

SPECIAL MEETING HELD BY THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON MONDAY, OCTOBER 15, 2001, AT 8:30 A.M.

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

Commissioner Smith  
Commissioner Bonfiglio

Commissioner Northrup  
Chairman Gimmy

The Commission concurred that they should meet at least once a year.

Town Clerk Hancsak explained that one of the regular members, Craig Baskin, will be resigning from the Commission because he has sold his home. She added that the appointment for a new member would be brought before the Commission at the Nov. 5, 2001 meeting. She also stated that unfortunately the two alternates could not attend this meeting.

### III. ELECTION OF CHAIRMAN

Town Clerk Hancsak advised that this Commission had previously decided that the chairman would be appointed from among the members for a one-year term. The same chairman could, however, be re-appointed.

Mrs. Smith nominated Mr. Gimmy and there being no other nominations moved that he be re-appointed as Chairman for the Planning & Zoning Commission. Mr. Bonfiglio seconded the motion.

Motion carried – Yea (4).

### IV. ELECTION OF VICE CHAIRMAN

Mrs. Smith nominated Mr. Bonfiglio and there being no other nominations moved that he be appointed as Vice-Chairman for the Planning & Zoning Commission. Mr. Northrup seconded the motion.

Motion carried – Yea (4).

### V. CONSIDERATION OF ABANDONMENT OF 15' ALLEY AND THE SOUTH 15' OF THE CHICKASAW AVE. RIGHT-OF-WAY – Presented by James Drotos, for Shah, Drotos and Assoc., P.A., representing John Hawley, contract purchaser

It was decided that A and B would be discussed separately.

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- A. RESOLUTION NO. 2001-13; Evidencing its intent to vacate and abandon its interest in an unimproved fifteen (15) foot wide, platted alley located on the property within the Town of Ocean Ridge situated westerly of Lot 9 and Easterly of Lots 1,2,3,and 4 of Briny Breezes Addition No. 2 Plat recorded in Plat Book 14, Page 62, the alley is located generally near the end of Chickasaw Avenue

Town Clerk Hancsak read Resolution No. 2001-13 by title only.

Town Manager Dunham summarized his memorandum, which stated that the applicant is proposing to develop the property with two units in an RMM district. He stated that in order to develop the property as proposed the applicant is requesting the Town to abandon the 15' alley that separates lots 1,2,3 and 4 from Lots 9,10,11, and 12 so that it can be developed as one lot. This same 15' alley also runs south through a structure in Crown Colony and it is unknown if this portion of the alley was ever actually abandoned.

Town Manager Dunham added that they were also requesting the Town to abandon 15' of the unimproved section of the Chickasaw Ave. 30' ROW to provide for more square footage for the structures and assist in meeting setback requirements. The applicant is proposing to construct a pedestrian pathway and landscaping to provide public access to the ICWW for the remaining 15' of ROW, thereby improving the rest of the ROW making it easier for citizens to walk to the ICWW. He stated that citizens can currently access the ICWW from A1A using Chickasaw, which is paved to the Crown Colony sewer plant and is unimproved westerly. He concluded by stating that if this development occurs then there would be no reason for the Town to pave or improve the rest of the ROW and therefore recommended approval of both abandonments.

Mrs. Smith clarified where the residents would actually gain access to which Mr. Drotos explained that they would enter through the extreme east end of the property and proceed to two separate 2-3 car garages.

Mr. Gimmy questioned the proposed sanitary and storm sewer plans. Mr. Drotos explained that each unit would have its own septic system and the drainage plans would meet code requirements.

Mr. Northrup stated that he did not have a problem with this first request and moved to recommend approval of Resolution No. 2001-13, seconded by Mrs. Smith.

Motion carried – Yea (4).

- B. RESOLUTION NO. 2001-14; Evidencing its intent to vacate and abandon its interest in the southern fifteen (15) feet of the unimproved thirty (30) foot wide, Chickasaw Avenue platted right-of-way located on the property within the Town of Ocean Ridge situated north of Lots 1,9,10 and 11 of Briny Breezes Addition No. 2 Plat recorded in Plat Book 14, page 62; the

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right-of-way is located generally between Ocean Ridge Yacht Club and Crown Colony in the 5500-5600 Block of SR A1A

Town Clerk Hancsak read Resolution No. 2001-14 by title only.

Mr. Northrup suggested that the Town Clerk summarize the events when a similar issue was brought before this board several years ago. Town Clerk Hancsak advised that the property owner, Mr. Simmons, had requested that this body consider a total abandonment of the 30' ROW. She stated that the Commission advised that they would not consider it until they could review a site plan but they stressed that they were not in favor of any abandonments at that time.

