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**Planning & Historic Preservation Board**

Tuesday • February 23, 2021 • 7:00pm

**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 -- 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 January 26, 2021

***Motion made and seconded (Elder/Baird) to approve the agenda as amended, with the addition of 8b. March Meeting Schedule, and approve the minutes as submitted; Passed 5-0***

1. Organizational Meeting: Vote for Chair and Vice Chair – Chair Warren handed the gavel over to Patty Polk who asked for nominations for Chair.

***Ann Baird nominated Fro Warren for chair and Marian Baron seconded the nomination.*** As no other nominations were received, Polk closed the floor to nominations. Fro Warren was seated as chair for the upcoming year.

Polk handed the gavel back to Chair Warren who asked for nominations for Vice Chair.

***Ann Baird nominated Marian Baron for Vice Chair and Steve Elder seconded the nomination.*** As no other nominations were received, Chair Warren closed the floor to nominations. Marian Baron was seated as Vice Chair for the upcoming year.

1. Citizens Forum:

Bud DesForges *(554 NW Seminary Ave)* expressed surprise that the Town Commission voted to leave the street lights as they were. Micanopy Clean-Up is scheduled for April 24, 2021, 8 – 11:30 am.

1. Public Hearings
* Action: Lot Split

Parcel: 16644-000-000

Location: 201 & 203 NE Tahota Ave, Micanopy, FL 32667

Owners: Raquel Vallejo

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 Walker swore in the following witnesses: Raquel Vallejo and Bud DesForges*

1. Introduction of the petition by the Town. *Chair Warren read the application as submitted.*
2. Presentation of the Applicant’s case. *Raquel Vallejo presented her case. She owns a non-conforming lot with two cottages on the lot and she wishes to split the lot between the two cottages which will leave 20’ side setbacks. The right side of the property boarders two houses, the back border’s town hall property, the left side boarders an empty lot, and across the street there is commercial property with an airboat business.*

*Ann Baird stated that we had addressed this once before and no action was taken at that time. Chair Warren reminded the group that we are on presentation of the applicant’s case.*

*Patty Polk stated that the Land Development Code (LDC) requirements for a lot split are: At least one full acre to be split into two lots that equal at least ½ acre each, 85’ minimum lot width, front setback of 25’, and minimum side yard setbacks of 15’. Chair Warren summarized that the plan submitted would provide only 71.3’ of road frontage for 201 NE Tahota Ave, not 85’ road frontage as required.* *Ms. Vallejo continued that on the left side lot there is 71.3’ which is 13.7’ short of the 85’ requirement. On the right-side lot, there is 127.2’ road frontage.*

1. Presentation of Affected party’s case. *None.*
2. Presentation of Staff’s case. *Patty Polk stated that another requirement in the LDC article 10.04.02 D* *Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application. Chair Warren agreed and questioned where the electrical is, and it is marked EM for electric meter.*
3. Rebuttal by Applicant. *Ms. Vallejo stated that she spoke to a surveyor and the lowest cost for a survey to identify the locations of the septic tanks and drainfields is $2,500. Prior to spending money for a survey, she would like to know if she will be able to split the lot. Chair Warren questioned if there are two septic tanks currently, and the answer is ‘yes’*.
4. Rebuttal by Staff. *None*
5. Rebuttal Affected Parties. *None*
6. Public Input – *Bud DesForges (554 NW Seminary Ave) questioned how short of an acre is this parcel? Steve Elder responded that it is 2,000 sq ft short of an acre. Vallejo stated that the parcel is .97 acres.*
7. Deliberation and Vote of Board. *Baron would like to know the location of the septic tanks and drainfields. Vallejo responded that for #201, the septic is right behind the building. And for #203, the septic is on the left side, rear of the cottage. Baron questioned if both cottages have heating, air conditioning, electricity, and water; Vallejo responded that they do. Baron questioned if either of these cottages obtained permits in the last year? Vallejo responded that in both existing residences, all of the windows have been replaced. Baron questioned if Vallejo had tried to configure the lot split in a way that would make the smaller lot more conforming? Vallejo responded that this is the only way she has tried. Vallejo lives in one of the cottages and the other cottage is her office; she purchased the property the way it is.*

*Steve Elder found this quite complicated as he also owns a non-conforming property and has 20 years of experience in Micanopy; we’ve been around this multiple times. LDC Article 1.03.01 provides that the intent of this section to permit these non-conformities to continue until they are eliminated, but not to encourage their survival. Vallejo added that there is a trend for small houses. Elder stated that it is the Micanopy LDC which is the rule of Micanopy and it has nothing to do with his personal feeling, and he has to obey it.*

*Ann Baird questioned if the discussion we had three years ago with the previous owner would be pertinent now? Polk stated that we only had a casual conversation about this property with no official application or action taken.*

*DesForges stated that the only way you could conform to the code is to purchase a sliver of land from the property owner next to you to make your lot an acre and to be able to meet the minimum 85’ lot frontage width.*

*Baron doesn’t see any potential to split the lot unless you could come up with something creative. Vallejo prefers to do it this way, before she spends $2,500, she would like to know if you are amiable to working with her. Chair Warren understands that the lot is not 85’ road frontage but the buildings that exist at this moment, and there is not much that can be done about that. The Board is concerned that one lot would be so much smaller, as Elder said, we are not to encourage the survival of non-conforming lots.*

*Elder stated that there is another complication with the septic tank and drainfield on the left side of the one house; Ms. Vallejo could be in for a big expense for a new septic tank and drainfield. Elder stated that sometimes it is better to leave the non-conforming lot the way it is.*

*Ann Baird questioned if Ms. Vallejo could come back to us in the future with another solution? Chair Warren questioned Attorney Walker if this is possible? Attorney Walker responded that one option is to table the discussion.*

*Polk questioned if this application would be permitted in our LDC? To split a lot, you must have at least 1 acre and meet the rest of the LDC regulations. Walker summarized that both lots should be a ½ acre. As you see Lot 17, it is currently about 2,000 sq ft short of a full acre. If you have the lot line close to the house on the right then you would have 85’ front frontage, but not 15’ for the side setback. Vallejo disclosed that these houses had been student housing and were moved there in the 1960’s; tiny houses were popular back then. Walker questioned that if the lot was split, would Vallejo sell one house? Vallejo responded ‘yes’. Walker asked Vallejo if she had considered moving one of the houses? Vallejo responded that ‘no’, she hadn’t, as it would be very expensive. Walker summarized that Article 1.03.01 provides for a ½ acre lot in the R-1 zoning category, which seems to be the biggest sticking point for the situation. Vallejo questioned if the County’s regulations are considered in Micanopy, but they are not. Vallejo questioned if the lots and houses on Division St have been split? Chair Warren responded that they have not been split; previous LDC’s allowed ¼ acre buildable lots.*

*Chair Warren stated that a lot split will not be permitted tonight. If Vallejo can come up with a plan that will allow the lot split possibly with a variance, you can bring it back to this Board.*

 13. Preparation of Final Order. *None*

 14. Approval of Final Order. *None*

1. New Business:
2. Fire Station Roof Color – Bronze color standing seam roof.

Mike Roberts *(551 NW Seminary Ave)* brought in a bronze color roofing sample which is the desired color for the fire station roof.

Chair Warren asked for comments from the Board. Ann Baird likes the neutral color and questioned if there is a difference in price of the colors? Roberts responded that the painted metal will run approximately $3,000 more than galvalume, has less maintenance, and comes with a better warranty. Marian Baron would definitely recommend standing running seam metal roof, she doesn’t care for the color but it is not objectional in any way; she would prefer a lighter color. Baird questioned if the heating cost is less with a lighter color roof? Roberts responded that the cost difference is very minimal; the bronze color will match the brick on the fire station.

***Motion made and seconded (Elder/Baird) to approve the bronze color for the fire station roof; passed 5-0***

1. March 2021 Meeting Schedule – Patty Polk will be absent for our next meeting. She suggested that we can have the meeting one week early, one week late, or you can have the meeting on our regular day without her. Board agrees to hold the meeting one week late on March 30, 2021- 7:00 pm.

9. Unfinished Business

* Speeding on Tuscawilla Rd and Seminary Ave – 4-way *STOP* at NW Seminary Ave/Division St

Baron discussed that the Commission voted to install the additional *STOP* signs at Seminary Ave/Division St. We will wait on the speed humps until we can explore a recommendation from the Sheriff’s Department. To slow drivers and warn them that they’re coming to the end of the road, we may want to recommend one *STOP* sign at the intersection of Tuscawilla Rd/Cholokka Blvd. Chair Warren will take this recommendation to the Commission. DesForges stated that Tuscawilla Rd is a County road and we do not have jurisdiction. Elder stated that we can ask the Town for a traffic study.

***Motion made and second (Baron/Elder) to request that the Town get a traffic survey of Tuscawilla Road to see if Alachua County will add a STOP sign at Tuscawilla Rd/Cholokka Blvd; passed 5-0***

Patty Polk questioned Attorney Walker about the placement of the 4-way *STOP* on Seminary Ave/Division St that was approved at the January 12, 2021 Town Commission meeting. The corners of Division St already have *STOP* signs; the two additional *STOP* signs will be on Seminary Ave. How do we warn people that two new *STOP* signs will soon be added? Elder suggested putting out signs with orange flashing lights to draw attention to the new *STOP* signs. Attorney Walker responded that you can do rumble strips which would probably be highly objectionable or you can do a *STOP AHEAD* sign; you would need to look up the regulations before preceding to make sure the *STOP AHEAD* sign has proper placement. Patty Polk commented that Andrea Parker was going to research the regulations, but we haven’t received a response.

10. Board Member Comments:

* Marian Baron (Seat 1) – None
* Ann B. Baird (Seat 2) – None
* Stephen (Dakota) Johnson (Seat 3) – He will be absent for our next meeting as he has to care for his grandmother.
* Stephen Elder (Seat 5) – None

11. Chair Fro Warren (Seat 4) Report:

1. Chair Warren discussed Amendment 1: Twenty years ago, a letter from the Alachua County League of Cities dated Oct 25, 2000, urged voters to vote *‘no’* on Alachua County Amendment 1, which was turned down then but has since passed. This Amendment takes away the ability of the citizenry to know that the voluntary annexation rules have changed and that when annexation occurs into a city, the Amendment allows the County to retain the ability to control zoning or re-zoning of those annexed properties. Attorney Walker discussed the complaints that the City of Alachua, City of Newberry, and the City of Archer have all filed against Amendment 1. There were three counts filed, and summary judgement hearing on Count 1 stated that the County said that the Charter Amendment was valid language, was clear, unambiguous, and could be understood by the general populous. The Amendment was passed by 60 votes; it was a phenomenally close election for the number of voters that turned out. The three cities took the opposite position saying that people didn’t understand the meaning of the ballot language. Judge Brasington sided with the County, saying that the language was clear, unambiguous, and that the voters have spoken; so, it passes. The cities lost and the County won on that issue. The City of Alachua, and possibly the other two cities, are going to take this case to the First District Court of Appeals. Baron questioned if this can be put on the ballot for repeal; and Attorney Walker responded *‘yes’*.
2. Chair Warren reported that the Commission did not accept the P&HPBs recommendation to change out the street lights as the $10,000 cost was felt to be too much of an expense. Those lights will be changed into 3000K Micro lights as they are replaced. The light with the shield on it will stay as it is.

12. Adjournment 8:11 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