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DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

vs.

FLWAC CASE NO.: APP-10-015

DOAH CASE NO.: 10-10544DRI

CITY OF PALM COAST, a political subdivision
of the State of Florida; and WILSON GREEN,
LLC, Developer

Respondents.

FINAL ORDER OF DISMISSAL

This cause came before the Secretary of the Florida Land and Water Adjudicatory Commission upon the "Notice of Petitioner's Dismissal of Development Order Appeal" filed by the Department of Community Affairs on August 8, 2011. A copy of the "Notice of Petitioner's Dismissal of Development Order Appeal" is attached and incorporated as "Exhibit A."

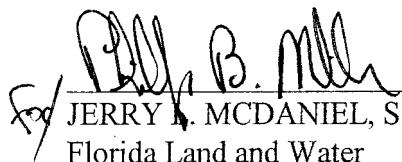
IT IS ORDERED that the proceeding is dismissed.

DONE AND ORDERED this 11th day of August, 2011.

NOTICE OF RIGHTS

Any party to this Order has the right to seek Judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees,

with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.



JERRY K. MCDANIEL, Secretary
Florida Land and Water
Adjudicatory Commission

11th FILED with the Clerk of the Florida Land and Water Adjudicatory Commission this day of August, 2011.



Clerk, Florida Land and Water
Adjudicatory Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the following persons by hand delivery, electronic delivery, or US Mail this 11th day of August, 2011.


Clerk, Florida Land and Water
Adjudicatory Commission

Honorable Rick Scott
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Jeff Atwater
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Pam Bondi
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Adam Putnam
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

L. Mary Thomas, Esquire
Governor's Legal Office
Room 209, The Capitol
Tallahassee, Florida 32399-0001

Lynette Norr, Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Wilson Green, LLC
c/o Fletcher Management Company
1548 The Greens Way
Suite 4
Jacksonville Beach, Florida 32250

William E. Reischmann, Jr., Esquire
City of Palm Coast City Attorney
160 Cypress Point Parkway
Suite B-106
Palm Coast, Florida 32164

Catherine D. Reischmann, Esquire
Debra S. Babb-Nutcher, Esquire
Gregg A. Johnson, Esquire
Brown, Garganese, Weiss & D'agresta, P.A.
111 N. Orange Avenue
Suite 2000
Orlando, Florida 32802

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

Brian Teeple
Chief Executive Officer
Northeast Florida Regional Council
6850 Belfort Oaks Place
Jacksonville, Florida 32216

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602

Honorable David M. Maloney
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

ORIGINAL

STATE OF FLORIDA
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

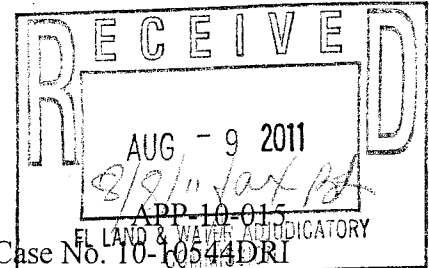
DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

v.

CITY OF PALM COAST AND
WILSON GREEN LLC

Respondents.



DOAH Case No. 10-10544DRI
Project No. ADA-04-2007-051

NOTICE OF PETITIONER'S DISMISSAL OF DEVELOPMENT ORDER APPEAL

Petitioner Department of Community Affairs, ("Department" or "DCA"), hereby notices dismissal of its appeal of the City of Palm Coast Development Order (DO) for the Old Brick Township Development of Regional Impact (DRI), and in support thereof states:

1. On June 7, 2011, the parties executed a stipulated settlement agreement (Agreement) for DOAH cases 10-10104GM and 10-10544DRI, agreeing that the comprehensive plan amendment would be in compliance and the Department's appeal of the DRI DO would be resolved if certain remedial actions were taken by the City of Palm Coast. The Agreement required the following:

4. Dismissal. If the Local Government completes the Remedial Actions and amendment to the Wilson Green DRI/DO required by this Agreement, and complies with the Overlay Settlement Agreement, the Department shall: (i) comply with the Overlay Settlement Agreement; (ii) issue a Notice of Intent addressing both the Remedial Plan Amendment and the initial Plan Amendment subject to these proceedings, and determine the Plan Amendment and Remedial Plan Amendment to be in compliance pursuant to Paragraph 10.a. below; (iii) file the cumulative Notice of Intent with DOAH; (iv) file a request to relinquish jurisdiction to the Department for dismissal of this proceeding or for realignment of the parties, as appropriate under Section 163.3184(16)(f), Florida Statutes; (v) dismiss the Wilson Green DRI/DO Petition ("DCA DRI/DO Petition Dismissal") at which time the Department hereby agrees the OBT DRI/DO, as amended, is

EXHIBIT A

consistent with Section 380.06, Florida Statutes, Rule 9J-2, Florida Administrative Code, and will take no further actions adverse to the OBT DRI/DO, as amended, in any other related proceedings.

2. The City of Palm Coast (City) adopted its 11-R3 remedial amendments in the “Overlay” case, DOAH 10-9050GM, on June 21, 2011, by Ordinance No. 2011-11, and the Department issued its “no challenge” letter on July 1, 2011.

3. Although the terms of the Agreement state that DCA will issue Notices of Intent finding the Plan Amendment and the Remedial Plan Amendment in compliance, recent statutory changes no longer direct the Department to issue such a notice for those amendments. In paragraph 7, the Agreement incorporates inconsistent changes in statutes into the Agreement, thus the statutory changes take precedence.

4. Instead of issuing a Notice of Intent for the remedial amendment, a courtesy letter was issued by the Department to the City on July 1, 2011, stating that the Department has completed its review of the 11-R1 remedial amendment for the Old Brick Township DRI comprehensive plan 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.

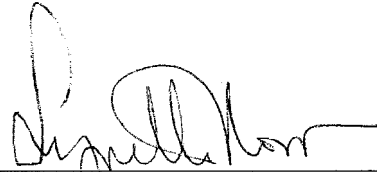
5. On June 21, 2011, pursuant to the Agreement, the City adopted changes to the Old Brick Township DRI DO by Resolution 2011-56. Relevant portions of Resolution 2011-56 are attached hereto as Exhibit A.

6. In accordance with the Agreement quoted above, the Department hereby dismisses its appeal of the OBT DRI/DO Petition.

7. All parties agree that this matter should be dismissed and this case closed.

WHEREFORE, the Department respectfully requests that the Commission enter an Order Closing File.

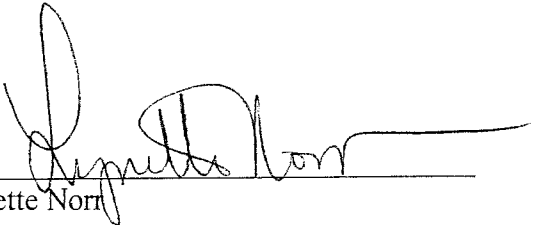
Respectfully submitted this 8th day of August, 2011.



Lynette Norr
Florida Bar No. 0010717
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-0410 Phone
Lynette.Norr@dca.state.fl.us

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to each of the persons listed below by the manner indicated on this 8th day of August, 2011.



Lynette Norr

BY INTER-AGENCY MAIL:

The Honorable Rick Scott, Governor
Office of Governor
The Capitol
PL02
Tallahassee, Florida 32399-0001

The Honorable Pam Bondi, Attorney General
Department of Legal Affairs
The Capitol
PL01
Tallahassee, Florida 32399-1050

The Honorable Jeff Atwater
Chief Financial Officer
The Capitol
LL26
Tallahassee, Florida 32399-0300

The Honorable Adam Putnam, Commissioner
The Capitol
PL08
Tallahassee, Florida 32399-0810

BY FIRST CLASS MAIL:

Wilson Green, LLC
c/o Fletcher Management Company
1548 The Greens Way, Suite 4
Jacksonville Beach, Florida 32250

The Honorable Jon Netts, Mayor
City of Palm Coast
160 Cypress Point Parkway, Suite B-106
Palm Coast, FL 32164

The Honorable Holsey Moorman
Council Member, District 1
City of Palm Coast
160 Cypress Point Parkway, Suite B-106
Palm Coast, FL 32164

The Honorable Frank Meeker
Council Member, District 2
City of Palm Coast
160 Cypress Point Parkway, Suite B-106
Palm Coast, FL 32164

The Honorable Mary DiStefano
Council Member, District 3
City of Palm Coast
160 Cypress Point Parkway, Suite B-106
Palm Coast, FL 32164

The Honorable Bill Lewis
Council Member, District 4
City of Palm Coast
160 Cypress Point Parkway, Suite B-106
Palm Coast, FL 32164

Brian Teeple
Chief Executive Officer
Northeast Florida Regional Council
6850 Belfort Oaks Place
Jacksonville, Florida 32216

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

RESOLUTION NO. 2011-56
STIPULATED SETTLEMENT AGREEMENT
OLD BRICK TOWNSHIP

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE OLD BRICK TOWNSHIP STIPULATED SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS, FLORIDA WILDLIFE FEDERATION AND WILSON GREEN, LLC; APPROVING AN AMENDMENT TO THE OLD BRICK TOWNSHIP DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; PROVIDING FOR EXHIBITS; PROVIDING FOR RECORDATION; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida, Department of Community Affairs ("DCA"), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and the Florida Environmental Land and Water Management Act of 1972, Chapter 380, as codified in Part I, Florida Statutes; and

WHEREAS, the City of Palm Coast ("City") is a local government with the duty to adopt comprehensive plan amendments that are "in compliance" and issue development orders; and

WHEREAS, the City adopted Comprehensive Plan Amendment 10-D1 ("Plan Amendment") by Ordinance No. 2010-12 on September 7, 2010; and

WHEREAS, the Plan Amendment designates approximately 5,273 acres as City of Palm Coast Development of Regional Impact-Mixed Use (approximately 4,429 acres) and Conservation (approximately 844 acres); and

WHEREAS, DCA issued a Notice and Statement of Intent regarding the Plan Amendment on November 10, 2010 contending the Plan Amendment is "not in compliance" and initiated a formal administrative proceeding challenging the Plan Amendment ("Plan Amendment Case"); and

WHEREAS, Florida Wildlife Federation filed a Petition for Leave to Intervene regarding the Plan Amendment on November 17, 2010; and



WHEREAS, the City adopted Resolution No. 2010-114 approving the Development of Regional Impact Development Order for the development of 5,273 acres known as Old Brick Township on September 7, 2010 ("Old Brick Township DRI"); and

WHEREAS, DCA filed a Petition for Appeal of a Development Order ("DRI Case") on November 5, 2010 challenging the Old Brick Township DRI; and

WHEREAS, the City and Wilson Green, LLC dispute the allegations in the Plan Amendment Case and the DRI Case; and

WHEREAS, by way of the Order issued by Administrative Law Judge David M. Maloney, dated December 29, 2010, the Plan Amendment Case (DOAH Case No. 10-10104GM) and the DRI Case (DOAH Case No. 10-10544DRI) were consolidated into one administrative proceeding; and

WHEREAS, the Old Brick Township Stipulated Settlement Agreement attached as Exhibit "A" will resolve the disputed issues within the DRI Case and Plan Amendment Case, and avoid the expense, delay and uncertainty of lengthy litigation; and

WHEREAS, the City Council of the City of Palm Coast held an advertised public hearing on June 7, 2011 to consider the Old Brick Township Stipulated Settlement Agreement which includes an amendment to the Old Brick Township DRI Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST:

SECTION 1. APPROVAL OF THE OLD BRICK TOWNSHIP STIPULATED SETTLEMENT AGREEMENT. The City Council of the City of Palm Coast hereby approves the Old Brick Township Stipulated Settlement Agreement as attached hereto and incorporated herein as Exhibit "A."

SECTION 2. APPROVAL OF AMENDMENT TO OLD BRICK TOWNSHIP DRI. The approval of the Old Brick Township Stipulated Settlement Agreement also incorporates the City Council of the City of Palm Coast's approval hereby of the amendment to the Old Brick Township DRI Development Order as specifically provided for within Exhibit "A".

SECTION 3. RECORDATION. The City of Palm Coast shall record the Old Brick Township Stipulated Settlement Agreement in the Official Land Records of Flagler County, Florida as provided for therein.

SECTION 4. SIGNATORY AUTHORITY. The Mayor is hereby authorized to execute the Old Brick Township Stipulated Settlement Agreement.

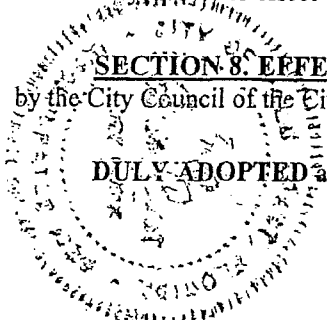
SECTION 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 7. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.


SECTION 8. EFFECTIVE DATE. This Resolution shall be effective upon approval by the City Council of the City of Palm Coast.

DULY ADOPTED at a Public Hearing this 7th day of June 2011.

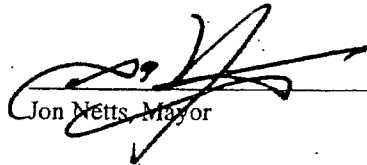


CITY OF PALM COAST, FLORIDA

ATTEST:

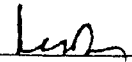


City Clerk



Jon Nettis, Mayor

Approved as to form and legality



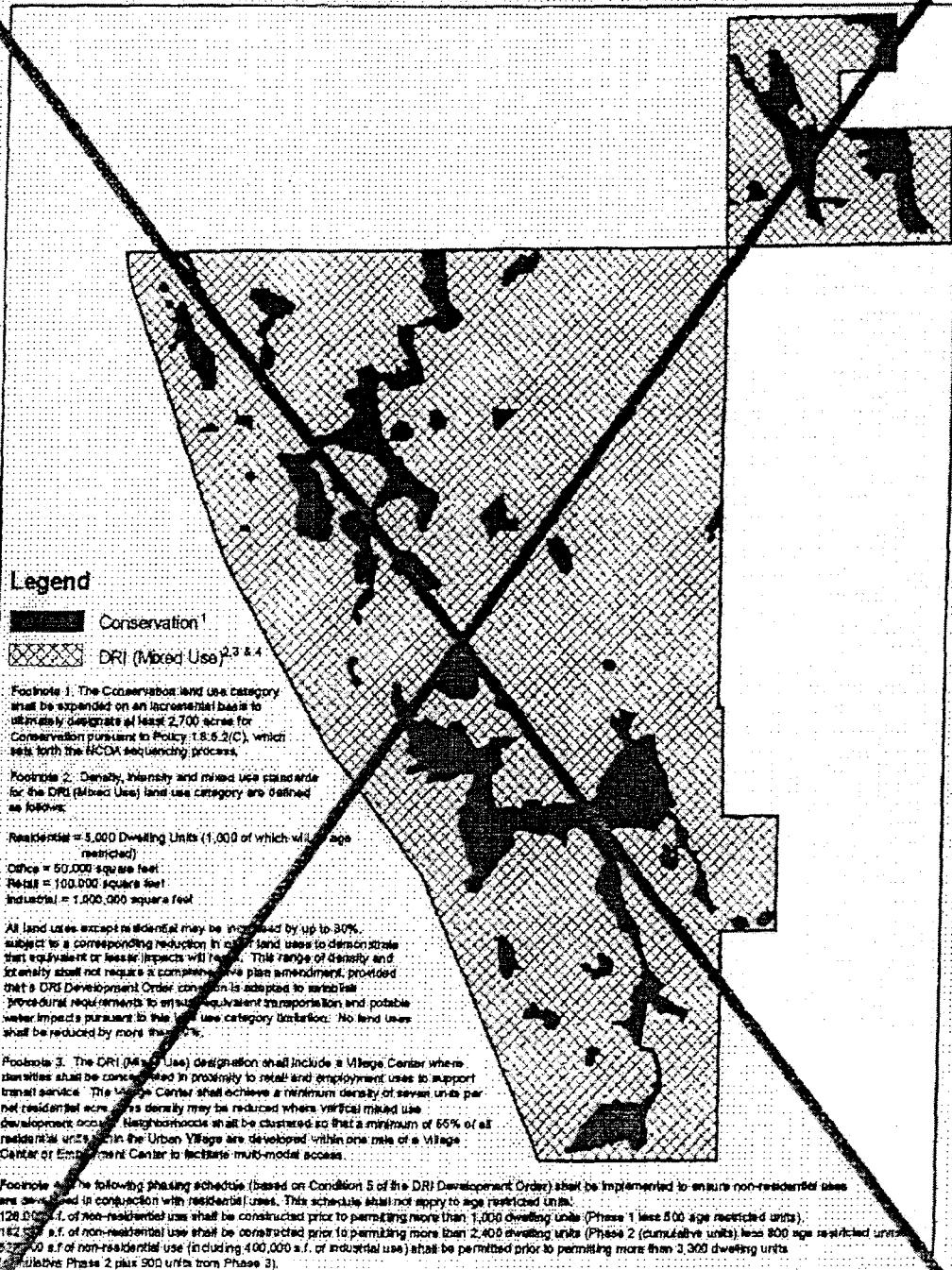
William E. Reischmann, Jr. Esq.
City Attorney

Attachment: Exhibit "A" - Old Brick Township Stipulated Settlement Agreement



TAL 451,597,913v2 5-9-11

Pages 4-53 of the 60-page Ordinance, which are attachments thereto, have not been reproduced here.

EXHIBIT "B"
ORDINANCE No. 2010-



Legend

-  Conservation¹
-  DRI (Mixed Use)^{2,3 & 4}

Footnote 1: The Conservation land use category shall be expanded on an incremental basis to ultimately designate at least 2,700 acres for Conservation pursuant to Policy 1.8.6.2(C), which sets forth the HCDM sequencing process.

Footnote 2: Density, intensity and mixed use standards for the DRI (Mixed Use) land use category are defined as follows:

