

Cape Coral Planning & Zoning Commission



Wednesday, May 1, 2024
9:00 AM
Conference Room 220A

1. CALL TO ORDER

A. Chair Marker

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. Apking, Botana, King, Marker, Schwartz, Severson, York, and
Alternate Sommers

5. APPROVAL OF MINUTES

A. Meeting Minutes - April 3, 2024

6. BUSINESS

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING

A. Ordinance 17-24 (FLUM23-000007)

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Intensive Development (a Lee County designation) to Commercial/Professional (CP) land use for property described as Lots 1, 2, 14 and 15, Block 3, Pondella Heights, Unit 2; and Lots 20 and 21, Block 2, Pondella Heights, Unit 2; property located at 1205-1212 Pine Lake Drive and 1206-1212 Westwood Drive.

Applicant: Samuel V. Johnson

B. Ordinance 30-24

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 7, “Signs,” Chapter 3, “Temporary Signs,” Section 7.3.1., “Temporary Signs,” regarding temporary signs on real property.

C. Ordinance 32-24

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Section 4.1.5., Projections and Encroachments into Setbacks, and Article 5, Development Standards, Chapter 1, General Requirements for all Development, Section 5.1.13., Single-Family Residential Standards, regarding generators in front of single-family residences and setback regulations.

D. Ordinance 33-24

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 5, “Development Standards,” by creating Chapter 13, “Conversion of Nonconforming Residential Sites to Commercial Sites,” regarding the redevelopment of commercial sites with existing single-family or duplex dwellings; providing for purpose and applicability; providing for standards.

E. Ordinance 34-24

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral, Florida, Land Development Code, article 5, “Development Standards,” Chapter 4, “Marine Improvements,” Section 5.4.8., “Bulkheads, Seawalls, and Retaining Walls,” regarding alternative shoreline stabilization.

F. Ordinance 35-24 (TXT24-000002) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Infrastructure Element to provide consistency with the Cape Coral Water Supply Facilities Work Plan; adopting the 2023 Cape Coral Water Supply Facilities Work plan as Appendix “A” to the Comprehensive Plan.

8. CITIZENS INPUT

A maximum of 30 minutes is set for input of citizens on matters concerning the Planning and Zoning Commission; 3 minutes per individual

9. STAFF UPDATES

10. OTHER BUSINESS

11. MEMBER COMMENTS

12. DATE AND TIME OF NEXT MEETING

A. A Regular Meeting of the Cape Coral Planning & Zoning

Commission was scheduled for Wednesday, June 5, 2024, at 9:00 a.m. in Council Chambers.

13. ADJOURNMENT

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the Office of the City Clerk whose office is located at City Hall, 1015 Cultural Park Boulevard, Florida; telephone number is 1-239-574-0411, at least forty-eight (48) hours prior to the meeting for assistance. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

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



**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL

Item Number:	5.A.
Meeting Date:	5/1/2024
Item Type:	APPROVAL OF MINUTES

TITLE:

Meeting Minutes - April 3, 2024

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

No

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

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

1. Will this action result in a Budget Amendment?

PREPARED BY:

Stacey Pasek, Recording
Secretary

Division-

Department-

ATTACHMENTS:

Description

□ Meeting Minutes - April 3, 2024

Type

Backup Material

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

WEDNESDAY, APRIL 3, 2024

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

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Apking, Botana, King, Marker, Schwartz, Severson, York, and Alternate Sommers were present.

ALSO PRESENT: Robert Welsh, Council Liaison
Cody Vaughan-Birch, Assistant City Attorney
Mike Struve, Planning Team Coordinator
Chad Boyko, Principal Planner

APPROVAL OF MINUTES

Meeting Minutes – January 10, 2024

Commissioner Botana moved, seconded by Vice Chair Apking, to accept the Regular Meeting Minutes from January 10, 2024, as presented.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.

BUSINESS

Applicant Interviews – 1 Alternate Position

Chair Marker stated that two applications were received for the one alternate position. He requested the applicants approach the podium and provide their background.

Interviews
Edwin Estes
John (Jack) Martin

Chair Marker requested Commissioners be polled for their choices for the Alternate.

Recording Secretary Pasek announced the tally.

Majority tallied in favor of Estes.

Commissioner Botana moved, seconded by Vice Chair Apking, to recommend to Council the appointment of Edwin Estes as an Alternate Member to the Planning and Zoning Commission.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.

PLANNING AND ZONING COMMISSION PUBLIC HEARING

Ordinance 20 - 24

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps, professional services, social services, solid waste transfer stations, and yards.

Planning Team Coordinator Struve presented the following slides:

- Overview
- New Proposed Uses
- Marine Fuel Pump
- Other Changes to the Use Table
- Table 4.2.11 – Commercial Corridor
- Definitions for New Uses
- Summary
- Recommendation: Staff recommended approval
- Correspondence: Some dialogue with two different towing establishments that are interested in expanding and are currently being prevented from doing so; outside of that, no correspondence.
- Schedule: Introduction on April 17th, two public hearings before Council, first hearing on May 1st, second hearing on May 15th

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- Live/workspace clarification
- FAR (Floor Area Ratio) floor space of a building per lot size

- Marine Fuel Pump regulations and hazard mitigation
- Use Tables
- Impact on surrounding properties for heliports and marine fuel pumps
- Restrictions to institutional use

Commissioner York moved, seconded by Commissioner Severson, to recommend approval of Ordinance 20-24, as presented.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.

Alternate Commissioner Sommers left at 9:38 a.m.

Ordinance 21 - 24

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous Parking Requirements, regarding supplemental parking requirements within the South Cape District.

Planning Team Coordinator Struve presented the following slides:

- Overview
- Background
- Rationale – SC Parking Management Plan
- Proposal
- Recommendation: Staff recommended approval
- Correspondence: None
- Schedule: Introduction – April 17th, Public Hearing – May 1st

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- General support for this from the public
- Possibility of shuttles in high-density business areas
- Micromobility
- Multiple places counting those parking spots leading to less parking availability
- Increase of handicap parking or proximity
- This is a voluntary program, and developers will not be required to follow.

Vice Chair Apking suggested anyone with questions attend Transportation Advisory Commission meetings.

Vice Chair Apking moved, seconded by Commissioner Severson, to recommend approval of Ordinance 21-24, as presented.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.

Ordinance 27 – 24 (TXT24-000001)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification.

Principal Planner Boyko presented the following slides:

- Mixed Use Ten Future Land Use Classification
- Background
- Proposed Development Parameters within MUX (2 slides)
- Conclusion
- Recommendation: Staff recommended transmittal of proposed amendment

Public hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, on behalf of the Blue Waters Development Group and specifically Victory Park, appeared to discuss:

- Flexibility will allow for a higher-class project
- Density and intensity
- Vertically integrated mixed use
- Requested a motion to City Council to transmit
- Opportunity to use this land use and come back with PUD zoning

Public hearing closed.

Discussion held regarding:

- Difference between current Mixed Use versus this proposal
- Mixed Use Ten has minimum size requirement of ten acres
- Current Mixed Use does not have any minimum size requirements
- Different ratios of allowed development
- Current Mixed Use allows for a maximum of 20% residential development
- Mixed Use Ten has maximum residential development of 50%
- Requirement of PUD for this to go forward

Vice Chair Apking moved, seconded by Commissioner Schwartz, to recommend transmittal of Ordinance 27-24 (TXT24-000001), as presented.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York voted “aye.” All “ayes.” Motion carried 7-0.

CITIZENS INPUT

No speakers.

STAFF UPDATES

None.

OTHER BUSINESS

None.

MEMBER COMMENTS

None.

DATE AND TIME OF NEXT MEETING

A Regular Meeting was scheduled for Wednesday, May 1, 2024, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:11 a.m.

Submitted by,

Stacey Pasek
Recording Secretary

Transcribed by Barbara Kerr 4/3/2024



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.A.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 17-24 (FLUM23-000007)

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests a future land use map amendment from the Lee County future land use designation of Intensive Development to the City of Cape Coral future land use designation of Commercial/Professional (CP). The site is six parcels, totaling 1.02 acres, and was annexed into the City of Cape Coral in 2022. The amendment is the 2nd step in developing the property within the City. The applicant will also need to apply for a rezone as the last step for future development.

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:

Matt Grambow, Development Services Director- interim (239) 574-0446

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

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

PREPARED BY:

Vanessa Sbema,
Planning Technician

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

- | Description | Type |
|------------------------------------|-----------|
| 1. Ordinance 17-24 (FLUM23-000007) | Ordinance |

ORDINANCE 17 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM INTENSIVE DEVELOPMENT (A LEE COUNTY DESIGNATION) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR PROPERTY DESCRIBED AS LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2; PROPERTY LOCATED AT 1205-1212 PINE LAKE DRIVE AND 1206-1212 WESTWOOD DRIVE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on February 13, 1989, the City of Cape Coral, Florida, adopted a Comprehensive Plan as required by the Community Planning Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City of Cape Coral, Florida, adopted the Comprehensive Plan Future Land Use Map to delineate the future land use designations throughout the City of Cape Coral, Florida; and

WHEREAS, Samuel V. Johnson owns property located at 1205-1212 Pine Lake Drive and 1206-1212 Westwood Drive; and

WHEREAS, the City of Cape Coral, Florida City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by SAMUEL V. JOHNSON regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM INTENSIVE DEVELOPMENT (A LEE COUNTY DESIGNATION) TO
COMMERCIAL/PROFESSIONAL (CP) LAND USE

LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT: ROAD RIGHT OF WAY DESCRIBED IN THAT CERTAIN INSTRUMENT RECORDED IN O.R. BOOK 3009, PAGE 3602, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this small scale development amendment to the Comprehensive Plan shall be thirty-one (31) days after the adoption of this ordinance. Alternatively, if the small scale development amendment adopted by this ordinance is challenged by an "affected person" within thirty (30) days after adoption, then the effective date of this amendment shall be the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that this small scale development amendment is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR
SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY

ord/FLUM23-000007





AVALON ENGINEERING, INC.
•Engineering •Planning •Design

LETTER OF TRANSMITTAL

TO: Ms. Shawn Baker, Zoning Assistant
Planning Division
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida

PROJECT #: 23-117

PROJECT: Pondella Heights
Future Land Use Map Amendment

FROM: Linda Miller, AICP
Vice President

DATE: June 21, 2023

WE ARE SENDING YOU THE FOLLOWING ITEMS:

Attached Via [EnerGov](#)

☐ Under Separate Cover Via _____

☐ Plans/Prints

☐ Shop Drawings

☐ Specifications

☐ Contract

☐ Disc

☒ Permit Applications

☒ Other

DESCRIPTION OF SUBMITTAL ITEMS
LUMA Letter of Intent
Future LUMA Application with Supporting Documents Including the Variance Report, the Combined Ownership Documents (LCPA, DEEDS, Ord 90-22), and Location, Proximity, Vicinity Maps and Legal Description
Traffic Generation Statement

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☐ as requested

☐ for approval

☐ for signature

☒ for review & comment

☐ for your use/files/information

☐ for your distribution

☐ to be returned

REMARKS:

G:\2023\23-117\City\LUMA\FLUMA Transmittal.Docx

•2503 Del Prado Blvd. S. #200•Cape Coral, Florida 33904 •Phone: (239) 573-2077 •Fax: (239) 573-2076



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

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

FLUMA APPLICATION REQUIREMENTS

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

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



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

FUTURE LAND USE MAP AMENDMENT APPLICATION

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

OWNER(S) OF PROPERTY INFORMATION

Owner	<u>Samuel V. Johnson C/O Michael R. Whitt, Attorney</u>	Address	<u>278 Snow Ridge Drive</u>
Phone	<u>239-851-8880</u>	City	<u>Hendersonville</u>
Email	<u>mwhitt@hahnlaw.com</u>	State	<u>NC</u> Zip <u>28792</u>
Owner	_____	Address	_____
Phone	_____	City	_____
Email	_____	State	_____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant	_____	Address	_____
Phone	_____	City	_____
Email	_____	State	_____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative	<u>Avalon Engineering, Inc.</u>	Address	<u>2503 Del Prado Boulevard South, Suite 200</u>
Phone	<u>239-573-2077</u>	City	<u>Cape Coral</u>
Email	<u>linda@avaloneng.com</u>	State	<u>FL</u> Zip <u>33904</u>

PROPERTY INFORMATION

Unit 2 Block 2, 3 Lot (s) 20,21/1,2,14,15 Subdivision Pondella Heights

Property Address 1205-1212 Pine Lake Drive / 1206-1212 Westwood Drive

Plat Book 12 Page 25 Current Zoning Lee County RS-1 (Single Family)

Strap Number See Property List Acreage 1.121

Current Land Use Lee County Suburban Proposed Land Use Cape Coral Commercial Professional



DEPARTMENT OF DEVELOPMENT SERVICES
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Cape Coral, FL 33915-0027

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS
The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

Samuel V. Johnson

By: Michael R. Whitt, Attorney

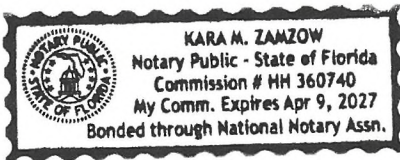
NAME (PLEASE TYPE OR PRINT)

AUTHORIZED SIGNATURE

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of June, 20 23 by Michael R. Whitt who is personally known to me or produced _____ as identification.



Exp Date: 04/09/2007 Commission Number: HH 360740

Signature of notary Public:

Printed Name of Notary Public:

Kara M. Zamzow
Kara M. Zamzow



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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ESTIMATED PEAK HOUR TRIP

Parcel Size: West 215 141 20,315 0.70
East Width 107 Depth 121 Sq. Ft. 12,947 Acreage 0.30
Soil Type: Boca Fine Sand

Urban Services Area: (check one) Infill _____ Transition Reserve ☒
Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):
N/A

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

Estimated Development: West East
➤ Estimate total lot coverage 20 %
➤ Estimate total building floor area: 6,200 sq.ft and 2,688 sq. ft.
➤ Estimate type of future development and percentages:
(e.g. business offices, commercial retail, automotive repair, etc.)

Flex space units for specialty contractors offices

Estimated peak hour trip ends:

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

City Sewer: YES ☒ NO ☐

City Water: YES ☒ NO ☐



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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 20th Day of June, 2023.

Hahn Loeser + Parks LLP
CORPORATION/COMPANY NAME

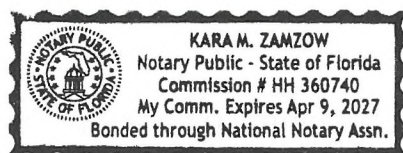
Samuel V. Johnson
By: Michael R. Whitt, Attorney

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 20th day of June, 2023 by Michael R. Whitt who is personally known to me or produced _____ as identification.



Exp Date: 04/09/2007 Commission Number: HH 360740

Signature of notary Public:

Printed Name of Notary Public:

Kara M. Zamzow
Kara M. Zamzow



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

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

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

UNIT 2 BLOCK 3 LOT(S) 20,21 SUBDIVISION Pondella Heights
1,2,14,15

OR LEGAL DESCRIPTION _____

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

Samuel V. Johnson

By: Michael R. Whitt, Attorney

PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

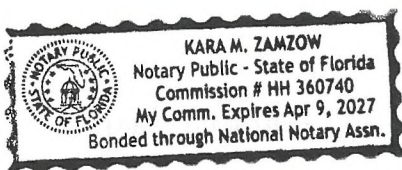
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 20th day of June, 20 23 by Michael R. Whitt who
is personally known to me or produced _____ as identification.



Exp Date: 04/09/2027 Commission Number: HH 360740

Signature of notary Public:

[Signature]

Printed Name of Notary Public:

Kara M. Zamzow

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



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

*Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027*

FUTURE LAND USE MAP AMENDMENTS

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
 6. Other factors deemed appropriate by the Commission and City Council.
- D. Effective date of approval. The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

Property List

Owner	STRAP	Unit	Block	Lots	Current Address	SF	Acres
Samuel V Johnson	08-44-24-C2-02003.0010	2	3	Lot 1 less ROW OR 3009 PG 3502	1211 Pine Lake Drive	6215.04	0.143
Samuel V Johnson	08-44-24-C2-02003.0020	2	3	2	1205 Pine Lake Drive	11418.14	0.262
Samuel V Johnson	08-44-24-C2-02003.0140	2	3	14	1206 Westwood Drive	11230.16	0.258
Samuel V Johnson	08-44-24-C2-02003.0150	2	3	Lot 15 less ROW OR 3009 PG 3502	1212 Westwood Drive	6796.12	0.156
Samuel V Johnson	08-44-24-C2-02002.0200	2	2	20	1206 Pine Lake Drive	7682.56	0.176
Samuel V Johnson	08-44-24-C2-02002.0210	2	2	Lot 21 less ROW OR 3009 PG 3502	1212 Pine Lake Drive	5479.11	0.126
						48821.13	1.121

Property Data

STRAP: 08-44-24-C2-02003.0010 Folio ID: 10158815

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1211 PINE LAKE DR
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 3 PB 12 PG 25
LOT 1 LESS ROW OR 3009
PG 3502

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

33,209

Attributes

Land Units Of Measure

FF

Units

107.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	6,520	6,520	6,520	6,520	0	6,520
1993	6,520	6,520	6,520	6,520	0	6,520
1994	7,450	7,450	7,450	7,450	0	7,450
1995	8,840	8,840	8,840	8,840	0	8,840
1996	8,840	8,840	8,840	8,840	0	8,840
1997	8,840	8,840	8,840	8,840	0	8,840
1998	6,910	6,910	6,910	6,910	0	6,910
1999	6,910	6,910	6,910	6,910	0	6,910
2000	6,910	6,910	6,910	6,910	0	6,910
2001	6,910	6,910	6,910	6,910	0	6,910
2002	6,910	6,910	6,910	6,910	0	6,910
2003	10,910	10,910	10,910	10,910	0	10,910
2004	14,190	14,190	14,190	14,190	0	14,190
2005	16,740	16,740	16,740	16,740	0	16,740
2006	21,830	21,830	21,830	21,830	0	21,830
2007	21,830	21,830	21,830	21,830	0	21,830
2008	16,370	16,370	16,370	16,370	0	16,370
2009	8,000	8,000	8,000	8,000	0	8,000
2010	6,403	6,403	6,403	6,403	0	6,403
2011	5,457	5,457	5,457	5,457	0	5,457
2012	5,457	5,457	5,457	5,457	0	5,457
2013	4,220	4,220	4,220	4,220	0	4,220
2014	4,438	4,438	4,438	4,438	0	4,438
2015	4,438	4,438	4,438	4,438	0	4,438
2016	5,311	5,311	5,311	4,882	0	4,882
2017	7,025	7,025	7,025	5,370	0	5,370
2018	5,311	5,311	5,311	5,311	0	5,311
2019	5,311	5,311	5,311	5,311	0	5,311
2020	29,104	29,104	29,104	5,842	0	5,842
2021	29,104	29,104	29,104	6,426	0	6,426

Property Data

STRAP: 08-44-24-C2-02003.0020 Folio ID: 10158816

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1205 PINE LAKE DR
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 3 PB 12 PG 25
LOT 2

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

61,011

Attributes

Land Units Of Measure

FF

Units

105.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	6,760	6,760	6,760	6,760	0	6,760
1993	6,760	6,760	6,760	6,760	0	6,760
1994	7,730	7,730	7,730	7,730	0	7,730
1995	9,180	9,180	9,180	9,180	0	9,180
1996	9,180	9,180	9,180	9,180	0	9,180
1997	9,180	9,180	9,180	9,180	0	9,180
1998	9,180	9,180	9,180	9,180	0	9,180
1999	9,180	9,180	9,180	9,180	0	9,180
2000	9,180	9,180	9,180	9,180	0	9,180
2001	9,180	9,180	9,180	9,180	0	9,180
2002	9,180	9,180	9,180	9,180	0	9,180
2003	14,490	14,490	14,490	14,490	0	14,490
2004	18,840	18,840	18,840	18,840	0	18,840
2005	22,220	22,220	22,220	22,220	0	22,220
2006	28,980	28,980	28,980	28,980	0	28,980
2007	28,980	28,980	28,980	28,980	0	28,980
2008	21,740	21,740	21,740	21,740	0	21,740
2009	10,630	10,630	10,630	10,630	0	10,630
2010	8,501	8,501	8,501	8,501	0	8,501
2011	7,245	7,245	7,245	7,245	0	7,245
2012	7,245	7,245	7,245	7,245	0	7,245
2013	5,603	5,603	5,603	5,603	0	5,603
2014	5,893	5,893	5,893	5,893	0	5,893
2015	5,893	5,893	5,893	5,893	0	5,893
2016	7,052	7,052	7,052	6,482	0	6,482
2017	9,932	9,932	9,932	7,130	0	7,130
2018	7,052	7,052	7,052	7,052	0	7,052
2019	7,052	7,052	7,052	7,052	0	7,052
2020	38,640	38,640	38,640	7,757	0	7,757
2021	38,640	38,640	38,640	8,533	0	8,533

Property Data

STRAP: 08-44-24-C2-02003.0140 Folio ID: 10158828

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1206 WESTWOOD DR
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 3 PB 12 PG 25
LOT 14

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

60,006

Attributes

Land Units Of Measure

FF

Units

105.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	6,760	6,760	6,760	6,760	0	6,760
1993	6,760	6,760	6,760	6,760	0	6,760
1994	7,730	7,730	7,730	7,730	0	7,730
1995	9,180	9,180	9,180	9,180	0	9,180
1996	9,180	9,180	9,180	9,180	0	9,180
1997	9,180	9,180	9,180	9,180	0	9,180
1998	9,180	9,180	9,180	9,180	0	9,180
1999	9,180	9,180	9,180	9,180	0	9,180
2000	9,180	9,180	9,180	9,180	0	9,180
2001	9,180	9,180	9,180	9,180	0	9,180
2002	9,180	9,180	9,180	9,180	0	9,180
2003	14,490	14,490	14,490	14,490	0	14,490
2004	18,840	18,840	18,840	18,840	0	18,840
2005	22,220	22,220	22,220	22,220	0	22,220
2006	28,980	28,980	28,980	28,980	0	28,980
2007	28,980	28,980	28,980	28,980	0	28,980
2008	21,740	21,740	21,740	21,740	0	21,740
2009	10,630	10,630	10,630	10,630	0	10,630
2010	8,501	8,501	8,501	8,501	0	8,501
2011	7,245	7,245	7,245	7,245	0	7,245
2012	7,245	7,245	7,245	7,245	0	7,245
2013	5,603	5,603	5,603	5,603	0	5,603
2014	5,893	5,893	5,893	5,893	0	5,893
2015	5,893	5,893	5,893	5,893	0	5,893
2016	7,052	7,052	7,052	6,482	0	6,482
2017	9,852	9,852	9,852	7,130	0	7,130
2018	7,052	7,052	7,052	7,052	0	7,052
2019	7,052	7,052	7,052	7,052	0	7,052
2020	38,640	38,640	38,640	7,757	0	7,757
2021	38,640	38,640	38,640	8,533	0	8,533

Property Data

STRAP: 08-44-24-C2-02003.0150 Folio ID: 10158829

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1212 WESTWOOD DR
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 3 PB 12 PG 25
LOT 15 LESS ROW OR 3009
PG 3502

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

36,314

Attributes

Land Units Of Measure

FF

Units

107.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	6,520	6,520	6,520	6,520	0	6,520
1993	6,520	6,520	6,520	6,520	0	6,520
1994	7,450	7,450	7,450	7,450	0	7,450
1995	8,840	8,840	8,840	8,840	0	8,840
1996	8,840	8,840	8,840	8,840	0	8,840
1997	8,840	8,840	8,840	8,840	0	8,840
1998	7,520	7,520	7,520	7,520	0	7,520
1999	7,520	7,520	7,520	7,520	0	7,520
2000	7,520	7,520	7,520	7,520	0	7,520
2001	7,520	7,520	7,520	7,520	0	7,520
2002	7,520	7,520	7,520	7,520	0	7,520
2003	11,880	11,880	11,880	11,880	0	11,880
2004	15,440	15,440	15,440	15,440	0	15,440
2005	18,210	18,210	18,210	18,210	0	18,210
2006	23,750	23,750	23,750	23,750	0	23,750
2007	23,750	23,750	23,750	23,750	0	23,750
2008	17,820	17,820	17,820	17,820	0	17,820
2009	8,710	8,710	8,710	8,710	0	8,710
2010	6,968	6,968	6,968	6,968	0	6,968
2011	5,939	5,939	5,939	5,939	0	5,939
2012	5,939	5,939	5,939	5,939	0	5,939
2013	4,592	4,592	4,592	4,592	0	4,592
2014	4,830	4,830	4,830	4,830	0	4,830
2015	4,830	4,830	4,830	4,830	0	4,830
2016	5,780	5,780	5,780	5,313	0	5,313
2017	7,429	7,429	7,429	5,844	0	5,844
2018	5,780	5,780	5,780	5,780	0	5,780
2019	5,780	5,780	5,780	5,780	0	5,780
2020	31,672	31,672	31,672	6,358	0	6,358
2021	31,672	31,672	31,672	6,994	0	6,994

Property Data

STRAP: 08-44-24-C2-02002.0200 Folio ID: 10158813

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1206 PINE LAKE DR
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 2 PB 12 PG 25
LOT 20

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

41,048

Attributes

Land Units Of Measure

FF

Units

70.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	4,510	4,510	4,510	4,510	0	4,510
1993	4,510	4,510	4,510	4,510	0	4,510
1994	5,150	5,150	5,150	5,150	0	5,150
1995	6,120	6,120	6,120	6,120	0	6,120
1996	6,120	6,120	6,120	6,120	0	6,120
1997	6,120	6,120	6,120	6,120	0	6,120
1998	6,120	6,120	6,120	6,120	0	6,120
1999	6,120	6,120	6,120	6,120	0	6,120
2000	6,120	6,120	6,120	6,120	0	6,120
2001	6,120	6,120	6,120	6,120	0	6,120
2002	6,120	6,120	6,120	6,120	0	6,120
2003	9,660	9,660	9,660	9,660	0	9,660
2004	12,560	12,560	12,560	12,560	0	12,560
2005	14,810	14,810	14,810	14,810	0	14,810
2006	19,320	19,320	19,320	19,320	0	19,320
2007	19,320	19,320	19,320	19,320	0	19,320
2008	14,490	14,490	14,490	14,490	0	14,490
2009	7,080	7,080	7,080	7,080	0	7,080
2010	5,667	5,667	5,667	5,667	0	5,667
2011	4,830	4,830	4,830	4,830	0	4,830
2012	4,830	4,830	4,830	4,830	0	4,830
2013	3,735	3,735	3,735	3,735	0	3,735
2014	3,928	3,928	3,928	3,928	0	3,928
2015	3,928	3,928	3,928	3,928	0	3,928
2016	4,701	4,701	4,701	4,321	0	4,321
2017	7,994	7,994	7,994	4,753	0	4,753
2018	4,701	4,701	4,701	4,701	0	4,701
2019	4,701	4,701	4,701	4,701	0	4,701
2020	25,760	25,760	25,760	5,171	0	5,171
2021	25,760	25,760	25,760	5,688	0	5,688

Property Data

STRAP: 08-44-24-C2-02002.0210 Folio ID: 10158814

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Owner Of Record - Sole Owner

[\[Change Address\]](#)



JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

Site Address

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

1212 PINE LAKE DR
CAPE CORAL FL 33909

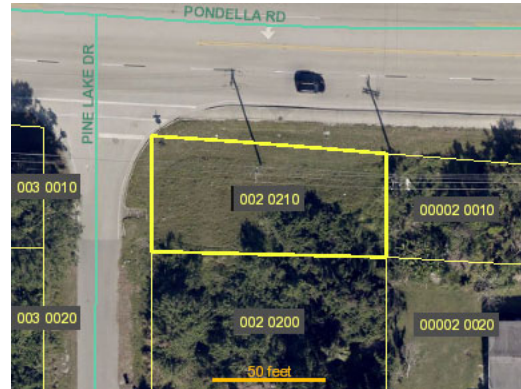
Property Description

Do not use for legal documents!



PONDELLA HEIGHTS UNIT 2
BLK 2 PB 12 PG 25
LOT 21 LESS ROW OR 3009
PG 3502

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



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



Current Working Values



[Tax Roll Value Letter](#)

[Tax Refund Status](#)



Just

29,277

Attributes

Land Units Of Measure

FF

Units

107.00

Total Number of Buildings

0

Total Bedrooms / Bathrooms

0

1st Year Building on Tax Roll

N/A

Historic Designation

No

Image of Structure



Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	6,520	6,520	6,520	6,520	0	6,520
1993	6,520	6,520	6,520	6,520	0	6,520
1994	7,450	7,450	7,450	7,450	0	7,450
1995	8,840	8,840	8,840	8,840	0	8,840
1996	8,840	8,840	8,840	8,840	0	8,840
1997	8,840	8,840	8,840	8,840	0	8,840
1998	6,300	6,300	6,300	6,300	0	6,300
1999	6,300	6,300	6,300	6,300	0	6,300
2000	6,300	6,300	6,300	6,300	0	6,300
2001	6,300	6,300	6,300	6,300	0	6,300
2002	6,300	6,300	6,300	6,300	0	6,300
2003	9,950	9,950	9,950	9,950	0	9,950
2004	12,940	12,940	12,940	12,940	0	12,940
2005	15,260	15,260	15,260	15,260	0	15,260
2006	19,900	19,900	19,900	19,900	0	19,900
2007	19,900	19,900	19,900	19,900	0	19,900
2008	14,930	14,930	14,930	14,930	0	14,930
2009	7,300	7,300	7,300	7,300	0	7,300
2010	5,838	5,838	5,838	5,838	0	5,838
2011	4,976	4,976	4,976	4,976	0	4,976
2012	4,976	4,976	4,976	4,976	0	4,976
2013	3,848	3,848	3,848	3,848	0	3,848
2014	4,047	4,047	4,047	4,047	0	4,047
2015	4,047	4,047	4,047	4,047	0	4,047
2016	4,843	4,843	4,843	4,452	0	4,452
2017	6,541	6,541	6,541	4,897	0	4,897
2018	4,843	4,843	4,843	4,843	0	4,843
2019	4,843	4,843	4,843	4,843	0	4,843
2020	26,536	26,536	26,536	5,327	0	5,327
2021	26,536	26,536	26,536	5,860	0	5,860

This Instrument Prepared By:
Samuel V. Johnson, Esq.
10811 Halfmoon Shoal Road, #202
Bonita Springs, Florida 34135
239-839-6450

18.50 Rec
.70 Doc
19.20

QUIT CLAIM DEED

This QUIT CLAIM DEED, Executed this 23 day of February, 2021, by SAMUEL V. JOHNSON, Trustee of the Bailey Trust and by SAMUEL V. JOHNSON, Trustee of the Vinson Trust, in each instance with power and authority either to protect, and to conserve and to sell, or to lease or to encumber or otherwise to manage and dispose of the real properties described in this instrument, all as more particularly set forth in F.S. 689.071, hereinafter GRANTORS, to SAMUEL V. JOHNSON, individually, whose address is 278 Snow Ridge Drive, Hendersonville, NC 33908, hereinafter GRANTEE.

WITNESSETH, That the said GRANTORS for and in consideration of the sum of Ten (\$10.00) and 00/100 Dollars in hand paid by the said GRANTEE, the receipt and sufficiency of which is hereby acknowledged, do hereby remise, release and quit claim unto the GRANTEE forever, all the right, title, interest, claim and demand which the GRANTORS have in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

Lots 1, 2, 14 and 15, Block 3, PONDELLA HEIGHTS, Unit 2,
a subdivision according to the plat thereof recorded in Plat
Book 12, Page 25, Public Records of Lee County, Florida;

AND

Lots 20 and 21, Block 2, PONDELLA HEIGHTS, Unit 2, a sub-
division according to the plat thereof recorded in Plat Book 12,
Page 25, Public Records of Lee County, Florida.

LESS AND EXCEPT: Road Right of Way described in that
certain instrument recorded in O.R. Book 3009, Page 3602,
Public Records of Lee County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the GRANTORS, or either of them, either in law or in equity, to the only proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, The said GRANTORS have signed and sealed these presents the day and year first above written.

Allie Brumble
Lori Seger

[Witnesses to both Grantors]

Samuel V. Johnson (SEAL)
Samuel V. Johnson, Trustee

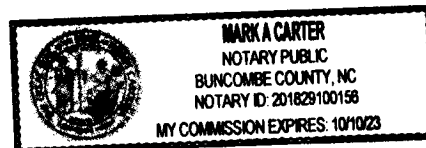
Samuel V. Johnson (SEAL)
Samuel V. Johnson, Trustee
GRANTORS

State of North Carolina)
County of Buncombe)

I HEREBY CERTIFY that on this 23 day of February, 2021, before me, an officer duly authorized in the State of NORTH CAROLINA to take acknowledgements, personally appeared Samuel V. Johnson, as Trustee, as aforesaid, and Samuel V. Johnson, as Trustee, as aforesaid, who presented a Florida drivers license as identification, who executed the foregoing instrument and who acknowledged before me that he executed same in the capacities stated above.

Witness my Hand and Seal, in the State and County aforesaid, this 23 day of February, 2021.

Mark A Carter
NOTARY PUBLIC
(SEAL)



Prepared by and Return to:

Joseph A. Furlong, Jr.
FURLONG TITLE COMPANY, INC.
12651 McGregor Blvd., Unit 102
Fort Myers, FL 33919
GRANTEE TAX ID NUMBER: _____

4467226

[Space Above This Line for Recording Data]

WARRANTY DEED

File No.

255065

THIS INDENTURE, made this 4th day of September, A.D. 1998 between

SAMUEL V. JOHNSON, INDIVIDUALLY & AS TRUSTEE OF THE BAILEY TRUST and SAMUEL V. JOHNSON, INDIVIDUALLY AND AS TRUSTEE OF THE VINSEN TRUST
as Grantor*, whose address is: PO BOX 061319, FORT MYERS, FLORIDA 33906
and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

as Grantee*, whose address is: P.O. BOX 398, FORT MYERS, FL 33919

WITNESSETH: That the Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Lee, State of Florida, to-wit:

SEE ATTACHED FOR CONTINUATION OF LEGAL DESCRIPTION

THIS DEED IS GIVEN IN LIEU OF CONDEMNATION.

Property Tax ID Number: 08-44-24-03-00003.0650
VACANT LAND 08-44-24-03-00003.0610

SUBJECT TO easements, restrictions and reservations of record, if any, and taxes for 1998 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Witnesses

(WITNESS 1) Sandra Dunphy
PRINT OR TYPE NAME: SANDRA DUNPHY

(WITNESS 2) Shepherd Beasley
PRINT OR TYPE NAME: SHEPHERD BEASLEY

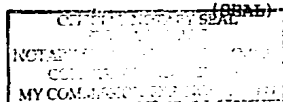
Samuel V. Johnson
SAMUEL V. JOHNSON

Samuel V. Johnson
SAMUEL V. JOHNSON

State of Florida
County of Lee

The foregoing instrument was acknowledged before me on this 4th day of September, 1998 by SAMUEL V. JOHNSON and SAMUEL V. JOHNSON, who is known to me or who has produced (Personally Known) as identification and did NOT take an oath.

My Commission Expires:



NOTARY PUBLIC

PRINT OR TYPE NAME:

Acquisition approved by the Lee County Board
of Commissioners' action on 8-4-98
and accepted on behalf of the board by
Michelle Williams on 9-4-98
in accordance with FS 185

083009 PG3502

PARCEL #191

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING PART OF LOT 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION AS RECORDED IN PLAT BOOK 12 AT PAGE 25 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 8; THENCE N. 89°06'36" E. FOR 2355.54 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT WHICH LIES 528.27 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE S. 00°08'35" W. FOR 26.38 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. S-78-A) AND THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING AND THE NORTHEAST CORNER OF SAID LOT 15; THENCE CONTINUE S. 00°08'35" W. FOR 34.52 FEET ALONG THE EASTERLY LINE OF SAID LOT 15 TO A NON-RADIAL INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, CONCAVE NORTHERLY, (RADIUS 8064.50 FEET, CENTRAL ANGLE 00°45'39", CHORD 107.09 FEET, CHORD BEARING N. 85°35'04" W.); THENCE WESTERLY FOR 107.10 FEET ALONG THE ARC OF SAID CURVE, BEING 64.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTERLINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE N. 00°08'35" E. NON-RADIALLY FOR 27.37 FEET ALONG THE WESTERLY LINE OF SAID LOT 15; THENCE S. 89°24'47" E. FOR 106.80 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (40.00 FEET FROM CENTERLINE) TO THE POINT OF BEGINNING. CONTAINING 3,317 SQUARE FEET MORE OF LESS.

PARCEL #192

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA BEING PART OF LOT 1, BLOCK 3, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION AS RECORDED IN PLAT BOOK 12 AT PAGE 25 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 8, THENCE N. 89°06'36" E. FOR 2462.35 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO A POINT WHICH LIES 421.46 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER; THENCE S. 00°08'35" W. FOR 29.14 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF PONDELLA ROAD (FORMER STATE ROAD NO. S-78-A) AND THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING AND THE NORTHEAST CORNER OF SAID LOT 1; THENCE CONTINUE S. 00°08'35" W. FOR 40.24 FEET ALONG THE EASTERLY LINE OF SAID LOT 1 TO AN NON-RADIAL INTERSECTION WITH THE ARC OF CURVE TO THE RIGHT, CONCAVE NORTHERLY, (RADIUS 8064.50 FEET, CENTRAL ANGLE 00°45'37", CHORD 107.00 FEET CHORD BEARING N. 86°20'42" W.); THENCE WESTERLY FOR 107.00 FEET ALONG THE ARC OF SAID CURVE, BEING 64.50 FEET SOUTHERLY OF AND CONCENTRIC WITH THE CENTER LINE SURVEY OF PONDELLA ROAD (LEE COUNTY PROJECT NO. 4656); THENCE N. 00°08'35" E. NON-RADIALLY FOR 34.52 FEET ALONG THE WESTERLY LINE OF SAID LOT 1; THENCE S. 89°24'47" E. FOR 106.80 FEET ALONG THE AFOREMENTION SOUTHERLY RIGHT OF WAY OF PONDELLA ROAD (40.00 FEET FROM CENTERLINE) TO THE POINT OF BEGINNING. CONTAINING 4,005 SQUARE FEET MORE OR LESS.

PARCEL #193

THAT PART OF LOT 21, BLOCK 2, PONDELLA HEIGHTS, UNIT TWO, A SUBDIVISION OF A PORTION OF SECTION 8, TOWNSHIP 44 SOUTH, RANGE 24 EAST, AS BEING RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

DR3009 P63503

CONTINUATION OF LEGAL DESCRIPTION

Page 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 21, BLOCK TWO OF AFORESAID SUBDIVISION; THENCE N 00°08'35" E ALONG THE WEST LINE OF SAID LOT 21 AND THE EAST RIGHT-OF-WAY LINE OF PINE LAKE DRIVE FOR 52.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°08'35" E ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY LINE FOR 42.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE S 89°24'47" E ALONG THE NORTH LINE OF SAID LOT 21 FOR 107.30 FEET (107.50 PLAT) TO THE NORTHEAST CORNER OF SAID LOT 21; THENCE S 00°08'35" WEST ALONG THE EAST LINE OF SAID LOT 21 FOR 46.09 FEET TO WHICH A RADIAL LINE BEARS S 02°09'11" W; THENCE RUN WESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT OF RADIUS 8064.50 FEET HAVING FOR ITS ELEMENT A CENTRAL ANGLE OF 00°45'47", CHORD BEARING OF N 87°27'45" W, CHORD DISTANCE OF 107.39 FEET FOR 107.39 FEET TO THE POINT OF BEGINNING AND TO WHICH POINT A RADIAL LINE BEARS S 02°54'58" W, CONTAINING 4762.30 SQUARE FEET (0.1093) MORE OR LESS.

0R3009 P63504

CHARLIE GREEN, CLERK
LEE COUNTY, FL
98 SEP -9 AM 8:54

ORDINANCE 90 - 22

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF SIX PARCELS OF LAND DESCRIBED AS LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REDEFINITION OF CITY BOUNDARIES; PROVIDING FOR CITY OF CAPE CORAL FIRE DEPARTMENT AND UTILITY SERVICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, SAMUEL V. JOHNSON, the owner of the real property subject to this Ordinance, has petitioned the Cape Coral City Council for the annexation of said real property to the City of Cape Coral; and

WHEREAS, the aforesaid petition bears the signature of SAMUEL V. JOHNSON, the owner of the property proposed to be annexed; and

WHEREAS, the City of Cape Coral desires to assume fire department service and water, wastewater and irrigation utility services to the said real property following the annexation of said real property within the city's jurisdiction, as provided in section 171.093, Florida Statutes; and

WHEREAS, the City of Cape Coral desires to insure that the site is developed consistent with the development located within the City and which will be utilized in a manner that should prove beneficial to the City.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. After considering the application from SAMUEL V. JOHNSON, the City Council has determined that the property proposed to be annexed to the City is contiguous to the City's boundaries, reasonably compact, and such annexation will not result in the creation of enclaves.

SECTION 2. The City of Cape Coral hereby annexes to the incorporated City limits the following described real property:

LOTS 1, 2, 14 AND 15, BLOCK 3, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND LOTS 20 AND 21, BLOCK 2, PONDELLA HEIGHTS, UNIT 2, A SUBDIVISION ACCORDING TO THE PLATE THEREOF RECORDED IN PLAT BOOK 12, PAGE 25, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT: ROAD RIGHT OF WAY DESCRIBED IN THAT CERTAIN INSTRUMENT RECORDED IN O.R. BOOK 3009, PAGE 3602, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

A map depicting the area to be annexed is attached hereto as Exhibit A.

SECTION 3. The legal description of the boundaries of the City of Cape Coral is hereby amended to include the aforesaid property as a part of the municipality of the City of Cape Coral, Florida, and under the full jurisdiction of the municipality of Cape Coral.

SECTION 4. The City of Cape Coral desires to assume fire department service and water, wastewater and irrigation utility services to the said real property following the annexation of said real property within the city's jurisdiction, as provided in section 171.093, Florida Statutes.

SECTION 5. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 2nd DAY OF November, 2022.

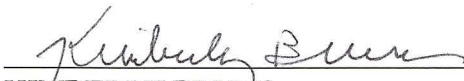

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER aye
TATE aye
SHEPPARD aye
HAYDEN aye

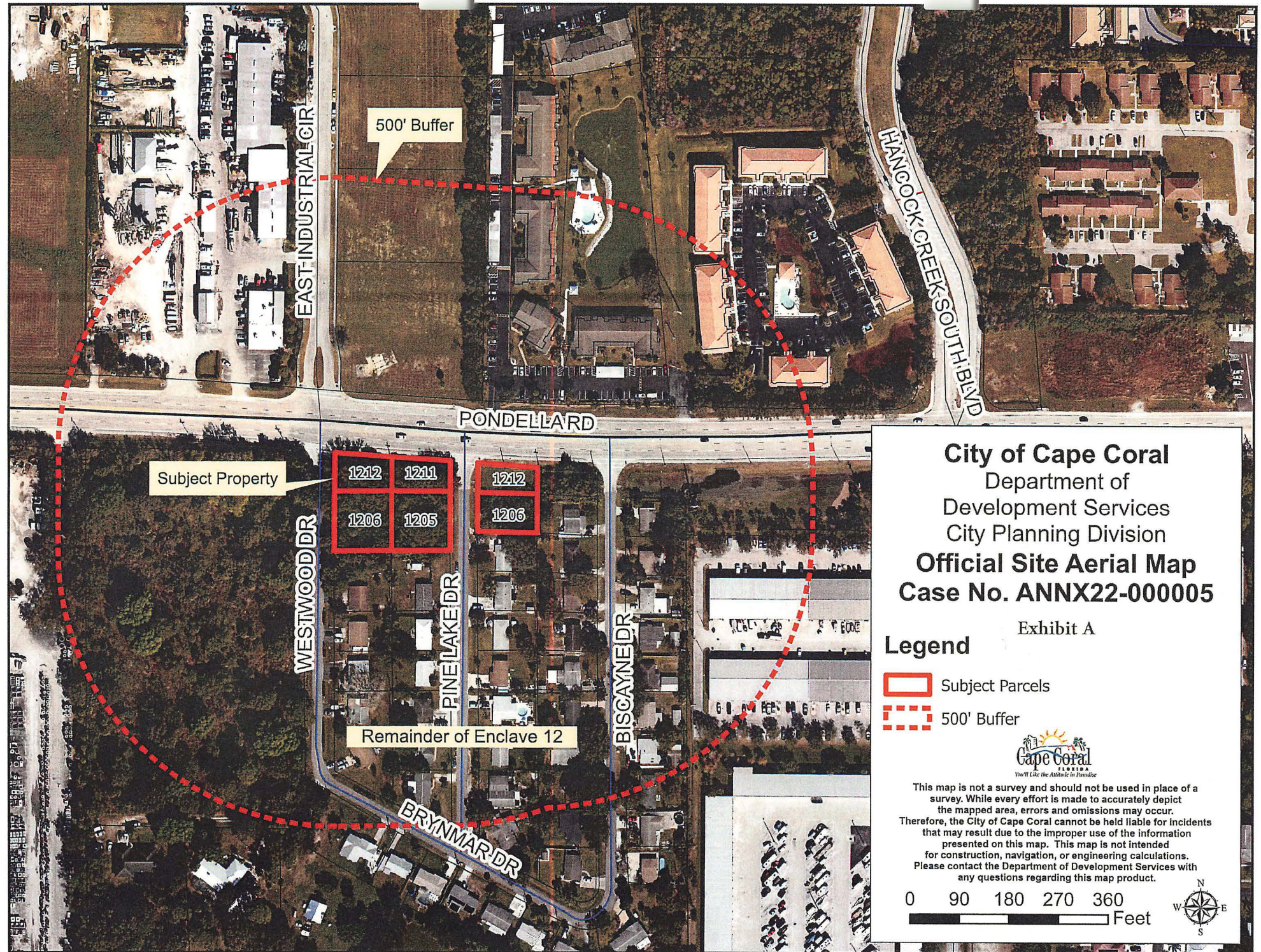
NELSON aye
WELSH aye
LONG aye
COSDEN excused

ATTESTED TO AND FILED IN MY OFFICE THIS 7th DAY OF November, 2022.


KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
ord\ANNX22-000005



City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. ANNX22-000005

Exhibit A

Legend

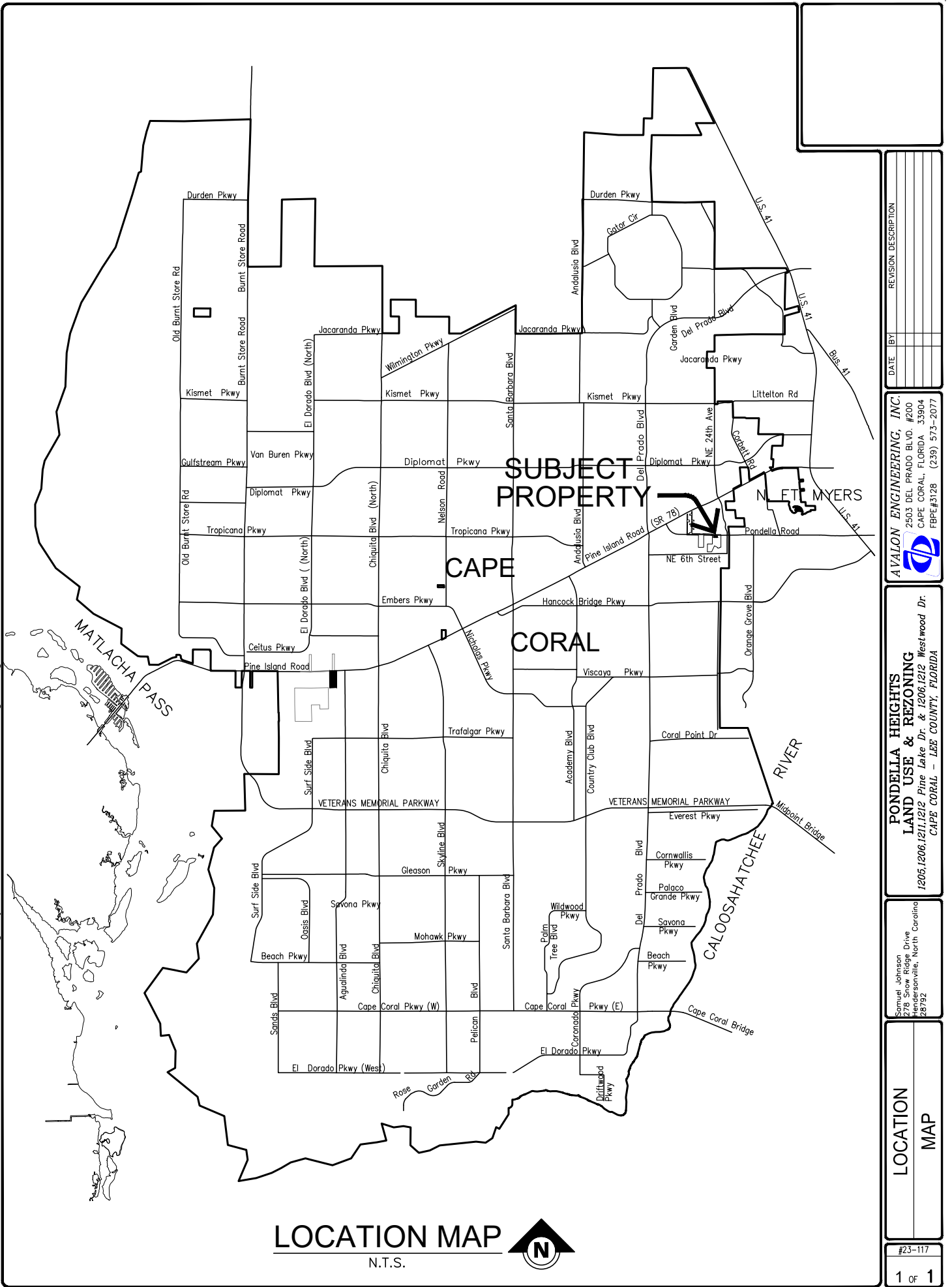
- Subject Parcels
- 500' Buffer



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 Development Services with any questions regarding this map product.

0 90 180 270 360 Feet





LOCATION MAP

N.T.S.



DATE	BY	REVISION DESCRIPTION

AVALLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#13128 (239) 573-2077

**PONDELLA HEIGHTS
LAND USE & ZONING**
1205.1206.121.1212 Pine Lake Dr. & 1206.1212 Westwood Dr.
CAPE CORAL - LEE COUNTY, FLORIDA

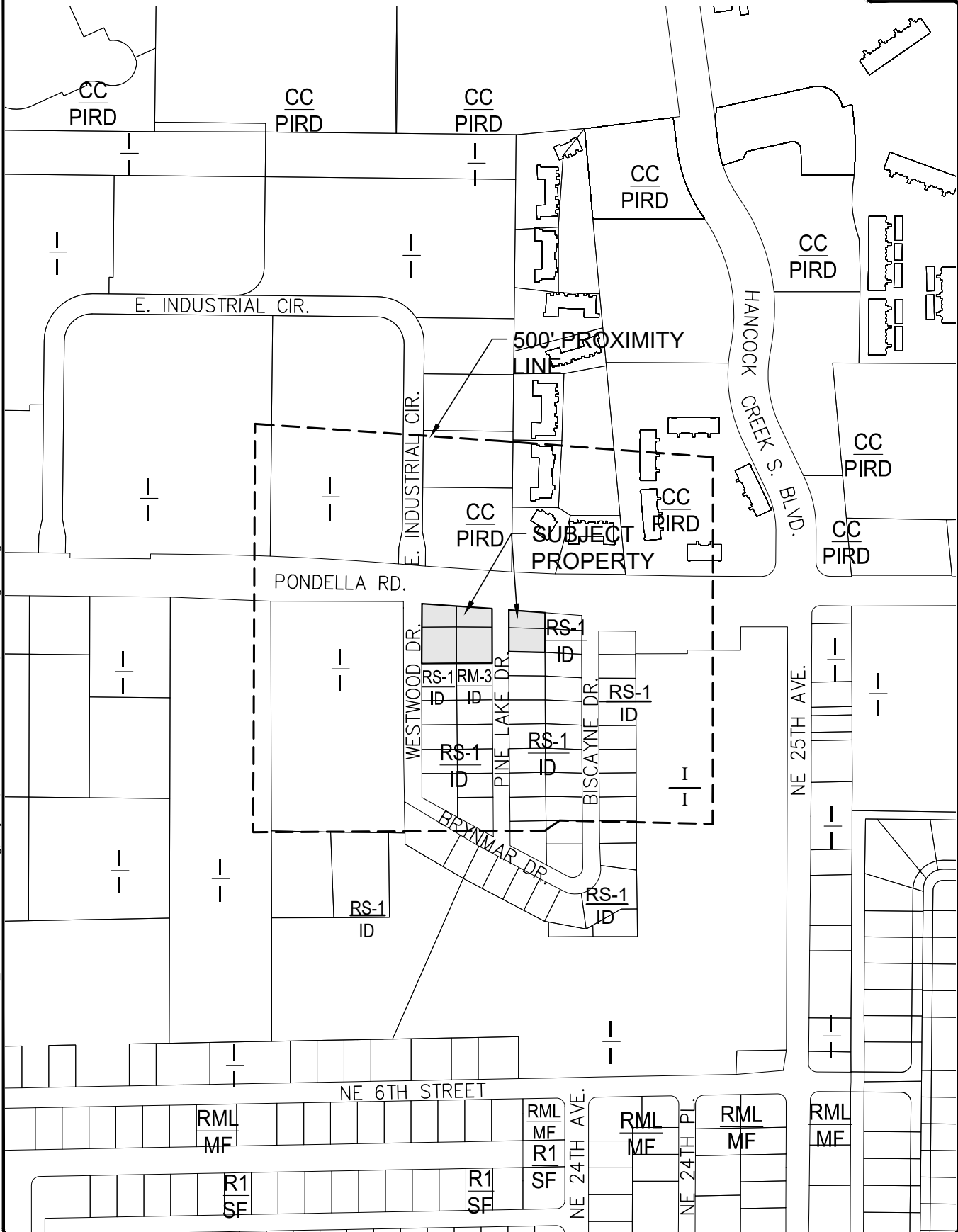
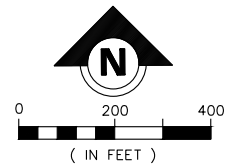
Samuel Johnson Drive
278 Snow Ridge Drive
Bradenton, North Carolina
34902

**LOCATION
MAP**

P:\CAD\2023\23-117\LUMA\LOT23-117_PROXIMITY-MAP.dwg, Layout1, 6/15/2023 11:57:22 AM, Avalon Engineering Inc.

Legend:
RS-1: Lee County Single-Family Zoning
RM-3: Lee County Multi-Family Zoning
ID: Lee County Intensive Development Future Land Use

I: City of Cape Coral Industrial Zoning & Future Land Use
PIRD: City of Cape Coral Pine Island Road Future Land Use
CC: City of Cape Coral Commercial Corridor Zoning



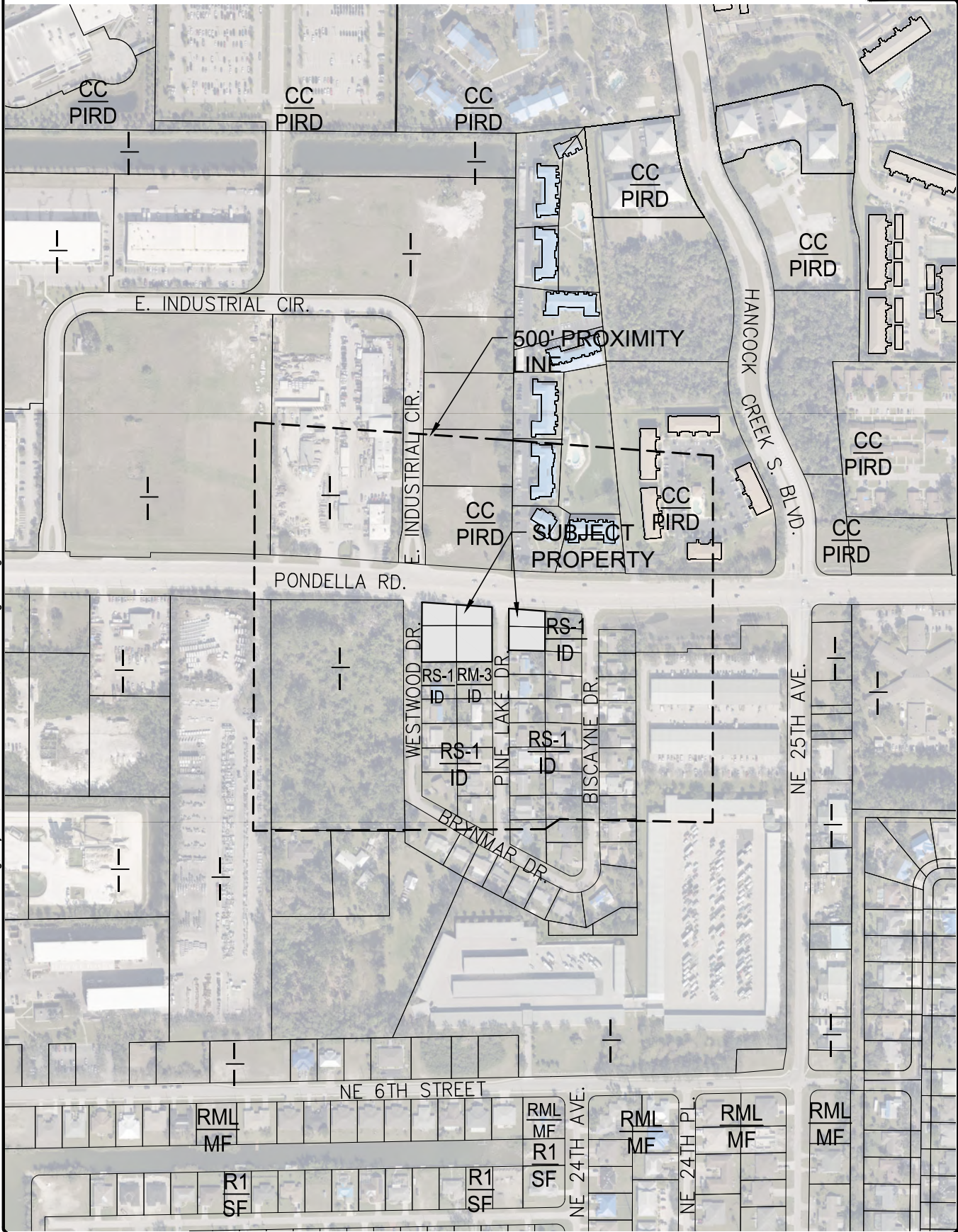
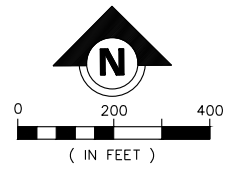
DATE	BY	REVISION DESCRIPTION

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

**PONDELLA HEIGHTS
LAND USE & REZONING**
1205.1206.121.1212 Pine Lake Dr. & 1206.1212 Westwood Dr.
CAPE CORAL - LEE COUNTY, FLORIDA

Samuel Johnson
278 Snow Ridge Drive
Bradenville, North Carolina
28792

**500' PROXIMITY
MAP**



DATE	BY	REVISION DESCRIPTION

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

**PONDILLA HEIGHTS
LAND USE & ZONING**
1205.1206.1211.1212 Pine Lake Dr. & 1206.1212 Westwood Dr.
CAPE CORAL - LEE COUNTY, FLORIDA

Samuel Johnson Drive
278 Snow Ridge Drive
27892
28792

**VICINITY MAP
(2023 AERIAL)**

Variance Report

Application for Public Hearing for Future Land Use Map Amendment

Pondella Heights
1205-1212 Pine Lake Drive / 1206-1212 Westwood Drive
Cape Coral 33909

Variance Map
Variance Mailing Labels

OASIS OF CAPE CORAL
COASTAL ASSOCIATION SERVICES
PO BOX 152930
CAPE CORAL FL 33915

ROYAL HAWAIIAN CLUB PHASE III
PREMIER CAM SERVICES LLC
PO BOX 152047
CAPE CORAL FL 33915

ROYAL HAWAIIAN CLUB PHASE I
PREMIER CAM SERVICES LLC
PO BOX 152047
CAPE CORAL FL 33915

DARREN D CHOCHOLEK TRUST +
2980 SCOTT ST
VISTA CA 92081

EAST CAPE COMMERCE CENTER
STE 500
5220 SUMMERLIN COMMONS BLVD
FORT MYERS FL 33907

RODRIGUEZ LIUSBEL
1320 SE 20TH ST
CAPE CORAL FL 33990

PEREZ MIRIAM
1198 BISCAYNE DR
CAPE CORAL FL 33909

PAUL-EVANS KATHLEEN
1184 BISCAYNE DR
CAPE CORAL FL 33909

MORALES JIMMY ORTA +
1215 BISCAYNE DR
CAPE CORAL FL 33909

FYR SFR BORROWER LLC
HAVENBROOK HOMES
3505 KOGER BLVD STE 400
DULUTH GA 30096

ROYAL HAWAIIAN CLUB
PREMIER CAM SERVICES LLC
P O B OX 152047
CAPE CORAL FL 33915

ROYAL HAWAIIAN CLUB PHASE II
PREMIER CAM SERVICES
POB OX 152047
CAPE CORAL FL 33915

DARREN D CHOCHOLEK TRUST +
2980 SCOTT ST
VISTA CA 92081

PONDELLA PARTNERS LLC
1130 PONDELLA RD UNIT 1
CAPE CORAL FL 33909

DPBM UNLIMITED LLC
5166 MARTIN COVE
BOKEELIA FL 33922

PENALOZA ASUNCION
1204 BISCAYNE DR
CAPE CORAL FL 33909

BARBOUR REAL ESTATE
STEVE AND KAREN BARBOUR
2647 SE 19TH AVE
CAPE CORAL FL 33904

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

LUNSFORD EDWARD
1209 BISCAYNE DR
CAPE CORAL FL 33909

REY PASCUAL LLC
PO BOX 152384
CAPE CORAL FL 33915

MULLISI CATHERINE
1191 BISCAYNE DR
CAPE CORAL FL 33909

KAVA MARY PATRICIA +
1826 LOSOYA DR
WOODLAND CA 95776

MITCHELL DEMOND
502 TROPICANA PKWY W
CAPE CORAL FL 33993

MARKLEY ADAM & MELINDA
3331 NE 9TH AVE
CAPE CORAL FL 33909

PACHECO JOSEPH
2307 NW 9TH ST
CAPE CORAL FL 33993

JOHNSON ERIC A & ELIZABETH
1190 PINE LAKE DR
CAPE CORAL FL 33909

EWING STEVEN R
1196 PINE LAKE DR
CAPE CORAL FL 33909

PORTAL SUNEIDY
1200 PINE LAKE DR
CAPE CORAL FL 33909

GRANT SANDY +
7028 S CROTON HARDY DR
NEWAYGO MI 49337

KING GINA
1201 PINE LAKE DR
CAPE CORAL FL 33909

VERLEY JASON
1818 SUNSET PL
FORT MYERS FL 33901

WARD MARTHA JOY L/E
1189 PINE LAKE DR
CAPE CORAL FL 33909

OLLIE REALTY INC
612 5TH ST
CARLSTADT NJ 07072

SERRANO MARLON I BANEGAS
2317 FLAGLER AVE
KEY WEST FL 33040

GRAY SCOTT THOMAS TR
10110 CHESAPEAKE BAY DR
FORT MYERS FL 33913

854 LEO THOMAS LLC
10110 CHESAPEAKE BAY DR
FORT MYERS FL 33913

GRAY SCOTT T
10110 CHESAPEAKE BAY DR
FORT MYERS FL 33913

854 LEO THOMAS LLC
10110 CHESAPEAKE BAY DR
FORT MYERS FL 33913

854 LEO THOMAS LLC
10110 CHESAPEAKE BAY DR
FORT MYERS FL 33913

WAVE GOODBYE LLC
1421 GOLDEN CREST DR
ESCONDIDO CA 92029

JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

JOHNSON SAMUEL V
278 SNOW RIDGE DR
HENDERSONVILLE NC 28792

KIRBY FAMILY LP #3
1406 SE 46TH LN STE 4
CAPE CORAL FL 33904

MAURO JOHN & THERESA
950 HANCOCK CREEK SOUTH BLVD #411
CAPE CORAL FL 33909

MANTOVANI EUGENE A SR &
19 COLE RD
HAMDEN CT 06518

HAMILTON SHARON
950 HANCOCK CREEK SOUTH BLVD #413
CAPE CORAL FL 33909

THOMPSON PATRICIA M
950 HANCOCK CREEK SOUTH BLVD #414
CAPE CORAL FL 33909

ZITO ANTHONY & MARIE
60 CHARLWOOD DR
FREELAND PA 18224

SCHULTZ FRANK E
950 HANCOCK CREEK S BLVD #416
CAPE CORAL FL 33909

FERNANDEZ BARBARA ODALIS &
950 HANCOCK CREEK SOUTH BLVD #421
CAPE CORAL FL 33909

CROCCE ITURBE ROLANDO A
950 HANCOCK CREEK S BLVD #422
CAPE CORAL FL 33909

PRUITT MARCIA +
4045 18TH ST
WYANDOTTE MI 48192

QUEZADA JENDRY S &
4623 SW 7TH AVE
CAPE CORAL FL 33914

RAMCHAND GOPAUL & KUNTI
1516 CLEARVIEW DR
OAKVILLE ON L6J 6W7
CANADA

FOLLESE MARC D +
2544 SE 25TH AVE
CAPE CORAL FL 33904

ULINO LISA
1100 PONDELLA RD APT 401
CAPE CORAL FL 33909

JAGGER BARBARA CHARLENE
1100 PONDELLA RD #402
CAPE CORAL FL 33909

MARY J THURMAN TRUST +
1100 PONDELLA RD #403
CAPE CORAL FL 33909

WARNER ANGIE +
3970 UTOPIA DR
CLARKLAKE MI 49234

BYRON KATHLEEN L TR
67 PINE RIDGE RD
E FALMOUTH MA 02536

CHADBOURNE STEVEN WAYNE &
1100 PONDELLA RD #406
CAPE CORAL FL 33909

HOLSTEIN WILLIAM +
6726 WESTBROOK DR
COLUMBUS IN 47201

RHORER NANCY
1100 PONDELLA RD #408
CAPE CORAL FL 33909

RYAN ROBERT G III
1100 PONDELLA RD #409
CAPE CORAL FL 33909

COSTANZO VINCENZO +
9190 TRADITIONS WAY #208
NORTH ROYALTON OH 44133

KOHNKE WAYNE & PHYLLIS
1870 W SHOREWOOD DR
HOFFMAN ESTATES IL 60192

DEVLIN DEBORAH A
2710 DEL PRADO BLVD S #142
CAPE CORAL FL 33904

BRADFORD WILLIAM
1100 PONDELLA RD # 413
CAPE CORAL FL 33909

TREMITI LOUIS & JOANNE M
534 ORCHID VIEW DR
ROCHESTER NY 14612

PEQUET JULIE A TR
1100 PONDELLA RD #415
CAPE CORAL FL 33909

PETERSON GREGORY R
PO BOX 1226
RIDGEFIELD CT 06877

CARROLL CHRISTOPHER W +
1100 PONDELLA RD #301
CAPE CORAL FL 33909

SALAMONE RANDY D &
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BAYPORT NY 11705

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LINTHICUM MD 21090

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MCKINSEY SAMANTHA +
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HENLEY BUILDING LLC
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FORT MYERS FL 33902

UNKNOWN HEIRS OF
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HESS MARK D
1100 PONDELLA RD #107
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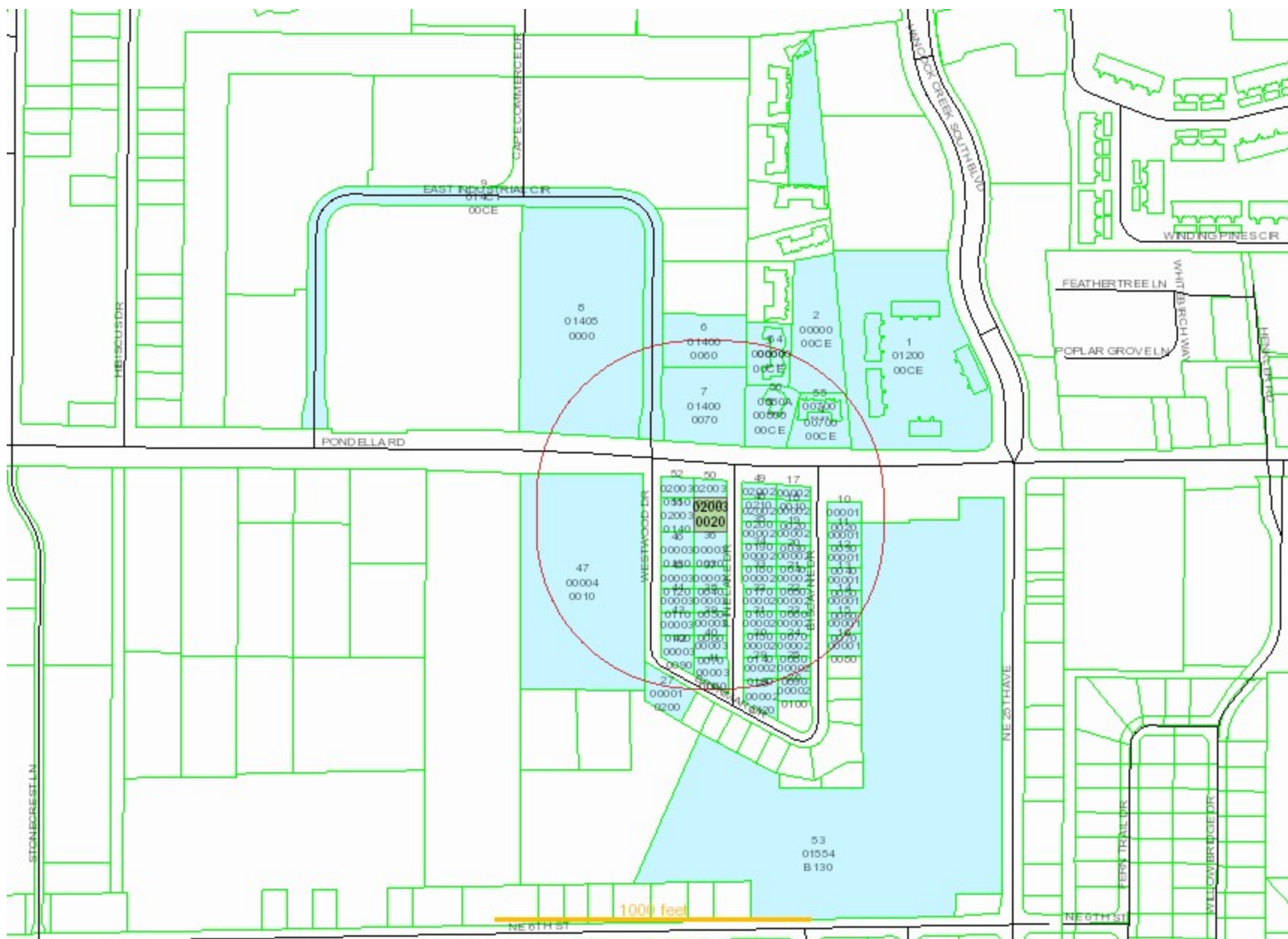
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GUIDO ANTOINETTE +
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TROTTA NICOLE MARIE
1100 PONDELLA RD #208
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OASIS OF CAPE CORAL
COASTAL ASSOCIATION SERVICES
PO BOX 152930
CAPE CORAL FL 33915

ROYAL HAWAIIAN CLUB PHASE III
PREMIER CAM SERVICES LLC
PO BOX 152047
CAPE CORAL FL 33915

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PREMIER CAM SERVICES LLC
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DARREN D CHOCHOLEK TRUST +
2980 SCOTT ST
VISTA CA 92081

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STE 500
5220 SUMMERLIN COMMONS BLVD
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RODRIGUEZ LIUSBEL
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JASPER STONES INVESTMENTS LLC
1906 GRACE AVE
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CAPE CORAL FL 33993

BARK CHRISTINE
1173 BISCAYNE DR
CAPE CORAL FL 33909

NELSEN RESIDENCE INC
PO BOX 151503
CAPE CORAL FL 33915

MCHUGH MARK J & KRISTIN E
1105 BRYNMAR DR
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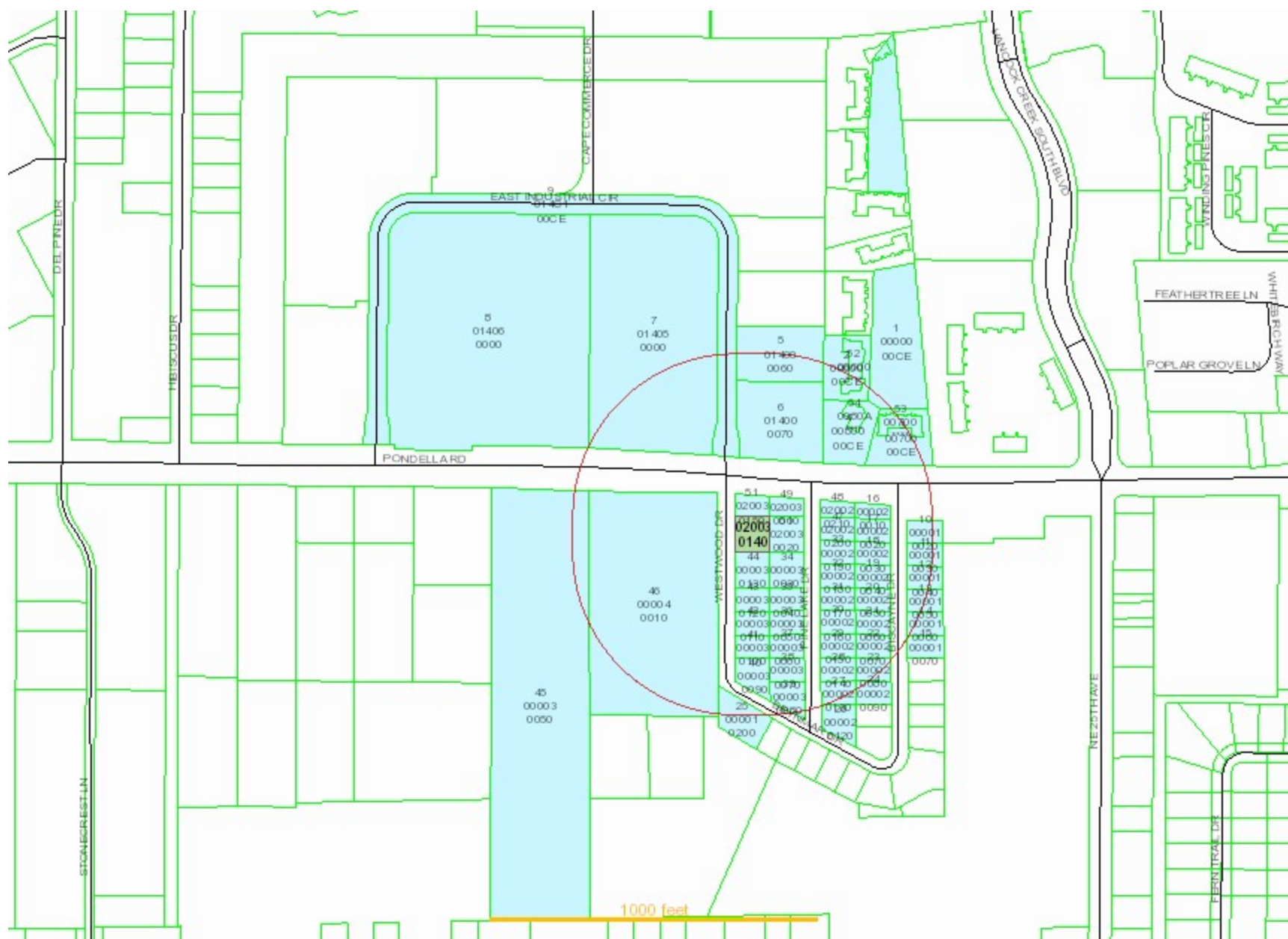
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DUCHARME MCMILLEN + ASSOC
PO BOX 80615
INDIANAPOLIS IN 46280

