



Alachua County Board of County Commissioners Staff Report

Project Number: DR23-000015

Preliminary Development Plan Review for 122nd and Newberry Development Traditional Neighborhood Development

SUBJECT: 122nd and Newberry Development TND

DESCRIPTION: Traditional Neighborhood Development with up to 233 residential units and 68,250 sf non-residential

AGENT/APPLICANT: eda consultants, inc.

PROPERTY OWNER: 122nd and Newberry LLC

PROPERTY DESCRIPTION:

| | |
|-----------------|--------------------------|
| Location: | 12130 West Newberry Road |
| Parcel Numbers: | 04321-031-000 |
| Land Use: | Low Density Residential |
| Zoning: | R-1A |
| Acreage: | 19.43 |

CHRONOLOGY:

| | |
|-----------------------------|------------|
| Application Submitted: | 03/07/2022 |
| Insufficiency Reports Sent: | 03/29/2022 |
| Application Resubmitted: | 04/03/2023 |
| Sufficiency Determination: | 05/23/2023 |
| BoCC Hearing: | 06/13/2023 |

STAFF RECOMMENDATION: Approval of the Preliminary Development Plan and Resolution DR-23-21

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DESCRIPTION OF PROPOSED PLAN:

The Preliminary Development Plan (PDP) is for a Traditional Neighborhood Development (TND) containing a mixed-use development with associated infrastructure and Open Space. The residential portion of the proposed development at full build-out will consist of a maximum of 233 residential units. In addition, the proposed development allows up to 68,250 square feet of non-residential uses permitted in Article 2, Chapter 404 of the Unified Land Development Code (ULDC).

The site is located at the northeast corner of West Newberry Road and NW 122nd Street. The South Pointe PD is to the east. The western boundary of the project is the future right-of-way for the northerly extension of NW 122nd from Newberry Road. NW 122nd Street is proposed to be a two-lane roadway with in-street bike lanes and a multi-use path on the west side.

The proposed Preliminary Development Plan exceeds the threshold established in ULDC Section 402.44 for review by the Development Review Committee. According to Table 402.44.1 *Development Thresholds* single or multi-family residential developments that exceed 25 dwelling units require approval by the Board of County Commissioners (BoCC).

Memorandum of Understanding with South Pointe

County staff received numerous public comments regarding this application when it was originally submitted in 2022. The comments are all provided with the back-up information for this project.

The comments were forwarded to the applicant, who then held multiple meetings with the residents of South Pointe subdivision which borders the site to the north and east. The property owner and 26 residents of South Pointe established a Memorandum of Understanding (MOU) signed on March 4, 2023. The full MOU is provided in the backup. An excerpt reads: "South Pointe residents and AMJ Group Inc. (acting on behalf of the development group) voluntarily engaged in conversation in order to understand each other's perspectives regarding the proposed development...South Pointe residents and AMJ Group Inc., are committed to ensuring that the proposed development occurs in a manner satisfactory to both parties. Each party has greatly assisted the other in that effort. For nearly six months, there have been numerous meetings via Zoom, phone and in person as a good faith effort to discuss reasonable requests from each party. As a result of these collective efforts, we, the undersigned, have agreed to the following outline of items..."

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1. Apartment buildings will be no taller than three stories on the eastern boundary of the subject site and be designed architecturally similar to *The Gathering at Arbor Greens* on Newberry Road. Efforts will be made by the development team to address the privacy for both the South Pointe neighbors and the future residents of the development.
2. An area of not less than 50 feet and not more than 70 feet of natural woods will be maintained between the South Pointe homeowners and the proposed development, subject to the Alachua County requirement of an ADA accessible path through the open space buffer, said path to be situated as westerly as possible and with as minimal disturbance of the natural open space area as possible.
3. A non-transparent fence at least 8 feet in height will be constructed between South Pointe's homeowners' property line and the new development.

The agreed upon stipulations are provided for on the PDP and incorporated into relevant sections of this staff report. The proposed fence and building elevations will be reviewed with the Final Development Plan. None of the items outlined above conflict with any requirement of the County's Unified Land Development Code or Comprehensive Plan.

The purpose of the Preliminary Development Plan stage is for the reviewing body and the applicant to determine the specific characteristics of the site that will influence its design. Sec. 402.43 (a) *Development plan review steps* states that the Preliminary Development Plan shall detail regulated natural resources that exist on site, approximate access points, and location of utilities that serve the site. Minimum open space areas and tree protection defined with the Preliminary Development Plan shall be utilized in the Final Development Plan.

