

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

Tuesday, September 17, 2024

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
Anthony Santora, Senior Planner
Candise Forde, Planner
Cody Vaughan-Birch, Assistant City Attorney

Withdrawn by the Applicant Case#: VAR24-000003*; (Continued from the 8/20/24 Hearing Examiner Hearings)

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

Senior Planner Santora stated written notification was received and forwarded to the Hearing Examiner and the Clerk's Office that the applicant withdrew his application and the case was closed.

Hearing Examiner Dalton asked Mr. Santora if his testimony for the hearing was properly opened at the last hearing date and the case was continued.

Senior Planner Santora responded in the affirmative.

Hearing Examiner Dalton asked Mr. Santora that a separate compliance of public notice was not required.

Senior Planner Santora responded in the affirmative and stated the Hearing was continued to a date certain.

Hearing Examiner Dalton stated for the record the case was withdrawn and she will proceed accordingly.

Hearing closed.

Case#: RZN24-000004*; Address: 1011 SW 4th Ter.; Applicant: Synergy Homes LLC (Continued from the 8/20/24 Hearing Examiner Hearings)

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

Planner Forde confirmed the notice requirements had been met.

Hearing Examiner Dalton asked Ms. Forde if the case was continued from the last hearing docket.

Planner Forde responded in the affirmative.

Hearing Examiner Dalton found that proper notice had been met.

Dylan Curry, Synergy Homes, applicant's representative stated they agreed with the findings of the City and would appreciate the ability to build a home there.

Hearing Examiner Dalton Mr. Curry if he had an opportunity to review the materials provided by Staff.

Mr. Curry responded in the affirmative.

Hearing Examiner Dalton asked Mr. Curry if he agreed with them.

Mr. Curry responded in the affirmative.

Hearing Examiner Dalton asked Mr. Curry if he wished to incorporate them into his presentation.

Mr. Curry responded in the affirmative and provided the following information:

- Property size
- Property Zoning and FLU
- Structures on surrounding properties

Hearing Examiner Dalton asked Mr. Curry if he had any further testimony.

Mr. Curry responded in the negative.

Planner Forde presented the following displayed slides:

- Case # RZN24-000004
- Applicant, Authorized Rep, Owner, Location, Request
- Official Site Aerial Map
- Official Zoning Map and Future Land Use Map
- Background
- Criteria in LDC, Section 3.4.6 (6 slides)
- Consistency with the Comprehensive Plan
- Analysis – City Impact: Fire and Police

- Recommendation: Approval, Correspondence: three phone calls and one inquiry in person regarding this case

Hearing Examiner Dalton asked Ms. Forde if the phone calls expressed any opinion.

Planner Forde responded two of the calls were in favor and one was originally against it but did not realize the exact parcel; once the location was confirmed, he was more favorable for it.

Public Hearing opened.

Alex Mayus, resident and commercial developer, spoke in opposition of the rezone stating the following:

- Shortage of commercial development sites
- Development of adjacent commercial properties
- Displayed Future Land Use Map
- Commercial Development enhanced buffers
- Negative precedence
- Displayed extended area map
- Less opportunity for commercial development
- Site has water and sewer required for commercial development
- Sign posted on incorrect parcel

John Moffatt, commercial developer and real estate agent, spoke in opposition of the rezone stating the following:

- Property Listing
- Road widening for commercial buildings
- Number of lots in Cape Coral
- Number of lots for sale in Cape Coral residential versus commercial

Public Hearing closed.

Hearing Examiner Dalton asked Mr. Curry if he had any further testimony.

Mr. Curry responded with the following information:

- Requirements for commercial buildings
- Neighboring properties

Hearing Examiner Dalton asked Ms. Forde to address the public comment regarding the sign.

Ms. Forde stated signs are typically posted at a "T" zone for better visibility to people driving into the street or neighborhood and there is one posted on the site as well.

Hearing Examiner Dalton asked Ms. Forde if her testimony is that there were two signs and that one was placed on the parcel and one was placed in accordance with Staff policy.

Planner Forde responded in the affirmative.

Hearing Examiner Dalton asked Ms. Forde if she had any further testimony.

Planner Forde responded in the affirmative and provided the following information:

- Parcel size - 10,000 square foot lot
- Not part of an assembled larger lot
- Current zoning is in conflict with current Future Land Use classification
- Rezone would bring it into consistency

Hearing Examiner Dalton Mr. Forde if she wished to incorporate her Staff Report into her presentation.

Planner Forde responded in the affirmative.

Hearing Examiner Dalton stated she will take the comments by staff, applicant's representative, and public comments into consideration and will try to get her recommendation out as quickly as possible. She stated this case would go before City Council for approval, her function was to provide a recommendation, and suggested attending the City Council meeting to provide comments.

Hearing closed.

Case#: VAC24-000003*; Address: 2504 SW 4th Pl.; Applicant: Lee Memorial Health Systems

Recording Secretary Rhine 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 had been met.

Dana Hume, Johnson Engineering, applicant's representative presented the following displayed slides:

- Vacation of a portion of Cape Coral Unit 45, Part 1 Plat VAC24-000003
- Vicinity Location Map (2 slides)
- Request, Letters of No Objection, and Lee County Department of Transportation
- City Planning Division Staff Report Issued: September 10, 2024

Hearing Examiner Dalton asked Mr. Hume if he was in concurrence with condition five.

Mr. Hume responded in the affirmative and continued presenting the following displayed slide:

- City Planning Division Staff Report Issued: September 10, 2024

Hearing Examiner Dalton asked Mr. Hume if his client was in agreement with the proposed condition if the total cost of improvements that he articulated is less than \$250,000 the shortage would be applied to the General Tree Fund.

Mr. Hume responded in the affirmative and continued presenting the following displayed slides:

- City Planning Division Staff Report Issued: September 10, 2024
- LDC Section 3.4.5.B Standards and Criteria (2 slides)
- Comprehensive Plan Analysis
- Vacation Area Exhibit
- Existing Conditions of the Site
- Proposed Site Plan
- Conceptual Site Plan

Hearing Examiner Dalton asked Mr. Hume if the contemplation is offices rather than actual medical services excluding the urgent care.

Mr. Hume responded some imaging and cardio diagnostics would be included so it would be more than just an exam room.

Hearing Examiner Dalton thanked Mr. Hume and stated it was not relevant to the request.

Mr. Hume continued presenting the following displayed slides:

- Conceptual Site Plan (3-D)
- Potential Uses for Veterans Plaza

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

Mr. Hume responded in the affirmative.

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

Hearing Examiner Dalton recognized Mr. Struve as an expert based on his credentials and similar testimony in prior hearings.

Planning Team Coordinator Struve presented the following displayed slides:

- VAC24-000003
- Owner, Request, Location
- Official Site Aerial Map
- Official Zoning Map
- Background
- Minimum Standards

Hearing Examiner Dalton asked Mr. Struve if he was satisfied with responses from the utility providers.

Planning Team Coordinator Struve responded in the affirmative and continued presenting the following displayed slides:

- Project Area
- VAC24-000003: Analysis (LDC, 3.4.5.B)
- VAC24-000003: Analysis (continued) (4 slides)
- SDPL24-000019 Limited Site Plan

Hearing Examiner Dalton asked Mr. Struve if the circular area is what he is referring to.

Planning Team Coordinator Struve responded in the affirmative and continued presenting the following displayed slides:

- VAC24-000003: Analysis (continued)

Hearing Examiner Dalton asked Mr. Struve if the condition addresses the construction costs exceeding the estimate to his satisfaction.

Planning Team Coordinator Struve responded the condition does not include the exact amount of the cost to relocate those facilities.

Hearing Examiner Dalton responded she assumes that would be part of the RFQ Mr. Hume was referencing.

Planning Team Coordinator Struve continued presenting the following displayed slides:

- Comprehensive Plan Analysis
- Recommendation: Approval with Conditions / Correspondence: 3 phone calls informational only

Hearing Examiner Dalton asked Mr. Struve if the applicant's representative correctly recited proposed conditions.

Planning Team Coordinator Struve responded in the affirmative and stated Staff was in concurrence with those conditions.

Hearing Examiner Dalton asked Mr. Struve if the conditions had been adequately addressed to Staff's satisfaction.

Planning Team Coordinator Struve responded in the affirmative.

Public Hearing opened.

No Speakers.

Public Hearing closed.

Hearing Examiner Dalton asked Mr. Hume if he had any further testimony.

Mr. Hume responded in the affirmative and provided the following:

- Existing house is being used by the City of Cape Coral Police Department for training and will be removed once development starts.
- Dollar figures associated with Lumen and LCEC were for budgeting purposes and there are agreements to pay whatever the cost is to remove their facilities when requested.

Hearing Examiner Dalton asked Mr. Hume if the applicant or utility company would be doing the work.

Mr. Hume responded the utility companies would be doing the work.

Hearing Examiner Dalton asked Mr. Hume if he had any further testimony.

Mr. Hume responded in the negative.

Hearing Examiner Dalton stated she will recommend that the vacation request will go forward as requested by the applicant and encouraged by Staff and will attempt to get the Hearing Examiner Recommendation out as quickly as possible.

Hearing closed.

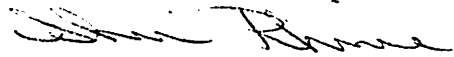
DATE AND TIME OF NEXT HEARING

The next Hearing Examiner Hearings have been scheduled for Tuesday, October 1, 2024, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

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

Submitted by,

A handwritten signature in black ink, appearing to read "Sheri Rhine", written in a cursive style.

Sheri Rhine
Recording Secretary