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***Town of Micanopy***

***Planning & Historic Preservation Board***

***Regularly Scheduled Meeting***

***Tuesday • May 28, 2019 – 7:00 pm***

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

Tom Brady -- Present

H. Grace Fuller -- Present

David Massey -- Present

Fro Warren, Chair -- Present

Scott Walker, Town Attorney -- Present

Patty Polk, Deputy Town Clerk -- Present

4. Agenda Approval:

***Motion made and seconded (Baird/Massey) to approve the agenda as amended, moving item 7(1), Comprehensive Plan Amendment, to 7(5); passed 5-0***

5. Approval of Previous Meeting Minutes:

April 23, 2019 Regularly Scheduled Meeting Minutes

***Motion made and seconded (Fuller/Baird) to approve the April 23, 2019 meeting minutes as submitted; passed 5-0***

6. Citizen’s Forum: None

7. Public Hearings:

1. Action: Lot Split (Change boundary lines to provide ingress/egress to adjoining property) - Green

Parcel: 16520-064-000

Location: 702 NW Seminary Ave, Micanopy, FL 32667

Owners: Cathy Weaver-Carnahan & Eric Carnahan

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. H. Grace Fuller stated that she lives across the street from the applicants and has no conflict of interest or reason to disqualify herself; she just wanted to disclose the fact that she lives very close by.
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 witnesses.

1. Introduction of the petition by the Town. Chair Warren read the application as submitted.
2. Presentation of Applicant’s Case. Cathy Weaver Carnahan did not have anything to add to her written application. Proposed action is to transfer a 24’ x 128’ strip of land from tax parcel 16520-064-000 (Carnahan) to 16520-065-001 (Green) to allow the Greens’ to have ingress/egress to their adjoining property.
3. Presentation of Staff’s Case. None
4. Presentation of Affected Party’s Case. None
5. Rebuttal by Applicant. None
6. Rebuttal by Staff. None
7. Rebuttal by Affected Parties. None
8. Public Input. Tom Green will be the recipient of this proposed lot split as his house is built on the property line.
9. Deliberation and Vote of Board

***Motion made and seconded (Massey/Baird) to approve the lot split as submitted; passed 5-0***

Fuller suggested that the applicant’s check was printed on the back of application and possibly, in the future, we can keep applicant’s payment method private for security reasons.

1. Preparation of Final Order – Polk will prepare the documents for signatures.
2. Approval of Final Order – Signatures from Town staff and Chair Warren.
3. Action: Re-Roof (Shingle to Shingle)

Parcel: 16689-001-000

Location: 403 NE Cholokka Blvd, Micanopy, FL 32667

Owner: Tony Boyd

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 witness

1. Introduction of the Petition by the Town – Chair Warren read the public notice that was posted on the Boyd’s property.
2. Presentation of Applicant’s Case – Tony Boyd presented his plan to use black architectural shingles instead of 3-tab shingles. Chair Warren inquired about the life span of the architectural shingle, which is 25 - 30 years. Tom Brady likes the current gray color shingles that are currently on the house and questioned if Mr. Boyd was planning to repaint the house to match the black shingles. Mr. Boyd answered that he will eventually repaint the same color it is now.
3. Presentation of Staff’s Case - None
4. Presentation of Affected Party’s Case - None
5. Rebuttal by Applicant - None
6. Rebuttal by Staff - None
7. Rebuttal by Affected Parties - None
8. Public Input – Brady commented that the black shingles will be a very strong color and the current grey color looks very good with the color of the house. Boyd replied that he had considered the grey color and decided that the black shingles will stand out more.
9. Deliberation and Vote of Board – Fuller appreciates the architectural shingles but commented that the black shingles may soak in more heat; Massey agreed. Brady stated that if you love Micanopy so much that you chose to live here in the center of the historic district; you might want to consider how the chosen color will affect our historic district. Baird questioned why he chose the color black? Boyd responded that the black will make a more dramatic look. When questioned where he grew up, Boyd responded that he was born and raised right here in Florida. Warren stated that the applicant’s color choice is his prerogative.

