

**ADMINISTRATION COMMISSION
AGENDA**

October 4, 2005

1. **Request approval of the minutes of the meeting held September 7, 2005.**
2. **Consideration of a Recommended Order issued by the Division of Administrative Hearings in the proceeding Hildreth L. Cooper vs. City of Panama City and Creekstone Boatyards, LLC (DOAH Case No. 05-0921GM) (AC Case No. ACC-05-010).**

On February 8, 2005, the City of Panama City adopted Ordinance No. 2055.1, a small scale plan amendment, changing the future land use designation of a 3.212 acre parcel of property on the City's Future Land Use Map from Mixed Use (MU) to General Commercial (GC). The land use change was requested to allow development of a multi-family residential condominium project with approximately 77 units.

Petitioner, Hildreth Cooper, filed a petition with the Division of Administrative Hearings (DOAH) on March 10, 2005, challenging the small scale amendment. Petitioner's original allegations were: the small scale amendment conflicts with Chapter 9J-5, Florida Administrative Code, and Chapter 163, Florida Statutes, and is inconsistent with the City of Panama City Comprehensive Plan, the local Strategic Regional Policy Plan, and the State Comprehensive Plan. However, Petitioner's allegations were narrowed at hearing to the following: the General Commercial land use designation is incompatible with the character of the surrounding area and is inconsistent with provisions of the City of Panama City Comprehensive Plan. Creekstone Boatyards, LLC, was authorized to intervene in the proceeding on April 7, 2005.

On June 30, 2005, DOAH Administrative Law Judge Donald Alexander conducted an administrative hearing in the City of Panama City, Florida. Judge Alexander issued a Recommended Order on August 19, 2005, recommending the Administration Commission enter a final order determining that the plan amendment adopted by the City of Panama City is not in compliance as defined in section 163.3184(1)(b), F.S. Exceptions to the DOAH Recommended Order were filed by the City of Panama City on September 2, 2005. On September 6, 2005, Intervenor, Creekstone Boatyards, LLC, filed a Notice Regarding Exceptions to Recommended Order. Petitioner, Hildreth Cooper, filed a Response to Respondent's Exceptions to Recommended Order on September 19, 2005. Finally, Intervenor, Creekstone Boatyards, LLC, filed an Objection to and Motion to Strike Petitioner's Untimely Response to Exceptions to Recommended Order on September 21, 2005.

Recommendation:

The staff recommendation will be distributed separately.

Back-Up:

DOAH's Recommended Order received on August 24, 2005.

City of Panama City's Exceptions to Recommended Order received September 2, 2005.

Creekstone Boatyards' Notice Regarding Exceptions to Recommended Order received on September 6, 2005.

Hildreth Cooper's Response to Respondent's Exceptions to Recommended Order received on September 19, 2005.

Creekstone Boatyards' Objection to and Motion to Strike Petitioner's Untimely Response to Exceptions to Recommended Order received on September 21, 2005.

Draft Final Order. (To be distributed separately.)