



Attachment

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2005-841-E**

5 AN ORDINANCE ESTABLISHING THE TISON'S LANDING  
6 COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE  
7 EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING  
8 THE DISTRICT; NAMING THE INITIAL DISTRICT  
9 BOARD OF SUPERVISORS; PROVIDING INFORMATION  
10 RELATED TO DISTRICT BOARD REQUESTS FOR CONSENT  
11 TO EXERCISE SPECIAL POWERS; PROVIDING FOR  
12 CONFLICT AND SEVERABILITY; PROVIDING AN  
13 EFFECTIVE DATE.  
14

15 **WHEREAS**, Yellow Bluff Development, LLC, a Florida limited  
16 liability company, petitioned the City Council to establish by City  
17 ordinance a uniform community development district ("CDD") named  
18 the Tison's Landing Community Development District on approximately  
19 216V acres lying wholly within the boundaries of the City pursuant  
20 especially to F.S. § 190.005(2) and Chapter 92, *Ordinance Code*, a  
21 copy of which petition is attached as **Exhibit 1**;

22 **WHEREAS**, if established as proposed in the petition, the  
23 Tison's Landing Community Development District would thereafter  
24 exist and operate as an independent special district pursuant to  
25 its uniform charter set forth in general law at F.S. § 190.006  
26 through § 190.048;

27 **WHEREAS**, a decision to grant or deny a petition to establish a  
28 CDD is not a development order within the meaning of F.S. Ch. 380,  
29 and any matter concerning permitting or planning of the underlying

1 development is not material or relevant to a decision to grant or  
2 deny a petition especially given that: a CDD has no power to adopt  
3 a local comprehensive plan, building code or land development code;  
4 all governmental planning, environmental, and land development  
5 laws, regulations and ordinances apply to all development of the  
6 land within a CDD; and, a CDD may take no action inconsistent with  
7 applicable comprehensive plans, ordinances or regulations of the  
8 applicable local general purpose government;

9       **WHEREAS**, the Office of General Counsel and the Planning and  
10 Development Department have each reviewed the petition and have  
11 submitted reports thereon to the Council, which reports are  
12 attached hereto as **Exhibit 2** and **Revised Exhibit 3** respectively;

13       **WHEREAS**, the Council has determined the petition adequately  
14 meets the requirements of F.S. § 190.005 and is therefore complete  
15 and sufficient to permit fair and informed review thereof;

16       **WHEREAS**, all notice requirements of F.S. Ch. 190 and other  
17 applicable law were complied with, and complete notice was timely  
18 given, and a public hearing held on the date and time noticed and  
19 conducted thereafter in compliance with F.S. Ch. 190 and all  
20 applicable law; and,

21       **WHEREAS**, in making its fair and informed determination whether  
22 to grant or deny the petition, the Council has considered the  
23 petition in light of the record developed at the public hearing and  
24 in relation to the six factors set forth at F.S. § 190.005(1)(e),  
25 now, therefore

26       **BE IT ORDAINED** by the Council of the City of Jacksonville:

27       **Section 1. Name.** A CDD is hereby established within the  
28 City to be known hereafter as the Tison's Landing Community  
29 Development District.

30       **Section 2. Boundaries.** The boundaries of the Tison's  
31 Landing Community Development District established by this

1 ordinance are as set forth in the legal description incorporated  
2 herein as part of **Exhibit 1** attached hereto.

3 **Section 3. Board of Supervisors.** The following five  
4 persons, as set forth in the petition, are designated to be the  
5 initial members of the governing Board of Supervisors ("Board") of  
6 the Tison's Landing Community Development District:

- 7 a. James R. Young, Sr.
- 8 b. James R. Young, Jr.
- 9 c. Leo W. Johns
- 10 d. Brad Stanis
- 11 e. Sharon Caputo

12 **Section 4. Consent Requests.** After the initial meeting and  
13 swearing in of the Tison's Landing Community Development District  
14 Board, the Board may request that the City consent to the Tison's  
15 Landing Community Development District's exercise of one or more  
16 special powers set forth in F.S. § 190.012(2), by adopting a proper  
17 resolution and submitting same thereafter to the City to be taken  
18 up and considered pursuant to Section 92.15, *Ordinance Code*.

