

Public Hearing and Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, April 24, 2006 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Chair Bruce Gimmy and roll call was answered by the following:

James Bonfiglio	Gerald Goray
Ward Northrup	Mauro Walker
Chairman Bruce Gimmy	

III. APPROVAL OF DECEMBER 12, 2005 MINUTES

Mr. Bonfiglio moved to adopt the Dec. 12, 2005 minutes, seconded by Mr. Northrup.

Motion carried – yea (5).

IV. An application submitted by Ocean Breeze, LLC, % Ernie Varvarikos, 5582-A N Ocean Blvd., Ocean Ridge FL 33435, requesting a Public Hearing regarding the provisions of the Land Development Code at Chapter 63; General and Administrative Provisions, Article IV; Site Plan Review Procedures, Section 63-53; Major Development Application and Site Plan Requirements Site Plan Review Procedures, Section 63-51(a)(4) Site Plan approval of minor or major development application or modification and Section 63-51(b)(2) Major Development review for what is known as the Ocean Breeze, LLC. The applicants are requesting to demolish the current four building, fifteen unit complex and rebuild seven three-story town home units with individual pools, and individual parking spaces, as per the recently adopted Ordinance 565. The property is located at 11 Adams Road or generally described as Lots 3-7, Ocean Shore Estates Subdivision (exact legal description located at Town Hall).

Town Clerk Hancsak read the application title and advised that all fees had been paid and no additional correspondence had been received.

Mr. Bonfiglio commented that he was one of the residents located within 300' feet and clarified with the Town Attorney that this did not constitute a conflict of interest and he could participate in discussions and vote.

At this point the Commission all disclosed that they had reviewed the site but had no contact with the applicant or any representatives. All individuals planning on giving testimony were sworn in.

Greg Young, Edwards Angell Palmer Dodge, representing the applicant, introduced Mr. and Mrs. Varvarikos and John O'Connor. He stated that he was before the P & Z for approval of a Master Site Plan and a Replat. He explained that the current property has structures on it that do not meet some of the zoning requirements and that the recent

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adoption of Ordinance 565 permits grandfathered commercial properties to redevelop with ½ the units of the present structure provided they could meet all other zoning requirements. He stated that they could have applied for eight units; however, the proposed site plan is for seven units that meet all the zoning criteria without the need to seek any variances.

At this point Atty Young showed the Site Plan, Landscape Plan, and a current and proposed view of the site to the Commission and audience. He stated that the present surface parking provides for 25 spaces which constitutes an anticipated 137 traffic trips per day. He stated that there should be a substantial reduction in anticipated trips (almost less than 50%). Atty Young added that the ad valorem tax base should increase substantially with this re-development.

Mr. Bonfiglio expressed his concerns which included: he had counted 12 units (not 15) and 19 parking spaces while visiting the complex; the setback for the pool is closer than the 5' required from the primary building; there could actually be more vehicles parking at the complex considering a two car garage and two additional spaces per unit; PRD's require more restrictive setbacks; drainage concerns based on their submittal, citing that the applicant should actually provide proof that the project does not increase chances of future flooding but actually decreases to an absolute certainty; and possibly more population than less. Overall he commented that the applicant has replaced less with more. Mr. Varvarikos stated that there were currently 15 units and 19 spaces; however, more spaces can be squeezed in.

Regarding the pool setbacks, Manuel Palacios, zoning official for the Town, commented that the zoning requirements are 5' from any lot line and 5' from the building, however, they could reduce the setback from the building only if the building department is provided documents from the engineer permitting same and the absolute minimum is 4'.

Atty Young addressed that the code pertains to actual units not the overall size of each unit and the traffic and parking concerns are based on traffic standards set or adopted by the County. Mr. Varvarikos added that he believed that 30% of the residents will probably be full-time with the remainder being seasonal, as he has experienced in the Ocean Ridge Yacht Club that has 44 units and where he currently resides.

Regarding the drainage concerns, Atty Young advised that the proposed project more than adequately meets the pervious area with 20% impervious and 40% pervious and the remainder is the building footprint. Mr. Vavarikos stated that they intended to use an exfiltration system which will handle the water on the site, which is more than the current site provides presently.

Mr. Walker commented that the Town could suggest that the applicant utilize the most pervious pavers thereby providing for even better drainage. He questioned the sewage treatment plant being located in the setbacks to which Town Clerk Hancsak advised that the Town code does not address septs or plants and that approval is provided by the

health department. Mr. Vavarikos stated that the sewage treatment plant will either include a drainfield or injection well.

Atty Spillias stated that this application has two technical issues that must be addressed. The first involved that the replat was evidently not advertised and he was unclear of the legal impact. The second involved the question pertaining to the setbacks for a PRD, which are greater than the zoning districts. Atty Spillias commented that Ordinance 565 was adopted to allow for redevelopment providing a mechanism to reduce the units but still exceed the maximum permitted through applying like a PRD but with a reduced acreage requirement; however the setbacks were not reduced to match that of the zoning district, which he believed was the intent of the Commission. He stated that the Commission could either defer the matter in order to advertise the replat and address the setbacks or move forward based on a possible determination that the replat can be advertised at the same time as the Site Plan for the Town Commission Public Hearing. He added that the Commission will address the setbacks listed in the PRD and the ordinance can be amended if necessary.

Atty Young requested that the P & Z move forward citing that a natural progression of a Site Plan approval included a replat and he felt that the replat could be advertised for the Town Commission meeting and still meet the requirements. He also stated that regarding the setbacks he felt that the intention of the Town Commission was to apply the district requirements, not the PRD.

There was a consensus to move forward and continue with the meeting. Chairman Gimmy announced to the audience that since the adoption of Ordinance 565 this is the first application and there may be flaws that need to be corrected.

At this point questions or comments were opened to the public.

Jerry MaGruder, 9 Ridge Blvd., commented that while she was delighted to see the current structures torn down and the new proposed site, she was concerned with raising the elevation and subsequent drainage problems running from Adams Rd. down onto Ridge Blvd., the overall height of the buildings, and the location of the sewage treatment plant. She added that she agreed with mandatory enhanced pervious pavers and felt living hedges were better than concrete walls.

Neil Mahon, 5801 N Ocean Blvd. #101, stated that he was in complex immediately to the north and his unit was the closest to the proposed project. He questioned if the Town wanted the look of Boynton Beach Federal Hwy developments in Ocean Ridge and stated he too was concerned with the grade elevations and the 36' height because this would be an equivalent of 38-39' high. He also questioned the landscaping proposed to shield neighboring properties. He stated that since this is the first project being proposed under the new ordinance, more time should be devoted to the Town deciding how they really want to proceed with density issues, citing that the site will go from 15 bedrooms to 28 bedrooms.

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Cheryl Olanoff, 566 David Lane, stated that she felt it was extremely important that SFRN thoroughly review the drainage plans. Town Clerk Hancsak commented that the drainage review takes place in conjunction with the building permit review. She stated that she was concerned with parking because if any of the residents have company there may not be adequate parking. She added that she was in favor of the development but she would like to see more green space and adequate drainage.

Patricia Mahon, 5801 N Ocean Blvd. #101, commented that there should be a definition of a unit – motel vs. multi-family and added that she felt that the commonality of the project is not the look for Ocean Ridge and thought it could be more attractive with varying looks.

Gail Aaskov, 27 Hibiscus Way, stated that she understands the resident concerns; however the ordinance was adopted to encourage the demolition of unsightly and low rental units. She added that there has been a lot of police action and undesirables there and she was therefore in favor the project, especially since no variances were needed.

Patrick Savage, 5720 Old Ocean Blvd., located east of the project, questioned the height of the project, landscaping and whether the wall to the east will be raised.

Gail Bernheim, 5709 N Ocean Blvd., resident to the west, questioned the use of easements as it relates to setbacks.

Chairman Gimmy commented that he likes the project but he also questions the drainage and parking. He commented that there is no area for extra parking and questioned if the project could possibly be reduced by one unit thereby allowing more green space and parking.

Atty Young stated that the applicant was not willing to modify the units down to six because the units have adequate parking with two car garages and 2 additional spaces each. He added that this project meets code requirements.

Mr. Northrup agreed that removing one unit would create more parking, more green space and drainage. He then assisted Mr. Varvarikos in explaining the exfiltration by stating that there would be a big pipe underground with at least 2 drains that would hold the water. He compared the drainage system to that of a boat bottom that would detain the water and then release it, adding that he had no problem with the drainage system.

