



AGENDA FOR THE HEARING EXAMINER

Tuesday, May 1, 2018

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

- A. Case # SE17-0010*; Address: 2125 SW Santa Barbara Place;
Applicant: Ali Bigi
- B. Case # SE18-0001*; Address: 801 Cape Coral Parkway West;
Applicant: Ram Kumar Kashyap and Jaswant Kashyap, Trustees of
the Kashyap Revocable Trust
- C. Case # VP18-0004*; Address: 1102 Lenox Court; Applicant:
Richard Toulouse
- D. Case # SE18-0003*; Address: 3013 Del Prado Boulevard S, Suite
5; Applicant: Delprado 3013 LLC
- E. Case # SE17-0017*; Address: 1518 Chiquita Boulevard South;
Applicant: Stephen F. Haywood, as Successor Trustee of the
Chiquita Trust Agreement under Trust dated November 21, 1983

3. DATE AND TIME OF NEXT HEARINGS

- A. Tuesday, May 15, 2018, at 9:00 a.m., in Council Chambers

4. ADJOURNMENT

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon

which the appeal is based.

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
 - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
 - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
 - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
 - The Applicant may cross-examine any witness and respond to any testimony presented.
 - Staff may cross-examine any witness and respond to any testimony presented.
 - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
 - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
 - Final argument may be made by the Applicant, related solely to the evidence in the record.
 - Final argument may be made by the staff, related solely to the evidence in the record.
 - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
 - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

Item Number: 2.A.
Meeting Date: 5/1/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # SE17-0010*; Address: 2125 SW Santa Barbara Place; Applicant: Ali Bigi

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant, DeBono's Inc., is requesting a Special Exception for a Rental Establishment, Group III Use in the Pedestrian Commercial (C-1) District on property described as Lots 17-21, Block 3047, Unit 62, Cape Coral Subdivision; property located at 2125 SW Santa Barbara Place.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

ATTACHMENTS:

Description	Type
□ Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # SE17-0010

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

ALI BIGI

Email: _____

Address: 144 GOVERNORS HILL RD

City: OXFORD State CT Zip 06478

Phone: 203-232-6862

APPLICANT (if different from Owner)

DEBONO'S INC DBA STOP AND GO

Email: _____

Address: 2200 SANTA BARBARA BLVD

City: CAPE CORAL State FL Zip 33991

Phone: 239-574-5757

AUTHORIZED REPRESENTATIVE

CHARLES DEBONO

Email: CDEBONO591@AOL.COM

Address: 2015 CORNWALLIS PKWY

City: CAPE CORAL State FL Zip 33904

Phone: 239-910-6032

Unit 62 Block 3047 Lot(s) 17-18 Subdivision _____

Address of Property 2125 SW SANTA BARBARA PL

Plat Book 21 Page 28

Current Zoning _____ Strap Number 26-44-23-C3-03047.0170

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

CHARLES DEBONO
NAME (PLEASE TYPE OR PRINT)

DEBONO'S STOP AND GO
CORPORATION/COMPANY NAME
[Signature]
APPLICANT'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # SE17-0010

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

CHARLOS DEBONO

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 27 day of Dec, 2017 by Charles L DeBono, who is personally known or who has produced FIDH as identification.

Exp. Date 12/5/20
Commission # 99048323

[Signature]
Signature of Notary Public

Priscilla Rodriguez
Print Name of Notary Public





DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # SE17-0010

ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, or City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the

27th

day of

DECEMBER

, 20

17

CHARLES DEBONO

PRINT APPLICANT'S NAME

APPLICANT'S SIGNATURE

STATE OF

FL

COUNTY OF

Lee

Subscribed and sworn to (or affirmed) before me this

27

day of

Dec

, 2017, by

Charles L DeBono

who is personally known or produced

FLDH

as identification.

Exp. Date:

12/5/20

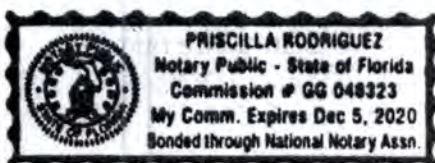
Commission Number:

99048323

Signature of Notary Public:

Printed name of Notary Public:

Priscilla Rodriguez





DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

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CHARLES DEBONO
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 27 day of Dec
2017 by Charles L Debono, who is personally known or who has produced FLDH
as identification.

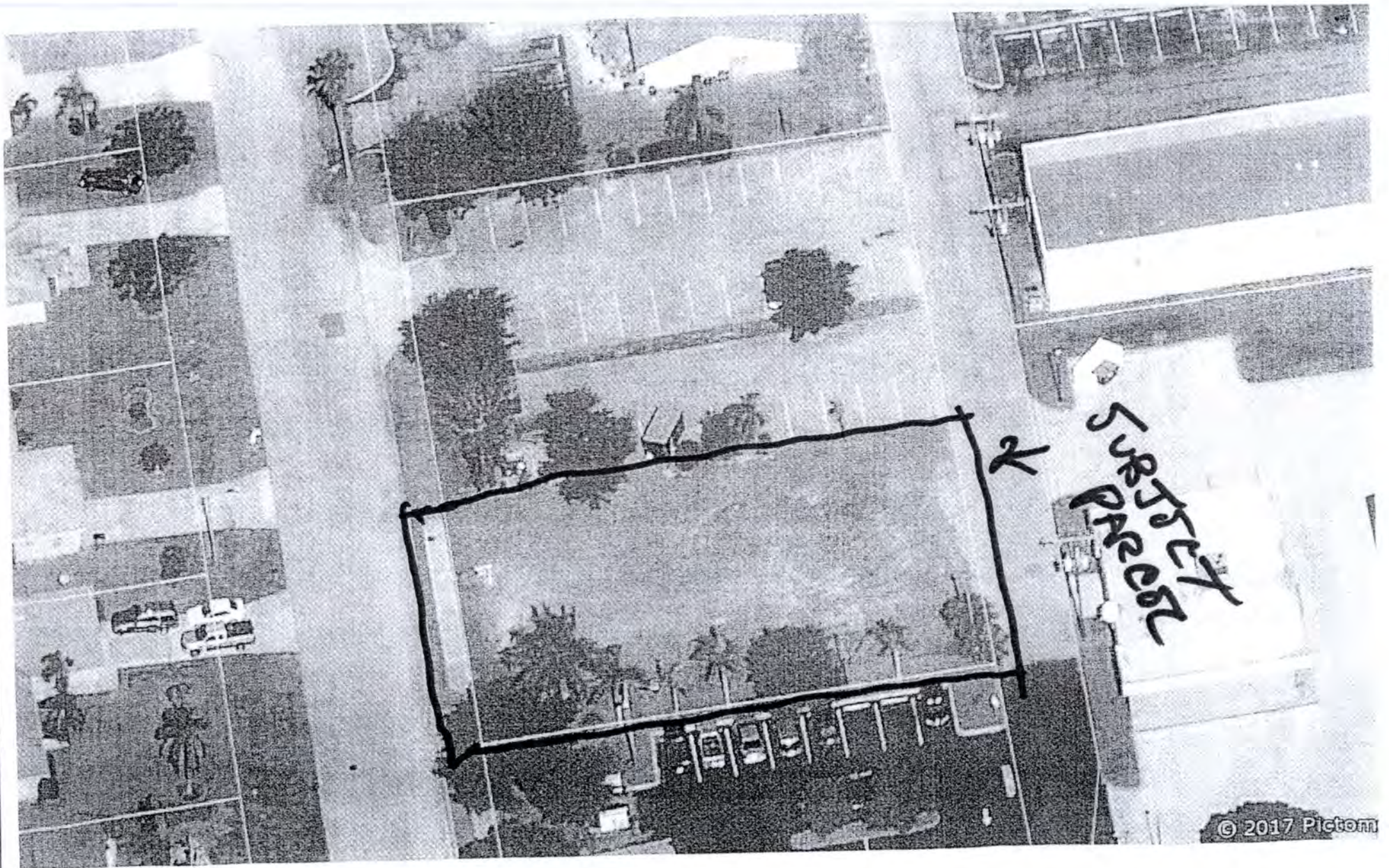
Exp. Date 12/5/20
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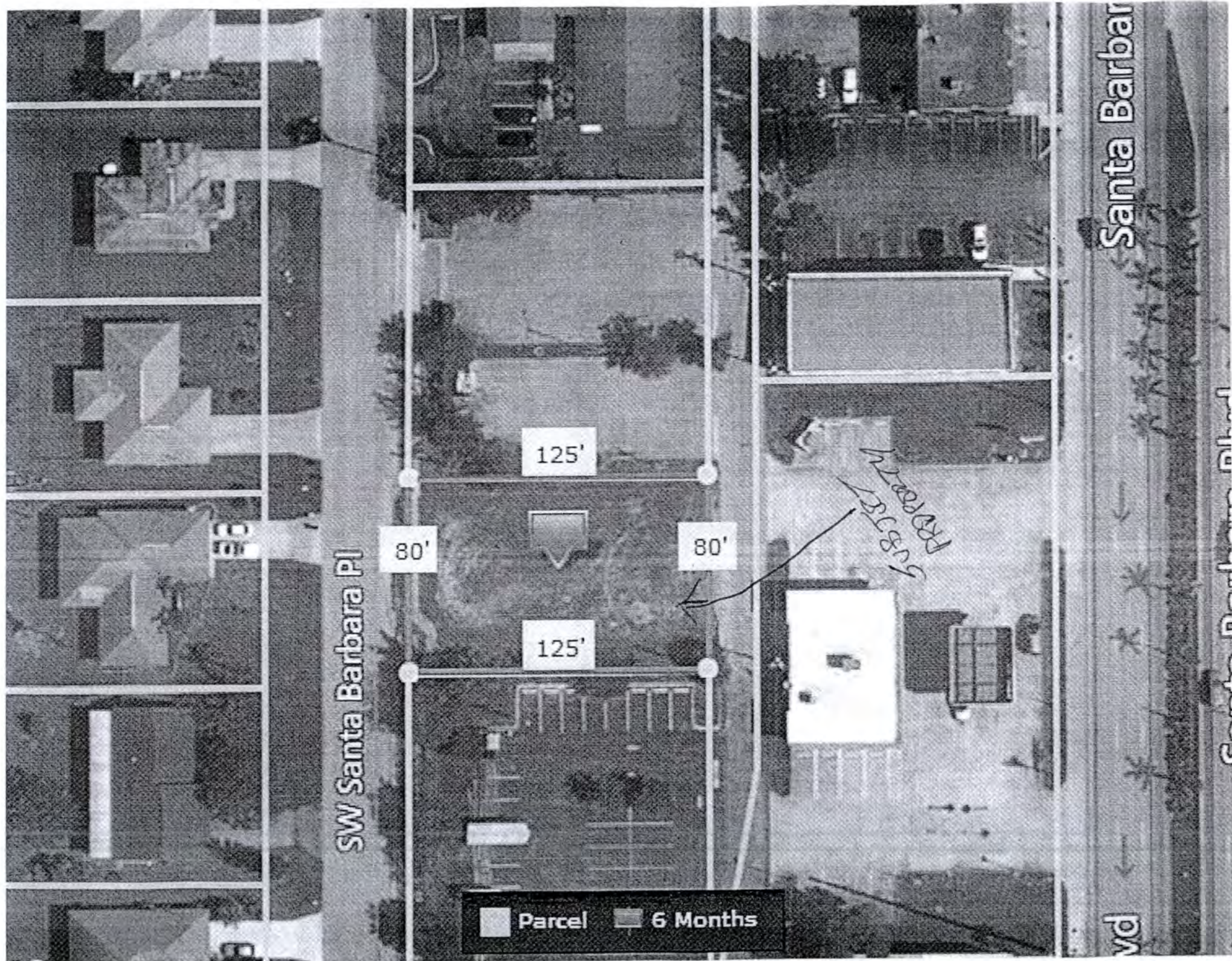
[Signature]
Signature of Notary Public

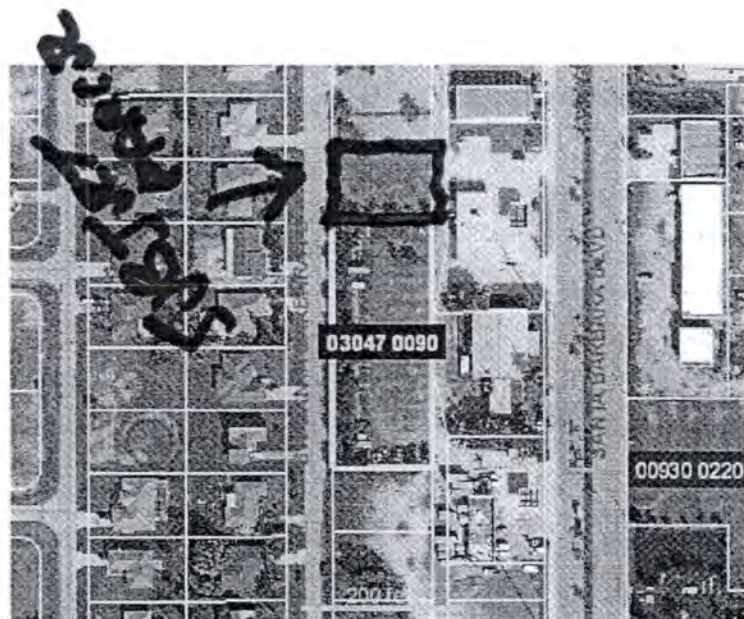
Priscilla Rodriguez
Print Name of Notary Public



UHAUL LOT





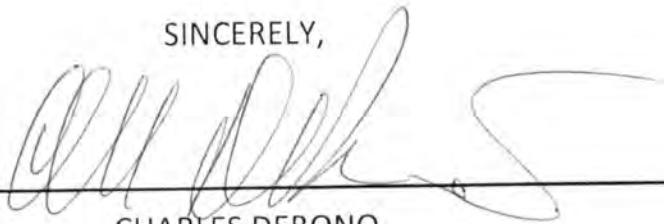


DEBONO'S INC
D/B/A DEBONO'S STOP AND GO
2200 SANTA BARBARA BLVD.
CAPE CORAL FLORIDA 33991
PHONE: (239)-574-5757

RE: CITY OF CAPE CORAL SPECIAL EXCEPTION

THIS LETTER IS TO ACCOMPANY OUR SPECIAL EXCEPTION REQUEST. IT IS OUR INTENTION TO RENT A PARKING LOT LOCATED AT 2125 SW SANTA BARBARA PLACE CAPE CORAL FLORIDA 33991. THIS PARKING LOT WILL BE USED TO PARK OUR LARGER U-HAUL TRUCKS AND ANY OVERFLOW OF TRUCKS AND TRAILERS WE MAY HAVE IN OUR INVENTORY. THEY WILL BE PARKED BACK TO BACK AND SIDE BY SIDE TO MAXIMIZE THE SPACE ON THE PROPERTY. THE PUBLIC WILL NOT BE ALLOWED ON THE LOT. WE WILL MOVE AND PARK ALL VEHICLES AND EQUIPMENT ON THE PROPERTY. THERE WILL BE NO INGRESS OR EGRESS FROM THE PROPERTY TO THE PUBLIC. THANK YOU FOR YOUR HELP AND COOPERATION ON THIS MATTER

SINCERELY,

A handwritten signature in black ink, appearing to read 'Charles Debono', is written over a horizontal line.

CHARLES DEBONO

PRESIDENT

239-910-6032

Planning Division Case Report

SE17-0010

Review Date: April 5, 2018

Property Owner: Ali Bigi

Owner Address: 144 Governors Hill Road
Oxford, CT 06478

Applicant: DeBono's Inc.

Authorized Rep: Charles DeBono

Request: The applicant is requesting a Special Exception for a Rental Establishment, Group III Use.

Location: 2125 SW Santa Barbara Place
Cape Coral, FL 33991
Unit 62, Block 3047, Lots 17-21, Strap number: 26-44-23-C3-03047.0170

Prepared By: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Reviewed By: Robert H. Pederson, AICP, Planning Manager

Recommendation: **Approval with conditions**

Urban Service Area: Infill

Right of Way Access: The site has frontage and driveway access along SW Santa Barbara Place, a local street. The site also has access to a 20-foot wide alley to the east.

Property Description

The site consists of Lots 17-21 in Block 3047. The site is rectangular with an area of 25,000 sq. ft. Lots 19-21 (the north end) are improved with a parking lot for three commercial buildings at 2110-2120 Santa Barbara Boulevard, to the east of the site. Lots 17 and 18 to the south are unimproved.

The site has a Commercial/Professional Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. Sites to the north, east, and south share the same future land use and zoning classifications. Sites to the west of SW Santa Barbara Place have a Single Family Future Land Use Classification and Single Family Residential (R-1B) Zoning.

Background

The applicant, Charles DeBono, owns the site at 2200 Santa Barbara Boulevard. The site received a Special Exception (SE 11-83-247) for gasoline pumps in conjunction with a convenience store in 1983, and in 2000 received a Special Exception (Resolution 9-2000) for a Rental Establishment, Group III Use.

The Special Exception for the rental establishment was amended by Resolution 20-17. A condition of Resolution 20-17 limits the location, number, and types of vehicles that can be parked on this site.

Based on discussions with the applicant, a Special Exception is sought for the site at 2125 SW Santa Barbara Place to allow parking of larger rental trucks on this site that are prohibited at 2200 Santa Barbara Boulevard. Trucks with lengths over 21.58 feet are prohibited at the DeBono site.

Figure 1. Map showing 2125 SW Santa Barbara Place to the north (subject to this Special Exception) and 2200 Santa Barbara Boulevard to the south.



Zoning History of the Site

The site has always had a Future Land Use Classification of Commercial/Professional.

The zoning of Lots 17 and 18 was amended by Ordinance 16-11 from R-3 to C-1. The zoning of Lots 19-21 was amended by Ordinance 18-02 from R-3 to C-1.

Analysis

Staff reviewed this application based on the Land Use and Development Regulations (LUDR), Section 2.7.7, the C-1 District, and the five standards in Section 8.8.5a-e for Special Exceptions.

1. *Generally*

Rental Establishment, Group III uses are allowed by Special Exception in the C-1 District. This use has no minimum area requirement or other special regulations. Group III Uses allow the renting of cars, small vans and trucks, recreation vehicles, and utility trailers. According to the letter of intent, larger U-Haul trucks that cannot be lawfully parked at 2200 Santa Barbara Boulevard along with other rental vehicles will be parked on the site. Prior discussions with Mr. DeBono revealed that the 26-foot long trucks¹ are the most popular length of vehicle rented and returned to his business at 2200 Santa Barbara Boulevard.

2. *Compatibility*

The site is surrounded on three sides (north, east, and south) with C-1 Zoning. The site to the north has a multi-family dwelling (Table 1). Sites to the west, across SW Santa Barbara Place, have R-1B Zoning and single-family dwellings. Residential sites to the north and the west would likely be the most affected by the operation of this use. Adverse effects related to this use would include noise, lighting, and traffic.

Table 1. Zoning, Future Land Use, and Existing Uses at 2125 SW Santa Barbara Place and Surrounding Sites.

	Zoning	Future Land Use (FLU)	Existing Use
Subject Parcel	Pedestrian Commercial (C-1)	Commercial/Professional	Parking lot
	Surrounding Zoning	Surrounding FLU	Surrounding Uses
North:	Pedestrian Commercial (C-1)	Commercial/Professional	Multi-family dwelling
South:	Pedestrian Commercial (C-1)	Commercial/Professional	Parking lot
East:	Pedestrian Commercial (C-1)	Commercial/Professional	Commercial development including a gas station
West:	Single Family Residential (R-1B)	Single Family	Single-family dwellings

¹ U-Haul trucks with a length of 26 feet have a front to rear bumper length of 34 feet, one inch. (<https://www.uhaul.com/>).

Noise

Rental vehicles being maneuvered on the site will increase activity, but it is not known if additional noise would be generated to a level inconsistent with City ordinances. Residents most affected by any increase in noise would likely be to the north and west. Noise would be most noticeable to residents when vehicles are entering or leaving the site before and after standard working hours (before 8:00 A.M. and after 5:00 P.M.). Staff recommends limiting the transporting of rental vehicles to 2125 SW Santa Barbara Place between 7:00 A.M. and 7:00 P.M. to minimize the exposure of noise and lighting experienced by residents.

Lighting

Vehicle headlights could be disruptive to residents to the north and west. Placing restrictions on when rental vehicles can enter and leave the site will alleviate most conflicts involving lighting. Landscaping to the north and west of the rental parking area will further reduce glare from headlights.

Traffic

The existing parking lot is used by several businesses to the east at 2110-2120 Santa Barbara. As a result, this site currently generates an unknown number of trips. While a trip generation estimate was not provided with the application, based on the number of trucks the site could likely accommodate (10-20), staff anticipates the P.M. peak hour number of trips generated by the Special Exception use will be low compared to many commercial uses. An identical use approved by the City in 2016 that involved a mix of 17 rental vehicles had an estimated 15 P.M. peak hour trips.²

3. Minimum Lot Frontage; Access

The C-1 District has no minimum frontage requirement. The site has about 200 feet of frontage on SW Santa Barbara Place to the west and along an alley to the east. A single driveway exists along SW Santa Barbara Place. The site is accessible by way of two separate drive isles from the alley. No additional driveways are anticipated.

4. Building Location; Setbacks

There are no buildings on the site. The site is currently used for customer parking. No new buildings are proposed or necessary for the Special Exception Use.

5. Screening and Buffering

Prior to construction of improvements on the southern half of the site, site plan approval will be required. Since the improvements will include new off-street parking areas, the site will need to comply with the City landscaping regulations (see LUDR, Section 5.2.3). New

² Ordinance 56-16 that approved a Special Exception for a Rental Establishment Group III Use for a Home Depot Store at 2508 Skyline Boulevard.

landscaping will include a Buffer 'C' along the west property line. These plantings will provide buffering and partial screening of the trucks parked on this site. Staff recommends landscaping between the parked rental vehicles and the north property line to buffer this commercial use from this adjacent residential use.

Consistency with the Comprehensive Plan

The project is consistent with the following goals and policies.

Future Land Use Element

Policy 1.15.c

Commercial/Professional (CP): Intensities of use in the Commercial/Professional land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0 ... The Pedestrian Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1 District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development. **Staff comments:** The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. This policy is supportive of this request.

Policy 1.17

"Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses." **Staff comments:** A landscape buffer will be required along the west property line adjacent to residential sites. Landscaping will be required between the parking area of the rental vehicles and the north property line to protect existing residential uses to the north. This policy is supportive of this request.

Policy 8.2

"Land development regulations, adopted pursuant to s. 163.3202, F.S., will require the buffering of incompatible land uses." **Staff comments:** Landscaping will be installed to the north and west of the parking area for vehicles to buffer the commercial use from adjacent residential uses. This policy is supportive of this request.

Policy 8.3

"Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of

any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored." **The site will lack a dumpster, loading docks, and rooftop equipment that typically requires screening. Trips to the site are anticipated to be low. Landscaping to the north and west will provide buffering for adjacent residential uses. This policy is supportive of this request.**

Recommendation:

The Planning Division recommends approval with the following conditions:

Conditions of Approval

1. The parking of rental vehicles on the site shall be limited to Lots 17 and 18.
2. A site plan for improvements to the site shall be approved by the City prior to the issuance of a certificate of use for a Rental Establishment, Group III Use. The site plan shall include a striping plan that identifies spaces for the parking of rental vehicles and drive isles for the internal circulation of vehicles on the site.
3. Single staggered rows of canopy and accent trees spaced 25 feet apart shall be planted for the width of the site to provide buffering between the parked rental vehicles and the residential dwellings to the north.
4. Rental vehicles shall not be moved to or from the site between the hours of 7:00 P.M. and extending to 7:00 A.M. the following day.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

PH: 239-242-3255

Email: mstruve@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: SE17-0010

REQUEST: The applicant, DeBono's Inc., is requesting a Special Exception for a Rental Establishment, Group III Use in the Pedestrian Commercial (C-1) District on property described as Lots 17-21, Block 3047, Unit 62, Cape Coral Subdivision; property located at 2125 SW Santa Barbara Place.

LOCATION: 2125 SW Santa Barbara Place, Cape Coral, FL

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

PROPERTY OWNER: Ali Bigi

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, April 17, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The News-Press media group

news-press.com

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Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

TOLL-FREE
888-516-9220

Local #
239-335-0258

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Ad No.: 0002844992

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$345.17

Run Times: 1

No. of Affidavits: 1

Run Dates: 04/07/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: SE17-0010

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HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommoda-

tion to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE17-0010
AD# 2844992 Apr. 7, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Debono's

APPLICATION NO: SE17-0010

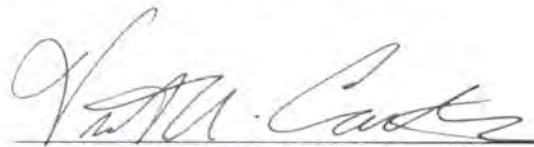
STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 9th day of April, 2018.

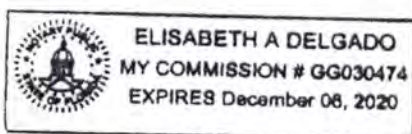


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

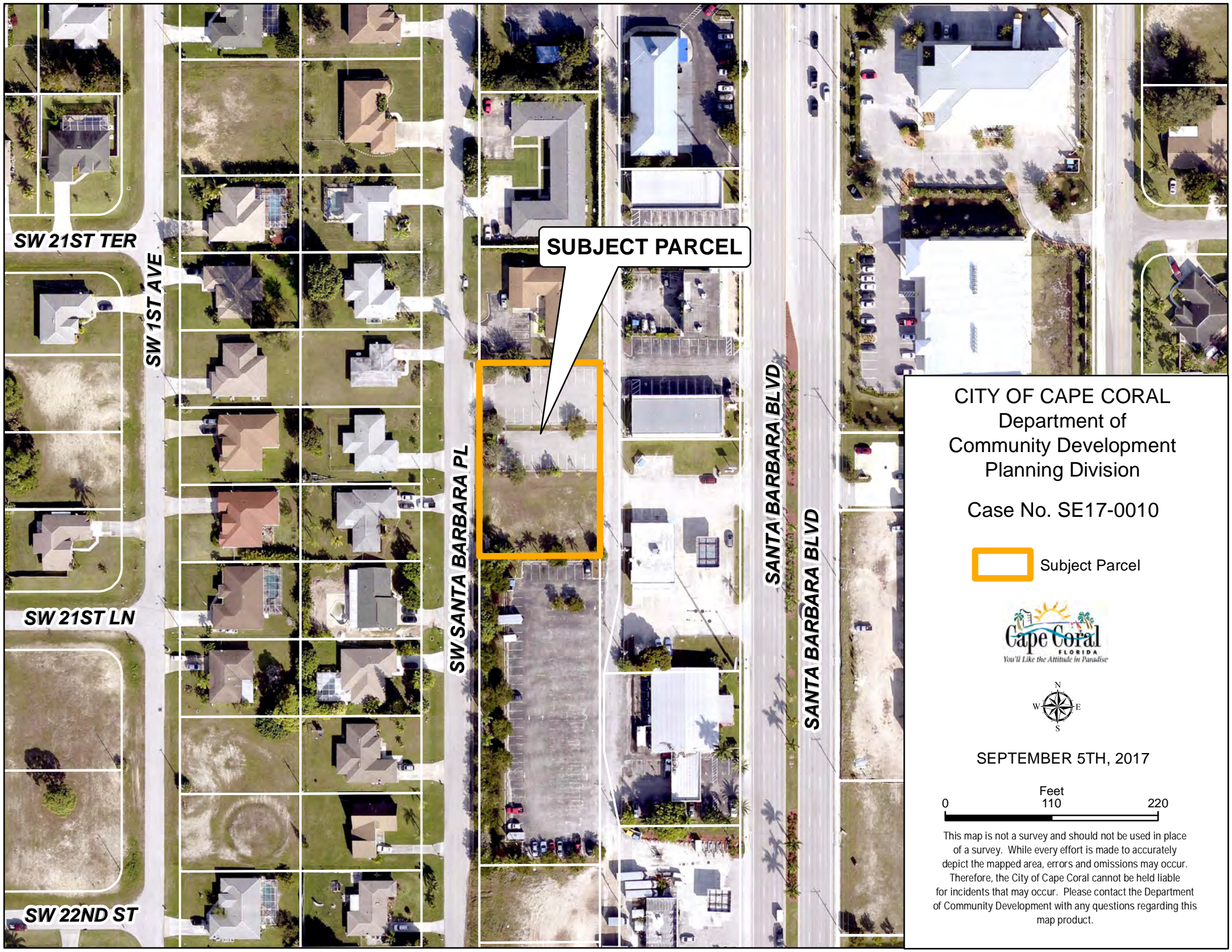
The foregoing instrument was acknowledged before me this 9th day of April, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 2/6/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



SW 21ST TER

SW 1ST AVE

SW 21ST LN

SW 22ND ST

SW SANTA BARBARA PL


SANTA BARBARA BLVD

SANTA BARBARA BLVD

SUBJECT PARCEL

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. SE17-0010

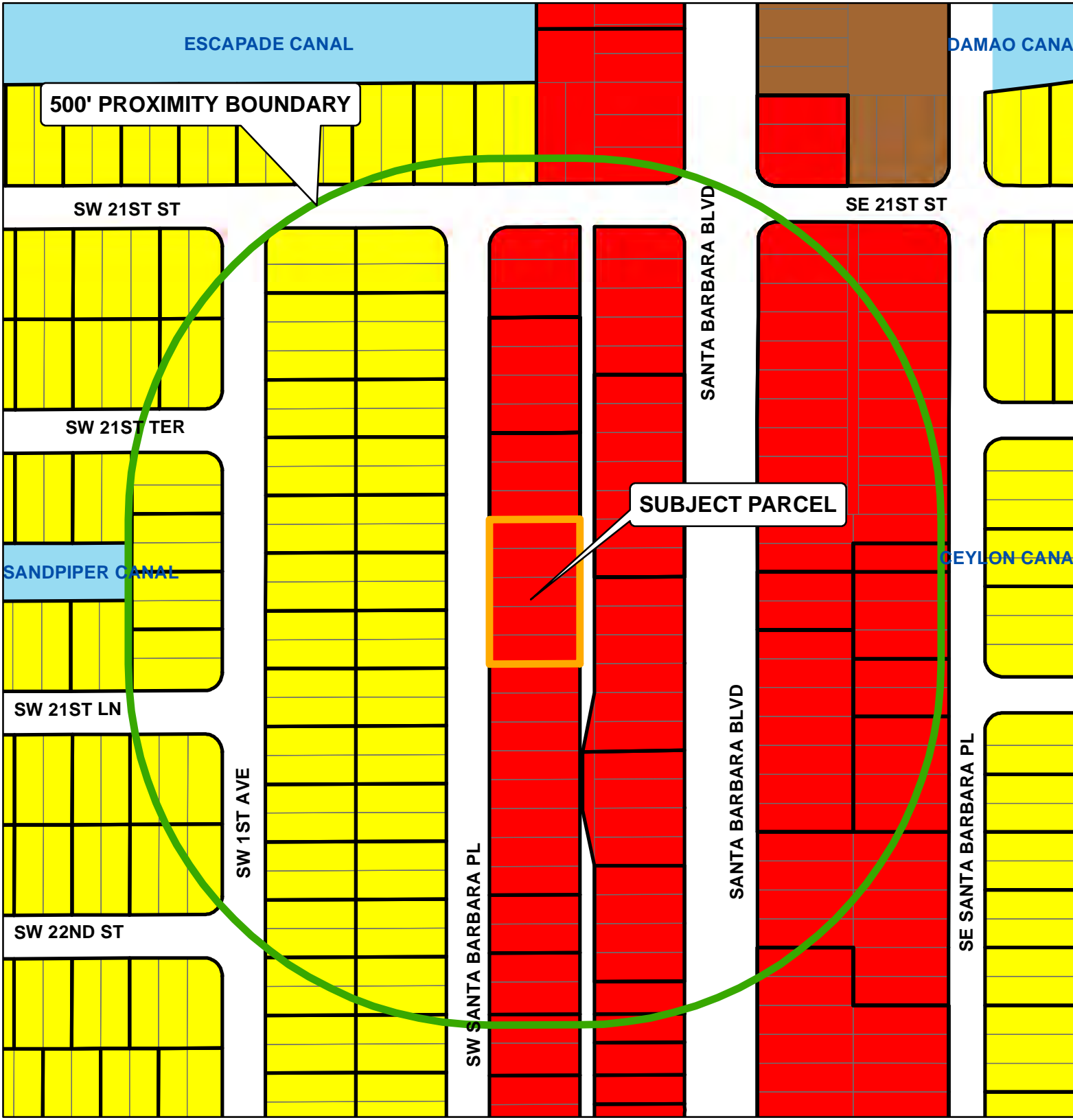
 Subject Parcel



SEPTEMBER 5TH, 2017

0 Feet 110 220

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.





CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. SE17-0010

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

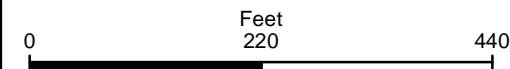
 C-1

 R-1B

 R-3



SEPTEMBER 5TH, 2017



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

Item Number: 2.B.
Meeting Date: 5/1/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # SE18-0001*; Address: 801 Cape Coral Parkway West; Applicant: Ram Kumar Kashyap and Jaswant Kashyap, Trustees of the Kashyap Revocable Trust

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant, Creighton Construction & Management, LLC, is seeking to amend Resolution SE 6-2012, as amended by Resolution SE 6-2015 that approved an automotive service station limited use in the Pedestrian Commercial (C-1) District on property described as Lots 23-27, Block 1696 by amending conditions that limited the hours of operation of the establishment and prohibited the outdoor storage of products and materials on the site; property is located at 801 Cape Coral Parkway West.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description	Type
Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # SE18-0001 JAN 12 '18 15.60

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY Ram Kumar Kashyap & Jaswant Kashyap, Trustees of the Kashyap Revocable Trust

Address: 4505 Arniel Place
City: Fairfax State VA Zip 22030

Email: _____

Phone: _____

APPLICANT (if different from Owner)
Creighton Construction & Management, LLC

Address: 900 SW Pine Island Rd, Suite 202
City: Cape Coral State FL Zip 33991

Email: dcreighton@creightondev.com

Phone: _____

AUTHORIZED REPRESENTATIVE
Banks Engineering

Address: 10511 Six Mile Cypress Pkwy, Suite 101
City: Fort Myers State FL Zip 33936

Email: shewitt@bankseng.com

Phone: 239-770-2527

Unit 64 Block 1696 Lot(s) 23-27
Address of Property 801 Cape Coral Pkwy W plus part of Subdivision Cape Coral
vacated alley

Plat Book 21 Page 94

Current Zoning Pedestrian Commercial C-1 Strap Number 15-45-23-C2-01696.0260

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

M. Dan Creighton

NAME (PLEASE TYPE OR PRINT)

Creighton Construction & Management, LLC

CORPORATION/COMPANY NAME

M. Dan Creighton
APPLICANT'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

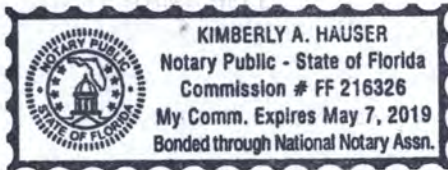
(SIGNATURE MUST BE NOTARIZED)

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 9th day of JAN, 2018, by
M. Dan Creighton who is personally known or produced
as identification.

Exp. Date: 5/7/2019 Commission Number: FF216326



Signature of Notary Public:

Printed name of Notary Public:

Kimberly A. Hauser
KIMBERLY A. HAUSER



DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, or City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the _____ day of January, 2018

M. Dan Creighton
PRINT APPLICANT'S NAME

[Signature]
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 9th day of January, 2018, by M. Dan Creighton who is personally known or produced as identification.



Exp. Date: 5/7/2019 Commission Number: FF216326

Signature of Notary Public:

Printed name of Notary Public:

[Signature]
Kimberly A. Hauser



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Banks Engineering and Henderson Franklin Starnes and Holt, PA

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR
Special Exception

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

23-27 plus

UNIT 64 BLOCK 1696 LOT(S) portion of vacated alley SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION 15-45-23-C2-01696.0260

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Ram Kumar Kashyap, Trustee of the Kashyap Revocable Trust

Jaswant, Trustee of the Kashyap Revocable Trust

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

R. Kashyap, R. TRUST.

Jaswant Kashyap R. Trust

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF VIRGINIA, COUNTY OF FAIRFAX

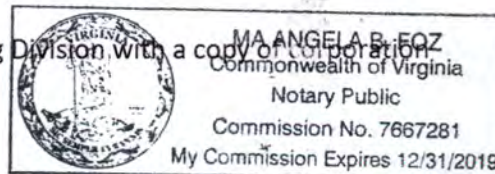
Subscribed and sworn to (or affirmed) before me this 8th day of January, 2018, by
_____ who is personally known or produced
as identification.

Exp. Date: 12-31-19 Commission Number: 766 7281

Signature of Notary Public: _____

Printed name of Notary Public: MA - ANGELA FOZ

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.





DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

M. Dan Creighton

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

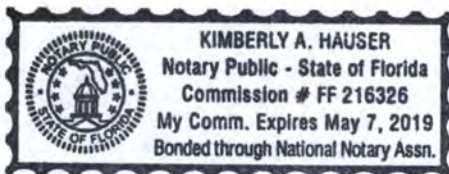
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 9th day of January
20 18 by M. Dan Creighton who is personally known or who has produced
as identification.

Exp. Date 5/7/2019
Commission # FF2110326

Signature of Notary Public
Kimberly A. Hauser
Print Name of Notary Public



Professional Engineers, Planners & Land Surveyors

March 29, 2018

Mr. Mike Struve, AICP, LEED Green Associate
City of Cape Coral
Department of Community Development
Planning Division
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

Reference: **SE18-0001**
PROPOSED AMENDMENT TO CONDITIONS OF SPECIAL EXCEPTION SE 6-2015
7-Eleven, 801 Cape Coral Parkway W

Dear Mr. Struve,

The applicant is in receipt of the staff report dated March 14, 2018 for the above referenced project and agrees with staff's recommended conditions with the exception of proposed conditions 2 and 4. regarding the removal of the propane tank rack located outside of the existing store on the subject property.

The applicant is requesting that Condition 2 of SE18-0001 be modified to read as follows:
"Resolution SE6-2015, condition 3, is revised to allow for the placement of a propane tank rack on the outside of the store not exceeding 72" tall, 48" inches wide and 24" inches deep."

The applicant is also requesting that Condition 4 of SE18-0001 be revised to read as follows:
"Restrictions on the hours of operation for the gas and convenience store uses shall not be eliminated until the north and west buffers referenced in Condition #1 have been restored consistent with the approved landscaping plan and been inspected by the City."

Propane tanks are a critical necessity for customers, especially during storm season. Allowing the propane storage rack to remain will continue to provide this service to the residents in the area without the need to travel to a Walmart, Lowes, Home Depot or other destination farther from home. Most gas stations have a propane tank rack and this project must provide the rack in order to meet the consumer's expectations as well as maintain a competitive business.

This proposed change will have no bearing on the existing special exception's previously deemed consistent with the five (5) standards outlined within Section 8.8.5a-e which covers special exceptions. There are no adjacent single-family uses and the only adjacent multi-family development to the north has provided a letter of support. Allowing the propane storage rack to remain will not have any impact on the existing compatibility.

• SERVING THE STATE OF FLORIDA •

Should you or your staff have any questions, or require additional information, please feel free to contact me at (239) 770-2527.

Sincerely,

BANKS ENGINEERING

A handwritten signature in blue ink, appearing to read 'Stacy Ellis Hewitt', with a stylized, cursive script.

Stacy Ellis Hewitt, AICP
Director of Planning

November 15, 2017

City of Cape Coral
1015 Cultural Park Blvd.
Cape Coral, FL

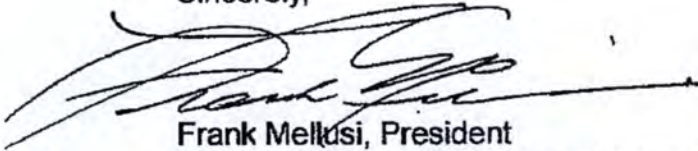
RE: 7-Eleven- 801 Cape Coral PKWY W. Cape Coral, FL

Dear Cape Coral Planning and Zoning Commission,

I, Frank Mellusi am president and long-term resident of Malabar Condominium Association, Inc., the directly adjacent property located to the North of the 7-Eleven identified above. We support 7-Eleven and Creighton's request for this location to be open for operation for both the store and fuel 24 hours a day, 7 days a week. This 7-Eleven has been a great neighbor and a great business in our community.

Should you have any questions please don't hesitate to contact me.

Sincerely,



Frank Mellusi, President
Malabar Condominium Association, Inc.
PO Box 1846
Fort Myers, FL 33902

RESOLUTION SE 6 - 2015

A RESOLUTION AMENDING RESOLUTION SE 6-2012, WHICH GRANTED A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) ZONE ON REAL PROPERTY DESCRIBED AS LOTS 23 - 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION BY AMENDING THE TERMS AND CONDITIONS; PROPERTY LOCATED AT 801-809 CAPE CORAL PARKWAY WEST; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application to amend Resolution SE 6-2012 by M. DAN CREIGHTON has been submitted and reviewed by the Planning and Zoning Commission, the City of Cape Coral, and has been presented to the City of Cape Coral Board of Zoning Adjustment and Appeals at a Public Hearing for Special Exception.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. That the City of Cape Coral Board of Zoning Adjustment and Appeals having specifically considered the recommendations of the City of Cape Coral Planning and Zoning Commission, Local Planning Agency, the City of Cape Coral Planning Division, and the presentation made at the Public Hearing, the criteria set forth in the City of Cape Coral Code Article VIII, Administration, Section 8.3, Public Hearings, and Section 8.8, Special Exceptions, the City of Cape Coral Comprehensive Plan and the application materials submitted with Application SE 15-0004 the Board of Zoning Adjustment and Appeals hereby grants an amendment to Resolution SE 6-2012, which granted the below-described real property A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) zone on the below-described property:

LEGAL DESCRIPTION: LOTS 23, 24, 25, 26, AND 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 82 THROUGH 95, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF A VACATED ALLEY DESCRIBED IN RESOLUTION NO. 6-07, RECORDED IN INSTRUMENT #2007000117988 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

PROPERTY LOCATED AT: 801-809 CAPE CORAL PARKWAY WEST

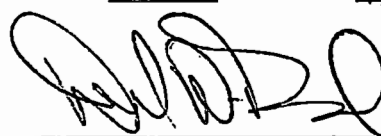
Section 2. The following condition contained within Resolution SE 6-2012 is hereby amended as follows:

4. Hours of operation for the development shall be limited to the hours beginning at 5:00 a.m. and ending at 1:00 a.m. the following day. Hours for deliveries for the development shall be limited to the hours beginning at 6:00 a.m. and ending at 11:00 p.m.

All provisions and conditions contained in Resolution SE 6-2012 shall remain in full force and effect, except as otherwise stated in this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 5th DAY OF AUGUST, 2015.




DANIEL READ, CHAIRMAN
BOARD OF ZONING ADJUSTMENT
AND APPEALS

ATTESTED TO AND FILED IN MY OFFICE THIS 17th DAY OF August,
2015.


REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:


BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
SE15-0004

RESOLUTION SE 6 - 2012

A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VIII, ADMINISTRATION, SECTION 8.3, PUBLIC HEARINGS, AND SECTION 8.8, SPECIAL EXCEPTIONS, AND THE CITY OF CAPE CORAL COMPREHENSIVE PLAN, GRANTING A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) ZONE ON REAL PROPERTY DESCRIBED AS LOTS 23 - 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION; PROPERTY LOCATED AT 801-809 CAPE CORAL PARKWAY WEST; PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application by CREIGHTON COMMERCIAL DEVELOPMENT, LLC, has been submitted and reviewed by the Planning and Zoning Commission, the City of Cape Coral, and has been presented to the City of Cape Coral Board of Zoning Adjustment and Appeals at a Public Hearing for Special Exception.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. That the City of Cape Coral Board of Zoning Adjustment and Appeals having specifically considered the recommendations of the City of Cape Coral Planning and Zoning Commission, Local Planning Agency, the City of Cape Coral Planning Division, and the presentation made at the Public Hearing, the criteria set forth in the City of Cape Coral Code Article VIII, Administration, Section 8.3, Public Hearings, and Section 8.8, Special Exceptions, the City of Cape Coral Comprehensive Plan and the application materials submitted with Application SE 11-0013 the Board of Zoning Adjustment and Appeals hereby grants the below-described real property A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) zone on the below-described property:

LEGAL DESCRIPTION:

LOTS 23, 24, 25, 26, AND 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 82 THROUGH 95, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF A VACATED ALLEY DESCRIBED IN RESOLUTION NO. 6-07, RECORDED IN INSTRUMENT #2007000117988 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

PROPERTY LOCATED AT: 801-809 CAPE CORAL PARKWAY WEST

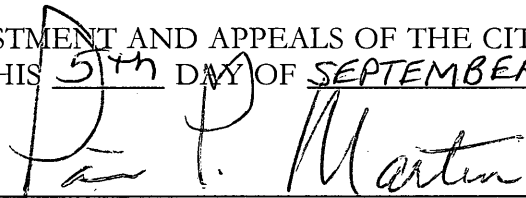
Section 2. The applicant shall meet the following terms and conditions:

1. To minimize light trespass on surrounding properties and to reduce glare associated with on-site lighting, the following conditions are prescribed:
 - a. Lighting levels along the northern property line of Lots 23-27 shall not exceed 0.1 foot-candles. The developer shall submit a lighting plan for staff review that demonstrates compliance with this requirement prior to site plan approval for the project.
 - b. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
 - c. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
 - d. Lights shall not be mounted on the top or sides of the canopy and the canopy sides shall not be illuminated.
2. No vending machines or automated teller machines (ATMs) shall be placed on the outside of the store.

3. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to ice machines that are used solely to store ice.
4. Hours of operation for the proposed development shall be limited to the hours beginning at 6:00 a.m. and ending at 11:00 p.m.
5. The trash receptacle enclosure approved for this development shall include colors and materials common to those used for the gas station building.
6. To promote continuity within the development, the wall located within the buffer yard along the western property line of Lot 23 shall be eight feet in height and shall be of identical design to the wall erected along the northern property line of the development.

Section 3. This Resolution shall take effect immediately upon its adoption.


ADOPTED BY THE BOARD OF ZONING ADJUSTMENT AND APPEALS OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 5th DAY OF SEPTEMBER, 2012.


PATRICIA P. MARTIN, CHAIRPERSON
BOARD OF ZONING ADJUSTMENT
AND APPEALS

ATTESTED TO AND FILED IN MY OFFICE THIS 14th DAY OF September, 2012.


REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:


BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
SE11-0013-conditions

RESOLUTION 52 - 12

A RESOLUTION PURSUANT TO THE CITY OF CAPE CORAL CODE OF ORDINANCES, LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE VIII, ADMINISTRATION, SECTION 8.3, PUBLIC HEARINGS, SECTION 8.8, SPECIAL EXCEPTIONS, AND SECTION 8.9, APPEALS, AND THE CITY OF CAPE CORAL COMPREHENSIVE PLAN, APPROVING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT AND APPEALS THAT APPROVED RESOLUTION SE 6-2012 WHICH GRANTED A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) ZONE ON REAL PROPERTY DESCRIBED AS LOTS 23 - 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION; PROPERTY LOCATED AT 801-809 CAPE CORAL PARKWAY WEST; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral Board of Zoning Adjustment and Appeals has specifically considered the request of CREIGHTON COMMERCIAL DEVELOPMENT, LLC, for a Special Exception as described herein, and, at a Public Hearing on September 5, 2012, granted the aforesaid request by approving Resolution SE 6-2012.

WHEREAS, the Applicant, THOMAS W. KOTOWSKI, is exercising his right to appeal to the Cape Coral City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. That the City of Cape Coral City Council having specifically considered the decision of the Cape Coral Board of Zoning Adjustment and Appeals, the recommendation of the City of Cape Coral Planning and Zoning Commission, Local Planning Agency, and the Planning Division of the City of Cape Coral, and the presentation made by the Applicant(s) before this Board at a public meeting, and the criteria set forth in the City of Cape Coral Land Use and Development Regulations, Article VIII, Administration, Section 8.3, Public Hearings, and Section 8.8, Special Exceptions, the City of Cape Coral Comprehensive Plan, the application materials submitted with Application AP 12-0005, and all other evidence presented, hereby approves the decision of the Board of Zoning Adjustment and Appeals that approved Resolution SE 6-2012 which granted A SPECIAL EXCEPTION TO CONSTRUCT AND OPERATE AN AUTOMOTIVE SERVICE STATION LIMITED USE IN A PEDESTRIAN COMMERCIAL (C-1) ZONE for the below-described property:

LEGAL DESCRIPTION:

LOTS 23, 24, 25, 26, AND 27, BLOCK 1696, UNIT 65, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGES 82 THROUGH 95, INCLUSIVE, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF A VACATED ALLEY DESCRIBED IN RESOLUTION NO. 6-07, RECORDED IN INSTRUMENT #2007000117988 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

PROPERTY LOCATED AT: 801-809 CAPE CORAL PARKWAY WEST

for the reason that the aforesaid special exception meets all of the criteria identified in the City of Cape Coral Land Use and Development Regulations, Section 8.8, Special Exceptions.

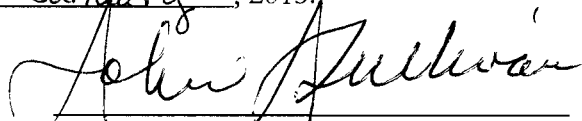
Section 2. CREIGHTON COMMERCIAL DEVELOPMENT, LLC, shall meet the following terms and conditions:

1. To minimize light trespass on surrounding properties and to reduce glare associated with on-site lighting, the following conditions are prescribed:

- a. Lighting levels along the northern property line of Lots 23-27 shall not exceed 0.1 foot-candles. The developer shall submit a lighting plan for staff review that demonstrates compliance with this requirement prior to site plan approval for the project.
 - b. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
 - c. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
 - d. Lights shall not be mounted on the top or sides of the canopy and the canopy sides shall not be illuminated.
2. No vending machines or automated teller machines (ATMs) shall be placed on the outside of the store.
 3. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to ice machines that are used solely to store ice.
 4. Hours of operation for the proposed development shall be limited to the hours beginning at 6:00 a.m. and ending at 11:00 p.m.
 5. The trash receptacle enclosure approved for this development shall include colors and materials common to those used for the gas station building.
 6. To promote continuity within the development, the wall located within the buffer yard along the western property line of Lot 23 shall be eight feet in height and shall be of identical design to the wall erected along the northern property line of the development.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS 28th DAY OF January, 2013.


JOHN J. SULLIVAN, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SULLIVAN	<u>may</u>
MCCLAIN	<u>aye</u>
CARIOSCIA	<u>may</u>
NESTA	<u>aye</u>
CHULAKES-LEETZ	<u>aye</u>
ERBRICK	<u>aye</u>
MCGRAIL	<u>may</u>
DONNELL	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 13th DAY OF February, 2013.


REBECCA VAN DEUTEKOM,
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY

res/ap12-0005-confirm approval se

Planning Division Case Report

SE18-0001

Review Date:	March 14, 2018
Property Owner:	Ram Kumar Kashyap and Jaswant Kashyap, Trustees of the Kashyap Revocable Trust
Owner Address:	4505 Arniel Place Fairfax, VA 22030
Applicant:	Creighton Construction and Management, LLC
Authorized Rep.	Banks Engineering
Request:	The applicant is seeking to amend Resolution SE 6-2012, as amended by Resolution SE 6-2015 that approved an automotive service station limited use on the site. The amendment would remove limits on the hours of operation for the establishment.
Site Address:	801 Cape Coral Parkway West Unit 64, Block 1696, Lots 23-27 plus part of a vacated alley Strap number: 15-45-23-C2-01696.0260
Prepared By:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Reviewed By:	Robert H. Pederson, AICP, Planning Manager
Recommendation:	Approval with conditions
Urban Service Area:	Infill
Right of Way Access:	The site has frontage and access both along Skyline Boulevard (a minor arterial) and Cape Coral Parkway (a major arterial).
Site Visit:	March 12, 2018

Site Description:

The site comprises 27,525 sq. ft. in Unit 64, Block 1696 in southern Cape Coral. The site has a 2,940-sq. ft. convenience store with a detached fuel canopy that has four gas pumps consisting of two refueling stations per pump. Uses surrounding the site include multi-family development to the north and south, a professional office use to the east, and a City lift station to the west. Information on zoning, future land use, and existing development on the site and surrounding properties appears in Table 1.

Table 1. Zoning, Future Land Use Classifications, and Existing Uses on the Site and Surrounding Parcels.

	Zoning	Future Land Use (FLU)	Existing Use
Subject Parcel	Pedestrian Commercial (C-1)	Commercial/Professional	Automotive service station limited
	Surrounding Zoning	Surrounding FLU	Surrounding Existing Uses
North:	Multi-Family Residential (R-3)	Multi-Family	Multi-family
South:	Cape Coral Pkwy/ Multi-Family Residential (R-3)	Cape Coral Pkwy/ Multi- Family	Multi-family
East:	Skyline Blvd ROW/Professional Office (P-1)	Skyline Blvd ROW/Commercial/ Professional	Office building
West:	Professional Office (P-1)	Commercial/Professional	Lift station

Development History of the Subject Property

A Special Exception was granted by the Board of Zoning Adjustment and Appeals (BZA) for an automotive service station limited use (hereafter referred to as a gas station) by Resolution SE 6-2012. Coinciding with the Special Exception request, a variance seeking setback relief from the north property line and a landscaping deviation along the west property line were also requested. All three requests were for development of a 7-Eleven gas station on the site. The variance and landscaping deviation were approved by Resolution VA 11-0012 and Resolution DE 12-0009, respectively.¹

The Special Exception was approved with conditions that limited the hours of operation beginning at 6:00 a.m. and ending at 11:00 p.m.

A site plan (SP11-0030) was approved on October 23, 2013. Following the approval of building plans for the project and subsequent construction, a certificate of occupancy was issued for the convenience store by the City on January 22, 2015.

In 2015 the Special Exception was amended by the BZA to extend the hours of operation beginning at 5:00 a.m. and ending at 1:00 a.m. the following day. Hours for deliveries, however, continued to be limited between 6:00 a.m. and 11:00 p.m.

Zoning History of the Site

The Future Land Use Classification of the site was amended from Multi Family to Commercial/Professional by Ordinance 145-05.

The zoning of the site was amended from R-3 to C-1 by Ordinance 76-11.

¹ The decisions made by the BZA in approving the Special Exception and variance were later appealed to the City Council (Resolutions 52-12 and 53-12, respectively) with each decision made by the BZA ultimately affirmed by the City Council.

Analysis:

The current request would permit 24-hour operations at the site. This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 2.7.7, the C-1 District, and the five standards in Section 8.8.5a-e for Special Exceptions Uses. Compliance with conditions governing this development appearing in Resolution SE 6-2012 and Resolution SE 6-2015 was also evaluated.

1. Generally

The C-1 Zoning is consistent with the Commercial/Professional Future Land Use Classification. Gas stations are allowed as a Special Exception in the C-1 District.

2. Compatibility

The 7-Eleven establishment has been operating for over three years. In August of 2015, the BZA amended the condition governing the Special Exception to ease the restrictions on the hours of operation of the development. The amended hours of operation now begin at 5:00 a.m. and end at 1:00 a.m. the following day.

Limiting the hours of operation were originally recommended by staff to protect residents north of the site in the Malabar Arms Condominiums. This 28-unit community would be most affected by the project since they share a common property line with the site. As part of this Special Exception application, a letter was received from the Malabar Condominium Association supporting removing the limits on the hours of operation on the gas station.

Planning staff discussed the project with the Cape Coral Police Department. No problems with the site or the operation of the gas station were identified. A review of Code Compliance records revealed there were no active cases involving the site.

In support of this request, the applicant points to several businesses with identical future land use classifications and zoning that lack such restrictions. However, this argument ignores that fact that this use required Special Exception approval. As such, conditions governing physical aspects of the site, as well as the operation of the use, may be imposed to promote compatibility with the surrounding area. In this case, site-specific factors included the closeness of multi-family development to the north, the small area of the site, and the reduced setback from the north property line. While not common, the City has imposed limits on the hours of operation for commercial and industrial uses approved by Special Exception or in a Planned Development Project.

The applicant identifies several gas stations that are open 24 hours that are at the intersection of two major streets. In doing so, it is implied that the use on the subject site has been unfairly burdened by having limits placed on the hours of operation, whereas other sites at major intersections were not similarly restricted. However, site-specific

factors as well as surrounding land use patterns unique to the site at 801 Cape Coral Parkway resulted in a condition limiting the hours of operation.

Lastly, three businesses identified in the letter of intent are adjacent to a residential site that operates without limited hours. While one of the sites has a gas station, the other two businesses involve food stores – a use that is different than that of a gas station. Food stores are generally allowed as a permitted use in most commercial and mixed-use zoning districts in the City. Permitted uses, unlike Special Exceptions, cannot have conditions imposed on this type of use.

While staff does not find some of the arguments made by the applicant as compelling, the removal of the limits on the hours of operation on the gas station should not harm the surrounding area. The community most likely affected by the operation of the gas station, Malabar Arms, supports the removal of these limits. Other residential sites to the south are across Cape Coral Parkway, a six-lane street. Staff is unaware of any negative affects the initial relaxing of the limits of the operation has had on the community since 2015. Allowing the business to remain open an additional four hours each day does not appear to create any anticipated hardship on this area.

3. Minimum Lot Frontage; Access

The site has about 135 feet of frontage along Skyline Boulevard and 205 feet of frontage along Cape Coral Parkway. Driveways are present along both Skyline Boulevard and Cape Coral Parkway. Each driveway is restricted to allow only right-in, right-out traffic movements. Twelve parking spaces on the east and south sides of the building.

4. Building Location; Setbacks

The convenience store received a seven-foot setback variance to allow the convenience store to be 18 feet from the north property line. Other setbacks for both the convenience store and gas canopy meet or exceed those standards established for the C-1 District.

5. Screening and Buffering

Landscaped buffers exist along the north and west property lines. The trees and shrubs present along the north property line appear in good condition. However, several trees are missing based on the approved landscaping plan for the site. Except for one tree near the south property line, the buffer along the west property line is lacking all required trees. Both buffers do have eight-foot tall walls with landscaping on the outside of each wall.

Consistent with the approved landscaping plan, trees and shrubs are present along the east and south property lines, adjacent to Skyline Boulevard and Cape Coral Parkway, respectively.

Consistency with Conditions Appearing in Resolutions SE 6-2012 and SE 6-2015

1. To minimize light trespass on surrounding properties and to reduce glare associated with on-site lighting, the following conditions are prescribed:
 - a. Lighting levels along the northern property line of Lots 23-27 shall not exceed 0.1 foot-candles. The Developer shall submit a lighting plan for staff review that demonstrates compliance with this requirement prior to site plan approval for the project.
 - b. Lighting trespass and glare shall be limited to a reasonable level through the use of shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
 - c. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface of the canopy.
 - d. Lights shall not be mounted on the top or sides of the canopy and the canopy sides shall not be illuminated.

Staff comments: A lighting plan was reviewed during the site plan review process that demonstrated compliance with the lighting levels imposed along the northern property line. Free-standing lights on the site are aimed downtown to minimize light trespass. Lights on the gas canopy are limited to those that are recessed and are under the canopy. The project is compliant with all four lighting conditions.

2. No vending machines or automated teller machines (ATMs) shall be placed on the outside of the store.

Staff comments: Vending machines and ATMs are absent on the outside of the store. The project is compliant with this condition.

3. The outdoor storage of products and materials are prohibited. This provision, however, shall not apply to ice machines that are used solely to store ice.

Staff comments: A propane rack exists along the south side of the convenience store that stores propane tanks. The project does not comply with this condition.

4. Hours of operation for the development shall be limited to the hours beginning at 5:00 a.m. and ending at 1:00 a.m. the following day. Hours for deliveries for the development shall be limited to the hours beginning at 6:00 a.m. and ending at 11:00 p.m.

Staff comments: The project is compliant with limitations on the hours of operation and deliveries to the site.

5. The trash receptacle enclosure approved for this development shall include colors and materials common to those used for the gas station building.

Staff comments: The walls of the enclosure feature a color that matches the main color of the walls of the convenience store. The project complies with this condition.

6. To promote continuity within the development, the wall located within the buffer yard along the western property line of Lot 23 shall be eight feet in height and shall be of identical design to the wall erected along the northern property line of the development.

Staff comments: The walls along the north and west property lines are eight feet in height. Both walls appear identical in design. The project complies with this condition.

Consistency with the Comprehensive Plan:

The project is consistent with the following goals and policies.

Future Land Use Element

Policy 1.15.c

Commercial/Professional (CP): Intensities of use in the Commercial/Professional land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0 ... The Pedestrian Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1 District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development. **Staff comments: The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. This policy is supportive of this request.**

Policy 1.17

"Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses." **Staff comments: Landscaped buffers that include an eight-foot tall wall are along the north and west property lines. With plantings recommended by staff to bring each buffer into compliance with the approved site plan, this project will be consistent with this policy.**

Policy 8.2

"Land development regulations, adopted pursuant to s. 163.3202, F.S., will require the buffering of incompatible land uses." **Staff comments: Landscaping is along all four property lines. This policy is supportive of this request.**

Policy 8.3

“Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.” **The site has landscaping along all property lines. Buffers along the north and west property lines include an eight-foot tall wall. The dumpster is on the south side of the site, away from residential properties, and is screened. Loading docks are absent. This policy is supportive of this request.**

Recommendation:

This request is consistent with the Comprehensive Plan and the five standards for evaluating Special Exceptions. Staff recommends **approval** with the following conditions.

1. The Developer shall install plantings in the north and west buffers to bring the project into compliance with the approved site plan for the project.
2. The propane tank rack on the south side of the convenience store shall be removed from the site to comply with a condition of approval associated with Resolution SE 6-2012.
3. Hours for fuel deliveries to the development shall continue to be limited to the hours beginning at 6:00 a.m. and ending at 11:00 p.m.
4. Restrictions on the hours of operation for the gas and convenience store uses shall not be eliminated until: (1) the north and west buffers referenced in Condition #1 have been restored consistent with the approved landscaping plan and been inspected by the City; and (2) the propane tank rack has been removed from the site.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Planning Division
PH: 239-242-3255
Email: mstruve@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: SE18-0001

REQUEST: The applicant, Creighton Construction & Management, LLC, is seeking to amend Resolution SE 6-2012, as amended by Resolution SE 6-2015 that approved an automotive service station limited use in the Pedestrian Commercial (C-1) District on property described as Lots 23-27, Block 1696 by amending conditions that limited the hours of operation of the establishment and prohibited the outdoor storage of products and materials on the site; property is located at 801 Cape Coral Parkway West.

LOCATION: 801 Cape Coral Parkway West

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER(S): Ram Kumar Kashyap and Jaswant Kashyap, Trustees of the Kashyap Revocable Trust

AUTHORIZED REPRESENTATIVE: Banks Engineering

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 1, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available five days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 A.M. and 4:30 P.M. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Department of Community Development
Post Office Box 150027 • Cape Coral, Florida 33915-0027
1015 Cultural Park Blvd. • Cape Coral, Florida 33990
Email: planningquestions@capecoral.net

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USA

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Run Times: 1

No. of Affidavits: 1

Run Dates: 04/21/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: SE18-0001

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LOCATION: 801 Cape Coral Parkway West

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER(S): Ram Kumar Kashyap and Jaswant Kashyap, Trustees of the Kashyap Revocable Trust

AUTHORIZED REPRESENTATIVE:
Banks Engineering

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE18-0001
AD# 2873770 Apr. 21, 2018

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Kashyap – 7-11

APPLICATION NO: SE18-0001


STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

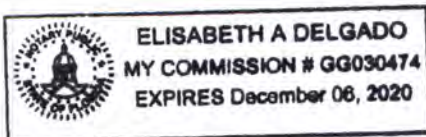
DATED this 9th day of April, 2018.



Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 9th day of April, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.



Exp. Date 12/6/20 Commission # GG030474



Signature of Notary Public

Elisabeth A. Delgado

Print Name of Notary Public

BARUNA CANAL

SALMON CANAL

SW 8TH PL

SW 47TH TER

SW 47TH TER

SUBJECT PARCEL

SKYLINE BLVD

CAPE CORAL PKWY W

CAPE CORAL PKWY W

SKYLINE BLVD


SW 8TH PL

ULSTER CANAL

SW 48TH TER

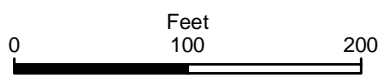
CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. SE18-0001

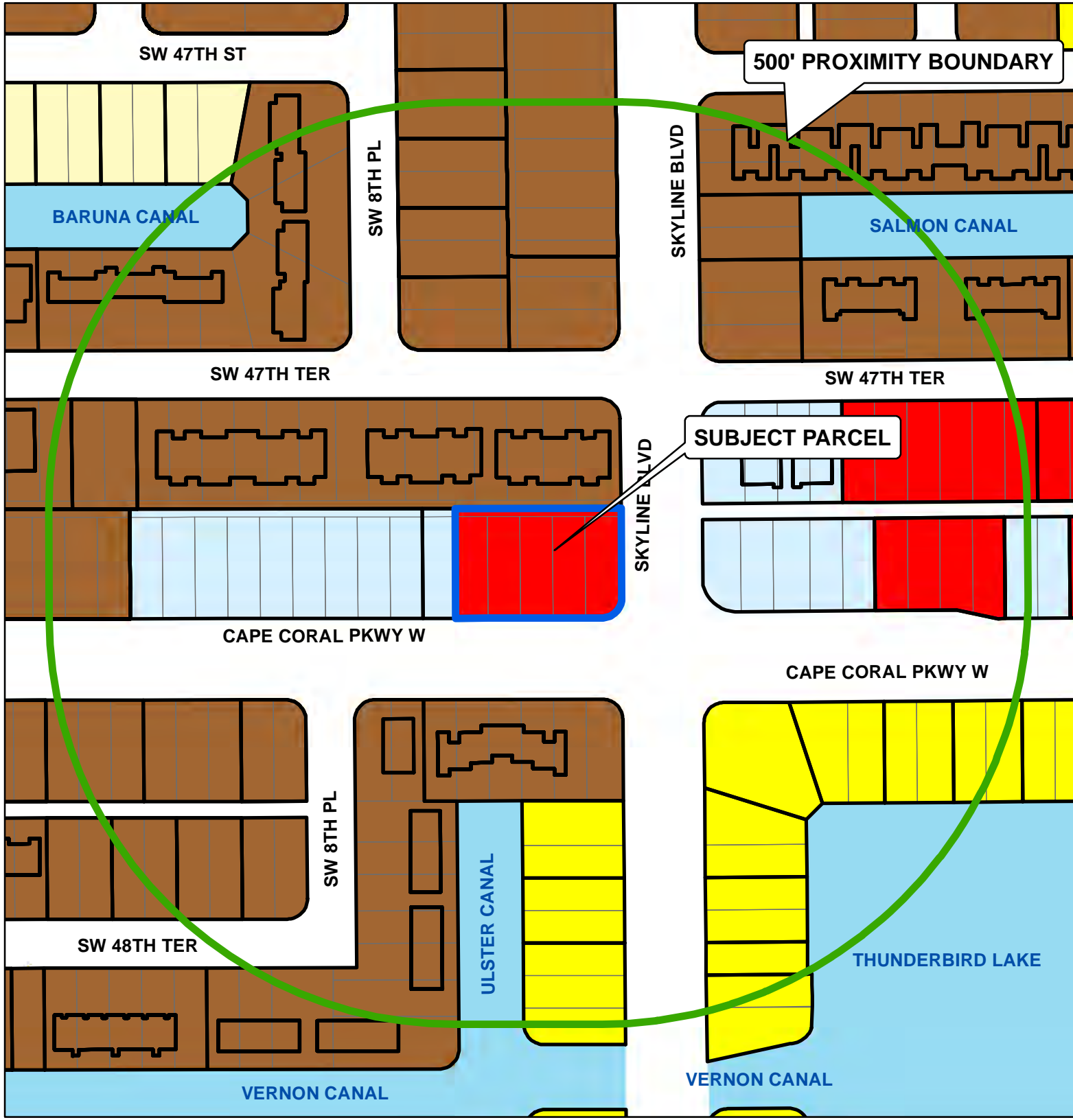
 Subject Parcel



JANAUARY 22ND, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

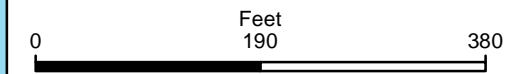
Case No. SE18-0001

LEGEND

- 500' Proximity Boundary
- Subject Parcel
- Zoning**
 - C-1
 - P-1
 - R-1B
 - R-3
 - RD



JANUARY 22ND, 2018



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Item Number: 2.C.
Meeting Date: 5/1/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # VP18-0004*; Address: 1102 Lenox Court; Applicant: Richard Toulouse

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant, Richard Toulouse, seeks a vacation of plat for a portion of Floridan Canal right-of way and the underlying public utility and drainage easements located adjacent to Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, and the vacation of plat for public utility and drainage easements in Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, property is located at 1102 Lenox Court.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description
Backup Material

Type
Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

Case # VR 18-0004

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the City from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY

Richard Toulouse

Address: 1102 Lenox Ct.
City: Cape Coral State: Florida Zip: 33904
Phone: 705-669-9227

APPLICANT

Richard Toulouse
EMAIL: northernrv@hotmail.com

Address: _____
City: _____ State: _____ Zip: _____
Phone: _____

AUTHORIZED REPRESENTATIVE

EMAIL: rental-northernrv@outlook.com

Address: _____
City: _____ State: _____ Zip: _____
Phone: _____

Unit one Block 7 Lot(s) 1 and 2 Subdivision _____
Address of Property 1102 Lenox Ct Cape Coral, Florida 33904
Current Zoning Residential Plat Book 11, Page 34
Strap Number 19-45-24-C1-00007.0010

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws, and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

Richard Toulouse
APPLICANT NAME (PLEASE TYPE OR PRINT)

[Signature]
(APPLICANT'S SIGNATURE)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 20th day of February, 2018 by Richard Toulouse who is personally known or who has produced Driver's License as identification.

Exp. Date 12/13/2019
Commission # FF 943158

[Signature]
Signature of Notary Public
Dan DuPont
Print Name of Notary Public



Dan DuPont
State of Florida
My Commission Expires 12/13/2019
Commission No. FF 943158



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Imperial Homes
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Vacation of Plat application

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION

1102 Lenox Ct.
Cape Coral, Florida 33904

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Richard Toulouse
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this

20th day of February, 2018 by

Richard Toulouse who is personally known or produced
as identification.

Driver's License



Dan DuPont
State of Florida
My Commission Expires 12/13/2019
Commission No. FF 943158

Exp. Date: 12/13/2019 Commission Number: FF 943158

Signature of Notary Public:

Printed name of Notary Public:

[Signature]
Dan DuPont

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # _____

VACATION OF PLAT APPLICATION

Questions: 239-574-0553

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand that I am responsible for recording the approved Resolution/Ordinance with the Lee County Clerk of Circuit Courts and providing a copy of the recorded Resolution/Ordinance to the City of Cape Coral Planning and Growth Management Division.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

CORPORATION/COMPANY NAME

Richard Toulouse
PROPERTY OWNER (PLEASE TYPE OR PRINT)

[Signature]
PROPERTY OWNER'S SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 20th day of February, 2018 by Richard Toulouse who is personally known or who has produced Driver's License as identification.

Exp. Date 12/13/2019
Commission # FF 943158

[Signature]
Signature of Notary Public

Dan DuPont
Print Name of Notary Public



Dan DuPont
State of Florida
My Commission Expires 12/13/2019
Commission No. FF 943158



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

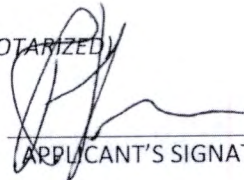
Case # _____

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

Richard Toulouse
APPLICANT NAME (PLEASE TYPE OR PRINT)


APPLICANT'S SIGNATURE

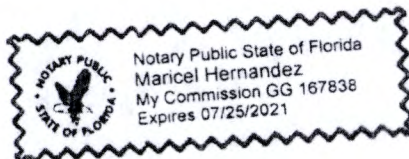
STATE OF FL, COUNTY OF Lee 6th day of March, 2018 by

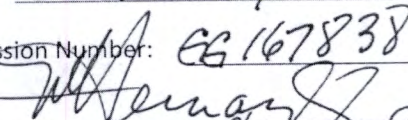
Richard Toulouse who is personally known or produced DONALDO D/C
as identification.

Exp. Date: 7/25/21 Commission Number: GG167838

Signature of Notary Public:

Printed name of Notary Public:




Maricel Hernandez



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # _____

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Richard Toulouse
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

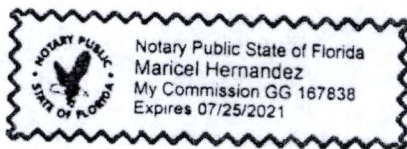
[Signature]
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee
Sworn to (or affirmed) and subscribed before me on this 6th day of March
2018 by Richard Toulouse, who is personally known or who has produced ONTARIO D/L
as identification.

Exp. Date 7/25/21
Commission # GG 167838

[Signature]
Signature of Notary Public
Marcel Hernandez
Print Name of Notary Public



March 2, 2018

Director Vince Cautero
Department of Community Development
City of Cape Coral
P.O. Box 150027
Cape Coral, Florida 33915-0027

RE: Vacation of Plat – Rear Easement and portion of Canal Right of Way
Lots 1 and 2, Block 7, Unit 1, Part 2, Cape Coral, According to the plat thereof
recorded in plat book 11, Pages 29 to 36, Inclusive, in the Public Records of Lee County,
Florida, 1102 Lenox Court, Cape Coral, FL 33904

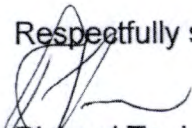
Dear Mr. Cautero:

As the property owner of the above captioned property, I am requesting to vacate the rear
platted 6.00 foot wide public utility and drainage easement along the canal and the south 6.00
feet (where the easement meets the side public utility and drainage easements) on Lots 1
and 2, Block 7, Unit 1 Cape Coral Subdivision as well as the adjoining upland area of canal
right of way. I am willing to deed to the City of Cape Coral a contiguous 6.00 foot wide public
utility and drainage easement over the portion of this upland canal right of way in order to
maintain a perimeter easement around the homesite.

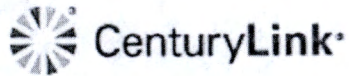
Attached please find my application, letters of "no objection" from the utility companies and
sketches and descriptions of the areas proposed to be vacated and proposed to be deeded
to the City.

I appreciate your consideration of this request. Please do not hesitate to contact me, if you
should have any questions.

Respectfully submitted,



Richard Toulouse
705-669-9227



Attention:

Richard Toulouse
2164 Falconbridge Hwy
Garson, Ontario Canada
P3L 1M2
Phone: (705) 669-9227

Subject: - No Objection Request/ Vacation of plat

Site Address: 1102 1102 LENOX CT CAPE CORAL FL 33904, FL
Strap# 19-45-24-C1-00007.0010

Dear Mr. Toulouse

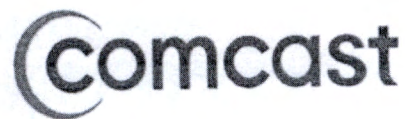
Regarding the referenced property above CenturyLink has **No Objection** to the Vacation of Plat described by Mr. Toulouse. The rear 6-foot utility easement lots 1 & 2, block 7, unit 1.

Sincerely

THANK YOU!

Justin Lane

OSP Engineering
3301 Del Prado Blvd S
Office: (239)-984-7009
justin.lane@centurylink.com



**12600 Westlinks Drive Suite 4
Fort Myers, FL 33913
Phone: 239-432-1805**

March 2, 2018

Re: 1102 Lenox Court, Cape Coral, Fl. 33904 (Lots 1 and 2, Block 7, Unit 1, Part 2)

Dear Richard Toulouse,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read 'Mark Cook'.

Mark Cook
Project Coordinator



Lee County Electric Cooperative, Inc.

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • Fax (239) 995-7904

www.lcec.net

March 6, 2018

Mr. and Mrs. Richard Toulouse
2164 Falconbridge Hwy
Garson, ON, Canada P3L 1M2

Re: Letter of No Objection to Vacation of Certain Utility Easements at bulk head of Floridian Canal and Lots 1 and 2, Block 7, Unit 1, Cape Coral Subdivision, Plat Book 11, Pages 29 through 36, inclusive; Owner: Richard Toulouse and Roxanne Toulouse, husband and wife; Strap#: 194524C100007.0010.

Dear Mr. and Mrs. Toulouse:

You have opened up negotiations, on behalf of yourselves, concerning the vacation of a certain utility easements on Lots 1 and 2, Block 7, Unit 1, Cape Coral Subdivision, Plat Book 11, Pages 29 through 36, inclusive.

We have reviewed the Plat, the request with submitted materials, and our internal records. LCEC has **no objection** to the vacation as requested, provided, in the after situation the six foot wide perimeter platted utility easement surrounding the home site remains intact.

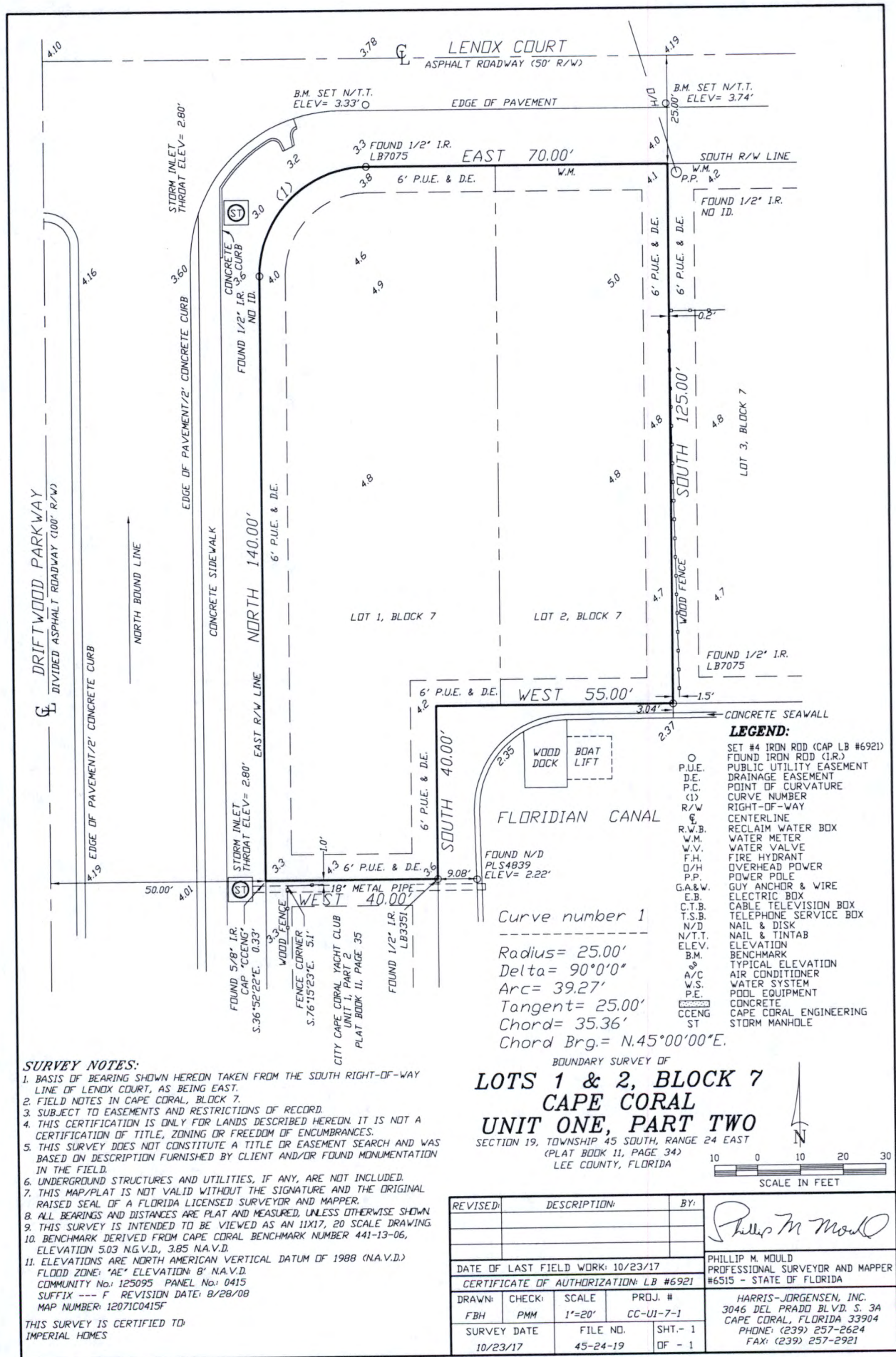
Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at russel.goodman@lcec.net.

Very truly yours,

Russel Goodman,
SR/WA

Digitally signed by Russel Goodman, SR/WA
DN: cn=Russel Goodman, SR/WA, o=Lee
County Electric Co-operative, ou=Design and
Engineering,
email=Russel.Goodman@lcec.net, c=US
Date: 2018.03.06 13:32:38 -05'00'

Russel Goodman, SR/WA
Design & Engineering Coordinator – Land Rights



SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LENDOX COURT, AS BEING EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 7.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 11X17, 20 SCALE DRAWING.
10. BENCHMARK DERIVED FROM CAPE CORAL BENCHMARK NUMBER 441-13-06, ELEVATION 5.03 NGV.D., 3.85 NAV.D.
11. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV.D.) FLOOD ZONE: "AE" ELEVATION: 8' NAV.D. COMMUNITY No: 125095 PANEL No: 0415 SUFFIX --- F REVISION DATE: 8/28/08 MAP NUMBER: 12071C0415F

THIS SURVEY IS CERTIFIED TO:
IMPERIAL HOMES

BOUNDARY SURVEY OF **LOTS 1 & 2, BLOCK 7 CAPE CORAL UNIT ONE, PART TWO** SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST (PLAT BOOK 11, PAGE 34) LEE COUNTY, FLORIDA

REVISED	DESCRIPTION	BY
DATE OF LAST FIELD WORK: 10/23/17		
CERTIFICATE OF AUTHORIZATION: LB #6921		
DRAWN: FBH	CHECK: PMM	SCALE: 1"=20'
SURVEY DATE: 10/23/17		PROJ. # CC-UI-7-1
FILE NO. 45-24-19		SHT.- 1 OF - 1

Phillip M. Mould

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH OF A PORTION OF:
**FLORIDAN CANAL RIGHT-OF-WAY
CAPE CORAL UNIT ONE PART TWO**

SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGE 29-36)
LEE COUNTY, FLORIDA

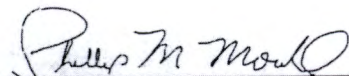
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS
DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 7, CAPE CORAL UNIT 1, PART TWO, AS RECORDED IN PLAT BOOK 34, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN NORTH FOR 40.00 FEET; THENCE RUN EAST TO THE SOUTHEAST CORNER OF LOT 2 OF THE AFORESAID BLOCK 7, FOR 55.00 FEET; THENCE RUN SOUTH TO A POINT ALONG THE WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 3.04 FEET; THENCE RUN WEST ALONG SAID SEAWALL TO A POINT OF CURVATURE FOR 24.77 FEET; THENCE CONTINUE ALONG SAID FACE OF A SEAWALL AND THE ARC OF CURVE TO THE LEFT FOR 32.99 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 20.70 FEET, A CENTRAL DELTA ANGLE OF 91°19'27", A CHORD THAT BEARS S.44°20'16"W. AND A CHORD DISTANCE OF 29.61 FEET; THENCE RUN S.01°19'27"E. FOR 15.78 FEET; THENCE RUN WEST TO THE AFORESAID SOUTHEAST CORNER OF LOT 1, BLOCK 7 FOR 9.90 FEET TO THE POINT OF BEGINNING.

CONTAINING: 614.16 SQ FT, MORE OR LESS.



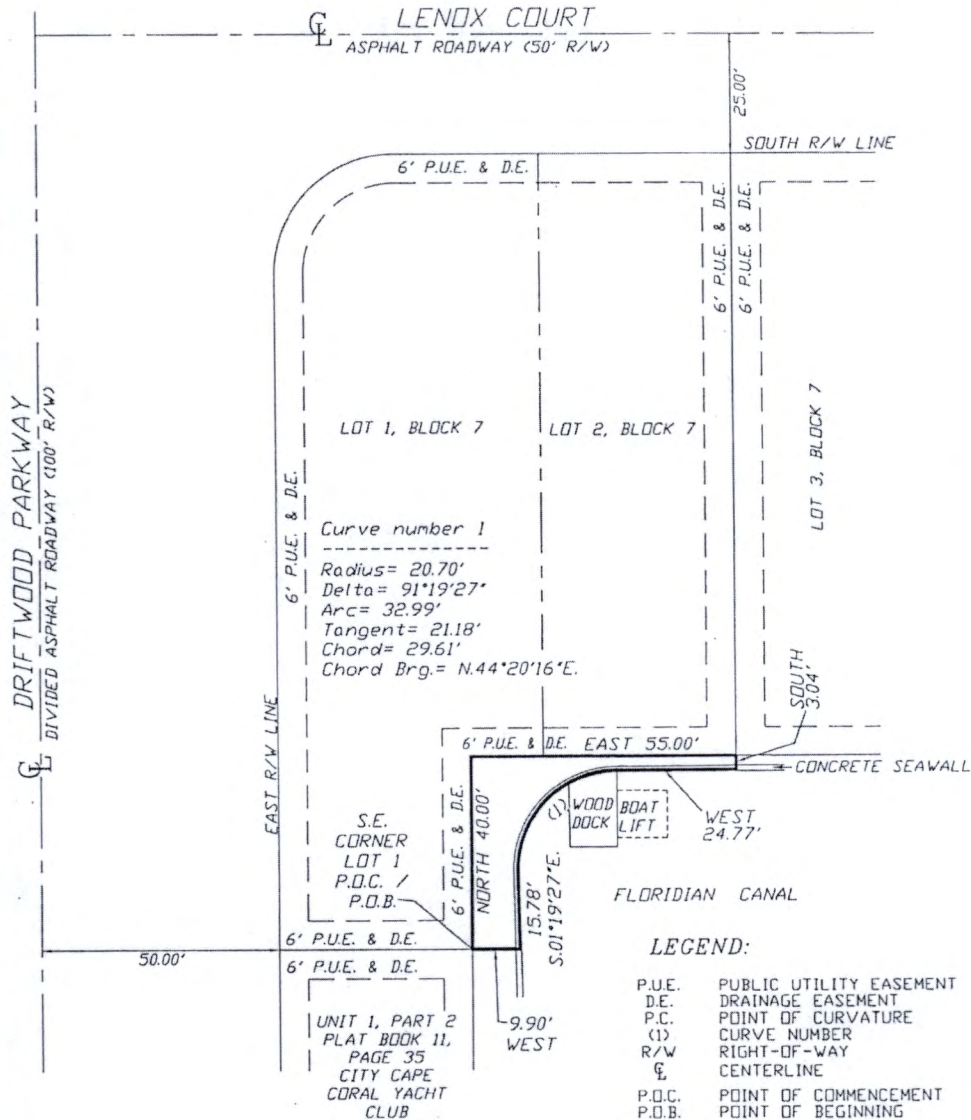
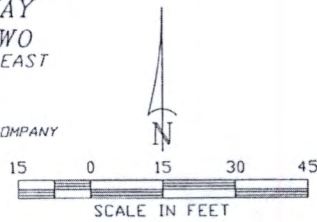
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
2/23/18

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S
3A
CAPE CORAL, FL. 33904
239-257-2624

SKETCH TO ACCOMPANY DESCRIPTION OF A PORTION OF:
FLORIDAN CANAL RIGHT-OF-WAY
CAPE CORAL UNIT ONE PART TWO
 SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 (PLAT BOOK 11, PAGE 29-36)
 LEE COUNTY, FLORIDA

SEE EXHIBIT 'A' SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY
 THIS SKETCH

NOT A BOUNDARY SURVEY



LEGEND:

P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
P.C.	POINT OF CURVATURE
(1)	CURVE NUMBER
R/W	RIGHT-OF-WAY
CL	CENTERLINE
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LENOX COURT, AS BEING "ASSUMED" AS EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 7.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2"x14", 30 SCALE DRAWING.

CC-U1-7-1

HARRIS-JORGENSEN, INC.
 3046 DEL PRADO BLVD. S.
 3A
 CAPE CORAL, FL. 33904
 239-257-2624

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH OF:

VACATION OF PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT(S)
LYING IN LOTS 1 & 2, BLOCK 7, CAPE CORAL UNIT ONE PART TWO

SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(PLAT BOOK 11, PAGE 29-36)

LEE COUNTY, FLORIDA

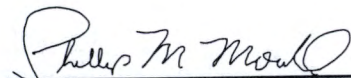
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS
DESCRIPTION

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 7,
CAPE CORAL UNIT 1, PART TWO, AS RECORDED IN PLAT BOOK
34, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE RUN NORTH ALONG THE EAST LINE OF SAID LOT 1 FOR
6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST
FOR 6.00 FEET; THENCE RUN NORTH FOR 40.00 FEET; THENCE
RUN EAST FOR 55.00 FEET; THENCE RUN SOUTH FOR 3.04 FEET;
THENCE RUN WEST TO A POINT OF CURVATURE FOR 18.77
FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT
FOR 12.70 FEET, SAID CURVE HAVING THE FOLLOWING
ELEMENTS, A RADIUS OF 26.70 FEET, A CENTRAL DELTA ANGLE
OF 27°14'40", A CHORD THAT BEARS S.76°22'40"W., A CHORD
DISTANCE OF 12.58 FEET TO A POINT OF CUSP ALONG THE
SOUTH LINE OF LOT 2, SAID BLOCK 7; THENCE RUN WEST FOR
18.00 FEET; THENCE RUN SOUTH ALONG THE EAST LINE SAID
LOT 1, BLOCK 7 FOR 34.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 453.98 SQ FT, MORE OR LESS.



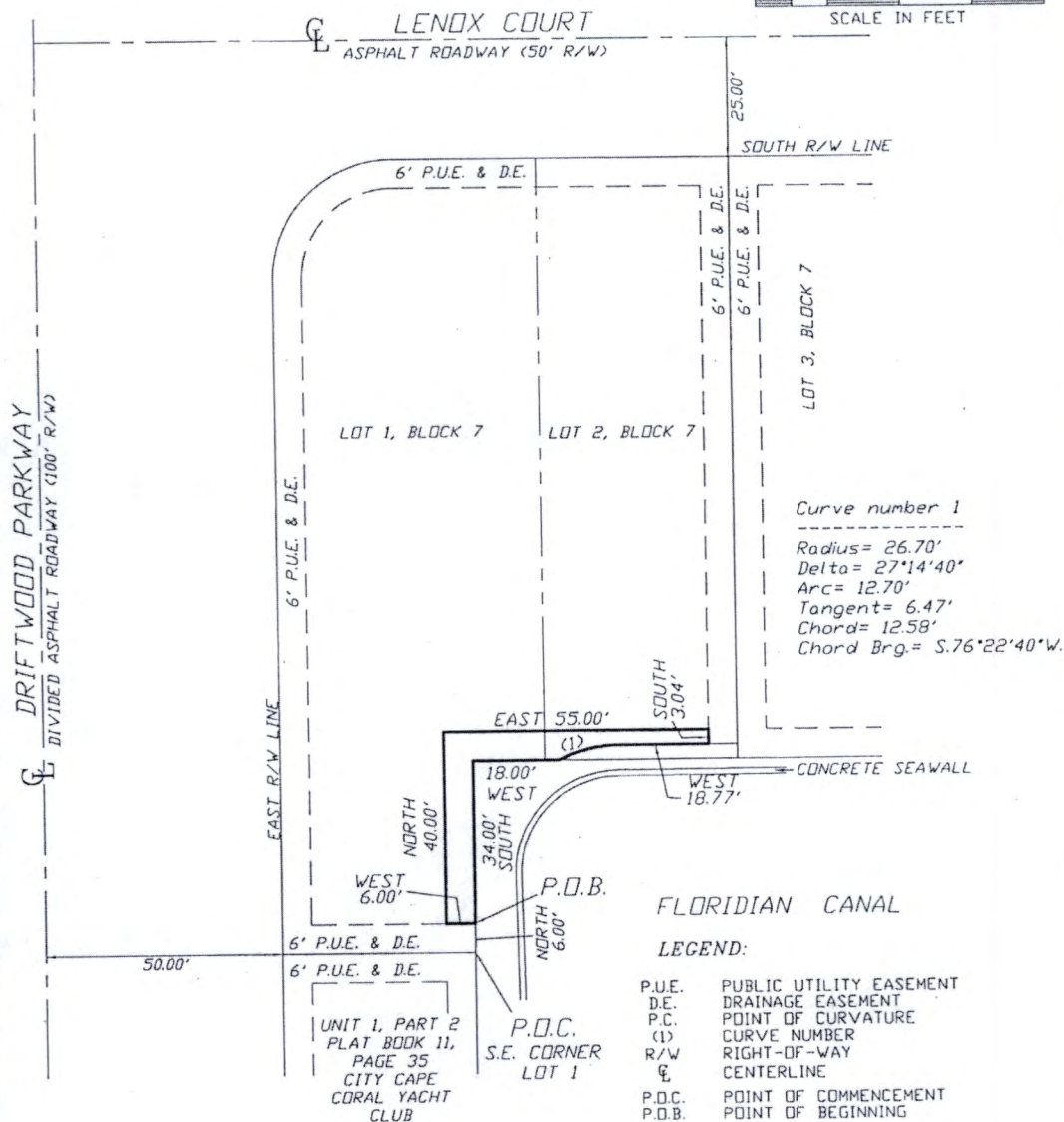
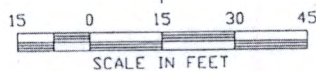
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
2/23/18

SKETCH TO ACCOMPANY DESCRIPTION:
 VACATION OF PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT(S)
 LYING IN LOTS 1 & 2, BLOCK 7, CAPE CORAL UNIT ONE PART TWO

SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 (PLAT BOOK 11, PAGE 29-36)
 LEE COUNTY, FLORIDA

SEE EXHIBIT 'B' SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY
 THIS SKETCH

NOT A BOUNDARY SURVEY



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LENEX COURT, AS BEING "ASSUMED" AS EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 7.
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7. THIS SKETCH / DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2x14", 30 SCALE DRAWING.

CC-UI-7-1

HARRIS-JORGENSEN, INC.
 3046 DEL PRADO BLVD. S.
 3A
 CAPE CORAL, FL. 33904
 239-257-2624

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH OF:

PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT(S) LYING IN A
PORTION OF FLORIDAN CANAL RIGHT-OF-WAY, CAPE CORAL UNIT ONE PART TWO
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGE 29-36)
LEE COUNTY, FLORIDA

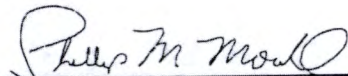
SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS
DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 7,
CAPE CORAL UNIT 1, PART TWO, AS RECORDED IN PLAT BOOK
34, PAGES 29-36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA
FOR A POINT OF BEGINNING; THENCE RUN NORTH FOR 6.00
FEET; THENCE RUN EAST FOR 3.76 FEET; THENCE RUN
N.01°19'27"W. TO A POINT OF CURVATURE FOR 9.65 FEET;
THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT FOR
42.56 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A
RADIUS OF 26.70 FEET, A CENTRAL DELTA ANGLE OF 91°19'27",
A CHORD THAT BEARS N.44°20'16"E., A CHORD DISTANCE OF
38.19 FEET TO A POINT OF CUSP; THENCE RUN EAST FOR 18.77
FEET; THENCE RUN SOUTH FOR 2.96 FEET; THENCE RUN EAST
FOR 6.00 FEET; THENCE RUN SOUTH TO A POINT ALONG THE
WATERS EDGE FACE OF A CONCRETE SEAWALL FOR 3.04 FEET;
THENCE RUN WEST TO A POINT OF CURVATURE FOR 24.77
FEET; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT
AND THE SAID WATERS EDGE FACE OF SEAWALL FOR 32.99
FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A
RADIUS OF 20.70 FEET, A CENTRAL DELTA ANGLE OF 91°19'27",
A CHORD THAT BEARS S.44°20'16"W., A CHORD DISTANCE OF
29.61 FEET; THENCE RUN S.01°19'27"E. ALONG SAID FACE OF
SEAWALL FOR 15.79 FEET; THENCE RUN WEST TO THE
SOUTHEAST CORNER OF SAID LOT 1, BLOCK 7 FOR 9.90 FEET
TO THE POINT OF BEGINNING.

CONTAINING: 474.78 SQ FT, MORE OR LESS.

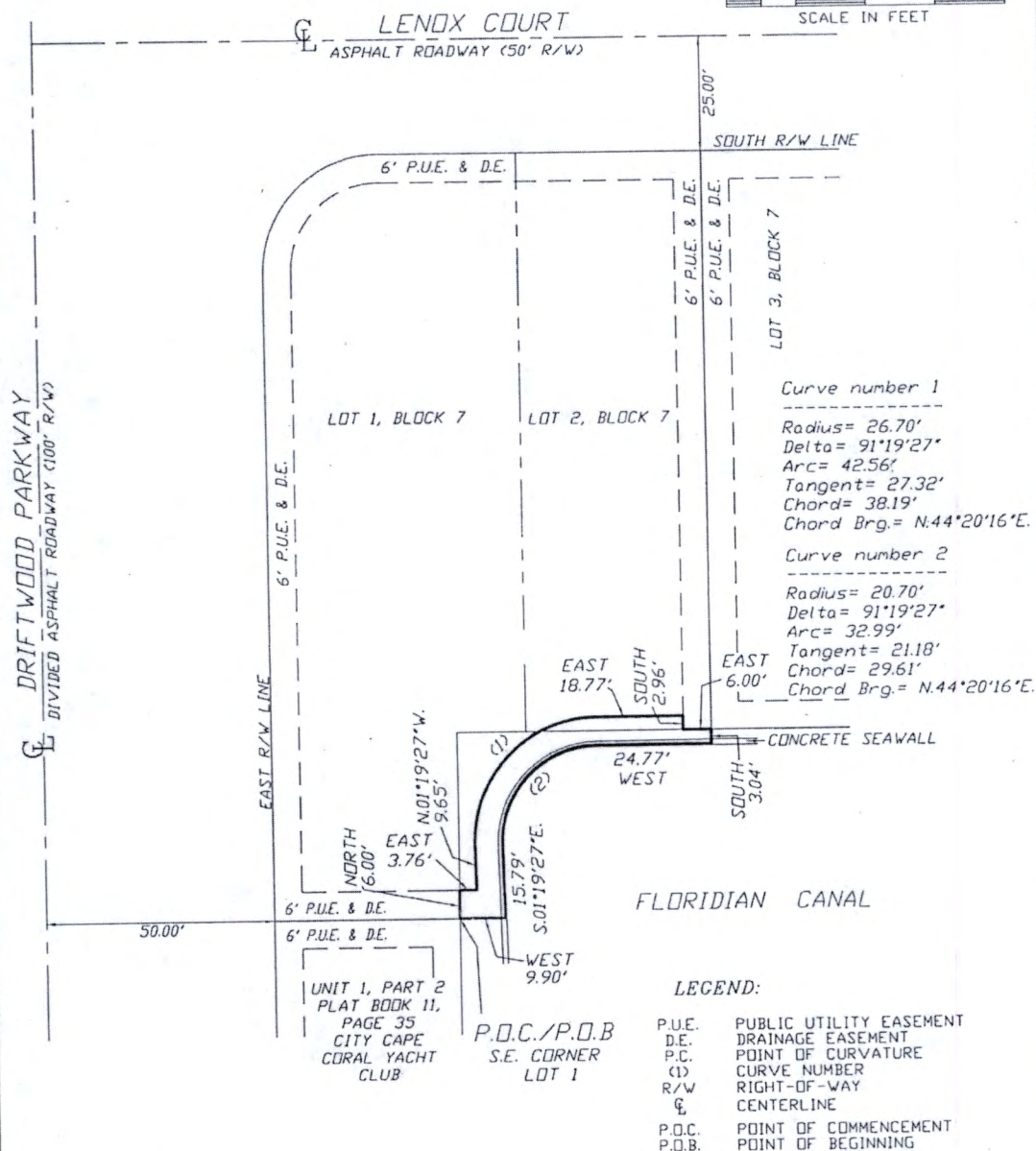
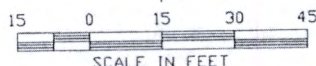


PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
2/23/18

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S
3A
CAPE CORAL, FL. 33904
239-257-2624

SKETCH TO ACCOMPANY DESCRIPTION:
 PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT(S) LYING IN A
 PORTION OF FLORIDIAN CANAL RIGHT-OF-WAY, CAPE CORAL UNIT ONE PART TWO
 SECTION 19, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 (PLAT BOOK 11, PAGE 29-36)
 LEE COUNTY, FLORIDA
 SEE EXHIBIT "C" SHEET 2 OF 2 FOR DESCRIPTION TO ACCOMPANY
 THIS SKETCH

NOT A BOUNDARY SURVEY



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LENOX COURT, AS BEING "ASSUMED" AS EAST.
2. FIELD NOTES IN CAPE CORAL, BLOCK 7.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS SKETCH / DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 30 SCALE DRAWING.

CC-UI-7-1

HARRIS-JORGENSEN, INC.
 3046 DEL PRADO BLVD. S.
 3A
 CAPE CORAL, FL. 33904
 239-257-2624

Review Date: April 11, 2018

**Applicant/
Property Owner:** Richard Toulouse

Owner Address: 1102 Lenox Court
Cape Coral, FL 33904

**Authorized
Representative** Imperial Homes

Request: The applicant requests to vacate ±614.16 sq. ft. of right-of-way (ROW) and all underlying easements associated with the Floridan Canal and ±453.98 sq. ft. of platted easements associated with Lots 1 and 2, Block 7.

Property Location: 1102 Lenox Court
Cape Coral Subdivision, Unit 1, Part 2, Block 7, Lots 1 and 2
Strap No. 19-45-24-C1-00007.0010

Prepared By: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Approved By: Robert H. Pederson, AICP, Planning Manager

Recommendation: **Approval with conditions**

Urban Service Infill

Property Description:

The applicant owns a two-lot platted site at the intersection of Driftwood Parkway and Lenox Court. The site had a single-family house that was demolished in 2018. A permit for a new single-family house was issued by the City in March of 2018. The site has a Single Family Future Land Use Classification and Single Family Residential (R-1B) Zoning. Sites to the north, east, and west share the same future land use and zoning classifications. The site to the south is owned by the City and is a parking lot for the Yacht Club. This site has a Parks and Recreation Future Land Use Classification and R-1B Zoning.

The plat for Unit 1, Part 2 shows this site has water frontage along the Floridan Canal that has a platted width of 80 feet. However, a strip of canal ROW consisting of dry land exists between the property line at the southeastern part of the site and the seawall. For most platted water-front sites in the City, the rear property line extends to the edge of the canal. The applicant seeks to vacate 614.16 sq. ft. of ROW to extend the site to the edge of the seawall.

Zoning History of Block 1904

The site has always had a Future Land Use Classification of Single Family and R-1B Zoning.

Analysis:

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 8.11, "Vacation of plats, rights-of-way and other property." The City Comprehensive Plan was also reviewed for policies on vacations.

The applicant owns Lots 1 and 2 in Block 5007 and is, therefore, eligible to apply for all three vacations analyzed below.

Request No. 1: Vacate 614.16 sq. ft. of ROW Adjacent to the Floridan Canal

This vacation involves the ROW between the property line along the southeast part of the site and the seawall along the Floridan Canal. While the ROW lacks improvements, it does appear to be maintained by the applicant. This ROW is too narrow to provide a tangible benefit to the public. As a result, there is no apparent reason for the City to maintain this strip of land as ROW. This vacation will enlarge the site by over 600 sq. ft. and will provide uninterpreted ownership of land between the rear property line and the edge of the seawall. A small amount of land will be added to the tax rolls and City maintenance obligations will be reduced by eliminating this ROW.

Request No. 2: Vacate 614.16 sq. ft. of Easements Underlying the Subject ROW

The applicant seeks to vacate 614.16 sq. ft. of easements underlying the ROW described above in Request No. 1. All three utility providers lack facilities in these easements. None of these providers object to this request. The City also lacks facilities within this easement. Staff recommends that easements be deeded to the City from the owner for providing a six-foot wide perimeter easement around the expanded site.

Request No. 3: Vacate 453.98 sq. ft. of Easements in Lots 1 and 2, Block 7

The applicant seeks to vacate 453.98 sq. ft. of platted easements along the east property line of Lot 1 and the southern property line of Lot 2. All three utility providers lack facilities in these easements and do not object to this request. The City lacks facilities within this easement. This easement will no longer be necessary as the owner will be providing the City with a six-foot wide replacement easement around the expanded site.

Consistency with the Comprehensive Plan

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands.

This request is consistent with Policy 1.15 of the Future Land Use Element.

Policy 1.15: *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

- a. Single Family Residential: *Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.*

Staff comment: This request is consistent with Policy 1.15.a as the site is an estimated 13,954 sq. ft. following the ROW vacation and the property has one single-family home. This equates to a density of 3.1 dwelling units per acre. This density is less than the maximum 4.4 dwelling units per acre allowed within this future land use classification.

Recommendation:

Staff recommends **approval** of the requested vacations with the following conditions.

Conditions of Approval

1. The vacation of the 614.16 sq. ft. of ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, Inc. entitled *Floridan Canal Right-Of-Way Cape Coral Unit 1 Part 2*, dated February 23, 2018.
2. The vacation of the 453.98 sq. ft. of easements lying in Lots 1 and 7, Block 7 shall be consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, Inc. entitled *Vacation of Portion of Public Utility and Drainage Easement(s) Lying Lots 1 & 2, Block 7, Cape Coral Unit 1 Part 2*, dated February 23, 2018.
3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed for a six-foot wide easement consistent with that shown in the sketch and accompanying legal description prepared by Harris-Jorgensen, Inc. entitled *Proposed Public Utility and Drainage Easement(s) Lying in a Portion of Floridan Canal Right-Of-Way, Cape Coral Unit 1 Part 2*, dated February 23, 2018. This deed shall be approved by the City Development Services Manager and Property Broker prior to execution.
4. This resolution shall be recorded with the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #3 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Development Management Team Coordinator

PH: 239-242-3255

Email: mstruve@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VP18-0004

REQUEST: The applicant, Richard Toulouse, seeks a vacation of plat for a portion of Floridan Canal right-of way and the underlying public utility and drainage easements located adjacent to Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, and the vacation of plat for public utility and drainage easements in Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, property is located at 1102 Lenox Court.

LOCATION: 1102 Lenox Court

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER(S): Richard Toulouse

AUTHORIZED REPRESENTATIVE: Imperial Homes

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 1, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



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Ad No.: 0002873746

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CAPE CORAL FL 33990
USA

Net Amt: \$404.21

Run Times: 1

No. of Affidavits: 1

Run Dates: 04/21/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VP18-0004

REQUEST: The applicant, Richard Toulouse, seeks a vacation of plat for a portion of Floridan Canal right-of way and the underlying public utility and drainage easements located adjacent to Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, and the vacation of plat for public utility and drainage easements in Lots 1-2, Block 7, Unit 1, Part 2, Cape Coral Subdivision, property is located at 1102 Lenox Court.

LOCATION: 1102 Lenox Court

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER(S):
Richard Toulouse

AUTHORIZED REPRESENTATIVE:
Imperial Homes

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VP18-0004
AD# 2873746



SUBJECT PARCEL

LENOX CT

DRIFTWOOD PKWY

DRIFTWOOD PKWY

FLORIDA

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

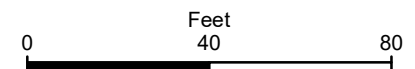
Case No. VP18-0004



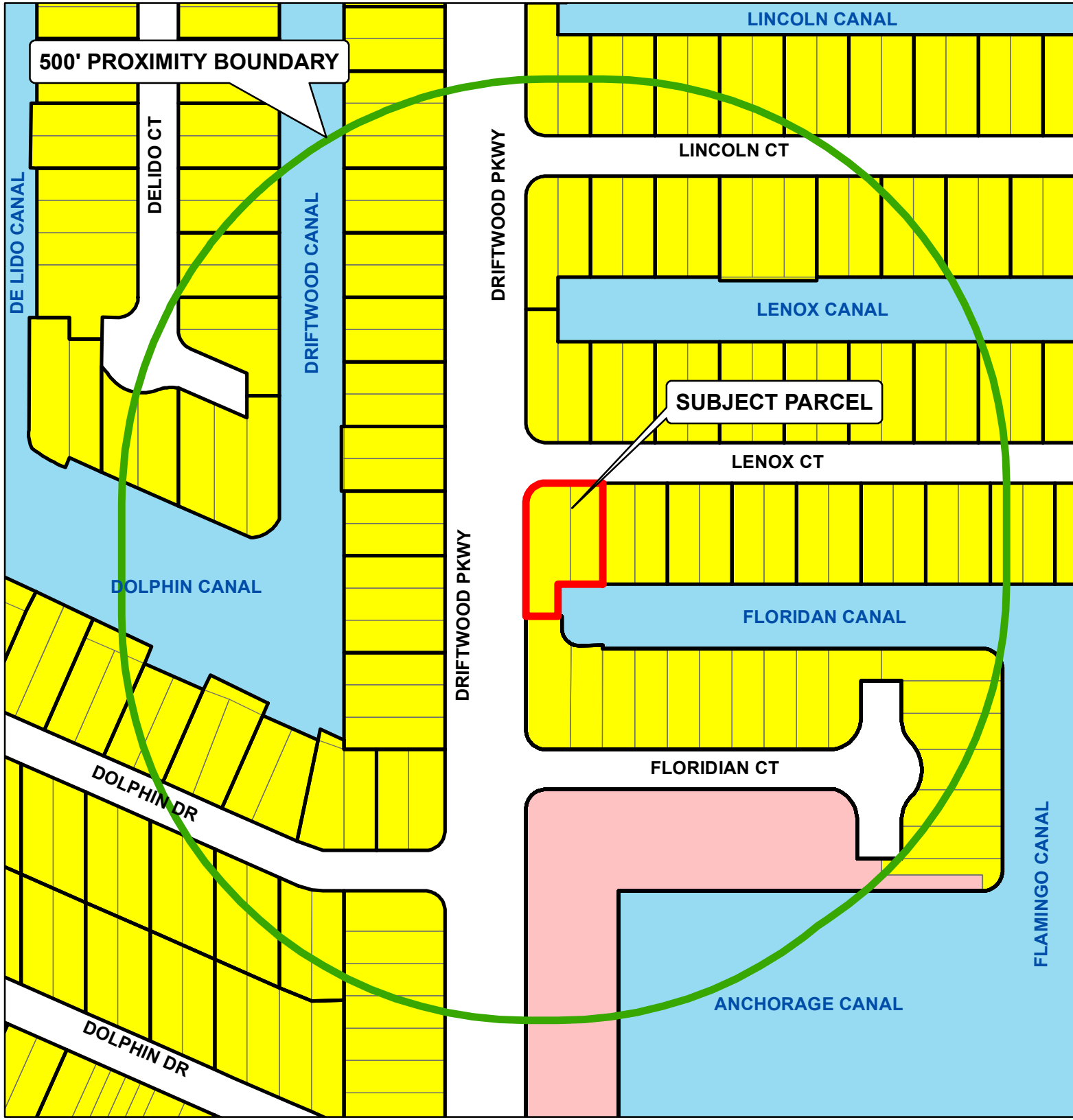
Subject Parcel



APRIL 3RD, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. VP18-0004

LEGEND

500' Proximity Boundary

Subject Parcel

Zoning

C-3

R-1B



APRIL 3RD, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

Item Number: 2.D.
Meeting Date: 5/1/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # SE18-0003*; Address: 3013 Del Prado Boulevard S, Suite 5; Applicant: Delprado 3013 LLC

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

A Special Exception to for a self-service fuel pump use in the Pedestrian Commercial (C-1) District.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

ATTACHMENTS:

Description	Type
□ Backup Material	Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Delprado 3013 LLC

Email: rgerrero@comcast.net

Address: 3013 Del Prado Blvd. S, Suite 5

City: Cape Coral State FL Zip 33904

Phone: 239-246-2537

APPLICANT (if different from Owner)

Email: _____

Address: _____

City: _____ State _____ Zip _____

Phone: _____

AUTHORIZED REPRESENTATIVE

Robert Gerrero

Email: rgerrero@comcast.net

Address: 3013 Del Prado Blvd. Suite 5

City: Cape Coral State FL Zip 333904

Phone: 239-246-2537

Unit _____ Block 1156 Lot(s) 15 Subdivision _____

Address of Property 3013 Del Prado Blvd. S

Plat Book _____ Page _____

Current Zoning C-1 Strap Number 3244244011560150

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

Del Prado 3013 LLC

NAME (PLEASE TYPE OR PRINT)

Del Prado 3013 LLC

CORPORATION/COMPANY NAME

Robert Gerrero

APPLICANT'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, or City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the

21st day of

Feb, 20 18

Robert D. Gerreco
PRINT APPLICANT'S NAME

[Signature]
APPLICANT'S SIGNATURE

STATE OF FLORIDA, COUNTY OF

LEE

Subscribed and sworn to (or affirmed) before me this

21st day of Feb, 20 18, by

Robert D. Gerreco who is personally known or produced
as identification

NOTARY PUBLIC



Date:

8/10/21

Commission Number:

GG 131366

Signature of Notary Public:

[Signature]

Printed name of Notary Public:

M. CARLA GARCIA-CASTRO



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

(SIGNATURE MUST BE NOTARIZED)

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FLORIDA, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 21st day of Feb, 2018 by
Robert D. Guerrero who is personally known or produced
as identification.

Exp. Date: 8/10/21 Commission Number: GG/31366

Signature of Notary Public:

Printed name of Notary Public:

M. Carla Garcia-Castro
M CARLA GARCIA-CASTRO





DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

Michael Dixon - Dixon Maritime, LLC

PLEASE BE ADVISED THAT

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR
Special Exception

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT _____ BLOCK 1156 LOT(S) 15 SUBDIVISION _____

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Del Prado 3013 LLC

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Robert D. Genero (owner)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

STATE OF Florida, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 21st day of Feb, 2018, by

Robert D. Genero who is personally known or produced
as identification _____



Exp. Date:

8/10/21

Commission Number:

GG/31366

Signature of Notary Public:

M. Carla Garcia-Castro

Printed name of Notary Public:

M. CARLA GARCIA-CASTRO

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

Case # _____

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Del Prods 3013 LLC
OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Robert D. Gennaro (Owner)
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this 21st day of Feb 2018,
by Robert D. Gennaro, who is personally known or who has produced _____
as identification.

Exp. Date 8/10/21
Commission # GG-131366

M. Carla Garcia-Castro
Signature of Notary Public

M. Carla Garcia-Castro
Name of Notary Public



LETTER OF INTENT – February 21, 2018

City of Cape Coral
Department of Community Development
SPECIAL EXCEPTION APPLICATION

BACKGROUND

Paradise Boat Rentals has operated a leased marina and offices at 3013 Del Prado Blvd. S. since 2010. Dixon Maritime, LLC acquired the assets of Paradise Boat Rentals from Paradise Holiday Corporation on October 31, 2017. Since that time Dixon Maritime has spent considerable time and money restoring the facilities including the removal of unsightly materials, repair of the stockade fence & signage and remodeling of the interior. The landlord has completed exterior painting in the front of the building and is in the process of repairing and painting the exterior at the rear of the property. Currently, seawall repairs are being completed for damages resulting from hurricane Irma. The philosophy of Dixon Maritime is that the customer experience is of utmost importance which includes improving the esthetics and ensuring harmony with our neighbors. One aspect that we are missing to be of public service is fuel dispensing. Currently we must have our customers stop during their limited boating time and obtain fuel elsewhere before returning the boat.

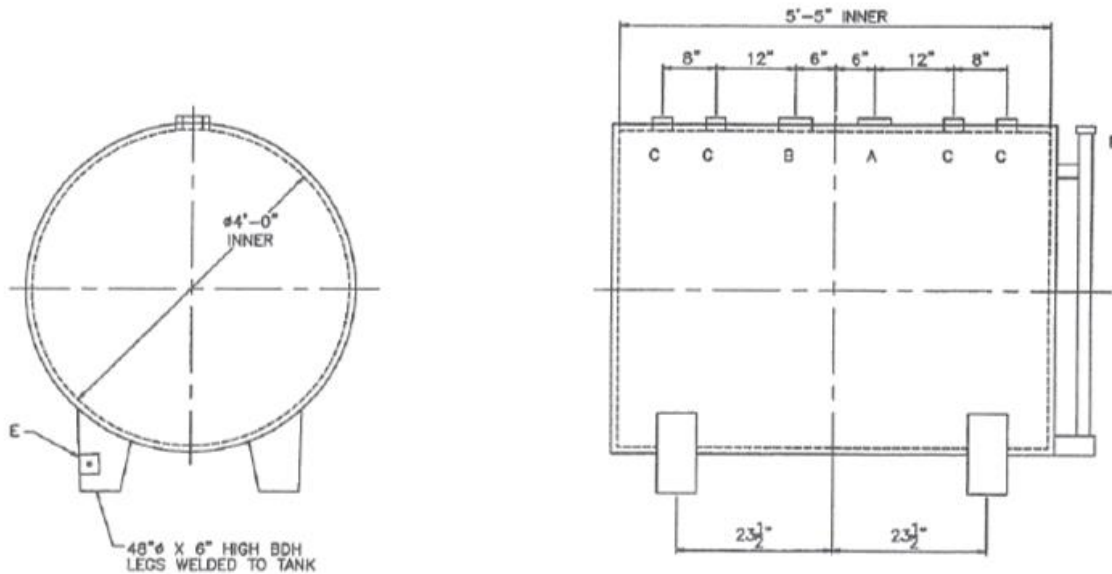
Special Exception Use

Paradise Boat Rentals is requesting that **self-service fuel pump** use be allowed at the site pursuant requirements of C-1 zoning. The scope of the project would include the placement of one (1) prefabricated gasoline fuel tank and an associated fuel pump and necessary hosing/nozzle.

Photos of the dock area to be used for self-service fuel dispensing:



The storage tank will be nominally 500 gallons in capacity, double walled, and above ground. The approximate location is shown in the site plan but the exact placement will depend on NFPA and City of Cape Coral requirements. The tank will be owned by Highlands Oil Company who will be supplying the gasoline. Here is a sketch of the tank:



Adherence to Standards

Pursuant to ARTICLE VIII: - ADMINISTRATION §8.8.5 – Special Exceptions, this request satisfies the standards as follows:

- a. Generally. The proposal shall comply with all requirements of the zoning districts in which the property is located, the Land Use and Development Regulations, and all other applicable law.

The property is zoned C-1, Commercial and Paradise Boat Rentals operates in compliance with applicable Cape Coral rules and the Certificate of Use¹ as a Marina.

The fuel pump dispensing and tank are exempt² from requiring a Federal Spill Prevention, Control & Countermeasure (SPCC) plan. As noted above, the tank is double-walled and will be operated to avoid the discharge of fuel to the ground or waterway.

¹ CU17-70723 – Rental Establishment - Boats

² 40 CFR §112.1(d) Except as provided in paragraph (f) of this section, this part does not apply to...(2) (ii) The aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil.

The use is also exempt³ from requiring a Florida Department of Environmental Protection air permit.

- b. Compatibility. The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.

The property is suitable due to its proximity to the Caloosahatchee River and the presence of preexisting dockage.

In terms of the Special Exception Use for a self-service fuel pump, the area proposed to locate the pump and associated tank is adjacent to the docks and the design is consistent with any typical small marina.

Immediately adjacent to the use area is a vacant lot.

Photo of the side yard facing the vacant property:



³ 62-210.300 (3) Exemptions from Permitting...(a) Categorical and Conditional Exemptions...19. Vehicle refueling operations and associated fuel storage.

Directly across the canal are single-family homes. These homes generally have docks consistent with the use area.

A 6" concrete pad with a small retaining wall is proposed. Photo of the side yard facing the rear:



- c. Minimum lot frontage; access. Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines should be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the Hearing Examiner.

The property has existing parking and frontage to support the proposed use. Other than the periodic fuel delivery truck there will be no increase in traffic. We have adequate room in the parking lot in front of the fenced area for the delivery truck to park. The entrance and exit are sufficient for this activity and consistent with other delivery trucks that come onto the premises daily.

Photo of the side yard where use is proposed:



- d. Building location; setbacks. All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines may be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.

The self-service fuel pump and associated storage tank will be located at least 5 feet from the building and 15 feet from the side property line in accordance with National Fire Protection Association (NFPA) standards⁴.

⁴ Per NFPA 101- 42.9 Marine Fueling

Table 42.3.3.2.4 Minimum Separation Requirements for Aboveground Tanks - Minimum Distance (ft)

Tank Type	Individual Tank Capacity (gal)	From the Nearest Important Building on the Same Property	From Nearest Fuel Dispensing Device	From Lot Line That Is or Can Be Built Upon	From the Nearest Side of Any Public Way	Between Tanks
Protected aboveground tanks	Less than or equal to 6,000	5	0	15	5	3

The approximate location of the fuel pumps and tank is where the picnic table sits in this photo:



- e. Screening and buffering. A continuous strip of properly maintained landscaped area should be provided along all property lines and along all streets serving the premises. Such continuous strip of properly maintained landscaped area may, however, be allowed to contain walkway(s) and driveway entrances. The Hearing Examiner shall also require that the premises be permanently screened from adjoining and contiguous properties by a fence, evergreen hedge and/or other approved enclosure when deemed appropriate to buffer the special exception use from surrounding uses.

The front and side already have 6' stockade-type fencing. The rear of the use area will have a hedge added to provide natural screening. Clusia (aka pitch apple) is proposed based on the foliage is this plant's feature characteristic - leaves are thick and leathery, shaped like fat teardrops or paddles. They are low-maintenance and trouble-free, these plants branch out close to the ground and can get very wide. They're excellent as hedges for a wall of privacy.

Photo of a typical Clusia:



We are requesting that self-service fuel pump use be allowed at the site pursuant requirements of C-1 zoning for a self-service fuel pump to be used to refuel our rental boats. This is imperative in order for us to provide our customers with a good boating experience due to the competitive boat rental market in Cape Coral.

Michael R. Dixon, P.E.

President

Dixon Maritime, LLC d/b/a Paradise Boat Rentals

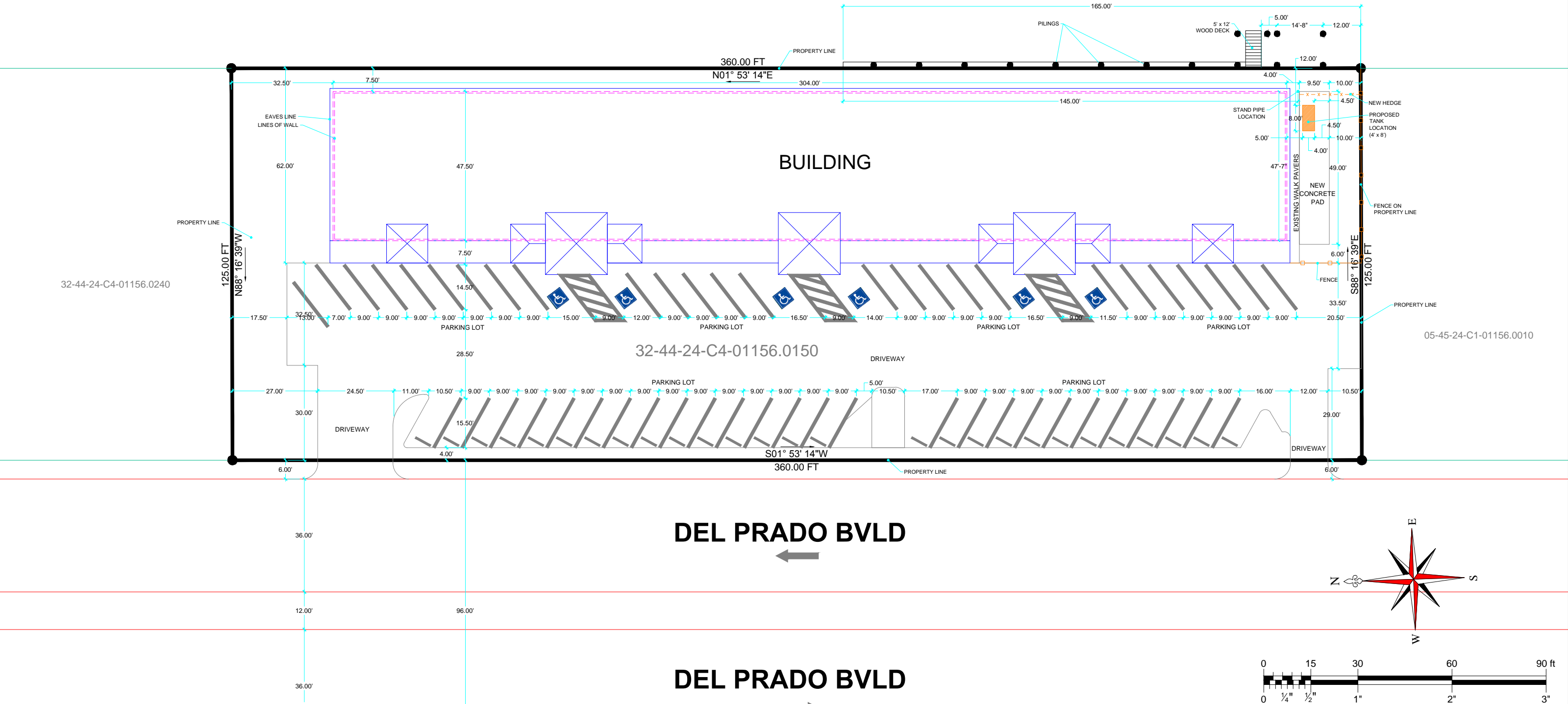
3013 Del Prado Blvd. S, Suite 14

Cape Coral, FL 33904

(610) 405-5487 (mobile)



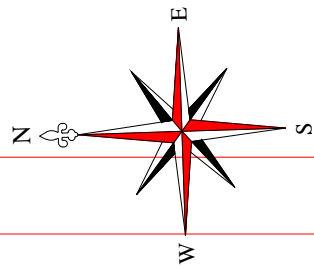
GILBERT CANAL

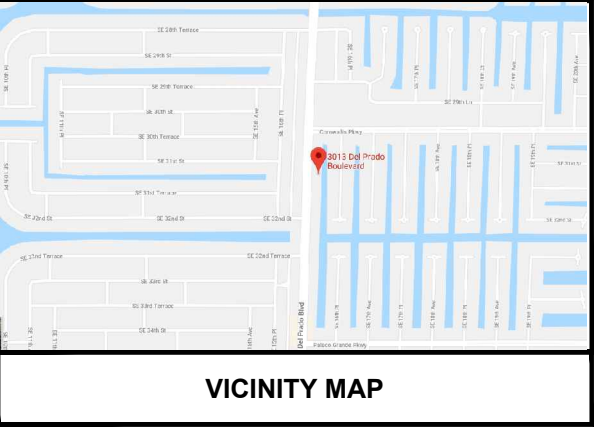


SITE PLAN
3013 DEL PRADO BLVD, CAPE CORAL, FL 33904
PARCEL #:32-44-24-C4-01156.0150
AREA:45.000.00 sqft (1.03 acres)

DEL PRADO BLVD

DEL PRADO BLVD



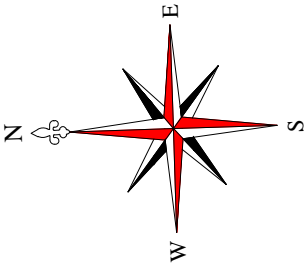


VICINITY MAP

BUILDING

SITE PLAN - DETAIL

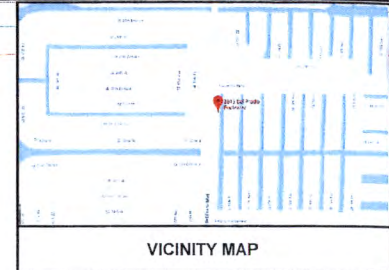
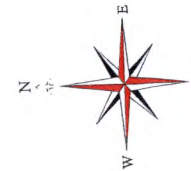
3013 DEL PRADO BLVD, CAPE CORAL, FL 33904
PARCEL #:32-44-24-C4-01156.0150
AREA:45.000.00 sqft (1.03 acres)



SCALE=1":10'

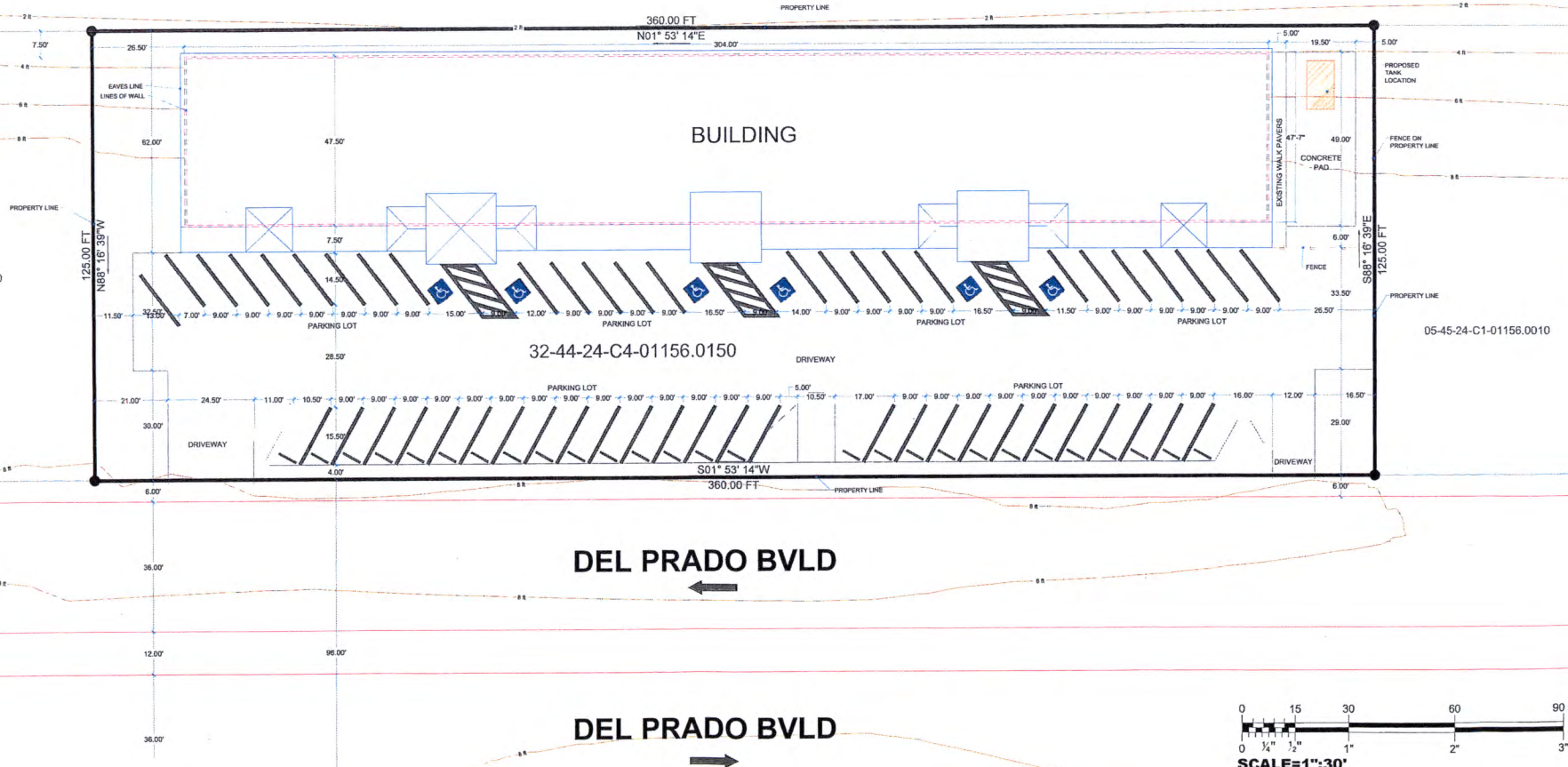


GILBERT CANAL



VICINITY MAP

32-44-24-C4-01156.0240



SITE PLAN

3013 DEL PRADO BLVD, CAPE CORAL, FL 33904

PARCEL #:32-44-24-C4-01156.0150

AREA:45,000.00 sqft (1.03 acres)



Planning Division Case Report

SE18-0003

Review Date: April 12, 2018

Applicant/Owner: Delprado 3013 LLC

Authorized Representative: Robert Guerrero

Request: A Special Exception to for a self-service fuel pump use in the Pedestrian Commercial (C-1) District.

Location: 3013 Del Prado Boulevard S, Suite 5
Unit 20, Block 1156, Lots 15-23

Prepared By: Justin Heller, Planner

Reviewed By: Mike Struve, AICP, Planning Team Coordinator

Approved By: Robert Pederson, AICP, Planning Manager

Recommendation: **Approval with conditions**

Property Description and Background:

	<i>Zoning</i>	<i>Future Land Use</i>
<i>Subject Parcel:</i>	Commercial Pedestrian (C-1)	Commercial Professional (CP)
	<i>Surrounding Zoning</i>	<i>Surrounding Future Land Use</i>
<i>North:</i>	C-1	CP
<i>South:</i>	Professional Office (P-1)	CP
<i>East:</i>	Single-Family (R-1B)	Single-Family (SF)
<i>West:</i>	C-1	CP

The site is 45,000 square feet and is in SE Cape Coral along Gilbert Canal. The property has C-1 Zoning and a Commercial/Professional Future Land Use (FLU) Classification. The applicant operates a boat rental business onsite, and is requesting a fuel pump use to allow rental boats to be refueled that are moored in the canal behind the business. A concrete pad and fuel tank are proposed on the south side of the building. No modifications to the existing building are proposed. The fuel tank will be on the southeast corner of the site about 12 feet from the canal. The dimensions of the fuel tank are about four feet wide by six feet long and four feet high.

Analysis:

The Planning Division reviewed this application based on the City Land Use and Development Regulations (LUDR), Section 2.7.9, and the five standards under LUDR, Section 8.8.5a-e for Special Exceptions and offers the following analysis for consideration:

- 1) *Generally - The proposal shall comply with all requirements of the zoning districts in which the property is located, this ordinance, and all other applicable law.*

The site has C-1 Zoning, which is consistent with the CP FLU Classification. The self service fuel pump use is allowed as a Special Exception in the C-1 District.

- 2) *Compatibility: The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.*

The applicant currently operates a boat rental business on the property. The fuel tank will allow the refueling of rental boats in the canal behind the site. Despite having over 400 miles of canals in the City, on-water refueling facilities are rather limited in Cape Coral. Because this facility will only refuel rental boats, no additional boat traffic will be generated by this use. The fuel tank will be on a concrete pad and will meet all applicable setbacks and codes, and will be screened from the adjacent properties with opaque fencing and landscaping.

- 3) *Minimum Lot Frontage; Access: Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines should be required when the lot has more than the minimum required frontage on a street.*

The property has sufficient parking and frontage to support the proposed use. Other than occasional fuel deliveries to the site, there will be no increase in traffic. Adequate room exists in the parking lot in front of the fenced area for fuel deliveries. The site has two driveways that will provide for adequate maneuverability and circulation for vehicles within this site.

- 4) *Building Location; Setbacks: All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines may be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.*

The self-service fuel pump and storage tank will be a minimum of five feet from the building and 15 feet from the side property line in accordance with National Fire Protection Association (NFPA) standards.

- 5) *Screening and Buffering: A continuous strip of properly maintained landscaped area should be provided along all property lines and along all streets serving the premises. Such continuous strip of properly maintained landscaped area may, however, be allowed to contain walkway(s) and driveway entrances.*

The area designated for the fuel pump use has six-foot tall stockade-type fencing on the front and south side. Part of the fencing on this side near the water is chain link. The rear of this area will have a hedge added to provide natural screening. Staff recommends screening the entire fuel pump use area with opaque fencing.

Comprehensive Plan

The project is consistent with Policies 1.15c, and 8.3, of the Future Land Use Element of the Comprehensive Plan.

Policies 1.15c *“Commercial/Professional (CP): Intensities of use in the Commercial/Professional land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Density, as permitted within the Flexible Development Overlay District (see below), shall not exceed 16 units per acre.”*

Staff Comment: The floor to lot area ratio is currently less than 1.0.

Policy 8.3: *“Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.”*

Staff Comment: The Fuel tank will be screened with opaque fencing and landscaping.

Recommendation:

Planning staff finds that the Special Exception will not be contrary to public interest and will be in harmony with the general intent and purpose of the LUDR's. The Planning Division recommends **approval** of the Special Exception with the following conditions:

1. The developer shall screen the rear of the use area with a continuous hedge, consisting of shrubs spaced no greater than three feet on center. The hedge shall be installed at a minimum height of 32 inches and be in at least a seven seven-gallon container. The shrubs shall be maintained at a minimum height of 48 inches at maturity.
2. A six-foot tall solid opaque fence shall be installed along the south property line to screen the fuel tank from the adjacent property. The fence shall extend to the edge of the seawall and will replace the existing chain link fence.
3. Any dead or missing landscaping shown on the approved landscaping plan for the site shall be replaced.
4. The applicant shall obtain permits from the City for the floating docks behind the store or shall remove the docks from the canal.
5. The fuel pump shall be used solely for the refueling of rental boats used by the business. Retail fuel sales to the public are prohibited.
6. Rental boats shall be moored in a manner that project no more than 25% of the waterway width into the canal.
7. Conditions 1 & 2 shall be completed prior to a certificate of use being issued for the self-service fuel pump.
8. Conditions 3 & 4 shall be completed prior to issuance of any permits for the fuel tank.



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: SE18-0003

REQUEST: A Special Exception to for a self-service fuel pump use in the Pedestrian Commercial (C-1) District.

LOCATION: 3013 Del Prado Boulevard S, Suite 5
Unit 20, Block 1156, Lots 15-23

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

PROPERTY OWNER(S): Delprado 3013 LLC

AUTHORIZED REPRESENTATIVE: Robert Gerrero

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 1, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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USA

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Run Times: 1

No. of Affidavits: 1

Run Dates: 04/21/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: SE18-0003

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LOCATION: 3013 Del Prado Boulevard
S, Suite 5
Unit 20, Block 1156, Lots 15-23

CAPE CORAL STAFF CONTACT: Justin
Heller, Planner, 239-574-0587,
jheller@capecoral.net

PROPERTY OWNER(S): Delprado 3013
LLC

AUTHORIZED REPRESENTATIVE: Robert
Gerrero

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE18-0003
AD# 2873777 Apr. 21, 2018

SE 15TH PL

DEL PRADO BLVD S


DEL PRADO BLVD S

GILBERT CANAL

SUBJECT PARCEL

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. SE18-0003

 Subject Parcel



FEBRUARY 21ST, 2018

0 Feet 80 160


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. SE18-0003


LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

 C-1

 P-1

 R-1B

 R-3

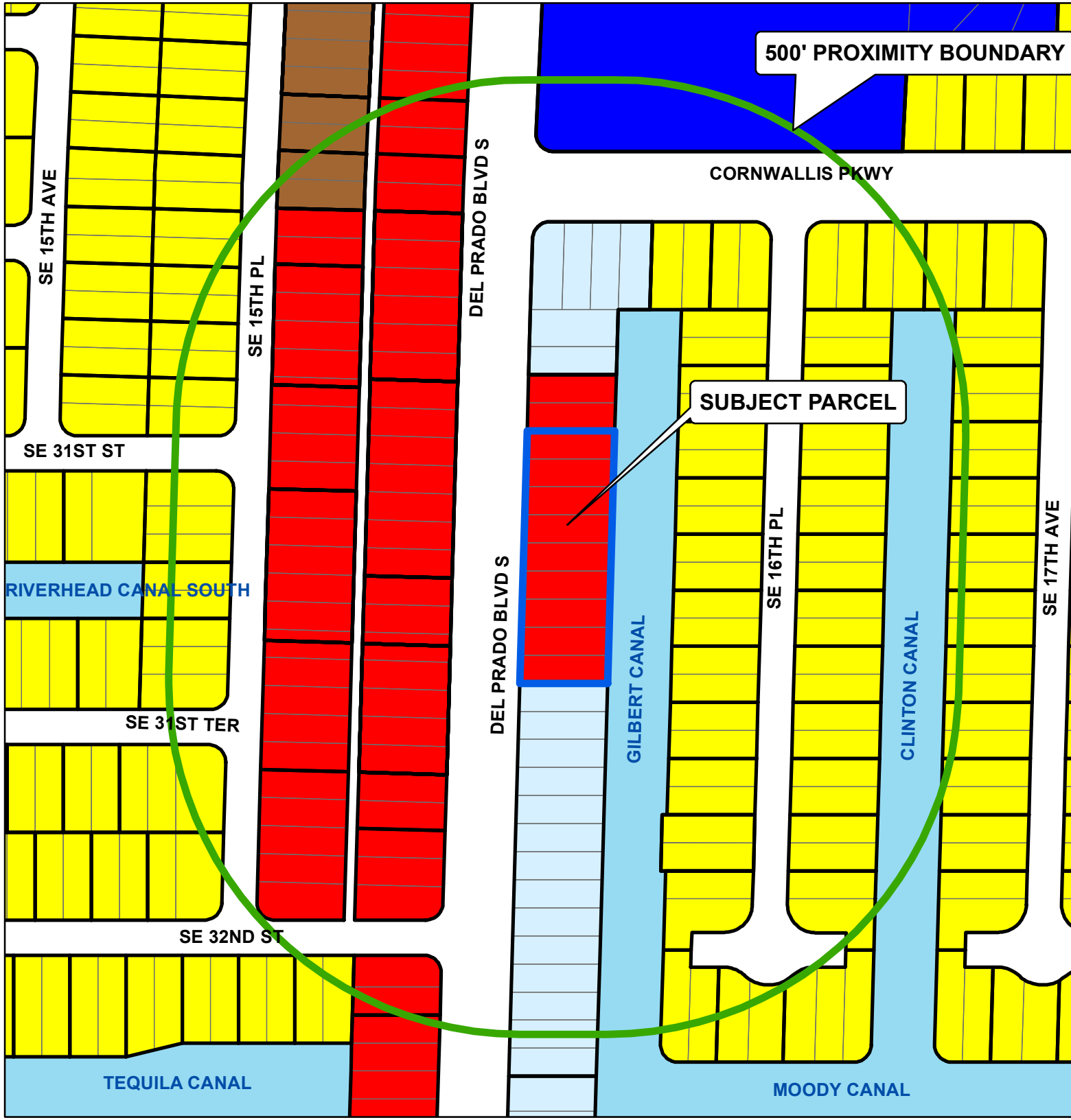
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FEBRUARY 21ST, 2018



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Owner_Name	Mailing_Ad	Mailing_Ci	Ma Mailing_Zi
MANDER ELEANOR TR FOR ELEANOR			
A MANDER REVOCABLE TRUST	6 CARDWELL ST	ORANGEVILLE	ON L9W 2V4 CA
MATLACHA HOMES LLC	401-10 ELLEN ST E	KITCHENER	AB N2H 6R8 CA
10 WEST 90TH STREET LLC	36 OAKSIDE RD	SMITHTOWN	NY 11787
3046 DEL PRADO BIZ CENTER LLC	28 HARDFORD AVE	MADISON	CT 06443
3046 DEL PRADO LLC	5669 LA SEYNE PL	SAN JOSE	CA 95138
3046 DEL PRADO LLC	3036 OLIVER DR	SAN JOSE	CA 95135
ANDERSON ROBERT A + JANICE R	3022 SE 15TH PL	CAPE CORAL	FL 33904
ANDREWS STANLEY B	3114 SE 17TH AVE	CAPE CORAL	FL 33904
BATHON JOSEPH	1518 SE 32ND ST	CAPE CORAL	FL 33904
BMC + ASSOCIATES INC	PO BOX 101612	CAPE CORAL	FL 33910
BRIDGERS DAN + MYSHA	3110 SE 16TH PL	CAPE CORAL	FL 33904
BUTTS TIMOTHY S + LISA KAY	3110 SE 17TH AVE	CAPE CORAL	FL 33904
COFER JOSEPH B JR + LALITA L	4917 SEVILLE CT	CAPE CORAL	FL 33904
COTTER JAMES F	PO BOX 51	ALLENWOOD	NJ 08720
CYPHER EARL W + SUSAN M	8579 SUMNER AVE	FORT MYERS	FL 33908
D + P CAPE CORAL LLC	4552 WEST VALLEY DR	FRANKLIN	WI 53132
DEL PRADO 3013 LLC	3015 SE 22ND PL	CAPE CORAL	FL 33904
DEL PRADO BLVD LLC	1800 CAMDEN RD STE 107-245	CHARLOTTE	NC 28203
DIANTONIO RICHARD J	3018 SE 16TH PL	CAPE CORAL	FL 33904
DUNNE JAMES E + GERALDINE	9 MALLARD WAY	MOULTONBOROUGH	NH 03254
EMBARQ FLORIDA INC	PO BOX 2599	OLATHE	KS 66063
FIFTH THIRD BANK	999 VANDERBILT BEACH RD	NAPLES	FL 34108
GAJAFSKY ROGER + MOSQUERA			
SOCORRO H/W	6386 SW 42ND ST	MIAMI	FL 33155
GALE DARI L TR + SERRITELLA			
ANTHONY P TR + BELLIO DEBRA			
ANTONETTE TR FOR ALBERT R BELLIO			
FAMILY TRUST	1207 SW 52ND TER	CAPE CORAL	FL 33914
GEPHART TIMOTHY G + TERESA K	1875 E 720 S	WOLCOTTVILLE	IN 46795
GRADYS MARIE C	3014 SE 15TH PL	CAPE CORAL	FL 33904
GRISE R AVERY + GRISE WINK J/T	1111 PLANTATION DR	SURFSIDE BEACH	SC 29575
HALL AMI C	3102 SE 16TH PL	CAPE CORAL	FL 33904
HAMPTON CHARLES W & JOAN TR			
FOR CHARLES W + JOAN HAMPTON			
LIVING TRUST	3122 SE 16TH PL	CAPE CORAL	FL 33904
HART RANDALL C + RANDI A	3109 SE 16TH PL	CAPE CORAL	FL 33904
HPA BORROWER 2017-1 ML LLC	3105 SE 16TH PL	CAPE CORAL	FL 33904
HT PROPERTIES LLC	54 JACONNET ST	NEWTON HIGHLANDS	MA 02461
JORDAN EARL R + LINDA L	1503 SE 31ST TER	CAPE CORAL	FL 33904
JP MORGAN CHASE BANK NA TR FOR			
CERTIFICATES SERIES 2004-7	8950 CYPRESS WATERS BLVD	COPPELL	TX 75019
KARLOSKY JACQUALYN L	10932 1890 E ST	TISKILWA	IL 61368
KLINKER DAVID	3378 E 700 N	PINE VILLAGE	IN 47975
KRAVER FAMILY LLC	3001 DEL PRADO BLVD	CAPE CORAL	FL 33904
LANDE GARY E + VIRGINIA H TR FOR			
LANDE TRUST	16660 CHAPLIN AV	ENCINO	CA 91436
LAUGHING SANDRA + LAUGHING			
JAMES T/C	3108 SE 15TH PL	CAPE CORAL	FL 33904

M2D INVESTMENTS LLC	5858 HARBOUR PRESERVE	CAPE CORAL	FL 33914
MALIK KASHIF	2620 SE 17TH AVE	CAPE CORAL	FL 33904
MATHIS AND SONS CONSTRUCTION	2324 SW 22ND ST	CAPE CORAL	FL 33991
MAUHI ENTERPRISES INC	4411 CLEVELAND AVE	FORT MYERS	FL 33901
MCCAMMON PAT J + MARTHA ANN L/	3014 SE 17TH AVE	CAPE CORAL	FL 33904
MCLAFFERTY CLAY	230 FISH ST	TURNER	ME 04282
MORIS MANUEL S & BADELL VLEYDIS C	3011 SE 15TH PL	CAPE CORAL	FL 33904
NEIS TODD A	3118 SE 16TH PL	CAPE CORAL	FL 33904
NEW SOLUTIONS DIAMOND FUND LP	9130 CORSEA DEL FONTANA WAY	NAPLES	FL 34109
PADOVA BERNICE M	3018 SE 15TH PL	CAPE CORAL	FL 33990
PERALTA MANUEL + PERALTA JOSEFINA J/T	3104 SE 15TH PL	CAPE CORAL	FL 33904
PERSAUD VIDIANAND + NADIRA	12911 EAGLE RD	CAPE CORAL	FL 33909
PJP PROPERTIES LLC	4425 CORDLEY LAKE RD	PINCKNEY	MI 48169
PURVES KEITH C + TAMMY M	3006 SE 17TH AVE	CAPE CORAL	FL 33904
RIZZA BENITO C + PATRICIA M	PO BOX 447	DEDHAM	MA 02027
ROWEN DAVID D TR FOR DAVID D			
ROWEN LIVING TRUST	3126 SE 16TH PL	CAPE CORAL	FL 33904
SADIGHI SHEILA A	16 WOOTTON RD	ESSEX FELLS	NJ 07021
SCOTT JAMIE C + ALLISON L	3102 SE 17TH AVE	CAPE CORAL	FL 33904
SEITZ REVOCABLE TRUST	1508 SE 31ST TER	CAPE CORAL	FL 33904
SERAFINI MICHAEL + CHRISTINE	3013 SE 16TH PL	CAPE CORAL	FL 33904
SHUTE GORDON C + PHYLLIS M	3014 SE 16TH PL	CAPE CORAL	FL 33904
SOHENG CHANG LLC	1769 BIKINI CT	CAPE CORAL	FL 33904
STAUDT RAYMOND L	3022 SE 17TH AVE	CAPE CORAL	FL 33904
STOUFFER ROGER D	3106 SE 17TH AVE	CAPE CORAL	FL 33904
STROBL JOHN H	3022 SE 16TH PL	CAPE CORAL	FL 33904
STRUCK NELSON + SHARON L/E	4902 SW 8TH PL	CAPE CORAL	FL 33914
TELISKA MARK & MELANIE	2431 OLD COACH DR	CASTLETON	NY 12033
WILBANKS THOMAS B + RUTH T	2044 MONTANA AVE NE	SAINT PETERSBURG	FL 33703
WILNER WILLIAM D L/E	PO BOX 151412	CAPE CORAL	FL 33915
WMNL LLC	9009 LIGON CT	FORT MYERS	FL 33908

Item Number: 2.E.
Meeting Date: 5/1/2018
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case # SE17-0017*; Address: 1518 Chiquita Boulevard South; Applicant: Stephen F. Haywood, as Successor Trustee of the Chiquita Trust Agreement under Trust dated November 21, 1983

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

The applicant, Quattrone and Associates, Inc., requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District on property described as all of Block 4819-A, Unit 71, Cape Coral Subdivision; property located at the northwest corner of Chiquita Boulevard South and Trafalgar Parkway.

LEGAL REVIEW:

EXHIBITS:

See attached "Backup Materials"

PREPARED BY:

Kristin
Kantarze Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

ATTACHMENTS:

Description

Backup Material

Type

Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # SE17-0017

SPECIAL EXCEPTION APPLICATION

Questions: 239-574-0776

REQUEST FOR A SPECIAL EXCEPTION USE

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Haywood Stephen F TR for Chiquita Trust

Email: lblack@blackesq.com

Address: P.O. Box 101526

City: Cape Coral State FL Zip 33991

Phone: 917-656-6263

APPLICANT (if different from Owner)

Al Quattrone, P.E

Email: al@qainc.net

Address: 4301 Veronica Shoemaker Blvd

City: Fort Myers, FL State FL Zip 33916

Phone: 239-936-5222

AUTHORIZED REPRESENTATIVE

Louis E. Black, Esq. *Successor Trustee*

Email: lblack@blackesq.com

Address: 100 Wall Street, Suite 900

City: New York State NY Zip 10005

Phone: 646-349-5045

Unit 71 Block 4819A Lot(s) All BLK 4819A Subdivision Cape Coral Unit 71

Address of Property 1518 Chiquita Blvd S, Cape Coral, FL 33991

Plat Book 22 Page 105

Current Zoning C-1 Strap Number 21-44-23-C3-04819.A000

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

Louis E. Black, Esq. *Successor Trustee*

NAME (PLEASE TYPE OR PRINT)

*of the Stephen W Haywood
Revocable Trust Dated 10/31/17
as Trustee*

Special_exception_application_11_21_16

Haywood Stephen F. TR for Chiquita Trust
CORPORATION/COMPANY NAME

Louis E. Black
APPLICANT'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # SE17-0017

(SIGNATURE MUST BE NOTARIZED)

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

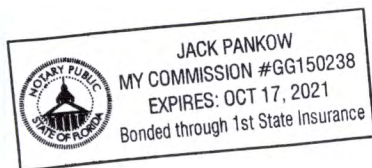
STATE OF Florida, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 14 day of Nov, 2017, by
Lorise Black, Mayor who is personally known or produced
as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____





DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # SE17-0017

ACKNOWLEDGEMENT FORM

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, or City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the _____ day of _____, 20____

Louis E. Black, Esq.

PRINT APPLICANT'S NAME

APPLICANT'S SIGNATURE

STATE OF _____, COUNTY OF _____

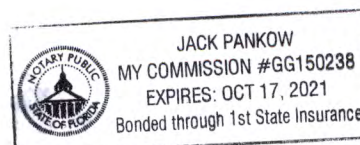
Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____, by _____ who is personally known or produced as identification.

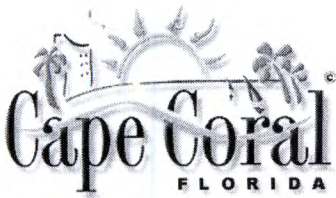
Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____

Special_exception_application_11_21_16





DEPARTMENT OF COMMUNITY DEVELOPMENT
SPECIAL EXCEPTION APPLICATION
Questions: 239-574-0776

Case # SE17-0017

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Quattrone & Associates, Inc.- Matt Uhle

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE HEARING EXAMINER, OR CITY COUNCIL FOR
Special Exception

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 71 BLOCK 4819A LOT(S) SUBDIVISION Cape Coral Unit 71

OR LEGAL DESCRIPTION

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Haywood Stephen F TR for Chiquita Trust

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

Louis E. Black, Successor Trustee
STATE OF Fla, COUNTY OF Lee 10/30/15

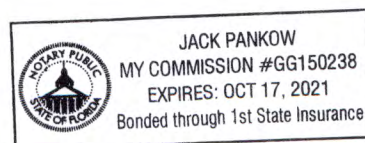
Subscribed and sworn to (or affirmed) before me this 14 day of November, 2015, by
_____ who is personally known or produced
as identification.

Exp. Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed name of Notary Public: _____

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



AFFIDAVIT AND CERTIFICATE OF AUTHORITY

I, Jack Pankow, after being duly deposed and sworn, say:

1. I am an attorney licensed to practice law in the State of Florida and represent the Stephen W. Haywood Revocable Trust dated October 30, 2015. Said trust currently exists under the Laws of the State of Florida.
2. Stephen W. Haywood died on May 30, 2017. Louis E. Black is the successor trustee in the event of the death of Stephen W. Haywood.
3. Stephen W. Haywood was the Trustee of the Chiquita Land Trust. On January 22, 2016 Stephen W. Haywood assigned his interest in the Chiquita Land Trust to the Stephen W. Haywood Revocable Trust dated October 30, 2015. As of said date, the Stephen W. Haywood Revocable Trust has acted as Trustee of the Chiquita Land Trust.
4. Louis E. Black as successor Trustee of the Stephen W. Haywood Revocable Trust dated October 30, 2015 has full authority as trustee of the Chiquita Land Trust to execute a contract and deed selling the subject property together with all documents necessary to fulfill the obligations of the contract.

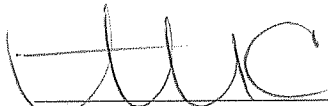
In witness whereof, I have executed this affidavit this 15 day of January, 2018.



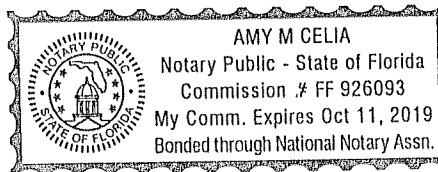
Jack Pankow, Attorney at Law

STATE OF FLORIDA
COUNTY OF LEE

Before me, on this 15 day of January, 2018, appeared Jack Pankow, who after being duly sworn acknowledged the foregoing and who is personally known to me or who produced _____ as identification.



Notary Public

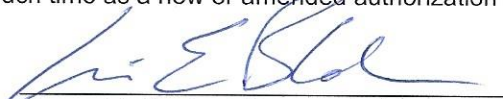


LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as address and strap number as follows:

ADDRESS 1518 Chiquita Blvd S. Cape Coral, FL 33991
STRAP NUMBER 21-44-23-C3-04819-A000


The property described herein is the subject of an application for zoning or development. We hereby designate **QUATTRONE & ASSOCIATES, INC.** as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning, water management and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered.

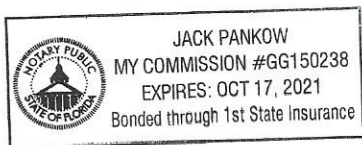

Owner / Authorized Representative

Louis E. Black, Esq. *Succesor Trustee*
Printed Name
of Stephen W. Haywood Trust date 10/30/17
Haywood Stephen F TR for Chiquita Trust
Name of Company / LLC /

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 14 day of Nov, 2017, by
Louis E Black, who is personally known to me or who has produced
_____ as identification.


Notary Public



Print Name and stamped

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Owner / Authorized Representative

Louis E. Black, Esq.

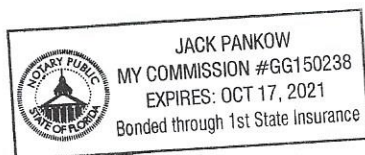
Printed Name

Successor Trustee of
Stephen W. Haywood Trust dated 10/20/08
Haywood Stephen F TR for Chiquita Trust
Name of Company / LLC /

STATE OF Fla
COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 14 day of Nov, 2017, by
Louis E Black, who is personally known to me or who has produced
_____ as identification.


Notary Public



Print Name and stamped

Letter of Intent

7-Eleven Trafalgar
#1040031
Special Exception

This application requests approval for a Special Exception to add a Convenience Store with gas pumps and a car wash in the C-1 zoning district. The property is located on the northwest corner of Chiquita Boulevard and Trafalgar Parkway East in the City of Cape Coral municipality.

7-Eleven proposes to construct a new ±3,500 SF convenience store including installation of new underground fuel storage tanks, fuel distribution and vent piping, six (6) multi-product dispensers, a free-standing canopy, air/vac. A new trash enclosure and self-service car wash.

The subject property is currently zoned C-1 (Pedestrian Commercial District) and carries a future land use designation of CP (Commercial/Professional). The C-1 zoning district allows for a self-service fuel pump station convenience store and allows for fuel sales with the approval of a special exception. The facility can be open 24/7 but limited hours of operation may be implemented as part of the Special Exception approval. With evidence of valid state license for sales of beer and wine for off premises consumption, 7-Eleven can sell carry-out beer and wine with the approval of a special exception.

According to the Land Use Development Regulations Article II Section 2.7.7-C-1 Pedestrian Commercial (C-1) District, Self Service Fuel Pump Station is allowed as a Special Exception

Standards. The following standards shall apply to all applications for special exception uses.

- a. Generally. The proposal shall comply with all requirements of the zoning districts in which the property is located, the Land Use and Development Regulations, and all other applicable law.**

The proposed automotive service station, limited with a convenience store is permitted in the C-1 Zoning District as a Special Exception. The convenience food and beverage component is permitted by right in the C-1 Zoning District. The automotive service station, limited use requires the Special Exception review process. The proposed automotive service station with convenience store will also include a single bay automated car wash. Proposed improvements are consistent with the C-1 Zoning District development standards. No deviations from code are required. Store is permitted in the C-1 Zoning District as a Special Exception.

- b. Compatibility. The tract of land must be suitable for the type of special exception use proposed by virtue of its location, shape, topography and the nature of surrounding development.**

The project is compatible with the surrounding existing and planned uses. Roads bound the site. The property to the South and East is zoned C-I and the property North West C-I and R-IB. The property to the south is zoned R-IB. A 25' wide landscape buffer is proposed for the project. The gas fueling facilities are to be located in the SE corner, adjacent Chiquita Boulevard South and are not oriented toward the nearby residential areas.

- c. Minimum lot frontage; access. Minimum lot frontage on a street shall be sufficient to permit properly spaced and located access points designed to serve the type of special exception use proposed. Wider spacing between access points and intersecting street right-of-way lines should be required when the lot has more than the minimum required frontage on a street. All access points shall be specifically approved by the Hearing Examiner.**

The project site exceeds the minimum spacing requirements of 250'. Three access points are being proposed, one on Chiquita Blvd., Trafalgar Pkwy as well SW 16th Court. Widening along the length on the property line, tapering at each end, will include 6' concrete sidewalk, 2' Type F curb and lane widening to the end of existing pavement.

- d. Building location; setbacks. All buildings shall be located an adequate distance from all property lines and street right-of-way lines. Greater building setback lines may be required when the lot has more than the minimum lot area required or when deemed necessary to protect surrounding properties.**

The buildings and site improvements have been located on the site in accordance with the C-I Zoning District requirements. For the convenience store gas use, vehicular circulation is important. The fuel islands and canopy are oriented towards Chiquita Boulevard and the convenient store is located in a manner to provide adequate separation and buffering from the West properties zoned R-IB

- e. Screening and buffering. A continuous strip of properly maintained landscaped area should be provided along all property lines and along all streets serving the premises. Such continuous strip of properly maintained landscaped area may, however, be allowed to contain walkway(s) and driveway entrances. The Hearing Examiner shall also require that the premises be permanently screened from adjoining and contiguous properties by a fence, evergreen hedge and/or other approved enclosure when deemed appropriate to buffer the special exception use from surrounding uses.**

A 25' landscape buffer is proposed where the site is adjacent to residentially zoned property. A 10' landscape buffer is proposed adjacent to Trafalgar Pkwy and Chiquita Blvd S

Planning Division Case Report

SE17-0017

Review Date: April 10, 2018

Property Owner: Stephen F. Haywood, as Successor Trustee of the Chiquita Trust Agreement under Trust dated November 21, 1983

Owner Address: PO Box 101526
Cape Coral, FL 33910

Applicant: Al Quattrone, P.E., Quattrone and Associates, Inc.

Authorized Rep. Louis E. Black

Request: The applicant requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District.

Address: 1518 Chiquita Boulevard South
Block 4819-A, Unit 71, Cape Coral Subdivision
Strap Number: 21-44-23-C3-04819.A000

Prepared By: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Reviewed By: Robert H. Pederson, AICP, Planning Manager

Recommendation: **Approved with conditions**

Urban Service Area: Infill

Right of Way Access: The site has frontage on two streets; Chiquita Boulevard South, a major arterial, and Trafalgar Parkway, a collector.

Site Description:

The 2.83-acre site is rectangular and is one parcel at the northwest corner of Chiquita Boulevard and Trafalgar Parkway. A 20-foot wide unimproved alley abuts the site the north and west.

The site is undeveloped and has a Commercial/Professional Future Land Use Classification and Pedestrian Commercial (C-1) Zoning. All surrounding properties are also undeveloped and have the same future land use and zoning classifications.

Project Description:

A Special Exception is requested for an Automotive Service Station Limited Use (referred to hereafter in this report as a gas station). The City defines this use as *"An establishment primarily engaged in the*

retail sale of motor fuel and lubricants, but which may also include facilities for washing, waxing, detailing, polishing, greasing, tire repair (no recapping or vulcanizing) and other minor incidental repairs."

A 3,500-sq. ft. convenience store is proposed for the southern portion of Block 4819-A. East of the convenience store, a detached fuel canopy will be parallel to Chiquita Boulevard. The fuel island will have eight fuel dispenser stations allowing up to 16 vehicles to refuel at the same time. A 980-sq. ft. carwash is proposed south of the convenience store. A dry detention pond will be to the north of the convenience store and fuel island. The site will have a single driveway to Chiquita Boulevard and two driveways to the alley west of the site. The northern 0.87 acres of the site is identified as a future development area, separate from the gas station.

A site plan (SP18-0002) for this project is under review with the City concurrent with this Special Exception.

Zoning History of the Site

Block 4819-A has had a Commercial/Professional Future Land Use Designation since the adoption of the Comprehensive Plan in 1989.

The site was rezoned from C-2 to C-1 by Ordinance 61-90.

Analysis:

This application was reviewed based on the Land Use and Development Regulations (LUDR), Section 2.7.7, the C-1 District, and the five standards in Section 8.8.5a-e for Special Exceptions Uses.

1. Generally

The C-1 Zoning is consistent with the Commercial/Professional Future Land Use Classification. Gas stations are allowed as a Special Exception in the C-1 District. The area proposed for this use is about 1.96 acres. The C-1 District does not have an area requirement for this use. The area and shape of the site is suitable for a gas station based on the recent history of permitting similar establishments in the City.

2. Compatibility

The site is at the intersection of two major streets; Chiquita Boulevard and Trafalgar Parkway. Such sites are usually considered desirable for gas stations as these streets are designed to accommodate heavy volumes of traffic. Corner properties also provide opportunities for multiple driveways that can improve site access, enhance visibility and traffic circulation within the site, and facilitate deliveries to these establishments.

The site is surrounded by properties with C-1 Zoning in all four directions. The nearest existing single-family dwelling is about 200 feet to the west.

Lighting on commercial sites can disrupt nearby residents. Although significant levels of background illumination are present in most urban settings, lighting should be shielded and directed away from property lines to minimize light trespass from the site. Although the site is at a major intersection, lighting levels are likely modest due to the paucity of development at this commercial intersection. Staff recommends several conditions to reduce unnecessary lighting and minimize light trespass from the gas station.

P.M. peak hour trips are estimated at 222. While the number of trips is substantial, it is lower than the 300-trip threshold that triggers a more detailed Traffic Impact Study. Furthermore, certain uses, including gas stations, generally capture trips from the traffic already passing the site. Thus, for a substantial percentage of the estimated trips, visits to this development will be a secondary part of a linked trip such as from work to home. Of the peak hour trips for this project, 44% represent new external trips, with the remaining 56% constitute pass-by trips.

Noise from commercial uses has the potential to disrupt residents. Background levels of noise likely exist at the site since the site is at the intersection of two major streets. Since all surrounding sites have C-1 Zoning and the nearest single-family dwelling is about 200 feet away, noise associated with this use is unlikely to cause problems or conflicts with residents in this area.

3. Minimum Lot Frontage; Access

The site has about 500 feet of frontage on Chiquita Boulevard and 235 feet of frontage on Trafalgar Parkway. A single driveway along Chiquita Boulevard is proposed. Two other driveways along the alley will provide additional access. The three driveways will provide options for customers, delivery vehicles, and service providers entering and exiting the site, and will promote traffic circulation within the development.

4. Building Location; Setbacks

Based on the Master Site Plan, the convenience store, fuel canopy, and carwash buildings will exceed the minimum C-1 setback requirements.

5. Screening and Buffering

The landscaping code requires a 10-foot wide landscaped area along Chiquita Boulevard and Trafalgar Parkway that includes canopy trees and shrubs. Staff recommends accent trees be installed along each street to enhance the buffering of the development. Additional plantings are recommended along the west property line that will provide landscaping around the perimeter of the site.

Consistency with the Comprehensive Plan:

This use is consistent with several policies of the Future Land Use and Transportation Elements as described below.

Future Land Use Element

Policy 1.6

"The City shall develop regulations that establish enhanced landscaping, buffering and signage standards and develop architectural design guidelines for nonresidential development." **Staff comments:** Landscaping will be provided around the perimeter of the site. All buildings will comply with the nonresidential design standards established by the City. This policy is supportive of this request.

Policy 1.15.c.

"...The Pedestrian Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1 District range from a variety of small or neighborhood-based commercial uses to large retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development..." **Staff comments:** The site has C-1 Zoning that is consistent with the Commercial/Professional Future Land Use Classification. The site has about 240 feet of depth and is at the intersection of an arterial (Chiquita) and a collector (Trafalgar) street. The policy is supportive of this request.

Policy 1.17

"Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses." **Staff comments:** Landscaping will be installed around the perimeter of the site. This policy is supportive of this request.

Objective 2

"Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses." **Staff comments:** The site is at transportation node or the intersection of two major streets, Chiquita Boulevard and Trafalgar Parkway. With staff conditions, the use will be compatible with the surrounding area. This policy is supportive of this request.

Policy 4.1

"Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas." **Staff comments:** The site is in the City Urban Services Infill Area. This policy is supportive of this request.

Policy 8.3

“Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial development (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive uses of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.” **Staff comments: The landscaping around the perimeter of the site will buffer this use from surrounding properties. The fuel canopy and car wash will be oriented parallel to Chiquita and Trafalgar, respectively, and away from residential sites to the west. This policy is supportive of this request.**

Policy 8.4

“The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

- a. *Site Orientation*
 - i. *Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.*
 - ii. *Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.*
 - iii. *Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.*
 - iv. *Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.*
- b. *Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.*
- c. *Screening and landscaping*
 - i. *Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.*
 - ii. *Fences should not be used as a sole method of providing screening and buffering*

between differing intensities of land uses.

- iii. *The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.*
- d. *Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.”* **Staff comments: The site has direct access from Chiquita Boulevard, an arterial street, and an alley to the west. Landscaping will be around the perimeter of the site. Free-standing lighting will be aimed downward and away from property lines. Light fixtures mounted under the canopy will be recessed into the canopy. Several provisions of this policy are supportive of this request.**

Transportation Element

Policy 1.1.11

Notwithstanding Policy 1.1.8 and Policy 1.1.9, all new development proposals that generate three hundred (300) or more cumulative trips in the peak hour shall submit a traffic impact study (TIS) in accordance with the City of Cape Coral Engineering Design Standards. **Staff comments: The project will generate an estimated 222 PM peak hour trips. A TIS was not required since the number of peak hour trips is less than 300. This policy is supportive of this request.**

Policy 2.1.5

“The City shall continue to require new development to incorporate design elements to accommodate and protect bicyclists and pedestrians. **Staff comments: Required off-site improvements will include the sidewalks along Chiquita Boulevard along the frontage of the site. These improvements will be constructed at the developer’s expense. This policy is supportive of this request.**

Recommendation:

This request is consistent with the Comprehensive Plan and the five standards for evaluating Special Exceptions. Staff recommends **approval** with the following conditions.

1. Except for the driveway areas, lighting levels along all property lines shall not exceed 0.3 foot-candles. The Developer shall submit a lighting plan demonstrating compliance with this requirement prior to site plan approval.
2. Lighting trespass and glare shall be limited by using shielding and directional lighting methods. All free-standing lights on the site shall be aimed downward and away from the property lines.
3. Light fixtures mounted under the canopy shall be completely recessed into the canopy with flat lenses that are translucent and flush with the bottom surface of the canopy.

4. Lights shall not be mounted on the exterior sides or face of the fuel canopy and the sides of the canopy shall not be illuminated.
5. Vehicle services shall be limited to standard convenience store services of fuel, vacuum, water, and air, along with car washing and waxing. Automotive repairs are prohibited on this site.
6. Any vending machines, automated teller machines (ATMs), or similar equipment or display items shall be inside the store.
7. The outdoor storage of products and materials is prohibited. This provision, however, shall not apply to ice freezers that are used solely to store ice or to propane tank racks.
8. In addition to the canopy trees and shrubs required along Chiquita Boulevard and Trafalgar Parkway, plantings along both streets shall include a row of accent trees spaced 30 feet apart. The accent trees shall be staggered with the canopy trees to improve the buffering of both areas. Bald cypress and slash pines are prohibited in planting areas along these two streets.
9. A single row of canopy trees and a row of shrubs shall be installed along the west property line. One canopy tree for each 30 linear feet of property line and one shrub for every three linear feet of property line shall be provided.
10. All landscaping on the site shall be maintained in good condition throughout the life of the project. Dead or removed shrubs and trees shall be replaced in accordance with LUDR, Section 5.2.
11. The convenience store, car wash building, and columns of the gas canopy shall feature similar aesthetic characteristics including exterior materials and color.
12. The layout and design of the site shall be consistent with the Master Site Plan prepared by Quattrone and Associates, Inc., dated February 28, 2018, that appears in Exhibit A.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Planning Division
PH: 239-242-3255
Email: mstruve@capecoral.net

P:\2017 projects\170705 7-eleven trafalgar #38335 - active\01-cadd files\00-qpl cadd\04- special exception.dwg(170705 H [TRAFALGAR] SE17-0017

SITE DATA:

MINIMUM PAVEMENT ELEV.
ELEV. 7.90' NGVD

MINIMUM FINISH FLOOR ELEVATION:
ELEV. 11.00' NGVD

AVERAGE EXISTING GROUND ELEVATION:
ELEV. 8.0' NGVD

PROPOSED USE:
CONVENIENCE STORE / GAS PUMPS STATION / CARWASH

CONTROL ELEVATION:
ELEV. 6.00' NGVD

PERIMETER BERM ELEVATION:
ELEV. 9.80' NGVD

ZONING:
C1 - PEDESTRIAN COMMERCIAL

STRAP NUMBERS:
SEE COVER PAGE

SOILS:
13 - BOCA FINE SAND

FLUCCS CODE:
1920 - INACTIVE LANDS WITH STREET PATTERN
3100 - HERBACEOUS (DRY PRAIRIE)

FEMA FLOOD ZONE:

THIS PROPERTY IS LOCATED FLOOD ZONE "X"
IN FIRM COMMUNITY 125095 PANEL NO.0385 MAP #: 12071C0385 DATED 08/28/2008

BASE FLOOD ELEV. = UNDETERMINED

LAND USE BREAKDOWN:

TOTAL SITE AREA	123,408 SF	2.83 AC.
FUTURE DEVELOPMENT AREA	37,808 SF	0.87 AC.
PROJECT AREA	85,600 SF	1.97 AC.
BUILDING + CARWASH AREA	4,480 SF	0.10 AC. 3.63%
PAVEMENT AREA (ON-SITE)	50,627 SF	1.16 AC. 41.02%
OPEN SPACE	30,493 SF	0.70 AC. 24.71%
TOTAL IMPERVIOUS AREA	55,107 SF	1.27 AC. 64.38%
TOTAL PERVIOUS AREA	30,493 SF	0.70 AC. 35.62%
		100.00%
PAVEMENT AREA (OFF-SITE)	19,550 SF	0.45 AC. 15.84%

SETBACK TABLE:

	REQUIRED	PROVIDED
ROAD	25'	48.17'
SIDE YARD	25'	44.90'
REAR YARD	20'	58.37'
MAX. BUILDING HEIGHT (OR 3 STORY)	(BY OTHERS)	

SITE PLAN LEGEND:

	PROPOSED PAVEMENT		CENTER LINE
	PROPOSED CONCRETE / WALKS		EXIST FEATURES (ROADS, WALKS, ECT.)
	PROPOSED BUILDING LINE		RIGHT OF WAY
	PAVEMENT TO BE MILL & RESURFACE		SITE BOUNDARY
	PAINTED HANDICAP PARKING SYMBOL		TYPE 'D' CURB
	PROPOSED STOP SIGN		EASEMENTS
	NUMBER OF PARKING SPACES IN ROW		DETECTABLE WARNING PER FDOT INDEX 304
	SIGN AND POST		PAINTED TRAFFIC ARROWS

PARKING CALCULATIONS: LDC: ARTICLE V: SUPPLEMENTARY DEV. REG.

C1 - PEDESTRIAN COMMERCIAL DISTRICT

PARKING SPACES REQUIRED: 1 SPACES / 200 SF (GFA) & 1 SPACE / 600 SF (DEAD STORAGE)

TOTAL BUILDING SQUARE FOOTAGE
TOTAL DEAD STORAGE: (1 SP / 600 SF) = 563 SF x (1 SP / 600 SF)
TOTAL REMAINING FLOOR AREA: (1 SP / 200 SF) = 2,937 SF x 1SP / 200 SF

= 3,501 S.F.
= 1 SPACE
= 15 SPACES (1 HC)

TOTAL PARKING REQUIRED
TOTAL PARKING PROVIDED

= 16 SPACES
= 16 SPACES

PARKING ALLOCATION MAY BE MODIFIED AS NECESSARY TO ACCOMMODATE REVISED BUILDING FOOTPRINTS. UNTIL THE ACTUAL USES AND SQUARE FOOTAGE ARE DETERMINED AT TIME OF ISSUANCE OF A BUILDING PERMIT, THE REQUIRED NUMBER OF PARKING SPACES CANNOT BE DETERMINED. APPROVAL OF THE DEVELOPMENT ORDER DOES NOT ENSURE ADEQUATE PARKING FOR ALL USES.

REFUSE AND SOLID WASTE DISPOSAL FACILITIES: LDC

1. A MINIMUM OVERHEAD CLEARANCE OF 22 FEET IS REQUIRED AND A 12" WIDE UNOBSTRUCTED ACCESS OPENING MUST BE PROVIDED TO ACCOMMODATE ALL STORAGE AREAS/CONTAINERS.

2. ALL STORAGE AREAS / CONTAINERS MUST BE ADEQUATELY SHIELDED BY LANDSCAPED SCREEN OR SOLID FENCING ALONG AT LEAST THREE SIDES. USE OF CHAIN LINK FENCING TO MEET THIS REQUIREMENT IS PROHIBITED. REFER TO CITY OF CAPE CORAL FOR GUIDELINES.

3. COMMERCIAL, INDUSTRIAL & MULTIFAMILY DEVELOPMENT USING A COMPACTOR FOR GARBAGE COLLECTION MUST PROVIDE SUFFICIENT SPACE FOR THE COMPACTOR (INCLUDING RECEIVER) IN ADDITION TO SPACE REQUIRED FOR RECYCLABLE COLLECTION.

4. CONCRETE WALL ENCLOSURES MAY NOT BE LOCATED WITHIN A PUBLIC UTILITY OR DRAINAGE EASEMENT.

BUILDING USE: 3,500 SF STORE + 980 SF CARWASH = 4,480 SF
DOUBLE DUMPSTER ENCLOSURE = (2) * 12x12 = 288 SF PROVIDED

PRE-CONSTRUCTION MEETING REQUIREMENTS:

THE OWNER AND CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH QUATRONE AND ASSOCIATES PRIOR TO ANY ONSITE WORK TO CONDUCT A THOROUGH REVIEW OF PLANS.

PROJECT PHASING PLAN:

THIS PROJECT SHALL BE CONSTRUCTED IN ONE (1) PHASE.

CONSTRUCTION WILL INCLUDE: ENTRANCE IMPROVEMENTS, OFFSITE IMPROVEMENTS, MAIN BUILDING, CARWASH, UNDERGROUND GAS TANKS, MULTIPLE PRODUCT DISPENSERS, CANOPY ROOF, ASPHALT PAVEMENT AREA, PARKING SPACES, DOUBLE DUMPSTER ENCLOSURE, ALL UTILITIES (WATER, SEWER & IRRIGATION), BUFFER LANDSCAPING, GENERAL LANDSCAPING, DETENTION AREAS, DRAINAGE STRUCTURES, PERIMETER BERM, AND SILT FENCING.

7-ELEVEN STORE #38335
MASTER SITE PLAN
CHIQUEITA BLVD & TRAFALGAR PKWY.,
CAPE CORAL, FLORIDA 33991

Quatrone & Associates, Inc.

Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Authorization Number: 9465

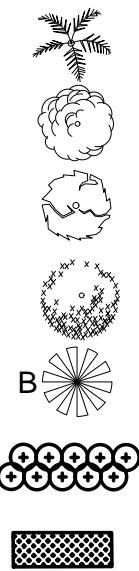
ALFRED QUATRONE, P.E.
FL REG #62741
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SAVED BY: Federico
SAVED ON: 2/28/18

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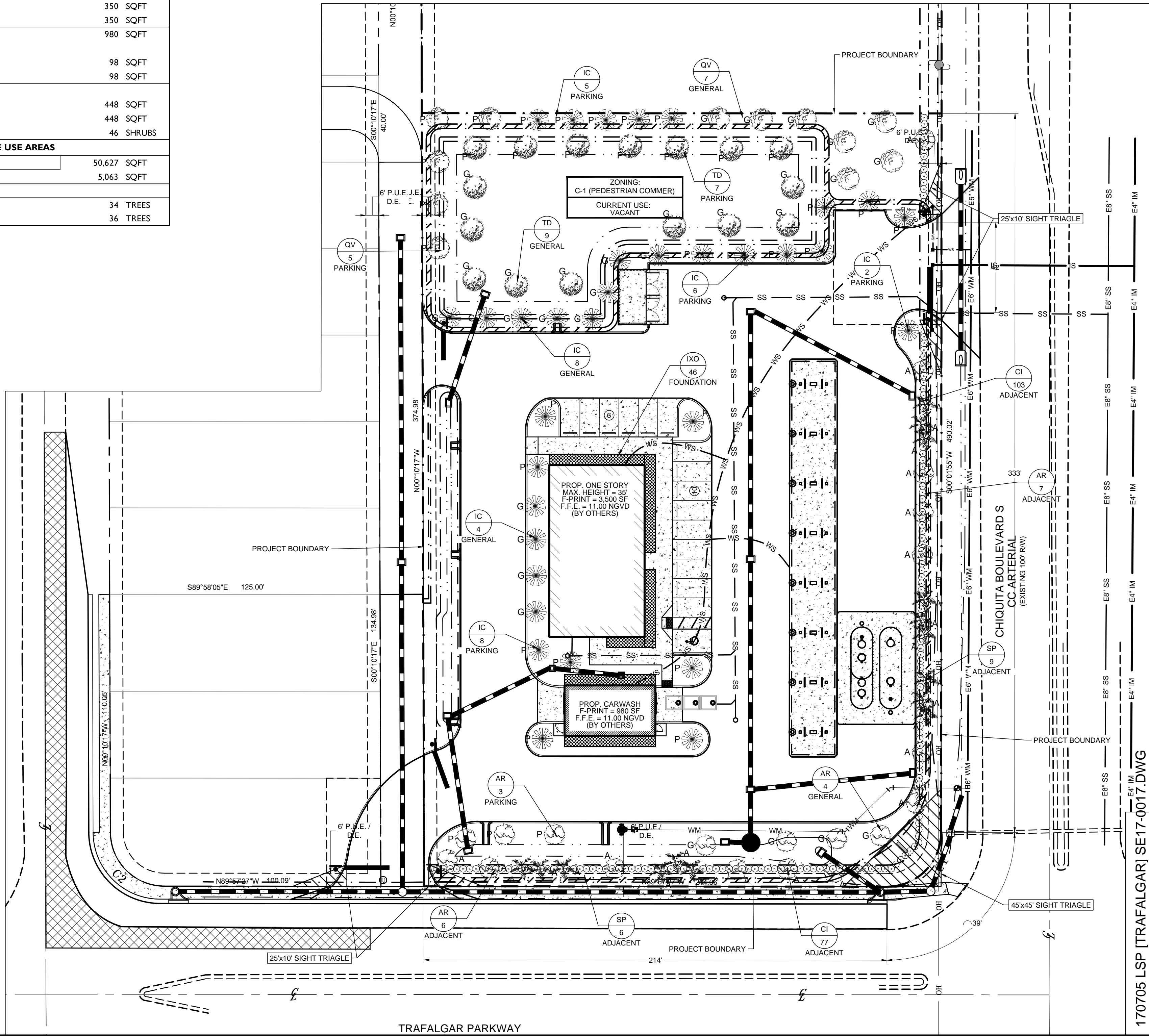
P:\2017 Projects\170705 7-ELEVEN TRAFALGAR #38335 - ACTIVE\01-CADD FILES\00-0A CADD\04- SPECIAL EXCEPTION DWG\170705 LSP [TRAFALGAR] SE17-0017



LDR SEC 5.2.13.C.5 - BUFFER YARDS				
SOUTH PROPERTY LINE				
ABUTTING USE	ROW		PUBLIC RIGHT-OF-WAY	
	BUFFER TYPE	BUFFER WIDTH	WALL REQUIRED	
	LAR	10'	NO	
BUFFER YARD LENGTH		233	LNFT	
REDUCED BY EASEMENTS OR DRIVES		0	LNFT	
VEGETATED LANDSCAPE LENGTH		233	LNFT	
CANOPY TREES REQUIRED	3.3 TREES/100'	8	TREES	
CANOPY TREES PROVIDED		8	TREES	
ACCENT TREES REQUIRED	NONE REQUIRED	0	TREES	
ACCENT TREES PROVIDED		0	TREES	
SHRUBS REQUIRED	33 SHRUBS/100'	77	SHRUBS	
SHRUBS PROVIDED		77	SHRUBS	
WEST PROPERTY LINE				
ABUTTING USE	C-I		PEDESTRIAN-	
	BUFFER TYPE	BUFFER WIDTH	WALL REQUIRED	
	NONE	0'	NO	
BUFFER YARD LENGTH		0	LNFT	
REDUCED BY EASEMENTS OR DRIVES		0	LNFT	
VEGETATED LANDSCAPE LENGTH		0	LNFT	
CANOPY TREES REQUIRED	NONE REQUIRED	0	TREES	
CANOPY TREES PROVIDED		0	TREES	
ACCENT TREES REQUIRED	NONE REQUIRED	0	TREES	
ACCENT TREES PROVIDED		0	TREES	
SHRUBS REQUIRED	NONE REQUIRED	0	SHRUBS	
SHRUBS PROVIDED		0	SHRUBS	
EAST PROPERTY LINE				
ABUTTING USE	ROW		PUBLIC RIGHT-OF-WAY	
	BUFFER TYPE	BUFFER WIDTH	WALL REQUIRED	
	LAR	10'	NO	
BUFFER YARD LENGTH		353	LNFT	
REDUCED BY EASEMENTS OR DRIVES		42	LNFT	
VEGETATED LANDSCAPE LENGTH		311	LNFT	
CANOPY TREES REQUIRED	3.3 TREES/100'	10	TREES	
CANOPY TREES PROVIDED		10	TREES	
ACCENT TREES REQUIRED	NONE REQUIRED	0	TREES	
ACCENT TREES PROVIDED		0	TREES	
SHRUBS REQUIRED	33 SHRUBS/100'	103	SHRUBS	
SHRUBS PROVIDED		103	SHRUBS	
NORTH PROPERTY LINE (FUTURE DEVELOPMENT)				
ABUTTING USE	C-I		PEDESTRIAN-COMMERCIAL	
	BUFFER TYPE	BUFFER WIDTH	WALL REQUIRED	
	NONE	0'	NO	
BUFFER YARD LENGTH		100	LNFT	
REDUCED BY EASEMENTS OR DRIVES		20	LNFT	
VEGETATED LANDSCAPE LENGTH		80	LNFT	
CANOPY TREES REQUIRED	NONE REQUIRED	0	TREES	
CANOPY TREES PROVIDED		0	TREES	
ACCENT TREES REQUIRED	NONE REQUIRED	0	TREES	
ACCENT TREES PROVIDED		0	TREES	
SHRUBS REQUIRED	NONE REQUIRED	0	SHRUBS	
SHRUBS PROVIDED		0	SHRUBS	

MASTER PLANT SCHEDULE					
SYMBOL	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SPECIFICATION*	STATUS
SP	15	SABAL PALMS	SABAL PALMETTO	10' CLEAR TRUNK MIN.; 16' MIN. HT.	NATIVE
QV	12	LIVE OAK	QUERCUS VIRGINIANNA	10' HT.; 2" CAL.; 4' SPREAD	NATIVE
AR	20	RED MAPLE	ACER RUBRUM	10' HT.; 2" CAL.; 4' SPREAD	NATIVE
TD	16	BALD CYPRESS	TAXODIUM DISTICHUM	10' HT.; 2" CAL.; 4' SPREAD	NATIVE
IC	33	DAHOON HOLLY	ILEX CASSINE	10' HT.; 2" CAL.; 4' SPREAD	NATIVE
CI	180	RED TIP COCOPLUM	CHRYSOBALANUS ICACO	24" HT., #3 CONTAINER 36" O.C.	NATIVE
IXO	46	MAUI IXORA	IXORA COCCINEA	24" HT., #3 CONTAINER 36" O.C.	NATIVE
MISC					
SOD		BAHIA SOD	PASPALUM NOTATUM	SAND GROWN	NATIVE
MULCH		PINE STRAW MULCH		3" DEPTH THROUGHOUT	NATIVE

CITY OF CAPE CORAL LDR REQUIREMENTS			
PROJECT INFORMATION			
PROJECT NAME	SEVEN ELEVEN		
PROJECT ZONING CLASSIFICATION	PEDESTRIAN-COMMERCIAL	C-1	
PROJECT# 170704			
LDR SEC 5.2.13.A.1 - TREE PLANTING REQUIREMENTS - CANOPY TREES			
TOTAL PROJECT AREA		85,600	SQFT
1. CANOPY TREE PER 1,000 SF OF GROSS LAND AREA REQUIRED		86	TREES
CANOPY TREES PROVIDED (ADJACENT, YARD & PARKING)		49	TREES
ACCENT TREES PROVIDED (2:1 RATIO) (YARD)	0	0	TREES
PALM TREES PROVIDED (3:1 RATIO) (GENERAL & ADJ.)	15	5	TREES
ADDITIONAL TREE PLANTING REQUIRED (GENERAL)		32	TREES
TOTAL TREE PLANTING PROVIDED		86	TREES
LDR SEC 5.2.13.C.1 - FOUNDATION LANDSCAPING			
BUILDING 1 AREA [STORE]		3,500	SQFT
10% FOUNDATION LANDSCAPING AREA REQUIRED			
FOUNDATION LANDSCAPING AREA REQUIRED		350	SQFT
FOUNDATION LANDSCAPING AREA PROVIDED		350	SQFT
BUILDING 2 AREA [CARWASH]		980	SQFT
10% FOUNDATION LANDSCAPING AREA REQUIRED			
FOUNDATION LANDSCAPING AREA REQUIRED		98	SQFT
FOUNDATION LANDSCAPING AREA PROVIDED		98	SQFT
TOTAL FOUNDATION AREA			
FOUNDATION LANDSCAPING AREA REQUIRED		448	SQFT
FOUNDATION LANDSCAPING AREA PROVIDED		448	SQFT
TOTAL FOUNDATION LANDSCAPE PROVIDED @ 3" OC		46	SHRUBS
LDR SEC 5.2.13.C.3 - UNCOVERED SURFACE PARKING AND VEHICLE USE AREAS			
UNCOVERED SURFACE PARKING AND VEHICLE USE AREA		50,627	SQFT
10% OF AREA REQUIRED AS LANDSCAPE		5,063	SQFT
1 TREE PER 150 SQFT OF REQ. LANDSCAPE AREA			
CANOPY TREES REQUIRED		34	TREES
CANOPY TREES PROVIDED		36	TREES



7-ELEVEN STORE #38335

LANDSCAPE PLAN

TRAFALGAR PKWY. & CHIQUITA BLVD.,
CAPE CORAL, FL 33991

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222
Certificate of Authorization Number: 9465

ALFRED QUATTRONE, P.E.
FL REG #52741
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170705 LSP [TRAFALGAR] SE17-0017.DWG

COMMENT

DATE

DATE

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TOLL-FREE
888-516-9220

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239-335-0258

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FNPLegals@gannett.com

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CAPE CORAL FL 33990
USA

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Run Times: 1

No. of Affidavits: 1

Run Dates: 04/21/18

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: SE17-0017

REQUEST: The applicant, Quattrone and Associates, Inc., requests a Special Exception for an Automotive Service Station Limited Use in the Pedestrian Commercial (C-1) District on property described as all of Block 4819-A, Unit 71, Cape Coral Subdivision; property located at the northwest corner of Chiquita Boulevard South and Trafalgar Parkway

LOCATION: 1518 Chiquita Boulevard South

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

PROPERTY OWNER(S): Stephen F. Haywood, as Successor Trustee of the Chiquita Trust Agreement under Trust dated November 21, 1983

AUTHORIZED REPRESENTATIVE:
Louis E. Black

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, May 1, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and

mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE17-0017
AD# 2873811 Apr. 21, 2018

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # SE17-0017

Department of Community Development
Post Office Box 150027 • Cape Coral, Florida 33915-0027
1015 Cultural Park Blvd. • Cape Coral, Florida 33990
Email: planningquestions@capecoral.net

LEGAL AD - DCD

PUBLISH AD: *Saturday, April 21*



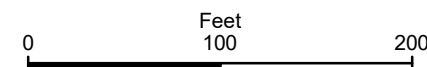
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CITY OF CAPE CORAL
Department of
Community Development
Planning Division

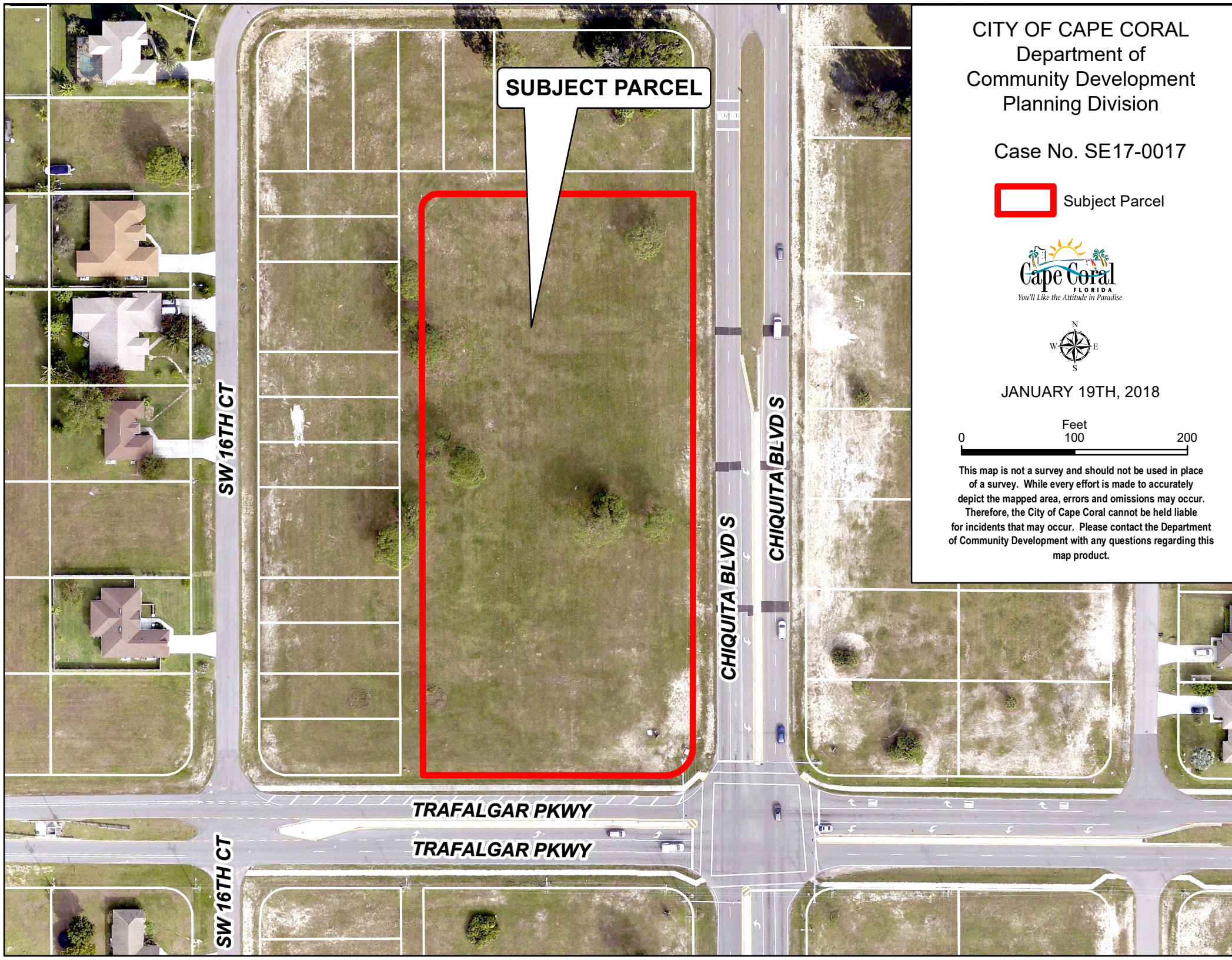
Case No. SE17-0017

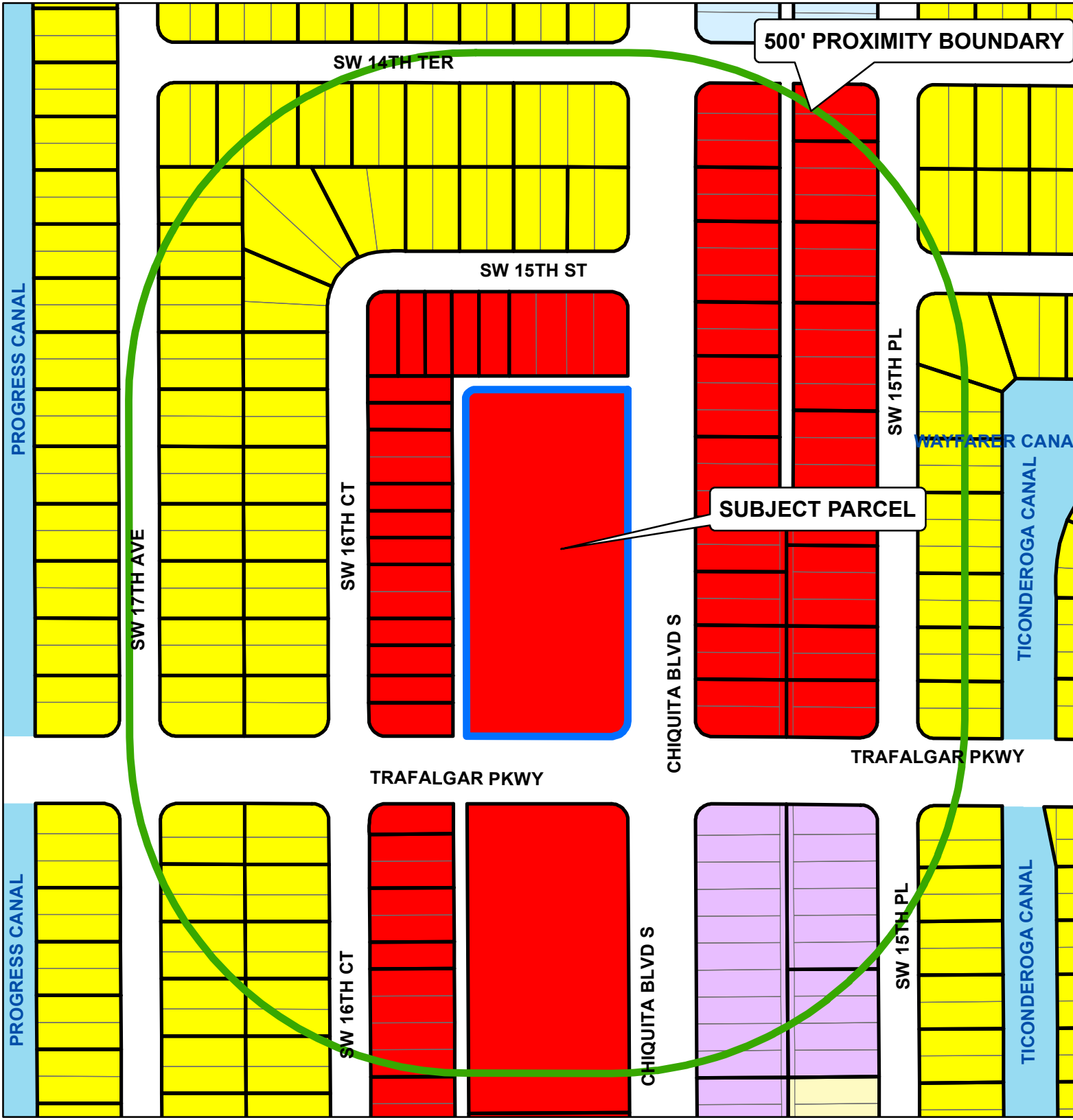


JANUARY 19TH, 2018



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.







CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. SE17-0017

LEGEND


 500' Proximity Boundary

 Subject Parcel


Zoning

 C-1

 MR

 P-1

 R-1B

 RD



JANUARY 19TH, 2018



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Owner_Name	Mailing_Ad	Mailing_Ci	Mailing_Zi
KHASHABA YASSER	156 ENFIELD PL STE 1215	MISSUSSAUGA	ON L5B 4L8 CAN
LEIZER PROPERTY HOLDINGS LP	135 LINDVEST CRES	MAPLE	ON L6A 4N1 CA
DEBANNE ANDRE	QUARTIER CHASTRENAC LACHAPELLE	07200 SOUS AUBENAS	FRANCE
UNSON J + SOCORRO R + UNSON P J	CATTELEYA ST CAPITOLVILLE SUBD	BACOLOD CITY 6100	PHILIPPINES
ARTEAGA OCTAVIO	7155 W 3RD CT	HIALEAH	FL 33014
BERMUDEZ YADIRA	2703 CAPE CORAL PKWY W	CAPE CORAL	FL 33914
BIGLEY RONALD R + LINDA M	PO BOX 150343	CAPE CORAL	FL 33915
BINNS JOHN H	5031 5TH AVE LOT 42	KEY WEST	FL 33040
BOSSO JOAN + TODD LEE A W/H	4435 SE 11TH PL	CAPE CORAL	FL 33904
BURGHDOF DOLORES C + COLEMAN	PO BOX 657	ALVA	FL 33920
CAMRON TODD K + RHONDA F	1617 SW 15TH ST	CAPE CORAL	FL 33991
CAPE HOLDINGS ENTERPRISES INC	210 N PINNACLE RIDGE RD	BEECH MOUNTAIN	NC 28604
CHRISTENSEN EDITH	1115 NW 200TH ST	SHORELINE	WA 98177
CICCONE SHERRY K	PO BOX 152086	CAPE CORAL	FL 33915
CORSENTINO CATHERINE	1516 SW 15TH ST	CAPE CORAL	FL 33991
DAKAI TIMOTHY J	25538 DAPPLED FILLY DR	TOMBALL	TX 77375
DE CRESCENZO ROBERT	1521 SW 17TH AVE	CAPE CORAL	FL 33991
DILAG EMMA SANCHEZ	2363 ARTHUR AVE APT 2	BRONX	NY 10458
DIMAIO ROWENA + RENALDO	1510 SW 16TH CT	CAPE CORAL	FL 33991
DORSEY KIPP LA MARR	1506 SW 16TH CT	CAPE CORAL	FL 33991
DWINGER TRAUDI	3620 N OAKLEY AVE APT 2	CHICAGO	IL 60618
EDWARDS DAVE C + JANET L	9014 S SANDERLING WAY	LITTLETON	CO 80126
FABELA ROBERTO + STEPHANIE J	1605 SW 17TH AVE	CAPE CORAL	FL 33991
FAMA PAUL	1100 CLOVE RD APT# 9L	STATEN ISLAND	NY 10301
FARROW JONATHAN A	1505 SW 17TH AVE	CAPE CORAL	FL 33991
FERNANDO CHARITH R	3754 HAROLD AV	FORT MYERS	FL 33901
FRANCHINI MARIO F + LUZ E PINZAS JC	1526 SW 16TH CT	CAPE CORAL	FL 33991
FULCHER GARLAND C + DEBORAH W	105 NORMAN CIR	ORIENTAL	NC 28571
GARCIA ROSA ESTELA	235 HOYT ST APT 3E	BROOKLYN	NY 11217
GOMENSORO DE GARCIA ALICIA	219 GRASMERE DR	STATEN ISLAND	NY 10305
GONZALEZ E R + NOEMI	PO BOX 367264	SAN JUAN	PR 00936
GRAF DARREL C + SHEILA	1501 SW 17TH AVE	CAPE CORAL	FL 33991
HANCOCK BUILDERS LLC	1985 CEDAR BRIDGE AVE STE 1	LAKEWOOD	NJ 08701
HANSEN HOLDINGS LLC	PO BOX 151735	CAPE CORAL	FL 33915
HAYWOOD STEPHEN F TR FOR CHIQUI	PO BOX 101526	CAPE CORAL	FL 33910
HOLLAND DOLORES ANN	1426 SW 15TH PL	CAPE CORAL	FL 33991
KIRBY RENE K + MICHAEL D	1609 SW 17TH AVE	CAPE CORAL	FL 33991
LYNN FRANKLIN LLC	1550 CUMBERLAND CT	FORT MYERS	FL 33919
MADDEN LOUIS & LU ANN	921 SW EMBERS TER	CAPE CORAL	FL 33991
MAKAVELI INVESTORS LLC	3315 E RUSSELL RD STE A4-975	LAS VEGAS	NV 89120
MEJIA CARLOS HERNAN ROA + ROA M	6303 BLUE LAGOON DR # 400	MIAMI	FL 33126
MIONE PIZZA	1133 DEL PRADO BLVD S STE 1	CAPE CORAL	FL 33990
MONTEZUMA DAZA MALEGE A + FON	6303 BLUE LAGOON DR STE 400	MIAMI	FL 33126
MORRIS HAVELOCK L + MORRIS CLAU	10124 AVENUE J	BROOKLYN	NY 11236
NATION STEPHEN J + MAOZ INBAL H/\	2637 ABERDEEN LN	EL DORADO HILLS	CA 95762
NICASTRO DOMINICK J SR + NICASTRO	9 LENOX RD	ROCKAWAY	NJ 07866
NW CHIQUITA-TRAFALGAR LLC	PO BOX 101526	CAPE CORAL	FL 33910
ORR PROPERTY HOLDINGS LLC	91 VIVANTE BLVD UNIT 9142	PUNTA GORDA	FL 33950
PORTILLO WHITMAN E + ELIDA A	38 N. 16TH STREET	PROSPECT PARK	NJ 07508
PRINDLE ROSELYN	11187 SAND PINE CT	FORT MYERS	FL 33913
PROPERTY OWNER 4 LLC	PO BOX 4090	SCOTTSDALE	AZ 85261
RAHARDT ROLF U TR FOR ROLF-UDO R	1502 SW 16TH CT	CAPE CORAL	FL 33991
REANON CORP	18291 DEEP PASSAGE LN	FORT MYERS BEACH	FL 33931

RUBIO RODRIGO	249 SANTA BARBARA BLVD	CAPE CORAL	FL 33991
SAWYER JONATHAN & GRIFFIN CHRIS	1511 SW 15TH PL	CAPE CORAL	FL 33991
SCHUTTE MARK + MARY	4 PROSPECT AVE	BAYONNE	NJ 07002
SERIES C OF BEAR RIVER PROPERTIES I	917 MAIN ST APT 30	HOUSTON	TX 77002
SHAMROCK ASSETS LLC + CORAL CAPE	PO BOX 101526	CAPE CORAL	FL 33904
THOMPSON JOHN H JR + MARY A	1606 SW 14TH TER	CAPE CORAL	FL 33991
ULRICH JENNIE	2523 EMMA CIR	TAMPA	FL 33614
VIGLIS VOULA	195 BATTERY AVE	BROOKLYN	NY 11209
VIGNEAULT ROBERT D & ALVAREZ EV	1533 SW 15TH PL	CAPE CORAL	FL 33991
VIRGILI GLADYS + PITA ILEANA	PO BOX 695	HILMAR	CA 95324
VITALE LYDIA A TR FOR LYDIA A VITALI	234 SW 45TH ST	CAPE CORAL	FL 33914
WOODRIDGE PROPERTIES LLC	PO BOX 101526	CAPE CORAL	FL 33910

Item Number:	3.A.
Meeting Date:	5/1/2018
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, May 15, 2018, at 9:00 a.m., in Council Chambers

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: