



GIS Tracking Sheet

Case No.: DRI2003-00009

Intake Date:

Project Name: MIROMAR LAKES DRI

STRAP Number(s): 14-46-25-00-00001.0000 + LOTS OF OTHERS

Planner Name:

Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

INTAKE:

LEGAL SUFFICIENT

☐ YES

☐ NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 19 APRIL 05

☐ Hearing Examiner Decision

☐

Board of County Commissioner's Resolution

☐ Administrative Approval



Blue Sheet

Zoning Notes: DRI2003-00009, BLUESHEET #20031523, 27 JAN 04, APPRO REQUEST FOR REHEARING OF THE BOARD DECISION IN ZONING CASE DRI2001-00004 + DCI 2001-00033 IN REF TO MIROMAR LAKES DRI.

MAP UPDATED

☒ YES

☐ NO

Initials:

If not, give brief explanation:

Note to all Miromar MPD Polygon

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Applicant's request for rehearing of the Board decision in Zoning Case Number DRI2001-00004 and DCI2001-00033 in reference to the Miromar Lakes DRI.

WHY ACTION IS NECESSARY: Land Development Code Section 34-84(a) allows an aggrieved party to file a request for a rehearing in a zoning action where the party believes there is new evidence or points of law or fact which may have been overlooked or misunderstood by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES: Allows the Board to consider whether a rehearing is warranted. The consideration of the request to grant the rehearing is not a public hearing and no oral testimony may be considered by the Board in the course of deliberating the request.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

C4A

3. MEETING DATE:

01-27-2004

4. AGENDA

☒ CONSENT
☐ ADMINISTRATIVE
☐ APPEALS
☐ PUBLIC
☐ WALK ON

TIME REQUIRED:
10 minutes

5. REQUIREMENT/PURPOSE:

(Specify)
☐ STATUTE
☐ ORDINANCE
☐ ADMIN. CODE
☒ OTHER (LDC Section 34-84)

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT Community Development
C. DIVISION Zoning
BY Pamela Houck
Pamela Houck, Director

7. BACKGROUND: Within fifteen (15) calendar days of the Board of County Commissioners ("Board") decision in the above referenced case, Applicant filed a written request for public rehearing by the Board for a modification of that decision. The requested modification seeks to further restrict the length of a guest stay from the "thirty consecutive day" limitation adopted by the Board to "thirty days in a calendar year."

8. RECOMMENDATION: The Director does not oppose the request for rehearing.

9. RECOMMENDED APPROVAL

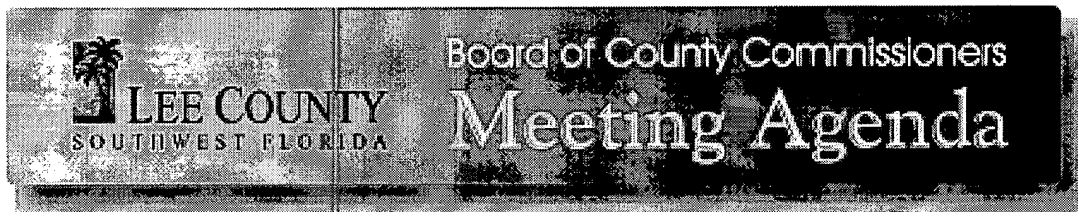
A Department Director	B Purch asing or	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Mary Gibbs</i>	N/A	N/A		<i>Dme 1-14-04</i>	<i>OA 1/14/04</i>	<i>OM 1/14/04</i>	<i>Risk 1/14</i>	<i>GC 1/14</i>	<i>DD 1-14-04</i>

10. COMMISSION ACTION:

☒ APPROVED
☐ DENIED
☐ DEFERRED
☐ OTHER

Rec. by CoAtty
Date: *1/14/04*
Time: *8:35 am*
Forwarded To:
COUNTY ADMIN
1/14/04 8:45 am

RECEIVED BY
COUNTY ADMIN: *10*
1/14/04
9:15 am SLT
COUNTY ADMIN
FORWARDED TO: *RL*
1-14-04
HOON



District #1 Bob Janes	District #2 Douglas St. Cerny Vice Chairman	District #3 Ray Judah	District #4 Andrew W. Coy	District #5 John E. Albion Chairman
---------------------------------	--	---------------------------------	-------------------------------------	--

Donald D. Stilwell,
County Manager

James G. Yaeger,
County Attorney

January 27, 2004

Please fill out a "Request to Comment" card if you plan to address the Board and return it to the Clerk at the left of the podium prior to the start of the meeting.

