

SPECIAL MEETING HELD BY THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON TUESDAY, MARCH 17, 1998, AT 8:00 A.M.

The meeting was called to order and roll call was answered by the following:

Commissioner Bingham
Commissioner Northrup

Commissioner Gimmy
Chairman Ford

It was noted that Commissioner Lucibella would be late.

III. APPROVAL OF MINUTES

A. January 15, 1998

Mrs. Bingham moved to approved the minutes as submitted, seconded by Mr. Gimmy.

Motion carried – Yea (4).

IV. DISCUSS RIGHT-OF-WAYS LOCATED EAST OF SR A1A INCLUDING CORRINE ST., THOMPSON ST., AND EDITH STREET

Town Manager Lanker advised that at the last couple of regular Town Commission meetings several residents have appeared regarding the Corrine St. right-of-way and there were several people in the audience today to discuss the issue. He added that the Commission deferred action until the P & Z provides a recommendation. Mr. Lanker advised that since the last P & Z meeting when there was no path at Corrine St. and the board recommended a walkover at Thompson St. there is now a path that was apparently illegally cut.

At this time Chairman Ford offered the floor to Peter Bardach, 6017 Old Ocean Blvd. who stated that there were several other residents that may wish to speak on this issue. Mr. Bardach stated that he has appeared before the Commission on two occasions and he had the impression that they approved the concept of a walkway at Corrine St. He commented that he has lived in Ocean Ridge for ten years and has always used the walkway south of the right-of-way with the permission of the previous owner, Carl Sax. He questioned the legality of erecting a fence on the dune at 6015 N. Ocean Blvd. without advising anyone. He expressed his dismay that the property owner to the north recently constructed a walkway that they do not want to share with the residents either. He added that Director Hillery recently had taken action and closed the public path thereby landlocking the residents.

Chairman Ford advised that he counted 18 accesses to the beach between Beachway and Corrine St. to which Mr. Bardach replied that there are residents who have always used the access south of the Corrine St. right-of-way.

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Scott Brown, 6064 N. Ocean Blvd., stated that he has used the access at 6015 Old Ocean Blvd. for at least 20 years and he has conferred with his legal counsel who advised that the public may have rescripted rights. He stated the easiest solution would be for the resident to open up the access, however, if this is not done or the town does not construct an access he will no recourse but to proceed with a suit with the private property owner. He mentioned his dismay with the taping off of the right-of-way by Director Hillery. He also stated that he had spoken with Director Hillery who advised that anyone trespassing on the Forsyth property could be arrested for trespass. He felt that Director Hillery was incorrect and added that the town is assisting the private owner in denying the public use of the walkway. He added that he did not feel that the town should intervene.

Phyllis Dolan, 6060 N. Ocean Blvd., stated it was obvious that many people utilize Corrine St. as an access to the beach as evidenced by the cut path on the ROW and the trampled plants on the private property. She believed that people will still use the path even if it is posted and unsafe by the drop to the dune. She felt the cost of building a walkway was less than the liability of someone getting hurt. Chairman Ford stated that cost has never been discussed.

At this point Chairman Ford asked Atty Nicoletti if the public may have a right to keep using the walkway owned by the private property owner. Mr. Brown showed the path on a county plat map dated in the 60's. Atty Nicoletti advised that the public may well have rescripted rights. Atty Nicoletti added that the town would be better served if all private accesses were open to the public but this one was closed partially due to the trampled plants. Regarding Director Hillery advising that he would enforce the law if people trespass at 6015 Old Ocean Blvd., Atty Nicoletti advised that the town would enforce the private property owners rights until such time that it was challenged and prevailed in court.

Dan Dolan, 6060 N. Ocean Blvd., urged the P & Z to recommend opening the Corrine St. right-of-way to the public with a proper walkover citing that the public has a right to use a public right-of-way.

Chairman Ford asked the Town Manager if it was feasible to construct a walkover and make it safe to which Mr. Lanker advised that the proper method is to open the ROW to the public with an on ground walkway and stairs. He added that the stairs may need to be reconstructed because of the shifting of sand due to the beach replenishment project. He added that he felt the best timing for constructing the walkway would be in the summer utilizing contingency funds. He also said there is no reason that the path should close until then.

Mr. Gimmy moved to recommend that the town construct an on ground walkway and steps to the beach at Corrine St., seconded by Mr. Northrup.

Motion Carried – Yea (4).

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Mr. Bardach questioned the funding and when the structure could be built to which Town Clerk Hancsak explained that a walkway is not currently budgeted and it would be the decision of the Commission as to when and what funding would be used.

