

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

FLORIDA WILDLIFE FEDERATION,

Intervenor,

v.

Case No. 10-9050GM

CITY OF PALM COAST,

Respondent,

and

TERRAPOINTE SERVICES INC.,
TERRAPOINTE, LLC, NEOGA LAKES,
LLC, and WILSON GREEN, LLC,

Intervenor.

_____ /

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction and 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 Palm Coast Comprehensive Plan “Overlay” Amendment 10-2, adopted by Ordinance 2010-07 on July 6, 2010, is “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

FINAL ORDER NO. DCA 11-GM-145

The Department, the City, and Intervenors Florida Wildlife Federation and Terrapointe Services Inc., Terrapointe, LLC, Neoga Lakes, LLC, and Wilson Green, LLC entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments for the 10-2 amendment. The City adopted the 11-R3 remedial amendment and the Department subsequently issued a courtesy letter to the City on July 1, 2011, stating that the Department has completed its review of the remedial amendment, the Department has reviewed the amendment in accordance with the expedited state review process, and the Department has identified no provision that necessitates a challenge pursuant to Section 163.3184(3), Florida Statutes.

No further remedial actions were required for the 10-2 amendment to be in compliance. The issues raised in this case have been fully resolved. By Order in this case jurisdiction was relinquished to the Department by the Administrative Law Judge, and the DOAH file was closed.

ORDER

WHEREFORE, it is ORDERED that the City of Palm Coast "Overlay" Plan Amendment 10-2, adopted by Ordinance 2010-07 on July 6, 2010, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

DONE AND ORDERED this day in Tallahassee, Florida.



William A. Buzzett, Secretary
DEPARTMENT OF COMMUNITY AFFAIRS

FINAL ORDER NO. DCA 11-GM-145

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.

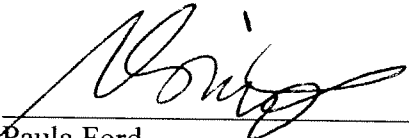
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 27th day of July, 2011.



Paula Ford
Agency Clerk
Department of Community Affairs
2555 Shumard Oak Blvd
Tallahassee Florida 32399-2100

By U.S. Mail

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

By Electronic Mail

Catherine D. Reischmann, Esq.
Debra S. Babb-Nutcher, Esq.
Gregg A. Johnson, Esq.
Brown, Garganese, Weiss &
D'agresta, P.A.
111 N. Orange Ave., Ste. 2000
Orlando, Florida 32802
creischmann@orlandolaw.net
dbabb@orlandolaw.net
gjohnson@orlandolaw.net

Reginald L. Bouthillier, Jr., Esquire
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, Florida 32301-7742
bouthillierr@gtlaw.com

Thomas W. Reese, Esquire
2951 61st Avenue South
St. Petersburg, Florida 33712-4539
twreeseesq@aol.com

Marcia Parker Tjoflat, Esq.
Pappas, Metcalf, Jenks &
Miller, P.A.
245 Riverside Ave., Ste. 400
Jacksonville, Florida 32202
mpt@papmet.com

M. Lynn Pappas, Esq.
Pappas, Metcalf, Jenks &
Miller, P.A.
245 Riverside Ave., Ste. 400
Jacksonville, Florida 32202
lpappas@papmet.com

Linda Loomis Shelley, Esq.
Fowler White Boggs & Banker,
P.A.
P.O. Box 11240
Tallahassee, Florida 32302
lshelley@fowlerwhite.com

Lynette Norr, Esq.
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
Lynette.Norr@dca.state.fl.us