

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

December 15, 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
John Naclerio, Assistant City Attorney
Ryan Lamb, Fire Chief
Persides Zambrano, PW Permitting and Planning Manager

Case #VP20-0012*; Address: All Properties in Block 4406; Applicant: City of Cape Coral

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

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

Hearing Examiner Dalton found that proper notice was given.

Linda Miller, Senior Planner, Avalon Engineering, Inc., authorized representative, requested to be considered an expert.

Hearing Examiner Dalton recognized her as an expert.

Ms. Miller presented the following slides:

- Representing the City of Cape Coral on Vacation of Plat VP 20-0012
- Aerial map of Block 4406
- Zoning and Land Use
- Map of Alley Area
- Application Meets the Minimum Standards
- Vacation #1
- Vacation #2
- Vacation #3
- Utility Companies No-Objection
- LDC, Section 3.4.5B
- Applicant acceptance of Planning Division Case Report

- Staff Recommendation of approval with condition that a 6' PU and Drainage Easement will be retained around the perimeter of the Fire Station

Ms. Miller asked to please accept into evidence the Vacation of Plat Application, the supporting documentation, this presentation, the Planning Division Case Report, and Staff's presentation.

Hearing Examiner Dalton stated she would accept it into evidence.

Planning Team Coordinator Struve stated his credentials could be obtained in the City Clerk's Office and requested to be recognized as an expert in the area of land use planning.

Hearing Examiner Dalton recognized him as an expert in land use planning matters.

Planning Team Coordinator Struve explained the following displayed slides:

- VP20-0012, owner, rep, request
- The City requests to vacate the following:
 1. ±23,200 sq. ft. of alley ROW in Block 4406
 2. ±4,560 sq. ft. of easements underlying the alley ROW between Lots 1-6 and Lots 53-58
 3. ±2,736 sq. ft. of platted easements associated with Lots 1-6 and Lots 53-58
- Aerial Map
- Current Zoning Map
- Background
- Vacate 23,200 sq. ft. of alley ROW
- Vacate 4,560 sq. ft. of easements

Hearing Examiner Dalton asked why the City was not requesting to vacate all the easements concurrently with the vacation of the alley itself.

Planning Team Coordinator Struve opined that it would mainly provide the utility providers with maximum flexibility, should they ever decide to utilize the alleyway in the future for utilities. If the alley vacation is approved, the property will be split equally between the property owners on the north and the south, and the owners would not be prohibited from placing a fence. With those easements in place, those new owners would have a minimum of a ten-foot setback from that property line.

Planning Team Coordinator Struve continued with his presentation:

- Vacate 2,736 sq. ft. of platted easements
- Vacation will provide a consolidated site offering flexibility in design
- Analysis (LDC, 3.4.5B) (2 slides)
- Comprehensive Plan

- Recommendation – Approval with the following condition: The City shall retain six-foot wide public utility and drainage easements underlying the vacated alley at the north and south ends of the City site (Lots 1-6 and 53-58, Block 4406) as shown and described in Exhibits “B” and “C”, respectively.
- Correspondence – Three phone calls – informational

Hearing Examiner Dalton asked if any other members of the City Staff wished to testify.

PW Planning and Permitting Manager Zambrano stated that Staff reviewed the application, and they have no objection to the request to vacate the alley and underlying partial easements. She explained why the City was not requesting to vacate all the easements concurrently with the vacation of the alley itself. Should the need arise in the future to run a stormwater pipe for stormwater purposes, there would be flexibility and do not want to preclude that from the future. The alley is not functional at this time, there are no plans to make it a functional alley, and we support the application for the vacation request.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton asked Ms. Miller if she had any other testimony.

Ms. Miller added that there is an existing storm pipe within that alley area which will be maintained.

Hearing Examiner Dalton asked Mr. Struve if he had any further comments.

Planning Team Coordinator Struve requested that his Staff Report be incorporated as part of his presentation.

Hearing Examiner Dalton stated she will do so.

Hearing Examiner Dalton stated she would recommend approval of the vacation and would attempt to get it out as quickly as possible. She closed the hearing for this case.

Hearing Closed.

OTHER BUSINESS

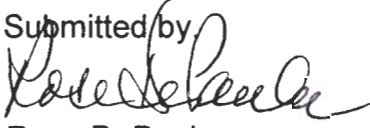
None.

DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, January 5, 2021, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 9:30 a.m.

Submitted by

Rose DePaula
Recording Secretary

Transcribed by Barbara Kerr 12/22/20