WAVE GOODBYE LLC
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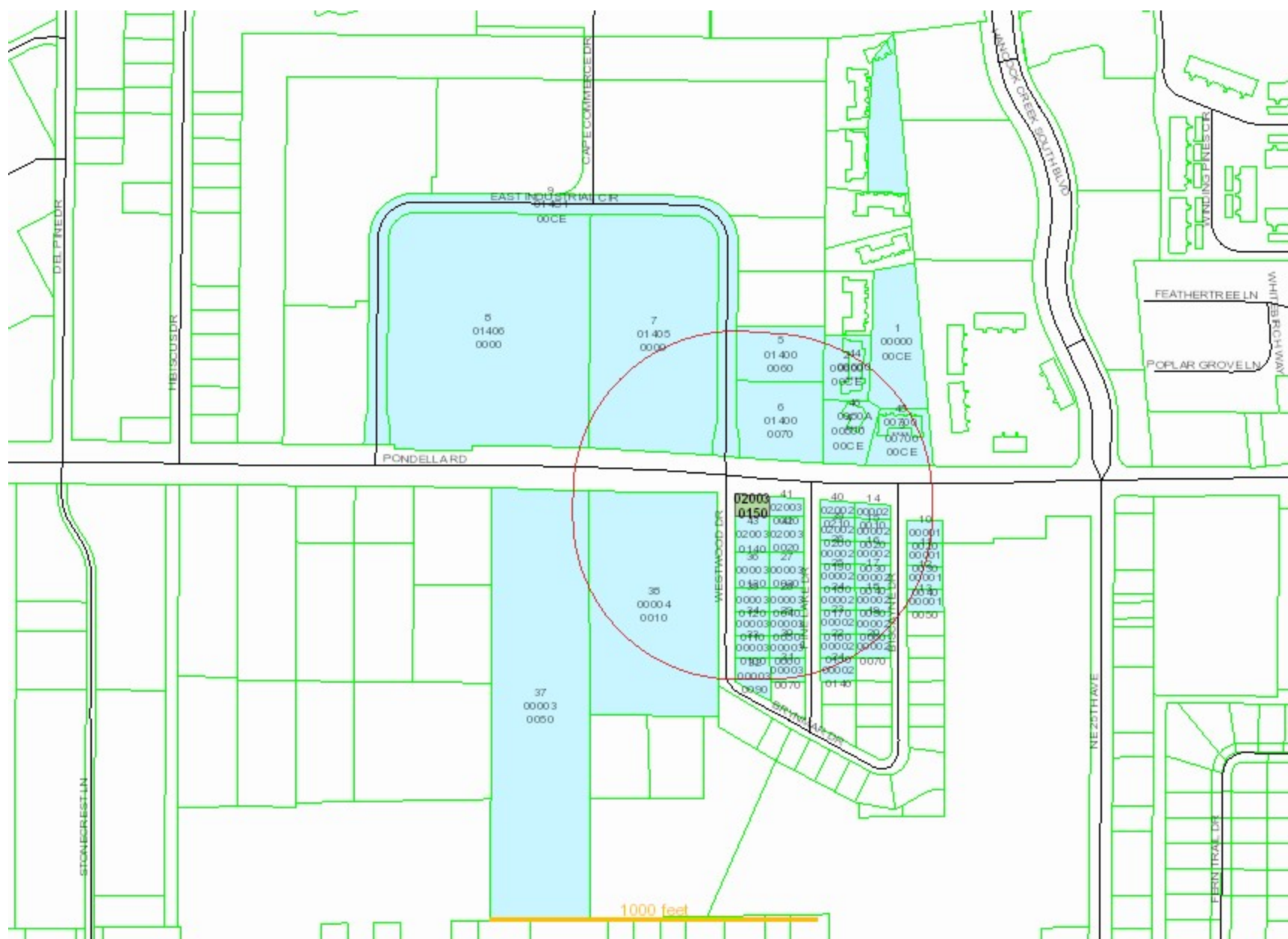
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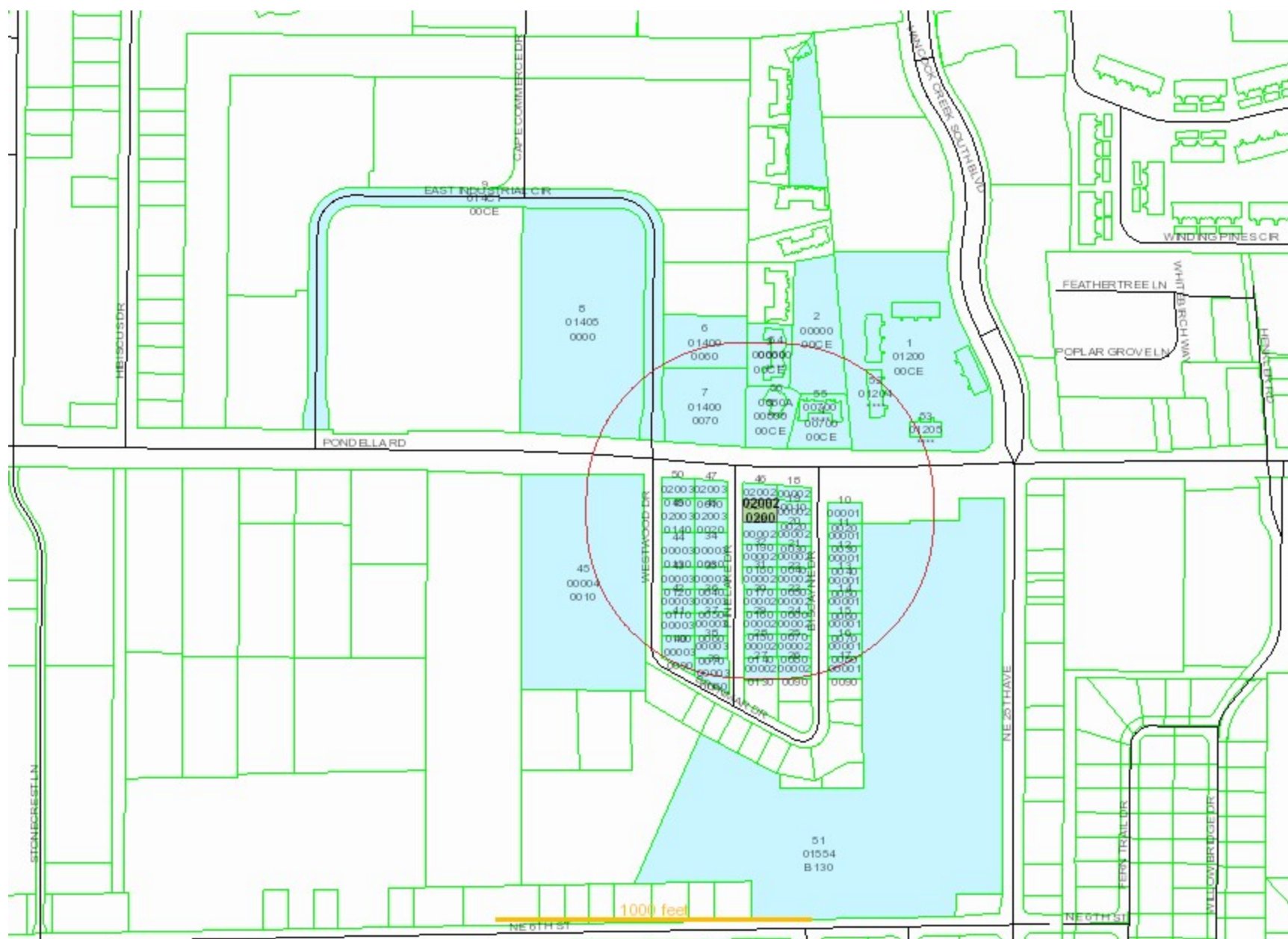
LUSK THOMAS W & SUE E
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950 HANCOCK CREEK SOUTH BLVD #311
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MAFFET RAYMOND R + KATHLEEN TR
2883 N RIVERWOOD DR
TWIN LAKE MI 49457

GARCIA-BREA CLAUDIA
324 NE 7TH ST
CAPE CORAL FL 33909

MATHERS HOWARD +
81 LANTANIA BLVD
BRAMPTON ON L6P 1X6
CANADA

RIVERA SANTA TR
950 HANCOCK CREEK SOUTH BLVD #315
CAPE CORAL FL 33909

MURPHY CATHERINE
950 HANCOCK CREEK SOUTH BLVD #316
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RICHARDS KIMBERLY &
950 HANCOCK CREEK SOUTH BLVD #322
CAPE CORAL FL 33909

BOGAR WILLIAM D &
2563 SW 28TH AVE
CAPE CORAL FL 33914

CRONK AMBER NICHOLE
950 HANCOCK CREEK SOUTH BLVD #324
CAPE CORAL FL 33909

GRAHAM MICHELLE +
1126 SE 12TH CT
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BZDAWKA MURIEL D
W2256 COUNTY RD VV
KESHENA WI 54135

MAURO JOHN & THERESA
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Legal Description

LEGAL DESCRIPTION

Lots 1, 2, 14 and 15, Block 3, PONDELLA HEIGHTS, Unit 2,
a subdivision according to the plat thereof recorded in Plat Book 12,
Page 25, Public Records of Lee County, Florida;

AND

Lots 20 and 21, Block 2, PONDELLA HEIGHTS, Unit 2, a sub- division
according to the plat thereof recorded in Plat Book 12, Page 25, Public
Records of Lee County, Florida.

LESS AND EXCEPT: Road Right of Way described in that certain instrument
recorded in O.R. Book 3009, Page 3602, Public Records of Lee County,
Florida.



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Web: AvalonEng.com
#EB 0003128

June 21, 2023

Ms. Amy Yearsley, Planning Manager
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

PROJECT: 1.02 +/- ACRE - SECTION 08, TOWNSHIP 44S, RANGE 24E

SUBJECT: SMALL SCALE FUTURE LAND USE MAP AMENDMENT LETTER OF INTENT

Dear Ms. Yearlsy:

As provided for in Section 3.5.2 of the City of Cape Coral's Land Development Code, and on behalf of the property owner Samuel Johnson, we respectfully request an amendment to the City of Cape Coral's Future Land Use Map to change the designation of the subject 1.02 acres from Intensive Development (Lee County Future Land Use designation) to the Commercial Professional (City of Cape Coral Future Land Use designation).

The subject parcel consists of six parcels with separate strap numbers, approximately 1.02 acres within Section 08, Township 44 S, Range 24E, south side of Pondella Road, on Pine Lake Drive, east of Westwood Drive and west of Hancock Creek South Blvd/NE 25th Ave.

The subject parcels currently carry a Lee County Future Land Use designation of Intensive Development and a Lee County zoning of RS-1.

The adjacent properties have the following land use and zoning designations:

	West Parcels		East Parcels	
	Zoning	Land Use	Zoning	Land Use
East	Proposed C	Requesting CP	RS-1	Intensive Development
West	Industrial	Industrial	Proposed C	Requesting CP
North	Industrial	Industrial	Industrial	Industrial
South	RS-1 & RM-2	Intensive Development	RS-1	Intensive Development

Reason for this request:

These parcels were annexed into the City of Cape Coral on November 2, 2022 by Ordinance # 90-22. Parcels annexed into the City of Cape Coral retain their Lee County Future Land Use designation until an application to amend the Future Land Use is submitted and approved by the City of Cape Coral City Council.

These parcels are located near other parcels within the City of Cape Coral that have a Future Land Use designation of Industrial and Pine Island Road District. The area is a mixture of City of Cape Coral intense industrial uses, residential multi-family developments, and single-family homes located in Lee County with a Future Land Use of Intensive Development.

Lee County's Intensive Development Future Land Use Category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

This area of the city/county is planned to support more intensive uses in the future. This amendment will support the original future land use from the county as well as the city of Cape Coral's need for commercial development.

MANNER OF INITIATION

Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner: By a petition of one or more property owners of at least 51% of the property owners of the area proposed for an amendment.

The property owner submitting this petition has 100% ownership in the parcels requesting approval of this Future Land Use Map Amendment to Commercial Professional (CP).

REVIEW CRITERIA

Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:

1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.

The applicant finds that the following City of Cape Coral's Comprehensive Plan Policies are consistent with this Future Land Use Map Amendment Application:

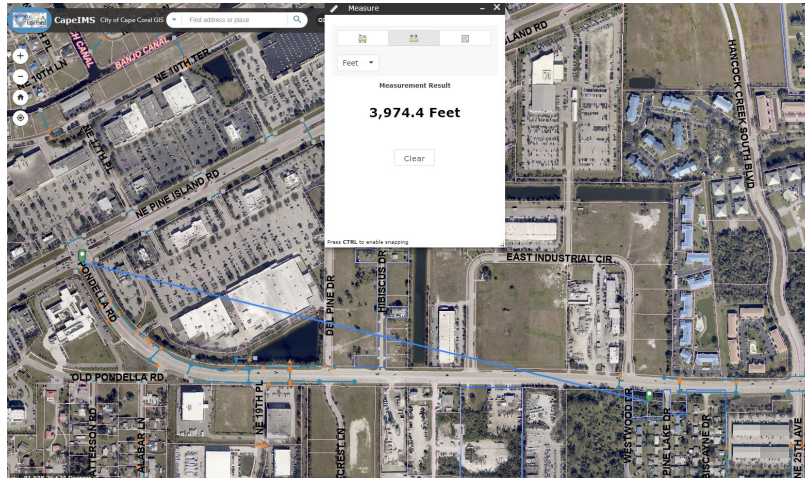
Policy 1.13: The ideal commercial node development pattern would consist of commercial land located at the intersection of arterial and/or collector streets in a relatively compact manner, characterized by a 1:1 ratio of width to depth of the parcels.

Policy 1.14: The City of Cape Coral's commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications.

Commercial Siting Guidelines:

Major Intersection:

Preferred locations for commercial properties are in the vicinity of major intersections. Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. New commercial properties should be located adjacent to the intersection.



The subject parcels are not located at the intersection of Pine Island Road and Pondella Road but are less than $\frac{3}{4}$ of a mile from that intersection and less than $\frac{1}{2}$ mile from the southeastern portion of the shopping center located at the intersection. East of the subject parcels, less than $\frac{1}{4}$ of a mile is the intersection of Hancock Bridge Parkway and Pondella Road.

Adequate Depth:

A commercial property should extend not only along the adjacent collector or arterial roadway but also provide an adequate depth of 250 feet.

The current depth of the subject parcels is typical for a City of Cape Coral Platted Lot, containing 120 linear feet to 140 linear feet, less than the desired 250 feet, but suitable for a variety of service-related commercial uses.

Compactness:

The shape of an ideal compact commercial property approaches that of a square or rectangle.

The subject parcels are compact and are square in shape.

Integration

Properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.

It is very likely that the residential lots within this area of Lee County may be annexed into

the city and developed with similar commercial uses.

Assembly:

The City encourages commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more).

The subject parcels are an assemblage of parcels but do not comprise 3 acres or more.

Intrusion:

Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single-family development. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed.

The subject parcels can be properly buffered, and the site designed in a way to limit the level of intrusion on the existing residential homes along the southern property line.

Access:

Two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of commercial future land use at the proposed location should be encouraged.

- a) Access via a platted City parking area.
- b) Direct access onto an arterial or collector roadway having adopted City access management plan

Pondella Road is a Lee County arterial roadway, access into a future commercial development will likely be from the adjacent local streets.

Ownership Pattern:

The City of Cape Coral encourages landowners and developers to assemble the properties involved in a commercial future land use request under common ownership.

There is one owner for the subject parcels.

Policy 1.15.c. Commercial/Professional: This Land Use designation will encourage a broad variety of large or small commercial uses.

The subject parcels would support a smaller commercial use promoting new and growing business space in Cape Coral.

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

Infrastructure exists for the future development of these parcels.

Policy 3.3: The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses.

The subject parcels would support the need for new commercial square footage.

Policy 5.3: New commercial development shall meet all the requirements for adequate facilities based on the level of services standards adopted for roads, potable water, sanitary sewer, solid waste, storm water facilities, and other services in this plan.

The level of service within this area is adequate to support the development of the subject parcels.

Policy 8.3: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses.

Any commercial development would need to provide an opaque screening or a wider green space buffer yard along the property line of each site to screen the commercial development from the residential homes to the south.

2. The amendment protects the health, safety, and welfare of the community.

This amendment will provide commercial space for new services and products, adding to the commercial tax base.

3. The proposed amendment and all the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;

The physical features of the subject site, which includes location, size of the parcel, shape of the parcel, same ownership, are consistent with the requested land use and the compatible commercial zoning district.

4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;

The uses permitted in the Commercial Zoning District, which is compatible with the requested Commercial Professional Future Land Use designation, are less intensive uses than the adjacent parcels with Industrial Zoning and the existing uses provided on those parcels. The future development of the subject parcels would require a proper buffer from the residential uses to the south.

5. The site can accommodate all the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and

The site is suitable for a variety of commercial products and services. The site is adjacent to other parcels with similar Land Use and Zoning and which currently or will provide in the future similar commercial or industrial developments.

Should you or your staff have questions or require additional information, please let us know.

Sincerely,

AVALON ENGINEERING, INC.



Linda Miller, AICP
Vice President



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Web: AvalonEng.com
#EB 0003128

June 19, 2023

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

PROJECT: Future Land Use Amendment from Intensive Development (Lee County) to CP (Commercial Professional) City of Cape Coral

SUBJECT: TRAFFIC GENERATION STATEMENT

Included herewith are the traffic generation calculations for the above referenced project. As the project creates more than 300 vehicle peak hour of the generator trips for the future building out of the site with both commercial and residential uses, a traffic impact statement will be necessary for this mixed-use development.

Source: I.T.E. Trip Generation Manual, 11th Edition
Land Use: (180) Specialty Trade Contractor
Square Footage: 8,886

Weekday AM Peak Hour of the Generator:

1.98 per 1000 SF GLA
13.54 vehicles entering 77%
4.05 vehicles exiting 23%
17.59 TOTAL VEHICLES

Weekday PM Peak Hour of the Generator:

2.18 Per 1000 SF GLA
7.36 vehicles entering 38%
12.01 vehicles exiting 62%
19.37 TOTAL VEHICLES

If you should have any questions or require additional information, please feel free to call me.

Sincerely,

AVALON ENGINEERING, INC.

Linda Miller, AICP
Vice President



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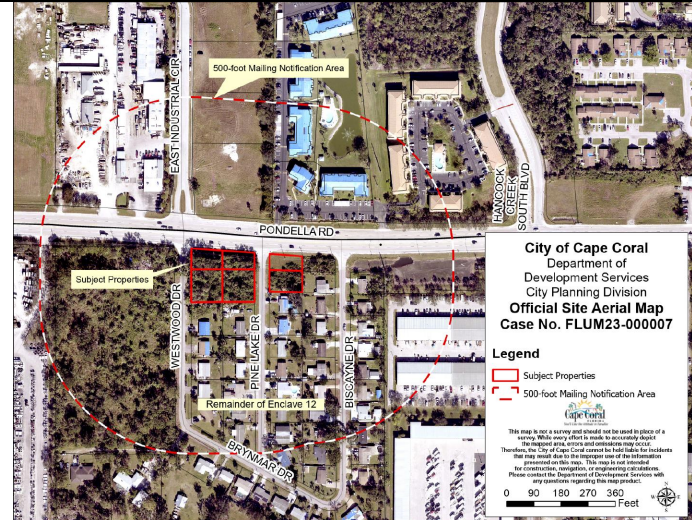
Thursday, April 18, 2024

Case No.:	FLUM23-000007	Prepared By:	Chad Boyko, Principal Planner
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Property Location:	1205-1212 Pine Lake Drive 1206-1212 Westwood Drive	Property Owner	
Authorized Representative		Name:	Samuel V. Johnson
Name:	Avalon Engineering, LLC		

SUMMARY OF REQUEST:

The applicant requests a future land use map amendment from the Lee County future land use designations of RS-1 and Intensive Development to the City of Cape Coral future land use designation of Commercial/Professional (CP). The site is six parcels, totaling 1.02 acres, and was annexed into the City of Cape Coral in 2022.



MAP SOURCE: City of Cape Coral

Existing Zoning	Existing Land Use	Proposed Land Use	Site Improvements	Size of Property (+/-)
Lee County Zoning	RS-1 and Intensive Development	Commercial/Professional(CP)	None	1.02 acres

STAFF RECOMMENDATION: | Approval

CASE OVERVIEW

Background:	<ul style="list-style-type: none">The site was recently annexed into Cape CoralMix of uses surrounding site – single-family, multi-family, non-residential
Positive Aspects of Application:	<ul style="list-style-type: none">Allows entitlements for development in Cape CoralAllows commercial development along an arterial roadway



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SITE INFORMATION

Street Addresses: 1205-1212 Pine Lake Drive and 1206-1212 Westwood Drive

Urban Service Area: Transition

City Water & Sewer: City Water: Yes City Sewer: Yes

Right-of-Way Access: The site is accessible from Pondella Road Road

STRAP Number(s): Multiple STRAP numbers

Block / Lot(s): Multiple lots within Pondella
Heights Subdivision

Site Area: SQ. FT. (+/-): 44,431 Acres (+/-): 1.02 acres

FUTURE LAND USE AND ZONING INFORMATION

Site:	Future Land Use	Zoning
Current:	Rural (Lee County designation)	Lee County Designation
Proposed:	Commercial/Professional (CP)	N/A
	Surrounding Future Land Use	Surrounding Zoning
North:	Industrial (I)	Light Industrial (I)
South:	Lee County designation	Lee County designation
East:	Lee County designation	Lee County designation
West:	Industrial (I)	Light Industrial (I)

PURPOSE OF REQUEST

The applicant has requested this amendment to the Future Land Use Map to allow for a change of land use to accommodate the construction of a commercial development on the site.

FUTURE LAND USE/ZONING HISTORY

The property being analyzed was annexed into the City of Cape Coral in November of 2022. All annexed parcels retain their county designations until a change is adopted by the City. The site has the Rural future land use designation and a Lee County zoning designation.

Per Florida Statutes, any annexed parcels retain their unincorporated county Future Land Use and Zoning designations until the municipality approves changes to both designations.



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BACKGROUND

The site is six undeveloped parcels in Northeast Cape Coral. Three parcels have frontage on Pondella Road, one parcel has frontage on Westwood Drive, and another parcel has frontage on Pine Lake Drive. All six parcels are under common ownership, however, two parcels are separated by Pine Lake Drive. The site was annexed into the City of Cape Coral in November of 2022. The site is adjacent to single-family homes to the south and east, an undeveloped parcel to the west, and a multi-family development to the north. There are several non-residential uses in the nearby vicinity, mostly to the north and west.

Aerial Map

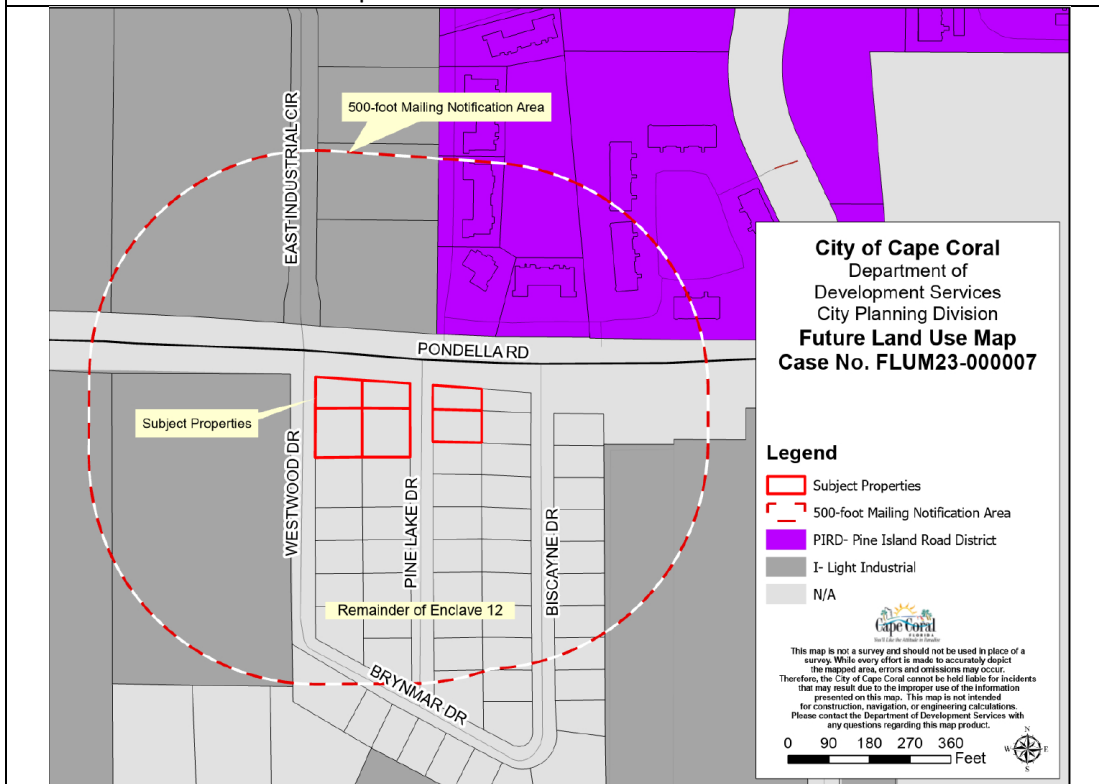




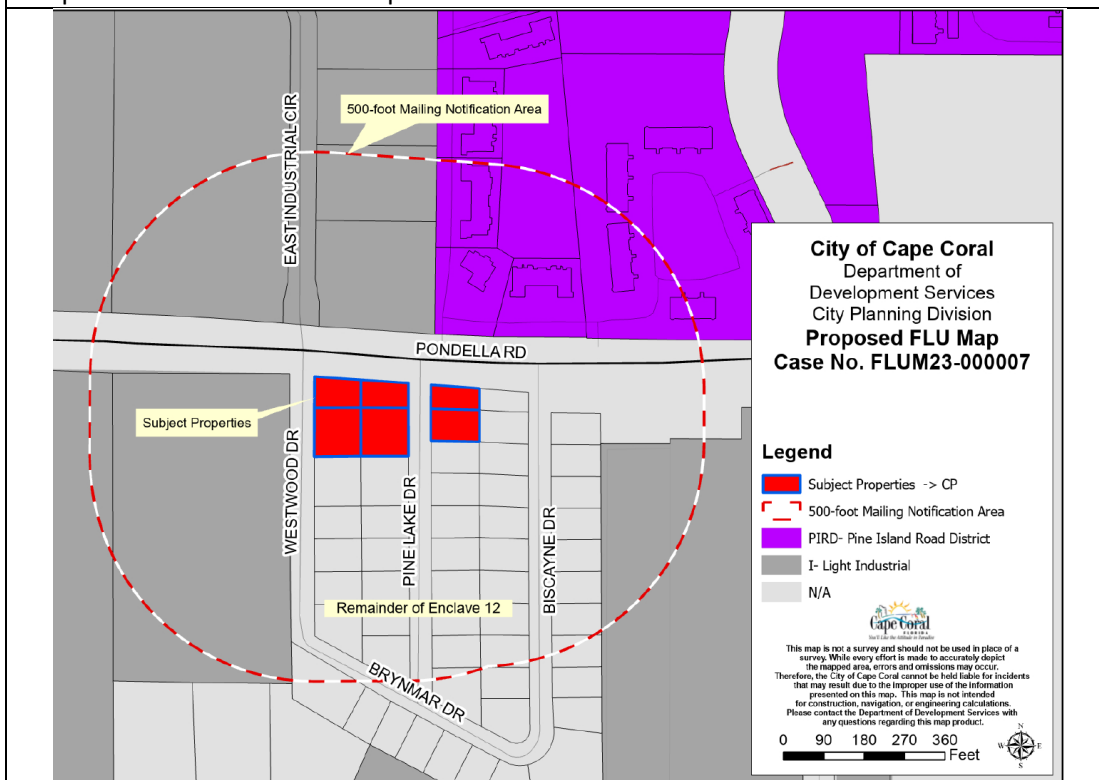
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Current Future Land Use Map



Proposed Future Land Use Map





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ADDITIONAL SITE INFORMATION

Protected Species:

The City does not have historical records indicating that burrowing owls or other protected species have inhabited the subject properties. The City requires species surveys prior to the issuance of permits or development approvals, in accordance with Policy 1.2.1 of the Conservation and Coastal Management Element of the Comprehensive Plan.

Policy 1.2.1: By 2020, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or, which may contain habitat for protected species, undergoing significant development and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.

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

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

Utilities:

The subject property is in the Urban Services Transition area as designated by the City Comprehensive Plan. Utilities are available on the site.

Soils and Drainage:

The site is located on the Matlacha gravelly fine sand, limestone substratum – Urban land complex (Soil Type 122). The soil consists of somewhat poorly drained sandy mine spoil or earthy fill over sandy marine deposits over limestone. This soil has some limitations for development, which are typically overcome using various engineering solutions such as importing fill and is suitable for both single family dwelling construction, with no basement, and small-scale commercial developments. The soil types should not present an obstacle to future land development although special feasibility studies may be required.

Regional Plan Analysis:

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):
This amendment is not in conflict with the SRPP

Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan:
This amendment has no effect on the MPO's 2045 LRTP.



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APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.5.2 for evaluating amendments to the Future Land Use Map. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed amendment based upon conformance with the criteria:

- A. *Purpose of Amendments. Future Land Use Map Amendments shall be considered for the following reasons:*
- 1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.*
 - 2. The amendment promotes compliance with changes to other city, state, or federal regulations.*
 - 3. The amendment results in compatible land uses within a specific area.*
 - 4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.*
 - 5. The amendment is consistent with the City's ability to provide adequate public facilities and services.*
 - 6. The amendment prepares the city for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.*

Analysis: The applicant is seeking an amendment to the Future Land Use Map to allow for the construction of a commercial development on the site. The amendment is not being proposed to promote compliance with changes to other city, state, or federal regulations; does not implement findings of reports, studies or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments; and has no bearing on the consistency with the City's ability to provide adequate public facilities and service.

Refer to below Comprehensive Plan Analysis Section for compliance with Purpose #1, implementing the goals, objectives, and policies of the Comprehensive Plan.

The proposed amendment is consistent with Purpose #3, as the change to Commercial/Professional (CP) would result in compatible land uses within a specific area. The applicant is requesting the amendment on the basis that the proposed amendment will bring the site into a compatible land use with those land uses which exist adjacent to the property. There are nearby commercial and industrial uses as well as many of the same uses throughout the Pine Island Road Corridor.

The proposed amendment is not in conflict with Purpose #6, as the change to CP, prepares the city for future growth by allowing for additional areas that provide goods and services as well as employment opportunities.

- 1. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.;*

Analysis: The site has access to water and sewer utilities currently. Sewer is provided by Cape Coral, while the Greater Pine Island Water Association (GPIWA) has the authority to provide water to the site. Pondella Road, which is a major arterial. The site is also an adequate size for development of stormwater and retention systems.



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For a complete breakdown of infrastructure impact, including impact on water, sewer, solid waste, traffic, police, fire, park land and schools please refer to Impact Assessment Summary Analysis Section of this document.

2. *Other factors deemed appropriate by the Commission and City Council.*

N/A: to be determined by the Commission and City Council.

Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.5.2.C of the Land Development Code of the City of Cape Coral and for consistency with the Goals, Objectives, and Policies of the Comprehensive Plan. Below will be found an in-depth analysis of the proposed amendment to the Future Land Use Map based upon the applicable Goals, Objectives and Policies:

Policy 1.15

Commercial/Professional (CP)

Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP Classification. Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, two zoning districts are consistent with the Commercial/Professional future land use classification, identified below. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

Staff Response: The site is along Pondella Road and while the CP future land use designation is not mapped onto any nearby parcels, there are parcel with non-residential land use designations to the north and west. The maximum Floor Area Ratio (FAR) is 1.0 and the maximum commercial square footage that could be developed is 43,558 sq. ft.

Policy 1.13

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

Response: The site is near a commercial node – the intersection of Pondella Road (major arterial) and Hancock Creek South Boulevard (collector). From this intersection, there is non-residential land use classifications such as PIRD and Industrial (I) extending in all four directions. The only break in the non-residential classifications is due to two properties east of the site that are still within unincorporated Lee County. The non-residential classifications extend past the site to west and continue to the Pine Island Road and Del Prado Boulevard intersection. All these factors qualify the site as being at a commercial node.



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Chapter 4, Future Land Use Element, Policy 1.14: The City of Cape Coral's commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept, as described in Policy 1.13, above. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications. Additional guidance for consideration of such properties is contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Within this broad, general context, consideration of properties proposed for conversion to a commercial future land use shall be based upon the following commercial siting guidelines.:

Commercial Siting Guidelines

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersection of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a new, separate commercial property or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties.

Analysis: As discussed previously, the site is considered to be at a commercial node near a major intersection. The site is seeking a similar future land use designation as other properties at this major intersection. Planning staff finds that the site is at a major intersection and the proposed future land use designation is consistent with this commercial siting guideline.

Adequate Depth

Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Therefore, adequate depth is achieved if any number of contiguous properties, occupy the entire 250 feet of depth.

Analysis: The site has frontage along an arterial roadway and the site has the site has between 175 feet and 130 feet of depth. The site lacks the ideal depth of 250 feet which could make a quality commercial development difficult but not impossible. Planning staff finds that the proposed future land use designation is partially consistent with this commercial siting guideline.

Compactness

Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of



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development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.

Analysis: The site is six parcels that are semi-rectangular in shape and are compact. The shape should allow for orderly arrangement of development. Planning staff finds that the proposed future land use designation is consistent with this commercial siting guideline.

Integration

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

Analysis: There is no existing commercial development on the site. No abutting sites have any commercial development and the only abutting parcels are to the south and are developed with single-family homes. Due to the lack of existing commercial development, it's unlikely that commercial integration will occur on the site. Planning Staff finds the proposed future land use of the site is not consistent with this commercial siting guideline.

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acres) in size. These lots were designed primarily for single family residential developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered "assembled," for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

Analysis: The site is already an assemblage of six parcels, however, these parcels only total approximately an acre in size. Additional assemblage is unlikely due to the lack of abutting parcels except for the single-family homes to the south. Due to the lack of assemblage



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opportunities and the small size of the site, Planning staff finds that the proposed future land use designation is partially consistent with this commercial siting guideline.

Intrusion

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

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

Analysis: The site is undeveloped and there is abutting residential development. New commercial could be considered intrusive, although, the Land Development Code requires significant buffering between commercial sites and residential properties. The small size of the site limits the types of development that occur on the parcels which helps to limit the potential intrusion into the residential neighborhood. With the presence of nearby residential units, Planning staff finds that the proposed future land use designation is not consistent with this commercial siting guideline.

Access

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

- a. Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City of landowners. The Comprehensive Plan and City Land Development Code refer to these as "dedicated City parking areas." These parking areas are often surrounded by smaller



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platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City's interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.

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

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

Ownership Pattern

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

Analysis: The site is six parcels, but only approximately one acre in size. All parcels have the same owner. While the overall size of the site is small, the common ownership should discourage strip development, therefore, Planning staff finds that the sites future land use designation is partially consistent with this commercial siting guideline.

Summary

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



PLANNING DIVISION STAFF REPORT

Thursday, April 18, 2024

IMPACT ASSESSMENT SUMMARY

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc.

The existing land use classification for the site is Commercial – which is a Lee County future land use designation. Since the site has been annexed, the site cannot be developed until a future land use amendment and zoning change have been enacted. This impact assessment summary will not consider the existing future land use designation. The site is proposed for the CP future land use designation. The maximum intensity permitted under the CP future land use classification is a floor-to-area ratio (FAR) of 1.0. Historical development in Cape Coral has occurred at an FAR of 0.25. For purposes of this impact assessment summary, staff will assume an FAR of 0.5. This FAR would result in the site developing with approximately 22,215 sq. ft. of commercial space. Residential units are only allowed in the CP designation with the Neighborhood Commercial (NC) zoning and as part of a mixed development. The applicant has not indicated a desire for the NC zoning, therefore, no residential units will be analyzed in this summary.

Commercial Square Footage

Existing:	22,215 sq. ft.
Proposed:	0 sq. ft.
Net Change:	+ 329,313 sq. ft.

Dwelling Units

Existing:	0
Proposed:	0
Net Change:	+ 0

Population*

Existing:	0
Proposed:	0
Net Change:	+ 0

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

Water Use

Existing:	0 gal/day at 0.3 gal/sq. ft./day
Proposed:	6,664 gal/day at 200 gal/dwelling unit/day
Net Change:	+6,664 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD



PLANNING DIVISION STAFF REPORT

Thursday, April 18, 2024

Avg. Daily Usage: 9.4 MGD

Sewage

Existing: 0 gal/day at 0.3 gal/sq. ft./day
Proposed: 6,664 gal/day at 200 gal/dwelling unit/day
Net Change: +6,664 gal/day
Facility Capacity: 30.1 MGD

Permitted Usage: 16.9 MGD

Avg. Daily Usage: 9.4 MGD

Solid Waste

Existing Generation: 0 lbs./day at 0.136 lbs/sq ft./day
Proposed: 3,021 lbs./day at 4.74 lbs/person/day
Net Change: 3,021 lbs./day
Facility Capacity: 1,836 tons/day

Existing Demand: 1,384 tons/day

Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 0 AM trips/hour and 0 PM trips/hour
Proposed: 26 AM trips/hour and 84 PM trips/hour
Net Change: +26 AM hour trips and 84 PM hour trips
Facility Capacity: Access from one major arterial
Capacity Available: Yes

Hurricane Evacuation

The site is in the Storm Surge B/Evacuation Zone B, however, the site is not in the Coastal High Hazard Area. This amendment would increase residential dwelling units in this and could cause a small impact on hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. Based on the proposed dwelling unit, an increase in park lands would be required.



PLANNING DIVISION STAFF REPORT

Thursday, April 18, 2024

Protected Species

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

School Impacts

There will be an increase in the number of dwelling units because of the proposed future land use map amendment request and an increase in the projected number of students. The increase in dwelling units will result in an increase upon the demand on school facilities.

Existing dwelling units: 0 dwelling units

Existing students: 0

Proposed dwelling units: 0 dwelling units

Proposed students: 0

Change: +0 students

RECOMMENDATION

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed amendment to Commercial/Professional (CP) is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, City Planning Staff recommends **approval** of the proposed small-scale Future Land Use Map amendment request.



PLANNING DIVISION STAFF REPORT

Thursday, April 18, 2024

PUBLIC NOTIFICATION

This case will be publicly noticed as required by the City of Cape Coral Land Development Code, Section 3.1.10 as well as Florida Statute Chapter 163 and Chapter 166 (*as applicable*) and as further described below.

