

PLANNING & ZONING MEETING MINUTES  
JULY 9, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, July 9, 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 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 Attorney Brian Shutt, Zoning Official Manny Palacios, Town Engineer Associate Tara Bamber, Building Official Wayne Cameron, 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 25, 2018 Minutes  
Member Marsh noted that the word “can” needs to be changed to “can’t” on page 7, paragraph 5.

**Member Hutchins moved to adopt the May 25, 2018 minutes as amended; seconded by Vice Chair Marsh. Motion carried 5-0.**

**DISCUSSION / ACTION ITEMS**

2. **Concept Plan Review – 1 Osprey Court**

Town Attorney Shutt called for ex-parte communications and there were none. Town Clerk Stevens swore in all those in attendance that wished to testify.

Manny Palacios, Zoning Official, read his report that was included in the meeting packages, into the record. He noted that upon review, it appears that all of the zoning requirements of the town have been met. He stated that there are a few discrepancies in the submittal, but nothing that would prevent this application from moving forward at this time. Chairman Goray asked if we are proceeding with the application because this application is an exception to the moratorium, and Zoning Official Palacios confirmed.

Building Official Cameron read his report that was included in the meeting packages into the record, and stated that his comments are based on the upcoming building permit

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submittal. He mentioned that the applicant needs to be aware that the finished floor elevation needs to be at 7 NAVD or the equivalent 8.6 NGVD. He stated that one document that was submitted shows a base floor elevation of 10 on the survey, so it needs to be changed.

Greg Jones, Greg Jones Architecture, stated that the proposed project is laid out in a clear and concise manner, and the home style is a transitional style as opposed to a contemporary style, in keeping with other homes in the neighborhood. The color scheme is off-white with charcoal accents including the rooftop for a contrasting look. He noted that 1,300 square feet is being added, with approximately 600 square feet of the existing covered patio, for a total of 1,900 square feet. He stated they are well within the 35% maximum lot coverage, at approximately 32%. He stated they are keeping it at one story but raising the beam up to 10 feet.

Member Carey asked Mr. Jones to describe the project, and asked if the entire truss system is being removed and the interior gutted, and Mr. Jones stated that is correct. He noted that they will be doing a significant interior modification, they will have higher ceilings, raising the tie beam by two feet, and doing tray ceilings or pitched interior ceilings. He noted that the majority of the outside perimeter walls are being kept. Member Carey asked if he has done a calculation of the increase in impervious area, and Mr. Jones stated that the pool deck is existing, they are relocating the driveway which will be similar in size, and adding approximately 1,900 square feet to the impervious area. Member Carey asked where the septic field is located on the property, and Mr. Jones stated that the drain field and septic tank is in the northwest corner of the proposed driveway. He stated that it will be a new system, but in a similar location, with an increase in size. Member Carey stated that if you don't include the drain field as being pervious, it would be an increase in the impervious area. Mr. Jones stated that it will not be a significant increase. He stated they already have a county permit. Member Carey stated that he drove by the property yesterday and there seems to be a lot of plantings and growth on the street side in the right of way, and asked if it meets the town's swale requirements. Mr. Jones responded that the grading and drainage plan meets the requirements and will be available for review.

Chair Goray called for public comment and there were none.

Chair Goray stated that these plans are ideal to meet the moratorium exception rule.

Member Carey stated that the Building & Zoning Officials know what the town is working toward with code amendments for parking, drainage, and impervious area, and asked them to make sure there is a swale, and to make sure we are not extensively impacting drainage issues or parking issues.

Vice Chair Marsh asked if any of the codes have been amended yet, or if we are going by the same criteria, and Town Attorney Shutt confirmed that no codes have changed yet.

Vice Chair Marsh stated his only comment is a FEMA issue and he has already spoken to the Building Official about it.

There were no specific recommendations from the Commission to the Building & Zoning Officials.

### **3. Land Development Code Review**

Town Clerk Stevens introduced the contracted Planner, Marty Minor.

Marty Minor, Urban Design Kilday Studios, stated that there are three areas that are lacking in the code: single family parking requirements, landscape open space, and drainage. His recommendations for zoning code amendments were included in the meeting packages, and he reviewed the report for the Commission. Mr. Minor stated he would like to gather comments from the Commission today to revise his comments as needed and then he will revise his documents for re-submission to the Commission at the next meeting. He brought up parking requirements first.

