



Tuesday, April 16, 2024  
9:00 AM  
Council Chambers

**1. HEARINGS CALLED TO ORDER**

**2. HEARINGS**

- A. Case#: RZN23-000017\*; Address: 2700 and 2750 NE Pine Island Rd.; Applicant: DD Pine Island, LLC

**3. DATE AND TIME OF NEXT HEARINGS**

- A. Tuesday May 7, 2024, at 9:00 a.m. in Council Chambers

**4. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
  - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
  - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
  - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
  - The Applicant may cross-examine any witness and respond to any testimony presented.
  - Staff may cross-examine any witness and respond to any testimony presented.
  - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
  - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
  - Final argument may be made by the Applicant, related solely to the evidence in the record.
  - Final argument may be made by the staff, related solely to the evidence in the record.
  - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
  - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.



## AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.A.
Meeting Date:	4/16/2024
Item Type:	HEARINGS

**TITLE:**

Case#: RZN23-000017\*; Address: 2700 and 2750 NE Pine Island Rd.; Applicant: DD Pine Island, LLC

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a rezone from Commercial General (CG), a Lee County designation, and to Commercial Corridor (CC) for one parcel totaling 8.9 acres. The parcel was annexed into the City of Cape Coral in 2023 and the future land use was amended to Pine Island Road District (PIRD) in 2024. The rezone is the last step for the applicant to develop their site with non-residential uses.

**STRATEGIC PLAN ALIGNMENT:**

1. Is this a Strategic Decision? No
- If Yes, Priority Goals Supported are listed below.
- If No, will it harm the intent or success of the Strategic Plan? No

**RECOMMENDATIONS:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Matt Grambow, Development Services Director- interim (239) 574-0446

**FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:**

1. Will this action result in a Budget Amendment? No

**PREPARED BY:**

Vanessa Sberna,  
Planning Technician

Division- Planning  
Division

Department- Development Services  
Department

**ATTACHMENTS:**

Description	Type
▣ Novus Packet	Backup Material



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only

Case \_\_\_\_\_

Date \_\_\_\_\_

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

**REZONING APPLICATION**

**NOTE TO APPLICANT:** The completed application must be legible, and all items must be provided at the time of submission.

**REZONING REQUIREMENTS**

1. ☒ **Applicant's portion of request shall be typewritten, and signature notarized.**
  - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
  - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. ☒ **Letter of intent stating the actual request and why the request is being made.**
3. ☒ **Certified survey done within past six (6) months MAY be required.**
4. ☒ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. ☒ **Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.**

**NOTE:** In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



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**REZONE REQUEST**

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

**PROPERTY INFORMATION**

Location/Address 2700 and 2750 NE Pine Island Rd, North Fort Myers, 33903  
04-44-24-00-00024.0000  
Strap Number 04-44-24-00-00023.0000 Unit NA Block NA Lot (s) NA  
Plat Book NA Page NA Future Land Use PIRD  
Current Zoning none Proposed Zoning CC

**PROPERTY OWNER (S) INFORMATION**

Owner DD Pine Island, LLC Address 6321 Daniels Pkwy, Suite 200  
Phone \_\_\_\_\_ City Fort Myers  
Email dbocian@extropyadv.com State FL Zip 33912

Owner \_\_\_\_\_ Address \_\_\_\_\_  
Phone \_\_\_\_\_ City \_\_\_\_\_  
Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**APPLICANT INFORMATION (If different from owner)**

Applicant Same as Owner Address \_\_\_\_\_  
Phone \_\_\_\_\_ City \_\_\_\_\_  
Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative Veronica Martin, TDM Consulting Address 43 Barkley Cir, Suite 200  
Phone 239-433-4231 City Fort Myers  
Email vmartin@tdmconsulting.com State FL Zip 33907



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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

**(ALL SIGNATURE MUST BE NOTARIZED)**

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

DD Pine Island, LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Dr. Daniel Dosoretz, Manager

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

Dr. Daniel Dosoretz, Manager

APPLICANT NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 17 day of Oct, 2023 by Daniel Dosoretz who is personally known to me or produced Drivers License as identification.



Exp Date: 7-10-27 Commission Number: HH 419724

Signature of notary Public:

Printed Name of Notary Public:

Samantha Caristo

Last Renewed 10\_20\_2021 (subject to change)





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**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT Veronica Martin, TDM Consulting, Inc.  
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER  
AND CITY COUNCIL.

UNIT NA BLOCK NA LOT(S) NA SUBDIVISION NA

OR LEGAL DESCRIPTION See attached Legal Description

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Dr. Daniel Dosoretz, Manager  
PROPERTY OWNER (Please Print)

  
PROPERTY OWNER (Signature & title)

\_\_\_\_\_  
PROPERTY OWNER (Please Print)

\_\_\_\_\_  
PROPERTY OWNER (Signature & title)

STATE OF Florida

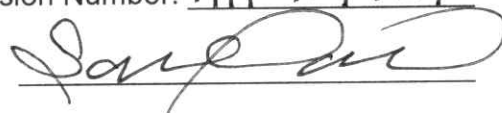
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online  
notarization, this 17 day of Oct, 2023 by Daniel Dosoretz who  
is personally known to me or produced Drivers license as identification.



Exp Date: 7-10-27 Commission Number: HH 419724

Signature of notary Public:



Printed Name of Notary Public:

Samantha Caristo

Note: Please list all owners. If a corporation, please supply the City Planning Division with a  
copy of corporation papers.



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CITY PLANNING DIVISION

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**ACKNOWLEDGEMENT FORM**

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.


I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 17 Day of Oct, 2023.

DD Pine Island, LLC  
CORPORATION/COMPANY NAME

Dr. Daniel Dosoretz, Manager  
OWNER'S NAME (TYPE or PRINT)  
  
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 17 day of Oct, 2023 by Daniel Dosoretz who is personally known to me or produced Drivers license as identification.



Exp Date: 7-10-27 Commission Number: HH 419724  
Signature of notary Public:   
Printed Name of Notary Public: Samantha caristo

20\_20\_2021 (subject to change)





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**DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)**

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Dr. Daniel Dosoretz, Manager

OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

**(SIGNATURE MUST BE NOTARIZED)**

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 17 day of Oct, 2023 by Daniel Dosoretz who is personally known to me or produced Drivers license as identification.

Exp Date: 7/16/27 Commission Number: HH 419724

Signature of Notary Public:

Printed Name of Notary Public: Samantha Caristo





**REZONES REGULATIONS**

- A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:
1. The City Council upon its own motion;
  2. The Planning and Zoning Commission upon its own motion;
  3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
  4. The City Manager for a City initiated rezone; or
  5. The Community Development Department, following approval of a similar use determination.
- B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:
1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
  2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
  3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
  4. Whether the proposed zoning district will serve a community need or broader public purpose;
  5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
  6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.
- D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
[www.tdmcivilengineering.com](http://www.tdmcivilengineering.com)  
Certificate of Authorization # 29086**

October 25, 2023

Development Services Manager  
Development Services Group  
City of Cape Coral  
1015 Cultural Park Blvd.  
Cape Coral, FL 33990

Project Name: 2700 and 2750 NE Pine Island Road

**SUBJECT: Letter of Intent for a Rezoning Application**

Dear Development Services Manager:

The Applicant, DD Pine Island, LLC, is requesting to rezone the 8.87-acre property located at 2700 and 2750 NE Pine Island Road from the Lee County Commercial General (CG) zoning district to Cape Coral's Commercial Corridor (CC) zoning district. The Applicant annexed the property into the City of Cape Coral in August 2023 via Ordinance 55-23. A Future Land Use Map Amendment is currently under review to change the Future Land Use from the Lee County Commercial classification to Pine Island Road District. Rezoning is the third step in this process.

Property Owner/Applicant: DD Pine Island, LLC  
6321 Daniels Parkway, Suite 200  
Fort Myers, FL 33912  
[dbocian@extropyadv.com](mailto:dbocian@extropyadv.com)

Authorized Agent: Veronica Martin, Senior Planner  
TDM Consulting, Inc.  
43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
[vmartin@tdmconsulting.com](mailto:vmartin@tdmconsulting.com)

STRAP Numbers: 04-44-24-00-00024.0000  
04-44-24-00-00023.0000

This Rezoning request complies with the criteria set forth in Land Development Code Section 3.4.6 as follows:

**1. Whether the proposed zoning district is consistent with the City Comprehensive Plan;**

The proposed Commercial Corridor (CC) zoning district is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan as follows:

## **FUTURE LAND USE ELEMENT**

### **Policy 1.14 Commercial Siting Guidelines:**

***Adequate Depth:** Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development.*

The subject property has ±700 feet of frontage on NE Pine Island Road and an average depth of 603 feet. There is adequate depth and area for commercial development on the subject property.

***Compactness:** Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.*

The subject property is compact in size - almost flag shaped. The rectangular "flag" shaped area will be used for development while the remainder will be used for open space and indigenous preserve.

***Access:** Direct access onto an arterial or collector roadway having an adopted City access management plan.*

The development will have direct access onto Pine Island Road. An FDOT permit will be required.

### **Policy 1.15:**

*Table 1 shows the zoning districts which are consistent with and implement the respective future land use map classifications.*

The only zoning district which is consistent with the Pine Island Road District (PIRD) future land use classification is Commercial Corridor (CC).

***Policy 1.15.L Pine Island Road District:** This Land Use will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road.*

***Corridor:** Includes such uses as retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), multi-family residential, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. Multi-family residential uses may be developed at a density of twenty-five units per acre, for sites of four acres or more. Multi-family residential uses may consist of no less than fifty units or have a density no less than ten or more units per acre. No single-family residences and duplexes are permitted. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.h., of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.i. of the Future Land Use Element.*

The Commercial Corridor (CC) zoning district, a mixed-use zoning district, is consistent with the Pine Island Road District future land use category and implements the Pine Island Road Corridor Master Plan.

The proposed rezoning to Commercial Corridor will be consistent with the Pine Island Road District Build-Out Mixed-Use Ranges for Retail, Office/Warehouse/Light Manufacturing, Hotels, and Residential. The Applicant is aware of the recent decision by City Council to raise the residential limit in the district to 8,615, which doesn't affect the decision to move forward..

In addition, the rezoning complies with or partially complies with three of the five criteria for Commercial Corridor Zoning:

1. *Does the property abut an existing and developed corridor zoned area?*  
No, the property does not abut an existing corridor zoned area; however, the property on the north side of NE Pine Island Road has corridor zoning and includes the New Testament Baptist Church along with vacant property. In addition, property to the east has corridor zoning and is developed as the Springs of Cape Coral apartments.
2. *Does the property abut corridor-zoned area on two sides or more?*  
No, it does not.
3. *Is the property part of a larger tract, a portion of which is already zoned Corridor?*  
No, it is not.
4. *Is the parcel a large-lot assemblage of three or more acres?*  
Yes, the property is 8.87 acres in size.
5. *Does the property front Pine Island Road on at least 180 feet?*  
Yes, the property has  $\pm 700$  linear feet of frontage on Pine Island Road.

Rezoning the subject property to Commercial Corridor is consistent with the Pine Island Road Corridor Master Plan. This request is consistent with Comprehensive Plan Policy 1.14, Policy 1.15, and Policy 1.15.L.

**Objective 2: Location of New Commercial Development:** *New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.*

**Policy 2.1:** *The City shall encourage commercial development where it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.*

The Pine Island Road Corridor Master Plan encourages commercial uses along the Pine Island Road frontage, requires multi-family uses to be set back a minimum of 250 feet from the Pine Island Road right-of-way, limits access on Pine Island Road, and encourages frontage roads, shared access, and pedestrian facilities - all which promotes minimal vehicle trips, compatibility, and the provision of adequate goods, services, and employment opportunities. Rezoning the subject property to Commercial Corridor is consistent with Objective 2 and Policy 2.1.



**Objective 3: Development of Quality Commercial Centers:** *The City encourages development of quality commercial (retail, office, or services) centers on property that meets the recommended land configuration for such commercial centers and that is located proximate to an adequate trade area, relative to the size and character of the center, and necessary to ensure economic viability.*

**Policy 3.1:** *The City of Cape Coral will encourage the development of future commercial (retail, office, or services) areas at or near transportation nodes by assigning appropriate future land use designations.*

**Policy 3.2:** *The size, location, and function of commercial areas shall be related and central to the population, market area, and the transportation network system. The distribution and size of commercial areas shall be spatially located to meet neighborhood, community and regional needs and to reduce vehicle trip lengths.*

**Policy 3.3:** *The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and service uses in quantities and locations appropriate for such uses.*

**Policy 3.5:** *The City will adhere to the Pine Island Road Corridor Master Plan to provide guidance, standards, and to direct growth and development along the Pine Island Road Corridor.*

The Pine Island Road Corridor Master Plan encourages commercial uses along the Pine Island Road frontage to provide retail, office and service uses. Big box retailers are located at the intersections of the major arterials, such as Pine Island Road and Del Prado Boulevard; however, other commercial uses of size and scale are appropriate along Pine Island Road. The Applicant annexed the subject property into the City of Cape Coral in August 2023 via Ordinance 55-23. The Applicant also requested a Future Land Use Map Amendment to the Pine Island Road District (PIRD) classification. This rezoning request is consistent with the Pine Island Road Corridor Master Plan – proposes commercial uses along Pine Island Road, promotes limited access onto Pine Island Road through frontage roads and shared access, provides pedestrian and public transit facilities, reduces vehicle trips, promotes neighborhood compatibility, and provides for the provision of adequate goods, services, and employment opportunities. This is consistent with Comprehensive Plan Objective 3 and Policies 3.1, 3.2, 3.3, and 3.5.

**Objective 4: Location of Future Development:** *Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan.*

**Policy 4.1:** *Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas.*

The subject property is in the Urban Services Transition Area. The nearest public water and sewer facilities are located to the west at the intersection of NE Pine Island Road and Commerce Creek Boulevard. The applicant intends to extend potable water and sanitary sewer lines to the subject property. This is consistent with Objective 4 and Policy 4.1.

**Policy 8.3:** *Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment, and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety, and overall maintenance of commercial properties should be carefully monitored.*

**Policy 8.6:** *Commercial developments and compound buildings shall be encouraged to preserve substantial areas of natural vegetation.*

Future development of the site will comply with the requirements of the Comprehensive Plan and the Land Development Code at time of Site Development Permitting, including buffers, screening, setbacks, open space, indigenous preserve, surface water management, access, traffic circulation, parking, architectural features, etc. This is consistent with Policies 8.3 and 8.6.

Rezoning the 8.87-acre property from the Lee County designation to Commercial Corridor (CC) is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as outlined above.

**2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;**

The Commercial Corridor zoning district is a mixed-use district suitable for most uses including retail, office, limited warehouse and light manufacturing, multi-family residential, and large-scale commercial retail uses. Surrounding uses include multi-family residential, religious facilities, medical facilities, self-storage warehouses, some single-family lots, and vacant agricultural land. The full range of uses allowed in the proposed zoning district of Commercial Corridor will be compatible with the existing uses in the area.

**3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;**

The Commercial Corridor zoning district is a mixed-use district suitable for most uses including retail, office, limited warehouse and light manufacturing, multi-family residential, and large-scale commercial retail uses. Surrounding uses include multi-family residential, religious facilities, medical facilities, self-storage warehouses, some single-family lots, and vacant agricultural land. This area of NE Pine Island Road between Hancock Creek South Boulevard to the west and N. Cleveland Avenue to the east will continue to grow and expand once potable water and sanitary sewer is available to service future developments along NE Pine Island Road. The full range of uses allowed in the proposed zoning district of Commercial Corridor will be compatible with the existing and potential uses in the area.

**4. Whether the proposed zoning district will serve a community need or broader public purpose;**

The proposed zoning district of Commercial Corridor permits a broad range of permitted uses that are needed to serve the Cape Coral community.

**5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and**

The 8.87-acre subject property is primarily old pasture land with access to a 4-lane arterial roadway with divided median (NE Pine Island Road) and a 2-lane local road (Smokey Hollow Lane). The property has  $\pm 700$  linear feet of frontage on NE Pine Island Road and  $\pm 600$  linear feet of frontage on Smokey Hollow Lane.

A Protected Species Survey was conducted on the property which identified several gopher tortoise burrows on-site. The Applicant will comply with all local, state and federal guidelines and regulations to either preserve their habitat on-site or relocate the gopher tortoises to an authorized preserve.

This area of NE Pine Island Road between Hancock Creek South Boulevard to the west and N. Cleveland Avenue to the east will continue to grow and expand once potable water and sanitary sewer is available.

Site improvements including turn lanes, pedestrian facilities and connections, surface water management, open space and buffers, and utilities will be required at time of site development permitting. As such, this Site is suitable for the uses permitted in the Commercial Corridor zoning district.

**6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.**

Policy 1.15 of the Future Land Use Element of the Comprehensive Plan only provides one (1) zoning district that is consistent with the Pine Island Road future land use classification and that's Commercial Corridor (CC). Pursuant to LDC Section 4.1.2, the Commercial Corridor (CC) zoning district is a Mixed-Use zoning district established to implement the recommendations of the Pine Island Road Master Plan and to promote such uses as retail, office, limited warehouse and light manufacturing, multi-family residential, and large-scale commercial retail uses. The subject property has approximately 700 linear feet of frontage on the south side of NE Pine Island Road. Rezoning to Commercial Corridor is consistent with the Comprehensive Plan and the Pine Island Road Master Plan.

Should City staff require additional information or have any questions regarding this submittal, feel free to contact this office.

Sincerely,

**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

October 26, 2023

Development Services Manager  
Development Services Group  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

Project Name: 2700 and 2750 Pine Island Road

**SUBJECT: Rezoning Application**

Dear Development Services Manager:

The Applicant, DD Pine Island, LLC, is requesting to assign a zoning district to the subject property located at 2700 and 2750 NE Pine Island Road. The property was annexed into the City of Cape Coral by Ordinance 55-23 (ANNX23-000001). A Future Land Use Map Amendment was subsequently filed requesting a future land use classification of Pine Island Road District. The Applicant is requesting a zoning district of Commercial Corridor (CC), which is consistent with Policy 1.15 of the Future Land Use Element of the Comprehensive Plan. Please note the review fee (\$3,339.20) will be paid online.

Please find attached the following items in relation to this Rezoning Application for the above referenced project:

1. One (1) copy of the Rezoning Application, including the Acknowledgement Form and Authorization to Represent Form;
2. One (1) copy of the Letter of Intent, including Rezoning Criteria;
3. One (1) copy of the signed and sealed Sketch and Legal Description;
4. One (1) copy of the signed and sealed Boundary Survey;
5. One (1) copy of the Map and List of County Properties within 500 feet;
6. One (1) copy of the Aerial Location Map;
7. One (1) copy of the Future Land Use Map;
8. One (1) copy of the Zoning Map; and
9. One (1) copy of the Warranty Deed.

This should allow for review and a finding of sufficiency of this Rezoning Application. Should City staff require additional information or have any questions regarding this submittal, feel free to contact this office.

Sincerely,

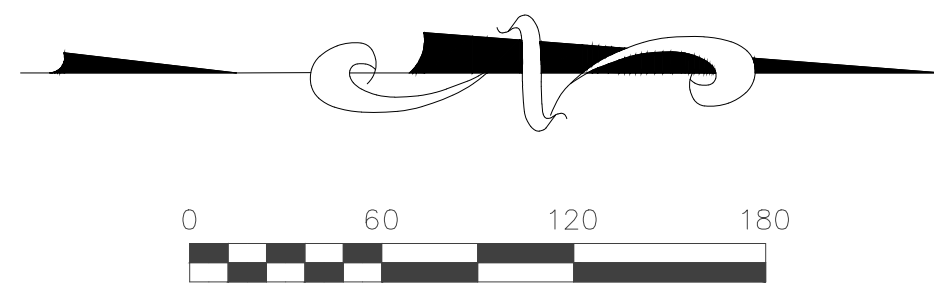
**TDM CONSULTING, INC.**



Veronica Martin  
Senior Planner



BOUNDARY AND TOPOGRAPHIC SURVEY LYING IN  
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA



- LEGEND**
- P. D. C. POINT OF COMMENCEMENT  
P. D. B. POINT OF BEGINNING  
FCM FOUND CONCRETE MONUMENT  
FIRC FOUND IRON ROD AND CAP  
FIR FOUND IRON ROD  
N&D NAIL AND DISK  
ID IDENTIFICATION  
(C) CALCULATED  
(F) FIELD  
(D) DEED  
ID. IDENTIFICATION  
R/W RIGHT OF WAY  
E. D. P. EDGE OF PAVEMENT  
DESC. DESCRIPTION  
F. B. FIELD BOOK  
O. R. OFFICIAL RECORDS BOOK  
PG. PAGE  
LB. LICENSED BUSINESS  
LS. LICENSED SURVEYOR  
P. S. M. PROFESSIONAL SURVEYOR  
AND MAPPER  
NO. NUMBER  
S-T-R SECTION, TOWNSHIP  
AND RANGE  
E. D. P. EDGE OF PAVEMENT  
CONC. CONCRETE  
FNC. BARBED WIRE FENCE  
COR. CORNER  
FND. FOUND  
D/S OFFSET  
T. D. B. TOP OF BANK  
MES. MITERED END SECTION  
RCP REINFORCED CONCRETE PIPE  
INV. INVERT  
WATER VALVE  
FIRE HYDRANT  
GUY ANCHOR  
WOOD POWER POLE  
OVER HEAD WIRES  
REFLECTOR  
SIGN  
WIRE PULL BOX  
POST-BURIED FIBER OPTICS  
GROUND ELEVATIONS

**TREES**

- ✕ PINE  
⊙ OAK  
⊙ CYPRESS

**LEGAL DESCRIPTION (PARCEL 1)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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LESS EASTERLY 30 FEET THEREOF AND LESS SOUTHERLY 45 FEET OF EASTERLY 179.37 FEET THEREOF.

AND FURTHER LESS THAT CERTAIN PARCEL OF PROPERTY CONVEYED TO THE STATE OF FLORIDA FOR THE WIDENING OF STATE ROAD 78, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF GOVERNMENT LOT 2 IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT; THENCE NORTH 04°41'37" WEST, 283.07 FEET ALONG THE WEST BOUNDARY OF SAID GOVERNMENT LOT TO THE SURVEY LINE OF STATE ROAD 78; THENCE ALONG SAID SURVEY LINE NORTH 61°59'54" EAST, 178.72 FEET; THENCE SOUTH 04°40'34" EAST, 35.94 FEET TO THE SOUTH EXISTING RIGHT-OF-WAY LINE OF SAID STATE ROAD 78 (PER 1206-PROJECT 1123) FOR A POINT OF BEGINNING; THENCE NORTH 61°59'54" EAST, 503.79 FEET ALONG SAID SOUTH EXISTING RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE WESTERLY LINE OF A 30' FOOT ACCESS ROAD EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1922, PAGE 4124, LEE COUNTY RECORDS; THENCE SOUTH 04°37'25" EAST, 152.52 FEET ALONG SAID WESTERLY LINE; THENCE SOUTH 61°59'54" WEST, 503.64 FEET; THENCE NORTH 04°40'34" WEST, 152.46 FEET TO THE POINT OF BEGINNING. CONTAINING 1.619 ACRES.

**(PARCEL 2)**

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH OF PINE ISLAND ROAD IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2357, PAGE 546.

THE DESCRIPTION BELOW BEING THE SAME PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 796, PAGE 287, LESS AND EXCEPT THAT PORTION IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2357, PAGE 546.

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 796, PAGE 287 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE SOUTH 89°50'45" EAST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 4 FOR 2641.37 FEET TO A CONCRETE MONUMENT, AN ACCEPTED CORNER MARKING THE CENTER OF SAID SECTION 4; THENCE NORTH 04°41'45" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 FOR 682.42 FEET TO THE SOUTHWEST 1/4 CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 04°41'45" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 FOR 777.05 FEET TO THE SOUTH LINE OF STATE ROAD 78 (SECTION 12060-2519), PINE ISLAND ROAD; THENCE NORTH 61°59'54" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID PINE ISLAND ROAD FOR 178.66 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE SOUTH 04°40'41" EAST ALONG THE EAST LINE OF SAID FRACTION OF A SECTION FOR 861.10 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE SOUTH 89°58'07" WEST ALONG THE SOUTH LINE OF SAID FRACTION OF A SECTION FOR 164.36 FEET TO THE POINT OF BEGINNING.

