



## **AGENDA FOR THE HEARING EXAMINER**

Tuesday, October 5, 2021

9:00 AM

Council Chambers

### **1. HEARINGS CALLED TO ORDER**

### **2. HEARINGS**

- A. ZA21-0001\*; Address: Multiple Properties; Applicant: City of Cape Coral
- B. ZA21-0004\*; Address: 816 SE 8th Place; Applicant: Jomar Investments, LLC
- C. ZA21-0013\*; Address: 1219 Academy Boulevard; Applicant: Cape Trust Investments, LLC

### **3. DATE AND TIME OF NEXT HEARINGS**

- A. Tuesday, October 19, 2021, at 9:00 a.m. in Council Chambers

### **4. ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

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

#### **PLEDGE OF CIVILITY**

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

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

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



## AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.A.
Meeting Date:	10/5/2021
Item Type:	HEARINGS

**TITLE:**

ZA21-0001\*; Address: Multiple Properties; Applicant: City of Cape Coral

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

This is a City-initiated rezone from the Professional (P) zoning district to Residential Multi-Family Low (RML) zoning for 50 parcels in central Cape Coral, located just west of Cultural Park Boulevard between SE 7<sup>th</sup> and SE 9<sup>th</sup> Streets. The subject properties are addressed at 601-717 SE 9<sup>th</sup> Street, 602-718 SE 8<sup>th</sup> Terrace, 601-717 SE 8<sup>th</sup> Terrace, 602-718 SE 8<sup>th</sup> Street, 603-707 SE 8<sup>th</sup> Street and 602-702 SE 7<sup>th</sup> Street. Twenty-seven of the 50 parcels are developed with multi-family residences, mostly duplexes, which are non-conforming structures and uses within the Professional zoning district.

The proposed rezone is a follow-up to Ordinance 50-21, which was adopted by the City Council on September 22, 2021. Ordinance 50-21 amended these subject properties to the Multi-Family Residential future land use map classification. If the rezone is adopted, no new professional office uses would be permitted, but the multi-family residential structures would become conforming uses. Additional multi-family residential structures could also be developed in the event of adoption.

Acreage: 12.71

**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:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, AICP, Planning Team Coordinator, PH: (239) 573-3160

Email: [wdaltry@capecoral.gov](mailto:wdaltry@capecoral.gov)

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

N/A

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

**PREPARED BY:**

Jessica Cruz, Planning  
Technician

Division- Planning

Department- Community  
Development

**ATTACHMENTS:**

**Description**

▢ Backup Materials

**Type**

Backup Material



**MEMORANDUM**

CITY OF CAPE CORAL  
DEPARTMENT OF COMMUNITY DEVELOPMENT

*FROM*  
TO: Rob Hernandez, City Manager

*TO*  
*12/31/20*  
FROM: Vincent Cautero, Community Development Director *VC*  
Robert Pederson, Planning Manager *RP*

DATE: December 22, 2020

SUBJECT: City Initiated Future Land Use and Zoning Amendments – Map Calibration

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**Executive Summary**

Staff has been working to rectify a large number of zoning and land use mapping inconsistencies. Under Florida Statutes Chapter 163.3161(6), zoning districts for individual properties must be consistent with the Comprehensive Plan and the designated Future Land Use Map (FLUM). The attached application forms for your signature will begin the process for City initiated FLUM and zoning changes to correct these inconsistencies. Other similar applications will follow in the future.

**Background/Current Conditions**

The City first adopted an FLU Map in 1989 and zoning districts thereafter in 1989 and 1990. Many of the land use and zoning inconsistencies were created at that time. Other inconsistencies were created in 2004 and 2010 when the City adopted large-scale land use amendments.

Prior to adoption of the Land Development Code in 2019, the City amended the land use classifications for ±1,500 acres and the zoning maps for nearly 9,000 acres throughout the City. Many of these changes were intended to address long-standing zoning and land use inconsistencies. Subsequently, staff has been scrutinizing the land use and zoning maps in greater detail to identify additional areas with inconsistent land use and zoning. Our preliminary analysis has identified over 50 blocks for consideration of land use changes, zoning changes, or both.

We have identified three levels of priority for the changes we will be bringing forward:

Priority 1 – Parcels with incompatible Future Land Use or zoning where the owners have been unable to sell or refinance their existing homes because of the nonconforming status.

Priority 2 – Parcels with incompatible Future Land Use and zoning and the property owners are prohibited from all development of any kind.

Priority 3 – Other Future Land Use and zoning inconsistencies. This includes City-owned parcels where no development or sale of the property is proposed at this time.

There are two application forms attached for your signature. Additional applications will follow in the near future. We are available to discuss these applications at your convenience.

### **Next Steps**

Upon execution of the attached applications, staff will prepare each case for a public hearing and the recommendation of the Planning and Zoning Commission or the Hearing Examiner, as appropriate. Each case will then be heard by City Council for final action.

VAC/RP:eh (Memo City Initiated FLU & Zoning Amendments 12-22-2020.docx)

Attachments

C: Dolores Menendez, City Attorney

Centrum FLU and ZA List of Blocks, Lots, STRAP number:

Unit 23, Block 1068, Lots 1-40

Addresses: 601-717 SE 9<sup>th</sup> Street and 602-718 SE 8<sup>th</sup> Terrace

244423C2010680010  
244423C2010680030  
244423C2010680050  
244423C2010680070  
244423C2010680090  
244423C2010680110  
244423C2010680130  
244423C2010680150  
244423C2010680170  
244423C2010680190  
244423C2010680210  
244423C2010680240  
244423C2010680270  
244423C2010680290  
244423C2010680310  
244423C2010680330  
244423C2010680350  
244423C2010680370  
244423C2010680390

Unit 23, Block 1073, Lots 1-15 and 27-40

Addresses: 603-707 SE 8<sup>th</sup> Street and 602-706 SE 7<sup>th</sup> Street

134423C3010730010  
134423C3010730040  
134423C3010730060  
134423C3010730080  
134423C3010730100  
134423C3010730120  
134423C3010730140  
134423C3010730270  
134423C3010730300  
134423C3010730320  
134423C3010730330  
134423C3010730340  
134423C3010730350  
134423C3010730360  
134423C3010730390

Unit 23, Block 1154, Lots 1-40

Addresses: 601-717 SE 8<sup>th</sup> Terrace and 602-718 SE 8<sup>th</sup> Street

134423C3011540010  
134423C3011540030  
134423C3011540050  
134423C3011540070  
134423C3011540090  
134423C3011540110

134423C3011540140  
134423C3011540160  
134423C3011540180  
134423C3011540210  
134423C3011540250  
134423C3011540280  
134423C3011540310  
134423C3011540330  
134423C3011540350  
134423C3011540370  
134423C3011540390

**STAFF REPORT**

ZA21-0001

City of Cape Coral

DOCKET/CASE/APPLICATION NUMBER

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

APPLICANT/PROPERTY OWNER

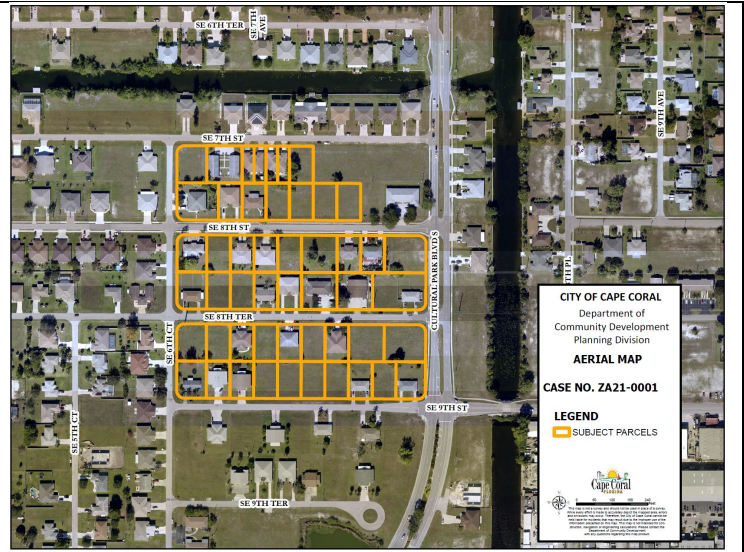
601-717 SE 9<sup>th</sup> Street, 602-718 SE 8<sup>th</sup> TER,  
601-717 SE 8<sup>th</sup> TER, 602-718 SE 8<sup>th</sup> ST,  
603-707 SE 8<sup>th</sup> ST, and 602-702 SE 7<sup>th</sup> ST

STAFF PLANNER

PROPERTY ADDRESS/LOCATION

**BRIEF SUMMARY OF REQUEST**

City-initiated rezone from the Professional (P) zoning district to Residential Multi-Family Low (RML) zoning for fifty parcels (12.71 acres).



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	PROPOSED ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
Professional (P)	Commercial/ Professional (CP)*	Multi-Family Residential Low (RML)	None.	12.71 acres

\*in-process to be amended to Multi-Family Residential (MF) future land use

**STAFF RECOMMENDATION:** Approval

<b>Background:</b>	<ul style="list-style-type: none"><li>The area was formerly Multi-Family Residential until 2005.</li><li>The City looked to redevelop the area, dubbed the "City Centrum," and then changed the area to Commercial/Professional</li><li>The area, with few exceptions, had not redeveloped 15 years later</li></ul>
<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"><li>Site has access to utilities</li><li>Site already has large amount of multi-family residential uses on-site; these uses would be legal, conforming uses again</li><li>City needs multi-family residential</li></ul>
<b>Negative Aspects of Application:</b>	<ul style="list-style-type: none"><li>City needs commercial uses,</li><li>Request does not support the City Centrum concept</li></ul>
<b>Mitigating Factors:</b>	<ul style="list-style-type: none"><li>None</li></ul>

Additional Site Information

**Street Addresses:** 601-717 SE 9<sup>th</sup> Street  
602-718 SE 8<sup>th</sup> Terrace, 601-717 SE 8<sup>th</sup> Terrace  
602-718 SE 8<sup>th</sup> Street, 603-707 SE 8<sup>th</sup> Street  
602-702 SE 7<sup>th</sup> Street

**Urban Service Area:** Transition

**City Water and Sewer:** Yes.

**Street Access:** The site is accessible from Cultural Park Boulevard, a minor arterial roadway and local streets

**STRAP Numbers:** Multiple, please see Application for details.

**Block/Lot(s):** Unit 24, Block 1068, Lots 1-40 (PB 14, PG 73)  
Unit 24, Block 1073, Lots 1-15, 30-40 (PB 14, PG 42)\*  
\*Note: Lots 27-29 were removed at the July 21, 2021 Council Transmittal Hearing  
Unit 24, Block 1154, Lots 1-40 (PB 14, PG 73)

**Case Planner:** Wyatt Daltry, AICP, Planning Team Coordinator

**Review Approved**  
**By:** Robert Pederson, AICP, Planning Manager

Zoning and Land Use Information:

<b><i>Subject Property:</i></b>	<b><i>Future Land Use</i></b>	<b><i>Zoning</i></b>
<i>Current:</i>	CP being amended to MF	Professional (P)
<i>Proposed:</i>	N/A	Residential Multi-Family Low

<b><i>Surrounding Areas</i></b>	<b><i>Future Land Use</i></b>	<b><i>Zoning</i></b>
<i>North:</i>	MF	Residential Multi-Family Low (RML)
<i>South:</i>	CP	Professional (P)
<i>East:</i>	Mixed-Use (MX), Single-Family Residential (SF), MF, and CP	P, RML, and Single-Family Residential (R1)
<i>West:</i>	MX	RML and R1

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## **Background**

The subject properties were amended to Commercial/Professional in 2003 and rezoned to Professional in 2009.

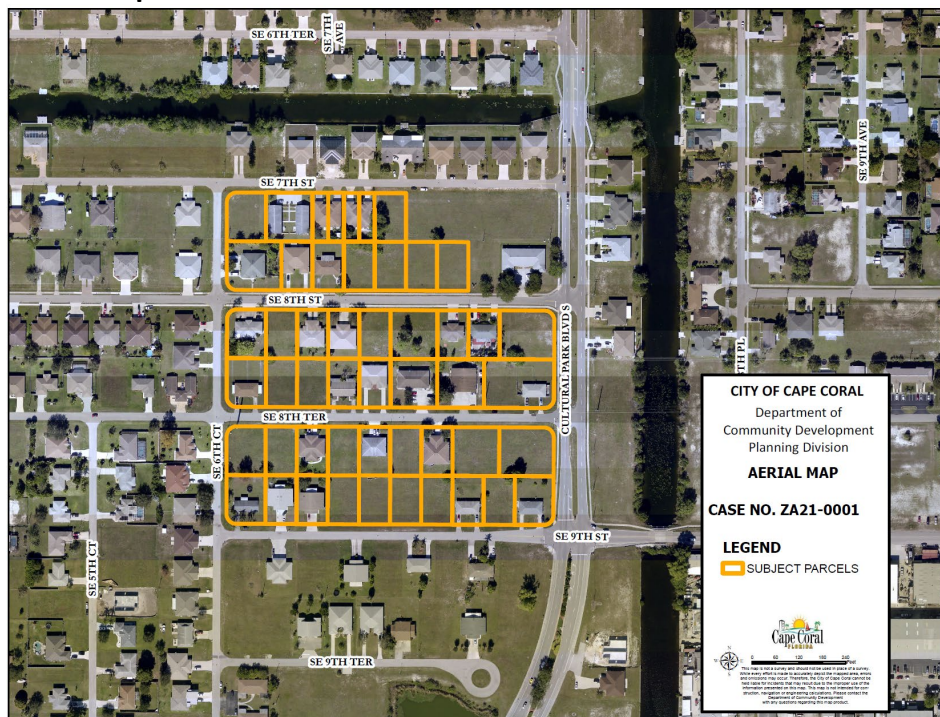
The purpose of this request is to amend the subject properties to Multi-Family Residential. Just over 50% of the site is developed (27 of 50) with multi-family residential uses, and the development pattern is sporadic, which is a hindrance to commercial assemblage. With the exception of the eastern end of Block 1073, which is not part of this amendment, no redevelopment efforts have been undertaken on these subject blocks.

Other blocks within the City Centrum have not been identified for reversion to Multi-Family Residential as redevelopment opportunities still exist. However, these three blocks are well-developed with multi-family residential, and it is the responsibility of the City to ensure that the future land use and (in a later ordinance) zoning reflect the development pattern which exists.

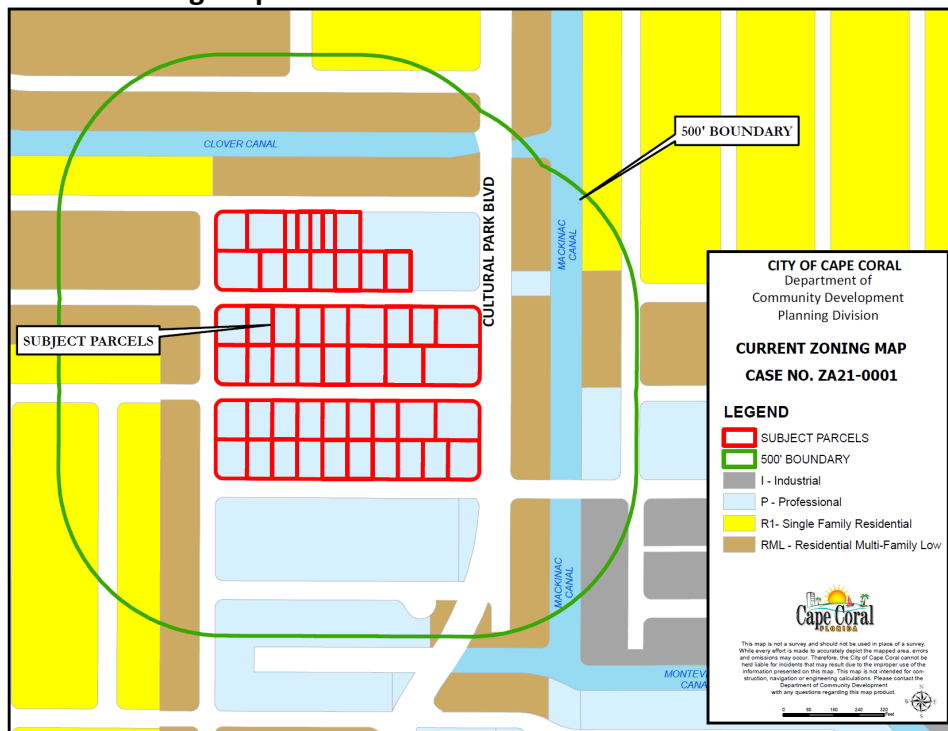
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## Aerial Map

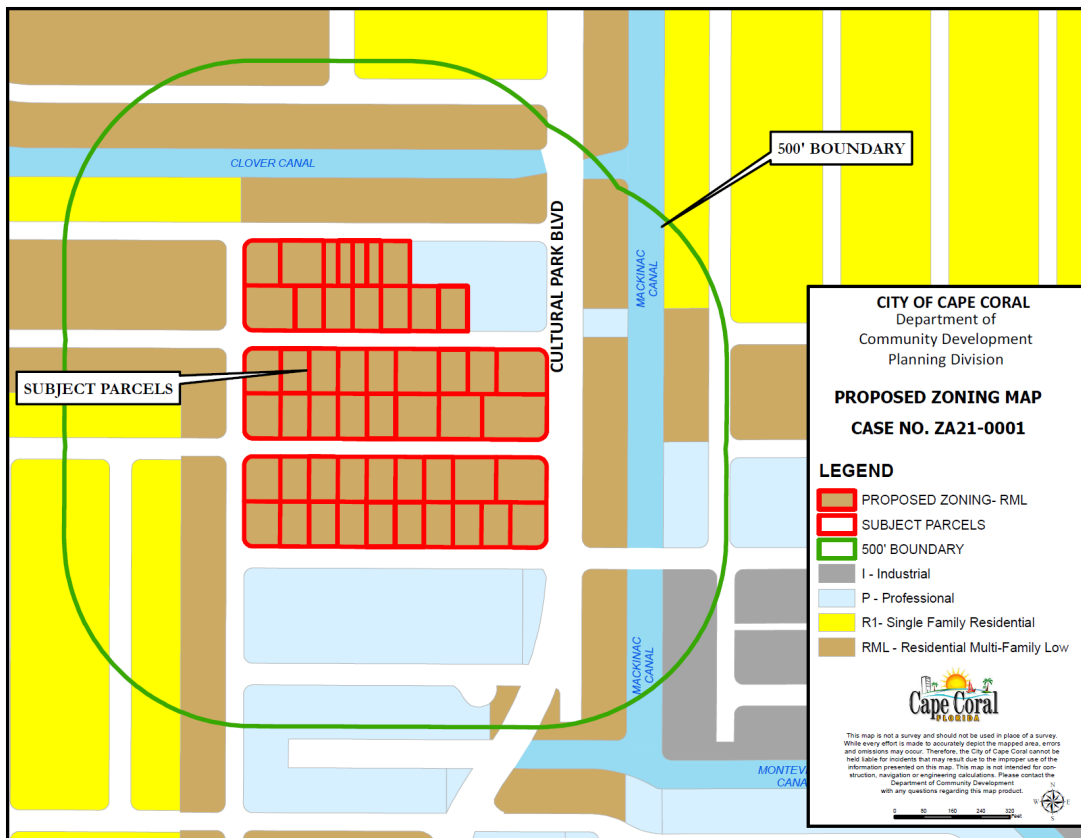


## Current Zoning Map





## Proposed Zoning Map



## COMPREHENSIVE PLAN ANALYSIS

### Future Land Use Element

Per Policy 1.15, the Residential Multi-Family Low zoning district is consistent with the Multi-Family Residential future land use map classification.

