Planning & Zoning Board

August 03, 2026
6:00 PM

City Hall North - 25493 NW 1st Ave, Newberry, FL 32669

CALL TO ORDER

APPROVAL OF AGENDA

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

1. Review and Approval of July 6, 2026 Planning & Zoning Board Meeting Minutes

PUBLIC HEARINGS AND ORDINANCES

2. CPA 26-15: Small-scale Future Land Use Amendment for North Gateway Commercial.

Legislative, Petition CPA 26-15. A petition of the City of Newberry, Florida, amending the Future Land Use Map in the Comprehensive Plan by changing the Future Land Use category from Agriculture to Commercial on 24.98 acres, identified as tax parcel number 01922-011-000.

3. LDR 26-22: Small-scale Rezoning for North Gateway Commercial.

Quasi-judicial, Petition LDR 26-22. A petition of the City of Newberry, Florida, rezoning from Agricultural (A) to Commercial, Intensive (CI) on 24.98 acres, identified as tax parcel number 01922-011-000.

4. VAR 26-01 Parkwest Estates

Quasi-Judicial, Petition for a Variance to Reduce Minimum Lot Size from 5 acres to 1 acre for property within the Agricultural (A) Zoning District

AGENDA ITEMS

TOPICS FROM MEMBERS FOR DISCUSSION

MEETING ADJOURNMENT

Copies of any agenda attachments are available for public inspection at the Community Development Department, located at 25493 NW 1st Ave, Newberry, Florida, during regular business hours.

If A Person, Firm, or Corporation Desires to Take an Appeal From any Action Taken at the Above Meeting or Hearing, It May Be Necessary to Have A Verbatim Record of the Proceedings and It Is the Person, Firm, or Corporation's Duty to See that Such A Record Is Made. The City of Newberry City Commission Policy Is to End the Public Meeting At 10:30 P.M. the Evening of the Regularly Scheduled Meeting Unless Extended by the City Commission. Any Matter on the Agenda Not Acted upon Shall Be Continued to the Next Regularly Scheduled City Commission Meeting, or a Special Meeting, at the Commission's Discretion. In accordance with the Americans with Disabilities Act (ADA) and

Section 286.26, Florida Statutes, persons with disabilities requiring reasonable accommodations to participate in this meeting should contact City Clerk at 352-472-2161 or ADArequests@newberryfl.gov at least 72 business hours prior to the meeting. Such accommodations may include, but are not limited to, assistive listening devices, alternative formats of meeting materials, sign language interpretation, or physical access arrangements. If you are hearing or speech impaired, please contact the Florida Relay System at 800-955-8770. If you need special accommodations for attendance at this meeting, please contact MV Transportation, Inc. at 352-375-2784, not later than 72 business hours prior to the proceedings.

File Attachments for Item:

1. Review and Approval of July 6, 2026 Planning & Zoning Board Meeting Minutes

Planning & Zoning Board Agenda Item

Meeting Date:	August 3, 2026
Title:	Review and Approval of July 6, 2026 Planning & Zoning Board Meeting Minutes
Agenda Section:	Consent
Department:	Planning & Economic Development
Presented By:	Stacey Hectus, AICP, Director Community Development
Recommended Action:	1) Approve minutes.

Summary:
The July 6, 2026 Planning & Zoning Board Minutes are attached.

Attachments:
1. July 6, 2026 Planning & Zoning Board Minutes

Planning & Zoning Board

Monday, July 06, 2026
6:00 PM

City Hall North,
25493 NW 1st Road, Newberry, FL 32669

CALL TO ORDER/ ROLL CALL

Timothy Marden, Mayor called the meeting to order at 6:00 PM

ROLL CALL

Members Present:

Timothy Marden, Mayor
Daniel Thomas, Member
Mellina Parker, Member (arrived during item # 3)
Shawn Walker, Member
Bonnie Houser, Member
Jason McGehee, Member

Quorum Check was satisfied

City Staff Present:

Jordan Marlowe, City Manager
Nicolle Shalley, City Attorney
Stacey Hectus, Director, Community Development
Lauren Yeatter, Assistant Director, Community Development
Sarah Vidal, Community Planner, Community Development
Greta Moreau, Code Enforcement, Community Development
Bailey Fritz, Staff Assistant, Community Development

1. **Welcome new Board Members**

   Newly elected Planning and Zoning Board members introduced themselves. Manager Marlowe introduced himself, and Director Hectus introduced herself along with her team. Mayor Marden summarized the duties of the Planning and Zoning Board.

PLEDGE OF ALLEGIANCE

ELECTION OF PLANNING AND ZONING/HARB VICE-CHAIR

Board Member Jason McGehee was nominated.

Motion Made to appoint PZ/HARB Vice-Chair by Board Member Houser
Seconded by Board Member: Board Member Thomas
Voting Yea: Unanimous
Motion Passed: 4-0

APPROVAL OF AGENDA

Motion Made to approve the Agenda by Board Member McGehee
Seconded by Board Member: Board Member Thomas
Voting Yea: Unanimous
Motion Passed: 4-0

CONSENT AGENDA

2. Review and Approval of April 6, 2026, April 21, 2026 & May 4, 2026 Planning & Zoning Board Meeting Minutes

Motion Made to approve the Agenda by Board Member McGehee
Seconded by Board Member: Board Member Thomas
Voting Yea: Unanimous
Motion Passed: 4-0

PETITIONS

3. CPA 26-13: Small-scale Future Land Use Amendment for City-owned properties.

Legislative Public Hearing

Assistant Director Yeatter to present. From AG, Mixed use, RSF, RSF2, to be moved to Public Facilities. Giving explanation to Avalon Woods homeowners. Manager Marlowe spoke to clarify the change being made is only administrative.

Resident Deshazo Wilkinson, 17 years in Newberry. Surveyors were in the back of their property and they wanted to make sure they were not having land taken from them. Director Hectus to clarify that the property was only the stormwater area not the homeowners property being surveyed.

Resident Gregory Rome: Is there a plan in the future for something to be built there or only storm drain? Mayor Marden clarified that nothing would be built. If there were to be something to be built, it would be advertised such as the land use is being advertised now.

Resident Terry Wilkinson lives in Country Way. Asking about the fencing around the retention pond they live next to in Country Way and if it should have been built further up the property line from where it was placed originally. Looking to clarify that the property between that fence & their property is City owned. Manager Marlowe said it would need to be researched further to answer.

Following the discussion, Mayor Marden moved for a Motion:
Motion Made – Board Member Board Member Thomas
Second Motion: Board Member Board Member Parker
Voting Yea: Unanimous
Motion Passed: 5-0

4. **LDR 26-18: Small-scale Rezoning of City-owned properties.**

Quasi-Judicial Public Hearing

Quasi- Judicial: Mayor Marden explains the legal process for our new PZB members. Attorney Shalley to read item and swear in anyone speaking on this item.

Sworn in: Assistant Director Yeatter, Director Hectus & Manager Marlowe.

Assistant Director Yeatter to present. Re-zoning of property from AG, Mixed use, RSF, RSF2, to be moved to Public Facilities.

No public comments.

Board Member McGehee requested clarification between the 15 acres in the first item vs 17 acres in this item. Lauren- 2 of the parcels already had future land use classification of Public Facilities making the difference in acreage.

Following the discussion, Mayor Marden moved for a Motion:
Motion Made – Board Member Board Member McGehee
Second Motion: Board Member Board Member Walker
Voting Yea: Unanimous
Motion Passed: 5-0

5. **SDP 26-05: Site and Development Plan for McDonald's at Highland Park.**

   Quasi-Judicial Public Hearing

   Attorney Shalley swearing in Assistant Director Yeatter, Director Hectus, Manager Marlowe, McDonald's representative Kim Seyer.

   Assistant Director Yeatter to present.

   Kim Seyer to present from Seyer Group for the project. Mentions it will take 85-100 days to build from beginning to end once ground breaks. Water management permits already secured, FDOT road management involved. Waiting on final approval & permits from City to break ground.

Following the discussion, Mayor Marden moved for a Motion:
Motion Made – Board Member Board Member Walker
Second Motion: Board Member Board Member McGehee
Voting Yea: Unanimous
Motion Passed: 5-0

AGENDA ITEMS

TOPICS FROM MEMBERS FOR DISCUSSION

Board Member Parker: Commenting on the community involvement that she appreciates. Mentions non-profit organizations for volunteers to get involved.

Board Member Thomas: Commented on the wonderful 4th of July weekend Newberry hosted.

Board Member McGehee: Stipend $50.00 per meeting, is not needed and will plan to bring it up to remove this. This board should be a volunteer, public servant with no stipend expected. He also mentioned Father's Fest was a great event as well as July 4th weekend and how much it was appreciated by his family.

Board Member Houser: no comment

Board Member Walker: Mentioning the 4th of July and how much he appreciated it.

Manager Marlowe: Speaking to board member McGehee's suggestion for removing Stipend.

Director Hectus: Welcome to the board and thank you.

MEETING ADJOURNMENT 6:48pm.

HARB meeting to follow.

_____

Timothy R. Marden, Mayor

Chair of Planning and Zoning Board

And Historical Architectural Review Board

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File Attachments for Item:

2. CPA 26-15: Small-scale Future Land Use Amendment for North Gateway Commercial.

Legislative, Petition CPA 26-15. A petition of the City of Newberry, Florida, amending the Future Land Use Map in the Comprehensive Plan by changing the Future Land Use category from Agriculture to Commercial on 24.98 acres, identified as tax parcel number 01922-011-000.

Planning & Zoning Board Agenda Item

Meeting Date:	August 3, 2026
Title:	CPA 26-15: Small-scale Future Land Use Amendment for North Gateway Commercial. Legislative, Petition CPA 26-15. A petition of the City of Newberry, Florida, amending the Future Land Use Map in the Comprehensive Plan by changing the Future Land Use category from Agriculture to Commercial on 24.98 acres, identified as tax parcel number 01922-011-000.
Agenda Section:	Public Hearings
Department:	Community Development Department
Presented By:	Lauren Yeatter, AICP, Community Development Assistant Director
Recommended Action:	1) Recommend approval of Petition CPA 26-15.

Summary:
Menadier Engineering, LLC ("Agent"), on behalf of Cell Ag Land, LLC ("Owner"), is requesting a future land use map amendment from Agriculture to Commercial on a 24.98-acre site generally located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13.

Attachments:
1. Application documents
2. Staff Data and Analysis Report and Comments

MENADIER ENGINEERING

REZONING & FLU AMENDEMENT APPLICATION - JUSTIFICATION NARRATIVE

FOR

NORTH GATEWAY COMMERCIAL

CITY OF NEWBERRY, FLORIDA

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1. Statement of Proposed Change

The purpose of this application is to request rezoning and a Small-Scale Future Land Use (FLU) amendment for the commercial development of a ± 24.98-acre parcel (Parcel ID: 01922-011-000) in the City of Newberry. The subject property is located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13.

The site is currently zoned Agriculture (A) with an Agricultural FLU designation. This application requests Commercial, Intensive (CI) zoning along with a concurrent Small-Scale Comprehensive Plan Amendment (CPA) to Commercial FLU. The requested zoning and FLU are consistent with surrounding development, including the Hawley 25-acre commercial site to the immediate south, the Tanglewood PD south of SR 26, and several commercial uses along SR 26 such as Crystal Lake Commercial Development and the Newberry Agri-Tech Park.

The subject property functions as a gateway into the City of Newberry and shares a defined boundary with the Urban Service Area (USA). The proposed requests are consistent with the City's Comprehensive Plan and Land Development Regulations (LDRs) and would allow for a mix of commercial uses that serve both the surrounding area and the City.

Table 1 and Figures 1-4 show the current zoning and FLU designations adjacent to the site.

Table 1. Adjacent Zoning Districts and FLU Designations

Direction	Zoning Districts	FLU Designations
0North	A (City) / A (County)	Agriculture (City) / Rural/Ag (County)
East	NW 202nd St ROW / A (City) / A (County)	NW 202nd St ROW / Agriculture (City) / Rural/Ag (County)
South	CA (City)	Commercial (City)
West	A (City)	Agriculture (City)

Figure 1. Existing Future Land Use



Figure 2. Proposed Future Land Use



Figure 3. Existing Zoning District



Figure 4. Proposed Zoning District



2. Comprehensive Plan Consistency

The following analysis identifies specific Goals, Objectives, and Policies from the Comprehensive Plan and explains how the proposed rezoning and FLU amendment aligns with each.

Article I. – Future Land Use Element

"FLU POLICY 1.2.1: The City shall promote small-town character, including rural spaces through the following means:

1. *Ensure permitted uses, densities, and intensities for lands outside the USA boundary appropriately limit suburban sprawl, promote rural land retention, and contribute to the City's overall character;*
2. *Permit agriculture, conservation, recreational, public, limited residential, and small-scale commercial uses outside the USA;*
3. *Create a logical and equitable network of open space and rural land retention providing multiple services by promoting the value of recreation, habitat corridors, food production, pollution mitigation, and stormwater treatment; and*
4. *Create a mechanism to transfer development rights from outside the USA to increase density and intensity within the USA boundary."*

The subject property is located within the USA and provides a clear transition between rural and more developed areas. The site is in proximity to existing and planned public infrastructure, including potable water and sanitary sewer, intended to support development within the USA. Concentrating on commercial uses in areas where infrastructure is available and within the USA helps limit development pressure on rural-designated lands outside the boundary, while supporting a more efficient and logical pattern of growth consistent with the City's overall character.

"FLU OBJECTIVE 2.1: The City shall ensure appropriate land use allocations, LDRs, and permitting processes to encourage land development aligned with the City's Strategic Plan."

The proposed Commercial FLU supports development aligned with the City's Strategic Plan. The site's access from NW 202nd Street provides an opportunity to distribute traffic onto a less burdened roadway, supporting Goal A.2 for a safe and effective transportation network. The requested Commercial, Intensive (CI) designation allows for a range of uses that could support community-oriented spaces and amenities, aligning with elements of Goal C depending on future site planning. Additionally, the proposal contributes to Goal D.1 by supporting a forward-looking approach to growth within the USA, and Goal E.4 by promoting opportunities for a more diverse and vibrant community. Overall, the request directs growth to an appropriate location with access to infrastructure, consistent with the City's vision for balanced and strategic development.

"FLU POLICY 2.1.1: The City shall continue to create a pro-business environment for desirable development by allocating appropriate land uses, partnering with local educational institutions to support a skilled workforce, and maintaining reliable infrastructure and low taxes."

The request for a Commercial FLU on the subject property supports a pro-business environment by directing development to an area served by existing roadway access and available infrastructure within the USA. While the site does not have direct frontage on SR 26, it is located within approximately 700 feet of the corridor and remains well-positioned to benefit from its accessibility. The property is also proximate to a growing residential base, including the existing Newberry Oaks subdivision, active development along SW 15th Avenue such as Countryway PD and Magnolia Acres Rural Subdivision, and the planned Phase 2 expansion of Countryway PD. The Tanglewood development, along with several rural subdivisions along NW 202nd Street, further contribute to the surrounding residential presence. Additional nearby residential developments along SW 30th Avenue, including Newberry Ridge PD and Sandia Town Parc PD, also support this growth.

This concentration of existing and planned residential development supports the proposed Commercial FLU by creating demand for nearby services, while contributing to a balanced mix of uses within the USA and advancing the City's goal of encouraging appropriate and desirable business development.

"FLU OBJECTIVE 2.2: The City shall support diversification of tax base by encouraging non-residential development, particularly innovative business opportunities related to Newberry's heritage."

Part of Newberry's heritage includes its history as a railroad town, which supported a variety of local businesses such as drug stores, hotels, barbers, photographers, and other service providers. This legacy reflects the City's longstanding role as a center for commerce serving the surrounding area. The request for a Commercial FLU and associated CI zoning designation aligns with this history and supports diversification of the City's tax base by allowing for non-residential opportunities that serve both residents and local businesses. Outside of the downtown area, several parcels along and near SR 26 are already zoned CI, and applying the same designation to the subject property is consistent with the development pattern occurring in the City. The CI zoning district provides for a range of uses that can support local builders, service establishments, recreational facilities, and agricultural-related needs, contributing to the overall functionality and economic growth of the community.

"FLU POLICY 3.1.1: The City shall evaluate the existing distribution of Future Land Use (FLU) categories to ensure a rational and equitable distribution of land uses to meet future population demands within the USA, where community infrastructure is intended to support existing and future residential and non-residential uses."

The subject property is located within the USA and is proximate to City potable water and sanitary sewer infrastructure that can serve the site. The proposed Commercial FLU and associated CI zoning district provide additional opportunities for non-residential development.

"FLU POLICY 3.2.1: The City's Land Development Regulations (LDRs) shall contain design and development standards based on and consistent with the following FLU categories and corresponding general ranges of densities and intensities. The allocation of FLU categories shall be depicted in the Comprehensive Plan FLUM's series:

Table identifying FLU categories and compatible zoning districts classifications:

FLU Category	Zoning District Classification	Typical Uses	Maximum Density	Maximum Intensity
Commercial	CN, CH, CG, C-CBD, CI, CA	Retail Commercial Outlets, Service Establishments	-	80% Impervious Surface Ratio (ISR)

The Commercial land use category consists of areas used for the sale, rental and distribution of products, or performance of services as well as public, charter, and private elementary, middle, and high schools. In addition, off-site signs, churches and other houses of worship, private clubs and lodges, residential dwelling units, which existed within this category on the date of adoption of this Comprehensive Plan, and other similar uses compatible with commercial uses, may be approved as exceptions. All principal uses and special exceptions shall be limited to an intensity of 80% ISR, which includes all impervious surfaces, not only structures."

The requested Commercial FLU category is intended to implement the CI zoning district, which allows for the sale, rental, and distribution of goods and services to serve area residents and

businesses. Site development will be limited to a maximum of 80% impervious surface ratio (ISR). The requested CI zoning district is compatible with the Commercial FLU, consistent with FLU Policy 3.2.1. The proposed development aligns with retail commercial and service-oriented uses.

"FLU GOAL 5: Reinforce the USA as a template, vehicle, and principle to focus growth and prevent suburban sprawl."

The proposed Commercial FLU and associated CI zoning are consistent with FLU Goal 5, as the subject property is located within the USA and in proximity to existing potable water and sanitary sewer infrastructure. Directing development to this location reinforces the USA as the appropriate area for growth, where services and infrastructure are available. By accommodating non-residential development within the USA, the proposal helps limit development pressure on rural areas outside the boundary and supports a more efficient land use pattern. The request is consistent with existing development trends along and near SR 26, as well as the broader growth pattern within the City of Newberry, further reinforcing the USA as the primary focus for future development.

Article II. – Transportation Element

"TRAN OBJECTIVE 1.1: The city has established a safe, convenient, and efficient Level of Service (LOS) standard which shall be maintained for all roadways."

