

Special Town Commission Meeting of the Town of Ocean Ridge held on Thursday, January 5, 2006 at 9:00 AM in the Town Hall Meeting Chambers

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

Commissioner Bingham

Commissioner Allison

Commissioner Hogan

Mayor Kaleel

It was noted that Comm Pugh would be late.

REVIEW LANDSCAPE PLANS FOR THE WOOLBRIGHT DETENTION AREA

Town Manager Mathis presented the Commission with a drawing depicting the landscaping for the Woolbright Detention Site. He summarized the drawing by stating that the location of the walk path through the preserve area has changed, new Sabal/Cabbage palms have been added along the west and south side of the site, addition of 5 Royal Palms in the center of the site, new Saw Palmetto in the northern corners, and some existing seagrape and ficus will remain that were not affected by the hurricanes.

Manager Mathis commented that there were two meetings that included the residents and not many attended and the last walk through meeting only one person attended and seemed satisfied.

There was a consensus to permit the project to go out to bid. The Commission requested that each be provided with a landscape drawing at the Jan. 9th meeting.

DISCUSS PROPOSED DRAINAGE IMPROVEMENTS FOR COCONUT LANE

Town Engineer Tropepe had three items on display for the Commission and advised that she would summarize each one. She stated that as requested she met with the long time residents regarding the swales, curbs and also the alley behind their residences.

She summarized the southern alley drawing by stating that they proposed to bring in fill so that the water will sheet flow from A1A to the west, install yard inlets (piping system underground) proceeding west and then popping up out of the ground to drain into the existing mangrove area. She added that a small section of retaining wall approximately 1 ½' high would be built for the extreme lower lot areas.

Mayor Kaleel questioned how the proposed retaining wall would affect homes that could be rebuilt in the future. Engineer Tropepe stated that the wall would remain and they would still be responsible with the filling of their property to proper zoning requirements.

Comm Hogan questioned the elevations of some of the homes. She was advised that they ranged as low as 3.3 and 1.7'; however, most homeowners will need to build the walls to meet the Town's drainage requirements.

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Comm Pugh arrived at approximately 9:15 AM.

Mayor Kaleel clarified that the piping would go just beyond the cul-de-sac to which he was advised that any further west may traverse into the FDOT retention area and would require ACOE or SFWM permitting.

The Commission expressed concerns that the piping may cause puddling of water for the western lots or add to an existing problem. They also felt the problem may need to be addressed again in the future to continue the piping all the way to the west. They directed staff to investigate the possibility of a permit for the FDOT retention area.

Regarding the roadway of Coconut Lane, Engineer Tropepe stated that staff had received verbal commitments approximately 2 months ago from homeowners that they would clear out the swale or curb areas, however, none have done so. She stated that they were proposing to return the street to its original design with swales and curbing traveling from east to west with pipes under the driveways where necessary.

Regarding the costs for the project, Engineer Tropepe advised that the swales for the roadway could range from \$125,000 - \$160,000, the alley could range from \$85,000 - \$110,000 with additional construction administrative costs consisting of \$25,000 - \$35,000 for the swale and \$18,000 - \$23,000 for the alley, thereby bringing the total cost range from \$253,000 - \$328,000.

Engineer Tropepe and Manager Mathis advised that the funding could be accomplished through utilizing existing Fund Balance or applying for a loan through the State Revolving Loan. Mr. Mathis advised that the loan on \$253,000 would cost approximately \$16,200 annually for 20 years and approximately \$20,000 for the high end of \$328,000 for the 20 years.

Comm Bingham questioned if the residents that built across the ROW could be charged if the Town cleared the swales citing that if they disrupted the drainage flow they should be held accountable. Atty Spillias advised that the Town could clear the swales but he was unsure if the resident could be charged because some of the encroachments/obstructions have been there for years. Comm Pugh commented that he agreed that the Town has the right to remove encroachments/obstructions, however, he did not agree with assessing the owner because he felt at least 80% of property owners probably have encroachments/obstructions in the ROWs.

Comm Hogan questioned why a special assessment was not researched as a funding source. Manager Mathis advised that this could be an option. Mayor Kaleel commented that several years ago the then Commission discussed the possibility of special assessments regarding various projects and ultimately decided that they were Town wide projects.

Engineer Tropepe commented that in discussing the proposed project with Atty Spillias they believe that the project could be accomplished through a Change Order with Chaz Equipment Co. and could be completed in several months if it is decided to move forward

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quickly. She also stated that she could investigate a permit for the retention area; however, this could take additional time.

Terry Cudmore, 5 Coconut Lane, stated that he was building three new homes in close proximity to each other and the drainage swales would meet the codes which would probably lower the cost for the contractor. Comm Pugh stated that he felt the contractor should complete the improvements the total length proposed because the responsibility should lie with them. Manager Mathis agreed that giving the homeowners an engineering plan and expecting them to have it properly completed was not a good idea. Mayor Kaleel also agreed and stated that once the improvements were done correctly then the Town could enforce a maintenance program.

Ellen Bierlin, 26 Hudson Ave., stated that she felt it was important to address the alleyway and she agreed that the Town should try to work with the State to tie into their drainage area for the bridge. She also stated that if the undeveloped land is ever developed then it should be their responsibility to address drainage. Comm Hogan stated that she would like to know if a future developer could also tie into existing drainage. Mr. Cudmore stated that he had researched this property also but it would be the responsibility for the developer to look at a drainage plan for their own property. Manager Mathis reminded the Commission that some of the water from the alley percolates into the ground so it should not amount to a significant amount of water.