***Motion made and seconded (Baird/Massey) to approve the application as submitted using a darker color shingle than is currently on the house; passed 5-0***

1. Preparation of Final Order – Polk will prepare the documents for signatures
2. Approval of Final Order – Signatures from Town staff and Chair Warren
3. Action: Variance (Rear Set-Back - Accessory Building)

Parcel: 16648-001-000

Location: 202 NE Tahota Ave, Micanopy, FL 32667

Owner: Charles Dustin Burch

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 witnesses

1. Introduction of the Petition by the Town – Chair Warren read the public notice as posted on property, bulletin board, and mailed to neighboring properties within 400’ of the property in question.
2. Presentation of Applicant’s Case – Dusty Burch would like to put an accessory building 15’ off the rear of his C-2 commercially-zoned property. The rear setback for C-2 is 50’. The planned accessory building is 64’ x 75’ x 20’ high. There were no complaints received from neighbors in response to the public notice. If the 50’ setback is enforced, the accessory building, which is larger than the residence, would be in the middle of their property.
3. Presentation of Staff’s Case - None
4. Presentation of Affected Party’s Case - None
5. Rebuttal by Applicant - None
6. Rebuttal by Staff - None
7. Rebuttal by Affected Parties – None
8. Public Input. None
9. Deliberation and Vote of Board

Walker discussed LDC Section 2.02.04(E), Dimensional Requirements for principal and accessory structure locations: front setback 0’, side setback 15’, and rear yard setback 50’. The building dimensions and height requirements meet the code. The rear setback for this particular accessory structure requires a variance to allow placement using a 15’ rear setback. Ann Baird agreed that the size of the accessory structure would overwhelm the house if it was placed more than 15’ from the rear property line. David Massey commented that we would not generally want this big of a building pushed up to a neighboring back yard, but since the neighbors did not complain, he doesn’t have a problem with the request. Warren stated that because this parcel abuts C-2 zoning, that is a liberating factor.

H. Grace Fuller’s concern is that there are already many structures on the property, including in the front, and she listed them as being a dog pen, a storage container, and several canopies. Brandy and Dusty Burch answered that the storage container, canopies in the front of the property, and old structure at the rear of the property will be removed with placement of the new accessory structure. Burch agreed that he can have the front yard cleaned up within 6 months of completion of the building. Brady stated that is very nice of them to come to us for a variance and questioned if we have copies of our old code, which we do. Brady pointed out that there is a setback infringement where something was built on the east side of the property; and Burch answered that it has been there for 32 years. Additionally, Brady pointed out that there is a structure on the west side of the property, and Burch stated that it is his dog pen which was built about 5 years ago. Burch stated that his property is zoned commercial and Brady questioned if the property is used for commercial or residential; and Burch answered that it is residential use only.

Addressing concerns about existing tents, LDC Section 1.05.02 defines a building as follows:

*Building. Any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, animals, materials, vehicles, goods, equipment or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, barns, animal kennels, storerooms, coops, or vehicles serving in any way the function of a building as described herein. This definition shall not include individual doll houses, play houses, animal or bird houses that are neither to be used for human habitation (a place of permanent of temporary abode) nor storage as a principal use.*

Fuller has concerns about the dog pen in the front yard. If this was not coded, is it allowed in the front yard, and if it is not, can we ask that the dog pen be moved? Burch stated that, although the pen was not an engineered structure, the pen is 6” concrete with wire and steel supported with 4x4s that are buried deep in the ground, the roof is metal tin, and the structure has already survived several bad storms. Fuller would like to know the dimensions of the dog pen by the next meeting and the reason for the dog pen placement. Burch replied that the pen is placed under shade trees to protect the dogs from the sun. Massey questioned if there is a minimum square footage for an accessory building which would not require a permit; possibly 150 square feet or less? Attorney Walker quickly researched the topic and doesn’t see an exemption. Warren stated that we can put a restriction as a condition of this variance.

Recapping the discussion, Brady summarized that after completion of the new accessory building, other existing accessory structures will be gone within 6 months, including 4 tents and the metal storage container. Brady wanted to know what to do about the 2 buildings that are setback infringements? Massey would like to separate the dog pen from the variance request tonight. The dog pen can be discussed at a future meeting.

Attorney Walker swore in Raquel Vallejo, 201 NE Tahota Ave, who would like to speak on this topic. Vallejo commented that she lives across the street from the property in question and was pleased to hear about the building and wondered if the airboats would be relocated to the rear of the property also. Burch commented that everything along the road will be gone as soon as the building is ready.

***Motion made and second (Fuller/Baird) to approve the variance to allow for a 15’ rear setback for the new accessory structure with the condition that all of the existing structures in the front yard will be moved 6 months after certificate of occupancy (CO); passed 5-0***

1. Preparation of Final Order – Polk will prepare documents for signatures
2. Approval of Final Order – Signatures from Town staff and Chair Warren
3. Action: Certificate of Appropriateness – Sign Permit

Parcel: 16693-000-000

Location: 302 NE Cholokka Blvd, Micanopy, FL 32667

Owner: Alberta Mountain

Applicant: Fabiana Novillo Diaz

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 witnesses. The board will discuss the signs and then discuss the café.

