'll do. And why
21 would that be good within the CRA? This type of PUD is only
22 allowed within the CRA. We are re-authorizing it, you did with
23 the code that you advanced December 16. Any it kind of serves
24 a bunch of masters. We want to have a more walkable downtown,
25 you know, shops on the bottom floor, restaurants perhaps. And

1 everybody wants residential. People want to live near the
2 water. So that's what this code authorizes the IHC-PUD. But
3 again, the code that you advanced on December 20 authorizes up
4 to 20 stories.

5 People want 25 stories, you know, or more than 20 and
6 that's a double-edged sword. It's great for development then
7 you also have to balance like, who lives next door to it or, you
8 know, what are the unintended consequences of that development.
9 So this code the MEAHOP code was recently revised. And the
10 revisions are before you to enable applicants to apply for a
11 height bonus of an additional five stories in height or 60 feet
12 by participating in MEAHOP.

13 So we added the IHC-PUD language in table 2, table 3,
14 and table 4 to add a mechanism for density bonus for mixed-use
15 projects developed as an IHC-PUD. The main goal of this, again,
16 was to provide an opportunity for developers to have five extra
17 stories if they chose to. And it's a PUD so it's discretionary
18 for the city council. And for the planning board. They have to
19 come to you and demonstrate you why the project works. But we
20 heard that the administration and developers wanted to be able
21 to get to five additional stories, they wanted total of 25.
22 Staff said they would provide a mechanism within the code for
23 them to do that and that's what you have in front of you. And
24 that's how, that's why we're here talking about it.

25 MS. CLARK: Okay. So basically, we went for 20

1 stories. So now we have developers coming to the city telling
2 us what they want to do, and what their requirements are and
3 basically for us to change what we just did on 20 stories to
4 accommodate them now with the option of going five more floors.

5 MS. DUNHAM: Well, I will say just to clarify, I mean
6 we talk with lots of developers, it's not new that developers
7 want to go to 25 stories along your waterfront. It's beautiful
8 right, so who does want to be on the water? And I will tell you
9 too, that I was aware of that when we brought forward PUD code
10 change to you.

11 The PUD code change that came to you re-authorized
12 something that had been previously disallowed in the CRA. And
13 so we didn't, we wanted to be conservative. We brought that to
14 20 stories instead of 25. Because that was in line with other
15 zoning districts. This MEAHOP code is a choice. It's a choice
16 that the developer would make if they want to choose to ask for
17 it. And it's another choice that the city will make whether not
18 they choose to accept it. So it's not like you know, just
19 automatic --

20 MS. CLARK: But it's been asked for that's why there's
21 a choice, being, you know, asking us to decide on this option of
22 a choice because it's already been presented is what I'm hearing
23 from someone.

24 MS. DUNHAM: Well, it hasn't been presented to this
25 board. I will tell you --

1 MS. CLARK: Not to this board, what I'm saying is to
2 PNZ staff as a project --

3 MS. DUNHAM: There's intra -- so I have no
4 applications in front of me but yes, there is an interest of 25
5 stories in height along your waterfront. It's beautiful.
6 People, developers will always find the most under-utilized land
7 and choose to come in and try to leverage that into a benefit
8 for themselves.

9 The good thing about the MEAHOP program is that when a
10 developer comes in this provides a benefit to them, increased
11 density, but it provides a benefit to the city too. A
12 contribution to the housing trust fund. So it's not like you're
13 just giving it for nothing.

14 MS. CLARK: But for the residents --

15 THE CLERK: Madam Chair, please speak into the
16 microphone.

17 MS. CLARK: Oh, I'm sorry.

18 THE CLERK: Thank you.

19 CHAIR CLARK: What, what's the benefit for the
20 residents -- hypothetically if we had someone here and we are
21 trying to determine who we want to be when we grow up with the
22 revision of Riviera Beach, maybe residents are good with the 20
23 and they're not good with a 25 because we will start to look
24 like Miami, Fort Lauderdale and some areas of Jupiter right now.

25 MS. DUNHAM: And that's a good point. What I would

1 say to you is this board and the city council has the ability to
2 judge each project on its merits when it's her front of you.
3 Right now we're I talk about a particular project. What we're
4 talking about is if we are to allow a bonus height density which
5 we allow bonuses like that already for other districts. So it's
6 not like this is completely uncharted territory.

7 MS. CLARK: For 25, but not for 25.

8 MS. DUNHAM: No, but we are -- you're correct. This is
9 a special animal this is within the CRA, it's the IHC-PUD which
10 is it's own unique type of PUD as I've explained. You will
11 judge applications on their individual merits when they come to
12 you. And based upon your advising and the city council's action
13 those projects will either move forward or not. Right now what
14 I'm saying to you is we've been asked to provide a mechanism for
15 increased density. Staff reviewed the existing code. And we
16 are proposing something that we think is reasonable for both the
17 city and the developer.

18 MS. CLARK: What's the, what's the highest right now
19 in our city? Do we have anyone that's already close to 20, to
20 give me a visual parameter of adding five more on top of it?

21 MS. DUNHAM: I think the Marina Grand is 25. Yeah,
22 the Marina Grand is 25.

23 MS. CLARK: It's already 25?

24 MR. WYLY: Yeah --

25 CHAIR CLARK: Then how did that happen without this --

1 MR. SIRMONS: So, so if I may, Madam chair?

2 MS. CLARK: Sure.

3 MR. SIRMONS: The zoning districts as they are set up
4 currently the highest allowed is 20 in just about all zoning
5 districts. However, when the IHC-PUD was initially put in our
6 code many decades ago, it allowed up to 25 stories. And Marina
7 Grand was built to 25 stories if I'm not mistaken it is higher
8 than 20. And then as Ms. Savage stated that those PUD's were
9 suspended in the code and that's what we, you made movement on
10 at the last meeting to re-initiate the IHC-PUD's. But it was
11 initially written to allow up to 25 floors.

12 But staff in monitoring our current development
13 environment in the city noted that all of our other zoning
14 districts, the max height is 20. So we're gonna cut down the
15 IHC-PUD down to 20 floors. But being aware that there is demand
16 for more than that, we said we didn't want to give it back to
17 them by right. If someone wants to go to 25 they need to
18 participate in programs such as this, to add additional benefits
19 to the citizens of the community such as for affordable housing.
20 So we didn't want to bring it back by right to 25 floors, but up
21 to 20 which is standard in our other high density zoning
22 districts. If you want additional, it would have to be through
23 a mechanism such as this.

24 In addition to Marina, Grand, there is the Tiara
25 Condominiums and I think those are closer to 30 floors or

1 somewhere around there, but again, that was developed well
2 before our current code.

3 MS. CLARK: Right. But they didn't participate in any
4 such plan --

5 MR. SIRMONS: 40, 42 for the Tiara, excuse me.

6 MS. CLARK: But they didn't participate in any such
7 plan that we just talked about a moment ago. They just went and
8 did it and had a really good time, but this is at least giving
9 something back to the city?

10 MR. SIRMONS: Exactly, the Tiara was under a previous
11 code that allow those high building heights.

12 MS. CLARK: Yeah.

13 MR. SIRMONS: The Marina Grand was under the former
14 IHC-PUD which allowed by right 25 floors. But what staff is
15 doing now is saying that if development is going to be that
16 dense, it needs to be mutually beneficial for the citizens and
17 other city important initiatives such as affordable housing.

18 MS. CLARK: Sure. I mean I like the idea. Where were
19 you guys 10 or 15 years ago?

20 MR. SIRMONS: We're here now. We are here now and we
21 definitely want to look out for the interests of the city as
22 well. So --

23 MS. CLARK: Okay. Those were my questions. Mr.
24 Gallon, did you have any?

25 MR. GALLON: No, I don't have any questions.

1 MS. CLARK: Mr. Board Member Wyly.

2 MR. WYLY: No.

3 MS. CLARK: Board Member Fernandez.

4 MR. FERNANDEZ: No.

5 MS. CLARK: Board Member Moeti.

6 MR. NCUBE: No.

7 MS. CLARK: And --

8 MR. BARNES: Just one. And so in here it mentions
9 that the third bullet additional five by participating in and
10 constructing affordable units or contributing to the housing
11 trust fund. There's two options. I think you mentioned earlier
12 but on page 7 there is section 26-6 which is minority employment
13 component. Isn't there a third option if they do, if they
14 utilize the minority employment component are they still
15 eligible for the additional five and not have to pay anything?

16 MS. DUNHAM: So staff has not added the minority
17 employment as one of the options for this. For this density,
18 for the five additional stories, staff has proposed that they
19 either build the affordable units or pay into the housing trust
20 fund. And so no employment, the employment option is, is not a
21 choice for the IHC-PUD.

22 MR. BARNES: But it's still in the code so if I'm a
23 developer going to read it and it says here that it is an
24 option. So while it doesn't say in your title it does in
25 section 26-6 says that it's an option.

1 MS. DUNHAM: Well if you look at table four where
2 talks about the bonus contributions for IHC-PUD, it says not
3 applicable for the minority employment. And that's not the
4 only, there's other --

5 MR. BARNES: So, there's probably a little cleanup
6 that you need to do then because I think there is a conflict.

7 MS. DUNHAM: A conflict, so you want -- that's a good
8 point.

9 MR. BARNES: Yeah between 26-6 and what your table
10 says you can do and then -- so is -- if were going to -- and
11 this is a broader question, if we're going to remove the
12 minority employment component which has been one of the items
13 this board has talked about a lot is utilizing local resources,
14 hiring local people, do we want to remove the opportunity for
15 someone to hire locally and hire the local minorities from the
16 ability to receive the bonus? And so, if so, do we change the
17 whole chapter and so it's no longer a minority employment and
18 affordable housing opportunity plan. It's now just an
19 affordable housing plan.

20 MS. DUNHAM: And that's a great point. I would say
21 that minority employment is still an option for probably about
22 90% of the bonuses offered within this table. And I will also
23 say that we frequently in our staff review of projects, even
24 when they don't participate in this program, talk to them about
25 minority employment and hiring. This board has standard

1 conditions that you put forward for the density increases
2 proposed for the IHC-PUD. We are not proposing to have the
3 minority employment as an option for that particular category.
4 It's not taken off the table for the other categories, the rest
5 of the table is as it is, so minority employment still remains
6 within the chapters.

7 MR. BARNES: Okay. So it was intentional that we do
8 not include minority employment as a potential for the bonuses.
9 I just wanted to make sure that the board was comfortable with
10 that.

11 MS. CLARK: With it being taken out, you mean?

12 MR. BARNES: Well, it is taken out.

13 MS. CLARK: It is?

14 MR. BARNES: It's not eligible for this, for the
15 minority employment component is not eligible for the additional
16 height.

17 MS. CLARK: And I get your point. And I want to say
18 that during recent debates for our election, that's coming up a
19 lot of residents as well as some of the candidates if you will
20 knew an incumbent has expressed that the hiring of Riviera Beach
21 residents -- and they could, you could say minority -- is really
22 critical and important. And one of the discussions, and I don't
23 know if this is true or not is that we, as a city make this
24 recommendation but we don't have any teeth in it that the
25 developer, if you will, no matter what project it is actually

1 will do what they say that they're going to do.

2 We as a board tried to put some stipulations in place
3 make a request, put stipulation in place, put measurements in
4 place so we can see what the accountability is, but there was
5 some debate about that developers can do what they want to do.
6 In this particular instance, it may give some meat and some
7 teeth of making sure that our residents are going to be
8 employed. There is minority representation. And I hear what
9 you're saying that if that's what we stand for and we take this
10 out then it doesn't give us an opportunity when someone else
11 comes before us to really talk about that when we've, in a sense
12 removed it may be from here. Is that what you're kind of
13 getting at?

14 MR. BARNES: Yes ma'am. It's less of a stick here and
15 more of a carrot here is, if you do this, you don't have to pay
16 the extra dollars. You're responsible for adding, employing the
17 minorities within our, within our community and for that, you
18 get the additional densities or maybe there is a component of
19 the additional density so it's maybe more of a carrot than a
20 stick for hiring locally.

21 MS. DUNHAM: So we didn't, just to be clear for
22 everybody, the minority employment thing is not removed --

23 MR. BARNES: Correct.

24 Ms. Dunham: -- from this section.

25 MR. BARNES: Correct.

1 MS. DUNHAM: We did talk about actually internally at
2 the staff level the fact that five additional stories of density
3 perhaps for this category, we should require developers to do
4 both, minority employment --

5 MR. BARNES: Okay.

6 MS. DUNHAM: -- and the five density.

7 MR. BARNES: I like where you're going there.

8 MS. DUNHAM: You know because --

9 MR. BARNES: Yeah.

10 MS. DUNHAM: You know because when we talked about
11 either or and you look at that minority employment, you know,
12 section which we did not edit this time --

13 MR. BARNES: Correct.

14 MS. DUNHAM: But we did look at it and we said that
15 for five stories, we just --

16 MR. BARNES: Uh-huh.

17 MS. DUNHAM: -- felt like that wasn't equitable. Not
18 that we were devaluing it --

19 MR. BARNES: I agree with that.

20 MS. DUNHAM: But for an IHC-PUD, we could certainly
21 revise this to say, if you want to -- that you have to do both.

22 MR. BARNES: That you have to do both.

23 MR. FERNANDEZ: Yes.

24 CHAIR CLARK: I think that works for us because if
25 we're being true to what we feel are the disconnects such as

1 that and doing better for our city and for our residents, we
2 want to keep in line with that. And also to say that my hope is
3 that as we, as board members either remain on the board or we
4 see other opportunities within the city of either a job or
5 running for office, I want those individuals to be able to say I
6 worked on this board, and I really put some procedures and
7 policies in place that really benefitted the city of Riviera
8 Beach and our residents. And I stand on that fact and that
9 work.

10 MS. DUNHAM: So maybe instead of not applicable, I can
11 say participation per section 26-6 is required.

12 MR. BARNES: I think that covers it for me.

13 MS. DUNHAM: Because we didn't feel like that was
14 equitable for the five stories.

15 MR. BARNES: I agree with that.

16 MS. CLARK: Okay. So do we have any other further
17 comments on that?

18 MR. BARNES: I'll be quiet now.

19 MS. CLARK: We're good. So Ms. Savage, versus me
20 repeating it, can you just repeated and we'll get a motion in a
21 second?

22 MS. DUNHAM: So staff under the IHC-PUD table is going
23 to clarify the language to state that participation per section
24 26-6 is required and so that in order to secure the height bonus
25 of five stories, the applicant must do the employment element as

1 well as the housing element.

2 MR. GALLON: Yes.

3 CHAIR CLARK: Motion please?

4 MR. GALLON: So moved.

5 MR. BARNES: Second.

6 MS. CLARK: May we have a roll call on the vote
7 please?

8 THE CLERK: James Gallon.

9 MR. GALLON: Yes.

10 THE CLERK: William Wyly.

11 MR. WYLY: Yes.

12 THE CLERK: Frank Fernandez.

13 MR. FERNANDEZ: Yes.

14 THE CLERK: Moeti Ncube.

15 MR. NCUBE: Yes.

16 THE CLERK: Russell Barnes.

17 MR. BARNES: Yes.

18 THE CLERK: Evelyn Harris Clark.

19 MS. CLARK: Yes.

20 THE CLERK: Unanimous vote.

21 MS. DUNHAM: Okay. Last but not least, the final
22 category is providing a mechanism for post-construction
23 conversion of resort hotel suites to year-round housing units.
24 Again, this has been brought forward with concerns from one
25 project that is interested in converting hotel suites to

1 affordable, I mean, to regular housing units. And they when
2 they came through the first time they participated in MEAHOP.
3 And got their approval that they have and what they're finding
4 is that the resort hotel suites combined with year-round housing
5 units are just not compatible. Two different lifestyles and
6 approaches to things and that, in addition to the problem that
7 some current owners are having with refinancing, for trying to
8 qualify for Homestead provision when you live there year-round
9 now but technically your unit is qualified as a hotel, you know,
10 a resort hotel suite. It's becoming problematic for some of our
11 citizens.

12 And so we don't have a mechanism to allow that to
13 happen. Typically you would say, how do you do that? You
14 modify your development order. But to do that they would be
15 going higher than what we allow currently in our comprehensive
16 plan as residential density. And then as staff, we tend to
17 think about things like parking ratios and you know, the
18 development standards, what does that mean? Because when
19 projects come in, they're developed with a certain pro forma and
20 so although we had issues raised to us by one project, we do
21 have seven parcels in town with the zoning designation.

22 And in development services we don't write code for
23 just one person or project we write code with the city and the
24 needs of the residents in mind. And so to that end we took a
25 look at this and we have another project now that in our

1 department, we get phone calls from lender saying, what type of
2 unit is this? Is this a housing unit? No, it's a hotel suite,
3 you know. And so there's another project that we know that some
4 lenders are struggling with how to do they finance it. And
5 there's some lenders that won't finance those units at all.
6 There's a couple that will. But so we are actually hearing from
7 lenders calling us trying to get copies of resolutions and
8 understand what these projects are, that they're struggling with
9 how to finance these units.

10 We want to make sure that our residents and our
11 projects -- we don't want anyone to go belly up, you know? And
12 we want to make sure that we support the desires of the
13 community so we are proposing this revision. We wrote it
14 broadly thinking about our different projects in town. We think
15 that it's fair. If you look at the language that we wrote,
16 basically we're saying -- and we tried to be consistent, we're
17 permitting the post construction conversion of these units. So
18 these would be units that are already built, you know, occupied
19 have resort hotel suites now, you know this person wants to live
20 here year-round. They want to retire. They're going to stop
21 renting their hotel suite they want to live here. How do you
22 convert it?

23 And so we provided a mechanism for that in the code.
24 We've added a provision within MEAHOP for either a fee in-lieu
25 of, that's what most of these would do because they're already

1 occupied. But we're also providing stipulations to protect the
2 abutters too. And were saying if you're going to do this,
3 here's what you have to show to us. And one of the big things
4 from is to show that you have adequate parking. As I stated
5 earlier residential units are required to have two parking
6 spaces. Hotel rooms are required to have one. So if you
7 convert all of those hotel suites to year-round residences, are
8 you now going to have parking, a parking problem affecting the
9 neighbors or will the property, you know, lose landscaping
10 because they're building more parking. So we put that right
11 into the code. So we say under section ED of the code, a
12 development that utilizes uses this conversion bonus must be
13 able to meet the parking requirement of two spaces per unit for
14 all residential units on the site and meet the parking
15 requirements for any remaining retail hotel suites.

16 Again, we didn't write this for any one project we
17 wrote it for the city. But we want to be responsive to needs
18 that are emerging within the community. We think that this does
19 this. We think this allows basically a financial transaction
20 and interior renovations without affecting the abutting property
21 owners, so we think it's reasonable.

22 MS. CLARK: Okay.

23 MS. DUNHAM: And Mr. Gallon had a question on this
24 one.

25 MR. GALLON: Yes. What mechanism is in place or would

1 be in place to where the entire hotel wouldn't want to do that
2 besides the parking?

3 MS. DUNHAM: So that's a great question. And we do
4 have some hotels with the zoning code. They may want to convert
5 the whole unit. I have not run an analysis on our existing
6 hotels but this section only allows conversion to up to 28 units
7 per acre. So there would be a cap right? So there's another
8 project in town that if they, they may choose to do this, they
9 would never be able to convert all of their units to residential
10 because they're at like 52 units per acre you know, if they were
11 to do that. So the mechanism is in here to limit it so that is
12 consistent among the seven properties, that if -- we are not
13 trying to incentivize this where just trying to provide an
14 escape valve you know for projects that are having challenges.
15 They could all do it up to a certain level, 28 units per acre
16 provided that they could prove they have two parking spaces for
17 each residential unit and they still retain one parking space
18 for any hotel unit that remains on the site.

19 And that's kind of my thought was that was the fairest
20 way to approach it. It doesn't say everyone of you can convert
21 100%. You have to provide a framework for it and so that's what
22 we did. And we think that that's fair.

23 MR. GALLON: Okay.

24 MS. CLARK: So this is a property, resort property
25 that has the opportunity to convert at least 28 units to private

1 home ownership whereas, the rest of it would still be resort.
2 So I'm going to make this up. Let's say, it is luxury resort
3 ABC, and it's luxury resort. And now they want 28 that's going
4 to be private deeded home ownership and the balance of that is
5 still going to be resort.

6 MS. DUNHAM: We have projects --

7 MS. CLARK: -- and is there an instance, is there an
8 instance -- so it's still, it's capped at 28 so there is not an
9 instance right now if that luxury resort ABC wanted to convert
10 all of their 250 units to home ownership. Right now that's not
11 in place, it's just a cap up to 28.

12 MS. DUNHAM: 28 net residential density, 28 units per
13 acre, right? So --

14 CHAIR CLARK: Okay, so it could be more, it's based
15 upon per acre.

16 MS. DUNHAM: Right, it's a residential density cap.
17 It's not, it doesn't say you can only do 28. It says this is
18 your net residential density cap. So for example, we have
19 projects in town now that are resort and year round. They have
20 both, right. So one of them might be able to convert all of
21 their units as long as they are under that 28 units per acre
22 because what we're saying is we have a comprehensive plan with
23 residential densities, you know, affordable housing is a
24 pressing need and pro, we have inclusionary housing code, but we
25 can't just you know, willy-nilly convert everything. And if,

1 and I will say this also, if somebody wanted, if one of these
2 projects wanted to come in and to this, it's a modification of a
3 development order.

4 So they will come before this board and in the city
5 council. This isn't a staff level kind of mechanism. They will
6 come to you with a safe plan improved that they have the parking
7 on-site. They would prove to you that they are satisfying this.
8 They would pay their MEAHOP contributions and then they would
9 go to city council. So it would be something that would come in
10 front of you. It's not a, this is not a staff level I'll sign
11 the paper kind of thing. This a decision to be made by you and
12 the city council. But we did put a limit. We did cap it, we
13 have to be consistent and fair. And we have to think about, you
14 know, the intent of the zoning.

15 MS. CLARK: Well, this is very interesting. I'm just
16 going to make this up. Let's say that this luxury resort
17 converted some units and it's homeownership. I'm on floor to
18 and there is a vacation unit right up under me on one. I'm
19 owner and all of a sudden I've got a plumbing problem and my
20 bathroom leaks. And now it's leaking to the people here on one
21 which is right up under me but they are vacationers in the
22 resort. I'm a home owner and the water is leaking. And it's
23 just going to be interesting how this industry is going to
24 manage these unusual sort of situations that will happen.

25 It's pretty easy condo to condo the insurances take

1 care of it but this is a whole different dynamic. I mean you
2 got homeowner here, has a fire, has a water problem, it impacts
3 the vacation unit down here, and it's just really just different
4 and interesting. And here we are trying to make accommodations
5 for their conversion, but I don't see them, if I'm wrong,
6 getting through all these other type of issues. It seems like
7 they got to figure that stuff out.

8 MS. DUNHAM: So, if I may --

9 MR. FERNANDEZ: That will be on them.

10 MR. GALLON: Yeah.

11 MR. FERNANDEZ: That will be on the owners.

12 MS. DUNHAM: We have, like, the Ritz-Carlton currently
13 has ownership units and resort hotel suites. The Amret has
14 both, right. So we have projects now that already have both.
15 What we're, so the purpose of this code revision is to provide a
16 mechanism so that one of these developments if they choose to
17 and they can comply with the parameters of the code, and pay the
18 housing contribution they have a mechanism to convert. We're
19 just, again, this is just city staff trying to provide a
20 mechanism to meet a need.

