



**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 3303+3307 NE 16th Ave+3302+3306 Averill Blvd.

Strap Number 194324C3056140090+120+1 Unit 84 Block 5614 Lot (s) 9-18

Plat Book 24 Page 3 5 Future Land Use C/P Commercial/Profession

Current Zoning R1 - Single Family Residential Proposed Zoning C- Commercial

**PROPERTY OWNER (S) INFORMATION**

Owner Joella M. Consolazio Address PO Box 60021

Phone 239-910-7348 City Fort Myers

Email ilovecapecoral@aol.com State FL Zip 33909

Owner Richard + Linda M. Ricciani Address PO Box 60021

Phone 239-910-7348 City Fort Myers

Email richrcpa@aol.com State FL Zip 33909

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

Applicant \_\_\_\_\_ Address \_\_\_\_\_

Phone \_\_\_\_\_ City \_\_\_\_\_

Email \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative Joe Mazurkiewicz/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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

Joella M. Consolazio
OWNER'S NAME (TYPE OR PRINT)

[Handwritten signature of Joella M. Consolazio]
OWNER'S SIGNATURE

Richard + Linda M. Ricciani
OWNER'S NAME (TYPE OR PRINT)

[Handwritten signature of Richard + Linda M. Ricciani]
OWNER'S SIGNATURE

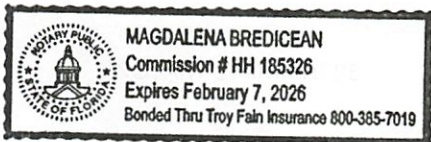
APPLICANT NAME (TYPE OR PRINT)

[Handwritten signature of Linda M. Ricciani]
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 [X] physical presence or [ ] online notarization, this 21 day of March, 2024 by Joella Consolazio and Linda Ricciani who is personally known to me or produced Drivers License as identification.



Exp Date: 2-7-26 Commission Number: HH 185326
Signature of notary Public: [Handwritten signature of Magdalena Bredicean]
Printed Name of Notary Public: MAGDALENA BREDICEAN



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Joe Mazurkiewicz/BJM Consulting
(Name of person giving presentation)

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

UNIT 84 BLOCK 5614 LOT(S) 9-18 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION

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

Joella M. Consolazio
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

Richard + Linda M. Ricciani
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

[Signature]

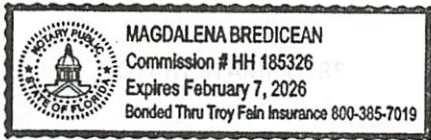
STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of [X] physical presence or [ ] online notarization, this 21 day of March, 2024 by Joella Consolazio, Linda Ricciani, Richard Ricciani who is personally known to me or produced Drivers Licenses as identification.

Exp Date: 2-7-26 Commission Number: HH 185326

Signature of notary Public: [Signature]

Printed Name of Notary Public: MAGDALENA BREDICEAN



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



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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 21 Day of March, 2024.

\_\_\_\_\_  
CORPORATION/COMPANY NAME

Joella M. Consolazio  
OWNER'S NAME (TYPE or PRINT)

[Signature]  
OWNER'S SIGNATURE

STATE OF Florida

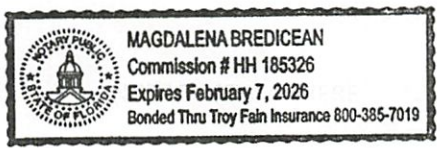
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 21 day of March, 2024 by Joella Consolazio who is personally known to me or produced Drivers License as identification.

Exp Date: 2.7.26 Commission Number: HH 185 326

Signature of notary Public: [Signature]

Printed Name of Notary Public: MAGDALENA BREDICEAN





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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.

Joella M. Consolazio  
OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

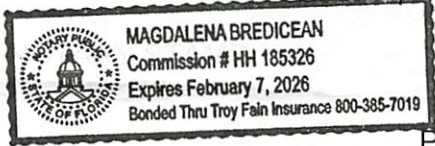
*Joella Consolazio*  
OWNER/APPLICANT SIGNATURE

(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 21 day of March, 2024 by Joella Consolazio who is personally known to me or produced Drivers License as identification.

Exp Date: 2-7-26 Commission Number: HH 185326



Signature of Notary Public: *Magdalena Bredicean*

Printed Name of Notary Public: MAGDALENA BREDICEAN

# BJM Consulting, Inc.

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

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

April 2, 2024

Mr. Matt Grambow, Interim Director  
Department Community Development  
City of Cape Coral  
PO Box 150027  
Cape Coral FL 33915-0027

RE: Rezoning Application for 3302-3306 Averill Blvd

Dear Mr. Grambow:

BJM Consulting, Inc. represents Joella Consolazio along with Richard and Linda Ricciani, the owners of four parcels of land located in Northeast Cape Coral. The address of the property is 3303+3307 NE 16<sup>th</sup> Ave and 3302+3306 Averill Blvd. The site is presently made up of four parcels all under the same ownership. Once the rezoning is complete the four parcels will be combined in to one parcel. Please accept this as our Letter of Intent for a request to change the zoning to (C) Commercial.

The site fronts on Averill Blvd. and is 1.23 +/- acres, its future land use was recently changed to C/P (Commercial/Professional), and the existing zoning is R1 (Residential). The site is 53,570 S.F, 215' of frontage and 250' deep and is currently in the City's Reserve area not serviced by any utilities.

We are requesting a rezoning of the entire site from the existing R1 (Single Family) to C (Commercial). The parcel is at the northern end of Block 5614 with the City of Cape Coral owning the rest of the block to the South for a future fire station site.

Currently Block 5614 has three land uses C/P Commercial/Professional for subject property, S/M (Single Family/Multifamily) for the parcel directly to

the South of subject property, and PF (Public Facilities) for the remaining city property in the block. The subject parcel is surrounded on all four sides by S/M land use and R-1 zoning.

The location of the parcel fronting on a four-lane divided roadway and two other local streets (NE 33<sup>rd</sup> Ter and NE 16<sup>th</sup> Ave) while also being adjacent to a city future fire station site makes it a prime location for a future commercial development.

This proposed zoning is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan because this application addresses the shortfall of commercial parcels in the city and especially in the Northwest-Gator Circle area. It is located on a four-lane divided street, has access to two other local streets and is greater than one acre in size with the ability to increase its size once the city determines if they might want to surplus their adjacent property to the south of the subject parcel.

In reviewing this application with the required review criteria, we submit the following:

- The proposed C (Commercial) zoning is consistent with the property's C/P (Commercial/Professional) Land use and is larger than 1 acre with full block depth and width making the site large enough to develop with buffers from the surrounding single-family properties.
- Many of uses allowed in the C (Commercial) zoning are compatible with the size of this parcel and therefor also compatible with the existing and potential uses in the surrounding area.
- The location of this parcel makes it a great site for a neighborhood center to serve the surrounding residential and would be very compatible with the planned fire station to the south.
- The requested C zoning will serve the community's need to provide nonresidential developments in areas where they do not exist presently.
- The requested C zoning will allow for a development that fits in well with the characteristics of the area and will be a great transition for the public facilities to the south from the rest of the residential areas.
- The other zoning district allowed within the C (Commercial/Professional) Land Use is P (Professional) which might create fewer impacts to the surrounding area, but there are many of

the uses allowed in C (Commercial) zoning have very similar impacts to the surrounding uses. The size of this site is large enough to allow for buffering from the surrounding uses while being too small for many of the more intense uses allowed in the C (Commercial) zoning.

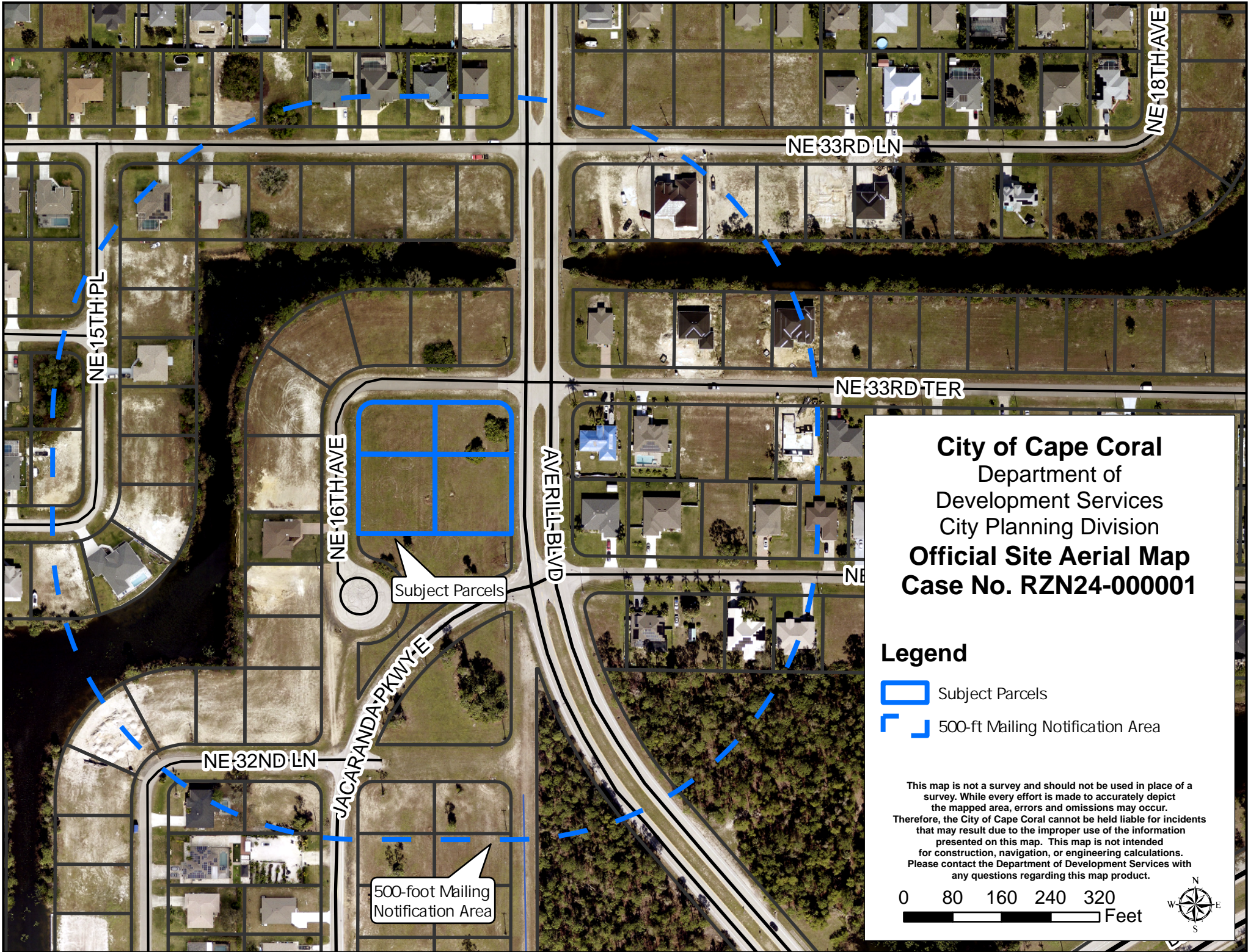
Based on the submitted information showing our favorable responses to all six review criteria we respectfully ask for a positive response from the City to this rezoning request.

Please let us know if you have any questions or concerns regarding these applications.

Sincerely,

*Joe Mazurkiewicz, Jr.*

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

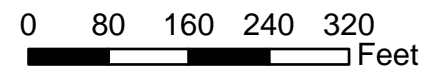


**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial Map**  
**Case No. RZN24-000001**

**Legend**

-  Subject Parcels
-  500-ft Mailing Notification Area

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.



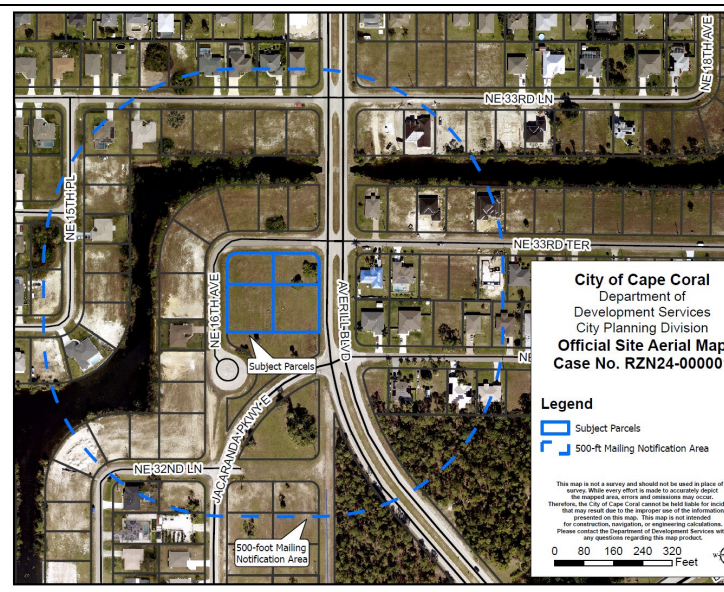
**PLANNING DIVISION STAFF REPORT**  
**RZN24-000001**

Staff Report prepared by Wyatt Daltry, AICP, Planning Team Coordinator

<p><b>SITE ADDRESSES</b>          3303 and 3307 NE 16<sup>th</sup> AVE          3302 and 3306 Averill BLVD</p>	<p><b>APPLICANT/PROPERTY OWNERS</b>          Joella M. Consolazio          Richard and Linda Ricciani</p>
<p><b>AUTHORIZED REPRESENTATIVE</b>          BJM Consulting, Inc.</p>	

**SUMMARY OF REQUEST**

The applicant requests a rezone from Single Family Residential (R1), to Commercial (C) for four parcels totaling 1.23 acres. The parcels were amended to Commercial/Professional (CP) future land use in 2024 through Ordinance 6-24.



MAP SOURCE

**STAFF RECOMMENDATION:** Approval

<p><b>Positive Aspects of Application:</b></p>	<ol style="list-style-type: none"> <li>Properties will be able to develop with CP, providing opportunity for commercial uses in an underserved area.</li> <li>City has commercial deficit.</li> </ol>
<p><b>Negative Aspects of Application:</b></p>	<ol style="list-style-type: none"> <li>Area lacks utilities.</li> <li>Depending on end user, could have negative impacts on nearby residential (light, sound).</li> </ol>
<p><b>Mitigating Factors:</b></p>	<ol style="list-style-type: none"> <li>Utilities may be extended to site.</li> <li>Proper design of commercial use, restrictions on hours of operation could reduce extent of impacts on surrounding area.</li> </ol>

**SITE INFORMATION**

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

**City Water and Sewer:** Water, sewer, and irrigation service from the City of Cape Coral is not presently available to the site.

**Street Access:** NE 16<sup>th</sup> Avenue, a local street, and Averill Boulevard, a collector roadway.

**STRAP Number:** 193424C3056140090  
193424C3056140120  
193424C3056140140  
193424C3056140160

**Block/Lot(s):** Unit 84, Block 5614, Lots 9-18

**Site Area:** 1.23 acres

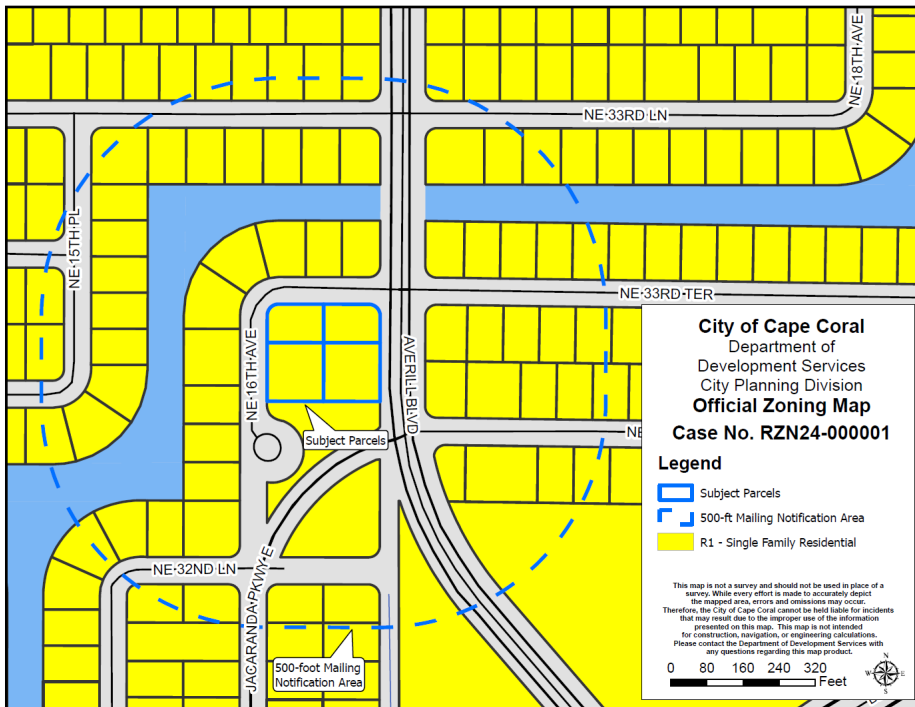
<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	CP	R1
<i>Proposed:</i>	N/A – not a FLUM change.	C

<b>Surrounding Areas</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>North:</i>	SM	R1
<i>South:</i>	PF	R1
<i>East:</i>	SM	R1
<i>West:</i>	SM	R1

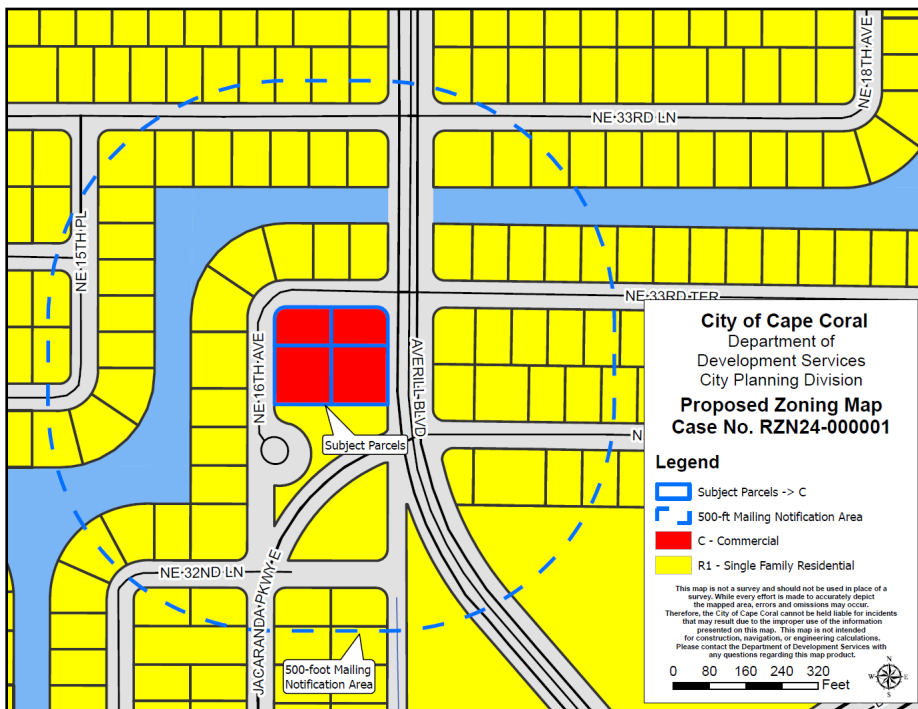
**FINDINGS OF FACT**

The 1.23 acre site consists of four parcels in northeastern Cape Coral. The site has two owners – each of whom own half of the proposed site. The site is undeveloped. The site is surrounded by platted properties of the original Cape Coral subdivision, which have scattered single-family residential development. A future fire station is located to the south of the site. The site was amended into Commercial/Professional via Ordinance 6-24.

**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 (C) district.

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

The proposed Commercial (C) district will be compatible with the Comprehensive Plan designation of Commercial/Professional (CP). The C zoning district is one of two districts that is consistent with the CP 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 C District allows a wide variety of non-residential uses such as retail, office, and service uses. The surrounding area is partially developed with single-family homes.

The majority of the uses in the C district should be compatible with the surrounding area. 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. However, the C district 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 C district are similar to uses that are present along the length of major commercial corridors such as Del Prado Boulevard, Santa Barbara Boulevard, and parts of Cape Coral Parkway outside of the downtown area. The uses could include office, big box retail, restaurants (fast-food and sit-down), personal and professional services. However, this site is not a corridor site, and due to site limitations imposed by the street network, the more intrusive uses possible in the C district would not be viable.

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 commercial development. The rezone to C, along with the previously-adopted future land use amendment to CP, will result in development of commercial development when centralized utilities are available. Single-family homes are not an allowed use in the C district. The site is large enough to accommodate a neighborhood commercial development on the site.

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

The site is over one acre in size and has frontage along a collector roadway. The site is suitable for a range of uses including office, retail, or service uses. The C zoning district would allow those uses as either permitted uses, special exceptions, or conditional uses, depending on final development.

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 other conventional zoning district that is compatible with the Commercial/Professional (CP) future land use designation is the P district. The P district, due to the fewer permitted uses allowed, would likely result in lessened potential adverse impacts due to that district's focus on uses which have limited hours of operations (e.g. offices) compared to retail uses. Planned Unit Developments (PUD) are also allowed within the CP designation.

### **Comprehensive Plan:**

The following Comprehensive Plan policy, while normally used for future land use map amendments, is applicable to RZN24-000001:

#### **Policy 1.14:**

Staff has reviewed Policy 1.14 of the Future Land Use Element to determine whether this proposed Commercial zoning district is appropriate for the subject properties. While there is no specific number of guidelines that need to be met, an area which fails to meet most of the guidelines is likely to not be a strong site for commercial development, in which case an amendment to a different future land use should be considered.

“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., intersections 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 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.”

**Staff Response: The properties are located near an intersection of major collector roadways. The site partially meets this 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.”

**Staff Response: The area has approximately full-block depth. The site meets this 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.”

**Staff Response: The area is roughly rectangular in shape. The site meets this guideline.**

*“Integration*

Integration, for the purposes of these guidelines, refers 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.”

**Staff Response: The area is adjacent to existing residential development to the north, west, and east. Public Facilities land, reserved for a future fire station, is south of the subject property. The site does not meet this 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 acre)

in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial 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.”

***Staff Response: The development site consists of four parcels, approximately 1.23 acres in size. Staff looks to sites of 3 acres or greater, or opportunities to assemble with 3 acres of commercial or more. The site does not meet this 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.

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.”

***Staff Response: Surrounding residential development is separated by streets and canals from this site. The relatively small size of the proposed change would decrease the likelihood of a large, intrusive commercial presence in the neighborhood. Finally, a non-residential use is already proposed for this area, a fire station,***

***located south of the proposed amendment. Therefore, an intrusion already exists. The site partially meets this 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 by 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.”

***Staff Response: This property has access to a roadway with an adopted City access management plan, in that the City now has citywide access management plans for all City roadways. The site meets this guideline.***

*“Ownership Pattern*

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 land owners 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.”

***Staff Response: This amendment consists of four parcels with common ownership. The site meets this guideline.***

***Summary: This proposed rezone meets four guidelines, partially meets two guidelines, and fails to meet two guidelines of this policy. As a result, this area is a moderately-good candidate for commercial development and therefore may be suitable for commercial or professional development.***

## **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.

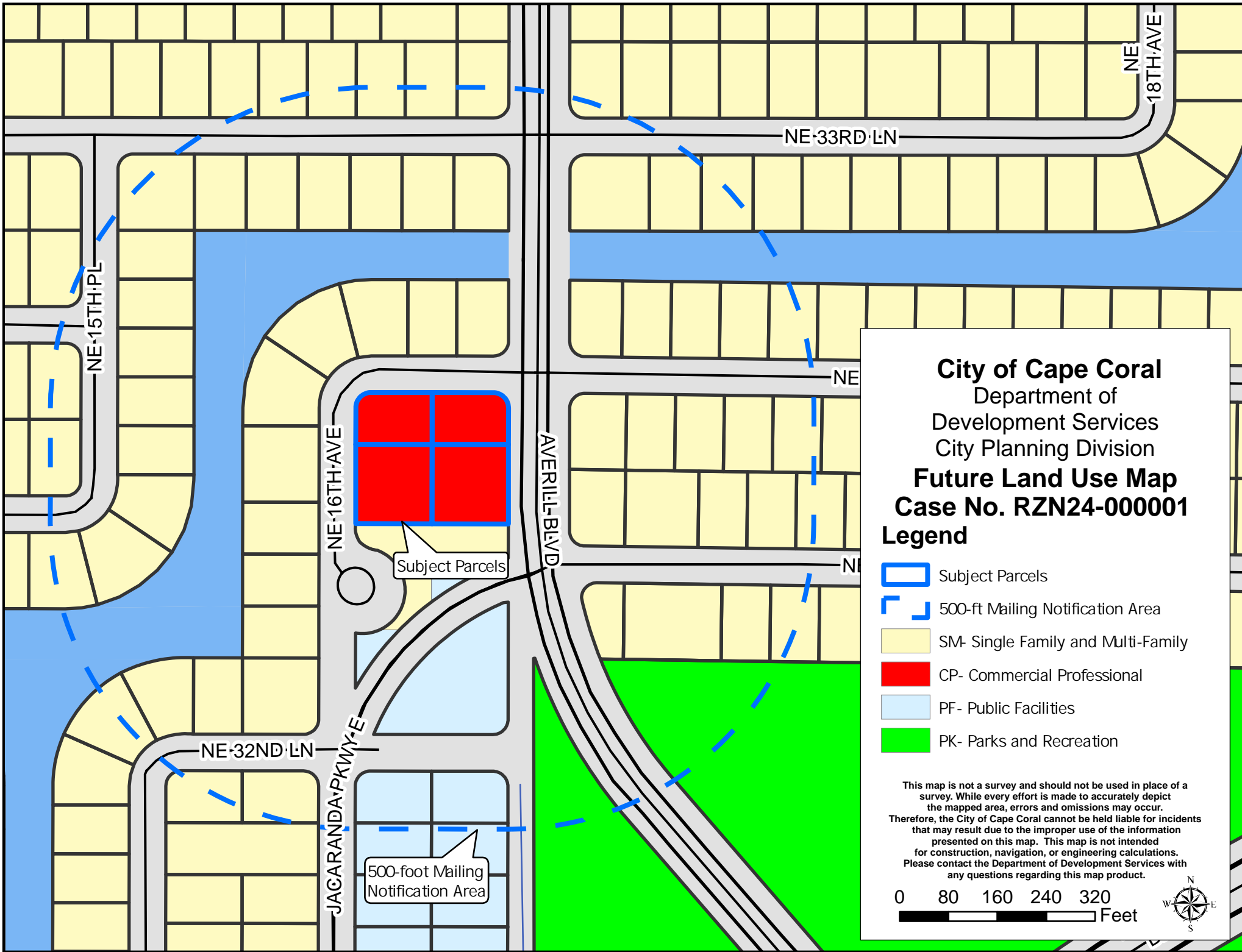
Posting of a Sign: A sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the land use amendment request.

## **RECOMMENDATION**

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Corridor (C) 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.

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Wyatt Daltry, AICP, CFM  
Planning Team Coordinator  
239-573-3160 / [wdaltry@capecoral.gov](mailto:wdaltry@capecoral.gov)

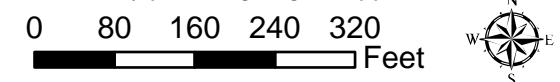


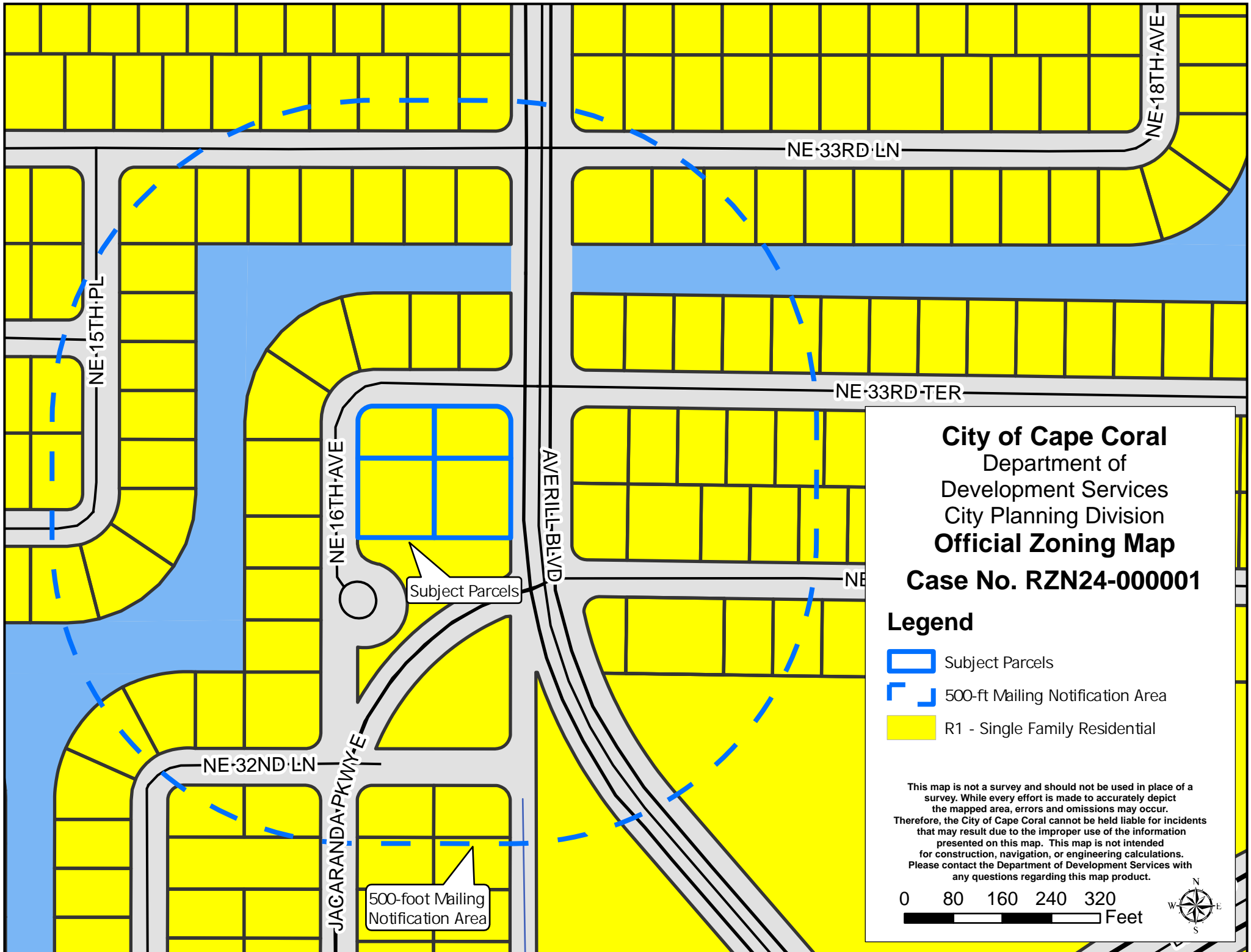
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Future Land Use Map**  
**Case No. RZN24-000001**

**Legend**

-  Subject Parcels
-  500-ft Mailing Notification Area
-  SM- Single Family and Multi-Family
-  CP- Commercial Professional
-  PF- Public Facilities
-  PK- Parks and Recreation

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.








