

## **Cape Coral Planning & Zoning Commission**



### **AGENDA**

Wednesday, February 5, 2020

9:00 AM

Council Chambers

#### **1. CALL TO ORDER**

A. Chair Read

#### **2. MOMENT OF SILENCE**

#### **3. PLEDGE OF ALLEGIANCE**

#### **4. ROLL CALL**

A. Bennie, Marker, Marmo, Peterson, Ranfranz, Read, Slapper and Alternates Bashaw and O'Conner

#### **5. APPROVAL OF MINUTES**

A. January 8, 2020 regular meeting Minutes

#### **6. BUSINESS**

A. Applicant Interviews - 2 Members and 2 Alternates

#### **7. PLANNING AND ZONING COMMISSION PUBLIC HEARING**

A. Ordinance 8-20 (LU 19-0002)

##### **WHAT THE ORDINANCE ACCOMPLISHES:**

**An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial (a Lee County designation) to Pine Island Road District (PIRD) land use for property lying in Section 4, Township 44 South, Range 23 East, Lee County, Florida; property located at 1570 Orchid Road, 2500 NE Pine Island**

Road, 2560 NE Pine Island Road. (Applicant: Harry Lowell, Trustee) (9.21 acres)

**8. CITIZENS INPUT**

**9. STAFF UPDATES**

**10. OTHER BUSINESS**

**11. MEMBER COMMENTS**

**12. DATE AND TIME OF NEXT MEETING**

- A. ADDENDUM; SPECIAL MEETING TO BE HELD ON WEDNESDAY FEBRUARY 19, 2020 AT 9:00A.M. IN COUNCIL CHAMBERS: NEXT MONTH WILL BE THE REGULAR MEETING ON Wednesday, March 4, 2020, at 9:00 a.m. in Council Chambers

**13. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

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

<b>Item Number:</b>	<b>5.A.</b>
<b>Meeting Date:</b>	<b>2/5/2020</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

January 8, 2020 regular meeting Minutes

**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 Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ January 8, 2020 regular meeting Minutes	Backup Material

**MINUTES OF THE REGULAR MEETING OF  
THE CITY OF CAPE CORAL  
PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY**

**WEDNESDAY, January 8, 2020**

**COUNCIL CHAMBERS**

**9:00 A.M.**

Chair Read called the meeting to order at 9:00 a.m.

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Marker, Marmo, Ranfranz, Read, Slapper, and Alternates Bashaw and O'Connor were present. Peterson was absent, and Bennie arrived at 9:01 a.m.

ALSO PRESENT: Brian Bartos, Assistant City Attorney  
John Naclerio, Assistant City Attorney  
Chad Boyko, Principal Planner

**APPROVAL OF MINUTES**

December 4, 2019 Regular Meeting Minutes

***Commissioner Slapper moved, seconded by Commissioner O'Connor to approve, the minutes for the regular meeting held on December 4, 2019.  
(Discussion held to amend minutes as presented)***

***Commission polled as follows: Bennie, Marker, Marmo, Ranfranz, Read, and Slapper voted "aye." All "ayes." Motion carried 6-0.***

**BUSINESS**

**ORDINANCE 2 – 20**

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Pine Island Road District (PIRD) to Single-Family Residential (SF) land use for property described as Lots 1-52, Block 3682 and Lots 1-55, Block 3685, all in Unit 50, Cape Coral Subdivision; property located on SW 19th Avenue and SW 18th Court, North of Pine Island Road and south of SW 4th Street. (Applicant: City of Cape Coral) (13.75 acres)

Assistant City Attorney Bartos read the title of the Ordinance.



Principal Planner Boyko presented a power point with the following:

- Ordinance 2-20 (LU 19-0004)
- Current Future Land Use/Proposed Future Land Use
- Current Zoning -Single Family Residential (R-1) Aerial Zoning
- Existing FLU/Proposed FLU
- Findings of Fact
- Analysis: Comprehensive Plan Chapter 4, Policy 1.13
- Analysis: Comprehensive Plan Chapter 4, Policy 1.14
- Analysis: Economic Development Master Plan
- Recommendation approval
- Correspondence None

Public hearing opened.

Ed Ramos noted that he agreed with staff, and he recommended the rezone.

Public hearing closed.

Commissioner Bashaw expressed his concern about where this property was located, he noted that the Bunches name had been on the mailing list. He questioned whether this was to be of concern.

Mr. Boyko noted that he was not sure about the location of the property.

Assistant City Attorney Bartos explained that this property is not owned by the Bunches and he noted where their property was located.

Chair Read expressed concern about this property constantly changing the zoning. He questioned whether the property located nearby had an access point.

Mr. Boyko noted that the access was not considered an issue when this was done. We do not see common ownership at this location. The only access area would be near the lake. Staff mailed a notice to all the nearby property owners, and the current owners of the location.

Chair Read questioned whether there was going to be a buffer for the residential.

Mr. Boyko noted staff would review whether there is a need for a buffer before any construction is done.

Commissioner Bennie expressed his concern about the density.

***Commissioner Marmo moved, seconded by Commissioner Ranfranz for Transmittal of Ordinance 2-20 as presented.***

***Commission polled as follows: Bennie, Marker, Marmo, Ranfranz, Slapper, and O'Connor voted "Aye", "Read voted "Nay". Motion carried 6-1.***

*Public input opened.*

*No speakers.*

*Public input closed.*

**Staff update**

**None**

**Member comments**

**None**

**DATE AND TIME OF NEXT MEETING**

Regular meeting scheduled for Wednesday February 5, 2020 at 9:00 a.m. in Council Chambers.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:28 a.m.

Submitted by,

Patricia Sorrels  
Recording Secretary

**Item Number: 6.A.**  
**Meeting Date: 2/5/2020**  
**Item Type: BUSINESS**

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Applicant Interviews - 2 Members and 2 Alternates

**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 Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

Vacancies: 2 Members and 2 Alternates

Expiration: 2 Regular Members term expire on 2/28/2020. The new expiration date for Regular Members will be 2/20/2023. The 2 Alternate Member vacancies expire on 2/28/2020. The new expiration date for the Alternates will be 2/28/2021.

5 Applications: John Bashaw current alternate, William Gilbert, Keith Long, Robert O' Connor current alternate, and Tab Orbaker.

Action Item #1- Appoint 2 Regular Members

1. John Bashaw
2. William Gilbert
3. Robert O' Connor
4. Keith Long
5. Tab Orbaker.

Action Item #2 - Appoint 2 Alternate Members

1. William Gilbert
2. Robert O' Connor
3. Keith Long
4. Tab Orbaker

Advertisement: These vacancies were advertised in the Breeze on 12/10/19, 1/20/2020, and the City's website and Facebook page.

**LEGAL REVIEW:**

## EXHIBITS:

Applicant: John Bashaw current alternate

Applicant: William Gilbert

Applicant: Keith Long

Applicant: Robert O'Connor current alternate

Applicant: Tab Orbaker

# Board Sheet

**PREPARED BY:**

Patricia Sorrels                      Division-                      Department-                      City Clerk's  
Department

**SOURCE OF ADDITIONAL INFORMATION:**

Patricia Sorrels Recording Secretary 239-574-0415

ATTACHMENTS:

Description	Type
Applicant - John Bashaw	Backup Material
Applicant - William Gilbert	Backup Material
Applicant - Keith Long	Backup Material
Applicant - Robert O'Connor	Backup Material
Applicant - Tab Orbaker	Backup Material
Board Sheet	Backup Material

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

JAN 22 2020

Initials: JRM

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.

CITY CLERK'S OFFICE

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: 12/8/19

Name: BASHAW JOHN R  
(Last) (First) (Middle)

E-mail address: LIN174DEN@GMAIL.COM

Address: (H) 4106 NW 11 TER C.C. Zip Code 33993  
(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (O) \_\_\_\_\_ (C) (920) 449-2000

Occupation: RETIRED

Employer: \_\_\_\_\_ Position: \_\_\_\_\_ How Long: \_\_\_\_\_

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>LAKELAND UNIVERSITY</u>	<u>6-1988</u>	<u>BA-BUSINESS</u>

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:

PLANNING AND ZONING1. 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?

PLANNING & ZONING 20194. Have you ever served on a City Board(s)? Yes ✓ No \_\_\_\_\_

If yes, which Board(s) and when?

PLANNING & ZONING 20195. Are you currently serving on a Board, Authority, or Commission for another governmental agency?Yes \_\_\_\_\_ No ✓ If yes, what Board, etc. and since when?

RECEIVED

CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

Initials:

JAN 14 2020

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CITY OF CAPE CORAL  
CITY CLERK'S OFFICE

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Please Type, if possible (or print clearly)

Date: 1/9/20

Name: GILBERT W. WILLIAM J  
(Last) (First) (Middle)

E-mail address: WILLIAM1824@COMCAST.NET

Address: (H) 1826 SW 17TH PLACE Zip Code 33991  
(O) Zip Code

Phone: (H) 239-220-7537 (O) (C) SAME

Occupation: PROPERTY MANAGER

Employer: SIX LAKES COUNTRY CLUB Position: GENERAL MGR How Long: 8 mo.

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
INDIANA UN. VRSITY, FORT WAYNE, IN		N/A

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
COMMUNITY MANAGER	3/2012	DBPR.

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

PLANNING & ZONING

- Are you a U.S. Citizen? Yes ☒ No ☐
- Are you a Cape Coral Resident? Yes ☒ No ☐
- Are you currently serving on a City Board(s)? Yes ☒ No ☐

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

NUISANCE ABATEMENT BOARD 11/2018

- Have you ever served on a City Board(s)? Yes ☐ No ☐

If yes, which Board(s) and when?

