

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



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**ORDINANCE 2019-599**

**PETITIONER:** CYPRESS BLUFF COMMUNITY DEVELOPMENT DISTRICT (CDD)

**Current Acreage of the CDD:** 1,249.73 Acres

**Proposed Acreage to be added to the CDD:** 24.19 acres

**Proposed Amended Acreage of the CDD:** 1,273.92

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

**REPORT SUMMARY**

Hopping Green & Sams, P. A., on behalf of Cypress Bluff (CDD) (Petitioner) proposes that the Cypress Bluff CDD in the City of Jacksonville be modified to include an additional 24.19 acres of land (the Expansion Parcel) to the boundary. 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 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 of sufficient size, its compactness and all lands therein being contiguous to be developed as one functional and 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 of the local government; 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 CDD, as amended, 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 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.

## **1. Overview of CDD and Development Information**

The Cypress Bluff CDD is currently 1,249.73 acres in land area. The modification to the CDD would add 24.19 acres to the boundary of the CDD. The amended land size would be approximately 1,273.92 acres. The Expansion Parcel entirely consists of properties in the Community/General Commercial (CGC) land use category and is a portion of a Planned Unit Development (PUD) zoning approved by Ordinance 2018-564-E (E Town Village Center PUD).

The Cypress Bluff CDD is generally located east of I-295 east beltway, south of R.G. Skinner Parkway and north of Philips Highway. The Expansion Parcel is contiguous with the southern boundary of the current CDD boundary. The project location is more fully identified by the General Location map included as “Exhibit 2” 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.”

The Department calls attention to the fact that the petition indicates that development within the Expansion Parcel of the CDD boundaries will contain approximately 110 townhomes. However, when considering the Expansion Parcel’s boundaries in relation to the E-Town Village Center PUD zoning (2018-564-E), the CDD boundaries include land entitled for both residential and non-residential uses but does not mandate non-residential uses.

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, Petition “Exhibit 8”, indicates that the total design and development costs of the Expansion Parcel for providing the capital facilities are estimated to be \$5,750,550. The exhibit identifies the responsibilities for the provision and maintenance of proposed services and facilities. Improvements are anticipated to be made, constructed and installed in one phase over the time period from 2019 through 2021, depending on economic conditions.

Petition "Exhibit 8"

**EXHIBIT 8A  
INFRASTRUCTURE COST AND TIMETABLE ESTIMATE  
CYPRESS BLUFF COMMUNITY DEVELOPMENT DISTRICT**

ORIGINAL INFRASTRUCTURE	Total	Annual Outlay <sup>1</sup>		
		2018	2019	2020
1. E-Town Parkway R.G. Skinner Parkway Landscape/Irrigation	\$1,035,000	80%	20%	
2. E-Town Parkway R.G. Skinner Parkway Landscape Signage	\$172,500	50%	50%	
3. E-Town Parkway R.G. Skinner Parkway Fencing	\$949,929	30%	40%	30%
4. E-Town Parkway R.G. Skinner Electric Street Lighting	\$2,587,500	30%	40%	30%
5. Utilities (Water, Sewer, Electrical, Street Lighting) <sup>2</sup>	\$8,040,145	30%	40%	30%
6. Stormwater Systems	\$7,124,544	50%	30%	20%
7. Roadway Improvements	\$26,812,800	30%	40%	30%
8. Recreational Improvements <sup>3</sup>	\$15,480,000	30%	40%	30%
9. Engineering, Testing, Planning, CFI, Mobilization, As-builts, Erosion Control, Etc	\$13,901,617	30%	40%	30%
<b>TOTAL COSTS</b>	<b>\$76,104,034</b>			

1. Includes Transmission (Trunk) Water, Sewer (Force Main), and JEA Electric. Costs include Booster Pump Station and Reuse Pump Stations

2. Reclaimed water improvements will be funded by JEA pursuant to the Master Utility Agreement

3. These estimates contemplate the exercise of special powers pursuant to Sections 190.012(2)(a) and 190.012(2)(d) Florida Statutes

4. Represents anticipated annual outlay of costs based on anticipated construction timeline

**2019 BOUNDARY AMENDMENT ADDITIONAL  
INFRASTRUCTURE**

	Total	2019	2020	2021
1. Apex Trail Roadway, Drn., and Water, Sewer Infrastructure (Master)	\$2,530,000	50%	50%	
2. Apex Trail Landscape Irrigation (Master)	\$64,800	50%	50%	
3. Apex Trail Electric Street Lighting (Master)	\$143,750	50%	50%	
4. Apex Trail Engineering, Permitting, Planning, CFI, Etc. (Master)	\$240,000	50%	50%	
5. Neighborhood Infrastructure (roads, stormwater, signage, amenity, parks, utilities, electric, etc.)	\$1,772,000	25%	50%	25%
<b>TOTAL COSTS</b>	<b>\$5,750,550</b>			

1. These estimates contemplate the exercise of special powers pursuant to Sections 190.012(2)(a) and 190.012(2)(d) Florida Statutes

2. Represents anticipated annual outlay of costs based on anticipated construction timeline

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

**EXHIBIT 8B**  
**DISTRICT INFRASTRUCTURE IMPROVEMENTS OWNER/MAINTENANCE ENTITY**  
**CYPRESS BLUFF COMMUNITY DEVELOPMENT DISTRICT**

