



# City of Newberry Planning & Zoning Board

Monday, May 04, 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.

Due to the use of Zoom communications media technology (CMT), Mayor Marlowe chaired the meeting.

### 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

Bryan Thomas, Department Director, Planning and Economic Development

Dallas M. Lee, Department Director, Finance & Administration

Jeannene Mironack, Staff Assistant

Rich Maltby, Folds, Walker & Maltby, LLC

Brian Franco

Clay Sweger

Claudia Vega

Jim Fleming

Mary Fleming

William Tharp

### APPROVAL OF AGENDA

Motion made by Board Member Boyer, Seconded by Chair Baker.

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

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. April 6, 2020, Planning & Zoning Board Meeting Minutes

Motion made by Board Member Boyer, Seconded by Chair Baker.

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

ANNOUNCEMENTS

Jeannene Mironack and Linda Woodcock announced that the Watermelon Festival has been scheduled for June 20th, 2020.

Linda Woodcock announced that Blessed Hope will be distributing food tomorrow at the American Legion building.

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).

Attorney Rich Maltby read the Quasi-Judicial meeting procedure summary. Attorney Maltby asked the Board members if they had conducted ex parte communications regarding this application. Walt Boyer stated that he had been on Mrs. Fleming's property about a year ago. He added that he would be able to make a decision based on the evidence presented to the Board. Each of the other Board members reported that they had no ex parte communication.

Attorney Maltby swore in Bryan Thomas, Department Director, Planning and Economic Development; Jeannene Mironack, Staff Assistant for the City of Newberry; Brian Franco, Store Master Funding XI; Clay Sweger, eda consultants, inc.; Claudia Vega, eda consultants, inc.; William Tharp, Mary Fleming, Jim Fleming, and Walt Boyer, Boyer Management Group.

Attorney Maltby read Resolution No. 2020-17/Special Exception Application SE 20-01 by title only.

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

Brian Franco, Store Master Funding XI, Owners, and Clay Sweger, AICP, LEED AP, and Claudia Vega, P.E., eda consultants, inc., presented the application.

Bryan Thomas, AICP, Department Director, Planning and Economic Development, presented the staff report and recommendation for approval of the Application.

Mayor Marlowe asked if there were any Third-Party Intervenors. There were none.

Mayor Marlowe asked for public comment. Mary Fleming, Jim Fleming, and William Tharp spoke against the Application. Discussion ensued.

Mayor Marlowe asked if the Applicant wanted to cross examine staff or the public. They did not.

Mayor Marlowe asked if Staff wanted to cross examine the applicant or the public. They did not.

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

Mayor Marlowe asked if the applicant or staff had any final arguments. Clay Sweger stated that the entrance to the facility is consistent with FDOT Standards. Brian Franco stated he appreciated the Public's concerns.

Board Member Conrad moved to recommend to the Board of Adjustment approval of Resolution No. 2020-17/Special Exception Application SE 20-01. Seconded by Board Member Boyer. Jessica Baker asked to amend the motion to include consideration or requiring Pet Paradise to maintain the hedge. Discussion ensued. The motion was amended to ask staff and the applicant to draft language regarding the boundary hedge: maintenance, trimming, access to neighboring private property. Jim Fleming recommended a severe cutback followed by quarterly trimming.

Mayor Marlowe asked for public comment. Mary Fleming, Jim Fleming, and William Tharp spoke against the Application. Discussion ensued.

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

Mayor Marlowe announced that this application will be heard by the Board of Adjustment at their May 26, 2020 meeting.

3. Quasi-Judicial Public Hearing: STUP 20-02, an application by Torment Factory, Boyer Management Group, Agent, for Pat M. Post, Owner, for a special permit for a temporary use to allow a haunted house, 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 during the month of October 2020 and first weekend in November 2020, at 390 South Seaboard Drive on property approximately 1.89 acres in size. (Tax Parcels 02261-005-000 and 01989-000-000).

Attorney Maltby read Resolution 2020-16/Application STUP 20-02 by title only. Walt Boyer announced that he would abstain from voting, as he is the applicant.

Attorney Maltby reminded everyone that they remained sworn in.

Attorney Maltby asked the Board members if they had conducted ex parte communications regarding this application. Mayor Marlowe stated that he has had ex parte communications regarding this application. He reminded the Board that he is a non-voting member. The other Board members reported that they had no ex parte communication.

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

Walt Boyer, Boyer Management Group, presented the application.

Bryan Thomas, AICP, Department Director, Planning and Economic Development, presented the staff report, recommended conditions and findings, and recommendation for approval of the Application.

Mayor Marlowe asked if there were any Third-Party Intervenors. There were none.

Mayor Marlowe asked for public comment. There was none.

Mayor Marlowe asked if the Applicant wanted to cross examine staff or the public. They did not.

Mayor Marlowe asked if Staff wanted to cross examine the applicant. They did not.

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

Chair Baker moved that Resolution 2020-16/Application STUP 20-02 be approved with the conditions as outlined. Seconded by Board Member Johnson.

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

Voting Abstaining: Board Member Boyer

#### TOPICS FROM MEMBERS FOR DISCUSSION

Linda Woodcock announced that the Annual Newberry Garden Club Plant Sale will be this Saturday morning in the pocket park. Funds are used to provide student scholarships.

#### ADJOURN

The meeting adjourned at 9:03 PM.

**ATTEST:**

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**Mayor Jordan Marlowe**

Copies of any agenda attachments are available for public inspection at the Planning Department, located at 25815 SW 2<sup>nd</sup> 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.

**(ATTACH WALT BOYER'S FORM 8B!)**