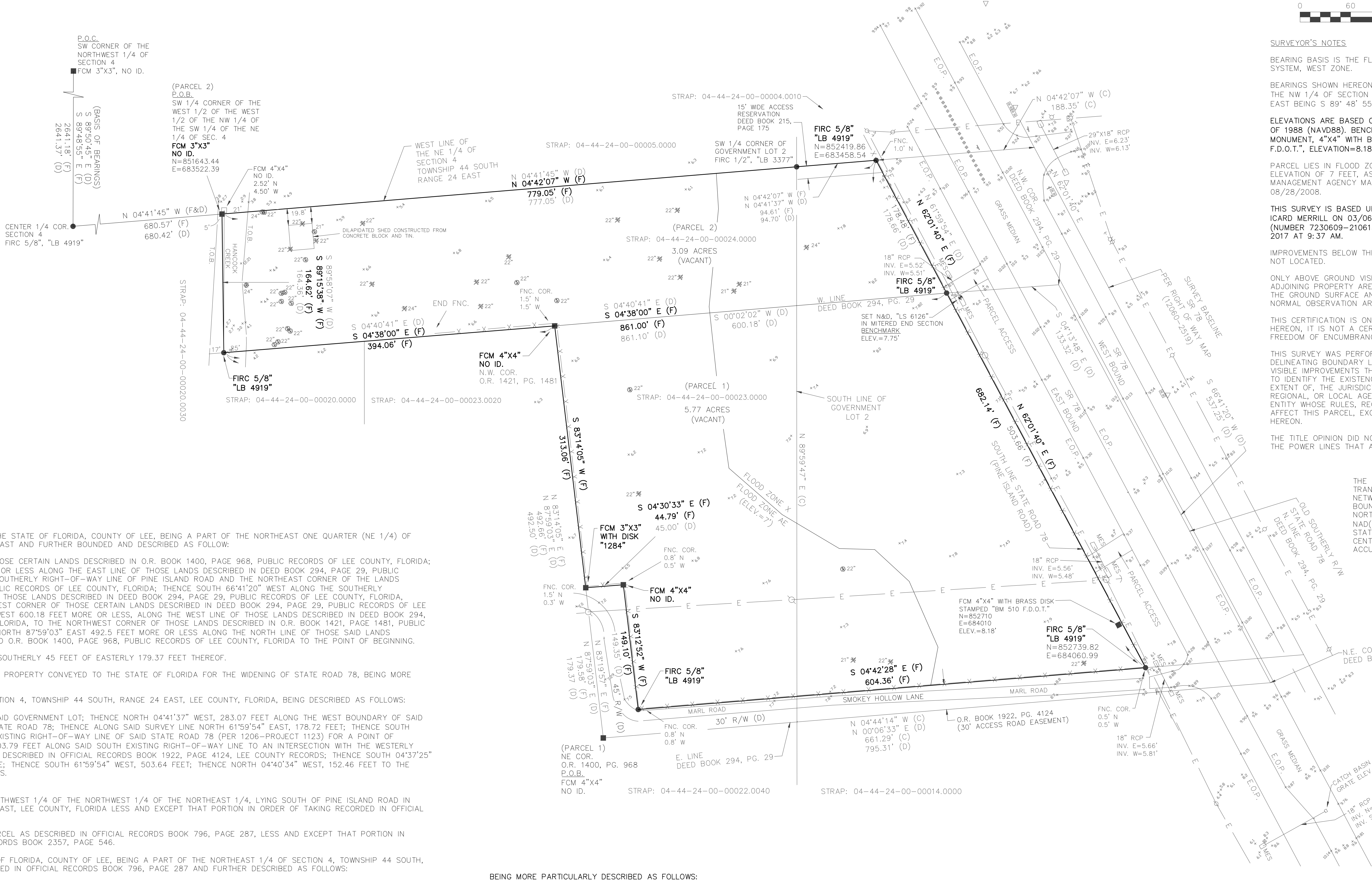
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A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING SOUTH OF PINE ISLAND ROAD IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE SOUTH 89°50'45" EAST ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 4 FOR 2641.18 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION; THENCE NORTH 04°41'45" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 FOR 680.57 FEET TO THE SOUTHWEST 1/4 CORNER OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4 AND THE POINT OF BEGINNING; THENCE NORTH 04°42'07" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 FOR 779.05 FEET TO THE SOUTH LINE OF STATE ROAD 78 (SECTION 12060-2519), PINE ISLAND ROAD; THENCE NORTH 62°01'40" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID PINE ISLAND ROAD FOR 682.14 FEET; THENCE S 04°42'28"E FOR 604.36 FEET; THENCE S 83°12'52" W FOR 149.10 FEET; THENCE S 04°30'33" E FOR 44.79 FEET; THENCE S 83°14'05" W FOR 313.06; THENCE S 04°38'00" E FOR 394.06 FEET; THENCE S 89°15'38" W FOR 164.62 FEET TO THE POINT OF BEGINNING, CONTAINING 8.87 ACRES MORE OR LESS.

TOGETHER WITH A 15' WIDE ACCESS RESERVATION DESCRIBED IN DEED BOOK 215, PAGE 175.



**SURVEYOR'S NOTES**

BEARING BASIS IS THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NW 1/4 OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST BEING S 89° 48' 55" E.

ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BENCHMARK USED: FOUND CONCRETE MONUMENT, 4"x4" WITH BRASS DISK STAMPED "BM 510 F.D.O.T.", ELEVATION=8.18'.

PARCEL LIES IN FLOOD ZONE X AND AE, WITH A BASE FLOOD ELEVATION OF 7 FEET, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 12071C0270F, EFFECTIVE DATE: 08/28/2008.

THIS SURVEY IS BASED UPON THE TITLE OPINION PROVIDED BY ICARD MERRILL ON 03/06/2020, TITLE INSURANCE POLICY (NUMBER 7230609-210613524, EFFECTIVE DATE: JANUARY 10, 2017 AT 9:37 AM.

IMPROVEMENTS BELOW THE GROUND SURFACE, IF ANY, WERE NOT LOCATED.

ONLY ABOVE GROUND VISIBLE ENCROACHMENTS ONTO OR FROM ADJOINING PROPERTY ARE SHOWN. ENCROACHMENTS BENEATH THE GROUND SURFACE AND THOSE WHICH ARE NOT VISIBLE BY NORMAL OBSERVATION ARE NOT SHOWN.

THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLES, ZONING OR FREEDOM OF ENCUMBRANCES.

THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF DELINEATING BOUNDARY LINES OF THE PARCEL AND THE VISIBLE IMPROVEMENTS THERETO ONLY AND IS NOT INTENDED TO IDENTIFY THE EXISTENCE OF, NOR DELINEATE THE EXTENT OF, THE JURISDICTION OF ANY FEDERAL, STATE, REGIONAL, OR LOCAL AGENCY, BOARD, COMMISSION, OR OTHER ENTITY WHOSE RULES, REGULATIONS OR ORDINANCES MAY AFFECT THIS PARCEL, EXCEPT AS MAY BE OTHERWISE SHOWN HEREON.

THE TITLE OPINION DID NOT NOTE ANY UTILITY EASEMENT FOR THE POWER LINES THAT ARE SHOWN ON PARCEL 1.

THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT CONTROL NETWORK WAS UTILIZED ON THIS BOUNDARY SURVEY AND THE DATUM IS NORTH AMERICAN DATUM NAD(83)-(2011)-(EPOCH 2017.000). THE STATED HORIZONTAL ACCURACY IS 1-2 CENTIMETER. THE STATED VERTICAL ACCURACY IS 2-3 CENTIMETER.

No	DATE	BY	REVISION DESCRIPTION
1	03/26/20	KP	ADDED STATE PLANE COORDS.
2	04/29/20	KP	ADDED NEW LEGAL DESC.
3	03/24/21	KP	UPDATED SURVEY
4	04/17/21	KP	UPDATED SURVEY
5	04/17/21	KP	UPDATED SURVEY
6	12/17/21	KP	UPDATED SURVEY-ADDED TOPO.

THIS SURVEY REFLECTS THE DESCRIPTION PROVIDED BY THE CLIENT. NO ABSTRACT EXAMINATION IS IMPLIED. THIS SURVEY IS NOT VALID UNLESS SIGNED AND EMBOSSED WITH SEAL. BEARINGS SHOWN HEREON ARE ASSUMED UNLESS OTHERWISE NOTED. THE INFORMATION HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD. THE CERTIFICATION OF THIS SURVEY APPLIES ONLY TO THE PERSON/PERSONS SHOWN.

KP SURVEYING, INC  
LB 8152  
2802 W. CYPRESS AVENUE  
FT. MYERS, FLORIDA 33905  
(239) 462-1901

SURVEY RECORD	
FIELD BOOK: 5	PAGE: 35
ADDRESS: 2700 AND 2750 NE PINE ISLAND ROAD NORTH FORT MYERS, FL 33903	

SECTION:	TOWNSHIP:	RANGE:
4	44	24
COUNTY:		
LEE		
CLIENT NAME:		
JAY MONTPETIT		

LAST DATE OF FIELD WORK:	
12/08/2021	
FIELD BY:	DATE:
KP	12/21/2016
DRAWN:	DATE:
KP	03/27/2021
CHECKED:	DATE:
KP	04/17/2021

PROJECT NUMBER:	SHEET:
21-0064 21-0426	1
OF	1

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
PREPARED BY: KEN PUFARTH, P.S.M.	DATE

*KP Surveying, Inc.*  
LB NUMBER 8152  
2802 W. Cypress Avenue S.E.  
Fort Myers, Florida 33905  
(239) 462-1901  
www.kpsurveying.com

LEGAL DESCRIPTION (PARCEL 1)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOW:

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\_\_\_\_\_  
Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6126  
DATE: 03/26/2020

*KP Surveying, Inc.*  
*LB NUMBER 8152*  
*2802 W. Cypress Avenue S.E.*  
*Fort Myers, Florida 33905*  
*(239) 462-1901*  
*www.kpsurveying.com*

LEGAL DESCRIPTION (PARCEL 2)

(PARCEL 2)

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH OF PINE ISLAND ROAD IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2357, PAGE 546.

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Ken Pufahl, P.S.M.

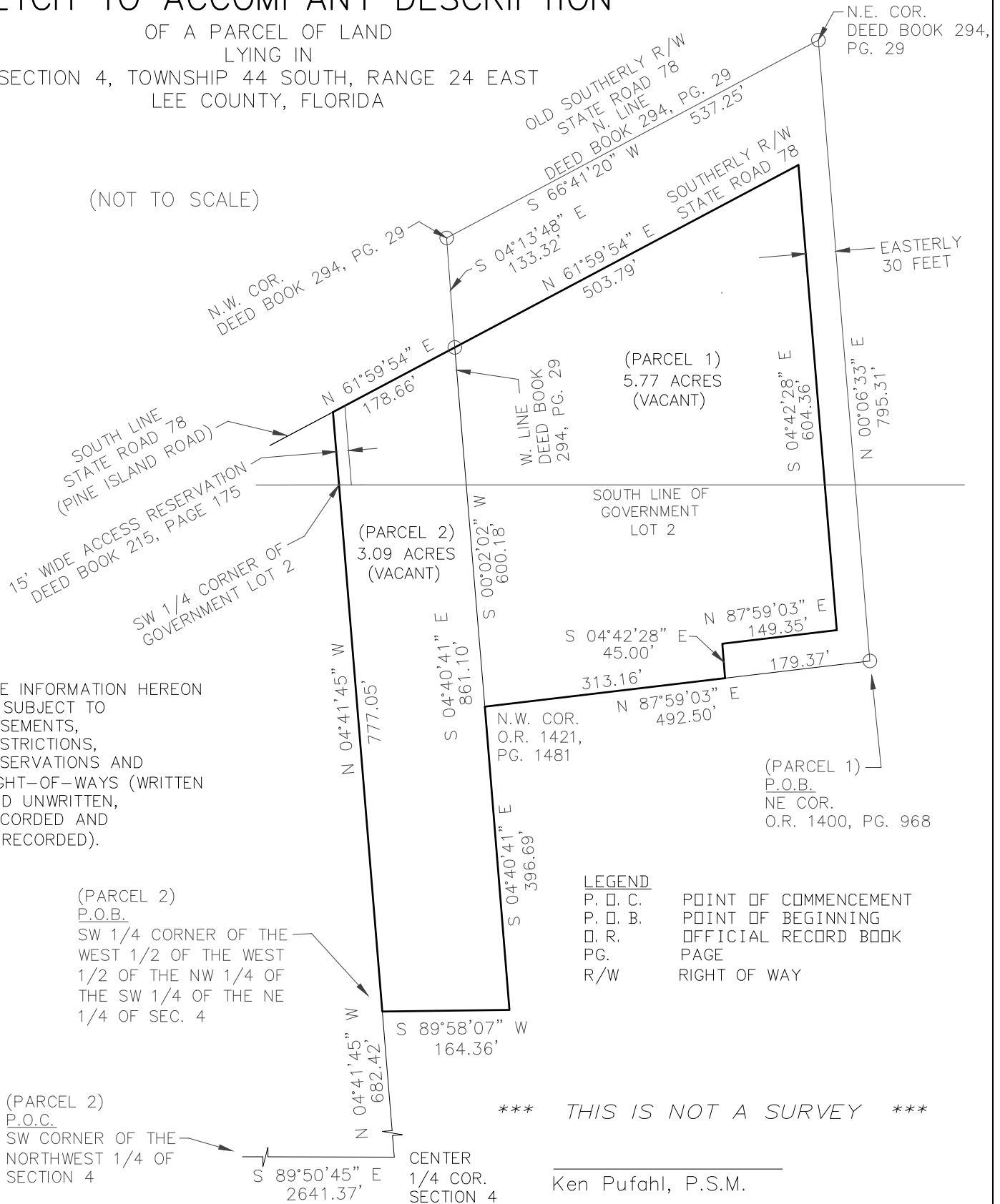
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6126  
DATE: 03/26/2020

# SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

(NOT TO SCALE)

THE INFORMATION HEREON  
IS SUBJECT TO  
EASEMENTS,  
RESTRICTIONS,  
RESERVATIONS AND  
RIGHT-OF-WAYS (WRITTEN  
AND UNWRITTEN,  
RECORDED AND  
UNRECORDED).



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PROJECT No: 20-0078  
DATE: 03/26/2020  
SHEET 3 OF 3

**PLANNING DIVISION STAFF REPORT**  
**RZN23-000017**

**Staff Report prepared by Chad Boyko, AICP, Principal Planner**

<b>SITE ADDRESSES</b> 2750 NE Pine Island Road	<b>APPLICANT/PROPERTY OWNER</b> DD Pine Island, LLC
<b>AUTHORIZED REPRESENTATIVE</b> TDM Consulting, Inc.	

**SUMMARY OF REQUEST**

The applicant requests a rezone from Commercial General (CG), a Lee County designation, and to Commercial Corridor (CC) for one parcel totaling 8.9 acres. The parcel was annexed into the City of Cape Coral in 2023 and the future land use was amended to Pine Island Road District (PIRD) in 2024.

MAP SOURCE

STAFF RECOMMENDATION:   **Approval**

<b>Positive Aspects of Application:</b>	Rezone will allow for commercial uses along a commercial corridor. The site was recently annexed into City of Cape Coral.
<b>Negative Aspects of Application:</b>	There are some single-family homes adjacent and within the surrounding neighborhood.
<b>Mitigating Factors:</b>	Landscaping standards in the LDC should provide buffering between potential commercial use and residential units.



**SITE INFORMATION**

**Urban Service Area:** The site is within the Urban Services Transition area.

**City Water and Sewer:** Water, sewer, and irrigation service from the City of Cape Coral is available to the site.

**Street Access:** The parcel has frontage on Pine Island Road which is classified as a principal arterial. The site also has frontage on Smokey Hollow Lane which is a local maintained by Lee County Department of Transportation. Final access to the site will be determined upon development.

**STRAP Number:** 04-44-24-C2-U0891.5113

**Block/Lot(s):** The site is not platted within a subdivision.

**Site Area:** 8.9 acres

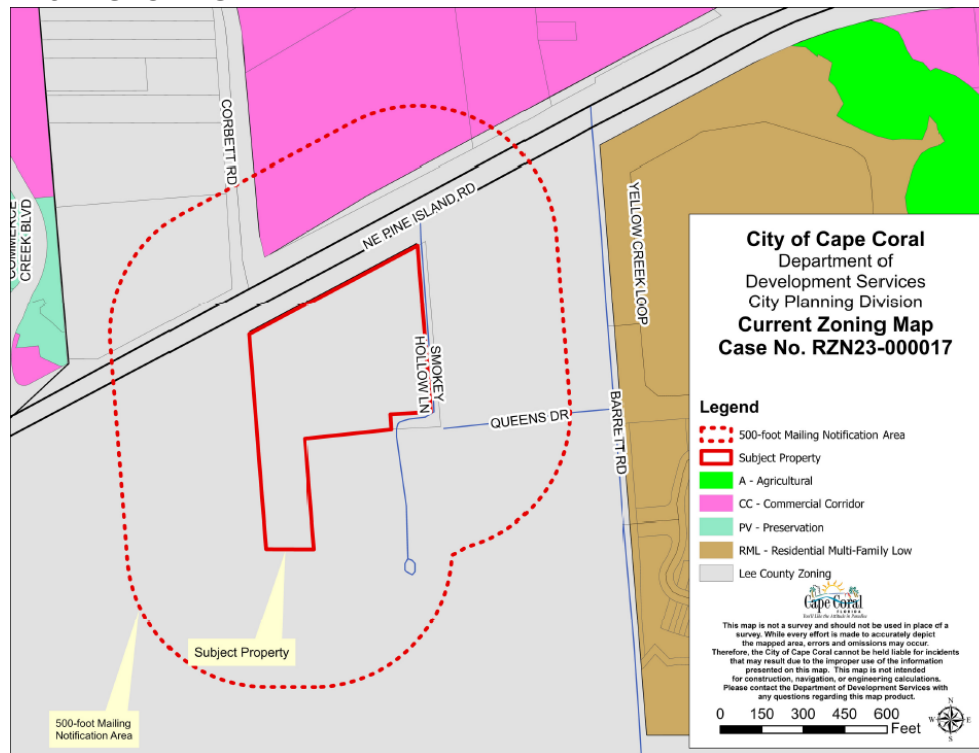
<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<b>Current:</b>	Pine Island Road District (PIRD)	Commercial General (CG) (Lee County Designation)
<b>Proposed:</b>	N/A	Commercial Corridor (CC)
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
<b>North:</b>	PIRD	CC
<b>South:</b>	Sub Outlying Suburban (Lee County Designation)	AG-2 (Lee County Designation)
<b>East:</b>	Commercial (Lee County Designation)	AG-2
<b>West:</b>	Commercial (Lee County Designation)	AG-2

**FINDINGS OF FACT**

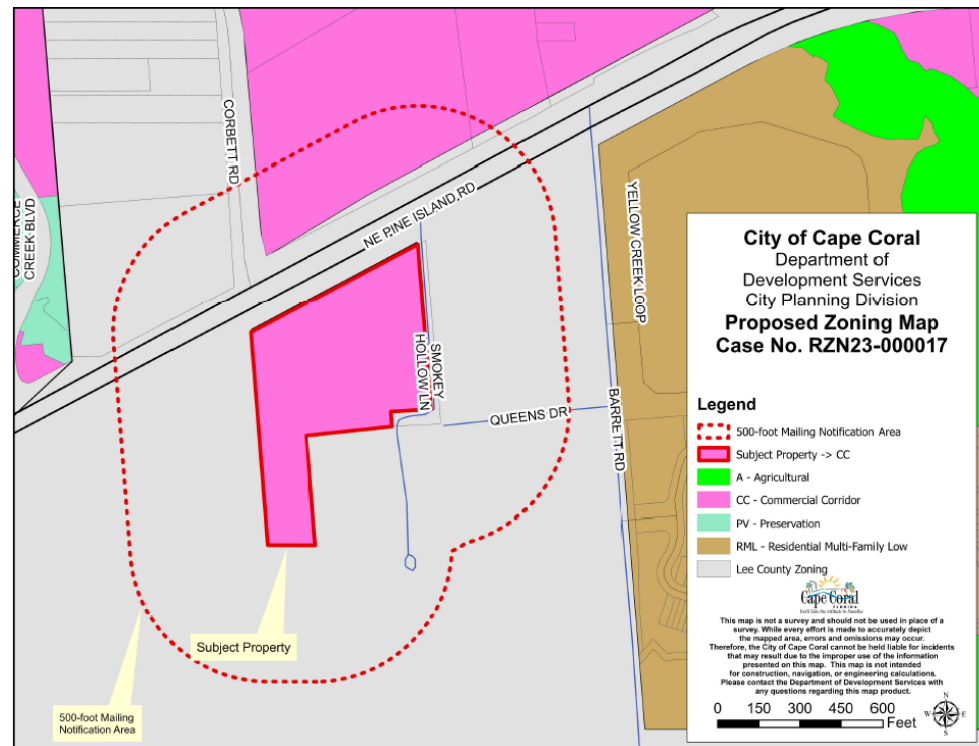
The 8.9 acre site consists of one parcel that are south of Pine Island Road and west of US 41. The site has one owner – DD Pine Island, LLC. The site is undeveloped and vegetated with trees and shrubs. The site is surrounded by properties already incorporated into the City of Cape Coral to the north. Properties within unincorporated Lee County are to the south, east, and west. Surrounding development is limited to single-family homes to the south and southeast, and a church to the northwest across Pine Island Road.

The site was annexed into Cape Coral on August 2<sup>nd</sup>, 2023 via Ordinance 55-23. Per Florida Statutes, any annexed parcels retain their unincorporated county Future Land Use and Zoning designations until the municipality approves changes to both designations. The future land use designation of the site was amended to Pine Island Road District (PIRD) via Ordinance 5-24 on February 7<sup>th</sup>, 2024.

## EXISTING ZONING MAP



## PROPOSED ZONING MAP



## ANALYSIS

### Land Development Code:

Staff reviewed this application based on the review criteria found in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Commercial Corridor (CC) district.

*1. Whether the proposed zoning district is consistent with the City Comprehensive Plan;*

The proposed Commercial Corridor (CC) district will be compatible with the Comprehensive Plan designation of Pine Island Road District (PIRD). The CC zoning district is the only district that is consistent with the PIRD future land use designation.

*2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;*

The CC District allows a wide variety of non-residential uses such as retail, office, restaurant, and some light manufacturing. The CC district also allows multi-family residential with a minimum parcel size and a minimum density. Stand-alone multi-family development may not be possible due to the PIRD designation having a cap on the maximum number of multi-family units allowed in the PIRD designation.

The area to the south is within unincorporated Lee County and is partially developed with single-family homes. The areas to the east and west are also within Lee County but are undeveloped larger tracts. To the north across NE Pine Island Road is undeveloped land that is within Cape Coral city limits.

The majority of the uses in the CC district should be compatible with the surrounding area. The Pine Island Road corridor has been developed with a variety of uses including multi-family residential, commercial, and light industrial. There could be some adverse effects on the single-family homes south of the site depending on the future development of the site. Impacts such as vehicular trips, noise, and light vary between businesses. The CC district does allow some light industrial uses, however, these uses must be approved through a special exception that would allow for conditions to be placed on the development. The CC district also has landscape buffering standards that should assist with compatibility for the residential uses to the south.

*3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;*

The uses allowed in the CC district are similar to uses that are present along the length of Pine Island Road. Office, big box retail, restaurants (fast-food and sit-down), personal and professional services, and light industrial. The site is unique because the site was recently annexed into Cape Coral and is still bordered by property within unincorporated Lee County on three sides. Larger tracts to east and west are likely to develop with uses similar to what is currently developed along Pine Island Road. The existing single-family homes nearby could experience some adverse impacts from the proposed CC zoning, however, there is already a substantial amount of commercial development nearby. There is noise and traffic that is generated from the nearby large commercial developments. The remainder of the proposed uses in the surrounding area are likely to be similar to other development already constructed within the Pine Island Road corridor.

4. *Whether the proposed zoning district will serve a community need or broader public purpose;*

The City of Cape Coral has a well-documented need for non-residential and multi-family residential housing. The rezone to CC, along with the future land use amendment to PIRD, will result in development of non-residential or mixed-use development. Single-family homes are not an allowed use in the CC district. The site is large enough to accommodate a quality commercial or mixed-use development on the site.

5. *The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and*

The site is over eight acres in size and has frontage along a principal arterial. The site is suitable for a wide range of uses including office, retail, restaurant, or light industrial. The CC zoning district would allow those uses as either permitted uses, special exceptions, or conditional uses, depending on final development. The site will also allow for a mixed-use development that can provide an integration of commercial and multi-family units.

6. *Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.*

According to Policy 1.15 of the Comprehensive Plan, the only conventional zoning district that is compatible with the Pine Island Road District (PIRD) future land use designation is the CC district. Planned Unit Developments (PUD) are also allowed within the PIRD designation.

**Comprehensive Plan:**

The following Comprehensive Plan policy is applicable to RZN23-000017:

**Chapter 4 Future Land Use Element, Policy 1.15.L, Pine Island Road District (PIRD):**

The PIRD future land use designation provides criteria to determine if a site is a good candidate for a rezone to Commercial Corridor. The criteria are listed and analyzed below:

1. Does the property abut an existing and developed corridor zoned area?

**Staff Response:** The site does not abut CC zoned parcels in any direction.

2. Does the property abut corridor-zoned area on two sides or more?

**Staff Response:** The site does not abut Corridor zoned property on any side.

3. Is the property part of a larger tract, a portion of which is already zoned Corridor?

**Staff Response:** The property is not part of a large tract that is already zoned Commercial Corridor, although, staff notes that the site was recently annexed into Cape Coral.

4. Is the parcel a large-lot assemblage of three or more acres?

**Staff Response:** The site is one parcel that exceeds eight acres.

5. Does the property front Pine Island Road on at least 180 feet?

**Staff Response:** The site has over 690 feet of frontage along Pine Island Road.

## **ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS**

The rezone is supported by the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the rezone will ensure that commercial or mixed-use development is built in the future.

## **PUBLIC NOTIFICATION**

This case will be publicly noticed as required by LDC, Section 3.1.10 as further described below.

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Cape Coral Hearing Examiner. Following the public hearing before the Commission, the display ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council. The display ads will not be published in the legal section of the *News-Press*.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the land use amendment request.

## **RECOMMENDATION**

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Commercial Corridor (CC) zoning is consistent with the Comprehensive Plan, the Land Use and Development Regulations, and is compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the rezone request.



2700 & 2750 NE PINE ISLAND ROAD  
Zoning Map





2700 & 2750 NE PINE ISLAND ROAD  
AERIAL LOCATION MAP





2700 & 2750 NE PINE ISLAND ROAD  
FUTURE LAND USE MAP

