

PLANNING & ZONING COMMISSION MEETING MINUTES
MARCH 15, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, March 15, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:05 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	Absent
Alternate Member Brit Flanagan	Present

(Town Clerk's Note: Alternate Member Flanagan attended in place of Member Kosinski, who was absent with notice.)

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

Town Clerk Armstrong read into the record an email received from Edward Schwartzberg from 26 Eleuthera Drive. Mr. Schwartzberg discussed some of the demolition and construction issues on Eleuthera Drive and listed the following suggestions for improvements: increasing the height of construction fences, limiting heavy excavating equipment, and specific time frames for demolition.

APPROVAL OF MINUTES

1. Approval of Minutes of the February 8, 2021 Minutes

Member Hutchins moved to approve the minutes of February 8, 2021; seconded by Vice Chair Carey. Motion Carried 5-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 19 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 19 Eleuthera Drive were sworn in by the Town Clerk.

Town Planner O'Gorman introduced the project by noting that the project will be a new construction of a two story single family home that will consist of 3 bedrooms, 3.5 bathrooms,

study, and a swimming pool. The project meets all zoning codes except for the condition outlined in the staff report attached to the package.

Gary Eliopoulos, 1045 East Atlantic Ave. Suite 303, Delray Beach, FL 33483, representative for Mr. Mullins, informed that the original intent of the project was to remodel, but based on the extensive amount of repair to the home, the homeowner opted for a new single family home. The proposed home will meet the new elevation proposed by FEMA as well the setbacks. Mr. Eliopoulos noted the home is coastal themed, and gave a presentation showing the floor plans, site plan, elevation, renderings, and landscaping plan. The home will meet the conditions listed by staff.

Member Hennigan asked Mr. Eliopoulos how he will accommodate for the high elevation of the home, and how will the retaining wall fit with the neighboring homes and the street, to which Mr. Eliopoulos responded the home on the east will be 4 ft. below the finished floor while the home on the west will be 3 ft. below, and that the goal is to do a gradual increase with the landscaping to be able to level off the proposed home with the homes on both sides and installing a retaining wall on the property line. He also noted that the garage is at a lower elevation to help with the gradual increase. Chair Marsh commented that it is a good solution for dealing with the elevation.

Chair Marsh asked Mr. Eliopoulos for more information on the landscaping, and Mr. Eliopoulos responded that the existing landscaping cannot be kept due to increase in elevation, but that they will putting in all new landscaping and he listed some of the landscaping per the landscaping plan. Chair Marsh commended the application and stated that the home complimented the community.

Vice Chair Carey asked Tara Bamber, Representative for the Town Engineer, about comment 3.b. in her report, to which Mrs. Bamber responded that the home has valley gutters adjacent to the lots and Vice Chair Carey commented that they only have gutters and not a curb as specified in the comment. They discussed the options for right-of-way water retention. Chair Marsh clarified that the term “curb and gutter” is the technical term used to refer to only gutters and does not mean that it also has a curb.

Tara Bamber, Representative for the Town Engineer, stated that an additional comment not noted in the package report is that any landscaping and/or structures will have to remove from the recorded drainage easement on the subject property.

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

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 19 Eleuthera Drive as submitted with the conditions established by staff in the staff reports; seconded by Member Hutchins. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 8, 2021

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 Planner O’Gorman introduced the project by noting that the project will be a demolition of a one story home to construct a new one story single family home that will consist of 4 bedrooms, 4 bathrooms, a new pool, and spa. The project meets all zoning codes except for the condition outlined in the staff report attached to the package. Tara Bamber, Representative for the Town Engineer, noted that her report is in the package, and that the Town is requesting a 5-foot easement along the west property line.

Adriana A. Finnvolv, R.A., 1204 NE 4th Avenue, Boca Raton, Florida, stated that the original intent was to remodel the home, but the homeowner decided to do a new construction due to the cost to elevate the home to comply with FEMA regulations. The home will be similar in design to the existing, and will be a West Indies Caribbean styled home with decorative shutters. Mrs. Finnvolv noted that the garage will be a lower elevation to allow the gradual increase the home, and gave a presentation showing the floor plans, site plan, elevation, and renderings.

Chair Marsh asked Mrs. Finnvolv about the type of materials that will be used on the proposed home, to which Mrs. Finnvolv stated that it will be a smooth white stucco with a dark charcoal colored concrete tile roof, and the home will also have impact windows. She described other materials that add to the West Indies Caribbean theme.

Vice Chair Carey noted that the landscape plan shows an existing canary date palm in the front of the property that is not currently there, and he asked the Landscape Architect if the canary date palm is being relocated from another area. Louis Vlahos, Landscape Architect, informed that there is currently 3 canary date palm in the back and 2 small ones in the front, and two of the canary date palm from the back will be moved to the front of the proposed home. The plans incorrectly shows existing canary date palm in the front of the home without noting that those are being relocated. Mr. Vlahos presented the landscaping plan to the P&Z Commission.

