

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

TUESDAY, APRIL 18, 2017

COUNCIL CHAMBERS

9:00 A.M.

Madam Hearing Examiner Dalton called the hearings to order at 9:03 a.m.

ALSO PRESENT: Planning Team Coordinator Struve
Planner Justin Heller
Robert Pederson, Planning Manager
Brian Bartos, Assistant City Attorney
John Naclerio, Assistant City Attorney

HEARINGS

Case #SE16-0015*; Address: 3021 SW Pine Island Road; Applicant: Cape Investments Overseas Corporation, Inc. (Continued from April 4, 2017 hearing)

Senior Recording Secretary Delgado read the case into the record and administered the oath.

Hearing Examiner Dalton described the order of procession for the hearings.

Planning Team Coordinator Struve confirmed the case was properly noticed by posting a sign on the site, placing an ad in the newspaper prior to the hearing, and sending letters to property owners within 500 feet of the subject site.

Brian Smith, with Ensite, appeared on behalf of the applicant. Mr. Smith clarified the correct address of the site is 3021 SW Pine Island Road, not 3201 as read into the record. Mr. Smith presented a power point presentation titled SE16-0015 3021 SW Pine Island Road 7-11 Special Exception, with the following slides:

- Project Team: Applicant; Design Consultant; Transportation Planner
- Subject Property: Aerial map
- Request and Land Use Data
- Standards – Applies to Special Exception Uses
- Comprehensive Plan Consistency: Land Use Element; Transportation Element
- Proposed Master Site Plan

Hearing Examiner Dalton commented on whether there were any other 7-11's in Cape Coral that were completely enclosed within a shopping center.

Mr. Smith continued with the following slides:

- Proposed Master Site Plan (cont'd.)
- Proposed Landscape Design Plan
- Proposed Lighting Photometric Plan
- Hearing Examiner Hearing 4/4/2017 Public Comment
- Conclusion

Hearing Examiner Dalton inquired whether the applicant had reviewed and agreed with the conditions of approval set forth by staff. Mr. Smith replied in the affirmative.

Discussion held regarding the traffic information study TIS Table 2 page 5.

Planning Team Coordinator Struve stated his credentials and requested to be recognized as an expert in land use planning.

Hearing Examiner Dalton recognized Planning Team Coordinator Struve as an expert.

Planning Team Coordinator Struve presented a power point presentation titled SE16-0015 Cape Coral Hearing Examiner Hearing April 18, 2017, with the following slides:

- SE 16-0015: Owner; Applicant; Rep; Request; Location
- Map of the subject property
- Aerial map
- Zoning Map
- Background
- Photograph looking south
- Site Plan
- Landscape Plan
- Analysis (LUDR, Sections 2.7.12 and 8.8.5a-d)
- Analysis (continued)
- Photograph of south property line and gap where additional landscaping is needed
- Comprehensive Plan
- Recommendation; Correspondence

Discussion held regarding irrigation requirements.

Discussion held regarding zoning history of the Pine Island corridor district.

Public comment portion of the public hearing opened.

Sheri Bornfreund discussed gas stations in Cape Coral and other businesses that have failed. She stated she did not want to see commercial development on that site.

John Karcher discussed use of the other commercial establishments in the area. Mr. Karcher discussed issues with ingress and egress. He displayed an aerial photograph of Burnt Store Road and Ceitus Parkway and discussed current flows of traffic. Mr. Karcher displayed an aerial photograph of Burnt Store Road and Pine Island Road and discussed the flow of traffic going into McDonald's.

John Jacobs discussed concerns with egress and ingress to the subject site and surrounding commercial properties. Mr. Jacobs inquired about assessments to be paid by the proposed commercial establishment. He stated his opposition to REC90 gas without additional modifications to allow for better access.

Public comment portion of the hearing closed.

Hearing Examiner Dalton inquired if Mr. Smith wanted to incorporate Staff's report into the applicant's presentation. Mr. Smith replied in the affirmative.

Planning Team Coordinator Struve discussed assessments to be paid by the applicant. He stated coordination between the County and State would be necessary to incorporate any changes proposed by the public speakers.

Hearing Examiner Dalton closed this hearing.

Case #PDP16-0015*; Address: 1111-1141 SW Pine Island Road; Applicant: Pine Island Road Development, LLC

Senior Recording Secretary Delgado read the case into the record and administered the oath.

Planner Heller confirmed the case was properly noticed by posting a sign on the site, placing an ad in the local newspaper, and sent letters to property owners within 500 feet of the subject site.

Brian Smith, with Ensite, appeared on behalf of the applicant, and presented a power point slideshow titled PDP16-0015 Shops at Cape Crossing Subdivision 1111 / 1141 SW Pine Island Road, with the following slides:

- Subject property: aerial map

- Request and Land Use Data
- Existing Conditions
- Proposed PDP Subdivision Plan

Discussion held regarding master backflow valves.

Mr. Smith continued with the following slides:

- Setback Deviation

Discussion held regarding requirements for being able to state there would be no effect on public health, safety, or welfare.

Mr. Smith continued with the following slides:

- Consistency with Comprehensive Plan
- General Standards for Subdivisions
- General Standards for PDP's (12)
- Conclusion

Planner Heller stated his credentials and requested to be recognized as an expert in land use planning. Hearing Examiner Dalton recognized Planner Heller as an expert.

Planner Heller presented a power point presentation titled Case #PDP16-0015, with the following slides:

- PDP16-00156: Applicant; Representative; Location; Zoning
- Request
- Map of the subject property
- Aerial map of the subject property
- Zoning Map
- Project Description: PDP Amendment; Deviation to LUDR, Section 2.7.13, Table 2
- Proposed Site Plan
- Analysis-Section 2.7.13: Dimensional Standards; Access
- Analysis-Continued: Utilities
- Analysis-Section 4.2.H.6 A-J: General Standards for Subdivisions; Subdivision Recommendation
- Analysis-Section 4.2.4 A-J: General Standards for PDP's
- Analysis-Deviation
- Analysis-Continued: Deviation Request
- Analysis-Continued: Deviation Request (cont'd.)

- Comprehensive Plan
- Recommendation; Correspondence

Public comment portion of the public hearing opened.

No speakers.

Public comment portion of the hearing closed.

Discussion held regarding there being no residential on the subject property.

Hearing Examiner Dalton inquired if Mr. Smith would like the staff report and staff testimony incorporated into his presentation today.

Mr. Smith stated affirmatively and also mentioned that on page 2 of the Case report, it states the analysis of the subdivision request – access points - there are three on Ceitus Terrace and one on Pine Island Road.

Planner Heller agreed with Mr. Smith's proposed modification of the Staff report.

Hearing Examiner Dalton recommended approval with modification to Staff's report.

DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, May 2, 2017, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 10:08 a.m.

Submitted by,

A handwritten signature in black ink, appearing to read "Kimberly Bruns", with a long horizontal flourish extending to the right.

Kimberly Bruns
Assistant City Clerk