

PLANNING & ZONING MEETING MINUTES  
JUNE 17, 2019

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, June 17, 2019 in the Town Hall Meeting Chambers.

**CALL TO ORDER (00:09)**

The meeting was called to order at 8:00 a.m. by Chairman Goray.

**ROLL CALL (00:14)**

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

Chairman Gerald Goray	Present
Member Ric Carey	Present
Member David Hutchins	Present
Member Penny Kosinski	Present
Vice Chair Mark Marsh	Present
Alternate Member Neil Hennigan	Present
Alternate Member James Leming	Absent

Let the record show that Alternate Member James Leming was absent with notice.

Staff Present: Town Attorney Brian Shutt, Building and Public Works Director Wayne Cameron, Acting Town Manager Tracey Stevens, Deputy Town Clerk Karla Armstrong, and Building Clerk Lisa Burns.

**PLEDGE OF ALLEGIANCE (00:25)**

Chairman Goray led the Pledge of Allegiance.

**COMMISSIONERS COMMENTS (00:43)**

Chairman Goray asked if the Commissioner Comments section had always been a part of the agenda, and Acting Town Manager Stevens responded that the idea was suggested by Vice Chair Marsh at the previous meeting.

Member Carey suggested receiving smaller scale drawings for the Development Plan Review applications, and having a large scale plan at Town Hall for the record. Acting Town Manager Stevens confirmed that staff could incorporate this into the application process with requests for 11x17 plans, and the Commission consensus was to do so.

Member Hutchins asked as to why demolition plans were included in the packages, and Building and Public Works Director Cameron responded that the applicants gave more information than required. Vice Chair Marsh noted that many applicants demolish part of the home before they have an approved permit to do the proper work, and on certain occasions leave the Town in a bad state if the additional construction of the home is not approved.

Vice Chair Marsh noted his dissatisfaction with the synthetic turf materials that were submitted in the meeting packages.

**APPROVAL OF THE MINUTES (04:30)**

1. Approval of May 13, 2019 Minutes

Member Carey noted a correction on page 8, where the sentence reads “real state signs” when it’s supposed to read “real estate signs.”

**Member Kosinski moved to adopt the May 13, 2019 minutes as amended; seconded by Vice Chair Marsh. Motion carried 5-0.**

**DISCUSSION / ACTION ITEMS**

**2. Concept Plan Review – 117 Marlin Drive (05:30)**

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 for all items were sworn in by Deputy Town Clerk Armstrong.

Staff Report: Building and Public Works Director Cameron stated that the application is for the construction of a new single family home with 4 bedrooms, 4.5 bathrooms, and 2 car garage. He further stated that the existing home is set to be demolished, and that there was no objection from staff for the proposed project.

Richard Jones, the applicant from Richard Jones Architecture, presented a Power Point presentation regarding the project. He noted that the home complies with the Town’s LDR’s with 5,000 square feet of total structure, and 52% impervious. He further noted the property is a two story u-shaped home with a large pool deck in the back of the property, the drain field in the front, detached loggia, courtyard of the master bath, and 2 car garage. The home is a contemporary style with metal roof, dark stucco, and a multi-level pool deck with an infinity edge pool.

Member Kosinski mentioned that there was an administrative typo as one of the sheets stated 118 Marlin Drive. She noted that the material list from this project is identical to that presented for 18 Harbour Drive South. Richard Jones, applicant, responded that it is similar materials, but the locations for each project is far from one another, and the floor plans are different.

Member Hutchins asked if it was a spec home and whether there was a thought of making the backyard more pervious. Mr. Jones responded that this would be a spec home, and that there will be grass pervious strips on the pool deck. He also stated that the only impervious areas are the driveway and the pool deck. Member Kosinski asked about the Ixora plants on the plans along the canal. Mr. Jones stated that what is on the landscape plan is accurate of what will be placed.

Member Carey asked if there were trench drains and a swale in the front yard in order to retain water. Mr. Jones responded that the home will comply, and have all the appropriate drainage. He further stated artificial turf may be added to be the grass strips in the pool deck, but otherwise all natural grass and Schotia in the front.