Access to the site is provided via NW 202nd Street, and any required access improvements or modifications to meet applicable roadway standards will be evaluated during the Site/Development Plan review and coordinated with the City and/or County. Any improvements necessary to serve the proposed development will be the responsibility of the developer. Based on the scale and nature of the proposed use, the project is not anticipated to cause the roadway to operate below the adopted LOS standards.

"TRAN POLICY 1.1.1: The city shall establish and maintain the Level of Service (LOS) standards as noted below at peak hour for the following roadway segments within the city. Further, such standards shall be as defined within the current FDOT "Multimodal Quality/Level of Service Handbook", 2023. The city impact fees shall address roadway segments severely impacted, roadways that fail to operate at the adopted LOS.

Segment ID	Roadway Segment	Number of Lanes	Functional Classification	Area Type	Adopted (LOS) Standards
3	W 202nd Street (from north city limits to SW 30th Avenue)	2-U	Major Collector	Community Transitioning	D

The referenced segment of NW 202nd Street has an adopted LOS of D, which provides flexibility to accommodate reasonable increases in traffic. Based on the scale and nature of the proposed development, it is not anticipated to cause the roadway to operate below the adopted LOS standard. A detailed traffic analysis will be conducted, if required, during the Site/Development Plan review phase to confirm compliance with the City's LOS standards.

"TRAN POLICY 1.2.2: The city shall limit direct access to major roadways by directing site access to local roadways, requiring cross-access among sites, and encouraging frontage roadways to lower local traffic's dependency on the major roadway network. Major roadways serving regional traffic need more access control to ensure mobility."

The proposed site will be accessed from NW 202nd Street, a collector roadway that connects to the principal arterial SR 26. This approach directs site traffic to a lower-order roadway rather than providing direct access to the arterial, consistent with the intent of this policy. Opportunities for cross-access between adjacent properties will be considered, particularly with the Hawley 25-acre commercial parcel, which has access to both NW 202nd Street and SR 26. Access from NW 202nd Street supports more controlled traffic movement and helps maintain mobility along the major roadway network.

Article IV. - Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

"GOAL IV-1 — Ensure the provision of public facilities in a timely, orderly efficient and environmentally sound manner at an acceptable level of service for the city's population."

Existing water and sewer infrastructure has been extended in the vicinity of the subject property to accommodate anticipated growth in this area. The proposed rezoning and future land use change are intended to take advantage of this available infrastructure. The development will tie into these systems, and any required upgrades or capacity improvements will be evaluated as part of the site and development review process. All necessary public facility improvements to support the project will be the responsibility of the developer.

Article IX. – Economic Development Element

"OBJECTIVE ED.1.1 Diversify the economy of the city by creating an economic climate conducive to attracting new development and businesses which yield net social and economic benefits to the city."

The proposed Commercial Future Land Use (FLU) amendment and CI rezoning will contribute to the diversification of the City's economic base by allowing for a broader range of commercial uses that are not currently permitted under the existing designation. The subject property's location and access characteristics make it well-suited to accommodate new businesses that can provide local employment opportunities, expand the tax base, and support surrounding development.

"OBJECTIVE 6.1: Select commercial and industrial locations which are compatible with the growth and future service needs of the City."

The subject property represents an appropriate location for commercial uses based on its proximity to existing infrastructure, roadway access, and planned growth patterns. The site is positioned to take advantage of existing and recently expanded utility services, including water and sewer, which are available to support future development. Directing more intensive uses to areas that can be efficiently served by public facilities ensures that development occurs in a manner that is cost-effective and minimizes the need for extensive infrastructure extensions while supporting the City's long-term service capacity and planning goals.

"POLICY ED 6.1.2. Support development projects which broaden and enhance the City's economic base and produce viable long term land use patterns."

The request establishes a more viable long-term land use pattern by aligning the property with surrounding development trends and available infrastructure. This ensures the site can develop in a manner that is both economically productive and consistent with the City's overall growth framework.

3. Land Development Regulations Consistency

The following analysis identifies how this request is consistent with the City of Newberry's Land Development Regulations (LDRs).

Section 4.2. – Supplementary District Regulations.

"4.2.3. Access control. In order to provide ease and convenience in ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street.

Further, for roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with F.A.C. chs. 14-96 and 14-97, Rules of the Florida Department of Transportation, and the department's Access Management Manual."

The proposed site will be accessed from NW 202nd Street, a collector roadway that connects to the principal arterial SR 26. This approach directs site traffic to a lower-order roadway rather than providing direct access to the arterial, consistent with the intent of this policy. Opportunities for cross-access between adjacent properties will be considered, particularly with the Hawley 25-acre commercial parcel, which has access to both NW 202nd Street and SR 26. Access from NW 202nd Street supports more controlled traffic movement and helps maintain mobility along the major roadway network.

"4.2.18.1. Fire and explosion hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the state fire marshal."

All future uses will adhere to state fire marshal rules and regulations. Anticipated uses may include retail outlets, service establishments, office, and automobile-oriented uses, which do not particularly risk the threat of fire or explosion hazards.

"*4.2.18.2. Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in F.A.C. ch. 17-2. Regulations controlling open burning shall be the same as those contained in F.A.C. ch. 17-5.*

All future uses will adhere to F.A.C ch. 17-2 for smoke, dust, dirt, or visible emissions. No open burning will occur with these commercial uses.

"4.2.18.3. Fumes, vapors, and gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in F.A.C. ch. 17-2."

All future uses will adhere to F.A.C ch. 17-2 for fumes, vapors, and gases.

"4.2.18.4. Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the I Industrial district, this standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district."

No manufacturing activity or uses will be permitted, only retail outlets, service establishments, office, and automobile-oriented uses.

"4.2.18.5. Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the I Industrial district, this standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association."

No future use is anticipated to exceed permitted noise levels established by the City. All development will be designed to minimize impacts to surrounding properties and will comply with Section 4.14.2.6.A, which requires that all sales and service activities occur within an enclosed, soundproofed building and that noise levels meet the City's commercial standards.

"4.2.18.6. Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in F.A.C. ch. 17-2."

No issues with regards to odor are expected from the permitted uses within CI zoning district. All future uses will adhere to F.A.C. ch 17-2 for odor.

"*4.2.18.7. Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting."*

Onsite lighting will adhere to City of Newberry standards. No glare is anticipated for the proposed uses or associated parking areas and signage.

"4.2.20. Signs. The provisions of these Land Development Regulations shall govern the sizes, location, and character of signs which may be permitted as a principal or accessory use. No signs shall be permitted in any location except in conformity with these Land Development Regulations."

Onsite placement of signs will adhere to City of Newberry standards and applicable LDR regulations.

Section 4.14. - Commercial, Intensive (CI).

"4.14.1. Districts and intent. The CI Commercial, Intensive category includes one zone district: CI. This district is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire city."

The proposed CI rezoning is consistent with the district's intent, as the subject property is located along a roadway with higher traffic volumes, providing the visibility and access needed for intensive commercial uses. The site's size and configuration can accommodate automotive-oriented and larger-scale uses, including necessary off-street parking and loading. The development will primarily serve vehicular traffic rather than pedestrian activity and is suited for uses that serve a citywide market, rather than neighborhood-scale commercial, consistent with the purpose of the CI district.

"4.14.2. Permitted principal uses and structures. As for CG, and in addition:

1. *Retail commercial outlets for sale of lumber and building supplies, and outdoor retail commercial display areas associated with sale of said items.*
2. *Service establishments such as car wash, auction house (but not including livestock auction arena), laundry or dry cleaning establishment, animal boarding kennels in soundproof buildings, plant*

nursery or landscape contractor, building trades contractor, home equipment rental, upholstery shop.

3. *Commercial recreation facilities such as golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track and similar uses.*
4. *Miscellaneous uses such as express or parcel delivery office, motor bus or other transportation terminal.*
5. *Wholesaling and warehousing or storage use in buildings of 2,500 gross square feet or larger.*
6. *Sales and service of vehicles limited to those propelled by an electric engine (no limitation on power), or combustion engine size of 1,500cc or less, more specifically mopeds, scooters, and motorcycles as defined by the Florida Department of Motor Vehicles, and off-road vehicles not licensed by the State of Florida for on-road use. The sales and service shall be conducted with the following conditions and restrictions applied to the use. Any deviation of these special conditions shall be deemed a violation of these Land Development Regulations.*
    a. *All sales and service shall be conducted within an enclosed soundproofed building. All noise levels emanating from the site shall meet the noise level provisions for commercial uses as established within the City Code of Ordinances;*
    b. *The use shall be buffered by landscaping as required for commercial uses within these Land Development Regulations and in addition a fence or masonry wall shall be required, which is constructed in a manner to visually buffer the use as well as provide additional noise abatement for noise emanating from the site;*
    c. *Sales operations may occur between the hours of 7:00 a.m. and 10:00 p.m. seven days a week. Service operations shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday;*
    d. *Test driving of scooters and motorcycles shall be limited to vehicles that are appropriately tagged and registered and shall only be driven by individuals who are licensed to operate scooters or motorcycles in the State of Florida. Test driving shall only occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday and shall only be conducted on the state road system; no local roads may be used for test driving of vehicles. In addition, no off-road vehicles shall be allowed to be test driven; and*
    e. *Special events (i.e., changes to the conditions and hours stated above) shall be approved by special permit by the city commission."*

The intended uses for the subject property are nonresidential uses that are permitted in either CG or CI zoning districts.

The permitted uses within CI that require a Special Exception are;

1. **Package store for sale of alcoholic beverages, bar, tavern or cocktail lounge**
2. **Off-site signs**
3. **Automotive service stations**
4. **Service establishments such as crematory**
5. **Commercial tourist attractions.**
6. **Open-air restaurants**
7. **Recreational vehicle parks and commercial campgrounds**
8. **Large-scale retail establishments.**

Permitted uses that require a Special Exception will only be proposed if they meet the standards and criteria set forth in Articles 12 and 13.

Prohibited uses include manufacturing activities that are not specifically permitted, and any other use that is not specifically or provisionally mentioned. No prohibited uses will be proposed on the subject property.

Proposed accessory uses and structures will adhere to Section 4.14.3 of the LDR.

"4.14.6. Minimum lot requirements (area, width).
1. *All permitted uses and structures (unless otherwise specified): None, except as needed to meet other requirements set out herein."*

The subject property is ±24.98 acres and will adhere to the minimum lot requirements.

"4.14.7. Minimum yard requirements (depth of front and rear yard, width of side yard). (See section 4.2 for right-of-way setback requirements.)
1. *All permitted uses and structures (unless otherwise specified):*
   Front: 20 feet.
   Side: None, except where a side yard is provided, then a side yard of at least ten feet must be provided.
   Rear: 15 feet.
   Special provisions:
   The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of 35 feet from wetlands.
   The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of 35 feet from perennial streams and creeks."

Development on the subject property will adhere to the minimum yard requirements. There are no wetlands or perennial streams or creeks on the subject property.

"4.14.8. Maximum height of structures. (See also section 4.2 for exceptions.)
No portion shall exceed 72 feet."

Onsite structures will comply with the maximum height limit of 72 feet. Nonresidential buildings are anticipated to be primarily single-story and well below the allowable height.

"4.14.9. Maximum lot coverage by all buildings. In addition to meeting the required yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed the following floor area ratio requirements:"

Less than five acres	1.0 floor area ratio
Greater than or equal to five acres but less than ten acres	0.75 floor area ratio
Greater than or equal to ten acres but less than 20 acres	0.50 floor area ratio
Greater than or equal to 20 acres	0.25 floor area ratio

The subject property is approximately 24.98 acres and the structure(s) will not exceed the allowable 0.25 floor area ratio.

"*4.14.10. Minimum landscaped buffering requirements. (See also section 4.2.)*
1. *All permitted uses (unless otherwise specified):*
   Where a use listed under subsection 1., above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten feet in width along the affected rear and/or side yards, as the case may be."

The subject property abuts a residentially used, though agriculturally zoned, property to the north. Any future development will comply with the landscape buffer requirements set forth in Sections 4.14.10 and 4.2, including providing the required buffer along the affected property boundary where applicable.

"4.14.11. Minimum off-street parking requirements. (See also section 4.2.)

1. *For uses specifically listed under CG: As for CG off-street parking requirements.*
2. *Commercial or service establishments (unless otherwise specified): One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display or activity.*
3. *Express or parcel delivery office, motor bus or other transportation terminal: One space for each 350 square feet of floor area.*
4. *Wholesale establishments: One space for each 500 square feet of floor area.*
5. *Warehouse or storage use only: One space for each 1,500 square feet of floor area.*
6. *Each existing residential dwelling unit: Two spaces for each dwelling unit.*
7. *Public buildings and facilities (unless otherwise specified): One space for each 200 square feet of floor area.*
8. *Churches and houses of worship: One space for each six permanent seats in the main auditorium.*
9. *Private clubs and lodges: One space for each 300 square feet of floor area.*
10. *For other special exceptions as specified herein: To be determined by finding in the particular case.*

Note: Off-street loading required (see section 4.2)."

The proposed development will comply with the parking and loading requirements set forth in Sections 4.15.11 and 4.2 of the Land Development Code.

Section 7.3. – Stormwater Management Requirements

"7.3.4. Stormwater management generally. All developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one-half inch of stormwater runoff shall be treated in an off-line retention system or according to other best management practices as described in the water management district's Surface Water Management Permitting Manual, as amended. More specifically:

1. *No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and*
2. *No development may be constructed or maintained so that stormwaters from such development are collected and channelled onto lower adjacent properties."*

Onsite development will comply with all applicable City of Newberry and Suwannee River Water Management District (SRWMD) design and permitting requirements.

4. Impact Analysis

Level of Service (LOS) Concurrency

This application requests Commercial, Intensive (CI) zoning along with a concurrent Small-Scale Comprehensive Plan Amendment (CPA) to Commercial FLU. The project site is near City of Newberry municipal potable water and sanitary sewer infrastructure, Clay Electric Co-Op electric services, and City, County, and State roadways. Potential impacts on public services are based on the maximum development potential of approximately 272,030 square feet of nonresidential uses (±0.25 FAR applied to 24.98 acres, or approximately 1,087,129 square feet). Projected trip generation will be based on the ITE Trip Generation Manual, 11th Edition average rates.

Table 2. Potential Net Trip Generation

Land Use	ITE LU Code	IV (per 1000 S.F. GFA)	Daily Total	AM Peak			PM Peak		
				Total	In	Out	Total	In	Out
General Office Building	710	60.00	650	91	80	11	86	17	71
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			650	91	80	11	86	17	71
Business Park	770	120.00	1493	162	138	24	146	38	108
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			1493	162	138	24	146	38	108
Building Materials & Lumber Store	812	45.00	767	72	44	28	101	47	54
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			767	72	44	28	101	47	54
Free-Standing Discount Superstore	813	120.00	6062	223	125	98	520	255	265
Pass-by Trips – 29%			1757	65	36	28	151	74	77
Net New Trips (applying pass-by reduction)			4305	158	89	70	369	181	188
Auto Sales (New)	840	15.00	418	28	20	8	36	15	21
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			418	28	20	8	36	15	21
High-Turnover Sit-Down Restaurant	932	10.00	1072	96	53	43	91	55	36
Pass-by Trips – 43%			461	41	23	18	39	24	15
Net New Trips (applying pass-by reduction)			611	55	30	25	52	31	21
Fast-Food Restaurant with Drive-Through	934	4.50	2104	201	102	99	149	77	72
Pass-by Trips – 50%			1052	101	51	50	75	39	36
Net New Trips (applying pass-by reduction)			1052	100	51	49	74	38	36
Total Net New Trips			**9296**	**666**	**452**	**215**	**864**	**367**	**499**

Approval of this application is estimated to result in potentially 9,300 net new vehicular trips, which would primarily impact NW 202nd Street. Please see Table 3 below for potential impacts to NW 202nd Street. AADT Service Volume were obtain from page 90 of the 2023 FDOT Multimodal Quality/Level of Service Handbook. AADT 2024 was obtained from FDOT Florida Traffic Online (2024). Any required roadway modifications will be evaluated during the Site/Development Plan review phase. Coordination with the Florida Department of Transportation (FDOT) will only be required if impacts to SR 26 are identified. Improvements necessary to support the proposed development will be the responsibility of the developer and designed in accordance with City of Newberry requirements, and FDOT requirements if applicable.

Table 3. Potential Impacts to NW 202nd Street

Roadway Segment	Adopted (LOS) Standard	Functional Classification	AADT Service Volumes	AADT 2024	Projected AADT	Residual Capacity
NW 202 ST From: SW SR-45 To: NW 46 AVE	D	Major Collector	14,000	1,500	9,296	3,204

Approval of this application will not cause this segment of NW 202nd Street to exceed the adopted LOS standard target.

Sanitary Sewer Impact

The sanitary sewer service is available for connection via an 8-inch C900 DR21 PVC force main along the southern side of SR 26 the serves Tanglewood Development. Please see Table 4 for potential sanitary sewer impact which references Florida Administrative Code (F.A.C.) Chapter 62-6 Standards For Onsite Sewage Treatment and Disposal Systems.

Table 4. Potential Impact on Sanitary Sewer

Land Use	Maximum Unit	Generation Rate	Estimated Demand (GPD)
Office	60,000	15 gallons per 100 S.F.	9,000
Business Park	120,000	15 gallons per 100 S.F.	18,000
Lumber Store	2	200 gallons per bathrooms	400
Discount Store	4	200 gallons per bathrooms	800
Automobile Sales	4	325 gallons per water closet	1,300
Restaurant operating 16 hours or less	160	40 gallons per seat	6,400
Drive-in Restaurant	45	50 gallons per parking space	2,250
Total Demand	**-**	**-**	**38,150**

Approval of this application will increase the site's projected demand on the City's sanitary sewer system however; it is not anticipated to reduce service below the adopted LOS. The City continues to plan and implement system improvements to support future growth, and any necessary capacity will be addressed prior to development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement and payment of applicable wastewater development fees.

Potable Water Impact

Potable water is available via an existing 12-inch City water main along the north side of SR 26, which will require extension to serve the site. Water infrastructure will be further evaluated, designed, and permitted at the time of development plan approval to meet domestic demand and fire flow requirements.

As shown in Table 5 below, projected demands assume a 1:1 relationship between water usage and sewer generation.

Table 5. Potential Impact on Potable Water

Land Use	Maximum Unit	Generation Rate	Estimated Demand (GPD)
Office	60,000	15 gallons per 100 S.F.	9,000
Business Park	120,000	15 gallons per 100 S.F.	18,000
Lumber Store	2	200 gallons per bathrooms	400
Discount Store	4	200 gallons per bathrooms	800
Automobile Sales	4	325 gallons per water closet	1,300
Restaurant operating 16 hours or less	160	40 gallons per seat	6,400
Drive-in Restaurant	45	50 gallons per parking space	2,250
Total Demand	**-**	**-**	**38,150**

Approval of this application will increase the site's projected demand on the City's potable water system however; it is not anticipated to reduce service below the adopted LOS. The City continues to plan and implement system improvements to support future growth, and any necessary capacity will be addressed prior to development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement.