Policy 1.15.b states:

“The Residential Multi-Family Low (RML) District is designed to permit multi-family residential development. Single-family attached projects (three or more units only), single-family residences, and duplexes are also permitted in this zoning district.”

The requirement to build a mixed-use project is for properties of one acre or greater where utilities are available (i.e. in the Urban Services Infill and Transition Areas). As the properties in this block are subdivided into two-lot, 10,000-square foot properties, the ability to build duplexes consistent with the development pattern in this block is permitted.

### **Comprehensive Plan Analysis**

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed rezone.

Policy 1.7: The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential development, to reduce this shortfall, locational guidelines have been developed. The following locational guidelines are as follows:

#### 1.) Proximity to major roadways.

To prevent the establishment of multi-family residential development far in the middle of predominantly single-family neighborhoods, an appropriate location for multi-family residential development is adjacent to or within ¼ mile of major roadways such as arterial and collector roadways, as identified by *Figure 7 City Roadway Classifications*.

#### 2.) Proximity to non-residential land uses.

An important consideration for siting multi-family residential development is the need for multi-family residential uses to be in proximity to major employment centers. Providing housing near commercial uses can result in shorter trips, lessened traffic generation by workers, and providing multiple transportation mode options (walking, bicycling, automobile, bus) for employees.

An appropriate location for multi-family residential development is adjacent to or within ¼ mile of non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

#### 3.) Transitioning from commercial uses to less intense uses.

Multi-family residential uses have traditionally provided a role in buffering single-family uses or neighborhoods from

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nearby commercial development. Multi-family residential development is often self-contained with parking lots which provide a physical barrier visually separating commercial uses, particularly the lighting and loading areas, from single-family residential uses, which is a benefit to the community.

Therefore, an appropriate location for Multi-family residential development is physically between single-family development and non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

4.) Assemblage opportunities and adjacency to existing multi-family residential.

Single, isolated pre-platted parcels provide little opportunity for larger-scale multi-family residential development and contribute to the same ills that strip center commercial developments offer; a proliferation of driveways onto major roadways.

**The proposed rezone meets all four guidelines, and therefore is considered consistent with this policy.**

### **Housing Element**

GOAL: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

**Increasing the City's amount of multi-family residential land is directly consistent with the Housing Element goal, above.**

**Overall, the proposed rezone meets the policies of the Comprehensive Plan, above.**

### **LAND DEVELOPMENT CODE ANALYSIS**

#### **Land Development Code -- Section 3.4.6 Rezones:**

Staff reviewed this request in accordance with Section 3.4.6 of the Land Development Code and provides the following analysis. This section is used for rezone requests.

Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

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

*The proposed RML zoning district is consistent with the Multi-Family Residential future land use map classification.*

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

*Presently, most of the properties are already developed with uses compatible with the proposed zoning district. The surrounding area consists of residential uses. The full range of uses in the RML district, which consists of residential uses and uses ancillary to such development, are compatible with existing uses in this area.*

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

*As mentioned earlier, the surrounding area consists of residential uses. The full range of uses in the RML district, which consists of residential uses and uses ancillary to such development, are compatible with existing and proposed uses in this area, due in part to the fact that residential I uses have been present nearby since the early 1980's.*

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

*The City has a well-documented need for additional multi-family residential uses.*

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

*The rezone area is a block on Cultural Park Boulevard, a minor arterial road. Residential uses are present along these roadways.*

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

*The RML zoning district is one of two zoning districts which permits multi-family development by right. Compared to the Residential Multi-Family Medium zoning district, the RML provides less density (16 vs. 25) and maximum height (38 ft. vs. 50 ft.), which would create fewer adverse impacts.*

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## **Public Notification**

This case will be publicly noticed as required by LDC, Section 3.1.10 as further described below.

**Publication:** A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

**Written notice:** Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

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

## **Recommendation:**

Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code and the City's

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Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

**Staff Contact Information:**

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

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## 500 FOOT NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** ZA21-0001

**REQUEST:** City-initiated rezone from the Professional (P) zoning district to Residential Multi-Family Low (RML) zoning for fifty parcels (12.71 acres).

**CAPE CORAL STAFF CONTACT:** Wyatt Daltry, AICP, Planning Team Coordinator, PH: (239) 573-3160  
Email: [wdaltry@capecoral.gov](mailto:wdaltry@capecoral.gov)

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, October 5<sup>th</sup>, 2021 on the above mentioned case. The public hearing will be held in the Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

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

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

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

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Office located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

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## AFFECTED PROPERTY OWNERS

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# NOTICE OF REZONING

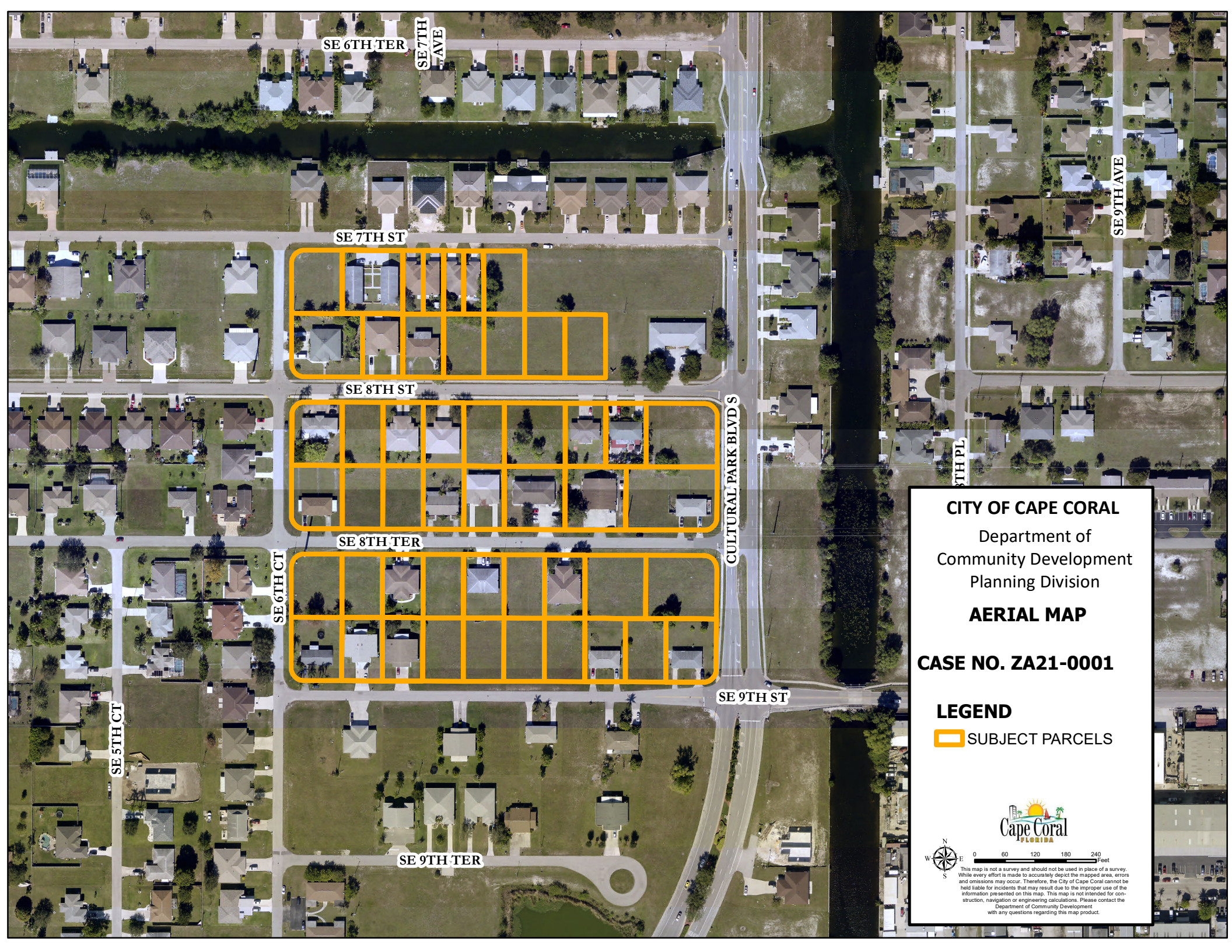
A public hearing on the rezoning will be held Tuesday, October 5, 2021 at 9:00 a.m. at the City of Cape Coral, City Hall Chambers, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. At this public hearing, the Hearing Examiner will consider recommendation of the rezone request. Accordingly, members of the general public and real property owners in the community are invited to appear and speak at the public hearing. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Written comments filed with the Director will also be entered into the record. A copy of the map, the complete metes and bounds, and the proposed ordinance under consideration will be available for inspection and will be provided to the public at cost at the City Clerk's office between 7:30 a.m. and 4:30 p.m., Monday through Friday excluding holidays. Any person who decides to appeal any decision made by the City Council at that meeting will need a record of proceedings, and that subject person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk no later than 48 hours prior to the meeting. Please contact the City Clerk at [ctyclk@capecoral.net](mailto:ctyclk@capecoral.net) if you require assistance.

Case Number Kimberly Bruns, CMC  
ZA21-0001 City Clerk



ZA21-0001 COMMERCIAL  
(C) TO RESIDENTIAL MULTI-FAMILY LOW  
(RML) ZONING FOR PROPERTY DESCRIBED  
AS LOTS 1 THROUGH 40, BLOCK 1068, LOTS  
1 THROUGH 40, BLOCK 1154, AND LOTS 1  
THROUGH 15 AND 30 THROUGH 40, BLOCK  
1073, UNIT 24, CAPE CORAL SUBDIVISION





## CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## AERIAL MAP

**CASE NO. ZA21-0001**

## LEGEND

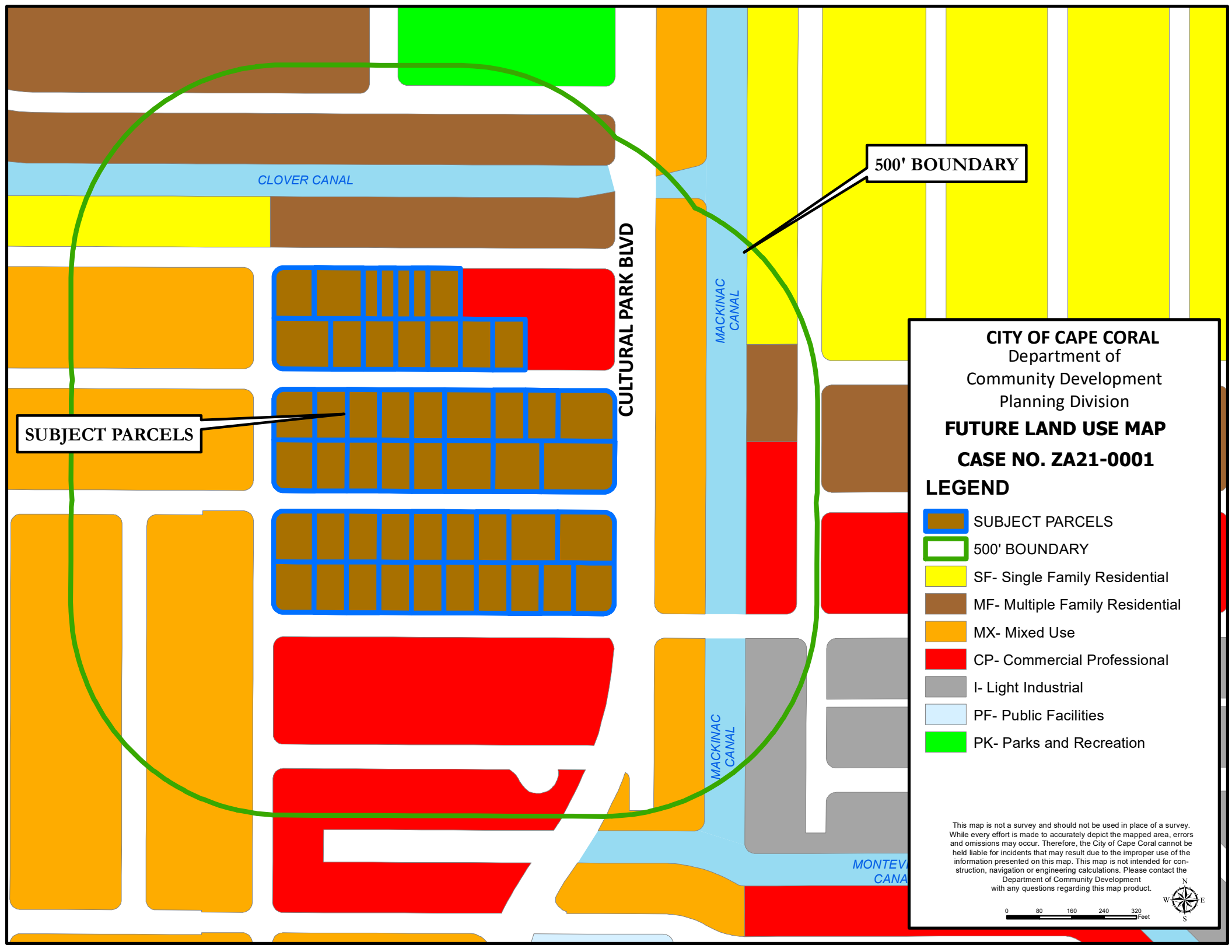
 SUBJECT PARCELS



0 60 120 180 240 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 the map product.