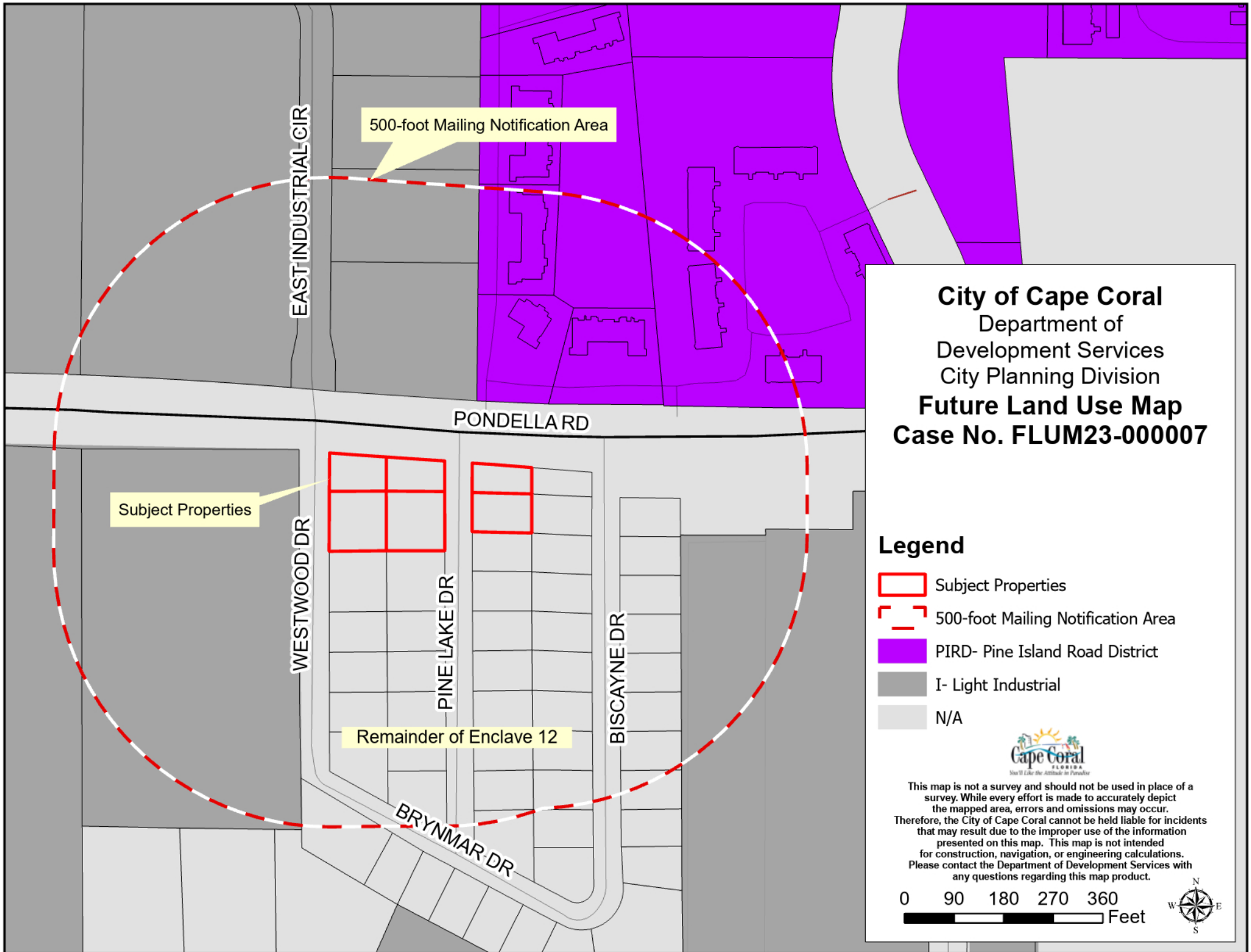
Publication: A legal ad will be prepared and sent to the News-Press announcing the intent of the petitioners to amend the future land use of the property described within this report. The ad will appear in the News-Press a minimum of (10) ten days prior to the public hearing scheduled before the Planning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

Written Notice: Property Owners located within (500) five hundred feet from the property line(s) of the land which the petitioner(s) request to amend will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of (10) ten days prior to the public hearing scheduled before the Planning and Zoning Commission.

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






Staff Contact Information

Chad Boyko, AICP, Principal Planner
Department of Community Development
Planning Division
Phone: (239) 573-3162
Email: cboyko@capecoral.gov



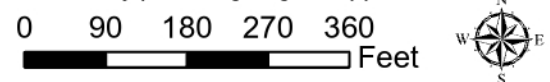
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. FLUM23-000007

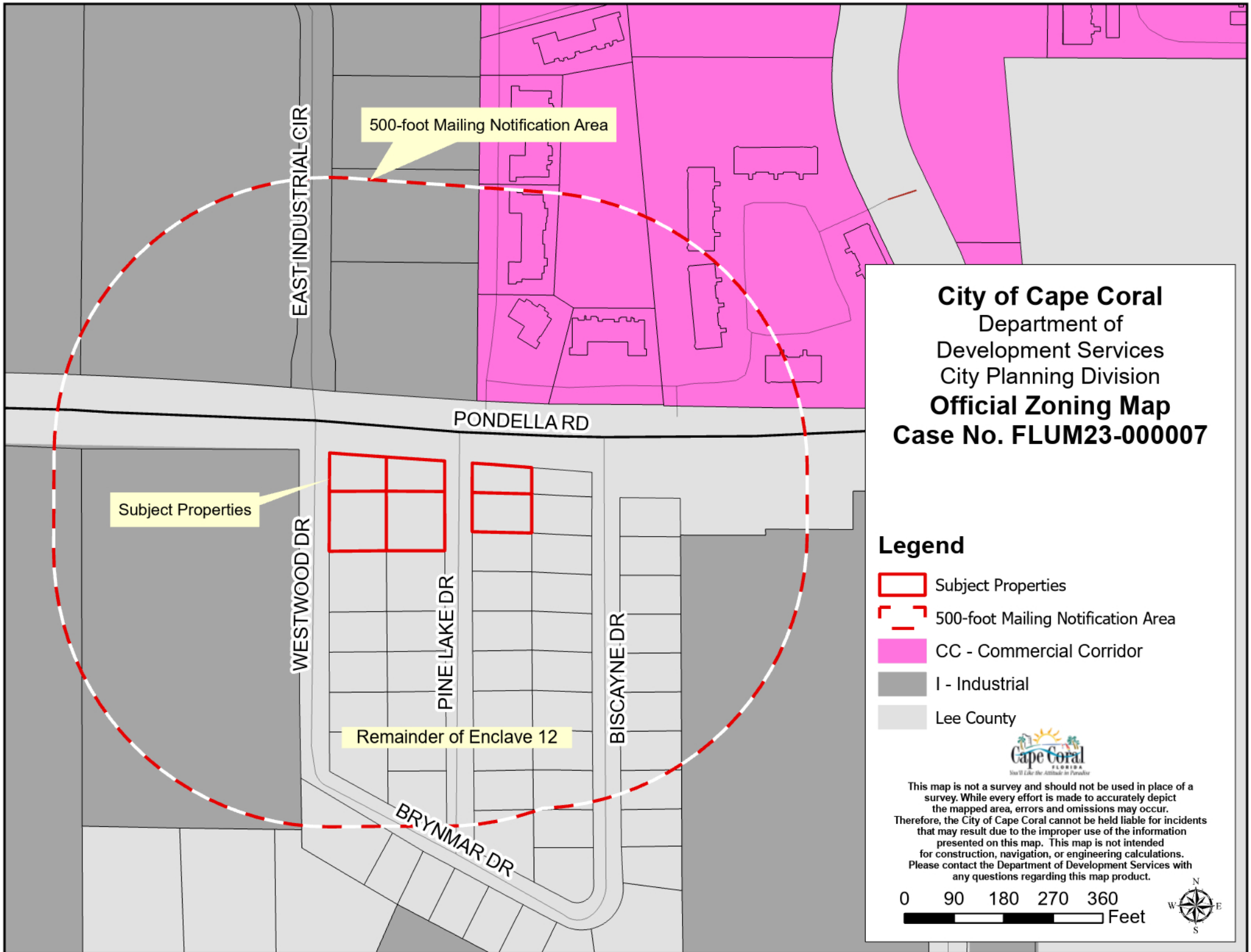
Legend

-  Subject Properties
-  500-foot Mailing Notification Area
-  PIRD- Pine Island Road District
-  I- Light Industrial
-  N/A



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 Development Services with any questions regarding this map product.





EAST INDUSTRIAL CIR

500-foot Mailing Notification Area

PONDELLA RD

Subject Properties

WESTWOOD DR

PINE LAKE DR






Remainder of Enclave 12

BISCAYNE DR

BRYNMAR DR

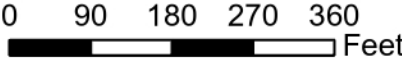
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
Case No. FLUM23-000007

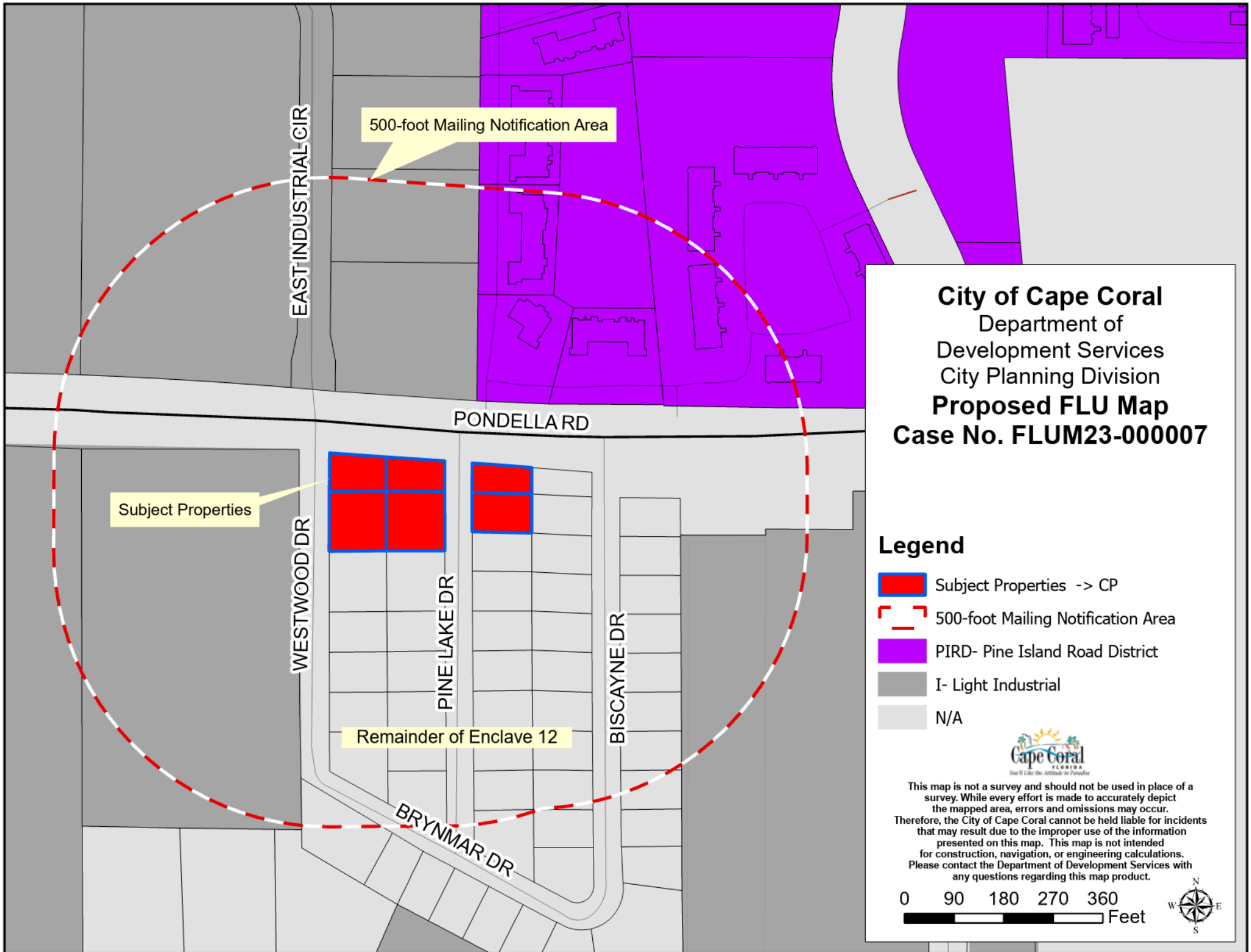
Legend

-  Subject Properties
-  500-foot Mailing Notification Area
-  CC - Commercial Corridor
-  I - Industrial
-  Lee County








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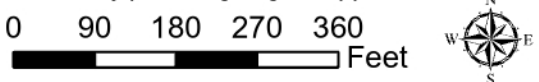
City of Cape Coral
Department of
Development Services
City Planning Division
Proposed FLU Map
Case No. FLUM23-000007

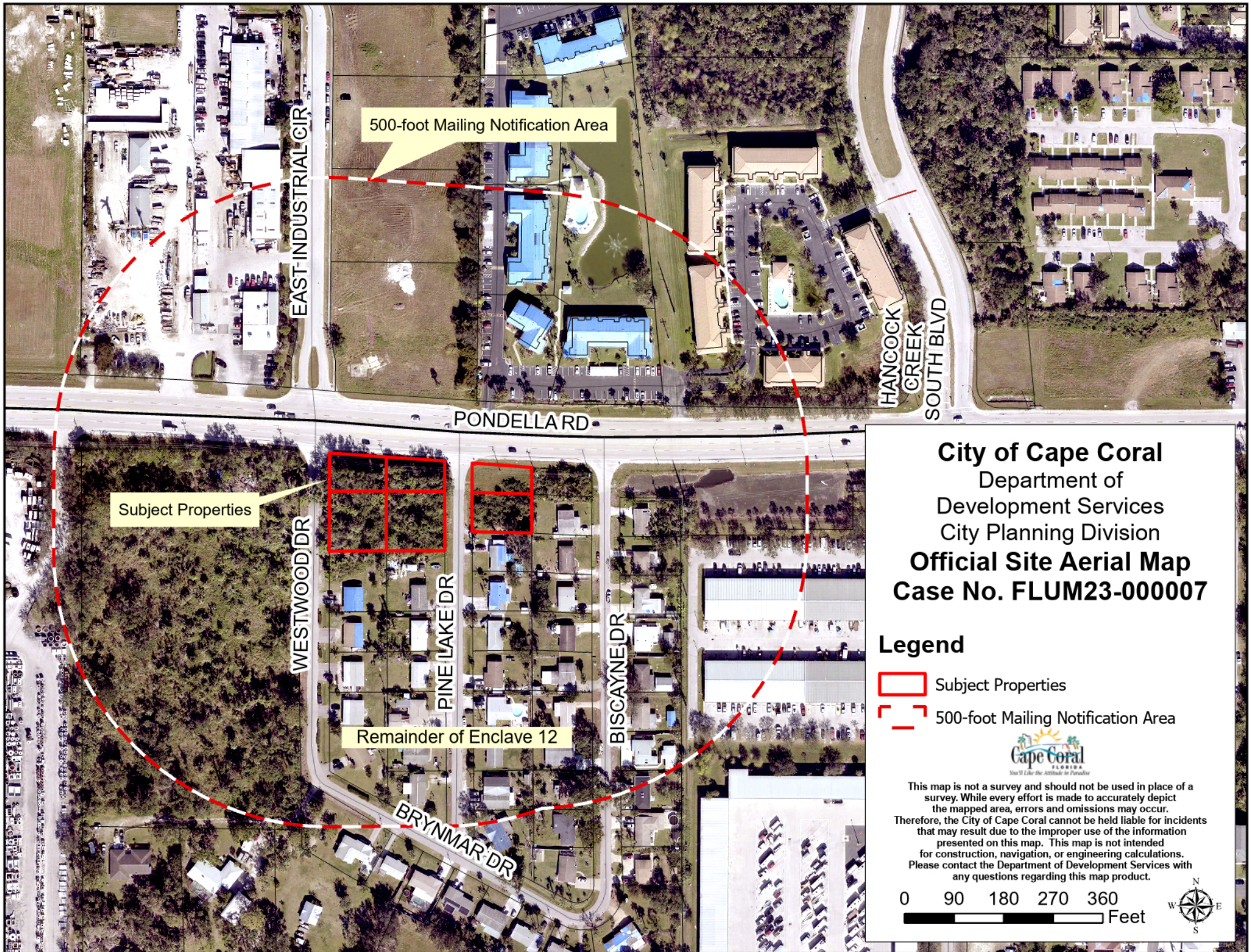
Legend

-  Subject Properties -> CP
-  500-foot Mailing Notification Area
-  PIRD- Pine Island Road District
-  I- Light Industrial
-  N/A



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500-foot Mailing Notification Area

Subject Properties

Remainder of Enclave 12

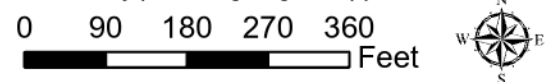
City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. FLUM23-000007

Legend

-  Subject Properties
-  500-foot Mailing Notification Area



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**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.B.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 30-24

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 7, "Signs," Chapter 3, "Temporary Signs," Section 7.3.1., "Temporary Signs," regarding temporary signs on real property.

(Brought forward by Councilmember Long)

STRATEGIC PLAN ALIGNMENT:

- | | |
|--|----|
| 1. Is this a Strategic Decision? | No |
| If Yes, Priority Goals Supported are listed below. | |
| If No, will it harm the intent or success of the Strategic Plan? | No |

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director
(239) 574-0446

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

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

PREPARED BY:

Division-	Department-	Development Services
		Department

ATTACHMENTS:

Description	Type
1. Ordinance 30-24	Ordinance

ORDINANCE 30 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 7, "SIGNS," CHAPTER 3, "TEMPORARY SIGNS," SECTION 7.3.1., "TEMPORARY SIGNS," REGARDING TEMPORARY SIGNS ON REAL PROPERTY; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Development Code, Article 7, Chapter 3, Section 7.3.1., is hereby amended as follows:

Section 7.3.1. – Temporary signs.

- A. 1. Temporary signs, identified in this chapter as not requiring a sign permit, unless indicated below, must otherwise meet all the applicable requirements of this section and this article. Any temporary sign not meeting these requirements, in any way, including quantity, shall be treated as a non-exempt sign subject to permitting. The area of temporary signs displayed on a site shall not be included in the calculation of the total signs on such site.
2. Temporary signs are prohibited on real property in the City without the written approval of the property owner, lessee, or person in control of such property. Such written approval shall be available and provided to the City upon the City’s request. The written approval required hereunder shall be available and provided to the City upon request regardless of whether the temporary signs are displayed by the property owner or any other person. The failure to provide such written approval to the City upon the City’s request shall be a violation of this section.
3. Temporary signs are prohibited in any public Right-of-Way. Violations of this Subsection A.3. shall be subject to immediate removal and enhanced civil penalties, as provided in Section 7.3.1.G.2.
4. Temporary signs are prohibited in any Visibility Triangle.
5. It is prohibited to illuminate a temporary sign.
6. It is prohibited to display, place, or locate a temporary Freestanding Sign within five (5) feet of another temporary Freestanding Sign.

...

F. All Other Temporary Signs				
Applicable Zoning District/Use	Single-Family Residential Zoning Districts (R-1, RE, AG)	Multi-Family Residential Zoning Districts (RML, RMM)		All Non-Residential Districts
Sign Permit Required	No	No		No
Number of signs/site	3	2—6 Units	1 per Street Frontage not to exceed 2	2
		7+ Units	1 per Street Frontage not to exceed 2	

Maximum Sign Area/sign	4 sq. ft.	2—6 Units	16 sq. ft. per sign	16 sq. ft.
		7+ Units	24 sq. ft. per sign	
Maximum Sign Height for a Temporary Freestanding Sign	6 ft.	2—6 Units	6 ft	6 ft.
		7+ Units	6 ft	
Maximum Sign Height for a Temporary Wall Sign	15 ft.	2—6 Units	15	15 ft.
		7+ Units	15	
Minimum Sign Setback from any property line	10 ft.	10 ft.		10 ft.
Minimum Spacing between Temporary Ground Signs	5 ft.	5 ft.		5 ft.
Temporary Sign Allowed on Public Right of Way	No	No		No
Temporary Sign Allowed on Property without Property Owners Approval	No	No		No
Temporary Sign Allowed in the Sight Visibility Triangle	No	No		No
Direct/Indirect Illumination of Surface of Temporary Sign Allowed	No	No		No
Duration	Temporary signs placed in accordance with this Subsection F. shall not exceed 30 consecutive days. Notwithstanding the foregoing, temporary signs placed in accordance with this Subsection F. shall be allowed for the 90 calendar days prior to and 7 calendar days following any Federal, State of Florida, Lee County, or City of Cape Coral elections, including primaries. Temporary Signs exceeding the durational time limitations provided herein shall be considered permanent signs and subject to Section 7.4.1. or Section 7.4.2., as applicable.			

G. Penalties and enforcement.

1. Except for violations of Section 7.3.1.A.3., any violation of Section 7.3.1. shall be subject to the following penalties:
 - a. If the violation is the first offense, a person or business shall receive a civil fine of \$25.00, per sign;
 - b. If the violation is the second violation within the preceding twelve (12) months, a person or business shall receive a civil fine of \$100.00, per sign;
 - c. If the violation is the third violation within the preceding twelve (12) months, a person or business shall receive a civil fine of \$500.00, per sign; and
 - d. If the violation is the fourth or subsequent violation within the preceding twelve (12) months, a person or business shall receive a civil fine of \$1,000.00, per sign.
2. Enhanced civil penalties. Any violation of Section 7.3.1.A.3. shall be subject to the following penalties:

- a. If the violation is the first offense, a person or business shall receive a civil fine of \$500.00, per sign;
- b. If the violation is the second or subsequent violation within the preceding twelve (12) months, a person or business shall receive a civil fine of \$1,000.00, per sign.
- c. In addition to the imposition of civil penalties provided herein, City officials are hereby authorized to immediately remove and confiscate any sign(s) located in any public Right-of-Way in violation of Section 7.3.1.A.3. The City shall notify the responsible person or entity for installing the sign(s) that the sign(s) may be retrieved from the City upon the timely payment of any civil penalty due or a successful appeal of the violation. If the civil penalty is not paid or an appeal filed within ten (10) days of service of a notice of violation, the City is authorized to destroy any signs removed and confiscated hereunder.

3. Enforcement.

- a. The Cape Coral Police Department or the Code Compliance Division shall enforce this Section 7.3.1. This shall not preclude other law enforcement agencies from any action to assure compliance with this section and all applicable laws. If a violation of this section is observed, the enforcement officer will be authorized to issue a notice of violation to the property owner of the subject real property and/or the responsible person or entity for installing the sign. The notice of violation shall inform the violator of the nature of the violation, amount of civil fine for which the violator is liable, instructions and due date for paying the civil fine, that the violation may be appealed by requesting an administrative hearing before the special magistrate within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing. All notices required by this section shall be provided to the violator in accordance with Section 2-85(c) through (g) of the City Code of Ordinances.
- b. In the event the violator does not request an administrative hearing before the special magistrate within such ten (10) day period, the City may take any and all necessary actions to remediate the violation and bring the property into compliance and charge the violator with the reasonable cost of the repairs or the reasonable cost for removing or correcting the violation, along with the civil fine imposed pursuant to this section. The City correcting, remediating, or repairing the violation does not constitute a continuing obligation on the part of the City to make future repairs or to maintain the property and does not create any liability against the City for any damages to the property if the repairs were completed in good faith.

4. Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special magistrate.

- a. A violator who has been served with a notice of violation must elect to either:
 - i. Pay the civil fine in the manner indicated on the notice of violation;
or
 - ii. Request an administrative hearing before the special magistrate to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.
- b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in Sections 2-86 and 2-87 of the City Code of Ordinances, except as specifically provided in this section. Appeals for an administrative hearing of the notice of violation must be accompanied by a fee as approved by a resolution of the City Council, which fee shall be refunded if the named violator prevails in the appeal.

- c. If the named violator, after issuance of the notice of violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special magistrate, the special magistrate may be informed of such failure by report from the enforcement officer. The failure of the named violator to appeal the decision of the enforcement officer within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing before the special magistrate and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
- d. A certified copy of an order imposing a civil fine, or a civil fine plus remediation costs, shall be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. On or after the 61st day following the recording of any such lien that remains unpaid, the city may foreclose or otherwise execute upon the lien.
- e. Any party aggrieved by a decision of a special magistrate may appeal that decision to a court of competent jurisdiction.
- f. The special magistrate shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.
- g. The special magistrate shall not have discretion to alter the penalties prescribed in Subsections G.1. and G.2.
- h. Nothing in this section shall be construed to prohibit the City from enforcing these provisions by any other supplemental means as may be allowed by law.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

ALEKSANDR BOKSNER
CITY ATTORNEY
ord/TempSigns



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.C.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 32-24

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Section 4.1.5., Projections and Encroachments into Setbacks, and Article 5, Development Standards, Chapter 1, General Requirements for all Development, Section 5.1.13., Single-Family Residential Standards, regarding generators in front of single-family residences and setback regulations.

STRATEGIC PLAN ALIGNMENT:

- | | |
|--|----|
| 1. Is this a Strategic Decision? | No |
| If Yes, Priority Goals Supported are listed below. | |
| If No, will it harm the intent or success of the Strategic Plan? | No |

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director
(239) 574-0446

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

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

PREPARED BY:

Division- Planning
 Division

Department- Development Services
 Department

ATTACHMENTS:

Description	Type
1. Ordinance 32-24	Ordinance

- ▢ 2. Staff Report
- ▢ 3. Staff presentation

Backup Material

Backup Material

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 4, ZONING DISTRICTS, CHAPTER 1, GENERAL PROVISIONS, SECTION 4.1.5., PROJECTIONS AND ENCROACHMENTS INTO SETBACKS, AND ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 1, GENERAL REQUIREMENTS FOR ALL DEVELOPMENT, SECTION 5.1.13., SINGLE-FAMILY RESIDENTIAL STANDARDS, REGARDING GENERATORS IN FRONT OF SINGLE-FAMILY RESIDENCES AND SETBACK REGULATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida, Land Development Code, Article 4, Chapter 1, Section 4.1.5., is hereby amended as follows:

Section 4.1.5 Projections and encroachments into setbacks.

Encroachments into required setbacks. Every part of the required setbacks on a parcel shall be open and unobstructed from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage, except as provided below or as shown in Table 4.1.5., below.

- A. Structures less than 30 inches in height are not considered encroachments into minimum required setbacks.
- B. Bermed earth, plant materials, sidewalks, and driveways are not considered encroachments.
- C. Encroachments into required setbacks:
 1. Cornices, overhangs, decorative awnings with no ground support installed over windows and at entrances, eaves and gutters, balconies, and means of egress may project a maximum of three feet into required setbacks.
 2. Awnings requiring pole supports to be placed in a setback area, or those without pole supports which encroach more than 3 feet into required setbacks, may be approved, in districts other than RE or R1, at the discretion of the Director of Community Development Services. Such awnings must function as decorative architectural elements as opposed to garage, carport, or other similar storage facilities.
 3. All existing air conditioning, pool equipment, and generators may be maintained and replaced provided the new equipment does not encroach more than three feet into any required setback. All newly installed or replacement air conditioners, generators, and pool equipment must comply with all applicable building setback requirements specified in Tables 4.1.3.B., 4.2.11., and 4.2.12., and shall not be placed in any easement. Additional requirements for new generators associated with single-family residential uses appear in LDC, Section 5.1.13.
 - ~~4. Permitted encroachments into required setbacks are not allowed to encroach into utility easements (See Article 5, Section 5.1.6).~~
 - ~~5~~ 4. Railings and any elements associated with ADA accessibility may encroach into required setbacks, regardless of height.
 - ~~6~~ 5. Awnings, canopies, colonnades, arcades, and balconies may encroach into a required setback, an easement, or a public right-of-way if approved by the City Manager pursuant to the criteria provided in Sections 4.2.15.D.5 and 5.8.9.E. Such encroachments are only allowed in the South Cape Zoning District.
 6. Except where allowed under Section 4.1.5.C.5., design elements identified in Table 4.1.5. shall not encroach into any easement (See Article 5, Section 5.1.6.).
 7. Additional regulations governing generators in front of a single-family residence or in the front yard of a single-family residence appear in LDC, Section 5.1.13.

Table 4.1.5 Maximum Distance Allowed from the Building Envelope for Various Design Elements Permitted Setback Encroachments

Design Element Projection or Feature	Maximum Distance from the Building Envelope Encroachment (measured from primary structure envelope)			Max Height
	Front Yard	Side Yard	Rear Yard	
Architectural features	2 ft.	2 ft.	2 ft.	N/A
Awnings and canopies	3 ft.	3 ft.	3 ft.	N/A Not applicable
Balconies	3 ft.	3 ft.	3 ft.	N/A Not applicable
Chimneys	N/A Not allowed	2 ft.	2 ft.	per Building Code
Eaves, gutters, and overhangs	3 ft.	3 ft.	3 ft.	N/A Not applicable
Porches	5 ft.	3 ft.	3 ft.	N/A Not applicable
Solar Photovoltaic (PV) Arrays, attached to primary structure	N/A Prohibited on the ground; allowed only on the roof of a building. N/A N/A			3 ft. above a peaked roof, 10 ft. above a flat roof
Generators	5 ft.	5 ft.	5 ft.	Not applicable
Other Mechanical mechanical equipment: AC, generator, pool equipment	N/A Not allowed	5 ft.	5 ft.	N/A Not applicable
Stairways	5 ft.	3 ft.	5 ft.	N/A Not applicable
Ornamental Walls	5 ft.	1.5	5 ft.	30 inches
Architectural features not identified in this table	2 ft.	2 ft.	2 ft.	Not applicable
In SC district: Awnings, canopies colonnades, arcades, and balconies	See Sections 4.1.5.C.6, 4.2.15.D.5, and 5.8.9.E			

SECTION 2. The City of Cape Coral, Florida, Land Development Code, Article 5, Chapter 1, Section 5.1.13., is hereby amended as follows:

Section 5.1.13. Single-family residential standards.

In addition to all other provisions of this Code, single-family residential uses shall be subject to the following requirements.

- A. In the A, R1, and RE zoning districts only one single family residence shall be permitted per parcel.
- B. Ornamental walls. Ornamental walls attached to the principal building shall have the following requirements.
 1. Ornamental walls shall not be higher than four feet at any point where they extend beyond the roof overhang and into the side setback.
 2. Ornamental walls may extend into the side setback but shall not extend into the six-foot perimeter easements.
 3. An ornamental wall not to exceed 30 inches in height may be installed in the front yard.
 4. Ornamental walls may be in the form of a planter.
 5. A planter may be incorporated into the construction of a wingwall.
- C. Water discharge. All gutter downspouts or similar water discharge devices shall direct the discharge to the front or rear property lines. Refer to the City of Cape Coral Engineering Design Standards, Section L, Drainage Design Standards for lot grading and drainage information.

- D. For single-family or duplex construction activities on any site in a Special Flood Hazard Area, the maximum amount of fill on-site shall be limited to 12 inches, unless otherwise approved by the Building Official.
- E. Generators may be installed in front of a single-family residence or in the front yard of a single-family residence subject to the following requirements:
1. A generator placed in front of a single-family residence or in the front yard of a single-family residence shall be screened from the street and from any abutting residential site by an enclosure. The enclosure shall be composed of materials consistent with the building and be painted to match the front façade. The enclosure shall have a maximum height of six feet unless a greater height is needed to screen from view the full height of the equipment. For purposes of this subsection, the required enclosure shall not be considered a wall and shall not be subject to the requirements of Section 5.2.7.
 2. The enclosure shall meet all building setback requirements for the applicable zoning district.
 3. The generator shall be located at a distance not to exceed five feet from the front of the building unless a greater distance is required by the Florida Building Code.
 4. The enclosure shall be designed to provide screening solely for the generator. No other equipment or materials shall be screened or stored within the enclosure.
 5. The provisions of this subsection shall not apply to the temporary use of portable generators during emergencies or after natural disasters.

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Generators in Front Yard

Planning Division Staff Report

Ordinance 32-24

Review Date:	April 24, 2024
Prepared by:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Recommendation:	Approval
Request:	Amend LDC, Article 4 and 5 to establish rules for permanent generators placed in the front yard of single-family dwellings.

BACKGROUND AND RATIONALE FOR THE AMENDMENT

In 2023 an applicant appealed a staff decision that prohibited placing a generator in the front yard of a single-family residence. The basis of this appeal was Table 4.1.5 in the Land Development Code (LDC) that the applicant and staff differed in their respective interpretations. Following a review of the appeal, the Interim Development Services Director reversed the earlier decision by staff and approved the applicant's appeal to allow a generator in the front yard of the site. As a result of this decision, generators are now allowed in the front yard of single-family residences. To better protect the integrity of residential areas, staff proposes regulations to restrict the placement of generators in the front yard of single-family homes. The purposes of this LDC amendment are:

- To propose new regulations to address compatibility and aesthetic-related concerns about the placement of generators in the front yard of residential sites.
- To clarify requirements in LDC, Table 4.1.5. that provides information on permitted setback encroachments for architectural features and equipment, including permanent generators.

APPLICABILITY

These proposed regulations cover permanent, ground-mounted generators. Portable generators that are typically stored in garages when not in use, are exempt from these regulations.

PROPOSED ORDINANCE

Revisions are proposed to LDC, Section 4.1.5. and Table 4.1.5. This amendment will establish safeguards for new generators placed in front of a single-family dwelling by establishing screening and minimum setback requirements. Besides providing cross-references to Section 4.1.5., changes to Table 4.1.5. will provide greater clarity for design elements allowed in this subsection of the LDC.

ANALYSIS

The proposed regulations in intended to reduce the visibility of generators placed in the front yard of single-family homes by requiring minimum setbacks and screening. Staff proposes requiring this equipment to be screened by an enclosure composed of materials consistent with that used for the single-family dwelling on the site. The enclosure will be required to be painted to match the color of the home. The material and color treatments will help the enclosure to blend into the background of residential sites. The height of the enclosure will be required to fully screen the generator from the right-of-way and from abutting residential sites.

The establishment of minimum setbacks for enclosures will serve a dual purpose. The setbacks will keep enclosures away from public rights-of-way and therefore will be less conspicuous to passing motorists. The setbacks will also serve to establish a line of sight along a street with respect to protecting a minimum depth for front yards that excludes both buildings and equipment. The majority of single-family homes in the City are constructed in the Single-Family Residential (R-1) and the Residential Multi-Family Low (RML) Districts. As both districts have minimum front setbacks of 25 feet, any enclosure constructed in either district for concealing a generator will need to a minimum of 25 feet from the front property line of the site.

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4. states text amendments shall be considered for one or more of eight separate reasons. This ordinance is consistent with Criterion #1 identified and discussed below.

1. The amendment clarifies the intent of the LDC.

Staff analysis. This amendment clarifies that generators are allowed in the front yard of single-family residential sites subject to special regulations governing the placement and screening of this equipment. Changes to Table 4.1.5. that governs design elements are proposed that includes eliminating several existing abbreviations in this table to clearly identify requirements.

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.

Staff analysis. The proposed amendment is not explicitly consistent with an existing policy appearing in the Comprehensive Plan. The amendment, however, is consistent with general best planning practices that advocate the screening of equipment on sites to maintain the character of residential areas and protect surrounding property values.

2. The amendment results in compatible land uses within a zoning designation.

Staff analysis. This amendment by requiring the screening of equipment in front of single-family homes will protect and maintain the character of single-family areas.

3. The amendment protects the health, safety, and welfare of the community.

Staff analysis. The amendment will protect the health, safety, and welfare of the community by requiring the screening of equipment in front of single-family homes that would otherwise be visible from the right-of-way and from adjoining residential sites.

4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. This criterion is not applicable as this amendment was not initiated by either the Planning and Zoning Commission or the City Council.

RECOMMENDATION

These regulations will apply to homeowners wishing to place ground-mounted generators in the front yard of residential sites. Such generators can be permitted in the front yard or in front of a single-family dwelling subject to meeting setback and screening requirements. These regulations are intended to protect the value of individual homes and residential areas by concealing this equipment from the street right-of-way and adjoining residential sites. These proposed regulations will maintain aesthetics in residential areas, and protect the health, safety, and welfare of the community. Staff recommends approval of Ordinance 32-24.

Staff contact information:

Mike Struve, AICP, LEED Green Associate
PH 239-242-3255
mstruve@capecoral.gov



ORD 32-24: Rules Governing Permanent Generators

Planning and Zoning Commission Meeting

May 1, 2024

Purpose

Develop regulations for allowing permanent generators in the front yard of single-family homes designed to protect the integrity of single-family neighborhoods.

Background

- 1) In 2023 an applicant appealed a decision by the Building Division that denied the placement of a generator in the front yard of a single-family house.**
- 2) Planning staff recommended that the decision be affirmed; the Interim DCD Director ruled in favor of the applicant.**
- 3) This ordinance proposes locational and screening requirements for new generators placed in the front yard of single-family homes.**

Key Provisions

- 1) **Generators in the front yard or in front of a SF house must be screened from the street & abutting residential sites by an enclosure.**
- 2) **Regulations governing enclosures include:**
 - a) **Max. height of 6 feet unless additional height is required.**
 - b) **Composed of materials consistent with the building.**
 - c) **Painted to match the color of the building.**
 - d) **Must comply with min. setbacks for the zoning district.**
 - e) **Cannot be used for storage or for screening other equipment.**
- 3) **These provisions DO NOT apply to the temporary use of portable generators during emergencies.**

Other Changes

- 1) Section 4.1.5. entitled *“Projections and encroachments into setbacks”* has been revised to include a cross-reference to the new subsection.
- 2) Several changes are proposed to Table 4.1.5. to make this table easier to understand and to ensure the provisions are administered consistently.

Recommendation

Staff recommends approval.

Correspondence

None.

Schedule

Introduction: May 15

Public hearing: June 5

Thank you





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.D.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 33-24

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 5, "Development Standards," by creating Chapter 13, "Conversion of Nonconforming Residential Sites to Commercial Sites," regarding the redevelopment of commercial sites with existing single-family or duplex dwellings; providing for purpose and applicability; providing for standards.

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?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director
(239) 574-0446

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

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

PREPARED BY:

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

Description	Type
1. Ordinance 33-24	Ordinance

- ▢ 2. Staff Report
- ▢ 3. Staff presentation

Backup Material

Backup Material

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," BY CREATING CHAPTER 13, "CONVERSION OF NONCONFORMING RESIDENTIAL SITES TO COMMERCIAL SITES," REGARDING THE REDEVELOPMENT OF COMMERCIAL SITES WITH EXISTING SINGLE-FAMILY OR DUPLEX DWELLINGS; PROVIDING FOR PURPOSE AND APPLICABILITY; PROVIDING FOR STANDARDS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council hereby finds that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Development Code, Article 5, "Development Standards," Chapter 13, "Conversion of Nonconforming Residential Sites to Commercial Sites," is hereby created to read as follows:

Chapter 13. - Conversion of nonconforming residential sites to commercial sites

Section 5.13.1.- Purpose and applicability.

The purpose of this section is to encourage the redevelopment of commercial sites with existing single-family or duplex dwellings resulting from an amendment to the Comprehensive Plan, including future land use map amendments, which amendment was not the result of an application or other action by the property owner. These provisions will provide owners with greater flexibility in converting these properties to new commercial uses while promoting the health, safety, and welfare of the surrounding community. In the event the property owner who owned the real property containing the single-family or duplex dwelling use at the time the Comprehensive Plan amendment was adopted conveys or otherwise transfers ownership of the real property, subsequent to the adoption of the amendment, to another person or entity, then the provisions outlined in this Chapter 13 shall not apply and the site shall be subject to all applicable requirements of the LDC.

Section 5.13.2. – Standards.

Notwithstanding any Code provision to the contrary, sites with existing single-family dwellings or duplexes that are proposed to be converted to a nonresidential use where the existing owner was not an applicant of the Comprehensive Plan change that rendered the original residential use of the site to a legal nonconformity, shall comply with the following standards.