All back up for this agenda is available in the **Public Resources Office**, 1st Floor, Administration Building
Additional information is available on the Internet at <http://www.lee-county.com>

PLEASE NOTE: The Board may take action in its capacity as the Port Authority or Government Leasing Corporation.

COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA

9:30 AM

Invocation: Pastor Ryan Deaton

Life Church

Pledge of Allegiance

Recap

Public Comment on the Consent and Administrative Agenda

Consent Agenda:

- Items to be pulled for discussion by the Board
- Motion to approve balance of items
- Consideration of items pulled for discussion

Administrative Agenda

9:30 AM

PUBLIC HEARING

ACTION REQUESTED:

Adopt a Resolution supporting the establishment of the Arborwood Community Development District by the Florida Land and Water Adjudicatory Commission.

WHY ACTION IS NECESSARY:

A Resolution adopted by the BOCC is the only means of expressing support or objection to the granting of a petition to establish a UCDD of greater than 1,000 acres.

WHAT ACTION ACCOMPLISHES:

Supports the creation of an independent special district that will provide an alternative method to manage and finance basic services within the community development district.
(#20040002-County Attorney)

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

Adjourn until 5:00 PM

CONSENT AGENDA

January 27, 2004

1. COUNTY ADMINISTRATION

(a) ACTION REQUESTED:

Approve budget amendment resolutions and transfers from reserves, in various funds to provide fund financial adjustments for the FY02-03 year-end close out. No additional funding is required, except in those funds, in which reserves are affected (listed in background). Reserves represent those that were established during the development of the budget. In some funds, (listed in background) for which additional revenues were received the budget is being adjusted to reflect the additional revenues.

WHY ACTION IS NECESSARY:

Each year in the preparation of the year-end financial statements, Budget Services request that certain fund adjustments be processed after the Finance division has made their final cash adjustments in conjunction with auditor findings.

WHAT ACTION ACCOMPLISHES:

Year-end adjustments allow the financial books for FY02-03 to be closed. (#20040049 Budget Services)

2. CONSTRUCTION AND DESIGN

3. COUNTY COMMISSIONERS

4. COMMUNITY DEVELOPMENT

(a) ACTION REQUESTED:

Approve Applicant's request for rehearing of the Board decision in Zoning Case Number DRI2001-00004 and DCI2001-00033 in reference to the Miromar Lakes DRI.

WHY ACTION IS NECESSARY:

Land Development Code Section 34-84(a) allows an aggrieved party to file a request for a rehearing in a zoning action where the party believes there is new evidence or points of law or fact which may have been overlooked or misunderstood by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES:

Allows the Board to consider whether a rehearing is warranted. **The consideration of the request to grant the rehearing is not a public hearing and no oral testimony may be considered by the Board in the course of deliberating the request.** (#20031523-Zoning)

5. HUMAN SERVICES

(a) ACTION REQUESTED:

Approve and execute a contract to receive \$316,998 from the State of Florida Department of Community Affairs for the Low Income Home Energy Assistance Program (LIHEAP) approve budget amendment resolution.

WHY ACTION IS NECESSARY:

To secure grant funds for the Low Income Home Energy Assistance Program.

WHAT ACTION ACCOMPLISHES:

Will provide \$316,998 in grant funds for assistance with energy costs to qualified household for the period of contract execution date through March 2005. (#20040020-Human Services)

(b) ACTION REQUESTED:

Approve criteria for the Partnering for Results Request for Proposal (RFP) process and approve FY 2004-2005 funding amount not to exceed \$3,172,394. Approve a maximum of \$38,000 of the \$3,172,394 to be allocated to United Way of Lee County for the Information

& Referral (211) services for FY 2004-2005.

