

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
AGENDA**

**August 10, 2004**

- 1. Approval of the minutes of the meeting held June 24, 2004.**
- 2. Consideration of a Petition to Establish the Tern Bay Community Development District in Charlotte County. Petitioner: Tern Bay Development Co., LLC (FLWAC Case No. CDD-03-022).**

On December 26, 2003, Tern Bay Development Co., LLC, submitted a petition to establish the Tern Bay Community Development District (CDD) within the unincorporated area of Charlotte County, Florida. The land area proposed to be served by the District comprises approximately 1,788.97 acres. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. All lands proposed to be included in the District are designated as Mixed Use Development of Regional Impact on the Charlotte County Future Land Use Map. 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 District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, street lighting, water and wastewater, surface water management, landscaping and security walls, and park and recreational facilities.

On January 27, 2004, the Charlotte County Board of County Commissioners adopted Resolution No. 2004-017 supporting the establishment of the Tern Bay CDD.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on March 24, 2004, in Punta Gorda, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on April 22, 2004, 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., and submitted a comment letter on July 21, 2004.

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 Tern Bay Development Co., LLC, on December 26, 2003.

Charlotte County Resolution No. 2004-017 adopted on January 27, 2004.

DOAH's Report issued on April 22, 2004.

DCA's comment letter received on July 21, 2004.

Proposed Final Rule.

**3. Consideration of a Petition to Establish the Concord Station Community Development District in Pasco County. Petitioner: Concord Station, LLC (FLWAC Case No. CDD-04-003).**

On January 21, 2004, Concord Station, LLC, submitted a petition to establish the Concord Station Community Development District (CDD) located within unincorporated Pasco County, Florida. The land area proposed to be served by the District comprises approximately 1,003 acres. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The area of land within the proposed District is part of a planned community. 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 District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, water and sewer facilities, storm water management, on-site boulevard improvements, off-site improvements, hardscape/landscape and a community center.

Upon request of the Secretary, the Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. On February 25, 2004, the Tampa Bay Regional Planning Council submitted a letter indicating the project is not considered regionally significant. In addition, on February 25, 2004, the DCA responded with a letter of no comment.

On March 10, 2004, the Pasco County Board of County Commissioners adopted Resolution No. 04-119 supporting the establishment of the Concord Station CDD.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on March 25, 2004, in New Port Richey, Florida. The DOAH Administrative Law Judge issued a Report to the Commission on April 20, 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 Concord Station, LLC, on January 21, 2004.

Tampa Bay Regional Planning Council's comment letter received on February 25, 2004.

DCA's comment letter received on February 25, 2004.

Pasco County Resolution No. 04-119 adopted on March 10, 2004.

DOAH's Report issued April 20, 2004.

Proposed Final Rule.