Solid Waste Impact

Solid waste generation estimates are based on data from the Florida Department of Environmental Protection (FDEP) 2024 Municipal Solid Waste Report. The reported commercial tonnage for Alachua County was converted to pounds and then normalized to an estimated countywide nonresidential building area to establish a square-foot-based rate.

Based on this approach, a generation rate of approximately 15.2 pounds per 1,000 square feet per day was derived and is used for the projections shown in Table 6 below.

Table 6. Potential Impact on Solid Waste

Land Use	Maximum Unit	Generation Rate	Tons Per Year
Nonresidential	272,030 S.F.	15.2 lbs per 1,000 S.F. per year x (365 days/2,000 lbs)	754.6
Leveda Brown Environmental Park Capacity			20 Years

According to Objective 1.4 of the Solid Waste Element, the County will utilize the Leveda Brown Environmental Park as a centralized solid waste facility with sufficient capacity to manage waste for the next 20 years.

Approval of this application will increase the site's projected demand for public facilities however; it is not anticipated to reduce service below the adopted level of service. The City continues to plan and implement system improvements to support future growth, and any required capacity will be addressed at the time of development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement.

Agent Affidavit / Special Power of Attorney

STATE OF FLORIDA COUNTY OF ALACHUA

KNOW ALL MEN BY THESE PRESENTS, that I Susan B. Washer, of Cell Ag Land LLC, am presently the owner and/or leaseholder of and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint **Menadier Engineering, LLC** whose address is 13800 Tech City Circle Bldg D Suite 302, Alachua, Fl 32616 County of Alachua, State of Florida, my Attorney full power to act as my agent in the process of **applying for all permitting required for the North Gateway Commercial project.**

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

Signature: V McCormac

Printed Name: Virginia McCormac

APPLICANT:

Signature: Susan B. Washer

Printed Name: Susan B. Washer

STATE OF FLORIDA COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me by:

[✓] Physical Presence

- OR -

[ ] Online Notarization

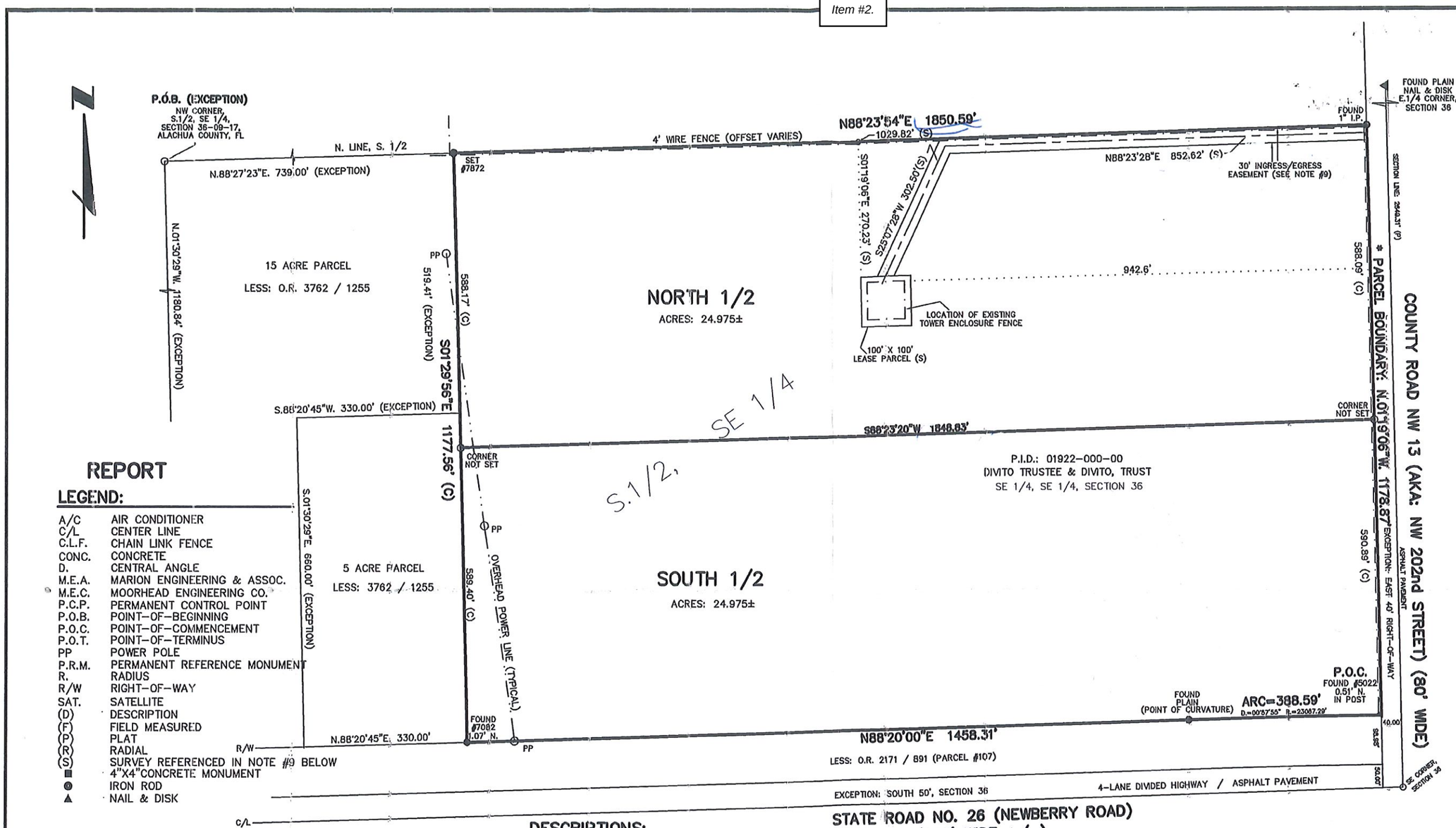
This 5th day of June, 2026, by Susan B. Washer, as _____,
for _____.

Notary Public State of Florida
William Herbert Futch
My Commission HH 329297
Expires 11/3/2026
[Seal]

Printed Name of Notary Public

Signed Name of Notary Public

Commission Number: _____
Expiration Date: _____



REPORT

LEGEND:

A/C	AIR CONDITIONER
C/L	CENTER LINE
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
D.	CENTRAL ANGLE
M.E.A.	MARION ENGINEERING & ASSOC.
M.E.C.	MOORHEAD ENGINEERING CO.
P.C.P.	PERMANENT CONTROL POINT
P.O.B.	POINT-OF-BEGINNING
P.O.C.	POINT-OF-COMMENCEMENT
P.O.T.	POINT-OF-TERMINUS
PP	POWER POLE
P.R.M.	PERMANENT REFERENCE MONUMENT
R.	RADIUS
R/W	RIGHT-OF-WAY
SAT.	SATELLITE
(D)	DESCRIPTION
(F)	FIELD MEASURED
(P)	PLAT
(R)	RADIAL
(S)	SURVEY REFERENCED IN NOTE #9 BELOW
■	4"X4"CONCRETE MONUMENT
●	IRON ROD
▲	NAIL & DISK

NOTES:

1. THIS SURVEY IS BASED ON THE PROPERTY DESCRIPTION PROVIDED BY THE CLIENT.
2. ASSUMED NORTH IS BASED ON THE BEARING FOR THE LINE SHOWN WITH (°).
3. UNDERGROUND ENCROACHMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.
4. THE LOCATIONS OF ANY EASEMENTS, OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE SHOWN ON RECORDED PLATS ARE NOT SHOWN.
5. ALL STREETS OR STREET RIGHTS-OF-WAY SHOWN ARE PHYSICALLY OPEN UNLESS OTHERWISE SHOWN.
6. ALL DISTANCES ARE EITHER DEED OR PLAT UNLESS OTHERWISE SHOWN.
7. BEARINGS BASED ON THE EAST BOUNDARY, SECTION 36-09-17, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 26070-2569, BEING N.01°19'06"W.
8. NOTE NOT IN USE.
9. TOWER LEASE PARCEL AND ASSOCIATED EASEMENT PROVIDED BY PHILLIP L. HAWLEY, BROKER-OWNER OF HAWLEY REALTY & INVESTMTENTS, INC. DEPICTED HEREON AS SHOWN ON BOUNDARY SURVEY PREPARED BY DYNAN GROUP, INC. (PROJECT #185-002-00;12/07/04)

DESCRIPTIONS:

PARENT PARCEL:
The land referred to herein below is situated in the County of Alachua, State of Florida, and is described as follows: The South 1/2 of the SE 1/4, LESS the South 50 feet right-of-way and the East 40 feet right-of-way, of Section 36, Township 9 South, Range 17 East, Alachua County, Florida.
LESS AND EXCEPT THE FOLLOWING 2 PARCELS:
Parcel No. 1: Begin at the Northwest corner of the South 1/2 of the SE 1/4 of Section 36, Township 9 South, Range 17 East, Alachua County, Florida, thence N.88°27'23"E., along the North line of said South 1/2, for 739.00 feet, thence S.01°30'29"E., along a line parallel with the West line of said South 1/2, for 519.41 feet, thence S.88°20'45"W. for 330.00 feet, thence S.01°30'29"E., along a line parallel with said West line, for 660.00 feet to an intersection with the North right of way line of State Road No. 26, thence S.88°20'45"W., along said North right of way line, for 409.00 feet to an intersection with said West line, thence N.01°30'29"W., along said West line, for 1180.84 feet to the POINT OF BEGINNING.

Parcel No. 2: Commence at the Northwest corner of the South 1/2 of the SE 1/4 of Section 36, Township 9 South, Range 17 East, Alachua County, Florida, thence N.88°27'23"E., along the North line of said South 1/2, for 739.00 feet, thence S.01°30'29"E., along a line parallel with the West line of said South 1/2, for 519.41 feet to the POINT OF BEGINNING; thence S.88°20'45"W. for 330.00 feet, thence S.01°30'29"E., a parallel line with said West line, for 660.00 feet to an intersection with the North right of way line of State Road No. 26, thence N.88°20'45"E., along said right of way line, for 330.00 feet, thence N.01°30'29"W., along a line parallel with said West line, for 660.00 feet to said POINT OF BEGINNING.

NORTH 1/2 DESCRIPTION:
THE NORTH 1/2 OF THE FOLLOWING: A ONE-HALF (1/2) INTEREST IN THAT PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), LESS SOUTH 50 FEET RIGHT-OF-WAY AND LESS EAST 40 FEET RIGHT-OF-WAY OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA AND LESS PORTION DESCRIBED IN O.R. BOOK 2171, PAGE 891, AND LESS PORTION DESCRIBED IN O.R. BOOK 3762, PAGE 1255, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

SOUTH 1/2 DESCRIPTION:
THE SOUTH 1/2 OF THE FOLLOWING: A ONE-HALF (1/2) INTEREST IN THAT PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), LESS SOUTH 50 FEET RIGHT-OF-WAY AND LESS EAST 40 FEET RIGHT-OF-WAY OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA AND LESS PORTION DESCRIBED IN O.R. BOOK 2171, PAGE 891, AND LESS PORTION DESCRIBED IN O.R. BOOK 3787, PAGE 1255, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

SURVEY DATE FOR TOWER LOCATION: JUNE 29, 2016
DATE OF SKETCH: JULY 3, 2016
BOUNDARY SURVEY (52 ACRES): SEPTEMBER 5, 2016

Digitally signed by Andrew W Carbaugh
DN: cn=Andrew W Carbaugh, o=C & A Survey Inc, ou, email=andy@CandAsurvey.com, c=US
Date: 2016.09.09 07:11:44 -04'00'

ANDREW W. CARBAUGH, LICENSE NUMBER 6787
BOARD CERTIFIED SURVEYOR AND MAPPER
STATE OF FLORIDA

ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT ARE PROHIBITED. THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. IT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. NO ONE OTHER THAN THE PARTY OR PARTIES NAMED HEREON SHALL RELY ON THIS SURVEY.

BOUNDARY SURVEY
CERTIFIED TO:
SUSAN B. WASHER
SCRUGGS-CARMICHAEL, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY

C & A SURVEY, INC.
CERTIFICATE OF AUTHORIZATION NO. LB #7872
3106 E. FORT KING STREET OCALA, FLORIDA 34470
VX: 352.694.6566 CandAsurvey.com

SCALE: 1"=200'
F.B.: 340 PG.: 13
FILE: 116421

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA; THENCE S.01°19'06"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36, A DISTANCE OF 1324.86 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA; THENCE S.88°40'54"W., PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD NW 13 (AKA: NW 202nd STREET) AND FOR THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING, S.01°19'06"E., 588.09 FEET; THENCE S.88°23'20"W., A DISTANCE OF 1848.83 FEET; THENCE N.01°29'56"W., 588.17 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SOUTHEAST 1/4; THENCE N.88°23'54"E., 1850.59 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 24.98 ACRES, MORE OR LESS. SUBJECT TO AND TOGETHER WITH THAT CERTAIN UNRECORDED INGRESS/EGRESS AND TOWER EASEMENT AS SHOWN ON THE BOUNDARY SURVEY PREPARED BY DYNAN GROUP, INC. (PROJECT #185-002-00; 12/07/04).

Menadier Engineering, LLC
DATA & ANALYSIS REPORT

CPA 26-15

Small Scale Future Land Use Map Amendment for the City of Newberry (Parcel ID 01922-011-000)

City of Newberry Local Planning Agency
August 3, 2026 Planning and Zoning Board Meeting

SUPPORTING DATA AND ANALYSIS FOR CPA 26-15

(Parcel ID 01922-011-000 Total acres = ±24.98 acres)

The following data and analysis are provided to support the transmittal of the below proposed small scale comprehensive plan amendment:

CPA 26-15, a request by Menadier Engineering, LLC ("Agent") on behalf of Cell Ag Land, LLC, ("Owner") to amend the future land use map of the Comprehensive Plan by changing the future land use classification **from Agriculture to Commercial** for a site containing ±24.98 acres identified on the map below ("FLUMA").

The property is generally located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13 in Section 36, Township 09 South, Range 17 East. The current zoning district is Agricultural (A) and a companion rezoning petition has been submitted (Petition No. LDR 26-22) which is contingent upon adoption of the FLUMA.

APPLICANT: Menadier Engineering, LLC
OWNER: Cell Ag Land, LLC
PURPOSE: Small-scale FLUMA for commercial development
LOCATION: No Address
PARCELS: 01922-011-000
EXISTING USES: Vacant

BOUNDARY MAP

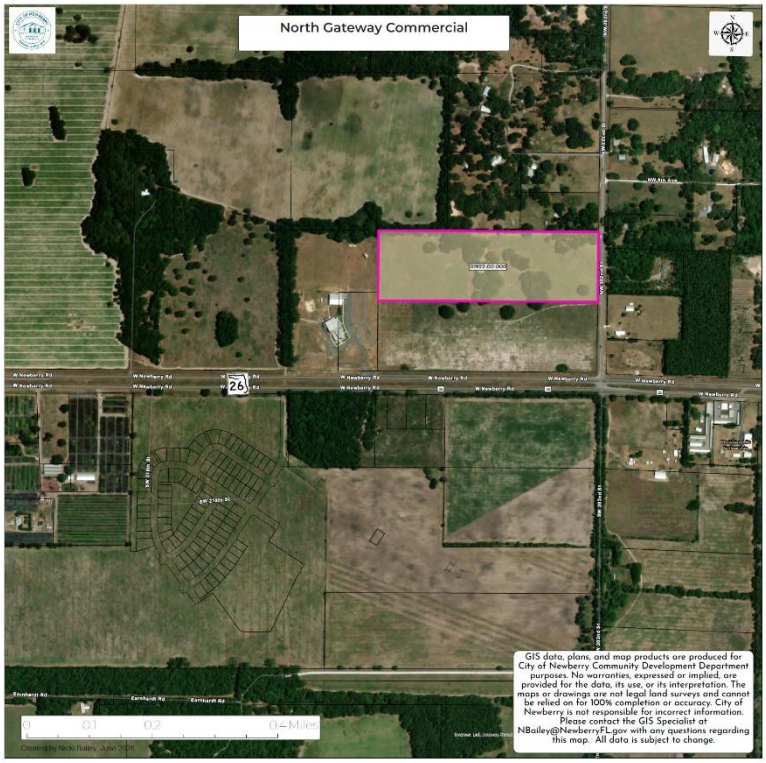


Figure 1: Aerial imagery of subject property with parcel overlay.

CURRENT FUTURE LAND USE MAP

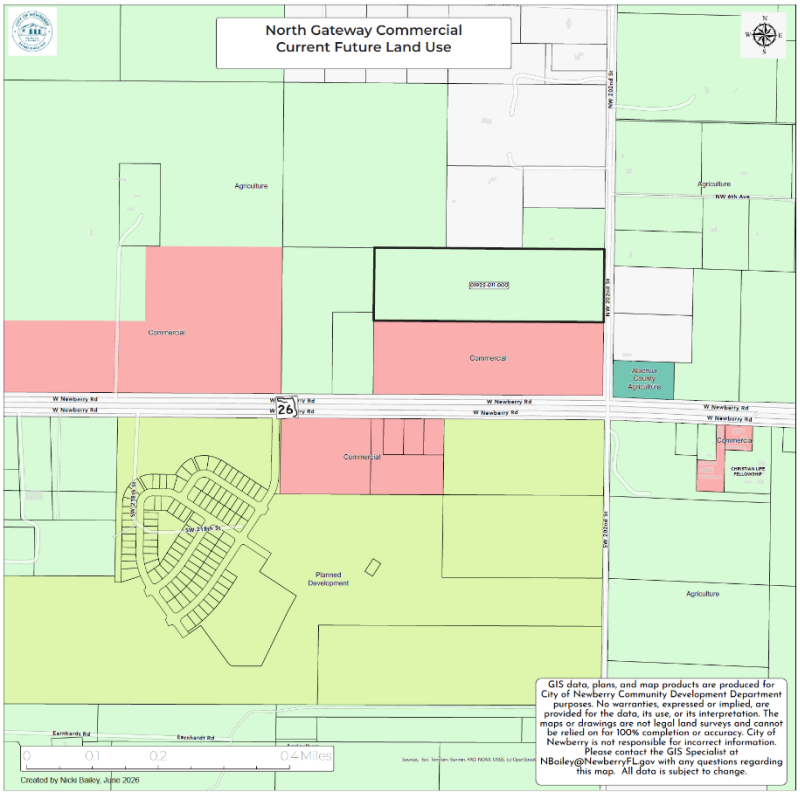


Figure 2: Subject property with Agriculture FLU classification.

