

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Andrea R. Butola

Interim City Clerk

Kimberly Bruns

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

February 11, 2019

4:30 PM

Council Chambers

PLEDGE OF CIVILITY

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

1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER GUNTER

3. PLEDGE OF ALLEGIANCE

A. TYLER FONOCK - GULF ELEMENTARY SCHOOL

4. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA,
COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. Cape Coral Friends of Wildlife Presentation - Carl Veaux

7. APPROVAL OF MINUTES

A. NONE

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual.

B. CONSENT AGENDA

- (1) Resolution 28-19 Award Quote to McGregor Glass and Mirror for the Replacement of Doors and Windows at the Art Studio, as the lowest acceptable quote, for a not to exceed project cost of \$132,884 and authorize the City Manager or Designee to execute the contract and purchase orders. An invitation to bid ITB-PW19-24/MM was issued but no responses were received, and quotes were obtained per the City of Cape Coral Code of Ordinance. The project is funded by a grant awarded by the State of Florida, Department of State, Division of Cultural Affairs; Grant CSFA 45.014 number 18.c.cf.200.288 for the Art Studio Renovation project in the amount of \$100,000 with a General Fund match of \$200,000 for total funding of \$300,000; Acceptance of award was via Resolution 95-16 on May 23, 2016 and the amended award via Resolution 173-16 on September 12, 2016; Department: Parks and Recreation; Estimated Dollar Value NTE \$132,884; (Government Capital Project/General Fund)
- (2) Engagement Letter with Gray Robinson; Department: City Attorney

C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual.

D. PERSONNEL ACTIONS

- (1) NONE

E. PETITIONS TO COUNCIL

- (1) NONE

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

- (1) Affordable Housing Advisory Committee - 1 vacancy

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

- (1) Ordinance 4-19 (ZA 18-0013) First Public Hearing / Set Second and Final Public Hearing Date for March 18, 2019
WHAT THE ORDINANCE ACCOMPLISHES:
An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning approximately 9,819 acres to be

consistent with the changes to the Future Land Use Map, the Comprehensive Plan, and the upcoming Land Development Code. (@9,819 acres) (Applicant: Brought forward by City Management)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning

City Management Recommendation: City Management recommends approval of the application for rezoning.

B. Introductions

- (1) Ordinance 1-19 (LU 18-0005) Set Public Hearing Date for March 4, 2019

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Single-Family Residential (SF) to Multi-Family Residential (MF) for property described as Lots 16-21, Block 350, Unit 7, Cape Coral Subdivision; property is located at 1632 - 1640 SE 46th Street. (36,462 square feet) (Applicants: Garnet M. Bratberg, Trustee, and DABIDA, LLC)

Planning & Zoning Recommendation: At their January 9, 2019 meeting, the Planning & Zoning Commission recommended approval of Ordinance 1-19 with a 5-2 vote.

City Management Recommendation: City Management recommends approval.

- (2) REMOVED AT THE REQUEST OF CITY MANAGEMENT:
Ordinance 8-19 Set Public Hearing Date for March 4, 2019

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article IV, Travel Expenses and Auto Allowances, to update provisions for reimbursement for travel when on City business, to provide for establishing a travel policy as an administrative regulation rather than by resolution, and repealing resolution 22-05 which set forth the travel policy previously. (Applicant: Brought forward by City Management)

10. UNFINISHED BUSINESS

- A. Water Quality - Update
- B. Follow Up Items for Council
- C. Hiring Council Office Assistant - Councilmember Cosden

11. NEW BUSINESS

- A. NONE

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

14. TIME AND PLACE OF FUTURE MEETINGS

- A. A Committee of the Whole Meeting is Scheduled for Monday, February 25, 2019 at 4:30 p.m. in Council Chambers

15. MOTION TO ADJOURN

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

***PUBLIC HEARINGS DEPARTMENT OF COMMUNITY DEVELOPMENT CASES**

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the

presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.

3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Item Number:	6.A.
Meeting Date:	2/11/2019
Item Type:	RECOGNITIONS/ACHIEVEMENTS

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Cape Coral Friends of Wildlife Presentation - Carl Veaux

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Email

PREPARED BY:

PT Division- Department- Council
Offices

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
□ Email	Backup Material

Kimberly Bruns

From: Pearl Taylor
Sent: Tuesday, February 5, 2019 8:18 AM
To: Kimberly Bruns
Subject: FW: Check from Cape Coral Friends of Wildlife

FYI

Pearl Taylor, CAP, OM
Executive Assistant to the Mayor
Ext. 4436

From: Connie Griglin
Sent: Monday, February 4, 2019 11:24
To: Pearl Taylor <ptaylor@capecoral.net>
Cc: Cheryl Mackowski <cmackows@capecoral.net>
Subject: Check from Cape Coral Friends of Wildlife

Pearl,

Eric Nikolai, treasurer of the Manatee Cape Connection called to confirm that the check Mr. Carl Veaux of Cape Coral Friends of Wildlife is presenting to Parks & Rec will be in the amount of \$14,324.78.

Thank you ~

Connie Griglin
Legislative Executive Assistant to the Council
City of Cape Coral
1015 Cultural Park Blvd.
Cape Coral, FL 33990
239-574-0437

Item Number: B.(1)
Meeting Date: 2/11/2019
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Resolution 28-19 Award Quote to McGregor Glass and Mirror for the Replacement of Doors and Windows at the Art Studio, as the lowest acceptable quote, for a not to exceed project cost of \$132,884 and authorize the City Manager or Designee to execute the contract and purchase orders. An invitation to bid ITB-PW19-24/MM was issued but no responses were received, and quotes were obtained per the City of Cape Coral Code of Ordinance. The project is funded by a grant awarded by the State of Florida, Department of State, Division of Cultural Affairs; Grant CSFA 45.014 number 18.c.cf.200.288 for the Art Studio Renovation project in the amount of \$100,000 with a General Fund match of \$200,000 for total funding of \$300,000; Acceptance of award was via Resolution 95-16 on May 23, 2016 and the amended award via Resolution 173-16 on September 12, 2016; Department: Parks and Recreation; Estimated Dollar Value NTE \$132,884; (Government Capital Project/General Fund)

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? Yes
2. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan?

ELEMENT F: ENHANCE THE QUALITY OF LIFE THROUGH ARTS AND CULTURE TO CREATE AND PROMOTE A VIBRANT, CULTURALLY DIVERSE COMMUNITY.

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

1. Renovations are needed for the doors and windows of the two buildings at the City of Cape Coral Art Studio complex. The building's windows and doors are from the original structure system and updates and replacements are needed for safety and security in accordance to Florida Building Code.
2. On May 23, 2016 via Resolution 95-16, Council authorized City Staff to apply and accept, if awarded, a grant from the Florida Department of State, Division of cultural affairs in the amount of \$200,000 for renovations to the Cape Coral Art Studio located in Rubicond Park with matching funds, of \$200,000, required by the City.
3. On September 12, 2016, Council approved the amended award of \$100,00 with matching funds of \$200,000 required by the City.
4. On November 2017, an agreement was signed to accept a \$100,000 grant award, from said

application, with the City (General Funds) contributing \$200,000 with the funds to be encumbered by June 30, 2018.

5. In August 21, 2018, a grant amendment was received for the funds to be encumbered by February 28, 2019.
6. On December 12, 2018, the City issued Invitation to Bid ITB-PW19-24/MM for experienced and qualified firms to provide replacements to doors and windows at the Art Studio.
7. On January 18, 2019, bids were due; however, no responses received by the City.
8. Staff communicated with all plan holders to ascertain the reason for the no responses. The reasons ranged from not enough time to not within their scope.
9. Per the City of Cape Coral Procurement Ordinance; Article VII: Purchase and Sale of Real and Personal Property, Division 1. Purchasing of Goods and Services, Section 2-144 (14) one bid or no bids received. The Procurement manager when time or economic considerations warrant, may attempt to obtain three informal written quotations. If at least two written quotations are received, the purchase may proceed without the necessity for a rebid
10. The grant awarded and respective amendments states that the funds must be encumbered by February 28, 2019 with a completion date of June 1, 2019.
11. Due to the time constraints, on January 22, 2019 staff communicated with the nine (9) DemandStar plan holders who reside in Florida and were offered the opportunity to provide a Quote for the project.
12. On January 24, 2019 two (2) quotes were received, in alphabetical order, Emenco Construction and McGregor Glass and Mirror.
13. After evaluation and review, Staff recommends award to McGregor Glass and Mirror of Fort Myers, Florida as the lowest quoting firm for a Not to Exceed contract amount of \$132,883.95
14. If approved, the contract is to be completed in 60 calendar days, from notice to proceed, for a contract amount Not to exceed \$132,883.95. The quote is comprised of a Base Bid of \$92,195.20 with an alternate bid (additional items if funding allows) of \$42,188.65 and a credit of \$1,500 (\$1,000 charge for permit and \$2,500 credit for manufacture volume discount).
15. Funding Information: Business Unit 3110611.662301. Art Studio Building Maintenance (Special Revenue Fund)

LEGAL REVIEW:

Contract will be reviewed by legal

EXHIBITS:

Department Recommendation
Resolution 28-19
Quote Matrix

PREPARED BY:

Wanda Division- Procurement Department- Finance
Roop

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director
Kerry Runyon, Parks & Recreation Director

ATTACHMENTS:

Description		Type
▢	Memo	Backup Material
▢	Resolution 28-19	Resolution
▢	Quote	Backup Material

CITY OF CAPE CORAL
PARKS AND RECREATION DEPARTMENT

TO: John Szerlag, City Manager
Victoria Bateman, Financial Services Director
Wanda Roop, Procurement Manager

FROM: Kerry Runyon, Parks & Recreation Director
Keith Locklin, Recreation Superintendent
Julie Gerhard, Arts Studio Supervisor

DATE: January 29, 2019

SUBJECT: Arts Studio Renovation Grant

Background

The State of Florida, Department of State, Division of Cultural Affairs awarded a Cultural Facilities Grant (CSFA 45.014) to the City of Cape Coral for the Arts Studio Renovation in the amount of \$100,000.00. This grant was matched 2-1 by the City of Cape Coral making the full grant award \$300,000.00. (Resolution 95-16 and Resolution 173-16).

A formal bid was issued with no bids received for doors and windows with a total cost up to \$132,883.95. Staff canvased all suppliers residing in Florida and requested quotes. Two quotes were received, one from McGregor Glass of Fort Myers, Florida and Emenco of Miami Lakes, Florida.

Timing

All funds must be encumbered by 02/28/2019. All tasks associated with this project will be performed by 06/01/2019 in accordance with the grant agreement between the City of Cape Coral and the State of Florida, Division of Cultural Affairs.

Recommendation

All items over \$50,000.00 were issued as a formal bid. The recommendation is requesting to authorize the City Manager or designee to execute the award not to exceed \$132,883.95 for all contract amendments and purchase orders.

Funding

3110611.662301

JG

RESOLUTION 28 – 19

A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING THE CONTRACT FOR THE REPLACEMENT OF DOORS AND WINDOWS AT THE CITY OF CAPE CORAL ARTS STUDIO COMPLEX TO MCGREGOR GLASS & MIRROR INCORPORATED; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE CITY MANAGER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida, Department of State, Division of Cultural Affairs, has awarded a Cultural Facilities Grant to the City for renovations to the Cape Coral Arts Studio Complex in the amount of \$100,000, with matching funds from the City in the amount of \$200,000; and

WHEREAS, the terms of the grant agreement require that the funds for the project be encumbered by February 28, 2019, and all work be completed by June 1, 2019; and

WHEREAS, on December 12, 2018, INVITATION TO BID (ITB) #PW19-24/MM was issued for the replacement of doors and windows at the Arts Studio Complex; and

WHEREAS, no bids were received; and

WHEREAS, in accordance with Section 2-144(a)(14) of the Code of Ordinances, in the event that no bids are received, the Procurement Manager, when time or economic considerations warrant, may attempt to obtain three informal written quotations. If at least two written quotations are received, the purchase may proceed without the necessity for a rebid; and

WHEREAS, two written quotes were obtained from Emenco Construction and McGregor Glass & Mirror Incorporated; and

WHEREAS, the City Manager recommends the award of the contract to McGregor Glass & Mirror Incorporated, as the lowest responsive and responsible quote received and meeting the requirements outlined in the quote, in an amount not to exceed \$132,883.95.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the contract for the replacement of doors and windows at the Arts Studio Complex to Century McGregor Glass & Mirror Incorporated, in an amount not to exceed \$132,883.95.

Section 2. The City Council hereby approves the contract between the City of Cape Coral and McGregor Glass & Mirror Incorporated for the replacement of doors and windows at the Cape Coral Arts Studio Complex, and authorizes the City Manager to execute the Contract. A copy of the Contract is attached hereto as Exhibit 1.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR

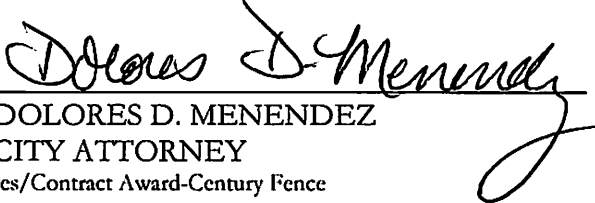
VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
res/Contract Award-Century Fence

City of Cape Coral
REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX
Contract CON-PW19-24/MM

THIS CONTRACT is made this _____ day of _____, 2019 by and between the **CITY OF CAPE CORAL, FLORIDA**, hereinafter called "**CITY**", and **MCGREGOR GLASS & MIRROR INCORPORATED**, located at 30 Mildred Drive, Suite 1, Fort Myers, FL 33901 hereinafter called "**CONTRACTOR**".

WITNESSETH: For and in consideration of the payments and agreements mentioned hereinafter:

1. The CONTRACTOR will commence and complete the **REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX** project located at 4533 Coronado Parkway, Cape Coral, FL. in accordance with the Contract Documents.
2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the project described in the Contract Documents.
3. The CONTRACTOR will commence work as required by the CONTRACT DOCUMENTS as stipulated in the written NOTICE TO PROCEED and will complete the same within sixty (60) calendar days from and including the date of commencement unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS. Time is of the essence in the performance of this agreement.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS for a not to exceed total sum of **\$132,883.95**, said amount being the Total quoted amount as listed on the CONTRACTOR'S Official quote Estimate as submitted for this project and attached as Exhibit A. At the City's discretion items listed as Additional Bid Items in the Contract Documents may or may not be purchased.
5. This agreement may be terminated by the CITY for its convenience upon thirty (30) days prior written notice to the CONTRACTOR. In the event of termination, the CONTRACTOR shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this agreement. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this agreement, whether completed or in progress.
6. The Term "Contract Documents" shall include this Contract, addenda, Contractor's Quote except when it conflicts with any other contractual provision, the Notice to Proceed, the Bonds, the Quote Package prepared and issued by the CITY, the General Conditions, the Specifications and Drawings, any Special Conditions, together with all Written Amendments, Change Orders, Work Change Directives or Field Orders. In the event of conflict between any provision of any other document referenced herein as part of the contract and this agreement, the terms of this agreement shall control.
7. Assignment: This agreement may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the CONTRACTOR.
8. Disclosure: The CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the agreement.
9. Administration of Agreement: The Public Works Director or his representative shall administer this agreement for the CITY.
10. Amendments: No Amendments or variation of the terms or conditions of this agreement shall be valid unless in writing and signed by the parties.

City of Cape Coral
REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX
Contract CON-PW19-24/MM

11. Governing Law: The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, each party shall be responsible to pay for its own reasonable costs and attorney's fees.
12. Payments: CITY shall make payment and CONTRACTOR shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice unless, within a fifteen (15) day period, CITY notifies CONTRACTOR in writing of its objection to the amount of such invoice, together with CITY'S determination of the proper amount of such invoice. CITY shall pay any undisputed portion of such invoice within such thirty (30) day period. If CITY shall give such notice to the CONTRACTOR within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, CITY shall promptly pay the CONTRACTOR the amount so determined, less any amounts previously paid by CITY with respect to such invoice. In the event it is determined that CITY has overpaid such invoice, the CONTRACTOR shall promptly refund to the CITY the amount of such overpayment.
13. Contractor's Representations: In order to induce CITY to enter into the Agreement CONTRACTOR makes the following representations:
- CONTRACTOR has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.
- CONTRACTOR has studied carefully all reports of investigations and tests of subsurface, and latent physical conditions at the site which may affect cost, progress or performance of the Work. This information was relied upon by ENGINEER in the preparation of the Drawings and Specifications.
- CONTRACTOR has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.
- CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
- CONTRACTOR has given CITY written notice of all conflicts, errors or discrepancies that have been discovered in the CONTRACT DOCUMENTS and the written resolution thereof by CITY is acceptable to CONTRACTOR.
14. Indemnity: The CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.
15. Other Provisions: The CITY reserves unto itself sole authority to execute and authorize the issuance of change order(s), directives, or other documents to the CONTRACTOR which impact on or change the contract time or price. These actions by the CITY will be taken after due consideration of the recommendations and analysis of the ENGINEER. This provision supersedes any other contradictory provisions within the Contract Documents.

City of Cape Coral
REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX
Contract CON-PW19-24/MM

16. Invalid Provision: The invalidity or unenforceability of any particular provision of this agreement shall not affect the other provisions hereof, and the agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
17. Record Keeping: The awarded bidder shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City of Cape Coral reserves the right to determine the record-keeping method in the event of non-conformity. If a Public Construction Bond is required records shall be maintained for ten (10) years, after final payment has been made and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

Records of the Contractor's personnel, sub-consultants, and the costs pertaining to the Project shall be kept in accordance with generally accepted accounting practices.

Contractor shall keep full and detailed accounts and financial records pertaining to the provision of services for the City. Prior to commencing work, Contractor shall review with and obtain the City's approval of the accounting procedures and records to be utilized by the Contractor on the Project. Contractor shall preserve the aforementioned Project records for a period of ten (10) years after final payment, or for such longer period as may be required by law.

18. Public Record: Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.
19. Insurance: Unless otherwise specified, CONTRACTOR shall, at its own expense, carry and maintain the following minimum insurance coverage, as well as any insurance coverage required by law:
- a. Worker's Compensation Insurance with limits that comply with statutory requirements and Employer's Liability Insurance with a lower limit of \$1,000,000 per occurrence, including, without limitation, coverage for Occupational Diseases, to provide for the payment of benefits to its employees employed on or in connection with the Work covered by this Agreement and/or to their dependents.
 - b. Broad Form Commercial General Liability Insurance (on an occurrence basis), with a minimum combined single limit for Bodily Injury, including Death of \$1,000,000 per occurrence and for Property Damage of at least \$1,000,000 per occurrence.
 - c. Business Auto Liability Insurance with minimum Bodily Injury and Death Limit per accident of \$1,000,000 and a minimum Property Damage Limit per accident of \$1,000,000.
 - d. FIRM shall require its subcontractors to provide for such benefits and carry and maintain the foregoing types of insurance at no expense to CITY. CITY shall be named as an "Additional Insured" under the CONTRACTOR'S General Liability Insurance Policy with respect to the services performed by the CONTRACTOR or by the OWNER.
 - e. Prior to commencing any Work under this Agreement, FIRM shall submit to CITY a certificate or certificates of insurance evidencing that such benefits have been provided, and that such insurance is being carried and maintained. Such certificates shall stipulate that the insurance will not be cancelled or materially changed without thirty (30) days prior written notice by certified mail to CITY, and shall also specify the date such benefits and insurance expire. FIRM agrees that such benefits shall be

City of Cape Coral
REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX
Contract CON-PW19-24/MM

provided and such insurance carried and maintained until the Work has been completed and accepted by CITY.

- f. Such benefits and such coverage as are required herein, or in any other document to be considered a part hereof, shall not be deemed to limit Firm's liability under this Agreement.
20. Public Construction Bond: Any Contractor entering into a contract for the construction of a public building or public work, or for any repairs upon a building or public work shall, before commencing work, execute, deliver to the City of Cape Coral, and record in the public records of Lee County, Florida, a public construction bond issued by a surety authorized to do business in the State of Florida. The amount of the bond shall be 100% of contract amount.
21. Unauthorized Aliens: The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this ITB. This applies to any sub-contractors used by the Contractor as well.
22. Guarantee: The Contractor shall warrant all materials furnished and work performed for a period of one year from the date of written acceptance by the City or by the date on the substantial completion letter. The making and acceptance of final payment shall not waive any claim for faulty work appearing after final payment or for failure to adhere strictly to the Construction Documents. If any part of the project is guaranteed for a longer period, such longer period shall prevail. Except as otherwise specified, all work shall be guaranteed by the Contractor against defects resulting from the use of inferior materials, equipment or workmanship for one year from the date of final completion and acceptance by the City.
23. Annual Appropriation Contingency: Pursuant to Florida Statute §166.241, the City's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the City Council. This Contract is not a commitment of future appropriations. Authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the City if the City Council reduces or eliminates appropriations.
24. Licenses and Permits: Contractor shall maintain and submit copies of all Licenses and Permits required to complete the assigned project to the City.
25. Lobbying: All firms and their agent who intends to, or has, submitted responses for this project are hereby placed on formal notice that neither City Council Members, candidates for City Council, nor any employee of the City of Cape Coral are to be lobbied either individually or collectively concerning this project. Contact should only be made through regularly scheduled Council meetings or meetings scheduled through the Procurement Division which are for the purposes of obtaining additional or clarifying information. Any action to include dinner or lunch invitations, by a submitting firm that may be interpreted as being within the purview of this requirement shall result in an immediate disqualification from further consideration in this project.
26. Entire Agreement: This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

City of Cape Coral
REPLACEMENT OF DOORS and WINDOWS: ART STUDIO COMPLEX
Contract CON-PW19-24/MM

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials this Agreement which shall be deemed an original on the date last signed as below written.

(CITY SEAL)

ATTEST:

Kimberly Bruns, CMC

City Clerk

CITY:

CITY OF CAPE CORAL

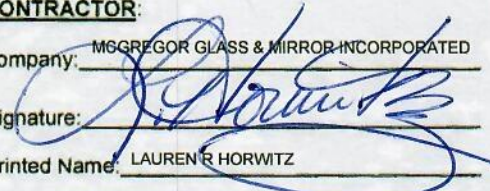
A John Szerlag

City Manager

Date

CONTRACTOR:

Company: MCGREGOR GLASS & MIRROR INCORPORATED

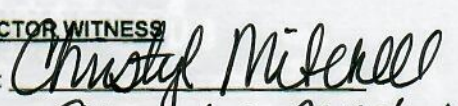
Signature: 

Printed Name: LAUREN R HORWITZ

Title: TREASURER / GLAZING CONTRACTOR

Date: 02/01/2019

CONTRACTOR WITNESS:

Signature: 

Printed Name: Christyl Mitchell

Date: 2/1/19

CITY LEGAL REVIEW:


Dolores Menendez

City Attorney

Date: 1/29/2019

ORIGINAL

EXHIBIT A

30 MILDRED DRIVE
FORT MYERS FL 33901
p (239) 561-3284 f (239) 561-3282



Estimate

BILLING INFO:			JOB SITE LOCATION:		
City of Cape Coral Public Works Department Facilities/Projects Management P.O. Box 150027 Cape Coral FL 33915-0027			Cape Coral Arts Studio 4533 Coronado Pkwy, Cape Coral, FL 33904		
CSR	Date	Estimate #	TECH	TERMS	GOOD THRU
LRH	1/22/2019	E1901-524	DFLIV	Net 30	2/21/2019
Description			Qty	Rate	Total
ART COMPLEX					
SUPPLY AND INSTALL IMPACT STOREFRONT SYSTEM MEETS IMPACT AND ENERGY CODES IN ACCORDANCE TO FBC 2017 CLEAR ANODIZED FRAME (SILVER) GLAZING TO BE GREY SOLAR E 2**** LAMINATED INSULATED					
STANDARD PERMITTING FEE FOR CITY OF CAPE CORAL COMMERCIAL DOES NOT INCLUDE ANY ADDITIONAL ENGINEERING OR INSPECTION FEES AS REQUIRED BY THE JURISDICTION McGREGOR GLASS & MIRROR INC REQUIRES AN APPROVED PERMIT PRIOR TO MATERIAL ORDER				1,000.00	1,000.00
>>>>>>BUILDING #2<<<<<<<					
ART STUDIO MAIN ENTRANCE: SINGLE DOOR (#663) 36X84 SINGLE DOOR (RH- OUT) WITH 3 SIDELIGHTS (#100) 204" X 85" *** ELECTRIFIED PANIC BAR** PUSH BUTTON HANDICAP CLOSER/OPERATOR* BY NABCO			1	14,264.25	14,264.25
			1	1,231.25	1,231.25
			1	2,446.25	2,446.25
***SIDELIGHTS LISTED AS OPTIONAL TO REPLACE - IF DOOR IS REPLACED, SIDELIGHTS MUST ALSO BE REPLACED - NEW SYSTEM WILL NOT TIE INTO OLD					
DIRECTOR'S OFFICE: FIXED GLASS WITH SPANDREL TRANSOM (#105) 3 EQUAL SECTIONS 145 X 105			1	5,650.05	5,650.05

Signature

Sales Tax (6.5%)

Total

30 MILDRED DRIVE
FORT MYERS FL 33901
p (239) 561-3284 f (239) 561-3282



Estimate

BILLING INFO:			JOB SITE LOCATION:		
City of Cape Coral Public Works Department Facilities/Projects Management P.O. Box 150027 Cape Coral FL 33915-0027			Cape Coral Arts Studio 4533 Coronado Pkwy, Cape Coral, FL 33904		
CSR	Date	Estimate #	TECH	TERMS	GOOD THRU
LRH	1/22/2019	E1901-524	DFLIV	Net 30	2/21/2019
Description			Qty	Rate	Total
JEWELRY STUDIO REAR ELEVATION: FIXED GLASS WITH SPANDREL TRANSOM (#111 & #113) 3 EQUAL SECTIONS 143" X 108"			2	5,386.50	10,773.00
NORTH ELEVATION: FIXED GLASS WITH DIVISION BAR (#116) 96" X 86"			1	3,059.70	3,059.70
>>>>>>BUILDING #1<<<<<<<<					
GLASS STUDIO: DOUBLE DOOR 6/0 x6/8 (#791* & #792**) NO TRANSOM OR SIDELIGHT(S) * EXISTING DOOR AT 791 MEASURES AT 82" **EXISTING THRESHOLD IS BELOW THE SIDEWALK ELEVATION MANUAL PANIC BARS			2	10,609.20	21,218.40
ART GALLERY: DOUBLE DOOR 6/0x6/8 (#795) NO TRANSOM OR SIDELIGHT(S) MANUAL PANIC BARS			4	437.50	1,750.00
MAIN ENTRANCE DOOR DOUBLE DOOR 6/0 X 6/8 (#789) NO TRANSOM OR SIDELIGHTS ELECTRIFIED PANIC BARS W/ POWER SUPPLY PUSH BUTTON HANDICAP CLOSER/OPERATOR* BY NABCO FOR DOUBLE DOOR			1	10,346.70	10,346.70
			2	1,231.25	2,462.50
			1	2,446.25	2,446.25

Signature

Sales Tax (6.5%)

Total

30 MILDRED DRIVE
FORT MYERS FL 33901
p (239) 561-3284 f (239) 561-3282



Estimate

BILLING INFO:			JOB SITE LOCATION:		
City of Cape Coral Public Works Department Facilities/Projects Management P.O. Box 150027 Cape Coral FL 33915-0027			Cape Coral Arts Studio 4533 Coronado Pkwy, Cape Coral, FL 33904		
CSR	Date	Estimate #	TECH	TERMS	GOOD THRU
LRH	1/22/2019	E1901-524	DFLIV	Net 30	2/21/2019
Description			Qty	Rate	Total
SCULPTURE STUDIO: FIXED FRAMES 142 X 14' TRAPEZOID TRANSOM(S) (#155) ****				46,638.90	46,638.90
FIXED FRAMES 142 X 14' TRAPEZOID TRANSOM(S) (#156) WITH DOUBLE DOOR 6/0x7/0 (#798) MANUAL PANIC BARS			2	437.50	875.00
MANUFACTURER'S DISCOUNT FOR VOLUME SALE				-2,500.00	-2,500.00
*NABCO CLOSERS SUPPLIED, INSTALLED AND WARRANTIED BY NABCO ** ELECTRIFIED PANIC BARS REQUIRED FOR HC OPERATOR. ELECTRICAL CONNECTIONS BY OTHERS NOTE: McGREGOR GLASS & MIRROR INC DOES NOT EMPLOY A LICENSED ELECTRICIAN. NOT RESPONSIBLE FOR DAMAGE TO FIXTURES, WIRING, OR ANY PART OF THE ELECTRICAL SYSTEM DURING REMOVAL OR RE-INSTALLATION. NOT RESPONSIBLE FOR WIRING OR ELECTRICAL CONNECTIONS. NOT RESPONSIBLE FOR DAMAGE CAUSED BY INCORRECT INSTALLATION OF ELECTRICAL FIXTURES OR WIRING. *****1.12 Windows shall be tinted. Installation will be of a non-metallic black tint that has a Visible Light Transmission percentage (VLT%) of 50% and blocks at least 50% UVA and UVB rays. Window tint shall be installed by the Contractor in accordance with the material manufacturer's instructions. All tint shall be free of runs, tears, air bubbles, and gaps between edges of window and tint. Any defects noticed by inspection by the City shall be fixed by the Contractor at no additional cost. TINT FILM WILL VOID THE WARRANTY OF THE INSULATED UNITS AND DRAW HEAT WHICH TENDS TO CRACK THE GLASS. WE WILL QUOTE A TINTED GLASS PRODUCT WHICH MEETS THE SAME SPECS.				0.00	0.00

Signature

Sales Tax (6.5%)

Total

30 MILDRED DRIVE
FORT MYERS FL 33901
p (239) 561-3284 f (239) 561-3282



Estimate

BILLING INFO:			JOB SITE LOCATION:		
City of Cape Coral Public Works Department Facilities/Projects Management P.O. Box 150027 Cape Coral FL 33915-0027			Cape Coral Arts Studio 4533 Coronado Pkwy, Cape Coral, FL 33904		
CSR	Date	Estimate #	TECH	TERMS	GOOD THRU
LRH	1/22/2019	E1901-524	DFLIV	Net 30	2/21/2019
Description			Qty	Rate	Total
1.15 Project Duration: The contractor shall be given sixty (60) calendar days from the Notice to Proceed to complete this project. The contractor agrees that liquidated damages will be assessed in the amount of \$100.00 per calendar day, for each calendar day that contract is not completed beyond the completion date.					
LEAD TIME ON MATERIAL ORDER EXCEEDS 60 DAYS AT LEAST 7 WORKING DAYS NEEDED FOR INSTALL					
LOCAL GOVERNMENT - TAX EXEMPT 30 DAY NET TERMS FROM DATE OF BILL RECEIPT. ***MATERIAL DRAW NEEDED FOR CUSTOM ORDER***				0.00	0.00
Liability Disclaimer - Customer acknowledges that glass is a fragile material and can become dangerous if handled and/or cared for improperly. Imperfections can occur during the manufacturing process, which may cause glass to break in a 'spontaneous' manner. McGregor Glass & Mirror Incorporated can not be held responsible for such damage or any resulting injuries which may occur from glass products we sold or installed. Customer agrees to accept all risk, implied or direct, for the ownership of said glass, and understands that McGregor Glass and Mirror Incorporated does not employ an engineer, does not hold any type of engineering license and has not had the material or the design engineered, unless a permit is required. A permit does not necessarily constitute the need for engineering. Acceptance of this Estimate constitutes my acknowledgement of all statements contained here within. Payment of deposit, signature, e-mail reply stating acceptance/approval all constitute customer acceptance.				0.00	0.00
By signing the above Estimate you agree to place a deposit with McGregor Glass & Mirror, Inc prior to the order of materials for the completion of the above proposed job. You understand that materials will not be ordered until deposit is recieved. Please verify lead times prior to placing your order. You agree to pay the balance in full upon completion of work. This estimate is good for 30 days from issue. Custom fabricated items are non-refundable and may be subject to a greater deposit to cover custom made material costs. We accept VISA and MASTERCARD only. Customer Supplied Materials (CSM) are not warranted. There is a risk of loss or damage when cutting glass. Alteration of CSM is at your own risk. a dmaage waiver will be required for the alteration of customer supplied material.					
Signature _____			Sales Tax (6.5%) \$0.00		
			Total \$132,883.95		



Resolution 28-19
City of Cape Coral
Replacement of Doors & Windows: Art Studio Complex
Quote Responses

Suppliers alphabetical order
TOTAL ALL INCLUSIVE LUMP SUM PRICE

Emenco Corp. Miami Lakes, FL
\$172,535.70

McGregor Mirror & Glass Ft. Myers, FL
\$132,883.95

Item Number: B.(2)
Meeting Date: 2/11/2019
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Engagement Letter with Gray Robinson; Department: City Attorney

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

The engagement letter is to retain the services of Gray Robinson for representation of the City of Cape Coral.

LEGAL REVIEW:

Dolores D. Menendez, City Attorney

EXHIBITS:

Engagement Letter

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
Engagement Letter	Backup Material

GRAY|ROBINSON
ATTORNEYS AT LAW

301 EAST PINE STREET
SUITE 1400
POST OFFICE BOX 3068 (32802-3068)
ORLANDO, FLORIDA 32801
TEL 407-843-8880
FAX 407-244-5690

BOCA RATON
FORT LAUDERDALE
FORT MYERS
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKE LAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA
WEST PALM BEACH

Thomas A. Cloud, Esquire

407-244-5624

THOMAS.CLOUD@GRAY-ROBINSON.COM

January 16, 2019

VIA EMAIL

Dolores D. Menendez, City Attorney
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915-0027

Re: Engagement Letter for Representation of City of Cape Coral

Dear Ms. Menendez:

You have inquired as to whether our Firm is interested in representing the City of Cape Coral. You have asked that we assist the City of Cape Coral in assisting in the preparation of an ordinance concerning rights of way and related issues that complies with the new statute. We are willing to represent the City of Cape Coral in these matters. We understand that any work performed by us will be with the concurrence and direction of the City Attorney.

Over the years, it has been our experience that things go more smoothly if we have a clear understanding of your needs and the role we need to play. The purpose of this engagement letter is to confirm an agreement concerning representation and the payment of our fees and expenses. This engagement letter will govern all subsequent matters in which we may become involved on your behalf unless a separate arrangement is made.

We will do our very best to meet your needs in any matters we undertake for you, but as you know, we cannot and do not make any representations or warranties concerning the outcome. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

We have attached a copy of the firm's Policy Regarding Expenses and Billing. All conditions in that document are incorporated by reference as part of this engagement letter. As we are sure you recognize, we have a legitimate business concern in being paid in a timely fashion.

The following arrangement is proposed regarding fees and costs:

Our firm will charge for services on an hourly basis. At the present time our rates vary from \$140.00 to \$750.00 per hour for attorneys and \$75.00 to \$195.00 per

Dolores D. Menendez, City Attorney
January 16, 2019
Page 2

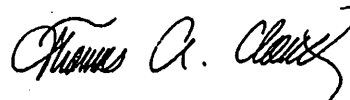
hour for paralegals. I will be responsible for all legal work performed. We will bill for attorneys' time at a reduced flat rate of \$250.00 per hour and \$110.00 per hour for paralegals. We reserve the right to utilize other members of the firm whenever, in our discretion, we deem it appropriate. Our hourly rates are subject to change in the future and are generally subject to review in August of each year. Further, paralegal, staff, computer research, and other technology may also be utilized if and when appropriate and in your best interest; in this case, I don't expect to have such a need. You will be billed for the use of the same.

Because of the relatively large size of our firm and our representation of many other clients, it is possible that there may arise in the future a dispute between another client and you. Our acceptance of the current representation of you will preclude us from accepting future representations adverse to you, which involve matters substantially related to the work we perform in the course of this engagement. However, as a condition to our undertaking the representation described in this letter, you and we agree that our acceptance of this engagement shall not preclude us from representing other clients in the future who may have interests adverse to you, with respect to matters not substantially related to the particular matters for which you have engaged our services.

If this engagement letter meets with your approval, please indicate by having the extra copy of this letter signed in the space provided below, and return it to our offices. Your approval of this letter will include our agreement regarding the fees and costs arrangement.

We appreciate the confidence and trust you have reposed in us in asking us to represent you and encourage you to communicate with me if at any time you have questions on the status or progress of your matters. I look forward to working with you and your staff on any matters you deem appropriate. If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Thomas A. Cloud, Esquire

GrayRobinson, P.A.
[Signed in Mr. Cloud's absence to prevent delay]

TAC/jg
Enclosures

Dolores D. Menendez, City Attorney
January 16, 2019
Page 3

The terms of this representation are accepted
this _____ day of _____, 2019

CITY OF CAPE CORAL, FLORIDA

By: _____

Print Name: _____

Dolores D. Menendez, City Attorney
January 16, 2019
Page 4

POLICY REGARDING EXPENSES AND BILLING

EXPENSES: You will be charged a reasonable rate for computerized document production, postage, reproduction, telecopies, couriers, express mail, long-distance telephone, travel costs and other costs. We may also use computerized research services to assist in handling your matters. This service will be used when we believe that it will save you money to do so. Expenses incurred or advanced on your behalf will be itemized on the statement.

BILLING: You will be billed periodically, usually monthly. In the event you should disagree with or question any amount due under an invoice, you agree to communicate such disagreement to us, in writing, within thirty (30) days of the invoice date. Any disagreement you may have with a bill that is not communicated to us within that period shall be deemed waived.

COMMENCEMENT OF REPRESENTATION: Our representation will not commence until we receive a signed copy of the letter to which this statement is attached, together with payment of any retainer specified therein.

WITHDRAWAL FROM REPRESENTATION: We reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibility or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of withdrawal.

DOCUMENT & FILE RETENTION: In representing the City, our firm could be deemed to be a "contractor" under section 119.0701, Fla. Stat. In an abundance of caution, we have always complied in such representations with the letter and spirit of Florida's Public Records Act, Chapter 119, Fla. Stat., including specifically section 119.0701(2), which requires that our firm:

Dolores D. Menendez, City Attorney
January 16, 2019
Page 5

- (a) Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service.
- (b) Provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in chapter 119 or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- (d) Meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of the firm upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the City.

You should be aware of our document and file retention policy. Once your case is concluded, the file will be officially closed. Once the file is closed, it may be sent to off-site storage, and there may be costs associated with retrieval of information from the file. We retain stored and closed files for a period of ten (10) years after which time they may be destroyed. This period is twice as long as that provided under Florida law. Thus, if there are any documents which you need from the documents we possess, we recommend that you obtain them at the conclusion of your case.

Item Number:	F.(1)
Meeting Date:	2/11/2019
Item Type:	APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL



TITLE:

Affordable Housing Advisory Committee - 1 vacancy

REQUESTED ACTION:

Appoint

STRATEGIC PLAN INFO:

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

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

Vacancy: 1 vacancy - E. Essential Personnel

Expiration Date: 10/31/2019

Applicants: 1 applicant. David E. Jimenez

Advertising: The vacancy was advertised on 3/30/2018, 4/13/2018, 4/27/2018, 5/25/2018, 7/20/2018, 8/17/2018 and 10/3/2018 in the Breeze and posted on the City website and Facebook page.

LEGAL REVIEW:

EXHIBITS:

Applicant: David E. Jimenez
Board Sheet

PREPARED BY:

Kimberly

City

Bruns

Division- Managerial

Department- Clerk

SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns

Interim City Clerk

1-239-574-0417

ATTACHMENTS:

Description	Type
▣ Applicant - David E Jimenez	Backup Material
▣ Board Sheet	Backup Material

RECEIVED

CITY OF CAPE CORAL
APPOINTMENT INFORMATION FORM

DEC 11 2018

Initials: DG

This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.

YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.

Please Type, if possible (or print clearly)

Date: 12-12-18

Name: Jimenez David E
(Last) (First) (Middle)

E-mail address: YouRemailing Dave@gmail.com

Address: (H) 1918 NW 10TH ST Cape Coral FL Zip Code 33993

(O) Zip Code

Phone: (H) (O) (C) (856) 264-4006

Occupation: Instrumentation Tech

Employer: City of Cape Coral Position: Instrumentation Tech How Long: 3

Education: Highest education level achieved and institutions attended:

Name & Location

Dates Attended

Degrees Earned

Edgewood High School 97-01
FSW CURRENT

High school Diploma

Have you ever held a professional or business license or certificate?

Yes

No

If "Yes", please provide the title, issue date and issuing authority.

License/Certificate Title

Issue Date

Issuing Authority

Board(s) /Commission(s) for which you are applying:

Affordable Housing Advisory Committee

1. Are you a U.S. Citizen?

Yes

No

2. Are you a Cape Coral Resident?

Yes

No

3. Are you currently serving on a City Board(s)?

Yes

No

If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)?

Yes

No

If yes, which Board(s) and when?

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes

No

If yes, what Board, etc. and since when?

Work Experience:

US Navy (EN2), Water Plant operator KBR in Iraq,
Plant operator Lee County, Plant operator City of
Cape Coral, Instrumentation Tech - City of Cape Coral

Community Involvement:

Boy Scouts Den leader Pack 351 (Bears), Cape
Coral Democrat Club Executive Board Member.

Interests/Activities:

Golfing, Bike Riding, Reading, movies

Why do you desire to serve on this/these Board(s)?

Growing up my family suffered hardships and we were fortunate that
programs such as affordable housing existed. Programs like this enabled
them to get on their feet.

How did you learn about the vacancy? ☐ Cape Coral Website ☐ Newspaper ☐ Facebook ☐ Word of Mouth

A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature



Date 12-11-18

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Yes ☐ No ☐

Interviewed:

Date:

Council Action:

Date:

CITY OF CAPE CORAL - BOARDS AND COMMISSIONS

AFFORDABLE HOUSING ADVISORY COMMITTEE

BOARD INFO	MEMBERS	PHONE NUMBER	QUAL	INITIAL APPOINT	LAST REAPPT	TERM EXPIRES
<p>Established by Resolution 23-08</p> <p>Florida Statute 420.9076 requires each municipality that participates in the State Housing Incentives Partnership Program (SHIP) to establish an Affordable Housing Advisory Committee to recommend monetary and non-monetary incentives for affordable housing.</p> <p>Reviews established policies and procedures, ordinances, land development regulations, and adopted local comprehensive plans and makes recommendations to encourage or facilitate affordable housing. There are 11 members on this Committee and they meet quarterly unless there is no business to conduct.</p> <p>11 Members - Six members needed for a Quorum Appointments will be for 3 years. NO COUNCIL LIAISON Presiding officers shall preside for 1 year. Meets: Quarterly or more often when business requires in Conference Room 220 A at 5:30 p.m. Qualifications: Resident of Cape Coral and Citizen of U.S.</p> <p>Membership shall consist of the following: (a) Residential home building industry (b) Banking or Mortgage Banking industry (c) Labor - home building (d) Advocate for low income persons (e) For-profit provider of affordable housing (f) Not-for-profit provider of affordable housing (g) Real estate professional (h) Member of local planning and zoning commission (i) Resident (j) Representative of employers (k) Essential services personnel Contact Amy Yearsley to review applications for this Committee Financial Disclosure Required: No.</p>	<p><u>CHAIR</u> Courtney Neuhausel 2649 Stonyhill Court Cape Coral, FL 33991</p>	940-1807	a	11/26/2012	11/19/2018	11/30/2021
	<p>Richard "Dick" Peppe (EXEMPT)</p>		b	10/22/2012	11/19/2018	10/31/2021
	<p>Christopher Cheney 3429 SW 9th Avenue Cape Coral, FL 33914</p>	218-4030 (c) 628-4555 (o)	c	2/22/2016		2/22/2019
	<p>Blanca Contreras 1109 SW 45TH St Cape Coral, FL 33914</p>	239-560-2712 (c) 239-540-6634(o)	d	9/17/2018		2/22/2019
	<p>Kenneth Jenkins 1321 SW 11TH Place Cape Coral, FL 33914</p>	239-273-3688 (c) 239-768-4500 (o)	e	9/17/2018		6/30/2020
	<p><u>VICE CHAIR</u> Bonnie Schnell 1711 SE 10th Ave Cape Coral, FL 33990</p>	994-3753 (c) 471-0922 (o)	f	6/2/2008	6/9/2014 7/31/2017	6/30/2020
	<p>Eric Urban 102 SE 39th Terrace Cape Coral, FL 33914</p>	560-1099 (c) 945-1414 (o)	g	7/31/2017		6/30/2020
	<p>Jim Ranfranz 1942 SE 36th Street Cape Coral, FL 33904</p>	542-0194 (h) 699-5762 (c)	h	10/22/2012	10/26/2015	10/31/2021

CITY OF CAPE CORAL - BOARDS AND COMMISSIONS

AFFORDABLE HOUSING ADVISORY COMMITTEE

BOARD INFO	MEMBERS	PHONE NUMBER	QUAL	INITIAL APPOINT	LAST REAPPT	TERM EXPIRES
Department of Community Development/Planning Division Amy Yearsley, CDBG/SHIP Coordinator, 573-3183 Recording Secretary: Patricia Sorrels Ph: 239-242-4415 Fax:	Stephen Stefanik 102 NE 7th Avenue Cape Coral, FL 33909	239 877-6437	i	10/15/2018		11/30/2021
	John McBrearty 1101 SW Embers Terrace Cape Coral, FL 33991	new number 10/4/18 239 224-0634 610 761-9120 h/c	j	10/26/2015	7/31/2017	6/30/2020
	VACANT		k			10/31/2019

Item Number:	A.(1)
Meeting Date:	2/11/2019
Item Type:	ORDINANCES/RESOLUTIONS - Public Hearings

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Ordinance 4-19 (ZA 18-0013) First Public Hearing / Set Second and Final Public Hearing Date for March 18, 2019

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning

Staff Recommendation: Staff recommends approval of the application for rezoning.

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning approximately 9,819 acres to be consistent with the changes to the Future Land Use Map, the Comprehensive Plan, and the upcoming Land Development Code.

LEGAL REVIEW:

EXHIBITS:

Ordinance 4-19 (ZA 18-0013)
Hearing Examiner Recommendation Order
Back Up form HEX hearing
Revised Presentation
Memo with Attachments

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:**ATTACHMENTS:**

Description	Type
▣ Ordinance 4-19 (ZA 18-0013)	Ordinance
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Back up material from HEX Hearing	Backup Material
▣ Revised Presentation	Backup Material
▣ Memo with attachments	Backup Material

ORDINANCE 4 – 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL OFFICIAL ZONING DISTRICT MAP OF ALL PROPERTY WITHIN THE LIMITS OF THE CITY OF CAPE CORAL BY REZONING PROPERTY LOCATED WITHIN TRAFALGAR PARK FROM AGRICULTURAL (A) TO INSTITUTIONAL (INST) ZONE; BY REZONING PROPERTY LOCATED WITHIN HANCOCK CREEK SOUTH AND JUDD CREEK FROM AGRICULTURAL (A) TO PRESERVATION (PV) ZONE; BY REZONING PROPERTY LOCATED WITHIN TRAFALGAR PARK AND UNIT 95, CAPE CORAL SUBDIVISION, FROM AGRICULTURAL (A) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN EMBERS LAKE ESTATES FROM PEDESTRIAN-COMMERCIAL (C-1) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 22, CAPE CORAL SUBDIVISION, FROM PEDESTRIAN-COMMERCIAL (C-1) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED IN UNIT 1 PART 2, CAPE CORAL SUBDIVISION AND TRAFALGAR PARK FROM THOROUGHFARE COMMERCIAL (C-3) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED IN UNIT 17, CAPE CORAL SUBDIVISION, EAST CAPE COMMERCE PARK, PONDELLA COMMERCE PARK, PONDELLA HEIGHTS 1, SOUTHWIND COMMERCE PARK, AND SECTIONS 5, 8, AND 87, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FROM CORRIDOR (CORR) TO INDUSTRIAL (I) ZONE; BY REZONING PROPERTY LOCATED IN UNIT 47 PART 1, CAPE CORAL SUBDIVISION, FROM CORRIDOR (CORR) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 26, 28, 32, 33, 38, 39, 40, 41, 42, 62, 65, 51, 52, 53, 55, 56, 57, 60, 63, 68, 70, 85, AND 92, CAPE CORAL SUBDIVISION, FROM MARKETPLACE RESIDENTIAL (MR) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN SECTION 33 SOUTH, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FROM MARKETPLACE RESIDENTIAL (MR) TO INSTITUTIONAL (INST) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 26, 37, 56, 57, 60, 63, AND 70, CAPE CORAL SUBDIVISION; SECTION 32, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; SECTION 33, TOWNSHIP 43 SOUTH, RANGE 24 EAST; SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; AND SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM MARKETPLACE RESIDENTIAL (MR) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 28, 39, 66, 52, 63, 70, 71, AND 96, CAPE CORAL SUBDIVISION, FROM MARKETPLACE RESIDENTIAL (MR) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 26, 45, 63, 68, AND 70, CAPE CORAL SUBDIVISION, FROM MARKETPLACE RESIDENTIAL (MR) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 85, 87, 88, 92, AND 70, CAPE CORAL SUBDIVISION, FROM MARKETPLACE RESIDENTIAL (MR) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 22, 33, 38, AND 39, CAPE CORAL SUBDIVISION, FROM PROFESSIONAL OFFICE (P-1) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 7, CAPE CORAL SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL (R-1A) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 1 PART 2, 11, AND 36 PART 1, CAPE CORAL SUBDIVISION, FROM SINGLE FAMILY RESIDENTIAL (R-1B) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 24 AND 32, CAPE CORAL SUBDIVISION, FROM SINGLE FAMILY RESIDENTIAL (R-1B) TO INSTITUTIONAL (INST) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 5, 24, 33, AND 49, CAPE CORAL SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL (R-1B) TO RESIDENTIAL MULTI-FAMILY LOW (RML); BY REZONING PROPERTY LOCATED WITHIN UNIT 98, CAPE CORAL SUBDIVISION, FROM SINGLE FAMILY RESIDENTIAL (R-1B) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM); BY REZONING PROPERTY LOCATED WITHIN UNITS 22 AND 63, CAPE CORAL SUBDIVISION, FROM SINGLE FAMILY RESIDENTIAL (R-1B) TO PROFESSIONAL OFFICE (P) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 11, 12, 21, 22, 16, 17, AND 18, CAPE CORAL SUBDIVISION, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 26 AND 32, CAPE CORAL SUBDIVISION, AND CORAL LAKES SUBDIVISION, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO INSTITUTIONAL (INST) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 22, 23, AND 24, CAPE CORAL SUBDIVISION, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PROFESSIONAL OFFICE (P) ZONE; BY REZONING PROPERTY LOCATED IN UNIT 14, CAPE CORAL SUBDIVISION, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 6 PART 2, 6 PART 3, 2 PART 2, 5, 3, 2

PART 3, 2 PART 1, 9, 7, 8, 14, 21, 22, 24, 16, 23, 20 PART 2, 18, 17, 17 PART 1, 30, 64 PART 1, 65, 44, 45, 29, 31, 32, 36, 33, 47 PART 2, 62, 66, 64, 67, 63, 69, AND 70, CAPE CORAL SUBDIVISION, CAPE HARBOUR PHASE 2A, CAPE HARBOUR PHASE 2B, CORAL LAKES, META AT CAPE HARBOUR, JUDD CREEK, SECTIONS 20 AND 29, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AND SECTION 24, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 9, 7, 7 PART 1, 22, 26, 20 PART 2, 18, 16, 17, 33, 67, 46, 70, 71, 92, AND 18 PART 1, CAPE CORAL SUBDIVISION, CONCORDIA, MARIANA PARK, TARPON POINT, BANYAN TRACE, SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND SECTIONS 20 AND 29, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, FROM MULTI-FAMILY RESIDENTIAL (R-3) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 91, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO AGRICULTURAL (A) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 33, 36, 42, 49, 50, 52, 55, 56, 59, 61, AND 63, CAPE CORAL SUBDIVISION, AND SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 50, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO COMMERCIAL CORRIDOR (CC) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 45, 37, 39, 40, 41, 42, 62, 66, 51, 53, 54, 55, 61, 70, 80, AND 82, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO INSTITUTIONAL (INST) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 76, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO MIXED-USE SEVEN ISLANDS (MX7) ZONE; BY REZONING PROPERTY LOCATED IN UNITS 54 AND 58, CAPE CORAL SUBDIVISION, AND SECTION 29, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE; BY REZONING PROPERTY LOCATED IN UNIT 36 PART 1, 59, 61, AND 63, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO PROFESSIONAL OFFICE (P) ZONE; BY REZONING PROPERTY LOCATED IN UNITS 29, 29 PART 1, 34, 35, 36 PART 1, 36, 32, 37, 38, 39, 40, 41, 42, 43, 62, 66, 65, 49, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 69, 70, 71, 74, 73, 72, 80, 82, 58, 90, 91, 92, 94, 97, 98, AND 76, CAPE CORAL SUBDIVISION, WEST CAPE ESTATES, EMERALD COVE, ESTATES OF OLD BURNT STORE, TRAFALGAR WOODS, HEATHERWOOD LAKES, HERMITAGE, TARPON POINT, SANDS LAKE, OSPREY POINTE, ENCLAVE, SUNSET POINTE, EAGLES LANDING, AND SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNIT 91, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL ESTATE (RE) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 45 PART 1, 31, 32, 40, 41, 42, 43, 66, 51, 52, 53, 55, 63, 70, 71, AND 58, CAPE CORAL SUBDIVISION, AND WHISPERING PINES CONDO, FROM RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED IN UNITS 36, 35, 37, 49, 59, AND 98, CAPE CORAL SUBDIVISION, SECTION 29, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 17, 31, 31 PART 2, 32, 33, 66, AND 47 PART 2, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL RECEIVING (RX) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 66 AND 70, CAPE CORAL SUBDIVISION, FROM RESIDENTIAL RECEIVING (RX) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 5, 9, 6 PART 1, AND 2 PART 3, CAPE CORAL SUBDIVISION, FROM SOUTH CAPE DOWNTOWN DISTRICT (SC) TO MIXED-USE BIMINI (MXB) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 23 AND 37, CAPE CORAL SUBDIVISION, EAGLE SUBDIVISION I, FLORIDA TROPICAL FARMS, SANTA BARBARA CENTER, CORAL SHORES, TWIN CENTRAL PLAZA, AND SECTIONS 5 AND 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND SECTION 14, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM VILLAGE (VILLAGE) TO COMMERCIAL CORRIDOR (CC) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 21, 20 PART 2, 20 PART 1, 44, 29, AND 33, CAPE CORAL SUBDIVISION, AND SECTION 14, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM PLACES OF WORSHIP (W) TO COMMERCIAL (C) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 7, 9, 21, 45, 66, 69, AND 71, CAPE CORAL SUBDIVISION, AND SECTION 24, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM PLACES OF WORSHIP (W) TO SINGLE FAMILY RESIDENTIAL (R1) ZONE; BY REZONING PROPERTY LOCATED WITHIN UNITS 18 AND 68, CAPE CORAL SUBDIVISION, FROM PLACES OF WORSHIP (W) TO RESIDENTIAL MULTI-FAMILY

MEDIUM (RMM) ZONE; BY REZONING PROPERTY LOCATED WITHIN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA; SECTIONS 5, 6, AND 7, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, FROM AGRICULTURAL-2 (AG-2, A LEE COUNTY DESIGNATION) TO COMMERCIAL (C) ZONE; AND BY REZONING PROPERTY LOCATED WITHIN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, FROM AGRICULTURAL-2 (AG-2, A LEE COUNTY DESIGNATION) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE, ALL AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral City Council has considered testimony, evidence, documentation and the application submitted by the CITY OF CAPE CORAL, for rezoning the below-described property FROM AGRICULTURAL (A) TO INSTITUTIONAL (INST), PRESERVATION (PV), and SINGLE-FAMILY RESIDENTIAL (R1) ZONES; from PEDESTRIAN-COMMERCIAL (C-1) TO NEIGHBORHOOD COMMERCIAL (NC) AND RESIDENTIAL MULTI-FAMILY LOW (RML) ZONES; FROM THOROUGHFARE COMMERCIAL (C-3) TO COMMERCIAL (C) ZONE; FROM CORRIDOR (CORR) TO INDUSTRIAL (I) AND SINGLE-FAMILY RESIDENTIAL (R1) ZONES; FROM MARKETPLACE RESIDENTIAL (MR) TO COMMERCIAL (C), INSTITUTIONAL (INST), NEIGHBORHOOD COMMERCIAL (NC), SINGLE-FAMILY RESIDENTIAL (R1), RESIDENTIAL MULTI-FAMILY LOW (RML), AND RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONES; FROM PROFESSIONAL OFFICE (P-1) TO COMMERCIAL (C) ZONE; FROM SINGLE-FAMILY RESIDENTIAL (R-1A) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE; FROM SINGLE FAMILY RESIDENTIAL (R-1B) TO COMMERCIAL (C), INSTITUTIONAL (INST), RESIDENTIAL MULTI-FAMILY LOW (RML), RESIDENTIAL MULTI-FAMILY MEDIUM (RMM), AND PROFESSIONAL OFFICE (P) ZONES; FROM MULTI-FAMILY RESIDENTIAL (R-3) TO COMMERCIAL (C), INSTITUTIONAL (INST), PROFESSIONAL OFFICE (P), SINGLE-FAMILY RESIDENTIAL (R1), RESIDENTIAL MULTI-FAMILY LOW (RML), AND RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONES; FROM RESIDENTIAL DEVELOPMENT (RD) TO AGRICULTURAL (A), COMMERCIAL (C), COMMERCIAL CORRIDOR (CC), INSTITUTIONAL (INST), MIXED-USE SEVEN ISLANDS (MX7), NEIGHBORHOOD COMMERCIAL (NC), PROFESSIONAL OFFICE (P-1), SINGLE-FAMILY RESIDENTIAL (R1), RESIDENTIAL ESTATE (RE), RESIDENTIAL MULTI-FAMILY LOW (RML), AND RESIDENTIAL MULTI-FAMILY MEDIUM (RMM); FROM RESIDENTIAL RECEIVING (RX) TO SINGLE-FAMILY RESIDENTIAL (R1) AND RESIDENTIAL MULTI-FAMILY LOW (RML) ZONES; FROM SOUTH CAPE DOWNTOWN DISTRICT (SC) TO MIXED-USE BIMINI (MXB) ZONE; FROM VILLAGE (VILLAGE) TO COMMERCIAL CORRIDOR (CC) ZONE; FROM PLACES OF WORSHIP (W) TO COMMERCIAL (C), SINGLE-FAMILY RESIDENTIAL (R1), AND RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONES; AND FROM AGRICULTURAL-2 (AG-2, A LEE COUNTY DESIGNATION) TO COMMERCIAL (C) AND NEIGHBORHOOD COMMERCIAL (NC) ZONES and considered the recommendations of the Hearing Examiner and City Staff, and has considered the City of Cape Coral Comprehensive Plan with this zoning request.

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 City of Cape Coral Official Zoning District Map of all of the property within the limits of the City of Cape Coral is hereby amended with respect to real property described as follows:

AGRICULTURAL (A) TO INSTITUTIONAL (INST) ZONE

Unit	Block	Lots	PB/PG
Trafalgar Park	6611	All of Block 6611	

AGRICULTURAL (A) TO PRESERVATION (PV) ZONE

Unit	Block	Lots	PB/PG
Hancock Creek South	6634	Tract A	
Judd Creek		Tracts 9, 10	

AND

A tract or parcel of land in the North ½ of Section 29 and the NE ¼ of Section 30, all in Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Beginning at the quarter corner common to said Sections 29 and 30; thence N88°56'56"W (bearings based on the State Place Coordinate System, West Zone, NAD 83/90) along the south line of the NE ¼ of Section 30 for 380.01 feet to the east right-of-way line of Del Prado Boulevard; thence N00°20'07"W along said east right-of-way line for 875.61 feet to a point of curvature; thence continue along said east right-of-way line northerly for 1098.59 feet along the arc of a curve to the right having a radius of 3042.29 feet, a central angle of 20°41'24", a chord bearing and distance of N10°00'35"E for 1092.63 feet to the SW corner of lands described in Official Records Book 2196, Page 1714, Public Records of Lee County, Florida; thence N89°54'38"E leaving said east right-of-way line along the south line of said lands for 5177.63 feet to a point on the east line of the NE ¼ of Section 29 and to the SE corner of said lands, said point being 668.00 feet S00°07'49"E from the NE corner of Section 29; thence S00°07'49"E along the east line of the NE ¼ of Section 29 for 642.66 feet to the NE corner of the E ½ of the SE ¼ of the NE ¼ of said Section 29; thence S89°37'07"W along the north line of the SE ¼ of the NE ¼ of said Section 29; thence S89°37'07"W along the north line of the SE ¼ of the NE ¼ of said Section 29 for 607.04 feet; thence S01°19'23"W leaving said north line for 1308.68 feet to a point on the south line of the N ½ of Section 29, said point being 640.23 feet S89°50'49"W from the quarter corner common to Section 28 and 29; thence S89°50'49"W along said south line of the N ½ of said Section 29 and along the north line of Cape Coral Unit 33 as recorded in Plat Book 16, Pages 59-61 of aforesaid public records for 4346.70 feet to the Point of Beginning.

AGRICULTURAL (A) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
Trafalgar Park	6610	All of Block 6610	
95	6021	All of Block 6021	PB 25 PG 41-42

PEDESTRIAN-COMMERCIAL (C-1) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE

Unit	Block	Lots	PB/PG
Embers Lake Estates		Legal Description # 18	

PEDESTRIAN-COMMERCIAL (C-1) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
22	792	7-12	PB 14 PG 13

THOROUGHFARE COMMERCIAL (C-3) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
1 PT 2	12	Tract A	PB 11 PG 35
Trafalgar Park	6612	All of Block 6612	

CORRIDOR (CORR) TO INDUSTRIAL (I) ZONE

Unit	Block	Lots	PB/PG
17	1547	48-54	PB 14 PG 35
17	1548	23-36	PB 14 PG 35-36
17	1549	1-44	PB 14 PG 36-37
17	1553	1-53	PB 14 PG 37-38
17	1554	1-43	PB 14 PG 37-38
17	1554A	1-16	PB 14 PG 37
17	1554B	1-13	PB 14 PG 38
17	1554C	TR	PB 14 PG 38
East Cape Commerce Pk		Tracts A, B, C1	
East Cape Commerce Pk		Tracts 4A, 4B, 4C, 4D, 5, 6	
East Cape Commerce Pk		Lots 1-7	
Pondella Commerce Pk	6940		
Pondella Commerce Pk	6941		

Pondella Commerce Pk	6942		
Pondella Commerce Pk	6943		
Pondella Commerce Pk	6943		
Pondella Commerce Pk	6944		
Pondella Commerce Pk	6945		
Pondella Commerce Pk	6946		
Pondella Commerce Pk	6947		
Pondella Heights 1	1	14	
Southwind Commerce Pk		Tract A, B, C	
Southwind Commerce Pk	7008	1-30	

AND

A tract or parcel of land in Sections 5 and 8, Township 44 South, Range 24 East, Lee County, Florida; being more particularly described as follows:

From the NE corner of said Section 8, run S00°09'07"W along the East line of said Section 8 a distance of 40.00 feet to a point on the South right-of-way line of Pondella Road (SR-78A); thence N89°23'34"W, parallel to and 40.00 feet from the centerline of said Pondella Road a distance of 1,620.00 feet to the Point of Beginning; thence S00°09'07"W, parallel to the East line of said Section 8, a distance of 600.00 feet; thence N89°23'34"W, 360.00 feet; thence N00°09'07"E, 426.00 feet; thence S89°23'34"E 180.00 feet; thence N00°09'07"E 174.00 feet to a point on the South right-of-way line of said Pondella Road; thence S89°23'34"E, 180.00 feet to the Point of Beginning; subject to a road easement over and across the most Westerly 15 feet thereof; also subject to any and all easement, restrictions, and reservations of record.

AND

A tract or parcel of land in Sections 5 and 8, Township 44 South, Range 24 East, Lee County, Florida; being more particularly described as follows:

From the NE corner of said Section 8, run S00°09'07"W along the East line of said Section 8 a distance of 40.00 feet to a point on the South right-of-way line of Pondella Road (SR-78A); thence N89°23'34"W, parallel to and 40.00 feet from the centerline of said Pondella Road a distance of 1,800.00 feet to the Point of Beginning; thence S00°09'07"W, parallel to the East line of said Section 8, a distance of 174.00 feet; thence N89°23'34"W, 180.00 feet; thence N00°09'07"E 174.00 feet to a point on the South right-of-way line of said Pondella Road; thence S89°23'34"E, 180.00 feet to the Point of Beginning; subject to a road easement over and across the most Westerly 15 feet thereof; also subject to any and all easement, restrictions, and reservations of record.

AND

A tract or parcel of land lying in Section 8, Township 44 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 8, run South along the East line of said Section 8 for 40 feet to the South right-of-way line of Pondella Road; thence run Westerly along said South right-of-way line for 1,980 feet to a point. From said point, continue Westerly along said right-of-way line for 180 feet; thence run South, parallel with the East line of said Section 8 for 15.86 feet to the South line of Section 5, Township 44 South, Range 24 East; thence continue South on the same course for 584.14 feet to the Point of Beginning of the lands herein described. From said Point of Beginning, continue on the same course for 249.12 feet; thence East parallel to the South right-of-way line of Pondella Road for 180 feet; thence run North parallel with the East line of said Section 8 for 250 feet, more or less, to the Southeast corner of those lands previously conveyed by Berry-Cheasley Corporation to "Sellers Inc."; thence West parallel to the South right-of-way line of Pondella Road as aforesaid same being the line common with the South line of the south 600 feet of the West half of Lot 30 of South Florida Farms, an unrecorded plat, for 180 feet more or less to the Point of Beginning.

AND

A tract or parcel of land lying in Section 8, Township 44 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 8 run S00°09'07"W, along the East line of said Section, a distance of 40 feet to a point on the South right-of-way line of Pondella Road; thence N 89°23'34"W, parallel to and 40

feet from the centerline of said Pondella Road, a distance of 1,380 feet; thence S00°09'07"W, parallel to the East line of said Section 8, a distance of 600 feet to the Point of Beginning; thence continue S00°09'07"W, 356.48 feet; thence S88°56'02"W parallel to the South line of the N ½ of the N ½ of said Section 8, a distance of 600.12 feet; thence N00°09'07"E, 374.00 feet; thence S89°23'34"E, 600 feet to the Point of Beginning.

AND

A tract or parcel of land lying in Section 8, Township 44 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

From the Northeast corner of said Section 8, run S00°09'07"W, along the East line of said Section, a distance of 40 feet to a point on the South right-of-way line of Pondella Road; thence N89°23'34"W along said right-of-way line for 2,160 feet; thence S00°09'07"W, 581.67 feet to the Point of Beginning; thence continue S00°09'07"W, 405.33 feet; thence S88°56'02"W, 180 feet; thence N00°09'07"E, 405.33 feet; thence N88°56'02"E 180 feet to the Point of Beginning.

AND

Parcel described in Official Records Book 1045, Page 1751, less the South 762.85 feet, of the Public Records of Lee County, Florida.

AND

From the Northeast corner of Section 8, Township 44 South, Range 24 East, run South along the East line of said Section 8 for 40 feet to the South right-of-way line of Pondella Road thence run Westerly along said South right-of-way line for 1,980 feet to the Point of Beginning; from said point continue Westerly along said right-of-way line for 180 feet; thence run South parallel with the East line of said Section 8 for 15.86 feet to the South line of Section 5, Township 44 South, Range 24 East thence continue South on the same course for 584.14 feet; thence East parallel to the South right-of-way line of Pondella Road for 180 feet; thence North parallel with the East line of Section 8 for 600 feet to the Point of Beginning.

AND

The West 300 feet of the East 1380 feet of the North 1326 feet of the NE ¼ of Section 87, Township 44 South, Range 24 East in Lee County, Florida.

CORRIDOR (CORR) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
47 PT 1	3573	1-46	PB 24 PG 8-9
47 PT 1	3578	1-89	PB 24 PG 9-11

MARKETPLACE-RESIDENTIAL (MR) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
26	980	1-102	PB 14 PG 140,143,146
28	1912	1-15	PB 14 PG 102
63	1912	16-30	PB 21 PG 65,68
28	1920	1-40	PB 14 PG 102,105
63	1920	41-80	PB 21 PG 68,71
32	2149	30-65	PB 16 PG 11-12
32	2153	4-30	PB 16 PG 12-13
32	2155	3-62	PB 16 PG 12-13
32	2161	1-34; 41-76	PB 16 PG 11-12
33	2178	1-42	PB 16 PG 53
33	2179	1-49	PB 16 PG 53-54
33	2233	1-20; 23-56	PB 16 PG 53-54
38	2654A	1-55	PB 16 PG 97
38	2654B	1-55	PB 16 PG 97
38	2654C	TR	PB 16 PG 97

38	2659A	1-58	PB 16 PG 98
38	2659B	1-37	PB 16 PG 98
38	2660A	1-46	PB 16 PG 98-99
38	2660B	1-30	PB 16 PG 98-99
39	2707	1-36	PB 16 PG 144
39	2708	TR	PB 16 PG 144-145
39	2709A	1-32	PB 16 PG 144-145
39	2709B	1-21	PB 16 PG 144-145
39	2711	1-36	PB 16 PG 143-144
39	2714A	1-48	PB 16 PG 143-144
39	2714B	1-32	PB 16 PG 143-144
40	2812	1-32	PB 17 PG 91
40	2813	TR	PB 17 PG 91
41	2871	30-51	PB 17 PG 12
41	2872	TR	PB 17 PG 12
41	2876	1-23; 56-78	PB 17 PG 12
42	2924A	TR	PB 17 PG 33
42	2924B	1-16; 30-44	PB 17 PG 33
62	3072	1-68	PB 21 PG 29,33
65	3326	1-16; 27-42	PB 21 PG 155
65	3335	1-40	PB 21, PG 152, 155
51	3780	1-60	PB 19 PG 14
51	3781	1-44	PB 19 PG 14
52	3785	1-44	PB 19 PG 50
52	3816	30-49	PB 19 PG 63
52	3817	21-47	PB 19 PG 63
52	3834	1-70	PB 19 PG 56, 59
53	3841	1-73	PB 19 PG 65
53	3845	28-54	PB 19 PG 69
53	3848	66-72	PB 19 PG 65
55	4015	1-44	PB 19 PG 106
56	4038	1-44	PB 19 PG 110
57	4076	65-70	PB 19 PG 127
60	4272	1-53	PB 19 PG 166,169
63	4384	1-56	PB 21 PG 52,56
63	4385	1-32	PB 21 PG 56,59
63	4414	1-66	PB 21 PG 57,60
63	4428	Block 4428 less North 785 feet	PB 21 PG 59,62
63	4453	1-56	PB 21 PG 76-77
63	4454	1-54	PB 21 PG 71,75
63	4465	1-78	PB 21 PG 69,72-73
63	4486	1-64	PB 21 PG 75,80
68	4486	65-73	PB 23 PG 103
68	4555	1-12	PB 23 PG 103
70	4739	1-12; 79-90	PB 22 PG 74
85	5652	Tract	PB 24 PG 57
85	5653	Tract	PB 24 PG 57-58
92	5913	All of Block 5913	PB 25 PG 33

AND

A TRACT OR PARCEL OF LAND BEING LYING IN VACATED BLOCK 4722 AND PART OF VACATED BLOCK 4723, AND VACATED SW 34TH TERRACE, ALL LYING IN CAPE CORAL SUBDIVISION, UNIT 70 AS RECORDED IN PLAT BOOK 22, PAGES 58 THROUGH 87, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SW 34 STREET (60 FEET WIDE) AND SW 17TH AVENUE (60 FEET WIDE); THENCE RUN N.89°44'01"E. ALONG THE CENTERLINE OF SAID SW 34TH STREET FOR 54.74 FEET; THENCE RUN S.00°15'59"E. FOR 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SW 34TH STREET AND THE POINT OF BEGINNING; THENCE RUN N.89°44'01"E. FOR 666.46 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY FOR 39.25 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°57'50", A CHORD BEARING OF S.45°17'04"E. AND A CHORD DISTANCE OF 35.34 FEET TO A POINT OF TANGENCY ON THE WEST RIGHT-OF-WAY LINE OF CHIQUITA BOULEVARD (100 FEET WIDE); THENCE RUN S.00°18'09"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 326.02 FEET; THENCE RUN S.89°44'01"W. (351.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID SW 34TH STREET) FOR 718.21 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID SW 17TH AVENUE; THENCE RUN N.00°00'18"E. FOR 326.13 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY FOR 39.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°43'43", A CHORD BEARING OF N.44°52'09"E. AND A CHORD DISTANCE OF 35.27 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.773 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID SW 17TH AVENUE TO BE N.00°00'18"E.

MARKETPLACE-RESIDENTIAL (MR) TO INSTITUTIONAL (INST) ZONE

All that tract or parcel of land lying and being in the SW ¼ and the SE ¼ of Section 33 South, Township 43 South, Range 24 East, Tallahassee Meridian, Lee County, Florida, more particularly described as follows: Beginning at a concrete monument which is at the northwest corner of Corbett Road Industrial Park, a subdivision as recorded in Official Records Instrument #2006000108975 of the records in the office of the Clerk of the Circuit Court of Lee County, Florida and at plane coordinate position North 854,715.05 feet and East 682,855.63 feet, based on Transverse Mercator Projection, Florida West zone, NAD '83:

Thence N 26°49'46"W along the northeasterly right-of-way line of Corbett Road a distance of 400.05 feet to a 5/8" iron rod stamped "2"; thence 26°40'19"W along said northeasterly right-of-way line of said road a distance of 280.00 feet to a 5/8" iron rod stamped "3"; thence N 63°19'41"E a distance of 860.00 feet to a 5/8" iron rod stamped "4"; thence Northeasterly along a curve to the right with a radius of 1,500.00 feet, a central angle of 02°20'05", an arc distance of 61.13 feet, the chord of which bears N 64°29'44"E a distance of 61.12 feet to a 5/8" iron rod stamped "5"; thence S 29°07'38"E a distance of 691.97 to a 5/8" iron rod stamped "6" which is on the northern boundary line of an access easement as recorded in Official Records Book 4085, Page 3710 of the records in the office of the Clerk of the Circuit Court of Lee County, Florida; thence S 45°04'43"W along the northern boundary line of said easement a distance of 37.18 feet to a concrete monument which is on the northern boundary of said Corbett Road Industrial Park; thence S 38°06'39"W along the northern boundary of said Corbett Road Industrial Park a distance of 27.35 feet to a 5/8" iron rod stamped "8"; thence S 65°38'04"W along the northern boundary of said Corbett Road Industrial Park a distance of 890.32 feet, more or less, to the point of beginning.

Containing 15.00 acres and being a part of the same land described in a Certificate of Title, dated 21 September 2011 and recorded as Official Records Instrument #2011000206632 of the records in the office of the Clerk of the Superior Court of Lee County, Florida and designated as Tract 101 of the United State Army Reserve Center, Cape Coral, Florida.

