

Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, March 12, 2007 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	

It was noted that one alternate, Dr. Richard Bajakian, was also present.

III. APPROVAL OF NOV. 13, 2006 MINUTES

Mr. Bonfiglio moved to adopt the Nov. 13, 2006 minutes, seconded by Mr. Walker.

Motion carried – yea (5).

- IV. AN APPLICATION SUBMITTED BY HUDSON AVE., LLC, 1023 BOCA COVE LANE, HIGHLAND BEACH, FL 33487, REQUESTING A PUBLIC HEARING REGARDING THE PROVISIONS OF THE LAND DEVELOPMENT CODE AT CHAPTER 64, ZONING, ARTICLE 5; SUBDIVISIONS; SECTIONS 64-100 THROUGH 64-195 PERTAINING TO REPLATTING REQUIREMENTS. THE APPLICANTS, HUDSON AVE., LLC, ARE REQUESTING TO REPLAT THE EXISTING 3 LOTS LOCATED AT THE EXTREME NORTHWESTERN END OF HUDSON AVE. INTO 3 NEW CONFIGURED LOTS TO MAKE POSSIBLE FOR TWO WATERFRONT LOTS AND ONE LAND LOT. THE PROPERTY IS LOCATED AT THE EXTREME WEST END OF HUDSON AVE., ON THE NORTH SIDE OR GENERALLY DESCRIBED AS LOTS 14; AND LOT 15 & 16 (SUBJECT TO AN EASEMENT FOR ROW FOR THE INTRACOASTAL WATERWAY – A/K/A FLORIDA EAST COAST CANAL), BLK 5, BOYNTON BEACH PARK 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 has been received.

Town Clerk Hancsak summarized the administrative comments prepared by Manuel Palacios, Zoning Officer for the Town. He advised that the applicant and their representatives have met with staff and the Town Attorney regarding this request and it appears that the proposed replat meets the minimum total square footage and minimum depth and width requirements. Mr. Palacios added that full review would not occur until a building permit is submitted; however, it was observed that one of the lots depicted a 36% FAR when in fact the lot area exceeds 20,000 sq ft thereby requiring a 32% FAR. He advised that any actual approvals would be contingent on any other necessary agency

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approvals (ie Health Dept.). In conclusion he stated that many of the requirements pertaining to Sections 64-100 through 64-105 were not applicable because they were merely reconfiguring three lots within the same subdivision.

Richard Brummer, architect with Ames Design International, concurred with the comments made by Mr. Palacios adding that the applicant would like to construct two homes with direct intracoastal frontage.

Mr. Bonfiglio stated that he was concerned that this proposal was creating flag lots which are prohibited by code. Atty Spillias stated that the code does prevent flag lots and this technically is not a flag because the middle lot has lot frontage on Hudson Ave. Mr. Bonfiglio stated he was also concerned on how an emergency vehicle would gain access to the actual home if landscaping encroached too much into the driveway area since the alleyway was not traversable. Mr. Brummer commented that this lot frontage is not unusual to any other lot and there is adequate room for the driveway citing that the frontage is 46.98'.

Chairman Gimmy stated that he shared some of the same concerns as Mr. Bonfiglio. Mr. Walker asked if the middle lot would essentially become landlocked. Atty Spillias reminded the commission that the application is for replat only and that the applicant will be required to meet all the other code requirements and has lot frontage for all three on Hudson Ave. Mr. Northrup stated that lots located on cul-de-sacs with a 50-60' lot frontage is basically the same as this situation.

Chairman Gimmy asked if there could be any repercussions from a prior developer that requested flag lots and was denied. Atty Spillias stated it was not the same situation and the other property in question had different circumstances. He added that the code does not provide a minimum lot frontage or certain lot configurations but does require minimum requirements for a driveway and proximity to intersections. He also stated that the commission must consider whether the application meets the code criteria for replatting or any evidence to the contrary, citing that staff believes it does.

At this point all persons providing testimony were sworn in and reconfirmed any prior testimony thus far.

Mr. Goray clarified that the purpose of this application before the P & Z was to determine that the proposal meets all code requirements for only replatting.

There was no public input when asked by the Chairman.

Mr. Goray, stated that based on the evidence provided, moved to recommend approval of the replat as submitted contingent on all other necessary agency approvals. Mr. Northrup seconded the motion.

Motion carried – Yea 4 (Gimmy, Goray, Northrup, Walker)
Nay 1 (Bonfiglio)

It was noted that Dr. Bajakian was opposed to the approval.

V. CONTINUE DISCUSSION REQUIRING FENCING AROUND POOLS BUILT PRIOR TO MARCH 1994

Atty Spillias commented that he was directed to research whether barrier requirements for residential swimming pools was required to be retroactive or whether the town could impose lesser restrictions than those currently required under Florida Statutes for pools build prior to March 1994. He stated that the Town is not required to make the safety feature requirements retroactive, however, the Town may also not impose lesser restrictions than those prescribed by statute. He added that several ordinances from other municipalities were included with his memo.

Chairman Gimmy reiterated his reasons for requesting that this item be reviewed by the P & Z which included the drowning of his pet after falling into an unfenced neighbor's pool. He stated that he believed the Commission rescinded the original ordinance in 1994 requiring all pools to have a barrier based on the voice of the objecting residents and not the safety and well being of all. He stated that he felt it should be looked at seriously.

Mr. Walker clarified that all post-1994 ordinance pools must meet all code requirements relating to pools and barriers and any pools before that time frame still had to meet the code requirements at the time of their permit submittal.