Member Hennigan asked Town Planner O’Gorman about his condition regarding the cover entry, and why the cover entry needed to be the same height as the tie beam, and Chair Marsh responded that the is the purpose to ensure adequate proportion of the home, to which Mrs. Finnvolv disagreed that the covered entry is only about 2 inches higher above the tie beam and that it is an architectural element to allow the covered entry to stand out. Chair Marsh noted that other jurisdictions have delineated height; however, he is in favor of the covered entry remaining the proposed height for the proposed project. Town Planner O’Gorman explained that the Town Code of Ordinances did not give any specification to allow the covered entry to go above the tie beam. Mrs. Finnvolv argued that architecturally, the covered entry looks better as submitted in terms of proportion and scale. Chair Marsh concurred and stated that the Board could opt to allow. Town Planner O’Gorman informed that the Town Code states that height must be to the tie beam and does not give any exception or differentiate of what could be allowed to above the tie beam, and Town Attorney Goddeau responded that the Town Code will need to be reviewed and change to make a distinction and that the applicant may need a variance, to which Town Planner O’Gorman

disagreed with the need for a variance because they can use other sections of the Code to allow it, but that the Code is just not specific for issues such as this. Chair Marsh recommended staff to review the section of the Code to look into and clearly address deferential heights.

Vice Chair Carey asked Mr. Sohn, applicant and homeowner for 29 Eleuthera Drive, if he is considering the drainage easement, to which Mr. Sohn stated that he is not sure if they would agree to give 5' of the home for a drainage easement. Vice Chair Carey explained that the drainage easement is needed to continue to help the Inlet Cay Island, and Mrs. Finnvoid explained that if the homeowner is to give 5' of the property, then the retaining wall or any other future structure or landscaping will need to be removed from that area.

Chair Marsh asked Town Manager Stevens about the size of the drainage easement, and Town Manager Stevens responded that the drainage easement needs to be a total of 10'. comprised of 5' from each lot. A 10' clearance is needed for machinery that cleans and replaces the drain pipe. Mrs. Finnvoid stated that the requested amount of footage for the drainage easement should be less than the 5', to which Mrs. Bamber disagreed, explaining that it is needed for the equipment to go through.

Member Hutchins asked who is responsible for maintaining the pipe, to which Mrs. Bamber stated that the Town maintains the catch basin on the Town's right-of-way. Member Hutchins noted that he opted for maintaining the drain pipe on his property rather than giving the Town an easement and remove his landscaping so he sympathized with the homeowner. Vice Chair Carey mentioned that the situation is different from the proposed project because the homeowner is doing a complete demolition compared to dealing with an existing situation. Town Attorney Goddeau explained that the Town is just requesting a drainage easement and should not require it because of legality issues. Vice Chair Carey reiterated the drainage issues on Inlet Cay Island and the need for maintenance of drain pipes. He urged the homeowner to consider granting the easement. Chair Marsh added that the staff and the homeowner should continue to discuss the easement. Mr. Sohn stated that the pipe has been there for a long time, and that he would be open for negotiating the footage amount for the easement, but that the 5' is too much. Town Manager Stevens noted for the record that staff has been facing challenges getting drainage easements. Chair Marsh asked the resident to continue to work with staff, and that the engineer department continue to work directly with the homeowners on this to provide them all the information needed.

Chair Marsh voice his dislike for the dark roof, to which Mrs. Finnvoid stated that the roof is a grey and contrast between the colors work and Chair Marsh concurred.

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

Member Hennigan moved to approve the Development Plan Review for 29 Eleuthera Drive as submitted with the conditions established by staff in the staff reports with the exception of the covered entry condition. The covered entry height will be allowed to remain as shown on the Land Development application; seconded by Vice Chair Carey. 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.)

PLANNING & ZONING COMMISSION MEETING HELD FEBRUARY 8, 2021

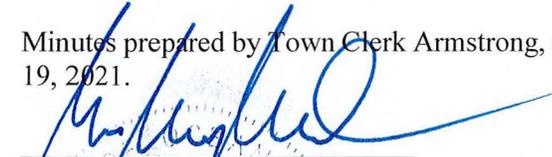
Member Hennigan favored reviewing septic and drainage information on the plans for optimal capacity and placement of drainage. He asked other members if the Commission should start reviewing the civil engineering again, to which Member Carey stated that he is okay with current process of staff reviewing it. Chair Marsh concurred with Member Carey that the process and that changes could be made later if needed. Town Clerk Armstrong noted that any changes to the exterior of the project would cause for the project to come back before the Commission.

Member Carey asked about reviewing staff approach to requesting an easement from homeowners. He asked that staff look into negotiating and/or compromising the easement square footage, to which Town Manager Stevens stated that the equipment to replace a drainage pipe requires a 10 ft. clearance. Member Hennigan mentioned that the Town could replace any structure or vegetation removed on behalf of the homeowner to help with any fear of future costs, and Town Manager Stevens stated that the Town could do that. Chair Marsh stated that drainage easement negotiation needs to happen prior to any board reviewing plans in order not to put the homeowners in that position, to which Town Clerk Armstrong noted that they started discussing the easement agreement with the homeowner prior to the board meeting. They directed staff to continue to work with homeowners on drainage easements.

ADJOURNMENT

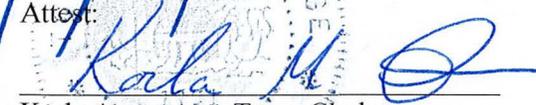
Meeting adjourned at 9:21 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on April 19, 2021.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk

