

Board of County Commissioners

**Shingle Creek Transit and Utility
Community Development District**

Work Session

August 8, 2023



Presentation Outline

- Introduction to CDDs
- Statutory Framework
- Review Process
- Shingle Creek Transit and Utility CDD Petition
- Next Steps
- Summary



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Introduction to CDDs

- **Infrastructure funding tool provided for in Ch. 190, Florida Statutes**
- **935 CDD's in Florida**
 - **24 Orange County (County-Wide)**
 - 14 in Orlando
 - 5 in Unincorporated Orange County
 - 2 in Apopka
 - 2 in Winter Garden
 - 1 in Ocoee



Introduction to CDDs

▪ City of Orlando CDDs

- Boggy Creek 2001 (Lk. Nona)
- Dowden West 2017 (Starwood PD)
- East Park 2002 (Lk. Nona)
- GreeneWay 2003 (Lk. Nona)
- Midtown 2021 (Lk. Nona)
- Myrtle Creek 2001 (Lk. Nona)
- Narcoossee 2002 (Lk. Nona)
- Poitras East 2018 (Lk. Nona)
- Randal Park 2006 (S. of 528)
- Riverwalk 2022 (Lee Vista)
- Storey Drive 2021 (S. of 528)
- Storey Park 2015 (S. of 528)
- Urban Orlando 1999 (Baldwin Park)
- Vista Lakes 2000 (Lee Vista)

▪ Apopka CDDs

- Kelly Park 2022
- Ridge at Apopka 2021

▪ Ocoee CDD

- FRERC 2018

▪ Winter Garden CDDs

- Stoneybrook West 1999
- W.G. Village at Fowler Groves 2006



Introduction to CDDs

Orange County CDDs

- Falcon Trace 1998
- Bonnet Creek 2000
- Palazzo del Lago 2006-2016
- MidTown Orlando 2008-2017
- Grove Resort 2016
- Westwood/OCC 2019
- Grand Pines 2019

The Grove CDD





Introduction to CDDs

▪ Benefits

- CDDs help ensure that growth pays for itself
- Reduces burden on local government
- Increased tax base for the local government
- No financial burden on residential or commercial properties outside of the CDD
- Governmental accountability (open meetings, public records, etc.)
- No financial risk to the County (CDD default on bonds or obligations does not create a debt or obligation of the County)



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Statutory Framework

▪ Purpose

- Unit of special purpose government authorized under Ch. 190, Florida Statutes
- Allows developers to establish government entity to:
 - Finance infrastructure and services
 - Impose special assessments on property
 - Issue bonds
 - Manage services
- Similar to HOAs, but assessments collected via property tax bill
- Different from other special districts which may have fewer or greater authorities/powers depending on the applicable authorizing legislation



Statutory Framework

▪ CDD Governance

– Board of Supervisors

- 5 members
- Elected by property owners
- Voting according to acreage/unit
- Subject to Sunshine Law
- Subject to Uniform Special District Accountability Act (Chapter 189)



Statutory Framework

▪ CDD Powers

- Only powers as defined in Chapter 190
- Ordinance cannot limit uniform charter powers
- No zoning or permitting power
- Special assessments for capital improvements and services
- Ad Valorem taxes up to 3 mills after referendum if supervisors elected by electors
- Finance, construct or acquire infrastructure
- Issue bonds
- Certain other projects pursuant to development orders or interlocal agreements consistent with the comprehensive plan



Statutory Framework

- **Special CDD powers requiring County consent**
 - Parks & recreational facilities
 - Fire prevention/control facilities
 - School buildings
 - Security (but not police power)
 - Mosquito control
 - Waste collection & disposal
- **May contract with County or Orange County Sheriff's Office for enhanced level of service**



Statutory Framework

▪ Financing Authority

- May issue bonds to finance improvements
- Pledge special assessments as security
- Bonds validated in court
- Aggregate principal amount of bonds outstanding at any one time may not exceed 35% of the assessed value of the district's taxable property
- Notice of CDD Establishment recorded in property records
- Disclosure of financing to purchasers on initial sales of property and residential units



Statutory Framework

▪ Required Disclosure to Initial Buyers

- *The _____ community development district may impose and levy taxes or assessments, or both taxes and assessments, on this property. These taxes and assessments pay the construction, operation and maintenance costs of certain public facilities and services of the district and are set annually by the governing board of the district. These taxes and assessments are in addition to county and other local governmental taxes and assessments and all other taxes and assessments provided for by law.*



Statutory Framework

▪ Creation

- 2,500 acres or more – petition to Florida Land & Water Adjudicatory Commission
- Less than 2,500 acres:
 - Petition to county or municipality by developer
 - Established by ordinance



Statutory Framework

▪ Creation (cont.)

–Petition must contain:

- boundaries of district
- consent of 100% of landowners
- designate initial board of supervisors
- list proposed services and capital improvements
- timetable for construction
- designate public and private uses of land
- statement of estimated regulatory costs (SERC)

–Public Hearing on Ordinance advertised for 4 consecutive weeks prior to hearing



Statutory Framework

- Section 190.002, F.S., requires that the process for establishing a CDD be “fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.”



Statutory Framework

- **Section 190.005, F.S., provides the following factors that the board shall consider in determining whether to grant petition:**
 1. Are all statements contained within the petition true and correct?
 2. Is the establishment of the CDD consistent with any applicable element or portion of the County's effective comprehensive plan?
 3. Is the area of land within the proposed CDD of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as on functional interrelated community?
 4. Is the CDD the best alternative available for delivering community development services and facilities to the area that will be served by the CDD?
 5. Will the community development services and facilities of the CDD be compatible with the capacity and uses of existing local and regional community development services and facilities?
 6. Is the area that will be served by the district amenable to separate special-district government?



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Review Process

- **Applications Reviewed by:**
 - Planning Division
 - Public Works
 - Orange County Utilities
 - County Attorney's Office
 - Comptroller's Office
- **Review for consistency with:**
 - Chapter 190 factors
 - Comprehensive Plan (Policy CIE 1.4.9)



Review Process

▪ CIE 1.4.9

- **On a project by project basis, Orange County may consider the feasibility and suitability of Community Development Districts, Educational Facilities Benefit Districts, special districts, tax increment financing or other such financing mechanisms as deemed appropriate by the County, to serve as an alternative financing technique for the provision of infrastructure and public services.** The County may also adopt appropriate application fees (including reimbursement of County expenses) for processing and reviewing requests for such financing mechanisms. Such mechanism may be considered for, but no limited to, public recreation facilities, public schools, mass transit facilities, and transportation networks, including, but not limited to, roads and other related infrastructure projects. **However, such financing mechanisms shall not be considered for approval if they provide for the funding of infrastructure that would otherwise be funded through traditional land development regulations** (i.e. subdivision regulations, etc.) unless the Board of County Commissioners expressly permits such an exception. (Amended 3/99, Ord. 99-04; Amended 06/06, Ord. 06-08)



Review Process

- **Other review considerations:**
 - Evaluation of infrastructure scope and costs
 - Limitation on CDD debt and requirements for future interlocal agreements
 - Land use restrictions
 - Request for special powers
 - Other issues
 - Schedule for Public Hearing



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Shingle Creek Transit and Utility CDD Petition

- **Petition to establish the Shingle Creek Transit and Utility CDD submitted in January 2023**
 - ~719 Acres Total
 - Located in the International Drive area
 - 2 property owners (Hilton and Universal)
- **Amended and Restated submitted in May 2023**
- **Second Amended and Restated submitted in August 2023**
- **Land Uses:**
 - FLU – PD (Commercial, Office, Institutional, Parks/Open Space, Conservation)
 - Zoning – PD
 - **Does not include residential uses**