Mr. Goray stated that he felt the residents spoke in 1993 and the Town Commission abided by their wishes and he felt this commission should respect that. He also stated that he felt there is a limit as to how many rules and regulations should be enacted for safety, citing that the residents should be reliable to themselves and not relying on government to do their job. He concluded that while the issue is appropriate what regulations will be changed and governed in the future.

Dr. Bajakian commented that in this present day people sue for everything and he was concerned with a liability to the Town. Atty Spillias stated that failure to pass an ordinance does not subject the Town to a liability. Town Clerk Hancsak added that all present pools must meet the current code requirements and pass a final inspection. Town Manager Schenck commented that post 1994 pools should be in compliance with the laws at the time of submittal and code enforcement could investigate those that may be questioned as to meeting the code requirements.

Dr. Bajakian clarified that they were already advised that it would either be all of the present code requirements or none to which he was advised yes. Mr. Northrup stated that he recollects that all the pool requirements would be a lot to comply with and may impose a hardship on the homeowner.

Mr. Walker commented that the Commission was previously told that if the code were to be made retroactive then all aspects must be enforced and if that be the case then the

older pools should stay under those prior requirements. He stated that he felt all should comply, however, it may be too much to comply.

Mr. Gimmy commented that he felt some of the residents that objected in 1994 may have had financial hardships.

Mr. Gimmy questioned Atty Spillias whether it was possible to craft an ordinance requiring anyone with pools constructed prior to 1994 to have some barrier requirement around a pool. Atty Spillias stated that he would to research if it could be done.

Mr. Bonfiglio moved to table this item until the attorney could research whether an ordinance could be drafted to require some sort of barrier around a pool that was constructed prior to March 1994. Mr. Walker seconded the motion.

Motion carried – Yea 5.

VI. DISCUSS OLD OCEAN BLVD. AS A ONE-WAY STREET

Town Manager Schenck commented that the safety on Old Ocean Blvd. has been discussed at a few Town Commission meetings. He commented that he has forwarded eleven letters to property owners that have encroachments in the ROW and staff will follow up with code enforcement. During the discussions several residents suggested that Old Ocean Blvd. be designated a one-way street. He advised that staff has provided them with correspondence from 1998 when the P & Z and Town Commission discussed various alternatives for Old Ocean Blvd. including a one-way street.

Mr. Northrup questioned whether the future development of Briny Breezes was cited as one of the reasons to consider a one-way street to which Town Manager Schenck stated it was and also probably the repaving of A1A. Mr. Northrup also asked if the additional three way stop signs have helped with the traffic calming to which he was told it has helped tremendously, along with the 20 MPH.

Mr. Bonfiglio inquired if anyone has conducted a traffic analysis on aspects such as heavier vehicle traffic during certain times of day, busier intersections than others, peak pedestrian/bicycle traffic and also whether the vehicle traffic was more residential or visitors. At this point Chief Hillery arrived and stated the traffic was a mixture of visitors and residents with walkers mainly in the early morning, vehicular traffic after 8 AM with construction traffic and lawn maintenance trucks parked on the roadway and increasing again after noon time. He added that the main cross streets for traffic are Corrine, Adams and Woolbright.

Chairman Gimmy commented that he felt it seemed impractical to turn Old Ocean Blvd. into a one-way street, however, he understands the reaction caused by Briny Breezes. He added that most of the concerns relate to public safety and mentioned that a sidewalk had been suggested in the past and this may be a good idea. Chief Hillery stated that it was a good idea, however, he felt the residents would not stay on the sidewalk. Chairman

Gimmy then suggested an 8-10' walkway on either side of Old Ocean Blvd, preferably the east side. Mr. Bonfiglio asked if a line could be painted on the east side of the existing ROW thereby dedicating a walkway. Mr. Northrup stated that he did not believe there would then be enough pavement for a 24' roadway. Town Manager Schenck then showed a map depicting the ROW on Old Ocean Blvd. and stated that most of the ROW was located on the west side (10-15') and he did not feel there was enough room on the east side. Chairman Gimmy then suggested widening the road on the west side to allow for more room on the east side.

Speaking from the public, Penny Kosinski, 6000 Old Ocean Blvd., stated she was here representing approximately 25 residents in her immediate area and that although she favors a one-way street she said they all were suggesting that before any final decisions are made that the Town conduct actual studies of the roadway. She added that she felt moving the roadway westward would be a hardship to many Old Ocean Blvd. homeowners that have vegetation on or near the ROW. She did agree that the recent police enforcement and the stop signs have provided a more calming effect.

Don Magruder, 9 Ridge Blvd., stated he was a 20 year resident who has utilized Old Ocean Blvd. daily. He stated that he has always been opposed to removing or relocating hedges along the road because he felt it would give the appearance of a more open road and thus increase the speed and enhance traffic. He stated that he could foresee heavier traffic in the future and anything that will help would be appreciated.

Mr. Goray questioned what could be done on Old Ocean Blvd. besides making it a one-way to which Chief Hillery advised that the road could possibly be closed at Briny Breezes. Mr. Goray added that he was not in favor of speed bumps unless a designated walking area for pedestrians is provided. Mr. Walker commented that he was concerned with increased construction traffic from Beachway to Old Ocean Blvd. Mr. Northrup commented that the Town should obtain a traffic analysis prepared by a professional.

Mr. Bonfiglio moved to recommend hiring a traffic consultant to study vehicular/pedestrian options for Old Ocean Blvd. to include how it would affect the connecting artery roadways. Mr. Goray seconded the motion.

Motion carried – Yea (5).

Dr. Bajakian also agreed with the motion.

VII. ADJOURNMENT

The meeting was adjourned at approximately 9:35 AM

Chairman Gimmy

Attest:

Town Clerk