

PLANNING & ZONING MEETING MINUTES
MAY 25, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, May 25, 2018 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:30 a.m. by Chairman Gerald Goray.

ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Chairman Gerald Goray	x		
Member David Hutchins	x		
Member Penny Kosinski	x		
Vice Chair Mark Marsh	x		
Alternate Member Ric Carey	x		
Alternate Member James Leming	x		

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Zoning Official Manny Palacios, Building Official Don McIntosh, Town Engineer Lisa Tropepe, Police Chief Hal Hutchins, and Town Clerk Tracey Stevens.

PLEDGE OF ALLEGIANCE

Chairman Goray led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

1. Approval of the May 14, 2018 Minutes

Member Hutchins moved to adopt the May 14, 2018 minutes as submitted; seconded by Vice Chair Marsh. Motion carried 5-0.

Chair Goray stated that we have short term and long term objectives. In the short term, the Commission has asked P&Z to review and make recommendations on ordinances related to drain fields, septic, parking, etc., and the long term objective is a comprehensive review of the land development ordinances which has not been done in many years. He stated that the Commission's work over the last six months has been leading up to this, which started with the concept plan review process, and learning where there are holes in the code that need to be fixed. He stated there are many elements involved. He stated he would like the Board to discuss ideas on how to proceed efficiently to accomplish those two objectives.

Vice Chair Marsh stated his concern is changing the ordinances that may penalize the residents. He noted that Ocean Ridge does not have Planning staff to review the ordinances and make recommendations. He stated we are on the right track, and we have metrics that have been presented, but he is concerned on how we adopt them. He stated he would like a professional planning agency to give us guidance, as we are not in a position for enacting the proposed ordinances yet without the expertise. He stated the Commission wants to get it going quickly, but he is not comfortable with the way we are going about it now.

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Chairman Goray stated that there are four functions that most communities have: legal, engineering, plan review and approval, and a professional planner. However, Ocean Ridge does not have a professional planner. He stated there could be ramifications if we change one thing that could affect something else, and we need to know the long term effect or benefit.

Member Kosinski asked Town Attorney Shutt for recommendation based on Member Marsh's comments, and Town Attorney Shutt responded that having a professional planner would benefit the Town greatly for this process. Town Manager Titcomb stated that he concurs.

Member Hutchins stated that Member Marsh's suggestion is good, and asked if other towns have a professional planner. Member Marsh stated that Delray has one on staff, and Gulf Stream has a planning consultant.

Town Manager Titcomb stated that we are currently working with a planning agency to update our comprehensive plan. He stated we could hire a contract planner for a specific purpose, however, he would need a credentialed person so as not to create litigative circumstances. He noted that if we rush into things, we could have problems. As an example he stated that we adopted the new flood plain requirements from FEMA in October, and members of the public came in and stated that they had runoff or drainage problems, although they met the requirements. He mentioned that it has been about 15 years since the last land development code review (LDR), and it is not a fast or easy process, but it will address some of the things we are looking to do. Chairman Goray followed up that it took around six months to a year for Ocean Ridge to complete the LDR 15 years ago.

Public comment: Don MaGruder, 9 Ridge Blvd, suggested that each member of P&Z work with the Building Official and/or Planner on a particular area of the code, which should work well once our new Building Official is on board. Town Manager Titcomb noted that a professional planner and a building official are two different professional functions. Chairman Goray asked if the P&Z members are comfortable being responsible for specific tasks, and Member Kosinski stated that the P&Z members do not have the expertise. Chairman Goray stated that he would feel uncomfortable being specifically responsible for a particular area. He stated that the process is for P&Z to take into consideration the information from staff, the public and then make a recommendation to the Town Commission.

Kristine de Haseth, 29 Sabal Island Drive, stated that she thinks the P&Z is correct in hitting the pause button right now. She stated she is a strong advocate for looking at the ramifications of what is being done, and she suggests that we do some modeling to see what the proposed changes would do, beginning with the past houses that have gone through the concept plan review process and will be coming up for building permits. She stated that everyone has a lot on their plates right now, and things could fall through the cracks. She stated that if P&Z does not feel it has the expertise, they should be very clear on their expectations and directions to staff, or things may fall through the cracks, and

expectations may not be met. She stated she doesn't necessarily agree with the short term and long term goal separation, as there are longer term goals that could accompany the four short term goals that could be addressed now such as a notification and approval process. She does not want to single out four items that may not be the items we want to model against anyway.

Jerry Lower, 2 Harbour Drive North, stated that this is a good opportunity to better clarify the character of the neighborhoods such as the residential single family neighborhoods, and to define the extent of it. He noted that we have minimum expectations, but we may need maximum expectations in the residential single family neighborhood as far as bedroom capacity and toilet and septic capacity. He stated that this is a perfect opportunity for us to reflect back because things have evolved tremendously since the comp plan was last reviewed. He stated that the Town has truly adopted the idea that Ocean Ridge is a residential-only community.

Chairman Goray reiterated that we can take advantage of staff input, but we should also consider getting input from a professional land planner.

ORDINANCE REVIEW

2. Ordinance No. 631 – An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 64 “Zoning” Article III “Supplemental Regulations”, Section 64-46 “Off-Street Parking” To Clarify and Modify Certain Off-Street Parking Regulations; Enacting Section 64-61 “Drain Field/Septic Requirements” to Provide Regulations Regarding Flow and Setback Requirements; Amending Chapter 66 “Environmental Regulations”, Article I “General Provisions, Sea Turtles and Wetlands, Section 66-1 “General Provisions” to Clarify That Drain Fields and Septic Areas Do Not Qualify as Pervious Area; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Town Attorney Shutt advised that the document in front of the Commission is the first step in addressing the concerns of the Town Commission and Planning & Zoning Commission. The first item addressed is the clarification that the two off-street parking spaces required in the code need to be non-stacked. He stated that we have done a code revision particular to the RSF zoning district that states that if new construction, or construction that meets the 50% threshold is going to be above four or more bedrooms, a parking space needs to be added for each bedroom. He stated that a garage or carport is considered to satisfy those requirements. He stated that the width of a parking space is clarified to be the size of 18 ft by 9 ft, however, he noted that due to the size of cars today, we may consider 10 x 20. He also stated that there are items up for discussion such as if we do or do not want to count the garage spaces in the two minimum parking space calculations due to storage placed in garages. There were questions as to whether or not we would want a parking schematic in the code, and whether or not we want to require a two car garage minimum for every home in Ocean Ridge, and after a certain number of bedrooms, a certain number of parking spaces inside the garage would be required. He stated he would be relieved if we had a planning professional who had the expertise to deal with these items. He stated that in reference to the drain field and septic

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requirements, our comp plan has a current provision for the aerate soil area which covers the majority of the RSF zoning district and some other areas as well, and we are proposing that for four bedrooms or more, the setbacks be increased to 10 feet from the neighbor's property. He stated that setbacks are currently 5 feet from the neighbor's property in the FL Administrative Code and the Palm Beach County Ordinance, and we are proposing 10 feet. He stated that there is a section in the FL Administrative Code that states if you have four or more bedrooms or an additional 750 sq ft of building area, the flow requirements per person drops off to 60 gallons and not the standard 100 gallons, and we are proposing to keep it the same at 100 gallons. He stated that another section of FL Administrative Code addresses that but it is an option for the FL Department of Health. He stated that we could put something in our code that states we go by the most restrictive version. He stated that there is a section in the comp plan regarding aerate soil area requiring further review so there may not be a reason to have a bedroom requirement in there; we may want to make it across the board that if you are in this area, the setback is 10 feet. He stated that in reference to the pervious area, we are clarifying that drain fields, septic, and underground tank areas shall not be counted as pervious area. He stated that he believes we currently count the septic and drain fields toward the pervious area. Another discussion would be if you want to have a minimum pervious area in the front yard because if we are going to make some changes to parking, we don't want someone to asphalt the entire front yard in order to try meeting the code requirements. Another question would be whether or not we want to minimize the amount of impervious area in the front yard. He stated there is also another question on the drain fields regarding alternative systems for septic, and whether they would get discounts in the amount of drain field size that is required or not. He stated that these were the items that staff had discussed.

Chairman Goray stated that we have as many questions as we have answers at this point and he wants to determine how we proceed efficiently.

Chairman Goray asked Town Attorney Shutt if he has any legal suggestions on how we would address parking, and Town Attorney Shutt responded that he is not a Planner, and he would need to defer to the expertise of the people in the field. He noted that a Planner will probably see things that staff does not see, and we would rely on their judgment to determine what we bring forward for consideration. He stated that the comp plan amendments and the LDR changes could go hand in hand. Chairman Goray stated that parking issues may be one of the short term goals, and Town Attorney Shutt reiterated that he would feel better if we had a Planner look at things. He noted that even if the P&Z Commission does come up with changes to send to the Town Commission today, we would not make the June meeting anyway due to advertising deadlines for ordinances.

Chairman Goray asked the Zoning Official and Building Official if they feel comfortable addressing parking requirements, and Zoning Official Palacios stated that he just enforces what is put on the books, and he does not have a concept of what is needed for changes. Building Official McIntosh stated that the FL Building Code designates that a compact space would be 9 ft wide by 19 feet in length, and a normal parking space is 11 feet wide by 22 feet in length, which is enforceable by the Building Official. However, the

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Building Official cannot designate the sizes; that would be up to the P&Z & Town Commission on how many spaces would be required. Chairman Goray asked if we have the power as a municipality to increase the size of the parking spaces, and Building Official McIntosh stated that we can, and if we have special situations, we could decrease the size to only allow smart cars, etc.

Chairman Goray asked if we have anyone on staff who has the expertise to address these questions, and Town Manager Titcomb stated that categorically, everyone that has been working on this has the background, experience and credentials to address some of the issues that are being considered. However, in the bigger picture, in order to protect the town from litigation, and in order to truly come up with best practice outcome of what you want your code to do, the town would be well served at having a credentialed Planner look at the issues. He stated that it's not that the current staff cannot do the work, but the suggestions would be opinion based, and not necessarily credential based.

Public Comment: Don MaGruder, 9 Ridge Blvd, asked if the off-street parking would include garage parking as two of those required spaces, and asked the Commission to look at the size of garages if so. He noted that when the new townhouses on Adams were built, garages were included, but cars cannot fit into them.

Kristine de Haseth, 29 Sabal Island Drive, stated we need to be clear if we are requiring credit for garages, and if the answer is yes, that's an extremely hard thing to police. She stated that people have workout rooms and playrooms located in garages, and she is not in favor of including garages as a credit. She would like to see that we add to the code that a two-car garage is a standard that must be met. She stated we should drop section C out of the proposed ordinance. She stated there might be a different way to get to the non-stacked concept. If you have a long driveway, eventually you will have some stacking, and what we want to do is encourage long driveways vs. a double car circular driveway. If you have a circular driveway with six cars parked in it, the visual and aesthetics are more egregious. She stated a schematic might be helpful.

Member Kosinski stated that every suggestion has a question attached to it, and asked at what point are we spinning our wheels. She stated that we need some expertise to do this properly.

Town Manager Titcomb reminded everyone that parking in the right of way is not off-street parking in the context of these definitions. He stated that a lot of people consider the right of way the green space between the edge of hard pavement and their property line is their property, and it is not an eligible parking area in this concept. He stated the garage issue affects FAR, so that is a huge consideration. Member Kosinski asked if we already include it in the FAR, and the answer was yes. She stated it is her opinion that we should never change that.

Public Comment: Neil Hennigan, 91 Island Drive South, stated that out of the 189 five-plus bedroom homes, 184 have garages and 5 of them don't. He handed out a chart that he created to the Commission. He explained the numbers in the chart relative to garages.

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He stated that as a resident, he would advocate for a two-car garage being a requirement for a four-bedroom or larger home, and this should not be applicable only to larger homes; it should be scaled. He stated that if we have a smaller property in town, it should not need a two-car garage, but should have a garage to scale. He stated that grandfathering is a necessity. If someone wishes to add onto their property, they should not be forced to add a garage or upscale. He stated that we should require garage space based on size of the home, and then we have scaled it and we are not targeting certain homes, we are addressing a characteristic issue of the whole town. He stated that he advocates that we do not give credit for garage space. He stated that the Town currently stacks cars, and he does not want to see the semi-circle become a double wide space because it takes away from the green space and affects runoff.

Member Kosinski stated that green space needs to be a requirement, and this brings up so many other complications.

Public comment: Jim Bonfiglio, 5616 N. Ocean Blvd, stated that when the town revised the code years ago, we wanted to discourage on-street parking to make sure we didn't have an invasion of beach-goers taking up resident spaces and using our streets to park. He noted that our streets are not wide enough for off-street parking. He stated that the code was written so we could have enough space to have 2-3 cars on the property. He stated that they also included the garage in the FAR to keep the housing smaller to allow more space between each neighbor. He stated he would like the Commission to keep those goals in mind and don't compromise those goals. He stated the past decisions have created a good environment in Ocean Ridge, and people are happy for the most part with the FAR. He stated he would encourage the town to keep those things in mind because we have created a nice community with what we have on the books.

Chairman Goray stated that we need to turn this over to a professional planner who can look for good solutions and also unintended consequences of what we are trying to do.

Vice Chair Marsh clarified that Gulf Stream uses Urban Design Kilday Studios as their professional planner. Town Manager Titcomb stated that we are also using that company currently to update our comp plan.

Member Hutchins stated he would like to discuss whether or not we want to recommend including garages, and his opinion has changed somewhat due to Ms. de Haseth's comments that people use their garages for other things than parking their vehicles. He stated that we may want to look at the number of spaces available with some relationship to the bedrooms or size of the house so that cars can be accommodated successfully.

Public comment: Jim Bonfiglio, 5616 N. Ocean Blvd, stated that we may be overanalyzing the issue. He stated that once a structure gets to a certain number of bedrooms, we ought to have parking for every additional bedroom on site. And in regards to permeable vs. not permeable, there are materials that can be used to create parking area that are permeable such as pavers. He stated that we could require extra spaces to be permeable driveway spaces. He stated that when you have a structure that

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meets code, but have a large number of bedrooms to accommodate extra people, we need to keep in mind we don't have off-street parking due to the size of the streets. He stated he doesn't think we need a planner for that. He stated you can look at the square footage percentage, and once you get past the number of bedrooms in a certain square footage, you need a place to park a car.

Member Kosinski stated that aesthetically, there would be no green space. Mr. Bonfiglio responded that if a homeowner can't build the number of bedrooms they want to code, they may want to cut down the number of bedrooms so they can meet code, and they would need to meet the permeable space requirements or scale down the house as well.

Public Comment: Neil Hennigan, 91 Island Drive South, stated he advocates for one off-street parking space per bedroom. As far as the idea of pervious vs. impervious, that's another area that needs to be studied. He stated he thinks it crosses FAR, driveways, parking, aesthetics, green space, runoff, drainage, and street flooding, and it is one of the major topics. He stated this is a major topic that he hopes a planner would study and make recommendations on.

Kristine de Haseth, 29 Sabal Island Drive, stated that there are other areas within the proposed ordinances that the Commission might want to consider discussing today such as the parking space size.

Member Marsh stated that we can't just pick certain areas to discuss, as all of the areas have ramifications. He stated that parking space sizes vary by each town, and we have to figure out what is good for Ocean Ridge, but there are a lot of overlapping issues and we need to be patient so we can protect the town. He stated it sounds like we are all on the same page, but how we get there is a concern.

Member Kosinski asked about drain field septic requirements (Section B under Drain Field Septic Requirements), and asked if there is a possibility already under the Florida Administrative Code, so if we set that forth, that is our criteria for reviewing in the future, and not something that has a greater implication that a planner might pick up on. She also brought up the setbacks, and Member Marsh stated that most setbacks are 10 ft. off the property line, and side yard setbacks are 15 feet off the property line, so the side yard would be out for use on septic. He stated that drain fields should not be included as pervious space, so we are just going to move the septic from one area to another on the lot, and it is all interrelated.

Jerry Lower, 2 Harbour Drive North, stated that Ocean Ridge is not a mass transit community, and we have more than one car per adult in some cases. If you have a submission for a home and it is clearly defined that multiple adult families will be coming together in one location, we should have a one car per bedroom minimum requirement.

Member Marsh moved to recommend to the Town Commission that the Town obtain professional planning expertise for items that have been directed by the Town Commission and other changes that the Planner may look at for items co-joined in what they need to look at; seconded by Member Carey.

Chairman Goray called for discussion on the motion, and the timelines were discussed. Town Attorney Shutt stated that staff understands the urgency. Town Manager Titcomb stated that the P&Z's recommendation will go to the Town Commission at its next meeting. The Planner will give us a scope of work to present to the Town Commission, and if the Town Commission approves the recommendation, the Planner would begin the service as soon as possible.

Motion carried 5-0.

Public Comment: Zoanne Hennigan, 91 Island Drive South, stated the Commission should get staff opinions on the record today so that if the Town Commission decides to hire a Planner, the Planner has direction with a well-documented set of opinions. Member Marsh suggested holding a joint workshop with the Town Commission to discuss these things together.

Lisa Tropepe, Town Engineer, stated that the Commission tasked her to look at three things: flows, setbacks, and definition of pervious area. She stated that she has been listening today to the discussion regarding the parking space size, and she is asking herself what are the unintended consequences. She stated that the standard parking space size is 9x18 including this Town Hall, and she won't be able to approve the parking lot if the size is changed, because then it doesn't work. She stated that the unintended consequences are huge. She stated that there is also the question of how increasing parking area size will affect drain fields, and if the setbacks are increased, you can't put the septic on the side of the house. She stated that if we increase the pervious area for a driveway, there may not be any room in the front yard, and if it needs to go in the back, you can't have a pool and patio. She stated that we need to look at the codes holistically. She stated that she agrees with the proposals that were submitted today, however, when you bring in other elements, you now have more questions, so we need to look at it in a holistic manner. She stated that the Florida Administrative Code gives a break on flows and does not go where we need it to go. She stated she still agrees with her recommendations for an increase in flows and setbacks for more than four bedrooms in areas of organic type soils, and a clarification on what pervious means, but we need to understand that when we do one thing, it might impact something else. She stated she is comfortable with what has been presented today, but we need to understand what the consequences are if the 9x18 is increased to 10x20, understanding that there may be unintended consequences such as not being able to fit the drain field in the front yard. Chairman Goray stated he is comfortable with the 9x18 size parking space.

Public Comment: Neil Hennigan, 91 Island Drive South, stated that when you park at Town Hall, it doesn't matter how long the car is, as it is not infringing on anyone. He stated that if you have a Ford pickup that could be up to 140" long, it does not fit in a

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9x18 parking space. He stated that parking that size vehicle in a public parking lot does not impact people, but when you park a vehicle that big in a residential driveway, it will have an impact.

Chairman Goray stated that this is another reason to go to a planning professional to see what is practicable. We can't solve all of the problems all of the time. Mr. Hennigan stated that the law of intended consequences is what we are losing sight of.

Lisa Tropepe, Town Engineer, stated that the League of Cities works together and discusses standards in the industry. She stated that pushing one area might affect another area, and if you don't look at it together, you may make a situation where someone can't build to the code.

Member Kosinski stated that we want to limit in some cases, but she does not have the professional expertise to opine on these individually at this point.

Town Manager Titcomb stated that it is a 23% increase in pervious area if you change from a 9x18 space to a 10x20 space, which is a large increase.

DISCUSSION / ACTION ITEMS

3. Planning & Zoning Commission Meeting Schedule

Town Clerk Stevens stated she has not heard back from all of the members on their availability for a joint workshop, however, at this time based on the members she has heard back from, the whole month of July is completely out. We have a few dates left in June, and in August the first two weeks are available, but the rest of the month is problematic.

There was consensus of the Commission to schedule a joint workshop meeting on June 18th at 8:30 a.m.

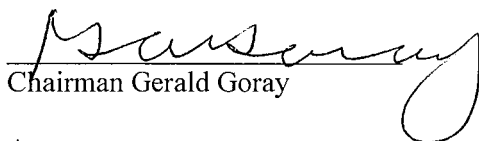
4. Concept Plan Review Process

There was consensus of the Commission to defer discussion on the Concept Plan Review Process to the joint workshop meeting.

ADJOURNMENT

Vice Chair Marsh moved to adjourn at 10:09 a.m.; seconded by Member Kosinski. Motion carried 5-0.

Minutes adopted by the Planning & Zoning Commission at its meeting on July 9, 2018.


Chairman Gerald Goray

Attest:


Tracey L. Stevens, CMC, Town Clerk