

**TOWN OF OCEAN RIDGE
PUBLIC HEARING/SPECIAL MEETING/PROPOSED MILLAGE
AGENDA**



**July 21, 2015 AT 8:30 A.M.
TOWN HALL – MEETING CHAMBERS
TOWN COMMISSION
Mayor Geoffrey A. Pugh**

Commissioner Gail Adams Aaskov Commissioner Lynn L. Allison
Commissioner James A. Bonfiglio Commissioner Richard J. Lucibella

ADMINISTRATION

Town Manager Kenneth N. Schenck Town Attorney Kenneth G. Spillias
Town Clerk Karen E. Hancsak Police Chief Hal C. Hutchins

RULES FOR PUBLIC PARTICIPATION

1. **PUBLIC COMMENT:** The public is encouraged to offer comments with the order of presentation being as follows: Town Staff, public comments, Commission discussion and official action. Town Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor or presiding officer has discretion to adjust the amount of time allocated.
 - A. Public Hearings: Any citizen is entitled to speak on items under this section.
 - B. Public Comments: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the commission under this section. The Commission may withhold comment or direct the Town Manager to take action on requests or comments. The Commission meetings are held for the purpose of discussing and establishing policy and to review such other issues that affect the general welfare of the Town and its residents. Where possible individual grievances should first be taken up with the Town Staff.
 - C. Regular Agenda and First Reading Items: When extraordinary circumstances or reasons exist and at the discretion of the Commission, citizens may speak on any official agenda item under these sections.

2. **ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the podium and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record. Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 732-2635 at least 2 days prior to the meeting in order to request such assistance.

CALL TO ORDER

ROLL CALL

PUBLIC HEARING

An Application submitted by Kenneth Kaleel, Esq. 54 NE 4th Ave., Delray Beach, FL 33483, representing the owner, Immo Francois Marcil, Inc., 5001 Old Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback Line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new seawall adjacent to the existing seawall that will extend a maximum of 256.16' (+/-) east of the Coastal Construction Control Line (CCCL) located at 5001 Old Ocean Blvd. or legally described as Palm Beach Shore Acres Blk A,B, & Z Pt of Lots 19 & 20 Blk A Lying East of & Adjacent to Old Ocean Blvd. R/W in OR18753P1269 A/K/A Southerly 120' of Lot 54 Blue Ocean Sub Unrecorded (exact description available for review in the Clerk's Office)

ACTION ITEMS

- 1. CONSIDERATION OF THE 2015-2016 PROPOSED BUDGET**
- 2. CERTIFICATION OF ROLLED BACK RATE FOR MILLAGE FOR 2015-2016**
- 3. PROPOSED MILLAGE RATE FOR 2015-2016**
- 4. MEETING DATES**
 - A. Public Hearing date for adoption of Tentative Budget, 2015-2016**
 - B. Public Hearing date for adoption of Final Budget, 2015-2016**

ADJOURN

**NEXT SCHEDULED TOWN MEETING(S):
August 3, 2015 AT 6:00 P.M. TOWN COMMISSION MEETING**

Agenda: July 21, 2015
Memo: Item #

Town of Ocean Ridge, Florida

**Commission Agenda Memorandum
Office of the Town Clerk**

Subject: 5001 Old Ocean Blvd. – Request for a Land Development Permit the Construction of a New Seawall Adjacent to the Existing Seawall that will Extend a Maximum of 256.16' (+/-) East of the CCCL

Request:

This request is to construct a new seawall adjacent to the existing seawall that will extend a maximum of 256.16' (+/-) east of the Coastal Construction Control Line (CCCL) at 5001 Old Ocean Blvd.

Background:

The Town Code of Ordinances at Section 67-17 requires a Land Development Permit for any construction east of the CCCL. The code also requires that a public hearing be held for any work that requires submittal to DEP for formal permitting. This is not a variance request.

Discussion of Proposal:

As you may recall the Commission approved a Land Development Permit for the 3-story plus lower level garage duplex to replace the existing 6 unit structure. The applicant did not include the seawall at the time of the original submittal and therefore must appear before the Commission for this request. The applicant has provided draft site plans. The property is located within the RMM – Residential Medium Density District. Upon preliminary review of the plans it appears that all of the zoning requirements have been met. The applicant plans on building adjacent to the existing seawall that extends along the east property line and also a portion along the north (242.18' east of the CCCL) and south (256.16' east of the CCCL) property lines.

