



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

FEB 6 '23 PM 2:06

For Internal Use Only

Case RZN23-000003

Date 2/6/23

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 1322 NE 12TH AVE

Strap Number 064424C1020720000 Unit 31 Block 2072 Lot (s) All of Blk 2072

Plat Book 14 Page 161 Future Land Use MF

Current Zoning RML Proposed Zoning RMM

PROPERTY OWNER (S) INFORMATION

Owner DUPLEXES RESORT PARK LLC Address 1423 SE 10TH ST

Phone 239-898-0565 City CAPE CORAL

Email ilankedem@aol.com State FL Zip 33990

Owner _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative BJM Consulting Address PO Box 101655

Phone 239-470-5778 City CAPE CORAL

Email joe@bjmconsult.com State FL Zip 33910



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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.

DUPLEXES RESORT PARK LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Ilan Kedem

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

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

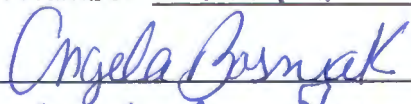
Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 26th day of January, 2023 by Ilan Kedem who is personally known to me or produced _____ as identification.

Exp Date: 8/12/25 Commission Number: HH 164541

Signature of notary Public:

Printed Name of Notary Public:




Angela Bosnyak



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

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 26th Day of January, 20 23.

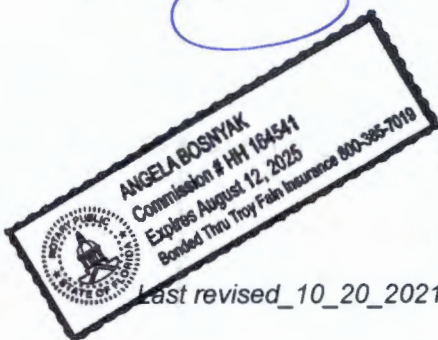
DUPLEXES RESORT PARK LLC
CORPORATION/COMPANY NAME

Ilan Kedem
OWNER'S NAME (TYPE or PRINT)

[Signature]
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 26th day of January, 20 23 by Ilan Kedem who is personally known to me or produced _____ as identification.



Exp Date: 8/12/25 Commission Number: HH 164541

Signature of notary Public: [Signature]

Printed Name of Notary Public: Angela Bosnyak



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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.

DUPLEXES RESORT PARK LLC

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 26th day of January, 2023 by Han Kerkem who is personally known to me or produced [redacted] as identification.

Exp Date: 8/12/25 Commission Number: HH164541

Signature of Notary Public:

Printed Name of Notary Public:





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CITY PLANNING DIVISION

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT BJM Consulting/Joe Mazurkiewicz

(Name of person giving presentation)

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

UNIT 31 BLOCK 2072 LOT(S) ALL SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Ilan Kedem

PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

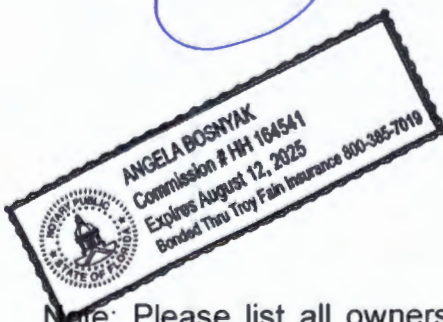
Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 26th day of January, 2023 by Ilan Kedem who
is personally known to me or produced _____ as identification.

Exp Date: 8/12/25 Commission Number: HH 164541

Signature of notary Public:

Printed Name of Notary Public:

[Signature]
Angela Bosnyak



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



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.

BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.
President
P O Box 101655
Cape Coral, FL 33910

Telephone 239-470-5778
Email: joe@bjmconsult.com

February 3, 2023

Mr. Vince Cautero, Director
Department Community Development
City of Cape Coral
PO Box 150027
Cape Coral FL 33915-0027

RE: Duplexes Resort Park LLC Zoning Request

Dear Mr. Cautero,

BJM Consulting, Inc. represents Duplexes Resort Park, LLC, the owner of a parcel of land located in Northeast Cape Coral. The address of the property is 1322 NE 12th Ave. Please accept this as our Letter of Intent for a request to change the Zoning from Multifamily (RML) to Multifamily (RMM).

The site is made up of all the property in Block 2072, its future land use is Multifamily (MF), and existing zoning is Multifamily (RML). The site consists of a single parcel of 24+/- acres. The site is located in the Transition area and is part of Contract 6 in North 1 West UEP Service Area with construction scheduled to begin in 2023 and completion scheduled to be complete in 2024.

We are requesting a zoning change of the entire site from the existing RML (Multifamily 16 units/acre) to RMM (Multifamily 25 units/acre). The site is just south of Diplomat Parkway and East of Andalusia Blvd. The site is surrounded on all four sides by SF (Single Family) land use and R1 (Residential) zoning. As such this application will allow for a project to be built that is compatible with the surrounding community.

The site meets all six of the review criteria to support the rezoning to RMM.

- The proposed rezoning is consistent with the comprehensive plan and the underlying land use of MF (Multifamily) and the site does meet the one acre minimum requirement necessary to support RMM rezoning.
- The site in the middle of an area surrounded by the Delaware Canal and the Bal Moral Canal and is surrounded by existing single family Homes and undeveloped lots. The existing zoning of RML allows for duplexes and single family homes, both of which we have an excess of available parcels within the city. The requested RMM zoning only allow for larger multifamily projects that are better able to be maintained properly by a professional property management company therefor having a better impact on the surrounding community.
- The full range of multifamily uses allowed in the RMM zoning are consistent and compatible with the surrounding existing developments.
- The RMM zoning will help meet the identified need for market priced residential units in the Cape.
- The development allowed by the RMM zoning will be compatible with the existing surrounding developments.
- The RMM zoning is one of the two zoning categories allowed in the MF (Multifamily) land use, and the single parcel being developed as one project will allow for less driveways along the adjoining residential streets which provides a development with fewer potential adverse impacts on the surrounding uses.

The location of the parcel along with its "large for Cape Coral size" makes it a well-qualified candidate for the RMM Zoning.

Please let us know if you have any questions or concerns regarding this application.

Sincerely,

Joe Mazurkiewicz, Jr.

Joe Mazurkiewicz, Jr. Ph.D.
President, BJM Consulting, Inc.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
239 SUN CONSTRUCTION LLC

Filing Information

Document Number L21000308844
FEI/EIN Number 87-1551619
Date Filed 07/06/2021
Effective Date 07/01/2021
State FL
Status ACTIVE
Last Event LC NAME CHANGE
Event Date Filed 07/12/2021
Event Effective Date NONE

Principal Address

1423 SE 10TH ST
#1
CAPE CORAL, FL 33990

Changed: 01/18/2022

Mailing Address

1423 SE 10TH ST
#1
CAPE CORAL, FL 33990

Changed: 01/18/2022

Registered Agent Name & Address

KEDEM, ILAN
1423 SE 10TH ST
#1
CAPE CORAL, FL 33990

Authorized Person(s) Detail

Name & Address

Title MGR

KEDEM, ILAN
1423 SE 10TH ST
CAPE CORAL, FL 33990



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
DUPLEXES RESORT PARK LLC

Filing Information

Document Number L22000199403
FEI/EIN Number 88-2252083
Date Filed 04/27/2022
Effective Date 05/01/2022
State FL
Status ACTIVE

Principal Address

1423 SE 10TH ST
1
CAPE CORAL, FL 33990

Mailing Address

1423 SE 10TH ST
1
CAPE CORAL, FL 33990

Registered Agent Name & Address

239 SUN CONSTRUCTION LLC
1423 SE 10TH ST
1
CAPE CORAL, FL 33990

Authorized Person(s) Detail

Name & Address

Title MGRM

239 SUN CONSTRUCTION LLC
1423 SE 10TH ST
1
CAPE CORAL, FL 33990

Title Authorized Member

COSHED LLC
1423 SE 10TH ST
1

CAPE CORAL, FL 33990

Title Authorized Member

Shilo ST Investments LLC

1423 SE 10TH ST

1

CAPE CORAL, FL 33990

Annual Reports

Report Year	Filed Date
2023	01/12/2023

Document Images

[01/12/2023 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/27/2022 -- Florida Limited Liability](#)

[View image in PDF format](#)

Florida Department of State, Division of Corporations


Lee County Property Appraiser

 Tax Year **2022**
[Previous Parcel Number](#) [Next Parcel Number](#) [Tax Estimator](#) [Cape Coral Fees](#) [Tax Bills](#) [Print](#)

Property Data

STRAP: 06-44-24-C1-02072.0000 Folio ID: 10155903

Generated on 1/26/2023 9:21 AM

Owner Of Record - Sole Owner
[\[Change Address\]](#)

 DUPLEXES RESORT PARK LLC
 1423 SE 10TH ST
 CAPE CORAL FL 33990

Site Address

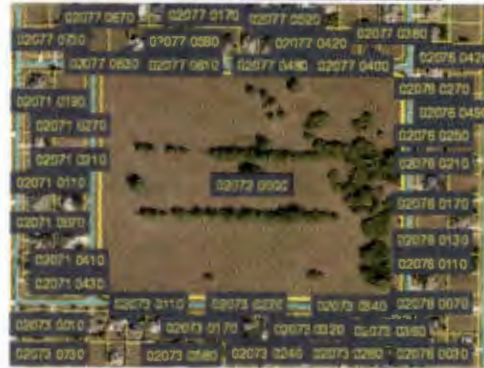
 Site Address maintained by **E911 Program Addressing**

 1322 NE 12TH AVE
 CAPE CORAL FL 33909

Property Description

Do not use for legal documents!


 CAPE CORAL UNIT 31
 BLK 2072 PB 14 PG 161
 ALL OF BLK 2072

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)

[\[Pictometry Aerial Viewer\]](#)

Current Working Values

[Tax Roll Value Letter](#)

Just

2,660,000

Attributes

Land Units Of Measure

UT

Units

76.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure


Exemptions / Classified Use (Current)

Generated on 1/26/2023 9:21 AM

Exemptions / Classified Use (2022 Tax Roll)

Generated on 1/26/2023 9:21 AM


Values (2022 Tax Roll)


Generated on 1/26/2023 9:21 AM

Taxing Authorities

Generated on 1/26/2023 9:21 AM

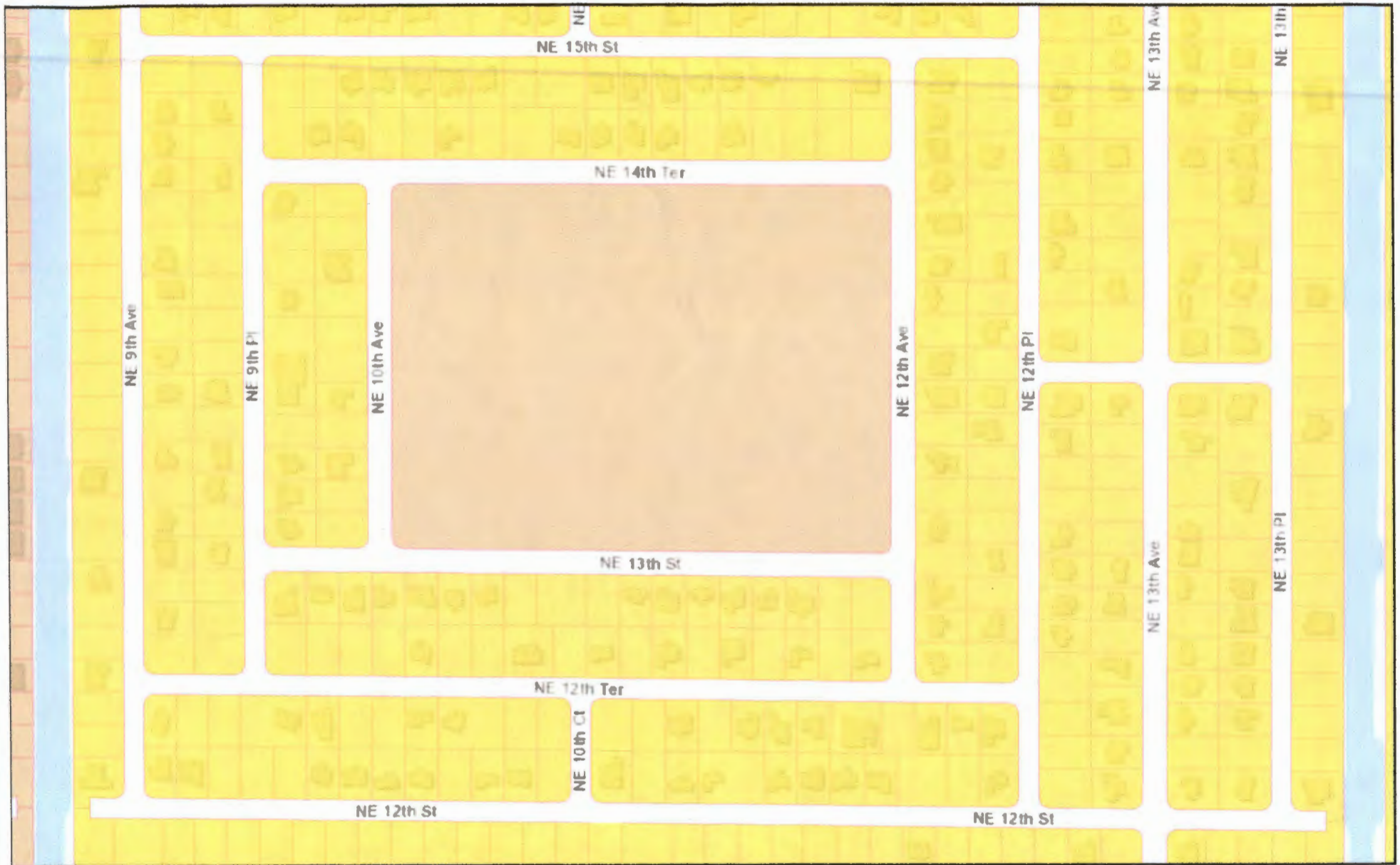
Sales / Transactions

Generated on 1/26/2023 9:21 AM

Building/Construction Permit Data

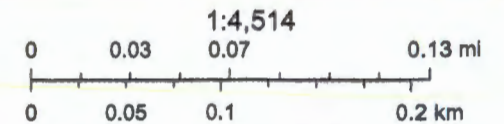
Generated on 1/26/2023 9:21 AM

Cape Coral ArcGIS Web Map



1/26/2023, 9:24:03 AM

Zoning  RML  Ownership
 R1



University of South Florida, County of Lee, FL, Earl, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Web AppBuilder for ArcGIS
University of South Florida, County of Lee, FL, Earl, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

City Planning Division Case Report


RZN23-000003

Staff report prepared by Patrick Carlton White, Senior Planner

PH: 239-574-0605

Email: PWhite@capecoral.gov

REZONE AREA 1322 NE 12 th Avenue Cape Coral, FL 33909 Unit 31 Block 2072	APPLICANT/PROPERTY OWNER Duplexes Resort Park LLC 1423 SE 10 th Street Cape Coral, FL 33990
AUTHORIZED REPRESENTATIVE Joe Mazurkiewicz, BJM Consulting	

SUMMARY OF REQUEST A privately-initiated rezone for ±24.67 acres, from Residential Multi-Family Low (RML) to Residential Multi-Family Medium (RMM) approximately 2,670 feet southwest of the intersection of Del Prado Boulevard N. and Diplomat Parkway E.	 <p>The subject property is depicted in red.</p>
Positive Aspects of Application:	The rezone will allow for greater density on a 24.67-acre tract, allowing a maximum of 616 units. The City has a documented need for additional multi-family units.
Negative Aspects of Application:	The greater density permitted would allow up to 222 additional units and a corresponding increase in peak hour trips compared to development under the RML zoning district on a property with frontage on local streets.

Staff

Recommendation: Denial

Site Address: 1322 NE 12th Avenue
Cape Coral, FL 33909

Legal Description: Unit 31, Block 2072 as depicted in Plat Book 14 Page 161, Cape Coral Subdivision

Request: Rezone ±24.67 acres from Residential Multi-Family Low (RML) to Residential Multi-Family Medium (RMM) for Block 2072 at 1322 NE 12th Avenue.

Prepared By: Patrick Carlton White, Senior Planner

Reviewed By: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator

Urban Service Area: Transition

Right-of-Way Access: The property has frontage on four local streets: NE 14th Terrace to the north; NE 12th Avenue to the east; NE 13th Street to the south, and NE 10th Avenue to the west.

Entitlement History: Block 2072 is zoned Residential Multi-Family Low (RML) and has a Multi-Family Residential (MF) Future Land Use Classification (FLUC). The property was rezoned from Multi-Family (R-3) to RML by Ord. 4-19. The Future Land Use has remained MF since 1989.

Description of Block 2072:

The tract is located in eastern Cape Coral, approximately 2,670 feet southwest of the nearest major intersection at Del Prado Boulevard N. and Diplomat Parkway E.

The subject block is undeveloped. All properties within 500 feet of the subject property are zoned Single Family Residential (R1) with a Single Family (SF) FLUC. Many are improved with single family dwellings. Generally, the properties near the subject block exhibit a low density residential development pattern.

Purpose of the Rezoning Request:

The letter of intent does not specially state a proposed future use for the property but alludes to a higher density multi-family development. This rezone will increase the maximum permissible density of the site from 16 to 25 dwelling units per acre. If approved, the RMM zoning will allow a maximum of 616 dwelling units on the site, 222 units above the maximum number of units allowed under the existing RML District (394 units). The RMM district also allows buildings to be constructed to a maximum height of 60 feet, 10 feet higher than the RML district.

Analysis:

Staff reviewed this application based on criteria in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed for consistency with goals and policies in the Comprehensive Plan.

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

Both the existing RML Zoning and the requested RMM Zoning are consistent with the Multi-Family Residential FLUC.

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 RML District requires a minimum area of 10,000 sq. ft. Uses allowed in this district include single-family dwellings, duplexes, multi-family dwellings (buildings with three or more residential units), and model homes. This district allows a maximum building height of 50 ft.

The RMM District requires a minimum area of one acre. This district allows multi-family dwellings but prohibits single-family dwellings, duplexes, and model homes. Nonresidential uses allowed in this district are limited in number and similar to those allowed in the RML District. Besides allowing greater density, the RMM District allows for greater building height than the RML District, a maximum of 60 ft.

While differences in degree exist, different types of residential uses exhibit similar land use characteristics. For example, residential uses typically generate low numbers of peak hour trips on a per unit basis, generate low noise levels, and lack loading areas often associated with commercial projects. For these reasons, staff considers various types of residential uses to be generally compatible with one another. The range of uses allowed in the proposed RMM District should be compatible with the existing uses in the surrounding 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 RMM District restricts residential uses to multi-family development. The RML District also allows multi-family development and like the R-1 District, allows single-family residences. The RML District is the only district among these three that allows duplexes.

The R-1, RML, and RMM allow many of the same nonresidential uses including education facilities, parks, and religious institutions. In general, however, fewer nonresidential uses are allowed in the R-1 District compared to the RML and RMM Districts to better protect the integrity of these lower density, single-family neighborhoods. Notably, the RMM district also allows the development of assisted living facilities without a special exception, which would be required if this property were to remain zoned RML.

In summary, the potential uses allowed in the RML and RMM Districts are generally similar to one another, except for single-family dwellings and duplexes that are only allowed in the RML District. The potential uses allowed in these three residential districts should be compatible with one another.

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

The proposed RMM District will serve a community need by ensuring a type of housing other than single-family homes as neither single-family homes nor duplexes may be constructed in the proposed district.

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

The rezone area is suitable for RMM Zoning for the following reasons:

- The proposed RMM District is consistent with the Multi-Family Residential FLUC.
- The area of the site (24.67 acres) substantially exceeds the one acre minimum required by the LDC for RMM-zoned properties.
- The site exhibits full block depth to accommodate parking, landscaping, stormwater management, and varying access options increasing the likelihood of a high-quality design.

The rezone area is NOT suitable for RMM Zoning for the following reasons:

- Streets serving the subject property provide access to multiple single-family residences or properties with a single-family zoning designation. Multiple turning movements are required to access major roads due to the property's location within the existing residential neighborhood.
- Centralized utilities are not yet available to the site, but will be in 2025.
- The subject property is not located along a major roadway; all estimated additional trips would access the property via local streets within the neighborhood.

The estimated trips for development of the property at RML's maximum density of 16 units per acre is 132 AM and 142 PM Peak Hour Trips per the ITE Trip Generation Book. Estimated trips for development at the RMM's maximum density of 25 units per acre is 203 AM and 213 PM Peak Hour Trips, an increase of 71 additional AM and PM trips, or approximately 50% beyond that which are anticipated with the RML zoning.

- The subject property is located centrally in a low-density residential neighborhood.
- The proposed RMM district will allow buildings with a maximum height of 60 feet. Building with this height will be out of character with the one-story single family homes that surround the site.

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

The existing RML district will create fewer impacts than the proposed RMM district because of fewer units, less trips, and lower maximum building height.

City Fire Department impacts were identified as moderate, depending on the type of development proposed, the development could generate 100-200 calls for service annually.

City Police Department impacts were identified as minor, less than 1% increase to recorded calls for service in Zone 1, North and 1% or less citywide. The Cape Coral Police Department also noted that the area around the subject property generally has two points of ingress/egress at the intersections of NE 13th Avenue and NE 15th Terrace, and NE 13th Avenue and NE 12th Street. They noted that the location will influence North/South traffic flows on NE 13th Avenue and at the intersections of NE 13th Avenue and Diplomat Parkway E., and NE 13th Avenue and Pine Island Road NE. They also noted that traffic from development in Block 2072 can be compounded with traffic from Diplomat Elementary and Middle Schools during school year during start/end of school days and lastly noted that City services rely on movement along the Pine Island Road and Diplomat Parkway E. corridors.

The subject property is located within the North 1 West Contract 6 Utility Expansion Project and should have water and sewer services in 2025.

Consistency with the Comprehensive Plan:

The rezone is consistent with the following goals and policies in the Comprehensive Plan.

Future Land Use Element

Policy 1.15, Table 1. Staff comment: Both the RML and RMM Districts are identified in Table 1. as being consistent with the Multi-Family Residential FLUC.

Policy 1.15.b: Multi-Family Residential: Densities up to 25 units per acre are permitted in this future land use map classification. Staff comment: The rezone will increase the maximum density of the site from 16 units/acre in the RML District to a maximum of 25 units/acre in the RMM District.

Housing Element

GOAL: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status. Staff comment: The only residential use allowed in the RMM District is multi-family which provides housing options other than single-family homes.

Policy 2.1: Pursuant to S. 163.3202 (1), F.S., the City will continue to incorporate provisions into its Land Development Code that assist in lowering the costs for residential development, while maintaining housing quality in accordance with the City's minimum building standards. Staff

comment: The City has recently adopted several new zoning districts in the LDC that allow for greater density than the respective companion zoning districts in the former Land Use and Development Regulations. One such example is the RMM District. The former R-3 District was replaced with the RML and RMM Districts. The density of the RMM District was increased to a maximum of 25 units/acre, greater than the 16 units/acre allowed in the former R-3 District. This increase in density in part incentivizes new multi-family development by theoretically lowering land costs on a per unit basis.

Recommendation:

The site has a large area and good depth to allow for the design of a quality multi-family project. Generally, sites such as this one would be considered strong candidates for the requested RMM zoning. However, the location of this site for the requested RMM zoning is less than ideal. The site is located in the middle of a low-density residential neighborhood. The site has frontage only along local streets which means trips generated by a future development will need to navigate a network of local streets before reaching a major street better designed to accommodate the anticipated increase in the number of trips generated by the proposed RMM zoning. Lastly, the maximum height allowed by the RMM zoning would be quite dissimilar from the height of the surrounding one-story single-family homes that dominate the surrounding area. While this application has some positive attributes, on balance, the requested zoning based on the location of the site, would be incompatible with the surrounding area. Staff recommends denial.