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

Yes ☒ No ☐ If yes, what Board, etc. and since when?

LOB COUNTY - DISTRICT ADVISORY 2 YEARS



Work Experience:

PROPERTY MANAGEMENT  
VP FOOD/RESTAURANT  
HOTEL

Community Involvement:

LEE COUNTY DISTRICT  
CAPE CORAL NOISE ABATEMENT

Interests/Activities:

FAMILY

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

HELP THE DEVELOPMENT OF CAPE CORAL

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

1/9/20

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

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_

**CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM**

JAN 24 2020

Initials: KL

**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: 01/23/20

Name: LONG KEITH E  
(Last) (First) (Middle)

E-mail address: KEITH@LONGLAWFL.COM

Address: (H) 2417 LAKE KISMET TER Zip Code 33993  
(O) 2122 VICTORIA AVE., STE B, FORT MYERS Zip Code 33901

Phone: (H) \_\_\_\_\_ (O) (239) 400-2060 (C) (239) 728-9955

Occupation: ATTORNEY

Employer: LONG LAW, P.A. Position: PRESIDENT How Long: 09/22/15

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
UNIVERSITY OF MIAMI SCHOOL OF LAW	08/2013-05/2015	JURIS DOCTORATE
FLORIDA GULF COAST UNIVERSITY	09/2010-05/2012	B.A. - POLITICAL SCIENCE

Have you ever held a professional or business license or certificate? Yes X No \_\_\_\_\_

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

License/Certificate Title	Issue Date	Issuing Authority
ATTORNEY/LAW OFFICE.	09/2015	CITY OF CAPE CORAL
ATTORNEY/LAW OFFICE	11/2016-PRESENT	CITY OF FORT MYERS

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

PLANNING AND ZONING COMMISSION

1. Are you a U.S. Citizen? Yes X No \_\_\_\_\_

2. Are you a Cape Coral Resident? Yes X No \_\_\_\_\_

3. Are you currently serving on a City Board(s)? Yes \_\_\_\_\_ No X

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

4. Have you ever served on a City Board(s)? Yes \_\_\_\_\_ No X

If yes, which Board(s) and when?

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

Yes \_\_\_\_\_ No X If yes, what Board, etc. and since when?



Work Experience:

SEE ATTACHED

Community Involvement:

CAPE CORAL PARKS AND RECREATION - YOUTH BASKETBALL COACH - 2009-2011

LEE COUNTY BAR ASSOCIATION - 2016 - PRESENT

Interests/Activities:

ENJOYING THE OUTDOORS WITH MY FAMILY. GOLF.

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

THE OPPORTUNITY TO SERVE THE PUBLIC AND GIVE BACK TO MY LIFE-LONG COMMUNITY.

MY UNIQUE PROFESSIONAL EXPERIENCES IN LAND USE MATTERS THROUGHOUT FLORIDA ARE

COMPATIBLE WITH THE COMMISSION AND WILL PROVIDE VALUABLE INSIGHT.

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

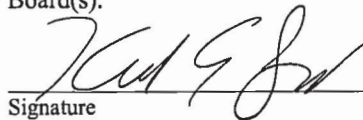
**A resume or separate sheet with additional information may be included.**

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

  
Signature

1-24-2020

Date

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**

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_

# Keith E. Long

2122 Victoria Ave., Ste B. • Fort Myers, FL 33901  
Phone: 239.400.2060 • E-Mail: keith@longlawfl.com

## Education

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**University of Miami School of Law**, Coral Gables, FL **May 2015**  
*Juris Doctorate*

**Florida Gulf Coast University**, Fort Myers, FL **May 2012**  
*Bachelor of Arts*  
Concentration: Political Science

## Experience

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**Long Law, P.A.**, Fort Myers, FL **September 2015 – Present**  
Principal Attorney

Specialized legal practice in the areas of Alcoholic Beverage and Land Use Law. Representing hundreds of clients throughout the state of Florida in matters regarding alcoholic beverage licensure and regulation, as well as Land Use matters pertaining to the wet-zoning of parcels for consumption of alcohol on premise. In many cases, this has required an extensive understanding of how municipal land development codes and comprehensive plans are drafted and applied—in addition to an appreciation for the complexities and variations therein.

**Kaba Law Group, PLLC**, Doral, FL **January 2014 – May 2015**  
Law Clerk

Provided support to Managing Member regarding a variety of civil litigation matters in general practice matters, including real property law, title work and administrative cases.

**Permitting Specialist of Food And Beverage Inc**, Cape Coral, FL **June 2008-August 2012**  
Licensing Specialist

Provided support on behalf of alcoholic beverage establishments throughout Lee County to obtain proper permits and licensure for the sale and service of alcoholic beverages and food for various categories of establishments. In nearly every case, zoning approval was required by Lee County Community Development, leading to a fundamental understanding of the Lee County Land Development Codes and Comprehensive Plan.

Work Experience:

U.S. ARMY 198-1982  
Herald Bread Dist. 1982-1987  
Fedex Corp 1986-2015

Community Involvement:

Youth Coach For the City of Cape Coral  
in Football, Baseball & Basketball 1995-2005

Interests/Activities:

Reading  
Golfing  
Travel

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

To give back to the city I've resided in  
since 1974. Civic Duty

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.**

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

  
Signature

12-4-19  
Date

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

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_



CITY OF CAPE CORAL  
APPOINTMENT INFORMATION FORM

JAN 13 2020

Initials:

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Please Type, if possible (or print clearly)

Date: 01/10/2020

Name: ORBAKER TAB D  
(Last) (First) (Middle)

E-mail address: TabOrb56@yahoo.com

Address: (H) 2001 NW 7TH AVE Zip Code 33993  
(O) \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: (H) 585-354-0997 (O) \_\_\_\_\_ (C) \_\_\_\_\_Occupation: RETIRED MECHANICAL ENGINEEREmployer: JAVLYN INC Position: VP of ENG How Long: 1992-2018

Education: Highest education level achieved and institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>Rochester INST of Technology</u>	<u>1977-1980</u>	<u>BSME</u>

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

Yes \_\_\_\_\_ No X

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:

PLANNING & ZONING1. Are you a U.S. Citizen? Yes X No \_\_\_\_\_2. Are you a Cape Coral Resident? Yes X No \_\_\_\_\_3. Are you currently serving on a City Board(s)? Yes \_\_\_\_\_ No X

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

4. Have you ever served on a City Board(s)? Yes X No \_\_\_\_\_

If yes, which Board(s) and when?

PLANNING BOARD, ONTARIO, NY (2015-2018)5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?Yes \_\_\_\_\_ No X If yes, what Board, etc. and since when?

Work Experience:

SPENT NEARLY 40 YEARS DESIGNING & BUILDING  
INDUSTRIAL PLANTS, MAINLY FOR FOOD & BEVERAGE  
PRODUCTION

Community Involvement:

THIS WOULD BE THE START. IT TOOK US ABOUT TWO  
YEARS TO GET OUR HOUSE REMODELED. SO NOW I HAVE  
TONS OF FREETIME.

Interests/Activities:

GOLF  
HANDY MAN STUFF (CARPENTRY, MASONRY, ELECTRICAL)

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

I HAVE DONE A SIMILAR ACTIVITY IN THE PAST. I  
DISCOVERED MY ENGINEERING BACKGROUND WAS VERY APPLICABLE.  
AND I ENJOY DISCUSSING PLANS & SPECS WITH OTHERS.

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

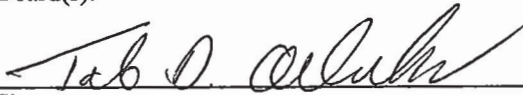
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I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