CLOVER CANAL

CULTURAL PARK BLVD

MACKINAC CANAL

MACKINAC CANAL










MONTEVIDEO CANAL

500' BOUNDARY

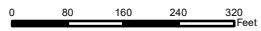
SUBJECT PARCELS

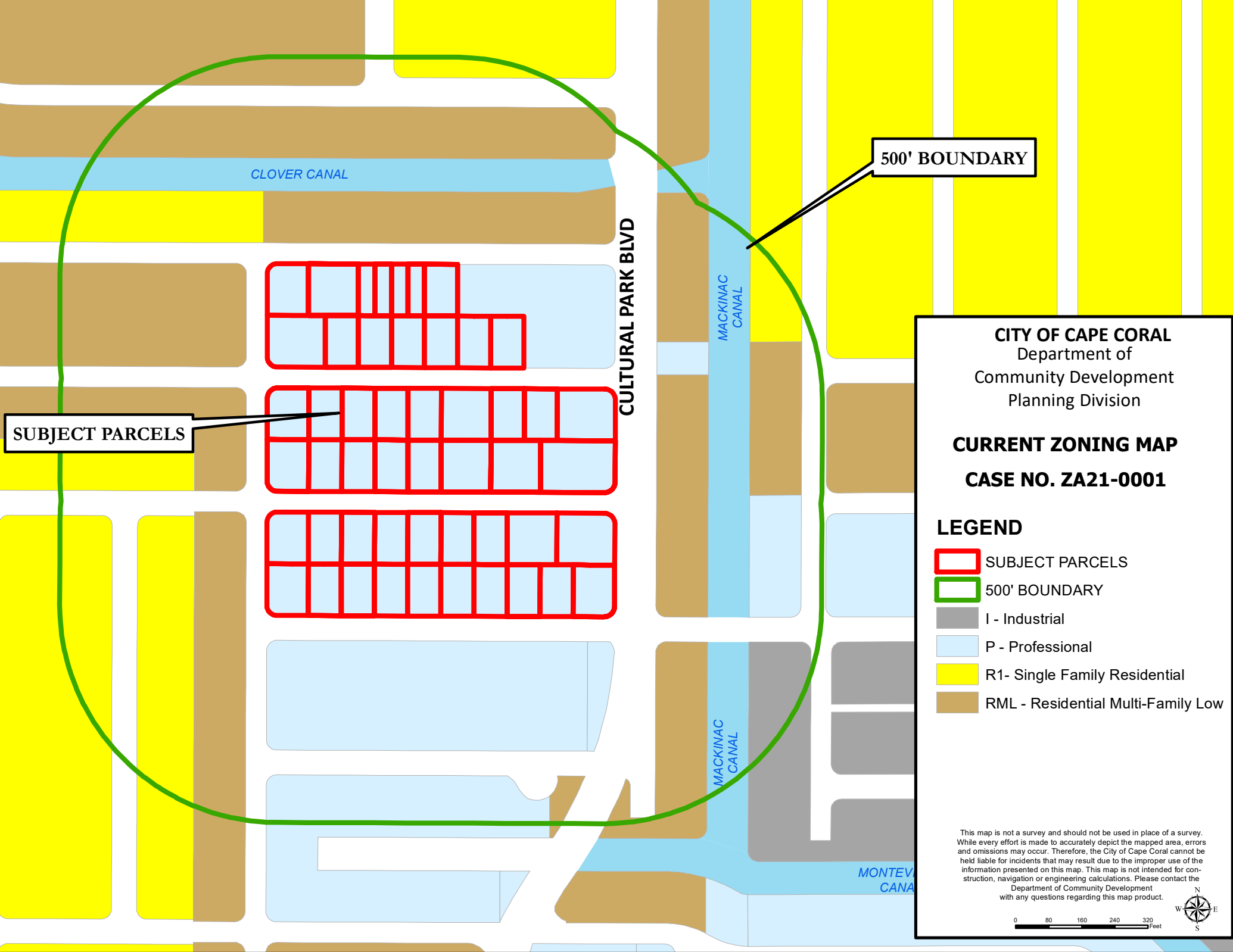
**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division  
**FUTURE LAND USE MAP**  
**CASE NO. ZA21-0001**

**LEGEND**

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

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SUBJECT PARCELS

500' BOUNDARY

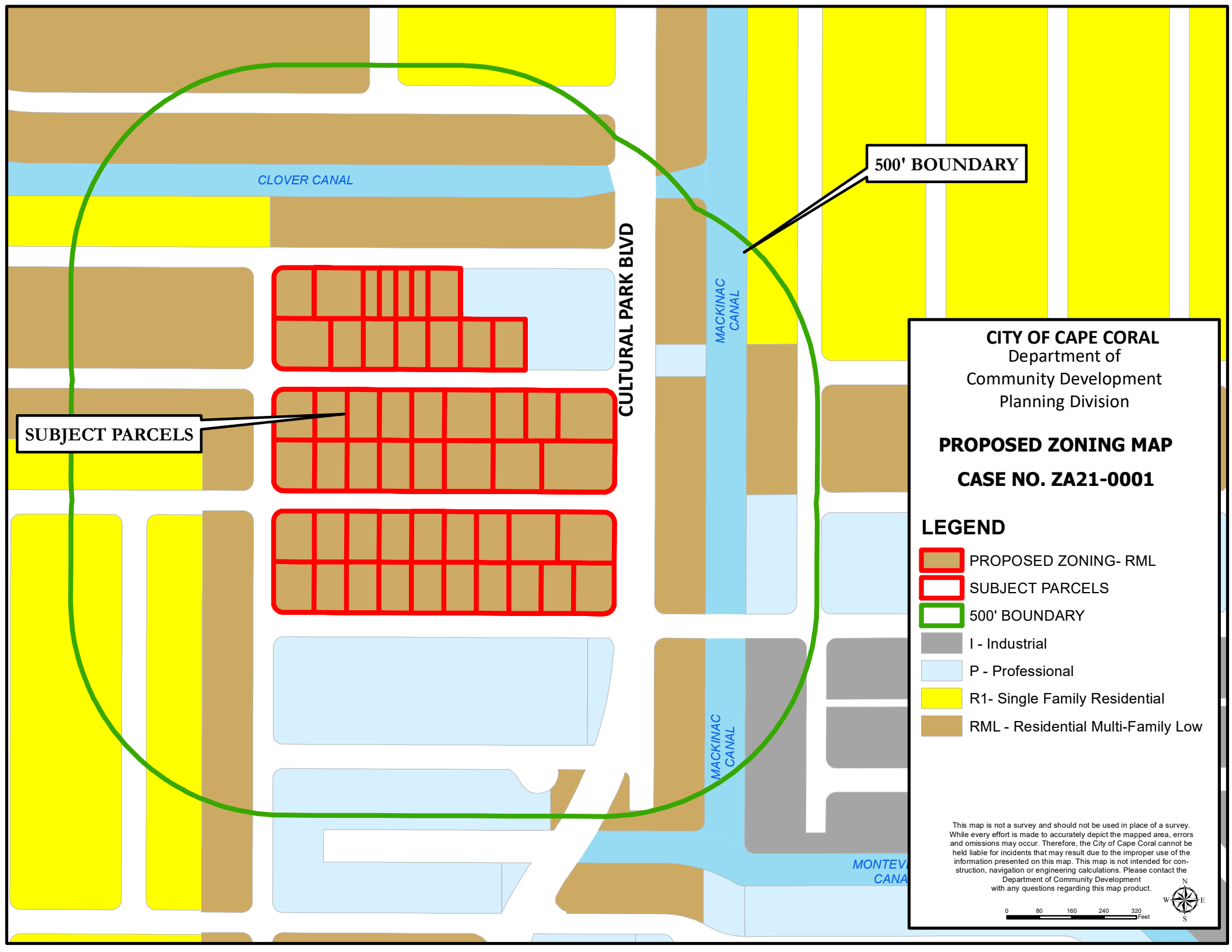
**CITY OF CAPE CORAL**  
Department of  
Community Development  
Planning Division

**CURRENT ZONING MAP**  
**CASE NO. ZA21-0001**

**LEGEND**

- SUBJECT PARCELS
- 500' BOUNDARY
- I - Industrial
- P - Professional
- R1- Single Family Residential
- RML - Residential Multi-Family Low

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CLOVER CANAL

CULTURAL PARK BLVD

MACKINAC CANAL

MACKINAC CANAL

MONTEVIDEO CANAL








500' BOUNDARY

SUBJECT PARCELS

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

**PROPOSED ZONING MAP**  
**CASE NO. ZA21-0001**

**LEGEND**

-  PROPOSED ZONING- RML
-  SUBJECT PARCELS
-  500' BOUNDARY
-  I - Industrial
-  P - Professional
-  R1- Single Family Residential
-  RML - Residential Multi-Family Low

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0 80 160 240 320 Feet



**MAILING LIST**

Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
VOEGELE MICHAEL + SABINE	BERLINER STR 24	LANGENZENN		90579 GERMANY
WTW PROPERTY CORP	JOELLENBECKER STRASSE 205B	BIELEFELD		33613 GERMANY
GREEN DOT REAL ESTATE LLC	OP KOERS 33	ALMERE		1316 VN NETHERLANDS
ROVERTS JOHANNA MARIA LOUISE	BADHUISLAAN 55	LAAG SOEREN		6957 DS NETHERLANDS
314 HOLLYWOOD INC	16701 AMBER LK	WESTON	FL	33331
4LAVENDERS LLC	16410 LA MADERA RIO	HELOTES	TX	78023
AKLE EVELYN	2299 LANSINGWOOD DR	GERMANTOWN	TN	38139
ALGERNON MARCEL G	1700 NW 27TH ST	CAPE CORAL	FL	33993
ALI HAZRAT + BIBI	259 DWIGHT ST	JERSEY CITY	NJ	07305
ALMAS DEBORA L + HERVOLD LINDA	802 SE 8TH PL	CAPE CORAL	FL	33990
ANDERSON LILLIANE + ACCOUNTING & TAX PROFESSIONALS	9696 CASA LINDA CT	FORT MYERS	FL	33919
ARPAD SHELDON + DIANA	752 OVERIVER DR	NORTH FORT MYERS	FL	33903
ASTER REALTY INC	13625 S KICKAPOO TRL	HOMER GLEN	IL	60491
AVS CAPE CORAL INC	1905 SE 26TH TER	CAPE CORAL	FL	33904
BAILEY-HOWELL YVONNE	2710 NW 6TH ST	CAPE CORAL	FL	33993
BARBIAN MARCOS	3955 LUVERNE ST	FORT MYERS	FL	33901
BARRALON JACQUES TR FOR BARRALON FAMILY TRUST	27696 BLOSSOM HILL RD	LAGUNA NIGUEL	CA	92677
BART VENTURES I LLC	5606 DEL RIO COURT	CAPE CORAL	FL	33904
BEATTY JUSTIN	8620 TROPICAIRES BLVD	NORTH PORT	FL	34291
BIG MARLIN PROPERTIES LLC	4704 VINCENNES BLVD	CAPE CORAL	FL	33904
BITZER SHANNON P & BITZER CONSTANCE J	113 SE 28TH TER	CAPE CORAL	FL	33904
BLACKTIP CONSTRUCTION GROUP	STE 304	FORT MYERS	FL	33907
BLESER FAMILY PROPERTIES LTD	7179 GAINES RD	CINCINNATI	OH	45247
BORES KENT A	211 DIAMONDBACK LN	LIVINGSTON	TN	38570
BRAGA ROBERT F SR	1206 SE 12TH TER	CAPE CORAL	FL	33990
BROWN MONIQUE SERENA	829 SE 5TH CT	CAPE CORAL	FL	33990
CALI VITO P	4644 NORTH CUMBERLAND AVE	CHICAGO	IL	60656
CAMERON ROBERT + CAMERON MEGAN K T/C	6060 EAGLE WATCH CT	NORTH FORT MYERS	FL	33917
CANCILLA DEBRA P	5468 WALNUT ST E	WESTERVILLE	OH	43081
CAPE TRUST INVESTMENTS LLC	13335 SW 124TH ST STE 109	MIAMI	FL	33186
CARPINI PASQUALE D + ANNA D	21 LORI DR	N PROVIDENCE	RI	02911
CARPINI PASQUALE DELLI	21 LORI DR	NORTH PROVIDENCE	RI	02911
CARTER LORIE ANN + CARTER SHAWN	537 SE 8TH ST	CAPE CORAL	FL	33990
CASTRO LUIS	914 SE 6TH CT	CAPE CORAL	FL	33990
CATLIN HEATHER B	2205 PICCADILLY CIRCUS	NAPLES	FL	34112
CAULFIELD DAVID F & CAULFIELD SANDRA L	1303 SW 47TH TER	CAPE CORAL	FL	33914
CBP HOLDINGS LLC	3636 DEL PRADO BLVD STE C	CAPE CORAL	FL	33904
DUONG LUY K	55 TREBLE COVE RD N	NORTH BILLERICA	MA	01862
DW PROPERTY RENTALS LLC	14890 REFLECTION KEY CIR #2121	FORT MYERS	FL	33907
ESKA HOLDING LLC	3046 DEL PRADO BLVD STE 2C	CAPE CORAL	FL	33904
ESPINAL MATOS ANGEL V	818 SE 5TH CT	CAPE CORAL	FL	33990
F J OHARA AND SONS INC	7 FID KENNEDY AVE	BOSTON	MA	02210
FERGUSON MATTHEW + TARA	403 DRUID HILLS RD	TEMPLE TERRACE	FL	33617
FERNANDEZ JOVANNY	207 SEABROOK DR	PONTE VEDRA	FL	32081
FIRST LIGHT INVESTMENTS LLC	34090SE 18TH PL	CAPE CORAL	FL	33904
FLORES ANTONIO	1404 DEL PRADO BLVD S # 130	CAPE CORAL	FL	33990
FLORIDA ESTATE LLC	PO BOX 100773	CAPE CORAL	FL	33910
FOGLIA JOSEPH SR + FOGLIA SALVATORE J/T	1808 JACKSON ST	PHILADELPHIA	PA	19145
FORT CAPE LLC	18110 TRAVERSE DR	ALVA	FL	33920
FRENZA MATTHEW MARK	3140 W CELICA CIR	PHOENIX	AZ	85053
GARCIA DARIO	4519 6TH W	LEHIGH ACRES	FL	33971
GARCIA JULIO ORLANDO	8232 SW 84TH TER	MIAMI	FL	33143
GE MANAGEMENT HOLDING CORP	2628 CAPE CORAL PKWY	CAPE CORAL	FL	33914
GOETZ HERBERT + LYDIA TR FOR ATLANTIC COLONIAL TRUST	PO BOX 101700	CAPE CORAL	FL	33910
GONZALEZ EVELYN M	919 SE 5TH CT	CAPE CORAL	FL	33990

# MAILING LIST

GOTTLIEB ALLAN E TR FOR ALLAN E GOTTLIEB TRUST	101 SW 10TH TERR	CAPE CORAL	FL	33991
GR FLORIDA PROPERTIES LLC	16234 ANTIGUA WAY	BOKEELIA	FL	33922
GRIGSBY MICHAEL P + GRIGSBY JULIE ELLEN	1722 SW 22ND ST	CAPE CORAL	FL	33991
GSP CONSULTING LLC	8 CANTBERRY LN	NEW MILFORD	NJ	07646
HALL MARY E + BROADSTOCK JEFFREY M & BROADSTOCK REBECCA J	610 SE 8TH TER	CAPE CORAL	FL	33990
HALO INVESTMENTS & SERVICES LL	3512 DEL PRADO BLVD S #109	CAPE CORAL	FL	33904
HARRINGTON COLLEEN ELIZABETH	719/721 SE 7TH ST	CAPE CORAL	FL	33990
HUBBELL VICKI K TR FOR HUBBELL FAMILY TRUST	4917 NASSAU CT	CAPE CORAL	FL	33904
HUSAK CHARLES A & CARLA M	77 DEPOT RD	BOXFORD	MA	01921
INTERNATIONAL REAL ESTATE SOLU	6839 BUFFLEHEAD DRIVE	PARK CITY	UT	84098
JAMOUA MARIAM	28486 PIERCE ST	SOUTHFIELD	MI	48076
JCS PROPERTIES LLC	8390 AQUA COVE LN	N FORT MYERS	FL	33903
JNG PROPERTY LLC	4700 FORT SUMNER DR	BETHESDA	MD	20816
JONUSKIS AURIMAS	203 TORRE DEL LAGO ST	ESTERO	FL	33928
KEITH ANNE M + CONGDON GARTH J	200 COBBLESTONE LANE	N FORT MYERS	FL	33917
KLEIN JEFFREY B	612 SE 6TH TER	CAPE CORAL	FL	33990
KLUM WORLD TRADING LLC	19101 MYSTIC POINT DR #2808	AVENTURA	FL	33180
KONTINOS FAMILY PARTNERS	PO BOX 126	BANNER ELK	NC	28604
KOZY DOUGLAS + MICHELE	928 SE 5TH PL	CAPE CORAL	FL	33990
KRAUS ANDREW C	710 SE 6TH TER	CAPE CORAL	FL	33990
KRUEGER BEVERLY A & MANFRED + KRUEGER HARTMUT JR	602 SE 6TH TER	CAPE CORAL	FL	33990
LANDOHOMES INVESTMENTS LLC	7742 N KENDALL DR #453	MIAMI	FL	33156
LARKIN JEFFREY J	1504 EVEREST PKWY	CAPE CORAL	FL	33904
LAWSON JOYCE	19112 LARUE RD	VANCELEAVE	MS	39565
LEE COUNTY ELECTRIC CO-OP INC	PO BOX 3455	NORTH FORT MYERS	FL	33918
LEGENDARY FUNDING SOLUTION LLC	2529 DEERFIELD LAKE CT	CAPE CORAL	FL	33909
LICK CREEK INC	5750 NE 36TH AVE	OCALA	FL	34479
LILLIAN ANNA EVICK TRUST	606/608 SE 6TH TER	CAPE CORAL	FL	33990
LIN QUNZHEN + ZHENG RONGCHENG	9643 RIVER TRAIL DR	LOUISVILLE	KY	40229
LLANOS ROSARIO M	530 E 8TH ST	CAPE CORAL	FL	33990
LMD PROPERTIES LLC	1 CLOSTER COMMONS # 119	CLOSTER	NJ	07624
LONGFELLOW DEVELOPMENT COMPANY	844 JENSEN COURT	ENCINITAS	CA	92024
LOPEZ JORGE BYRON	907 SE 5TH CT	CAPE CORAL	FL	33990
LOPEZ RAUL + MARIA P	822 SE 5TH CT	CAPE CORAL	FL	33990
LOPEZ ROSA LOU RYALS TR FOR ROSA LOU RYALS LOPEZ TRUST	3105 W LA SALLE ST	TAMPA	FL	33607
LUCKY STAR MANAGEMENT LLC	3046 DEL PRADO BLVD S STE 2C	CAPE CORAL	FL	33904
LUIS PILAR + PUERTO MARITZA	902 SE 6TH CT	CAPE CORAL	FL	33990
LUIS SHANNON M & JOSE M + LUIS LOURDES R & PELLY RENE LUIS	15795 REYNOLDS DR	FORT MILL	SC	29707
LULUS GARDEN LLC	2906 SE 22ND AVE	CAPE CORAL	FL	33904
LUTTANA LOU	905 SE 9TH TER UNIT D	CAPE CORAL	FL	33990
MANG LEE & CHAN POLLY PO YEE	4544 MACKINAW ST	UNION CITY	CA	94587
MAROTTA ANTHONY & MAROTTA SANDRA LEE TR FOR MAROTTA FAMILY TRUST	1289 DRAWBRIDGE LN	LEMONT	IL	60439
MARSHALL ROBERT G + LETITIA A	2228 NW 25TH TER	CAPE CORAL	FL	33993
MARTIN JANE M	703 SE 7TH ST APT 1	CAPE CORAL	FL	33990
MARTIN MAXINE + MARTIN DONALD T/C	1907 PICADILLY CIR	CAPE CORAL	FL	33991
MASJUAN NESTOR RUIZ + RUIZ MERLY	605/607 SE 9TH ST	CAPE CORAL	FL	33990
MAXWELL STACEY M + MARTZ KELLY A	527 SE 8TH TER	CAPE CORAL	FL	33990
MAY JEREMIAH J & SANDY L	1107 WHITE ELM DR	LOVELAND	CO	80538
MCGENNIS SCOTT C & DAWN A TR	821 SE 5TH CT	CAPE CORAL	FL	33990
MCLINN MICHAEL + BOWMAN JANET F	616 SE 9TH ST	CAPE CORAL	FL	33990
MERCADO ROBERTO H	6841 N GRANDE DR	BOCA RATON	FL	33433
MILLER JEFF C	300 WOODSPOINTE WAY	WILMORE	KY	40390
MOLLET SANDRA L	1901 SW 18TH TER	CAPE CORAL	FL	33991
MONTES HENRY ZEPEDA & MONTES EMMA LIMON	739 CORTE DE ENCINITAS	CAMARILLO	CA	93010
MORALES LUIS E	538 SE 8TH ST	CAPE CORAL	FL	33990
MORGAN-GOWIE ALECIA C	911 SE 5TH CT	CAPE CORAL	FL	33990

