



City of Newberry Planning & Zoning Board

Monday, December 07, 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

Chair Baker called the meeting to order at 6:41 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
Mike New, City Manager
Bryan Thomas, AICP, Director, Planning & Economic Development
Wendy V. Kinser-Maxwell, AICP, Principal Planner
Dallas M. Lee, Department Director, Finance & Administration
Rich Maltby, Folds, Walker & Maltby, LLC
Andrea Parker, Folds, Walker & Maltby, LLC
Jeannene Mironack, Staff Assistant

APPROVAL OF AGENDA

Motion to approve Agenda made by Board Member Erched, Seconded by Vice Chair Woodcock.
Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Erched

APPROVAL OF MINUTES

1. Review and Approval of November 2, 2020, Planning & Zoning Board Meeting Minutes
Motion to approve the November 2, 2020 Minutes made by Vice Chair Woodcock,
Seconded by Board Member Erched.
Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Conrad, Board Member Erched

ANNOUNCEMENTS

The Zoom Pass Code problem is resolved. The Pass Code is posted on the City's Facebook page and has been emailed to citizens who reported the issue. Citizens have joined the Zoom broadcast of meeting. Attorney Maltby noted that due to the pass code issues, and the possibility of agenda items coming back before this Board, all Board members should not have any discussions outside of tonight's meeting on any of the agenda items.

Attorney Maltby, explained that per the City's Executive Order 2020-48, Gavin Johnson and Bill Conrad can vote during this meeting, while attending by Zoom due to COVID-19 issues.

NEW BUSINESS

2. A Public Hearing on a Petition for a Special Exception to allow a Recreational Vehicle Resort Quasi-Judicial Hearing: SE 20-02, An application by David McDaniel of M3 Development, LLC, Agent for Marie Ratliff, Owner, for a special exception in the "A" Agricultural Zoning District, in conformance with Section 4.4.5.20 of the Newberry Land Development Regulations, to allow a Recreational Vehicle Resort and Campground on approximately 94.37+/- acres located at 2120 NW STATE RD 45 (tax parcels 01879-002-000, 01879-003-000, 01879-004-000, and 01879-004-001).

Attorney Maltby read the Item Title. 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, City of Newberry; Dave McDaniel, M3 Development, LLC, Applicant; Matt McDaniel, M3 Development, LLC, Applicant; Robert Phillips; Ron Roland; Tracy Morris; and Valerie Fuldauer.

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 regarding this application.

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

Dave McDaniel and Matt McDaniel, M3 Development, LLC, Applicant, presented the Application.

Bryan Thomas presented the staff report and staff recommendation for the Board to recommend approval with conditions to the Board of Adjustment for this Application.

Chair Baker asked for Public Comment. Ron Roland, Robert Phillips, Tracy Morris, and Valerie Fuldauer spoke.

Dave McDaniel, Applicant, was cross-examined by the Board. Discussion ensued.

Bryan Thomas was cross-examined by the Board. Discussion ensued.

Dave McDaniel, Applicant, answered questions from the Board. Discussion ensued.

Bryan Thomas responded to questions from the Board. Discussion ensued.

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

The Board entered deliberations.

Board Member Conrad made a motion to recommend approval, with recommendations 6 through 10 of the DART review comments (on page 75 of the agenda packet), plus additional recommendations to the BOA that the applicant be allowed to extend length of stay to 180 days and allow up to 20% of the units to be park models. Mayor Marlowe asked if the Board of Adjustment had the power to change the length of stay. Bryan Thomas responded that the Board of Adjustment could not change the length of stay, a separate ordinance amending the Land Development Regulations for RV Parks would be required to make that change. Discussion ensued.

Seconded by Vice Chair Woodcock.

Chair Baker asked for Public Comment. Tracy Morris spoke.

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

Voting Nay: Chair Baker, Board Member Johnson

3. Changing three recently annexed properties' future land use designation from Alachua County Rural/Agriculture to City of Newberry Agriculture.

Quasi-Judicial Public Hearing: CPA 20-03, 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 properties previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 01816-001-000, 02568-007-000, and 02519-003-000.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry, stated that each ordinance would be presented separately.

Chair Baker reminded everyone that they remain sworn in. She confirmed that there were no new participants.

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 presented the staff overview and presentation for Ordinance 2020-32/CPA 20-03, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

The Board entered deliberations.

Board Member Conrad made a motion to recommend approval of Ordinance 32, Seconded by Board Member Johnson.

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

Wendy V. Kinser-Maxwell presented the staff overview and presentation for Ordinance 2020-34/CPA 20-03, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

Board Member Conrad made a motion to recommend approval of Ordinance 34, Seconded by Board Member Erched

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

Wendy V. Kinser-Maxwell presented the staff overview and presentation for Ordinance 2020-36/CPA 20-03, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

Board Member Conrad made a motion to recommend approval of Ordinance 36, Seconded by Board Member Erched

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

4. Rezoning three recently annexed properties from Alachua County Rural/Agriculture to City of Newberry Agricultural.

Quasi-Judicial Public Hearing: LDR 20-09, 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 properties previously voluntarily annexed into the City, identified by Alachua County Parcel Numbers: 01816-001-000, 02568-007-000, and 02519-003-000. (This application is contingent upon approval of Application CPA 20-03.)

Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry, stated that each ordinance would be presented separately.

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 presented the staff overview and presentation for Ordinance 2020-33/LDR 20-09, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

The Board entered deliberations.

Board Member Conrad made a motion to recommend approval of Ordinance 33, Seconded by Board Member Johnson.

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

Wendy V. Kinser-Maxwell presented the staff overview and presentation for Ordinance 2020-35/LDR 20-09, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

Board Member Conrad made a motion to recommend approval of Ordinance 35, Seconded by Board Member Erched

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

Wendy V. Kinser-Maxwell presented the staff overview and presentation for Ordinance 2020-37/LDR 20-09, stating the staff recommendation for the Board to recommend approval to the City Commission for this Ordinance.

Chair Baker asked for public comment. There was none.

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

Board Member Conrad made a motion to recommend approval of Ordinance 37, Seconded by Board Member Erched

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

5. Discussion regarding Food Truck regulations

Motion made by Board Member Erched to postpone consideration. Seconded by Vice Chair Woodcock.

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

TOPICS FROM MEMBERS FOR DISCUSSION

Bryan Thomas announced that there might be a need for a Special Planning And Zoning Board Meeting in Mid-January.

ADJOURN

The meeting was adjourned at 10 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