

PLANNING & ZONING MEETING MINUTES  
OCTOBER 15, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, October 15, 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	

Let the record show that Alternate Member Hennigan was present in the audience; however, not on the dais participating in the meeting, as there was a full board present.

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Town Engineer Lisa Tropepe, Building Official Wayne Cameron, Deputy Town Clerk Jean Hallahan, and Contracted Planner Marty Minor from Urban Design Kilday Studios.

**PLEDGE OF ALLEGIANCE**

Chairman Goray led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

1. Approval of the August 17, 2018 Minutes

Member Carey mentioned a possible change to the minutes, Item #2, Bottom of Page 1 "...In his follow up discussions with contracted Planner Marty Minor, it was decided to leave the 25 square feet of lot area because it is essentially the same thing, and keep the addition of six shrubs and minimum tree size." While he was absent at the last meeting, he felt it should say "25% of lot area", instead of "25 square feet of lot area". It was discussed that it would be reviewed and/or corrected by the Town Clerk or Deputy Town Clerk if needed.

**Vice Chair Marsh moved to adopt the September 24, 2018 minutes as amended by Town Clerk upon further review; seconded by Member Hutchins. Motion carried 5-0.**

**DISCUSSION / ACTION ITEMS**

2. Concept Plan Review – 132 Island Drive

Town Attorney Shutt explained that this was a quasi-judicial hearing, and asked if any of the members had ex-parte communications with the applicant, builder or owner. There

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was none. Those that wished to give testimony for this property, 132 Island drive and the 3 Beachway North property were sworn in.

Building Official Cameron stated that he had been working with the applicant for almost 3 months and there were still a few issues that needed to be addressed. He summarized that it was 5936 sq. ft. 4 bedroom 2-Car Garage home with 12,000 sq. ft. of site area of which 200 sq ft were non-contiguous. Calculations should have been done on the 11,800 sq ft except for FAR. While the location of the septic tank and drainfield were not shown on the site plans, the applicant and design professional were both here for presentation and had drawings showing the septic location.

Chairman Goray asked for clarification of FAR and lot coverage for this property. FAR is computed on the entire square footage of both sides of the street, while the open space is for the house side. Bldg. Official Cameron agreed.

Vice Chair Marsh questioned using the non-contiguous area for FAR. Town Manager stated that this provision is existing in the Code, and this was not one of the items addressed when changing the Code. He had spoken with the Town Attorney and it was confirmed that FAR is still able to use the non-contiguous areas.

Randall Stofft, Architect stated that he had brought the Civil Engineer with designs showing the septic tank and drainfield for each of the members and staff. They were presented to the members. It was designed about 6 months ago to meet the Code before the changes. He felt that the design respected the property and the placement of the garage on the side of the home allowed for more yard and patio in the front of the home and allows a great northern view. The new plans have some changes to the hardscape area and landscape areas.

Member Hutchins asked if having a side garage made it difficult for access. Mr. Stofft noted that this was the same design as a property west of it and works great with that home.

Vice Chair Marsh complimented them on a great job of the use of the property. But he was concerned and questioned how they achieved the amount of pervious area with the extreme amount of hardscape. The aesthetic grass is non-pervious. He also asked for more buffer on the side of the garage due to its extreme height. Mr. Stofft stated that they were open to change to allow for more green space and soften it up. Jennifer Kotinoski, 132 Island Drive, stated that they had eliminated some of the driveway next to the garage, and added a wood deck w/gravel to meet the 25%. They were open to softening up the front of the home with more greenspace. Member Kosinski noted that the green space on the west side was all synthetic which is not pervious. Gravel walkways are also not pervious. Building Official Cameron stated that he understood the member's concerns, and that the builder had started with 25% pervious and was still working to achieve the new 35% pervious requirement. He could not confirm the 35% at this time.

Mr. Stofft asked if the Town was rejecting the synthetic turf, because he would need to notify the home owner. Vice Chair Marsh stated that it was allowed in Ocean Ridge but it could not be counted as pervious.

Vice Chair Marsh stated that this home was a hybrid of pitched and flat roof. It has the design of a flat roof with a partial pitch roof behind it and a porcelain design. Mr. Stofft explained that it was a more modern house with a lot of glass. They were trying to be modest with the use of porcelain and the relief the massing with the use of elevation on the sides.

