

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

CNL RESORT HOTEL, L.P

Petitioner,

vs.

DOAH Case No. 06-2417GM

CITY OF DORAL, and STATE OF FLORIDA,  
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents,

and

SHOMA HOMES VILLAGE AT DORAL,  
INC., VILLAGE AT DORAL COMMERCIAL,  
LLC, ATLAS PROPERTY II, LLC; CM  
DORAL DEVELOPMENT COMPANY, LLC;  
and CENTURY HOMBUILDERS OF SOUTH  
FLORIDA, LLC,

Intervenors.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File in this proceeding. A copy of the Order is attached to this Final Order as Exhibit A.

**BACKGROUND**

This is a proceeding to determine whether the City of Doral Comprehensive Plan, adopted by Ordinance 2005-16 and remediated by Ordinance 2006-32, is "in compliance" with the Local

Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

On April 26, 2006, the City of Doral adopted Ordinance Number 2005-16, which adopted the City of Doral Comprehensive Plan (Plan). The Department complied with and completed all general and specific statutory prerequisites and conditions required by § 163.3184, Florida Statutes, and found the Plan to be not in compliance as set forth in its Statement of Intent dated June 28, 2006.

The Department then instituted this administrative proceeding against the City. Numerous parties filed for and were granted leave to intervene.

The Department and the City of Doral entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments. The City of Doral adopted the remedial amendments by Ordinance Number 2006-32 and the Department published its Cumulative Notice of Intent on March 7, 2007, to find the Plan and the remedial amendments to be "in compliance" with the Act.

On March 12, 2007, the Administrative Law Judge issued an Order Realigning Parties identifying Intervenor CNL Resort Hotel, L.P., as opposing the Plan as remediated and the remaining Intervenor as supporting the Department and City's position. On

March 27, 2007, Petitioner CNL Resort Hotel, L.P., filed a Petition Challenging Compliance of Proposed Comprehensive Plan.

On May 17, 2007, the Administrative Law Judge issued an Order on Motion to Dismiss, granting the City of Doral's Motion to Dismiss Count I and related portions of County III of CNL Resort Hotel, L.P.'s Petition Challenging Compliance of Proposed Comprehensive Plan. On June 18, 2007, CNL Resort Hotel, L.P. filed a Petition to Review Non-Final Agency Order with the Third District Court of Appeal.

On September 24, 2008, the Court granted the Petition, quashed the Order on Motion to Dismiss and remanded to the Administrative Law Judge for further proceedings. *CNL Resort Hotel L.P., v. City of Doral, Florida, et al.*, 991 So.2d 417 (Fla. 3d DCA 2008).

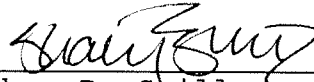
Upon remand, Petitioner CNL Resort Hotel, L.P., the City and the Department entered into a Stipulated Settlement Agreement requiring the City to adopt additional remedial amendments. The City adopted the remedial amendments by Ordinance Number 2010-14 on June 9, 2010, and the Department published its Notice of Intent on August 16, 2010, to find the Plan as again remediated "in compliance" with the Act. No party challenged this Notice and the time for doing so has expired.

On September 20, 2010, the Administrative Law Judge issued an Order Closing File and relinquished jurisdiction to the Department.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, and the Agency Clerk is directed to close the file.

DONE AND ORDERED this day in Tallahassee, Florida.



Shaw P. Stiller, General Counsel  
DEPARTMENT OF COMMUNITY AFFAIRS  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF RIGHTS

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

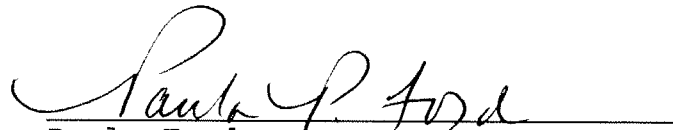
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU **WAIVE** YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT  
AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been  
filed with the undersigned Agency Clerk of the Department of  
Community Affairs, and that true and correct copies have been  
furnished by U.S. Mail to each of the persons listed below on  
this 30<sup>th</sup> day of September, 2010.

  
Paula Ford  
Agency Clerk

**By U.S. Mail**

The Honorable D. R. Alexander  
Administrative Law Judge  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Stephen B. Gillman, Esquire  
Shutts & Bowen, LLP  
201 Biscayne Boulevard  
1500 Miami Center  
Miami, Florida 33131-4325

Jimmy Morales, Esquire  
City Attorney  
c/o Sterns Weaver et al.  
150 West Flagler Street, Suite 2200  
Miami, Florida 33130

J. Michael Marshall, Esquire  
Siemon & Larson, P.A.  
433 Plaza Real, Suite 339  
Boca Raton, Florida 33432-3945

Lawrence E. Sellers, Jr., Esquire  
Holland & Knight, LLP  
315 South Calhoun Street, Suite 600  
Tallahassee, Florida 32301-1834

Kolleen O. Cobb, Esquire  
Codina Development Company  
355 Alhambra Circle, Suite 900  
Coral Gables, Florida 33143-5003

Stanley B. Price, Esquire  
Bilzin Sumberg Baena Price & Axelrod LLP  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131-2336

Stephen T. Maher, Esquire  
Shutts & Bowen LLP  
201 South Biscayne Boulevard  
Suite 1500, Miami Center  
Miami, Florida 33131

**By Hand Delivery**

Richard E. Shine  
Assistant General Counsel  
Department of Community Affairs

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

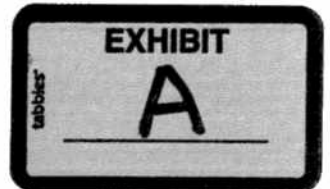
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 LLC, )  
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 Intervenors. )  
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ORDER CLOSING FILE

This cause having come before the undersigned on the Status Report and Motion to Close File and Relinquish Jurisdiction, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. The Motion to Close File and Relinquish Jurisdiction is granted.
2. The file of the Division of Administrative Hearings in the above-captioned matter is hereby closed. Jurisdiction is hereby relinquished to the Agency.



DONE AND ORDERED this 20th day of September, 2010, in Tallahassee, Leon County, Florida.

*D.R. Alexander*

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D. R. ALEXANDER  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 20th day of September, 2010.

COPIES FURNISHED:

Richard E. Shine, Esquire  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Stephen B. Gillman, Esquire  
Shutts & Bowen, LLP  
201 Biscayne Boulevard  
1500 Miami Center  
Miami, Florida 33131-4325

Stanley B. Price, Esquire  
Bilzin Sumberg Baena Price & Axelrod LLP  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131-2336

John J. Hearn, Esquire  
Law Offices of John J. Hearn, P.A.  
1917 Northwest 81 Avenue  
Coral Springs, Florida 33071

J. Michael Marshall, Esquire  
Siemon & Larsen, P. A.  
433 Plaza Real, Suite 339  
Boca Raton, Florida 33433-3945



Kolleen O. Cobb, Esquire  
Flagler Development Group  
2855 South LeJeune Road  
Coral Gables, Florida 33143-5003

Lawrence E. Sellers, Jr., Esquire  
Holland & Knight, LLP  
315 South Calhoun Street, Suite 600  
Post Office Box 810  
Tallahassee, Florida 32301-1872

Stephen T. Maher, Esquire  
Shutts & Bowen LLP  
201 South Biscayne Boulevard  
Suite 1500, Miami Center  
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