WHY ACTION IS NECESSARY:

To provide policy direction and establish the Partnering for Results Request for Proposal process.

WHAT ACTION ACCOMPLISHES:

Establishes the RFP guidelines and funding amount for FY 2004-2005 Partnering for Result and approved a maximum of \$38,000 to be allocated to United Way. (#20040041-Human Services)

(c) ACTION REQUESTED:

Establish a part-time grant funded position in the Department of Human Services to assist with the administration of contracts.

WHY ACTION IS NECESSARY:

Due to the volume of contracts and the various funding sources used the existing staff need assistance with contract administration and monitoring.

WHAT ACTION ACCOMPLISHES:

Allows Human Services to hire a part-time grant funded position. (#20040042-Human Services)

6. INDEPENDENT

7. PUBLIC SAFETY

8. SOLID WASTE-NATURAL RESOURCES

9. TRANSPORTATION

(a) ACTION REQUESTED:

Approve award of Project # EX040179, the purchase of one new Altec Model AN755MH aerial device and chassis for DOT from Altec Industries, Inc. at the prices given in the Federal General Services Administration Contract #GS-30F-1028G. Total cost: \$108,901.

WHY ACTION IS NECESSARY:

As this expenditure will exceed \$50,000, Board approval is required.

WHAT ACTION ACCOMPLISHES:

Provides DOT/Traffic Division with an additional bucket truck to be utilized throughout the County for the maintenance and new construction of traffic signals. (#20040018 Transportation)

10. UTILITIES

(a) ACTION REQUESTED:

Approve Waiver # W-040186 to waive formal quotation procedure, due to sole source, for the Public Works Department (Utilities Division), for the purchase of Yokogawa Corporation products, programming and repair services for the Yokogawa DCS CS 1000 System, through their authorized dealer in Florida Classic Controls. Projected annual costs for new product would be approximately \$500,000 and for repair and programming at approximately \$100,000.

WHY ACTION IS NECESSARY:

All purchases that exceed \$50,000 must have board approval.

WHAT ACTION ACCOMPLISHES:

Allows the Public Works Department (Utilities Division) to purchase products and service of the Yokogawa Corporation from their distributor Classic Controls. (#20040026-Utilities)

(b) ACTION REQUESTED:

Authorize the Chairman on behalf of the BOCC to approve an Agreement for the Wholesale Sale of Potable Water by Lee County to the City of Cape Coral.

WHY ACTION IS NECESSARY:

An interlocal agreement is required so that Lee County Utilities may sell potable water on a wholesale basis to, and as requested by, the City of Cape Coral over an initial period of 20 years so that it may provide water service to the developing northeastern (Section 86) portion of the City.

WHAT ACTION ACCOMPLISHES:

The interlocal agreement will establish rates, metering, impact fee recovery, inspection procedures, and responsibilities of each party. (#20040031-Utilities)

(c) **ACTION REQUESTED:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN 04-01 UTILITIES RATE FINANCIAL CONSULTANT, in the following order of ranking and authorize contract negotiations to commence with the number one ranked firm: (1) Public Resources Management Group, Inc. (PRMG); (2) Hartman & Associates, Inc.; and (3) C.H. Guernsey & Company.

WHY ACTION IS NECESSARY:

Board approval required.

WHAT ACTION ACCOMPLISHES:

Consultant will provide general utility financial consulting services and assistance for the Lee County Utilities Division. (#20040037-Utilities)

11. PARKS AND RECREATION

12. COUNTY ATTORNEY

(a) **ACTION REQUESTED:**

Direct to two public hearings, the consideration of a development agreement between Lee County and the owners and developers of the Coconut Point DRI. The proposed agreement governs mitigation of the transportation impacts created by the Coconut Point DRI. Suggested dates: February 10, 2004, and February 24, 2004 at 9:30 a.m. or as soon thereafter as may be heard.