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Figure 1: Aerial of Site

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

The subject property is designated Low Density Residential on the Future Land Use Map 2040. Low Density Residential allows residential densities of 1-4 dwelling units per acre (DU/Acre). However, the subject property is allowed to develop with residential densities allowed by the Low Density Residential land use or as a Traditional Neighborhood Development (TND) as outlined in Policy 1.3.2.1. The Preliminary Development Plan is required to comply with the policies outlined in Policy 1.6 for Traditional Neighborhood Developments.

Policy 1.6.3 states, "Traditional Neighborhood Development shall provide:
a. A village center, as provided in Policy 1.6.4 and subsequent policies,

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- b. *Compact, mixed use development to allow for the internal capture of pedestrian, bicycle and vehicular trips,*
- c. *A pedestrian and bicycle friendly environment that encourages walking and bicycling as a primary means of mobility within the development and between adjacent developments,*
- d. *A gridded street network that emanates from the village center that allows for multiple route choices, reduces the distance between uses to encourage walking and biking, and connects with adjacent developments,*
- e. *Funding for express transit service consistent with the frequency and span of service specified within the Transportation Mobility Element,*
- f. *On-street parking and screening of off-street surface parking.*

The proposed Preliminary Development Plan provides a central point and village center. The central block and gridded street network will provide a pedestrian and bicycle friendly environment within the TND. The street widths provided will allow for on-street parking to be detailed at final development plan review. The following is an analysis of the residential densities to support this TND.

Policy 1.6.5.1 states, *“The density for Traditional Neighborhood Developments shall be as follows:*

1. *Within the transit supportive area, minimum of four (4) units per acre, or the minimum density of the underlying land use category, whichever is greater,*
2. *The density for areas outside the transit supportive area shall be consistent with the underlying land use category,*
3. *For TNDs that are not contiguous with a planned Rapid Transit or Express Transit Corridor, an additional four (4) units per acre within the transit supportive area are allowed,*
4. *For TNDs contiguous with a Rapid Transit or Express Transit Corridor, an additional eight (8) units per acre within the village center and six (6) units per acre within the transit supportive outside of the Village Center are allowed.*

The 19.43-acre subject property is contiguous to both Rapid and Express Transit Corridors along Newberry Road and the future NW 122nd St. and is allowed a maximum of 12 du/acre (minimum of 4 du/acre plus additional 8 du/acre for Rapid Transit Corridor proximity). **Therefore, a minimum of 77 dwelling units is required and a maximum of 233 units is allowed.** The PDP stipulates that the minimum number of units will be 190 and the maximum will be 233 residential units consistent with this policy.

Policy 1.6.5.2 states, “To ensure a mixture of uses, the following non-residential square footage (heated and cooled) is required:

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1. *Provided at least 10,000 square feet of non-residential square feet of non-residential uses, plus*
2. *A minimum of 50 square feet of non-residential uses for every 1 residential unit.*
3. *A maximum of 250 square feet of non-residential uses for every 1 residential unit shall be allowed.*
4. *For projects that provide 100% of the allowable underlying land use density, an additional 10,000 square feet of non-residential development is allowed with an additional 10,000 square feet of non-residential development allowed for each one (1) unit per acre above the 100% of the underlying land use.*
5. *For projects contiguous with a Rapid Transit or Express Transit Corridor an additional 25,000 square feet of non-residential development is allowed.*
6. *To encourage infill and redevelopment, the square footage of existing non-residential uses may either be utilized to meet the requirements above or be in addition to the above requirements.*

The range allowed for this TND (based on the minimum of 190 units) is 19,500 sq. ft. to 68,250 sq. ft. of non-residential uses. This range includes the minimum 50 sq and the maximum 250 sf per residential unit but does not include the additional allowances for providing 100 percent of density or being adjacent to a Rapid Transit or Express Corridor.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

According to Section 403.02.5 for Traditional Neighborhood Developments and Transit Oriented Developments, *“New development within any of the single or multi-family zoning districts, except for RE, shall comply with the following requirements.*

- (b) Projects that are contiguous to a designated Rapid Transit or Express Transit Corridor and that contain 150 or more residential units shall be developed as a Traditional Neighborhood Development or Transit Oriented Development in accordance with Chapter 407 Article 7 or shall be located within an Activity Center.”*

The subject property is designated R-1a zoning and is contiguous to both a Rapid and an Express Transit corridor. The proposed Preliminary Development Plan meets the threshold outlined in Section 403.02.5. As stated above in the analysis of the Future Land Use Element, this project proposes the densities and intensities required in Table 407.64.1 to support Traditional Neighborhood Development. Many of the detailed

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requirements outlined in Chapter 407 Article 7 will be provided as elements of each phase with Final Development Plan review. A preliminary analysis of this TND based on Article 7; Chapter 407 is provided later in this report.