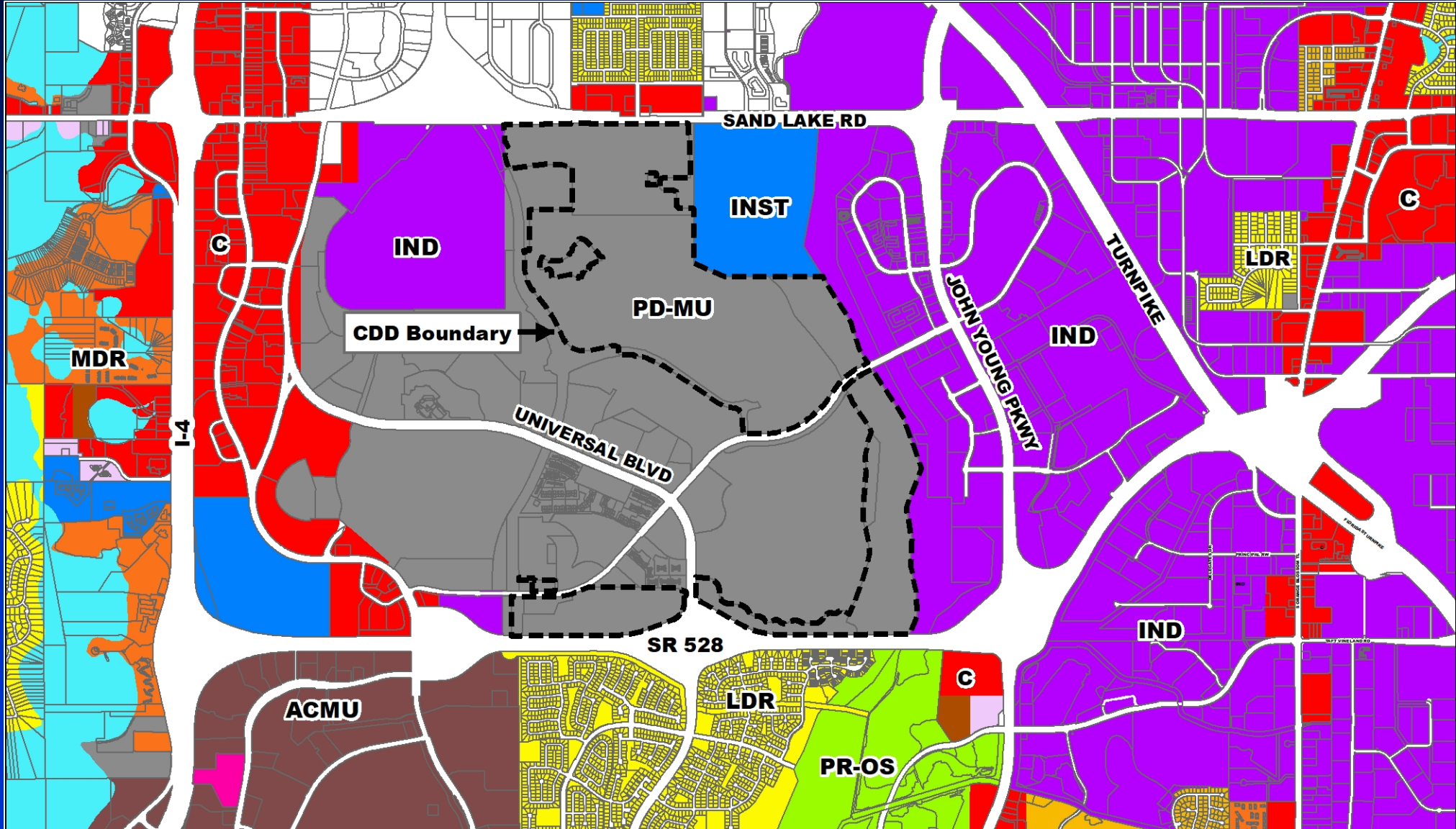


Aerial Map



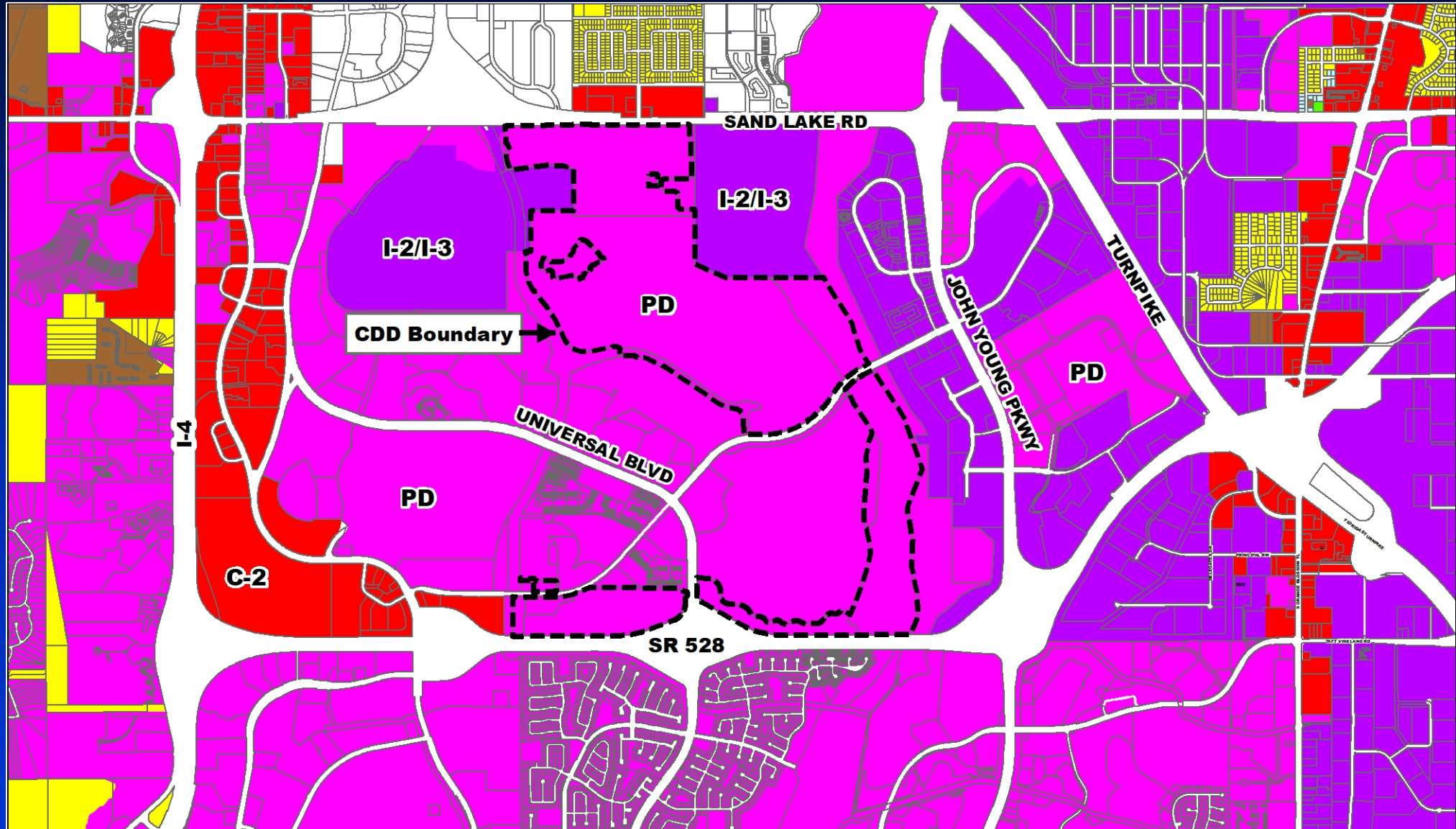


Future Land Use





Zoning





Shingle Creek Transit and Utility CDD Petition

▪ List of Facilities (Exhibit 8)

| | Own* | Operate* | Maintain* |
|-----------------------------------|----------|----------|-----------|
| Station Improvements | Various | Various | Various |
| Track Land | Various | Various | Various |
| Destination Parkway Improvements | County | County | County |
| Reclamation Facility Odor Control | County | County | County |
| Epic Boulevard Improvements | District | District | District |

* Non-binding, good faith assumptions subject to future Interlocal Agreements between the CDD and relevant government entities.



Shingle Creek Transit and Utility CDD Petition

▪ List of Costs (Exhibit 10)

| | Totals |
|--|----------------------|
| Planning & Design for Transit Infrastructure | \$33,000,000 |
| Transit Station Improvements* | \$93,000,000 |
| Epic Boulevard Improvements | \$8,000,000 |
| Reclamation Facility Odor Control | \$40,000,000 |
| Grand Total | \$174,000,000 |

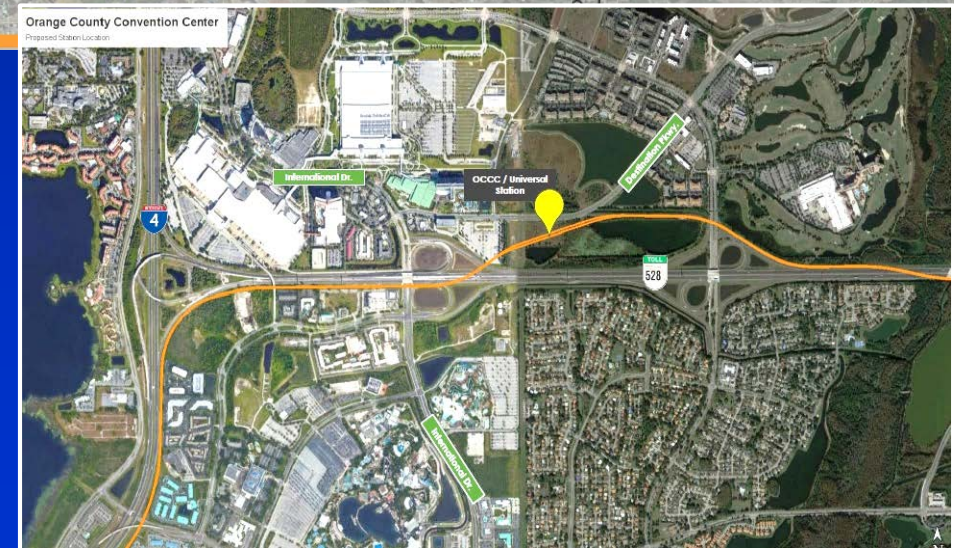
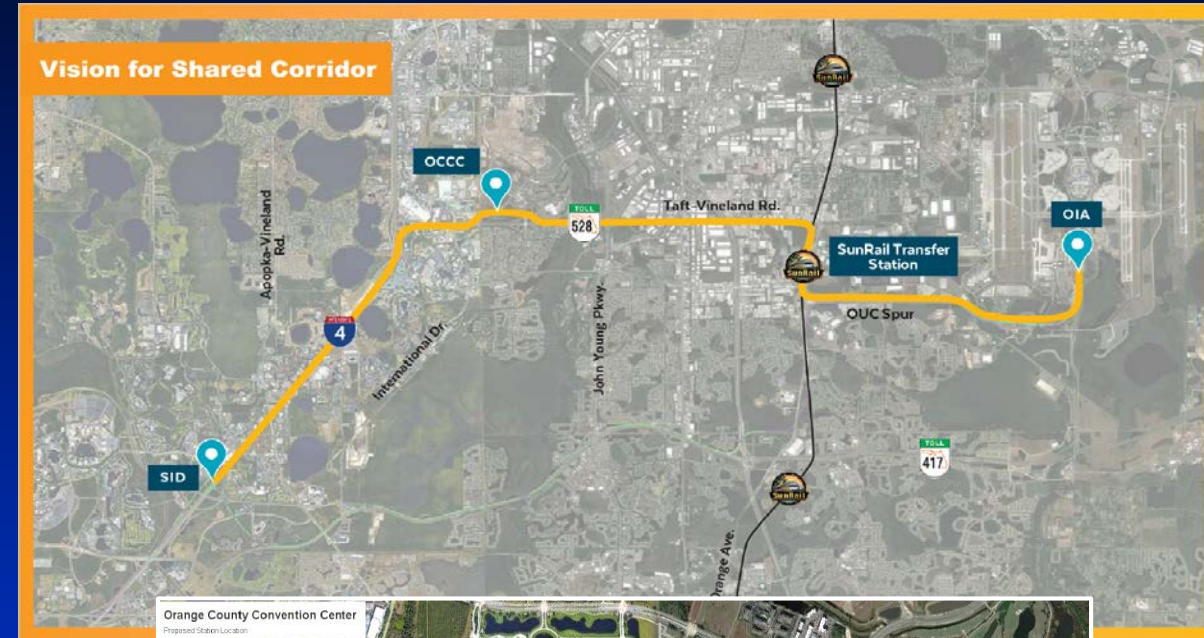
*Includes Destination Parkway Improvements (driveway connections and pedestrian bridge)