Mr. Brown questioned when this item would be brought before the Commission to which he was advised the April 6, 1998 meeting. He advised that he may speak with the owner at 6015 Old Ocean Blvd. for the interim period until a walkway is constructed. Mrs. Bingham stated that the Anna St. walkover was located just a little further north. She added that Anna St. should be used until the new walkway is finished so as not to damage the dune any further.

Mrs. Linda Murray, 6009 Old Ocean Blvd., just arrived and questioned the action taken by the P & Z to which she was advised that they recommended approval of a walkway at Corrine St. She then reminded the P & Z that the dune has recently been destroyed by people cutting a path where there was none at Corrine St. and using it as a dog run. She also mentioned that one of her neighbors told her that if she did not allow them to use her walkdown there would be trouble for them. She questioned the buffer between the proposed walkway and her property to which she was advised that this was not the decision of the P & Z Commission, however, she was welcome to give any suggestions to the Commission at their meeting. She then stated that she was concerned for the safety of her children with dogs or the public walking so close to her property.

Regarding the Thompson St. right-of-way, Mr. Gimmy recommended that it too also have an on ground walkway.

Mr. Northrup moved to recommend that an on ground walkway with steps be constructed at the Thompson St. right-of-way, seconded by Mr. Gimmy.

Mr. Brown questioned if the walkways could be constructed to accommodate wheelchair access to which Mr. Northrup commented that the walkways still lead to steps to actually get onto the beach. Chairman Ford advised that he believed there were certain width requirements also. Mrs. Bingham stated that there was a handicap access further north at the Hammock Park.

Motion Carried – Yea (4).

Mr. Gimmy questioned Town Manager Lanker as to whether Edith St. was a public or private access to which he was advised that it was a public access with a crossover already there. Mr. Lanker added that his recommendation was to change the Edith St. walkover to an on ground walkway also.

Mrs. Bingham moved to recommend that the Edith St. walkover be converted to an on ground walkway with steps if needed, seconded by Mr. Gimmy.

Motion Carried – Yea (4).

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V. DISCUSS CORRINE ST., THOMPSON ST., AND ANNA ST. WEST OF SR A1A

Town Manager Lanker advised that the surveys were near completion and the stakes have been placed at Corrine St. and Thompson St. He commented that he hoped the board all had an opportunity to view the location of the stakes and added that the Corrine St. right-of-way was not exactly where it was originally thought to be. He questioned the board on what their recommendation would be concerning the road at Corrine St.

Mrs. Dolan, 6060 N. Ocean Blvd., commented that vehicles turn onto Corrine St. and use it as a turnaround to exit. She also stated that vehicles have actually parked there to walk to the beach.

Chairman Ford inquired if there would be any advantage to continuing the road further west. Mr. Lanker advised that the town property located to the northwest is currently zoned Preservation Conversation and he is unaware of any proposed development for the property to the southwest.

Mrs. Bingham moved to recommend that the existing Corrine St. roadway be kept open without any further vegetative deterioration and utilizing only minimal maintenance, seconded by Mr. Gimmy.

Motion carried – Yea (4).

Mr. Northrup moved to recommend that Thompson St. remain as is with minimal maintenance, seconded by Mr. Gimmy.

Motion Carried – Yea (4).

Mr. Lucibella arrived at approximately 9:00 a.m.

At this point Mayor Kaleel requested to speak briefly. He started by thanking the board for their dedication and service to the Town.. He then explained the pertinent facts regarding the upcoming Focus 2000 meeting and stressed the importance of attendance by all the regular members.

Mr. Gimmy advised that he has been involved in several vision workshops in Delray Beach and he finds them fascinating and invigorating. He added that he felt this workshop would be very beneficial to the town.

VI. REVIEW FINAL DRAFT REVISED LANDSCAPE CODE

Mrs. Bingham moved to recommend approval of Ordinance No. 502 as submitted, seconded by Mr. Gimmy.

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Atty Nicoletti commented that this ordinance is back to the P & Z one more time after he and the Town Manager tightened it as much as possible. He added that the xeriscape portion is now 2 ½ pages and the tree permit section comprises the remaining 8 ½ pages. He also stated that the tree section could be a little tighter if the relocation and placement were placed together.

Atty Nicoletti stated that Mayor Kaleel had suggested delaying the approval of this ordinance until after the Focus 2000 meeting to be held May 8, 1998 when more positive ideas may be discussed.

Mr. Lucibella commented that he felt there was still some minor tweaking that could be accomplished, however, he also recognized the frustration from residents in the delay of action taken by the town. He therefore felt that this ordinance should be passed on by this board and placed in the hands of the Town Commission. He added that he felt the board has developed a good water management and landscape tool for the residents. Atty Nicoletti encouraged any comments on suggested tweaking of the ordinance.

