

PLANNING & ZONING COMMISSION MEETING MINUTES
JULY 19, 2021

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, July 19, 2021 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:00 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 | Absent |
| Alternate Member Brinner | Absent |

Member Kosinski, Alternate Members Flanagan, Alternate Member Brinner are absent with notice.

Staff Present: Town Attorney Goddeau, Town Planner O’Gorman, Zoning Official Palacios, Representative Tara Bamber for the Town Engineer, Building Official Guy, Town Manager Stevens, and Town Clerk Armstrong.

PLEDGE OF ALLEGIANCE

Chair Marsh led the Pledge of Allegiance.

PUBLIC COMMENT

There was none.

APPROVAL OF MINUTES

1. Approval of Minutes of the June 21 2021 Minutes

Member Hutchins clarified his intention that on page 3, he was providing a personal recollection of a possible reason why flat roofs were banned.

Member Hennigan moved to approve the minutes of June 21, 2021 as amended; seconded by Member Hutchins. Motion Carried 4-0.

DISCUSSION / ACTION ITEMS

2. Quasi-Judicial Hearing: Development Plan Review for 6470 N. Ocean Blvd

Chair Marsh explained that this is a quasi-judicial hearing. Town Clerk Armstrong asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners responded that the applicant had reached out to speak with them individually, but they all responded declining the request. Those that wished to give testimony for 6470 N. Ocean Blvd were sworn in by the Town Clerk.

Town Attorney Goddeau informed the board that the site west of the subject property is under active litigation, and that staff will be working with the applicant to help him address the access comment noted on Town Planner O’Gorman’s report.

PLANNING & ZONING COMMISSION MEETING HELD JULY 19, 2021

Town Planner O'Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 5 bedrooms, 6.5 bathrooms, a pool, cabana, spa and a 5 car garage. He noted the access issue outlined in his memo, and added that the applicant will have to resolve that comment prior to the issuance of a building permit.

Building Official Guy stated that there is no issue with the application at this stage, but further review will be done once a building permit application is submitted. Representative Tara Bamber for the Town Engineer stated that all drainage comments are outlined in her report in the package and those comments can be answered at the building permit stage.

Mark Jansheski, applicant, advocated for the project by noting all the design components that meet code. He further noted that he has received approvals from other agencies, such as health department. Fabio Pereira, project manager, presented the project by showing the floor plan and site plan.

Jeff Eder, 6480 N. Ocean Blvd, informed that he is also in active litigation over the site west of the subject property, and that the litigation has caused interference to all the properties near the site. He is in favor of the project, and that the litigation seems to be in the favor of Ocean Ridge owners. He stated that he will work with staff to address the access and voiced his opinion on the access outlined in the plat. Town Attorney Goddeau stated that the board members cannot speak on this matter since there is an active litigation with the Town regarding the site west of 6470 N. Ocean Blvd.

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

Vice Chair Carey asked for clarification on the blue line outlined on the Site Plan, to which Mr. Jansheski stated that it is the 75 ft. setback for annual flood. Mr. Pereira showed the civil plans and outline items like the septic tank. Member Hutchins asked if there is any reason for concern over the septic tank getting wet, to which Mr. Pereira and Jansheski clarified that the home will be elevated as requested by FEMA to mitigate flooding and that the 75 ft. setback also creates a buffer from the waterway. Mr. Jansheski reiterated that they received approval from the health department for the septic and drainfield.

Chair Marsh asked if the project architect is still practicing, to which Mr. Pereira stated that he is and they created the project together.

Chair Marsh asked if the home will be a spec home, to which Mr. Jansheski stated that he is unsure at this moment because he may decide to move in. Chair Marsh stated that 5 car garages is large, to which Mr. Pereira stated that 5 garages is the preference of Mr. Jansheski. Chair Marsh stated that the plan is nice, but voiced his concern over the massing of the home. He outlined the components that increase the scale of the home, such as the long windows. Mr. Pereira stated that the design is a mixture of contemporary and classical. The roof needs to meet the pitch requirement outlined in the Town Code.

PLANNING & ZONING COMMISSION MEETING HELD JULY 19, 2021

Chair Marsh asked Mr. Jansheski about the reason for attempting to meet with board members prior to the quasi-judicial meeting, to which Mr. Jansheski stated that he has done so other places in order to answer questions prior to the meeting.

Chair Marsh asked applicant to present the color palette of the home, and Mr. Pereira responded that fenestration will be aluminum, metal roof, stucco will be flat colors. Mr. Pereira presented the rendering. Member Hennigan asked for clarification on the color of the glass, to which Pereira stated that it will be a tinted blue or bronze, but not black.

