



# Alachua County Board of County Commissioners

Dr. Lee A Niblock, *County Manager*

RECEIVED

January 26, 2017

JAN 30 2017

CITY MANAGER'S OFFICE

Mr. Anthony Lyons, City Manager  
City of Gainesville  
P.O. Box 490, Station 6  
Gainesville, FL, 32601

RE: Proposed Voluntary Annexation of Property Owned by WWB Real Estate Investments, Prairie View Trust, and City of Gainesville (Ordinance No. 160216)

Dear Mr. Lyons:

Thank you for providing the County with the notice dated January 3, 2017, about another round of public hearings by the Gainesville City Commission regarding the petition for voluntary annexation dated June 30, 2016. To verify, the first reading hearing is scheduled for February 2, 2017, and the second reading hearing is scheduled for February 16, 2017. I understand this is in follow up to several public hearings about this proposed annexation that were conducted by the City Commission starting on September 15, 2016, and eventually continued at the petitioners' request for re-advertisement on a future agenda.

County staff continues to have the same concerns about this proposed annexation that were identified in the attached letter dated September 7, 2016, that was previously submitted to the City. Those concerns are that the area proposed for annexation does not meet the statutory requirements because it is not reasonably compact and would result in the creation of an enclave. There are other practical issues and concerns relating to the Finley Woods development also detailed in the letter.

We understand that the County's letter of September 7, 2016, as well as County staff's and other verbal comments from the previous hearings, will be carried forward as part of the record on this annexation. Please include this follow-up letter about County staff's continuing concerns in the

record going forward. If you have any questions or would like to discuss this matter, please contact Steve Lachnicht, Growth Management Director or Ken Zeichner, Principal Planner at (352) 374-5249.

Sincerely,



Dr. Lee A. Niblock, CM  
County Manager

LN/BC/bc

Attachment: Letter dated September 7, 2016 with County Staff Comments on Annexation

cc: Board of County Commissioners  
Michele Lieberman, County Attorney  
James K. Harriott, Jr., Assistant County Manager  
Steven Lachnicht, Director, Growth Management  
Sean McDermott, Assistant City Attorney  
Lila Stewart, City of Gainesville Senior Strategic Planner



# Alachua County Board of County Commissioners

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Dr. Lee A Niblock, *County Manager*

September 7, 2016

Mr. Anthony Lyons, City Manager  
City of Gainesville  
P.O. Box 490, Station 6  
Gainesville, FL, 32601

RE: Proposed Voluntary Annexation of Property Owned by WWB Real Estate Investments, Prairie View Trust, and City of Gainesville

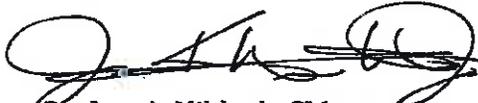
Dear Mr. Lyons:

Thank you for providing the County with the notice dated August 16, 2016 about the above-referenced voluntary annexation. According to the notice, the first reading of Annexation Ordinance No. 160216 is scheduled for the September 15, 2016 regular City Commission meeting, with a second reading scheduled for October 6, 2016. County staff have reviewed the proposed annexation in relation to the requirements of Chapter 171, Part I Florida Statutes that the area proposed to be annexed is contiguous to the city, reasonably compact, and does not result in the creation of enclaves. Based on staff's review, we are providing this letter with the attached comments for the City's consideration. As detailed in the attached comments, it is the opinion of County staff that the area proposed to be annexed does not meet all of the requirements for voluntary annexation in Chapter 171.044, F.S., because the area is not "reasonably compact" and would result in the creation of an enclave.

County staff have also noted in the attachment to this letter several practical concerns and questions about land use and transportation planning, service delivery, natural resource protection, and how this annexation would potentially affect the approved Finley Woods development. We recommend that the City coordinate with the County to address these issues, should the annexation be approved.

Please provide this letter to the City Commission for inclusion in the record of the public hearings on the proposed annexation. If you have any questions or would like to discuss this matter, please do not hesitate to contact me. As always, we appreciate the continued coordination between the City of Gainesville and Alachua County.

Sincerely,



Dr. Lee A. Niblock, CM FOR  
County Manager

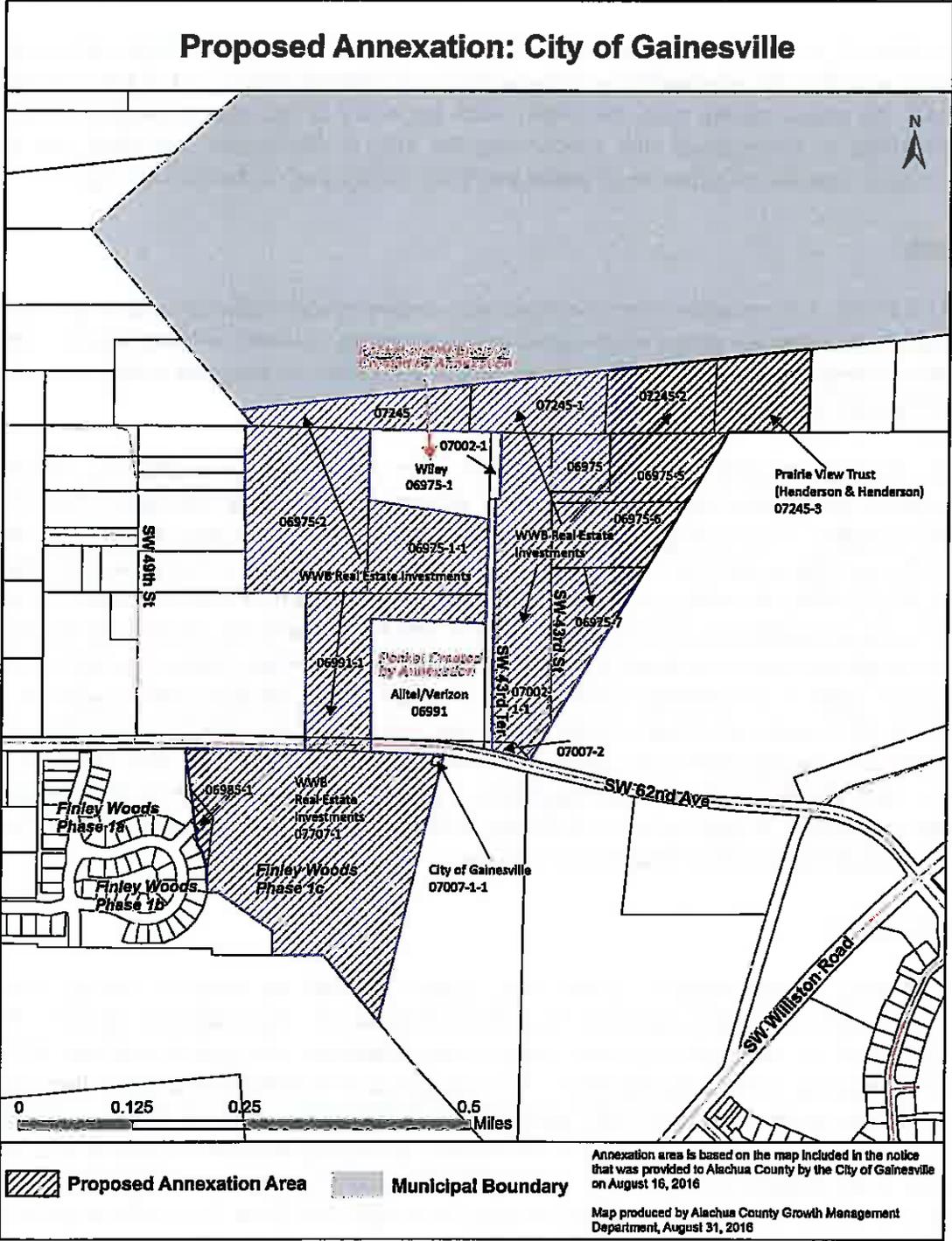
LN/BC/bc

Attachment: Alachua County Staff Comments on Proposed Voluntary Annexation by the City of Gainesville

cc: Board of County Commissioners  
Michele Lieberman, County Attorney  
James Harriott, Assistant County Manager  
Steven Lachnicht, Director, Growth Management  
Lila Stewart, City of Gainesville Senior Strategic Planner

### ALACHUA COUNTY STAFF COMMENTS ON PROPOSED VOLUNTARY ANNEXATION BY THE CITY OF GAINESVILLE

The area proposed to be annexed includes approximately 100 acres, and consists of 16 tax parcels, or portions thereof, located along SW 62<sup>nd</sup> Avenue, about one-half mile northwest of SW Williston Road (see map below).



## Requirements of Florida Statutes

Section 171.044(1), Florida Statutes, provides that an area proposed to be annexed must be "...contiguous to a municipality and reasonably compact".

### Contiguity

Section 171.031(11), F.S., provides in part that, "Contiguous means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality." As shown on the map, the entire north boundary of the area proposed to be annexed (about 2,900 feet) is coterminous with a boundary the City of Gainesville, therefore, the proposed annexation would meet the statutory requirement that it be "contiguous" to the municipality.

### Compactness

Section 171.031(12), F.S., provides that, "Compactness means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact."

As shown on the map, the area to be annexed is generally concentrated in a single area. However, the area is irregular in shape and has multiple turns and angles as it projects generally southward from the existing City boundary. The configuration of the area is such that it wraps around three parcels which have been left out of the annexation, and would remain unincorporated; this includes parcels 06975-001-000 (Wiley), 07002-001-000 (Wiley), and 06991-000-000 (Alltel/Verizon). If this annexation is approved, these parcels would become pockets of unincorporated area that would be surrounded by the City of Gainesville, except for a narrow strip of land roughly corresponding to the private road identified as SW 43rd Terrace on a sign at its intersection with SW 62<sup>nd</sup> Avenue and on the County's GIS system, running north from SW 62nd Avenue between areas on its east side and west side that are proposed to be annexed. The two parcels owned by Wiley, in County staff's opinion, would also be made into an enclave as a result of this annexation (see discussion of enclaves below). Based on the configuration of the proposed annexation, it is the opinion of County staff that the proposed annexation would not meet the statutory requirement that it be "reasonably compact."

### Creation of Enclaves

Section 171.044(5), Florida Statutes, states that, "Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". An enclave is defined in Section 171.031(13)(a), F.S. as, "Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality". If the proposed annexation is approved, then the area consisting of parcel numbers 06975-001-000 and 07002-001-000 (both owned by Wiley) would become bounded on all four of its sides by the City of Gainesville, except for the narrow strip of land roughly corresponding to the private road identified as SW 43rd Terrace on a sign at its intersection with SW 62<sup>nd</sup> Avenue and on the County's GIS system, running north from SW 62nd Avenue between areas on its east side and west side that are proposed to be annexed. According to the Alachua County

Property Appraiser's records, parcel 06975-001-000 is about 6 acres and is developed with two single-family residences and two mobile homes; parcel 07002-001-000 is about 0.4 acres and is undeveloped.

There is an existing unpaved driveway that runs generally north from SW 62<sup>nd</sup> Avenue to the south/southeast corner of the Wiley parcels, roughly corresponding to the private road identified as SW 43rd Terrace as noted above, although the legal status of this access is unclear. It appears that this unpaved driveway is the only current means of functional access to these parcels. The Finley Woods Planned Development Zoning Master Plan that was approved by Alachua County on November 13, 2007 identifies a future internal traffic circulation system within the area proposed to be annexed, including roadways which are identified as providing access to the Wiley parcels. Based on the traffic circulation system identified in the approved Planned Development Master Plan, vehicular traffic would be required to pass through the City of Gainesville in order to access the unincorporated Wiley parcels.

It is the opinion of County staff that the two parcels owned by Wiley would be made into an enclave as a result of the proposed annexation, and that the proposed annexation does not meet the statutory requirement of Section 171.044(5), F.S.

### **Intergovernmental Coordination and Potential Impacts on Finley Woods Development**

The proposed annexation raises some questions and concerns relating to land use and transportation planning, service delivery, and natural resource protection. Many of these concerns relate to the Finley Woods development, and the fact that the proposed annexation would split the overall development into two jurisdictions. The following questions are identified for informational purposes, with a general recommendation that the City should coordinate with the County to address these questions if the annexation moves forward.

The adopted Future Land Use designation for the majority of the annexation area under the Alachua County Comprehensive Plan is "Low Density Residential" (1 to 4 units per acre), except for parcel 07245-003-000 (Prairie View Trust, 4.45 acres) which is designated as "Light Industrial". The County's zoning for the majority of the annexation area is "Planned Development" ("PD"), except for parcel 07245-003-000 which is zoned Agricultural ("A"). If the proposed annexation is approved, the area would retain the County's Comprehensive Plan and zoning designations until such time as the City amends its Comprehensive Plan and zoning map to assign City designations to this area. The process of amending the City's Comprehensive Plan and zoning map could take several months or more to complete. Consideration should be given to the potential effects that amending the Comprehensive Plan and zoning designations would have on any approved plans and future plans for the Finley Woods development. Consideration should also be given to how the change in jurisdiction would impact the various issues detailed below as the approved development goes forward.

Most of the area proposed for annexation is part of the existing Finley Woods Planned Development (PD), with the exception of parcel 07245-003-000 (Prairie View Trust), which is not part of the Planned Development. The PD zoning master plan for Finley Woods that was approved by Alachua County includes 471 residential dwelling units and identifies a traffic circulation system, common areas, and conservation management areas. Phases 1a and 1b of the Finley Woods Planned Development, located south of SW 62<sup>nd</sup> Avenue, are not included in this proposed annexation; these phases have development plans that have been approved by the County and subdivision plats which have been approved and

recorded. Much of the construction has been completed within Phases 1a and 1b, including many residential units, which would be left in the unincorporated area if the annexation is approved. Phase 1c of the Finley Woods Planned Development, also located south of SW 62<sup>nd</sup> Avenue and east of Phases 1a and 1b on parcel number 07007-001-000, is included within this proposed annexation. Phase 1c has a subdivision plat which was approved by the County on May 10, 2016, and a construction permit that was issued by Alachua County on June 9, 2016.

The approved plat for Phase 1c of Finley Woods has not yet been submitted by the developer for signature and recording by Alachua County officials in accordance with Section 402.60 of the County's Unified Land Development Code. A change in jurisdiction from the County to the City for the area within the approved plat for Phase 1c will raise issues regarding the eventual signature and recording of the plat. County staff recommends coordination by the City with the County and the developer to address this issue if the annexation is approved.

The approved plans for Finley Woods include internal infrastructure such as traffic circulation, stormwater management, and open space that extend between phases of the Finley Woods development; some of this internal infrastructure would cross over jurisdictional boundaries if this annexation is approved. This has the potential to raise various issues including interconnectivity of infrastructure between the incorporated and unincorporated phases of the development, maintenance responsibility for the infrastructure, and confusion for residents of the development over permitting and code enforcement. County staff recommends that the City address these issues in coordination with the County prior to approval of the annexation.

The approved Finley Woods development was vested into Alachua County's Transportation Impact Fee Program which enables the development to mitigate its impact to the County's transportation network through payment of the impact fee. The developer of Finley Woods also has entered into an agreement with the County concerning the construction of turn lanes on SW 62<sup>nd</sup> Avenue. Per the agreement, the developer is required to reimburse the County for construction costs incurred in the construction of the turn lane into the project's entrance. At the time of home construction, development would also be responsible for payment of County park and fire impact fees to provide for capital projects related to those public services. With continued annexation west of I-75, there should be consideration of how transportation infrastructure necessitated by new development will be funded by the City and County.

It is noted that there are portions of the proposed annexation area which are designated as "Strategic Ecosystem" under the Alachua County Comprehensive Plan. The Fred Bear Hammock strategic ecosystem extends into the northern part of the annexation area near the existing City boundary. The policies for strategic ecosystems require that strategies be implemented through the land use planning and the development review process to ensure that each strategic ecosystem is evaluated and protected based on the integrity of the ecological unit. County staff recommends that the City provide an equivalent level of protection for the designated strategic ecosystem portions of the annexation area in order to preserve the ecological integrity of the ecosystem.