

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



ORDINANCE 2024-25

PETITIONER: ACREE COMMUNITY DEVELOPMENT DISTRICT

Current Acreage of the CDD: 490.31 Acres

Proposed Acreage to be added to the CDD: 77.56 acres

Proposed Amended Acreage of the CDD: 567.87 acres

The Planning and Development Department (Department) has completed its review of the Petition to Amend the Boundaries of 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, Esq., Kutak Rock, LLP, on behalf of Acree Community Development District (Petitioner) proposes that the Acree Community Development District (CDD) in the City of Jacksonville be modified to include an additional 77.56 acres of land (the Expansion Parcels) to the boundary of the Acree CDD. The Petitioner has obtained the written consent of one hundred percent of the owners of the lands 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 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 for the Expansion Parcels.
- 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 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 approximately 490.31 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.

The CDD boundaries would be modified to include an additional 77.56 acres of land (the Expansion Parcels) to the boundary of CDD. The amended total acreage of the CDD would be 567.87 acres. The Petition to Establish the Acree CDD, Ordinance 2022-852-E, identified the proposed Expansion Parcels as “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 Multi-Use (MU) pursuant to Policy 4.3.11 of the Future Land Use Element (FLUE) of the 2045 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 and the proposed Expansion Parcels are 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.

FLUE 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 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 square feet of Industrial uses, Low Density Residential (LDR) for up to 2,100 single family residential units, Medium Density Residential (MDR) for up to 900 multi-family residential units, Public Buildings and Facilities (PBF) for up to 20 acres, and

a minimum of 600 acres of recreation (ROS) and/or conservation (CSV) uses, consistent with the Multi-Use (MU) Land Use Category.

According to the Petition to Amend, the Expansion Parcels will be comprised of 200 multi-family homes. The entitlements on the Expansion Parcels are consistent with the current MU Land Use pursuant to FLUE Policy 4.3.11 and PUD zoning of the property and with the entitlements identified within the Petition to Establish the Acree CDD (Ordinance 2022-852-E).

The Petition to Establish the Acree CDD (Ordinance 2022-852-E) identified the CDD as the construction, ownership and maintenance entity for the roadways of the CDD. The subject Petition to Amend the CDD includes the Probable Construction Costs, Exhibit 9, and the SERC Report, Exhibit 10, that identify the City as the ownership and maintenance entity of the roadways. According to the response submittal from the applicant to the City of Jacksonville's initial comments to the Petition, the CDD, as amended, was clarified to indicate that the intent of the Petition to Amend the boundary is to reflect the City as the final ownership and maintenance entity for the roadways. The CDD remains the responsible construction entity for the roadways. Portions of the roadways may also be owned and maintained by Florida Department of Transportation and C SX Transportation, Inc.

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 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 for the Expansion Parcels of proposed services and facilities which are estimated to be \$10,777,328. The CDD, as amended, estimates that the improvements will be made over the time period from 2023 to 2025.

Petition Exhibit 9

**ACREE CDD EXPANSION PARCELS
OPINION OF PROBABLE CONSTRUCTION COSTS
Conceptual site Improvements and Pre-Engineering Estimate**

INFRASTRUCTURE COST ESTIMATES		ANNUAL OUTLAY			CONSTRUCTION ENTITY	OWNERSHIP	MAINTENANCE
IMPROVEMENT CATEGORY	TOTAL OPINION OF COST ₁	2023	2024	2025			
Soft Costs	\$ 1,220,410.24	65%	35%	0%	Petitioner	N/A	N/A
Clearing & Grubbing	\$ 384,000.00	0%	100%	0%	Petitioner	N/A	N/A
Earthwork	\$ 2,304,660.87	0%	90%	10%	Petitioner	N/A	N/A
Roadway Construction	\$ 1,206,453.02	0%	80%	20%	Petitioner	COJ	COJ
Stormwater Collection	\$ 1,008,000.00	0%	75%	25%	Petitioner	CDD	CDD
Amenity, Entry Feature & Signage	\$ 732,950.00	0%	65%	35%	Petitioner	CDD	CDD
Potable Water	\$ 1,648,530.00	0%	70%	30%	Petitioner	JEA	JEA
Gravity Sewer, Lift Stations & Force Main	\$ 1,980,724.85	0%	70%	30%	Petitioner	JEA	JEA
Undergrounding of Electrical	\$ 291,600.00	0%	80%	20%	Petitioner	JEA	JEA
Total: \$		10,777,328.98					

Notes

- This exhibit was prepared by Acree JV, 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 Petitioner 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 petition to establish the District indicated that the District would be the final ownership and maintenance entity of the roadways. It is the intent for this boundary amendment petition to amend that prior chart to reflect that the intent is for the City to be the final ownership and maintenance entity for the roadways. Portions of the roadways may also be owned and maintained by the Florida Department of Transportation and 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 September 14, 2023, 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 Petitioner provided an availability letter confirming the availability of potable water and sanitary sewer mains from JEA, dated September 18, 2023 and included as "Exhibit 8" of the petition. Exhibit 8 also includes the existing and proposed major trunk water mains, sewer interceptors and outfalls for the Expansion Parcels.

Additionally, the Petition to Establish the Acree CDD (Ordinance 2022-852-E) established that water and sewer connections are available to the entire development including the Expansion Parcels under certain conditions.

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 2024-25, 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 Acree 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 land area underlying the Expansion Parcels of the CDD is designated Multi-Use pursuant to Policy 4.3.11 by the Future Land Use Map contained in the 2045 Comprehensive Plan. The Petition to Amend the CDD indicates the proposed development is consistent with FLUE Policy 4.3.11 for the Northwood Town Center RAC. Additionally, the total number of dwelling units of the CDD, as amended, is under the allowable maximum of the corresponding PUD (Ordinance 2022-851-E). 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 Parcels are 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 567.87 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 Acree 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 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, 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 Acree 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 Acree 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 Acree CDD (Ordinance 2022-852-E) authorized parks and recreation powers and security powers. The subject Petition to Amend the boundaries of the Acree CDD does not propose any changes to the authorized special powers of the Acree CDD. Special powers are authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.