Mr. Lucibella advised that he felt that item (6)(b) on page three was redundant and questioned the need for it in the code. He also stated that he felt the ordinance was difficult to follow from the section pertaining to Area Protection forward. The other members did not feel the ordinance was hard to follow. Atty Nicoletti stated that the percentages work with each other and also protects what is there now. He added that the concept is not difficult citing that one tree per 2500 sq. feet of total lot size must be planted and takes into account what is already there.

Atty Nicoletti questioned whether the board had any other suggestions or proposed changes because he felt he and the Town Manager had removed a lot from the ordinance. Town Manager Lanker questioned whether the board still wanted a mandatory xeriscape code or not. Chairman Ford questioned whether the language taken from the South Florida Water Management was mandatory to which he advised that it was not. Mr. Northrup and Mr. Gimmy both stated that they did not read the ordinance to mean that it was mandatory. Atty Nicoletti cited Section 2 on Page 2 where it describes the applicability requirements and he also mentioned that 50% of the plantings could be native plants not xeriscape.

Mr. Gimmy stated that he was still pleased with the ordinance and felt utilizing xeriscape plants was extremely important for the future. He also stated that he was pleased that the homeowner could still plant tropical vegetation. Atty Nicoletti clarified that now the certification requirements were only mandatory for major site plans.

Mr. Lucibella stated that he objected to Section (e) on page four because he felt it was unenforceable and felt the blighting ordinance would provide the same coverage. Chairman Ford commented that the maintenance schedule was part of the South Florida Water Management requirements. Mr. Northrup stated that the homeowner would also be aware of what they would need to do all within the same ordinance. Atty Nicoletti reminded the board that this section only applies to a Major Site Plan. He added that the

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Homeowner Covenants provided to the town for multi-family should also include this schedule in the future.

Atty Nicoletti clarified that the board was satisfied with the tree section of the ordinance to which the board advised that they were.

In closing this issue, Chairman Ford stated he felt the board would be derelict in their responsibilities if they did not forward this ordinance because they all felt this was best for the community.

Motion Carried – Yea (5).

VII. DISCUSS LOCATION OF HEDGES AS IT RELATES TO THE PROPERTY LINE

Mrs. Bingham mentioned that she had brought this item before the Commission and they directed it to the Planning & Zoning Commission to discuss. She stated that she felt that the code should be amended to only permit property owners to plant hedges totally within their property line not right on the line as is currently in the code. She also questioned the possibility of imposing a height restriction for hedges.

Town Manager Lanker advised that the code does not address height restrictions except for Australian pines. Atty Nicoletti commented that he would be concerned with the creation of alleyways if a setback requirement was implemented.

Mr. Lucibella commented that complaints would start regarding tree branches overhanging onto adjacent properties. He also questioned if anyone is complaining about the current code. Mrs. Bingham stated that there are complaints and they also include that fact that the breezes are cut off with the hedges.

Mrs. Dolan, 6060 N. Ocean Blvd., commented that a problem is created when the roots become too big and the plants can not be controlled thereby becoming invasive. Mrs. Bingham commented that the prohibitive trees or hedges create the most problems.

Mr. Lucibella advised that he felt the problem should be handled directly neighbor to neighbor. Town Manager Lanker and Atty Nicoletti advised that the Special Master was also available to hear “code violations” when necessary.

Chairman Ford stated that he was not in favor of planting a hedge 2’ within the property line. Mr. Lucibella agreed.

Charlotte Carle, 7 Harbour Drive South, and also an alternate member, cited a situation where two different fences were erected between two properties creating a slight alleyway that became overgrown with weeds and debris. She added that she was not in favor of changing the current code.

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Mr. Lanker advised that he could foresee horror stories where the Town became involved in the enforcement of hedges between neighbors, however, the board may want to consider a height restriction. Chairman Ford questioned whether an amendment would be retroactive to which Atty Nicoletti advised that the properties would be given a time certain to comply.

Scott Brown, 6064 N. Ocean Blvd., commented that he happened to favor the 30' high hedge located between his home and the adjacent property and he did not feel it was fair to mandate that it be lowered. Mrs. Bingham then suggested the possibility of restricting the height for prohibitive species.

Chairman Ford questioned if the town gets involved with the residents in complaints such as these. Town Manager Lanker advised that unless there is a code violation he would act as a mediator only.

Mr. Lucibella advised that the residents have the opportunity to take legal recourse action on their own and added that he would only consider the possibility of creating an ordinance that would involve deciding who must maintain the hedges.

The board concurred that no recommended changes should be implemented.

