

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

September 19, 2006

1. **Approval of the minutes of the meeting held June 15, 2006.**
2. **Consideration of an Amended Petition to Establish the Sarasota National Community Development District in Sarasota County, Florida. Petitioner: Tuscano, LLC. (FLWAC Case No. CDD-06-001).**

On January 20, 2006, Tuscano, LLC, submitted a Petition to establish the Sarasota National Community Development District (originally filed under the name Tuscano Community Development District) within unincorporated Sarasota County, Florida. (Amended exhibits were submitted to the Commission on February 3, 2006.) The land area to be served by the District comprises approximately 2,353.80 acres. The District is bounded on the north by U.S. 41, the east by the City of North Port, the south by Manasota Beach Road, and on the west by a single-family subdivision. There is no developable real property located within the proposed boundaries of the District which is 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 of the real property located within the proposed District. All of the land in the proposed District will be part of a golf course residential community comprising 1,584 residential units. It is presently anticipated that the proposed District will construct or provide for certain infrastructures, to include public roads, provisions for water and sewer facilities, and water management facilities.

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 21, 2006, finding no potential inconsistency with Chapters 163 and 380, F.S. In addition, the DCA determined the proposed land uses within the development are consistent with the Sarasota County Comprehensive Plan.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings (DOAH) on April 5, 2006, in Sarasota County, Florida. The DOAH Administrative Law Judge filed a Report with the Commission on April 24, 2006, concluding "...the Petition meets all statutory requirements, and there appears to be no reason not to grant the Petition and establish the proposed Sarasota National Community Development District by rule."

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 notices.

Recommendation:

Approve the Petition, as amended, to establish the Sarasota National Community Development District and authorize the Secretary to file for final rule adoption.

Back-Up:

Tuscano, LLC's Petition received January 20, 2006, and amended February 3, 2006.

DCA's comment letter received February 21, 2006.

DOAH's Report received April 24, 2006.

Final rulemaking package.

3. Consideration of an Amended Petition to Amend the Boundaries of the Capital Region Community Development District in the City of Tallahassee, Leon County, Florida. Petitioner: Capital Region Community Development District. (FLWAC Case No. CDD-06-002).

On February 8, 2006, the Board of Supervisors of the Capital Region Community Development District (District) submitted a Petition to amend the boundaries of the District located within the City of Tallahassee, Leon County, Florida. (The Petition was amended during the administrative hearing.) The Petition, as amended, proposes to amend the land area presently serviced by the District by adding approximately 45.94 acres. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundaries of the District from the owners of one hundred percent of the real property comprising the expansion parcel. 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. All of the land within the expansion parcel is included within the Southwood Development of Regional Impact. The development plan within the District after expansion remains the same as that contemplated when the District was originally established. The District will continue to support 2,074 single family residential units, 2,696 multifamily units, 2,194,117 square feet of office space and 799,502 square feet of commercial space. The 45.95 acre expansion area is planned for 76 single family residential units and 82 multifamily units. These units are included within the above referenced 2,074 single family units and 2,696 multifamily units. No additional residential or non-residential development is anticipated as a result of the expansion of the District's boundaries.

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 Chapter 190, F.S. The DCA submitted a comment letter on March 8, 2006, finding no potential inconsistency with Chapters 163, 187, and 380, F.S. In addition, the DCA determined the Petition is consistent with the Leon/Tallahassee local comprehensive plan.

While neither the City of Tallahassee nor Leon County opted to conduct a public hearing on the boundary amendment, the City Council of the City of Tallahassee approved Resolution 06-R-12 on March 8, 2006, supporting amendment of the boundaries of the District.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Board of Supervisors of the District on March 31, 2006, in Tallahassee, Florida. The Board filed a Report with the Commission on April 10, 2006, concluding "...there is no reason not to grant the Petition to Amend the Boundaries of the Capital Region Community Development District by rule."

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 notices.

Recommendation:

Approve the Petition, as amended, to amend the Capital Region Community Development District and authorize the Secretary to file for final rule adoption.

Back-Up:

District Board of Supervisor's Petition received February 8, 2006, and amended March 31, 2006.

DCA's comment letter received March 8, 2006.

City of Tallahassee Resolution No. 06-R-12 adopted March 8, 2006.

District Board of Supervisors' Report received April 10, 2006.

Final rulemaking package.

4. Consideration of an Amended Petition to Establish the Rivers Edge Community Development District in St. Johns County, Florida. Petitioner: The St. Joe Company. (FLWAC Case No. CDD-05-021).

On December 19, 2005, The St. Joe Company submitted a Petition to establish the Rivers Edge Community Development District (originally filed under the name Kendall Creek Community Development District) within unincorporated St. Johns County, Florida. (Exhibits were corrected at the administrative hearing conducted on February 20, 2006.) The land area proposed to be served by the District comprises approximately 4,086.6 acres. There are no out-parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has obtained written consent to establish the District from the landowners of one hundred percent of non-governmental real property located within the proposed District. The development plan contemplated for the District consists of approximately 3,700 single-family homes, 775 multi-family units, 80,000 square feet of retail/commercial/service space, 11,000 square feet of offices, 100,000 square feet of light industrial space, 18 holes of golf, 131 acres of parks, and one public school. The lands to be included in the District are part of the approved RiverTown Development of Regional Impact (DRI) and Planned Unit Development (PUD). The District, if established, plans to fund, own, operate and maintain the stormwater management system, certain roadways and the District's recreation facilities including parks and amenities. The District will fund and construct the county public roadways and county public parks, and will dedicate them to St. Johns County. Water and wastewater utilities will be provided by and owned by the Jacksonville Electric Authority (JEA).

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 January 11, 2006, finding no potential inconsistency with Chapters 163 and 380, F.S. In addition, the DCA determined the proposed land uses within the District are consistent with the St. Johns County Comprehensive Plan. Further, infrastructure improvements to be constructed by the District are consistent with the RiverTown DRI Development Order.

Upon request of the Secretary, the Northeast Florida Regional Council reviewed the Petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The Regional Council submitted a comment letter on January 17, 2006, indicating the project is within the RiverTown DRI and will have to be consistent with the conditions of the DRI Development Order.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings (DOAH) on February 20, 2006, in St. Augustine, Florida. The DOAH Administrative Law Judge filed a Report with the Commission on April 28, 2006, concluding "...the Petition meets all statutory requirements, and there appears to be no reason not to grant the Petition and establish the proposed District pursuant to Chapter 190, Florida Statutes."

Petitioner filed a letter on May 25, 2006, requesting a name change from the Kendall Creek Community Development District to the Rivers Edge Community Development District.

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 notices.

Recommendation:

Approve the Petition, as amended, to establish the Rivers Edge Community Development District and authorize the Secretary to file for final rule adoption.

Back-Up:

St. Joe Company's Petition received December 19, 2005, and corrected at hearing on February 20, 2006.

DCA's comment letter received January 11, 2006.

Northeast Florida Regional Council's comment letter received January 17, 2006.

DOAH's Report received April 28, 2006.

St. Joe Company's letter requesting the name change of the District received May 25, 2006.

Final rulemaking package.