

# Council denies refund petition

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Cape Coral City Council denied a petition Monday night by the owner of Fletcher's Grille & Spirits on Cape Coral Parkway.

Represented by BJM Consulting's Joe Mazurkiewicz, Peter Look, owner of Gusto Land RLLP, requested a refund of road impact fees paid for an expansion of the restaurant known as Club Fletchers. Look acquired the commercial building next to the original restaurant which had stood vacant for several years in order to expand. Building permits were acquired and the remodeling work completed during a period of months that the city's change of use impact fee exemption was not in effect.

The original city ordinance on change of use became effective in February 2011 and expired Sept. 1, 2012. Look was assessed an impact fee for the change of use June 12, 2013. The change of use ordinance was reinstated in October 2012.

The change of use ordinance was issued to spur redevelopment of existing commercial buildings within the city by waiving road impact fees. Look was assessed an impact fee of about \$29,000 with his building permit. In all, almost \$64,000 in impact fees were collected involving eight applications during the 13-month period between the ordinance expiring and being reinstated, according to Mazurkiewicz.

"It was a mistake by the city," said Mazurkiewicz. "Philosophically, it was never the intent of the city to let the ordinance expire since there is still an interest to spur redevelopment of existing vacant space."

Though sympathetic to the reasoning for the petition, several council members called it a "tough decision."

"The ball was dropped by someone other than Mr. Look," said Councilmember Rick Williams. "I want to support the petition because it's a matter of right and wrong."

Councilmembers Derrick Donnell, Jim Burch and Lenny Nesta said they could not support the refund petition though they understood the situation.

A motion to deny the petition passed by a 5-2 vote with Mayor Marni Sawicki absent due to attending a flood insurance conference in Washington, D.C., along with a local delegation of mayors and legislators.

In other agenda business, council appointed four applicants to the Planning & Zoning Commission. Two of the seats are full-time positions and two seats are alternates.

New applicants Dan Ashby and Graham Madison Morris were appointed to the full-time positions while full-time member Paul Tee was reappointed to alternate status along with newcomer Gail Connelly.

The one public hearing on the agenda regarding the ordinance amending regulations for fences within seven feet of the rear property line on waterfront sites was pulled. According to a staff memo, a significant volume of emails and letters were received in opposition to the ordinance.

- See more at: <http://www.fort-myers-beach-observer.com/page/content.detail/id/524700/Council-denies-refund-petition.html?nav=5064#sthash.27nGtTZ4.dpuf>