



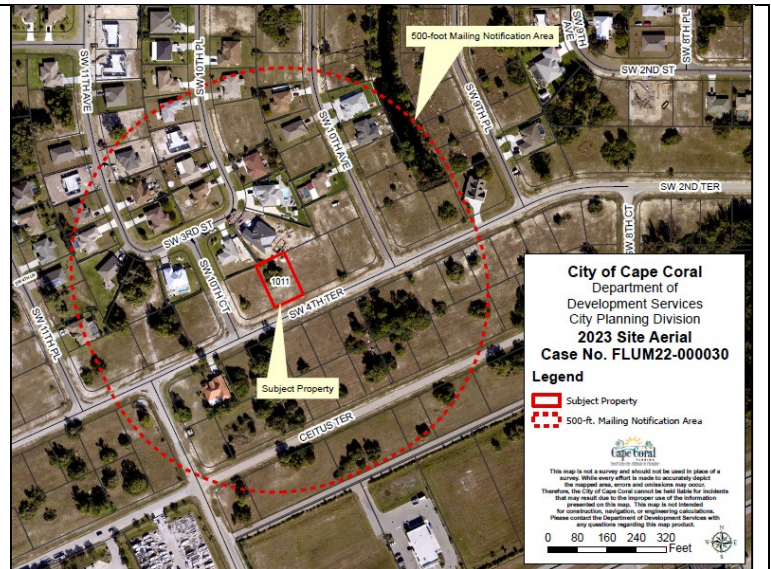
PLANNING DIVISION STAFF REPORT

Tuesday, September 26, 2023

Case No.:	FLUM22-000030	Prepared By:	Chad Boyko, Principal Planner	
Property Location:	1011 SW 4 th Terrace		Applicant / <u>Property Owner</u>	
Authorized Representative			Name: Synergy Homes, LLC Address: 581 NW Mercantile Pl #106 Port St. Lucie, FL 34986	
Name:	Dylan Curry			

SUMMARY OF REQUEST:

The applicant requests a future land use map amendment from the Pine Island Road District (PIRD) future land use designation to the Single-Family Residential (SF) future land use designation for a portion of property. The proposed change would affect one parcel that is 10,624 sq. ft.



MAP SOURCE: City of Cape Coral

Existing Zoning	Existing Land Use	Proposed Land Use	Site Improvements	Size of Property (+/-)
Commercial Corridor (CC)	Pine Island Road District (PIRD)	Single Family Residential (SF)	None	10,624 sq. ft.

STAFF RECOMMENDATION: | Approval

CASE OVERVIEW

Background:	<ul style="list-style-type: none">The parcel been mapped as PIRD since 2002The site was mapped as PIRD as a result of the Pine Island Road Master Plan
Positive Aspects of Application:	<ul style="list-style-type: none">The site abuts single-family homesThe PIRD designated area lacks ideal visibility or adequate depth
Negative Aspects of Application:	<ul style="list-style-type: none">Loss of potential commercial development



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SITE INFORMATION

Street Addresses: 1011 SW 4th Terrace

Urban Service Area: Transition

City Water & Sewer: City Water: Yes City Sewer: Yes

Right-of-Way Access: The site is accessible from SW 4th Terrace – a local road

STRAP Number(s): 15-44-23-C2-03623.0460

Block: 3623 Lots: 46 and 47

FUTURE LAND USE AND ZONING INFORMATION

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<i>Current:</i>	Mixed Use (MX)	Commercial (C)
<i>Proposed:</i>	Multi Family Residential (MF)	N/A
<i>Surrounding Future Land Use</i>		<i>Surrounding Zoning</i>
<i>North:</i>	Lee County Designation	Lee County Designation
<i>South:</i>	MX	Residential Multi-Family Low (RML) and C
<i>East:</i>	Lee County Designation	Lee County Designation
<i>West:</i>	MX	C

PURPOSE OF REQUEST

The applicant has requested this amendment to the Future Land Use Map to allow for a change of land use to accommodate the construction of a new multi-family residences on the site.

FUTURE LAND USE/ZONING HISTORY

The property being analyzed has retained the Pine Island Road District (PIRD) designation since 2002. Prior to the PIRD designation, the property was designated as Commercial/Professional (CP). The original future land use designation of the property was Single-Family/Multi-Family (SM) before the change to CP in 2000.

