THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

ORDINANCE NO. 01-26: CONDUCT A SECOND READING AND PUBLIC HEARING, WHICH IF ADOPTED WOULD APPROVE THE SOUTH VILLAGE NEW SMYRNA BEACH COMMUNITY DEVELOPMENT DISTRICT (CDD) FOR SOUTH VILLAGE RESIDENTIAL SUBDIVISION.

March 10, 2026

Background:

Applicants: Maleia Smiferguso, Pulte Home Company, LLC, 4901 Vineland Road, Suite 500, Orlando, Florida 32811, Mark A. Watts, Esq., Cobb Cole, 231 North Woodland Blvd., DeLand, Florida 32720 and Ryan Dugan, Kutak Rock, LLP, 107 West College Avenue, Tallahassee, Florida 32301.

Petitioner/Owner: South Village Properties, LLC, 1950 Spectrum Cir. Ste 550, Marietta, GA 30067.

Request: Approval of a Community Development District (CDD) according to State of Florida Statutes Chapter 190, as a special purpose unit of local government for public infrastructure, within the proposed 770-acre South Village New Smyrna Beach CCD single family residential area.

Site Data: The proposed subject property is currently undeveloped, zoned PUD (Planned Unit Development), and generally located east of S.R. 415, south of S.R. 44, and west of Interstate 95. A location map showing the proposed CDD area is attached as **Exhibit A. Exhibit B** is the phasing map, which illustrates all seven (7) phases of the proposed residential development (Phases 1A, 1B, 1C, 2A, 2B, 3A, 3B, and the proposed platted portion of 3C). These phases will comprise the CDD area. The overall Conceptual Development Plan (CDP) for the entire PUD area is attached as **Exhibit C**, which also shows the future Phases 4 & 5 to contain Multi-Family and Commercial areas that are not proposed to be part of this CDD. Additional exhibits are also listed below.

Tax Parcel Numbers: 7319-00-00-0040, 7320-00-00-0020, 7321-00-00-0030, 7321-00-00-0080, 7328-00-00-0020, 7329-00-00-0020, 7330-00-00-0020

Exhibits Attached:

Exhibit A - Location Map

Exhibit B - South Village Phasing Plan (from applicant group)

Exhibit C – South Village Conceptual Development Plan

Exhibit D - Master Development Agreement (MDA), Restated and Amended as of 2011, for South Village PUD

Exhibit E - Letter to City from Applicant (9/10/25) re Satisfaction of Chapter 190 Requirements for the South Village NSB CDD

Exhibit F – Applicant's Financial Review (9/02/25)

Exhibit G – Petitioner's Sworn Statement

Exhibit H - Petition to Establish South Village NSB CDD

Findings:

A. This request pertains to the existing South Village PUD, which was originally approved by the City in the early 2000's for the rezoning of a total 1,363-acre PUD area, and then was the subject of the current Restated and Amended Master Development Agreement (MDA) approved in 2011 and attached here as **Exhibit D**. The PUD is located on the south side of State Road 44, west of Interstate 95, and is shown on the attached **Exhibits A–C** (Maps and Plan).

B. Those same plans also illustrate the five (5) phases of mixed-use development permitted by the current PUD MDA and its Conceptual Development Plan (CDP). The agreement allows for a maximum of 1,277 single-family (SF) residential lots/units in Phases 1–3, while Phases 4–5 are designated for commercial uses (74 acres), multi-family development (a maximum 718 units within 78 acres), a school site (20 acres), and active recreation (51 acres).

C. An application for the Final Plat has been submitted to the City for Phase 1A and is currently under review. This area, shown on **Exhibit C**, includes 153 proposed single-family residential lots. Phases 1A, 1B, 1C, 2A, 2B, 3A and 3B, along with a portion of Phase 3C, are the areas included in this CDD petition, which encompasses the maximum 1,277 Single-Family residential units. In addition, the portion of Phase 3C includes public recreational trails ("Offsite Trails"), which the District will be responsible for operating and maintaining.

D. The Applicant has prepared and submitted various documents concerning the proposed establishment of this CDD, which will be the first one proposed within the City. Those include the **Exhibit E** Letter to the City (dated 9/10/25) regarding the Satisfaction of Chapter 190 Requirements for the South Village NSB CDD, (**Exhibits F and G**, respectively) concerning CDD Financial Review and Petitioner's Sworn Statement, and the required Petition to Establish the Artesia CDD (last revised 11/26/24), as **Exhibit H**. The Applicant has also indicated their intention to publish public notices of this CDD Petition to the City for the four weeks prior to the public hearing (on December 30, January 6, 13, 20) as required.

E. Staff has reviewed the six factors specified in the Florida Statutes, Section 190.005(1)(e), re the Establishment of Districts, which are listed below:

1. Whether all statements contained 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 comprehensive plan or of the effective local government comprehensive plan.
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.
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.

F. The applicant has addressed each of these six specific conditions within the Petition documents submitted to the City (attached as **Exhibits E to H**), and specifically within the **Exhibit E** Letter of Purpose. In addition, the **Exhibit H** Petition includes its own internal Exhibit 8, which is the required Statement of Estimated Regulatory Costs (SERC) that contains much more specific responses to future estimated costs and impacts of establishing the requested CDD.

G. As noted below, Staff review and response to the above six factors finds none of those items listed below would preclude the City from granting the petition for the establishment of this CDD.

1. All statements in the Petition appear to be true and correct.
2. There are no elements in the City Comprehensive Plan that appear to be inconsistent with this request.
3. The 770.73 acre proposed CDD area and its development plan is of sufficient size and compactness to be developed as one single functional and interrelated community as required, and as was previously considered in the rezoning by the City to its current Planned Unit Development (PUD) status.
4. The CDD is proposed as, and appears to be, the best alternative available for delivering community development services and facilities to the proposed CDD area.
5. There appear to be no proposed community development services and facilities within the CDD that would be incompatible with the capacity and uses of other existing local and regional community development services and facilities.
6. We assume all those associated with this proposed 770.73 acre area to be served by this proposed CDD will be amenable to this separate special-district government, as the petition to establish it has been filed by the sole property owner of all 770.73 acres, and with direct evidence of that provided in the Petition and its text.

Recommendation

Staff has reviewed the above listed attached documents, and requests the City Commission review those same documents toward approval of the attached Ordinance establishing the South Village NSB CDD.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A - Location Map.pdf
Exhibit B - Phasing Map.pdf
Exhibit C - CDP.pdf
Exhibit D - South Village MDA Recorded 2011.pdf
Exhibit E - Letter of Purpose - South Village NSB CDD signed 9.10.25.pdf
Exhibit F - Financial Review - South Village NSB CDD.pdf

Exhibit G - Petitioner's Sworn Statement Re Florida Statutes 287.133 - South Village NSB CDD.pdf
Exhibit H - Petition to Establish South Village NSB CDD (2025.8.1) - revised 2025.11.25 4934-2211-4648 v.7 (003) 4930-5447-7692 v.3.pdf
Business Impact Estimate - Ord 01-26 South Village NSB CDD.pdf
Ord 01-26 South Village NSB CDD.pdf