



City of Newberry Planning and Zoning Board

Monday, May 02, 2022
6:05 p.m.

*City Hall Meeting Room,
25440 W Newberry Road, Newberry, FL 32669*

MINUTES

CALL TO ORDER

Chair Erched called the meeting to order at 6:20 p.m.

APPROVAL OF AGENDA

Chair Erched asked that two items be changed on the agenda

- Remove the Consent Agenda Item.
- Move Agenda Items before Public Hearings and Ordinances, then add Election of Officers under Agenda Items.

Motion made by Member Baker to approve the amended agenda.

Seconded by Member Long.

Voting Yea: Chair Erched, Member Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

QUORUM CHECK

Mayor

Jordan Marlowe

Board Members

Naim Erched, Chair

Donald Long

Jessica Baker

Anne Polo

Linda Woodcock

City Attorney

Scott Walker

Staff:

Director of Planning & Economic Development

Bryan Thomas, AICP

Principal Planner

Jean-Paul Perez

Planner

Alayna Jackson

Staff Assistant

Jeannene Mironack

1. Election of Officers

Motion made by Member Baker to elect Naim Erched as Chair.

Seconded by Member Woodcock.

Voting Yea: Chair Erched, Member Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

Motion made by Member Baker to elect Donald Long as Vice-Chair.

Seconded by Member Woodcock.

Voting Yea: Chair Erched, Member Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

PUBLIC HEARINGS AND ORDINANCES

2. A Public Hearing on an application for Site and Development Plan approval for the development of a shopping center plaza.

Quasi-Judicial Public Hearing: Resolution 2022-14/SDP 22-06, An application by Kimley-Horn, agent for CHI-Newberry, LLC, purchaser, for Site and Development Plan approval on land in the Commercial Automotive, "CA" Zoning District, in conformance with Sections 14.12 of the Newberry Land Development Regulations, to allow for the development of a Shopping Center Plaza on approximately 9.37+/- acres located at 101 NW 242ND ST, NEWBERRY, FL (tax parcel 01932-001-000).

Chair Erched reviewed the Quasi-Judicial Hearing process and procedures. He then read through the presentation order.

Jeanene swore in Director Thomas; City Manager New; Principal Planner Perez; Planner Jackson; Britt Goodson, Applicant; and Stewart Hill, Thomas Trexler, and Vincent Spahr, Kimley-Horn and Associates, Inc.

Chair Erched asked for ex parte communication. There was none.

Voting Nay: Chair Erched, Vice Chair Long, Member Baker, Member Polo, and Member Woodcock.

There was no third-party intervenor present.

Attorney Walker read the applicant's name and application into the record.

Director Thomas presented the staff overview and report with a PowerPoint presentation. Recommendation is to recommend that the Board of Adjustment approve Resolution 2022-14/Application SDP 22-06, conditioned upon successful resolution with staff of review

comments prior to presentation of the application to the Board of Adjustment.

Mr. Goodson spoke.

Chair Erched asked for public comment.

There was no public comment.

The Board and staff discussed the application and outstanding resolution of review comments.

Attorney Walker advised the Board of applicable law.

Motion made by Member Woodcock to recommend approval of Resolution 2022-14/Application SDP 22-06 to the Board of Adjustment with the condition that review comments are resolved prior to the Board of Adjustment Meeting.

Seconded by Member Long

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

3. A Public Hearing on an application for Site and Development Plan approval for the first phase of a Recreational Vehicle Resort

Quasi-Judicial Public Hearing: Resolution 2022-07/SDP 22-01, An application by JBPro Engineering, agent for M3 RV LAND, LLC, Owner, for Site and Development Plan approval on land granted a Special Exception in the "A" Agricultural Zoning District, in conformance with Sections 14.12 of the Newberry Land Development Regulations, to allow for the first phase of development of a Recreational Vehicle Resort and Campground on approximately 44.96+/- acres located at 2120 NW STATE RD 45 (tax parcel 01879-002-000).

Chair Erched stated the Quasi-Judicial Hearing process remained in effect for this item. No one had entered the room.

Director Thomas remained sworn in. Jeanene swore in Chris Potts, P.E., JBPro Group.

Chair Erched asked for ex parte communication. He stated that he had conversations with the applicant. These conversations will not affect his vote.

Voting Yea: Chair Erched.

Voting Nay: Vice Chair Long, Member Baker, Member Polo, and Member Woodcock.

There was no third-party intervenor present.

Attorney Walker read the applicant's name and application into the record.

Director Thomas presented the staff overview and report with a PowerPoint presentation. Recommendation is to recommend that the Board of Adjustment approve Resolution 2022-07/Application SDP 22-01, conditioned upon successful resolution with staff of review comments prior to presentation of the application to the Board of Adjustment.

Chris Potts stated that he was available for questions. He then responded to questions from the Board.

Attorney Walker advised the Board of applicable law.

Motion made by Member Long to recommend approval of Resolution 2022-07/Application SDP 22-01 to the Board of Adjustment with the condition that review comments are resolved prior to the Board of Adjustment Meeting.

Seconded by Member Baker

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

The Board of Adjustment Hearing on Resolution 2022-07/Application SDP 22-01 will be on Monday, June 13, 2022.

4. **Quasi-Judicial Public Hearing of SE 22-04, an application by Spain Development, LLC, "Agent," on behalf of Ann, Carl S., and John Salmi, "Owners," for a Special Exception in the "A" Agricultural Zoning District to establish a zipline course use and accessory uses and off-site signage on a 59-acre site generally located east of Northwest County Road 235, approximately a half-mile south of the intersection of Northwest County Road 235 and Northwest 46 Avenue/County Road Northwest 36 (PIN 01861-001-000).**

No one new entered the chambers.

Attorney Walker read Resolution 2022-11 by title only.

Chair Erched asked for ex parte communication. There was none.

Voting Nay: Chair Erched, Vice Chair Long, Member Baker, Member Polo, and Member Woodcock.

Principal Planner Perez remained sworn.

Karl Spain, Spain Development, LLC, Agent for Salmi, Salmi and Salmi, Owners; and Tony Burch were sworn in.

There was no third-party intervenor present.

Principal Planner Perez presented the overview and report with a PowerPoint. Recommend the City of Newberry Board of Adjustment approve the Special Exception Application SE 22-04 with staff's conditions.

Chair Erched asked for public comment. Tony Burch and Jeff Dollinger, Attorney for Cates & Broome Partnership, Inc.; spoke.

No cross-examination or final argument.

The Board and staff discussed the application and outstanding resolution of review comments.

Attorney Walker reminded the Board of applicable law.

Motion made by Chair Erched to recommend approval of Special Exception Application SE 22-04 with staff's conditions to the City Commission.

Seconded by Member Long.

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

5. Changing Future Land Use Map from Agriculture to Planned Development on 5.75 acres (parcel 02544-003-006).

Legislative Public Hearing: Ordinance 2022-23/CPA 22-02, an application by Christopher Potts, P.E., Agent for Norfleet Properties, LLP, Owners, to amend the Future Land Use Map of the City of Newberry Comprehensive Plan from Agriculture to Planned Development on parcel number 02544-003-006.

Attorney Walker read Ordinance 2022-23 by title only.

Director Thomas presented the staff overview and report with a PowerPoint presentation. Recommendation is to recommend to the City Commission approval of Ordinance 2022-23/Application CPA 22-02.

Chris Potts and Tripp Norfleet stated that they were available for questions.

Motion made by Member Baker to recommend approval of Special Exception Ordinance 2022-23/CPA 22-02.

Seconded by Member Woodcock.

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

The City Commission Hearing on Ordinance 2022-23/CPA 22-02 will be on Monday, June 13, 2022.

7. New commercial building in Country Way Town Square in the Newberry Town Center “PD” Planned Development Zoning District.

Quasi-Judicial Public Hearing: Resolution 2022-08/Application SDP 22-03, an application by Christopher A. Potts, P.E., Agent for Norfleet Construction Group, LLC, Owner, for Site and Development Plan Approval for 29,193 s.f. gross floor area of new construction (13,194 s.f. first floor commercial with twelve residential apartments above) with associated site development including parking and utilities, on a portion of 8.53 ± acres, located in Newberry Town Center, The Square at Country Way, on parcel 02544-003-000.

At the request of Attorney Walker, Item 7 was heard next.

Chair Erched stated the Quasi-Judicial Hearing process remained in effect for this item. No one had entered the room.

Attorney Walker read Resolution 2022-08 by title only.

Chair Erched asked for ex parte communication. There was none.

Voting Nay: Chair Erched, Vice Chair Long, Member Baker, Member Polo, and Member Woodcock.

There was no third-party intervenor present.

Alayna Jackson, Planner, City of Newberry; and Tripp Norfleet, Owner were sworn in.

Planner Jackson presented the staff overview and report with a PowerPoint presentation. Recommendation is to recommend to the Board of Adjustment approval of Resolution 2022-08/Application SDP 22-03.

Tripp Norfleet responded to questions from the Board.

Motion made by Member Baker to recommend approval of Resolution 2022-08/Application SDP 22-03.

Seconded by Member Long.

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

The Board of Adjustment Hearing on Resolution 2022-08/Application SDP 22-03 will be on Monday, June 13, 2022.

6. Changing Zoning from Agricultural to Planned Development on 5.75 acres (parcel 02544-003-006).

Quasi-Judicial Public Hearing: Ordinance 2022-24/LDR 22-04, an application by Christopher Potts, P.E., Agent for Norfleet Properties, LLLP, Owners, to amend the zoning on ±5.75 acres, identified by Alachua County Parcel Number 02544-003-006 as shown on the location map below, adding said acreage to the Country Way at Newberry Town Square Planned Development, amending the Preliminary Master Plan and the associated Development Order and Developer's Agreement. (This application is contingent upon approval of Application CPA 22-02.)

Chair Erched stated the Quasi-Judicial Hearing process remained in effect for this item. No one had entered the room.

Director Thomas, Tripp Norfleet, and Chris Potts, P.E., remained sworn in.

Chair Erched asked for ex parte communication. There was none.

Voting Nay: Chair Erched, Vice Chair Long, Member Baker, Member Polo, and Member Woodcock.

There was no third-party intervenor present.

Attorney Walker read Ordinance 2022-24 by title only.

Director Thomas presented the staff overview and report with a PowerPoint presentation. Recommendation is to recommend that the City Commission approve Ordinance 2022-24/LDR 22-04.

Tripp Norfleet and Chris Potts responded to questions from the Board.

Attorney Walker advised the Board of applicable law.

Motion made by Member Long to recommend approval of Ordinance 2022-24/LDR 22-04 to the City Commission.

Seconded by Member Baker

Chair Erched asked for public comment.

There was no public comment.

Voting Yea: Chair Erched, Vice-Chair Long, Member Baker, Member Polo, and Member Woodcock.

MOTION PASSED 5-0

The City Commission Hearing on Ordinance 2022-24/CPA 22-04 will be on Monday, June 13, 2022.

TOPICS FROM MEMBERS FOR DISCUSSION

Member Woodcock asked about regulations for lights visible to nearby landowners in the Agricultural Zoning District.

Chair Erched thanked the City for WestFest and encouraged everyone to attend the Watermelon Festival on May 21st.

MEETING ADJOURNMENT

Meeting adjourned at 9 p.m.