

**Ordinance No. 15-12  
Establishment of  
Wildcat Preserve Community Development District**

**Request**

Adoption of Ordinance No. 15-12:

**ORDINANCE NO. 15-12**

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE WILDCAT PRESERVE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-57 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "WILDCAT PRESERVE COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE WILDCAT PRESERVE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBE THE BOUNDARIES OF THE DISTRICT, NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Recommended Motion**

Based on the record of the public hearing, and having evaluated the criteria for the establishment of a community development district in Chapter 190, Florida Statutes, I move to grant the petition establishing the Wildcat Preserve Community Development District, approve Ordinance No. 15-12, and consent to the exercise of special powers for parks and recreation and security.

# Establishment of Wildcat Preserve Community Development District

## Staff Review Report

### 1. Request

Wildcat Parrish, LLC, a Florida limited liability company (Petitioner), submitted the attached petition to establish the Wildcat Preserve Community Development District (District). The Petitioner requests that the Manatee County Board of County Commissioners grant the petition and consent to the district's exercise of special powers relating to parks and recreational facilities and security. Approval of the attached Ordinance would grant the petition, establish the district, and consent to the exercise of the additional special powers by the district board of supervisors.

The proposed Wildcat Preserve Community Development District comprises approximately 89.72 acres located on the north side of Golf Course Road and the east side of Fort Hamer Road in the Parrish area in Manatee County. The development within the district is anticipated to include 242 single-family residential dwelling units, 51,346 square feet of commercial space, and recreational facilities.

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

The petition contains the following documents required by Sections 190.005(2)(a) and 190.005(1)(a), Florida Statutes:

- A metes and bounds description of the external boundaries of the district.
- The written consent by the landowner 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 Manatee County Comprehensive Plan for the area within the boundaries of the district.
- A statement of estimated of regulatory costs.

A copy of the petition with all exhibits is attached to this Staff Report.

### 2. Background

Florida law (Section 190.005(2), Florida Statutes) authorizes the establishment of the district by the Manatee County Board of County Commissioners. Only a county commission may establish

a district with a size less than 1,000 acres located in the unincorporated area.

Community development districts serve their property owners and residents as independent units of local special-purpose government. They operate independent of the county government and the Manatee County Board of County Commissioners in the provision of certain services. While community development districts operate as units of local government, they do not have all of the powers of a general-purpose county government. For example, they do not have police powers or zoning or permitting authority.

A community development district (CDD) serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law (Chapter 190, Florida Statutes) 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 community development district 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 community development district 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.

### 3. Discussion

The process specified in Chapter 190, Florida Statutes, for establishing, terminating, contracting, or expanding a community development district 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 comply with the county's local government comprehensive plan and local land development regulations.

The Manatee County Comprehensive Plan assigns the UF-3 (Urban Fringe – 3 Dwelling Units/Acre) Future Land Use Category to all of the land in the proposed district.

Pasture covers most of the land in the proposed district.

The site has no internal water mains or sewer interceptors, but such major facilities exist adjacent to the property and are accessible to the proposed district.

The district plans to fund and construct all infrastructure and other community facilities. The district plans to own, operate, and maintain roads, street lighting, drainage, parks and recreational facilities, security facilities, entry facilities, and landscaping. The district plans to dedicate the water distribution and wastewater collection facilities to Manatee County to own, operate, and maintain.

The capital improvements program for district infrastructure appears in the petition. The infrastructure cost estimates cover expenses for consultants, design, permitting, clearing, grading, construction, professional services, and contingency.

Landowners in the district will 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).

The developer-petitioner plans to build a mixed-use residential and commercial development with supporting community facilities in the district. The Manatee County Board of County Commissioners approved Preliminary Site Plan PDMU-12-18(Z)(P) on August 8, 2013, for 242 single-family residential dwelling units and 51,346 square feet of commercial space.

Establishment of a community development district does not grant or create any development rights in favor of the petitioner or property owner; does not grant, create, alter, terminate, affect or acknowledge any vested development rights in the property; and does not approve, authorize, permit or allow any building, construction or development on the property within the district. All land use, development and construction authorizations, approvals and permits must be obtained for the property by the landowner or developer upon proper application and in compliance with the Manatee County Comprehensive Plan, Manatee County Land Development Code, Florida Building Code, and any approved development plan, preliminary or final site plan, and all conditions and stipulations.

Any action on the petition does not set a precedent for future community development district requests. Manatee County reviews all submitted petitions dealing with community development districts on a case-by-case basis in accordance with the criteria specified in Section 190.005(1)(e), Florida Statutes.

#### 4. Review Factors

According to Florida law (Sections 190.005(2)(b), 190.005(2)(c), and 190.005(1)(e), Florida Statutes), the Manatee County Board of County Commissioners must conduct a public hearing and consider certain review factors in making its determination to grant or deny the petition for establishing a community development district. A description of the factors listed in Section 190.005(1)(e), Florida Statutes, and an analysis of each factor are set forth below. A detailed discussion of each factor is also contained in the Petition for establishment of the proposed district.

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

##### Analysis

The petition includes a legal description of the boundary of the proposed district. The boundary description follows courses and distances that return to their points

of beginning, i.e., they close during calculations. The expressed size of the district appears the same as the size calculated using the metes and bounds description. The sketch and description bear the signature and seal of a Florida licensed professional surveyor and mapper. The seal and signature of the surveyor prove the description true and correct.

Information from the Manatee County Property Appraiser confirms the ownership of the land described in the petition. The petition's consent of property owner shows a signature for the manager of the company owning the land. The official signatures and notary acknowledgement prove the consent true and correct.

Section 190.005(1)(a)2., Florida Statutes, requires documentation that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property constituting the district. The petition included a Certificate of Title dated December 13, 2012, as evidence of ownership of the property. Because a certificate of title is not one of the documents listed in the statutes, the County requested and the petitioner submitted a title opinion from an attorney. The letter dated December 11, 2014, states that the Certificate of Title meets the statutory requirements and provides the petitioner with "100 percent ownership and control of the real property" proposed for the district.

A Florida licensed attorney signed and submitted the petition. The petition includes statements signed by the petitioner and the attorney certifying that the petition is true and correct.

The petition's description of the uses of land proposed for the area in the Manatee County Comprehensive Plan future land use plan element appears 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."

#### Analysis

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.

The density of the UF-3 Future Land Use category covering the site would allow at least the proposed development if approved under other applicable policies of the Manatee County Comprehensive Plan. Policies to protect wetlands apply in any development approval.

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.”

Analysis

The site has undeveloped land. Some of the land appears suitable for urban development.

The boundary defines a very 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.”

Analysis

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.”

Analysis

The proposed district abuts Golf Course Road and Fort Hamer Road, arterial roads that will serve the area for traffic facilities. Reviews of the land development applications will determine compatibility of the district infrastructure with community facilities. Manatee County’s approval of land development for all property in the district will carry assurances and 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.”

Analysis

The area of the district and the number of residents and owners will provide conditions adequate for special-district government.

5. Estimated Regulatory Costs

The petition includes a Statement of Estimated Regulatory Costs (SERC) as required by Sections 190.005(2)(a), 190.005(1)(a)8 and 120.541, Florida Statutes. The statement must address the

district's 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 small costs to the state and county governments for processing this petition. The petitioner paid an application fee to Manatee County to compensate for these costs to the county.

Small businesses will not suffer or enjoy significant impacts from this district.

The establishment of the district will eventually affect the owners of residences and property planned for 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.

Most importantly, the proposed infrastructure plan identifies which governmental entity is intended to operate, manage, and own each of the facilities and services within the district: the community development district or Manatee County.

## 6. Recommendation

Staff recommends adoption of attached Ordinance No. 15-12 establishing the Wildcat Preserve Community Development District and consenting to the exercise of special powers.

### Attachments:

- Map of District depicting location and boundary
- Petition to Establish District with Exhibits
- Ordinance No. 15-12
- Notice of Public Hearing published in newspaper