In addressing come of the concerns raised, Atty Young stated that his clients would be agreeable to pervious pavers from the street to the garage. He stated that the project met all zoning requirements, drainage must be approved by the Town engineer and would actually be an improvement to the site, the sewage treatment plant must meet the Health Dept. standards with permit obtained, matters concerning personal taste are not the responsibility of this board, landscaping will be adequate to the north because the new residents would want privacy from the neighboring complex, and his survey does not reflect an easement running on the west side but does show a utility easement but

property lines are still utilized when determining setbacks. He concluded by stating that the application speaks for itself and complies with the intent of Ordinance 565, adding that the density was still reducing from 15 units to 7 units.

Mr. Goray commented that he supported this project because it is code compliant, the drainage must be reviewed during the building permit process, and he felt this project met the intent and criteria of Ordinance 565.

Mr. Walker agreed with Mr. Goray's comments adding that the objective of Ordinance 565 was to improve the lifestyles and felt it complies with what the Commission wanted and therefore he supports it.

Mr. Bonfiglio stated that he couldn't disagree more citing: the pools are within 5' of the building, increase in population from 30 to 28/35, 1 bedroom units to 4 bedroom units, and the parking spaces increase along with traffic. He stated that he disagreed that it was in code compliance and does not support it as submitted.

Chairman Gimmy agreed with Mr. Goray and Mr. Walker but stated his only reservation was that the guest parking should be addressed and felt it was overlooked in the ordinance. He added that are no requirements that residents must use their garage. Otherwise, he stated he approved of the project.

Atty Spillias suggested separating the motions because he will research the matter on the replat and setbacks relating to a PRD.

Mr. Walker moved to recommend approval of the Site Plan as submitted subject to using enhanced permeable pavers, seconded by Mr. Northrup.

Mr. Bonfiglio reminded the Commission that this project was the template for future projects and future applicants may accuse the Commission of favoritism given to a resident specifically. Mr. Walker commented that the ordinance limits redevelopment.

Motion carried – Yea (Goray, Northrup, Walker, Gimmy)
Nay (Bonfiglio)

Mr. Northrup moved to recommend approval of the replat subject to the Town Attorney determining that failure to advertise for the P&Z meeting does not preclude the Town Commission from considering and deciding the request.

Motion carried – Yea (5)

V. DISCUSS THE POSSIBILITY OF PERMITTING PERMANENT GENERATORS IN THE SETBACK AREAS

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Town Clerk Hancsak summarized the staff memorandum by stating that the Town Commission had directed the P & Z to review the possibility of permitting generators in the setback areas. She advised that a brief survey of similar municipalities was distributed to the members. She stated that considerations should include size and noise level, concrete slabs affecting swale areas, screening, and setbacks.

Mr. Northrup mentioned that the propane tanks should not be considered at all in the setbacks unless they are underground. The other Commissioners concurred.

Chairman Gimmy commented that different areas may require different rules and this may need more study.

Mr. Walker stated that the location and noise level should be considered together but he favored the Gulfstream ordinance.

Chairman Gimmy left at approximately 9:50 AM.

Mr. Walker moved to recommend that an ordinance be drafted using the Gulfstream ordinance as a base but including a 5' setback rather than 7' and that they not be permitted in any street side setbacks. Mr. Northrup seconded the motion.

Motion carried – Yea (4)

Mr. Walker also requested the P & Z Commission be supplied with a copy of the noise ordinance to see if it needed amended.

Mr. Goray left at approximately 10:00 AM.

VI. DISCUSS SECTION 34-83 – CONSTRUCTION DURING CERTAIN HOURS, SUNDAYS, AND FEDERAL HOLIDAYS

Town Clerk Hancsak summarized the staff memorandum which stated that the Town Commission directed that the P & Z review this section because one of the Commissioners was not in favor of any work after hours or holidays. She added that a brief survey of other municipalities was also distributed.

Mr. Northrup agreed with Comm Bingham and felt the work was disturbing to neighbors.

Mr. Bonfiglio stated that he felt as long as no noise was generated or they were inside there should be no problem.

There was a consensus to defer this item until the next meeting since only three members were present.

VII. DISCUSS SCHEDULING A FUTURE MEETING TO ADDRESS POTENTIAL SOLUTIONS FOR PROBLEMS RELATING TO THE BEACH, OLD OCEAN

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BLVD. AND CROSSOVERS (WITH SPECIAL FOCUS TO BEACHWAY DRIVE)

Mr. Walker moved to schedule a P & Z meeting to address this item, working on Sundays, and noise within 45 days. Mr. Northrup seconded the motion.

Motion carried – Yea (3).

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:05 AM

Chairman Gimmy

Attest:

Town Clerk