WHY ACTION IS NECESSARY:

Florida Statutes, Section 163.3225, requires at least two public hearings before a local government enters into a development agreement.

WHAT ACTION ACCOMPLISHES:

Finalizes the terms and conditions of the mitigation of transportation impacts for the Coconut Point Development of Regional Impact. (#20040050-County Attorney)

13. HEARING EXAMINER

14. PORT AUTHORITY

15. CONSTITUTIONAL OFFICERS

(a) **ACTION REQUESTED:**

Approve disbursements.

WHY ACTION IS NECESSARY:

Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the Minutes of the Board.

WHAT ACTION ACCOMPLISHES:

Compliance with the requirements of FS 136.06(1). (#20040039-Clerk of Courts)

(b) **ACTION REQUESTED:**

Present financial report for information purposes.

WHY ACTION IS NECESSARY:

To provide interim reporting on selected funds and revenues of the Lee County Board of

County Commissioners. Also included, in compliance with Florida Statute 218.415, Local Government Investment Policies, is the stated and fair market value of the investment managed by the Clerk's Office.

WHAT ACTION ACCOMPLISHES:

The purpose of this report is to convey to you the financial status of selected significant fund of the Lee County Board of County Commissioners and the status of specific revenues as of the stated dates and the market value of the investments managed by the Clerk's Office on behalf of the Board. (#20040040-Clerk of Courts)

ADMINISTRATIVE AGENDA

January 27, 2004

1. COUNTY ADMINISTRATION

(a) ACTION REQUESTED:

Concur with the ranking of firms by the Selection Committee for RFQ-04-04 LEGISLATIVE AND AGENCY LOBBYING & OTHER SERVICES FOR LEE COUNTY, and authorize contract negotiations to commence with the number one (1) ranked firm: (1) Florida Lobby Associates/Arnold & Blair, LC as principal lobbyist; (2) Carey, O'Malley, Wittaker and Manson PA; Cruz and Company and Benford Consulting; (3) Bitner & Associates, Seiber Law Firm; Bryant Miller & Olive PA; and (4) Barreto, Cunningham, May, Dudley, Maloy LLC; and Allen Jordan & Associates. Further authorize the Chairperson on behalf of the Board to execute an agreement for an amount-not-to-exceed of \$75,000.00 per year, with a contract period of two (2) years with the option to renew under the same terms and condition for one (1) additional year.

WHY ACTION IS NECESSARY:

Board approval required.

WHAT ACTION ACCOMPLISHES:

Provides the County with a firm for legislative and agency lobbying services. (#20040066 County Manager)

2. CONSTRUCTION AND DESIGN

3. COUNTY COMMISSIONERS

4. COMMUNITY DEVELOPMENT

5. HUMAN SERVICES

6. INDEPENDENT

7. PUBLIC SAFETY

8. SOLID WASTE-NATURAL RESOURCES

9. TRANSPORTATION

10. UTILITIES

11. PARKS AND RECREATION

12. COUNTY ATTORNEY

(a) ACTION REQUESTED:

In the lawsuit of Mary H. Rutledge, et al. vs. Lee County; Case No. 98-9112 CA, approve negotiated settlement, waive interest and penalties, lien fees and accept principal amount of

\$1,817.69 in full satisfaction of Solid Waste Assessments for years 1989-1998.

WHY ACTION IS NECESSARY:

Settlement of litigation must be approved by Board of Commissioners.

WHAT ACTION ACCOMPLISHES:

Resolves lawsuit challenging validity of Lee County Ordinance 86-14, as amended; and its application to property owned by Plaintiff. (#20040045-County Attorney)

- 13. HEARING EXAMINER
- 14. PORT AUTHORITY
- 15. CONSTITUTIONAL OFFICERS

PUBLIC AGENDA

January 27, 2004

5:00 PM

(#1) Public Hearing

ACTION REQUESTED:

Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 2401 Gretchen Ave S., Lehigh Acres Florida 33971. (Case No. VAC2003-00067)

WHY ACTION IS NECESSARY:

To construct a commercial building on the combined seven (7) lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES:

Vacates the Public Utility Easement. (S4-T45S-R26E) (#5) (#20040008-Development Services)

(#2) Public Hearing

ACTION REQUESTED:

Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 3114 Lee Blvd, Lehigh Acres Florida 33971. (Case No. VAC2003-00068)

WHY ACTION IS NECESSARY:

To construct three (3) commercial buildings on the combined eight (8) lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES:

Vacates the Public Utility Easement. (S26-T44S-R26E) (#5) (#20040009-Development Services)

5:05 PM

Public Presentation of Matters by Citizens

Adjourn

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

<http://paveselaw.com>

1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

(239) 334-2195
FAX (239) 332-2243

LEE COUNTY
RECEIVED

03 DEC -5 AM 11:43

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

Neale Montgomery

(239) 336-6235

E-Mail: nealemontgomery@paveselaw.com

PLEASE REPLY TO
FORT MYERS OFFICE

December 1, 2003

Ms. Pamela Houck
Director of Zoning Division
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

VIA FACSIMILE

RE: Miromar Lakes, DRI2001-00004/DCI2001-00033
Our Client File Number: 65843.001

Dear Ms. Houck:

As you know, Miromar Development is in the design and development process for a hotel to be constructed within Miromar Lakes. In the context of the sale of the hotel, Miromar anticipates the need to be very clear about what the zoning applicable to the hotel permits. In this context, you and I have had the opportunity to discuss a few issues. I would like to confirm my understanding of that intent of the County regulations with this letter.

Section 34-1801 of the Land Development Code for Lee County sets forth the definition of a hotel as follows:

1) Hotel/motel: Is defined as a building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. Hotels and motels must be registered with the department of revenue as a bona fide hotel/motel operation and are required to pay the tourist development tax.

It is my understanding that the language "under single control ..., consisting of ten or more sleeping rooms ..." will require the owner of each hotel unit to include their hotel unit in a grouping of not fewer than ten units being operated by a single hotel operator.

4635 S. DEL PRADO BLVD.
P.O. BOX 88
CAPE CORAL FLORIDA
33910-0088
(239) 542-3148
FAX (239) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LaBELLE, FLORIDA
33935
(863) 675-5800
FAX (863) 675-4998

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA
33415
(561) 471-1366
FAX (561) 471-0522

SUITE 308
18501 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA
33952
(941) 255-3095
FAX (941) 255-5905

It is my understanding that the reference to "transient guests or tenants" means transient guests or *transient* tenants [emphasis added].

Is the term "transient" intended to be used in a manner consistent with a dictionary definition ("passing through or by a place with only a brief stay or sojourn") rather than by reference to the definition set forth in the Mobile Home Statute. The County has indicated that stays of up to thirty (30) days per annum would qualify as "transient."

Lastly, the County has indicated that in approving a hotel for Miromar Lakes it has been assured that this element of the project would be compatible with other uses at Miromar Lakes. Accordingly, Miromar will commit that any hotel operation will be consistent with the quality standards established for the Miromar Lakes community (i.e. it will be a luxury hotel).

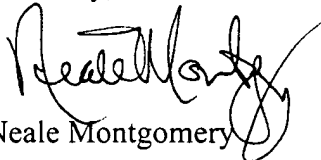
In order to assure the County's objectives with respect to the subject project, Miromar Lakes is amenable to including revised language in the zoning resolution. The language would include the following:

1. Any hotel located within the Miromar Lakes DRI C-2 area shall be a luxury hotel that is compatible and consistent with the adjacent residential development within Miromar Lakes.
2. Transient tenants and transient guests may only stay at any hotel located in the C-2 area for not more than thirty days in any calendar year.

Your consideration of these issues is appreciated.

We appreciate your assistance in enabling Miromar Lakes to understand the County's requirements.

Sincerely,


Neale Montgomery

NM:llg

cc: Jerry Murphy
Jerry Schmoyer
Carron Day

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December 1, 2003

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
Attorneys at Law

1833 Hendry Street
Post Office Drawer 1507
Fort Myers, Florida 33902
Telephone: (239) 336-6235

TELECOPIER TRANSMITTAL COVER SHEET

DATE: December 3, 2003 TELECOPIER NUMBER - (239) 332-2243

DELIVER TO: Pam Houck 479-8341
Gerald Murphy 479-8313
Jerry Schmoyer 390-5120
Carron Day 939-3412

FROM: Neale Montgomery

FILE NO: Miromar 65843.001

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

PLEASE CONTACT SENDER IMMEDIATELY IF LESS THAN THE REQUIRED NUMBER OF PAGES ARRIVE OR IF TRANSMISSION ERROR OCCURS.

SPECIAL INSTRUCTIONS:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED AS RECIPIENT. IF THE READER IS NOT THE INTENDED RECIPIENT, BE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LOCATED ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

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PLEASE REPLY TO
FORT MYERS OFFICE

December 1, 2003

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WEST PALM BEACH, FLORIDA
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FAX (561) 471-0522SUITE 308
18601 MURDOCK CIRCLE
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Lastly, the County has indicated that in approving a hotel for Miromar Lakes it has been assured that this element of the project would be compatible with other uses at Miromar Lakes. Accordingly, Miromar will commit that any hotel operation will be consistent with the quality standards established for the Miromar Lakes community (i.e. it will be a luxury hotel).

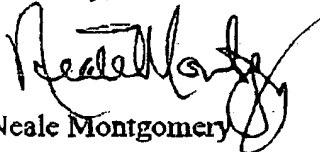
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We appreciate your assistance in enabling Miromar Lakes to understand the County's requirements.

Sincerely,


Neale Montgomery

NM:llg

cc: Jerry Murphy
Jerry Schmoyer
Carron Day

F:\WPDATA\NM\Clients\MIROMAR\Miho2.doc
December 1, 2003

Jerry Murphy - Hotel Language

From: Neale Montgomery <NealeMontgomery@Paveselaw.com>
To: "collinsd@leegov.com" <collinsd@leegov.com>, "jschmoyer@miromarfl.com" <jschmoyer@miromarfl.com>
Date: 12/15/2003 3:40 PM
Subject: Hotel Language

Good Afternoon

I called your office and Ann said you were gone for the day. I told her I would send you an email in the hopes that you would get to read it before you would have the opportunity to return my call. First, let me thank you for meeting with us this morning, and for all of your efforts on this matter. I very much appreciate your patience on the advertisements and all of the work you had to do to enable us to retain the December 15, 2003 hearing date. I know Jerry appreciates the fact that the hearing is over and he can proceed with his development.

I was calling because I wanted to know if we could further clarify the hotel language in a manner that is more restrictive, not less restrictive. Can we change the 30 day language from thirty consecutive days in a calendar year to thirty total days in a calendar year? Hopefully this is acceptable. Could you think about it and let me know?

Thank you very much.
Neale

4) An approved master concept plan may be extended as follows:

a. An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended by the Board of County Commissioners for a period of no more than two (2) years from the date of the extension based upon the following findings of fact:

1. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements:

Staff Finding:

2. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and

Staff Finding:

3. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.

Staff Finding:

Based upon the above noted findings, staff recommends APPROVAL of this request to extend the duration of the project for the maximum of two (2) years from the date of this action.



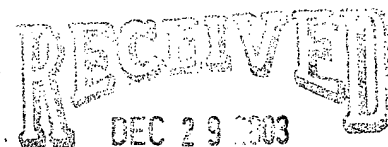
LEE COUNTY

Jerry

APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

☐ CONTINUANCE ☐ DEFERRAL ☐ WITHDRAWAL
☒ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL



If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time

PERMIT COUNTER

From: ☐ Hearing Examiner ☒ BOCC

1. Date of Scheduled Hearing: _____
2. Applicant/Project Name: Miromar Lakes DRI
3. Tracking/Hearing/Application DRI2001-00004/DCI2001-00033
4. Date Decision was Rendered: December 15, 2003
5. Type of Application-Check
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):
See attached

Neale Montgomery
Signature of applicant or authorized agent

December 29, 2003

Date

Neale Montgomery

Name (typed or printed legibly)

P.O. Drawer 1507, Fort Myers, FL 33902-1507

Address

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29th day of December

20 03 by Neale Montgomery who is personally known to me or who produced

as identification.



