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SUMMARY ZONING COMMISSION MEETING

February 27, 2001

9:30 a.m.

(Sitting in its advisory capacity to the Town Council on Planning Issues
pursuant to Section 2-333 of the Code of Ordinances)

I **CALL TO ORDER AND ROLL CALL:** The meeting was called to order at 9:30 a.m. by
Chairman James B. Bertles.

Members Present: James B. Bertles, Chairman
 Richard M. Kleid, Secretary
 Eugene Lawrence, Member
 Peter S. Broberg, Member
 Rodney B. Fink, Member
 Rita Taca, Member
 Martin Klein, Alternate Member (arrived @ 9:40 a.m.)
 Harrison M. Robertson, Alternate Member
 Joanna Golino, Alternate Member

Members Absent: Jorge A. Sanchez, Member (unexcused)

Staff Present: John C. Randolph, Town Attorney
 Robert L. Moore, Director of Planning, Zoning & Building
 Paul W. Castro, Zoning Administrator
 William F. Brisson, Zoning Consultant
 Albert P. Dusey, Director of Public Works
 James Bowser, Town Engineer

Recording Secretary: Cynthia M. Delp

II **INVOCATION:** Given by Mrs. Delp

III PLEDGE OF ALLEGIANCE

Mr. Bertles welcomed Mrs. Joanna Golino to service on the Zoning Commission.

IV PROCEDURES FOR INPUT BY THE GENERAL PUBLIC

V SHORT AND LONG RANGE PLANS TO ADDRESS DRAINAGE ISSUES

VI POTENTIAL SOLUTIONS TO INCREASE POST REDEVELOPMENT WATER RETENTION ON PRIVATE PROPERTY

(Items IV, V, and VI were handled together.)

Mr. Moore stated that the Zoning Commission was asked to come into session today to address issues related to the Town's Comprehensive Plan, especially related to storm water drainage. A few weeks ago the Town experienced a significant rain event, rated a 50 year storm. During that event, there were problems with the collection and removal of the flood waters. The Town Council has authorized an emergency one million dollars to begin a study to make improvements to the Town's drainage system, primarily in the north and central areas of the Town. There have been questions as to how re-development contributes to flooding, and those questions bring the Zoning Commission into play regarding future land use. The Town is currently requiring a re-developed property to hold the first inch of rainfall on site, or to hold the amount of water that is currently on the property, by engineer's calculations...whichever is greater. Solutions to this problem have been pondered, i.e., increasing the amount of water held on site; guttering of homes, etc. The Town Council is very interested in hearing testimony from the public and professionals today to assist in arriving at a solution to this problem.

Mr. Albert P. Dusey, Director of Public Works addressed the Zoning Commission. In the 1970's, the Mayor and Town Council of that day hired an engineering firm for long range planning and to develop standards for the infrastructure, street lights, roadways, etc. The Town has followed that plan since that time. In the early 1980's, there was a bond issue to allow construction of several pump stations, (Mediterranean Road, D-10 @ Via Marila, D-4 @ the Phipps Estates, D-8 @ Country Club Road) along with the improvement of some existing stations (D-6 & D-7). They also constructed a backbone collection system to get the water to the stations. Since that time, the same program has been followed. In the last several years, the

D-14 pump station was constructed in the Society of the Four Arts parking lot, and the collection system covering Royal Palm Way to Pendleton, ocean to lake, was likewise constructed. Pump stations have been constructed at El Brillo, El Bravo, El Vedado, and Jungle Road. The Town is about to start construction on the D-12 system at Everglades & Bradley. The pumping station systems are currently designed for a one year, one hour storm; gravity outfalls for three year storms, and minor flooding associated with a five year storm to be carried off in 60 minutes.

Properties are to retain the first inch of rainfall. The present system does fairly well, but in the last year and one-half, there have been several occurrences of heavy rains, leaving large amounts of water for

disposal. Houses, garages and cars are enduring flood damage. This has caused a re-examination of the current level of service. There is an apparent failure in our pumping capacity, i.e., not being able to remove the water fast enough. The South Florida Water Management District (SFWMD) was consulted regarding handling these storms. The SFWMD has environmental concerns about the Town discharging too much water. The SFWMD favors the Town constructing emergency pump stations for use only in extraordinary storms. Some homes, however, are situated so low that the Town can do little to prevent these properties from flooding. The Town Council has authorized funds to address these issues. Staff will contemplate increasing pipe sizes or pump capacity. They will also look at the D force system centered on the Phipps Estates to evaluate problems occurring there, and then potentially in other systems. Mr. Dusey stated that the most probable solutions to this problem are the emergency pumping stations, which staff feels will reasonably take care of these unusually heavy rain events at a reasonable cost.

A question was asked to Mr. Dusey about how state roads and private roads are handled. Mr. Dusey responded that the Town has no responsibility for the private streets, but private streets are, however, taken into consideration with respect to pumping stations. Mr. James Bowser, Town Engineer, added that if a private street has a flooding problem, the Town does not come in and make the pipes larger. The group of owners on the street must hire an engineer, who will then submit plans to correct the inadequate infrastructure. The Town staff will offer minimal assistance to the private street owners.

Mr. Bowser stated that Public Works reviews all site plans routed from the Building Department. His comment was that almost always, the re-developed sites are actually retaining more water on the property than they did previously. The problem is that the Town's systems are designed for one year/one hour storms, but when it rains longer and the properties become saturated, the Town's systems become overwhelmed. So, we want to increase the pumping capacity of the Town's systems, and place emergency pumping stations in problem areas. This may require asking residents for the land to site the emergency stations. Some level of street flooding must be acceptable, and that is the level which does not create losses. We run into problems with the SFWMD, with too much water running into the Intracoastal too fast, affecting the salinity level of the Intracoastal, thereby affecting the environment, the sea grass. Mr. Bowser felt the SFWMD would most likely give the Town a permit for emergency additional pumping capacity, rather than allowing increased discharging into the Intracoastal all year long.

Mr. Klein asked Mr. Dusey how the Zoning Commission can help. Mr. Dusey responded that he is not sure if development patterns in the town are a problem. It is the intensity of the storms that has been the problem. The SFWMD will not give permits to the town to increase the capacity of the existing pump stations, but they will authorize permits for emergency pumping stations, for use in emergency situations only. He felt that additional on site retention may not necessarily be beneficial. Mr. Fink suggested using emergency mobile pumps, but Mr. Dusey stated that these, though a possible solution, require manpower to mobilize them.

There was a discussion regarding containerizing yard trash as covered and/or clogged inlets often create needless flooding. Mr. Dusey felt it would be beneficial to containerize yard trash. The Zoning

Commission could recommend to the Town Council that an ordinance be drafted to that effect.

Mr. Moore stated that staff has been working on possible solutions to this problem, and have arrived at these potential suggestions:

1. Channel roof water through gutter systems to an area to retain more than the first inch. This will make water enter the Town's systems slower.
2. Properties to retain 1.5" - 2" of water on site.
3. Create cisterns to hold water for a period of time, and then release it later to the street system.
4. Use of retaining walls upgraded
5. Limit the house pad only to 7.5 feet, not the rest of the property.
6. Eliminate the credit for grass-crete products, giving more pervious soil.
7. Planning, Zoning & Building Department will hire an engineer to review all drainage.
This employee would work for Mr. Dusey, but be compensated by PZ&B.

Mr. Broberg and Mr. Lawrence advocated that "during construction" retaining plans become part of the process, as construction quite often goes on for one to two years.

Mr. Moore stated that Mr. David Barton had provided a copy of the draft Nantucket Comprehensive Plan to the Town. This document has been copied for the Zoning Commission.

PUBLIC INPUT

David Barton, 216 Jamaica Lane: Stated he has suffered through 3 floods in 13 months....11/99, 10/00, and 11/00. He discussed the reasons for the flooding, in his opinion, and the Town's existing systems to handle this problem. He blamed the flooding problem on overbuilding without adequate infrastructure, and proposed an immediate moratorium on new construction. He commented that there is no long range plan for the Town.

Councilman Sam McLendon: Stated that he gets upset when SFWMD places unnecessary controls on what the Town can do. He felt it was ridiculous that the Town is penalized more than the mainland which also dumps water into the lake. He commented that the protection of the Johnson Sea Grass, which is the environmental concern of the SFWMD, is not as important as property damage. The ability to use emergency portable pumping units is a possible solution. The best solution is, of course, to increase the capacity of the existing pump stations, but the SFWMD will have a problem with that. He questioned whether the Town should do battle with the SFWMD, and stated he was not adverse to that.

Councilman Norman Goldblum: Commented that he is very sensitive to the flooding of individual properties. He felt it was wise to consider a moratorium on building on streets where flooding is a problem.

Wendy Victor, 208 Via Tortuga: Felt that staff was doing a good job in trying to address these issues. She suggested laying pipes under the Lake Worth Lagoon, connecting them to cisterns in West Palm

Beach which would store our rain run off water, treat the water and recycle it back when needed for lawn sprinkling, and other non-potable uses. This would provide increased discharge capacity without doing battle with the SFWMD.

Yvelyne de Marcellus Marix, 1570 North Ocean Boulevard: Commented regarding containerizing yard trash to avoid clogging inlets. Mrs. Marix stated that this was contemplated several years ago only to find that residents placed other waste in the bags, other than yard trash, items which were ultimately unsuitable for the dump. The removal of these inappropriate items requires additional manpower. The other container option, 95 gallon plastic containers, requires additional manpower as well.

There was a short break from 11:45 to 11:55 a.m.

MOTION BY MR. KLEID TO RECOMMEND TO THE TOWN COUNCIL THAT WE UPGRADE OUR LEVEL OF SERVICE WITH RESPECT TO THE DRAINAGE SYSTEM OF THE TOWN, TO INCLUDE PUMPING AND PIPE CAPACITY.

MOTION SECONDED BY MRS. LAWRENCE.

