



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

**Project Number: DR23-000047**

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**Preliminary Development Plan Over Threshold for Newberry Village Traditional Neighborhood Development**

**SUBJECT:** Newberry Village Traditional Neighborhood Development

**DESCRIPTION:** Preliminary Development Plan for Newberry Village TND for 639 Residential Units and 224,750 Square Feet of Non-Residential Space

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

**PROPERTY OWNER:** Industrial Const & Management

**PROPERTY DESCRIPTION:**

Location	7910 and 8024 W Newberry Road
Parcel Number	06329-000-000 and 06331-000-000
Land Use	Mixed Use
Zoning	Residential Multifamily, Medium Density (R-2), Residential Multifamily, Medium-High Density (R-2A), Residential Multifamily, High Density (R-3), Wholesale and Warehousing (BW)
Acreage	87.15 acres

**CHRONOLOGY:**

Application Submittal	09/05/2023
Insufficiency Report Sent	09/25/2023
Application Resubmitted	03/04/2024
Insufficiency Report Sent	03/29/2024
Application Resubmitted	06/03/2024
Insufficiency Report Sent	06/28/2024
Application Resubmitted	07/31/2024
Sufficiency Determination	09/03/2024
Preliminary Development Plan Hearing	09/24/2024

**STAFF RECOMMENDATION:** Recommend approval with conditions of the Preliminary Development Plan and **Resolution DR-24-40** for **Newberry Village Traditional Neighborhood Development**

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**DESCRIPTION OF PROPOSED PLAN:**

The proposed Preliminary Development Plan is for a Traditional Neighborhood Development (TND) consisting of 639 residential units, 224,750 square feet of non-residential space, and associated infrastructure. The project area is located west of existing commercial development on NW 76<sup>th</sup> Boulevard and east of existing multifamily residential development on Fort Clarke Boulevard; south of existing commercial development on NW 15<sup>th</sup> Place and north of Newberry Road. See Figure 1 below. The project, when completed, will provide a north/south connection from Newberry Road to NW 15<sup>th</sup> Place and a connection to NW 76<sup>th</sup> Boulevard.

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. ULDC 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.

The proposed Preliminary Development Plan exceeds the threshold established in Unified Land Development Code (ULDC) Section 402.44 for review by the Development Review Committee. According to Table 402.44.1 *Development Thresholds*, TNDs that exceed 25 dwelling units and 50,000 SF of Gross Floor Area (GFA) require approval by the Board of County Commissioners (BoCC).



Figure 1: Aerial View of Subject Parcel

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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**

**Policy 2.2.3 Activity Center Plan – Oaks Mall Activity Center, Section (b) Land Use, Subsection (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 1.6 (Traditional Neighborhood Development) and all subsequent Traditional Neighborhood Development policies and the implementing ULDC.*

The Preliminary Development Plan proposes a Traditional Neighborhood Development (TND).

**Policy 2.2.3(b)(2)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.*

The Comprehensive Plan imposes limits on the maximum gross and net external daily motor vehicle trips of 13,700 and 9,600, respectively. To comply with these thresholds, the project proposed a reduction in entitlements, reducing residential land uses from 730 to 639 dwelling units and nonresidential/commercial land uses from 277,500 to 224,750 square feet. Based on these calculations the proposed multi-use development is projected to generate 13,684 gross average annual daily trips and 8,624 net (new) daily vehicle trips, complying with the thresholds established by the Comprehensive Plan.

**Policy 2.2.3(b)(2)ii** – *The required interconnected street network shall connect, at a minimum, to NW 76th Blvd, NW 15th 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.*

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The TIA included the following 8 intersections in its study area:

- Newberry Road (SR 26) at Fort Clarke Boulevard
- Newberry Road (SR 26) at NW 76th Boulevard
- Newberry Road (SR 26) at NW 7th Street
- Newberry Road (SR 26) at the Interstate 75 Southbound Ramp
- Newberry Road (SR 26) at the Interstate 75 Northbound Ramp.
- Fort Clarke Boulevard at NW 15th Place
- Newberry Road at SW 91st Street
- Fort Clarke Boulevard at NW 23rd Avenue

The Civil Plan set, included with the PDP application, shows the required network connections. Additionally, the PDP and TIA include operational analysis that outlines required operational improvements and the timing with which they will be required for all 6 site access intersections:

- East Newberry Road access point
- Newberry Road Main Drive access point
- West Newberry Road access point
- Fort Clarke Road access point
- NW 76th Street access point
- NW 15th Place access point

**Policy 2.2.3(b)(2)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.*

The PDP includes a future Bus Rapid Transit (BRT) corridor conceptual street section (Sheet C0.51) containing the following features: a wide median to accommodate future dedicated transit lanes, a multi-use path in the southbound direction, a separated bike lane, sidewalk, and parkway strip with street trees in the northbound direction, and two general purpose motor vehicle travel lanes. The PDP also includes two transit stations, on opposite ends of the development, in Block VC2 and Block TSA2 (Sheet C0.50).

**Policy 2.2.3(b)(2)iiii** - *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.*

Operational impacts at I-75 and Newberry Rd. exceeding deficiencies under existing and/or existing plus background conditions, attributable to the development, shall be solely the responsibility of the development. Determination of the requirement to provide operational improvements and the nature of improvements will be at the discretion of the Florida Department of Transportation. Should the required improvements exceed

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the impacts attributable to the development, a fair share calculation shall be completed based on existing, projected growth, and development traffic, where Newberry Village's fair share is creditable to the development's mobility fee.

**Policy 1.6.3** states that *Traditional Neighborhood Developments (TNDS) shall provide:*

- (a) A village center, as provided in Policy 1.6.4 and subsequent policies,*
- (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 networks that emanates from the village center that allows for multiple route choices, reduces the distance between uses to encourage walking and biking, accommodates transit and connects with adjacent developments,*
- (e) On-street parking and screening of off-street surface parking.*

The proposed PDP is for a Traditional Neighborhood Development and identifies the village center and transit supportive area blocks, cross sections to illustrate the pedestrian and bicycle network, a gridded street network emanating from the village center, as well as a future Bus Rapid Transit (BRT) corridor and transit stations. Details of the type of development [Policy 1.6.3(b)] and location of on-street parking/screening of off-street parking [Policy 1.6.3(e)] will be evaluated with the final development plan.

The proposed PDP is for a Traditional Neighborhood Development and is consistent with the Mixed Use Future Land Use Policies in Policy 2.2.3.

## **UNIFIED LAND DEVELOPMENT CODE:**

### **ZONING DISTRICT AND USE REGULATIONS**

The proposed development carries the Residential Multifamily, Medium Density (R-2), Residential Multifamily, Medium-High Density (R-2A), Residential Multifamily, High Density (R-3), Wholesale and Warehousing (BW) zoning districts and Traditional Neighborhoods are permitted in each of these zoning districts [407.64(a)].

#### **Residential Criteria**

Residential densities for TNDs are outlined in ULDC Table 407.64.1. A minimum of eight (8) units per acre is required and a maximum of 16 units per acre is allowed in the Village Center (VC) because the property carries a non-residential Future Land Use designation. A total of 30.9 Acres of the proposed PDP are designated as Village Center. Therefore, a minimum of 247 dwelling units is required and maximum of 741 dwelling units is allowed, based on the VC acreage.

A minimum of six (6) units per acre is required and a maximum of 12 units per acre allowed in the Transit Supportive Area (TSA) because the property carries a non-

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residential Future Land Use designation. A total of 56.3 acres of the proposed PDP are designated as Transit Supportive Area. Therefore, a minimum of 337 dwelling units is required and a maximum of 1012 dwelling units is allowed, based on the TSA acreage.

Therefore, a minimum of 584 dwelling units is required and maximum of 1783 dwelling units is allowed for the total development. The PDP proposes 639 dwelling units and is consistent with residential densities outlined in Table 407.64.1.

**Non-residential Criteria**

Section 407.64(d)(2) outlines non-residential requirements for TNDs. First, each TND must include a base amount of 10,000 square feet of non-residential development. Next, a TND must include a range of 50 square feet to 250 square feet per dwelling unit. A minimum range of 39,200 square feet – 97,650 square feet of non-residential development is required and a maximum range of 201,000 square feet – 643,250 square feet is allowed.

The PDP proposes a total of 224,750 square feet of non-residential development and is consistent with the non-residential criteria listed in Section 407.64(d)(2).

The proposed residential and nonresidential entitlements have been limited to specific numbers (639 dwelling units; 224,750sf) in order to comply with the maximum development allowed per Policy 2.2.3(b)(2)(i) of the Comprehensive Plan that limits the gross average annual daily trips to 13,700 or 9,600 net daily motor vehicle trips as part of the Preliminary Development Plan approval.

**NATURAL AND HISTORIC RESOURCES PROTECTION**

**CONSERVATION AREAS**

There are three wetlands located on the subject property and two surface waters, both characterized as ephemeral seepage streams. The wetlands, surface waters, and their associated buffers are identified as preliminary conservation management areas on the plans, per Article VI, Chapter 406, ULDC. On January 31st, 2024, a joint site visit was conducted by EPD staff and the applicant's environmental consultant, CHW. In staff's opinion, the two eastern wetlands and surface waters are also part of a shallow karst ravine and swallet system, which are significant geologic features regulated under Article XVI, Chapter 406, ULDC. These areas have been vegetated since 1937 according to aerial imagery and elevation ranges here from 127 ft. above sea level down to 95 ft. Due to the relatively small size of the wetlands/surface waters/geologic features, staff believe they are sufficiently protected by a 35 ft. buffer. The conservation areas will be protected by a conservation easement, which will be provided along with the open space management plan and reviewed with Final Development Plan submission.