VIII. DISCUSS TRAFFIC OPTIONS FOR OLD OCEAN BLVD.

Mr. Bob Wertz, representing Carlos Warter, 5929 N. Ocean Blvd., mentioned that thirty residents recently signed a petition requesting suspension of all motor vehicle traffic, suspension of traffic in one direction with a lane for bikes, etc., or implement high speed bumps with provisions for bike lanes to slow the traffic on Old Ocean Blvd. He added that the current speed limit is 25 MPH, which he felt to be excessive since there was mainly pedestrian traffic. He also commented that there are no sidewalks and walking could be very dangerous for children or at nighttime.

Linda Murray, 6009 Old Ocean Blvd., stated that vehicles do speed down the road and felt speed bumps may help control the speed. She added that there was a large amount of traffic on weekends. Mr. Lucibella disputed the amount of traffic. Mrs. Carle, 7 Harbour Drive South, also stated that she did not feel there was an exorbitant amount of traffic on Old Ocean Blvd.

Mr. Wertz again stated that he felt that Old Ocean Blvd. was used primarily as a walkway and he was concerned with speeding vehicles. He added that he felt there was more foot traffic than vehicular. Mr. Lucibella stated that a lot of roads could then be condemned.

Scott Brown, 6064 N. Ocean Blvd., stated he did not feel a 25 MPH speed limit was excessive and added that walkers should keep to the sides of the roadway.

Mr. Gimmy commented that he too walks along Old Ocean Blvd. quite often and he agrees with Earl Jones comments made in 1996 which stated he was not in favor of one

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way traffic. He also stated that he was empathetic with the residents concerns, however, he felt teaching children about traffic situations is a part of their learning process.

Mr. Lucibella stated that he also agreed with Mr. Jones comments and questioned if the traffic would decrease any if there was a left turn lane at Beachway and SR A1A thereby creating less traffic heading east from Adams Rd., Corrine St. or Anna St. He did state that this could also possibly increase traffic heading east from Beachway Dr. He questioned why turning left onto Beachway Dr. was prohibited to which he was advised that one of the stipulations by FDOT in creating a right turn lane at Beachway Dr. and SR A1A was to eliminate a left turn option. Mr. Northrup commented that the property owner at southeast corner of Beachway Dr. and SR A1A also petitioned that they would lose a considerable amount of their property if a left turn lane was made available.

Mr. Gimmy left at approximately 9:50 a.m.

Mrs. Dolan, 6060 N. Ocean Blvd., stated that the traffic during the week was minimal, however, traffic was enormous on the weekends. She suggested making Old Ocean Blvd. a private road. Chairman Ford stated he did not feel this possible.

Mr. Lucibella stated that he has lived along Old Ocean Blvd. and he did not feel threatened by the traffic and felt there was a lot of charm along the roadway.

Mrs. Murray, 6009 Old Ocean Blvd., suggested the possibility of erecting signs such as "Slow Children Playing", etc. Chairman Ford stated he would like to see the elimination of all signs on Old Ocean Blvd. with the exception of a multi-purpose sign at the end of each intersecting street. The other members agreed. Town Manager Lanker and Atty Nicoletti advised that some of the signs were mandatory.

Mr. Lucibella complimented the police dept. for their traffic enforcement and felt some extra enforcement of the speed limit would deter speeding on the street.

Mrs. Bingham stated that she was not in favor of speed bumps because of bicycles and etc. Mr. Lucibella agreed and stated he also was not in favor of a 15 MPH speed limit citing that vehicles could not drive that slow.

Mrs. Bingham moved to recommend that Old Ocean Blvd. remain as is, seconded by Mr. Northrup.

Mr. Wertz again mentioned the thirty signatures on the petition and stated that dismissing the item would be a disservice to the residents. He suggested a study of the area. Town Clerk Hancsak stated that while the petition was submitted in favor of changing Old Ocean Blvd. several residents spoke at the last regular meeting against any changes. Mrs. Carle stated that there were 1,000+ other residents that didn't sign the petition.

Mrs. Murray suggested the possibility of lowering the speed limit. Mrs. Bingham stated that Old Ocean Blvd. is already lower than the 30 MPH speed limit for other roads in

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town. Mr. Lucibella questioned if a 20 MPH speed limit would satisfy the residents. The other board members felt the 25 MPH speed limit was not excessive.

Motion Carried – Yea (5).

Scott Brown requested that the staff look at the location of the entrance sign in relation to the speed limit sign at southwest corner of Beachway and SR A1A.

IX. ADJOURNMENT

The meeting was adjourned at approximately 10:05 a.m.

Chairman Ford

Town Clerk