



Planning & Historic Preservation Board Regularly Scheduled Meeting

Tuesday, October 26, 2021 at 7:00 pm

1. Call to Order
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call
4. Consent Agenda
 - a. Agenda Approval
 - b. Minutes of Regular Meeting of September 28, 2021
5. Citizen's Forum
Public Comment (public comments limited to 2 minutes per speaker, please)
6. Public Hearings
7. New Business
 - a. Resolution 2021-11
8. Unfinished Business
9. Board Member Comments
 - a. Marian Baron (Seat 1)
 - b. Ann B. Baird (Seat 2)
 - c. Stephen (Dakota) Johnson (Seat 3)
 - d. Stephen Elder (Seat 5)
10. Chair Fro Warren (Seat 4) Report
11. Adjournment

PLEASE NOTE: PURSUANT TO SECTION 286.015, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED DURING THIS MEETING, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT, A PERSON WITH DISABILITIES NEEDING ANY SPECIAL ACCOMODATIONS TO PARTICIPATE IN TOWN MEETINGS SHOULD CONTACT THE TOWN ADMINISTRATOR, 706 NE CHOLOKKA BLVD., MICANOPY, FLORIDA 32667-0137, TELEPHONE (352) 466-3121.



MICANOPY, SEMINOLE CHIEF

Minutes

Planning & Historical Preservation Board
Regularly Scheduled Meeting
Tuesday • September 28, 2021 • 7:00 pm

1. Call to Order: 7:00 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:

Board Members		
Ann Baird	--	Present
Marian Baron, Vice Chair	--	Present
Stephen Elder	--	Present
Dakota Johnson	--	Absent with notice
Fro Warren, Chair	--	Present
Kiersten Ballou, Attorney	--	Present
Sara Owen, Town Administrator	--	Present
Patty Polk, Deputy Town Clerk	--	Present

4. Consent Agenda
 - 1) Agenda Approval
 - 2) Minutes of Regular Meeting August 24, 2021

Motion made and seconded (Baird/Elder) to approve the consent agenda as submitted; passed 4-0

5. Citizen's Forum: None

6. Public Hearings
 - A. Action: Special Use Permit – Home Office
 - Parcel: 16765-002-000
 - Location: 301 SE Tusawilla Rd, Micanopy, FL 32667
 - Owner: Alba Weinman

Chair Warren opened the Quasi-Judicial Hearing. Attorney Ballou swore in Alba Weinman, Caroline West, Bud DesForges, and Stoney Slaton.

1. The Board shall determine whether it has jurisdiction over the matter. Yes
2. Members of the Board shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case. None
3. Members of the Board shall disclose and place on the record any ex parte contacts relating to the matter before the Board. None
4. Introduction of the Petition by the Town. Chair Warren read the certificate of appropriateness application as submitted
5. Presentation of Applicant's Case. Alba Weinman stated that she would like to have a home office in her new home. She will also have occasional retreats with less than 20 people (later she lowered the number to less than 7 people) which will be quiet sessions.
6. Presentation of Staff's Case. None
7. Presentation of Affected Party's Case. Caroline West is opposed to a home office in their neighborhood as it will be disruptive and will add extra traffic.
8. Rebuttal by Applicant. Ms. Weinman stated that she will have people coming over by appointment only and they will be quiet, meditating, and enjoying her home.
9. Rebuttal by Staff. None
10. Rebuttal by Affected Parties. None
11. Public Input.

Bud DesForges, 554 NW Seminary Ave, does not have a problem with a home office but if 20 people came for a group meeting then you have too many people and cars.

Stoney Slaton, 104 NE Seminary Ave, questioned the frequency of guests coming? The answer was 1 person coming 3 -4 times a week and once a month for a retreat.

Caroline West, 407 SE Tusawilla Rd, stated that if the retreat is on a week end it would be disruptive.

12. Deliberation and Vote of Board.

Discussion ensued at length. Attorney Ballou stated that with current legislation regarding Florida Statute 559.955 we may not be able to regulate home offices. She will bring more information to our next meeting.

Motion made and seconded (Elder/Baron) to table this until next month or until we have a response from our attorney; passed 4-0

13. Preparation of Final Order.

14. Approval of Final Order.

7. New Business - None

8. Unfinished Business

- A. Prohibiting Commercial Vehicles- The best way to prohibit commercial trucks is to designate our streets scenic roads. No truck signs are not working. Attorney Ballou to follow up.
- B. 4-Way Stop Seminary Ave and N Division St – Alachua County is doing a study.
- C. Bicentennial Celebration – Nothing to report

9. Board Member Comments

- Marian Baron (Seat 1) – She is still working on two items: Scenic Road designation and zoning designations.
- Ann B. Baird (Seat 2) – The CLG training was great with a lot of good ideas that are doable and preferred.
- Stephen (Dakota) Johnson (Seat 3)- Absent with notice
- Stephen Elder (Seat 5) – None

10. Chair Fro Warren (Seat 4) Report – Fro agrees with what Ann said about the CLG training. Thank you everyone for coming and goodnight.