MARKETPLACE-RESIDENTIAL (MR) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE

Unit	Block	Lots	PB/PG
26	890	1-10	PB 14 PG 146
37	2553B	TR	PB 17 PG 27
56	4069	TR A	PB 19 PG 116
57	4075	TR	PB 19 PG 127
60	4199	1-25	PB 19 PG 160
60	4199A	TR	PB 19 PG 160
60	4199B	TR	PB 19 PG 160
60	4231	1-8	PB 19 PG 157
60	4232	5-20	PB 19 PG 160, 163

63	4415	23-42	PB 21 PG 63
70	4685	15-22	PB 22 PG 85
70	4762A	All of Block 4762A	PB 22 PG 68, 72

AND

A portion of the NW ¼ of Section 32, Township 43 South, Range 23 East, City of Cape Coral, Lee County, Florida, being more particularly described as follows:

Commencing at the NW corner of the said NW ¼ of Section 32; thence run S89°55'31" E, along the North line of said NW ¼, a distance of 132.00 feet to a point of intersection with the Easterly right-of-way line of Burnt Store Road North (SR 765) and the Point of Beginning of a parcel of land hereinafter described; thence continue S89°55'31" E, along the North line of said NW ¼ a distance of 2431.87 feet to a point of intersection with the Westerly boundary line of the Subdivision entitled Cape Coral Unit 98, as recorded in Plat Book 25, Pages 107-121, of the Public Records of Lee County, Florida; thence run S00°00'06" W, along said Westerly boundary line of Cape Coral Unit 98, a distance of 2276.82 feet to a point of intersection with the Northerly boundary line of the Subdivision entitled Cape Coral Unit 57, as recorded in Plat Book 19, Pages 124-137 of the Public Records of Lee County, Florida; thence run N89°49'17" W, along said Northerly boundary line of Cape Coral Unit 57, a distance of 2434.70 feet to a point of intersection with the Easterly right-of-way line of said Burnt Store Road North (SR 765); said line being 132.00 feet East of and parallel to the West line of said NW ¼ of Section 32; thence run N00°04'21" E, along said Easterly right-of-way line of Burnt Store Road North (SR 765), a distance of 2272.39 feet to the Point of Beginning.

LESS AND EXCEPT: Parcel 270 as set forth and contained in the Stipulated Final Judgement recorded January 13, 2016 in Official Records Instrument #2016000008354, Public Records of Lee County, Florida, and being described as follows:

A tract or parcel of land, being part of the NW ¼ of the NW 1/4, lying in Section 32, Township 43 South, Range 23 East, City of Cape Coral, Lee County, Florida, being described as follows:

Commencing at the NW corner of the NW ¼ of said Section 32 run S89°55'30" E, a distance of 132.00 feet to an intersection with the East right-of-way line of Burnt Store Road (200 feet wide); thence run S00°04'30" W along said East line for 1098.69 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run S 07°44'16" E, a distance of 787.15 feet to an intersection with a point of curvature, thence run along said curve to the right having a radius of 4201.01 feet (delta 05°24'09"), chord bearing S05°02'11"E (chord 395.98 feet) for 396.13 feet to an intersection with the North line of Cape Coral Unit 57 as shown on the plat recorded in Plat Book 19, Page 124, of the Public Records of Lee County, Florida; thence N89°50'09"W, along said North line, a distance of 142.28 feet to an intersection with said East right-of-way line; thence N00°04'30" E along said East line, a distance of 1174.03 feet to the POINT OF BEGINNING.

AND

A tract or parcel of land lying in Section 33, Township 43 South, Range 24 East, and in Section 4, Township 44 South, Range 24 East, Lee County, Florida. Said parcel being more particularly described as follows:

Commence at the Northwest corner of said Section 33, thence North 87°27'05" East along the North line of said Section 33, 1,509.63 feet; thence South 02°32'55" East, perpendicular to said North line 1,325.96 feet to an intersection with the North line of the Southeast quarter to an intersection with the North line of the Southeast quarter of the Northwest quarter of said Section 33, also being a point of the East right-of-way line of Corbett Road as maintained; thence Southerly along said East right-of-way line, also being a curve concave to the West having for its elements a central angle of 04°49'28" and radius of 3,355.37 feet, an arc distance of 282.52 feet; thence continue along said maintained right-of-way line South 04°36'54" West, 772.53 feet to the beginning of a curve concave to the East, having for its elements a central angle of 33°41'06" and radius 878.41 feet; thence Southerly along said curve an arc distance of 516.43 feet; thence South 29°04'12" East, 1,545.93 feet; thence South 29°09'56" East, 925.29 feet to the beginning of a curve concave to the West, having for its elements a central angle of 22°36'52" and radius of 1,242.00 feet; Thence Southerly along said curve an arc distance of 490.21 feet; thence South 06°33'04" East, 687.23 feet; thence South 14°09'20" East, 78.18 feet to an intersection with the Northerly right-of-way line of Pine Island Road (State Road 78); thence North 59°35'00" East, 1,254.38 feet to a Florida Department of Transportation right-of-way marker; thence North 30°25'00" West, 17.00 feet to a Florida Department of Transportation right-of-way marker; thence North 59°35'00" East, 650.11 feet to an approximate point on the Westerly bank of a creek known as Yellow Fever Creek; thence Northwesterly along said bank 128.10 feet, more or less, to a point 25.00 feet Southerly of and on a line perpendicular to the North line of said Section 4; thence North 02°25'23" West along said line 25.00 feet to said North line of said Section 4; thence North 87°34'37" East along said North line 290.00 feet to the Southwest corner of the East half of the Southeast quarter of the Southeast quarter of said Section 33; thence

North 00°52'00" East along the West line of the said East half of the Southeast quarter of the Southeast quarter of said Section 33, 664.37 feet to the Northeast corner of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 33; Thence South 87°33'09" West along said North line of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 33, 165.34 feet to a point on the West line of the East half of the East half of the Northwest quarter of the Southeast quarter of the Southeast quarter of said Section 33; thence North 00°49'37" East along said West line of the East half of the East half of the Northwest quarter of the Southeast quarter of the Southeast quarter of said Section 33, 664.31 feet to a point on the North line of said Southeast quarter of the Southeast quarter of said Section 33; thence continue North 00°49'37" East, 400.64 feet to an intersection with a line 400.00 feet North of and parallel to said North line of the Southeast quarter of the Southeast quarter of said Section 33; Thence North 87°32'52" East, parallel to said North line of the Southeast quarter of the Southeast quarter of said Section 33, 830.84 feet to an intersection with the East line of said Section 33; thence North 01°01'30" East along said East line 928.64 feet to the East quarter corner of said Section 33;

thence South 87°31'08" West along the North line of the Southeast quarter of said Section 33, 2,002.22 feet to an intersection with the East line of the West half of the Southwest quarter of the Northeast quarter of said Section 33; thence North 00°32'55" East along said East line of the West half of the Southwest quarter of the Northeast quarter of said Section 33, 1,278.97 feet to an intersection with the South line of the North 50.00 feet of the West half of the Southwest quarter of the Northeast quarter; Thence South 87°29'15" West, 670.96 feet to a point 50.00 feet South of the Northwest corner of the Southwest quarter of the Northeast quarter of said Section 33; thence South 87°29'04" West, parallel to and 50.00 feet South of the North line of the Southeast quarter of the Northwest quarter of said Section 33, 327 feet, more or less, to the approximate centerline of Yellow Fever Creek; thence Westerly along said centerline of Yellow Fever Creek to an intersection with the North line of the Southeast quarter of the Northwest quarter of said Section 33; Thence South 87°29'04" West along said North line of the Southeast quarter of the Northwest quarter of said Section 33, 895.8 feet, more or less, to the Point of Beginning.

LESS AND EXCEPT those properties located in Lots 1 through 18, Corbett Road Industrial Park, as per plat thereof recorded in O.R. Instrument #2006000108975, of the Public Records of Lee County, Florida.

AND

LESS AND EXCEPT the same land described in a Certificate of Title, dated 21 September 2011 and recorded as Official Records Instrument #2011000206632 of the records in the office of the Clerk of the Superior Court of Lee County, Florida and designated as Tract 101 of the United State Army Reserve Center, Cape Coral, Florida.

AND

LESS AND EXCEPT all property within the tract described above that is located south of Diplomat Parkway. Said property for land use purposes being 134.34 acres in size, more or less.

AND

A parcel of land located in the north half (N-1/2) of Section 10, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida being more particularly described as follows:

Commence at the northeast corner of said Section 10 and run West along the north line of said Section 10, N 89°43'29"W for 50.00 feet, thence southerly parallel with and 50 feet west of the east section line of said Section 10, S 00°00'33"W for 50.00 feet to the Point of Beginning of the herein described parcel. From said Point of Beginning run southerly parallel with and 50.00 feet west of the east section line of said Section 10, S 00°00'33"W for 2,642.99 feet to the east/west quarter section line of said Section 10; thence run westerly along said quarter section line, N 89°55'45"W for 400.00 feet; thence run northerly N 00°00'33"E for 2,244.42 feet; thence run westerly N 89°43'29"W for 2,240.19 feet; and thence S 89°40'51"W 666.88 feet; then run northerly N 00°00'33"E for 400.00 feet; thence run easterly N 89°40'51"E for 666.88 feet and S 89°43'29"E for 2,640.19 feet to the Point of Beginning.

LESS AND EXCEPT those land described and recorded as Official Records Instrument #2018000291668, Pages 7 and 8, of the records in the office of the Clerk of Court of Lee County, Florida.

MARKETPLACE-RESIDENTIAL (MR) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
63	1908	7-12	PB 21 PG 76
28	1923	71-77	PB 14 PG 105
39	2699	1-16; 59-74	PB 16 PG 145, 148
39	2700	1-15; 60-74	PB 16 PG 144,147

39	2706	1-80	PB 16 PB 143-144, 147
66	3196	1-52	PB 23 PG 99
52	3823	1-26	PB 19 PG 59-60
63	4415	1-22	PB 21 PG 60,63
63	4491	6-12, 70-72	PB 21 PG 81
70	4685	5-11	PB 22 PG 85
71	4796	1-38	PB 22 PG 90
96	6068	1-36	PB 25 PG 49

MARKETPLACE RESIDENTIAL (MR) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
26	872	1-96	PB 14 PG 127,130
45	1842	7-86	PB 21 PG 138,141
63	4360	1-2	PB 21 PG 80
63	4406	9-54	PB 21 PG 53,57
63	4487	1-45	PB 21 PG 77,81
63	4491	1-5, 73-78	PB 21 PG 81
68	4566	27-54	PB 23 PG 103,106
68	4567	1-20	PB 23 PG 106-107
68	4567	37-56	PB 23 PG 106-107
70	4685	12-14; 23-25	PB 22 PG 85

MARKETPLACE RESIDENTIAL (MR) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE

Unit	Block	Lots	PB/PG
85	5651	Tract	PB 24 PG 57
87	5717	Tract	PB 24 PG 79
87	5718	Tract	PB 24 PG 79
87	5719	Tract	PB 24 PG 79
87	5720	Tract	PB 24 PG 80-81
87	5722	Tract	PB 24 PG 79-80
88	5769	Tract	PB 24 PG 128
88	5771	Tract	PB 24 PG 129
88	5772	Tract	PB 24 PG 129
92	5916	TR	PB 25 PG 33-34
70	4759A	All of Block 4759A	PB 22 PG 68, 72
70	4760A	All of Block 4760A	PB 22 PG 72
70	4761A	All of Block 4761A	PB 22 PG 72

AND

A TRACT OR PARCEL OF LAND BEING LYING IN VACATED BLOCKS 4724 AND 4725 AND PART OF VACATED BLOCK 4723, AND VACATED SW 35TH TERRACE, SW 35TH STREET, SW 36TH STREET AND SW 16TH PLACE, ALL LYING IN CAPE CORAL SUBDIVISION, UNIT 70 AS RECORDED IN PLAT BOOK 22, PAGES 58 THROUGH 87, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SW 34 STREET (60 FEET WIDE) AND SW 17TH AVENUE (60 FEET WIDE); THENCE RUN N.89°44'01"E. ALONG THE CENTERLINE OF SAID SW 34TH STREET FOR 54.74 FEET; THENCE RUN S.00°15'59"E. FOR 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SW 34TH STREET; THENCE RUN SOUTHWESTERLY FOR 39.15 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°43'43", A CHORD BEARING OF S.44°52'09"W. AND A CHORD DISTANCE OF 35.27 FEET TO A POINT OF TANGENCY ON THE EAST RIGHT-OF-WAY LINE OF SAID SW 17TH AVENUE; THENCE RUN S.00°00'18"W. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 326.13 FEET TO THE POINT OF BEGINNING; THENCE RUN N.89°44'01"E. (351.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE

OF THE AFORESAID SW 34TH STREET) FOR 718.21 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CHIQUITA BOULEVARD (100 FEET WIDE); THENCE RUN S.00°18'09"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1183.64 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY FOR 39.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°18'21", A CHORD BEARING OF S.44°51'01"W. AND A CHORD DISTANCE OF 35.45 FEET TO A POINT OF TANGENCY ON THE NORTH RIGHT-OF-WAY LINE OF SW 36TH TERRACE (60 FEET WIDE); THENCE RUN N.89°59'48"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 674.55 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY FOR 39.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'06", A CHORD BEARING OF N.44°59'45"W. AND A CHORD DISTANCE OF 35.36 FEET TO A POINT OF TANGENCY ON THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID SW 17TH AVENUE; THENCE RUN N.00°00'18"E. ALONG SAID EAST RIGHT-OF-WAY LINE FOR 1180.37 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 19.985 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF THE AFORESAID SW 17TH AVENUE TO BE N.00°00'18"E.

PROFESSIONAL OFFICE (P-1) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
22	798	1-38	PB 14 PG 16
22	798	47-68	PB 14 PG 16
22	798	72-84	PB 14 PG 16
22	801	1-72	PB 14 PG 15
33	2214	1-11; 19-35	PB 16 PG 42
33	2215	1-21; 33-37	PB 16 PG 43
38	2684B	1-14	PB 16 PG 99
39	2690B	1-22	PB 16 PG 145

SINGLE FAMILY RESIDENTIAL (R-1A) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
7	380	TR L	PB 12 PG 106-107

SINGLE FAMILY RESIDENTIAL (R-1B) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
1 PT 2	8	1-17	PB 11 PG 35
1 PT 2	12	49-52	PB 11 PG 35
1 PT 2	13	1-7	PB 11 PG 35
11	524	5-6	PB 13 PG 48
36 PT 1	2491A	TR	OR 165 PG 691

SINGLE FAMILY RESIDENTIAL (R-1B) TO INSTITUTIONAL (INST) ZONE

Unit	Block	Lots	PB/PG
24	1047	1-48	PB 14 PG 75-76
32	2112	Tract	PB 16 PG 3, 6

SINGLE FAMILY RESIDENTIAL (R-1B) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
5	105	21-22	PB 11 PG 82
5	104	15-16	PB 11 PG 82
24	1027	123-126	PB 14 PG 75
33	2225	1-30	PB 16 PG 45

49	3661	37-52	PB 17 PG 149
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SINGLE FAMILY RESIDENTIAL (R-1B) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE

Unit	Block	Lots	PB/PG
98	6168	1-6	PB 25 PG 116
98	6176	1-6	PB 25 PG 115
98	6179	1-6	PB 25 PG 115

SINGLE FAMILY RESIDENTIAL (R-1B) TO PROFESSIONAL OFFICE (P) ZONE

R-1B to P			
Unit	Block	Lots	PB/PG
22	731	65-68	PB 14 PG 10
63	4381	1-18	PB 21 PG 52

MULTI-FAMILY RESIDENTIAL (R-3) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
12	508	59-61, 66-71, 76-91, 95-100	PB 13 PG 54-55
11	526	60-75, 85-94, 104-112	PB 13 PG 47-48
11	542	3-20, 25-29	PB 13 PG 47
21	551	1-30	PB 13 PG 152, 155
21	665	5-14, 17-26	PB 13 PG 167
21	699	1-7, 13-51	PB 13 PG 170, 173
22	783	1-2, 16-28	PB 14 PG 13
18	1296	31-36, 41-44, 47-49, 55-60	PB 13 PG 106, 109
18	1311	43-46, 50-57, 65-76	PB 13 PG 109, 112
18	1342	33-35, 38-39, 50-52	PB 13 PG 118
16	1458	15-27	PB 13 PG 85
17	1498	1-8	PB 14 PG 30
17	1502	61-62	PB 14 PG 25

MULTI-FAMILY RESIDENTIAL (R-3) TO INSTITUTIONAL (INST) ZONE

Unit	Block	Lots	PB/PG
26	948	1-2, 6-10	PB 14 PG 140
26	975	1-9	PB 14 PG 140
32	2111	1-6; 69-74	PB 16 PG 3
Coral Lakes		Tract F-5A	

MULTI-FAMILY RESIDENTIAL (R-3) TO PROFESSIONAL OFFICE (P) ZONE

Unit	Block	Lots	PB/PG
24	774	17-18	PB 14 PG 77
22	796	1-6, 56-68	PB 14 PG 8
24	1052	17-22	PB 14 PG 77
24	1060	20-23	PB 14 PG 77
24	1064	18-19	PB 14 PG 77
23	1089	21-32	PB 14 PG 49

MULTI-FAMILY RESIDENTIAL (R-3) TO SINGLE-FAMILY RESIDENTIAL (R-1) ZONE

Unit	Block	Lots	PB/PG
14	525	65	PB 13 PG 66

MULTI-FAMILY RESIDENTIAL (R-3) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
6 PT 2	47	1-48	PB 11 PG 59-60
6 PT 3	49	1-35	PB 11 PG 76
6 PT 3	50	1-28	PB 11 PG 76
6 PT 3	51	1-36	PB 11 PG 76
6 PT 3	53	1-71	PB 11 PG 75
6 PT 3	54	1-52	PB 11 PG 75
6 PT 3	55	1-52	PB 11 PG 75
6 PT 3	57	1-72	PB 11 PG 75
6 PT 3	58	1-52	PB 11 PG 75
6 PT 3	59	1-52	PB 11 PG 74
6 PT 3	69	1-27	PB 11 PG 74
6 PT 3	75	1-53	PB 11 PG 71
6 PT 3	77	44-81	PB 11 PG 71
2 PT 2	96	1-18	PB 11 PG 97
6 PT 2	103	1-17	PB 11 PG 59
5	104	17-23	PB 11 PG 82
5	105	23-29	PB 11 PG 82
5	106	29-35	PB 11 PG 82
5	107	24-35	PB 11 PG 89
5	114	23-28	PB 11 PG 83
5	115	19-24	PB 11 PG 83
5	116	16-21	PB 11 PG 83
5	117	21-26	PB 11 PG 83
3	161	1-13, 50-62	PB 12 PG 71
3	162	5-63	PB 12 PG 71
3	163	1-21	PB 12 PG 71
3	164	1-36	PB 12 PG 71, 80
3	166	1-4	PB 12 PG 71
2 PT 3	221	25-27	PB 11 PG 39
2 PT 3	222	31-42	PB 11 PG 39
2 PT 3	228	26-51	PB 11 PG 39
2 PT 1	229	33-52	PB 10 PG 131
2 PT 3	230	01-13	PB 11 PG 39
9	261	1-17	PB 13 PG 10
9	262	1-22	PB 13 PG 10
9	263	1-20	PB 13 PG 10
9	264	1-16	PB 13 PG 10
9	282	1-10	PB 13 PG 17
9	283	1-10	PB 13 PG 17
9	283	TR A	PB 13 PG 17
9	284	1-68	PB 13 PG 15-17
9	285	1-45	PB 13 PG 15
9	286	1-44	PB 13 PG 15
9	287	1-58	PB 13 PG 15-16
9	289	1-77	PB 13 PG 12
7	306	1-21	PB 12 PG 127-128
7	311	1-19	PB 12 PG 128
7	312	6-44	PB 12 PG 123, 128
7	313	1-38	PB 12 PG 123
7	314	1-20	PB 12 PG 128
9	316	1-21	PB 13 PG 11
9	317	1-50	PB 13 PG 11
9	318	1-50	PB 13 PG 11

9	319	1-13	PB 13 PG 11
9	319	20-48	PB 13 PG 11
9	320	1-54	PB 13 PG 15
9	321	12-13	PB 13 PG 12
8	323A	Tract A	PB 13 PG 5
8	323B	Tract B	PB 13 PG 5
7	343	5-22	PB 12 PG 116, 121
7	344	3-33	PB 12 PG 114-115
8	345	1-39	PB 13 PG 3-4
8	345	45-61	PB 13 PG 3-4
8	346	1-61	PB 13 PG 3-4
7	347	1-30	PB 12 PG 119, 124
7	348	1-34	PB 12 PG 120, 124
7	349	9-47	PB 12 PG 114
7	350	9-15	PB 12 PG 114
7	351	1-4	PB 12 PG 103
7	374	42-46	PB 12 PG 116, 122
7	375	6-71	PB 12, PG 111, 116, 122
7	376	1-44	PB 12 PG 106, 107, 111
7	377	1-34	PB 12 PG 106-107
7	378	1-34	PB 12 PG 106-107
7	379	TR	PB 12 PG 106
7	380	TR J	PB 12 PG 106
7	380	TR K	PB 12 PG 106
7	381	TR N	PB 12 PG 107-108
7	381	TR P	PB 12 PG 108
7	382	TR	PB 12 PG 108
7	383	1-30	PB 12 PG 107-108
7	384	1-56	PB 12 PG 107-108, 111-112
7	385	1-46	PB 12 PG 107-108, 112
7	386	1-44	PB 12 PG 111
7	387	1-22	PB 12 PG 111
7	388	13-53	PB 12 PG 111, 117, 122
14	391	1-43	PB 13 PG 63
14	422	1-44	PB 13 PG 65
14	474	1-19	PB 13 PG 65
14	483	1-57	PB 13 PG 65
14	484	1-46	PB 13 PG 65-66
14	485	1-28	PB 13 PG 65-66
14	486	1-77	PB 13 PG 67-68
14	487	1-60	PB 13 PG 66, 68
14	488	1-32	PB 13 PG 66
14	525	27-64	PB 13 PG PG 66
14	541	1-33	PB 13 PG 63-65
14	542	21-24	PB 13 PG 66
21	609	1-11	PB 14 PG 77
22	759	7-15	PB 14 PG 5
22	760	1-30	PB 14 PG 5, 9
22	761	1-30	PB 14 PG 5
22	762	1-30	PB 14 PG 5
22	763	1-31	PB 14 PG 5
22	764	1-36	PB 14 PG 5
22	765	1-11	PB 14 PG 8
22	767	1-29	PB 14 PG 8
22	768	1-34	PB 14 PG 8

22	769	1-40	PB 14 PG 8, 9
24	774	21-30	PB 14 PG 77
22	782	1-2	PB 14 PG 12
22	792	13-46	PB 14 PG 13
22	796	21-48; 54-55	PB 14 PG 8
22	800	1-36	PB 14 PG 15
16	800	37-72	PB 13 PG 78-79
22	803	1-25	PB 14 PG 14-15
16	803	26-50	PB 13 PG 77-78
22	804	1-25	PB 14 PG 14
16	804	26-50	PB 13 PG 77
22	808	15-38	PB 14 PG 5
24	808	39-69	PB 14 PG 74-75
22	809	8-56	PB 14 PG 5
24	1022	1-28	PB 14 PG 66
24	1023	1-38	PB 14 PG 65
24	1024	1-38	PB 14 PG 66
24	1030	1-28	PB 14 PG 65
24	1033	1-33	PB 14 PG 75
24	1034	1-30	PB 14 PG 75
24	1035	1-15	PB 14 PG 75
24	1036	1-32	PB 14 PG 75
24	1037	1-31	PB 14 PG 76
24	1038	1-30	PB 14 PG 76
24	1039	12-68	PB 14 PG 75-76
24	1040	1-16	PB 14 PG 64
24	1042	1-26	PB 14 PG 64-65
24	1043	1-6	PB 14 PG 70
24	1052	1-12	PB 14 PG 77
24	1064	20-21	PB 14 PG 77
24	1065	1-24	PB 14 PG 77
24	1067	1-3	PB 14 PG 77
23	1072	1-46	PB 14 PG 41-42
23	1079	47-67	PB 14 PG 41-42
23	1089	1-20	PB 14 PG 49
23	1095	44-101	PB 14 PG 50-52
23	1099	1-36	PB 14 PG 49-50
23	1100	1-36	PB 14 PG 50
23	1108	1-88	PB 14 PG 50-51
23	1112	1-3, 14-26	PB 14 PG 51
23	1114	1-25	PB 14 PG 46, 51
23	1133	46-49	PB 14 PG 45
23	1134	29-56	PB 14 PG 48
23	1135	1-38	PB 14 PG 45, 48
23	1136	1-61	PB 14 PG 44-45
23	1137	1-103	PB 14 PG 44-45
23	1138	1-42	PB 14 PG 42, 45
23	1140	1-42	PB 14 PG 42, 45
23	1141	1-42	PB 14 PG 42, 45
23	1142	1-73	PB 14 PG 41-42, 44
23	1143	1-62	PB 14 PG 41-42, 44
23	1144	1-46	PB 14 PG 42, 45
22	1146	8-10	PB 14 PG 14
16	1146	11-16	PB 13 PG 77
23	1153	1-25	PB 14 PG 41-42

24	1153	26-28	PB 14 PG 77
23	1155	1-9, 12-15	PB 14 PG 42
24	1155	16-25	PB 14 PG 77
20 PT 2	1184A	1-14	PB 19 PG 46
20 PT 2	1185A	1-14	PB 19 PG 44
20 PT 2	1193	40-64	PB 19 PG 48
20 PT 2	1194A	1-17	PB 19 PG 46, 48
20 PT 2	1195	7-25	PB 19 PG 48
18	1322	45-46; 59-72	PB 13 PG 112, 115
18	1361	1-20; 32-48	PB 13 PG 120
18	1362	1-27	PB 13 PG 120
18	1363	1-48	PB 13 PG 117, 120
18	1364	1-77	PB 13 PG 111, 114, 117
18	1376	1-60	PB 13 PG 114
18	1377	1-27	PB 13 PG 111
18	1378A	1-16	PB 32 PG 47
18	1378C	1-32	PB 32 PG 47
18	1399	1-42	PB 13 PG 108
18	1400	1-46	PB 13 PG 105, 108
18	1401	1-82	PB 13 PG 102, 105, 108
18	1402	1-40	PB 13 PG 102, 105
18	1416	1-60	PB 13 PG 99, 102
18	1417	14-40	PB 13 PG 99, 102
16	1440	5-67	PB 13 PG 79, 81-82
16	1441	1-30	PB 13 PG 79
16	1443	1-48	PB 13 PG 78, 81
16	1444	1-25	PB 13 PG 79
16	1445	1-48	PB 13 PG 79, 82
16	1446	1-46	PB 13 PG 79, 82
17	1502	39-60	PB 14 PG 25
17	1503	1-33	PB 14 PG 25
17	1520	28-58	PB 14 PG 28, 33, 37
17	1528	6-76	PB 14 PG 35-37
17	1542	1-18	PB 14 PG 30
17	1543	19-34	PB 14 PG 30
17 PT 1	1546	38-39; 42-55; 62-64	PB 23 PG 4-5
17	1550	1-46	PB 14 PG 37
17	1551	1-46	PB 14 PG 37
17	1552	1-24	PB 14 PG 37
30	1600	1-53	PB 16 PG 27-28
30	1629	1-50	PB 16 PG 32, 34
30	1633	1-58	PB 16 PG 30, 32
30	1634	1-19	PB 16 PG 28
30	1637	1-54	PB 16 PG 30
30	1638	1-54	PB 16 PG 28
30	1641	1-2, 31-32	PB 16 PG 34
45	1641	3-30	PB 21 PG 125
64 PT 1	1693	56-58	PB 21 PG 94
64 PT 1	1694	1-68	PB 21 PG 93-94
64 PT 1	1695	1-56	PB 21 PG 94
64 PT 1	1696	1-12	PB 21 PG 94
65	1696	28-53	PB 21 PG 154
64 PT 1	1697	9-36	PB 21 PG 93-94
65	1697	37-72	PB 21 PG 153-154
64 PT 1	1698	1-52	PB 21 PG 93-94

44	1705	1-64	PB 21 PG 105
44	1706	1-38	PB 21 PG 105
44	1710	1-14	PB 21 PG 105
44	1711	1-30	PB 21 PG 105
44	1712	1-36	PB 21 PG 105, 107
44	1713	1-18	PB 21 PG 105, 107
44	1714	1-40	PB 21 PG 107, 109
44	1715	1-20	PB 21 PG 107, 109
44	1727	1-42	PB 21 PG 111-112
44	1728	1-84	PB 21 PG 111-112
44	1729	30-38	PB 21 PG 111-112
44	1730	1-7	PB 21 PG 111-112
45	1751	44-46	PB 21 PG 123
45	1752	1-5	PB 21 PG 123
45	1753	1-54	PB 21 PG 123, 126
45	1763	1-34	PB 21 PG 126
45	1764	1-5,67-72	PB 21 PG 129
45	1765	32-36	PB 21 PG 129
45	1766	1-7	PB 21 PG 129
45	1771	1-34	PB 21 PG 129
45	1772	1-54	PB 21 PG 132
45	1813	23-30	PB 21 PG 131
45	1815	1-3	PB 21 PG 125
45	1816	23-25	PB 21 PG 125
45	1819	1-52	PB 21 PG 125, 128
45	1820	1-52	PB 21 PG 128, 131
45	1825	1-34, 52-82	PB 21 PG 131, 134
29	1928	1,2,12-13,16-34	PB 16 PG 19
29	1929	1-34	PB 16 PG 19
29	1930	1-50	PB 16 PG 19, 23
29	1931	1-44	PB 16 PG 19, 23
29	1953	1-38	PB 16 PG 24
29	1954	1-38	PB 16 PG 24
29	1957	15-73	PB 16 PG 23
31	2051	1-42	PB 14 PG 157
31	2052	1-42	PB 14 PG 154, 157
31	2053	28-30	PB 14 PG 157
31	2055	1-8	PB 14 PG 157
31	2068	1-70	PB 14 PG 163-164
31	2069	1-70	PB 14 PG 160, 163
31	2072	Tract	PB 14 PG 160-161, 163
31	2088	Tract	PB 14 PG 165
32	2094	1-22	PB 16 PG 4
31	2094	64-84	PB 14 PG 164-165
32	2095	1-37	PB 16 PG 3
31	2095	38-75	PB 14 PG 164
32	2096	1-31	PB 16 PG 3-4
31	2096	32-62	PB 14 PG 163
31	2097	1-40, 47-86	PB 14 PG 160, 163
32	2097	41-46	PB 16 PG 3-4
31	2098	1-50	PB 14 PG 160
31	2100	1-29	PB 14 PG 160, 163
32	2102	6-38	PB 16 PG 2
32	2103	1-56	PB 16 PG 2, 5
32	2111	7-68	PB 16 PG 3

32	2116	1-40	PB 16 PG 4
32	2145	1-6	PB 16 PG 5
32	2147	1-6	PB 16 PG 8
32	2155	1-2; 63-64	PB 16 PG 12-13
32	2162	1-26; 47-74	PB 16 PG 8, 11
32	2171	1-38	PB 16 PG 8
32	2172	13-14	PB 16 PG 8
36	2173	1-31	PB 16 PG 8, 11
33	2207	1-52	PB 16 PG 41
33	2209	1-3	PB 16 PG 42
47 PT 2	2211A	1-43	PB 23 PG 126-127
33	2214	12-18	PB 16 PG 42
33	2215	22-32	PB 16 PG 43
33	2218	1-48	PB 16 PG 43-44
33	2219	1-24	PB 16 PG 43-44
47 PT 2	2220A	1-42	PB 23 PG 123-124
33	2221	1-16	PB 16 PG 44
33	2222	1-32	PB 16 PG 44
33	2223	47-71	PB 16 PG 43
33	2224	1-28	PB 16 PG 42
62	3084	1-72	PB 21 PG 35, 38
66	3230	24-64	PB 22 PG 15-16
66	3231	1-61	PB 22 PG 16-17
66	3235	1-32	PB 22 PG 14
66	3236	13-78	PB 22 PG 11, 14
66	3237	31-60	PB 22 PG 8, 11
66	3268	1-62	PB 22 PG 3
66	3291	37-55	PB 22 PG 9, 12
66	3298	1-5	PB 22 PG 5
65	3310	1-60	PB 21 PG 160, 164
65	3339	49	PB 21 PG 156
65	3340	1-34	PB 21 PG 153-154
65	3341	1-3	PB 21 PG 154
65	3344	46-49	PB 21 PG 163-164
65	3355	42-43	PB 21 PG 152
65	3356	1-42	PB 21 PG 152
65	3357	1-24	PB 21 PG 153, 156
65	3370	1-84	PB 21 PG 154, 157
65	3371	1-28	PB 21 PG 154
65	3372	1-54	PB 21 PG 154, 157
65	3373	1-54	PB 21 PG 154, 157
65	3374	1-46	PB 21 PG 154
65	3376	1-25	PB 21 PG 153
65	3377	9-37	PB 21 PG 152
64	3377	38-66	PB 21 PG 95
67	3459A	1-10	PB 25 PG 62
67	3470	1-18	PB 25 PG 62
63	4418	43-47	PB 21 PG 64
64	4527A	All of Block 4527A	PB 21 PG 89
64	4529	15-60	PB 21 PG 95
64	4530	1-24	PB 21 PG 93
69	4630	40-78	PB 22 PG 35, 39
69	4631	26-50	PB 22 PG 39, 43
69	4632	10-23; 30-52	PB 22 PG 43, 47
69	4635	32-50	PB 22 PG 51

69	4636	9-50	PB 22 PG 50
70	4717	21-39	PB 22 PG 87
70	4719	1-38	PB 22 PG 87
70	4720	1-38	PB 22 PG 87
70	4721	1-38	PB 22 PG 87
Cape Harbour Phase 2A	6503	1-12, Tract A	
Cape Harbour Phase 2B		Tracts B, C, and D	
Cape Harbour Phase 2B		Tract E,F	
Coral Lakes		Tracts 1, 3, and 6	
Meta at Cape Harbour		Tracts A, B, and C	
Judd Creek		Tracts 8, 11, 12	

AND

The Westerly 110 feet of a parcel described as:

A portion of Block 1378 less and except the North 405 feet thereof in Unit 18, City of Cape Coral Subdivision, recorded in Plat Book 13, Pages 96 to 120 inclusive, in the Public Records of Lee County, Florida, together with that portion of the vacated right-of-way granted by Resolution 98-78, and being more particularly described as follows:

Commencing from the Southeast Corner of the said North 405 feet of Block 1378; thence run S 88°21'26" W for 261.27 feet to the Point of Beginning of the parcel herein described; thence run S 00°57'33"W for 425.44 feet to a point on the northerly right-of-way line of SE 8th Street; thence run S 88°21'26"W along said right-of-way line for 363.24 feet to a Point of Curvature to the right having for its elements a radius of 25 feet, a chord bearing and distance of N 45°20'31"W, 36.15 feet; thence run along the curve to the right an arc distance of 40.41 feet to a Point of Tangency on the easterly right-of-way line of SE 23rd Avenue; thence run N 00°57'33"E along said easterly right-of-way line for 399.28 feet; thence run N 88°21'26"E for 389.40 feet to the Point of Beginning. Basis for bearings is the east line of Block 1378 being S 00°57'33"W according to the plat of Cape Coral Unit 18, as recorded in Plat Book 13, Page 96 to 120, inclusive, Lee County, Florida.

AND

A tract or parcel of land lying in Sections 20 and 29, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida, which tract or parcel is described as follows: from the NE corner of said Section 29 run S00°13'25"W, 48.49 feet along the East line of said Section 29; thence run N89°46'27"W, 57.62 feet to the Point of Curvature of a 870.00 foot radius curve concave to the SE, said curve having a central angle of 22°37'16", a chord and chord bearing of S78°54'38", 341.26 feet, run along the arc of said curve to the Point of Tangency; thence run S67°35'59"W, 600.45 feet to the Point of Curvature of a 880.00 foot radius curve concave to the NW, said curve having a central angle of 52°34'39", a chord and chord bearing of N86°06'41"W, 779.50 feet, run along the arc of said curve for 807.53 feet to the Point of Compound Curvature of a 1,930.00 foot radius curve concave to the NE, said curve having a central angle of 16°01'59", a chord and chord bearing of N51°48'22"W, 538.31 feet, run along the arc of said curve for 540.07 feet to a non-tangent intersection with a line which bears S89°54'03"E; thence run S89°54'03"E, 2,147.36 feet along said line; thence S01°47'29"E, 39.93 feet to the Point of Beginning.

Said parcel contains 593,987 square feet (13.63 acres), more or less.

AND

A tract or parcel of land lying in the NW ¼ of the NW ¼ of the NW ¼ of Section 24, Township 44 South, Range 23 East, Cape Coral, Lee County, Florida, and being more particularly described as follows:

Commence at the NW corner of said Section 24; thence S89°45'44"E along the North line of Section 24 for 50 feet to a point on the East right-of-way of Santa Barbara Boulevard; thence S00°25'33"E along said right-of-way line 303.88 feet to the true Point of Beginning; from the true Point of Beginning thus established S89°43'24"E 409.37 feet; thence S00°15'52"E 30 feet; thence S89°43'24"E, 210 feet; to an intersection with the East line of said fraction of a section; thence S00°15'52"E, along said line 334.29 feet to a concrete P.R.M.; thence N89°41'04"W, along the South line of said fraction of a section 260 feet; thence N00°15'52"W, 304.12 feet; thence N89°43'24"W 359.21 feet to an intersection with the East right-of-way of Santa Barbara Boulevard; thence N00°25'33"W along said right-of-way line 60 feet to the Point of Beginning.

MULTI-FAMILY RESIDENTIAL (R-3) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE

Unit	Block	Lots	PB/PG
9	250	1-26	PB 13 PG 17
7	351	5-8	PB 12 PG 103
7 PT 1	352	Tracts 1 and 2	PB 24 PG 64
22	759	1-6	PB 14 PG 5
22	760	31-57	PB 14 PG 5
26	858	1-5	PB 14 PG 147
26	861	1-4	PB 14 PG 147
20 PT 2	1185B	TR	PB 19 PG 44
18	1365	TR (W 1/2)	PB 13 PG 114, 117
16	1442	TR	PB 13 PG 78
17	1516	Tract	PB 14 PG 28
33	2195	Tract	PB 16 PG 47
33	2245	Tract 8	PB 16 PG 54
67	3478A	1-12	PB 25 PG 65
67	3479A	1-29	PB 25 PG 64-65
46	3587	ALL	PB 17 PG 125-126
70	4705	All of Block 4705	PB 22 PG 79-80, 83
70	4775	All of Block 4775	PB 22 PG 81-82, 84
71	4848	All of Block 4848 less ROW	PB 22 PG 94
92	5889	Tract A	PB 25 PG 29
Concordia	2257	TR	PB 16 PG 56
Mariana Park		22	PB 12 PG 61
Tarpon Pointe		Villages A, B, D, E, F	
Banyan Trace	251	TR A + B	

AND

A PARCEL OF LAND SITUATED IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA RUN ALONG THE NORTHERLY LINE OF SECTION 21, N89°04'55"E, 2441.08 FEET; THENCE RUN S00°21'00"W, 295.32 FEET TO THE POINT OF BEGINNING AND A NON-TANGENT INTERSECTION WITH A 700.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 12°59'58", A CHORD AND CHORD BEARING OF S40°33'42"E, 158.48 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 158.82 FEET; THENCE RUN S34°03'43"E, 623.27 FEET; THENCE RUN N55°56'17"E, 100.00 FEET; THENCE S34°03'43"E, 409.38 FEET TO THE POINT OF CURVATURE OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 89°03'19", A CHORD AND CHORD BEARING OF S78°35'22"E, 70.13 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 77.72 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DEL PRADO BOULEVARD EXTENSION AND A NON-TANGENT POINT OF CURVATURE OF A 7070.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 06°03'55", A CHORD AND CHORD BEARING OF S53°50'31"W, 748.06 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 748.41 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE RUN N20°21'01"W, 450.11 FEET TO THE POINT OF CURVATURE OF A 1200.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 20°21'01", A CHORD AND CHORD BEARING OF N10°10'31"W, 423.98 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 426.22 FEET; THENCE RUN N00°21 '00"E, 536.35 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND SITUATED IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24, RUN ALONG THE SOUTH LINE OF SECTION 21, N89°50'03"W, 150.00 FEET; THENCE LEAVING SAID SOUTH LINE RUN N00°01'09"W, 1647.64 FEET TO THE POINT OF CURVATURE OF A 750.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 59°13'00", A CHORD AND CHORD BEARING OF N29°37'39"W, 741.10 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 775 .. 15 FEET TO THE POINT OF REVERSE CURVATURE OF A 1550.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 24°32'33", A CHORD AND CHORD BEARING OF N46°57'53"W, 658.88 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 663.94 FEET TO THE POINT OF REVERSE CURVATURE OF A 1550.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 20°08'03", A CHORD AND CHORD BEARING OF N44°45'37"W, 541.88 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 544.68 FEET; THENCE RUN N54°49'39"W, 594.00 FEET; THENCE RUN N35°10'21"E, 177.69 FEET TO THE POINT OF CURVATURE OF A 200.06 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 24°12'58", A CHORD AND CHORD BEARING OF N47°16'50"E, 83.90 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 84.53 FEET TO THE POINT OF COMPOUND CURVATURE OF A 6345.09 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 04°19'21" A CHORD AND CHORD BEARING OF N61°31'11"W, 478.58 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 478.69 FEET; THENCE RUN N26°20'57"W, 495.00 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DEL PRADO BOULEVARD AND A NON-TANGENT INTERSECTION WITH A 6930.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 10°40'31", A CHORD AND CHORD BEARING OF N68°59'19"E, 1289.32 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 1291.19 FEET; THENCE RUN N74°19'34"E, 578.28 FEET; THENCE RUN N74°24'02"W, 220.03 FEET; THENCE LEAVING SAID RIGHT-OF-WAY RUN S22°41'48"E, 11.79 FEET; THENCE RUN S74°21'31"W, 219.29 FEET; THENCE RUN S01°22'31"W, 2242.82 FEET; THENCE RUN S00°00'35"W, 2649.12 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST; THENCE N.89°04'55"E ALONG THE NORTH LINE OF SAID SECTION 21 FOR 60.01 FEET TO THE EAST LINE OF GARDEN BOULEVARD (100 FEET WIDE); THENCE S.00°07'30"E ALONG SAID EAST LINE FOR 100.01 FEET; THENCE CONTINUE S.00°07'30"E ALONG SAID EAST LINE FOR 993.22 FEET TO THE POINT OF BEGINNING; THENCE N.89°52'30"E FOR 75.10 FEET; THENCE N.59°13'13"E FOR 329.70 FEET; THENCE N.89°12'04"E FOR 378.97 FEET; THENCE S.22°01'56"W FOR 124.90 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 167.36 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°43'43" FOR 80.99 FEET; THENCE S.89°04'55"W FOR 242.07 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 145.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°18'16" FOR 56.45 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 520.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°35'20" FOR 141.48 FEET TO A POINT OF COMPOUND CURVE HAVING A RADIUS OF 220.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°18'49" FOR 197.03 FEET; THENCE S.00°07'30"E FOR 702.66 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°09'11" FOR 31.90 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 685.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21 °33'58" FOR 257.83 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 980.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°13'01" FOR 208.96 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°43'36" FOR 206.06 FEET; THENCE S.43°02'52"E FOR 48.07 FEET; THENCE S.46°57'08"W FOR 130.00 FEET; THENCE S.43°02'52"E FOR 285.53 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°26'51" FOR 164.29 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 800.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°01'37" FOR 112.08 FEET; THENCE S.37°37'37"E FOR 306.87 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF DEL PRADO EXTENSION (140 FEET WIDE) AND AN INTERSECTON WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1430.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.37°37'37"E; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°38'29" FOR 814.67 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE;

THENCE N.00°02'02"W ALONG SAID RIGHT-OF-WAY LINE FOR 1200.29 FEET; THENCE N.00°07'30"W ALONG SAID RIGHT-OF-WAY LINE FOR 1559.65 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST; THENCE N.89°04'55"E ALONG THE NORTH LINE OF SAID SECTION 21 FOR 60.01 FEET TO THE EAST LINE OF GARDEN BOULEVARD (100 FEET WIDE); THENCE S.00°07'30"E ALONG SAID EAST LINE FOR 100.01 FEET TO THE POINT OF BEGINNING; THENCE N89°04'55"E PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION FOR 1908.20 FEET; THENCE S.00°55'05"E FOR 397.50 FEET; THENCE S.89°04'55"W FOR 1604.46 FEET; THENCE S.72°17'38"W FOR 324.36 FEET TO AFORESAID RIGHT-OF-WAY LINE; THENCE N.00°07'30"W ALONG SAID RIGHT-OF-WAY LINE FOR 491.23 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CTTY OF CAPE CORAL, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 24 EAST; THENCE N.89°04'55"1E ALONG THE NORTH LINE OF SAID SECTION 21 FOR 60.01 FEET; TO THE EAST LINE OF GARDEN BOULEVARD (100 FEET WIDE) THENCE S.00°07'30"E ALONG SAID EAST LINE FOR 100.01 FEET; THENCE N.89°04'55"E PARALLEL WITH AND 100 FEET SOUTH OF THE NORTH LINE OF SAID SECTION FOR 1950.92 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°46'26" FOR 534.80 FEET; THENCE S.00°29'41"W FOR 293.76 FEET; THENCE S.00°00'00"E FOR 243.47 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1200.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°56'54" FOR 438.74 FEET; THENCE S.20°21'01"E FOR 437.41 FEET TO A POINT ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF DEL PRADO EXTENSION (140 FEET WIDE) AND AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 7070.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N39°11'27"W; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°53'28" FOR 973.74 FEET; THENCE S.42°55'05"W ALONG SAID RIGHT-OF-WAY LINE FOR 483.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.42°55'05"W ALONG SAID RIGHT-OF-WAY LINE FOR 722.93 FEET; THENCE N.40° 12'08"W FOR 234.70 FEET; THENCE N.83°44'44"W FOR 162.90 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.84°25'15"W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°25'32" FOR 49.35 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 150.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 58°03'09" FOR 151.98 FEET; THENCE N.43°02'52"W FOR 8.62 FEET; THENCE N.46°57'08"E FOR 130.00 FEET; THENCE N.43°02'52"W FOR 27.34 FEET; THENCE N.46°57'08"E FOR 230.46 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 31.42 FEET; THENCE S.43°02'52"E FOR 76.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 31.42 FEET; THENCE N.46°57'08"E FOR 179.49 FEET; THENCE N.81°56'34"E FOR 15.72 FEET; THENCE N.60°58'04"E FOR 5102 FEET; THENCE S.88°33'04"E FOR 48.96 FEET; THENCE S.54°46'07"E FOR 38.78 FEET; THENCE S.47°04'55"E FOR 289.83 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 20 AND 29, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 29 RUN S00°13'25"W, 48.49 FEET ALONG THE EAST LINE OF SAID SECTION 29; THENCE RUN N89°46'27"W, 57.62 FEET TO THE POINT OF CURVATURE OF A 870.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 22° 37'16", A CHORD AND CHORD BEARING OF

S78°54'38"W, 341.26 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 343.49 FEET TO THE POINT OF TANGENCY; THENCE RUN S67°35'59"W, 600.45 FEET TO THE POINT OF CURVATURE OF A 880.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 52° 34'39", A CHORD AND CHORD BEARING OF N86°06'41"W, 779.50 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 807.53 FEET TO THE POINT OF COMPOUND CURVATURE OF A 1930.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 16°01'59", A CHORD AND CHORD BEARING OF N51°48'22"W, 538.31 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 540.07 FEET TO A NON TANGENT INTERSECTION WITH A LINE WHICH BEARS S89°54'03"E; THENCE RUN S89° 54'03"E, 2147.36 FEET ALONG SAID LINE; THENCE S01°47'29"E, 39.93 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OR PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29 RUN S00°13'25"W, 5511.95 FEET ALONG THE EAST LINE OF SAID SECTION 29 TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF VETERANS PARKWAY (230.00 FEET WIDE); THENCE RUN S89°35'38"W, 1320.00 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN S89°35'38"W, 1172.57 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID VETERANS PARKWAY; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE RUN N00°12'40"E, 1390.19 FEET; THENCE RUN N89°35'38"E, 1463.81 FEET TO THE NON TANGENT POINT OF CURVATURE OF A 1165.00 FOOT RADIUS CURVE CONCAVE TO THE WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 25°20'46", A CHORD AND CHORD BEARING OF S10°08'30"W, 511.17 FEET TO THE POINT OF REVERSE CURVATURE OF A 400.00 FOOT RADIUS CURVE CONCAVE TO THE EAST, SAID CURVE HAVING A CENTRAL ANGLE OF 36°26'24", A CHORD AND CHORD BEARING OF S04°35'40"W, 250.13 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 254.40 FEET TO THE POINT OF REVERSE CURVATURE OF A 1101.48 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 03°42'59", A CHORD AND CHORD BEARING OF S11 °46'20"E, 71.43 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 71.45 FEET A NON TANGENT INTERSECTION WITH A LINE WHICH BEARS S89°35'38"W; THENCE RUN S89°35'38"W, 40.70 FEET TO A NON TANGENT INTERSECTION WITH A 1060.00 FOOT RADIUS CURVE CONCAVE TO THE WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 10°15'52", A CHORD AND CHORD BEARING OF S05°08'11"E, 189.64 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 189.90 FEET TO THE POINT OF TANGENCY; THENCE RUN S01°12'38"W, 139.22 FEET; THENCE RUN S00°13'25"W, 249.38 FEET TO THE POINT OF BEGINNING.

AND

Tract B, Block 1560, Cape Coral Unit 18 Part 1, Plat Book 22, Pages 132 thru 134 of the Public Records of Lee County, Florida and that portion of the South 680 feet of the SW 1/4 , Section 21, Township 44 South, Range 24 East, Lee County, Florida lying south of the south right-of-way line of Chantrey Canal and west of the mean high waters of the Caloosahatchee River and more particularly described as follows:

Beginning at the SW corner of Tract B, Block 1560, Cape Coral Unit 18 Part 1, said Point of Beginning lying on the North right-of-way line of SE 16th Street; thence run N00°00'00"E for 125 feet to the NW corner of Tract B said point lying on the south right-of-way line of Chantrey Canal; thence run along the south line of said Chantrey Canal N89°55'09"E for 2191.21 feet to a point lying perpendicular to the waterward face of an existing concrete seawall and the mean high waters of the Caloosahatchee River; thence run S00°04'51"E for 21.68 feet to the waterward face of existing concrete seawall; thence run the following three courses along the waterward face of said concrete seawall S41°04'01"E, 100.06 feet, run S13°38'09"E for 106.07 feet, run S27°07'52"E for 115.75 feet to an intersection with the south line of the South 680 feet of the SW 1/4, Section 21, Township 44 South, Range 24 East, Lee County, Florida; thence run along said South line N89°59'47"W for 2282.38 feet to an intersection with the East right-of-way line of SE 16th Street; thence run N00°00'00"E for 175.07 feet; thence run S89°55'09"W for 52.39 feet to the Point of Beginning.

AND

Tract 1, Block 1561 and Lot 1, Block 1562, Cape Coral Unit 18 Part 1, Plat Book 22, Pages 132 thru 134 of the Public Records of Lee County, Florida and that portion of the South 680 feet of the SW 1/4, Section 21, Township 44 South, Range 24 East, Lee County, Florida lying north of the north right-of-way line of Chantrey Canal and west of the mean high waters of the Caloosahatchee River and more particularly described as follows:

Beginning at the SW corner of Tract A, Block 1561, Cape Coral Unit 18 Part 1, said Point of Beginning lying on the North right-of-way line of Chantrey Canal, thence run N00°04'51"W for 125 feet to an intersection with the South right-of-way line of SE 15th Terrace; thence run along said South right-of-way line N89°55'09"E for 14.34 feet to the beginning of a platted turn around per Cape Coral Unit 18, Part 1, run S00°35'37"E for 24.98 feet, thence run N89°55'09"E for 100 feet, thence run N00°35'37"W for 100 feet; thence run S89°55'09"W for 100 feet to an intersection with the East line of Lot 1, Block 1562; thence run S00°35'37"E for 25.02 feet to an intersection with the North right-of-way line of SE 15th Terrace and the SE corner of said Lot 1, Block 1562; thence run around said Lot 1, Block 1562 S89°55'09"W for 108.04 feet to the beginning of a 25 foot radius curve concave to the NE, said curve having a central angle of 89°29'14", a chord and chord bearing of N45°20'14"W, 35.20 feet, run along the arc of said curve of 39.05 feet to the end of said curve; thence run N00°35'37"W for 20.22 feet to the NW corner of said Lot 1, Block 1562; thence run N89°55'09"E for 132.82 feet to the NE corner of said Lot 1, Block 1562; thence run N00°35'37"W for 80 feet to the North line of the South 680 feet of the SW ¼ Section 21, Township 44 South, Range 24 East, Lee County, Florida run along said North line S89°59'47"E for 1001.19 feet to the West line of a jurisdictional parcel; then run along said West line S00°00'13"W for 64.65 feet; run S09°33'52"W for 77.39 feet; run S10°51'13"W for 30.90 feet; run S15°33'35"W for 43.41 feet; run S26°38'13"W for 39.04 feet; run N73°11'07"E for 18.91 feet; run N89°55'09"E for 374 feet; run S45°04'51"E for 79.20 feet to an intersection with the North line of Chantrey Canal; thence run along said North line S89°55'09"W for 1413.89 feet to the Point of Beginning.

RESIDENTIAL DEVELOPMENT (RD) TO AGRICULTURAL (A) ZONE

Unit	Block	Lots	PB/PG
91	5523	1-6	PB 24 PG 93-94

RESIDENTIAL DEVELOPMENT (RD) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
33	2268	1-38	PB 16 PG 61
36	2298B	1-21	PB 16 PG 119, 122
36	2300A	1-98	PB 16 PG 122, 125
36	2300B	1-66	PB 16 PG 122, 125
36	2300C	Tract	PB 16 PG 122, 125
36	2327B	1-39	PB 16 PG 125, 128
42	2942B	1-21	PB 17 PG 76, 79
42	2970B	1-14	PB 17 PG 42
42	2972	1-36	PB 17 PG 42
49	3632	1-52	PB 17 PG 149, 151
49	3633	1-48	PB 17 PG 151
49	3661	53-68	PB 17 PG 149
49	3662	1-3	PB 17 PG 146
50	3680	1-64	PB 17 PG 159
50	3712	1-44	PB 17 PG 160
52	3786	1-60	PB 19 PG 50
55	3986	47-78	PB 19 PG 93
55	4025	7-64	PB 19 PG 104
56	4029	17-32	PB 19 PG 108
56	4030	1-76	PB 19 PG 108
59	4127	7-66	PB 19 PG 143, 146
59	4128	1-70	PB 19 PG 146, 150
59	4129	1-74	PB 19 PG 150, 152
61	4276	1-59	PB 21 PG 7
61	4291	1-24	PB 21 PG 15
63	4383	5-44	PB 21 PG 52

AND

All that portion of land situated in the State of Florida, County of Lee, Cape Coral, Florida, in Section 21, Township 43 South, Range 24 East lying northerly of Del Prado Boulevard and east of De Navarra Parkway;

LESS AND EXCEPT

That portion of land described in Official Records Book 3899, Page 831, Public Records of Lee County, Florida;

LESS AND EXCEPT

That portion of land described in Official Records Book 4520, Page 473, Public Records of Lee County, Florida;

LESS AND EXCEPT

That portion of land described in Official Records Book 4556, Page 4494, Public Records of Lee County, Florida.

RESIDENTIAL DEVELOPMENT (RD) TO COMMERCIAL CORRIDOR (CC) ZONE

Unit	Block	Lots	PB/PG
50	3681	1-35	PB 17 PG 159
50	3682	1-52	PB 17 PG 159

RESIDENTIAL DEVELOPMENT (RD) TO INSTITUTIONAL (INST) ZONE

Unit	Block	Lots	PB/PG
45	1802	All of Block	PB 21 PG 127, 130-131
37	2550	1-15, 56-69	PB 17 PG 16
37	2572	1-30	PB 17 PG 16
39	2738	TR	PB 16 PG 150, 153
40	2785	TR	PB 17 PG 87
40	2786	TR	PB 17 PG 87
41	2858	TR	PB 17 PG 7-8
42	2977	TR	PB 17 PG 43
62	3035	All of Block	PB 21 PG 24-25
62	3041	17-25	PB 21 PG 23-24
62	3049	41-48	PB 21 PG 23-24
62	3101	All of Block	PB 21 PG 25
66	3303	All of Block	PB 22 PG 5
51	3731	TR	PB 19 PG 4, 8
53	3884	TR	PB 19 PG 74, 77
53	3904	TR	PB 19 PG 66, 70
53	3907	TR	PB 19 PG 66
54	3934	TR	PB 19 PG 86
54	3935	TR	PB 19 PG 86-87
55	3975	TR	PB 19 PG 94
61	4280A	TR	PB 21 PG 6-7
70	4745	1-7, 48-54	PB 22 PG 66
80	5096A	TR	PB 22 PG 158
82	5279	TR A	PB 24 PG 121, 124

RESIDENTIAL DEVELOPMENT (RD) TO MIXED-USE SEVEN ISLANDS (MX7) ZONE

Unit	Block	Lots	PB/PG
76	6400	12-17	PB 35 PG 124-129
76	6401	1-5 + TR G	PB 35 PG 124-129
76	6402	1-7 + TR F	PB 35 PG 124-129
76	6403	1-4 + TR E	PB 35 PG 124-129
76	6404	1-3 + TR D	PB 35 PG 124-129
76	6405	1-2 + TR C	PB 35 PG 124-129

76	6406	1-7 + TR B	PB 35 PG 124-129
76	6407	1-8 + TR A	PB 35 PG 124-129
76	6408	1-4	PB 35 PG 124-129

RESIDENTIAL DEVELOPMENT (RD) TO NEIGHBORHOOD COMMERCIAL (NC) ZONE

RD to NC			
Unit	Block	Lots	PB/PG
54	3952	All of Block 3952	PB 19 PG 89
58	5346	TR A	PB 23 PG 140

AND

The North ½ of the North ½ of the NW ¼ of Section 29, Township 43 South, Range 23 East, Lee County, Florida, LESS AND EXCEPT the West 132 feet thereof.

AND

The South ½ of the NW ¼ and the South ½ of the North ½ of the NW ¼ of Section 29, Township 43 South, Range 23 East, Lee County, Florida, LESS AND EXCEPT the West 132 feet thereof.

RESIDENTIAL DEVELOPMENT (RD) TO PROFESSIONAL OFFICE (P) ZONE

Unit	Block	Lots	PB/PG
36 PT 1	2475	13-14	PB 23 PG 88
36 PT 1	2490	15-44	PB 23 PG 88, 91
36 PT 1	2491	1-24	PB 23 PG 91
59	4185	26-56	PB 19 PG 152-153
61	4290	1-34	PB 21 PG 11
63	4382	25-29	PB 21 PG 51-52

RESIDENTIAL DEVELOPMENT (RD) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
29	1932	15-22	PB 16 PG 19
29 PT 1	1939	9-41	PB 16 PG 135
35	2005	51-78	PB 16 PG 103, 106, 108
35	2053	44-86	PB 16 PG 105, 108
34	2054	4-7	PB 16 PG 80
34	2099	31-55	PB 16 PG 83
34	2100	44-72	PB 16 PG 85, 87
36 PT 1	2101	53-96	PB 23 PG 90, 93
36	2172	25-44	PB 16 PG 115
36	2173	42-74	PB 16 PG 115, 118
32	2174	1-3	PB 16 PG 11
36	2174	4-56	PB 16 PG 121, 124
36	2290	1-4; 40-78	PB 16 PG 116-117, 119-120
36	2296	1-23	PB 16 PG 119
36	2297A	1-48	PB 16 PG 119
36	2297B	Tract	PB 16 PG 116, 119
36	2299	1-21	PB 16 PG 119, 122
36	2301	1-32	PB 16 PG 122, 125
36	2326	1-38	PB 16 PG 125, 128
36	2328	1-28	PB 16 PG 128
36	2329	1-62	PB 16 PG 128-129
36	2330	1-60	PB 16 PG 129
36	2331	1-48	PB 16 PG 129-130

36	2332	1-42	PB 16 PG 130
36	2336	1-47	PB 16 PG 127, 130
36	2337	1-32	PB 16 PG 124, 127
36	2346	70	PB 16 PG 130
36	2347	1-21	PB 16 PG 129-130
36	2348	1-63	PB 16 PG 128-129
35	2372	1-33	PB 16 PG 101
35	2375	1-37	PB 16 PG 105
35	2376	1-20	PB 16 PG 103
35	2378	1-30	PB 16 PG 103
34	2420	Tract	PB 16 PG 79, 82
34	2445	1-62	PB 16 PG 78, 81
34	2446	1-56	PG 16 PG 81, 84
34	2447	1-35; 56-90	PB 16 PG 81, 84
34	2450	1-62	PB 16 PG 85
34	2451	1-60	PB 16 PG 85-86
34	2452	1-48	PB 16 PG 83, 86
34	2459	1-4	PB 16 PG 80
34	2460	55-78	PB 16 PG 83, 85-86
34	2461	1-63	PB 16 PG 83, 85-86
36 PT 1	2475	16-36	PB 23 PG 88
36 PT 1	2476	1-78	PB 23 PG 88-89
36 PT 1	2477	1-56	PB 23 PG 89-90
36 PT 1	2478	1-62	PB 23 PG 90
36	2514	1-54	PB 16 PG 113
36	2515	1-40	PB 16 PG 113, 116
36	2516	1-54	PB 16 PG 116
36	2517	1-39; 75-78	PB 16 PG 116-117
36	2518	1-4; 75-78	PB 16 PG 116-117
36	2529	Tract	PB 16 PG 114, 117
37	2550	18-55	PB 17 PG 16, 19
37	2551	1-74	PB 17 PG 19, 21
37	2552	1-96	PB 17 PG 21, 24
37	2553A	1-44	PB 17 PG 27
37	2574	1-34	PB 17 PG 16
37	2583	1-49	PB 17 PG 16-17
37	2584	1-31	PB 17 PG 17-18
38	2628	1-72	PB 16 PG 88, 91
38	2629	1-58	PB 16 PG 91, 94
38	2644	TR	PB 16 PG 91-92, 94-95
38	2653	1-78	PB 16 PG 94, 97
38	2675	1-42	PB 16 PG 90, 93
38	2676	1-48	PB 16 PG 93
38	2681	1-60	PB 16 PG 96
38	2682	1-18; 38-56	PB 16 PG 96, 99
38	2683	1-18; 39-56	PB 16 PG 96, 99
39	2695	1-42	PB 16 PG 148
39	2716	1-56	PB 16 PG 143
39	2719	1-56	PB 16 PG 143, 146
39	2729	1-60	PB 16 PG 149, 152
39	2732	1-58	PB 16 PG 152
39	2751	1-38	PB 16 PG 153-154
39	2758	1-54	PB 16 PG 151
39	2759	1-54	PB 16 PG 154
40	2760	1-42	PB 17 PG 84

40	2761	1-60	PB 17 PG 84, 87
40	2762	1-54	PB 17 PG 87, 90
40	2763	1-58	PB 17 PG 90, 93
40	2765	1-79	PB 17 PG 95, 97
40	2766	1-74	PB 17 PG 95, 97
40	2767	1-43	PB 17 PG 97
40	2770A	TR	PB 17 PG 96
40	2809	1-66	PB 17 PG 82
40	2810	1-42	PB 17 PG 85
40	2811	1-74	PB 17 PG 85, 88
40	2833	1-56	PB 17 PG 96-97
40	2834	1-74	PB 17 PG 94-95
40	2835	1-63	PB 17 PG 94-95
41	2849	1-78	PB 17 PG 3, 6
41	2850	1-50	PB 17 PG 6, 9
41	2905	1-72	PB 17 PG 5, 8
41	2906	1-58	PB 17 PG 8, 11
41	2907	1-94	PB 17 PG 11, 14
42	2910	1-56	PB 17 PG 35
42	2911	1-56	PB 17 PG 35, 38
42	2980	1-58	PB 17 PG 41
42	2981	1-60	PB 17 PG 41
43	2990A	1-52	PB 17 PG 51
43	2991	1-58	PB 17 PG 54
43	2992	1-84	PB 17 PG 57
43	2993	1-35	PB 17 PG 57
43	2994	1-34	PB 17 PG 57
43	3000	1-52	PB 17 PG 54, 56
43	3001	TR	PB 17 PG 55-56
43	3005	1-66	PB 17 PG 50-51
43	3006	1-78	PB 17 PG 49-50
43	3009	1-36	PB 17 PG 52
43	3023	TR	PB 17 PG 52-53
43	3025	1-106	PB 17 PG 52, 55
43	3026	1-64	PB 17 PG 55-56
43	3027	1-46	PB 17 PG 54, 56
43	3028	1-108	PB 17 PG 52, 55, 57
62	3081	1-48	PB 21 PG 37-38
62	3082	1-56	PB 21 PG 38
62	3091	1-73	PB 21 PG 34, 37
62	3092	1-25	PB 21 PG 33-34
62	3093	1-88	PB 21 PG 37-38
66	3165	47-58	PB 22 PG 26
66	3173	All of Block 3173 minus ROW	PB 22 PG 25
66	3174	22-42	PB 22 PG 25
66	3181	24-46	PB 22 PG 24-25
66	3182	21-30	PB 22 PG 24
66	3194	1-23	PB 22 PG 15-16
66	3223	23-26	PB 22 PG 24
66	3224	1-4	PB 22 PG 24
66	3297	1-15,32-46	PB 22 PG 4-5
66	3301	1-64	PB 22 PG 7-8
66	3304	1-52	PB 22 PG 4, 7
65	3341	4-28	PB 21 PG 154
65	3342	1-47	PB 21 PG 154, 157

65	3343	1-60	PB 21 PG 157, 160, 163
65	3344	1-45	PB 21 PG 163-164
65	3345	1-33	PB 21 PG 163-164
65	3346	1-42	PB 21 PG 159, 163
65	3347	1-41	PB 21 PG 159
65	3348	1-39	PB 21 PG 159, 162
65	3349	1-46	PB 21 PG 161-162
65	3350	1-37	PB 21 PG 161
65	3351	1-33	PB 21 PG 158, 161
65	3352	1-44	PB 21 PG 158
65	3353	1-48	PB 21 PG 155, 158
65	3354	1-40	PB 21 PG 152, 155
65	3355	1-41	PB 21 PG 152
65	3357	25-60	PB 21 PG 153, 156
65	3368	1-84	PB 21 PG 154, 157
65	3369	1-84	PB 21 PG 154, 157
49	3620	3-40	PB 17 PG 154
48	3621	1-64	PB 17 PG 138, 141
48	3622	1-49	PB 17 PG 138
49	3627	All of Block 3627	PB 17 PG 152-153
48	3640	1-28	PB 17 PG 136
48	3645	1-62	PB 17 PG 141, 144
48	3648	3-35	PB 17 PG 144
48	3649	1-18; 20-44	PB 17 PG 137, 141, 144
48	3653	TR	PB 17 PG 139
48	3654	1-66	PB 17 PG 139
48	3657	1-60	PB 17 PG 142
48	3666	1-53	PB 17 PG 144
48	3668	43-52	PB 17 PG 143
48	3669	1-46	PB 17 PG 137, 140, 143
48	3670	65-78	PB 17 PG 143
48	3674	1-47	PB 17 PG 143
48	3675	1-29	PB 17 PG 142
50	3683	1-48	PB 17 PG 156
50	3684	1-60	PB 17 PG 156
50	3685	1-55	PB 17 PG 156
50	3686	1-89	PB 17 PG 157-158
50	3688	1-54	PB 17 PG 157
50	3689	All of Block 3689	PB 17 PG 157
50	3698	57-68	PB 17 PG 157-158
50	3699	58-61	PB 17 PG 160
50	3700	1-4; 53-60	PB 17 PG 160
50	3707	All of Block 3707 less lots 1 -11	PB 17 PG 161
50	3713	1-21	PB 17 PG 160
50	3714	1-40	PB 17 PG 160-161
50	3715	1-15	PB 17 PG 161-162
50	3716	1-41	PB 17 PG 162
51	3723	1-44	PB 19 PG 6
51	3724	21-40	PB 19 PG 5
51	3726	1-48	PB 19 PG 5
51	3727	1-64	PB 19 PG 4
51	3740	1-62	PB 19 PG 3
51	3741	1-60	PB 19 PG 3
51	3742	1-72	PB 19 PG 7, 11
51	3743	1-58	PB 19 PG 11

51	3752	1-77	PB 19 PG 3, 7, 11
51	3756	1-99	PB 19 PG 12-15
51	3759	22-42	PB 19 PG 9-10
51	3760	1-68	PB 19 PG 10, 13
51	3775	1-88	PB 19 PG 14-15
52	3787	1-60	PB 19 PG 50
52	3788	1-60	PB 19 PG 50
52	3789	1-54	PB 19 PG 50-51
52	3790	1-54	PB 19 PG 50-51
52	3791	1-54	PB 19 PG 50-51
52	3794	42-58	PB 19 PG 51-52
52	3799	81	PB 19 PG 63
52	3800	1-76	PB 19 PG 58, 61, 63
52	3801	1-96	PB 19 PG 54, 57, 61
52	3802	1-74	PB 19 PG 52, 54
52	3803	1-90	PB 19 PG 52, 54-55
52	3804	1-65	PB 19 PG 52, 55
52	3805	1-78	PB 19 PG 52, 55
52	3806	TR	PB 19 PG 55
52	3807	1-46	PB 19 PG 54-55
52	3808	1-86	PB 19 PG 54, 57
52	3809	1-98	PB 19 PG 54, 57
52	3810	1-75	PB 19 PG 57, 61
52	3811	1-62	PB 19 PG 57-58
52	3812	1-68	PB 19 PG 57-58
52	3813	1-93	PB 19 PG 55,58
52	3814	1-50	PB 19 PG 55
52	3815	1-50	PB 19 PG 58
52	3833	1-48	PB 19 PG 56
53	3846	35-46	PB 19 PG 69
53	3847	1-6	PB 19 PG 68-69
53	3849	1-7	PB 19 PG 65
53	3858	78-83	PB 19 PG 69
53	3859	36-47	PB 19 PG 69
53	3872	1-42	PB 19 PG 72
53	3873	1-52	PB 19 PG 72, 75
53	3876	1-60	PB 19 PG 75, 78
53	3877	17-32	PB 19 PG 78
53	3878	1-62	PB 19 PG 78
53	3887	1-54	PB 19 PG 77-78
53	3888	1-54	PB 19 PG 77
53	3895	1-78	PB 19 PG 76
53	3896	1-76	PB 19 PG 73, 76
53	3897	1-72	PB 19 PG 70, 73
53	3898	1-58	PB 19 PG 66, 70
53	3906	1-6; 51-57	PB 19 PG 65
53	3908	1-34	PB 19 PG 70
54	3918	1-16, 33-58	PB 19 PG 84
54	3919	1-81	PB 19 PG 84, 88
54	3920	1-47	PB 19 PG 88
54	3939	1-60	PB 19 PG 85, 89
54	3940	1-60	PB 19 PG 81, 85
54	3941	1-70	PB 19 PG 81, 85
54	3942	1-70	PB 19 PG 85, 89
54	3943	1-60	PB 19 PG 85, 89

54	3944	1-29	PB 19 PG 81-82, 85
54	3954	1-54	PB 19 PG 89-90
54	3955	1-64	PB 19 PG 90-91
54	3959	1-32	PB 19 PG 91
54	3960	1-44	PB 19 PG 91
55	3966	1-60	PB 19 PG 96
55	3967	1-72	PB 19 PG 96, 100
55	3985	1-26	PB 19 PG 93
55	3986	1-46	PB 19 PG 93
55	3987	1-84	PB 19 PG 93, 97
55	3988	1-50	PB 19 PG 97, 101
55	4003	1-58	PB 19 PG 103
55	4011	1-75	PB 19 PG 93, 97, 101
55	4012	1-67	PB 19 PG 101, 104
55	4023	1-54	PB 19 PG 105-106
55	4024	1-56	PB 19 PG 104-105
56	4034	1-68	PB 19 PG 109
56	4035	1-68	PB 19 PG 110
56	4040	62-71	PB 19 PG 108
56	4041	5-62	PB 19 PG 108, 111, 114
56	4042	6-16	PB 19 PG 114
56	4047	1-42	PB 19 PG 113
56	4049	1-56	PB 19 PG 113, 116
56	4064	48-90	PB 19 PG 108, 111, 114
56	4065	TR	PB 19 PG 111, 114-115
56	4066	1-54	PB 19 PG 114-115
56	4067	1-78	PB 19 PG 115-116
56	4068	1-58	PB 19 PG 116
56	4069	1-58	PB 19 PG 116
57	4095	28-54	PB 19 PG 125, 128
57	4096	27-52	PB 19 PG 128
57	4100	15-28	PB 19 PG 131
57	4104A	TR	PB 19 PG 132
57	4105A	TR	PB 19 PG 132
57	4115A	TR	PB 19 PG 136
57	4116	1-17	PB 19 PG 136
57	4117	1-34	PB 19 PG 137
57	4118	1-34	PB 19 PG 137
57	4119	1-34	PB 19 PG 137
57	4120	1-78	PB 19 PG 136-137
57	4121	1-26	PB 19 PG 137
57	4122	1-35	PB 19 PG 136-137
59	4185	1-25; 57-82	PB 19 PG 152-153
59	4191	1-40	PB 19 PG 153
59	4191A	TR	PB 19 PG 153
60	4201	1-62	PB 19 PG 156-157
60	4202	1-62	PB 19 PG 156-157
60	4203	1-62	PB 19 PG 156-157
60	4228	1-40	PB 19 PG 156
60	4229	1-39	PB 19 PG 156-157
60	4230	1-38	PB 19 PG 157
60	4244	1-44	PB 19 PG 168
60	4245	1-44	PB 19 PG 168
60	4246	1-44	PB 19 PG 168
60	4247	1-44	PB 19 PG 165

60	4248	1-49	PB 19 PG 165-166, 169
60	4249	1-37	PB 19 PG 165, 168
60	4266	2-29	PB 19 PG 163, 166
60	4267	1-34	PB 19 PG 166
60	4268	1-29	PB 19 PG 166, 169
60	4269	1-42	PB 19 PG 169
60	4270	1-69	PB 19 PG 166, 169
60	4271A	TR	PB 19 PG 166, 169
60	4271	1-23	PB 19 PG 166, 169
61	4277	1-35	PB 21 PG 7
61	4278	1-43	PB 21 PG 7
61	4279	1-44	PB 21 PG 6
61	4280	1-71	PB 21 PG 6-7
61	4288	1-44	PB 21 PG 10
61	4289	1-42	PB 21 PG 11
61	4294	1-34	PB 21 PG 10, 13-14
61	4297	32-39	PB 21 PG 14-15
61	4298	1-4	PB 21 PG 20
61	4302	53-56	PB 21 PG 15
61	4303	1-4; 30-33	PB 21 PG 15
61	4304	1-33	PB 21 PG 11
61	4305	1-33	PB 21 PG 7, 11
61	4306	1-34	PB 21 PG 7, 11
61	4307	1-56	PB 21 PG 11
61	4308	1-54	PB 21 PG 10
61	4309	1-50	PB 21 PG 6, 10
61	4310	1-5	PB 21 PG 6
61	4330	27-42	PB 21 PG 20
61	4331A	TR	PB 21 PG 20
63	4382	1-24	PB 21 PG 51-52
63	4402	1-23	PB 21 PG 50
63	4403	1-30	PB 21 PG 49-50
63	4406	1-8, 55-58	PB 21 PG 53
63	4415	43-64	PB 21 PG 60, 63
63	4419	1-42	PB 21 PG 64-65
63	4426	1-38	PB 21 PG 65
63	4431	1-54	PB 21 PG 64
63	4432	1-54	PB 21 PG 64, 66
63	4468A	TR	PB 21 PG 73-74, 79
63	4488A	All of Block 4484A	PB 21 PG 77, 81
69	4581	27-44	PB 22 PG 44, 48
69	4586	49-61	PB 22 PG 49
69	4587	1-5	PB 22 PG 50
69	4626	1-42	PB 22 PG 43
69	4627	1-42	PB 22 PG 43
69	4628	1-42	PB 22 PG 39
69	4629	All of Block 4629	PB 22 PG 39
69	4630	1-28	PB 22 PG 35, 39
69	4631	1-25	PB 22 PG 39, 43
69	4632	1-9,24-29,53-58	PB 22 PG 43, 47
69	4633	1-58	PB 22 PG 43, 47
69	4636	1-8,51-58	PB 22 PG 50
69	4642	20-31	PB 22 PG 45, 49
69	4643	1-50	PB 22 PG 48-49
69	4649	13-40	PB 22 PG 44, 48

69	4650	12-42	PB 22 PG 44, 48
70	4656	11-43	PB 22 PG 59
70	4657	1-8; 31-35	PB 22 PG 59-60
70	4685	1-4	PG 22 PG 85
70	4687	1-20, 38-41	PB 22 PG 84-86
70	4727	1-44	PB 22 PG 78, 82, 85
70	4735	All of Block 4735	PB 22 PG 73
70	4738	1-90	PB 22 PG 74, 78
70	4739	13-78	PB 22 PG 74, 78
70	4741	1-56	PB 22 PG 70
70	4749	1-80	PB 22 PG 60-61
70	4757	1-48	PB 22 PG 64, 68
70	4758	1-48	PB 22 PG 64, 68
70	4763	1-48	PB 22 PG 64, 68
70	4767	1-6,71-76	PB 22 PG 60
70	4769	TR	PB 22 PG 60, 64
70	4772	1-76	PB 22 PG 59, 63
70	4773	1-29,55-58	PB 22 PG 59, 63
71	4788	1-49	PB 22 PG 95, 97
71	4800	All of Block 4800	PB 22 PG 92
71	4841	1-38	PB 22 PG 98
71	4842	1-38	PB 22 PG 98
71	4843	1-38	PB 22 PG 98
71	4844	1-38	PB 22 PG 96
71	4845	1-38	PB 22 PG 96
71	4846	1-38	PB 22 PG 94
71	4847	5-64	PB 22 PG 94
71	4849	5-64	PB 22 PG 94, 96
71	4850	1-66	PB 22 PG 96, 98
71	4851	1-66	PB 22 PG 96, 98
71	4852	10-66	PB 22 PG 94, 96
74	4857	1-91	PB 22 PG 129-131
74	4858	1-34	PB 22 PG 128, 131
74	4859	1-57	PB 22 PG 122, 125, 128
73	4964	31-32	PB 32 PG 99
73	4967	31	PB 23 PG 30
73	4968	1-6	PB 23 PG 31, 35
73	4969	26-29	PB 23 PG 31, 35
73	4988	1-4,51-54	PB 23 PG 31
73	4994	28-54	PB 32 PG 99
73	4995	29-56	PB 23 PG 30
72	5000	32-35	PB 23 PG 25-26
72	5003	18-23	PB 23 PG 24
72	5004	1	PB 23 PG 24
72	5009	6-55	PB 23 PG 19, 22
72	5025	17-24	PB 23 PG 26
72	5026	1-28	PB 23 PG 24
72	5027	1-50	PB 23 PG 23
72	5055	1-30	PB 23 PG 11-12
80	5096	1-25	PB 22 PG 158
80	5102	1-55	PB 22 PG 156-157
80	5102A	TR	PB 22 PG 156-157
80	5107	1-2; 59-85	PB 22 PG 148, 152
80	5107A	TR	PB 22 PG 148, 152
80	5133	1-58	PB 22 PG 141

80	5134	1-60	PB 22 PG 141-142
80	5135	1-46	PB 22 PG 142-143
80	5136	1-18	PB 22 PG 143, 146
82	5279	1-50	PB 24 PG 121, 124
58	5300A	TR	PB 23 PG 147
58	5338	1-48	PB 23 PG 131
58	5339	1-46	PB 23 PG 131, 138-139
58	5340	1-24	PB 23 PG 131, 139
58	5341	1-30	PB 23 PG 131
58	5342	1-22	PB 23 PG 139
58	5344	1-33	PB 23 PG 138-139, 141
58	5346	TR B	PB 23 PG 139-140
90	5443	1-42	PB 24 PG 18
90	5444	1-26	PB 24 PG 18, 21
90	5445	1-13+TR A	PB 24 PG 18, 21
91	5516A	TR	PB 24 PG 90, 93
91	5556A	TR	PB 24 PG 89-90
91	5520	TR 1-5	PB 24 PG 91, 94
91	5521	1-26	PB 24 PG 91
91	5522	1-31	PB 24 PG 94
92	5917	1-19	PB 25 PG 33-34
92	5919	1-7	PB 25 PG 34
94	6001	22-25	PB 25 PG 36-37
97	6113	19-37	PB 25 PG 88, 92
97	6114	TR A	PB 25 PG 89
97	6125	1-18	PB 25 PG 89
97	6125A	1	PB 25 PG 89
98	6169	TR	PB 25 PG 116
98	6170	TR	PB 25 PG 116
76	6400	TR H	PB 35 PG 124-129
West Cape Estates	7010	1-28, TR A-E	
Emerald Cove		1-79, Tract A, B, C, and D	
Estates of Old Burnt Store		1-4	
Trafalgar Woods		1-50, CE, Tract A, and Tract B	
Heatherwood Lakes		1-77, Tract A, B-1 thru B-12, E-1, L1 thru L-7, Tract R	
Hermitage	3452A	1-19, Tract A	
Tarpon Point		1-47,C-1,C-2, R-3, L-1	
Sands Lake	5055A	1-10,Tract A	
Osprey Pointe		1-14, Tract A	
Enclave		1-14, Tract A	
Sunset Pointe		Lots 1-58, Tract A	
Eagles Landing		1-14, Tract A	

AND

A tract or parcel of land lying in Section 10, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the East Quarter Corner of said Section 10 run N89°56'37"W along the South line of the North Half (N 1 /2) of said Section 10 for 450.00 feet to an intersection with the West line of the East 450 feet of said Fraction and the POINT OF BEGINNING. From said Point of Beginning continue N89°56'37"W along said South line for 2,908.75 feet to and intersection with the Easterly line of a lands described in a deed recorded in Official Records Book 1763, at Page 3347, Lee County Records; thence run N00°02'12"E along said Easterly line for 2,247.45 feet to an intersection with the South line of the North 450 feet of said Fraction; thence run along said South line following two (2) courses: N89°39'59"E for 667.45 feet and S89°44'21 "E for 2,239.91 feet to an intersection with said West line of the East 450 feet of said Fraction; thence run S00°00'02"W along said West line for 2,244.01 feet to the POINT OF BEGINNING.

