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NEW REQUIREMENTS ADDED TO PLANS

City contract on roadway still up in air

The future of a four-lane road north of Butler Plaza lobbied for by the shopping center's developer is up in the air.

The Alachua County Commission on Tuesday approved a contract with Clark Butler that would have paved the way for the construction of SW 24th Avenue - the first piece of a broader network of roads proposed for the area north of Butler Plaza.

But Butler isn't happy with what was included in the contract.

On a split 3-2 vote, the County Commission added some extra requirements of Butler to force him to move forward with his plans for a proposed 115-acre expansion of Butler Plaza. Butler pitched the expansion, which originally called for as many as three super-sized stores, nearly three years ago.

County Commissioner Cynthia Chestnut, who was criticized Tuesday by some residents for accepting tickets to a pricey University of Florida gala from Butler last month, suggested a provision that Butler be required to start the planning process for a large-scale development, also known as a Development of Regional Impact, within six months.

"I think you need to go ahead and move forward in good faith," said Chestnut following a five-hour discussion on the matter.

Numerous opponents of the road project, including a UF professor whose outdoor research laboratory could be in jeopardy should a future phase of the road extend through the university, offered arguments like worsening congestion to reject the contract.

Chestnut, Lee Pinkoson and Rodney Long opted instead to add new requirements to the contract, which includes Butler's pledge of \$2.7 million in cash and right of way for the \$11.2 million project. The rest of the money would come from a state grant, UF and county gas taxes.

Commissioners Penny Wheat and Mike Byerly - both of whom have been against the road project for a number of reasons - voted against the contract.

Butler's \$2.7 million contribution is needed to complete the road as conceived. Similarly, Butler has said he needs the road, which borders his vacant property, so that he can secure financing for the future expansion.

In addition to requiring Butler to submit a development proposal, the commission will require Butler not to annex his property into the city for 10 years or face having to repay the county as much as \$900,000 - the amount of local gas tax funds expected to be used for the road.

Butler's attorney, James Quincey, said his client does not want to proceed with the "Development of Regional Impact" process until after the board approves a comprehensive plan change needed to proceed with the four-lane road plans and after changes have been approved to a three-way agreement between the county, UF and the city of Gainesville to free money for the four-lane road.

Both changes could take the county about six months to complete, and denial of either could halt progress on the road. Meanwhile, the DRI process could take six months to 18 months and is expected to cost about \$1.5 million.

"He shouldn't do it (the DRI) until he knows that the road is going to be built as a four-lane road," Quincey told the board.

And Quincey questioned why Butler should be required to pay the county money if his property was annexed into the city.

"If Butler seeks to annex then you are going to seek to punish him," Quincey said. "To the people riding on that road, it doesn't make a difference if that road is in the city or the county."

It is unknown whether Butler will agree to the terms. He is expected to review the contract changes today.

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