Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: **2014-033**

1. Requested Motion: Motion to approve/deny the DO Extension #APL2014-0001.

Meeting Date: April 21, 2014

Why the action is necessary: LDC Section 10-123 provides that the Town Council may grant two-year extensions of time for a development order, provided certain conditions are met.

What the action accomplishes: Extends DOS2006-00247 for two years.

2. Agenda:

__ Consent
X Administrative

3. Requirement/Purpose:

Resolution
__ Ordinance
X Other

4. Submitter of Information:

_ Council
X Town Staff
_ Town Attorney

5. Background: Matanzas Inn Development Order (DOS2006-00247) is set to expire on April 19, 2014, before a pending rezoning application for redevelopment of the project can be heard by LPA and Town Council. At the March 11th LPA meeting, the LPA continued DCI2013-0002 to a date certain of June 10th, 2014. This caused a delay until after the expiration date of the Development Order, which will prevent the applicant from amending the development order to parallel the requested CPD amendment. The development order remains in compliance with the regulations of the LDC and policies of the Comprehensive Plan.
Previously extended once by House Bill 503 from 4/19/12 to 4/19/14.
The applicant will extend all surety bonds such that they will remain in place for the extended duration of the development order.

6. Alternative Action: Deny the Development Order Extension and the applicant will be required to submit a new development order for any future redevelopment of the site.

7. Management Recommendations: Approve the requested 2-year extension.

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
				JRO		

9. Council Action:

_ Approved _ Denied _Deferred _Other

Murphy Planning

2755 Coconut Palm Lane
Unit 1D
Sarasota, FL 34237-3036

Telephone (239) 322-8510

Email: Jerry@MurphyPlanning.com

SENT VIA EMAIL TO EXPEDITE RECEIPT AND PROCESSING

April 1, 2014

Mr. Walter Fluegel, MBA, AICP
Community Development Director
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

RE: DOS2006-00247
MATANZAS INN RESORT
LDC Section 10-123 Extension Request

Dear Mr. Fluegel:

In accordance with the provisions of Section 10-123 of the Town of Fort Myers Beach Land Development Code (LDC), we are requesting on behalf of our client:

MR. DOUGLAS SPEIRN-SMITH
416 CRESCENT STREET
FORT MYERS BEACH, FL 33931

One (1) two-year extension of time for the above referenced development order. *LDC Section 10-123(a)(1).*

The reason for this extension is that our application requesting a public hearing on a planned development amendment for the subject property—Town of Fort Myers Beach public hearing case styled: FMBDCI2013-0002—remains pending before the Town Local Planning Agency, on a conditioned recommendation of approval from staff, for recommendation to a public hearing before the Town Council. DOS2006-00247 is slated to expire on April 19, 2014, which date will occur prior to the opportunity for the Local Planning Agency, and in turn the Town Council to hear the requested amendment. If approved, this extension will allow Mr. Speim-Smith to amend the development order to parallel the requested amendment to the planned development zoning district. *LDC Section 10-123(a)(2).*

If this requested extension is granted, Mr. Speim-Smith will extend all surety or performance bonds such that they will remain in place and valid through the extended duration of the development order. *LDC Section 10-123(a)(3).*

The development order is and will remain in compliance with the Fort Myers Beach Comprehensive Plan and LDC. *LDC Section 10-123(a)(4).*

We are unaware of any incipient policies of Town Council, nor have we been informed of any incipient policies of Town Council, with which this development order conflicts or will be in conflict if extended. *LDC Section 10-123(a)(5).*

Please acknowledge the Town's receipt of this written request and schedule same for hearing before the Town Council at your earliest convenience. Please contact me directly via phone or email if I can be of any assistance in further facilitating this request.

Sincerely,

G. E. Murphy, Jr.

G. E. Murphy, Jr., AICP, CFM