19 **Section 5. Conflict and Severability.** Any portion of this  
20 ordinance determined finally by a court of competent jurisdiction  
21 to be in conflict with prevailing law shall not be effective to the  
22 extent of such conflict, and shall be deemed severable and the  
23 remainder shall continue in full force and effect to the extent  
24 legally possible.

25 **Section 6. Effective Date.** This ordinance shall become  
26 effective upon signature by the Mayor or upon becoming law without  
27 the Mayor's signature.

28 Form Approved:

29           /s/ Brenda B. Ezell          

30 Office of General Counsel

31 Legislation Prepared By: Dylan Reingold

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PLANNING AND DEVELOPMENT DEPARTMENT

Current Planning Division



August 12, 2005

RE: Planning and Development Department Report & Recommendations  
Tison's Landing Community Development District  
Ordinance 2005-0841

Dear Council Members:

The Planning and Development Department (Department) has completed its review of a Petition to Establish the Tison's Landing Community Development District (Petition) filed by City Ordinance 2005-0841.

The Department makes the following Report and Recommendations in accordance with §92.07, City of Jacksonville Ordinance Code:

**1. REPORT SUMMARY:**

Rogers Towers, P.A., on behalf of the developer/landowner Yellow Bluff Development, LLC, proposes that Tison's Landing Community Development District (CDD) be established in the City of Jacksonville in order to "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 development encompassed by the District."

The Department finds that the Petition is generally sufficient and correct to permit fair and informed consideration and that the Petition bears a positive relationship to all of the factors specified at section 190.005(1)(e), Fla. Stat. The Department maintains that the proposed CDD is the best alternative for delivering community development services and facilities to the site.

**2. OVERVIEW OF CDD AND DEVELOPMENT INFORMATION:**

The land area proposed to be served by the CDD is located near the intersection of Main Street (US 17) and Yellow Bluff Road. There are two tracts of land within the proposed CDD: Tract A is approximately 216± contiguous acres of land with frontage on both Main Street and Yellow Bluff Road. Tract 2 is approximately 2.0± acres of land that is shown by the project Master Plan dated April 2005 to remain undeveloped lands. The project location is more fully identified by the District Boundary map (Exhibit 1) dated April 2005 that is included in the Petition. There are no parcels located within the boundaries of the CDD that are to be excluded from the District. There is no land outside the proposed boundaries of the CDD to be served by the CDD.

PD - APV  
("POSITIVE")

The land area underlying the CDD is designated Low Density Residential (LDR) and Rural Residential (RR) by the Future Land Use Map series contained in the Future Land Use Element adopted as part of the 2010 Comprehensive Plan. Tract A, on which all of the site development is to occur, is zoned Planned Unit Development (PUD) pursuant to Ordinance 2003-1213-E. Tract B, which is to remain undeveloped, is zoned Residential Rural (RR). The planned development consists of approximately 688 single-family units.

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. Below are the proposed services and facilities to be provided:

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>O &amp; M</b>	<b>OWNERSHIP</b>
Transportation	CDD	CITY & CDD	CITY & CDD
Storm water	CDD	CDD	CDD
Utilities	CDD	JEA	JEA
Mitigation	CDD	CDD	CDD
Entry Features	CDD	CDD	CDD
Recreational	CDD	CDD	CDD

Total design and development costs for providing the capital facilities are estimated to be \$26,181,072.00 as set forth in Table 2 *Cost Estimate for District Facilities* contained in the Statement of Estimated Regulatory Costs (Exhibit 8) included within the Petition.

**3. SUFFICIENCY AND COMPLETENESS OF PLANNING DOCUMENTATION:**

The Department opines that the Planning Documentation received to date appears sufficient and complete.

**4. TRUTH AND CORRECTNESS OF PLANNING DOCUMENTATION:**

The Petitioner has provided an executed and notarized statement claiming that the Petition is true and correct.

5. JEA CERTIFICATION OF UTILITY INFORMATION:

The JEA certification had not been tendered to the Department at this time of making this report and recommendation. Notwithstanding, the Department has no reason to find the utility maps submitted with the Petition are inaccurate.

6. RECOMMENDATION AS TO FACTORS 2., 3. & 5. OF s. 190.005(1)(e), FLA. STAT.

In determining whether to grant a Local Petition for the establishment of the Tison's Landing CDD by adoption of Ordinance 2005-0841 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 section 190.005(1)(e), Florida Statutes.

Accordingly, pursuant to section 92.07, Ordinance Code, the Department is charged with opining and making recommendation of the relationship of the Local Petition to factors 2., 3. and 5., and does so as follows:

Factor 2.: *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: **POSITIVE**

The Department opines and recommends the establishment of the Tison's Landing CDD would be consistent with any applicable element or portion of the state comprehensive plan or of the 2010 Comprehensive Plan. The land area underlying the CDD is designated Low Density Residential (LDR) and Rural Residential (RR) by the Future Land Use Map series contained in the Future Land Use Element adopted as part of the 2010 Comprehensive Plan, and is zoned Planned Unit Development (PUD) pursuant to Ordinance 2003-1213-E.

The PUD was found by the Department to be consistent with the 2010 Comprehensive Plan. The planned development consists of approximately 688 single-family units. The services provided by the establishment of the CDD are consistent with those services required by the type of development proposed (e.g., water, sewer, roadways).

The Department notes the establishment of a CDD, depending upon the specific proposed systems, facilities and services to be financed, constructed, operated and/or maintained by a CDD, may be consistent with the following provisions of statute and the 2010 Comprehensive Plan:

*Section 187.201 (17), Florida Statutes, 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
  - 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 and for financing public facilities.

*Section 187.201(20), Florida Statutes, 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 governments to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.



*Goal 1, Intergovernmental Coordination Element, 2010 Comprehensive Plan*

Coordinate the planning and policy making of the City with that of the surrounding city, 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 2010 Comprehensive Plan.

*Policy 1.2.2, Capital Improvements Element, 2010 Comprehensive Plan*

In part, CIP Policy 1.2.2 states that the "City shall continue to explore the feasibility of alternative financing mechanisms to facilitate the availability of public facilities."

*Policy 1.2.7, Future Land Use Element, 2010 Comprehensive Plan*

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.

Factor 3.: *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: **POSITIVE.**

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 sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community. All of the proposed development is located on Tract 1. Tract 2 will undeveloped, but may be used for retention purposes.

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 217± acres contained within the CDD, the number of residential units proposed, and its location within the suburban boundaries of the City of Jacksonville, the Department makes a positive finding with respect to the sufficiency of the size and location.

Based on the foregoing, the Department opines and recommends that overall a positive finding may be made on this factor three (3.).

Factor 5.: *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: **POSITIVE.**

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 opines same are not incompatible with the capacity and uses of existing local and regional community development services and facilities.

#### 7. OTHER HELPFUL INFORMATION:

The remaining factors (see above paragraph) which the Council must consider when determining whether to grant the Local Petition to establish the Tison's Landing CDD, and a brief explanation of the Department's review and recommendation as to each (given this is the first Petition filed with the Council seeking establishment by ordinance), are as follows:

Factor 1.: *Whether all statements contained within the Local Petition have been found to be true and correct?*

Relationship: **POSITIVE (See Caveats Below).**

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.: *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: **POSITIVE.**

This factor provides the Council with a great deal of 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.

After consideration of the foregoing the Department is convinced the CDD is the best alternative to the City and intended residents for servicing the development and, given the information provided to date, does not have concerns about the establishment of the proposed CDD.

Factor 6:     *Whether the area that will be served by the CDD is amenable to separate special-district government?*

Relationship: **POSITIVE.**

This factor also considers the land area (very similar to factor 3.), but viewed in relation to whether it may be governed efficiently by a separate special district, the CDD. The Department finds the land area is amenable to separate special district government, and the Department therefore 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 does not state whether any special powers set forth at §190.012, Fla. Stat., will be sought but it would not appear the CDD's planned activities would involve any such powers initially. Assuming the CDD board decides to request to exercise these powers at some later date, the City will take same up at that time pursuant to Chapter 92, City of Jacksonville Ordinance Code.

Respectfully submitted,

Guy Parola, AICP  
Senior Planner

Cc:   Petitioners, Tison's Landing CDD  
      Shannon Scheffer, Office of General Counsel  
      Dylan Reingold, Office of General Counsel  
      Kyle Billy, Office of Council Auditor