Containing 150.10 acres, more or less.

RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL ESTATE (RE) ZONE

Unit	Block	Lots	PB/PG
91	5519	1-4	PB 24 PG 91, 94

RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
45 PT 1	1901	1-26	PB 21 PG 136
45 PT 1	1902	1-38	PB 21 PG 136, 139
31	2053	1-27; 31-43	PB 14 PG 154, 157
31	2054	1-3	PB 14 PG 157
31	2099	1-30	PB 14 PG 160
32	2101	7-52	PB 16 PG 2, 5
32	2146	1-3	PB 16 PG 5
32	2172	1-12; 15-24	PB 16 PG 8
40	2764	1-72	PB 17 PG 93, 96
41	2871	1-29; 52-78	PB 17 PG 9, 12
41	2876	24-55	PB 17 PG 12
41	2877	1-46	PB 17 PG 12-13
41	2884	1-60	PB 17 PG 13-14
42	2922	1-74	PB 17 PG 34-35
42	2923	1-66	PB 17 PG 33-34
42	2924B	17-29	PB 17 PG 33
43	3007	1-54	PB 17 PG 49
43	3008	1-53	PB 17 PG 49, 52
66	3194A	TR	PB 22 PG 15-16, 18-19
66	3214	1-48	PB 22 PG 20, 23
66	3215	1-52	PB 22 PG 17, 20
66	3236	1-12	PB 22 PG 11, 14
66	3237	1-30	PB 22 PG 11, 14
66	3297	16-31	PB 22 PG 4-5
66	3298	6-10,36-46	PB 22 PG 5
66	3299	1-58	PB 22 PG 5, 8
66	3300	1-48	PB 22 PG 5, 8
66	3302	1-34	PB 22 PG 5, 8
51	3767	1-92	PB 19 PG 13, 16
51	3772A	1-26; 30-58	PB 19 PG 16
52	3816	1-29; 50-78	PB 19 PG 61, 63
52	3817	1-20; 48-66	PB 19 PG 63
52	3822	1-107	PB 19 PG 62-63
53	3844	1-107	PB 19 PG 67-68
53	3845	1-27; 55-80	PB 19 PG 69
55	4022	1-54	PB 19 PG 106
63	4417	1-54	PB 21 PG 63-64
63	4418	1-42,48-54	PB 21 PG 64
70	4685	26-48	PB 22 PG 85
70	4686	1-46	PB 22 PG 85-86
70	4718	1-4	PB 22 PG 87
70	4727	45-88	PB 22 PG 78, 82, 85
71	4829	TR	PB 22 PG 104
58	5345	All of Block 5345	PB 23 PG 140

AND

WHISPERING PINES CONDO COMMON AREA OR 1371 PG 1237

RESIDENTIAL DEVELOPMENT (RD) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM)
ZONE

RD to RMM			
Unit	Block	Lots	PB/PG
36	2315	Tract	PB 16 PG 123, 126
35	2400	Tract	PB 16 PG 104, 109
37	2580	TR	PB 17 PG 17, 19-20
49	3631	All of Block 3631	PB 17 PG 149
49	3634	All of Block 3634	PB 17 PG 149, 151
59	4186	1-58	PB 19 PG 148, 152-153
59	4186A	TR	PB 19 PG 148, 152-153
98	6171	TR	PB 25 PG 116
98	6172	TR	PB 25 PG 116
98	6173	TR	PB 25 PG 115
98	6174	TR	PB 25 PG 115
98	6175	TR	PB 25 PG 115
98	6184	TR	PB 25 PG 113, 118
98	6187	TR	PB 25 PG 113
98	6188	TR	PB 25 PG 113

AND

A tract or parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, lying in. Section 29, Township 44 South, Range 24 East, being more particularly described as follows:

Beginning at the Northwest corner of said Section 29; thence North 86°09'52" East, along the Northerly boundary line of said Section 29, a distance of 50.22 feet to a point on the Easterly Right of Way line of Del Prado Boulevard; thence along said Easterly Right of Way line of Del Prado Boulevard, South 01°29'09" West, a distance of 330.00 feet; thence departing said Right of Way line, North 86°09'52" East, a distance of 1881.29 feet; thence South 01°29'09" West, a distance of 329.30 feet to the Point of Beginning of Coral Cove Phase II; thence continue South 01°29'09" West, a distance of 114.04 feet; thence North 86°09'52" East, a distance of 912.50 feet; thence North 89°55'09" East, a distance of 1267.38 feet; thence South 00°04'51" East, a distance of 370.00 feet; thence South 89°55'09" West, a distance of 1255.25 feet; thence South 86°09'52" West, a distance of 529.98 feet to the beginning of a curve concave to the Northeast, having a radius of 40.00 feet, a delta angle of 22°04'44", a chord distance of 15.32 feet and a chord bearing of North 82°47'46" West; thence along the arc of said curve, a distance of 15.41 feet to a placed monument (1/2" Iron Rod and Cap LB3377 typical of all placed monuments), being also the true Point of Beginning; thence South 18°14'36" West, a distance of 132.66 feet to a placed monument; thence South 86°09'52" West, a distance of 90.00 feet to a placed monument; thence South 01°29'09" West, a distance of 682.94 feet to a placed monument on the North Right of Way line of Four Mile Cove Boulevard (S.E. 19th Terrace), a 100 foot wide Right of Way; thence South 86°09'52" West, along said North Right of Way line, a distance of 718.95 feet to a placed monument; thence North 01°29'09" East, a distance of 605.32 feet to a placed monument; thence South 88°30'51" East, a distance of 32.65 feet to a placed monument; thence North 01°29'09" East, a distance of 543.27 feet to a placed monument; thence South 88°30'51" East, a distance of 38.00 feet to a placed monument; thence North 86°08'55" East, a distance of 200.96 feet to a placed monument at the beginning of a curve concave to the Southwest, having a radius of 262.00 feet, a delta angle of 44°17'23", a chord distance of 197.52 feet and a chord bearing of South 11°42'23" East; thence along the arc of said curve a distance of 202.53 feet to a placed monument at the point of tangency; thence South 49°33'42" East, a distance of 136.92 feet to a placed monument; thence North 40°26'18" East, a distance of 46.56 feet to a placed monument; thence South 49°33'42" East, a distance of 172.63 feet to a placed monument; thence North 86°09'52" East, a distance of 126.60 feet to a placed monument; thence South 41°09'52" West, a distance of 27.44 feet to a placed monument; thence South 03°50'08" East, a distance of 57.66 feet to the Point of Beginning.

AND

The West ½ of the West ½ of the SE ¼ of Section 10, Township 44 South, Range 23 East, as described in Official Records Book 2114, Page 4160 of the records of Lee County, Florida,

AND

The East ½ of the West ½ of the SE ¼ of Section 10, Township 44 South, Range 23 East, of Lee County, Florida.

AND

A tract or parcel of land situated in the State of Florida, County of Lee, City of Cape Coral, lying in Section 29, Township 44 South, Range 24 East, being more particularly described as follows:

Commencing at the NW corner of said Section 29; thence N86°09'52"E along the Northerly boundary line of said Section 29, a distance of 50.22 feet to a point on the easterly right-of-way line of Del Prado Boulevard, S01°29'09"W, a distance of 330.00 feet; thence departing said right-of-way line, N86°09'52"E a distance of 1881.29 feet; thence S01°29'09"W, a distance of 329.30 feet to the true point of beginning of Coral Cove Phase II; thence continue S01°29'09"W, a distance of 114.04 feet; thence N86°09'52"E, a distance of 912.50 feet; thence N89°55'09"E, a distance of 1267.38 feet; thence S00°04'51"E, a distance of 370.00 feet; thence S89°55'09"W, a distance of 1255.25 feet; thence S86°09'52"W, a distance of 529.98 feet to the beginning of a curve concave to the Northeast, having a radius of 40.00 feet, a delta angle of 22°04'44", a chord distance of 15.32 feet and a chord bearing of N82°47'46"W; thence along the arc of said curve, a distance of 15.41 feet to the point of beginning of Coral Cove Phase I; thence N03°50'08"W, a distance of 57.66 feet; thence N41°09'52"E, a distance of 27.44 feet; thence S86°09'52"W a distance of 126.60 feet; thence N49°33'42"W, a distance of 172.63 feet; thence S40°26'18"W, a distance of 46.56 feet; thence N49°33'42"W, a distance of 136.92 feet to the beginning of a curve concave to the SW, having a radius of 262.00 feet, a delta angle of 44°17'23", a chord distance 197.52 feet and a chord bearing of N71°42'23"W; thence along the arc of said curve a distance of 200.96 feet; thence N88°30'51"W, a distance of 38.00 feet; thence N01°29'09"E, a distance of 143.42 feet; thence N86°08'55"E, a distance of 425.03 feet to the Point of Beginning.

Said parcel contains 817,348 square feet (18.764 acres), more or less.

RESIDENTIAL RECEIVING (RX) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
17	1528	1-5, 77-78	PB 14 PG 35-37
31	2055	9-37	PB 14 PG 157
31	2056	1-49	PB 14 PG 155, 158
31	2057	1-47	PB 14 PG 155, 158
31	2060	2-45	PB 14 PG 156, 159
31	2061	1-25	PB 14 PG 159
31 PT 2	2061	26-43	PB 23 PG 8
31	2061	44-54	PB 14 PG 162
31	2065	1-64	PB 14 PG 160-161
31	2067	1-62	PB 14 PG 163-164
32	2137	1-43	PB 16 PG 13
32	2140	1-47	PB 16 PG 4, 7
32	2141	1-49	PB 16 PG 4, 7
32	2143	1-47	PB 16 PG 3, 6
32	2144	49	PB 16 PG 2
32	2145	7-29	PB 16 PG 5
32	2147	7-36	PB 16 PG 8
32	2148	1-49	PB 16 PG 9, 12
32	2152	36	PB 16 PG 12
32	2153	1-3; 31-32; 48-54	PB 16 PG 12-13
33	2217	1-48	PB 16 PG 43-44
33	2223	1-46	PB 16 PG 43-44
33	2224	29-60	PB 16 PG 41-42
33	2226	45	PB 16 PG 50
33	2227	1-43	PB 16 PG 46, 50

33	2228	1-43	PB 16 PG 46-47
33	2229	1-58	PB 16 PG 47
33	2230	1-66	PB 16 PG 48, 52
33	2231	1-63	PB 16 PG 51, 54
33	2234	80	PB 16 PG 55
33	2235	1-61	PB 16 PG 52, 55
33	2241	1-58	PB 16 PG 52, 55
33	2246	1-18	PB 16 PG 54
66	3288	1-65	PB 22 PG 10, 13
47 PT 2	3510	1-25	PB 23 PG 123-124
47 PT 2	3511	1-66	PB 23 PG 122-124
47 PT 2	3519	1-30	PB 23 PG 122, 125
47 PT 2	3527	1-30	PB 23 PG 116, 122
47 PT 2	3528	1-34	PB 23 PG 116-117, 121
47 PT 2	3529	1-40	PB 23 PG 121, 126
47 PT 2	3530	1-59	PB 23 PG 120-121, 126
47 PT 2	3537	1-44	PB 23 PG 120-121
47 PT 2	3538	1-56	PB 23 PG 117, 120-121

RESIDENTIAL RECEIVING (RX) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONE

Unit	Block	Lots	PB/PG
66	3290	1-56	PB 22 PG 6, 9, 12
66	3291	1-36	PB 22 PG 9, 12
70	4717	1-20	PB 22 PG 87

SOUTH CAPE DOWNTOWN DISTRICT (SC) TO MIXED-USE BIMINI (MXB) ZONE

Unit	Block	Lots	PB/PG
5	80	1 - 43	PB 11 PG 81
9	80	44 - 86	PB 11 PG 11
6 PT 1	81	1-59	PB 11 PG 46
5	82	1 - 50	PB 11 PG 81
5	83	1 - 40	PB 11 PG 81
5	84	1 - 32	PB 11 PG 81
5	85	1 - 18	PB 12 PG 43
9	85	19 - 38	PB 13 PG 15
5	86	1 - 28	PB 12 PG 43
9	86	28A-54	PB 13 PG 15
5	87	1 - 18	PB 11 PG 90
2 PT 3	88	1 - 27	PB 11 PG 40
2 PT 3	89	1 - 33	PB 11 PG 40
2 PT 3	90	1 - 40	PB 11 PG 40
2 PT 3	91	1-38	PB 11 PG 40
2 PT 3	92	1 - 34	PB 11 PG 41
2 PT 3	93	1 - 63	PB 11 PG 40-41
5	93	64 -101	PB 11 PG 90
5	93	TR A	PB 11 PG 90
5	102	TR B	PB 11 PG 90
5	102	1 - 56	PB 11 PG 90
5	102	TR C	PB 11 PG 90

VILLAGE (VILL) TO COMMERCIAL CORRIDOR (CC) ZONE

Unit	Block	Lots	PB/PG
23	1092	1-3	PB 14 PG 52

23	1093A	ALL	PB 14 PG 52
23	1094	TR	PB 14 PG 40
23	1095	1-17	PB 14 PG 52
37	2371	TR	PB 17 PG 18, 23
Eagle Subdivision I		Tracts A, B, C, D, F, G	PB 66 PG 16
Florida Tropical Farms	FTF00	20	
Florida Tropical Farms	FTF00	22	
Florida Tropical Farms	FTF00	23	
Florida Tropical Farms	FTF00	24	
Florida Tropical Farms	FTF00	24A	
Florida Tropical Farms	FTF00	24B	
Florida Tropical Farms	FTF00	24C	
Florida Tropical Farms	FTF00	25	
Florida Tropical Farms	FTF00	26	
Florida Tropical Farms	FTF00	26A	
Florida Tropical Farms	FTF00	27	
Florida Tropical Farms	FTF00	27A	
Florida Tropical Farms	FTF00	28	
Florida Tropical Farms	FTF00	29	
Florida Tropical Farms	FTF00	33	
Florida Tropical Farms	FTF00	34	
Florida Tropical Farms	FTF00	36	
Santa Barbara Center	6620	1-6 Less ROW	
Santa Barbara Center	6621	1-2 + TR A, B, C Less ROW	
Coral Shores	8005	1-9 + TR B + TR D	
Twin Central Plaza	8061	TR	

AND

A tract of land lying in the SW ¼ of Section 5 and in the NW ¼ of Section 8, Township 44 South, Range 24 East, City of Cape Coral, Lee County, Florida, being more particularly described as follows:

Beginning at the NW corner of Tract A of Eagle Subdivision I as recorded in Plat Book 66, Page 16 of the Public Records of Lee County, Florida; thence run S00°02'16"E along a line being the Westerly line of Tracts A, B, and C of said Eagle Subdivision I for 406.76 feet; thence run N88°42'51"W along the Northerly line of Tract C of said Eagle Subdivision I for 84.29 feet; thence continue along said Northerly running N89°22'28"W for 131.56 feet to the existing Easterly right-of-way line of Del Prado Boulevard as described by taking parcel 46 (Instrument #200800079378); thence along said Easterly line the following three (3) courses: 1) N03°50'57"E for 68.47 feet; 2) along the arc of a 1211.50' curve to the left, having a delta angle of 10°35'55", a chord bearing and chord of N01°27'01"W and 223.78 feet, an arc distance of 224.10'; 3) through a point of reverse curvature along the arc of a 129.00 foot radius curve to the right, having a delta angle of 03°30'30", a chord bearing and chord of N04°59'53"W and 7.90 feet, an arc distance of 7.90 feet; thence leaving said line run S89°24'21"E for 82.44 feet; thence run N47°47'54"E for 117.76 feet; thence run N62°02'11"E for 53.94 feet to the Point of Beginning.

AND

The S ½ of the NE ¼ of the SE ¼ of the NE ¼ of Section 14, Township 44 South, Range 23 East, less right-of-way for Santa Barbara Boulevard, as described in Official Records Book 2805, Page 3117, in the Public Records of Lee County, Florida.

PLACES OF WORSHIP (W) TO COMMERCIAL (C) ZONE

Unit	Block	Lots	PB/PG
21	649	TR	PB 13 PG 158, 161
20 PT 2	1179	TR B	PB 19 PG 44
20 PT 2	1179	1-8	PB 19 PG 44
20 PT 1	1195A	TR	PB 17 PG 108

44	1721	All of Block 1721	PB 21 PG 109
29	1933	All of Block 1933	PB 16 PG 19
33	2209	4-10; Tract A	PB 16 PG 42

AND

Parcel in NE 1/4 of NE 1/4 of SE 1/4 in Section 14, Township 44 South, Range 23 East, Public Records of Lee County, Florida, as described in Official Records Book 1704, Page 2182.

PLACES OF WORSHIP (W) TO SINGLE-FAMILY RESIDENTIAL (R1) ZONE

Unit	Block	Lots	PB/PG
7	314A	Tract H	PB 12 PG 123
9	319	14-19	PB 13 PG 11
9	321	1-11, 14-27	PB 13 PG 12
9	322	1-5	PB 13 PG 12
9	322	Tract D	PB 13 PG 12
7	341	1-8, 15-24	PB 12 PG 123
7	342	Tract I	PB 12 PG 123
7	342	1-5, 12-16	PB 12 PG 123
21	837	TR	PB 13 PG 156, 159
45	1750	7-22,51-64	PB 21 PG 123
66	3264	1-32	PB 22 PG 12
69	4622	All of Block 4622	PB 22 PG 34
71	4812	All of Block 4812	PB 22 PG 99

AND

W 1/2 OF SW 1/4 OF SW 1/4 OF NE 1/4 + BLKS 1044+ LTS 1+2 1045 in Section 24, Township 44 South, Range 23 East, Public Records of Lee County, Florida, as described in Plat Book 14, Page 70.

AND

PARL IN NW 1/4 DESC IN OR 2072 PG 3708 + BLK 1151 LOTS 1 + 2 + LOTS 5 + 6 in Section 24, Township 44 South, Range 23 East, Public Records of Lee County, Florida, as described in Plat Book 14. Page 40.

AND

PAR IN E 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 in Section 24, Township 44 South, Range 23 East, Public Records of Lee County, Florida, as described in Official Records Book 3369 Page 4769

AND

E 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 + PT BLKS 1197 + 1061 + VAC R/W in Section 24, Township 44 South, Range 23 East, Public Records of Lee County, Florida, as described in Official Records Book 2184, Page 1337 LESS the area described in Official Records Book 3369 Page 4769

PLACES OF WORSHIP (W) TO RESIDENTIAL MULTI-FAMILY MEDIUM (RMM) ZONE

W to RMM			
Unit	Block	Lots	PB/PG
18	1355	1	PB 13 PG 120
18	1365	TR (E 1/2)	PB 13 PG 114, 117
68	4556A	TR	PB 23 PG 104

AND

A portion of Block 1378 less and except the North 405 feet thereof in Unit 18, City of Cape Coral Subdivision, recorded in Plat Book 13, Pages 96 to 120 inclusive, in the Public Records of Lee County, Florida, together

with that portion of the vacated right-of-way granted by Resolution 98-78, and being more particularly described as follows:

Beginning at the Southeast Corner of the said North 405 feet of Block 1378, being a point of the westerly right-of-way line of SE 24th Avenue; thence run S 00°57'33"W along said westerly right-of-way line for 401.55 feet to the beginning of a curve to the right having for its elements a radius of 25 feet, a chord bearing and distance of S 44°39'29"W, 34.54 feet; thence run along the curve to the right an arc distance of 38.13 feet to a point on the northerly right-of-way line of SE 8th Street; thence run S 88°21'26"W along said northerly right-of-way line for 237.38 feet; thence leaving said right-of-way run N 00°57'33"E for 425.44 feet; thence run N 88°21'26"E for 261.27 feet to the Point of Beginning. Parcel contains 2.6 acres plus or minus. Basis for bearings is the east line of Block 1378 being S 00°57'33"W according to the plat of Cape Coral Unit 18, as recorded in Plat Book 13, Page 96 to 120, inclusive, Lee County, Florida.

AND

A portion of Block 1378 less and except the North 405 feet thereof in Unit 18, City of Cape Coral Subdivision, recorded in Plat Book 13, Pages 96 to 120 inclusive, in the Public Records of Lee County, Florida, together with that portion of the vacated right-of-way granted by Resolution 98-78, and being more particularly described as follows:

Commencing from the Southeast Corner of the said North 405 feet of Block 1378; thence run S 88°21'26" W for 261.27 feet to the Point of Beginning of the parcel herein described; thence run S 00°57'33"W for 425.44 feet to a point on the northerly right-of-way line of SE 8th Street; thence run S 88°21'26"W along said right-of-way line for 363.24 feet to a Point of Curvature to the right having for its elements a radius of 25 feet, a chord bearing and distance of N 45°20'31"W, 36.15 feet; thence run along the curve to the right an arc distance of 40.41 feet to a Point of Tangency on the easterly right-of-way line of SE 23rd Avenue; thence run N 00°57'33"E along said easterly right-of-way line for 399.28 feet; thence run N 88°21'26"E for 389.40 feet to the Point of Beginning. Parcel contain 3.80 acres more or less. Basis for bearings is the east line of Block 1378 being S 00°57'33"W according to the plat of Cape Coral Unit 18, as recorded in Plat Book 13, Page 96 to 120, inclusive, Lee County, Florida.

AGRICULTURAL-2 (AG-2, A LEE COUNTY DESIGNATION) TO COMMERCIAL (C) ZONE

A parcel of land within the City of Cape Coral, being a part of Section 20, Township 43 South, Range 23 East, Lee County, Florida, described as follows:

Commence at the Northeast corner of said Section 20; thence South 89°37'56" West along the north line of the Northeast ¼ of said Section 20, a distance of 1,328.13 feet to the Point of Beginning; thence South 15°46'07" East, a distance of 212.80 feet; thence South 49°17'46" East, a distance of 233.40 feet; thence South 29°30'00" West, a distance of 428.71 feet; thence South 52°52'36" West, a distance of 419.74 feet; thence South 47°37'42" West, a distance of 418.12 feet; thence South 30°46'26" West, a distance of 373.82 feet; thence South 04°51'51" East, a distance of 328.57 feet; thence South 14°07'22" East, a distance of 309.02 feet to a point on the South line of the North 135 acres of the East ½ of said Section 20; thence South 89°37'56" West along said South line, a distance of 642.83 feet to a point on the West line of said East ½ of Section 20; thence South 00°24'57" West along said West line, a distance of 1,795.25 feet to a point on the North line of lands described in Official Records Book 2911, Page 1929 of the Public Records of Lee County, Florida; thence North 89°18'53" West along said North line, a distance of 2,517.68 feet to a point on the easterly right of way line of Burnt Store Road (State Road 765), said point being 13 feet from the centerline; thence North 00°14'02" East along said easterly right of way line, a distance of 1,285.93 feet to an angle point; thence continue North 00°13'15" East along said easterly right of way line, a distance of 2,671.39 feet to a point on the North line of the Northwest ¼ of said Section 20; thence North 89°37'06" East along said North line, a distance of 2,531.07 feet to the North ¼ corner of said Section 20; thence North 89°37'56" East along the North line of the Northeast ¼ of said Section 20, a distance of 1,334.73 feet to the Point of Beginning.

LESS AND EXCEPT:

The Westerly 155 feet of land described in Official Records Book 4851, Page 1643, of the Public Records of Lee County, Florida, being part of Section 20, Township 43 South, Range 23 East, Lee County Florida.

LESS AND EXCEPT:

PARCEL OF LAND IN THE WEST-HALF OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY QUARTER-CORNER OF SAID SECTION 20; THENCE S 89°50'43" E. ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 20, A DISTANCE OF 1457.00 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N55°55'03"W , A DISTANCE OF 77.36 FEET; THENCE N79°39'21"W , A DISTANCE OF 37.86 FEET; THENCE N00°11'15"E , A DISTANCE OF 193.46 FEET; THENCE N64°04'07"E , A DISTANCE OF 33.46 FEET; THENCE N51°04'10"E , A DISTANCE OF 33.36 FEET; THENCE N21°53'36"E , A DISTANCE OF 35.14 FEET; THENCE N12°02'35"W , A DISTANCE OF 40.33 FEET; THENCE N18°25'56"W , A DISTANCE OF 32.07 FEET; THENCE N07°16'30"W , A DISTANCE OF 33.69 FEET; THENCE N12°44'56"E , A DISTANCE OF 36.63 FEET; THENCE N49°41'02"E , A DISTANCE OF 36.93 FEET; THENCE N79°55'29"E , A DISTANCE OF 49.63 FEET; THENCE S63°56'22"E , A DISTANCE OF 68.42 FEET; THENCE S58°42'11"E , A DISTANCE OF 67.89 FEET; THENCE S56°15'14"E , A DISTANCE OF 40.98 FEET; THENCE S79°07'24"E , A DISTANCE OF 18.97 FEET; THENCE N82°43'10"E , A DISTANCE OF 60.18 FEET; THENCE S78°28'41"E , A DISTANCE OF 52.00 FEET; THENCE S66°31'54"E , A DISTANCE OF 44.33 FEET; THENCE S66°58'09"E , A DISTANCE OF 11.29 FEET; THENCE S78°04'52"E , A DISTANCE OF 55.81 FEET; THENCE S82°04'57"E , A DISTANCE OF 44.97 FEET; THENCE S63°51'51"E , A DISTANCE OF 45.75 FEET; THENCE S11°43'31"E , A DISTANCE OF 23.93 FEET; THENCE S08°53'47"W , A DISTANCE OF 18.65 FEET; THENCE S38°16'57"W , A DISTANCE OF 42.89 FEET; THENCE S54°02'01"W , A DISTANCE OF 60.49 FEET; THENCE S54°03'18"W , A DISTANCE OF 48.38 FEET; THENCE S10°32'37"W , A DISTANCE OF 45.85 FEET; THENCE S20°37'02"E , A DISTANCE OF 51.16 FEET; THENCE S08°58'15"E , A DISTANCE OF 79.39 FEET; THENCE S31°10'06"E , A DISTANCE OF 36.98 FEET; THENCE S62°25'26"E , A DISTANCE OF 47.84 FEET; THENCE S74°55'06"E , A DISTANCE OF 41.90 FEET; THENCE S48°22'54"E , A DISTANCE OF 57.51 FEET; THENCE S53°36'13"E , A DISTANCE OF 66.77 FEET; THENCE S00°54'10"E , A DISTANCE OF 407.36 FEET; THENCE S78°01'47"W , A DISTANCE OF 34.81 FEET; THENCE N59°53'03"W , A DISTANCE OF 41.10 FEET; THENCE N69°04'34"W , A DISTANCE OF 36.46 FEET; THENCE N83°36'07"W , A DISTANCE OF 52.95 FEET; THENCE N65°54'29"W , A DISTANCE OF 49.54 FEET; THENCE N68°47'48"W , A DISTANCE OF 22.32 FEET; THENCE S85°44'31"W , A DISTANCE OF 44.89 FEET; THENCE S63°34'19"W , A DISTANCE OF 18.99 FEET; THENCE S59°21'46"W , A DISTANCE OF 89.77 FEET; THENCE S68°11'29"W , A DISTANCE OF 34.36 FEET; THENCE N62°14'15"W , A DISTANCE OF 33.17 FEET; THENCE N48°28'45"W , A DISTANCE OF 91.54 FEET; THENCE N69°35'18"W , A DISTANCE OF 74.92 FEET; THENCE N69°29'42"W , A DISTANCE OF 33.11 FEET; THENCE N78°39'42"W , A DISTANCE OF 36.46 FEET; THENCE N00°21'30"W , A DISTANCE OF 49.58 FEET; THENCE N19°20'26"W , A DISTANCE OF 36.93 FEET; THENCE N42°33'32"W , A DISTANCE OF 24.94 FEET; THENCE N35°01'03"W , A DISTANCE OF 34.08 FEET; THENCE N01°47'23"E , A DISTANCE OF 8.27 FEET; THENCE N28°42'18"E , A DISTANCE OF 22.50 FEET; THENCE N57°44'14"E , A DISTANCE OF 41.68 FEET; THENCE N61°59'51"E , A DISTANCE OF 48.00 FEET; THENCE N40°17'19"E , A DISTANCE OF 42.13 FEET; THENCE N17°05'05"E , A DISTANCE OF 34.64 FEET; THENCE N09°08'07"W , A DISTANCE OF 42.03 FEET; THENCE N34°28'46"W , A DISTANCE OF 31.20 FEET; THENCE N32°47'43"W , A DISTANCE OF 35.35 FEET; THENCE N19°16'43"W , A DISTANCE OF 45.20 FEET; THENCE N39°47'48"W , A DISTANCE OF 15.52 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

Such land comprising 254.81 acres, more or less.

AND

A PARCEL OF LAND FOR LAND USE ADMINISTRATIVE PURPOSES, BEING A PART OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast corner of said Section 5, Township 43 South, Range 24 East; thence run S 89°52'14" W along the south line of the Southeast Quarter (SE 1/4) of said Section 5 1068.53 feet to the southwest corner of lands described in Official Records Book 2728, Page 2455 of the Public Records of Lee County, Florida, and the Point of Beginning. From said Point of Beginning continue S 89°52'14" W along said south line 1682.06 feet to the South Quarter corner of said Section 5; thence N 89°40'24" W along the south line of the Southwest Quarter (SW 1/4) of said Section 5 a distance of 555.93 feet; thence departing said south line N 14°03'03" W a distance of 6.46 feet; thence N 23°59'58" W a distance of 34.79 feet; thence N 43°47'16" W a distance of 32.03 feet; thence N 52°39'08" W a distance of 31.24 feet; thence N 56°17'09" W a distance of 30.92 feet; thence N 45°59'34" W a distance of 34.56 feet; thence N 32°11'05" W a distance of 31.56 feet; thence N 57°46'01" W a distance of 32.18 feet; thence N 67°25'25" W a distance of 30.75 feet; thence N 64°12'02" W a distance of 30.55 feet; thence N 58°37'58" W a distance of 30.13 feet; thence N 65°38'16" W a distance of 31.51 feet; thence N 79°39'31" W a distance of 35.83 feet; thence N 76°03'32" W a distance of 30.48 feet; thence N 68°08'46" W a distance of 30.92 feet; thence N 44°32'01" W a distance of 31.62 feet; thence N 25°36'33" W a distance of 36.90 feet; thence N 10°17'00" W a distance of 34.15 feet;

thence N 16°03'21" W a distance of 30.62 feet; thence N 27°04'45" W a distance of 33.69 feet;
 thence N 36°19'28" W a distance of 32.42 feet; thence N 53°07'37" W a distance of 35.56 feet;
 thence N 57°48'15" W a distance of 35.01 feet; thence N 70°00'49" W a distance of 30.23 feet;
 thence N 63°27'16" W a distance of 31.77 feet; thence N 21°33'18" W a distance of 30.35 feet;
 thence N 41°39'23" E a distance of 33.12 feet; thence N 50°00'26" E a distance of 33.42 feet;
 thence N 61°10'09" E a distance of 34.70 feet; thence N 61°02'05" E a distance of 32.69 feet;
 thence N 52°57'34" E a distance of 30.21 feet; thence N 51°00'53" E a distance of 29.86 feet;
 thence N 45°41'32" E a distance of 32.00 feet; thence N 37°50'46" E a distance of 32.43 feet;
 thence N 34°56'59" E a distance of 35.23 feet; thence N 26°27'25" E a distance of 31.91 feet;
 thence N 22°22'10" E a distance of 41.17 feet; thence N 34°07'59" E a distance of 44.94 feet;
 thence N 40°50'57" E a distance of 35.41 feet; thence N 45°19'42" E a distance of 31.33 feet;
 thence N 46°18'10" E a distance of 44.38 feet; thence N 47°23'01" E a distance of 39.56 feet;
 thence N 49°27'18" E a distance of 34.80 feet; thence N 51°07'56" E a distance of 33.20 feet;
 thence N 48°48'35" E a distance of 34.34 feet; thence N 49°42'51" E a distance of 35.43 feet;
 thence N 54°52'36" E a distance of 47.59 feet; thence N 55°00'40" E a distance of 30.10 feet;
 thence N 58°09'37" E a distance of 34.98 feet; thence N 54°57'52" E a distance of 32.64 feet;
 thence N 51°24'20" E a distance of 46.71 feet; thence N 50°35'16" E a distance of 49.16 feet;
 thence N 50°41'27" E a distance of 39.88 feet; thence N 50°43'29" E a distance of 37.55 feet;
 thence N 51°22'14" E a distance of 33.79 feet; thence N 51°58'53" E a distance of 30.87 feet;
 thence N 48°35'51" E a distance of 39.52 feet; thence N 45°18'55" E a distance of 3.67 feet;
 thence N 48°04'49" E a distance of 30.66 feet; thence N 47°38'26" E a distance of 40.09 feet;
 thence N 46°43'08" E a distance of 33.77 feet; thence N 47°15'48" E a distance of 31.05 feet;
 thence N 44°33'12" E a distance of 31.64 feet; thence N 45°18'53" E a distance of 31.64 feet;
 thence N 45°56'34" E a distance of 35.83 feet; thence N 49°24'16" E a distance of 32.36 feet;
 thence N 66°13'51" E a distance of 32.41 feet; thence N 73°16'51" E a distance of 30.99 feet;
 thence N 67°48'52" E a distance of 34.59 feet; thence N 63°24'44" E a distance of 33.15 feet;
 thence N 54°32'33" E a distance of 32.71 feet; thence N 43°53'37" E a distance of 34.96 feet;
 thence N 39°04'32" E a distance of 30.91 feet; thence N 37°19'30" E a distance of 30.17 feet;
 thence N 29°39'51" E a distance of 32.72 feet; thence N 17°22'18" E a distance of 31.33 feet;
 thence N 08°55'59" W a distance of 33.56 feet; thence N 12°44'00" W a distance of 35.80 feet;
 thence N 03°09'52" E a distance of 29.64 feet; thence N 12°10'00" W a distance of 30.27 feet;
 thence N 40°28'10" W a distance of 32.67 feet; thence N 57°18'01" W a distance of 35.04 feet;
 thence N 58°19'14" W a distance of 36.05 feet; thence N 60°51'05" W a distance of 38.87 feet;
 thence N 60°21'00" W a distance of 30.50 feet; thence N 61°39'40" W a distance of 35.53 feet;
 thence N 63°34'49" W a distance of 33.91 feet; thence N 56°03'38" W a distance of 32.33 feet;
 thence N 41°48'12" W a distance of 31.36 feet; thence N 24°39'25" W a distance of 30.94 feet;
 thence N 04°41'04" E a distance of 34.44 feet; thence N 22°03'27" E a distance of 31.29 feet;
 thence N 23°37'51" E a distance of 35.20 feet; thence N 28°13'54" E a distance of 29.88 feet;
 thence N 37°04'55" E a distance of 38.19 feet; thence N 24°51'25" E a distance of 33.57 feet;
 thence N 13°58'30" E a distance of 30.17 feet; thence N 10°39'07" E a distance of 37.61 feet;
 thence N 12°19'19" E a distance of 32.69 feet; thence N 12°30'05" E a distance of 30.89 feet;
 thence N 05°20'47" W a distance of 33.56 feet; thence N 03°15'31" E a distance of 33.76 feet;
 thence N 19°56'18" E a distance of 38.67 feet; thence N 15°21'46" E a distance of 35.25 feet;
 thence N 05°59'31" E a distance of 35.36 feet; thence N 07°07'12" W a distance of 34.85 feet;
 thence N 01°19'06" W a distance of 32.52 feet; thence N 08°00'37" E a distance of 43.26 feet;
 thence N 16°18'25" E a distance of 30.16 feet; thence N 19°32'13" E a distance of 29.77 feet;
 thence N 21°15'45" E a distance of 39.61 feet; thence N 21°20'36" E a distance of 29.80 feet;
 thence N 28°51'55" E a distance of 31.68 feet; thence N 37°07'19" E a distance of 36.63 feet;
 thence N 40°26'19" E a distance of 34.10 feet; thence N 40°19'25" E a distance of 33.27 feet;
 thence N 47°52'26" E a distance of 33.84 feet; thence N 50°01'44" E a distance of 38.53 feet;
 thence N 53°18'44" E a distance of 8.63 feet; thence N 30°02'35" W a distance of 39.08 feet;
 thence N 23°42'46" W a distance of 33.55 feet; thence N 01°59'28" W a distance of 29.83 feet;
 thence N 10°42'46" W a distance of 32.75 feet; thence N 59°08'54" W a distance of 7.61 feet;
 thence N 24°58'20" E a distance of 24.99 feet; thence N 13°00'15" E a distance of 29.67 feet;
 thence N 14°06'55" E a distance of 29.80 feet; thence N 20°09'19" E a distance of 38.46 feet;
 thence N 67°06'02" E a distance of 3.43 feet; thence N 74°34'35" E a distance of 31.93 feet;
 thence N 70°10'22" E a distance of 31.13 feet; thence N 73°17'57" E a distance of 30.58 feet;
 thence N 85°15'55" E a distance of 38.34 feet; thence S 86°11'20" E a distance of 32.08 feet;
 thence N 81°04'40" E a distance of 35.65 feet; thence N 78°56'48" E a distance of 31.95 feet;
 thence N 75°05'11" E a distance of 31.83 feet; thence N 60°22'41" E a distance of 30.90 feet;
 thence N 46°32'59" E a distance of 31.65 feet; thence N 56°16'08" E a distance of 32.28 feet;
 thence N 83°37'47" E a distance of 31.25 feet; thence S 88°11'38" E a distance of 30.21 feet;
 thence N 87°50'47" E a distance of 29.61 feet; thence N 58°23'40" E a distance of 30.82 feet;
 thence N 58°34'33" E a distance of 30.41 feet; thence N 61°16'04" E a distance of 32.96 feet;
 thence N 54°36'45" E a distance of 31.44 feet; thence N 57°01'53" E a distance of 30.21 feet;
 thence N 51°44'08" E a distance of 32.25 feet; thence N 53°12'32" E a distance of 32.36 feet;
 thence N 53°51'29" E a distance of 31.36 feet; thence N 58°33'37" E a distance of 39.36 feet;
 thence N 59°25'00" E a distance of 32.85 feet;
 thence N 57°38'06" E a distance of 30.68 feet; thence N 64°16'27" E a distance of 32.38 feet;

thence N 65°55'10" E a distance of 32.28 feet; thence N 75°38'13" E a distance of 32.89 feet;
 thence N 89°38'51" E a distance of 33.38 feet; thence S 87°10'56" E a distance of 31.65 feet;
 thence N 83°27'32" E a distance of 35.35 feet; thence N 62°34'25" E a distance of 30.51 feet;
 thence N 71°22'59" E a distance of 31.09 feet; thence N 78°32'20" E a distance of 30.69 feet;
 thence S 89°20'18" E a distance of 33.36 feet; thence N 66°38'38" E a distance of 29.50 feet;
 thence N 61°03'34" E a distance of 30.25 feet; thence N 71°43'35" E a distance of 30.70 feet;
 thence N 78°39'01" E a distance of 30.96 feet; thence N 76°08'05" E a distance of 32.77 feet;
 thence N 62°18'29" E a distance of 30.22 feet; thence N 36°33'06" E a distance of 29.96 feet;
 thence N 05°02'52" E a distance of 31.28 feet; thence N 01°16'48" E a distance of 30.88 feet;
 thence N 07°52'08" W a distance of 23.16 feet; thence N 35°33'11" W a distance of 18.28 feet;
 thence N 83°17'38" W a distance of 12.13 feet; thence S 42°50'16" W a distance of 16.46 feet;
 thence S 19°55'52" W a distance of 30.62 feet; thence S 31°16'05" W a distance of 32.63 feet;
 thence N 74°02'43" W a distance of 31.35 feet; thence N 27°22'07" W a distance of 31.18 feet;
 thence N 23°36'18" W a distance of 64.27 feet; thence N 35°41'16" W a distance of 35.20 feet;
 thence N 57°55'48" W a distance of 30.06 feet; thence N 49°28'55" W a distance of 33.17 feet;
 thence N 05°15'39" W a distance of 31.02 feet; thence N 08°20'44" W a distance of 31.81 feet;
 thence N 36°35'39" W a distance of 31.94 feet; thence N 42°58'06" W a distance of 32.25 feet;
 thence N 42°11'38" W a distance of 31.85 feet; thence N 38°48'28" W a distance of 29.89 feet;
 thence N 33°34'38" W a distance of 36.08 feet; thence N 25°08'36" W a distance of 30.25 feet;
 thence N 41°23'58" W a distance of 37.75 feet; thence N 69°10'49" W a distance of 30.07 feet;
 thence N 71°28'41" W a distance of 35.56 feet; thence N 80°47'12" W a distance of 33.83 feet;
 thence N 86°11'42" W a distance of 32.86 feet; thence N 80°39'29" W a distance of 29.66 feet;
 thence N 80°11'38" W a distance of 30.00 feet; thence N 85°19'24" W a distance of 30.24 feet;
 thence N 74°05'21" W a distance of 32.61 feet; thence N 75°50'25" W a distance of 34.17 feet;
 thence S 70°21'18" W a distance of 29.43 feet; thence S 75°57'27" W a distance of 32.24 feet;
 thence S 84°18'47" W a distance of 31.46 feet; thence S 80°41'28" W a distance of 30.22 feet;
 thence S 76°48'37" W a distance of 34.27 feet; thence S 61°05'55" W a distance of 29.01 feet;
 thence S 63°37'20" W a distance of 48.01 feet; thence S 79°21'32" W a distance of 31.26 feet;
 thence S 78°13'08" W a distance of 69.42 feet; thence S 71°22'25" W a distance of 110.34 feet;
 thence S 46°46'32" W a distance of 35.98 feet; thence S 17°01'25" W a distance of 97.81 feet;
 thence S 12°16'18" W a distance of 105.73 feet; thence S 12°09'42" W a distance of 149.35 feet;
 thence S 15°15'48" W a distance of 76.83 feet; thence S 33°13'11" W a distance of 197.94 feet;
 thence S 23°03'54" W a distance of 193.80 feet; thence S 48°10'17" W a distance of 34.88 feet;
 thence S 35°52'04" W a distance of 101.25 feet; thence S 25°05'50" W a distance of 74.41 feet;
 thence S 00°00'00" E a distance of 80.97 feet; thence S 07°10'52" W a distance of 29.76 feet;
 thence S 12°01'54" W a distance of 36.23 feet; thence S 12°05'43" W a distance of 30.50 feet;
 thence S 21°34'18" W a distance of 29.52 feet; thence S 36°51'44" W a distance of 30.98 feet;
 thence S 59°42'05" W a distance of 31.55 feet; thence S 64°31'16" W a distance of 31.51 feet;
 thence S 47°14'08" W a distance of 33.03 feet; thence S 21°05'20" W a distance of 59.16 feet;
 thence S 15°25'50" W a distance of 47.78 feet; thence S 10°07'49" W a distance of 45.17 feet;
 thence S 13°48'23" W a distance of 39.82 feet; thence S 03°42'18" E a distance of 29.63 feet;
 thence S 05°56'48" W a distance of 33.00 feet; thence S 10°06'22" W a distance of 36.34 feet;
 thence S 15°58'20" W a distance of 37.21 feet; thence S 23°25'50" W a distance of 32.55 feet;
 thence S 36°10'41" W a distance of 35.53 feet; thence S 50°18'26" W a distance of 34.25 feet;
 thence S 81°08'13" W a distance of 42.09 feet; thence N 88°29'47" W a distance of 46.10 feet;
 thence N 88°14'25" W a distance of 39.28 feet; thence S 86°04'17" W a distance of 34.27 feet;
 thence S 69°43'51" W a distance of 30.71 feet; thence S 59°41'41" W a distance of 35.75 feet;
 thence S 50°11'09" W a distance of 30.49 feet; thence S 42°09'56" W a distance of 33.53 feet;
 thence S 31°52'39" W a distance of 36.95 feet; thence S 22°57'45" W a distance of 30.22 feet;
 thence S 05°51'46" W a distance of 33.64 feet; thence S 09°57'42" E a distance of 36.98 feet;
 thence S 17°36'58" E a distance of 33.87 feet; thence S 32°28'13" E a distance of 31.25 feet;
 thence S 44°28'57" E a distance of 31.14 feet; thence S 50°29'14" E a distance of 34.45 feet;
 thence S 49°09'15" E a distance of 30.79 feet; thence S 42°10'17" E a distance of 31.17 feet;
 thence S 27°06'51" E a distance of 30.28 feet; thence S 13°08'00" E a distance of 34.67 feet;
 thence S 05°04'09" E a distance of 31.82 feet; thence S 04°22'51" E a distance of 32.98 feet;
 thence S 00°14'30" E a distance of 31.70 feet; thence S 06°55'04" W a distance of 33.43 feet;
 thence S 19°26'46" W a distance of 32.68 feet; thence S 37°47'37" W a distance of 35.26 feet;
 thence S 53°02'31" W a distance of 33.05 feet; thence S 68°46'32" W a distance of 34.44 feet;
 thence S 71°25'05" W a distance of 31.68 feet; thence S 75°29'56" W a distance of 34.41 feet;
 thence S 80°14'09" W a distance of 36.84 feet; thence S 68°44'53" W a distance of 30.31 feet;
 thence S 58°49'24" W a distance of 36.12 feet; thence S 62°23'05" W a distance of 35.23 feet;
 thence S 76°05'57" W a distance of 33.43 feet; thence S 81°03'36" W a distance of 100.99 feet;
 thence S 70°29'00" W a distance of 74.20 feet; thence S 46°56'48" W a distance of 95.19 feet;
 thence S 24°05'16" W a distance of 102.25 feet; thence S 20°39'24" W a distance of 92.31 feet;
 thence S 12°09'08" W a distance of 30.69 feet; thence S 36°45'17" W a distance of 35.25 feet;
 thence S 53°08'46" W a distance of 32.74 feet; thence S 52°23'22" W a distance of 36.08 feet;
 thence S 54°18'35" W a distance of 35.20 feet; thence S 56°36'31" W a distance of 33.54 feet;
 thence S 50°35'13" W a distance of 34.69 feet; thence S 40°33'02" W a distance of 37.98 feet;
 thence S 18°36'56" W a distance of 39.85 feet; thence S 07°14'22" E a distance of 38.94 feet;

thence S 14°10'22" E a distance of 35.85 feet; thence S 05°46'36" E a distance of 33.75 feet;
 thence S 17°11'28" W a distance of 33.00 feet; thence S 23°11'09;" W a distance of 36.90 feet;
 thence S 23°16'15" W a distance of 30.77 feet; thence S 24°38'37" W a distance of 37.00 feet;
 thence S 16°48'11" W a distance of 31.70 feet; thence S 04°51'08" W a distance of 34.03 feet;
 thence S 02°45'52" W a distance of 34.84 feet; thence S 11°58'07" W a distance of 29.81 feet;
 thence S 17°54'57" W a distance of 38.48 feet; thence S 07°40'38" W a distance of 39.34 feet;
 thence S 00°11'03" E a distance of 41.06 feet; thence S 02°12'47" W a distance of 35.74 feet;
 thence S 03°22'53" W a distance of 38.46 feet; thence S 13°40'14" W a distance of 33.71 feet;
 thence S 21°42'48" W a distance of 38.49 feet; thence S 19°51'15" W a distance of 42.77 feet;
 thence S 16°23'46" W a distance of 33.54 feet; thence S 21°08'00" W a distance of 32.91 feet;
 thence S 15°22'58" W a distance of 31.22 feet; thence S 13°05'29" W a distance of 35.18 feet;
 thence S 07°12'09" E a distance of 31.80 feet; thence S 31°56'22" E a distance of 30.12 feet;
 thence S 34°26'47" W a distance of 24.44 feet; thence S 35°38'02" W a distance of 30.33 feet;
 thence S 62°04'27" W a distance of 33.22 feet; thence S 82°23'23" W a distance of 32.29 feet;
 thence S 79°10'24" W a distance of 32.28 feet; thence S 72°58'45" W a distance of 31.90 feet;
 thence N 84°20'53" W a distance of 32.20 feet; thence S 73°03'12" W a distance of 38.70 feet;
 thence S 34°23'44" W a distance of 41.04 feet; thence S 00°00'00" E a distance of 32.08 feet;
 thence S 18°26'41" W a distance of 45.09 feet; thence S 27°36'39" W a distance of 36.48 feet to an intersection
 with the said south line of the Southwest Quarter (SW 1/4); thence N 89°40'24" W along the said south line a
 distance of 527.49 feet to the Southwest corner of said Section 5; thence N 01°12'25" E along the west line of
 the Southwest Quarter (SW 1/4) a distance of 2588.81 feet; thence departing said west line N84°13'12" E a
 distance of 52.91 feet; thence N 90°00'00" E a distance of 43.77 feet;
 thence N 77°06'21" E a distance of 42.89 feet; thence N 48°37'02" E a distance of 31.81 feet;
 thence N 23°29'21" E a distance of 38.78 feet; thence N 02°42'47" E a distance of 29.98 feet;
 thence N 23°24'25" W a distance of 31.03 feet; thence N 16°15'39" E a distance of 37.04 feet;
 thence N 35°01'37" E a distance of 35.80 feet; thence N 51°33'55" E a distance of 34.27 feet;
 thence N 67°18'23" E a distance of 31.39 feet; thence N 79°08'56" E a distance of 34.36 feet;
 thence N 74°53'18" E a distance of 32.78 feet; thence N 71°04'20" E a distance of 30.92 feet;
 thence N 77°28'09" E a distance of 31.19 feet; thence N 81°09'11" E a distance of 30.51 feet;
 thence N 85°46'00" E a distance of 31.43 feet; thence N 68°24'38" E a distance of 36.89 feet;
 thence N 48°08'45" E a distance of 36.78 feet; thence N 71°35'18" E a distance of 29.86 feet;
 thence N 78°45'22" E a distance of 31.63 feet; thence N 55°16'20" E a distance of 30.08 feet;
 thence N 35°02'15" E a distance of 34.68 feet; thence N 38°27'42" E a distance of 30.59 feet;
 thence N 59°51'41" E a distance of 34.09 feet; thence N 82°10'49" E a distance of 32.20 feet;
 thence S 84°19'47" E a distance of 33.58 feet; thence N 83°01'45" E a distance of 36.04 feet;
 thence N 77°31'53" E a distance of 29.91 feet; thence N 53°06'51" E a distance of 21.15 feet;
 thence N 10°48'38" E a distance of 11.14 feet; thence N 12°39'41" E a distance of 34.86 feet;
 thence N 26°06'23" E a distance of 30.29 feet; thence N 47°30'45" E a distance of 31.03 feet;
 thence N 52°51'08" E a distance of 34.69 feet; thence N 49°06'58" E a distance of 30.66 feet;
 thence N 40°05'39" E a distance of 30.88 feet; thence N 52°22'59" E a distance of 31.89 feet;
 thence N 61°55'49" E a distance of 30.67 feet; thence N 60°13'51" E a distance of 33.22 feet;
 thence N 33°53'45" E a distance of 78.58 feet; thence N 00°00'00" E a distance of 53.51 feet;
 thence N 00°00'00" E a distance of 60.20 feet; thence N 15°27'36" E a distance of 62.63 feet;
 thence N 00°00'00" E a distance of 51.12 feet; thence N 23°19'54" E a distance of 51.74 feet;
 thence N 20°07'59" E a distance of 68.52 feet; thence N 29°10'02" E a distance of 81.30 feet;
 thence N 32°12'38" E a distance of 71.15 feet; thence N 26°34'41" E a distance of 54.85 feet;
 thence N 04°05'31" W a distance of 49.60 feet; thence N 17°15'23" W a distance of 43.63 feet;
 thence N 20°51'31" W a distance of 30.36 feet; thence N 31°20'20" W a distance of 35.67 feet;
 thence N 24°05'41" W a distance of 30.12 feet; thence N 01°27'34" E a distance of 30.70 feet;
 thence N 39°08'58" E a distance of 24.51 feet; thence N 71°41'40" E a distance of 12.43 feet;
 thence N 73°14'15" E a distance of 35.37 feet; thence N 67°48'57" E a distance of 31.74 feet;
 thence N 59°25'45" E a distance of 31.70 feet; thence N 76°08'10" E a distance of 32.73 feet;
 thence N 72°02'26" E a distance of 32.14 feet; thence N 60°37'27" E a distance of 31.65 feet;
 thence N 22°37'17" E a distance of 30.62 feet; thence N 23°24'28" E a distance of 33.36 feet;
 thence N 61°18'10" E a distance of 34.14 feet; thence N 84°20'43" E a distance of 31.63 feet;
 thence N 61°13'59" E a distance of 22.28 feet; thence N 26°34'28" E a distance of 33.02 feet;
 thence N 18°34'20" W a distance of 31.14 feet; thence N 10°52'35" W a distance of 32;14 feet;
 thence N 17°19'42" W a distance of 30.30 feet; thence N 45°12'32" W a distance of 37.40 feet;
 thence N 49°31'05" W a distance of 36.05 feet; thence N 43°22'33" W a distance of 32.57 feet;
 thence N 25°05'02" W a distance of 29.68 feet; thence N 34°35'14" W a distance of 30.52 feet;
 thence N 36°33'43" W a distance of 29.60 feet; thence S 69°23'52" W a distance of 6.96 feet;
 thence S 72°50'54" W a distance of 34.48 feet; thence S 75°08'09" W a distance of 31.64 feet;
 thence S 83°04'17" W a distance of 37.71 feet; thence S 86°23'55" W a distance of 30.67 feet;
 thence S 88°07'58" W a distance of 31.82 feet; thence S 84°15'49" W a distance of 31.06 feet;
 thence S 82°51'21" W a distance of 32.05 feet; thence S 80°01'17" W a distance of 29.87 feet;
 thence S 89°43'44" W a distance of 32.12 feet; thence S 79°55'48" W a distance of 32.91 feet;
 thence N 79°15'29" W a distance of 37.27 feet; thence N 52°30'58" W a distance of 31.20 feet;
 thence N 57°56'32" W a distance of 36.94 feet; thence N 87°46'01" W a distance of 34.25 feet;
 thence S 87°19'24" W a distance of 34.56 feet; thence N 67°12'26" W a distance of 32.33 feet;

thence N 42°37'06" W a distance of 32.20 feet; thence N 56°07'11" W a distance of 30.90 feet; thence N 54°13'35" W a distance of 32.00 feet; thence N 48°25'00" W a distance of 29.94 feet; thence N 45°13'08" W a distance of 32.82 feet; thence N 44°32'32" W a distance of 35.34 feet; thence N 50°18'26" W a distance of 35.31 feet; thence N 60°19'21" W a distance of 31.25 feet; thence N 63°13'55" W a distance of 32.41 feet; thence N 62°19'59" W a distance of 33.35 feet; thence N 62°15'38" W a distance of 31.35 feet; thence N 32°24'56" W a distance of 30.15 feet; thence N 42°20'34" W a distance of 33.28 feet; thence N 55°30'56" W a distance of 36.22 feet; thence N 23°07'54" W a distance of 30.54 feet; thence N 12°31'31" W a distance of 34.79 feet; thence N 03°56'25" W a distance of 31.65 feet; thence N 12°17'20" E a distance of 33.17 feet; thence N 10°02'44" W a distance of 32.98 feet; thence N 22°00'10" W a distance of 32.83 feet; thence N 12°47'29" W a distance of 32.70 feet; thence N 20°30'49" E a distance of 39.44 feet; thence N 55°29'17" E a distance of 6.95 feet; thence N 52°05'19" E a distance of 32.40 feet; thence N 52°59'43" E a distance of 30.14 feet; thence N 50°03'46" E a distance of 36.03 feet; thence N 46°27'01" E a distance of 33.60 feet; thence N 54°37'12" E a distance of 35.35 feet; thence N 73°47'35" E a distance of 36.24 feet; thence S 89°40'17" E a distance of 30.36 feet; thence N 84°17'17" E a distance of 30.80 feet; thence N 67°50'22" E a distance of 30.81 feet; thence N 42°03'11" E a distance of 32.76 feet; thence N 14°01'20" E a distance of 31.53 feet; thence N 12°29'43" E a distance of 35.25 feet; thence N 14°17'24" E a distance of 30.95 feet; thence N 14°31'38" E a distance of 32.81 feet; thence N 12°03'19" E a distance of 29.47 feet; thence N 15°40'12" E a distance of 16.38 feet to an intersection with the north line of the Northwest Quarter (NW 1/4) of said Section 5; thence N 89°39'10" E along said north line a distance of 1923.80 feet to the North Quarter corner of said Section 5; thence N 89°33'12" E along the north line of the Northeast Quarter (NW 1/4) of said Section 5 a distance of 73.31 feet to a point on the westerly right-of-way line of Tamiami Trail (State Road 45, U.S. 41), said point being 160.00 feet from the centerline; thence S 29°58'08" E along said westerly right-of-way line a distance of 190.24 feet to a point of a curve; thence southeasterly along said westerly right of way line and said curve to the right, having a radius of 7479.44 feet, a delta of 03°54'10", an arc distance of 509.47 feet to the point of tangency; thence S 26°03'58" E along said westerly right of way line, a distance of 4224.76 feet to a point of the prolongation of the north line of lands described in Official Records Book 2728, Page 2455 of the Public Records of Lee County, Florida; thence S 89°52'14" W along said north line, said line being 960.00 feet north of parallel to the south line of said southeast 1/4 of Section 5, a distance of 1479.33 feet to a point on a line parallel to said westerly right of way line of Tamiami Trail; thence S 26°03'58" E along said parallel line, a distance of 978.56 feet to a point that is 80.00 feet north of said south line of the Southeast 1/4 of Section 5; thence S 00°07'46" E along a line perpendicular to said south line of the southeast 1/4 of Section 5, a distance of 80.00 feet to the Point of Beginning.

Containing within said bounds 15,852,032 Square Feet or 363.913 Acres, more or less.

TOGETHER WITH:

A PARCEL OF LAND FOR LAND USE ADMINISTRATIVE PURPOSES, BEING A PART OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast corner of said Section 5, Township 43 South, Range 24 East; thence run S 89°52'14" W along the south line of the Southeast Quarter (SE 1/4) of said Section 5 a distance of 1068.53 feet to the southwest corner of lands described in Official Records Book 2728, Page 2455 of the Public Records of Lee County, Florida, thence continue S 89°52'14" W along said south line a distance of 1682.06 feet to the South Quarter corner of said Section 5; thence N 89°40'24" W along the south line of the Southwest Quarter (SW 1/4) of said Section 5 a distance of 2266.64 feet to the Southwest corner of said Section 5; thence N 01°12'25" E along the west line of the Southwest Quarter (SW 1/4) of said Section 5 a distance of 2652.40 feet to the west quarter corner of said Section 5; thence N 01°13'48" E along the west line of the Northwest Quarter (NW 1/4) of said Section 5 a distance of 804.33 feet to the Point of Beginning.

From said Point of Beginning continue N 01°13'48" E along said west line a distance of 742.14 feet; thence departing said west line N 79°16'10" E a distance of 10.34 feet; thence N 80°03'48" E a distance of 31.81 feet; thence S 76°07'53" E a distance of 33.84 feet; thence S 78°14'44" E a distance of 23.98 feet; thence S 77°36'34" E a distance of 29.16 feet; thence S 78°29'01" E a distance of 33.22 feet; thence S 77°55'30" E a distance of 30.23 feet; thence S 88°50'32" E a distance of 36.41 feet; thence N 89°14'27" E a distance of 34.31 feet; thence S 79°13'51" E a distance of 30.68 feet; thence S 84°07'12" E a distance of 29.99 feet; thence N 80°36'22" E a distance of 35.35 feet; thence N 63°33'04" E a distance of 30.27 feet; thence N 51°05'15" E a distance of 31.35 feet; thence N 10°28'35" E a distance of 33.92 feet; thence N 24°33'15" E a distance of 32.08 feet; thence N 12°05'16" W a distance of 9.33 feet; thence N 80°09'28" E a distance of 37.34 feet; thence S 79°54'48" E a distance of 34.53 feet; thence S 74°54'58" E a distance of 29.96 feet; thence N 85°11'21" E a distance of 30.20 feet; thence N 74°32'05" E a distance of 34.90 feet; thence S 88°40'47" E a distance of 31.29 feet; thence S 66°13'42" E a distance of 30.31 feet; thence S 11°46'30" E a distance of 32.60 feet; thence S 10°13'48" E a distance of 32.42 feet; thence S 43°46'06" E a distance of 32.83 feet; thence S 23°21'36" E a distance of 32.54 feet; thence S 09°53'59" E a distance of 29.99 feet; thence S 26°40'03" W a distance of 32.32 feet; thence S 87°33'59" W a distance of 31.90 feet; thence N 87°09'15" W a distance of 32.22 feet;

thence S 80°35'32" W a distance of 35.32 feet; thence S 82°18'05" W a distance of 32.16 feet; thence S 86°24'01" W a distance of 31.05 feet; thence S 81°22'53" W a distance of 40.38 feet; thence S 72°31'54" W a distance of 34.04 feet; thence S 59°17'53" W a distance of 33.93 feet; thence S 45°17'26" W a distance of 29.71 feet; thence S 20°05'03" W a distance of 30.16 feet; thence S 21°33'18" W a distance of 4.21 feet; thence S 07°26'21" W a distance of 44.61 feet; thence S 03°16'19" W a distance of 29.89 feet; thence S 11°33'23" E a distance of 30.19 feet; thence S 09°47'05" E a distance of 32.11 feet; thence S 02°33'54" W a distance of 31.36 feet; thence S 17°56'12" W a distance of 30.73 feet; thence S 26°26'51" W a distance of 32.64 feet; thence S 33°52'33" W a distance of 30.92 feet; thence S 41°06'33" W a distance of 34.83 feet; thence S 38°48'58" W a distance of 37.48 feet; thence S 39°38'02" W a distance of 32.18 feet; thence S 36°58'55" W a distance of 67.25 feet; thence S 33°52'38" W a distance of 29.88 feet; thence S 31°50'42" W a distance of 32.68 feet; thence S 56°45'07" W a distance of 34.93 feet; thence S 63°31'15" W a distance of 34.32 feet; thence S 65°07'56" W a distance of 32.88 feet; thence S 66°32'08" W a distance of 35.46 feet; thence S 69°48'01" W a distance of 31.49 feet; thence S 68°17'50" W a distance of 31.81 feet; thence S 71°04'05" W a distance of 34.41 feet; thence S 76°57'32" W a distance of 10.19 feet to the Point of Beginning.

Containing within said bounds 292,844 Square Feet or 6.723 Acres more or less.

AND

A PARCEL OF LAND FOR LAND USE ADMINISTRATIVE PURPOSES, BEING THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

Begin at the Southeast corner of said Section 6; thence North 89°41'37" West along the South line of the Southeast 1/4 of said Section 6, a distance of 665.55 feet to a point on the west line of said East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 6; thence North 01°12'20" East along said West line, a distance of 1338.36 feet to a point on the North line of said East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 6; thence South 88°38'47" East along said North line, a distance of 665.50 feet to a point on the East line of said Southeast 1/4 of Section 6; thence South 01°12'25" West along said East line, a distance of 1326.20 feet to the point of beginning. Containing 20.3S acres, more or less.

