

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

Tuesday, October 5, 2021

COUNCIL CHAMBERS

9:00 A.M.

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

ALSO PRESENT: Wyatt Daltry, Planning Team Coordinator
Chad Boyko, Principal Planner
John Naclerio, Assistant City Attorney

**Case# ZA21-0001*; Address: Multiple Properties, Applicant: City of Cape Coral
(Moved to Second Case)**

Case# ZA21-0004*; Address: 816 SE 8th Place; Applicant: Jomar Investments, LLC

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

Principal Planner Boyko confirmed the notice requirements had been met. He added that all advertisements were correct, as well as the meeting packet posted online.

Hearing Examiner Dalton found that proper notice had been met and she performed a site visit as well.

Joe Mazurkiewicz, BJM Consulting, Inc., appearing on behalf of the Applicant, Klum World Trading, LLC, asked to be recognized as an expert witness in this case based on his past testimony.

Hearing Examiner Dalton recognized him as an expert witness for purposes of this hearing based upon his *curriculum vitae* and prior testimony regarding similar issues.

Mr. Mazurkiewicz, presented the following:

- Property located in Southeast Cape Coral, 816 SE 8th Place, Block 1146, Lots 1 through 10
- Request to rezone from Multi-family (MRL) and Professional (P) to Multi-family 25 units/acre (RMM)
- Site is approximately 53,143 square feet with 425 foot of frontage and 125-foot depth and is currently served by all three utilities
- Current zoning is Multi-family RML to the north, Industrial zoning, Multi-family RML/Professional zoning to the east and Multi-family RML zoning to the west

- Waterfront parcel is mostly surrounded by existing multi-family, professional, and industrial uses
- The parcel has not been able to be marketed as a professional site for a number of years
- Requested rezoning will make the site attractive for waterfront multi-family development
- Development of the site will be in harmony with the existing surrounding uses
- Rezone will add consistency to the characteristics of the surrounding area
- Consistent with Multi-family land use
- Full range of uses in RMM zoning are compatible with the existing and potential uses of the surrounding area
- RMM zoning will not allow for single-family or duplexes
- Consistent with multi-family land use
- Location adjacent to two of the City's major employers
- Requested zoning will provide the community need for attainable workforce housing

Hearing Examiner Dalton inquired if he wished to incorporate the Staff Report into his presentation.

Mr. Mazurkiewicz responded in the affirmative.

Hearing Examiner Dalton inquired why it is more appropriate to have RMM rather than RML.

Mr. Mazurkiewicz stated the RML allows for single-family and duplexes which limits the number of properties available to meet the need of the community for workforce housing. RMM provides the density necessary for workforce housing.

Hearing Examiner Dalton inquired if Mr. Mazurkiewicz had an opportunity to review the email from Sue Fischer.

Mr. Mazurkiewicz stated he did not.

Hearing Examiner Dalton provided Mr. Mazurkiewicz with a copy of the email to review.

Principal Planner Boyko asked to be recognized as an expert witness in this case based upon his *curriculum vitae* and prior testimony regarding similar issues.

Hearing Examiner Dalton recognized him as an expert witness for purposes of this hearing based upon his *curriculum vitae* and prior testimony regarding similar issues.

Principal Planner Boyko presented the following:

- ZA21-0004, Owners, Location, size, Urban Services, Request
- Aerial Map
- Current Zoning Map
- Proposed Zoning Map
- Analysis – Land Development Code
- Analysis – Comprehensive Plan
- Recommendation – Approval
- Correspondence – 1 letter of opposition

Public Hearing opened.

No Speakers

Public Hearing closed.

Hearing Examiner Dalton stated she would like the record to note she provided Mr. Mazurkiewicz with a copy of the email from Sue Fischer, in opposition to the proposed rezoning to RMM. She stated she was not clear if Ms. Fischer was opposed to rezoning or wished to have it rezoned to RML. It appears she is in opposition to duplexes. She requested Mr. Mazurkiewicz respond to Ms. Fischer's email.

Mr. Mazurkiewicz stated after a quick read of the email he believes Ms. Fischer is concerned about the continuation and expansion of duplexes and the RMM zoning specifically precludes additional duplexes.

Hearing Examiner Dalton inquired if Principal Planner Boyko had further testimony.

Principal Planner Boyko stated he did not.

Hearing Examiner Dalton stated she would take all advisements under consideration and would reserve ruling on the matter.

Hearing Closed.