  
Signature

01/10/2020  
Date

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

FOR OFFICIAL USE ONLY

Interviewed: Date: \_\_\_\_\_

Yes ☐ No ☐

Council Action: Date: \_\_\_\_\_

**PLANNING & ZONING COMMISSION**

<b>BOARD INFO</b>	<b>MEMBERS</b>	<b>PHONE NUMBER</b>	<b>INITIAL APPOINT</b>	<b>LAST</b>	<b>TERM</b>
<p>Established by Ordinance 4-72  Alternate Positions Established  By Ordinance 56-99, 48-01, 67-01  and 173-06.  Seven Members  Two Alternates  Quorum - 4 Members  Regular Members - Three year terms  Alternate Members - One year terms  Terms effective March 1st</p> <p>Qualifications:  All members shall be citizens of the  United States and residents of the  City of Cape Coral.</p> <p>Financial Disclosure required: Yes</p> <p>Reviews all changes in Land Use  and Land Use and Development  Regulations and provide recommendations  to City Council concerning land use  matters.</p> <p>Meeting: 1st Wednesday of every month  Liaison: Council Member Rick Williams  rwilliam@capecoral.net</p> <p><b>Board Secretary:</b>  Patricia Sorrels 239 574-4415  psorrels@capecoral.net</p>	<b>Daniel D. Read, CHAIR</b> 112 SW 59th Terrace Cape Coral, FL 33914 <a href="mailto:landbrokers@comcast.net">landbrokers@comcast.net</a>	542-0002 (W) 225-3182 ( C )	3/1/2002 (alt.) 8/4/2003 (reg.)	2/22/2016 2/28/2019 3/4/2019	2/28/2022
	<b>James Ranfranz</b> 4929 SW 17th Ave Cape Coral, FL 33914 <a href="mailto:elscientifico@yahoo.com">elscientifico@yahoo.com</a>	542-0194 (h) 699-5762 (c)	10/18/2004 (alt) 10/23/2006 (reg.)	2/22/2016 2/28/2019 3/4/2019	2/28/2022
	<b>Ryan Peterson, VICE CHAIR</b> 527 NW 37th Avenue Cape Coral, FL 33993 <a href="mailto:rlpete119@gmail.com">rlpete119@gmail.com</a>	935-7073 (o) 904 838-7020 ( c )	2/9/2015	2/13/2017	2/28/2020
	<b>Anthony Bennie</b> 4612 SW 3RD Ave Cape Coral, FL 33914 <a href="mailto:anthony@clearconsciencepet.com">anthony@clearconsciencepet.com</a>	239-984-2711 239-984-2705	12/11/2017 (reg)	2/12/2018	2/28/2021
	<b>John Bashaw (alternate)</b> 4106 NW 11TH TER Cape Coral, FL 33993 <a href="mailto:LIN174DEN@gmail.com">LIN174DEN@gmail.com</a>	920-449-2000 ( c )	3/4/2019 (alt.)		2/28/2020 2/28/2022
	<b>Ron Marmo</b> 140 SW 12th Street Cape Coral, FL 33991 <a href="mailto:ronmarmo@juno.com">ronmarmo@juno.com</a>	612 245-9013	10/26/2015 (alt.)	2/13/17 (reg.)	2/28/2020
	<b>Jeffrey Slapper</b> 5117 York Court Cape Coral, FI 33904 <a href="mailto:Jeffery.Slapper@gmail.com">Jeffery.Slapper@gmail.com</a>	303 881-0871	5/15/2017 (alt.) 12/11/2017(reg)	2/12/2018	2/28/2021
	<b>Robert O'Connor (alternate)</b> 4015 Palmtree Blvd Cape Coral, FL 33904 <a href="mailto:bob.oconnor@svn.com">bob.oconnor@svn.com</a>	239-410-7183	5/14/2018	2/28/2019 3/4/2019	2/28/2020
	<b>Jesse Ray Marker</b> 5406 CHIQUITA BLVD S Cape Coral, FL 33914 <a href="mailto:JMarker@MiloffAubuthonRealty.com">JMarker@MiloffAubuthonRealty.com</a>	407-394-5225 ( c )	9/17/2018	2/28/2019 3/4/2019	2/28/2022

Item Number:	7.A.
Meeting Date:	2/5/2020
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**AGENDA  
REQUEST  
FORM**  
CITY OF CAPE  
CORAL



**TITLE:**

Ordinance 8-20 (LU 19-0002)

**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 Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial (a Lee County designation) to Pine Island Road District (PIRD) land use for property lying in Section 4, Township 44 South, Range 23 East, Lee County, Florida; property located at 1570 Orchid Road, 2500 NE Pine Island Road, 2560 NE Pine Island Road. (Applicant: Harry Lowell, Trustee) (9.21 acres)

**LEGAL REVIEW:**

Brian R. Bartos, Assistant City Attorney

**EXHIBITS:**

Ordinance 8-20 (LU 19-0002)

**PREPARED BY:**

Division- Department- City Attorney

**SOURCE OF ADDITIONAL INFORMATION:**

Chad Boyko, Principal Planner

ATTACHMENTS:

<b>Description</b>	<b>Type</b>
▣ Ordinance 8-20 (LU 19-0002)	Ordinance
▣ Back Up Material	Backup Material



ORDINANCE 8 - 20

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL (A LEE COUNTY DESIGNATION) TO PINE ISLAND ROAD DISTRICT (PIRD) LAND USE FOR PROPERTY LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1570 ORCHID ROAD, 2500 NE PINE ISLAND ROAD, 2560 NE PINE ISLAND ROAD; 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 HARRY LOWELL, TRUSTEE, 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 COMMERCIAL (A LEE COUNTY DESIGNATION) TO PINE ISLAND ROAD DISTRICT (PIRD)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING THAT PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) LYING SOUTH AND EAST OF PINE ISLAND ROAD, AND THAT PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) LYING SOUTH AND EAST OF PINE ISLAND ROAD, ALL LYING AND BEING IN SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION THEREOF DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2360, PAGES 162 THROUGH 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPERTY LOCATED AT: 1570 ORCHID ROAD, 2500 NE PINE ISLAND ROAD, 2560 NE PINE ISLAND ROAD

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO \_\_\_\_\_  
GUNTER \_\_\_\_\_  
CARIOSCIA \_\_\_\_\_  
STOUT \_\_\_\_\_

NELSON \_\_\_\_\_  
WELSH \_\_\_\_\_  
WILLIAMS \_\_\_\_\_  
COSDEN \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2020.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS  
ASSISTANT CITY ATTORNEY  
ord/lu19-0002



PROCEDURE LIST FOR FUTURE LAND USE AMENDMENT

1. Applicant's portion of request shall be typewritten and signature notarized.
  - a) All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent form is not required.
  - b) If there are any deed restrictions on the property, copy of the restrictions will be required.
2. Acknowledgement form must be signed and notarized.
3. The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.
4. Letter of intent stating the actual land use map amendment and the reason(s) the request is being made.
5. Certified survey done within past six (6) months MAY be required.
6. If the subject property is within 500' of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable.
7. Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be submitted and reviewed by the Department of Community Affairs (DCA) prior to final adoption by local governments. City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DCA. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DCA.) DCA then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DCA comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.
8. Comprehensive Plan Amendments are reviewed by the Local Planning and Zoning Commission/ Local Planning Agency (LPA), and City Council. LPA is an advisory body to City Council and makes recommendations on all amendments.

**Note: If any of the above information is on a sheet larger than 11 x 17, the applicant must supply seventeen (17) copies to be used for distribution.**

**In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.**

**IT IS REQUIRED THAT APPLICANT AND/OR REPRESENTATIVE ATTEND THE PLANNING AND ZONING AND CITY COUNCIL MEETINGS.**





DEPARTMENT OF COMMUNITY DEVELOPMENT  
REQUEST TO PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY AND COUNCIL  
FOR A LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

**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.**

CASE # \_\_\_\_\_

OWNER OF PROPERTY

Harry Lowell

Address: 12995 S. Cleveland Ave., Ste. PBS-34

City: Fort Myers State: FL Zip 33907

Email: hlowell42@yahoo.com

Phone: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE

Banks Engineering

Address: 10511 Six Mile Cypress Pkwy., Ste. 101

City: Fort Myers State: FL Zip 33966

Email: shewitt@bankseng.com

Phone: 239-939-5490

Unit \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_ Subdivision \_\_\_\_\_

Legal Description \_\_\_\_\_

Address of Property 2500 & 2560 NE Pine Island Rd., 1570 Orchid Rd.

Plat \_\_\_\_\_

Page \_\_\_\_\_

Current Zoning AG-2 Strap Number 04-44-24-00-00009.0000, .0020, & .0030

Current Land Use Commercial Proposed Land Use Pine Island Road District

Parcel Size: Width ±660' Depth ±607' (avg) Sq. Ft. ±401,187 Acres 9.21±

Soil Type: Wabasso Sand, Limestone Substratum

Urban Services Area: (check one) ☐ Infill

☒ Transition

☐ Reserve

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

N/A - disturbed land

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

No endangered, threatened, or species of special concern are known to be on site. Environmental

analysis will be submitted at the time of site development permitting.

Estimated Development:

Estimate total lot coverage: 30 %

Estimate total building floor area 100,300± sq. ft.

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

Estimated commercial FAR of 0.25 with retail uses for 50% of area

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.

Harry M. Lowell - Trustee  
NAME (PLEASE TYPE OR PRINT)

Harry M. Lowell - Trustee  
AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 7 day of February, 2019, by Harry M. Lowell who is personally known or produced as identification.

Exp. Date: 11/16/21 Commission Number: \_\_\_\_\_

Signature of Notary Public: Jennifer M. Sheppard

Printed name of Notary Public: Jennifer M. Sheppard





AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Banks Engineering

(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

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

UNIT

BLOCK

LOT(S)

SUBDIVISION

OR LEGAL DESCRIPTION

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

Harry M. Lowell

PROPERTY OWNER (Please Print)

Harry M. Lowell - Trustee

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & Title)

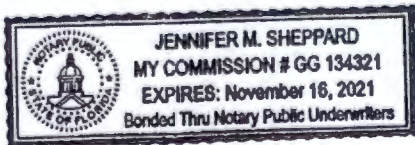
STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 7 day of February, 2019 by  
Harry M. Lowell who is personally known or produced  
as identification.

Exp. Date: 11/16/21 Commission Number: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Printed name of Notary Public: \_\_\_\_\_



Jennifer M. Sheppard  
Jennifer M. Sheppard

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

### 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 7 day of February, 20 19

Harry M. Lowell - trustee  
NAME (PLEASE TYPE OR PRINT)

Harry M. Lowell - trustee  
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 7 day of February, 20 19 by Harry M. Lowell who is personally known or produced as identification.

Exp. Date: 11/16/21 Commission Number:

Signature of Notary Public: Jennifer M. Sheppard

Printed name of Notary Public: Jennifer M. Sheppard







Professional Engineers, Planners & Land Surveyors

April 5, 2019

Mr. Vincent A. Cautero, AICP, Director  
Department of Community Development  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, Florida 33990

**RE: GENERAL LAND USE MAP AMENDMENT  
LETTER OF INTENT – ORCHID RD & NE PINE ISLAND RD  
STRAP Nos. 04-44-24-00-00009.0000, 04-44-24-00-00009.0020 & 04-44-24-00-00009.0030**

Dear Mr. Cautero:

As provided for in Section 8.7 of the City of Cape Coral Land Use and Development Regulations, and on behalf of the property owner, Harry Lowell, we respectfully request an amendment to the Future Land Use Map to include the subject 9.21 ± acre parcel located at the southeast corner of NE Pine Island Road and Orchid Road that is the subject of a concurrent annexation application. The existing Lee County future land use classification for the property is Commercial. The applicant is requesting that when the annexation is approved, the property receive a future land use classification of Pine Island Road District (PIRD). It should be noted that the applicant is also submitting a concurrent rezoning application requesting Corridor (Corr) zoning. This letter of intent is provided along with the following attachments in support of the general land use amendment application:

1. Application
2. Acknowledgement
3. Authorization to Represent
4. Traffic Projection
5. Survey
6. List and Map of Surrounding Property Owners within 500' radius

Below is a table demonstrating the existing and proposed future land use and zoning of the subject property as well as future land use and zoning of the surrounding properties.

	<i><b>Future Land Use</b></i>	<i><b>Zoning</b></i>
<i><b>Subject Property Existing</b></i>	Lee County - Commercial (Mixed Use Overlay)	Lee County - Agricultural (AG-2)
<i><b>Subject Property Proposed</b></i>	Pine Island Road District	Corridor (Corr)
	<i><b>Surrounding Future Land Use</b></i>	<i><b>Surrounding Zoning</b></i>
<i><b>North</b></i>		
<i><b>West 2/3</b></i>	Pine Island Road District	Corridor (Corr)
<i><b>East 1/3</b></i>	Pine Island Road District	Corridor (Corr) / Commerce Park Overlay (CPO)
<i><b>South</b></i>		
<i><b>West 1/2</b></i>	Lee County - Sub-Outlying Suburban	Lee County - Residential Single-Family (RS-1)
<i><b>East 1/2</b></i>	Lee County - Commercial (Mixed Use Overlay)	Lee County - Residential Single-Family (RS-1)
<i><b>East</b></i>	Lee County - Commercial (Mixed Use Overlay)	Lee County - Agricultural (AG-2)
<i><b>West</b></i>	Pine Island Road District	Corridor (Corr) / Commerce Park Overlay (CPO)

• SERVING THE STATE OF FLORIDA •



The subject property consists of three parcels under the same ownership located at the southeast corner of NE Pine Island Road and Orchid Road. All other corners of this intersection are already designated as Pine Island Road District (PIRD) future land use classification. Approval of the requested future land use change to PIRD on this site will be consistent with the adjacent properties to the north and west within the City limits. To the north of the subject property, within the City limits at the northeast corner of NE Pine Island Road and NE 24<sup>th</sup> Avenue is the Liberty Health Park development that is under construction with apartments in the rear and commercial outparcels along NE Pine Island Road. To the east of Liberty Health Park and within the City limits is an existing self-storage facility then medical offices with a bank at the northwest corner of NE Pine Island Rd and Commerce Creek Blvd. To the east of the subject property is within Lee County and is currently vacant. To the south of the subject property is within Lee County and is vacant along the eastern ½ and the western ½ is developed with a single-family residence. To the west across Orchid Rd. is vacant commercial property within the City limits. Please refer to below Figure 1 for existing surrounding future land use classifications in Lee County and Figure 2 for existing surrounding future land use classifications in the City.

**Figure 1: Existing Surrounding Future Land Use Classifications (Lee County)**

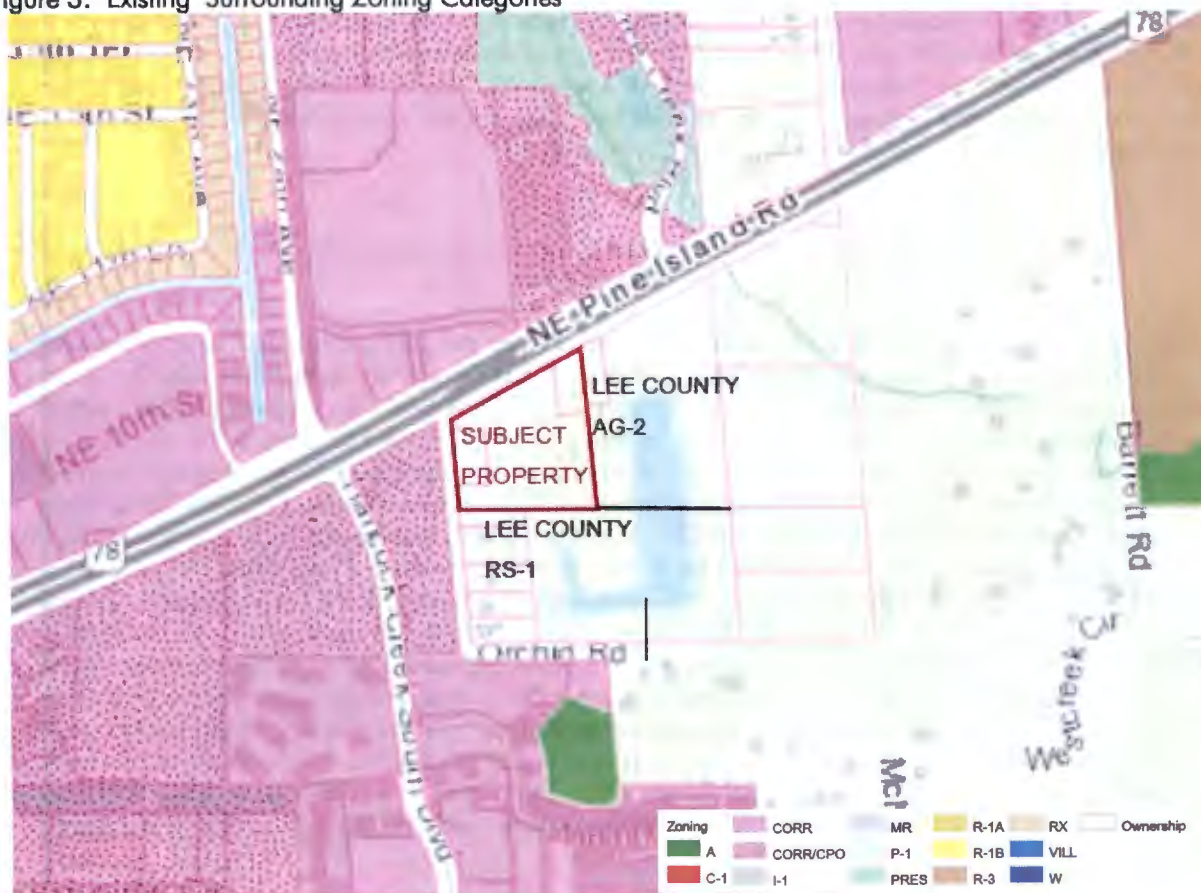




Figure 2: Existing Surrounding Future Land Use Classifications (City)



Figure 3: Existing Surrounding Zoning Categories





Please accept the following evaluation of the proposed amendment with respect to determining consistency with the City of Cape Coral's Comprehensive Plan and General Standards, as provided for in the City of Cape Coral Land Use and Development Regulations Section 8.7.3.B:

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

The value of the property will not be diminished by the proposed land use change. Commercial development has been anticipated on this property for over 10 years. The subject property is a portion of a larger parcel that was designated as Commercial future land use by Lee County on February 25, 2009. The projected development scenario is the same with existing Lee County future land use designation and the proposed designation in the City of Cape Coral resulting in no change in impacts. Approval of the request will bring development revenues into the City.

- 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;*

The value of other properties in the area will not be depreciated by this request. Commercial development has been anticipated on this property for over 10 years. The subject property is a portion of a larger parcel that was designated as Commercial future land use by Lee County on February 25, 2009.

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

The subject property is located on a Principal Arterial Roadway, NE Pine Island Road at an intersection with a local road (Orchid Rd). The site is less than 600 feet east of an intersection with a collector road, NE 24<sup>th</sup> Ave/Hancock Creek South Blvd. The property is appropriate size and configuration to accommodate development allowed in the proposed land use and zoning districts and is consistent with the existing land use and zoning districts to the east and west within the City limits.

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

The character of the neighborhood consists of a commercial corridor along a principal arterial roadway, NE Pine Island Road at its intersection with a local roadway, Orchid Rd. The site is less than 600 feet east of an intersection with a collector road, NE 24<sup>th</sup> Ave/Hancock Creek South Blvd. The property has been designated for commercial development for over 10 years. To the north of the subject property, within the City limits at the northeast corner of NE Pine Island Road and NE 24<sup>th</sup> Avenue is the Liberty Health Park development that is under construction with apartments in the rear and commercial outparcels along NE Pine Island Road. To the east of Liberty Health Park and within the City limits is an existing self-storage facility then medical offices with a bank at the northwest corner of NE Pine Island Rd and Commerce Creek Blvd. To the west across Orchid Rd. is vacant commercial property within the City limits. To the east of the subject property is within Lee County and is currently vacant land within the Commercial future land use designation. To the south of the subject property is within Lee County and is vacant land with Commercial future land use designation along the eastern ½ and the western ½ is developed with an existing single-family residential node abutting the western half of the south property line of the subject property that consists of five (5) single family homes that were developed between the 1950's to 1980's. This area transitions into the City limits south of Orchid Rd. and the existing Casa di Fiori multi-family development. The proposed land use change is compatible and consistent with the character of the neighborhood and is consistent with the existing development pattern.

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 City has long recognized the need for additional commercial lands and has designated Pine Island Road as a commercial corridor. There would be a gain to the community as a result of the proposed land use change. The change will remain the same projected intensity but removing the parcel from Lee County and bringing it into the City would increase the City's tax base. The properties are not suitable for residential development under their current future land use designation in Lee County of Commercial and due to being immediately adjacent to a divided arterial roadway. Given the parcel's size, proximity to a major intersection and the nature of the surrounding commercial future land use categories, the requested Pine Island Road District future land use designation is appropriate for the site. The proposed land use change would be a gain to the community and not a hardship.

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

The City has long recognized the community need for additional commercial lands and has designated Pine Island Road as a commercial corridor. Approving this future land use map amendment would provide for an estimated 100,300 square feet of commercial uses to service the surrounding area and increase the City's tax base.

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;*

The subject properties had previously been developed with scattered single-family residential that were demolished between 2006 and 2008. The property has been designated as Commercial future land use category in Lee County for over 10 years. The surrounding properties that abut Pine Island Road within the City to the north and west and Lee County to the east are all designated for commercial development.

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

The proposed land use change to Pine Island Road District will provide the City of Cape Coral with additional needed commercial lands located on a designated commercial corridor. Approval of the request will increase the commercial tax base and provide additional employment opportunities. The proposed change will promote the health, safety, morals, and general welfare of the community by providing for land assemblage to accommodate the needs for assembled lots to provide commercial uses in this area.

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; and*

The proposed land use change Pine Island Road District will not degrade the level of service of any public facility below the adopted level of service standard.

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 amendment is consistent with Policy 1.14. Overall, the subject property meets seven and partially meets one of the eight commercial siting criteria, indicating a strong candidate for commercial development. An analysis of the commercial siting guidelines contained in Policy 1.14 is provided below:



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

#### *Commercial Siting Guidelines*

##### *Major Intersection*

*Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a "new" commercial property (a commercial property not abutting any existing commercial properties) or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties (see below: Integration).*

**The subject properties are located at the southeast quadrant of the intersection of an arterial roadway (N.E. Pine Island Rd) and a local roadway (Orchid Rd). The site is less than 600 feet east of an intersection with a collector road, NE 24<sup>th</sup> Ave/Hancock Creek South Blvd. The properties adjacent to the north and west are commercial properties within the Pine Island Road District and the subject parcels and property to the east and a portion of the south were designated Commercial future land use in Lee County, so the property would be considered an existing commercial area which can be any distance from the intersection. Future coordination will be required to determine if the property will be integrated with the adjacent commercial properties. The subject properties meet this commercial siting guideline.**

##### *Adequate Depth*

*Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Ideally, then, adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see Ownership Pattern, below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners or if the contiguous properties are not reasonably compact (see below).*

**The subject properties consist of an assemblage of three contiguous properties, owned by the same landowner with property depth ranging from ±440 feet to ±775 feet. The subject properties meet this commercial siting guideline.**

##### *Compactness*

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

The subject properties consist of an assemblage of three contiguous properties that take advantage of economies of scale and form a polygon that approaches that of a square or rectangle. The subject properties meet this commercial siting guideline.

#### Integration

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

Although there are no adjacent existing commercial developments to integrate with at this time, the subject property has been designated for commercial development for over 10 years and is located along a commercial corridor with existing commercial across NE Pine Island Road and commercially designated properties adjacent to the east and across Orchid Rd to the west. Integration of the internal and neighboring commercial properties will be encouraged as the properties develop. The subject properties partially meet this commercial siting guideline.

#### Assembly

*For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product. Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered "assembled," for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.*

The subject property consists of an assemblage of three parcels totaling 9.21± acres under the same ownership which exceeds the recommended 3 acres. The subject properties meet this commercial siting guideline.

#### Intrusion

*"Intrusion," as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single-*

family development. Commercial development that is separated from a residential area by a street, canal, a vegetative buffer, or other geographic features, may be considered less intrusive than commercial development that directly abuts a residential area. The degree of compactness (see above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

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

**The subject property is a portion of a larger parcel that was designated as Commercial future land use by Lee County on February 25, 2009. Commercial development has been anticipated on this property for over 10 years. The surrounding properties have existing commercial designations to the north, west, east and half of the south. The subject properties meet this commercial siting guideline.**

#### Access

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

a) Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Use and Development Regulations refer to these as “dedicated City parking areas.” These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City’s interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant’s agreement to own and manage the site.

b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

**The subject properties have a combined  $\pm 715$  feet of frontage along NE Pine Island Road which is an arterial roadway having an adopted City access management plan. The applicant is proposing direct access onto this roadway, consistent with the property to the north across the street. The subject properties meet this commercial siting guideline.**

#### Ownership Pattern

An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true “commercial node.” Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development (see Policy 1.13, above). Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a



commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

The subject property consists of an assemblage of three parcels totaling 9.21± acres under the same ownership which provides for an ideal commercial node by providing a cohesive, compact, interrelated network of commercial property. The subject properties meet this commercial siting guideline.

*Policy 1.15.m: Pine Island Road District: Under this land use designation, at least two distinctive zoning categories will be allowed: Village and Corridor zoning. The Village zone is intended to promote maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. The Corridor zone designation will be placed on the land located between the Villages and will include larger scale, less pedestrian-oriented uses. This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road. The Pine Island Road District will be defined as the union of two major mixed-use areas defined as follows:*

*Corridor: The land located between the Villages and includes such uses as, retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single family residential, multi-family residential golf courses, larger scale commercial retail (big box stores over 50,000 square-foot) and government uses such as parks and public facilities. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.i., of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.j. of the Future Land Use Element.*

*The criteria to be used for evaluating proposed Village and Corridor zonings in relation to the intent of the City's Comprehensive Plan, the Pine Island Road Master Plan and other planning principles are contained in the following tables:*

#### Corridor Criteria

CRITERIA	PERFORMANCE
1. Does the property abut an existing and developed corridor zoned area?	If yes, good candidate for Corridor zoning.
<b>Yes – there are three properties abutting the north that are a developed corridor zoned area.</b>	
2. Does the property abut corridor-zoned area on two sides or more?	If yes, good candidate for Corridor zoning.
<b>Yes – the property abuts corridor-zoned properties on two sides - to the north and to the west.</b>	
3. Is the property part of a larger tract, a portion of which is already zoned Corridor?	If yes, good candidate for Corridor zoning.
<b>No.</b>	
4. Is the proposed corridor development located within any of the areas not designated as village in the Pine Island Road Master Plan?	If yes, good candidate for Corridor zoning.
<b>Yes – the property is located in an area that is not designated as village in the Pine Island Road Master Plan.</b>	
5. Can this property be rezoned to Corridor without creating an enclave within the Village zoning?	If yes, good candidate for Corridor zoning.
<b>Yes – there are no adjacent properties zoned Village, however two adjacent properties are zoned Corridor.</b>	
6. Can this property be rezoned to Corridor without compromising the integrity of the village in which it is located?	If yes, good candidate for Corridor zoning.
<b>Yes – the property has been designed as Commercial by Lee County for 10 years so it can be rezoned to Corridor without compromising the integrity of the location. There are no abutting Village zoned properties.</b>	
7. Does the property front Pine Island Road on at least 100 feet?	If yes, good candidate for Corridor zoning.
<b>Yes – the subject properties have a combined frontage of ±715 feet on Pine Island Road.</b>	



**The subject property meets 6 of the 7 criteria for Corridor zoning and is a very good candidate for Corridor zoning. The proposed future land use amendment is consistent with Policy 1.15.m**

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

**The proposed future land use amendment is consistent with and furthers Policy 3.1 by encouraging the development of future commercial by assigning an appropriate future land use designation that continues to allow commercial at this location along an arterial roadway and within less than 600 feet east of an intersection with a collector road.**

*Policy 3.3: Application of the commercial areas along and proximate to commercial corridors at key locations is intended to address the projected demand for commercial development as summarized in the Table below, or other subsequent analysis.*

**The table provided in Policy 3.3 indicates that the total projected demand for commercial acres of land within the Pine Island Road Corridor is 399 acres. The proposed amendment is consistent with policy 3.3.**

*Policy 3.4: The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003), or other subsequent analysis.*

**The proposed future land use amendment is consistent with and furthers Policy 3.4 by proposing a privately initiated future land use map amendment necessary to provide commercial uses in a location deemed appropriate for such uses.**

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

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

**The subject property lies within the Urban Services Transition Area, consistent with Objective 4 and Policy 4.1.**

*Economic Development Element Policy 3.2: The City of Cape Coral shall provide for the location of industrial and commercial development according to the following guidelines:*

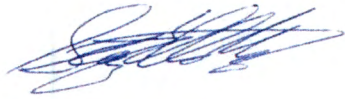
- *The Future Land Use Element's Commercial Node Criteria;*
- *Access to the transportation network, notably proximity to arterials and collectors;*
- *Access to utilities;*
- *Acceptable impacts on the environment and adjacent land uses;*
- *A focus on scale and clustered development, such as research and technology parks, as valuable economic assets to the City and give such projects high priority;*
- *Developments will also attract post-secondary education assets, including vocational schools, undergraduate colleges and universities and post-graduate education and research institutions.*

The proposed amendment is consistent with Policy 3.2 of the Economic Development Element. As demonstrated in the above analysis, the subject property meets 7 and partially meets 1 of the eight commercial siting criteria of the commercial siting guidelines contained in Policy 1.14, indicating a strong candidate for commercial development. The site is also located on an arterial roadway in close proximity to its intersection with a collector, furthering appropriateness.