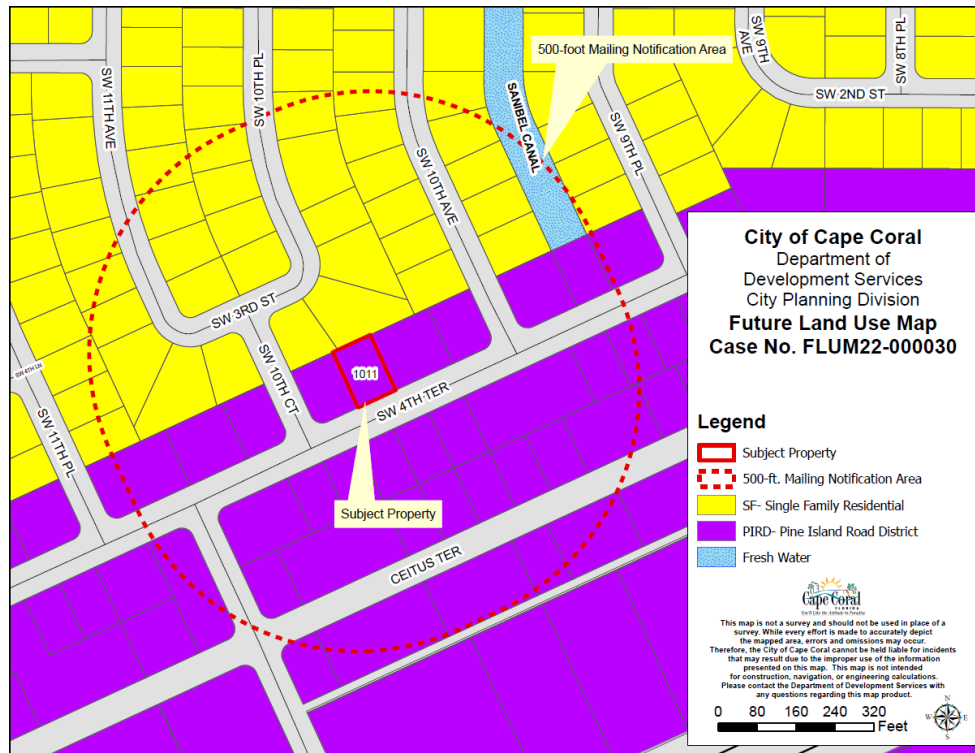
Additionally, the property was mapped with a Corridor (CORR) zoning designation shortly after the amendment to PIRD. The CORR zoning designation was changed to the Commercial Corridor (CC) zoning designation in 2019.



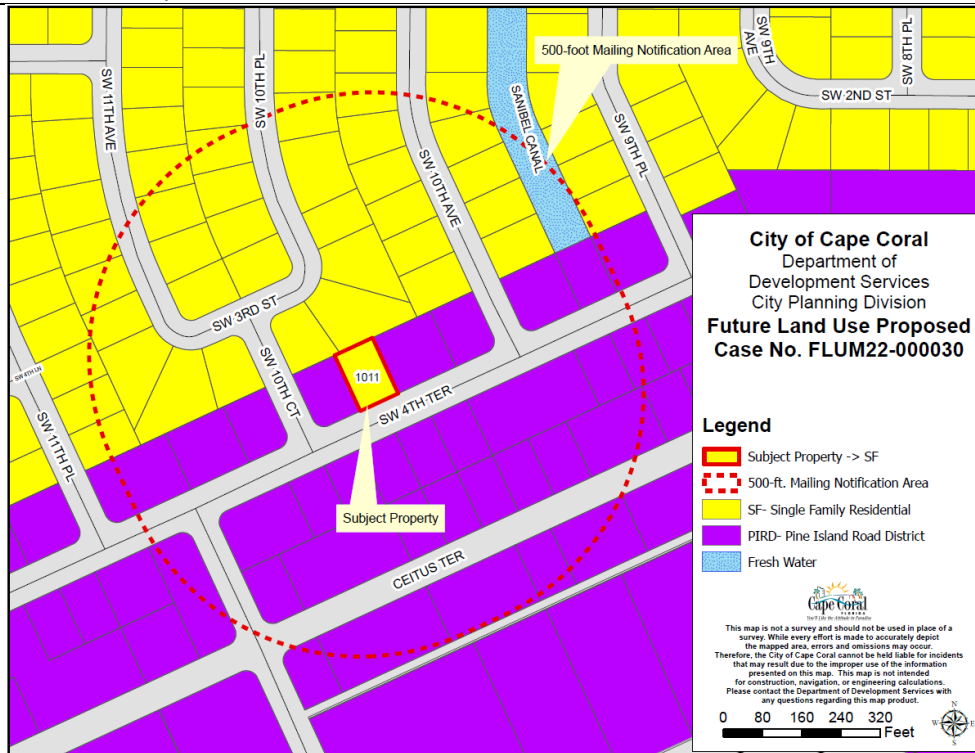
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Current Future Land Use Map



Proposed Future Land Use Map





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ADDITIONAL SITE INFORMATION

Protected Species:

The City does not have historical records indicating that burrowing owls or other protected species have inhabited the subject properties. The City requires species surveys prior to the issuance of permits or development approvals, in accordance with Policy 1.2.1 of the Conservation and Coastal Management Element of the Comprehensive Plan.

Policy 1.2.1: By 2020, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or, which may contain habitat for protected species, undergoing significant development and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested.

Utilities:

The subject property is in the Urban Services Transition area as designated by the City Comprehensive Plan. Utilities are available on the site.

Soils and Drainage:

The site is located on the Matlacha gravelly fine sand, limestone substratum – Urban land complex (Soil Type 122). The soil consists of somewhat poorly drained sandy mine spoil or earthly fill over sandy marine deposits over limestone. This soil has some limitations for development, which are typically overcome using various engineering solutions such as importing fill and is suitable for both single family dwelling construction, with no basement, and small-scale commercial developments. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

Regional Plan Analysis:

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):
This amendment is not in conflict with the SRPP

Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan:
This amendment has no effect on the MPO's 2045 LRTP.



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APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.5.2 for evaluating amendments to the Future Land Use Map. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed amendment based upon conformance with the criteria:

- A. *Purpose of Amendments. Future Land Use Map Amendments shall be considered for the flowing reasons:*
1. *The amendment implements the goals, objectives, and policies of the Comprehensive Plan.*
 2. *The amendment promotes compliance with changes to other city, state, or federal regulations.*
 3. *The amendment results in compatible land uses within a specific area.*
 4. *The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.*
 5. *The amendment is consistent with the City's ability to provide adequate public facilities and services.*
 6. *The amendment prepares the city for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.*

Analysis: The applicant is seeking an amendment to the Future Land Use Map to allow for the construction of a new single family dwelling unit on the specified property. The amendment is not being proposed to promote compliance with changes to other city, state, or federal regulations; does not implement findings of reports, studies or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments; and has no bearing on the consistency with the City's ability to provide adequate public facilities and service.

Refer to below Comprehensive Plan Analysis Section for compliance with Purpose #1, implementing the goals, objectives, and policies of the Comprehensive Plan.

The proposed amendment is partially consistent with Purpose #3, as the change to SF (Single Family) would result in a compatible land use within a specific area. The applicant is requesting the amendment on the basis that the proposed amendment will bring the site into a compatible land use with those land uses which exist adjacent to the property. There is a nearby single-family development to the north along with single family homes to the north. The proposed change to allow single family would replicate these development that are north of the site. The existing PIRD may not be compatible going forward as the current land use may not result in commercial development for similar lots based upon lack of collector or arterial frontage and limited size and depth of the parcels.

The proposed amendment is in conflict with Purpose #6, as the change to SF (Single Family), does not prepare the city for future growth, but inhibits its ability for growth by removing possible commercial land for development of single family. While current development patterns in the City of Cape Coral show a concentration of development around single family and multi-family residential, the city currently has many sites designated for such uses, with many of those sites being currently vacant, even within the immediate area. As development and infill of residential dwellings occurs, the need for commercial and professional services will increase, and locations within close proximity to residential



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areas and located along collector and arterials will be necessary to support those residential areas and sustain the neighborhoods.

C. *Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of F.S. Ch. 163, and the following criteria:*

1. *Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;*

Analysis: Refer to below Analysis Section for a breakdown of Comprehensive Plan compliance.

2. *The amendment protects the health, safety, and welfare of the community;*

Analysis: The proposed amendment would have negligible impact on the health, safety, and welfare of the community in the short-term, and would most likely provide slight positive impact as the proposed use of SF designation is less intensive, with more restrictive uses, lesser densities, traffic requirements and service requirements that the current PIRD designation which allows 100% non-residential development or a mix of multi-family residential and non-residential uses.

However, the long-term impacts on the health, safety and welfare of the community could be slightly detrimental as the loss of commercial and professional designated area would hinder the ability for commercial development to take place on, or adjacent to, the site. While the site is relatively small, there are other parcels adjacent to the site that could be assembled into a larger non-residential or mixed use project.

3. *The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;*

Analysis: The proposed amendment site consists of approximately 10,000 sq. ft. The site is cleared except for some minimal vegetation.

The amendment to SF land use would allow for the Single-Family Residential (R1) zoning district. The R1 district primarily allows for single-family homes. The minimum parcel size for a single-family home is 10,000 sq. ft. and the parcel exceeds that threshold.

4. *The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community of traffic that cannot be mitigated through application of the development standards in this Code;*

Analysis: The amendment is seeking a Future Land Use designation of SF (Single Family) which has the following consistent zoning districts: R1. As analyzed previously, this zoning districts is viable.

Given that the proposed amended land use is of a less intensive designation, in both type of uses and density, the proposed amendment will not result in a negative impact on the traffic of the community. Any impact to the traffic of the community can be mitigated through the application of the development standards of the LDC and Engineering Design Standards of the City of Cape Coral.

5. *The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.;*

Analysis: The site does have access to water and sewer utilities currently. The site only has frontage on a local road.



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The proposed Future Land Use Amendment is seeking a less intensive land use designation, SF from PIRD, which has less intensive allowable zoning uses and less intensive densities than the current designation. Current and future infrastructure was planned to be supplied to account for more intensive use and, if amendment is approved, more intensive uses will still remain in the immediate vicinity. As such, the proposed site is capable of accommodating and supporting all uses for the proposed amendment designation with limited impact on existing or future infrastructure.

For a complete breakdown of infrastructure impact, including impact on water, sewer, solid waste, traffic, police, fire, park land and schools please refer to Impact Assessment Summary Analysis Section of this document.

6. *Other factors deemed appropriate by the Commission and City Council.*

N/A: to be determined by the Commission and City Council.

Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.5.2.C of the Land Development Code of the City of Cape Coral and for consistency with the Goals, Objectives, and Policies of the Comprehensive Plan. Below will be found an in-depth analysis of the proposed amendment to the Future Land Use Map based upon the applicable Goals, Objectives and Policies:

Chapter 3, 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.

Analysis: The Future Land Use Map Amendment will allow the creation of new housing within the city limits. The mostly likely units developed would be single-family units. The City has ample supply of single-family homes and many more undeveloped lots that are zoned for single-family development. While the site may not well suited for commercial development, the benefit to the community with adding another single-family residential lot is minimal.

Chapter 4, Future Land Use Element, Policy 1.14: The City of Cape Coral's commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept, as described in Policy 1.13, above. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications. Additional guidance for consideration of such properties is contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Within this broad, general context, consideration of properties proposed for conversion to a commercial future land use shall be based upon the following commercial siting guidelines.:

Commercial Siting Guidelines

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersection of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon



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whether the subject property would represent a new, separate commercial property or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties.

Analysis: The site is over 2,500 feet away from the nearest major intersection – Pine Island Road and Nicholas Parkway. The PIRD designation is in place for all properties along this intersection. The PIRD extends west from the intersection to the site and further west along Pine Island Road. Planning staff finds that the site is not directly at a major intersection, however, the site is considered at the extension of a major intersection, therefore, the current future land use designation is consistent with this commercial siting guideline.

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. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Therefore, adequate depth is achieved if any number of contiguous properties, occupy the entire 250 feet of depth.

Analysis: The site only has 125 feet of depth and does not have frontage along a collector or arterial roadway. The site is a not large tract with substantial depth, therefore, Planning staff finds that the current future land use designation is not consistent with this commercial siting guideline.

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.

Analysis: The site is one parcel that is semi-rectangular in shape and is compact. The shape should allow for orderly arrangement of development. Planning staff finds that the current future land use designation is consistent with this commercial siting guideline.

Integration

Integration, for the purposes of these guidelines, refer to the interrelatedness of development within a commercial node or area. The presence of features, such as internal access roads, shared parking, courtyards, walkways, or other features, binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and often promotes a pedestrian-friendly environment. Integration of neighboring commercial properties should always be encouraged. Therefore, properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.



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Analysis: There is no existing commercial development on the site. The abutting parcels which also have the PIRD land use designation are also undeveloped. These parcels being undeveloped could allow for integration at some point in the future, however, due to the lack of existing integration, Planning Staff finds the future land use of the site is not consistent with this commercial siting guideline.

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acres) in size. These lots were designed primarily for single family residential developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered "assembled," for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

Analysis: The site is one parcel and does not share ownership with any other abutting or adjacent parcels. Even if assemblage with abutting parcels were to occur, any resulting parcel would still be well below the desired three acres assemblage, therefore, the future land use designation is not consistent with this commercial siting guideline.

Intrusion

"Intrusion," as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single-family development. Commercial development that is separated from a residential area by a street, canal, a vegetative buffer, or other geographic features, may be considered less intrusive than commercial development that directly abuts a residential area. The degree of compactness (see above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.



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Typically, new commercial properties (properties proposed for conversion to a commercial future land use classification, which do not abut existing commercial properties) are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas.

Analysis: The site is undeveloped and there is no nearby commercial development within a 300 foot proximity range. Residential development is directly abutting the site and any commercial development on the site would likely be considered intrusive. Additionally, the residential areas to the north are approximately 60% developed with single-family homes. Planning staff finds that the residential development to the north is well established and within close proximity, therefore the sites future land use designation is not consistent with this commercial siting guideline.

Access

In the City of Cape Coral there are two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of a commercial future land use at the proposed location should be encouraged. These provisions are as follows:

- a. Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City of landowners. The Comprehensive Plan and City Land Development Code refer to these as "dedicated City parking areas." These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City's interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.
- b. Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

Analysis: The site is not near a City-owned parking lot and does not have frontage on a roadway with an access management plan. The site also does not have frontage on an arterial or collector roadway. Planning staff finds that the site neither has the preferred ideal access from an arterial street, nor is the site is not near a City-owned parking lot, therefore, the sites future land use designation is not consistent with this commercial siting guideline.

Ownership Pattern



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An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true “commercial node.” Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development. Therefore, the City of Cape Coral encourages landowners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

Analysis: The site is one parcel just over 10,000 sq. ft. and does not share common ownership with any other nearby parcels, therefore, Planning staff finds that the sites future land use designation is not consistent with this commercial siting guideline.

Summary

Policy 1.14 contains eight commercial siting guidelines. Overall, the site is consistent with two guidelines (major intersection and compactness); and is not consistent with six guideline (adequate depth, integration, assembly, intrusion, ownership pattern and access). Since the site meets two of the guidelines, the site is not a strong candidate for commercial development. Policy 1.14 does not require a proposed amendment to meet a certain threshold of guidelines for approval or denial, rather the guidelines are meant to provide a compatibility analysis.

Chapter 4, Future Land Use Element, Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. Table 1 shows the zoning district which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	R-1, RML, RMM, RE, A
Multi-Family (MF)	RML, RMM
Low Density Residential (LDR)	RE, A
Commercial / Professional (CP)	C, P
Mixed Use (MX)	All except MXB
Downtown Mixed (DM)	SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC



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Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	PV
Burnt Store Road Corridor (BURST)	BSC

Policy 1.13, Commercial Nodes

This policy aims to promote commercial future land use designations and commercial development along commercial nodes. Commercial nodes are defined as “a compact concentration of commercial land within a relatively small area”. Ideal commercial nodes are located around or in the vicinity of intersection of four or six-lane divided parkways or boulevards. The policy also provides further details on the shape and size of parcels at commercial nodes.

Response: The site is not directly at the intersection of a commercial node. The nearest commercial node is the intersection of Nicholas Parkway and Pine Island Road and is over 1,000 feet away from the site. There is PIRD future land use that extends in all four directions from the intersection. The PIRD extends from the intersection to the site, therefore, the Planning staff finds that the site is at a commercial node.

IMPACT ASSESSMENT SUMMARY

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc.

The adopted land use classification for the site is PIRD and the zoning designation governing the subject parcels is Commercial Corridor (CC). The maximum intensity permitted under the PIRD future land use classification is a floor-to-area ratio (FAR) of 1.25, but based on historical development in the City it is assumed that development would occur at a FAR of 0.25. This FAR would result in the site developing with approximately 2,500 sq. ft. of commercial space. The applicant has requested an amendment to Single-Family Residential (SF). The impact assessment summary of the proposed land use is based upon the R1 zoning that would allow a single-family home on the site. The impact assessment summary below assumes the parcels.

Commercial Square Footage

Existing:	2,500 sq. ft.
Proposed:	0 sq. ft.
Net Change:	- 2,500 sq. ft.

Dwelling Units

Existing:	0
Proposed:	1
Net Change:	+ 1



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Population*

Existing: 0
Proposed: 2.5
Net Change: +2.5

* 2.54 persons/household = avg. household size; 2010 Census

Water Use

Existing: 750 gal/day at 0.3 gal/sq. ft./day
Proposed: 200 gal/day at 200 gal/dwelling unit/day
Net Change: -550 gal/day
Facility Capacity: 30.1 MGD

Permitted Usage: 16.9 MGD

Avg. Daily Usage: 9.4 MGD

Sewage

Existing: 750 gal/day at 0.3 gal/sq. ft./day
Proposed: 200 gal/day at 200 gal/dwelling unit/day
Net Change: -550 gal/day
Facility Capacity: 30.1 MGD

Permitted Usage: 16.9 MGD

Avg. Daily Usage: 9.4 MGD

Solid Waste

Existing Generation: 340 lbs./day at 0.136 lbs/sq ft./day
Proposed: 11 lbs./day at 4.74 lbs/person/day
Net Change: - 329 lbs./day
Facility Capacity: 1,836 tons/day

Existing Demand: 1,384 tons/day

Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 8 AM trips/hour and 12 PM trips/hour¹
Proposed: 1 AM trips/hour and 1 PM trips/hour
Net Change: -7 AM hour trips and - 11 PM hour trips
Facility Capacity: Access from one local road

¹ Shopping Center classification according to ITE Trip Generation, 8th Edition.



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Capacity Available: Yes

Hurricane Evacuation

The site is in the Storm Surge C/Evacuation Zone C, however, the site is not in the Coastal High Hazard Area. This amendment would increase residential dwelling units in this and could cause a small impact on hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. Based on the proposed dwelling unit, a marginal increase in park lands would be required.

Protected Species

The City requires an environmental survey prior to the issuance of any land clearing/site clearing or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, State or Federal protective or mitigation may be required.

School Impacts

There will be an increase in the number of dwelling units because of the proposed future land use map amendment request and an increase in the projected number of students. The increase in dwelling units will result in an increase upon the demand on school facilities.

Existing dwelling units: 0 dwelling units

Existing students: 0

Proposed dwelling units: 1 dwelling units

Proposed students: 1

Change: +1 students

RECOMMENDATION

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed amendment to Single-Family Residential (SF) is consistent with the Comprehensive Plan and compatible with the surrounding area. City Planning Staff recommends approval of the proposed small-scale Future Land Use Map amendment request.



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PUBLIC NOTIFICATION

This case will be publicly noticed as required by the City of Cape Coral Land Development Code, Section 3.1.10 as well as Florida Statute Chapter 163 and Chapter 166 (*as applicable*) and as further described below.

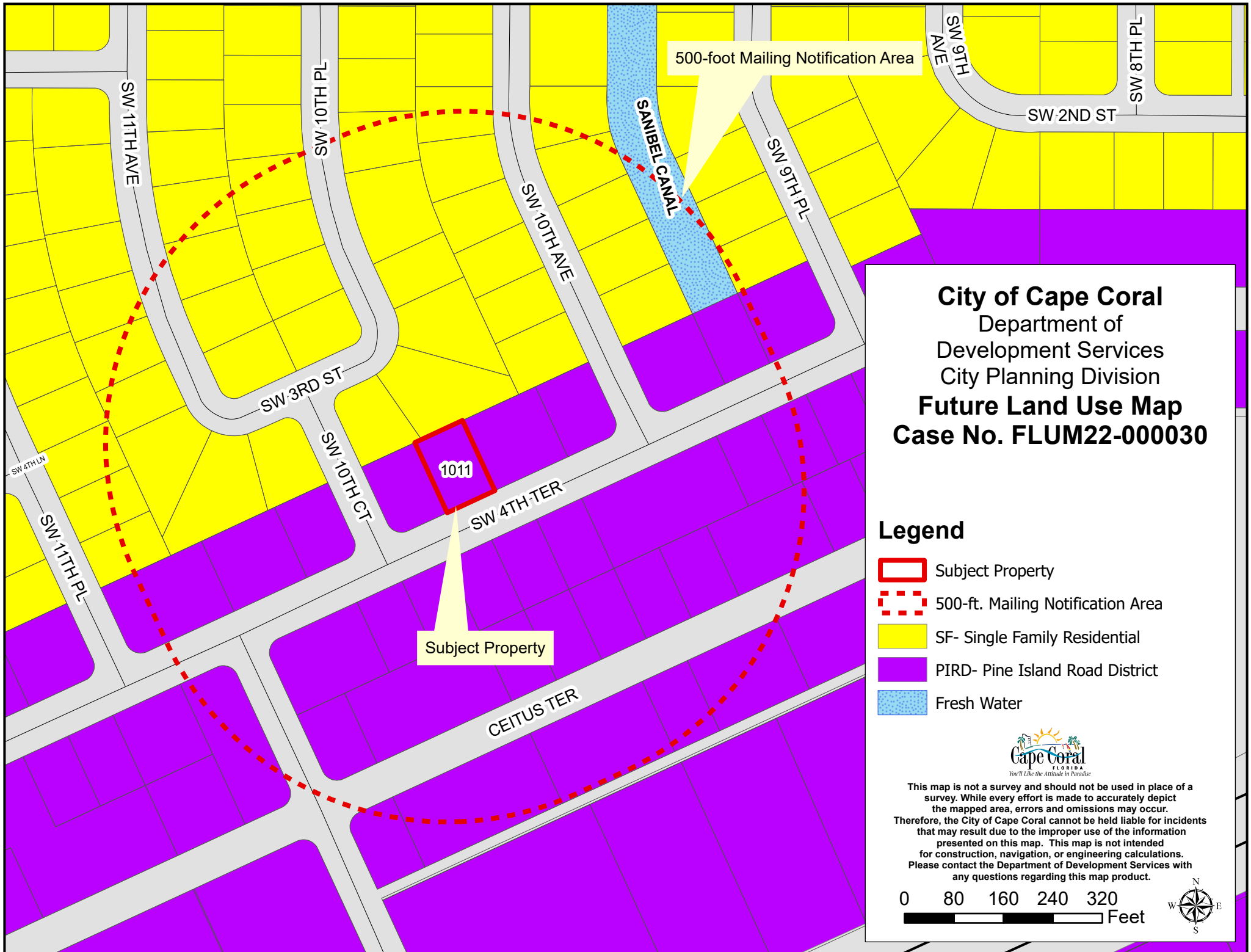
Publication: A legal ad will be prepared and sent to the News-Press announcing the intent of the petitioners to amend the future land use of the property described within this report. The ad will appear in the News-Press a minimum of (10) ten days prior to the public hearing scheduled before the Planning and Zoning Commission. Following the public hearing before the Planning and Zoning Commission, an ad announcing the final public hearing before the City Council will appear once in the News-Press. The ad will appear in the News-Press not less than (10) ten days prior to the date of the final public hearing before the City Council.

Written Notice: Property Owners located within (500) five hundred feet from the property line(s) of the land which the petitioner(s) request to amend will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of (10) ten days prior to the public hearing scheduled before the Planning and Zoning Commission.

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

Staff Contact Information

Chad Boyko, AICP, Principal Planner
Department of Community Development
Planning Division
Phone: (239) 573-3162
Email: cboyko@capecoral.gov








500-foot Mailing Notification Area

Subject Property

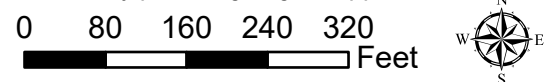
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. FLUM22-000030

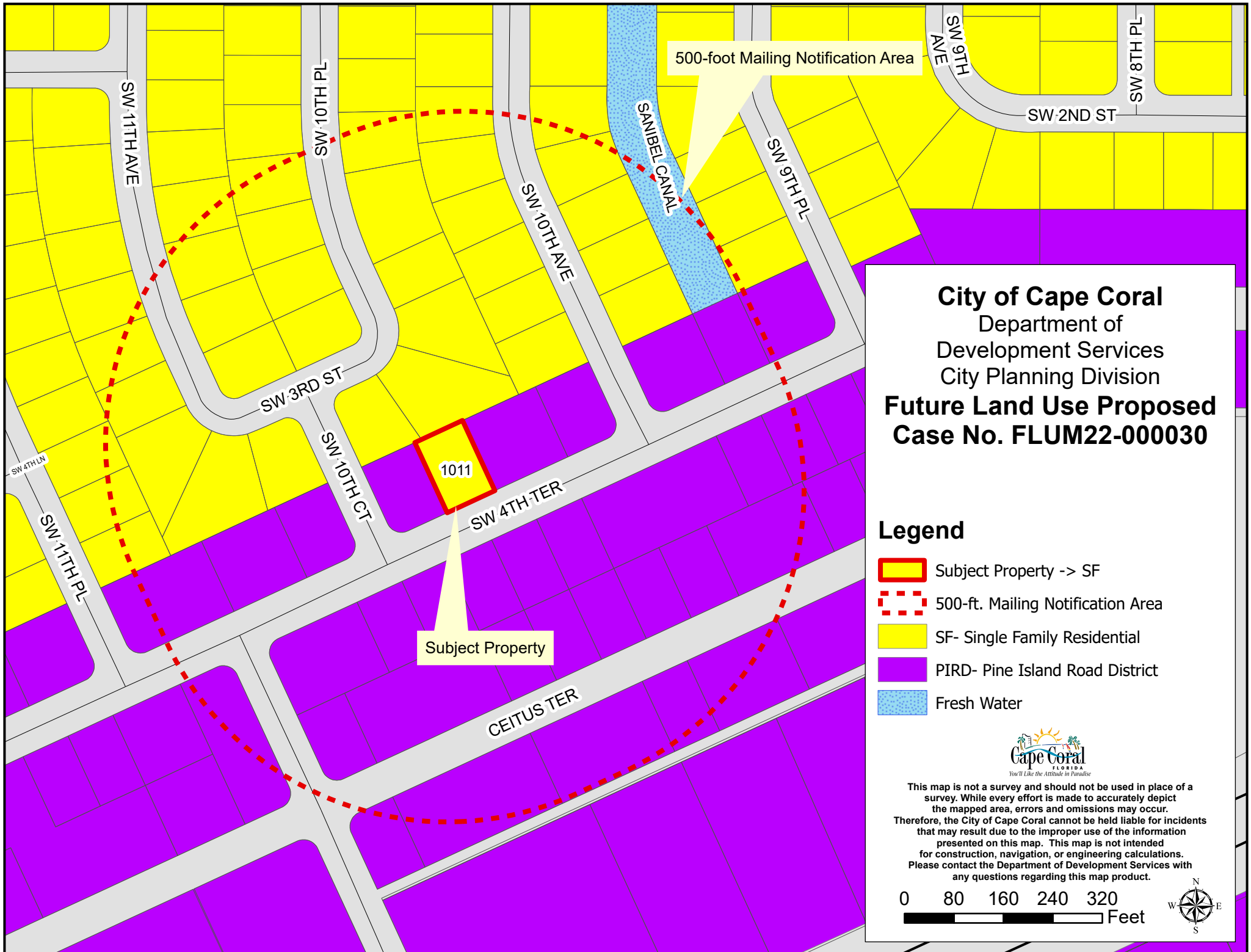
Legend

-  Subject Property
-  500-ft. Mailing Notification Area
-  SF- Single Family Residential
-  PIRD- Pine Island Road District
-  Fresh Water



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.










500-foot Mailing Notification Area

Subject Property

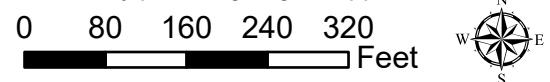
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Proposed
Case No. FLUM22-000030

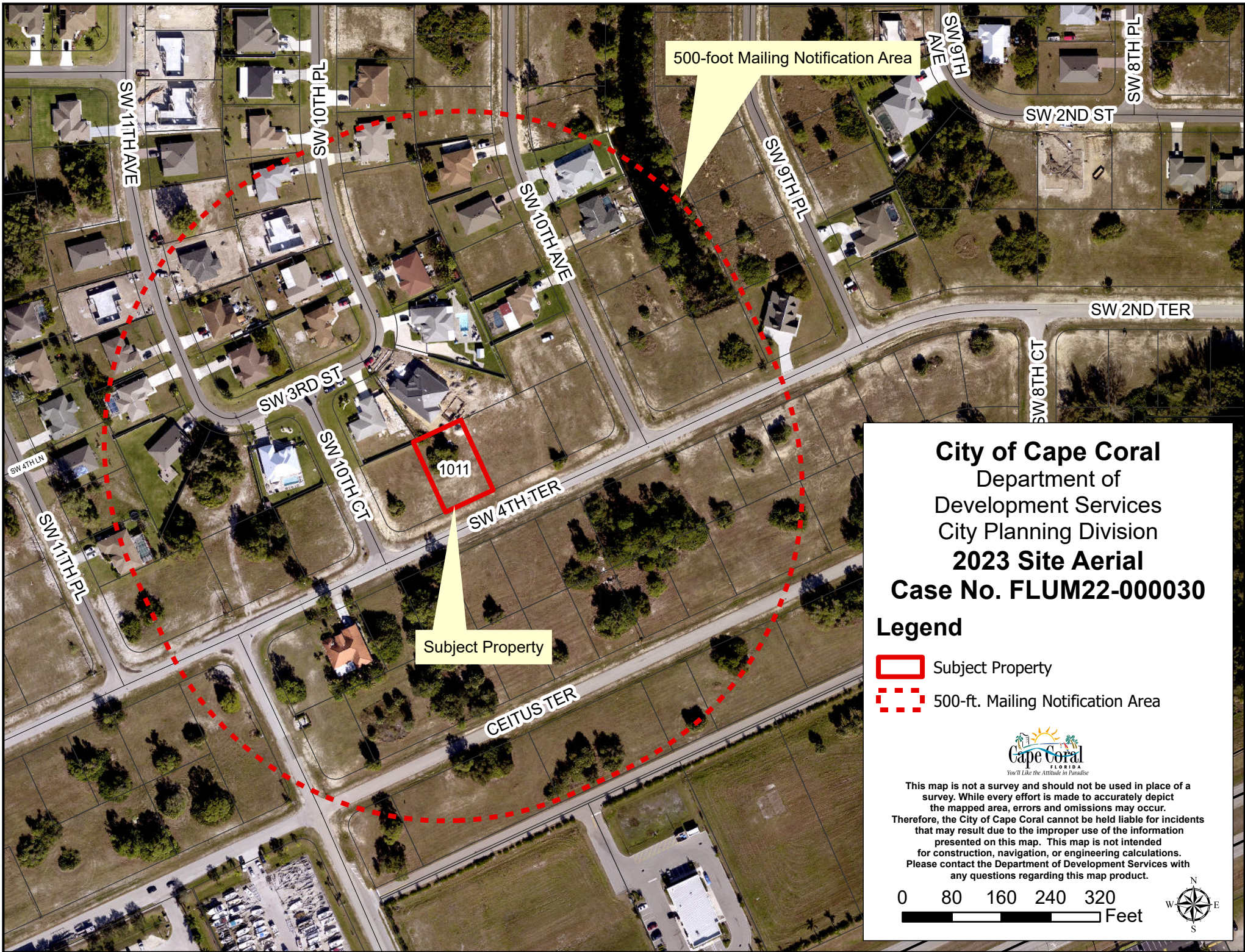
Legend

-  Subject Property -> SF
-  500-ft. Mailing Notification Area
-  SF- Single Family Residential
-  PIRD- Pine Island Road District
-  Fresh Water





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City of Cape Coral
Department of
Development Services
City Planning Division
2023 Site Aerial
Case No. FLUM22-000030

Legend

-  Subject Property
-  500-ft. Mailing Notification Area



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0 80 160 240 320 Feet



Synergy Homes, LLC
581 NW Mercantile Pl. #106
Port St. Lucie, FL. 34986

June 7, 2022

City of Coral
Department of Development Services
City Planning Division
1015 Cultural Park Blvd.
Cape Coral, FL. 33990


To Whom It May Concern,

This letter is written as a response to the zoning classification of 1011 SW 4th Ter. Cape Coral 33991. Currently the property is zoned for Commercial, and our request is to have rezoned for Residential.