PROPOSED FUTURE LAND USE MAP

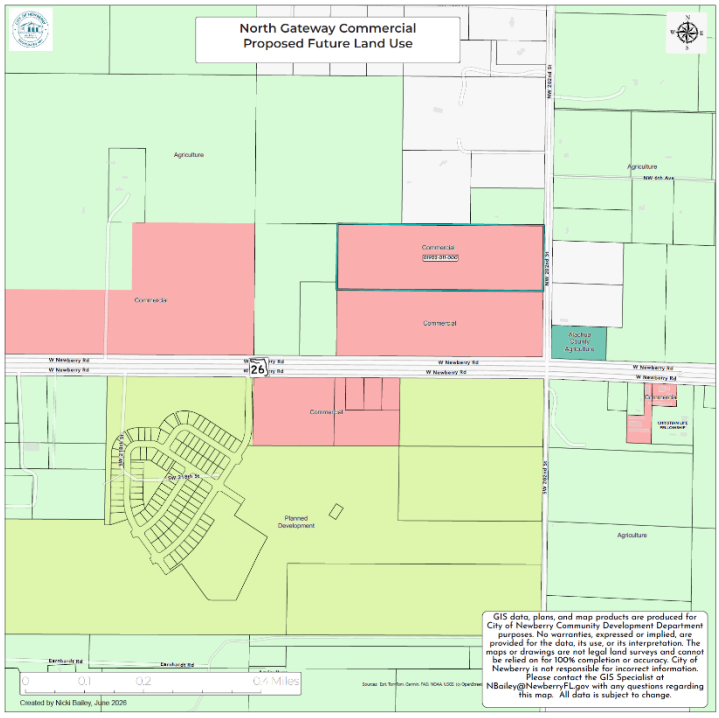


Figure 3: Subject property with proposed Commercial FLU classification.

EXISTING CONDITIONS, PROPOSED USES, AND ENCUMBRANCES

The Alachua County Property Appraiser identifies the property's taxable use as grazing soil class 6 (06500). A communications tower was built on the property in 2022. The subject property is located within Clay Electric's regional transmission line corridor and will rely on access from NW 202nd St, a County-maintained road, and State Road 26, a Strategic Intermodal System route, minor arterial roadway, and designated hurricane evacuation route. The site is entirely within the city's Urban Service Area. The adjacent southern 25-acre parcel, recently amended to Commercial, Automotive (CA) zoning district and Commercial future land use classification, is located within the Gateway Overlay District. With access and utility connections potentially connecting via extensions from State Road 26 through the southern parcel, the subject property should be subject to Gateway Overlay district design criteria.

The proposed change to the land use classification of Commercial from Agriculture would allow a variety of uses and commercial zoning districts to be considered. Accompanying the application for the FLUMA is a rezoning application to Commercial, Intensive (CI) zoning districts (see Appendix B, Article 4, Section 4.14, CNCO). This district allows for those uses permitted in Commercial, Intensive (CI) zoning district as well as additional uses permitted by-right and special exception. The district provides higher intensity auto-oriented uses and other uses which generally do not cater to pedestrians. The petition provides a level of service analysis for potential trips generated, but the analysis does not explore impacts at the maximum intensities. More details on actual levels of development and related impacts will be known at the time of the site and development plan submittal.

Under current land use classification, Agriculture allows a density up to 1 unit per 5 acres or an intensity of a 0.75 floor area ratio by-right. Higher densities are permitted under certain conditions but are not applicable to this analysis. Maximum potential density for the 24.98-acre subject property is 5.00 dwelling units, and the maximum potential intensity for the subject property would be 217,626 square feet of nonresidential use (maximum lot coverage by all buildings).

Under the proposed land use classification, Commercial has no density limit and an intensity of an 80% Impervious Surface Ratio (ISR).

Maximum potential density for the 24.98-acre subject property is 0 dwelling units, and the maximum potential intensity for the subject property would be 272,030 square feet of nonresidential uses. The intensities of the uses permitted within the allowable building area significantly increase, typically resulting in an exponential increase in annual average daily and p.m. peak hour trips. A more detailed explanation is provided later in this report and is included in the attached application.

The Property is located at the very eastern edge of the Urban Service Area (USA) which allows for land use and zoning designations which encourages suburban/urban development patterns and requires such services as potable water and wastewater connections, improved road surfaces, multi-modal facilities, as well as solid waste removal and other municipal services. The Commercial future land use classification in the Future Land Use Element of the City of Newberry Comprehensive Plan allows for intensities up to 80% ISR. Residential is not permitted by right but may be achieved through State pre-emptions for affordable housing provided by the Live Local Act, as amended.

Northwest 202nd Street is a County-maintained road, also known as County Road NW 13. State Road 26 corridor is a Florida Department of Transportation (FDOT) Strategic Intermodal System (SIS). FDOT policies provide guidance, reporting, and funding for the SIS network. FDOT describes the SIS initiative as follows: *The Strategic Intermodal System (SIS) is Florida's high priority network of transportation facilities important to the state's economy and mobility. The Governor and Legislature established the SIS in 2003 to focus the state's limited transportation resources on the most significant facilities for interregional, interstate, and international travel. The SIS is the state's highest priority for transportation*

capacity investments and a primary focus for implementing the Florida Transportation Plan (FTP), the state's long-range transportation vision and policy plan.

SURROUNDING FUTURE LAND USE CLASSIFICATIONS AND ZONING DESIGNATION

Those uses on and abutting the subject property are generally compatible with the proposed FLUMA and the intended use of the site. Table 1 below provides the adjacent future land uses and the current use of the lands.

Table 1: List of Adjacent Future Land Uses

Direction	Future Land Use Designation	Zoning Designation
North	Agriculture	Agricultural (A)
East	Agriculture	Agricultural (A)
South	Commercial	Commercial, Automotive (CA)
West	Agriculture	Agricultural (A)

The surrounding uses are agricultural in nature and have very low densities and intensities, however more intense development is expanding to the south. The adjacent southern Commercial parcel has almost 2,000 linear feet of frontage along a major arterial roadway (SR 26), capable of supporting multiple commercial uses in the area. And the site will be proximate to future Tanglewood planned development to the south.

LEVEL OF SERVICE/CONCURRENCY ANALYSIS

The findings below represent a general analysis of potential impacts based on purported levels of development as provided in the petition. Concurrency evaluations will be reassessed during application review and additional analyses, studies, or evaluations of infrastructure may be required at that time. Impacts above and beyond available capacity must be mitigated at the time the impact is created. Notwithstanding impacts generated at time of development plan review.

Traffic Analysis

The proposed land use plan amendment creates additional impacts on local and regional road segments not under jurisdictional control or maintenance agreement by the city, and development may necessitate expansion or enhancement of those facilities. The Agent has provided a trip analysis in their justification report based on the ITE Trip Generational Manual 11th Edition based on an anticipated level of development. Staff find the identified proposed uses would be consistent with development patterns for rural satellite communities across the State of Florida. This finding does not represent consent or acceptance of these uses by the City and solely represents their use for the purposes of analysis. The anticipated uses are as follows:

Table 2. Potential Net Trip Generation

Land Use	ITE LU Code	IV (per 1000 S.F. GFA)	Daily Total	AM Peak			PM Peak		
				Total	In	Out	Total	In	Out
General Office Building	710	60.00	650	91	80	11	86	17	71
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			650	91	80	11	86	17	71
Business Park	770	120.00	1493	162	138	24	146	38	108
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			1493	162	138	24	146	38	108
Building Materials & Lumber Store	812	45.00	767	72	44	28	101	47	54
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			767	72	44	28	101	47	54
Free-Standing Discount Superstore	813	120.00	6062	223	125	98	520	255	265
Pass-by Trips – 29%			1757	65	36	28	151	74	77
Net New Trips (applying pass-by reduction)			4305	158	89	70	369	181	188
Auto Sales (New)	840	15.00	418	28	20	8	36	15	21
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			418	28	20	8	36	15	21
High-Turnover Sit-Down Restaurant	932	10.00	1072	96	53	43	91	55	36
Pass-by Trips – 43%			461	41	23	18	39	24	15
Net New Trips (applying pass-by reduction)			611	55	30	25	52	31	21
Fast-Food Restaurant with Drive-Through	934	4.50	2104	201	102	99	149	77	72
Pass-by Trips – 50%			1052	101	51	50	75	39	36
Net New Trips (applying pass-by reduction)			1052	100	51	49	74	38	36
Total Net New Trips			**9296**	**666**	**452**	**215**	**864**	**367**	**499**

The analysis provided provides a passer-by reduction of p.m. peak hour trips. Staff has reviewed these values and concur with the assigned coefficients. The provided total p.m. peak hour trips reduced by passer-by rates represent an increase of 9,296 daily total trips primarily impacting NW 202nd Street.

The Annual Average Daily Traffic of NW 202nd St abutting the subject property was examined utilizing the FDOT Multimodal Quality/Level of Service Handbook and FDOT Florida Traffic Online (2024) (see table below). Additional impacts to local City of Newberry and Alachua County collector roads have not been examined in this analysis and will be addressed at time of development plan review.

Table 3. Potential Impacts to NW 202nd Street

Roadway Segment	Adopted (LOS) Standard	Functional Classification	AADT Service Volumes	AADT 2024	Projected AADT	Residual Capacity
NW 202 ST From: SW SR-45 To: NW 46 AVE	D	Major Collector	14,000	1,500	9,296	3,204

Potable Water and Wastewater Analysis

Potable water and wastewater services are available and are in proximity to the site. The justification report calculates a total **potable water demand of 38,150 gallons per day**; and **wastewater capacity demand of 38,150 gallons per day**.

In accordance with the Infrastructure Element (Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge) of the Comprehensive Plan, the City shall safely, efficiently, and in an environmentally sound manner provide an acceptable level of service for its population. Available capacity to serve new development will be evaluated at the time of construction plan review. For all proposed development of the subject property, **capacity shall be reserved on a first-come, first-served basis**. Further information is needed regarding exact development before the City is able to make a determination that sufficient capacity exists to serve the site. Additional studies, upsizing of utility lines, and other necessary information and improvements pertinent to maintaining an adequate level of service may be required at the time of development plan review.

The issuance of a water service permit or contract by the City of Newberry does not create vested rights or guarantee water service. Connections to the City's water system will only be allowed if lawful and compliant with all applicable permits, licenses, restrictions, court orders, or agency directives, and are subject to the City's comprehensive plan, ordinances, policies, and water use permits. The applicant or developer waives any claims against the City for refusal or inability to provide service due to such requirements, and service remains contingent on all applicable rates, fees, and charges. This provision does not waive any valid, preexisting contractual rights.

Parks and Open Spaces Analysis

The proposed land use classification does not permit residential by-right or by special exception, therefore, no impacts to park and open space are anticipated to be generated by development of the subject property. Previous discussions with the owner of the adjacent southern parcel entailed a contribution of 1.5-acres in the northeastern corner for public use, such as a fire station.

School Concurrency Analysis: School capacity is reserved at time of platting and conceptually accounted for in the 5-year school facilities plan at time of transmittal of the school concurrency form to the Alachua County School Board (SBAC). The proposed land use does not permit residential uses and is not anticipated to impact school concurrency standards established by the SBAC.

Electrical Services Analysis: The subject property lies with the Clay Electric service areas. Capacity to serve the additional nonresidential uses will be determined by the utility provider at time of development plan review.

Solid Waste Analysis: The adopted level of service of 0.61 tons per capita is established for solid waste disposal. The anticipated level of development represents a net increase of 754.6 tons of waste per year for roughly 272,030 sq. ft. of commercial. The current Bureau of Economic and Business Research (BEBR) population estimates of Newberry are 9,096 residents, providing a level of service of 5,548.56 tons per year. The proposed development represents 14% of the total capacity reserved for the City of Newberry. However, solid waste services by nonresidential uses shall be attained through private contract and are not evaluated in this report.

COMPREHENSIVE PLAN COMPLIANCE

This section shall analyze the proposed level of development, cite supporting and/or, if applicable, conflicting goals objectives and policies from the City of Newberry Comprehensive Plan. The intent of this section is to demonstrate compliance with the Comprehensive Plan and identify any conflicts with

the comprehensive plan. The analysis provided in this section does not contemplate other developments adopted or under review.

The Future Land Use Element of the City of Newberry Comprehensive Plan defines the Commercial land use classification as follows:

Commercial

The Commercial land use category consists of areas used for the sale, rental and distribution of products, or performance of services as well as public, charter, and private elementary, middle, and high schools. In addition, off-site signs, churches and other houses of worship, private clubs and lodges, residential dwelling units, which existed within this category on the date of adoption of this Comprehensive Plan, and other similar uses compatible with commercial uses, may be approved as exceptions. All principal uses and special exceptions shall be limited to an intensity of 80% Impervious Surface Ratio (ISR), which includes all impervious surfaces, not only structures.

FLU GOAL 5: Reinforce the USA as a template, vehicle, and principle to focus growth and prevent suburban sprawl.

Objective 3.2.1 The City's Land Development Regulations (LDRs) shall contain design and development standards based on and consistent with the following FLU categories and corresponding general ranges of densities and intensities

FLU POLICY 5.1.1: The City's USA is intended to accomplish the following:

1. Limit the location of high density residential, high intensity commercial, and heavy industrial uses;
2. Direct growth from the City's core outward to encourage infill development and redevelopment, resulting in compact and contiguous urban densities and intensities;
3. Establish the urban edge by defining the boundary that new public services may be extended to adequately serve development;
4. Encourage retention of the rural area; and
5. Clearly delineate where current development exists and future growth is planned or desired.

TRAN OBJECTIVE 1.1: The city has established a safe, convenient, and efficient Level of Service (LOS) standard which shall be maintained for all roadways.

To comply with TRAN OBJECTIVE 1.1, a commercial development with auto-oriented outparcels would need to demonstrate through a comprehensive Traffic Impact Study (TIS) that the projected traffic generated by the development, including the outparcels, will not degrade the existing Level of Service (LOS) of surrounding roadways below the established city standards. This TIS would identify potential congestion points, particularly at intersections and access points, and propose mitigation measures such as additional turn lanes, signal timing adjustments, internal circulation improvements, or access management strategies to ensure traffic flows safely and efficiently. Furthermore, while focused on auto-orientation, the development should also consider and integrate safe and convenient multimodal access where feasible, aligning with modern transportation planning principles that acknowledge the needs of pedestrians, bicyclists, and potentially transit users, thereby contributing to an overall efficient and safe transportation system.

CONCURRENCY

The City has adopted and implemented impact fees for transportation and public buildings. The City has adopted and implemented development fees for water and wastewater service. Impact and development fees do not represent the complete cost to provide new or enhanced facilities. Further

analysis of impact and capacity availability of existing facilities will be determined at the time of development plan review.

FINDINGS

Staff has determined that the proposed amendment to the Future Land Use Map is consistent with the City of Newberry Comprehensive Plan, Land Development Regulations, and the 2022 Strategic Plan. This land use change does not, in itself, grant development entitlements; such entitlements would be established only through subsequent rezoning of the property.

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DEVELOPMENT APPLICATION REVIEW TEAM

COMMUNITY DEVELOPMENT DEPARTMENT

File Number:	CPA 26-15 and LDR 26-22 North Gateway Commercial
Request:	Future land use and Zoning map amendment petitions by Menadier Engineering, LLC, agent, on behalf of Cell Ag Land, LLC, owner, amending the future land use classification from Agriculture to Commercial, and amending the Zoning from Agricultural (A) to Commercial, Intensive (CI). The 24.98-acre property is located north of State Road 26, also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13. Alachua County Tax Parcel No. 01922-011-000.

Acceptable resubmittal requires a comment response sheet to be included. Each comment must be cited and include a response. Comment responses which are addressed on a drawing will reference the plan set sheet name and number on which the comment was addressed. Clouding and annotations on the revised plan sheets and all deviations from the prior reviewed submittals must be provided. Revision dates must be updated in the title block of the plan set. Failure to do so will result in delays in processing, review, and may be the cause of rejection of a resubmittal.

Advisory Comments

Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

1. These comments are limited to petition and supporting documents and shall not be construed as permissions or waivers to requirements enforced through companion applications for the same development which may contain conflicting drawings, statements, or depictions of constructions unrelated to the petition under review.
2. These comments incorporate and address both petitions for future land use map amendment, Petition No. CPA 26-15 and rezoning, Petition No. LDR 26-22.
3. If applicable, impact and development fees will be assessed during review of building permit(s) for new construction and collected at time of building permit issuance.
4. Wastewater capacity is reserved on a first-come, first-served basis. In order to guarantee available capacity, a retail utility service is required. Contact Public Works to schedule a meeting.
5. The FLUMA petition is dependent on the rezoning petition demonstrating compliance with the comprehensive plan and the land development regulations.
6. Resubmittals may be emailed utilizing a shared drive link. SmartGov may not allow for resubmittal due to a known issue the City is working to resolve.
7. Additional comments may be forthcoming based on address of comments provided in this report.

Application Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

8. No comments.

Architectural Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

9. Not applicable.

Civil Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

10. Not applicable.

Landscape Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

11. Not applicable.

Fire Comments
Provided by Jason Lyman, Fire Chief
Contact: 352-722-3939, jlyman@newberryfl.gov

12. No comments provided.

Public Works & Utilities Comments
Provided by Jamie Jones, Assistant City Manager
Contact: 352-722-3932, jjones@newberryfl.gov

13. NW 202 is a County Road. Proposed access/TIA will have to be evaluated by the County and FDOT due to proximity to SR26.
14. Water/wastewater system modeling will be required when submitting for site/development plan due to proposed water demand/wastewater generation amounts.
15. WW development agreement will be required prior to construction plan approval.

Pursuant to Florida Statute 166, as amended, a response to this report must be received within 30 days of delivery of this report. ***Should responses require more than 30 days, advise by email to the author of this report that the owner wishes to waive their rights provided under Fs. 166 and wish to continue the application review under alternative procedures, otherwise no response within 30 days will compel the city to deem the application as abandoned and withdrawn and shall require a new application and fee remittance.*** *In addition, reviews are limited to a maximum of three (3) occurrences. Should a fourth review be necessary to achieve compliance and completeness, a new application and fee will be required. Ensure your resubmittal is complete. For the purposes of adherence to the provisions of Fs. 166, an application*

will not be deemed complete until said application has been determined to be in compliance with the City of Newberry Land Development Regulations and Comprehensive Plan. At any time, the applicant may request a noncompliant application be scheduled for public hearing before the appropriate board(s).

Prepared by Lauren Yeatter, AICP on 7/1/2026

File Attachments for Item:

3. LDR 26-22: Small-scale Rezoning for North Gateway Commercial.

Quasi-judicial, Petition LDR 26-22. A petition of the City of Newberry, Florida, rezoning from Agricultural (A) to Commercial, Intensive (CI) on 24.98 acres, identified as tax parcel number 01922-011-000.

