

**AMENDED AND RESTATED PETITION TO
AMEND THE BOUNDARIES OF
THE ARBORS COMMUNITY DEVELOPMENT DISTRICT (CDD)
PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2024-417

PETITIONER: ARBORS COMMUNITY DEVELOPMENT DISTRICT

Current Acreage of the CDD: 187.33 Acres

Proposed Acreage to be added to the CDD: 169.84 acres

Proposed Amended Acreage of the CDD: 357.17 acres

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

REPORT SUMMARY

Katie S. Buchanan, Esq., Kutak Rock, LLP, on behalf of Arbors Community Development District (Petitioner) proposes that the Arbors Community Development District (CDD) in the City of Jacksonville be modified to include an additional 169.84 acres of land (the Expansion Parcel) to the boundary of the Arbors CDD. The Petitioner has obtained the written consent of one hundred percent of the owners of the lands comprising the Expansion Parcel to amend the boundary of the CDD as set forth in the Petition.

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

- The Original Petition identified Future Expansion Parcels, including the Expansion Parcel, as sufficiently contiguous lands to the existing CDD.
- All of the requirements for a petition to amend the boundaries of the District pursuant to the expansion process in Section 190.046 (1)(h)(1), Florida Statutes have been met and are evidenced by the Exhibits within the Amended and Restated Petition to Amend the Boundaries.

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

City of Jacksonville
Planning and Development Department

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and the Department has not found otherwise.

1. Overview of CDD and Development Information

The CDD is approximately 187.33 acres in total land area. The CDD is generally located north of Dunn Avenue, west of Lem Turner Road, and east of V.C. Johnson Road. The project location is more fully identified by the General Location Map included as “Exhibit 1” of the Petition. The project location is more fully identified by the General Location Map included as “Exhibit 1” of the Petition.

The CDD boundaries would be modified to include an additional 169.84 acres of land (the Expansion Parcel) to the boundary of CDD. The amended total acreage of the CDD would be 357.17 acres. The Petition to Establish the Arbors CDD, Ordinance 2022-642-E, identified the proposed Expansion Parcel and additional Future Expansion Parcels that would be added to the boundaries of the district in the future.

The existing land use of the CDD and the proposed Expansion Parcels is Low Density Residential (LDR) and the site is within the boundaries of the Suburban Development Area. The LDR land use category as described in the Future Land Use Element of the 2045 Comprehensive Plan is intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology. The maximum gross density in the Suburban area is 7 units/acre when full urban services are available to the site. Planned Unit Development (PUD) zoning, Ordinance 2019-717-E, includes the subject CDD site and the subject Expansion Parcel and the additional area that is part of the future expansion parcels of the CDD. The Petition to amend the boundaries is consistent with the LDR land use PUD zoning.

The existing boundaries of the CDD include 486 residential dwelling units. Exhibit 1 of the Amended and Restated Petition to Amend indicates an additional 405 residential dwelling units for the subject Expansion Parcel within the CDD, with an additional 147 residential dwelling units if the Future Expansion Parcels as identified in Exhibit 1 are added to the CDD in the future. This allows for a total of up to 1,038 residential units when all Future Expansion Parcels are added to the CDD. The total number of dwelling units of the proposed CDD is under the allowable maximum of the corresponding PUD (Ordinance 2019-717-E). Additionally, the total number of dwelling units is consistent with the density allowed in the LDR land use category. According to the Petition, the CDD will be connected to JEA’s central water and sewer services.

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.

Petition Exhibit 4, Estimated Cost Summary Arbors Community Development District 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 for the Expansion Parcels of proposed services and facilities which are estimated to be \$17,362,325.

Exhibit 4

PROPOSED INFRASTRUCTURE PLAN ARBORS COMMUNITY DEVELOPMENT DISTRICT			
FACILITY	CONSTRUCTION	OWNERSHIP	OPERATION MAINTENANCE
Roadways	Developer	City of Jacksonville	City of Jacksonville
Water & Wastewater	Developer	JEA	JEA
Stormwater Management	Developer	CDD	CDD
Landscape/Entranceway	Developer	CDD	CDD
Recreation	Developer	CDD	CDD
Electric and Street Lighting	Developer	JEA	JEA

COST ESTIMATE SHEET ARBORS COMMUNITY DEVELOPMENT DISTRICT							
INFRASTRUCTURE COSTS	Current District Costs	Updated Expansion Parcel Costs	Updated Future Expansion Parcel Costs	Total Costs	Current District Annual Outlay ³		
					2023	2024	2025 and Beyond
1. Clearing and Earthwork	5,931,000	4,711,940	1,742,770	12,385,710	45	40	15
2. Stormwater Systems	2,433,000	2,166,585	801,340	5,400,925	40	45	15
3. Water and Sewer Utilities ¹	4,578,000	3,492,005	1,291,560	9,361,565	30	55	15
4. Roadway Improvements	3,892,000	2,628,055	972,020	7,492,075	30	55	15
5. Recreational Improvements ²	3,770,000	2,000,000	0	5,770,000	50	50	0
6. Entry Signage and Landscaping, Berm, Fencing, Fountains	1,082,000	0	0	1,082,000	100	0	0
7. Electric and Street Lighting ⁴	970,000	928,560	343,440	2,242,000	45	40	15
8. Engineering, Surveying, Planning, CEI	1,500,000	1,435,180	530,820	3,466,000	45	40	15
TOTAL COSTS	\$24,156,000	\$17,362,325	\$5,681,950	\$47,200,275			

1. Includes all Water, Sewer, Force Main, and Sewage Pump Stations.
2. These estimates contemplate the exercise of special powers pursuant to Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes. Improvements include Amenity Center.
3. Represents anticipated annual outlay percentage of costs based on anticipated construction timeline.
4. Includes only the cost of installation of conduit and other electrical systems.
5. It is anticipated that the District will acquire the infrastructure identified above from the Developer.

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.

All estimates are 2022 dollar, as updated in 2023 dollars for Expansion Parcels which include current expansion and future expansion parcels. Recreation cost estimate is based on historical bids for similar work. All other estimated costs are based on existing contracts. This cost summary contemplates the exercise of special powers by the District.

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 25, 2024, 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 Petition, 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 Petition to Establish included the JEA water and sewer permits and FDEP's water and wastewater utility extension permits for the project. Exhibit 6 of the Amended and Restated Petition to Amend includes the Master Water Plan, the Master Sewer Plan and the Master Drainage Plan for the CDD as amended including the subject expansion parcel.

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

In determining whether to grant a Local Petition for the amendment to the CDD by adoption of Ordinance 2024-417, 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 Amended Arbors 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 be consistent with any applicable element or portion of the State comprehensive plan (Chapter 187, F.S.) and of the City's 2045 Comprehensive Plan. The total number of dwelling units of the CDD, as amended, is under the allowable maximum of the corresponding LDR land use category and the PUD (Ordinance 2019-717-E). According to the applicant and the information provided, 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.

2045 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 1.2.3

Permit development in areas with capacity for public facilities and in areas where needed facilities can be provided concurrently with development by the public or private sectors in conformance with the Comprehensive Plan.

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 2045 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 district, as amended, 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 Expansion Parcel is adjacent to and abutting the existing boundaries of the CDD; 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 357.17 acres contained within the CDD, as amended, 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 Arbors CDD, as amended, 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, as amended, 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 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 boundaries of the Arbors 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 Arbors CDD, as amended, 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 amend the boundaries of 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, as amended, is the best alternative to the City and intended residents for servicing the development. Given the information provided to date, the Department does not have concerns about the modification to the Arbors CDD.

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 Arbors CDD, as amended, 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 to Establish the Arbors CDD (Ordinance 2022-642-E) authorized parks and recreation powers and security powers. The subject Amended and Restated Petition to Amend the boundaries of the Arbors CDD does not propose any changes to the authorized special powers of the Arbors CDD. Special powers are authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.