Staff noted a significant population of Coral ardisia (*Ardisia crenata*), an invasive non-native species, surrounding the wetlands, control of which will be addressed in the

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management plan. Staff also noted a single Gopher tortoise (*Gopherus polyphemus*) burrow located in the powerline easement on the subject property. Therefore, the property owner/applicant shall follow all Florida Fish and Wildlife Conservation Commission (FWC) guidelines and obtain any required state permits regarding Gopher tortoise protection, prior to clearing vegetation, grading, or filling the site (Sec. 406.05 & 406.28, ULDC). Copies of FWC issued permits are required to be provided to the Alachua County Environmental Protection Department in advance of receiving authorizations for land alterations.



Figure 2: Northeastern ephemeral stream and swallet

**OPEN SPACE**

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. Sec. 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*

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*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.*

Section 407.55(e) *Exceptions to open space areas* states that multiple open spaces areas are allowed in Mixed Use TND/TODs with a minimum density of 6 units per acre.

There are six separate open space areas included on the PDP. The total of all open space areas is 15.17 acres or **18 percent** of the project area. There are two large areas designated for open space that contain conservation management areas and floodplain in accordance with Chapter 406, Article XVII. There are four smaller open space areas comprised of 60-inch or greater tree protection areas within the village center blocks.

**TREE PRESERVATION**

Development plans and subdivision plats for Traditional Neighborhood Developments shall be designed such that a minimum of 5 percent of the existing tree canopy shown on the most recent aerials of the property at the time of the application is retained per Sec. 406.12(a)(2) *Tree Protection Standards*. Sec. 406.12(a)(3) lists characteristics of native trees that are prioritized in determining the minimum required canopy.

- (3) In determining the minimum required canopy, priority shall be given to preserving native trees that exhibit a combination of the following characteristics in the following order:*
  - a. Are located within Conservation Management Areas required for preservation by this ULDC.*
  - b. Are high quality champion, heritage, and specimen trees. High quality trees are long lived species and individuals which are disease and insect resistant and have strong branching and root patterns. Priority should be given to onsite preservation of high quality trees sixty (60) inches dbh or greater.*
  - c. Help to create, provide, or extend connectivity or linkages to other natural areas in the form of tree and vegetation corridors.*
  - d. Exist in natural groupings.*
  - e. Complement the project design including enhancement of the architecture, landscape architecture, and streetscape appearance.*
  - f. Are located in required buffer areas.*
  - g. Screen unpleasant views or augment desirable views.*



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- h. Provide shade to structures, areas, or activities within or associated with the development.*

The Preliminary Development Plan demonstrates that a total of 9.35 acres or 20.9% of the existing canopy on site has been retained. This 20.9% of canopy is made up of 4.43 acres of trees within the Conservation Management Areas (CMA) or 9.9%. Trees greater than 60 inches diameter at breast height (dbh) make up 0.82 acres or 1.8% of the canopy preservation. Additional trees located in the NW corner of the property, as well as between CMA's or around wetland buffers make up an additional 4.10 acres or 9.2% of the existing canopy to be retained. The proposed Preliminary Development Plan exceeds the 5% minimum requirements outlined in Sec. 406.12(a)(2) for Traditional Neighborhood Developments.

According to Sec. 406.12 *Tree Protection Standards* states, "A tree removal permit for the removal of trees and alteration of associated native vegetation as set forth below may only be issued where the County determines that there are no significant adverse environmental impacts. A tree removal permit authorizing the removal of high quality specimen trees sixty (60) inches dbh or greater may only be issued upon demonstration by the applicant that the development activity cannot occur in any other location on the site, or that removal is unavoidable due to site conditions and design considerations that minimize impacts to other regulated resources." The subject property includes five live oak trees over 60 inches dbh, in average or better condition, that are required to be retained. One is located within the CMA.

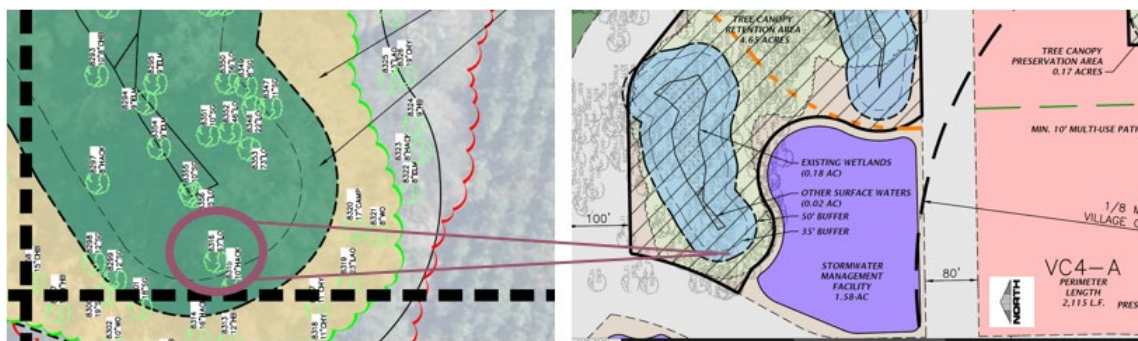


Figure 1 – Left: Sheet C0.33, Right: Sheet C0.20

The remaining 4 heritage trees over 60 inches dbh are located within the Village Center. Tree #532, a 74-inch live oak is located within Block VC4-A. Two others – tree #1459, a 70-inch live oak and tree #1509, a 68-inch live oak – are in a proposed dual round-about north of the main entrance to the TND. Tree #1459 is designated as the central point. Tree #857, a 70-inch live oak is in Block VC2. The image below identifies the location of these trees within the Village Center.

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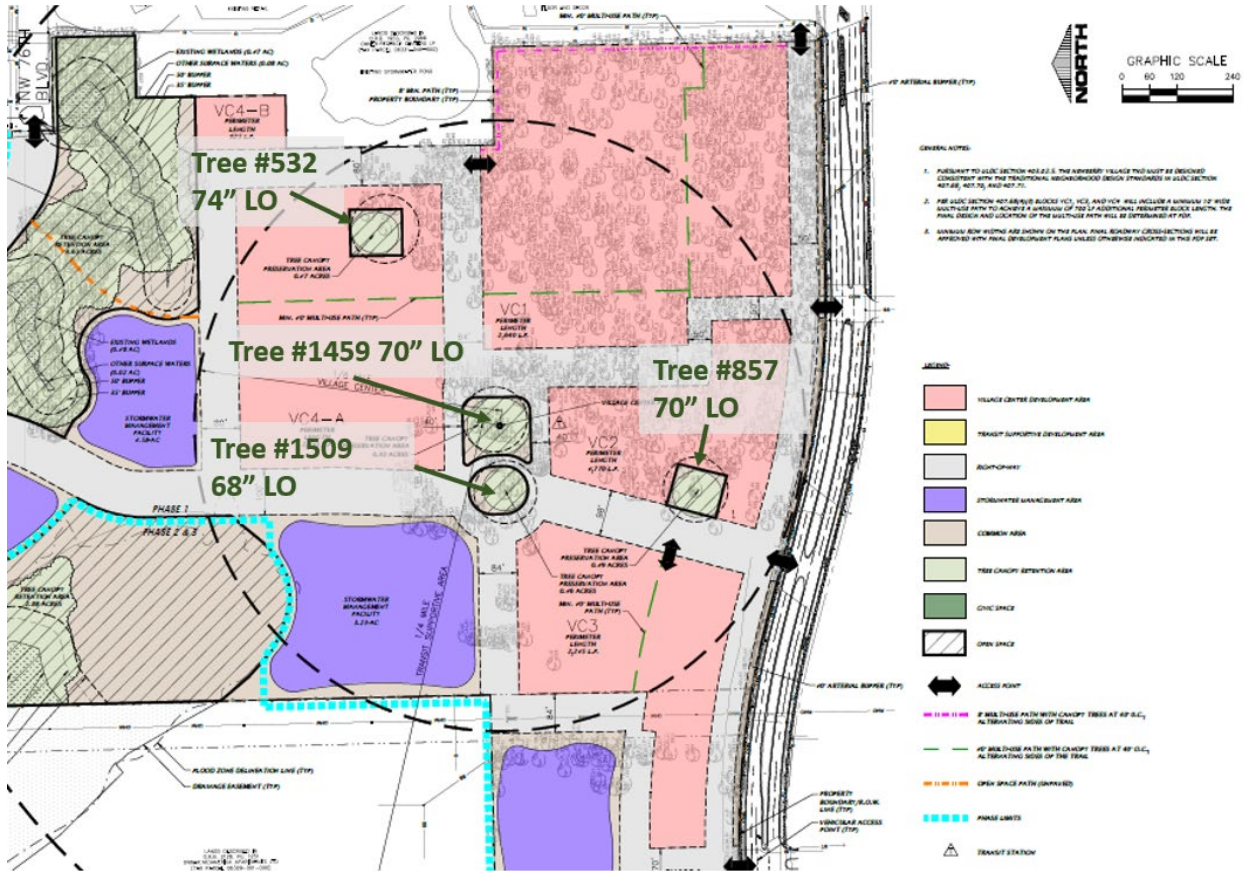


Figure 2 – 60" dbh trees in Village Center (Sheet C0.10)

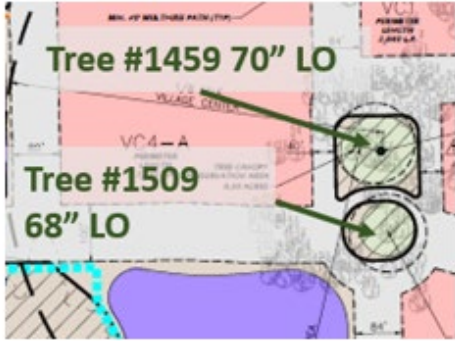
The following are photos of each tree over 60 inches dbh as well as the County Forester's ratings from the predesign onsite inspection on June 28<sup>th</sup> and July 20<sup>th</sup> 2023.

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**Tree #532 – 74-inch Live Oak**  
Rated 3.5 - Above average health and vigor for its size. Codominant, bark inclusion, 60% crown density, girdling roots

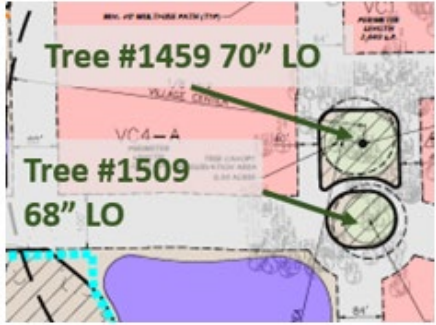
Figure 3A



**Tree #1459 – 70-inch Live Oak**  
Rated 3.5 - Above average health and vigor for its size. Codominant trunks, 65% crown density, root flare present.

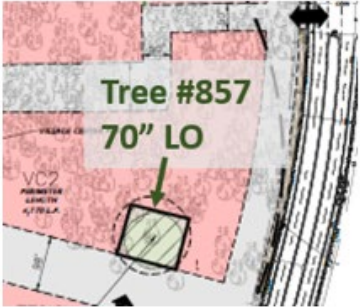
Figure 3B

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**Tree #1509** – 68-inch Live Oak  
Rated 3.5 - Above average health and vigor for its size. Canopy structure is even, 60% crown density.

Figure 3C



**Tree #857** – 70-inch Live Oak  
Rated 4 – Good health and vigor for its size. Lower dead branches, 65-75% crown density.

Figure 3D

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The ratings of the trees referenced above range from 3.5 to 4 which indicates that they are in above average to good condition but with some attributes that have lowered their rating and therefore would require additional protection. As trees grow larger, the ecological benefits increase significantly and must be provided adequate space for root and crown protection (Matheny et al., 2023). According to Matheny and Clark (1998), a live oak's relative tolerance to disturbance is "good" out of "good, moderate, and poor" because it can compartmentalize well; however, live oaks have limited tolerance to site change. Site change would refer to clearing vegetation, grade changes, alteration of hydrology, root loss through excavation or trenching, and changes in soil qualities.

According to Section 406.12.5(c)(1) for Physical protection during development activities states for undisturbed areas, ***"The area to be protected shall be equal to the area of the drip line of the tree unless the County determines a larger area is more appropriate due to the unique nature of the growth habit of the tree or unique site conditions. The required undisturbed area may be up to two (2) feet diameter of protection for every inch of diameter at breast height."*** The condition of the tree such as health, structure, species, size, and age should factor into determining a more specified tree protection zone.

The plans currently identify the trees over 60 inches dbh saved to the **dripline only**, instead of the two feet of diameter for every inches dbh outlined in Sec. 406.12.5(c)(1). The following is an outline of the dimensions for protected areas of each tree **if calculated by two feet of diameter for every inch of dbh.**

- Tree #532, 74-inch Live Oak: Protected area circle diameter of 148 feet. This tree has a skewed canopy and thus, following the dripline would not sufficiently protect the critical root zone. Increased root zone protection of the opposite side of the skewed canopy is required.
- Tree #1459, 70-inch Live Oak: Protected area circle diameter of 140 feet
- Tree #1509, 68-inch Live Oak: Protected area circle diameter of 136 feet
- Tree #857, 70-inch Live Oak: Protected area circle diameter of 140 feet. Limited impacts to the west side of the protected area may be allowed due to the location and alignment of the existing right-of-way connection to Newberry Road. Increased root zone protection is required to be undisturbed on the other remaining sides of this tree.

According to 406.12.5(c)(1) the County may determine a larger protected area is more appropriate. Staff is willing to allow reduction of the additional protected area, up to 50% if the applicant provides strategies for follow up care of the trees during and after construction, to provide some flexibility in the design of the Village Center between Preliminary and Final. Staff has crafted conditions of approval to allow some reduction to the protected area **between the limits of the drip line, and the 2 feet for every inch of diameter.**

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Proposed Conditions:

1. Trees #532 and #1509 must have additional protected areas equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh). The County may authorize construction impacts to the additional protected areas, per ULDC Section 406.12.5(c)(2). The impacts must not exceed 50% of the additional protected areas. The applicant must identify specific mitigation measures (e.g., mulching, irrigation, and other tree health strategies), as an element of the Final Development Plan, if impacts to the additional protected areas are proposed.
2. Tree #1459 must have an additional protected area equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh). The County may authorize construction impacts to the additional protected areas, per ULDC Section 406.12.5(c)(2). The impacts must not exceed 50% of the additional protected area. The area of the surveyed dripline that extends beyond the additional protected area is credited toward the maximum allowed impacts of the additional protected area. The applicant must identify specific mitigation measures (e.g. mulching, irrigation, and other tree health strategies), as an element of the Final development Plan, if impacts to the additional protected area are proposed.
3. The proposed access point on Newberry Road is impacting the western dripline of tree #857. Tree #857 must have an additional protected area equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh) on the remaining sides. The County may allow impacts to the north and south side of the additional protected area, per ULDC Section 406.12.5(c)(2), if the east side remains undisturbed at Final Development Plan.

The 50% reduction of the additional protected area included in the first condition provides adequate root protection for the specific trees while allowing flexibility for the applicant's design at Final. The purpose of the proposed conditions of approval is to only allow 2 sides (50%) to be impacted within the 2x protection zone while maximizing the other sides of the tree with additional area outside the dripline.

Tree 1459 has skewed canopy growth and a dripline that extends beyond the southwestern portion of its additional protection area which results in a larger protected area to the west of this tree and staff supports applying the surveyed dripline extension as a part of the 2x additional protected area.

The third condition allows impacts to the dripline of tree 857 due to the existing driveway location, and open median on Newberry Road. The main entrance to the TND will likely be required by FDOT to remain in this location due to the distance requirements from the existing traffic signal at the intersection of Newberry Road and Fort Clarke Blvd. The increased area would protect a larger area of undisturbed root zone rather than the dripline alone.

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Due to the development activity proposed, the vulnerability, and the substantial size of these trees to be protected, chain link fencing will be required for protection of these trees per Sec. 406.12.5(f) as part of the Final Development Plan – *“The County may require alternative fencing materials, such as chain link fencing, on a case-by-case basis where additional protection is necessary due to intensity of development activity, vulnerability of trees or native vegetation to be protected, or similar circumstance.”*

## **GENERAL DEVELOPMENT STANDARDS**

### **TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGN STANDARDS**

According to Section 407.66(b)(3), *the entire block for which a portion of the block falls within the specified extent of a village center or transit supportive area may be designated as being within the village center or transit supportive area.*

The plan proposes four village center blocks and two transit supportive area blocks.

Section 407.68 and Table 407.68.1 outline standards for block sizes in the Village Center and Transit Supportive Area. 407.68(a)(1) states that TND developments shall be designed with a regular block pattern.

Village Center blocks may be a maximum of 1,300 linear feet or extended to 2,000 linear feet if the block contains parking [Section 407.68(a)(2)]. An additional 700 feet may be allowed where a continuous ten-foot multi-use path with limited vehicular crossings and shade trees is provided. Block perimeters for village center blocks are below:

- VC1 – 2,640 linear feet (ten-foot multi-use path provided)
- VC2 – 1,770 linear feet
- VC3 – 2,215 linear feet (ten-foot multi-use path provided)
- VC4-A – 2,115 linear feet (ten-foot multi-use path provided)
- VC4-B – 625 Linear feet

The details of the number of vehicle crossings and required landscaping for the multi-use path will be evaluated with the Final Development Plan.

Transit Supportive Area blocks may be a maximum of 1,600 linear feet or extended to 2,300 linear feet if the block contains parking [Section 407.68(a)(2)]. Block perimeters for transit supportive area blocks are below:

- TSA1 – 1,545 linear feet
- TSA2 – 2,230 linear feet

The applicant has submitted a request for Alternative Compliance, which is available under ULDC Section 407.71, for Block TSA1. The TND code allows for a maximum of two (2) driveways per block face [Sec. 407.68(c)(2)(c)] to reduce vehicular/pedestrian conflicts. The applicant is requesting the ability to provide four driveways on the

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northern block face of TSA1 due to the narrow parcel dimension in this location and the inability to provide additional connections on the southern block face, the boundary of which is Newberry Road.

Staff supports the alternative compliance request, in this case, because there is a sidewalk on the north side of the east/west roadway connecting the development to Fort Clarke Boulevard that creates a continuous pedestrian path into the site. There is a condition of approval related to this request for Alternative Compliance that will be implemented at Final Development Plan approval by the DRC for Block TSA1.

**LANDSCAPING AND BUFFERING**

A ten-foot, arterial road landscaping buffer is required according to Section 407.70(3)(b). The surrounding properties contain existing commercial and multifamily development and no buffers are required.

Landscaping will be reviewed with the Final Development Plan and will include review of street trees, as well as required plantings within stormwater management facilities and buffers.

**STREET NETWORK STANDARDS**

Sec 407.140 (a)(5) *Street Network Standards – External Connectivity*, for developments containing 25 or more residential units, there shall be a minimum of two functional access points located on different sides of the subdivision except where infeasible due to original tract dimensions, topography, or existing development patterns. For a development containing only one access, an emergency service access shall be provided and maintained in addition to the primary access [ULDC 407.140 (a)(6)].

The PDP provides access to W Newberry Road to the south, NW 15<sup>th</sup> Place to the north, Fort Clarke Boulevard to the west and NW 76<sup>th</sup> Boulevard, which connects to Newberry Road, to the east. The street network system within the development includes a frontage road parallel to Newberry Road that provides a stub to the shopping center to the east, should future redevelopment occur enabling a connection.

The Preliminary Development Plan also proposes a pedestrian network consistent with Sec. 407.142 (a) *Pedestrian network standards*. The network is in a connected block pattern with intersections of pedestrian facilities at least every 600 feet. The internal street network includes sidewalks of varying width on both sides of the streets. A ten to thirteen-foot-wide multi-use path (shown in the detail on Sheet C0.51) will also be provided along the BRT Corridor (NW 76<sup>th</sup> Boulevard) and will stub to the east, enabling a continuous facility on the adjacent property should it be redeveloped or otherwise improved in the future by the County.

**WATER AND WASTEWATER SERVICES**

The development is within the Urban Cluster and is therefore required to connect to



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central water and sewer services by Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan. Potable water will connect to a proposed water main on Newberry Road. The proposed wastewater collection system will connect to a proposed wastewater main on Newberry Road.

**STORMWATER MANAGEMENT**

Location of the stormwater management facilities are provided for on the Preliminary Development Plan. They are primarily shown on the western edge of the development near the existing floodplain and drainage easement on the property. There is one basin shown in proximity to the CMA on the central portion of the site between the Village Center and Transit Supportive Area blocks.

The basins will be reviewed for consistency with Chapter 407 Article 9 *Stormwater Management* as well as Sec. 407.43.2 *Landscape Design of Stormwater Management Facilities* with the Final Development Plan. Stormwater basins are required to resemble natural areas to the greatest extent possible (Sec. 407.91 (g) *Standards – General*). Basins are required to be landscaped with native species and be designed to be an integral part of the overall development as a physical or visual amenity.

**TRANSPORTATION**

The applicant has provided a preliminary transportation analysis to detail potential trip generation and distribution on the site as well as to appropriately design the internal transportation network. The development will be accessed from Newberry Road/SR 26, Fort Clark Boulevard, NW 76th Boulevard, and NW 15th Place. Direct access to Newberry Road and Ft. Clarke Blvd will be exclusively by new roadways built by the development, and the development will also connect to the existing stub outs of NW 76th Boulevard and NW 15th Place. A detailed operational and safety analysis of all access points and impacted intersections has been provided and it is included in the Transportation Impact Analysis.

The intersection of NW 15<sup>th</sup> Place and Fort Clarke Boulevard does not currently meet signal warrants based on existing conditions. The TIA demonstrates that under build-out conditions, however, a signal would be warranted.

Additional analysis of an appropriate mitigation strategy is required from the applicant. The analysis must evaluate justifications for traffic signal and roundabout options, and implementation of the appropriate mitigation strategy is required, before a connection from the development to NW 15<sup>th</sup> Place is permitted. A related condition of approval is included in the staff report.

The Preliminary Development Plan proposes a large circulatory intersection just north of the VC2 and VC3 blocks. As proposed, the central island is designed around two large (60"+) Live Oak trees, divided by a one-way, central/bypass lane. The central/bypass lane introduces unnecessary, additional conflict points within the circular intersection, including an oblique merge condition, and compromised sightlines, at the north exit.

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Additionally, its one-way design may cause driver confusion and negatively impact safety. Considering potential safety issues and marginal benefit, removal of the central/bypass lane has been made a condition of approval of this staff report.

Any site related improvements to identified intersections will be accommodated in the appropriate phase of the Final Development Plan.

The proposed development is required to mitigate its transportation impacts consistent with the County's Mobility Plan and Fee. Right-of-way dedication and construction of a Bus Rapid Transit corridor on-site, as required for this development, represents a creditable Mobility Plan project for which the development may request Mobility Fee Credits. Any credit would be identified in an agreement between the Board and the Developer that would be approved prior to final development plan approval.

**PUBLIC SCHOOL FACILITIES**

The Alachua County 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 School Concurrency Service Areas (SCSA). This capacity determination dated August 27, 2024, is based on findings that this project will require 44 elementary school student stations in the Southwest Alachua SCSA, 22 middle school student stations in the Ft. Clarke SCSA, and 22 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:**

Pursuant to Sec 402.74 *Time Limitation for Expiration of Development Plans*, an approved Preliminary Development Plan or phase of a development plan shall expire unless a complete application for final development plan approval has been accepted by the department within 12 months of the date of preliminary approval.

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**STAFF RECOMMENDATION**

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 with conditions** of the Preliminary Final Development Plan and Resolution DR-24-40 for Newberry Village Traditional Neighborhood Development

**Conditions of Approval**

1. Trees #532 and #1509 must have additional protected areas equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh). The County may authorize construction impacts to the additional protected areas, per Sec. 406.12.5(c)(2). The impacts must not exceed 50% of the additional protected areas. The applicant must identify specific mitigation measures (e.g., mulching, irrigation, and other tree health strategies), as an element of the Final Development Plan, if impacts to the additional protected areas are proposed.
2. Tree #1459 must have an additional protected area equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh). The County may authorize construction impacts to the additional protected areas, per ULDC Section 406.12.5(c)(2). The impacts must not exceed 50% of the additional protected area. The area of the surveyed dripline that extends beyond the additional protected area is credited toward the maximum allowed impacts in the additional protected area. The applicant must identify specific mitigation measures (e.g. mulching, irrigation, and other tree health strategies), as an element of the Final development Plan, if impacts to the additional protected areas are proposed.
3. The proposed access point on Newberry Road is impacting the dripline of tree #857. Tree #857 must have an additional protected area equal to 2 feet of diameter for every 1 inch of diameter at breast height (dbh) on the remaining sides. The County may allow impacts to the north and south side of the additional protected area, per Sec. 406.12.5(c)(2), if the east side remains undisturbed at Final Development Plan.
4. The central/bypass lane within the circular roadway at the southern end of the project must be removed prior to submittal of the Final Development Plan.
5. The applicant must provide a complete Traffic Impact Analysis (TIA) with the first Final Development Plan in Phase 2, which evaluates the appropriate mitigation strategy (i.e., signal and roundabout justifications) for the intersection of NW 15<sup>th</sup> Place and Fort Clarke Boulevard. Implementation of the mitigation strategy, approved by the County, must be provided by the application before the county will permit a connection from the development to NW 15<sup>th</sup> Place.

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6. The applicant must provide a continuous sidewalk, on the north side of the east/west roadway connection to Fort Clarke Boulevard, to exceed the driveways per block face limitation in ULDC Sec. 407.68(c)(2)(c) and provide up to four (4) driveways on the northern block face of TSA1 using Alternative Compliance (ULDC Sec. 407.71). The applicant must construct the east/west sidewalk concurrent with the construction of Block TSA1.
7. Any operational and safety improvements required by FDOT access permits are the responsibility of the developer.

**Comments to be addressed with Final Development Plan**

**Growth Management:**

1. Due to the development activity proposed and the vulnerability of the trees needing to be protected, chain link fencing will be required on Final Development Plan for tree barricades protecting the Live Oaks of 60" or greater dbh per ULDC 406.12.5(f) The County may require alternative fencing materials, such as chain link fencing, on a case by case basis where additional protection is necessary due to intensity of development activity, vulnerability of trees or native vegetation to be protected, or similar circumstance.
2. Provide additional details for tree grates specified in "Typical Section – Bus Rapid Transit" at Final Development Plan.
3. Per Sec. 407.142.(a)(1) and Sec. 407.142.(a)(7), a multi-use path shall be provided along the entire property frontage with all external streets within the Urban Cluster (i.e., Newberry Road and Fort Clark Boulevard). The MUP shall be located at the back of the right-of-way, behind existing or planned vegetation. If insufficient right-of-way exists, multiuse paths may be provided within public use easements. If provided within easements, the development may request Mobility Fee Credits.

**Environmental Protection Department:**

**4. Conservation Management Area (CMA) Management Plan**

A draft conservation easement document (consistent with the provisions of Section 704.06, F.S.) for the Conservation Management Area (CMA) should be included with the final development plan application for review by the County Attorney's Office and EPD. The final easement document should include the CMA management plan and a legal description and surveyor's sketch of the CMA as attachments. The easement document should also be referred to in the Declaration of Covenants and Restrictions document under Article XV and included as an exhibit. The easement will need to be recorded in the public records of Alachua County prior to issuance of the construction permit (406.103 (a)(4), ULDC).

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**5. Gopher Tortoises**

A potentially active gopher tortoise burrow was found in the powerline easement by EPD staff on 9/22/23, therefore the following condition of approval will apply at FDP: Gopher Tortoise burrow(s) were located on the subject property. The property owner/applicant shall follow all Florida Fish and Wildlife Conservation Commission (FWC) guidelines and obtain any required state permits regarding Gopher Tortoise protection, prior to clearing vegetation, grading or filling the site [ Chapter 406.05 & 406.28, ULDC]. Copies of FWC issued permits are required to be provided to the Alachua County Environmental Protection Department in advance of receiving authorizations for land alterations.

**Appendix of External Sources**

1. Matheny, N. & Clark, J. R. (1998). Appendix B, Relative Tolerance of Selected Species to Development Impacts (pp. 165-180). *Trees and development: A technical guide to preservation of trees during land development*. International Society of Arboriculture. ISBN: 1-881956-20-2
2. Matheny, N., et al. (2023). Planning phase (pp. 7-16). *Managing trees during site development and construction* (Third edition). International Society of Arboriculture. ISBN: 978-1-943378-28-9