This lot has Single Family Homes all behind the property.

Dylan Curry has personally spoke with the neighbors and they will sign a petition if needed, they do not want a Commercial property behind their home.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Davis".

Ryan Davis



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case FLUM22-000030

Date 12/14/22

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

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

FLUMA APPLICATION REQUIREMENTS

1. ☐ Letter of intent stating the actual request and why the request is being made
2. ☐ 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.
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 prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.
6. ☐ Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.
7. ☐ Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.
8. ☐ Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.

NOTE: IF ANY OF THE ABOVE INFORMATION IS ON A SHEET LARGER THAN 11 X 17, THE APPLICANT MUST SUPPLY SEVENTEEN (17) COPIES TO BE USED FOR DISTRIBUTION. IN ADDITION TO THE APPLICATION FEE, ALL REQUIRED ADVERTISING COSTS ARE TO BE PAID BY THE APPLICANT (ORD 39-03, SECTION 3.5.2.). ADVERTISING COSTS WILL BE BILLED AND MUST BE PAID PRIOR TO HEARING.



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

FUTURE LAND USE MAP AMENDMENT APPLICATION

FEES: \$1,225.00 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, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

OWNER(S) OF PROPERTY INFORMATION

Owner	SYNERGY HOMES LLC	Address	581 NW MERCANTILE PL # 106
Phone	941-457-0476	City	PORT ST LUCIE
Email	DYLAN@SYNERGYHOMESFL.C	State	FL Zip 34986
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	DYLAN CURRY	Address	6640 TAYLOR RD # 112
Phone	941-457-0476	City	PUNTA GORDA
Email	DYLAN@SYNERGYHOMESFL.C	State	FL Zip 33950

PROPERTY INFORMATION

Unit	49	Block	3623	Lot (s)	46 + 47	Subdivision	
Property Address	1011 SW 4TH TER.						
Plat Book	17	Page	153	Current Zoning	CC		
Strap Number	15-44-23-C2-03623.0460			Acreage			
Current Land Use	VACANT - CC			Proposed Land Use	RESIDENTIAL - R1		



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THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS
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.

Ryan Davis

NAME (PLEASE TYPE OR PRINT)

AUTHORIZED SIGNATURE

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 6th day of December, 2022 by Ryan Davis who is personally known to me or produced _____ as identification.



Exp Date: April 30, 2023 Commission Number: 66302778

Signature of notary Public:

Printed Name of Notary Public:

Cindy M. Junkin



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 7 Day of June, 2022.

Synergy Homes, LLC
CORPORATION/COMPANY NAME

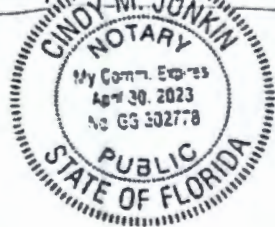
Ryan Davis
OWNER'S NAME (TYPE or PRINT)

Ryan Davis
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 7th day of June, 2022 by Ryan Davis who is personally known to me or produced _____ as identification.



Exp Date: April 30, 2023 Commission Number: 606302778

Signature of notary Public:

Printed Name of Notary Public:

Cindy M. Junkin
Cindy M. Junkin



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Dylan Curry

(Name of person giving presentation)

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

UNIT 49 BLOCK 3623 LOT(S) 46 + 47 SUBDIVISION _____

OR LEGAL DESCRIPTION CAPE CORAL UNIT 49BLK 3623 PB 17 PG 153LOTS 46 + 47

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

Ryan Davis

PROPERTY OWNER (Please Print)

Ryan Davis

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 7 day of June, 2022 by Ryan Davis who
is personally known to me or produced _____ as identification.



Exp Date: April 30 2023 Commission Number: 606302778

Signature of notary Public:

Printed Name of Notary Public:

Cindy M. Junkin
Cindy M Junkin

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

ORDINANCE 79 - 23

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM PINE ISLAND ROAD DISTRICT (PIRD) TO SINGLE FAMILY RESIDENTIAL (SF) LAND USE FOR PROPERTY DESCRIBED AS LOTS 46 & 47, BLOCK 3623, CAPE CORAL UNIT 49; PROPERTY LOCATED AT 1011 SW 4TH TERRACE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by SYNERGY HOMES, LLC, regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM PINE ISLAND ROAD DISTRICT (PIRD) TO SINGLE FAMILY RESIDENTIAL (SF)
LAND USE

LOTS 46 AND 47, BLOCK 3623, CAPE CORAL UNIT 49, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGES 145 THROUGH 154, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this small scale development amendment to the Comprehensive Plan shall be thirty-one (31) days after the adoption of this ordinance. Alternatively, if the small scale development amendment adopted by this ordinance is challenged by an "affected person" within thirty (30) days after adoption, then the effective date of this amendment shall be the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that this small scale development amendment is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2023.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CUMMINGS _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2023.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
DEPUTY CITY ATTORNEY
ord/FLUM22-000030