Vice Chair Carey asked the applicant what buffer will be used to shield the home from the A1A Street. Mr. Jansheski stated that landscaping buffer is essential, and stated that he will be working on the landscape plan that will show buffer on all three sides from the home. Vice Chair Carey asked for clarification if the landscape buffer will be a hedge, to which Mr. Jansheski stated that it might and they may leave the hedges already in place. Town Clerk Armstrong stated that the landscape plan is already included in the package and any revisions after Planning and Zoning Commission approval may cause the approval to lapse. Mr. Jansheski clarified there is a landscape plan in the application, but that the rendering do not accurately show the landscape going into the property. He further clarified that the landscape architect will either be using the existing hedge or add similar hedges as buffer of the home.

Vice Chair Carey concurred with Chair Marsh about the massing of the home, and asked the applicant if there is a need for a 5 car garage, and Mr. Jansheski responded that he added the 5th car garage because of his wife's request. Mr. Jansheski stated that the home is not large as it appears and it is the unusual lot size that makes it appear that way. Vice Chair Carey voiced his concern for the massing of the home by noting that the home will be next to Town Hall and will have high visibility. He recommended for the applicant to possibly reduce the size of the home by removing one garage space. Mr. Jansheski stated that he can explore how to reduce the massing and asked the board to make it a condition of the approval.

Jeff Eder, 6480 N. Ocean Blvd, stated that he has a 7 car garage.

Member Hutchins stated that he sees no issues with the home proposed, and that a home should not be denied because of a garage. Vice Chair Carey clarified that his concern is with the massing, and that reducing the garage is just an option to address his concern. Mr. Pereira informed that there is a privacy wall in the north of the home, and a gate can be added to block the view. Chair Marsh stated that screening will not help the massing issue.

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

Member Hutchins moved to approve the Development Plan Review Application for 6470 N. Ocean Blvd with the condition that a landscape screening be required and that the landscape buffer is similar or equivalent to the existing; seconded by Member Hennigan. Motion failed 2-2 with Vice Chair Carey and Chair Marsh dissenting.

Town Attorney Goddeau asked the Board Members to look at the criteria outlined in 63-56 to form a motion with conditions or referral.

Chair Marsh called for public comment.

Martin Wiescholek, Town Commissioner and resides at 5 Engle Drive, stated that the applicant may have the ability to revise the roof on the home once the roof code is changed to allow flat roofs. The flat roof may help alleviate the massing concern. Mr. Wiescholek also stated that he would like for applicants to submit cross-sectional plans from the road to the home to show the scale. Town Clerk Armstrong stated that it can be incorporated into the checklist if the P&Z wishes.

Vice Chair Carey moved to defer the Development Plan Review for 6470 N. Ocean Blvd to the August Planning and Zoning Commission Meeting. No one seconded so motion dies.

Town Attorney Goddeau provided the board the options that they have in regards to the application.

Chair Marsh stated that he is in favor of deferring the project to August. Mr. Jansheski asked for clarification on the concerns with the home. The recap of the concerns were the massing of the home, landscaping near North Ocean Blvd, and the architecture of the home on the south elevation.

Chair Marsh moved to defer the Development Plan Review Application for 6470 N. Ocean Blvd. to August 16, 2021, and for the applicant to address the concerns provided; seconded by Vice Chair Carey. Motion carried 4-0.

3. Quasi-Judicial Hearing: Development Plan Review for 2 Whitney Way

Chair Marsh explained that this is a quasi-judicial hearing. Town Clerk Armstrong asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners informed that they had none. Those that wished to give testimony for 2 Whitney Way were sworn in by the Town Clerk.

Town Planner O'Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 5 bedrooms, 5.5 bathrooms, a pool, and a 3 car garage. He noted the comments regarding the rooftop terrace and the pre-fab metal structure.

Chair Marsh asked for clarification on whether the code allows roof access, to which Town Planner O'Gorman clarified that the Town of Ocean Ridge code does not allow for any rooftop amenities; however, the flat roof portion can exceed 15% if at least 5% is used as a deck, porch, or useable space. The Code does not specify if the outdoor space can be on the second floor. Vice Chair Carey asked if there is a portion of the code that state that it is not allowed, and Town Planner O'Gorman stated that it does based on his opinion.

Building Official Guy stated that there is no issue with the application at this stage, but further review will be done once a building permit application is submitted. Representative Tara Bamber for the Town Engineer stated that drainage comments are outlined in her report in the package and that there are lots of concerns because of the site for the proposed project is being on a still developed.

PLANNING & ZONING COMMISSION MEETING HELD JULY 19, 2021

David Reyes, General Contractor and representing the applicant who could not be present, provided the calculations, and gave an overview of the home as shown on the rendering and site plan.

