

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

January 5, 2021

COUNCIL CHAMBERS

9:00 A.M.

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

ALSO PRESENT: Patrick White, Planner
Mike Struve, Planning Team Coordinator
John Naclerio, Assistant City Attorney

Case #VP20-0013*; Address: 2526 Skyline Blvd., Applicant: Creighton Construction and Management, LLC, on behalf of Owner: S & L Properties Skyline, LLC

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

Planner White confirmed the notice requirements had been met.

Hearing Examiner Dalton found that proper notice was given.

Jacob Mossholder, Creighton Construction and Management, LLC, authorized representative, discussed the following:

- Property located as outparcel to Home Depot development on Skyline Boulevard, south of Veterans Parkway
- Current condition of subject parcel displayed on overhead contained two lots
- Original contemplation of the smaller lot piece on the northeast corner is not known, it may have been a landscape feature
- Smaller piece had easement on both sides and the larger tract
- Proceeding with this development, it became obvious for the need to combine these lots and use entire outparcel as one
- Requesting vacation of easements that define and surround that smaller parcel and move to perimeter easements for the larger tract

Hearing Examiner Dalton asked Mr. Mossholder if he had anything further to add at this time.

Mr. Mossholder stated he had nothing further to add.

Hearing Examiner Dalton asked Mr. Mossholder if he had an opportunity to review the Staff Report.

Mr. Mossholder responded in the affirmative.

Hearing Examiner Dalton asked Mr. Mossholder if he wished to incorporate the Staff Report into his testimony today.

Mr. Mossholder responded in the affirmative.

Planner White explained the following, some displayed with slides:

- Vacation of Plat VP 20-0013
- Subject Parcel
- Current Zoning Map
- Applicant intends to vacate 2,346 sq. ft. of public utility and drainage easements and all underlying easements within a portion of Unit 66, Block 3167, Lot 10, Cape Coral Subdivision, at 2526 Skyline Boulevard
- Edited version of survey included in packet
- Orange highlight existing easement not impacted by this vacation
- Blue highlight portions of the PUE internal to this property
- Pink highlight portions of a formerly vacated alley that did not have the underlying easements vacated at the time it was originally vacated which was in the PDP for the Home Depot
- Approval of this vacation will facilitate development
- Staff Analysis, five criteria reviewed
- Consistency with the Comprehensive Plan
- Supports Objective 2 and Policy 2.1
- Supports Objective 3
- Consistency with the Economic Development Master Plan, Strategy 2.2
- Staff Recommendation of approval with two conditions outlined in the Staff Report
- Condition 1: The vacation of the 2,346 sq. ft. of easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Ardurra, dated September 30, 2020, labeled as Exhibit 1.
- Condition 2: This resolution shall be recorded with the Lee County Clerk of Court by the City of Cape Coral. The owner shall reimburse the City for all recording fees associated with this resolution.

Planner White asked to be recognized as an expert witness.

Hearing Examiner Dalton stated she would do so based on his curriculum vitae.

Public hearing opened.

No speakers.

Public hearing closed.

Hearing Examiner Dalton asked Mr. Mossholder if he wished to incorporate Staff's testimony into his presentation.

Mr. Mossholder responded in the affirmative.

Hearing Examiner Dalton asked him if he had any further testimony.

Mr. Mossholder stated that he did not have any further testimony.

Hearing Examiner Dalton asked Mr. White if he wished to incorporate his Staff Report into his presentation.

Planner White requested that his Staff Report be incorporated as part of his presentation.

Hearing Examiner Dalton stated she will do so. She asked him if he had any further testimony.

Planner White stated that he did not have any further testimony.

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 19, 2021, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 9:15 a.m.

Submitted by,

A handwritten signature in black ink, appearing to read "Rose DePaula". The signature is fluid and cursive, with a large initial "R" and "D".

Rose DePaula
Recording Secretary

Transcribed by Barbara Kerr 1/5/2021