#### **Parking Requirements**

Mr. Minor stated that the proposal has a 10 x 20 minimum parking space, and a parking ratio requirement of two parking spaces per single family residence plus one space for each bedroom for more than four bedrooms.

Member Marsh stated that Mr. Minor has done a great job with his review, and asked if we need to define what a bedroom is, and Alternate Member Hennigan noted that the code is open now for an Architect to change a bedroom into another room that is still available for occupancy as a bedroom. He suggested writing the code in a way that says "bedroom or room that could be used as a bedroom" or some refinement of the language to preclude abuse. Vice Member Marsh stated that the state requirements state that all you need is a closet to constitute a bedroom, and stated that the subject should be addressed.

Member Carey stated that one of the fundamental questions we need to address is whether we are going to count parking spaces in the garage or not, as garages end up being used for other things and sometimes don't end up being used for parking. He stated that Mr. Minor's draft counts garage spaces as parking spaces. Member Hutchins stated if we just count garage space as total spaces we may have other issues. Member Carey stated that he drove by the new townhouses, and they have two garage spaces but the doors are so small that you cannot get a large vehicle inside the garage. He stated that in the two parking spaces they had, there were two vehicles, and anyone else parking there would need to be on the street, and we don't have much on-street parking available so we need to make sure there is adequate off-street parking. Alternate Member Hennigan stated that Ocean Ridge is unique with our requirements for on-street parking and we have no relief other than that which is on the property. He stated that in looking at page 3, the two parking spaces for houses of four bedrooms or less, the only driveway space that would be required would be that which would fall into the setback. We have

not put in a requirement for driveway parking. He stated that a three bedroom house could meet this rule with no driveway parking. Mr. Minor stated that the garage would need to be set back 25' from the property line, and there would be some spaces within the setback in the driveway. Alternate Member Hennigan asked if there is an easement area off the street that is considered street and not the driveway, and Chief Hutchins stated that it depends on the area of town. Building Official Cameron stated that it depends on how wide the street is, and the measurement is taken from the center of the road to where that easement could be. He stated that easements range 10 feet as an average. Alternate Member Hennigan asked if it could be shortening the 25 foot setback to the point that it doesn't meet the 20 foot long parking space, and Building Official Cameron stated that in those cases, a variance would be required.

Member Carey stated that we will be criticized if we don't include the garages, but if we include the garages and only allow two parking spaces, we are being short sighted. If we are saying a normal house up to four bedrooms is two spaces, and those two spaces are in the garage, that is not meeting the intent of what the Town Commission asked us to do which is look at off-street parking. He would be inclined to change the requirement of two spaces to four spaces minimum, counting the garage as two spaces. Alternate Member Hennigan suggested requiring one parking space per bedroom and a garage. Vice Chair Marsh stated that he would like to see the garage size 20 x 20 at a minimum, and we need to make sure the garages are accessible, as we currently have some token garages and you can't access them. If a garage is required, the correct access needs to be required as well. Alternate Member Hennigan stated that we need to look at grandfathering the present homes in the south end of town that have no garage or only a single garage. Mr. Minor stated that those would be non-conforming structures, and Town Attorney Shutt asked if a home is destroyed, would they still be able to go back to the one garage when a home is being re-built there. He stated that normally on grandfathering, if they tip the 50% scale, then they need to comply with the new codes. Vice Chair Marsh stated that they would forfeit the grandfathering if they demo the home. Town Attorney Shutt stated it looks like we are requiring one space per bedroom in the proposed language, and asked Mr. Minor for his recommendation. Mr. Minor responded that based on the conversations today, it looks like one parking space per bedroom is the consensus of board.

Member Hutchins stated that it would take a genius design to fit a two-car garage on the 7,000 foot lots in the south end, and wants the board to consider grandfathering on the smaller lots for re-construction. Alternate Member Hennigan stated that we may be able to base the grandfathering on lot size. Vice Chair Marsh stated that we have a variance process in those cases, and the problem with grandfathering is people will leave a portion of a non-conforming setback wall and then do a whole new development utilizing the non-conforming. He stated that if the lot is smaller than 10,000 feet, the property owner would have a hardship and qualify for a variance. Member Carey asked if we could place something in the code that the smaller lots do not require a two-car garage, and Mr. Minor stated that there could be a provision for that. He stated it would limit the number of bedrooms someone could build on such a lot. He stated he would like to look at those lots and run through the process to see where the garage and driveway may be located to

meet some of the criteria. He stated we may look at only a one-car garage for the lots smaller than the 10,000 square foot minimum single family lots. He stated he will come back to the Commission with a recommendation.