Vice Chair Carey asked if the building height is compliance with the new building height regulations, to which Town Planner 'Gorman stated that they are compliance since they are able to go to 28' based of height regulations outlined on Ordinance 2021-02.

Chair Marsh asked if the home will be a spec home, to which Mr. Reyes stated that the owner will be living in Ocean Ridge, but is not sure whether he will be living at 2 or 4 Whitney Way.

Member Hutchins voiced his concern over the drainage issues. Some properties of Harbour Drive North are dependent on the drainage infrastructure on Thompson Street. Representative Tara Bamber for the Town Engineer reiterated her drainage concerns, and stated that the applicant still has a lot to undertake to mitigate for drainage.

Vice Chair Carey asked if Thompson Street will be extended, and Mr. Reyes stated that there is no plan to extend Thompson Street, and that the home will have to entry driveways, one from Thompson and one from Whitney Way. He noted that the third driveway is just a turn around and does not provide access into the home. Representative Tara Bamber for the Town Engineer explained that Thompson Street was extended due to a request by the Boynton Beach Fire Department so that the fire truck can turn around.

Member Hutchins asked if the current roof ordinance will cause maintenance issues on the roof, and Mr. Reyes responded that the roof will need additional maintenance, but that it can work.

Member Hennigan is concerned over the stairs, the railings and the parapet shown on the rendering. Chair Marsh clarified that the rendering does not accurately portray the plans. Member Hennigan asked if the parapet will cover the pitch or if the wall will be flat, and Mr. Reyes stated that the parapet will hide the pitch. Member Hennigan stated that he would like to ensure that there is proper barriers so that no one falls off the deck, to which Chair Marsh stated that they meet the requirements for railings. Building Official Guy stated that the Florida Building Code requires a barrier for the stairs and decks, and the applicant will have to comply with the requirements.

Vice Chair Carey stated that the board should not approve any rooftop living space on the third level so there should be no need for the stairs. Member Hennigan concurred with Vice Chair Carey, and stated that the application seems a living area rather than a deck. There is consensus to deny access to the rooftop area.

Vice Chair Carey stated that the applicant will have to meet the other conditions outlined in the staff reports.

Chair Marsh voiced his concern over the lack of consistency of the design throughout the home. He stated that the home had all the ornaments are in the front elevation and the other elevations are blank. Mr. Reyes stated that the home is by the wetlands so it will not be seen, and that the architect may be able to add ornaments to the other elevation. Chair Marsh also brought up the

issue of massing of the home because of the elevation, to which Mr. Reyes stated that the home is elevated, but the building height will match the others. Chair Marsh stated that site is different from other sites because of its location, but that they have to be careful of setting precedence. Vice Chair Carey stated that the designer should be present, and also concurred that they need to be careful of setting precedence and be consistent in the review process. Member Hutchins asked Town Attorney Goddeau if they can approve the home design presented base on the location and deny another one with similar design in a more visible location. Town Attorney Goddeau stated that it would be better to be consistent on reviews, and that it would have a harder time denying another project, but it still can.

The board discussed how to proceed with the application.

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

Vice Chair Carey moved to approve the Development Plan Review Application for 2 Whitney Way subject to all conditions outlined by staff, and that the rooftop access be eliminated as well as the façade of all the sides has to match the front elevation. No one seconded so the motion failed.

Town Clerk Armstrong noted that staff reviews for Code compliance and will not be able to make judgment on the architectural components of the home.

Vice Chair Carey moved to defer the Development Plan Review Application for 2 Whitney Way to August 16, 2021, and for the applicant to address staff concerns the, and that the rooftop access be eliminated as well as the façade of all the sides has to match the front elevation; seconded by Member Hutchins. Motion carried 4-0.

4. Quasi-Judicial Hearing: Development Plan Review for 69 Spanish River Drive

Chair Marsh explained that this is a quasi-judicial hearing. Town Clerk Armstrong asked if any of the board members had any ex-parte communications with the applicant, owner or builder. All Planning & Zoning Commissioners informed that they had none. Those that wished to give testimony for 69 Spanish River Drive were sworn in by the Town Clerk. The Town Clerk was sworn in by the Town Attorney Goddeau.

Town Planner O'Gorman introduced the project by noting that the project will be a new two-story single family home that will consist of 5 bedrooms, 5.5 bathrooms, a pool, spa, and a 3 car garage. He noted that the only condition is the revision on the landscaping.

Building Official Guy stated that there is no issue with the application at this stage, but further review will be done once a building permit application is submitted. He also noted that the applicant is eligible to get a reduction in permit fees for preserving trees. Representative Tara Bamber for the Town Engineer stated that there drainage comments are outlined in her report in the package that can be addressed at the building permit stage. She also noted the landscaping in the right away, which Town Clerk Armstrong stated that she will introduce the issue when landscaping is discussed.