Mr. Drotos, representing the perspective buyer, reiterated the request to abandon ½ of the ROW for setback requirements and improve the other ½ for pedestrian access to the ICWW. Mr. Northrup commented that he felt 107' to 112' was ample room to be used for construction. He added that he felt the ROW should be considered more for utility purposes than pedestrian access which would not be for the general public since there is no parking in that area.

Mrs. Smith stated that she would like the property used and she was in favor of granting the request.

Mr. Bonfiglio stated that he was concerned with abandoning the ROW (any ROW for that matter) and added that the property can still be developed with one unit. Mr. Drotos replied that the ROW has never been used for vehicle access and his past experience has been that if a municipality doesn't need it they usually abandon it. Mr. Drotos also stated that they would be willing to provide a utility easement for the total amount but at least they can use it for property calculations.

Earl Jones, 14 Sailfish Lane, stated that if the town granted the 15' abandonment it would reduce the availability for possible utilities, which are unknown at this time. He added that if given the 15' it would increase their floor area ratio and size of the building.

Town Manager Dunham commented that the Commission is planning on discussing the ROW's at a workshop meeting on October 22, 2001 and they are aware that they can reserve easements. Mr. Drotos reiterated that they would be willing to grant an easement for the 15'.

Mr. Gimmy advised that during prior ROW's discussions it was realized that access to the ICWW was minimal. He also questioned whether a request for abandonment would necessitate a total abandonment such as Edith St. Atty Spillias stated that it is not a legal requirement to abandon the total ROW but it should be reviewed carefully so as not to be construed as discriminatory. Town Clerk Hancsak reminded the members that Porter St. was only abandoned on the west side of SR A1A and that the request was heard before both the P & Z and Town Commission.

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Mr. Gimmy stated that he felt Mr. Jones brought up a good point and he too was concerned with the density and drainage for the property because Crown Colony is low. He questioned if a septic system would be adequate for 2 units on that property. Mr. Drotos advised that the septic systems would be located on the east side of the property in front of the two units and they have already contacted the Health Dept. He added that the units would be 2 story and approximately 3,500 square feet each.

Mr. Jones stated that he was concerned with the comment made earlier that the property owners would maintain the remaining 15' of ROW to which Town Manager Dunham stated that the staff would recommend that the town maintain the ROW. He reminded the members that because this was a proposed duplex, it did not require P & Z review of the site plan.

Mr. Bonfiglio again stated that the proposed owner could build one unit on the property and questioned what impact the granting of this request could have in the future. Atty Spillias stated that each request needed to be weighed individually. He added that the applicant could actually build two single family units (one on Lots 1-4 and one on Lot 9-12), however, the road would have to be extended for access to the western property.

Mr. Northrup moved to recommend that Resolution No. 2001-14 be rejected, seconded by Mr. Bonfiglio. Mrs. Smith commented after hearing the concerns of the other members she now was not in favor of the request.

Motion carried – Yea (4).

VI. DISCUSS DETERMINATION OF LOT DIMENSION FOR SINGLE PROPERTIES SEPARATED BY A STREET

Town Manager Dunham summarized his memorandum by stating that the Town Commission directed the P & Z to review the current code regarding the building and lot dimensions for single lots that are separated by a street. He added that the best examples are lots located on Old Ocean Blvd. where the property owner owns property on both the east and west side of the street. The question at issue is whether to include the dune area square footage in the total area of the lot thereby affecting the floor area ratio and lot coverage. The staff has always considered both sides of the property when determining lot size, FAR and lot coverage. He provided an example to the board. He added that the Commission wants to limit the applicant's ability to use the total square footage for dimension purposes. Town Manager Dunham mentioned one of the controls regarding the building area is through the health department because they only utilize the usable landscape space for a septic system.

Mr. Jones commented that the code has been interpreted in this manner for a long time and he felt the code should be changed. He also was concerned with the manner that property on the dune is calculated utilizing an antiquated formula determining where the mean high water mark is, which he felt is not realistic. He added that the current code

would allow a property owner to purchase property on both the ocean and ICWW side and build a monster home.

Mr. Gimmy questioned the recommendation of the staff. Atty Spillias commented that the definition of contiguous was confusing and it has been interpreted in the same manner for many years. He added that if the position of the Town was such that if a property is not buildable by itself then it should not be used in connection with another property, then an ordinance could be developed to accomplish that.

Mr. Bonfiglio inquired how other communities deal with this issue. Town Manager Dunham stated that the staff would investigate codes from other municipalities prior to writing the proposed ordinance.

Mr. Northrup moved that the staff prepare an ordinance amending the code to incorporate language that if a property is not buildable by itself then it can not be used in connection with another for lot calculations.

