

**MINUTES OF THE REGULAR MEETING OF  
THE CITY OF CAPE CORAL PLANNING & ZONING COMMISSION**

**WEDNESDAY, APRIL 3, 2024**

Chair Marker called the meeting to order at 9:00 a.m.

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Apking, Botana, King, Marker, Schwartz, Severson, York, and Alternate Sommers were present.

ALSO PRESENT: Robert Welsh, Council Liaison  
Cody Vaughan-Birch, Assistant City Attorney  
Mike Struve, Planning Team Coordinator  
Chad Boyko, Principal Planner

**APPROVAL OF MINUTES**

Meeting Minutes – January 10, 2024

***Commissioner Botana moved, seconded by Vice Chair Apking, to accept the Regular Meeting Minutes from January 10, 2024, as presented.***

***Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.***

**BUSINESS**

**Applicant Interviews – 1 Alternate Position**

Chair Marker stated that two applications were received for the one alternate position. He requested the applicants approach the podium and provide their background.

Interviews  
Edwin Estes  
John (Jack) Martin

Chair Marker requested Commissioners be polled for their choices for the Alternate.

Recording Secretary Pasek announced the tally.

***Majority tallied in favor of Estes.***

***Commissioner Botana moved, seconded by Vice Chair Apking, to recommend to Council the appointment of Edwin Estes as an Alternate Member to the Planning and Zoning Commission.***

***Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted "aye." All "ayes." Motion carried 7-0.***

## **PLANNING AND ZONING COMMISSION PUBLIC HEARING**

### Ordinance 20 - 24

#### **WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P\* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps, professional services, social services, solid waste transfer stations, and yards.

Planning Team Coordinator Struve presented the following slides:

- Overview
- New Proposed Uses
- Marine Fuel Pump
- Other Changes to the Use Table
- Table 4.2.11 – Commercial Corridor
- Definitions for New Uses
- Summary
- Recommendation: Staff recommended approval
- Correspondence: Some dialogue with two different towing establishments that are interested in expanding and are currently being prevented from doing so; outside of that, no correspondence.
- Schedule: Introduction on April 17<sup>th</sup>, two public hearings before Council, first hearing on May 1<sup>st</sup>, second hearing on May 15<sup>th</sup>

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- Live/workspace clarification
- FAR (Floor Area Ratio) floor space of a building per lot size

- Marine Fuel Pump regulations and hazard mitigation
- Use Tables
- Impact on surrounding properties for heliports and marine fuel pumps
- Restrictions to institutional use

***Commissioner York moved, seconded by Commissioner Severson, to recommend approval of Ordinance 20-24, as presented.***

***Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.***

*Alternate Commissioner Sommers left at 9:38 a.m.*

#### Ordinance 21 - 24

##### WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous Parking Requirements, regarding supplemental parking requirements within the South Cape District.

Planning Team Coordinator Struve presented the following slides:

- Overview
- Background
- Rationale – SC Parking Management Plan
- Proposal
- Recommendation: Staff recommended approval
- Correspondence: None
- Schedule: Introduction – April 17<sup>th</sup>, Public Hearing – May 1st

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- General support for this from the public
- Possibility of shuttles in high-density business areas
- Micromobility
- Multiple places counting those parking spots leading to less parking availability
- Increase of handicap parking or proximity
- This is a voluntary program, and developers will not be required to follow.

Vice Chair Apking suggested anyone with questions attend Transportation Advisory Commission meetings.

***Vice Chair Apking moved, seconded by Commissioner Severson, to recommend approval of Ordinance 21-24, as presented.***

**Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.**

Ordinance 27 – 24 (TXT24-000001)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification.

Principal Planner Boyko presented the following slides:

- Mixed Use Ten Future Land Use Classification
- Background
- Proposed Development Parameters within MUX (2 slides)
- Conclusion
- Recommendation: Staff recommended transmittal of proposed amendment

Public hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, on behalf of the Blue Waters Development Group and specifically Victory Park, appeared to discuss:

- Flexibility will allow for a higher-class project
- Density and intensity
- Vertically integrated mixed use
- Requested a motion to City Council to transmit
- Opportunity to use this land use and come back with PUD zoning

Public hearing closed.

Discussion held regarding:

- Difference between current Mixed Use versus this proposal
- Mixed Use Ten has minimum size requirement of ten acres
- Current Mixed Use does not have any minimum size requirements
- Different ratios of allowed development
- Current Mixed Use allows for a maximum of 20% residential development
- Mixed Use Ten has maximum residential development of 50%
- Requirement of PUD for this to go forward

**Vice Chair Apking moved, seconded by Commissioner Schwartz, to recommend transmittal of Ordinance 27-24 (TXT24-000001), as presented.**

**Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.**

**CITIZENS INPUT**

No speakers.

**STAFF UPDATES**

None.

**OTHER BUSINESS**

None.

**MEMBER COMMENTS**

None.

**DATE AND TIME OF NEXT MEETING**

A Regular Meeting was scheduled for Wednesday, May 1, 2024, at 9:00 a.m. in Council Chambers.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:11 a.m.

Submitted by,

Stacey Pasek  
Recording Secretary

*Transcribed by Barbara Kerr 4/3/2024*