

**MINUTES FOR THE COMMITTEE OF THE WHOLE  
OF THE CAPE CORAL CITY COUNCIL**

**Wednesday, October 10, 2018**

Meeting called to order by Mayor Coviello at 4:30 p.m.

Pledge of Allegiance was led by Mayor Coviello.

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams were present.

**BUSINESS**

**CITIZENS INPUT TIME**

Lynn Rosko appeared to discuss the parking item. She viewed the presentation and discussed the variations. Her suggestion was to leave the topic alone. Trucks do not belong in residential neighborhoods. She also discussed rules for boats and the Code. Take a look at that Ordinance since there are people who have had about 20 violations in the last year and a half. These violations are opened and then closed, with no fines, no hearings, and no action. Car parking on lawns should be banned, too. She suggested firming up the Code Ordinance and meet with violators to get them to be compliant. There should be no trucks with ladder racks in the neighborhoods.

Bruce Marvin appeared to thank Council for addressing residential parking as a community value issue. He is a DCD volunteer and applauds DCD for tonight's presentations. He was not in favor of unlimited parking, storage of vehicles on lawns, no limit on the number of boats in rear yards, and no limit on the number of legal commercial vehicles. They all resemble the unincorporated areas of Lee County. Restrict the number of cars and set limits on the number of boats, boat trailers, and commercial vehicles to no more than one. Tradesmen need vehicles at their property, and they need to cover up their vehicles. Include all residents that wrap vehicles such as real estate agents. He also addressed the topic of regulation of car covers. The LUDR needs an amendment to address this for compliance. Coverage should fit, be properly secured, be free of rips and tears, and addressed in the re-write. Compliance through cooperation.

Councilmember Carioscia stated he agreed that there is a problem with vehicles that have covering, seen as outside storage. He would like Code to look at that for an amended Ordinance.

Councilmember Gunter also agreed that the covers are used to hide – we should have an Ordinance that compels the owner of the residence to have to show our Code Enforcement that the vehicle is registered. We should have an Ordinance in place to help our Code Enforcement Officers.

## DISCUSSION

### 7 Islands CBRE Contract Discussion

City Manager Szerlag provided an overview of the points of public contact about how we arrived here today.

1. Purchased the property
2. Engaged CPH to develop a plan in June of 2015
3. Process kicked off in late June 2015
4. Series of public meetings and planning charrettes were held in the fall of 2015 and the winter of 2016
5. Community Project more than a Manager/Council project
6. We had cartoon diagrams and a series of charrettes.
7. August 2016, City Council was presented with concept plans
8. November 2016 Council approved a resolution with a concept plan D1 of mixed uses including commercial, residential, hotel, resort, restaurant, retail, marina.
9. Initiation was made to the Comprehensive Plan to establish the 7 Islands Subdistrict and to amend the land use map to mixed use
10. August 2018, City Council adopted the text and land use map amendment and the amendments were effectuated in October 2018. It was call the MX7 zoning district for the 7 Islands consistent to what the Council wanted.
11. MX7 zoning district will hopefully be adopted in conjunction with the new development plan code in January 2019.

He described the Land Use Development Code as a generational project being worked on for several years. We recently hired a geotechnical firm to complete a preliminary geotechnical exploration for this site. We are waiting for the report; the outcome will be what weight that area can handle in terms of foundations required to go vertical on the site. The next steps are a presentation at this meeting from Mr. Michael McShea, Executive Vice President, and Jeffrey Gage, Senior Vice President, both of CBRE.

