

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 23-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040: A COMPREHENSIVE PLAN TEXT AMENDMENT TO FUTURE LAND USE ELEMENT POLICY 2.2.3 (OAKS MALL ACTIVITY CENTER) AND CAPITAL IMPROVEMENTS ELEMENT TABLE 1(D): PROVIDING FOR THE ORDINANCE TO BE LIBERALLY CONSTRUED; PROVIDING FOR MODIFICATION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Community Planning Act (Section 163.3161, et. seq., Florida Statutes) requires that each local government prepare and adopt a comprehensive plan; and

WHEREAS, Section 163.3184(11)(a), Florida Statutes, requires that any amendment to the Comprehensive Plan or any element or portion thereof be made by ordinance; and,

WHEREAS, the Board of County Commissioners of Alachua County, Florida, wishes to make a text amendment (Application Z22-000006) to the Alachua County Comprehensive Plan 2019-2040 by amending Policies in Future Land Use Element Policy 2.2.3 (Oaks Mall Activity Center Policies) and Capital Improvements Element Table 1(d); and,

WHEREAS, a duly advertised public hearing was conducted on March 22, 2023 after 5:00 p.m. by the Alachua County Planning Commission, acting as the Local Planning Agency (LPA) and the LPA provided its recommendation to the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the LPA at a duly advertised public hearing held on April 25, 2023 and approved this plan amendment for transmittal, as provided in Section 163.3184(3)(b) 1., Florida Statutes, to the State Land Planning Agency, other reviewing agencies as defined in Section 163.3184(1)(c), Florida Statutes, and other local governments for review and comment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)2., Florida Statutes, the reviewing agencies and local governments must transmit their comments to the County such that they are received no later than 30 days from the date on which the reviewing agency or local government received the amendment; and,

WHEREAS, the State Land Planning Agency received the proposed amendment, and provided a letter to the County dated May 1, 2023 indicating that the County would receive the State Land Planning Agency's comment letter by May 31, 2023; and,

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c), F.S. have reviewed the proposed comprehensive plan amendment pursuant to Sections 163.3184(3)(b)2, 3, and 4, F.S. and the Board of County Commissioners has considered these letters; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c), the County is required to hold a public hearing on whether to adopt the comprehensive plan amendment within 180 days after receipt of agency comments; and,

WHEREAS, the Board of County Commissioners finds Z22-000006 to be in compliance with Chapter 163, Part II of the Florida Statutes; and,

WHEREAS, at the July 11, 2023 public hearing, the Board of County Commissioners provided for and received public participation and adopted the amendment, as embodied in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY:

SECTION 1. That the Alachua County Comprehensive Plan: 2019-2040 is hereby amended by amending Future Land Use Element Policy 2.2.3 and Capital Improvements Element Table 1(d) as shown on Exhibit “A” and incorporated herein as a part thereof.

SECTION 2. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua County, Florida.

SECTION 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

SECTION 4. Severability. It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

SECTION 5. Effective Date. This plan amendment shall become effective 31 days after the state land planning agency notifies the County that the plan amendment

package is complete pursuant to Section 163.3184(3)(c)4, Florida Statutes. If the amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then it will become effective upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance.

**SECTION 6. Modification.** It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Duly adopted in regular session, this 11<sup>th</sup> day of July, A.D., 2023.

BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Anna Prizza, Chair  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Jesse K. Irby II, Clerk

(SEAL)

DEPARTMENT APPROVAL  
AS TO CORRECTNESS:

\_\_\_\_\_  
Director of Growth Management  
or designee

APPROVED AS TO FORM:

\_\_\_\_\_  
Alachua County Attorney

# EXHIBIT A

## Z22-00006 Amendments to Future Land Use and Capital Improvements Elements

Deleted language is indicated by a ~~strikethrough~~ while new language is indicated by an underline.

### **Policy 2.2.3 Activity Center Plan - Oaks Mall Activity Center**

#### **(a) General**

- (1) It is the intent of this Activity Center Plan to promote the area surrounding the interchange of Interstate 75 and State Road 26 as a high intensity regional focal point. In so doing, it should be developed as a mixed use center, allowing for the general land use classifications identified on the Future Land Use map. Individual quadrants of the center should include a mix of complementary uses, including retail, employment, services, and, where possible, residential uses so as to reduce overall traffic impact and promote pedestrian activity.