AND

A PARCEL OF LAND FOR LAND USE ADMINISTRATIVE PURPOSES, BEING A PART OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of said Section 7, Township 43 South, Range 24 East thence run N 86°03'18" W along the south line of the Southeast Quarter (SE 1/4) of said Section 7 for a distance of 1591.86 feet; thence departing said south line N 21°32'50" E a distance of 24.81 feet; thence N 23°51'25" E a distance of 36.56 feet; thence N 24°44'13" E a distance of 15.45 feet; thence N 37°06'56" E a distance of 15.69 feet; thence N 41°10'11" E a distance of 16.21 feet; thence N 57°41'22" E a distance of 19.39 feet; thence N 88°21'18" E a distance of 13.68 feet; thence N 03°43'48" E a distance of 19.91 feet; thence N 07°57'37" W a distance of 16.35 feet; thence N 30°16'52" E a distance of 15.20 feet; thence N 38°53'00" E a distance of 23.33 feet; thence N 36°42'42" E a distance of 16.35 feet; thence N 18°44'30" E a distance of 16.41 feet; thence N 18°22'52" E a distance of 15.74 feet; thence N 09°00'08" W a distance of 16.40 feet; thence N 24°43'46" W a distance of 15.55 feet; thence N 07°17'34" W a distance of 17.57 feet; thence N 34°05'23" E a distance of 16.87 feet; thence N 30°18'00" E a distance of 17.62 feet; thence N 34°22'20" E a distance of 15.17 feet; thence N 40°02'08" E a distance of 19.44 feet; thence N 32°48'20" E a distance of 15.25 feet; thence N 26°44'35" E a distance of 15.71 feet; thence N 31°27'45" E a distance of 16.43 feet; thence N 34°22'20" E a distance of 19.50 feet; thence N 30°32'09" E a distance of 18.70 feet; thence N 27°58'14" E a distance of 20.95 feet; thence N 26°49'46" E a distance of 19.06 feet; thence N 25°10'58" E a distance of 18.80 feet; thence N 25°12'03" E a distance of 15.18 feet; thence N 29°11'49" E a distance of 15.72 feet; thence N 28°13'28" E a distance of 15.58 feet; thence N 23°29'28" E a distance of 18.56 feet; thence N 19°04'29" E a distance of 16.12 feet; thence N 23°09'35" E a distance of 22.74 feet; thence N 42°49'07" E a distance of 17.04 feet; thence N 52°52'54" E a distance of 15.24 feet; thence N 41°17'02" E a distance of 16.64 feet; thence N 30°18'53" E a distance of 20.04 feet; thence N 24°11'33" E a distance of 20.29 feet; thence N 23°16'37" E a distance of 15.60 feet; thence N 24°09'31" E a distance of 15.05 feet; thence N 33°18'00" E a distance of 17.84 feet; thence N 44°10'18" E a distance of 16.17 feet; thence N 80°29'22" E a distance of 5.69 feet; thence N 22°29'13" E a distance of 67.37 feet; thence N 18°02'04" E a distance of 55.11 feet; thence N 16°22'57" W a distance of 16.59 feet; thence N 01°43'41" W a distance of 15.29 feet; thence N 00°25'41" W a distance of 17.98 feet; thence N 03°24'54" E a distance of 18.00 feet; thence N 33°24'56" E a distance of 20.00 feet; thence N 33°11'53" E a distance of 30.56 feet; thence N 45°04'52" E a distance of 80.13 feet;

thence N 49°39'27" E a distance of 18.35 feet; thence N 51°40'10" E a distance of 16.27 feet;
 thence N 41°35'45" E a distance of 17.91 feet; thence N 30°02'00" E a distance of 16.54 feet;
 thence N 10°36'24" E a distance of 15.53 feet; thence N 00°32'08" E a distance of 15.28 feet;
 thence N 13°22'31" W a distance of 18.82 feet; thence N 27°11'56" W a distance of 15.56 feet;
 thence N 43°16'33" W a distance of 17.00 feet; thence N 62°43'26" W a distance of 18.58 feet;
 thence N 80°52'45" W a distance of 15.87 feet; thence N 84°12'56" W a distance of 16.06 feet;
 thence S 88°32'03" W a distance of 18.11 feet; thence S 84°18'09" W a distance of 22.46 feet;
 thence N 88°39'07" W a distance of 18.71 feet; thence N 75°51'14" W a distance of 17.69 feet;
 thence N 75°07'21" W a distance of 16.82 feet; thence N 70°56'07" W a distance of 17.82 feet;
 thence N 66°59'54" W a distance of 17.96 feet; thence N 59°08'00" W a distance of 15.38 feet;
 thence N 32°13'24" W a distance of 16.73 feet; thence N 12°05'02" W a distance of 19.34 feet;
 thence N 07°47'06" W a distance of 18.77 feet; thence N 08°37'18" W a distance of 15.17 feet;
 thence N 10°16'54" W a distance of 17.69 feet; thence N 30°37'46" W a distance of 15.74 feet;
 thence N 61°38'03" W a distance of 15.35 feet; thence N 71°53'15" W a distance of 16.77 feet;
 thence S 87°05'16" W a distance of 15.42 feet; thence S 76°43'35" W a distance of 17.71 feet;
 thence S 75°16'50" W a distance of 17.20 feet; thence S 66°30'56" W a distance of 15.52 feet;
 thence S 59°58'30" W a distance of 9.46 feet; thence S 03°18'38" E a distance of 9.01 feet;
 thence S 21°13'53" E a distance of 17.09 feet; thence S 57°09'57" E a distance of 16.78 feet;
 thence S 66°37'22" E a distance of 17.68 feet; thence S 51°23'09" E a distance of 16.48 feet;
 thence S 33°52'02" E a distance of 19.23 feet; thence S 30°37'51" E a distance of 15.74 feet;
 thence S 14°36'40" E a distance of 20.79 feet; thence S 04°02'17" E a distance of 18.94 feet;
 thence S 03°00'05" W a distance of 21.00 feet; thence S 04°43'06" W a distance of 16.53 feet;
 thence S 00°31'51" W a distance of 18.28 feet; thence S 02°47'30" W a distance of 15.30 feet;
 thence S 07°11'16" W a distance of 20.82 feet; thence S 04°49'38" W a distance of 20.14 feet;
 thence S 00°00'00" E a distance of 39.19 feet; thence S 27°52'24" W a distance of 22.81 feet;
 thence S 47°28'37" W a distance of 39.75 feet; thence S 50°32'37" W a distance of 51.52 feet;
 thence S 55°30'24" W a distance of 45.42 feet; thence S 67°10'41" W a distance of 48.23 feet;
 thence S 87°16'31" W a distance of 49.19 feet; thence N 65°34'06" W a distance of 56.54 feet;
 thence N 59°03'02" W a distance of 54.57 feet; thence N 30°09'10" W a distance of 45.64 feet;
 thence N 71°32'24" W a distance of 18.39 feet; thence N 75°52'30" W a distance of 16.45 feet;
 thence N 88°38'18" W a distance of 18.41 feet; thence S 88°30'03" W a distance of 17.81 feet;
 thence S 78°17'21" W a distance of 18.52 feet; thence S 71°46'49" W a distance of 15.93 feet;
 thence S 60°44'46" W a distance of 16.34 feet; thence S 39°20'18" W a distance of 19.25 feet;
 thence S 34°37'12" W a distance of 18.84 feet; thence S 43°11'13" W a distance of 19.59 feet;
 thence S 48°12'46" W a distance of 19.18 feet; thence S 76°59'15" W a distance of 16.76 feet;
 thence S 75°32'17" W a distance of 17.49 feet; thence S 59°09'10" W a distance of 17.32 feet;
 thence S 48°50'46" W a distance of 15.35 feet; thence S 53°08'59" W a distance of 16.33 feet;
 thence S 52°57'37" W a distance of 16.75 feet; thence S 58°43'25" W a distance of 18.82 feet;
 thence S 68°46'33" W a distance of 16.24 feet; thence S 75°06'50" W a distance of 18.15 feet;
 thence S 81°01'56" W a distance of 16.52 feet; thence S 87°22'58" W a distance of 16.92 feet;
 thence N 82°57'45" W a distance of 18.22 feet; thence N 55°26'32" W a distance of 16.02 feet;
 thence N 34°27'14" W a distance of 17.90 feet; thence N 07°30'28" W a distance of 15.13 feet;
 thence N 06°39'26" W a distance of 16.91 feet; thence N 05°45'06" W a distance of 16.58 feet;
 thence N 03°49'41" W a distance of 15.93 feet; thence N 00°31'06" E a distance of 19.18 feet;
 thence N 07°40'10" W a distance of 16.95 feet; thence N 16°12'18" W a distance of 17.83 feet;
 thence N 28°37'20" W a distance of 16.11 feet; thence N 29°25'12" W a distance of 16.93 feet;
 thence N 31°52'56" W a distance of 19.15 feet; thence N 27°08'17" W a distance of 16.90 feet;
 thence N 27°50'45" W a distance of 19.06 feet; thence N 26°38'29" W a distance of 18.51 feet;
 thence N 29°18'47" W a distance of 20.02 feet; thence N 31°48'40" W a distance of 15.24 feet;
 thence N 31°30'44" W a distance of 20.48 feet; thence N 20°31'26" W a distance of 17.65 feet;
 thence N 17°07'49" W a distance of 17.92 feet; thence N 17°46'30" W a distance of 20.19 feet;
 thence N 16°42'17" W a distance of 16.31 feet; thence N 19°31'26" W a distance of 18.49 feet;
 thence N 12°19'50" W a distance of 16.29 feet; thence N 12°54'09" E a distance of 16.88 feet;
 thence N 15°24'17" E a distance of 16.44 feet; thence N 14°52'11" E a distance of 18.26 feet;
 thence N 04°51'42" E a distance of 15.93 feet; thence N 10°14'35" W a distance of 16.17 feet;
 thence N 20°10'46" W a distance of 17.93 feet; thence N 39°16'13" W a distance of 17.92 feet;
 thence N 53°15'23" W a distance of 17.21 feet; thence N 64°06'10" W a distance of 16.03 feet;
 thence N 59°50'25" W a distance of 16.32 feet; thence N 40°54'04" W a distance of 19.16 feet;
 thence N 27°33'45" W a distance of 17.31 feet; thence N 24°59'53" W a distance of 18.92 feet;
 thence N 28°21'19" W a distance of 18.13 feet; thence N 23°49'28" W a distance of 16.11 feet;
 thence N 25°21'50" W a distance of 17.98 feet; thence N 26°13'24" W a distance of 17.44 feet;
 thence N 24°05'27" W a distance of 18.12 feet; thence N 20°52'45" W a distance of 17.38 feet;
 thence N 22°36'09" W a distance of 19.22 feet; thence N 16°57'30" W a distance of 15.08 feet;
 thence N 17°23'28" W a distance of 16.69 feet; thence N 13°23'47" W a distance of 18.83 feet;
 thence N 13°37'08" W a distance of 21.01 feet; thence N 08°07'45" W a distance of 16.07 feet;
 thence N 00°30'49" E a distance of 17.39 feet; thence N 02°44'54" W a distance of 15.91 feet;
 thence N 00°30'49" E a distance of 19.79 feet; thence N 08°38'21" W a distance of 15.18 feet;
 thence N 00°33'17" W a distance of 21.25 feet; thence N 43°44'19" E a distance of 17.77 feet;
 thence N 43°49'17" E a distance of 19.80 feet; thence N 44°09'40" E a distance of 16.18 feet;

thence N 43°29'40"E a distance of 16.82 feet; thence N 44°26'58"E a distance of 20.01 feet;
 thence N 46°28'21" E a distance of 15.12 feet; thence N 46°21'22" E a distance of 17.67 feet;
 thence N 48°04'56" E a distance of 15.13 feet; thence N 47°18'03" E a distance of 22.36 feet;
 thence N 40°28'36"E a distance of 16.45 feet; thence N 37°32'26" E a distance of 18.05 feet;
 thence N 36°19'30" E a distance of 17.02 feet; thence N 36°51'48" E a distance of 15.28 feet;
 thence N 38°21'54" E a distance of 16.73 feet; thence N 43°38'52" E a distance of 18.10 feet;
 thence N 43°18'58" E a distance of 15.55 feet; thence N 30°31'14" E a distance of 18.71 feet;
 thence N 13°21'10" E a distance of 16.30 feet; thence N 03°36'13" E a distance of 16.82 feet;
 thence N 12°33'55"W a distance of 20.00 feet; thence N 07°31'35"W a distance of 17.26 feet;
 thence N 09°51'27" W a distance of 16.76 feet; thence N 05°58'06" W a distance of 18.71 feet;
 thence N 13°20'11"W a distance of 15.13 feet; thence N 01°24'19"W a distance of 18.00 feet;
 thence N 03°03'34"E a distance of 20.41 feet; thence N 02°59'13"E a distance of 21.01 feet;
 thence N 00°17'03"W a distance of 21.59 feet; thence N 15°38'20" W a distance of 22.78 feet;
 thence N 20°35'36"W a distance of 19.28 feet; thence N 16°50'20"W a distance of 18.22 feet;
 thence N 10°42'04" W a distance of 20.17 feet; thence N 04°05'17"W a distance of 15.04 feet;
 thence N 01°37'08"W a distance of 16.20 feet; thence N 04°21'36"W a distance of 17.76 feet;
 thence N 06°04'25" W a distance of 18.41 feet; thence N 12°05'45" W a distance of 16.59 feet;
 thence N 19°50'24"W a distance of 18.22 feet; thence N 25°12'16"W a distance of 15.30 feet;
 thence N 29°01'15" W a distance of 16.53 feet; thence N 31°47'59"W a distance of 15.25 feet;
 thence N 35°13'30" W a distance of 23.26 feet; thence N 45°55'48" W a distance of 19.99 feet;
 thence N 52°37'12" W a distance of 15.47 feet; thence N 60°38'48" W a distance of 15.51 feet;
 thence N 71°13'47" W a distance of 17.17 feet; thence N 87°31'41" W a distance of 16.92 feet;
 thence S 70°29'49" W a distance of 16.71 feet; thence S 83°49'45" W a distance of 18.24 feet;
 thence N 74°04'45" W a distance of 19.10 feet; thence N 54°26'23" W a distance of 15.12 feet;
 thence N 35°56'43" W a distance of 16.77 feet; thence N 22°33'54" W a distance of 16.94 feet;
 thence N 24°47'22" W a distance of 16.25 feet; thence N 59°41'07" W a distance of 15.66 feet;
 thence S 86°46'23" W a distance of 18.76 feet; thence S 88°47'27" W a distance of 20.84 feet;
 thence S 85°16'48" W a distance of 16.67 feet; thence S 82°49'26" W a distance of 15.84 feet;
 thence S 87°26'50" W a distance of 22.98 feet; thence S 88°15'07" W a distance of 23.57 feet;
 thence N 70°17'05" W a distance of 17.26 feet; thence N 44°42'45" W a distance of 17.01 feet;
 thence N 18°02'41" W a distance of 15.18 feet; thence N 09°32'19" E a distance of 17.32 feet;
 thence N 19°54'33" E a distance of 19.09 feet; thence N 28°22'03" E a distance of 20.03 feet;
 thence N 13°20'41" E a distance of 16.31 feet; thence N 08°50'16" E a distance of 16.68 feet;
 thence N 04°03'15" E a distance of 19.54 feet; thence N 08°27'49" W a distance of 0.41 feet;
 thence S 47°38'56" E a distance of 28.46 feet; thence N 77°54'15" E a distance of 20.73 feet;
 thence N 64°57'29" E a distance of 16.73 feet; thence N 54°08'31" E a distance of 18.75 feet;
 thence N 50°59'03" E a distance of 16.05 feet; thence N 49°50'23" E a distance of 17.52 feet;
 thence N 64°02'18" E a distance of 22.26 feet; thence N 84°20'06" E a distance of 19.74 feet;
 thence S 77°54'15" E a distance of 16.33 feet; thence S 56°54'24" E a distance of 16.12 feet;
 thence S 43°09'29" E a distance of 15.74 feet; thence S 28°16'12" E a distance of 18.81 feet;
 thence S 20°35'37" E a distance of 19.28 feet; thence S 12°45'49" E a distance of 19.72 feet;
 thence S 00°30'49" W a distance of 15.60 feet; thence S 04°51'26" W a distance of 15.95 feet;
 thence S 00°24'06" E a distance of 18.90 feet; thence S 24°32'48" E a distance of 18.53 feet;
 thence S 38°59'17" E a distance of 17.09 feet; thence S 58°26'29" E a distance of 19.73 feet;
 thence S 72°28'57" E a distance of 17.36 feet; thence N 88°02'11" E a distance of 21.45 feet;
 thence N 45°39'49" E a distance of 19.16 feet; thence N 38°02'01" E a distance of 20.82 feet;
 thence N 51°39'38" E a distance of 16.28 feet; thence N 86°18'29" E a distance of 16.65 feet;
 thence S 81°04'53" E a distance of 18.31 feet; thence S 63°35'46" E a distance of 16.44 feet;
 thence S 36°46'59" E a distance of 15.44 feet; thence S 17°25'05" E a distance of 17.65 feet;
 thence S 51°36'13" E a distance of 19.51 feet; thence N 76°16'59" E a distance of 19.62 feet;
 thence N 72°28'24" E a distance of 15.56 feet; thence N 76°41'23" E a distance of 21.45 feet;
 thence N 83°21'43" E a distance of 24.34 feet; thence N 87°26'49" E a distance of 17.23 feet;
 thence S 86°12'53" E a distance of 20.56 feet; thence S 86°37'04" E a distance of 17.53 feet;
 thence S 73°18'19" E a distance of 23.57 feet; thence S 60°55'48" E a distance of 17.53 feet;
 thence S 48°25'27" E a distance of 16.41 feet; thence S 49°13'24" E a distance of 16.22 feet;
 thence S 45°52'34" E a distance of 20.84 feet; thence S 50°54'47" E a distance of 19.69 feet;
 thence S 78°56'24" E a distance of 16.27 feet; thence N 85°22'15" E a distance of 16.97 feet;
 thence S 89°33'37" E a distance of 32.30 feet; thence N 83°49'44" E a distance of 18.24 feet;
 thence N 80°52'59" E a distance of 18.06 feet; thence N 80°29'51" E a distance of 15.63 feet;
 thence N 76°16'58" E a distance of 19.62 feet; thence N 74°35'53" E a distance of 15.38 feet;
 thence N 66°30'56" E a distance of 15.53 feet; thence N 49°50'35" E a distance of 17.51 feet;
 thence N 48°45'17" E a distance of 15.78 feet; thence N 45°05'59" E a distance of 21.50 feet;
 thence N 43°04'00"E a distance of 18.75 feet; thence N 42°08'16" E a distance of 17.27 feet;
 thence N 45°00'31" E a distance of 18.52 feet; thence N 43°35'11" E a distance of 23.43 feet;
 thence N 33°08'18" E a distance of 19.60 feet; thence N 26°17'38" E a distance of 16.66 feet;
 thence N 31°37'43" E a distance of 15.78 feet; thence N 45°03'03" E a distance of 19.80 feet;
 thence N 52°36'12" E a distance of 17.60 feet; thence N 56°56'44" E a distance of 17.39 feet;
 thence N 56°07'48" E a distance of 17.56 feet; thence N 59°01'11" E a distance of 18.41 feet;
 thence N 64°02'20" E a distance of 16.19 feet; thence N 60°46'25" E a distance of 21.21 feet;

thence N 56°39'36" E a distance of 16.72 feet; thence N 47°15'17" E a distance of 15.34 feet; thence N 30°30'34" E a distance of 21.14 feet; thence N 22°46'42" E a distance of 19.13 feet; thence N 11°44'56" E a distance of 21.72 feet; thence N 15°27'30" E a distance of 25.78 feet; thence N 22°58'20" E a distance of 18.19 feet; thence N 27°13'16" E a distance of 18.82 feet; thence N 16°33'48" E a distance of 19.67 feet; thence N 03°14'48" W a distance of 18.34 feet; thence N 19°40'09" W a distance of 16.61 feet; thence N 32°46'24" W a distance of 16.49 feet; thence N 33°21'15" W a distance of 16.24 feet; thence N 36°58'50" W a distance of 15.86 feet; thence N 41°14'25" W a distance of 17.67 feet; thence N 40°39'30" W a distance of 15.13 feet; thence N 37°10'53" W a distance of 16.29 feet; thence N 34°32'05" W a distance of 189.51 feet; thence N 30°13'52" W a distance of 2.59 feet; thence N 28°19'47" W a distance of 18.14 feet; thence N 22°48'54" W a distance of 18.29 feet; thence N 18°37'08" W a distance of 18.41 feet; thence N 01°20'01" W a distance of 18.61 feet; thence N 09°54'15" E a distance of 20.38 feet; thence N 10°38'43" E a distance of 18.90 feet; thence N 01°24'45" E a distance of 19.51 feet; thence N 00°31'33" E a distance of 19.80 feet; thence N 12°24'11" W a distance of 17.54 feet; thence N 21°56'22" W a distance of 18.17 feet; thence N 37°22'13" W a distance of 16.71 feet; thence N 37°53'18" W a distance of 17.98 feet; thence N 36°51'33" W a distance of 21.88 feet; thence N 39°55'08" W a distance of 15.36 feet; thence N 32°46'20" W a distance of 16.50 feet; thence N 20°41'49" W a distance of 22.52 feet; thence N 15°38'58" W a distance of 18.43 feet; thence N 18°01'28" W a distance of 21.83 feet; thence N 10°09'44" W a distance of 24.42 feet; thence N 03°47'01" E a distance of 15.93 feet; thence N 12°45'54" E a distance of 15.67 feet; thence N 16°00'16" E a distance of 21.49 feet; thence N 14°08'10" E a distance of 16.68 feet; thence N 10°49'06" E a distance of 21.97 feet; thence N 09°09'30" E a distance of 16.09 feet; thence N 01°41'30" W a distance of 15.62 feet; thence N 08°33'04" W a distance of 19.14 feet; thence N 16°27'58" W a distance of 17.57 feet; thence N 10°01'57" W a distance of 16.48 feet; thence N 01°44'07" W a distance of 15.32 feet; thence N 07°03'43" W a distance of 20.59 feet; thence N 14°21'50" W a distance of 16.45 feet; thence N 26°42'18" W a distance of 15.18 feet; thence N 51°11'27" W a distance of 16.93 feet; thence N 51°48'59" W a distance of 17.16 feet; thence N 46°01'17" W a distance of 18.30 feet; thence N 45°16'45" W a distance of 20.64 feet;

thence N 47°25'00" W a distance of 17.90 feet; thence N 41°28'02" W a distance of 18.96 feet; thence N 22°13'54" W a distance of 19.52 feet; thence N 32°46'11" W a distance of 16.50 feet; thence N 45°28'24" W a distance of 15.53 feet; thence N 46°09'29" W a distance of 16.60 feet; thence N 30°16'04" W a distance of 17.11 feet; thence N 25°11'12" W a distance of 15.32 feet; thence N 20°03'01" W a distance of 18.91 feet; thence N 22°09'18" W a distance of 17.23 feet; thence N 18°21'01" W a distance of 16.81 feet; thence N 24°58'19" W a distance of 18.94 feet; thence N 23°47'57" W a distance of 16.13 feet; thence N 16°41'06" W a distance of 16.33 feet; thence N 07°39'32" W a distance of 14.15 feet; thence N 87°13'52" E a distance of 7.16 feet; thence S 83°34'29" E a distance of 17.31 feet; thence S 79°06'59" E a distance of 16.58 feet; thence S 71°33'36" E a distance of 15.55 feet; thence S 75°35'21" E a distance of 17.42 feet; thence S 81°27'56" E a distance of 19.21 feet; thence S 82°42'25" E a distance of 17.64 feet; thence S 81°27'56" E a distance of 17.08 feet; thence S 88°47'22" E a distance of 22.65 feet; thence S 89°32'56" E a distance of 19.03 feet; thence S 87°24'02" E a distance of 16.02 feet; thence S 86°52'52" E a distance of 19.35 feet; thence S 87°30'56" E a distance of 16.92 feet; thence S 82°52'40" E a distance of 25.84 feet; thence S 81°49'42" E a distance of 20.11 feet; thence S 76°57'58" E a distance of 15.16 feet; thence S 75°35'20" E a distance of 16.18 feet; thence S 73°09'33" E a distance of 22.34 feet; thence S 81°27'55" E a distance of 17.08 feet; thence S 80°17'30" E a distance of 18.66 feet; thence S 87°50'58" E a distance of 20.24 feet; thence N 54°12'38" E a distance of 15.74 feet; thence N 29°05'48" E a distance of 16.42 feet; thence N 29°25'19" E a distance of 17.50 feet; thence N 19°03'29" E a distance of 15.20 feet; thence N 01°40'50" E a distance of 15.01 feet; thence N 08°16'17" W a distance of 19.74 feet; thence N 04°30'56" W a distance of 17.17 feet; thence N 02°51'32" W a distance of 15.34 feet; thence N 01°31'47" W a distance of 16.82 feet; thence N 08°08'24" W a distance of 20.04 feet; thence N 12°51'04" W a distance of 16.97 feet; thence N 21°58'59" W a distance of 16.56 feet; thence N 30°48'09" W a distance of 15.10 feet; thence N 26°11'19" W a distance of 17.46 feet; thence N 26°33'10" W a distance of 21.23 feet; thence N 32°23'03" W a distance of 20.01 feet; thence N 35°18'51" W a distance of 17.02 feet; thence N 35°26'53" W a distance of 15.94 feet; thence N 28°46'59" W a distance of 17.89 feet; thence N 28°19'09" W a distance of 18.15 feet; thence N 19°05'27" W a distance of 15.29 feet; thence N 18°18'36" W a distance of 18.71 feet; thence N 10°29'37" W a distance of 18.96 feet; thence N 10°16'38" W a distance of 17.72 feet; thence N 17°42'09" W a distance of 17.38 feet; thence N 24°03'26" W a distance of 18.15 feet; thence N 27°04'01" W a distance of 17.60 feet; thence N 33°20'30" W a distance of 18.43 feet; thence N 36°55'45" W a distance of 17.38 feet; thence N 23°28'15" W a distance of 17.08 feet; thence N 02°23'01" E a distance of 18.63 feet; thence N 53°20'16" E a distance of 15.92 feet; thence N 64°23'22" E a distance of 21.87 feet; thence N 69°32'18" E a distance of 16.82 feet; thence N 67°57'50" E a distance of 15.70 feet; thence N 70°18'22" E a distance of 20.92 feet; thence N 66°13'47" E a distance of 17.56 feet; thence N 69°22'57" E a distance of 15.87 feet; thence N 60°25'34" E a distance of 19.20 feet; thence N 60°12'28" E a distance of 16.09 feet; thence N 56°39'19" E a distance of 16.73 feet; thence N 57°31'03" E a distance of 16.57 feet; thence N 37°57'56" E a distance of 15.90 feet; thence N 21°11'05" E a distance of 20.55 feet;

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Containing within said bounds 8,672,223 square feet or 199.09 acres more or less.

AGRICULTURAL-2 (AG-2, A LEE COUNTY DESIGNATION) TO NEIGHBORHOOD
COMMERCIAL (NC) ZONE

A parcel of land located in a portion of Section 20, Township 43 South, Range 23 East, Lee County, Florida being more particularly described as follows:

Commence at the south quarter corner of Section 20, Township 43 South, Range 23 East, Lee County, Florida; thence run N 89°18'51" W along the South line of the SW ¼ of said Section 20 for a distance of 1,556.03 feet; thence run N 00°13'57" E for a distance of 50.00 feet to the North right-of-way line of Jacaranda Parkway according to instrument number 2009000022333 of the Public Records of Lee County, Florida, and to the Point of Beginning of the parcel herein described; thence run N 89°18'51" W along the North right-of-way line of said Jacaranda Parkway, for a distance of 897.38 feet to a point on the East right-of-way line of Burnt Store Road according to instrument number 2009000022332 of the Public Records of Lee County, Florida; thence run N 00°13'57" E along the East right-of-way line of said Burnt Store Road, for a distance of 1,335.24 feet; thence run S 89°18'51" E parallel with the South line of said Section 20, for a distance of 897.38 feet; thence run S 00°13'57" W for a distance of 1,335.25 feet to the Point of Beginning; containing 27.507 acres, more or less.

Bearings shown hereon refer to the South line of the SW ¼ of Section 20, Township 43 South, Range 23 East, Lee County, Florida as being N 89°18'51" W.

and the City administrative office shall amend the City of Cape Coral Official Zoning District Map to reflect this zoning change.

That the amendments to the City of Cape Coral Official Zoning District Map as prescribed herein are consistent with the City of Cape Coral Comprehensive Plan.

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. This ordinance shall become effective on the date that Ordinance 2-19 becomes effective.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


COVIELLO _____
GUNTER _____
CARIOSCLA _____
STOUT _____

NELSON _____
STOKES _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
ord\ZA18-0013

OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL

HEARING EXAMINER RECOMMENDATION

ZA HEX Recommendation 1-2019

Rendered January 11, 2019

DCD Case # ZA18-0013

APPLICATION FOR: Rezoning of 9,819 acres initiated by City of Cape Coral

NAME OF APPLICANT: City of Cape Coral

NAME OF OWNERS: Various

APPLICANT'S REPRESENTATIVE: Wyatt Daltry, AICP, Planning Team Coordinator

PROPERTY LOCATIONS: See attached Exhibit "A"

CURRENT ZONING: Various

PROPOSED ZONING: See attached Exhibit "A"

PROPOSED FUTURE LAND USE DESIGNATION: Various (see discussion below)

HEARING DATE: January 8, 2019

I. **SUMMARY OF REQUEST**

The applicant requests an amendment to the Zoning Maps of the City of Cape Coral to rezone 9,819 acres.

II. **SUMMARY OF HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends **approval** of the application for rezoning.

III. **NOTICE OF HEARING**

Based on the testimony of City Staff Wyatt Daltry at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, Section 8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

In addition to the proper notice for this specific hearing, Staff testified that this massive rezoning project has been three (3) years and more in development. During that time, various outreaches to the public were accomplished in a variety of forums.

IV. **PARTICIPANTS IN HEARING**

CITY STAFF/APPLICANT'S REPRESENTATIVE: Wyatt Daltry, AICP¹

ADDITIONAL STAFF: Robert Pederson, AICP ("4 Corners Area" presentation only)

CITY CLERK'S OFFICE: Patricia Sorrels

MEMBERS OF PUBLIC TESTIFYING AT HEARING: Joseph Mazurkiewicz, Ph.D.², who spoke in favor of the rezone and commended staff for their work in this Application; Stuart Zadursky³, addressing proposed changes to "4 Corners Area"; and John McDevitt, addressing proposed changes to "4 Corners Area"

CORRESPONDENCE FROM PUBLIC: Mr. Daltry testified that he did not receive any phone calls of inquiry or correspondence regarding this Hearing.

APPLICANT'S/CITY STAFF'S EXHIBITS: previously submitted

V. **REVIEW OF STATUTORY AND LUDR REQUIREMENTS**

Authority. Section 163.3194, F.S. and LUDR §9.3.b.9 require the Hearing Examiner to review and make a recommendation to City Council about consistency of a rezoning application to the City's adopted Comprehensive Plan and whether the requested rezoning should be granted.

Standard of Review of Evidence; Hearsay Evidence. The Hearing Examiner's decision is based on whether the Application meets all applicable requirements of the Comprehensive Plan, City Code of Ordinances, and the LUDRs, upon review of the entirety of the record.

In rendering this Recommendation, the Hearing Examiner must consider all of competent substantial evidence in the record, as defined by LUDR § 8.3.1.C.3.b. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.

Rezoning Standards. In reviewing the rezoning application for consistency with the Comprehensive Plan of the City of Cape Coral, the Hearing Examiner must apply the general standards set forth in LUDR § 8.7.3.

¹ Based upon his prior testimony at zoning hearings and the prior recitation of his qualifications, certifications and education contained in his C.V. which is on file with the City Clerk's Office, the Hearing Examiner qualified Mr. Daltry as an expert witness for land planning issues relevant to this Hearing.

² Based upon his prior testimony at zoning hearings and the prior recitation of his qualifications, certifications and education as contained in his C.V. which is on file with the City Clerk's Office, the Hearing Examiner qualified Dr. Mazurkiewicz as an expert witness for land planning issues relevant to this Hearing.

³ Mr. Zadursky's name is spelled phonetically.

VI. TESTIMONY AT HEARING

Applicant's Incorporation of Staff Report and Staff Testimony

The Applicant's Representative incorporated his Staff Report ("Staff Input") into his presentation and requested the Hearing Examiner to recommend that the City Council find Staff Input as findings of fact.

Hearing Examiner's Recommended Findings of Fact.

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision hereunder.

Hearing Examiner's Recommendation of Staff Commendation.

The Hearing Examiner congratulates Mr. Daltry, and his team of staff members who participated in this rezoning endeavor, for the thoroughness, professionalism, zoning acumen and attention to detail exhibited not only in the presentation to the Hearing Examiner but also in the underlying processes and documents.

Staff testified that virtually every block of the City was examined in an attempt to address zoning inconsistencies of various types which had occurred during the normal course of development of the municipality and to anticipate, to the best possible extent, areas where specific types of growth would be appropriate from a planning perspective. The Hearing Examiner asked a variety of questions regarding staff's policy determinations underlying the proposed zoning changes and staff was able to address even the most minute proposed change with ease.

Accordingly, the Hearing Examiner recommends that Mr. Daltry and his team of staff members be commended for the outstanding effort exhibited in this Application.

VII. DISCUSSION

Summary of Application

Staff testified that the purpose of the rezoning is to provide consistency and to integrate the City's Zoning Map with the upcoming Land Development Code, Comprehensive Plan, and Future Land Use Map amendments.

Staff further testified that the Zoning District Regulations, which are located in Article 4 of the LUDRs, is the third of four elements, which include:

- 1.) A proposal of a future land use amendment (Ordinance 2-19), generally focused on major roadway corridors,

- 2.) an overhaul of the Comprehensive Plan (Ordinance 71-18) that would be consistent with the upcoming LDC,
- 3.) a large-scale rezoning of the City to be consistent with the changes to the Future Land Use Map, Comprehensive Plan, and upcoming LDC, and
- 4.) the overhaul of the current Land Use and Development Regulations, to be replaced by the new LDC.

The proposed zoning changes are attached to this Recommendation as Exhibit "A".

Staff testified that the property located on Pine Island is currently not contemplated for rezoning and, as a result, the Hearing Examiner is not issuing a recommendation thereupon.

Dr. Mazurkiewicz testified in favor of the rezone and heartily commended staff for spearheading a very thorough process.

Mr. Zadursky and Mr. McDevitt each testified that he has concerns about the proposed rezoning of the "4 Corners Area", including but not limited to the nature of the multi-family uses possible if the rezoning goes forward, traffic, and similar concerns. However, it appears that the current zoning would create more significant concerns for these properties, and that the proposed rezoning would potentially ameliorate those issues.

Consideration of General Standards Set Forth in LUDR Section 8.7.3

1. *The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.*

Staff testified that the vast majority of the proposed rezone area is (a) currently vacant and burdened with zoning classifications which are incompatible with the future land use designation, thus rendering them currently incapable of being developed; or (b) proposed to undergo a rezone from a residential designation to a multi-family residential, non-residential, or mixed-use designation.

Staff further testified that approximately 180 of the involved 9,819 acres would be a change from a multi-family residential, non-residential, or mixed-use designation to a single-family residential zoning designation, with these proposed intended to facilitate consistency between the future land use and the zoning district.

Based on staff's testimony, the Hearing Examiner recommends that City Council find that the value of the properties **will not be diminished** by the rezoning.

2. *The extent to which the removal of a proposed land use restriction or change in zoning depreciates the value of other property in the area.*

Staff testified that approximately two-thirds of the proposed rezoned area would be receiving “like-for-like” changes, i.e., commercial-to-commercial or residential-to-residential.

Staff further testified that only 3.3% of the proposed rezoned area represents a reduction of intensity or density. The reason for the proposed rezoning of these areas is to either provide consistency with the development pattern currently in-place, to provide consistency with the existing future land use or proposed future land use in proposed Ordinance 2-19, or to encourage and nurture development projects currently in progress.

For the reasons set forth above, the Hearing Examiner recommends a finding by the City Council that the proposed rezoning is **not anticipated** to depreciate the value of other properties in the area.

3. *The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.*

Staff testified that many of the properties proposed for rezoning are currently under a land use restriction which renders them incapable of being developed.

Staff further testified that the proposed zoning districts would be consistent with the future land use classifications currently indicated in the proposed Future Land Use Map.

Staff further testified that the majority of proposed changes support existing development patterns and/or involve minor zone changes caused by the deletion of existing zoning districts.

Based on such testimony, the Hearing Examiner recommends that City Council find that the properties **are not suitable** for the current zoning but are **well suited** for the proposed rezoning.

4. *The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.*

Staff testified in detail regarding the character of the affected neighborhoods, existing uses and zoning of the various properties by district, as well as compatibility of the proposed land use restrictions and zoning in their current status as well as those contemplated by the proposed rezoning. The Hearing Examiner finds that this testimony supports the recommendation immediately below.

For the reasons set forth above, the Hearing Examiner recommends that City Council find the proposed rezoning is **compatible** with the character of the neighborhoods, existing uses, and zoning of nearby and surrounding properties.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

Staff testified that the net effect of the proposed rezoning would be to bring the City's Official Zoning Map into consistency with the proposed LUDR Code overhaul, and to better reflect the actual and proposed uses of the properties on the City's zoning maps.

After considering all of the testimony herein, the Hearing Examiner recommends that City Council find the proposed rezoning would **create more gains than hardships** to the community.

6. Community need for the use proposed by the zoning or land use restriction.

Providing consistency between the future land use and the zoning and providing consistency with the LUDRs allows for development and redevelopment of land and is, therefore, valuable to the community.

Based on the foregoing testimony, the Hearing Examiner recommends that City Council find the **community needs** the uses proposed by the Applicant.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

Staff testified that, given the magnitude of the proposed rezoning, it is nearly impossible to summarize data in response to this required standing. However, staff further testified that approximately 50% of the area is developed, inclusive of sites developed since the 1970's up through and including residences which have recently received certificates of occupancy.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.

Staff testified that the proposed rezoning would providing zoning designations more consistent with the future land use map classification than currently exists. This will allow for development and redevelopment of affected areas.

Based upon the foregoing, the Hearing Examiner recommends that City Council find that this rezoning **will promote** the general welfare of the community.

9. *The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan*

Staff testified that abundant facility capacity exists for the transportation and utility infrastructure network within the areas to be rezoned.

The Hearing Examiner recommends that City Council find the proposed rezoning will have **no negative impact** on level of service standards for public facilities hereunder.

10. *Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.*

Comprehensive Plan

Staff testified that the proposed zoning is consistent with the various future land use map classifications and is consistent with Policies 1.15, 1.20, 8.1, and 13.3 of the Future Land Use Element, as set forth below.

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. 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.

Staff testified that the proposed zoning districts are consistent with the standards for uses and the densities and intensities identified in Policy 1.15 of the Future Land Use Element.

Policy 1.20: The City will promote the development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways.

Staff testified that this policy is supported by the creation and mapping of the Mixed-Use Bimini (MXB) and Mixed-Use Seven Islands (MX7) Zoning Districts, which are identifiable mixed-use and commercial districts. Staff further testified that more compact development patterns are supported by the Neighborhood Commercial (NC) zoning district.

Policy 8.1: The City will prohibit the expansion or replacement of land uses which are inconsistent with the Future Land Use Element.

Staff testified that a major goal of the proposed rezone is to eliminate or severely reduce the number of inconsistent future land use/zoning combinations, in accordance with the requirements of the Future Land Use Element.

Policy 13.3: In order to encourage and facilitate development and redevelopment and the provision of housing, employment, service and shopping opportunities in a compact area currently served by public facilities, mixed-use development shall be allowed in the Downtown Community Redevelopment Area. Such mixed-use development shall conform to the Community Redevelopment Area Plan, as same may be amended, and shall be reviewed in accordance with the City's Land Use and Development Regulations.

Staff testified that this policy is supported by the Mixed-Use Bimini Zoning District.

For all of the above reasons, the Hearing Examiner recommends that the City Council find the proposed rezoning to be **compatible** with the future land use classification that currently exists for the subject properties and the proposed rezoning to be **consistent** with the goals and objectives of the Comprehensive Plan.

VIII. EXHIBITS

The following Exhibit is attached to this Recommendation and hereby incorporated by reference:

- Exhibit "A": Staff's list of proposed zoning district changes as of 1/9/19 (pp. 5 through 18 of staff report of December 27, 2019), 14 pages

IX. SCHEDULING OF PROPOSED CHANGES AND HEX RECOMMENDATIONS

At the time of the HEX hearing, the proposed Future Land Use Map amendments had not been heard by the Planning and Zoning Commission. Part of the legislative jurisdiction exercised by that Commission is to recommend, inter alia, Future Land Use Map amendments to the City Council.

At the time of this hearing, the proposed zoning changes presented by staff were consistent with the amendments proposed by staff to the Future Land Use Map. Any changes in the Future Land Use Map amendments occasioned by recommendation of the Planning and Zoning Commission, by further recommendation of staff, or by decision of City Council itself, could affect the consistency of these proposed rezoning districts and therefore affect the substance of this Recommendation.

Accordingly, the Hearing Examiner respectfully requests that this Recommendation be considered by City Council and others to have been made in accordance with the documents available at the time of the HEX Hearing, January 8, 2019.

Based upon the testimony and documentary exhibits presented during the Hearing, and with the above caveat, the Hearing Examiner recommends that:

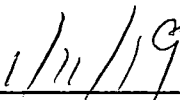
1. the City Council find the requested rezoning is consistent with the requirements of the Comprehensive Plan of the City of Cape Coral; and
2. the City Council **approve** the requested rezoning.

This Recommendation is effective on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA

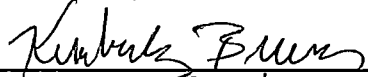


ANNE DALTON, ESQUIRE



DATE

ATTEST:



CITY CLERK (Interim)

Background

The purpose of the rezone, identified earlier in this document is to provide consistency between the Zoning Map and the upcoming Land Development Code, Comprehensive Plan, and Future Land Use Map amendments. Zoning District Regulations are located in Article 4 of the Land Development Code. This is the third of four elements, which include:

- 1.) A proposal of a future land use amendment (Ordinance 2-19), generally focused on major roadway corridors,
- 2.) an overhaul of the Comprehensive Plan (Ordinance 71-18) that would be consistent with the upcoming LDC,
- 3.) a large-scale rezoning of the City to be consistent with the changes to the Future Land Use Map, Comprehensive Plan, and upcoming LDC, and
- 4.) the overhaul of the current Land Use and Development Regulations, to be replaced by the new LDC.

Therefore, the integrated nature of these efforts would explain many of the changes proposed in this rezone. To assist in that explanation, the following table from the Zoning and Land Use Information section is provided:

Table 1: Proposed Zoning Change, by district

<u>Zoning Transition Type</u>	<u>Acres</u>
A to INST	12.78
A to PV	302.50
A to R1	18.18
A to RMM	85.11
A to C	75.76
A to RML	3.74
C-1 to RML	0.69
C-3 to C	57.30
CORR to R1	16.33
CORR/CPO to I	159.00
MR to C	284.92
MR to INST	14.99
MR to NC	309.69
MR to P	0.81
MR to R1	45.52
MR to RML	41.78
MR to RMM	121.00
Null to CC	0.89
Null to R1	0.03
NZ to C	866.37
NZ to INST	15.04
NZ to NC	27.50
NZ to PV	411.04
NZ to R1	122.86
P-1 to C	27.26

Exhibit "A", p 1 of 14

R-1A to RML	10.54
R-1B to C	5.80
R-1B to INST	31.95
R-1B to MX7	11.15
R-1B to P	6.19
R-1B to RML	4.66
R-1B to RMM	4.84
R-3 to C	32.27
R-3 to INST	18.96
R-3 to P	5.00
R-3 to R1	0.27
R-3 to RML	1589.21
R-3 to RMM	475.73
RD to C	148.54
RD to CC	10.72
RD to INST	266.98
RD to MX7	37.02
RD to NC	156.92
RD to P	20.44
RD to R1	2835.34
RD to RE	14.72
RD to RML	242.77
RD to RMM	261.36
RX to R1	193.75
RX to RML	13.66
SC to MXB	85.55
VILL to CC	181.48
W to C	37.49
W to R1	62.42
W to RMM	32.16

In total, 9,818.98 acres are proposed to be rezoned. Seven zoning districts are proposed to be eliminated with the adoption of the upcoming Land Development Code; as a result, all Highway Commercial (C-3), Marketplace Residential (MR), Single-Family Residential (R-1A; 20,000-square foot minimum size), Multi-Family Residential (R-3), Residential Development (RD), Residential Receiving (RX), Village (VILL), and Worship-zoned (W) properties are rezoned as a part of this ordinance. If adopted, no properties in Cape Coral will have a C-3, MR, R-1A, R-3, RX, VILL, or W-zoning.

The reasons for eliminating these zoning districts are discussed herein:

- C-3: Two parks properties have a C-3 zoning, which is incompatible with the surrounding neighborhood
- MR: Presently an unsuccessful mixed-use zoning district, as only model homes have developed with this designation in 13 years. This rezone splits MR lands generally between multi-family and commercial zoning

Exhibit "A", p 2 of 14

districts, with some smaller component of MR properties being rezoned to another mixed-use zoning, the new Neighborhood Commercial (NC) district.

- R-1A: This zoning district is rarely used in Cape Coral, and so is proposed for deletion.
- R-3: The new LDC proposes to create two new zoning designations, the Residential Multi-Family Low (RML) and the Residential Multi-Family Medium (RMM) districts. The RML district permits a variety of housing types at a density of 16 units/acre and is roughly analogous (80%) to the R-3 district. The RMM district only permits moderate-to-high intensity multi-family residential uses (no duplexes, no single-family residences) at a density up to 25 units/acre.
- RX: The Transfer of Development Rights (TDR) program is proposed to be eliminated through the new LDC due to its lack of usage and applicability in Cape Coral. 95% of RX properties are proposed to be rezoned to the R1 Single-Family zoning designation.
- VILL: The Village district, a mixed-use zoning district like the MR, has been unsuccessful in generating mixed-use development. Village-zoned properties are proposed to be subsumed by the Commercial Corridor (CC) zoning designation.
- W: The Worship is being eliminated as houses of worship are proposed to be permitted in all zoning districts save Industrial.

In addition to the deletion of six zoning districts, approximately 1,450 acres to be rezoned currently lack a Cape Coral zoning designation, as the properties had been annexed into Cape Coral over the last 15 years. These properties are "NZ" or "Not Zoned (Cape Coral zoning)" in the table above. Overall 8,972.37 acres of 9,818.98 acres (91.3% of the area) to be rezoned reflect changes initiated by the deletion of old zoning districts, or the rezoning of recently-annexed properties from a County zoning designation to a City zoning designation. The remaining acreage to be rezoned supports efforts to provide consistent zoning designations with their future land use or is proposed to support the existing development pattern.

The following section summarizes the rezone effort, comparing general zoning types:

Mixed-Use (CORR/MR/SC/VILL) to Mixed-Use (CC/NC/SC/MXB/MX7):	576.72 acres
Mixed-Use to Non-Residential (C/P/I):	444.73 acres
Mixed-Use to Residential (A/R1/RML/RMM/RE):	224.63 acres
Non-Residential (C-1/C-3/I/P-1/W) to Non-Residential:	122.05 acres
Non-Residential to Mixed-Use:	0 acres
Non-Residential to Residential:	95.27 acres
Residential to Residential:	5,753.88 acres
Residential to Mixed-Use:	215.81 acres
Residential to Non-Residential:	294.00 acres
To Institutional/Preservation (INST/PV), not including County zoned:	648.16 acres
Areas with Lee County Zoning:	1,443.73 acres

The purpose of this section is to quantify the impact of the rezone from the perspective of potentially changing the character of an area. As depicted above, the "like-for-like" changes (e.g. residential to residential, non-residential to non-residential) include 6,452.65 acres, approximately 66% of the zoning area. An additional 14.7% of the area designates a City zoning upon formerly County-zoned properties, bringing the area into consistency with the future land use and City regulations. Only 319.90 acres, or 3.3% of the area involves a change from a mixed-use or non-residential zoning designation to a residential zone. These changes reflect existing development patterns or upcoming development efforts and are requested in order to provide consistency with the development pattern and future land use map classification.

Exhibit "A", p 3 of 14

The following table depicts the proposed rezone, summarizing the proposed effect of the rezone, by zoning district.

Table 2: Proposed Change, summarized by proposed zoning district

Zoning Designation	Acres
C	1,535.71
CC	193.09
I	159.00
INST	360.70
MXB	85.55
MX7	48.17
NC	494.11
P	32.44
PV	713.54
R1	3,294.70
RE	14.72
RML	1,907.05
RMM	980.20

All zoning districts "receiving" area due to this rezone are new zoning districts proposed by the LDC or are nearly identical to zoning districts present in the soon-to-be replaced Land Use and Development Regulations. These districts, and a short description of each, are as follows:

- Commercial (C) – A general commercial, retail, and office zoning district, roughly analogous to the current Pedestrian Commercial (C-1) zoning district.
- Commercial Corridor (CC) – A commercial, retail, multi-family residential, and light industrial zoning district, centered on the Pine Island Road (SR 78) corridor. Larger unplatted property sizes and central location of district provide opportunities for larger-scale developments not normally seen in Cape Coral. Roughly analogous to the Corridor (CORR) zoning district.
- Industrial (I) – A general industrial zoning district, the successor to the former Industrial (I-1) zoning district.
- Institutional (INST) – A civic and infrastructure-based zoning district, the successor to the former Institutional district.
- Mixed-Use Bimini (MXB) – A new mixed-use zoning district, geographically centered on the Bimini Basin in SE Cape Coral.
- Mixed-Use Seven Islands (MX7) – A new mixed-use zoning district, geographically centered on the Seven Islands properties in NW Cape Coral.
- Neighborhood Commercial (NC) – A new mixed-use zoning district, with form-based development options. Successor to the former Marketplace Residential zoning district.
- Professional (P) – A general office and light commercial zoning district, analogous to the current Professional Office (P-1) zoning district.
- Preservation (PV) – A zoning district that curtails development of property due to the presence of environmental or cultural factors.
- Single-Family Residential (R1) – A single-family residential zoning district. Successor to the R-1A and R-1B zoning districts.

Exhibit A p. 4 of 14

- Residential Estate (RE) – A single-family residential zoning district, with a minimum size of 40,000-square feet. Successor to the former Residential Estate (RE) zoning district.
- Residential Multi-Family Low (RML) – A new multi-family residential zoning district, with a maximum density of 16 dwelling units/acre. Permits a wide array of residential types; single-family detached residences, duplexes, larger-project multi-family residential development. Roughly analogous to the Multi-Family Residential (R-3) zoning district.
- Residential Multi-Family Medium (RMM) – A new multi-family residential zoning district, with a maximum density of 25 dwelling units/acre. Only permits larger-scale multi-family residential projects; no duplexes or single-family residences are permitted. Properties proposed to be rezoned to RMM are restricted to unplatted tracts that are a minimum of 1 acre or larger.

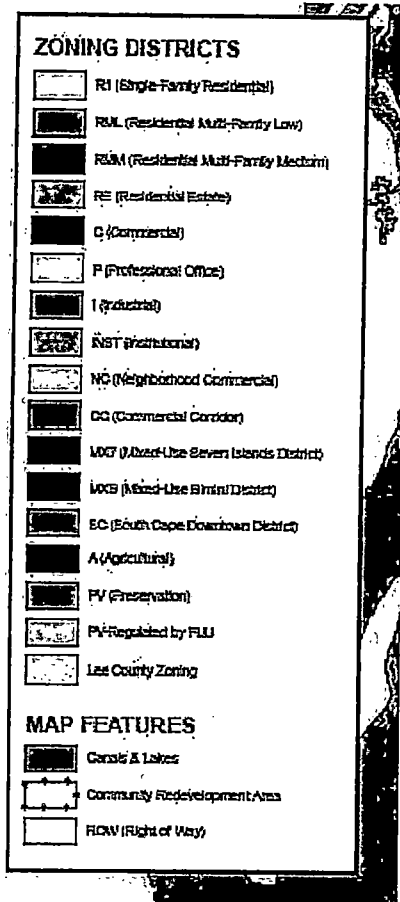
This list of new LDC districts does not include the Agricultural (A) and South Cape Downtown District (SC), which are not "receiving" properties as a result of this rezone.

As indicated by the table above, a majority of the area rezoned (6,196.67 of 9,818.98 acres – 63%) are proposed to be rezoned to a residential zoning district. 92% of this residential acreage is rezoned from other residential zoning districts, which minimizes the impacts on these residential areas.

Additional changes proposed by the rezoning include two new mixed-use zoning districts based on geographic areas: Mixed-Use Bimini and Mixed-Use Seven Islands zoning districts. These two areas have been identified in separate vision plans for the Bimini Basin and Seven Islands areas, and due to the geographic focus inherent with these districts, it is unlikely that additional properties would be added to these zoning designations.

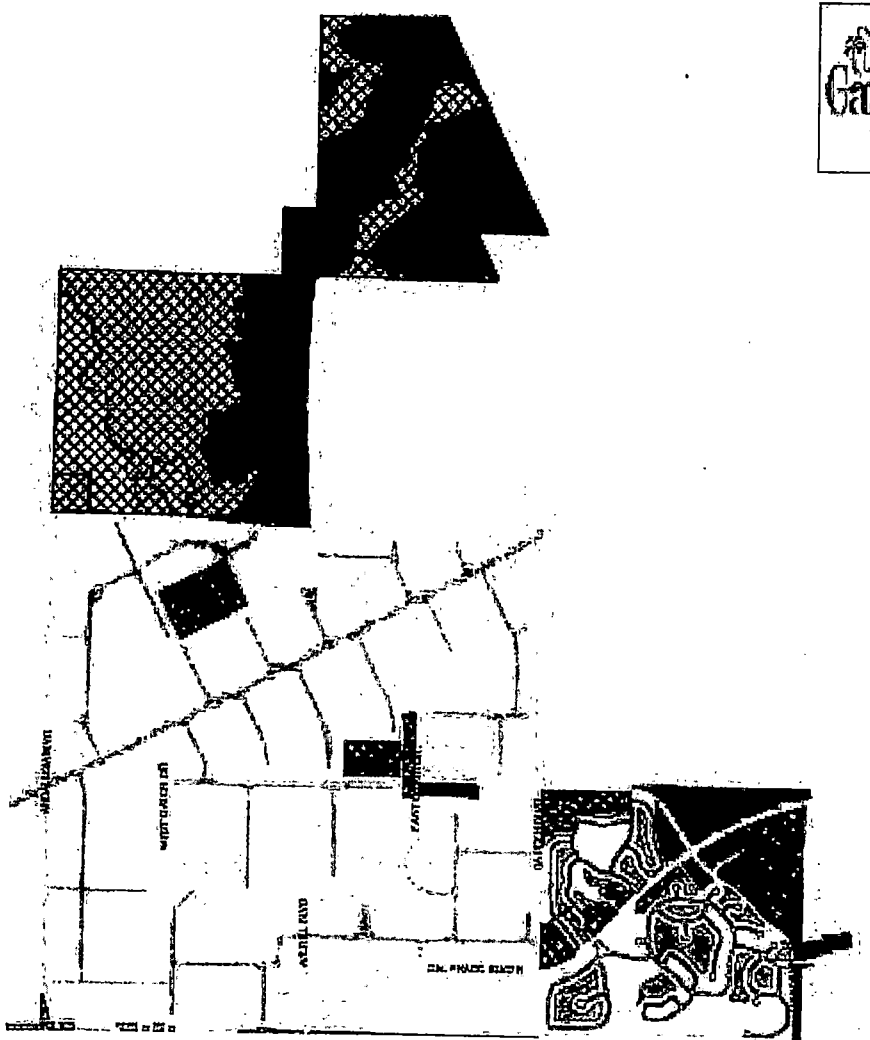
Exhibit "A", p. 5 of 14

Zoning Changes by Area

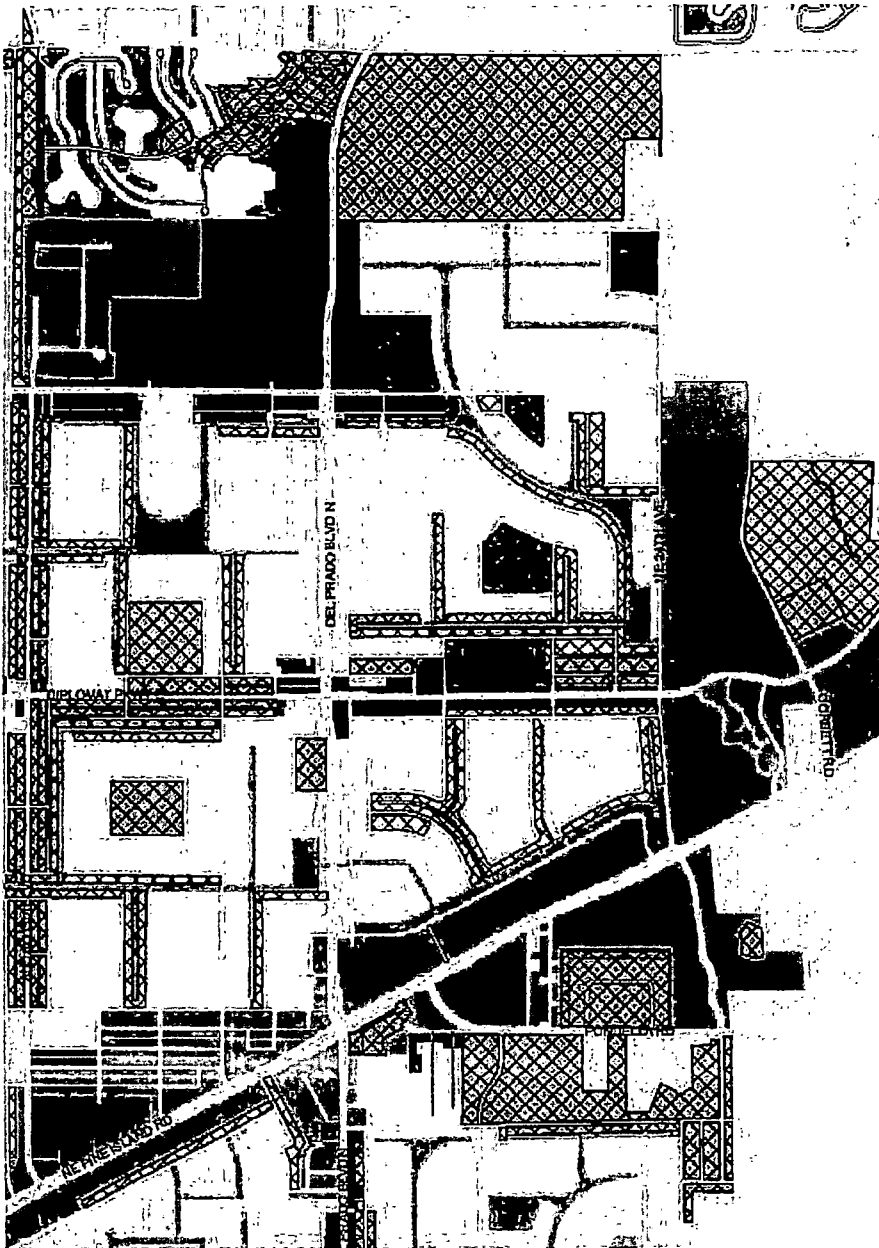


This legend will assist with the following map series. Properties proposed to be rezoned are indicated in a hatched pattern.

Exhibit "A", p. 6 of 14

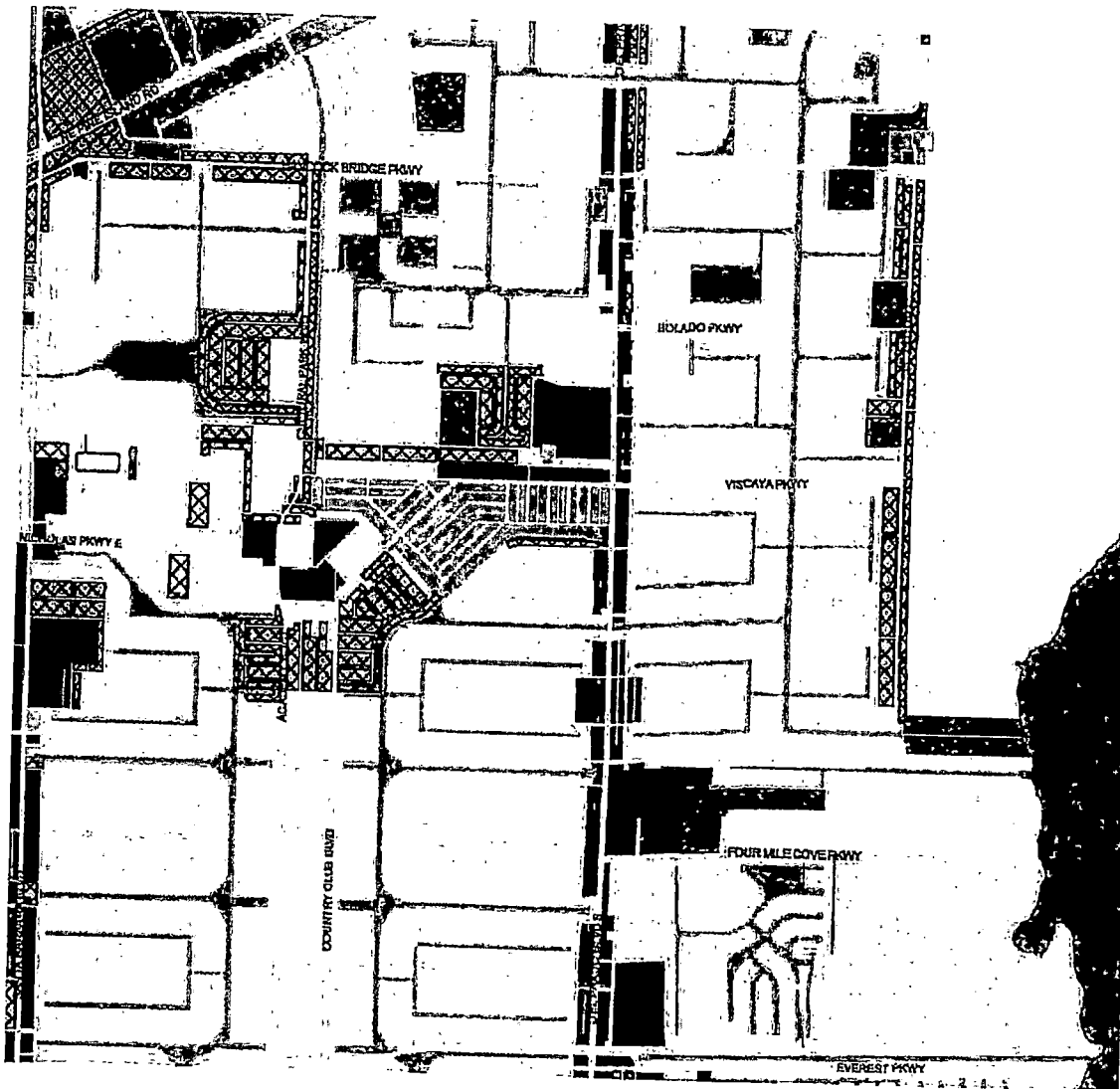


The far northeastern portion of the City, the north half of the map presently has a Lee County zoning, as therefore these changes are made in accordance with a proposed future land use map amendment (Ordinances 50-18 and 2-19). Recent changes to Multi-Family Residential and Commercial/Professional along Gator Circle are supported by proposed rezones to RMM and Commercial. Finally, several properties zoned R-3 are proposed to be rezoned to RML in the Entrada area.

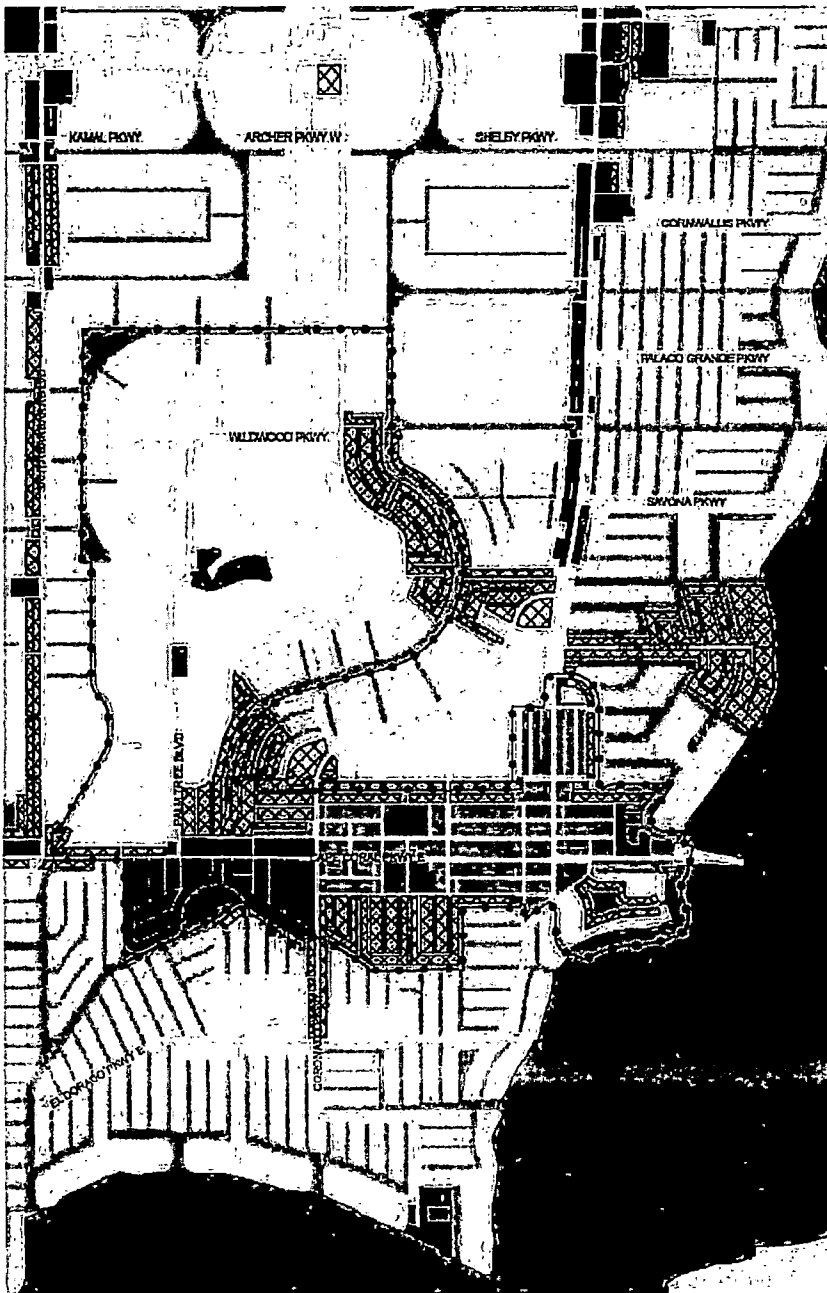


South of the previous map, there are multiple rezones proposed in NE Cape Coral. The southern two-thirds of the City's major Park on Del Prado Boulevard is proposed to be rezoned to Preservation from the Agricultural zoning district. Several canalfront lots, formerly Residential Receiving (RX)-zoned properties, are proposed to be rezoned to R-1. Former Marketplace Residential properties along Kismet Parkway are proposed to be amended to Commercial, while Residential Development properties on Andalusia Boulevard and Multi-Family (R-3) properties along Diplomat Parkway are proposed to be rezoned to RML. Several Corridor/CPO properties near Pondella Road, which consist of industrial uses, are proposed to be rezoned to the Industrial zoning district.

Exhibit "A", p. 8 of 14

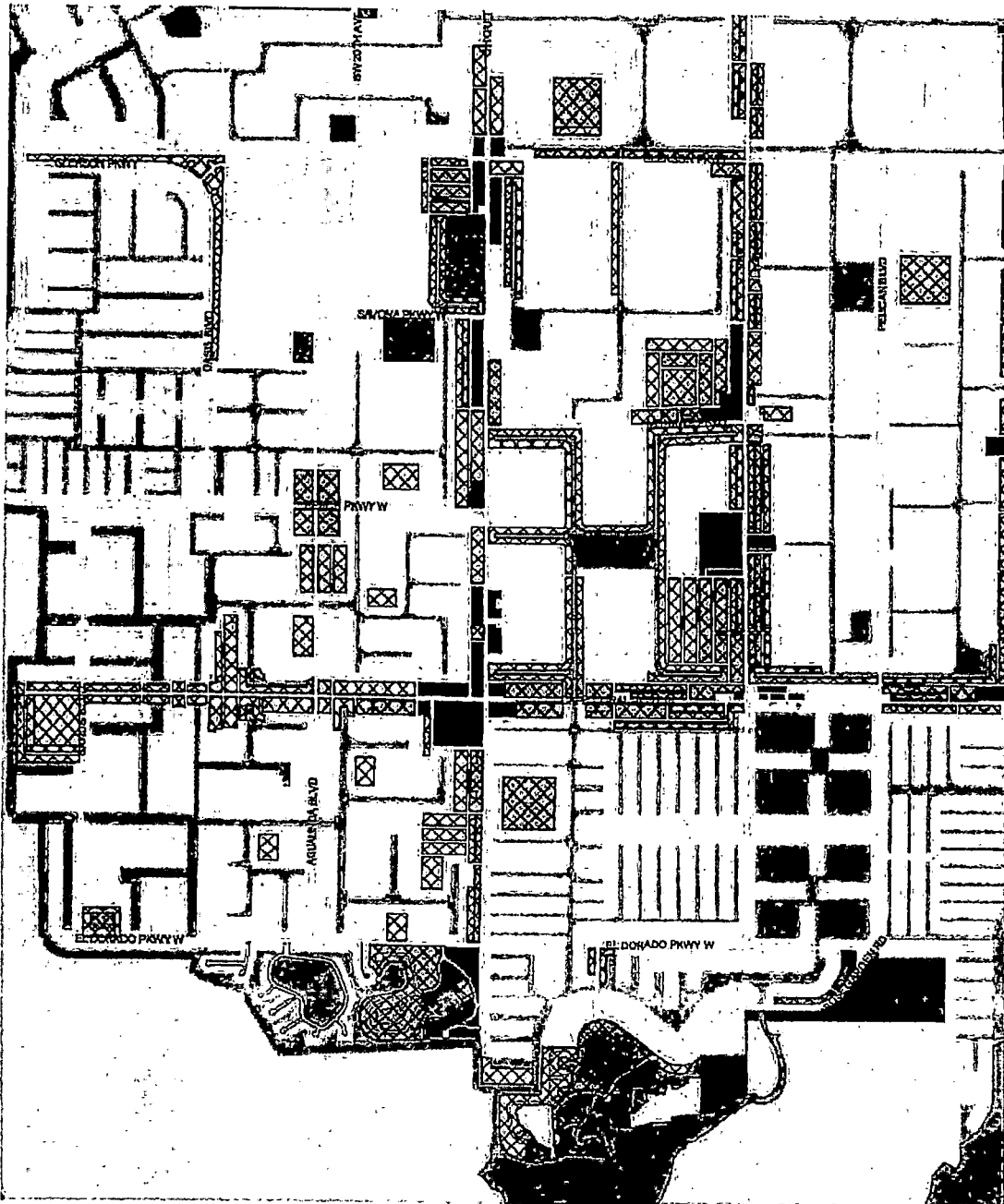


South of the previous map, several pre-platted R-3 properties are proposed to be rezoned to RML, while larger R-3 tracts (one-acre minimum size) are proposed to be amended to RMM. Near the intersection of Santa Barbara Boulevard and Pine Island Road, former Village properties are proposed to be rezoned as Commercial Corridor (CC). In addition, a pair of blocks currently zoned P-1 on Viscaya Parkway west of Del Prado are proposed to be amended to Commercial. Three properties currently housing places of worship are proposed to be amended to R1 as the Worship zoning district is being retired. Some R-3 properties parallel to Del Prado Boulevard are proposed to be rezoned to Commercial, to be consistent with their Commercial/Professional future land use map classification.



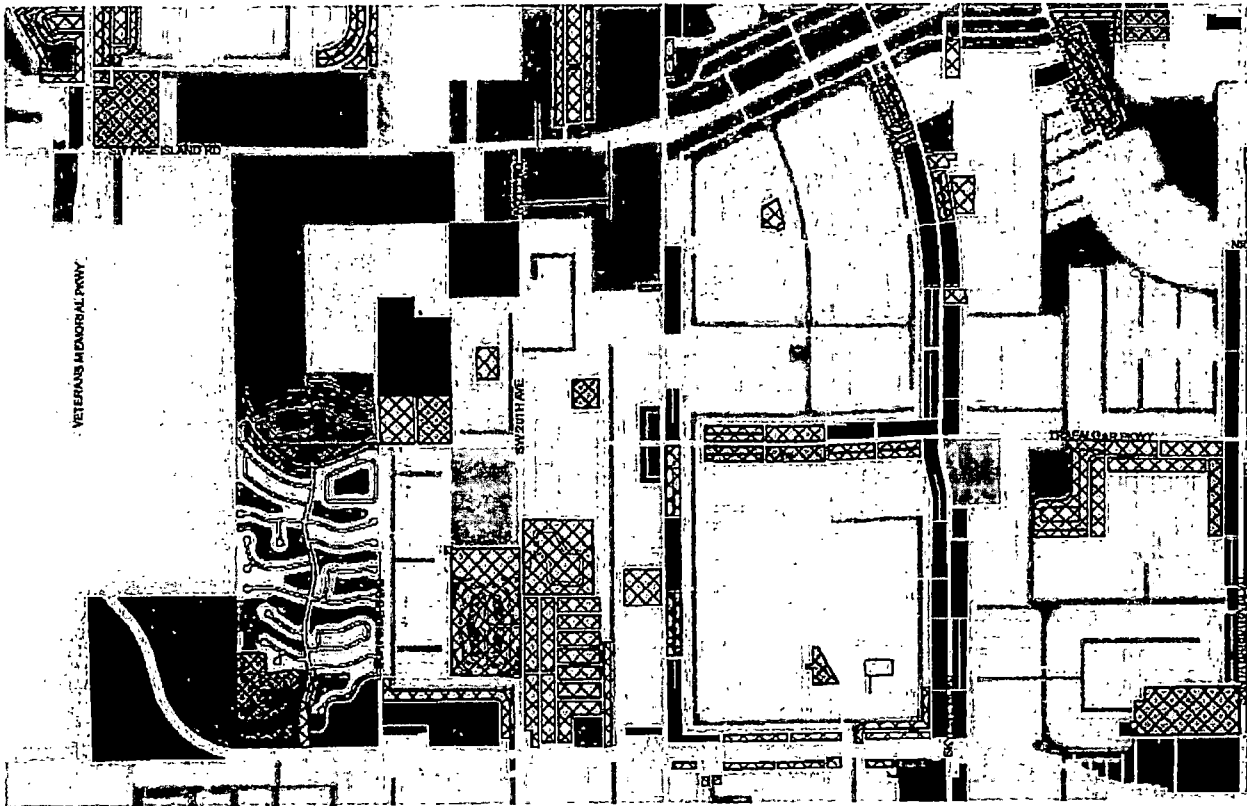
The map above depicts the southeastern corner of Cape Coral. Beginning at the bottom of the map, the area in red is the Cape Coral Yacht Club, which is being rezoned from C-3 to C. Light brown areas at Beach Parkway, near Cape Coral Parkway, and along Santa Barbara Boulevard are proposed to be rezoned from R-3 to RML. The blue properties off Cape Coral Parkway are proposed to be changed to the Mixed-Use Bimini Basin. As with the previous map, some R-3 properties parallel to Del Prado Boulevard are proposed to be rezoned to Commercial, to be consistent with their Commercial/Professional future land use map classification.

Exhibit "A", p 10 of 14



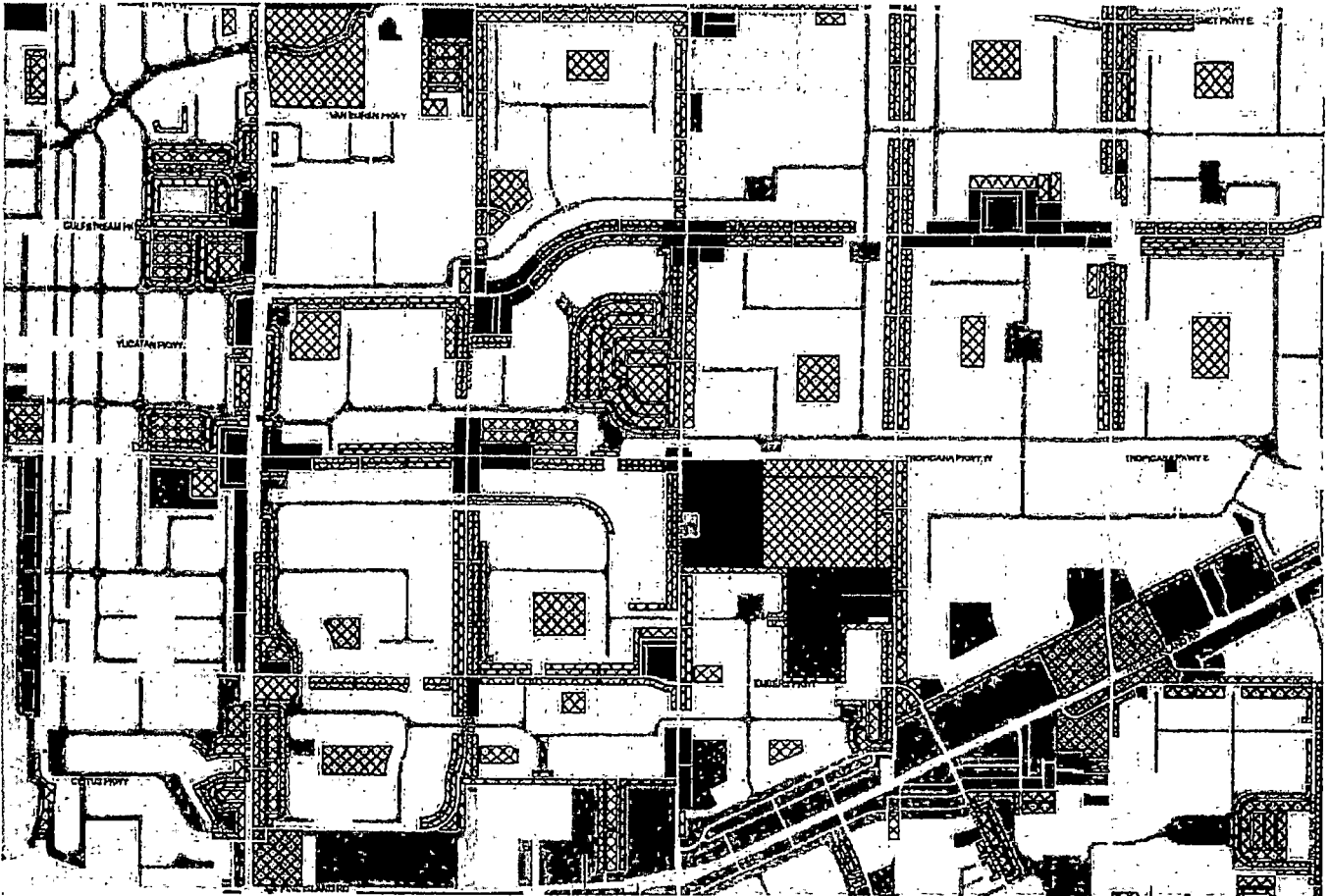
This map depicts the Southwest corner of Cape Coral. Most of the rezone changes are along major roadways: Properties in light brown are proposed to be amended to RML from R-3. Several properties are proposed to be amended to R-1, in yellow; these properties currently have a Residential Development (RD) zoning designation, which is being removed from the code.

