

Regular Town Commission Meeting of the Town of Ocean Ridge held on Monday, August 2, 1999 at 6:30 PM in the Town Hall Meeting Chambers

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

Commissioner Bingham	Commissioner Bridges
Commissioner Kaleel	Commissioner Stamos
Mayor Aaskov	

Following the Pledge of Allegiance, an invocation was read by Commissioner Kaleel.

Additions, Deletions, Modifications and Approval of Agenda

Comm Stamos requested to add a discussion of electrical service for new construction as item #6.

Consent Agenda

1. Minutes of Town Commission Meeting of July 6, 1999
2. Minutes of Town Commission Meeting of July 19, 1999

Comm Kaleel moved to approve the consent agenda, seconded by Comm Bingham.

Motion carried – yea 5.

Announcements and Proclamations

3. The administrative offices will be closed on Monday, September 6, 1999 for the official holiday. The tentative adoption of the budget and regular meeting will be held Monday, September 13, 1999 commencing at 5:01 PM

Town Clerk Hancsak read the above announcement adding that the meeting for the final adoption of the budget will be held on Monday, September 20, 1999 at 5:01 PM.

Public Comment

RoseMarie Peterson, 22 Harbour Drive N, suggested that the piece of land at the end of Hersey Drive be purchased and used as a park area and the National Wildlife Property at the corner of Beachway and A1A be kept as a passive park. She commented that she felt grant money could be used to create this park area near the beach in the south end of the town. She suggested that a committee be formed to investigate what can be done for the Hersey property. Mayor Aaskov stated that she felt this was an expensive piece of property and the town has other concerns in the future that may be more important.

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Comm Bingham stated that there are accesses all through town for the residents to get to the beach although she would be in favor of a park if the grant money was available to purchase it.

Comm Bridges stated that he agreed with Comm Bingham adding that the money is a big consideration especially when there is drainage and possible sewer systems to consider. He commented that he felt the park would be a great idea if the grant money was available adding that it would take a tremendous effort to raise it. He added that he felt it would increase the values for the south end of town.

Comm Stamos commented that he thought it was good for the Town Commission to hear other ideas for parks from the residents adding that he thought a park at the end of Hersey would be a great idea.

Comm Kaleel stated that it is the function of the Environmental Resources Advisory Board to investigate these options. He added that the Town Commission has not decided that the area at Beachway and A1A will not be a park and while he sat on the Commission, he would pursue this area for a park.

Mrs. Peterson advised that Mr. Burke who owns the property in question was currently asking \$725,000 for the north lot.

Mayor Aaskov suggested that the Town Manager look into any grants which may be available to purchase this property.

Public Hearings

4. An application submitted by Leonard Albanese, President of Ocean Harbour Estates at Ocean Ridge LTD, 2499 Glades Road, Suite 114, Boca Raton FL 33431, requesting a modification of the Master Site Plan for Ocean Harbour Estates at Waterways for a fifteen Single Family Home Planned Residential Development that was initially granted in August 1995 from the provisions of the Land Development Code, Article XII; Planned Residential Development, Section 26-193; Development Standards and Section 26-10; Single Family Residential District, Paragraph (e); RSF – Single-Family Residential Property Development Regulations; Sub-Paragraph (6) maximum floor area to permit the transfer of buildable square footage from lot-to-lot that was previously set out and approved for each lot in detailed floor area ratios (FAR) on October 20, 1997 located at 5840 N Ocean Blvd. or legally described as the North 432.55 feet of Gov Lot 3 LYG West of SR A1A

Town Clerk Hancsak read the application by title. She advised that there was no additional correspondence and that all fees had been paid.

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Town Manager Dunham explained that the developers were requesting a change from what was granted by the Town Commission almost two years ago regarding the floor area ratios for the Ocean Harbor development. He stated that they would be requesting changes to the FAR and lot coverage to allow for more flexibility in building on the lots. He stated that, if approved, the Town Commission's decision of establishing FARs would be lost and the appearance of the development would be more random. He stated that he did not feel this request was in the spirit of what was previously approved and recommended that the Town Commission deny the application.

Joe Pike, engineer from EnviroDesigns, advised that they were only asking for more flexibility in the design of the project. He stated that the development was originally a PRD which allows for a tremendous amount of flexibility and does not include FAR and lot coverage requirements. He stated that there is approximately 90,000 square feet of buildable area in the development and that they were not asking to use more, but rather flexibility on shifting it from one lot to another which is more in the spirit of the PRD development.

Wen Hood, Property Acquisition Specialist, stated that in October 1997, they requested FAR and setback flexibility for their lots. He explained that since that request, they have dealt with the market and found that buyers have needs that differ from what was requested. He discussed lot coverages and FARs for particular lots in the development indicating that, if approved, a running total of square footage would never exceed 500 square feet over what is allowed. He explained that this would ensure more control over future FARs. He stated that with this flexibility, he would be able to give specific parameters to those interested in buying the lots which are available.

Comm Stamos questioned why the lot areas on this sheet differed from those previously given to the Town Commission. Mr. Pike explained that once the area was platted, some of the lot areas shifted from what was in the master plan.

Comm Stamos stated that he did not remember ratifying any setback variances for the development to which Town Clerk Hancsak explained that after being approved by the Board of Adjustment, the Town Commission ratified allowing setbacks of 10' on the sides and 15' for the rear. Comm Stamos then stated that he recalled that meeting.

Comm Bridges stated that he was completely against the request. He stated that the Town Commission already granted variances on the FARs which they were happy to accept two years ago. He stated that he did not agree with allowing the developers to change the FARs any more.

Comm Bingham questioned what would prohibit another buyer ten years in the future who buys a home with a 32% FAR from requesting a variance for a 36% FAR.

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Peter Sachs, Sachs, Sax & Klein, PA, stated that the purpose of a PRD is flexibility. He advised that their development contains open space, landscaping and a wall surrounding the community. He stated that the conditions approved by the Town Commission in 1997 are not working out as the most appropriate conditions. He added that they were not requesting to exceed the maximum limitations, but rather requesting flexibility.

Victor Martel, 46 Harbour Drive S, stated that he would find it difficult as a member of the Board of Adjustment, to require that residents prove a hardship to exceed the FAR when there is approval for a home to be built to a 48% FAR on the street next to his. He stated that he would have a problem with the approval of this request on a personal level.

Bruce Gimmy, 12 Ocean Ave., stated that he felt the Town Commission was generous on the FARs which were previously granted and he does not agree that they should be allowed even more. He added that he was concerned with what may happen with the homes in the future.

Comm Stamos stated that he felt the developers were asking for too much adding that they have not given anything concrete to the Town Commission since they don't have specific FAR requests for all of the remaining lots. Mr. Hood stated that he understood the concern and requested that at least the lots with the proposed FARs submitted at this meeting be approved and keep the remaining lots at the previously approved FARs.

Comm Bridges advised that lot 14 was previously granted a 42% FAR and they were now requesting 48% which he felt was too much. He added that he did not feel that the drainage for the development was working as there was flooding along A1A after a short rain a few days previous. Mr. Pike stated that he has contacted the Town Manager after rain events to see if there were drainage issues and he has never been made aware of any problems. He added that the drainage is a separate issue from the FAR and lot coverage request.

Mr. Sachs stated that although there was a previous agreement, they now need more flexibility when dealing with actual lots. He stated that any decision made for their development would not be binding on any future PRD or RSF developments. He stated that even though they accepted to follow the RSF requirements, the development is still a PRD and should not be subject to RSF regulations.

Comm Kaleel stated that the Town Commission does not have to grant these requests just because it is a PRD. He stated that he felt the town has been very flexible in dealing with this project for the years that he has been involved. He advised that in reviewing information submitted at various times, he sees many discrepancies in the numbers concerning lot sizes and allowable building space so he does not find the information given at this meeting to be credible. He suggested that the variance requests be taken to the Board of Adjustment on a site by site basis. Mr. Hood requested that the calculations for specific lots given at this meeting be approved with any additional requests to be taken before the Board of Adjustment. The Town Commission did not concur with this suggestion.

Comm Bridges moved to deny the application as submitted, seconded by Comm Stamos.

Motion carried – yea 5.

Regular Agenda

Actions and Reports

None

Resolutions

None

First Reading of Ordinances

5. Ordinance No. 521; Amending the Code of Ordinances at Chapter 26, Article II, District Regulations, Creating an Ocean View Special District for certain small lots; creating a Town Floor Area Ratio Overlay for residential lots of less than 7,500 square feet

Town Clerk Hancsak read Ordinance No. 521 by title only.

Atty William Capko, attending the meeting in the absence of Interim Atty Spillias, stated that he had distributed a new copy of the ordinance before the meeting which clarified that the new districts only apply to existing lots.

Town Manager Dunham explained that the Town Commission and Planning and Zoning Commission have held several public meetings on this subject. He stated that the ordinance allows the owners of nonconforming property and structures to make improvements and additions to their property and, therefore, improve their standard of living. He stated that the recommendations in the ordinance include a reduction of setbacks, reduction in minimum lot size, reduction in minimum lot dimensions and an increase in the allowable FAR in the Ocean View Special District. The ordinance also provides for a FAR overlay for lots less than 7,500 square feet.

Comm Bingham questioned if the ordinance could be worded so that a duplex could not be improved and made into a triplex. Town Clerk Hancsak advised that change would be an increase in use and should be disallowed by the grandfathered section of the ordinance. Atty Capko advised that he did not believe there were any lots which could make such a change, but that he would research it before second reading.

Comm Kaleel stated that possibly some additional architectural standards should be included as opposed to simply allowing any increase to those lots affected.

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John Carlene, Urban Design Studios, stated that approximately 90% of the lots will merely be brought up to current standards and not permitted to increase and only minor additions and improvements would be allowed. He stated that previously the Town Commission had instructed them not to include any architectural review. He added that he felt this ordinance is a strong step and that other formats could be added later.

Comm Stamos questioned how many lots would be nonconforming due to size after this ordinance to which Mr. Carlene advised that approximately thirty would still be nonconforming.

Comm Stamos advised that he was hesitant to impose architectural review for only one district. Comm Kaleel stated that this ordinance would be giving something to the residents on those districts and it would not be too much to ask for some additional control.

Comm Bridges stated that he was in favor of architectural control in design and that he would like to see it throughout the town.

Comm Bingham stated that she felt some of the residents have done a great job with their lots and property and would hate to see others increasing their properties in order to get more rentals.

Town Manager Dunham stated that the staff could review the earlier Urban Design Studios proposed regulations and see if any of it can apply to the new ordinance and districts.

Comm Kaleel moved to approve Ordinance No. 521 on first reading, seconded by Comm Bridges.

Mr. Gimmy stated that he felt the residents of the south end of town like the individuality of their neighborhood and would not like the town to legislate their taste. He stated that he did not feel any architectural control would be a good idea. Comm Kaleel stated that there is a difference between controlling taste and providing incentive. He added that the area can still keep its eclectic feel while upgrading the properties. Mrs. Smith suggested that homeowner's associations be created which assign their own architectural controls.

Roll call was taken on Comm Kaleel's motion.

Motion carried – yea 5.

6. Utility services for new construction By: Comm Stamos

Comm Stamos suggested the town adopt an ordinance which would require that service going from a powerline to a new residence be underground. Town Manager Dunham stated that he did speak to a representative of Florida Power & Light who informed him that the cost for an individual home would be between \$350 and \$400. He stated that

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Palm Beach already has a similar ordinance which he will review and present to the Town Commission.

Comm Stamos stated that while he was at the corner of Woolbright and A1A, he noticed a drainage pipe at Midlane and advised that the town needs to determine where the pipe leads for the overall drainage plan.

Comm Bingham questioned the wire hanging from the utility pole at Anna St. to which Director Hillery explained that it is a cable line and Adelphia has been contacted several times to take care of it.

Comm Stamos stated that he was very upset over the increasing cable TV costs. Comm Kaleel reminded him that the Town Commission had investigated changing the cable company a couple of years prior and discovered that it would be cost prohibitive to recable the entire town. Town Manager Dunham advised that he and the Town Atty were reviewing the contract with the cable company.

Adjournment

The meeting was adjourned at 8:15 PM.

Mayor Aaskov

Commissioner Bingham

Commissioner Bridges

Commissioner Kaleel

Commissioner Stamos

Attest By:

Town Clerk