

PLANNING & ZONING MEETING MINUTES
FEBRUARY 12, 2018

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, February 12, 2018 in the Town Hall Meeting Chambers.

CALL TO ORDER

The meeting was called to order at 8:30 a.m. by Chairman Gerald Goray.

ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

| | <u>Present:</u> | <u>Absent:</u> | <u>Tardy:</u> |
|-------------------------------------|-----------------|----------------|---------------|
| Chairman Goray | x | | |
| Member David Hutchins | x | | |
| Member Penny Kosinski | x | | |
| Vice Chair Mark Marsh | x | | |
| Member Mauro Walker | | x | |
| Alternate Member James Leming | | x | |
| Alternate Member Kimberlee Marshall | x | | |

Staff Present: Town Manager Jamie Titcomb, Town Attorney Brian Shutt, Zoning Official Manny Palacios, Police Chief Hal Hutchins, and Town Clerk Tracey Stevens.

APPROVAL OF THE MINUTES

1. Approval of the September 25, 2017 Minutes

Member Marsh moved to adopt the September 25, 2017 minutes; seconded by Member Marshall. Motion carried 5-0.

PUBLIC HEARINGS

None

ORDINANCE REVIEW

None

DISCUSSION / ACTION ITEMS

2. Concept Plan Review for 34 Harbour Drive South

There was a short discussion on how this new meeting format will be handled for concept plan review, and it was determined that the applicant would do a short presentation first, followed by staff comments, Commission discussion, public comment, and finally a recommendation.

The applicant Michael Marini presented his application to the Commission and noted it is construction of a single-family residence for himself, his wife and two daughters age 22 and 24, and that it would be a vacation home for the family.

Zoning Official Manny Palacios stated that he met with the applicant before this meeting and they made some tweaks to the plans in order to meet the zoning requirements of the Town. He stated he has not done the actual calculations yet, as those are done during the

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permitting process, however he does not see any problems with the submittal at this time, and the application seems to meet the zoning requirements.

Town Manager Titcomb stated that the applicants have been very patient with the process and staff and has worked very cooperatively with us. He stated that the applicant has already worked on updates to the plans to meet the zoning requirements of the town.

Mr. Marini stated he is a Home Builder in New York, and he has received staff comments with an open mind.

Member Kosinski asked about potential conflicting numbers on page C2, floor area ratio/lot coverage actual at 35% at the top of the page vs. maximum lot coverage actual of 30% listed in the site data, and Zoning Official Palacios stated that according to the numbers listed, the actual is 35%, although he stated he has not done the calculations yet as those are typically done through the permitting process. Mr. Marini stated that the notation is in reference to the total area of the lot, and is not in reference to the floor area ratio.

Member Marsh commended the applicant on the complete submission, and asked if there is a formal Architect involved. Mr. Marini responded that he has an in-house Architect, although the landscape Architect is formal.

Member Marsh stated that this is a solid floor plan, however, he has concerns on the front elevation and some of the proportions such as the ground floor street side windows, which are 10 feet tall. He stated the transom at the top is where the height should be. He noted that the rear elevation top of windows and doors are at 9 feet, which makes an inconsistency front to back, with a poor proportion or scale in the front.

Member Marsh asked if there is a balcony above the front door, and Mr. Marini stated that there is no balcony; it is an architectural feature of faux wood with possible recessed light under it, with a slight pitch for water to roll off. Member Marsh noted that the combination of stucco, stone and wood is too busy and he would discourage that. Mr. Marini stated he is continuing to work with the in-house designer, and asked if he does deviate from the plans slightly, would he need to come back to re-submit the application. Attorney Shutt stated it depends on how much variation. Mr. Marini noted that some of the details on sheet A4 such as the front entryway stone may need to be changed, as it may be too heavy. Member Marsh stated that there is difficulty in taking traditional massing and making it modern. Mr. Marini stated he is not looking for contemporary, but a modern flair. Member Marsh responded that it is hard to bridge modern with contemporary.

Member Marsh noted that there are no shade trees on the landscaping plan, and suggested that Mr. Marini consider creating a canopy or shade material especially on the northwest side due to the Florida sun and heat in the summer.

