****

**Joint Town Commission/ P&HPB**

**Special Meeting**

**Dollar General/Concept Companies Stakeholder Meeting**

**Tuesday** **• April 6, 2021 • 6:30 pm**

**at Micanopy Christian Fellowship Church**

**4909 SE Tuscawilla Road (SE 165th Avenue)**

**Micanopy, FL 32667**

**Minutes Special Meeting**

1.Call to Order: 6:30pm

Mayor Aufmuth summarized that the Town Commission does not have a quorum for this meeting; therefore, the Town Commission will not be expressing views during the meeting and the meeting will be treated as a workshop. The P&HPB is in full attendance.

2. Invocation and Pledge of Allegiance to Flag

3. Roll Call

*Commissioners Attending:*

* Joseph Aufmuth, Mayor Present
* Timothy Parker, Mayor Pro Tem Absent *(with notice)*
* Virginia Mance Absent *(with notice)*
* Troy Blakely Present
* Mike Roberts Absent *(with notice)*

*P&HPB Members Attending:*

* Fro Warren, Chair Present
* Marian Baron, Vice Chair Present
* Ann Baird Present
* Dakota Johnson Present
* Steve Elder Present

*Developer Representatives Attending:*

* Matt Cason, Concept Companies Present
* David A. Theriaque, Attorney Present
* Gerry Dedenbach, CHW Engineers Present
* Debbie Gonano, Town Administrator Present
* Patty Polk, Deputy Town Clerk Present
* Scott Walker, Town Attorney Present

4. Agenda Approval

***Motion made and second (Baird/Elder) to approve agenda; Passed 5-0***

5. Dollar General/Concept Companies Stakeholder Meeting 9,000 sq. ft. Retail Store (Parcel #16496-004-001)

There were about 50 attendees for the meeting. Mayor Aufmuth asked that comments be kept civil and advised that comments regarding approval of the development plan should be directed to Alachua County and would not be heard this evening. The Alachua County Development Review Committee (DRC) had approved the preliminary development plans; the purpose of this meeting is to address the issues of architectural design, lighting mitigation, and building orientation. Attorney Walker added that local government is the closest form of government to the people and a terrific benefit of living in a democracy. We can agree to disagree in a civil manner and all comments should be directed through the Mayor, as Chair.

The Concept Companies team was introduced: David Theriaque is a Tampa-based land use attorney; Matt Cason is President of Concept Companies; and Gerry Dedenbach is an engineer with CHW. Gerry Dedenbach presented a power-point presentation to address all issues identified by the Alachua County DRC, including building orientation, lighting mitigation, and architectural design. A map of the planned development on Parcel #16496-004-001 (a triangular-shaped parcel located in unincorporated Alachua County) was presented which showed the shorter-side building front of the Dollar General building facing southeast, the opposite shorter side facing southwest, a longer side facing southeast to the parking lot, and the opposite longer side facing northwest to an undeveloped parcel. A drainage retention area, which is expected to remain largely dry, had been planned for the lowest portion of the property located at the intersection of US Hwy. 441 and Tuscawilla Road (SE 165th Avenue). One ingress/egress point to the parking lot had been planned off Tuscawilla Road. Tree canopy and landscape buffers had been planned along US Hwy. 441 and Tuscawilla Road, with a 6’ privacy fence included on both sides of the driveway off Tuscawilla Road.

Mr. Dedenbach reported that the site plan and full cut-off lights meet the Alachua County Unified Land Development Code (ULDC). The proposed one-story design incorporates vernacular design elements (awning, windows, doors, gables, porch shed roof, columns, wainscotting, and color palette) from existing buildings in the Town.

1) Les Singleton *(18120 SE 59th Street)* asked about the square footage of the space; Matt Cason answered about 9,000 sq. ft.

2) Jenni Elder *(116 NE Hunter Avenue)* asked about the typical square footage of a Dollar General store (9,100 sq. ft.) and asked about ingress/egress from the parking lot; Matt Cason responded that only one ingress/egress point had been planned off Tuscawilla Road.

3) Homer Jack Moore *(153 NW Seminary Avenue)* spoke about having the building orientation facing US Hwy. 441.

4) Jeffrey Thomas *(402 SE Tuscawilla Road)* expressed concern over lighting issues, and Matt Cason explained that the lights would be controlled electronically by a security system and would be dim from dusk to dawn.