21 MS. CLARK: I get it.

22 MS. DUNHAM: It's not required. It's totally their
23 option, but it provides a mechanism.

24 MS. CLARK: I get it. So we already have that in
25 place right now with the properties that you just --

1 MS. DUNHAM: We do.

2 MS. CLARK: Okay. All right. Then I'm okay with
3 that. That's the little things that are ironed out already.
4 Okay.

5 MS. DUNHAM: We're trying to help them is what we are
6 trying to do.

7 MS. CLARK: Okay. Mr. Wyly.

8 MR. WYLY: Nothing, I was just saying prior to living
9 in Orlando for a while place and I had a place that had the same
10 type of set up, to where some of the condos were sold out and
11 some of them were not. I don't know if they were time-share but
12 vacationers just kinda came in and hung out. What they did was,
13 everyone was, we got a chance to share in everything that they
14 did was, any problems we had they had personal staff to be help
15 out with that. Like he said that's just on behalf of the
16 company and they take care of all of those responsibilities.
17 But and you know to the organization to be able to do that. So
18 yeah, think that's a good idea. What we're doing, but 28 will
19 be the --

20 MS. DUNHAM: Per acre.

21 MR. WYLY: -- and we don't have anything, anything
22 larger than that, do we here in Riviera?

23 MS. DUNHAM: So I didn't run analysis on every single
24 one of the properties. I tried to look at what was reasonable
25 --

1 MR. WYLY: Right.

2

3 MS. DUNHAM: Given our comprehensive plan, our zoning
4 regulations, you know, and the need for affordable housing.
5 There is one project that currently has resort and year-round
6 residential housing that could not convert all of their resort
7 units to year-round residential housing. They could go up to 28
8 units per acre but they could not convert them all. I'm not
9 trying to revise the code to allow everybody to do everything
10 because it's this board and it's the zoning that decides if you
11 want a massively dense residential project. I'm trying to
12 address a need reasonably within the parameters of the code,
13 consistent and fair for everybody. Instead of trying to meet,
14 do everything for everybody. We can't, that's not how the
15 ordinance works as it's written.

16 We're getting ready to put out an RFP and revise the
17 comprehensive plan for the city. During that process this board
18 can have those conversations, right. Right now is just an
19 ordinance change.

20 MR. BARNES: Question --

21 MS. CLARK: Mr. Fernandez.

22 MR. FERNANDEZ: No questions.

23 MS. CLARK: Mr. Moeti.

24 MR. NCUBE: Oh, no.

25 MS. CLARK: Mr. Barnes.

1 MR. BARNES: One, one question and it's in the in-lieu
2 of, cash in lieu, there is no in lieu, there's no option if
3 someone wants to convert the hotel to a condo it's going to cost
4 them \$100,000, \$105,000, correct?

5 MS. DUNHAM: They're going to pay -- and the reason
6 why these conversions, for example, we have an existing one, you
7 know, now that's occupied. The reason why this mechanism is in
8 here is because those occupants want to convert their units so
9 they can get favorable financing.

10 MR. BARNES: Oh, yeah.

11 MS. DUNHAM: They are not constructing affordable
12 housing. This is a post-construction.

13 MR. BARNES: Correct.

14 MS. DUNHAM: And it's unlikely, I did go online and
15 look and Google the sale price of a couple of those units, 3.6
16 million, 2.6 million. Those residents are interested in
17 converting the classification of their unit from a resort hotel
18 to a housing unit, so they can, A, get favorable financing and
19 B, homestead it.

20 MR. BARNES: I agree.

21 MS. DUNHAM: So they're not interested --

22 MR. BARNES: No matter what it's \$100,000. So how
23 many of them are at the Ritz that want to do this?

24 MS. DUNHAM: I don't have an application currently, so
25 I can't tell you how many are left.

1 MR. BARNES: Okay. But there's a few, or you don't
2 have any, it could be one, it could be 20?

3 MS. DUNHAM: I think it's more than 20, perhaps less
4 than 50.

5 MR. BARNES: All right, so I mean, that's --

6 MS. DUNHAM: But here's the thing.

7 MR. BARNES: That's three, I mean, just orders of
8 magnitude that's 3 to \$5 million that will be coming into this
9 trust fund immediately just on there. So this is a pretty big
10 item and I fully support it. I just wanted to clarify this is
11 pretty big money coming very quickly. So I think it goes back
12 originally to our intent of making sure that there's someone to
13 oversee what could be pretty substantial amount of money coming
14 in.

15 MS. DUNHAM: Well, that's a good point. I will say
16 nobody has applied to do this yet.

17 MR. BARNES: Okay.

18 MS. DUNHAM: Although one particular development did
19 raise some concerns. Staff drafted this with the city in mind
20 and all the projects in mind. So I will tell you that that
21 particular proponent doesn't necessarily support this completely
22 the way staff wrote it because we wrote it you know --

23 MR. BARNES: Right.

24 MS. DUNHAM: -- we wrote it the way we wrote it here
25 so I will say they are not terribly supported of this at the

1 moment and they don't have to do it.

2 MR. BARNES: Well, they don't seem to be here to voice
3 their objection, so --

4 MS. DUNHAM: Right well, they don't have to
5 participate. Nobody has to participate but if there is a
6 development in our city that's having problems with financing
7 insolvency, this is a mechanism I guess so at this point we feel
8 it's reasonable.

9 MS. CLARK: Okay. If there are no further questions,
10 then I'm going to ask for a motion of insertion of a mechanism
11 for post-construction conversion of resort hotel suites to
12 year-round housing units as presented. May I have a motion
13 please?

14 MR. GALLON: So move.

15 MR. WYLY: Second.

16 CHAIR CLARK: May we have a vote please?

17 THE CLERK: James Gallon.

18 MR. GALLON: Yes.

19 THE CLERK: William Wyly.

20 MR. WYLY: Yes.

21 THE CLERK: Frank Fernandez.

22 MR. FERNANDEZ: Yes.

23 THE CLERK: Moeti Ncube.

24 MR. NCUBE: Yes.

25 THE CLERK: Russell Barnes.

1 MR. BARNES: Yes.

2 THE CLERK: Evelyn Harris Clark.

3 MS. CLARK: Yes.

4 THE CLERK: Unanimous vote.

5 MS. CLARK: Okay. Is that all of it Ms. Savage?

6 MS. DUNHAM: That's all of that item and I thank you
7 for your patience and your support and your diligence.

8 MS. DUNHAM: Thank you for entertaining all of our
9 questions and making those adjustments.

10 MS. CLARK: Okay. So do we have any workshop items?
11 We don't. Next item, general discussion, no public comments; am
12 I correct? Correctly came in, any correspondence? None.
13 Alright so we're going to go to planning and zoning board
14 comments. And we'll start with Mr. Gallon.

15 MR. GALLON: I have no comments.

16 MS. CLARK: And will go down to Mr. Moeti -- I'm
17 sorry, Mr. Wyly.

18 MR. WYLY: No comment.

19 MS. CLARK: Mr. Fernandez.

20 MR. FERNANDEZ: Just a quick question, did we approve
21 the minutes from the last meeting.

22 MS. CLARK: Yes, we did.

23 MR. FERNANDEZ: We did. Okay, no point, that's it.

24 MS. CLARK: Mr. Moeti?

25 MR. NCUBE: No comment.

1 MS. CLARK: Mr. Barnes.

2 MR. BARNES: No comment.

3 MS. CLARK: Okay. The only thing for me, I don't know
4 if there any residents or outside people looking at our meeting
5 currently, but if you get a chance to go by the community
6 gardens, the one on Broadway and I believe, the one on 10
7 Street, as well as the one on Singer Island. I was absolutely
8 amazed of the organic food that those gardens produce, as well
9 as the volunteers that diligently and lovingly work to bring
10 forth all of those fruits and vegetables and herbs and other
11 activities. And I was able to bring home beets, carrots,
12 collard greens and mustard greens and I tell you there's quite a
13 difference of eating organic food, which is coming out of our
14 own city here.

15 And this is not giving any shade to Publix or, or the
16 other supermarkets, but there was quite a difference in the
17 quality of food that you buy versus coming out of the, the
18 garden. So I'm just encouraging all of our residents to go by
19 and support and to get you some vegetables and and give yourself
20 a treat. I mean, I haven't roasted beets in over 40 years, It
21 seems like it and they came out actually good oil, salt, pepper
22 and a little feta cheese. I'm gonna do that again. So without
23 anything else, I would like to thank the staff.

24 MS. DUNHAM: I have one comment if I may?

25 MS. CLARK: Sure.

1 MS. DUNHAM: I just want to tell the board March 17 at
2 6 p.m. here at the event center, the CRA is having a workshop.
3 We are going to post it for the planning board. The Treasure
4 Coast Regional Planning commission is working with the CRA to do
5 some code revisions. They're looking the downtown zoning code.
6 So the CRA and the TCRPC as well as the city are going to have a
7 workshop with the CRA.

8 We'd love for the planning board to participate. I
9 will post it for you so it's copacetic. And what we're going to
10 talk about is remind everybody with the current downtown code
11 says in the design parameters say. And then we're going to
12 talk about some possible zoning revisions that may be continuing
13 the work of incentivizing development in a thoughtful way. So
14 will be good for you, I think, if you want to participate. And
15 some of what comes out of that will likely come to you as
16 further code revisions. So you could get in on the discussion
17 at the front and instead of just when I'm standing here. So
18 again March 17, 6 p.m. here and when I get something in writing
19 we'll send you a reminder as well.

20 MS. CLARK: Sure, please if you send us a reminder for
21 our calendars that will be good. And again I just want to thank
22 staff again for a job well done and if we have no further
23 business, may I have a motion to end our meeting today?

24 MR. GALLON: So moved.

25 MR. WYLY: Second.

1 CHAIR CLARK: Meeting's adjourned.

2 MS. DUNHAM: Thank you.

3 (The meeting adjourned at 9:10 p.m.)

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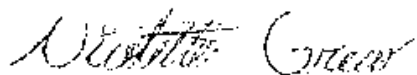
CERTIFICATE OF DIGITAL REPORTER

I, Nicolette Greco, a Digital Reporter and Notary Public
within and for the State of Florida do hereby certify:

That the foregoing witness whose examination is
hereinbefore set forth was duly sworn and that said testimony
was accurately captured with annotations by me during the
proceeding.

I further certify that I am not related to any of the
parties to this action by blood or marriage and that I am in no
way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 4 of
February, 2022.



Nicolette Greco
Notary Commission Florida/GG181571
Commission Expires: 01/03/2022

CERTIFICATE OF TRANSCRIPTIONIST

I, Beverly Toussan, located in the state of North Carolina, do hereby certify:

That the foregoing is a complete and accurate transcript of the digital audio recording of the testimony and proceedings captured in the above-entitled matter, all to the best of my skills and ability.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 3rd day of March, 2022.



Beverly Toussan

For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1st Hearing:	2nd Hearing:
	Publication Dates (If required)	

UNIFORM LAND USE APPLICATION

*(Please attach separate sheet of paper for required additional information)
 Complete appropriate sections of Application and sign.*

APPLICANT	Name of Property Owner(s): BLP Blue Heron, LLC
	Mailing Address: 7741 N Military Trail, Suite 1, Palm Beach Gardens, FL 33410
	Property Address: West Blue Heron Boulevard (NE Corner of Blue Heron Blvd and R.J. Hendley Ave)
	Name of Applicant (if other than owner): Seth Behn; Lewis, Longman & Walker, P.A.
	Home: () Work: (561) 640-0820 Fax: (561) 640-8202
	E-mail Address: SBEHN@LLW-LAW.COM

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation: Office Current Zoning Classification: Office Professional
	Square footage of site: 213,901/156,422 Property Control Number (PCN): 56-43-42-29-37-000-0030
	Type and gross area of any existing non residential uses on site: None
	Gross area of any proposed structure:
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [] Yes [x] No
	If yes, please describe:
	Have there been any land use applications concerning all or part of this property in the last 18 months? [] Yes [x] No
	If yes, indicate date, nature and applicant's name:
	Briefly describe use of adjoining property: North: Canal ROW, with Single Family north of canal
	South: Large scale commercial / industrial warehouse
East: Multi-Family Residential	
West: Multi-Family Residential	

REZONE	Requested Zoning Classification: General Commercial ("CG")
	Is the requested zoning classification contiguous with existing? Yes to the South along Blue Heron Blvd
	Is a Special Exception necessary for your intended use? [] Yes [x] No
	Is a Variance necessary for your intended use? [] Yes [x] No


FUTURE LAND USE	Existing Use: Vacant	Proposed Use: Retail and Office
	Land Use Designation: Office	Requested Land Use: Commercial
	Adjacent Land Uses: North: Single Family Residential	South: Commercial
	East: Multifamily	West: Office
	Size of Property Requesting Land Use Change: 156,422.19 sq. ft. / 3.59 acres	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception:
	Provide specific LDR ordinance section number and page number:
	How does intended use meet the standards in the Land Development Code?
	Demonstrate that proposed location and site is appropriate for requested use:
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods:
	Demonstrate any landscaping techniques to visually screen use from adjacent uses:
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use:
	Demonstrate how utilities and other service requirements of the use can be met:
	Demonstrate how the impact of traffic generated will be handled:
	On-site:
Off-Site:	
Other:	

VARIANCE	Describe the Variance sought:
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site:
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space:
	Other:

SITE PLAN	Describe proposed development: The applicant is proposing a replat to incorporate the land area currently occupied by the City's stormwater conveyance canal for the proposed commercial plaza companion site plan application. Please see the Justification Statement for further information.
	Demonstrate that proposed use is appropriate to site: Blue Heron represents a primary retail corridor in the City.
	Demonstrate how drainage and paving requirement will be met: Drainage and paving plans have been submitted.
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: A landscape buffer has been provided along the rear property line.
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: The site has been developed utilizing the City's new Principal Artery design standards.
	Demonstrate how utilities and other service requirements of the use can be met: Utility letters will be provided.
	Demonstrate how the impact of traffic generated will be handled: On-site: Adequate circulation and parking has been provided. Off-site: Multiple entrances insure there will be no impediments to traffic in the area.

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits Identified: These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue. 	

Confirmation of Information Accuracy	
I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.	
 _____ Signature	6/14/10 _____ Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: BLP Blue Heron, LLC

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared Stuart Hankin, as Manager
of BLP Blue Heron LLC.

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of
record of the following described real property:

Lots 3,4,5,6,7,8,9,10,11,12,13,14,15 and 16, Plat No. 3 of the Subdivision of Part of the South
115 feet of the North 155 feet of Plat No. 2, Lewis Terminals, according to the map or plat
thereof as recorded in Plat Book 28, Page 99, Public Records of Palm Beach County, Florida.

the street address of which is: West Blue Heron Boulevard (NE Corner of Blue Heron Blvd and R.J. Hendley Ave)
and that we hereby appoint:

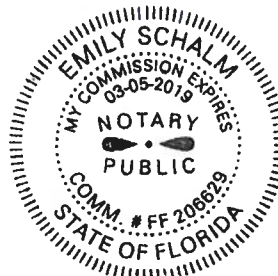
Name: Seth Behn; Lewis, Longman & Walker, P.A.
Address: 515 N Flagler Drive; Suite 1500
West Palm Beach, FL 33401
Telephone: (561) 640-0820

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to
represent me (us) at any Hearing regarding my (our) interest.

X [Signature] (Seal)
Stuart Hankin, MGR (Seal)
BLB Blue Heron, LLC (Seal)

Sworn to and subscribed before me this 4th day of June, 2018.

[Signature]
Notary Public



Project Narrative and Justification Statement
Blue Heron Commercial Plaza
Submitted June 15, 2018

Applicant, BLP Blue Heron LLC, is the owner of the 3.59 acre property on the north side of Blue Heron Boulevard, located east of R.J. Hendley Avenue (the “Property.”) It is the goal of the applicant to develop the Property with first-class retail, restaurant and professional office uses, providing an opportunity for small businesses to operate within the City of Riviera Beach. Applicant’s vision is to include an urgent care medical office, space for restaurants and cafes, retail stores, and small business offices.

Due to the long and shallow nature of the Property, it has sat vacant for decades. This is unfortunate in light of its prominent position along the Blue Heron Boulevard gateway between I-95 and the City’s downtown and waterfront. With the adoption of the new City’s new Arterial Design Standards, this project will be at the forefront of new development along this corridor, acting as a spark for further development. The modern and refined design by prominent local architects Glidden-Spina + Partners will be a model for future commercial projects and will immediately improve the value and tax base for the City.

Requested Approvals

I. Small-scale Land Use Amendment and Rezoning

The Property currently has a future land use designation of “Office” and is zoned “Office Professional” (“OP”). These designations would allow some of the uses anticipated, but unnecessarily limits the type of businesses that could benefit from this location.

Applicant would like to request a small-scale land use change from Office to Commercial, and a rezoning from the OP district to General Commercial - CG. These designations will allow the medical office use, along with the community serving retail, restaurant and office uses anticipated for this site.

II. Site Plan Approval

Applicant approval of the proposed site plan, landscape plan and architectural design. All zoning regulations under the CG code are met by the proposed site plan.

III. Piping, Paving and Parking License

Applicant is seeking a license agreement from the City of Riviera Beach to allow for piping, paving and parking over the drainage swale that lies north of the Property. The site is extremely shallow along its length, a fact that has long prevented development here. However there is a 40-foot wide drainage swale along the entire north property line (See **Exhibit 1** – Aerial and, **Exhibit 2** - Plat).

Applicant’s consultants have surveyed the swale, prepared a preliminary engineering plan, and received a cost estimate for the construction of the drainage facility (**Exhibit 3** – Cost Estimate). In order to permit the fruitful development of this site, and all of the benefits that would accrue to the City, a license agreement is being sought for the area of the drainage swale. (**Exhibit 4** – Draft Piping, Paving & Parking agreement). Under this agreement the Applicant will be responsible for all costs involving the installation of the drainage facilities, paving, landscaping, and a 6-foot high masonry privacy wall along the north side.

Justification Statement

A. Small-Scale Land Use Amendment to Commercial

The Property qualifies as a “small scale” development amendment per the requirements of Florida Statute §163.3187:

- The Property is under 10 acres in size.
- The City staff has indicated that the annual city-wide cumulative 120 acre threshold has not been exceeded.
- There is no text change to the plan, but only a request for site-specific small scale development activity.
- The Property is not in an area of critical state concern.

This request is to amend the land use district for the property from “Office” to “Commercial”. The site is vacant, and there are no office developments surrounding the site or in close proximity. To the west, across R J Hendley Ave., is a parcel that has the Office designation, however the zoning there is “RM-15, Multiple Family Dwelling District,” and in fact there is a multi-family development on the site. The property to the east is also developed as multi-family housing.

South of the site, along Blue Heron Boulevard, is an area designated as Commercial, to a depth similar to what is contemplated on the Property. The Commercial designation is repeated again all along the Blue Heron Boulevard corridor, reflecting the nature of this major thoroughfare and gateway to the City. The requested land use change will be consistent with the needs of the community, is consistent with the surrounding land uses, and will promote the sensible development of the site.

Comprehensive Plan Policy 1.2.21(6) states: “The Blue Heron Corridor is the primary entrance to downtown and Singer Island. This corridor will accommodate mid-rise mixed-use development. Buildings must be placed on their sites in a manner that improves the pedestrian environment on the corridor.”

The proposed land use change to Commercial will promote the Plans goal of mixed-use development. As the site plan and architectural elevations show, the buildings will front along Blue Heron boulevard promoting pedestrian access and amenities.

Plan Policy 1.8.1 states that the Commercial land use designation is for, “Uses predominantly connected with the sale, rental or consumption of products, or performances of professional or non-professional services.” Accordingly, the proposed mix of uses anticipated by this land use is directly in line the Plans goals for the Blue Heron corridor.

B. Rezoning to General Commercial

Along with the amendment to the Commercial land use district, Applicant seeks a concurrent rezoning to the consistent designation of General Commercial (“CG”).

The City’s zoning code states that the CG district is intended to:

“promote uses developed for retail and service needs of the entire community. This district includes uses usually associated with central business areas and shopping facilities which are ordinarily compatible with residential uses and do not involve any heavy machinery which will cause vibrations to the adjoining properties, create or emit noise, dust, odor, or noxious or toxic gas.” (§31-321).

The proposed rezoning to CG will fulfill this goal of the City’s code, allowing for a mix of uses that will benefit the surrounding neighbors and citizens, without creating any negative impacts.

The Property meets the City’s dimensional requirements for a CG property:

- Minimum size: 10,000 sq. ft. (Site contains 156,422 sq. ft.)
- Minimum Property Width: 100 feet (Site is over 1,400 feet wide)

In addition, all setbacks, building height limitations, parking, and landscape requirements will be complied with.

The CG district zoning code also states that a six-foot high masonry or concrete wall may be necessary if required by the planning board and City council. The Applicant has already agreed that this wall will be provided, giving the residents to the north added privacy, security, and a buffer from the noise of Blue Heron Boulevard.

The proposed CG district is consistent with the property immediately to the south along Blue Heron, which currently is zoned CG. There are also several CG districts along Blue Heron, reflecting its status as one of the major east-west corridors and the gateway to the downtown area and waterfront. The CG district will allow for the sensible and compatible development of this long-vacant site. In addition, Applicant believes this project will spur further development and re-development along the Blue Heron corridor.

C. Site Plan Approval

Submitted with this application is the proposed site plan and architectural elevations. As shown on the plans, the configuration of the development will consist of 5 buildings, interspersed with access aisles, sidewalks, parking and landscape areas. This arrangement allows for greater flexibility, improved pedestrian circulation, and creates the opportunity for additional landscaping throughout

the site. Three driveways provide ease of access to each of the buildings, and disperses the traffic to prevent any congestion along Blue Heron Boulevard. Adequate parking is provided, while emphasizing the pedestrian access and amenities. Lush landscaping exceeds code requirements, and a 15-foot landscape buffer runs along all property lines and Blue Heron Boulevard.

As suggested by the CG zoning code, a concrete or masonry wall will run along the entire northern property line, adjacent to the 15-foot landscape buffer, to provide the adjacent residents privacy, security and a noise and sound barrier from Blue Heron Boulevard. The proposed site plan will have virtually no negative impacts on the surrounding residents. At the west end of the site a dry detention area will provide additional open space and attenuate any stormwater impacts.

The site plan and landscaping have also been designed in reference to the new Principal Arterial Design Standards. With the buildings providing a strong urban frontage, meandering sidewalks and improved landscaping, the project will serve as a model for future development along Blue Heron Boulevard.

D. Piping, Paving and Parking License Request

Applicant requests that the City enter into a license agreement to allow for the piping, paving, and parking over the 40' drainage swale along the north property line. As discussed above, the Property is exceedingly shallow, making it difficult, if not impossible, to develop for office or commercial uses. In meetings with City staff it was pointed out to us that several properties to the east of the Property, on both sides of Avenue O, were able to convert the drainage swale to a piped configuration. It was suggested that a similar arrangement might be feasible at our site.

Applicant subsequently had a survey prepared of the drainage swale, including elevations, banks, and volume calculations. This survey revealed that nearly half of the drainage ditch overlapped onto the Property, creating a significant impingement of the Applicant's property rights. It is clear that for ANY development to occur on the site, the drainage ditch would at the very least have to be relocated off of the Property.

Using the survey information, Applicant secured the services of Simmons & White civil engineers to assess the survey and the site and to design a system to pipe the drainage along the property boundary. Simmons and White prepared conceptual piping plans and contacted several site contractors for a bid. The lowest bid received was for nearly \$600k, a reflection of the significant length of the property, and the necessary scale of the piping to be installed.

Applicant will agree to pay for all costs associated with the piping, paving, landscaping, construction of the privacy wall, and all ongoing maintenance for the same. The City will be granted enforcement powers to insure that the drainage system is maintained at all times in the future and that the capacity of the system is in no way reduced. In return, by agreeing to the license, City will create an opportunity for the development of this parcel that has long sat vacant due to its unusual configuration.

Conclusion

Applicant seeks the opportunity to bring a vibrant, first-class, retail and office establishment to the Blue Heron Boulevard corridor. This project will serve as a model for future development along Blue Heron and contribute to the beautification of this entryway into the City's downtown and waterfront. We hope the City's staff, board members, and elected leaders will act as partners in making this vision happen for the benefit of the entire community.





-  Subject Property
-  Portion of Canal Previously Filled

Exhibit 1
Aerial of Subject Property

42

STATE OF FLORIDA
 COUNTY OF PALM BEACH
 This Plat was filed for record at 11:59 A.M.
 this 27th day of SEPT.
 1961, and duly recorded in Plat Book No.
 27 on pages 42, 43 & 44
 J. ALEX ARNETTE, Clerk/Circuit Court
 By Beulah M. DeB... C.

PLAT NO. 2
LEWIS TERMINALS
 RIVIERA BEACH, FLORIDA
 IN SECTIONS 29 AND 32, TWP. 42 S., RGE. 43 E.
 PALM BEACH COUNTY, FLORIDA
 IN 3 SHEETS SHEET NO. 1

Being a Replot of Part of Lots 6 and 7, William Taylor's Subdivision, recorded in Plat Book 5, Page 67,
 Public Records of Palm Beach County, Florida, and other lands.