Member Hutchins stated that the application package is exemplary. He stated that some of Member Marsh's comments on the windows are valid and might bare some thought,

but we still live in a town where everyone is individual and has a different style. Member Marsh responded that we are not discouraging style or variation, but there has been abuse of that in the past. He noted that Mr. Marini seems to be understanding of the recommendation regarding the windows. He stated that there are various styles, and this is contemporary house with a traditional form so that is where the challenge comes, and it is a fine line on hitting it right or missing the target. Member Hutchins stated that he can see what will be going up, but a prospective may have been more helpful in seeing how it looks and determining the massing, which we seem to have questions about now with other properties. Member Marsh noted that they are within the height restrictions, but we need to look at window height etc. to make sure we are not exaggerating that. We do not want to deny the ability to have the height. He reiterated that we are not trying to dictate style; this is more of a proportion/balance scale.

Chairman Goray stated that the proportions of windows in general should be considered, and a judicious limitation of number of types of materials, as simple is better. Mr. Marini responded that he might be eliminating the stone.

Chairman Goray asked Mr. Marini to consider using deciduous trees (shade trees) in the landscaping plan. Mr. Marini stated that he is going for a modern feel with the landscaping.

Member Marsh asked about notification of the meeting to properties within 300' of the proposed construction site, and Town Clerk Stevens explained that the Commission decided not to do that when they had discussed the proposed ordinance, in order to keep the costs down for the residents. Chairman Goray stated that we should keep that discussion open.

Kristine de Haseth, 29 Sabal Island Drive, stated she is excited about the new process. She asked that we show the plans to the public during the meeting. She also noted that it would have been nice for the public to be able to see how many bedrooms/bathrooms the house would have, and see the landscaping. She is in favor of notification going out to adjacent property owners, and asked that we include people across the canal if applicable. Town Clerk Stevens responded that the renderings were in the agenda package on the website for the public to view, however, we could also ask for the renderings to be placed on a flash drive in order for us to display them at the meeting.

Mr. Marini noted that the process was smooth and it was easy due to information provided and easily obtained on the website. He noted that it would not hurt if the cost goes up.

Don Magruder, 9 Ridge Blvd, agrees that the plans should be displayed on the screen for the public to see. He mentioned that the Ocean Ridge Garden Club could help with plant species for the landscaping plans.

Chairman Goray asked if we should have the applicant come back with revisions. Mr. Marini stated that from an applicant standpoint, it is not a financial difficulty, but the

weather may be a problem when he would like to get the construction done before the wet season begins. He noted that he has 50% of the Contractors locked down, and scheduling may be a problem. Town Attorney Shutt noted that with this process, the P&Z submits comments on the plans to the Zoning Official, and the applicant can make revisions to the plans to correlate with the comments from the P&Z, but if it meets our code, the applicant can proceed forward with a building permit. He stated that he does not want to set a precedence either way. He reiterated that this is not a site plan review process; it is a concept plan review process, and in this case, the applicant is considering the comments made by the P&Z and may end up with a better project.

Member Kosinski asked if the intention going forward is that this will be earlier in the applicant's process so we would not be delaying them. She stated that in this case we would not be setting a precedent and could have staff be the next level of review.

Member Marsh stated that it is unfair for the Zoning Official to be reviewing aesthetics and he would make himself available to meet with staff if a revision is made. He agreed that a month delay in the process would impact construction scheduling. Chairman Goray agreed that members of the Board could meet with the Zoning Official on a re-submission to have an informal dialogue and he volunteered his time as well.

Member Marshall stated that Mr. Marini put the application package together in a comprehensive and responsive way and agrees that we should not hold them up any further in the process.

Attorney Shutt noted that notice to the neighbors would require an ordinance change if the Commission wants to move forward with that.

Mr. Marini noted that the energy calculations will change with a window change.

Town Clerk Stevens asked if there is going to be a motion, second and vote on a recommendation to the Zoning Official by the Commission, or just a consensus. Attorney Shutt responded that the ordinance states that the Commission will provide its findings to the Zoning Official of the Town.

There was consensus on the recommendation from the Commission regarding the windows and landscaping.

3. Develop a Process to Hold Contractors Responsible for Damages Created by them to the Public Right-of-Way and Public Infrastructure

Town Manager Titcomb advised that the Town Commission minutes are included in the meeting package as a summary of why this item is on the agenda. He noted that the Town Commission discussed the issues of crushed pipes, cement in pipes, and crushed sidewalks during the construction process, and the issue becomes who is responsible for the damages. He stated that many times, we can't pinpoint who damaged the Town's infrastructure. He stated that a discussion needs to be had on how much procedure, cost and time we may build up on the front end, and stated that the Town Commission is seeking the expertise of the P&Z on how we should address this, if at all, by holding

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contractors or private homeowners responsible when the public infrastructure is compromised.

Member Marsh stated that something like this would be hard to enforce. He noted that the simplest way to address this is to put up a bond during the permit process.

Member Marsh asked how we would assess who is responsible for the damages. She suggested that we recommend accepting a \$10,000 bond. Member Marsh responded that the bond should be based on the value of the permit.

Chairman Goray asked how we would police this, and if it would be a burden on the building inspectors. Zoning Official Palacios noted that the building inspectors are not in Ocean Ridge on a daily basis. They are only here on request for an inspection.

Member Marshall stated it should be the responsibility of the contractor and homeowner to pay for what may be visually an issue with their construction project. Chairman Goray stated that it may be hard to pinpoint who caused the damages.

Town Manager Titcomb stated that the town is currently talking about increasing our Building Official time, which may help. He stated that some of the damages are not discovered in real time, and the town has to pay for the damages. He noted that the costs add up quickly when we need to send the vendor out to fix the pipes, as the costs range from \$5-7,000 per occurrence.

Member Kosinski said enforcement of a bond is not going to help this situation if there is no inspection process to go with it. She stated that it would be a deterrent, but asked if there is more we can be doing to make sure the onus is on the contractor and homeowner. Member Marsh left the meeting at this time. (9:27 a.m.)

Member Hutchins stated that he has watched contractors damaging sidewalks on his street, and they are damaging lawns, islands, etc. He stated those things could be handled easily, but drains are a different story. Chief Hutchins stated that we already police obstruction of right of ways, and the Building Official has control of construction sites. He noted that things are getting better with the addition of the construction site management handbook. He noted that damages need to be made in the Officer's presence in order for a violation to be given, and asked how we would even know about damages without pre-inspection of the sites. He noted that this is what the challenge will be for this Commission. He asked how it will affect the Building Department if we have a bond. He mentioned that we are looking at hiring an in-house Building Official who would be able to take into consideration the Town's infrastructure.

Member Kosinski asked if there are procedures in other coastal communities that we could look into, and Town Attorney Shutt stated that we wanted to get input from this Commission before we gather information. He stated that we can research to see what other communities are doing to address this and bring it back to the next meeting. He noted that before we could make a call on someone's bond, we would need to prove that

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a certain contractor caused the damages. He stated that trucks from other construction projects and lawn maintenance go down the road and turn around in the cul de sacs, so it could be difficult to prove which contractor caused the damages. He stated he is not sure if we want to take that step, and we will need to have evidence.

Member Marshall asked that we consider having as part of the fees of building, a number that is part of what it costs to build in Ocean Ridge, such as a wear fee. Town Attorney Shutt stated that we are constrained on the building fees that we charge, as we need to show that the costs we are charging are the costs of the town for the issuing of a permit, and we can not charge someone another form of taxation that we are not allowed to do. He stated that the only fees we can impose is what is costs for us to process the permit, but we can look to see how it has been done in other communities.

Chairman Goray summarized that we would like to consider a bond or letter of credit and the appropriate amount, finalize the process of hiring a Building Official who can assume the role of code enforcement officer with consideration given to have that person be charged with the responsibility of looking at things five days a week, and look at the best practices in other communities such as Gulf Stream.

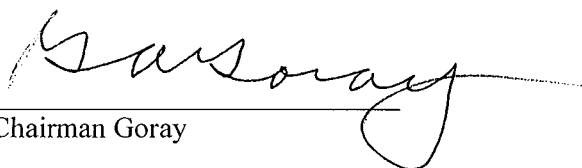
It was the consensus of the Commission to have staff research best practices and bring them back to the next meeting.

Member Hutchins asked if we have budgeted for a Building Official, and Town Manager Titcomb stated that it has been budgeted and we are in the process of interviewing candidates.

ADJOURNMENT

Member Kosinski moved to adjourn at 9:39 a.m.; seconded by Member Hutchins. Motion carried 4-0.

Minutes adopted by the Planning & Zoning Commission at its meeting on March 12, 2018.


Chairman Goray

Attest:


Tracey L. Stevens, CMC, Town Clerk