

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
June 15, 2022

Agenda Item:

First Reading of Ordinance No. 2022-04 establishing a Community Development District for the Corkscrew Crossing Property

Motion to pass first reading of Ordinance No. 2022-04 and set second reading for July 6, 2022.

Background:

Florida law has established “Special Districts” which are units of government created for a special purpose. They can operate within a limited geographic boundary and are created by law, special act, local ordinance, rule of the Governor, and Cabinet, depending on the type of Special District.

These districts have a governing body with policy-making powers and provide essential governmental services and facilities. Special Districts are differentiated from local governments because they do not have all the powers of a city or county government.

Description:

The request to establish a Community Development District (CDD) for Corkscrew Crossing was filed by Lee County Home Associates IV, LLLP, the property owner. The 395-acre site is located on Corkscrew Road between Wildcat Run and The Preserve and Bella Terra. The Village approved a development for a single-family home subdivision on the site which is now under construction by GL homes.

The Petitioner for the CDD has asked for the following powers:

- Water
- Sewer
- Stormwater/Drainage
- Preserves/ Conservation Areas

The petitioner has also requested “additional powers”:

- Security, such as guardhouses, fences, gates, electronic intrusion-detection systems and patrol cars, as described in F.S. 190.012(2).

The total estimated costs of this infrastructure are \$8,460,943, which is paid by the property owners (not the Village).

Staff Analysis of Application:

The applicant's petition is attached. The petition contains the following as required by Section 190.005(2), *Florida Statutes*:

- A metes and bounds description of the external boundaries of the District.
- The written consent by the landowners of all real property in the District.
- A designation of five persons to serve as the initial members of the board of supervisors.
- The proposed name of the District.
- A map showing current major trunk water mains and sewer interceptors and outfalls.
- The proposed timetable for construction of the District services and their estimated cost.
- The Future Land use Map of the Comprehensive Plan for the area within the boundaries of the District.
- A statement of estimated regulatory costs.

Review Factors-

According to the statute, the Village must conduct a public hearing and consider certain review factors in making its determination to grant or deny the petition to establish a Community Development District. A description of the factors from the Statute and staff analysis is below.

1. *“Whether all statements contained within the petition have been found to be true and correct.”*

Staff has reviewed the petition and believes the information is correct. A Florida licensed attorney signed and submitted the petition. The petition includes a statement by the attorney for the petition certifying that the petition is true and correct.

2. *“Whether the establishment of the District is inconsistent with any applicable element or portion of the state comprehensive plan or the effective local government comprehensive plan.”*

The petition's description of the uses of land proposed for the area in the Comprehensive Plan are correct. The establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive

plan. The state comprehensive plan provides a policy in Section 187.201(20)(b) 2, *Florida Statutes*, regarding governmental efficiency that allows the creation of Districts such as this CDD.

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.”*

The site is under development and is zoned Residential Planned Development. The boundary defines a compact area. The District has contiguity throughout and does not create enclaves or separate parcels.

4. *“Whether the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.”*

The proposed method of financing and management appears suitable for delivering community services.

5. *“Whether the community development services and facilities of the District will be incompatible with the capacity and uses of existing local and regional community development services and facilities.”*

The Village’s approval of land development on this site includes requirements for adequate community facilities concurrent with the impacts of development.

6. *“Whether the area that will be served by the District is amenable to separate Special-District Government.”*

The area of the District is amenable to a separate Special- District Government.

Recommendation:

Staff recommends granting the petition establishing the Corkscrew Crossing Community Development District, and consenting to the “additional power” of security. Staff further recommends that any and all agreements for the sale of property within the boundaries of the Community Development District must include the disclosure statement required in Section 190.048, *Florida Statutes*, for the initial sale of the property. This requirement applies to the initial seller of the property as well as all subsequent sellers, successors and assigns for the life of the Corkscrew Crossing Community Development District.

Action Requested:

Pass first reading of Ordinance No. 2022-04 and set second reading for July 6, 2022.

Process and Timeline:

Process for establishment of a district less than 2,500 acres in size per Florida Statute Chapter 190.005 is by Village ordinance.

- Petition filed by applicant on May 11, 2022
- Planning, Zoning and Design Board review is not required because this is not a land development ordinance.
- First reading June 15, 2022.
- Second reading and public hearing July 6, 2022.

Financial Impact:

No financial impact to Village.

A CDD serves a governmental purpose by financing, providing and maintaining certain basic infrastructure systems, facilities and services. Only property owners within the District are assessed through the District for these improvements within its boundaries. The District uses the assessments to pay debt and expenses.

CDDs provide an alternative to an MTSU, property owners association, or city provided services. Estimated costs are \$8 million for the infrastructure. The costs are paid by the property owners, not the Village.

Applicant is responsible for 4 weeks of newspaper advertisements required by statute and an application fee.

Prepared by: **Mary Gibbs**

Attachments:

1. Location Map
2. Ordinance No. 2022-04
3. Applicant’s petition to Establish Corkscrew Crossing Community Development District