



Alachua County Development Review Committee Staff Report

Project Number: DR24-000040

Revised Final Development Plan for Newberry Park Traditional Neighborhood Development Block 2

SUBJECT: Newberry Park TND Block 2
DESCRIPTION: Revision of previously approved conditions
AGENT/APPLICANT: eda engineers-surveyors-planners, inc.
PROPERTY OWNER: Prem Enterprise USA LLC

PROPERTY DESCRIPTION:

Location	12186 NW 7 th Place
Parcel Numbers	04322-001-002
Land Use	Low Density Residential (1-4 du/acre)
Zoning	R-1a
Acreage	1.3

CHRONOLOGY:

DRC Approval	05/16/2024
Application Submittal	08/05/2024
Sufficiency Determination	09/04/2024
Rev. Final Development Plan Hearing	09/19/2024

STAFF RECOMMENDATION: Recommend **approval of revised conditions** for the Revised Final Development Plan for Newberry Park TND Block 2

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DESCRIPTION OF PROPOSED PLAN:

The Development Review Committee (DRC) approved a Revised Final Development Plan on May 16, 2024 for a gas station and various other commercial uses (approximately 22,527 sf) within an existing block of the Newberry Park Traditional Neighborhood Development (TND). The DRC approved development plan was approved with several conditions. The intent of the conditions was to implement the Limited Use standards for gas stations and drive-throughs in Chapter 404 that requires screening of fuel areas and drive-throughs. The conditions were approved based on the following:

Section 404.80 (c)(2) – Uses for fueling, quick service, or cleaning of motor vehicles shall locate stalls, pumps, cleaning and service facilities to the rear or side of the building and these shall be architecturally integrated with the building and screening from the street.

Section 404.68(c)(2) – Drive through lanes and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.

Previously approved conditions:

1. In order to comply with Sec. 404.80(c) for Fuel Sales in a TND, and Sec. 404.68 for a Restaurant with Drive-through the building permit and timing of construction will need to be coordinated to ensure completion of all required elements prior to the interior completion and Certificate of Occupancy for the convenience store (Building 200) or the coffee shop with drive through (Building 100) as well as the final inspection or Certificate of Completion for the gas canopy station and fueling stations. The following steps will need to be followed in order to ensure the completion of all limited use standards:
 - a. Building 100 must be permitted as a multi-tenant building with a completed shell receiving a 'Certificate of Completion' prior to or in conjunction with the internal completion and Certificate of Occupancy issuance for the drive-through coffee shop space.
 - b. Building 200 (convenience store) must be permitted as a multi-tenant building with a completed shell receiving a Certificate of Completion prior to or in conjunction with the internal completion and Certificate of Occupancy issuance for the convenience store space.
 - c. The gas station canopy and fueling stations cannot receive a final inspection or a Certificate of Completion unless all other buildings (100, 200, 300,500,600) have also been completed by way of Certificate of Completion (for shells only) or Certificate of Occupancy.

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- d. Building 300 must be a multi-story mixed-use building of both office and retail.

The approved condition requires construction of the buildings to screen the fueling areas. After approval, the property owner's representative indicated that only the convenience store was ready to move forward with building and contested that the code does not stipulate buildings to be used as screening. They therefore propose incremental construction of buildings and to provide temporary screening with a wrapped chain link fence in order to comply with Sec. 404.80(c)(2) and Sec. 404.68(c)(2). The screening of the parking areas and a phasing plan for construction is shown on Sheet C135. These are the only elements to change in this Revised Final Development Plan review. The following is a detail of the temporary screening:



The revised condition states:

Prior to the issuance of Certificate of Occupancy (CO) for the convenience store/gas station and/or of the coffee shop/restaurant with drive through, temporary screening shall be provided, and remain intact, along any portion of the block that does not have a building in order to screen the uses. Growth Management Staff will withhold the CO until photo verification of the completed fence and screening has been emailed to developmentreview@alachuacounty.us.

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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 2030. Low Density Residential allows residential densities of 1-4 dwelling units per acre (du/acre). The subject property is allowed to develop with residential densities and non-residential intensities as a Traditional Neighborhood Development as outlined in Policy 1.3.2 regarding residential densities and Objective 1.6 for TNDs.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

Two of the proposed uses have limited use standards:

Fuel sales are allowed as a limited use in TNDs. Sec. 404.80 (c) requires additional standards:

- (c) *Additional standards for traditional neighborhood and TODs:*
 - (1) *Building shall be designed to meet a nationally or locally recognized green building standard.*
 - (2) *At least two (2) electric vehicle charging stations rated "Level 2" or greater shall be provided. At least two (2) fueling stations shall provide diesel and at least two (2) fueling stations should be available for conversion to an alternative fuel such as liquefied petroleum gas (LPG) or compressed natural gas (CNG).*
 - (3) *Uses for fueling, quick service, or cleaning of motor vehicles shall locate stalls, pumps, cleaning and servicing facilities to the rear or side of the building and these shall be architecturally integrated with the building and screened from the street.*

Buildings will be reviewed for meeting green standards with the building permit.

The gas pumps are located interior to the block to the rear of all of the buildings. The gas pumps will be temporarily screened with a temporary fence until the remaining proposed buildings are built.

Additionally, the coffee shop with drive-through is classified by the code as a restaurant with a drive-through and is allowed as a limited use within traditional neighborhood development subject to the following standards:

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- (a) *Location of drive-through windows. Drive-through windows shall be constructed as an integral part of the principal structure. Menu boards and equipment for ordering from a vehicle may be a stand-alone feature.*
- (b) *Circulation.*
 - (1) *Stacking lanes for drive-through windows shall provide at least five (5) stacking spaces for each drive-through service window. Such spaces shall be designed so as to avoid conflict between pedestrian and vehicular circulation on the site or any abutting street.*
- (c) *Additional standards for traditional neighborhood and TODs.*
 - (1) *Restaurants with a drive-through lane are only allowed in a multi-tenant building.*
 - (2) *Drive-through lanes and drive aisles shall be located at the rear of buildings and shall be architecturally integrated with the building or screened from the street.*
 - (3) *Building shall be designed to meet a nationally or locally recognized green building standard.*

The coffee shop is shown along the northern boundary of the block. Circulation is behind the building, interior to the block, and the drive-through window is an integral part of the building. The minimum five stacking spaces are shown.

The coffee shop is shown as being part of a multi-tenant building with the coffee shop in the center of the building in order to allow adequate stacking and distance from all driveways. The drive-through lanes are to the rear of the building and will be integrated with the building and screened from the street via temporary fencing.

The remaining proposed uses (retail, restaurant) are allowed uses within a TND.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

There are no conservation areas associated with Block 2.

OPEN SPACE

Open Space was previously set aside and reviewed with the Final Development Plan for the overall TND.

TREE PRESERVATION

Tree preservation was previously set aside and reviewed with the Final Development Plan for the overall TND.

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GENERAL DEVELOPMENT STANDARDS

TRANSIT SUPPORTIVE AREA AND VILLAGE CENTER STANDARDS

The proposed building meets the required build-to lines as outlined in Table 407.66.1 *Village Center Dimensional Standards*. The build-to line for non-residential uses within the Village Center is required to be 15-50 feet.

Sec. 407.68(c) *Parking* provides for requirements for off-street parking. Off-street surface parking is not required in TNDs, and this TND has internal streets with on-street parking. Where provided, off-street parking is limited to a maximum of three parking spaces per 1,000 sf gross floor area for non-residential uses. In addition, off-street parking shall be located to the rear of buildings and interior to the block. A minimum of 75% of the perimeter block length shall be lined by buildings, excluding access to the parking. Also, along any portion of a block not lined by buildings, off-street surface parking shall be located at least 25 feet from the back of curb and provide additional screening.

A maximum of 67 off-street parking spaces can be provided for non-residential space. A total of 21 parking spaces are provided.

Block 2 also proposes 6,585 sf of vertical mixed-use. This building and the vertical mixed-use building approved for Block 1 fulfills the vertical mixed-use requirement of Sec. 407.66(c)(3) *Mix of uses*.

ARCHITECTURE

Sec. 407.68 provides criteria for the architectural review of all proposed non-residential construction as part of any new development plan in Traditional Neighborhood Developments (TND's). The proposal calls for a series of four retail/office buildings (100/200/300/400) on the block just east of the existing O2B Kids building. Building 100 also features a rear drive-through similar to one employed in the retail area of the Park Avenue development on 39th Avenue east of 83rd Street. All buildings feature entrances that are externally oriented as well as parking lot entrances as needed. The design language of the buildings is modernist with flat roofs hidden by extended parapet walls. The design language is similar for all four buildings. A series of recessed/protruding facades provide visual interest with alternating building materials including struck brick, metal panels, stucco as well as cultured stone finishes. Retail and office entry areas features shade canopies. The primary facades exceed the minimum 50% glazing requirement between 3 and 8 feet with secondary facades exceeding the minimum 30% requirement. This is possible due to extensive use of storefront windows for retail areas. As all buildings face 'out' onto roadway access or public areas, internally facing facades do not need to meet glazing requirements. Based on the elevations and plans submitted to the Growth Management office, the Newberry Park Block 2 buildings fulfill all criteria found in 407.68 for building design.

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LANDSCAPING AND BUFFERING

The Landscape Plan demonstrates that 50.85% of the paved ground surface area will have canopy coverage meeting the requirements of Sec. 407.68(c)(2)h. The overall Phase 1 Final Development Plan demonstrated that the overall site meets the 30% canopy coverage requirement of Sec. 407.41(n).

No final certificate of occupancy shall be issued until the County has granted final approval and acceptance of the installed landscape as well as the protection of existing native vegetation. Final approval shall include as-built landscape plan certification from a registered landscape architect certifying that the landscaping is installed and functioning as intended, that prohibited and discouraged non-native vegetation listed in Table 406.16.2 has been removed, and that all of the provisions of this Chapter have been met. The land owner shall submit a Certificate of Compliance, in a form acceptable by the Director, to the County as a condition of issuance of a Certificate of Occupancy.

Landscape Irrigation Design and Maintenance Standards, Article II of Part II, Title 7, Chapter 79 of the Alachua County Code went into effect 4/1/16. All new irrigation systems installed in unincorporated Alachua County now require County approval prior to installation, which includes a review fee and site plan. All systems will then go through an inspection process. The Alachua County Irrigation Professional Portal has been created to allow irrigation professionals to submit required documents and pay fees entirely online. For those who are not online, required information may be submitted on paper in person at the EPD office at 408 West University Ave in Gainesville, 8:30-5:00 Monday through Friday. For more information about the Landscape Irrigation Efficiency Code and for a list of helpful resources, we encourage you to click [HERE](#). For more information, contact Water Resources staff at 352-264-6800 or at Irrigation@AlachuaCounty.us.

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

Stormwater management facilities were previously reviewed and approved to accommodate all of the impervious area internal to blocks.

TRANSPORTATION

The developer has entered into a Multi-Modal Transportation Mitigation (MMTM) agreement with Alachua County in order to mitigate the transportation impact of the proposed development. The project will receive a Final Certificate of Level of Service Compliance upon approval of the Final Development Plan

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CONCURRENCY

A Final Certificate of Levels of Service Compliance (CLSC) for all public facilities will be issued upon Final Development Plan Approval and will be valid for one year. Provided that construction has commenced within the allowable period, the project shall have reserved capacity for a period of no more than two years from commencement of construction.

STATE AND FEDERAL PERMIT

The issuance of a state or federal permit shall not obligate the County to grant approval of any local permit and shall not be deemed to satisfy the requirements of the ULDC. As well, the issuance of this permit does not indicate that Alachua County believes that the applicant has all federal and state permits necessary prior to commencing construction.

Because §125.022(4), F.S. makes it hard for local governments to coordinate their permitting activities with state and federal permitting agencies, the applicant is advised that conflict with a subsequently issued state or federal permit may cause a need to apply for an amendment to this development plan approval.

Upon approval of a development plan, the applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.

DEVELOPMENT PLAN EXPIRATION:

According to Section 402.47(b), an approved final development plan or phase of a development plan shall expire unless a construction, building or other required permit has been issued within 12 months of the date of final approval. Applications for extension of time limit may be processed pursuant to Article 6 of Chapter 402 of the ULDC.

STAFF RECOMMENDATION

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

Staff recommends **approval with condition** of the Revised Final Development Plan for Newberry Park TND Block 2.

CONDITION

1. Prior to the issuance of Certificate of Occupancy for the convenience store/gas station of the coffee shop/restaurant with drive through, temporary screening shall be provided (C135 of the development plan), and remain intact, along any portion of the block that does not have a building in order to screen the uses.

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