



# City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: November 3, 2022

RE: Ordinance Number 22-21: 2<sup>nd</sup> Reading Establishment of the Hicks Ditch Community Development District (CDD) **[1st Reading on 10/20/2022]**

## **Introduction:**

Ordinance Number 22-21 approves the establishment of a Community Development District (CDD) called the Hicks Ditch CDD for Pine Meadows Reserve, a 548-lot mixed-product single-family residential subdivision located 240.43-acres on the north and south sides of Pine Meadows Golf Course Road, with frontage on County Road (CR) 44.

The proposed Community Development District has been reviewed for consistency with:

- Ordinance Number 22-05, which approved the Planned Unit Development (PUD) Overlay and PUD Master Plan for Pine Meadows Reserve
- Resolution Number 22-36, which approved the Preliminary Subdivision Plat (PSP) for Pine Meadows Reserve
- Florida Statutes, particularly Chapter 190 regarding Community Development Districts

## **Recommended Action:**

The administration recommends approval of Ordinance Number 22-21.

## **Background:**

### **1. Pertinent Site Information:**

- a. The proposed development is to be located on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road. The net developable area totals 148.24 acres. The land is partially wooded and portions of the project area are wetlands and/or located in the flood plain. The property is NOT located within the Wekiva Study area.
- b. Unique in its history, the property was a golf course and sod farm, which uses have impacted the onsite habitat/wetlands. Other unique characteristics include its size (an assemblage of 240.4 acres is atypical in Eustis), its configuration (irregular shape, bisected by Pine Meadows Golf Course Road), its proximity to a conservation park (Pine Meadows Conservation Area), its wetland areas (92.2-acres) and flood plain areas (134.1-acres). This project also has the distinction of being the first Rural Residential subdivision to be reviewed under City's form-based code and the Rural Site Design Standards.

- c. Proposed is a mixed-product residential subdivision to include 406 single-family detached units and 142 single-family attached units (townhomes) with road right-of-way, dedicated conservation areas, bike trail, parks and open space. The anticipated net density of 3.69 dwelling units per acre falls below the maximum of 5.0 dwelling units per acre established for the Suburban Residential land use designation.
- d. On May 18, 2021, Development Services facilitated a Community Meeting to review the proposed development. At that time, the concept plan proposed 578 units. Property owners within 500-feet were invited by mail, the meeting was advertised in the Daily Commercial and signs were posted on the project site. Eighteen members of the public attended the meeting. (See attached meeting summary).
- e. On August 19, 2021, the City Commission approved a concept plan for the project via Resolution Number 21-61, which the concept plan proposed 578 units. (See attached meeting minutes).
- f. On December 21, 2021, the Development Review Committee reviewed and recommended approval of the Pine Meadows Reserve PUD, a 548-unit mixed-product subdivision for submittal to the City Commission subject to minor revisions to address remaining comments, which revisions have been submitted.
- g. On February 17, 2022, the City Commission held a first reading hearing for the consideration of the Pine Meadows Reserve Planned Unit Development. The City Commission approved the Pine Meadows Reserve Planned Unit Development via Ordinance Number 22-05.
- h. On March 3, 2022, the City Commission held a second reading hearing for the consideration of the Pine Meadows Reserve Planned Unit Development. The City Commission approved the Pine Meadows Reserve Planned Unit Development via Ordinance Number 22-05.
- i. The application for Preliminary Subdivision Plat approval was made December 3, 2021. The Development Review Committee began Preliminary Subdivision Plat review after the City Commission approved the Planned Unit Development.
- j. On April 11, 2022 the Development Review Committee reviewed and recommended approval of the Preliminary Subdivision Plat for the Pine Meadows Reserve Preliminary Subdivision Plat with additional permitting items to be review with the Final Engineering & Construction Plans:
  - 1) Define Construction Phasing
  - 2) Inclusion of the Trout Lake Trail in construction design
  - 3) Inclusion of trail or wide walk on the south side of Pine Meadows Golf Course Road from the eastern boundary to the western boundary.
  - 4) The entrance off County Road 44 will need to accommodate the County Road 44 trail from the Trail Master plan, including crosswalk at the entrance.
  - 5) Internal traffic calming to reduce speeding and allow for better pedestrian/bicycle friendly development on internal roads.

- 6) The offsite improvements at County Road 44 will need to meet the county turn lane standards. These will be reviewed further with the subdivision construction plans.
  - 7) The offsite road improvements will create an hourglass with the taper to the east. The taper for this site's left turn lane must extend full lane width to the avoid the hourglass affect. The improvement would start at the Hick Ditch intersection.
  - 8) The minimum radii for the entrance road off County Road 44 are 50-ft.
  - 9) Provide additional Geotech borings along the County Road 44 for the widening areas outside of the existing pavement. Verification of soil types is needed as unsuitable clays may be within the area. This info will need to be provided with the subdivision construction plan and driveway connection permit application.
  - 10) Provide a sight distance analysis now for the access off County Road 44 utilizing the Florida Greenbook standards.
  - 11) A right-of-way survey for County Road 44 will be required with the subdivision construction plan and driveway connection permit.
  - 12) Additional right-of-way along County Road 44 will need to be provided. This would be 50 ft from the centerline of County Road 44 and may need to be more to provide for the County Road 44 trail.
  - 13) The flood study and elevation determinations will need to be provide to Lake County Public Works for review as the zones appear to cross into unincorporated lands of the county.
  - 14) A Lake County Driveway Connection permit will be required to permit the proposed access from County Road 44.
  - 15) A Right-of-Way Utilization permit will be required for the utility work along County Road 44.
- k. On June 2, 2022, the City Commission approved the Preliminary Subdivision Plat (PSP) as it was presented via Resolution Number 22-36.
- l. On August 8, 2022, the applicant and their team submitted the Final Engineering and Construction Plans (FECF) for staff review. On August 30, 2022, the staff comments were discussed with the applicant during a Development Review Committee (DRC) meeting. Once a resubmittal is received to address the DRC comments. This phase of the project will move forward again with further staff review and comments.
- m. On August 12, 2022, on behalf of Hanover Land Company, Kutak Rock LLP submitted a formal request to establish the Hicks Ditch Community Development District.

**Applicant's Request:**

The applicant is requesting approval to establish a Community Development District (CDD) for the Pine Meadows Reserve subdivision, which is a 548-unit mixed-product single-family residential subdivision.

## **Analysis of Request According to Applicable Policies and Codes:**

The City of Eustis Land Development Regulations and Comprehensive Plan do not address the establishment or review of a request to establish a Community Development District. The request has been reviewed for consistency with the prior development approvals on the subject property, as discussed above. This request was found to be consistent with the prior development approvals. The request was also reviewed for consistency with the Florida Statutes (F.S.) Chapter 190, which discusses Community Development Districts.

F.S. 190.005 lists items that the petition for the establishment of a CDD must achieve to be valid, all of which have been completed. The required items are shown below.

A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.
2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.
3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.
4. The proposed name of the district.
5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.
6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.
7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.
8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the

boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.
3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

City Staff and the City Commission shall evaluate the request per the following:

The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
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.
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.
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.
6. Whether the area that will be served by the district is amenable to separate special-district government.

### **Summary of Recommendation:**

Staff recommends approval of the establishment of the Hicks Ditch Community Development District (CDD) as the proposal is consistent with prior approvals for this property and it is meeting the evaluation criteria from the Florida Statutes.

### **Alternatives:**

1. Approve Ordinance Number 22-21
2. Deny Ordinance Number 22-21

## Discussion of Alternatives:

Alternative 1 approves Ordinance Number 22-21

### Advantages:

- The property owner can move forward with the proposed development and the CDD to aid in it.
- The action will provide for new residential development, potential job creation in the city, and increased tax revenue.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

### Disadvantages:

- There are no disadvantages.

Alternative 2 denies Ordinance Number 22-21.

### Advantages:

- The Commission could request modifications to the CDD.

### Disadvantages:

- The developer could abandon the project and the City could lose an economic development opportunity.

## **Budget / Staff Impact:**

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspections.

## **Community Input:**

The applicant has placed the proper legal advertisements in the newspaper; notified surrounding property owners within 500 feet; and the property was posted with signage provided by Development Services staff. As of October 12, 2022, staff has received one inquiry from a member of the public who received a mailing notice. An opportunity for public input will be provided at the October 20, 2022 public hearing.

## **Prepared By:**

Heather Croney, Senior Planner

## **Reviewed By:**

Jeff Richardson, AICP, Deputy Development Services Director

Mike Lane, AICP, Development Services Director

## **Attachments**

- Ordinance Number 22-05

- Resolution Number 22-36
- Florida Statute 190.005