

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

DATE CRITICAL
BLUE SHEET NO: 20031523

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>Dmc 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*
8:29m

Forwarded To:
COUNTY ADMIN
1/14/04 8:45am

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

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.

RECEIVED
DEC 18 2003

PLANNING COUNTY OFFICE

DRI2003-00009
DCI2003-00097