



**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

Telephone # (239) 533-8585

John E. Manning  
*District One*

April 18, 2017

Cecil L. Pendergrass  
*District Two*

Larry Kiker  
*District Three*

Brian Hamman  
*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

Donna Marie Collins  
*Hearing Examiner*

Ms. Tina Ekblad  
Morris Depew Associates, Inc.  
2891 Center Pointe Drive, Unit 100  
Fort Myers, FL 33916

RE: CPA2015-00005 Bay Harbour Marina Village  
Application Materials – Received April 13, 2017

Dear Ms. Ekblad:

We are in receipt of the application materials dated April 12, 2017 and received by the County on April 13, 2017 regarding the above referenced case. In the newly submitted materials, an "alternative" amendment is requested in addition to the original small scale amendment request. Staff will not review the revised application materials as submitted. The Applicant must identify which map amendment is being proposed and either revise CPA2015-00005 or withdraw it and submit a new, separate application and fee for the "alternative" amendment.

Section 163.3187(c), F.S. precludes treating a text amendment as a small scale, unless the text amendment relates "directly to" the small scale map amendment. One way of determining whether the text amendment is *not* directly related to the small scale amendment is to determine its potential application to other properties not involved with the small scale amendment. While the proposed text amendments are needed for the proposed alternative map amendment, it appears the text changes will also apply to properties outside of the map amendment boundary. Under this interpretation, the "alternative" amendment does not qualify as a small-scale development amendment.

Please submit the revised or new application materials as required.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Section

Mikki Rozdolski  
Manager