PLANNING & ZONING COMMISSION MEETING HELD JULY 19, 2021

Rick Bremer, 1600 S. Dixie HWY. Suite 400 in Boca Raton, presented the lot size and noted that it will be a ranch style home. He showed the survey, site plan, and floor plan.

Chair Marsh called for public comment.

Martin Wiescholek, Town Commissioner and resides at 5 Engle Drive, asked for clarification on the side setback for the home, and Town Clerk Armstrong informed that it is 20' for side corner lots.

Member Hutchins asked the applicant why they have the setback near the garage, to which Mr. Bremer stated that he did that to compliment the massing. Member Hutchins asked if there is any dimension requirement for the interior of a garage, to which Mr. Bremer stated that they meet town code with the 2 garage spaces and the 3 garage is just additional.

Member Hennigan complimented the architect on the project, and asked that they keep the existing hedges on the property. Vice Chair Carey also complimented the architect on the project, and highlighted the items that he liked of the home. Chair Marsh concurred.

Town Clerk Armstrong stated that the subject property has two large trees in the right-of-way that have wires running through them. She stated that the applicant should move the trees or replace with similar trees out of the right away and away from the lines. Second is for the applicant should work with staff on the landscaping to the south of the property line in the right of way.

Chair Marsh asked if the trees affected by the power line can be relocated. Mr. Vlahos, landscape architect for the project, stated that the trees are not in the right of way, and sometimes a tree can die in the process of trying to relocate. He stated that those trees could be trimmed away from the power line. He then started explaining the proposed landscape plan for the property.

Member Hennigan asked staff if those trees can be trimmed, and Mr. Vlahos stated that they can be maintained. Chair Marsh asked if there is any liability to require a homeowner to trim a tree with power lines in them. Town Manager Stevens stated that it is against the code to have the power lines in the trees. Representative Tara Bamber for the Town Engineer clarified that the trees are clearly in the right-of-way and that the wires are clearly in the tree. Building Official Guy stated only FPL or FPL approved contractors are allowed to cut within 10 feet of a power line so the homeowner or a random landscape contractor will not be able to cut it. Police Chief Hutchins stated that this property is constantly in violation of the Town's Ordinance because of the wire running through them. He outlined the Town Code in regards to utility lines, and noted that any issues with those utility lines can cause issues throughout the entire island.

Chair Marsh asked if those two large trees in the front can be relocated, to which Mr. Vlahos is not sure. Town Clerk Armstrong informed the Planning and Zoning Commission that staff could work with the applicant on the landscaping as long as they give directions.

Mr. Vlahos discussed the issues with replacing the trees because of FPL regulation. He stated that he will have to gather more information. Chair Marsh showed a couple places that a tree can fit

and gave example of trees that can be placed in the front. Vice Chair Carey agreed that the applicant will be able to place the same tree or equivalent.

Member Hennigan moved to approve the Development Plan Review Application for 69 Spanish River Drive conditioned on the applicant removing the trees with power lines wire running through them in the right-of-way with same or equivalent tree out of the right of way, and that the applicant continues to work with staff regarding the landscaping to the south of the home; Vice Chair Carey. Motion carried 4-0.

5. Discussion Regarding Flat Roofs

Item was deferred to the August meeting due to lack time constraints..

COMMISSIONERS COMMENTS

The Commissioners present were in agreement that there should be no third floor roof deck. Member Hennigan stated that he is not in favor of any third floor

Building Official Guy noted that equipment can be on a roof without the need for stair access from the home.

Member Hennigan asked for a permit history of a property on Island Drive. He stated that said property may need to come before the Board because it seems like they have done substantial improvements. Building Official Guy stated that he would look into it.

Member Hutchins agreed to be the liaison for the Planning & Zoning Commission at the August 2, 2021 Town Commission meeting.

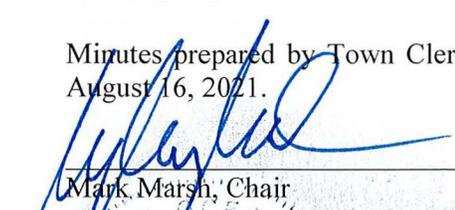
The Commission agreed that ex-parte communications should be discouraged between Planning & Zoning Commission Members and applicants for Development Plan Review, and that applicants will have their opportunity to speak with the members during the meetings.

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

ADJOURNMENT

Meeting adjourned at 10:24 a.m.

Minutes prepared by Town Clerk Armstrong, and adopted by the Planning & Zoning Commission on August 16, 2021.



Mark Marsh, Chair

Attest:



Karla Armstrong, Town Clerk

