

# **FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA**

**May 31, 2006**

- 1. Approval of the minutes of the meeting held May 16, 2006.**
- 2. Consideration of an Amended Petition to Establish the Pioneer Community Development District in the City of Port Orange, in Volusia County, Florida. Petitioner: MHK of Volusia County, Inc. (FLWAC Case No. CDD-05-003).**

On May 2, 2005, MHK of Volusia County, Inc., submitted a petition to establish the Pioneer Community Development District (District) within the City of Port Orange in Volusia County, Florida. (The petition was amended at the administrative hearing.) The land area proposed to be served by the District comprises approximately 1,238.2 acres. The proposed District is generally located north of Pioneer Trail, east of Highway 415 and south of Dunlawton Avenue. 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 plan for the lands within the proposed District includes the construction of approximately 1,300 residential units of single family detached and multi-family units as well as 25 acres of commercial mixed use. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including clearing, earthwork, water, sewer, reclaimed utilities, roadways, stormwater management facilities, facilities for outdoor cultural and recreational uses, and landscaping. Master infrastructure includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with the permitting agencies.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on August 2, 2005. After receiving testimony and written comments, the DOAH Administrative Law Judge filed a Report with the Commission on September 22, 2005, concluding "there appears to be no compelling reason not to grant the Petition, as supplemented and corrected, and establish the proposed Pioneer Community Development District by rule, unless establishment would be at odds with State plans to purchase the 450 acres east of I-95."

Upon request of the Secretary, the Department of Community Affairs (DCA) and the Department of Environmental Protection (DEP) 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 6, 2005, finding the petition inconsistent with the City of Port Orange Comprehensive Plan. The DEP filed a comment letter on November 14, 2005, indicating a desire to acquire portions of the proposed District that appear as an "A-list" project under the Florida Forever State Lands Acquisition Program.

Pursuant to Chapter 120, F.S., notices of proposed rulemaking were published in the *Florida Administrative Weekly*. A public hearing was requested by Tomm Friend on March 24, 2006, in response to the Notice of Proposed Rule. Testimony in opposition and support of the creation of the District was received at the March 28, 2006, hearing.

**Recommendation:**

To be distributed separately.

**Back-Up:**

Petition of MHK of Volusia, Inc., received May 2, 2005, and amended during the DOAH administrative hearing.

DCA's comment letter received June 6, 2005.

DOAH's Report received September 22, 2005.

DEP's comment letter received November 14, 2005.

Letter from Tomm Friend requesting a public hearing received March 24, 2006.