



**Alachua County  
Board of County Commissioners  
Staff Report**

**Project Number: DR23-000022**

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**Final Redevelopment Plan for Chevron at Newberry and Tower Road**

**SUBJECT:** Chevron at Newberry and Tower Road

**DESCRIPTION:** Redevelopment of gas station (fuel sales) site with same use

**AGENT/APPLICANT:** CHW, Inc.

**PROPERTY OWNER:** Lewco Inc.

**PROPERTY DESCRIPTION:**

Location	7500 W. Newberry Road
Parcel Numbers	06336-002-000
Land Use	Tourist/Entertainment; Oaks Mall Activity Center
Zoning	Business Highway (BH)
Acreage	0.57

**CHRONOLOGY:**

Application Submittal	05/01/23
Insufficiency Report Sent	05/19/23; 07/21/23; 08/18/23;
Application Resubmitted:	07/03/23; 07/31/23; 01/01/23
Sufficiency Determination	03/21/2024
Revised Final Development Plan Hearing	04/09/2024

**STAFF RECOMMENDATION:** Recommend **denial** of the Final Redevelopment Plan

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**SITE DESCRIPTION:**

This application proposes a Final Redevelopment Plan for the redevelopment of an existing gas station (fuel sales). The property owner wants to demolish the existing 3,462sf building and build a new one in the same location as well as rotate the fueling station canopy 90 degrees and reorient the eight (8) gas pumps.

Below is an aerial of the existing site. All of the existing site will be demolished (building removed, existing canopy and asphalt removed). The applicant is proposing to rebuild the building in the same footprint, reorient the eight (8) gas pumps, and rotate the canopy. The overall gross square footage of the building is proposed to remain approximately the same (3,462 sf); however, the existing building has both a small retail component and service garage and the proposed building will be all retail/food service.



The site is located in the northeast corner of NW 75<sup>th</sup> Street (Tower Road) and Newberry Ave. It is within the Oaks Mall Activity Center.

Unified Land Development Code (ULDC) Section 401.02 (e)(16) gives the BoCC authority to approve a Final Redevelopment Plan. Sec. 407.151 *Flexible design standards* requires Board of County Commission (BoCC) approval when deviations from the ULDC are requested.

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**BACKGROUND**

Sec. 407.151 *Flexible Design Standards* states the following:

*All development shall meet applicable requirements of this ULDC. However, recognizing the difficulty in redeveloping sites the BOCC may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a final redevelopment plan with a description of the deviation requested and a justification that explains why the current standard is not feasible based on the conditions of the site. **Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the BOCC. The BOCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of this ULDC and would not hinder the public health, safety and general welfare of the residents and property owners of Alachua County.** When no deviations are requested, a final development plan shall be submitted for review by the DRC.*

To date there have been several redevelopment projects that have met the standards required by the ULDC and were therefore approved by the Development Review Committee. One redevelopment application went to the BoCC in 2020 and the BoCC denied the Final Redevelopment Plan (Shops at Archer Road and 43<sup>rd</sup>).

The subject property is required to meet Sections 405.05 *General design standards for activity centers* and 405.07 for *Design Standards for developments other than TNDs or TODs in Activity Centers*, which is further explained in the ULDC and Comprehensive Plan consistency portion of this staff report.

As an overview, the applicant is requesting deviations from the following:

- Sec. 405.05(b) – Definable edges. Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.
- Sec. 405.07(c)(4)a: Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
- Parking requirement – the applicant is requesting addition of parking spaces in front of the building.

**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.

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**COMPREHENSIVE PLAN:**

**FUTURE LAND USE ELEMENT**

The subject property has the Tourist/Entertainment Future Land Use designation. Future Land Use Element 3.10 states that the tourist/entertainment commercial uses are oriented primarily toward providing services to the short-term visitor to Alachua County. The proposed use of a fueling station and convenience store are consistent with the Future Land Use.

