

**PROPOSED COMMUNITY DEVELOPMENT DISTRICT (CDD)
SECOND AMENDED PETITION TO ESTABLISH
ACREE CDD
PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2022-852

PETITIONER: CORNER LOT DEVELOPMENT GROUP, LLC.

Acreage: 490.33 Acres

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

REPORT SUMMARY

Wesley S. Haber, Kutak Rock, LLP, on behalf of Corner Lot Development Group, LLC. (Petitioner) proposes that the Acree Community Development District (CDD) be established in the City of Jacksonville. The Petitioner states in the Petition that the CDD should be established because:

- Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the local Comprehensive Plan;
- The CDD is part of a planned community, is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.
- The establishment of the CDD will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the CDD and is the best alternative for efficiency in delivering services and facilities; the establishment of the CDD will be in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.
- The community development services and facilities will not be incompatible with the capacity and use of existing local and regional facilities and services; and the area to be served by the proposed CDD is amenable 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 not found otherwise.

1. Overview of CDD and Development Information

The CDD is approximately 490.33 acres in total land area. The proposed CDD is generally located west of New Kings Road, east of US 301, south of Acree Road, also known as Thomas Road, and north of Plummer Road. The project location is more fully identified by the General Location Map included as “Exhibit 1” of the Petition. There is no land outside the proposed boundaries of the CDD to be served by the CDD. The existing land use is included in the Petition as “Exhibit 6.” According to the Statement of Estimated Regulatory Costs (SERC), Exhibit 11 of the Petition, the CDD proposed 889 residential units.

Exhibits 3 and 4 of the Petition identify certain “Future Expansion Parcels” that may be added to the boundaries of the district within 10 years after establishment.

The existing land use of the CDD is Multi-Use (MU) pursuant to Policy 4.3.11 of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. The site is within the boundaries of the Suburban Development Area and is identified as the Northwood Town Center Regional Activity Center MU area pursuant to FLUE Policy 4.3.11. The CDD area is subject to the FLUE MU land use category description that predates Ordinance 2010-400-E. The MU land use category is intended to accommodate, in a more innovative fashion development or redevelopment of areas in a larger size and scale. The major purposes of this designation are to facilitate mixed-use development with horizontal and vertical land use integration, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development and give definition to urban form.

Concurrent with the CDD legislation, Land Use Amendment Ordinance 2022-850 will expand the boundaries of the Northwood Town Center RAC MU Area by adding approximately 754 acres that are not currently included in the CDD boundaries, and amend FLUE Policy 4.3.11. Companion Rezoning Ordinance 2022-851 will amend the PUD providing consistency with the proposed land use amendment. The Companion Land Use Amendment and Rezoning applications include approximately 754 acres that are not part of the current Petition for the Acree CDD but are part of the future expansion parcels for the Acree CDD. The potential expansion of the Acree CDD in the future would be reviewed by the City of Jacksonville with legislation with the same process as the Petition for the CDD.

Ordinance 2022-850 revises FLUE Policy 4.3.11 as follows:

Policy 4.3.11

The Northwood Regional Activity Center as approved by Ordinance 2005-1221-E, and subsequently amended by 2007-380-E, 2007-1066-E, 2009-541-E, 2009-543-E and 2022-850, which is a Multi-Use Area on the Future Land Use Map, shall allow the following land use categories: Community/General Commercial (CGC) for 400,000 ~~350,000~~ square feet of commercial uses and 125 hotel rooms, Residential-Professional-

Institutional (RPI) for 50,000 square feet of commercial/office uses, Light Industrial (LI) for ~~up to 2,200,000~~ ~~4,159,500 enclosed~~ square feet of Industrial uses, Low Density Residential (LDR) for ~~up to 2,100~~ single family residential units, and Medium Density Residential (MDR) for ~~up to 900~~ multi-family residential units, ~~up to 25+/-~~ acres for Public Buildings and Facilities (PBF) for up to 20 acres, and a minimum of ~~600~~ ~~150~~ acres of recreation (ROS) and/or conservation (CSV) uses, consistent with the Multi-Use (MU) Land Use Category.

The CDD's future expansion parcels as identified in Exhibit 3 and 4 of the petition, in addition to the current proposed boundaries of the CDD are included within the same boundaries as the companion land use and zoning changes for the Northwood Town Center RAC MU Area.

The petition identifies the allowable uses and entitlements of the property, including the Expansion Parcels as follows:

- Commercial – 400,000 sq. ft.
- Industrial – 2,200,000 sq. ft.
- Single-family residential – 2,100 units
- Multi-family residential – 900 units
- Public Buildings and Facilities – 20 +/- acres
- Recreation and/or Conservation – 600 acres

The indicated allowable uses and entitlements of the CDD with the expansion parcels are consistent with the proposed changes to MU Policy 4.3.11 (pending Ordinance 2022-850) and the companion PUD Rezoning (pending Ordinance 2022-851).

According to the SERC, Exhibit 11 of the Petition, the current proposed boundaries of the CDD proposes 889 units over the 490.33 acres. According to the Petition, the CDD will be connected to JEA's central water and sewer services consistent with the MU land use designation. A JEA availability letter was submitted with the Petition dated August 11, 2021 for 1,100 units; this is consistent with the current proposal of the CDD.

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. Additionally, the Petition includes the exercise of special powers relating to parks and recreation facilities.

Petition Exhibit 9, Opinion of Probable Construction identifies the various services and facilities the CDD may provide, the infrastructure improvement costs, and the ultimate expected owner and entity responsible for maintenance. The exhibit identifies the responsibilities for the total cost of proposed services and facilities which are estimated to be \$14,459,450. The CDD estimates that the improvements will be made over the time period from 2022 to 2023.

Petition Exhibit 9

Acree CDD
OPINION OF PROBABLE CONSTRUCTION COSTS
Conceptual site Improvements and Pre-Engineering Estimate

IMPROVEMENT CATEGORY	INFRASTRUCTURE COST ESTIMATES		ANNUAL OUTLAY		CONSTRUCTION ENTITY	OWNERSHIP	MAINTENANCE
	TOTAL OPINION OF COST ₁		2022	2023			
		\$					
Clearing & Grubbing		\$ 117,320	5%	95%	CDD	N/A	N/A
Earthwork		\$ 879,359	5%	95%	CDD	N/A	N/A
Roadway Construction		\$ 3,270,327	5%	95%	CDD	CDD ₂	CDD ₂
Stormwater Collection		\$ 1,226,574	5%	95%	CDD	CDD	CDD
Parks, Entry Feature & Signage		\$ 796,194	5%	95%	CDD	CDD	CDD
Potable Water		\$ 2,612,923	5%	95%	CDD	JEA	JEA
Lift Stations & Force Main		\$ 4,378,396	5%	95%	CDD	JEA	JEA
Undergrounding of Electrical		\$ 1,178,357	5%	95%	CDD	JEA	JEA
Total:		\$ 14,459,450					

Notes

- This exhibit was prepared by Lee Hutchins at Corner Lot Development Group, LLC, the Petitioner.
 - This opinion of probable construction costs contemplates the exercise of special powers pursuant to Section 190.012(2)(a), Florida Statutes.
 - The above table reflects the total estimated construction costs for the CDD improvements. It is anticipated that the CDD will construct the improvements.
 - This exhibit was prepared based on the current intentions of the CDD and is subject to change based on various factors, including future market conditions and development plans.
1. The estimated costs for each category includes amounts for soft costs, including but not limited to construction management, engineering, surveying & planning.
 2. The majority of the costs included in Roadway Construction will be for CDD. The total costs included in Roadway Construction also includes improvements to be owned and maintained by the Florida Department of Transportation, City of Jacksonville & CSX Transportation, Inc.

2. 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 fair and informed consideration by City Council.

3. TRUTH AND CORRECTNESS OF PLANNING DOCUMENTATION

The Petitioner has provided an executed and notarized statement, dated March 15, 2022, claiming that the Petition is adequately true and correct to permit a fair and informed consideration by City Council.

4. JEA CERTIFICATION OF UTILITY INFORMATION

According to the application, the development will connect to JEA water and sewer. The proposed District will fund and construct the utilities and then transfer the utilities to JEA upon completion. Upon acceptance by JEA of the utilities, JEA will own, operate and maintain the systems.

The applicant has included the major water and wastewater facilities map with Exhibit 7 of the Petition and provided the JEA Availability Letter dated August 11, 2021. According to the SERC, Exhibit 11 of the Petition, the current proposed boundaries of the CDD proposes 889 units over the 490.33 acres. The JEA availability letter was submitted with the Petition for 1,100 single family homes; this identifies utility availability for the current proposal of the CDD with 889 units.

5. OPINION AND RECOMMENDATION AS TO §190.005(1)(e), F.S.

In determining whether to grant a Local Petition for the establishment of the CDD by adoption of Ordinance 2022-852 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, 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 Acree CDD is not inconsistent with the applicable elements or portion of the state and local comprehensive plans. See additional information below.

The adoption of pending land use amendment Ordinance 2022-850 and pending rezoning Ordinance 2022-851 will provide consistency of the CDD with the City's Comprehensive Plan. Both of the companion ordinances are running concurrently with the CDD legislation. The Department concludes that the establishment of the CDD upon adoption of the companion land use amendment Ordinance 2022-850 and rezoning Ordinance 2022-851 would be consistent with any applicable element or portion of the State comprehensive plan (Chapter 187, F.S.) and of the City's 2030 Comprehensive Plan. The Petition for the CDD development indicates the proposed development is consistent with proposed FLUE Policy 4.3.11 for the Northwood Town Center RAC. The development will be connected to JEA central water and sewer services.

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, is sufficiently compact and is 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 to 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 490.33 acres contained within the CDD, the number of residential units proposed, and its location being entirely within the Suburban Development Boundary 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 Acree 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 development proposed (i.e., roadways, stormwater management, amenities, water, wastewater and reclaim systems, 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.

7. 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 Acree 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 Acree CDD would be the best alternative for delivering the community development services and facilities to the area.

This factor provides the Council with discretion concerning whether to grant the Petition and establish the CDD. Proper consideration of this factor requires that the Council consider the prospect of the CDD providing certain proposed systems and facilities to service the underlying development against other available alternatives including those both public (e.g. City's creation of a dependent special district or Municipal Service Benefit Unit, etc.) and private (e.g. homeowners association, developer funding, etc.) The Department considered these alternatives in relation to the benefits to the City and to the intended residents; the benefit to the Petitioner is presumed.

The Department has determined the CDD is the best alternative to the City and intended residents for servicing the development.

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 Acree 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 land area is amenable to separate special district government. Therefore, the Department makes a positive finding on this factor because the development is an autonomous, residential development contained solely on contiguous parcels.

8. CONSENT TO SPECIAL POWERS

The petition requests consent to the CDD's exercise of special powers as authorized in §190.012, F.S. The request for additional powers are specified for parks and recreation powers. These powers are authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.