Shingle Creek Transit and Utility CDD Petition

Sunshine Corridor

- Intercity Rail - Orlando International Airport to Tampa
- Co-location with OIA to South International Drive Commuter Rail
- OIA Intermodal Terminal Facility built to accommodate Brightline, SunRail, and other modes





Shingle Creek Transit and Utility CDD Petition

Sunshine Corridor Status

▪ Presentation to BCC on February 21, 2023

- Orlando's Right Rail proposal with Universal's commitment for land and \$13M guarantee for ticket sales and maintenance
- FRA Grant focused on intercity projects with applications due April 2023
- FTA Grant Application to follow New Starts (recurring grant opportunities) regarding SunRail expansion
- FDOT's desire to continue Transit Concepts and Alternatives Review (TCAR)

▪ Email to Commissioners on March 11, 2023

- Decision by FDOT & Brightline not to submit for FRA Grant at that time
- Brightline continues to initiate NEPA at risk (intercity rail)
- FDOT continues to complete ridership study, discuss partnerships for TCAR & FTA submittal



Shingle Creek Transit and Utility CDD Petition

Sunshine Corridor Status

- **Estimated cost of OIA-South I-Drive is being evaluated**
 - FDOT/local partners addressing corridor ownership, dispatch, headways, impacts to existing SunRail
 - Sequencing of projects undetermined
- **Proposed CDD contribution to Sunshine Corridor**
 - Plans to issue private activity bonds
 - Intended to satisfy, in part, private/local funding obligation
 - Any commitment would be subject to future interlocal agreement
 - **Creation of CDD does not guarantee that the Sunshine Corridor will move forward, obligate the County or CDD to issue debt, or make any other financial commitments**





Shingle Creek Transit and Utility CDD Petition

Planning & Design for Transit Infrastructure

▪ \$33 Million

- Planned to support various transit options including commuter rail, intercity rail, transit busses, I-Ride, future BRT, private transit vehicles, ride share, and potential OCCC circulator system
- Associated stormwater and utility infrastructure
- Transit plaza for 1,000 unit affordable housing

The composite image includes a transit map of the Orlando area with various lines and stations labeled, such as DeLand, Debarry, Sanford, Lake Mary, Longwood, Altamonte Springs, Maitland, Winter Park, AdventHealth, Lynx Central, Church Street, Orlando Health, Sand Lake Road, Sunbridge, Meadow Woods, Tupperware, Kissimmee, Poinciana, West Palm Beach, Boca Raton, Fort Lauderdale, Aventura, and MiamiCentral. The map also shows existing SunRail and proposed new commuter rail lines, along with shuttle services and the future Orange Blossom Express. To the right is the cover of the 'TCAR Guidance' document, dated November 2016. At the bottom is a photograph of a transit plaza with a yellow trolley and people walking.



Shingle Creek Transit and Utility CDD Petition

Transit Station Improvements

▪ \$93 Million*

- Platforms
- Parking lot
- Drainage and Stormwater
- Irrigation
- Landscaping
- Lighting & Security

*Includes Destination Parkway Improvements (driveway connections and pedestrian bridge)

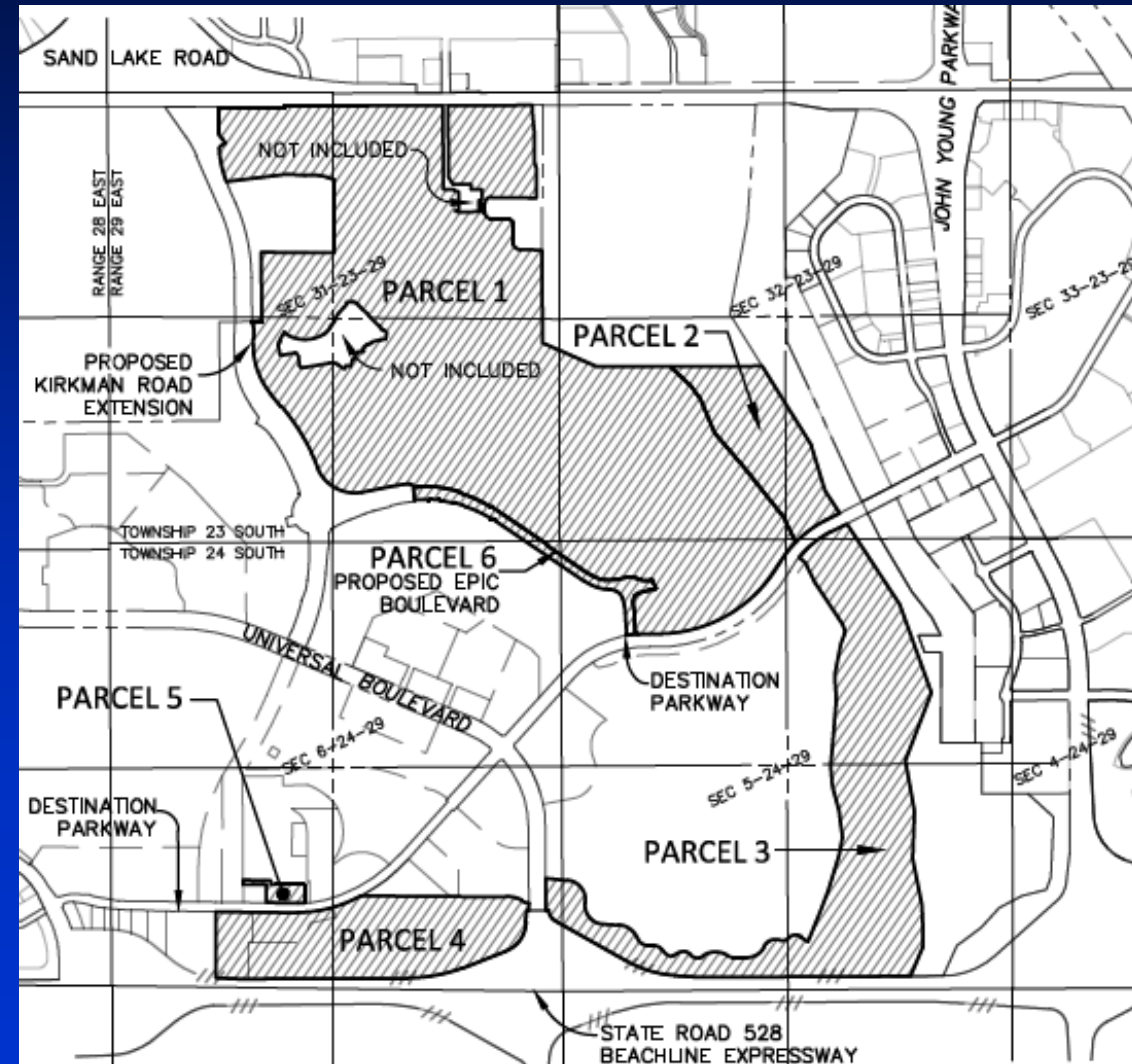




Shingle Creek Transit and Utility CDD Petition

Epic Boulevard

- \$8 Million
 - Landscaping
 - Lighting
 - Irrigation

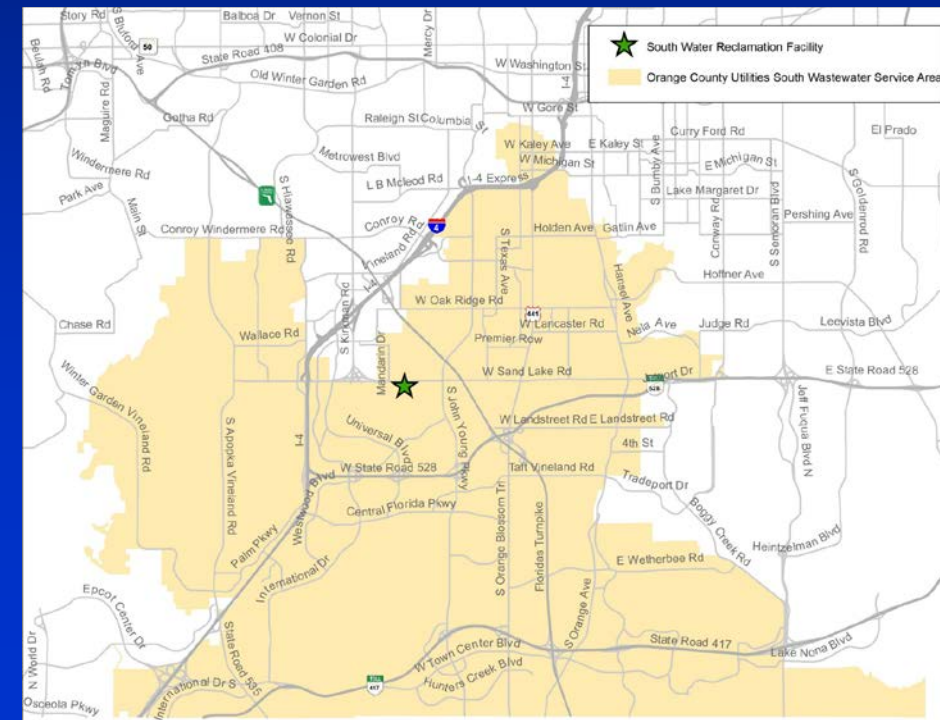




Shingle Creek Transit and Utility CDD Petition

Reclamation Facility Odor Control

- SWRF located adjacent to EPIC Universe
 - Originally constructed in 1957, rebuilt and expanded five times, as recently as 2022
 - Serves a 118 sq mile area, including 70,000 residential and commercial properties
 - Existing bio-scrubbers for odor control at the influent pump station and at the pre-treatment facility
- Upgrades planned by OCU identified in Dewatering Facility Odor Study (2020)





Shingle Creek Transit and Utility CDD Petition

Reclamation Facility Odor Control

- \$40 million
 - CDD desires improvements above and beyond County standards
 - CDD provides mechanism to fund accelerated design and construction
 - Orange County Utilities cost share and reimbursement terms still being negotiated





Shingle Creek Transit and Utility CDD Petition

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- **CDD proposes to own, operate, and maintain public infrastructure as proposed in the Petition**
- **Chapter 190 factors previously discussed include:**
 - Are the statements in the petition accurate?
 - Is the request consistent with comprehensive plan?
 - Is land developable as one functional community?
 - Is CDD best alternative available for delivering the services and infrastructure to the area?
 - Are the services and infrastructure compatible with existing services and infrastructure?
 - Is area amenable to separate special district government?
- **Staff believes the Statutory requirements have been met**



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Next Steps

- **Advertise for Public Hearing (October 10, 2023)**
- **Public Hearing will consider:**
 - Approval of Ordinance creating CDD
 - Approval of Petitioner’s Agreement
 - Approval of Interlocal Agreement between Orange County and CDD
- **Odor Control Agreement will follow in 2-4 months**
- **Any commitment regarding Sunshine Corridor would be subject to a future agreement(s)**



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Summary

- **CDDs are independent special districts authorized under Ch. 190 that allow developers to finance infrastructure and services and impose special assessments on property**
- **Section 190.005 provides factors board shall consider in determining whether to grant petition**
- **Shingle Creek Transit and Utility CDD submitted in January 2023 and has been reviewed by staff**
- **A Public Hearing will be scheduled on October 10, 2023 to consider approval of the CDD**
- **Creation of CDD does not guarantee that the Sunshine Corridor will move forward, obligate the County or CDD to issue debt, or make any other financial commitments**