

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

May 13, 2008

1. **Approval of the minutes of the meeting held April 29, 2008.**
2. **Consideration of a Petition to Amend the Boundary of the Poinciana Community Development District in Polk County, Florida. Petitioner: Poinciana Community Development District (FLWAC Case No. CDD-06-003).**

DEFERRED FROM THE APRIL 29, 2008, MEETING.

On February 13, 2006, the Poinciana Community Development District submitted a Petition requesting amendment of its boundaries. (The Petition was supplemented with additional information at the request of the Secretary of the Commission. The Petitioner filed an amended Petition on November 29, 2006. The Petition was supplemented on April 28 and 29, 2008, with landowner consents for properties in which ownership changed subsequent to the submission of the Petition.) The District currently covers approximately 3,028 acres of land located entirely within Polk County. The Petition, as supplemented and amended, proposes to expand the land area presently serviced by the District by adding approximately 212 acres. After expansion the District will encompass approximately 3,240 acres. 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 within the existing District. There are three parcels of land within the expansion parcel that are to be excluded from the District. The excluded parcels consist of approximately 0.588 acres of residential property. Petitioner has written consent to amend the boundary of the District from the remaining owners of the real property within the expansion parcel. Amendment of the boundary of the District will only add land to the District. There will be no increase in the maximum amount of development approved or the number of District residents contemplated at the time the District was originally established.

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 September 25, 2006, finding no potential inconsistency with Chapters 163 and 380, F.S.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the District Board of Supervisors on November 15, and continued to December 1, 2006. The District Board of Supervisors submitted a Report to the Commission on January 12, 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 and amended, to amend the boundary of the Poinciana Community Development District and authorize the Secretary to file the rule amendment for final adoption.

Back-Up:

Poinciana Community Development District's Petition received on February 13, 2006. (Supplements to the Petition received on August 22, 2006 and May 31, 2007.) (Previously distributed under the April 29, 2008, agenda.)

Poinciana Community Development District's Amended Petition received on November 29, 2006. (Previously distributed under the April 29, 2008, agenda.)

DCA's comment letter received on September 25, 2006. (Previously distributed under the April 29, 2008, agenda.)

District Board of Supervisors Report received on January 12, 2007. (Previously distributed under the April 29, 2008, agenda.)

Final rulemaking package. (Previously distributed under the April 29, 2008, agenda.)

Poinciana Community Development District's Supplement to the Petition received on April 28, 2008.

Poinciana Community Development District's Second Supplement to the Petition received on April 29, 2008.