



City of Newberry Planning & Zoning Board

Tuesday, September 08, 2020
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

Mayor Marlowe called the meeting to order at 6:02 PM.

QUORUM CHECK

PRESENT

Chair Jessica Baker
Board Member Bill Conrad
Board Member Gavin Johnson
Board Member Naim Erched
Mayor, Non-voting, Ex Officio Jordan Marlowe

Bryan Thomas, AICP, Department Director, Planning and Economic Development
Wendy V. Kinser-Maxwell, AICP, Principal Planner
Dallas M. Lee, Department Director, Finance & Administration
Jeannene Mironack, Staff Assistant
Scott Walker, Folds, Walker & Maltby, LLC
Rich Maltby, Folds, Walker & Maltby, LLC

ABSENT

Vice Chair Linda Woodcock

APPROVAL OF AGENDA

Motion made by Chair Baker, Seconded by Board Member Erched.
Voting Yea: Chair Baker, Board Member Conrad, Board Member Johnson, Board Member Erched

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Review and Approval of August 3, 2020, Planning & Zoning Board Meeting Minutes

Motion made by Chair Baker, Seconded by Board Member Johnson.
Voting Yea: Chair Baker, Board Member Conrad, Board Member Johnson, Board Member Erched

NEW BUSINESS

2. A petition to allow the rear setback of lot 28 in Country Way of Newberry Phase I to be 3'2" instead of 10' from the property line.

Quasi-Judicial Public Hearing: Resolution 2020-42/Application V 20-02, a petition by Michelle and David Jones, Owners, for a variance to the Newberry Town Center Planned Development (PD) Zoning District minimum setback requirements to allow a reduction in the rear yard setback from a minimum 10' to a minimum 3'2" on lot 28 (approximately .3 acre) in Country Way of Newberry Phase I, located at 1926 SW 247th Way. The purpose of the request is to allow the back of an existing shed to extend 6'8" within the recorded rear yard setback.

Attorney Maltby read the Item Title and stated the appropriate motion. Mayor Marlowe 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.

Mayor Marlowe asked anyone thinking of speaking on this Agenda item to raise their right hand and be sworn in. Attorney Maltby then swore in Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Bryan Thomas, AICP, Department Director, Planning and Economic Development, City of Newberry; Jeannene Mironack, Staff Assistant for the City of Newberry; and Michelle Jones, Applicant.

Mayor Marlowe read the Quasi-Judicial meeting procedure summary.

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

Michelle Jones, Applicant, presented the Application.

Wendy V. Kinser-Maxwell presented the staff report and recommendation for approval of the Application.

Mayor Marlowe stated there were no Third-Party Intervenors. Then Mayor Marlowe asked if any member of the Public wanted to speak. Michelle Jones stated her agreement with the staff report.

Mayor Marlowe asked if staff wanted to cross-examine the applicant. There was no response. Mayor Marlowe asked if the applicant wanted to cross-examine staff. There was no response. Mayor Marlowe asked if staff or the applicant wanted to make final arguments. There was no response.

Mayor Marlowe asked if any Board Member had questions. Discussion ensued.

Mayor Marlowe asked if either the applicant or staff had any final comments. There were none. Mayor Marlowe asked if any member of the Public wanted to speak. There were none.

Attorney Maltby advised that members must vote based on substantial and competent evidence.

Board Member Conrad moved recommend approval of Variance 20-02 to the Board of Adjustment with the conditions recommended by staff. Seconded by Board Member Johnson.

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

Mayor Marlowe announced that this application will be heard by the Board of Adjustment at their September 28, 2020 meeting.

3. A petition to allow the placement of a permanent accessory structure in the side yard and outside of the permitted building setback line.

Quasi-Judicial Public Hearing: Resolution 2020-43/Application V 20-03, a petition by Jonathan and Susan Bussart, Owners, for a variance to the Residential, Single Family (RSF-2) Zoning District minimum setback requirements to allow an accessory structure within the east side yard and a reduction in the side yard setback from a minimum 10' to a minimum 4.75' on lot 195 (approximately .23 acre) in Newberry Oaks Phase 9, located at 23184 NW 5th Place. The purpose of the request is to allow construction of a shed in the side yard which also will extend 5.25' within the side yard setback area.

Attorney Maltby read the Item Title and stated the appropriate motion. Mayor Marlowe 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.

Mayor Marlowe asked anyone thinking of speaking on this Agenda item to raise their right hand and be sworn in. Attorney Maltby then swore in Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Bryan Thomas, AICP, Department Director, Planning and Economic Development, City of Newberry; Jeannene Mironack, Staff Assistant for the City of Newberry; and Jonathan Bussart, Applicant.

Mayor Marlowe confirmed that all participants understood the Quasi-Judicial meeting procedure summary as read for the previous hearing.

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

Jonathan Bussart, Applicant, presented the Application.

Wendy V. Kinser-Maxwell presented the staff report and recommendation for denial of the Application.

Bryan Thomas, AICP, Department Director, Planning and Economic Development, explained why this Application could not be approved administratively and clarified the reasons that staff was recommending denial.

Mayor Marlowe stated there were no Third-Party Intervenors. Then Mayor Marlowe asked if any member of the Public wanted to speak. There was none.

Mayor Marlowe asked if staff wanted to cross-examine the applicant. There was no response. Mayor Marlowe asked if the applicant wanted to cross-examine staff. Mr. Bussart explained his reasons for requesting the variance.

Mayor Marlowe asked if any Board Member had questions. Discussion ensued.

Mayor Marlowe asked if staff or the applicant wanted to make final arguments. Mr. Bussart made his final argument.

Mayor Marlowe offered a continuation to the October 5, 2020 Planning & Zoning Board Meeting. Mr. Bussart requested a continuation and a meeting with staff on-site. The request was granted, and staff will schedule a meeting.

4. Public Hearing regarding application for a Special Temporary Use Permit for a Sister Hazel concert at Thee Mine on October 23, 2020.

Quasi-Judicial Public Hearing: Resolution 2020-xx/STUP 20-03, an application for a special permit for a temporary use to allow a one-time outdoor concert, as provided in "Section 14.10.1. Temporary use permits issued by city commission" of the City of Newberry Land Development Regulations, to be held October 23, 2020, on property approximately 216 acres in size, located adjacent to the Alachua County/Gilchrist County Line on the southeast corner of West Newberry Road/SR 26 and SW 298th Street (Gilchrist County Road 2085/SE 90th Avenue).

Attorney Maltby read the Item Title and stated the appropriate motion.

Mayor Marlowe 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.

Attorney Maltby 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 for the City of Newberry; and Phil Benito, Applicant's Agent.

Bryan Thomas, AICP, Department Director, Planning and Economic Development, presented the staff overview, report, and recommendation.

Phil Benito, Applicant, presented the Application.

Mayor Marlowe asked if any Board Member had questions. Discussion ensued.

Mr. Benito requested that the Planning & Zoning Board delay deciding their recommendation to a Special Planning & Zoning Board Meeting to be scheduled on September 23, 2020. The Planning & Zoning Board members agreed, and requested that a representative of the Alachua Sheriff's Office be present to answer questions at that meeting.

5. Discussion on future Planning & Zoning Board meetings, whether to be held Live or Virtual?
Mayor Marlowe asked the Board members for input regarding future Planning & Zoning Board meetings. Discussion ensued.

The Planning & Zoning Board decided by acclamation for meetings to remain virtual for the duration of the Governor's EO 20-069 and related extensions.

ADJOURN

The meeting was adjourned at 8:26 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.

APPROVED