**It was the consensus of the Commission that one 10 x 20 parking space per bedroom be required, as well as a two-car accessible garage minimum, subject to further input from Mr. Minor for smaller than 10,000 square foot lots.**

Building Official Cameron clarified that on a 10,000 square foot lot, the home is setback 25 feet, and then you have the garage, with the ability for off-street parking there and then the road right of way area. The road right of way does not count in the calculations.

Public comment: Terry Brown, Harbour Drive South, asked for clarification as he had stepped out of the meeting room for a few moments. He asked if the 10 x 20 parking space area is only for inside the garage, and asked if we could stack three there if there was enough room. He stated that people do stack cars and encroach onto the road right of way, and they don't even use their garages for parking. He wants to make sure that you could stack all the way to the dividing line where the road right of way starts, and Mr. Minor responded yes, as long as it is on the private lot. Mr. Brown stated that there are duplexes and single family homes and other issues with parking in the south end and those properties were grandfathered when the properties were annexed, and asked what we will do if a house is destroyed and they want to rebuild, as some of the side setbacks are 10 feet or less. Alternate Member Hennigan stated that the area is not RSF, and noted that there is something in the code that talks about RSF compliance if you build a single family home in a multi-family neighborhood. Chairman Goray stated that this was an area that Mr. Minor was going to research and bring back a recommendation on. Mr. Brown stated that those property owners should not have to suffer because of the new codes.

Zoanne Hennigan, 91 Island Drive South, stated that the P&Z has made a lot of good progress. She asked if the board would consider garage size based on the number of bedrooms, such as a three or four car garage minimum for larger houses because you may not want cars visible from the outside on a day to day basis. Mr. Minor responded that there are no three-car garage requirements in other codes that he has researched. Chairman Goray stated that we are striving for a precedent for what we do so we are not off in left field, and asked if Mr. Minor would recommend looking at a three-car garage. Mr. Minor responded that he would need to do research on that, however, he has not seen similar communities do that.

Member Carey stated that we also want to tighten up the language regarding rooms that could be bedrooms such as offices that have a closet and egress. He stated he would not want a three-car garage with the office space being used instead of a bedroom. Vice Chair Marsh stated that a minimum of a two-car garage is satisfactory, and the number of parking spaces per bedroom is perfect.

Kristine de Haseth, 29 Sabal Island Drive, commended the board on the excellent work, and asked to get clarity on making sure definition of bedroom is explored further. She is concerned with being definitive on the minimum garage size, and asked if we need to be exact on the minimum garage size, because with a 20 x 20 garage, once you get a foot and a half setback on either side you can stabilize your garage door and you may have something down the middle, and then you may be back to the point where you can't get a car in the garage regardless of what your turning radius is. She asked if there is a certain setback on either side to be able to anchor a hurricane proof garage door. She stated she would like that explored so that we do it correctly. Chairman Goray stated that a 16 foot garage door vs. an 18 foot garage door makes a big difference. Ms. de Haseth stated that she thinks we should plan for the larger of the two and then if someone needs a variance they could get one. Vice Chair Marsh stated that he is not in favor of mandating larger garages, we just need a minimum that works. He stated that 20 x 20 is optimum statewide and we should have a minimum that works. Ms. de Haseth stated that we need to be clear that these are on-site parking spaces that need to be on the property.

### **Landscaped Open Space/Drainage**

Mr. Minor recommends 35% open space that does not count the drain field. Chairman Goray asked if Mr. Minor is satisfied that given the new parking space requirement and the 35% open space not including the drain field, that the average lot will accommodate both, and Mr. Minor confirmed and stated that he will have graphic examples at the next meeting. Chairman Goray asked if there is adequate precedence for this change, and Mr. Minor stated it is a common standard.

