

PLANNING & ZONING MEETING MINUTES
AUGUST 13, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, August 13, 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

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

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

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Building Official Wayne Cameron, Police Chief Hal Hutchins, Town Engineer Lisa Tropepe and Deputy Town Clerk Jean Hallahan.

PLEDGE OF ALLEGIANCE

Chairman Goray led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

1. Approval of the July 9, 2018 Minutes

Member Carey moved to adopt the July 9, 2018 minutes as submitted; seconded by Member Marsh. Motion carried 5-0.

DISCUSSION / ACTION ITEMS

2. **Concept Plan Review – 60 Ocean Ave**

Building Official Cameron summarized that Marc Julien Homes had requested a Concept Plan Review for 60 Ocean Avenue for a new 4-1/2 bedroom, 2 & 1 Car Garages with swimming pool. This would be a tear down of a 1951 structure. Upon this preliminary review, it would proceed to a comprehensive and complete building review. It meets all Zoning Code Requirements, and staff recommends approval.

Chairman Goray questioned that due to the current Moratorium, what analysis was made regarding whether this home would meet the new proposed code revisions: open space, drainage, and street parking. Building Official Cameron stated that this review met the Town's current code. It was determined that there was more than enough open space excluding the septic tank calculations. There would be no off street parking issues with the proposed garages and courtyards.

Manager Titcomb stated that a lot of time and careful plan review is being performed by Zoning, Building and Administration to make sure that it meets the Town Code. With the

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Moratorium we are getting a lot of pressure from residents/contractors that want to proceed with construction. Any contemplative identified areas that may be restrictive to the new changes are not getting the administration exception. Alternate Member Hennigan questioned if it met the proposed 40% open space or the percentage of the driveway. He also questioned the length of driveway less than 50ft along the right of way. Engineer Tropepe noted that the front setbacks are 25ft. Member Marsh stated that the plans did not show the location of the septic tank or drainfield. He questioned if it met the 75ft setback from the retention area on the west. He was also concerned with the driveway size. Building Official Cameron stated that while the location of the septic tank was not shown on the preliminary plans, he did allow for 1000 sq.ft. for the drainfield in his drainage calculations. Member Kosinski questioned why if there was a moratorium, they were doing this review. Chairman Goray explained that the Moratorium had an exception clause that allowed the Town Manager to review the plans and if it met his approval, they could proceed to the Concept Plan Review. Manager Titcomb clarified that the Commission gave him a short list of checkpoints that would allow for standard homes and meet the basic requirements. This did meet the spirit/intent of a standard home and not an over-build.

Natalie Bak, Marc Julien Homes, General Contractor, stated that they had received Health Dept. approval for the septic tank on the north side of the property. There was a concern of the motor court, and garage elevation, and the installing of flood bins for drainage. It was discussed that the owner is an LLC, and if this home was a spec home or for a specific family.

Member Kosinski questioned the discrepancy that the application stated 5 bedrooms, but the Town's review is for 4 bedroom and a study. It was discussed whether the Health Department approval was for a 4 bedroom or 5 bedroom structure. Sebastian, Weber Design Group, submitted a visual presentation of existing, and the proposed design. He stated that they were not part of the Septic approval or landscape design or open space that was done by the Marc Julien, the contractors. Engineer Tropepe explained that this concept plan review process was still evolving, and that we have not mandated for the applicant to provide Health Department approval at this time. This is a conceptual plan review, not a full review. Mr. Marsh stated that they should at least show the location of the septic and drainfields.

Atty. Shutt stated that because of the discrepancy of the number of bedrooms and the location of the drainfield that the application maybe deferred to return to the Town Manager for re-review and then return to this Board. Ms. Bak stated that she had tried to submit the civil drawings, but was told was not necessary for this conceptual review. Member Marsh stated that if the number of bedrooms and septic location corresponded with the Health Dept. approval that management/staff be allowed to approve it at least on this one point.

Sebastian Caepstany, Weber Design Group, submitted a visual presentation of the existing structure, and the proposed design. It is completely different from other homes in the area with a stone front, and the loft facing the street and more of a modern feel.

Kristine de Haseth, 29 Sabal Island Drive, requested that any submittals have clear percentages of lot coverage, and 40% open space, and showing the septic and drainfield locations. Per her calculations, she does not feel that this meets the intent of the changes and she felt poorly that the applicant wasn't given the proper direction.

Member Marsh was concerned with the height of the vaulted ceiling, and felt it appeared massive in proportion. This is the first property as you enter Ocean Ridge and he felt it did not compliment or was in sympathy to the style of Ocean Ridge. This was his objective comment. Mr. Caepstany also showed them an example of the proposed stone.

