



Commission Meeting Minutes

March 11, 2024
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Mark Clark

Rick Coleman

Tim Marden

Tony Mazon

City Manager

Mike New

City Clerk

Judy Rice

City Attorney

Scott Walker

Staff:

Director of Planning & Economic Development

Bryan Thomas

Assistant Director of Utilities & Public Works

Rance Green

Principal Planner

Jean-Paul Perez

Senior Planner

Uma Sarmistha

Grants Manager

Jane Sullivan

Staff Specialist

Jeannene Mironack

Absent:

Commissioner

Monty Farnsworth

CALL TO ORDER

Mayor Marlowe called the meeting to order at 7:00 PM.

APPROVAL OF AGENDA

Motion to remove Item 1, Proclamation Recognizing Newberry's Hall of Fame Barber; Noting scrivener's errors in Item 9, Petition to Add "Chapman & White's Addition" to the Downtown Plat for Providing Alleyway Vacation, is Legislative and the Second Reading of Ordinance 2024-01, and then approve the agenda, was made by Commissioner Marden, Seconded by Commissioner Mazon.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

INVOCATION

Pastor Ralph Williams provided the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Clark led the pledge.

PRESENTATIONS

(Please limit presentations to 15 minutes)

~~1. Proclamation Recognizing Newberry's Hall of Fame Barber~~

CONSENT AGENDA

**Motion to approve the Consent Agenda was made by
Commissioner Marden, Seconded by Commissioner Clark.**

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

- 2. February 26, 2024 Commission Meeting Minutes**
- 3. Easton Newberry Sports Complex Lighting Contract**
- 4. Request for Construction Plans Approval for Phase 4A of the Avalon Woods Mixed-Use Development**

Resolution 2023-58/SD 23-12, an application by JBPro Group, Inc., Agent for M3 Avalon Woods, LLC, Owner, for approval of construction plans related to a plat entitled Avalon Woods Phase 4A Subdivision. The project is approximately 16.46 acres containing 72 lots, identified by Alachua County Tax Parcel 01874-001-000.

PUBLIC HEARINGS AND ORDINANCES

- 5. Request to Change the Future Land Use from Agriculture to Commercial on 3.67 Acres (parcel 01924-002-000)**

Legislative Public Hearing: Second reading of Ordinance 2024-10/CPA 24-03, an application by Intellectual Partners LLC, Owner, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the Future Land Use classification from AGRICULTURE to COMMERCIAL on property consisting of approximately 3.7 acres and identified by Alachua County Parcel Number 01924-002-000.

Attorney Walker read Ordinance 2024-10 by title only.

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Andrew Fuller, Manager, Intellectual Partners LLC, stated he was available to respond to questions.

Motion to enact Ordinance 2024-10 on second reading was made by Commissioner Marden, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

- 6. Request to Rezone 21831 West Newberry Road, a Property Generally Located at the Southwest Corner of State Road 26 and Southwest 218 Street and Consisting of 3.7 Acres from Agricultural (A) to Commercial, Intensive (CI); Parcel No. 01924-002-000**

Quasi-Judicial Public Hearing: Second reading of Ordinance 2024-11/LDR 24-07, a petition by Intellectual Partners, LLC, owner, to amend the Official Zoning Atlas of the City of Newberry (This petition is contingent upon approval of File No. CPA 24-03).

Attorney Walker read Ordinance 2024-11 by title only.

Mayor Marlowe reviewed the quasi-judicial procedures and read through the presentation order.

Clerk Rice swore in Jean-Paul W. Perez, Principal Planner.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

Voting Nay: Commissioner Clark, Commissioner Coleman, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon. Mayor Marlowe, non-voting, none.

Principal Planner Perez presented a PowerPoint of the staff overview and recommendation for the application.

Andrew Fuller, Manager, Intellectual Partners LLC, indicated that he was present.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to enact Ordinance 2024-11 on second reading was made by Commissioner Coleman, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. There was none.

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden, Commissioner Mazon**

MOTION PASSED 4-0

- 7. Changing the Future Land Use Map Classification from Agriculture to Material-Oriented Industrial Use on the South 50 Acres of a Property on Parcel Numbers 01875-000-000 and 01875-001-000 for Norfleet Industrial Development**

Legislative Public Hearing: Second Hearing: Ordinance 2024-07/CPA 23-13, an application by CHW Professional Consultants, agent, on behalf of E.D. Norfleet, Jr. and Phyllis Norfleet and Katrina Bill, owners, amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use classification from Agriculture to Material-Oriented Industrial Use, on the south 50 acres of Alachua County Parcel Numbers. 01875-000-000 and 01875-001-000 consisting of approximately 50 acres more or less.

Attorney Walker read Ordinance 2024-07 by title only.

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

Margot Maurer, AICP, Professional Planner, CHW Professional Consultants, stated that the applicant wished to rest on the prior presentations to the City Commission and Planning & Zoning Board.

**Motion to enact Ordinance 2024-07 on second reading was
made by Commissioner Marden, Seconded by
Commissioner Coleman.**

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

**Voting Yea: Commissioner Clark, Commissioner Coleman,
Commissioner Marden**

Voting Nay: Commissioner Mazon

MOTION PASSED 3-1

- 8. Rezone Application from Agricultural (A) to Industrial (I) Zoning on the South 50 Acres of a Property on Parcel Numbers 01875-000-000 And 01875-001-000 For Norfleet's Industrial Development**

Quasi-Judicial Public Hearing: Second reading of Ordinance 2024-08/LDR 23-18, a petition by CHW Professional Consultants, agent, on behalf of E.D. Norfleet, Jr. and Phyllis Norfleet and Katrina Bill, owners, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Agricultural (A) to Industrial (I) on the south 50 acres of Alachua County Parcel Numbers. 01875-000-000 and 01875-001-000 consisting of approximately 50 acres more or less. (This application is contingent upon approval of Application CPA 23-13).

Attorney Walker read Ordinance 2024-08 by title only.

Mayor Marlowe confirmed that no new participants had entered the room.

Uma Sarmistha, Senior Planner, remained sworn.

Clerk Rice swore in Margot Maurer, AICP, Professional Planner, CHW Professional Consultants.

Mayor Marlowe asked for ex parte communication on the application.

ROLL CALL

Voting Nay: Commissioner Clark, Commissioner Coleman, Commissioner Farnsworth, Commissioner Marden, and Commissioner Mazon. Mayor Marlowe, non-voting, none.

Senior Planner Sarmistha presented a PowerPoint of the staff overview and recommendation for the application.

Margot Maurer, AICP, Professional Planner, CHW Professional Consultants, stated that the applicant wished to rest on the prior presentations to the City Commission and Planning & Zoning Board.

There was no third-party intervenor present.

Mayor Marlowe asked for public comment, there was none.

There was no cross examination or final arguments.

Attorney Walker advised the Commission that their decision must be based upon substantial and competent evidence.

Motion to enact Ordinance 2024-08 on second reading was made by made by Commissioner Coleman, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. There was none.

ROLL CALL VOTE

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden

Voting Nay: Commissioner Mazon

MOTION PASSED 3-1

9. City of Newberry Petition to Add "Chapman & White's Addition" to the Downtown Plat for Providing Alleyway Vacation.

Legislative-~~Quasi-Judicial~~ Public Hearing: Second-~~First~~ Reading of Ordinance 2024-01, an application by City of Newberry to amend chapter 82, Article 1, Section 82-3, entitled downtown plat addition, providing for closing, abandoning, releasing and vacation of public alleyways as shown on the plat entitled Original Newberry Chapman & White's Addition.

Attorney Walker read Ordinance 2024-01 by title only.

Senior Planner Sarmistha presented a PowerPoint of the staff overview, including the revised recommendation, “The City of Newberry would like to amend Chapter 82, Article 1, Section 82-3, entitled [Downtown plat addition.], providing for closing, abandoning, releasing and vacation of a portion of the public alleyways as shown on the plat entitled Original Newberry Chapman & White’s Addition.”

Motion to enact Ordinance 2024-01 on second reading was made by Commissioner Coleman, Seconded by Commissioner Marden.

Mayor Marlowe asked for public comment. There was none.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

10. Amendments to the Existing City Solar Farm Development Regulations

Legislative, second reading of Ordinance 2024-06/LDR 24-06, amending section 4.2.40 of the City of Newberry Land Development Regulations relating to performance standards for the development of electric generation solar arrays.

Attorney Walker read Ordinance 2024-06 by title only.

Planning & Economic Development Director Thomas presented the item with a PowerPoint.

Discussion ensued.

Motion to enact Ordinance 2024-06 on second reading was made by Commissioner Marden, Seconded by Commissioner Clark.

Mayor Marlowe asked for public comment. Jeff Holcomb spoke.

Voting Yea: Commissioner Clark, Commissioner Coleman, Commissioner Marden, Commissioner Mazon

MOTION PASSED 4-0

AGENDA ITEMS

11. Discuss Amending LDRs to Regulate Commercial Big Boxes

Planning & Economic Development Director Thomas presented the item with a PowerPoint.

Discussion ensued.

Director Thomas was directed to provide the City Commission data for small hotels by email or in a future meeting. He was also directed to contact other municipalities regarding their experience of the actual impacts of commercial big box establishments. Live Oak and Cottdale were suggested.

COMMENTS

City Manager New, Commissioner Clark, Commissioner Mazon, and Mayor Marlowe made comments.

Commissioner Clark requested that the Mayor transmit a support letter for the Veteran's Memorial to the Governor's Office, encouraging the Governor to retain the funds allocated in the Legislature's Budget.

Ralph Williams commented on his positive impressions of the Commission being proactive.

MEETING ADJOURNMENT

The meeting was adjourned at 8:24 PM.

Signed and approved on this 25th day of March 2024.

Jordan Marlowe, Mayor

Judy S. Rice, City Clerk