

# Alachua County

## Office of Planning and Development Staff Report

**Application Number: Z22-000006**

Staff Contact: Gerald L. Brewington, Senior Planner 352-374-5249 ext. 2220

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**Local Planning Agency**

**Hearing Date: March 22, 2023**

**Board of County Commissioners**

**Transmittal Hearing Date: April 25, 2023**

**Board of County Commissioners**

**Adoption Hearing Date: July 11, 2023**

**Board of County Commissioners**

**2<sup>nd</sup> Adoption Hearing Date: January 9, 2024**

**SUBJECT:**

Z22-000006: A request by Bachelor Buttons LLC Holdings and Industrial Consultants and Management Company, owners, and CHW, Inc., agent, for a large-scale Comprehensive Plan text amendment to amend Oaks Mall Activity Center Policy 2.2.3 of the Future Land Use Element and Capital Improvements Element Table 1(d) on approximately 87.15 acres on parcel numbers 06329-000-000, 06331-000-000 and 06326-001-002 located at 8024 Newberry Road.

**APPLICANT/AGENT:**

CHW (Gerry Dedenbach, Agent)

**PROPERTY OWNER:**

Bachelor Buttons LLC and Industrial Consultants and Management Company

**PROPERTY DESCRIPTION:**

Location: 8024 Newberry Road  
Parcel Number: 06326-001-002, 06329-000-000 and 06331-000-000  
Section/Township/Range: 32-09-19  
Land Use: Mixed Use  
Zoning: BW (Business Warehouse), R-2, R-2a and R-3 (Multi-Family Residential)  
Existing Use: Vacant  
Acreage: 87.15

**PREVIOUS REQUESTS:**

ZOM-34-96, ZOX-04-01, CPA-02-03, CPA-08-06, CPA-02-10

**ZONING VIOLATION HISTORY:** There are currently no violations on the site.

**STAFF RECOMMENDATION:** Staff recommends that the Board adopt the requested text amendments. In their May 26, 2023 to Alachua County, The Department of Economic Opportunity (DEO) provided no comments or objections.

**PC RECOMMENDATION:** The Alachua County Planning Commission (acting as the Local Planning Agency) recommends that the Board of County Commissioners transmit the requested text amendments to the Division of Economic Opportunity (DEO) for their comment and review. (4-3)

# Alachua County

## Office of Planning and Development Staff Report

### Analysis of Request

#### Background

The applicant is requesting a large-scale text amendment to Oaks Mall Activity Center Policy 2.2.3 of the Future Land Use Element and Capital Improvements Element Table 1(d). The subject property has been historically referred to as 'Newberry Village'. Specific policies were originally adopted in various elements of the Comprehensive Plan (Plan) in 2008 aimed at providing a framework for development of the parcels included in the Newberry Village footprint (approximately 87 acres). These policies are primarily found in the Oaks Mall Activity Center section of the Future Land Use Element (FLUE Policy 2.2.3) with additional citations found in the Capital Improvements Element (CIE Table 1d).



**Aerial View of Subject Property associated with large-scale text amendment application**

Subsequent revisions to the Plan now provide for development of large parcels such as these as either traditional neighborhood developments (TND) or transit oriented developments (TOD). Therefore, many of the standards associated with FLUE Policy 2.2.3 have either been rendered redundant or have been superceded by newer



# Alachua County

## Office of Planning and Development Staff Report

### **Proposed Plan Language/Amendments**

Deleted language is indicated by a ~~strike through~~ 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

# Alachua County

## Office of Planning and Development Staff Report

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~~

# Alachua County

## Office of Planning and Development Staff Report

~~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.~~~~

# Alachua County

## Office of Planning and Development Staff Report

- ~~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~~

# Alachua County

## Office of Planning and Development Staff Report

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 entrance 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

# Alachua County

## Office of Planning and Development Staff Report

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

Project	FY 2020-2024	FY 2025-2030	FY 2030-2039	Funding Source
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.*

### Analysis and Comprehensive Plan Consistency

The applicant proposes amendments and deletions primarily centered around Policy 2.2.3(b)2 of the Future Land Use Element found in the Plan. These policies address the development of the parcels identified in this request (a.k.a. Newberry Village) and provide a framework for development of this land, which is part of the Oaks Mall Activity Center at Newberry Road and I-75.

The present policy was adopted in 2008 with further amendments in 2010 and provided for a specific series of requirements associated with development of the property. The Policies used a motor vehicle trips to establish a maximum development threshold. The maximum of 13,700 daily trips total, or 9,600 net external trips has remained constant in the plan since its incorporation. The Policy also requires development on the property

# Alachua County

## Office of Planning and Development Staff Report

to occur consistent with the Transit Oriented Development portions of the Comprehensive Plan. Further, the policies established a requirement for the construction of off-site infrastructure.

The policies recommended for deletion (as indicated by the strikethrough portions of the text) center around design aspects of the development. These factors (the previously mentioned road networks, open space, etc.) were not yet incorporated into the general framework of the plan in 2008 and so had to be enumerated separately under the activity center policies. Subsequent revisions to the Plan and the incorporation of general TND standards for development across the County has rendered these parcel specific policies redundant. In addition, adherence to a single set of current design standards for all development will result in a more streamlined review process as staff can refer to a single set of standards rather than having to consult parcel specific policies for this development. The language found in Objective 1.6 of the FLUE (Traditional Neighborhood Development) will now be used to guide design in lieu of the parcel specific policies previously found in Policy 2.2.3(b)2.

It is important to note that staff, in consultation with the applicant, has recommended that maximum thresholds included in the 2008 policies (based on the trip counts previously mentioned) remain in place with these updates. New language (as indicated by underlined sections) to Policy 2.2.3(b)2 show that trip caps previously adopted as part of the 2008 policies have been retained without change (13,700 gross/9,600 net). The intent is not to allow increased development but rather to provide a current set of standards for the development that will take place.

The proposed amendments make explicit the requirements for on-site infrastructure and connection to the public roadway network. Although specific connections will be identified with the Preliminary Development Plan, the revised policies require the development to connect to all adjacent public roadways. Further, the development is required to provide space for dedicated transit lanes within the transportation network, and to provide a transit station within the development. These policies further make clear that any development on the property will be required to be transit-supportive and a part of the County's multi-modal network.

Finally, as the development will no longer be developing as a TOD, the requirement for off-site improvements funded by the development is being removed. The projects in Table 1d. of the Capital Improvements Element are included in Table 1a. The cost basis of these projects will be updated as part of the ongoing impact fee and MMTM update study.

The developer may be required to institute operational improvements on either Newberry Road or Ft. Clarke Blvd. Operational or safety improvements will be identified through a traffic study. Given the size of the development, this study will be required to be submitted with a Preliminary Development Plan. Any operational or safety

# Alachua County

## Office of Planning and Development Staff Report

improvements identified will be the responsibility of the development, though they may be phased. Examples of operational or safety improvements are provision of auxiliary lanes, median modifications or closures, traffic signal installation or modification.

The development will be required to mitigate its impact on the County's transportation network through the payment of MMTM. As the development is no longer allowed or required to develop as a TOD, the rate the development will pay will go up. The final amount of MMTM the development will be required to pay will be determined when a specific development scenario is proposed.

### **Staff Recommendation**

Staff recommends that the Board of County Commissioners **adopt** the requested large-scale Comprehensive Plan text amendment with the following bases:

1. The existing Future Land Use Element (FLUE) Policy 2.2.3(b)2 provides development limits on the proposed site based on proposed increases in traffic capacity (13,700 gross daily trips or 9,600 net daily trips) based on the Institute of Traffic Engineer's (ITE) Manual in effect at the time of development plan approval. These limits have been retained in the amended language proposed as part of this request. There will be no increase in the scope of this development as a result of this request and thus no additional impacts beyond those previously approved in the Plan.
2. Objective 1.6 of the FLUE provides a template for improvement of property under the traditional neighborhood development (TND) model. This Objective and its sub policies (as well as the implementing sections of the Unified Land Development Code) were not in effect in 2002 when the original Newberry Village policies were drafted. The updated policies in FLUE Objective 1.6 represent current best practice with regard to urban development using TND standards. Also, the policies found in FLUE Objective 1.6 are used throughout the County and thus represent a unified standard for development projects of this scope.
3. The projects enumerated in Capital Improvements Element (CIE) Table 1d (specifically related to Newberry Village) can be found elsewhere in the CIE or are being proposed for inclusion in other CIE tables. Therefore, this table is redundant and its removal will not impact prioritized capital projects lists found elsewhere in the Plan.
4. The Newberry Village properties are part of the larger Oaks Mall Activity Center (FLUE Policy 2.2.3). The proposed amendments to the policy language will not impact development elsewhere in the Activity Center. Retention of adopted transportation caps (13,700 gross daily trips/9,600 net daily trips) from previous language will limit impacts to the Newberry Village property to those levels adopted in 2002.

# Alachua County

## Office of Planning and Development Staff Report

5. TME Policy 1.1.10 requires large scale projects to independently fund and construct offsite infrastructure as well as to fund transit service. The proposed amendments recognize that the proposed development will be below the thresholds required in this policy.