#### **(b) Land Use**

- (1) Future land uses shall be governed by the land use classifications on the Future Land Use Map. Higher density residential uses are encouraged within the Activity Center on land designated for commercial use.
- (2) Development within the 87.15 acres located on the north side of Newberry Rd. just west of and adjacent to Newberry Crossing and east of Fort Clark Blvd. and incorporating parcels 06331-000-000, 06329-000-000 and 06326-001-002 shall be in accordance with Future Land Use Element Section 1.76 (~~Transit Oriented Traditional Neighborhood~~ Development) and all subsequent ~~Transit Oriented Traditional Neighborhood~~ Development policies, and the following guidelines implementing ULDC.
  - i. Maximum development on the site, as approved through a Preliminary Development Plan and following Final Development Plan(s), shall not exceed 13,700 gross average annual daily trip or 9,600 net daily motor vehicle trips based on the Institute of Traffic Engineer's Trip Generation Manual in effect at the time of development plan approval.
  - ii. The required interconnected street network shall connect, at a minimum, to NW 76<sup>th</sup> Blvd, NW 15<sup>th</sup> Pl, Ft. Clarke Blvd, and Newberry Rd. All connections shall include appropriate operational improvements as identified by an operational

analysis to be conducted with the Preliminary Development Plan. Operational improvements may include intersection modifications (e.g., signalization or roundabout construction), auxiliary lane installation, median modifications or other improvements for all intersections required to be studied by the ULDC.

- iii. The internal street network shall be designed to include at least one (1) internal transit station, and to accommodate regular public transit access to the development. A single route through the development shall be designed to accommodate a dedicated transit lane in the future and shall be a creditable project towards the projects multi-modal transportation mitigation.
- iv. Should the project require operational improvements at the intersection of I-75 and Newberry Rd., those improvements shall be solely the responsibility of the development.
  - a. ~~The maximum allowable land uses on the property shall not exceed that which would produce cumulative motor vehicle traffic impacts of 13,700 gross average annual daily trips, or 9,600 net daily motor vehicle trips based on the Institute of Traffic Engineer's Trip Generation Manual in effect at the time of development plan approval. The mix of uses allowed shall conform to Future Land Use Policy 1.7.5-1.7.5.5~~
  - b. ~~Building setbacks that may be established in the Unified Land Development Code and otherwise made applicable to this Transit Oriented Development shall not be applicable to encroachments of porches, bay windows, stoops, and balconies with such setbacks.~~
  - b. ~~On street parking is encouraged throughout the development. On street spaces may each be counted against required parking as long as the space is within 300 feet of the supported use.~~
  - c. ~~Surface stormwater management facilities shall be designed to provide physical and visual amenity value to the Activity Center. Such facilities should be designed, where practicable and appropriate to the urban context, to provide useable open space designed to resemble natural areas. Low impact development methods shall be used where feasible and stormwater management facilities should be interspersed throughout the site to minimize the impacts to the flood prone areas located within the limits of the site. The applicant and County shall determine the feasibility and advisability of working with FDOT to incorporate the existing FDOT stormwater pond at the corner of Newberry Road and Ft. Clarke Boulevard into a common stormwater master plan.~~

- d. ~~The applicant shall be responsible for the design and construction of a roadway network that connects the existing terminus of NW 76th Blvd. to NW 15th Place. The alignment and design characteristics of the elements of this roadway network shall be determined during the development plan review process and are subject to the approval of Alachua County. The applicant shall also be responsible for intersection turn lanes and a traffic signal at Ft. Clark Blvd and NW 15th if determined during the development plan review process to be warranted for operational and safety reasons. This requirement shall not be interpreted to require improvements needed to maintain the applicable adopted roadway level of service standard. The location and configuration of the connection to Newberry Road shall be subject to the approval of Alachua County and the Florida Department of Transportation. Access connections to Newberry Road shall not align with existing access connections on the south side of Newberry Road, except for access points that restrict left turn movements into and out of the development.~~
- e. ~~Parks, squares or plazas shall be provided and shown on the Development Plan and such areas may be considered for inclusion in the calculation for determining compliance with the 20% open space requirement of this Comprehensive Plan.~~
- f. ~~Development of these parcels shall provide:~~
- ~~1. Public transit with 15-minute peak hour frequencies and 25-minute frequencies during the non-peak hours; and~~
  - ~~2. Public transit connecting Santa Fe Community College and the Oaks Mall (required transit route); and~~
  - ~~3. Public transit that is coordinated with the Gainesville Regional Transit System (RTS) transit hub maintained at the Oaks Mall.~~
  - ~~4. Transit provided in sections a-c above shall be for a period of 15 years.~~
- g. ~~Funding shall be assured, in part, through establishment of a Community Development District (CDD) or other appropriate funding mechanism on the parcels covered by this Policy. The CDD, or other appropriate funding mechanism, shall be established in conjunction with the approval of the Development Plan.~~
- h. ~~Funding for the phased implementation of the required transit~~

