

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

August 9, 2005

1. **Approval of the minutes of the meeting held March 17, 2005.**

2. **Consideration of an Amended Petition to Establish the Palm Coast Park Community Development District in the City of Palm Coast, Flagler County, Florida. Petitioner: Florida Landmark Communities, Inc., Palm Coast Land, LLC, and Palm Coast Forest, LLC. FLWAC Case No. CDD-04-009.**

On October 18, 2004, Petitioner, Florida Landmark Communities, Inc., Palm Coast Land, LLC, and Palm Coast Forest, LLC, submitted an amended petition to establish the Palm Coast Park Community Development District in the City of Palm Coast, Flagler County, Florida. The amended petition was supplemented on November 22, 2004, in response to a request for information. The land area proposed to be served by the District comprises approximately 4,778 acres. The land area is generally bounded on the north by Old Kings Road and Ranch House Grade, bounded on the south by Palm Coast Industrial Park and Pine Lakes Industrial Park Phase 2, bounded on the west by the Florida East Coast Railway, and bounded on the east by Belle Terre Parkway and Interstate-95. The following real property is located within the external boundaries of the District and is to be excluded from the District:

- | | | |
|----|--|---|
| a. | Parcels owned by the City of Palm Coast: | 1011300000010300040
1011300000010300020
0311300000010100010
2810300000010400000
04113000000101000A0 |
| b. | Parcels owned by Florida Water Services Corporation: | 33103000000103000A1
2810300000010100010 |

The following real property is located outside the boundaries of the District which are excluded from the District:

- | | | |
|----|---|--|
| a. | Parcels owned by Donald L. Deal, Jr.: | 2110301400001900080
2110301400001100000 |
| b. | Parcel owned by the City of Palm Coast: | 1011300000010300030 |
| c. | Parcel owned by Palm Coast Community Service Corporation: | 1011300000010100050 |
| d. | Parcel owned by Frank & Odelle Clegg: | 2110301400000100000 |
| e. | Parcel owned by David J. & Hazel Cook: | 2110300000020400000 |
| f. | Parcel owned by Wilda Hargette, et al.: | 3310300000010100000 |

The Petitioner has written consent to establish the District from the landowners of one hundred percent of the real property located within the proposed District. There are currently three owners of property making up the boundaries of the District. It is estimated that there will be approximately 7,700 residents in the District upon completion of the proposed development. The development plan for the proposed lands within the District also includes 900 acres of commercial, office and industrial development to be divided into 30 to 50 individual parcels.

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 comment letters on December 21, 2004, and February 16, 2005, finding no potential inconsistencies with Chapter 163, F.S.

On August 2, 2004, the Flagler County Board of County Commissioners adopted Resolution 2004-107 supporting the establishment of the Palm Coast Park CDD with conditions. Additionally, on August 3, 2004, the City Council of the City of Palm Coast adopted Resolution 2004-35 supporting the establishment of the Palm Coast Park CDD with a number of conditions.

Pursuant to Chapter 190, F.S., a public hearing was conducted by the Division of Administrative Hearings (DOAH) on February 8, 2005, in Palm Coast, Florida. The DOAH Administrative Law Judge filed a Report with the Commission on March 29, 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 proposed final rule and authorize the Secretary to file for final rule adoption.

Back-Up:

Amended Petition submitted by Florida Landmark Communities, Inc., Palm Coast Land, LLC, and Palm Coast Forest, LLC, on October 18, 2004. (Supplemented on November 22, 2004.)

DCA comment letters received on December 21, 2004, and February 16, 2005.

Flagler County Resolution 2004-107 adopted August 2, 2004.

City of Palm Coast Resolution 2004-35 adopted August 3, 2004.

DOAH Report received on March 29, 2005.

Proposed Final Rule.