Chairman Goray asked Mr. Stofft if he had a preference between allowing flat roofs or the use of a hybrid. Mr. Stofft stated that if you are going to allow modern architecture, you need to allow the use of flat roofs. To build a flat concrete roof with the new building materials and roof drains is much easier now to meet drainage requirements. He asked the Town to consider flat roofs. Chairman Goray stated that perhaps the Town needs to look into considering flat roofs.

No Public Comment.

Member Carey requested clarification if the drainfields were used as pervious or impervious. Building Official Cameron stated it was pervious, however the applicant had still not reached the 35% threshold.

Member Hutchins asked if the artificial turf is pervious or impervious. Building Official Cameron stated that in this case it is compacted therefore it is impervious because it can't drain. Chairman Goray stated that he was a neighbor of this property and welcomed this design to his neighborhood and felt it was a work of art.

Vice Chair Marsh made the motion to transfer your comments to the Building Official so he incorporate those in his permit review subject to the conformity of the 35% open space with the suggestion of looking at alternate materials for the stone elements. Seconded by Member Kosinski. Motion Carried. Yea-5.

### 3. Concept Plan Review – 3 Beachway North

Town Attorney. Shutt stated that this was also a quasi-judicial hearing, and asked if any of the members had any ex-parte communication with the applicant, builder or owner. There was none.

Building Official Cameron summarized staff's review of 3 Beachway North, 5 Bedroom 5 bath, 3 Car Garage, and it sits on a vacant lot. The size of the lot is over 12,000 sq.ft, allows for moderate calculations and percentages. No additional comments and staff recommends preliminary review at this time. The applicant is here and will make the presentation.

Richard Jones, Architect thanked the Town Manager, Town Clerk, and Building Official for their assistance in this process. It was much appreciated. This is a large lot along Old Ocean which allows for southeast exposure. The site plan shows 2 parcels that are not

contiguous meets and exceeds your requirements for Lot Coverage, FAR and open space. Our pervious is over 42% and does not include the drainfield or septic tank. This is 2-Story, 6700 sq.ft. 5 Bedroom and 5 parking spaces. The site plan is an open plan layout, and is considered coastal contemporary, with a lot of glass, white with bronze doors allows for a great contrast. The 3 Car Garage is on the side of the property, a low wall in the front with landscaping in front and behind. The front is one story and terraces up to the 2<sup>nd</sup> Story. He felt it was a very tasteful style to be added to Old Ocean Blvd.

Member Hutchins questioned the height of the wall. Mr. Jones stated it was 4 ft. high with landscape in front and behind it. Manager Titcomb stated that unlike most properties it fronts a private street.

Vice Chair Marsh questioned if Parcel 2 was used for these calculations. He also noted that size of the 12ft height of the doors. However, he felt they had done a nice job of balancing the project. On the upper balcony the columns seemed very slender. He also asked if this was a spec home. Building Official Cameron stated that they only used Parcel 1 for the pervious calculations. He also noted that they did not include the 1300 sq. ft. of the septic and drainfield as part of the calculations. Mr. Jones stated that they could apply a top bar to the doors which would provide more detail. Once the columns were stucco, they are 14 x 14. This home is a spec home.

There was no Public Comment.

Member Carey questioned the property lines as Beachway North was a private road, what was included for the calculations. Building Official Cameron stated that the road was included for impervious area. Manager Titcomb stated that 1 Osprey Drive also had a private road.

Member Carey made the motion to transfer your comments to the Building Official so he incorporate any of your comments is his permit review Seconded by Vice Chair Marsh. Motion Carried. Yea-5.

#### **ORDINANCE REVIEW**

4. Ordinance No. 645: An Ordinance Of The Town Of Ocean Ridge, Florida, Amending Its Code Of Ordinances By Amending Chapter 66 “Environmental Regulations”, Article I “General Provisions, Sea Turtles And Wetlands”, Section 66-1 “General Provisions”, To Change The Pervious Area Requirements From 25% To 35% For Lots That Exceed 12,000 Square Feet In Lot Area; Amending Chapter 67 “Buildings And Building Regulations”, Article III “Technical Codes And Other Construction Standards”, Section 67-33 “Drainage, Required; Swales; Construction Of Driveways”, To Provide For The Connection Of Trench Drains; Providing For Codification, Repeal Of Conflicting Ordinances, Severability, And An Effective Date. Deputy Town Clerk Hallahan read Ordinance No. 645 by title only.

Town Attorney Shutt explained that there was a joint workshop meeting held regarding pervious area and a recommendation that pervious area would be increasing from 25% to

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35% pervious town-wide. Ordinance #637 was adopted First Reading, and will be going for a Second Reading on November 5<sup>th</sup>, 2018. At the October 1<sup>st</sup>, 2018, Town Commission meeting also directed that a proposed Ordinance #645 be presented to P&Z. Ordinance #645 changes the pervious area requirement from 25% to 35% for lots that exceed 12,000 sq. ft. Today you could approve this Proposed Ordinance #645, or make any comments or changes to this ordinance, or you could deny it. If denied it would still go back the Town Commission for First Reading on Thursday, October 18, 2018.

Marty Minor, Urban Design Kilday Studios, contracted Planner, explained that the Town Commission requested staff to review lots less than 12,000 sq. ft. Changing it to the 35% would bring these smaller properties into non-conformity. He presented example drawings for 10,000 sq ft lots and 12,000 sq ft lots. It showed the changes that would be necessary for the 35% pervious areas. These drawings showed worst case scenarios for maxing out the lot coverage, FAR and hardscape.

Member Kosinski asked if the Commission understood that these drawings represented worst case scenarios. She felt that even a One-Story Home could stay the same size, however they would lose hardscape to accommodate the increased pervious areas. She did acknowledge that a Two-Story home would have a much easier path of accommodating the 35% pervious area rather than a One-Story Home. She was not in favor of having two different guidelines dependent on lot size. She felt that the Town would greatly benefit, if everyone was using the same standard. Mr. Minor stated that he only had the 12,000 sq. ft. drawings at the time of the Town Commission Meeting.

Member Hutchins stated that at the last meeting, he had approved the increase of 35% for pervious areas, but after talking with neighbors he found that it was not a popular choice. He was now in favor of changing it back to the 25% pervious area for the smaller lots to allow them some consideration. One third of the homes in Ocean Ridge fall under the 12,000 sq ft homes. Not everyone wants a Two Story Home.

Vice Chair Marsh agreed with member Kosinski, and stated that the 35% pervious area should be universal. Ocean Ridge is catching up to other intra-coastal towns. Gulfstream has 40% pervious.

Chairman Goray stated that the Town of Palm Beach is using the 35% pervious areas, and that Ocean Ridge is very conservative compared to some other coastal towns.

Member Carey was sympathetic to Member Hutchins and other residents' concerns that this change would make their homes non-conforming, but our goal is to deal with the Town's drainage problem. As soon as we apply a step function, where one more sq. ft. would have a different percentage, he felt it would cause drainage issues for not being consistent. His own street has a mix of smaller and larger lots, and he felt that inconsistencies would cause problems.

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Public Comment: Martin Wiescholek, 5 Engle Drive, stated that Ocean Ridge was performing many studies concerning flooding and massive flooding. He was in favor of a 35% pervious area being a minimum requirement. We are living in a Town with a substantial amount of ocean front real estate. The Town should focus on drainage, not on upset residents or home size.

Neil Hennigan, 91 Island Drive South, stated his concern is that builders and architects are maxing out lot coverage, FAR, and open space for any new builds. He was not in agreement with Mr. Minor's examples of home size and 35% pervious areas. He handed out drawings with his calculations for one-story and two-story on 12,000 sq.ft. He explained that even with all the limitations it was possible to accommodate the 35% pervious rule such as the new home built on 87 Island Dr. which sold for \$3.3million. Chairman Goray asked him to explain which position he was supporting, as the majority of the members were in agreement with keeping the 35% pervious for all properties. Mr. Hennigan stated that he is supporting keeping the 35% for all properties. He was concerned with Mr. Hutchins' opposition that smaller lots be at the 25% pervious area. Chairman Goray thanked him for his concern and that his comments were appreciated, and there was a majority agreement in favor of the 35% pervious area.

Public Comment Closed.


It was discussed that there would be a denial of Ordinance #645 which gave an allowance of 25% pervious for smaller lots up to 12,000 sq ft. They was a majority agreement to keep their recommendation of Ordinance #637 to the Town Commission.

Member Kosinski motioned to recommend denial for Ordinance #645. Seconded by Vice Chair Marsh. Motion carried 4-1 (Member Hutchins dissenting).

ADJOURNMENT

Meeting adjourned at 9:38 a.m.

Minutes prepared by Deputy Town Jean Hallahan, and adopted by the Planning & Zoning Commission on December 10, 2018.

  
Chairman Gerald Goray

Attest:

  
Tracey L. Stevens, MMC, Town Clerk