



MEMORANDUM

Date: 03-06-23

To: Honorable Board of County Commissioners

From: Jie Shao, AICP, MCP, Planner, Principal

Subject: Petition to Establish Eagle Creek Community Development District (CDD), Petition Number CDD-23-01

Request:

Pursuant to Chapter 190, Florida Statutes, (F.S.), Community Development Districts, Zemel Land Partners, LLC has submitted a petition to the County to establish Eagle Creek Community Development District (CDD). The petition was filed with the County in accordance with Section 190.005(2), F.S. This section states that *"a petition for a Community Development District (CDD) with less than 2,500 acres shall only be granted by an ordinance of the county having jurisdiction over a majority of the land in which the district is to be located"*. Section 190.005(2)(c), F.S., allows for the County to conduct a public hearing to consider the relationship of the petition to the factors discussed in the following analysis. Based on the analysis and written and oral comments received during the public hearing, the Board of County Commissioners (Board) can either adopt or deny an Ordinance establishing this CDD.

Applicant:

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Analysis:

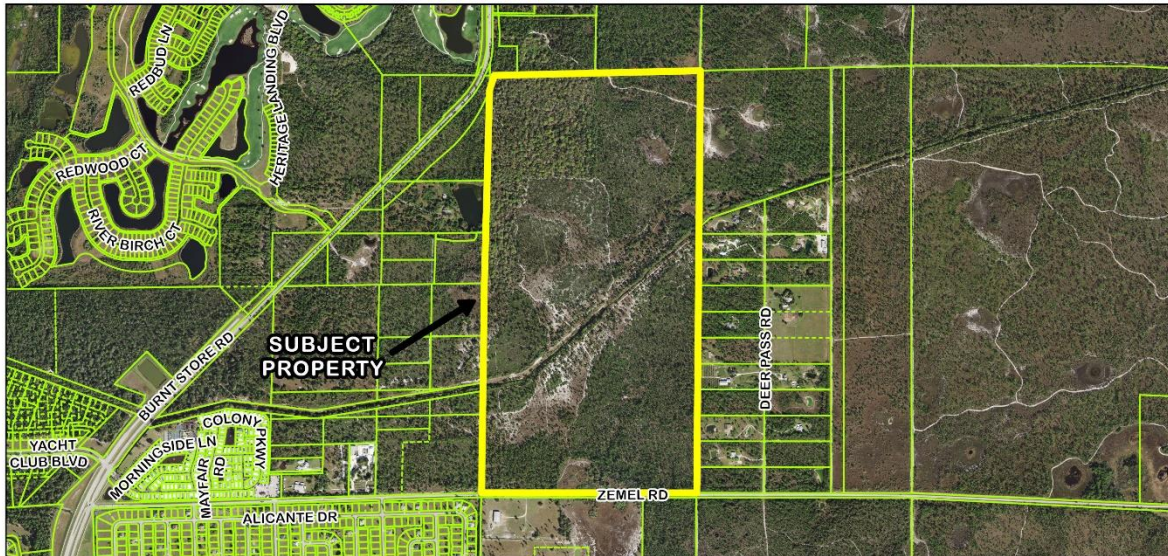
Staff has reviewed the requested petition in light of the following six factors and makes the following findings:

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

Staff reviewed the petition and its supporting documents and concluded that all statements contained within the petition are 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.

The subject property for this proposed CDD contains approximately 314.19± acres. It is located at 26000 Zemel Road, in the Punta Gorda area, within the boundary of the Burnt Store Area Plan area, and in Commission District II.



CDD-23-01 Area Image

The Comprehensive Plan's Future Land Use Map currently designate the subject property as Burnt Store Village Residential (BSVR) with a Planned Development (PD) zoning district. The establishment of the proposed CDD is consistent with all applicable elements of the County's Comprehensive Plan.



CDD-23-01 Zoning Designation



CDD-23-01 FLUM Designations

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 area within the proposed CDD contains approximately 314.19 acres, all of which form a sufficiently contiguous parcel. Therefore, the area for the proposed CDD is sufficiently contiguous, compact and of sufficient size to be developed as a functional inter-related residential community.

In addition, the submitted application lists the various facilities and services that the proposed CDD may provide. Specifically, construction of amenities, stormwater management system, roadways, water

& wastewater systems, hardscape, landscape, and irrigation will be funded by the proposed CDD. Furthermore, the proposed CDD will own, operate and maintain amenities, stormwater management system, roadways, hardscape, landscape, and irrigation. The water & wastewater system and offsite roadway within the proposed CDD will be owned, operated and maintained by the County. Thus, all of the major infrastructure for the subject property within the proposed CDD will be provided to 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.

The developer must provide services and facilities to a proposed project whether or not a CDD is formed; however, the proposed CDD will be the best financial alternative for delivering community development services and facilities to the area served by such CDD. Formation of the CDD provides a mechanism for providing the needed services/facilities and alleviating the burden of upfront capital costs and related payments. Establishment of the proposed CDD could also cover on-going maintenance of facilities that would accrue to the County. The alternative mechanisms to pay for maintenance of the infrastructure are to establish a special taxing district, such as CDD, Municipal Service Benefit Unit or Municipal Service Taxing Unit (MSBU or MSTU), or to utilize the limited resources of the local general-purpose government.

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.

There is sufficient capacity in the existing public infrastructure, and there are sufficient facilities to serve the proposed residential and commercial development within the proposed CDD. Charlotte County Utilities is able to supply potable water and sanitary sewer services to this proposed residential and commercial development. The proposed CDD will fund construction of onsite water and sanitary sewer systems, and then these utilities will be owned, operated and maintained by Charlotte County Utilities. The proposed development shall not create any concurrency issues. Therefore, the services and facilities of the proposed CDD will not be incompatible with the capacity and uses of existing local and regional services and facilities. Furthermore, the establishment of the proposed CDD will ensure that the needed infrastructure will be constructed, operated and maintained.

6. Whether the area that will be served by the district is amenable to separate special-district government.

The applicant/petitioner has obtained written consent to establish the proposed CDD from the owner, Zemel Land Partner, LLC, of 100% of the real property located within the proposed CDD in accordance with Section 190.005, Florida Statutes. The subject property is not currently served by an MSTU or MSBU; therefore, the subject area is amenable to the special district.

Staff Conclusion:

Staff from the County Public Works, Charlotte County Utilities, Facilities Construction & Maintenance, and Community Services have no objections to establish this proposed CDD. Any development impacts will be addressed and mitigated during the Final Detail Site Plan review process and may be further addressed for any revisions to the approved Final Detail Site Plan; therefore, it is staff's professional opinion that establishing "Eagle Creek" Community Development District (CDD) is consistent with Section 190.005(2) F.S., and is not contrary to Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances, or other applicable guidelines.