Comprehensive Plan Future Land Use Policy 7.1.33 requires all development within the Urban Cluster to be designed in accordance with Traditional Neighborhood Design standards under Future Land Use Element policies and sub-policies in 1.6.6, *Site and Building Design*, 1.6.7 *Transportation Network*, and 1.6.8 *Parking*. The ULDC provides for exceptions to these design standards, but overall the proposed development plan **is not consistent** with these policies and is further explained below.

Additionally, Policy 2.1.5 for Activity Centers has the following policies:

(d) Primary public entrances to buildings shall front adjacent public streets with sidewalks or a civic space; primary public entrances to buildings shall also be connected with the surrounding public sidewalk network.

(e) Buildings shall be oriented to define the street edge in developed areas. Landscaping and street trees shall be used to define the street edge in open space areas.

The proposed Final Redevelopment Plan **is not consistent** with these Activity Center policies.

**UNIFIED LAND DEVELOPMENT CODE:**

**ZONING DISTRICT AND USE REGULATIONS**

The subject property carries the Business Highway (BH) zoning district. A fueling station is an allowed use.

The proposed Final Redevelopment Plan is consistent with the required setbacks.

**URBAN CLUSTER DESIGN**

The subject property is within the Urban Cluster and is within the Oaks Mall Activity Center. Comprehensive Plan Future Land Use Policy 7.1.33 requires all development within the Urban Cluster to be designed in accordance with Traditional Neighborhood Design standards under Future Land Use Element policies and sub-policies in 1.6.6, *Site and Building Design*, 1.6.7 *Transportation Network*, and 1.6.8 *Parking*. Article 11 of Chapter 405 for *Urban Cluster* in the ULDC provides for *Exceptions to design standards for certain development types* [ULDC 405.45]. According to this provision for parcels

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less than five acres, *Where it can be demonstrated that development on parcels less than five acres cannot strictly adhere to the urban design standards in Chapter 407, Article 7, those parcels shall develop consistent with the design standards in Section 405.05 and Section 405.07.* The proposed Final Redevelopment Plan has been analyzed according to Sec. 405.05 and 405.07 as well as applicable Comp Plan policies.

**Sec. 405.05. General design standards for activity centers.**

The following standards shall serve as a framework for development plan applications and redevelopment within activity centers.

- (a) *Compact center.* Activity centers shall contain vital, walkable centers with diverse residential, retail, office, and civic uses organized in close proximity, and interconnected through a network of streets, sidewalks, and paths.
- (b) *Definable edges.* Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.
- (c) *Parking.* Parking shall be designed in the center of blocks to the greatest extent possible.
- (d) *Interconnected street network.* A diverse network of streets will provide multiple routes of access that are interconnected with the existing street network. The interconnected network shall also establish a framework for the development of compact, identifiable blocks.
- (e) *Walkable, human-scaled streets.* Effective street design is integral to the identity and success of an activity center. Narrow road widths are encouraged in order to reduce travel speeds and, in conjunction with adjacent streetscape, produce a quality of spatial enclosure.
- (f) *Mix of uses.* Mixed-use development is encouraged in order to provide a wide range of services and opportunities within walking distance of residential areas.

**Sec. 405.07 Design standards for development other than TNDs or TODs in Activity Centers** has several requirements for blocks and streets, stormwater facilities, parking, transit facilities, pedestrian circulation and amenities, and bicycle circulation and amenities. These requirements include:

- Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
- Commercial retail, office, civic and multiple-family buildings shall provide pedestrian walkways that connect all buildings at their primary entrances.
- Pedestrian walkways connecting buildings within an activity center shall minimize crossing of vehicular areas.

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Additionally, as cited above, Future Land Use policy 2.1.5 requires the following:

(d) Primary public entrances to buildings shall front adjacent public streets with sidewalks or a civic space; primary public entrances to buildings shall also be connected with the surrounding public sidewalk network.

