



Planning & Historic Preservation Board

Tuesday • May 25, 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	--	Absent with notice
Marian Baron, Vice Chair	--	Present
Stephen Elder	--	Present
Dakota Johnson	--	Present
Fro Warren, Chair	--	Present

Andrea Parker, Town Attorney -- Present

Patty Polk, Deputy Town Clerk -- Present

4. Consent Agenda Approval:

1. Agenda Approval

2. Minutes of Regular Meeting April 27, 2021

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

5. Citizens Forum:

- Homer Jack Moore (153 NW Seminary Ave) stated that Tusawilla Road has been designated a county scenic road which confers extra protections. This includes a 100' buffer off the sides of the road, limitation on trucks on the road, limitations on signage. Those protections are conferred by the county up to the town limit. He would like to propose that we extend those protections along Tusawilla Rd from the town limit up to the town center.

Mr. Moore is also very concerned with trucks in Micanopy. This is linked to the issue with the proposed Dollar General issue on the corner of Tusawilla Rd and Hwy 441 and if the developer continues to plan to have a driveway entrance off of Tusawilla Rd; it means that the big trucks will need to access that driveway on Tusawilla Road which is contrary to the county scenic road protections. The developer will need a variance which we will continue to fight.

We've had big rigs intrude through Micanopy and have had damage resulting from one truck hitting an oak limb tearing it off and another big truck damaged a resident's fence by driving through it. Law enforcement has proven to be ineffective to enforce our no trucks policy. We're afraid that when the Dollar General comes in that the big trucks will come though town to get to the Dollar General entrance. He was a little astonished to be driving downtown center and right in front of him was a big rig tank truck, as it turns out it was here purchasing water for Cuscowilla; he apologized to Patty Polk as he was a little hot that day. Patty Polk responded with her own apology for not responding correctly to his inquiry.

Marian Baron thinks that the entire length of Tusawilla Rd Corridor is designated as a scenic road. Discussion ensued regarding how much of the road is designated a scenic rd. Chair Warren will approach the town commission regarding this topic.

Mr. Moore realized that we do not have any signs stating trucks prohibited. He would like to propose that we consider a blanket no big truck policy in Micanopy and post signs accordingly at the entrances to Seminary Ave and Cholokka Blvd. Chair Warren will take this topic to the town commission. Marian Baron discussed that signage has been discussed numerous times and she understands that Tusawilla Rd and Cholokka Blvd are not in our jurisdiction to place signs. Stoney Slaton (104 NE Seminary Ave) stated that the county has put out new signage on Co Rd 234 (No trucks allowed) and trucks still turn onto Seminary Ave; he has called Alachua County dispatch and reminded them that trucks are to

use the bypass road to get to Cholokka Blvd which is the business district with no results. The signage should show No trucks allowed and state that trucks should use the bypass road.

Bud DesForges (554 NW Seminary Ave) discussed the big truck issue; it might be nice if this board would ask the town commission to send a letter to the new sheriff stating that there was an issue with no citation issued; let the sheriff know that we would like the no truck signs more strictly enforced. If the Dollar General is approved, we will have more truck traffic and will need the no truck rule enforced. Chair Warren will take this issue to the town commission.

Mike Roberts (551 NW Seminary Ave) prior to the bypass going in, we had trucks going through town which damaged the historic buildings downtown. Steve Elder was on the commission when we received a grant to rebuild the hotel which was damaged due to truck traffic. Mike Roberts recommends sending a letter to the business owners which might solve some of the problems. Elder stated that trucks cannot come into town on Cholokka Blvd to deliver to the shops, who will go out of business without deliveries, and then do a U-turn as the street is not set up that way. DesForges stated that we are not referring to the smaller trucks that come into town to deliver. Elder stated that they are bringing 18 wheelers to deliver food to the restaurants. DesForges recommended that the shop owners need to say that they don't want their orders delivered by 18 wheelers; they need to request smaller trucks deliver their order. Slaton stated that the drivers are very skilled with delivering and turning around to leave. Moore takes the position that we don't want 18 wheelers in Micanopy; there is no delivery service that cannot deliver with a smaller truck.

6. Public Hearings: None

7. New Business

- A. Alachua County Municipal Code Article XVI-Special Area Plans – Marian Baron presented, while doing research to find out how to protect ourselves and fight against the Dollar General development plan she came across the article Alachua County Municipal Code Article XVI-Special Area Plans. You have rural clusters that would be a small community like Evinston. Baron read the first chapter, *Special area plans are established as one mechanism to protect unique environmental, historic, or cultural resources within strategic ecosystems, significant habitat areas, listed species habitat areas, or to address specific needs and circumstances in other areas designated by the Board of County Commissioners in order to enhance livability, protect the character of a neighborhood, provide amenities, plan for traffic management, and facilitate joint planning with municipalities. Where a Special Area Plan is required, the process is designated to facilitate the collaborative planning of these areas in order to provide integrated protection of resources and to provide for shared infrastructure and common open space.* Baron discussed the highlights of this article and stated that she just wanted to introduce this information to anyone who might want to look at it further, understand it with more detail, and to see if they would like to get involved either individually, as a property owner, or through the town through the commission as a whole. She knows that Cross Creek is one town that has a special area plan to protect the unique nature and the historic nature of their town. She thinks that Micanopy falls into this category. She just wanted to bring this up as an initial FYI to see who's interested as it is worth exploring. Maybe when we have our joint meeting with Alachua County Commissioners, we may want to have some questions for them. Chair Warren stated that we will keep this on our agenda. Attorney Parker commented regarding the sunshine law because we do have 2 commissioners present, we just need to make sure that the commissioners do not comment on anything that may come before the commission at a later date
- B. Timing of monthly meeting minutes & agendas – Marian Baron added this to the agenda to discuss the timeliness of the posting of the agenda and monthly meeting minutes.

Maron Baron stated that Patty does a great job with the meeting minutes but in all fairness to the town, the agenda should be posted sooner. Last month meeting minutes were received the day before the meeting. Board members and residents do not have time to review the agenda before the upcoming meeting. Baron works long hours and she doesn't always have time to prepare. She mentioned in a previous meeting the possibility of having meeting minutes done more quickly with an outside transcription service. Possibly we can bring this to the commission the possibility of finding a solution and she doesn't think we are following code which states that the agenda should be posted in a reasonable amount of time. Patty Polk stated that our office policy is to post the agenda the Thursday before the Tuesday meeting. Attorney Parker stated that legally speaking it is a reasonable notice. Baron stated that we will wait to bring this to the commission until our new town administrator settles in.

8. Unfinished Business

- A. Speeding on Tuscahulla Rd and Seminary Ave – Chair Warren presented the speed spy results and it shows that we do not have a speeding problem. Marian Baron stated that at the last commission meeting Debbie Gonano said that these reports are very detailed and this is a summary. She thinks that speeding is done during rush hour and is not from local residents. She is curious to see a detailed report showing what happens during rush hour as most complaints are from morning and evening traffic. Cheryl Roberts (551 NW Seminary Ave) does not see speeders and she sits on her porch often. Stoney Slaton stated that people speed past his house on Seminary Ave and the Roberts live between two speed humps which slows the drivers down. Marian Baron stated that maybe a 4-way stop is not the way to go but we still have

a problem with speeders. Steve Elder questioned if we can ask the commission to post signs stating caution and pedestrians present; safety is the issue here. Chair Warren will discuss this with the commission next month.

Marian Baron has a legal question regarding her request to the town administrator asking for a detailed speed spy report and Ms. Gonano's response was that she would get it if the commission directed her to do so. Attorney Parker stated that it is a public records request and anyone can make a public records request to Alachua County Sheriff's Department.

- B. Update: 4-way stop at Division St & Seminary Ave – New motion by Town Commission
Chair Warren presented the motion made at the May 11, 2021 Town Commission meeting.
Motion made and seconded (Mance/Roberts) to postpone the placement of the 4-Way Stop sign until after the Speed Spy data has been compiled and presented and history of the intersection could be investigated further; Passed 5-0
Chair Warren asked for public comment; none. He's sure this will be discussed at the next commission meeting.
- C. Bicentennial Celebration – The Town Administrator is working on banners to hang on the power poles. Marian Baron understands that a motion was made to spend up to \$1,000.00 on banners and frames if needed. A tree planting from the tree committee is being planned. Dakota Johnson heard that someone is planning a play. Chair Warren hasn't heard if there is a committee planning the bicentennial celebration and he will ask the town administrator for clarification.
- D. Non-Conforming Parcels (less than 1/2 acre) Discussion
In response to our Town Administrators email to Sandra Joseph, NCFRPC, regarding Robert Lockward's parcel, Sandra answered that the Town is the official records custodian; not the property appraiser. Micanopy's Official Zoning Map (located in the LDC) contains the correct C-1 Zoning map and trumps whatever the property appraiser shows on its website. Marian Baron has requested a larger map of the ancient map and a zoning map prior to August 1992, Ms. Polk hasn't been able to locate the map.

Marian Baron discussed her desire to do a survey of all existing conforming 1/4 acre lots prior to August 1992 vs the non-conforming 1/4 acre lots so that we will have a better working knowledge. Steve Elder stated there is no grandfather clause for 1/4 acre lots and the Land Development Code (LDC) states that we are to discourage any future development of 1/4 acre lots and we are to maintain 1/2 acre lots.

Attorney Parker gave some information from our LDC section 1.03.03 that addresses non-conforming lots. Section 1.03.03A Where two or more contiguous nonconforming lots with continuous frontages are under the same ownership, or where a nonconforming lot is contiguous to another lot under the same ownership, such lot or lots shall be combined to form one or more lots meeting the requirements of the district in which they are located.