MOTION CARRIED UNANIMOUSLY UPON A ROLL CALL VOTE.

MOTION BY MS. TACA TO RECOMMEND THAT THE TOWN COUNCIL REVIEW, BY THEIR MARCH 13, 2001 MEETING, THE EXISTING DRAINAGE PROBLEMS AND TO FINANCE A FUTURE STUDY, BY AN OUTSIDE ENGINEER, OF THE DRAINAGE PROBLEM.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY UPON A ROLL CALL VOTE.

MOTION BY MR. KLEID TO DIRECT STAFF TO STUDY, AND REPORT BACK TO THE ZONING COMMISSION, INCREASING TO MORE THAN A MINIMUM OF 1" OF STORM WATER RETENTION ON ALL NEW AND RE-DEVELOPED AREAS.

MOTION SECONDED BY MR. BROBERG.

MR. KLEID STATED HE WOULD ACCEPT AN AMENDMENT TO THE MOTION TO BROADEN IT.

Wording for amended motion as given by Mr. Bertles: TO ASK THE STAFF TO CONSIDER WAYS TO ADDRESS BOTH RENOVATION AND NEW CONSTRUCTION, BOTH RESIDENTIAL AND COMMERCIAL, TO ADDRESS THE RE-DEVELOPMENT PROBLEM WHICH WOULD INCREASE THE WATER RETENTION ON THE

PROPERTY, INCLUDING, BUT NOT LIMITED TO.....

1. Look at the Comprehensive Plan standards with regard to less than one quarter acre parcels and one quarter acre or more parcels, because there is a different standard.
2. Look at the open space/green space requirement, and whether post Certificate of Occupancy persons are going in and changing that so we are not getting the percolation in the properties that we think we are.
3. Look at the whole issue of building elevation heights, FEMA standards, and what we should do with regard to building first floor height vs. the height of the land itself, and issues such as that.
4. Look at containerizing yard trash.
5. Look at guttering and diverting water flow issue.
6. Look at abolishing the credits we give for materials that are not natural, such as grass-crete.
7. Look at requiring cisterns for future development of a certain amount
8. Look at other ways to increase retention on the property, swales, gullies, troughs, etc.

MOTION RE-STATED BY MR. KLEID TO ASK THE TOWN STAFF TO STUDY THE PROBLEMS WITH RESPECT TO DRAINAGE, AND THAT INCLUDES ALL MATTERS THAT WERE DISCUSSED TODAY, AND ALL SOLUTIONS MENTIONED TODAY, TO INCLUDE ALL THOSE MENTIONED BY MR. BERTLES, AND THOSE TO YET BE PROPOSED BY STAFF.

MOTION SECONDED BY MR. BROBERG.

Under discussion, Mrs. Golino noted that it was the re-development issues that are to be studied, not just the drainage issues.

MR. KLEID AMENDED HIS MOTION TO THAT EFFECT.

THE MOTION CARRIED UNANIMOUSLY UPON A ROLL CALL VOTE.

MOTION BY MR. KLEID THAT STAFF, WITH JOHN C. RANDOLPH, TOWN ATTORNEY, STUDY EITHER A BROAD MORATORIUM ON ALL BUILDING, OR A MORATORIUM ON CERTAIN AREAS, WITH AN ATTEMPT TO BUY TIME TO BE ABLE TO SOLVE THE DRAINAGE PROBLEMS IN THE TOWN.

MOTION SECONDED BY MR. FINK.

ROLL CALL VOTE:MR. KLEID: YES
MR. FINK: YES
MR. LAWRENCE: NO
MR. BROBERG: NO

MS. TACA:	NO
MR. KLEIN:	NO
MR. BERTLES:	YES

MOTION FAILS 3-4-0.

**Lunch break from 12:30 to 1:30 p.m. **

**Meeting re-convened at 1:35 p.m. **

**Let the record show that Mr. Klein returned at 1:44 p.m. and Mr. Broberg at 2:02 p.m. **

VII ANY OTHER ITEMS

Mr. Moore and Mr. Castro reviewed an outline of what will be done during the spring and summer months relative to the R-B Study. It was suggested that staff look at cities like Savannah and Charleston as examples in consideration of overlay zoning districts, and that staff look at areas where different zoning districts intersect.

Long Range Planning Discussion

David Barton: Commented that the town is being re-developed for outsiders, not for long time residents. With regard to development issues, he felt certain questions should be asked....

1. Is it best for the long term interest of the town?
2. Is it best for the interest of the existing neighborhoods?
3. Is it in the best interest of the immediate neighbors?
4. Is it in the best interest of real estate professionals?
5. Is it in the best interest of spec builders?

He again advocated a building moratorium until long range planning is developed for the Town.

Mr. Barton referenced the Comprehensive Plan for Nantucket and highlighted certain elements of that plan. Mr. Bertles encouraged the members of the Zoning Commission to read the document, especially the Introduction and the Chapters 1 and 6.

VIII ADJOURNMENT:

The meeting was adjourned at 2:30 p.m., with a next meeting date of April 17, 2001.

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