5) Steven Eisenman *(105 NE Bay Avenue)* commented on the large number of windows and doors; it was explained that the building meets Alachua County ULDC Codes which predicates outside glass. The codes allow for glass to be up to 75% transparent. Eisenman thought that to maintain a smaller footprint, the building should be built up; not out.

6) Winny Ruffino *(9050 NW 230th Street, Marion County)* questioned this building on this site in an historic community; why not another site? *“We don’t want it.”* The Mayor answered that this parcel is in unincorporated Alachua County and not under the Town’s jurisdiction. The Concept Companies delegation chose not to respond.

7) Linda Van Leer *(252 Smith Street)* detailed some past Dollar General history and questioned the planned entrance and exits. Matt Cason summarized that there is only one entrance/exit planned and it is located on Tuscawilla Road for safety and per FDOT guidelines.

8) Wayne Cope *(16513 SE CR234)* expressed concern that the building would be built on US Hwy. 441 which is designated as part of the Florida Scenic Highway system. Also, Mr. Cope expressed concern about the ingress/egress for the site which would create traffic safety issues; and Mr. Cason cited the need to meet FDOT requirements.

9) Megan D’Andrea *(502 W Smith Avenue)* wanted a guarantee that delivery truck traffic would not be using Town roads running through the historic district. Matt Cason responded that in the event of a violation, law enforcement would need to police the situation; to which D’Andrea responded would be an inconvenience for Town residents.

10) Stoney Slaton *(104 NE Seminary Avenue)* spoke about the orientation of the entrance to the store and expressed concern about safety of the delivery trucks. Matt Cason responded that delivery trucks will remain on property while maneuvering for delivery.

11) Aaron Weber *(16614 S US Hwy. 441)* spoke about his concern of the driveway placement, which Matt Cason answered was dictated by State FDOT and local law and that Concept Companies would not ask for a variance. Mr. Weber asked about closing in a landscape buffer to mitigate lighting concerns. Mr. Weber asked about the possibility of orientating the front of the building to US Hwy. 441; to which Mr. Cason responded that this development layout was chosen for the purpose of saving additional tree canopy. Mr. Cason responded that many comments were received and the Company had done their best to incorporate all the various comments. Weber expressed his desire for a three-story building, to which Matt Cason replied that there was insufficient parking for a three-story building and that would negate the with tree conservation plans.

12) Daniel Alves *(4918 SE 183rd Avenue)* asked if the windows were transparent; they were designed to be 25% transparent. Mr. Alves thought that the building orientation with the building facing south would have negative effects on residential properties south of the store. Matt Cason replied that the planned building meets all ULDC Codes and that no variances are required. Additionally, Matt said that a 6’ privacy fence would be included in the landscape buffer on both sides of the driveway.

13) Donald Nelson *(101 NE Cholokka Blvd.)* asked about the planned sign; and Matt Cason answered that the sign would be a ground-mounted monument sign installed on the US Hwy. 441 side of the property.

14) Robert Rosa *(1120 Abagail Drive, Deltona, FL)* is a member of the American Indian Movement (AIM), and as a truck driver, he expressed concern about the difficult maneuverability of the entrance/exit. Mr. Rosa also spoke about SouthArc’s failure to continue archaeologist efforts with a Phase 2 study to preserve the site which he believes is the site of the 1836 Battle of Micanopy between the US Army and the Seminole Nation and expressed concern about digging near a possible burial ground. Additionally, Mr. Rosa spoke about Beth Dodd and the Alachua County DRCs corruption.

15) Sean Updegrave *(5326 SE CR346)* asked what it would cost to purchase the property and preserve the land for its native heritage?

16) Diane Lyons *(11920 NE 203rd Terrace, Earleton, FL)* asked if the building orientation was negotiable? Matt Cason indicated that they hadn’t received other orientation ideas but that they were interested; but the deadline is quickly approaching.

17) Stanley Strobles, Jr. *(707 N Division Street)* spoke about security, safety, and privacy issues which would be caused by development of the site. Mr. Strobles also asked about responsibility of road improvements; and the entrance/exit driveways. He wanted a store, but he asked, *”At what cost?”*

18) Martha Banting *(504 Seminary Avenue)* expressed her opinion that the site was inadequate and expressed dislike of the driveway locations and asked why the McIntosh Dollar General store is accessed from US Hwy. 441? Matt Cason answered that the only point of access to the McIntosh store is off US Hwy. 441.

