

**PROPOSED COMMUNITY DEVELOPMENT DISTRICT (CDD)
PETITION TO AMEND THE BOUNDARY OF THE BEACH CDD
REVISED PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2018-661

PETITIONER: BEACH COMMUNITY DEVELOPMENT DISTRICT (CDD)

Acreage: 600.36 Acres

Proposed Amended Acreage: 544.49 acres (Petition indicates a total of 544.05 acres due to a calculation error)

The Planning and Development Department (Department) has completed its review of the Petition to Amend the Boundary of the Beach 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 Beach Community Development District (Petitioner) proposes that the Beach Community Development District (CDD) in the City of Jacksonville be modified to remove 55.87 acres from the boundary. The land owner of the parcels to be removed requested that the CDD amend its boundaries to remove those lands as described in the Petition upon payment of all CDD assessments levied against the Amendment Parcel (the parcels to be removed from the CDD boundaries).

The Petitioner states in the Petition that the CDD should be modified because:

- The CDD as amended is not inconsistent with the effective State or local Comprehensive Plans;
- The CDD as amended will be contained within a planned community of sufficient size, its compactness and all lands therein being contiguous to be developed as one interrelated community;
- The CDD as amended remains the best alternative for delivering community development services and facilities without imposing an additional burden on the general population;
- The community development services and facilities of the CDD as amended will not be incompatible with the capacity and use of existing local and regional community development services and facilities; and
- The area served by the CDD as amended will continue to be amenable to separate special district government.

The original petition for establishment of the Beach CDD is Ordinance 2007-170-E, amended further by 2007-780-E, 2013-680-E, 2014-765-E and 2017-189-E.

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 CDD with the proposed amended boundary change continues to be the best alternative for delivering community development services and facilities within its area of service and the Department has no reason to find otherwise.

Overview of CDD and Development Information

The Beach CDD is currently 600.36 acres in land area. The modification to the CDD would remove 55.87 acres, parcels E-2 and E-3, from the boundary of the CDD. The application provided indicates the amended land size to be approximately 544.05 acres, however, this has been determined to be a calculation error. The error appears on page two of the petition provided to the Planning and Development Department. When subtracting the proposed 55.87 acres from the current acreage of 600.36 acres, the result will be 544.49 acres. Parcels E-2 and E-3 are proposed for removal and abut Kernan Boulevard to the East, Beach Boulevard to the North and are fully identified by the Boundary Amendment map (Exhibit 3 included in the Petition).

The location of the CDD is generally identified as east of Kernan Boulevard, south of Atlantic Boulevard, west of Hodges Boulevard, and north of Beach Boulevard. The project location is more fully identified by the Proposed District Boundary map (Exhibit 5 included in the Petition). There are no parcels located within the boundaries of the CDD that are to be excluded from the District. There is no land outside the proposed boundaries of the CDD to be served by the CDD. The proposed breakdown of lands by use is included in the Petition as Exhibit "8".

According to the Petition, the developer maintains that the CDD continues to be 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 services and facilities to be provided and the construction costs as described in the Petition's Table 1 of the SERC Report within "Exhibit 11" and in "Exhibit 9".

Exhibit 11, Table 1 of the SERC Report as found in the Petition

<u>Facility</u>	<u>Funded By</u>	<u>Ownership and Maintenance</u>
Master Infrastructure Utility (Water Main, Force Main, Reuse Main)	CDD	JEA
Roadway Improvements	CDD	City/CDD

Exhibit 9 as found in the Petition

**TABLE 3
BEACH COMMUNITY DEVELOPMENT DISTRICT
CIP ASSESSMENT CATEGORY TABLE**

1/7/2019

1 MASTER UTILITY IMPROVEMENTS	Estimated Budget Amounts	Parcels that benefit from Master Improvements				
		B	C/D	F	G/H	I
Water Main	\$2,184,000	X	X	X	X	X
Force Main	\$1,512,000	X	X	X	X	X
Reuse Main	\$1,176,000	X	X	X	X	X
Subtotal	\$4,872,000					
Total	\$4,872,000					
2 MASTER ROADWAY IMPROVEMENTS						
Road A phase 1	\$6,647,350	X	X	X	X	X
Road A phase 2	\$3,318,692	X	X	X	X	X
Fire Station Relocation and Entry Road	\$5,000,000	X	X	X	X	X
Off-site Road A Improvements Phase 1	\$1,703,000	X	X	X	X	X
Off-site Road A Improvements Phase 2	\$4,000,000	X	X	X	X	X
Wetland Mitigation Road A phase 1	\$1,000,000	X	X	X	X	X
Wetland Mitigation Road A phase 2	\$1,500,000	X	X	X	X	X

Total **\$23,169,042**

Master Improvements include a 20% Contingency

3 RESIDENTIAL COMMUNITY IMPROVEMENTS

MERITAGE COMMUNITY PARCELS (B,C/D,F,G/H, I) Master Improvements

Road B	\$13,809,187
Wetland Mitigation Road B	\$2,500,000
Community Amenity	\$10,000,000
JEA Transmission Line Relocation	\$3,000,000
Entry/Landscape & Irr/Walls/Roundabout	\$4,100,720
Total	\$33,409,907

PARCEL B

Earthwork / Pond Construction	\$2,200,527
Storm Drainage	\$664,167
Utility Improvements (Water, Sewer and Reuse)	\$1,511,651
Roadway	\$881,974
JEA Electric	\$132,628
Street Lighting	\$33,157
Lift Station	\$250,000
Total	\$6,674,104

PARCEL C/D

Earthwork / Pond Construction	\$8,625,000
Storm Drainage	\$868,250
Utility Improvements (Water, Sewer and Reuse)	\$2,014,800
Roadway	\$1,822,750
JEA Electric	\$359,950
Street Lighting	\$124,200
Lift Station	\$250,000
Total	\$14,064,950

PARCEL F	
Earthwork / Pond Construction	\$4,547,100
Storm Drainage	\$517,500
Utility Improvements (Water, Sewer and Reuse)	\$1,151,150
Roadway	\$670,680
JEA Electric	\$327,750
Street Lighting	\$46,000
Lift Station	\$250,000
Total	\$7,510,180
PARCEL G/H	
Earthwork / Pond Construction	\$4,695,450
Storm Drainage	\$1,729,600
Utility Improvements (Water, Sewer and Reuse)	\$1,145,400
Roadway	\$2,010,200
JEA Electric	\$233,450
Street Lighting	\$57,980
Lift Station	\$400,000
Total	\$10,272,060
PARCEL I	
Earthwork / Pond Construction	\$593,124
Storm Drainage	\$99,489
Utility Improvements (Water, Sewer and Reuse)	\$156,400
Roadway	\$147,959
JEA Electric	\$25,300
Street Lighting	\$6,210
Total	\$1,028,482
Total CDD CIP Budget	\$100,000,725
<p>Note: 1. All Residential prices include a 15% contingency and are based on 2013 values & Site plan by Prosser Hallock for unit counts.</p>	

Total design and development costs for providing the capital facilities are estimated to be \$100,000,725 as set forth in Exhibit 9 shown above, CIP Assessment.

Sufficiency and Completeness of Planning Documentation

Pursuant to Chapter 92.07(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 92.07(c)(3), Ordinance Code, the Petitioner has provided an executed and notarized statement, dated January 10, 2019, claiming that the Petition is adequately true and correct to permit a fair and informed consideration by City Council.

JEA Certification of Utility Information

While the Petitioner has supplied a JEA availability of utilities letter dated July 17, 2018, 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 Phase 1 Master Water Plan Map, the Phase 1 Master Sewer Plan and the Phase 1 Master Reuse Plan Map (Exhibit 10) submitted with the Petition appear to be consistent, true and correct regarding the location of the existing and proposed points of connection as identified on the JEA availability of utilities letter. Therefore, pursuant to Chapter 92.07(c)(4), Ordinance Code, the Department finds no reason to find the utility maps 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 2018-661, 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 amended Beach 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 modification 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), Medium Density Residential (MDR), Residential Professional Institutional (RPI), and Community General Commercial (CGC) by the Future Land Use Map contained in the 2030 Comprehensive Plan (see Exhibit 8 in Petition). The area within the CDD is zoned Planned Unit Development (PUD) pursuant to Ordinance 2012-370-E.

The PUD (Ord. 2012-370-E) was found by the Department to be consistent with the 2030 Comprehensive Plan. The planned development consists of a mix of uses with residential, commercial and office uses. The reduction of acreage requested in the modification of the CDD does not affect the provision or funding of those services or facilities required by the development. Any future improvements on the parcels removed from the CDD will now be funded by the landowner.

The Department notes the modification of a CDD, depending upon the specific proposed systems, facilities and services to be financed, constructed, operated and/or maintained by a CDD, may be consistent with the following provisions of the State Comprehensive Plan and the City of Jacksonville's 2030 Comprehensive Plan:

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. For example, a CDD found to be of insufficient size where located far from the urban services area may be of ideal size for an urban redevelopment or a commercial infill project.

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 544.49 acres contained within the amended boundary of the CDD and its location within the Suburban Development 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 Beach CDD will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

The reduction of acreage requested in the modification of the CDD does not affect the provision or funding of those services or facilities required by the development. 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 92.07(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 Amend 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 amend the boundary of the Beach CDD appear to be true and correct.

The Petitioner has provided an executed and notarized statement claiming that the Petition is true and correct. 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 Beach CDD with the proposed amendment to the boundary 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 Amend the Boundary of the CDD is true and correct is within the Petition. The petitioner

claims the CDD with the proposed amendment to the boundary 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 Beach CDD appears to be amendable 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 modified land area will continue to be amenable to separate special district government because the development is an autonomous development contained solely on contiguous parcels.

Consent to Special Powers

The petition does not state whether any additional special powers set forth at §190.012, F.S., will be sought. Assuming the CDD board decides to request to exercise additional special powers at some later date, the City will take same up at that time pursuant to Chapter 92, City of Jacksonville Ordinance Code.