

City of Palm Coast, Florida

Agenda Item

Agenda Date: February 6, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: ORDINANCE 2024-XX AMEND THE BOUNDARIES OF THE LANDINGS COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5560		
Presenter: Phong Nguyen, Senior Planner		
Attachments: 1. Presentation 2. Ordinance 3. Amended Petition 4. Master Plan 5. Business Impact Estimate		
Background: This is a legislative item. <u>UPDATED BACKGROUND FROM THE DECEMBER 5, 2023, BUSINESS MEETING:</u> City Council heard the first reading of this item at the December 5, 2023, Business Meeting. City Council requested an update to the petition. City staff received an updated petition from the applicant, and it is attached to this item. <u>ORIGINAL BACKGROUND FROM THE DECEMBER 5, 2023, BUSINESS MEETING:</u> The City of Palm Coast received a Petition to amend the Landings Community Development District (CDD) in October 2023. The applicant is the Landings Community Development District (Petitioner). The current District covers approximately 204.68 acres of land, and the expansion area covers approximately 356.18 acres of land for which are located entirely within the City of Palm Coast, Florida, and comprises approximately 560.86 acres of land in total. The site is generally located south of Seminole Woods Blvd, east of US-1 and south of Citation Blvd. At the time of this application, the current CDD plus the expansion area is planned to develop approximately a combined 801 residential units. The CDD is primarily a mechanism for funding the significant costs of providing infrastructure for a large residential community. The proposed CDD is designed to provide community infrastructure, stormwater, services, and facilities along with public facility operation and maintenance to the proposed CDD. The intent to establish a CDD is to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to serve projected growth without overburdening the general taxpayer. The establishment of the CDD or its expansion boundaries do not obligate the City of Palm Coast to ownership, operation, or maintenance of any infrastructure. Nothing in the Petition shall be construed as an affirmative acceptance by the City Council of the City of Palm Coast of improvements or acceptance of operation and maintenance obligations.		

According to Chapter 190, Florida Statutes, the establishment of a CDD, less than 2,500 acres, may be approved by the City Council and more specifically Section 190.005 provides standards for a local government to adopt an ordinance establishing a CDD. In addition, pursuant to Section 190.046, Florida Statutes, a landowner or the district board may petition to expand the boundaries of a CDD by filing a petition with the local government that initially established the district; and Section 190.046, Florida Statutes, requires that petitions for expansion of CDDs must be reviewed pursuant to the requirements set forth in Section 190.005(2)(e), Florida Statutes. The petitioner has filed a petition with the City containing all information required by Section 190.046, Florida Statutes and the City has received and reviewed those items.

The following six factors are to be used by the City of Palm Coast in determining if the City Council will grant or deny the CDD petition.

1. Whether all the statements 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's comprehensive plan or of the City's comprehensive plan.
3. Whether the land area 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.

A CDD is a special purpose unit of government that is utilized to acquire, finance, operate and maintain the infrastructure within a large, planned development. A key advantage for the developer is that low-cost financing can be obtained by issuing tax-exempt bonds to finance the infrastructure improvements. The City or County approving such ordinance establishing the CDD is not a party to the financing and does not incur any obligation for this infrastructure debt.

Since this is a petition to amend the current boundaries of a district, the CDD is currently managed by a 5-member Board of Supervisors. Florida law requires the Board of Supervisors to operate under public record laws and provide annual audits. Additionally, Florida laws require that potential property owners within the CDD be notified upfront in writing of the infrastructure costs and annual payments associated with the applicable property. These payments would be made to the Flagler County Tax Collector's office as an assessment.

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Pursuant to Section 166.041(4), Florida Statutes, a business impact estimate regarding this proposed Ordinance has been prepared, has been attached to this agenda item, and has been posted to the City's website.

Public Participation: Newspaper ads will be run approximately two weeks prior to each of the two City Council public hearings. The applicant is also required to run four consecutive weekly newspaper ads advising the public of the second City Council public hearing.

Recommended Action:

**ADOPT ORDINANCE 2024-XX AMEND THE BOUNDARIES OF THE LANDINGS
COMMUNITY DEVELOPMENT DISTRICT (CDD) - APPLICATION NO. 5560**