Vice Chair Marsh voiced his concern over the transitional style due to the commercial store front windows and door. He asked about what was the need for the corner window, and suggested for applicant to create a sill that comes from the floor. Mr. Jones stated that the Board's comments were duly noted and that the corner glazing is the signature of the contemporary style by having the window wrap around the corner.

Chairman Goray called for Public Comment, and there was none.

The quasi-judicial portion of the meeting was closed for 117 Marlin Drive.

**Member Hutchins moved to recommend the application for 117 Marlin Drive proceed to plan permit process with the suggestion on adding the second floor transit; seconded by Vice Chair Marsh. Motion carried 5-0.**

**3 Concept Plan Review – 56 Spanish River Drive (23:08)**

Town Attorney Shutt asked if any of the members had any ex-parte communications with the applicant, builder or owner, and there was none.

Staff Report: Building and Public Works Director Cameron stated that the applicant aims to do a second story addition to an existing home. The home will be a two-story with 7 bedrooms, 6 bathrooms, and a 4 car garage. Staff doesn't have any legal objections to the issues.

Darrel DeHaan, Architect from Integrated Architecture, stated that the addition would be for the home of the long standing homeowners of the property, Mr. and Mrs. Secchia. He further mentioned that the addition is needed because the family has grown to the point where more space is required. Once the home is completed it will be 7 bedroom home with a 4 car garage. He presented a Power Point presentation regarding the project where it showed the 2 stalled garage, additional parking spaces, updated first floor with the reconfiguration of the bedrooms, and second floor plans with the three additional bedrooms. The addition will match the style of the existing, and there will be different elevations.

Member Kosinski mentioned that the plans show the driveway going over a drain area. Mr. DeHaan responded that it is a cleanout area for the septic which a chamber will be buried below grade. Building and Public Works Director Cameron mentioned that the new drain field would not be going near the structure. Member Kosinski also mentioned that the exercise can also be used as a bedroom, and asked if they had enough parking spaces to match all bedrooms. Building and Public Works Director Cameron stated that the applicant had above the required parking spaces, and that the Town evaluates based on all potential bedrooms. Member Hutchins asked for clarification about the new calculation provided. Mr. DeHaan stated that the FAR was over the permitted when originally submitted.

Vice Chair Marsh asked for clarification on the non-compliance with FEMA's requirements. Building and Public Works Director Cameron stated the builder is providing an appraisal report which would show the development as being less than FEMA's substantial improvement amount.

Vice Chair Marsh voiced his concern with the privacy wall, and stated that the wall should be reduced in height. He further asked what type of roof material would be used. Mr. DeHaan responded that it will be concrete tile in light grey.

Member Carey noted the drainage issues on Spanish River Drive, and that the project may impact the existing drainage on the public right-of-way. He further noted that they follow all Town Codes including installation of a swale. Building and Public Works Director Cameron stated that the Town Engineer does not review the plans for Concept Plan Review, but does review them during the building permit process, and ensures comments are addressed.

Chairman Goray, Member Carey, and Member Hutchins concurred with Vice Chair Marsh regarding privacy wall concerns.

Public Comment: Terry Brown, Harbour Drive South, suggested shrinking the paved area to limit cars parking there and asked for clarification on elevations. Building and Public Works Director Cameron stated that everything has to meet code, and stated that FEMA allows for an appraised value to be done on the property through the Property Appraiser, and if project cost does not meet the 50% substantial improvement code under FEMA then they do not have to bring everything up to code.

The quasi-judicial portion of the meeting was closed for 56 Spanish River Drive.

**Member Carey recommend the application for 56 Spanish River Drive proceed to plan permit process with suggestions on the privacy wall, drainage, and the septic tank not near the driveway; seconded by Member Hutchins. Motion carried 5-0.**

**4. Concept Plan Review – 5516 Old Ocean Blvd (50:00)**

Town Attorney Shutt asked if any of the members had any ex-parte communications with the applicant, builder or owner, and there was none.

Staff report: Building and Public Works Director Cameron reported that this is an existing home which is being renovated with a bedroom and balcony expansion. This is a 5 bedroom home. The project must also be approved by Department of Environmental Projection due to the property being east of the Coastal Construction Control Line. Staff doesn't have any legal objections to the project.

Don Durante, applicant from Randall Stofft Architects, noted that it is an existing two story single family residence where they aim to expand the bedroom on the second floor to bring the view closer to the ocean, and to renovate the home. He further mentioned the

homeowner is looking to eliminate some Mediterranean elements to make the structure more contemporary.

Member Carey stated that the Porte-Cochere was massive, and suggested that the applicant speak with the homeowner about any possibilities of eliminating or decreasing in size. Mr. Durante responded that discussions with homeowner will take place regarding the Porte-Cochere.

Member Hutchins asked about the tall doors in the front, and Mr. Durante responded that the existing door is already tall with a window on top.

Vice Chair Marsh mentioned that this is an improvement to the home, and concurred with Member Carey on the Porte-Cochere. He further asked about the color of the home. Mr. Durante stated that it is lighter grey than the color rendering. Vice Chair Marsh suggested adding substantial plantings to the front of the property, and lightening up the grey.

Member Kosinski asked if the air conditioning units are already existing in the front of the property. Mr. Durante stated that air conditioning units are existing and covered with ficus trees.

Member Kosinski suggested verifying the number of bedrooms with the Health Department.

The quasi-judicial portion of the meeting was closed for 5516 Old Ocean Blvd.

**Member Hutchins moved to recommend the application for 5516 Old Ocean Blvd proceed to plan permit process with suggestion on modification of the Porte-Cochere, modifying the landscape, lightening up the grey color on the home, and ensuring Health Department counted the correct amount of bedrooms; seconded by Member Carey. Motion carried 5-0.**

##### **5. Code Amendments Regarding Generators (1:05:45)**

Town Attorney Shutt updated that the ordinance is once again before the Planning & Zoning Commission due to the direction from the Town Commission.

Building and Public Works Director Cameron stated that the purpose of the ordinance is for safety measures so that carbon monoxide does not reach the residents. The current ordinance does not give it guidelines establishing where to place the generator. The new ordinance aims to put the generator exhaust 10 feet from the property line, and 10 feet from all openings.

Chairman Goray noted that due to the current 15' setback, it would be difficult to accommodate a 20' setback for the exhaust of the generator. Building and Public Works Director Cameron mentioned that the generator can fit in a 20 foot setback as the generator can be parallel to the house and close proximity from walls. The exhaust of the generator would have to be 10 feet from the property line, and 10 feet from the home

openings like windows and doors. Vice Chair Marsh noted that the 10 feet from all openings is a life safety measure needed.

Member Hutchins asked if there are exhaust extensions. Building and Public Works Director Cameron stated that it is a possibility, but if it goes up then it has to be properly fastened.

Member Kosinski pointed out that in order to have a generator installed closer to her property, she had to put in a fixed window. Chairman Goray asked about other municipalities' ordinances regarding generator exhaust from the property line.

Member Carey asked for clarification on whether the generator would be 5 or 10 feet from the property line, and suggested meeting safety code, but still placing the generator close to the home. Chairman Goray concurred, and suggested that Town Staff look to see if there are any other ordinances where the generator exhaust is discussed. Vice Chair Marsh stated that most other jurisdictions have it where it can be 5 feet from the property line. Member Kosinski noted the proposed ordinance says minimum of 5 feet from the property line, and from the exhaust is 10.

Chairman Goray asked about decibel reading. Town Attorney Shutt responded that the Town already has low decibel reading in the proposed ordinance. Chairman Goray suggested for staff to see the average amount of noise a typical generator makes. Member Kosinski stated that homeowner's are also bound by following the same times as contractors to run their generator. Chairman Goray suggested that staff re-draft the ordinance. Member Carey noted that not all homeowners have generators in Town.

