



Alachua County – Growth Management Staff Report

Application CPA-02-19

Staff Contact: Gerald L. Brewington

Staff Phone Number: 352-374-5249 ext. 2220

Planning Commission Hearing Date: May 15, 2019

Board of County Commissioners Transmittal Date: June 25, 2019

Board of County Commissioners Adoption Date: September 10, 2019

Project Timeline

- Submitted: March 20, 2019
- Staff Report Distributed: May 7, 2019
- Planning Commission: May 15, 2019
- BoCC Transmittal to DEO: June 25, 2019

Requested Action

A request by David Coffey, Esq., agent, for PR Gainesville Ltd. Partnership, owner, for a text amendment to Alachua County Comprehensive Plan 2011-2030 Future Land Use Element Policy 2.2.1(e) (Springhills Activity Center) providing additional parcel numbers (06038-024-000, 06038-025-000 and 06038-026-000) within the mixed-use portion of the Activity Center and amending FLUE Policy 2.2.1(e)(2)c to exempt Parcels 06038-025-000 and 06038-026-000 from entering into a developer's agreement with the County prior to final development plan approval.

Applicant/Agent: C. David Coffey, Esq.

Staff Recommendation

Staff recommends that the Commission transmit the proposed Comprehensive Plan text changes with the bases as noted in the staff report

PC Recommendation

The Planning Commission voted to transmit the proposed Comprehensive Plan text changes with the bases as noted in the staff report to the Department of Economic Opportunity (DEO).

Background

The Springhills Activity Center contains numerous policies within the Future Land Use Element of the Comprehensive Plan. These policies outline, in some detail, how and when development of the Activity Center shall occur. The applicant is requesting two amendments to these policies. The first is to Policy 2.2.1(e) which delineates those parcels within the Activity Center that will be developed as part of either a Transit Oriented Development (TOD) or a Traditional Neighborhood Development (TND). The applicant is requesting the addition of three new parcel numbers (06038-024-000, 06038-025-000 and 06038-026-000) that have been created subsequent to the policy going into effect.

The second amendment to the Springhills Activity Center policies centers around Policy 2.2.1(e)(2)c. Initiation of development on any of the parcels outlined in Policy 2.2.1(e) triggers the need for a developer's agreement with the county that will fund a series of identified transportation improvements as outlined in this policy. The applicant wishes to exempt two of the new parcels (06038-025-000 and 06038-026-000) from this requirement. The parcels in question are located along NW 39th Avenue in front of the Publix shopping center.



Figure 1 – Aerial View of the Subject Parcels

Comprehensive Plan Consistency

There are two text amendments proposed under this request. The first amendment (**Policy 2.2.1(e)**) does not provide material changes to the Springhills Activity Center policies. Rather, it is more of a bookkeeping request to update the fact that new parcel numbers have been created within the designated TOD/TND area of the Activity Center since the policy was implemented. All new language is noted with an underline:

The requirements of this paragraph supersede paragraphs (a) through (d) above for development within the area designated "Mixed Use" in the northeast, northwest and southeast quadrants of the Activity Center consisting of tax parcels 06038-004-000, 06038-000-000, 06038-003-000, 06038-003-001, 06038-002-000, 06038-001-000, 06038-023-000, 06038-022-000, 06038-022-003, 06233-010-011, 06233-001-000, 06233-001-001, 06233-010-004, 06233-010-010, 06038-024-000, 06038-025-000 and 06038-026-000. These parcels shall be developed as Transit Oriented Developments and, where appropriate, Traditional Neighborhood Developments...

The addition of these parcel numbers will provide clarity as to which parcels are impacted by this policy. The proposed change is thus consistent with the Springhills Activity Center policies as well as the Comprehensive Plan as a whole.

The second amendment (**Policy 2.2.1(e)(2)c**) is a request to exempt two of the newly created parcels (06038-025-000 and 06038-026-000) from the requirement of this policy that would initiate a developer's agreement for certain transportation improvements prior to the approval of a final development plan:

Prior to approval of any final development plan on tax parcels 06038-004-000, 06038-000-000, 06038-000-001, 06038-002-000, 06038-001-000, 06038-023-000, 06038-022-000, 06038-022-003, 06233-010-011, 06233-001-000, 06233-001-001, 06233-010-004, 06233-010-010 and 06038-024-000 the developer shall enter into an agreement with the County assuring: ...

The requested language now enumerates all parcels that will be subject to the developer's agreement leaving out the two previously identified parcels along 39th Avenue. Staff notes that the request to amend the language does not remove the requirement that the parcels be subject to the TOD/TND standards as found in the Unified Land Development Code (ULDC). Neither does the proposed request remove any of the proposed transportation improvements from eventual implementation. The proposed language, may, however, delay implementation of the developer's agreement beyond the timeline originally envisioned by this policy depending on when the parcels in question are developed. Approval of the proposed change might also set a precedent for further requests delaying the implementation of the developer's agreement with Alachua County.

In considering these two outparcels geographically, they can be viewed, given their location along 39th Avenue, as being more a part of the Springhills Shopping Center as opposed to the larger TOD/TND development envisioned in the Activity Center policies. A further interpretation is that these two outparcels can be considered as retail building pads (their intended use) complete with infrastructure, an access road and direct access to existing retail development to the north. As such, there would be limited benefit from the infrastructure improvements proposed under **Policy 2.2.1(e)(2)c**.

Comprehensive Plan Consistency (continued) and Staff Recommendation

Policy 7.1.24 of the Future Land Use Element states that *Prior to amending this Element, every consideration shall first be given to alternatives to detailed map changes. Such alternatives might include **clarifying text amendments** and additional policy statements.* The applicant is proposing two text amendments, one of which is meant to enumerate additional parcels within the TOD/TND designated area within the Activity Center and the other to clarify the applicability of certain policies within the Activity Center. As such, the proposed requests are consistent with Policy 7.1.24 and the plan as a whole.

Given the location of these two parcels in particular, staff recommends that the requested Comprehensive Plan text amendments be adopted as proposed. This recommendation comes with the caveat that the unique circumstances cited previously in this analysis do not extend to the other parcels cited in **Policy 2.2.1(e)(2)c**.

Effect of the Proposed Amendments on Affordable Housing

The proposed text amendments deal with non-residential development and will have no impact on the initial cost of housing, the long term cost of home ownership nor will there be any fiscal impacts to Alachua County or its taxpayers.

Staff Recommendation

Staff recommends that the Board of County Commissioners **adopt** the proposed Comprehensive Plan text amendments with the following bases:

1. There are two text amendments proposed under this request. The first amendment (**Policy 2.2.1(e)**) does not provide material changes to the Springhills Activity Center policies. Rather, it is more of a bookkeeping request to update the fact that new parcel numbers have been created within the designated TOD/TND area of the Activity Center since the policy was implemented:

The requirements of this paragraph supersede paragraphs (a) through (d) above for development within the area designated "Mixed Use" in the northeast, northwest and southeast quadrants of the Activity Center consisting of tax parcels 06038-004-000, 06038-000-000, 06038-003-000, 06038-003-001, 06038-002-000, 06038-001-000, 06038-023-000, 06038-022-000, 06038-022-003, 06233-010-011, 06233-001-000, 06233-001-001, 06233-010-004, 06233-010-010, 06038-024-000, 06038-025-000 and 06038-026-000. These parcels shall be developed as Transit Oriented Developments and, where appropriate, Traditional Neighborhood Developments...

The addition of these parcel numbers will provide clarity as to which parcels are impacted by this policy. The proposed change is thus consistent with the Springhills Activity Center policies as well as the Comprehensive Plan as a whole.

2. The second amendment (**Policy 2.2.1(e)(2)c**) is a request to exempt two of the newly created parcels (06038-025-000 and 06038-026-000) from the requirement of this policy that would initiate a developer's agreement for certain transportation improvements prior to the approval of a final development plan:

Prior to approval of any final development plan on tax parcels 06038-004-000, 06038-000-000, 06038-000-001, 06038-002-000, 06038-001-000, 06038-023-000, 06038-022-000, 06038-022-003, 06233-010-011, 06233-001-000, 06233-001-001, 06233-010-004, 06233-010-010 and 06038-024-000 the developer shall enter into an agreement with the County assuring: ...

The requested language now enumerates all parcels that will be subject to the developer's agreement leaving out the two previously identified parcels along 39th Avenue. Staff notes that the request to amend the language does not remove the requirement that the parcels be subject to the TOD/TND standards as found in the Unified Land Development Code (ULDC). Neither does the proposed request remove any of the proposed transportation improvements from eventual implementation. The proposed language, may, however, delay implementation of the developer's agreement beyond the timeline originally envisioned by this policy depending on when the parcels in question are developed. Approval of the proposed change might also set a precedent for further requests delaying the implementation of the developer's agreement with Alachua County.

In considering these two outparcels geographically, they can be viewed, given their location along 39th Avenue, as being more a part of the Springhills Shopping Center as opposed to the larger TOD/TND development envisioned in the Activity Center policies. A further interpretation is that these two

outparcels can be considered as building pads, complete with infrastructure, an access road and direct access to existing retail development to the north. As such, there would be limited benefit from the infrastructure improvements proposed under **Policy 2.2.1(e)(2)c**. Given the location of these two parcels in particular, staff recommends that the requested Comprehensive Plan text amendments be adopted as proposed. This recommendation comes with the caveat that the unique circumstances cited previously in this analysis do not extend to the other parcels cited in **Policy 2.2.1(e)(2)c**. Given the location of these two parcels in particular, staff recommends that the requested Comprehensive Plan text amendments be adopted as proposed. This recommendation comes with the caveat that the unique circumstances cited previously in this analysis do not extend to the other parcels cited in **Policy 2.2.1(e)(2)c**.

3. Policy 7.1.24 of the Future Land Use Element states that *Prior to amending this Element, every consideration shall first be given to alternatives to detailed map changes. Such alternatives might include clarifying text amendments and additional policy statements.* The applicant is proposing two text amendments, one of which is meant to enumerate additional parcels within the TOD/TND designated are within the Activity Center and the other to clarify the applicability of certain policies within the Activity Center. As such, the proposed requests are consistent with this Policy 7.1.24 and the plan as a whole.

Staff and Agency Comments

Department of Public Works: No comments

Department of Environmental Protection: No comments

Transportation Planning: A Transportation Improvement Agreement has been fully negotiated by County Staff and the current owner of Springhills (PREIT). The agreement has not been signed by the owner as of now. Staff understands that a contract to sell the property is pending.