MAILING LIST

MORIARTY CYNTHIA J	2122 BOLADO PKWY	CAPE CORAL	FL	33990
MT AIRY LLC	5891 W FORK RD	CINCINNATI	OH	45247
MULVANEY PROPERTIES FLORIDA LLC	4 CHRISTOPHER COLUMBIA AVE	DANBURY	CT	06810
NAJMI REALTY LLC	290 MCGUINESS BLVD	BROOKLYN	NY	11222
NELSON DENNIS S	710 SW 10TH PL	CAPE CORAL	FL	33991
NGUYEN THI HAI	206 S SULLIVAN ST #115	SANTA ANA	CA	92704
NOLAN-ZASTROW INCORPORATED	1243 SE 43RD TER	CAPE CORAL	FL	33904
OBRENSKI JAMES TR FOR OBRENSKI TRUST	5376 COLONY CT	CAPE CORAL	FL	33904
OBRENSKI TRUST + THERESA A ASCHENBRENER TRUST	5376 COLONY CT	CAPE CORAL	FL	33904
OCONNELL EDMUND & SHARON TR	525 SE 7TH ST	CAPE CORAL	FL	33990
ODELL MARJORIE L L/E	601 SE 9TH ST	CAPE CORAL	FL	33990
ORDWAY RICHARD & JANICE L/E	2010 COUNTRY CLUB BLVD	CAPE CORAL	FL	33990
ORTIZ ANGELA & DAVID	261 S RAILROAD ST	STATEN ISLAND	NY	10312
OTT JESSE	610/612 SE 8TH ST	CAPE CORAL	FL	33990
PAGES ABEL	2294 SW 140TH AVE	MIAMI	FL	33175
PARRY CURTIS + PARRY CHASE	495 TREE HOLLOW CT	SIMI VALLEY	CA	93065
PARSELIUNAS LAIMIS	9990 COCOUNT RD #254	BONITA SPRINGS	FL	34135
PATEL RAMUBHAI TR + PATEL LAXMI R TR	300 WEST ST	MANSFIELD	MA	02048
PELLY RENE LUIS + LUIS LOURDES R T/C	1803 SW 103RD PL	MIAMI	FL	33165
PEREIRA RAUDEL	903 SE 5TH CT	CAPE CORAL	FL	33990
PEREZ JOSE RAMON	816 SE 6TH CT	CAPE CORAL	FL	33990
PHILLIPS KENNETH ANDERSON & PHILLIPS ANGELA	914 SE 5TH CT	CAPE CORAL	FL	33990
POWELL-LINK LLC	PO BOX 483	PALM CITY	FL	34991
RAMOS VARGAS ROBERTO A	523 SE 8TH TER	CAPE CORAL	FL	33990
RENDON RUBIELA & AUNTA FABIO F	5127 64TH ST	WOODSIDE	NY	11377
REYNOLDS LELAH	806 SE 8TH PL	CAPE CORAL	FL	33990
RIVERA MARISOL	904 SE 5TH CT	CAPE CORAL	FL	33990
RJACKZ LLC	12381 S CLEVELAND AVE STE 200	FORT MYERS	FL	33907
ROSSO DOMINIC	606 SE 9TH ST	CAPE CORAL	FL	33990
ROWA HOLDINGS LLC	2733 OAK RIDGE CT STE 101	FORT MYERS	FL	33901
RUA JOSE + MARIA	419 NE 18TH PL	CAPE CORAL	FL	33909
S LLANIO BUSINESS SERVICE INC	1325 SE 47TH ST STE H	CAPE CORAL	FL	33904
SANFILIPPO PETER & JOANNE L/E	43802 LONGLEAF LN	PUNTA GORDA	FL	33982
SCHMIDT RUSSELL R	158 LINDEN TREE RD	WILTON	CT	06897
SCHNEIDER SHERRY L	418 SE 14TH ST	CAPE CORAL	FL	33990
SCHUCH ANDREA L	825 SE 5TH CT	CAPE CORAL	FL	33990
SCIMECA JOHN TR FOR JOHN SCIMECA REVOCABLE TRUST	4517 SW 20TH PL	CAPE CORAL	FL	33914
SFR 2012-1 FLORIDA LLC	1775 HANCOCK ST STE 200	SAN DIEGO	CA	92110
SHARRITS AUSTIN S + SHARRITS CHRISTINA & TROY	2684 MARAVAL CT	CAPE CORAL	FL	33991
SINGH SABITRI	504 SE 16TH TER	CAPE CORAL	FL	33990
SOUSA MANUEL D + KATHLEEN M	18 OVERLOOK CIR	HUDSON	NH	03051
SOUTHWICK JANE M	5597 TRELIS LN	FORT MYERS	FL	33919
SPOSEN SIGNATURE HOMES LLC	2311 SANTA BARBARA BLVD #111	CAPE CORAL	FL	33991
ST AMAND LARRY WILLIAM L/E	830 SE 9TH ST	CAPE CORAL	FL	33990
ST AMAND LAWRENCE L/E	1300 BARRETT RD	FORT MYERS	FL	33903
STARR MARY MARGARET + STARR GILBERT J ET AL	493 ROBINSON RD	CAMPBELL	OH	44405
SUN ZHIHONG TR FOR ZHIHONG SUN TRUST	9051 CHARING CROSS RD	WOODRIDGE	IL	60517
TABER JOHN E JR + PAMELA	915 SE 5TH CT	CAPE CORAL	FL	33990
TESKE JOHN + FOWLES DEBRON	618 SE 7TH ST	CAPE CORAL	FL	33990
TRICE LUCILLE ALTAGRACIA	PO BOX 152083	CAPE CORAL	FL	33915
VAN LANDSCHOOT SHARON L L/E	617 SE 8TH TER	CAPE CORAL	FL	33990
VANHORN B FLOYD + MARY + VANHORN BRUCE F	2432 PINEFIELD DR	WALDORF	MD	20601
VERDECIA YAUSMEL PEDROSO	541 SE 8TH TER	CAPE CORAL	FL	33990
WHITAKER SAMUEL JAMES & BIERER RACHAEL	1720 SW 33RD TER	CAPE CORAL	FL	33914
WIEDEFELD STEVEN J TR FOR WIEDEFELD FAMILY TRUST	15411 THISTLE ST	FONTANA	CA	92336
WROTEN MARIA R	2212 SE 15TH PL	CAPE CORAL	FL	33990

**MAILING LIST**

YAPUR MARCOS A + DAYLIN	6900 NW 179TH ST APT 109	HIALEAH	FL	33015
YAW QUINCY + LASHANDA	5668 BAYWATER DR	TAMPA	FL	33615
YSALGUE DANIEL	1307 SE 37TH LN	CAPE CORAL	FL	33904
ZIVKIDS LLC	2604 FAIRMONT COVE CT	CAPE CORAL	FL	33991
ZIVKOVIC FAMILY INVESTMENTS LLC	2604 FAIRMONT COVE CT	CAPE CORAL	FL	33991





## AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	2.B.
Meeting Date:	10/5/2021
Item Type:	HEARINGS

**TITLE:**

ZA21-0004\*; Address: 816 SE 8th Place; Applicant: Jomar Investments, LLC

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

This petition is a rezone for 1.22 acres from Residential Multi-Family Low (RML) and Professional Office (P) to Residential Multi-Family Medium (RMM) at the NW corner of the intersection of SE 9<sup>th</sup> Street and SE 8<sup>th</sup> Place. The site is located at 816 SE 8<sup>th</sup> Place. The rezone will allow a maximum density of 25 units per acre. The rezone will increase the maximum number of units allowed on the site from 19 to 30. The rezone will prohibit the development of single-family homes or duplexes. Only multi-family residential development would be allowed on the site.

**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:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Chad Boyko, AICP, Principal Planner, PH: (239) 574-3162,  
Email: cboyko@capecoral.gov

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

N/A

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

**PREPARED BY:**

Jessica Cruz, Planning  
Technician

Division- Planning

Department- Community  
Development

**ATTACHMENTS:**

Description	Type
Backup Materials	Backup Material





DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

For Internal Use Only

Case ZA210004

Date \_\_\_\_\_

JUL 15 '21 AM 9.68

Tel. (239) 574-0776

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

**REZONING APPLICATION**

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

**REZONING REQUIREMENTS**

1. ☒ **Applicant's portion of request shall be typewritten, and signature notarized.**
  - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
  - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. ☒ **Letter of Intent stating the actual request and why the request is being made.**
3. ☐ **Certified survey done within past six (6) months MAY be required.**
4. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. ☒ **Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.**

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

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

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





DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

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

**REZONE REQUEST**

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

**PROPERTY INFORMATION**

Location/Address 816 SE 8th Place

Strap Number 194424C1011460010 Unit 22 Block 1146 Lot (s) 1-10

Plat Book 14 Page 14 Future Land Use MF Multifamily

Current Zoning Professional/RML Proposed Zoning Multifamily RMM

**PROPERTY OWNER (S) INFORMATION**

Owner Klum World Trading, LLC Address 19101 Mystic Point Dr. #2808

Phone 754-246-7799 City Aventura

Email ilankedem@aol.com State FL Zip 33990~

Owner ILAN KEDEM, Manager Address 1423 SE 10th st

Phone 239-8980565 City Cape Coral 3

Email ilan.kedem@aol.com State FL Zip 33990

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

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

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

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

**AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)**

Representative BJM Consulting, Inc. Address PO Box 101655

Phone 239-470-5778 City Cape Coral

Email joe@bjmconsult.com State FL Zip 33910



DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

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

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

**(ALL SIGNATURE MUST BE NOTARIZED)**

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

Klum World Trading, LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Ilan Kedem, Manager  
OWNER'S NAME (TYPE OR PRINT)

[Signature]  
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

STATE OF FL

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7<sup>th</sup> day of July, 2021 by ILAN KEDEM who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 4-12-22 Commission Number: GG 206744

NOTARY STAMP

LORIE ANN AUGUSTYN  
Notary Public - State of Florida  
Commission # GG 206744  
My Comm. Expires Apr 12, 2022  
Bonded through National Notary Assn.

Signature of notary Public:

Printed Name of Notary Public:

[Signature]  
LORIE AUGUSTYN

Revised\_01\_06\_2021 (subject to change)





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 BJM Consulting, Inc./Joe Mazurkiewicz

(Name of person giving presentation)

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

UNIT 22 BLOCK 1146 LOT(S) 1-10 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION \_\_\_\_\_

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

Ilan Kedem/Klum World Trading, LLC  
PROPERTY OWNER (Please Print)

[Signature], Manager  
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF FL

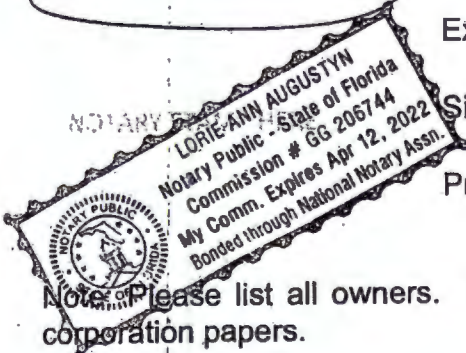
COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online  
notarization, this 7th day of July, 2021 by ILAN KEDERN who  
is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 4-12-22 Commission Number: GG-206744

Signature of notary Public:

Printed Name of Notary Public:



[Signature]  
LORIE AUGUSTYN

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 \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

Klum World Trading, LLC  
CORPORATION/COMPANY NAME

Ilan Kedem  
OWNER'S NAME (TYPE or PRINT)

[Signature]  
OWNER'S SIGNATURE

STATE OF FL

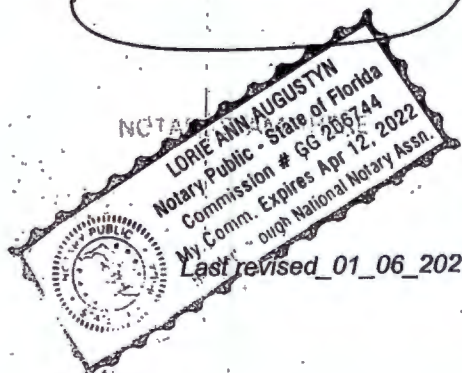
COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7th day of July, 2021 by ILAN KEDEM who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 4-12-22 Commission Number: GG-20677

Signature of notary Public: [Signature]

Printed Name of Notary Public: LORIE AUGUSTYN



Last revised 01\_06\_2021 (subject to change)





DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

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

DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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

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

Ilan Kedem

OWNER/APPLICANT  
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 7th day of July, 2021 by ILAN KEDEM who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 4-12-22 Commission Number: GG 206744

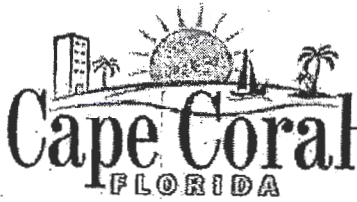
NOTARY STAMP  
HERE

Signature of Notary Public: Lorie Augustyn

Printed Name of Notary Public: LORIE AUGUSTYN







DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION

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

**REZONES REGULATIONS**

A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:

1. The City Council upon its own motion;
2. The Planning and Zoning Commission upon its own motion;
3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
4. The City Manager for a City initiated rezone; or
5. The Community Development Department, following approval of a similar use determination.

B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
4. Whether the proposed zoning district will serve a community need or broader public purpose;
5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.

D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.



Lee County Property Appraiser

Tax Year

Previous Parcel Number Next Parcel Number Tax Estimator Cape Coral Fees Tax Bills Pri

Property Data

STRAP: 19-44-24-C1-01146.0010 Folio ID: 10171319

Owner Of Record - Sole Owner [\[Change Address\]](#)

KLUM WORLD TRADING LLC  
19101 MYSTIC POINT DR #2808  
AVENTURA FL 33180

Site Address

Site Address maintained by E911 Program Addressing

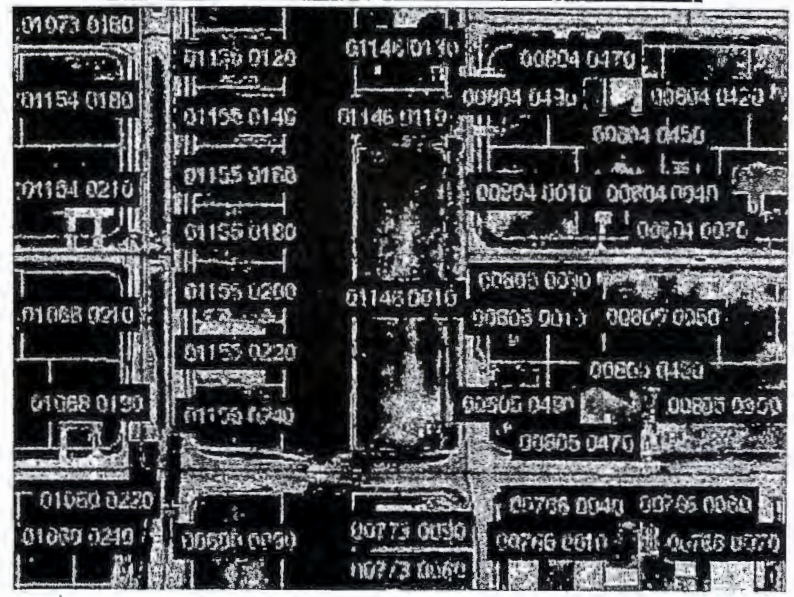
816 SE 8TH PL  
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 22  
BLK 1146 PB 14 PG 14  
LOTS 1 THRU 10

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

Image of Structure

**Current Working Values**

Just 318,858

Attributes

Land Units Of Measure SF

Units 53143.00

Total Number of Buildings 0



JUL 8 '21 at 11.83

## **BJM Consulting, Inc.**

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

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

June 25, 2021

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

RE: Klum World Trading, LLC Rezoning for Block 1146

Dear Mr. Cautero,

BJM Consulting, Inc. represents Klum World Trading, LLC, the owner of a parcel of land located in Southeast Cape Coral. The address of the property is 816 SE 8<sup>th</sup> Place, Block 1146, Lots 1-10. Please accept this as our Letter of Intent for a request to rezone the parcel to RMM (Multifamily 25 units/acre)

The site fronts on SE 8<sup>th</sup> Place and is 1.22 +/- acres, its future land use is MF Multifamily and current zoning is (Multifamily MRL) and P (Professional). The site is 53,143 S.F, 425' of frontage and 125' deep and is currently serviced by all three city utilities.

