

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

JOEL THEARD,

CASE NO.: 2020-CA-012098-O

Petitioner,

v.

CITY OF ORLANDO, FLORIDA, a  
Florida Municipal Corporation,

Respondent,

and

AGPM ACQUISITIONS LLC and  
FL JACKSONOFFICE, LLC,

Intervenors.

\_\_\_\_\_ /

Petition for Writ of Certiorari from  
the Decision of the City Council  
for the City of Orlando, Florida.

Darren J. Elkind, Esq., of  
Paul, Elkind, Branz & Paul, P.A., DeLand,  
for Petitioner.

Melissa C. Clarke, Esq.,  
Assistant City Attorney,  
for Respondent.

Rebecca E. Rhoden, Esq., and  
M. Rebecca Wilson, Esq., of  
Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Orlando,  
for Intervenors.

Before WEISS, MUNYON, and JORDAN, J.J.

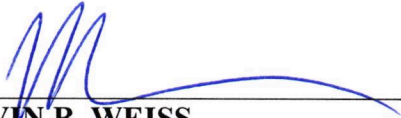
PER CURIAM.

The petitioner challenges the adoption by the City of Orlando (“the City”) of a Quasi-Judicial Hearing Officer’s Recommended Order Denying Petition and two related rezoning ordinances, 2020-63 and 2020-64, on the basis that they violate the City’s Land Development Code and Growth Management Plan. The petitioner’s request for relief focuses on the asserted failure of the City’s staff, Municipal Planning Board, Quasi-Judicial Hearing Officer, and City Council to correctly interpret section 66.200 of the Code of the City of Orlando (“the Code”) related to that section’s definition of “Density, Gross Residential.”

Upon review of the petition, responses, replies, and appendices filed in this case, this Court finds that the consideration of this matter by the City Council and others leading to the adoption of the order and ordinances at issue complied with the essential requirements of law. Accordingly, we determine that 1) due process was accorded to the petitioner; 2) the essential requirements of law were followed by the Quasi-Judicial Hearing Officer and the City Council, including adherence to the governing Code provision; and (3) the decisions by both the Quasi-Judicial Hearing Officer and the City Council were supported by substantial competent evidence.

Therefore, it is hereby ORDERED and ADJUDGED that Joel Theard’s Petition for Writ of Certiorari is DENIED.

**DONE AND ORDERED** in Chambers at Orlando, Orange County, Florida, this 2 day of May, 2023.

  
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**KEVIN B. WEISS**  
Presiding Circuit Judge

MUNYON and JORDAN, J.J., concur.

CERTIFICATE OF SERVICE

2nd I CERTIFY that a true and correct copy of the foregoing Order was furnished on this day of May, 2023, to the following: Darren J. Elkind, Esq., Paul, Elkind, Branz & Paul, P.A., 442 E. New York Ave., DeLand, FL 32724; Melissa C. Clarke, Esq., 400 South Orange Ave., Orlando, Florida 32802; and Rebecca E. Rhoden, Esq. and M. Rebecca Wilson, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive, P.O. Box 2809, Orlando, Florida 32802-2809.

A handwritten signature in blue ink, appearing to be "Jth R", written over a horizontal line.

Judicial Assistant