

PLANNING & ZONING COMMISSION MEETING MINUTES
APRIL 19, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, April 19, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:03 a.m. by Chair Marsh.

ROLL CALL

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

Chair Mark Marsh	Present
Vice Chair Ric Carey	Present
Member Neil Hennigan	Present
Member David Hutchins	Present
Member Penny Kosinski	Present
Alternate Member Brit Flanagan	Present

Staff Present: Town Attorney Goddeau, Building Official Durrani Guy, Town Planner Corey O’Gorman, Representative Tara Bamber for the Town Engineer, Town Manager Stevens, and Town Clerk Karla Armstrong.

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

PUBLIC COMMENT

There was none.

APPROVAL OF MINUTES

1. Approval of Minutes of the March 15, 2021 Minutes

Chair Marsh and Vice Chair Carey noted that P.3 had two misspellings, and requested the minutes be amended with the corrections.

Member Hennigan moved to approve the minutes of March 15, 2021 as amended; seconded by Member Hutchins. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 29 Eleuthera Drive

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 29 Eleuthera Drive were sworn in by the Town Clerk.

Town Clerk Armstrong introduced the project by noting that the project is being brought back before the Commission because the site plan has changed since the homeowner has decided to grant the Town a 5’ drainage easement with the conditions described within the memo.

Chair Marsh asked staff if they were satisfied with the proposal, to which Building Official Guy and the Town Engineer’s Representative, Tara Bamber, stated that they are okay with the proposed sketch.

Member Hutchins asked staff to be more proactive, and to develop a plan on how to handle drainage pipes that are on private property. He added that a homeowner should not be asked to provide a drainage easement through the Development Plan Review process, to which Town Attorney Goddeau stated that a plan is a great idea; however, it would be costly and time consuming since the Town would have to do an assessment of all the drains and which are on private property. Town Attorney Goddeau stated that the Town has opted for dealing with drainage easements as situations arise, and that the Town cannot take any private property for drainage easement unless there is a legal plan in place. Member Hutchins opposed any taking of private property, and advocated that the homeowner get compensated for giving an easement. Town Attorney Goddeau stated that in this particular case that Town staff worked with the homeowner to be able to give the conditions shown in the memo of the package.

Chair Marsh stated that the Town is on the right path, but asked that the Town continue to be proactive and work with homeowners to obtain drainage easements.

Chair Marsh called for public comment, and there was none.

Town Clerk Armstrong mentioned that Town staff is still negotiating with the homeowner so the site plan may change depending on any additional conditions. She asked that the Commission approve the application with the possibility of allowing staff to approve any minor changes that may be needed to accommodate for the drainage easement.

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

Vice Chair Carey moved to approve the Development Plan Review for 29 Eleuthera Drive as submitted with the condition to allow Town staff to approve any minor changes that may be needed to accommodate the drainage easement; seconded by Member Hutchins. Motion carried 5-0.

3. Quasi-Judicial Hearing: Development Plan Review for 54 Spanish River Drive

Chair Marsh explained that this is a quasi-judicial hearing, and asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that they had not. Those that wished to give testimony for 54 Spanish River Drive were sworn in by the Town Clerk.

Town Planner O’Gorman introduced the project by noting that the project will be a new single family home that will consist of 4 bedrooms and 4 full bathrooms with a cabana and powder room.

Randall Stofft, Randall Stofft Architects from 42 N. Swinton Avenue in Delray Beach, noted that it is a custom home for the Smith family, and that they had to do some redesign to the home to comply with the elevation requirements. He also noted that he agreed with all of the staff comments except with the comment regarding the tie beams. He explained the reasons why they should be allowed to keep the tie beam the height originally proposed.

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Chair Marsh stated that he concurred with staff on the tie beam height. He noted that the pins are too large and for Mr. Stofft to reduce the height or install a beam horizontally, to which Mr. Stofft stated that he did decrease the size of the pins in the redesign.

Chair Marsh asked about the finish materials for the pins, and Mr. Stofft described the type of material. Chair Marsh reiterated he agreed with staff that the tower should stay that size.

Chair Marsh suggested for the applicant to have planting on the drainage easement rather than gravel, and Tara Bamber, representative of the Town Engineer, stated that plantings are not allowed within recorded drainage easements and that the owner will probably just have to sod it. She will review the Code to see if gravel is allowed in the drainage easement.

Vice Chair Carey asked Mrs. Bamber as to why the applicant needed a retaining wall to the east when he could gradually grade the property to match the other property's elevation, and Mr. Stofft responded that he could review the elevations and see if they could make the changes. Vice Chair Carey asked if grading can be done on other sides, and Mrs. Bamber stated that grading may work in the front the property, but not toward the back.

