

IN THE CIRCUIT COURT FOR THE  
NINETEENTH JUDICIAL CIRCUIT IN AND  
FOR INDIAN RIVER COUNTY, FLORIDA.  
**APPELLATE DIVISION**

Circuit Case No. 16-AP-6  
Petition for Writ of Certiorari

KGP II—ORCHID LLC,

Petitioner,

v.

Not final until time expires for filing motion  
for rehearing, and if filed, disposed of.

TOWN OF ORCHID,

Respondent.

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Decision filed July 26, 2017.

Petition for Writ of Certiorari to the Town of Orchid.

Edward de la Parte and David Caldevilla, de la Parte & Gilbert, P.A., Tampa, for petitioner.

Nancy Stroud, Lewis Stroud & Deutsch, P.L., Boca Raton, for respondent.

PER CURIAM.

KGP II-Orchid LLC’s (“KGP”) petition for writ of certiorari seeks circuit court review of the Town of Orchid’s (“Town”) unanimous decision denying KGP’s application to build a 120 bed assisted living facility. The Town’s decision was supported by competent substantial evidence in the record. Furthermore, the Town’s decision did not depart from the essential requirements of law. *See Broward County v. G.B.V. Intern., Ltd.*, 787 So. 2d 838, 843 (Fla. 2001) (quoting *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982)). Therefore, the petition for writ of certiorari is denied. Further, the Petitioner’s motion for appellate attorney’s fees under section 57.105, Florida Statutes, is denied.

METZGER, CROOM, JJ. and NELSON, Acting Circuit Judge, concur.

Copies of above decision  
were furnished to the attorneys/parties  
of record on the same date  
the decision was filed.