We are requesting a rezoning of the entire site from the existing P1 (Professional) and RML (Multifamily 16units/acre)) to RMM (Multifamily 25 units/acre). The site is just north of the Viscaya Industrial Park, and has Multifamily RML zoning to the north, Industrial zoning, Multifamily RML/ Professional zoning to the east and Multifamily RML zoning to the west.

The location of the waterfront parcel is surrounded by existing multifamily uses, some professional, and industrial uses and has not been able to be

marketed as a professional site for a number of years. The requested rezoning to Multifamily RMM will make the site very attractive for waterfront multifamily development which is sorely needed in Cape Coral. It will also allow the development of the site to be in harmony with the existing surrounding uses.

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

- The proposed RMM zoning is consistent with the property's MF (Multifamily) Land use and is larger than the required 1 acre necessary for the RMM zoning as required by the FDC
- The full range of uses in the RMM zoning are compatible with the existing and potential uses in the surrounding area and the RMM zoning will not allow for single family or duplexes which are allowed by the RML zoning, the other zoning that is consistent with the MF Multifamily Land Use
- The location of this parcel makes it a great site for workforce housing, adjacent to two of the city's major employers (City of Cape Coral's City Hall and Cape Coral Hospital) and its location next to the city's oldest industrial park which is a major job center within the city; making the uses allowed by the rezoning compatible and an asset to the existing and potential uses in the area
- The requested RMM zoning will serve the community need to provide attainable workforce housing right next to major employers and the oldest job center in the community
- The requested RMM zoning will allow for a development that fits in well with the characteristics of the area and will be a great transition for the industrial area to the south to the residential areas to the north and west
- No other zoning district allowed within the MF Multifamily Land Use will create fewer impacts to the surrounding area, and the RMM zoning will not allow the possible development of single family or duplexes which have created issues in other similar areas

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

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

Sincerely,

*Joe Mazurkiewicz, Jr.*

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



## DIVISION OF CORPORATIONS



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company

KLUM WORLD TRADING, LLC

### Filing Information

**Document Number** L14000025727

**FEI/EIN Number** 46-4829583

**Date Filed** 02/14/2014

**State** FL

**Status** ACTIVE

### Principal Address

19101 Mystic Point Dr. #2808

Aventura, FL 33180

Changed: 04/26/2017

### Mailing Address

19101 Mystic Point Dr. #2808

Aventura, FL 33180

Changed: 04/26/2017

### Registered Agent Name & Address

Dina Bronstein PA

19101 Mystic Point Dr.  
Aventura, FL 33180

Name Changed: 04/26/2017

Address Changed: 04/26/2017

**Authorized Person(s) Detail**

**Name & Address**

Title AMBR

BRONSTEIN, HILLEL  
19101 MYSTIC POINT DRIVE, APT. 2808  
AVENTURA, FL 33180

Title MGR

Feldman, Orit Beth  
19101 Mystic Point Dr. #2808  
Aventura, FL 33180

Title MGR

Kedem, Ilan  
1423 SE 10th St  
Suite 1  
Cape Coral, FL 33990

Title MGR

Shomrat, Reuvren Arie  
19101 Mystic Point Dr.  
Aventura, FL 33180

## Planning Division Case Report

ZA21-0004

Staff report prepared by Chad Boyko, Principal Planner

PH: 239-573-3612

Email: cboyko@capecoral.net

<b>REZONE AREA</b> Unit 22 Block 1146 Lots 1-10	<b>APPLICANT/PROPERTY OWNER</b> Klum World Trading, LLC 19101 Mystic Point Dr. #2808 Aventura, FL
<b>AUTHORIZED REPRESENTATIVE</b> Joe Mazurkiewicz, BJM Consulting	

### SUMMARY OF REQUEST

A privately-initiated rezone for 1.22 acres, from Residential Multi-Family Low (RML) and Professional Office (P) to Residential Multi-Family Medium (RMM) at the NW corner of the intersection of SE 9<sup>th</sup> Street and SE 8<sup>th</sup> Place. The site is 816 SE 8<sup>th</sup> Place.



<b>Positive Aspects of Application:</b>	The rezone will allow for greater density on a 1.22 site, allowing a maximum of 30 units in an existing multi-family area. The City has a documented need for additional multi-family units.
<b>Negative Aspects of Application:</b>	The greater density allowed may result in up to 11 additional units and a greater number of peak hour trips compared to development under the RML zoning district.
<b>Mitigating Factors:</b>	The rezone will allow higher density multi-family development on a site suitable for the higher density. The rezone will also prohibit the site being subdivided for the development of single-family homes or duplexes which will reduce potential curb cuts.

### STAFF RECOMMENDATION:

Approval.



**Site Address:** 816 SE 8<sup>th</sup> Place  
Cape Coral, FL 33990

**Authorized Rep.** Joe Mazurkiewicz, BJM Consulting

**Urban Service Area:** Infill

**Right-of-Way Access:** The property has frontage on two streets: SE 8<sup>th</sup> Place to the east, and SE 9<sup>th</sup> Street to the south.

**Findings of Fact:**

The site is an undeveloped parcel in Block 1146 in southeastern Cape Coral. The site is lots one through ten and is 53,160 sq. ft. The site is at the intersection of two local streets; SE 8<sup>th</sup> Place and SE 9<sup>th</sup> Street. The site also has frontage on the Mackinac Canal to the west. Block 1146 consists of undeveloped parcel, single-family homes, and duplexes and a duplex is adjacent to the north. The surrounding areas to the north, east, and west consist of similar development, however, an area of concentrated industrial development is to the south and southeast. City water and sewer are available to the site.

The site had retained the Commercial/Professional (CP) future land use designation since the inception of the Comprehensive Plan in 1989 until the future land use was amended to Multi-Family Residential (MF) in 2021. The zoning of lots one through seven was changed from Multi-Family Residential (R-3)<sup>1</sup> to Professional Office (P-1) in 1990 while the zoning of lots eight through ten have remained either R-3 or Multi-Family Residential (RML) since 1990.

The applicant is seeking the amendment to build multi-family units on the site. The applicant states there is little demand for commercial development in the block and there is demand for residential development.

**Purpose of the Rezoning Request**

This rezone is requested to increase the allowable density of the site from 16 to 25 dwelling units per acre. RMM zoning will allow a maximum of 30 dwelling units on the site; while the RML zoning district would allow 19 units on the site. The RMM district also allows buildings to be constructed to a maximum height of 60 feet, 10 feet higher than the RML district.

**Analysis:**

Staff reviewed this application based on criteria in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed for consistency with goals and policies in the Comprehensive Plan.

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

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

---

<sup>1</sup> Previously used zoning district – eliminated in 2019.

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

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

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

Block 1146 and neighboring blocks to the north, northeast, and west share a development pattern that consists of either duplexes, small multi-family developments, or single-family homes. The area to the south is the Viscaya Industrial Park and the block to the east is scattered duplexes, undeveloped lots, and an office building. The multi-family development that is likely to be developed with the proposed rezoning is likely to fit in with the development that has already occurred in the nearby areas.

While differences in degree exist, different types of residential uses exhibit similar land use characteristics. For example, residential uses typically generate low numbers of peak hour trips on a per unit basis, generate low noise levels, and lack loading areas often associated with commercial projects. For these reasons, staff considers various types of residential uses to be generally compatible with one another. The range of uses allowed in the proposed RMM District will be well-suited with the existing multi-family uses in Block 1146.

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

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

The R-1, RML, and RMM allow many of the same nonresidential uses including education facilities, parks, and religious institutions. In general, however, fewer nonresidential uses are allowed in the R-1 District compared to the RML and RMM Districts to better protect the integrity of these lower density, single-family neighborhoods. Notably, the RMM district also allows the development of assisted living facilities without a special exception, which would be required if this property were to remain zoned RML.

In summary, the potential uses allowed in the RML and RMM Districts are generally similar to one another, except for single-family dwellings and duplexes that are only allowed in the RML District. The potential uses allowed in these three residential districts should be compatible with one another.

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

The proposed RMM District will serve a community need by rezoning a property that is suited for multi-family development at a maximum density of 25 units per acre based on the area, configuration, and location of the site. The City has a documented shortage of multi-family units as a study completed for the City in 2019 revealed that 1,547 new rental units could be absorbed in the City each year between 2019 and 2022<sup>2</sup>.

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

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

- The proposed RMM District is consistent with the Multi-Family Residential FLUC.
- The area of the site (1.22 acres) substantially exceeds the one acre minimum required by the LDC for RMM-zoned properties.
- Centralized utilities are available to the site.
- The site is within a block that is already developed with some multi-family units.
- The multi-family units will help provide a buffer to some scattered single-family homes that are north of the site.

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

The RML district is also compatible with the MF future land use designation and the majority of the site is already zoned RML. The RML district would allow 11 less multi-family units than the RMM district, which would also result in slightly less vehicle trips and utility usage. Staff finds that while RML would likely generate less trips, the reduction is not likely to be noticeable given the site's relatively small size. 11 additional units would only generate an additional three peak hour trips per the Institute of Traffic Engineers (ITE) Manual. The RMM district will allow for the developer to provide more multi-family units which the City of Cape Coral has a documented need for.

**Consistency with the Comprehensive Plan:**

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

Future Land Use Element

---

<sup>2</sup> "Need for Multi-Family Rental Apartments: City of Cape Coral, Florida." 2019. Wolff, Reinhold P. and White, Keith with Reinhold P. Wolff Economic Research, Inc., 4.



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

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

### Housing Element

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

**Policy 2.1:** Pursuant to S. 163.3202 (1), F.S., the City will continue to incorporate provisions into its Land Development Code that assist in lowering the costs for residential development, while maintaining housing quality in accordance with the City's minimum building standards. **Staff comment: The City has recently adopted several new zoning districts in the LDC that allow for greater density than the respective companion zoning districts in the former Land Use and Development Regulations. One such example is the RMM District. The former R-3 District was replaced with the RML and RMM Districts. The density of the RMM District was increased to a maximum of 25 units/acre which is greater than the 16 units/acre allowed in the former R-3 District. This increase in density in part incentivizes new multi-family development by lowering land costs on a per unit basis.**

### **Recommendation:**

The subject site is a viable candidate for the requested rezone. The requested RMM District will allow a maximum of 25 units/acre an increase from the current 16 units/acre. The rezone will allow for a maximum of 11 additional multi-family units compared to the existing entitlements for the site. The rezone will also allow for an increase in building height, from 50 to a maximum of 60 ft. The subject block is surrounded by existing single and multi-family development. Characteristics of the site, that include depth and area, suggest a quality residential project could be designed that can accommodate the greater density allowed by the RMM District. Staff recommends approval.

---

### **Staff Contact Information**

Chad Boyko, Principal Planner

Planning Division

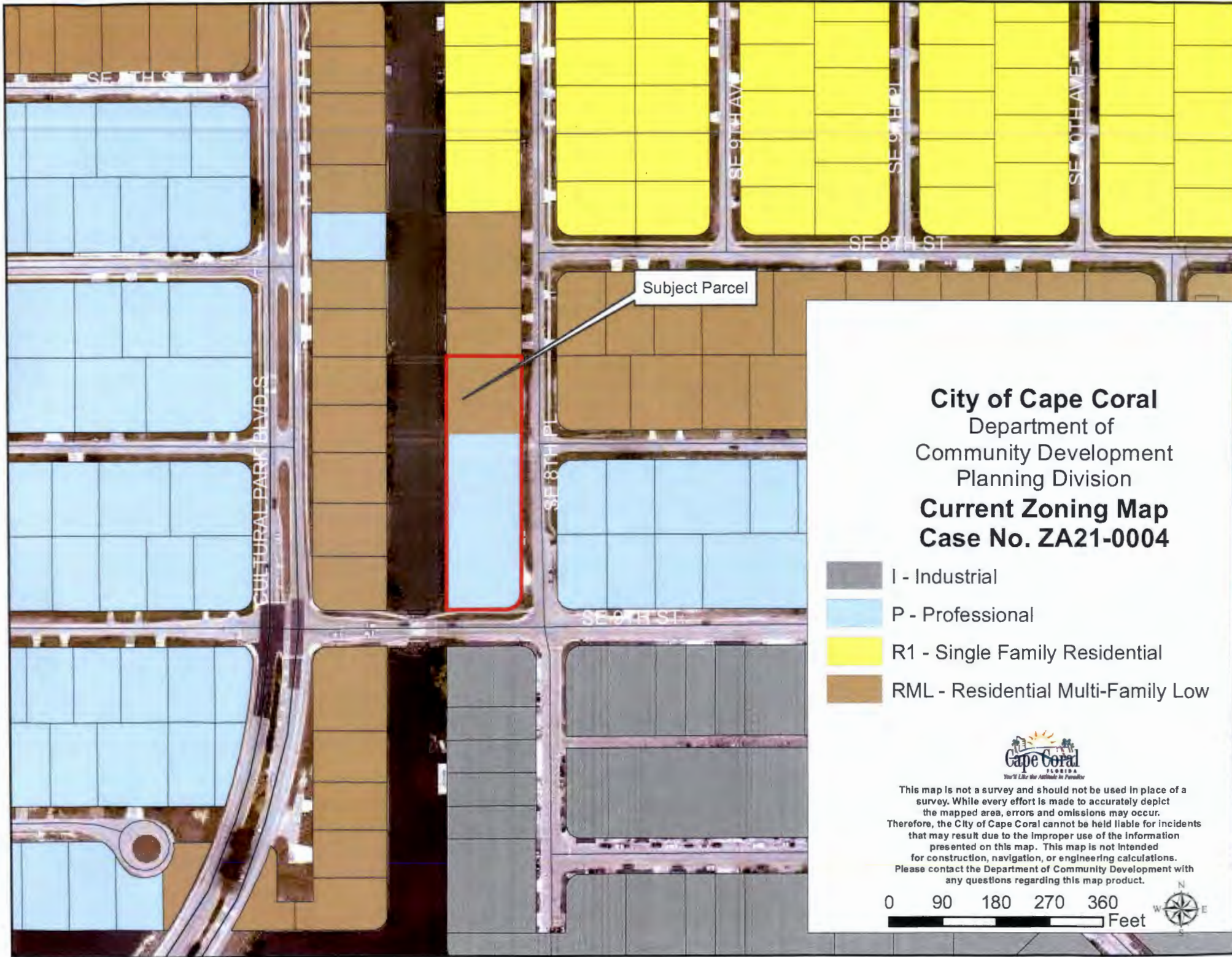
PH: 239-574-3162

Email: [cboyko@capecoral.gov](mailto:cboyko@capecoral.gov)









**City of Cape Coral**  
Department of  
Community Development  
Planning Division  
**Current Zoning Map**  
**Case No. ZA21-0004**

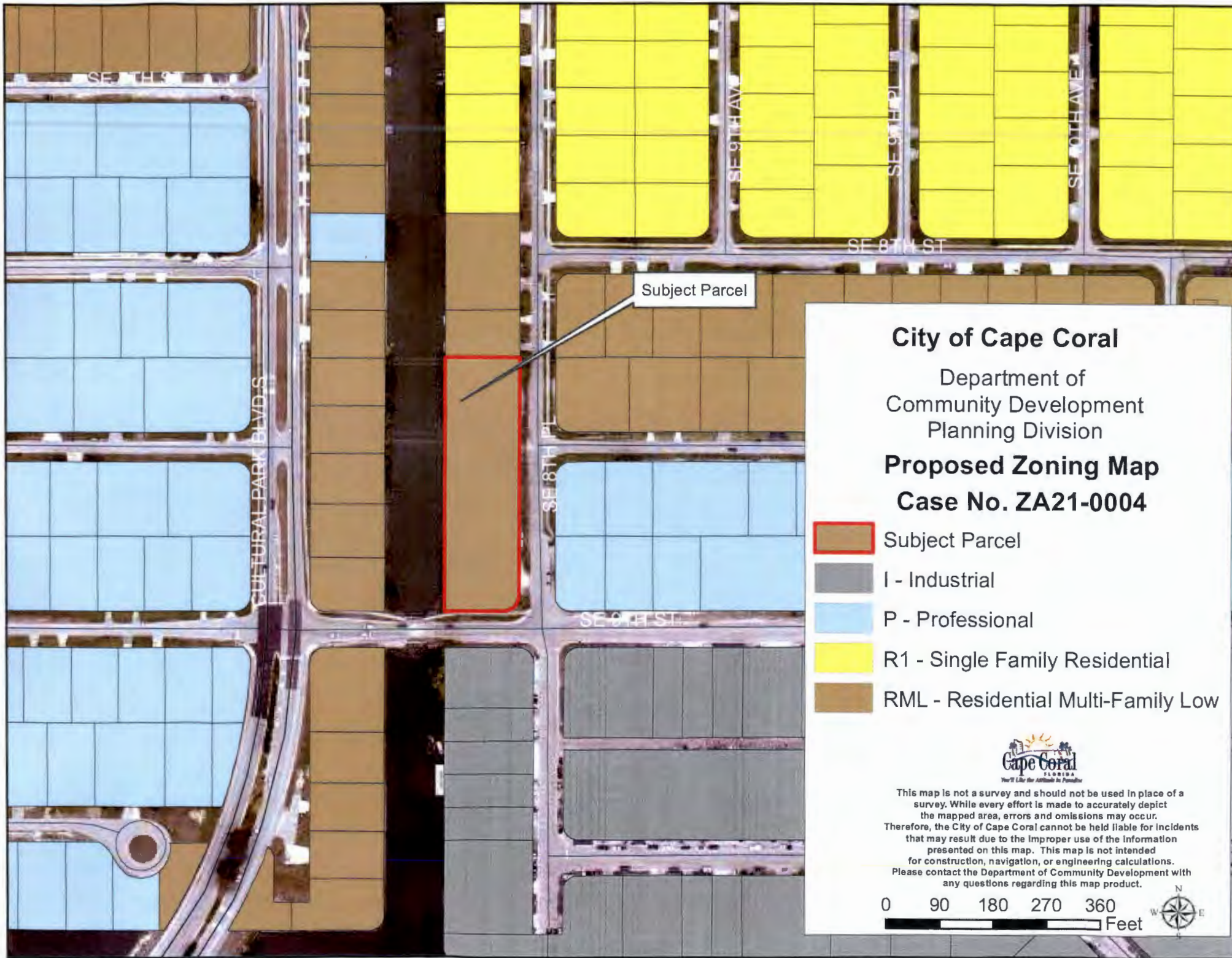
- I - Industrial
- P - Professional
- R1 - Single Family Residential
- RML - Residential Multi-Family Low



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

### Proposed Zoning Map Case No. ZA21-0004

-  Subject Parcel
-  I - Industrial
-  P - Professional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low

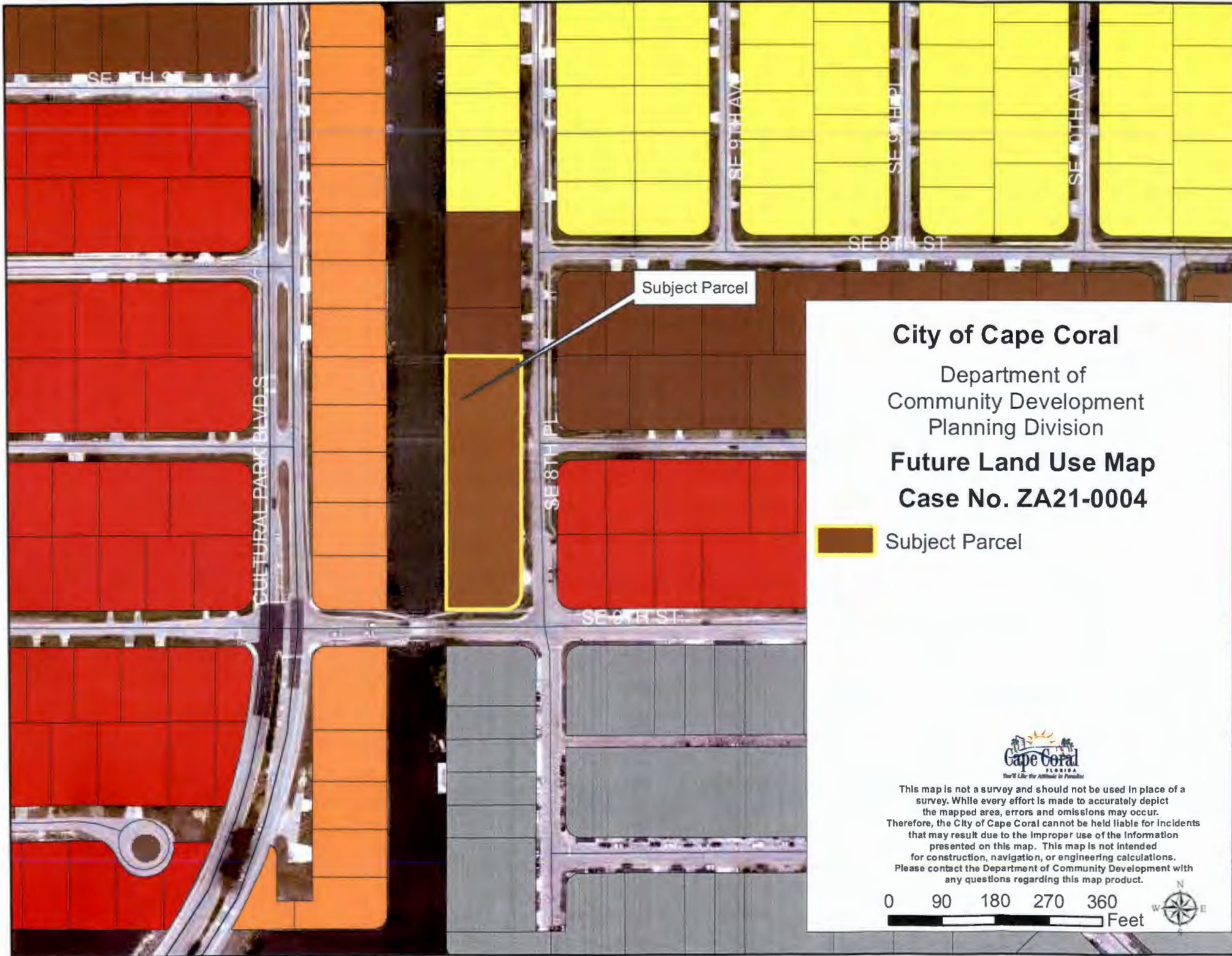


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented 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.

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## City of Cape Coral

Department of  
Community Development  
Planning Division

### Future Land Use Map

Case No. ZA21-0004

 Subject Parcel



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.

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Feet





**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL

Item Number:	2.C.
Meeting Date:	10/5/2021
Item Type:	HEARINGS

**TITLE:**

ZA21-0013\*; Address: 1219 Academy Boulevard; Applicant: Cape Trust Investments, LLC

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

This is a privately-initiated rezone from the Professional (P) zoning district to Residential Multi-Family Low (RML) zoning for one parcel in central Cape Coral, located just east of Academy Boulevard. The subject property is addressed at 1219 Academy Boulevard. The subject property is undeveloped.

The subject property has had a Mixed-Use future land use classification since 2003. The rezone request is consistent with the future land use and if the rezone is adopted, no new professional office uses would be permitted, but the multi-family residential structures could also be developed with a maximum of five multi-family dwelling units.

Acreage: 0.34

**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:**

City Planning Staff Recommendation: Approval

**SOURCE OF ADDITIONAL INFORMATION:**

Wyatt Daltry, AICP, Planning Team Coordinator, PH: (239) 573-3160  
email: wdaltry@capecoral.gov

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

N/A

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

**PREPARED BY:**

Jessica Cruz, Planning  
Technician

Division- Planning

Department- Community  
Development

ATTACHMENTS:

Description	Type
Backup Materials	Backup Material

# BJM Consulting, Inc.

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

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

June 22, 2021

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

RE: Cape Trust Investments, LLC Rezoning

Dear Mr. Cautero,

BJM Consulting, Inc. represents Cape Trust Investments, LLC, the owner of a parcel of land located in Southeast Cape Coral. The address of the property is 1219 Academy Blvd. Please accept this as our Letter of Intent for a request to change the Zoning from Professional to Multifamily RML.

The site fronts on Academy Blvd and is 15,000 sq. ft., its future land use is MX (Mixed Use), and existing zoning is P (Professional). The site is located in the Infill area and is serviced by all three utilities.

We are requesting a zoning change of the entire site from the existing P (Professional) to RML (Multifamily 16 units/acre). The site is located at the southern end of the area known as City Centrum and has been vacant for years and the market has not reacted well to the existing professional zoning. The site has CP Commercial/Professional Use, with Professional Zoning to the North, Mixed Use to the South and East, much of it developed with RML multifamily zoning units, with multifamily land use and zoning to the West. The site is surrounded on the east, south and west by RML (Multifamily) zoning with P (Professional) zoning to the North. As such this application will allow for a project to be built that is extremely compatible with the surrounding community.



The following is are presentation of the review criteria set forth in Section 3.4.6 of the City's LCD:

The proposed RML, multifamily zoning district is consistent with the parcels Future Land Use of MX, mixed use and is an allowed zoning within the land use designation.

The full range of uses within the RML zoning district are consistent and compatible with the existing surrounding uses in the area.

The range of uses allowed in the requested RML zoning will be compatible with the potential uses in the area.

The RML zoning will serve to help meet the identified need for additional multifamily residential uses within the City.

The characteristics of the allowed developments within the RML zoning district are suitable and consistent with development in the surrounding area.

The requested RML zoning district creates fewer potential adverse impacts to the existing uses in the surrounding area than other allowed zoning districts within the MX land use and the adjoining CP land use to the North of the property.

The location of the parcel along Academy Blvd with its size make it a well-qualified candidate for the RML Zoning.

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

Sincerely,

*Joe Mazurkiewicz, Jr.*

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

DIVISION OF CORPORATIONS



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company  
CAPE TRUST INVESTMENTS LLC

Filing Information

Document Number	L13000177717
FEI/EIN Number	46-4544833
Date Filed	12/27/2013
Effective Date	12/31/2002
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	02/03/2017
Event Effective Date	NONE

Principal Address

8600 SCHOOLHOUSE RD.  
MIAMI, FL 33143

Changed: 07/02/2019

Mailing Address

8600 SCHOOLHOUSE RD.  
MIAMI, FL 33143

Changed: 07/02/2019

**Registered Agent Name & Address**

MOREIRA, DOMINGO R  
8600 SCHOOLHOUSE RD.  
MIAMI, FL 33143

**Authorized Person(s) Detail**

**Name & Address**

Title Agent

Moreira, Domingo R  
13335 SW 124 ST, STE. 107  
MIAMI, FL 33186

Title MGR

BRU, RALPH  
5000 SW 75 AVE  
MIAMI, FL 33155

**Annual Reports**

Report Year	Filed Date
2019	03/13/2019
2020	03/26/2020
2021	02/22/2021

**Document Images**

<a href="#">02/22/2021 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/26/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/13/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/09/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>





Lee County Property Appraiser

Tax Year

Previous Parcel Number   Next Parcel Number   Tax Estimator   Cape Coral Fees   Tax Bills   Pri

Property Data

STRAP: 24-44-23-C3-01039.0090   Folio ID: 10079886

Owner Of Record - Sole Owner   [\[Change Address\]](#)

CAPE TRUST INVESTMENTS LLC  
13335 SW 124 ST STE 107  
MIAMI FL 33186

Site Address

Site Address maintained by [E911 Program Addressing](#)

1219 ACADEMY BLVD  
CAPE CORAL FL 33990

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 24  
BLK 1039 PB 14 PG 75  
LOTS 9 THRU 11

[\[ Tax Map Viewer \]](#)   [\[ View Comparables \]](#)



[\[ Pictometry Aerial Viewer \]](#)



Current Working Values



Just

45,000

Attributes

Land Units Of Measure

SF

Units

15000.00

Total Number of Buildings

0

Image of Structure

**STAFF REPORT**

ZA21-0013

Cape Trust Investments, LLC

DOCKET/CASE/APPLICATION NUMBER

Wyatt Daltry, AICP, Planning Team

Coordinator (239) 573-3160,

wdaltry@capecoral.net

APPLICANT/PROPERTY OWNER

1219 Academy Blvd.

Cape Coral, FL 33990

STAFF PLANNER

PROPERTY ADDRESS/LOCATION

**BRIEF SUMMARY OF REQUEST**

City-initiated rezone for 1 property from Professional (P) zoning designation to Residential Multi-Family Low (RML) zoning designation for 0.34 acres.



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	PROPOSED ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
Professional (P)	Mixed-Use (MX)	Multi-Family Residential Low (RML)	None.	15,000 square feet 0.34 acres

**STAFF RECOMMENDATION:** Approval

<b>Background:</b>	<ul style="list-style-type: none"><li>The properties was changed to Professional (P) in 2008</li><li>The property owner has requested a return to residential</li></ul>
<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"><li>Properties is adjacent to existing multi-family residential</li><li>Area has residential character</li></ul>
<b>Negative Aspects of Application:</b>	<ul style="list-style-type: none"><li>Loss of potential professional office development</li></ul>
<b>Mitigating Factors:</b>	<ul style="list-style-type: none"><li>Property lacks frontage on arterial roadway and lack commercial viability</li></ul>

Additional Site Information

**Street Addresses:** 1219 Academy Blvd.

**Urban Service Area:** Infill

**City Water and Sewer:** Yes

**Street Access:** The site is accessible from Academy Boulevard, a collector roadway

**STRAP Numbers:** 24-44-23-C3-01039.0090

**Block/Lot(s):** Unit 24, Block 1039, Lots 9-11

**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:

<b>Subject Property:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>Current:</i>	MX	Professional (P)
<i>Proposed:</i>	N/A	Residential Multi-Family Low (RML)

<b>Surrounding Areas</b>	<b>Future Land Use</b>	<b>Zoning</b>
<i>North:</i>	Commercial/Professional (CP)	P
<i>South:</i>	MX	RML
<i>East:</i>	MX	RML
<i>West:</i>	Parks and Recreation (PK) and Multi-Family Residential (MF)	RML

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## **Background**

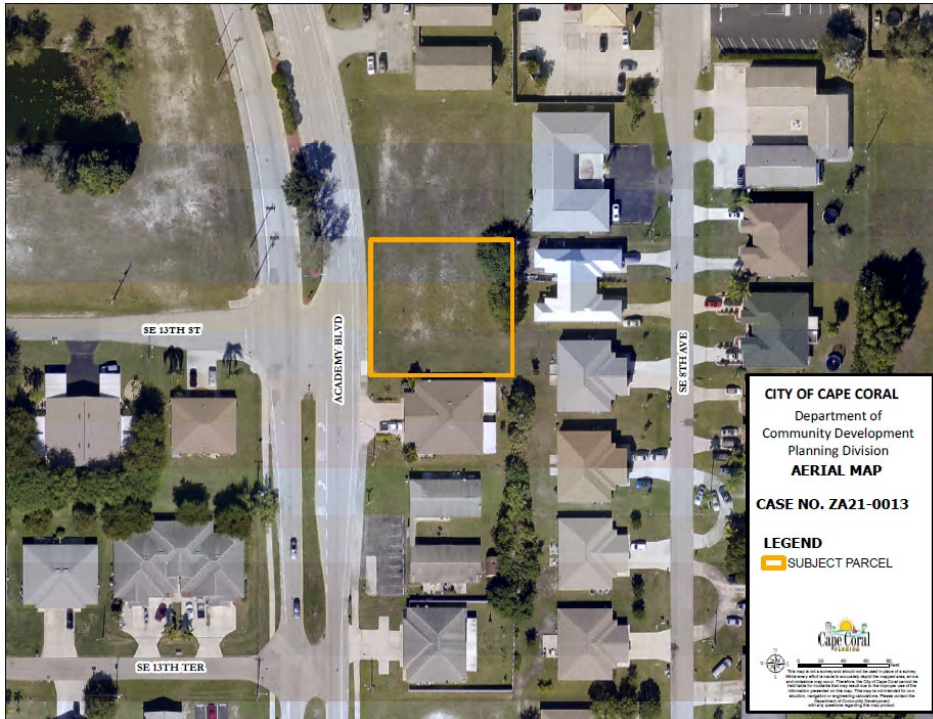
The subject property was amended to Mixed-Use in 2003 (Ordinance 62-03) and rezoned to Professional in 2008 (Ordinance 139-07). The purpose of these changes was to facilitate the City Centrum concept for this part of Cape Coral.

The City Centrum concept was an effort in the early-to-mid 2000's to attract and facilitate professional and mixed-use development in the vicinity of City Hall. This effort was based on the idea that, due to the nearby governmental office core (e.g. City Hall, Post Office, County administrative building), uses ancillary to this core such as attorney offices, engineering offices, restaurants would be attracted to the area and redevelop this part of Central Cape Coral. Unfortunately, this effort coincided with the mid-2000's building boom, and the then-largely vacant surrounding land was quickly developed within single-family homes and duplexes, which stymied assemblage opportunities.

