

7-8-03

BEFORE THE PINELLAS COUNTY  
BOARD OF COUNTY COMMISSIONERS, ACTING IN  
ITS CAPACITY AS THE COUNTYWIDE PLANNING AUTHORITY

FILED  
03 NOV 14 PM 3:59  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

CITY OF CLEARWATER, for the use  
and benefit of LAWRENCE H. DIMMITT, III,  
and LAWRENCE H. DIMMITT, JR., as TRUSTEE,

At

Petitioners,

Case No. CW03-22  
DOAH Case No. 03-1500

DRA-CWS

v.

PINELLAS COUNTY BOARD OF  
COUNTY COMMISSIONERS as  
COUNTYWIDE PLANNING AUTHORITY,

Respondent.

**FINAL ORDER**

THIS CAUSE came before the Board of County Commissioners of Pinellas County, Florida, sitting as the Countywide Planning Authority ("the CPA"), upon the Recommended Order pursuant to Chapter 88-464, Laws of Florida, as amended, and Sections 120.569 and 120.57(1), Florida Statutes, in the Division of Administrative Hearings Case no. 03-1500.

**ISSUE STATEMENT**

The issue raised on Petitioners' application is whether a proposed amendment to the Pinellas County Countywide Future Land Use Plan ("FLUP") changing the land use designation on a 22.18 acre parcel located at 2301 Chautauqua Avenue in the City of Clearwater, from Residential Suburban/Preservation to Residential Low/Preservation should be approved.

**PROCEDURAL HISTORY**

On April 1, 2003, Respondent, CPA, voted 7-0 to deny the proposed amendment to the FLUP for the subject parcel based on adverse impacts on transportation and the character of the

neighborhood. On April 17, 2003, Petitioners filed a Petition for an Administrative Hearing for the purpose of making conclusive and binding findings of fact in this matter, and requesting that this matter thereafter be returned to the Respondent, CPA, for the purpose of approving the proposed amendment to the FLUP as it affects the subject property. On September 8, 2003, the Administrative Law Judge issued a Recommended Order recommending that the CPA enter a final order determining that the proposed amendment to the FLUP is inconsistent with Section 5.3.5.6. of the Rules Concerning the Administration of the Countywide Future Land Use Plan, as amended, and that the amendment should be denied.

#### CPA REVIEW OF RECOMMENDED ORDER

Pursuant to Section 10(4) of Chapter 88-464, Laws of Florida, as amended, and Section V(k) of Pinellas County Resolution no. 90-205, the CPA shall review the Recommended Order and any exception filed thereto at a public hearing. The proceeding shall not be a de novo review but shall be confined to the Recommended Order and any filed exceptions thereto. The CPA, in its final action subsequent to any administrative hearing, may consider the Recommended Order in its entirety, but shall base its decision upon the findings of fact in the Recommended Order and any exceptions thereto determined by the CPA to be valid.

#### RULING ON EXCEPTIONS

No exceptions were filed by either party in this matter.

#### CONCLUSION

WHEREFORE, for the reasons set forth herein and upon review of the record, the CPA hereby adopts the findings of fact and conclusions of law set forth in the Recommended Order, which is incorporated herein and attached hereto as Exhibit "1". It is therefore ORDERED and

ADJUDGED that:

Petitioners' proposed amendment to the FLUP for the subject property is denied.

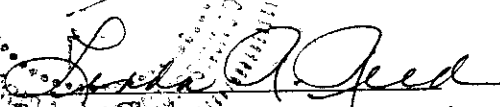
NOTICE OF RIGHTS


Any party to this Final Order has the right to seek judicial review of the Final Order in a court of competent jurisdiction within thirty (30) days of the day this Final Order is filed with the Clerk of the CPA.

DONE AND ORDERED this 5 day of November, 2003, in Clearwater, Florida.


ATTEST:  
KARLEEN F. DeBLAKER, CLERK

PINELLAS COUNTY BOARD OF  
COUNTY COMMISSIONERS, acting in  
its capacity as the Countywide Planning  
Authority

By:   
Deputy Clerk

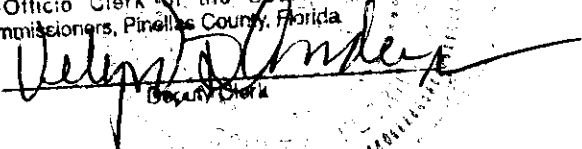
By:   
Chairman

Approve as to Form:

  
Office of the County Attorney

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I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL. this 6 day of NOVEMBER A.D. 2003  
KARLEEN F. De BLAKER, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida.

By:   
Deputy Clerk