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**Planning & Historic Preservation Board**

Tuesday • April 27, 2021 • 7:00pm

**Minutes Regularly Scheduled Meeting**

1. Call to Order: 7:04 p.m.

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 -- Present

Fro Warren, Chair -- Present

Scott Walker, Town Attorney -- Present

Patty Polk, Deputy Town Clerk -- Present

4. Consent Agenda Approval:

1. Agenda Approval
2. Minutes of Regular Meeting March 30, 2021

Patty Polk included in tonight’s meeting packet the definition of *Lot of Record. A lot which exists as shown or described on a plat or deed in the Public Record of Alachua County on August 25, 1992.* Sandra Joseph, North Central Florida Regional Planning Council (NCFRPC), is our land planner, and she is researching this relative to our discussion about non-conforming lots of less than ½ acre. Polk inquired if we should table the discussion on non-conforming lots, and the Board decided to leave it on the agenda.

***Motion made and seconded (Elder/Baird) to approve the consent agenda as submitted; Passed 5-0***

1. Citizens Forum: None
2. Public Hearings: None
3. New Business

* Bicentennial Celebration – A committee headed by Raquel Vallejo is working on the bicentennial celebration. Banners are being planned and Vi Asmuth is putting on a play as part of the celebration. Ann Baird questioned if the committee has a budget and if it is sponsored by the Town. Ms. Polk responded that the Town has not received a request to sponsor.
* Non-Conforming Parcels (less than ½ acre) Chair Warren put this on the agenda for discussion. Frequent requests for variances on non-conforming lots less than ½ acre have brought this topic to our agenda. Does anyone want to offer a solution? Steve Elder spoke with his neighbor, Winn Blazier, who stated his concern is that if we allow all these ¼ acre lots to be improved, the Town will be destroyed through overbuilding. To build a house, septic, and drainfield on a ¼ acre lot, the tree canopy must be removed to have enough room to build. Chair Warren will add these two issues to the concern list: too many septic systems on small lots and loss of tree canopy.

Robert Lockward *(9626 NW 27th Pl, Gainesville, 32606)* Parcel #16759-000-000 on which there is already a primary structure, would like to put up a shed building that looks like a house that no one lives in and is upset and believes that his parcel will become worthless if the Land Development Code (LDC) is changed regarding ¼ acre lots. He had spoken to his attorney and was told that the Town cannot change the zoning on his property. Mr. Lockward is concerned that his .64 acre lot may be considered a non-conforming lot because Property Appraisers shows the front part of his property (.35 acres) zoned as C-1 and the back portion (.29 acres) zoned as R-2. The Town’s 2013 LDC shows the entire lot zoned as C-1; the lot does not fall into the category of a non-conforming lot as the parcel is over ½ acre.

Attorney Walker responded that the subject matter of this meeting is an attempt to rectify the point that Mr. Lockward is making right now and also to have an inquiry with our land planner to make a determination of what to do in the future with non-conforming lots. Attorney Walker stated that he doesn’t think that we’re in a position, at this stage, to give Robert Lockward answers to some of the questions that he’s asking. Mr. Lockward interrupted Attorney Walker to ask if everyone who has a non-conforming lot was invited to this meeting; and he explained that in Gainesville, he gets several letters from the County regarding anything being considered. Attorney Walker answered that this meeting is noticed properly for the Town of Micanopy to be present. Robert Lockward again interrupted Attorney Walker, and Attorney Walker responded that he had not interrupted Mr. Lockward and that protocol dictated that Mr. Lockward not address Attorney Walker directly, but that his comments be directed through the Chair. Further, Attorney Walker stated that he is happy to talk to Mr. Lockward and his attorney. Lockward responded that his attorney’s name is the same as his, Robert Lockward.

Chair Warren stated again that we had not proposed any rezoning and that the agenda for this meeting was posted prior to our meeting as per Town procedure and that this is one of probably five meetings before any zoning changes would be considered. Everyone affected would be notified at the proper time. Further, if we do propose to rezone, as always, Town staff will notify everyone of any proposed changes. Marian Baron commented that Lockward’s lot is more than ½ acre and that would make the lot conforming. Chair Warren stated that per Property Appraisers, the front half of his property on Cholokka Blvd is zoned C-1 and the back portion of the parcel is zoned R-2 *(The LDC shows zoning on this parcel entirely C-1.)* Steve Elder questioned if the lot is two separate lots that are side by side; it is one .64 acre parcel. Elder answered that it is a buildable lot as the lot is over a ½ acre; it doesn’t matter if you have split zoning. Lockward stated that his parcel has a strange shape and questioned if the zoning on one part of his parcel will change. Chair Warren answered that a zoning change for non-conforming lots is not being considered.

Bud DesForges *(554 NW Seminary Ave)* is confused about what Mr. Lockward’s issue is? Is it one parcel number or two? It is one parcel with C-1 zoning on the front and R-2 on the back. Maybe this individual needs to come before the Town and change the zoning to all commercial that way he can put a storage building on his property. Chair Warren commented that the adjoining property owners might feel effected as well, as the commercial zoning would be right next to their property. *(The parcel is already zoned C-1as of July 9, 2013).*

Stoney Slaton, *(104 NE Seminary Ave),* commented that setbacks for ¼ acre lots should be proportionate for smaller lots; not the same setbacks as required by ½ acre lots. Also, in the future when the Town has a sewer system, these smaller lots will be easier to build on; people may want to maximize their space by waiting to build.

Marian Baron stated that we need to look at each case because there are stipulations for undo hardships, and she thinks that anybody that needs an adjustment will need to come to this Board with very specific plans. *(LDC Article 10.06 already deals with Variances.)* Baron told Lockward that she understands his hardship, and he answered that he doesn’t have a hardship. Baron stated that the lack of being able to utilize your property to the extent that you would like based on the way it is zoned is a hardship. Baron suggested that Lockward submit an application or preliminary review with this Board to take a look at the situation and give a better direction to move forward. Further, Baron stated that in the meantime, we are only beginning this discussion, collecting information, and consulting with our land planner, to see what we can and can’t do, to make sure that everyone has the use of their property according to the law and the regulations of the Town. Baron sated that we’re not here to cause you undue hardship, to which Lockward responded that he’s not worried about his property but there could be other people affected with two separate zonings. Chair Warren stated that we’re trying to take a proactive look into this and to find a good solution that will be equitable to all citizens as we always do with this Board.

Chair Warren’s opinion is that we have a very beautiful Town and if every ¼ acre is developed, then the Town will not be very appropriate.

Attorney Walker stated that we’ve identified the problem, and now we need to find a solution. He’s sure that Sandra Joseph will also do the same kind of work and will give us some suggestions. This problem is not unique to Micanopy and while we were talking, he has been looking at non-conforming lots of record, how other jurisdictions have handled this problem, and what specifications for variances are provided in differing codes. He has been looking through the LDC while this discussion has been going on, and he finds that it is lacking on giving guidance on what you do and how you do it. There are two different categories of land owners: those that fall into assemblage of lots and those that do not. By that, we typically look at side lots to determine if these lots of records can be assembled *(combined into one parcel).*

Walker thinks the focus is certainly important to look at Mr. Lockward’s property; we need to look at it from a much greater global view so that we can determine what it is that we’re going to do, how we’re going to do it, and create some rules that we can uniformly apply in the future. At some point, we’ll have options: one option is to do nothing and deal with it as we do now, or we can change our LDC and have a set specification of the way that we deal with it. There are a variety of ways as to how to change the regulations to accommodate this problem. As you’ve stated repeatedly, we are only an advisory board to the Commission, so ultimately what we advise to the Commission is going to be their responsibility and then they can decide how they want to proceed.

* Sundial in Downtown Median – Fro Warren questioned if we should push forward? Stoney suggested moving the sundial either to the north or to the southernmost median. Mike Roberts *(551 NW Seminary Ave)* gave a brief history of the sundial. It was placed by the Girl Scouts in 1985 as a service project. He’s sure those Girl Scouts are grown with children of their own by now. Stoney suggested asking the current girl scouts if they would like to move it, and we can offer adult help with the physical relocation. Steve Elder offered to ask his daughter, who is currently a Girl Scout leader if they can help. Ann Baird commented that this would be a good service project for the girls with the ability to learn how a sundial works.
* Trash Receptacles in Downtown Medians – Chair Warren questioned Patty Polk if she has heard any news on the trash receptacles. Polk responded that she has heard that new trash cans are not necessary as they are not overflowing on Monday mornings. Stoney commented that the point was that the existing receptacles are meant to be for dog waste to which Polk responded that they are regular trash receptacles that have been there for over thirty years; the signs asking to *‘put dog waste here’* were added a few years ago because public works employees were splattered with dog feces while weedeating the medians. Stoney answered that he thought the receptacles were put there for dog waste as they are identical to the ones at the dog park he visits. Elder commented that the cans add to the old Town appeal and might overflow on a busy weekend, but not on a regular weekend. Baird questioned if they need replacement, and they do not as they are made of brass.

8. Unfinished Business

* Speeding on Tuscawilla Rd and Seminary Ave – Chair Warren stated that he would like to leave this on the agenda until we get the results of the *Speed Spy* study. Baron stated that she understands that we are waiting for the results of the *Speed Spy* study before we move forward with the 4-way *STOP* sign at Division St and Seminary Ave; what is the status of the *Speed Spy*? Polk responded that we are on the waiting list with Alachua County to get the *Speed Spy*. Chair Warren stated that the 4-way *STOP* has been approved by the Commission, but we are waiting for the *Speed Spy* data and proper procedure to proceed.

9. Board Member Comments:

* Marian Baron (Seat 1) – Thanked Steve Elder for hosting the Dollar General Stakeholder Meeting. Having the meeting at that location really opened eyes; when they came out of the meeting, they saw the darkness and heard the silence. They saw what would really be affected by that development plan; she thinks that it really woke up the Commissioners and people. We really need to keep the pressure on.
* Ann B. Baird (Seat 2) – None
* Stephen (Dakota) Johnson (Seat 3) – None
* Stephen Elder (Seat 5) – After hosting the meeting for the Dollar General/Concept Companies Stakeholder Meeting on April 6th, there were two County Commissioners in attendance and they went back to the County Commission and quickly passed the Scenic Highway designation of Tuscawilla Rd. Steve Elder doesn’t think the Dollar General was approved and that there will be no entrances off of Tuscawilla Rd for the Dollar General; this will lower the speed limit to 30mph, prohibiting semi-trailers, and there will be a 100’ buffer for trees from the center of the road onto adjoining property. Steve Elder thinks that the Scenic Highway designation will protect the road.

10. Chair Fro Warren (Seat 4) Report: Thanked Steve Elder for hosting the Stakeholder Meeting with such a large crowd, your building allowed for social distancing which made everyone feel safe. He had seen an email that showed Dollar General had changed three or four items for the building including orientation but did not include square footage, which they keep ignoring.

11. Adjournment 7:53 pm.

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MINUTES APPROVED:

As submitted\_\_\_\_As amended\_\_\_\_ at Planning & Historic Preservation Board Meeting\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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JP Warren, Chair Patty S Polk, Recorder