Alternate Member Hennigan stated the language should be tightened on what the impervious items are such as generator pads, walkways, air conditioner pads, etc.

Mr. Minor stated that he is also proposing that we require that trench drains at the end of driveways are required to connect to a drainage system, as the current code does not require that.

Alternate Member Hennigan asked if any other towns mandate how much of the open landscaped area is in the front yard, and Vice Chair Marsh stated that Palm Beach has 45% open space in the front setback. Alternate Member Hennigan asked if we want to discuss that, and Vice Chair Marsh responded that he thinks increasing ours to 35% will solve a lot of our problems, and it is a penalizing criteria and will work against the driveway requirement, and thinks Mr. Minor's recommendations will work for what we want to require.

Tara Bamber, Engenuity Group, stated she wants to clarify that a trench drain is required at the end of a driveway. Vice Chair Marsh stated it would be unfair to require a trench drain if the property has a swale, and Ms. Bamber stated that it is our current requirement for a trench drain to collect water from the driveway, and the swale is in the town's right of way to collect water from the road. Town Attorney Shutt stated that the code states "a trench drain as used herein as any drainage structure as approved by the Building Code

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Administrator”, and he stated that if someone comes in with another mechanism, the code would allow for it in the current code.

Vice Chair Marsh stated that part of the criteria is that each property has to retain 1” of water on the property and the civil engineer needs to provide for that, and he does not want to see mandatory trench drains. Ms. Bamber stated that driveways will always slope toward the road, so you may need the trench drain to retain water on the property. Building Official Cameron stated that it is already addressed in the code and the intent is there to retain water on the property, and in the event of that, we will make sure there is a swale.

Public Comment: Terry Brown, Harbour Drive South, asked if 35% is the area that could be landscaped and would factor into the calculation. He stated he does not believe that 1” of water retained on the property is enough and it should be 2” in his opinion. He noted that driveway drains clog up and don’t work, and if you are supposed to have a swale, the swale retains water that comes down the street. He stated that we need enforcement on the swales so we don’t continue to have problems.

Kristine de Haseth, 29 Sabal Island Drive, stated that she would like to see Mr. Minor look outside the box of these three items. At the joint workshop, the Town Commission and P&Z discussed drainage and flow reduction and some additional reduction eliminations and she does not see that as part of the septic proposal. She stated that they also discussed parking and number of garages, and asked if there are any other best practices that we have not identified that we should consider, recognizing that Mr. Minor has a wealth of knowledge that far exceeds these three defined pieces.

Jerry Lower, 2 Harbour Drive North, applauds the Commission on staying focused on these issues, taking care of them quickly and not getting sidetracked in order to stay in line with the timing of the moratorium. He stated that the location of the septic within the property should be looked at due to the lots that are located near the intracoastal. He stated that the State and other communities have regulations on where the septic can be located on the property in relationship to the water and this is the perfect opportunity for us to discuss it.

Chairman Goray asked Mr. Minor if there are other things that can be looked at, and Mr. Minor responded that the town has a good code regarding lot coverage and floor area ratio (FAR), and some architectural standards that all work well. He stated that we will look at some of the larger problems as part of the comp plan review with an overall look at drainage. He stated that the first step is to make the lots efficient, and then the town will need to look at its drainage systems comprehensively. His recommendation will be to schedule a program, because it is a system that will affect the daily lives of the residents and things will get worse over time. The first step is making sure the single family lots are receptive to that system.

Chairman Goray stated that the Commission asked us to cover septic tanks as it relates to the moratorium, and Ms. Bamber stated that she does not believe that it has been researched yet, however, she can research the state regulations and how other communities deal with this issue. **The P&Z directed Ms. Bamber to come back to the Commission on a recommendation for flows.**

### **Concept Plan Review Process**

Chairman Goray asked Mr. Minor's opinion on whether the P&Z should be given more authority on the Concept Plan Review process, and Mr. Minor responded that the Town Attorney and he have had several discussions regarding that. Town Attorney Shutt stated that there was a discussion at the last Town Commission meeting, and staff was given direction to come back to P&Z to see if they have recommendations that can be put in an ordinance that will assist in giving the P&Z more authority, but not where it is all encompassing, as the Town Commission majority was not in favor of the draft as presented. He stated he will also be working on an ordinance for notice to adjacent property owners within a certain amount of feet to provide notice to them on concept plan review applications.