Atty. Shutt stated that because of the Moratorium, the applicant submit the proper paperwork showing the correct number of bedrooms and septic location for the Town Manager to review. If the Town Manager felt that they met the exception, then it would go back for the Concept Plan Review again. If it does not meet the exception, you will not be allowed to proceed with the project.

Member Carey stated that this property was a gateway into the Town, that it is important that extra attention be taken on the west side. Member Marsh also asked that canopy trees be installed in lieu of palm trees on the west exposure.

3. **Land Development Code Review** (9:15am)

Marty Minor, Urban Design Kilday Studios, reported that the proposed zoning code amendments to the Town's SFR have been addressed/revised for parking, landscaped open space and drainage requirements.

Single Family Home Parking Requirements: Currently all residential units are required to provide a minimum of 2 parking spaces (within a garage, carport or driveway). Currently for single family there is no minimum dimensions for parking size; however, for multi-family it is 9ft by 18ft. With the proposed code amendment: single family required 2 parking spaces, plus 1 space for each bedroom more than 4 bedrooms. An additional requirement would be that for every 2 bedrooms above 4, and an additional garage parking space shall be provided. The proposed parking space dimension would be 10ft x 20ft for single family residence rather than specifying minimum garage sizes. An eight bedroom house would require a 4 car garage, and 4 parking spaces.

It was discussed that each bedroom would equal 1 parking space including the use of garage spaces. While an 18ft garage door would more easily accommodate 2 cars versus a 16ft garage door, it would limit the architecture. You cannot specify the use of garage whether it be for storage or parking. An 8ft garage door is a minimum.

Don MaGruder, 9 Ridge Blvd, requested that the amendment include the verbiage of "4 bedroom", and not mention "6 bedrooms". He was in favor that the "4 bedroom" be standard. Atty. Shutt stated that "6 bedrooms" is not mentioned in the Code, only 1 bedroom per parking space, and that 4 bedrooms would trigger additional parking.

Alternate Member Hennigan asked for clarification of single family garages. He also asked why this is processed as an Ordinance versus a Variance for the few lots that are less than 10,000 sq.ft. Mr. Minor stated that single family homes with 10,000 sq.ft. lot coverage require a garage with one space. He would add clarity for those lots that are non-conforming.

Landscaped Open Space: The Town does not currently have a specific open space requirement for individual single family lots. This hinders drainage on the lot. More open space provides for landscaping to grow to full size and provide relief from the impact of the sun. Currently, the Town's regulations require that 25% of the single family lots to be pervious to allow drainage. This 25% includes any underground tanks and drain field. A minimum standard of 40% open space is proposed, and does not include: structures, patios, swimming pools, decks, driveways, generators, tanks, septic system or drain fields. In addition, the proposed code will increase the setbacks for hardscapes from 3 to 7.5ft from adjacent property lines. This increase will allow for additional landscape buffering and/or room to accommodate drainage requirements.

Public Comment

Ken Kaleel, 86 Island Drive South, questioned what the impact would be to Ocean Ridge if it went to the proposed 40% open space. Most of the homes in Ocean Ridge and Gulf Stream would not meet these requirements, if you eliminated driveways and drain fields. He felt that it is too restrictive and that maybe we went too far. He asked what physical or economical impact would be to Ocean Ridge. It might invite massing. He asked if a study had been done.

Kristine de Haseth, 29 Sabal Island Dr, stated that if the goal was for shade trees, for impact, maybe at least one shade tree in front. While she heard Mr. Kaleel's concerns, she felt this was necessary because we had gone too far the wrong way. She suggested that there be a specific guideline to determine the number of bedrooms based on the size of the lot without losing the character of Ocean Ridge.

Alternate Member Hennigan presented handouts showing break point of the size of homes that can be built. Mr. Minor stated that Gulf Stream uses 40% open space; however, some of the homes are on septic but not all. Palm Beach is 45% open space, but is on sewer, and Manalapan is 40% but with the majority on sewer. Mr. Marsh felt that 40% is quite aggressive if you do not include drain field. Palm Beach is 35% total, but 45% open space in front. It assures that the front landscape of the house is softer with more vegetation and still accommodates the septic system. He feels that would follow the intent of improving the street scape as well as improving the buffering of the perimeter setback.

Ken Kaleel, stated that paver driveway, gravel driveway or circular driveways may be eliminated in town with the proposed 40% open space. He was in favor of control, but if everything is excluding, he was concerned if you can still achieve your intent.

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Chairman Goray asked what kind of consequences could come into play with these proposed amendments. Atty. Shutt stated that you would be creating legally non-conforming structures. If you wanted to demolish and rebuild, you would not be able to build on the same footprint or as the same square footage without going vertical or reducing a deck or driveway area. You may not want to make so great of changes that would result with 100% of the current structures to now legally non-conforming. Currently if you meet the 50% improvement threshold would it trigger bringing the property up to code. It was discussed that if a property owner makes no changes to their property, this proposal would not affect them as far as open space or parking.

Chairman Goray summarized that that we need more modeling of 45% in front and 35% total, and to consider the impact of existing houses in noncompliance and what would trigger the need for them to come into compliance, and to keep the 50% improvement threshold in the Code.

Manager Titcomb stated that they had met with the Palm Beach County Health Dept. last week. It is a minimum of 75ft setback from waterways. Most typically septic tanks are designed for side and front yards. To talk of excluding those from pervious requirement would be a significant increase to the pervious area as compared to the traditional modeling has been. This will be a significant impact to building a home.

Member Marsh stated that some homes are point lots, and are limited by waterfronts as to building. They may need special relief or an exception because they are not of a standard size. He does feel that 45% open space in front and 35% overall is a reasonable request, however more modeling is needed. There was a consensus that they would not piecemeal their recommendations to the Town Commission, but wait until they have concluded the recommendations for all three items. Member Marsh excused himself at 10:03 am.

Mr. Kaleel, 98 Island Drive So, asked them to also consider wetlands when you are considering open space. He also cautioned them in the use of a "Variance" process to accomplish an objective because you may not get it. The standards of a "Variance" are high to get approval. There could be a method that grants an allowance without it going through the full variance process.

Alternate Member Hennigan requested to Mr. Minor that it "1 tree or 2 palm trees" be removed and not be an option. Member Carey asked for a description of "shrub". What size or proportions are considered for a "shrub". Mr. Minor said that he would make those changes and add a description for a "shrub".

Drainage: Town Engineer Tropepe reported that within the last year there were no setback requirements for pool decks, now it is 3ft. Neighbors were in adversely affecting other adjacent properties because of elevation issues. They are now proposing 7.5ft setback to allow for a swale. Some of the properties on Old Ocean are allowed to use 1000sq.ft of the lot on the east side towards the open space or lot coverage. You may need to specify in the Code the "front of the property" and lands not meticulous. Also

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most trench drains are installed but are not connecting to anything or show their intent. They cannot in adversely affect the adjacent properties or roads.

Alternate Member Hennigan asked how the new finished floor elevation affected drainage. Town Engineer Tropepe reported that it was an unintended consequence with sea level rise. It is a joint collaboration of FL League of Cities, FDEP and FEMA to come up with a reasonable finished floor elevation. Effective October 2018 it will change 6/10th of a foot here in Ocean Ridge. We also have an extra foot of free board for a total of 1-6/10th of a foot. This will cause problems with a new home being much higher than existing older structures. Mr. Minor stated that he would review the ratio for landscaping in the code.

Alternate Member Hennigan asked for clarity of Section 64-42 Swimming Pools not being part of Lot Coverage. Mr. Minor stated that it is included as impervious area.

Chairman Goray summarized that further review and modeling would be needed for Open Landscaping and Drainage.

Member Kosinski asked if there were any other issues or concerns that needed to be addressed such as multi-family districts. Mr. Minor stated that these changes take into account other areas in the Comp Plan with the sea level rise and how it will affect the Town's drainage in the future.

Public Comment

Don MaGruder, 9 Ridge Blvd, thanked the staff and board for their reviews. The better we do our job, the better our Town will be.

Ken Kaleel, 86 Island Drive South, also thanked the board of their reviews and what rewards for progressive environmental benefits could be awarded to residents.

Kristine de Haseth, stated that Ordinance 631 asked for residential system sizing for septic systems. She was concerned that this was not being addressed for compliance.

Chairman Goray asked for clarification of any changes with the town's septic requirements. Engineer Tropepe stated that when they met with the Health Dept., they informed them that Ocean Ridge was considering more rigid guidelines. The Health Dept. applauded them, and stated that they would entertain the more stringent guidelines, if the Town entered a legal interlocal agreement that would allow us to impose these new guidelines. The Health Dept. feels that the outflows should be an average. Per the State Statute they do not see more than 4 bedrooms being utilized at one time and do not take laundry facilities or bathrooms into consideration. Ocean Ridge does have home rule to a certain extent. Regarding setbacks, they do take into account the neighboring lots for density and flows up to 2500/gal per day. Ocean Ridge is not typical, we are a dense barrier island that it majority residential on septic and drain fields. The Palm Beach County Health Dept has to follow the same guidelines for Ocean Ridge as they would the Acreage. The Health Dept. has to approve the septic plans before they are submitted to

Ocean Ridge. Atty. Shutt stated that he has also met with Palm Beach County Health Dept. In order to enforce the Town's rule, the Health Department would implement an additional permit fee to the Ocean Ridge applicant. They can accommodate the interlocal agreement once Ocean Ridge makes a final decision.

4. **Meeting Date Changes for October and November due to Holidays (10:41am.)**
Member Carey moved to recommend the change of the October P&Z Meeting to October 15, 2018 and the November P&Z Meeting to November 19, 2018; seconded by Member Kosinski. Motion carried 5-0.

ORDINANCE REVIEW (10:41 am.)

5. An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 63, "General and Administrative Provisions", Article III, "Development Review Procedures", Section 63-31 "Planning and Zoning Commission Established; Powers and Duties" and Section 63-34 "Board of Adjustment", to Modify the Date Requirements Regarding Appointments to the Boards; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Deputy Town Clerk Hallahan read the draft ordinance by title only.

Atty. Shutt stated that this had been postponed in order to make changes. All of the dates for the Board of Adjustments and the P&Z Board for the renewal dates were now set on a certain time frame. It will extend the term until that date rolls around, and from that time on will be the same date. The Town Clerk will administer the oath, and will require a forum of 3 members and a concurring vote of 3 members for approvals.

No Public Comment.

- Member Carey moved to recommend approval of the draft ordinance as presented by the Town Attorney; seconded by Member Kosinski. Motion carried 5-0.**

6. An Ordinance of the Town of Ocean Ridge, Florida, Amending Its Code of Ordinances by Amending Chapter 63, "General and Administrative Provisions", Article IV, "Site Plan Review Procedures", Section 63-56 "Concept Development Plan Review", To Clarify the Notice Requirements; Providing for Codification, Repeal of Conflicting Ordinances, Severability, and an Effective Date.

Deputy Town Clerk Hallahan read the draft ordinance by title only.

Atty. Shutt stated for Concept Plan Review meeting that there be given 20 calendar days prior notice of the project to adjacent properties within 300ft. of the property. The mailings will be paid by the Developer, posted on the website 10 days before the meeting, and a placard posted on the property as a placard 7 days prior to the meeting.

Kristine de Haseth, 29 Sabal Island Drive thanked staff for this review and asked that there be an appeal process also for the applicant. Atty. Shutt stated that the appeal would

be for the administration decision only, as the Concept Plan Review only gives a recommendation not a decision.

Member Carey asked why all different dates. Atty. Shutt stated that the staggering of the time frame allows staff time to mail, post the notices as they may have other duties to accomplish or constraints. Manager Titcomb stated that the longer the time schedule, could push the review further back another month. Manager Titcomb stated that 20/15/15 this would be acceptable.

Member Kosinski moved to recommend approval of the draft ordinance as presented by the Town Attorney with the above changes; seconded by Member Carey. Motion carried 5-0.

Atty. Shutt stated that once all changes had been agreed upon; he would develop individual Ordinances. He suggested that open landscape models be made for the 12,000 or a 15,000 sq.ft. lots. Member Carey suggested that we define a specific size for a bedroom whether it have a closet or not. Chairman Goray requested that the Concept Plan Review Board be given teeth for enforcement. Manager Titcomb stated that every applicant that has come for an administrative exemption state their intent is to comply with Town Code. Now at these presentations, they declare that they are not sure what the intent of the developer/owner is. It is an easy conversion of a den or study to a bedroom. There is sometimes a migration of what is originally submitted and what is presented. It was discussed as what the definition of a bedroom should be put into the Code.

Public Comment

Don Magruder, 9 Ridge Blvd, stated that currently, the Board of Adjustment handles Variances, and maybe Variances could be transferred over as a responsibility of Planning & Zoning instead. Maybe P&Z could grant variances due to the lot sizes or other issues. This would have to be approved by the Town Commission.

Zoanne Hennigan, 91 Island Drive South, thanked the Board for a wonderful job. With only meeting once a month, this will be a long process for this moratorium. Maybe it could be accelerated. Manager Titcomb stated that there are a lot of competing time factors with staff right now, but we would be at the Commission's direction, and try to work around it. Too fast may not be productive, government works slowly for a reason. Mr. Minor stated that after August, he may be able to do every 3 weeks, but had other commitments at this time. It was noted that Mr. Marsh was not present at the moment to comment as to his schedule, and they felt his contribution is greatly needed. Chairman Goray stated that at the September Meeting this could be revisited and it would allow everyone to review their calendars. The office will poll the entire board to see what dates would be open.

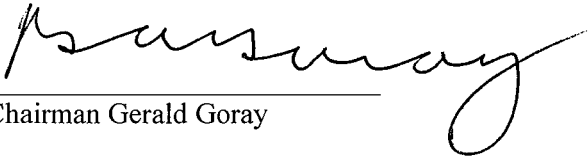
ADJOURNMENT

Member Carey moved to adjourn at 11:02a.m.; seconded by Member Kosinski. Motion carried 5-0.

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Minutes prepared by Deputy Town Clerk Jean Hallahan.

Minutes adopted by the Planning & Zoning Commission at its meeting on September 17, 2018.



Chairman Gerald Goray

Attest:



Tracey L. Stevens, CMC, Town Clerk