Planning & Zoning Board Agenda Item

Meeting Date:	August 3, 2026
Title:	LDR 26-22: Small-scale Rezoning for North Gateway Commercial. Quasi-judicial, Petition LDR 26-22. A petition of the City of Newberry, Florida, rezoning from Agricultural (A) to Commercial, Intensive (CI) on 24.98 acres, identified as tax parcel number 01922-011-000.
Agenda Section:	Public Hearings
Department:	Community Development Department
Presented By:	Lauren Yeatter, AICP, Community Development Assistant Director
Recommended Action:	1) Recommend approval of Petition LDR 26-22.

Summary:
Menadier Engineering, LLC ("Agent"), on behalf of Cell Ag Land, LLC ("Owner"), is requesting a rezoning from Agricultural (A) to Commercial, Intensive (CI) on a 24.98-acre site generally located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13.

Attachments:
1. Application documents
2. Staff Report and Comments

1. Application documents

MENADIER ENGINEERING

REZONING & FLU AMENDEMENT APPLICATION - JUSTIFICATION NARRATIVE

FOR

NORTH GATEWAY COMMERCIAL

CITY OF NEWBERRY, FLORIDA

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1. Statement of Proposed Change

The purpose of this application is to request rezoning and a Small-Scale Future Land Use (FLU) amendment for the commercial development of a ± 24.98-acre parcel (Parcel ID: 01922-011-000) in the City of Newberry. The subject property is located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13.

The site is currently zoned Agriculture (A) with an Agricultural FLU designation. This application requests Commercial, Intensive (CI) zoning along with a concurrent Small-Scale Comprehensive Plan Amendment (CPA) to Commercial FLU. The requested zoning and FLU are consistent with surrounding development, including the Hawley 25-acre commercial site to the immediate south, the Tanglewood PD south of SR 26, and several commercial uses along SR 26 such as Crystal Lake Commercial Development and the Newberry Agri-Tech Park.

The subject property functions as a gateway into the City of Newberry and shares a defined boundary with the Urban Service Area (USA). The proposed requests are consistent with the City's Comprehensive Plan and Land Development Regulations (LDRs) and would allow for a mix of commercial uses that serve both the surrounding area and the City.

Table 1 and Figures 1-4 show the current zoning and FLU designations adjacent to the site.

Table 1. Adjacent Zoning Districts and FLU Designations

Direction	Zoning Districts	FLU Designations
0North	A (City) / A (County)	Agriculture (City) / Rural/Ag (County)
East	NW 202nd St ROW / A (City) / A (County)	NW 202nd St ROW / Agriculture (City) / Rural/Ag (County)
South	CA (City)	Commercial (City)
West	A (City)	Agriculture (City)

Figure 1. Existing Future Land Use



Figure 2. Proposed Future Land Use



Figure 3. Existing Zoning District



Figure 4. Proposed Zoning District



2. Comprehensive Plan Consistency

The following analysis identifies specific Goals, Objectives, and Policies from the Comprehensive Plan and explains how the proposed rezoning and FLU amendment aligns with each.

Article I. – Future Land Use Element

"FLU POLICY 1.2.1: The City shall promote small-town character, including rural spaces through the following means:

1. *Ensure permitted uses, densities, and intensities for lands outside the USA boundary appropriately limit suburban sprawl, promote rural land retention, and contribute to the City's overall character;*
2. *Permit agriculture, conservation, recreational, public, limited residential, and small-scale commercial uses outside the USA;*
3. *Create a logical and equitable network of open space and rural land retention providing multiple services by promoting the value of recreation, habitat corridors, food production, pollution mitigation, and stormwater treatment; and*
4. *Create a mechanism to transfer development rights from outside the USA to increase density and intensity within the USA boundary."*

The subject property is located within the USA and provides a clear transition between rural and more developed areas. The site is in proximity to existing and planned public infrastructure, including potable water and sanitary sewer, intended to support development within the USA. Concentrating on commercial uses in areas where infrastructure is available and within the USA helps limit development pressure on rural-designated lands outside the boundary, while supporting a more efficient and logical pattern of growth consistent with the City's overall character.

"FLU OBJECTIVE 2.1: The City shall ensure appropriate land use allocations, LDRs, and permitting processes to encourage land development aligned with the City's Strategic Plan."

The proposed Commercial FLU supports development aligned with the City's Strategic Plan. The site's access from NW 202nd Street provides an opportunity to distribute traffic onto a less burdened roadway, supporting Goal A.2 for a safe and effective transportation network. The requested Commercial, Intensive (CI) designation allows for a range of uses that could support community-oriented spaces and amenities, aligning with elements of Goal C depending on future site planning. Additionally, the proposal contributes to Goal D.1 by supporting a forward-looking approach to growth within the USA, and Goal E.4 by promoting opportunities for a more diverse and vibrant community. Overall, the request directs growth to an appropriate location with access to infrastructure, consistent with the City's vision for balanced and strategic development.

"FLU POLICY 2.1.1: The City shall continue to create a pro-business environment for desirable development by allocating appropriate land uses, partnering with local educational institutions to support a skilled workforce, and maintaining reliable infrastructure and low taxes."

The request for a Commercial FLU on the subject property supports a pro-business environment by directing development to an area served by existing roadway access and available infrastructure within the USA. While the site does not have direct frontage on SR 26, it is located within approximately 700 feet of the corridor and remains well-positioned to benefit from its accessibility. The property is also proximate to a growing residential base, including the existing Newberry Oaks subdivision, active development along SW 15th Avenue such as Countryway PD and Magnolia Acres Rural Subdivision, and the planned Phase 2 expansion of Countryway PD. The Tanglewood development, along with several rural subdivisions along NW 202nd Street, further contribute to the surrounding residential presence. Additional nearby residential developments along SW 30th Avenue, including Newberry Ridge PD and Sandia Town Parc PD, also support this growth.

This concentration of existing and planned residential development supports the proposed Commercial FLU by creating demand for nearby services, while contributing to a balanced mix of uses within the USA and advancing the City's goal of encouraging appropriate and desirable business development.

"FLU OBJECTIVE 2.2: The City shall support diversification of tax base by encouraging non-residential development, particularly innovative business opportunities related to Newberry's heritage."

Part of Newberry's heritage includes its history as a railroad town, which supported a variety of local businesses such as drug stores, hotels, barbers, photographers, and other service providers. This legacy reflects the City's longstanding role as a center for commerce serving the surrounding area. The request for a Commercial FLU and associated CI zoning designation aligns with this history and supports diversification of the City's tax base by allowing for non-residential opportunities that serve both residents and local businesses. Outside of the downtown area, several parcels along and near SR 26 are already zoned CI, and applying the same designation to the subject property is consistent with the development pattern occurring in the City. The CI zoning district provides for a range of uses that can support local builders, service establishments, recreational facilities, and agricultural-related needs, contributing to the overall functionality and economic growth of the community.

"FLU POLICY 3.1.1: The City shall evaluate the existing distribution of Future Land Use (FLU) categories to ensure a rational and equitable distribution of land uses to meet future population demands within the USA, where community infrastructure is intended to support existing and future residential and non-residential uses."

The subject property is located within the USA and is proximate to City potable water and sanitary sewer infrastructure that can serve the site. The proposed Commercial FLU and associated CI zoning district provide additional opportunities for non-residential development.

"FLU POLICY 3.2.1: The City's Land Development Regulations (LDRs) shall contain design and development standards based on and consistent with the following FLU categories and corresponding general ranges of densities and intensities. The allocation of FLU categories shall be depicted in the Comprehensive Plan FLUM's series:

Table identifying FLU categories and compatible zoning districts classifications:

FLU Category	Zoning District Classification	Typical Uses	Maximum Density	Maximum Intensity
Commercial	CN, CH, CG, C-CBD, CI, CA	Retail Commercial Outlets, Service Establishments	-	80% Impervious Surface Ratio (ISR)

The Commercial land use category consists of areas used for the sale, rental and distribution of products, or performance of services as well as public, charter, and private elementary, middle, and high schools. In addition, off-site signs, churches and other houses of worship, private clubs and lodges, residential dwelling units, which existed within this category on the date of adoption of this Comprehensive Plan, and other similar uses compatible with commercial uses, may be approved as exceptions. All principal uses and special exceptions shall be limited to an intensity of 80% ISR, which includes all impervious surfaces, not only structures."

The requested Commercial FLU category is intended to implement the CI zoning district, which allows for the sale, rental, and distribution of goods and services to serve area residents and

businesses. Site development will be limited to a maximum of 80% impervious surface ratio (ISR). The requested CI zoning district is compatible with the Commercial FLU, consistent with FLU Policy 3.2.1. The proposed development aligns with retail commercial and service-oriented uses.

"FLU GOAL 5: Reinforce the USA as a template, vehicle, and principle to focus growth and prevent suburban sprawl."

The proposed Commercial FLU and associated CI zoning are consistent with FLU Goal 5, as the subject property is located within the USA and in proximity to existing potable water and sanitary sewer infrastructure. Directing development to this location reinforces the USA as the appropriate area for growth, where services and infrastructure are available. By accommodating non-residential development within the USA, the proposal helps limit development pressure on rural areas outside the boundary and supports a more efficient land use pattern. The request is consistent with existing development trends along and near SR 26, as well as the broader growth pattern within the City of Newberry, further reinforcing the USA as the primary focus for future development.

Article II. – Transportation Element

"TRAN OBJECTIVE 1.1: The city has established a safe, convenient, and efficient Level of Service (LOS) standard which shall be maintained for all roadways."

Access to the site is provided via NW 202nd Street, and any required access improvements or modifications to meet applicable roadway standards will be evaluated during the Site/Development Plan review and coordinated with the City and/or County. Any improvements necessary to serve the proposed development will be the responsibility of the developer. Based on the scale and nature of the proposed use, the project is not anticipated to cause the roadway to operate below the adopted LOS standards.

"TRAN POLICY 1.1.1: The city shall establish and maintain the Level of Service (LOS) standards as noted below at peak hour for the following roadway segments within the city. Further, such standards shall be as defined within the current FDOT "Multimodal Quality/Level of Service Handbook", 2023. The city impact fees shall address roadway segments severely impacted, roadways that fail to operate at the adopted LOS.

Segment ID	Roadway Segment	Number of Lanes	Functional Classification	Area Type	Adopted (LOS) Standards
3	W 202nd Street (from north city limits to SW 30th Avenue)	2-U	Major Collector	Community Transitioning	D

The referenced segment of NW 202nd Street has an adopted LOS of D, which provides flexibility to accommodate reasonable increases in traffic. Based on the scale and nature of the proposed development, it is not anticipated to cause the roadway to operate below the adopted LOS standard. A detailed traffic analysis will be conducted, if required, during the Site/Development Plan review phase to confirm compliance with the City's LOS standards.

"TRAN POLICY 1.2.2: The city shall limit direct access to major roadways by directing site access to local roadways, requiring cross-access among sites, and encouraging frontage roadways to lower local traffic's dependency on the major roadway network. Major roadways serving regional traffic need more access control to ensure mobility."

The proposed site will be accessed from NW 202nd Street, a collector roadway that connects to the principal arterial SR 26. This approach directs site traffic to a lower-order roadway rather than providing direct access to the arterial, consistent with the intent of this policy. Opportunities for cross-access between adjacent properties will be considered, particularly with the Hawley 25-acre commercial parcel, which has access to both NW 202nd Street and SR 26. Access from NW 202nd Street supports more controlled traffic movement and helps maintain mobility along the major roadway network.

Article IV. - Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

"GOAL IV-1 — Ensure the provision of public facilities in a timely, orderly efficient and environmentally sound manner at an acceptable level of service for the city's population."

Existing water and sewer infrastructure has been extended in the vicinity of the subject property to accommodate anticipated growth in this area. The proposed rezoning and future land use change are intended to take advantage of this available infrastructure. The development will tie into these systems, and any required upgrades or capacity improvements will be evaluated as part of the site and development review process. All necessary public facility improvements to support the project will be the responsibility of the developer.

Article IX. – Economic Development Element

"OBJECTIVE ED.1.1 Diversify the economy of the city by creating an economic climate conducive to attracting new development and businesses which yield net social and economic benefits to the city."

The proposed Commercial Future Land Use (FLU) amendment and CI rezoning will contribute to the diversification of the City's economic base by allowing for a broader range of commercial uses that are not currently permitted under the existing designation. The subject property's location and access characteristics make it well-suited to accommodate new businesses that can provide local employment opportunities, expand the tax base, and support surrounding development.

"OBJECTIVE 6.1: Select commercial and industrial locations which are compatible with the growth and future service needs of the City."

The subject property represents an appropriate location for commercial uses based on its proximity to existing infrastructure, roadway access, and planned growth patterns. The site is positioned to take advantage of existing and recently expanded utility services, including water and sewer, which are available to support future development. Directing more intensive uses to areas that can be efficiently served by public facilities ensures that development occurs in a manner that is cost-effective and minimizes the need for extensive infrastructure extensions while supporting the City's long-term service capacity and planning goals.

"POLICY ED 6.1.2. Support development projects which broaden and enhance the City's economic base and produce viable long term land use patterns."

The request establishes a more viable long-term land use pattern by aligning the property with surrounding development trends and available infrastructure. This ensures the site can develop in a manner that is both economically productive and consistent with the City's overall growth framework.

3. Land Development Regulations Consistency

The following analysis identifies how this request is consistent with the City of Newberry's Land Development Regulations (LDRs).

Section 4.2. – Supplementary District Regulations.

"4.2.3. Access control. In order to provide ease and convenience in ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street.

Further, for roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with F.A.C. chs. 14-96 and 14-97, Rules of the Florida Department of Transportation, and the department's Access Management Manual."

The proposed site will be accessed from NW 202nd Street, a collector roadway that connects to the principal arterial SR 26. This approach directs site traffic to a lower-order roadway rather than providing direct access to the arterial, consistent with the intent of this policy. Opportunities for cross-access between adjacent properties will be considered, particularly with the Hawley 25-acre commercial parcel, which has access to both NW 202nd Street and SR 26. Access from NW 202nd Street supports more controlled traffic movement and helps maintain mobility along the major roadway network.

"4.2.18.1. Fire and explosion hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the state fire marshal."

All future uses will adhere to state fire marshal rules and regulations. Anticipated uses may include retail outlets, service establishments, office, and automobile-oriented uses, which do not particularly risk the threat of fire or explosion hazards.

"*4.2.18.2. Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in F.A.C. ch. 17-2. Regulations controlling open burning shall be the same as those contained in F.A.C. ch. 17-5.*

All future uses will adhere to F.A.C ch. 17-2 for smoke, dust, dirt, or visible emissions. No open burning will occur with these commercial uses.

"4.2.18.3. Fumes, vapors, and gases. Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in F.A.C. ch. 17-2."

All future uses will adhere to F.A.C ch. 17-2 for fumes, vapors, and gases.

"4.2.18.4. Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the I Industrial district, this standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district."

No manufacturing activity or uses will be permitted, only retail outlets, service establishments, office, and automobile-oriented uses.

"4.2.18.5. Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the I Industrial district, this standard shall be applied at the boundaries of the I district and not at the lot lines of the individual properties located within the I district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association."

No future use is anticipated to exceed permitted noise levels established by the City. All development will be designed to minimize impacts to surrounding properties and will comply with Section 4.14.2.6.A, which requires that all sales and service activities occur within an enclosed, soundproofed building and that noise levels meet the City's commercial standards.

"4.2.18.6. Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in F.A.C. ch. 17-2."

No issues with regards to odor are expected from the permitted uses within CI zoning district. All future uses will adhere to F.A.C. ch 17-2 for odor.

"*4.2.18.7. Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting."*

Onsite lighting will adhere to City of Newberry standards. No glare is anticipated for the proposed uses or associated parking areas and signage.

"4.2.20. Signs. The provisions of these Land Development Regulations shall govern the sizes, location, and character of signs which may be permitted as a principal or accessory use. No signs shall be permitted in any location except in conformity with these Land Development Regulations."

Onsite placement of signs will adhere to City of Newberry standards and applicable LDR regulations.

Section 4.14. - Commercial, Intensive (CI).

"4.14.1. Districts and intent. The CI Commercial, Intensive category includes one zone district: CI. This district is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire city."

The proposed CI rezoning is consistent with the district's intent, as the subject property is located along a roadway with higher traffic volumes, providing the visibility and access needed for intensive commercial uses. The site's size and configuration can accommodate automotive-oriented and larger-scale uses, including necessary off-street parking and loading. The development will primarily serve vehicular traffic rather than pedestrian activity and is suited for uses that serve a citywide market, rather than neighborhood-scale commercial, consistent with the purpose of the CI district.

"4.14.2. Permitted principal uses and structures. As for CG, and in addition:

1. *Retail commercial outlets for sale of lumber and building supplies, and outdoor retail commercial display areas associated with sale of said items.*
2. *Service establishments such as car wash, auction house (but not including livestock auction arena), laundry or dry cleaning establishment, animal boarding kennels in soundproof buildings, plant*

nursery or landscape contractor, building trades contractor, home equipment rental, upholstery shop.

3. *Commercial recreation facilities such as golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track and similar uses.*
4. *Miscellaneous uses such as express or parcel delivery office, motor bus or other transportation terminal.*
5. *Wholesaling and warehousing or storage use in buildings of 2,500 gross square feet or larger.*
6. *Sales and service of vehicles limited to those propelled by an electric engine (no limitation on power), or combustion engine size of 1,500cc or less, more specifically mopeds, scooters, and motorcycles as defined by the Florida Department of Motor Vehicles, and off-road vehicles not licensed by the State of Florida for on-road use. The sales and service shall be conducted with the following conditions and restrictions applied to the use. Any deviation of these special conditions shall be deemed a violation of these Land Development Regulations.*
    a. *All sales and service shall be conducted within an enclosed soundproofed building. All noise levels emanating from the site shall meet the noise level provisions for commercial uses as established within the City Code of Ordinances;*
    b. *The use shall be buffered by landscaping as required for commercial uses within these Land Development Regulations and in addition a fence or masonry wall shall be required, which is constructed in a manner to visually buffer the use as well as provide additional noise abatement for noise emanating from the site;*
    c. *Sales operations may occur between the hours of 7:00 a.m. and 10:00 p.m. seven days a week. Service operations shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday;*
    d. *Test driving of scooters and motorcycles shall be limited to vehicles that are appropriately tagged and registered and shall only be driven by individuals who are licensed to operate scooters or motorcycles in the State of Florida. Test driving shall only occur between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday and shall only be conducted on the state road system; no local roads may be used for test driving of vehicles. In addition, no off-road vehicles shall be allowed to be test driven; and*
    e. *Special events (i.e., changes to the conditions and hours stated above) shall be approved by special permit by the city commission."*

The intended uses for the subject property are nonresidential uses that are permitted in either CG or CI zoning districts.

