



City of Newberry Planning & Zoning Board

Monday, February 03, 2020
6:25 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 6:25 PM.

QUORUM CHECK

PRESENT

Chair Jessica Baker
Vice Chair Linda Woodcock
Board Member Walt Boyer
Board Member Bill Conrad
Board Member Gavin Johnson
Mayor, Non-voting, Ex Officio Jordan Marlowe

APPROVAL OF AGENDA

Motion made by Board Member Boyer, Seconded by Vice Chair Woodcock.
Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Boyer, Board Member Conrad,
Board Member Johnson

APPROVAL OF MINUTES

1. December 2, 2019, Planning & Zoning Board Meeting Minutes
Walt Boyer's Form 8B will be filed with these Minutes.

Motion made by Board Member Boyer, Seconded by Board Member Johnson.
Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Boyer, Board Member Conrad,
Board Member Johnson

ANNOUNCEMENTS

OLD BUSINESS

NEW BUSINESS

2. Quasi-Judicial Public Hearing: Resolution 2020-05/Application V 20-01, a petition by Ellen and Richard Potts (Potts & Potts Trustees), Owners, for a variance to the Newberry Town Center Planned Development (PD) Zoning District minimum yard setback requirements to

allow a reduction in the rear yard setback from a minimum 10' to a minimum 6.5' on the east yard of lot 32, located at 24820 SW 19th Place (tax parcel 02544-010-032) within the Country Way of Newberry Phase I Subdivision. The purpose of the request is to allow the corner portion of an existing newly constructed aluminum patio cover to extend 3.5' into the rear yard setback.

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. Each of the Board members reported that they had no ex parte communication.

Andrea Parker asked anyone thinking of speaking on this Agenda item to stand and be sworn in. She then swore in Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Jeannene Mironack, Staff Assistant for the City of Newberry; Ellen Potts, Applicant/Owner; and Richard Potts, Applicant/Owner.

Wendy V. Kinser-Maxwell, AICP, Principal Planner for the City of Newberry, presented the staff overview.

Ellen Potts presented their application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner for the City of Newberry, presented the staff report and recommendation for approval of the Application. She stated that the Potts own Lot 32 of Country Way of Newberry Phase I Subdivision, the owners of Lots 33, 41, 30 and 31 have sent notes in support of the petition. These are included in the packet or read into the record.

Discussion ensued.

Chair Baker asked if there were 3rd Party Interveners present. There were none.

Chair Baker asked if any member of the public wanted to speak. Rocky McKinley, owner of Lot 38, spoke in support of the petition.

Chair Baker asked if there were any actual Interveners present who wanted to speak. There were none.

Discussion ensued.

Chair Baker asked if staff had additional comments. There were none. Chair Baker asked if any member of the public wanted to speak. There were none.

Andrea Parker, City Attorney, advised that members must vote based on substantial and competent evidence.

Board Member Conrad made Motion to recommend approval of the Application to the Board of Adjustment. Seconded by Board Member Boyer.

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

Chair Baker announced that this application will be heard by the Board of Adjustment at their February 24, 2020 meeting.

3. Quasi-Judicial Public Hearing: Resolution 2020-08/Application STUP 20-01, an application by the City of Newberry, Agent for Patrick McKenzie Post, Owner, for a special permit for a temporary use to allow a one-day 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 April 18, 2020 as Newberry's 4th annual WestFest Music Festival, on property approximately 216 acres in size, located adjacent to the Alachua County/Gilchrist County Line on the southeast corner of West Newberry Road and SW 298th Street (Gilchrist County Road 2085/SE 90th Avenue).

Mayor Marlowe noted that no one had entered the meeting, suggesting that the procedures did not need to be reread. Chair Baker agreed.

At 6:52 PM Vice Chair Woodcock left the meeting.

Andrea Parker asked anyone thinking of speaking on this Agenda item, who was not previously sworn in, to stand and be sworn in. She then swore in Bryan Thomas, AICP, Director of Planning and Economic Development, City of Newberry; and Greg Hembree, representing the Property Owner.

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.

Wendy V. Kinser-Maxwell, AICP, Principal Planner for the City of Newberry, presented the staff overview.

Bryan Thomas, AICP, Director of Planning and Economic Development for the City of Newberry, presented the City's application.

Wendy V. Kinser-Maxwell, AICP, Principal Planner for the City of Newberry, presented the staff report and recommendation for approval of the Application with the conditions presented. Discussion ensued.

Chair Baker asked if there were 3rd Party Interveners present. There were none.

Chair Baker asked if any member of the public wanted to speak. Greg Hembree, representing the property owner, stated that the property owner will be a loss payee on the insurance. He also stated that the property owner is not being compensated in any way for this event.

Chair Baker asked if there were any actual Interveners present who wanted to speak. There were none.

Chair Baker asked the applicant if they wanted to cross examine staff. There was no response. She then stated that staff could cross examine the applicant. There was no response.

Chair Baker stated that the hearing was now open to questions from the Planning and Zoning Board. Discussion ensued. Bill Conrad recommended changing the end time to Midnight. Discussion ensued. Gavin Johnson asked staff how many times a parcel can apply

for a Temporary Permit. Wendy Kinser-Maxwell replied that she believed that an entity can apply 3 times a year. The City is the applicant for this application.

Chair Baker asked if the applicant had final arguments. There were none. Chair Baker asked if staff had final arguments. There were none.

Andrea Parker, City Attorney, advised that members must vote based on substantial and competent evidence.

Chair Baker asked if any member of the public wanted to speak. There were none.

Board Member Boyer made Motion to recommend to the City Commission approval of Resolution 2020-08 (application STUP 20-01), with amendments as presented by Staff, contingent upon compliance with recommended findings and conditions, with these changes:

- The event will be allowed to go to Midnight.
- The property owner will be a loss payee on the insurance.

Seconded by Board Member Johnson.

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

Chair Baker announced that this application will be heard by the City Commission at their February 24, 2020 meeting.

TOPICS FROM MEMBERS FOR DISCUSSION

There was discussion encouraging everyone to come to WestFest. There will be five live bands, bounce houses, food vendors, and admission is free.

ADJOURN

The meeting adjourned at 7:22 PM.

ATTEST:

Jessica Baker, Chair

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.