

## **Planning and Zoning Board February 4, 2019.**

Members present: Danskine, Wheeler, Arvidson, Calkins, and Smith. Casserly and Gardiner were absent. The minutes for December and January were approved unanimously. There were no comments during Public Participation. There was no Old Business.

### **New Business:**

- 1. SE-1-19, 210 Magnolia St.** - A request was made for a special exception approval to allow the establishment of a tattoo parlor at 210 Magnolia Street by the owner. The subject property consists of approximately 0.3444 acres, is zoned MU, Mixed Use District, and is generally located on the west side of Magnolia Street, between Douglas Street and Downing Street. The owner has to move because the building where it was located has been sold. This will be its third location in the neighborhood- all with special exceptions.

**The motion to approve the request for a special exception was passed with the vote 4-1.** Arvidson voted no, wanting the exception to state that the business must close at 8:00 pm. The applicant agreed, but the rest of the board felt it would set an unnecessary precedent in a business district.

- 2. PUD 5-18 Ocean Way Village** – A request was made for a 1st Amendment to the existing recorded Ocean Way Village PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP), primarily to allow for new/proposed uses of outdoor storage and mini-warehouse and to remove the currently permitted theater use, along with other associated revisions. There are six lots in this PUD. This first amendment comprises only one of them. The lot in question is 7 acres and has no frontage on Rt.44. It was previously proposed and approved as the site of a movie theater in 2015. The theater was never built because the sewer line could not be installed in time, and the theater on Rt.1 was renovated in the meantime. The developer proposes to build a storage facility which will have the main entrance on 44 and a secondary access on South Glencoe. It was stipulated that this amendment would apply to lot 5 only.

**Motion to approve the 1<sup>st</sup> Amendment was passed unanimously.**

- 3. ZT-1-19 LDR Text Amendment: Historic and Specimen Tree Removal Criteria-** The Staff proposed, via a report, an alteration of the criteria for granting a tree removal permit to the following:
  - When specimen trees that are not invasive reach 36 DBH (diameter at breast height) or greater will, they be considered Historic. Permits can be granted only by the City Commission to cut them down. Applications for historic tree removals shall be accompanied by a written tree evaluation report prepared by an ISA certified arborist which identifies the tree's location, size, species, condition, and basis for meeting one or more of the listed removal conditions.
  - Specimen trees as deemed by the city will be those that are greater than 24 DBH can be cut down but only by permits granted by staff. There will be four strict criteria for tree removal and these will apply to all development, including PUD's.

**Motion to approve the change to tree removal criteria was unanimous.**

4. The last item on the agenda was a presentation by consultant S&ME on the city's methodology for calculating residential density. The overriding rule in Florida is the Bert J. Harris Act which make it very difficult for the city to reduce gross density. Conventional density has standards- e.g. lot size, setbacks, and building height. However, PUDs do not have these same standards. Therefore, the emphasis on PUDs must be on what is excluded e.g. bodies of water, and what standards should be applied to There should be a maximum gross density and minimum open space. It was noted, however, that density is often not the culprit in developments that are perceived as objectionable as it is often a combination of other factors as well.