

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

TUESDAY, June 20, 2017

COUNCIL CHAMBERS

9:00 A.M.

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

ALSO PRESENT: Robert Pederson, Planning Manager
Mike Struve, Planning Team Coordinator
Kathy Eastley, Senior Planner
Brian Bartos, Assistant City Attorney

Hearing Examiner Dalton described the hearing process and order of procedure.

HEARINGS

**Case # PDP17-0001*; Address: 3107 Chiquita Blvd S; Applicant: Holiday Builders
Continued 7/11/2017**

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

Robert Pederson Planning Manager announced the Applicant will not be able to attend, would like to continue to a date and time certain of our next meeting.

Public hearing opened.

No speakers

Public hearing closed.

Hearing Examiner Dalton declared this case will be continued to July 11, 2017.

Case # VP17-0004*; Address: 2625 Santa Barbara Blvd; Applicant: SB-VETS-LLC

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

Senior Planner Eastley confirmed the case was properly noticed, sent letters to property owners within 500 feet of the subject site, and placed an ad in the newspaper.

Matt Uhle representing the applicant Banks Engineering inquired about the process to qualify as an expert.

Hearing Examiner Dalton inquired if the applicant signed an authorization for him to represent them today. She noticed his name was not on the paperwork. Hearing Examiner Dalton inquired whether Senior Planner Eastley had any objections to having Mr. Uhle represent the applicant?

Senior Planner Eastley responded that she had no objection.

Mr. Uhle responded he had no objection to the staff report. He also indicated they would like to incorporate the City staff's report into the presentation.

Hearing Examiner Dalton explained the requirements to Mr. Uhle.

Samuel W Marshall Engineer PE representing the applicant Banks Engineering noted his credentials Registered Professional Engineer in Florida.

Hearing Examiner Dalton stated she will recognize Mr. Marshall as an expert. She received a copy of Samuel W. Marshall's credentials.

Mr. Marshall affirmed they agree with staff recommendations and requirements. Specifically, they are requesting a vacation for a 16 ft. wide platted alley in all underlying public utilities and drainage easement. A lot 1-blk 553C lot 1-10 553B to provide access to the former City fire station. They received letters for no objections from Century Link, Comcast and LCEC. No negative responses. The applicant agreed with the City staff recommendation and conditions.

Hearing Examiner Dalton inquired about factual recommendations.

Mr. Marshall noted the area is under common ownership; the right-of-way serves no purpose in providing public access to the site, the four streets surrounding will provide public access to the site. The deeding was sufficient to serve the new enlarged project area.

Senior Planner Eastley requested to be recognized as a expert.

Hearing Examiner Dalton responded that she would recognize her as an expert.

Senior Planner Kathy Eastley presented a power point with the following slides:

- Request
- Map

- Site Data
- Analysis-section 8.11
- Analysis-8.11
- Comprehensive Plan
- Recommendation

Public hearing opened.

No speakers

Public comment section of the public hearing closed.

Hearing Examiner Dalton stated you have heard the testimony do you want staff material in your presentation?

Mr. Uhle responded in the affirmative.

Hearing Examiner Dalton noted she will recommend approval to City Council for the vacation.

Case # SE17-0006*; Address 2605 Santa Barbara Blvd; Applicant: SB-VETS-LLC

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

Planning Team Coordinator Struve stated the case was properly noticed requirements for posting a sign on the site, sent letters to property owners within 500 feet of the subject site, and placed an ad in the newspaper.

Hearing Examiner Dalton inquired about correspondence received:

Planning Team Coordinator Struve responded, No emails, 3 phone calls, one was opposed she was concerned about the traffic.

Samuel Marshall, Engineer PE Registered Professional Engineer reviewed his qualifications which included Bachelor Degree in Civil Engineering; 26 years of experience and has worked in Cape Coral for about 26 years.

Hearing Examiner Dalton responded that she would recognize him as an expert.

Mr. Marshall Engineer presented a power point with the following slides:

- Special Exception Site Plan
- Landscape Plan

Mr. Marshal Engineer mentioned that there are five standards, this is consistent with the land use requirement. Intersection between Veteran Memorial Pkwy. The site plan shows the retention area which is a requirement. This should have a limited impact on the residents. We agree with the staff report and recommendations. South east corner on Veterans and Santa Barbara. All 4 properties have commercial professional land use. No access on Veteran's, there will be a traffic signal installed by the owner. Building location set back meets the requirements. This gas station should have a limited impact on the neighbors. He requested staff's exhibit A to be part of the record.

Hearing Examiner Dalton inquired where is the dumpster located, and how close are the residential homes. Will the prior case #VP17-0004 affect this case if it's not approved?

Mr. Marshall responded it is northeast of the property, the access to the dumpster will come in from Santa Barbara Blvd. If the prior case is not approved this could really affect the Special Exception case.

Hearing Examiner Dalton stated the access for the dumpster is from Santa Barbara, can you explain what a little frequency for empty the dumpster would be? I did not receive the traffic report can you supply that to me? What would happen if Council does not accept this Special Exception?

Mr. Marshall responded we would still try to move forward. He stated they would supply a copy of the complete report including traffic. Rearranging a site plan to make it work.

Mr. Ulhe stated the City policy is they want the parcels to be reassembled, the easements are needed to redevelop this property.

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

Hearing Examiner Dalton stated she would recognize Mr. Struve as an expert.

Planning Team Coordinator Struve presented a power point with the following slides:

- SE17-0006
- Background
- Photos looking North Looking East looking West.
- Special Exception Site Plan
- Landscape Plan
- Analysis Compatibility
- Analysis (continued)
- Comprehensive Plan
- Recommendation Approval

Planning Team Coordinator Struve reviewed the correspondence which consisted of three phone calls, only one opposed.

Hearing Examiner Dalton inquired how would the request for flexibility be handled?

Planning Team Coordinator Struve mentioned that if they need to do some minor shifting of the building there should be enough room to maintain the setbacks. The parking situation would allow more flexibility, if they eliminated a row of parking that they are showing behind the Building.

Hearing Examiner Dalton requested an explanation for what is minor and what is not?

Planning Team Coordinator Struve stated the property is large enough for the applicant to adjust if needed. We did not directly address the dumpster issue; we would not suggest this be any farther to the east than is shown on the site plan.

Hearing Examiner Dalton inquired from the planning stand point, should add requirement in regards to the traffic light. If the Council was not to approve the vacation how would this affect the project. Mr. Struve responded the applicant has sufficiently answered that question.

Public hearing opened.

Dwayne McCarty appeared to express, his concerns about the traffic, the barrier wall and the access driveway. He was concerned about the location of the dumpster, and he wanted to know if the fire hydrants will remain.

David Knollnueller resident, stated his concerns are the same as the previous speaker. What type of entrance is this gas station going to have? Would the builder make sure that the drainage does not flood them out? What type of buffer? The traffic signal timing with the added traffic there are to be 3 lights all together. Since the Fire Station has been vacated, there is a rodent infestation. He requested that they eradicate the problem.

Mr. Marshall responded that the signal on 27th will be a 3-way signal, currently this site is under approval by the City staff. The fire hydrants will remain. We are going to provide a retention for the drainage on this site. The buffer is what the City requires and we will comply with that. The applicant will do the best they can to eradicate the rodents.

Hearing Examiner Dalton asked Mr. Uhle if he would like to comment?

Mr. Uhle responded that he looked at the staff condition, and there are no specifics. You must meet the setback and where the dumpster is located. The flexibility has been

addressed by City staff.

Hearing Examiner Dalton inquired if the applicant wanted to incorporate the staff report into your presentation today. She noted it will not be necessary to comments about the retail today needs to be address.

Planning Team Coordinator Struve stated the traffic signal will not just be a blinking light. The Hydrants will be looked at for what the needs will be. The storm water runoff will need to meet the requirement. The whole purpose is to screen structure such as dumpsters and loading areas, regardless there will be canopy trees required along the property line. There is a possibility that the applicant may change their mind so we are not requiring a specific use. Maybe the builder would like to build another type of business. We tried to provide the developer as much flexibility as possible.

Hearing Examiner Dalton inquired about the light condition. And requirements for the 4 driveways.

Planning Team Coordinator Struve mentioned we are recommending lighting not to exceed 0.5 candles, for the gas use that the lights employ direction and shielding methods. Right now, we don't have any lighting standards. The driveways will give customer greater flexibility when leaving the site.

Public hearing closed.

Hearing Examiner Dalton stated she was not able to issue an opinion today. She would like to review the traffic report.

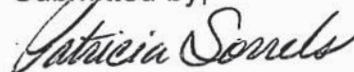
DATE AND TIME OF NEXT HEARING

A hearing of the Hearing Examiner was scheduled for Tuesday, July 11, 2017, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the hearing adjourned at 10:35 a.m.

Submitted by,



Patricia Sorrels
Recording Secretary