1.03.03B A building may be located on a substandard or nonconforming lot, provided that the remedies set forth in herein cannot be complied with and that building use is permitted in the zoning district in which the lot is located, as long as the Planning & Historic Preservation Board finds that such buildings will not create any condition detrimental to the safety, convenience and quiet possession of surrounding properties and uses. The Planning and Historic Preservation Board shall not authorize a multiple-family dwelling on a substandard or nonconforming lot in any district in which a single-family dwelling is a permitted use. Essentially it allows for building on that 1/4 acre lot so long as the P&HPB makes a finding that, essentially a variance of sorts, because of the fact that this lot had not been previously divided. If you are looking at 1/2 acre lot that had been divided into 1/4 acre lots prior to this being enacted, that is not an undo hardship. If you purchased this 1/4 lot as a 1/4 acre lot at no fault of your own, the P&HPB under our current LDC can grant a variance to build on that lot.

Attorney Parker researched some other counties, cities, and towns to see what they did in similar situations. Is this the time to discuss this information or should we wait until we have some board discussion to see if we have an interest in doing that? Chair Warren responded that yes, we would like to wait and questioned if Attorney Parker could email that information to the town office; she will email the information to the town office.

Motion made (Baron) to table the topic of non-conforming parcels until we have a map prior to August 1992, confirmation from the planning consultant that those lots are conforming lots, and an inventory of what lots are conforming and non-conforming;

Baron withdrew her motion

Motion made and seconded (Elder/Baron) to remove Non-Conforming Parcels (less than 1/2 acre) from future agendas; passed 3-1 (Warren opposed)

- E. Sun Dial Downtown Median – Patty Polk presented, Barbara Finch, local troop 452 leader, spoke to the girl scout troop who placed the sun dial to see if they would like to plan the relocation of the sundial to a sunny location and they are not available. Troop 452 will present a plan for the relocation of the sun dial and plaque to this board for approval. Chair Warren will provide a general drawing of the southern most median to aid the troop with their plan.

F. Dollar General Update – Marian Baron discussed the proposed Dollar General (corner of Hwy 441 and SE Tuscowilla Rd). The Dollar General final plan has been submitted to the Alachua County Development Review Committee and County Staff determined it to be incomplete. Baron also pointed out that under Florida Statute section 163.3215. Once a local government has adopted a comprehensive plan as mandated by the act, all subsequent actions taken by it with regards to authorizing development must be consistent with that plan. The courts have strictly enforced this statutory mandate. The development order must be consistent with the comprehensive plan as it exists at the time of issuance of the development order not on the date of application. Anyone affected party, individual, for example: if they are a resident of the town adjacent to the property owner of the Town can make a consistency challenge. The act provides a cause of action for persons withstanding to seek a local circuit court order in validating a development order on the basis that it is inconsistent with the governing comprehensive plan. Ms. Baron spoke at length regarding the right of stakeholders to fight the Dollar General; she is sharing this information for anyone who may want to take this information to fight the Dollar General.

Steve Elder recommends that Ms. Baron send the county a letter challenging the comprehensive plan and she can do it personally as a citizen and Chair Warren agrees. Homer Jack Moore stated that there are a lot of different ideas here and sorting them out is challenging. One he has focused on is the restriction of the Uniform Land development code. Convenience stores are up to 8000 sq ft because the development plan for the dg is 8960 sq ft; he was told by Missy Daniels that the Dollar General is not a convenience store, it is a retail store to which he disagrees and will continue to fight the Dollar General. Discussion ensued.

9. Board Member Comments:

- Marian Baron (Seat 1) – She has noticed that people have been taking pictures of different properties and she has been getting unsolicited text and emails inquiring if she wants to sell her property. She thinks that there is a lot of interest in Micanopy and we should prevent the urban sprawl.

She would hate to see developers come into town and chop these larger parcels into ½ acre lots. Possibly increase the buildable lot size from ½ acre to a full acre. Steve Elder stated that we would create the same situation we did when we increased the buildable lot size from ¼ acre to a ½ acre. Discussion ensued. Attorney Parker interrupted this conversation stating that this is a relatively substantive issue at this point, it is not on the agenda, and she advises to put this topic on the next agenda.

Motion made and seconded (Baron/Elder) to add increasing required lot size for buildable lots to the next agenda; passed 4-0

- Ann B. Baird (Seat 2) – Absent with notice
- Stephen (Dakota) Johnson (Seat 3) – None
- Stephen Elder (Seat 5) – None

10. Chair Fro Warren (Seat 4) Report: Nothing to report; meeting adjourned.

11. Adjournment 8:23 pm.

MINUTES APPROVED:

As submitted _____ As amended _____ at Planning & Historic Preservation Board Meeting _____

JP Warren, Chair

Patty S Polk, Recorder