1. Introduction of the Petition by the Town. Chair Warren read the application as submitted
2. Presentation of Applicant’s Case. Fabiana Novillo Diaz presented a request to open a café to serve coffee, tea, and chocolates to compliment her art gallery. The sign is beautiful colors. She found an old sign which is 46” x 35”and would like to recycle it to represent her store. Andy Thurber is going to paint the sign. She will repurpose two nails that are already in the building to hang the sign.
3. Presentation of Staff’s Case. None
4. Presentation of Affected Party’s Case. None
5. Rebuttal by Applicant. None
6. Rebuttal by Staff. None
7. Rebuttal by Affected Parties. None
8. Public Input. Ms. Diaz would like to use both doors on the building for the café.
9. Deliberation and Vote of Board. Fuller would like to know what size signs are allowed. Chair Warren discussed the sign sizes allowed and noted that these signs are well below the maximum size, with the code detailing wall mounted, projecting, and marquis signs be treated the same when measuring square footage. The plan is to place a sign measuring 46” x 35” on the side-front, replace the sign above the front door, and add a projecting sign on the side-rear of the building. Baird commented that the planned front sign over the door will look crowded and that a larger sign there would look better; this is just her observation as a fellow artist. Massey commented that the front sign could be expanded to fit the whole space above the door. Brady likes the 46” x 35” sign. Fuller likes this sign, as well, and it makes the store look very inviting. Baird stated that the sign reminds her of an 1890’s Victorian summer house with people out in the yard in their white dresses; it is very inviting and fits the town. Brady commented that the proposed projecting sign would need to be higher than presented; ADA compliant height would need to be followed. Brady would like to see a sketch of the projecting sign with dimensions. Ms. Diaz to bring the projecting sign dimensions and placement to a future meeting.

***Motion made and seconded (Baird/Fuller) to approve the two Fabulous Art Gallery signs, one above the front door and one on the side-front; passed 5-0***

1. Preparation of Final Order – Polk will prepare documents for signatures.
2. Approval of Final Order – Signatures from Town staff and Chair Warren.

Discussion ensued regarding the outdoor café

5. Presentation of Applicant’s Case. Fabiana Novillo Diaz presented her request to open a café to serve delicious blends of coffee, teas, fine ice cream, and chocolates. She’d like to have top blends like Ghirardelli fine chocolates, Nespresso coffees, and Teavanna teas. She loves to be outside and thought it would be good to have an outdoor café.

Fuller likes the idea and that there is a side door to walk into instead of having to walk to the front of the building. She is not sure whether this exit would meet fire codes. Ms. Diaz was asked if the chocolates, coffee, and pastries will be wrapped by brand; and she answered yes. Massey is concerned about State septic and restroom requirements. Discussion ensued. Ms. Diaz will need to bring more information to a future meeting before a decision on the café can be made. This discussion is tabled until more information, including the below list, is provided to this board.

1. Survey of parcel to include all dimensions and Town right-of-way or *to-scale* plot plan
2. ADA accessibility
3. Fence if applicable
4. Occupancy (Fire Marshall will set this)
5. Fire exits
6. Septic and Health codes to be set by Alachua County Health Department
7. Different location for café if desired

***Motion made and seconded (Fuller/Brady) to table the application of the café and projecting sign until a future meeting; passed 5-0***

Attorney Walker swore in Holly Morris, NE Cholokka Blvd, who inquired if the two signs were approved and they were. Also did you approve anything on the inside of the building? Chair Warren responded that is not our purview.

1. Comprehensive Plan Amendment – CPA 19-01

An application by the Town Commission, to amend the text and Future Land Use Plan Map of the Comprehensive Plan, based upon an evaluation completed by the Town, to reflect changes in state requirements pursuant to Section 163.3191, Florida Statutes, as amended. Discussion ensued at length; Chair Warren will present the changes to this document to our Town Administrator.

*Continuation of this discussion will be at a special called Planning & Historic Preservation Board meeting scheduled for Wednesday, June 5, 2019 – 7:00 pm.*

8. New Business: None

9. Old Business:

* Evaluate the Town Hall South Rear Entrance Steps – Tabled
* Documents from Attorney Walker - Tabled

10. Board Member Comments

* H. Grace Fuller discussed that the Burch dog pen was built without a permit. If we approve the dog pen, then we set a precedent to encourage building without permits. Chair Warren will ask the Town Commission at the next meeting.
* Chair Warren discussed the previous Town Commission meeting. Meeting minutes will be available on *micanopytown.com* soon.
  + Be prepared to discuss the documents from Attorney Walker at our next regular meeting.
  + At the last Town Commission meeting, he misspoke regarding the LED street light recommendation to the Town Commission; we passed a motion to recommend the lights to the Commission.

11. Adjournment: 9:27 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