

**MINUTES OF THE HEARINGS OF
THE CITY OF CAPE CORAL
HEARING EXAMINER**

TUESDAY, FEBRUARY 7, 2017

COUNCIL CHAMBERS

9:00 A.M.

Madam Hearing Examiner Dalton called the hearings to order at 9:00 a.m.

ALSO PRESENT: Robert Pederson, Planning Manager
Chad Boyko, Principal Planner
Wyatt Daltry, Planning Team Coordinator
Brian Bartos, Assistant City Attorney
John Naclerio, Assistant City Attorney

HEARINGS

Hearing Examiner Dalton described the order of procession for the hearings.

Case #ZA16-0006*; Applicant: G & I Management Services, LLC; Address: 409 and 411 Hancock Bridge Parkway

Senior Recording Secretary Delgado read the case into the record and administered the oath.

Principal Planner Boyko confirmed the case was properly advertised by advertising in the local newspaper, posting signs on the property, and sending letters to all neighbors within 500 feet of the subject site.

Albert Baeza appeared on behalf of the applicant and discussed the applicant's request for rezoning.

Hearing Examiner Dalton advised Mr. Baeza that applicants were required to go through all the factors that apply to the rezoning under the Land Development Regulations, either himself, or utilize Staff's presentation as part of his presentation. Mr. Baeza opted to utilize Staff's presentation.

Principal Planner Boyko stated his credentials, and presented a power point presentation titled ZA16-0006, with the following slides:

- ZA16-0006: Applicant; Location; Size; Request with aerial photograph
- Future Land Use Map

- Existing Zoning Map
- Proposed Zoning Map
- Background
- Background (cont'd.)
- Justification
- Justification (cont'd.)
- Recommendation

Discussion held regarding elements in standard 3 in Staff's report: unified ownership and integration.

Hearing Examiner Dalton inquired what would happen if the map amendment were denied. Principal Planner Boyko stated if Council denied the Future Land Use Map Amendment, the rezoning could not happen because the land use and zoning would be incompatible. Hearing Examiner Dalton inquired if the applicant understood that. Principal Planner Boyko replied in the affirmative.

Public comment portion of the public hearing opened.

No speakers.

Public comment portion of the hearing closed.

Hearing Examiner Dalton inquired if Mr. Baeza was aware that if the Future Land Use Map Amendment was denied by Council her recommendation would not be possible, and did he wish to incorporate Staff's report and recommendation. Mr. Baeza replied in the affirmative.

Hearing Examiner Dalton inquired if Mr. Baeza or Staff had any further comments. There were no further comments.

Case #ZA16-0008*; Applicant: Quyen Truong; Address: 1627 SW 15th Avenue

Senior Recording Secretary Delgado read the case into the record and administered the oath.

Planning Team Coordinator Daltry confirmed the case was properly advertised through mail and advertising in the Fort Myers News-Press. He stated Staff did not receive a presentation from the applicant in the two day period.

Discussion held regarding no formal written correspondence being received from the public, but a phone message from a neighbor was received.

Discussion held regarding:

- the applicant's limited understanding of English;
- the need for an interpreter;
- the inability to proceed if the applicant does not understand what is transpiring;
- prior discussions regarding it not being the City's responsibility to provide translators;
- continuing the hearing to February 21, 2017.

Discussion held with the applicant regarding the ability to obtain a translator.

Hearing Examiner Dalton continued the hearing to the next available date and gave members of the public the option to testify today or at the continued hearing.

Melissa Arterberry stated she resides at 3822 NW 32nd Place, just next door to the property in question. She discussed her concerns, and the effect the requested zoning change would have on:

- property values
- traffic in and out of the neighborhood and subject property
- safety for children in the neighborhood
- noise
- operating hours

Ms. Arterberry stated a rezoning request had been previously denied, and there were only two other rezonings granted since 1989. She stated that a rezoning creates more hardships than gains, and she was in favor of denial.

Hearing Examiner Dalton inquired about the effect on property values. Ms. Arterberry stated the rezoning would diminish property values.

Cindy Kieffer stated she resides at 3840 NW 32nd Place, on the same road a couple of lots over from subject property. She discussed the reasons for her objection to the applicant's requested rezoning.

Ms. Arterberry stated when the applicant purchased his property, no permits were obtained for clearing the trees. She stated that the company hired by the applicant for the tree removal also removed some of her trees. Ms. Arterberry stated she was ultimately compensated by the trees being replaced. She stated she was concerned about future problems that they may have.

Hearing Examiner Dalton advised the applicant he has the ability to question witnesses and present testimony at the next hearing, or he can question them now. She discussed with the applicant the need to be sworn in before testifying.

Hearing Examiner Dalton continued the hearing for Case Number ZA16-0008 to Tuesday, February 21, 2017, at 9:00 a.m. She stated it was the applicant's obligation to bring his own translator.


DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, February 21, 2017, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 9:33 a.m.

Submitted by,

A handwritten signature in black ink, appearing to read "Elisabeth Delgado".

Elisabeth Delgado
Senior Recording Secretary