



City of Newberry Planning & Zoning Board

Monday, February 01, 2021
6:00 PM

Planning & Economic Development Department
In the Little Red School House at 25815 SW 2nd Avenue
25440 W Newberry Road, Newberry, FL 32669
(352) 472-5440

MINUTES

CALL TO ORDER

The meeting was called to order at 6:01 PM.

QUORUM CHECK

PRESENT

Chair Jessica Baker
Vice Chair Linda Woodcock
Board Member Bill Conrad
Board Member Naim Erched
Board Member Gavin Johnson
Mayor, Non-voting, Ex Officio Jordan Marlowe
Bryan S. Thomas, AICP, Director, Planning & Economic Development
Wendy V. Kinser-Maxwell, AICP, Principal Planner
Dallas M. Lee, Department Director, Finance & Administration
Scott Walker, Folds, Walker & Maltby, LLC
Jeannene Mironack, Staff Assistant
Sierra Nyberg, Staff Assistant

APPROVAL OF AGENDA

Motion made by Board Member Conrad to move Items 8 through 10 to the end of the agenda and then to approve Agenda. Seconded by Board Member Erched.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Review and Approval of January 4, 2021, Planning & Zoning Board Meeting Minutes

Motion made by Board Member Conrad to January 4, 2021, Planning & Zoning Board Meeting Minutes, Seconded by Board Member Erched.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched

NEW BUSINESS

2. Changing previously annexed property's future land use from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Public Hearing: CPA 21-03, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use

classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 02667-007-000.

Attorney Walker read the Item Title.

Jeannene Mironack then swore in Bryan Thomas, AICP, Department Director, Planning and Economic Development, City of Newberry; Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Jeannene Mironack, Staff Assistant, City of Newberry; and Cami Copeland, Property Owner.

Chair Baker read the Quasi-Judicial meeting procedure summary.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Bryan Thomas asked Attorney Walker if Facebook posts were ex parte communication. Attorney Walker replied that in an abundance of caution, Board Members should report Facebook posts as ex parte communication and submit the best preserved copy possible of the post to the Board Secretary. Each of the Board members reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff report and staff recommendation for the Board to recommend approval to the Commission for this Application.

Cami Copeland, Property Owner, commented.

Motion made by Board Member Conrad to recommend approval, Seconded by Board Member Erched.

Attorney Walker explained to the Board that their recommendation must be based on substantial and competent evidence.

Chair Baker asked for Board Deliberations. There was none.

Chair Baker asked for Public Comment. There was none.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched

Chair Baker announced this application would be heard by the City Commission on February 8, 2021 and March 8, 2021.

3. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural.

Quasi-Judicial Public Hearing: LDR 21-06, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City Of Newberry Agricultural (A) on property previously voluntarily annexed into the City, identified by Alachua County Parcel Numbers: 02667-007-000. (This application is contingent upon approval of Application CPA 21-03.)

Attorney Walker read the Item Title.

Chair Baker reminded those that were sworn in earlier in this meeting that they remained

sworn and asked if anyone else wanted to speak on this application. No one responded.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Each of the Board members reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff report and staff recommendation for the Board to recommend approval to the Commission for this Application.

Cami Copeland, Property Owner, commented.

Motion made by Board Member Conrad to recommend approval to the Commission, contingent upon approval of Application CPA 21-03, Seconded by Vice Chair Woodcock.

Attorney Walker reminded the Board that their recommendation must be based on substantial and competent evidence.

Chair Baker asked for Board Deliberations. There was none.

Chair Baker asked for Public Comment. There was none.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched

Chair Baker announced this application would be heard by the City Commission on February 8, 2021 and March 8, 2021.

4. Request to reduce the minimum rear yard setback of lot 9 in Newberry Hills Phase II from 40' to 25'.

Quasi-Judicial Public Hearing: Resolution 2021-03/Application V 21-01, a petition by Mark and Malissa Garcia, Owners, for a variance to the Newberry Hills Phase II Plat minimum yard setback requirements to allow reduction of the minimum rear yard setback from 40 feet to 25 feet on Lot 9 located at 2701 NW State Road 45. The purpose of the request is to allow an inground swimming pool in the back yard.

Attorney Walker read the Item Title.

Chair Baker reminded those that were sworn in earlier in this meeting that they remained sworn and asked if anyone else wanted to speak on this application. Jeannene Mironack swore in Malissa Garcia and Mark Garcia, Applicants.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Each of the Board members reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview.

Malissa Garcia and Mark Garcia commented.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff report and staff recommendation for the Board to recommend approval to the Board of Adjustment for this Application.

Malissa Garcia and Mark Garcia had no additional comments.

Discussion ensued.

Motion made by Board Member Erched recommend approval to the Board of Adjustment, Seconded by Board Member Conrad.

Attorney Walker reminded the Board that their recommendation must be based on substantial and competent evidence.

Chair Baker asked for Board Deliberations. There was none.

Chair Baker asked for Public Comment. There was none.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched.

Chair Baker announced this application would be heard by the Board of Adjustment on February 8, 2021.

5. Application for Special Permit for Temporary Use to Allow Three 2-Day Outdoor Vintage Market events during 2021

Quasi-Judicial Public Hearing: STUP 21-01, an application by Gail Hodge, Agent for DGH HOLDINGS LLC and DAVID E. & GAILEN S. HODGE, Owners, for a special permit for a temporary use to allow an outdoor Vintage Market, as provided for in "Section 14.10.1. Temporary use permits issued by city commission" of the City of Newberry Land Development Regulations, to be held as a 2-day event occurring three times during the year 2021 (the first event to be held the third weekend of February), on property approximately 5 acres in size and zoned "A" Agricultural, located at 20077 W NEWBERRY RD, and identified as Alachua County Tax Parcel Numbers 04386-004-000 and 04386-001-000

Attorney Walker read the Item Title.

Chair Baker reminded those that were sworn in earlier in this meeting that they remained sworn and asked if anyone else wanted to speak on this application. Jeannene Mironack swore in Gail Hodge, Agent for the Applicants.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Each of the Board members reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview.

Gail Hodge commented.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff report and staff recommendation for the Board to recommend approval to the Commission for this Application.

Gail Hodge had no additional comments.

Discussion ensued.

Motion made by Board Member Erched to recommend approval to the Commission with staff's findings and conditions, amended to add to Condition #16 regarding the required liability insurance that the City of Newberry be added as an "Additional Insured;" Seconded

by Board Member Conrad.

Chair Baker asked for Public Comment. There was none.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson, Board Member Erched

Chair Baker announced this application would be heard by the City Commission on February 8, 2021.

6. Request by CHW to change the Future Land Use Map classification on ±289-acres from Agriculture to Planned Development

Quasi-Judicial Hearing: CPA 21-02, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Arpin Sr & Bond & Gray & Gray & Schofield & Yarborough and Gravely Family Trust, Owners, 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 PLANNED DEVELOPMENT on ±289-acres, located at 23479 W Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers 01927-000-000, 01932-000-000, 01933-002-000.

Attorney Walker read the Item Title.

Chair Baker reminded those that were sworn in earlier in this meeting that they remained sworn and asked if anyone else wanted to speak on this application. Jeannene Mironack swore in Ryan Thompson, AICP, and Gerry Dedenbach, AICP, representing CHW, Agent for the Applicants; Christy Munden; and Kevin Sanders.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Vice-Chair Woodcock stated that she would abstain from voting, as her home is adjacent to the Parcels in this application. Board Member Erched stated that he had commented on a Facebook post regarding the application and had submitted screen captures of that post to Jeannene Mironack. Chair Baker stated that she had seen the Facebook post, but would not be influenced by the post. Board Members Conrad and Johnson reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview.

Gerry Dedenbach, AICP, with CHW, presented the Application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff recommendation for the Board to recommend approval to the Commission for this application.

Chair Baker asked for Public Comment. Christy Munden spoke in opposition to the application. There were two members of the public wanting to comment using Zoom. Jeannene Mironack swore in David Dale and Michelle Seitzmeir. Each caller asked questions, but did not speak in favor or in opposition to the application.

Discussion ensued between the Board, Applicant's Agents, and staff.

Motion made by Board Member Conrad to recommend approval to the Commission, Seconded by Board Member Johnson.

Attorney Walker reminded the Board that their recommendation must be based on

substantial and competent evidence.

Voting Yea: Chair Baker, Board Member Conrad, Board Member Johnson, Board Member Erched

Abstaining: Vice Chair Woodcock

Chair Baker announced this application would be heard by the City Commission for first reading on March 8, 2021.

7. Request by CHW to rezone ±289-acres from Agricultural (A) to Planned Development (PD) Future Land Use

Quasi-Judicial Hearing: LDR 21-05, an application by Causseaux, Hewett, and Walpole, Inc. dba CHW, Agent for Arpin Sr & Bond & Gray & Gray & Schofield & Yarborough and Gravely Family Trust, Owners, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Agricultural (A) to Planned Development (PD) on ±289-acres, located at 23479 W Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers 01927-000-000, 01932-000-000, 01933-002-000. (This application is contingent upon approval of Application CPA 21-02.)

Attorney Walker read the Item Title.

Chair Baker reminded those that were sworn in earlier in this meeting that they remained sworn and asked if anyone else wanted to speak on this application.

Chair Baker asked the Board members if they had conducted ex parte communications regarding this application. Vice-Chair Woodcock stated that she would abstain from voting, as her home is adjacent to the Parcels in this application. Board Member Erched stated that he had commented on a Facebook post regarding the application and had submitted screen captures of that post to Jeannene Mironack. Chair Baker stated that she had seen the Facebook post, but would not be influenced by the post. Board Members Conrad and Johnson reported that they had no ex parte communication regarding this application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview.

Gerry Dedenbach, AICP, with CHW, presented the Application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff recommendation for the Board to recommend approval to the Commission for this application.

Chair Baker asked for Public Comment. David Dale commented.

Discussion ensued between the Board, Applicant's Agents, and staff.

Motion made by Board Member Conrad to recommend approval to the Commission, Seconded by Board Member Erched.

Attorney Walker reminded the Board that their recommendation must be based on substantial and competent evidence.

Voting Yea: Chair Baker, Board Member Conrad, Board Member Johnson, Board Member Erched

Abstaining: Vice Chair Woodcock

Chair Baker announced this application would be heard by the City Commission for first reading on March 8, 2021.

8. Set date for workshop to discuss potential revisions to City landscape requirements.

The Mayor requested that staff prepare a presentation for a future meeting on the current landscaping requirements. The Board can then decide if a workshop is needed.

9. Change July Meeting Date Due to Monday, July 5th, 2021 being the Observed 4th of July Holiday

After brief discussion, a motion was made by Board Member Conrad to hold the July Planning and Zoning Board Meeting on Tuesday, July 6th, 2021. Seconded by Board Member Johnson.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Johnson

Voting Nay: Board Member Erched

Board Member Conrad made a motion to table Agenda Item 10, creation of a City Ordinance regulating food trucks; Item 11, creating a City Ordinance to allow for neighborhood block parties under specific conditions, and Item 12, amending regulations to provide for streamlined administrative approval of accessory structures within required rear yard setbacks based on specified criteria; to the next meeting. Seconded by Board Member Johnson.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Erched, Board Member Johnson.

TOPICS FROM MEMBERS FOR DISCUSSION

Mayor Marlowe expressed the City Commission's appreciation for each member of the PZ's dedication. He stated that the Commission discussed compensation for Planning and Zoning Board members and will continue that discussion during budgeting meetings.

Mayor Marlowe asked if staff could prepare a 1 page summary with a link to electronic backup for members with technological capabilities for future agendas.

Board Member Conrad asked everyone to continue sending thoughts and prayers to the Coleman family.

ADJOURN

The meeting was adjourned at 9:28 PM

Copies of any agenda attachments are available for public inspection at the Planning Department, located at 25815 SW 2nd Avenue, Newberry, Florida, during regular business hours.

NOTIFICATION: All persons are advised that if they decide to appeal any decision made at the above referenced public hearings, they will need a record of the proceeding, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation for attendance at this meeting should contact MV Transportation, Inc. at (352) 375-2784, no later than 72 hours prior to the proceedings. If hearing impaired, call the Florida Relay System at (800) 955-8770.