Case# ZA21-0001*; Address: Multiple Properties, Applicant: City of Cape Coral (Moved from First Case)

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

Planning Team Coordinator Daltry confirmed the notice requirements had been met. He added that all advertisements were correct, as well as the meeting packet posted online.

Hearing Examiner Dalton found that proper notice had been met.

Planning Team Coordinator Daltry asked to be recognized as an expert witness in this case based on his past testimony.

Hearing Examiner Dalton recognized him as an expert witness for purposes of this rezoning hearing based upon his *curriculum vitae* and prior testimony regarding similar rezoning hearings.

Planning Team Coordinator Daltry presented the following:

- ZA21-0001
- Request
- City Initiated Rezoning of Multiple Properties
- Background
- Aerial Map and Current Future Land Use Map
- Current and Proposed Zoning Maps
- History
- Comprehensive Plan/LDC Analysis
- Conclusion
- Recommendation – Approval
- Correspondence - none

Public Hearing opened.

No Speakers

Public Hearing closed.

Planning Team Coordinator Daltry requested that the Staff Report be incorporated into his presentation.

Hearing Examiner Dalton stated she would do so.

Hearing Examiner Dalton stated she would recommend approval and would attempt to get her recommendation out as quickly as possible.

Hearing Closed.

Case# ZA21-0013*; Address: 1219 Academy Boulevard; Applicant: Cape Trust Investments, LLC

Planning Team Coordinator Daltry confirmed the notice requirements had been met. He added that all advertisements were correct, as well as the meeting packet posted online. Hearing Examiner Dalton found that proper notice had been met and she performed a site visit prior to the hearing.

Joe Mazurkiewicz, BJM Consulting, Inc., appearing on behalf of the Applicant, Klum World Trading, LLC, asked to be recognized as an expert witness in this case based on his past testimony.

Hearing Examiner Dalton recognized him as an expert witness for purposes of this hearing based upon his *curriculum vitae* and prior testimony regarding similar issues.

Mr. Mazurkiewicz presented the following:

- Request to rezone from Professional to Multi-family (RML)
- Frontage on Academy Boulevard approximately 15,000 square feet
- Future land use is Mixed Use and current zoning is Professional
- The site is serviced by all three utilities
- Site is located at the southern end of the area known as City Centrum
- The site has been vacant for years
- Site has Commercial/Professional Land Use, Professional zoning to the north, Mixed Use to the South and East
- RML Multi-family zoning units and Multi-family land use and zoning to the west
- Surrounded on the east, south, and west by RML (Multi-family) zoning with (P) Professional zoning to the north
- Requested rezone will allow potential projects to be in harmony with the existing surrounding community
- Rezone will add consistency to the characteristics of the surrounding area
- LDC, 3.4.6 criteria

Mr. Mazurkiewicz requested the Staff Report be incorporated into the presentation.

Hearing Examiner Dalton responded in the affirmative.

Planning Team Coordinator Daltry asked to be recognized as an expert witness in this case based on his past testimony.

Hearing Examiner Dalton recognized him as an expert witness for purposes of this rezoning hearing based upon his *curriculum vitae* and prior testimony regarding similar rezoning hearings.

Planning Team Coordinator Daltry presented the following:

- ZA21-0004, Applicant/Owner, Authorized Rep, Request, Location
- Background
- Aerial and Current Future Land Use Maps
- Current and Proposed Zoning Maps
- History
- Comprehensive Plan/LDC Analysis

- Conclusion
- Recommendation – Approval
- Correspondence - none

Planning Team Coordinator Daltry requested the Staff Report be incorporated into the presentation.

Hearing Examiner Dalton responded in the affirmative.

Public Hearing opened.

No Speakers

Public Hearing closed.

Hearing Examiner Dalton asked if Mr. Mazurkiewicz had additional testimony or comments to add.

Mr. Mazurkiewicz responded the City is making progress regarding adding multi-family residences but there is still a shortfall.

Hearing Examiner Dalton asked Planning Team Coordinator Daltry if he had anything further to add.

Planning Team Coordinator Daltry stated he had nothing further to add.

Hearing Examiner Dalton stated she would recommend that the rezone go forward as requested and she would attempt to get that recommendation out as quickly as possible.

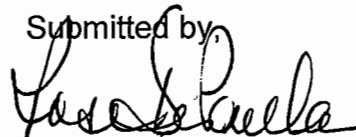
DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, October 19, 2021, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 10:09 a.m.

Submitted by,



Rose DePaula
Recording Secretary