

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

January 31, 2008

1. **Approval of the minutes of the meeting held November 14, 2007.**
2. **Consideration of a Petition to Amend the Boundary of the Tuscany Community Development District in Citrus County, Florida. Petitioner: Tuscany Community Development District (FLWAC Case No. CDD-06-011).**

On August 25, 2006, a Petition was filed by the Tuscany Community Development District proposing to add 332.07 acres of land to the area presently serviced by the District. (The Petition was supplemented on December 1, 2006, at the request of the Secretary of the Commission.) The District is located in Citrus County, Florida, and currently covers approximately 1,378.86 acres of land. After amendment, the District will encompass approximately 1,710.93 acres. Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property comprising the expansion parcel and the existing District property owners. The District's development plan will remain the same as when the District was established. The District will continue to support 4,138 single-family residential units, 1,258 multi-family residential units, 400 life care center units, 400,000 square feet of business/commercial/office and 41,368 square feet of community/neighborhood services. The 322.07 acre expansion is planned for 842 single-family residential units, which are already included in the above totals. No additional residential or non-residential development is anticipated due to the expansion of the District's boundary. The District intends to construct, acquire, or install roadways, a stormwater management system, landscaping, irrigation and entry improvements, recreational amenities, and a water/wastewater system.

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 16, 2007, finding the petition to be consistent with the Citrus County Comprehensive Plan and the Beverly Hills Development of Regional Impact.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings (DOAH) on March 22, 2007. The DOAH Administrative Law Judge submitted a Report to the Commission on April 19, 2007.

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.

Staff Recommendation:

Approve the petition, as supplemented, to amend the boundary of the Tuscany Community Development District and authorize the Secretary to file the rule amendment for final rule adoption.

Back-Up:

Tuscany Community Development District's Petition received August 25, 2006.

Tuscany Community Development District's response to the Commission's request for additional information received December 1, 2006.

DCA's comment letter received January 16, 2007.

DOAH's Report received April 19, 2007.

Final rulemaking package.

3. **Consideration of a Petition to Establish the Myakka Ranch Community Development District in Sarasota County, Florida. Petitioner: Resource Conservation of Sarasota, LLC (FLWAC Case No. CDD-06-027).**

On December 6, 2006, Resource Conservation of Sarasota, LLC, submitted a petition to establish the Myakka Ranch Community Development District within unincorporated Sarasota County, Florida. (Amended exhibits and supplemental information were submitted to the Commission on January 25, 2007, and on February 2, 22, and 26, 2007.) The land area to be served by the District comprises approximately 1,055 acres. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. Petitioner either owns or has obtained 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 is planned for approximately 375 single family residential units. Formation of the District would provide stormwater management and wetlands mitigation maintenance services, roadways and potable water and sanity sewer service to all residences through the proposed District facilities.

On January 10, 2007, the Sarasota County Board of County Commissioners held a public hearing and passed Resolution 2007-012, representing its consent to the establishment of the District.

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 March 30, 2007, finding the proposed residential land use of 375 single family dwelling units within the proposed District

is consistent with the Sarasota County Comprehensive Plan. Additionally, DCA indicates that the acreage within the proposed District is subject to the Hamlet designation and associated densities allowed under Policy VOS1.2.b of the Sarasota County 2050 Comprehensive Plan.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings (DOAH) on June 21, 2007, in Sarasota, Florida. The DOAH Administrative Law Judge filed a Report with the Commission on August 3, 2007.

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.

Staff Recommendation:

To be distributed separately.

Back-Up:

Resource Conservation of Sarasota, LLC's, petition received December 6, 2006, and amended on January 25, 2007, and February 2, 22, and 26, 2007.

Sarasota County's Resolution 2007-012 adopted on January 10, 2007.

DCA's comment letter received March 30, 2007.

DOAH's Report received August 3, 2007.

Final rulemaking package.

4. Consideration of a Petition to Establish the Huntington Hammocks Community Development District in Hernando County, Florida. Petitioner: Seville, LLC (FLWAC Case No. CDD-07-010).

On May 22, 2007, Seville, LLC, submitted a petition to establish the Huntington Hammocks Community Development District within unincorporated Hernando County, Florida. The land area to be served by the District comprises approximately 1,036.71 acres. There are 83 parcels of real property within the external boundaries of the proposed District which are to be excluded from the District. Of these excluded parcels, two parcels are road rights-of-way currently owned by Hernando County, one parcel is a future electric utility site owned by Withlacoochee River Electric, and one parcel is a water treatment well site owned by Hernando County Water and Sewer. The remaining 79 parcels of real property consist of two parcels of common ground green space tracts owned by the Seville Homeowners Association, Inc., and 77 residential platted lots (23 are developed with 22 single family residential units [one of the housing units occupies

two residential lots] and 54 are undeveloped). Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the real property to be included in the District. The District development is planned to contain approximately 2,800 dwelling units and a golf course. The proposed infrastructure plan consists of roads, paving and street lighting; water and wastewater; stormwater management; and, an irrigation system.

On June 5, 2007, the Hernando County Board of County Commissioners authorized transmittal of a letter of no objection to the creation of the District.

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 June 22, 2007, finding no potential inconsistency with Chapters 163, and 380, F.S., and determining that the proposed land uses within the development are consistent with the Hernando County Comprehensive Plan.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings (DOAH) on August 6, 2007, in Brooksville, Florida. The DOAH Administrative Law Judge filed a Report with the Commission on August 29, 2007.

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.

Staff Recommendation:

To be distributed separately.

Back-Up:

Seville, LLC's, petition received May 22, 2007.

Hernando County's letter of no objection to the creation of the District issued June 5, 2007.

DCA's comment letter received June 22, 2007.

DOAH's Report received August 29, 2007.

Final rulemaking package.