



AGENDA FOR THE HEARING EXAMINER

Tuesday, February 11, 2020

9:00 AM

Council Chambers

1. HEARINGS CALLED TO ORDER

2. HEARINGS

A. Case# ZA19-0010*;Address: 118 Hancock Bridge Pkwy;JPMB LLC

B. Case# ZA19-0011*;Address: 35 NE 10th PL ;Summit 69, LLC

3. DATE AND TIME OF NEXT HEARINGS

A. Tuesday, February 25, 2020, at 9:00 a.m., in Council Chambers

4. 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 1-239-574-0411 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.

PLEDGE OF CIVILITY

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

The hearing shall, to the extent possible, be conducted as follows:

1. The Clerk shall read into the record the Ordinance or Resolution Title and Number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
2. The Applicant, staff, and all Participants requesting to speak or present evidence or both the hearing shall be collectively sworn by an oath or affirmation by the Clerk.
3. Staff will testify regarding proper notice of the Hearing in accordance with City requirements.
4. The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the application. The Hearing Examiner shall rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolution.
5. If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Hearing Examiner, determines to proceed in a different order, taking proper consideration of fairness and due process:
 - The Applicant shall make the Applicant's presentation, including offering any documentary evidence, and introduce any witnesses as Applicant desires. The Applicant shall present the Applicant's entire case in thirty (30) minutes.
 - Staff shall present a brief synopsis of the application; introduce any appropriate additional exhibits from the official file that have not already been transmitted to the Hearing Examiner with the agenda materials, as staff desires; summarize issues; and make a recommendation on the application. Staff shall also introduce any witnesses that it wishes to provide testimony at the hearing. Staff shall present its entire case in thirty (30) minutes.
 - Participants in opposition to or support of the application shall make their presentation in any order as determined by the Hearing Examiner. Each Participant shall present their argument in 5 minutes.
 - The Applicant may cross-examine any witness and respond to any testimony presented.
 - Staff may cross-examine any witness and respond to any testimony presented.
 - The Hearing Examiner may choose to allow Participants to respond to any testimony if the Hearing Examiner deems the response to be necessary to ensure fairness and due process.
 - The Hearing Examiner, may ask questions of the staff, Applicant, and Participants.
 - Final argument may be made by the Applicant, related solely to the evidence in the record.
 - Final argument may be made by the staff, related solely to the evidence in the record.
 - For good cause shown, the Hearing Examiner may grant additional time to any of the hereinabove time limitations.
 - The Hearing Examiner's, decisions must be based upon Competent Substantial Evidence in the record.

Item Number: 2.A.
Meeting Date: 2/11/2020
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case# ZA19-0010*;Address: 118 Hancock Bridge Pkwy;JPMB LLC

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:

1. Rezone Lots 28-32, Block 1089, from Professional (P) to Commercial (C).
2. Rezone Lots 33-36, Block 1089, from Single Family Residential (R1) to Commercial (C).

LEGAL REVIEW:

EXHIBITS:

See attached back up materials

PREPARED BY:

Shawn Baker Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Senior Planner , 239-574-0587, jheller@capecoral.net

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| <input type="checkbox"/> Back up materials | Backup Material |



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

For Internal Use Only

Case ZA19-0010

Date 10-31-19

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

REZONING APPLICATION

CHECKLIST

- ☐ 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, a copy of the restrictions will be required.*
- ☐ 2. Letter of intent stating the actual request and why the request is being made.
- ☐ 3. Certified survey done within past six (6) months MAY be required.
- ☐ 4. If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must Prepared in label format and contain the following information; name, address, city, and zip-code.
- ☐ 5. Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.

*****All items must be provided at the time of submission and all forms must be typewritten*****

NOTE

In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



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PLANNING DIVISION

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REZONE REQUEST

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

OWNER(S) OF PROPERTY INFORMATION

Owner JPMB LLC
Phone _____
Email psoccer4@aol.com

Address 15204 Fiddlesticks Blvd
City Ft Myers State FL Zip 33912

Owner _____
Phone _____
Email _____

Address _____
City _____ State _____ Zip _____

APPLICANT INFORMATION

Applicant same as owner
Phone _____
Email _____

Address _____
City _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Avalon Engineering Inc
Phone 239-573-2077
Email linda@avaloneng.com

Address 2503 Del Prado Blvd
City Cape Coral State FL Zip 33904

PROPERTY INFORMATION

Unit 23 Block 1089 Lot (s) 28-36 Subdivision Cape Coral

Property Address 118-122 Hancock Bridge Parkway

Plat Book 14 Page 49

Current Zoning R1 and P Strap Number See Listing

Number of Acres 1.944 Proposed Zoning C



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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

JPMB LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Paul Weinstein, MGR

OWNER'S NAME (TYPE OR PRINT)


OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF Florida, COUNTY OF Lee

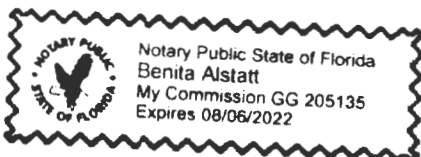
Subscribed and sworn to (or affirmed) before me this 15th day of October

20 19, by Paul Weinstein who is personally known or produced
as identification.

Exp Date: 08/06/2022 Commission Number: GG 205135

Signature of Notary Public: Benita Alstatt

Printed name of Notary Public: BENITA ALSTATT





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PLANNING DIVISION

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Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity, at the hearing, to present 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 and recording 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.

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 15th Day
of October, 2019.

JPMB LLC
CORPORATION/COMPANY NAME

Paul Weinstein, MGR
OWNER'S NAME (TYPE or PRINT)

[Signature]
OWNER'S SIGNATURE

STATE OF FL, COUNTY OF LEE

Subscribed and sworn to (or affirmed) before me this 15th day of October,
2019, by Paul Weinstein who is personally known or produced
_____ as identification.

Exp Date: 8/6/2022

Commission Number GG 205135



Signature of Notary Public: Benita Alstatt

Printed name of Notary Public: BENITA ALSTATT



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Avalon Engineering, Inc
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING

EXAMINER AND CITY COUNCIL FOR:

Rezoning Application

(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT 23 BLOCK 1089 LOT(S) 28-36 SUBDIVISION _____

OR LEGAL DESCRIPTION _____

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

JPMB LLC by Paul Weinstein, M
PROPERTY OWNER (Please Print)


PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & title)

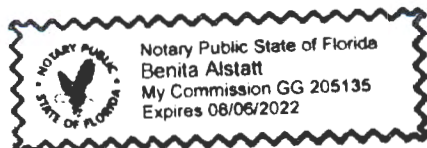
STATE OF Florida, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 15 day of October, 2019,

by Paul Weinstein who is personally known or produced _____ as
identification.

Exp Date: 8/6/2022

Commission Number: GG 205135



Signature of Notary Public: Benita Alstatt

Printed name of Notary Public: BENITA ALSTATT

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



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PLANNING DIVISION

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REZONES REGULATIONS

- A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:
1. The City Council upon its own motion;
 2. The Planning and Zoning Commission upon its own motion;
 3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
 4. The City Manager for a City initiated rezone; or
 5. The Community Development Department, following approval of a similar use determination.
- B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:
1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
 2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
 3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
 4. Whether the proposed zoning district will serve a community need or broader public purpose;
 5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.
- D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

Detail by Entity Name

Florida Limited Liability Company
JPMB LLC

Filing Information

| | |
|------------------------|--------------|
| Document Number | L18000156886 |
| FEI/EIN Number | NONE |
| Date Filed | 06/26/2018 |
| Effective Date | 06/26/2018 |
| State | FL |
| Status | ACTIVE |

Principal Address

15204 FIDDLESTICKS BLVD
FORT MYERS, FL 33912

Mailing Address

15204 FIDDLESTICKS BLVD
FORT MYERS, FL 33912

Registered Agent Name & Address

WEINSTEIN, PAUL
15204 FIDDLESTICKS BLVD
FORT MYERS, FL 33912

Authorized Person(s) Detail

Name & Address

Title MGR

WEINSTEIN, PAUL
15204 FIDDLESTICKS BLVD
FORT MYERS, FL 33912

Annual Reports

No Annual Reports Filed

Document Images

[06/26/2018 -- Florida Limited Liability](#)

[View image in PDF format](#)



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

October 30, 2019

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

PROJECT: BLOCK 1089 LOTS 28-36

SUBJECT: ZONING MAP AMENDMENT LETTER OF INTENT

Dear Mr. Cautero:

As provided for in Section 3.4.6 of the City of Cape Coral Land Development Code, and on behalf of a property owner JPMB, LLC, we respectfully request an amendment to the Zoning Map to change the designation of the subject 1.12 +/- acres within Block 1089 for Lots 28-36. The subject property has a Land Use designation of CP (Commercial Professional).