Chairman Goray called for Public Comment.

Public Comment: Terry Brown, Harbour Drive South, noted that there would be a way of meeting the proposed code as there are previous examples where the generator location came into question, and it was changed.

There was a consensus for staff to re-draft the generator ordinance with suggestions.

#### **6. Code Amendments Regarding Synthetic Turf (1:25:32)**

Vice Chair Marsh stated that he was disappointed with the materials in the packages as he would like to have seen ordinances from other jurisdictions regarding synthetic turf. Town Engineer Tropepe apologized as she was not at the last meeting, and mentioned that the presentation was more to get discussions started for synthetic turf. Member Hutchins noted that there needs to be discussions regarding synthetic turf as there is a virus that can spread, and kill the grass.

There was a consensus to defer discussions regarding synthetic turf, and have Town staff research other municipalities for guidelines on synthetic turf.

#### **7. Discussion Regarding Development Plan Review Process (1:38:49)**

## PLANNING & ZONING COMMISSION MEETING HELD JUNE 17, 2019

Acting Town Manager Stevens mentioned that the Ordinance to change Concept Plan Review to Development Plan Review has passed, but the board would have to continue to follow the Concept Plan Review process and only make recommendations for all applications received prior to the approval of the ordinance (July meeting). She stated that discussions need to be had regarding guidelines on how Town staff should proceed to manage applications that have been denied, or approved with conditions.

Member Carey asked if applications were accepted incomplete. Building and Public Works Director Cameron responded that the Town does not accept incomplete applications. In order for the applicant to start the process, it must be completed with all paperwork on the checklist. However, that does not mean that all applications will meet Town code when the application is submitted. Town Staff works through the details with the applicants before the application is submitted to the Planning & Zoning Commission for review.

Member Kosinski asked about what other municipalities have in place for their governing board. Acting Town Manager Stevens mentioned that there will have to be additional steps before the Town can get to the same process as other jurisdictions, as Ocean Ridge has taken a baby step toward the architectural review process. Vice Chair Marsh concurred with Member Kosinski and stated that most communities have a criteria, and that the intention of the Board is to look at scale, land use issues, and architectural elements.

Town Attorney Shutt asked for procedural steps for staff in the event that the board deferred or denied an application. Vice Chair Marsh stated that the Board should not deny, but aim to defer. Chairman Goray concurred with Vice Chair Marsh, and suggested that the board will have more insight once they experience the process. There was a consensus for staff to look at how surrounding communities handle their development plan review.

Vice Chair Marsh left at 9:50 a.m.

Chairman Goray called for public comment.

Public Comment: Neil Hennigan, 91 Island Drive, suggested a process that would institutionalize the status, and stated that the board should not defer to staff to follow up with the comments issued by the Board. All staff concurred.

Terry Brown, Harbour Drive South, asked for clarification on the appeal process. Town Attorney Shutt responded that the applicant or neighbors within 300' can appeal the decision to the Town Commission, and the applicant or neighbors within 300' can always have the option to take the decision of the Town Commission to the circuit court.

Building and Public Works Director Cameron showed plans on how 58 Spanish River Drive updated their parapet, elevations, and landscape issues based on comments from the last meeting.

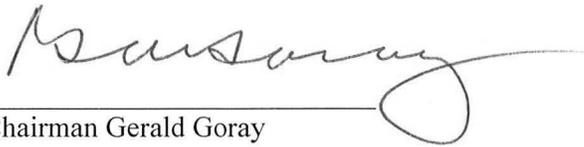
PLANNING & ZONING COMMISSION MEETING HELD JUNE 17, 2019

ADJOURNMENT

Member Hutchins moved to adjourn the meeting; seconded by Member Kosinski. Motion carried 4-0.

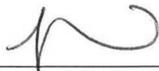
Meeting adjourned at 9:56 a.m.

Minutes prepared by Deputy Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on May 13, 2019.



Chairman Gerald Goray

Attest:



Tracey L. Stevens, MMC, Town Clerk