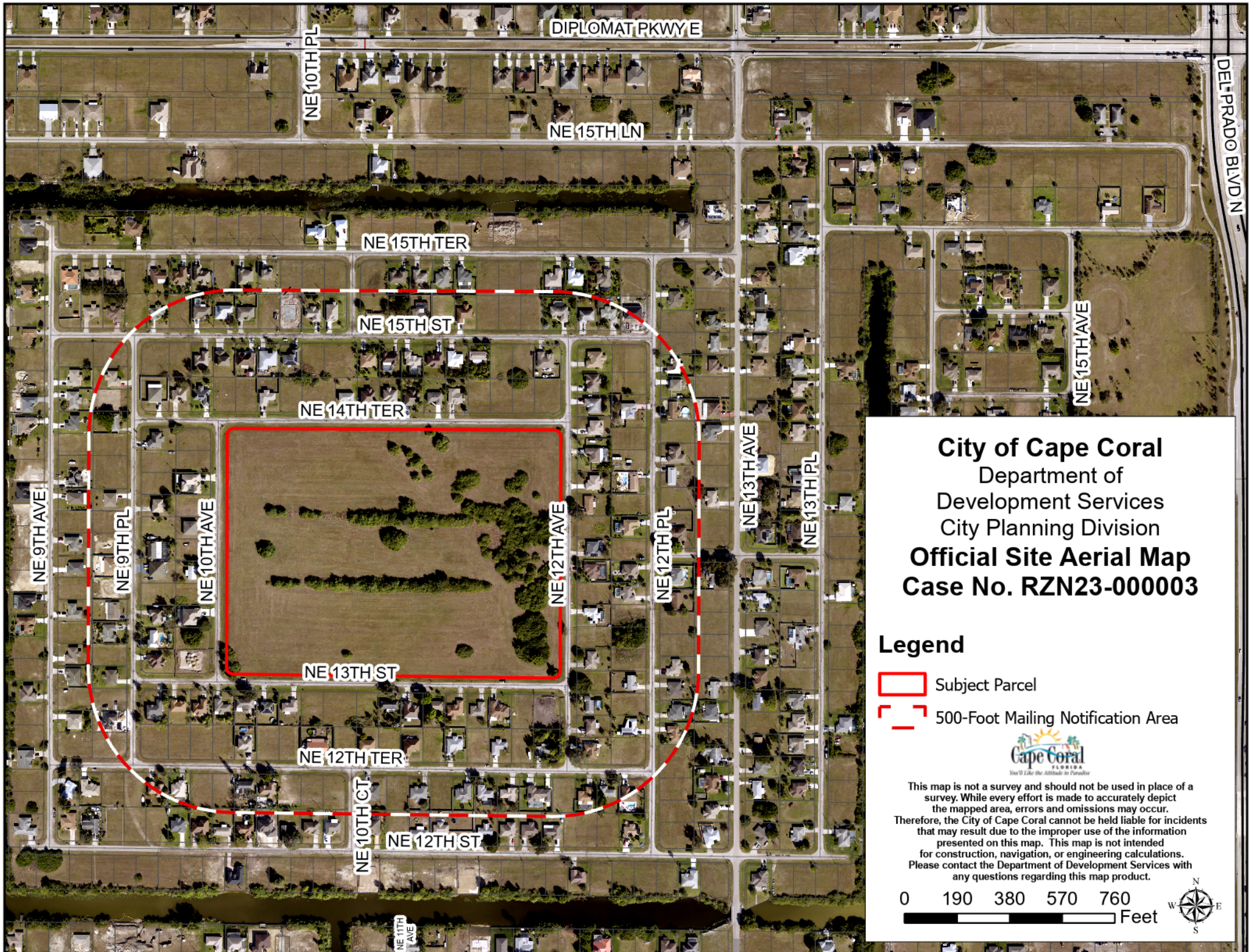
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City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN23-000003

Legend

-  Subject Parcel
-  500-Foot Mailing Notification Area



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