1. *Parking.* A minimum of three spaces, including one handicap space shall be required on the site.
2. *Commercial trash receptacles.* A commercial trash receptable and accompanying enclosure shall not be required. Trash receptacles may be stored in the building and rolled out to the curb for service. Trash receptacles stored outside shall be screened from view by an opaque fence or wall with a height of six feet from all public rights-of-way and adjacent properties.
3. *Landscaping.* Landscape buffers described in LDC, Section 5.5.13.C.5. shall not be required. Where a site with nonresidential zoning shares one or more property lines with a site with residential zoning, landscaping shall include four canopy trees per 100 linear feet and a row of shrubs spaced every three feet on center along the shared property line or lines of the nonresidential site. Accent and palm trees may be substituted for canopy trees at the rate of two accent trees for every canopy tree, and three palms for every canopy tree. All shrubs shall be a minimum of 32 inches in height and be in at least a seven-gallon container size at time of planting.
4. *Sidewalks, alleys, and other right-of-way improvements.* Right-of-way improvements when absent along an arterial or collector road shall be constructed consistent with LDC, Section 5.1.8. Required right-of-way improvements along local streets and alleys may be waived, in whole or in part, by the Director, at the sole discretion of the Director.

In determining whether to waive any required right-of-way improvements, the Director shall consider the following:

- a. Whether the required right-of-way improvements will provide continuity with similar right-of-way improvements already present within the subject block along the subject street or alley; or
 - b. Whether the site is within walking distance of 1/2 mile from a school or public park; or
 - c. Whether the subject site has two or more sides of frontage along a public right-of-way lacking right-of-way improvements.
5. Demolition of nonconforming residential building. In the event the owner of the site when the future land use amendment was approved demolishes the nonconforming single-family or duplex building, or proposes improvements that collectively equal or exceed 50% of the building value over a 12-month period, the provisions of this Chapter 13 shall not apply, and the site shall be redeveloped in conformance with the applicable provisions of the LDC. This provision, however, shall not restrict or prevent the owner from seeking relief from a provision appearing in the LDC that any other owner may be entitled to request.
6. Other regulations and permits. Except as provided above, the owner of the site shall comply with all applicable local, state, and federal laws and regulations, including, but not limited to, applying for and obtaining any permits required for the development.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM

ALEKSANDR BOKSNER
CITY ATTORNEY

ord/ConversionNonconfResSites

Review Date: April 24, 2024

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

Recommendation: Approval

Request: Amend the Land Development Code (LDC), Article 5, to add a new subsection encouraging the conversion of nonconforming residential sites to commercial ones. This subsection applies to owners of single-family homes or duplexes that are subject to a future land use (FLU) change in which the owner is not the applicant, and the FLU amendment has the effect of creating a nonconforming residential use on the site. Owners seeking to redevelop such sites with a nonresidential use will be governed by less stringent standards for parking, solid waste, landscaping, and off-site improvements.

Positive aspects of the amendment	<ul style="list-style-type: none"> • <i>Provides regulatory flexibility to owners of single-family dwellings or duplexes that become nonconforming due to a land use amendment the owner did not initiate.</i> • <i>Encourages the conversion of nonconforming residential sites to commercial ones.</i> • <i>Encourages redevelopment of sites where infrastructure and services exist to support commercial development.</i>
Negative aspects of the amendment	<ul style="list-style-type: none"> • None.
Mitigating factors	<ul style="list-style-type: none"> • None.

BACKGROUND

To bolster the amount of commercial land in the City, Planning staff periodically evaluates land, particularly along major corridors, for FLU amendments. Because the City originated as a large residential subdivision with little land set aside for commercial use, these amendments frequently involve changing the FLU of sites from a residential to a commercial or mixed-use classification. Despite efforts to avoid blocks with improved residential properties, nonconformities are frequently created upon the adoption these amendments.

This LDC amendment will assist owners with sites that become nonconformities resulting from a FLU amendment filed by someone other than themselves. Owners with single-family dwellings or duplexes when the FLU amendment was approved, and later wish to convert the existing residential site to a commercial one, will benefit from less restrictive standards that include parking, solid waste, landscape, and off-site improvements.

APPLICABILITY

Owners of single-family dwellings or duplexes subject to a FLU amendment not initiated by themselves that creates a nonconforming site will be eligible for targeted regulatory relief. However, subsequent owners that acquire the property after the FLU amendment has been adopted will not be entitled to relief offered by this amendment. Furthermore, if the owner of a site when the FLU amendment is adopted later demolishes the building, the owner will no longer be eligible for regulatory relief offered

by this amendment but may redevelop the site in conformance with the applicable provisions of the LDC.

SUMMARY OF THE PROPOSED CHANGES

The key changes appearing in Ordinance 33-24 are summarized by category in Table 1.

Table 1. Summary of Proposed LDC Changes Appearing in Ordinance 33-24.

General Category	Current LDC Requirement	Proposed Change
Parking	Required parking based on building area.	Three spaces required.
Solid Waste	Dumpster and enclosure required.	Dumpster and enclosure not required.
Landscaping	Buffers required along property lines adjacent to residential zoning.	Single row of trees and shrubs required in lieu of buffer.
Off-Site Improvements	Curb, gutter, sidewalks, and lane widening required where frontage of the site abuts a public right-of-way.	Off-site improvements along a local street or alley may be reduced at Director's discretion.

ANALYSIS OF PROPOSED CHANGES

Many LDC standards for single-family homes and duplexes are similar and both differ substantially to standards for commercial development. For example, commercial projects require parking generally based on building area, a dumpster with an enclosure, stormwater treatment, and landscaping. Standards for commercial development also involves off-site improvements that may include constructing curb, gutter, sidewalks, and turn lanes in the public right-of-way. The conversion of residential to commercial sites often proceeds slowly as developers frequently encounter requirements and expenses that were not anticipated at the onset of a project.

The LDC amendment will simplify redeveloping commercial sites previously zoned residential where a single-family home or duplex exists. This amendment improves the feasibility of commercial conversions by lessening several commercial standards for these sites. While several standards will be relaxed to provide flexibility to encourage redevelopment, adequate provisions will remain to ensure that parking, solid waste management, and landscaping is required. It is anticipated that this ordinance will reduce permitting time by relaxing key standards, provide greater certainty regarding applicable requirements, and encourage the repurposing of existing site improvements, thereby reducing the costs of development and encouraging redevelopment where infrastructure and services exist.

COMPREHENSIVE PLAN ANALYSIS

The proposed amendment is consistent with applicable policies appearing below in the Future Land Use and Property Rights Elements.

Future Land Use Element

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

Staff analysis: *This LDC amendment will encourage the redevelopment of commercial sites where existing City services exist.*

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

Staff analysis. *Beyond prohibiting the expansion and replacement of nonconforming uses, this amendment will encourage the conversion of nonconforming residential sites to commercial ones.*

Economic Development Element

Objective 4.: The City shall review and where possible, streamline land development regulations and permitting processes to shorten the review cycle time such that Cape Coral becomes measurably more efficient location for creating commercial development.

Staff analysis. *This amendment will streamline, but not eliminate, requirements for parking, solid waste, landscaping, and off-site improvements. These changes will provide greater flexibility to property owners by simplifying targeted regulations that should translate to these projects moving through permitting more quickly.*

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4. states text amendments shall be considered for one or more of eight stated reasons. This LDC amendment is consistent with Reasons #7 and #8 below.

7. The amendment results in providing compatible land uses within Cape Coral.

Staff analysis. *The LDC amendment will encourage the conversion of sites originally developed as single-family homes and duplexes to commercial ones. Such conversions will yield redevelopment that will be consistent with the current FLU classification and zoning.*

8. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assistance.

Staff analysis. *Many local governments utilize their police powers to prohibit the expansion of legal nonconformities that occur as a result to changes in zoning. This LDC amendment, consistent with accepted planning practices, seeks to eliminate nonconformities by relaxing certain LDC provisions to encourage the redevelopment of nonconforming single-family and duplexes sites.*

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.

Staff analysis. *The amendment is consistent with two policies and one objective appearing in the Comprehensive Plan as outlined earlier within this report.*

2. The amendment results in compatible land uses within a zoning designation.

Staff analysis. *By encouraging the elimination of nonconformities by easing regulations for redeveloping sites with existing single-family homes and duplexes, this LDC amendment will promote the redevelopment of compatible land uses in nonresidential zoning districts.*

3. The amendment protects the health, safety, and welfare of the community.

Staff analysis. While this amendment provides flexibility from several LDC provisions for owners wishing to redevelop sites with existing single-family homes and duplexes, appropriate safeguards will remain to protect the health, safety and welfare of the community. For example, minimum standards for parking, solid waste, and landscaping will be modified, but not eliminated.

4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. This criterion is not applicable as this amendment was not initiated by either the Planning and Zoning Commission or the City Council.

RECOMMENDATION

The proposed amendment will provide flexibility from several LDC provisions with the goal of encouraging the redevelopment of sites with existing nonconforming single-family dwellings and duplexes. While these changes will provide owners with relief from parking, solid waste, and landscaping provisions, adequate safeguards will remain to protect the health, safety, and welfare of the community. The changes proposed in this ordinance will provide needed relief to owners wishing to redevelop their sites, streamline the permitting process, reduce developer costs, and encourage the elimination of legal, nonconformities. This ordinance is consistent with applicable policies in the Comprehensive Plan. This ordinance is also consistent with applicable standards for proposed LDC text amendments. Staff recommends approval of Ordinance 33-24.

Staff contact information:

Mike Struve, AICP, LEED Green Associate
PH 239-242-3255
mstruve@capecoral.gov



**ORD 33-24: Rules Governing the Conversion of
Nonconforming Residential Sites to Commercial Ones
Planning and Zoning Commission Meeting
May 1, 2024**

Purpose

- 1) Encourage the redevelopment of commercial sites with single-family homes or duplexes resulting from an amendment to the Comprehensive Plan where the owner of the site was not the applicant of the amendment.**
- 2) Most Comprehensive Plan amendments involve a future land use change from a residential to a nonresidential classification.**
- 3) Key standards that will be relaxed include parking, solid waste, landscaping, and off-site improvements.**

Applicability

- 1) All owners with property with a single-family home or duplex that becomes a nonconformity resulting from a Comprehensive Plan amendment the owner did not initiate.**
- 2) Owners that acquire the site after the adoption of a Comprehensive Plan amendment are NOT eligible for relief under this provision.**
- 3) Any owner of a site that chooses to demolish a nonconforming single-family home or duplex is NOT eligible for relief under this section.**

Key Provisions

- 1) **Parking** - a minimum of 3 parking spaces required.
- 2) **Solid waste** - dumpster and accompanying enclosure not required.
- 3) **Landscaping** - landscape buffers not required along property lines adjacent to residential-zoned sites.
- 4) **Off-site improvements** - required improvements along local streets and alleys may be waived by the Director.

Advantages

- 1) Encourage the elimination of legal nonconformities and the redevelopment of commercial sites.**
- 2) Encourage (infill) redevelopment on sites served by City services.**
- 3) Clarify City regulations, simplify and streamline permitting, reduce redevelopment costs.**
- 4) Provide safeguards to protect the health, safety, and welfare of the public.**

Recommendation

Staff recommends approval.

Correspondence

None.

Schedule

Introduction: May 15

Public hearing: June 5

Thank you





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.E.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 34-24

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, article 5, "Development Standards," Chapter 4, "Marine Improvements," Section 5.4.8., "Bulkheads, Seawalls, and Retaining Walls," regarding alternative shoreline stabilization.

STRATEGIC PLAN ALIGNMENT:

- | | |
|--|----|
| 1. Is this a Strategic Decision? | No |
| If Yes, Priority Goals Supported are listed below. | |
| If No, will it harm the intent or success of the Strategic Plan? | No |

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director
(239) 574-0446

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

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

PREPARED BY:

Division- Planning
 Division

Department- Development Services
 Department

ATTACHMENTS:

Description	Type
▣ 1. Ordinance 34-24	Ordinance
▣ 2. Staff presentation	Backup Material

ORDINANCE 34 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 4, "MARINE IMPROVEMENTS," SECTION 5.4.8., "BULKHEADS, SEAWALLS, AND RETAINING WALLS," REGARDING ALTERNATIVE SHORELINE STABILIZATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida, Land Development Code, Article 5, Chapter 4, Section 5.4.8., is hereby amended as follows:

Section 5.4.8. Bulkheads, seawalls, and retaining walls.

A. Saline or brackish water; mandatory seawalls. ~~All~~ Except as provided in Subsection A.1., all parcels having frontage or direct and immediate access to frontage on any saline, brackish, or tidally influenced canal or other body of water within or bordering the boundaries of the city ~~is~~ are required to have constructed on ~~it~~ them, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water. Seawalls shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety.

1. Alternative shoreline stabilization: Parcels owned by the City of Cape Coral, or for projects in which the City is serving as the permit applicant, where the parcel has eighty-five (85) feet or more water frontage, are required to have constructed on them either a seawall bulkhead or alternative shoreline stabilization along the water frontage. Proposed plans shall be reviewed and may be approved by the Public Works Director for a seawall bulkhead or alternative shoreline stabilization. Notwithstanding the foregoing, all applicable permits from local, state, and federal agencies shall be obtained prior to the commencement of construction.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____


ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/AltShorelineStab





| ORDINANCE 34-24

Planning and Zoning Presentation

May 1, 2024

Section 5.4.8 of the Land Development Code

The reason for the proposed change is to allow City owned properties with 85 linear feet or more of water frontage on a saltwater waterbody the opportunity to construct either a seawall bulkhead or a form of alternative shoreline stabilization.

This will allow the City to determine which form of shoreline stabilization will be best suited for City owned properties to minimize destruction to natural ecosystems.

Properties with less than 85 linear feet of water frontage are not included to provide continuity for shoreline stabilization methods in relation to adjacent sites.

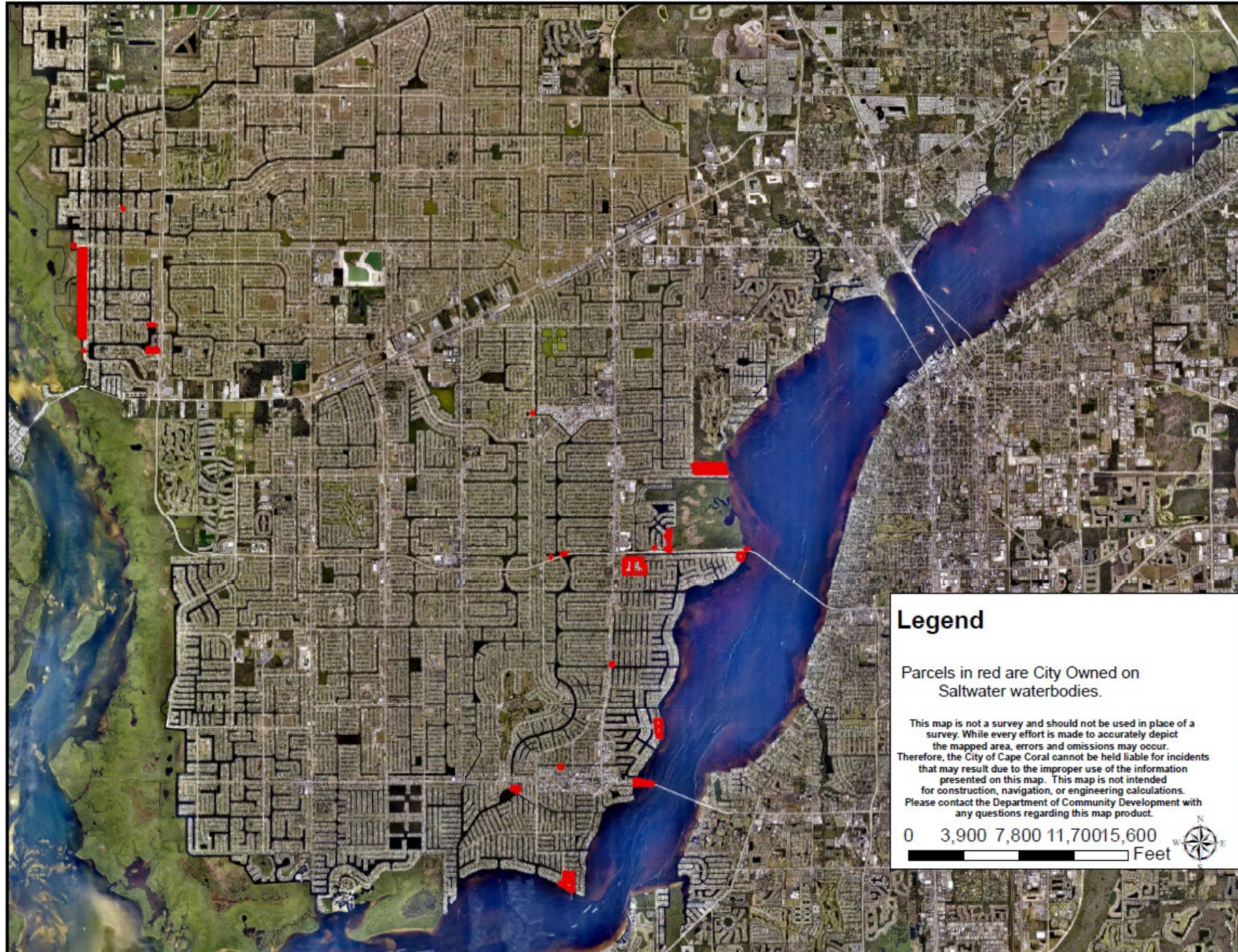
Proposed change to Section 5.4.8 of the LDC.

Section 5.4.8. Bulkheads, seawalls, and retaining walls.

A. Saline or brackish water; mandatory seawalls. ~~All~~ Except as provided in Subsection A.1., all parcels having frontage or direct and immediate access to frontage on any saline, brackish, or tidally influenced canal or other body of water within or bordering the boundaries of the city ~~is~~ are required to have constructed on ~~it~~ them, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water. Seawalls shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety.

1. Alternative shoreline stabilization: Parcels owned by the City of Cape Coral, or for projects in which the City is serving as the permit applicant, where the parcel has eighty-five (85) feet or more water frontage, are required to have constructed on them either a seawall bulkhead or alternative shoreline stabilization along the water frontage. Proposed plans shall be reviewed and may be approved by the Public Works Director for a seawall bulkhead or alternative shoreline stabilization. Notwithstanding the foregoing, all applicable permits from local, state, and federal agencies shall be obtained prior to the commencement of construction.

City owned properties on saltwater waterbodies



Comprehensive Plan

Policy 1.2.18: The City will, as opportunity and resources allow, restore and enhance degraded natural areas on City-owned lands through activities such as the recreation of natural communities, restoration of natural hydrology, and the removal of noxious exotic vegetation.

Policy 2.1.1: The City will annually strive to acquire additional estuarine waterfront property for the purpose of establishing or expanding parks and public access locations, including boat ramps, as part of the land banking strategy specified in the Future Land Use Element, and in accordance with the needs identified in the Recreation and Open Space Element. Current waterfront parks will be maintained. Impact fees and user fees will be the principal sources of funding for these projects.

Policy 2.1.3: All coastal public access development will be done in accordance with the objectives and policies of Goal 1 so as not to destroy or damage coastal natural resources.

Recommendation:

Planning Staff recommends approval.

Correspondence:

Prior to P&Z, staff did not receive any public correspondence.

The intro is scheduled for 05/15/2024

Public hearing date is scheduled for 06/05/2024

Thank you





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.F.
Meeting Date:	5/1/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 35-24 (TXT24-000002) Public Hearing

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

Amends the Infrastructure Element in preparation to incorporate the updated Water Supply Facilities Work Plan into the Comprehensive Plan. The Work Plan was updated in 2024 to reflect the SFWMD change to their water supply plan.

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:

Matt Grambow, Development Services Director- interim (239) 574-0446

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

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

PREPARED BY:

Vanessa Sberna,
Planning Technician

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

Description	Type
▢ Ordinance 35-24 (TXT24-000002)	Ordinance
▢ Comp Plan Section Text Change	Backup Material
▢ Final 2023 Water Supply Facilities Work Plan	Backup Material

Update
Staff Report

Backup Material

ORDINANCE 35 – 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, COMPREHENSIVE PLAN BY AMENDING THE INFRASTRUCTURE ELEMENT TO PROVIDE CONSISTENCY WITH THE CAPE CORAL WATER SUPPLY FACILITIES WORK PLAN; ADOPTING THE 2023 CAPE CORAL WATER SUPPLY FACILITIES WORK PLAN AS APPENDIX “A” TO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The City of Cape Coral, Florida (the “City”) hereby adopts a Comprehensive Plan amendment that is necessary in order to update the Comprehensive Plan as follows:

The amendment to Policy 2.3.5. of the Infrastructure Element incorporates the 2023 Water Supply Facilities Work Plan into the Comprehensive Plan. The amendment to the Future Land Use Element is described in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 2. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance, which shall remain in full force and effect.

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

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

ALEKSANDR BOKSNER
CITY ATTORNEY

ord/Comp Plan Amendment-Water Supply Facilities Work Plan

EXHIBIT "A"

INFRASTRUCTURE ELEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: Consistency with the 5-Year Capital Improvements Program and the adopted levels of service - required public facilities will be provided in a manner that promotes orderly, compact, and efficient urban growth.

...

Policy 2.3.5. The City hereby adopts the ~~2017-2023~~ Water Supply Facilities Work Plan, dated ~~May-April~~ ~~2019~~ 2024, thereby being consistent with the South Florida Water Management District's Lower West Coast Water Supply Plan Update. The City shall continue to coordinate future updates of the Water Supply Facilities Work Plan with the South Florida Water Management District, as required by law.

Objective 2.4: The City will continue to assure that public health, environmental health, property values, and quality of life is maintained through assurance of the provision of solid waste facilities and services.

...

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...

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FINAL

AECOM

2023 Water Supply Facilities Work Plan Update

City of Cape Coral Utilities Department

Project number: 60707607

April 08, 2024



Delivering a better world

Quality information

Prepared by	Checked by	Verified by	Approved by
Maximilian Honigfort, E.I., ENV SP	Dawn Jakiela, P.E. David Wilcox, P.E.	David Wilcox, P.E.	Dawn Jakiela, P.E.

Revision History

Revision	Revision date	Details	Authorized	Name	Position
Draft	10/06/2023			Dawn Jakiela, P.E.	Project Manager
Revised Draft	12/04/2023			Dawn Jakiela, P.E.	Project Manager
Revised Draft #2	03/01/2024	UEP Changes		Dawn Jakiela, P.E.	Project Manager
Final	04/08/2024			Dawn Jakiela, P.E.	Project Manager

Distribution List

# Hard Copies	PDF Required	Association / Company Name
N/A	1	City of Cape Coral – Rand Edelstein

Prepared for:

City of Cape Coral Utilities Department

Prepared by:

Dawn Jakiela, P.E.

Florida License No. PE75034

Maximilian Honigfort, E.I., ENV SP

AECOM

4415 Metro Parkway

Fort Myers, FL 33916

aecom.com

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1. Introduction

The purpose of the City of Cape Coral (City) Water Supply Facilities Work Plan (Work Plan) is to complete the following objectives:

- Evaluate projected City population and projected water demands for a planning period of at least ten years.
- Identify and plan for the water supply sources and facilities needed to serve existing and new development within the City's jurisdiction.

The South Florida Water Management District (SFWMD) approved the 2022 Lower West Coast (LWC) Water Supply Plan Update in December 2022. Chapter 163, Part II, Florida Statutes (F.S.), requires local governments to prepare and adopt Work Plans into their Comprehensive Plans within 18 months after the SFWMD approves the regional water supply plan or its update. Therefore, the deadline for local governments within the Lower West Coast Region to update their comprehensive plans with the Work Plan is June 2024.

1.1 Statutory History

The Florida Legislature enacted bills during the 2002, 2004, 2005, 2011, 2012, 2015, and 2016 sessions to address the state's water supply needs. These bills, particularly Senate Bills 360 and 444 enacted during the 2005 legislative session, strengthened the statutory links between the regional water supply plans (RWSPs) prepared by water management districts and the Comprehensive Plans prepared by local governments through changes to Chapters 163 and 373, F.S. These changes improved coordination between local land use planning and regional water supply planning.

1.2 Statutory Requirements

The City has considered the following statutory provisions when updating the City Work Plan, as summarized below:

1. Coordinate appropriate aspects of the Comprehensive Plan with the applicable RWSP [Section 163.3177(4)(a), F.S.].
2. Ensure the Future Land Use Plan is based on availability of adequate water supplies, public facilities, and services [Section 163.3177(6)(a), F.S.]. Data and analyses demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Plan and Plan amendments submitted for review.
3. In consultation with the water supplier, ensure adequate water supplies and potable water facilities are available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent [Section 163.3180(2), F.S.].
4. For local governments subject to an RWSP, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge element (the "Infrastructure element") through a Comprehensive Plan amendment to:

- a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the applicable RWSP, or alternative project(s) proposed by the local government under Section 373.709(8)(b), F.S. [Section 163.3177(6)(c), F.S.];
 - b. Identify the traditional and alternative water supply projects and the conservation and reuse programs necessary to meet water needs identified in the applicable RWSP [Section 163.3177(6)(c)3., F.S.]; and
 - c. Update the Work Plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development [Sections 163.3177(6)(c)3. and (5), F.S.].
5. Revise the Five-Year Schedule of Capital Improvements to include water supply, reuse, and conservation projects and programs to be implemented during the 5-year period [Section 163.3177(3)(a)4., F.S.].
6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation element to assess projected water needs and sources for at least a 10-year planning period, considering the applicable RWSP and water use permit(s) [Section 163.3177(6)(d), F.S.]. The comprehensive plan must address the water supply sources necessary to meet the existing and projected water use demand for the established planning period, considering the applicable RWSP [Section 163.3167(9), F.S.].
7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination element to ensure consistency between the Comprehensive Plan and the applicable RWSP [Section 163.3177(6)(h)1., F.S.].
8. Local governments are required to comprehensively evaluate and update the Comprehensive Plan to reflect changes in local conditions every seven years. The evaluation could address the local government's need to update their Work Plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, and conservation and reuse programs are meeting local water use demands [Section 163.3191(3), F.S.].
9. Local governments may be exempt from updating their Work Plan if they meet certain criteria. A local government that does not own, operate, or maintain its own water supply facilities and is served by a public water supply entity with a permitted allocation of 300 million gallons per day (mgd) or greater is not required to amend its Comprehensive Plan when an RWSP is updated if the local government uses less than 1 percent of the public water supply entity's total permitted allocation. However, the local government must cooperate with the public water supply entity that provides service within its jurisdiction and must keep the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge element up to date, pursuant to Section 163.3191, F.S. A local government should contact the Florida Department of Economic Opportunity (DEO) to verify its qualifications for the exemption [Section 163.3177(6)(c)4., F.S.].
10. Local governments with a Sector Plan adopted in accordance with Section 163.3245, F.S., should incorporate information from the adopted Sector Plan, Master Plan, and Detailed Specific Area Plan into the Work Plan. The focus should be on water needs, water supply and resource development, conservation measures, and intergovernmental coordination activities with the SFWMD and water supply development projects needed to address projected development in the Sector Plan area [Section 163.3245, F.S.].

2. Background

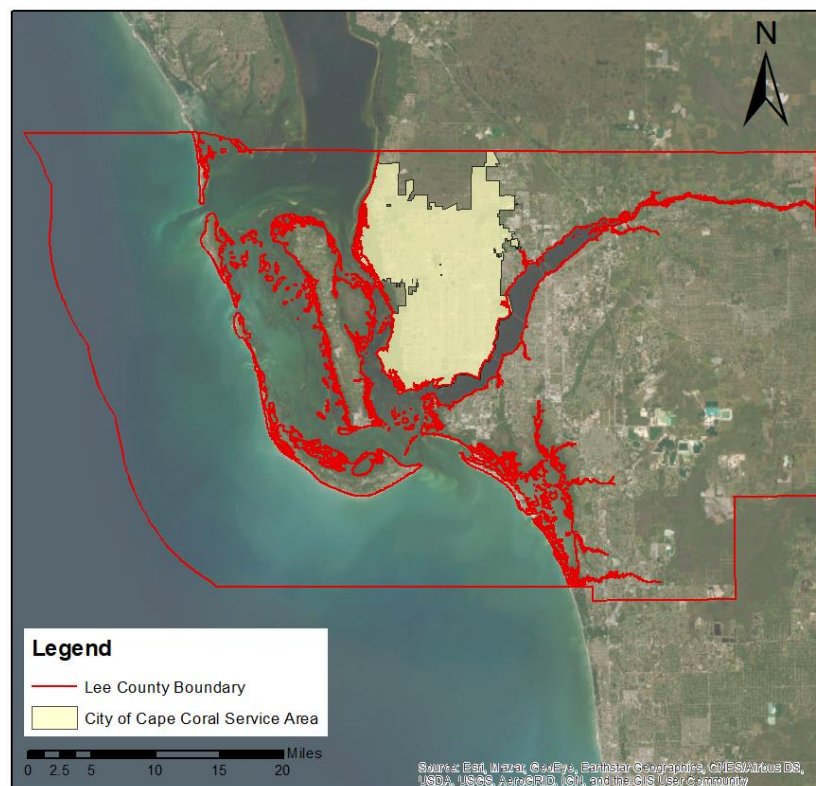
2.1 Local Government Overview

The City of Cape Coral is located on a peninsula in southwest Florida that borders the Caloosahatchee River Estuary to the south and east, and the Matlacha Pass to the west. The City was originally incorporated in 1970 and recently celebrated its 50th year anniversary of incorporation in 2020. The City's boundaries are approximately 120 square miles in area and include a distinctive network of more than 400 miles of freshwater and saltwater canals, which attracts a prominent seasonal resident population. The City's location within Lee County is provided in **Figure 2-1**.

City residents predominantly obtain their potable water from the City's Utilities Department, which is responsible for ensuring sufficient capacity is available for existing and future customers. However, a portion of City residents still rely on self-supply wells for their potable water and irrigation quality (IQ) water needs, and another portion obtain their potable water from the Greater Pine Island Water Association (GPIWA). Since 2000, the City has been pursuing and executing a Utilities Extension Project (UEP) program to provide potable water and IQ water (as well as sanitary sewer) utility service to areas previously unserved by the City's Utilities Department.

According to the United States Census Bureau, the City is estimated to have a year-round population of approximately 216,992 as of July 2022. This estimate accounts for data obtained through the recent 2020 Census. Under build-out (BO) conditions, the City population is estimated to reach 366,393. The City has accordingly reached approximately 59% of its BO capacity as of 2022. The UEP program provides a unique challenge to the City as the majority of the future population growth is anticipated to occur in the UEP expansion areas. City facilities will need to continue to accommodate sizable growth in population until BO conditions have been reached.

Figure 2-1: City of Cape Coral Location within Lee County



2.2 Relevant Regional Issues

The regional issues identified for 2045 in the 2022 LWC Water Supply Plan Update include the following:

1. Increased withdrawals from the surficial aquifer system (SAS) and the freshwater portions of the intermediate aquifer system (IAS) are generally limited due to potential impacts on wetlands and existing legal water uses, including domestic self-supply (DSS). Additional impacts include the potential for saltwater intrusion; and the possibility of reaching aquifer maximum developable limits (MDLs). New or increased allocations will be evaluated on an application-by-application basis to determine if a project meets water use permitting criteria.
 - a. In some areas, such as Cape Coral and Lehigh Acres, cumulative demands are negatively affecting aquifer water levels.
2. Increases in surface water allocations from Lake Okeechobee and hydraulically connected surface waters are limited by the Lake Okeechobee Service Area (LOSA) restricted allocation area (RAA) criteria. Water availability from Lake Okeechobee is discussed comprehensively in the Lower East Coast Water Supply Plan.
3. Peak freshwater discharges of surface water during the wet season are affecting the health of the Caloosahatchee River Estuary. Additional storage is required in the basin and in the regional system to attenuate damaging peak flow events.
4. During dry conditions, surface water availability and current storage capacity sometimes are insufficient to meet water demands and environmental needs for the C-43 Canal and Caloosahatchee River Estuary.
5. Withdrawals from the Floridan Aquifer System (FAS) are expected to increase to meet future demands. Monitoring water levels and water quality in the FAS will be needed to ensure long-term sustainability of the resource.
6. Climate change and sea level rise could impact the availability of freshwater resources in the LWC Planning Area.

With regard to the City of Cape Coral specifically, raw water for the City's reverse osmosis (RO) water treatment plants (WTPs) is sourced from the Upper Floridan Aquifer, which is not directly affected by most of the regional issues identified above. However, the City has still observed local issues pertaining to its water supply. Water Science Associates (WSA) noted the following in the City's recently completed Comprehensive Utilities Master Plan Update (November 2022):

- Increased salinity levels have been observed in some production wells located in the Lower Hawthorn Aquifer underlying the City. The preferential vertical movement of water from deeper aquifers is believed to be the reason for the increase in salinity levels. Most of the production wells have only experienced a slow decline in water quality, but there have also been instances where production wells have more quickly deteriorating water quality. Because some production wells are experiencing these issues while other wells located immediately adjacent are not, it is postulated that a localized enhanced vertical permeability located beneath the wellfield production zone is causing these issues. As more utilities and municipalities in the South Florida area utilize RO technology and brackish groundwater supplies, this limitation is becoming more common in the region.
- Water level decline was observed within the Mid-Hawthorn Aquifers underlying the City, due to utilization by domestic and irrigation supply users (and previous use by City Utilities). Aquifer use limitations were

consequently placed on the Mid-Hawthorn Aquifer by the SFWMD due to this overutilization and the resulting water level decline.

Through the City's UEP program, Mid-Hawthorn Aquifer water level conditions south of Pine Island Road have begun to recover and rebound. Areas north of Pine Island Road, where the UEP program has not yet been implemented, are still exhibiting low groundwater levels. An abundance of domestic self-supply wells combined with abnormally dry seasons continue to contribute to lower groundwater levels in the northern service area. Groundwater levels in these areas may also improve as the UEP program expands to the northern sections of the City's boundaries.

The City has reduced its water demand by implementing stringent restrictions on water use and has separated its potable water and IQ water systems. The City is implementing several near-term, mid-term and long-term projects to provide IQ water availability to its customers. The City has entered into individual interlocal agreements with the Florida Governmental Utility Authority (FGUA) and the City of Fort Myers (CFM) for the purchase of excess reclaimed water from the two public utilities to supplement the City's IQ water supply. The City previously completed improvements in 2019 to increase IQ water supplies received from the FGUA. A reclaimed water transmission main across the Caloosahatchee River was also constructed and began operation in the beginning of 2024 to obtain IQ water from the CFM.

Additionally, the City obtained a water use permit (WUP) from the Southwest Florida Water Management District (SFWMD) to utilize the Southwest Aggregates Mine Reservoir as a seasonal surface water source to further supplement the City's IQ water supplied by the freshwater canal system. In 2017, the City conducted a full scale pilot test to evaluate the feasibility of utilizing the inactive mining quarry, and has since utilized the surface water source during the dry seasons from 2020 through 2023. Design and construction of a permanent pump station and pipeline is underway to replace the temporary pump station and to replace conveyance of water from the mine using the US-41 drainage swales. Improvements are anticipated to be completed in 2025.

3. Data Analysis

3.1 Population Information

The City is comprised of an expansive land area of roughly 120 square miles, much of which remains undeveloped as natural land preservations. The City has approximately 150,000 pre-platted building sites that are predominantly divided into 5,000 square foot lots (10,000 square foot/double lot standard building sites) for residential development.

It is estimated, that as of 2022, approximately 76% of the City population is served with potable water and approximately 55% is served with IQ water. Percentages are based on served population estimates referenced from the City customer account records, and total City population estimates referenced from the United States Census Bureau (population estimate for July 1, 2022). The remainder of the City population relies on domestic self-supply wells for their potable water and irrigation water needs.

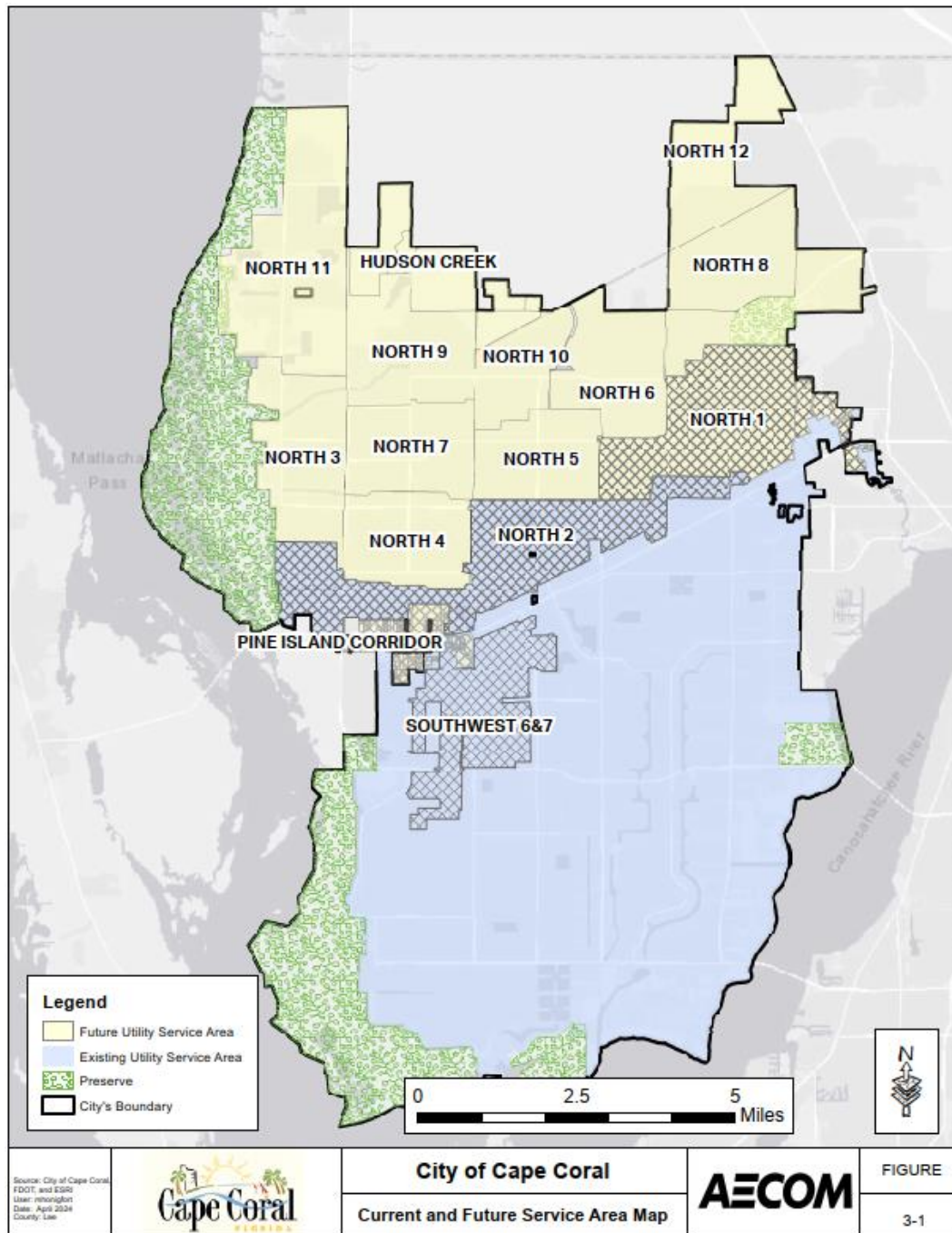
3.2 Current and Future Service Areas

As previously mentioned, the City is pursuing improvements to extend potable water, sanitary sewer, and IQ water utility service into unserved regions of the City's boundaries through the UEP program. The UEP program was initialized in 2000 following recommendations from the 1999 City Master Plan Update, and was later temporarily suspended before being restarted in 2012. The majority of development through the UEP program is focused on the northern

portion of the City's boundaries, and future stages of the UEP will extend utility service to these areas. Since the restart of the program, the City has planned and executed the addition of the 'Southwest 6 and 7' and 'North 2' UEP expansion areas to the City's utility service area, which are indicated by crosshatch and blue highlight in **Figure 3-1**. The City is currently executing design and initiating construction of the 'North 1' UEP expansion area (indicated by crosshatch and yellow highlight), one of many additional UEP expansion areas for northern regions of the City.