Exhibit "A", p. 11 of 14



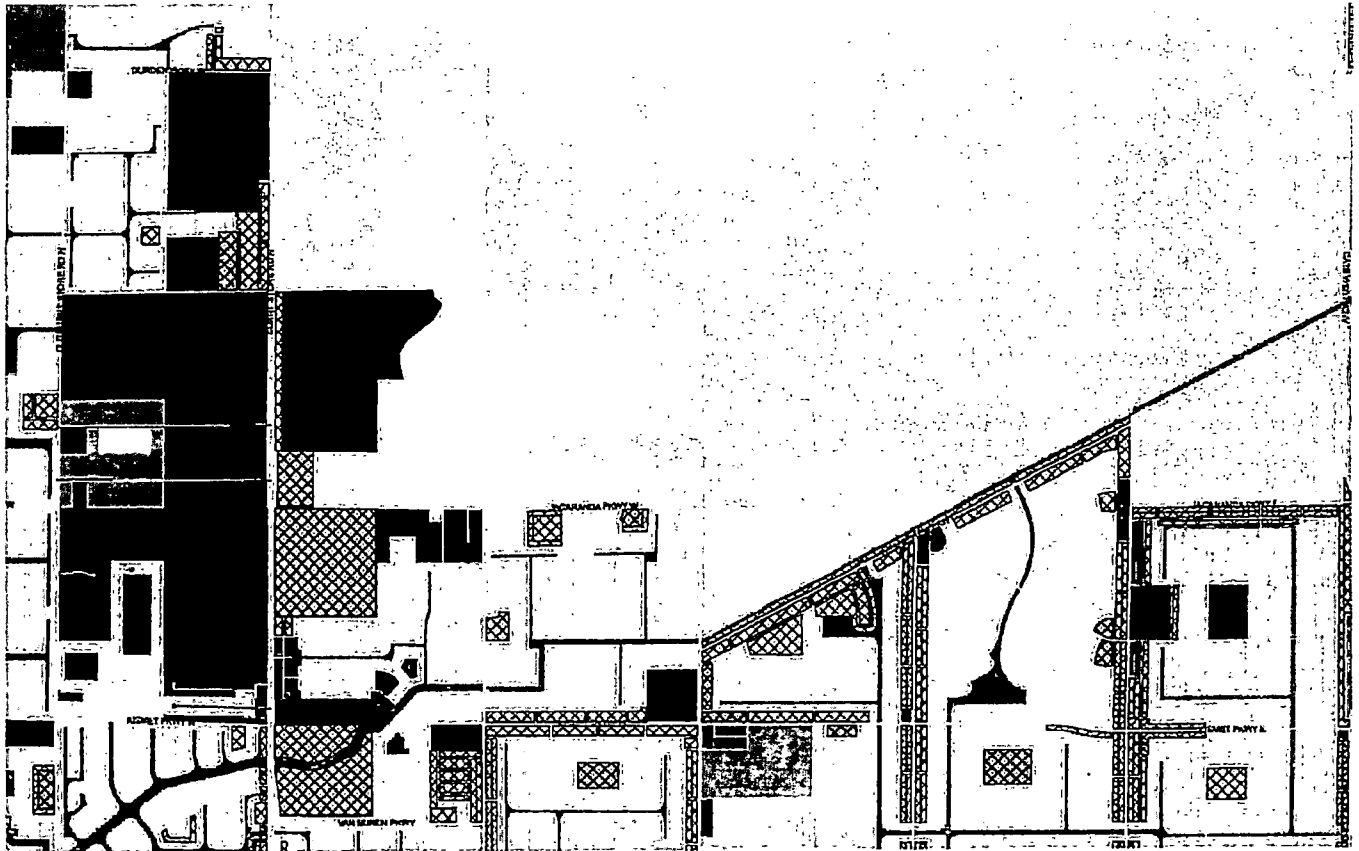
West-Central Cape Coral: most changes here depict rezones from former RD properties to R1, near Trafalgar Parkway and west of Chiquita Boulevard. Multi-Family Residential (RMM) sites in dark brown are proposed along Veterans Parkway. The removal of MR along Skyline and Chiquita Boulevards results in rezones to Commercial and RML along Skyline, and to a mix of Commercial, RML, and R1 properties off Chiquita Boulevard. Rezones to RML and R1 are consistent with existing development patterns.

Exhibit 'A' p. 12 of 14



Northwestern Cape Coral: Most areas are proposed to be amended from RD to R1 (properties in yellow). Other rezoned areas include the Mixed-Use Seven Islands district, indicated in dark purple to the far west, and sporadic areas of RML, mainly changed from the former MR district, and RMM properties which were formerly RD. Some Neighborhood Commercial properties are proposed, near Burnt Store Road and the intersection of Tropicana Parkway and Nelson Road. Commercial properties (in red) along Diplomat Parkway are rezoned from the former MR district. The several peach-colored Institutional-zoned districts are sites owned by the City of Cape Coral and the Lee County School Board; most of these are presently vacant.

Exhibit 'A', p 13 of 14



The final map in the series identifies the far northwestern section of Cape Coral. Commercial and Neighborhood Commercial properties are proposed on Burnt Store Road North and Santa Barbara Boulevard North. RD-properties along major roadways are proposed to be rezoned to R1 for the most part. A pair of City-owned properties are proposed to be rezoned to Institutional.

STAFF REPORT

ZA18-0013

City of Cape Coral

DOCKET/CASE/APPLICATION NUMBER**APPLICANT/PROPERTY OWNER**

Wyatt Daltry, AICP, Planning Team
Coordinator (239) 573-3160,
wdaltry@capecoral.net

1015 Cultural Park Boulevard
Cape Coral, FL 33915-0027

STAFF PLANNER**PROPERTY ADDRESS/LOCATION**

SUMMARY OF REQUEST

City-initiated rezone of 9,819 acres

STAFF RECOMMENDATION:**APPROVAL**

Positive Aspects of Application:	<ul style="list-style-type: none">• Brings zoning into conformity with future land use and upcoming Land Development Code
Negative Aspects of Application:	<ul style="list-style-type: none">• Size of application has city-wide implications and impacts.
Mitigating Factors:	<ul style="list-style-type: none">• Providing conformity with the future land use and upcoming land Development Code will improve the City's economic base and support private property rights of landowners in Cape Coral.

Additional Site Information

Urban Service Area: Infill, Transition, and Reserve

City Water and Sewer: Some properties are serviced by City water and sewer, though most affected properties are located in the Urban Services Reserve Area and lack potable water and centralized sewer facilities.

STRAP Number: See Exhibit A

Block/Lot(s): See Exhibit A

Acreage: 9,819.24 acres

Zoning and Land Use Information:

Proposed Zoning Change, by district:

<u>Zoning Transition Type</u>	<u>Acres</u>
A to INST	12.78
A to PV	302.50
A to R1	18.18
A to RMM	85.11
A to C	75.76
A to RML	3.74
C-1 to RML	0.69
C-3 to C	57.30
CORR to R1	16.33
CORR/CPO to I	159.00
MR to C	284.92
MR to INST	14.99
MR to NC	309.69
MR to P	0.81
MR to R1	45.52
MR to RML	41.78
MR to RMM	121.00
Null to CC	0.89
Null to R1	0.03
NZ to C	866.37
NZ to INST	15.04
NZ to NC	27.50
NZ to PV	411.04
NZ to R1	122.86

P-1 to C	27.26
R-1A to RML	10.54
R-1B to C	5.80
R-1B to INST	31.95
R-1B to MX7	11.15
R-1B to P	6.19
R-1B to RML	4.66
R-1B to RMM	4.84
R-3 to C	32.27
R-3 to INST	18.96
R-3 to P	5.00
R-3 to R1	0.27
R-3 to RML	1589.21
R-3 to RMM	475.73
RD to C	148.54
RD to CC	10.72
RD to INST	266.98
RD to MX7	37.02
RD to NC	156.92
RD to P	20.44
RD to R1	2835.34
RD to RE	14.72
RD to RML	242.77
RD to RMM	261.36
RX to R1	193.75
RX to RML	13.66
SC to MXB	85.55
VILL to CC	181.48
W to C	37.49
W to R1	62.42
W to RMM	32.16

Proposed Change, summarized by proposed zoning district:

Zoning Designation	Acres
C	1,535.71
CC	193.09
I	159.00
INST	360.70
MXB	85.55
MX7	48.17
NC	494.11
P	32.44
PV	713.54
R1	3,294.70
RE	14.72
RML	1,907.05
RMM	980.20

A detailed discussion of these districts, and the impacts of the proposed rezone, is in the Background section.

Background

The purpose of the rezone, identified earlier in this document is to provide consistency between the Zoning Map and the upcoming Land Development Code, Comprehensive Plan, and Future Land Use Map amendments. Zoning District Regulations are located in Article 4 of the Land Development Code. This is the third of four elements, which include:

- 1.) A proposal of a future land use amendment (Ordinance 2-19), generally focused on major roadway corridors,
- 2.) an overhaul of the Comprehensive Plan (Ordinance 71-18) that would be consistent with the upcoming LDC,
- 3.) a large-scale rezoning of the City to be consistent with the changes to the Future Land Use Map, Comprehensive Plan, and upcoming LDC, and
- 4.) the overhaul of the current Land Use and Development Regulations, to be replaced by the new LDC.

Therefore, the integrated nature of these efforts would explain many of the changes proposed in this rezone. To assist in that explanation, the following table from the Zoning and Land Use Information section is provided:

Table 1: Proposed Zoning Change, by district

<u>Zoning Transition Type</u>	<u>Acres</u>
A to INST	12.78
A to PV	302.50
A to R1	18.18
A to RMM	85.11
A to C	75.76
A to RML	3.74
C-1 to RML	0.69
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MR to INST	14.99
MR to NC	309.69
MR to P	0.81
MR to R1	45.52
MR to RML	41.78
MR to RMM	121.00
Null to CC	0.89
Null to R1	0.03
NZ to C	866.37
NZ to INST	15.04
NZ to NC	27.50
NZ to PV	411.04
NZ to R1	122.86
P-1 to C	27.26

R-1A to RML	10.54
R-1B to C	5.80
R-1B to INST	31.95
R-1B to MX7	11.15
R-1B to P	6.19
R-1B to RML	4.66
R-1B to RMM	4.84
R-3 to C	32.27
R-3 to INST	18.96
R-3 to P	5.00
R-3 to R1	0.27
R-3 to RML	1589.21
R-3 to RMM	475.73
RD to C	148.54
RD to CC	10.72
RD to INST	266.98
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RD to RMM	261.36
RX to R1	193.75
RX to RML	13.66
SC to MXB	85.55
VILL to CC	181.48
W to C	37.49
W to R1	62.42
W to RMM	32.16

In total, 9,818.98 acres are proposed to be rezoned. Seven zoning districts are proposed to be eliminated with the adoption of the upcoming Land Development Code; as a result, all Highway Commercial (C-3), Marketplace Residential (MR), Single-Family Residential (R-1A; 20,000-square foot minimum size), Multi-Family Residential (R-3), Residential Development (RD), Residential Receiving (RX), Village (VILL), and Worship-zoned (W) properties are rezoned as a part of this ordinance. If adopted, no properties in Cape Coral will have a C-3, MR, R-1A, R-3, RX, VILL, or W-zoning.

The reasons for eliminating these zoning districts are discussed herein:

- C-3: Two parks properties have a C-3 zoning, which is incompatible with the surrounding neighborhood
- MR: Presently an unsuccessful mixed-use zoning district, as only model homes have developed with this designation in 13 years. This rezone splits MR lands generally between multi-family and commercial zoning

districts, with some smaller component of MR properties being rezoned to another mixed-use zoning, the new Neighborhood Commercial (NC) district.

- R-1A: This zoning district is rarely used in Cape Coral, and so is proposed for deletion.
- R-3: The new LDC proposes to create two new zoning designations, the Residential Multi-Family Low (RML) and the Residential Multi-Family Medium (RMM) districts. The RML district permits a variety of housing types at a density of 16 units/acre and is roughly analogous (80%) to the R-3 district. The RMM district only permits moderate-to-high intensity multi-family residential uses (no duplexes, no single-family residences) at a density up to 25 units/acre.
- RX: The Transfer of Development Rights (TDR) program is proposed to be eliminated through the new LDC due to its lack of usage and applicability in Cape Coral. 95% of RX properties are proposed to be rezoned to the R1 Single-Family zoning designation.
- VILL: The Village district, a mixed-use zoning district like the MR, has been unsuccessful in generating mixed-use development. Village-zoned properties are proposed to be subsumed by the Commercial Corridor (CC) zoning designation.
- W: The Worship is being eliminated as houses of worship are proposed to be permitted in all zoning districts save Industrial.

In addition to the deletion of six zoning districts, approximately 1,450 acres to be rezoned currently lack a Cape Coral zoning designation, as the properties had been annexed into Cape Coral over the last 15 years. These properties are “NZ” or “Not Zoned (Cape Coral zoning)” in the table above. Overall 8,972.37 acres of 9,818.98 acres (91.3% of the area) to be rezoned reflect changes initiated by the deletion of old zoning districts, or the rezoning of recently-annexed properties from a County zoning designation to a City zoning designation. The remaining acreage to be rezoned supports efforts to provide consistent zoning designations with their future land use or is proposed to support the existing development pattern.

The following section summarizes the rezone effort, comparing general zoning types:

Mixed-Use (CORR/MR/SC/VILL) to Mixed-Use (CC/NC/SC/MXB/MX7):	576.72 acres
Mixed-Use to Non-Residential (C/P/I):	444.73 acres
Mixed-Use to Residential (A/R1/RML/RMM/RE):	224.63 acres
Non-Residential (C-1/C-3/I/P-1/W) to Non-Residential:	122.05 acres
Non-Residential to Mixed-Use:	0 acres
Non-Residential to Residential:	95.27 acres
Residential to Residential:	5,753.88 acres
Residential to Mixed-Use:	215.81 acres
Residential to Non-Residential:	294.00 acres
To Institutional/Preservation (INST/PV), not including County zoned:	648.16 acres
Areas with Lee County Zoning:	1,443.73 acres

The purpose of this section is to quantify the impact of the rezone from the perspective of potentially changing the character of an area. As depicted above, the “like-for-like” changes (e.g. residential to residential, non-residential to non-residential) include 6,452.65 acres, approximately 66% of the zoning area. An additional 14.7% of the area designates a City zoning upon formerly County-zoned properties, bringing the area into consistency with the future land use and City regulations. Only 319.90 acres, or 3.3% of the area involves a change from a mixed-use or non-residential zoning designation to a residential zone. These changes reflect existing development patterns or upcoming development efforts and are requested in order to provide consistency with the development pattern and future land use map classification.

The following table depicts the proposed rezone, summarizing the proposed effect of the rezone, by zoning district.

Table 2: Proposed Change, summarized by proposed zoning district

Zoning Designation	Acres
C	1,535.71
CC	193.09
I	159.00
INST	360.70
MXB	85.55
MX7	48.17
NC	494.11
P	32.44
PV	713.54
R1	3,294.70
RE	14.72
RML	1,907.05
RMM	980.20

All zoning districts “receiving” area due to this rezone are new zoning districts proposed by the LDC or are nearly identical to zoning districts present in the soon-to-be replaced Land Use and Development Regulations. These districts, and a short description of each, are as follows:

- Commercial (C) – A general commercial, retail, and office zoning district, roughly analogous to the current Pedestrian Commercial (C-1) zoning district.
- Commercial Corridor (CC) – A commercial, retail, multi-family residential, and light industrial zoning district, centered on the Pine Island Road (SR 78) corridor. Larger unplatted property sizes and central location of district provide opportunities for larger-scale developments not normally seen in Cape Coral. Roughly analogous to the Corridor (CORR) zoning district.
- Industrial (I) – A general industrial zoning district, the successor to the former Industrial (I-1) zoning district.
- Institutional (INST) – A civic and infrastructure-based zoning district, the successor to the former Institutional district.
- Mixed-Use Bimini (MXB) – A new mixed-use zoning district, geographically centered on the Bimini Basin in SE Cape Coral.
- Mixed-Use Seven Islands (MX7) – A new mixed-use zoning district, geographically centered on the Seven Islands properties in NW Cape Coral.
- Neighborhood Commercial (NC) – A new mixed-use zoning district, with form-based development options. Successor to the former Marketplace Residential zoning district.
- Professional (P) – A general office and light commercial zoning district, analogous to the current Professional Office (P-1) zoning district.
- Preservation (PV) – A zoning district that curtails development of property due to the presence of environmental or cultural factors.
- Single-Family Residential (R1) – A single-family residential zoning district. Successor to the R-1A and R-1B zoning districts.

- Residential Estate (RE) – A single-family residential zoning district, with a minimum size of 40,000-square feet. Successor to the former Residential Estate (RE) zoning district.
- Residential Multi-Family Low (RML) – A new multi-family residential zoning district, with a maximum density of 16 dwelling units/acre. Permits a wide array of residential types; single-family detached residences, duplexes, larger-project multi-family residential development. Roughly analogous to the Multi-Family Residential (R-3) zoning district.
- Residential Multi-Family Medium (RMM) – A new multi-family residential zoning district, with a maximum density of 25 dwelling units/acre. Only permits larger-scale multi-family residential projects; no duplexes or single-family residences are permitted. Properties proposed to be rezoned to RMM are restricted to unplatted tracts that are a minimum of 1 acre or larger.

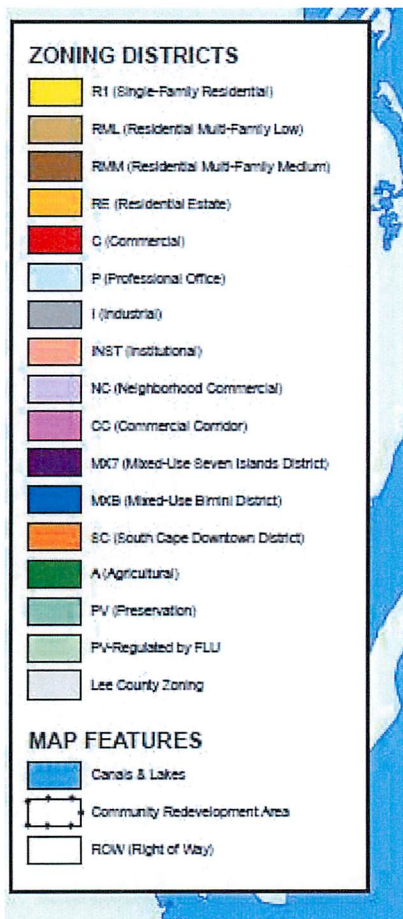
This list of new LDC districts does not include the Agricultural (A) and South Cape Downtown District (SC), which are not “receiving” properties as a result of this rezone.

As indicated by the table above, a majority of the area rezoned (6,196.67 of 9,818.98 acres – 63%) are proposed to be rezoned to a residential zoning district. 92% of this residential acreage is rezoned from other residential zoning districts, which minimizes the impacts on these residential areas.

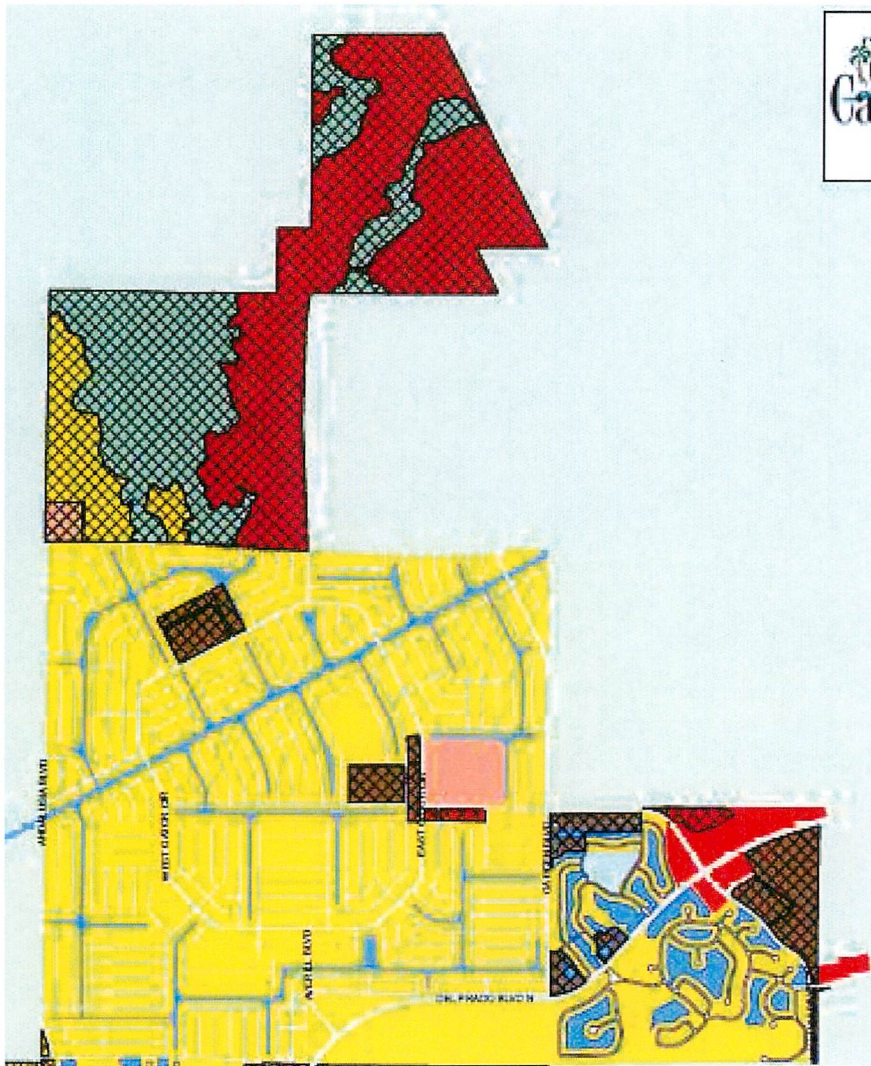
Additional changes proposed by the rezoning include two new mixed-use zoning districts based on geographic areas: Mixed-Use Bimini and Mixed-Use Seven Islands zoning districts. These two areas have been identified in separate vision plans for the Bimini Basin and Seven Islands areas, and due to the geographic focus inherent with these districts, it is unlikely that additional properties would be added to these zoning designations.



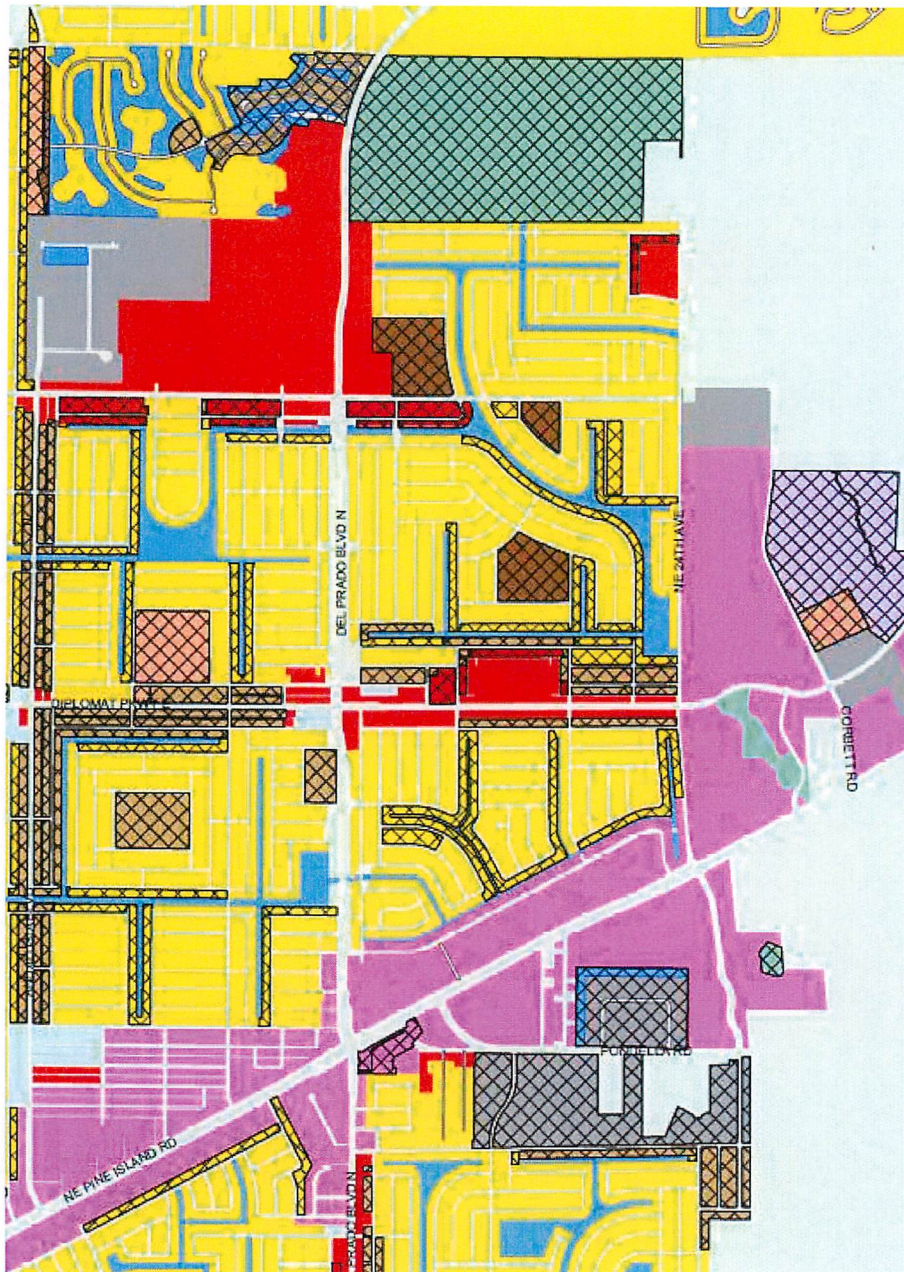
Zoning Changes by Area



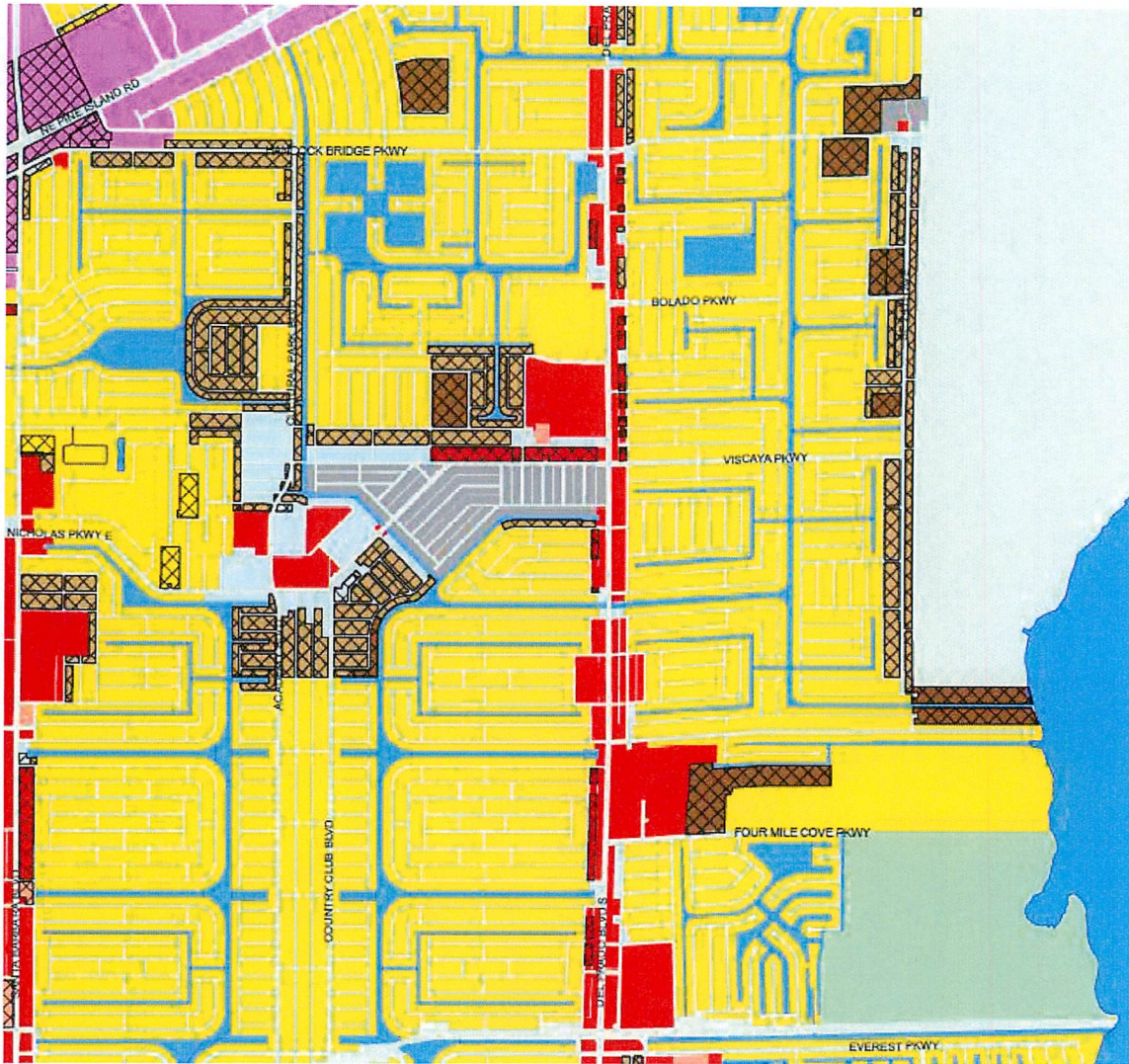
This legend will assist with the following map series. Properties proposed to be rezoned are indicated in a hatched pattern.



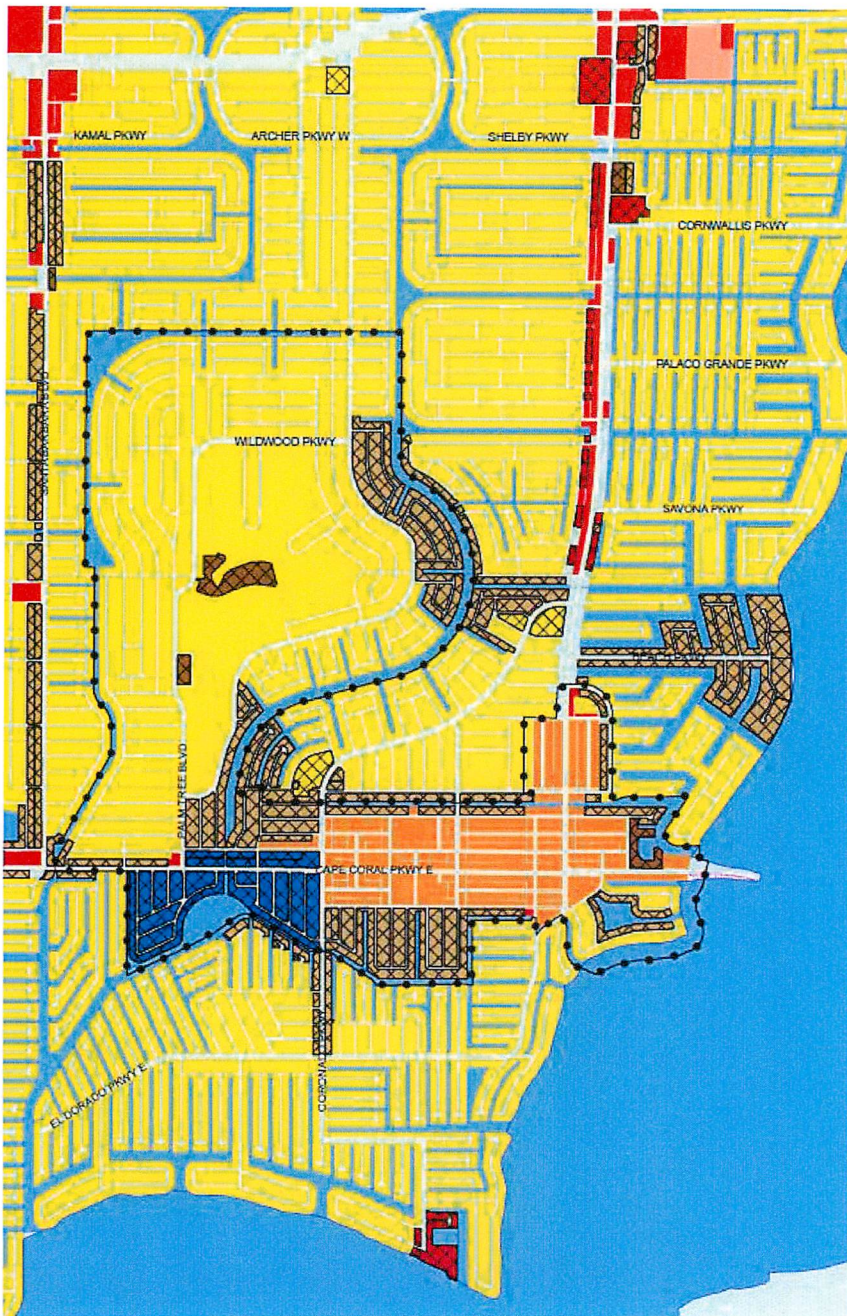
The far northeastern portion of the City, the north half of the map presently has a Lee County zoning, as therefore these changes are made in accordance with a proposed future land use map amendment (Ordinances 50-18 and 2-19). Recent changes to Multi-Family Residential and Commercial/Professional along Gator Circle are supported by proposed rezones to RMM and Commercial. Finally, several properties zoned R-3 are proposed to be rezoned to RML in the Entrada area.



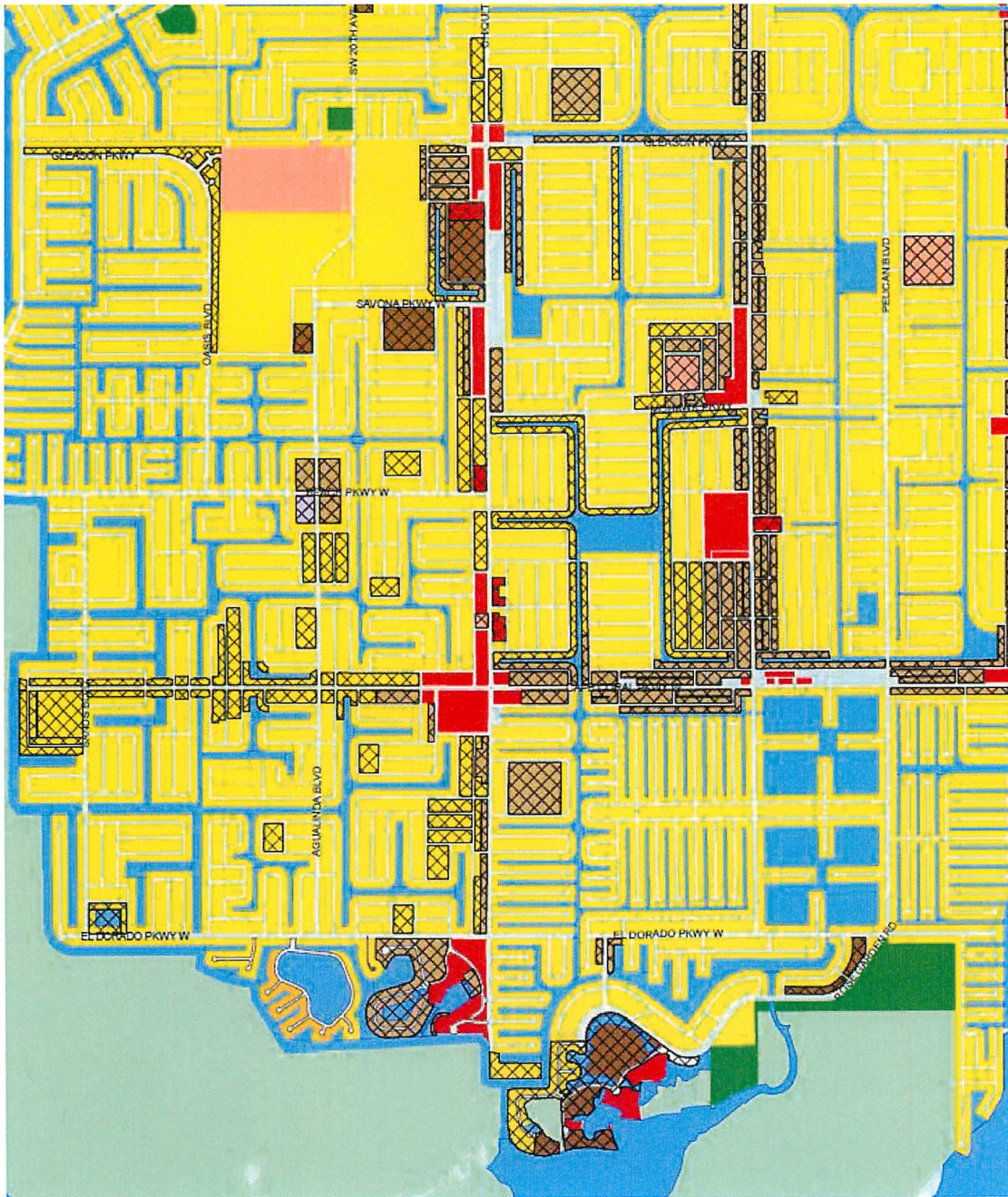
South of the previous map, there are multiple rezones proposed in NE Cape Coral. The southern two-thirds of the City's major Park on Del Prado Boulevard is proposed to be rezoned to Preservation from the Agricultural zoning district. Several canalfront lots, formerly Residential Receiving (RX)-zoned properties, are proposed to be rezoned to R-1. Former Marketplace Residential properties along Kismet Parkway are proposed to be amended to Commercial, while Residential Development properties on Andalusia Boulevard and Multi-Family (R-3) properties along Diplomat Parkway are proposed to be rezoned to RML. Several Corridor/CPO properties near Pondella Road, which consist of industrial uses, are proposed to be rezoned to the Industrial zoning district.



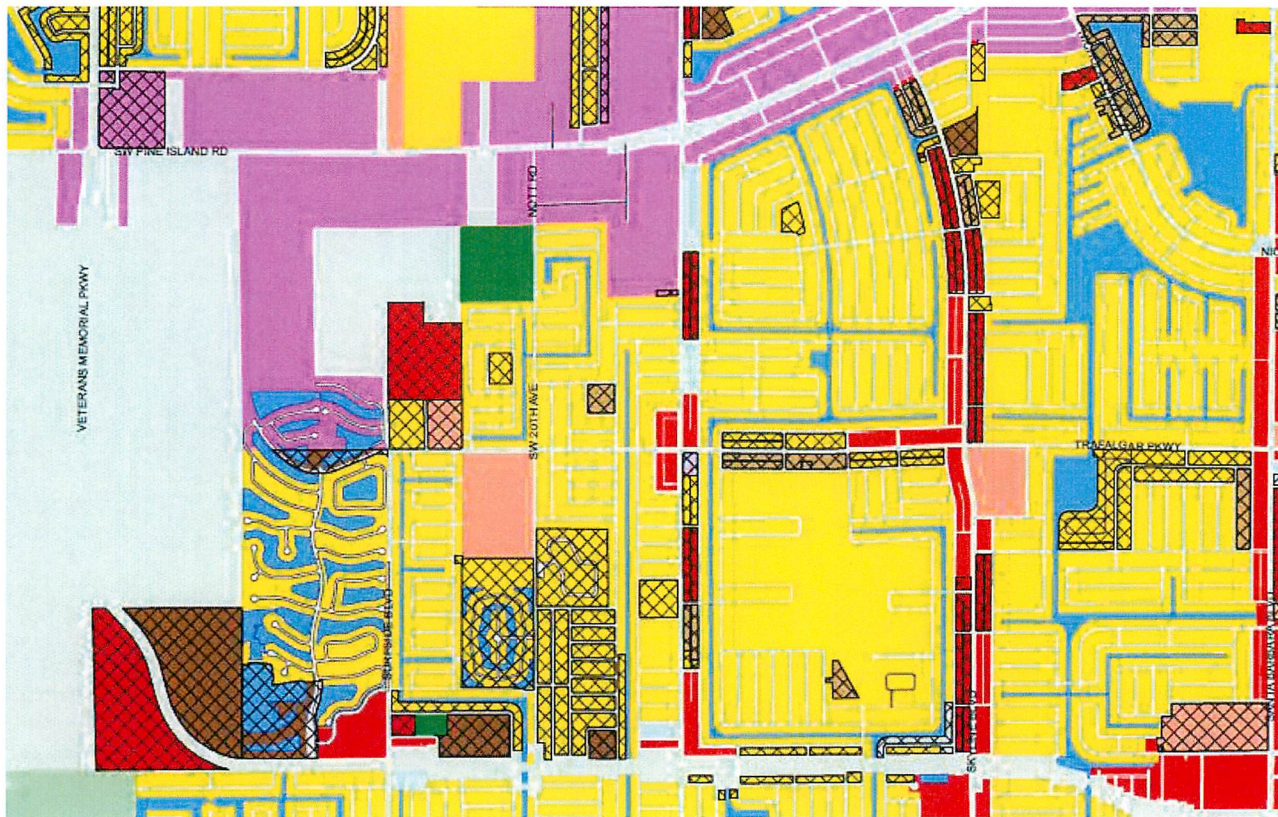
South of the previous map, several pre-platted R-3 properties are proposed to be rezoned to RML, while larger R-3 tracts (one-acre minimum size) are proposed to be amended to RMM. Near the intersection of Santa Barbara Boulevard and Pine Island Road, former Village properties are proposed to be rezoned as Commercial Corridor (CC). In addition, a pair of blocks currently zoned P-1 on Viscaya Parkway west of Del Prado are proposed to be amended to Commercial. Three properties currently housing places of worship are proposed to be amended to R1 as the Worship zoning district is being retired. Some R-3 properties parallel to Del Prado Boulevard are proposed to be rezoned to Commercial, to be consistent with their Commercial/Professional future land use map classification.



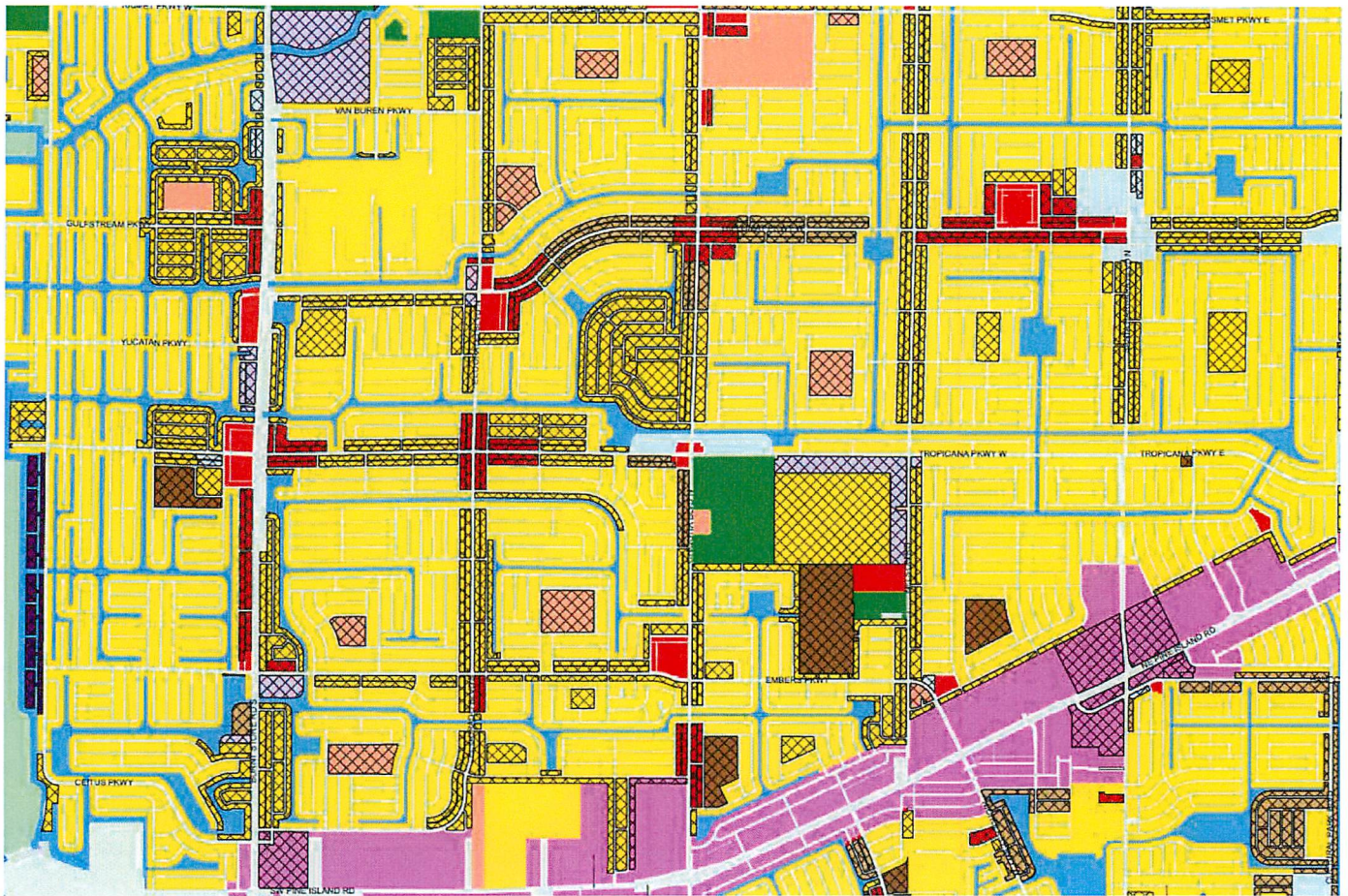
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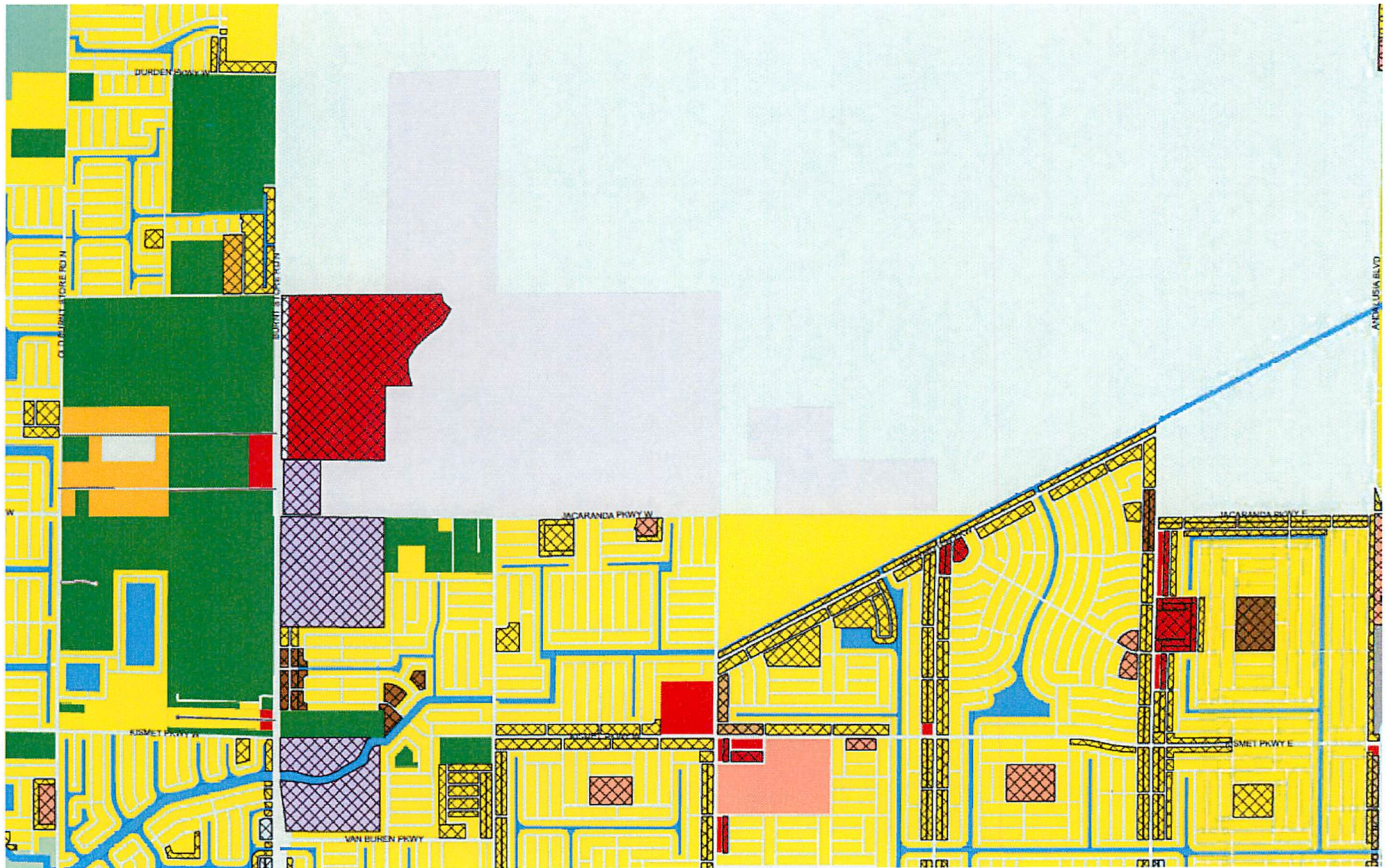
This map depicts the Southwest corner of Cape Coral. Most of the rezone changes are along major roadways: Properties in light brown are proposed to be amended to RML from R-3. Several properties are proposed to be amended to R-1, in yellow; these properties currently have a Residential Development (RD) zoning designation, which is being removed from the code.



West-Central Cape Coral: most changes here depict rezones from former RD properties to R1, near Trafalgar Parkway and west of Chiquita Boulevard. Multi-Family Residential (RMM) sites in dark brown are proposed along Veterans Parkway. The removal of MR along Skyline and Chiquita Boulevards results in rezones to Commercial and RML along Skyline, and to a mix of Commercial, RML, and R1 properties off Chiquita Boulevard. Rezones to RML and R1 are consistent with existing development patterns.



Northwestern Cape Coral: Most areas are proposed to be amended from RD to R1 (properties in yellow). Other rezoned areas include the Mixed-Use Seven Islands district, indicated in dark purple to the far west, and sporadic areas of RML, mainly changed from the former MR district, and RMM properties which were formerly RD. Some Neighborhood Commercial properties are proposed, near Burnt Store Road and the intersection of Tropicana Parkway and Nelson Road. Commercial properties (in red) along Diplomat Parkway are rezoned from the former MR district. The several peach-colored Institutional-zoned districts are sites owned by the City of Cape Coral and the Lee County School Board; most of these are presently vacant.



The final map in the series identifies the far northwestern section of Cape Coral. Commercial and Neighborhood Commercial properties are proposed on Burnt Store Road North and Santa Barbara Boulevard North. RD-properties along major roadways are proposed to be rezoned to R1 for the most part. A pair of City-owned properties are proposed to be rezoned to Institutional.

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed rezone.

The proposed zoning is consistent with the various future land use map classification. The rezone is consistent with Policies 1.15, 1.20, 8.1, and 13.3 of the 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. 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.

The proposed zoning districts are consistent with the standards for uses and the densities and intensities identified in Policy 1.15 of the Future Land Use Element.

Policy 1.20: The City will promote the development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways.

This policy is supported by the creation and mapping of the Mixed-Use Bimini (MXB) and Mixed-Use Seven Islands (MX7) Zoning Districts, which are identifiable mixed-use and commercial districts. More compact development patterns are supported by the Neighborhood Commercial (NC) zoning district.

Policy 8.1: The City will prohibit the expansion or replacement of land uses which are inconsistent with the Future Land Use Element.

One of the goals of the rezone is to eliminate or severely reduce the number of inconsistent future land use/zoning combinations, in accordance with the Future Land Use Element.

Policy 13.3: In order to encourage and facilitate development and redevelopment and the provision of housing, employment, service and shopping opportunities in a compact area currently served by public facilities, mixed-use development shall be allowed in the Downtown Community Redevelopment Area. Such mixed-use development shall conform to the Community Redevelopment Area Plan, as same may be amended, and shall be reviewed in accordance with the City's Land Use and Development Regulations.

This policy is supported by the Mixed-Use Bimini Zoning District.

Overall, the rezone is consistent with the policies of the Comprehensive Plan.

Land Use and Development Regulations -- Section 8.7 Amendments:

Staff reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with Comprehensive Plan and General Standards, B. 1.-10. of the Land Use and Development Regulations and provides the following analysis. This section is used for future land use map amendments, comprehensive plan amendments, and for rezone requests.

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.

The proposed rezone **would not** diminish the land value for the vast majority of the rezone area because this area is currently vacant, has incompatible land use and zoning, or is undergoing a rezone from a residential designation to a multi-family residential, non-residential, or mixed-use designation. Approximately 180 of 9,819 acres involve a change from a multi-family residential, non-residential, or mixed-use designation to a single-family residential zoning designation; these changes are done to facilitate consistency between the future land use and the zoning district.

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

The proposal is **not anticipated** to depreciate the value of other properties in the area. Two-thirds of the area is receiving “like-for-like” changes, that is, commercial-to-commercial or residential-to-residential. Only 3.3% of the area represents a reduction of intensity or density – however, these areas are proposed to be rezoned to either provide consistency with the development pattern currently in-place, to provide consistency with the existing future land use or proposed future land use in Ordinance 2-19, or are proposed to be rezoned to foster development projects in-process.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.

The proposed zoning district will be consistent with the future land use classifications indicated in the Future Land Use Map. Most of the proposed changes support existing development patterns and involve minor zone changes caused by the deletion of existing zoning districts. Therefore, the request is **suitable**.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

A difficult question given the scale of the proposed rezone, but based on the earlier analysis, the proposed rezone is **compatible** with the vast majority of the surrounding area.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

The effect of this rezoning is to bring the Official Zoning Map in accordance with the proposed Land Development Code overhaul, and to better reflect the actual use of the property on the City’s zoning maps. As a result, this proposed rezone **provides large relative gains** to the community.

6. The community need for the use proposed by the zoning or land use restriction.
-

Providing consistency between the future land use and the zoning and providing consistency with the Land Development Code is valuable to the community. The proposed rezone has a **positive** effect on the needs of the community.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

This is nearly impossible to summarize, but approximately 50% of the area is developed. Developed properties include sites that have been developed since the 1970's to residences which have recently received certificates of occupancy.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.

Providing a zoning designation that is more consistent with the future land use map classification should have a **positive effect** on the health, safety, morals, and general welfare for the community.

9. The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan.

Impacts on infrastructure for development on this site will be **negligible** as abundant facility capacity exists for the transportation and utility infrastructure network.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.

The proposed rezone is **consistent** with the Cape Coral Comprehensive Land Use Plan.

Public Notification

This case will be publicly noticed as required by LUDR, Section 8.3.2.A as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone 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 Hearing Examiner. Following the public hearing before the Hearing Examiner, the 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.

Recommendation:

Planning staff has reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with the Comprehensive Plan and General Standards A., B. 1.-10 of the Land Use and Development Regulations and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

Staff Contact Information:

Wyatt Daltry, AICP
Planning Team Coordinator
Department of Community Development
Planning Division
(239) 573-3160
email: wdaltry@capecoral.net

ORD 4-19
ZA18-0013
FEBRUARY 11, 2019

Background

- **A city-initiated rezone involving 9,818.98 acres**
- **One element of multi-part process to overhaul Land Development Code. Other elements include:**
 - **Two Future Land Use Map Amendments (Ordinances 50-18 and 2-19)**
 - **Comprehensive Plan Text Amendment (Ordinance 71-18)**
 - **Land Development Code Ordinance (Ordinance 35-18)**

Background

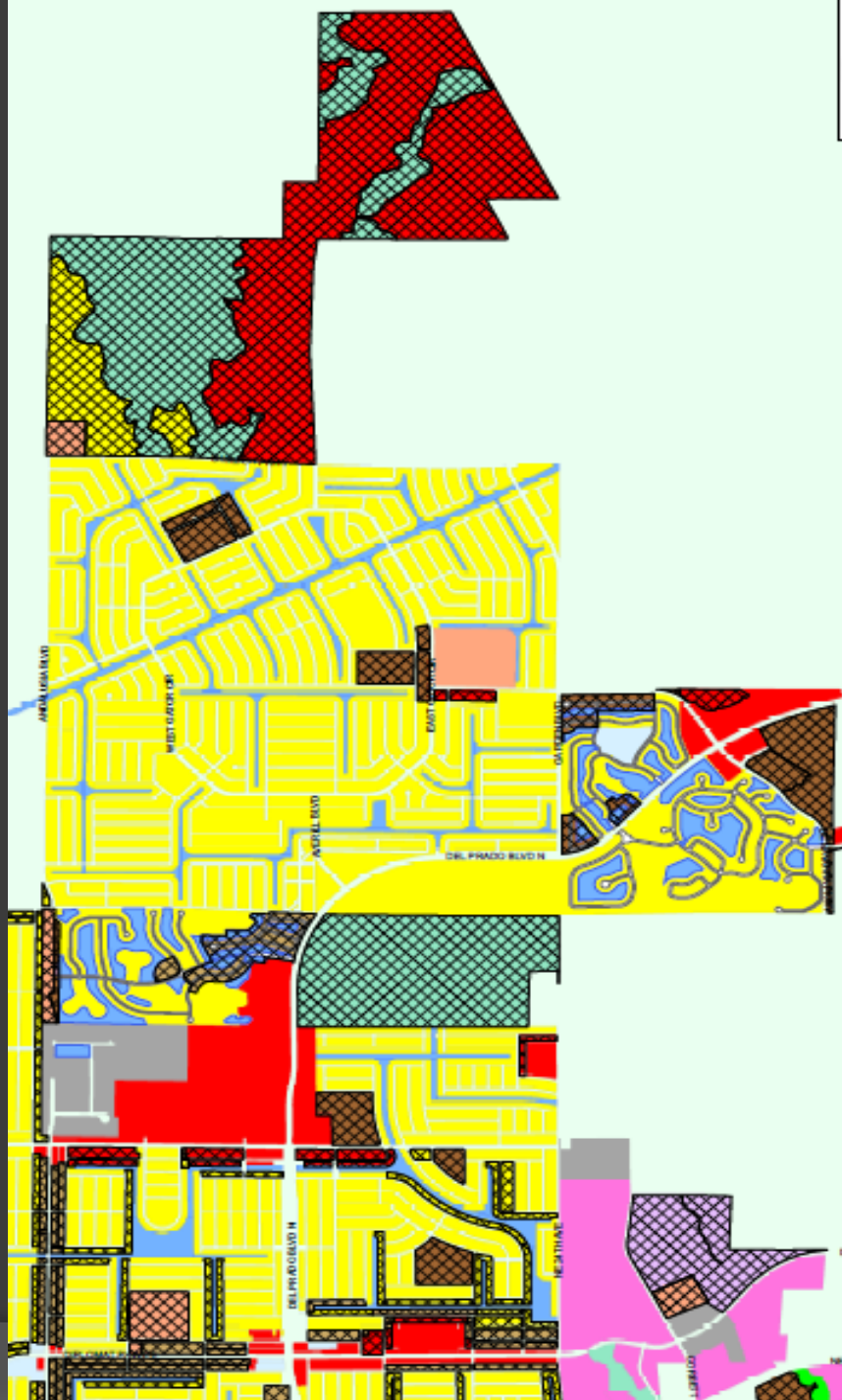
- **Greatest changes involve:**
 - Deletion of RD**
 - Deletion of R-3, splitting R-3 into RML and RMM**
 - Deletion of MR**
 - Deletion of RX**
 - Deletion of Village**
- **Overall 8 districts are proposed to be removed, with another two unmapped districts (HICl, P-2) removed in LDC overhaul**
- **Additional focus of this effort is to provide consistency, not rezone by request**

The Process

- **Identification of goals:**
 - **Replace deleted zoning districts**
 - **Retain existing entitlements, where appropriate**
 - **Rezone to reflect existing development, where appropriate**
 - **Rezone in accordance with proposed future land use map amendment (Ordinance 2-19)**

The Process

- **May 2018, staff reviewed the future land use map, zoning map, and aerial photographs to identify current development patterns**
- **In addition, staff identified areas of property assemblage, which influenced staff direction for several blocks**
- **Rezone effort was presented (as workshop) before Local Planning Agency in December 2018, and formally presented before Hearing Examiner on January 8, 2019**

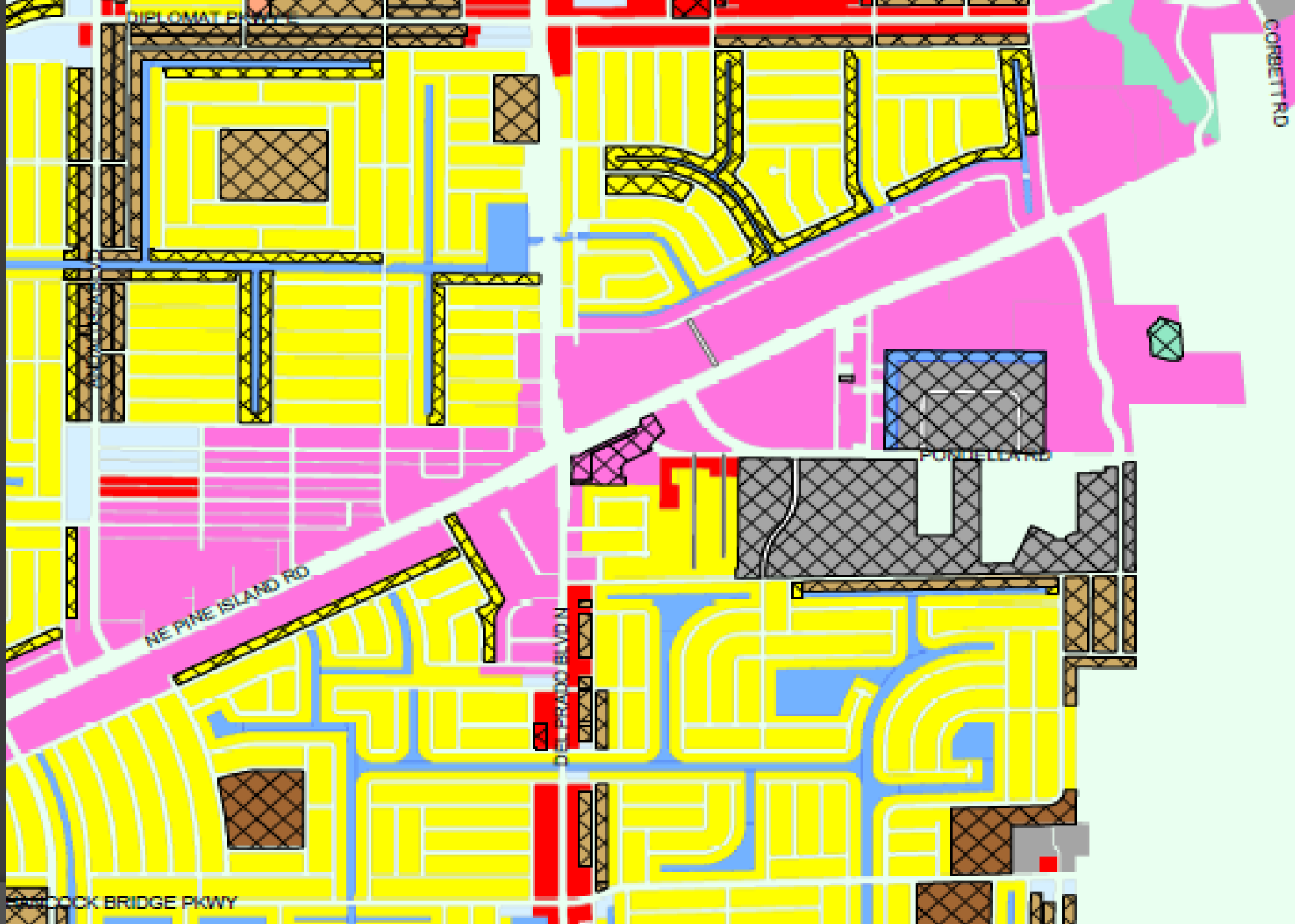


ZONING DISTRICTS

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- RML (Residential Multi-Family Low)
- RMM (Residential Multi-Family Medium)
- RE (Residential Estate)
- C (Commercial)
- P (Professional Office)
- I (Industrial)
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- PV (Preservation)
- PV-Regulated by FLU
- Lee County Zoning

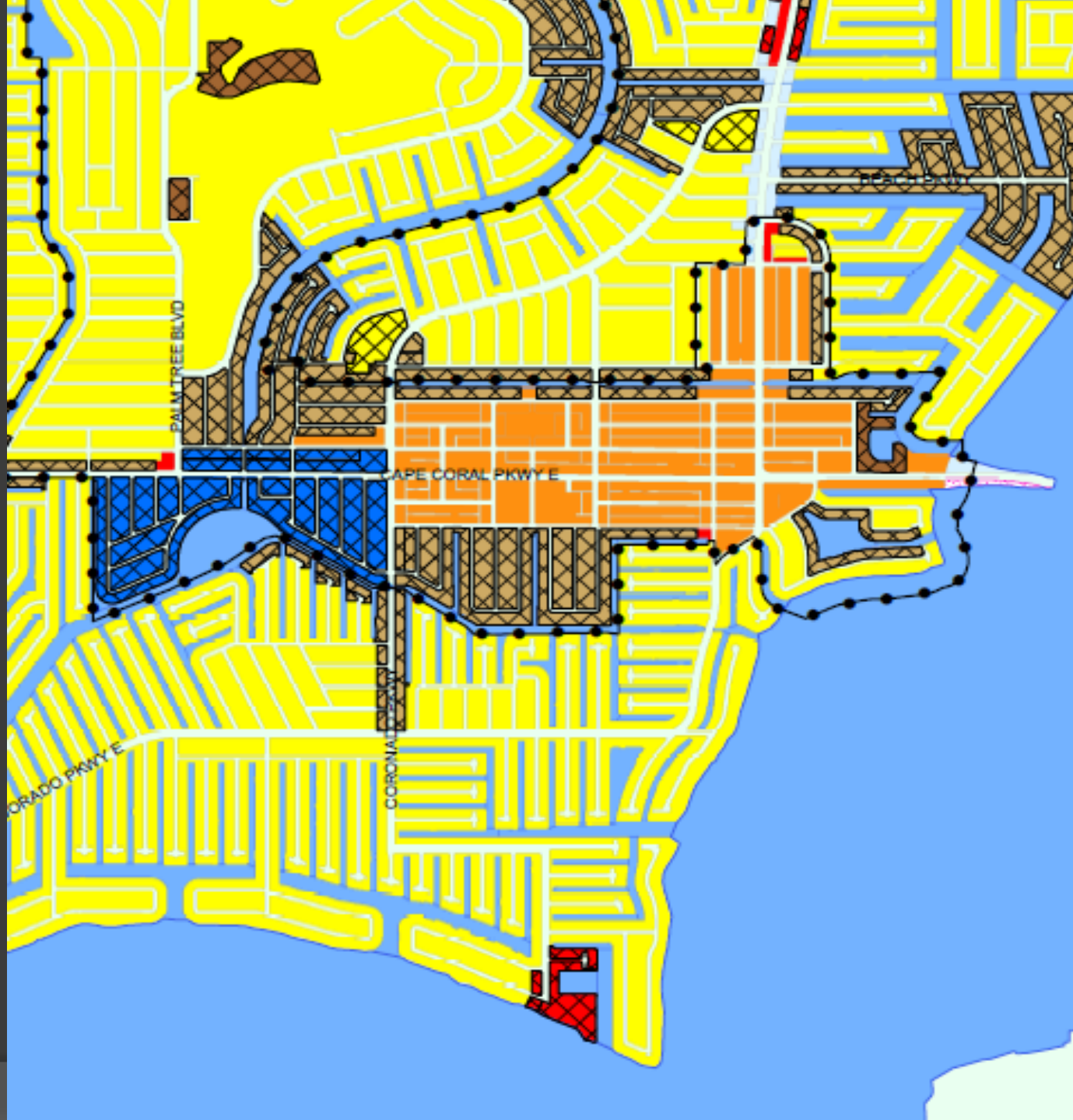
MAP FEATURES

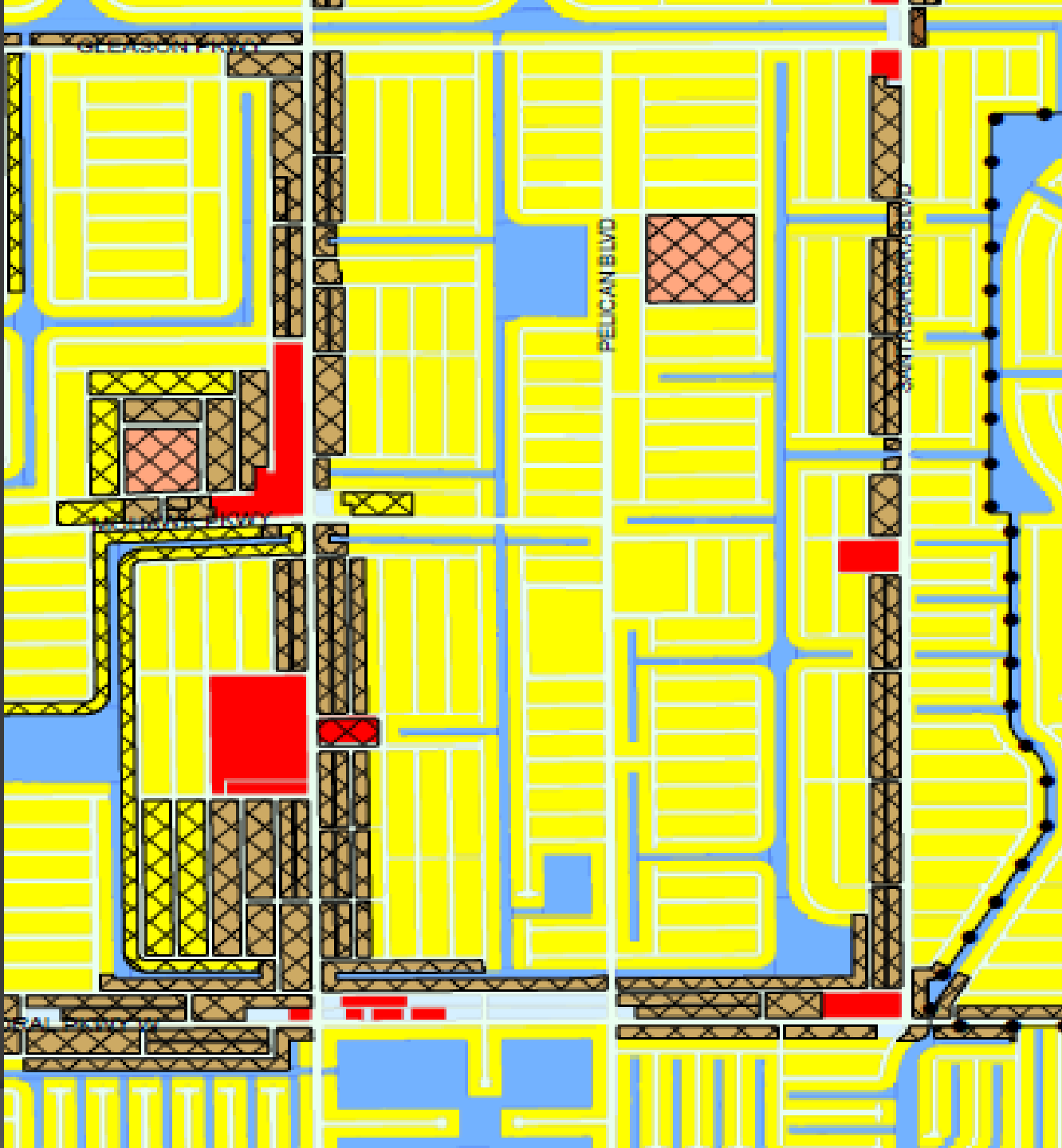
- Canals & Lakes
- Community Redevelopment Area
- ROW (Right of Way)

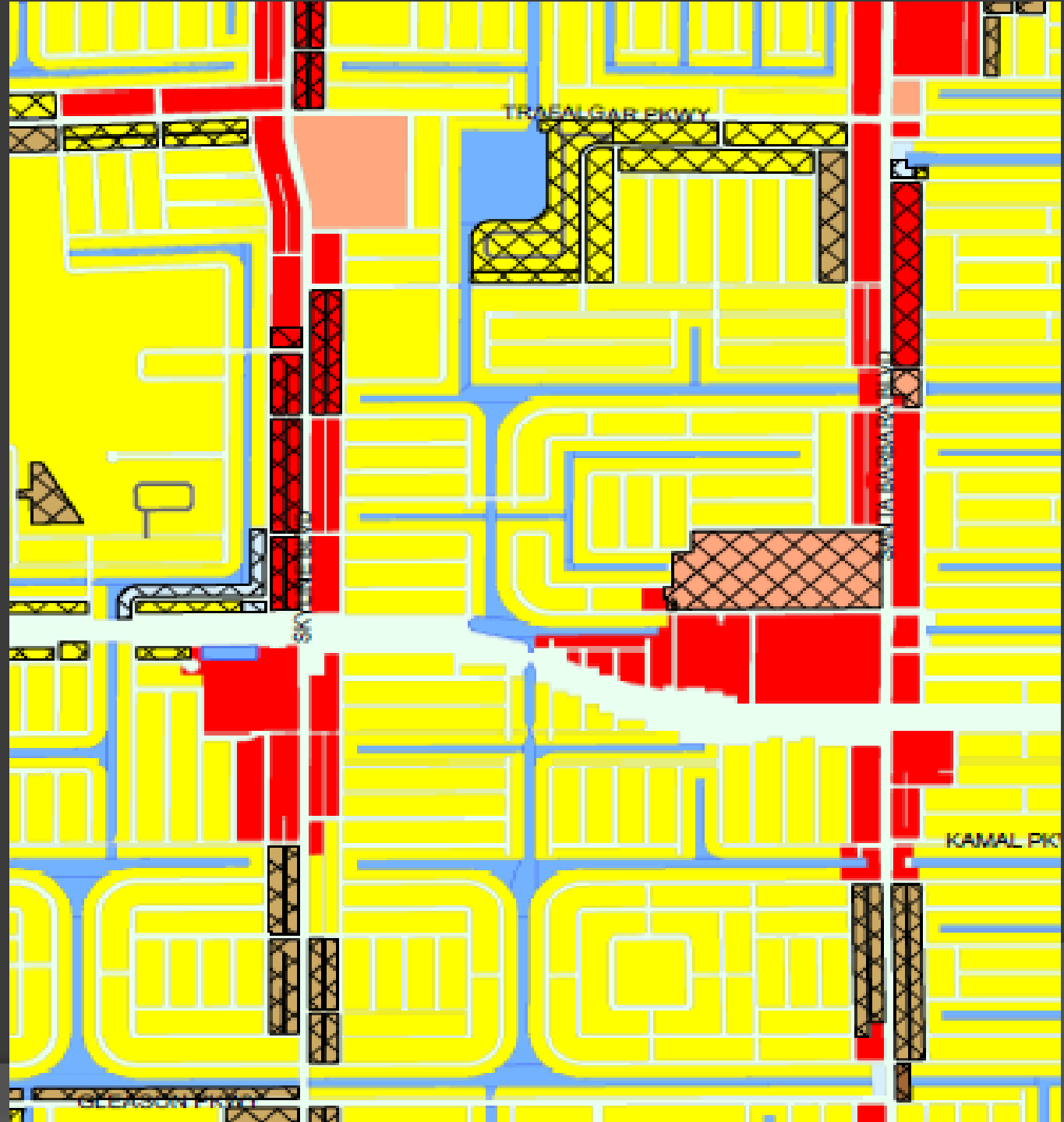


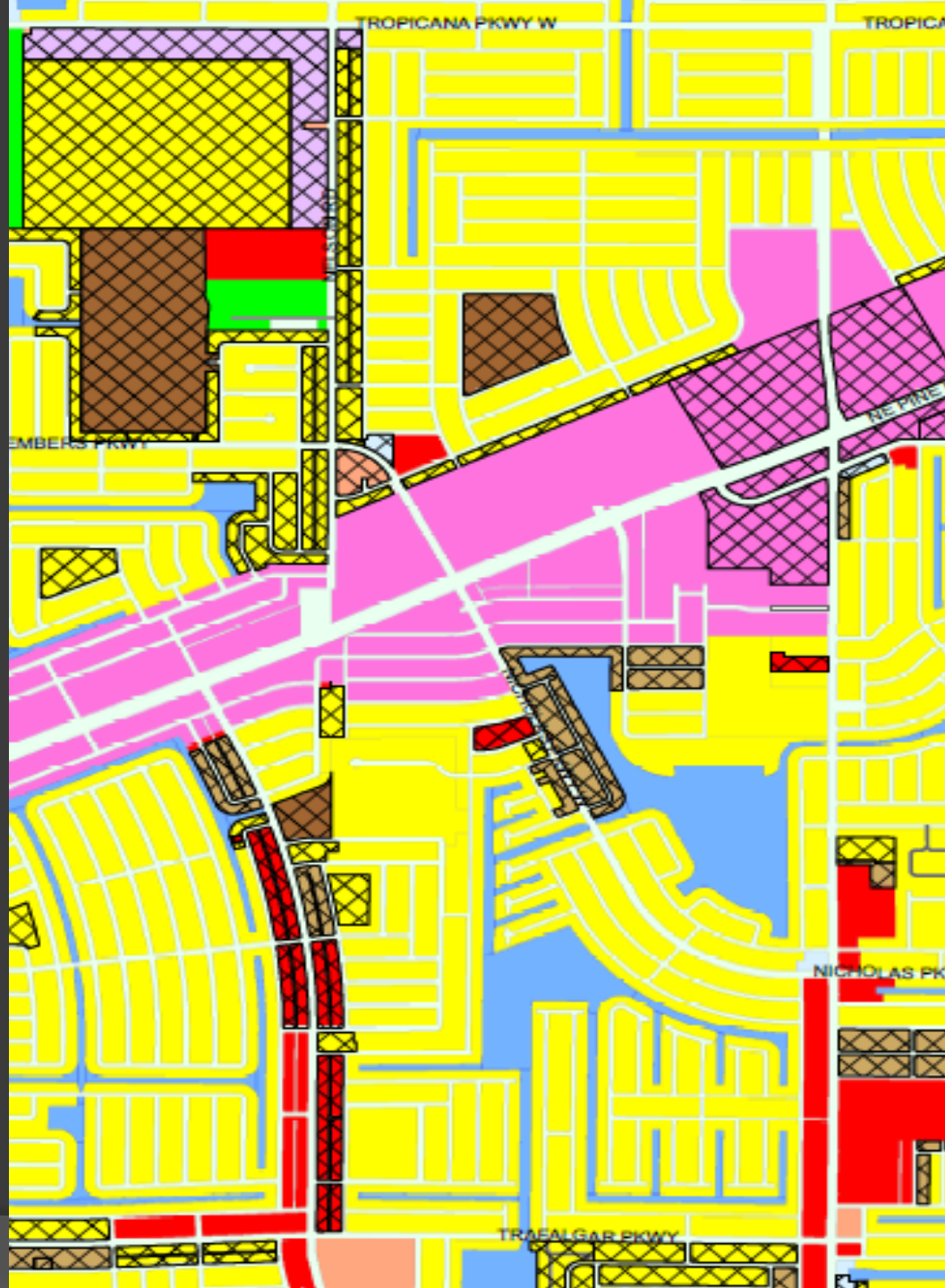










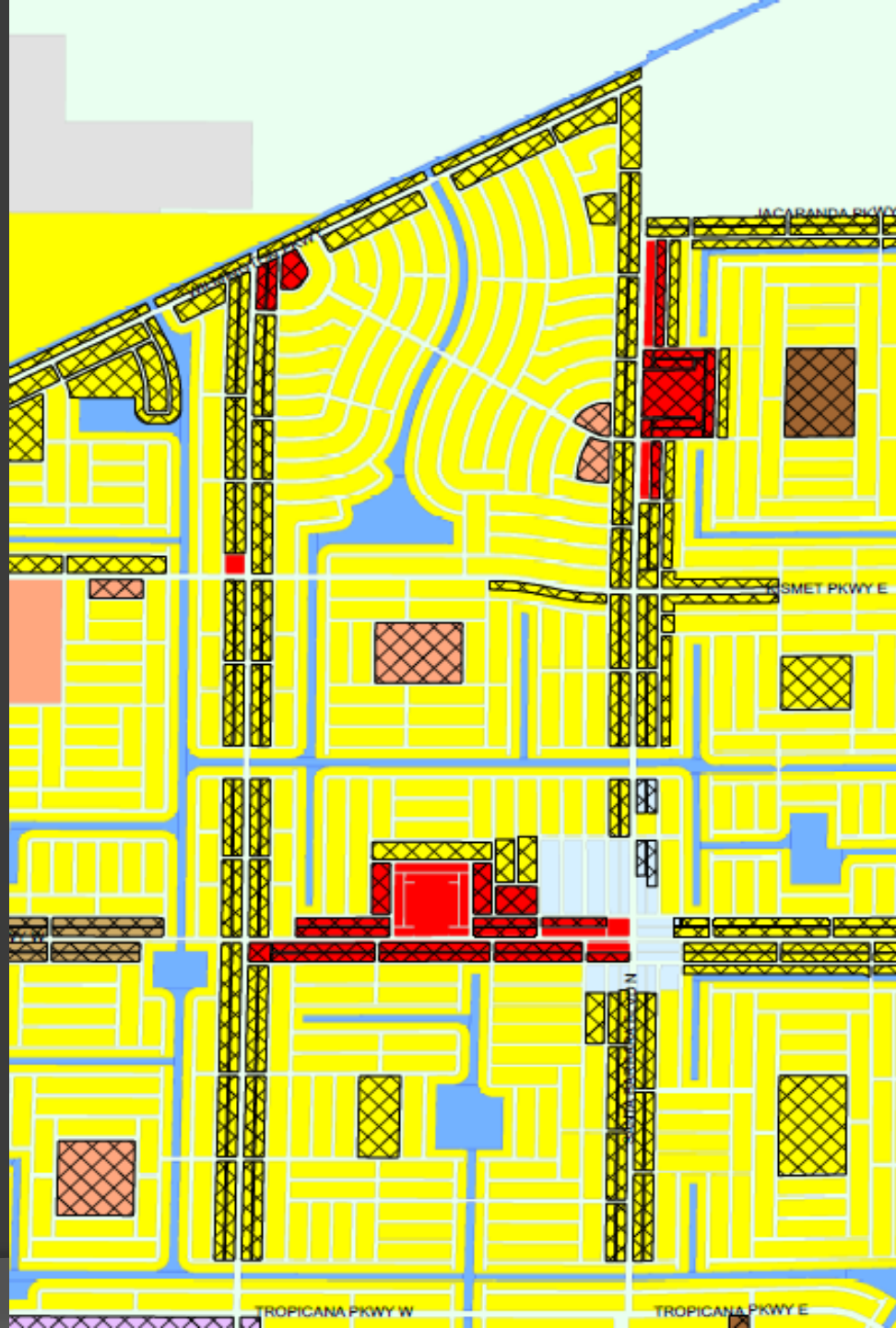


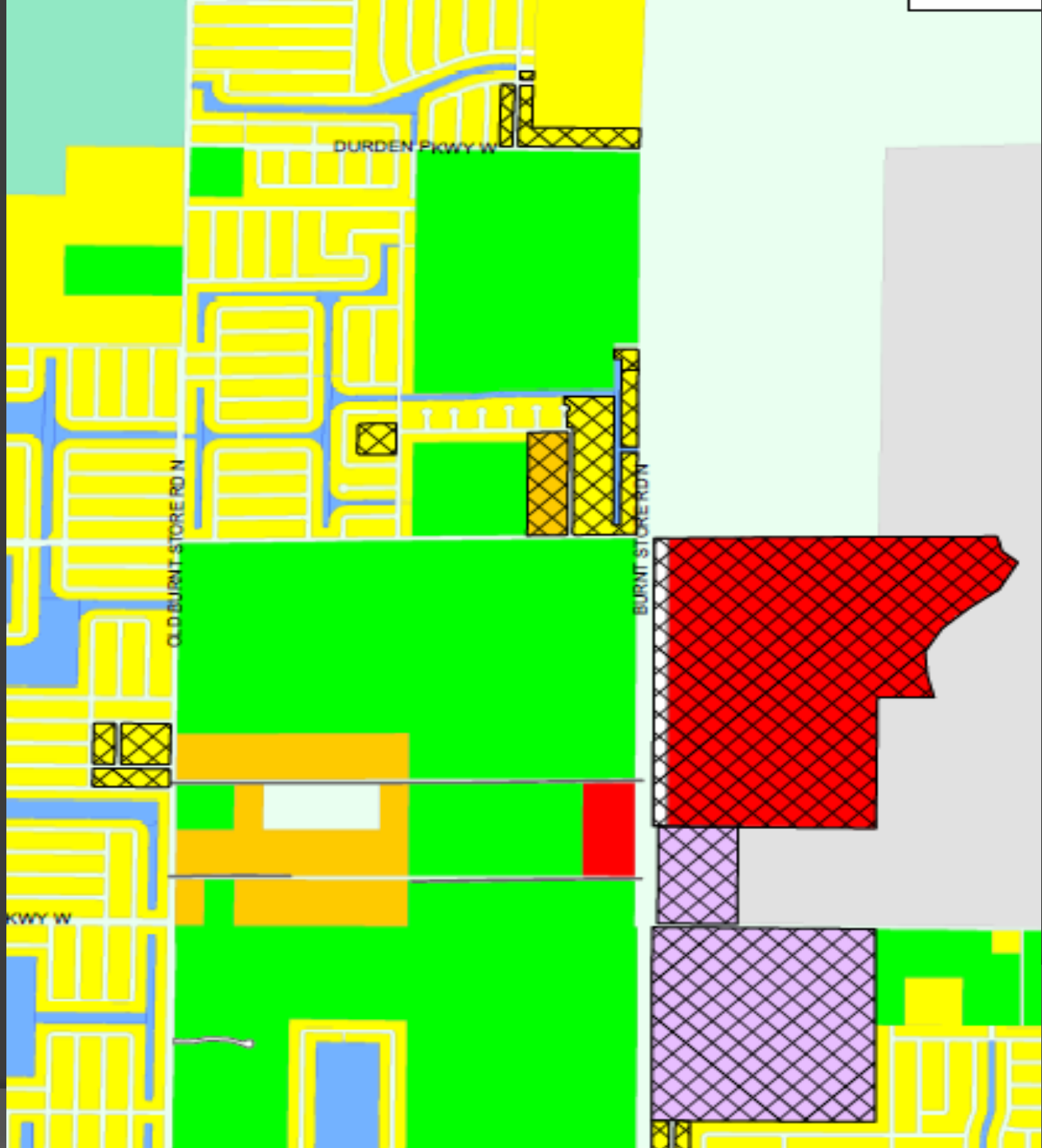
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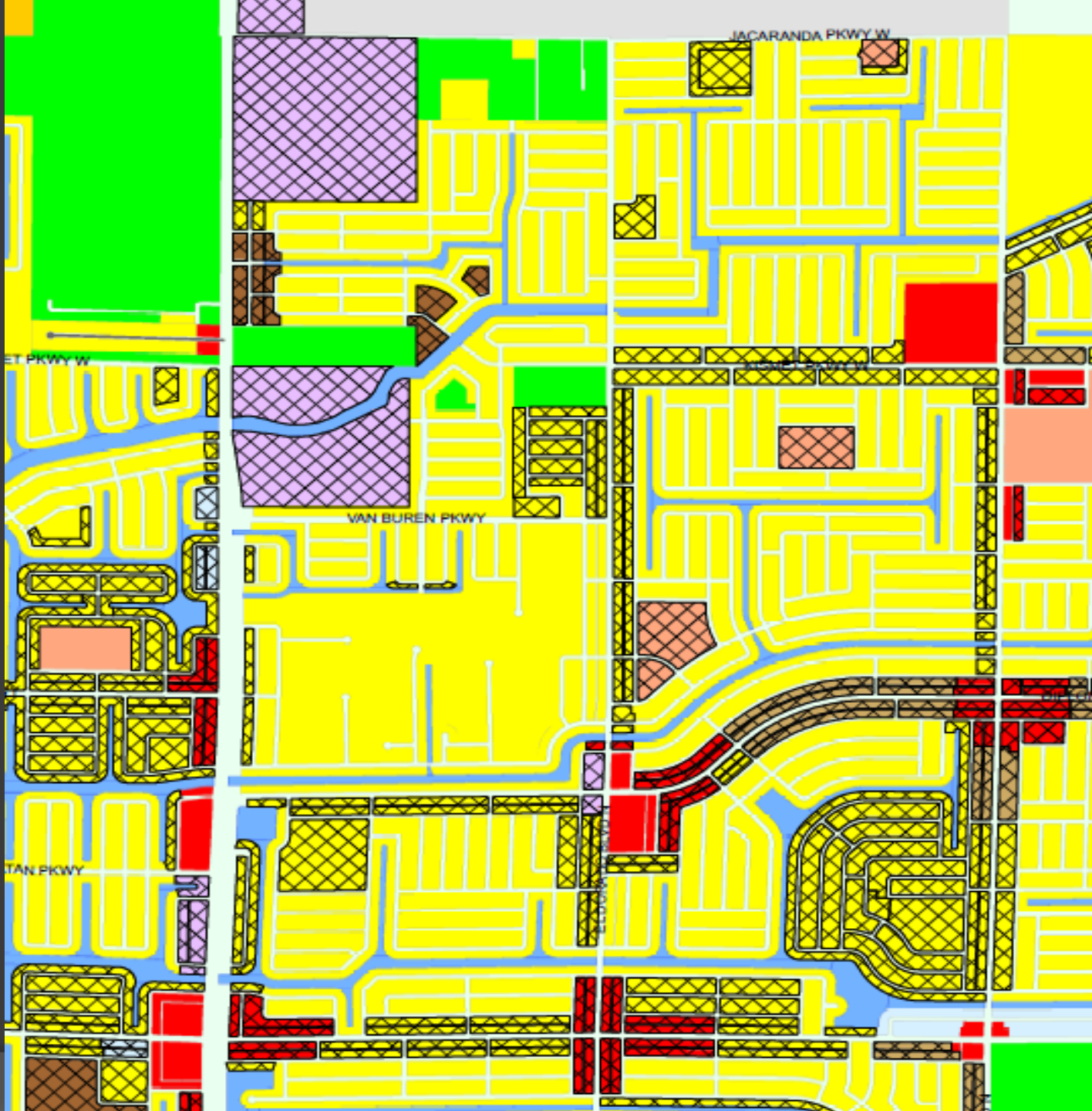
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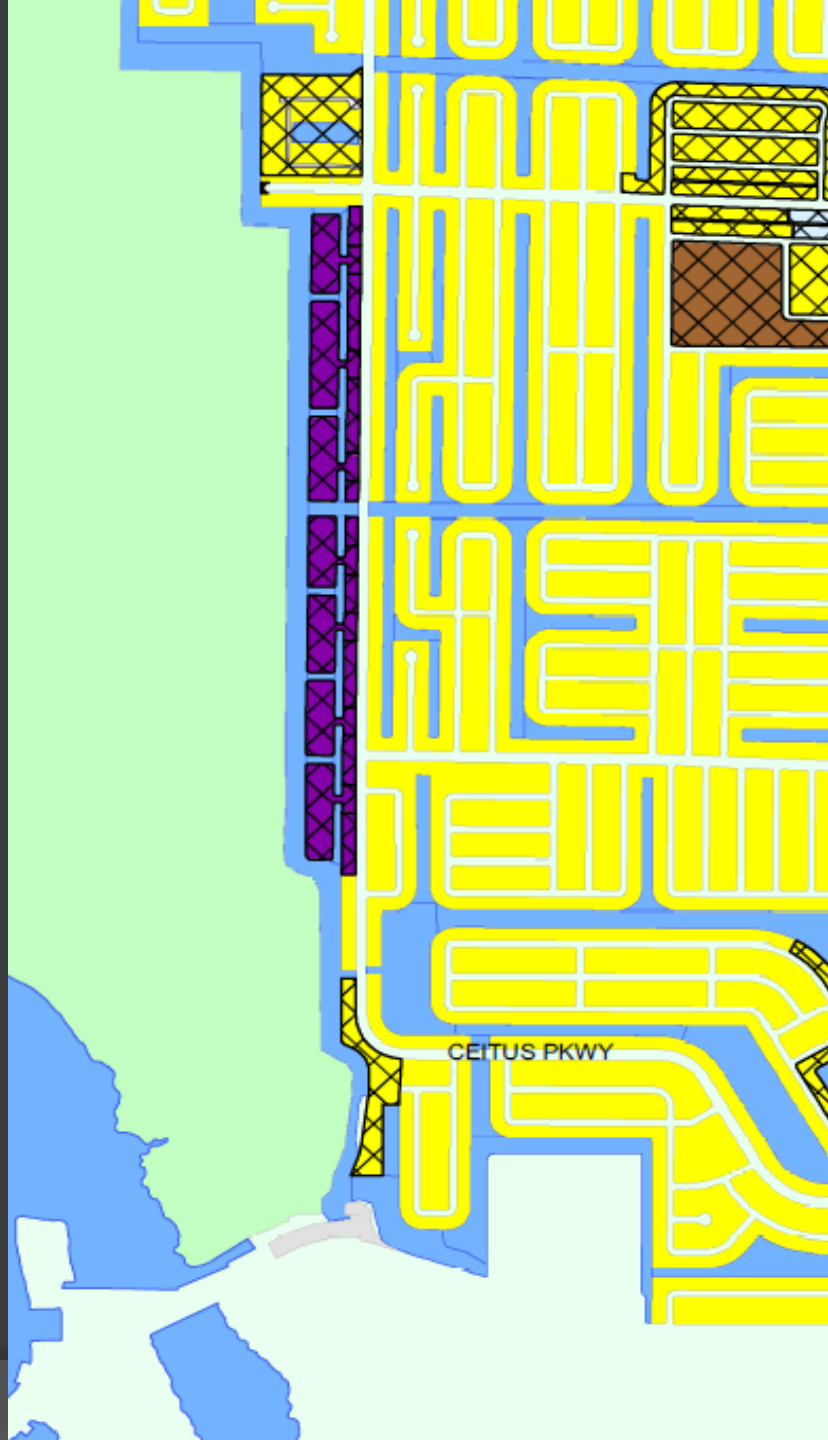
MAP FEATURES

- Canals & Lakes
- Community Redevelopment Area
- ROW (Right of Way)












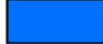




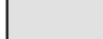






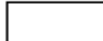


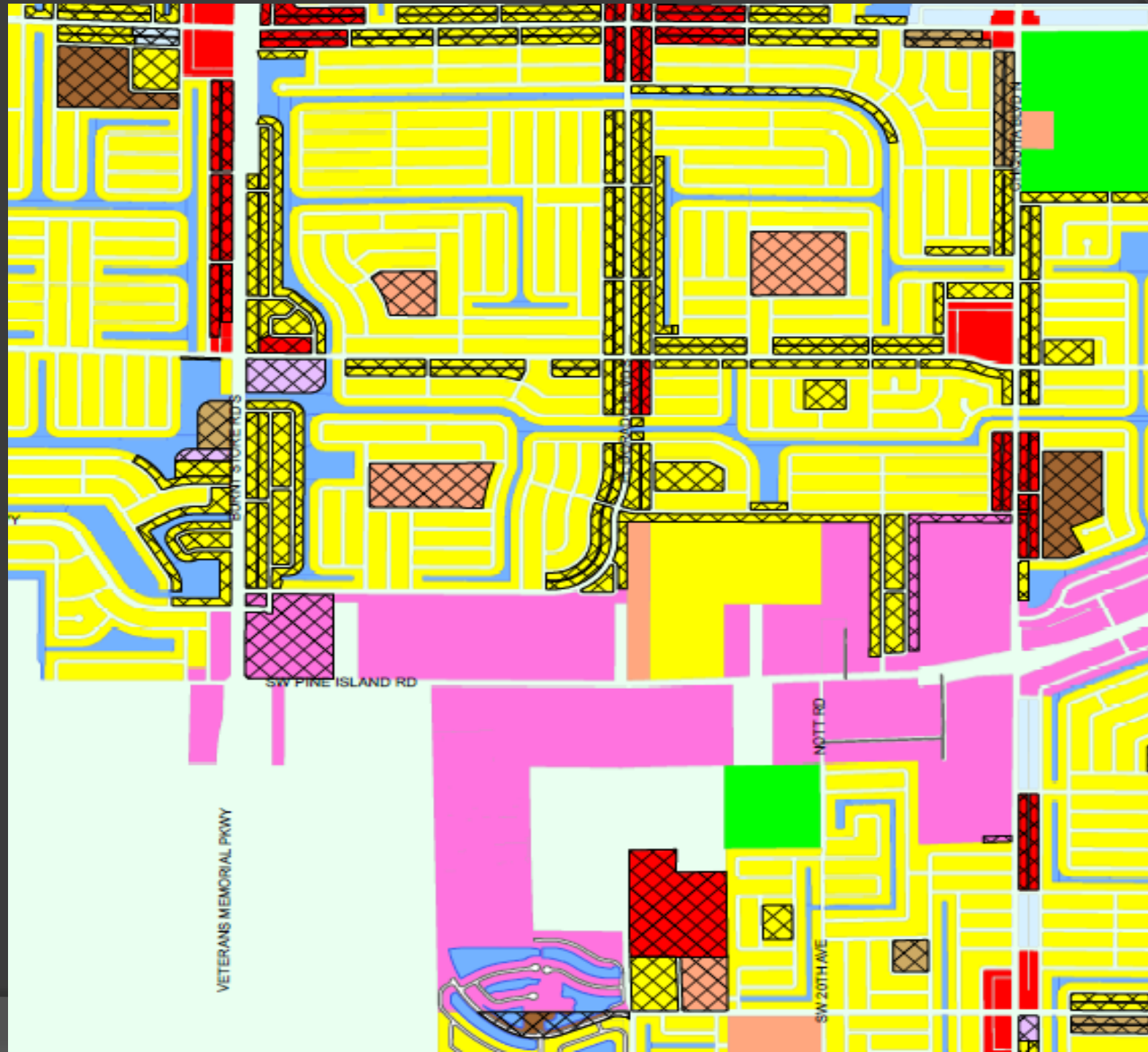


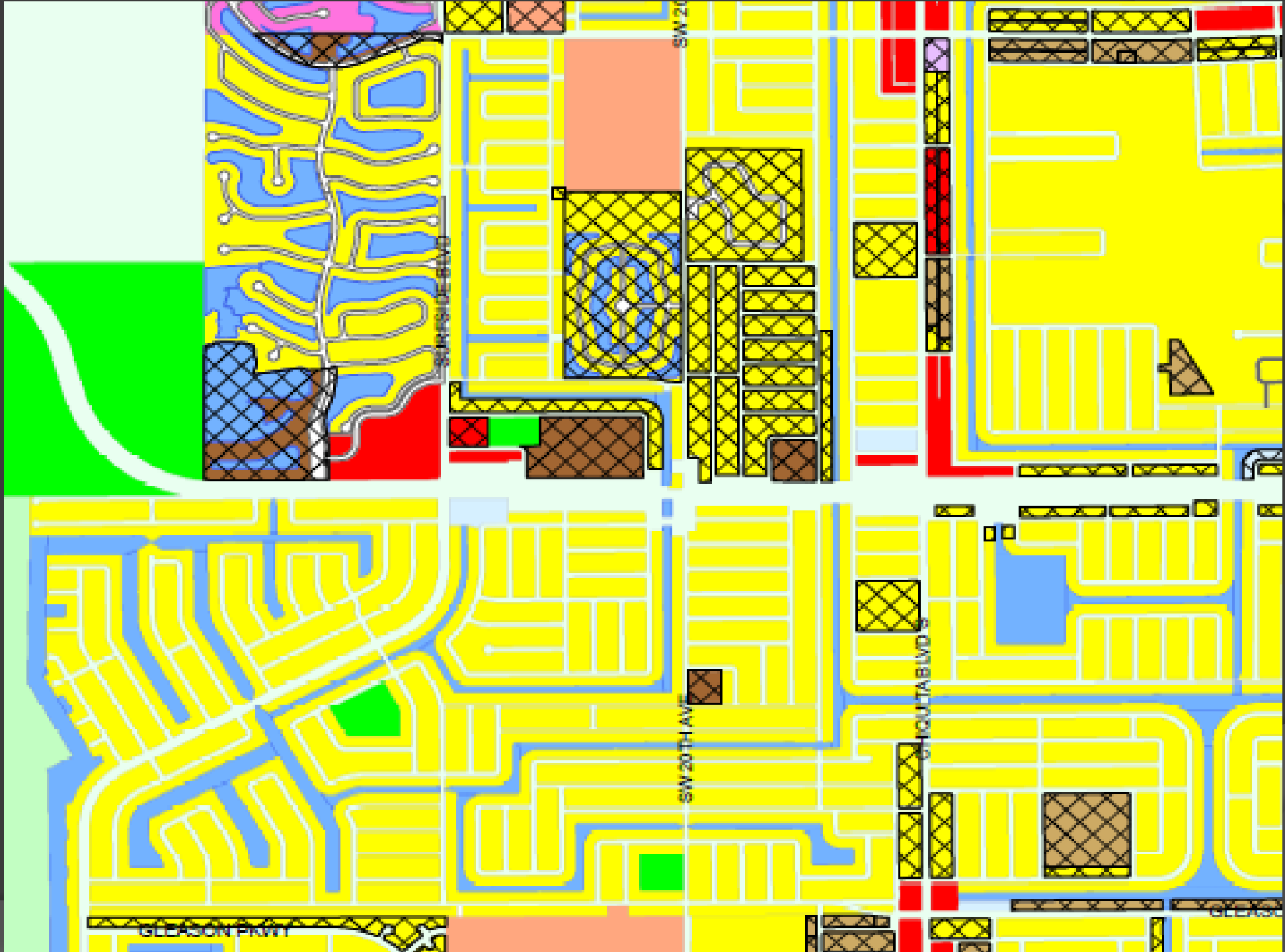
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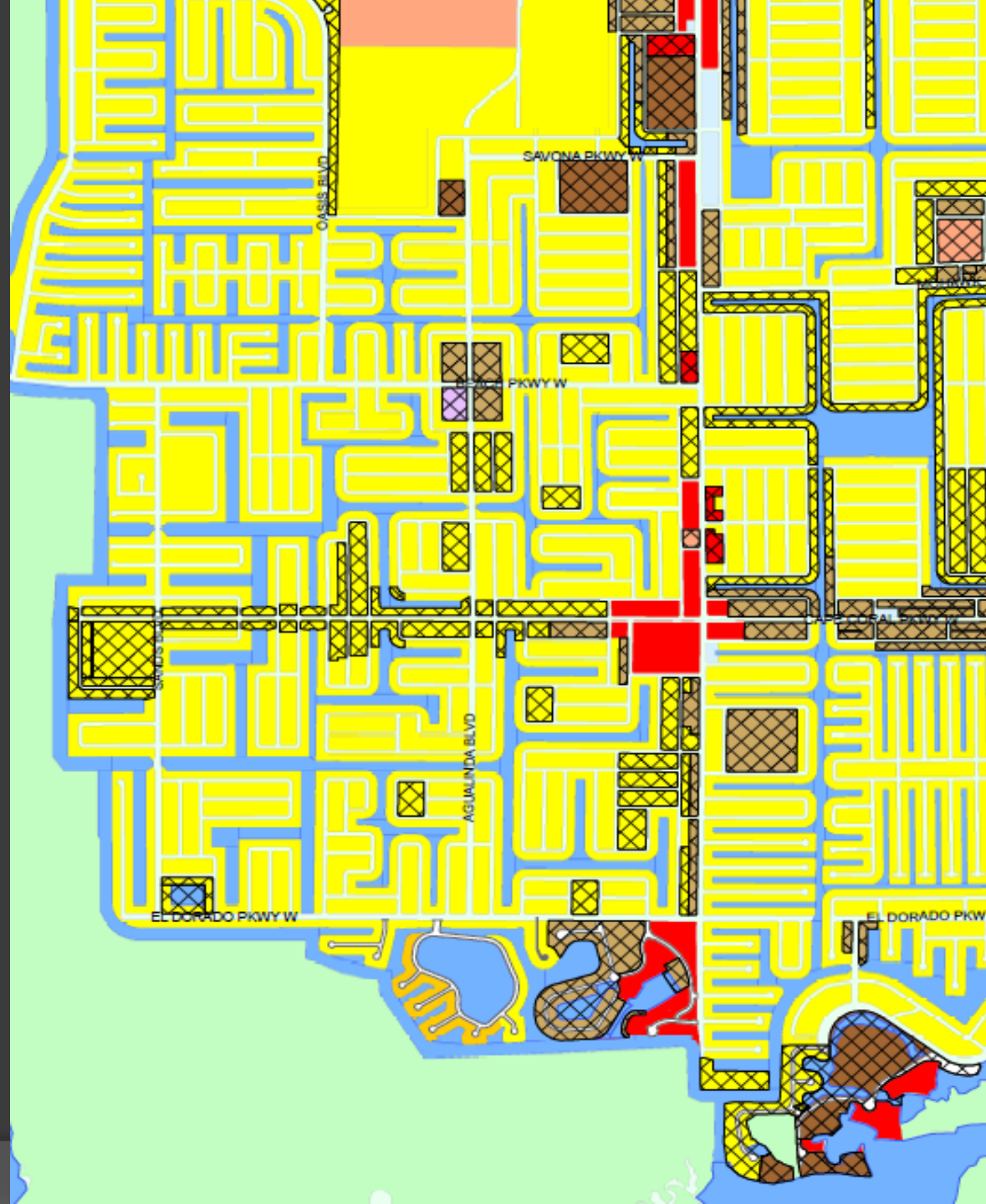
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	Canals & Lakes
	Community Redevelopment Area
	ROW (Right of Way)

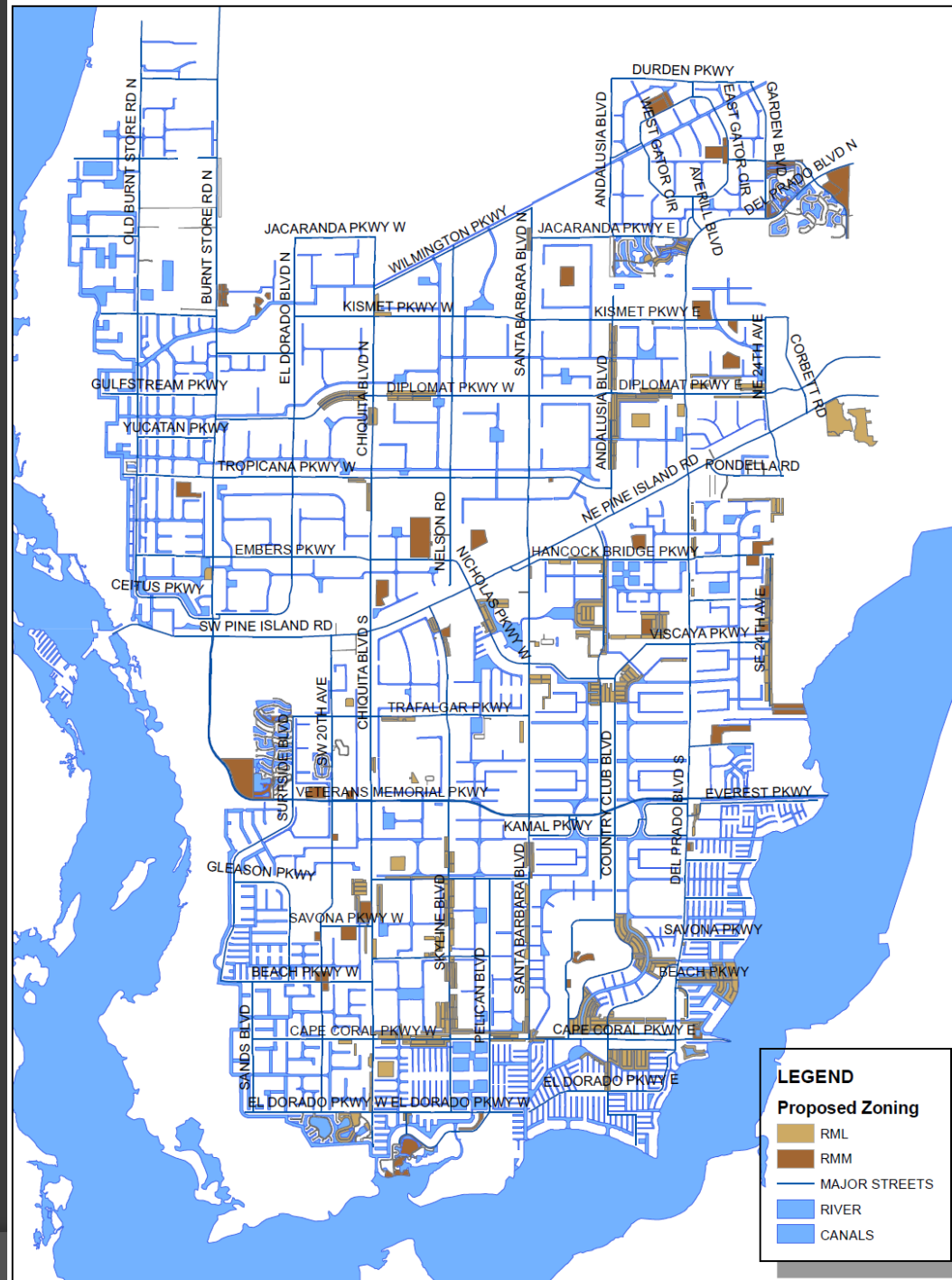






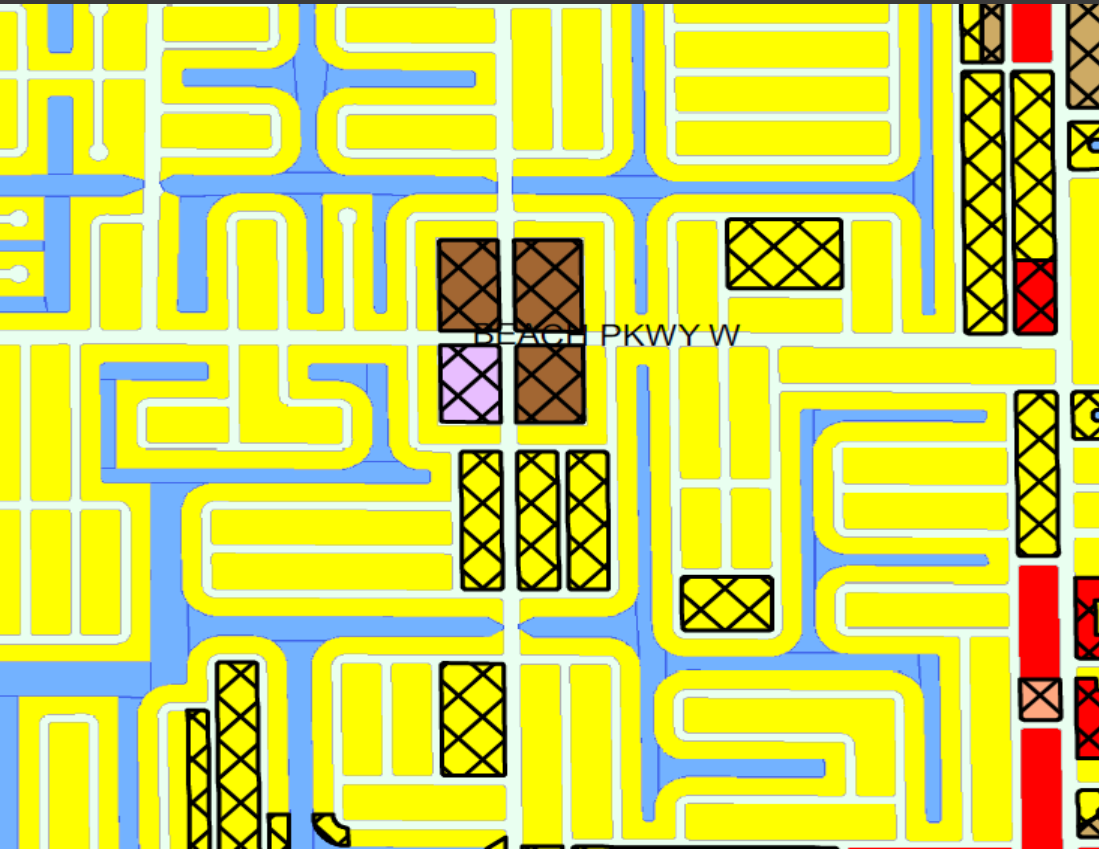
RMM/RML Map

Proposed Changes
to RML: 1,905.35
acres
to RMM: 980.20 ac

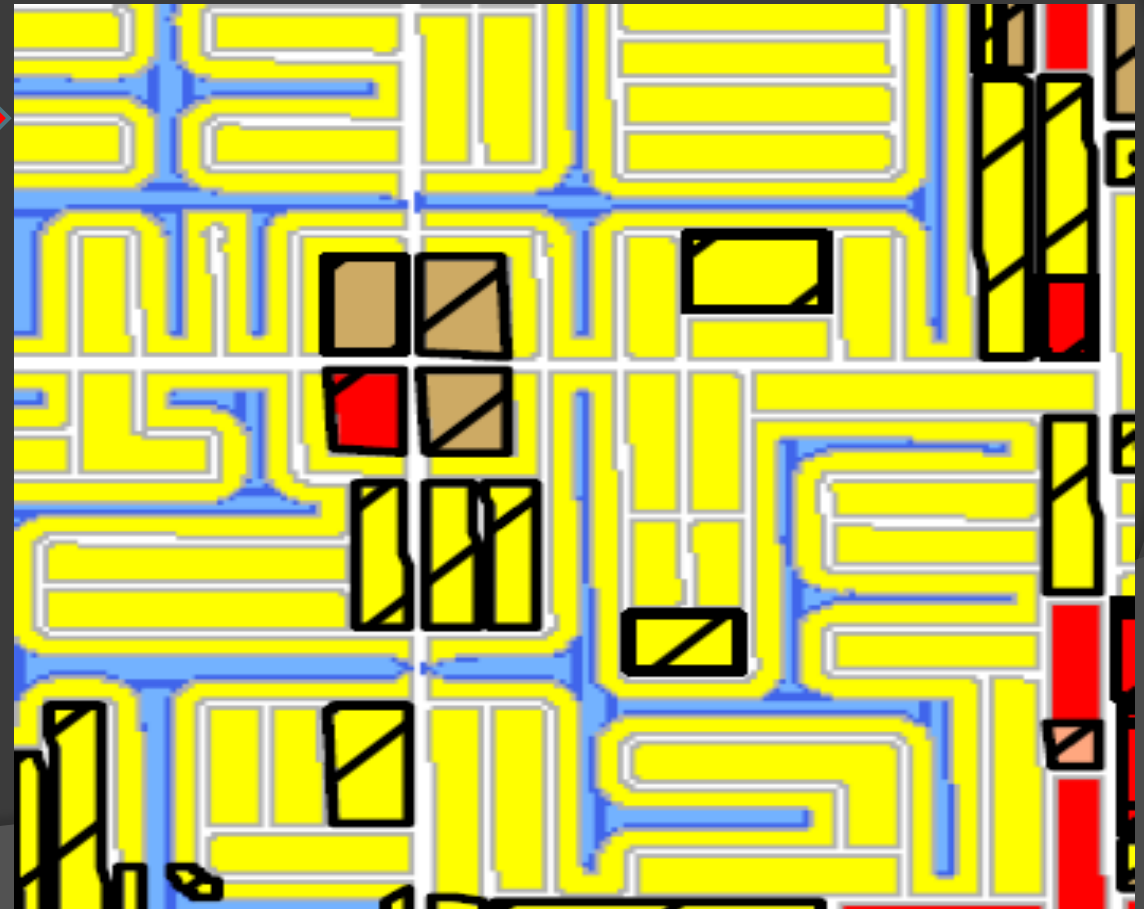


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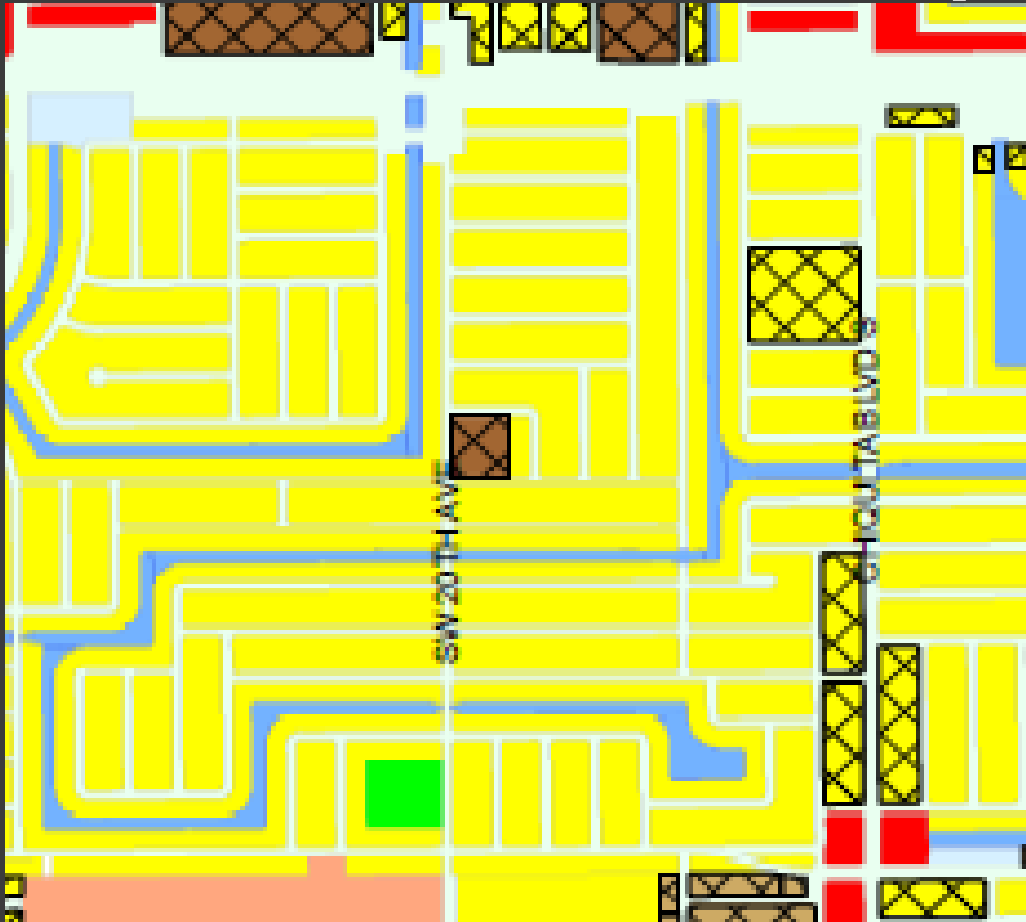
Proposed Change from Current Ordinance



Proposed Change
RMM to RML: 16.60 acres
NC to C: 4.54 acres



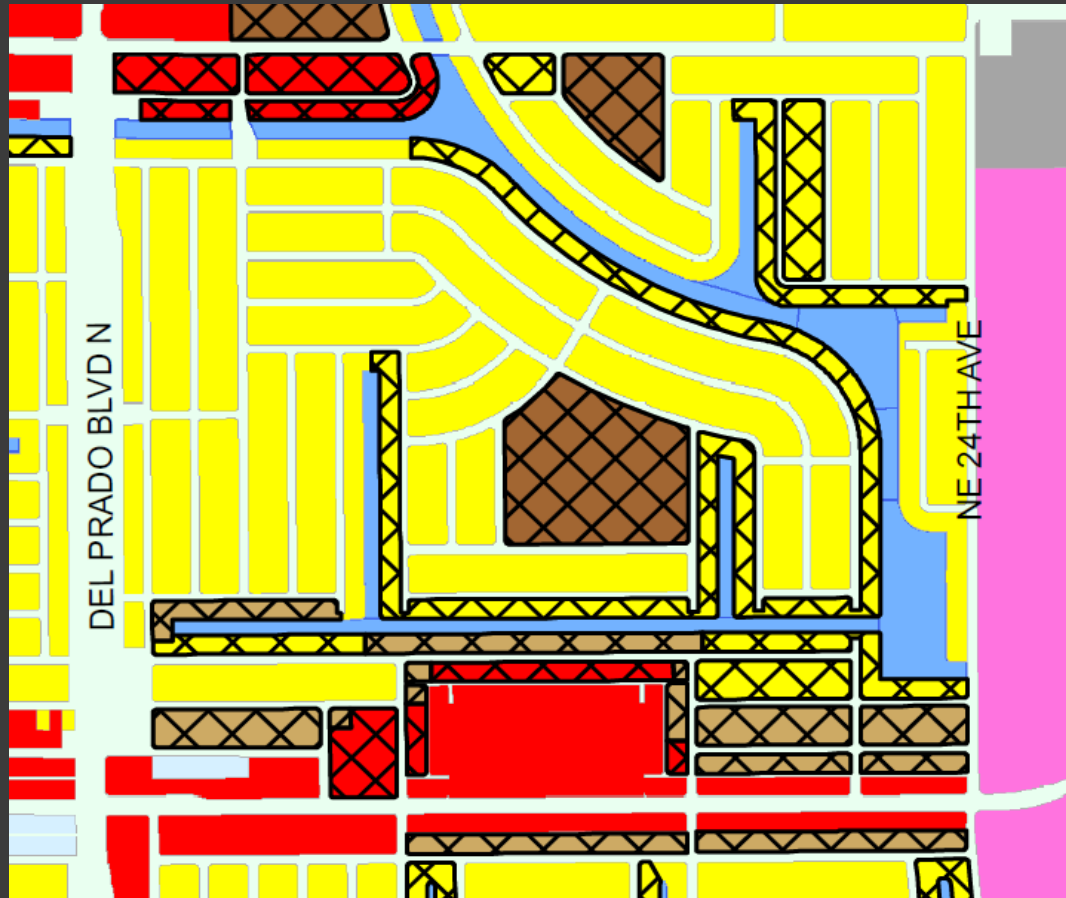
Proposed Change



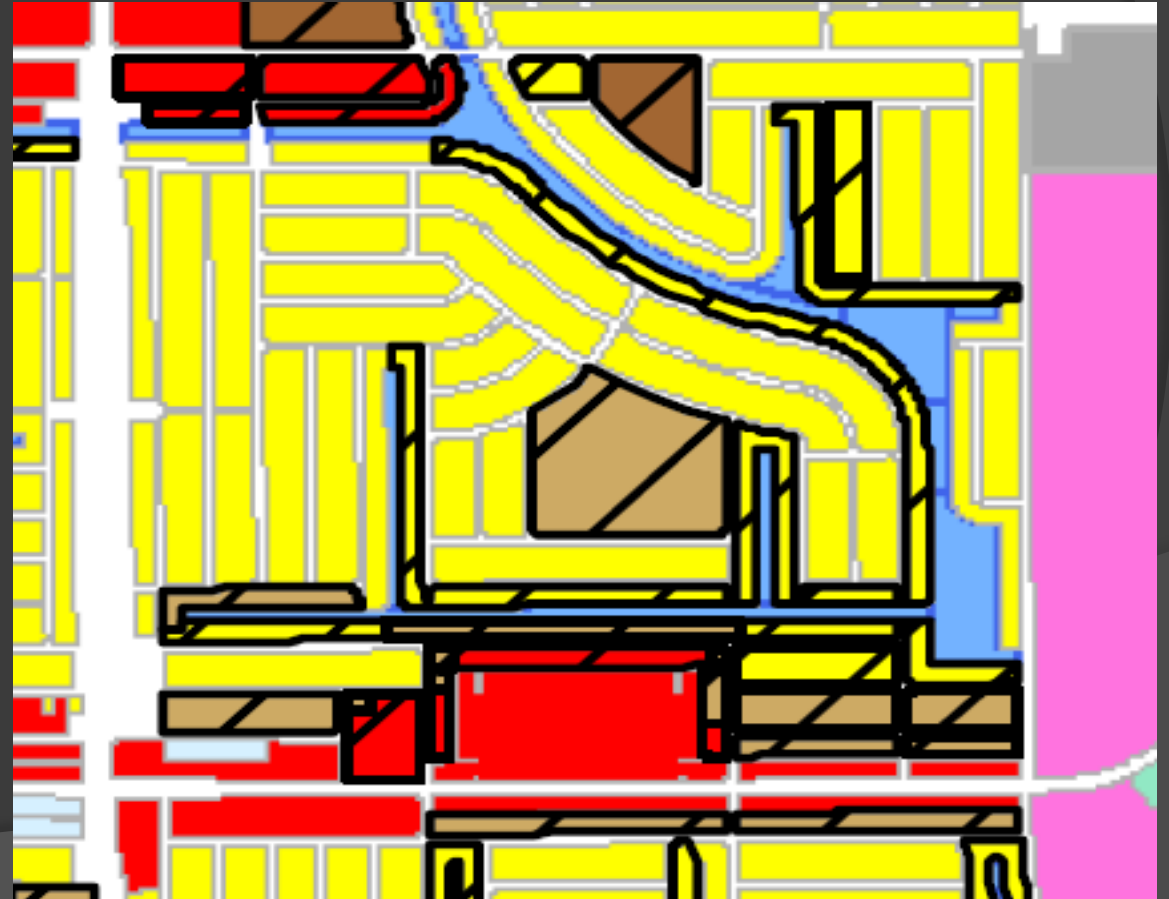
Proposed Change
RMM to RML: 3.40 acres



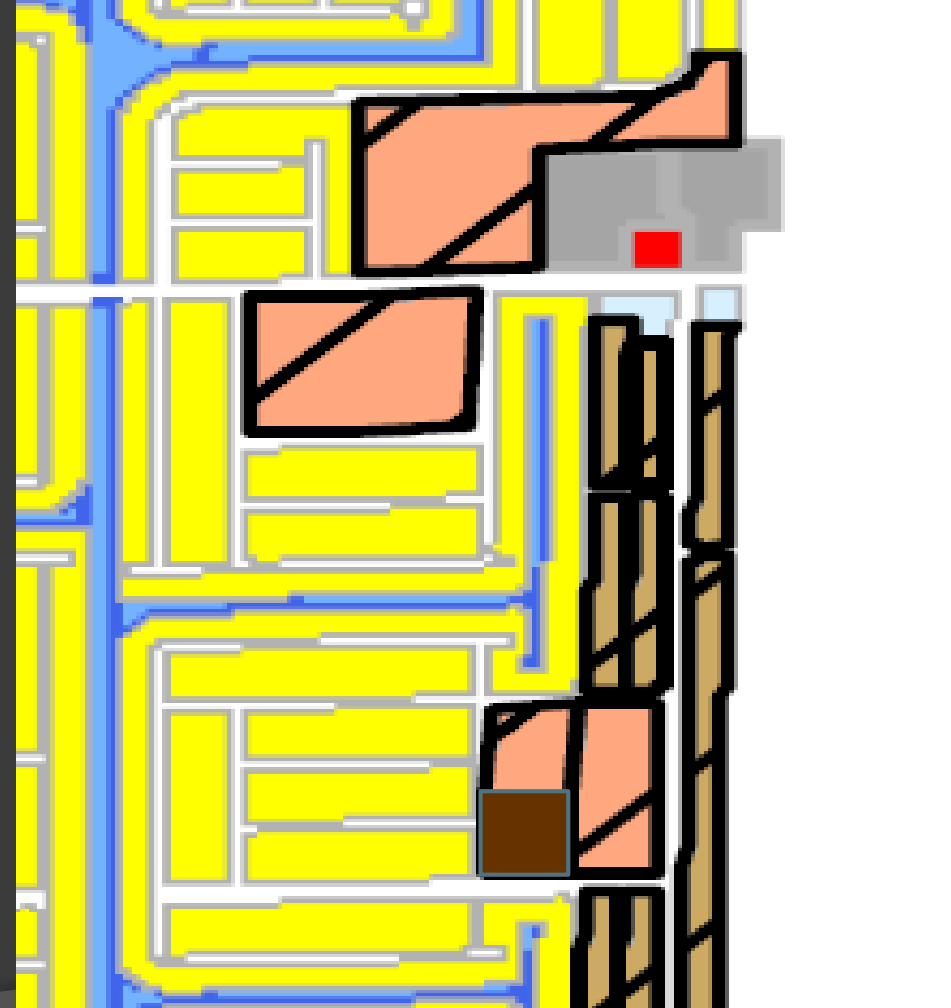
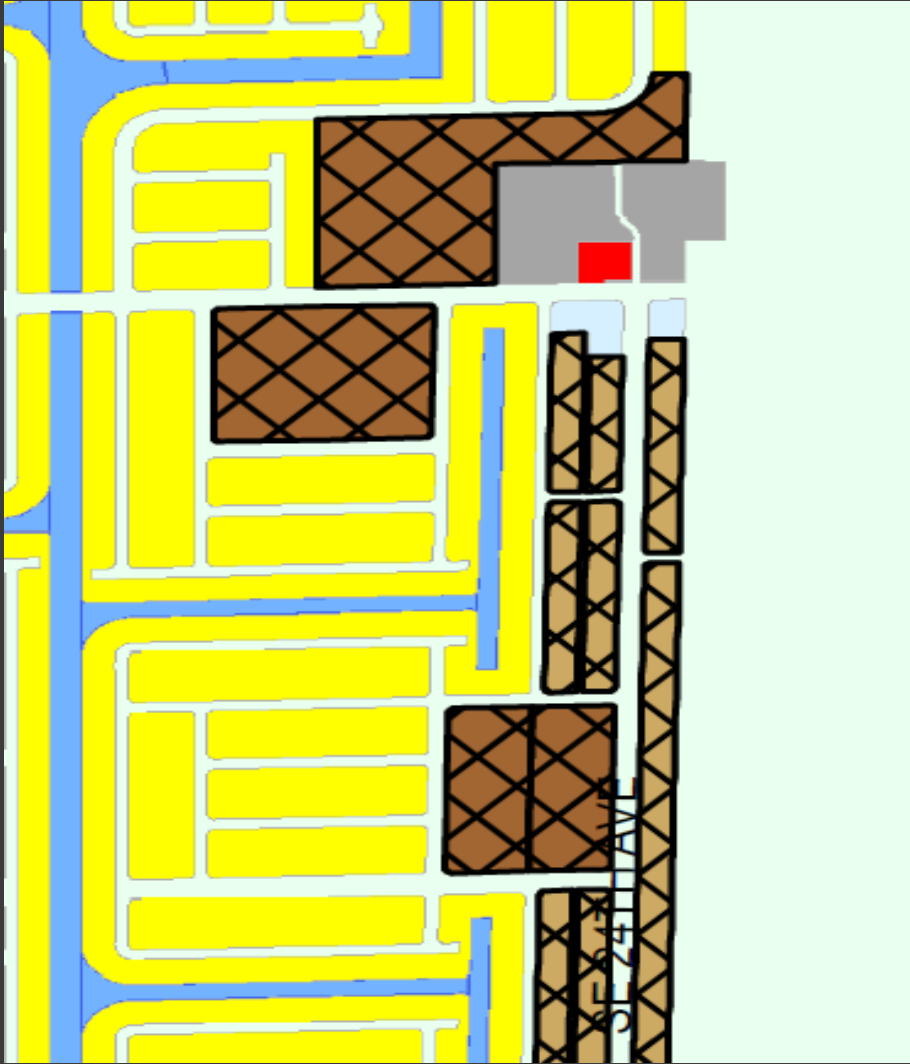
Proposed Change



Proposed Change
RMM to RML: 24.44 acres



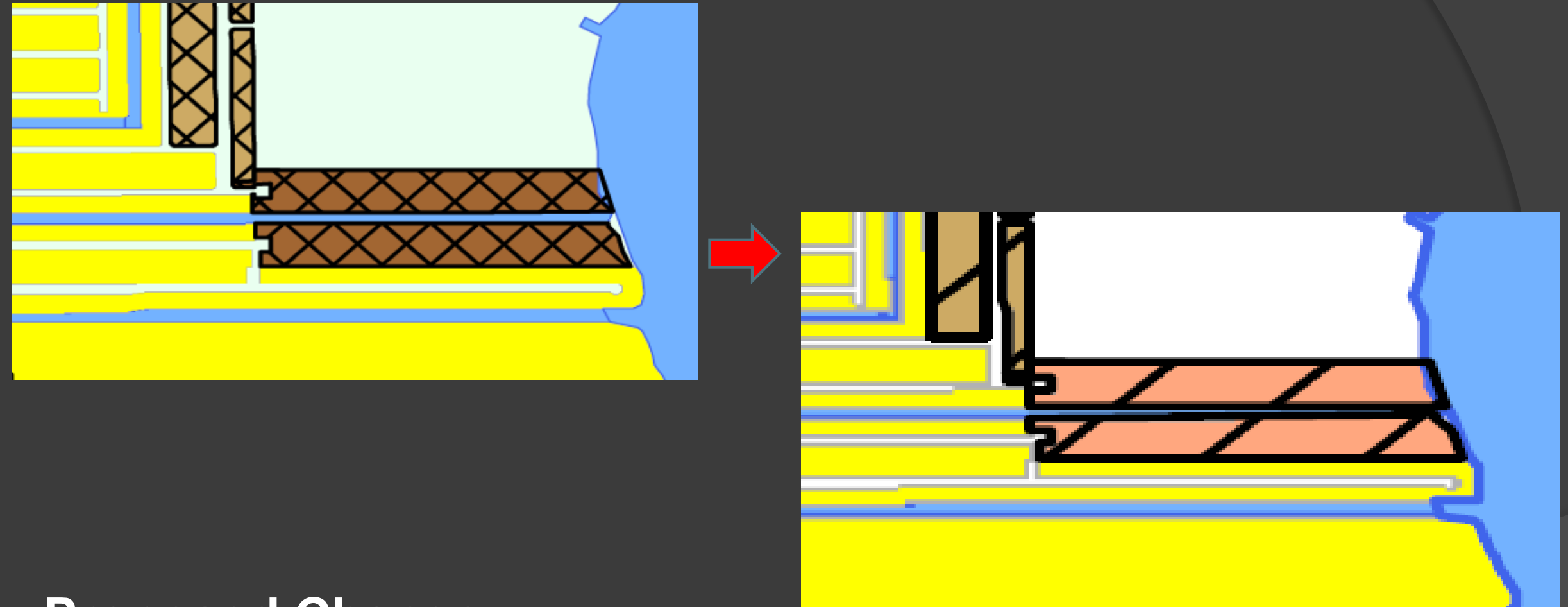
Proposed Change



Proposed Change

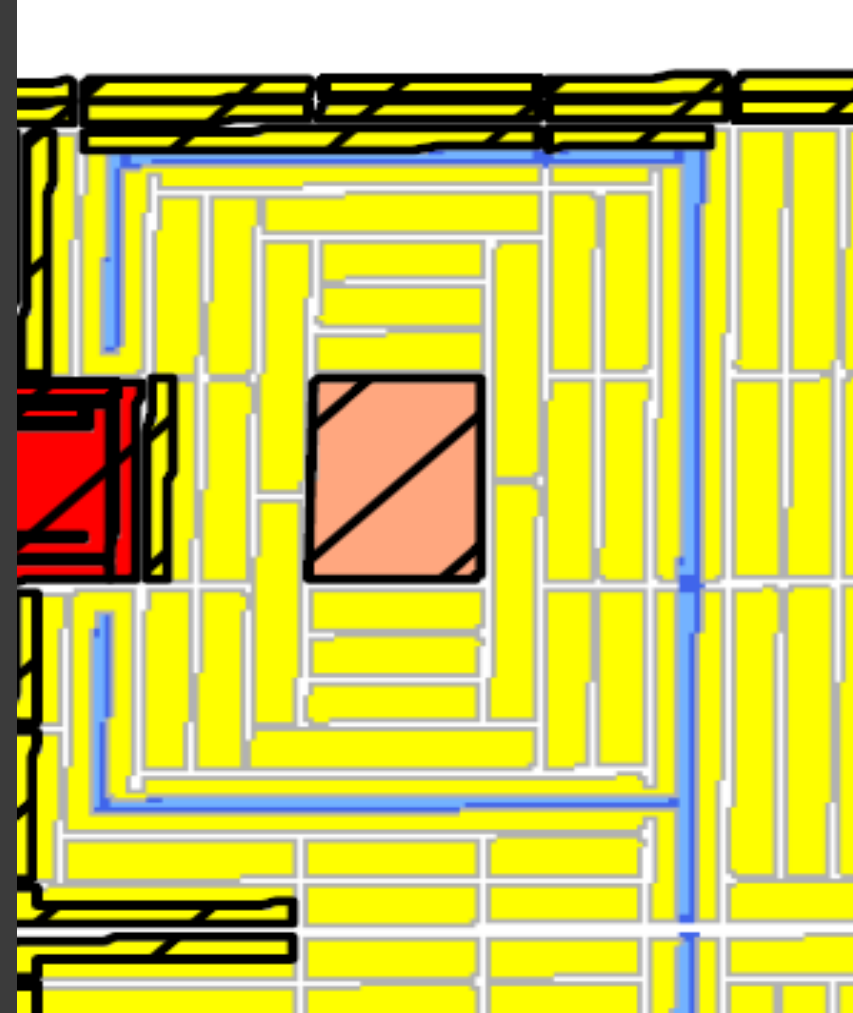
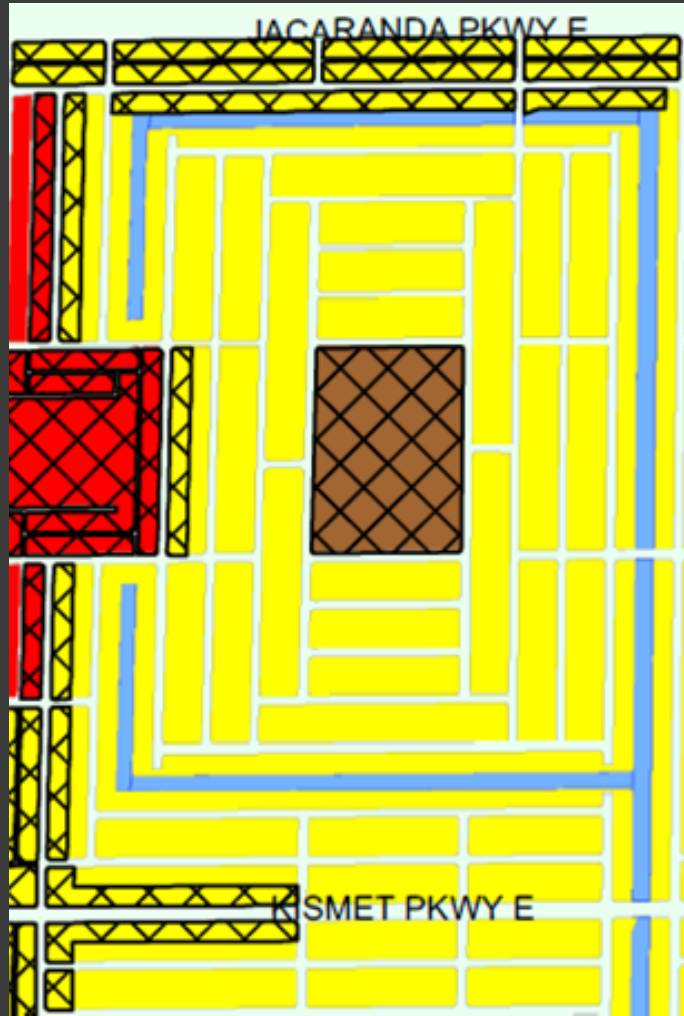
RMM to INST: 39.78 acres

Proposed Change



Proposed Change
RMM to INST: 30.09 acres

Proposed Change



Proposed Change

RMM to INST: 27.80 acres

Proposed Change



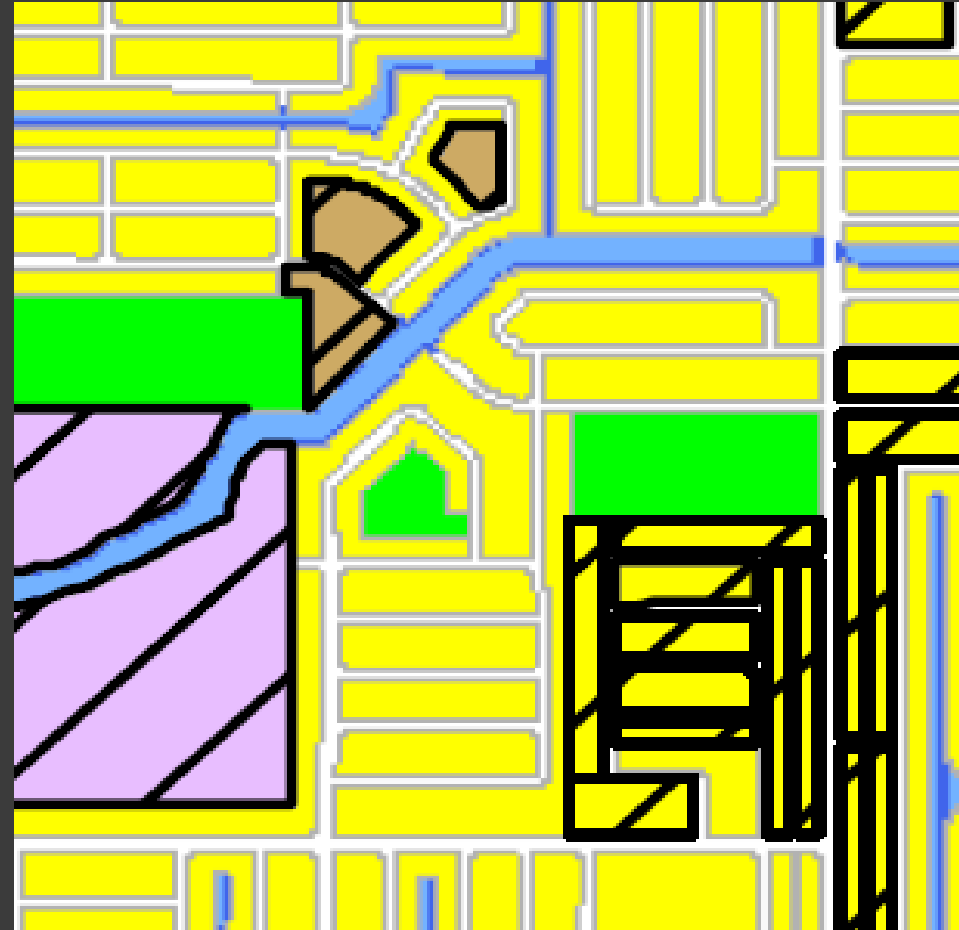
Proposed Change
RMM to INST: 8.11 acres

Proposed Change



Proposed Change
RMM to RML: 8.02 acres

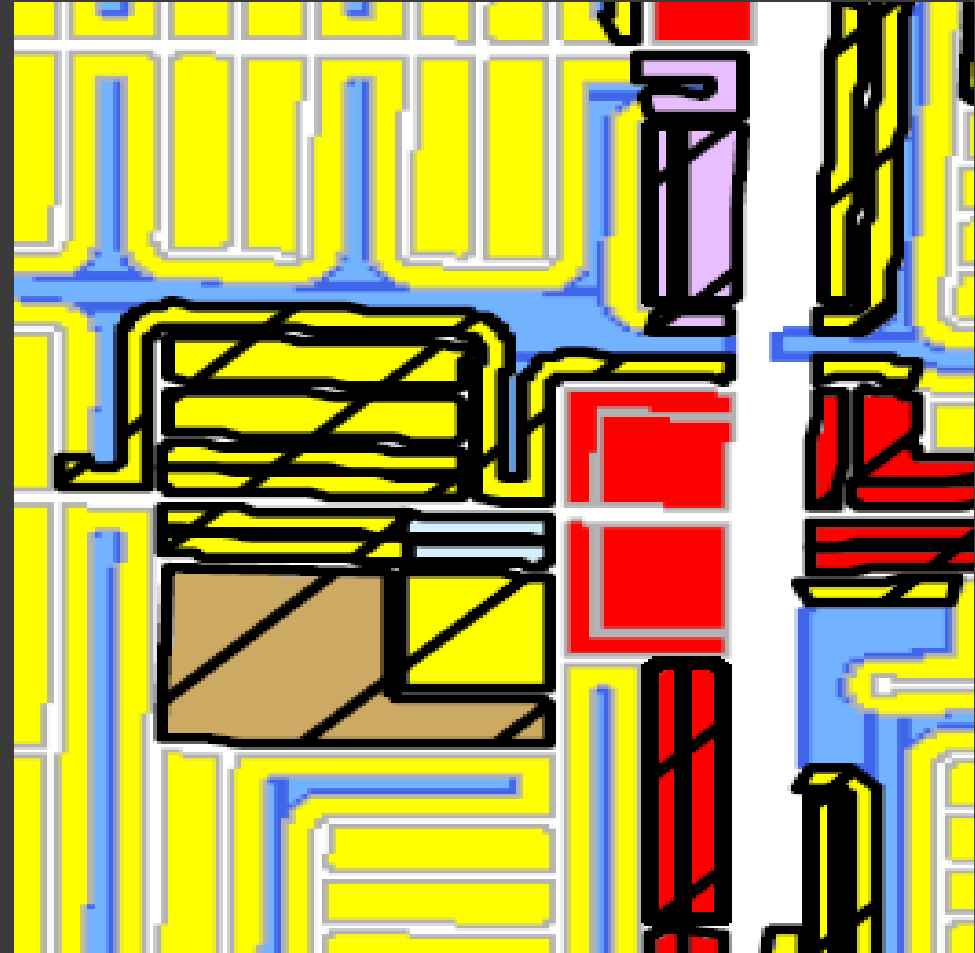
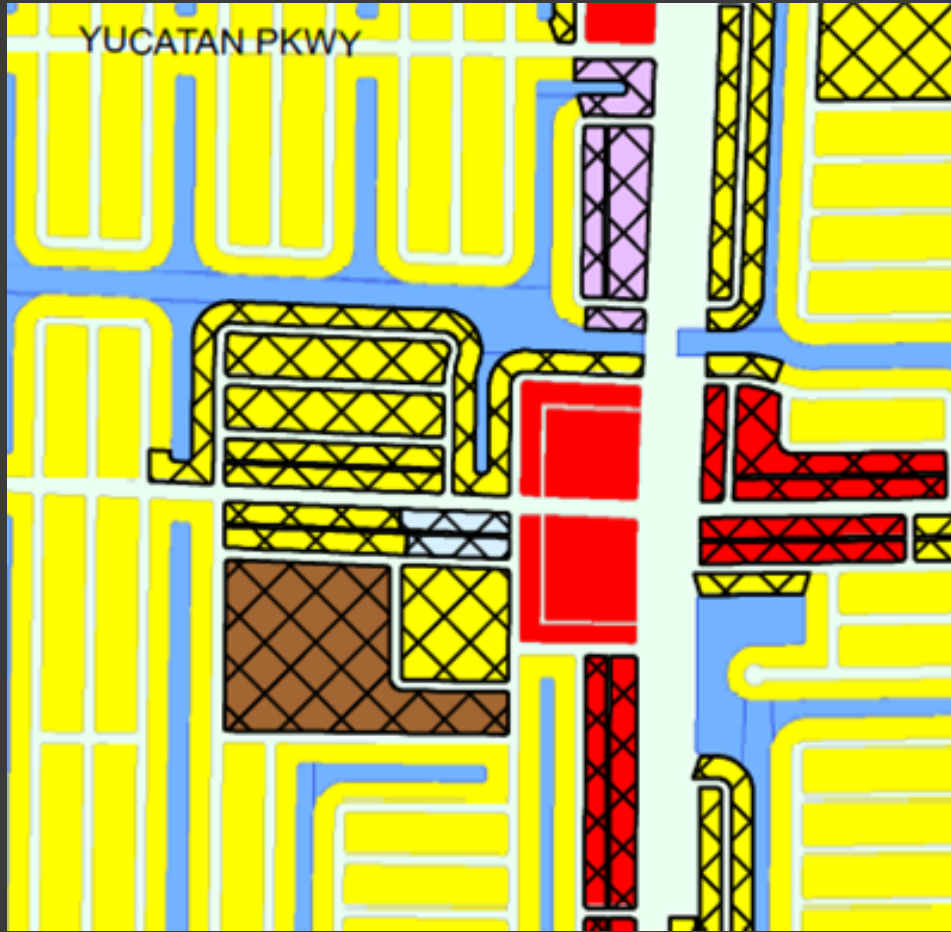
Proposed Change



Proposed Change

RMM to RML: 12.31 acres

Proposed Change



Proposed Change
RMM to RML: 25.98 acres

Analysis

- Overall, amendments include 9,818.98 acres
- Over 8,900 acres rezoned are the result of changes caused by the deletion of old zoning districts, or by the zoning of annexed properties to a City zoning designation
- Impacts of rezone are less than numbers suggest, as 66% of rezone area represents “like-for-like” changes (e.g. non-residential to residential)
- Another 14% of rezone area presently lacks City zoning

Analysis

Comparison of general zoning types:

Mixed-Use (CORR/MR/SC/VILL) to Mixed-Use (CC/NC/SC/MXB/MX7):	576.72 acres
Mixed-Use to Non-Residential (C/P/I):	444.73 acres
Mixed-Use to Residential (A/R1/RML/RMM/RE):	224.63 acres
Non-Residential (C-1/C-3/I/P-1/W) to Non-Residential:	122.05 acres
Non-Residential to Mixed-Use:	0 acres
Non-Residential to Residential:	95.27 acres
Residential to Residential:	5,753.88 acres
Residential to Mixed-Use:	215.81 acres
Residential to Non-Residential:	294.00 acres
To Institutional/Preservation (INST/PV), not including County zoned:	648.16 acres
Areas with Lee County Zoning:	1,443.73 acres

Analysis

- **Approximately 62.12 acres are proposed to be downzoned to a Single-Family; 16.33 acres from Corridor, 45.52 acres from MR, 0.27 from R-3**
- **These properties are already heavily developed with Single-Family residences, in accordance with our strategy to attempt to maintain the status quo**
- **Conversely, 980.20 acres are upzoned to the Residential Multi-Family Medium, mainly from the old MR, RD, and R-3 zoning districts (858 acres)**

Analysis

- **A majority of the area rezoned (6,196.67 of 9,818.98 acres – 63%) are proposed to be rezoned to a residential zoning district.**
- **92% of this residential acreage is rezoned from other residential districts**
- **Staff is receptive to receiving other rezone application requests**

Comprehensive Plan/LUDR

- **Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed rezone.**
- **The proposed zoning is consistent with the various future land use map classifications. The rezone is consistent with Policies 1.15, 1.20, 8.1, and 13.3 of the Future Land Use Element.**
- **Staff reviewed Section 8.7.3.B.1-10 of the Land Use and Development Regulations and found the rezone to be consistent**

Conclusion

- **In conclusion, staff recommends Approval of the proposed rezone request.**
- **Final public hearing is scheduled for March 18, 2019.**

MEMORANDUM

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Mayor and Council Members

FROM: John Szerlag, City Manager *JS*
Vincent A. Cautero, Community Development Director *VC*

DATE: February 8, 2019

SUBJECT: Ordinance 4-19 City-wide rezoning

Attached you will find the presentation for Ordinance 4-19, the City-wide rezoning to implement the new Land Development Code. The first public hearing for this ordinance will be Monday, February 11.

This presentation includes a series of maps showing areas being rezoned by Ordinance 4-19, as well as, other information related to the rezoning. Staff has also included proposed changes related to the multi-family zoning districts to be discussed in detail at Monday's meeting.

Please feel free to contact me with any additional questions.

JS/VAC:ay (Ordinance 4-19)

Attachments: Presentation
Current Zoning Map
Map Legend

CITY OF CAPE CORAL ZONING DISTRICTS

This map reflects the City of Cape Coral Zoning Districts as of April 17, 2018. Please contact the Planning Division, at (239) 574-0555, regarding any amendments to the Official Zoning District Map that have been adopted since April 17, 2018.

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 adopted zone lines and boundaries, this map does not constitute the City of Cape Coral's official record. For more information, please contact the Planning Division at (239) 574-0555. This map is not a legal document and should not be used for legal purposes. The City of Cape Coral is not responsible for any errors or omissions on this map. This map is not a legal document and should not be used for legal purposes. The City of Cape Coral is not responsible for any errors or omissions on this map.

Charlotte Harbor

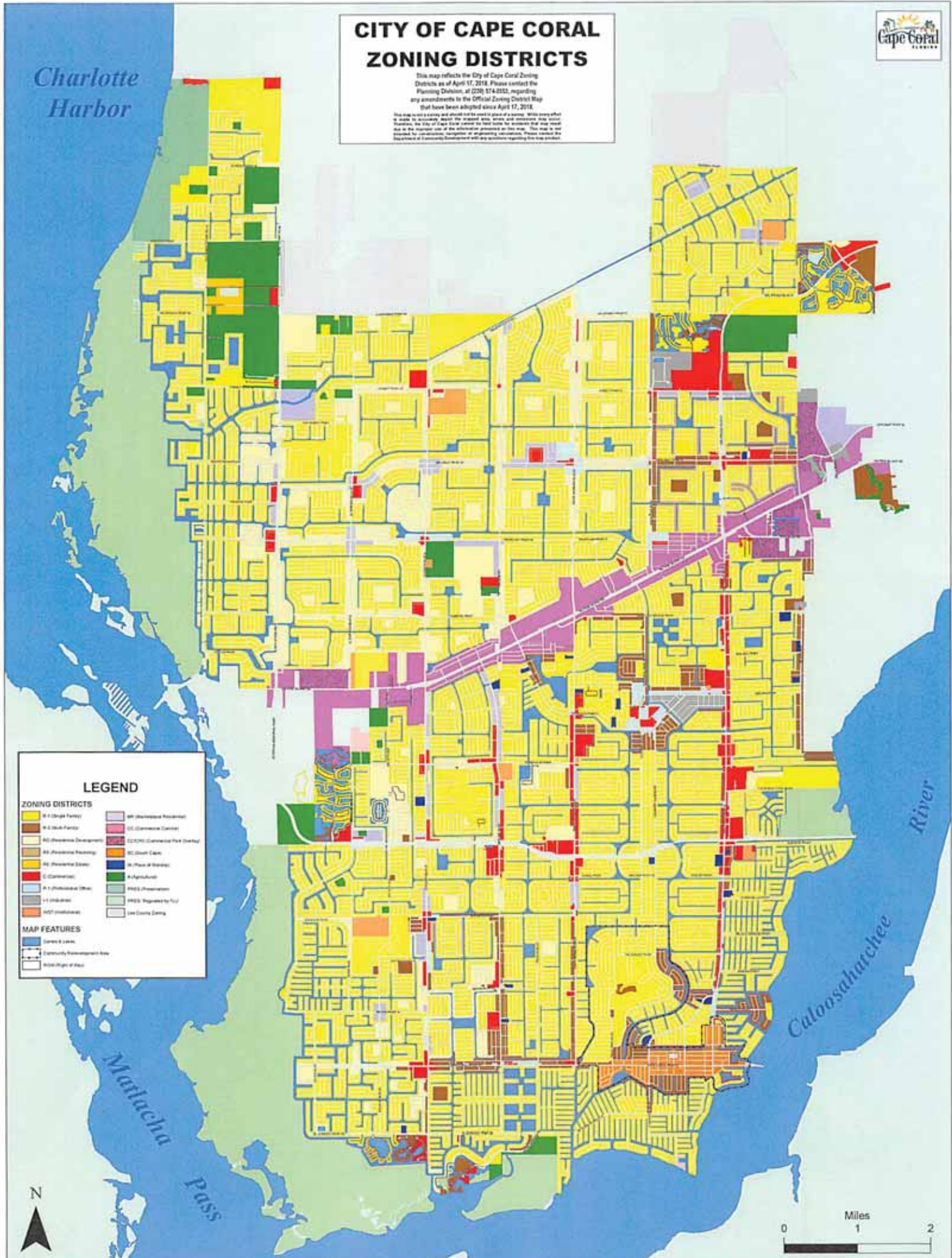
LEGEND

ZONING DISTRICTS

RD (Single Family)	RD (Overlaid Residential)
RD (Multi-Family)	RD (Commercial Center)
RD (Overlaid Development)	RD (Commercial Park Overlay)
RD (Overlaid Recreation)	RD (South Cape)
RD (Overlaid Estate)	RD (Place of Worship)
RD (Commercial)	RD (Agriculture)
RD (Industrial Office)	RD (Overlaid)
RD (Industrial)	RD (Overlaid by City)
RD (Overlaid)	RD (Overlaid)

MAP FEATURES

- City Limits
- Community Redevelopment Area
- Water Rights of Way



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	Canals & Lakes
	Community Redevelopment Area
	ROW (Right of Way)

ORD 4-19
ZA18-0013
FEBRUARY 11, 2019

Background

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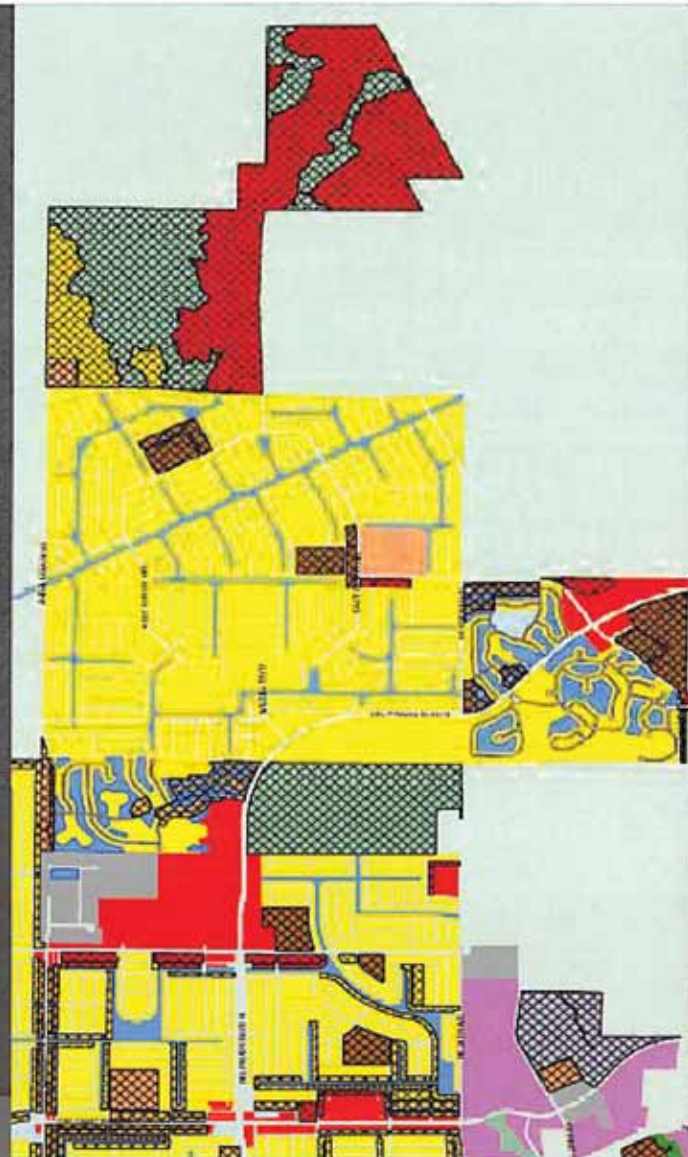
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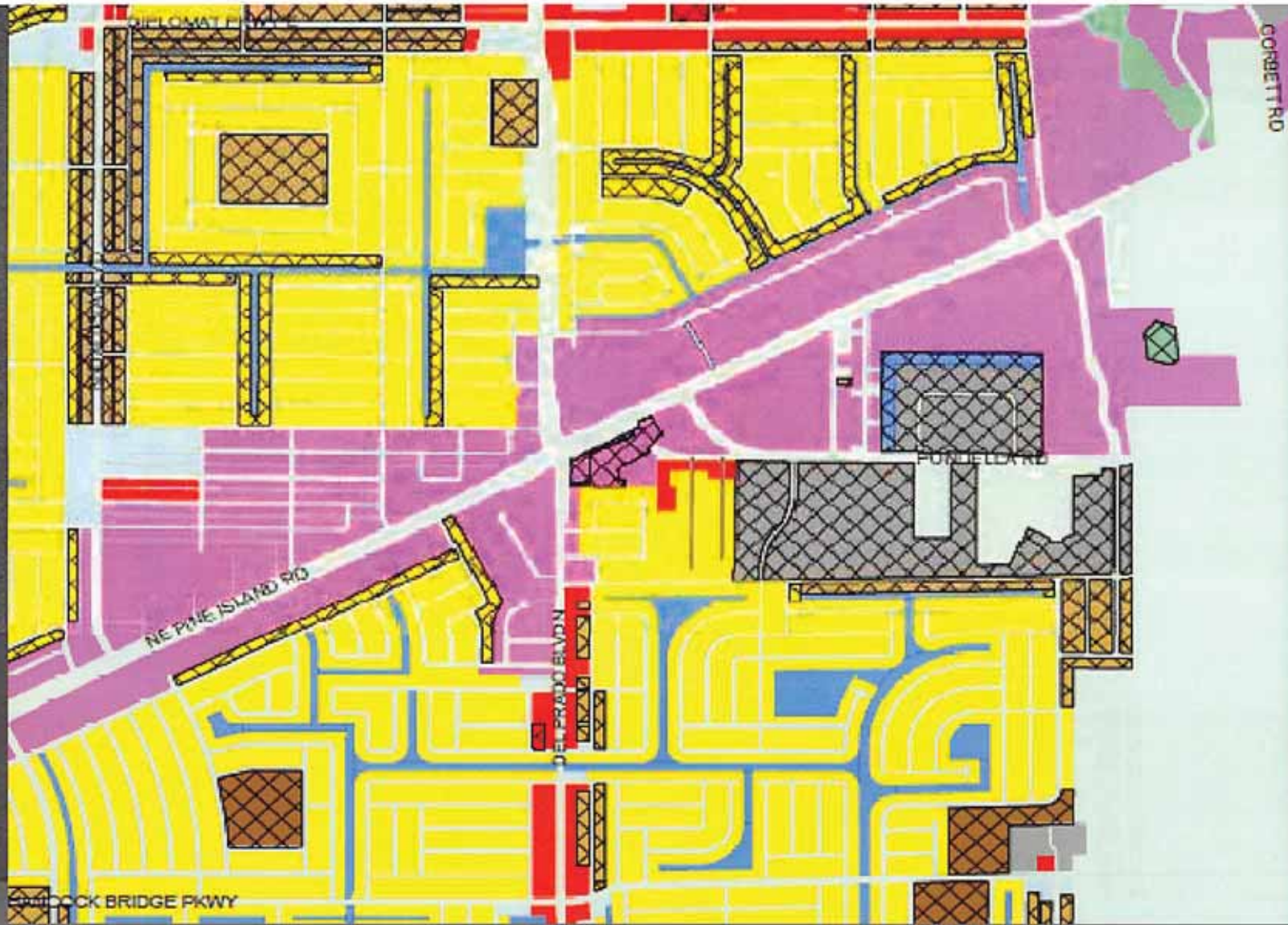


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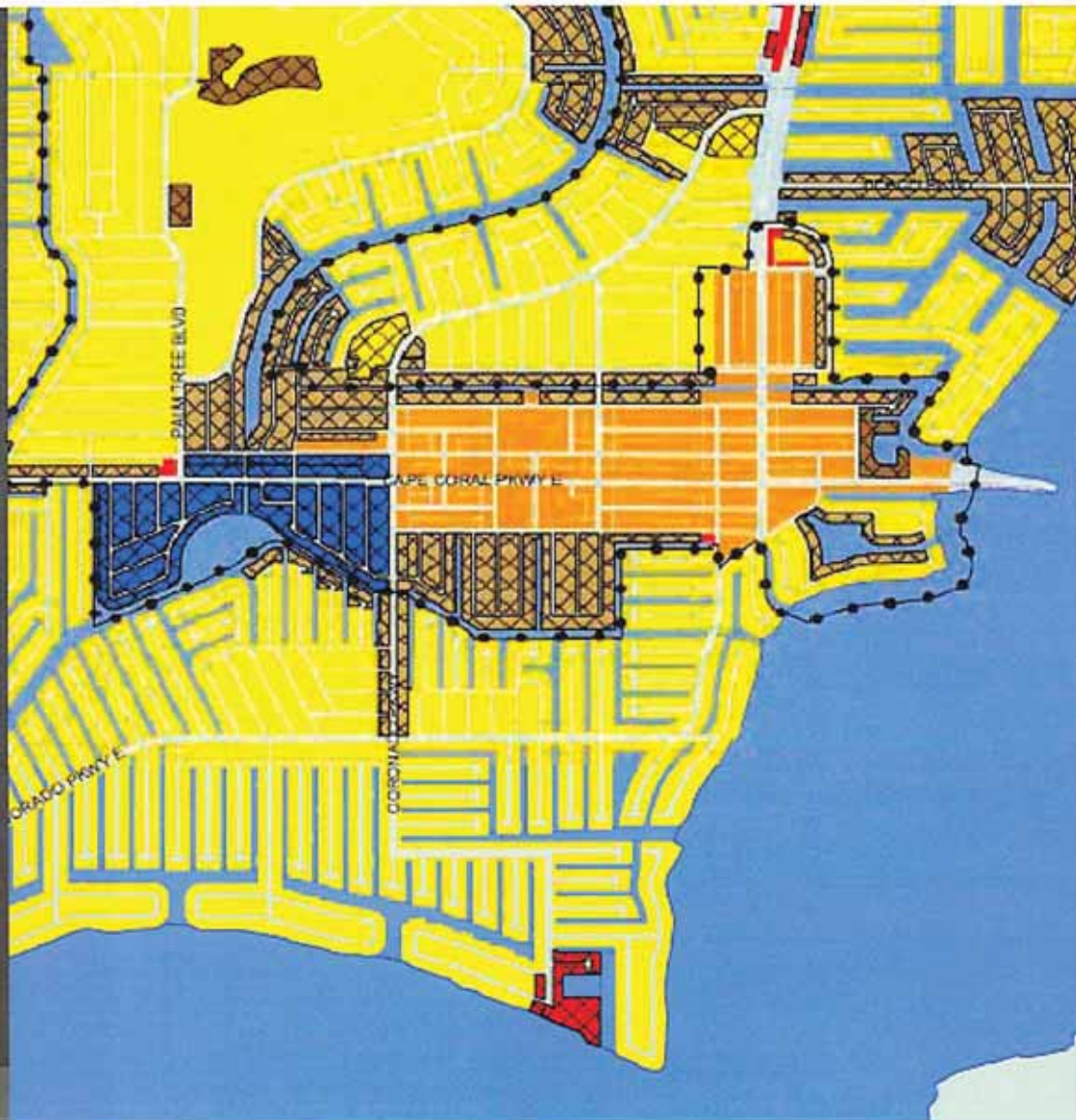
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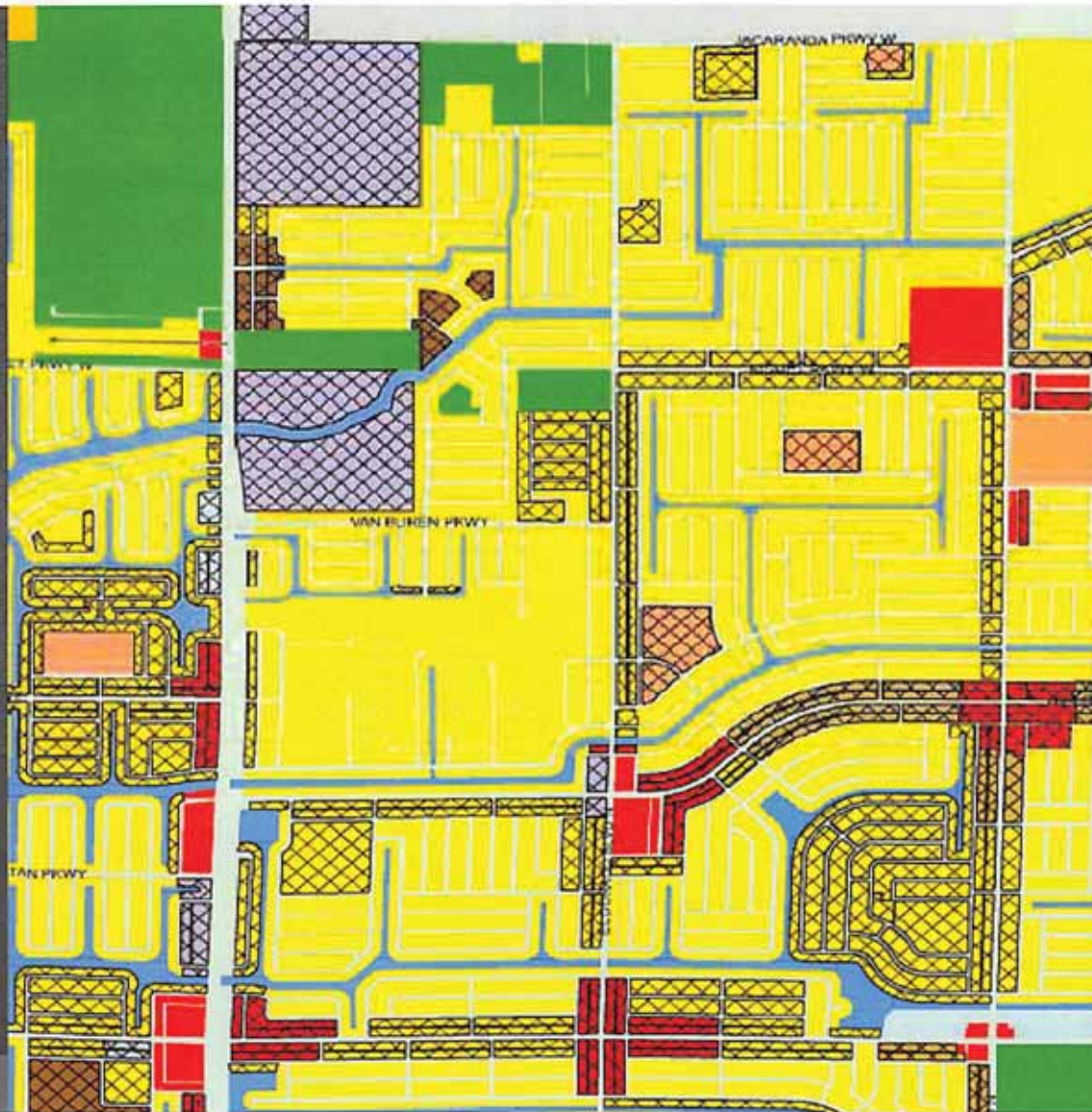
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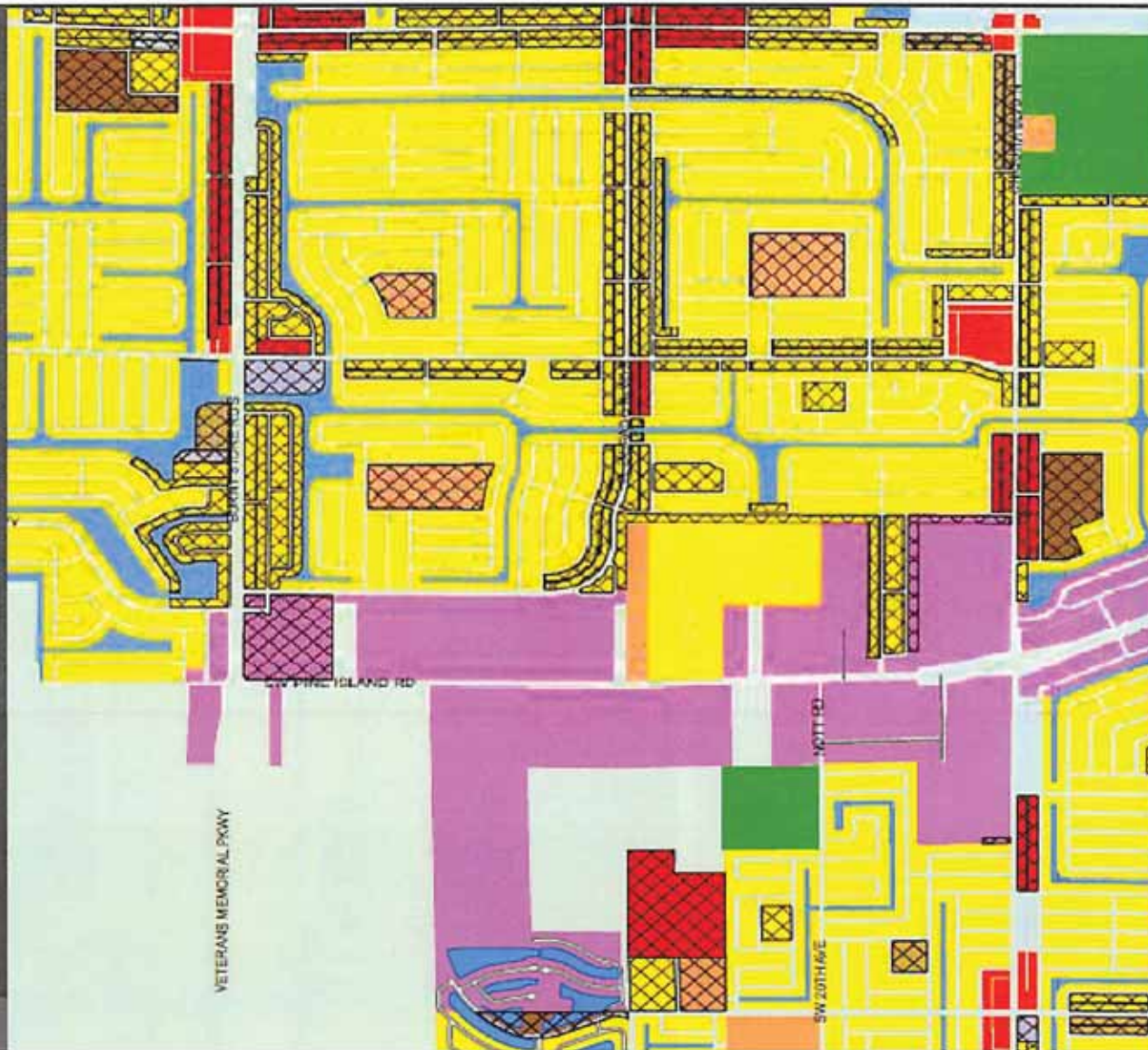


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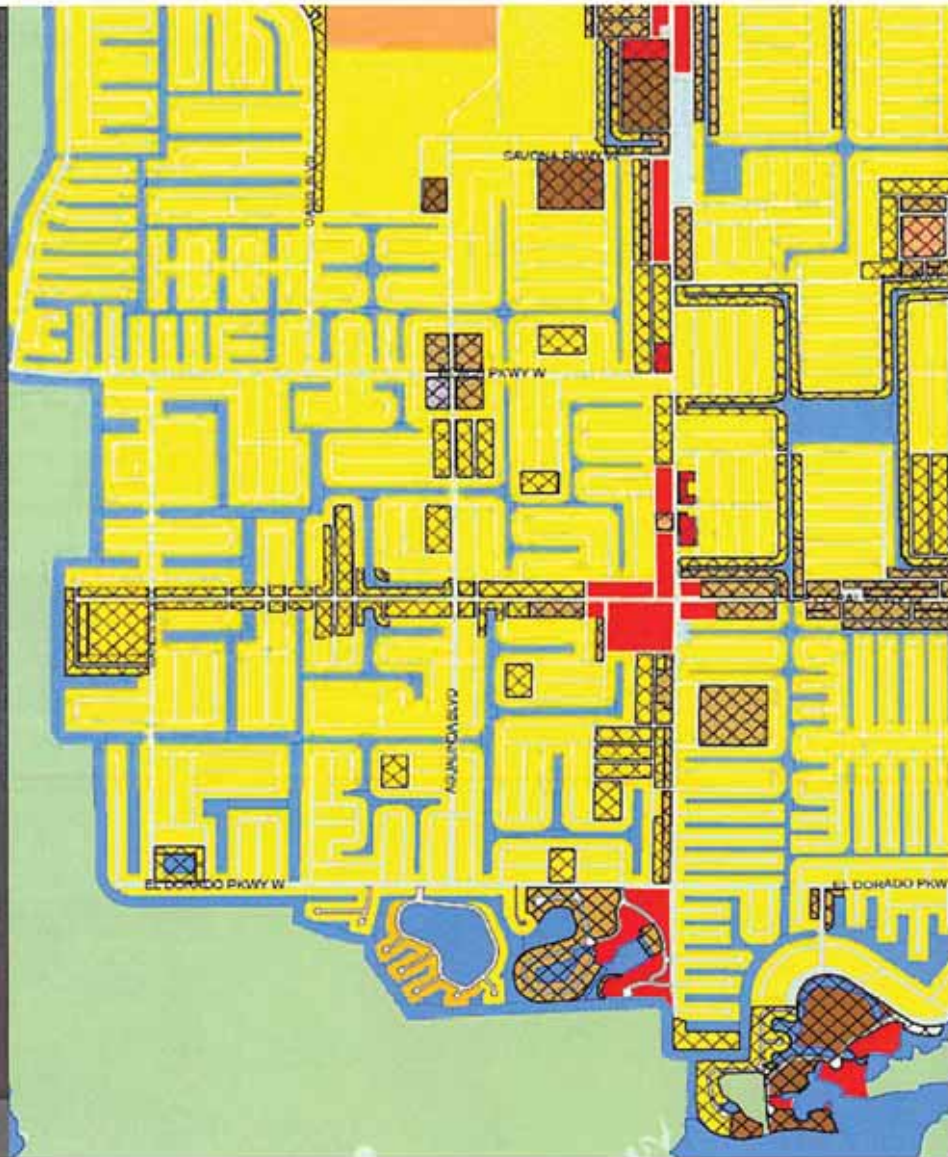
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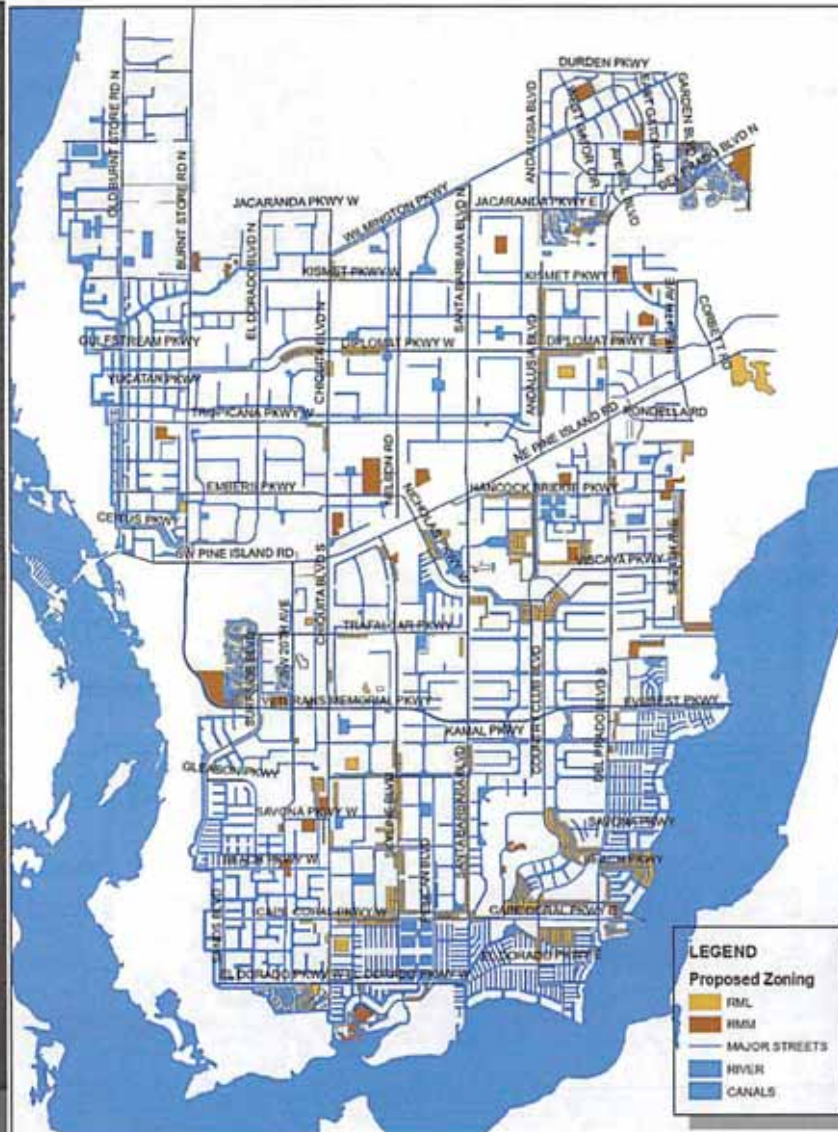






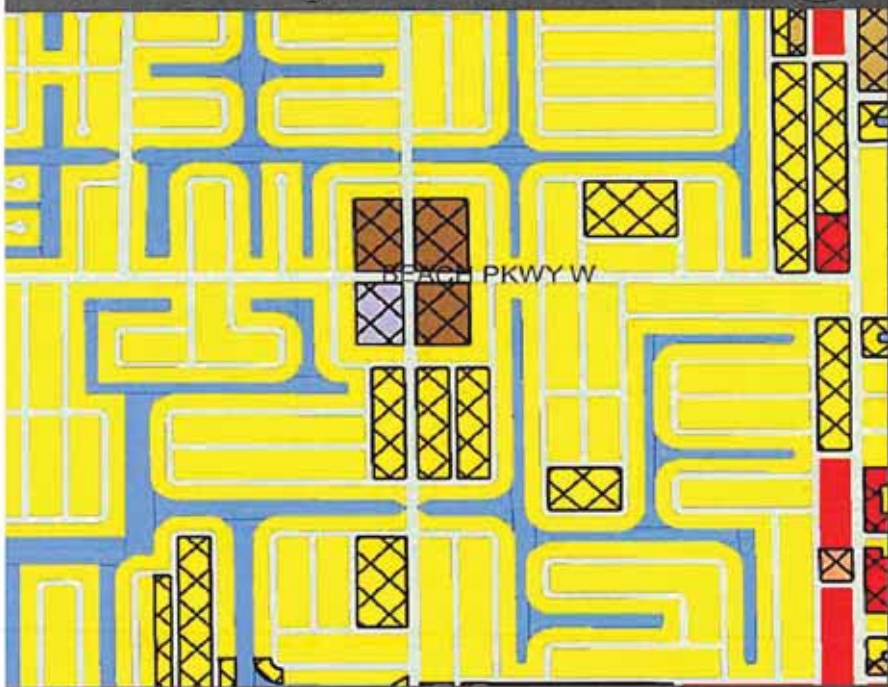
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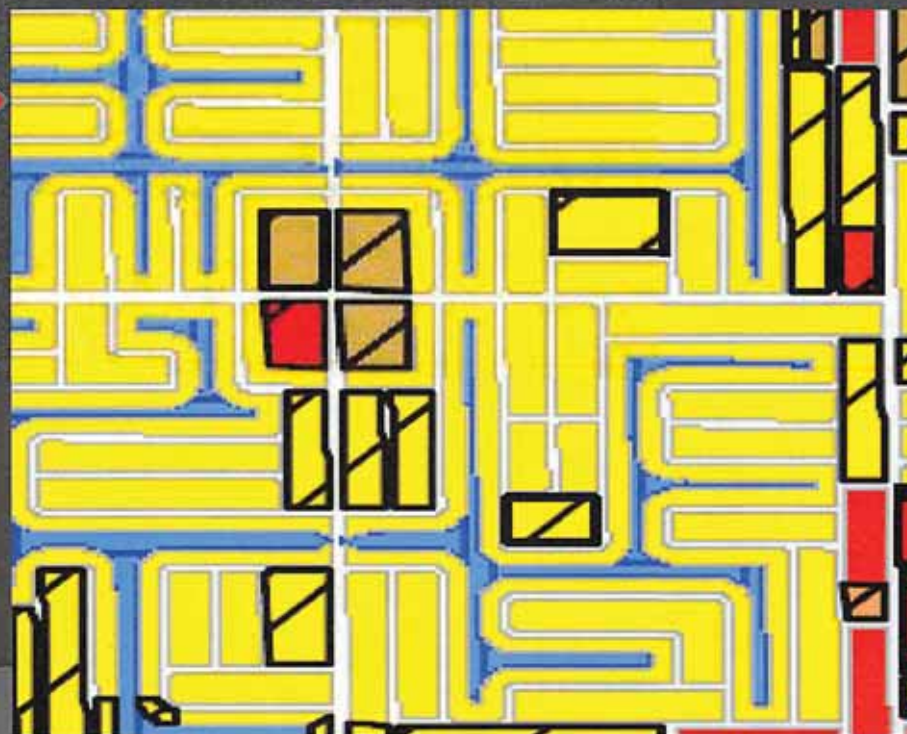


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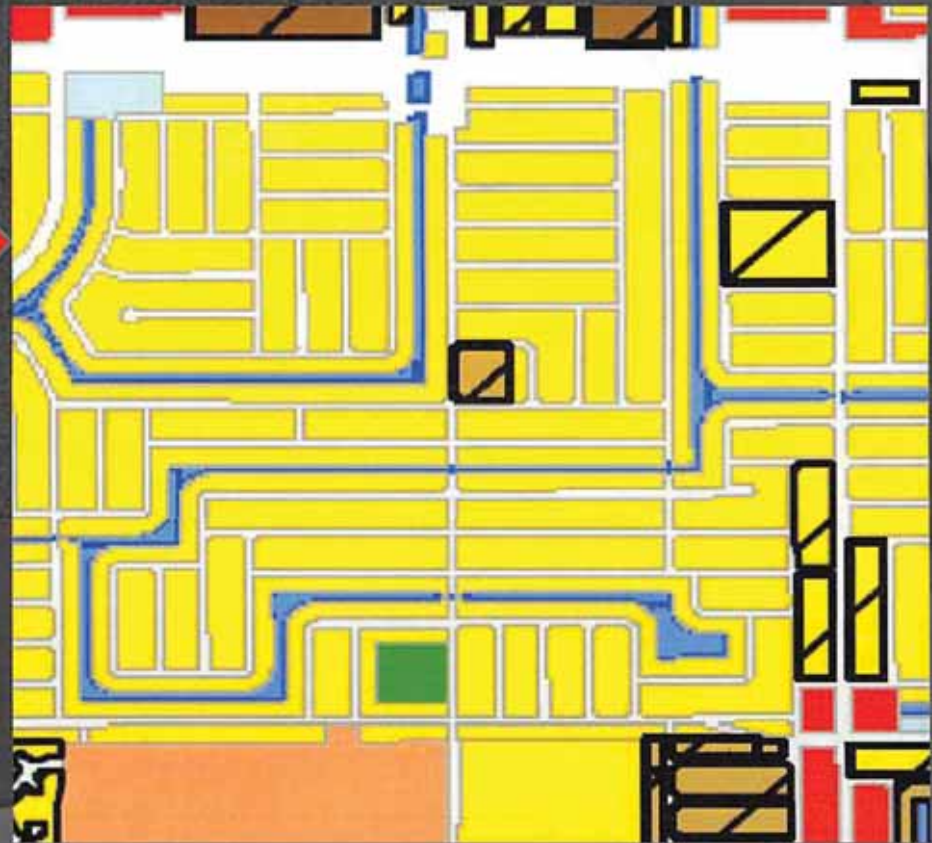
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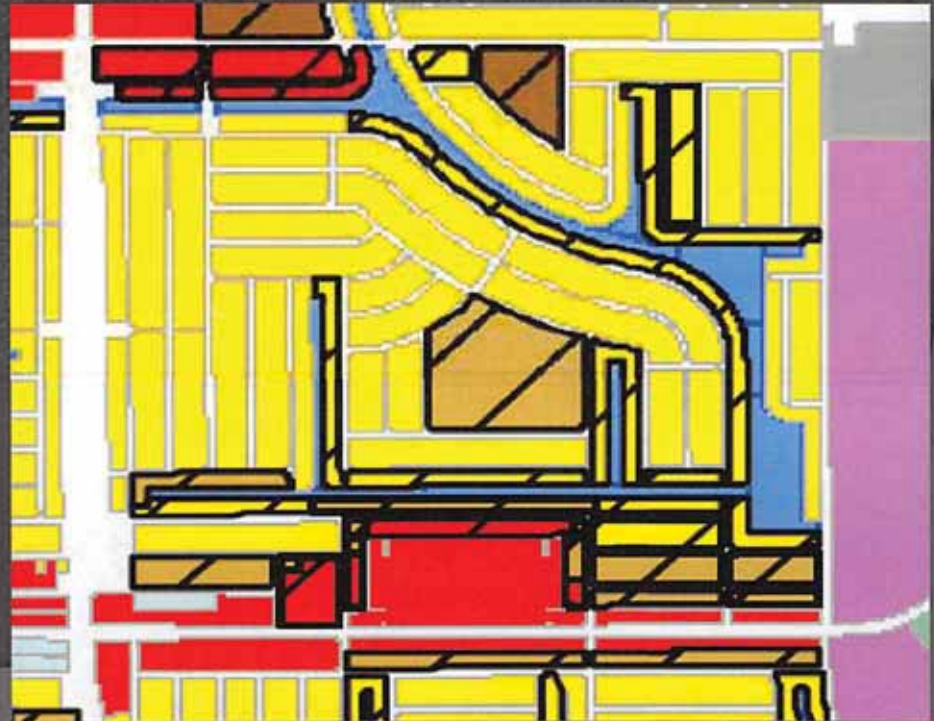


Proposed Change



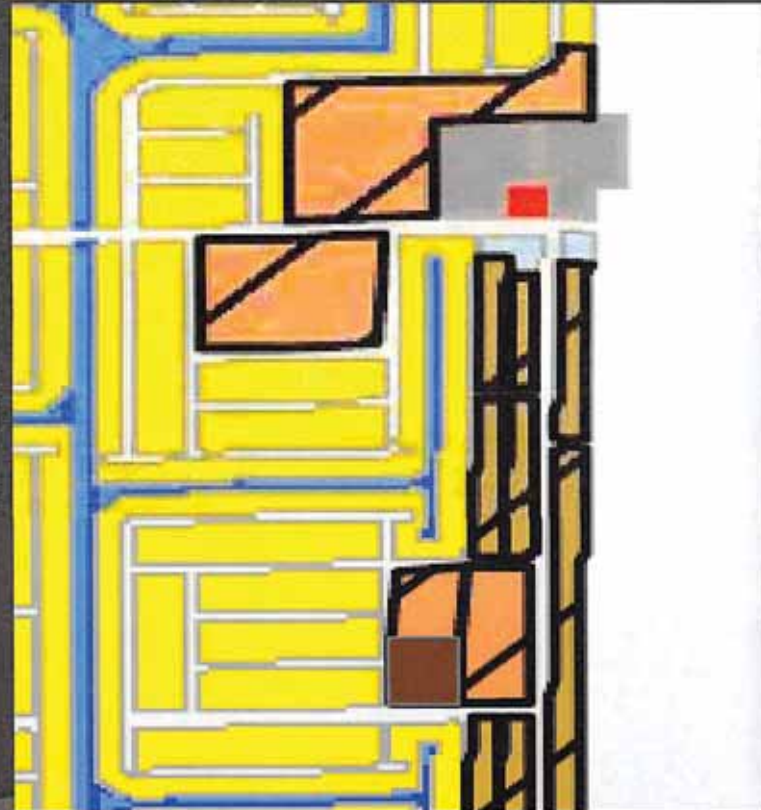
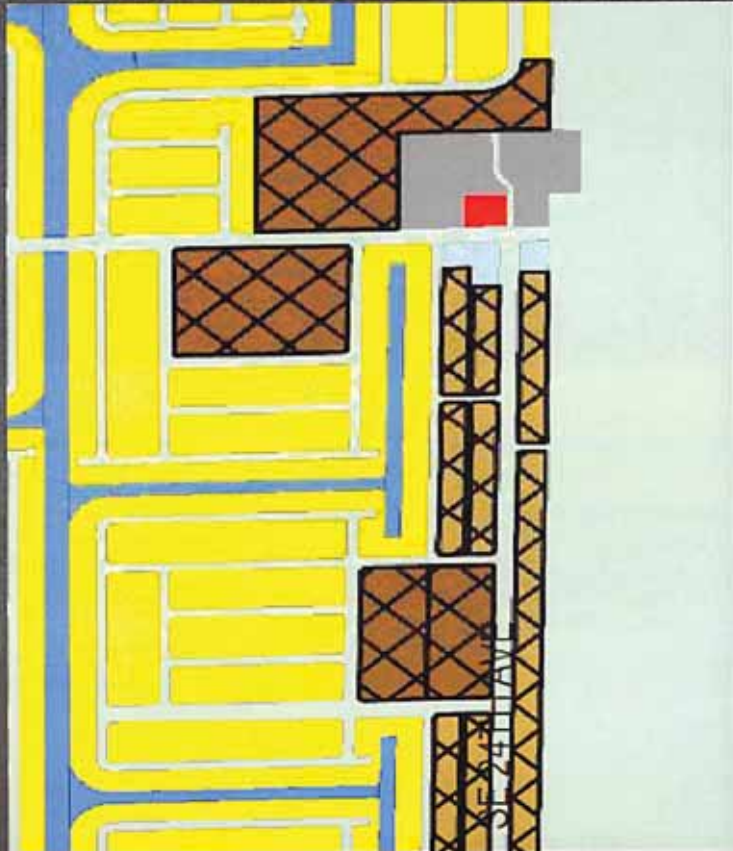
Proposed Change
RMM to RML: 3.40 acres

Proposed Change



Proposed Change
RMM to RML: 24.44 acres

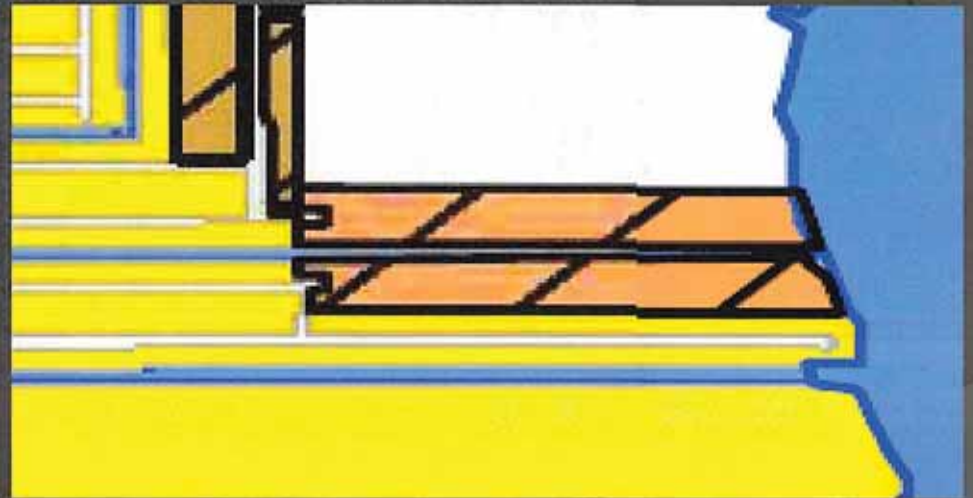
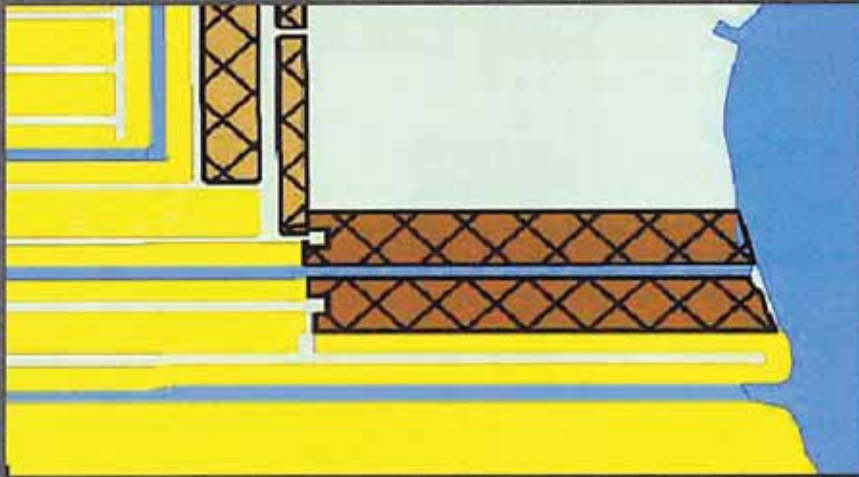
Proposed Change



Proposed Change

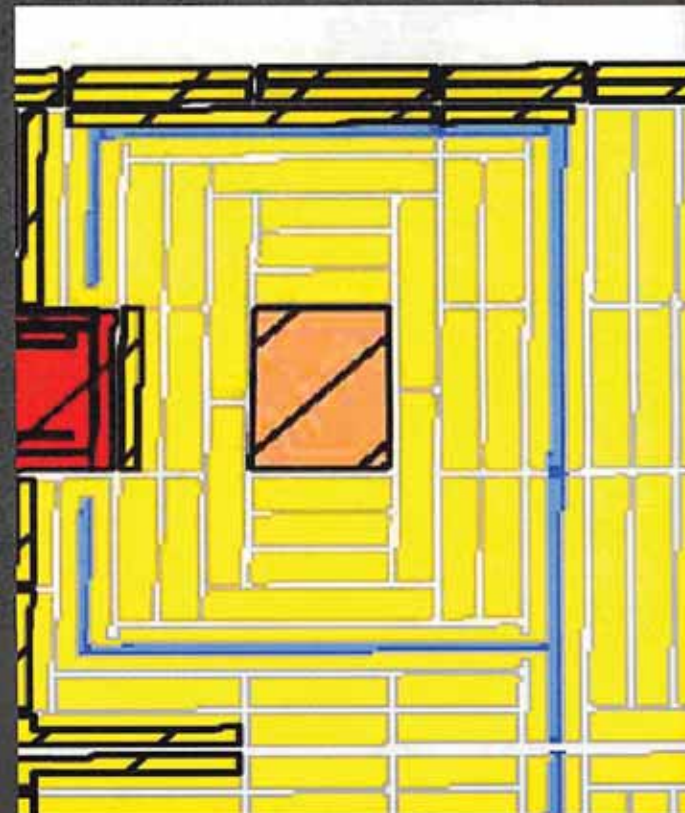
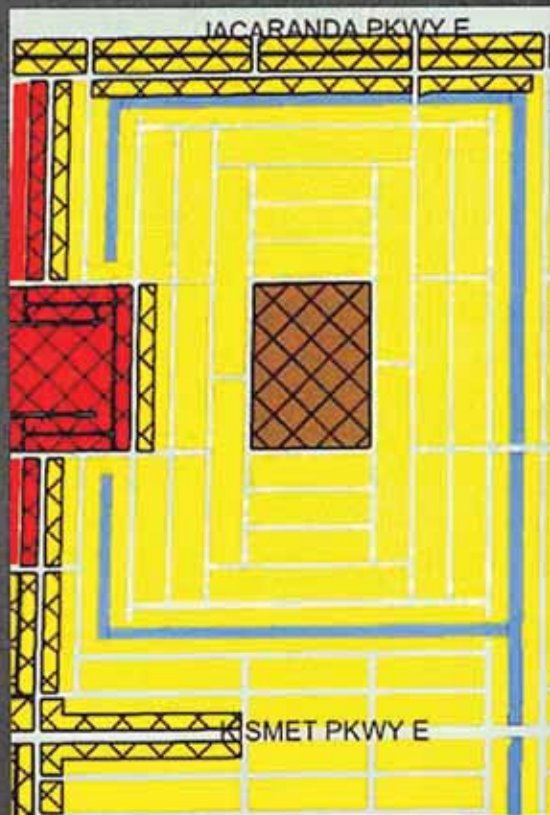
RMM to INST: 39.78 acres

Proposed Change



Proposed Change
RMM to INST: 30.09 acres

Proposed Change



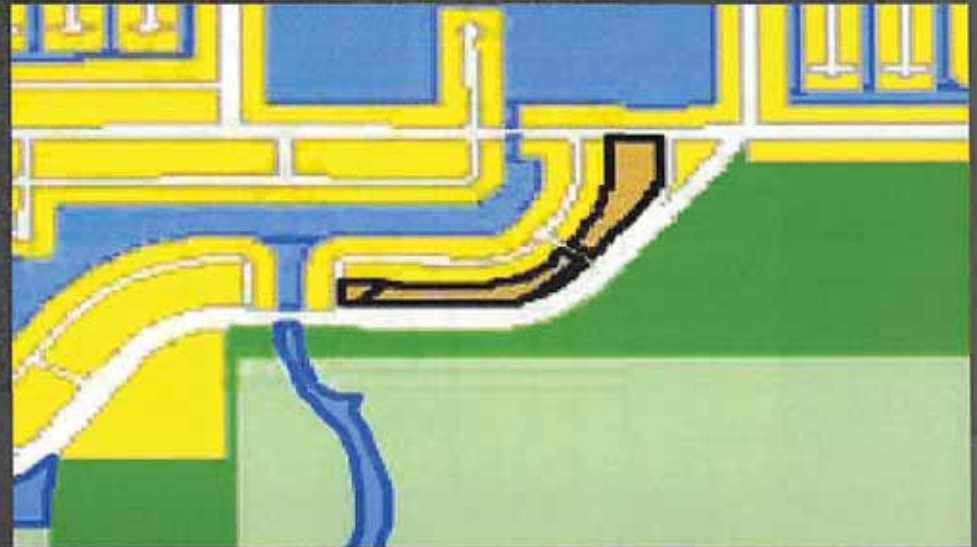
Proposed Change
RMM to INST: 27.80 acres

Proposed Change



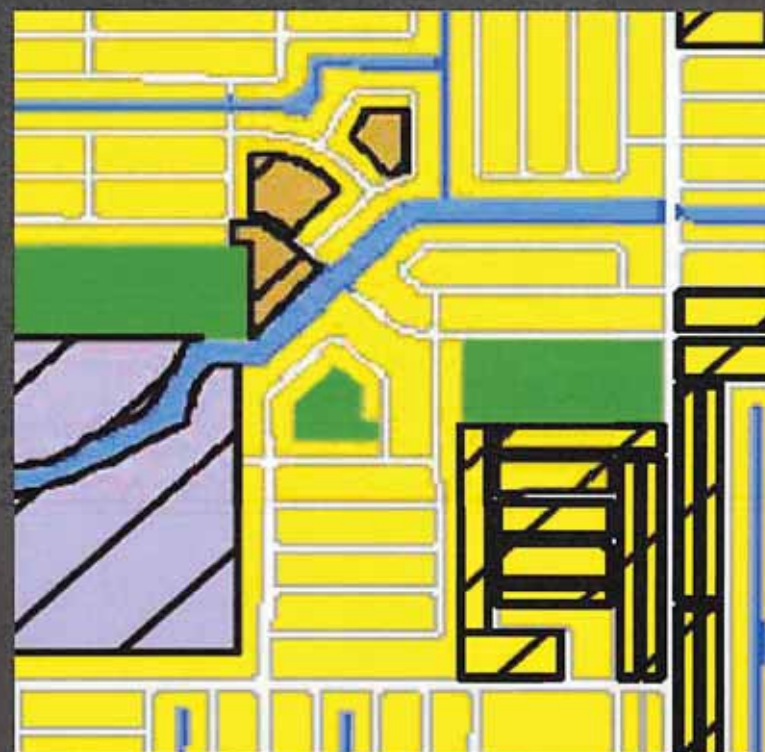
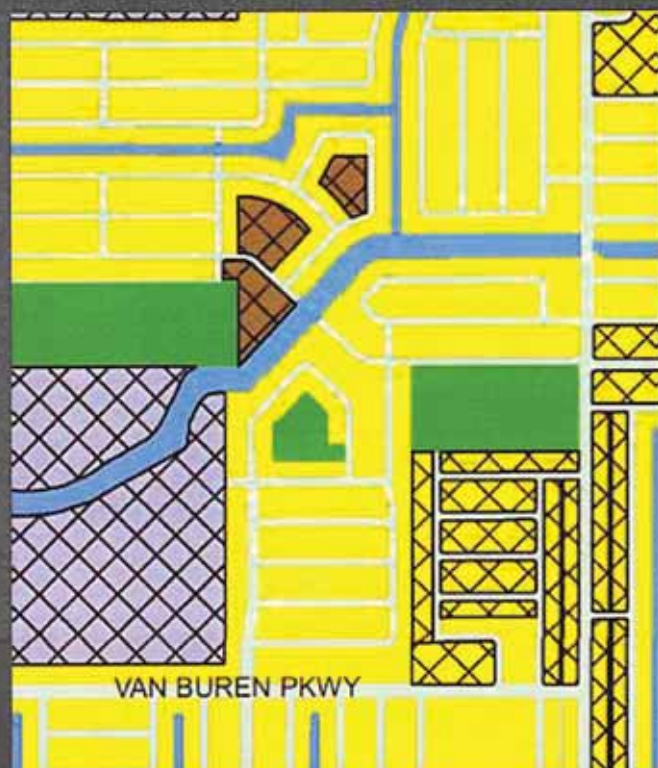
Proposed Change
RMM to INST: 8.11 acres

Proposed Change



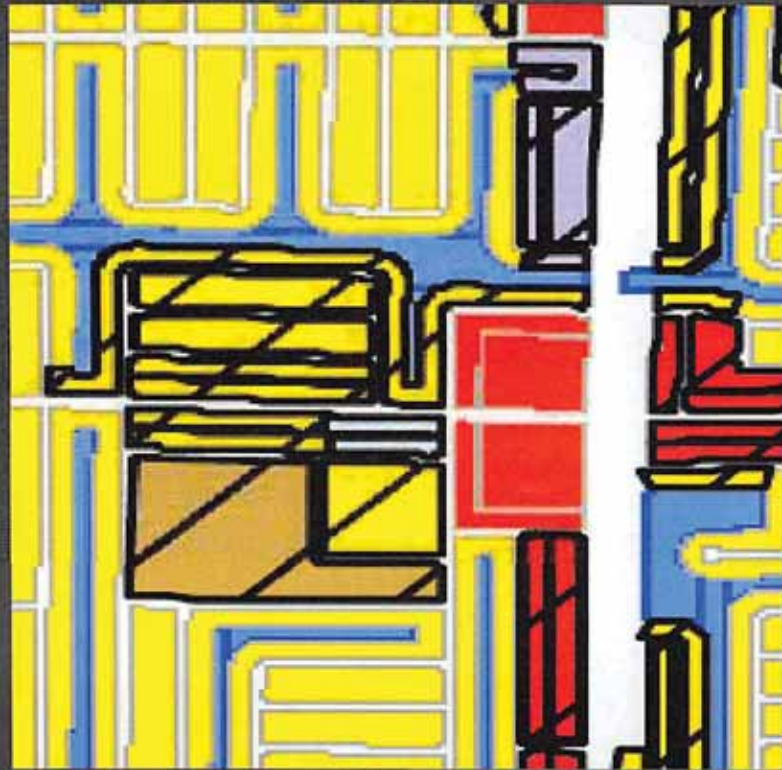
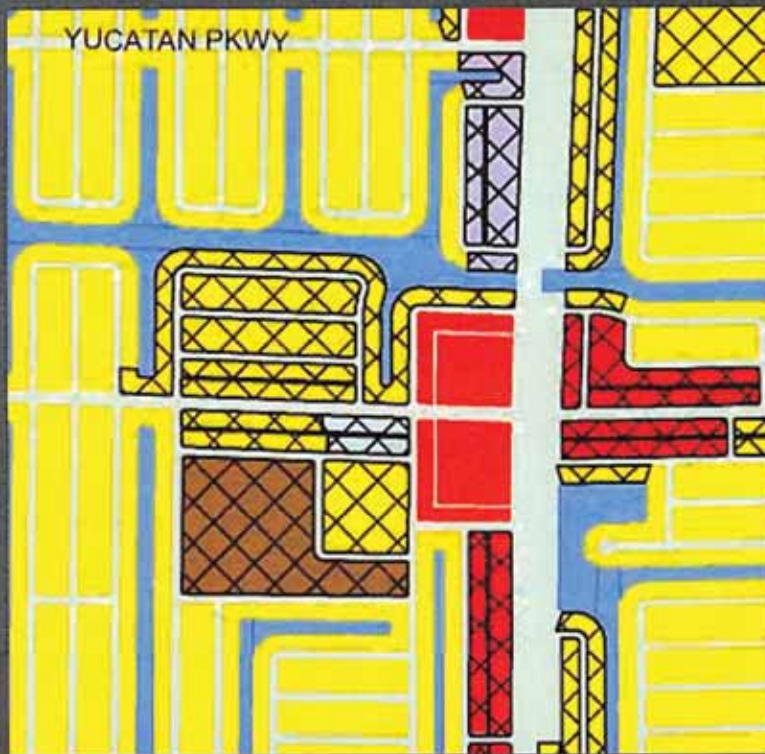
Proposed Change
RMM to RML: 8.02 acres

Proposed Change



Proposed Change
RMM to RML: 12.31 acres

Proposed Change



Proposed Change
RMM to RML: 25.98 acres

Analysis

- Overall, amendments include 9,818.98 acres
- Over 8,900 acres rezoned are the result of changes caused by the deletion of old zoning districts, or by the zoning of annexed properties to a City zoning designation
- Impacts of rezone are less than numbers suggest, as 66% of rezone area represents “like-for-like” changes (e.g. non-residential to residential)
- Another 14% of rezone area presently lacks City zoning

Analysis

Comparison of general zoning types:

Mixed-Use (CORR/MR/SC/VILL) to Mixed-Use (CC/NC/SC/MXB/MX7):	576.72 acres
Mixed-Use to Non-Residential (C/P/I):	444.73 acres
Mixed-Use to Residential (A/R1/RML/RMM/RE):	224.63 acres
Non-Residential (C-1/C-3/I/P-1/W) to Non-Residential:	122.05 acres
Non-Residential to Mixed-Use:	0 acres
Non-Residential to Residential:	95.27 acres
Residential to Residential:	5,753.88 acres
Residential to Mixed-Use:	215.81 acres
Residential to Non-Residential:	294.00 acres
To Institutional/Preservation (INST/PV), not including County zoned:	648.16 acres
Areas with Lee County Zoning:	1,443.73 acres

Analysis

- Approximately 62.12 acres are proposed to be downzoned to a Single-Family; 16.33 acres from Corridor, 45.52 acres from MR, 0.27 from R-3
- These properties are already heavily developed with Single-Family residences, in accordance with our strategy to attempt to maintain the status quo
- Conversely, 980.20 acres are upzoned to the Residential Multi-Family Medium, mainly from the old MR, RD, and R-3 zoning districts (858 acres)

Analysis

- A majority of the area rezoned (6,196.67 of 9,818.98 acres – 63%) are proposed to be rezoned to a residential zoning district.
- 92% of this residential acreage is rezoned from other residential districts
- Staff is receptive to receiving other rezone application requests

Comprehensive Plan/LUDR

- Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed rezone.
- The proposed zoning is consistent with the various future land use map classifications. The rezone is consistent with Policies 1.15, 1.20, 8.1, and 13.3 of the Future Land Use Element.
- Staff reviewed Section 8.7.3.B.1-10 of the Land Use and Development Regulations and found the rezone to be consistent

Conclusion

- In conclusion, staff recommends Approval of the proposed rezone request.
- Final public hearing is scheduled for March 18, 2019.

SOURCE OF ADDITIONAL INFORMATION:

Chad Boyko, Principal Planner

ATTACHMENTS:

Description	Type
▣ Ordinance 1-19 (LU 18-0005)	Ordinance
▣ Back up materials	Backup Material
▣ Staff Presentation	Backup Material

ORDINANCE 1 - 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL (SF) TO MULTI-FAMILY RESIDENTIAL (MF) LAND USE FOR PROPERTY DESCRIBED AS LOTS 16 THROUGH 21, BLOCK 350, UNIT 7, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1632-1640 SE 46TH STREET; 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 GARNET M. BRATBERG, TRUSTEE, AND DABIDA 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 SINGLE-FAMILY RESIDENTIAL (SF) TO MULTI-FAMILY RESIDENTIAL (MF)

LOTS 16 THROUGH 21, BLOCK 350, UNIT 7, CAPE CORAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE(S) 101 TO 128, INCLUSIVE, IN 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 _____, 2019.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord/lu18-0005



DEPARTMENT OF COMMUNITY DEVELOPMENT

LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

Questions: 239-574-0553

Case #

L418-0005

FEE \$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, Sec. 5.4). 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.

OWNER OF PROPERTY

Wayne H Bratberg, TR & Garnet M

Bratberg TR for Bratberg Trust

Email: _____

Address: 213 Grant Street

City: Holmen

State: WI

Zip 54636

Phone _____

AUTHORIZED REPRESENTATIVE

Greg Stuart

City: Fort Myers

State: FL

Zip _____

33907

Address: 7910 Summerlin Lakes Dr.

Email: Greg@Stuarturbandesign.com

Phone: 239 677-6126

Unit 7 Block 350 Lot(s) 16 & 17 Subdivision _____

Legal Description Cape Coral Unit 7 Blk 350 PB 12 PG 114 Lots 16 & 17

Address of Property _____

16321632 SE 46th Street Cape Coral L 33904

Plat Book 350

Page 114

Current Zoning R-1B

Strap Number 08-45-24-C4-00350.0160

Current Land SF

Proposed Land Use Multi-family

Parcel Size: Width 80 Depth 150 Sq. Ft. 12,000 Acreage 0.27

Soil Type: 69 Matlacha Gravelly Fine Sand

Urban Services Area: (check one) Infill X Transition Reserve

Natural Resources: (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):

Not Applicable Developed Site

Animal Species: (list any endangered, threatened, or species of special concern on-site)

None

Estimated Development:

Estimate total lot coverage: 40 %

Estimate total building floor area 3,200 sq. ft.

Estimate type of future development and percentages (e.g. business offices, commercial retail, automotive repair, etc.)

Two to Three Story MF Walkup



DEPARTMENT OF COMMUNITY DEVELOPMENT
LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT
Questions: 239-574-0553

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Greg Stuart
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL
PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Land Use Amendment & Zoning

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 350 7 BLOCK 350 LOT(S) 16417 SUBDIVISION

OR LEGAL DESCRIPTION _____

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

Garnet M. Bratberg, TR
PROPERTY OWNER (Please Print) _____ PROPERTY OWNER (Please Print) _____

Garnet M. Bratberg
PROPERTY OWNER (Signature & Title) _____ PROPERTY OWNER (Signature & Title) _____

STATE OF WI, COUNTY OF LACROSSE

Subscribed and sworn to (or affirmed) before me this 8th day of August, 2018, by
GARNET BRATBERG who is personally known or produced PERSONALLY KNOWN
as identification.



Exp. Date: 9-20-19 Commission Number: _____

Signature of Notary Public: Linda E. Abbott

Printed name of Notary Public: LINDA E. Abbott

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



DEPARTMENT OF COMMUNITY DEVELOPMENT

LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

Questions: 239-574-0553

Case # _____

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 Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal 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 costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

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

8th day of August, 20 18

Garnet M. Bratberg, TR

NAME (PLEASE TYPE OR PRINT)

Garnet M. Bratberg
APPLICANT'S SIGNATURE

STATE OF WI, COUNTY OF

LACROSSE

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DEPARTMENT OF COMMUNITY DEVELOPMENT
LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT
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OWNER OF PROPERTY

Dabida LLC

Email: dabackus5@gmail.com

Address: 18010 Via Bellamare Ln.

City: Miromar Lakes State: FL Zip: 33904

Phone: 608 347 4025

AUTHORIZED REPRESENTATIVE

Greg Stuart

City: Fort Myers State: FL Zip: _____

33907

Address: 7910 Summerlin Lakes Dr.

Email: Greg@Stuarturbandesign.com

Phone: 239 677-6126

Unit 7 Block 350 Lot(s) 18, 19, 20 & 21 Subdivision _____

Legal Description Cape Coral Unit 7 Blk 350 PB 12 PG 114 Lots 18 & 19; Lots 20 & 21

Address of Property 1636 1636 & 1640 SE 46th Street Cape Coral L 33904

Plat Book 350 Page 114

Current Zoning R-1B Strap Number 08-45-24-C4-00350.0180 & .0200

Current Land SF Proposed Land Use Multi-family

Parcel Size: Width 80 Depth 150 Sq. Ft. 12,745 Acreage 0.27

Soil Type: 69 Matlacha Gravelly Fine Sand

Urban Services Area: (check one) Infill X Transition _____ Reserve _____

Natural Resources: (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):

Not Applicable _ Developed Site _____

Animal Species: (list any endangered, threatened, or species of special concern on-site)

None

Estimated Development:

Estimate total lot coverage: 40 %
Estimate total building floor area 6,400 sq. ft.
Estimate type of future development and percentages (e.g. business offices, commercial retail, automotive repair, etc.)
Two to Three Story MF Walkup



DEPARTMENT OF COMMUNITY DEVELOPMENT
LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT
Questions: 239-574-0553

Case # _____

Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: Yes ☒ No ☐
City Water: Yes ☒ No ☐

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.

Garnet M. Bratberg, TR
NAME (PLEASE TYPE OR PRINT)

Garnet M. Bratberg
AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF WI, COUNTY OF LACROSSE

Sworn to (or affirmed) and subscribed before me this 8th day of August, 2018, by
GARNET BRATBERG who is personally known or produced Personally Known
as identification.

Exp. Date: 9-20-19 Commission Number: _____

Signature of Notary Public: Linda E. Abbott

Printed name of Notary Public: LINDA E. ABBOTT





DEPARTMENT OF COMMUNITY DEVELOPMENT
LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT
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Land Use Amendment & Zoning
(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT 17 BLOCK 350 LOT(S) 18, 19, 20 & 21 SUBDIVISION

OR LEGAL DESCRIPTION _____


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

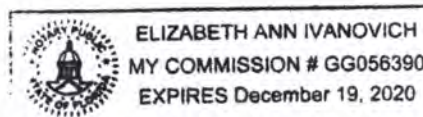
DABIDA LLC, Douglas Backus, Member

PROPERTY OWNER (Please Print)	PROPERTY OWNER (Please Print)
	
PROPERTY OWNER (Signature & Title)	PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 22nd day of AUGUST, 2018 by
_____ who is personally known or produced DRIVERS LICENSE
as identification.

Exp. Date: 12/19/20 Commission Number: GG 056390
Signature of Notary Public: 
Printed name of Notary Public: ELIZABETH ANN IVANOVICH



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



DEPARTMENT OF COMMUNITY DEVELOPMENT

LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

Questions: 239-574-0553

Case # _____

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I hereby acknowledge that I have read and understood the above affidavit on the

22nd

day of

August

, 20

18

DABIDA LLC, Douglas Backus, Member

NAME (PLEASE TYPE OR PRINT)

STATE OF

FL

, COUNTY OF

LEE

APPLICANT'S SIGNATURE

Subscribed and sworn to (or affirmed) before me this

22nd

day of

AUGUST

, 2018, by

who is personally known or produced

DRIVERS LICENSE

as identification.

Exp. Date:

12/19/20

Commission Number:

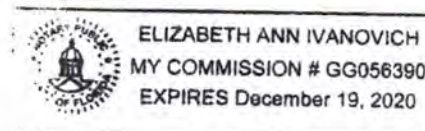
GG056390

Signature of Notary Public:

Elizabeth Ann Ivanovich

Printed name of Notary Public:

ELIZABETH ANN IVANOVICH





DEPARTMENT OF COMMUNITY DEVELOPMENT
LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT
Questions: 239-574-0553

Case # _____

Estimated peak hour trip ends:

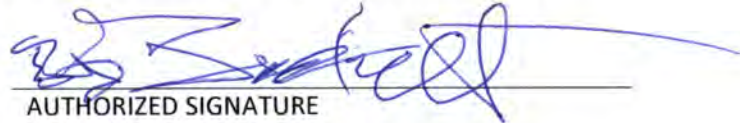
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If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

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City Water: Yes ☒ No ☐

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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.

DABIDA LLC, Douglas Backus, Member
NAME (PLEASE TYPE OR PRINT)


AUTHORIZED SIGNATURE

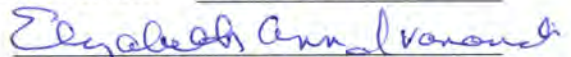
(SIGNATURE MUST BE NOTARIZED)
STATE OF FL, COUNTY OF LEE

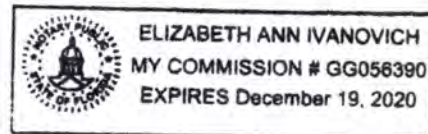
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_____ who is personally known or produced DRIVERS LICENSE
as identification.

Exp. Date: 12/19/20 Commission Number: GG056390

Signature of Notary Public:

Printed name of Notary Public:


ELIZABETH ANN IVANOVICH





STUART AND ASSOCIATES
Planning and Design Services

7910 Summerlin Lakes Drive
Fort Myers, FL 33907

C 239-677-6126
Greg@Stuarturbandesign.com

www.Stuarturbandesign.com

The Three Parcel SE 46th Street Future Land Use Map Amendment Letter of Intent _ September 8, 2018

Subject Properties:

STRAP #	BLOCK	LOTS	SITE ADDRESS	CURRENT FLU	PROPERTY STATUS
08-45-24-C4-00350.0160	350	16 & 17	1632 SE 46th Street	SF	Developed SF
08-45-24-C4-00350.0180	350	18 & 19	1636 SE 46th Street	SF	Developed SF
08-45-24-C4-00350.0200	350	20 & 21	1640 SE 46th Street	SF	Vacant

Surrounding Zoning and Land Uses:

SUBJECT PROPERTY	CURRENT FLU	ZONING
Current 3 Parcels	SF	R-1B

SURROUNDING PROPERTIES	FLU	ZONING
North	Downtown Mixed Use & MF	R-3 MF (condo) & office
South	MF	R-3 MF (condo & sf residential)
East _ SE 46th Street	SF	R-1B (sf residential)
West _	MF	R-3 MF (11 condos/0.55 ac. +/-; 20 DUS per ac.)



NW Cape Coral Future Land Use Map

Urban Service Area:

The property within the Existing Utility Service Area and has direct access to central water and sanitary sewer services, along with electric, cable, fire protection, EMS and police services.

CITY OF CAPE CORAL PROPOSED UTILITIES EXTENSION- REVISED FY 2015-2019



Existing Utility Service Area Map

Street Access:

The properties are directly accessible from Del Prado Blvd. via SE 46th Street and an existing full turning movement median opening. The properties are also accessible via Orchid Blvd. and SE 16th Place.



Street Network Map

Neighborhood Context:

The subject three parcels are located along the mixed use commercial, multi-family and single-family SE 46th Street, and are approximately 285-ft. east of the the South Cape CRA district. Due to the mixed use SE 46th Street and close proximity to the Downtown CRA, the subject properties are ideally located to support downtown redevelopment goals by changing the housing type from SF to MF and by increasing housing density. It is important to note that, in 2009, the subject parcels were proposed to be included with the Downtown CRA due to proximity, available services and the need for greater housing stock diversity to support the downtown. The properties are adjacent to an 11 unit/20 units per acre multi-family condominium to the west, commercial businesses and offices to the north, commercial businesses, motels and duplexes to the south and single-family to the east. The parcels adjoin MF land use to the east and north.



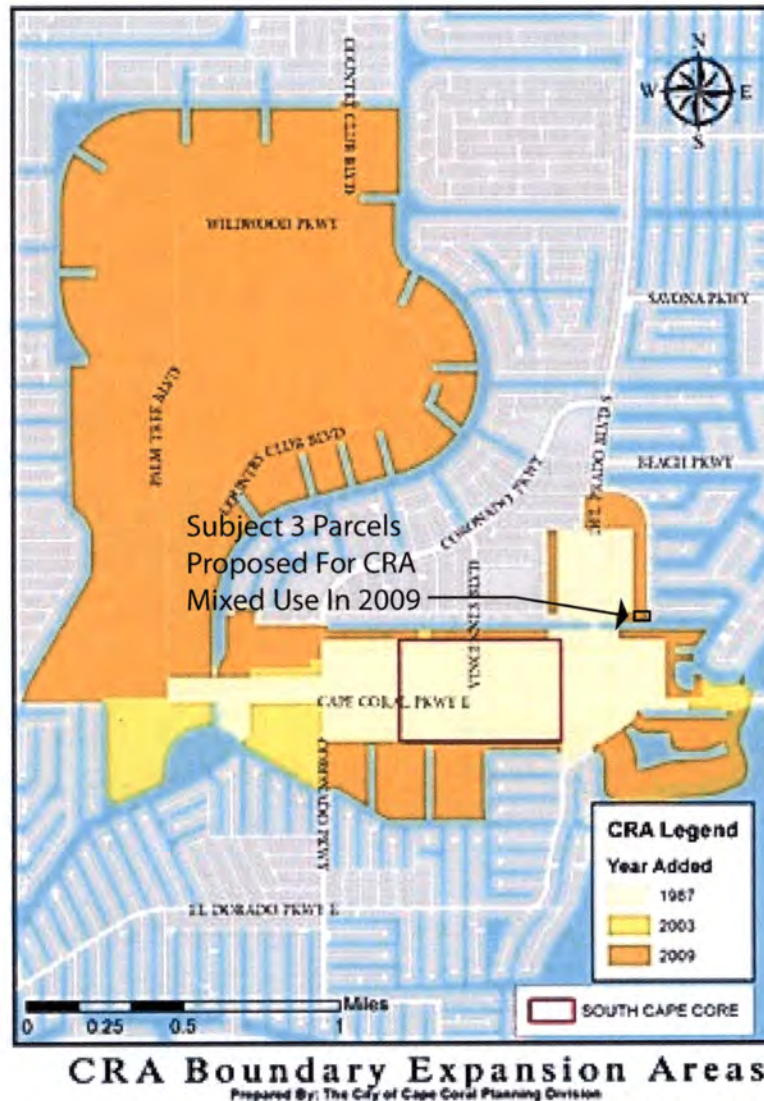
- | | |
|---|---|
| A _ Subject 3 Parcels | F _ SF |
| B _ Odyssey MF 11 Unit Condo | G _ Future 1.1 ac. + MF |
| C _ Cape Coral Unit 7 BLK 350 Single-family | H _ Businesses & Services |
| D _ Orchid Commons Business Offices | I _ Restaurant |
| E _ Cape Coral Unit 7 BLK 370 Single-family | J _ SE 46th Ln. Mixed Use Motels, MF, Business, Duplex & SF |

Neighborhood Context Map

Additional Site Information:

The subject properties are urbanized and cleared; two parcels are existing single-family homes (FLUCCS 120 Residential Medium Density) and the eastern parcel is vacant (FLUCCS 192 Inactive Land). The properties consist of 37,125 sf and are absent of environmentally sensitive lands and protected species habitat. No other potential protected or endangered species has the potential to use the site. Consistent with Cape Coral Policy 1.2.5, the Applicant will provide professionally accepted Protected and Endangered Species surveys as part of City mandated development permitting approval processes. The site is underlain by Matlacha Gravelly Fine Sands. Though this soil

has various site development limitations, these limitations are typically overcome by using various civil engineering solutions such as and including importing clean fill dirt. Hence this soil type does not present any obstacle to future site development.



The 2009 CRA Boundary Expansion Map

The Land Use Map Amendment Intent:

The intent of the land use map is threefold. First, to further implement Policy 8.4 and 8.5, which calls for the use of multi-family lands to serve as a transition between commercial and less intensive single-family land uses. Second, to advance the implementation of the South Cape Downtown Re-

development Plan. The CRA Plan calls for having more people move into the South Cape area so as to provide more personal convenience, to create a more sustainable economy and to lessen the automobile dependent life style. The CRA Plan calls for a greater diversification and variety of housing types to achieve the afore referenced goals. Third, to eliminate the west intrusion of the Single-family Future Land Use along SE 46th Street in a manner that consolidates the neighborhoods MF Land Use district. For comprehensive planning purposes it is envisioned that the subject properties will be used to support a two-story to three-story multi-family condominium with eight dwelling units. Based on the ITE 10th Ed. 220 Multi-family Housing (Low-rise) trip generation rate of 7.32 trips per unit, it is estimated that the amendment will generate 58.5 housing trips. Based on the current 3 SF units @ 9.57 trips per unit, the map amendment will generate an additional 29.8 vehicular trips.