Potential Solutions:

The Commission may address this issue in a number of ways:

1. Approve the request contingent on DEP approval once it is verified that it meets all of the zoning regulations
2. Deny it if it does not meet all our land development regulations

Legal Issues:

There are no legal issues in approving the request.

Staff Recommendation:

Staff recommends approval of the applicant's request for 5001 Old Ocean Blvd. contingent on DEP approval and meeting all of the zoning and building requirements upon actual building permit submittal and review.

PLEASE REMEMBER TO BRING YOUR PACKETS WITH YOU.

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Commission of the Town of Ocean Ridge, Florida will hold a public hearing on Tuesday, the 21st day of July, 2015 at a Commission Meeting at 8:30 A.M. in the Commission Chambers of the Town Hall, Ocean Ridge, Florida to consider the following:

1. An application submitted by Kenneth Kaleel, Esq, 54 NE 4th Ave., Delray Beach FL 33483, representing the owner, Immo Francois Marcil, Inc., 5001 Old Ocean Blvd., Ocean Ridge FL 33435, requesting a Land Development Permit from the provisions of the Land Development Code, Article 2; COASTAL CONSTRUCTION, Section 67-17; Coastal Construction and Excavation Setback Line; Sub-Paragraph (a); Setback line Established; and Sub-Paragraph (h) Existing Structures to permit the construction of a new seawall adjacent to the existing seawall that will extend a maximum of 256.16' (+/-) east of the Coastal Construction Control Line (CCCL) located at 5001 Old Ocean Blvd. or legally described as Palm Beach Shore Acres Blk A,B, & Z Pt of Lots 19 & 20 Blk A Lying East of & Adjacent to Old Ocean Blvd. R/W in OR18753P1269 A/K/A Southerly 120' of Lot 54 Blue Ocean Sub Unrecorded (exact description available for review in the Clerk's Office)

ALL PERSONS INTERESTED in these matters may appear before the Town Commission at the time and place aforesaid and be heard. Prior to the hearing the application may be reviewed at the Clerk's Office.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT TOWN HALL AT 732-2635 AT LEAST 2 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE.

Dated: June 29, 2015

TOWN OF OCEAN RIDGE, FLORIDA

Publish: Palm Beach Post-Times

Karen E. Hancsak

1st Publication: July 7, 2015

Karen E. Hancsak, Town Clerk

2nd Publication: July 16, 2015

THIS NOTICE IS PUBLISHED PURSUANT TO THE TOWN OF OCEAN RIDGE CODE OF LAWS AND ORDINANCES AND THE FLORIDA STATUTES AND IS POSTED IN FOUR CONSPICUOUS PLACES WITHIN THE TOWN OF OCEAN RIDGE, FLORIDA.

Town of Ocean Ridge

6450 N. Ocean Blvd. Ocean Ridge, FL 33435
(561) 732-2635

Development Action Form

All information must be printed or typed. The completed application must be filed at least thirty (30) days prior to the date of the Town Commission meeting at which the application is to be considered.

Application No.:

Submittal Date:

Property Owner(s)	Applicant Same as Owner
Name: IMMO FRANCOIS MARCIL, INC.	Name: c/o Kenneth M. Kaleel, Esq.
Address: 5001 Old Ocean Blvd. Ocean Ridge, FL 33435	Address: 54 NE 4th Ave. Delray Beach, FL 33483
Phone: 514-347-1004	Phone: 561-279-4201

Proof of ownership, along with agent's authorization letter if Application is being submitted by anyone other than the Owner(s), must be submitted with Application along with a property owner list and labels of all residents within three hundred (300) feet and corresponding circumference map from the Tax Collectors Office is to be provided. Must be submitted a minimum of 28 days in advance of hearing.

9 copies of all plans, plats, surveys, including application forms etc. must be submitted with Application. (Further plans, etc. may be required.)

Check Applicable Approvals Being Requested

(Fees per current Town Code (see attached) must be submitted with application.)