The permitted uses within CI that require a Special Exception are;

1. **Package store for sale of alcoholic beverages, bar, tavern or cocktail lounge**
2. **Off-site signs**
3. **Automotive service stations**
4. **Service establishments such as crematory**
5. **Commercial tourist attractions.**
6. **Open-air restaurants**
7. **Recreational vehicle parks and commercial campgrounds**
8. **Large-scale retail establishments.**

Permitted uses that require a Special Exception will only be proposed if they meet the standards and criteria set forth in Articles 12 and 13.

Prohibited uses include manufacturing activities that are not specifically permitted, and any other use that is not specifically or provisionally mentioned. No prohibited uses will be proposed on the subject property.

Proposed accessory uses and structures will adhere to Section 4.14.3 of the LDR.

"4.14.6. Minimum lot requirements (area, width).
1. *All permitted uses and structures (unless otherwise specified): None, except as needed to meet other requirements set out herein."*

The subject property is ±24.98 acres and will adhere to the minimum lot requirements.

"4.14.7. Minimum yard requirements (depth of front and rear yard, width of side yard). (See section 4.2 for right-of-way setback requirements.)
1. *All permitted uses and structures (unless otherwise specified):*
   Front: 20 feet.
   Side: None, except where a side yard is provided, then a side yard of at least ten feet must be provided.
   Rear: 15 feet.
   Special provisions:
   The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of 35 feet from wetlands.
   The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of 35 feet from perennial streams and creeks."

Development on the subject property will adhere to the minimum yard requirements. There are no wetlands or perennial streams or creeks on the subject property.

"4.14.8. Maximum height of structures. (See also section 4.2 for exceptions.)
No portion shall exceed 72 feet."

Onsite structures will comply with the maximum height limit of 72 feet. Nonresidential buildings are anticipated to be primarily single-story and well below the allowable height.

"4.14.9. Maximum lot coverage by all buildings. In addition to meeting the required yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed the following floor area ratio requirements:"

Less than five acres	1.0 floor area ratio
Greater than or equal to five acres but less than ten acres	0.75 floor area ratio
Greater than or equal to ten acres but less than 20 acres	0.50 floor area ratio
Greater than or equal to 20 acres	0.25 floor area ratio

The subject property is approximately 24.98 acres and the structure(s) will not exceed the allowable 0.25 floor area ratio.

"*4.14.10. Minimum landscaped buffering requirements. (See also section 4.2.)*
1. *All permitted uses (unless otherwise specified):*
   Where a use listed under subsection 1., above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten feet in width along the affected rear and/or side yards, as the case may be."

The subject property abuts a residentially used, though agriculturally zoned, property to the north. Any future development will comply with the landscape buffer requirements set forth in Sections 4.14.10 and 4.2, including providing the required buffer along the affected property boundary where applicable.

"4.14.11. Minimum off-street parking requirements. (See also section 4.2.)

1. *For uses specifically listed under CG: As for CG off-street parking requirements.*
2. *Commercial or service establishments (unless otherwise specified): One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display or activity.*
3. *Express or parcel delivery office, motor bus or other transportation terminal: One space for each 350 square feet of floor area.*
4. *Wholesale establishments: One space for each 500 square feet of floor area.*
5. *Warehouse or storage use only: One space for each 1,500 square feet of floor area.*
6. *Each existing residential dwelling unit: Two spaces for each dwelling unit.*
7. *Public buildings and facilities (unless otherwise specified): One space for each 200 square feet of floor area.*
8. *Churches and houses of worship: One space for each six permanent seats in the main auditorium.*
9. *Private clubs and lodges: One space for each 300 square feet of floor area.*
10. *For other special exceptions as specified herein: To be determined by finding in the particular case.*

Note: Off-street loading required (see section 4.2)."

The proposed development will comply with the parking and loading requirements set forth in Sections 4.15.11 and 4.2 of the Land Development Code.

Section 7.3. – Stormwater Management Requirements

"7.3.4. Stormwater management generally. All developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one-half inch of stormwater runoff shall be treated in an off-line retention system or according to other best management practices as described in the water management district's Surface Water Management Permitting Manual, as amended. More specifically:

1. *No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and*
2. *No development may be constructed or maintained so that stormwaters from such development are collected and channelled onto lower adjacent properties."*

Onsite development will comply with all applicable City of Newberry and Suwannee River Water Management District (SRWMD) design and permitting requirements.

4. Impact Analysis

Level of Service (LOS) Concurrency

This application requests Commercial, Intensive (CI) zoning along with a concurrent Small-Scale Comprehensive Plan Amendment (CPA) to Commercial FLU. The project site is near City of Newberry municipal potable water and sanitary sewer infrastructure, Clay Electric Co-Op electric services, and City, County, and State roadways. Potential impacts on public services are based on the maximum development potential of approximately 272,030 square feet of nonresidential uses (±0.25 FAR applied to 24.98 acres, or approximately 1,087,129 square feet). Projected trip generation will be based on the ITE Trip Generation Manual, 11th Edition average rates.

Table 2. Potential Net Trip Generation

Land Use	ITE LU Code	IV (per 1000 S.F. GFA)	Daily Total	AM Peak			PM Peak		
				Total	In	Out	Total	In	Out
General Office Building	710	60.00	650	91	80	11	86	17	71
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			650	91	80	11	86	17	71
Business Park	770	120.00	1493	162	138	24	146	38	108
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			1493	162	138	24	146	38	108
Building Materials & Lumber Store	812	45.00	767	72	44	28	101	47	54
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			767	72	44	28	101	47	54
Free-Standing Discount Superstore	813	120.00	6062	223	125	98	520	255	265
Pass-by Trips – 29%			1757	65	36	28	151	74	77
Net New Trips (applying pass-by reduction)			4305	158	89	70	369	181	188
Auto Sales (New)	840	15.00	418	28	20	8	36	15	21
Pass-by Trips – None			0	0	0	0	0	0	0
Net New Trips (applying pass-by reduction)			418	28	20	8	36	15	21
High-Turnover Sit-Down Restaurant	932	10.00	1072	96	53	43	91	55	36
Pass-by Trips – 43%			461	41	23	18	39	24	15
Net New Trips (applying pass-by reduction)			611	55	30	25	52	31	21
Fast-Food Restaurant with Drive-Through	934	4.50	2104	201	102	99	149	77	72
Pass-by Trips – 50%			1052	101	51	50	75	39	36
Net New Trips (applying pass-by reduction)			1052	100	51	49	74	38	36
Total Net New Trips			**9296**	**666**	**452**	**215**	**864**	**367**	**499**

Approval of this application is estimated to result in potentially 9,300 net new vehicular trips, which would primarily impact NW 202nd Street. Please see Table 3 below for potential impacts to NW 202nd Street. AADT Service Volume were obtain from page 90 of the 2023 FDOT Multimodal Quality/Level of Service Handbook. AADT 2024 was obtained from FDOT Florida Traffic Online (2024). Any required roadway modifications will be evaluated during the Site/Development Plan review phase. Coordination with the Florida Department of Transportation (FDOT) will only be required if impacts to SR 26 are identified. Improvements necessary to support the proposed development will be the responsibility of the developer and designed in accordance with City of Newberry requirements, and FDOT requirements if applicable.

Table 3. Potential Impacts to NW 202nd Street

Roadway Segment	Adopted (LOS) Standard	Functional Classification	AADT Service Volumes	AADT 2024	Projected AADT	Residual Capacity
NW 202 ST From: SW SR-45 To: NW 46 AVE	D	Major Collector	14,000	1,500	9,296	3,204

Approval of this application will not cause this segment of NW 202nd Street to exceed the adopted LOS standard target.

Sanitary Sewer Impact

The sanitary sewer service is available for connection via an 8-inch C900 DR21 PVC force main along the southern side of SR 26 the serves Tanglewood Development. Please see Table 4 for potential sanitary sewer impact which references Florida Administrative Code (F.A.C.) Chapter 62-6 Standards For Onsite Sewage Treatment and Disposal Systems.

Table 4. Potential Impact on Sanitary Sewer

Land Use	Maximum Unit	Generation Rate	Estimated Demand (GPD)
Office	60,000	15 gallons per 100 S.F.	9,000
Business Park	120,000	15 gallons per 100 S.F.	18,000
Lumber Store	2	200 gallons per bathrooms	400
Discount Store	4	200 gallons per bathrooms	800
Automobile Sales	4	325 gallons per water closet	1,300
Restaurant operating 16 hours or less	160	40 gallons per seat	6,400
Drive-in Restaurant	45	50 gallons per parking space	2,250
Total Demand	**-**	**-**	**38,150**

Approval of this application will increase the site's projected demand on the City's sanitary sewer system however; it is not anticipated to reduce service below the adopted LOS. The City continues to plan and implement system improvements to support future growth, and any necessary capacity will be addressed prior to development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement and payment of applicable wastewater development fees.

Potable Water Impact

Potable water is available via an existing 12-inch City water main along the north side of SR 26, which will require extension to serve the site. Water infrastructure will be further evaluated, designed, and permitted at the time of development plan approval to meet domestic demand and fire flow requirements.

As shown in Table 5 below, projected demands assume a 1:1 relationship between water usage and sewer generation.

Table 5. Potential Impact on Potable Water

Land Use	Maximum Unit	Generation Rate	Estimated Demand (GPD)
Office	60,000	15 gallons per 100 S.F.	9,000
Business Park	120,000	15 gallons per 100 S.F.	18,000
Lumber Store	2	200 gallons per bathrooms	400
Discount Store	4	200 gallons per bathrooms	800
Automobile Sales	4	325 gallons per water closet	1,300
Restaurant operating 16 hours or less	160	40 gallons per seat	6,400
Drive-in Restaurant	45	50 gallons per parking space	2,250
Total Demand	**-**	**-**	**38,150**

Approval of this application will increase the site's projected demand on the City's potable water system however; it is not anticipated to reduce service below the adopted LOS. The City continues to plan and implement system improvements to support future growth, and any necessary capacity will be addressed prior to development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement.

Solid Waste Impact

Solid waste generation estimates are based on data from the Florida Department of Environmental Protection (FDEP) 2024 Municipal Solid Waste Report. The reported commercial tonnage for Alachua County was converted to pounds and then normalized to an estimated countywide nonresidential building area to establish a square-foot-based rate.

Based on this approach, a generation rate of approximately 15.2 pounds per 1,000 square feet per day was derived and is used for the projections shown in Table 6 below.

Table 6. Potential Impact on Solid Waste

Land Use	Maximum Unit	Generation Rate	Tons Per Year
Nonresidential	272,030 S.F.	15.2 lbs per 1,000 S.F. per year x (365 days/2,000 lbs)	754.6
Leveda Brown Environmental Park Capacity			20 Years

According to Objective 1.4 of the Solid Waste Element, the County will utilize the Leveda Brown Environmental Park as a centralized solid waste facility with sufficient capacity to manage waste for the next 20 years.

Approval of this application will increase the site's projected demand for public facilities however; it is not anticipated to reduce service below the adopted level of service. The City continues to plan and implement system improvements to support future growth, and any required capacity will be addressed at the time of development approval. Final concurrency will be confirmed through the City's standard process, including execution of a capacity agreement.

Agent Affidavit / Special Power of Attorney

STATE OF FLORIDA COUNTY OF ALACHUA

KNOW ALL MEN BY THESE PRESENTS, that I Susan B. Washer, of Cell Ag Land LLC, am presently the owner and/or leaseholder of and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint **Menadier Engineering, LLC** whose address is 13800 Tech City Circle Bldg D Suite 302, Alachua, Fl 32616 County of Alachua, State of Florida, my Attorney full power to act as my agent in the process of **applying for all permitting required for the North Gateway Commercial project.**

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

Signature: V McCormac

Printed Name: Virginia McCormac

APPLICANT:

Signature: Susan B. Washer

Printed Name: Susan B. Washer

STATE OF FLORIDA COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me by:

[✓] Physical Presence

- OR -

[ ] Online Notarization

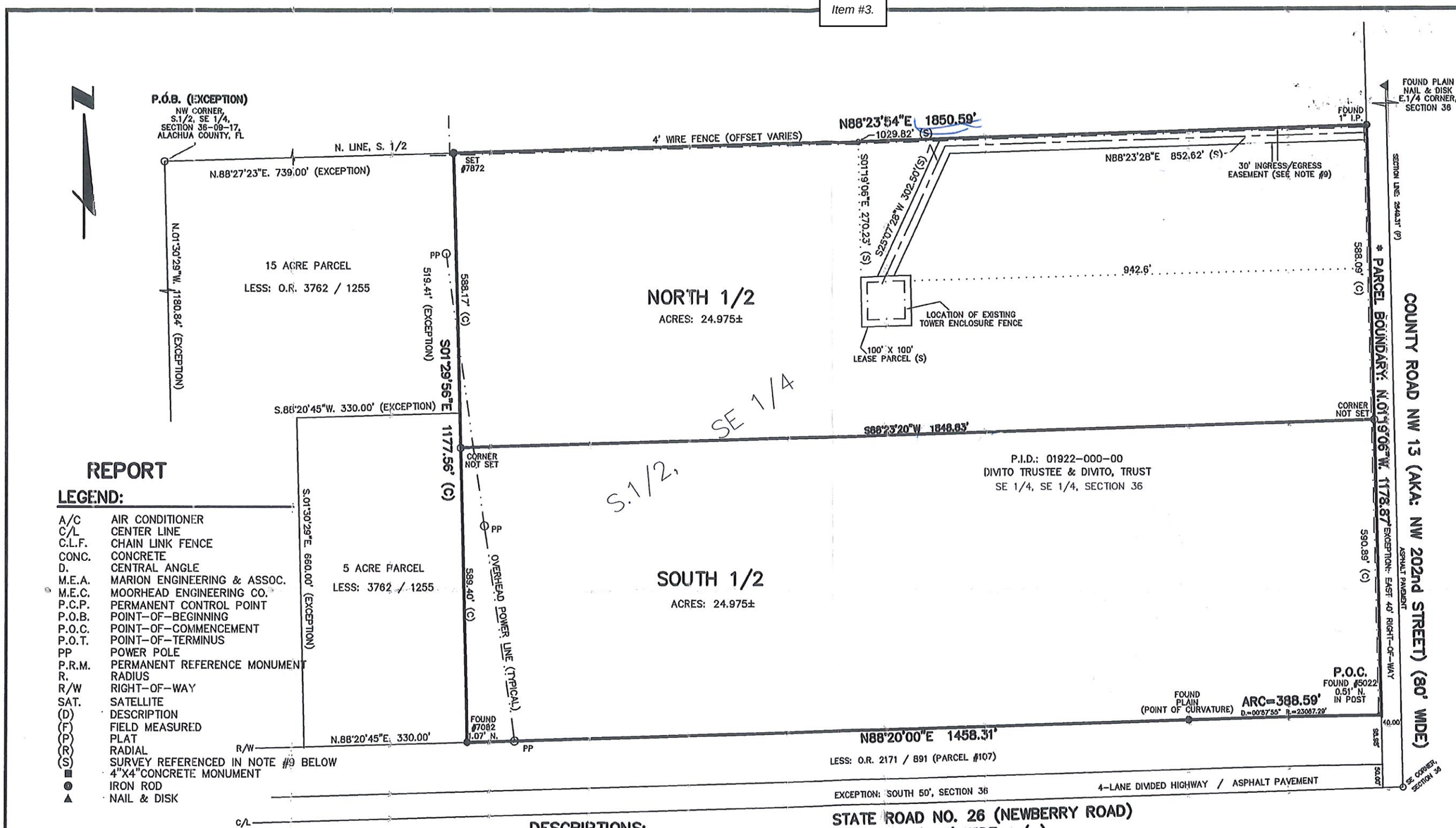
This 5th day of June, 2026, by Susan B. Washer, as _____,
for _____.

Notary Public State of Florida
William Herbert Futch
My Commission HH 329297
Expires 11/3/2026
[Seal]

Printed Name of Notary Public

Signed Name of Notary Public

Commission Number: _____
Expiration Date: _____



REPORT

LEGEND:

A/C	AIR CONDITIONER
C/L	CENTER LINE
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
D.	CENTRAL ANGLE
M.E.A.	MARION ENGINEERING & ASSOC.
M.E.C.	MOORHEAD ENGINEERING CO.
P.C.P.	PERMANENT CONTROL POINT
P.O.B.	POINT-OF-BEGINNING
P.O.C.	POINT-OF-COMMENCEMENT
P.O.T.	POINT-OF-TERMINUS
PP	POWER POLE
P.R.M.	PERMANENT REFERENCE MONUMENT
R.	RADIUS
R/W	RIGHT-OF-WAY
SAT.	SATELLITE
(D)	DESCRIPTION
(F)	FIELD MEASURED
(P)	PLAT
(R)	RADIAL
(S)	SURVEY REFERENCED IN NOTE #9 BELOW
■	4"X4"CONCRETE MONUMENT
●	IRON ROD
▲	NAIL & DISK

NOTES:

1. THIS SURVEY IS BASED ON THE PROPERTY DESCRIPTION PROVIDED BY THE CLIENT.
2. ASSUMED NORTH IS BASED ON THE BEARING FOR THE LINE SHOWN WITH (°).
3. UNDERGROUND ENCROACHMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.
4. THE LOCATIONS OF ANY EASEMENTS, OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE SHOWN ON RECORDED PLATS ARE NOT SHOWN.
5. ALL STREETS OR STREET RIGHTS-OF-WAY SHOWN ARE PHYSICALLY OPEN UNLESS OTHERWISE SHOWN.
6. ALL DISTANCES ARE EITHER DEED OR PLAT UNLESS OTHERWISE SHOWN.
7. BEARINGS BASED ON THE EAST BOUNDARY, SECTION 36-09-17, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 26070-2569, BEING N.01°19'06"W.
8. NOTE NOT IN USE.
9. TOWER LEASE PARCEL AND ASSOCIATED EASEMENT PROVIDED BY PHILLIP L. HAWLEY, BROKER-OWNER OF HAWLEY REALTY & INVESTMTENTS, INC. DEPICTED HEREON AS SHOWN ON BOUNDARY SURVEY PREPARED BY DYNAN GROUP, INC. (PROJECT #185-002-00;12/07/04)

DESCRIPTIONS:

PARENT PARCEL:
The land referred to herein below is situated in the County of Alachua, State of Florida, and is described as follows: The South 1/2 of the SE 1/4, LESS the South 50 feet right-of-way and the East 40 feet right-of-way, of Section 36, Township 9 South, Range 17 East, Alachua County, Florida.
LESS AND EXCEPT THE FOLLOWING 2 PARCELS:
Parcel No. 1: Begin at the Northwest corner of the South 1/2 of the SE 1/4 of Section 36, Township 9 South, Range 17 East, Alachua County, Florida, thence N.88°27'23"E., along the North line of said South 1/2, for 739.00 feet, thence S.01°30'29"E., along a line parallel with the West line of said South 1/2, for 519.41 feet, thence S.88°20'45"W. for 330.00 feet, thence S.01°30'29"E., along a line parallel with said West line, for 660.00 feet to an intersection with the North right of way line of State Road No. 26, thence S.88°20'45"W., along said North right of way line, for 409.00 feet to an intersection with said West line, thence N.01°30'29"W., along said West line, for 1180.84 feet to the POINT OF BEGINNING.

