

**PROPOSED COMMUNITY DEVELOPMENT DISTRICT (CDD)
PETITION TO ESTABLISH ALTA LAKES CDD
PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2018-660

PETITIONER: D.R. HORTON, INC.

Acreage: 278.95 Acres

The Planning and Development Department (Department) has completed its review of the Petition to Establish the Alta Lakes Community Development District (Petition) and makes the following report in accordance with §92.07(c), City of Jacksonville Ordinance Code.

Report Summary

Hopping Green & Sams, P.A., on behalf of D.R. Horton, Inc., (Petitioner) proposes that Alta Lakes Community Development District (CDD) be established in the City of Jacksonville. The Petitioner states in the Petition that the CDD should be established because:

- It is not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the local Comprehensive Plan;
- It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community;
- It will prevent the general body of taxpayers in the City of Jacksonville from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the district;
- It will not be incompatible with the capacity and use of existing local and regional development services and facilities; and
- The area to be served by the proposed district is amendable to separate special-district government.

The Department finds that the Petition is sufficient and correct to permit fair and informed consideration by City Council. The Petition is reasonably compatible and consistent with all of the components required for review by Chapter 92.07(c), Ordinance Code, and §190.005(1)(e), Florida Statutes (F.S.). The petitioner claims the proposed CDD is the best alternative for delivering community development services and facilities within its area of service and the Department has no reason to find otherwise.

During review of the petition, an inconsistency was noted. Exhibit 7 (District Infrastructure Improvements) indicates the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/HOA". Exhibit 8 (Statement of Estimated Regulatory Costs) shows the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/CDD".

Overview of CDD and Development Information

The CDD is approximately 278.95 acres in land area and consists entirely of properties in the Low Density Residential (LDR) land use category. The CDD will contain approximately 502 single-family residential units. The project location is more fully identified by the general location map ("Exhibit 1", dated June 21, 2018) included in the Petition. There is no land outside the proposed boundaries of the CDD to be served by the CDD. The existing land use map is included in the Petition as "Exhibit 4."

According to the Petition, the developer maintains that the CDD is the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government. Below are the responsibilities for the proposed services and facilities to be provided as described in the Petition's "Exhibit 7".

Exhibit 7, District Infrastructure Improvements, as found in the Petition



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**DISTRICT INFRASTRUCTURE IMPROVEMENTS
ALTA LAKES COMMUNITY DEVELOPMENT DISTRICT**

<u>Description of Improvements</u>	<u>Construction Entity</u> ⁴	<u>Final Owner</u>	<u>Maintenance Entity</u>
Alta Lakes Blvd. Landscape/Irrigation	Developer	CDD ¹	CDD ¹
Alta Lakes Blvd. Hardscape/Signage	Developer	CDD ¹	CDD ¹
Alta Lakes Blvd. Utilities (Water, Sewer, Electrical, Street Lighting)	Developer	JEA ³	JEA ³
Alta Lakes Blvd. Roadway Improvements	Developer	COJ	COJ/HOA ²
Entry and Perimeter Fencing	Developer	CDD	CDD
Stormwater Systems	Developer	CDD	CDD
Recreational Improvements	CDD	CDD	CDD

Notes:

¹COJ is expected to operate and maintain the right of way infrastructure; CDD may provide enhanced landscape maintenance through an interlocal agreement with the city.

²HOA may provide enhanced maintenance on COJ owned roads.

³Funding for electricity provided by COJ.

⁴It is currently the intention of the CDD to acquire Alta Lakes Blvd. landscape, irrigation, hardscape, signage, street lighting, electrical, master utilities, and ponds and for the CDD to construct the master recreational improvements including the amenity center. These plans are subject to change.

COJ = City of Jacksonville

CDD = Community Development District

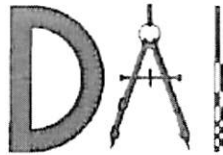
JEA = Jacksonville Electric Authority

HOA = Home Owners Association

Note: This exhibit identifies the current intentions of the District and is subject to change based upon various factors such as future development plans or market conditions.

Total design and development costs for providing the capital facilities are estimated to be \$12,136,892 as set forth in Exhibit 7, Cost Estimate Sheet, contained in the Petition. Below are the proposed infrastructure costs for the Alta Lakes CDD.

Exhibit 7, Cost Estimate Sheet, as found in the Petition



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**COST ESTIMATE SHEET
ALTA LAKES COMMUNITY DEVELOPMENT DISTRICT**

INFRASTRUCTURE COSTS	Total	Annual Outlay ³		
		2018	2019	2020
1. Alta Lakes Blvd. Landscape/Irrigation	\$1,008,000	50%	10%	40%
2. Alta Lakes Blvd. Hardscape/Signage	\$900,000	50%	10%	40%
3. Alta Lakes Blvd. Utilities (Water, Sewer, Electrical, Street Lighting) ^{1,2}	\$588,864	40%	20%	40%
4. Alta Lakes Blvd. Roadway Improvements	\$3,480,000	50%	20%	30%
5. Entry and Perimeter Fencing	\$233,550	50%	10%	40%
6. Stormwater Systems	\$1,449,766	50%	10%	40%
7. Recreational Improvements ²	\$2,520,000	20%	80%	0%
8. Engineering, Testing, Planning, CEI, Mobilization, As-builts, Erosion	\$1,956,712	40%	20%	40%
TOTAL COSTS	\$12,136,892			

1. Includes Transmission (Trunk) Water, Sewer (Force Main), and JEA Electric.

2. These estimates contemplate the exercise of special powers pursuant to Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.

3. Represents anticipated annual outlay of costs based on anticipated construction timeline.

Note: This exhibit identifies the current intentions of the District and is subject to change based upon various factors such as future development plans or market conditions.

Sufficiency and Completeness of Planning Documentation

Pursuant to Chapter 90.07(c)(2), Ordinance Code, the Department concludes that the planning documentation received to date is adequately sufficient and complete to permit a fair and informed consideration by City Council.

Truth and Correctness of Planning Documentation

Pursuant to Chapter 90.07(c)(3), Ordinance Code, the Petitioner has provided an executed and notarized statement, dated September 6, 2018, claiming that the Petition is adequately true and correct to permit a fair and informed consideration by City Council. However, the Department has identified an inconsistency in the body of the Petition. Exhibit 7 of the Petition indicates the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/HOA". Exhibit 8, page 11, shows the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/CDD".

JEA Certification of Utility Information

While the Petitioner has supplied a JEA availability of utilities letter dated May 8, 2017, the JEA certification and utility service and cost participation agreement had not been tendered to the Department at the time of making this report and recommendation. However, the Master Water Plan and Master Sewer Plan maps (Exhibit 5) submitted with the Petition appear to be consistent, true and correct regarding the location of the points of connection as identified on the JEA availability of utilities letter. Additionally, a permit for construction of an extension to the JEA potable water distribution system and wastewater collection transmission system is included; which will serve all of the lands in the proposed CDD (Exhibit 6). Therefore, pursuant to Chapter 90.07(c)(4) of the Ordinance Code, the Department finds no reason to find the utility map submitted with the Petition inaccurate.

Opinion and Recommendation

In determining whether to grant a Local Petition for the establishment of the CDD by adoption of Ordinance 2018-660, the City Council must consider the Local Petition and the entire record of the local public hearing in light of the six (6) factors set forth in §190.005(1)(e), F.S.

Accordingly, pursuant to §92.07(c) (5), Ordinance Code, the Department is charged with providing an opinion and making recommendation on the relationship of the Petition to factors 2, 3, and 5 of §190.005(1) (e), F.S. The analysis is as follows:

Factor 2 (Section 190.005(1)(e)2, F.S.)

Whether the establishment of the CDD is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan?

Relationship: The Alta Lakes CDD is not inconsistent with the applicable elements or portion of the state and local comprehensive plans. See additional information below.

The Department concludes that the establishment of the CDD would not be inconsistent with any applicable element or portion of the State comprehensive plan (Chapter 187, F.S.) or of the City's 2030 Comprehensive Plan. The land area underlying the CDD is designated as Low Density Residential (LDR) by the Future Land Use Map contained in the 2030 Comprehensive Plan (see Exhibit 4 in the Petition). The area within the CDD is zoned Planned Unit Development (PUD), pursuant to Ordinance 2017-094-E.

State of Florida Comprehensive Plan

Section 187.201 (17), F.S., Public Facilities

- (a) *Goal* - Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.
- (b) *Policies* -

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.
3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.
4. Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.
5. Encourage local government financial self-sufficiency in providing public facilities.
6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.
7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.
9. Identify and use stable revenue sources which are also responsive to growth for financing public facilities.

Section 187.201(20), F.S., Governmental Efficiency

(a) *Goal* - Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

(b) *Policies* -

2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.
5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.
11. Encourage government to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.

2030 Comprehensive Plan

Capital Improvements Element

Policy 1.2.2

The City shall continue to explore the feasibility of alternative financing mechanisms to facilitate the availability of public facilities. This shall include a feasibility review of dedicating a portion of the ad valorem taxes specifically for capital improvements.

Future Land Use Element

Policy 1.2.7

The City shall, through joint participation agreements, among federal, State, and local governments, and the private sector, as appropriate, identify and

build needed public facilities, and allocate the costs of such facilities in proportion to the benefits accruing to each.

Intergovernmental Coordination Element

Goal 1

Coordinate the planning and policy making of the City with that of the surrounding municipalities, county, regional, State, federal and special authority governments to ensure consistency in development and in the provision of services and to implement the goals, objectives and policies of the 2030 Comprehensive Plan.

Factor 3 (Section 190.005(1)(e)3, F.S.)

Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community?

Relationship: The area of land within the proposed district appears to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developed as one functional interrelated community.

This factor considers whether the land area to be served by a CDD can be serviced efficiently and effectively by one entity. Considerations include the geographic location of the land, its topography, underlying natural and political boundaries, etc. and all the foregoing considerations are interrelated.

As shown on the maps attached as exhibits to the Petition, the land area to be serviced by the CDD is clearly compact and contiguous and can be developed as one functional interrelated community.

As to the sufficiency of its size, the Department notes there is no statutory minimum or maximum size for a CDD. Sizes of previously established CDD range from large, multi-use villages to small, single-use infill projects. Given the proposed 278.95 acres contained within the CDD, the number of residential units proposed and its location within the Suburban Area of the City of Jacksonville, the Department makes a positive finding with respect to the sufficiency of the size and location.

Factor 5 (Section 190.005(1)(e)5, F.S.)

Whether the community development services and facilities of the CDD will be incompatible with the capacity and uses of existing local and regional community development services and facilities?

Relationship: The community development services and facilities of the Alta Lakes CDD will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

The limited services and facilities proposed to be facilitated by the CDD as set forth in the Petition are those which are standard and/or required for the types of residential and non-residential development proposed (i.e., amenities, water, sewer, etc.). Accordingly, the Department deems that the infrastructure improvements are not incompatible with the capacity and uses of existing local and regional community development services and facilities.

Supplemental Information

Chapter 90.07(c)(6), Ordinance Code directs the report of the Department to include any other information deemed helpful.

The remaining factors, pursuant to Section 190.005(1)(e), F.S., are not required to be considered in the Department's report. However, the Council must consider all factors when determining whether to grant the Local Petition to establish the CDD. A brief explanation and the Department's review of each remaining factor is included below:

Factor 1 (Section 190.005(1)(e)1, F.S.)

Whether all statements contained within the Local Petition have been found to be true and correct?

Relationship: The statements within the local petition to establish the Alta Lakes CDD appear to be mostly true and correct, with the exception of one inconsistency.

The Petitioner has provided an executed and notarized statement claiming that the Petition is true and correct. However, during review of the Petition an inconsistency was found within the document. Exhibit 7 indicates the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/HOA". Exhibit 8, page 11, shows the Alta Lakes Boulevard Roadway Improvements maintenance entity as "COJ/CDD". Notwithstanding, the Council is not bound by these findings and may find the statements, attachments and documentation are incomplete and/or insufficient to permit fair debate, or are not adequately truthful and correct so as to permit informed consideration.

Factor 4 (Section 190.005(1)(e)4, F.S.)

Whether the CDD is the best alternative for delivering the community development services and facilities to the area that will be served by the CDD?

Relationship: The Alta Lakes CDD appears to be the best alternative for delivering the community development services and facilities to the area.

The Petitioner's executed and notarized statement claiming the Petition to Establish the CDD is true and correct is within the Petition. The petitioner claims the proposed CDD is the best alternative for delivering community development services and facilities within its area of service and the Department has no reason to find otherwise.

Factor 6 (Section 190.005(1)(e)2, F.S.)

Whether the area that will be served by the CDD is amenable to separate special-district government?

Relationship: The area that will be served by the Alta Lakes CDD appears to be amenable to provide a separate special-district government.

This factor considers the land area viewed in relation as to whether it will be governed efficiently by a separate special district, the CDD. The Department finds the land area is amenable to separate special district government because the development is an autonomous development contained solely on contiguous parcels.

Consent to Special Powers

The Petitioner is also requesting the City Council to grant the Alta Lakes CDD special powers under Section 190.012(2), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses in accordance with Section 190.012(2)(a), Florida Statutes (2018);
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property in accordance with Section 190.012(2)(d), Florida Statutes (2018).