Application Appeal		Rezoning	
Annexation		Site Plan Review	
Architectural Review		Special Exception	
Comprehensive Plan Amendment		Plat or Replat	
Planned Residential Development (PRD)		PRD Amendment Construction East of CCCL	✓

Departmental Use Only Do Not Write Below This Line

Accepted For Review

Town Official: _____ Date: _____ Fee Paid: _____

Traffic concurrency letter included? Yes No

Approval

Town Commission/Architectural Commission/Building Board of Adjustment and Appeals:

Date: _____

Conditions of Approval: _____

General Data

Project Name: Marcil Duplex PCN: 46-43-45-34-05-001-0740

Project Location (Address and property control no.): 5001 Old Ocean Blvd. Ocean Ridge, FL 33435

Existing Zoning: RMM - Medium Density Multiple Family Residential

Proposed Zoning: _____

Existing Comprehensive Plan Designation: _____

Proposed Comprehensive Plan Designation: _____

Existing Land Use: Residential

Proposed Land Use: Residential

Total Site Area: _____ Sq. Ft.: 20,755 Acres: 0.48

Flood Zone Category: _____

Is site currently served by public water? Yes No

Is site currently served by public sewer? Yes No

Residential

Total Number of Dwelling Units: 2 Density (Units per acre): 4

Commercial

Total Square Footage: _____ Number of Buildings: _____

Describe briefly the nature of any improvements presently located on the subject property:

Six (6) apartments, 4,640 Square Feet on one level

Describe type of operation or business proposed; or the proposed construction:

Duplex, each unit to be 5,749 square feet, each with a two car garage, three levels (Approved 5/4/2015)

In addition to the construction of the duplex approved on May 4, 2015 at the Town Commission meeting for the construction east of the Coastal Construction Control Line, the Applicant is proposing to construct a seawall to enhance the proposed duplex construction that would extend on the North side 242.18 feet from the CCCL and on the South side 256.16 feet from the CCCL east of the CCCL.

State the reasons or basis for the Approval request, and explain why this request is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Plan and will not be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances for Special Exceptions, Variances, Administrative Appeals, etc. must be addressed. (Attach a separate Justification Statement if insufficient space.)

Building seawall within the Coastal Construction Control Line.

Has any previous Application been filed within the last year in connection with the subject property?
 Yes No If Yes, briefly describe the nature of the Application.

Has a site plan been previously approved by the Town Commission for this property? Yes No
 If Yes, please note date of previous approval.

Exact Legal Description of Property

(Attach if insufficient space)

Give the name, address, and telephone number for the following persons or firms involved in this development:

Agent (if different from Owner):	Developer:
Name: Ernie Varvarikos	Name:
Company Name: Architect/Realtor	Company Name:
Address: Ocean Ridge, FL	Address:
Phone: 561-704-8136	Phone:

Planner:	Architect:
Name:	Name: Marc-Andre Levesque & Stephane L'Ecuyer
Company Name:	Company Name: IDEA International Design
Address:	Address: 20900 NE 30th Ave., Suite 914 Aventura, FL 33180
Phone:	Phone: 305-792-0015
	Florida Registration No.: AR 93637

Engineer:	Landscape Architect
Name: James Barton	Name: Charles A. Love
Company Name: Florida Technical Consultants , LLC	Company Name: LACC, Inc.
Address: 10327 Tivero Terrace Boynton Beach, FL 33437	Address: 2518 Cat Cay Lane Ft. Lauderdale, FL 33312
Phone: 954-914-8488	Phone: 954-292-3802
Florida Registration No.: 59257	Florida Registration No.:

Witness

Applicant is:

- Owner
- Optionee
- Lessee
- Agent

Printed Name of Applicant

Francois Marcil - IMMO Francois Marcil, Inc., A Canadian Corporation

Address:

5001 Old Ocean Blvd.

Ocean Ridge, FL 33435

Phone: 514-347-1004



CFN 20140362057
 OR BK 27068 PG 1584
 RECORDED 09/30/2014 15:23:50
 Palm Beach County, Florida
 AMT 2,700,000.00
 Doc Stamp 18,900.00
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 1584 - 1585; (2pgs)

Prepared by and return to:

Kenneth M. Kaleel, PA
 54 NE 4th Ave
 Delray Beach, FL 33483
 561-279-4201
 File Number: Weisblut.14K
 Will Call No.: 529

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 30th day of September, 2014 between **Robert E. Weisblut, Individually and as Trustee of the Weisblut Living Trust Agreement dated May 26, 2005, as amended and restated on December 15, 2010** whose post office address is **5001 Old Ocean Blvd., Ocean Ridge, FL 33435**, grantor, and **IMMO FRANCOIS MARCIL INC, a Canadian Corporation**, whose post office address is **301 CH BENOIT, SAINT SAUVEUR, PQ J0R 1R7**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Palm Beach County, Florida** to-wit:

A Parcel of land in Fractional Section 34, Township 45 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows: Commencing at the intersection of the South line of Lot 20, in Block A of Palm Beach Shore Acres, (Ocean Boulevard Estates) according to Plat of Blocks, A, B and Z of said Palm Beach Shore Acres, recorded in Plat Book 7, Page 15, of the Public Records of Palm Beach County, Florida, and the East right-of-way line of Ocean Boulevard, as now located; thence run, Northerly along the East right-of-way line of Ocean Boulevard, as now located, a distance of 120 feet to a point; thence run Easterly parallel to the South boundary line of Lot 19 in Block A of said Palm Beach Shore Acres to the Atlantic Ocean; thence run Southerly along the Atlantic Ocean to the point of intersection of the Atlantic Ocean and South boundary line of said Lot 20; thence Westerly along the South line of said Lot 20 to the Point of Beginning.

Parcel Identification Number: 46-43-45-34-05-001-0740

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2013**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: K. Kaled

Witness Name: Kathleen R. Price

Robert E. Weisblut
Robert E. Weisblut, Individually and as Trustee

State of Florida
County of Palm Beach

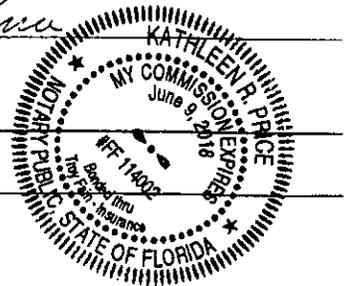
The foregoing instrument was acknowledged before me this 25th day of September, 2014 by Robert E. Weisblut, Individually and as Trustee, who is personally known or has produced a driver's license as identification.

[Notary Seal]

Kathleen R. Price
Notary Public

Printed Name: _____

My Commission Expires: _____



Parcel Identification Number: 46-43-45-34-05-001-0740

NOTE:
ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88 DATUM.
TO CONVERT TO MVD 29 ADD 1.549' TO THE NAVD VALUE.