#### VII. DISCUSS SECTION 26-31(C ) OF TOWN CODE IN RELATION TO SCREEN ENCLOSURES INCLUDED IN LOT COVERAGE

Town Manager Dunham summarized his memorandum by stating that a question had been raised during a prior variance hearing on whether a screen enclosure is a semi-opaque obstruction and should be included in the lot coverage. The Town Commission directed that the P & Z Commission review whether the code should be amended.

Mrs. Smith questioned the definition of semi-opaque because her dictionary defines it as nearly opaque. Atty Spillias reminded the board that definition of opaque was not the only question because there are other sections that address a screen enclosure as a structure.

Mr. Northrup stated that even if a pool is uncovered it is still impervious and it affects lot coverage. He added that drainage is a major issue in the Town, which again relates back to impervious area.

Mr. Jones, 14 Sailfish Lane, distributed his handout, which included Section 26-31(c ), the staff interpretation of it, and definitions of opaque, semi-opaque, translucent, and transparent. He added that he believed screening is transparent and therefore screen enclosures should not be included in lot coverage. He stated that this same section has a problem because if a pool is enclosed with glass a developer could argue that it should not be included in lot coverage. He suggested that swimming pools located at finished grade not be included in lot coverage if they are not enclosed or if two/one? or more of the exterior walls of the pool and the area above the pool are enclosed only by the use of screening and pools enclosed in any other manner shall be considered as lot coverage.

Atty Spillias commented that although they were related there were two different issues being discussed. He stated that the code currently requires 15% open landscape space

and lot coverage is determined by buildings or structures on the lot. He added that the landscape code could be amended to increase the pervious area to a higher percentage.

Mr. Northrup questioned whether a freestanding enclosed pool would be included in lot coverage. Town Clerk Hancsak advised that this would be considered a structure and would need to abide by the setback requirements and would be included in the lot coverage.

All the members concurred that the 15% open landscaped space requirement should be increased to allow for more pervious area.

Mr. Northrup moved to direct staff to draft a proposed ordinance to disclude a screen enclosure from lot coverage and also to investigate an appropriate ratio for impervious/pervious area for their next meeting. Mrs. Smith seconded the motion.

Motion carried – Yea (4).

#### VIII. DISCUSS FENCES, GATES, AND COLUMN HEIGHTS IN FRONT SETBACK

Town Manager Dunham summarized his memorandum by stating that Section 26-33(c ) requires that a wall or fence in the front yard shall not exceed four feet in height above the grade of the crown of the street at a point directly opposite such points of measurement. This presents a problem for residents that have a significant grade difference in their front yard because it severely limits the height of a front yard fence and in many cases the fence must be less than four feet tall. He added that the Commission also requested the P & Z review the possibility of allowing decorative trellises, columns and gates to be built higher than the four-foot limit.

Mr. Northrup questioned the height of the recent walls built along SR A1A. Town Clerk Hancsak advised that variances were granted to 6301, 6275 and 6277 and also the home at the corner of A1A and Beachway Drive. She added that because of the way the code is written the height of the wall at 6277 N. Ocean Blvd. is actually only 5'11" at the highest point from the crown of the street.

Town Manager Dunham stated that there is a problem with the crown of the road and grade of the property. He added that any columns and lamps added to the top of the column or wall are also included in the height restrictions.

Mr. Jones suggested tying in the wall/fence height with the minimum eight-foot finished floor elevation.

After a brief discussion the members agreed that the four-foot height is appropriate but the staff should review and suggest how the height should be measured and also an appropriate percentage of exemption from the height for architectural features, such as caps or lamps.

IX. SCHEDULE FUTURE MEETING DATE

The next meeting was then scheduled for November 26, 2001 at 8:00 AM.

Chairman Gimmy requested that all the members be given copies of the Comprehensive Plan since he knows that amendments will be necessary in the future. Atty Spillias advised that his firm is currently revising the code and they plan to meet with the staff in the next couple of weeks. He stated that subsequent to that meeting a joint meeting with the Town Commission and P & Z would be scheduled to discuss the code. He added that it will be necessary to amend the Comprehensive Plan because of the Land Development Code changes and drainage improvements. He concluded by stating the Planning & Zoning Commission should be very busy for the next twelve months.

Mr. Bonfiglio questioned when it was determined if a potential conflict existed because he has future plans to construct an addition to his residence. Atty Spillias advised him that unless any of the changes were to a member's own personal gain the discussions involved all the residents as a whole.

X. ADJOURNMENT

The meeting was adjourned at approximately 10:50 AM.

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Town Clerk

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Chairman Gimmy