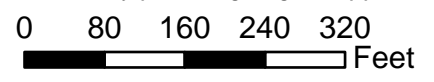
City of Cape Coral  
 Department of  
 Development Services  
 City Planning Division  
**Official Zoning Map**

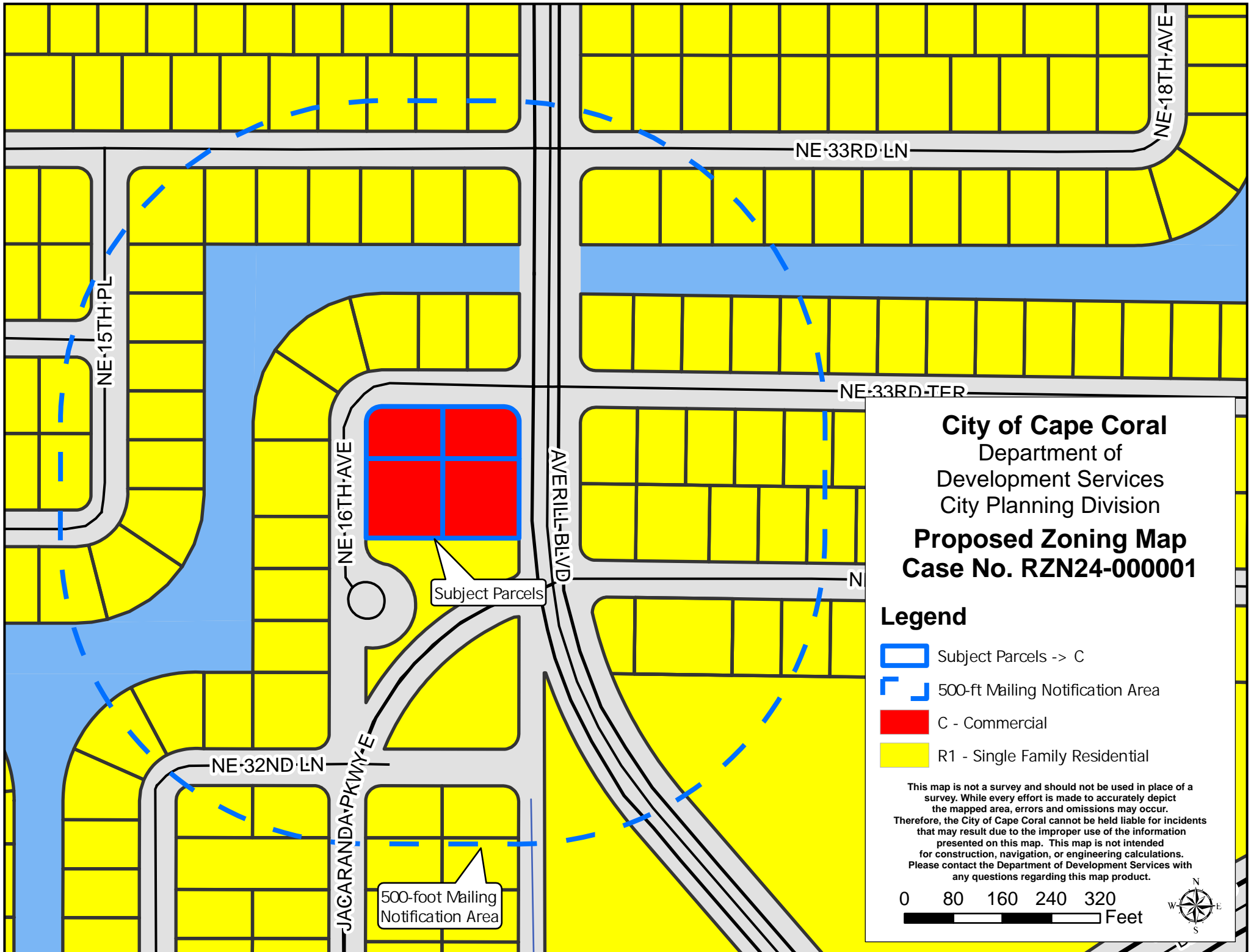
**Case No. RZN24-000001**

**Legend**

-  Subject Parcels
-  500-ft Mailing Notification Area
-  R1 - Single Family Residential





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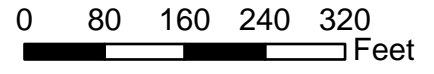


**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Proposed Zoning Map**  
**Case No. RZN24-000001**

**Legend**

-  Subject Parcels -> C
-  500-ft Mailing Notification Area
-  C - Commercial
-  R1 - Single Family Residential

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Subject Parcels

500-foot Mailing Notification Area