As demonstrated by the above analysis, the proposed amendment to the Future Land Use Map to change the designation of the subject 9.21 ± acre parcel to Pine Island Road District (PIRD) is appropriate for the subject location. Should you or your staff have any questions or require further information, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP  
Director of Planning

# TRIP GENERATION

## SEC OF PINE ISLAND ROAD & ORCHID ROAD ITE TRIP GENERATION REPORT, 10<sup>th</sup> EDITION

COMMERCIAL INTENSITY (100,300 SQ.FT.)  
50,150 SQ. FT. OF RETAIL (LUC 820)  
50,150 SQ. FT. OF MEDICAL OFFICE (LUC 720)

### Trip Generation – Total Trips

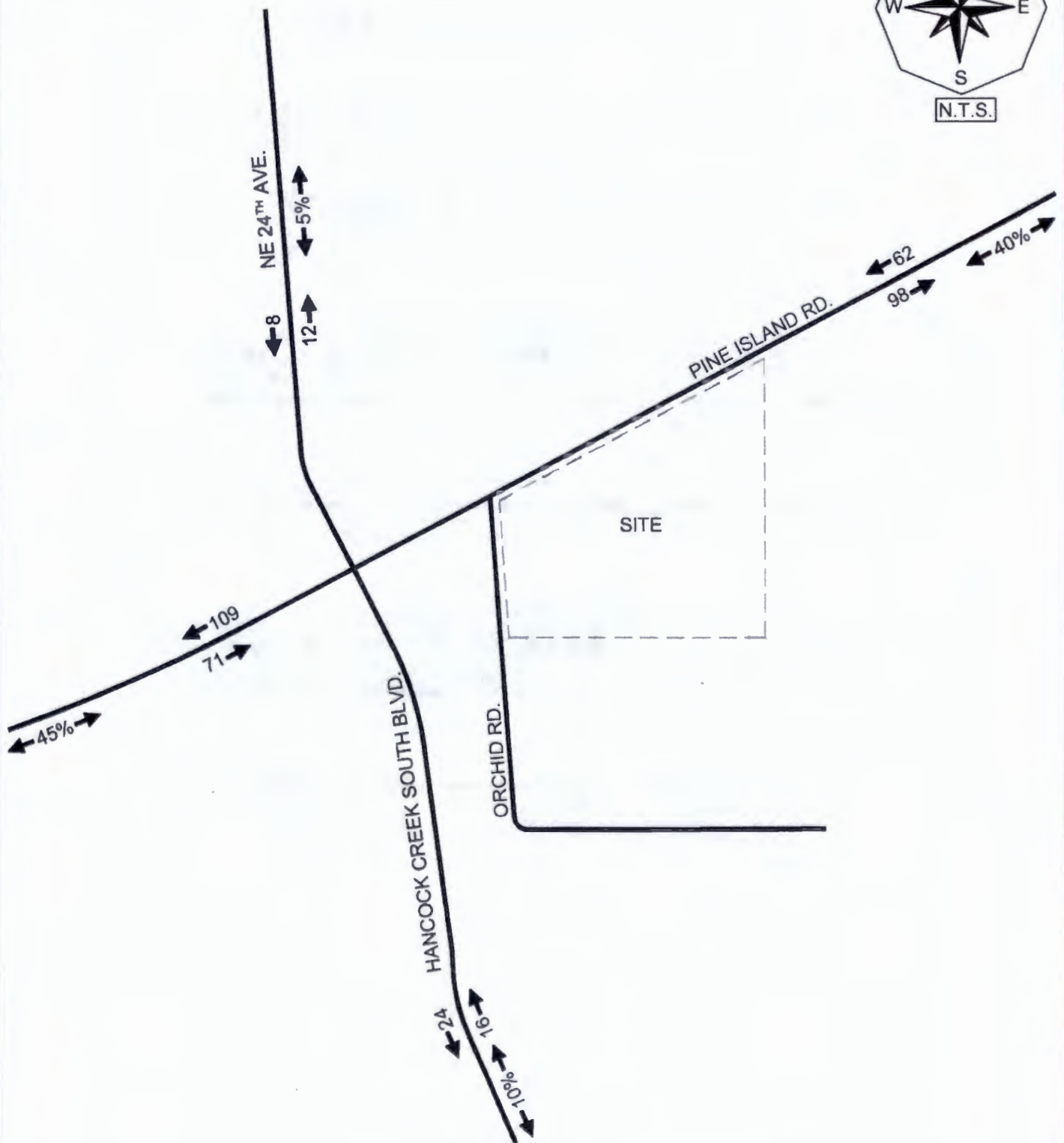
Land Use	Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	
Shopping Center (50,150 Sq. Ft.)	156	170	326	3,760
Medical-Dental Office (50,150 Sq. Ft.)	48	124	172	1,839
<b>Total Trips</b>	<b>204</b>	<b>294</b>	<b>498</b>	<b>5,599</b>

### Trip Generation – New Trips

Land Use	Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	
Total Trips	204	294	498	5,599
Less Retail Pass-By Trips	-47	-51	-98	-1,128
<b>New Trips</b>	<b>157</b>	<b>243</b>	<b>400</b>	<b>4,471</b>

\*Lee County limits the reduction for the pass-by trips for LUC 820 to 30%.

F1903.11



LEGEND

- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION





**PLANNING DIVISION STAFF REPORT**  
**LU19-0002**

<b>PROPERTY ADDRESSES</b> 1570 Orchid Road 2500 NE Pine Island Road 2560 NE Pine Island Road	<b>APPLICANT/PROPERTY OWNER</b> Harry Lowell
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<b>SUMMARY OF REQUEST</b>  The applicant requests a future land use map amendment from the Lee County future land use designation of Commercial to the City of Cape Coral future land use designation of Pine Island Road District (PIRD). The site is three parcels, totals 9.21 acres, and was annexed into the City of Cape Coral in 2019.	
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MAP SOURCE

**STAFF RECOMMENDATION:** Approval

<b>Positive Aspects of Application:</b>	Future Land Use amendment adds commercial/mixed use entitlements along a major roadway. Further strengthens commercial corridor along Pine Island Road.
<b>Negative Aspects of Application:</b>	The site is not at or near a major intersection.
<b>Mitigating Factors:</b>	The site is still along a commercial corridor and is an extension of a commercial node extending from intersection of Del Prado Boulevard and Pine Island Road.



**SITE INFORMATION**

**Urban Service Area:** The site was recently annexed, and due to the availability municipal utilities, the site is considered to be in the Transition area.

**City Water and Sewer:** The site was recently annexed into the City of Cape Coral and water and sewer are available by extension.

**Street Access:** The site has road frontage on Pine Island Road, a state-maintained principal arterial, and Orchid Road, a Lee County maintained local road.

**STRAP Numbers:** 04-44-24-C1-00009.0000  
04-44-24-C2-00009.0020  
04-44-24-C3-00009.0030

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

**Site Area:** 9.21 acres

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<b>Current:</b>	Commercial (Lee County Designation)	Agricultural (AG-2) <sup>1</sup> (Lee County Designation)
<b>Proposed:</b>	Pine Island Road District (PIRD)	N/A
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
<b>North:</b>	PIRD	Commercial Corridor (CC)
<b>South:</b>	Sub-Outlying Suburban (Lee County designation)	Residential (RS-1/Lee County Designation)
<b>East:</b>	Commercial (Lee County Designation)	AG-2 (Lee County Designation)
<b>West:</b>	PIRD	CC

**Urban Service Area:** Transition

**City Water/Sewer:** Yes

**Type of Access Road:** The site has frontage on Pine Island Road – a Florida Department of Transportation (FDOT) maintained principal arterial – and Orchid Road – a Lee County maintained local road.

<sup>1</sup> A Lee County zoning designation

**Soil Types and Limitations for Development:**

Map Unit		Limitations	
		Dwellings without basements	Small commercial buildings
42	Wabasso Sand, Limestone Substratum	Moderate (wetness)	Moderate (wetness)
33	Oldsmar Sand	Moderate (wetness)	Moderate (wetness)

The soil in the area presents moderate limitations for dwellings and small commercial buildings. These limitations are typically overcome by using various engineering solutions, such as importing fill. The soil type, therefore, may not present an obstacle to any proposed amendment. However, special feasibility studies may be required at the development stage of the property.

**Drainage:** Must comply with South Florida Water Management District and the City of Cape Coral Engineering Design Standards.

**Natural Resources:** The site consists of undeveloped land. The overall hydrology is considered non-hydric.

**Flora & Fauna Habitat:** Prior to any permit for development being issued, an environmental survey must be undertaken, and mitigation performed to minimize the impacts of development, if any, on the protected species habitat.

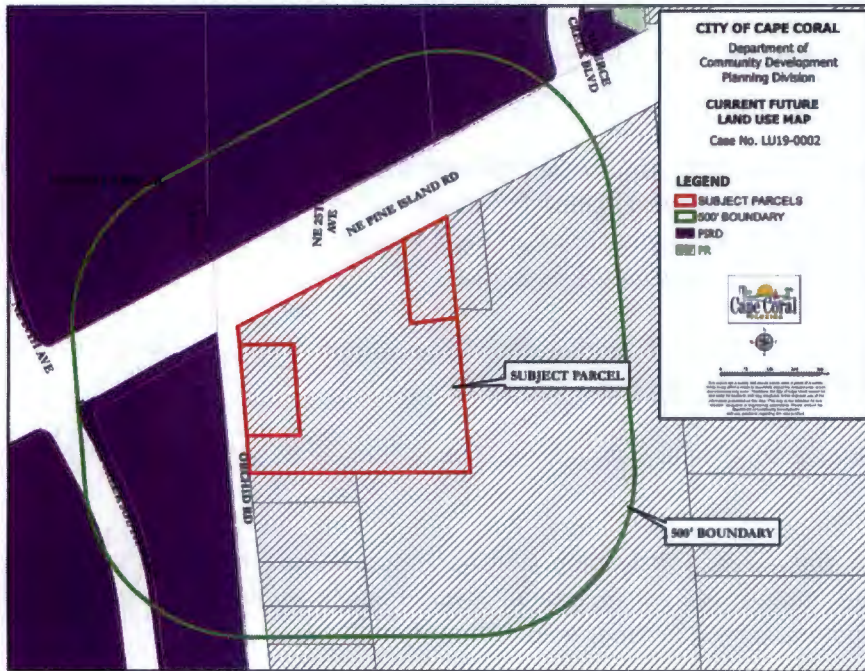
**FINDINGS OF FACT**

The site is three parcels that were recently annexed into the City of Cape Coral. The site is 9.21 acres and is at the intersection of Pine Island Road and Orchid Road. The site is undeveloped and contains a mix of native vegetation and some scattered exotic vegetation. Surrounding development includes single-family homes to the south, and a multi-family development as well as a storage facility to the north across Pine Island Road. Areas to the east and west are undeveloped.

