



Minutes

Town Commission and Planning & Historic Preservation Board Joint Workshop Meeting Tuesday • February 2, 2016 • 6:00 pm

1. Call to Order: 6:00 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:
Commissioners Attending:
 - Joseph Aufmuth Absent with notice
 - Michael Berkowitz, Mayor Pro-Tem Present
 - Virginia Mance, Mayor Present
 - Richard Shutterly Present
 - Mike Roberts PresentPlanning & Historic Preservation Board Attending:
 - Tom Brady Present
 - Timothy Parker Absent with notice
 - JP Warren (Fro) Present (arrived 6:28 pm)
 - Julie Penrod-Glenn Present
 - Troy Blakely Present

 - Stephen Lee, Town Attorney Present
 - Patty Polk, Deputy Town Clerk Present
4. Consent Agenda Approval:
 - A. Agenda Approval

Motion made and seconded (Shutterly/Roberts) to accept the consent agenda as submitted; passed 4-0
5. A joint workshop of the Town Commission and Planning & Historic Preservation Board has been set to discuss a possible zoning change from C-1 to C-2 or the addition of 'concerts/entertainment venue' or like description to LDC Article 2.02.04(B) Uses Permitted by Right in C-1 for the Mountain building (214 NE Chokolka Blvd) in downtown Micanopy.

Discussion ensued. Commissioner Shutterly indicated that he would like to keep the zoning districts as they are and is in favor of modifying the Land Development Code (LDC) to allow the entertainment venue. Mayor Pro-Tem Berkowitz agrees with adding this proposed use to the LDC. Mayor Mance is in favor of changing the LDC to include *Uses Permitted by Special Use Permit*. Attorney Lee stated that are three actions that we can take; 1) Do nothing. 2) Rezone to a zone where this use may be permitted, or 3) Change Uses Permitted in the C-1 zoning to include this venue and make an amendment to the LDC.

Mayor Mance read the comments on Micanopy Matters Facebook Page and summarized that people are very supportive of Ms. Mountain's proposal to have an entertainment venue with no alcohol involved. This can be a positive move for the Town.

Julie Penrod-Glenn is supportive of the venue, stating that we ought to do this the easiest and quickest way possible. Despite Attorney Lee's previous instructions, Mrs. Glenn stated that a special variance would work better. Responding, Attorney Lee repeated the only three ways to handle this request.

Troy Blakely agreed that an amendment to the code would be beneficial to the Town. Mayor Pro-Tem Berkowitz commented that it is great to have so many people in agreement on a topic.

Commissioner Shutterly would recommend creating this item under *Uses Permitted by Special Use Permit* which would go before the Planning & Historic Preservation Board (P&HPB) for review. Tom Brady questioned the attorney regarding the P&HPB's responsibilities concerning the issue. Attorney Lee informed Member Brady that the P&HPB's responsibilities are to put conditions on the use, restricting the hours, and/or whatever is appropriate for each *Special Use* application. Attorney Lee stated that the code allows the Board to put conditions on uses that are permitted by special exception so there is no need add it to the LDC. The Board has the authority to approve the use without any conditions or they may add conditions. Further, Attorney Lee stated that conceivably the Board could have some issues with certain things such as noise, parking, etcetera, and set conditions based on each individual *Special Use Permit*.

Tom Brady does not want to rezone the property and would recommend adding 'Indoor Entertainment Venues' to the LDC under the heading, *Uses Permitted by Special Use Permit*. Mr. Brady stated that he is concerned with what can happen down the road as Board Members, having different interests, change all the time. Julie Penrod-Glenn answered that she would like to focus on this proposal that is before us tonight, not on hypotheticals and what may or may not happen through the years. If we approve *Special Uses* for this property, it would not set a precedent for other applications in the future, as each *Special Use* application would be handled individually. Mayor Pro-Tem Berkowitz stated that each application would be unique in themselves and the Board would have the authority to deem it appropriate, or not. Concerned citizens' comments are considered in these situations. Commissioner Shutterly pointed out that we do have to think about all the properties. The Town cannot regulate and develop regulation or code based on just one property; as it does not work. We have to look at the C-1 district as a whole, and if written properly, it can go to the Board where they can deny the permit or approve with conditions. Tom Brady agreed stating that planning is a long range plan, and you have to be careful when setting regulations.

Public comments concur that an entertainment venue would be good for the town with consideration given to hours of operation, parking, and building codes.

Commissioner Roberts stated that before 1980 the town was dead with stores shut down, and it was a ghost town. Carmen Smyth was very influential in getting the town back to life. He respects what Tom Brady is trying to do. He doesn't want Micanopy to be like St Augustine, which is focused on tourism. He supports the move and wants it done correctly and professionally.

Attorney Lee will draw up a draft Ordinance with the recommendations from this meeting. The next step is to have the P&HPB review the Ordinance and give their recommendation to the Town Commission.

Mayor Pro-Tem Berkowitz thanked everyone for coming out tonight.

6. Adjourn: 7:24 pm

MINUTES APPROVED:

as submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Patty S. Polk, Recorder