<u>Description of Original Improvements</u>	<u>Construction Entity<sup>1</sup></u>	<u>Final Owner</u>	<u>Maintenance Entity</u>
E-Town Parkway R.G. Skinner Parkway Landscape/Irrigation	Developer	COJ/CDD	COJ/CDD
E-Town Parkway R.G. Skinner Parkway Hardscape/Signage	Developer	COJ/CDD	COJ/CDD
E-Town Parkway R.G. Skinner Parkway Fencing	Developer	CDD	CDD
E-Town Parkway R.G. Skinner Electric Street Lighting	Developer	JEA <sup>3</sup>	JEA <sup>3</sup>
Utilities (Water, Sewer, Electrical, Street Lighting)	Developer	JEA	JEA
Stormwater Systems	Developer	CDD	CDD
Roadway Improvements	Developer	COJ/HOA <sup>4</sup>	COJ/HOA <sup>4</sup>
Recreational Improvements	CDD	CDD	CDD

**Notes**

- <sup>1</sup>COJ is expected to operate and maintain the right-of-way infrastructure. CDD may provide enhanced landscape maintenance through an interlocal agreement with the city.
- <sup>2</sup>HOA will be responsible for operation and maintenance of all roadways which COJ will not own (private roads, alleys, etc.) and that are not funded by the CDD.
- <sup>3</sup>HOA may provide enhanced maintenance on COJ owned roads.
- <sup>4</sup>Funding for electricity provided by COJ.
- <sup>5</sup>It is currently the intention of the CDD to acquire E-Town Parkway landscape, irrigation, hardscape, signage, street lighting, electrical, water, utilities, and ponds and for the CDD to construct the master recreational improvements including the amenity center. These plans are subject to change.

<u>Description of 2019 Boundary Amendment Additional Improvements</u>	<u>Construction Entity<sup>1</sup></u>	<u>Final Owner</u>	<u>Maintenance Entity</u>
Apex Trail Roadway and Drainage/Stormwater	Developer	COJ/CDD	COJ/CDD
Apex Trail Utilities (Water, Sewer, Reuse)	Developer	JEA	JEA
Apex Trail Landscape/Irrigation	Developer	COJ/CDD	COJ/CDD
Apex Trail Electric/Street Lighting	Developer	JEA <sup>3</sup>	JEA <sup>3</sup>
Neighborhood Roads	Developer	COJ/HOA <sup>4</sup>	COJ/HOA <sup>4</sup>
Neighborhood Stormwater	Developer	CDD/HOA <sup>4</sup>	CDD/HOA <sup>4</sup>
Neighborhood Utilities	Developer	JEA	JEA
Neighborhood Recreational Improvements	Developer	CDD/HOA <sup>4</sup>	CDD/HOA <sup>4</sup>

**Notes**

- <sup>1</sup>COJ is expected to operate and maintain the right-of-way infrastructure. CDD may provide enhanced landscape maintenance through an interlocal agreement with the city.
- <sup>2</sup>HOA will be responsible for operation and maintenance of all roadways which COJ will not own (private roads, alleys, etc.) and that are not funded by the CDD.
- <sup>3</sup>HOA may provide enhanced maintenance on COJ owned roads.
- <sup>4</sup>Funding for electricity provided by COJ.
- <sup>5</sup>HOA will be responsible for operation and maintenance of all recreational improvements that are not funded by the CDD.
- <sup>6</sup>HOA will be responsible for operation and maintenance of all stormwater improvements that are not funded by the CDD.

COJ - City of Jacksonville  
 CDD - Community Development District  
 JEA - Jacksonville Electric Authority  
 HOA - Home Owners Association

**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 a fair and informed consideration by City Council.

**3. TRUTH AND CORRECTNESS OF PLANNING DOCUMENTATION**

The Petitioner has provided an executed and notarized statement, dated July 16, 2019, 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**

The Petitioner provided the “Developer Utility Service and JEA Cost Participation Agreement”, dated July 15, 2015 and included as “Exhibit 7” of the petition. This agreement with JEA is for those properties within the boundary of the Cypress Bluff CDD. “Exhibit 7” also includes the Master Water Plan, the Master Sanitary Sewer Plan and the Master Reuse Plan for the CDD, as amended, identifying existing and proposed points of connection.

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

In determining whether to grant a Petition for the CDD by adoption of Ordinance 2019-599 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 Cypress Bluff 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.) or of the City's 2030 Comprehensive Plan. The land area underlying the Expansion Parcel of the CDD is designated as Community/General Commercial (CGC) by the Future Land Use Map contained in the 2030 Comprehensive Plan (see Exhibit "6" in Petition). The Expansion Parcel of the CDD is zoned Planned Unit Development (PUD) in accordance with Ordinance 2018-564-E. The PUD, known as the E Town Village Center PUD, is intended to create a mixed use development for working shopping and living opportunities.

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, 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 Expansion Parcel is 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 1,273.89 acres contained within the CDD, as amended, the number of residential units proposed, and its location being almost 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 Cypress Bluff 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., amenities, water, sewer, 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 boundary of the Cypress Bluff 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 Cypress Bluff CDD, as amended, appears to 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, 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 of the Cypress Bluff 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 Cypress Bluff 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**

Ordinance 2019-434-E granted consent to exercise special powers related to recreational and security infrastructure as authorized in §190.012, F.S. .