Tina L. Boone
My Commission DD245993
Expires September 01 2007

Tina L. Boone

Signature of Notary Public

Tina L. Boone

Printed Name of Notary Public

FEE \$ _____

DATE PAID: _____

RECEIPT NUMBER: _____

INTAKE BY: _____

DRI 2003-00009
DCI 2003-00097

APPLICATION FOR REHEARING

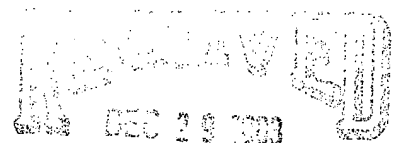
**MIROMAR DEVELOPMENT CORPORATION,
MANAGING MEMBER, in reference to MIROMAR LAKES
DRI2001-00004 & DCI2001-00033**

There was considerable discussion before the Board of County Commissioners on December 15, 2003 regarding the hotel, and whether or not it would be appropriate to limit a person's stay to thirty days. It should be noted that a hotel is defined in the Lee County regulations as, "a building or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained or advertised as held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. Hotels/motels must be registered with the department of revenue as a bonafide hotel/motel operation and are required to pay the levied tourist development tax promulgated by the County. Hotels/motels that are not registered with the department of revenue or do not pay the tourist tax will be subject to the density limitations and property development regulations for multiple family buildings."

When one looks at the definition of a transient guest in the Lee County Land Development Code, it is defined as "any guest registered as provided for in F.S. 513.01(11), for six months or less." The applicant inquired of the County DCD whether or not this provision applied to hotels since Chapter 513 of the F.S. applies to mobile home and recreational vehicle parks. The applicant was advised that the six month limitation does apply, regardless of the statutory reference.

The request before the Board of County Commissioners to limit all guests or tenants to thirty days was a request to be more restrictive. There appeared to be some confusion or misunderstanding as to the intent of the request, and there are some who thought the thirty day limitation was an effort to circumvent the noise restrictions.

The applicant intends to proceed with a luxury hotel. The applicant submitted draft language to the staff that included more restrictive language that would not permit guests, tenants, or owners to stay for thirty days in a calendar year. The proposed language furthers the intent of the noise restrictions, and is not an effort to circumvent the regulations. The language that was adopted limited stays to thirty consecutive days. This language would permit someone to check out one day, and check back in the next day. The applicant would respectfully request the inclusion of the language that was inadvertently left out of the language considered by the Board. The desired language would restrict stays to thirty days in a calendar year.



PERMIT COUNTER

DR12003-00009
DCI2003-00097

From: Andrew Getch
To: Jerry Murphy
Date: 12/30/03 1:53PM
Subject: DRI2001-00004/DCI2001-00033 Miromar Lakes

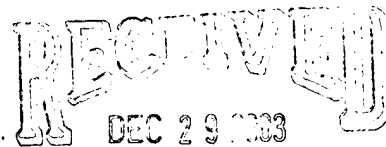
no comments



APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

☐ CONTINUANCE ☐ DEFERRAL ☐ WITHDRAWAL
☒ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL



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Signature of applicant or authorized agent

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Signature of Notary Public

Tina L. Boone

Printed Name of Notary Public

FEE \$

RECEIPT NUMBER:

DATE PAID:

INTAKE BY:

DRI 2003-00009
DCI 2003-00097

APPLICATION FOR REHEARING

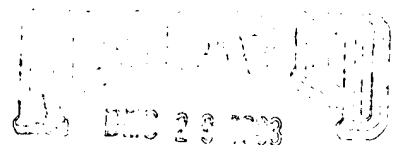
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PERMIT COUNTER

DRI2003-00009
DCI2003-00097