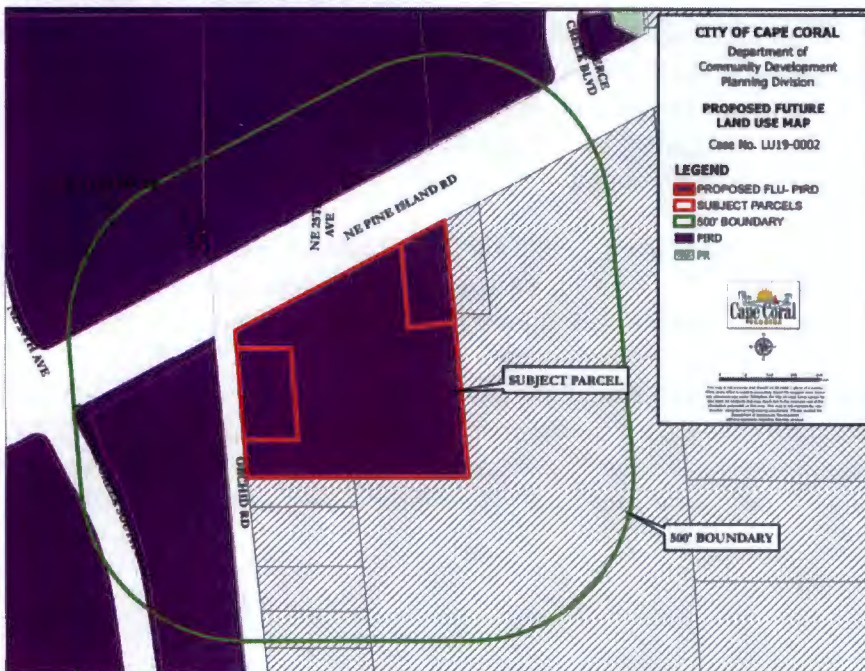
The site was annexed into the City of Cape Coral in late 2019. Per Florida Statute, parcels annexed into a municipality retain their County future land use and zoning designations, therefore, the site has retained the Commercial future land use designation and the Agricultural (AG-2) zoning designation.

The applicant, the City of Cape Coral, is seeking to amend the site's future land use designation from the Commercial future land use designation to the Pine Island Road District (PIRD) future land use designation. The applicant has also filed an application for a rezone to Commercial Corridor (CC). The future land use amendment, along with a rezone would allow the applicant to develop the site with commercial, multi-family, or mixed-use development.

## CURRENT FUTURE LAND USE

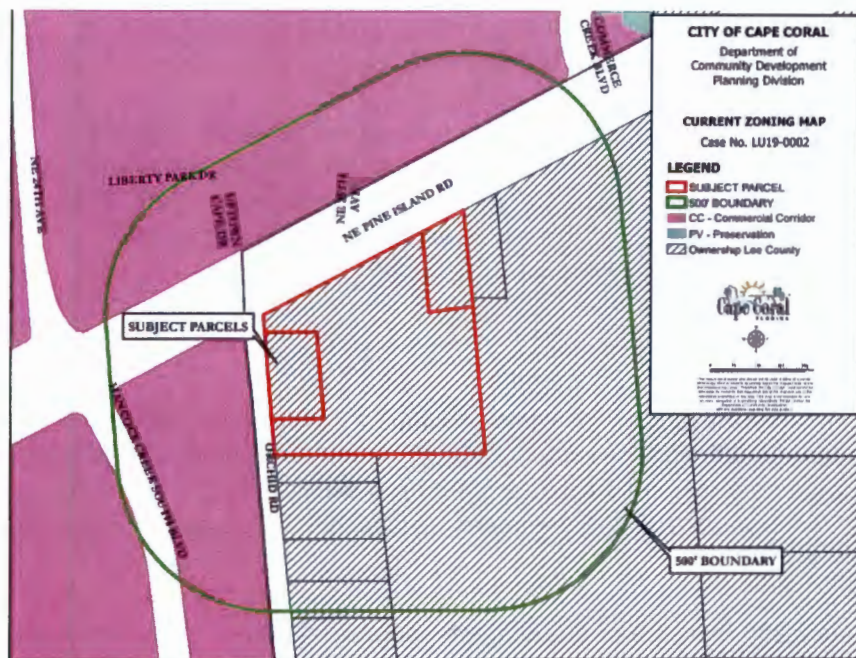


## PROPOSED FUTURE LAND USE





## CURRENT ZONING DESIGNATION



## ANALYSIS

### Cape Coral Comprehensive Plan – Chapter 4, Future Land Use Element

Below is the descriptions of the proposed future land use designation for the site. The site currently has a Lee County future land use designation of Commercial. In order for any development to occur, the site must receive a future land use designation and subsequently a zoning designation.

Staffs analysis will also focus on whether or not the site is still appropriate for the existing land use based upon various policies in the Future Land Use element.

### Policy 1.15

### Pine Island Road District (PIRD)

*This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road.*

**Corridor:** *Includes such uses as retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single-family residential, multi-family residential, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. Multi-family residential uses may be developed at a density of twenty-five units per acre, for sites of four acres or more. Multi-family residential uses may consist of no less than fifty units or have a density no less than ten or more units per acre.*

*No duplexes are permitted. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.h., of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.i. of the Future Land Use Element.*

**Staff Response:** The site has frontage along Pine Island Road and is surrounded by parcels with the same future land use designation to the north and east. Parcels to the south and east are within unincorporated Lee County. The site exceeds four acres in size, therefore, the maximum residential density allowed would be 25 units per acre. The site is 401,187 square feet, therefore, an FAR of 1.25 would allow a maximum commercial intensity of 501,484 square feet.

#### Policy 1.13

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

**Response:** The site is approximately 6,300 feet east of the nearest commercial node – the intersection Del Prado Boulevard and Pine Island Road. The blocks to the west and north have the same PIRD future land use designation. While the site is not part of the original Pine Island Road Master Plan, the site is near properties that were included in the Master Plan which designated properties along Pine Island Road with a future land use designation compatible with the Master Plan. Policy 1.13 allows for commercial nodes to extend out from the intersection if commercial future land use or zoning extends out from the intersection. Predominantly, properties along Pine Island Road have the PIRD future land use designation, therefore, staff finds that the site is part of an existing commercial node.

#### Policy 1.14:

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

#### *Major Intersection*

*Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a “new” commercial property (a commercial property not abutting any existing commercial properties) or an expansion of an existing*

*commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties (see below: Integration).*

**Response:** The site is approximately 6,300 feet away from a major intersection (Pine Island Road and Chiquita Boulevard), however, according to the guideline above, the site represents an extension of commercial node due to the PIRD designation extending out from the intersection. There is commercial development in all four directions from the intersection. Development within the PIRD designation has occurred north and east of the site. Planning staff finds that the site is at a major intersection and the proposed future land use designation is consistent with this commercial siting guideline.

#### *Adequate Depth*

*Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Ideally, then, adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see Ownership Pattern, below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners or if the contiguous properties are not reasonably compact (see below).*

**Response:** The site is along an arterial roadway and the parcel depth ranges from 440 feet to 750 feet. While the site consists of three parcels, all of the parcels are under the same ownership. Planning staff finds that because the parcels has a depth greater than 250 feet and is owned by the same individual, the proposed future land use designation is consistent with this commercial siting guideline.

#### *Compactness*

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

**Response:** The site is a collection of three parcels that are fairly rectangular in shape and is compact. The shape of the parcel should allow for a quality commercial development along a major arterial, therefore, Planning staff finds that the proposed future land use designation is consistent with this commercial siting guideline.

#### *Integration*

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



*commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.*

**Response:** There is no existing commercial development in either block 3628 or 3685. There is some pre-existing commercial development nearby to the southeast of block 3628, however, there is very little opportunity for commercial linkage due to the site's frontage on local roads. Additionally, the site has a large number of fragmented owner, which would make integration difficult. Planning Staff finds the future land use of the site is not consistent with this commercial siting guideline.

#### *Assembly*

*For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product. Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered "assembled," for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.*

**Response:** The site is three parcels that were recently annexed into Cape Cora from Lee County. Unlike the majority of parcels in Cape Coral, the site is not pre-platted. The site is larger than three acres and assembled under one owner. The size and ownership of the site should discourage strip development, therefore, Planning staff finds that the proposed future land use designation is consistent with this commercial siting guideline.

#### *Intrusion*

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

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

**Response:** The site is undeveloped and the only adjacent development are four single-family homes to the south that are within unincorporated Lee County. A mixed-use development is to north across Pine Island Road. Parcels to the east and west are over five acres in size and could develop with multi-family or commercial uses in the future. Planning staff finds that while there is no adjacent commercial development nearby parcels to the east and west could develop commercial thus reducing the impact of intrusion. Planning staff finds that the proposed future land use designation is partially consistent with this commercial siting guideline.

#### *Access*

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

*a) Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Use and Development Regulations refer to these as "dedicated City parking areas." These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City's interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.*

*b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.*

**Response:** The site is not near a City-owned parking lot and does not have frontage on a roadway with an access management plan. However, the site does have frontage and potential access from an arterial road. Planning staff finds that the site has the preferred ideal access from an arterial street, however, the site is not near a City-owned parking lot, therefore, the sites proposed future land use designation is partially consistent with this commercial siting guideline.