The 2018 MF Future Land Use Map Amendment Map

The Land Use Map Amendment Comprehensive Plan Assessment:

Land Use Policy 8.4: *The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:*

- **Site Orientation Response** _ The land use map amendment consolidates three individual parcels into one unified property to facilitate a small, two to three story multifamily project with direct access to a public local street.
- **Pedestrian Access Response** _ The land use map amendment will advance pedestrian access to the downtown core area due to proximate location and moderately higher density.
- **Streets Response** _ The land use amendment will advance street landscaping by providing for a SE 46th St. 10-ft. landscape buffer with 1 shrub per 3 linear feet and 1 canopy tree per 30 linear feet.
- **Screening and Landscaping Response** _ The land use amendment will advance buffer landscaping between MF and SF uses by providing for code required landscaping based on 4 canopy trees and 33 shrubs per 100 linear feet.

Land Use Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- **Design Elements Response** _ Though no specific design has been developed at this stage of the project it is envisioned that the future multi-family building will be 2 to 3 stories in height, similar to buildings located to the north, south and west of the site.
- **Design & Compatibility Response** _ The project will be designed to have east and west site landscape buffering, with parking oriented towards the street and fully screened by landscaping. The project will feature contemporary, upscale architectural design features.

Land Use Policy 13.2: The City will, as part of its CRA planning process, investigate innovative market opportunities to property owners in blighted areas to remodel, rebuild and replat their buildings and properties.

- **Response** _ Though not within the South Cape Downtown CRA, it is very proximate to the CRA and, as such, the map amendment supports the goal of advancing a pedestrian oriented downtown area supported by a variety of housing types and densities. This includes being consistent with the 2014 South Cape Downtown Redevelopment Plan's Goal 3.2 and 3.3.
- **Goal 3.2** _ Through regulatory controls and incentives provide appropriate limitations on the type, size, height, number and use of buildings to stimulate and attract private investment in real property and property improvements in the Redevelopment Area that will eliminate blighting factors, improve the economic health of the City and the County, increase employment opportunities, better serve residents, businesses, and tourists, and improve the tax base.
 - **Objective:** Develop zoning districts to create an urban pedestrian friendly commercial core with interesting architectural elements, recognizing those areas that are distinct in terms of uses, location and their built and natural environment. All development, redevelopment, and rehabilitation activities carried out within the Cape Coral Redevelopment Area shall conform to the City's Comprehensive Plan and the City's Land Use and Development Regulations as they exist now or as it may be amended from time to time.
 - **Response** _ Based on the parcels proximate CRA location, the amendment will advance the goal of creating an urban pedestrian friendly commercial core by increasing it's market area and purchasing power.
- **Goal 3.3** _ Have more people living and working in South Cape to provide more personal convenience, create a sustainable economy and lessen the dependence on the automobile in daily life.

- Objective: Support a variety of housing types, costs and incentives in the development of dwelling units where people of all ages and incomes have a safe and clean environment.
- Response _ The amendment is consistent with supporting a variety of housing types.

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.*

Housing Element Objective 1: *Housing Availability. In conjunction with private sector, the City will provide the infrastructure needed to increase Cape Coral's housing stock by 10,290 units by 2010, and an additional 35,549 units by 2025 to accommodate the expected permanent populations of 137,593 by 2010, and 192,795 by 2025, in accordance with the levels of service standards established in other elements of this Comprehensive Plan.*

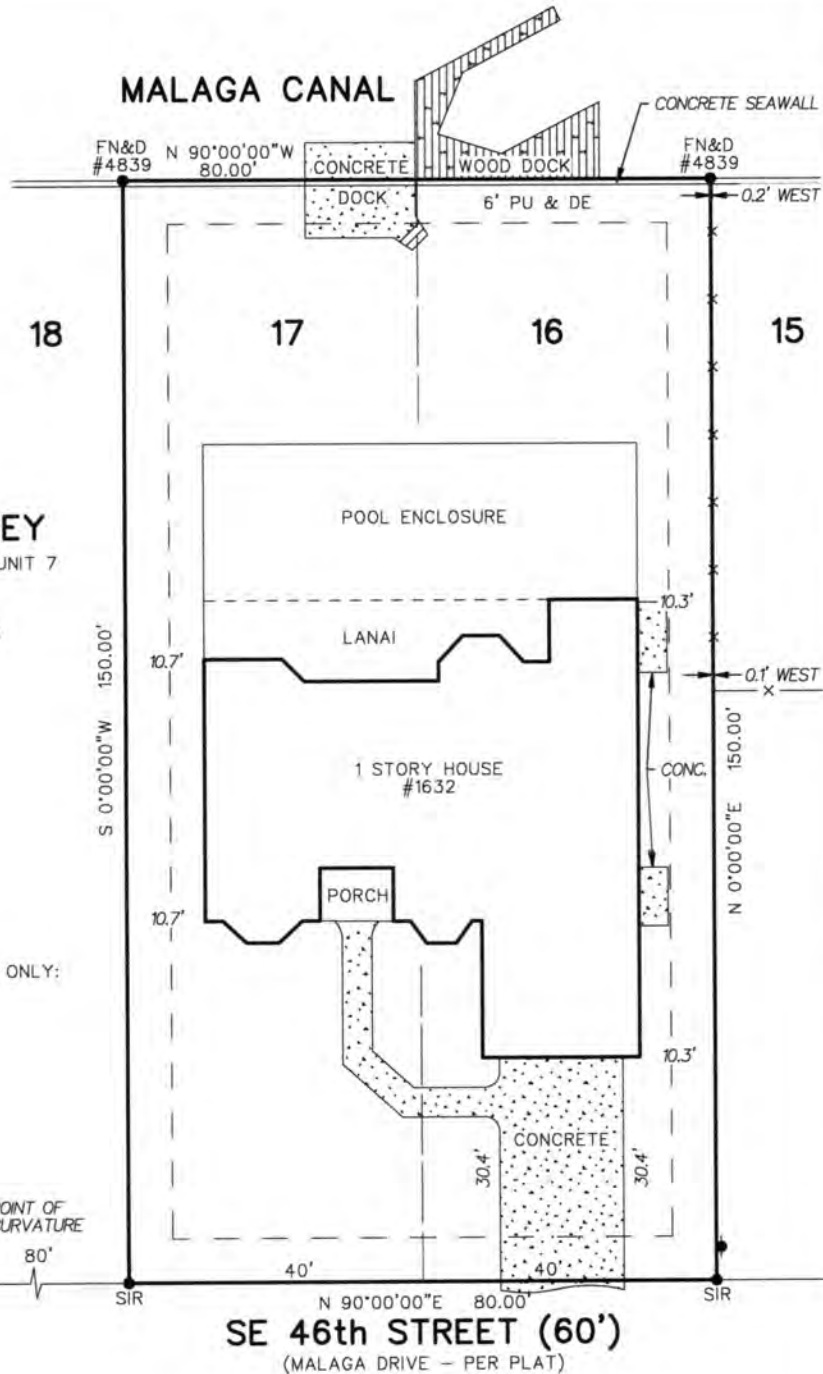
- Response _ The map amendment is consistent with the goal and objective of diversifying and increasing the number of housing units.

Service Availability Analysis:

- Water Use _ Existing @ 250 GPD * 2 units = 500 GPD; existing total @ 750 GPD
 - Proposed MF @ 8 DUS per 250 GPD = 2,000 GPD; Net Change @ + 1,248 GPD (City permitted usage @ 16.9 MGD).
- Sanitary Sewer _ Existing @ 250 GPD * 2 units = 500 GPD; existing total @ 750 GPD
 - Proposed MF @ 8 DUS per 250 GPD = 2,000 GPD; Net Change @ + 1,248 GPD (City permitted usage @ 28.4 MGD).
- Solid Waste _ Existing @ 27 lbs./total person per day; existing total @ 40.5 lbs./total person per day
 - Proposed MF @ 8 DUS/23 persons = 109 lbs./total person per day; Net Change @ + 68.52 lbs. per day. (City Facility Capacity @ 1,836 tons/day with Existing Demand @ 1,384 tons/day).
- Traffic Daily Trips _ Existing @ 2 DUS x 9.57 ADT = 19.1 trips per day; existing total @ 3 DUS = 28.71 trips per day
 - Proposed MF @ 8 DUS @ 7.32 trips per day = 58.5 total trips; the map amendment will generate an additional 29.8 vehicular trips.




MALAGA CANAL



BOUNDARY SURVEY

LOTS 16 AND 17, BLOCK 350, UNIT 7
CAPE CORAL SUBDIVISION
PLAT BOOK 12, PAGES 101-128
LEE COUNTY, FLORIDA

CERTIFIED TO THE FOLLOWING ONLY:
KOOGLER HOMES

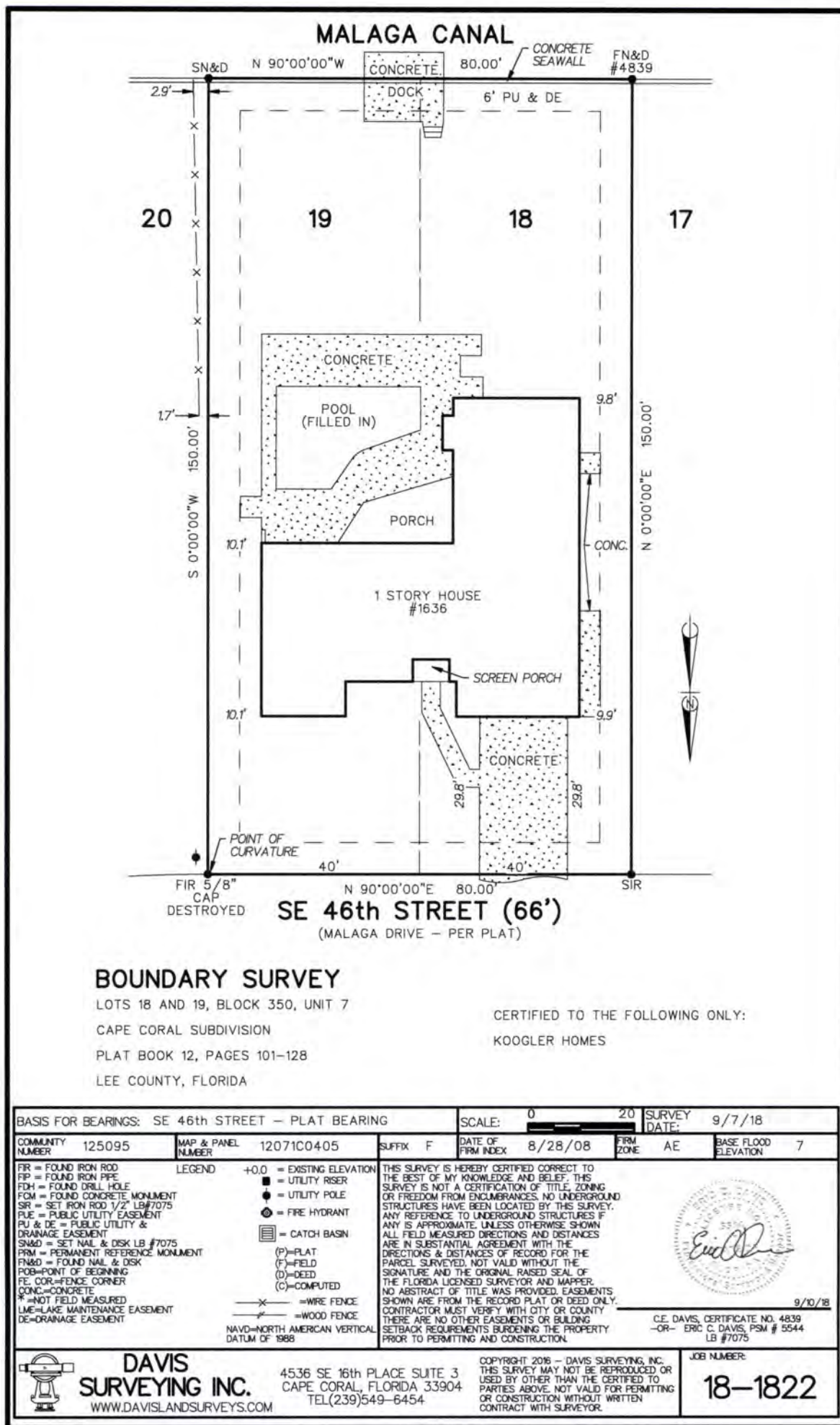
BASIS FOR BEARINGS: SE 46th STREET - PLAT BEARING				SCALE: 0 20	SURVEY DATE: 9/7/18
COMMUNITY NUMBER 125095	MAP & PANEL NUMBER 12071C0405	SUFFIX F	DATE OF FIRM INDEX 8/28/08	FIRM ZONE AE	BASE FLOOD ELEVATION 7
LEGEND FIR = FOUND IRON ROD FIP = FOUND IRON PIPE FDH = FOUND DRILL HOLE FCM = FOUND CONCRETE MONUMENT SIR = SET IRON ROD 1/2" LB#7075 PUE = PUBLIC UTILITY EASEMENT PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT SRND = SET NAIL & DISK LB #7075 PRM = PERMANENT REFERENCE MONUMENT FN&D = FOUND NAIL & DISK POB=POINT OF BEGINNING FE, COR=FENCE CORNER CONC=CONCRETE * =NOT FIELD MEASURED LME=LAKE MAINTENANCE EASEMENT DE=DRAINAGE EASEMENT		+0.0 = EXISTING ELEVATION ■ = UTILITY RISER ● = UTILITY POLE ⊙ = FIRE HYDRANT ⊞ = CATCH BASIN (P)=PLAT (F)=FIELD (D)=DEED (C)=COMPUTED —X— = WIRE FENCE —#— = WOOD FENCE NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988	THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES. NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE, UNLESS OTHERWISE SHOWN. ALL FIELD MEASURED DIRECTIONS AND DISTANCES ARE IN SUBSTANTIAL AGREEMENT WITH THE DIRECTIONS & DISTANCES OF RECORD FOR THE PARCEL SURVEYED. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. NO ABSTRACT OF TITLE WAS PROVIDED. EASEMENTS SHOWN ARE FROM THE RECORD PLAT OR DEED ONLY. CONTRACTOR MUST VERIFY WITH CITY OR COUNTY THERE ARE NO OTHER EASEMENTS OR BUILDING SETBACK REQUIREMENTS BURDENING THE PROPERTY PRIOR TO PERMITTING AND CONSTRUCTION.		
				 C.E. DAVIS, CERTIFICATE NO. 4839 —OR— ERIC C. DAVIS, FSM # 5544 LB #7075 9/10/18	

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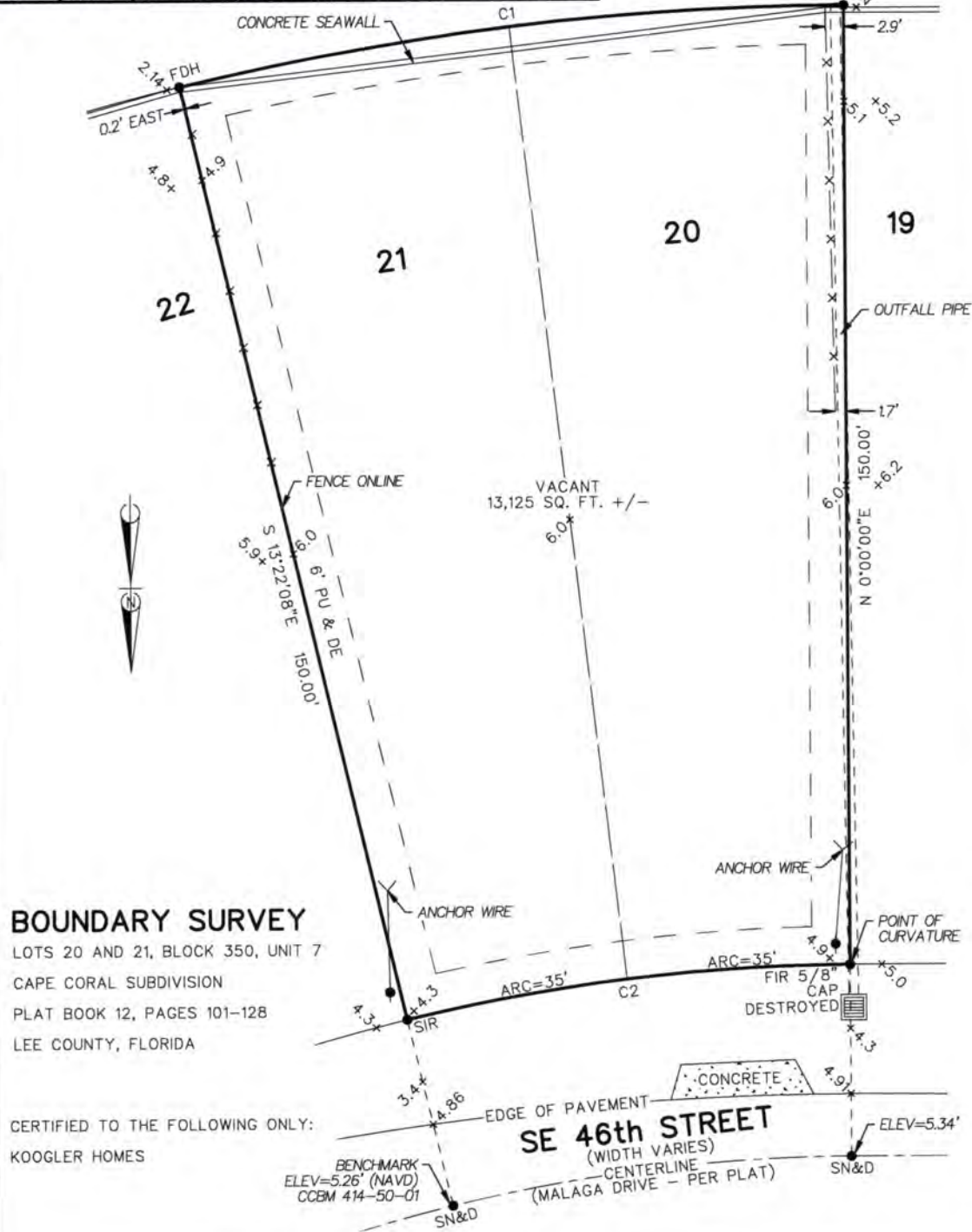
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JOB NUMBER:
18-1821



CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	105.00'	13°22'08"	104.76'	S 83°18'56"W	450.00'	52.74'
C2	70.00'	13°22'08"	69.84'	N 83°18'56"E	300.00'	35.16'

MALAGA CANAL



BASIS FOR BEARINGS: SE 46th STREET - PLAT BEARING				SCALE: 0 20	SURVEY DATE: 9/7/18
COMMUNITY NUMBER 125095	MAP & PANEL NUMBER 12071C0405	SUFFIX F	DATE OF FIRM INDEX 8/28/08	FIRM ZONE AE	BASE FLOOD ELEVATION 7
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		9/10/18 C.E. DAVIS, CERTIFICATE NO. 4839 —OR— ERIC C. DAVIS, PSM # 5544 LB #7075		JOB NUMBER: 18-1823	



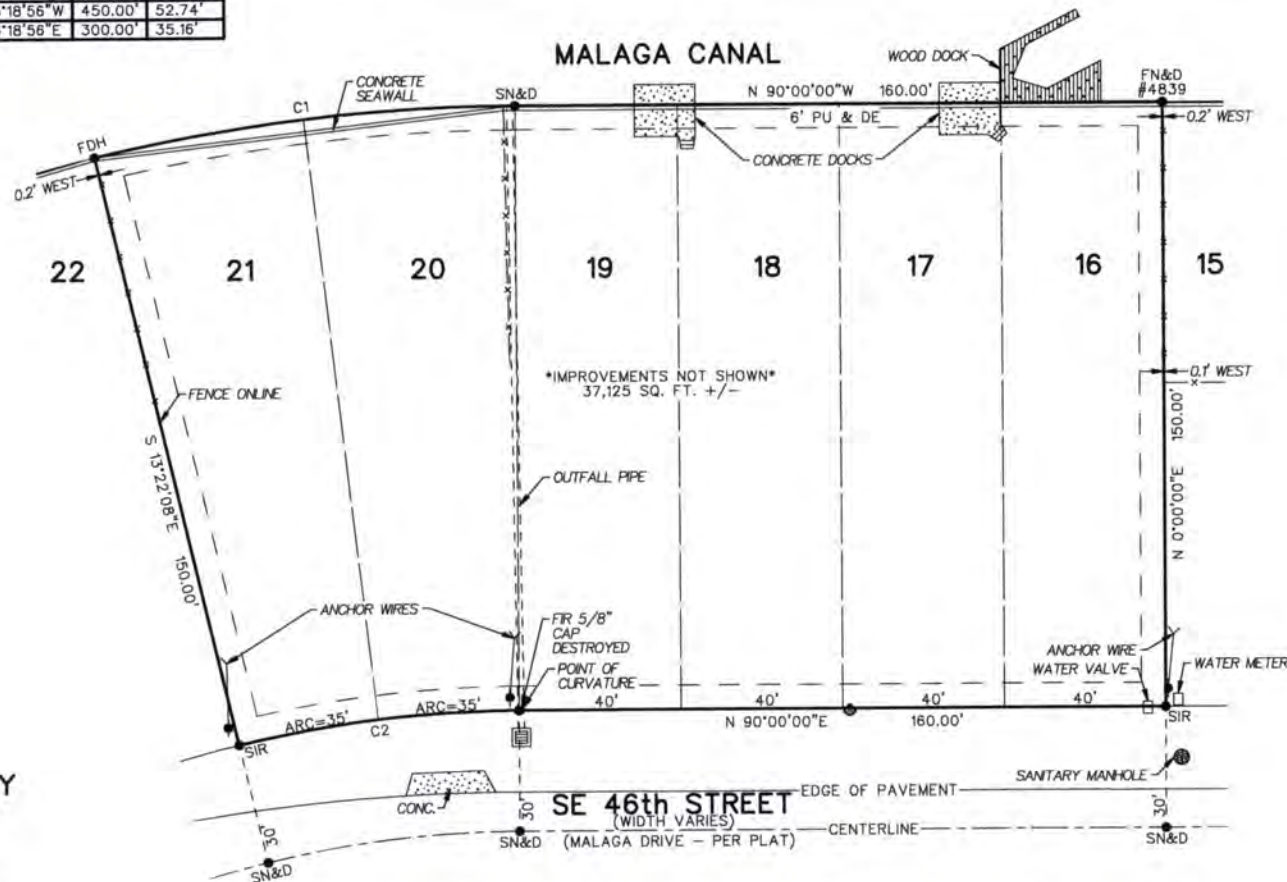
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18-1823

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	105.00'	13°22'08"	104.76'	S 83°18'56"W	450.00'	52.74'
C2	70.00'	13°22'08"	69.84'	N 83°18'56"E	300.00'	35.16'



BOUNDARY SURVEY

LOTS 16-21, BLOCK 350, UNIT 7
CAPE CORAL SUBDIVISION
PLAT BOOK 12, PAGES 101-128
LEE COUNTY, FLORIDA

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JOB NUMBER

18-1823

LU18-0005 Legal Description

Lots 16 through 21, Block 350, Unit 7, CAPE CORAL SUBDIVISION, according to the plat thereof, as recorded in Plat Book 12, Page(s) 101 to 128, inclusive, in the Public Records of Lee County, Florida.

PLANNING DIVISION STAFF REPORT
LU18-0005

SITE ADDRESS 1632 SE 46 th Street 1636 SE 46 th Street 1640 SE 46 th Street	APPLICANTS/PROPERTY OWNERS Wayne and Garnet Bratberg DABIDA, LLC
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SUMMARY OF REQUEST The applicant proposes a Future Land Use Map Amendment for a 36,462 sq. ft. site that consists of three parcels in the southeastern portion of the City. The applicant seeks an amendment from the Single-Family Residential (SF) designation to the Multi-Family Residential (MF) designation.	
--	--

MAP SOURCE

STAFF RECOMMENDATION: Approval

Positive Aspects of Application:	Adds multi-family land at appropriate location. Nearby existing multi-family development. Site is within CRA.
Negative Aspects of Application:	Site is within Coastal High Hazard Area and would increase density.
Mitigating Factors:	The development will require mitigation with Lee County prior to construction.

Site Information

Urban Service Area: The site is in the Urban Service Infill Area. Utilities are available for all three parcels.

City Water and Sewer: The site is connected to City water, sewer, and irrigation.

Street Access: The site has road frontage on SE 46th Terrace, a local road. The nearest major road is Del Prado Boulevard, which is 600 feet to the west.

STRAP Number: 1632 SE 46th Street – 08-45-24-C4-00350.0160
1636 SE 46th Street – 08-45-24-C4-00350.0180
1640 SE 46th Street – 08-45-24-C4-00350.0200

Block/Lot(s): Unit 7 -Block 350 – Lots 16-21

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
Current:	Single-Family Residential (SF)	Single-Family Residential (R-1B)
Proposed:	Multi-Family Residential (MF)	N/A

Surrounding Areas	Future Land Use	Zoning
North:	MF and SF	Multi-Family Residential (R-3) and R-1B
South:	MF	R-3
East:	SF	R-1B
West:	MF	R-3

Background

The 36,462 sq. ft. (0.83 acre) site is in the southeastern quadrant of the City and consists of three parcels; two parcels are developed with single-family homes and the other parcel is undeveloped. The site has frontage and access from SE 46th Street, a local street. Municipal utilities are available to the site. Surrounding development is duplexes and commercial buildings to the north, single-family homes to the east, and multi-family buildings to the south and west.

The site's future land use and zoning designations have been in place since 1989 and the adoption of the Comprehensive Plan. The site is also within the South Cape Community Redevelopment Area (CRA). Properties to the north, west, and south are also within the CRA boundary. The CRA is an area for potential redevelopment through the use of Tax Increment Financing (TIF).

The applicant states in their "Letter of Intent" that the owners intend to construct multi-family residences on the site. A rezone to Multi-Family Residential (R-3) would be required to make the site consistent with the proposed MF future land use designation. The maximum number of units allowed for the site would be 13, however, the applicant states they would seek to build eight units.

Additional Site Information

Protected Species

The applicant has not submitted an Environmental Species Survey, however, the applicant will be required to submit the survey prior to any development of the site. Should protected species be identified on the site 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."

Soils and Drainage

The site has one soil classification; Matlacha Gravelly Fine Sand. This soil has limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil type should not present an obstacle to future land development although special feasibility studies may be required.

Comprehensive Plan Analysis

Staff reviewed the Comprehensive Plan for policy guidance and identified the following policies:

Chapter 2 – Coastal and Conservation Management

*Objective 4.3, Policy 4.3.3 – "The City shall not approve any future land use map amendment that would increase the maximum residential density within the coastal high-hazard area, unless **one** of the following criteria is met, in accordance*

with Section 163.3178(9), F.S.” The standards are below:

- 1) The proposed amendment would not exceed a 16-hour out-of-county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale; or
- 2) A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available;
- 3) Appropriate mitigation is provided that will satisfy the provisions of either of the previous two paragraphs. Appropriate mitigation shall include; without limitations, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. For future land use map amendments initiated by a developer, the City and developer shall enter into a binding agreement to memorialize the mitigation plan prior to adoption of the amendment.”

Response: According to City GIS records, the site is within the Coastal High Hazard Area (CHHA). The proposed amendment would allow development that would exceed a 16-hour out-county hurricane evacuation and the 12-hour evacuation time to shelter. The applicant has not proposed shelter space as part of the future land use amendment.

Since the applicant cannot meet standards 1 or 2 of Objective 4.3, Policy 4.3.3, the applicant will be required to meet standard 3, which allows mitigation for the exceedance of evacuation times. The applicant will be required to provide appropriate mitigation that is secured through a binding agreement with the City of Cape Coral. This mitigation agreement must be reviewed and approved prior to the adoption of the future land use map amendment by the City Council.

Chapter 4, Future Land Use Element:

Policy 1.15. B: Multi-Family Residential

Not more than 16 units per acre. (Exception: The City may permit as many as 20 units per acre as an incentive for the assembly of large parcels.) The development of multi-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8 below.

Response: The MF future land use designation has a maximum density of 16 acre and the maximum number of units that could be developed on this site is 13 units. The property is located in the Urban Services Infill area, therefore, the property would not be subject to Policies 7.7 or 7.8.

Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhoods.

Response: The site is between several commercial developments to the northwest and a single-family neighborhood to the east. There is an existing multi-family development to the west, however, a small multi-family development could provide an additional buffer between the commercial development the single-family homes.

Chapter 3, Housing Element:

Policy 1.2: Maintain criteria for implementation of the City’s Land Use and Development Regulations, pursuant to

S.163.3202, F.S., for activities such as zero lot line development, townhouse development, and transfer of development rights to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable densities and intensities.

The City's residential housing stock is predominately single-family residential development. The proposed amendment has the potential of adding additional multi-family residential dwelling units to the City's housing stock.

Additional Analysis

The proposed amendment is located on property that is located at the intersection of two local streets. The surrounding area consists of properties with a MF future land use designation to the east, a canal to the north and west, and properties with SF future land use designation to the south. The proposed amendment will be consistent with the existing development by extending the multi-family development that exists in the neighborhood. The site is less than an acre and potential development will not provide a substantial number of vehicle trips. The future land use map amendment is also consistent with one of the goals of the CRA Master Plan which is to increase multi-family housing near commercial development. The property has access to City utilities such as water, sewer, and irrigation.

Regional Plan Analysis

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):

Goal 2 – "Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities."

Response - This goal addresses a need for locating new housing in infill areas where services are already in place which helps local governments to reduce the strain on their resources and promote cost effective use of their services.

Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan:

The site is along a local street and is not discussed in the 2040 Long Range Transportation Plan.

Cape Coral Economic Development Plan

The proposed amendment is supported by the City Economic Development Master Plan (EMDP). The site is not designated as an "Area of Economic Opportunity" per the EDMP. The amendment to Multi-Family Residential (MF) would be supported by Initiative 6, Objective 2, Strategy 2.1 which is to "Increase the amount of multi-family residential dwelling units" in the City. The amendment could potentially add a small number of multi-family dwelling. The addition of the multi-family dwelling units is also supported by a needs analysis¹ that was conducted which determined that the City needs 1,450 multi-family units per year for the next 5 years to keep up with demand.

Analysis Summary

The amendment would allow for an eastward extension of multi-family along SE 46th Street. Additional multi-family units are nearby to the north and the south. The amendment and potential development should be compatible with the

¹ Need for Multi-Family Rental Apartments

surrounding residential area. The site is less than one acre and additional traffic should be minimal. Furthermore, new trips would not be travelling through existing single-family neighborhoods to reach the site. Future buildings heights should be comparable to the nearby single-family homes².

Impact Assessment Summary

The following calculations summarize approximate conditions for each municipal service analyzed. 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 site's future land use classification is Single Family Residential (SF) and is zoned Single-Family Residential (R-1B). The maximum density permitted under the Single Family Residential future land use classification is 4.4 dwelling units per acre. The site is 36,462 sq. ft. (0.83 acre) and the site would permit three single-family homes. The maximum density permitted by the Multi-Family Residential (MF) future land use classification is 16 dwelling units per acre and the site would permit 13 multi-family units.

Dwelling Units

Existing:	3
Proposed:	13
Net Change:	+10

Population*

Existing:	8
Proposed:	33
Net Change:	+25

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

Non-Residential Square Footage

Existing:	0 sq. ft.
Proposed:	0 sq. ft.
Net Change:	No change

Water Use

Existing:	<u>600 gal/day total</u> (3 dwelling units x 200 gal/day)
Proposed:	<u>2,600 gal/day total</u> (13 dwelling units x 200 gal/day)
Net Change:	+2,000 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD

² Assuming a future rezone to R-3

Avg. Daily Usage: 9.4 MGD

Sewage

Existing: 600 gal/day total (3 dwelling units x 200 gal/day)
Proposed: 2,600 gal/day total (13 dwelling units x 200 gal/day)
Net Change: +2,000 gal/day
Facility Capacity: 28.4 MGD
Avg. Daily Usage: 12.8 MGD

Solid Waste

Existing Generation: 38 lbs. total/day (8 persons x 4.74 lbs/person/day)
Proposed: 156 lbs. total/day (33 persons x 4.74 lbs/person/day)
Net Change: +118 lbs/day
Facility Capacity: 1,836 tons/day
Existing Demand: 1,384 tons/day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 2 AM and 3 PM peak trips/hour
Proposed: 6 AM and 8 PM peak trips/hour
Net Change: +4 AM and 5 PM peak trips/hour
Facility Capacity: Site is served by a local street. All local streets have facility capacity available.
Capacity Available: Yes

Hurricane Evacuation

The subject area is in Evacuation Zone A. This amendment would result in an increase of dwelling units. This would have a slightly negative effect on the evacuation times for the surrounding road network.

Park Lands

The levels of service standard (LOS) for parkland and facilities is based on permanent population. Based on potential development of 13 dwelling units and 33 residents, additional park land would be needed for regional, neighborhood, community and specialty parks.

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 measures may be required by the developer to proceed.

School Impacts

There will be an increase in dwelling units based upon the requested future land use designation. The Lee County School estimates that the amendment will generate 1 additional school student. The school district has indicated that there is sufficient school capacity.

Recommendation:

Planning Division staff finds that the proposed Future Land Use amendment is consistent with several policies of the City's Comprehensive Plan and is compatible with the surrounding neighborhood and therefore recommends **approval** of the proposed small-scale future land use map amendment request.

Planning Staff Contact Information

Chad Boyko, AICP, Principal Planner

239-573-3162/cboyko@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: LU18-0005

ORDINANCE 1 – 19: AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL (SF) TO MULTI-FAMILY RESIDENTIAL (MF) LAND USE FOR PROPERTY DESCRIBED AS LOTS 16 THROUGH 21, BLOCK 350, UNIT 7, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1632-1640 SE 46TH STREET; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

LOCATION: 1632 SE 46th Street
1636 SE 46th Street
1640 SE 46th Street

CAPE CORAL STAFF CONTACT: Chad Boyko, Principal Planner, 239-573-3162, cboyko@capecoral.net

PROPERTY OWNER(S): Wayne and Garnet Bratberg, DABIDA, LLC

AUTHORIZED REPRESENTATIVE: Greg Stuart

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Local Planning Agency will hold a public hearing at 9:00 A.M. on Wednesday, January 9th, 2019 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL. This case will also be heard before the Cape Coral City Council on Monday, February 4th, 2019 at 4:30 P.M.

All interested parties are invited to appear and be heard. All materials presented before the Local Planning Agency will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Local Planning Agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



NOTICE OF CHANGE OF LAND USE

The City of Cape Coral proposes to adopt ORDINANCE 1-19, AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY RESIDENTIAL (SF) TO MULTI-FAMILY RESIDENTIAL (MF) LAND USE FOR PROPERTY DESCRIBED AS LOTS 16 THROUGH 21, BLOCK 350, UNIT 7, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1632-1640 SE 46TH STREET; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

A public hearing on the ordinance will be held Wednesday, January 9, 2019 at 9:00 a.m. at the City of Cape Coral, City Hall Chambers, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. At this public hearing, the Planning and Zoning Commission will consider the City's future land use map amendment request. Accordingly, members of the general public and real property owners in the community are invited to appear and speak at the public hearing. Written comments filed with the Director will also be entered into the record. A copy of the map and the proposed amendment under consideration will be available for inspection and will be provided to the public at cost at the City Clerk's office between 7:30 a.m. and 4:30 p.m., Monday through Friday excluding holidays. Any person who decides to appeal any decision made by the City Council at that meeting will need a record of proceedings, and that subject person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk no later than 4:00 p.m. on the day prior to the meeting.



NP-0000967202

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: CITY OF CAPE CORAL_DEPT
SALES PERSON: Janet Cobb
PUBLICATION: NP-DAILY
SIZE: 3 col X 9.25 in
PROOF CREATED AT: 12/21/2018 3:39 PM
PROOF DUE: -
NEXT RUN DATE: 12/30/18

NP-0000967202.INDD

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Dabida, LLC

APPLICATION NO: LU18-0005


STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Richard Carr, having first been duly sworn according to law, state on my oath the following:

That I am the Acting Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

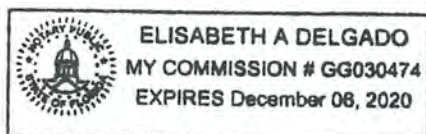
DATED this 31ST day of December, 2018.


Richard Carr

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 31st day of December, 2018, by Richard Carr, who is personally known to me and who did not take an oath.

Exp. Date 12/1/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public

LU18-0005 Legal Description

Lots 16 through 21, Block 350, Unit 7, CAPE CORAL SUBDIVISION, according to the plat thereof, as recorded in Plat Book 12, Page(s) 101 to 128, inclusive, in the Public Records of Lee County, Florida.



MARLBORO CANAL

SUBJECT PARCELS

SE 46TH ST


MALAGA CANAL

SE 46TH LN

SE 47TH ST

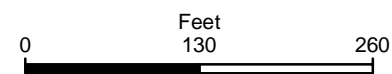
CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. LU18-0005

 Subject Parcels



OCTOBER 25TH, 2018




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 occur. Please contact the Department of Community Development with any questions regarding this map product.

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. LU18-0005

LEGEND

 500' Proximity Boundary

 Subject Parcels

Zoning

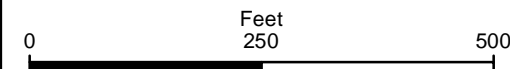
 R-1B

 R-3

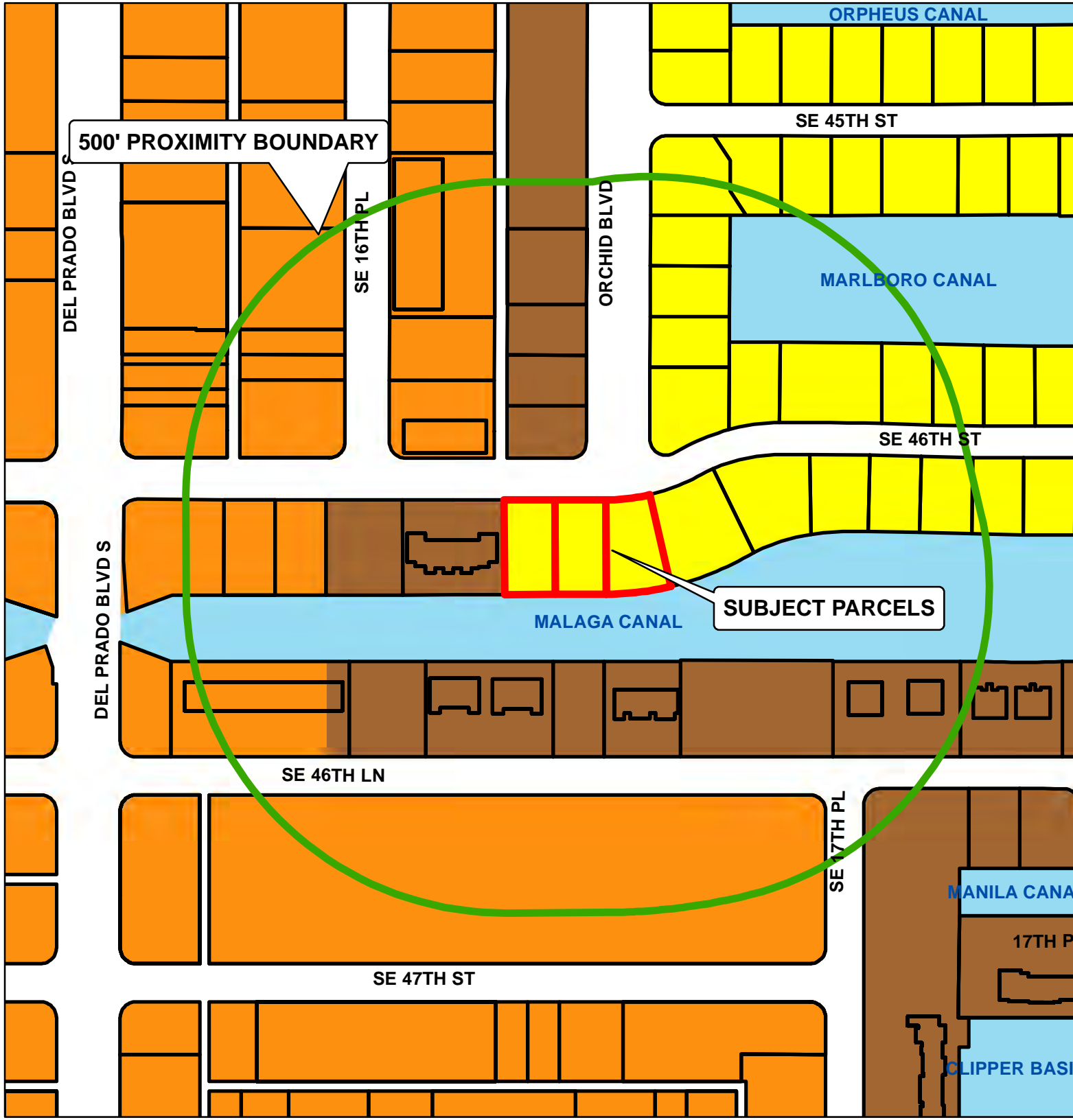
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OCTOBER 25TH, 2018



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division




CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. LU18-0005

LEGEND

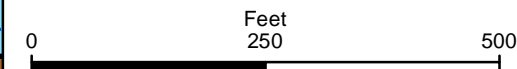
-  Subject Parcels
-  500' Proximity Boundary

Future Land Use

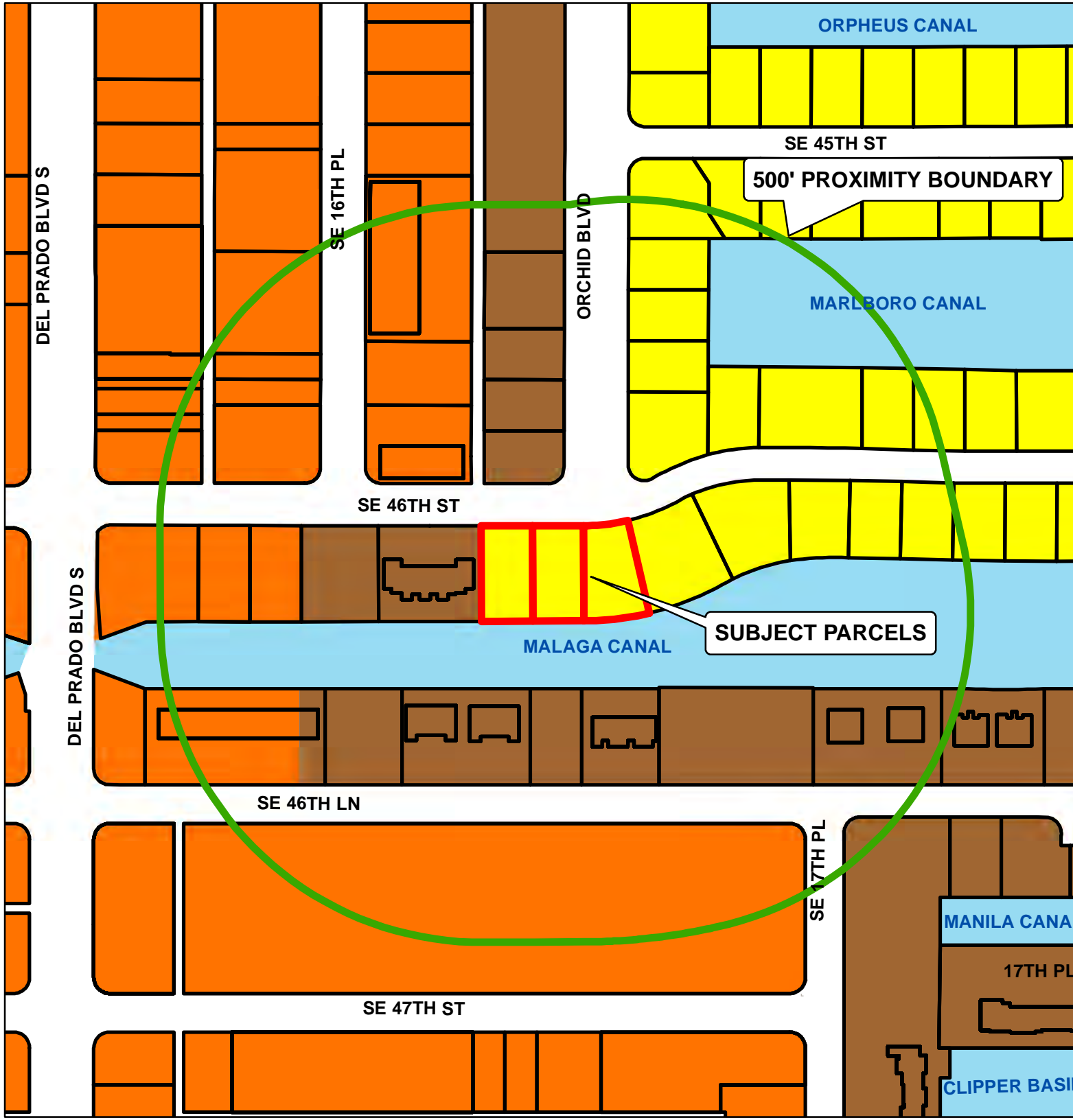
-  SF
-  MF
-  DM



OCTOBER 25TH, 2018



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division




PROPOSED FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. LU18-0005

LEGEND

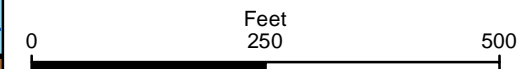
-  Subject Parcels
-  500' Proximity Boundary

Future Land Use

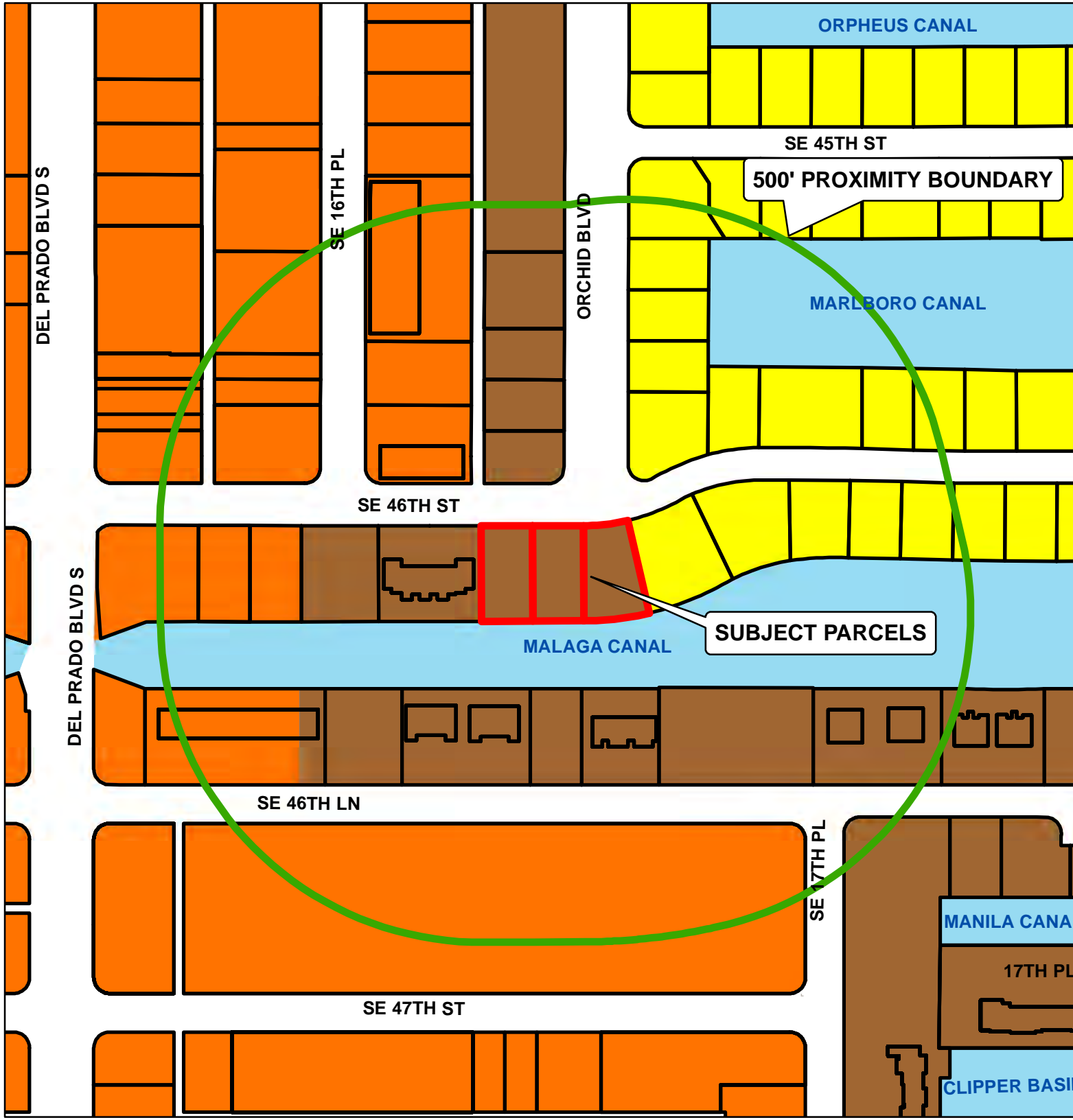
-  SF
-  MF
-  DM



OCTOBER 25TH, 2018



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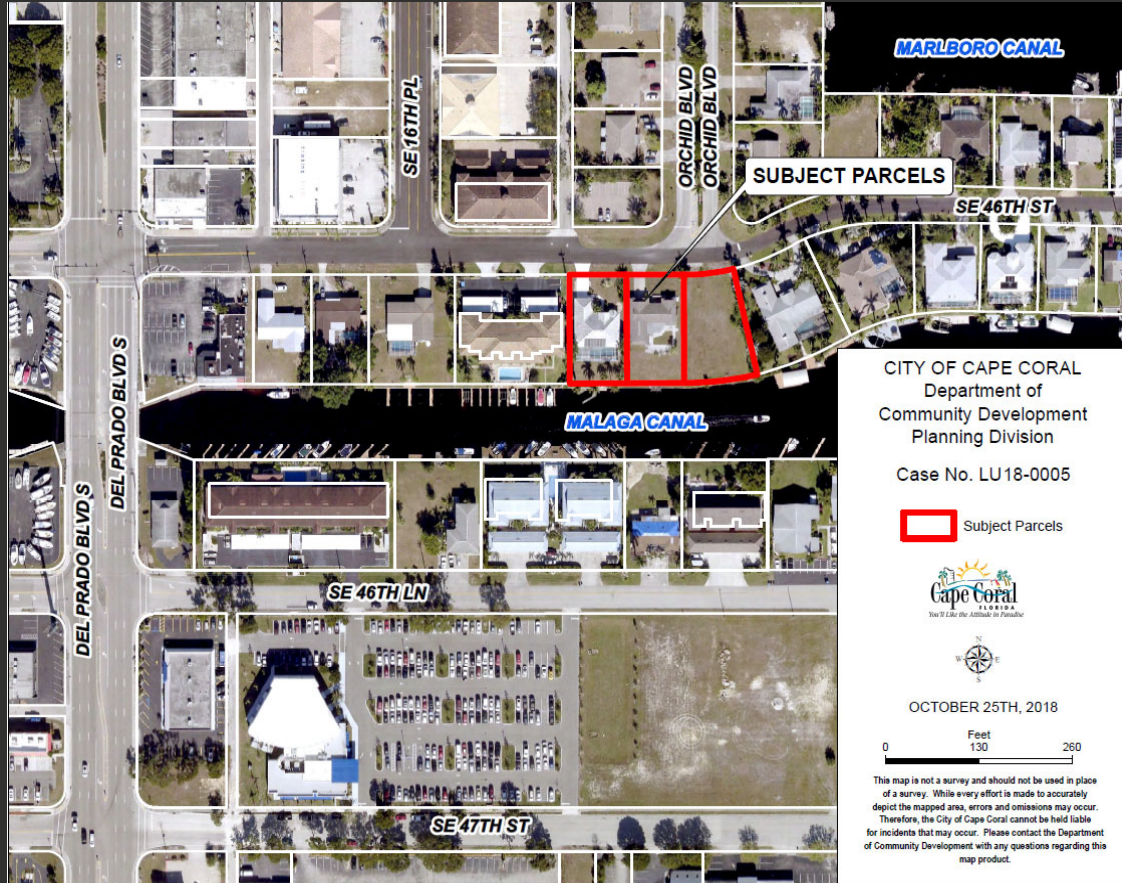
Ordinance 1-19 LU18-0005

Cape Coral City Council

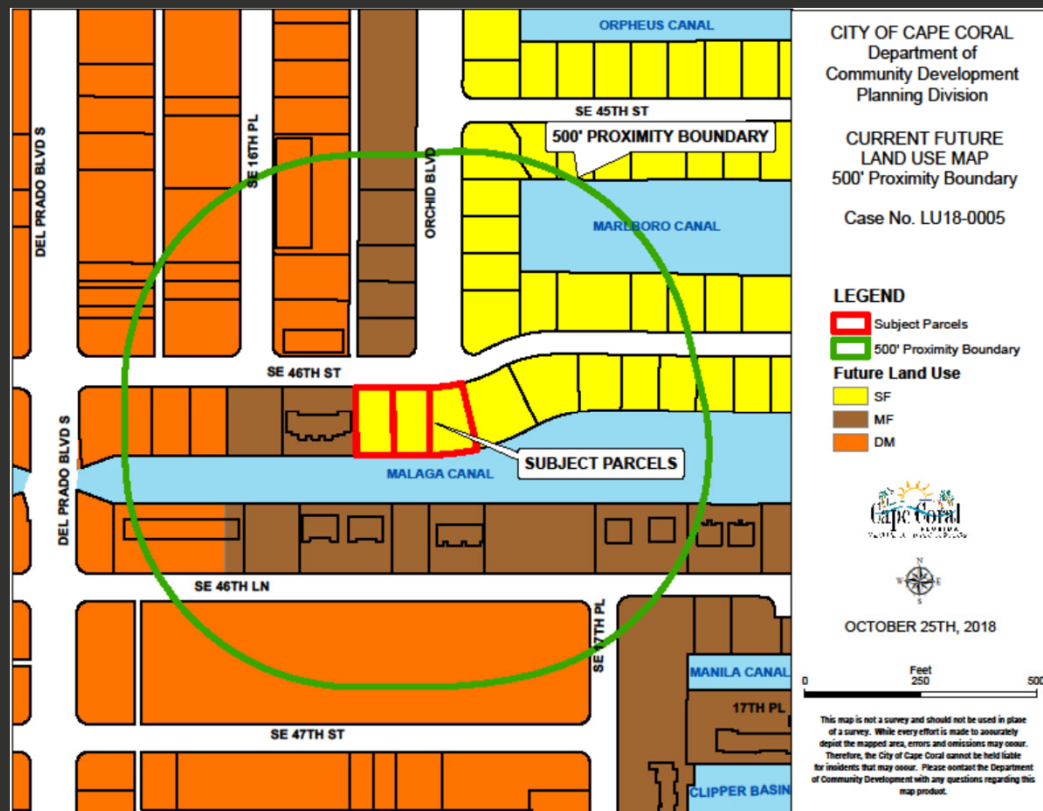
Ordinance 1-19

- **Applicants: Wayne and Garnet Bratberg / DABIDA, LLC**
- **Location: Lots 16-21 in Block 350 / East of Del Prado Boulevard and north of Cape Coral Parkway**
- **Area: 36,462 sq. ft.**
- **Urban Services: Infill**
- **Request: A Future Land Use Map amendment from Single-Family Residential (SF) to Multi-Family Residential (MF)**

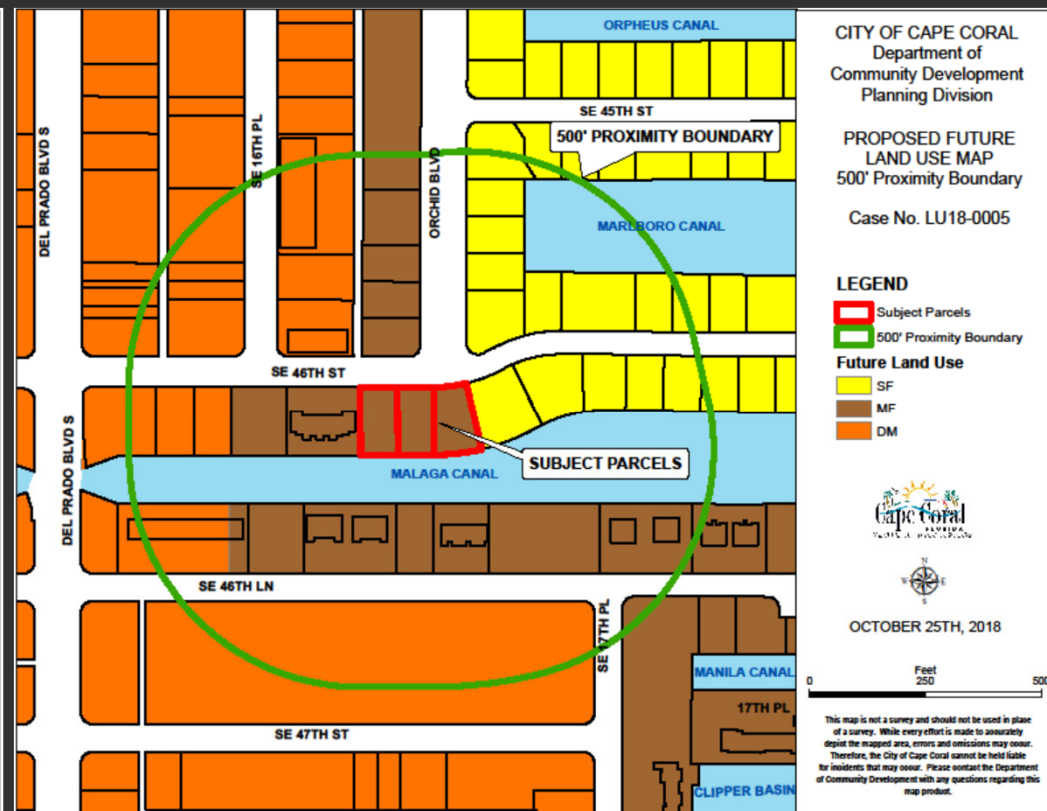
Ordinance 1-19



Existing FLU



Proposed FLU



Findings of Fact

- Site is 3 parcels and just under 1 acre in size (36,462 sq. ft.).
- 2 parcels are developed with single-family homes.
- Utilities are available to the site.
- Site is within CRA – eastern boundary.
- FLU has been SF since 1989.
- Maximum dwelling units would be 13 pending future rezone to Multi-Family Residential (R-3).

Analysis

- Planning staff reviewed the amendment with following Comp Plan policies
- Chapter 2 – Coastal and Conservation Management Element
 - The site is within the Coastal High Hazard Area and the amendment would increase density. The applicant has not proposed sheltering, therefore, the applicant will need to provide mitigation prior to adoption of the future land use map amendment.
- Chapter 4 – Future Land Use Element Policy 1.15.B
 - Max density would be 13 units. Not considered an assembly of large lands and is not in Urban Service Reserve area.

Analysis

- **Chapter 4 – Future Land Use Element Policy 8.5**
 - The site is between or near both single-family homes and commercial development. Multi-family development would provide buffer between 2 uses.
- **Chapter 3 – Housing Element**
 - Amendment would add additional multi-family housing stock which is an identified need in Cape Coral.
- **Economic Development Master Plan**
 - Amendment is supported by EDMP, Initiative 6, Objective 2.1 which is increasing multi-family housing units in Cape Coral.

Summary and Recommendation

- The amendment is consistent with several policies of the Comprehensive Plan and the Economic Development Master Plan.
- Planning staff recommends approval of amendment to Multi-Family Residential.
- The Local Planning Agency recommended by a vote of 5-2 to approved Ordinance 1-19.

Item Number:	B.(2)
Meeting Date:	2/11/2019
Item Type:	ORDINANCES/RESOLUTIONS - Introductions

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

REMOVED AT THE REQUEST OF CITY MANAGEMENT: Ordinance 8-19 Set Public Hearing Date for March 4, 2019

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

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

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

The Code of Ordinances sets for regulations for travel expenses and auto allowances in Chapter 2, Article IV. Previously the code provided that a travel policy would be set forth in a resolution and incorporated in an administrative regulation. The City is now providing the same foundation for the policy in the Code of Ordinances and providing that the travel policy will be set forth in an administrative regulation. This ordinance repeals the prior resolution that adopted a travel policy.

Certain provisions are being updated, mainly to conform to the new procedures necessary after the implementation of the Concur software program used by the Finance department for submittal, approval, tracking, and reimbursement of travel.

LEGAL REVIEW:

EXHIBITS:

Ordinance 8-19

PREPARED BY:

City

Division- Department-

Attorney

SOURCE OF ADDITIONAL INFORMATION:

Victoria Bateman, Financial Services Director

Michelle Hoffman, ITS Director

ATTACHMENTS:

Description	Type
▫ Ordinance 8-19	Ordinance

ORDINANCE 8 - 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCE, CHAPTER 2, ADMINISTRATION, ARTICLE IV, TRAVEL EXPENSES AND AUTO ALLOWANCES, TO UPDATE PROVISIONS FOR REIMBURSEMENT FOR TRAVEL WHEN ON CITY BUSINESS, TO PROVIDE FOR ESTABLISHING A TRAVEL POLICY AS AN ADMINISTRATIVE REGULATION RATHER THAN BY RESOLUTION, AND REPEALING RESOLUTION 22-05 WHICH SET FORTH THE TRAVEL POLICY PREVIOUSLY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article IV, Travel Expenses and Auto Allowances, is hereby amended as follows:

ARTICLE IV: - TRAVEL EXPENSES AND AUTO ALLOWANCES

Section § 2-43 - Intent.

The intent of this article is to provide the opportunity for city employees to enhance their job-related skills and capabilities by financing reasonable costs associated with professional development as well as expenses incurred in connection with official business.

§ 2-44 - Purpose.

The purpose of this article is to establish uniform rates and methods of calculations governing the reimbursement of travel and related expenditures ~~and for the proper application for cash advances and/or the use of city credit cards.~~

§ 2-45 - Applicability.

The provisions of this article shall be applicable to all individuals employed by the City of Cape Coral.

§ 2-46 - Definitions.

As used in this article, the following words or terms shall have the meanings indicated.

CITY-OWNED VEHICLE . Transportation provided by a vehicle owned or leased by the City of Cape Coral in lieu of common carrier or privately owned vehicle.

COMMON CARRIER . A person or company that provides long distance transportation provided by bus, train or commercial airline or other transportation method for a fee. Example: from Cape Coral to New York.

COMMUNICATIONS . ~~Long distance~~ Telephone, telegraph, faxes and internet charges incurred for official business use.

COMMUTER SERVICE . Local transportation provided bus, limousine, taxicab, subway, rental car, ferry, tram, or other commuter service. Example: from the airport to the hotel.

~~***CONFERENCE*** . A congregation (usually annually) of members of a group or association with a common purpose (e.g., similar careers or responsibilities).~~

MILEAGE ALLOWANCE . The fixed rate provided for by the Internal Revenue Code, as amended from time to time, per mile for use of privately owned vehicle.

MISCELLANEOUS TIPS . Gratuitous payment to individuals for services such as baggage handling and valet parking.

OFFICIAL BUSINESS . Business performed on behalf of and/or for the benefit of the City of Cape Coral by an employee, Council member or contract employee of the City of Cape Coral.

PER DIEM . The allowance for lodging (~~excluding taxes~~), meals and related incidental expenses as set forth by the United States General Services Administration.

PRIVATELY OWNED VEHICLE . Transportation provided by the employee's personal vehicle in lieu of common carrier or city ~~owned~~ vehicle.

PROFESSIONAL DEVELOPMENT . Conferences, seminars, training courses, workshops or any organized event for the purpose of enhancing job-related skills and capabilities.

~~**RENTAL CAR** . Transportation provided by a rental agency.~~

~~**SEMINAR** . An advanced course often featuring informality and discussion.~~

~~**TRAINING PROGRAM** . A session designed to instruct or guide an employee in the development and/or enhancement of a skill or proficiencies that have generally recognized benefits to the city.~~

TRAVELER . A public officer, public employee or authorized person, when performing authorized travel.

~~**TRAVEL EXPENSE, TRAVELING EXPENSES, NECESSARY EXPENSES WHILE TRAVELING, ACTUAL EXPENSES WHILE TRAVELING OR WORDS OF SIMILAR NATURE** . The usual, ordinary and incidental expenditures necessarily incurred by a traveler.~~

~~**WORKSHOP** . A brief intensive educational program for a relatively small group of people that emphasizes participation in problem solving.~~

§ 2-47 - Travel expenses.

- (a) All travel related expenditures must be pre-approved by the employee's department director; or, for the department directors or employees in the City Manager's Office, by the City Manager; or for employees in the City Auditor's Office, by the City Auditor; for employees in the City Attorney's office, by the City Attorney; or for employees in the City Council Office, by the Mayor or Councilmember designated to perform managerial duties. Authorization shall be granted only for those requests that are beneficial to the City and the employee's professional development, as well as expenses incurred in connection with conducting city business. City employees who have received authorization may request reimbursement pursuant to this Article and any adopted policy or Administrative Regulation consistent with this Article.
- (b) For purposes of reimbursement, the rates and methods of calculations are subject to the following:
 - ~~(b)1.~~ 1. The traveler shall select the method of calculating reimbursement, in writing, or through such other method as the City may designate, prior to the travel. The traveler shall receive reimbursement based upon either of the following:
 - ~~(1)A.~~ A. The per diem dollar amount authorized by the United States General Services Administration, as amended from time to time, for lodging, meals and related incidentals; or
 - ~~(2)B.~~ B. The amounts permitted by the United States General Services Administration, as amended from time to time, for meals plus the following expenses, if applicable: actual expenses for lodging at a single occupancy rate; common carrier expenses; mileage allowance; rental car expense; commuter service; parking, garage and toll charges; registration fee and course materials; communications; and miscellaneous tips to be substantiated by bills paid therefore. and

related incidentals plus actual expenses for lodging at a single occupancy rate.

2. The traveler shall also be eligible for the following expenses, if applicable: common carrier expenses; mileage allowance; rental car expense; commuter service expense; parking, and toll charges; registration fees and course materials; communications; miscellaneous tips and any other City reimbursable expenses.

§ 2-48 - Automobile allowances.

At the City Manager's discretion, he or she shall be authorized to establish a fixed monthly automobile allowance for Directors of each of the administrative departments established pursuant to § 2-1.2 of the City of Cape Coral code of ordinances for use of a privately-owned vehicle on official business. The funds shall be allocated in the annual budget approved by City Council.

§ 2-49 - Travel by privately-owned vehicle.

- (a) Whenever practical, the use of a city ~~owned~~ vehicle or common carrier is preferred for official travel rather than use of a privately owned vehicle.
- (b) ~~Whenever payment of mileage for the use of a privately owned vehicle is pre-approved, travel is by privately owned vehicle, the traveler shall be entitled to a mileage allowance at the fixed rate provided for by the Internal Revenue code, as amended from time to time, for travel to and from approved destination, and for reasonable travel at approved destination.~~
- (c) ~~This reimbursement does not apply~~ For travel within Lee County, mileage reimbursement will not be paid to employees ~~travelers receiving a monthly auto allowance, or for expenditures related to the operation, maintenance and ownership of a vehicle when privately owned vehicles are used on public business and reimbursement is made pursuant to this section.~~ For travel outside of Lee County, travelers who receive a monthly auto allowance may have the option of using a city owned vehicle or using their privately owned vehicle and receiving reimbursement as described in Section 2-49(b) so long as the travel is in connection with official city business.
- (d) ~~However, for travel outside of Lee County, employees who receive a monthly auto allowance may have the option of using a city owned vehicle or receiving reimbursement as described herein so long as the travel is in connection with official city business. Prior to travel, travelers that have an assigned city vehicle must get approval of the Department Director to use any privately owned vehicle for travel for official business. Also prior to travel, the Director must either deny the use of a privately owned vehicle for travel, approve the reimbursement of mileage to the employee for the use of a privately owned vehicle pursuant to Section 2-49(b), or approve the use of a privately owned vehicle, but deny any reimbursement for mileage. In no event shall the traveler receive reimbursement for travel not related to city business.~~

§ 2-50 - Non-reimbursable expenses.

Employees shall not be reimbursed from city funds for any personal items, alcoholic beverages, entertainment or any expenses incurred by guests or members of the employee's family.

§ 2-51 - Travel policy.

~~A travel policy shall be adopted by resolution and incorporated in the city's administrative regulations in its entirety. The City shall establish a comprehensive travel policy as an Administrative Regulation in accordance with this Article.~~

SECTION 2. Resolution 22-05, adopted by City Council on May 31, 2005, which established a travel policy pursuant to Section 2-51 of the Code of Ordinances, is hereby repealed.

SECTION 3. 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 4. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
ord/Travel Policy
1/31/19

Item Number:	10.A.
Meeting Date:	2/11/2019
Item Type:	UNFINISHED BUSINESS

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Water Quality - Update

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Water Quality Memo

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
☐ Water Quality Memo	Backup Material

MEMORANDUM

CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager

FROM: Paul Clinghan, Public Works Director *PRC*
Michael Ilczyszyn, Senior Public Works Manager *MI*
Maya Robert, Environmental Resources Manager *MR*

DATE: February 8, 2019

SUBJECT: Lake Okeechobee Level and Release Information

As of Friday, February 8, 2019, the elevation of Lake Okeechobee has risen to 12.73 ft, compared to 12.67 ft a week ago. While the outflows measured at the Franklin Lock & Dam (S-79) were 114 cfs on Friday; the weekly average outflows were over 1,000 cfs and followed the new pulse release schedule from the US Army Corps of Engineers (USACOE). As a result, the salinities in the Caloosahatchee estuary have been maintained in a sustainable range for oysters and tape grass.

This past week, Blue Green Algae has not been observed in the estuary. Streaks of the algae were locally observed immediately upstream and downstream of S-79. While no bloom was observed, two samples were sent to the Department of Environmental Protection for toxin analysis.

Red Tide has not been observed in Lee County this past week.

Attached is a map showing drainage basins of the Lake Okeechobee and the current Lake's inflows and outflows from the USACOE.

PC/MI:mr (Weekly Lake Okeechobee Level and Release Information)
Attachment; Lake Okeechobee drainage basins, Caloosahatchee River Locks map, USACOE inflows and outflows report

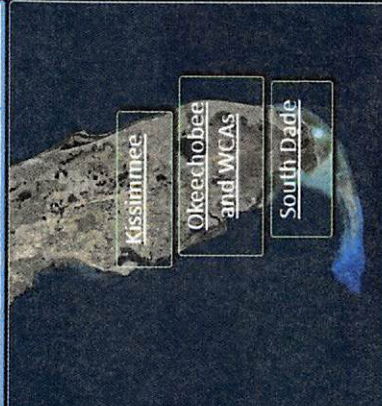
Lake Okeechobee and WCAs

Average Daily Conditions as of:
08 February 2019, 0000 hrs

Lake Okeechobee Stage: 12.73 ft
Previous day: 12.72 ft
One week ago: 12.67 ft

Total Structure/Creek Inflows: 1978 cfs
Total Structure Outflow: 2128 cfs

Area	Stages	Schedule
WCA-1	Site 1-8C: 16.77 ft 3-Station: 16.58 ft	16.76 ft
WCA-2A	Site 2-17: 12.57 ft S-118 HW: 12.12 ft	11.00 ft
WCA-3A	9.57 ft	10.25 ft



[Water Management Main Page](#)

[Status Update Archives](#)

Elevations are ft-NGVD.

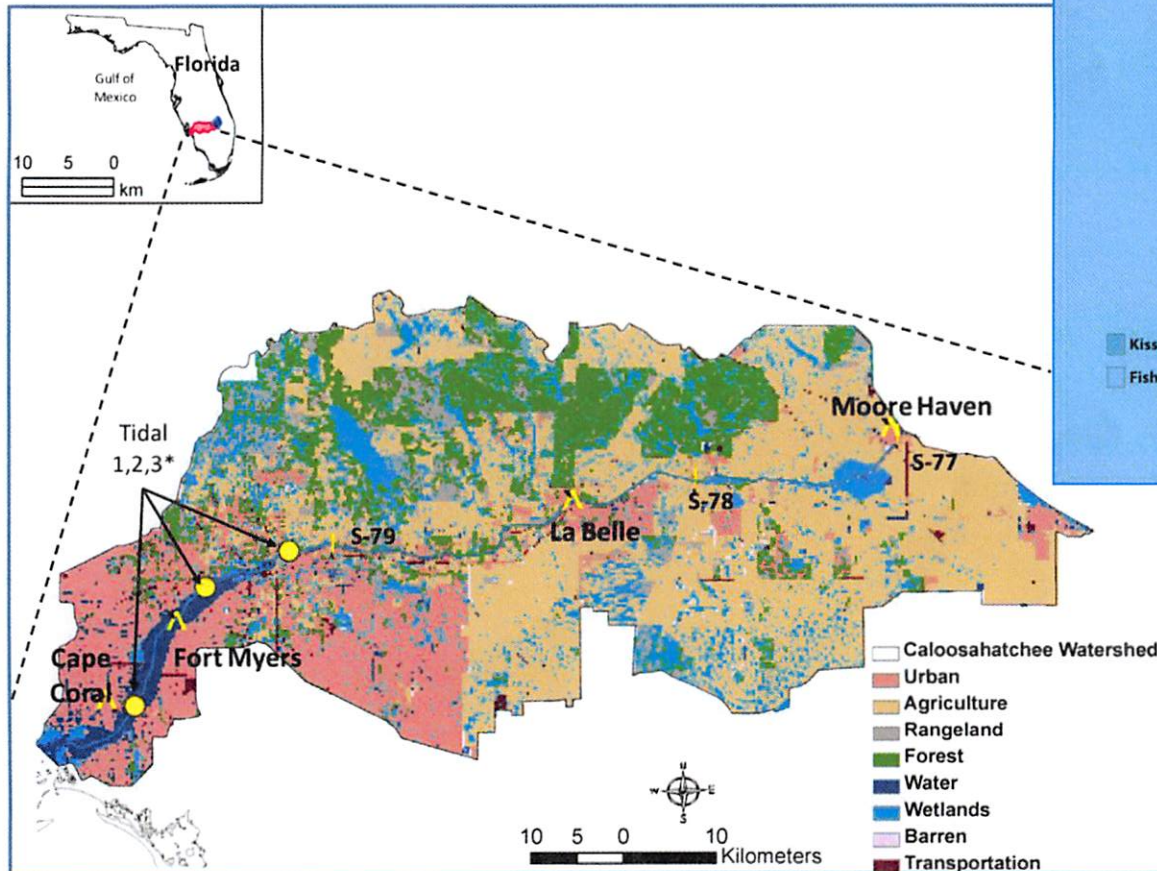
Flows are average daily CFS.

Data is provisional & subject to revision.

Report generated: 08 FEB 2019 @ 08:10



U.S. Army Corps of Engineers



Item Number:	10.C.
Meeting Date:	2/11/2019
Item Type:	UNFINISHED BUSINESS

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Hiring Council Office Assistant - Councilmember Cosden

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

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

2. Is this a Strategic Decision? No

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

PT Division- Department- Council
Offices

SOURCE OF ADDITIONAL INFORMATION:

Council Offices