The applicant is requesting to amend the Zoning of Lots 33-36 from R1 (Single Family Residential) to C (Commercial) and the Zoning of Lots 28-32 from P (Professional) to C (Commercial).

The Subject Parcel is located east of Santa Barbara Blvd, at the intersection of Hancock Bridge Parkway and SE 1st Avenue in Section 13, Township 44E, and Range 23S of Cape Coral. There are a total of nine (9) Lots involved with this request.

In 2008, the Land Use was amended for the Subject Parcel from SF (Single Family) and MF (Multi-family) to CP (Commercial Professional) by Ordinance 149-07, in order to support commercial development on Hancock Bridge Parkway.

In 2019, the City rezoned a portion of the subject parcel Lots 28-32 in Block 1089 from R-1B (Single Family Residential) to P (Professional), while leaving the back lots within the subject parcel R-1 (Single Family).

Zoning and Land Use of the Adjacent Properties to the Subject Parcel

| | | | |
|---------------------------------------|------------------------------------|---|---|
| West (adjacent to the subject lots) | Vacant Commercial Lots | P Zoning along Hancock and R1 Zoning along SE Santa Barbara Place | CP - both the northern and southern parcels lying west of the site have a CP Land Use |
| East (across SE 1st Avenue) | Developed with a Commercial Retail | C1 | CP |
| North (across Hancock Bridge Parkway) | Developed with Commercial uses | CC | PIRD |
| South (across SE Santa Barbara Place) | Developed Single Family Homes | R1 | SF |

Per Article 3, Section 3.4.6.B, an application for a rezone shall be reviewed in accordance with the following criteria:

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

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

Table 1:

| <i>Future Land Use Consistent Zoning Districts</i> | |
|---|------------------------------------|
| <i>Single-Family (SF)</i> | <i>R-1, RE</i> |
| <i>Single-Family and Multi-Family (SM)</i> | <i>R-1, RML, RMM, RE, A</i> |
| <i>Multi-Family (MF)</i> | <i>RML, RMM</i> |
| <i>Low Density Residential (LDR)</i> | <i>RE, A</i> |
| <i>Commercial/Professional (CP)</i> | <i>C, P</i> |
| <i>Mixed Use (MX)</i> | <i>ALL except MXB</i> |
| <i>Downtown Mixed (DM)</i> | <i>SC, MXB</i> |
| <i>Pine Island Road District (PIRD)</i> | <i>CC</i> |
| <i>Commercial Activity Center (CAC)</i> | <i>NC</i> |
| <i>Light Industrial (I)</i> | <i>I</i> |
| <i>Natural Resources/Preservation (PRES)</i> | <i>PV</i> |
| <i>Public Facilities (PF)</i> | <i>All</i> |
| <i>Parks and Recreational (PK)</i> | <i>All</i> |

Policy 1.15.c: Commercial/Professional

Preferred locations for parcels with C (Commercial) Zoning District is to have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet).

The subject parcel is located on a collector and has a depth of 250 feet.

The placement of limitations upon the types and intensities of uses allowed within the C-1 Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C-1 District and adjacent or nearby residential zoning districts.

The City had placed limitations on specific types of Commercial uses within the City's Land Development Code that reduce conflicts between C (Commercial) Zoning and adjacent or nearby residential zoning districts. The site is located across a local street from residential zoning.

Policy 1.17: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

Landscape buffering is required for the development of this site. Green space and plantings will be provided along these property lines.

Policy 7.10: The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

The site is within the Urban Service Transition Area and has access to centralized utilities.

2. Whether the full range of uses allowed in the proposed zoning of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration:

The City of Cape Coral's C (Commercial) Zoning District permits restaurants with a drive-thru and without, a pharmacy with a drive-thru, and retail stores similar to the furniture store that is existing to the east of the site. These uses are not permitted in the City's P (Professional) Zoning District but are similar and compatible with the existing uses within close proximity to the site; to the north (across Hancock Bridge), east (across SE 1st Avenue) and to the west (across Santa Barbara Blvd), see chart of existing uses.

Existing Uses

North (across Hancock Bridge Parkway)

West (across Santa Barbara)

| | |
|---|---|
| CVS with a drive-thru facility | Fast Food Restaurants: Wendy's, Arby's, Taco Bell, KF all with drive-thru facilities |
| McDonalds with a drive-thru facility | |
| 7-11 (Gas Station, Convenience Store, and Car Wash) | |
| Auto Parts Store | |
| Shopping center with local space (tire store, pizza shop, nail salon, and other commercial space | Shopping center with a variety of commercial uses including restaurants. |

East (across SE 1st Avenue)

| | |
|--------------------------------|--|
| Babcock Furniture Store | |
|--------------------------------|--|

3. Whether the full range of uses allowed in the proposed zoning district will be compatible with the existing and potential uses in the area under consideration:

As stated above in the response to question #2, the uses permitted in the City's C (Commercial) Zoning District would be compatible with the existing commercial developments within the vicinity of the subject parcel. The proposed commercial uses will also be compatible with the vacant parcels, containing a commercial land use adjacent to the subject parcel to the west.

All the Lots that front Hancock Bridge Parkway within Block 1089, which includes Lots 21-32 have a Future Land Use Designation of CP. Lots 33-39 also within Block 1089, that front SE Santa Barbara Place also have a Future Land Use designation and have had this designation since 2008, or over 11 years.

Undeveloped lots adjacent to the Subject Parcel along the western property line:

Current Land Use

Current Zoning

| | |
|-------------------------------------|-----------------|
| CP (Commercial Professional) | P and R1 |
|-------------------------------------|-----------------|

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

A viable commercial development requires at a minimum an acre in land area and a lot depth of at least 250 feet in order to provide the required amount of parking spaces, green space, buffer yards, and surface water management facilities. The current P (Professional) zoning is for only half of the prospective area and half of the allowable lot depth. Rezoning all of the lots a Commercial Zoning District will not only permit compatible uses but will also require more buffering from the Residential lots across SE 1st Avenue than a development with Professional Zoning.

The City's current Land Development Code has conditional or specified development standards for those commercial uses that are more intrusive to adjacent residential zoned parcels.

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

The Land Use of the Lots in Block 1089 lying between Hancock Bridge Parkway and SE 1st Avenue, is Commercial/ Professional and has been Commercial/Professional for many years. Development along Hancock Bridge and Santa Barbara, in close proximity to the intersection is developed with similar commercial uses that are being requested in this Zoning Amendment. This area is the proper place for commercial uses as established by the City with the Land Use change in 2007/2008.

Adequate screening can be provided to protect the residential lots south of the project site. A new commercial development will also block some of the existing street traffic noise from the residential areas.

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

Currently there are only two Zoning Districts in the City of Cape Coral that are compatible with the City's Commercial/ Professional Land Use. These zonings are C (Commercial) or P (Professional). In addition, the City has developed specific standards of development for the commercial uses permitted in this district that would be considered more intrusive and because of these required development standards and dimensional regulations, we believe there are more safe guards for some types of commercial uses than there are professional uses.

Cautero /Letter of Intent
Zoning Amendment - Block 1089
October 31, 2019
Page 5

We respectfully request your approval of this Rezoning request. Should you or your staff have questions or require additional information, please let us know.

Sincerely,

AVALON ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Linda Miller". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Miller".

Linda Miller, AICP
Senior Planner

Planning Division Case Report

ZA19-0010

Review Date: January 22, 2019

Property Owner: JPMB, LLC

Representative: Linda Miller, Avalon Engineering Inc.

Requests:

1. Rezone Lots 28-32, Block 1089, from Professional (P) to Commercial (C).
2. Rezone Lots 33-36, Block 1089, from Single Family Residential (R1) to Commercial (C).

Location: 118 and 122 Hancock Bridge Parkway; 118 and 122 SE Santa Barbara Place
Unit 23, Block 1089, Lots 28-36

Prepared By: Justin Heller, Senior Planner

Approved By: Mike Struve, Planning Team Coordinator, Robert Pederson, Planning Manager

Recommendation: **Approval**

BACKGROUND

The four parcels are at the east end of Block 1089, bounded by Hancock Bridge Parkway, SE 1st Avenue, and SE Santa Barbara Place. The 1.12-acre site is comprised of nine lots. All four parcels are undeveloped and under common ownership.

ZONING AND FUTURE LAND USE HISTORY

In 2008, the Future Land Use Classification (FLUC) for the site was amended from Single Family (SF) and Multi-Family (MF) to Commercial/Professional (CP) by Ordinance 149-07.

