

PLANNING & ZONING MEETING MINUTES  
FEBRUARY 11, 2019

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, February 11, 2019 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		

Let the record show there was a full board present.

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Building Official Wayne Cameron, Town Engineer Lisa Tropepe, Town Clerk Tracey Stevens, and Assistant Town Clerk Kathie Gatewood

**PLEDGE OF ALLEGIANCE**

Chairman Goray led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

**1. Approval of the January 14, 2019 Minutes**

Member Kosinski noted that on page 6, it says "Chairman Goray Jerry", and we should delete the word "Jerry" from that sentence. Member Marsh noted that the word "surface" should be "surfaces" in the middle of page 7.

**Member Carey moved to adopt the January 14, 2019 minutes as amended; seconded by Member Kosinski. Motion carried 5-0.**

**DISCUSSION / ACTION ITEMS**

**2. Concept Plan Review – 110 Bonito Drive**

Town Attorney Shutt explained that this is a quasi-judicial hearing, and asked if any of the members had any ex-parte communications with the applicant, builder or owner. There was none. Those that wished to give testimony, 110 Bonito Drive, were sworn in by Town Clerk Stevens.

Building Official Cameron read the staff report into the record and noted that Mr. Stuart Brenner, Brenner Architecture Group, the Architect for the project, was in attendance to answer any questions.

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Mr. Brenner noted that the project is a two-story modern style single family residence with a pitched roof construction to blend in with the area and it meets all of the building & zoning requirements of the town. He stated that there is a chance they will be going with a metal door painted to look like wood.

Chairman Goray commented that there was no elevator and no room for one in the future and wondered if there was a reason for that. Mr. Brenner responded that the homeowners were young and the master suite was located on the first story and they were okay without an elevator.

Vice Chair Marsh asked if they would be amenable to putting in a transom to cure the vertical element on the back doors to create more scale and appropriateness. Mr. Brenner responded that the owners were trying to go with clean glass with less metal. He noted that the Town has seen a lot of porcelain recently, and that the owners are trying for more wood that will weather well outside and will not have to be maintained each month.

Member Carey asked if the concept landscaping plan was correct, and stated he believes there will be more hardscape. He noted that there is already a lot of coverage on the lot and it is intensely developed, and he wants to make sure the concept landscaping plan is correct. Mr. Brenner responded that he did not have time to finalize the decking by the time the application needed to be submitted to the Town for this meeting. He showed a site plan of what the owners intend to do with the landscape plan. Member Carey asked if the calculations were submitted with the alternate plan, and Building Official Cameron responded that they were not, however, if the changes made cause the pervious area to be 35% or less, the project will not be approved during the building permit process.

Mr. Brenner noted that the 25-foot rear building setback is the dotted line on the plan.

Vice Chair Marsh stated that he would like to see substantial sized landscaping in the front. Mr. Brenner responded they will address that when they submit their landscape plans.

Chairman Goray stated that he appreciates that the Architect and owners created a modern home that also has some traditional features, and stated that it would add character to the neighborhood.

Chairman Goray called for public comment, and there was none.

Chairman Goray closed the quasi-judicial hearing.

**Member moved Kosinski to recommend approval with the recommendation that the Building & Zoning Officials pay close attention to the pervious area when the building permit application is submitted; seconded by Member Hutchins. Motion carried 5-0.**

### **3. Town Code Amendments Related to Coastal Construction Control Line (CCCL)**

Town Attorney Shutt stated that the Town Commission gave consensus at the January 7<sup>th</sup> meeting to modify the requirements for CCCL applications, such that they would allow the Building Official to write letters to the DEP in order to streamline approval processes. The Town Commission wanted to forward these discussions to the Planning & Zoning Commission for possible changes or modifications to the code regarding construction of structures or accessory structures and also setbacks on the CCCL as it relates to construction east of the CCCL line.

Town Manager Titcomb stated that Florida Statutes and the DEP control construction east of the CCCL but Ocean Ridge has the ability to be more restrictive to include extra requirements. He noted there was a concern that in the confusion of the different steps that things approved or suggested that went to DEP for examination would be completely changed based on their criteria and regulations, which did not meet what was approved by the town. He remarked that some DEP approvals have made the town uncomfortable with the results, and that this is an opportunity to see what can be done as a community to better constrain or constrict runaway design east of the CCCL.

Chairman Goray asked if Town Engineer Tropepe had any suggestions, and Ms. Tropepe noted that the recent changes made by the Commission are working very well, and now we need to expand upon that with our CCCL codes. She mentioned that the encroachment issues with accessory structures should be studied. She also mentioned the increase in the water table is causing a strain on structures along the coast.

Town Manager Titcomb commented the line is set by the state and is a demarcation line and changes jurisdiction once you cross that line or touch it and it puts a different set of rules in place. He noted the town has faced challenges, such as, there are things allowed in our code that when combined with DEP allowances, results in people asking how it was approved. He remarked that the CCCL codes don't require that you can't build east of it; it just changes who gets to make the rules.

Town Attorney Shutt added that crossing the CCCL doesn't change the jurisdiction, but it does add another layer that DEP has authority to opine in that area.

Vice Chair Marsh mentioned as a point of reference that other communities use the 1979 CCCL line as the rear property line and is a hard and fast reference point. The original CCCL was established in 1979 and the current CCCL was developed in 1989. He stated that DEP allows encroachments and there is no discouragement. He stated that the town needs to establish the rear setback line.

Member Kosinski asked staff to provide a visual of the 1979 line.

Public comment: Kristine de Haseth, 29 Sabal Island Drive, noted that the contracted Planner, Marty Minor, is working on amendments to the coastal element of the Comp

Plan. She read from our comprehensive plan sections 1.4.2, 2.1, and 2.1.2, and encouraged staff to share Mr. Minor's report with the P&Z.

Vice Chair Marsh explained that there is approximately 110 feet between the 1979 CCCL and the 1989 CCCL, and all property surveys should refer to both lines. He noted that bulkheads or seawalls are used as the line in some towns, however, Ocean Ridge does not have a lot of them, so that may not work here.

Chairman Goray suggested that the town go in a more restrictive direction.

Town Engineer Tropepe stated that she could provide a plot map of the CCCL of 1979 and 1989 in aerial view.

Member Hutchins stated that he would also like to see the existing setbacks.

**There was consensus of the Commission to defer discussion until more input and technical information is provided by staff.**

#### 4. Draft Ordinance – Flood Elevations

Town Engineer Tropepe noted that the changes made are substantial. In October 2017, the National Flood Insurance Program (NFIP) created a new floodplain map to address sea level rise, and a DATUM that is more accurate. NAVD is the current DATUM that is more precise and accurate. She stated that the minimum finished floor elevation in Ocean Ridge increased by 0.6 feet – NAVD and the codes have always increased the minimum floor elevation by 1 foot. We are not lowering elevation; we are increasing it using a more precise DATUM. We are at 8.6 NGVD. She noted that surveyors now need to supply us with elevations using NAVD which is more accurate.

Vice Chair Marsh stated that we will see the impacts by seeing more retaining walls between properties.

Public comment: Don MaGruder, 9 Ridge Blvd, stated that the town is going in the right direction with the proposed changes due to sea level rise.

Member Carey noted that the maximum building heights will be impacted if we increase the maximum finished floor elevation.

Town Engineer Tropepe – Stated that the impact to the top of the building heights will increase by 0.6 feet. After questions were asked as to whether it was 0.6 feet or 1.6 feet, she mentioned there has always been a 1-foot freeboard.

Member Carey stated that if the neighbor rebuilds, the new neighbor's home could be between .6 feet and 1.6 feet higher than your own home.

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Vice Chair Marsh clarified that we would be elevating by around 1.5 feet.

Town Engineer Tropepe stated that the map was 7, the code was 8, and now it is 8.6.

Town Engineer Tropepe stated that we have been proactive in the past, using a foot of freeboard, and our ratings are better at the benefit of the homeowners in Ocean Ridge. Our mandatory is a foot higher than the flood insurance levels.

Town Attorney Shutt stated that staff would be correcting some scrivener's errors in the draft ordinance before it is submitted to the Town Commission, such as changing "NGVD-29" to "NGVD-1929".

Public comment: Don MaGruder, 9 Ridge Blvd, stated that when plans are submitted with the new finished floor elevations, it may affect the neighboring property, and he asked if there is anything in the town code to protect the neighbors. Town Engineer Tropepe responded that we have a section of code that states a person cannot adversely affect the properties next to them, and there are specifics on how much water needs to be retained on one's property.

Vice Chair Marsh asked what the new Army Corp of Engineers maximum height on bulkheads was. Town Engineer Tropepe and Building Official Cameron did not know the answer but the question came up recently and they are still looking into it. Vice Chair Marsh also mentioned something about bulkheads subject to modification and Building Official Cameron stated that staff is already looking into it.

Public comment: Kristine de Haseth, 29 Sabal Island Drive, stated that the town needs to tighten its land development regulations. She mentioned that neighbors have been put into uncomfortable positions with residents with new neighbors. She asked for a visual when the ordinance is presented to the Town Commission. She would like to see what the level is now and where the proposed level will be.

**Member Carey moved to recommend approval of the floodplain ordinance to the Town Commission as submitted; seconded by Member Hutchins. Motion carried 5-0.**

Member Kosinski, in reference to the discussions regarding P&Z authority, asked Building Official Cameron to make a list of items he is having problems with, in conjunction with the items that contract Planner Marty Minor is going to submit.

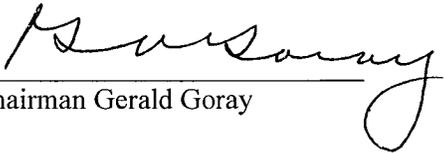
Member Carey referenced a new build on 6 Inlet Cay Drive as an example. He explained it was built possibly with the new elevations and the slope from the street to the house is very intense and suggested others visit the home for a visual of what the town is facing with higher elevations. He stated that raising homes may have unintended consequences and put more strain on the drainage systems. He stated that we have to raise our elevations, but we may also want to re-visit the pervious area maximums at the same time.

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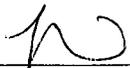
ADJOURNMENT

Meeting adjourned at 9:40 a.m.

Minutes prepared by Assistant Town Clerk Kathie Gatewood, and adopted by the Planning & Zoning Commission on March 11, 2019.

  
Chairman Gerald Goray

Attest:

  
Tracey L. Stevens, MMC, Town Clerk