

RESOLUTION NO. 2026-PHPB-SP-02
PLANNING AND HISTORIC PRESERVATION BOARD
TOWN OF MICANOPY, FLORIDA

A RESOLUTION OF THE PLANNING AND HISTORIC PRESERVATION BOARD OF THE TOWN OF MICANOPY, FLORIDA, APPROVING AN APPLICATION OF MICANOPY AREA COOPERATIVE SCHOOL, INC., A FLORIDA NOT FOR PROFIT CORPORATION, SUBMITTED BY ITS AGENT, TIMOTHY BOEHLEIN OF JBPRO, FOR APPROVAL OF A SITE PLAN FOR CONSTRUCTION OF A NEW BUILDING ALONG WITH STORMWATER AND UTILITY INFRASTRUCTURE ON PARCEL 16808-002-000; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT OF THE TOWN APPROVING SAID APPLICATION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Micanopy, Florida (the “Town”) Land Development Regulations (the “Code”), empowers the Planning and Historic Preservation Board of the Town (the “Board”), to approve, approve with conditions, or deny an application for a site plan located within the corporate limits of the Town, in accordance with the Code; and

WHEREAS, an application, SP25-00, for a site plan for construction of a new building along with stormwater and utility infrastructure within the corporate limits of the Town, as described in said application (the “Application”) was filed with the Town; and

WHEREAS, the Application was applicable to real property generally described as parcel number 16808-002-000 containing 1.17 acres, more or less, as more particularly set forth herein (the “Subject Parcel”); and

WHEREAS, by mailing of notices on September 25, 2025 to the owners of properties where such properties are situated within four-hundred (400) feet of the Subject Parcel the Town provided notice to such property owners of the hearing before the Board on October 7, 2025 wherein the Board would consider the Preliminary Site Plan; and

WHEREAS, by posting of a sign conspicuously placed on the Subject Property on September 25, 2025 the Town provided notice to the public of the hearing before the Board on October 7, 2025 wherein the Board would consider the Preliminary Site Plan; and

WHEREAS, pursuant to the Code, the Board reviewed the Preliminary Site Plan in a quasi-judicial manner at a scheduled meeting on October 7, 2025, as part of a previously prepared agenda, as described below, and considered all testimony and evidence received during said quasi-judicial hearing;

WHEREAS, the Board unanimously approved the Preliminary Site Plan with three (3) conditions

at the scheduled meeting on October 7, 2025, to wit:

1. Final review by the Town’s contracted planner and engineer (EDA Consultants, Inc.);
2. Review by Alachua County Fire Marshall; and
3. Implement a tree protection zone as recommended by the Tree Committee.

WHEREAS, by mailing of notices on December 4, 2025 to the owners of properties where such properties are situated within four-hundred (400) feet of the Subject Parcel the Town provided notice to such property owners of the hearing on the Final Site Plan before the Board on December 16, 2025 wherein the Board would consider whether the Final Site Plan conforms to the Preliminary Site Plan and the conditions placed upon the Applicant at the October 7, 2025 were met; and

WHEREAS, by posting of a sign conspicuously placed on the Subject Property on December 4, 2025 the Town provided notice to the public of the hearing on the Final Site Plan before the Board on December 16, 2025 wherein the Board would consider whether the Final Site Plan conforms to the Preliminary Site Plan and the conditions placed upon the Applicant at the October 7, 2025 were met; and

WHEREAS, pursuant to the Code, the Board reviewed the Final Site Plan in a quasi-judicial manner at a scheduled meeting on December 16, 2025, as part of a previously prepared agenda, as described below, and considered all testimony and evidence received during said quasi-judicial hearing;

Now, therefore

BE IT RESOLVED by the Planning and Historic Preservation Board of the Town of Micanopy, Florida:

1. Based on the testimony and evidence presented at the referenced quasi-judicial hearings, the Board has determined and found there to be competent and substantial evidence that the Application does conform to the requirements of the Code in that:
 - a. the Application and evidence presented contemplate construction of a new building along with stormwater and utility infrastructure within the corporate limits of the Town on the Subject Parcel; and
 - b. the zoning classifications of the Subject Parcel are Limited Commercial District (“C-1”) and Residential (“R-2”); and
 - c. pursuant to Section 2.02.04(B)(4), private schools are a permitted use by right in C-1; and
 - d. pursuant to Section 2.02.03(C)(1), private schools are a permitted use by

- special use permit in R-2; and
- e. the Applicant's request for a Special Use Permit to permit a school on the R-2 portion of the Subject Parcel was approved by the Board at a properly noticed quasi-judicial hearing conducted on December 16, 2025; and
 - f. the dimensional requirements for Private Schools/Charter Schools set forth in Section 4.02.13 of the Code are not equitably imposed upon Public Schools in the Code as required by Florida Statutes;
 - g. Florida Statute § 1002.33 states all charter schools in Florida are public schools; a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools, including such provisions that are established by interlocal agreement, development order, or development permit; and the local governing authority may not adopt, impose, or enforce any local building requirements, site-development restrictions, or operational requirements that impact parking and site-size criteria, student enrollment and capacity, hours of operation, and occupant load that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code or that are not uniformly imposed or enforced by the local governing authority upon public schools within the jurisdiction of the local governing authority.
 - h. neither principal nor accessory structures are proposed to be built on the R-2 portion of the Subject Parcel; and
 - i. the future land use of the Subject Parcel as a school is supported and encouraged by the Town's Comprehensive Plan; and
 - j. following the quasi-judicial hearing on the Final Site Plan, the Board determined the Final Site Plan conforms to the Preliminary Site Plan and the conditions placed upon the Applicant at the October 7, 2025 were met; and
 - k. following the quasi-judicial hearing on the Final Site Plan on December 16, 2025, the Board evaluated the criteria set forth in Section 10.02.08 of the Code and made findings determining the Final Site Plan meets all criteria in that section; and
 - l. the Final Site Plan otherwise conforms to the requirements of Section 10.02 of the Code.
2. For the foregoing reasons and based upon the foregoing competent and substantial evidence presented at the quasi-judicial hearings on the Application, the Board unanimously hereby approves the Final Site Plan Application for the Subject Parcel, being more particularly

described as:

Parcel 1:

A parcel of land situate, lying and being located in Sections 26 and 27, Township 11 South, range 20 East, Alachua County, Florida, being more particularly described as follows: Begin at a 1/2" rod & cap stamped "lb5075" lying on the east boundary of section 27 & the west boundary of Section 26, also marking the northwest corner of lot 88 of smith's addition to the Town of Micanopy as recorded in Plat Book A, page 31 of the Public Records of Alachua County, Florida, and run thence south 88 degrees 46 minutes 21 seconds west a distance of 261.62 feet to a 5/8" rod & cap with no identification lying on the southeasterly right-of-way boundary of County Road 234 and marking a point of curve concave to the southeast; thence northeasterly along said curve and right-of-way boundary with a radius of 254.94 feet, through a central angle of 79 degrees 21 minutes 14 seconds, for an arc length of 353.09 feet (the chord of said arc being north 49 degrees 17 minutes 45 seconds east 325.54 feet) to a 1/2" rod with no identification; thence north 86 degrees 57 minutes 34 seconds east a distance of 10.80 feet to a 1/2" rod with no identification lying on the east boundary of Section 27 & the west boundary of Section 26 and the aforesaid plat; thence south 01 degrees 30 minutes 15 seconds east along said west boundary a distance of 107.14 feet to a set 5/8" rod & cap stamped "jbpro lb8031"; thence south 00 degrees 37 minutes 47 seconds east along said boundaries a distance of 89.79 feet to a 5/8" rod & cap stamped "lb021"; thence south 03 degrees 13 minutes 22 seconds west along said boundaries a distance of 10.44 feet to the Point of Beginning.

Containing 0.95 acres, more or less.

Parcel 2: A parcel of land situate, lying and being located in Sections 26 and 27, Township 11 South, Range 20 east, Alachua County, Florida, being more particularly described as follows: Commence at a 1/2" rod & cap stamped "lb5075" lying on the east boundary of section 27 & the west boundary of section 26, also marking the northwest corner of lot 88 of smith's addition to the Town of Micanopy as recorded in Plat Book A, page 31 of the Public Records of Alachua County, Florida, and run thence north 03 degrees 13 minutes 22 seconds east along said section boundaries a distance of 10.44 feet to a 5/8" rod & cap stamped "lb021" for the Point of Beginning. from said Point of Beginning run thence along said plat & section boundaries north 00 degrees 37 minutes 47 seconds east a distance of 89.79 feet to a set 5/8" rod & cap stamped "jbpro lb8031"; thence leaving said boundaries run north 88 degrees 58 minutes 55 seconds east a distance of 112.43 feet to a set 5/8" rod & cap stamped "jbpro lb8031" lying on the west right-of-way boundary of Northwest 8th Street; thence south 00 degrees 00 minutes 26 seconds east along said right-of-way a distance of 90.50 feet to a 1/2" rod & cap stamped "gfy lb021"; thence leaving said right-of-way run north 89 degrees 08 minutes 12 seconds west along the south boundary of said lot a distance of 111.444 feet to the Point of Beginning.

Containing 0.23 acres, more or less.

3. The Town Administrator is authorized to take all actions consistent with the actions of the Board set forth herein and otherwise in accordance with applicable laws and regulations,

including, but not limited to the Land Development Regulations of the Town.

4. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.
5. This resolution shall become effective upon adoption.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the Planning and Historic Preservation Board of the Town of Micanopy, Florida, at a special called meeting, this 17th day of March, 2026, *nunc pro tunc December 16, 2025*.

BY THE CHAIRMAN OF THE PLANNING &
HISTORIC PRESERVATION BOARD OF
THE TOWN OF MICANOPY, FLORIDA

Fro Warren, Chairman

ATTEST:

Patty Polk, Town Clerk

APPROVED AS TO FORM AND
LEGALITY:

A. Derek Folds, Town Attorney