

Cape Coral Planning & Zoning Commission



AGENDA

Wednesday, January 6, 2021

9:00 AM

Council Chambers

1. CALL TO ORDER

A. Chair Read

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. Bashaw, Bennie, Marker, O'Connor, Ranfranz, Read, Slapper, and Alternates Gilbert and Long

5. APPROVAL OF MINUTES

A. Meeting Minutes - December 2, 2020

6. BUSINESS

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING

A. Ordinance 95-20 (LU 20-0005)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map by eliminating the Judd Creek Sub-District map designation from a parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, being all of Lot 27 and 33A, Mariana Park Third Addition; property is located west of the intersection of Pine Island Road and US Highway 41 (Applicant: City of Cape

Coral) (191.68 acres)

- B. Ordinance 4-21 (LU 20-0007)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Single-Family Residential (SF) land use for property described as Block 4276, Lots 1-9 and 50-59, Cape Coral Subdivision, Unit 61; property is located at 3215-3227 Gulfstream Parkway and 3216-3240 NW 16th Terrace. (Applicant: City of Cape Coral) (2.29 acres)

- C. Ordinance 5-21 (LU 20-0008)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Mixed Use (MX) land use for property described as Lots 35-47, Block 2175, Lots 1-49, Block 2176, and Lots 1-21, Block 2177, all in Unit 32, Cape Coral Subdivision, and a tract or parcel of land lying in Section 30, Township 43 South, Range 24 East, Lee County, Florida; property is located at 1009-1527 Kismet Parkway East and 2500 Del Prado Boulevard North. (Applicant: City of Cape Coral) (182.09 acres)

8. CITIZENS INPUT

9. STAFF UPDATES

10. OTHER BUSINESS

- A. Utilities Department Master Planning Update

11. MEMBER COMMENTS

12. DATE AND TIME OF NEXT MEETING

- A. Wednesday, February 3, 2021, 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.



**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL

Item Number:	5.A.
Meeting Date:	1/6/2021
Item Type:	APPROVAL OF MINUTES

TITLE:

Meeting Minutes - December 2, 2020

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. 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

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Betty Castillo Division- Managerial Department- City Clerk

ATTACHMENTS:

Description	Type
☐ Meeting Minutes - December 2, 2020	Backup Material

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

Wednesday, December 2, 2020

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

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Commissioners Bashaw, Marker, O'Connor, Ranfranz, Read, Slapper, and Alternates Gilbert and Long were present. Commissioner Bennie was excused.

ALSO PRESENT: John Naclerio, Assistant City Attorney
Robert Pederson, Planning Manager
Mike Struve, Planning Team Coordinator

APPROVAL OF MINUTES

Meeting Minutes – November 4, 2020

Commissioner O'Connor moved, seconded by Commissioner Ranfranz, to approve the minutes of the regular meeting held on November 4, 2020 as presented.

Commission polled as follows: Bashaw, Marker, O'Connor, Ranfranz, Read, Slapper, and Long voted "aye." Seven "ayes." Motion carried 7-0.

BUSINESS

PLANNING AND ZONING COMMISSION PUBLIC HEARING

Ordinance 96-20

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending Article 5, Chapter 5, Section 5.5.9, "Prohibited Vegetation," and Article 5, Chapter 5, Section 5.5.13, "Landscaping for All Development other than Single-Family Homes and Duplexes," of the City of Cape Coral Land Development Code, regarding tree planting requirements and invasive exotic plants at public parks and recreational facilities.

Assistant City Attorney Naclerio read the title of the Ordinance.

Planning Team Coordinator Struve discussed the following displayed slides:

- Ordinance 96-20
- Proposes two changes to the landscaping code (LDC Chapter 5)
- Allow invasive exotic vegetation to be removed from a site over time
- Allow reductions to the total tree planting requirements
- Reasons for the amendments
- Provide flexibility
- Tailor the number of trees and the sequencing of exotic plant removal
- Expedite reviews for park projects
- Oasis Woods Environmental Park Concept Plans and Aerial Photograph
- Lake Kennedy Park Concept Plans and Aerial Photograph

Public hearing opened.

No Speakers.

Public hearing closed.

Commissioner Bashaw inquired about the procedural 60% completion of the design phase of the GO Bond Parks. He questioned if the DCD Director approves the landscape plan before it goes before the Council or is the approval process still included in the sequence of developing the parks.

Coordinator Struve explained that when the projects go for Staff reviewal then the number of proposed trees and shrubs are looked at including the count of the trees and if actual landscaping standards are being met. These requests would come forward to the Director during the site plan stage. The Council sets the broad vision for the parks, and they would provide direction as to what type of palms would be preferred.

Vice Chair Slapper inquired if the DCD Director has the flexibility to state that 300 trees were not enough. Does he have the flexibility to modify and improve plans based on what would be best?

Coordinator Struve explained that currently the Director did not have the flexibility to make any changes to the plans. With the amendment, the Director would be allowed to reduce the number of trees and location of placement in the area.

Planning Manager Pederson explained that there was an analogy to parking ability to vary from the hard and fast based on Code with using the International Traffic Engineers Manual that is used in trip generation and traffic studies. There is also a manual on parking demand and needs, actual technical data might support fewer spaces. Other similar facilities are considered based on ratios and the developer has the flexibility to plan. The Director has the flexibility for parking spaces in the current code, but not for landscaping. The amendment does not change the design of the parks. It provides the Director the flexibility to make changes to landscaping based on trees and placement.

Vice Chair Slapper stated that following the existing Code would not apply for the number of trees based on the acreage.

Manager Pederson stated that the exotic removals could eliminate other vegetation and could cause more damage than good. Some of the species continue to grow over and over and some kind of sequencing might be much better.

Vice Chair Slapper inquired if the amendment was necessary to speed along and improve the process for the parks plan.

Manager Pederson responded in the affirmative.

Assistant City Attorney Naclerio clarified that the amendment did not negate the requirement to remove the exotics; it would just allow for sequencing. He read into the record the requirement per Section 5.5.9.B. certificate of completion issuance.

Vice Chair Slapper moved, seconded by Commissioner Marker, to recommend approval of Ordinance 96-20, as presented.

Commission polled as follows: Bashaw, Marker, O'Connor, Ranfranz, Read, Slapper, and Long voted "aye." Seven "ayes." Motion carried 7-0.

CITIZENS INPUT

No speakers.

STAFF UPDATES

Manager Pederson announced that the City Council approved to move their meetings from Monday to Wednesday; 1st and 3rd Wednesdays for Regular meetings; 2nd Wednesday for Committee of the Whole (COW) meetings; and 4th Wednesday, reserved as needed for a second COW or potential special meeting (beginning at 4:30 p.m.). He stated that Staff was working on a number of calibrations on the list in the text to the Code which will be coming back for review to the Commission. There will also be some Land Use changes coming where there are Land Use and Zoning inconsistencies that have been determined throughout the City, particularly those where owners cannot sell or develop their properties.

Commissioner Bashaw commended Manager Pederson and his team for presenting useful topics for discussion and moving the City forward.

Manager Pederson mentioned that there would be a Zoom meeting with the HOA residents in Charlotte County pertaining to the Burnt Store Road project.

Commissioner O'Connor inquired about the meeting time change for Council meetings.

Assistant City Attorney Naclerio responded that there was a discussion by the Council and there was no official change.

OTHER BUSINESS

None.

MEMBER COMMENTS

Chair Read inquired about the utility expansion in the area between Chiquita Boulevard and Burnt Store Road on commercial sites without utilities. What are the utility plans?

Manager Pederson stated that the Utilities Department was working on that area and stated that he had a map with the defined boundaries of UEP 1 North. The area west of that was the area in question, and he did not have the plan information. He suggested inviting Utilities to one of the P&Z meetings to discuss future utilities plans, challenges, and efforts. He discussed the area along Pine Island Road west of Chiquita to Burnt Store Road to bring City water, sewer, and irrigation which was estimated at \$30M for that stretch of roadway.

Chair Read and Commissioner O'Connor agreed to inviting Utilities to the next meeting.

Manager Pederson agreed to invite Utilities to the next meeting to discuss more details and perspective on the infrastructure as the City continues to grow and develop.

Discussion held regarding the plans for that area.

Commissioner O'Connor inquired about the \$30M cost for utilities for that section in the form of assessments or cost to the City.

Manager Pederson stated that it was a high-level estimate and cost to do the project, and he explained the other factors involved.

DATE AND TIME OF NEXT MEETING

The next Regular Meeting was scheduled for Wednesday, January 6, 2021, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:37 a.m.

Submitted by,

Betty Castillo
Assistant City Clerk

Item Number:	7.A.
Meeting Date:	1/6/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 95-20 (LU 20-0005)

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 by eliminating the Judd Creek Sub-District map designation from a parcel of land situated in the State of Florida, County of Lee, lying in Sections 3 and 4, Township 44 South, Range 24 East, being all of Lot 27 and 33A, Mariana Park Third Addition; property is located west of the intersection of Pine Island Road and US Highway 41 (Applicant: City of Cape Coral) (191.68 acres)

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 95-20 (LU 20-0005)

Items presented as Backup Materials are the following;

1. Directors Memorandum
2. Future Land Use Application
3. Staff Report
4. Judd Creek Preserve Aerial Map
5. Current Future Land Use Map

- 6. Current Future Land Use Judd Creek Preserve Map
- 7. Legal Description

PREPARED BY:

Chad Boyko	Division- Planning	Department- Community Development
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SOURCE OF ADDITIONAL INFORMATION:

Chad Boyko, Principal Planner, 239-573-3162
Vince Cautero, DCD Director, 239-574-0600

ATTACHMENTS:

Description		Type
▣	1. Ordinance 95-20 (LU 20-0005)	Ordinance
▣	2. Backup Materials	Backup Material

ORDINANCE 95 - 20

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP BY ELIMINATING THE JUDD CREEK SUB-DISTRICT MAP DESIGNATION FROM A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING ALL OF LOT 27 AND 33A, MARIANA PARK THIRD ADDITION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY IS LOCATED WEST OF THE INTERSECTION OF PINE ISLAND ROAD AND US HIGHWAY 41; 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 CITY OF CAPE CORAL 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. The Judd Creek Sub-District Map Designation shall be eliminated from the following described parcel:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING ALL OF LOT 27 AND 33A, MARIANA PARK THIRD ADDITION AS RECORDED IN PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4, FOR 1313.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD, BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE N.04°33'11"W., ALONG SAID RIGHT-OF-WAY LINE AND SAID WEST LINE, FOR 2132.73 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78); THENCE N.61°59'54"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 593.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 26°15'18", A CHORD BEARING OF N.75°07'33"E., AND A CHORD LENGTH OF 853.64 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 861.15 FEET TO THE END OF SAID CURVE; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET; THENCE S.05°18'56"E., ALONG THE WESTERLY BOUNDARY OF SAID MARIANA PARK THIRD ADDITION FOR 1699.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE N.84°42'04"E. ALONG THE NORTH LINE OF SAID LOT FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 149.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

THENCE S.84°41'04"W. ALONG THE SOUTH LINE OF SAID LOT FOR 325.00 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 831.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 33A; THENCE S.89°26'21"E. ALONG THE NORTH LINE OF SAID LOT FOR 326.72 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.03°27'16"E. ALONG THE EAST LINE OF SAID LOT FOR 50.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT AND AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD (50 FEET WIDE); THENCE S.89°26'21"E. ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT FOR 24.95 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET WESTERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF LOT 34 OF SAID MARIANA PARK THIRD ADDITION; THENCE S.03°22'16"E. ALONG SAID PARALLEL LINE FOR 300.24 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 34; THENCE S.89°25'56"E. ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF LOTS 34 THROUGH 38 OF SAID MARIANA PARK THIRD ADDITION FOR 753.16 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF BROWN ROAD, BEING A 50 FOOT WIDE COUNTY ROAD AS DESCRIBED IN DEED BOOK 273 AT PAGE 447 OF SAID PUBLIC RECORDS; THENCE S.02°19'16"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 325.39 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET NORTHERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF JUDD PARK AS DESCRIBED IN DEED BOOK 302 AT PAGE 181 OF SAID PUBLIC RECORDS; THENCE N.89°33'46"W. ALONG SAID PARALLEL LINE FOR 370.00 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE WEST LINE OF SAID JUDD PARK; THENCE S.02°50'09"E ALONG THE SAID NORTHERLY PROLONGATION AND SAID WEST LINE FOR 159 FEET MORE OR LESS TO THE CENTERLINE OF THE WATERS OF HANCOCK CREEK; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE SAID CENTERLINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.89°26'21"W. ALONG SAID NORTH LINE FOR 360 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W.

PARCEL CONTAINS 191.68 ACRES, MORE OR LESS.

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 plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2021.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	WELSH	_____
SHEPPARD	_____	WILLIAMS	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK


APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\LU20-0005

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: John Szerlag, City Manager

FROM: Vincent Cautero, Community Development Department Director 

DATE: June 29, 2020

SUBJECT: City-initiated Future Land Use Map Amendment Request, LU20-0005

The City is initiating this future land use map amendment to remove the Judd Creek Sub-District from the Future Land Use Map to reflect a proposed text amendment that also eliminates the Judd Creek Sub-District.

In 2003, the Judd Creek area was annexed into the City of Cape Coral. When the City moved forward to assign a future land use map classification, the state land use review agency, the Department of Community Affairs, had concerns regarding the amount of development that could be permitted on the site. This concern stemmed from level of service constraints on Pine Island Road (SR 78).

As a result, the City adopted an amendment to the Comprehensive Plan which restricted development below the maximum density and intensity possible to 1,170 dwelling units and 250,000 square feet of commercial space. This amendment established the Judd Creek Sub-District. As part of this amendment, the City also identified the area affected, and mapped that area on the Future Land Use Map.

Since 2003, several road-widening projects on Pine Island Road have increased transportation capacity, thereby removing the purpose behind restricting development within the Judd Creek area. As a result, this amendment proposes to remove the Judd Creek Sub-District from the Future Land Use Element of the Comprehensive Plan.

To accomplish this, the City is initiating a text amendment to Policy 1.15.p of the Future Land Use Element of the Comprehensive Plan and a Future Land Use Map amendment to remove this Sub-District from the Future Land Use Map.

CWB/cwb(LU20-0005memoofintent.docx)
Attachment



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

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

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

FLUMA APPLICATION REQUIREMENTS

1. ☐ Letter of intent stating the actual request and why the request is being made
2. ☐ Applicant's portion of request shall be typewritten, and signature notarized:
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
3. ☐ Certified survey done within past six (6) months MAY be required
4. ☐ If the subject property is within 500 feet of any County properties, the applicant must provide:
 - a typewritten list of all affected property owners within the area. The list must prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.
6. ☐ Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.
7. ☐ Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.
8. ☐ Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

FUTURE LAND USE MAP AMENDMENT APPLICATION

FEES: \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

OWNER(S) OF PROPERTY INFORMATION

Owner <u>VK Judd Creek, LLC</u>	Address <u>14025 Riveredge Dr.</u>
Phone _____	City <u>Tampa</u>
Email _____	State <u>FL</u> Zip <u>33675</u>
Owner <u>Continental 446 Fund, LLC</u>	Address <u>W134 N8675 Executive Parkway</u>
Phone _____	City <u>Menomonee Falls</u>
Email _____	State <u>FL</u> Zip <u>53051</u>

APPLICANT INFORMATION (If different from owner)

Applicant <u>City of Cape Coral</u>	Address <u>1015 Cultural Park Boulevard</u>
Phone <u>239-574-0410</u>	City <u>Cape Coral</u>
Email _____	State <u>FL</u> Zip <u>33915</u>

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative <u>Chad Boyko, AICP, Principal Planner</u>	Address <u>1015 Cultural Park Boulevard</u>
Phone <u>239-574-0410</u>	City <u>Cape Coral</u>
Email <u>cboyko@capecoral.net</u>	State <u>FL</u> Zip <u>33915</u>

PROPERTY INFORMATION

Unit _____ Block _____ Lot (s) _____	Subdivision <u>Judd Creek Preserve</u>
Property Address _____	
Plat Book _____ Page _____	Current Zoning _____
Strap _____	
Number _____	Acreage _____

Current Land Use Multi-Family (MF) / Judd Creek Subdistrict Proposed Land Use Multi-Family (MF)



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

Chad Boyko, AICP, Principal Planner
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING
EXAMINER AND CITY COUNCIL FOR: Future Land Use Map Amendment
(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION Judd Creek Preserve

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

John Szerlag

PROPERTY OWNER (Please Print)

Connie Barron (Asst. City Manager)
PROPERTY OWNER (Signature & Title)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed by me this 30 day of June, 2020
by Connie Barron who is personally known or produce _____
as identification.



Exp Date: July 16, 2020

Commission Number: GG009419

Signature of notary Public:

Printed Name of Notary Public:

Rachel Murphy
Rachel Murphy

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

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 _____ Day
of _____, 20_____.

John Szerlag/City of Cape Coral
CORPORATION/COMPANY NAME

OWNER'S SIGNATURE

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed by me this 30 day of June,
2020

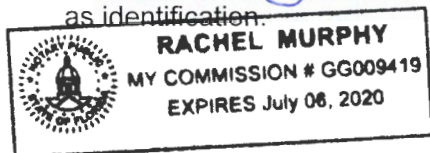
by Connie Barron who is personally known or produce
as identification.

Exp Date: July 16, 2020

Commission Number: 66009419

Signature of notary Public:

Printed Name of Notary Public:

Rachel Murphy



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

ESTIMATED PEAK HOUR TRIP

Parcel Size: Width _____ Depth _____ Sq. Ft. _____ Acreage _____

Soil Type: _____

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

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

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

Estimated Development:

- Estimate total lot coverage _____ %
 - Estimate total building floor area: _____ Sq. ft.
 - Estimate type of future development and percentages:
(e.g. business offices, commercial retail, automotive repair, etc.)
- _____

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

City Water: YES



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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.

John Szerlag
NAME (PLEASE TYPE OR PRINT)

Connie Baren
AUTHORIZED SIGNATURE

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed by me this 30 day of June, 2020 by
Connie Baren who is personally known or produce _____
as identification.



Exp Date: July 6, 2020

Commission Number: G6009419

Signature of notary Public:


Rachel Murphy

Printed Name of Notary Public:

Rachel Murphy

PLANNING DIVISION STAFF REPORT
LU20-0005 / Prepared by Chad Boyko, AICP, Principal Planner

PROPERTY ADDRESSES Multiple addresses	APPLICANTS City of Cape Coral
---	---

SUMMARY OF REQUEST Amend the Comprehensive Plan's Future Land Use Map to remove the Judd Creek Sub-district.	 <p>MAP SOURCE</p>
--	---

STAFF RECOMMENDATION: **Approval**

Positive Aspects of Application:	Allows more flexibility of development and streamlines development in Judd Creek. Aligns Future Land Use Map with elimination of text from Comprehensive Plan
Negative Aspects of Application:	Additional units and square footage could have impact on Level of Service standard
Mitigating Factors:	Infrastructure improvements have made increased development potential more feasible.

SITE INFORMATION

Location: Multiple parcels
Judd Creek Subdivision
Frontage on Pine Island Road – Approximately 800 feet west of Burnt Store Road and Pine Island Road intersection

STRAP Number: Multiple STRAPs

Site Area: 11.7 acres (509,820 sq. ft.)

Site:	Future Land Use	Zoning
Current:	Single-Family/Multi-Family (SM)	Single-Family Residential (R-1)
Proposed:	Commercial/Professional (CP)	N/A
	Surrounding Future Land Use	Surrounding Zoning
North:	Single-Family/Multi-Family	Single-Family Residential
South:	Single-Family/Multi-Family	Single-Family Residential
East:	Lee County Designation	Lee County Designation
West:	Single-Family/Multi-Family	Single-Family Residential

Urban Service

Area: Reserve

City Water/Sewer: No

Type of

Access Road: The site has frontage on Burnt Store Road, which is a principal arterial.

Soil Types and Limitations for Development:

Map Unit		Limitations	
		Dwellings without basements	Small commercial buildings
28	Immokalee Sand	Moderate (wetness)	Moderate (wetness)
26	Pineda Fine Sand	Moderate (wetness)	Moderate (wetness)
13	Boca Fine Sand	Moderate (wetness)	Moderate (wetness)
10	Pompano Fine Sand	Moderate (wetness)	Moderate (wetness)
42	Wabasso Sand	Moderate (wetness)	Moderate (wetness)
17	Daytona 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 applicant has submitted a map that shows approximately 3.43 acres of potential wetlands or hydric soil. The potential wetland area is near the frontage along Burnt Store Road. Future development would likely impact these wetlands and would require permitting through the Army Corp of Engineers (ACOE) and the South Florida Water Management District (SFWMD).
- 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

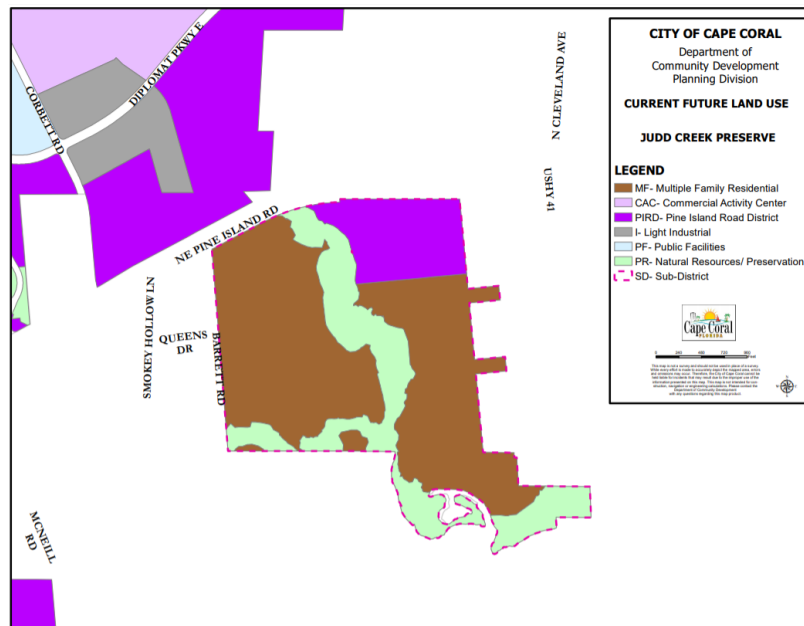
In 2003, the Judd Creek area was annexed into the City of Cape Coral. When the City moved forward to assign a future land use map classification, the state land use review agency, the Department of Community Affairs, had concerns regarding the amount of development that could be permitted on the site. This concern stemmed from level of service constraints on Pine Island Road (SR 78).

As a result, the City adopted an amendment to the Comprehensive Plan which established the Judd Creek Sub-District and restricted development to 1,170 dwelling units and 250,000 square feet of commercial space. This amendment also mapped the Judd Creek Sub-District on the Future Land Use Map. The total land area within the Judd Creek Sub-District is 191.68 acres. The Judd Creek Sub-District is comprised of 24.6 acres of land zoned Commercial Corridor (CC), 118.2 acres of land zoned Residential Multi-Family Low (RML) and 43.1 acres zoned Preservation (PK). To date, there is approximately 18 acres of undeveloped land with the Commercial Corridor (CC) designation. A 5,928 sq. ft. gas station and convenience store has been constructed within the sub-district which leaves approximately 244,000 sq. ft. of commercial square footage left for development. There is approximately 89 acres of undeveloped land that is zoned Residential Multi-Family Low. A 292-unit multi-family development is currently under construction on 29.4 acres. After construction of this development, 878 multi-family units would be allowed to develop.

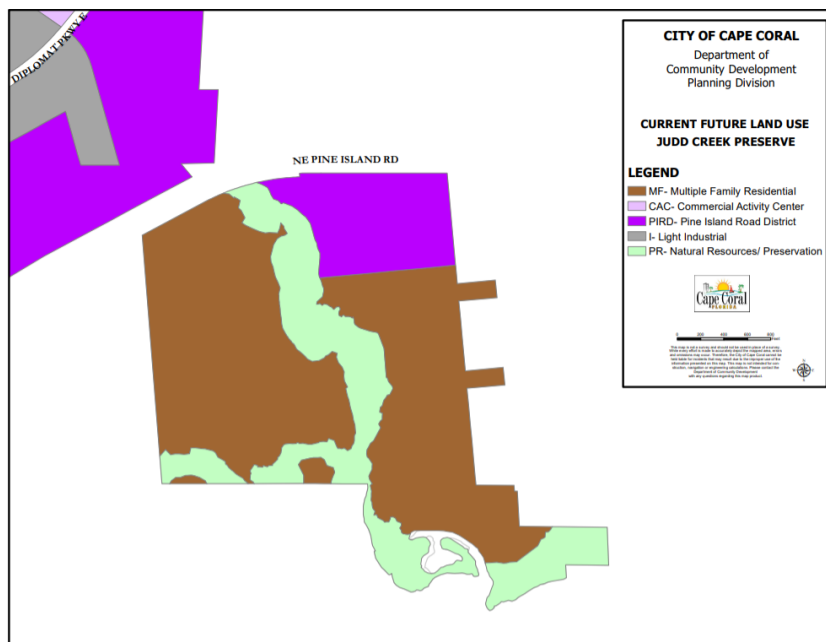
Since 2003, several road-widening projects on Pine Island Road have increased transportation capacity, thereby removing the purpose behind restricting development within the Judd Creek area. As a result, this amendment proposes to remove the Judd Creek Sub-District from the Future Land Use Map of the Comprehensive Plan.

To accomplish this, the City initiated has initiated this map amendment to the Future Land Use Map of the Comprehensive Plan, as shown below. The City will also remove this Sub-District from the Future Land Use element of the Comprehensive Plan.

CURRENT FUTURE LAND USE – Judd Creek Subdistrict¹



PROPOSED FUTURE LAND USE – Removal of Judd Creek Subdistrict²



¹ Site has Multi-Family Residential (MF), Pine Island Road District (PIRD), and Natural Resources/Preservation (PR) future land use designations

² Future land use designations remain the same

ANALYSIS

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

Below are the descriptions of the existing and proposed future land use designations for the site. 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

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.

...

p. Sub-Districts: In addition to the regulations listed above, the City of Cape Coral also has sub-districts, as a means to efficiently regulate development in particular areas of interest. These sub-districts include:

Judd Creek Sub-District

Within the Judd Creek Sub-District, development shall not exceed 16 dwelling units per acre on lands with a future land use map designation of Multi-Family. The number of residential dwelling units cannot exceed 1,170 units. Non-residential intensity on lands with a future land use map designation of Pine Island Road District shall not exceed 250,000 square feet of gross leasable floor area. All lands within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District shall be entitled to a proportional share of the 250,000 square feet of gross leasable floor area; however, the development rights may be transferred among any properties within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District through mutual agreement of the affected property owners, as long as the intensity is consistent with all Land Development Code and other provisions of this Plan. These limitations may be amended in the event that roadway network improvements are made that would allow development beyond these limitations without degradation of roadway level of service below the adopted level of service.

Staff Response: As discussed previously, the Judd Creek Sub-District was developed over 15 years in response to a potential infrastructure deficiency for large-scale development

that occur along Pine Island Road. The Judd Creek Sub-District was adopted to ensure that utility and transportation level of service (LOS) standards for Pine Island Road were not greatly diminished due to potential development within the Judd Creek area. Since the adoption of the sub-district, several infrastructure improvements have occurred such as the widening of Pine Island Road in various locations and the installation of several traffic lights along Pine Island Road. The Utility Expansion Program has also brought municipal water and sewer to areas near the Judd Creek subdistrict. These infrastructure improvements should ensure that LOS standards remain acceptable. The removal of the sub-district will make development within this area more streamlined. The amendment also has the potential to add additional commercial and multi-family opportunities that are needed throughout.

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 nor will the amendment result in addition or deletion of potential multi-family housing.

REGIONAL PLAN ANALYSIS

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

This proposed removal of the Judd Creek sub-district is 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:

Portions of Burnt Store Road have recently been widened to four lanes while other portions of Burnt Store Road are undergoing lane widening at this time.

IMPACT ASSESSMENT SUMMARY

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted Judd Creek overlay which limited development to 1,170 dwelling units and 250,000 square feet of commercial space. To determine potential future impacts, staff utilized the adopted future land use and zoning designations subtracting the commercial and multi-family that is already constructed.

The adopted land use classification for these parcels is Pine Island Road (PIRD) and the zoning designation governing the subject parcels is a combination of Multi-Family Residential Low (RML) and Commercial Corridor (CC). The RML district allows a maximum density of 16 units per acre. Within the Judd Creek Sub-District there are 89 acres of undeveloped land that is zoned RML. If the Judd Creek Sub-District was eliminated, the maximum number of units that could be developed is 1,424 multi-family units. There are 18 acres of undeveloped land that is CC. The maximum FAR of the CC district is 1.0 which would allow 784,080 sq. ft. of commercial development if the Judd Creek Sub-District was eliminated. Planning staff also notes that commercial development is typically developed around an FAR of 0.25. This FAR would result in 201,948 sq. ft. of commercial if the Judd Creek Sub District was eliminated.

Commercial Square Footage

Existing:	250,000 sq. ft. ³
Proposed:	201,948 sq. ft. (FAR of 0.25) / 790,080 sq. ft. (FAR of 1.0) ⁴
Net Change:	- 48,052 sq. ft. / + 540,008 sq. ft.

Dwelling Units

Existing:	1,170
Proposed:	1,716 ⁵
Net Change:	+546

Population*

Existing:	2,971
Proposed:	4,358
Net Change:	+1,387

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

Water Use

Existing:	234,000 gpd at 200 gal per dwelling unit per day / 75,000 gpd at 0.3 gal per sq. ft. per day
Proposed:	343,200 gpd at 200 gal per day per dwelling unit / 60,584 gpd at 0.3 gal per sq. ft. per day ⁶ / 237,002 gpd at 0.3 gal per sq. ft. per day ⁷
Net Change:	+109,200 residential gpd / -15,584 gpd at 0.3 gal per sq. ft. per day / + 162,002 gpd at 0.3 gal per sq. ft. per day
Permitted Usage:	

Sewage

Existing:	234,000 gpd at 200 gal per dwelling unit per day / 75,000 gpd at 0.3 gal per sq. ft. per day
Proposed:	343,200 gpd at 200 gal per day per dwelling unit / 60,584 gpd at 0.3 gal per sq. ft. per day ⁸ / 237,002 gpd at 0.3 gal per sq. ft. per day ⁹
Net Change:	+109,200 residential gpd / -15,584 gpd at 0.3 gal per sq. ft. per day / + 162,002 gpd at 0.3 gal per sq. ft. per day
Permitted Usage:	

³ Total allowed at build-out

⁴ Existing commercial development plus remaining square footage

⁵ Under construction units plus remaining units

⁶ At 0.25 FAR

⁷ At 1.0. FAR

⁸ At 0.25 FAR

⁹ At 1.0. FAR

Solid Waste

Existing Generation: 14,082 lbs. per day at 4.74 lbs. per person per day / 34,000 lbs. per day at 0.136 lbs. per sq. ft. per day
Proposed: 20,656 lbs. per day at 4.74 lbs. per person per day / 27,464 lbs. per day at 0.136 lbs. per sq. ft. per day / 107,441 lbs. per day
Net Change: + 6,574 lbs. per day / - 6,536 lbs. per day / 73,441 lbs. per day
Facility Capacity: 1,836 tons per day
Existing Demand: 1,384 tons per day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 909 AM trips per hour and 1,024 PM trips per hour¹⁰
Proposed: 1,187 AM trips per hour and 1,363 PM trips per hour / 2,100 AM trips per hour and 2,241 trips per hour¹¹
Net Change: +278 / 1,191 AM hour trips and 339 / 1,217 PM hour trips
Facility Capacity: Access from Pine Island Rd and
Capacity Available: Final determination upon Traffic Impact Study. Pine Island Road is maintained by Lee County Department of Transportation (LCDOT).

Hurricane Evacuation

The site is in the Storm Surge A/Evacuation Zone A and the site is not in the Coastal High Hazard Area. This amendment would increase residential dwelling units in this area and could increase hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment will increase residential dwelling units and could impact the LOS.

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.

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

¹⁰ Residential and Commercial combined – commercial based on General Office

¹¹ Based upon shopping center classification within ITE Trip Generation Manual

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 of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the 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 eliminate the Judd Creek Sub-District is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the proposed large-scale Future Land Use Map amendment request.

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

**JUDD CREEK
PRESERVE**

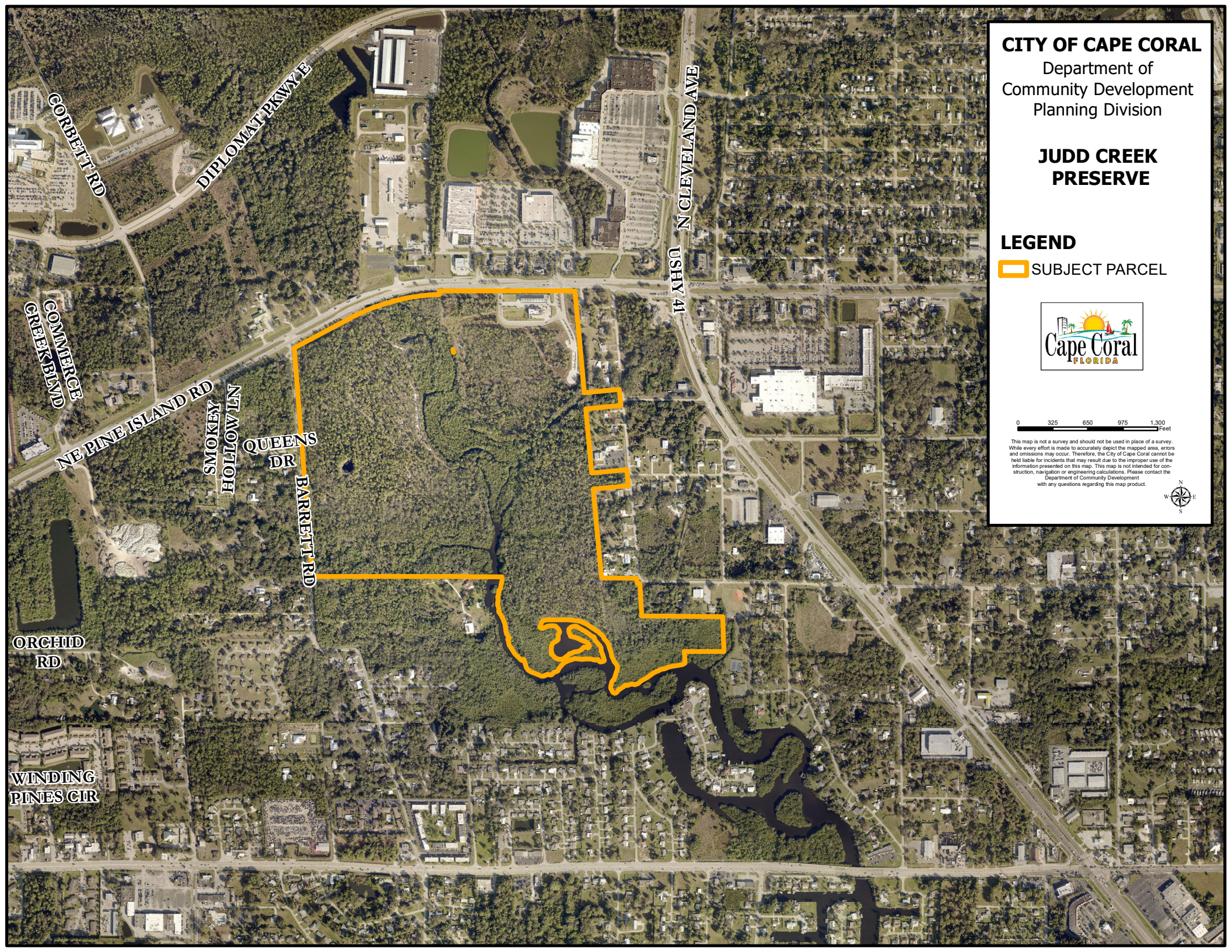
LEGEND

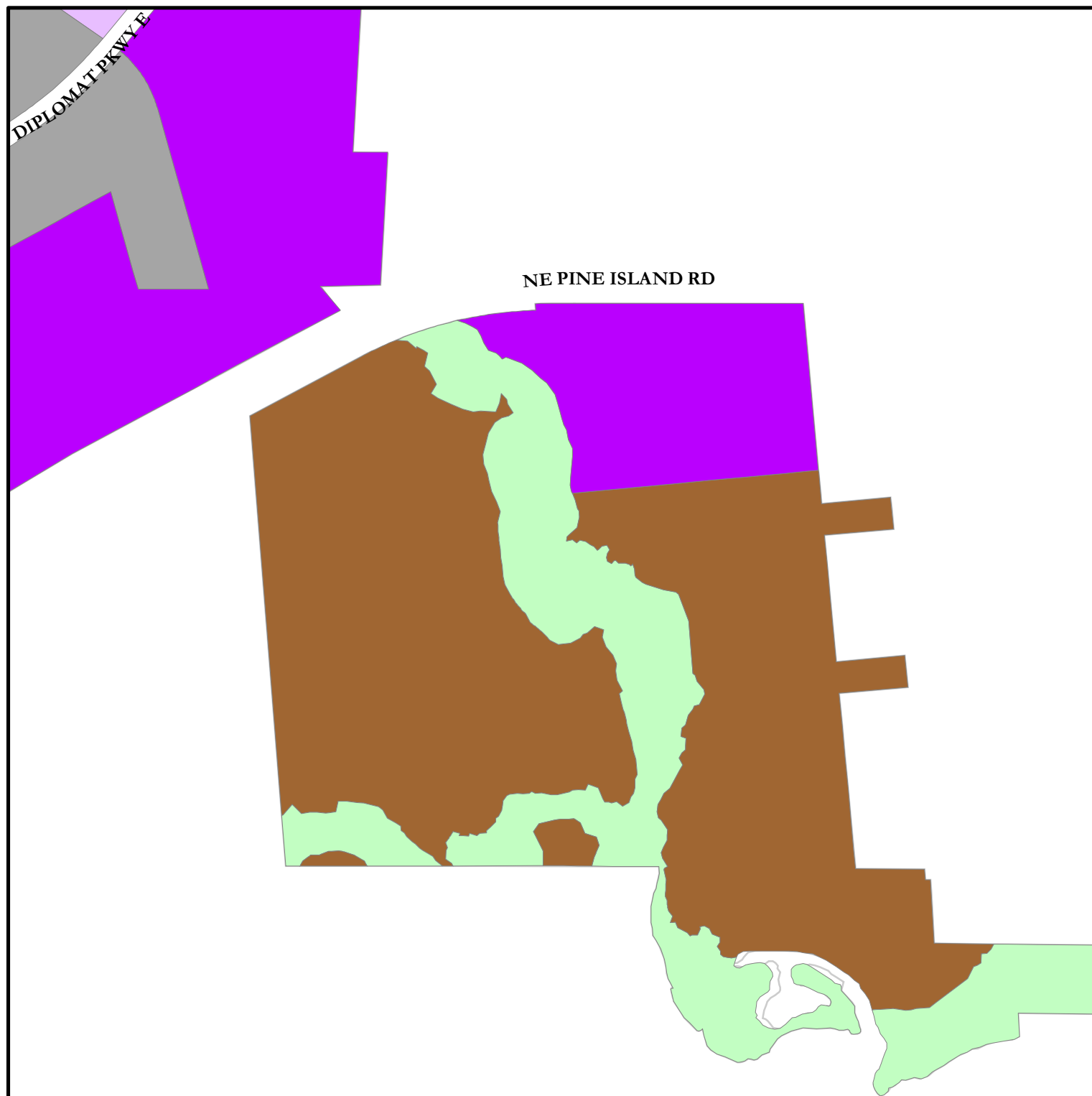
 **SUBJECT PARCEL**



0 325 650 975 1,300 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 JUDD CREEK PRESERVE

LEGEND

- MF- Multiple Family Residential
- CAC- Commercial Activity Center
- PIRD- Pine Island Road District
- I- Light Industrial
- PR- Natural Resources/ Preservation



0 200 400 600 800 Feet

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CITY OF CAPE CORAL

Department of
Community Development
Planning Division

CURRENT FUTURE LAND USE

JUDD CREEK PRESERVE

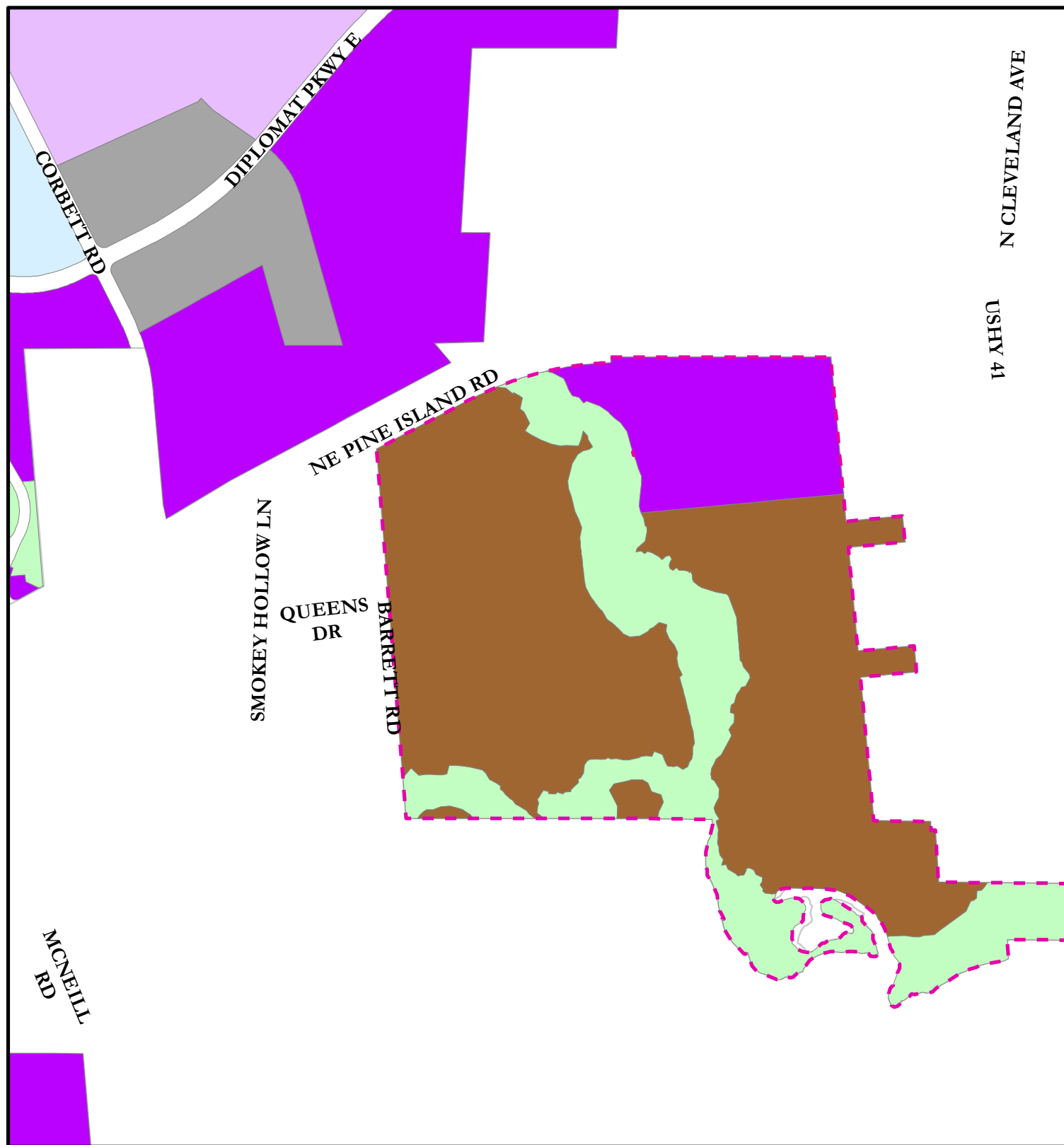
LEGEND

- MF- Multiple Family Residential
- CAC- Commercial Activity Center
- PIRD- Pine Island Road District
- I- Light Industrial
- PF- Public Facilities
- PR- Natural Resources/ Preservation
- SD- Sub-District



0 240 480 720 960 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.



A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, BEING ALL OF LOT 27 AND 33A, MARIANA PARK THIRD ADDITION AS RECORDED IN PLAT BOOK 12, AT PAGE 61, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE S.89°58'48"W. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 4, FOR 1313.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BARRETT ROAD, BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE N.04°33'11"W., ALONG SAID RIGHT-OF-WAY LINE AND SAID WEST LINE, FOR 2132.73 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PINE ISLAND ROAD (STATE ROAD 78); THENCE N.61°59'54"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 593.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1879.27 FEET, A CENTRAL ANGLE OF 26°15'18", A CHORD BEARING OF N.75°07'33"E., AND A CHORD LENGTH OF 853.64 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 861.15 FEET TO THE END OF SAID CURVE; THENCE N.01°45'25"W., ALONG SAID RIGHT-OF-WAY LINE FOR 31.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2814.79 FEET, A CENTRAL ANGLE OF 01°52'49", A CHORD BEARING OF N.89°05'53"E. AND A CHORD LENGTH OF 92.38 FEET; THENCE ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE FOR AN ARC LENGTH OF 92.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°57'42"E. ALONG SAID RIGHT-OF-WAY LINE FOR 1171.62 FEET; THENCE S.05°18'56"E., ALONG THE WESTERLY BOUNDARY OF SAID MARIANA PARK THIRD ADDITION FOR 1699.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 27; THENCE N.84°42'04"E. ALONG THE NORTH LINE OF SAID LOT FOR 325.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.05°18'56"E. ALONG THE EAST LINE OF SAID LOT FOR 149.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE S.84°41'04"W. ALONG THE SOUTH LINE OF SAID LOT FOR 325.00 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE; THENCE S.05°18'56"E. ALONG SAID WESTERLY LINE FOR 831.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 33A; THENCE S.89°26'21"E. ALONG THE NORTH LINE OF SAID LOT FOR 326.72 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE S.03°27'16"E. ALONG THE EAST LINE OF SAID LOT FOR 50.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT AND AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD (50 FEET WIDE); THENCE S.89°26'21"E. ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT FOR 24.95 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET WESTERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF LOT 34 OF SAID MARIANA PARK THIRD ADDITION; THENCE S.03°22'16"E. ALONG SAID PARALLEL LINE FOR 300.24 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 34; THENCE S.89°25'56"E. ALONG SAID WESTERLY PROLONGATION AND THE SOUTH LINE OF LOTS 34 THROUGH 38 OF SAID MARIANA PARK THIRD ADDITION FOR 753.16 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF BROWN ROAD, BEING A 50 FOOT WIDE COUNTY ROAD AS DESCRIBED IN DEED BOOK 273 AT PAGE 447 OF SAID PUBLIC RECORDS; THENCE S.02°19'16"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 325.39 FEET TO AN INTERSECTION WITH A LINE LYING 25.00 FEET NORTHERLY OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE NORTH LINE OF JUDD PARK AS DESCRIBED IN DEED BOOK 302 AT PAGE 181 OF SAID PUBLIC RECORDS; THENCE N.89°33'46"W. ALONG SAID PARALLEL LINE FOR 370.00 FEET TO AN INTERSECTION WITH A NORTHERLY PROLONGATION OF THE WEST LINE OF SAID JUDD PARK; THENCE S.02°50'09"E ALONG THE SAID NORTHERLY PROLONGATION AND SAID WEST LINE FOR 159 FEET MORE OR LESS TO THE CENTERLINE OF THE WATERS OF HANCOCK CREEK; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE SAID CENTERLINE TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.89°26'21"W. ALONG SAID NORTH LINE FOR 360 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ASSUMED NORTH BASED ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS BEARING S.89°58'48"W.

PARCEL CONTAINS 191.68 ACRES, MORE OR LESS.



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.B.
Meeting Date:	1/6/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 4-21 (LU 20-0007)

REQUESTED ACTION:

Approve or Deny

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/Professional (CP) to Single-Family Residential (SF) land use for property described as Block 4276, Lots 1-9 and 50-59, Cape Coral Subdivision, Unit 61; property is located at 3215-3227 Gulfstream Parkway and 3216-3240 NW 16th Terrace. (Applicant: City of Cape Coral) (2.29 acres)

STRATEGIC PLAN ALIGNMENT:

1. 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

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director, 239-574-0600
Wyatt Daltry, Planning Team Coordinator, 239-573-3160

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Wyatt Daltry Division- Planning Department- Community Development

ATTACHMENTS:

Description	Type
▣ Ordinance 4-21 (LU 20-007)	Ordinance
▣ Backup Materials	Backup Material

ORDINANCE 4 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL/PROFESSIONAL (CP) TO SINGLE-FAMILY RESIDENTIAL (SF) LAND USE FOR PROPERTY DESCRIBED AS BLOCK 4276, LOTS 1-9 AND 50-59, CAPE CORAL SUBDIVISION, UNIT 61, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 3215-3227 GULFSTREAM PARKWAY AND 3216-3240 NW 16TH TERRACE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by the CITY OF CAPE CORAL 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/PROFESSIONAL (CP) TO SINGLE-FAMILY RESIDENTIAL (SF)

BLOCK 4276, LOTS 1-9 AND 50-59, CAPE CORAL SUBDIVISION, UNIT 61, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PROPERTY LOCATED AT: 3215-3227 GULFSTREAM PARKWAY AND 3216-3240 NW 16TH TERRACE

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 _____, 2021.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

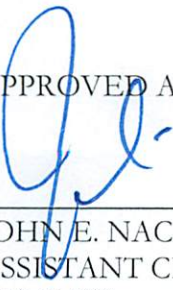
COVIELLO _____
GUNTER _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
ord/lu20-0007

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: Rob Hernandez, City Manager

FROM: Vincent A. Cautero, Community Development Director
Wyatt Daltry, Planning Team Coordinator *WD*

DATE: October 29, 2020

SUBJECT: City-initiated Future Land Use Map Amendment Request, LU20-0007 and City-initiated Rezoning Request, ZA20-00011

Executive Summary

Staff recommends the City initiate both a future land use map amendment and a rezone request for Lots 1-9 and 50-59 of Block 4276, Unit 61. The area is located at 3216-3240 NW 16th Terrace and 3215-3227 Gulfstream Parkway, and comprises 2.29 acres.

Background

The purpose of these requests is to amend seven properties from a Commercial future land use and zoning to a Single-Family future land use and zoning.

Block 4276 is at the corner of Burnt Store Road and Gulfstream Parkway, and the current Commercial future land use and zoning was established recently in 2019. However, the subject properties lack the opportunity for direct frontage on Burnt Store Road.

The City was contacted by a property owner in this subject area and stated that the legal, non-conforming status of their home which is caused by the commercial designation is an impediment to selling their home. Much of the impediment is due to financial institutions being less likely to lend money to purchase non-conforming structures. Furthermore, the property owner is concerned that the commercial designation is premature due to the lack of utilities and visibility from Burnt Store Road.

Staff believes the lack of commercial visibility of these properties and lack of utilities makes the properties more suitable for residential development currently. Amending the future land use and zoning for these properties would provide the property owners an opportunity to develop or sell their land in the near term. Both the future land use amendment and the rezone are proposed to run concurrently for Council adoption.

The application is attached for your signature. Please contact me or Wyatt Daltry, Planning Team Coordinator at (239) 573-3160, if you have any questions.

VAC/wad(LU20-0007 and ZA20-0011memoofintent)
Attachment



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

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

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

FLUMA APPLICATION REQUIREMENTS

1. ☐ **Letter of intent stating the actual request and why the request is being made**
2. ☐ **Applicant's portion of request shall be typewritten, and signature notarized:**
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
3. ☐ **Certified survey done within past six (6) months MAY be required**
4. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide:**
 - a typewritten list of all affected property owners within the area. The list must prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ **The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.**
6. ☐ **Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.**
7. ☐ **Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.**
8. ☐ **Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.**

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

FUTURE LAND USE MAP AMENDMENT APPLICATION

FEES: \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

PROPERTY INFORMATION

Project Name: Block 4276 CP to SF
Location/Address 3216-3240 NW 16th Terrace and 3215-3227 Gulfstream Parkway
Strap Number multiple Unit 61 Block 4276 Lot (s) 1-9;50-59
Plat Book 21 Page 7 Future Land Use CP Current Zoning C

PROPERTY OWNER (S) INFORMATION

Owner multiple Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

Owner _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant City of Cape Coral Address P.O. Box 150027
Phone (239) 573-3160 City Cape Coral
Email wdaltry@capecoral.net State FL Zip 33915-0027

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Wyatt Daltry, AICP, Plng Team Address P.O. Box 150027
Phone (239) 573-3160 City Cape Coral
Email wdaltry@capecoral.net State FL Zip 33915-0027



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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.

Connie Barron

NAME (PLEASE TYPE OR PRINT)

Connie Barron

AUTHORIZED SIGNATURE

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

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, on this 12 day of November, 2020 by Connie Barron, know is personally known to me or produced _____ as identification.

Exp Date: 7/6/2024 Commission Number: 66968853



Signature of Notary Public: Rachel Murphy

Printed Name of Notary Public: Rachel Murphy



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

ESTIMATED PEAK HOUR TRIP

Parcel Size: Width 400 Depth 270 Sq. Ft. 100K Acreage 2.29

Soil Type: Matlacha gravelly fine sand

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

Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):
vacant grassland, one single-family residence

Animal Species: (list any endangered, threatened, or species of special concern on-site)
none identified

Estimated Development:

- Estimate total lot coverage %
- Estimate total building floor area: Sq. ft.
- Estimate type of future development and percentages:
(e.g. business offices, commercial retail, automotive repair, etc.)

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 ☒



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 Wyatt Daltry, AICP, Planning Team Coordinator
(Name of person giving presentation)

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

UNIT 61 BLOCK 4276 LOT(S) 1-9;50-59 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Connie Barron
PROPERTY OWNER (Please Print)

Connie Barron Asst. City Mgr.
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, on this 12 day of November, 2020 by Connie Barron,
know is personally known to me or produced _____ as identification.

Exp Date: 7/16/2024 Commission Number: 66908853



Signature of Notary Public: Rachel Murphy

Printed Name of Notary Public: Rachel Murphy

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

ACKNOWLEDGEMENT FORM

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

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

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 12 Day of November, 2020.

City of Cape Coral
CORPORATION/COMPANY NAME

Connie Barron
OWNER'S NAME (TYPE or PRINT)
Connie Barron
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, on this 12 day of November, 2020 by Connie Barron, know is personally known to me or produced as identification.

Exp Date: 7/16/2024 Commission Number: 66 968853



Signature of Notary Public: Rachel Murphy
Printed Name of Notary Public: Rachel Murphy



FUTURE LAND USE MAP AMENDMENTS

- A. Purpose of Amendments. Future Land Use Map amendments shall be considered for the following reasons:
1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.
 2. The amendment promotes compliance with changes to other city, state, or federal regulations.
 3. The amendment results in compatible land uses within a specific area.
 4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
 5. The amendment is consistent with the City's ability to provide adequate public facilities and services.
 6. The amendment prepares the City for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.
- B. Manner of Initiation. Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner:
1. The City Council by its own motion;
 2. The Planning and Zoning Commission by its own motion;
 3. The City Manager for City initiated requests; or
 4. By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.
- C. Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:
1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
 2. The amendment protects the health, safety, and welfare of the community;
 3. The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;
 4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;
 5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
 6. Other factors deemed appropriate by the Commission and City Council.
 7. Effective date of approval. The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

STAFF REPORT

LU20-0007

City of Cape Coral

DOCKET/CASE/APPLICATION NUMBER

Wyatt Daltry, AICP, Planning Team

Coordinator (239) 573-3160,

wdaltry@capecoral.net

STAFF PLANNER

APPLICANT/PROPERTY OWNER

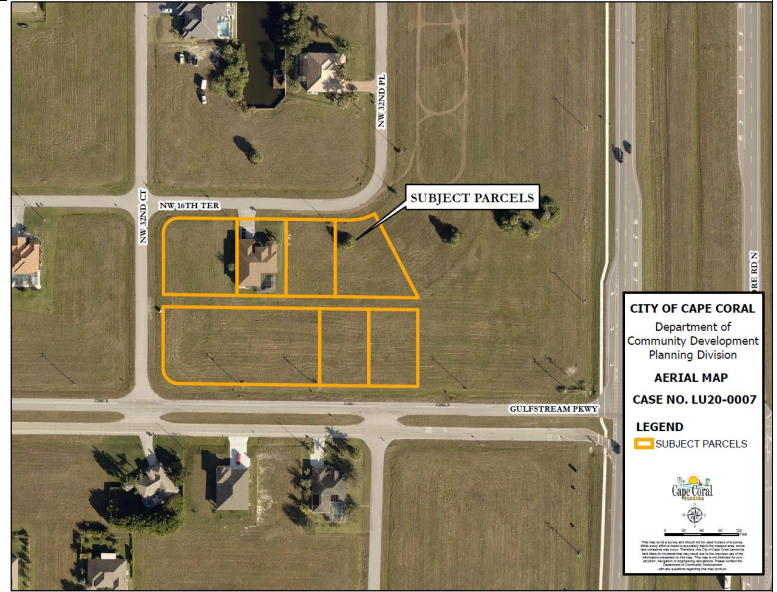
1015 Cultural Park Boulevard

Cape Coral, FL 33915-0027

PROPERTY ADDRESS/LOCATION

BRIEF SUMMARY OF REQUEST

City-initiated small-scale future land use map amendment from the Commercial/Professional (CP) Future Land Use to Single-Family Residential (SF) Future Land Use for seven parcels (2.29 acres).



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	PROPOSED LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
Commercial (C)	Commercial/Professional (CP)	Single Family Residential (SF)	1 single-family residence	99,569 square feet 2.29 acres (7 parcels)

STAFF RECOMMENDATION: Approval

Background:	<ul style="list-style-type: none"> The seven properties were changed to Commercial (C) in 2019 Property owners within the area have indicated a desire to return to residential
Positive Aspects of Application:	<ul style="list-style-type: none"> Properties are across the street from other single-family residential uses Area has residential character Surrounding area lacks utilities which is an impediment to commercial development
Negative Aspects of Application:	<ul style="list-style-type: none"> Commercial properties are present to east, could impact area
Mitigating Factors:	<ul style="list-style-type: none"> Properties lack frontage on principal arterial roadway and lack commercial viability in the near-to-midterm until utilities arrive

Additional Site Information

Street Addresses: 3215-3227 Gulfstream Parkway
3216-3240 NW 16th Terrace

Urban Service Area: Reserve

City Water and Sewer: No.

Street Access: The site is accessible from Gulfstream Parkway, a collector roadway and NW 16th Terrace, a local roadway

STRAP Numbers: 31-43-23-C3-04276.0010
31-43-23-C3-04276.0040
31-43-23-C3-04276.0060
31-43-23-C3-04276.0080
31-43-23-C3-04276.0500
31-43-23-C3-04276.0520
31-43-23-C3-04276.0540

Block/Lot(s): Block 4276, Lots 1-9, 50-59

Subdivision: Cape Coral Subdivision

Case Planner: Wyatt Daltry, AICP, Planning Team Coordinator

Review Approved By: Robert Pederson, AICP, Planning Manager

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
<i>Current:</i>	CP	Commercial (C)
<i>Proposed:</i>	SF	Not applicable – not a zoning change. However, the City intends to follow up with a Single-Family Residential zoning designation if adopted
Surrounding Areas	Future Land Use	Zoning
<i>North:</i>	Single-Family and Multi-Family (SM)	Single-Family Residential (R1)
<i>South:</i>	SM	R1
<i>East:</i>	CP	C
<i>West:</i>	SM	R1

Background

The subject properties were amended to Commercial/Professional in April 2019 (Ordinance 2-19) and rezoned to Commercial in August 2019 (Ordinance 4-19).

The surrounding area is a mix of single-family and duplex residential uses to the north, west, and south and commercial areas to the east. The commercial areas located to the east have frontage on Burnt Store Road (County Road 765), a principal arterial roadway, which was the reason why all of Block 4276 was amended to a commercial designation in 2019.

However, the subject area represents a “panhandle” of Block 4276, and absent lot assemblage, lacks the opportunity for direct frontage on Burnt Store Road. The lack of visibility of these properties and lack of utilities in the near and medium term makes these properties suboptimal for commercial development, but attractive for residential development.

Additional Site Information

Protected Species

Protected species have not been identified in the vicinity of the amendment. The City requires species surveys prior to issuance of City of Cape Coral permits or development approvals, in accordance with the Conservation and Coastal Management Element of the Comprehensive Plan.

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

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

Utilities

The site is in the Urban Services Reserve area as designated by the City Comprehensive Plan. Utilities are not available for properties located in the Reserve area.

Soils and Drainage

The site has a variety of soil classifications. These soils have moderate limitations (Matlacha Gravelly fine sand, 69) for development, which are typically overcome using various engineering solutions such as importing fill. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

REGIONAL PLAN ANALYSIS

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

This amendment is not in conflict with the SRPP.

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

This amendment has no effect on the MPO's 2040 LRTP.

COMPREHENSIVE PLAN ANALYSIS

Conservation and Coastal Management Element

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed future land use map amendment.

Policy 4.1.1: The City shall coordinate efforts with Lee County to relieve deficiencies identified in the *Southwest Florida Region, Statewide Regional Evacuation Study Program for Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties*, prepared by the Southwest Florida Regional Planning Council in 2010 and will provide sufficient and appropriate personnel to implement and expedite the County's evacuation plan.

...

Policy 4.1.3: Development review for projects within the coastal high hazard area shall consider significant impacts upon evacuation routes and sheltering, and shall require appropriate mitigation, if deemed necessary.

Burnt Store Road is a principal arterial roadway and evacuation route which is under County jurisdiction (County Road 765). Portions of Burnt Store Road are four-lane divided highway but most of Burnt Store Road's length consists of two-lane, undivided road surface. Burnt Store Road is the only roadway providing access to Charlotte County in NW Cape Coral, and in parts is located within the County Evacuation Zone A.

Reducing the amount of commercial proximate to this roadway would result in a reduction in potential traffic generation, as indicated in the Impact Assessment Summary below. This reduction in traffic generation potential would be invaluable should an evacuation be required in response to a tropical event.

Transportation Element

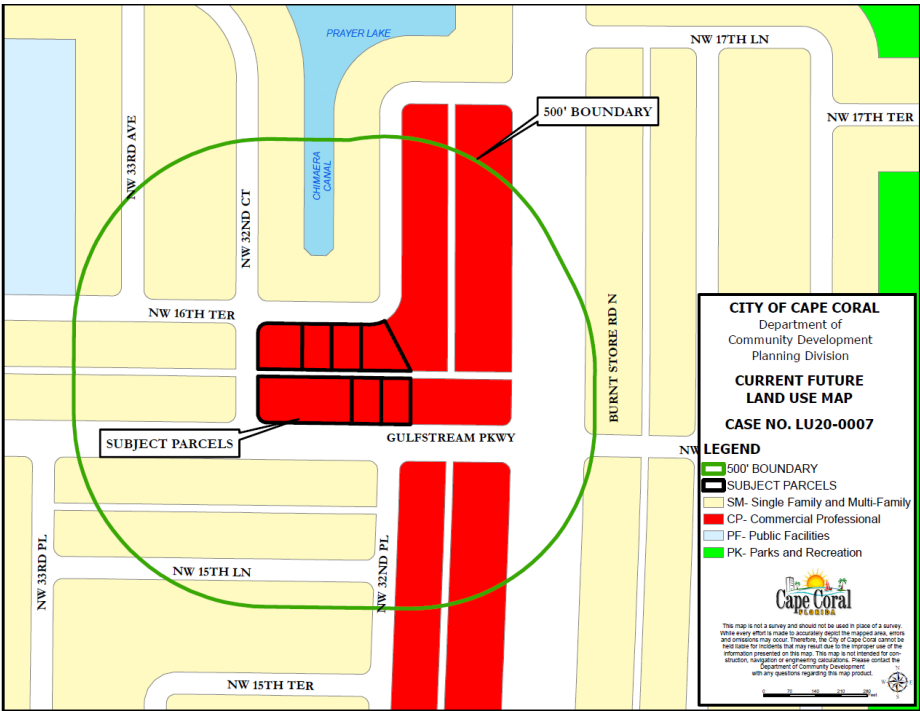
Staff reviewed the Transportation Element, Policy 4.2.3 for further guidance.

Policy 4.2.3: The City will continue to maintain or improve existing emergency evacuation times, as determined by the 2001 Regional Hurricane Evacuation Study Update prepared by the Southwest Florida Regional Planning Council.

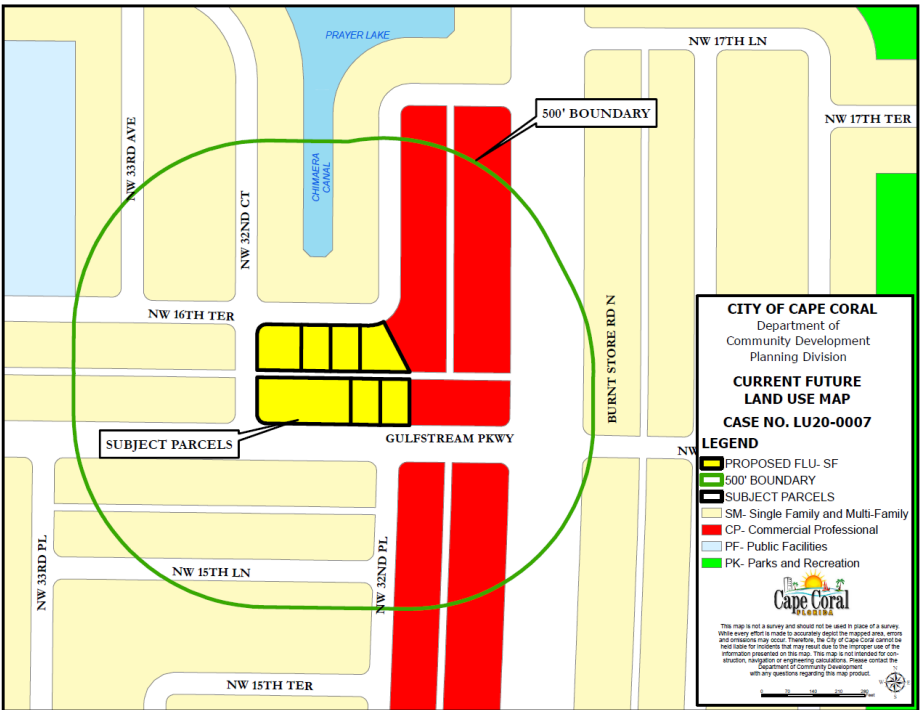
Reducing potential traffic generation by amending the future land use to a residential land use would positively affect emergency evacuation times for Burnt Store Road, which is a vital arterial roadway for residents of NW Cape Coral.

Overall, the FLUMA meets the policies of the Comprehensive Plan, above.

Future Land Use Map – Current



Future Land use Map – Proposed



Impact Assessment Summary

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present within the subject area.

Proposed changes to Single-Family Residential assume an industrial use development which permits a maximum residential density of 4.4 dwelling units per acre for the entire 2.29-acre footprint of the site.

Dwelling Units

Existing:	0 (No residential permitted in Commercial/Professional)
Proposed:	10
Net Change:	+10 dwelling units

Population*

Existing:	0
Proposed:	25
Net Change:	+25

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

Water Use

Existing:	<u>7,500 gal/day total</u> (25,000 square feet x 0.3 gal/sq ft/day = 7,500 gal/non-residential/day)
Proposed:	<u>2,000 gal/day total</u> (10 dwelling units x 200 gal/unit/day = 2,200 gal/residential/day)
Net Change:	-5,500 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

Sewage

Existing:	<u>7,500 gal/day total</u> (25,000 square feet x 0.3 gal/sq ft/day = 7,500 gal/non-residential/day)
Proposed:	<u>2,000 gal/day total</u> (10 dwelling units x 200 gal/unit/day = 2,200 gal/residential/day)
Net Change:	-5,500 gal/day
Facility Capacity:	28.4 MGD
Avg. Daily Usage:	12.8 MGD

Solid Waste

Existing Generation:	<u>3,400 lbs. total/day</u> (25,000 square feet x 0.136 lbs/sq ft/day)
Proposed:	<u>119 lbs. total/day</u> (25 residents x 4.74 lbs/person/day)
Net Change:	-3,281 lbs./day

Facility Capacity: 1,836 tons/day
Existing Demand: 1,384 tons/day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 26 AM peak trips/hour and 84 PM peak trips/hour
Proposed: 10 AM peak trips/hour and 10 PM peak trips/hour
Net Change: -16 AM peak hour trips and -74 PM peak hour trips
Facility Capacity: Burnt Store Road serves the site, which is a principal arterial roadway and meets the minimum acceptable Level of Service Standard of "E." (per Policy 1.1.1, Transportation Element)
Capacity Available: Yes

Development Impact Analysis

Hurricane Evacuation

The subject area is in Evacuation Zones A. Based on the summation of the amendment impacts above, there may be a reduction on hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment would require a minor increase in park demand (0.10 acres) due to the residential development proposed.

Protected Species

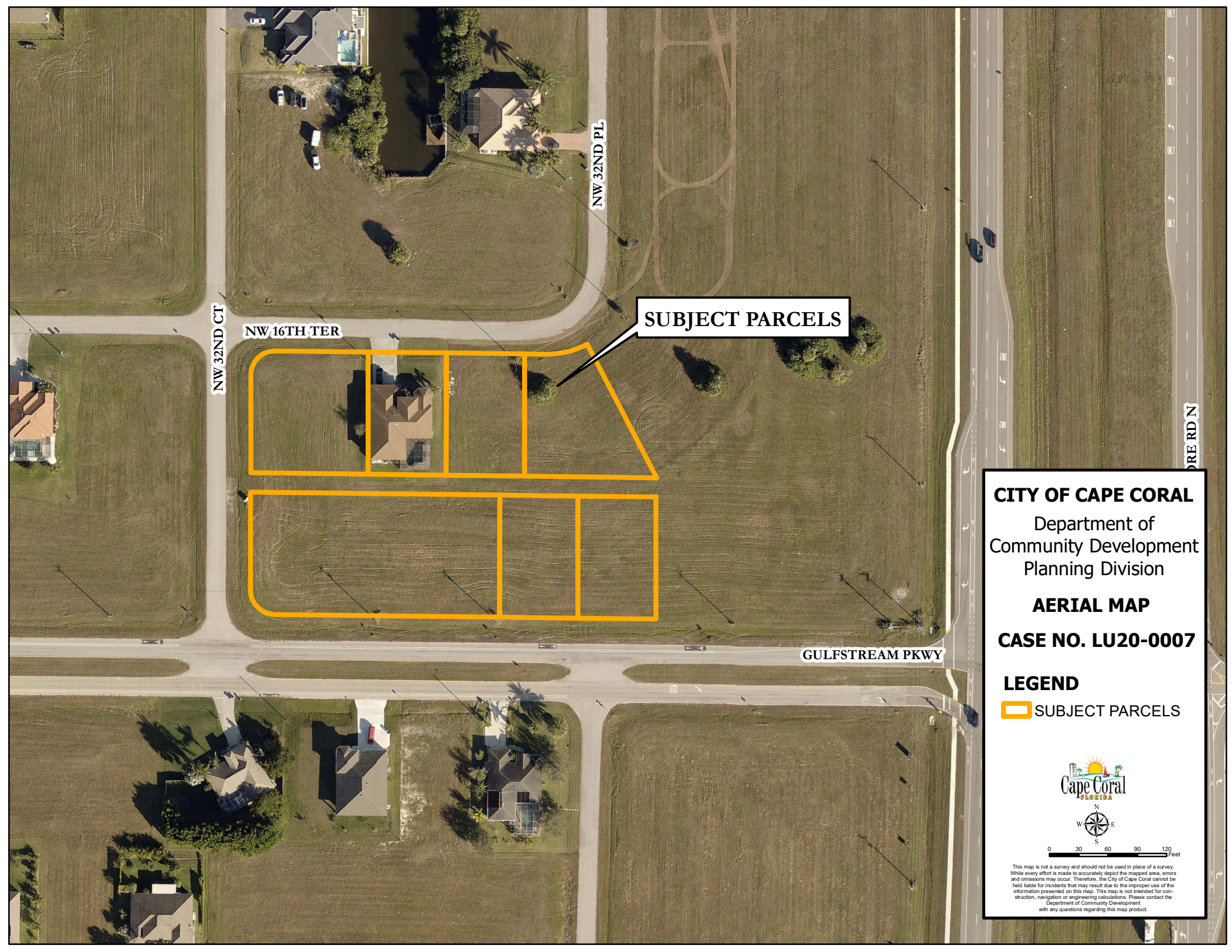
The City requires an environmental survey prior to the issuance of any land clearing, site clearing, or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results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

School Impacts

There will be some impact on schools, due to the residential component in the proposed amendment.

Existing dwelling units: 0 dwelling units
Existing students: 0
Proposed dwelling units: 10 dwelling units
Proposed students: 2
Change: +2 students

Recommendation: Planning Division staff recommends **approval** of the proposed small-scale future land use map amendment request.



CITY OF CAPE CORAL

Department of
Community Development
Planning Division

AERIAL MAP

CASE NO. LU20-0007

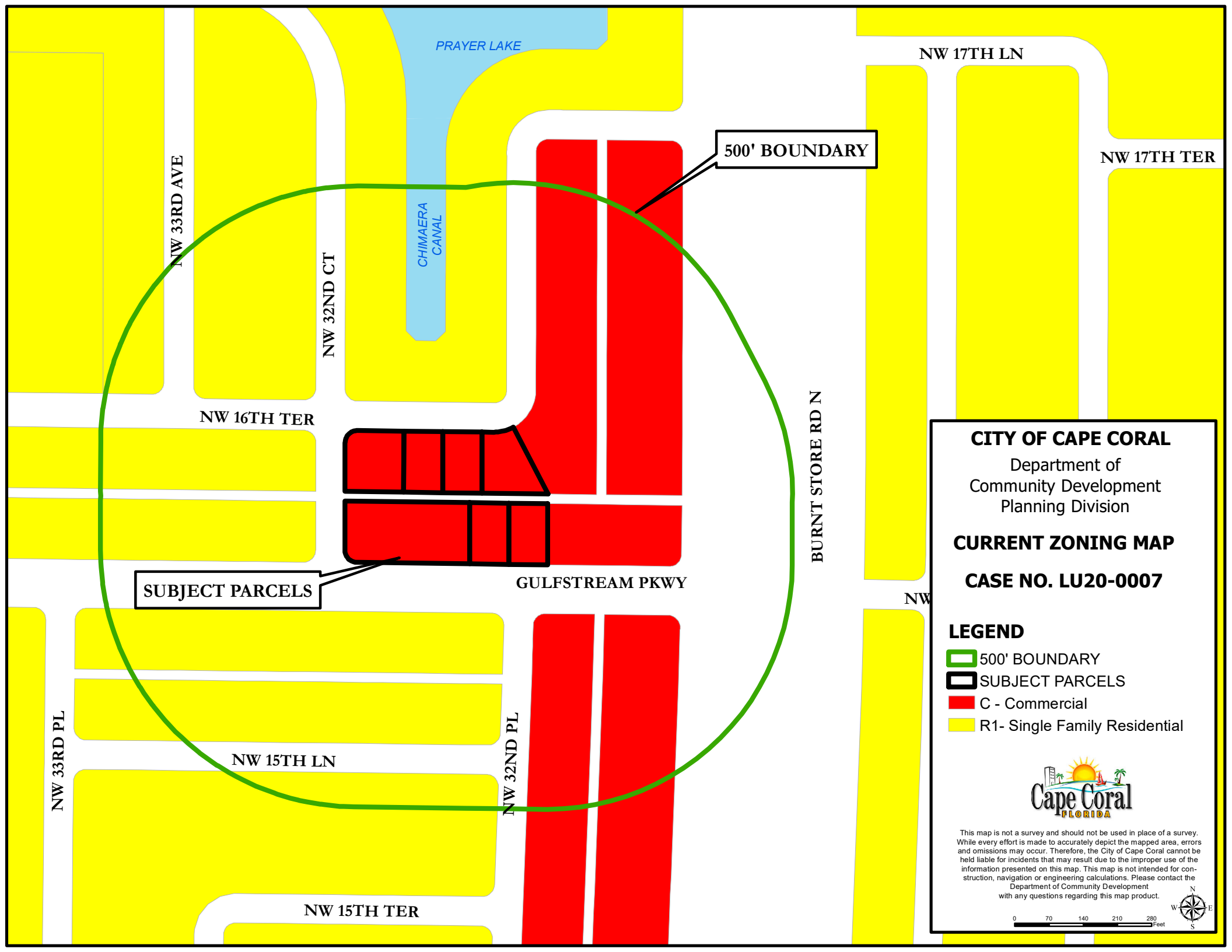
LEGEND

 **SUBJECT PARCELS**



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.



PRAYER LAKE

CHIMAERA
CANAL

NW 17TH LN

NW 17TH TER

500' BOUNDARY

NW 33RD AVE

NW 32ND CT

NW 16TH TER

BURNT STORE RD N

SUBJECT PARCELS

GULFSTREAM PKWY

NW

NW 33RD PL

NW 15TH LN

NW 32ND PL

NW 15TH TER





CITY OF CAPE CORAL

Department of
Community Development
Planning Division

CURRENT ZONING MAP

CASE NO. LU20-0007

LEGEND

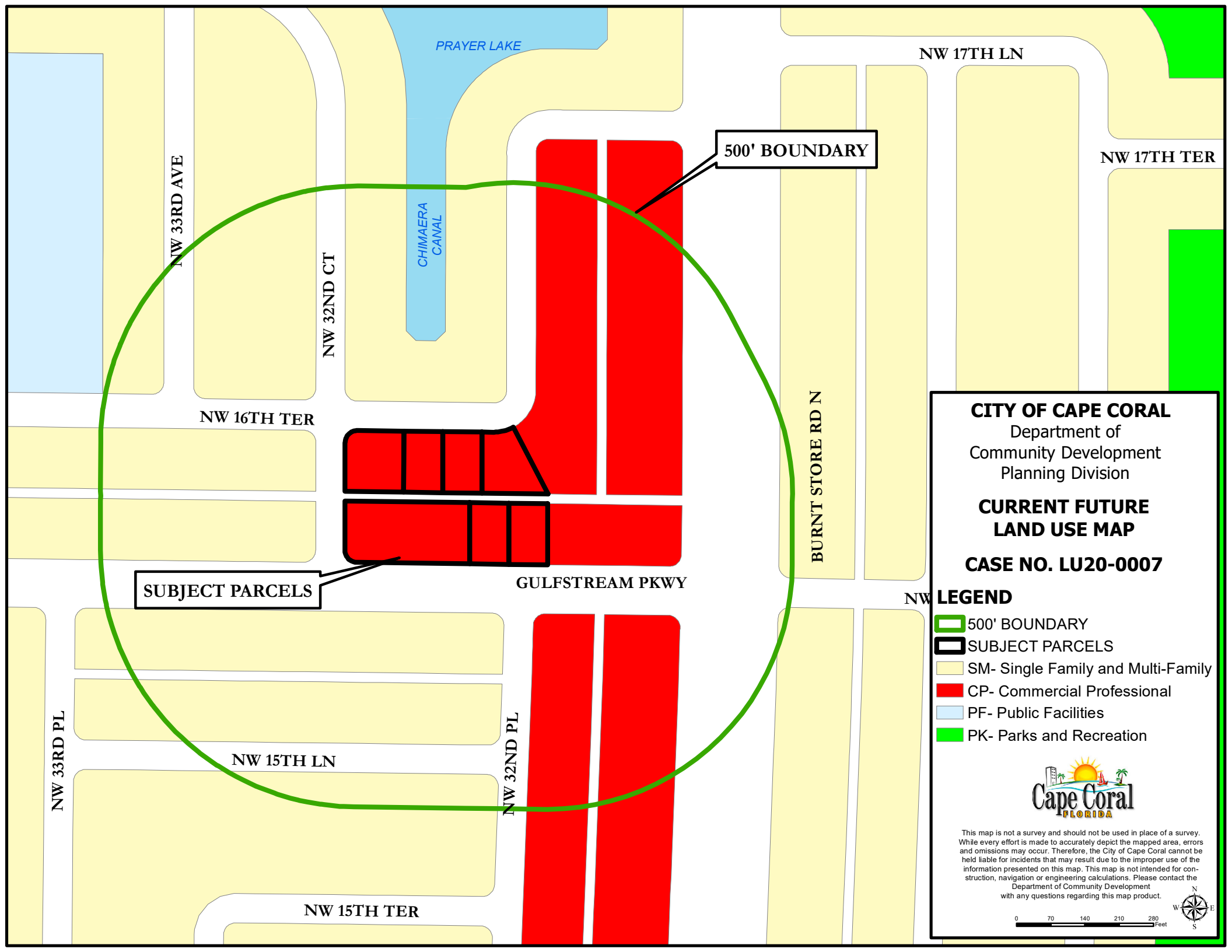
-  500' BOUNDARY
-  SUBJECT PARCELS
-  C - Commercial
-  R1- Single Family Residential



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.

0 70 140 210 280 Feet





NW 17TH LN

NW 17TH TER

500' BOUNDARY

NW 33RD AVE

NW 32ND CT

CHIMAERA
CANAL

PRAYER LAKE

NW 16TH TER

BURNT STORE RD N

SUBJECT PARCELS

GULFSTREAM PKWY

NW 17TH LN

NW 33RD PL

NW 15TH LN

NW 32ND PL

NW 15TH TER

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

**CURRENT FUTURE
LAND USE MAP**

CASE NO. LU20-0007

LEGEND

- 500' BOUNDARY
- SUBJECT PARCELS
- SM- Single Family and Multi-Family
- CP- Commercial Professional
- PF- Public Facilities
- PK- Parks and Recreation



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





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.C.
Meeting Date:	1/6/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 5-21 (LU 20-0008)

REQUESTED ACTION:

Approve or Deny

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/Professional (CP) to Mixed Use (MX) land use for property described as Lots 35-47, Block 2175, Lots 1-49, Block 2176, and Lots 1-21, Block 2177, all in Unit 32, Cape Coral Subdivision, and a tract or parcel of land lying in Section 30, Township 43 South, Range 24 East, Lee County, Florida; property is located at 1009-1527 Kismet Parkway East and 2500 Del Prado Boulevard North. (Applicant: City of Cape Coral) (182.09 acres)

STRATEGIC PLAN ALIGNMENT:

1. 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

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director, 239-574-0600
Wyatt Daltry, Planning Team Coordinator, 239-573-3160

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Wyatt Daltry Division- Planning Department- Community Development

ATTACHMENTS:

Description	Type
▣ Ordinance 5-21 (LU 20-0008)	Ordinance
▣ Backup Materials	Backup Material

ORDINANCE 5 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL/PROFESSIONAL (CP) TO MIXED USE (MX) LAND USE FOR PROPERTY DESCRIBED AS LOTS 35-47, BLOCK 2175, LOTS 1-49, BLOCK 2176, AND LOTS 1-21, BLOCK 2177, ALL IN UNIT 32, CAPE CORAL SUBDIVISION, AND A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 1009-1527 KISMET PARKWAY EAST AND 2500 DEL PRADO BOULEVARD NORTH; 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 CITY OF CAPE CORAL 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/PROFESSIONAL (CP) TO MIXED-USE (MX)

CAPE CORAL SUBDIVISION UNIT 32, BLOCK 2175, LOTS 35-47, BLOCK 2176, LOTS 1-49, AND BLOCK 2177, LOTS 1-21, AS RECORDED IN PLAT BOOK 16, PAGES 12-13, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

AND

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, CONSISTING OF:

THE SOUTHEAST QUARTER (SOUTHEAST ¼) AND THE SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 1885, PAGE 3718, PUBLIC RECORDS OF LEE COUNTY FLORIDA

LESS AND EXCEPTING THAT PORTION OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF SAID SECTION 30 LYING EASTERLY FROM THE WESTERLY RIGHT-OF-WAY LINE OF DEL PRADO BOULEVARD,(120 FOOT R/W) AS PRESENTLY CONSTRUCTED, AND ALSO LESS AND EXCEPTING THAT PORTION OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼) OF SAID SECTION 30 DESCRIBED IN OFFICIAL RECORD BOOK 2906, PAGE 3514, OF THE PUBLIC RECORDS OF LEE COUNTY, CITY OF CAPE CORAL, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF SAID SECTION 30; A FOUND CONCRETE MONUMENT, THENCE RUN SOUTH 88° 56' 58" EAST ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) FOR 2,118.25 FEET TO AN INTERSECTION WITH THE

WESTERLY RIGHT-OF-WAY LINE OF DEL PRADO BOULEVARD; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE COURSES:

SOUTH 00° 19' 00" EAST FOR 898.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 1,940.00 FEET AND A CENTRAL ANGLE OF 11° 04' 41" (CHORD SOUTH 05° 13' 21" WEST 374.51 FEET) FOR 375.10 FEET TO THE POINT OF TANGENCY, THEN RUN SOUTH 10° 45' 41" WEST FOR 179.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 2,060.00 FEET AND A CENTRAL ANGLE OF 11° 06' 42" (CHORD SOUTH 05° 12' 20" WEST, 398.88 FEET) FOR 399.51 FEET TO THE POINT OF TANGENCY, THEN RUN SOUTH 00° 21' 01" EAST FOR 792.84 FEET TO AN INTERSECTION WITH SAID SOUTHERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼), BEING ALSO THE NORTHERLY LINE OF CAPE CORAL UNIT 32 ACCORDING TO PLAT BOOK 16, PAGES 1 THROUGH 13, THENCE RUN NORTH 89° 33' 54" WEST ALONG SAID SOUTHERLY LINE AND SAID NORTHERLY LINE FOR 2,029.82 FEET; THENCE RUN NORTH 89° 13' 03" WEST ALONG SAID SOUTHERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼) AND SAID NORTHERLY LINE OF SAID CAPE CORAL UNIT 32 FOR 1,401.93 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3434, PAGE 4511; THENCE RUN NORTH 00° 22' 56" EAST ALONG THE EASTERLY LINE OF SAID TRACT AND THE EASTERLY LINE OF SAID TRACT OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3434, PAGE 4543 FOR 455.69 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHWEST, BEING ALSO THE NORTHEASTERLY CORNER OF SAID LAST MENTIONED TRACT; THENCE RUN ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED TRACT FOR THE FOLLOWING TWO COURSES: ALONG SAID CURVE HAVING A RADIUS OF 360.00 FEET AND A CENTRAL ANGLE OF 04° 48' 44" (CHORD SOUTH 88° 22' 35" WEST, 30.23 FEET) FOR 30.24 FEET TO THE POINT OF TANGENCY AND NORTH 89° 13' 03" WEST FOR 69.79 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼), BEING ALSO THE EASTERLY LINE OF CAPE CORAL-LEE COUNTY INDUSTRIAL PARK ACCORDING TO PLAT BOOK 34, PAGES 142 AND 143, OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE RUN NORTH 00° 22' 56" EAST ALONG SAID WESTERLY LINE AND SAID EASTERLY LINE FOR 879.61 FEET TO THE NORTHWESTERLY CORNER OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼); THENCE RUN SOUTH 89° 05' 03" EAST ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼) FOR 1,496.05 FEET TO THE NORTHEASTERLY CORNER OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF THE SOUTHWEST QUARTER (SOUTHWEST ¼), BEING ALSO A POINT ON THE WESTERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) OF SAID SECTION 30; THENCE RUN NORTH 00° 07' 40" EAST ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER (SOUTHEAST ¼) FOR 1,330.64 FEET TO THE POINT OF BEGINNING.

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 plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2021.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO _____
GUNTER _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
ord/lu20-0008

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: Rob Hernandez, City Manager

FROM: Wyatt Daltry, Planning Team Coordinator *W.D.*

DATE: November 10, 2020

SUBJECT: City-initiated Future Land Use Map Amendment Request,
LU 20-0008

Executive Summary

Staff recommends the City initiate a future land use map amendment request from Commercial/Professional (CP) to Mixed-Use (MX) for Block 2176, and Lots 1-21 Block 2177, Unit 32, as well as a large tract of land known as the Academic Village. The area is addressed at 1009-1527 Kismet Parkway and 2500 Del Prado Boulevard North and comprises approximately 160 acres.

Background

The purpose of this request is to amend the Academic Village site to Mixed-Use. The site is undeveloped and has been owned by the City since 2003.

Academic Village is at the corner of Del Prado Boulevard and Kismet Parkway, and was initially an industrial Development of Regional Impact in the late 1980's. In 2003, the City purchased the site with the intention to attract development to this site, focusing on a college campus and ancillary uses. However, lack of interest from colleges and environmental concerns (e.g. discovery of the Florida bonneted bat) prevented development from occurring.

The site has a Commercial/Professional future land use map classification. This does not permit industrial development, which has become a greater priority for Cape Coral since the purchase of this property. Amending the future land use to Mixed-Use would permit industrial uses to expand from the nearby North Cape Commerce Park to the west, and the location at the major intersection of Del Prado Boulevard and Kismet Parkway makes the site appropriate for industrial siting.

The application and future land use maps (existing and proposed) are attached for your signature. Please Wyatt Daltry, Planning Team Coordinator at (239) 573-3160, if you have any questions.

WAD/wad(LU20-0008memoofintnt)
Attachment

LU20-0008 Proposal - FLU layer



10/28/2020, 12:00:58 PM

Future Land Use

SF- Single Family Residential

MF- Multiple Family Residential

MX- Mixed Use

CP- Commercial Professional

I- Light Industrial

PK- Parks and Recreation

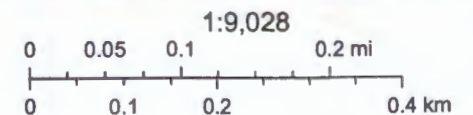
City Boundary

Medians

Ownership

Storm Manhole

Storm Outlet



Cape Coral GIS, City of Cape Coral, Cape Coral GIS, University of South Florida, County of Lee, FL, Esri, HERE, Garmin, INCREMENT P, Intermap.

Online User
Copyright: City of Cape Coral

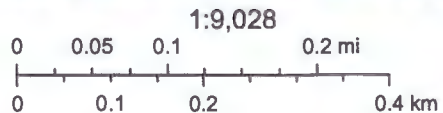
LU20-0008 Proposal - Aerial layer

subject area



10/28/2020, 12:01:56 PM

- | | | | | |
|---------------|---------------|--------------|-------------|---------------|
| City Boundary | Ownership | Storm Outlet | Bridges | Green: Band_2 |
| Medians | Storm Manhole | Storm Inlet | Image | Blue: Band_3 |
| | | | Red: Band_1 | |





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

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

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

FLUMA APPLICATION REQUIREMENTS

1. ☐ **Letter of intent stating the actual request and why the request is being made**
2. ☐ **Applicant's portion of request shall be typewritten, and signature notarized:**
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
3. ☐ **Certified survey done within past six (6) months MAY be required**
4. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide:**
 - a typewritten list of all affected property owners within the area. The list must prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ **The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.**
6. ☐ **Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.**
7. ☐ **Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.**
8. ☐ **Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.**

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



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

FUTURE LAND USE MAP AMENDMENT APPLICATION

FEES: \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

PROPERTY INFORMATION

Project Name: Academic Village

Location/Address 2500 Del Prado Blvd N and 1009-1527 Kismet PKWY E

Strap Number multiple Unit 32 Block multiple Lot (s) multiple

Plat Book 16 Page 13 Future Land Use CP Current Zoning C

PROPERTY OWNER (S) INFORMATION

Owner City of Cape Coral Address 1015 Cultural Park Blvd

Phone 239-573-3160 City Cape Coral

Email wdaltry@gmail.com State FL Zip 33915-0027

Owner Richard and Betty Saia Address 3615 N. Pacific Avenue

Phone _____ City Chicago

Email _____ State IL Zip 60634

APPLICANT INFORMATION (If different from owner)

Applicant City of Cape Coral Address P.O. Box 150027

Phone (239) 573-3160 City Cape Coral

Email wdaltry@capecoral.net State FL Zip 33915-0027

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Wyatt Daltry, AICP, Plng Team Address P.O. Box 150027

Phone (239) 573-3160 City Cape Coral

Email wdaltry@capecoral.net State FL Zip 33915-0027



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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.

Connie Barron

NAME (PLEASE TYPE OR PRINT)

Connie Barron

AUTHORIZED SIGNATURE

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

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, on this 10 day of November, 2020 by Connie Barron,
know is personally known to me or produced _____ as identification.



Exp Date: 7/6/2024 Commission Number: 66968853

Signature of Notary Public: Rachel Murphy

Printed Name of Notary Public: Rachel Murphy



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

ESTIMATED PEAK HOUR TRIP

Parcel Size: Width _____ Depth _____ Sq. Ft. _____ Acreage 160

Soil Type: multiple

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

Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):
vacant grassland for platted lots, hydric wetland woods

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

Florida bonneted bat

Estimated Development:

- Estimate total lot coverage 20 %
- Estimate total building floor area: _____ Sq. ft.
- Estimate type of future development and percentages:
(e.g. business offices, commercial retail, automotive repair, etc.)

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 ☒



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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Cape Coral, FL 33915-0027

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Wyatt Daltry, AICP, Planning Team Coordinator
(Name of person giving presentation)

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

UNIT 32 BLOCK 2175-77 LOT(S) multiple SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION and an unplatted property, see attached legal description

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

Connie Barron
PROPERTY OWNER (Please Print)

Connie Barron Asst. City Manager
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, on this 10 day of November, 2020 by Connie Barron,
know is personally known to me or produced _____ as identification.



Exp Date: 7/16/2024 Commission Number: GG 968853

Signature of Notary Public: Rachel Murphy

Printed Name of Notary Public: Rachel Murphy

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

ACKNOWLEDGEMENT FORM

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

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

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 10th Day of November, 2020.

City of Cape Coral
CORPORATION/COMPANY NAME

Connie Barron
OWNER'S NAME (TYPE or PRINT)

Connie Barron
OWNER'S SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, on this 10 day of November, 2020 by Connie Barron, know is personally known to me or produced _____ as identification.

Exp Date: 7/6/2024 Commission Number: 66968853



Signature of Notary Public: Rachel Murphy

Printed Name of Notary Public: Rachel Murphy



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

FUTURE LAND USE MAP AMENDMENTS

- A. Purpose of Amendments. Future Land Use Map amendments shall be considered for the following reasons:
1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.
 2. The amendment promotes compliance with changes to other city, state, or federal regulations.
 3. The amendment results in compatible land uses within a specific area.
 4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
 5. The amendment is consistent with the City's ability to provide adequate public facilities and services.
 6. The amendment prepares the City for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.
- B. Manner of Initiation. Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner:
1. The City Council by its own motion;
 2. The Planning and Zoning Commission by its own motion;
 3. The City Manager for City initiated requests; or
 4. By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.
- C. Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:
1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
 2. The amendment protects the health, safety, and welfare of the community;
 3. The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;
 4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;
 5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
 6. Other factors deemed appropriate by the Commission and City Council.
 7. Effective date of approval. The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

LU20-0008 Legal Description and Addresses – FLUMA from CP to MX

Addresses:

1009-1527 Kismet Parkway East

2500 Del Prado Boulevard North

Blocks and Lots for Kismet Parkway East properties:

Unit 32, Block 2175, Lots 35-47

Unit 32, Block 2176, Lots 1-49

Unit 32, Block 2177, Lots 1-21

Legal Description for 2500 Del Prado Boulevard North:

A Tract or Parcel of Land lying in Section 30, Township 43 South, Range 24 East, Lee County, Florida, consisting of:

The Southeast Quarter (Southeast $\frac{1}{4}$) and the Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) of Section 30, Township 43 South, Range 24 East, Lee County Florida, as recorded in Official Record Book 1885, Page 3718, Public Records of Lee County Florida

Less and excepting that portion of said Southeast quarter (Southeast $\frac{1}{4}$) of said Section 30 lying Easterly from the Westerly Right-of-Way line of Del Prado Boulevard, (120 foot R/W) as presently constructed, and also less and excepting that portion of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) of said Section 30 described in Official Record Book 2906, Page 3514, of the Public Records of Lee County, City of Cape Coral, Florida, said Tract or Parcel of Land being more particularly described as follows:

Beginning at the Northwestern corner of said Southeast quarter (Southeast $\frac{1}{4}$) of said Section 30; a found concrete monument, thence run South $88^{\circ} 56' 58''$ East along the Northerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) for 2,118.25 feet to an Intersection with the Westerly Right-of-Way line of Del Prado Boulevard; thence run along said Westerly Right-of-Way line for the following five courses:

South $00^{\circ} 19' 00''$ East for 898.00 feet to the Point of Curvature of a curve concave to the Northwest, then run along said curve having a radius of 1,940.00 feet and a Central angle of $11^{\circ} 04' 41''$ (Chord South $05^{\circ} 13' 21''$ West 374.51 feet) for 375.10 feet to the Point of Tangency, then run South $10^{\circ} 45' 41''$ West for 179.97 feet to the Point of Curvature of a curve concave to the Southeast, then run along said curve having a radius of 2,060.00 feet and a Central angle of $11^{\circ} 06' 42''$ (Chord South $05^{\circ} 12' 20''$ West, 398.88 feet) for 399.51 feet to the Point of Tangency, then run South $00^{\circ} 21' 01''$ East for 792.84 feet to an intersection with said Southerly line of said Southeast Quarter (Southeast $\frac{1}{4}$), being also the Northerly line of Cape Coral Unit 32 according to Plat Book 16, Pages 1 through 13, thence run North $89^{\circ} 33' 54''$ West along said Southerly line and said Northerly line for 2,029.82 feet; thence run North $89^{\circ} 13' 03''$ West along said Southerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) and said Northerly line of said Cape Coral Unit 32 for 1,401.93 feet to the Southeasterly corner of said Tract of land described in Official Record Book 3434, Page 4511; thence run North $00^{\circ} 22' 56''$ East along the Easterly line of said Tract and the Easterly line of said Tract of Land described in Official Record Book 3434, Page

4543 for 455.69 feet to a non-tangent intersection with a curve concave to the Northwest, being also the Northeasterly corner of said last mentioned Tract; thence run along the Northerly line of said last mentioned tract for the following two courses: along said curve having a radius of 360.00 feet and a Central angle of $04^{\circ} 48' 44''$ (Chord South $88^{\circ} 22' 35''$ West, 30.23 feet) for 30.24 feet to the Point of Tangency and North $89^{\circ} 13' 03''$ West for 69.79 feet to an intersection with the Westerly line of said Southeast quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$), being also the Easterly line of Cape Coral-Lee County Industrial Park according to Plat Book 34, Pages 142 and 143, of the Public Records of Lee County; thence run North $00^{\circ} 22' 56''$ East along said Westerly line and said Easterly line for 879.61 feet to the Northwestern corner of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$); thence run South $89^{\circ} 05' 03''$ East along the Northerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) for 1,496.05 feet to the Northeasterly corner of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$), being also a point on the Westerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of said Section 30; thence run North $00^{\circ} 07' 40''$ East along the Westerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) for 1,330.64 feet to the Point of Beginning.

STAFF REPORT

LU20-0008

City of Cape Coral

DOCKET/CASE/APPLICATION NUMBER

Wyatt Daltry, AICP, Planning Team

Coordinator (239) 573-3160,

wdaltry@capecoral.net

STAFF PLANNER

APPLICANT/PROPERTY OWNER

1009-1527 Kismet Parkway East and

2500 Del Prado Boulevard North

PROPERTY ADDRESS/LOCATION

BRIEF SUMMARY OF REQUEST

City-initiated large-scale future land use map amendment from the Commercial/Professional (CP) Future Land Use to Mixed-Use (MX) Future Land Use for forty parcels (182.09 acres).



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	PROPOSED LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
Commercial (C)	Commercial/ Professional (CP)	Single Family Residential (SF)	None	182.19 acres

STAFF RECOMMENDATION: Approval

Background:	<ul style="list-style-type: none"> The area was formerly an Industrial DRI from the late 1980's to 2010. The City purchased the site in 2003, with the intention of siting a university or post-secondary school, dubbed the "Academic Village" The forty properties were changed to Commercial (C) in 2010-2011
Positive Aspects of Application:	<ul style="list-style-type: none"> Large site under single ownership Subject area is undeveloped Site has access to utilities Site already has commercial entitlements Site is at intersection of minor and principal arterial roadways
Negative Aspects of Application:	<ul style="list-style-type: none"> Some environmental factors – bonneted bat habitat, wetlands are present
Mitigating Factors:	<ul style="list-style-type: none"> None

Additional Site Information

Street Addresses: 1009-1527 Kismet Parkway East
2500 Del Prado Boulevard North

Urban Service Area: Transition

City Water and Sewer: Not on-site, but utilities are present to the west.

Street Access: The site is accessible from Kismet Parkway, a minor arterial roadway and Del Prado Boulevard North, a principal arterial roadway

STRAP Numbers: Multiple, please see Application for details.

Block/Lot(s): Blocks and Lots for Kismet Parkway East properties:
Unit 32, Block 2175, Lots 35-47 (PB 16, PG 12)
Unit 32, Block 2176, Lots 1-49 (PB 16, PG 12-13)
Unit 32, Block 2177, Lots 1-21 (PB 16, PG 13)

Legal Description for 2500 Del Prado Boulevard North:
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Case Planner: Wyatt Daltry, AICP, Planning Team Coordinator

Review Approved By: Robert Pederson, AICP, Planning Manager

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
<i>Current:</i>	CP	Commercial (C)
<i>Proposed:</i>	Mixed-Use (MX)	Not applicable – not a zoning change. However, the City intends to follow up with a Single-Family Residential zoning designation if adopted
Surrounding Areas	Future Land Use	Zoning
<i>North:</i>	Multi-Family Residential (MF), CP, and MX	Single-Family Residential (R1)
<i>South:</i>	CP and Parks and Recreation (PK)	C and R1
<i>East:</i>	CP	C
<i>West:</i>	Light Industrial (I)	Industrial (I)

Background

The subject properties were amended to Commercial/Professional in 2010 and rezoned to Commercial in 2011.

The purpose of this request is to amend the Academic Village site to Mixed-Use. The site is undeveloped and has been owned by the City since 2003.

Academic Village is at the corner of Del Prado Boulevard and Kismet Parkway, and was initially an industrial Development of Regional Impact in the late 1980's. In 2003, the City purchased the site with the intention to attract development to this site, focusing on a college campus and ancillary uses. However, lack of interest from colleges and environmental concerns (e.g. discovery of the Florida bonneted bat) prevented development from occurring.

The site has a Commercial/Professional future land use map classification. This does not permit industrial development, which has become a greater priority for Cape Coral since the purchase of this property. Amending the future land use to Mixed-Use would result in greater development flexibility for the site, in that industrial uses could expand from the nearby North Cape Commerce Park to the west, and the location at the major intersection of Del Prado Boulevard and Kismet Parkway makes the site appropriate for industrial, commercial, or mixed-use development.

Additional Site Information

Protected Species

The Florida bonneted bat has been identified in the vicinity of the amendment. The City requires species surveys prior to issuance of City of Cape Coral permits or development approvals, in accordance with the Conservation and Coastal Management Element of the Comprehensive Plan.

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

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

Utilities

The site is in the Urban Services Transition area as designated by the City Comprehensive Plan. Utilities are adjacent to the subject area and can be extended to serve the site.

Soils and Drainage

The site has a variety of soil classifications. These soils have severe limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

REGIONAL PLAN ANALYSIS

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

This amendment is not in conflict with the SRPP.

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

This amendment has no effect on the MPO's 2040 LRTP.

COMPREHENSIVE PLAN ANALYSIS

Conservation and Coastal Management Element

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed future land use map amendment.

Policy 1.12: The City will continue to conduct commercial land needs studies to identify potential areas of the City, which could accommodate commercially designated land, and then amend the Future Land Use Map, consistent with the studies, findings, and recommendations, and other provisions of the Comprehensive Plan.

In March 2007, the City commissioned a report entitled: "Future Land Use Analysis: Commercial & Industrial Land Required For The City of Cape Coral At Build-Out." This report updated earlier analyses and suggested several strategies to increase the inventory of developable commercial properties within the City. Two of the suggested strategies involve: 1) converting parcels with residential future land use to commercial future land use; and 2) *increasing the size of existing commercial areas (emphasis added)*. Therefore, staff finds that the proposed amendment to Industrial is consistent with Policy 1.12.

Staff reviewed the Economic Development Element, Policy 3.2 for further guidance.

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

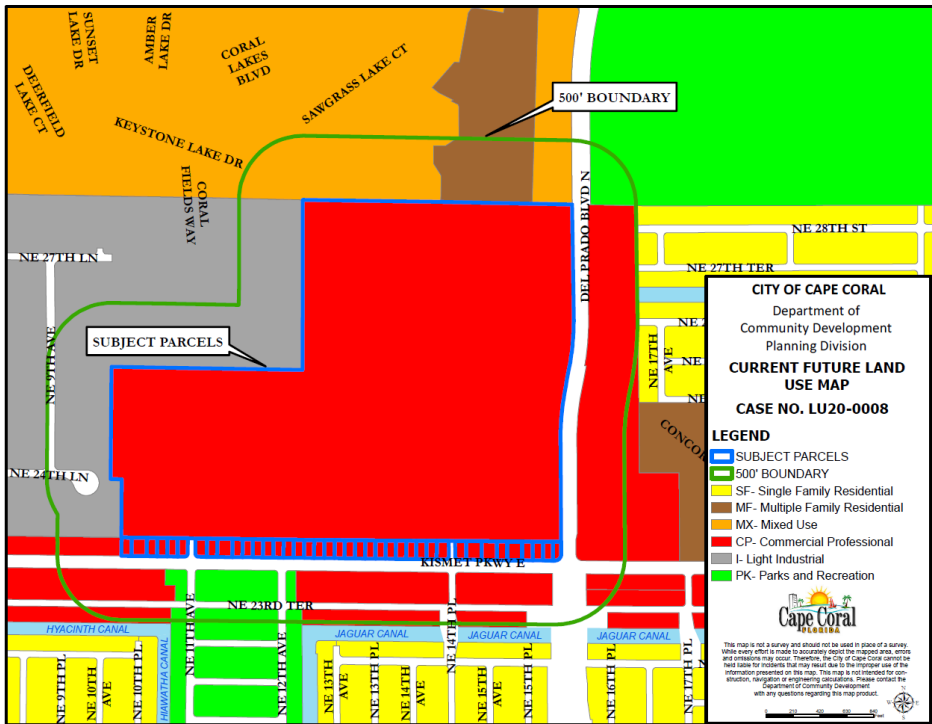
- The Future Land Use Element's Commercial Node Criteria;
 - Access to the transportation network, notably proximity to arterials and collectors;
 - Access to utilities;
 - Acceptable impacts on the environment and adjacent land uses;
 - A focus on scale and clustered development, such as research and 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.

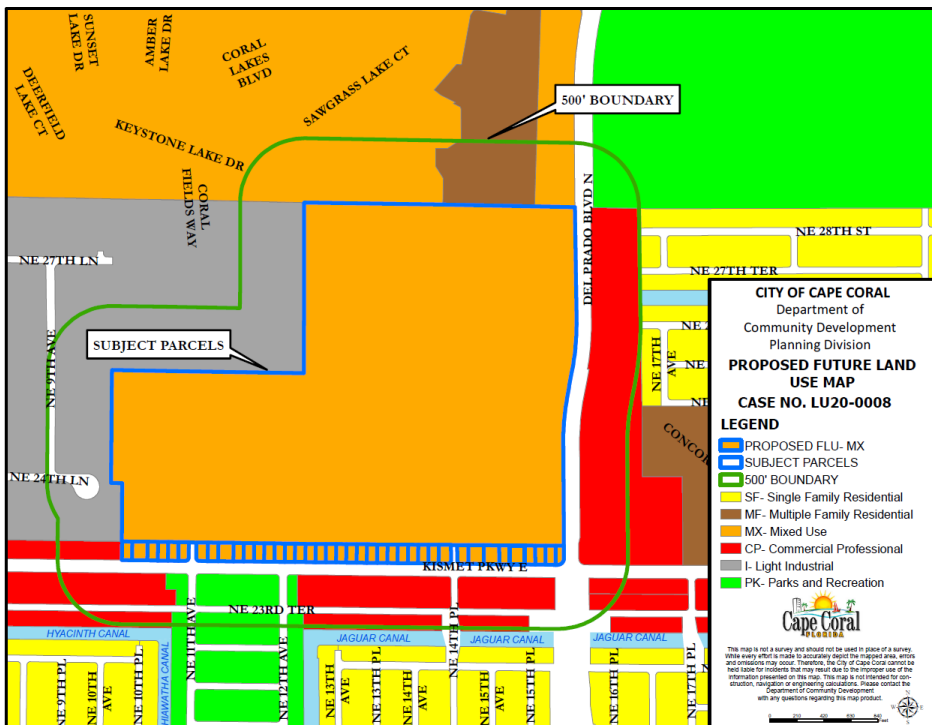
The amendment meets this policy. At 180+ acres, the size of the site can result in the development of a technology park or post-secondary education asset.

Overall, the FLUMA meets the policies of the Comprehensive Plan, above.

Future Land Use Map – Current



Future Land use Map – Proposed



Impact Assessment Summary

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the “existing impacts” discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present within the subject area, but reflect what those impacts would be if the area was developed in accordance with the existing future land use and zoning. Existing development impacts assume that commercial uses would develop at a 0.25 FAR over the entire site.

Proposed changes to Mixed-Use assume that 60% of the site would be used for commercial uses (at 0.25 FAR), 20% of the site would be used for industrial uses (at 0.25 FAR), and 20% of the site would be used for multi-family residential development (at 16 units/acre).

Dwelling Units

Existing:	0 (No residential permitted in Commercial/Professional)
Proposed:	583
Net Change:	+583 dwelling units

Population*

Existing:	0
Proposed:	1,480
Net Change:	+1,480

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

Water Use

Existing:	<u>595,215 gal/day total</u> (1,984,049 square feet x 0.3 gal/sq ft/day)
Proposed:	<u>592,772 gal/day total</u> (583 dwelling units x 200 gal/unit/day = 116,600 gal/residential/day PLUS 1,587,239 square feet industrial and commercial x 0.3 gal/day = 476,172 gal/day)
Net Change:	-2,443 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

Sewage

Existing:	<u>595,215 gal/day total</u> (1,984,049 square feet x 0.3 gal/sq ft/day)
Proposed:	<u>592,772 gal/day total</u> (583 dwelling units x 200 gal/unit/day = 116,600 gal/residential/day PLUS 1,587,239 square feet industrial and commercial x 0.3 gal/day = 476,172 gal/day)
Net Change:	-2,443 gal/day
Facility Capacity:	28.4 MGD
Avg. Daily Usage:	12.8 MGD

Solid Waste

Existing Generation: 269,831 lbs. total/day (1,984,049 square feet x 0.136 lbs/sq ft/day)
Proposed: 222,880 lbs. total/day (1,480 residents x 4.74 lbs/person/day = 7,015 lbs. residential PLUS 1,587,239 square feet x 0.136 lbs/sq ft/day = 215,865 lbs non-residential)
Net Change: -46,951 lbs./day
Facility Capacity: 1,836 tons/day
Existing Demand: 1,384 tons/day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 1,634 AM peak trips/hour and 6,686 PM peak trips/hour
Proposed: 1,914 AM peak trips/hour and 4,700 PM peak trips/hour
Net Change: +280 AM peak hour trips and -1,986 PM peak hour trips
Facility Capacity: Del Prado Boulevard North serves the site, which is a principal arterial roadway. Furthermore, Kismet Parkway, a minor arterial roadway, also serves the site.
Capacity Available: Yes

Development Impact Analysis

Hurricane Evacuation

The subject area is in Evacuation Zones A. Based on the summation of the amendment impacts above, there may be a reduction on hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment would require an increase in park demand (5.92 acres) due to the residential development proposed.

Protected Species

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

School Impacts

There will be some impact on schools, due to the residential component in the proposed amendment.

Existing dwelling units:	0 dwelling units
Existing students:	0
Proposed dwelling units:	583 dwelling units
Proposed students:	170
Change:	+170 students

Recommendation: Planning Division staff recommends approval of the proposed large-scale future land use map amendment request.





SUBJECT PARCELS

CITY OF CAPE CORAL

Department of
Community Development
Planning Division

AERIAL MAP

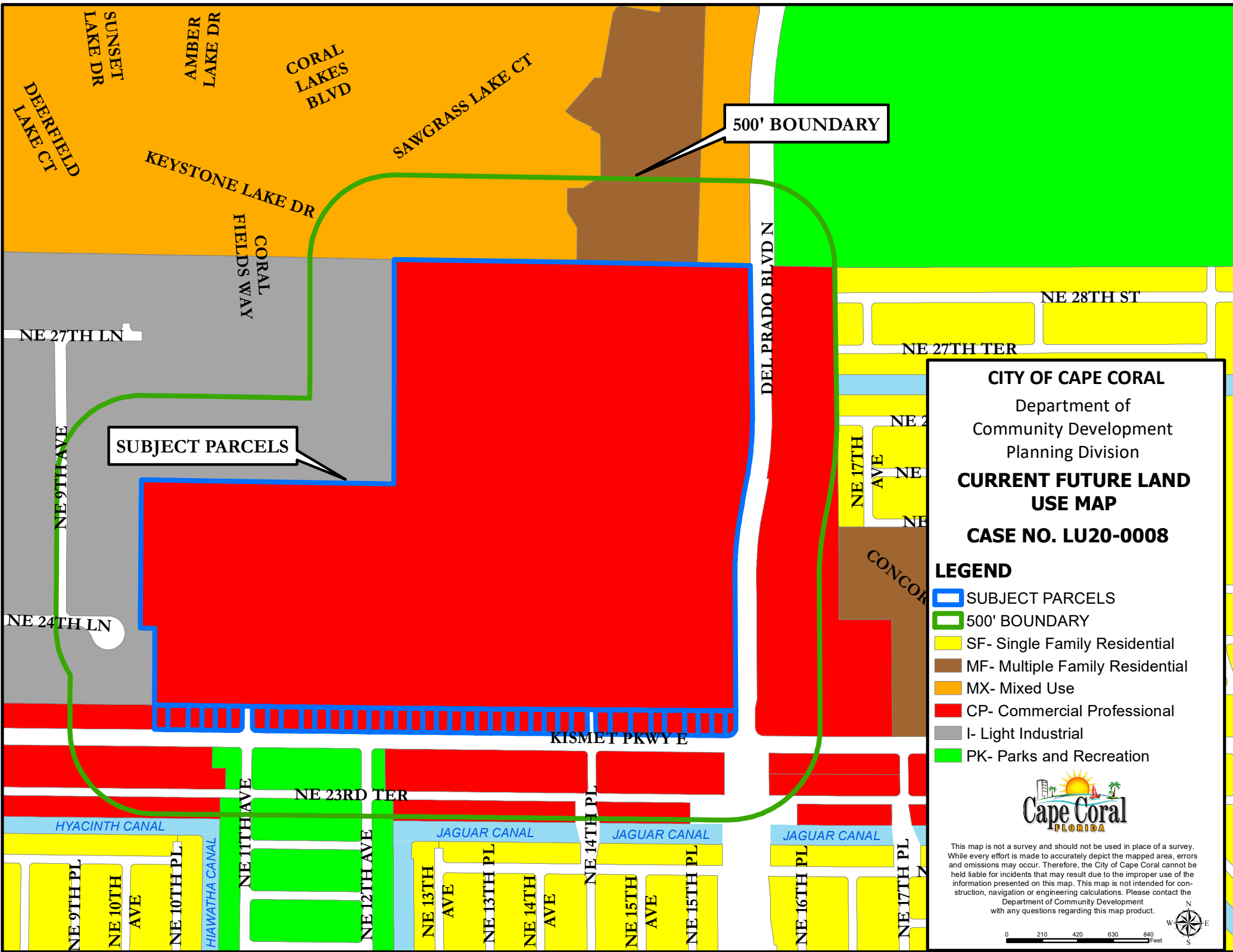
CASE NO. LU20-0008

LEGEND

 **SUBJECT PARCELS**



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division

**CURRENT FUTURE LAND
USE MAP**

CASE NO. LU20-0008

LEGEND

- SUBJECT PARCELS
- 500' BOUNDARY
- SF- Single Family Residential
- MF- Multiple Family Residential
- MX- Mixed Use
- CP- Commercial Professional
- I- Light Industrial
- PK- Parks and Recreation


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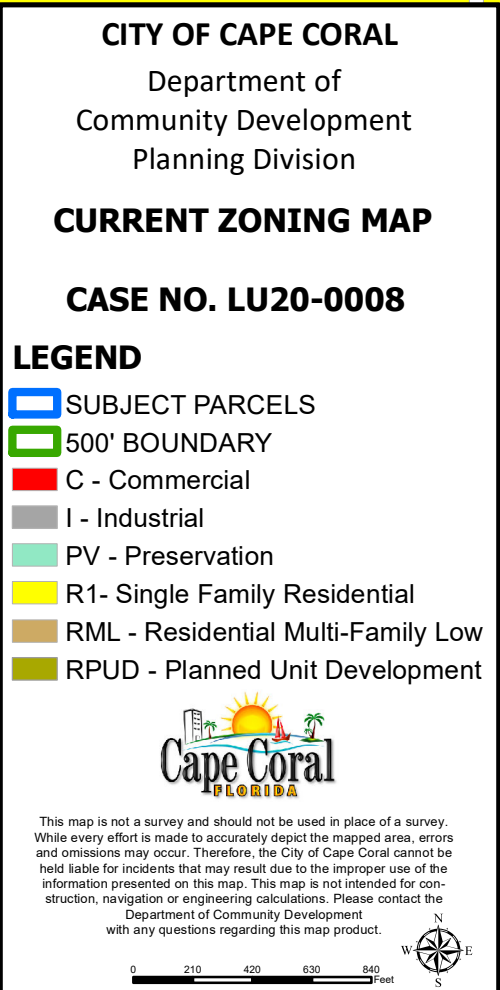
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LU20-0008 Legal Description and Addresses – FLUMA from CP to MX

Addresses:

1009-1527 Kismet Parkway East

2500 Del Prado Boulevard North

Blocks and Lots for Kismet Parkway East properties:

Unit 32, Block 2175, Lots 35-47 (PB 16, PG 12)

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Legal Description for Kismet Parkway East properties:

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AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number: 10.A.
Meeting Date: 1/6/2021
Item Type: OTHER BUSINESS

TITLE:

Utilities Department Master Planning Update

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

This is an informational item to present the Planning and Zoning Commission with an overview of the Utility Master Planning process. Staff from the Utility Extension project will make the presentation and answer questions.

STRATEGIC PLAN ALIGNMENT:

1. 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

RECOMMENDATIONS:

N/A

SOURCE OF ADDITIONAL INFORMATION:

Robert Pederson, Planning Manager,(239) 573-3169

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment? No

PREPARED BY:

Robert Pederson Division- Planning Department- Utilities

ATTACHMENTS:

Description	Type
▢ Utilities Department Master Planning Utilities Power Point Presentation	Backup Material

Utilities Department Master Planning Update

**January 6, 2021
Planning and Zoning Meeting**

Utilities Department



Master Planning Growth Model Approach

- Entitlements of Planned Development Projects-Input from City Planning
- Review of historic building permits and recent CO's on a zone basis
- Commercial development required to support increases in population
- Location/availability of existing infrastructure – roads, potable water and sewer
- National Wetland inventory overlay
- Build-out conditions on a zone basis based on zoning, entitlements and development trends
- Environmental and Water Quality concerns (ex. High # of septic tanks near estuary)
- Constructability

Master Plan Pipe Sizing Criteria

- Review design criteria/level of service standards for per capita flow/demand criteria, flow rates established for non-residential development, and peaking factors for potable water, irrigation water and wastewater systems
- Update the design criteria/level of service standards as needed based upon historical data analysis
- Complete analysis of existing and future conditions of residential and non-residential development for growth projections to identify population and as required square footage of non-residential developments

Master Plan Pipe Sizing Criteria

- Utilize per capita flow/demands plus any non-residential (when required) flow rates and population and square footage requirements for non-residential areas to calculate annual average daily flows/demands
- Calculate peak hour flow rates for piping based upon peaking factors identified in design criteria/level of service standards or based upon historical analysis

Master Plan Pipe Sizing Criteria (Sewer)

- Minimum allowable gravity sewer pipe size is 8-inches
- All gravity sewers must be designed at slopes providing a minimum velocity of 2 feet per second (fps) and velocities of 6 fps when flowing full or ½ full, based on Manning's Formula
- Sewer pressurized forcemain minimum pipe size is 6-inches

Master Plan Pipe Sizing Criteria (Sewer)

- In order to provide adequate pipeline scouring/cleansing, forcemain flow velocity shall not be less than 2 fps at minimum pumping capacity. Maximum velocity at design pumping rates shall not exceed 8 fps
- Hydraulic model simulations are used to evaluate the selected forcemain diameters.
- The following hydraulic model scenarios are performed: Dry Weather Flow Simulation, Annual Average Flow Simulation and Wet Weather Flow Simulation

Master Plan Pipe Sizing Criteria (Water)

- Potable water mains are sized based on hydraulic modeling results
- Commercial Areas – Minimum of 8-inches in diameter
- Non-looped Residential – Minimum of 8-inches in diameter
- Looped Residential – Minimum of 6-inches in diameter

Master Plan Pipe Sizing Criteria (Water)

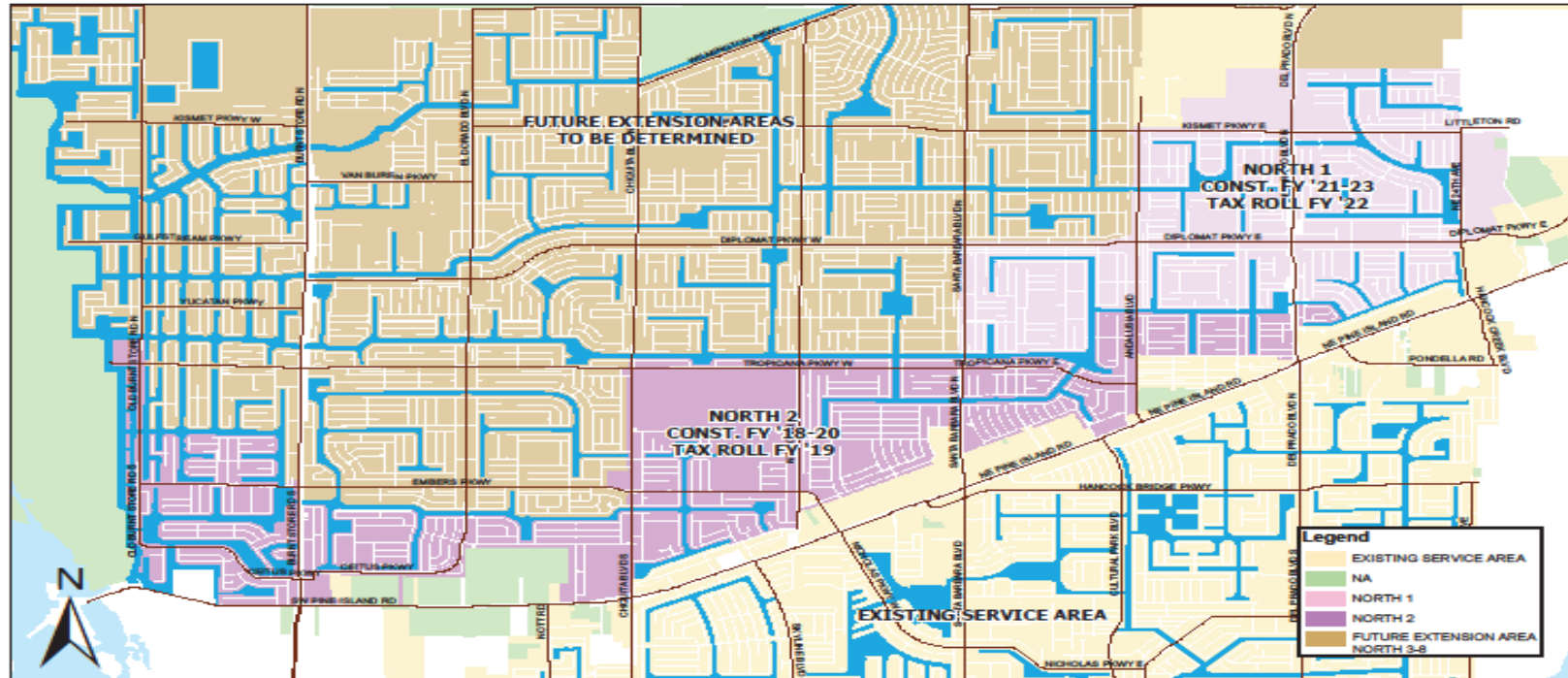
- **Max Day Demand-Extended Period Simulation (MDD EPS):** The purposed is to evaluate the overall systems ability to maintain system pressures on a day with the highest projected potable water consumption rates. This scenario includes the peak hour flow rate which is defined as the largest volume of water consumed over any hour. Currently, most of our water system averages around 65-70 psi since we don't have irrigation on the potable water system.

Master Plan Pipe Sizing Criteria (Water) cont.

- **Maximum Day Demand Fire Flow Simulation:** The purpose is to evaluate the system's available fire flow during a Max Day Demand condition. This is typically the main driver for sizing potable watermains.
- **Minimum Day and Annual Average Day Demand:** The purpose is to evaluate the system under typical conditions. The ability to move water in and out of storage tanks and water age are the main criteria analyzed in this scenario.

Existing Extension Areas

CITY OF CAPE CORAL PROPOSED UTILITIES EXTENSION - REVISED FY 2018-2023



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Updated 05/27/20 hg

Quick Facts



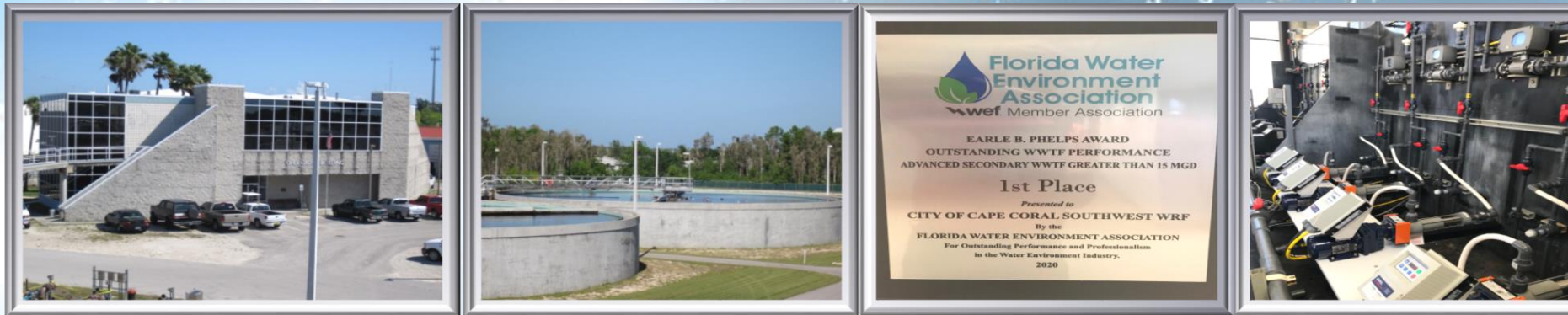
883 miles of potable water mains and nearly **15,000** isolation valves
4,288 potable fire hydrants and **68,153** customer water connections
Cape Coral's reclaimed water system - **One of the largest in the world**
792 miles of wastewater collection mains (gravity and pressurized)
310 wastewater collection lift stations, and over **11,000** manholes
65,782 customer wastewater connections
City's Southwest RO Plant – **Oldest continually operating BWRO Plant in the world**
792 miles of reuse mains and **56,118** customer reuse connections

Water Reclamation Facilities

➤ Everest Water Reclamation Facility 13.4 MGD AADF; 41 MGD Peak Capacity



➤ Southwest Water Reclamation Facility 15.0 MGD AADF; 46 MGD Peak Capacity



Water Production Facilities

- **North Reverse Osmosis Facility: Completed in 2010**
Current Treatment Capacity: 12 MGD



- **Southwest Reverse Osmosis Facility: Completed in 1977**
Current Treatment Capacity: 18.1 MGD



THANK YOU
any questions?

