

**PROPOSED COMMUNITY DEVELOPMENT DISTRICT (CDD)
PETITION TO ESTABLISH
SEATON CREEK RESERVE CDD
PLANNING AND DEVELOPMENT DEPARTMENT REPORT**



ORDINANCE 2021-451

PETITIONER: PECAN ENTERPRISES, LLC

Acreage: 345 Acres

The Planning and Development Department (Department) has completed its review of the Petition to Establish the Seaton Creek Reserve 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 Pecan Enterprises, LLC. (Petitioner) proposes that the Seaton Creek Reserve 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 will be contained within a planned community of sufficient size, its compactness and all lands therein being contiguous to be developed as one functional and 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 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 no reason to find otherwise.

1. Overview of CDD and Development Information

The CDD is approximately 345 acres in land area. The southern portion of the CDD is in the Low Density Residential (LDR) land use category. The northern portion of the CDD is in the Agriculture-2 (AGR-2) and Agriculture-3 (AGR-3) land use categories. However, a land use amendment application has been submitted for the northern portion of the CDD for a change to LDR and Conservation (CSV) land use categories; the application was approved with Ordinance 2021-133-E for transmittal to State agencies and it is anticipated to be filed for legislation for the Adoption Round of public hearings in the fall of 2021. The southern portion of the CDD is part of two Planned Unit Developments (PUD) approved by Ordinances 2006-1169-E and 2007-386-E. The northern portion of the CDD is currently in the Agriculture (AGR) zoning district; however, a companion PUD rezoning will be applied for at the adoption round of the land use amendment application. According to the petition, subsequent to the land use change to LDR and CSV on the northern portion of the proposed CDD, the proposed development for lands within the CDD will contain 900 residential dwelling units.

The proposed CDD is generally located north of the intersection of Arnold Road and Pecan Park Road, west of I-95, and south and east of the Seaton Creek Historic Preserve. 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 4.”

The Department calls attention to the fact that the petition does not indicate the location of the development for residential units. Residential units would be allowed in the LDR designated land. The CSV designation is primarily for conservation of the valuable wetlands abutting Seaton Creek.

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 recreational facilities.

Petition “Exhibit 7”, Opinion of Probable Construction Cost, indicates that the infrastructure improvement costs including conceptual site improvements and pre-engineering estimates are estimated to be \$40,985,765. 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 three (3) phases between 2021 and 2029, depending on economic conditions.

Petition "Exhibit 7"

6/14/2021

Seaton Creek Reserve CDD
OPINION OF PROBABLE CONSTRUCTION COSTS
Conceptual Site Improvements and Pre-Engineering Estimate

IMPROVEMENT CATEGORY	TOTAL OPINION OF COST	ANNUAL OUTLAY			CONSTRUCTION ENTITY	FINAL OWNER	MAINTENANCE ENTITY
		2021-2023	2024-2026	2027-2029			
Clearing and Grubbing	\$ 3,839,663	33%	33%	33%	DEVELOPER	N/A	N/A
Earthwork	\$ 6,772,370	33%	33%	33%	DEVELOPER	N/A	N/A
Roadway Construction	\$ 3,996,627	33%	33%	33%	DEVELOPER	CDD	CDD
Stormwater Collection	\$ 6,104,339	33%	33%	33%	DEVELOPER	CDD	CDD
Landscaping/Recreation/Amenity	\$ 11,750,000	33%	33%	33%	DEVELOPER	CDD	CDD
Potable Water	\$ 2,033,354	33%	33%	33%	DEVELOPER	JEA	JEA
Lift Stations & Force Main	\$ 3,759,700	33%	33%	33%	DEVELOPER	JEA	JEA
Gravity Sanitary Sewer Collection Network	\$ 1,929,713	33%	33%	33%	DEVELOPER	JEA	JEA
Electrical	\$ 800,000	33%	33%	33%	DEVELOPER	JEA	JEA
Total:	\$ 40,985,765						

Notes

- This exhibit was prepared under the direction of Matt Melchiori, P.E. at Prosser, Inc.
- 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 Developer will construct the improvements and the CDD will acquire the completed improvements from the Developer for the actual costs of construction.
- 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.

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 24, 2021, 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 an availability letter from JEA, dated November 10, 2020 and included as "Exhibit 6" of the petition. The letter provides capacity analysis for the development within the proposed CDD. The letter indicates that water, sewer and reclaimed water connections are available to serve the proposed development. The letter also identifies special conditions related to the sewer and reclaimed water connections.

Special conditions for sewer relate to the requirement for JEA Cost Participation on Master Pump Station with connection to and from existing force main. The JEA Cost Participation will handle sizing for development of the station/force mains and any upsizing and/or force main routing required by JEA.

Special conditions for reclaimed water relate to the availability of reclaimed water in the near future. Until reclaimed water is available, a temporary connection to the potable water system will be required. This temporary connection point should be coordinated with the JEA Development Group to ensure a simplified transition to reclaimed water when it becomes available.

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 2021-451 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 Seaton Creek Reserve 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 establishment 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 southern portion of the land area underlying the CDD is designated as Low Density Residential (LDR). The northern portion of the land area underlying the CDD is designated as Agriculture-2 (AGR-2) and Agriculture-3 (AGR-3) (See Exhibit "4" in Petition). However, this northern portion of the CDD has submitted a land use amendment application for a change to the LDR and Conservation (CSV) land use categories; the application was approved with Ordinance 2021-133-E for transmittal to State agencies and is anticipated to be filed for legislation in Fall 2021 for the Adoption Round of public hearings. The southern portion of the CDD is part of two Planned Unit Developments (PUD) approved by Ordinances 2006-1169-E and 2007-386-E. The northern portion of the CDD is currently in the Agriculture (AGR) zoning district; however, a PUD rezoning has been submitted and will be considered at the adoption round of the land use amendment application. The PUD is intended to provide for residential and conservation uses.

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, 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 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.

Additionally, the southern portion of the proposed CDD is part of the Suburban Development Area. The northern portion of the proposed CDD is part of the Rural Development boundary. However, the northern portion of the CDD has submitted a land use amendment application for a change to the LDR and CSV land use categories including a change in the Development Boundary from the Rural Area to the Suburban Area; the application was approved with Ordinance 2021-133-E

for transmittal to State agencies and will soon be filed for legislation for the Adoption Round of public hearings.

Given the proposed 345 acres contained within the CDD, the number of residential units proposed, and its location mostly 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 Seaton Creek Reserve 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 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 Seaton Creek Reserve 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 Seaton Creek Reserve CDD 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 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 establishment of the proposed 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 Seaton Creek Reserve 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 facilities for indoor and outdoor recreational, cultural, and educational uses and for security. These

powers are authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.