This is not a certified copy

STATE OF ILLINOIS
 COUNTY OF COOK

KNOW ALL MEN BY THESE PRESENTS, that LEWIS TERMINALS, INC., a Corporation organized under the laws of the State of Illinois and duly authorized to transact business in the State of Florida, the owner of the tract of land lying and being in Sections 29 and 32, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as PLAT NO. 2, LEWIS TERMINALS, and more particularly described as follows, to wit:

All that part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 29 lying south of Monroe Heights according to the plat thereof recorded in Plat Book 11, Page 68, Public Records of Palm Beach County, Florida, and west of Plat No. 1, Lewis Terminals according to the plat thereof recorded in Plat Book 25, Pages 63, 64 and 65. LESS Parcels marked NOT INCLUDED.
 SUBJECT to existing Rights of Way and Easements of Record.

AND
 All that part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 29 lying south of Monroe Heights according to the plat thereof recorded in Plat Book 11, Page 68, Public Records of Palm Beach County, Florida. SUBJECT to existing Rights of Way and Easements of Record.

AND
 All that part of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of said Section 32 lying west of Plat No. 1, Lewis Terminals, according to the plat thereof recorded in Plat Book 25, Pages 63, 64 and 65. LESS Parcel marked NOT INCLUDED.
 SUBJECT to existing Rights of Way and Easements of Record.

AND
 All that part of the North Three Quarters (N 3/4) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of said Section 32, lying west of said Plat No. 1, Lewis Terminals. LESS Parcels marked NOT INCLUDED.
 SUBJECT to existing Rights of Way and Easements of Record.

AND
 All of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of said Section 32. LESS Parcels marked NOT INCLUDED.
 SUBJECT to existing Rights of Way and Easements of Record.

AND
 All of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of said Section 32. LESS Parcels marked NOT INCLUDED.
 SUBJECT to existing Rights of Way and Easements of Record.

AND
 The North 100 feet of the South 400 feet of Lots 6 and 7, William Taylor's Subdivision, recorded in Plat Book 5, Page 67, Public Records of Palm Beach County, Florida. (This Parcel recorded as acreage in O.R.N. 201, Pg 368) has caused the same to be surveyed and platted as shown hereon, and does hereby dedicate to the perpetual use of the public, as public highways and waterways, the Boulevard, Avenues, Streets and Canals shown hereon, and the use of the Easements for the construction and maintenance of Public Utilities and/or Drainage purposes, but retaining unto itself, its successors, assigns or legal representatives, the Railroad Right of Ways and Tracts B-1, B-2, B-3 and B-4 as shown on the attached plat.

AND FURTHERMORE, the said Corporation does hereby grant to the perpetual use of the public, an Easement in, over and across said Tracts B-1 to B-4, inclusive, for Road and Canal purposes, said Easements and the use thereof by the public being always subject to and consistent with the reserved prior right of the owner, or owners, from time to time of said Railroad Right-of-Ways or any licensee of such owner, or owners, to use said Tracts B-1 to B-4, inclusive, for rail and railroad purposes.

IN WITNESS WHEREOF, the said Corporation has caused these presents to be signed by its President and attested by its Secretary and its corporate seal to be affixed hereto by and with the authority of its Board of Directors, this 5th day of September, A.D. 1961.

LEWIS TERMINALS, INC.
 Attest: Charles Dalton Secretary By: Harold C. Bull President

STATE OF ILLINOIS
 COUNTY OF COOK

I HEREBY CERTIFY, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, HAROLD C. BULL and CHARLES C. DALTON, President and Secretary, respectively, of LEWIS TERMINALS, INC., a Corporation, to me well known and known to me to be the individuals described in, and who executed the foregoing dedication, and they acknowledged before me that they executed the same as such officers of said Corporation, by and with the authority of its Board of Directors for the purposes therein expressed, and that their act and deed was the act and deed of said Corporation.
 WITNESS my hand and official seal of Chicago, County of Cook and State of Illinois, this 5th day of September, A.D. 1961.

Robert M. Kilduff
 Notary Public

My Commission expires: July 26, 1963

STATE OF FLORIDA
 COUNTY OF PALM BEACH

I HEREBY CERTIFY, that the plat shown hereon is a true and correct representation of a survey, made under my direction, of the herein described property, and that said survey is accurate to the best of my knowledge and belief, and that permanent reference monuments (P.R.M.) have been placed as required by law.

Wayne G. Burdick
 Registered Land Surveyor
 Florida Certificate No. 831

Subscribed and sworn to before me this 30th day of August, A.D. 1961

John J. Hester
 Notary Public

My Commission expires: August 7, 1965

NOTE
 All Bearings shown hereon refer to an assumed bearing of East-West of the South line of Block 3, Monroe Heights, according to the plat thereof recorded in Plat Book 11, Page 68.
 Permanent Reference Monuments shown thus: ○



Approved: 8-31, A.D. 1961
 City of Riviera Beach, Florida
 By: H.P. Knight
 Mayor

Approved: September 22, A.D. 1961
 Board of County Commissioners
 By: Paul Spencer Chairman
 By: Appalachian County Engineer

BROCKWAY, WEBER & BROCKWAY ENGINEERS, INCORPORATED WEST PALM BEACH, FLORIDA		
PLAT NO. 2 LEWIS TERMINALS IN 3 SHEETS SHEET NO. 1		
FILED: OFFICE: J.L.B. DATE BY: M.G.B.	SCALE: 1" = 200' DATE: JUNE 1961	DEPT. NO. JOB NO.

tabbles
EXHIBIT
2

This is not a certified copy

43

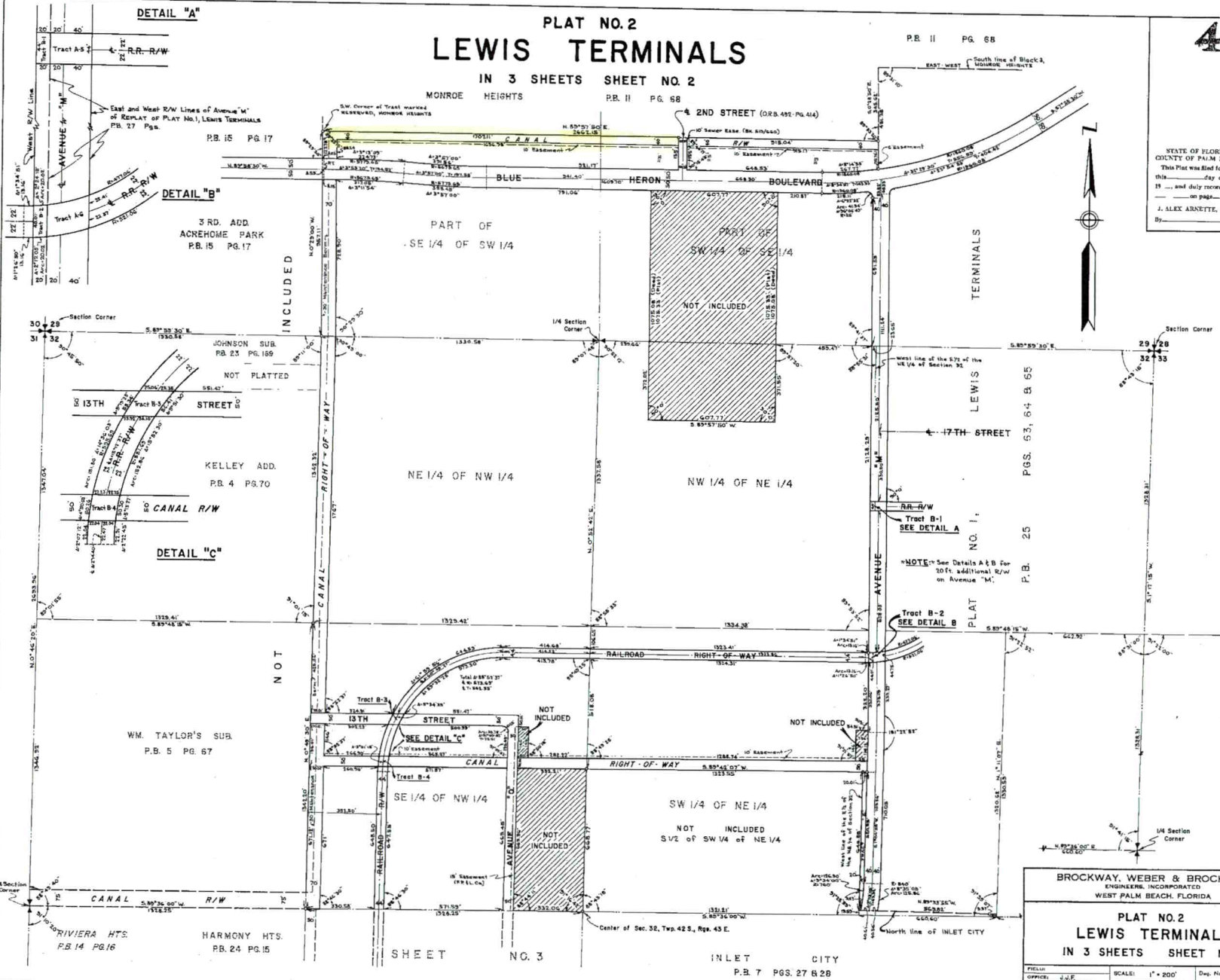
PLAT NO. 2 LEWIS TERMINALS

IN 3 SHEETS SHEET NO. 2

MONROE HEIGHTS

P.B. II PG. 68

P.B. II PG. 68



STATE OF FLORIDA }
 COUNTY OF PALM BEACH }
 This Plat was filed for record at _____ M.
 this _____ day of _____
 19 _____ and duly recorded in Plat Book No.
 _____ on page _____
 J. ALEX ARNETT, Clerk Circuit Court
 By _____, D. C.

BROCKWAY, WEBER & BROCKWAY
 ENGINEERS, INCORPORATED
 WEST PALM BEACH, FLORIDA

PLAT NO. 2
LEWIS TERMINALS
 IN 3 SHEETS SHEET NO. 2

FIELD: _____ OFFICE: J.J.F. SCALE: 1" = 200' Dep. No. _____
 DRAWN BY: M.G.B. DATE: JUNE 1961
 CHECKED BY: _____

INLET CITY P.B. 7 PGS. 27 & 28

HC-66-A



DEEVAN INCORPORATED
UNDERGROUND UTILITY CONTRACTORS
WATER • SEWER • DRAINAGE

August 24, 2017

Simmons & White, Inc.
Attn: Lauren Casarus
2581 Metrocentre Boulevard, Ste 3
West Palm Beach, FL 33407

RE: West Blue Heron Boulevard, Riviera Beach

STORM DRAINAGE:

- 3 - 8' diameter JC inlet with USF 6210
- 1,380 - 60" x 80" ECAP
- 1 - 60" x 80" precast endwall
- 4,000 CY - Clean fill to top of pipe

Note: All storm structures will be cleaned at time of installation and covered with a filter cloth barrier. Damage or removal of barrier will result in debris infiltration and all costs incurred for additional cleaning will be the responsibility of the general contractor.

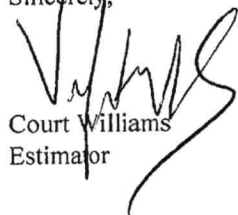
TOTAL: \$ 595,300.00

Prices do not include: Survey; as-builts; permits; payment and performance bonds; density tests; removal or replacement of unsuitable soils or materials (rock, muck, trash, etc.); removal and disposal of any asbestos materials; removal of excess fill; dewatering permits or any fines and/or fees associated with dewatering; damage to unmarked and/or improperly marked existing utilities or irrigation systems; removal, restraint, or relocation of existing utilities or utility poles; irrigation systems; asphalt; concrete or landscape restoration; fire line; electric work for lift station including mounting of control panel; TV of lines; deflection gauge testing.

Price are subject to change after 30 days from proposal date.

Thank you for giving us the opportunity to provide you with this quotation. We look forward to discussing this project with you in detail.

Sincerely,



Court Williams
Estimator

1450 Kinetic Road • Lake Park, Florida 33403
Phone (561) 844-5518 • Fax (561) 844-5641

EXHIBIT 3

PIPING, PAVING & PARKING LICENSE AGREEMENT

THIS AGREEMENT executed this ____ day of _____, 2018 by and between the **CITY OF RIVIERA BEACH**, a Florida municipality, whose mailing address is 600 West Blue Heron Blvd., Riviera Beach, Florida 33404, hereinafter referred to as “City” and **BLP BLUE HERON LLC**, a Florida limited liability company, whose mailing address is 7741 N Military Trail, Suite 1, Palm Beach Gardens, FL 33410, hereinafter referred to as “Licensee”; and

WHEREAS, Licensee is the owner of that certain property located in the City of Riviera Beach, hereinafter referred to as “Property”, more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, City maintains and controls certain right, title or interest in the drainage Canal right of way, hereinafter referred to as “Canal”, abutting and contiguous to the Property; and

WHEREAS, it is in the interest of the City to encourage the development of the Property to generate business and employment opportunities for the citizens of the City, and to enhance the City’s tax base; and

WHEREAS, Licensee has requested that the City hereby license and permit Licensee to utilize a portion of the Canal, hereinafter referred to as “License Area,” as described on Exhibit “B,” to locate, place, construct, maintain piping, pavement and other infrastructure to permit vehicular circulation, parking, landscaping and lighting, hereinafter referred to as the “Improvements.”

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable considerations, received by each party from the other, it is hereby agreed as follows:

1. The above recitals are true and correct, and are incorporated into this License Agreement.
2. The City does hereby license and permit Licensee to pipe a portion of City’s Canal within the License Area for installation of the Improvements, and the maintenance of same, as shown on Exhibit “B”, for as long as Licensee is in compliance with the terms of this License Agreement.
3. The City’s Canal within the License Area shall be piped by Licensee within one year from the date of this License Agreement, all costs associated with the installation shall be paid by the Licensee without recourse to the City. Two one-year extensions may be granted by the City Manager or his designee, upon demonstration of good cause for delay.

4. Licensee shall submit all plans to the City's engineering and building departments for review and approval. Licensee shall be responsible for all fees associated with the review and inspection of the installation of the Improvements
5. Licensee agrees to maintain the installed pipe and its headwalls, and pay all expenses there involved so as to provide at all times that the condition of the pipe remains suitable to facilitate the free flow of water through the pipe and further to maintain and keep said improvements in a good, safe usable condition and also to keep the improvements in compliance with the approved engineering plans and to perform all acts of maintenance that the City may reasonably require in writing. All costs of such maintenance to be the responsibility of the Licensee without recourse to the City.
6. In the event Licensee fails to initiate any required maintenance within thirty (30) days after written notice from the City demanding same, unless otherwise extended, this License shall automatically be voided and all rights hereunder shall be deemed released, and the City shall have the authority to restore the Property as an open Canal and shall have the right to reclaim ownership of any pipe salvage. The expenses thereby reasonably incurred shall become a lien, effective upon filing said lien, against the Property, and shall be enforceable and collectable in accordance with the laws of the State of Florida. Licensee acknowledges that by the removal of the parking spaces, the subject site may become non-conforming and Licensee assumes all risks associated therewith and Licensee releases, indemnifies and holds harmless the City for the removal of the parking spaces and the resulting non-conforming use of the site.
7. Licensee agrees to indemnify and hold the City harmless of and from any and all liability which the City may or could sustain as a result of or emanating out of the piping and usage of its Canal right-of-way, the same including, but not limited to damage or injury to the actual culvert, parking, landscaping, and lighting, or to the public's use thereof.
8. City retains the right to enter the License Area for any and all purposes consistent with its authority. Licensee shall hold the City harmless for any and all damages that may be caused by the City to paving, landscaping, and lighting in the proper exercise of its responsibilities and obligations of maintenance of its drainage system.
9. Licensee shall insure the City against any and all liabilities by a general liability policy naming the City of Riviera Beach as an additional named insured in the amount of ONE MILLION (\$1,000,000.00) DOLLARS, and that such insurance policy shall be kept in full force and effect during the term of this License Agreement and the expenses of same shall be borne by Licensee or its successors and / or assigns. Proof of such coverage shall be delivered to the City annually.

10. This License Agreement, unless terminated due to default by Licensee of the terms and conditions as provided herein, shall be perpetual. All successors and assigns of Licensee shall be approved by the City, approval of which shall not be unreasonably withheld. All assigns or successor to Licensee will be required to execute an assignment of this Agreement in a form acceptable to the City.
11. The parties hereby agree from time to time to execute and deliver such further and other transfers, assignments, and documents and to do all matters and things, which may be convenient to more effectively and completely carry out the intentions of this License Agreement.
12. Except as modified herein, this License Agreement shall be subject to all applicable provisions of law. A copy of this License Agreement shall be recorded with the Clerk of the Circuit Court of Palm Beach County, Florida.
13. All notices required or allowed by this Agreement shall be delivered in person or mailed by Certified Mail – Return Receipt Requested, postage prepaid, to the party upon whom such notice is to be given at the following addresses:

Licensee:

BLP BLUE HERON LLC

c/o: Stuart Hankin

7741 N Military Trail, Suite 1

Palm Beach Gardens, FL 33410

City:

City of Riviera Beach

Attn.: City Attorney's Office

600 West Blue Heron Blvd.,

Riviera Beach, Florida 33404

IN WITNESS WHERE OF, the parties have hereunto executed this License Agreement the day and year first above written.

(Remainder of page left intentionally blank. Signature pages to follow.)

Insert Signature Pages Here

Exhibit A

Licensee's Property – Legal Description

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Plat No. 3 of the Subdivision of Part of the South 115 feet of the North 155 feet of Plat No. 2, Lewis Terminals, according to the plat thereof as recorded in Plat Book 28, Page 99, Public Records of Palm Beach County, Florida.

Exhibit A

License Area – Legal Description

The portion of the 40' Canal R/W, as shown on Plat No. 2, Lewis Terminals, according to the plat thereof as recorded in Plat Book 27, Page 42 lying North of, and immediately adjacent to the following described parcel of land:

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Plat No. 3 of the Subdivision of Part of the South 115 feet of the North 155 feet of Plat No. 2, Lewis Terminals, according to the plat thereof as recorded in Plat Book 28, Page 99, Public Records of Palm Beach County, Florida.



CITY OF RIVIERA BEACH STAFF REPORT APPLICATION NUMBER PA-21-03

A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving plat application (PA-21-03) from BLP Blue Heron Commercial, to combine approximately 57,520 square feet of abandoned canal right of way with the adjacent vacant parcel of land to the south identified by parcel control number 56-43-42-29-37-000-0030 into one lot totaling approximately 4.91 acres in land area, for the real properties located north of West Blue Heron Boulevard, south of West 23rd Street, east of RJ Hendley Avenue, and west of Avenue 'O', identified by parcel control number 56-43-42-29-37-000-0030 and including land formerly designated as a canal right of way; providing for conditions of approval; and providing for an effective date.

A. Applicant: BLP Blue Heron Commercial

B. Request: The application is to permit the combination of approximately 57,520 square feet of abandoned canal right of way with the adjacent vacant parcel of land to the south identified by parcel control number 56-43-42-29-37-000-0030 into one lot totaling approximately 4.91 acres in land area, for the real properties located north of West Blue Heron Boulevard, south of West 23rd Street, east of RJ Hendley Avenue, and west of Avenue 'O', identified by parcel control number 56-43-42-29-37-000-0030 and including land formerly designated as a canal right of way.

C. Location: The subject property is located north of West Blue Heron Boulevard, south of West 23rd Street, east of RJ Hendley Avenue, and west of Avenue 'O'.

D. Property Description and Uses:

Parcel Control Numbers: 56-43-42-29-37-000-0030 and abandoned canal right of way

Parcel Size: Combined area equals 4.91 acres

Existing Use: drainage conveyance and vacant

Zoning: OP Office and Professional District

Future Land Use: Office

E. Adjacent Property Description and Uses:

North: Canal ROW with single family north of the canal

South: Large scale commercial/industrial warehouse

"The Best Waterfront City in Which to Live, Work And Play."



East: Multi-family residential
West: Multi-family residential

F. Background:

The Applicant submitted Plat Application (PA-21-03) for approval of a re-plat to combine the area of the soon to be abandoned canal right of way with the existing vacant parcel to assemble a parcel with greater depth to accommodate the proposed redevelopment.

The larger project includes an abandonment of the canal, a site plan for a commercial development, a rezoning to CG General Commercial, and a land use change to Commercial. Those other permits were previously reviewed by the Planning and Zoning Board and advanced for the City Council to consider.

The Applicant team did not advance the Plat at that time because there were many details associated with the abandonment and the varied easements on the property that needed to be resolved prior to memorializing them on the plat.

Staff encouraged the Applicant to move the Plat forward now so that it can advance to the City Council with the related permits as it is more efficient for the Council to review all aspects of the project at one time.

G. Staff Analysis:

Staff supports the proposed re-plat as it creates a larger developable parcel which enables the redevelopment of this underutilized parcel and also memorializes the many easements on the property.

H. Recommendation:

Staff recommends approval of plat application (PA-21-03) from BLP Blue Heron Commercial, to combine approximately 57,520 square feet of abandoned canal right of way with the adjacent vacant parcel of land to the south identified by parcel control number 56-43-42-29-37-000-0030 into one lot totalling approximately 4.91 acres in land area, for the real properties located north of West Blue Heron Boulevard, south of West 23rd Street, east of RJ Hendley Avenue, and west of Avenue 'O', identified by parcel control number 56-43-42-29-37-000-0030 and including land formerly designated as a canal right of way, providing for conditions of approval; and providing for an effective date.



BLUE HERON COMMERCIAL

BEING A REPLAT OF ALL OF PLAT NO. 3 OF THE SUBDIVISION OF PART OF SOUTH 115 FT. OF NORTH 155 FT. OF PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 28, PAGE 99, TOGETHER WITH A PORTION OF THE ADJOINING 40 FOOT WIDE CANAL RIGHT-OF-WAY SHOWN ON PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 27, PAGES 42, 43 AND 44 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALL LYING IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

DEDICATIONS AND RESERVATIONS

KNOW ALL MEN BY THESE PRESENTS THAT, BLP BLUE HERON, LLC, OWNER OF THE LAND SHOWN HEREON AS BLUE HERON COMMERCIAL, BEING A REPLAT OF ALL OF PLAT NO. 3 OF THE SUBDIVISION OF PART OF SOUTH 115 FT. OF NORTH 155 FT. OF PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 28, PAGE 99, TOGETHER WITH A PORTION OF THE ADJOINING 40 FOOT WIDE CANAL RIGHT-OF-WAY SHOWN ON PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 27, PAGES 42, 43 AND 44 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALL LYING IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16, PLAT NO. 3 OF THE SUBDIVISION OF PART OF THE SOUTH 115 FEET OF THE NORTH 155 FEET OF PLAT NO. 2, LEWIS TERMINALS, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 28, PAGE 99, SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE 40 FOOT CANAL RIGHT-OF-WAY AS SHOWN ON THE PLAT OF PLAT NO. 2, LEWIS TERMINALS, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 27, PAGE 42, AND LYING NORTHERLY OF AND ADJACENT TO LOTS 3 THROUGH 16, OF SAID PLAT NO. 3 OF THE SUBDIVISION OF PART OF THE SOUTH 115 FEET OF THE NORTH 155 FEET OF PLAT NO. 2, LEWIS TERMINALS, OF SAID PUBLIC RECORDS, LYING WITHIN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 16, PLAT NO. 3 OF THE SUBDIVISION OF PART OF THE SOUTH 115 FEET OF THE NORTH 155 FEET OF PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 28, PAGE 99, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.88°27'26"W., A DISTANCE OF 720.64 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 5679.65 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°57'00", A DISTANCE OF 391.56 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 5779.65 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°13'09", A DISTANCE OF 324.73 FEET TO A NON-TANGENT INTERSECTION; THENCE N.01°05'44"E., A DISTANCE OF 128.24 FEET; THENCE S.88°27'26"E., A DISTANCE OF 1437.29 FEET; THENCE S.01°32'34"W., A DISTANCE OF 155.00 FEET TO THE **POINT OF BEGINNING**.

TOGETHER BEING MORE PROPERLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 3, PLAT NO. 3 OF THE SUBDIVISION OF PART OF SOUTH 115 FT. OF NORTH 155 FT. OF PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 28, PAGE 99, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.88°27'26"W., A DISTANCE OF 720.64 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 5679.65 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°57'00", A DISTANCE OF 391.56 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 5779.65 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°13'09", A DISTANCE OF 324.73 FEET TO A NON-TANGENT INTERSECTION; THENCE N.01°05'44"E., A DISTANCE OF 128.24 FEET; THENCE S.88°27'26"E., A DISTANCE OF 1437.29 FEET; THENCE S.01°32'34"W., A DISTANCE OF 155.00 FEET TO THE **POINT OF BEGINNING**.

SAID LAND SITUATE, LYING AND BEING IN, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 213,907 SQUARE FEET (4.91 ACRES) MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAYS AND RESERVATIONS OF RECORD.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

DEVELOPMENT TRACT: TRACT "A", AS SHOWN HEREON, IS HEREBY RESERVED FOR BLP BLUE HERON, LLC, ITS SUCCESSORS AND ASSIGNS, FOR PURPOSES CONSISTENT WITH THE ZONING REGULATIONS OF THE CITY OF RIVIERA BEACH, FLORIDA, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF BLP BLUE HERON, LLC, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF RIVIERA BEACH.

UTILITY EASEMENTS (I.E.): THE UTILITY EASEMENTS RUNNING ADJACENT AND PARALLEL TO PUBLIC STREETS, THE TRACTS FOR PRIVATE ROAD PURPOSES AND DRIVEWAY/PARKING TRACTS, AS SHOWN HEREON, ARE NONEXCLUSIVE EASEMENTS AND ARE HEREBY DEDICATED IN PERPETUITY TO THE PUBLIC FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, EXPANSION AND REPLACEMENT OF UTILITIES, BOTH PUBLIC AND PRIVATE, INCLUDING, BUT NOT LIMITED TO, POTABLE WATER PIPELINES, RAW WATER PIPELINES, WASTEWATER PIPELINES, RECLAIMED WATER PIPELINES, ELECTRIC POWER LINES, TELECOMMUNICATIONS LINES, CABLE TELEVISION LINES, GAS LINES, AND RELATED APPURTENANCES. THE INSTALLATION OF CABLE TELEVISION SYSTEMS SHALL NOT INTERFERE WITH THE CONSTRUCTION AND MAINTENANCE OF OTHER UTILITIES. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. IF OTHERWISE APPROVED BY CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, NO BUILDINGS, STRUCTURES, IMPROVEMENTS, TREES, WALLS OR FENCES SHALL BE INSTALLED WITHIN THESE EASEMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, ITS SUCCESSORS AND ASSIGNS.

THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED IN PERPETUITY FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY FACILITIES, INCLUDING CABLE TELEVISION SYSTEMS, THE INSTALLATION OF CABLE TELEVISION SYSTEMS SHALL NOT INTERFERE WITH THE CONSTRUCTION AND MAINTENANCE OF OTHER UTILITIES. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

THE CITY OF RIVIERA BEACH (C.R.B.) UTILITY EASEMENTS IDENTIFIED ON THE PLAT HEREON ARE EXCLUSIVE EASEMENTS AND ARE HEREBY DEDICATED IN PERPETUITY TO THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, ITS SUCCESSORS AND ASSIGNS, FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, EXPANSION AND REPLACEMENT OF POTABLE WATER PIPELINES, RAW WATER PIPELINES, WASTEWATER PIPELINES, RECLAIMED WATER PIPELINES, AND RELATED APPURTENANCES. THE MAINTENANCE OF THE LAND UNDERLYING THESE EASEMENTS SHALL BE A PERPETUAL OBLIGATION OF THE PROPERTY OWNER.

MASS TRANSIT EASEMENT: THE MASS TRANSIT EASEMENT AS SHOWN HEREON IS DEDICATED IN PERPETUITY, BY BLP BLUE HERON, LLC, TO THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, ITS SUCCESSORS AND ASSIGNS (HEREAFTER "COUNTY"), FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND USE OF A PUBLIC TRANSIT BOARDING AND ALIGHTING AREA, WHICH USE INCLUDES BUT IS NOT LIMITED TO A PUBLIC TRANSIT BUS SHELTER, TRANSFER STATION, AND ADVERTISING. BLP BLUE HERON, LLC, ITS SUCCESSORS AND ASSIGNS (HEREAFTER "OWNER"), SHALL MAINTAIN THE EASEMENT AREA UNTIL SUCH TIME AS THE COUNTY CONSTRUCTS IMPROVEMENTS IN THE EASEMENT AREA FOR ITS INTENDED USE AND PURPOSES, AT WHICH TIME THE COUNTY WILL ASSUME MAINTENANCE OF THE EASEMENT AREA SO LONG AS THE IMPROVEMENTS ARE LOCATED THEREON AND COUNTY USES THE EASEMENT AREA FOR ITS INTENDED PURPOSES. THE MAINTENANCE OBLIGATION SHALL AUTOMATICALLY REVERT TO THE OWNER UPON COUNTY'S TEMPORARY OR PERMANENT CESSATION OF USE OF THE IMPROVEMENTS OR REMOVAL OF THE IMPROVEMENTS.

ACCESS EASEMENT

A PERPETUAL EASEMENT IS HEREBY DEDICATED TO THE CITY OF RIVIERA BEACH OVER ALL DRIVEWAYS, SIDEWALKS, AND OPEN SPACES WITHIN THE PLAT, AS MAY BE MODIFIED FROM TIME TO TIME, FOR INGRESS, EGRESS, AND ACCESS TO THE CITY'S UTILITIES INCLUDING THE CITY'S WELL AND THE STORMWATER CONVEYANCE SYSTEM. THE EASEMENT MAY ALSO BE UTILIZED BY ANY CITY SERVICE AND EMERGENCY VEHICLES AND FOR ALL OTHER PROPER PURPOSES OF THE CITY. THE CITY OF RIVIERA BEACH SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE OBLIGATIONS FOR SAID EASEMENT AREA EXCEPT AS SHALL RELATE TO THE SERVICING AND MAINTENANCE OF ANY PUBLIC UTILITIES.

STORMWATER EASEMENT

THE STORMWATER EASEMENT IDENTIFIED ON THE PLAT HEREON IS AN EXCLUSIVE EASEMENT AND IS HEREBY DEDICATED IN PERPETUITY TO THE CITY OF RIVIERA BEACH, ITS SUCCESSORS AND ASSIGNS, FOR STORMWATER ACCESS, CONVEYANCE, AND MAINTENANCE. THE MAINTENANCE OF THE LAND UNDERLYING THIS EASEMENT SHALL BE A PERPETUAL OBLIGATION OF THE PROPERTY OWNER.

IN WITNESS WHEREOF, BLP BLUE HERON, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS, ____ DAY OF _____, 2022.

BLP BLUE HERON, LLC
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: _____ BY: _____, VICE PRESIDENT

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, _____ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS VICE PRESIDENT OF BLP BLUE HERON, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE/SHE EXECUTED SAID INSTRUMENT AS SUCH OFFICER OF SAID COMPANY, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE COMPANY SEAL OF SAID COMPANY AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR COMPANY AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL THIS ____ DAY OF _____, 2022.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC STATE OF FLORIDA

PRINT NAME: _____

COMMISSION NO. _____

(SEAL)

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, _____, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN BLP BLUE HERON, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; AND THAT ALL OTHER ITEMS HELD AGAINST SAID LANDS HAVE BEEN SATISFIED; THAT THERE ARE NO MORTGAGES OF RECORD; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: _____ BY: _____, ATTORNEY-AT-LAW
FLORIDA BAR NO. _____

CITY OF RIVIERA BEACH APPROVALS

CITY OF RIVIERA BEACH
COUNTY OF PALM BEACH, FLORIDA

IT IS HEREBY CERTIFIED THAT THIS PLAT ENTITLED BLUE HERON COMMERCIAL HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE CITY OF RIVIERA BEACH, FLORIDA.

THIS ____ DAY OF _____, 2022.

BY: _____
RONNIE L. FELDER, MAYOR

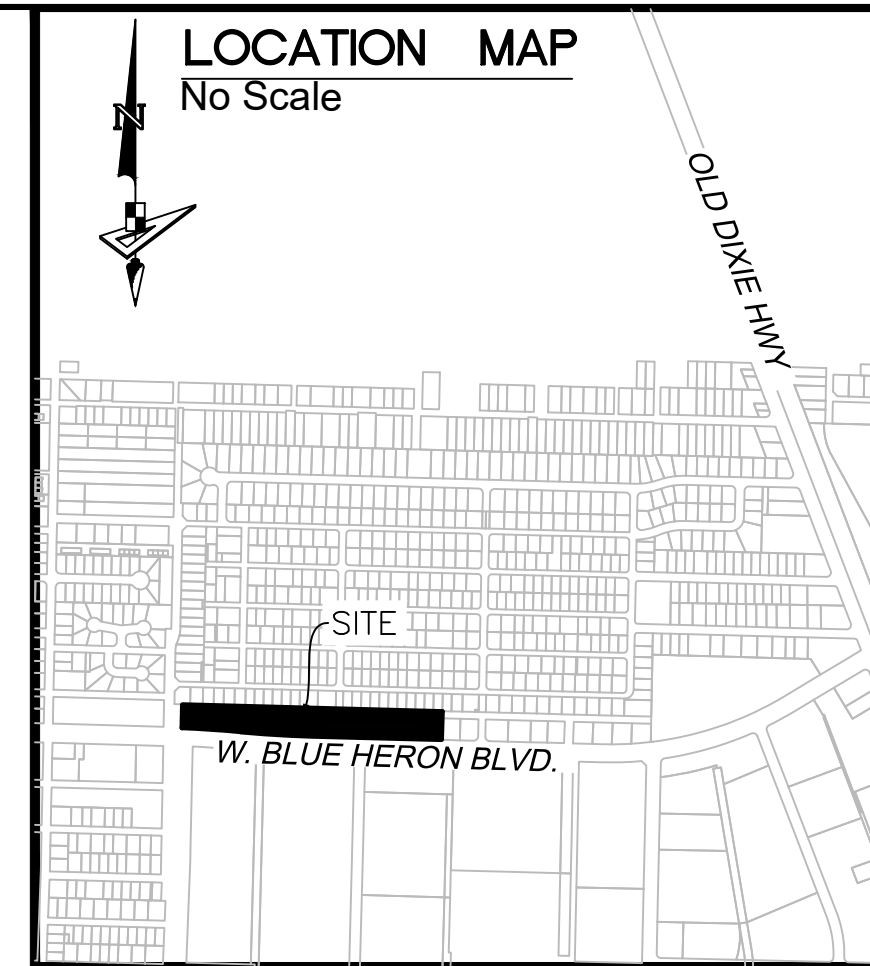
BY: _____
CLAUDENE L. ANTHONY, CMC
CITY CLERK

BY: _____
TERRENCE N. BAILEY, P.E., CITY ENGINEER

CITY OF RIVIERA BEACH REVIEWING SURVEYOR

ON BEHALF OF THE CITY OF RIVIERA BEACH, FLORIDA, IN ACCORDANCE WITH CHAPTER 177.081(1) OF THE FLORIDA STATUTES, THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1, PLATTING, FLORIDA STATUTES AND THE ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA. THIS REVIEW DOES NOT INCLUDE THE VERIFICATION OF THE GEOMETRIC DATA OR THE FIELD VERIFICATION OF PERMANENT CONTROL POINTS (P.C.P.s) AND MONUMENTS AT LOT/TRACT CORNERS.

THIS ____ DAY OF _____, 2022 BY: _____
GARY M. RAYMAN
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. LS2633

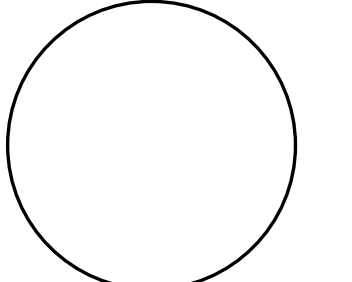


STATE OF FLORIDA }
COUNTY OF PALM BEACH } S.S.

THIS INSTRUMENT WAS FILED FOR
RECORD AT _____ M.
THIS ____ DAY OF _____
2022 AND DULY RECORDED
IN PLAT BOOK NO. _____
ON PAGE _____

JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT &
COMPTROLLER
BY: _____, D.C.

CLERK OF THE
CIRCUIT COURT &
COMPTROLLER SEAL



AS APPROVED ON _____, 2022 VIA CITY OF RIVIERA BEACH RESOLUTION
NO. _____-22

SURVEYORS NOTES

1. NO BUILDING OR ANY KIND OF CONSTRUCTION OF TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE CITY OF RIVIERA BEACH APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.

2. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.

3. ALL LINES INTERSECTING CIRCULAR CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

4. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.

5. BUILDING SETBACK LINES SHALL BE AS REQUIRED BY CURRENT ORDINANCES OF THE CITY OF RIVIERA BEACH.

6. BEARING DATUM SHOWN HEREON BASED ON STATE PLANE COORDINATES, NORTH AMERICAN DATUM OF 1983 (NAD 83 / 1990 ADJUSTMENT) FOR THE EAST ZONE OF FLORIDA, AS PROVIDED BY PALM BEACH COUNTY CONTROLS "FRIDGE" AND "RIVIERA COMPLEX". THE LINE BETWEEN THESE ESTABLISHED POINTS BEARS THE BEARING OF S.59°07'30"E., AND ALL BEARINGS ARE RELATIVE THERETO.

STATE PLANE COORDINATE NOTES:

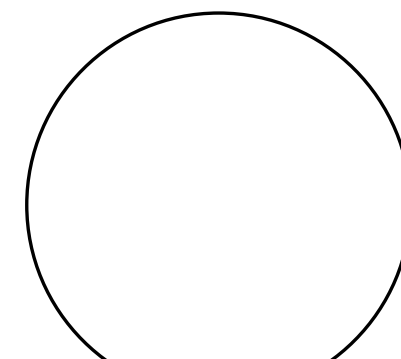
- ALL DISTANCES ARE GROUND
- SCALE FACTOR = 1.0000457
- COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
COORDINATES SHOWN ARE GRID COORDINATES
- ZONE = FLORIDA EAST ZONE
- DATUM = NAD 83-1990 ADJUSTMENT
- GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
- LINEAR UNIT = U.S. SURVEY FEET
- PLAT BEARINGS = GRID BEARINGS
NO ROTATION

SURVEYOR & MAPPER'S CERTIFICATE

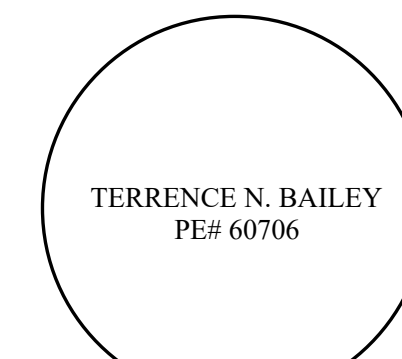
THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S."), AND MONUMENTS ACCORDING TO SEC. 177.091(9), F.S., HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF CITY OF RIVIERA BEACH, FLORIDA.

DATE: _____
LUIS J. ORTIZ, P.S.M.
LICENSE NO. LS7006
STATE OF FLORIDA

THIS INSTRUMENT WAS PREPARED BY
LUIS J. ORTIZ, P.S.M.
LS7006 STATE OF FLORIDA.
GEOPOINT SURVEYING, INC.
4152 WEST BLUE HERON BOULEVARD, SUITE 106,
RIVIERA BEACH, FLORIDA 33404.
CERTIFICATE OF AUTHORIZATION NO. LB7768

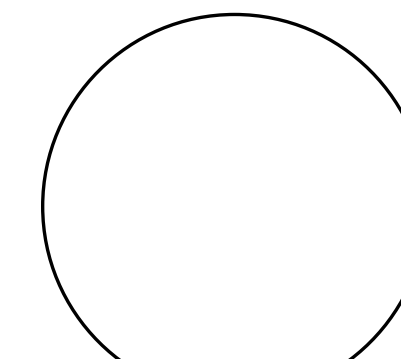


BLP BLUE HERON LLC



TERRENCE N. BAILEY
PE# 60706

CITY ENGINEER'S
SEAL



SURVEYOR'S SEAL

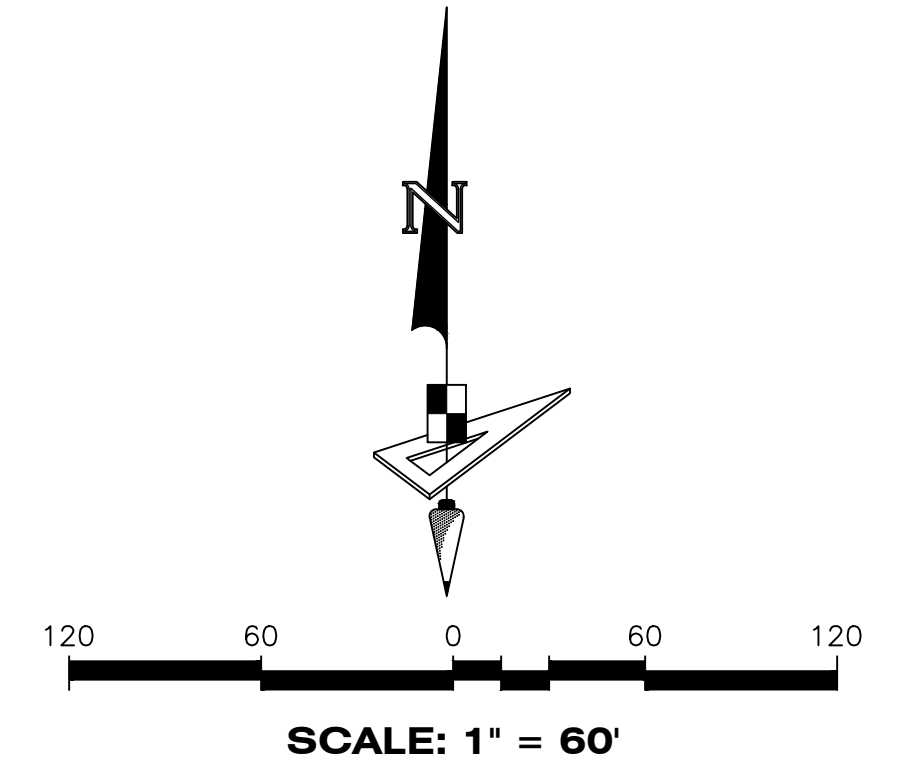


4152 W. Blue Heron Blvd.
Suite 105
Riviera Beach, FL 33404
Phone: (561) 444-2720
www.geopointsurveying.com
Licensed Business Number LB 7768

Sheet No. 1 of 2 Sheets

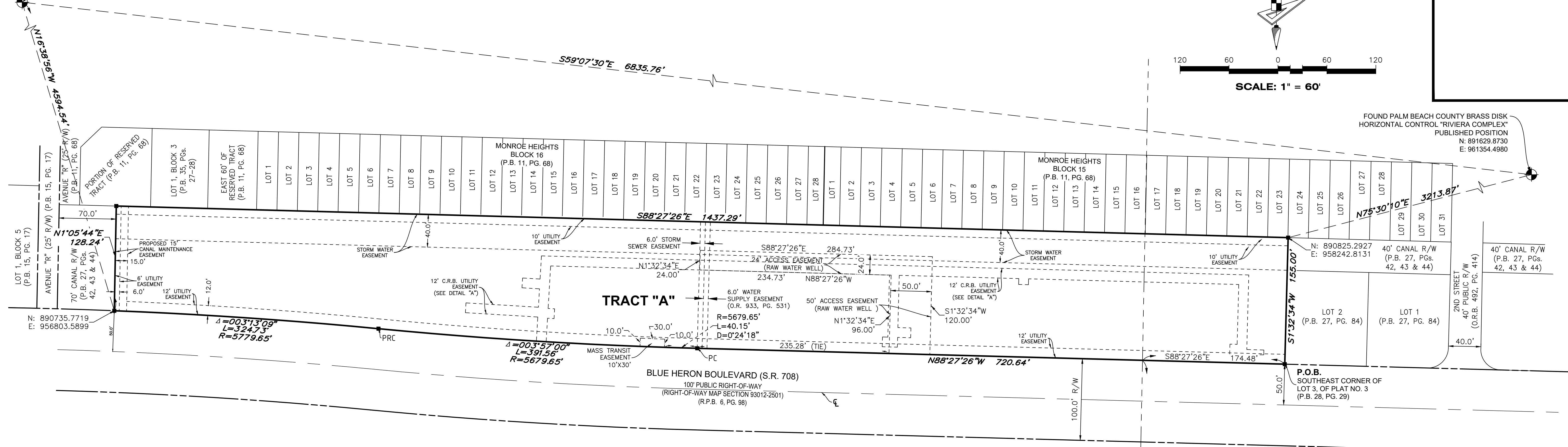
BLUE HERON COMMERCIAL

BEING A REPLAT OF ALL OF PLAT NO. 3 OF THE SUBDIVISION OF PART OF SOUTH 115 FT. OF NORTH 155 FT. OF PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 28, PAGE 99, TOGETHER WITH A PORTION OF THE ADJOINING 40 FOOT WIDE CANAL RIGHT-OF-WAY SHOWN ON PLAT NO. 2, LEWIS TERMINALS, AS RECORDED IN PLAT BOOK 27, PAGES 42, 43 AND 44 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALL LYING IN SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.



FOUND PALM BEACH COUNTY BRASS DISK
HORIZONTAL CONTROL "FRIDGE"
PUBLISHED POSITION
N: 895137.9050
E: 955487.1720

FOUND PALM BEACH COUNTY BRASS DISK
HORIZONTAL CONTROL "RIVIERA COMPLEX"
PUBLISHED POSITION
N: 891629.8730
E: 961354.4980



LEGEND

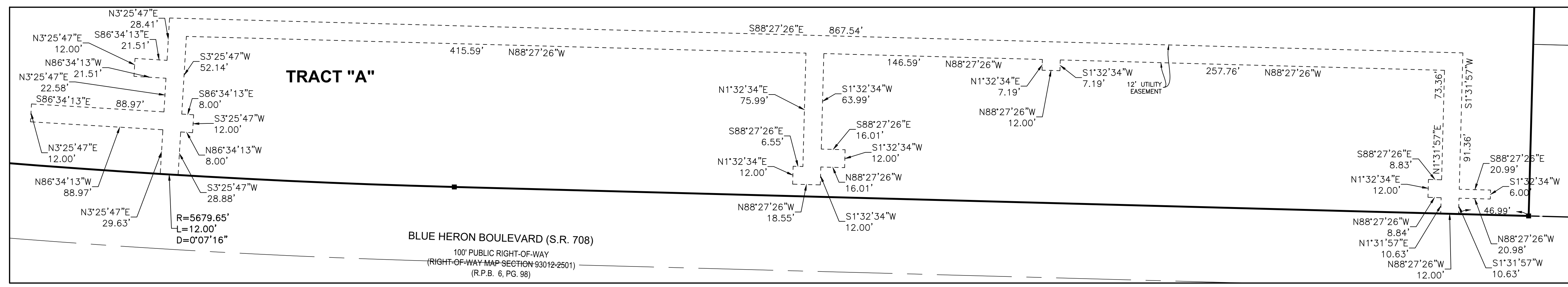
- | | |
|--|---|
| P.B. ---- PLAT BOOK | (G) ---- GRID DISTANCE |
| PG. ---- PAGE | (S) ---- GROUND DISTANCE |
| R.P.B. ---- ROAD PLAT BOOK | R/W ---- RIGHT-OF-WAY |
| O.R./O.R.B. ---- OFFICIAL RECORDS BOOK | CL ---- CENTER LINE OF ROAD |
| P.O.B. ---- POINT OF BEGINNING | R ---- RADIUS |
| PCN ---- PARCEL CONTROL NUMBER | L ---- ARC LENGTH |
| D.E. ---- DRAINAGE EASEMENT | D ---- DELTA ANGLE |
| U.E. ---- UTILITY EASEMENT | PC ---- POINT OF CURVATURE |
| P.B.C. ---- PALM BEACH COUNTY | PRC ---- POINT OF REVERSE CURVATURE |
| CL ---- CENTERLINE | CD ---- P.B.C. HORIZONTAL CONTROL LOCATION |
| C.R.B. ---- CITY OF RIVIERA BEACH | QS ---- QUARTER SECTION LOCATION |
| M.U.P.D. ---- MULTI-USE PLANNED DEVELOPMENT | PRM ---- SET PERMANENT REFERENCE MONUMENT. |
| 1-43-40 ---- SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST | A 1 1/2" BRASS DISK STAMPED "PRM LB7768" IN A 4"x4" CONCRETE MONUMENT |

STATE PLANE COORDINATE NOTES:
a. ALL DISTANCES ARE GROUND
b. SCALE FACTOR = 1.0000457
c. COORDINATE SYSTEM = 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION
COORDINATES SHOWN ARE GRID COORDINATES
d. ZONE = FLORIDA EAST ZONE
e. DATUM = NAD 83-1990 ADJUSTMENT
f. GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
g. LINEAR UNIT = U.S. SURVEY FEET
h. PLAT BEARINGS = GRID BEARINGS
NO ROTATION

WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST
PUBLISHED POSITION
N: 898871.9160
E: 958048.3530

SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (1/4) OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 43 EAST
PUBLISHED POSITION
N: 898871.9160
E: 958048.3530

DETAIL "A" - SCALE 1"=40'



THIS INSTRUMENT PREPARED BY
LUIS J. ORTIZ, P.S.M.
LS7006 STATE OF FLORIDA
GEOPOINT SURVEYING, INC.
4152 WEST BLUE HERON BOULEVARD, SUITE 105,
RIVIERA BEACH, FLORIDA 33404.
CERTIFICATE OF AUTHORIZATION NO. LB7768



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Licensed Business Number LB 7768



Re-Submittal DRC Response To Comments: March 18, 2022

Planning & Zoning Department
600 W Blue Heron Blvd #214C
Riviera Beach, FL 33404

RE: PLAT COMMENTS: BLUE HERON COMMERCIAL

We have received your 1st Round of review comments on the above-referenced project and will submit the following response to comments:

PLAT (APP NO. PA-21-03)

UTILITIES: JOHN ARMSTRONG JARMSTRONG@RIVIERABEACH.COM

The attached February 15, 2022 re-plat still shows easements are to be dedicated to Palm Beach County Utilities Department, etc. Please revise the re-plat to state the following:

1. IN THE UTILITY EASEMENTS PARAGRAPH:
 - CHANGE FROM: "APPROVED BY PALM BEACH COUNTY UTILITIES DEPARTMENT"
 - CHANGE TO: "APPROVED BY CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT"

2. IN THE UTILITY EASEMENTS PARAGRAPH:
 - CHANGE FROM: "IF OTHERWISE APPROVED BY PALM BEACH COUNTY"
 - CHANGE TO: "IF OTHERWISE APPROVED BY CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT"

3. IN THE DEVELOPMENT TRACT PARAGRAPH:
 - CHANGE FROM: "WITHOUT RECOURSE TO PALM BEACH COUNTY"
 - CHANGE TO: "WITHOUT RECOURSE TO THE CITY OF RIVIERA BEACH"

Response: Sheet 1 of the replat has been revised to amend the replat per the above requested revisions in this resubmittal.

On behalf of BLP Blue Heron LLC, (the "Applicant"), please accept these responses to comments as it pertains to the staff review of the Blue Heron Commercial Replat application.

Very Truly Yours,

Jordan Sperling

Jordan Sperling

Jordan Sperling

From: Bailey, Terrence <TBailey@rivierabeach.org>
Sent: Wednesday, February 16, 2022 2:43 PM
To: Jordan Sperling; Savage-Dunham, Mary; Josh Nichols
Cc: Leger, Josue; Luis Ortiz; Seth Behn
Subject: RE: PA-21-03 - Blue Heron Commercial Plat

Yes I am satisfied.

Terrence N. Bailey, PE
City Engineer
City of Riviera Beach
1481 W. 15th Street
Riviera Beach, FL, 33404
Office: 561-845-4080
Tbailey@rivierabeach.org
www.rivierabeach.org

From: Jordan Sperling <jsperling@snlandplan.com>
Sent: Wednesday, February 16, 2022 12:52 PM
To: Bailey, Terrence <TBailey@rivierabeach.org>; Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>; Josh Nichols <jnichols@snlandplan.com>
Cc: Leger, Josue <JLeger@rivierabeach.org>; Luis Ortiz <LuisO@geopointsurvey.com>; Seth Behn <sbehn@llw-law.com>
Subject: RE: PA-21-03 - Blue Heron Commercial Plat

Would you mind confirming all of your comments/concerns have been addressed? If so, I will coordinate with Mary on a resubmittal appointment so we can get on track for the next available City Commission hearing.

Thank you



Jordan Sperling | MURP
Urban Planner & Project Manager

Phone 561.684.6141 ext. 102
Email: jsperling@snlandplan.com

1551 N Flagler Dr, Ste 102
West Palm Beach, FL 33401
www.snlandplan.com



From: Bailey, Terrence <TBailey@rivierabeach.org>
Sent: Tuesday, February 15, 2022 5:20 PM
To: Jordan Sperling <jsperling@snlandplan.com>; Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>; Josh Nichols <jnichols@snlandplan.com>

Jordan Sperling

From: Armstrong, John <JArmstrong@rivierabeach.org>
Sent: Saturday, March 19, 2022 5:47 AM
To: Savage-Dunham, Mary
Cc: Sirmons, Clarence; Leger, Josue; Josh Nichols; Seth Behn; Stuart Hankin; Jordan Sperling
Subject: RE: Blue Heron Commercial Plat
Attachments: Plat_Rev_03.07.22.pdf

Hello Ms. Savage Dunham,

The Utility District accepts the attached plat submittal of 3/7/22 as this 4th version of the plat was revised to address the Utility District's comments of August 13, 2021 as this version deleted PALM BEACH COUNTY UTILITIES DEPARTMENT and replaced it with the CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, etc.

Sincerely,

John A. Armstrong, P.E.
Senior Utilities Engineer
City of Riviera Beach | Utility Special District
600 West Blue Heron Boulevard
Riviera Beach, FL 33404
Office: (561) 845-3457
Email: Jarmstrong@rivierabeach.org
www.rivierabeach.org

From: Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>
Sent: Friday, March 18, 2022 3:29 PM
To: Jordan Sperling <jsperling@snlandplan.com>; Armstrong, John <JArmstrong@rivierabeach.org>
Cc: Sirmons, Clarence <CSirmons@rivierabeach.org>; Leger, Josue <JLeger@rivierabeach.org>; Josh Nichols <jnichols@snlandplan.com>; Seth Behn <sbehn@llw-law.com>; Stuart Hankin <stuhankin@gmail.com>
Subject: RE: Blue Heron Commercial Plat

Is this your formal final submittal with responses to all comments?

Respectfully,

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
Office: (561) 845-4037
msavagedunham@rivierabeach.org
www.rivierabeach.org

August 24, 2021

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 West Blue Heron Blvd
Riviera beach, FL 33404
(Via E-Mail: msavagedunham@rivierabeach.org)

**Re: Blue Heron Commercial
First Plat Review
Engenuity Group Project No. 14151.31**

Dear Mr. Gray:

This is the first review of this plat. This review is done for compliance with the City of Riviera Beach regulations and to check legal descriptions for closure and sufficiency. This does not include a review of the included survey for compliance with Chapter 61G-17, Florida Administrative code. Following are our comments:

General

1. The Title and sub-title should reflect that this plat is a replat of all of "Plat No. 3 of the subdivision of part of south 115 Ft. of North 155 Ft. of Plat No. 2 Lewis Terminals," as recorded in Plat Book 28, Page 99, together with a portion of the adjoining 40 foot wide canal right-of-way shown on "Plat No. 2 Lewis Terminals as recorded in Plat Book 27, Pages 42, 43 and 44. Public Records of Palm Beach County , Florida. (All pages).

Plat Sheets.

Sheet 1.

- A. In the description remove the words "Parcel One" and "Parcel Two" as they do not appear in any of the previous deeds or plats. Join the two with the phrase, "Together with ".

Conclude with "Together being more properly described as follows."

Then add a metes and bounds description of the overall plat boundary.

- B. Add the name of the reviewing surveyor. Gary M. Rayman. LS 2633

Sheet 2.

- A. Label the adjoining on the North as "Monroe Heights- PB. 11 PG. 68".
- B. Indicate the adjoining property and add a label for PB. 15, Pg. 17.
- C. Show graphically the lands on the East and add labels for PB 27 PG. 84, and 2nd. Street.
- D. Add a centerline symbol to the centerline of Blue Heron Boulevard and to the legend.
- E. Label the point of curvature and the point of reverse curvature, and add any abbreviations to the Legend.
- F. It would be better to replace the PCN numbers for the lots adjoining to the North with the lot numbers of the plat. (Monroe Heights- PB. 11 PG. 68

NOTE: Property control can change when there is a combination or subdivision of the adjoining properties.

If you have any questions please do not hesitate to contact me.

Sincerely,



Gary M. Rayman, P.S.M.
Senior Project Manager

January 14, 2022

Mary F. Savage Dunham, Senior Planner
City of Riviera Beach
Planning & Zoning Division
600 West Blue Heron Blvd.
Riviera Beach, Florida, FL 33404
(Via E-Mail: msavagedunham@rivierabeach.org)

**Re: Blue Heron Commercial
Second Plat Review
Engenuity Group Project No. 14151.31**

Dear Mr. Savage Dunham:

This is the second review of this plat. This review is done for compliance with the City of Riviera Beach regulations and to check legal descriptions for closure and sufficiency. This does not include a review of the included survey for compliance with Chapter 61G-17, Florida Administrative code. Following are our comments:

Sheet 1

1. In the Dedications and Reservations description, the paragraph following the line "Together being more particularly described as follows." describes two curves running Northerly and Southerly. Both of these curves should be described as running **Westerly**.
2. The year of 2021 should be change to 2022 in several places.

Sheet 2

1. Label the Point of Beginning of the Metes and Bounds description as such.
2. Label the Southeast corner of Lot 3, of Plat No. 3 as recorded in Plat Book 28, Page 29 as such.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Gary M. Rayman, P.S.M.
Senior Project Manager

February 28, 2022

Mary F. Savage Dunham, Senior Planner
City of Riviera Beach
Planning & Zoning Division
600 West Blue Heron Blvd.
Riviera Beach, Florida, FL 33404
(Via E-Mail: msavagedunham@rivierabeach.org)

**Re: Blue Heron Commercial
Third Plat Review
Engenuity Group Project No. 14151.31**

Dear Ms. Savage Dunham:

This is the third review of this plat. This review is done for compliance with the City of Riviera Beach regulations and to check legal descriptions for closure and sufficiency. This does not include a review of the included survey for compliance with Chapter 61G-17, Florida Administrative code. Following are our comments:

All of our previous have been adequately addressed. The plat is now in compliance with Chapter 177 Florida Statutes, and the city of Riviera Beach's requirements.

We can therefore recommend that the city of Riviera Beach approve the plat for recording.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Gary M. Rayman, P.S.M.
Senior Project Manager





For Staff Use Only

City of Riviera Beach Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404 Phone: (561) 845-4060 Fax : (561) 845-4038	Date:	Case Number:
	Project Title:	
	Fee Paid:	Notices Mailed:
	1 st Hearing:	2 nd Hearing:
	Publication Dates (if required)	

UNIFORM LAND USE APPLICATION

*(Please attach separate sheet of paper for required additional information)
 Complete appropriate sections of Application and sign.*

APPLICANT	Name of Property Owner(s):	SONSHINE BUILDERS LLC	
	Mailing Address:	6755 WILSON ROAD. WEST PALM BEACH, FL 33413	
	Property Address:	PCN: 56-43-42-32-01-022-0070	
	Name of Applicant (if other than owner):		
	Home: ()	Work: ()	Fax: ()
	E-mail Address:	sonshinebuildersgroupllc@gmail.com	

PLEASE ATTACH LEGAL DESCRIPTION

PROPERTY	Future Land Use Map Designation:	MF-15	Current Zoning Classification:	RM-15
	Square footage of site:	8,744 SF	Property Control Number (PCN):	56-43-42-32-01-022-0070
	Type and gross area of any existing non residential uses on site:	N/A		
	Gross area of any proposed structure:	3,295 SF		
	Is there a current or recent use of the property that is/was in violation of City Ordinance?	[] Yes [x] No		
	If yes, please describe:	N/A		
	Have there been any land use applications concerning all or part of this property in the last 18 months?	[] Yes [x] No		
	If yes, indicate date, nature and applicant's name:	N/A		
	Briefly describe use of adjoining property: North:	VACANT		
	South:	SINGLE FAMILY RESIDENCE		
East:	AVENUE I (RIGHT-OF-WAY)			
West:	DR. MARTIN LUTHER KING JR BLVD (RIGHT-OF-WAY)			

REZONE	Requested Zoning Classification:	N/A
	Is the requested zoning classification contiguous with existing?	N/A
	Is a Special Exception necessary for your intended use?	[] Yes [x] No
	Is a Variance necessary for your intended use?	[] Yes [x] No

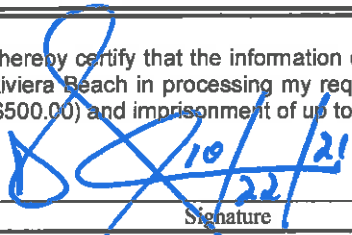
FUTURE LAND USE	Existing Use: VACANT	Proposed Use: MULTI-FAMILY RESIDENCE (MF-15)
	Land Use Designation: MF-15	Requested Land Use: MF-15
	Adjacent Land Uses: North: MF-15	South: RIGHT-OF-WAY
	East: RIGHT-OF-WAY	West: MF-15
	Size of Property Requesting Land Use Change: N/A	

SPECIAL EXCEPTION	Describe the intended use requiring a Special Exception: N/A
	Provide specific LDR ordinance section number and page number: N/A
	How does intended use meet the standards in the Land Development Code? N/A
	Demonstrate that proposed location and site is appropriate for requested use: N/A
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods: N/A
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: N/A
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: N/A
	Demonstrate how utilities and other service requirements of the use can be met: N/A
	Demonstrate how the impact of traffic generated will be handled: On-site: N/A
	Off-Site: N/A
Other: N/A	

VARIANCE	Describe the Variance sought: N/A
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site: N/A
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space: N/A
	Other: N/A

SITE PLAN	Describe proposed development: SEE ATTACHED DOCUMENT
	Demonstrate that proposed use is appropriate to site: SEE ATTACHED DOCUMENT
	Demonstrate how drainage and paving requirement will be met: SEE ATTACHED DOCUMENT
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: SEE ATTACHED DOCUMENT
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: SEE ATTACHED DOCUMENT
	Demonstrate how utilities and other service requirements of the use can be met: SEE ATTACHED DOCUMENT
	Demonstrate how the impact of traffic generated will be handled: On-site: SEE ATTACHED DOCUMENT Off-site: SEE ATTACHED DOCUMENT

OTHER	COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:
	<ul style="list-style-type: none"> • Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit. • Antenna manufacture cut sheets including antenna size and shape. • Zoning map of area with site clearly marked. • Photos of existing building or tower and surrounding uses. • Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional. • Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop. • Letter of structural capacity and building code compliance. • Notes on plan or letter demonstrating floor area coverage not in excess of restrictions • Provide Photo Enhancements of proposal. • Statement that proposal is in compliance with Environmental Regulations prior to permit issue.

Confirmation of Information Accuracy	
<p>I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.</p>	
 _____ Signature	10-22-2021 _____ Date

AGENT AUTHORIZATION FORM

Owner(s) of Record: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared _____

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

"AVENUE I / DR MARTIN LUTHER KING JR BLVD"

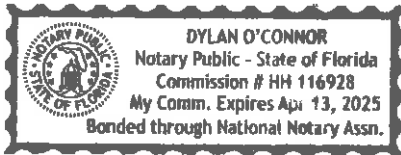
PCN 56-43-42-32-01-022-0070

the street address of which is: AVENUE I, PCN: 56-43-42-320-1022-0070

and that we hereby appoint:

Name: DKK CONSULTING, INC
Address: 951 SANSBURYS WAY SUITE 206
ROYAL PALM BEACH, FL 33411
Telephone: (561) 718-8390

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.



_____ (Seal)

_____ (Seal)

_____ (Seal)

Sworn to and subscribed before me this _____ day of _____, _____



Notary Public

SITE PLAN APPROVAL PROCEDURE

Application Information Sheet

STEP 1. PRELIMINARY REVIEW OF SUBMISSION

SIX (6) SETS OF A STAPLED AND FOLDED PACKAGE CONTAINING DRAWINGS TO SCALE AND DIMENSIONED

1. SITE PLAN

- a. Special site plan drawing with information block showing zoning, parking calculations, site area, building coverage, pervious/impervious areas, location map.
- b. Dimensions should include – lot, landscape strips, setbacks, roads, internal circulation areas, building(s), typical parking spaces, dumpster pads/enclosures, sign locations. It should be noted that sign approval requires separate building permit submission.
- c. Provide a digital copy of the site plan drawing with State Plan Coordinates in AutoCAD 2000 (.DWG) or Shapefile (.shp) format.

2. LANDSCAPE PLAN and ENVIRONMENTAL ASSESSMENT

- a. Show compliance with the City of Riviera Beach Land Development Code
- b. Drawings and/or narrative sufficient to describe the relevant flora and fauna which may be on the site. Tree survey may be required.

3. ARTERIAL ROAD DESIGN AND STANDARD

- a. Design standards for all non-residential properties fronting the following roads are required:
 - Dr. Martin Luther King, Jr. Boulevard
 - Old Dixie Highway
 - Blue Heron Boulevard
 - 13th Street
 - Military Trail
 - Congress Avenue
- b. Drawings indicating the appearance standards are required and addressed under Ordinance 2833.
- c. Only one monument sign is permitted per site with maximum square footage of 42 square feet.

4. UTILITY and DRAINAGE PLAN

- a. Conceptual plan, indicating location of lines and tie-ins, proposed hydrants, if applicable
- b. Conceptual plan to include existing and proposed major elevations.
- c. Show easement, existing and proposed.
- d. Show conceptually how retention area will provide treatment for one-hour storm.

5. TRAFFIC ASSESSMENT

- a. If traffic trip generation is under 500 T.P.D. then a properly formulated traffic statement is adequate. Traffic generation above this level will require a traffic engineer prepared traffic study. Provide total ADT (Average Daily Trips) for project [from Traffic Statement, Traffic Study or Table 1 in Sec. 23.AA – 28.3 of Code].

- b. Palm Beach County Traffic Assessment Requirements: Applicant must submit a Traffic Impact Study for Palm Beach County to receive concurrency approval in accordance with Sec. 23-131 of the Palm Beach County Traffic Performance Code.

6. BUILDING ELEVATIONS

- a. Front, rear, and both sides.
- b. Show finishes (color, materials).
- c. Elevators are required to be in color showing building finishes, lighting, canopies, etc. Plans shall have a minimum sheet size of 8 ½ "x 14". Plans larger than 8 ½ "x 14" shall be folded individually. Reduced copies of the site plan on 11" x 17" sheets are required for the City Council. (Note: Plans for submittal to the Planning and Zoning Board and City Council shall be provided after all comments and requirements by staff have been satisfied.

7. FLOOR PLAN

- a. Conceptual (construction details are not necessary).

8. NARRATIVE OR COVER LETTER

- a. Describe project purpose and details of intended use, including phasing and relationship to surrounding area.
- b. Include estimate of employment and student population generated by project, if applicable.

9. CONCURRENCE COMPLIANCE

- a. Traffic Generation: Total ADT (Average Daily Trips) for project [from Traffic Statement, Traffic Study or Table I in Sec. 31-715 of Code]
- b. Sanitary Sewer: Total gallons per day produced by project - [from calculations or Table III in Section 31-717 of Code]
- c. Potable Water: Total gallons per day required by project [from calculation or based on Table II in Section 31-716 of Code]
- d. Drainage: Does project detain on-site the first inch of run-off or run-off from a one-hour storm (3 year)? Note: All developments of one acre or more are required to obtain an NPDES permit prior to obtaining a City Building permit, and provide PPP and BMP plans.
- e. Solid Waste: Total pounds of waste generated per day by project [from calculations or based on Table IV in Section 31-718 of Code]
- f. Recreation: If a residential project, list proposed public recreational or park elements of project (in acres)
- g. School Concurrency: The School Concurrency Application and Service Provider Form must be completed and submitted with this application. Please refer to the attached School Concurrency Application and Service Provider Form for related fees.

STEP 2: DEPARTMENTAL REVIEW, COMMENTS TO APPLICANT AND REVISIONS TO PROJECT

After departmental review (approximately four weeks), the applicant will receive a letter from Community Development outlining department concerns and comments. The departmental review process repeats until staff is satisfied with revisions. Applicant will then provide six (6) full size packages of accordion folded, revised plans. These

must be provided to Staff a minimum of fourteen (14) days prior to the next Planning and Zoning Board Meeting in order to be included on the Agenda. The Board meets the second Thursday of each month. Staff comments to the Board are available for pickup the Monday prior to the Thursday Planning and Zoning Board meeting.

STEP 3: PLANNING AND ZONING BOARD MEETING

Applicant, or agent, **must** be in attendance to present their project and to address concerns of the Planning and Zoning Board. The City will provide a laptop, projector and video screen to be used in the presentation. Applicants intending to use these devices must inform Staff at least three business days in advance of the Planning and Zoning Board meeting. The Board may recommend the City Council approve, approve with conditions, deny, or table the project.

STEP 4: SUBMITTAL FOR COUNCIL MEETING

Any revisions required as a result of the Planning and Zoning Board's conditions, shall be incorporated (by applicant) into the package for submission to the City Council. Six (6) **reduced size copies** on 11" x 17" sheets of the final site plan must then be provided for the City Council agenda along with the other package items a minimum of twenty-one (21) days prior to meeting. The City Council meets the first and third Wednesday of each month.

A complete package for submission to the City Council includes the following items:

1. Uniform Land Use Application
2. Project Narrative
3. Response(s) to Departmental Comments
4. Site Plan
5. Landscape Plan
6. Elevations

Applicants seeking to expedite the approval process should submit revised packages as soon after the Planning and Zoning Board meeting as possible in order to have the project placed on the City Council Agenda.

STEP 5: COUNCIL MEETING

The project then goes before the City Council for decision. Applicant must be in attendance. Applicant will be allowed to make a brief presentation about the project. The City will provide a laptop, projector and video screen to be used in the presentation. Applicants intending to use these devices must inform Staff at least three business days in advance of the City Council meeting. The City Council may approve, approve with conditions, deny, or table the project.

STEP 6: UPON APPROVAL APPLICANT MAY APPLY FOR BUILDING PERMIT

Applicant will be formally notified of decision and any conditions which may be attached. Two (2) folded sets of the approved site plan complying with conditions shall be submitted to the Community Development Department within fifteen (15) days of the Council hearing. Plans must be submitted and approved by the Planning Division before building permits can be issued.



CITY OF RIVIERA BEACH STAFF REPORT APPLICATION NUMBER SP 21-16

A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving site plan application (SP-21-16) from Sonshine Builders LLC, to construct a 3,295 square foot triplex, with associated parking and landscaping, on approximately 8,744 square feet of land, located at Avenue I and Dr. Martin Luther King Jr. Boulevard, identified by parcel control numbers 56-43-42-32-01-022-0070, having a Medium Density Multi-Family Residential (MF-15) future land use designation and Downtown Residential (DR) zoning designation, providing for conditions of approval, and providing for an effective date.

A. Applicant: Sonshine Builders LLC

B. Request: The application is to permit the construction of a three unit residential building.

C. Location: The subject property is located on the northwest corner of the intersection of Avenue I and Dr. Martin Luther King Jr. Boulevard. (See also Location Map at end of document.)

D. Property Description and Uses:

Parcel Control Numbers: 56-43-42-32-01-022-0070

Parcel Size: 8,744 S.F.

Existing Use: Vacant

Zoning: Downtown Residential

Future Land Use: MF-15

E. Adjacent Property Description and Uses:

North: Vacant

South: Dr. MLK Jr Blvd ROW

East: Avenue I ROW

West: Single Family Residence

F. Background:

The Applicant submitted Site Plan Application (SP-21-16) for the development of a triplex with associated landscape improvements at the northwest corner of the intersection of Avenue I and Dr. Martin Luther King Jr. Boulevard. This is currently a vacant lot and as such the development of a residential building with landscaping will activate the intersection and improve the aesthetics.

G. Staff Analysis:

Proposed Use: The proposed use is a permitted use in the Downtown Residential zoning district per Section 31-536 (c).



Zoning Regulations: The downtown residential district promotes infill and redevelopment of existing downtown residential neighborhoods. New residential uses will enhance and respect the existing neighborhood fabric and accommodate diverse housing options including apartments and townhouses in a manner that is compatible with single-family houses.

Comprehensive Plan: The proposed project is consistent with the City's Comprehensive Plan and the future land use of Medium Density Residential.

Uses: The proposed use is a permitted use per Section 31-422 (a) (1) a.”

Compatibility: The proposed development of this property is compatible with adjacent development. The immediate area has vacant land, street right of ways and a single family house.

Levels of Service: Customary services such as water, sewer, roads and garbage collection are available to the site.

Landscaping: This site has incorporated street trees as well as buffer planting into the landscape plan. The code requires multi-family residential uses to include an buffer screen (defined as a 6 foot high opaque vegetative landscape screen along the length of the adjacent private property. Where the required yard is less than the specified landscape buffer width (in this case it is) a lesser extent of buffer is required but the goal for a 6’ opaque screen remains. For this reason staff has recommended a condition for a 6’ opaque wall on the north and west property lines. To the west is an existing single family home and the lot to the north is vacant now but a single family or two family home would be permitted on that lot. Also, the view from that property would be into the carports so a wall would be beneficial to the neighbours.

Parking/Traffic: Site access is proposed via an private driveway. Each unit is required to provide two parking spaces and this project has proposed to provide carports under the units for parking. Staff has advised the applicant that we would condition that they may not be enclosed because they must remain in use as parking spaces given the lack of other surface parking on the site. The applicant agreed to that condition.

H. Recommendation:

Staff recommends approval of the site plan application (SP-21-16) from Sonshine Builders LLC, to construct a 3,295 square foot triplex, with associated parking and landscaping, on approximately 8,744 square feet of land, located at Avenue I and Dr. Martin Luther King Jr. Boulevard, identified by parcel control numbers 56-43-42-32-01-022-0070, having a Medium Density Multi-Family Residential (MF-15) future land use designation and Downtown Residential (DR) zoning designation providing for an effective date, and subject to the following conditions:

1. Construction must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition site



preparation and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.

2. The City Council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
3. This development must receive final Certificate of Occupancy from the City for all buildings and/or units approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit application for site plan approval and re-initiate the site plan approval process.
4. Applicant shall install an opaque masonry wall on the north and west property lines to buffer the adjacent properties. The wall shall be 6' in height except in the front yard setbacks where the height of the wall shall be 4' in height.
5. The carports shall not be enclosed.
6. The driveway shall be posted as "No Parking".

Location Map

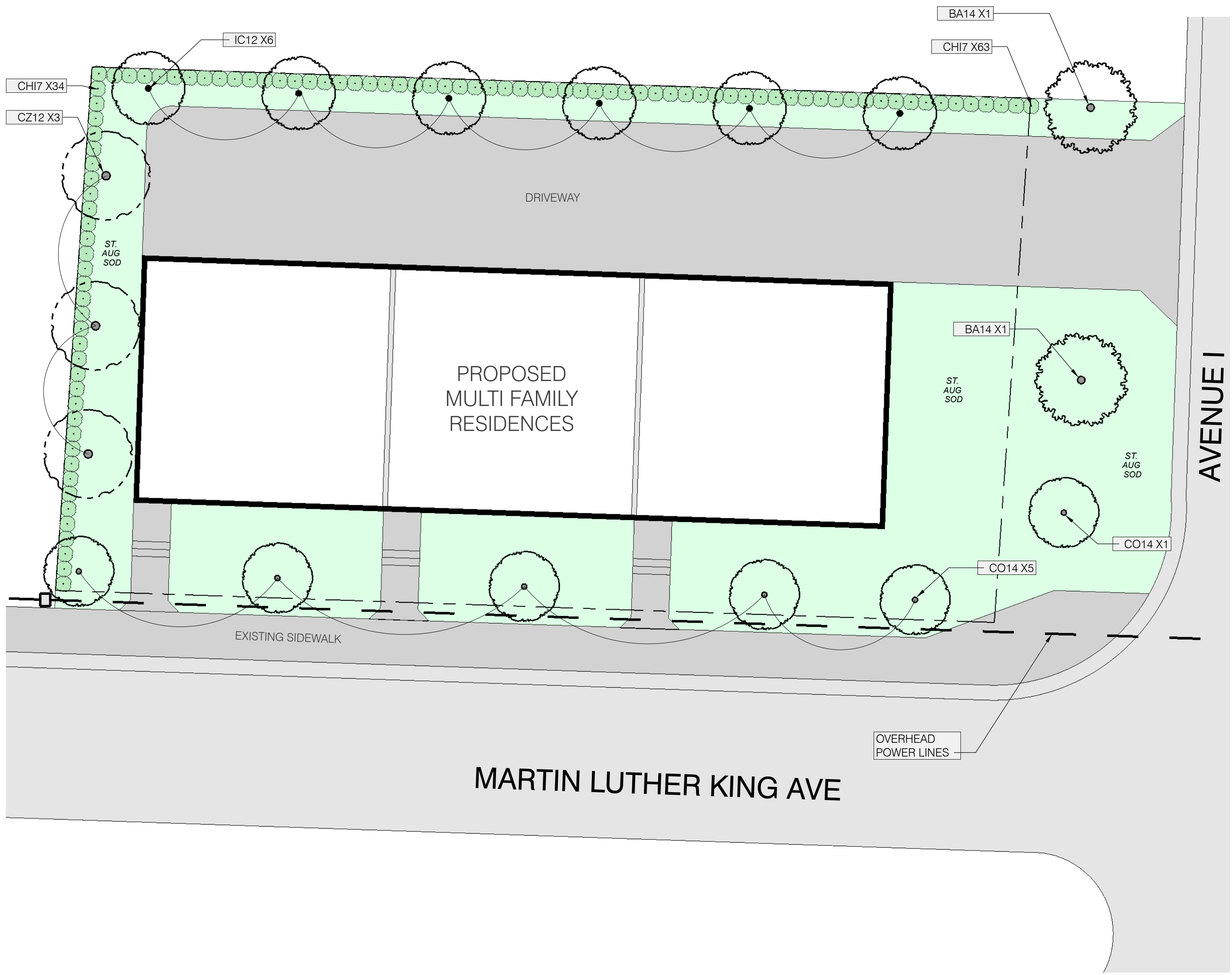


Legal Description: LOTS 7 & 8, BLOCK 22, INLET CITY, PLAT BOOK 7, PAGES 27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

"The Best Waterfront City in Which to Live, Work And Play."



FOR PERMIT



SITE DATA

	SFT	%
NET LOT AREA	8,714	
BUILDING SQ. FOOTAGE	3,283	37.6%
NON BUILDING SQ. FOOTAGE	5,431	62.3%

LANDSCAPE MATERIALS SCHEDULE

CODE SECTION	REQUIREMENT	REQUIRED	PROVIDED	NOTES
Section 31-609 (B)	One 12' OA. tree required for every 20 lft of required perimeter area			
	NORTH - 124'	6	6	
	WEST - 70'	3	3	
	A continuous hedge 3' in height along the perimeter landscape strip			
STREET TREES	One 14' OA tree required for every 25 lft of adjacent ROW space			
	SOUTH - 124'	5	5	
	EAST - 70'	3	3	
	NOTE: Overhead utilities prevent canopy trees to be planted			

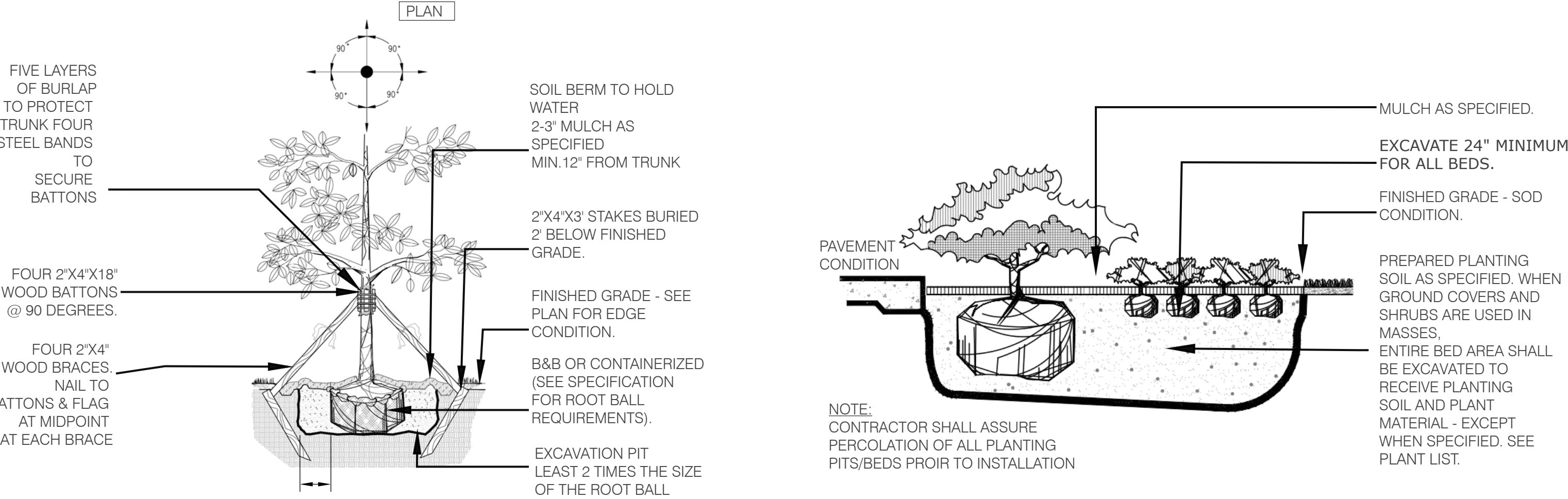
LANDSCAPE CODE REQUIREMENTS

CODE	QTY	BOTANIC AND COMMON NAME	SPECIFICATION	NATIVE	NOTES
SHRUBS					
CHI7	97	Chrysobalanus icaco - Coco Plum	3' OA. MIN.	NATIVE	DROUGHT TOLERANT
TREES					
CZ12	3	Conucarpus erectus 'sericea' - Silver Buttonwood	12' MIN. OA. CENTRAL LEADER	NATIVE	DROUGHT TOLERANT
CO14	6	Cordia sebestenia - Geiger Tree	14' MIN. OA.	NATIVE	DROUGHT TOLERANT
IC12	6	Ilex cassine - East palaka Holly	12' MIN. OA. CENTRAL LEADER	NATIVE	DROUGHT TOLERANT
BA14	2	Bulnesia arborea - Vera Wood	14' OA MIN.		DROUGHT TOLERANT
MULCH					
	500	SFT	SHREDDED NON-CYPRESS MULCH		*ESTIMATED QTY
SOD					
	4200	SFT	ST. AUGUSTINE FLORATAM		*ESTIMATED QTY

LANDSCAPE - GENERAL NOTES

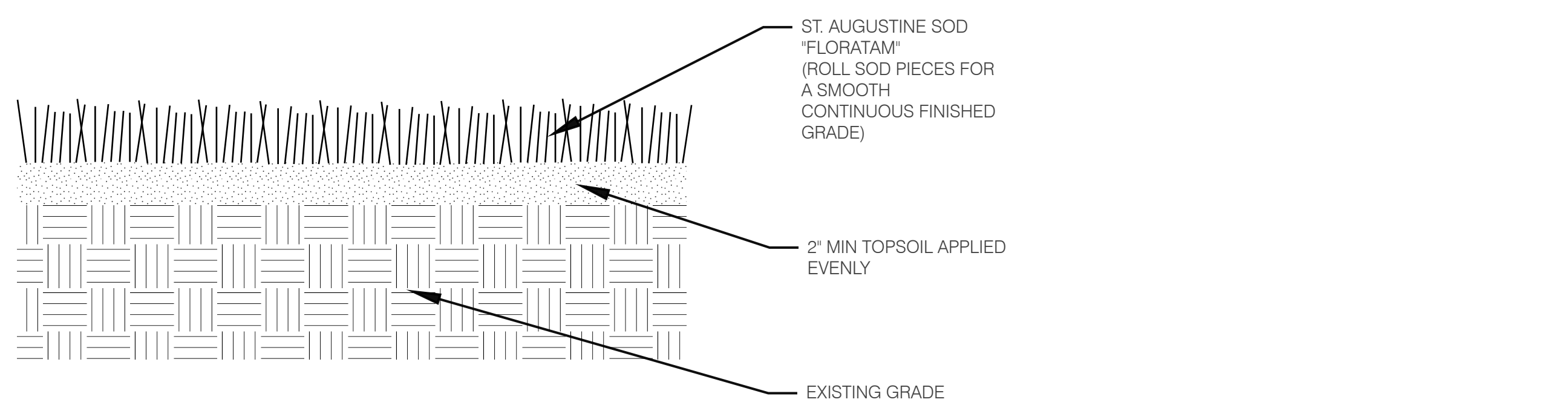
- The Contractor shall be responsible for verifying all underground utilities prior to digging in any area. The Contractor shall notify all necessary utility companies 48 hours minimum prior to digging for verification of all underground utilities, irrigation and all other obstructions and coordinate with Owner's Representative prior to initiating operations. Drawings are prepared according to the best information available at the time of preparing these documents.
- All plant material is to be Florida Number 1 or better according to the latest version of the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- Sod is to be grade 'A' weed free. All sodded areas are to be provided with St. Augustine "Floratom" solid sod. All sod is to be laid level, tight, and even along planting beds.

1 LANDSCAPE PLAN
L1.0



2 Large Tree (Typical)
L1.0

3 Shrub & Groundcover Planting Detail (Typical)
L1.0



4 Turf Grass Installation - St. Augustine
L1.0

#	DATE	DESCRIPTION	REVISIONS
1	8-30-2021	FOR SUBMITTAL	

AVENUE I
AVENUE I
Riviera Beach, FL
LANDSCAPE PLAN

DATE: 08/30/2021
SCALE: AS NOTED
DRAWN BY: TW
CHECKED BY: MRK
PROJECT #248A1

L1.0
LANDSCAPE PLAN
SHEET 1 of 1

SITE TABULAR DATA

ADDRESS: AVENUE I,
RIVIERA BEACH, FL 33404

MUNICIPALITY: RIVIERA BEACH

ACREAGE: 0.20 ACRE(S)

USE CODE: 0000 - VACANT

ZONING: DR - DOWNTOWN RESIDENTIAL

LEGAL DESCRIPTION:
INLET CITY LTS 7 & 8 BLK 22

PARCEL CONTROL NO: 56-43-42-32-01-022-0070

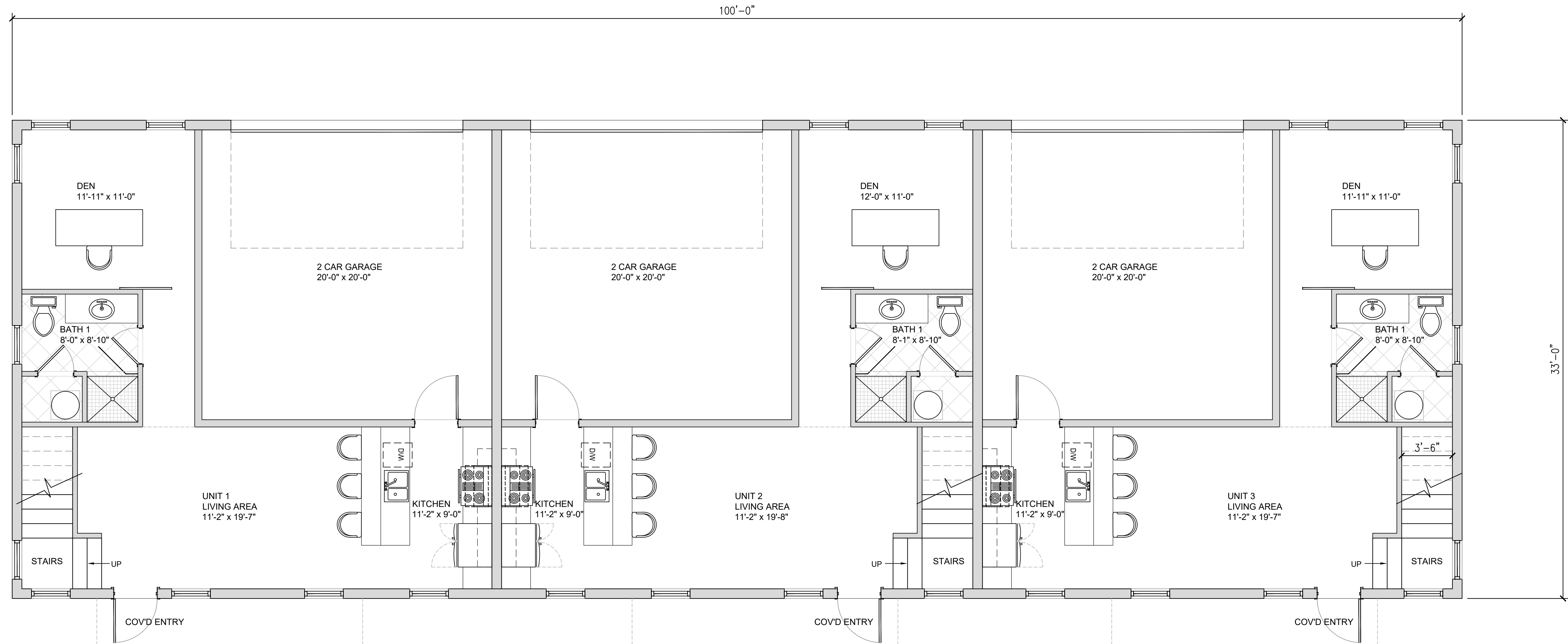
AREA CALCULATIONS

UNIT 1 1ST FLOOR: 1,102.7 gsf
UNIT 1 2ND FLOOR: 1,102.7 gsf
UNIT 1 TOTAL: 2,205.4 gsf

UNIT 2 1ST FLOOR: 1,094.5 gsf
UNIT 2 2ND FLOOR: 1,094.5 gsf
UNIT 2 TOTAL: 2,189.0 gsf

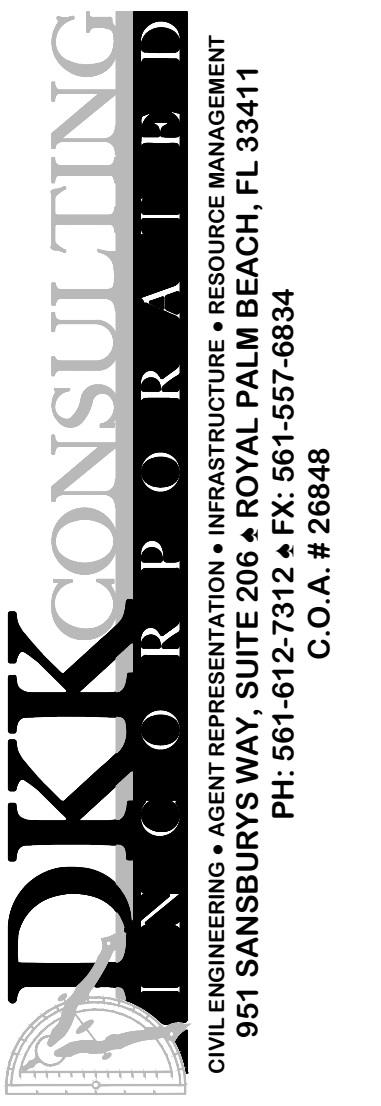
UNIT 3 1ST FLOOR: 1,102.7 gsf
UNIT 3 2ND FLOOR: 1,102.7 gsf
UNIT 3 TOTAL: 2,205.4 gsf

TOTAL SQUARE FOOTAGE: 6,600 gsf
TOTAL FOOTPRINT: 3,300 gsf



CONCEPTUAL LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"



ENGINEER OF RECORD:
DEREK SCHEINAVAR
PE #: 63858

NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND SEALED BY THIS ENGINEER

#	DATE	DESCRIPTION	REVISIONS

SONSHINE BUILDERS GROUP, LLC.

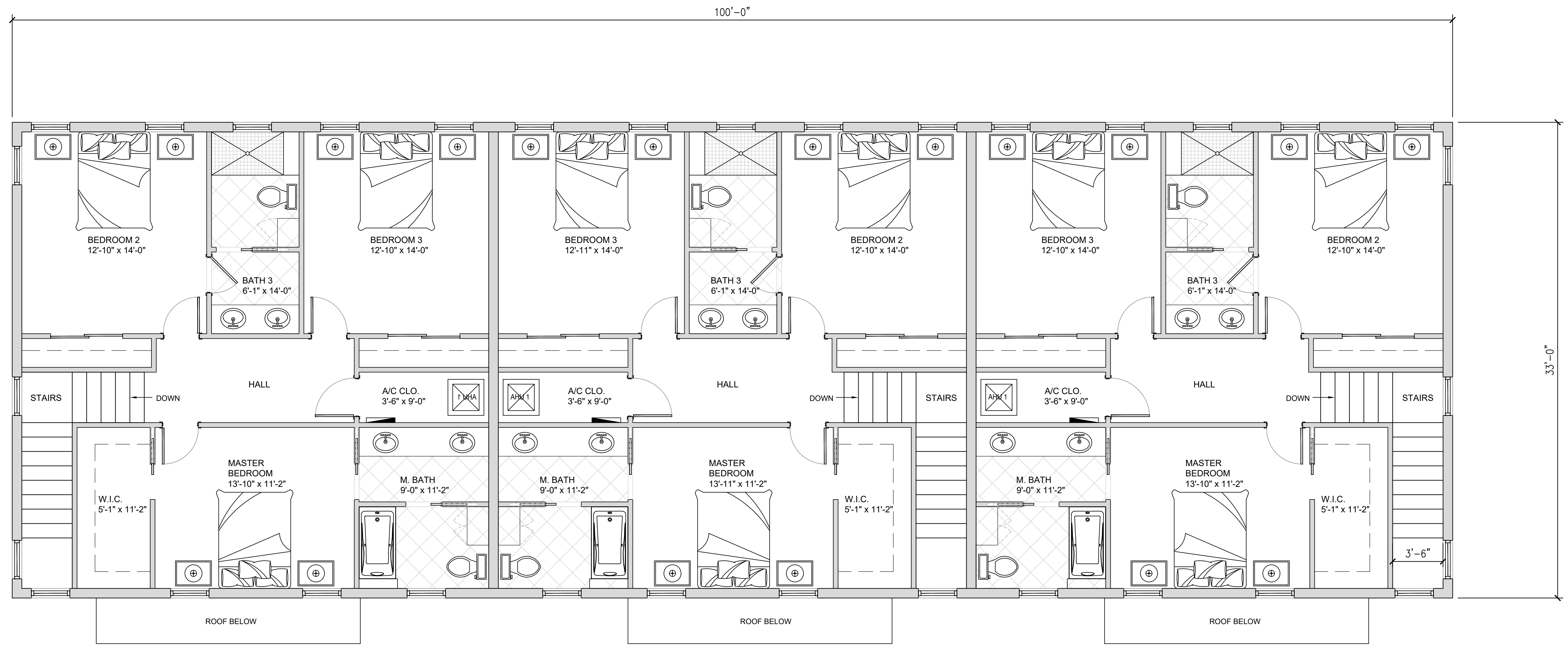
PCN: 53-43-42-32-01-022-0070
RIVIERA BEACH, FL 33404

TRIPLEX CONCEPTUAL DESIGN

DATE: 11-15-2021
SCALE: AS NOTED
DRAWN BY: DF
CHECKED BY: DHS
PROJECT #: 21-02003.3

S-1

SHEET 1 OF 3



CONCEPTUAL UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"

ENGINEER OF RECORD:
 DEREK SCHENAVAR
 PE # 63858

NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND SEALED BY THIS ENGINEER

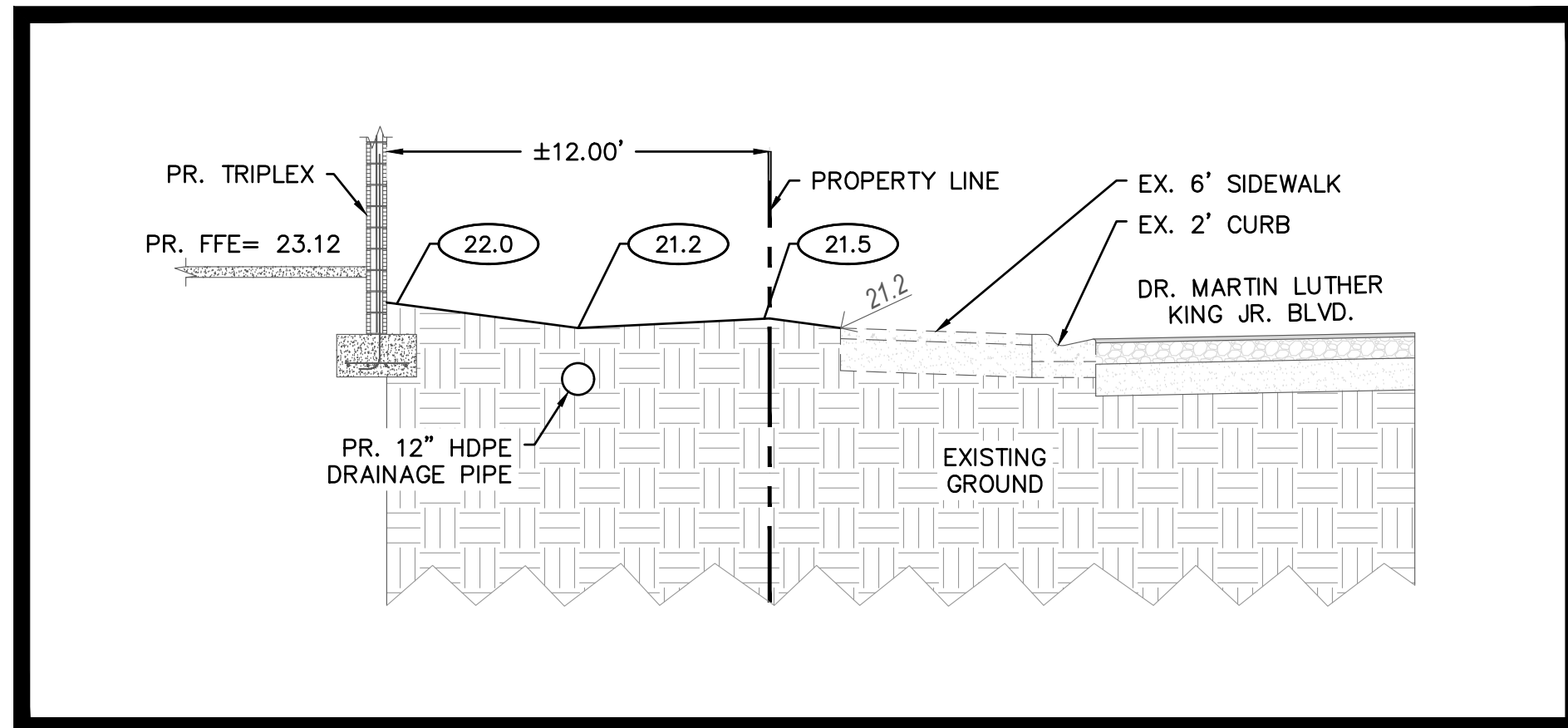
#	DATE	DESCRIPTION	REVISIONS

SONSHINE BUILDERS GROUP, LLC.

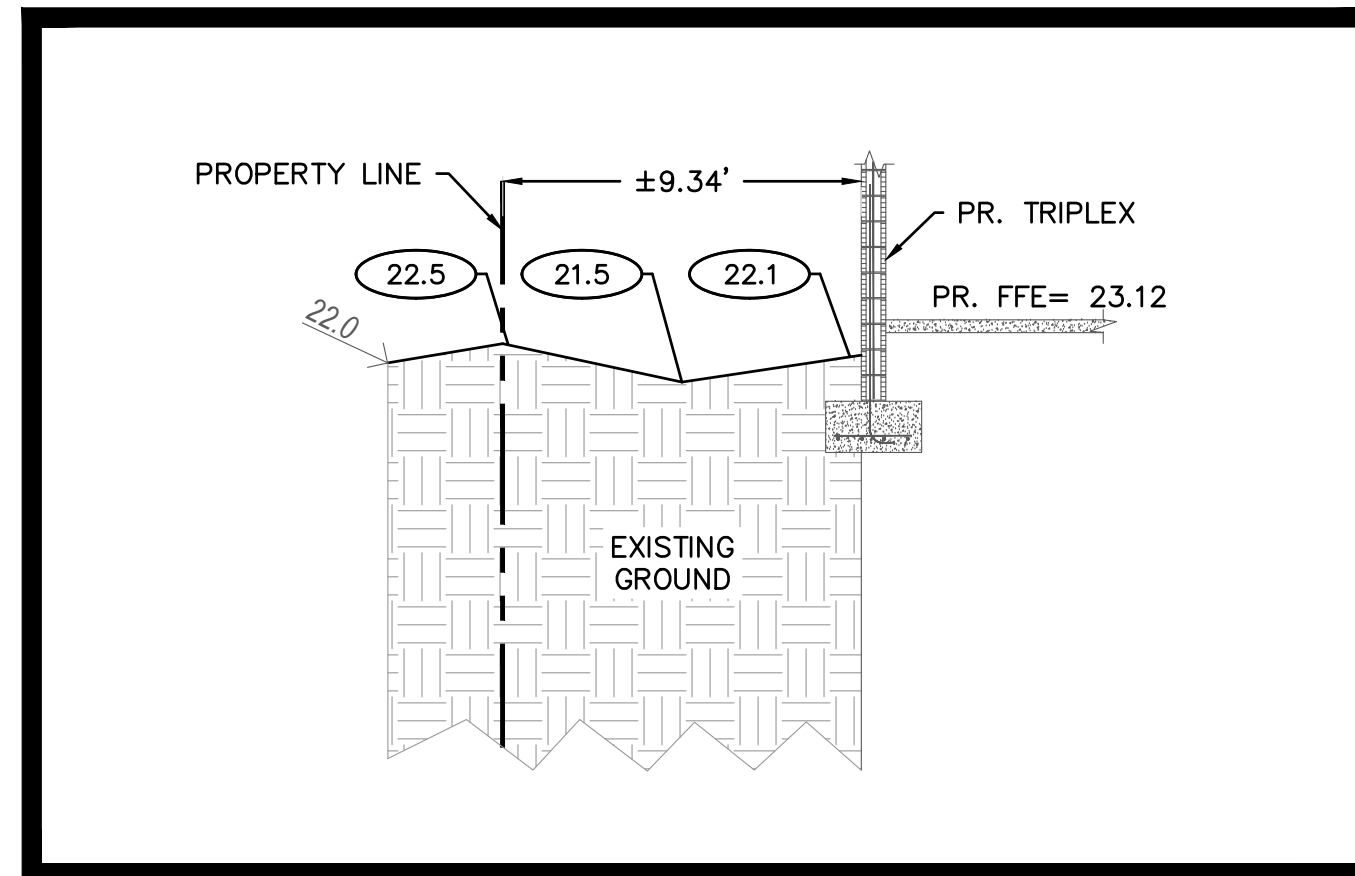
PCN: 53-43-42-32-01-022-0070
 RIVIERA BEACH, FL 33404

TRIPLEX CONCEPTUAL DESIGN

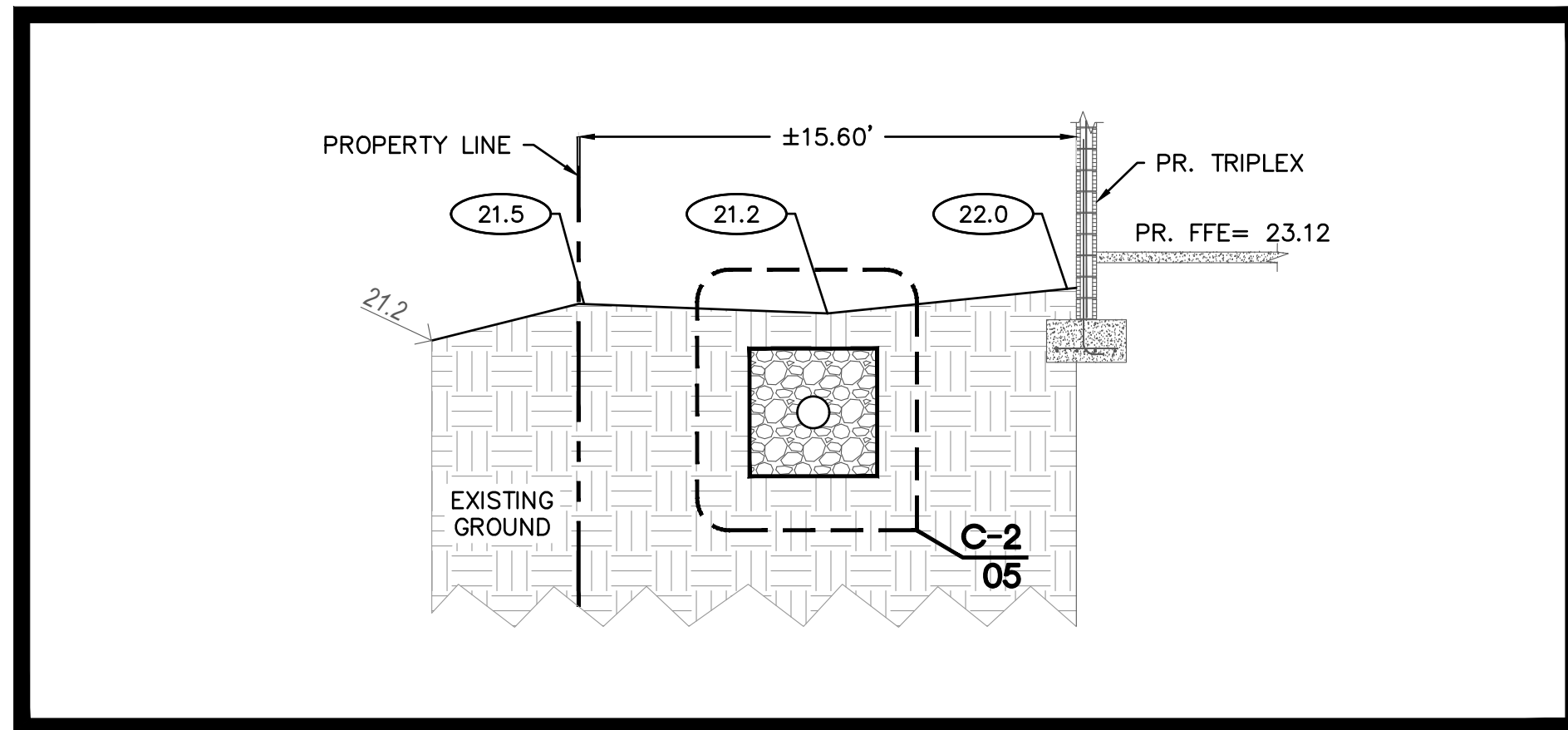
DATE: 11-15-2021
 SCALE: AS NOTED
 DRAWN BY: DF
 CHECKED BY: DHS
 PROJECT #: 21-02003.3



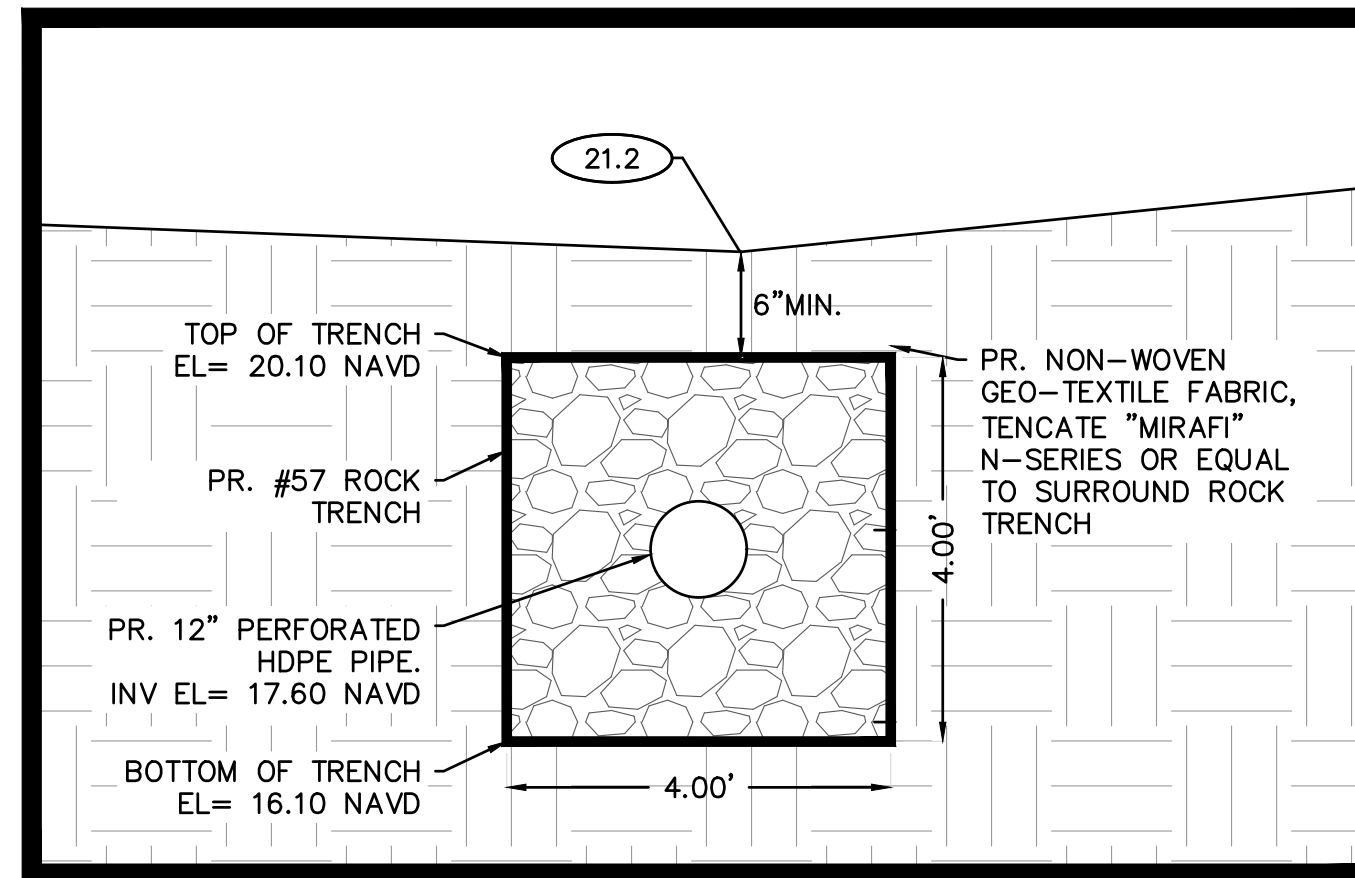
01 PROPOSED SECTION
SCALE: 1"=5'



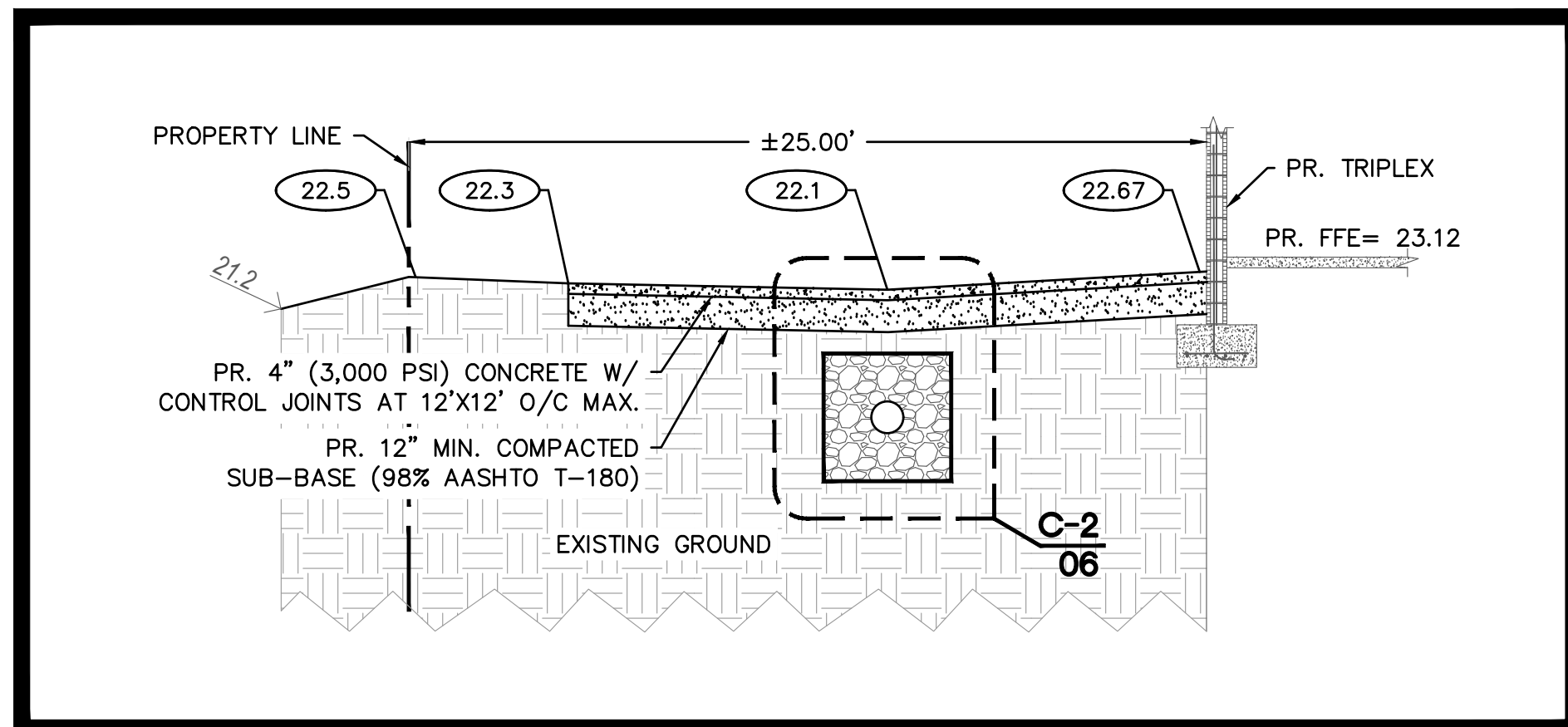
04 PROPOSED SECTION
SCALE: 1"=5'



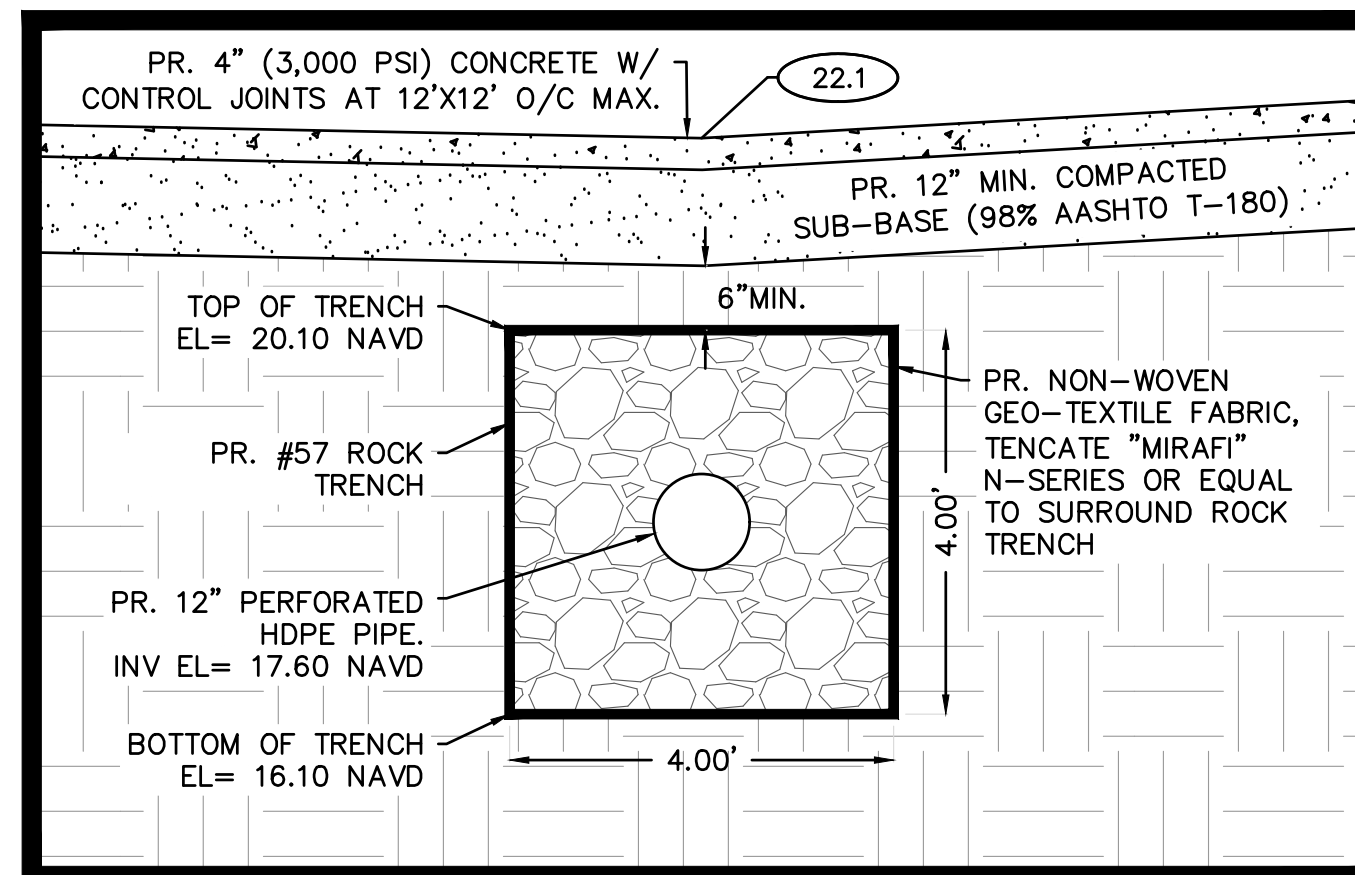
02 PROPOSED SECTION
SCALE: 1"=5'



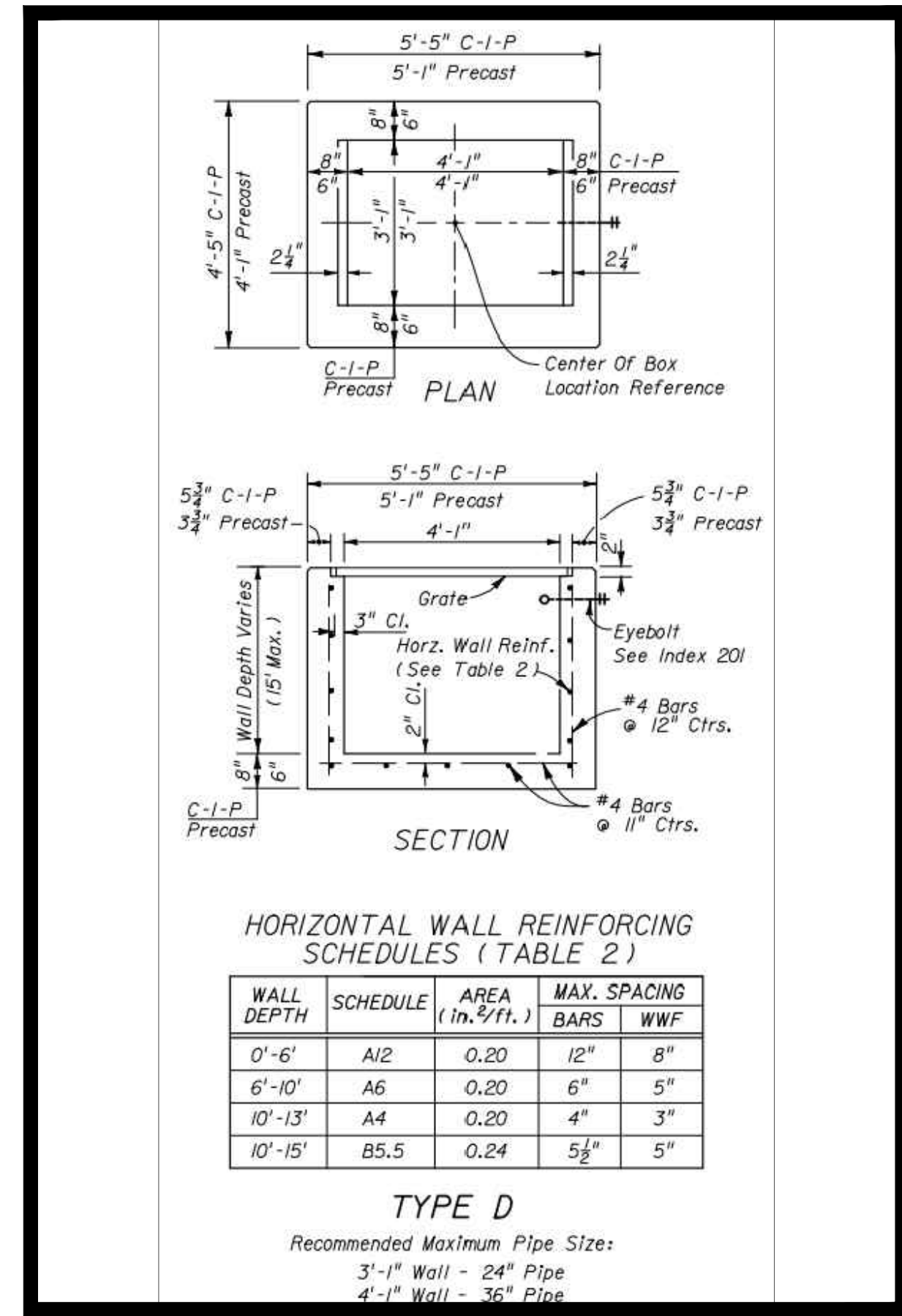
05 PROPOSED EXFILTRATION TRENCH
SCALE: 1"=2'



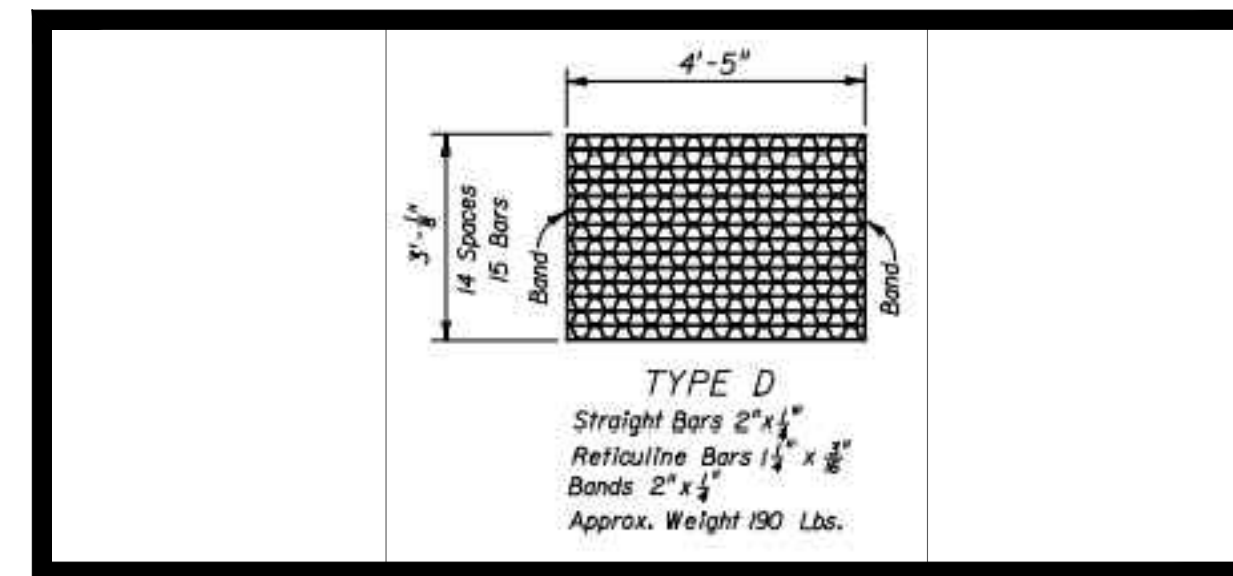
03 PROPOSED SECTION
SCALE: 1"=5'



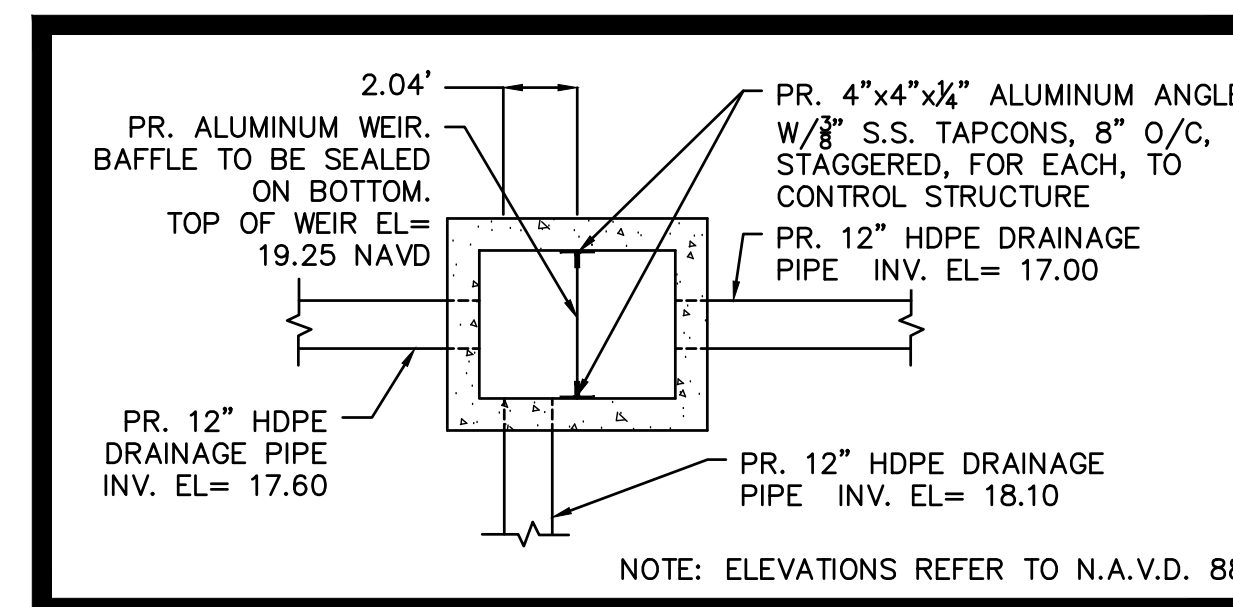
06 PROPOSED EXFILTRATION TRENCH
SCALE: 1"=2'



07 TYPE "D" CONTROL STRUCTURE DETAIL
SCALE: NTS



08 TYPE "D" GRATE DETAIL
SCALE: NTS



09 CS1 WEIR DETAIL
SCALE: 1"=4'

ENGINEER OF RECORD:
DEREK SCHENAVAR
PE #: 63858

NOT VALID FOR CONSTRUCTION UNLESS
SIGNED AND SEALED IN THIS BOX

#	DATE	DESCRIPTION	REVISIONS

SON SHINE BUILDERS
XXX AVENUE I
RIVIERA BEACH, FL 33461
DRAINAGE DESIGN SERVICES

DATE: 10-18-21
SCALE: AS NOTED
DRAWN BY: ALG
CHECKED BY: DHS
PROJECT #: 21-02003.02

From: [Grimm, Michael](#)
To: [Savage-Dunham, Mary](#)
Subject: RE: SP-21-16 Avenue I/MLK Apartment House
Date: Thursday, December 30, 2021 3:21:08 PM

No comments

From: Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>
Sent: Wednesday, December 1, 2021 9:41 AM
To: Bailey, Terrence <Tbailey@rivierabeach.org>; Armstrong, John <JArmstrong@rivierabeach.org>; Grimm, Michael <MGrimm@rivierabeach.org>; Frank Stallworth <fstallworth42@gmail.com>; Jones, Edward <edjones@rivierabeach.org>; Steve Thomas <sthomas@rbpublicsafety.org>
Cc: Leger, Josue <JLeger@rivierabeach.org>
Subject: SP-21-16 Avenue I/MLK Apartment House

Good morning,

Attached please find files for a new site plan submittal for a three unit apartment house. Hardcopy plans will be distributed on Friday.

Please provide comments by Friday December 17th.

Respectfully,

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
Office: (561) 845-4037
msavagedunham@rivierabeach.org
www.rivierabeach.org

From: [Evans, Scott](#)
To: [Savage-Dunham, Mary](#)
Cc: [Leger, Josue](#); [Annetta Jenkins](#)
Subject: Re: project in CRA - need CRA comments
Date: Friday, April 1, 2022 8:04:18 AM

Thank you, the CRA has no comments and this item does not require CRABoard review.

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From: Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>
Sent: Friday, April 1, 2022 7:59 AM
To: Evans, Scott <sevans@rbkra.com>
Cc: Leger, Josue <JLeger@rivierabeach.org>
Subject: project in CRA - need CRA comments

Good morning Scott,

This project (triplex) is in the CRA. It is scheduled for the April 14th PZB meeting. we need comments from the CRA or from you prior to the PZB (if possible) and at a minimum, before City Council.

Please let me know when you will schedule it for the CRA or provide your comments on it to me.

Thanks so much!

Respectfully,

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
Office: (561) 845-4037
msavagedunham@rivierabeach.org
www.rivierabeach.org

Please be advised that the City of Riviera Beach is a public entity subject to Florida's broad public records law under Chapter 119, Florida Statutes. Most written communications, including email addresses, to or from City of Riviera Beach employees and elected officials regarding city business are public records and are available to the public and the media upon request. Your email communications may therefore be subject to public disclosure. If you do not want your email address to be subject to disclosure as a public record, please do not send

electronic mail to the City of Riviera Beach. Instead, contact the City by telephone at (561) 845-4000.

EXTERNAL SENDER

This email originated outside of the organization. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Bailey, Terrence](#)
To: [Savage-Dunham, Mary](#)
Subject: RE: Z:\PLANNING AND ZONING - UP.TO.DATE\PROJECTS (Staff Working Folder)\SP-21-16 Avenue I-MLK-Apartment House
Date: Thursday, March 31, 2022 3:29:24 PM

No comment on the resubmittal.

Terrence N. Bailey, PE

City Engineer
City of Riviera Beach
1481 W. 15th Street
Riviera Beach, FL, 33404
Office: 561-845-4080
Tbailey@rivierabeach.org
www.rivierabeach.org

From: Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>
Sent: Wednesday, March 30, 2022 2:15 PM
To: Bailey, Terrence <TBailey@rivierabeach.org>
Subject: Z:\PLANNING AND ZONING - UP.TO.DATE\PROJECTS (Staff Working Folder)\SP-21-16 Avenue I-MLK- Apartment House

Mr. Bailey,

Please provide your comments on this project. I just gave them my second list of comments but it is getting shorter.

Z:\PLANNING AND ZONING - UP.TO.DATE\PROJECTS (Staff Working Folder)\SP-21-16 Avenue I-MLK-Apartment House

Respectfully,

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
Office: (561) 845-4037
msavagedunham@rivierabeach.org
www.rivierabeach.org



Riviera Beach Fire Rescue

Bureau of Fire Prevention

600 W Blue Heron Boulevard • Riviera Beach, Florida 33404
Telephone: 561-845-4106 • Facsimile: 561-845-4137

TO: Mary F. Savage Dunham, AICP, CFM Assistant Director of Development Services
FROM: Frank Stallworth, Fire Plan Reviewer.
DATE: December 4, 2021
SUBJECT: SP -21-16 DKK Project site plan comments for Avenue I triplex apartments
PC# 56-43-42-32-01-02-0070.

Comments

The applicant is proposing to develop parcel size of .20 acres, composed of one two story triplex apartment. Total square feet under roof: 6,590sqft.

The Fire Prevention Bureau has the following comments:

The comments listed below are an attempt to provide the developer/owner with an outline of the fire code requirements. All installation and construction shall come into compliance with the city of Riviera Beach Ordinances, Florida Fire Prevention Code 5th Edition, state, and national codes.

Per FFPC: 3.3.36.3 defines apartment building as a building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities. New Apartment building shall come into compliance with FFPC: 101-30.3.5.1: New apartments shall be protected throughout by an approved, supervised automatic sprinkler system installed in accordance with 30.3.5.2.

The developer must take into account the city's ordinance requirement that all new buildings totaling 5,000 square feet or more of gross floor area require a complete fire sprinkler system installed in accordance with applicable NFPA codes. This requirement is independent of the type of construction or type of occupancy of the building. Gross floor area shall be computed by determining the entire square footage under roofs, coverings, or permanent awnings, regardless of any separation. The square footage of each floor level shall be counted separately and combined to achieve a total gross floor area. Where required in FFPC 2015 edition new buildings, automatic sprinkler systems are installed, they shall be continuously monitored by a certified central station fire alarm system providing service that complies with all requirements of NFPA 70 and 72, National Fire Alarm Code.

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into this jurisdiction. The minimum fire flow must be 1000 gallons per minute with 20 psi residual in commercially developed areas. The needed fire flow for this project must be considered to ensure that an adequate available fire flow is present in all areas of the site. A fire flow test must be conducted in the area and the resulting available fire flow must be reviewed by an engineer to ensure that the proposed system will meet the demand of a minimum of 1000 gpm at 20 psi of residual pressure in all areas of the development; taking into account all losses for friction and fixed pressure devices such as a backflow preventer. This data and respective calculations must be included in the civil construction permit submission.

On-site fire hydrants and mains capable of supplying the required fire flow shall be provided when any portion of the facility or building protected is in excess of 350-500 feet from a water supply on a public street, as measured by an approved exterior route around the facility or building. All measurements for hydrants shall be made in an approved manner around the outside of the building and along an approved access roadway. When measuring for hydrant distances, consideration shall be taken when dealing with retaining walls, fencing, swales, or similar obstructions. In addition, a fire hydrant must be located with 100 feet of the fire department connection (FDC) for all buildings with a fire sprinkler system. Lines to which hydrants are connected shall be a minimum of six inches, except those portions of pipe supplying both hydrant and automatic extinguishing system, which shall be at least 8 inch. Each branch shall be provided with a gate valve located as close as possible to the main and shall be restrained by thrust blocks or other approve per NFPA.

Fire protection engineering documents shall be prepared in accordance with applicable technology and the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the project. Both the engineer of record for the fire protection system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C. and Chapter 61G15-32, F.A.C. Fire protection system engineering drawings, specifications, prescriptive and performance criteria, water supply analysis and other materials or representations, that set forth the overall design requirements and provide sufficient direction for the contractor to layout the construction, alteration, demolition, renovation, repair, modification, permitting and such, for any public or private fire protection system(s), which are prepared, signed, dated and sealed by the Engineer of Record for the Fire Protection System(s) must be submitted with the general construction documents pursuant to Section 553.79(6), F.S.

Gates obstructing access roads shall have a Knox-box padlock or Knox-box key access.

Licensed fire sprinkler contractor is required to **submit shop drawings** that include a stamped approval by the engineer of record. Fire sprinkler installation shall comply with NFPA 13, state and local ordinances. licensed fire alarm contractor is required to **submit shop drawings** that include a stamped approval by the engineer of record, voltage calculations, battery calculations, all wire sizes and types, and all device types and locations for approval prior to the installation of any part of the system. Fire alarm installation shall comply with NFPA 70 and 72, state and local ordinances.

Frank Stallworth, Fire Plan Reviewer
fstallworth@rivierabeach.org



Development Services Department
City of Riviera Beach, Florida
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404

MEMO

To: Applicant
From: Mary F Savage-Dunham, AICP
Date: December 20, 2021
Re: Avenue I and MLK Apartment House (SP-21-16)

Staff has reviewed the material submitted and offers the following comments and questions:

1. This project is an apartment house but you appear to have designed it as a townhouse type unit. Be advised this is an apartment house. Look at the building types discussed in Section 31-536(c)(1) under the Downtown Residential DR district.
2. You do not have the required parking for the project. The units each require 2 parking spaces and the garage does not count towards that. You need to revise the building to provide the parking. The project requires 70% building frontage. Typically apartment buildings have surface parking, not garages.
3. Please revise the site plan table to show two columns – Required and Provided – for each item.
4. Lighting details are needed on landscape plan or separate photometric plan.
5. Is there going to be a dumpster on site? If not, provide documentation that you can secure trash removal services.
6. Irrigation plan is required at the building permit stage.
7. *Multifamily residential development.*
 - a. Multifamily development shall provide a landscaped strip of land not less than ten feet wide between building walls and parking areas. Landscape materials shall be provided as follows:
 - b. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 200 square feet of planting area or a major portion

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thereof. Not less than 50 percent of trees, located between the building walls and parking areas shall be shade trees; and

- c. A hedge or other durable landscape barrier not less than 24 inches in height at installation placed in a continuous manner along the building walls.
8. Multifamily residential development shall provide not less than one tree for each 1,500 square feet or fraction thereof, of development site.
 9. *Parking area landscaping adjacent to private property.* On the site of multifamily or a nonresidential development or redevelopment, including parking areas which abut private property, the owner shall install landscaping as follows:
 - a. A landscaped strip of land not less than five feet in width shall be located between the parking area and the abutting private property.
 - b. The landscaping provided within the landscaped strip shall include:
 - i. One tree for every 20 linear feet of required landscape strip planted singly or in clusters, not to be more than 50 feet apart, located between the common lot line and the abutting private property;
 - ii. A hedge, wall, berm or other durable landscape barrier of not less than 24 inches or three-gallon containers at installation placed along the outside perimeter of the strip;
 - iii. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and
 - iv. Grass, ground cover, or other landscape treatment.
 10. The owner shall plant shrubs intended to form a hedge in the landscaped strip at 24 to 30 inches on-center.
 11. Not less than 25 percent of the strip shall be ground cover or shrubs.

Written responses to comments are required.

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From: [Armstrong, John](#)
To: [Savage-Dunham, Mary](#)
Cc: [Leger, Josue](#)
Subject: RE: SP-21-16 Avenue I/MLK Apartment House
Date: Friday, December 17, 2021 11:25:53 PM

Hello Ms. Savage Dunham,

I have no comments as the site plan looks OK.

Sincerely,

John A. Armstrong, P.E.

Senior Utilities Engineer
City of Riviera Beach | Utility Special District
600 West Blue Heron Boulevard
Riviera Beach, FL 33404
Office: (561) 845-3457
Email: Jarmstrong@rivierabeach.org

From: Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>
Sent: Wednesday, December 1, 2021 9:41 AM
To: Bailey, Terrence <TBailey@rivierabeach.org>; Armstrong, John <JArmstrong@rivierabeach.org>; Grimm, Michael <MGrimm@rivierabeach.org>; Frank Stallworth <fstallworth42@gmail.com>; Jones, Edward <edjones@rivierabeach.org>; Steve Thomas <sthomas@rbpublicsafety.org>
Cc: Leger, Josue <JLeger@rivierabeach.org>
Subject: SP-21-16 Avenue I/MLK Apartment House

Good morning,

Attached please find files for a new site plan submittal for a three unit apartment house. Hardcopy plans will be distributed on Friday.

Please provide comments by Friday December 17th.

Respectfully,

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
Office: (561) 845-4037
msavagedunham@rivierabeach.org
www.rivierabeach.org

DKK CONSULTING INC.

Civil Engineering ♠ Agent Representation ♠ Infrastructure ♠ Resource Management

951 Sansbury's Way, Suite 206, Royal Palm Beach, FL 33411
Phone : 561-612-7312 Fax : 561-557-6834
C.O.A. : 26848

Letter of Response:

Site Plan Review Comments
DKK Project No.: 21-02003.02
Application Number SP-21-16

**XXX AVENUE I
RIVIERA BEACH, FL 33461**

Mary F. Savage Dunham, AICP, CFM
Assistant Director of Development Services

The code says you are building an APARTMENT HOUSE based on the lot size. See Table 31-536(d) Downtown Residential District, Dimensional Requirements for Lot Size & Building Placement. Also look at the character examples in the code for apartment houses. The building you proposed is not a very good-looking building architecturally. Look at the examples in the code of apartment houses. Also look at the general requirements for all districts in the downtown particularly under architectural requirements. The building appearance needs to be tweaked a little.

There needs to be a note on the site plan that the carports can never be closed in. also don't call them garages call them car ports.

The driveway will be – no parking – fire lane so you need to think about guest parking. I think you should do a taller and shorter building and provide 6 surface parking spaces but I understand what you are doing.

The front of the site on MLK is a principal arterial so you need to have additional landscaping and make it look nicer.

Response:

“Look at the examples in the code of apartment houses”

Noted....Consultant utilized these "examples" in the development of the elevations as presented to the City of Riviera Beach during the Preliminary Site Plan review process

“The building you proposed is not a very good-looking building”

Noted. This is the first time in the past 8-9 months that this comment has been provided. DKK has coordinated the elevations of this project with the City of Riviera Beach during the entire site plan approval process. Additionally, this proposed structure is substantially better, both in character and appearance when compared to neighboring structures.

“Also look at the general requirements for all districts in the downtown particularly under architectural requirements”

Noted....Consultant utilized and adhered to the "Architectural Requirements" during the past 8-9 months of the site plan approval process. Furthermore, this design is a vast improvement to the character of the surrounding areas

“The building appearance needs to be tweaked a little”

Please provide more clarity of what needs to be "tweaked". As stated above the "architectural requirements" have been followed by Consultant, however, if there is something specific the City has in mind, DKK can accommodate specific direction.

“There needs to be a note on the site plan that the carports can never be closed in. also don’t call them garages call them car ports”

*All garages were revised to be “carports”; Also, the following note was included on SP-1, Detail 01.
“Proposed Carports are not to be enclosed for any reason”*

“The driveway will be - no parking - fire lane so you need to think about guest Parking”

A "NO PARKING / FIRE LANE" can be painted on the asphalt; however, this effort seems redundant being that (1) the lot is 70'x175' (2) that there are streets abutting two of the four property lines. Additionally, "guest" parking was considered, however, the constrictions of the site did not permit any "guest parking" nor was it required by the City's Land Development Code

“The front of the site on MLK is a principal arterial so you need to have additional landscaping and make it look nicer”

Noted....The proposed landscape plan meets the code for the City, however, if there is additional landscape material that the the City is requesting, it most likely will not be an issue to provide that material upon the direction of the city.

Summary: Workshop Item

In the summer of 2021, the State of Florida amended the Community Planning Act to require every city and county to include in its comprehensive plan a “**Property Rights Element**” [FLA. STAT. § 163.3177(6)(i)1. (2021)] pursuant to House Bill 59 – Growth Management. Thus, the item being workshopped before you today, is a City initiated amendment to add a “Property Rights Element” and the Florida Statutes recommended “statement of rights” to the Comprehensive Plan.

Intent

The purpose of this workshop is to provide an overview of the scope and what the property rights element entails, as well as to encourage community engagement within our planning and process.

What this means and potential impact

The City must comply and adhere to the adopted legislative requirements identified in House Bill 59-Growth Management. House Bill 59 modified Chapter 163.3177, Florida Statutes to require a Property Rights Element as an additional required element in local government Comprehensive Plans.

Other surrounding local and county governments have enacted on this matter, and / or are in the process of proposing similar amendments to their comprehensive plan.

Proposed developments that may be subject to large scale amendments to the comprehensive plan will not be process by the state of Florida until the City adopts a property rights element;

Any future and / or proposed large scale changes to the Comprehensive plan amendment will trigger the required adoption of the property rights elements;

The City will review and confirm consistency between the proposed amendment with the previously adopted Comprehensive Plan Goals, Objectives, and Policies;

In order to prevent any delays, and ensure business continuity of current projects having potential impact on the comprehensive plan, and / or amendments currently being reviewed by staff. The City must adopt the property rights element.

Proposed Amendment

This proposed amendment will add a new Element to the Comprehensive Plan. House Bill 59 states that a local government may adopt the statement of rights, included below, as set forth in Chapter 163. Local governments may also adopt their own Property Rights Element, so long as the element does not conflict with the statement of rights list below. The proposed Property Rights Element includes no changes from the language included in Florida Statutes.

The following rights shall be considered in local decision-making:

1. The rights of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

The legislation also limits the ability to adopt any other Comprehensive Plan amendments initiated after July 1st from being adopted until the Property Rights Element is adopted. The State defines amendments initiated after July 1, 2021 as those amendments which had their first public hearing, in our case a Planning and Zoning Board hearing, after that date.