~~route shall be identified in the Capital Improvements Element of this Comprehensive Plan. A developer's agreement shall be entered between the County and developer of the site prior to approval of the final Development Plan addressing details of the development phasing schedule and the level of the funding commitments of the CDD, or other appropriate funding mechanism, for the required transit. It is anticipated that the route from Santa Fe Community College and Oaks Mall will be funded from multiple sources and establishment of the required transit route may occur in increments. An initial phase of the required transit route from the parcels covered by this Policy to the Oaks Mall may serve as an interim step toward completion and full funding for the required transit route from Santa Fe Community College to the Oaks Mall. The timing, source and level of funding for each increment of the route shall be established prior to approval of the final Development Plan, developer's agreement, and revised Capital Improvements Element. The annual contribution shall be indexed for inflation. Approval of the first phase of development shall require provision of the dedicated transit lanes required by paragraph 10 below and transit service between the site and Oaks Mall.~~

- ~~i. The Developer shall be responsible to ensure that dedicated transit lanes are constructed that connect to the planned transit corridor between Santa Fe College and the Oaks Mall. The dedicated lanes shall be constructed between Newberry Road and NW 23rd Avenue. The design and construction of dedicated transit lanes shall be accordance with RTS and County standards.~~
- ~~j. The applicant shall coordinate with the County and with the Florida Department of Transportation on the construction of intersection turn lanes and traffic signal modifications at the intersections of Newberry Road (SR 26) and Ft. Clark Blvd and Newberry Road (SR 26) and 76th Blvd needed to ensure operational efficiency and safety. A monetary contribution, not to exceed \$300,000, shall also be made towards the I-75 Interchange at Newberry Road (SR 26) to construct facilities to accommodate a dedicated transit lane.~~

**(c) *Transportation and Traffic Circulation***

- (1) No new entrances shall be permitted on Newberry Road (State Road 26), except as may be required to provide access to a parcel which has no other practical means of access. All development on a given parcel of land which requires access to Newberry Road should be served by a single entrances meeting State and Local access management requirements; no individual business should be served by a separate entrance if a common

entrance or an entrance off a side street is available or can be provided. New access points to Newberry Road may be permitted only when a documented traffic circulations problem can be mitigated or eliminated through relocation of ingress and egress points or enhancements to traffic signalization.

- (2) Entrances should be located in such a manner as to line up with existing intersections, to the maximum extent ~~feasible~~ practicable.
- (3) The improvement of Newberry Road from Tower Road (Southwest 75<sup>th</sup> Street) to N.W. 60<sup>th</sup> Street by the Florida Department of Transportation (FDOT) is encouraged, including the proper timing of traffic signals to maximize the capacity of the road to accommodate through traffic, and including intersection improvements at Tower Road, Northwest 62nd Boulevard, and Northwest 69th Terrace.
- (4) Newberry Road should be widened by FDOT to six (6) lanes within the boundaries of the Activity Center where eligible and applicable, in accordance with adopted Metropolitan Transportation Planning Organization (MTPO) and Alachua County Goals, Objectives, and Policies. Improvements to this road should include ~~physical medians to limit left turns to controlled locations~~ access management principles. Future redevelopment of parcels fronting on Newberry Road shall provide for service drives and/or internal circulation which controls ingress and egress.
- (5) All necessary transportation improvements, including but not limited to, right of way acquisition, roadway widening, traffic signalization, intersection improvements, and mass transit facilities that accrue due to the impact of a development shall be provided by the developer and in place prior to the issuance of the certificates of occupancy. This policy may be satisfied by contractual arrangements that establish the timing of improvements and the relative financial responsibilities of all parties. This policy may also be satisfied by an adopted impact fee system affecting, at a minimum, roadway facilities in this area.
- (6) Tower Road shall be analyzed for improvements between and including the intersection with Newberry Road and Southwest 8<sup>th</sup> Avenue. The improvement analysis should include, but not be limited to, additional through traffic lanes, left turn storage lanes, intersection improvements, bus pull outs, bicycle lanes, and traffic signalization.
- (7) Access points to Tower Road shall be permitted only at locations that promote safe and orderly traffic flow.

**CAPITAL IMPROVEMENTS ELEMENT**

Table 1d: Transportation FY 2020-2029 — Newberry Village

<b>Project</b>	<b>FY 2020-2024</b>	<b>FY 2025-2030</b>	<b>FY 2030-2039</b>	<b>Funding Source</b>
Newberry Village TOD Transit Operations*	\$600,000	\$1,250,000	\$2,500,000	Developer/CDD
Newberry Village Dedicated Transit Lanes from NW 23 <sup>rd</sup> Avenue to Newberry Road	\$660,940			Developer/CDD
Modifications to I-75 interchange to accommodate Transit	\$300,000			Developer/CDD

*Dollar figures are estimates of project costs.*