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**Planning & Historic Preservation Board**

Tuesday • August 25, 2020 • 7:00pm *via Virtual Conferencing*

**Minutes Regularly Scheduled Meeting**

1. Call to Order: 7:00 p.m.

2. Invocation & Pledge of Allegiance to Flag:

3. Roll Call:

Board Members

Ann Baird, Vice Chair -- Present

Marian Baron -- Present

H. Grace Fuller -- Present

Dakota Johnson -- Present

 Fro Warren, Chair -- Present

 Andrea Parker, Town Attorney -- Present

 Patty Polk, Deputy Town Clerk -- Present

4. Agenda Approval:

***Motion made and seconded (Baron/Fuller) to approve the agenda as amended tabling the meeting minutes of July 28, 2020; Passed 5-0***

5. Approval of Previous Meeting Minutes: February 25, 2020 – Regular Called Meeting Minutes

***Motion made and seconded (Baron/Fuller) to approve the February 25, 2020 Regularly called meeting minutes as submitted; Passed 5-0***

6. Citizens Forum

* Bud DesForges *(554 NW Seminary Avenue)* reminded everyone about the Micanopy Clean-Up date of September 12, 2020.
* Stoney Slaton *(104 NE Seminary Avenue)* said hello and thanked Grace for speaking at the Commission meeting.

7. Public Hearings

* Site Plan Review – Duke Energy Battery Storage Facility

Parcel: 16799-004-000

Location: 304 NE Hwy. 441, Micanopy, FL 32667

Owner: Duke Energy Florida, LLC

Applicants: Dorothy Pernu, Duke Energy, Government & Community Relations Manager

 Adam Nygaard, Duke Energy, Project Manager

Quasi-Judicial Hearing

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*

*Attorney Parker swore in the following:* *Dorothy Pernu, Adam Nygaard, Sean Harrington, Bud DesForges, and Stoney Slaton*

1. Introduction of the petition by the Town. *Chair Warren read the application on short title as presented.*
2. Presentation of the Applicant’s case. Dorothy Pernu, Duke Energy Florida, reminded everyone that in January 2020 Duke presented to this Board a preconference overview of the project and why they were pursuing the battery storage facility. The battery energy storage system is an 8.25 mega-watt facility for storage to enhance the power quality and reliability for Micanopy and its neighbors. Duke has provided the application and followed the site plan checklist for all documentation, they submitted their application early in August 2020, and they have submitted some additional updates since then. Adam Nygaard, Duke Energy, Project Developer, and Sean Harrington, Duke Energy Construction Manager, for the project were in attendance and will be presenting the application.

Chair Warren stated that it would be appropriate to pull up the site plan checklist, and Duke has prepared a document that answers that checklist. Nygaard shared his screen and displayed the Site Plan Review Checklist.

1. Has a complete application been received? *Yes, provided on August 7, 2020*
2. Are there any amendments to the application? *No*
3. Has there been a pre-application conference? *Yes, a pre-application conference was held on January 28, 2020*
4. The property’s legal description – *Provided within the application form and as Documents “03 – Rec Warranty Deed Micanopy Battery Site (OR 4788-1890). Pdf”*

Fuller questioned the deed and asked if it is correct and if all parties involved have signed off on the deed, as it shows a married couple and a married man. Nygaard answered that Duke Energy Florida LLC is the legal owner of the property. Attorney Parker explained that most likely what it is a married couple and mostly likely their son, Paul. From what she can see this is a properly executed deed.

1. Is the site posting correct? *TBD by the Town of Micanopy – Chair Warren explained that the site was not posted in a timely manner; site posting on August 18, 2020 and mailed notice was sent on August 20, 2020. Therefore, Chair Warren called a special meeting for September 1, 2020. Nygaard had spoken to the Micanopy Animal Hospital, Ruby Owens, Richard Jones, and other neighbors; and they did not seem to have a problem with the facility. The Micanopy Animal Hospital sent a letter of support to the Town.*
2. Notification of Surrounding Neighbors (if required) *Complete*
3. Are Quasi-Judicial Procedures in place? *TBD by Town of Micanopy – Yes, the Quasi-Judicial hearing is taking place.*
4. Scaled Plan Received Includes:
	1. All existing structures and square footage – *No existing structures on the 2.47 acre site.*
	2. All proposed structures and square footage – *Proposed structures and dimensions are included within application (Adam Nygaard shared his screen) but audio was not adequate, as his connection was choppy. The plans show Hwy. 441 to the south, a ditch, and an existing entrance which will be used as the driveway with addition of a drainage culvert. Duke purposefully left a lot of space between the road and the site with a buffer of trees. Mr. Nygaard stated that the remainder of the site will be cleared for accessibility and pointed out the battery storage site, fence, and gravel boundary. A security gate will be installed at the end of the driveway. Fuller asked if the gravel will extend east and west across the entire property, and Nygaard responded that the gravel area will include all area about 10’ from the property line with a grass perimeter. Fuller questioned if the building labeled #4 on the site plan is this the building for which we received plans; Nygaard confirmed that it is the site control center and the only accessible building.*

*Baron would like to see a more complete site plan including: dimensions of all the structures, measurements of space between the fence and structures, maximum heights, fence height, and concrete thickness. Responding to Baird, Adam Nygaard answered that the concrete pad will be 12” – 18” thick with 4” – 6” of projection showing above the finished grade.*

*Fuller questioned tree removal, as permission is being requested on the Application for Land Use Approval, to clear trees as necessary per the attached documents. The Application for Preliminary Site Plan Approval item B(4)(r) states “The site has numerous trees. It was confirmed there are no specimen trees. All trees must be cleared for Battery Storage site construction and maintenance.” Fuller wanted to confirm that there are going to be trees between the site and the road. Dorothy Pernu explained that a new drawing was provided to the Town Hall staff yesterday afternoon. Nygaard responded that the most recent Soil Erosion & Sediment Control Plan document clearly shows trees remaining. Harrington stated that Duke had worked with their design engineer, and the original plan was designed to sit 100’ closer to the road but the goal is to maintain a clear buffer with existing trees. Nygaard stated that the Board can make a condition to require Duke to maintain the planned buffer. Fuller would like to add a condition that Duke will maintain the trees in perpetuity from Hwy. 441 119’.8” from the front left and 158’ on the long side. Answering Baird, Nygaard stated that there are also tree buffers on the east and west sides of the property, and to the north, as well. Duke will maintain trees to the best of their ability, but the east and west sides of the property will not be as well covered as the north and south sides of the property. Harrington stated that the subject property is a narrow strip, and the planned facility will border the 15’ and 25’ side setbacks. Fuller wondered if landscaping can be added to provide a buffer on the east and west sides of the property; Chair Warren stated that it doesn’t look like the site is wide enough to allow for such a buffer. Pernu pointed out on the veterinarian side of the property there is an existing swale that would present a challenge to add vegetation. Baron questioned how much space is between the structures and the fence? Harrington responded 25’ and that the space is needed to drive trucks and cranes in with room for the cranes’ outriggers. Is it possible to move the fence in more to allow for more trees as a buffer on the outside of the fence? The site is going to be highly visible coming north on Hwy. 441 and from the Micanopy Animal Hospital.*

*Fuller questioned what type of fence is being installed and if it can provide screening? The chain-link fence will be 6’ in height topped with 1’ of barbed wire. Fuller would like to know if the fence could be vinyl for privacy, and she wanted know opinions of other Board members. Dakota Johnson would like the vinyl. Baird is not a fan of vinyl as it breaks and discolors. Fuller offered that a non-invasive vine might be planted on the fence. Pernu suggested that there is an option for an opaque mesh that can be placed on the chain link fence; it is not as intrusive and is a softer look. Baron feels that we need vegetation on the south side of the property, as she thinks that Duke could shorten the space to provide more room for trees. There is some concern from Duke about that idea, as the structures within the fence are typically placed for safety requirements; apart from each other and apart from the fence. Duke would have to look to see if moving the fence is feasible, and if it’s not feasible, then we could entertain the idea of using the opaque mesh on the chain-link fence. Fuller asked for a sample of the mesh to be provided, and Dorothy Pernu will have that available for the next meeting.*

* 1. Septic placement/water supply entry/electric entry – S*eptic and water not applicable. Electric entry will be overhead from Hwy. 441 along the entrance into site, and then underground.*

*Marion Baron questioned if there is any water on site? Nygaard responded that there will not be any water on site. Baron is concerned that the control center should provide restroom and washroom facilities. Pernu responded that the control room is a place where technicians would visit to update software and changeout different types of equipment, but a restroom would not be required because of the little amount of maintenance performed at the site. Chair Warren stated that he sees porta potties at these types of facilities; but Nygaard stated that they will not have a porta potty on site. When there are major maintenance activities they will be performed outside. Fuller questioned the need for a fire hydrant; and Nygaard responded that the facility will have a clean agent fire suppression system in the building designed to deprive a fire of oxygen.*

* 1. Any wetlands – *An Environmental Site Assessment was completed in August 2019, and the attached exhibit provides the US Fish and Wildlife Service (USFWS) National Wetlands Inventory which mentions a very small “possible emergent wetland” in the northwest corner of the property. Baron requested copies of the wetlands assessment and environmental study. Chair Warren doesn’t think that this can be done within one week before our next meeting. Attorney Parker answered that approval can be granted in a motion with conditions.*
	2. Are trees being removed that fall under Article 6? – *Duke had responded that per review of the LDC and discussion during the pre-conference meeting in January 2020, there are no protected (specimen) trees within the site that are prohibited from being removed. Baird questioned if the buffer zone trees will be protected, and they will. Pernu stated that this section is referring to the Town’s specimen tree list and the Town Administrator confirmed that there are no protected trees on this property. Also, Baron wanted to confirm with the Tree Committee that there are no specimen trees. Fuller would like to ensure that remaining trees will be left intact, and Harrington stated that they will be flagged so that the trees not be damaged during construction.*
	3. Are Regulated Tree locations, sizes, and species noted – *None existing.*
	4. Property boundaries and orientation – *Provided within the application.*
	5. Acreage/square footage of property – *Per application documents “07 – Micanopy Survey 63628001.pdf;” the property is 2.47 acres.*
	6. Relevant photographs and/or other germane information – *provided in high level overview during meetings in January and August 2020.*
	7. If possible, property topography including existing and proposed drainage pathways - *Included in the application documents, specifically the Grading, Drainage, and Fence Plan document “08 – MIC00-CV-C-GR.PL-01\_D.pdf – Baron would like to address this and see a drainage plan, which Harrington answered is clearly marked on the drawing. The top of the swale is 98’ above sea level, and the water flows into the swale and then flows south out to the drainage ditch on Hwy. 441. There is very little cut or change to the elevation. DesForges questioned if during a severe water event is there a spillway that goes to the Hwy. 441 ditch or if the water will flow over to the veterinarian’s property because you’re not supposed to put water on other peoples’ properties? Harrington answered that the site is mostly pervious area with stone and existing soils; there is not a lot of impervious area, and because of the elevation, I think you are going to see water flowing in both directions and to Hwy. 441. Chair Warren stated that the ditch on Hwy. 441 is 4’ lower than the swale.*

*Baron questioned what Duke is doing to protect the ground and environment from any possible spills? Herrington replied that the Duke team takes safety seriously and has designed a spill containment system. The site uses a complicated stone and impervious barrier with fabrics that actually coagulate oil while letting water pass through. Oil used in the transformers is FR3, a vegetable-based oil; there are no caustic or other fluids that will be used. During construction there will be some fueling processes associated with some of the equipment, but all that will be within Federal regulations**. Although unlikely, if there was ever an incident where all the transformers failed, there is enough capacity to handle all of the oil spill.*

* 1. Any easements. Any existing or proposed egress and ingress – *Per the Survey provided within the application, there are no easements within the property. An easement exists adjacent to the north/northeast corner of the property.*
	2. Front, side, and rear setbacks or any other property specific restrictions – *LDC Section 2.02.04(E) (screenshot provided below) covers C-2 zoning setback requirements. The project meets or exceeds all required setbacks.*

 Dimensional Requirements: All principal and accessory structures shall be located and constructed in accordance with the following requirements: 

* 1. Location of any existing or proposed signage – *Duke Energy’s proposed signage is attached in the application as Document “09 – Micanopy Station External Signage.docx”. Duke is flexible as to the location of this signage – most of which will be on the fence of the battery facility and not visible from Hwy. 441.*
1. Current Land Use and Zoning Classification – *The Micanopy Official Zoning Map is provided below. The subject property is zoned as C-2 Commercial (see parcel in blue on map). Land to the west is owned by Ruby Owens and is zoned C-2 Commercial, although property use is Single Family. Land to the east is owned by Micanopy Animal Hospital Inc. and is zoned C-2 Commercial. Land to the north is owned by Reddick & Reddick and is zoned C-2 Commercial. Land to the south is on the other side of Hwy. 441, is owned by O’Steen Brothers Inc., and is zoned I Industrial.*

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1. Have the requirements under 10.02.09(D)4(k) Landscape Plan with written comments from the Tree Committee been met? *Yes, the requirements have been met. Per Ordinance 2019-01, none of the trees to be removed from the subject property fall within the Canopy Tree Protection Zone, defined as within 25 feet of the center of an actual and/or platted roadway.*
2. Any Unique Characteristics Noted – *None*.
3. Have the Construction Plan requirements under 10.03.04 been met? *This will be submitted prior to the start of construction, IFC set.*

*Fuller asked about Preliminary Site Plan Approval Application item (B)4(n) for exterior lighting fixtures. The application shows two-foot candles at gate and entrance to control house. Fuller summarized that the people in Micanopy want full cut-off fixtures to keep lighting out of the sky and there is no mention of that. What is planned? Pernu cannot speak specifically to that, but she can say that US 441 is a highway, and the lighting that FDOT requires on that road is different than what is allowable in the center of Micanopy. Those lights would need to meet FDOT standards. Adam Nygaard stated that the intent of those lights is similar to a porch light, just giving enough light to see in the general vicinity. There is no intention of installing excessive site lighting. Baron stated that this is not exactly on Hwy. 441; it is within your property and not on the highway. Pernu will get the information for next week.*

1. Presentation of Affected party’s case. *None.*
2. Presentation of Staff’s case. *None.*
3. Rebuttal by Applicant. *None.*
4. Rebuttal by Staff. *None.*
5. Rebuttal Affected Parties. *None*
6. Public Input

*Bud DesForges (554 NW Seminary Avenue) would like to hear a motion to approve. Stoney Slaton (104 NE Seminary) thanked Dorothy Pernu for her presentation, wished Sean Harrington good luck with the endeavor, and thanked Adam Nygaard again for the information. I know that you have presented to the Board many times. He thinks that the site plan looks great, as he has looked at site plans for many years now, Stoney thinks that you have covered everything, and he can understand why you wouldn’t want trees on the site that may damage the new equipment. Thank you, and I welcome the project.*

1. Deliberation and Vote of Board.

*Chair Warren stated that we cannot vote until next week. Baird had nothing to add, except that she was concerned with the tree cover in the front and the view for the animal hospital. Baron would like a copy of the environmental study, see a sample of the alternative fencing material, was hoping to have the trees doublechecked, and to confirm the lighting. She is fairly satisfied with the spill container system, and she apologized as this is her first presentation of this project. Baron questioned if there is a noise issue? Pernu responded that there is a low hum very similar to a sub-station, and with the trees on the road frontage it would be very nominal that you would have a noise issue. Nygaard added that Duke is adding noise protection and will bring more inform to the next meeting. Johnson feels pretty satisfied with their site plan. Fuller thanked Ms. Pernu, Mr. Harrington, and Mr. Nygaard for their patience with all of our questions, explaining that we are a volunteer Board and not as expert as that which you may encountered in bigger cities.*

 13. Preparation of Final Order. *None.*

 14. Approval of Final Order. *None.*

8. New Business – *None.*

9. Unfinished Business – *None.*

10. Board Member Comments:

* H. Grace Fuller has served on the Board almost three years and her term is up December 31, 2020. She enjoyed working with the Board Members and wants to thank the Board and the Commission for the privilege of serving. Thank you to Town staff for supporting us. She is planning to leave when her term expires in December, and if the Board or the Commission finds someone to take her seat prior to December, she will gladly step down early. Dr. Eisenman may be interested in serving and it will be worth hearing what he would have to say. Chair Warren thanked her for her service and was sorry to hear that she’s going.
* Marion Baron is concerned about speeding. If you recall a few months ago, a woman drove her vehicle into a tree on the corner of NE Cholokka Blvd and E Ocala Avenue. We have a speeding problem on Tuscawilla Rd and Seminary Avenue. She would like to put on next month’s agenda to discuss the possibility of more stop signs and more speed humps.

11. Chair Report – Chair Warren thinks we did pretty good this evening. If you need hard copies of anything, just call Town Hall and request them.

12. Adjournment 8:40 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