

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20041504

1. REQUESTED MOTION:

ACTION REQUESTED: Initiate a Board of County Commissioner sponsored Lee Plan Special Amendment to address concerns raised by the Board regarding the Coastal Rural future land use category and other provisions of the Pine Island Community Plan.

WHY ACTION IS NECESSARY: To address issues raised by the challenge to the adopted Pine Island Community Plan by affected parties and the County sponsored Hanson Report, and to address other issues raised during discussions with the interested parties.

WHAT ACTION ACCOMPLISHES: Allows for the timely reevaluation of specific portions of the Pine Island amendments.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

A4A

3. MEETING DATE:

11-23-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-6
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Planning

BY: Paul O'Connor, AICP, Director

Mary Gibbs
POC 11/09/04

5 Min. **TIME REQUIRED:**

7. BACKGROUND:

In January of 2003, the County adopted several amendments to the Pine Island section of the Lee Plan. While found in compliance by the Florida Department of Community Affairs, an affected party challenged the amendments. Following the original challenge several parties petitioned to intervene on both sides of the issues. As the date for the Administrative Hearing approached, Community Development staff met with the parties to learn more about the issues and try to reach a compromise or settlement. Staff has been meeting with the affected parties for over a month. No settlement has been reached. Staff believes, however, that there are certain issues in the adopted amendments that need to be addressed. Sponsoring this Special Amendment will allow for a timely reevaluation of several of the adopted Pine Island amendments.

Staff presented a progress report to the Board at the November 1st, 2004 Management and Planning Meeting. At that meeting staff indicated that a settlement, while still a possibility, was unlikely. Staff informed the Board that they were working on a strategy to address these issues and would report back to the Board in the near future. Following that meeting the petitioner and the interveners on their side sent a letter to the County Attorney's Office stating that they believed a settlement prior to the November 29, 2004 hearing was unlikely and further stating their intent to withdraw the petition on November 16, 2004. No specific language for the amendments is attached. Staff is working on the strategy to address these issues and will have a position paper with more specificity prior to the Board vote on this item. As the amendment proceeds through the public hearing process, more specific language will be developed.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>ekw for Tony Majal 11-9-04</i>	<i>QA</i>	<i>OM</i>	<i>Risk</i>	<i>GC</i>
					<i>11-9-04</i>	<i>11-9-04</i>	<i>11-9-04</i>	<i>11-9-04</i>	<i>HS for [Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 11/9/04
Time: 1:23
Forwarded To:
ADMIN 11/9/04 1:27

RECEIVED BY
COUNTY ADMIN:
11/9/04
COUNTY ADMIN
FORWARDED TO: [Signature]
11-9-04
[Signature]