Chair Marsh stated that the landscaping plan mostly shows palm trees, and asked the applicant to add a shade tree. Stephanie Portus, Landscape Architect from PLA Design Studios, described the different proposed plantings and explained that she is limited because of the drain field, septic, and drainage easement.

Member Hutchins asked if the Code specifies the amount of trees that need to be installed, to which Building Official Guy stated that he needs to review the Code in regards to landscaping.

Member Hennigan voiced his concern that some trees are not being protected during the demolition process. He asked if the Town is conducting surveys of existing trees prior to demolitions to ensure that they keep and re-install historic trees. Building Official Guy stated that the town just incorporated a tree inventory system that would help the Town keep track of where historic trees are. He further stated that the new issue is that trees need to be removed in order to elevate homes to meet the new elevation requirements.

Member Hennigan asked if the Town is requiring the contractors to mitigate for removed trees during the demolition process, to which Building Official Guy stated that he would need to review further. Chair Marsh stated that the intent is good and that it would be hard to spend the money to replace all the trees with new construction of a home. Member Hennigan argued that in most cases the site ends with less landscaping than existed there prior to the demolition, and the Town should explore as to who is responsible for reviewing the before and after of the landscaping. Chair Marsh once again asked the Landscape Architect to look into replacing some palms with shade trees.

Vice Chair Carey thanked the Architect for his work, and asked if he would be willing to raise the finish slab for the garage, to which Mr. Stofft stated that he would not like to because it would create a steep driveway for his clients. Member Hennigan asked the applicant what amount of percentage slope should be the maximum, and Mr. Stofft stated that it is 10%. Vice Chair Carey recommended that Mr. Stofft raise the finish slab of the garage because of the drainage issues on

that street, and in the case that the Town raises the road. Chair Marsh concurred with Vice Chair Carey and recommended the same. Mr. Stofft mentioned that he could look into it, but that the changes could be made later when they are needed.

Building Official Guy noted that there is a section of the landscaping code that exempts single family homes and noted that there is a requirement of how many trees need to be installed per lot. He stated that he would have to review it more.

Member Kosinski asked whether the Board is interested in allowing the applicant to stay with the tower size as originally proposed, and Chair Marsh explained that he would be okay with allowing the height in the front, but not in the back due to massing. Mr. Stofft stated that after reviewing and discussing the project that he would like to keep the tower with the changes.

Member Hennigan asked to work with Building Official and staff in regards to the landscape code, and Town Manager Stevens stated that Commissioner Hurlburt is already working on the landscape code with staff. Chair Marsh stated that landscaping should be an item for a workshop with the Town Commission.

Chair Marsh called for public comment.

Mr. and Mrs. Smith, 54 Spanish River Drive, introduced themselves to the board. All board members welcomed them to the Town.

Vice Chair Carey made the following motion based on the competent, substantial evidence, and testimony presented:

Vice Chair Carey moved to approve the Development Plan Review for 54 Spanish River Drive as submitted with the conditions established by staff in the staff reports and with the suggestions to reduce the height of pins, gradually grading the property or another alternate water retaining method in lieu of the retaining wall on the east side of the property, raise the finished floor slab of the garage, and explore the possibility of installing more shade trees with a larger canopy instead of some of the palm trees; seconded by Member Kosinski. Motion carried 5-0.

COMMISSIONERS COMMENTS

(This item is reserved for any Commissioner comments that are not related to any item printed on the agenda.)

Vice Chair Carey asked Building Official Guy if he had read Mr. Schwartzberg's email from the last meeting, to which Building Official Guy responded that he did. Vice Chair Carey stated that the homeowner made good points that we should take into consideration when changing the handbook or making policy changes to demolition, to which Building Official Guy stated that the points provided by Mr. Schwartzberg were valid and he is reviewing to see which points could be implemented. Member Hutchins commented that a high fence may not be doable.

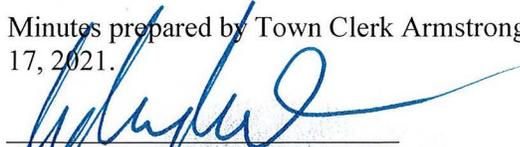
Member Hutchins stated that the board should be careful when reviewing Development Plan Review applications to not pass their personal preferences to applications, but rather just stick to code. He asked to be considered to be the liaison for the Town Commission during the summer months when Vice Chair Carey is out of Town.

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ADJOURNMENT

Meeting adjourned at 9:10 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on May 17, 2021.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk