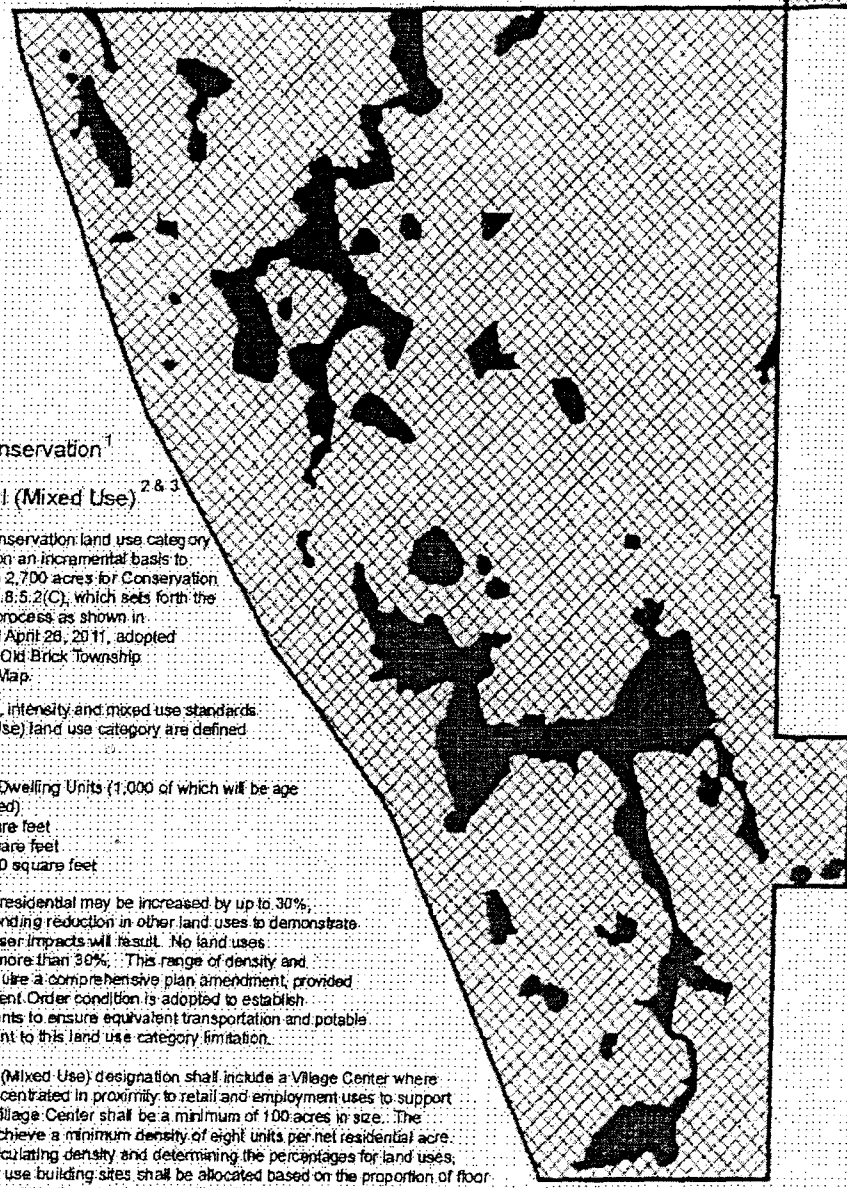
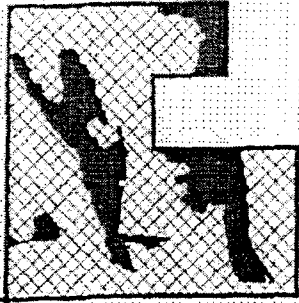
- Residential = 5,000 Dwelling Units (1,000 of which will be age restricted)
- Office = 50,000 square feet
- Retail = 100,000 square feet
- Industrial = 1,000,000 square feet

All land uses except residential may be increased by up to 30%, subject to a corresponding reduction in other land uses to demonstrate that equivalent or lesser impacts will result. This range of density and intensity shall not require a comprehensive plan amendment, provided that a DRI Development Order condition is adapted to establish procedural requirements to ensure equivalent transportation and potable water impacts pursuant to this land use category limitation. No land uses shall be reduced by more than 30%.



Footnote 3: The DRI (Mixed Use) designation shall include a Village Center where amenities shall be concentrated in proximity to retail and employment uses to support transit service. The Village Center shall achieve a minimum density of seven units per net residential acre. As density may be reduced where vertical mixed use development occurs, neighborhoods shall be clustered so that a minimum of 65% of all residential units within the Urban Village are developed within one mile of a Village Center or Employment Center to facilitate multi-modal access.

Footnote 4: The following phasing schedule (based on Condition 5 of the DRI Development Order) shall be implemented to ensure non-residential uses are developed in conjunction with residential uses. This schedule shall not apply to age restricted units.
 128,000 s.f. of non-residential use shall be constructed prior to permitting more than 1,000 dwelling units (Phase 1 less 500 age restricted units).
 182,000 s.f. of non-residential use shall be constructed prior to permitting more than 2,400 dwelling units (Phase 2 (cumulative units) less 800 age restricted units).
 528,000 s.f. of non-residential use (including 400,000 s.f. of industrial use) shall be permitted prior to permitting more than 3,300 dwelling units (cumulative Phase 2 plus 500 units from Phase 3).

Exhibit C



Legend

-  Conservation¹
-  DRI (Mixed Use)^{2 & 3}

Footnote 1: The Conservation land use category shall be expanded on an incremental basis to ultimately designate 2,700 acres for Conservation pursuant to Policy 1.8.5.2(C), which sets forth the NCOA sequencing process as shown in Attachment 1, dated April 28, 2011, adopted as Map CP-1.7, the Old Brick Township Developable Areas Map.