(e) Buildings shall be oriented to define the street edge in developed areas. Landscaping and street trees shall be used to define the street edge in open space areas.

The existing 3,360 sf building (per Property Appraiser) has 994 sf of retail space, 1,694 sf garage/repair space, and 672 sf of office/storage. The proposed building is 3,462 sf which will all be dedicated to the retail/food service use (approximately 1,800 sf actual sales floor and the remainder is storage for the retail space or office area). There are eight (8) existing fueling stations and that is proposed to remain the same; they will be relocated on the site.

The applicant requested the following deviations noted in **bold**. The applicant's justification is then provided, followed by staff's analysis.

1. **Sec. 405.05(b) – Definable edges. Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.**

*Applicant statement from Jan 2, 2024 memo: Consistent with Sec. 407.151, the project is applying for a deviation and consideration by the BoCC, specifically to the activity center standards. First and foremost, the site's main challenge is the very small parcel size at approximately 0.57 acre, and its functional driveway connections to the west, south and east; which limits the essential fuel delivery trucks to using existing driveways on the property. CHW has investigated multiple layout options given these constraints, which lead up to the fact the existing parcel's layout is the most functional and best preserves the property owner's ability to conduct business.*

*While Activity Center standards require buildings pulled to the street, this cannot be achieved on this parcel while maintaining the business owner's merchantability. This application originated with the property owner's desire to reinvest in the site, renovate the building and canopy structure, and provide a safer operational condition and add the Card-Lock fueling services for our community's First Responders...The owner's desire to retain the active business and provide a much more usable fuel and retail store, very similar to the recent Chevron station's redevelopment on the other side of the I-75 interchange...*

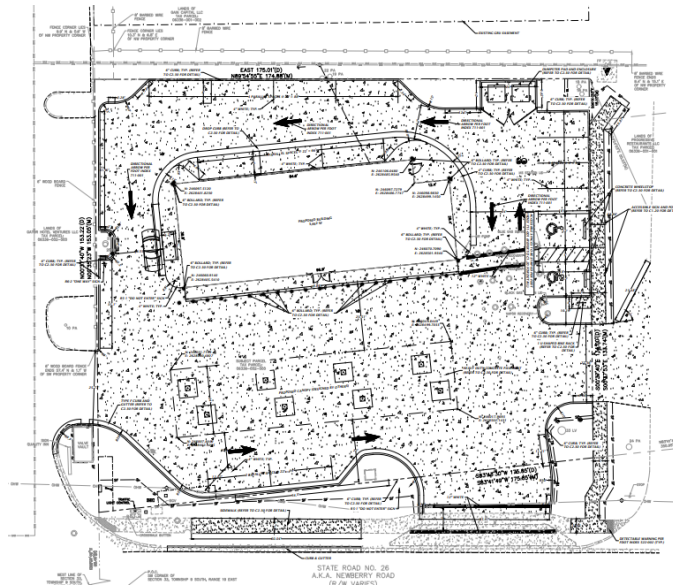
*A deviation is requested because placement of the building near the Newberry*

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*Road property line to 'give definition to the street scape, individual block, and the perimeter of the site', prevents fuel tanker trucks from entering the site.*

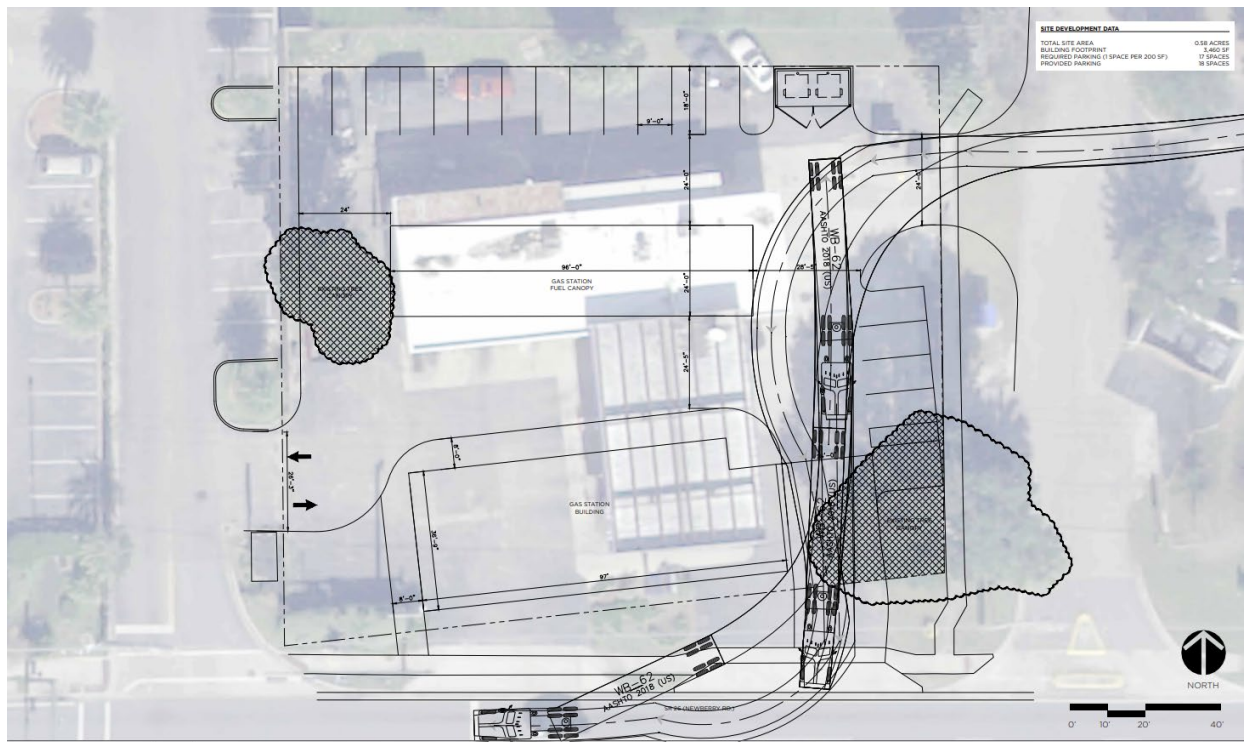
**Staff analysis:** The BoCC must find the deviation to be the minimal possible. Staff cannot recommend that the deviation is the minimal possible when the proposal maintains a nonconforming layout in an Activity Center.

The proposed Final Redevelopment Plan, which is shown below, provides the new building to the north of the canopy.



The applicant's contention is that that the site's main challenge is the small parcel size (0.57 acre) and its functional driveway connections to the west, south and east which they state limits the fuel delivery trucks to using existing driveways on the property. The applicant did work through other layout options for the site, but they resulted in auto-turn conflicts with fuel delivery trucks (see Activity Center Justification July 31, 2023 letter). The image below is from this justification report. It shows the building moved up to the street with the parking and gas canopy to the north. Auto turn movements show a clipping of the gas canopy.

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However, the scenario was for the same size building as the existing building.

The existing building has 994 sf of sales area (plus 1,694 sf repair garage and 672 sf of storage and office areas) and the proposed area is 1,800 sf of sales area (not counting storage areas for either). Therefore, the proposed final redevelopment plan includes an expansion of the convenient store use. The trip generation for the existing use is 1,376 daily trips (ITE 944) and the proposed use is 2,116 daily trips (ITE 945).

A smaller building could potentially be constructed to meet the activity center requirements. The owner's intent is to completely demolish the existing building and rebuild a building of the same size. Although the building is approximately the same overall size, the usable retail space is larger creating an increased intensity on the site.

When staff analyzed this request, several factors were considered:

- If this site was currently vacant (greenfield), then a developer would have to design a building that would fit the site and meet Activity Center standards.
- While each redevelopment site is unique, Staff has to consider precedents when making a recommendation. The current code is very broad and doesn't speak to what types of design standards hold more value than another standard in the ULDC.

It should be noted that the existing building has significant structural issues and interior renovation is not possible. The following is an excerpt from the "Newberry Chevron –



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Response to AC.Demo Existing Building” letter that is provided in the backup:

*The existing building was surveyed and does not meet current structural soundness of building codes. The existing structure is an old, narrow width steel frame and metal panel structure with a metal roof joist system and deck. The aged steel structure is not sufficient to meet required wind loads and pressures, and much of the structure and roof support has rust and deterioration damage, based on its age and material lifespan. The roof is not sound. It has several leaks in the envelope and will not support Roof Top HVAC units (RTUs) as planning and typical of similar modern buildings.*

*The building was Haz Mat surveyed and contains both Asbestos and Lead Based Paint. The hazardous materials will be properly abated prior to demolition and the regulated disposal process.*

*The building does not meet any current codes for life safety egress, energy efficiency, glazing area, etc.*

- 2. Sec. 405.07(c)(4)a: Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.**

***Applicant statement:** Given the site’s very small size, a significant modification is being accommodated by moving several parking spaces to the rear and sides. The placement of the gas station canopy in the front of the building necessitates placing the gas pump parking spaces in front of the building.*

**Staff analysis:** Again, the BoCC has to find that this is the minimal deviation necessary. ULDC Table 407.14.1 *Parking Schedule* requires 1 parking space per 200 sf sales area and 1 per fueling station. **The fueling station parking requirement is met by the spaces at the pump and are all located in front of the building.**

The development plan shows an additional 15 parking spaces are provided. The majority of these are code compliant and to the side and rear of the building. However, two parallel spaces are provided south of the fuel canopy. **The location of these spaces are not consistent with Sec. 405.07(c)(4)a.**

- 3. Number of parking spaces**

***Applicant statement:** Given the limited land area, the rear and sides of the building are not sufficient to provide the ULDC required number of parking spaces. Therefore, two (2) parallel spaces have been provided in front of the building to meet the minimum number.*

**Staff analysis:**

The number of spaces was calculated on gross floor area rather than the sales area of

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the proposed building. **Staff has no issue with the amount of parking provided.** Nine parking spaces are required, rather than the 15 stated, for the sales area (1,800 sf/ 1 parking space per 200 sf). The majority of these are to the rear and side of the building. Two (2) parallel spaces are provided in front of the building. The amount of parking provided to the side and rear is technically an increase over the required amount, but staff has no issue with the spaces to the rear or side of the building. The parking spaces required for the fueling stations are counted as at the pump itself.

If the two parallel spaces at the front of the site are removed, then the parking layout is still code compliant.

In addition to the applicant requested deviations, **Staff also finds that the following code is not met:**

**Sec. 405.07(e) *Pedestrian circulation and amenities***

**(2) Pedestrian walkways connecting buildings within activity center shall minimum crossing of vehicular areas.**

**(4) At least one (1) continuous pedestrian walkway must be provided from any public right-of-way to the primary entrance of all commercial retail, office, and multiple-family buildings.**

**Staff analysis:**

Due to the building location, it is impossible for pedestrians to not have to cross a drive aisle to get to the building. The existing 5-foot-wide sidewalk along the eastern edge of the property is proposed to be reconstructed, but that entails pedestrians having to cross a drive aisle in two locations, both with two-way traffic.

**OPEN SPACE**

Non-residential development is not required to provide Open Space, unless there are conservation resources present on site (Sec. 407.52 *Minimum open space requirement*). There are no conservation resources for the subject property, and therefore no Open Space is provided.

**TREE PRESERVATION**

No trees are proposed to be removed.

**ARCHITECTURE**

Sec. 407.68 of the ULDC provides architectural criteria for non-residential construction as part of any new development plan. The project is a redevelopment of an existing service station at this location. The parcel is surrounded by commercial development including a CVS store, hotel and retail establishments. Primary access to the parcel will be by vehicle via Newberry Road. To the north of the site is a retention area serving the surrounding development. Service drives are located to the east and west. The only means of pedestrian (or vehicular) access will be directly from Newberry Road on the

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south. The elevations submitted show a rectangular single-story structure with a flat roof. The building features a brick veneer water table on all four sides up to the sill height on the south (main) elevation. Corners of the building on the south, east and west elevations feature a brick veneer all the way to the cornice line with remaining areas clad in dry-vit stucco with expansion joints at regular intervals. The primary entrance on the south elevation also features this cladding with a raised cornice that contains the Chevron sign. The majority of the front elevation features metal canopies over window and entry areas, consistent with 407.68 of the ULDC. Glazing is limited to the south side as this is the only pedestrian entry/public access area. Glazing far exceeds required minimums on this elevation. Based on the Plans submitted, **staff finds that the proposed Chevron station meets the minimum requirements of 407.68.**

**PARKING STANDARDS**

ULDC Table 407.14.1 *Parking Schedule* requires 1 parking space per 200 sf sales area one (1) per fueling station. The fueling station spaces are counted at the pump and then nine (9) are required for the sales area.

The development plan shows that 15 parking spaces are provided other than the fueling station.

**LANDSCAPING AND BUFFERING**

No project boundary buffers are required. This project is also exempt from the landscape code due to the decrease in impervious area (Sec. 407.40 *Applicability*). However, the Landscape Plan does propose additional trees in the landscape islands.

**SIGNAGE**

The existing signage for the subject property is considered non-conforming. Pursuant to Sec. 408.21 (b) *Nonconforming signs, sign structures and advertising structures*, whenever any revision or modification is made to a building or to site improvements, which revision or modification requires the submission of a development plan, or a revised development plan, all signs, sign structures, or advertising structures on the parcel of land in question shall be made to conform with the current requirements of this Unified Land Development Code, or shall be removed.

Any proposed signage will need to be updated to meet the current sign regulations in Article III of Chapter 407.

**ACCESS MANAGEMENT**

There are two existing access points on Newberry Road as well as access points to the east and west through adjacent parking areas. One of the access points on Newberry Road is proposed to be closed with this application which is an improvement to the current potential conflicts between pedestrians and automobiles along Newberry Road.

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**WATER AND WASTEWATER SERVICES**

The development is within the Urban Cluster and is therefore required to connect to central water and sewer services by Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan.

**STORMWATER MANAGEMENT**

There is a master stormwater basin to the north that serves this site. No alterations are required or proposed.

**TRANSPORTATION MITIGATION**

The Mobility Fee for this use is based on filling stations. The previous use had eight, the same number as the proposed use; no fee is required.

**STAFF RECOMMENDATION**

Staff has found the proposed Revised Final Development Plan to be **inconsistent** with the Comprehensive Plan and requirements of the Unified Land Development Code.

Staff recommends **denial of the Final Redevelopment Plan** with the following bases:

- 1. Sec. 405.05(b) – Definable edges. Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.**

Sec. 405.07(c)(4)a. The development plan does not locate parking to the rear or sides of the building, and there is no adopted master plan. Two parking spaces are located in front of the building in addition to the parking related to the fueling stations.

- 2. Sec. 405.07(c)(4)a: Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.**

The spaces for the fueling stations are in front of the building as well as two additional parallel spaces.

- 3. Sec. 405.07(e) Pedestrian circulation and amenities.**
  - (2) Pedestrian walkways connecting buildings within activity center shall minimum crossing of vehicular areas.**
  - (4) At least one (1) continuous pedestrian walkway must be provided from any public right-of-way to the primary entrance of all commercial retail, office, and multiple-family buildings.**

The site does not provide a continuous pedestrian walkway from the public right-of-way to the building.