According to Section 404.04.5 for Uses within Transit Oriented Developments and Traditional Neighborhood Developments, *“Uses allowed within Transit Oriented Developments and Traditional Neighborhood Developments are listed in the Use Table similar to the Zoning Districts. TND/TND is not a zoning district. Article 7 of Chapter 407 provides further limitations about the location and design of some uses.”*

Any non-residential use proposed will be reviewed for compliance with the uses listed in Article 2 Chapter 404, Use Table.

NATURAL AND HISTORIC RESOURCES PROTECTION

Conservation Areas

There are no regulated conservation or historic resource issues associated with this application.

Open Space 407.70 (see Sheet PDP C160)

Sec. 407.52 - *Minimum open space requirement* requires at least 10 percent of the area of any development to be designated as Open Space and delineated on development plans and plats. ULDC Section 407.54 - *Open Space Areas* requires the following:

- (a) *When land development involves a parcel that contains Conservation Management Areas, the Open Space requirement shall first be fulfilled with these areas, which shall be protected in accordance with Chapter 406, Article XVII.*
- (b) *After the requirements of (a), above, have been met, the Open Space shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent Open Space, except as specified in section 407.55. Open Space designated per this section shall have an average width of no less than 50 feet and shall be located within the development in a location that best meets the following goals:*
 1. *Augments Conservation Management Areas or Open Space on adjoining parcels*
 2. *Promotes connectivity to greenways, trails, public parks, and existing or potential Open Space on adjoining parcels.*

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Exceptions to these Open Space requirements are outlined in Sec. 407.55 *Exceptions to Open Space areas*. Mixed-use TND/TODs that have a minimum density of six units per acre may have Open Space(s) in multiple locations so long as the minimum width of any individual space is not less than 25 feet. Additionally, all designated Open Space conforms to the uses in Sec. 407.56 *Open Space Uses* – Open Space is left in a natural condition, it is primarily pervious, and does not include stormwater retention or detention areas.

The Preliminary Development Plan provides for **2.45 acres of open space or 13.4 percent** of the project area. The Open Space is provided within the buffers on the northern and eastern property boundary. The northern Open Space was expanded beyond the 50-foot minimum buffer in order to include the highest rated trees in that area.

Tree Preservation (see Sheet PDP C180)

Sec. 406.12 (a) *Development Applications* requires that a minimum of five percent of existing tree canopy be preserved within TNDs. The Tree Preservation Plan (Sheet C180) demonstrates that **2.7 acres, or 15.14 percent** of the initial canopy, will be preserved. Sec. 406.12(a)(3) lists characteristics of native trees that are prioritized in determining the minimum required canopy. The tree canopy on this site is mostly uniform with a few significant trees that are shown in blue and purple circles. The tree preservation areas are within the required buffers and the northern Open Space area was expanded to include the highest rates trees in that area.

ARTICLE 7 CHAPTER 407 FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENTS AND TRANSIT ORIENTED DEVELOPMENT

Development Concepts 407.63 (see Sheet PDP C120)

(a) Central Point

Each TND or TOD shall have a defined Central Point. The Central Point should be located in a plaza, square, or open space, or be denoted by an architecturally significant feature. Measurements of the size of Village Centers and Transit Supportive Areas shall be measured from the Central Point.

The proposed development provides a Central Point located within Block 2. Details of this central point will be reviewed with the Final Development Plan.

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(b) Village Center

Each TND or TOD shall be designed to include a Village Center that contains the highest densities and intensities of use. The Village Center shall generally extend 1/8 mile from the Central Point and contain a mixture of uses. The Village Center should be designed to provide multiple destinations and to a scale that is comfortable for pedestrians and cyclists.

The 122nd and Newberry Road Development TND will be completely designated as Village Center as the subject property is no greater than 1/8th of a mile from the Central Point. The Village Center will provide a mixture of non-residential uses and residential uses to be evaluated in detail per phase as an element of the Final Development Plan review.

(c) Transit Supportive Area

The Transit Supportive Area shall generally extend ¼ mile from the Central Point and include the Village Center. The Transit Supportive Area shall provide a scaling of density and intensity from the Village Center to surrounding land uses.

This TND does not include a Transit Supportive Area outside of the Village Center.

(d) Common Areas

Each TND or TOD shall be designed to provide common areas in the form of plazas, squares, parks, or other open areas. Previous portions of common areas may be used to satisfy the requirements of Chapter 407 Article 5 Open Space. Common Areas shall be dispersed throughout the development and shall be designed to a scale appropriate for the surrounding development.

This requirement will be met in the form of 13.4% percent of open space containing existing trees. Additional common areas such as plazas, squares and parks will be evaluated with the details proposed in the Final Development Plan.

(e) Transportation Network

The transportation network shall be designed to provide circulation for transit vehicles, automobiles, bicycles, and pedestrians. The transportation network shall provide for multiple points of ingress and egress from developments, provide for connection to adjacent developments, and allow for multiple route choices between locations.

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The proposed layout of blocks and streets provide adequate right-of-way widths for circulation of automobiles, bicycle paths, and sidewalks.

Landscaping 407.70

Sec. 407.70 *Open Space and landscaping* requires a buffer between a proposed TND and existing single-family detached residential development. There are options for specific lot sizes to be proposed within the TND, or in lieu of providing the minimum lot size providing a minimum 50-foot-wide medium density landscaped buffer.

The South Pointe single-family detached residential subdivision is to the north and east of the subject property. One of the elements of the Memorandum of Understanding was that an area not less than 50 feet and not more than 70 feet of natural woods be maintained between the South Pointe homeowners and the proposed development, subject to the Alachua County requirement of an ADA accessible path through the open space buffer; said path to be as westerly as possible and with as minimal disturbance of the natural open space area as possible.

A 50-foot-wide buffer is provided along the entire eastern project boundary and a 70-foot-wide buffer is provided along the northern boundary in the area of highly rated trees to be preserved. A hard surface path will be provided through the northern buffer and will then connect to the sidewalk system along the north/south internal street.

The MOU also specified an 8-foot-tall non-transparent fence along the buffer. A note referring to this is provided on the plans. Details will be reviewed with the Final Development Plan.

A 10-foot-wide arterial street buffer is required along W. Newberry Road per Sec. 407.70 *Open Space and Landscaping*. This buffer is appropriately shown on the PDP.

Details of all buffers will be reviewed with the Final Development Plan.

GENERAL DEVELOPMENT STANDARDS

Setbacks and Height Restrictions

ULDC Table 407.66.1 *Village Center Dimensional Standards* provides for maximum heights as well as build-to lines. A maximum of eight stories is allowed by code for a TND. However, through the MOU process, the applicant has proposed a height limitation of 3-stories for the eastern most residential buildings on blocks 1 and 2 and the eastern most commercial building on block 3. The height is proposed to be restricted to 5-stories anywhere else in the TND.

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Build-to lines within the TND will be required as an element of Final Development Plan.

Parking Standards

No detailed parking calculations are required as an element of the Preliminary Development Plan. ULDC Chapter 407, Article 7 contains specific standards for on street and off-street parking in a TND that will be evaluated as an element of the Final Development Plan.

Water and Wastewater Services

The development is within the Urban Cluster and is therefore required to connect to central water and sewer services provided by Gainesville Regional Utilities consistent with Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan. This will be further evaluated with the Final Development Plan.

Stormwater Management

Detailed stormwater calculations are required as an element of the Final Development Plan. Two stormwater basins are proposed for this site – a larger one in the northern area and a smaller one in the southwest corner.

The proposed stormwater management facility is intended to serve both the development and the future NW 122nd St. The basin will meet all required design standards and is currently proposed to be constructed by the County with construction of NW 122nd St. Specific details of this agreement will be presented as part of the Multi-modal Transportation Mitigation Agreement that is required prior to approval of the Final Development Plan.

Basins and stormwater management systems shall be designed to resemble natural areas to the greatest extent possible and shall be of irregular shape and have no parallel sides, according to Sec. 407.92 (b) *Relationship to project design*. This will be further reviewed with the Final Development Plan.

Transportation Analysis

The subject property will have access onto both Newberry Road (right-in, right-out only) and the future NW 122nd St (two full access points). All required turn lanes on NW 122nd Street will be constructed as part of the roadway project. The project will be required to construct a sidewalk on the east side of the roadway along its frontage.

Existing development patterns do not allow for any other connection points or opportunities to stub to the north or east.

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The right-of-way required for NW 122nd St from this property will be dedicated after approval of a Multi-modal Transportation Mitigation Agreement. Credit for the value of the right-of-way will be identified in the Agreement, and available to the developer consistent with the adopted MMTM program.

The proposed development is within the Urban Cluster and therefore the applicant will enter into a Multi-modal Transportation Mitigation (MMTM) agreement with the County per ULDC 407.125.3. The MMTM agreement must be adopted by the Board of County Commissioners prior to approval of the Final Development Plan.

Public School Facilities

School board staff has reviewed the proposed development for student impacts for compliance with the school concurrency management program in accordance with the Inter Local Agreement and determined that adequate school facilities are available in the affected or adjacent School Concurrency Service Areas (SCSA). This capacity determination dated 08/29/22 is based on findings that this project will require 18 elementary school student stations in the Southwest Alachua SCSA, 9 middle school student stations in the Kanapaha SCSA, and 9 high school student stations in the Buchholz SCSA.

The School Board in accordance with their Policy 5120-*Assignment Within District* will determine specific school assignment for students living in the development area. Student Assignment Rules states “The Superintendent may assign or reassign students on a case-by-case basis to schools or programs located in or out of their assigned zone, for the health, safety, or welfare of the students, other students or staff.” No assurances are given that the assignments will be made to the most closely located, or currently zoned, facilities. The provision of services to students in the development area may require redrawing of attendance zone lines, reassignment and busing to facilities elsewhere in the District, the use of temporary facilities, and/or the relocation of specific educational programs.

DEVELOPMENT PLAN EXPIRATION:

TNDs may establish a phasing schedule up to 10 years as provided in Section 402.130(b) of the ULDC. The Preliminary Development Plan for 122nd and Newberry Development TND will be valid for 10 years from the date of approval by the Board of County Commissioners

STAFF RECOMMENDATION:

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Staff has found the proposed **Preliminary Development Plan** to be consistent with the Comprehensive Plan and requirements of the Unified Land Development Code.

Staff recommends **approval** of the Preliminary Development Plan for **122nd Street and Newberry Traditional Neighborhood Development (TND)**, Resolution DR-23-21

Comments to be addressed with Final Development Plan:

- 1. Geologic Features** - The "Depressions and Potential Significant Geologic Features" report (April, 2022) prepared by Verde Environmental references nine sinkhole-related depression features on the subject property. The report states of these features, there are two sinkholes (DEP-E, DEP-F) that "were delineated as potential Significant Geologic Features due to underground voids or chimneys discovered while evaluating the soils inside and around the depressions." Site review by EPD evaluated each of the depressions and determined the nine features can be classified as "paleo" or "relic" sinkholes and do not have sufficient characteristics to qualify as Significant Geologic Features. However, due to the presence of several sinkhole features within the property, geotechnical analysis will be necessary to evaluate if and where there may be sub-surface voids, cavities, channels, limestone pinnacles or similar geologic features that could potentially elevate the risk of forming solutions and/or structural instability. Analysis shall utilize professionally acceptable methods including, but not limited to, ground penetrating radar and/or electrical resistivity imaging. If such features are determined present, it's possible design modifications and/or special remediation techniques may be determined necessary. This evaluation should extend to appropriately evaluate the subject property. However, with the potential of affecting stormwater treatment, sub-surface evaluation will be particularly important within and adjacent to the proposed footprint of the northern stormwater basin. The results of the geotechnical evaluation may require incorporating specific basin earthwork methodology as part of the construction plans. The geotechnical evaluation will be necessary as part of the FDP application.
- 2. Cultural Resources** - The Cultural Resources Survey (March, 2022) prepared by Commonwealth Heritage Group resulted in the identification of one prehistoric archaeological site located in the northwest corner of the property (8AL7445). The report states "In the opinion of Commonwealth's archaeologists and architectural historian, development of the NW 122nd Street and Newberry Road tract will not impact any cultural resources listed on or eligible for the National

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Register of Historic Places." Please submit a copy of the survey to the Division of Historical Resources (DHR) with an associated cover letter requesting verification that DHR concurs with Commonwealth's findings and opinion, and clarification if additional evaluation is necessary. Please submit the results of DHR's determination as part of the FDP application.

3. Ensure Alachua County Public Works is provided the drainage rights to the Basin.
4. Ensure Alachua County Public Works is provided a Public Access Easement (PAE).