Comm Hogan questioned Atty Spillias on whether the Town had to go out to bid. He advised that there are several circumstances that the Town does not have to go to bid. He stated that Coconut Lane was always part of the discussions with the South Phase and therefore he felt it was permissible to be treated as a Change Order, he also felt the total cost was under the bidding price by Florida Statutes, and he added that this could also be considered a health, safety welfare issue to complete before the hurricane season. He concluded by stating that he felt the easiest method was to consider it a Change Order as part of the South Phase Project.

The consensus of the Commission was to pursue the maximum amount of a loan, investigate obtaining a permit to tie into the FDOT retention area, and obtain a more definitive cost for the street improvements for the next meeting while still working on the alleyway.

DISCUSS THE ISSUE OF OLDER MOTELS AND HOW TO INCENTIVIZE, OR AT LEAST NOT DISINCENTIVIZE, THEIR REDEVELOPMENT AND DISCUSS THREE ORDINANCES THAT MAY ADDRESS THE ISSUE

Atty Spillias commented that several months ago the P & Z was directed and discussed this issue and ultimately made a recommendation to the Commission to consider the process of waivers to possibly increase the density of what is actually permitted by code but still reducing the density of existing non-conforming commercial grandfathered properties in the RMM district. He reiterated that the basis for these discussions involved approximately 2-3 requests in the last few years to rebuild several of these parcels utilizing a higher density than permitted by code but reducing the overall existing units.

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Atty Spillias summarized the rough ordinances offering three methods to possibly accomplish the goal. The first involved amending the grandfathered section of the code to permit the rebuilding of a grandfathered structure that was previously used for commercial purposes by reducing the units by 50% provided all other zoning regulations are met. He stated that this method would not require an amendment to the Comprehensive Plan and would merely redefine the Grandfathered Code. The second involved creating a zoning overlay similar to the FAR overlay that was created. This would provide a multi-family overlay zone for non-conforming commercial structures (8-9) by permitting X amount of units per acres. He stated this would require a Comprehensive Plan amendment (possibility a small scale amendment if it involved less than 10 acres total or urban redevelopment). He added that it may require a map amendment also. The third method involved the waiver (which was recommended by the P&Z) which provides and allows the Commission to permit density bonuses that can be approved as a Planned Residential Development provided certain criteria is met. He stated that this method makes the Planned Residential Development available for anywhere in Town. He stated that each application would have to be approved by both the P & Z and Town Commission. He stated the down side of this method is that it would require a large scale Comprehensive Plan Amendment. Atty Spillias stated that he has also discovered possibly fourth method to create a new Planned Residential Development category for those specific areas where the structures are grandfathered that were previously used for commercial purposes. He added that it would still require a small scale Comprehensive Plan amendment.

Atty Spillias advised that the simplest approach was amending the grandfathered section but other interests could lead to amending the Planned Residential Development. He added that the zoning overlay was the least favorable.

Mayor Kaleel asked Mr. Bonfiglio, 5616 N. Ocean Blvd. and member of the P & Z, their reasoning behind their recommendation. Mr. Bonfiglio stated that the grandfathered method provides a definitive amount of units permitted, whereas the waiver of the PRD gives the Town the most flexibility of control and the applicant must meet certain criteria. He added that he felt it was important that new proposed developments should also decrease the impact to drainage systems considering the Town is just nearing completion of a major drainage project. The Commission reviewed the three criteria created for the proposed waiver ordinance. Atty Spillias suggested that the Town not get too specific in criteria.

Greg Young, 15 Hudson Ave. and also an attorney representing a client on one such property, provided his comments which included his opinion that the Town should permit redevelopment of all properties in the RMM district that currently exceed the density and not just limit it to old commercial properties. He stated that this would increase property values and also the tax base. He stated that the overlay was too complicated and he was concerned with the PRD stating he felt this would head to difficulties with possible litigation. He concluded by stating that the grandfathering was the simplest method, citing that the Town was in control rather than the Treasure Coast or other agencies involved with Comprehensive Plan amendments. He again stated that he felt the

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redevelopment should be available for other grandfathered properties in the RMM district.

Mayor Kaleel suggesting the possibility of building in criteria from the waiver ordinance into the grandfathered section of the code. Atty Spillias stated he would need to review this possibility.

Ernie Vavarikos, 5582 N Ocean Blvd. and also developer, stated that he purchased the property at 11 Adams Road and he has created a plan for expensive town home units that will meet all aspects of the code, actually improving the existing site, with the exception of the density, and a revision to the grandfathering section would permit him to move forward.

Mr. Young suggested the possibility of changing the verbiage in the grandfathering to read that an owner would receive NOT TO EXCEED 50% rather than a straight 50%. He also stated that he felt all the properties in question were less than 5 acres and he felt it would be unfair for neighbors or others to affect a proposed development just by their opinions or tastes after the applicant has gone through a time consuming and costly preparation.

Mr. Bonfiglio commented that if flexibility could be built into the grandfathering section he would not be adverse to it but he stated that he definitely did not want to control the architecture for a building.

George Bierlin, 26 Hudson Ave., suggested inputting a sunset clause into the grandfathered section of the code to allow time implement a density bonus through a waiver.

The consensus of the Commission was to research some sort of combination of the grandfathering and the flexibility of the Waiver proposed ordinance, possibly also to avoid a Comprehensive Plan amendment, and make the application process beneficial to the Town and property owners.

Adjournment

Meeting adjourned at 11:30 AM

Attest By:

Town Clerk

Mayor Kaleel

Commissioner Bingham

Commissioner Pugh

Commissioner Allison

Commissioner Hogan