



# City of Newberry Board of Adjustment

May 26, 2020  
7:00 p.m.

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

Mayor Marlowe called the virtual Board of Adjustment meeting to order at 8:14 p.m. He will be leading this meeting tonight instead of Chair Coleman.

### APPROVAL OF AGENDA

Mayor Marlowe asked for approval of the agenda.

**Motion made by Commissioner Marden to approve the agenda.**

**Seconded by Commissioner McKinley.**

Mayor Marlowe asked for public comments? None.

**Voting Yea: Commissioner Marden, Chair Coleman, Commissioner Norfleet, Commissioner McKinley, and Commissioner Farnsworth**

**MOTION PASSED 5-0**

### VIRTUAL QUORUM CHECK

Mayor

Jordan Marlowe

Commissioners

Ricky Coleman, Chair  
Rocky McKinley  
Monty Farnsworth  
Tim Marden  
Paul Norfleet

City Attorney

Scott Walker

City Manager

Mike New

City Clerk

Judy Rice

Staff:

Director of Finance and Administration  
Director of Planning and Economic Development  
Principal Planner

Dallas Lee  
Bryan Thomas  
Wendy Kinser-Maxwell

## **APPROVAL OF MINUTES**

### **1. March 23, 2020, Board of Adjustment Minutes**

Mayor Marlowe asked for approval of the minutes.

**Motion made by Chair Coleman to approve the minutes.**

**Seconded by Commissioner Farnsworth.**

Mayor Marlowe asked for public comments? None

**Voting Yea: Commissioner Marden, Chair Coleman, Commissioner Norfleet, Commissioner McKinley, and Commissioner Farnsworth**

**MOTION PASSED 5-0**

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

- 2. Quasi-Judicial Public Hearing of SE 20-01, An application by EDA engineers-surveyors-planners, Inc., Agent for Store Master Funding XI, LLC, Owner, for a Special Exception in the “A” Agricultural Zoning District, in conformance with Section 4.2.41 of the Land Development Regulations, to allow the operation and expansion of an existing commercial small animal boarding facility on approximately 4.88 acres located at 19518 West Newberry Road (Tax Parcel 04265-008-000).**

Mayor Marlowe read the Quasi-Judicial Procedures.

Clerk Rice swore in Director Thomas, Mr. Clay Sweger, EDA Consultants Inc.; Mr. Brian Franco, Pet Paradise Real Estate Vice President; and Mr. Wayne Tharp, citizen.

Mayor Marlowe asked for ex parte communication.

City Commissioners disclosed receipt of an email from Mr. Wayne Tharp. Commissioner Marden responded to the email. Chair Coleman did not open the email. Commissioners Norfleet, McKinley, and Farnsworth read the email but did not respond. Mayor Marlowe disclosed hearing parts of this discussion during the Planning and Zoning Board meeting, but does not have a vote during this proceeding.

Attorney Walker advised the Commissioners to forward the email to Clerk Rice for record.

Attorney Walker read Resolution 2020-17 by title only.

## **PUBLIC HEARING OPEN**

Director Thomas presented staff overview with conditions as stated in the resolution with a PowerPoint.

Mr. Sweger and Mr. Franco presented the applicant PowerPoint presentation.

Director Thomas provided the staff recommendation to adopt Resolution 2020-17/Special Exception Application SE 20-01, with conditions.

Mayor Marlowe asked for public comment.

Mr. Tharp spoke in opposition of the resolution and expressed concerns.

There was no cross-examination.

Mr. Franco addressed the concerns of Mr. Tharp.

Director Thomas informed the Commission that there are no complaints on record from Code Enforcement or Alachua County.

Mayor Marlowe asked if there were comments from the Commission.

Commissioner Norfleet stated that it does not seem that the facility is zoned appropriately as agriculture. Director Thomas and Mr. Sweger responded to his comment. Attorney Walker addressed the agriculture zoning and special exemptions.

No final argument from the applicant and staff.

#### **PUBLIC HEARING CLOSED**

Attorney Walker reminded the Commission of applicable law.

Discussion ensued.

**Motion made by Commissioner Marden to adopt Resolution 2020-17/Special Exception Application SE 20-01, with conditions including items 1-10 and excluding item 11.**

**Seconded by Commissioner Coleman.**

**Voting Yea: Commissioner Marden, Chair Coleman, and Commissioner McKinley.**

**Voting Nay: Commissioner Norfleet and Commissioner Farnsworth**

**MOTION PASSED 3-2**

#### **COMMENTS**

There were no comments.

#### **MEETING ADJOURNMENT**

Meeting adjourned at 9:36 p.m.

Signed and approved this 8th day of June 2020.

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Jordan Marlowe, Mayor

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Judy S. Rice, City Clerk

APPROVED