Parcel No. 2: Commence at the Northwest corner of the South 1/2 of the SE 1/4 of Section 36, Township 9 South, Range 17 East, Alachua County, Florida, thence N.88°27'23"E., along the North line of said South 1/2, for 739.00 feet, thence S.01°30'29"E., along a line parallel with the West line of said South 1/2, for 519.41 feet to the POINT OF BEGINNING; thence S.88°20'45"W. for 330.00 feet, thence S.01°30'29"E., a parallel line with said West line, for 660.00 feet to an intersection with the North right of way line of State Road No. 26, thence N.88°20'45"E., along said right of way line, for 330.00 feet, thence N.01°30'29"W., along a line parallel with said West line, for 660.00 feet to said POINT OF BEGINNING.

NORTH 1/2 DESCRIPTION:
THE NORTH 1/2 OF THE FOLLOWING: A ONE-HALF (1/2) INTEREST IN THAT PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), LESS SOUTH 50 FEET RIGHT-OF-WAY AND LESS EAST 40 FEET RIGHT-OF-WAY OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA AND LESS PORTION DESCRIBED IN O.R. BOOK 2171, PAGE 891, AND LESS PORTION DESCRIBED IN O.R. BOOK 3762, PAGE 1255, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

SOUTH 1/2 DESCRIPTION:
THE SOUTH 1/2 OF THE FOLLOWING: A ONE-HALF (1/2) INTEREST IN THAT PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), LESS SOUTH 50 FEET RIGHT-OF-WAY AND LESS EAST 40 FEET RIGHT-OF-WAY OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA AND LESS PORTION DESCRIBED IN O.R. BOOK 2171, PAGE 891, AND LESS PORTION DESCRIBED IN O.R. BOOK 3787, PAGE 1255, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

SURVEY DATE FOR TOWER LOCATION: JUNE 29, 2016
DATE OF SKETCH: JULY 3, 2016
BOUNDARY SURVEY (52 ACRES): SEPTEMBER 5, 2016

Digitally signed by Andrew W Carbaugh
DN: cn=Andrew W Carbaugh, o=C & A Survey Inc, ou, email=andy@CandAsurvey.com, c=US
Date: 2016.09.09 07:11:44 -04'00'

ANDREW W. CARBAUGH, LICENSE NUMBER 6787
BOARD CERTIFIED SURVEYOR AND MAPPER
STATE OF FLORIDA

ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT ARE PROHIBITED. THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. IT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. NO ONE OTHER THAN THE PARTY OR PARTIES NAMED HEREON SHALL RELY ON THIS SURVEY.

SCALE: 1"=200'
F.B.: 340 PG.: 13
FILE: 116421

C & A SURVEY, INC.
CERTIFICATE OF AUTHORIZATION NO. LB #7872
3106 E. FORT KING STREET OCALA, FLORIDA 34470
Vx: 352.694.6566 CandAsurvey.com

BOUNDARY SURVEY
CERTIFIED TO:
SUSAN B. WASHER
SCRUGGS-CARMICHAEL, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA; THENCE S.01°19'06"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 36, A DISTANCE OF 1324.86 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA; THENCE S.88°40'54"W., PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD NW 13 (AKA: NW 202nd STREET) AND FOR THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING, S.01°19'06"E., 588.09 FEET; THENCE S.88°23'20"W., A DISTANCE OF 1848.83 FEET; THENCE N.01°29'56"W., 588.17 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SOUTHEAST 1/4; THENCE N.88°23'54"E., 1850.59 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 24.98 ACRES, MORE OR LESS. SUBJECT TO AND TOGETHER WITH THAT CERTAIN UNRECORDED INGRESS/EGRESS AND TOWER EASEMENT AS SHOWN ON THE BOUNDARY SURVEY PREPARED BY DYNAN GROUP, INC. (PROJECT #185-002-00; 12/07/04).

2. Staff Report and Comments

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STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

File Number: LDR 26-22 North Gateway Commercial

Request: Rezoning from Agricultural (A) to Commercial, Intensive (CI) for a 24.98 Acres by Cell Ag Land, LLC.

Recommended Action:
Approve the petition.

SITE DATA TABLE

Owner	Cell Ag Land, LLC
Address/Location	Generally located NW 202nd Street and SR 26
S/T/R	Section 36, Township 09 South, Range 17 East
Net Area	24.98 acres
Gross Area	N/A
Zoning District	Agricultural (A)
FLU	Agriculture
Existing Use	Agricultural/field crop
Proposed Use	Vacant

ADJACENT ZONING AND FUTURE LAND USE

	Zoning District	FLUM Designation	Existing Use
North	Agricultural (A)	Agriculture	Agricultural, Residential
East	Agricultural (A)	Agriculture	Agricultural, Residential
South	Commercial, Automotive (CA)	Commercial	Vacant commercial
West	Agricultural (A)	Agriculture	Agricultural

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Introduction
Menadier Engineering, LLC ("Agent"), on behalf of Cell Ag Land, LLC ("Owner"), is requesting approval of rezoning a 24.98-acre site generally located north of State Road 26 (SR 26), also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13. The subject property has an existing zoning designation of Agricultural (A) and a future land use designation of Agriculture. The Agent is requesting rezoning to Commercial, Intensive (CI), consistent with the companion future land use map amendment Petition No. CPA 26-15. This rezoning petition is contingent upon the adoption of the future land use map amendment. The property is located at the eastern edge of the Urban Service Area (USA) and is not located within the Historic District or Community Redevelopment Area. The adjacent southern 25-acre parcel recently amended to CA and Commercial is located within the Gateway Overlay District. With access and utility connections potentially connecting via the southern parcel, the subject property should be subject to Gateway Overlay district design criteria

The Agent provided an analysis of a contemplated "highest and best use" of the property, but this arbitrary level of development does not represent actual development levels and only provides a conceptual level of development for the purposes of preliminary impact analysis.

Background/History
No land use actions or approvals have been granted on the subject property by the City of Newberry ("City") since annexed on 6/26/91, by Ordinance 3-91.

The existing use of the site is field crops and known historical use, based on reviews of aerials dating back to 1938, appear to have been agricultural in nature with less trees. A communications tower was built on the property in 2022.

Review of topographical maps do not indicate sink holes or exploratory mining pits on site. The site is primarily composed of Arredondo fine sand, Pedro fine sand, Jonesville- Cadillac-Bonneau Complex, with 0 to 5 percent.

At the time of this application review, the 24.98-acre parcel remains undivided from the parent parcel and defined solely by metes and bounds.

Agency Review
The site and development plan was reviewed by the city reviewing agencies and no objections were offered. Concurrency review is included with the companion future land use map amendment within the corresponding Data and Analysis Report.

Previous discussions with the owner of the adjacent southern parcel entailed a contribution of 5-acres for public use, such as a fire station.

Compatibility

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The City Commission has previously adopted commercial and residential developments in immediate areas, establishing a precedence that this development pattern along State Road 26 is acceptable and consistent with the comprehensive plan of the City. This is also located on the eastern boundary of the City's USA, where concentration of development and future growth is encouraged due to access to City services and utilities.



Figure 1: Proposed zoning and comparable districts in the immediate vicinity. Source: Agent.

The proposed district, CI, intent and purpose is described in the City of Newberry Code of Ordinances ("CNCO") as follows:

> *4.14. - Commercial, Intensive (CI).*
>
> *4.14.1 Districts and intent. The "CI" Commercial, Intensive category includes one zone district: CI. This district is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire city.*

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Ref. Appendix B, Article 4, Section 4.14.1, CNCO.

The property is located within the Clay Electric service territory and the available capacity to serve this property will be determined by the provider.

State Road 26 is a strategic intermodal system (SIS) road. SIS network roads have a dual mandate of evacuation routes and commerce. According to the Florida Department of Transportation District 2 Level of Service map, this road segment is currently operating at a Level of Service B and has adequate capacity to serve potential development of the property. Although the capacity exists at the time of this review, subsequent development applications, such as site and development plan and construction plans, shall be accompanied by traffic impact studies and may require intersection warrant analyses. That will be determined at time of the development plan review.

Potable water services are not available to the property and must be extended at the expense of the developer to the property. The closest potable water infrastructure is approximately 600 feet south of the southwest corner of the subject property on State Road 26.

Wastewater services are not available to the property and must be extended at the expense of the developer to the property. The closest wastewater infrastructure is west of the intersection of Northwest 218th Street and State Road 26, approximately 0.75 mile southwest of the property. For all proposed development of the subject property the owner would have to enter into a Wastewater Treatment Capacity Agreement with the city for future available capacity for wastewater. Availability of this capacity is on a first-come, first-served basis and adoption of this petition does not guarantee wastewater treatment will be available in the future. Further information is needed regarding exact development before the City is able to make a determination that sufficient capacity exists to serve the site. Additional studies, upsizing of utility lines, and other necessary information and improvements pertinent to maintaining an adequate level of service may be required at the time of development plan review

Solid waste capacity exists to serve the property. A slightly more detailed analysis is available in the companion future land use map amendment, File No. CPA 26-15.

Findings and Conclusion
The proposed rezoning, contingent upon adoption of the future land use amendment, is a logical extension of the entitlements and zoning of adjacent properties within the USA.

Staff finds the proposed rezoning petition in compliance with the City of Newberry Comprehensive Plan and Land Development Regulations should the future land use map amendment be adopted by the City Commission.

July 13, 2026
Lauren Yeatter, AICP
Community Development Department

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DEVELOPMENT APPLICATION REVIEW TEAM

COMMUNITY DEVELOPMENT DEPARTMENT

File Number:	CPA 26-15 and LDR 26-22 North Gateway Commercial
Request:	Future land use and Zoning map amendment petitions by Menadier Engineering, LLC, agent, on behalf of Cell Ag Land, LLC, owner, amending the future land use classification from Agriculture to Commercial, and amending the Zoning from Agricultural (A) to Commercial, Intensive (CI). The 24.98-acre property is located north of State Road 26, also known as Newberry Road, and is accessed off NW 202nd St, also known as County Road NW 13. Alachua County Tax Parcel No. 01922-011-000.

Acceptable resubmittal requires a comment response sheet to be included. Each comment must be cited and include a response. Comment responses which are addressed on a drawing will reference the plan set sheet name and number on which the comment was addressed. Clouding and annotations on the revised plan sheets and all deviations from the prior reviewed submittals must be provided. Revision dates must be updated in the title block of the plan set. Failure to do so will result in delays in processing, review, and may be the cause of rejection of a resubmittal.

Advisory Comments

Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

1. These comments are limited to petition and supporting documents and shall not be construed as permissions or waivers to requirements enforced through companion applications for the same development which may contain conflicting drawings, statements, or depictions of constructions unrelated to the petition under review.
2. These comments incorporate and address both petitions for future land use map amendment, Petition No. CPA 26-15 and rezoning, Petition No. LDR 26-22.
3. If applicable, impact and development fees will be assessed during review of building permit(s) for new construction and collected at time of building permit issuance.
4. Wastewater capacity is reserved on a first-come, first-served basis. In order to guarantee available capacity, a retail utility service is required. Contact Public Works to schedule a meeting.
5. The FLUMA petition is dependent on the rezoning petition demonstrating compliance with the comprehensive plan and the land development regulations.
6. Resubmittals may be emailed utilizing a shared drive link. SmartGov may not allow for resubmittal due to a known issue the City is working to resolve.
7. Additional comments may be forthcoming based on address of comments provided in this report.

Application Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

8. No comments.

Architectural Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

9. Not applicable.

Civil Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

10. Not applicable.

Landscape Plan Set Comments
Provided by Lauren Yeatter, AICP
Contact: 352-472-5440; lyeatter@newberryfl.gov

11. Not applicable.

Fire Comments
Provided by Jason Lyman, Fire Chief
Contact: 352-722-3939, jlyman@newberryfl.gov

12. No comments provided.

Public Works & Utilities Comments
Provided by Jamie Jones, Assistant City Manager
Contact: 352-722-3932, jjones@newberryfl.gov

13. NW 202 is a County Road. Proposed access/TIA will have to be evaluated by the County and FDOT due to proximity to SR26.
14. Water/wastewater system modeling will be required when submitting for site/development plan due to proposed water demand/wastewater generation amounts.
15. WW development agreement will be required prior to construction plan approval.

Pursuant to Florida Statute 166, as amended, a response to this report must be received within 30 days of delivery of this report. ***Should responses require more than 30 days, advise by email to the author of this report that the owner wishes to waive their rights provided under Fs. 166 and wish to continue the application review under alternative procedures, otherwise no response within 30 days will compel the city to deem the application as abandoned and withdrawn and shall require a new application and fee remittance.*** *In addition, reviews are limited to a maximum of three (3) occurrences. Should a fourth review be necessary to achieve compliance and completeness, a new application and fee will be required. Ensure your resubmittal is complete. For the purposes of adherence to the provisions of Fs. 166, an application*

will not be deemed complete until said application has been determined to be in compliance with the City of Newberry Land Development Regulations and Comprehensive Plan. At any time, the applicant may request a noncompliant application be scheduled for public hearing before the appropriate board(s).

Prepared by Lauren Yeatter, AICP on 7/1/2026

File Attachments for Item:

4. VAR 26-01 Parkwest Estates

Quasi-Judicial, Petition for a Variance to Reduce Minimum Lot Size from 5 acres to 1 acre for property within the Agricultural (A) Zoning District

Planning and Zoning Board Agenda Item

Meeting Date:	August 3, 2026
Title:	Variance to Reduce Minimum Lot Size from 5 acres to 1 acre for property within the Agricultural (A) Zoning District Quasi-Judicial Public Hearing
Agenda Section:	Public Hearings
Department:	Community Development Department
Strategic Goal/Objective:	Goal D.3 A strong, diverse local economy
Presented By:	Sarah Vidal, Community Planner
Recommended Actions:	Approve, approve with conditions, continue, or deny Petition No. VAR 26-01.

Summary:
The Community Development Department received a variance petition from Menadier Engineering, LLC, agent, on behalf of ACR Property Group, LLC, owner, requesting reduction of the minimum lot size of a parcel from 5 acres to 1 acre for a property within the Agricultural (A) zoning district. The project is generally located at the northeast corner of State Road 26/West Newberry Road and Northwest 170 Street, identified as Alachua County Tax Parcel No. 04287-000-000. A companion construction plan petition proposing the subdivision of approximately 26 acres has been received (Petition No. SD 26-03, known as Reserve at Park West). A detailed analysis of the request is provided in the attached staff report.

Attachments:
1. Map & Legal Description
2. Application
3. Staff Report

1. Map & Legal Description

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MAP



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LEGAL DESCRIPTION

THE WEST HALF OF THE SOUTHWEST QUARTER (W 1/2 OF SW 1/4) OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA. LESS AND EXCEPT THE NORTH 869.70 FEET.

AND;

LESS AND EXCEPT THE WEST 40.00 FEET FOR COUNTY ROAD NW 17 RIGHT-OF-WAY.

AND;

LESS AND EXCEPT THE SOUTH 50.00 FEET FOR STATE ROAD NO. 26 RIGHT-OF-WAY.

AND;

LESS AND EXCEPT THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 2194, PAGE 254, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND;

LESS AND EXCEPT THE PROPERTY CONTAINED IN PARKWEST ESTATES UNIT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND;

LESS AND EXCEPT THE LANDS LYING SOUTH AND WEST OF PARKWEST ESTATES UNIT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND LYING EAST OF COUNTY ROAD NW 17 AND LYING NORTH OF STATE ROAD NO. 26.

ALACHUA COUNTY PARCEL INFORMATION:

PARCEL NO. 04287-000-000
https://mapgenius.alachuacounty.us/#parcelid=04287-000-000

2. Application

CITY OF NEWBERRY

VARIANCE PETITION

Name of Applicant(s): ACR PROPERTY GROUP LLC

Address: 13521 SW 6TH RD

City, State, Zip Code: NEWBERRY, FL 32669

Telephone:

Title Holder's Representative (Agent), if applicable: Sergio Cruz

Address: 13800 TECH CITY CIR BLDG D - SUITE 302

City, State, Zip Code: ALACHUA, FL 32615

Telephone: 386-347-5133

A Variance is requested in conformity with the Land Development Regulations to permit a variance of a 1.05-acre parcel with a minimum lot width of 256 feet within the “A” Agricultural zoning district on the property described below, and in conformity with the site plan dated 02/27/2026.

LOCATION AND USE

Legal Description: ATTACHED WORD DOCUMENT

THE WEST HALF OF THE SOUTHWEST QUARTER (W 1/2 OF SW 1/4) OF SECTION 33, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA.
LESS AND EXCEPT THE NORTH 869.70 FEET.
AND
LESS AND EXCEPT THE WEST 40.00 FEET FOR COUNTY ROAD NW 17 RIGHT-OF-WAY.
AND
LESS AND EXCEPT THE SOUTH 50.00 FEET FOR STATE ROAD NO. 26 RIGHT-OF-WAY.
AND
LESS AND EXCEPT: THE PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 2194, PAGE 254, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
AND
LESS AND EXCEPT: THE PROPERTY CONTAINED IN PARKWEST ESTATES UNIT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
AND
LESS AND EXCEPT: THE LANDS LYING SOUTH AND WEST OF PARKWEST ESTATES UNIT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 26, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND LYING EAST OF COUNTY ROAD NW 17 AND LYING NORTH OF STATE ROAD NO. 26.

Total acreage of land to be considered under this petition: 26.15

Future Land Use Plan Map Category: Rural/Agriculture

Zoning District : Agriculture (A)

VARIANCE
PETITION

A previous petition for a variance:

_____ was made with respect to these premises, Petition No.

X ____ was not made with respect to these premises.

I hereby certify that all of the above statements and the statements contained in any documents or plans submitted herewith are true and correct to the best of my knowledge and belief.

If title holder(s) are represented by an agent, a letter of such designation from the title holder(s) addressed to the Land Development Regulation Administrator must be attached.