Footnote 2: Density, intensity and mixed use standards for the DRI (Mixed Use) land use category are defined as follows:

- Residential = 5,000 Dwelling Units (1,000 of which will be age restricted)
- Office = 50,000 square feet
- Retail = 100,000 square feet
- Industrial = 1,000,000 square feet

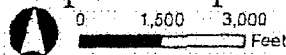
All land-uses except residential may be increased by up to 30%, subject to a corresponding reduction in other land uses to demonstrate that equivalent or lesser impacts will result. No land uses shall be reduced by more than 30%. This range of density and intensity shall not require a comprehensive plan amendment, provided that a DRI Development Order condition is adopted to establish procedural requirements to ensure equivalent transportation and potable water impacts pursuant to this land use category limitation.

Footnote 3: The DRI (Mixed Use) designation shall include a Village Center where densities shall be concentrated in proximity to retail and employment uses to support transit service. The Village Center shall be a minimum of 100 acres in size. The Village Center shall achieve a minimum density of eight units per net residential acre. For the purpose of calculating density and determining the percentages for land uses, the acreage for mixed use building sites shall be allocated based on the proportion of floor area for each land use within the mixed use building. The mix of uses in the Village Center shall comprise the following ranges: 10-40% for retail/office, 5-20% for civic/institutional and 40-85% for residential. Neighborhoods shall be clustered so that a minimum of 65% of all residential units within the Urban Village are developed within one mile of a Village Center or Employment Center to facilitate multi-modal access. Neighborhood Centers shall be a minimum of 2 acres in size. A minimum of 20% of the total number of dwelling units within the Urban Village shall be comprised of the following housing types: single-family attached, townhouse or multi-family. Prior to authorizing future roadway alignments connecting the Old Brick Township property to contiguous areas in St. Johns County, the City shall review the proposed roadway alignment pursuant to Policy 1.8.5.10, and require as appropriate, wildlife crossings for those sections of the roadway alignment located within a wildlife corridor to facilitate the continued movement of wildlife through the corridor.

PROSSER HALLOCK, PLANNERS & ENGINEERS

Source: LRS, Prosser/Hallock

OLD BRICK TOWNSHIP Map A - Proposed Future Land Use Map Amendment






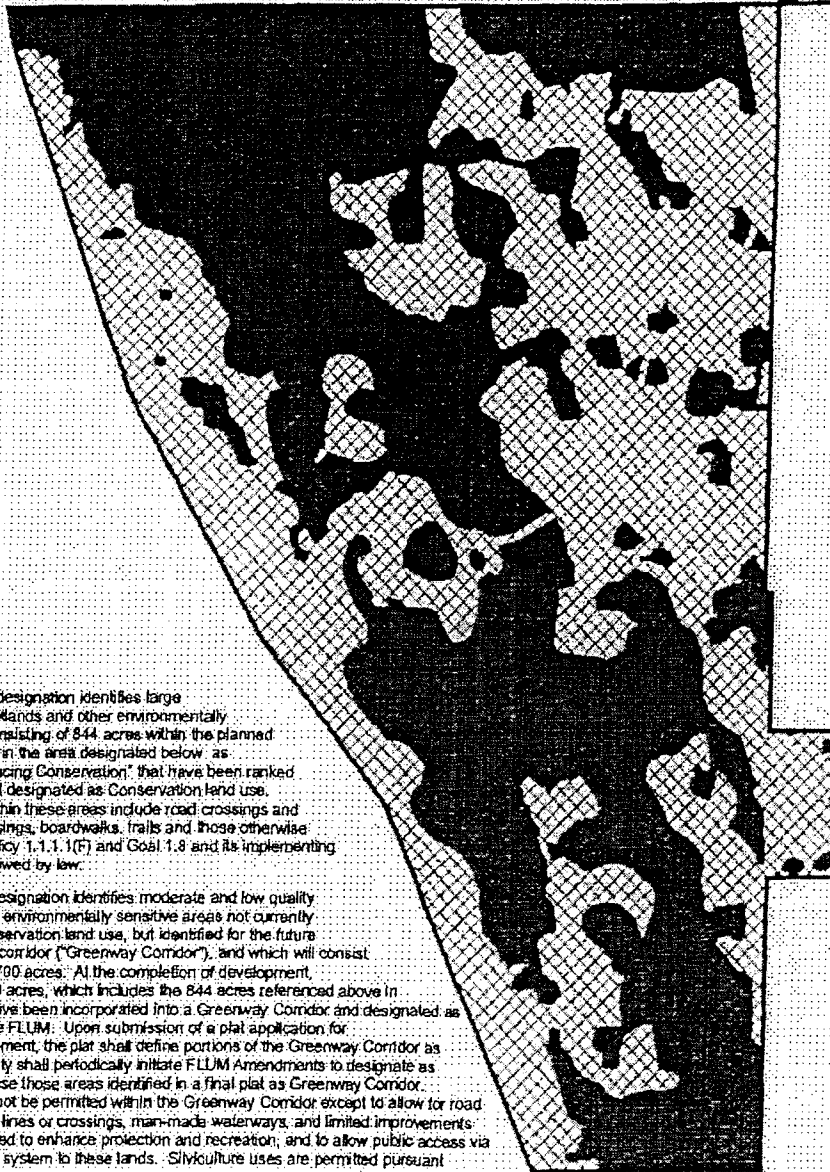
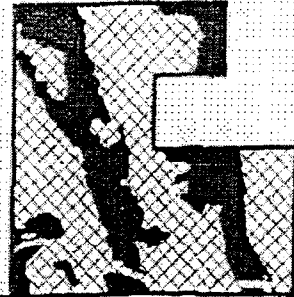
April 26, 2011