 *Comments:*

19) Anna Prizzia, Alachua County Commissioner *(2530 NW 11th Avenue, Gainesville, FL)* pointed out that Concept Companies found a loophole in the ULDC (one of twelve such properties in the County) concerning commercial development and steps have been taken at the County to prevent such future development. Prizzia mentioned the lack of availability of nearby fresh produce asked if Dollar General would consider selling fresh fruits and vegetables food at this store?

20) Marian Baron *(108 Whiting Street)* voiced concern to Commissioner Prizzia that a moratorium with a deadline of October 13, 2020 had dictated that the plans had to be complete for review and that deadline had not been met by Concept Companies until November 3rd. The Mayor answered that that part of the process has since passed and that the current topic is design issues. The Concept Companies delegation chose not to respond; however, Commissioner Prizzia would research the issue.

21) Homer Jack Moore *(153 NW Seminary Avenue)* stated that he was not opposed to a Dollar General, but thought that a more appropriate location could be found; additionally, he questioned the Stakeholder Meeting process. He thought that the ULDC required the building orientation to face other commercial buildings across US Hwy. 441. He expressed concern about merchandise being displayed on the side of the building being visible from Tuscawilla Road. Jack Moore also complained about potential traffic safety issues relevant to northbound traffic crossing over the southbound lanes to access the store. Additionally, he was concerned about speeding traffic, delivery trucks traveling through historic Micanopy, and pedestrian safety. Additional comments were expressed about trees. Jack Moore related that the County UDLC allows for no more than an 8,000 sq. ft. building. Mr. Moore wanted the Commission (once a quorum is established) to vote that 1) the building should be oriented towards US Hwy. 441, 2) the driveway entrance should be off US Hwy. 441, and 3) that the building be no more than 8,000 sq. ft.

22) Les Singleton *(18120 SE 59th Street)* reiterated that this is the wrong location for Dollar General.

23) Jeffrey Thomas *(402 SE Tuscawilla Road)* expressed that he did not want a Dollar General at the end of Tuscawilla Road.

24) Daniel Alves *(4918 59th Avenue)* felt that the pretense for this meeting was disingenuous. Matt Cason responded to Mr. Alves that many changes had been made to the original design based on Mr. Alves’ suggestions at a previous Stakeholder Meeting.

 *(A group of Native Americans burning sage entered the meeting. Smoke produced from the burning sage quickly became thick in the meeting room, and the Church elders asked that the smudging ritual be taken outside, which was followed by the sound of beating drums coming from outside. Shortly thereafter, Attorney Theriaque requested a five minute break to clear the room of smoke.)*

25) Winny Ruffino *(9050 NW 230th Street)* related that it’s not a done deal, we need to fight this, and the building needs to be placed in another location.

26) Jeffrey Forbes *(206 E Ocala Street)* expressed his displeasure that the design guidelines had not been taken seriously by the developer as other commercial-historical vernacular buildings in Micanopy were not single-story buildings. They were all two-story buildings with one three-story building. Mr. Forbes thought that the Dollar General building should be a two-story building and that the architectural design of the proposed building had not been taken from existing local historical buildings.

27) Bud DesForges *(554 NE Seminary Avenue)* expressed his displeasure that the planned building looks like a Cracker Barrel building; further Concept Companies picked a building style that fit their needs, not the community’s needs.

28) Megan D’Andrea *(502 W Smith Avenue)* expressed her desire not to have a *Big Box* warehouse-type store and wondered what would happen to the Dollar General building when Dollar General fails. *“If you’re going to desecrate native lands, we might as well have a useful building”.*

29) Aaron Weber *(16614 S US Hwy. 441)* expressed his displeasure with the orientation of the planned building and cited ULDC codes concerning architectural design, multi-story buildings, driveway location, and the placement of a convenience store within one mile of another similar store.

30) Wayne Cope *(16513 SE CR234)* expressed his concern about the moratorium deadline having passed, questioned if Dollar General would be asking to expand the store in the future, and his opinion that the Town needs a grocery store or farmer’s market.

