

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



ORDINANCE 2022-796

PETITIONER: RYALS CREEK COMMUNITY DEVELOPMENT DISTRICT

Current Acreage of the CDD: 417.58 Acres

Proposed Acreage to be added to the CDD: 77.08 acres

Proposed Amended Acreage of the CDD: 494.66 acres

The Planning and Development Department (Department) has completed its review of the Amended and Restated Petition to Amend the Boundaries of the Ryals Creek 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 Ryals Creek Community Development District (Petitioner) proposes that the Ryals Creek Community Development District (CDD) in the City of Jacksonville be modified to include an additional 77.08 acres of land (the Expansion Parcels) to the boundary. The Petitioner has obtained the written consent of one hundred percent of the owners of the land comprising the Expansion Parcels 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 CDD, as amended, 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, as amended, is part of a planned community, will continue to be of a sufficient size and sufficiently compact and contiguous to be developed as one functional interrelated community.
- The CDD, as amended, 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.
- 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 facilities and services; and the area to be served by the CDD, as amended, will continue to be 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 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 not found otherwise.

1. Overview of CDD and Development Information

The CDD is currently 417.58 acres in total land area. The modification to the CDD would add 77.08 acres to the boundary of the CDD. The amended land size would be approximately 494.66 acres. The Expansion Parcels entirely consist of properties in the Multi-Use (MU) land use category subject to Future Land Use Element (FLUE) Policy 4.3.12 and are a portion of a Planned Unit Development (PUD) zoning approved by Ordinance 2019-235-E (SEQ PUD). The CDD, as amended, is also located within the Transportation Management Area (TMA) and is subject to special guidelines.

The Ryals Creek CDD is generally located southeast of the intersection of Interstate 295 and J. Turner Butler Boulevard, west of undeveloped lands and north of Gate Parkway. The Expansion Parcels are contiguous with the existing boundaries of the CDD. The project location, as well as the Expansion Parcels, 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 7.”

According to the Petition, the CDD, as amended, will contain up to 3,000 residential dwelling units, a 100-unit assisted living facility, a 100-unit hotel, a 2, 400 seat movie theatre, 1,545,000 square feet of office uses and 1,384,000 square feet of commercial uses. The entitlements are consistent with the adopted FLUE MU Policy 4.3.12 and with the PUD Zoning pursuant to Ordinance 2019-235-E. The Petition is consistent with the MU land use PUD zoning.

The existing land use of the CDD is a portion of the Multi-Use (MU) Area subject to FLUE Policy 4.3.12 below:

4.3.12

The Route 9A/J. Turner Butler Boulevard/Baymeadows Road area of the Transportation Management Area (Sector A-3), which is a Multi-Use Area on the Future Land Use Map, shall allow the following land use categories: Low Density Residential (LDR), Medium Density Residential (MDR), Residential-Professional-Institutional (RPI), Community/General Commercial (CGC), and Agriculture (II [AGR (II)]), consistent with 1) the Multi-Use Land Use Category, 2) the trip generation levels in the Route 9A/J. Turner Butler Boulevard/Baymeadows Road portion of the Transportation Management Area, and 3) associated development

agreements approved on April 8, 1999, so long as such development agreements remain in effect. In no event shall development on this acreage (Section A-3), as defined by legal descriptions and shown on the land use maps associated with Amendment 2002A-010, exceed 5,463 residential units and 6,128,892 square feet of non-residential.

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.

In addition to the original capital costs for the CDD boundaries, Exhibit 9 includes the Proposed Facilities and Services and the Opinion of Probable Cost for the Expansion Parcels. The exhibit identifies the responsibilities for the total cost of proposed services and facilities which are estimated to be \$15,812,753.

Petition Exhibit 9
RYALS CREEK COMMUNITY DEVELOPMENT DISTRICT
Proposed Facilities and Services

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Collector Road	CDD	City	City
Stormwater Management Facilities	CDD	City	City
Off-site Utilities (water, sewer, electric, etc.)	CDD	JEA	JEA
Earthwork	CDD	CDD	CDD
Street Lighting	CDD	JEA	JEA
Landscape and Irrigation	CDD	CDD	CDD
Hardscape	CDD	CDD	CDD

RYALS CREEK COMMUNITY DEVELOPMENT DISTRICT

Opinion of Probable Cost

	Annual Outlay	
	2023	2024
Collector Road	\$0	\$5,634,000
Stormwater Management Facilities	\$0	\$1,979,391
Off-Site Utilities (water, sewer, electric, etc.)	\$0	\$1,252,000
Earthwork	\$0	\$1,970,000
Street Lighting	\$0	\$550,000
Landscape and Irrigation	\$0	\$980,000
Hardscape	\$0	\$703,000
Mobilization, As-Builts, Erosion Control, etc.	\$0	\$1,306,839
Planning, Engineering, Survey and Regulatory Cost	\$0	\$1,437,523
Total	\$0	\$15,812,753

NOTES

1. This exhibit identified the current intentions of the CDD and is subject to change based upon various factors such as future development plans or market conditions.
2. This Opinion of Probable Cost was put together under the direction of Jason Crews, P.E.
3. The CDD does not currently contemplate the exercise of special powers in connection with this boundary amendment but reserves the right to exercise the special powers previously granted to it by the City of Jacksonville.

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 June 16, 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. A utility service agreement with JEA confirming the availability of potable water and sanitary sewer mains for development of the lands within the Expansion Parcels is also included in Exhibit 8A of the Petition. The Petition to Establish the Ryals Creek CDD (Ordinance

2019-490-E) established that water, sewer and reclaimed water connections are available to the entire development.

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 2022-796, 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 Ryals Creek 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 2030 Comprehensive Plan. The land area underlying the Expansion Parcels of the CDD is designated Multi-Use (MU) by the Future Land Use Map contained in the 2030 Comprehensive Plan; the MU land use is subject to FLUE Policy 4.3.12. The CDD, as amended, is a portion of a Planned Unit Development (PUD) zoning approved by Ordinance 2019-235-E (SEQ PUD). According to the Petition, the CDD, as amended, will contain approximately 3,000 residential dwelling units, a 100-unit assisted living facility, a 100-unit hotel, a 2,400 seat movie theatre, 1,545,000 square feet of office uses and 1,384,000 square feet of commercial uses. The entitlements are consistent with the adopted FLUE MU Policy 4.3.12 and with the PUD Zoning pursuant to Ordinance 2019-235-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 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 Parcels are contiguous to 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 494.66 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 Ryals Creek 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 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 Ryals Creek 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 Ryals Creek 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 Ryals Creek 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 Ryals Creek CDD, as amended, 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. 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 amend the boundaries of the Ryals Creek CDD did not include a request for special powers. Special powers are authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.