The City's potable water and IQ water distribution networks are concentrated primarily in the southern portion of the service area, which has a higher population density. The IQ water service area is smaller than the potable water service area. The City's goal is to extend service of both potable water and IQ water to the entirety of the City's service area.

Figure 3-1: Existing and Future Utility Service Area Map



3.3 Level of Service Standards

3.3.1 Potable Water Level of Service Standard

The City currently owns and operates two RO WTPs which produce and supply potable water to City residents: the North RO WTP and the Southwest RO WTP. Finished water produced at the WTPs is conveyed to four ground storage tanks (GSTs) for storage and re-pumping within the City's potable water distribution system.

The City provided historical daily potable water production and distribution data for the two WTPs for the past five years for the purpose of establishing historical production trends. Additionally, historical billed potable water data for the past five years was also provided. The difference between water produced at the two WTPs and the related water billed is unaccounted for water (UFW). The UFW calculation considers water used to flush the distribution system and water lost due to leaks within the distribution system.

For the past five fiscal years (FYs) (FY 2018 – FY 2022), a portion of the water produced at the WTPs was also used to supplement the City's IQ water system. The total water produced by the City's WTPs (water produced for supplemental irrigation as well as water produced for the distribution system) for the past five-year period is provided in **Table 3-1**.

Table 3-1: Recent Potable Water Distribution Trends

Fiscal Year	Estimated Served Population ¹	Average Daily Total Combined Distribution ²	Average Daily Potable Water Distribution	Average Daily Billed	Unaccounted for Water ³	Potable Water Per-Capita Distributed	Per-Capita Billed	Maximum Daily Total Combined Distribution ²	Total Combined Water Peaking Factor	Maximum Daily Potable Water Distribution	Potable Water Peaking Factor
		mgd	mgd	mgd	%	gpcd	gpcd	mgd		mgd	
2018	140,857	12.34	11.10	9.63	5.90%	78.80	68.36	17.50	1.42	13.43	1.21
2019	143,605	11.61	11.22	9.63	7.70%	78.13	67.06	16.69	1.44	12.86	1.15
2020	148,695	11.91	11.79	10.09	9.50%	79.29	67.88	17.86	1.50	16.27	1.38
2021	155,225	12.64	12.57	10.75	9.47%	80.98	69.24	17.21	1.36	15.28	1.22
2022	163,850	13.12	12.95	11.37	7.04%	79.04	69.40	20.29	1.55	17.52	1.35
Average		12.32	11.93	10.29	7.92%	79.25	68.39	17.91	1.45	15.07	1.26
Peak		13.12	12.95	11.37	9.50%	80.98	69.40	20.29	1.55	17.52	1.38

¹ Based on potable water customer accounts, 2.55 persons per household, and an occupancy rate of 86%.

² Total combined distribution includes water produced for supplemental irrigation.

³ Unaccounted for water = $1 - ((\text{Adjusted metered water for billing} + \text{Flushed/Leaked}) / \text{Finished water pumped to system})$.

The per-capita Level of Service Standard (LOSS) was evaluated based on historical potable water production data and served population estimates. Served population estimates were determined based on historical potable water customer accounts provided by the City, an estimated 2.55 persons per household, and an occupancy rate of 86%.

The City previously established and documented LOSSs for their utility system in the City of Cape Coral Design Procedure Manual and the infrastructure element of the Cape Coral Comprehensive Plan. These documents recommend that one potable water service connection is equivalent to 200 gallons per day of potable water demand on an annual average daily demand basis (AADD). This equates to a per-capita demand rate of approximately 91 gpcd based on demographics of 2.55 persons per household and an occupancy rate of 86%.

It should be noted that the Comprehensive Utilities Master Plan Update (November 2022) recently completed for the City recommended a per-capita demand rate of 80 gpcd (AADD). The Comprehensive Utilities Master Plan Update

performed a historical potable water production analysis for the period of 2010 through 2019 and recommended that the 80 gpcd demand rate be utilized for future treatment capacity determination purposes.

A summary of the ten-year historical per-capita potable water usage is presented in **Table 3-2**. Based on the historical demands for FY 2013 through FY 2022, per-capita demand rates (based on AADD) have fluctuated between 75 gpcd and 81 gpcd over the past ten fiscal years, and between 79 gpcd and 81 gpcd in the last three fiscal years. Additionally, the average per-capita demand rate for the past ten fiscal years was calculated to be approximately 78 gpcd. The recent stabilization of per-capita demand rates and the overall minor increase in demand rates over the past decade may be attributed to a combination of City water conservation policies, an ongoing program to replace aging pipes which reduces losses due to leaks, and the expansion of the City's IQ water distribution network as a separate system.

Based on this information, the 80 gpcd per-capita rate established by the Comprehensive Utilities Master Plan Update is still applicable and is recommended for the potable water per-capita LOSS. This includes per capita demands for all water produced (not including water for supplemental irrigation purposes), unaccounted for losses, and recorded operational losses.

Table 3-2: Ten-Year Historical per-Capita Demand - Potable Water

Fiscal Year	Estimated Permanent Served Population ¹	Annual Average Daily Demand (AADD) ³		Maximum Month Daily Demand (MMDD) ³		Maximum 3-Day Demand (M3DD) ³		Maximum Daily Demand (MDD) ³	
		Potable Water Demand	Per-Capita Demand ²	Potable Water Demand	Per-Capita Demand ²	Potable Water Demand	Per-Capita Demand ²	Potable Water Demand	Per-Capita Demand ²
		mgd	gpcd	mgd	gpcd	mgd	gpcd	mgd	gpcd
2013	123,748	9.38	76	10.37	84	11.31	91	11.85	96
2014	125,005	9.63	77	10.15	81	10.64	85	11.07	89
2015	127,111	9.81	77	10.61	83	11.93	94	12.20	96
2016	133,628	10.05	75	10.92	82	11.38	85	11.58	87
2017	137,256	10.88	79	12.09	88	13.12	96	13.31	97
2018	140,857	11.10	79	12.68	90	13.24	94	13.43	95
2019	143,605	11.22	78	11.98	83	12.58	88	12.86	90
2020	148,695	11.79	79	12.91	87	14.88	100	16.27	109
2021	155,225	12.57	81	14.11	91	14.86	96	15.28	98
2022	163,850	12.95	79	14.81	90	16.33	100	17.52	107
Average		10.94	78	12.06	86	13.03	93	13.54	96
Peak		12.95	81	14.81	91	16.33	100	17.52	109

¹ Based on potable water customer accounts, 2.55 persons per household, and an occupancy rate of 86%.

² Calculated by dividing potable water demands by estimated permanent served population.

³ Based on finished water sent to potable water distribution system.

Potable water peak demands are used to identify reliable system capacity requirements. **Table 3-2** shows the historical AADDs, maximum month daily demands (MMDDs), maximum 3-day demands (M3DDs) and maximum daily demands (MDDs). The Ten States Standards recommend that reliable water treatment capacity be based on MDDs.

Table 3-3 presents the historical total water production, including water produced to supplement the IQ water system, for the FY 2013 – FY 2022 time period. The total water production per-capita demand rate (AADD) peaked in FY 2017 at 94 gpcd due to severe drought conditions, and reached a minimum in FY 2016 at 75 gpcd. Starting in FY 2019, the per-capita demand rates have remained steady between 80 gpcd and 81 gpcd. MDD per-capita demand rates peaked in FY 2015 at 135 gpcd and most recently were 124 gpcd as of FY 2022.

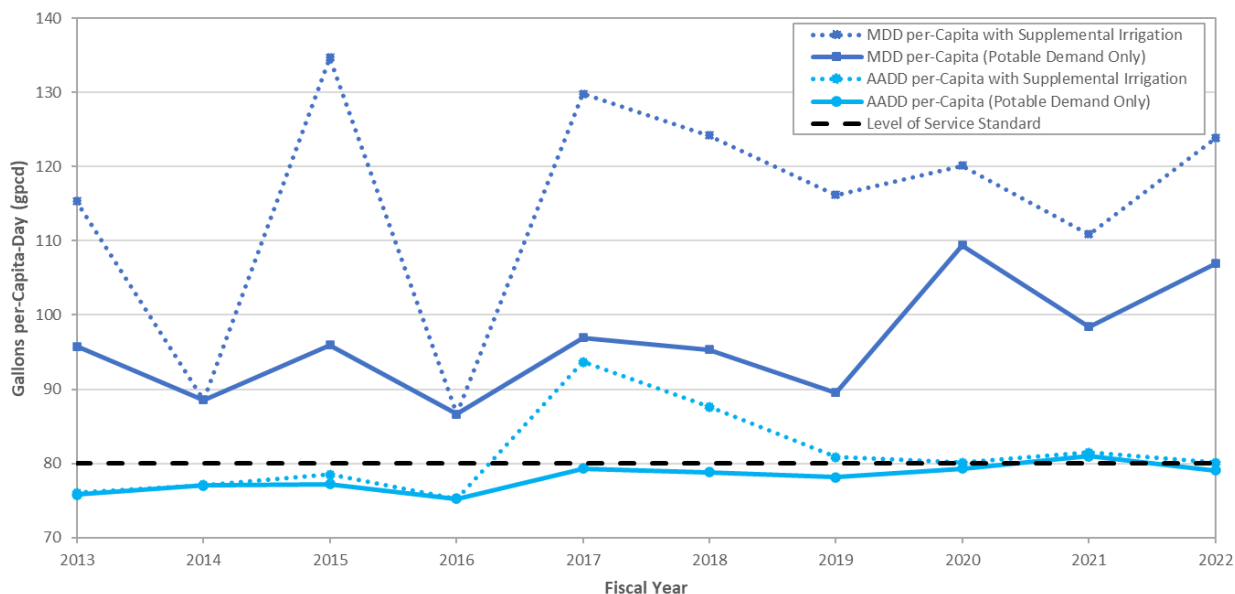
Table 3-3: Ten-Year Historical per-Capita Demand - Total Combined Water Including Supplemental Irrigation

Fiscal Year	Estimated Permanent Served Population ¹	Annual Average Daily Demand (AADD)		Maximum Daily Demand (MDD)	
		Total Demand (With Supplemental Irrigation)	Per-Capita Demand ²	Total Demand (With Supplemental Irrigation)	Per-Capita Demand ²
		mgd	gpcd	mgd	gpcd
2013	123,748	9.41	76	14.27	115
2014	125,005	9.63	77	11.07	89
2015	127,111	9.98	79	17.12	135
2016	133,628	10.05	75	11.58	87
2017	137,256	12.86	94	17.82	130
2018	140,857	12.34	88	17.50	124
2019	143,605	11.61	81	16.69	116
2020	148,695	11.91	80	17.86	120
2021	155,225	12.64	81	17.21	111
2022	163,850	13.12	80	20.29	124
Average		11.36	81	16.14	115
Peak		13.12	94	20.29	135

¹ Based on potable water customer accounts, 2.55 persons per household, and an occupancy rate of 86%.

² Calculated by dividing potable water demands by estimated permanent served population.

Figure 3-2 presents the historical per-capita demand rates calculated based on potable only and potable with supplemental irrigation demands, and provides a comparison with the 80 gpcd per-capita rate LOSS recommended by the City's recent Comprehensive Utilities Master Plan Update. Based on the past three fiscal years (FY 2020 through FY 2022), per-capita demand rates on an AADD basis have remained steady around 80 gpcd with and without inclusion of supplemental irrigation water. However, on a MDD basis, per-capita demand rates have been higher than 80 gpcd when including supplemental irrigation water, thus showing the additional demand impact when potable water is required for supplemental supply to meet irrigation demand (Figure 3-2).

Figure 3-2: Historical AADD and MDD per-Capita Water Demand Rate Trends

The MDD peaking factor (PF) is utilized for planning purposes to ensure that the potable water system has adequate capacity to handle anticipated maximum daily demands. MDD PFs are correspondingly used for the designing and permitting of water treatment facilities. The City's PFs are established based on ten-year historical production data for the City's WTPs. Analysis of the historical MMDDs, M3DDs, and MDDs, and the associated PFs is presented in **Table 3-4**. A MDD PF for total demand (including supplemental irrigation) was also established for planning purposes.

The recommended PFs for MMDD, M3DD, and MDD were identified based on the respective highest observed PFs of the past ten fiscal years. The recommended PF for MDD with potable water for supplemental irrigation was identified based on the highest observed PF of the past three fiscal years to better reflect the City's recent usage of potable water for the IQ water system.

The City has been actively reducing the annual usage of potable water used to supplement the IQ water system, but still utilizes the resource during severe drought conditions. In FY 2022, the City experienced a severe drought in the middle of April which prompted the use of potable water to supplement irrigation supplies. However, the City has been pursuing an overall goal of eliminating the usage of potable water for irrigation system supplementation purposes, completely. The City achieved this goal in 2023.

Table 3-4: Potable Water Demand Peaking Factor Analysis

Fiscal Year	Estimated Permanent Served Population ¹	Annual Average Daily Demand (AADD) ²	Maximum Month Daily Demand (MMDD) ²		Maximum 3-Day Demand (M3DD) ²		Maximum Daily Demand (MDD) ²		Maximum Daily Demand (MDD) (Including Supplemental Irrigation) ³	
			System Demand	Peaking Factor	System Demand	Peaking Factor	System Demand	Peaking Factor	System Demand	Peaking Factor
		mgd	mgd		mgd		mgd		mgd	
2013	123,748	9.38	10.37	1.11	11.31	1.21	11.85	1.26	14.27	1.52
2014	125,005	9.63	10.15	1.05	10.64	1.10	11.07	1.15	11.07	1.15
2015	127,111	9.81	10.61	1.08	11.93	1.22	12.20	1.24	17.12	1.75
2016	133,628	10.05	10.92	1.09	11.38	1.13	11.58	1.15	11.58	1.15
2017	137,256	10.88	12.09	1.11	13.12	1.21	13.31	1.22	17.82	1.64
2018	140,857	11.10	12.68	1.14	13.24	1.19	13.43	1.21	17.50	1.58
2019	143,605	11.22	11.98	1.07	12.58	1.12	12.86	1.15	16.69	1.49
2020	148,695	11.79	12.91	1.09	14.88	1.26	16.27	1.38	17.86	1.51
2021	155,225	12.57	14.11	1.12	14.86	1.18	15.28	1.22	17.21	1.37
2022	163,850	12.95	14.81	1.14	16.33	1.26	17.52	1.35	20.29	1.57
Average		10.94	12.06	1.10	13.03	1.19	13.54	1.23	16.14	1.47
Peak		12.95	14.81	1.14	16.33	1.26	17.52	1.38	20.29	1.75
Recommended			1.14		1.26		1.38		1.57	

¹ Based on potable water customer accounts, 2.55 persons per household, and an occupancy rate of 86%.

² Potable water demand exclusively - adjusted to exclude water produced for supplemental irrigation purposes.

³ Peaking factor calculated as (MDD with supplemental irrigation water demand)/(AADD without supplemental irrigation water demand).

3.3.2 Irrigation Quality Water Level of Service Standard

The City's IQ water is sourced from the City's freshwater canal system, the City's Everest and Southwest Water Reclamation Facilities (WRFs), and from outside entities through interlocal agreements (FGUA as well as CFM in the near future). During the dry season, the Southwest Aggregates Mine Reservoir (surface water source) has been utilized to supplement IQ water supply by conveyance into the City's freshwater canal system, and further supplemental IQ water is available on an as-needed basis through use of potable water produced at the WTPs.

The City provided monthly irrigation flow records for the past ten fiscal years and the latest irrigation customer account data as of July 2023. According to the July 2023 account data (**Table 3-5**), approximately 88% of all irrigation accounts were for single-family parcels, and approximately 12% for multifamily, commercial, and City account parcels.

Table 3-5: Summary of Irrigation Accounts by Type - July 2023

Account Description	Number of Accounts ¹	Percent of Total Accounts
		%
Single Family	55,220	88%
Duplex	4,373	7%
Multifamily - Metered	54	0%
Multifamily - Metered Fireline	11	0%
Multifamily - Non-Metered	1,113	2%
Commercial - Metered	489	1%
Commercial - Metered Fireline	13	0%
Commercial - Non-Metered	554	1%
City Accounts - Metered	35	0%
City Accounts - Non-Metered	733	1%
Total	62,595	100%

¹ Number of accounts as of July 31st, 2023 - Provided by City Financial Services Department.

The per-capita LOSS was evaluated based on historical IQ water usage data and served population estimates. Served population estimates were determined based on various sources. Population estimates for FY 2018 through FY 2022 were estimated using historical irrigation water customer accounts provided by the City, an estimated 2.55 persons per household, and an occupancy rate of 86%. Population estimates for FY 2013 through FY 2017 were calculated using linear interpolation between FY 2009 and FY 2018 population estimates (the FY 2009 population was referenced from the City's 2011 Irrigation and ASR Master Plan).

Irrigation usage over the past ten fiscal years was used to determine current average and peak per-capita demand rates. A summary of the City's historical ten-year IQ water demand is provided in **Table 3-6**. AADD per-capita rates have fluctuated between 228 gpcd (FY 2015) and 283 gpcd (FY 2022), with an average rate of approximately 249 gpcd for the FY 2013 – FY 2022 time period. In terms of MDDs, per-capita rates averaged approximately 395 gpcd for the past ten-year period, and peaked at 461 gpcd in FY 2021.

The City's recently completed Comprehensive Utilities Master Plan Update recommended a per-capita demand rate of 235 gpcd (AADD) for planning purposes. The per-capita rate was based on a historical demand analysis for the period of FY 2010 through FY 2019. Based on the most recent ten fiscal year period (FY 2013 – FY 2022), IQ water demands have increased and a per-capita demand rate of 250 gpcd is now more applicable. An IQ water per-capita LOSS of 250 gpcd is recommended accordingly.

Table 3-6: Summary of Recent Historical IQ Water Demand

Fiscal Year	Estimated Irrigation Population ¹	Total IQ Water Demand ²	Annual Average Daily Demand (AADD)		Maximum Daily Demand (MDD)	
			IQ Water Demand ²	Per-Capita Demand	IQ Water Demand ²	Per-Capita Demand
		MG	mgd	gpcd	mgd	gpcd
2013	112,530	9,619	26.35	234	40.93	364
2014	112,656	9,943	27.24	242	44.26	393
2015	112,783	9,365	25.66	228	38.47	341
2016	112,910	7,070	25.90	229	42.55	377
2017	113,037	9,846	26.98	239	42.80	379
2018	113,164	10,185	27.90	247	43.73	386
2019	117,212	11,192	30.66	262	47.79	408
2020	118,635	11,142	30.44	257	46.98	396
2021	114,782	11,091	30.81	268	52.87	461
2022	118,280	12,221	33.48	283	52.23	442
Average		10,167	28.54	249	45.26	395
Peak		12,221	33.48	283	52.87	461

¹ For FY 2013 - FY 2017, based on linear interpolation between FY 2009 and FY 2018 estimated populations. FY 2009 population referenced from City's Irrigation and ASR Master Plan (2011).

¹ For FY 2018 - FY 2022, populations based on historical City irrigation customer data, 2.55 persons per household, and an 86% occupancy rate.

² Represents sum of reclaimed water production, freshwater canal pump station flows, FGUA reclaimed water flows, and supplemental potable water for irrigation purposes.

Because IQ water demands fluctuate seasonally by dry and wet periods of the year, historical demands were also evaluated on a seasonal basis for average day and maximum day demand conditions. As such, historical seasonal demand multipliers were also calculated. **Table 3-7** and **Table 3-8** summarize the historical monthly IQ water demands for the past ten fiscal years for the dry season and wet season, respectively. For the purpose of this analysis, the dry season is considered as the time period from December through May and the wet season is considered as the period from June through November.

Based on **Table 3-7** and **Table 3-8**, the seasonal average of the ten-year averages for monthly average day demands was approximately 30.79 mgd for the dry season and 26.45 mgd for the wet season. Similarly, the seasonal average of the ten-year averages for monthly maximum day demands was approximately 40.30 mgd for the dry season and 36.12 mgd for the wet season.

Table 3-7: Historical Monthly IQ Water Demands – Dry Season

Fiscal Year	December		January		February		March		April		May	
	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day
	mgd		mgd		mgd		mgd		mgd		mgd	
2013	28.8	38.8	28.0	37.0	29.3	36.7	28.6	35.8	26.6	35.7	29.4	38.1
2014	27.4	34.8	25.4	33.6	25.8	34.0	28.1	35.6	28.8	38.6	33.3	44.3
2015	27.3	33.5	29.4	36.7	29.2	38.5	31.0	38.4	28.4	37.9	25.7	33.5
2016	¹	¹	23.2	32.0	23.2	30.8	26.3	35.5	30.9	39.8	31.8	42.6
2017	36.5	42.4	33.3	42.6	32.6	40.7	33.2	42.8	31.6	41.7	23.9	33.4
2018	26.4	33.2	28.8	39.3	32.3	39.8	33.8	43.7	33.7	43.7	28.1	40.6
2019	30.4	39.8	30.3	39.0	29.5	38.4	31.7	40.7	31.6	41.5	33.5	44.5
2020	30.0	41.5	30.7	38.7	30.1	39.3	33.7	43.0	33.8	44.1	28.5	42.4
2021	27.5	36.0	30.5	40.6	32.8	42.7	33.8	47.6	36.0	46.2	42.6	52.9
2022	36.7	47.5	37.0	50.0	37.5	48.7	38.8	52.2	37.0	50.1	33.6	46.3
Ten-Year Average	30.1	38.6	29.7	39.0	30.2	39.0	31.9	41.5	31.8	41.9	31.0	41.8
Dry Season (December – May) Average ² (mgd)					30.79		Dry Season (December – May) Maximum Average ³ (mgd)					40.30

¹ Daily demand data unavailable/incomplete.² Dry season average of the ten-year average of the monthly average day demands.³ Dry season average of the ten-year average of the monthly maximum day demands.**Table 3-8: Historical Monthly IQ Water Demands – Wet Season**

Fiscal Year	June		July		August		September		October		November	
	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day	Avg. Day	Max. Day
	mgd		mgd		mgd		mgd		mgd		mgd	
2013	28.1	40.9	22.4	31.3	21.4	29.7	18.7	26.2	24.6	34.7	30.5	37.7
2014	29.9	39.9	25.4	35.5	25.6	34.3	24.4	36.6	23.5	34.3	29.5	36.5
2015	23.4	30.1	21.7	30.1	19.4	25.7	19.5	27.5	26.2	35.6	26.9	34.9
2016	26.5	34.0	26.4	35.5	22.7	29.5	22.2	28.3	¹	¹	¹	¹
2017	18.6	25.4	18.0	24.4	18.4	27.1	17.2	23.7	27.0	38.0	33.7	41.8
2018	29.4	40.1	28.2	36.6	26.6	36.0	23.8	31.4	20.1	26.2	23.6	30.4
2019	35.5	47.8	29.9	41.2	25.6	36.4	31.9	44.7	28.1	40.5	30.3	39.3
2020	24.0	42.1	32.2	47.0	28.6	41.4	25.4	37.0	34.8	46.7	33.3	43.6
2021	34.1	47.1	27.8	38.8	26.4	40.0	25.1	34.2	25.8	33.9	26.6	34.9
2022	30.3	40.2	29.6	40.3	29.1	39.3	25.1	34.2	34.8	46.3	32.5	45.5
Ten-Year Average	28.0	38.8	26.2	36.1	24.4	33.9	23.3	32.4	27.2	37.4	29.7	38.3
Wet Season (June – November) Average ² (mgd)					26.45		Wet Season (June - November) Maximum Average ³ (mgd)					36.12

¹ Daily demand data unavailable/incomplete.² Wet season average of the ten-year average of the monthly average day demands.³ Wet season average of the ten-year average of the monthly maximum day demands.

Average day and maximum day demand multipliers (peaking factors and scale-down factors) were calculated for the wet and dry seasons of the year to account for seasonal demand fluctuations. **Table 3-9** provides the respective dry season and wet season multipliers that are used to estimate monthly average day and monthly maximum day IQ water demand projections.

Table 3-9: Seasonal IQ Water Demand Multiplier Analysis

Season	Ten-Year AADD (Full Fiscal Years) ¹	Seasonal Average Day	Seasonal Maximum Day	Seasonal Average Day Multiplier ²	Seasonal Maximum Day Multiplier ³
	mgd	mgd	mgd		
Dry Season	28.54	30.79	40.30	1.08	1.41
Wet Season		26.45	36.12	0.93	1.27

¹ Refer to **Table 3-6** for Ten-Year AADD analysis.

² Multiplier calculated as (seasonal average day demand)/(ten-year full-year AADD)

³ Multiplier calculated as (seasonal average maximum day demand)/(ten-year full-year AADD)

3.4 Population and Demand Projections

3.4.1 Planning Period

The 2022 LWC Water Supply Plan Update establishes population and potable water demand projections for utilities, municipalities, and local governments within the LWC Planning Area. Projections are provided for 2020 through 2045 (25-year planning horizon) on a five-year increment basis. To align with the planning horizon of the LWC Water Supply Plan Update, the Work Plan presents served potable water and served IQ water population projections, as well as potable water and IQ water service area demand projections, through FY 2045.

3.4.2 Population Forecast

Accurate population forecasting is critical for communities that have not been fully developed in order to correctly estimate and plan for infrastructure investments and maintain adequate service. The City of Cape Coral is in a unique position of having substantial area to grow before the City population reaches build-out capacity. As the UEP program continues to expand, the City's utilities will need to accommodate this growth as well as the existing populations that are currently unserved. The population growth models for the City of Cape Coral created through other reports and documents are general tools developed to assist in the update of the City's Work Plan. The following population projection resources were considered for this Work Plan update:

3.4.2.1 City Comprehensive Utilities Master Plan Update Population Projections

The City's recent Comprehensive Utilities Master Plan Update (November 2022) utilizes permanent population projections developed by Metro Forecasting Models, LLC (MFM) for the period of 2020 through 2080, and build-out conditions in five-year increments. To forecast population, MFM used the Interactive Growth Model® (IGM) planning tool, a land use model that considers when and where growth is most likely to occur over time. Population projections were based on detailed research and meetings with the Cape Coral Planning Department to understand the potential for future development. Demographics were carefully analyzed from 30 years of census data. To determine residential demand, the IGM uses a series of complex algorithms to anticipate residential development and distribute it over the forecast period to the areas where it is most likely to occur. The disaggregated parcel databases are then aggregated into 447 Traffic Analysis Zones (TAZs/zones) for the population forecast. The IGM employs non-linear logistic growth analysis at the zone level to simulate population and housing unit development over time.

Overall, the population estimates and projections in the Comprehensive Utilities Master Plan Update are a product of housing units and household demographic characteristics. Lee County household demographics from the 1990, 2000 and 2010 decennial censuses were reviewed on a spatial basis and a trend analysis for the City of Cape Coral was completed. The average household size used for most zones in the IGM was 2.55 in the baseline year. Vacancy rate research did not show a definitive trend and while household sizes tend to change slowly over time (in areas with substantial development), vacancy rates often mirror the economy. Ultimately professional judgement was used to arrive at a total vacancy rate of 14% for most zones in the IGM.

A key element of the recent Comprehensive Utilities Master Plan Update was to identify areal limits and phasing for the future UEP program and the corresponding population projections for the future served areas. The currently unserved area of the UEP covers approximately 39 square miles and consists of 113 zones. Coordination with Utility Department leadership was utilized to develop population projections for the UEP expansion areas.

Adjustments were later made to the initial MFM forecast to account for new commercial and residential developments (Pine Island Road Corridor Development and Hudson Creek Development) that submitted planning applications while the Master Planning effort was ongoing. The initial population forecast accounted for these new developments. However, the proposed density of the new developments was greater and timing for the growth (according to the developers) was more accelerated. In addition, the infill population growth rate was increased to 2% for the existing potable water and wastewater areas to account for rapid growth and to provide a more conservative projection.

Seasonal variation in the City's population and the impacts of the influx of tourists and part time residents are accounted for in the Comprehensive Utilities Master Plan Update by the use of per-capita demands that are based on full years of historical usage data.

3.4.2.2 SFWMD Population Projections

The SFWMD developed population projections for the elaboration of the LWC Water Supply Plan Update. Projections were established in coordination with stakeholder groups, other agencies, utilities, and local governments. The 2022 LWC Water Supply Plan Update uses census block populations from the 2020 Decennial Census (U.S. Census Bureau 2020) and 2020 public supply (PS) service area maps to estimate 2020 permanent resident populations for PS service areas. PS service area maps were developed based on relevant information from PS utilities, the SFWMD's WUP database, and coordination/correspondence with PS utilities staff. Service area maps were created for the year 2020 and the year 2045.

The LWC Water Supply Plan Update uses 2020 as the base year and provides populations projections in 5-year increments to 2045 – the future planning horizon. Population projections to 2045 were calculated using Future Utility Service Area distributions of population served with the 2020 Decennial Census (U.S. Census Bureau 2020). The population growth rate was provided by the county population projections (BEER medium) from BEBR 2021 to project future populations (annual county growth rates).

3.4.2.3 Recommended Work Plan Population Projections

For the purpose of this Work Plan, the population projections from the recently completed Comprehensive Utilities Master Plan Update are used for the development of the potable water and IQ water demand projections. The projections were established following a comprehensive review of Lee County Property Appraiser parcel data, City Geographic Information System (GIS) data, and Census and historic building permit data, in addition to comprehensive communication and coordination with City Planning staff and City Utilities staff.

The population projections account for anticipated new commercial and residential developments that include the Pine Island Road Corridor Development, the Hudson Creek Development, and the planned redevelopment of the Cape Coral Redevelopment Agency (CRA) area. The area of redevelopment by CRA is of special focus in the Comprehensive Utilities Master Plan Update as the area is anticipated to undergo land use changes and commercial development over the coming decades. These changes will impact the residential populations within the area. Additionally, the Comprehensive Utilities Master Plan Update establishes the population estimates of the UEP expansion areas which are the primary driver of future served City populations in the coming decades.

The 2% annual infill growth rate for existing service areas was appropriate at the time of the development of the Comprehensive Utilities Master Plan Update, and provided a more conservative estimate for the City's served population projection estimates. However, for the purpose of this Work Plan, the served potable water, IQ water, and wastewater population (used in the development of reclaimed water availability projections) projections were adjusted to reflect a 0.5% annual growth rate for existing service areas. This adjustment aligns better with recent growth rate trends observed. Similar to the population evaluation completed as part of the Comprehensive Utilities Master Plan Update, seasonal variation in the City's population and the impacts of the influx of tourists and part time residents are accounted for in the Work Plan through the use of per-capita demands that are based on full years of historical usage data.

The proposed utility extension schedule identified in the Comprehensive Utilities Master Plan Update reflects an aggressive construction schedule that adds approximately two UEP expansion areas every five years starting in 2025. Based on input from City staff, the anticipated construction timeline for the UEP program has changed and a schedule that adds one expansion area every five years better aligns with City plans for the program moving forward. The prioritization order of the UEP expansion areas will however remain unchanged from the Comprehensive Utilities Master Plan Update. As such, for the purpose of this Work Plan, served population projections will reflect a construction schedule where one expansion area is added every five years.

Figure 3-3 provides a comparison of the served potable water population forecast used for this Work Plan (adjusted projections from the Comprehensive Utilities Master Plan Update) and the SFWMD's served population forecast from the 2022 LWC Water Supply Plan Update, on a five fiscal year interval basis. As shown in the figure, the two population forecasts are fairly comparable until FY 2025. Following FY 2025, the SFWMD's forecast begins to deviate and predict an overall higher served population estimate for the remainder of the planning horizon. This difference is attributable to the recent change to the UEP construction schedule which will not have been captured during the development of the 2022 LWC Water Supply Plan Update.

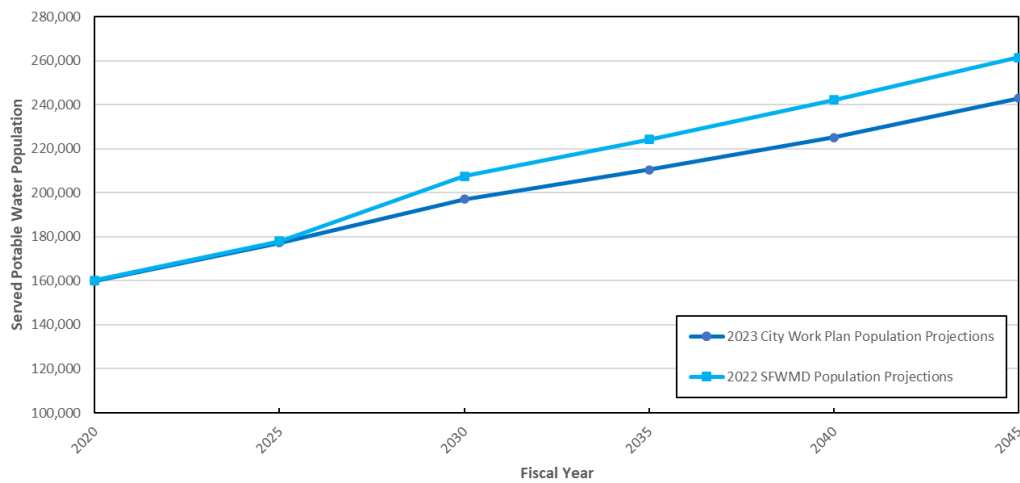
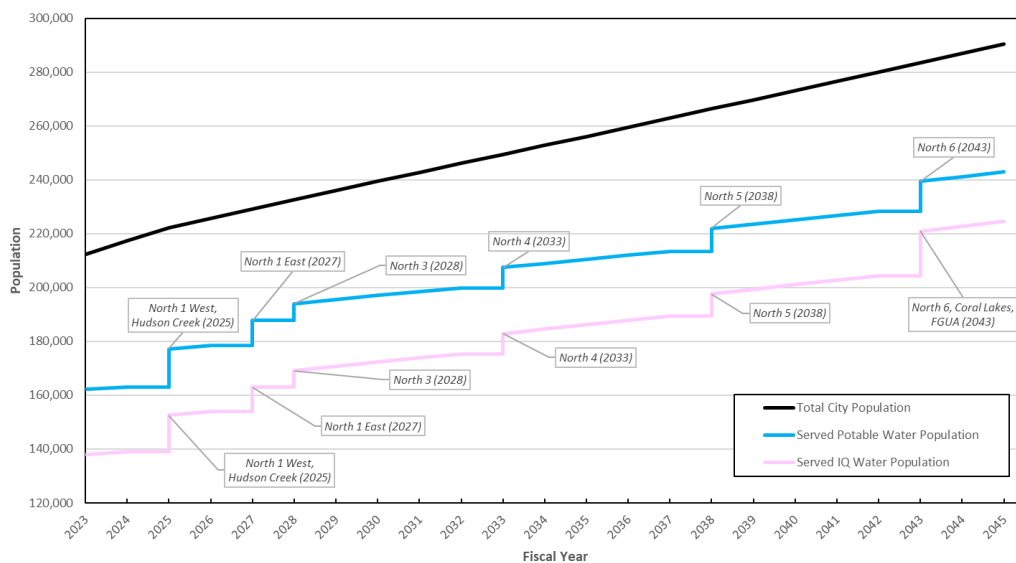
Figure 3-3: Served Potable Water Population Projections Comparison

Figure 3-4 shows the projected total City populations (referenced from the Comprehensive Utilities Master Plan Update), projected served potable water populations (adjusted from Comprehensive Utilities Master Plan Update), and the projected served IQ water populations (adjusted from the Comprehensive Utilities Master Plan Update) on an annual fiscal year basis from FY 2023 through FY 2045. The 'step' increases shown in the figure reflect the anticipated timing of service availability for the UEP expansion areas and their additions to the City utility service area.

The UEP construction schedule adding one expansion area every five years is proposed to start in FY 2028 with the construction completion of the 'North 3' UEP expansion area. Regarding the 'North 1' UEP expansion area, the service area was divided into two sub-areas with sections west of Del Prado Blvd being considered as 'North 1 West', and sections east of Del Prado Blvd being considered as 'North 1 East'. This division separates out the construction schedule into two individual timelines established by City staff (completion by FY 2025 and by FY 2027, respectively), and helps to alleviate concerns regarding the large size of the UEP expansion area.

Figure 3-4: Total City Population and Utility Service Population Projections

3.4.3 Potable Water Demand Projections

Potable water demand projections were developed for the time period of FY 2023 through FY 2045 based on the per-capita demand rate of 80 gpcd and MMDD, M3DD, MDD peaking factors of 1.14, 1.26, and 1.38, respectively. Additionally, a peaking factor of 1.57 is used for MDD conditions accounting for supplemental irrigation water usage. Both the per-capita rate and the various peaking factors were determined from the ten-year historical demand analysis (FY 2013 – FY 2022) provided in **Section 3.3.1**.

Annual fiscal year projections are shown in **Table 3-10** and establish projected MDDs of 19.57 mgd in 2025, 21.75 mgd in 2030, 23.24 mgd in 2035, 24.86 mgd in 2040, and 26.82 mgd in 2045. It should be noted that the MDD projections with supplemental irrigation usage anticipate that IQ water system supplementation (using potable water) will be reduced to zero in FY 2025 with the implementation of other IQ water sources.

