

WALK ON #2

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050943

- 1. ACTION REQUESTED/PURPOSE:** Direct a non-emergency ordinance to public hearing on August 2, 2005 9:30 a.m., or as soon thereafter as it may be heard, in the Commission Chambers for a Small Scale Amendment to the comprehensive plan proposed by Leeward Yacht Club, L.L.C.
- 2. WHAT ACTION ACCOMPLISHES:** If the Board desire to re-hear on this proposed comprehensive plan amendment, this is the proper procedure.
- 3. MANAGEMENT RECOMMENDATION:** Schedule the public hearing.

4. Departmental Category: 04 **5. Meeting Date:** 06-28-2005

6. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input checked="" type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify) <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input checked="" type="checkbox"/> Other	8. Request Initiated: Commissioner <u>Albion</u> Department <u>Community Development</u> Division <u>Planning</u> By: <u>Paul O'Connor, Director</u> <u>POC 6/23/05</u>
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9. Background:
 On May 3, 2005, the Board conducted a public hearing for a privately initiated Small Scale Amendment. The applicant, Leeward Yacht Club, L.L.C., had requested an amendment for a specified 10±-acre parcel located in the northeast quadrant of the Palm Beach Boulevard/I-75 Interchange, CPA 2004-01. The applicant requested the Urban Community Future Land Use designation for a proposed mixed use/residential development on the site allowing up to 10 residential dwelling units per acre. At that hearing the Board voted 4 to 1 to not adopt the Small Scale Amendment.

On June 1, 2005, the Board held a Transmittal Hearing on several proposed private and publicly initiated Lee Plan amendments. At that hearing the Board voted to transmit, for review and comments by the Department of community Affairs, a publicly initiated amendment that proposed changes in several quadrants of the Palm Beach Boulevard/I-75 Interchange, CPA 2004-14. The transmitted amendment proposed the Urban Community Future Land Use designation for the entire northeast quadrant of the interchange. That amendment has been sent to the DCA and is currently under their review.

The applicant of CPA 2004-01 subsequently sent a letter to Commissioner Albion, requesting that the Small Scale Amendment be brought back to the Board before the suspension of Board meetings in July. Commissioner Albion brought this issue up as a Commissioner Item at the June 21, 2005 Board meeting. At that time staff requested time to review the matter. Statutory public hearing requirements preclude re-hearing this matter in June. The earliest this proposed Small Scale Amendment can be re-heard, given the suspended meetings in July, is August 2, 2005. If the Board desire to re-hear on this proposed comprehensive plan amendment, this is the proper procedure.

Attachment: June 16, 2005 letter to Commissioner Albion

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
<i>Mam (Gibbs)</i>	NA	NA	NA	<i>DMA</i>	<i>Analyst NA</i>	<i>Director [Signature]</i>

- 1. Commission Action:**
- Approved
 - Deferred
 - Denied
 - Other

Rec. by CoAtty
 Date: 6/23/05
 Time: 10:55
 Forwarded To: 6/23/05 1:35

RECEIVED BY COUNTY ADMIN:
6-23-05
1:45
COUNTY ADMIN FORWARDED TO:
6/23/05
3pm

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director ^{POC}
subject: Walk-On Bluesheet for June 28, 2005
date: Thursday, June 23, 2005

2005 JUN 23 AM 10:54
RECEIVED BY
LEE CO. ATTORNEY

As per the Boards discussion and request at the June 21, 2005 Board Meeting the attached Bluesheet, Number 20050943, needs to be a Walk-On for the June 28, 2005 regular Board Meeting.

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

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COMMISSIONER

JUN 20 2005

JOHN ALBION

FUT
215 for June
28th
mtg

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

June 16, 2005

Commissioner John Albion
Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, FL 33902

Re: Leeward Yacht Club Small Scale Amendment

Dear Commissioner Albion:

Now that the County Commission has voted to transmit the regular amendment on the entire northeast quadrant of the SR 80 interchange, there is no obvious objection to the small scale amendment. The small scale process does not involve DCA review and an adoption hearing, so it is significantly faster than a regular amendment. You were on the prevailing side of the vote on the small scale amendment, so you would have the right to bring the matter back for reconsideration.

We have already been in the process for approximately 18 months, so we would like to regain as much time as possible. To that end, it would be very helpful to my client, and much appreciated, if you could bring the issue back to the Board for reconsideration before the beginning of the July vacation.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Matthew D. Uhle

MDU/zw

cc: Peter Fagan
Pat Riley
Tim Jones, Esq.
Paul O'Connor