31) Robert Rosa *(1120 Abagail Drive, Deltona, FL)* stated that Alvin Breck, formerly of SouthArc, has given his opinion that Phase 2 of the archaeology study should have been performed. Mr. Rosa stated that he appreciated everything that the Town of Micanopy has done with with the sacred burial ground for indigenous people, and that the people of Micanopy have been astonishing; it means a lot to indigenous people that Micanopy has been on their side. He requested that if there is any digging, he wants a historian and archaeologist on site. Further, he stated that, *“Dollar General, you’ll be hearing from us. We’re not going to let you dig; we’re going to be right out there.”*

32) Sheridan Murphy *(116 West Osborne Street, Tampa, FL)* was a Native American with AIM since 1986. He admitted that he had never seen a Florida city proactively protect an indigenous cemetery, and he respected that. Mr. Murphy expressed his dismay about the possibility of digging into a Native American burial ground. He promised a law suit if Indian remains were unearthed and asked that anyone from Alachua County please hear his words, *“You should take a lesson from them (The Town of Micanopy) on that. We don’t know what’s at that site; and God help you if there are any Indian burial sites there, because we will come. There’s a law of the Native American Graves Protection Repatriation Act…There’s a Florida Statute 872.05 the unmarked burial law…You should look up Wounded Knee and Oglala when you question our resolve to protect those sites.”*

33) Diane Lyons *(11920 NE 203rd Terrace, Earleton, FL)* asked for copies of the map site and elevations. She suggested that the driveway be moved to the intersection of US Hwy. 441 and Tuscawilla Road.

34) Marihelen Wheeler, Alachua County Commissioner *(2405 NW 48th Terrace, Gainesville, FL)* for Sunshine Law compliance, she had waited until Commissioner Prizzia had left the meeting to make her comments. She’s been taking notes all night and thinks that the questions are pertinent. David Theriaque thanked the Commissioner for attending.

35) Robert Rosa returned to the meeting to announce that the Native American group had been trespassed and stated that they were relocating to the Micanopy Native American Heritage Park (MNAHP).

*Planning & Historic Preservation Board Member Comments:*

* Ann Baird expressed concern about current orientation of the building and the aesthetics of driving into the parking lot and looking at service doors at the uninviting west side of the building. Matt Cason replied that the service doors are at the north end of the west side of the building and that the building had been re-designed based on comments received at the first Stakeholders’ Meeting.
* Steve Elder expressed concern about the current placement of the driveway and thought that it should be located directly across from the Christian Fellowship Church’s driveway which would reduce the amount of light (especially car lights) spilling into the homes directly south across Tuscawilla Road. Matt Cason answered that he would consult with the engineers and look into that possibility.
* Marian Baron expressed concern that the UDLC limit of the commercial building should be 8,000 sq. ft. and believes that her research shows that this land use is prohibited. She also detailed that about 45% of the lot will be impervious services, and she couldn’t understand how this is an adequate site for this project. Ms. Baron also expressed concern about the light glare which will come from the full cut-off lights. She wanted to know if the sign will be an illuminated sign? She expressed concern that the FDOT review had not been performed yet. Marian Baron wanted everybody to know that despite the preliminary plan having been approved, the final plan has not yet been approved. Also, she feels that the plan provides inadequate parking spots. Matt Cason responded that the preliminary development review takes everything into account except engineering. This proposed development meets Alachua County code for this zoning and land use.
* Fro Warren stated that this is the third time that we’ve had to deal with the Dollar General issue, and he hoped that we will come to an agreement.

*Town Commission Comments:*

* Mayor Joe Aufmuth expressed thanks for everyone’s civility when participating in tonight’s meeting and to the Micanopy Christian Fellowship Church for having hosted this meeting, as the crowd would not have been able to socially distance for COVID purposes at Town facilities. He thanked the presenters, as well.

 David Theriaque thanked the Mayor for the manner in which the meeting was handled and all the participants at tonight’s meeting.

6. Adjourn 9:08pm

**MINUTES APPROVED:**

**As submitted \_\_\_\_\_\_ as amended \_\_\_\_\_ at Town Commission Meeting \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Joseph L. Aufmuth, Mayor Debbie Gonano, Town Administrator/Clerk**