Vice Chair Marsh stated that Gulf Stream has very restrictive guidelines and we don't want to get that technical, however, we don't want to lose momentum. He asked Mr. Minor if he could share ideas on criteria that could be evaluated and make recommendations so we can move forward with the process.

Alternate Member Hennigan stated that any community that gets into the aesthetics or the character of the community begins with a much more robust comp plan than we have. Our comp plan says that we have character, and then never defines the character. In order to provide a foundation for any type of qualitative assessment for development, we need to characterize our town as subjectively as it needs to be, but substantively, not in generalities. We have 50 years of data and we can quantify the sizes and number of bedrooms, and we can quantify the architecture and nature of the community. If we have certain themes or neighborhoods, that is where we can have a basis on what we do for building. In our comp plan we describe more about mangroves than we do about the community.

Vice Chair Marsh stated that we need to look at massing and how it affects neighborhoods and the town in general. Alternate Member Hennigan stated that we need to start out with what the community is.

Chairman Goray opined that we have had several concept plan reviews and it is frustrating looking at the plans and not having any objective standards against which to judge that plan, so we just sit here and talk. He asked Mr. Minor if there are objective standards that run the spectrum of minimum to maximum that we as a board might want to look at and then make a recommendation on factors we definitely want to include in our review such as massing, aesthetics, etc. He stated that if there are 25 standards, we probably would not want to use all 25 standards, but we could pare it down to the top 5 or



10 for us to look at so we can begin to establish the character of the town as we go through this next phase of growth which is inevitable.

Alternate Member Hennigan stated that we are limited in the amount of empty space we have, but we are in the evolution of demolition and re-building and all of that is done in the context of what is around you. Chairman Goray stated that some of the homes around you may be 50 or more years old and are not necessarily indicative of what we want to end up with either. Chairman Goray mentioned that Ocean Ridge is one of the only communities in the area where the P&Z does not have authority over site plan review, and that is ridiculous. **Mr. Minor stated that there is general criteria that he can bring back to the Commission to review. Chairman Goray noted that once the list is submitted to the P&Z at the next meeting, they will review it and pare it down to submit to the Town Commission.**

#### **ORDINANCE REVIEW**

4. 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.

Town Clerk Stevens read the ordinance by title only. She explained that the Town Commission appoints members to the boards when the new Town Commission is seated after the annual election. When the code was changed to change the election from February to March, this section of the code was not changed, so now we are proposing to change this section so it matches the election cycle.

Public comment: Kristine de Haseth, 29 Sabal Island Drive, noted that the Charter Review Committee is currently looking at the definition of majority voting such as three affirmative votes to pass any item, and we may want to consider this for boards as well as the Commission. She also brought up the fact that variance applications cannot come back to the Board of Adjustment until a one year period after denial, and she believes a one year period may be too long. Mr. Minor noted that language is common, and in those cases, some applicants will ask for a deferral instead of a vote on an application so there is no delay. **Town Attorney Shutt stated that this language is used to prevent an applicant from continually presenting the same application, however, he can insert language for substantially modified requests, and the consensus of the Commission was to move forward with that. He stated that he may also include language in this ordinance regarding notice to adjacent property owners within 500 feet when someone comes in to submit a concept plan review application.**

Member Carey asked about notices for variances and Town Attorney Shutt responded that he will look at the notice requirements for the Board of Adjustment to make sure, but he believes the only notice requirements that we don't have is for the concept plan review process.

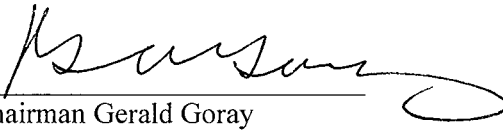
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**Member Carey moved to postpone this item to the next meeting; seconded by Member Hutchins. Motion carried 5-0.**

ADJOURNMENT

**Vice Chair Marsh moved to adjourn at 10:03 a.m.; seconded by Member Hutchins. Motion carried 5-0.**

Minutes adopted by the Planning & Zoning Commission at its meeting on August 13, 2018.

  
\_\_\_\_\_  
Chairman Gerald Goray

Attest:

  
\_\_\_\_\_  
Tracey L. Stevens, CMC, Town Clerk