Table 3-10: Potable Water Demand Projections

Fiscal Year	Projected Served Population	Potable Water ¹ ADD	Potable Water ¹ MMDD	Potable Water ¹ M3DD	Potable Water ¹ MDD	Total Demand MDD ² (With Supplemental Irrigation)
		mgd	mgd	mgd	mgd	mgd
A	B	C	D = C x 1.14	E = C x 1.26	F = C x 1.38	G = C x 1.57 G = C x 1.38
2023	162,321	12.99	14.80	16.36	17.92	20.39
2024	163,121	13.05	14.88	16.44	18.01	20.49
2025	177,220	14.18	16.16	17.86	19.57	19.57
2026	178,418	14.27	16.27	17.98	19.70	19.70
2027	187,726	15.02	17.12	18.92	20.72	20.72
2028	193,972	15.52	17.69	19.55	21.41	21.41
2029	195,510	15.64	17.83	19.71	21.58	21.58
2030	197,049	15.76	17.97	19.86	21.75	21.75
2031	198,428	15.87	18.10	20.00	21.91	21.91
2032	199,807	15.98	18.22	20.14	22.06	22.06
2033	207,430	16.59	18.92	20.91	22.90	22.90
2034	208,971	16.72	19.06	21.06	23.07	23.07
2035	210,512	16.84	19.20	21.22	23.24	23.24
2036	211,993	16.96	19.33	21.37	23.40	23.40
2037	213,474	17.08	19.47	21.52	23.57	23.57
2038	221,938	17.76	20.24	22.37	24.50	24.50
2039	223,559	17.88	20.39	22.53	24.68	24.68
2040	225,179	18.01	20.54	22.70	24.86	24.86
2041	226,746	18.14	20.68	22.86	25.03	25.03
2042	228,312	18.26	20.82	23.01	25.21	25.21
2043	239,453	19.16	21.84	24.14	26.44	26.44
2044	241,211	19.30	22.00	24.31	26.63	26.63
2045	242,969	19.44	22.16	24.49	26.82	26.82

¹ Based on per-capita demand rate of 80 gpcd and MMDD, M3DD, MDD peaking factors of 1.14, 1.26, and 1.38, respectively.

² Based on MDD (with supplemental irrigation) peaking factor of 1.57 for FY 2023 and FY 2024. Based on MDD peaking factor of 1.38 from FY 2025 onward - anticipates that IQ water system supplementation with potable water will be reduced to zero in FY 2025.

3.4.3.1 Domestic Self-Supply Water

As the City continues to expand its potable water, sanitary sewer, and IQ water utility service through the UEP program, the number of City residents utilizing domestic self-supply wells for potable water supply is expected to decrease. The majority of self-supply users are located in northern areas of the City where public utilities are not available. **Table 3-11** shows the estimated potable water demands for self-supply users on a five-year basis, through FY 2045. The self-supply potable water demands were calculated based on a per-capita demand rate of 80 gpcd.

The population utilizing domestic self-supply wells for potable water supply was calculated based on the City population percentage that remains unserved as of 2022 (24%), and a linear decreasing trend projection to 2% by FY 2075. It is anticipated that all UEP expansion areas will be constructed by FY 2073. However, based on a review of data from the 'Southwest 6 and 7' and 'North 2' UEP expansion areas, a lag time of approximately two years is estimated for a majority of the properties within an expansion area to connect to the City's potable water utilities (accounting for the transition from self-supply wells). Therefore, it is estimated that 98% of the customers located within the UEP expansion areas will be served by FY 2075, anticipating that 2% of the City's population within future service areas will remain unserved by FY 2075.

As utility service expands with the service availability timing of UEP expansion areas, self-supply wells are assumed to no longer be utilized. The unserved population percentage was determined based on the estimated 2022 served population percentage (76%), which was calculated using City population estimates from the United States Census Bureau and City potable water customer account records. Irrigation water demand from self-supply wells is discussed in **Section 3.4.4.1**.

Table 3-11: Unserved Potable Water (Self-Supply) Population and Demand

Fiscal Year	Unserved Potable Water Population ^{1,2} (Domestic Self-Supply Users)	Annual Average Day Demand ³
		mgd
2025	51,595	4.13
2030	50,506	4.04
2035	48,604	3.89
2040	46,027	3.68
2045	42,796	3.42

¹ Based on estimated population utilizing domestic self-supply wells (24%) as of 2022, and a linear interpolation to 2% by FY 2075 when UEP expansion areas are anticipated to provide utility supplied service.

² 2% of the population within future service areas is anticipated to remain unserved by FY 2075.

³ Based on per-capita demand rate of 80 gpcd.

3.4.4 Irrigation Quality Water Demand Projections

Seasonal IQ water demand projections were developed for the dry season and wet season from FY 2023 through FY 2045. Monthly average day demand and monthly maximum day demand projections were calculated based on the per-capita IQ water demand rate of 250 gpcd and seasonal average day demand multipliers of 1.08 for the dry season and 0.93 for the wet season, and seasonal average maximum day demand multipliers of 1.41 for the dry season and 1.27 for the wet season. Both the per-capita rate and the seasonal demand multipliers were determined from the seasonal ten-year historical demand analysis (FY 2013 – FY 2022) provided in **Section 3.3.2**. To account for the implementation of smart irrigation systems (SISs) and higher efficiency irrigation systems by new irrigation customers (2023 amendments to the City's Code of Ordinances now require that systems achieve a minimum 70% efficiency; refer to **Section 3.7.2.1**), a 20% reduction to IQ water demands was applied to populations associated with new UEP expansion

areas. This approach aligns with IQ water modeling efforts from the Comprehensive Utilities Master Plan Update where a 15% to 30% reduction in demands was applied to certain scenarios to account for SISs. No demand reduction was applied to existing service area populations. As shown in **Table 3-12**, monthly average day demands are estimated to increase from 36.85 mgd/31.73 mgd (dry season/wet season) in FY 2023 to 56.35 mgd/48.53 mgd in FY 2045. Similarly, monthly maximum day demands are estimated to increase from 48.10 mgd/43.33 mgd in FY 2023 to 73.57 mgd/66.27 mgd in FY 2045.

Table 3-12: IQ Water Demand Projections – Seasonal Basis

Fiscal Year	Projected Served Population	IQ Water Monthly Average Day Demand ¹		IQ Water Monthly Maximum Day Demand ²	
		Dry Season	Wet Season	Dry Season	Wet Season
		mgd		mgd	
2023	138,054	36.85	31.73	48.10	43.33
2024	138,995	37.08	31.93	48.41	43.61
2025	152,571	40.05	34.49	52.29	47.10
2026	153,908	40.37	34.77	52.71	47.48
2027	162,948	42.36	36.48	55.31	49.82
2028	169,081	43.72	37.65	57.08	51.41
2029	170,741	44.12	37.99	57.60	51.88
2030	172,401	44.51	38.33	58.11	52.34
2031	173,911	44.87	38.64	58.58	52.77
2032	175,421	45.24	38.95	59.06	53.19
2033	182,864	46.88	40.37	61.20	55.13
2034	184,528	47.28	40.71	61.72	55.59
2035	186,192	47.67	41.05	62.24	56.06
2036	187,794	48.05	41.38	62.74	56.51
2037	189,397	48.44	41.71	63.24	56.96
2038	197,633	50.25	43.27	65.61	59.10
2039	199,367	50.67	43.63	66.15	59.58
2040	201,102	51.08	43.98	66.69	60.06
2041	202,747	51.47	44.32	67.20	60.53
2042	204,391	51.87	44.66	67.71	60.99
2043	220,890	55.47	47.76	72.42	65.23
2044	222,768	55.91	48.15	72.99	65.75
2045	224,645	56.35	48.53	73.57	66.27

¹ Based on per-capita demand rate of 250 gpcd and seasonal average day demand multipliers of 1.08 for the dry season and 0.93 for the wet season. Accounts for 20% reduction to demands associated with new UEP expansion areas using SISs or higher efficiency irrigation systems.

² Based on per-capita demand rate of 250 gpcd and seasonal average maximum day demand multipliers of 1.41 for the dry season and 1.27 for the wet season. Accounts for 20% reduction to demands associated with new UEP expansion areas using SISs or higher efficiency irrigation systems.

3.4.4.1 Domestic Self-Supply Irrigation Water

With the continued expansion of the City's utility service through the UEP program, the number of City residents utilizing domestic self-supply wells for irrigation water supply is expected to decrease. The majority of self-supply users are located in northern areas of the City where public utilities are not available. **Table 3-13** shows the estimated irrigation water demands for self-supply users on a five-year basis, through FY 2045. Demands were calculated based on a per-capita demand rate of 250 gpcd and do not account for any potential reductions associated with SISs or higher efficiency irrigation systems.

The population utilizing domestic self-supply wells for irrigation water supply was calculated based on the City population percentage that remains unserved as of 2022 (45%), and a linear decreasing trend projection to 5% by FY 2075 (accounting for a two-year lag time for City residents to transition from self-supply wells). As utility service expands with the service availability timing of UEP expansion areas, self-supply wells are assumed to no longer be utilized. It is anticipated that 5% of the City's population within future service areas will remain unserved as connection to the City's IQ water system is not mandatory through the UEP program. The remaining unserved population is expected to receive irrigation water supply from neighborhood lakes and other private supplies, instead. The unserved population percentage was determined based on the estimated 2022 served population percentage (55%), which was calculated using City population estimates from the United States Census Bureau and City irrigation customer account records.

Table 3-13: Unserved Irrigation Water (Self-Supply) Population and Demand

Fiscal Year	Unserved IQ Water Population ^{1,2} (Domestic Self-Supply Users)	Annual Average Day Demand ³
		mgd
2025	96,000	24.00
2030	94,279	23.57
2035	91,090	22.77
2040	86,687	21.67
2045	81,114	20.28

¹ Based on estimated population utilizing domestic self-supply wells (45%) as of 2022, and a linear interpolation to 5% by FY 2075 when UEP expansion areas are anticipated to provide utility supplied service.

² Neighborhood lakes and other private supplies are expected to provide for the remaining 5% of the City population within future service areas.

³ Based on per-capita IQ water demand rate of 250 gpcd.

Although historical seasonal data on self-supply irrigation water demands is unavailable, the seasonal average day demand and maximum day demand multipliers for the served IQ water population may be used to estimate seasonal self-supply irrigation water demands. **Table 3-14** provides the projected self-supply monthly average day demands and monthly maximum day demands based on seasonal average day demand multipliers of 1.08 for the dry season and 0.93 for the wet season, and seasonal average maximum day demand multipliers of 1.41 for the dry season and 1.27 for the wet season.

Table 3-14: Unserved Irrigation Water (Self-Supply) Population and Demand - Seasonal Basis

Fiscal Year	Unserved IQ Water Population ^{1,2} (Domestic Self-Supply Users)	Monthly Average Day Demand ³		Monthly Maximum Day Demand ⁴	
		Dry Season	Wet Season	Dry Season	Wet Season
		mgd		mgd	
2025	96,000	25.92	22.32	33.84	30.48
2030	94,279	25.46	21.92	33.23	29.93
2035	91,090	24.59	21.18	32.11	28.92
2040	86,687	23.41	20.15	30.56	27.52
2045	81,114	21.90	18.86	28.59	25.75

¹ Based on estimated population utilizing domestic self-supply wells (45%) as of 2022, and a linear interpolation to 5% by FY 2075 when UEP expansion areas are anticipated to provide utility supplied service.

² Neighborhood lakes and other private supplies are expected to provide for the remaining 5% of the City population within future service areas.

³ Based on per-capita demand rate of 250 gpcd and seasonal average day demand multipliers of 1.08 for the dry season and 0.93 for the wet season.

⁴ Based on per-capita demand rate of 250 gpcd and seasonal average maximum day demand multipliers of 1.41 for the dry season and 1.27 for the wet season.

3.5 Water Supply Provided by Local Government

The City's water supply system is separated into two individual systems (dual water system) as a condition of the September 1984 WUP issued by the SFWMD. The primary system, the drinking water system, utilizes brackish groundwater aquifers as the raw water source processed to produce potable water by the City's two RO WTPs. Initially, the secondary system, the irrigation water system, utilized water from the City's extensive network of freshwater canals only, to provide non-potable (irrigation and limited fire protection) water for the City. The City has long-term plans to remove fire protection from the IQ water system and to expand the potable water system to provide fire protection to these areas instead. In November 1989, a public referendum endorsed the use of reclaimed water for residential reuse. At that point, the secondary system was expanded to include reclaimed water to supplement the canal water for non-potable purposes. Use of the secondary water system for irrigation has enabled the City to lower its annual per-capita demand for potable water.

3.5.1 Drinking Water System

The primary water system utilizes an RO system to treat brackish groundwater from the Upper Floridan aquifer. Brackish raw water is obtained from a total of 56 production wells (although only 52 are operational at this time) and supplied to the two WTPs via three raw water transmission systems. The City's SFWMD WUP #36-00046-W permits a raw water withdrawal allocation of up to 1,312 million gallons (MG) monthly or 14,326 MG per year. The City's WUP will expire on October 22, 2029.

The City owns and operates two RO WTPs: the Southwest RO WTP with a permitted production capacity of 18.1 mgd, and the North RO WTP with a permitted production capacity of 12 mgd. The City also operates two storage and booster pump stations which are used to increase water pressure in the potable water transmission and distribution system. These are the Van Loon Storage and Booster Pump Station and the Palm Tree Storage and Booster Pump Station. The two storage and booster pump stations also provide additional potable water storage capacity with a 1-MG GST located at the Van Loon site and a 2-MG GST located at the Palm Tree site.

The Southwest RO WTP is comprised of two plants and is equipped with three 5.0-MG prestressed concrete GSTs. Plant No.1 was built in 1977 with a 3.0 mgd production capacity, and was subsequently expanded to a 6.0 mgd

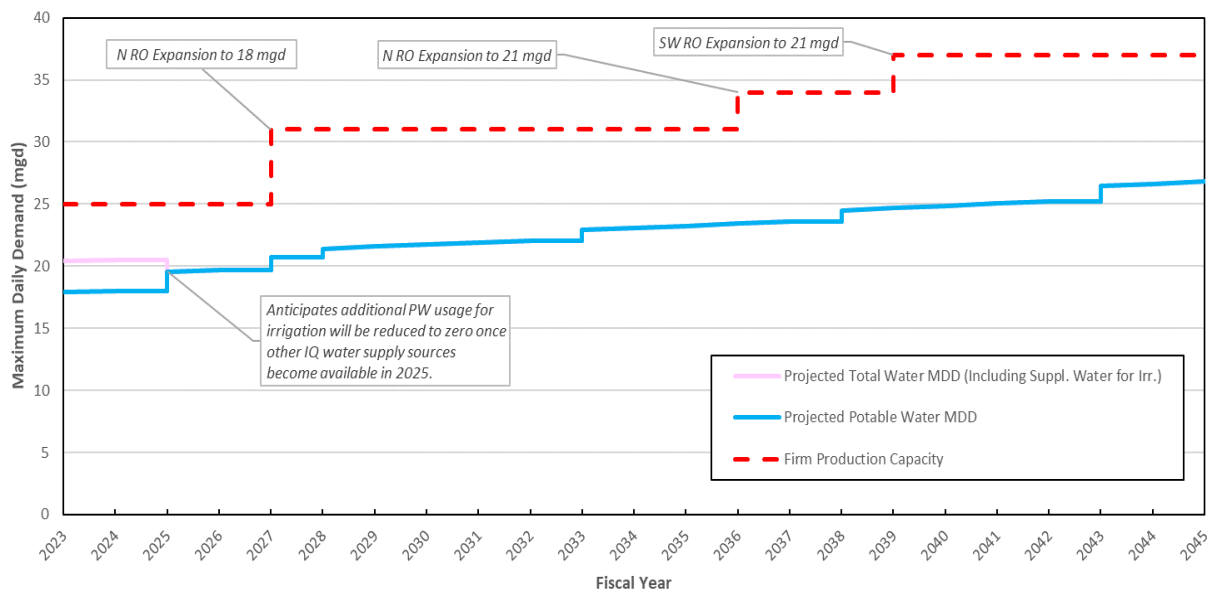
production capacity in 1980. The three-stage RO process of the plant consists of ten treatment trains, each of which is composed of 10 first-stage pressure vessels, seven second-stage pressure vessels, and four third-stage pressure vessels. Plant No. 1 is currently supplied with raw water from 12 production wells. Plant No. 2 at the Southwest RO WTP is a 12.1 mgd, two-stage RO process plant built in 1985 and is currently supplied by 20 production wells (of a total of 22 production wells). Plant No. 2 originally possessed a 9.0-mgd production capacity prior to facility modifications in 2007, which increased capacity to 12.1 mgd. Plant No. 2 consists of eight treatment trains, each composed of 20 first-stage pressure vessels and 10 second-stage pressure vessels. The combined permitted production capacity of the Southwest RO WTP is 18.1 mgd and the combined firm capacity is 16 mgd. The firm capacity of Plant No.1 with one of the 10 membrane process trains out of service is 5.4 mgd and the firm capacity of Plant No. 2 with one of the eight membrane process trains out of service is 10.6 mgd.

Construction of the 12.0 mgd North RO WTP began in 2006 and was completed during 2010. The firm capacity of the WTP is 9.0 mgd with one of the four membrane process trains out of service. The treatment process consists of four membrane treatment trains, each with 48 first-stage pressure vessels (expandable to 54) and 24 second-stage pressure vessels (expandable to 27). The plant is equipped with a 12-MG prestressed concrete GST. The North RO WTP is currently supplied by 20 operational production wells (of a total of 22 production wells).

3.5.1.1 Future Drinking Water Needs

Using the served population projections established in earlier sections, a potable water system production capacity gap analysis was performed to evaluate the City's future demands for comparison to WTP production capacities and permitted raw water allocations. The reliable/firm water treatment capacity, defined as the treatment capacity with the largest process unit offline, is compared to the projected MDDs to determine if the system has a surplus or deficit.

The results of the production capacity gap analysis are shown in **Figure 3-5** and **Table 3-15**. The future system firm production capacities are based on the recommended WTP expansions proposed in the City's recent Comprehensive Utilities Master Plan Update. The 'step' increases in demand shown in **Figure 3-5** reflect the utility service availability timings of the future UEP expansion areas and the associated increases in demands. MDD projections with supplemental irrigation usage anticipate that system supplementation with potable water will be reduced to zero in FY 2025. Based on the gap analysis, the City has sufficient system production capacity (firm) to accommodate MDDs through FY 2045. By FY 2045, the City is estimated to have a firm production capacity surplus of 10.18 mgd.

Figure 3-5: Potable Water System Production Capacity Gap Analysis

With regard to permitted raw water consumption (**Table 3-15**), the City's WUP allocation is sufficient to accommodate MDDs through FY 2045, assuming a system recovery efficiency of 80% is maintained. The 80% recovery efficiency is based on the average system efficiency for the past three fiscal years (80.47%; FY 2020 – FY 2022). By FY 2045, the City is estimated to have a raw water allocation surplus of approximately 5.72 mgd (assuming the permitted raw water allocation remains unchanged with future WUP renewals).

Table 3-15: Potable Water System Production Capacity Gap Analysis

Description			Historical		Projected					
Fiscal Year			2015	2019	2023	2025	2030	2035	2040	2045
Potable Water Service Area Population	A		127,111	143,605	162,321	177,220	197,049	210,512	225,179	242,969
Potable Water per-Capita Demand (gpcd)	B		77	78	80	80	80	80	80	80
Potable Water AADD (mgd)	C		9.81	11.22	12.99	14.18	15.76	16.84	18.01	19.44
Potable Water MDD (mgd)	D		12.20	12.86	17.92	19.57	21.75	23.24	24.86	26.82
Total Water MDD (mgd) (With Suppl. Irrigation Water Supply)	E		17.12	16.69	20.39	19.57	21.75	23.24	24.86	26.82
Firm Production Facilities Capacity ¹ (mgd)	F		25.0	25.0	25.0	25.0	31.0	31.0	37.0	37.0
Production Facilities Capacity Surplus/Deficit (mgd)	Potable Water	G = F - D	12.80	12.14	7.08	5.43	9.25	7.76	12.14	10.18
	Total Water	H = F - E	7.88	8.31	4.61	5.43	9.25	7.76	12.14	10.18
Raw Water Requirement ² (mgd)	Potable Water	I = D / 80%	15.25	16.08	22.40	24.46	27.19	29.05	31.07	33.53
	Total Water	J = E / 80%	21.40	20.86	25.48	24.46	27.19	29.05	31.07	33.53
Permitted WUP Annual Allocation ³ (mgd)	K		39.25	39.25	39.25	39.25	39.25	39.25	39.25	39.25
Permitted WUP Surplus/Deficit (mgd)	Potable Water	L = K - I	24.00	23.17	16.85	14.79	12.06	10.20	8.17	5.72
	Total Water	M = K - J	17.85	18.39	13.76	14.79	12.06	10.20	8.17	5.72

¹ Firm capacity is defined as the treatment capacity with the largest process unit offline.

² 80% recovery efficiency based on average system efficiency for past three fiscal years (FY 2020 – FY 2022).

³ WUP (36-00046-W) for 39.25 MGD annual average expires October 22, 2029. Annual average calculated dividing 14,326 MG annual allocation by 365 days.

3.5.2 Irrigation Quality Water System

Reclaimed Water

The City currently operates two WRFs: the Everest WRF, which has a permitted treatment capacity of 13.4 mgd, and the Southwest WRF, which has a permitted treatment capacity of 15.0 mgd. Reclaimed water from the two WRFs is utilized as the primary source of IQ water for the City's IQ water system. There are two 5.0-MG storage tanks located at the Everest WRF and three 5.0-MG storage tanks located at the Southwest WRF, which temporarily store reclaimed water prior to distribution into the IQ water system. Both WRFs pump excess effluent into deep injection wells, and the Everest WRF may also discharge effluent into the Caloosahatchee River. The City maintains a National Pollutant Discharge Elimination System (NPDES) permit that allows for surface water body discharge of effluent from the Everest WRF. However, it is only utilized as a back-up option to deep-well injection, and it hasn't been used since 2008.

The City also obtains additional reclaimed water from external entities through interlocal agreements. The City has agreements with the FGUA and the CFM for the purchase and acceptance of reclaimed water to supplement the City's IQ water system.

Freshwater Canal Water

An additional main source for the City's IQ water is its network of freshwater canals. Water is withdrawn from the City canals via six canal pump stations, which pump directly into the City's IQ water distribution system following filtration/screening and liquid chlorine injection. As water levels decline in the southern canals, a transfer pump station is utilized to convey water from canals north of Pine Island Road into the southern canal system. During the dry season, surface water from the Southwest Aggregates Mine Reservoir is also used to supplement the freshwater canal system. Pending construction of the permanent pump station and pipeline, water from the Southwest Aggregates Mine Reservoir is conveyed to the City freshwater canal system using the US-41 drainage swales. The City's six currently operated canal pump stations have the combined total pumping capacity to provide approximately 79,453 gpm (114.4 mgd) of IQ water.

To optimize and effectively maintain and operate the IQ water system, reduce demands on the freshwater canal network, and manage IQ water demands, the City is actively pursuing and evaluating various improvements and alternatives which include the following:

- Development of a hydrogeological model to determine the feasibility of implementing an Aquifer Storage and Recovery (ASR) program for the temporary storing of excess water during the wet season.
- Full rehabilitation of the North-South Transfer Station as well as control structure replacements/installations, modifications, and improvements to select canal system weirs. Regarding the North-South Transfer Station, rehabilitation efforts involve the electrical systems, control systems, and pump capacity improvements among other items. A total of eleven weirs are also planned to undergo improvements intended to improve operational flexibility, storage, and provide instrumentation and control.
- Construction of an interconnect pipeline across the Caloosahatchee River to convey excess reclaimed water from the CFM to the City's Everest WRF.
- Construction of a pipeline for conveyance of water from the Southwest Aggregates Mine Reservoir to eliminate water lost by using the US-41 drainage swales as a temporary conveyance mechanism.
- Conceptual design permitting and Basis of Design Report preparation for wet season conveyance of excess surface water from Babcock Webb Wildlife Management Area to the Southwest Aggregate Mine Reservoir.

Includes mine reservoir perimeter berm improvements. Project goal is to maximize the volume of water storage in the reservoir during the wet season to enhance the volume of water available from reservoir storage during the dry season. An additional benefit is a decrease in the amount of excess inundation of the southwest Babcock Webb Wildlife Management Area during the wet season.

The City has also recently completed several IQ water system improvements. The primary improvements include the following:

- Construction completion of Canal Pump Station Number 10 (CPS-10). This facility provides additional IQ water system pumping capacity of approximately 16,667 gpm.
- Construction completion of a new irrigation storage and pumping facility: the Southwest Pine Island Road Irrigation Tanks and High Serve Pump Station. The facility provides additional IQ water system storage capacity with two 5.0-MG GSTs and additional distribution system pressure with six high service pumps.
- Construction completion of Weir 29, which provides additional storage capacity for the City's canal network.

3.5.2.1 Future IQ Water Needs

The City's existing and future sources of IQ water were used to estimate future IQ water availability on a seasonal basis from FY 2023 through FY 2045. Total annual IQ water availability is provided on a monthly average day basis (**Table 3-16**) and a monthly maximum day basis (**Table 3-17**) for the wet and dry seasons of the year. Total IQ water availability is calculated as the sum of City and externally sourced reclaimed water, City canal water, externally sourced surface water, and supplemental potable water. On a monthly average day basis, total IQ water availability is estimated to reach 73.33 mgd during the wet season and 57.96 mgd during the dry season, in FY 2045. On a monthly maximum day basis, availability is estimated to reach 86.67 mgd during the wet season and 57.96 mgd during the dry season.

Figure 3-6 and **Figure 3-7** provide a graphical break-down of the City's IQ water supplies by source during the dry season and wet season, respectively. Based on the two figures, which are representative of projected availability in FY 2025, IQ water supplies during the dry season are estimated to be relatively evenly distributed among reclaimed water from the City's WRFs, canal water from the City's freshwater canal network, surface water from the Southwest Aggregates Mine Reservoir, and external sources of reclaimed water from CFM and FGUA. Comparatively, during the wet season, the largest supply of IQ water is estimated to be canal water from the City's freshwater canal network followed by reclaimed water from the City's WRFs and from external entities which share a similar projected IQ water supply availability.

Figure 3-6: Projected IQ Water Availability by Source (Dry Season - FY 2025)

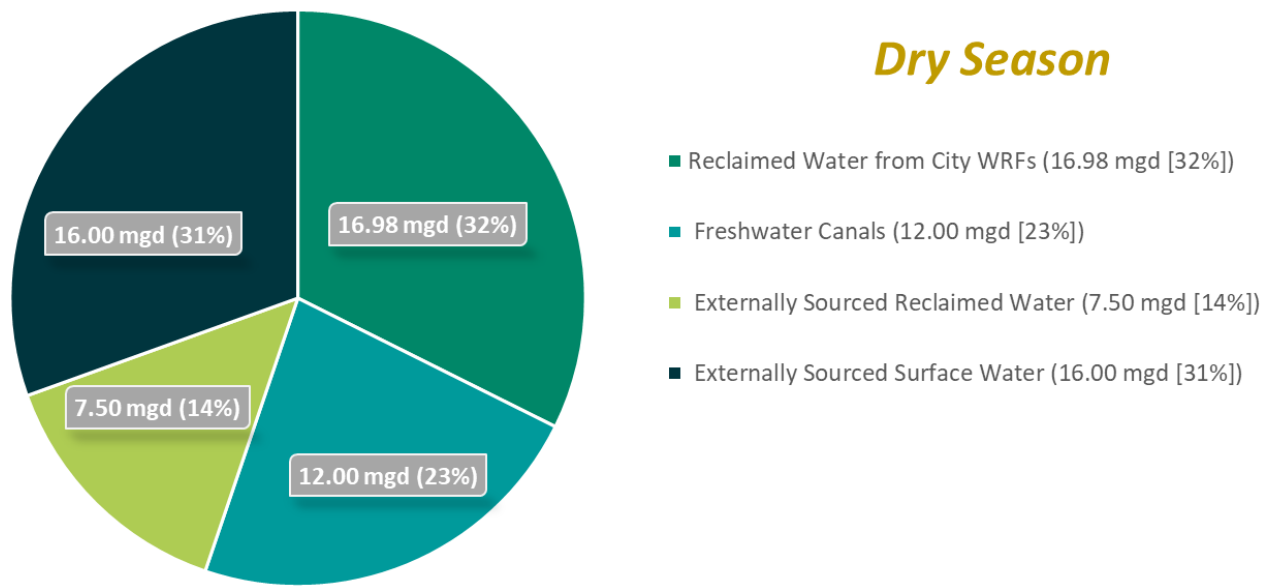


Figure 3-7: Projected IQ Water Availability by Source (Wet Season - FY 2025)

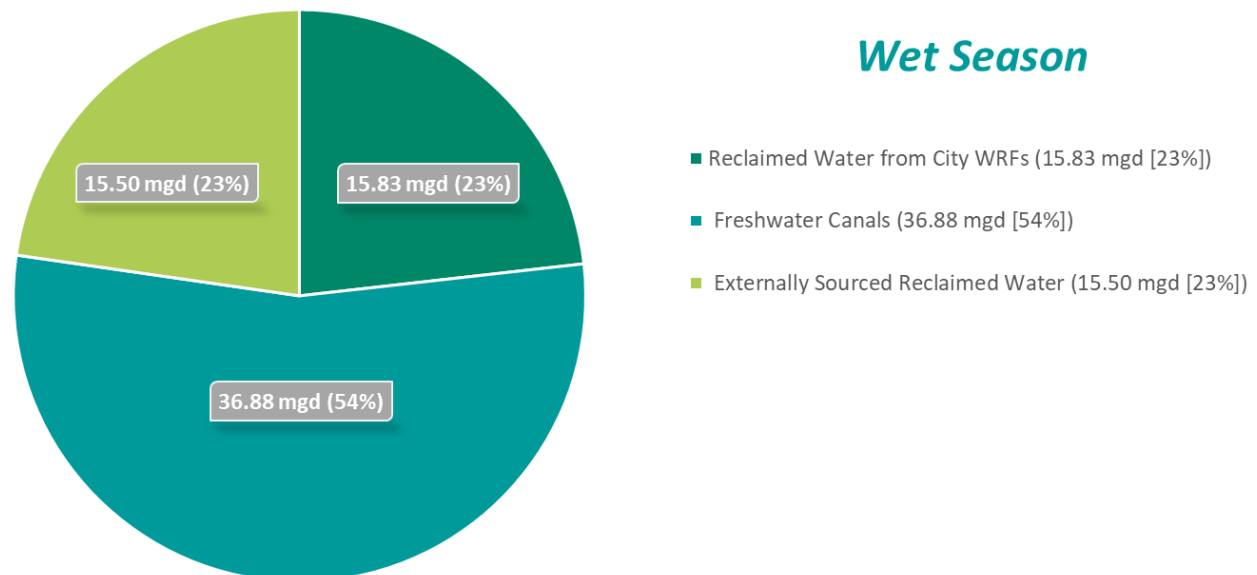


Table 3-16: Projected IQ Water Availability - Seasonal Monthly Average

Fiscal Year	Projected Served Wastewater Population ¹	IQ Water Sources (mgd)										Total Irrigation Water Availability (mgd)	
		City Reclaimed Water ²		Freshwater Canal Network ³		Externally Sourced Reclaimed Water ³		Externally Sourced Surface Water ³		Supplemental Potable Water ⁴			
		Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season
2023	168,940	16.27	15.17	12.00	36.88	1.50	3.50	16.00	0.00	1.90	0.00	47.67	55.55
2024	173,080	16.62	15.50	12.00	36.88	7.50	15.50	16.00	0.00	1.90	0.00	54.03	67.88
2025	177,220	16.98	15.83	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	52.48	68.21
2026	181,186	17.31	16.14	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	52.81	68.52
2027	185,151	17.64	16.45	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	53.14	68.83
2028	189,117	17.97	16.76	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	53.47	69.14
2029	193,083	18.30	17.07	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	53.80	69.45
2030	197,049	18.63	17.38	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	54.13	69.76
2031	199,741	18.86	17.59	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	54.36	69.97
2032	202,434	19.09	17.80	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	54.59	70.18
2033	205,127	19.32	18.01	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	54.82	70.39
2034	207,819	19.54	18.23	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	55.04	70.61
2035	210,512	19.77	18.44	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	55.27	70.82
2036	213,445	20.02	18.67	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	55.52	71.05
2037	216,379	20.26	18.89	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	55.76	71.27
2038	219,312	20.50	19.12	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	56.00	71.50
2039	222,246	20.74	19.35	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	56.24	71.73
2040	225,179	20.99	19.57	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	56.49	71.95
2041	228,852	21.28	19.85	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	56.78	72.23
2042	232,524	21.58	20.12	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	57.08	72.50
2043	236,196	21.87	20.40	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	57.37	72.78
2044	239,869	22.17	20.67	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	57.67	73.05
2045	243,541	22.46	20.95	12.00	36.88	7.50	15.50	16.00	0.00	0.00	0.00	57.96	73.33

¹ Served wastewater population projections from recent City Comprehensive Utilities Master Plan Update. Adjusted to utilize a 0.5% annual growth for existing service areas and a UEP construction schedule where one UEP expansion area is added every five years.

² Availability based on wastewater population projections, per-capita flow rates of 110 gpcd for existing service areas and 91.2 gpcd for newly constructed areas, and seasonal minimum day flow scale-down factors of 0.83 for the wet season and 0.89 for the dry season (based on historical wastewater flow analysis of past ten fiscal years).

³ Availabilities for the wet/dry season based upon City input, engineering judgement, WUP permit, FGUA/CFM contracts, and freshwater canals SFWMD permit (wet season).

⁴ Supplemental potable water for FY 2023 and FY 2024 estimated based on historical FY 2017 – FY 2022 usage and is anticipated to be zero starting in FY 2025 as other IQ water sources are implemented by the City.

Table 3-17: Projected IQ Water Availability - Seasonal Monthly Maximum

Fiscal Year	Projected Served Wastewater Population ¹	IQ Water Sources (mgd)										Total Irrigation Water Availability (mgd)	
		City Reclaimed Water ²		Freshwater Canal Network ³		Externally Sourced Reclaimed Water ³		Externally Sourced Surface Water ³		Supplemental Potable Water ⁴			
		Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season
2023	168,940	16.27	15.17	12.00	50.22	1.50	3.50	16.00	0.00	3.99	0.00	49.76	68.89
2024	173,080	16.62	15.50	12.00	50.22	7.50	15.50	16.00	0.00	3.99	0.00	56.11	81.22
2025	177,220	16.98	15.83	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	52.48	81.55
2026	181,186	17.31	16.14	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	52.81	81.86
2027	185,151	17.64	16.45	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	53.14	82.17
2028	189,117	17.97	16.76	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	53.47	82.48
2029	193,083	18.30	17.07	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	53.80	82.79
2030	197,049	18.63	17.38	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	54.13	83.10
2031	199,741	18.86	17.59	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	54.36	83.31
2032	202,434	19.09	17.80	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	54.59	83.52
2033	205,127	19.32	18.01	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	54.82	83.73
2034	207,819	19.54	18.23	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	55.04	83.95
2035	210,512	19.77	18.44	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	55.27	84.16
2036	213,445	20.02	18.67	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	55.52	84.39
2037	216,379	20.26	18.89	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	55.76	84.61
2038	219,312	20.50	19.12	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	56.00	84.84
2039	222,246	20.74	19.35	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	56.24	85.07
2040	225,179	20.99	19.57	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	56.49	85.29
2041	228,852	21.28	19.85	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	56.78	85.57
2042	232,524	21.58	20.12	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	57.08	85.84
2043	236,196	21.87	20.40	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	57.37	86.12
2044	239,869	22.17	20.67	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	57.67	86.39
2045	243,541	22.46	20.95	12.00	50.22	7.50	15.50	16.00	0.00	0.00	0.00	57.96	86.67

¹ Served wastewater population projections from recent City Comprehensive Utilities Master Plan Update. Adjusted to utilize a 0.5% annual growth for existing service areas and a UEP construction schedule where one UEP expansion area is added every five years.

² Availability based on wastewater population projections, per-capita flow rates of 110 gpcd for existing service areas and 91.2 gpcd for newly constructed areas, and seasonal minimum day flow scale-down factors of 0.83 for the wet season and 0.89 for the dry season (based on historical wastewater flow analysis of past ten fiscal years).

³ Availabilities for the wet/dry season based upon City input, engineering judgement, WUP permit, FGUA/CFM contracts, and freshwater canals SFWMD permit (wet season).

⁴ Supplemental potable water for FY 2023 and FY 2024 estimated based on historical FY 2017 – FY 2022 usage and is anticipated to be zero starting in FY 2025 as other IQ water sources are implemented by the City.

An IQ water system gap analysis was conducted to evaluate the City's projected available IQ water supplies for comparison to the projected IQ water demands. Monthly average day demands, and monthly maximum day demands were evaluated on a seasonal basis to identify potential supply deficits. On a monthly average basis, the City's IQ water system is projected to satisfy demands through FY 2045 during the wet seasons and dry seasons. On a monthly maximum basis, the IQ water system is projected to satisfy demands through FY 2045 during the wet seasons. However, a supply deficit occurs during the dry seasons starting in FY 2030. Although there has been a continued annual increase in IQ water demands and per-capita demands in recent fiscal years, **Table 3-18** shows a different projected schedule for the occurrence of IQ water supply deficits when compared to the gap analysis performed in the City's 2022 Comprehensive Utilities Master Plan Update. This is attributable to the revision of the UEP program construction schedule and a decrease in the projected per-capita demand for future customers. The per-capita demand decrease is due to new irrigation system efficiency requirements included in the City's irrigation ordinance, and due to the implementation of SISs.

Table 3-18: IQ Water System Gap Analysis – Seasonal Basis

Description			Projected											
			2023		2025		2030		2035		2040		2045	
Fiscal Year			Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season	Dry Season	Wet Season
IQ Water Service Area Population	Existing SA	A	130,104		131,386		134,671		138,037		141,488		145,025	
	New UEPs	B	7,950		21,185		37,730		48,155		59,614		79,620	
	Total SA	C = A + B	138,054		152,571		172,401		186,192		201,102		224,645	
IQ Water per-Capita Demand (gpcd)	Existing SA	D	250		250		250		250		250		250	
	New UEPs ¹	E = D x 80%	200		200		200		200		200		200	
IQ Water Demand (mgd)	Annual Avg. Day	F = (A x D) + (B x E)	34.12		37.08		41.21		44.14		47.29		52.18	
	Monthly Avg. Day ²	G = (F x 1.08) & (F x 0.93)	36.85	31.73	40.05	34.49	44.51	38.33	47.67	41.05	51.08	43.98	56.35	48.53
	Monthly Max. Day ³	H = (F x 1.41) & (F x 1.27)	48.10	43.33	52.29	47.10	58.11	52.34	62.24	56.06	66.69	60.06	73.57	66.27
Available IQ Water Supply (mgd) ⁴	Monthly Avg. Day	I	47.67	55.55	52.48	68.21	54.13	69.76	55.27	70.82	56.49	71.95	57.96	73.33
	Monthly Max. Day	J	49.76	68.89	52.48	81.55	54.13	83.10	55.27	84.16	56.49	85.29	57.96	86.67
IQ Water Surplus/Deficit (mgd)	Monthly Avg. Day	K = I - G	10.82	23.82	12.43	33.73	9.62	31.43	7.60	29.77	5.41	27.97	1.61	24.80
	Monthly Max. Day	L = J - H	1.65	25.56	0.19	34.46	(3.98)	30.76	(6.97)	28.10	(10.20)	25.23	(15.61)	20.40

¹ Per-capita demand rate associated with New UEPs accounts for 20% demand reduction resulting from use of SISs and higher efficiency customer irrigation systems.