In 2019, the City rezoned a portion of the site by Ordinance 04-19. Lots 28-32 along Hancock Bridge Parkway were changed from Multi-Family Residential (R-3) to Professional (P). Lots 33-36 along SE Santa Barbara Place remained as Single-Family Residential (R1).

ANALYSIS

Staff analyzed this request based on the goals and objectives in the Comprehensive Plan and the standards for rezones in LDC, Section 3.4.6.

Land Development Code

LDC, Section 3.4.6 provides six criteria for rezone requests:

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

The current P Zoning of Lots 28-32 is consistent with the Commercial/Professional FLUC. The current R1 Zoning of Lots 33-36 is not consistent with the Commercial/Professional FLUC. The proposed C Zoning will render the entire site consistent with the Commercial/Professional FLUC. See Comprehensive Plan analysis for details on overall consistency.

2. *Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;*

Existing uses within 500 ft. of the site include a Walgreens, McDonald's with drive thru, 7-Eleven gas station with convenience store and car wash, Badcock Home Furniture store, and single-family homes. Fast food restaurant with drive thru, gas station with convenience store, and car wash, are some of the more intense uses that are allowed in the proposed C District. The full range of permitted uses in the proposed C District includes those commercial uses within 500 ft. of the site and therefore should be compatible with surrounding uses in the area.

Properties to the south and southeast have a Single Family (SF) FLUC and R1 Zoning and are developed with single-family homes. These properties are separated from the site by local streets with 50-ft. wide rights-of-way. These streets will separate new commercial development in the block from these single-family homes. The Land Development Code includes landscaping, architectural, and lighting standards to help make commercial development more harmonious with nearby residential uses.

3. *Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;*

Uses in the C District should be compatible with existing uses, as described above. New uses to the north, east, and west will likely be commercial as these have either a Commercial/Professional (CP) or Pine Island Road District (PIRD) FLUC. Potential uses in the P, C, and CC zoned parcels adjacent to the site will primarily be non-residential and should be compatible with permitted uses in the proposed C zoning. Properties with R1 zoning to the west that have a Commercial/Professional FLUC will require a rezone to the C or P District before development can occur on those sites.

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

The City cannot issue development permits for Lots 33-36 until the zoning is consistent with the FLUC. The proposed C Zoning is consistent with the Commercial/Professional FLUC. If the rezone is approved, the City may issue development permits for these parcels.

As noted in the Future Land Use Element of the City of Cape Coral Comprehensive Plan, the City has identified a need for increasing commercial lands within Cape Coral. The proposed rezone may assist in a small way in addressing the imbalance of commercial development by allowing additional commercial uses on the site. Future development could provide a variety of uses, such as retail or restaurant establishments, to service the surrounding community.

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

The C District does not have a minimum lot area. The individual parcels range in area from 0.23 acres to 0.33 acres, and the smaller sites may be marginal to individually support viable commercial developments. However, since these sites are under common ownership, two or more sites can be easily combined to produce a larger site to provide adequate parking, stormwater treatment, and landscaping to support commercial uses.

The site is on Hancock Bridge Parkway, minor arterial street. Arterial streets are preferred locations for commercial properties as these streets are designed to carry large numbers of trips, provide quick and convenience access for deliveries, and provide good visibility frequently desired by commercial establishments. Many of the surrounding properties also have non-residential zoning designations including Commercial (C) to the east, Commercial Corridor (CC) to the north, and Professional (P) to the west.

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

The only other zoning district consistent with the CP FLUC is P. The P District allows fewer uses than the C District. Many of the more intensive uses allowed in the C District, such as automotive repair, gas stations, and vehicle sales are prohibited in the P District. Wider landscape buffers are required for C zoned-sites when adjacent to residential properties to ameliorate the effects of these commercial uses. Properties to the south and east are zoned R1. A rezoning to P would be less intense than a rezoning to C. Commercial zoning allows 33 additional permitted or conditional uses and 1 special exception use more than P zoning.

A rezone to P would require a much smaller buffer at the southern property lines adjacent to R1 properties. R1 to P requires a five-foot buffer, whereas R1 to C requires a 10 or 20-foot buffer depending on whether there is a wall incorporated into the buffer. Larger landscape buffers help offset the impacts of more intense uses that would be allowed in C zoning.

Comprehensive Plan

The goals, objectives, and policies of the Comprehensive Plan dictate the appropriate zoning designations and regulations within the City. The Comprehensive Plan Objectives and Policies outlined below are the most directly applicable to the rezone request.

The Rezone is consistent with the following policies of the Future Land Use element of the Comprehensive Plan.

Policy 1.14 Assembly of pre-plated parcels for commercial development; New commercial properties should preferably be located adjacent to an intersection.

The rezone will allow the assembly of a commercial site exceeding one acre. The site is at the intersection of Hancock Bridge Parkway and SE 1st Avenue and ± 300 ft. from the major intersection of Hancock Bridge Parkway and Santa Barbara Boulevard.

Policy 1.15.c: Commercial/Professional "...Generally, two zoning districts are consistent with the Commercial/Professional future land use classification, identified below...Professional (P)... Commercial (C)"

The existing zoning and future land use combination for Lots 28-32 are consistent with each other. The existing zoning and future land use combination for Lots 33-36 are not consistent and, therefore, are in conflict with Chapter 4, Policy 1.15. The proposed rezone will remedy this conflict.

Policy 2.1: The City shall encourage commercial development where it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.

The site is on a minor arterial street and has access to City utilities. Additionally, there are other adjacent properties zoned C and CC within close proximity to the site. These nonresidential sites have the potential to provide goods and services at the neighborhood scale to serve residents living in this area.

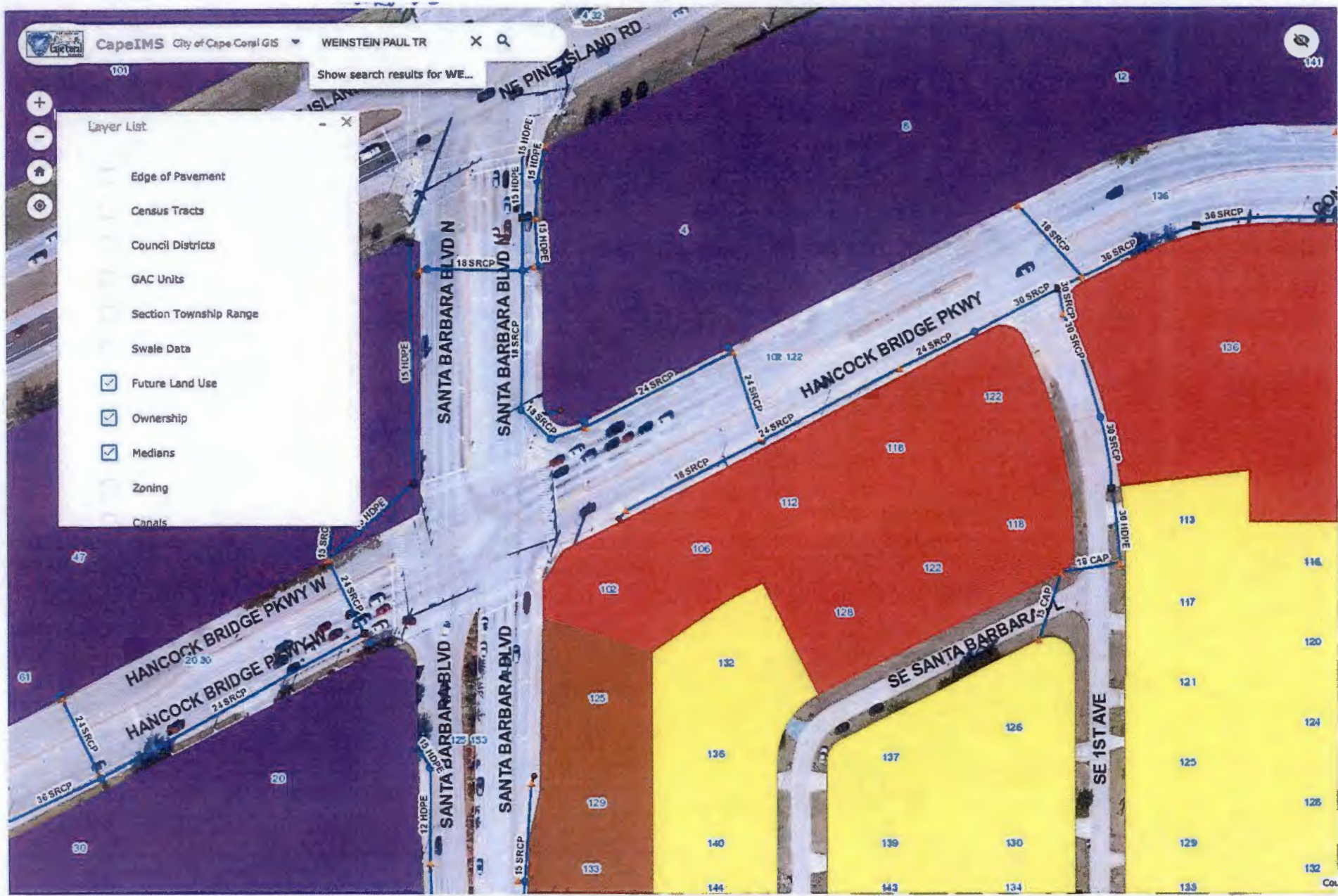
Objective 3: Development of Quality Commercial Centers: The City encourages development of quality commercial (retail, office, and/or services) centers on property that meets the recommended land configuration for such commercial centers and that is located proximate to an adequate trade area, relative to the size and character of the center, and necessary to ensure economic viability.

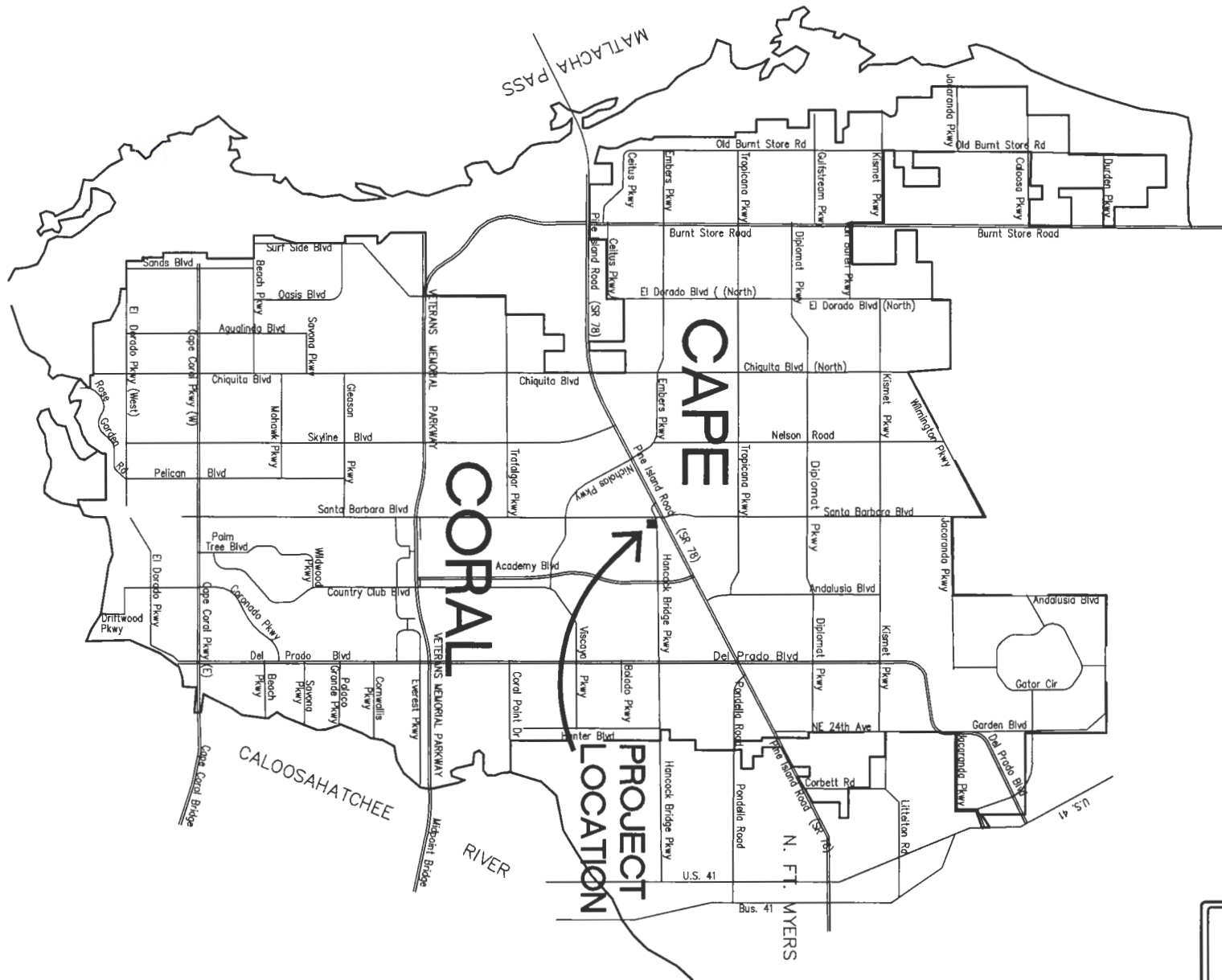
As previously stated, the subject site is on a minor arterial street and adjacent to other commercial properties which can serve the surrounding residential properties.

RECOMMENDATION

Given the collective area of the site, frontage on a minor arterial, and the surrounding land use and zoning patterns, staff finds that the site is suitable for the requested C zoning. Staff recommends approval of both requests.

CURRENT LAND USE MAP





1
OF
1

#18-122

**PROJECT
LOCATION**

ZONING AMENDMENT
BLOCK 1089, UNIT 23
CAPE CORAL, FLORIDA

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

| DATE | BY | REVISION DESCRIPTION |
|------|----|----------------------|
| | | |
| | | |
| | | |

THIS PLAN IS INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. "NOT FOR CONSTRUCTION"



1
OF
1

VICINITY MAP
(AERIAL)

ZONING AMENDMENT
BLOCK 1089, UNIT 23
CAPE CORAL, FLORIDA

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

| DATE | BY | REVISION DESCRIPTION |
|------|----|----------------------|
| | | |
| | | |
| | | |

THIS PLAN IS INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATORY CONSTRAINTS. "NOT FOR CONSTRUCTION"

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TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0004029428

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$315.65

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/31/20

Text of Ad:

**NOTICE OF PUBLIC HEARING
ADVERTISEMENT
CASE NUMBER: ZA19-0010**

REQUEST:

1. Rezone Lots 28-32, Block 1089, from Professional (P) to Commercial (C).
2. Rezone Lots 33-36, Block 1089, from Single Family Residential (R1) to Commercial (C).

CAPE CORAL STAFF CONTACT: Justin Heller- Planner, PH: 239-574-0587, Email: jheller@capecoral.net

PROPERTY OWNER: JPMB, LLC

UPCOMING PUBLIC HEARING: Notice is hereby given that the Hearing Examiner will hold a public hearing at 9:00 A.M. on February 11, 2020 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM.

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

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

8//1 (IDD) or 1-800-955-8//0 (v) for
assistance.
by order of
Kimberly Bruns, CMC
City Clerk
REF # ZA19-0010
LEGAL AD - DCD
AD # 4029428 January 31, 2020

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: JPMB, LLC

APPLICATION NO: ZA19-0010

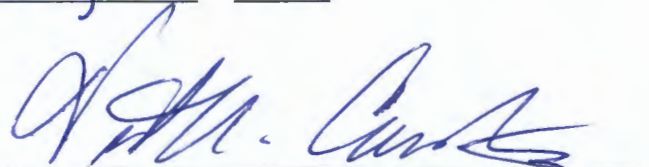
STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

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

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

DATED this 4th day of February, 2020.

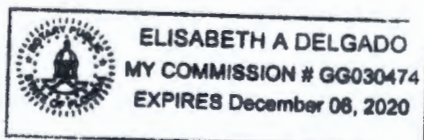


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 4th day of February, 2020, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/16/20 Commission # 64030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public







CITY OF CAPE CORAL

Department of
Community Development
Planning Division

CURRENT FUTURE LAND USE MAP

Case No. ZA19-0010

LEGEND

-  500' BOUNDARY
-  SUBJECT PARCELS
-  SF
-  MF
-  PIRD
-  CP

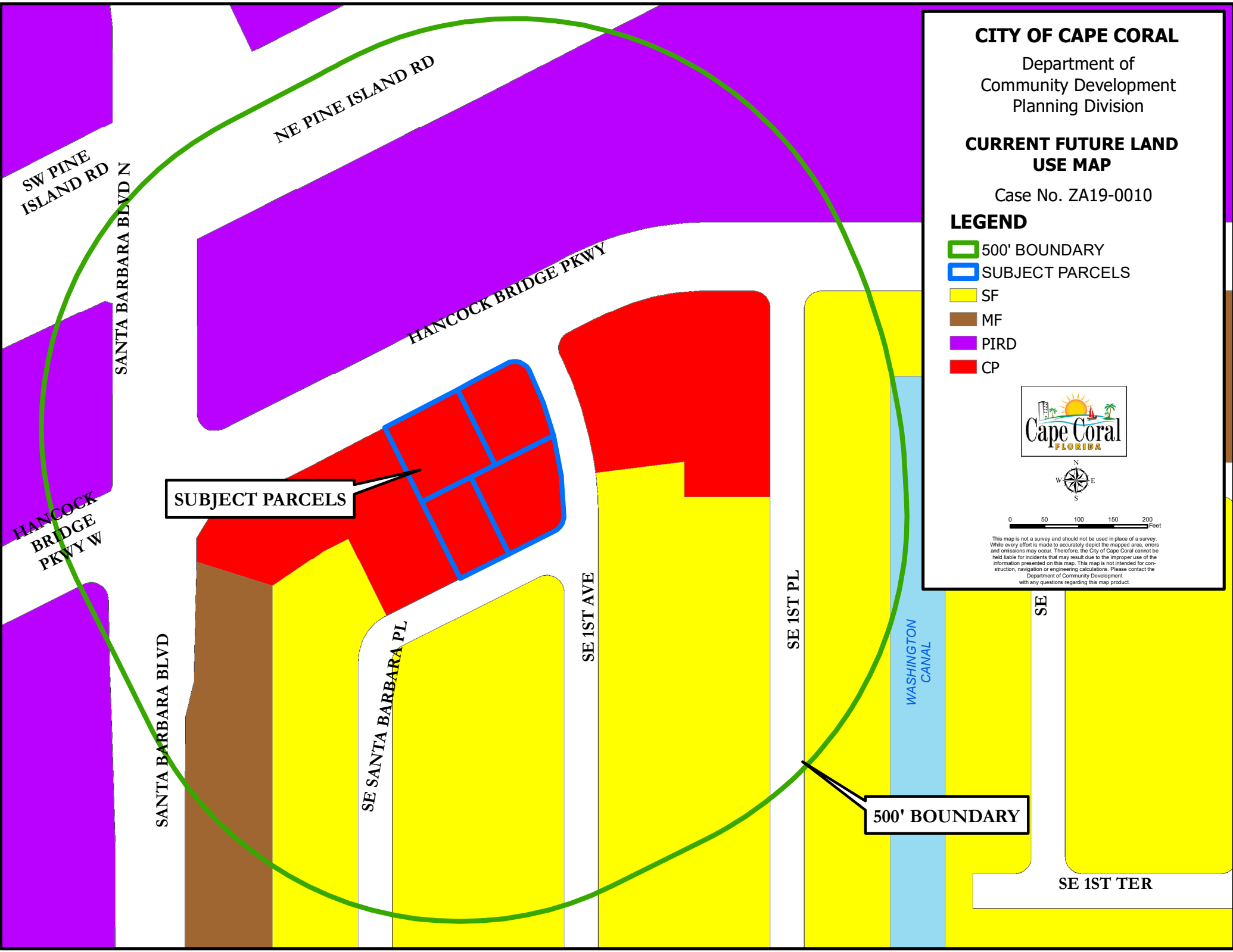


0 50 100 150 200 Feet

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.

SUBJECT PARCELS

500' BOUNDARY










CITY OF CAPE CORAL

Department of
Community Development
Planning Division

CURRENT ZONING MAP

Case No. ZA19-0010

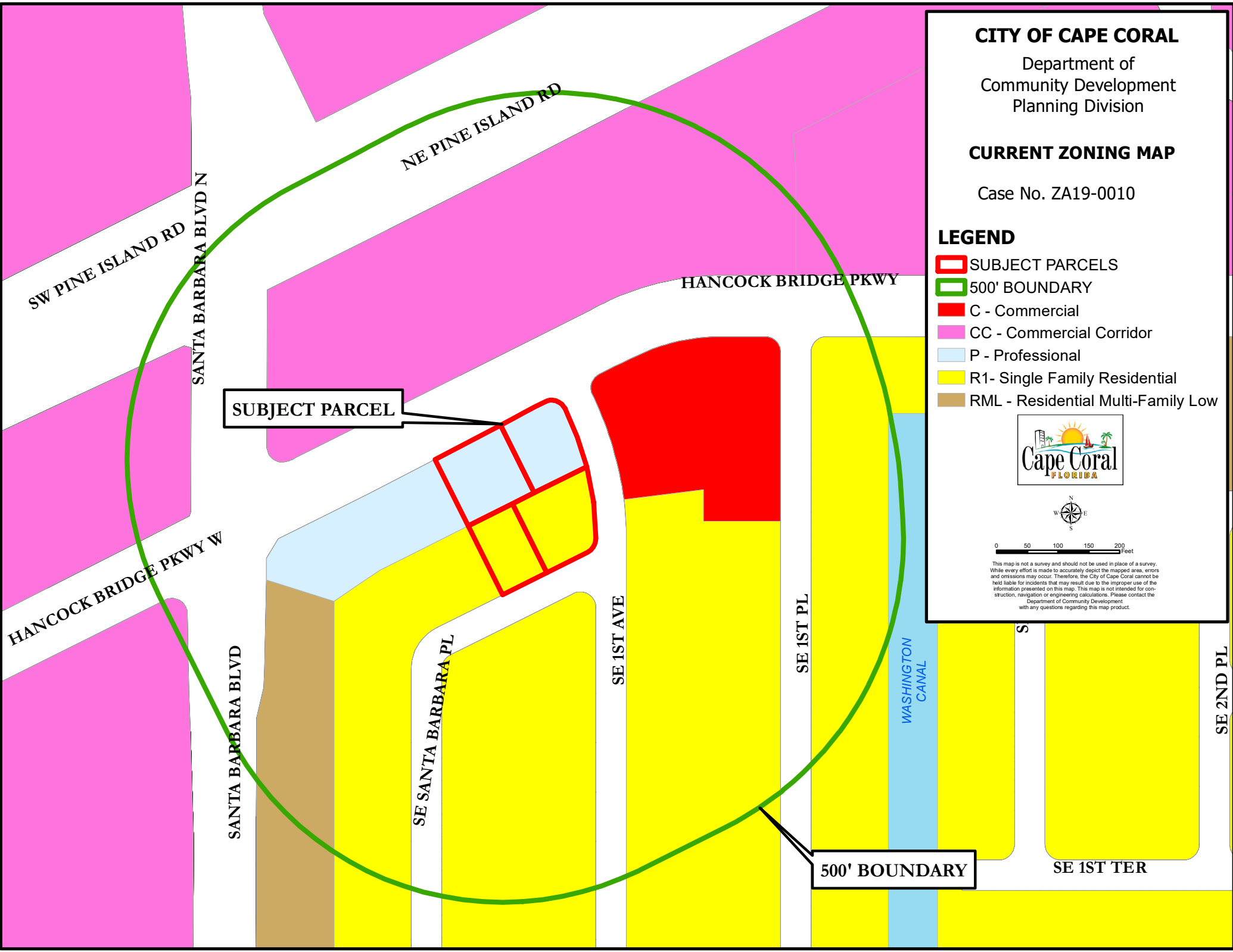
LEGEND

-  SUBJECT PARCELS
-  500' BOUNDARY
-  C - Commercial
-  CC - Commercial Corridor
-  P - Professional
-  R1- Single Family Residential
-  RML - Residential Multi-Family Low



0 50 100 150 200 Feet

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SUBJECT PARCEL

500' BOUNDARY









CITY OF CAPE CORAL

Department of
Community Development
Planning Division

PROPOSED ZONING MAP

Case No. ZA19-0010

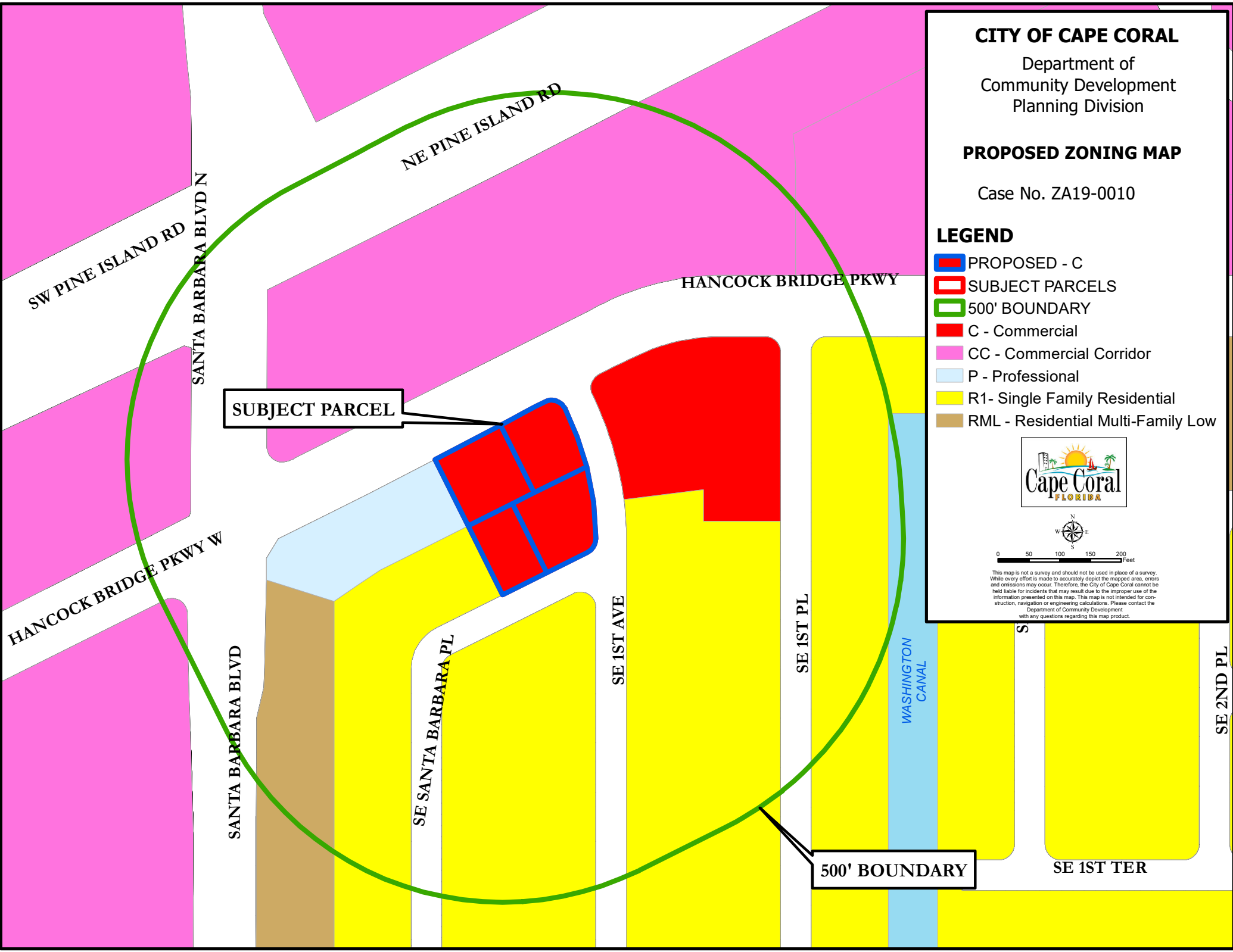
LEGEND

-  PROPOSED - C
-  SUBJECT PARCELS
-  500' BOUNDARY
-  C - Commercial
-  CC - Commercial Corridor
-  P - Professional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low



0 50 100 150 200 Feet

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CITY OF CAPE CORAL
Department of
Community Development
Planning Division

AERIAL MAP

Case No. ZA19-0010

LEGEND

 **SUBJECT PARCELS**



0 30 60 90 120 Feet

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CONNECTING RD

HANCOCK BRIDGE PKWY

SE 1ST AVE

SE SANTA BARBARA PL

SUBJECT PARCELS



500 FOOT NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA19-0010

REQUEST:

1. Rezone Lots 28-32, Block 1089, from Professional (P) to Commercial (C).
2. Rezone Lots 33-36, Block 1089, from Single Family Residential (R1) to Commercial (C).

CAPE CORAL STAFF CONTACT: Justin Heller- Planner, PH: 239-574-0587, Email: jheller@capecoral.net

PROPERTY OWNER(S): JPMB, LLC

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

Item Number: 2.B.
Meeting Date: 2/11/2020
Item Type: HEARINGS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Case# ZA19-0011*;Address: 35 NE 10th PL ;Summit 69, LLC

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:

The applicant requests a rezone of a 4.22-acre site from the Residential Multi-Family Low (RML) to the Residential Multi-Family Medium (RMM) District.

LEGAL REVIEW:

EXHIBITS:

See attached back up materials

PREPARED BY:

Shawn Baker Division- Planning Department- Community Development

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Planning Division
PH : 239-242-3255
Email: mstruve@capecoral.net

ATTACHMENTS:

Description

Type

▢ Back up materials

Backup Material



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

REZONING APPLICATION

CHECKLIST

- ☒ 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, a copy of the restrictions will be required.
- ☒ 2. Letter of intent stating the actual request and why the request is being made.
- ☒ 3. Certified survey done within past six (6) months MAY be required.
- ☐ 4. If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.
- ☒ 5. Please refer to Rezoning Section 3.4.6. (page 7) for additional required documentation.

All items must be provided at the time of submission and all forms must be typewritten

NOTE

In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

REZONE REQUEST

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

OWNER(S) OF PROPERTY INFORMATION

Owner Cape Summit 69, LLC
Phone 305-343-0587
Email lalonso@lazimamgmt.com

Address 9240 SW 72 ST STE 108
City Miami State FL Zip 33173

Owner _____
Phone _____
Email _____

Address _____
City _____ State _____ Zip _____

APPLICANT INFORMATION

Applicant Cape Summit 69, LLC
Phone 305-343-0587
Email lalonso@lazimamgmt.com

Address 9240 SW 72 ST STE 108
City Miami State FL Zip 33173

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative BJM Consulting, Inc.
Phone 239-470-5778
Email joe@bjmconsult.com

Address PO Box 101655
City Cape Coral State FL Zip 33910

PROPERTY INFORMATION

Unit 46 Block 3587 Lot (s) Parcel A Subdivision Cape Coral

Property Address 35 NE 10th PL

Plat Book 17 Page 125

Current Zoning RML Strap Number 07-44-24-C4-03587.0030

Number of Acres 4.22 Proposed Zoning RMM



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

Cape Summit 69, LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Luis Alonso

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Cape Summit 69, LLC

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FL, COUNTY OF DADE

Subscribed and sworn to (or affirmed) before me this 28 day of JANUARY

20 20, by Luis Alonso who is personally known or produced
as identification.

Exp Date: 2/19/24

Commission Number: GG 926067

Signature of Notary Public: _____



Printed name of Notary Public: ERIC CASOLA



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity, at the hearing, to present 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 and recording 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.

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 28 Day
of January, 2020.

Cape Summit 69, LLC
CORPORATION/COMPANY NAME

Luis Alonso
OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF FL, COUNTY OF Dade

Subscribed and sworn to (or affirmed) before me this 28 day of January,
2020, by Luis Alonso who is personally known or produced
as identification.

Exp Date: 2/19/24

Commission Number: GG 926061



Signature of Notary Public:

Printed name of Notary Public:

ERIC CASOLA



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

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

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

Rezoning
(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT 46 BLOCK 3587 LOT(S) Parcel A SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Cape Summit 69, LLC Luis Alonso
PROPERTY OWNER (Please Print)

Luis Alonso
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

[Signature]
PROPERTY OWNER (Signature & Title)

STATE OF FL COUNTY OF Dade

Subscribed and sworn to (or affirmed) before me this 28 day of JANUARY, 2020,
by Luis Alonso who is personally known or produced _____ as
identification.

Exp Date: 2/19/24

Commission Number: G-G 926061



Signature of Notary Public: _____

Printed name of Notary Public: ERIC CASOLA

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Cape Summit 69, LLC Luis Alonso
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)


OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL, COUNTY OF Dade

Subscribed and sworn to (or affirmed) before me this 28 day of January,

20 20, by Luis Alonso who is personally known or produced

_____ as identification.

Exp Date: 2/19/24

Commission Number: GG 926061

Signature of Notary Public: 

Printed name of Notary Public: Eric Casola





REZONES REGULATIONS

- A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:
1. The City Council upon its own motion;
 2. The Planning and Zoning Commission upon its own motion;
 3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
 4. The City Manager for a City initiated rezone; or
 5. The Community Development Department, following approval of a similar use determination.
- B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:
1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
 2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
 3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
 4. Whether the proposed zoning district will serve a community need or broader public purpose;
 5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
 6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.
- D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

Detail by Entity Name

Florida Limited Liability Company

CAPE SUMMIT 69, LLC

Filing Information

| | |
|----------------------|----------------|
| Document Number | L16000054873 |
| FEI/EIN Number | 81-1857236 |
| Date Filed | 03/17/2016 |
| Effective Date | 03/17/2016 |
| State | FL |
| Status | ACTIVE |
| Last Event | LC NAME CHANGE |
| Event Date Filed | 12/28/2018 |
| Event Effective Date | 01/01/2019 |

Principal Address

9240 SW 72 STREET
SUITE 108
MIAMI, FL 33173

Mailing Address

9240 SW 72 STREET
SUITE 108
MIAMI, FL 33173

Registered Agent Name & Address

LORENZO, JAY, ESQ
9192 CORAL WAY
SUITE 201
MIAMI, FL 33165

Authorized Person(s) Detail

Name & Address

Title MGR



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

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

December 4, 2019

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

RE: Cape Summit 69. LLC Zoning Request

Dear Mr. Cautero,

BJM Consulting, Inc. represents Cape Summit 69. LLC, the owner of a parcel of land located in Central Cape Coral. The address of the property is 35 NE 10th Place. Please accept this as our Letter of Intent for a request to change the Zoning from Multifamily RML to Multifamily RMM.

The site fronts on NE 10th Place and is 4.22 +/- acres, its future land use is MF (Multifamily), and existing zoning is MRL (Multifamily 16 units/acre). The site is located in the Infill area and is serviced by all three utilities.

We are requesting a zoning change of the entire site from the existing RML (Multifamily 16 units/acre) to RMM (Multifamily 20 units/acre). The site is just north of Hancock Bridge Parkway, west of Van Loon Commons Condominium and south Coral Village both multifamily developments. As such this application will allow for a project to be built that is extremely compatible with the surrounding community.

The location of the parcel along with its size make it a well-qualified candidate for the RMM Zoning. To support this position, during the recent city sponsored FLUM amendment process city staff had originally chose this site for RMM zoning. It was only after the compromise to make all RMM Zonings was this site changed to RML.

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

Sincerely,

Joe Mazurkiewicz, Jr.

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

Planning Division Case Report

ZA19-0011

Staff Report prepared by Mike Struve, AICP, Planning Team Coordinator

| | |
|---|--|
| SITE ADDRESS 35 NE 10 th Place | APPLICANT/PROPERTY OWNER Cape Summit 69, LLC |
| AUTHORIZED REPRESENTATIVE Joe Mazurkiewicz, Jr., BJM Consulting, Inc. | |

SUMMARY OF REQUEST

The applicant requests a rezone of a 4.22-acre site from the Residential Multi-Family Low (RML) to the Residential Multi-Family Medium (RMM) District.



| | |
|---|---|
| Positive Aspects of Application: | The rezone will allow for an increase in density, from 16 to 25 d.u./a., on a site that can accommodate such an increase. Existing multi-family developments are adjacent to the site. |
| Negative Aspects of Application: | The site is in an established single-family residential area. Along with the increase in density, the RMM District allows a maximum building height of 60 ft. compared to 50 ft. that is allowed in the RML District. |
| Mitigating Factors: | The site is separated from existing single-family homes by local streets to the south and west. |

STAFF RECOMMENDATION: Approval

Review Date: January 23, 2020

Property Owner: Cape Summit 69, LLC

Site Address: 35 NE 10th Place
Cape Coral, FL 33909
Strap number: 07-44-24-C4-03587.0030
(Legal description of the site appears in Exhibit "A")

Owner Address: 9240 SW 72nd Street, Suite 108
Miami, FL 33173

Authorized Rep. Joe Mazurkiewicz, Jr., BJM Consulting, Inc.

Request: The owner requests a rezone of a 4.22-acre site from the Residential Multi-Family Low (RML) to the Residential Multi-Family Medium (RMM) District.

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

Reviewed By: Robert H. Pederson, AICP, Planning Manager

Recommendation: **Approval**

Urban Service Area: Transition

Right-of-Way Access: The site has frontage on NE 10th Place to the west, and NE Van Loon Terrace to the south. Both public rights-of-way are classified as local streets.

Description of Block 3587:

The site is in eastern Cape Coral, northeast of the intersection of Cultural Park Boulevard and Hancock Bridge Parkway. The 4.22-acre site is undeveloped. The site has frontage along two local streets; NE Van Loon Terrace to the south and NE 10th Place to the west.

The site is one of four parcels that comprise Block 3587 that range from 0.81 to 9.75 acres. The other three sites in this block are developed with multi-family projects. Development occurring immediately outside this block consists exclusively of single-family dwellings although a small number of undeveloped platted sites exist.

Purpose of the Rezoning Request

This rezone is requested to increase the allowable density of the site from 16 to 25 dwelling units per acre (d.u./a.). The new zoning would allow a maximum of 105 dwelling units on the site, 37 additional units above that which the site is currently entitled for under the existing RML District.

Entitlement History

The site has always had a Multi-Family Residential Future Land Use Classification (FLUC).

The zoning of the site and all of Block 3587 was changed from Multi-Family Residential (R-3) to RML by Ordinance 4-19.

Analysis:

Staff reviewed this application based on criteria in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the RML and RMM Districts. Lastly, this application has evaluated for consistency with goals and policies appearing in the Comprehensive Plan.

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

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

2. *Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;*

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

The RMM District requires a minimum area of 43,560 sq. ft. This district allows multi-family dwellings but prohibits single-family dwellings, duplexes, and model homes. Nonresidential uses allowed in this district are limited in number and similar to those allowed in the RML District. Besides allowing greater density, the RMM District allows for greater building height than the RML District, a maximum of 60 ft.

With the exception of the subject block, the surrounding area consists exclusively of single-family homes. All single-family homes are separated from the site by local streets with minimum 60-foot wide rights-of-way. Within Block 3587 existing multi-family uses are to the north, east, and west of the site.

While differences in degree exist, different types of residential uses exhibit similar land use characteristics. For example, residential uses typically generate low numbers of peak hour trips on a per unit basis, generate low noise levels, and lack loading areas often associated with commercial projects. For these reasons, staff considers various types of residential uses to generally be compatible with one another. The range of uses allowed in the proposed RMM District will be well-suited with the existing multi-family uses in Block 3587.

Despite the greater density and height allowed in the RML District, uses in this district should be compatible with the single-family uses to the south and west of the site.

3. *Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;*

The RMM District restricts residential uses to multi-family development. The RML District also allows multi-family development and like the R-1 District, allows single-family residences. The RML District is the only district among these three that allows duplexes.

The R-1, RML, and RMM allow many of the same nonresidential uses including education facilities, parks, and religious institutions. In general, however, fewer nonresidential uses are allowed in the R-1 District compared to the RML and RMM Districts to better protect the integrity of these lower density, single-family neighborhoods.

In summary, the potential uses allowed in the RML and RMM Districts are generally similar to one another, except for single-family dwellings and duplexes that are only allowed in the RML District. More differences exist in the types of uses allowed in the R-1 and the RMM Districts. Despite these distinctions, the potential uses allowed in these three residential districts should be compatible with one another.

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

The proposed RMM District will serve a community need by rezoning a property that is suited for multi-family development at a maximum density of 25 d.u./a. based on the area, configuration, and location of the site (see Criterion #5 below). The City has a documented shortage of multi-family units as a study completed for the City in 2019 revealed that 1,547 new rental units could be absorbed in the City between 2019 and 2022.¹

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

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

- The proposed RMM District is consistent with the Multi-Family Residential FLUC.
- The area of the site (4.22 acres) substantially exceeds the one acre minimum required by the LDC for RMM-zoned properties.
- Centralized utilities are available to the site.

¹ Need for Multi-Family Rental Apartments: City of Cape Coral, Florida. 2019. Prepared for the City of Cape Coral Economic Development Office by Reinhold P. Wolff and L. Keith White with Reinhold P. Wolff Economic Research, Inc.

- The site is in a block that has three existing multi-family developments.
- The site has a configuration that exhibits good depth for much of the site. Properties with increased depth enables developments to accommodate parking, landscaping, and stormwater treatment more easily than narrower sites, thereby increasing the likelihood of a high-quality design.
- Surrounding uses outside of Block 3587 are limited to single-family dwellings. Street rights-of-way separate all existing single-family homes from the rezone area.

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

The proposed RMM District will promote development similar to that which already exists elsewhere within Block 3587, although this zoning district allows for greater density and additional height than the RML District. The RML and RMM Districts are the only districts that are consistent with the Multi-Family Residential FLUC. A third option would involve rezoning the site within a Planned Unit Development (PUD) application. While this approach does not guarantee a superior project, a PUD would permit residents to comment on the proposed project during public hearings and allow the City Council to impose conditions warranted on the development.

Consistency with the Comprehensive Plan:

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

Future Land Use Element

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

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

Housing Element

GOAL: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status. Staff comment: The only residential use allowed in the RMM District is multi-family. The City has a documented deficiency of multi-family rental units as noted earlier in this report.

Policy 2.1: Pursuant to S. 163.3202 (1), F.S., the City will continue to incorporate provisions into its Land

Development Code that assist in lowering the costs for residential development, while maintaining housing quality in accordance with the City's minimum building standards. Staff comment: The City has recently adopted several new zoning districts in the LDC that allow for greater density than the respective companion zoning districts in the former Land Use and Development Regulations. One such example is the RMM District. The former R-3 District was replaced with the RML and RMM Districts. The density of the RMM District was increased to a maximum of 25 d.u./a., greater than the 16 d.u./a. allowed in the former R-3 District. This increase in density in part incentivizes new multi-family development by lowering land costs on a per unit basis.

Recommendation:

The subject site is a viable, but not ideal candidate for the requested rezone. The requested RML District will allow a maximum of 25 d.u./a., an increase from the current 16 d.u./a. The rezone will also allow for an increase in building height, from 50 to a maximum of 60 ft. The subject block is surrounded by existing single-family homes, although local streets provide separation between these existing single-family dwellings and the site. This rezone will allow for 38 additional multi-family units compared to the existing entitlements for the site. Characteristics of the site, that include depth and area, suggest a quality residential project could be designed for the site that can accommodate the greater density allowed by the RMM District that would not be harmful to the existing neighborhood.

Staff Contact Information

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Planning Division
PH: 239-242-3255
Email: mstruve@capecoral.net

Exhibit "A"

ZA19-0011

DESCRIPTION: INSTRUMENT No. 2018000203734

A TRACT OR PARCEL OF LAND SITUATED IN BLOCK 3587, CAPE CORAL UNIT 46, ACCORDING TO PLAT BOOK 17, PAGES 118 THROUGH 129 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE PERMANENT REFERENCE MONUMENT (P.R.M.) COMMON TO LOTS 25 AND 26, BLOCK 3586 OF SAID CAPE CORAL UNIT 46; THENCE RUN S00°00'00"E FOR 60.00 FEET TO A POINT ON THE NORTH LINE OF BLOCK 3587, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF N.E. 2ND STREET (60 FEET WIDE); THENCE ALONG SAID LINE N90°00'00"W FOR 442.63 FEET; THENCE S00°00'00"E FOR 542.23 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2924 AT PAGE 1872 AND TO THE POINT OF BEGINNING; THENCE S90°00'00"E FOR 127.00 FEET; THENCE S00°00'00"E FOR 446.13 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.E. VAN LOON TERRACE (60 FEET WIDE); THENCE N89°52'53"W ALONG SAID NORTH LINE FOR 449.36 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.00 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°29'04" FOR 37.74 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5030.72 FEET, SAID POINT BEING ON THE EAST RIGHT-OF-WAY OF N.E. 10TH PLACE, (70 FEET WIDE); THENCE CONTINUE NORTHWESTERLY ALONG SAID CURVE AND SAID EAST RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 01°51'46" FOR 163.56 FEET; THENCE N83°38'41"E, DEPARTING SAID CURVE AND SAID EAST RIGHT-OF-WAY LINE FOR 114.38 FEET; THENCE N58°35'42"E FOR 34.26 FEET; THENCE N87°13'53"E FOR 21.00 FEET; THENCE N02°46'07"W FOR 28.00 FEET; S87°13'48"W FOR 36.96 FEET; THENCE N03°17'59"W FOR 16.67 FEET; THENCE S82°19'54"E FOR 17.42 FEET; THENCE N08°51'56"E FOR 28.58 FEET; THENCE N80°07'40"W FOR 16.99 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 22.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N83°58'15"W; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 87°50'35" FOR 33.73 FEET; THENCE N03°52'20"E, DEPARTING SAID CURVE ALONG THE EXTENSION OF A RADIAL LINE FOR 21.47 FEET; THENCE N85°04'20"W FOR 26.96 FEET; THENCE N04°56'15"E FOR 3.96 FEET; THENCE N85°09'18"W FOR 5.92 FEET; THENCE N39°27'07"W FOR 59.28; THENCE N03°48'49"E FOR 15.00 FEET; THENCE N14°06'10"E FOR 11.33 FEET; THENCE N57°49'52"E FOR 12.71 FEET; THENCE S85°54'07"E FOR 9.01 FEET; THENCE N43°44'15"E FOR 7.84 FEET; THENCE N00°00'00"E FOR 24.07 FEET TO THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 2924 AT PAGE 1872; THENCE S90°00'00"E ALONG SAID SOUTH LINE FOR 246.35 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.22 ACRES (183,933 SQUARE FEET), MORE OR LESS.

SUBJECT TO A 6 FEET WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENT CONTIGUOUS TO THE PARCEL PERIMETER.

PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE THE RECORD PLAT OF CAPE CORAL UNIT 46 AS RECORDED IN PLAT BOOK 17, PAGES 118 TROUGH 129, WITH THE CENTERLINE OF NE 2ND STREET AS BEARING N90°00'00"W.



500 FOOT NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: ZA19-0011

REQUEST: Cape Summit 69, LLC requests to rezone a parcel of land situated in Block 3587, Cape Coral, Unit 46, from the Multi-Family Residential Low (RML) District to the Multi-Family Residential Medium (RMM) District. The site is at 35 NE 10th Place.

CAPE CORAL STAFF CONTACT: Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, 239-242-3255, mstruve@capecoral.net

UPCOMING PUBLIC HEARING: Notice is hereby given that the Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on February 11, 2020 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

After Hearing Examiner has made a written recommendation, the case may be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice if this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM.

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

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

The News-Press media group

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Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

TOLL-FREE
888-516-9220

Local #
239-335-0258

Email
FNPLegals@gannett.com

Customer: CITY OF CAPE CORAL_DEPT OF COM

Ad No.: 0004029437

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$289.82

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/31/20

Text of Ad:

**NOTICE OF PUBLIC HEARING
ADVERTISEMENT
CASE NUMBER: ZA19-0011**

REQUEST: Cape Summit 69, LLC requests to rezone a parcel of land situated in Block 3587, Cape Coral, Unit 46, from the Multi-Family Residential Low (RML) District to the Multi-Family Residential Medium (RMM) District. The site is at 35 NE 10th Place.

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by order of
Kimberly Bruns, CMC
City Clerk
REF # ZA19-0011
LEGAL AD - DCD

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Summit 69, LLC

APPLICATION NO: ZA19-0011

STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Caution, AICP having first been duly sworn according to law, state on my oath the following:

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

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

DATED this 4th day of February, 2020.

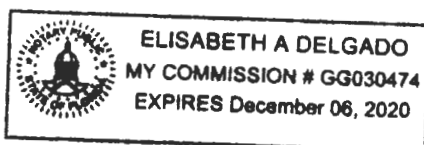


Vincent A. Caution, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 4th day of February, 2020, by Vincent A. Caution, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # GG030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public

SUBJECT PARCEL

NE 1ST TER

NE 10TH PL

VAN LOON COMMONS CIR

NE VAN LOON TER

CITY OF CAPE CORAL
Department of
Community Development
Planning Division
AERIAL MAP

Case No. ZA19-0011

LEGEND

 SUBJECT PARCEL



0 30 60 90 120
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 ZONING MAP

Case No. ZA19-0011

LEGEND

-  SUBJECT PARCEL
-  500' BOUNDARY
-  R1- Single Family Residential
-  RML - Residential Multi-Family Low



0 60 120 180 240 Feet

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NE 2ND ST

VAN LOON COMMONS CIR

NE 11TH PL

SUBJECT PARCEL

NE 10TH PL

NE VAN LOON TER

NE VAN LOON LN

HANCOCK BRIDGE PKWY

NE 10TH AVE

NE 9TH CT

500' BOUNDARY






CITY OF CAPE CORAL

Department of
Community Development
Planning Division

PROPOSED ZONING MAP

Case No. ZA19-0011

LEGEND

-  PROPOSED RMM ZONING
-  SUBJECT PARCEL
-  500' BOUNDARY
-  R1- Single Family Residential
-  RML - Residential Multi-Family Low



0 60 120 180 240 Feet

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NE 2ND ST

VAN LOON COMMONS CIR

NE 11TH PL

SUBJECT PARCEL

NE 10TH PL

NE 10TH AVE

NE 9TH CT

NE VAN LOON TER

NE VAN LOON LN

500' BOUNDARY

HANCOCK BRIDGE PKWY

| | |
|---------------|-------------------------------|
| Item Number: | 3.A. |
| Meeting Date: | 2/11/2020 |
| Item Type: | DATE AND TIME OF NEXT MEETING |

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Tuesday, February 25, 2020, at 9:00 a.m., in Council Chambers

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:

WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: