

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

**TUESDAY, February 11, 2020**

**COUNCIL CHAMBERS**

**9:00 A.M.**

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

ALSO PRESENT: Mike Struve, Planning Team Coordinator  
Justin Heller, Senior Planner  
John Naclerio, Assistant City Attorney

**HEARINGS**

**Case# ZA19-0010\*; Address: 118 Hancock Bridge Pkwy; JPMB LLC.**

Recording Secretary Sorrels read the case into the record and administered the oath.

Senior Planner Heller confirmed the notice requirements had been met.

Hearing Examiner Dalton stated she found proper notice was given.

Hearing Examiner Dalton asked Ms. Miller if she received an email from Kevin McGrail. She noted for the record that Mr. McGrail is in support of the rezone.

Linda Miller, Senior Planner with Avalon Engineering, responded in the affirmative. She noted that she is representing the applicant JPMB LLC. She asked to be recognized as an expert.

Hearing Examiner Dalton responded she would do so.

Ms. Miller presented a power point titled Case # ZA19-0010 with the following slides:

- ZA19-0010 Requesting to rezone
- Project site
- Current Future Land Use
- Current Zoning
- Aerial of the Site
- 1. Whether the proposed zoning district proposed is consistent with the Comprehensive Plan Policy 1.15 Land Development regulations
- Policy 1.14, 1.15.c, and 1.17
- Policy 2.1, Policy 7.10 the site is within the Urban Service Transition Area and has access to centralized utilities.

- 2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration: North (across Hancock Bridge Pkwy) and West (across Santa Barbara Blvd)
- 3. Whether the full range of uses allowed in the proposed zoning district will be compatible with the existing and potential uses in the area under consideration. The uses permitted in the City's C (Commercial) Zoning would be compatible.
- 4. Whether the proposed zoning district will serve a community need or broader public purpose:
- 5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district.
- 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- Accept the staff report

Mr. Heller presented a power point titled Case # ZA19-0010 with the following slides:

- Owner: JPMB, LLC request rezone
- Background
- Subject Parcels Aerial Map
- Current Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Analysis - LDC, Section 3.4.6.
  - 1. Whether the proposed zoning is consistent with the City Comprehensive Plan. Policy 1.15.c. Commercial/Professional.
- 2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration
- 3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration.
- 4. Whether the proposed zoning district will serve a community need or broader public purpose.
- 5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district.
- 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- The 6 conditions are as noted above
- Comprehensive Plan: Policy 1.14, Policy 2.1, Objective 3: Development of Quality Commercial Centers.
- Recommendation: staff recommends approval
- Correspondence two calls for additional info. One call and one email from neighboring properties in support of this request.

Public hearing opened.

No speakers.

--- Public hearing closed. ---

Hearing Examiner Dalton noted the email that she had received from Mr. McGrail, was is in support of the rezone. She asked the applicant if she would like to incorporate the staff's report into her presentation and include Mr. Heller's PowerPoint.

Ms. Miller replied in the affirmative.

Hearing Examiner Dalton asked Mr. Heller if he would like to incorporate his staff report into his presentation.

Mr. Heller replied in the affirmative.

Hearing Examiner Dalton responded she would do so.

Hearing Examiner Dalton stated she will recommend to City Council that the zoning moves forward and get the Recommendation out as soon as possible.

Hearing Closed.

**Case# ZA19-0011\*; Address: 35 NE 10th PL; Summit 69, LLC.**

Recording Secretary Sorrels read the case into the record and administered the oath.

Planning Team Coordinator Struve confirmed the notice requirements had been met.

Hearing Examiner Dalton stated she found proper notice was given.

Joe Mazurkiewicz, President, BJM Consulting Inc., appeared on behalf of the applicant. He requested to be recognized as an expert.

Hearing Examiner Dalton stated she would do so.

Mr. Mazurkiewicz explained the rezone is from RML to RMM, the difference is RML is 16 units per acre and the RMM is 25 units per acre. He noted the entire block is multifamily development. The City identified this site as appropriate for this zoning on this site. He noted he reviewed staff's report and would like to include it in his presentation.

He presented a document on the overhead projector and explained, this would not be harmful for this neighborhood. He showed an aerial view of the site on the overhead projector. He noted there are four 3 story buildings at this location.

Planning Team Coordinator Struve requested to be recognized as an expert.

Hearing Examiner Dalton stated she would do so.

Mr. Struve presented a power point titled Case # ZA19-0011 with the following slides:

- ZA19-0011
- Subject Parcel Aerial Map
- View of Coral Village Apartments/Van Loon Commons
- Current Zoning Map
- Proposed Zoning Map
- Background
- Analysis (LDC, Section 3.4.6, and Article 4)
- Consistency with the Comprehensive Plan
- Future Land Use Policy 1.15.b
- Consistency with the Comprehensive Plan Housing Element
- Consistency with the Comprehensive Plan Policy 2.1 Pursuant to 163.3202 (1.)
- Analysis (continued) 2. Whether the range of uses in the proposed district will be compatible with existing uses in the area under consideration
- Existing Developments: Coral Ridge Apartments, Van Loon Commons and SF Homes to the South.
- Analysis (continued) 3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration.
- Analysis (continued) 4. Whether the proposed zoning district will serve a community need or broader public purpose.
- Analysis (continued) 5. The characteristics of the rezone area are suitable for the uses permitted in the proposed district.
- Analysis (continued) 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to uses in the surrounding area.
- Recommendation Approval.
- Correspondence three phone calls – two opposed.

Public hearing opened.

Brenda Hallihan, resident of Van Loon Commons, expressed concern about the narrow roads around this site and the potential in increased traffic. She would like the density to stay the same.

Louis Navarra, resident stated he was in opposition to the rezone.

Public hearing closed.

Hearing Examiner Dalton requested Mr. Mazurkiewicz to come to the podium and she asked if he agreed with Mr. Struve's comment about the site plan.

Mr. Mazurkiewicz responded in the affirmative. He noted the roads in this area are consistent with the roads throughout the City. This zoning and proposed site plan will be a 1- or 2-bedroom development.

Hearing Examiner Dalton asked Mr. Struve if there is anything additional that he would like to testify to.

Mr. Struve noted that this site has always been a Multifamily Future Land Use Classification. He asked if he could incorporate his staff report into his presentation.

Hearing Examiner Dalton stated she would do so. She noted she would get the Recommendation out as soon as possible.

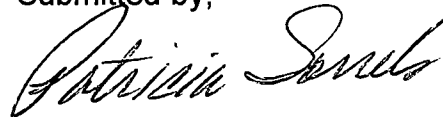
#### **DATE AND TIME OF NEXT HEARING**

A hearing of the Hearing Examiner was scheduled for Tuesday, February 25, 2020, at 9:00 a.m. in Council Chambers.

#### **ADJOURNMENT**

There being no further business, the hearing adjourned at 10:00 a.m.

Submitted by,

A handwritten signature in cursive script, appearing to read "Patricia Sorrels".

Patricia Sorrels  
Recording Secretary