

**PETITION TO AMEND LEE COUNTY ORDINANCE 10-42 TO CHANGE THE NAME OF
MIROMAR LAKES SOUTH CDD TO THE UNIVERSITY VILLAGE CDD AND TO
MODIFY THE EXTERNAL BOUNDARIES OF THE DISTRICT THROUGH CONTRACTION**

**STAFF ANALYSIS
DEPARTMENT OF COMMUNITY DEVELOPMENT**

1. Request

The Board of Supervisors of the Miromar Lakes South Community Development District submitted the attached petition to contract the boundaries of the District and to change the District name to the University Village Community Development District (District).

The Petitioner requests that the Lee County Board of County Commissioners grant the petition to remove 200.3 acres from the 483.038 acre Miromar Lakes South CDD and to change the District's name.

Upon approval, the proposed District will include approximately 282.8 acres located in Sections 13, 23, and 24, Township 46 South, and Range 25 East and Section 18, Township 46 South, and Range 26 East in Lee County, Florida. The contracted legal description is provided as Exhibit G in the Petition.

The Petitioner anticipates the future development of storm water management features, utilities, roadways, land acquisition and mitigation.

The approximate location and configuration of the proposed District appear in the attached map to this Staff Report.

The Petition contains the following as required by Sections 190.005(1)(a)1 and 190.005(1)(a)8 *Florida Statutes*:

- A metes and bounds description of the external boundaries of the District.
- A description of services and facilities are currently provided by the district to the area being removed, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land element of the adopted local government comprehensive plan.
- A statement of estimated regulatory costs.

2. Background

The Miromar Lakes South Community Development District (CDD) is a Uniform Community Development District created pursuant to Chapter 190, *Florida Statutes*. It was established by Lee County Ordinance 10-42 on October 26, 2010. Approval included roadways, water management, wetland mitigation, water, sewer, irrigation, privacy/recreational and land acquisition. The approval also included the exercise of special powers to include security, and for parks and facilities for indoor and outdoor recreational, cultural and educational uses.

On May 12, 2016 the District's Board of Supervisors adopted District Resolution 2016-6 to change the name of the District to University Village CDD. On April 19, 2017, the District Board adopted Resolution 2017-4 to modify the CDD boundaries as proposed.

Stewart Slough Cattle Company LLC owns the lands to be removed from the CDD and has provided their written consent dated June 25, 2018.

UCDD Overview

Florida law (Chapter 190, *Florida Statutes*) authorizes the establishment of the District by the Lee County Board of County Commissioners. Only a county commission may establish a District in an unincorporated area with a size less than 2,500 acres.

Community Development Districts (CDDs) serve their property owners and residents as independent units of local special purpose government. They operate independent of the county government and the Lee County Board of County Commissioners in the provision of certain services. While CDDs operate as units of local government, they still do not have all of the powers of a city government or a county government. For example, they do not have police powers or zoning authority.

A CDD serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services for the use and enjoyment of the general public. Only property owners within the District are assessed through the District for these improvements within its boundaries.

Some of the powers of a CDD include the ability to create, operate, and maintain water management systems, water supply, sewers, wastewater systems, effluent disposal systems, bridges, culverts, and roads within the District. With the consent of the Board of County Commissioners, a CDD may also exercise additional powers, such as the creation, operation, and maintenance of parks and recreational facilities, fire prevention and control, school buildings, security systems, mosquito control, and waste collection and disposal.

Contraction of an established UCDD must be consistent with *Florida Statutes* Section 190.046. The process specified in Section 190.046, *Florida Statutes*, for establishing, terminating, contracting, or expanding a CDD addresses only factors material to managing and financing the facilities and service delivery functions of the District. The statute treats matters concerning permitting or planning of the development as not material and not relevant to this process. Regardless of the powers and duties of the District, all land development projects within the District must still abide by the county's local government comprehensive plan and local land development regulations.

3. Discussion

The land in the proposed District is designated as University Village and Wetlands on the Lee Plan Future Land Use Map. The area to be removed from the District is undeveloped. The area remaining in the District will contain conservation areas, 264 student housing units, 300 residential units, 70,000 square feet of retail and 45,000 square feet of commercial office.

The existing District and the District with contracted boundaries will continue to be within a portion of the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI). The Miromar Lakes MPD/DRI is approved for a total of 3,700 residential units, 668,602 square feet of commercial, industrial and public uses and 650 boat slips on 1,800.7 acres. There are no pending cases that would change the approved density or intensity of the MPD/DRI. All development will be required to obtain the appropriate federal, state and local permits.

The District will fund and construct all storm water management features, water and sewer lines, mitigation, land acquisition, and roadways required to obtain and comply with all federal, state and local permits for construction and maintenance.

Landowners in the District with modified boundaries will continue to pay assessments levied by the District. The District will use the assessments to pay District debts (e.g., any bonds that financed infrastructure construction) and District expenses (e.g., operation and maintenance of its facilities and services).

Any action on the petition does not set a precedent for future Community Development District requests and does not grant any entitlement for development of the site. Lee County reviews all submitted petitions dealing with CDDs on a case-by-case basis in accordance with the criteria specified in Section 190.005(1)(e), *Florida Statutes*.

4. Review Factors 190.046 Florida Statutes:

- A. Filing Fee of \$1,500: [190.046(1)(d)2,F.S.]

PAID.

- B. THE PETITION MUST CONTAIN THE FOLLOWING:

Describe services and facilities currently provided by the district to the area being removed and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use element of the adopted local government comprehensive plan. [190.046(1)(a)F.S.]

There are no services available to the area being removed from the District.

- C. Describe the land to be deleted. [190.046(1)(d)(5)F.S.]

See Petition Exhibits D and E.

- D. 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 that is to be excluded from the district. [190.005(1)(a)(1), F.S.]

See Petition Exhibits D and E.

- E. Is the cumulative net total greater than 50 percent of the land in the district or greater than 1,000 acres on a cumulative net basis?[190.046(2)(e)(1)F.S.] Petitions to amend the boundaries of the district that exceed the amount of land specified in paragraph (e) shall be processed in accordance with s. 190.005, and the petition shall include only the elements set forth in s. 190.005(1)(a)1. and 5.-8. and the consent required by paragraph (g). However, the resulting administrative rule or ordinance may only amend the boundaries of the district and may not establish a new district or cause a new 6-year or 10-year period to begin pursuant to s. 190.006(3)(a)2. The filing fee for such petitions shall be as set forth in s. 190.005(1)(b), as applicable. [190.046(2)(f)]

The Miromar Lakes South UCDD originally contained 483.038 acres. Upon approval, the “contracted” University Village CDD will contain 282.8 acres. This Petition proposes to remove 200.3 acres which represents a 41.4% change. Therefore the proposed contraction is less than the 50% standard and meets the regulation.

F. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541. [190.005(1)(a)(8)]

See Petition Exhibit J.

G. Written consent of the landowners. [190.046(2)(g)F.S.]

See Petition Exhibit H.

5. Estimated Regulatory Costs

The petition includes a Statement of Estimated Regulatory Costs (SERC) as required by Sections 190.005(1)(a)(8). *Florida Statutes*. The statement must address the impact on small businesses, the entities affected by the District, and the cost to governments. The statement provided with the petition includes an adequate analysis as required by state law.

The District will generate nominal costs to the state and county governments for processing this petition to contract the boundaries. The petitioner paid an application fee to Lee County to compensate for these costs to the county.

Contracting the District will likely have a direct and indirect positive impact on economic growth, private sector job creation or employment, or private sector investment as well as on business competitiveness, productivity, or innovation versus that same development without the District.

Contracting the District will affect the property owners within the District. They will pay taxes and/or assessments to the District for the construction, maintenance, operation, and administration of District facilities and services within the District.

Contracting the District will not result in an enclave.

The Estimated Costs of Construction table identifies the services that will be associated with the District. The table includes storm water management features, water and sewer lines, wetland mitigation, land acquisition, and roadways. Privacy/recreational facilities and professional fees/contingency will no longer be included in the District. The original CDD Proposed Facilities and Services Table includes the entity that will operate, manage, and own the services.

6. Recommendation

Staff recommends adoption of the Petition to contract the CDD boundaries and to rename the Miromar Lakes South CDD to University Village CDD. Staff further recommends that any and all agreements for the sale of property within the boundaries of the University Village 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 University Village Community Development District.

Attachments:

- Location Map of District with proposed boundary
- Petition to Amend Lee County Ordinance 10-42 to Change the Name of Miromar Lakes South CDD and to Modify the External Boundaries of the District Through Contraction.

Exhibit E