Sergio Cruz
Applicant/Agent Name (Type or Print Name)

Sergio Cruz
Applicant/Agent Signature

3/6/2026
Date

FOR OFFICE USE ONLY

Date Filed: _____
Variance Petition No. _____
Fee Amount: _____
Receipt No.: _____
Date of Board of Adjustment Public Hearing: _____
Date Notice published: _____
Newspaper: _____
Board of Adjustment decision: _____
(Granted/Denied)

NOTICE TO APPLICANTS

FOR

VARIANCES

1. A variance is a relaxation of the terms of the land development regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property or structures thereon so that the spirit of the land development regulations shall be observed and substantial justice done. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.

2. The following criteria must be met in order to grant a Variance.

   a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

   b. The special conditions and circumstances do not result from the actions of the applicant;

   c. Granting the variance requested will not confer on the applicant any special privilege that is denied by the land development regulations to other lands, buildings or structures in the same zoning district;

   d. Literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations and would work unnecessary and undue hardship on the applicant;

   e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

   f. The granting of the variance will be in harmony with the general intent and purpose of the land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

3. Staff Report

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STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

File Number: VAR 26-01

Request: Variance request by Menadier Engineering, Inc., agent, on behalf of ACR Property Group, LLC, owner, to reduce the required minimum lot size provided in Appendix B, Article 4, Section 4.4.6, City of Newberry Code of Ordinances, from 5 acres to 1 acre for a property within the Agricultural (A) zoning district generally located at the northeast corner of State Road 26/West Newberry Road and Northwest 170 Street identified by Alachua County Tax Parcel Number 04287-000-000.

Recommended Action: Approve, approve with conditions, continue, or deny.

SITE DATA TABLE

Owner	ACR Property Group, LLC
Address/Location	Northeast corner of
S/T/R	Section 33, Township 09 South, Range 18 East
Net Area	±26.1 acres
Gross Area	N/A
Zoning District	Agricultural (A)
FLUM Designation	Agriculture
Existing Use	Vacant
Proposed Use	Detached single-family residence.

ADJACENT ZONING AND FUTURE LAND USE

	Zoning District	FLUM Designation	Existing Use
North	A (County)	Agriculture	Rural residences
East	A (County)	Agriculture	Rural residences
South	A (County)	Agriculture	Rural residences
West	A (County)	Agriculture	Rural residences

Introduction

Menadier Engineering, Inc. (“Agent”), on behalf of ACR Property Group, LLC (“Owner”) (collectively referred to as “Applicant”), is requesting approval of a variance to the reduce the required minimum 5-acre lot area to 1.34 acres. The lot is a portion of a proposed subdivision of the greater 26.1-acre, more or less, generally located at the northeast corner of State Road 26/West Newberry Road and Northwest 170 Street and is identified as Alachua County Tax Parcel Number 04287-006-000 (“Property”). The property has a zoning designation of Agricultural (A) and a future land use designation of Agriculture. Appendix B, Article 4, Section 4.4.6 provides a required minimum lot area of five (5) acres for properties in the Agricultural (A) zoning district. The site is generally located at the northeast corner of State Road 26 and Northwest 202 Street. The subject property is vacant and is covered entirely by vegetation and canopy. The owner intends to make the lot publicly available to the market for purchase and construction of a detached single-family residence. The subject property would access Northwest 166 Terrace, a county public right-of-way and internal to the Parkwest Estates Unit No. 1 (Plat Book 26, Page 92, Official Records of Alachua County, Florida). The subject property is a portion of what was intended to be Unit No. 2 or the second phase of the Parkwest Estates subdivision and is situated at the terminus of Northwest 166 Terrace. The property is located outside of the Urban Service Area and Overlay district. Water and wastewater services must be provided on-site and shall be permitted by the appropriate agencies. Staff has encouraged the Applicant to coordinate with Parkwest Estates Owner’s Association to ensure compatibility with or incorporation into the Master Declaration of Covenants, Conditions and Restrictions for Parkwest Estates recorded in Official Records Book 3327, Page 21 of the Official Records of Alachua County, Florida.

The Owner has provided justification to the variance criteria enumerated in Appendix B, Article 12, Section 12.4.2. “*Variances to the subdivision regulations” of* the City of Newberry Code of Ordinances. An analysis and findings are provided in this report.

The proposed subdivision of the 26.1-acre parcel entitled Reserve at Park West (“Companion Petition”) is a companion petition being reviewed concurrently with this petition; however, this petition is not dependent on the adoption of the Companion Petition. The Companion will provide 5-acre parcels and a paved, private access road, consistent with the City of Newberry Code of Ordinances.

Background/History

Figure 2 below shows the location of the Parkwest Estates in relation to Alachua County. The final plat for Parkwest Estates Unit No. 1, which includes 15 of the 32 total lots approved, was recorded in February 2006. Alachua County approvals were not provided by the Applicant. It has been confirmed that the unplatted portions of Parkwest Estates were not deemed vested by Alachua County and the prior owner was unable to proceed with the remaining 17 lots. The Property remained undeveloped and was annexed into the City around 2017.

[Remainder of page intentionally left blank.]

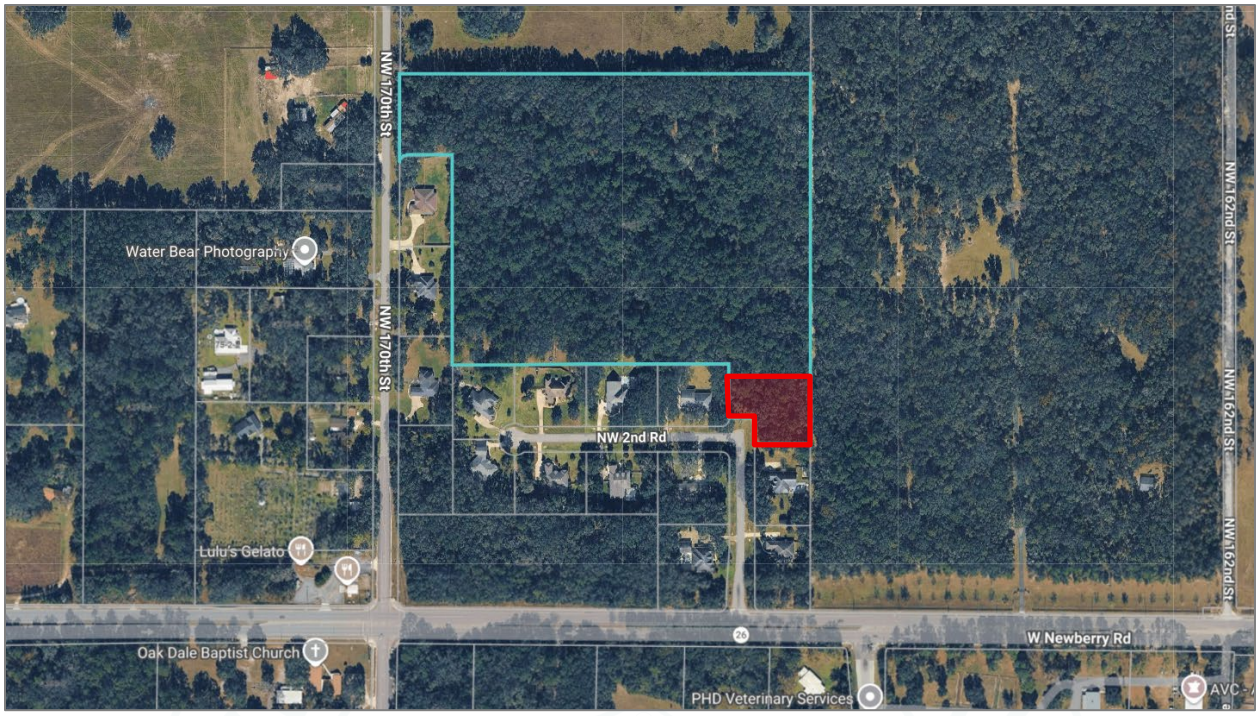


Figure 1. *Aerial image of parcel 04287-000-000. Alachua County Map Genius.*

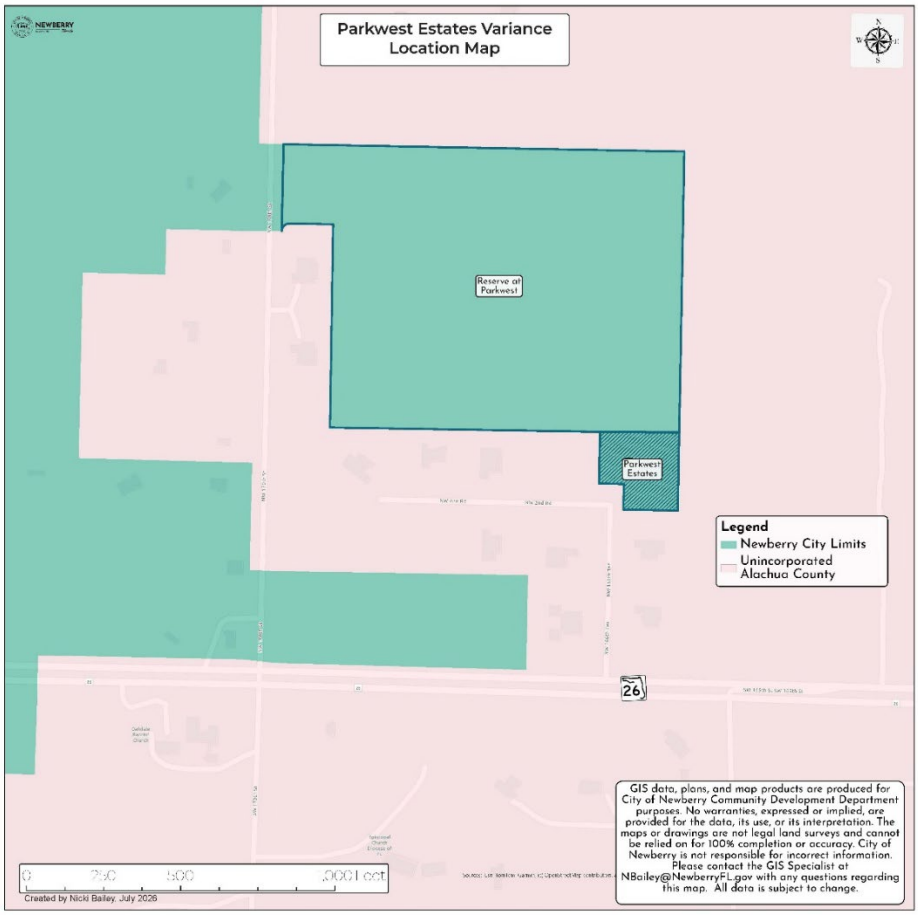


Figure 2: *Parkwest Estates Location Map City of Newberry and Unincorporated Alachua County*

Criteria Analysis

The below analysis summarizes the criteria, the applicant's justification, and provides a finding whether the justification meets the standards of variances established in the criteria. The complete responses are contained in the application attached included in the agenda item.

Criterion 1: Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands in the same zoning district.

> Applicant response states due to the taking of the 80-foot-wide right-of-way, Northwest 202 Street, 40-feet of which is from the western limits of the property, the net area of the property is reduced below the required area. The property would otherwise meet lot area requirements and does not exceed the gross density permitted per the land use classification. This prevents the owner from meeting minimum area requirements when subdividing the property as others have done in the area.
>
> Staff find the justification provided satisfies the criteria establishing circumstances exist which are peculiar to the land and not applicable to other lands in the same zoning district.

Criterion 2: The special conditions and circumstances do not result from the actions of the applicant.

> Applicant response states the taking created conditions which do not allow the subdivision of land to otherwise satisfy minimum requirements of the land development regulations and is not a result of action by the owner.
>
> Staff find the justification provided satisfies the criteria establishing the need for variance is not a result of an action by the owner.

Criterion 3: Granting the variance requested will not confer on the applicant any special privilege that is denied by the land development regulations to other lands, buildings, or structures in the same zoning district.

> Applicant states the gross density will be met and the subdivision will not be materially different from other 5-acre lots in the immediate area and other similarly subdivided properties within the Agriculture future land use area in the City of Newberry.
>
> Staff find the justification provided satisfies the criteria establishing the owner will not benefit from special privilege denied to other residents.

Criterion 4: Literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the zoning district under the terms of the land development regulations and would work unnecessary and undue hardship on the applicant.

> Applicant states that literal interpretation of the land development regulations would be inconsistent with the gross density permitted and would deny the owner the right to subdivide his lands in a manner consistent with other lots in the immediate area.
>
> Staff find the justification provided satisfies the criteria establishing the owner would be deprived of rights commonly enjoyed by other residents and subject to undue hardship if the variance were to be denied.

Criterion 5: The variance granted is the minimum variance that will make possible the reasonable use of the land.

Applicant states the variance is the minimum variance is necessary and gross area of the property would be exactly 10 acres without the public taking for right-of-way.

Staff find the justification provided satisfies the criteria establishing the request represents the minimum variance necessary.

Criterion 6: The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant states the variance will allow a subdivision common in the area, meets the intent and purpose of the Agricultural (A) zoning district.

Staff find the justification provided satisfies the criteria establishing the variance is harmonious with the character of the area and would not negatively impact public interest.

Agency Review

This petition has been reviewed by the appropriate municipal reviewing agencies and no objections were offered. Concurrency review will occur at time of building permit application and impact fees will apply to new construction occurring on the property. This petition was sent to the appropriate Alachua County agencies for review and comment. Per Alachua County Public Works, connection to Northwest 166 Terrace, a county public right-of-way, will be reviewed at time of right-of-way/driveway permit submittal. No objections were received from the Alachua County agencies.

Consistency with Comprehensive Plan and LDRs

The Agriculture land use provides for exceptions to the required density of one (1) unit per five (5) acres ("1du:5ac") which apply to family or heir lot splits (permitting down to 1 acre lots) and flexible zoning districts which allow for clustering of lots (also permittable down to 1 acre lots) within the Agriculture land use. However, the clustered lot subdivisions must still comprise of the total land area necessary to meet the maximum permitted density (1du:5ac). While such exceptions are not present in this case, a future owner may be able to establish a family lot split in this area. Approving this petition would allow the Owner the opportunity to utilize otherwise underutilized land which will have de minimis impact and demonstrates compatibility with abutting land subdivision patterns in Parkwest Estates. Should the Planning and Zoning Board and City Commission find this petition does not violate the intent of the Agriculture land use and Future Land Use Element, future of the development shall comply with all other development standards provided in the Land Development Regulations provided in Appendix B of the City of Newberry Code of Ordinances.

Findings

Staff finds the petition represents subdivision of land that is compatible with subdivision patterns in the immediate area and provides an opportunity to create a logical and complete terminus to a residential road, Northwest 166 Terrace. Consistency with the City of Newberry Comprehensive Plan shall be determined by the City Commission. Staff find the petition meets the intent and spirit of the land use policies established in the Comprehensive Plan and all future development shall comply with the Land Development Regulations in effect at the time of development plan submittal. Granting approval of the petition would not negatively impact public interest.

Attachment A: Communication with Alachua County

Outlook

Re: Parkwest Estates

From Chris Dawson <cdawson@alachuacounty.us>
Date Thu 10/3/2024 11:47 AM
To Jean-Paul Perez <jperez@NewberryFL.gov>; Ben Chumley <bdchumley@alachuacounty.us>
Cc Stacey Hectus <sHectus@NewberryFL.gov>; Uma Sarmistha <USarmistha@NewberryFL.gov>; Missy Claude <mclaude@NewberryFL.gov>

WARNING -External Email. Do not click links or open attachments unless verified.

Jean-Paul:

I pulled the file that we have for Parkwest Unit 1, the recorded subdivision south of the subject property. Outside of the drainage that likely flows off-site north of lot 11, there are no other development standards that need to be accommodated. Having said that, any development that would connect to NW 166th Terrace/NW 2nd Road, or to NW 170th Street would be required to obtain a connection permit from Alachua County Public Works, as both of these are County-maintained roadways.

The deed reference is to a common interest, and I'm not sure what that is. Could be related to the subdivision entrance signage.

Please let me know if you have any additional questions.

Chris

Chris Dawson, AICP
Principal Planner
Growth Management
10 SW 2nd Avenue
3rd Floor • Gainesville • FL • 32601
352-374-5249 (office)

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All e-mails to and from County Officials and County Staff are kept as public records. Your e-mail communications, including your e-mail address, may be disclosed to the public and media at any time.

From: Jean-Paul Perez <jperez@NewberryFL.gov>
Sent: Thursday, October 3, 2024 11:16 AM
To: Ben Chumley <bdchumley@alachuacounty.us>
Cc: Chris Dawson <cdawson@alachuacounty.us>; Stacey Hectus <sHectus@NewberryFL.gov>; Uma Sarmistha <USarmistha@NewberryFL.gov>; Missy Claude <mclaude@NewberryFL.gov>
Subject: Parkwest Estates

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Ben,

Reaching out regarding a leftover piece of Parkwest Estates. Phil Hawley was in this morning discussing developing the parcel linked below which is just north of Parkwest Estates at northeast corner of NW 170 Street and SR26. I cannot see the deed for the subject parcel, but the abbreviated legal description references a "Lot 3" (see screenshot below) of Parkwest Estates. We would like to confirm the subject parcel is not a component of Parkwest or relied upon by Parkwest to meet minimum requirements of their development order or Alachua County code of ordinances. Or any part of the parcel is relied upon for an adjacent parcel in unincorporated municipal services area.

By the by, Bryan Thomas retired from Newberry then took up the planning director mantle at Lake City. Stacey Hectus, copied on this email, is the new director. Additionally, our department is now the Community Development Department.

Thank you in advance for any assistance!

Parcel Summary

Parcel ID	04287-000-000
Prop ID	19373
Location Address	UNASSIGNED LOCATION RE
Neighborhood/Area	154200.00
Subdivision	
Legal Description	W1/2 OF SW1/4 N OF SR 26 & E OF COUNTY RD NW 17 & LESS N 869.70 FT OF NW1/4 OF SW1/4 OR 1066/967 (LESS R/W PER OR 2194/254)(LESS PARKWEST ESTATES UNIT 1 PER PB 26 PG 92) (LESS COM INT ON N R/W SR-26 AND SW COR LOT 3 PARKWEST EST PB 26-92 POB W 810.72 FT N (Note: *The Description above is not to be used on legal documents.)
Property Use Code	MISC. RESIDENCE (00700)
Sec/Twp/Rng	33-09-18
Tax Area	NEWBERRY (8700)
Acres	27.21
Homesteaded	False

View Map

https://mapgenius.alachuacounty.us/#parcelid=04287-000-000

Kind regards,
Jean-Paul W. Perez
Principal Planner
Community Development Department
JPerez@NewberryFL.gov
In the Little Red School House at 25815 SW 2nd Avenue
Monday through Thursday, 7 AM to 6 PM
Mailing Address: 25440 W Newberry Road, Newberry, FL 32669-4254
Office: 352-472-5440
Direct: 352-722-3909

SmartGov Portal

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