² Dry season and wet season average per-capita demand rates based on seasonal average day demand multipliers of 1.08 for the dry season and 0.93 for the wet season, respectively.

³ Dry season and wet season maximum per-capita demand rates based on seasonal maximum day demand multipliers of 1.41 for the dry season and 1.27 for the wet season, respectively.

⁴ Supply availability based on reclaimed water produced at City WRFs, fresh water from the City's canal network, externally sourced reclaimed water and surface water, and supplemental City potable water. Refer to **Table 3-16** and **Table 3-17**.

It should be noted that seasonal monthly maximum conditions represent a worst-case scenario, and that the City is actively addressing the increasing IQ water maximum daily demands through modifications to the year-round watering schedule (refer to **Section 3.7.2.1**). New efficiency requirements for customer irrigation systems and the implementation of SISs by new customers further promote IQ water conservation and also help to reduce IQ water demands (refer to **Section 3.7.2.1**). Additionally, the City is also evaluating the feasibility of an ASR program for the temporary storage of excess water during the wet season, for recovery and use during the dry season.

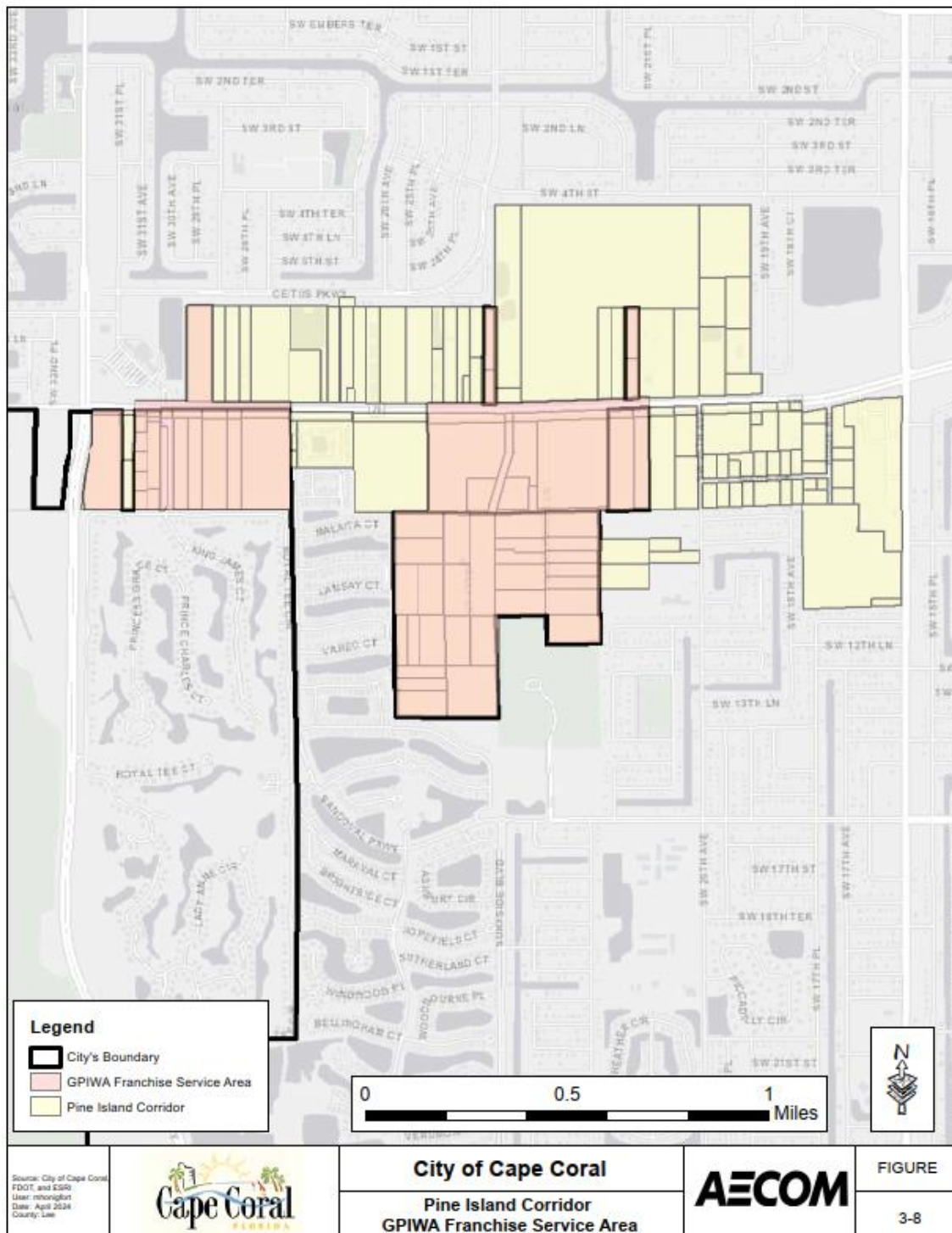
3.6 Water Supply Provided by Other Entities

Lee County has an existing franchise agreement with the GPIWA in which potable water utility service is provided to some developed parcels within the Pine Island Road Corridor, by the GPIWA. The Pine Island Road Corridor is a small development area situated on the western side of Cape Coral and outside of any UEP expansion areas. The franchise agreement was extended by Lee County in 2020 and is now effective for a period of thirty years, until 2050. The franchise area within the Pine Island Road Corridor is bound on the north by Ceitus Parkway, on the east by Southwest 20th Avenue, on the south by Saddlewood Lane, Anguilla Drive, and Royal Tee Circle, and on the west by Bridle Lane and Veteran's Memorial Parkway. The extent of the GPIWA franchise area within the Pine Island Road Corridor is shown in **Figure 3-8**. The City currently does not have any plans to purchase and take ownership of the GPIWA potable water infrastructure prior to the expiration of the franchise agreement with Lee County.

With regard to IQ water, the City has entered into interlocal agreements with the FGUA and the CFM for the supply of reclaimed water, and has also received a WUP from the SWFWMD for the use of a seasonal surface water supply source (Southwest Aggregates Mine Reservoir). The 2017 agreement with the FGUA replaces a previous agreement from 2004 between the City and North Fort Myers Utility, Inc, and provides the City with a minimum reclaimed water flow of 1.5 mgd (AADF), a maximum flow of 3.5 mgd (AADF), and a peak flow of 6.0 mgd (AADF).

The interlocal agreement with CFM provides the City with a minimum reclaimed water supply of 6 mgd and a maximum of 12 mgd. The City has started to receive reclaimed water from the CFM in the beginning of 2024 with the completion of a new transmission main across the Caloosahatchee River.

The Southwest Aggregates Mine Reservoir WUP supplies the City with seasonal surface water to supplement the IQ water system. The WUP permits a peak monthly usage of 16 mgd for up to 90 days per year during the dry season. Following the completion of a pilot study in 2017, the City has pumped water from the reservoir each year since 2020 to supplement the City's freshwater canals.

Figure 3-8: Pine Island Road Corridor GPIWA Franchise Service Area

3.7 Conservation Efforts

The City has implemented several water conservation programs primarily directed toward reducing the amount of potable water that is used by City residents to irrigate lawns and landscaped areas. The City also has programs promoting household water conservation.

3.7.1 Countywide/Regional Efforts

The 2022 LWC Water Supply Plan Update identifies various water conservation programs that are administered on a countywide, regional, or district level. Provided below is a list of some water conservation programs that are applicable to the LWC Planning Area, and are referenced from the SFWMD 2022 LWC Water Supply Plan Update. The SFWMD Cooperative Funding Program and the Regulatory Initiatives appear to be the most applicable to the City.

- **SFWMD Cooperative Funding Programs (Water Conservation Component)** – Offers funding incentives for local governments and utilities to introduce technology-based and hardware-based water conservation projects. The water conservation component of the program has helped fund 60 projects with a combined total of approximately \$3 million following the 2017 LWC Water Supply Plan Update. Within the LWC Planning Area, the program has helped fund 3 conservation projects which has resulted in an estimated water savings of approximately 0.08 mgd, since 2017.
- **Regulatory Initiatives** – The SFWMD has established various regulatory requirements intended to promote water conservation on a district level. The SFWMD requires that users applying for a WUP include a water conservation plan as a part of their permit application. Specific water conservation requirements for the WUP vary by the intended water use category. Additionally, the SFWMD has established the Mandatory Year-Round Landscape Irrigation Conservation Measures Rule (Chapter 40E-24, F.A.C.), which conditionally restricts the weekly number of permitted irrigation days for landscape irrigation usage.
- **Agricultural Best Management Practices Program** – The Florida Department of Agriculture and Consumer Services (FDACS) has established a best management practices (BMP) program for various agricultural operations, and awards agricultural water users that pioneer environmentally-conscious farming practices. Approximately 534,966 acres of land within the LWC Planning Area are registered in the program as of March 2022.
- **Agricultural Mobile Irrigation Labs** – The FDACS also provides agricultural water users with free irrigation system assessments through the department's mobile irrigation labs. The labs evaluate system efficiencies and provide a resulting list of recommended improvements intended to further increase system effectiveness. Improvements may include changes to irrigation scheduling, system management, or system technology/equipment. There is currently one mobile irrigation lab designated for Charlotte County, Collier County, Glades County, Hendry County, and Lee County.

3.7.2 Local Government Specific Actions, Programs, Regulations, and Opportunities

The City has implemented a number of water conservation elements including restrictions on permitted water usage, use of Florida-friendly planting principles, requirement of ultra-low volume plumbing in new construction, a water conservation based rate structure, a meter replacement program, rain sensor over-rides for new lawn sprinkler systems, and public educational programs. Summary information on each of these elements is provided below.

3.7.2.1 Restrictions on Permitted Water Use

The City has implemented the following year-round irrigation conservation measures that are more stringent than the statutory measures detailed in Chapter 40E-24 F.A.C.

Year-Round Watering Schedule

As of June 2022, the City has executed a new year-round two-day irrigation watering schedule. The updated schedule, which is intended to manage City resident watering demands more effectively, adds eight additional watering timeslots and adds Tuesday as a permitted lawn watering day (previously a non-watering day). These schedule changes reduce the number of City residents irrigating simultaneously by 40%.

Included below is the list of days and timeslots that City residents are permitted to use for watering. All City residents are allowed to water two days per week regardless of the source for the irrigation water. Permitted watering times are regulated by the last number of the property address.

For addresses ending in 0:	Monday and Thursday, 8 p.m. to 11:59 p.m.
For addresses ending in 1:	Monday and Thursday, midnight to 4 a.m.
For addresses ending in 2:	Monday and Thursday, 4 a.m. to 8 a.m.
For addresses ending in 3:	Tuesday and Friday, 8 p.m. to 11:59 p.m.
For addresses ending in 4:	Tuesday and Friday, midnight to 4 a.m.
For addresses ending in 5:	Tuesday and Friday, 4 a.m. to 8 a.m.
For addresses ending in 6:	Wednesday and Saturday, 8 p.m. to 11:59 p.m.
For addresses ending in 7:	Wednesday and Saturday, midnight to 4 a.m.
For addresses ending in 8:	Wednesday and Sunday, 4 a.m. to 8 a.m.
For addresses ending in 9:	Thursday and Sunday, 8 p.m. to 11:59 p.m.

For properties or developments up to and including five acres in size that have an irrigation system that simultaneously irrigates multiple properties with different watering times including, but not limited to, duplexes, multi-family units, compound use and mixed-use units, the watering schedule shall be allowed on Thursday and Sunday from 12:00 a.m. to 4:00 a.m.

For properties or developments more than five acres in size that have an irrigation system that simultaneously irrigates multiple properties with different watering times including, but not limited to, multi-family, compound use and mixed use units, the watering schedule shall be allowed on Mondays and Fridays from 12:00 a.m. to 8:00 a.m.

Other Watering Restrictions

Watering of new lawns and landscaping during a 30-day establishment period shall be permitted on Monday, Tuesday, Wednesday, Thursday, Saturday and Sunday from 2:00 a.m. to 8:00 a.m. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days shall be permitted on Monday, Wednesday, Thursday and Saturday from 2:00 a.m. to 8:00 a.m.

During any time change from Standard to Daylight Savings or vice versa, a 30-day grace period shall be in effect to allow residents to reset their sprinkler timers. Residents will not be cited for watering within one hour before the beginning or one hour after the end times provided above within the 30-day grace period.

Additionally, businesses with watering times between 8 p.m. to 11:59 p.m. may water between 12:00 a.m. and 4:00 a.m. so as not to interfere with normal business operations.

The City's Code of Ordinances includes requirements for restrictions on water use during times an "emergency situation" is declared by SFWMD or when the City of Cape Coral Commission determines a reduction in water consumption is necessary to alleviate a local water shortage within the City of Cape Coral's water system. In such cases, the City will apply an Emergency Water Conservation Plan in order to ensure and preserve an adequate supply of water resources for irrigation purposes in order to protect the health, safety, and welfare of the citizens.

Water restrictions may include reduction of hours and days allowed for irrigation, washing of vehicles, washing of outdoor surfaces, operation of ornamental fountains, operation of air conditioning without a recirculation system, limitations on filling and use of swimming pools, limitations on escapement of water through defective plumbing, restrictions on hotels and restaurants as to the minimum amount of water necessary to conduct operations and other restrictions as necessary.

2023 Revisions to City Code of Ordinances, Chapter 19, Article VII

In June 2023, Chapter 19, Article VII (Water Management) of the City's Code of Ordinances was amended to establish new requirements that primarily target improved irrigation system efficiency and enhanced irrigation system installation/modification documentation and standards. Provided below is a summary list of changes that were included with this 2023 amendment:

Permits

A permit shall be required for new installation of landscape irrigation systems, and modifications to an existing irrigation system that cost \$2,500.00 or greater in labor and material based on invoice value. City Council shall establish, by resolution, a landscape irrigation permit fee.

Design Drawings

Design drawings shall be provided for the installation of irrigation systems prior to start of construction of the irrigation system. Design drawings shall be prepared by a licensed professional engineer, licensed plumbing/irrigation contractor or licensed landscape architect. Design drawings for single family homes may be neatly hand drawn and to scale.

A design drawing shall be required for irrigation systems installed on non-residential, multi-family residential, and residential developments or buildings, and shall contain the following information:

- a. Location, type and size of all components including sprinklers, micro-irrigation, main and lateral piping, master valves, valves, moisture sensors, rain sensors, controllers, pump start relays, backflow prevention devices, pumps, wells, etc.
- b. The flow rate, application rate (inches per hour), and the manufacturer's specifications for operating pressure for the sprinklers and micro-irrigation within each zone.
- c. The name, address, phone, email, professional license or certification number of the installation contractor and date of installation.
- d. Design drawings for non-residential and multi-family residential buildings shall also include pump station size, pump station location, design operating pressure per manufacturer's specifications, and flow rate per zone, precipitation rate per zone, locations of pipe, controllers, valves, sprinklers, sleeves, gate valves, sensors, etc.

Irrigation System Inspection

New irrigation systems or modifications to existing irrigation systems shall be inspected by the City after installation of a new, or modification of an existing irrigation system. Development Services Department inspectors shall be responsible for irrigation system plan reviews, approval, and inspection services.

Irrigation Design Standards

The irrigation system shall be designed to achieve a minimum of 70% efficiency by providing sprinkler head placement and nozzle selection that are within manufacturer's specifications. Irrigation systems shall be designed to comply with Title XXVIII, Chapter 373, Section 228, Florida Statutes, and the standards adopted by the City and reference the Florida Building Code, Plumbing Volume, Appendix F.

Completion of Installation or Substantial Modification

A property owner or licensed irrigation contractor who installs an irrigation system shall conduct final testing and adjustments to achieve design specifications prior to completion of the system. A property owner or licensed irrigation contractor who installs or performs work on an automatic irrigation system shall test for the correct operation of each technology that inhibits or interrupts operation of the system during periods of sufficient moisture. If such devices or switches are not installed in the system or are not in proper operating condition, the property owner or licensed irrigation contractor shall install new ones or repair the existing ones and confirm that each device or switch is in proper operating condition before completing other work on the system.

Maintenance of Irrigation Systems

Upon irrigation system completion, a licensed irrigation contractor responsible for installing or substantially modifying an irrigation system shall provide the property owner with a maintenance checklist affixed to or near the controller and accompanied by accurate design drawings, recommended maintenance schedule, proper irrigation system settings according to season, recommendations for checking technology that inhibits or interrupts operation of the system during periods of sufficient moisture, filter cleaning recommendations, if applicable, and information on the current water restrictions. These contractor requirements will not impede the inspection process if not completed at time of final inspection.

The following items are exempted from the above requirements, but should follow applicable Florida Friendly Best Management Practices for Protection of Water Resources by Green Industries:

- a. Bonafide agricultural activities.
- b. Athletic fields.
- c. Golf course play areas.
- d. Nurseries.
- e. Required watering in of lawn chemicals.
- f. Pressure washing, car, truck or trailer washing, boat washing, and flushing boat motors after salt water use.
- g. Low volume hand watering.

- h. Water use for cleaning, adjusting, and repair or irrigation systems provided that an attendant is on site and for not more than ten minutes per week for the entire irrigation system (if the irrigation system is not divided into areas or “zones”) or for not more than ten minutes per area or “zone” per week (if the irrigation system is divided into areas or “zones”).

Use of Florida-Friendly Landscape Principles

The City sponsors the Florida Friendly Landscaping Program/ Florida Yards and Neighborhoods Program in Cape Coral. The program is a partnership between the landscape industry, the University of Florida Cooperative Extension Service, Florida’s National Estuary Programs, Florida’s Sea Grant College Program, and various State and local environmental agencies. The program focuses on yards, as they are the first line of defense for estuaries, rivers, lakes, aquifers and the City’s canal system.

The Florida Friendly Landscaping program adheres to the nine (9) basic principles that, if implemented properly, are designed to reduce the adverse impacts of a yard on storm water quality. Each principle contains a series of actions that landowners can take to improve the environmental health of the waterways these yards drain to. Through implementation of the principles and actions program participants are awarded points, or ‘inches.’ When a participating yard achieves 36 inches (a ‘yard’), the yard receives a plaque, which can be placed in the yard to let everyone know that the subject property is a “Certified Florida Yard.” The program’s 9 principles are:

1. Right plant, right place. Plants selected to suit a specific site will require minimal amounts of water, fertilizer and pesticides.
2. Water efficiently. Irrigate only when lawn and landscape need water.
3. Fertilize appropriately. Less is often better. Over-use of fertilizer can be hazardous to your yard and the environment.
4. Mulch. Maintaining a layer of mulch will help retain soil moisture, prevent erosion and suppress weeds.
5. Attract wildlife. Plants in private yards that provide food, water and shelter can conserve Florida's diverse wildlife.
6. Manage yard pests responsibly. Unwise use of pesticides can harm people, pets, beneficial organisms, and the environment.
7. Recycle yard waste. Grass clippings, leaves, and yard trimmings recycled onsite provide nutrients to the soil and reduce waste disposal.
8. Reduce stormwater runoff. Water running off from private yards can carry pollutants such as soil, debris, fertilizer, and pesticides that can adversely impact water quality.
9. Protect the waterfront. Waterfront property is very fragile and should be carefully protected to maintain freshwater and marine ecosystems.

More information on these nine principles can be found on the City's website through the following link:
www.capecoral.gov/departments/public_works/florida_yards_and_neighborhoods.php.

Requirement of Ultra-Low Volume Plumbing in New Construction

The City has adopted the Florida Building Code (FBC) which contains plumbing flow restriction requirements. The Code prohibits an ENTITY within its jurisdiction from enacting standards less stringent from the FBC. The City's Building and Inspection Services Division also includes in their procedures provisions for new construction to have water conservation control devices installed per the Florida Plumbing Code, as a condition for granting certificates of occupancy.

Water Conservation Based Rate Schedule

The City of Cape Coral has a conservation-based water rate structure, which includes an increasing rate with increasing use, as a means of reducing demand.

Meter Replacement Program

Unaccounted for water summaries are submitted to the District annually. The average annual estimated unaccounted water loss for the years 2018 - 2022 was 7.92 percent.

Rain Sensors Overrides for New Lawn Sprinkler System

The City has adopted the FBC, which requires the installation of rain sensors on new irrigation systems. Additionally, the City abides by all of the County's landscape Code requirements regarding rain sensors on automatic lawn sprinkler systems.

Public Information Program

This program provides water conservation information and practices to the City's residents and customers through the City's webpage, the annual Water Quality Report, and the City's Publication, "On The Move". The City speaks to schools and community groups on water issues as well as participates in "Green" events at local schools. The City airs videos on reuse as well as water issues. The City will coordinate future water conservation efforts with the SFWMD. In addition, the City will continue to support and expand existing goals, objectives and policies in the comprehensive plan promoting water conservation in a cost-effective and environmentally sensitive manner. The City will continue to actively support the SFWMD in the implementation of new regulations or programs designed to conserve water during the dry season.

3.8 Reuse

State law supports reuse efforts. Florida's utilities, local governments, and water management districts have led the nation in the quantity of reclaimed water reused and public acceptance of reuse programs. Section 373.250(1) F.S. provides "the encouragement and promotion of water conservation and reuse of reclaimed water, as defined by the department, are state objectives and considered to be in the public interest."

Following the adoption of Senate Bill 64 pertaining to reclaimed water, Section 373.250(3)(d) F.S. establishes that "the SFWMD shall require the use of reclaimed water made available by the elimination of wastewater ocean outfall discharges as provided for in Section 403.086(10) in lieu of surface water or groundwater when the use of reclaimed water is available; is environmentally, economically, and technically feasible; and is of such quality and reliability as is necessary to the user." Section 403.086(10) further states that "the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural

systems demands". Overall, state law finds that "reuse is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems", per Section 403.064(1), F.S.

The City has been able to significantly reduce its average daily potable water demands by constructing and operating a reclaimed water system. The Water Independence for Cape Coral program was started in the late 1980s and continues to reduce the impact irrigation has on the Mid Hawthorn Aquifer.

3.8.1 Local Government Specific Actions, Programs, Regulations, and Opportunities

The City supports water reuse initiatives under consideration by both the SFWMD and Lee County, and the implementation of new regulations or programs designed to increase the volume of reclaimed water used and to increase public acceptance of reclaimed water. The City's water conservation program encourages both conservation of water and use of alternative water supplies, such as reclaimed water for irrigation.

The City's IQ water system is primarily supplied by treated effluent from the City's two WRFs and by freshwater canal water pumped from six City-operated freshwater canal pumping stations. The City's Water Reclamation Division operates and maintains the 13.4 mgd Everest WRF, the 15.0 mgd Southwest WRF, 340 wastewater lift stations throughout the City, and 6 freshwater canal pump stations that pump canal water into the IQ water system. The Water Reclamation Division is responsible for processing wastewater so that, following treatment, it meets and/or exceeds all standards and permit requirements established by the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) for deep-well injection, reuse for the City's IQ water system, or surface water body discharge (for the Everest WRF only).

The City's freshwater canal system provides storage through an extensive system of weirs and pumping stations. Twenty-nine weirs strategically located within the canal network and five canal inter-connections provide the ability to store water during the rainy season for dry season use. The freshwater canal system also provides management of excess storm water flows, which protect the sensitive estuary environment and provide flood control. During the dry season, the City may supplement freshwater canal levels by introducing surface water from the Southwest Aggregates Mine Reservoir to the canal network by way of the Gator Slough Canal.

3.9 Intergovernmental Coordination Activities

For the purpose of this Work Plan, intergovernmental coordination activities are considered to primarily refer to the existing potable water and IQ water (reclaimed water and surface water) agreements, permits, and coordination efforts between the City and neighboring utilities as well as with the SFWMD.

The City has interlocal reclaimed water purchase agreements with the FGUA and CFM, as well as a surface water WUP from the SFWMD for the Southwest Aggregates Mine Reservoir, in order to supplement the City's IQ water supplies. The agreements align with the City's goals in maintaining reliable IQ water LOSSs and do not require revisions at this time to maintain adequate utility service or compliance with regulations.

Lee County's franchise agreement with the GPIWA stipulates that the GPIWA provide potable water service to a small western area of Cape Coral currently not being served by the City's potable water utilities. The GPIWA will continue to serve this area until 2050 based on an extension of the agreement in 2020. The franchise agreement aligns with the City's goals in maintaining reliable potable water LOSSs and does not require revisions at this time to maintain adequate utility service or compliance with regulations.

4. Capital Improvements

4.1 Work Plan Projects

The City actively updates its Capital Improvement Program (CIP) on an annual basis to ensure that necessary improvements and programs are included to maintain a reliable utility service that meets the City's adopted LOSSs. The City's recent CIP for FY 2024 to FY 2028 is provided in **Table 4-1**, but has been modified to only include relevant potable water and IQ water projects. Based on the potable water and IQ water analyses performed in earlier sections, the City has a sufficient raw water WUP allocation to sustain potable water service through FY 2045. With regard to system production capacity, the City has sufficient potable water production capacity through FY 2045 with the recommended facility expansions identified in the recent City Comprehensive Utilities Master Plan Update and noted herein.

IQ water demands vary seasonally. The City's IQ water system is estimated to be capable of satisfying IQ water demands through FY 2045 on a monthly average basis during both dry seasons and wet seasons. On a monthly maximum demand basis, the IQ system is able to satisfy demands through FY 2045 during wet seasons, but begins to reach a supply deficit during the dry season starting in FY 2030. The City has been pro-active in addressing potential future deficits by implementing modifications to the year-round watering schedule, and by implementing more stringent customer irrigation system requirements which institute higher system efficiencies. Modifications to the watering schedule are expected to reduce maximum daily demands through the addition of more watering time slots. The City is also assessing the potential of an ASR program to temporarily store excess water during the wet season, for recovery and use during the dry season.

Included below is a list of major potable water and IQ water improvements and programs that were submitted by the City and have been included in the 2022 LWC Water Supply Plan Update for the City of Cape Coral:

Potable Water

- **Southwest RO WTP Replacement** – Replacement of the City's Southwest RO WTP due to facility age, condition, and a concern pertaining to the existing RO membranes no longer being manufactured. The replacement WTP will maintain the same treatment capacity as the original facility.
- **North RO WTP Back-up Deep Injection Well** – Construction of a back-up deep injection well for the North RO WTP. The facility currently only has one deep injection well for concentrate disposal.
- **North RO WTP Wells** – Construction of additional raw water production wells in the City's North Wellfield. A total of twenty production wells are planned across three phases with new raw water transmission mains and associated improvements planned as needed.

Non-Potable Water

- **Reuse Interconnect with Fort Myers** – Construction of an interconnect pipeline across the Caloosahatchee River to convey excess reclaimed water from the CFM to the City's Everest WRF.
- **Southwest WRF Upgrade** – Refurbishment of the Southwest WRF to maximize the 15.0 mgd treatment capacity to accommodate future projected flows. Refurbishment includes modifications to or replacement of the existing headworks facility and existing WRF filters. Additionally, evaluations of and modifications to the

existing power distribution and controls system, and modifications to convert feed power from the Generator 2 building to MCC-1 will be completed.

- **North WRF Phase I** – Construction of a new 'North' WRF to accommodate future projected flows from northern areas of the City's future service area.
- **ASR Wells for irrigation Water Supply** – Improvements to store excess surface water in proposed ASR wells.

In addition to the above listed improvements, the City is also planning the following major potable water and IQ water projects which are not listed in the 2022 LWC Water Supply Plan Update:

- **Utilities Expansion Program** – Continued extension of utilities to unserved areas of the City through the UEP prioritization list established in the recent Comprehensive Utilities Master Plan Update. Current efforts are focused on the 'North 1' expansion area which includes new reuse storage tanks and a new pumping system.
- **North-South Transfer Station Rehabilitation and Select Canal System Weir Improvements** – Previously mentioned in **Section 3.5.2**; full rehabilitation of the North-South Transfer Station including electrical systems, control systems, and pump capacity improvements among other items. This project also includes control structure replacements/installations, modifications, and improvements to eleven weirs within the City's canal network (Weir-58, Weir-9, Weir-4, Weir-8, Weir 1, Weir-2, Weir-7, Weir-11, Weir-13, Weir-14, and Weir-15).
- **North RO WTP Expansion and GST Construction** – Expansion of the North RO WTP production capacity from 12.0 mgd to 18.0 mgd (6.0 mgd expansion) through the addition of two new RO production trains. This project also includes construction of a new 12.0 MG potable water GST.
- **Southwest Aggregates Mine Reservoir Conveyance Improvements** – Previously mentioned in **Section 3.5.2**; construction of a pipeline for conveyance of water from the Southwest Aggregates Mine Reservoir to eliminate water lost by using the US-41 drainage swales as a temporary conveyance measure.
- **Southwest Aggregates Mine Reservoir Storage Enhancement** – Previously mentioned in **Section 3.5.2**; Conceptual design, permitting and Basis of Design Report preparation for wet season conveyance of excess surface water from Babcock Webb Wildlife Management Area to the Southwest Aggregate Mine Reservoir to maximize storage volumes and decrease excess inundation.
- **Pine Island Road Corridor Main improvements** – Construction of new potable water and IQ water mains (as well as sanitary sewer mains and lift stations) within the Pine Island Road Corridor West.
- **Viscaya Water Line Replacement** – Construction and installation of a new 16-inch ductile iron potable water main along Country Club Boulevard and Viscaya Parkway from Nicholas Parkway to Del Prado Boulevard. This project includes approximately 5,700 feet of 16-inch potable water main and 600 feet of horizontal directional drill.
- **Neighborhood Water Line Replacements** – Phased construction and installation of new potable water and IQ water mains along Nicholas Parkway to Dominica Canal, Dominica Canal to Damao Canal, Damao Canal to Veterans Canal, and Veterans Canal to Wayne Canal.
- **Everest WRF Reuse Pump Station Replacement** – Replacement of the existing reuse pump station at the Everest WRF.

Table 4-1: FY 2024 - FY 2028 Capital Improvement Program

Project Title	FY 2024 (\$)	FY 2025 (\$)	FY 2026 (\$)	FY 2027 (\$)	FY 2028 (\$)	Project Total (\$)
North 1 East UEP Fiber Optics Conduit	\$3,612,578	-	-	-	-	\$3,612,578
North 3 UEP Fiber Optics Conduit	\$553,011	\$4,977,094	-	-	-	\$5,530,105
North 4 UEP Fiber Optics Conduit	-	-	-	\$5,381,788	-	\$5,381,788
NRO RO WTP Expansion Phase II & 12 MG PW Storage Tank	-	-	\$41,421,680	-	-	\$41,421,680
Veterans Parkway Transmission	-	\$47,000,000	-	-	-	\$47,000,000
ADM-56 US 41 Conveyance	\$5,000,000	-	-	-	-	\$5,000,000
ADM-56 US-41 Conveyance	\$14,000,000	-	-	-	-	\$14,000,000
Viscaya Water Line Replacement – Nicholas Pkwy to Del P	-	\$17,837,315	-	-	-	\$17,837,315
Country Club Pipe Replacement	-	\$20,000,000	-	-	-	\$20,000,000
NRO-10 Rehab/Rpl Raw Wtr Well	\$10,200,000	\$10,200,000	\$14,700,000	\$14,700,000	\$14,700,000	\$64,500,000
WRE-XX EWR Reuse Pump Station Rep	\$450,000	\$10,000,000	-	-	-	\$10,450,000
IRR-1 Weir Improvements	-	\$6,666,667	\$6,666,667	\$6,666,667	-	\$20,000,001
Phase 2 Palm Tree Water Line Replacement	-	\$19,200,000	-	-	-	\$19,200,000
Phase 3 Palm Tree Water Line Replacement	-	-	-	\$10,200,000	-	\$10,200,000
North Deep Injection Well (DIW)	\$4,000,000	\$8,500,000	\$9,500,000	-	-	\$22,000,000
North RO Distribution Pump and Motor	-	\$2,800,000	\$15,360,000	\$9,200,000	-	\$27,360,000
Phase 1 – Neighborhood Water Line Replacement (Nicholas to Dominica Canal)	-	-	\$1,000,000	\$12,000,000	-	\$13,000,000
Phase 2 – Neighborhood Water Line Replacement (Dominica to Damao Canal)	-	\$1,000,000	\$12,200,000	-	-	\$13,200,000
Phase 3 – Neighborhood Water Line Replacement (Damao to Veterans Canal)	\$900,000	\$14,900,000	-	-	-	\$15,800,000

Project Title	FY 2024 (\$)	FY 2025 (\$)	FY 2026 (\$)	FY 2027 (\$)	FY 2028 (\$)	Project Total (\$)
Phase 4 – Neighborhood Water Line Replacement (Veterans to Wayne Canal)	\$1,000,000	\$16,800,000	-	-	-	\$17,800,000
North Area 1 East Potable Water Transmission	-	\$13,336,467	-	-	-	\$13,336,467
North Area 1 East Irrigation Transmission	-	\$17,146,887	-	-	-	\$17,146,887
North Area 3 Potable Water Transmission	\$3,571,611	-	\$10,598,555	-	-	\$14,170,166
North Area 3 Irrigation Transmission	\$2,742,693	-	\$8,138,789	-	-	\$10,881,482
North Area 4 Potable Water Transmission	-	-	-	-	\$8,855,072	\$8,855,072
North Area 4 Irrigation Transmission	-	-	-	-	\$14,188,256	\$14,188,256
North Area 1 West Potable Water Transmission	\$13,792,672	-	-	-	-	\$13,792,672
North Area 1 West Irrigation Transmission	\$14,413,357	-	-	-	-	\$14,413,357
Annual Fiscal Year Grand Total (\$)	\$74,235,922	\$210,364,430	\$119,585,691	\$58,148,455	\$37,743,328	\$500,077,826

5. Comprehensive Plan

5.1 Goals, Objectives, and Policies

The goals, objectives, and policies (GOPs) of the City's Comprehensive Plan have been reviewed for consistency with the Work Plan. The Work Plan continues to be consistent with the City's Comprehensive Plan and thus no modifications to the plan are needed. No changes are proposed to the City's goals, objectives and policies.

The following GOPs were adopted in the original Work Plan and have been reviewed to identify the need for any updates or revisions:

- Coordination of land and future land use changes with the availability of water supplies and water supply facilities.
- Revision to potable water level of service standards for residential and non-residential users.
- Provision for the protection of water quality in the traditional and new alternative water supply sources.
- Revision of priorities for the replacement of facilities, correction of existing water supply and facility deficiencies, and provision for future water supply and facility needs.
- Provision for conserving potable water resources, including the implementation of reuse programs and potable water conservation strategies and techniques.
- Provision for improved or additional coordination between a water supply provider and the recipient local government concerning the sharing and updating of information to meet ongoing water supply needs.
- Coordination between local governments and the water supply provider in the implementation of alternative water supply projects, establishment of level of service standards and resource allocations, changes in service areas, and potential for annexation.
- Coordination of land uses with available and projected fiscal resources and develop a financially feasible schedule of capital improvements for water supply and facility projects.
- Additional revenue sources to fund water supply and facility projects.
- Coordination with the respective regional water supply plan entities.
- Update the Work Plan within 18 months following the approval of a regional water supply plan.
- Concurrency requiring water supplies at the building permit stage.

5.2 Work Plan Incorporation and Adoption

The 2023 Water Supply Facilities Work Plan will be incorporated into the City's Comprehensive Plan as a standalone document that is referenced within the Comprehensive Plan and attached as a supporting appendix. The City will update Policy 2.3.5 of Chapter 5, the Infrastructure Element, to reflect adoption of the 2023 Water Supply Facilities Work Plan once the document has been finalized.

6. References

AECOM Technical Services, Inc (2022), *Comprehensive Utilities Master Plan Update: 2020 – 2040 Planning Horizon*, Prepared for the City of Cape Coral, November 2022.

AECOM Technical Services, Inc (2019), *2017 Water Supply Facilities Work Plan*, Prepared for the City of Cape Coral, May 2019.

MWH, Inc (2011), *IRR-2 Irrigation and ASR Master Plan*, Prepared for the City of Cape Coral, June 2011.

MWH, Inc (2005), Letter to the SFWMD pertaining to the Water Use Permit Modification (*Permit No. 36-00998-W, Application No. 021217-1*). January 31, 2005.

South Florida Water Management District (SFWMD) (2022), *2022 Lower West Coast Water Supply Plan Update Planning Document/Appendices*, December 2022.

AECOM
4415 Metro Parkway
Fort Myers, FL 33916
aecom.com

Planning Division Staff Report

TXT24-0002

Review Date: April 15, 2024

Prepared by: Chad Boyko, AICP, Principal Planner

Request: Amends the Infrastructure Element in preparation to incorporate the updated Water Supply Facilities Work Plan into the Comprehensive Plan.

STAFF RECOMMENDATION:

APPROVAL

Positive Aspects of Application:	<ul style="list-style-type: none">• Makes the Comprehensive Plan consistent with the local Water Supply Facilities Work Plan, in addition to being consistent with the SFWMD's Lower West Coast Water Supply Plan
Negative Aspect of Application:	<ul style="list-style-type: none">• None
Mitigating Factors:	<ul style="list-style-type: none">• Statutory Requirement

Background

On December 16th 2022, the South Florida Water Management District (SFWMD) adopted the updates to the Lower West Coast Water Supply Plan. This regional water supply plan provides for water resources management and planning, with a two-decade timeframe. Water Supply Plans are amended periodically (every seven years) to remain relevant, to identify changes in growth patterns, and to ensure that sufficient capacity can be planned for in the medium-to-long term.

In order to coordinate all local government plans with each other, Chapter 163, F.S. requires that local governments adopt water supply plans within eighteen months of the Water Management District's plan adoption. The deadline for the City's plan, eighteen months after the SFWMD's adoption, is June 16, 2024.

To accomplish this, the City proposes a minor amendment to the Comprehensive Plan, identified in the following section. These changes can be broadly summarized as housekeeping changes (e.g. amending dates). In addition, the proposed amendment and ordinance will serve to adopt the local Water Supply Facilities Work Plan into the Comprehensive Plan, as an appendix.

Summary and Analysis of the Proposed Changes by Element

Note: Additions are indicated in underline format, while deletions are indicated by ~~strikethrough~~.

INFRASTRUCTURE ELEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: Consistency with the 5-Year Capital Improvements Program and the adopted levels of service - required public facilities will be provided in a manner that promotes orderly, compact, and efficient urban growth.

Policy 2.3.5. The City hereby adopts the ~~2019~~ 2023 Water Supply Facilities Work Plan, dated ~~May April 12, 2019~~ 2023, thereby being consistent with the South Florida Water Management District's Lower West Coast Water Supply Plan Update. The City shall continue to coordinate future updates of the Water Supply Facilities Work Plan with the South Florida Water Management District, as required by law.

A standard update to provide for revised dates, in accordance with the most recent plan update.

Recommendation

Staff recommends adoption of the proposed text amendments.