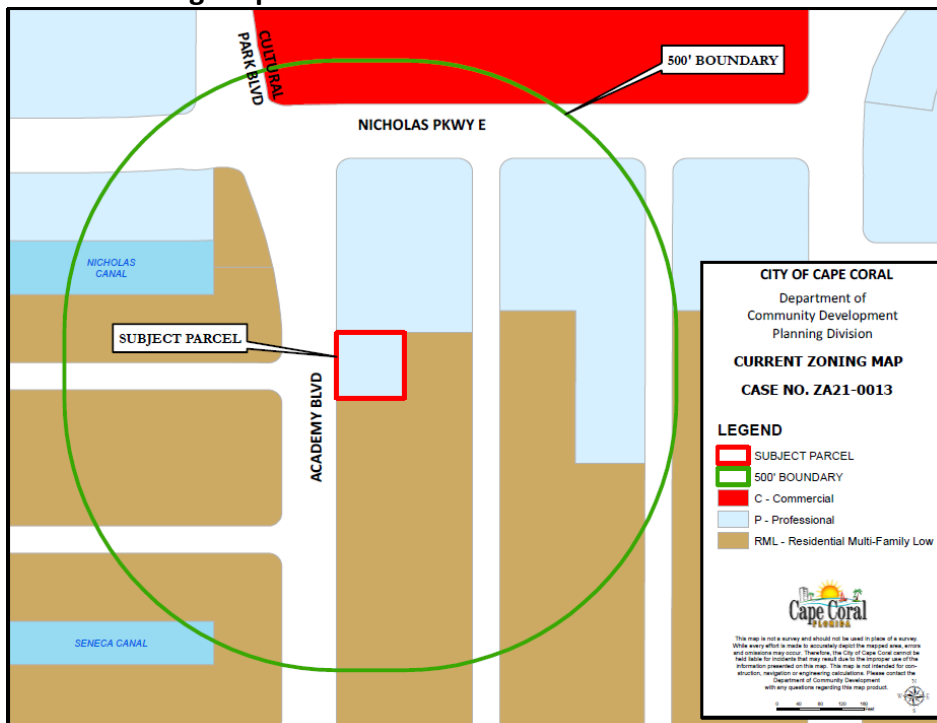
The surrounding area is a mix of duplex residential uses to the east, south, and west. The commercial areas located to the north have frontage on Nicholas Parkway, a minor arterial roadway, to the north.

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## Aerial Map

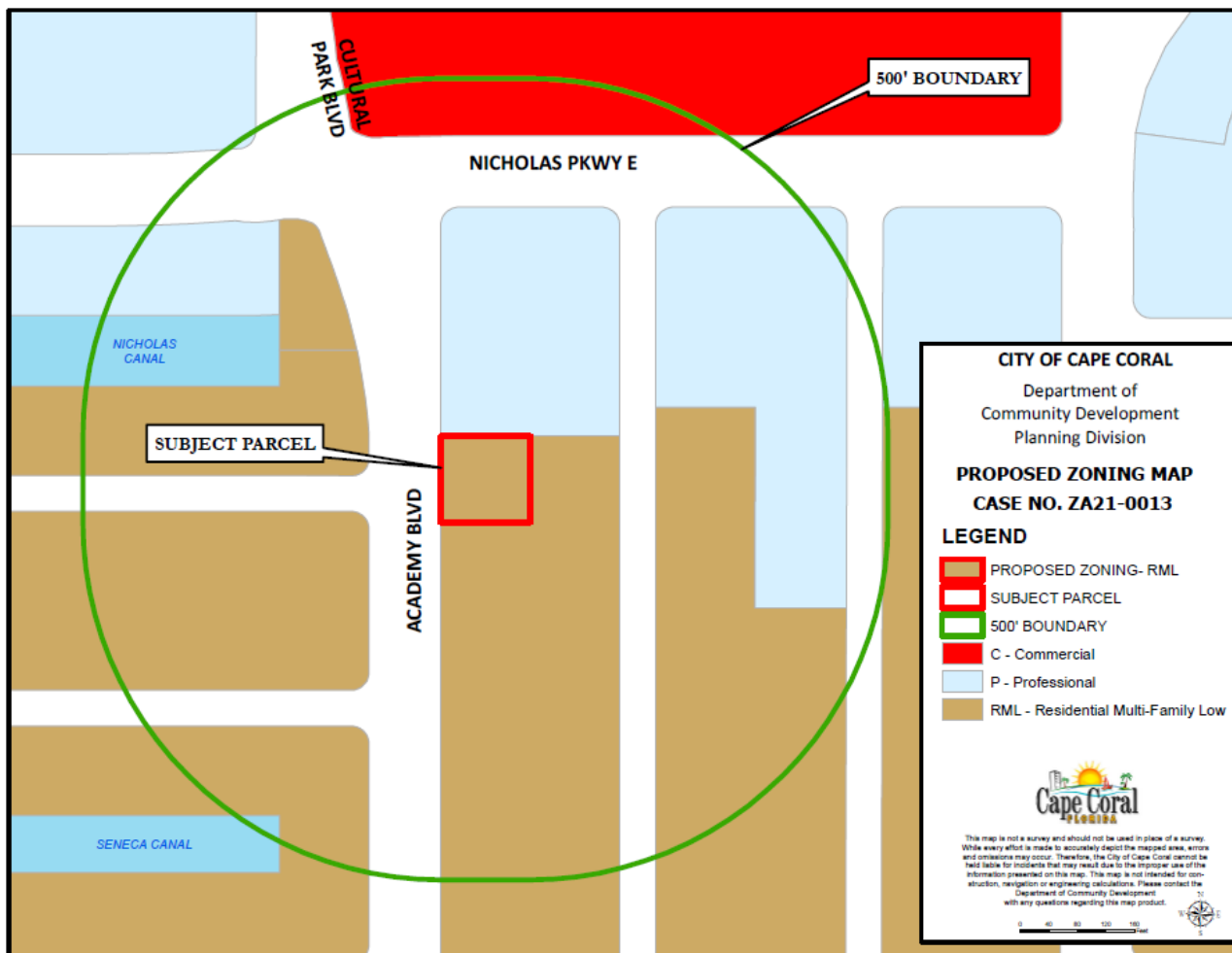


## Current Zoning Map





## Proposed Zoning Map



## COMPREHENSIVE PLAN ANALYSIS

### Future Land Use Element

Per Policy 1.15, the Residential Multi-Family Low zoning district is consistent with the Mixed-Use future land use map classification.

Policy 1.15.b states:

“The Residential Multi-Family Low (RML) District is designed to permit multi-family residential development. Single-family attached projects (three or more units only), single-family residences, and duplexes are also permitted in this zoning district.”

The requirement to build a mixed-use project is for properties of one acre or greater where utilities are available (i.e. in the Urban Services Infill and Transition Areas). As the properties in this block are subdivided into two-lot, 10,000-square foot properties, the ability to build duplexes consistent with the development pattern in this block is permitted.

### **Comprehensive Plan Analysis**

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed rezone.

Policy 1.7: The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential development, to reduce this shortfall, locational guidelines have been developed. The following locational guidelines are as follows:

#### 1.) Proximity to major roadways.

To prevent the establishment of multi-family residential development far in the middle of predominantly single-family neighborhoods, an appropriate location for multi-family residential development is adjacent to or within ¼ mile of major roadways such as arterial and collector roadways, as identified by *Figure 7 City Roadway Classifications*.

#### 2.) Proximity to non-residential land uses.

An important consideration for siting multi-family residential development is the need for multi-family residential uses to be in proximity to major employment centers. Providing housing near commercial uses can result in shorter trips, lessened traffic generation by workers, and providing multiple transportation mode options (walking, bicycling, automobile, bus) for employees.

An appropriate location for multi-family residential development is adjacent to or within ¼ mile of non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

#### 3.) Transitioning from commercial uses to less intense uses.

Multi-family residential uses have traditionally provided a role in buffering single-family uses or neighborhoods from

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nearby commercial development. Multi-family residential development is often self-contained with parking lots which provide a physical barrier visually separating commercial uses, particularly the lighting and loading areas, from single-family residential uses, which is a benefit to the community.

Therefore, an appropriate location for Multi-family residential development is physically between single-family development and non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

4.) Assemblage opportunities and adjacency to existing multi-family residential.

Single, isolated pre-platted parcels provide little opportunity for larger-scale multi-family residential development and contribute to the same ills that strip center commercial developments offer; a proliferation of driveways onto major roadways.

**The proposed rezone meets the first three guidelines. It is not likely that small-scale assemblage of undeveloped properties could occur, in reference to the fourth guideline.**

**Nevertheless, the rezone meets 3 of 4 guidelines, and therefore, is considered consistent with this policy.**

#### **Housing Element**

GOAL: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

**Increasing the City's amount of multi-family residential land is directly consistent with the Housing Element goal, above.**

**Overall, the proposed rezone meets the policies of the Comprehensive Plan, above.**

#### **LAND DEVELOPMENT CODE ANALYSIS**

##### **Land Development Code -- Section 3.4.6 Rezones:**

Staff reviewed this request in accordance with Section 3.4.6 of the Land Development Code and provides the following analysis. This section is used for rezone requests.

Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

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

*The proposed RML zoning district is consistent with the Mixed-Use future land use map classification.*

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

*Presently, most of the properties are already developed with uses compatible with the proposed zoning district. The surrounding area consists of residential uses. The full range of uses in the RML district, which consists of residential uses and uses ancillary to such development, are compatible with existing uses in this area.*

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

*As mentioned earlier, the surrounding area consists of residential uses. The full range of uses in the RML district, which consists of residential uses and uses ancillary to such development, are compatible with existing and proposed uses in this area, due in part to the fact that residential uses have been present nearby since the early 1980's.*

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

*The City has a well-documented need for additional multi-family residential uses.*

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

*The rezone area is a block on Academy Boulevard, a collector road. Residential uses are present along these roadways.*

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

*The RML zoning district is one of two zoning districts which permits multi-family development by right. Compared to the Residential Multi-Family Medium zoning district, the RML provides less density (16 vs. 25) and maximum height (38 ft. vs. 50 ft.), which would create fewer adverse impacts.*

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## **Public Notification**

This case will be publicly noticed as required by LDC, Section 3.1.10 as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

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

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**Recommendation:**

Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

**Staff Contact Information:**

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

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## 500 FOOT NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NUMBER:** ZA21-0013

**REQUEST:** City-initiated rezone for 1 property from Professional (P) zoning designation to Residential Multi-Family Low (RML) zoning designation for 0.34 acres.

**CAPE CORAL STAFF CONTACT:** Wyatt Daltry, AICP, Planning Team Coordinator, PH: (239) 573-3160  
Email: [wdaltry@capecoral.gov](mailto:wdaltry@capecoral.gov)

**UPCOMING PUBLIC HEARING:** Notice is hereby given that the Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, October 5<sup>th</sup>, 2021 on the above mentioned case. The public hearing will be held in the Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

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

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

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

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

**ADA PROVISIONS:** In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Office located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0411 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

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

# NOTICE OF Rezoning

A public hearing on the rezoning will be held Tuesday, October 5, 2021 at 9:00 a.m. at the City of Cape Coral, City Hall Chambers, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. At this public hearing, the Hearing Examiner will consider recommendation of the rezone request. Accordingly, members of the general public and real property owners in the community are invited to appear and speak at the public hearing. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Written comments filed with the Director will also be entered into the record. A copy of the map, the complete metes and bounds, and the proposed ordinance under consideration will be available for inspection and will be provided to the public at cost at the City Clerk's office between 7:30 a.m. and 4:30 p.m., Monday through Friday excluding holidays. Any person who decides to appeal any decision made by the City Council at that meeting will need a record of proceedings, and that subject person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk no later than 48 hours prior to the meeting. Please contact the City Clerk at [ctyclk@capecoral.net](mailto:ctyclk@capecoral.net) if you require assistance.

Kimberly Bruns, CMC  
City Clerk

Case Number ZA21-0013

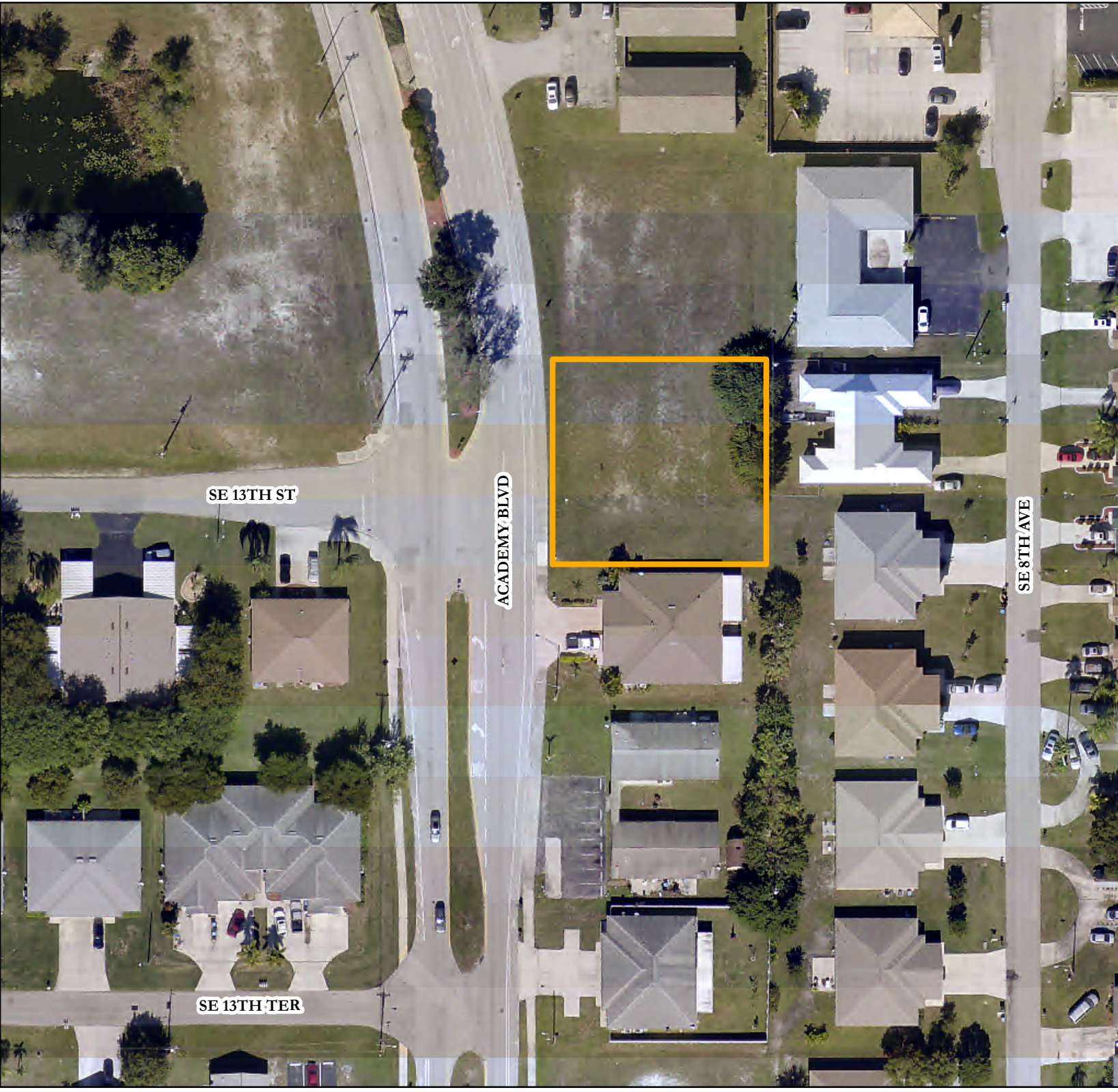


ZA21-0013  
PROFESSIONAL

(P) TO RESIDENTIAL MULTI-FAMILY LOW (RML) ZONING  
FOR PROPERTY DESCRIBED AS LOTS 9 THROUGH 11,  
BLOCK 1039, UNIT 24, CAPE CORAL SUBDIVISION