#### *Ownership Pattern*



*An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true “commercial node.” Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development (see Policy 1.13, above). Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.*

**Response:** As discussed earlier, the site is three parcels under common ownership. While the properties have not been “combined” into one parcel, it is likely that the two smaller parcels would have little development value on their own, making their future combination most likely. Planning staff finds that the site proposed future land use designation is consistent with this commercial siting guideline.

#### *Summary*

**Policy 1.14** contains eight commercial siting guidelines. Overall, the site is consistent with five guidelines (major intersection, assembly, adequate depth, compactness, ownership pattern); partially consistent with two guidelines (intrusion, access). The subject area is not consistent with one of the guidelines (integration). **Policy 1.14** does not require a proposed amendment to meet a certain threshold of guidelines for approval or denial, rather the guidelines are meant to provide a compatibility analysis.

#### ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The amendment is not directly supported or in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area, however, the site could potentially result in the addition of multi-family housing.

#### REGIONAL PLAN ANALYSIS

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

**This proposed PIRD future land use designation is partially consistent with the SRPP Strategy that prioritizes locating commercial development along transportation corridors.**

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

**Pine Island Road has not been identified for improvements or widening in the MPO’s 2040 Long Range Transportation Plan.**

#### IMPACT ASSESSMENT SUMMARY

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. To determine

the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc.

The existing land use classification for the site is Commercial – which is a Lee County future land use designation. Since the site has been annexed, the site cannot be developed until a future land use amendment and zoning change have been enacted. This impact assessment summary will not consider the existing future land use designation. The site is proposed for the PIRD future land use designation. The applicant has also filed a rezone to amend the site's zoning to Commercial Corridor (CC) which is the only zoning district compatible with the PIRD future land use designation. The maximum intensity permitted under the PIRD future land use classification is a floor-to-area ratio (FAR) of 1.25. Historical development in Cape Coral has occurred at an FAR of 0.25. For purposes of this impact assessment summary, staff will assume an FAR of 0.5. This FAR would result in the site developing with approximately 200,593 sq. ft. of commercial space.

#### **Commercial Square Footage**

Existing:	N/A
Proposed:	200,593 sq. ft.
Net Change:	+200,593 sq. ft.

#### **Dwelling Units**

Existing:	N/A
Proposed:	N/A
Net Change:	N/A

#### **Population\***

Existing:	N/A
Proposed:	N/A
Net Change:	N/A

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

#### **Water Use**

Existing:	N/A
Proposed:	60,178 gal/day at 0.3 gal/sq. ft./day
Net Change:	+60,178 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

#### **Sewage**



Existing:	N/A
Proposed:	60,178 gal/day at 0.3 gal/sq. ft./day
Net Change:	+60,178 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

### **Solid Waste**

Existing Generation:	N/A
Proposed:	27,280 lbs./day at 0.136 lbs/sq ft./day
Net Change:	+27,280 lbs./day
Facility Capacity:	1,836 tons/day
Existing Demand:	1,384 tons/day
Capacity Available:	Yes

### **Traffic/Daily Trips**

Existing Generation:	N/A
Proposed:	450 AM trips/hour and 1,679 PM trips/hour
Net Change:	+450 AM hour trips and +1,679 PM hour trips
Facility Capacity:	Access from a principal arterial street and a local street
Capacity Available:	Yes

### **Hurricane Evacuation**

The site is in the Storm Surge C/Evacuation Zone C. The amendment could result in some multi-family units, therefore, evacuations could be reduced.

### **Park Lands**

The levels of service standard (LOS) for parkland and facilities are based on permanent population. Additional park facilities could be required if multi-family units are developed.

### **Protected Species**

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

### **School Impacts**

There will be an increase in the number of dwelling units because of the proposed future land use map amendment request and an increase in the projected number of students. The increase in dwelling units will result in an increase upon the demand on school facilities. Due to the current designation of Pine Island Road District, there are no existing residential units for this analysis.

Existing dwelling units: 0 dwelling units  
Existing students: 0  
Proposed dwelling units: 0 dwelling unit  
Proposed students: 0  
Change: +0 students

## **PUBLIC NOTIFICATION**

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

Written notice: Property owners located within 500 feet from the property line will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Planning and Zoning Commission.

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

## **RECOMMENDATION**

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed amendment to Pine Island Road District is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the proposed small-scale Future Land Use Map amendment request.

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Chad Boyko, AICP, Principal Planner  
239-573-3162 / [cboyko@capecoral.net](mailto:cboyko@capecoral.net)



**SUBJECT PARCEL**

LIBERTY PARK DR

UPTOWN CAPE DR

NE 25TH AVE

NE PINE ISLAND RD

ORCHID RD

HANCOCK CREEK SOUTH BLVD

**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

**AERIAL MAP**

Case No. LU19-0002

**LEGEND**

 **SUBJECT PARCEL**



0 50 100 150 200 Feet

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







# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## CURRENT FUTURE LAND USE MAP

Case No. LU19-0002

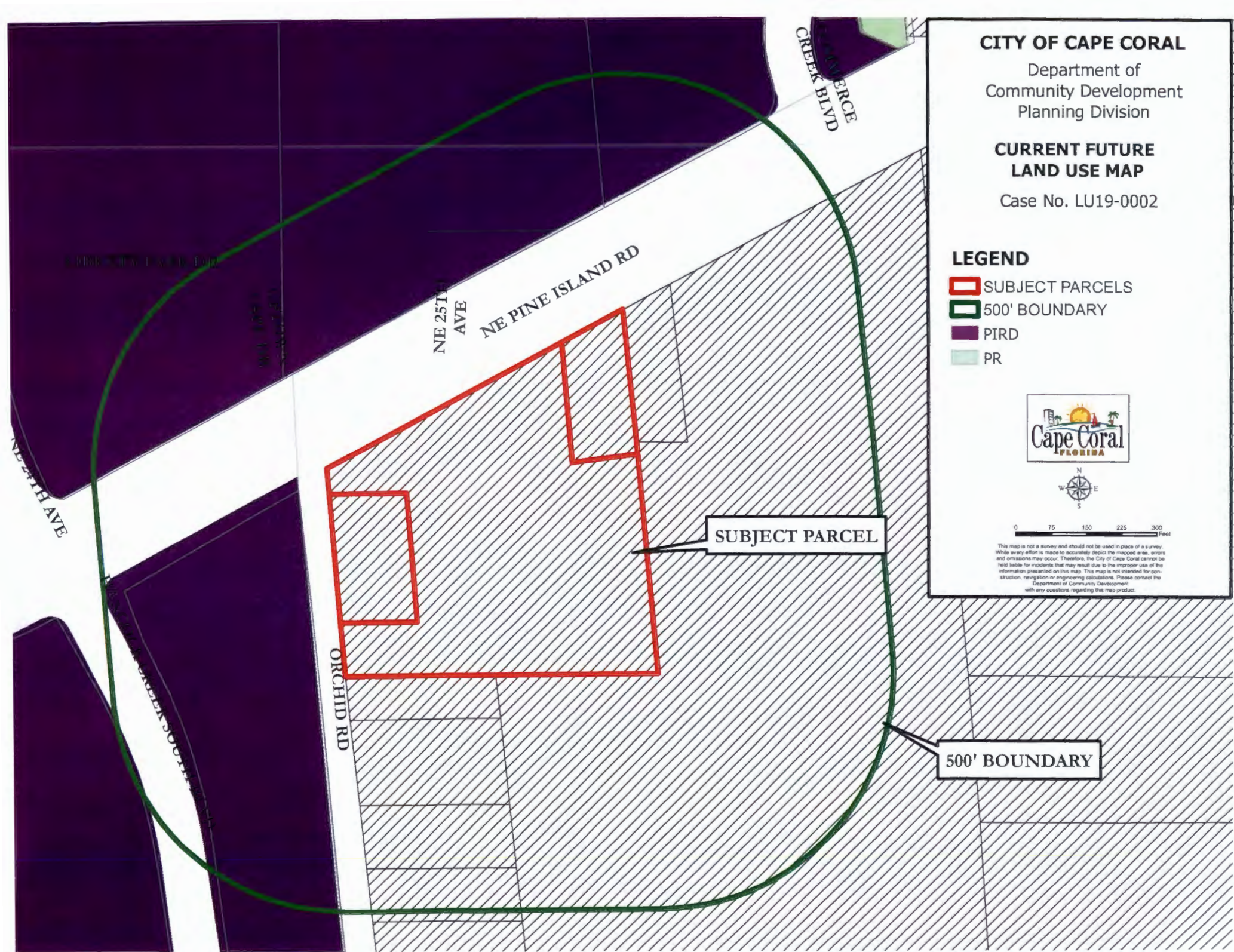
### LEGEND

-  SUBJECT PARCELS
-  500' BOUNDARY
-  PIRD
-  PR



0 75 150 225 300 Feet

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# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## CURRENT ZONING MAP

Case No. LU19-0002

### LEGEND

-  SUBJECT PARCELS
-  500' BOUNDARY
-  CC - Commercial Corridor
-  PV - Preservation



0 75 150 225 300 Feet

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LIBERTY PARK DR

UPTOWN  
CAPE DR

NE 25TH  
AVE

NE PINE ISLAND RD

COMMERCE  
CREEK BLVD

SUBJECT PARCEL

500' BOUNDARY

ORCHID RD

HANCOCK CREEK SOUTH BLVD



# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## PROPOSED FUTURE LAND USE MAP

Case No. LU19-0002

### LEGEND

- PROPOSED FLU- PIRD
- SUBJECT PARCELS
- 500' BOUNDARY
- PIRD
- PR



0 75 150 225 300 Feet

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