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***Town of Micanopy***

***Planning & Historic Preservation Board***

***Regularly Scheduled Meeting***

***Tuesday • September 24, 2019 – 7:00 pm***

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

2. Invocation & Pledge of Allegiance to Flag:

3. Roll Call:

Board Members

Ann Baird, Vice Chair -- Present

Tom Brady -- Absent with notice

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 submitted; passed 4-0***

5. Approval of Previous Meeting Minutes: August 27, 2019 – Regular Called Meeting Minutes

***Motion made and seconded (Fuller/Massey) to approve the August 27, 2019 regularly called meeting minutes as submitted; passed 4-0***

6. Citizen’s Forum: None

7. Public Hearings:

* Action: Variance to Build on a Non-Conforming Lot

Parcel: 16520-031-001

Location: 203 NW Eestalustee Ave (6th), Micanopy, FL 32667

Owner: Ricky Allen (Closing in 60 days)

Quasi-Judicial Hearing *(LDC 10.10.03):*

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 Ricky Allen.

1. Introduction of the Petition of the Town. Chair Warren read the submitted application.
2. Presentation of Applicants Case. Ricky Allen thanked the Board for hearing his application to build on a non-conforming lot on which he’s closing November 15, 2019. Mr. Allen explained that there are some title issues on this lot requiring him to hire an attorney and proceed with a quiet title process. The Town has a $4,000 lien on the property for derelict house removal costs. Mr. Allen asked the Board to either waive the lien or negotiate the balance due, as he is going to improve the property and others like it in Micanopy thereby bring more value to the neighborhood. He understands that this is a lengthy request, he understands that time is money, and every minute counts as a small business owner. Attorney Walker questioned which attorney Mr. Allen is using and he answered that he’s hired Clay Martin with Folds, Walker, & Maltby. Mr. Martin had expressed concern of a conflict of interest, as his firm represents the Town of Micanopy. Mr.

Allen and his partner want to keep things local and not to outsource. Mr. Martin said he would work a deal and he is working a deal.

Attorney Walker explained that if the lien is a code enforcement lien; the lien has to be released by the body that places the lien, so the lien is a separate matter than the variance to build on a non-conforming lot. The forgiveness of lien would have to heard before a Town Commission meeting before your quiet title closes.

Chair Warren questioned if Mr. Allen has a proposed structure planned? Mr. Allen answered that Ms. Polk told him that he wasn’t required to present a site plan or structure drawings at this time; however, he scanned his cell phone and presented a preliminary building plan, meeting setbacks, for a 1,600 square foot house with a garage, three bedrooms, and two bathrooms. The proposed lot is a .26/acre corner lot with the driveway located off of 2nd Street. Massey questioned what siding would be used? Responding, Mr. Allen answered hardy plank with cedar shutters and an architectural shingle roof. Baird would like to know if there will be a shed, and Mr. Allen answered ‘no’; an existing old shed on the property will be removed as well as some dead trees. Baird questioned Mr. Allen if he plans to sell this house, and Mr. Allen explained that it will be a spec house and will be for sale.

Fuller questioned how a firm in California owns this property and it still has a lien on it? The Town has a lien on the property. Attorney Walker answered that it is pure speculation when people and entities invest in tax deed sales for unpaid taxes. Purchasing a tax deed doesn’t clear the title to the land; it also requires going through the quiet title process.

Massey stated that for future consideration we need to be concerned about the Town’s water supply if we continue to see development on these ¼-acre lots. Chair Warren responded that all situations are considered for every variance and every variance is considered separately. Massey stated that if the housing gets too thick it may not be good for our water; we just need to keep it in mind. *(Unlikely, as the tank is an elevated 100,000 gallon tank using an average of 65,000 gallons daily.)*

1. Presentation of Staff’s Case. None
2. Presentation of Affected Party’s Case. None
3. Rebuttal by Applicant. None
4. Rebuttal by Staff. None
5. Rebuttal by Affected Parties. None
6. Public Input. Stoney Slaton would like to say *thank you* to the builder for doing this work, and Mr. Allen responded that he is happy to do it.

Attorney Walker swore in Peter Sprowls who owns the vacant lot adjoining the lot in question. Fuller questioned if Mr. Sprowls’ lot is similar to Mr. Allen’s, and he answered that it is identical; his lot is on the NW corner and Mr. Allen’s is on the NE corner.

1. Deliberation and Vote of Board. Baird questioned if Mr. Allen is going to build ‘cookie cutter’ houses, and he is not. Massey is concerned that too many houses in one area may impact the Town. Chair Warren would be more concerned with septic tanks on all these ¼-acre lots for which laws might be changed by the State of Florida in the next few years. Fuller questioned if anyone knows how much this company owes in liens, if they happen to have purchased more than one lot, and what is their total debt on liens to the Town? She is thinking that forgiveness of this lien might set a Town precedent. Mr. Allen answered that the lien on this property will be his responsibility, and he will need to clear the title after he purchases the property. Fuller understands that Mr. Allen is asking for relief on the lien owned to the Town. Mr. Allen responded that his is asking for whatever relief he can get.

***Motion made and seconded (Massey/Fuller) to approve Land Use Permit #20190910-A for a variance to allow building on a non-conforming lot following our Land Development Code (LDC); passed 4-0***

Discussion on forgiveness of lien to the Town. Discussion ensued. Fuller questioned if the house plan meets the Floor Area Ratio (FAR) and our Land Development Code (LDC) set-back requirements. Polk stated that the FAR is only for the Commercial districts and Chair Warren agreed. Fuller questioned if she can waive her right to vote and the Attorney stated that she has to vote unless there is a conflict of interest. She doesn’t feel like we should recommend waiving the whole amount.

***Motion made and seconded (Massey/Baird) to recommend to the Town Commission to forgive the $4000 lien on Parcel #16520-031-001; passed 4-0***

Massey discussed all the traffic that already goes past his house, and he doesn’t personally like the idea of extra traffic from more houses being built. Chair Warren answered that there are a lot of buildable lots in Town. Polk stated that we will add the forgiveness of lien to the Town Commission agenda with more information from Mr. Allen.

1. Preparation of Final Order. Deputy Town Clerk will prepare the final paperwork for Chair Warren’s signature. An aggrieved person can appeal the decision of the Planning & Historic Preservation Boards within 20 calendar days of the final hearing.
2. Approval of Final Order. Chair Warren signature.

8. New Business:

* Town entrance triangle on NW Seminary Ave and CR234 – Chair Warren presented. The mayor wanted us to look at this parcel of property that has no parcel number, as it’s a CR234 right-of-way, to discuss if we want to ask Alachua County to convey ownership of the property to the Town, or leave it as it is. The triangle of land was identified on the wall map. The Micanopy Area Cooperative School (MACS) has been using the area for student drop-off and parking. The Town sign is on this triangle, and Fuller stated that MACS is located across the street. Stoney Slaton questioned if the asphalt drive is part of the triangle property, and he was answered that yes and that it serves as a drive for Mike and Cheryl Roberts’ property on CR234.

Holly Morris stated that the MACS school is thinking about purchasing the property next to the triangle for child care and parking. Fuller stated that there was another accident on Hwy. 441. She thinks vehicles speed on the roads because we’re just not that recognizable as a Town. Further, because there is a school on CR234, she wishes that there was more presence of the Town. Liability of parking on the entrance triangle was discussed; and should we discuss this with the school about how they would feel if the Town asked them not to park there? Chair Warren stated that he needs to know if we have an interest in pursuing ownership of the triangle, or just let it go. Further, the Town Commission asked us to look at acquisition of the triangle; if we don’t want to do anything, he won’t go down and survey it. We’ll tell the Town Commission that we think it should be handled by them. Baird thinks the area should be beautified as it is an entrance into Town; it needs more than just the Town sign, landscaping, and a fence.

Attorney Walker stated that the triangle is owned by Alachua County and the County does grant property ownership. If there is a stated, refined public purpose for the property, then the County staff will bring it before the County Commission; they have granted property to municipalities. If the Town Commission would like to obtain the triangle property, they would need to send a detailed letter to the County Commission requesting the property and they would take it from there. The Town would have liability, but we are also covered by insurance. Attorney Walker stated that the focus this Board should have is: *Is this desirable to the Town to create a nicer pathway to the Town, and is acquiring the property something that we wish to ask the County about?*

Fuller questioned if the pink on the map represents Commercial property? Chair Warren stated that it is the C-1 district, but not historic. Fuller would like more feedback from the school, as they would be impacted the most. Massey summarized that this is an exploration of interest, and it sounds like there is interest, but are we willing to maintain whatever beautification we put in. Chair Warren stated that if we are interested in investigating acquisition of the property, then he will survey it and produce a plan for the next meeting for discussion. Holly Morris stated that our sign is already on it, it’s a great place to have a marker to our Town; we should just write a letter requesting the property. Chair Warren stated that we would obtain the liability and maintenance. If after the next meeting, we decide it is too much liability or hassle, we may recommend to the Commission to not obtain the property.

* Town Fee Schedule – Chair Warren started the discussion. Fuller stated that Commissioner Blakely brought up the fee schedule at the Commission meeting and Blakely stated that the fence fee should be eliminated and some other fees should be lowered. The Board discussed the fee schedule and agreed that these fees are very reasonable. The Board does not see a reason to change the fee schedule. No action taken.

9. Old Business:

* Airbnb – Newspaper Article provided by Tom Brady – Chair Warren questioned Attorney Walker about the document memorandum dated October 17, 2017 handed out by Attorney Parker at our last meeting. Chair Warren read through this document and has a question about an enforceable right vs. a private right? A private citizen does not have an enforceable right so the County is maintaining law enforcement rights. Chair Warren went thru the document and will bring the document to the next meeting for more discussion. Discussion ensued at length.
* Accessory Building & Recommendations – Tabled until next meeting, as Chair Warren hasn’t received an electronic document from our attorney’s office. Attorney Walker responded that his office is trying to obtain a word document.

10. Board Member Comments

* H. Grace Fuller is pleased that this Airbnb issue has continued to be pursued, and pleased that we’re looking at ways to stay within the rules while maintaining what is special about Micanopy. She appreciates everybody’s attention to that. Warren stated that this Board and the Attorney are keeping the topic active.
* Chair Warren
  + The Commission is doing a survey to see if their meeting time should be changed from 7:30 pm to 7:00 pm.
  + Limit of dogs allowed in Micanopy – he hasn’t found anything on this topic.
  + Derelict building (old Save Way) has been decaying for 10 plus years, and he would like to pursue getting this building on the derelict building list. He will pursue this topic, and it will be on our next agenda.

Attorney Walker – On the derelict building issue, the best and safest way to handle this is to report it to the Code Enforcement Officer and get it going with the code enforcement process.

11. 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