

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

May 11, 2004

- 1. Approval of the minutes of the meeting held March 9, 2004.**
- 2. Consideration of a Petition to Establish the Pine Island Community Development District in Lake County. Petitioner: Ginn-La Pine Island Ltd., LLLP (FLWAC Case No. CDD-03-011).**

On September 25, 2003, Ginn-La Pine Island Ltd., LLLP, submitted a petition to establish the Pine Island Community Development District (CDD) pursuant to Chapter 190, F.S. The Pine Island CDD will consist of approximately 1,805 acres located in unincorporated Lake County. The petitioner anticipates development of multiple phases of single family residential subdivision(s), with an anticipated total of 785 single family residences. Pine Island I will be approximately 496 single family lots bordered on the west by County Road 455, on the east and south by Lake Apopka and on the north by Ridgewood Avenue. Pine Island II will be approximately 289 single family lots and an 18 hole golf course with golf course facilities. Pine Island II is bordered on the east by County Road 455, on the west by Black Still Road and on the north by Fosgate Road. The south will be bordered by existing development. Pine Island I and II will be joined by a tunnel under County Road 455. There is no real property within the external boundaries of the District that is excluded from the District. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements .

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., and submitted a comment letter on April 26, 2004.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on December 8, 2003, in Tavares, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on January 22, 2004, 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 proposed final rule and authorize the Secretary to file for final rule adoption.

Back-Up:

Petition submitted by the Ginn-La Pine Island Ltd., LLLP, on September 25, 2003.

DOAH's Report issued on January 22, 2004.

DCA's comment letter received on April 26, 2004.

Proposed Final Rule.

3. Consideration of a Petition to Establish the Arborwood Community Development District in Fort Myers, Lee County. Petitioner: Worthington Holdings Southwest, LLC, (FLWAC Case No. CDD-03-016).

On November 19, 2003, Worthington Holdings Southwest, LLC, submitted a petition to establish the Arborwood Community Development District (CDD) pursuant to Chapter 190, F.S. The land area proposed to be served by the Arborwood CDD comprises approximately 2,466.85 acres. Although the initial petition included a legal description that encompassed 2,479.13 acres, the Petitioner submitted a corrected legal description at the local public hearing revising the acreage to 2,466.85. The proposed Arborwood CDD is bounded on the west by Interstate 75, on the east by the Gateway Planned Unit Development, is south of the Sun City and Colonial Country Club developments, and north of Daniels Parkway. The lands within the proposed Arborwood CDD are undeveloped. There are no parcels located within the external boundaries of the proposed Arborwood CDD that are to be excluded from the CDD. The development plan for the proposed lands within the Arborwood CDD includes the construction of approximately 4,050 single family units, 2,450 multi-family units and 170,000 square feet of retail and office uses. The Petitioner either owns or has written consent to establish the Arborwood CDD from the owners of 100% of the real property located within the proposed Arborwood CDD. The Arborwood CDD, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer utilities, stormwater management and entranceway improvements.

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., and submitted a comment letter on December 24, 2003.

On February 10, 2004, Petitioner submitted a revised Statement of Estimated Regulatory Costs (Exhibit 8), and Lee County Resolution No. 04-0135, evidencing Lee County's support of the establishment of the Arborwood CDD.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on January 28, 2004, in Fort Myers, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on February 24, 2004, 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 proposed final rule and authorize the Secretary to file for final rule adoption.

Back-Up:

Petition submitted by Worthington Holdings Southwest, LLC, on November 19, 2003.

DCA's comment letter received on December 24, 2003.

Petitioner's revised Statement of Estimated Regulatory Costs (Exhibit 8), and Lee County Resolution No. 04-0135 received on February 10, 2004.

DOAH's Report issued February 24, 2004.

Proposed Final Rule.

4. Consideration of a Petition to Establish the Connerton West Community Development District in Pasco County. Petitioner: Connerton, LLC (FLWAC Case No. CDD-03-013).

On October 15, 2003, Connerton, LLC, submitted a petition to establish the Connerton West Community Development District (CDD) pursuant to Chapter 190, F.S. The land area proposed to be served by the District comprises approximately 1,600 acres in unincorporated Pasco County. The proposed District is bounded by U.S. 41 to the west (Land O Lakes Boulevard), west of Ehren Cutoff, and south of S.R. 52 (Schrader Memorial Highway). There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The development plan for the proposed lands within the District includes the construction of approximately 2,000 residential units with 200,000 square feet of non-residential mixed use (including retail, office and civic uses). The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and wastewater, recreational facilities, surface water management, landscaping, and security.

On January 27, 2004, Pasco County conducted a local public hearing on the petition to establish the Connerton West CDD and adopted Resolution No. 04-082 supporting the establishment.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on January 29, 2004, in Dade City, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on February 24, 2004, 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 proposed final rule and authorize the Secretary to file for final rule adoption.

Back-Up:

Petition submitted by Connerton, LLC, on October 15, 2003.

Pasco County's Resolution No. 04-082 adopted on January 27, 2004.

DOAH's Report issued February 24, 2004.

Proposed Final Rule.

5. Consideration of a Petition to Establish the Villages of Westport Community Development District in the City of Jacksonville. Petitioner: Westport Villages, LLC (FLWAC Case No. CDD-03-010).

On September 4, 2003, Westport Villages, LLC, submitted a petition to establish the Villages of Westport Community Development District (CDD) pursuant to Chapter 190, F.S. The land area proposed to be served by the District will consist of approximately 1,340 acres, located entirely within the City of Jacksonville, Duval County, Florida. The lands to be included in the proposed Villages of Westport CDD are located east of New Kings Road (U.S. Highway 1), north of the Jacksonville Electric Authority Utility Easement, and is bisected in the middle by Braddock Road. There are no parcels located within the external boundaries of the proposed Villages of Westport CDD, which are to be excluded from the Villages of Westport CDD. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/ Multi-Use designation within the proposed Villages of Westport CDD are consistent with the City of Jacksonville Comprehensive Plan and include residential, recreation, and commercial elements. The proposed land uses within the proposed Villages of Westport CDD are part of an approved Regional Activity Center development approval. Approximately 1,900 single family residential units, 500 multi-family residential units and 200,000 square feet of non-residential mixed use are planned for development within the Villages of Westport CDD. The Petitioner either owns or has written consent to establish the Villages of Westport CDD from the owners of 100% of the real property located within the proposed District. The Villages

of Westport CDD, if established, intends to participate in the construction of certain road and entranceway improvements, landscaping, stormwater and recreational amenities, as well as funding for roadway planning, development and engineering studies.

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. On October 29, 2003, the DCA submitted a comment letter finding the petition is consistent with the City of Jacksonville comprehensive plan.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on January 26, 2004, in Jacksonville, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on February 23, 2004, 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 proposed final rule and authorize the Secretary to file for final rule adoption.

Back-Up:

Petition submitted by Westport Villages, LLC, on September 4, 2003.

DCA's comment letter received on October 29, 2003.

DOAH's Report issued February 23, 2004.

Proposed Final Rule.