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9/6/2012	0	City Commission	Approved as Recommended	Pass

**Transportation Concurrency and the Evaluation and Appraisal Comprehensive Plan Amendment Process. (B)**

Updates to the Comprehensive Plan for the Evaluation and Appraisal amendments must be finalized and transmitted to the State Land Planning Agency by May 1, 2013. Failure to transmit the required element amendments by the May 1, 2013 deadline will mean that the City can no longer amend its Comprehensive Plan. A key component of the update includes how the City will deal with transportation concurrency and the Transportation Concurrency Exception Area (TCEA).

There are major changes relating to transportation concurrency that the City must respond to concerning Chapter Law 2011-139. These are:

1. Transportation Concurrency Exception Areas have been stricken from Florida Statutes.
2. Transportation Concurrency has been made optional under the new law.

The City's Concurrency Management Element was first adopted in 1999 in response to the unintended consequences of a strict interpretation of transportation concurrency. Transportation concurrency required that, if a roadway had reached its capacity in terms of vehicle trips, no additional development orders could be issued because the new development would degrade the level of service on the road. Within the City, many of the roads (especially State roads) failed. This included portions of NW and SW 13<sup>th</sup> Street, University Avenue, and Newberry Road. The City was placed in a position of having to deny development orders. This happened as early as 1992 when the City began enforcing transportation concurrency. An early solution, known as a Transportation Concurrency Management Area (TCMA), that previously existed in State law was adopted by the City. Later, the provisions of TCMA's were changed in State law, and the City no longer met the requirements and the City repealed the TCMA.

By 1999, more roads, including Archer Road, NW 43<sup>rd</sup> Street, NW 34<sup>th</sup> Street, SW 62<sup>nd</sup> Boulevard, etc were failing. Studies indicated that the transportation congestion problems in the city were greatly influenced by commuter traffic from outside of city limits (including not only unincorporated Alachua County but also from surrounding counties because Gainesville is a central place for employment, education, health services, and shopping).

Provisions in State statues allowed for the creation of Transportation Concurrency Exception Areas (TCEA). In December 1999, the City adopted the Concurrency Management Element and implemented Zones A and B of the TCEA. The TCEA was expanded to include Zone C in 2005. In 2009, based on State law, the entire city limits area was deemed to be a TCEA, and the latest version of the Concurrency Management Element was adopted.

At this juncture, given the changes in State law, there are several alternatives available to the City. Staff is requesting feedback from the City Commission concerning the options:

1. Amend the comprehensive plan to rescind transportation concurrency and not replace it with any transportation mitigation system. This would involve deleting the entire Concurrency Management Element and removing references about the TCEA from other elements including the Future Land Use Element, the Transportation Mobility Element, Capital Improvements Element, and Intergovernmental Coordination Element.
2. Amend the comprehensive plan to implement transportation concurrency citywide (or in certain areas of the city) under the new requirements of Chapter 2011-139. This would require proportionate share contributions (see FDOT document in the backup) and the elimination of the TCEA in part or whole.
3. Amend the comprehensive plan to rescind transportation concurrency and replace it with a citywide alternative transportation mobility program. This might take the form of a Transportation Mobility Program (TMP) with TMP Zones that would follow the lines of the existing TCEA Zones or the creation of new zone lines based on transportation studies using a vehicle miles travelled methodology. Policies would be similar to those in the current Concurrency Management Element (which allow developers to meet transportation mitigation requirements either with construction of transportation modifications or with a payment option). This would eliminate the Concurrency Management Element and fold the new Transportation Mobility Program policies into the Transportation Mobility Element.
4. Amend the comprehensive plan to rescind transportation concurrency and replace it with a citywide Mobility Fee or Impact Fee approach. This would eliminate the Concurrency Management Element and require a fee study to establish the fee schedule. New policies would be placed in the Transportation Mobility Element and fees would be adopted in the Land Development Code.

When considering alternatives, it is important to note that while the State has given local governments the option of eliminating transportation concurrency, the requirement for adequate public facilities has not been removed from State law. The Transportation Mobility Element must still provide policies relating to:

1. "Existing and projected intermodal deficiencies and needs."
2. "The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system."
3. "How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan."

The Future Land Use Element requires:

1. "Future land use map amendments shall be based upon the following analyses:
  - a. An analysis of the availability of facilities and services...."

The City Plan Board discussed this issue at their May 24, 2012 meeting and provided staff with clear support for a multi-modal transportation approach and no support for traditional transportation concurrency. The general direction received from the Plan Board was to pursue multi-modal transportation solutions; mobility zones similar to the existing TCEA Zones; and possibly mobility or impact fees.

At this point, Planning staff's recommended approach is Alternative 3, which is consistent with the Plan Board's direction to staff. This approach is preferred because:

1. Maintains continuity of the best aspects of the TCEA and the TCEA Zones.
2. Provides a source of funding for multi-modal transportation projects that helps the City meet the adequate public facilities requirements for transportation.

3. Eliminates the requirement to use proportionate share. The formula for proportionate share only uses roadways and not other modes of transportation.
4. Continues the City's support of a multi-modal transportation system.
5. Eliminates the problems of reinstating transportation concurrency and having to deny development orders.

Implementation of Alternative 3 would involve:

1. Rescinding transportation concurrency in the City's Comprehensive Plan.
2. Deletion of the Concurrency Management Element.
3. Including transportation mobility policies in the Transportation Mobility Element and creation of a Transportation Mobility Program.
4. Studies (using staff and a consultant) to establish new zones (as necessary) and to run the transportation models to determine vehicle miles travelled for the various zones.
5. Establishment of related base fees (for payments in lieu of construction of mobility projects) for each zone.
6. Implementation of the new program in the Land Development Code with appropriate Code changes and deletion of transportation concurrency references in the Land Development Code.

On average, the TCEA mechanism provides approximately \$1,000,000 annually, not including various transportation projects constructed directly by the development community in lieu of making a payment and the intent will be to offset this revenue source with an alternative transportation mobility program.

Staff to City Commission: Direct staff, as part of the update of the Comprehensive Plan for the Evaluation and Appraisal Process, to pursue alternative number three, which includes rescinding transportation concurrency and replacing the TCEA with a transportation mobility program city-wide.