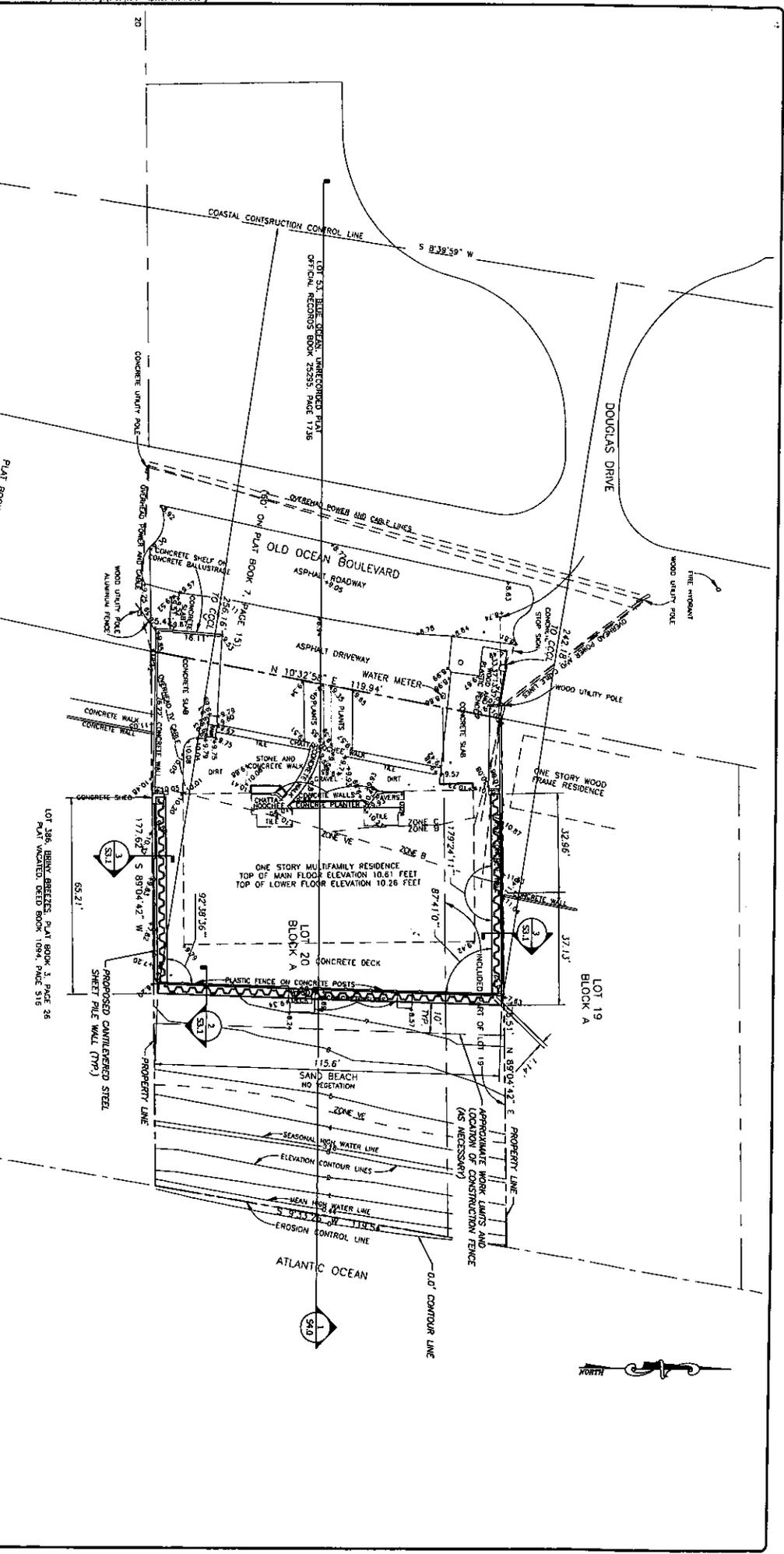
NO.	REVISION	DATE	BY

PROPOSED SEAWALL REPLACEMENT FOR:
IMMO FRACOIS MARCEL, INC.
5001 OLD OCEAN BLVD.
OCEAN RIDGE, FLORIDA

DATE: 5/12/15
DATE: 5/12/15
DATE: 5/12/15
DATE: 5/12/15
DATE: 5/12/15

1 PROPOSED SITE PLAN
SCALE: AS SHOWN

- NOTES:
1. PORTIONS OF CONSTRUCTION TO EXTEND APPROXIMATELY 10'-0" SEAWALL BEHIND EXISTING SEAWALL.
 2. THESE PLANS ARE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF R. BERGQUIST'S CHAPTER 62B-13.0051, F.A.C.
 3. FILL REQUIRED BY 2.0 CM BETWEEN EXISTING SEAWALL AND PROPOSED SEAWALL SHALL BE 15.87'.
 4. TOTAL SEAWALL LENGTH = 115.87'. TOTAL RETURN WALL LENGTH = 115.87'.



Memorandum

To: TOWN COMMISSION

From: Karen E. Hancsak, Town Clerk

Date: July 13, 2015

Re: Necessary Motions for Budget Meeting of July 21, 2015

1. I move that the rolled back rate be certified at \$ 5.0787 per \$1,000 and that the Certification of Taxable Value form be executed to reflect this for submission to the Property Appraiser and Tax Collector of Palm Beach County.
2. I move that the proposed millage rate for 2015-2016 be established at 5.3500 mills and that this be included on the Certification of Taxable Value form that is forwarded to the Property Appraiser and Tax Collector of Palm Beach County.
3. I move that the first public hearing to consider the budget for the fiscal year 2015-2016 be held at 5:01 P.M. on Thursday, Sept. 10th, 2015, with the Regular Meeting immediately following, and that this date be included on the Certification of Taxable Value form that is forwarded to the Palm Beach County Property Appraiser and Tax Collector.
4. I move that the second public hearing to consider the tentative budget for the 2015-2016 fiscal year be held at 5:01 PM on Thursday, Sept. 17th, 2015.

**BOTH MEETING DATES WERE APPROVED AT THE MAY 2015
REGULAR MEETING.**

***THE COMMISSION MAY WISH TO ADOPT A HIGHER PROPOSED
MILLAGE KNOWING THAT IT CAN ALWAYS BE LOWERED DURING THE
SEPT. MEETINGS BUT NOT RAISED.***

PLEASE REMEMBER TO BRING YOUR BUDGETS WITH YOU.

THE PROPOSED BUDGET IS LOCATED ON THE WEBSITE.