11. Adjournment: 8:18 pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

JP Warren, Chair

Patty S. Polk, Deputy Town Clerk

RESOLUTION NO. 2021-11

A RESOLUTION OF THE PLANNING AND HISTORIC PRESERVATION BOARD OF THE TOWN OF MICANOPY, FLORIDA, SERVING ALSO AS THE LOCAL PLANNING AGENCY OF THE TOWN OF MICANOPY, FLORIDA, RECOMMENDING TO THE TOWN COMMISSION OF THE TOWN OF MICANOPY, FLORIDA, APPROVAL OF AN AMENDMENT TO THE TEXT OF THE TOWN OF MICANOPY COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY THE TOWN COMMISSION, UNDER AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3248, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR ADDING A PROPERTY RIGHTS ELEMENT TO THE COMPREHENSIVE PLAN PER SECTION 163.3161(10), FLORIDA STATUTES, AS AMENDED AND SECTION 187.101(3), FLORIDA STATUTES, AS AMENDED; AS AMENDED; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Micanopy Land Development Code, hereinafter referred to as the Land Development Code, empowers the Planning and Historic Preservation Board of the Town of Micanopy, Florida, hereinafter referred to as the Planning and Historic Preservation Board, to recommend to the Town Commission of the Town of Micanopy, Florida, hereinafter referred to as the Town Commission, approval or denial of amendments to the Town of Micanopy Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, in accordance with said regulations;

WHEREAS, Sections 163.3161 to 163.3248, Florida Statutes, as amended, the Community Planning Act, empowers the Local Planning Agency of the Town of Micanopy, Florida, hereinafter referred to as the Local Planning Agency, to recommend to the Town Commission, approval or denial of amendments to the Comprehensive Plan, in accordance with said statute;

WHEREAS, an application, for an amendment, as described below, has been filed with the Town;

WHEREAS, pursuant to the Land Development Code and Section 163.3174, Florida Statutes, as amended, the Planning and Historic Preservation Board, serving also as the Local Planning Agency, held the required public hearing, with public notice, on said application for an amendment, as described below, and considered all comments received during said public hearing concerning said application for an amendment, as described below;

WHEREAS, the Planning and Historic Preservation Board, serving also as the Local Planning Agency, has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the Planning and Historic Preservation Board, serving also as the Local Planning Agency, has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND HISTORIC PRESERVATION BOARD OF THE TOWN OF MICANOPY, FLORIDA, SERVING ALSO AS THE LOCAL PLANNING AGENCY OF THE TOWN OF MICANOPY, FLORIDA, THAT:

Section 1. Pursuant to an application, CPA 21-01 by the Town Commission, to amend the text of the Comprehensive Plan, the Planning and Historic Preservation Board, serving also as the Local Planning Agency, recommends to the Town Commission that a Property Rights Element be added to read, as follows:

XII
PROPERTY RIGHTS ELEMENT
INTRODUCTION

The following goal, objective and policies constitute the Property Rights Element, in accordance with the legislative intent expressed in Section 163.3161(10), Florida Statutes, as amended, and Section 187.101(3), Florida Statutes, as amended.

PROPERTY RIGHTS GOAL, OBJECTIVE AND POLICIES

GOAL XII - RECOGNIZE AND RESPECT JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PRIVATE PROPERTY RIGHTS.

- OBJECTIVE XII.1** In local decision making, the Town shall consider the statement of rights as enumerated in Policy XII.1.1, Policy XII.1.2, Policy XII.1.3, and Policy XII.1.4.
- Policy XII.1.1** In local decision making, the Town shall consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- Policy XII.1.2** In local decision making, the Town shall consider the right of a property owner to use, maintain, develop and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- Policy XII.1.3** In local decision making, the Town shall consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- Policy XII.1.4** In local decision making, the Town shall consider the right of a property owner to dispose of his or her property through sale or gift.

Section 2. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 3. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Planning and Historic Preservation Board, serving also as the Local Planning Agency, this 26th day of October 2021.

Attest:

PLANNING AND HISTORIC PRESERVATION BOARD,
OF THE TOWN OF MICANOPY, FLORIDA,
SERVING ALSO AS THE
LOCAL PLANNING AGENCY
OF THE TOWN OF MICANOPY, FLORIDA

Sara S. Owen, Town Clerk

Fro Warren, Chair



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2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

October 12, 2021

Ms. Sara S. Owen
Town Administrator/Clerk
Town of Micanopy
P.O. Box 137
Micanopy, FL 32667-0137

TRANSMITTED VIA ELECTRONIC MAIL ONLY

RE: Application No. CPA 21-01 (Town Commission)

Resolution
Concerning an Amendment to the
Text of the Comprehensive Plan

Dear Sara:

Please find enclosed the above referenced resolution.

The Town Attorney should review the resolution as to legal form and sufficiency.

Subsequent to adoption of the resolution, please send a copy of the signed resolution to me.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

SRK/cf

xc: Kiersten Ballou, Esq., Attorney
Andrea Parker, Esq., Attorney
Patty Polk, Deputy Clerk
S. Scott Walker, Town Attorney

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