

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

May 2, 2006

1. **Approval of the minutes of the meeting held November 22, 2005.**
2. **Consideration of an Amended Petition to Establish the Madeira Community Development District in St. Augustine, St. Johns County, Florida. Petitioner: Ponce Associates, LLC. FLWAC Case No. CDD-05-009.**

On August 19, 2005, Ponce Associates, LLC, submitted a petition (amended during the November 15, 2005, local public hearing) to establish the Madeira Community Development District (District) within the City of St. Augustine in St. Johns County, Florida. The land area proposed to be served by the District comprises approximately 1,006.5 acres. The proposed District is located generally on the east side of U.S. 1 North between Ocean Boulevard to the north and Poinciana Avenue to the south. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The development has been approved for 749 residential units consisting of 469 single family homes, 114 condominium units, and 166 town homes. In addition, 170,000 square feet of commercial space is planned. Currently, the lands to be included in the District are zoned planned unit development. The District, if established, currently intends to finance certain master infrastructure improvements including roads, water, sewer, stormwater management, recreational facilities, landscape/entry features, and professional fees.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on November 15, 2005. The DOAH Administrative Law Judge filed a Report with the Commission on December 29, 2005, making affirmative conclusions on all six factors, pursuant to section 190.005(1)(e), F.S.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The DCA submitted a comment letter on February 16, 2006, finding no potential inconsistency with either Florida's growth management laws or with the City of St. Augustine Comprehensive Plan.

Pursuant to Chapter 120, F.S., notices of proposed rulemaking were published in the *Florida Administrative Weekly*. No public hearings were requested and no written comments were received as a result of the notice of proposed rule development or the notice of proposed rule.

Recommendation:

To be distributed separately.

Back-Up:

Ponce Associates' petition received August 19, 2005.

DOAH's Report received December 29, 2005.

DCA's comment letter received February 16, 2006.

3. Consideration of a Petition to Amend the Arborwood Community Development District in the City of Fort Myers in Lee County, Florida. Petitioner: Arborwood Community Development District. FLWAC Case No. CDD-05-002.

On April 4, 2005, the Board of Supervisors of the Arborwood Community Development District (District) submitted a petition to amend the boundary of the District within the City of Fort Myers in Lee County, Florida. The Petition proposes to amend the land area presently serviced by the District by adding approximately 12.28 acres. The District currently covers approximately 2,466.85 acres of land and after expansion the District will encompass approximately 2,479.13 acres. Approximately 4.74 acres of the expansion parcel is owned by Lee County and is right-of-way for Treeline Avenue. The remaining 7.54 acres of the expansion parcel is currently owned by Worthington Holdings Southwest, LLC, and consists of developable land. Petitioner has obtained consent to include the 7.54 acres expansion parcel within the boundary of the District from the current owner, Worthington Holdings Southwest, LLC. As to the consent to include the 4.74 acres expansion parcel owned by Lee County, the Petitioner is not required to obtain the consent of Lee County. Lee County is a governmental entity and therefore not included within the definition of landowner. However, the Petitioner has notified Lee County of its intent to expand the boundaries of the District. Pursuant to section 190.046(1)(e), F. S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners within the District.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The DCA submitted a comment letter on June 3, 2005, finding no potential inconsistency with Chapter 163, F.S.

On June 6, 2005, the City Council of the City of Fort Myers adopted Resolution 2005-28 supporting the amendment of the Arborwood CDD. Additionally, on June 22, 2005, the Lee County Board of County Commissioners submitted Resolution 05-06-14 supporting the amendment of the Arborwood CDD.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Board of Supervisors of the District on July 13, 2005, in Fort Myers, Florida. The Board filed a Report with the Commission on August 26, 2005, making affirmative conclusions on all six factors, pursuant to section 190.005(1)(e), F.S.

Pursuant to Chapter 120, F.S., notices of proposed rulemaking were published in the *Florida Administrative Weekly*. No public hearings were requested and no written comments were received as a result of the notice of proposed rule development or the notice of proposed rule.

Recommendation:

Approve the amendment of the Arborwood Community Development District and authorize the Secretary to file for final rule adoption.

Back-Up:

Arborwood Community Development District's petition dated April 4, 2005.

DCA's comment letter received June 3, 2005.

City of Fort Myers' resolution dated June 6, 2005.

Lee County's resolution received June 22, 2005.

Board of Supervisors' report received August 26, 2005.

Final rulemaking package.