Mr. McShea presented the following slides:

- Commercial Real Estate Development Advisory Services October 10, 2018  
Welcome to the City of Cape Coral
- CBRE is the world's largest commercial real estate provider.
- CBRE: PIES Group, CBRE: Public Institutions and Education Solutions Group
- Understanding the Project (Economic Development; Visioning Process; Destination Point; Community Vote; and Mixed-Use Design Concept)
- 7 Islands Concept (Design Concept Plan D-1)
- CBRE Marketing Capabilities, CBRE Deal Flow
- Development Advisory Process (Development Advisory Process)
- Offering Memorandum Process and Timeline (Recommended waiting until after the holidays to release the RFP's or offering memorandum)

- Next Steps (Engage CBRE; Prepare project goals and solicitation format; Assemble consulting team members and allied professionals; complete site assessment of Concept D-1 including economic model; profile ideal buyer; and prepare developer solicitation and marketing materials)
- CBRE Compensation Agreement (Working for a success fee to be paid via a retainer \$7,500 a month and when the transaction closes, CBRE will reimburse the \$7500 per month to the City from the Commissions received from the developer.)
- Your CBRE Team
- Your CBRE Team (continued)
- Your CBRE Team (continued)
- Thank You

Discussion held regarding:

- Term of agreement (1 year) (Retainer paid, should termination occur, they would only keep the retainer fee received)
- Refund of retainer fee out of the success fee that would have been earned
- Commission 3% of the project value with a deduction of the \$7,500 paid.
- Residential will likely be the first element of the development.
- Developers will want to phase this project, a little at a time.
- Retail follows rooftops
- Multi-Family most likely first
- Would the RFP be sent to resorts? Group specializes in every facet of the real estate industry
- Promotion of Public Private Partnership would be included

City Manager Szerlag elaborated on the question about what would trigger an extension of the contract. Page 8 identifies major process elements and timeframe. We will ask for bi-weekly updates and share those with City Council.

Councilmember Nelson inquired about resident concerns about an environmental study. Is that part of the next steps timeline?

Mr. McShea responded that it was not. Any developer that comes in would do their own due diligence. Several specialized studies would be completed before this is done at the developer's cost.

Councilmember Cosden inquired what other options have been looked at? This is just one vendor.

City Manager Szerlag responded that he tagged staff to secure a consultant following the procurement process. Piggybacking was used to acquire CBRE. He interviewed and agreed with the recommendation results from the DCD Director and Interim Assistant City Manager. In-house staff would take a much longer time to complete.

Mayor Coviello inquired about the timeline.

Mr. McShea reviewed slide 8 that included the timeline elements.

- Create developer solicitation (Contract approval – end of 2018)
- Pre-marketing begins (Mid-February, 2019)
- Release solicitation and receive bid responses (June, 2019)
- Evaluate and short-list proposers (July, 2019)
- Award to selected developer (September, 2019)

He explained this is a typical timeline, taking one year.

Councilmember Gunter explained the success of a project is established early on. He believed CBRE would be an asset and was in favor of moving forward with CBRE.

Councilmember Williams questioned the selection of the vendors and was hopeful to use locals. He confirmed that Council will have another opportunity to decide the final product with community involvement.

Councilmember Stout expressed support for CBRE's proposal.

Mr. McShea explained about hiring local labor. It was not uncommon for them in RFP's to give local firm preference.

***A general consensus was reached to support a contract with CBRE.***

#### Community Values Issues Related to Parking

Planning Manager Pederson discussed the community values issues on residential parking requirements and presented the following slides:

- Community Values Issues: Parking in Cape Coral
- Executive Summary
- March COW Discussion and Direction (Parking in Residential Neighborhoods)
- Parking Boats in Rear Yards (Maximum # of Boats allowed – 1 or 2? Should boats (requiring registration) in rear yards be required to be on a trailer?)
- Prohibit Parking on the Grass (Language to prohibit parking on the grass in all residential zoning districts is included in the draft LDC.)
- Commercial Vehicle Parking in Residential Zoning (Pickup trucks with graphics/wraps; pickup trucks with ladder racks; pickup trucks with utility boxes and light vans with graphics or racks)
- Examples for Discussion & Direction
- Pickup Trucks – (Motor vehicle with a permanently mounted open cargo box; up to 17,500 lbs GVW; up to 82" in heights; no more than 6 wheels; this definition covers to one-ton pickups)
- What are light vans? (Motor vehicle w/rectangular bulk; carrying capacity up to 9 passengers; up to one-ton)

- Examples for Discussion
- Pickup with racks
- Pickup w/graphics, ladder rack, & utility boxes
- Van with graphics
- Cargo van with ladder rack
- Van with graphics and rack
- Thank you
- Q and A & Council Direction

Mr. Pederson explained staff was seeking Council direction on where you desire to move the meter with respect to those commercial vehicles, which ones you will allow in residential neighborhoods. He noted he concurred with the resident who spoke regarding limiting a number on any given parcel.

Councilmember Williams – boats and jet skis, he was okay with two boats or one boat and one jet ski. He agreed with the current parking regulations of commercial vehicles. He was not in favor of wraps on commercial vehicles, ladder racks, commercial trucks. He stated we needed to look at the cover issue. It was important that the vehicles under the wraps were registered and functional.

Councilmember Nelson – our current ordinance was not consistent with the commercial vehicles with graphics. Need to be consistent: cars and SUV's are allowed so then trucks and vans should be allowed too; boats – two are okay with no regulation of registration; parking on grass – unsure at this time in an effort to be fair.

Councilmember Stokes – parking on grass should be allowed; open to small tweaks on existing regulations; boats – two is reasonable on a trailer, not to include canoes and kayaks, not in favor of Code compliance going into residents' yards to see if it works, covers – not in favor of policing this topic; what we have currently is fair in the spectrum.

Councilmember Gunter – agreed with the current ordinance on trailers; one boat and one personal water craft device on trailers in rear yard with registration, not parking on grass - Regulation staying as is – park on approved surfaces; vehicle covers, do not keep a vehicle in a driveway, provide registration that it is properly registered and a general sense it is operable. Lettering of vehicles – common-sense approach, not in favor of changing, if anything be stricter. If we allow them, use a common-sense approach.

Councilmember Stout – agreed with Councilmember Gunter. Park cars in garage.

Councilmember Williams – everything should be on a trailer, control of boat condition; regulate grass parking based on the number of bedrooms; no restrictions to a special event; get a free permit for parties; no median parking. He agreed with everyone else about the signage on the cars and the commercial vehicles.

Councilmember Cosden – grass parking be allowed when parked parallel to the road; two boats on trailer in back yard; allow wrapped commercial vehicles; (pickup trucks and vans).

Councilmember Stokes – agreed with allowing sign lettering; reiterated about the grass parking to allow cars parallel with the driveway for the working community and families.

Councilmember Gunter added about the R.V. parking permit topic. Would be in favor of a person getting a permit twice a year for three days to clean/service their boat in the driveway, two times a year for a certain amount of time. Parking on the grass needs to be taken into consideration. He receives complaints from residents about multiple cars parking on the grass. He was in favor of a special event grass parking permit for 3 or 4 times a year. We are looking to go after the habitual violators.

City Attorney Menendez reviewed that the Council is grappling with the issues. Foundation for parking in residential areas – protects the character of residential areas from commercial intrusion. If you get too liberal, it is possible to make it too broad. The Ordinance has been challenged and defended a few times in the past. Concern about automobile covers - Code Enforcement Officers cannot go into residents' yards. This is a constitutional issue as to how far you can go. She offered to research this but was cautioning ahead of time that we may not be able to attain the requirement of allowing covers, possibly regulate that with fitted covers. She was not confident that we would be able to go as far as asking the homeowner to show the registration and require them to start the car. She stated in terms of using a car cover to conceal a violation, that may not be an attainable goal, but she would research that. Regulating the cover itself for that purpose and maintaining it in a clean and undilapidated state is okay.