Exhibit C

Legend

-  Conservation¹
-  Proposed Sequencing Conservation²
-  DRI (Mixed Use)³



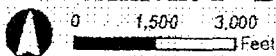
Footnote 1. This designation identifies large interconnected wetlands and other environmentally sensitive areas consisting of 844 acres within the planned greenway corridor in the area designated below as "Proposed Sequencing Conservation" that have been ranked as high quality and designated as Conservation land use. Uses permitted within these areas include road crossings and utility lines or crossings, boardwalks, trails and those otherwise provided for by Policy 1.1.1.1(F) and Goal 1.8 and its implementing policies and as allowed by law.

Footnote 2. This designation identifies moderate and low quality wetlands and other environmentally sensitive areas not currently designated as Conservation land use, but identified for the future planned greenway corridor ("Greenway Corridor"), and which will consist of a minimum of 2,700 acres. At the completion of development, a minimum of 2,700 acres, which includes the 844 acres referenced above in Footnote 1, shall have been incorporated into a Greenway Corridor and designated as Conservation on the FLLUM. Upon submission of a plat application for a proposed development, the plat shall define portions of the Greenway Corridor as appropriate. The City shall periodically initiate FLLUM Amendments to designate as Conservation land use those areas identified in a final plat as Greenway Corridor. Development shall not be permitted within the Greenway Corridor except to allow for road crossings and utility lines or crossings, man-made waterways, and limited improvements and activities intended to enhance protection and recreation, and to allow public access via a multi-use pathway system to these lands. Silviculture uses are permitted pursuant to Policy 1.8.1.4.

Footnote 3. This designation identifies areas suitable for urban development.

OLD BRICK TOWNSHIP

Attachment 1 - Developable Areas Map (CP-1.7)



April 26, 2011

Source: ERS, Prosser/Hallock



EXHIBIT "D"

TAL 451,593,656v6 4-13-11

EXHIBIT "D"

General Condition No. 5 is hereby amended and replaced in its entirety with the following provision:

5. **Phasing, Buildout and Expiration.** The Old Brick Township DRI shall be developed in three phases as shown on the following schedule:

Land Use	Phase 1 2011-2015	Phase 2 2016-2020	Phase 3 2021-2025	Total Units
Residential	1,500 DU	1,700 DU	1,800 DU	5,000 DU
Office	10,000 SF	20,000 SF	20,000 SF	50,000 SF
Retail	0 SF	50,000 SF	50,000 SF	100,000 SF
Industrial Park	200,000 sf	0 sf	800,000 sf	1,000,000 sf
Schools	School	-	-	1 School

Each phase shall last at least 5 years unless extended pursuant to Section 380.06(19), *Florida Statutes*, or unless Developer elects to accelerate the beginning date of a subsequent phase, provided that all mitigation requirements for the particular phase to be affected are met. The end date of a phase shall not be affected by an acceleration of the beginning date. Unused development rights from a particular phase shall carry over into the next phase until buildout. Although the Old Brick Township DRI is phased through 2025, buildout may not occur by that date. As a result, the DRI termination date and the expiration date of this Development Order are both established as of December 31, 2030. Any extensions of the build-out, termination or expiration dates shall be governed by the provisions of Section 380.06(19)(c), *Florida Statutes*. The commencement date for construction shall be five (5) years from the later of the following: (i) Effective Date of this Development Order, or (ii) the acquisition of the MWP Extension ROW as described in Specific Condition 29(d) below. The time period for commencement of physical development, build-out, phasing dates, the downzoning protection date, and any other such deadlines shall be tolled during the period of any appeal pursuant to Section 380.07, *Florida Statutes*, or during the pendency of any administrative or judicial proceedings relating to this DRI Development Order, the approval of the companion comprehensive plan amendment pursuant to Chapter 163, *Florida Statutes*, any subsequent development orders issued pursuant to this DRI Development Order, any development permits including the St. Johns River Water Management District ("SJRWMD") and the United States Army Corps of Engineers ("ACOE") permits, any agreements required by this Development Order, and any decision related to right-of-way acquisition for the roads in the transportation mitigation plan for the DRI.

Subject to the Development Order becoming effective pursuant to General Condition 6 below, the Developer will file an application to rezone the Property within

EXHIBIT "D"

three (3) months from the later of the following: (i) Effective Date of this Development Order, or (ii) the acquisition of the MWP Extension ROW as described in Special Condition 29(d) below.

~~To promote an appropriate jobs to housing mix, no permits for Phase 2 residential development may be issued unless 60% of Phase 1 non-residential development has been constructed. No permits for Phase 3 residential development shall be issued unless 80% of Phase 2 non-residential development has been constructed. Within Phase 3, no more than 900 Phase 3 units may be permitted unless at least 50% of the Phase 3 industrial development has been permitted. This requirement does not apply to the phasing or issuance of permits for the age restricted residential component of the development.~~

The Developer and the City shall cooperate throughout the DRI development period to evaluate economic development incentive programs available through federal programs and the State of Florida which might be applicable to prospective employers within the DRI. The Developer will also undertake a marketing program to encourage job generation within the Employment Center lands which shall include information about State of Florida and other applicable economic development incentive programs available to prospective employers. In order to facilitate employment center development at the earliest opportunity, the Developer shall identify, as part of the first MPD zoning application, the approximate location of an Employment Center site with sufficient acreage to accommodate at least 200,000 square feet of employment center development. Transportation access and utilities shall be made available to the site prior to the issuance of Certificates of Occupancy for residential units within the DRI. The Developer shall identify, as part of the first MPD zoning application for Phase 3 development, the approximate location of an additional employment center site with sufficient acreage to accommodate at least 200,000 square feet of employment center development. Transportation access and utilities shall be made available to this site prior to the issuance of Certificates of Occupancy for residential units within Phase 3.

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Maley

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING

L 936062

in the Court,
was published in said newspaper in the issues.....

MAY 23, 2011

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Cynthia Maley

Sworn to and subscribed before me

This 23RD of MAY

A.D. 2011

Rachael L. Smith

49D

RACHAEL L. SMITH
Commission #00 987348
My Commission Expires
October 7, 2012

0000936062

**CITY OF PALM COAST
NOTICE OF PUBLIC HEARING ON
STIPULATED SETTLEMENT AGREEMENT
AND AMENDMENT TO OLD BRICK
TOWNSHIP DEVELOPMENT OF REGIONAL
IMPACT DEVELOPMENT ORDER**

Notice is hereby given that a public hearing will be held before the City Council of the City of Palm Coast on June 7, 2011 beginning at 6:30 P.M. in City Council Chambers, at 305 Palm Coast Parkway Northeast, Palm Coast, Florida. The purpose of the hearing is to hear all interested parties and act upon a proposed Stipulated Settlement Agreement with the Florida Department of Community Affairs (FDCA) and all Intervenor, and/or Respondents, which includes an amendment to the Old Brick Township Development of Regional Impact Development Order. The title of the Resolution is as follows:

**RESOLUTION NO. 2011- XX
STIPULATED SETTLEMENT AGREEMENT
OLD BRICK TOWNSHIP**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE OLD BRICK TOWNSHIP STIPULATED SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS, FLORIDA WILDLIFE FEDERATION AND WILSON GREEN, LLC; APPROVING AN AMENDMENT TO THE OLD BRICK TOWNSHIP DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; PROVIDING FOR EXHIBITS; PROVIDING FOR RECORDATION; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Stipulated Settlement Agreement is intended as a complete and final settlement of all claims raised by the FDCA, Petitioner, and Florida Wildlife Federation (FWF), Intervenor, in Division of Administrative Hearing (DOAH) Case Nos. 10-10104GM and 10-10544DRL, which cases relate to Comprehensive Plan Amendment 10-D1 adopted under Ordinance No. 2010-12 on September 7, 2010 and the Development of Regional Impact Development Order adopted under Resolution No. 2010-114 on September 7, 2010 for the Old Brick Township project, respectively.

A copy of this notice, the file relating to the proposed Stipulated Settlement Agreement and the proposed resolution are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. in the Palm Coast City Offices located at 160 Cypress Point Parkway, Suite B-106. All interested parties are invited to appear at the meeting and be heard with respect to the proposed legislation. Any person wishing to express his/her opinion may also submit written comments regarding the proposed legislation to the City through the Community Development Department. Comments should be made as early as possible to ensure full consideration.

If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearing, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting.

Location Map