ADDRESS: 1219 ACADEMY BOULEVARD





SE 13TH ST

ACADEMY BLVD

SE 8TH AVE

SE 13TH TER

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

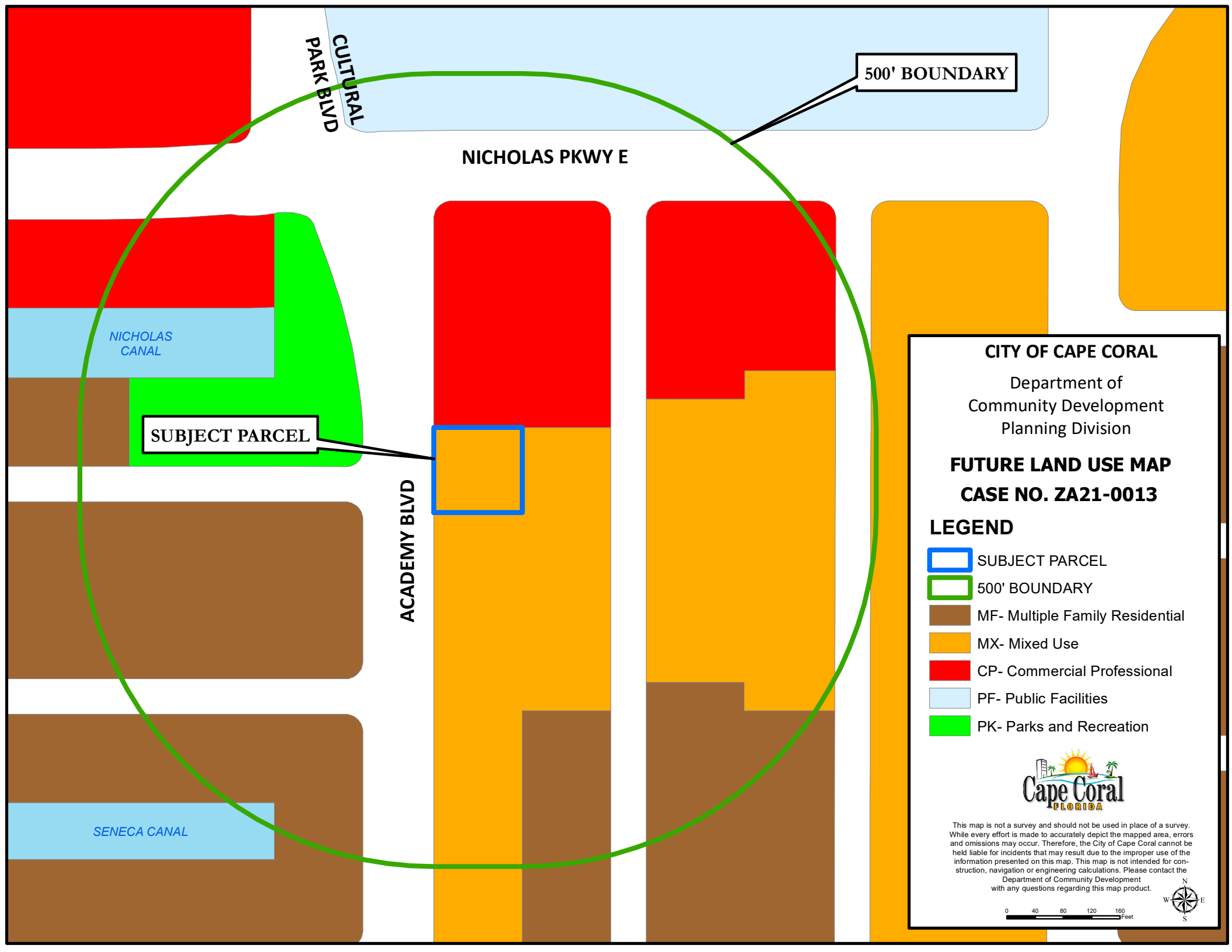
**CASE NO. ZA21-0013**

**LEGEND**

 **SUBJECT PARCEL**



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PARK BLVD  
CULTURAL

NICHOLAS PKWY E

500' BOUNDARY

NICHOLAS  
CANAL

SUBJECT PARCEL

ACADEMY BLVD








SENECA CANAL

**CITY OF CAPE CORAL**

Department of  
Community Development  
Planning Division

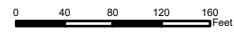
**FUTURE LAND USE MAP  
CASE NO. ZA21-0013**

**LEGEND**

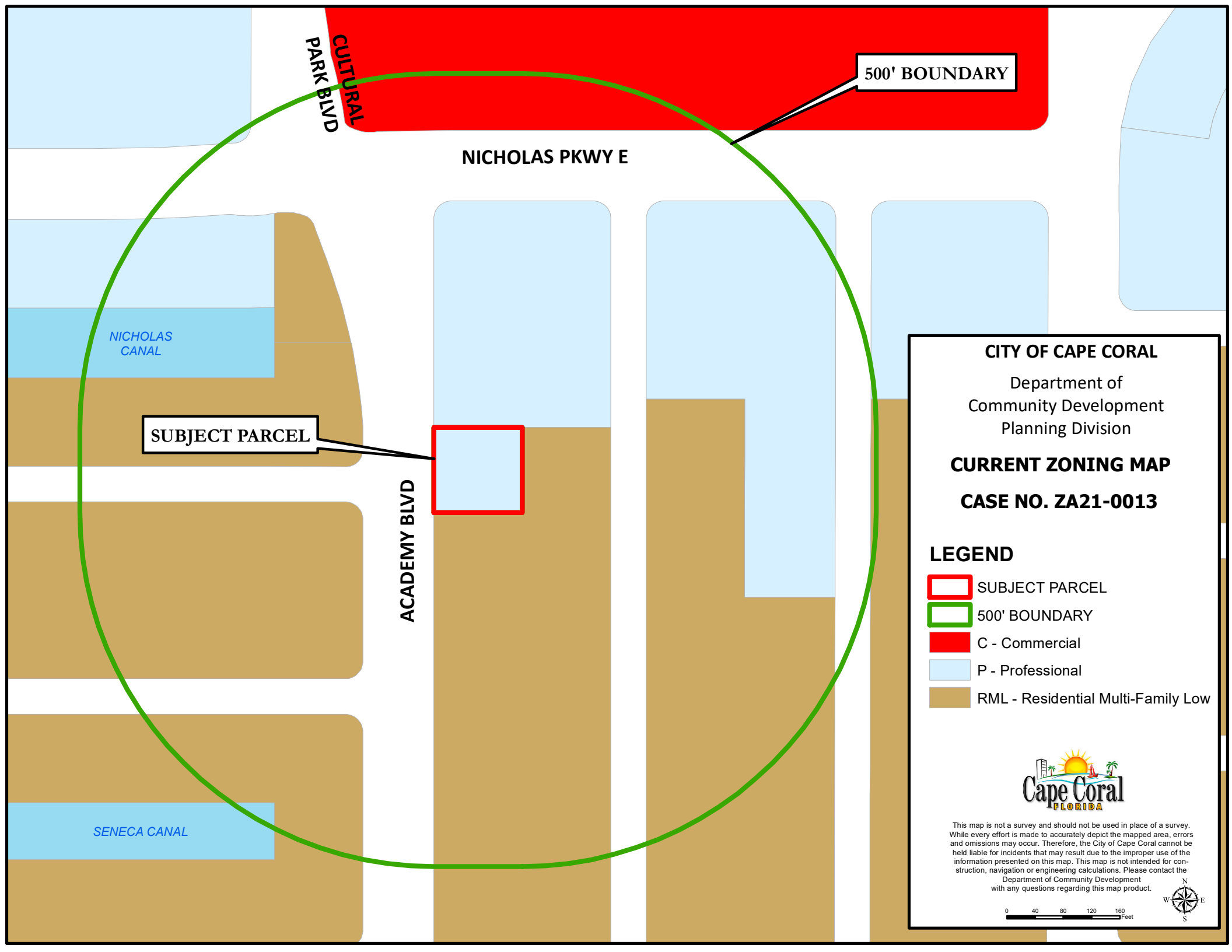
-  SUBJECT PARCEL
-  500' BOUNDARY
-  MF- Multiple Family Residential
-  MX- Mixed Use
-  CP- Commercial Professional
-  PF- Public Facilities
-  PK- Parks and Recreation



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PARK BLVD  
CULTURAL

NICHOLAS PKWY E

500' BOUNDARY

NICHOLAS  
CANAL

SUBJECT PARCEL

ACADEMY BLVD






# CITY OF CAPE CORAL

Department of  
Community Development  
Planning Division

## CURRENT ZONING MAP

CASE NO. ZA21-0013

### LEGEND

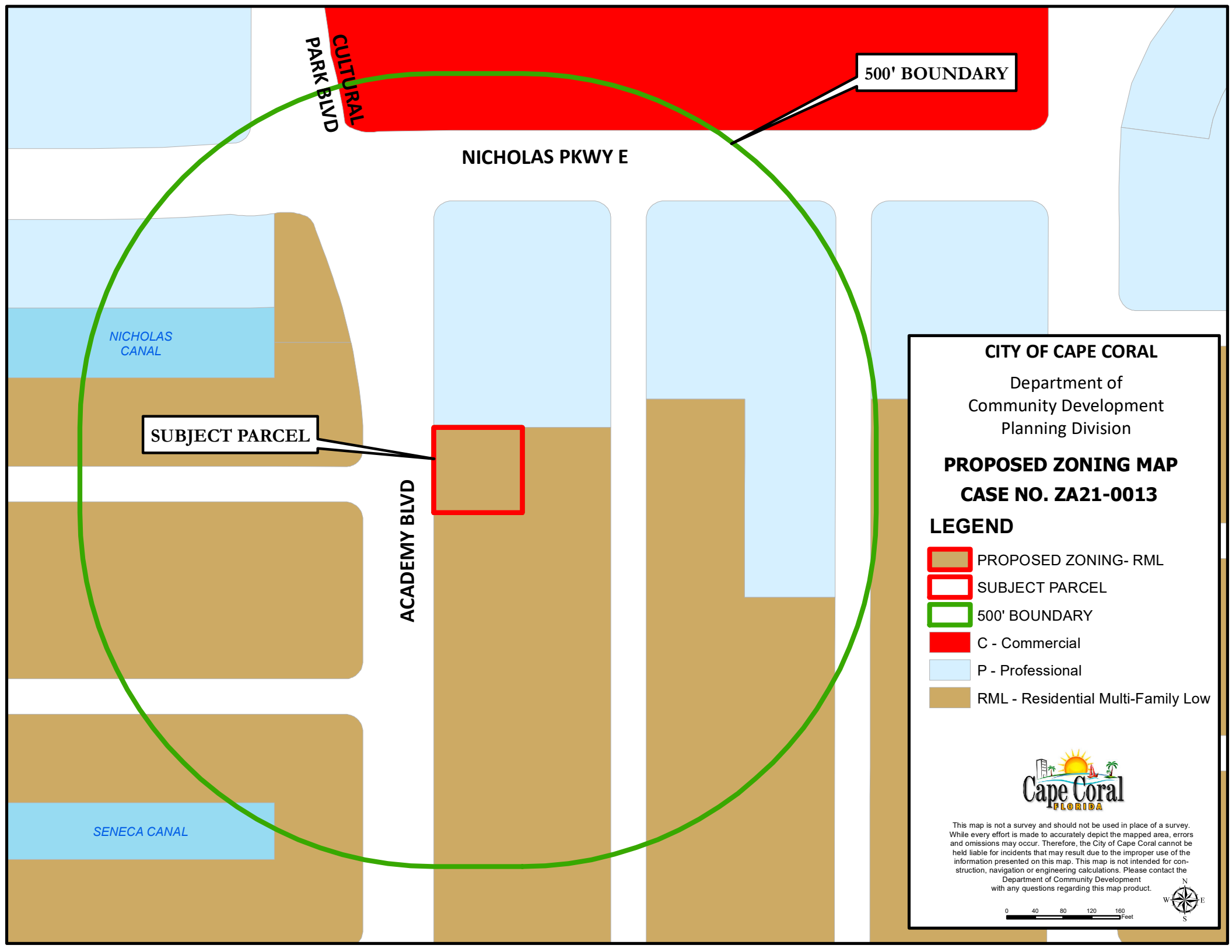
-  SUBJECT PARCEL
-  500' BOUNDARY
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low



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0 40 80 120 160 Feet





PARK BLVD  
CULTURAL

NICHOLAS PKWY E

500' BOUNDARY

NICHOLAS CANAL

SUBJECT PARCEL

ACADEMY BLVD

SENECA CANAL







**CITY OF CAPE CORAL**

Department of  
Community Development  
Planning Division

**PROPOSED ZONING MAP**

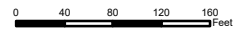
**CASE NO. ZA21-0013**

**LEGEND**

-  PROPOSED ZONING- RML
-  SUBJECT PARCEL
-  500' BOUNDARY
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low



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.



**MAILING LIST**

Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
NAIPAUL SEAN R G + NAIPAUL SIMON S J/T	6250 PADDLER WAY	ORLEANS	ON	K1C 2E7 CANADA
RAMCHAND GOPAUL & KUNTI	1516 CLEARVIEW DR	OAKVILLE	ON	L6J 6W7 CANADA
ALTAGRACIA LANTIGUA JOHANNY	1306 SE 8TH PL	CAPE CORAL	FL	33990
AWAD NAIEM + HERCILIA	63-19 ELLWELL CRESCENT	REGO PARK	NY	11374
BB CAPE CORAL PROPERTIES #2 LL	214 SW 21ST AVE	CAPE CORAL	FL	33991
BERGER SUSAN M	609 SE 13TH TER	CAPE CORAL	FL	33990
CAPE TRUST INVESTMENTS LLC	8600 SCHOOLHOUSE RD	MIAMI	FL	33143
CASTRO GLADYS	4016 SW 22ND PL	CAPE CORAL	FL	33914
CENTRUM PLACE LLC	13155 SW 42ND ST #200	MIAMI	FL	33175
CONRAD MICHAEL C + LOIS C	1319 PAMPLICO CT	CAPE CORAL	FL	33991
DDMJ GROUP LLC	7995 PLAZA DEL LAGO DR	ESTERO	FL	33928
DIGLIO SALVATORE	1087 MERILLON AVE	WESTBURY	NY	11590
GOETZ HERBERT TR + GOETZ LYDIA TR FOR ATLANTIC COLONIAL TRUST	PO BOX 101700	CAPE CORAL	FL	33910
GRAHAM JAMES L	622 SE 24TH ST	CAPE CORAL	FL	33990
GREINER NICHOLAS WILLIAM	4511 SE 6TH PL #6	CAPE CORAL	FL	33904
GUTHRIE WILLIAM D & GUTHRIE KIMBERLY A	5305 SW 11TH PL	CAPE CORAL	FL	33914
HACKER RANDAL & TRICIA	12929 VIEW MESA ST	MOORPARK	CA	93021
HERNANDEZ RAGNAR SAULO + ECHEVARRIA MARTHA	16331 SW 62ND TER	MIAMI	FL	33193
HIRSCHTER MARIA K TR FOR MARIA K HIRSCHTER LIVING TRUST	1405 SE 19TH TER	CAPE CORAL	FL	33990
HORODECK HARRY G & JEANETTE TR	3831 NW 44TH PL	CAPE CORAL	FL	33993
HUE INVESTMENTS INC	4918 SANDS BLVD	CAPE CORAL	FL	33914
JALP LLC	9990 COCONUT RD #254	BONITA SPRINGS	FL	34135
JENISE R ROBERTS TRUST	1920 VIRGINIA AVE #1201	FORT MYERS	FL	33901
JOSEPH SCOTT HOLDINGS LLC	6804 PORTO FINO CIR	FORT MYERS	FL	33912
KAKLIS CHRISTINA M TR + KAKLIS CONSTANTINE T TR	409 WHITE CHAPPELL CT	FORT MILL	SC	29715
KLEIN ALLEN J & JENALEE L	950 MOODY RD #131	NORTH FORT MYERS	FL	33903
KONTINOS FAMILY PARTNERS	PO BOX 126	BANNER ELK	NC	28604
KUKOBA KATERYNA	908 S ORIOLE CIR APT 202	VIRGINIA BEACH	VA	23451
KUZAK ANNA M	4029 GRACE ST	SCHILLER PARK	IL	60176
LABKOWSKI SHAMLOM + LABKOWSKI ZALMAN	PO BOX 380198	BROOKLYN	NY	11238
LABORDA JOHN	9322 ACRE MEADOWS LN	ARLINGTON	TX	76002
LIN CHUN YU	1243 SE 6TH TER	CAPE CORAL	FL	33990
LIN SHAO Y	1241 SE 6TH TERR	CAPE CORAL	FL	33990
LUTHRINGER MYRON O JR TR	4897 CORNISH PKWY	SYRACUSE	NY	13215
MAJESTY PALMS LLC	1186 N KAREN AVE	CLOVIS	CA	93611
MARIA K HIRSCHTER TRUST	1405 SE 19TH TER	CAPE CORAL	FL	33990
MCCABE SCOTT	2326 NW 36TH AVE	CAPE CORAL	FL	33993
MILLER JOSEPH D & HEATHER H	2845 SW 51ST ST	CAPE CORAL	FL	33914
NICHOLAS PLAZA LLC	804 NICHOLAS PKWY E STE 1	CAPE CORAL	FL	33990
OINES KRISTIN KAY	W1147 RIVER BAY RD	LYNDON STATION	WI	53944
PARADISE FL PROPERTIES LLC	1461 VENDOME CT	CAPE CORAL	FL	33904
PARDO YOMARIS BORGES + BORGES YOSMERI	1315 ACADEMY BLVD	CAPE CORAL	FL	33990
POOLE JOHN-CHESLEY W	1206 SE 8TH PL SIDE A	CAPE CORAL	FL	33990
POWELL-LINK LLC	PO BOX 483	PALM CITY	FL	34991
RIS CAPE CORAL LLC	9827 MEADOW FIELD CIR	TAMPA	FL	33626
SAN REMO HOLDINGS 1310-1312 LL	11737 LADY ANNE CR	CAPE CORAL	FL	33991
SCHAUB KIRK	3202 COUNTRY CLUB BLVD	CAPE CORAL	FL	33990
SN CONSTRUCTION LLC	1905 SE 26TH TER	CAPE CORAL	FL	33904
STEVENS MICHAEL E & JOAN M	618 SE 13TH ST	CAPE CORAL	FL	33990
SVOBODA MICHAL & SVOBODOVA PETRA	5732 SANDPIPER PL	FORT MYERS	FL	33919

**MAILING LIST**

TCKK CORPORATION  
TRIPPY JOSEPH + LINDA  
UNKNOWN HEIRS OF LORETTA MARY  
VALLEY TRUST

2234 CAPE CORAL PKWY W  
5219 SKYLINE BLVD  
7315 LAUREL CREEK CT  
1802 E 9TH ST

CAPE CORAL  
CAPE CORAL  
SPRINGFIELD  
LEHIGH ACRES

FL  
FL  
VA  
FL

33914  
33914  
22150  
33972