Councilmember Carioscia explained the cover topic, there is no way to know what is under the cover. Code is not allowed to go on the property and look under the canvas. The problem is having outdoor storage on driveways. Eliminate outdoor storage of any vehicles in front of the house. Prohibit vehicles under covers. He announced that the U.S. Senate passed the WRDA (Water Resources Development Act) authorizing \$3.7 billion for new Army Corps of Engineers civil works projects and \$4.4 billion for the Environmental Protection Agency drinking water program.

Mayor Coviello - okay with boats in back yard with one boat, two jet skis on one trailer; anything in the backyard would need to be on a trailer; questioned if there could be a boat on the side of the house behind a fence that you cannot see from the street – wanted some discussion on that. Do not like parking on the grass, but our City needs this option especially with multi-family homes. Covers – regulate the visual only; commercial vehicles in the driveway, no one appears in favor of ladder racks, ladders or utility boxes, but lettering should be allowed for pickup trucks like other vehicles; limit to two.

Mr. Pederson reviewed the following from the comments that were made:

- Racks are currently allowed, with no ladders; trucks allowed without lettering

- Party permits are not reasonable to ticket residents
- Council agreed - two boats okay
- Council agreed – two jet ski's on one trailer equals one boat
- Not to include canoe or kayak, boats that require a registration in State of Florida
- Grass parking – looking at in the Code, design requirements for parking at duplexes – will bring this back in January in one document.

Councilmember Cosden responded about habitual grass parking is because people live there. These are homeowners.

Councilmember Carioscia inquired if you can park on the grass in Fort Myers?

Manager Pederson stated there was a slide at the last COW meeting that had those requirements from our neighboring communities, as well as other large cities in Florida comparable in size.

Councilmember Carioscia inquired if parking was allowed on the grass in Bonita Springs and Naples? If they do not, there is a reason for it. He requested that information.

Manager Pederson stated he would send that slide to Council that was presented at that meeting. He stated there was a chart with all of these issues: trailers, RVs, boats, grass parking and how the surrounding communities handled them. There was not a clear defined way of doing it.

Councilmember Gunter stated he would also like to have that information. He recalled there is only one city in unincorporated Lee County that allowed parking on the grass. He asked for Council to weigh in on the boat's decision, whether it was only one or two boats, or one boat and one personal watercraft, or two personal watercrafts on one trailer.

City Attorney Menendez addressed what type of garage requirements would be included in the new Land Development Code (LDC). The current Ordinance indicates that the single family residential districts have the highest level of protection. They are also required to have a garage. Duplexes are also required to have a garage. Multi-family (three units or more) is not required to have a garage. Apartments and condos have no garages and have difficulty putting their commercial vehicle somewhere. She was not certain if we're talking about creating the same regulations for all the zoning districts, whether or not that concept takes into consideration the ability to have indoor parking on the property. She questioned if the new LDC would have a mandatory parking structure in multi-family.

Mayor Coviello stated then it's possible to have a different set of regulations for multi-family as opposed to single family.

City Attorney Menendez stated it is currently that way. The multi-family regulations are less restrictive right now than they are for single family. One of the reasons is because multi-family does not have a garage. The argument that you can park it in your garage was not going to work there. It is not as protected of a zoning district as is single family. She suggested that issue be explored here.

Discussion held about parking boats on the side of a property was based on the fire protection.

Mayor Coviello asked Mr. Pederson if he had enough direction.

Manager Pederson responded in the affirmative. He pointed out that staff will work with the Attorney's Office and get the wording that we think reflects your direction that will come forward in the LDC. Council will have an opportunity to tweak or amend it when it comes forward in that fashion.

### **Round Table Discussion**

None

### **TIME AND PLACE OF FUTURE MEETINGS**

A Special Meeting of the Cape Coral City Council was scheduled for Monday, October 15, 2018 at 2:00 p.m. in Council Chambers (Attorney-Client Session).

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, October 15, 2018 at 4:30 p.m. in Council Chambers.

### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 6:07 p.m.

Submitted by,



Kimberly Bruns, CMC  
Assistant City Clerk