

## Cape Coral Planning & Zoning Commission



Wednesday, December 11, 2024  
9:00 AM  
Council Chambers

**1. CALL TO ORDER**

A. Chair Marker

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

A. Apking, Botana, Marker, Martin, Senatore, Severson, York, and  
Alternate Schwartz

**5. APPROVAL OF MINUTES**

A. Meeting Minutes - November 6, 2024

**6. BUSINESS**

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

A. Ordinance 88-24 (FLUM24-000003)

**WHAT THE ORDINANCE ACCOMPLISHES:**

**An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Commercial/Professional (CP) to Multi-Family Residential (MF) land use for property described as Lots 9 through 14, Block 3230, Cape Coral Unit 66; property located at 1513 Gleason Parkway.**

**Applicant: Courtney Neuhausel**

**Acreage: 28,938 sq. ft.**

B. Ordinance 85-24 (TXT24-000003)

**WHAT THE ORDINANCE ACCOMPLISHES:**

**An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Conservation and Coastal Management Element, the Future Land Use Element, and the Recreation and Open Space Element to allow a portion of the Yellow Fever Creek Regional Park to be utilized for an essential service facility.**

C. Ordinance 89-24 (FLUM24-000011)

**WHAT THE ORDINANCE ACCOMPLISHES:**

**An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Public Facilities (PF) to Commercial/Professional (CP) land use for property described as Lots 1, 2, 3, 4, and Lots 67, 68, 69, 70, 71, and 72, Block 1750, Unit 45, Cape Coral Subdivision; property located at 701 Mohawk Parkway. Applicant: Providence Christian Church Inc. Acreage: 1.22 acres**

**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. January 8, 2025 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

<b>Item Number: 1.A.</b>
<b>Meeting Date: 12/11/2024</b>
<b>Item Type: CALL TO ORDER</b>

**TITLE:**

Chair Marker

**REQUESTED ACTION:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**STRATEGIC PLAN ALIGNMENT:**

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

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

**RECOMMENDATIONS:**

**SOURCE OF ADDITIONAL INFORMATION:**

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

1. Will this action result in a Budget Amendment?

**PREPARED BY:**

Division- Department-



**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL

<b>Item Number:</b>	<b>5.A.</b>
<b>Meeting Date:</b>	<b>12/11/2024</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**TITLE:**

Meeting Minutes - November 6, 2024

**REQUESTED ACTION:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**STRATEGIC PLAN ALIGNMENT:**

1. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

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

**RECOMMENDATIONS:**

**SOURCE OF ADDITIONAL INFORMATION:**

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

1. Will this action result in a Budget Amendment?

**PREPARED BY:**

Division- Department-

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> Meeting Minutes - November 6, 2024	Backup Material

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

**WEDNESDAY, NOVEMBER 6, 2024**

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

Pledge of Allegiance.

A moment of silence was observed.

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

ALSO PRESENT: Keith Long, Council Liaison  
Cody Vaughan-Birch, Assistant City Attorney  
Wyatt Daltry, Planning Team Coordinator  
Mike Struve, Planning Team Coordinator

**APPROVAL OF MINUTES**

Regular Meeting Minutes – October 2, 2024

***Commissioner Botana moved, seconded by Commissioner Sommers, to approve the Regular Meeting Minutes from October 2, 2024, as presented.***

***Commission polled as follows: Apking, Botana, King, Severson, York, and Sommers voted “aye.” Six “ayes.” Motion carried 6-0.***

**BUSINESS**

2025 Proposed Meeting Schedule Approval

***Commissioner King moved, seconded by Commissioner Severson, to adopt the 2025 meeting schedule, as presented.***

***Commission polled as follows: Apking, Botana, King, Severson, York, and Sommers voted “aye.” Six “ayes.” Motion carried 6-0.***

**PLANNING AND ZONING COMMISSION PUBLIC HEARING**

Ordinance 70 – 24

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 6, Parking, Chapter 2, Truck and Vehicle Parking, Section 6.2.1,

Parking Regulations for Residential Zoning Districts, regarding parking on property with a principal residential building.

Planning Team Coordinator Struve displayed the following slides:

- Ordinance 70-24: Amendments to the Commercial Parking Requirements – Planning and Zoning Commission Meeting, November 6, 2024
- Purpose
- Background and Key Provision
- Agriculture (Ag) District
- Benefits/Advantages of the Amendment
- Recommendation: Staff recommends approval
- Correspondence: None
- Schedule: Introduction November 20, 2024, and Public Hearing December 4, 2024

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- Temporary boat trailer parking due to Chiquita Lock closure

***Commissioner Botana moved, seconded by Commissioner Sommers, to recommend approval of Ordinance 70-24, as presented.***

***Commission polled as follows: Apking, Botana, King, Severson, York, and Sommers voted “aye.” Six “ayes.” Motion carried 6-0.***

#### Ordinance 79 – 24

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the Land Development Code of the City of Cape Coral, Florida, Article 3, Development Review, Chapter 4, Specific Review Procedures–Quasi-Judicial Permits and Approvals, Section 3.4.5., Vacations of Plats, Easements, and Rights-of-Way, regarding additional requirements for surveys, sketches, and legal descriptions, and additional required procedures.

Planning Team Coordinator Struve displayed the following slides:

- Ordinance 79-24: Amendments to Vacations of plats, Easements, and Rights-of-Way, Planning and Coning Commission Meeting, November 6, 2024
- Purpose
- Surveys, Sketches, and Legal Descriptions (LDC,3.4.5.A.2)
- Pre-Application Meeting
- Tree Fund Contribution

- Recommendation: Staff recommends approval
- Correspondence: None
- Schedule: Introduction November 20, 2024, and Public Hearing December 4, 2024

Public hearing opened.

No speakers.

Public hearing closed.

Discussion held regarding:

- Contribution versus fee; payment is required to either the CRA Tree Fund or the General Tree Fund
- One contribution per defined vacation area
- Developer may request to have funds applied to tree planting near their site

***Commissioner Botana moved, seconded by Commissioner Severson, to recommend approval of Ordinance 79-24, as presented.***

***Commission polled as follows: Apking, Botana, King, Severson, York, and Sommers voted "aye." Six "ayes." Motion carried 6-0.***

Ordinance 78-24 (FLUM24-000013); Address: Burnt Store Road; Applicant: City of Cape Coral

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida Comprehensive Plan by amending the Future Land Use Map from Commercial Activity Center (CAC) to Burnt Store Road District (BURST) land use for property located in Section 7, Township 43 South, Range 23 East; Section 29, Township 43 South, Range 23 East; Section 32, Township 43 South, Range 23 East; and Section 20, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use Map from Commercial Professional (CP) to Burnt Store Road District (BURST) land use for property described as Lots 1-24, Block 4291, Cape Coral Unit 61, and for property located in Section 7, Township 43 South, Range 23 East, Lee County Florida, as more particularly described herein; amending the Future Land Use Map from Multi-Family (MF) to Burnt Store Road District (BURST) land use for property described as Blocks 6171, 6172, 6173, 6174, and 6175, Cape Coral Unit 98; amending the Future Land Use Map from Mixed Use (MX) to Burnt Store Road District (BURST) land use for property described as Lot 31, Block 5522, Cape Coral Unit 91; Tract A, South Forty Subdivision; Lots 16-20, M-2, 6, 10, 14, and Tracts A and B, Westchester Estates; Lots 1, 2, 3, 4, 5, and 6, Block 5523, Cape Coral Unit 91; and for property located in Section 18, Township 43 South, Range 23 East; Section 19, Township 43 South, Range 23 East; and Section 30, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use

Map from Open Space (OS) to Burnt Store Road District (BURST) land use for property located in Section 20, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein; amending the Future Land Use Map from Public Facilities (PF) to Burnt Store Road District (BURST) land use for property described as Lots 27-30, Block 5522, Cape Coral Unit 91; amending the Future Land Use Map from Single-Family (SF) to Burnt Store Road District (BURST) land use for property described as Blocks 6169 and 6170, Cape Coral Unit 98; and Tracts C & D and Lots 21-54, Westchester Estates; amending the Future Land Use Map from Single-Family/Multi-Family (SM) to Burnt Store Road District (BURST) land use for property described as Lots 28-33, Block 4303, Cape Coral Unit 61; Lots 17-46, Block 6300, Cape Coral Unit 83-1; Lots 1-51, Block 6301, Cape Coral Unit 83-1; Lots 1-71, Block 6303, Cape Coral Unit 83-1; Lots 1-26, Block 5521, Cape Coral Unit 91; Lots 1-26, Block 5522, Cape Coral Unit 91; and for property located in Section 7, Township 43 South, Range 23 East; Section 19, Township 43 South, Range 23 East; and Section 30, Township 43 South, Range 23 East, Lee County, Florida, as more particularly described herein.

Applicant: City of Cape Coral

Acreage: 1,141 acres

Planning Team Coordinator Daltry discussed the following displayed slides:

- Ordinance 78-24/FLUM24-000013 Future Land Use Map Amendment to Burnt Store Road District (BURST)
- Background
- Site (Map)
- Aerial (North)
- Aerial (South)
- Current and Proposed Future Land Use (North)
- Current and Proposed Future Land Use (South)
- Background/History (3 slides)
- Comp Plan Analysis
- Staff recommended transmittal
- Correspondence: General information request from public

Public hearing opened.

Joe Mazurkiewicz, President, BJM Consulting, spoke in opposition of Ordinance 78-24 (FLUM24-000013).

- Two pieces of property on the east and west have expectations of Neighborhood Commercial zoning
- New BURST will not allow types of development
- Requested removal of the two parcels before transmitting

David Fahmie, owner of Acorn Storage Properties, LLC, spoke in opposition of Ordinance 78-24.



- Property currently has a Future Land Use of CAC with neighborhood commercial zoning and at a prior meeting with Planning Staff, there was no objection to his property being removed from the transmittal to the State
- Original transmittal to the State did not include his parcel
- Council directed the property be included and retransmitted
- Requested removal of his parcel from this transaction

Discussion held regarding:

- Clarification as to why property excluded from the transmittal and then resubmitted with the property included
- BURST allows for commercial with residential space above but not fully residential
- The February 2023 motion continued the hearing for 60 days but did not mention excluding this specific property
- Process of transmittal was restarted, and property was included; properties may be removed but not added once transmitted
- BURST would not allow for apartment buildings which developers want
- Rural area and potential developers are waiting on water and sewer
- Zoning district is not yet calculated and pending usage to be determined

Michael Bryce, Principal and Managing Director of LQ Commercial, spoke in opposition of Ordinance 78-24.

- Residential over retail challenging due to the higher rent required

Public hearing closed.

Council Liaison Long requested to add context and the following discussion ensued:

- Burnt Store Road is identified as the last commercial frontier due to allotted density
- Utilize smart planning to preserve the commercial land and address City needs
- Original transmittal should have included the property and was removed in error
- Can remove the property but not add after the transmittal is done

***Commissioner York moved, seconded by Commissioner Botana, to recommend approval of Ordinance 78-24 (DS Case # FLUM24-000013), as presented.***

***Commission polled as follows: Apking, Botana, King, Severson, and York voted "aye." Sommers voted "nay." Five "ayes." One "nay." Motion carried 5-1.***

## CITIZENS INPUT

Henry Ellis, resident, expressed opposition to Ordinance 78-24 due to the lack of infrastructure. He inquired about the 500-foot mailing notification.

Coordinator Daltry addressed the question concerning notification.

### STAFF UPDATES

None.

### OTHER BUSINESS

None.

### MEMBER COMMENTS

Commissioner York commented on Ordinances 66-24 and 67-24 which were recently voted on, they restrict both storage facilities and car washes, and Council approved both Ordinances.

Vice Chair Apking suggested that any citizen with concerns make an appointment to discuss their views with their Council Member or attend a City Council meeting to express their concerns.

### DATE AND TIME OF NEXT MEETING

A Regular Meeting was scheduled for Wednesday, December 4, 2024, at 9:00 a.m. in Council Chambers. Council has requested the December 4, 2024, meeting be moved to Wednesday, December 11, 2024, at 9:00 a.m. in Council Chambers.

***Commissioner Botana moved, seconded by Commissioner York, to approve rescheduling the December 2024 meeting from December 4, 2024, to December 11, 2024, at 9:00 a.m., in Council Chambers.***

***Commission polled as follows: Apking, Botana, King, Severson, York, and Sommers voted "aye." Six "ayes." Motion carried 6-0.***

### ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 a.m.

Submitted by,

Stacey Pasek  
Recording Secretary



**AGENDA  
REQUEST  
FORM**  
CITY OF CAPE  
CORAL

Item Number:	7.A.
Meeting Date:	12/11/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**TITLE:**

Ordinance 88-24 (FLUM24-000003)

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

The applicant requests a future land use map amendment from Commercial/Professional (CP) future land use designation to the Multi-Family Residential (MF) designation for one parcel in Southwest Cape Coral. The parcel is 28,938 sq. ft. and has retained the CP designation since the adoption of the Comprehensive Plan in 1989. The amendment would allow for multi-family residential construction, however, the site will need a rezone to a residential district if the amendment is approved.

**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:**

Brett Limbaugh, Development Services Director (239) 242-3050

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

N/A

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

**PREPARED BY:**

Janna Balsley, Planning  
Technician

Division- City  
Planning

Department- Development  
Services

**ATTACHMENTS:**

**Description**

**Type**

- 1. Ordinance 88-24 (FLUM24-000003) Ordinance
- 2. Backup Materials Backup Material
- 3. Ordinance 88-24 (FLUM 24-00003) ppt Backup Material

ORDINANCE 88 - 24

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM COMMERCIAL/PROFESSIONAL (CP) TO MULTI-FAMILY RESIDENTIAL (MF) LAND USE FOR PROPERTY DESCRIBED AS LOTS 9 THROUGH 14, BLOCK 3230, CAPE CORAL UNIT 66; PROPERTY LOCATED AT 1513 GLEASON PARKWAY; PROVIDING FOR 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, Courtney Neuhausel, as to 25% undivided interest Equity Trust Company Custodian FBO Courtney Neuhausel IRA, as to 50% undivided interest Equity Trust Company FBO Robert Ekdahl IRA, as to 10% undivided interest Elizabeth A. Ekdahl Trustee Brodhal Profit Sharing Plan #ZP039164, as to 5% undivided interest Robert A. Ekdahl Trustee Brodhal Profit Sharing Plan #ZP039053, as to 2% undivided interest Equity Trust Company Custodian FBO Elizabeth A. Ekdahl IRA, as to 8% undivided interest, owns property located at 1513 Gleason Parkway; and

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

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

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

FROM COMMERCIAL/PROFESSIONAL (CP) TO MULTI-FAMILY RESIDENTIAL (MF)  
LAND USE

LOTS 9 THROUGH 14, BLOCK 3230, UNIT 66, CAPE CORAL, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGES 2 THROUGH 26, INCLUSIVE, OF THE 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 MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

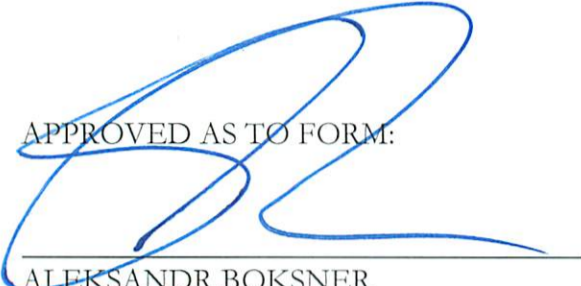
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
LEHMANN \_\_\_\_\_  
DONNELL \_\_\_\_\_

NELSON \_\_\_\_\_  
KILRAINE \_\_\_\_\_  
LONG \_\_\_\_\_  
KADUK \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2025.

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

APPROVED AS TO FORM:



\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/FLUM24-000003





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only  
FLUM 24-00003  
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.

<b>OWNER(S) OF PROPERTY INFORMATION</b>	
Owner <u>COURTNEY NEUHAUSEL</u>	Address <u>17562 TERRACINA DR</u>
Phone <u>239-940-1807</u>	City <u>FORT MYERS</u>
Email <u>MYCAPEAGENT@GMAIL.COM</u>	State <u>FL</u> Zip <u>33913</u>
Owner <u>EQUITY TRUST / FBO COURTNEY NEUHAUSEL</u>	Address <u>17562 TERRACINA DR</u>
Phone <u>239 940 1807</u>	City <u>FORT MYERS</u>
Email <u>MYCAPEAGENT@GMAIL.COM</u>	State <u>FL</u> Zip <u>33913</u>
<b>APPLICANT INFORMATION (If different from owner)</b>	
Applicant _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)</b>	
Representative _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>PROPERTY INFORMATION</b>	
Unit <u>46</u> Block <u>3230</u> Lot (s) <u>9 THRU 14</u> Subdivision _____	
Property Address <u>1513 GLEASON PKWY CAPE CORAL FL</u>	
Plat Book <u>22</u> Page <u>15</u> Current Zoning <u>MP</u>	
Strap Number <u>34-44-23-C4-03230.0090</u> Acreage <u>0.66</u>	
Current Land Use <u>CP</u> Proposed Land Use <u>MF</u>	





DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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

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

Courtney Neuhausel  
NAME (PLEASE TYPE OR PRINT)

[Signature]  
AUTHORIZED SIGNATURE

STATE OF FL

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 18<sup>th</sup> day of April, 2024 by Courtney Neuhausel who is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 9-20-26 Commission Number: HH 271958

Signature of notary Public: [Signature]

Printed Name of Notary Public: Susan T. Bates



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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

ESTIMATED PEAK HOUR TRIP

Parcel Size: Width 232 Depth 125 Sq. Ft. 29000 Acreage 0.66

Soil Type: SHELLY SEDIMENT TYPICAL

Urban Services Area: (check one) Infill X Transition Reserve \_\_\_\_\_

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

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

Estimated Development:

- Estimate total lot coverage 35 %
- Estimate total building floor area: 10,000 Sq. ft.
- Estimate type of future development and percentages:  
(e.g. business offices, commercial retail, automotive repair, etc.)

100% MULT-FAMILY

Estimated peak hour trip ends:

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

City Sewer: YES  NO

City Water: YES  NO



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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

**ACKNOWLEDGEMENT FORM**

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 18 Day of April, 2024.

\_\_\_\_\_  
CORPORATION/COMPANY NAME

Courtney Neuhause  
OWNER'S NAME (TYPE or PRINT)

[Signature]  
OWNER'S SIGNATURE

STATE OF FL

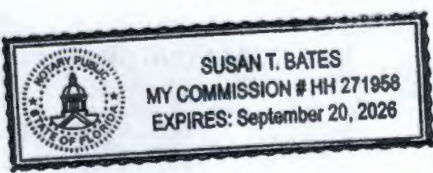
COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 18<sup>th</sup> day of April, 2024 by Courtney Neuhause who is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 9-20-26 Commission Number: HH 271958

Signature of notary Public: [Signature]

Printed Name of Notary Public: Susan T. Bates





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**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT \_\_\_\_\_  
(Name of person giving presentation)

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

UNIT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

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

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

\_\_\_\_\_  
PROPERTY OWNER (Please Print)

\_\_\_\_\_  
PROPERTY OWNER (Signature & title)

\_\_\_\_\_  
PROPERTY OWNER (Please Print)

\_\_\_\_\_  
PROPERTY OWNER (Signature & title)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online  
notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ who  
is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: \_\_\_\_\_ Commission Number: \_\_\_\_\_

Signature of notary Public: \_\_\_\_\_

Printed Name of Notary Public: \_\_\_\_\_

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



**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;

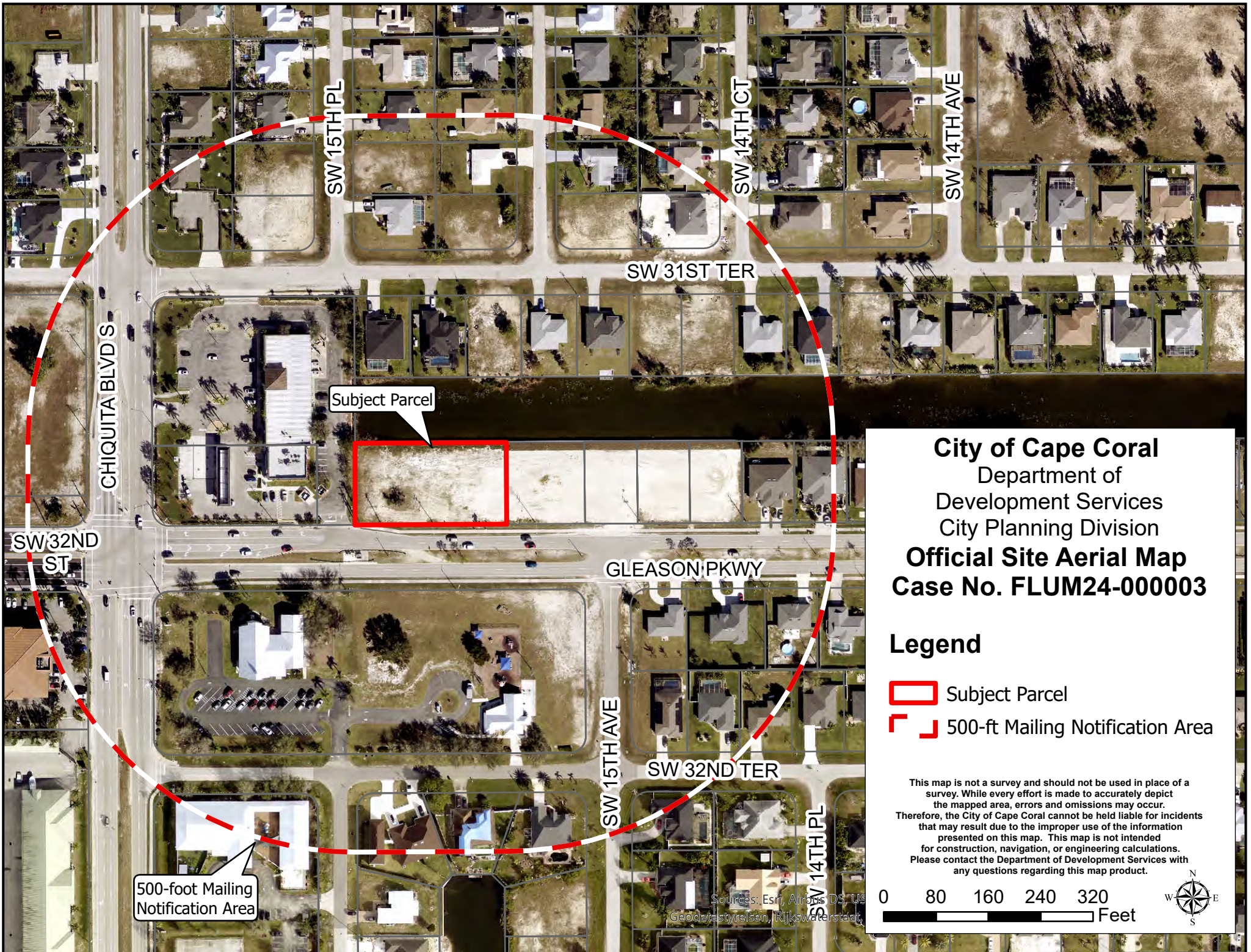


**DEPARTMENT OF DEVELOPMENT SERVICES**  
**CITY PLANNING DIVISION**

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*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.

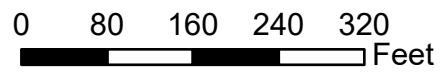


**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial Map**  
**Case No. FLUM24-000003**

**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area

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.



Sources: Esri, Airbus DS, US  
Geodatastyrelsen, Nijls Waterstaat

500-foot Mailing  
Notification Area

Subject Parcel

CHIQUITA BLVD S

SW 32ND ST

SW 15TH PL

SW 14TH CT

SW 14TH AVE

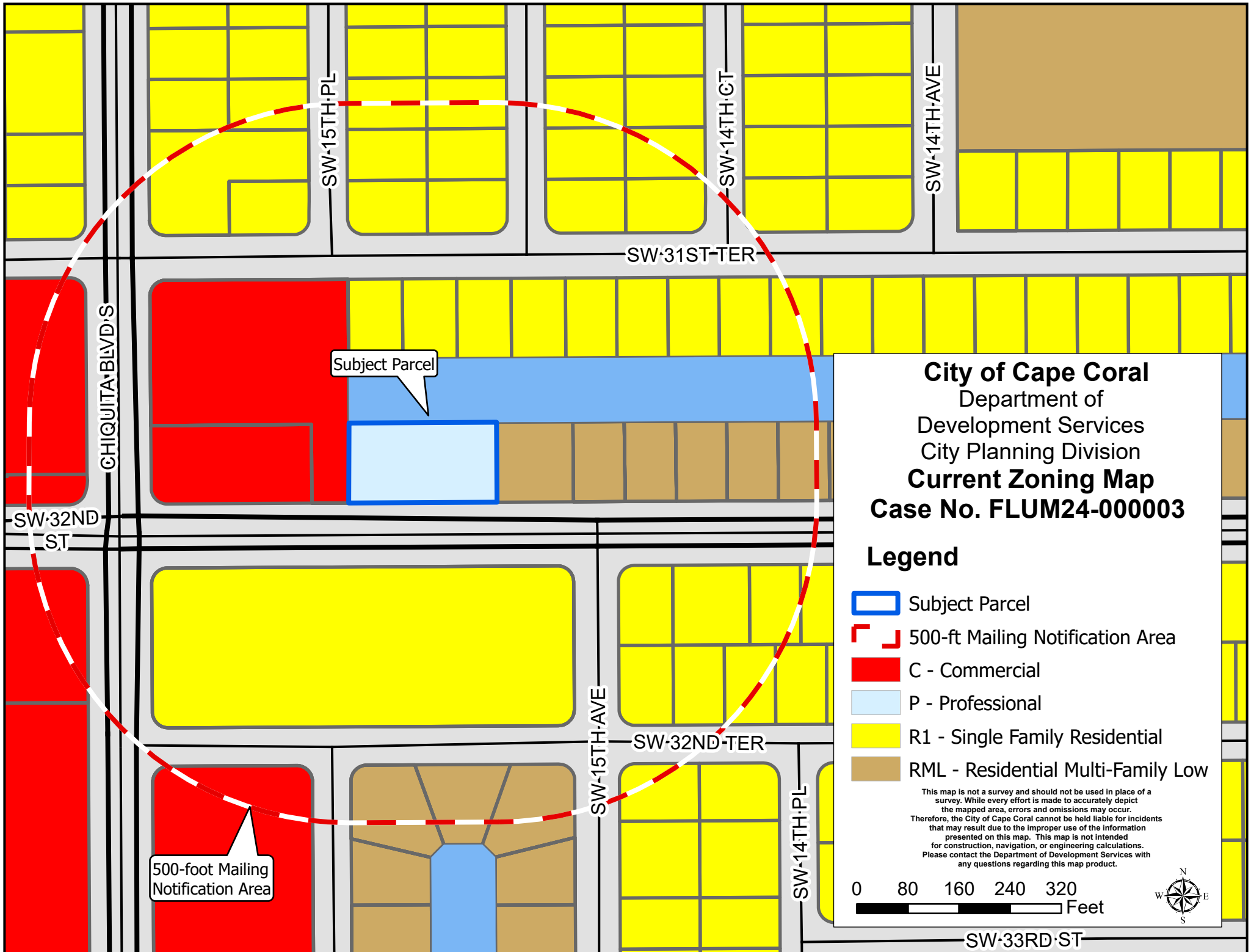
SW 31ST TER

GLEASON PKWY

SW 15TH AVE







SW 32ND TER

SW 14TH PL

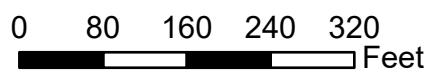


**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Current Zoning Map**  
**Case No. FLUM24-000003**

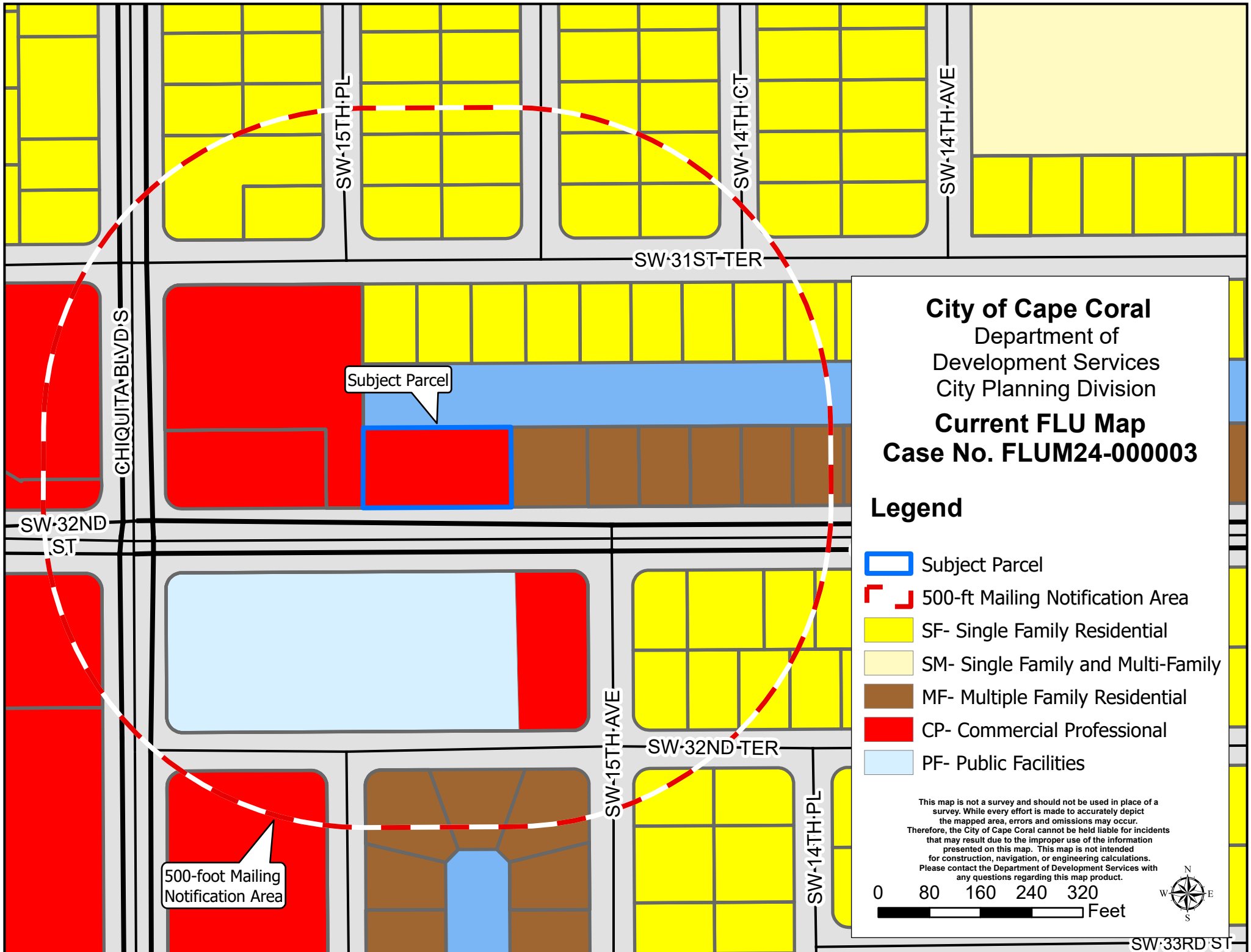
**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area
-  C - Commercial
-  P - Professional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low

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Subject Parcel

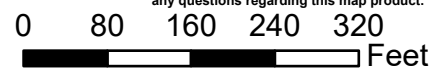
500-foot Mailing Notification Area

**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Current FLU Map**  
**Case No. FLUM24-000003**

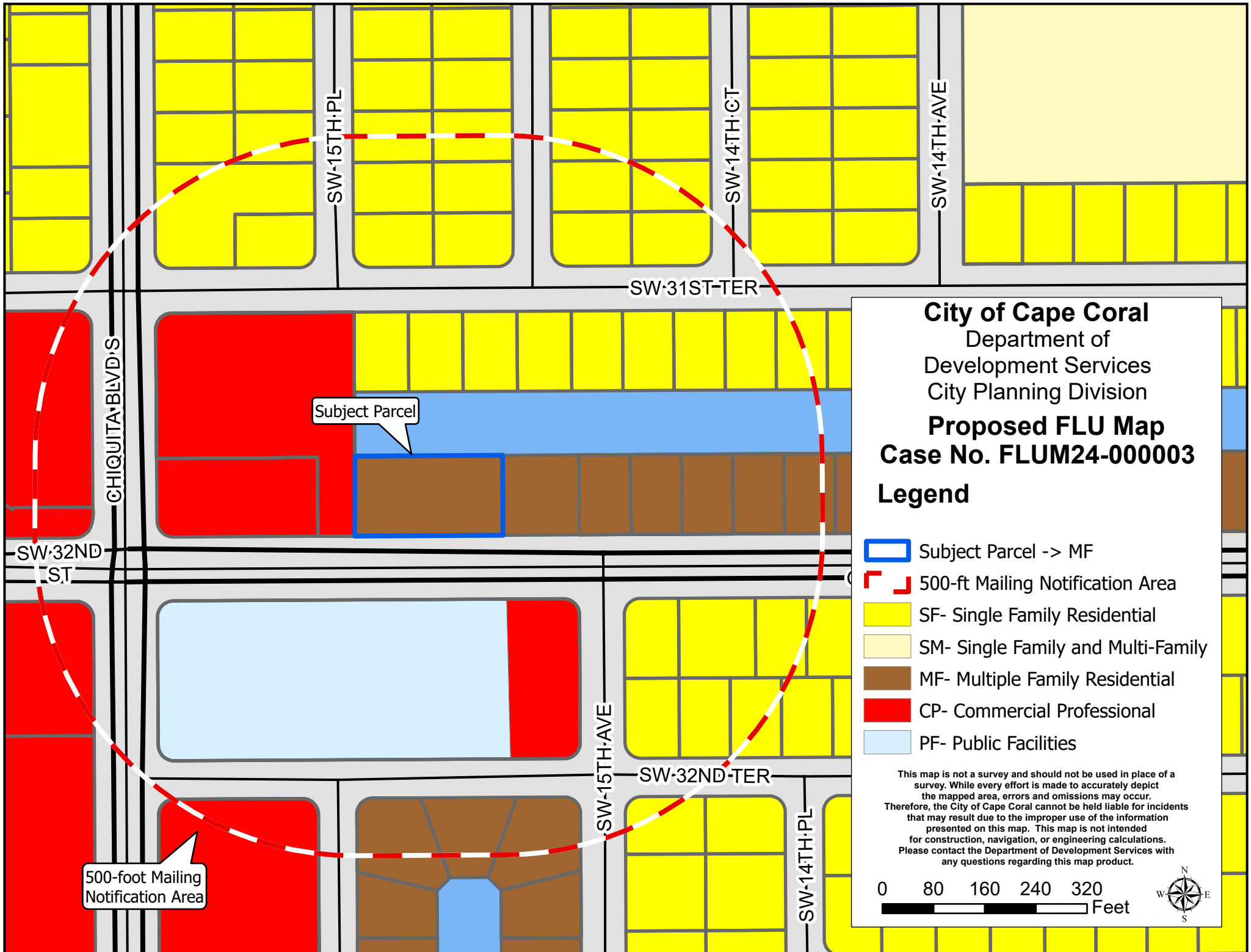
**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area
-  SF- Single Family Residential
-  SM- Single Family and Multi-Family
-  MF- Multiple Family Residential
-  CP- Commercial Professional
-  PF- Public Facilities

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





SW-33RD ST

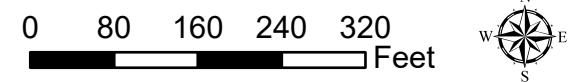


**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Proposed FLU Map**  
**Case No. FLUM24-000003**

**Legend**

-  Subject Parcel -> MF
-  500-ft Mailing Notification Area
-  SF- Single Family Residential
-  SM- Single Family and Multi-Family
-  MF- Multiple Family Residential
-  CP- Commercial Professional
-  PF- Public Facilities

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.



500-foot Mailing Notification Area

Subject Parcel

CHIQUITA BLVD S

SW-32ND ST

SW-15TH PL

SW-31ST TER

SW-14TH CT

SW-14TH AVE

SW-15TH AVE

SW-32ND TER

SW-14TH PL



# PLANNING DIVISION STAFF REPORT

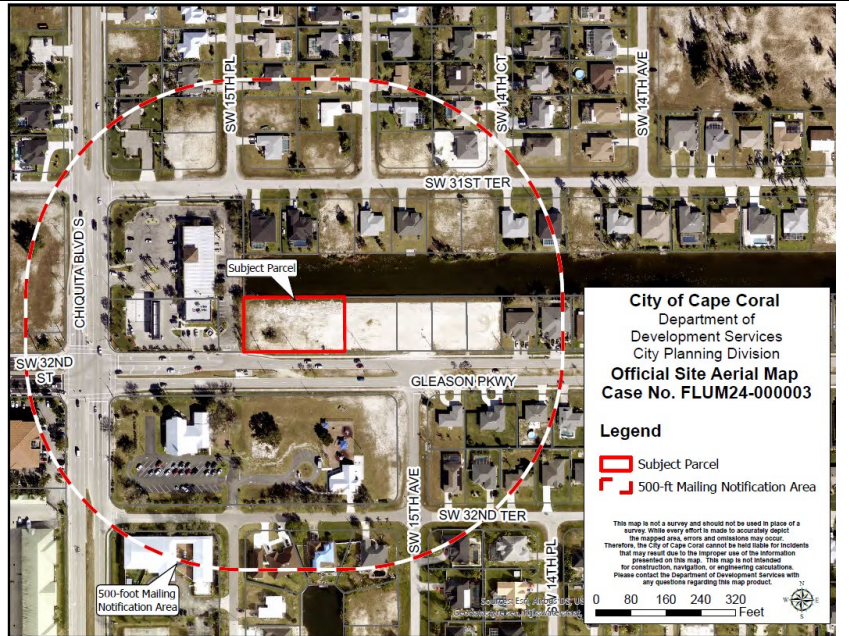
Tuesday, November 19, 2024

Case No.: FLUM24-000003 Prepared By: Chad Boyko, Principal Planner

Property Location: 1513 Gleason Parkway  
 Property Owner Name: Courtney Neuhausel

### SUMMARY OF REQUEST:

The applicant requests a future land use map amendment from Commercial/Professional (CP) future land use designation to the Multi-Family Residential (MF) designation for one parcel in Southwest Cape Coral. The parcel is 28,938 sq. ft. and has retained the CP designation since the adoption of the Comprehensive Plan in 1989.



MAP SOURCE: City of Cape Coral

Existing Zoning	Existing Future Land Use	Proposed Land Use	Site Improvements	Size of Property (+/-)
<b>Professional Office (P)</b>	<b>Commercial/Professional (CP)</b>	<b>Multi-Family Residential (SF)</b>	<b>None</b>	<b>28,938 sq.ft.</b>

### STAFF RECOMMENDATION:

### CASE OVERVIEW

Background:	<ul style="list-style-type: none"> <li>The site is undeveloped</li> <li>Located in a block that is considered a commercial node</li> <li>Would remove over half an acre of commercial land.</li> </ul>
Negative Aspects of Application	
Positive Aspects of Application:	<ul style="list-style-type: none"> <li>Amendment would allow for transition of commercial to multi-family</li> <li>Limited depth and limited assemblage opportunities</li> </ul>



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

## SITE INFORMATION

Street Address: 1513 Gleason Parkway

Urban Service Area: Infill

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

Right-of-Way Access: Gleason Parkway – Minor Arterial

STRAP Number(s): 34-44-23-C4-03230.0090

Block / Lot(s): Block 3230 / Lots 9-14

Site Area: SQ. FT. (+/-): 28,938

## FUTURE LAND USE AND ZONING INFORMATION

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<i>Current:</i>	Commercial/Professional (CP)	Professional Office (P)
<i>Proposed:</i>	Multi-Family Residential (MF)	N/A
	<b><i>Surrounding Future Land Use</i></b>	<b><i>Surrounding Zoning</i></b>
<i>North:</i>	Single-Family Residential (SF)	Single-Family Residential (R1)
<i>South:</i>	CP/Public Facilities (PF)	R1
<i>East:</i>	MF	Residential Multi-Family Low (RML)
<i>West:</i>	CP	Commercial (C)

## 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 multi-family development on the site.

## FUTURE LAND USE/ZONING HISTORY

The property being analyzed originally designated with the Commercial/Professional (CP) future land designation and the Professional Office (P) zoning designation upon adoption of the Comprehensive Plan in 1989. There have been no changes to those designations since 1989.

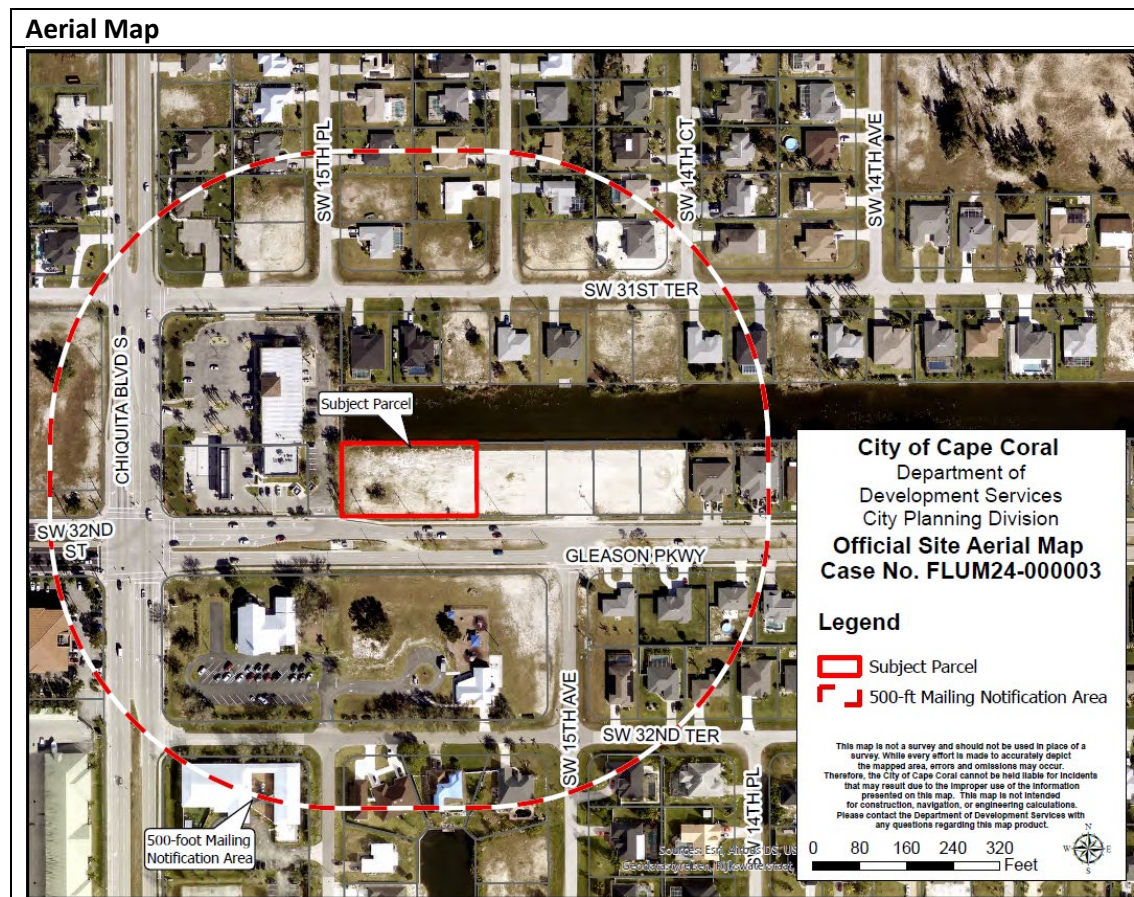


# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

## BACKGROUND

The site is one undeveloped parcel in Southwest Cape Coral. The parcel has frontage on Gleason Parkway – a minor arterial. The site is bordered to the north by the Barkentine Canal. The site is bordered to the west by a commercial development that includes a retail store, a restaurant, and a gas station and the site is bordered to the east by an undeveloped parcel. To the south across Gleason Parkway is a religious facility and daycare. The site has access to municipal water, sewer, and irrigation. Within Block 320, other than the commercial development to the west, all remaining sites are undeveloped or developed with residential uses. The applicant indicates that they are seeking the amendment to build multi-family residences on the site.

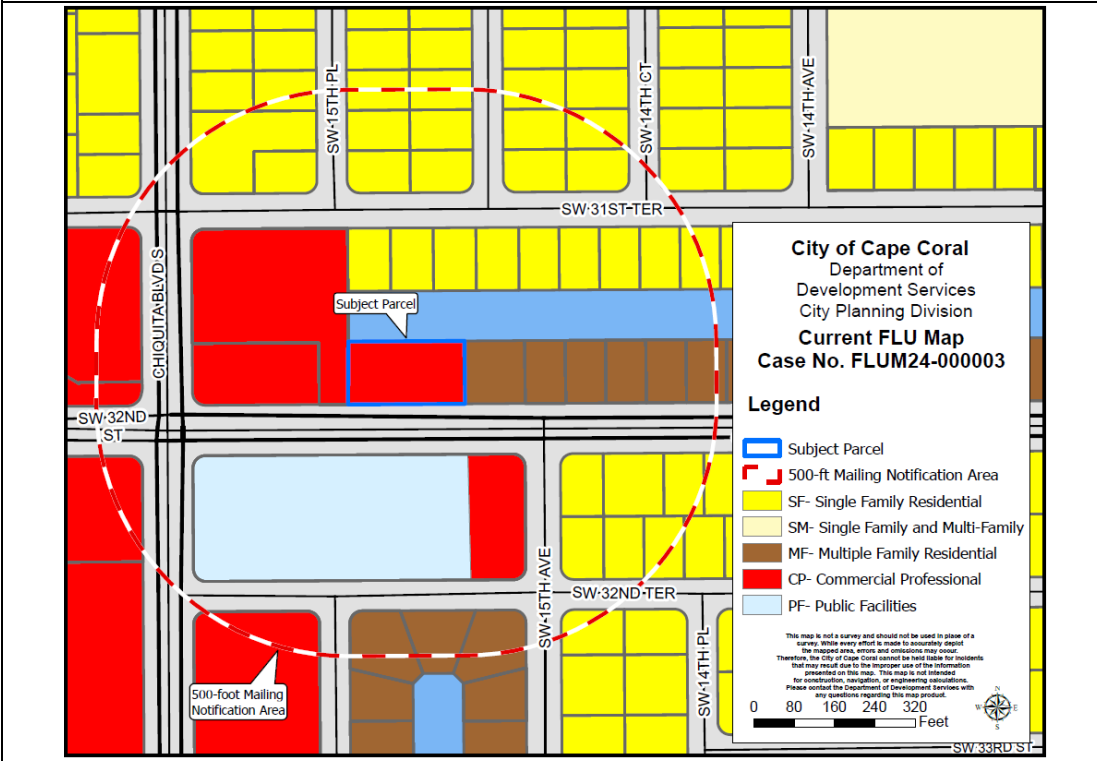




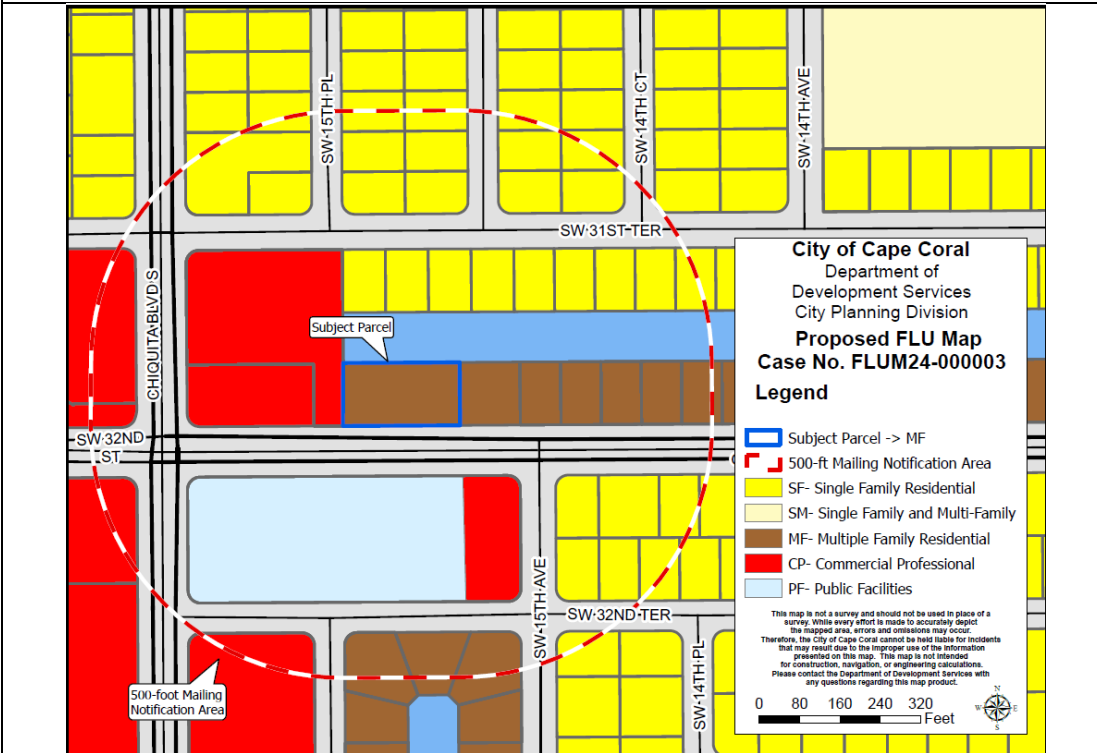
# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

## Current Future Land Use Map



## Proposed Future Land Use Map





# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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## ADDITIONAL SITE INFORMATION

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### 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.

### 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.**



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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## APPLICATION ANALYSIS

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### 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 multi-family homes 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 Multi-Family Residential (MF) would result in compatible land uses within a specific area. The applicant is requesting the amendment on the basis that the proposed amendment – along with a future rezoning - will bring the site into compliance with land uses that exist adjacent to the property. As with most of Cape Coral, there are several homes already developed that are in proximity to areas that also have commercial entitlements.**

**The proposed amendment is in conflict with Purpose #6, as the change to MF, does not prepare the city for future growth by allowing for additional areas that provide goods and services as well as employment opportunities. Cape Coral already has a stock of undeveloped lots that allow for the construction of single or multi-family residences. The City is lacking areas that are entitled for commercial development.**

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 does have access to water and sewer utilities. The site has potential access from Gleason Parkway, which is a minor arterial.





# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

**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 currently has the CP future land use designation. The maximum Floor Area Ratio (FAR) is 1.0 and the maximum commercial square footage that could be developed is 28,938 sq. ft.**

#### **Multi-Family Residential (MF)**

Densities up to 25 units per acre are permitted in this future land use map classification. Densities shall be calculated as a product of the size of the property divided by 43,560, multiplied by 16, rounded down. Development of multi-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

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

The Residential Multi-Family Medium (RMM) District is designed to permit higher-density multi-family residential development. Lower-density, multi-family residential projects such as duplexes or single-family residences are not permitted in this zoning district.

**Staff Response: The applicant proposes a change to the MF designation. The property is 28,938 sq. ft. and would allow the construction of 10 multi-family units.**



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

## 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 Chiquita Boulevard (Major Arterial) and Gleason Parkway (Minor Arterial). Both of these roadways meet the criteria to be considered major roadways. At this intersection, there is CP land use designated in all four directions. The site abuts the property at the northeast intersection of Chiquita Boulevard and Gleason Parkway. The CP future land use designation extends to the subject site. Due to these factors, staff finds the site is at a direct intersection.**

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. Removing the site from the CP future land use would remove the possibility for a commercial development adjacent to an established commercial node. Planning staff finds that the site is at a major intersection and the current 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



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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 a minor arterial roadway. The site has 125 feet of depth, however, the site is bordered to the north by a canal so achieving the desired depth of 250 feet is not possible. Assembling the properties is dependent on several factors, however, there is no possibility of achieving the adequate depth, therefore, Planning staff finds that the current future land use designation is not consistent with this commercial siting guideline.**

## Compactness

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

**Analysis: The site is one parcel that is rectangular in shape and is compact. The shape should allow for orderly arrangement of development. Planning staff finds that the current 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. The abutting parcel to the west is developed with a gas station and a retail development. Commercial integration with this parcel should be possible such as shared access. Planning Staff finds the current future land use of the site is 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.



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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 one 28,938 sq. ft. parcel. There could be some assemblage opportunities with the undeveloped parcels to the east, however, those parcels have a MF future land use designation and an RML zoning designation. Planning staff finds that while assemblage opportunities are possible, these opportunities would require amendments to the future land use and zoning designations, therefore, the current future land use designation is not 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 but there is no abutting residential development. New commercial could be considered intrusive if the abutting properties to the east are developed with residential uses, although, the Land Development Code requires significant buffering between commercial sites and residential properties. Additionally, the small size of the site limits the types of development that occur on the parcels which helps to limit the**



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

**potential intrusion into the residential neighborhood. With the presence of nearby residential units, Planning staff finds that the existing future land use designation is partially consistent with this commercial siting guideline.**

## Access

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

- a. Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City 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 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. Additionally, the site does not have frontage on a roadway with a City of Cape Coral access management plan. Planning staff finds the site is not near a City-owned parking lot, therefore, the sites current future land use designation is not 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.



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

**Analysis: The site is one parcel and the owner does not have ownership of any other parcels in the block. The size of the site is small so in order for development to occur that would not be considered “strip development”. Planning staff finds that the sites current future land use designation is not consistent with this commercial siting guideline.**

## *Summary*

**Policy 1.14 contains eight commercial siting guidelines. Overall, the site is consistent with three guidelines (major intersection, compactness, and integration), not consistent with four guidelines (adequate depth, access, ownership pattern and assembly) and partially consistent with one guideline (intrusion). 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 an analysis of compatibility.**

Staff evaluated the proposed amendment with regard to Policy 1.7; which provide locational guidelines for the siting of MF future land use designation. A response to each of the locational guidelines follows in **bold**.

### Policy 1.7:

#### *Proximity to major roadways*

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

**Staff Response: The site has frontage on Gleason Parkway, which is classified as a minor arterial, therefore, the site is consistent with the above guideline.**

#### *Proximity to non-residential land uses*

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

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

**Staff Response: Parcels to the west have the Commercial/Professional (CP) future land use designation, therefore, staff finds that the subject property is consistent with this guideline.**

#### *Transitioning from commercial uses to less intense uses.*

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



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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

**Staff Response: The site could act as a transition for commercial uses. The site could transition the commercial development to the west into the multi-family areas to the east, therefore, the subject property is consistent with the above guideline.**

### *Assemblage opportunities and adjacency to existing multi-family residential*

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

Therefore, an appropriate location for multi-family residential development is a collection of properties of 3-acres or greater which provide multi-family assemblage opportunities, or for properties which alone are 3-acres or greater in size. Furthermore, consideration will be given to logical extensions from existing multi-family residential designated properties.

**Staff Response: The areas to the east are undeveloped and could be assembled with the site if the land use was changed to Multi-Family Residential (MF), therefore, the site is consistent with this guideline.**

**In summary, Policy 1.7 contains four (4) multi-family siting guidelines. The site is consistent with all four of these guidelines (proximity to major roadways, proximity to non-residential uses, transition from commercial uses to non-residential uses, and assemblage opportunities). Policy 1.7 is meant to provide a guide to appropriate locations for multi-family and does not require a site to meet a certain number of guidelines to retain the MF designation or be amended to the MF designation.**

### **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 classifications for the site is Commercial/Professional (CP) and the site is zoned Commercial (C). The site is proposed for the Multi-Family Residential (MF) 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. The site is 28,938 sq. ft. which would allow for a commercial development that is 28,938 sq. ft. The maximum density for the MF future land use designation is 25 units per acre, however, the size is less than one acre therefore the maximum density will be 16 units per acre. The site could develop with 10 multi-family units.

### **Commercial Square Footage**

Existing:	28,938 sq. ft.
Proposed:	0 sq. ft.
Net Change:	- 23,938 sq. ft.



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

## Dwelling Units

Existing:	0
Proposed:	10
Net Change:	+ 10

## Population\*

Existing:	0
Proposed:	25
Net Change:	+ 25

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

## Water Use

Existing:	8,681 gal/day at 0.3 gal/sq. ft./day
Proposed:	2,000 gal/day at 200 gal/dwelling unit/day
Net Change:	- 6,681 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

## Sewage

Existing:	8,681 gal/day at 0.3 gal/sq. ft./day
Proposed:	2,000 gal/day at 200 gal/dwelling unit/day
Net Change:	- 6,681 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

## Solid Waste

Existing Generation:	3,935 lbs./day at 0.136 lbs/sq ft./day
Proposed:	118 lbs./day at 4.74 lbs/per person/day
Net Change:	- 3,817 lbs./day
Facility Capacity:	1,836 tons/day
Existing Demand:	1,384 tons/day
Capacity Available:	Yes

## Traffic/Daily Trips

Existing Generation:	43 AM trips/hour and 42 PM trips/hour
Proposed:	7 AM trips/hour and 7 PM trips/hour





# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

Net Change: -36 AM hour trips and -35 PM hour trips  
 Facility Capacity: Access from one minor arterial  
 Capacity Available: Yes

## Hurricane Evacuation

The site is in the Storm Surge C/Evacuation Zone A, however, the site is not in the Coastal High Hazard Area. This amendment would increase residential dwelling units in this and would have 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 increase, a small increase in park lands would be required.

## 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 a slight increase in the number of dwelling units because of the proposed future land use map amendment request.

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## PUBLIC NOTIFICATION

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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.



# PLANNING DIVISION STAFF REPORT

Tuesday, November 19, 2024

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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.

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## RECOMMENDATION

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Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed amendment to Multi-Family Residential (MF) is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, the City Planning Division recommends approval of the proposed future land use map amendment.

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### Staff Contact Information

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

FLUM24-000003 Legal Description

Lots 9 through 14, Block 3230 of Cape Coral Unit 66, according to the plat thereof as recorded in Plat Book 22, Pages 15, of the Public Records of Lee County, Florida

May 1 2024

City of Cape Coral

**RE: Property ID# 344423C4032300090 1513 Gleason Pkwy Cape Coral FL 33914**

**Request for Change to Future Land Use from current designation**

To Whom It May Concern-

This letter accompanies a request and application to have the subject property described above to have its Future Land Use changed from its current designation.

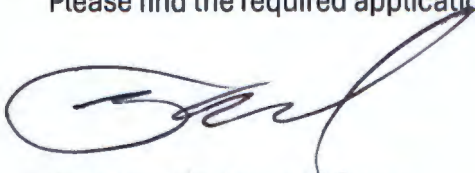
The current Future Land use is currently CP for Commercial-Professional Office. I am requesting a change to Future Land use to MF Multiple Family Residential.

The parcel's size does not provide for adequate space in terms of constructing a conforming professional building, one that would be able to include parking and other commercial requirements necessary for such a building. The recent change of the Future Land Use and rezoning of the adjacent parcel #34423C4032300150 at 1505 Gleason Pkwy to the east prohibits any future combination of these two parcels into a larger potential Professional Office zoned parcel. This would have created a parcel that would have allowed adequate space for possible use as Commercial-Professional Office but this potential combining of the parcels is no longer an option.

Moreover, the somewhat recent rezoning of the adjacent parcel at 1505 Gleason Pkwy allowed for the parcel to conform as to similar adjacent RML properties and created a contiguous series of parcels extending some distance to the east on this same canal, all the way to Skyline Blvd. The rezoning of the subject parcel at 1513 Gleason Pkwy would allow for consistent zoning with these properties on the entire Gleason Pkwy frontage.

The subject parcel is on a freshwater canal and has already been improved with seawall and city utility access and would be ready for further development once this rezoning is approved and completed.

Please find the required application enclosed and contact me as needed with any questions.



Courtney Neuhausel / Owner  
17562 Terracina Dr  
Fort Myers FL 33913

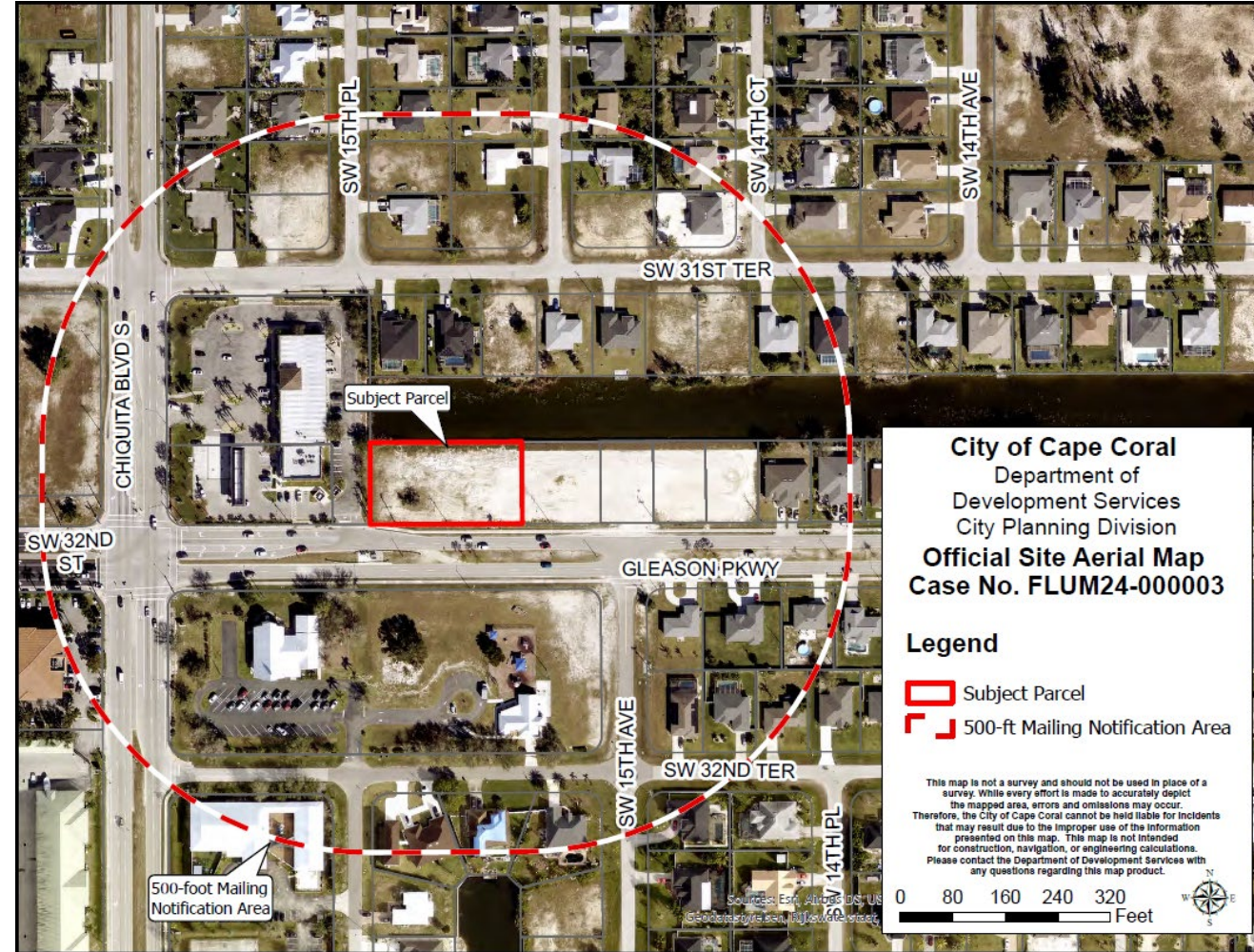
PH 239-940-180  
mycapeagent@gmail.com



# ORDINANCE 88-24 / FLUM24-00003 CAPE CORAL PLANNING AND ZONING COMMISSION

# Ord 88-24 / FLUM24-00003

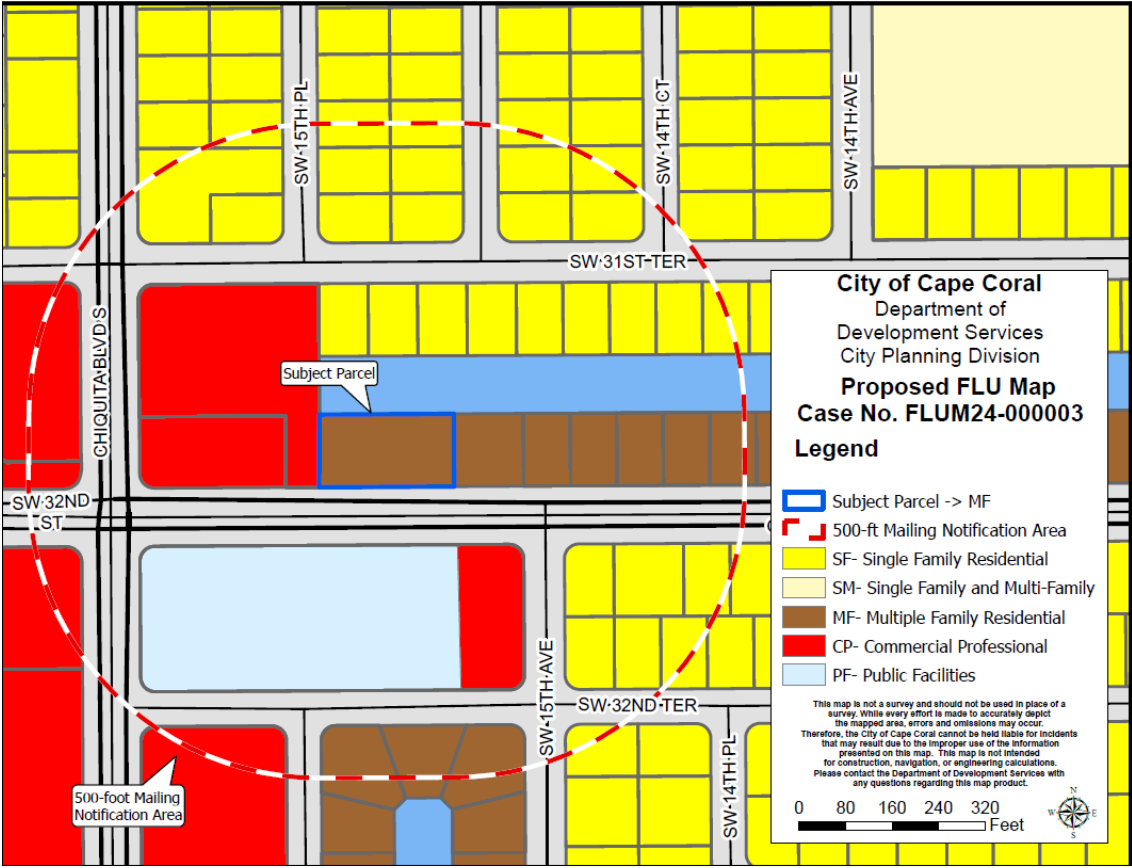
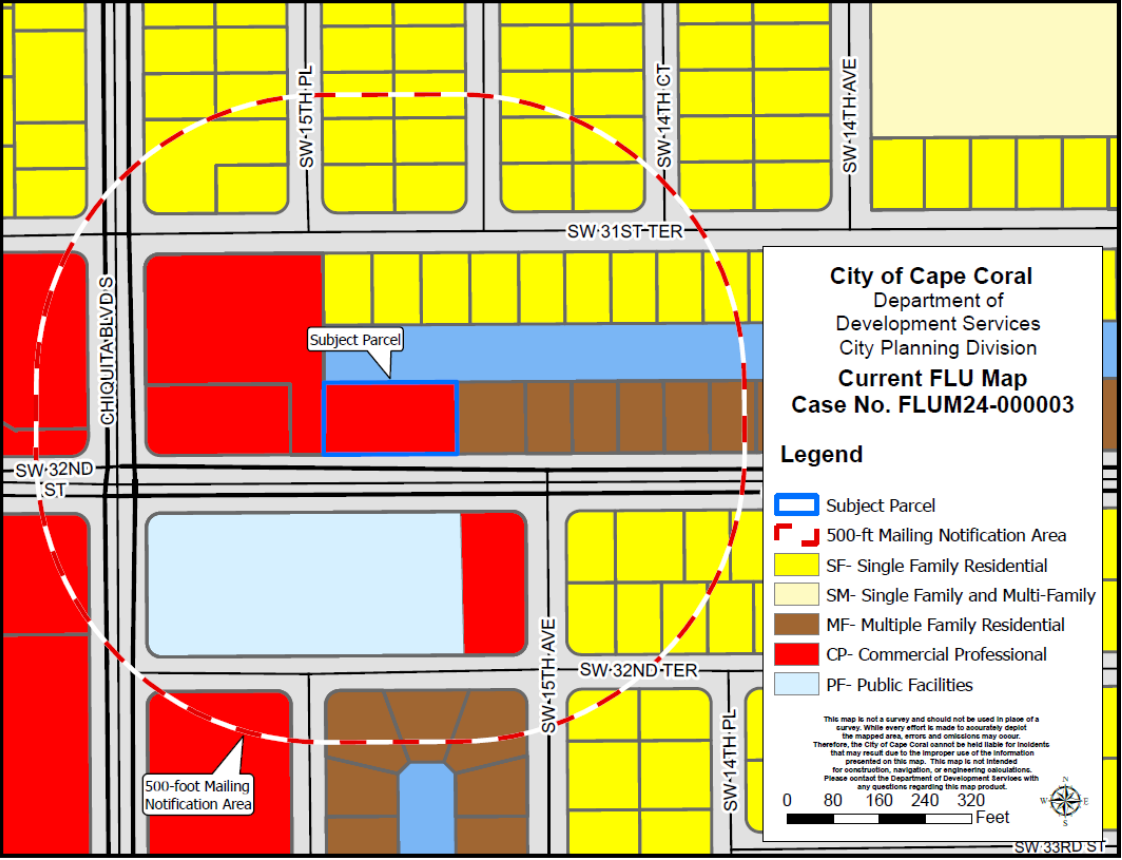
- Applicant: Courtney Neuhausel
- Location: 1513 Gleason Pkwy
- Size: 28,938 sq. ft.
- Urban Service: Transition
- Request: Future land use map amendment from Commercial/Professional (CP) to Multi-Family Residential (MF).



# Ord 88-24 / FLUM24-00003

## Existing FLU

## Proposed FLU



# Findings of Fact

- **Site is 1 parcel in SW Cape Coral**
- **Future Land Use was changed has been Commercial/Professional (CP) since adoption of Comprehensive Plan in 1989. No development on-site in over 30 years.**
- **Frontage on Gleason Parkway – minor arterial.**
- **Site has utilities.**
- **Applicant is seeking amendment to build multi-family on the site.**



# Analysis – Comp Plan – Future Land Use Element

## Policy 1.15

### Commercial/Professional (CP)

- **Maximum FAR of 1.0**
- **Maximum commercial square footage – 28,938 sq. ft.**
- **No residential units allowed in CP designation**

### Multi-Family Residential (MF)

- **Density would allow 10 multi-family units**

# Analysis – Comp Plan – Future Land Use Element

- **Policy 1.13 – Commercial Nodes**
  - **Seeks to locate commercial at or along commercial nodes**
  - **Site is near direct intersection – Chiquita Boulevard and Gleason Parkway – major and minor arterials respectively**
  - **These are both major roadways**
  - **CP future land use extends from intersection to the site**
  - **CP future land is in place in all 4 directions from intersection**
  - **Site is at a commercial node**

# Analysis – Comp Plan – Future Land Use Element

- **Policy 1.14 – Commercial Siting Guidelines**
  - **The site is consistent with 3 guidelines – major intersection, integration and compactness**
  - **The site is not consistent with 4 guidelines – adequate depth, assembly, access and ownership pattern**
  - **The site is partially consistent with 1 guideline – intrusion**

**Policy 1.14 does not require a proposed amendment to meet a threshold of guidelines for approval or denial**

# Analysis – Comp Plan – Future Land Use Element

- **Policy 1.7 – Multi-Family Siting Guidelines**
- **The site is consistent with all 4 guidelines – proximity to major roadways, proximity to non-residential uses, transition from commercial uses to residential uses, and assemblage opportunities**

**Policy 1.7 does not require a proposed amendment to meet a threshold of guidelines for approval or denial**

# Recommendation

**Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, Planning Division staff recommends approval of the request to amend the site to the MF future land use designation**

Thank you









ORDINANCE 85 – 24

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA COMPREHENSIVE PLAN BY AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE FUTURE LAND USE ELEMENT, AND THE RECREATION AND OPEN SPACE ELEMENT TO ALLOW A PORTION OF THE YELLOW FEVER CREEK REGIONAL PARK TO BE UTILIZED FOR AN ESSENTIAL SERVICE FACILITY; 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 Comprehensive Plan amendments necessary to update the Comprehensive Plan as follows:

- A. The amendment to Policy 1.7.17 of the Conservation and Coastal Management Element provides that a portion of the Yellow Fever Creek Headwaters Area may be used for essential service facilities. The amendment to the Conservation and Coastal Management Element is described in Exhibit “A,” attached hereto and incorporated herein by reference.
- B. The amendment to Policy 11.1 of the Future Land Use Element reduces the minimum size of the Yellow Fever Creek Park from 200 acres to 184.5 acres. The amendment to the Future Land Use Element is described in Exhibit “B,” attached hereto and incorporated herein by reference.
- C. The amendment to Policy 1.2 of the Recreation and Open Space Element reduces the size of the Yellow Fever Creek Park from 198.70 acres to 184.5 acres. The amendment to the Recreation and Open Space Element is described in Exhibit “C,” 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 MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

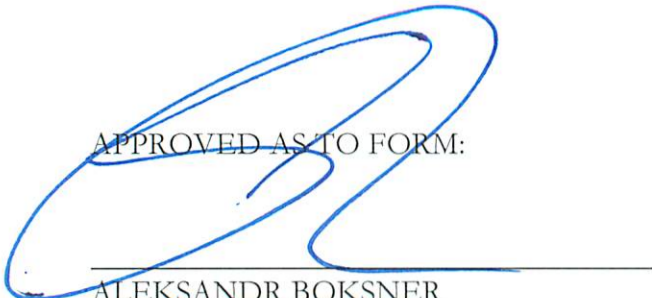
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	NELSON	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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

APPROVED AS TO FORM:



---

ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/Comp Plan Amendment-Yellow Fever Creek



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Exhibit "A"

Chapter 2

CONSERVATION AND COASTAL MANAGEMENT ELEMENT  
GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

...

Objective 1.7: Ground Water Resources. The City will protect the quality of its groundwater resources and will maintain programs that have the goal of reducing the consumption rate (per dwelling unit) of potable water used for irrigation and other outdoor purposes from (2000) levels.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.

...

Exhibit "B"

Chapter 4

FUTURE LAND USE ELEMENT

**GOAL:** TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

...

OBJECTIVE 11: Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

...

Exhibit "C"

Chapter 7

RECREATION AND OPEN SPACE ELEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1:

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area

...

Existing and Proposed Park Inventory, 2021

(Note: \* refers to new parks planned as result of 2016 Go Bond)

Regional Park

Park	Acreage	Location
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23 <sup>rd</sup> Terrace
*Yellow Fever Creek	198.70 184.5	Del Prado Blvd N and NE 22 <sup>nd</sup> Ave
*Festival Park (includes Seahawk Park)	Approx. 191	2615 NW 14 <sup>th</sup> AVE 1030 NW 28 <sup>th</sup> Street

...



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

**Note: Application  
for Comprehensive  
Plan Text  
Amendment**

**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. **(See concurrent FLUM23-000011)**
  - 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 **(See concurrent FLUM23-000011)**
4.  If the subject property is within 500 feet of any County properties, the applicant must provide: **(See concurrent FLUM23-000011)**
  - 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. **(See concurrent FLUM23-000011)**
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.

<b>OWNER(S) OF PROPERTY INFORMATION</b>	
Owner <u>City of Cape Coral</u>	Address <u>1015 Cultural Park Boulevard</u>
Phone <u>(239) 574-0451</u>	City <u>Cape Coral</u>
Email <u>milczysz@capecoral.gov</u>	State <u>FL</u> Zip <u>33990</u>
Owner _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>APPLICANT INFORMATION (If different from owner)</b>	
Applicant <u>Bill Corbett, Office of Capital Improvements</u>	Address <u>611 SE 11th Street</u>
Phone <u>(239) 242-3224</u>	City <u>Cape Coral</u>
Email <u>wcorbett@capecoral.gov</u>	State <u>FL</u> Zip <u>33990</u>
<b>AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable) * See Additional Sheet</b>	
Representative <u>Johnson Engineering, Inc.</u>	Address <u>2122 Johnson Street</u>
Phone <u>(239) 461-2456</u>	City <u>Ft Myers</u>
Email <u>cmf@johnsoneng.com</u>	State <u>FL</u> Zip <u>33901</u>
<b>PROPERTY INFORMATION</b>	
Unit <u>N/A</u> Block <u>C2000</u> Lot (s) <u>2000</u> Subdivision <u>N/A</u>	
Property Address <u>3115 Del Prado Boulevard North, Cape Coral, FL 33915</u>	
Plat Book <u>N/A</u> Page <u>N/A</u> Current Zoning <u>Single Family Residential (R1)</u>	
Strap Number <u>20-43-24-C3-00002.0000 (portion)</u> Acreage <u>14.2 acres</u>	
Current Land Use <u>Parks &amp; Recreation (PK)</u>	Proposed Land Use <u>Public Facilities (PF)</u>



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

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

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

Michael Ilczyszyn  
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 21<sup>st</sup> day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced N/A as identification.

Exp Date: 3/2/25 Commission Number: HH072531

NOTARY STAMP HERE

Signature of notary Public: 

Printed Name of Notary Public: Cheryl Mackowski



Cheryl Mackowski  
Notary Public  
State of Florida  
Comm# HH072531  
Expires 3/2/2025

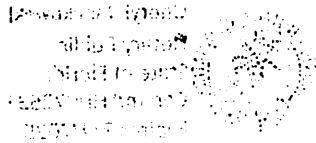


ADDITIONAL AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Brett Messner, Tetra Tech Address 10600 Chevrolet Way

Phone (239) 390-1467 City Estero

Email Brett.Messner@Tetrattech.com State FL Zip 33928





**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 21<sup>st</sup> Day of June, 2024.

City of Cape Coral  
CORPORATION/COMPANY NAME

Michael Ilczyszyn  
OWNER'S NAME (TYPE or PRINT)

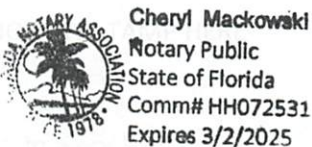
[Signature]  
OWNER'S SIGNATURE

STATE OF Florida  
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, this 21<sup>st</sup> day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH072531

Signature of notary Public: [Signature]  
Printed Name of Notary Public: Cheryl Mackowski





**ESTIMATED PEAK HOUR TRIP**

Parcel Size: Width ~776' Depth ~798' Sq. Ft. ~616,552 Acreage ~14.2

Soil Type: (74) Boca fine sand, slough / (49) Felda fine sand, depressional / (39) Isles fine sand, depressional

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

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

Animal Species: (list any endangered, threatened, or species of special concern on-site)  
See attached Protected Species Survey.

**Estimated Development:**

- Estimate total lot coverage ~10 %
- Estimate total building floor area: ~13,125 Sq. ft.
- Estimate type of future development and percentages:  
(e.g. business, offices, commercial retail, automotive repair, etc.)

Public Utility - Approx: 50,000 s.f. water storage tanks, 4,375 s.f. storage building, 8,750 s.f. booster stations

Estimated peak hour trip ends: 20 PM Peak Hour Trip Ends

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

City Sewer: YES  NO

City Water: YES  NO



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Brett Messner, VP, RSI Division, Tetra Tech
(Name of person giving presentation)

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

UNIT N/A BLOCK C2000 LOT(S) 2000 SUBDIVISION n/a

OR LEGAL DESCRIPTION See attached

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

Michael Ilczyszyn
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 [X] physical presence or online notarization, this 21st day of June, 2021 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH 072531

Cheryl Mackowski
Notary Public
State of Florida
Comm# HH072531
Expires 3/2/2025

Signature of notary Public: [Signature]

Printed Name of Notary Public: Cheryl Mackowski

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





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CITY PLANNING DIVISION

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**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT Christine M. Fisher, Principal Planner, Johnson Engineering Inc.  
(Name of person giving presentation)

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

UNIT N/A BLOCK C2000 LOT(S) 2000 SUBDIVISION n/a

OR LEGAL DESCRIPTION See attached

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

Michael Ilczyszyn  
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 21<sup>st</sup> day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH872531

Signature of notary Public: [Signature]

Printed Name of Notary Public: Cheryl Mackowski

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





**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;



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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.



June 7, 2024

Mr. Matthew Grambow, Interim Director  
Department of Development Services  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

SUBJECT: CAPE CORAL UTILITIES NE BOOSTER STATION– LETTER OF INTENT  
STRAP: 20-43-24-C3-0002.0000 (portion)  
SMALL SCALE COMPREHENSIVE PLAN TEXT AMENDMENT APPLICATION

Dear Mr. Grambow:

The City of Cape Coral is seeking to develop 14.2+/- acres of the northeastern portion of STRAP number 20-43-24-C3-0002.0000 located at 3115 Del Prado Boulevard North for a City of Cape Coral Irrigation and Potable Water Storage and Pumping Facility to service the North 1 Utilities Extension Project (UEP) area. Concurrent applications have been submitted under separate cover to rezone the property from Single Family Residential (R-1) to Institutional (INST) [RZN23-000018] and to amend the Future Land Use Map designation from Parks & Recreation (PK) to Public Facilities (PF) [FLUM23-000011]. City staff has reviewed the applications and determined that text amendments are also needed to ensure compliance with the Comprehensive Plan.

Pursuant to Section 3.5.3 of the City of Cape Coral Land Development Code, the applicant requests consideration of Comprehensive Plan text amendments for the subject property. Since this request for a Comprehensive Plan text amendment is directly related to and being adopted simultaneously with a small scale Future Land Use Map amendment, it meets the criteria in Section 163.3187(1)(b), F.S. to be processed as a small scale comprehensive plan amendment.

We respectfully request approval of the Comprehensive Plan text amendments. Should you or your staff have questions or require additional information, please do not hesitate to contact me at (239) 461-2456 or [cmf@johnsoneng.com](mailto:cmf@johnsoneng.com)



Small Scale Comprehensive Plan Text Amendment  
June 7, 2024  
Page 2

Sincerely,  
JOHNSON ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Christine M. Fisher". The signature is fluid and cursive, with a large initial "C" and "F".

Christine M. Fisher, AICP  
Principal Planner

20203241-000



June 7, 2024

Chad Boyko, Principal Planner DCD  
Department of Development Services  
City of Cape Coral  
1015 Cultural Park Boulevard  
Cape Coral, FL 33990

RE: **CAPE CORAL UTILITIES NE BOOSTER STATION– RAI #1 Response  
FLUM23-000011**

Dear Mr. Boyko:

Attached, please find the information requested in your sufficiency review of the above referenced project. The issues raised by staff have been addressed as follows:

**Planning Review**

1. **Staff Comment:** Chapter 7 of the Comprehensive Plan states that Yellow Fever Creek is intended as a 198.70-acre regional park. Please indicate if the proposed amendment would reduce that acreage for a regional as outlined in the Comprehensive Plan.

**Response:** *The proposed amendment to allow for the development of a City of Cape Coral Irrigation and Potable Water Storage and Pumping Facility on a 14.2+/- acre portion of the subject property will reduce the acreage of the regional park.*

*A companion Comprehensive Plan Text Amendment has been submitted to revise the table entitled Existing and Proposed Park Inventory, 2021 in Chapter 7, the Recreation and Open Space Element of the Comprehensive Plan, to indicate that Yellow Fever Creek is intended as a 184.5-acre regional park as well as revision to Chapter 4, Policy 11.1 of the Future Land Use Element of the Comprehensive Plan to reflect the updated park acreage.*

*After subtracting the subject site from the acreage of the park, Yellow Fever Creek Preserve Park will remain a regional park as it is greater than the minimum size (50 acres) as well as optimal size (75 acres) for regional parks as defined in the Recreation and Open Space Element of the Comprehensive Plan.*

2. **Staff Comment:** Chapter 2, Policy 1.7.17 of the Comprehensive Plan states that Yellow Fever Creek is to be set aside for restoration and protection and for development of passive recreation uses. Please indicate if the proposed amendment is consistent with this policy.

***Response:*** A companion Comprehensive Plan Text Amendment to Chapter 2, Policy 1.7.17 of the Conservation and Coastal Management Element of the Comprehensive Plan has been submitted to revise this policy to allow for essential service facilities while still protecting and maintaining the Yellow Fever Creek Headwaters Area.

*The subject site is not located within the Yellow Fever Creek Headwaters Area but will be designed to minimize impacts to upland habitats to the maximum extent practicable.*

*As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 1.7.17 upon approval of the companion Comprehensive Plan Text Amendment.*

### **Environmental Review**

**The proposed FLUMA is not consistent with the following City Comprehensive Plan objectives and policies:**

1. ***Staff Comment:*** As stated in this policy, the City should “commit itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.” However, the end goal of this City initiated FLUMA is to develop a 14± acre portion of this park site with a utility complex that includes irrigation and potable water storage tanks and a pumping facility. This proposed development would be in direct conflict with this Comprehensive Plan Policy. The proposed FLUMA from Parks and Recreation (PK) to Public Facilities (PF) to facilitate this development is therefore not consistent with this Comprehensive Plan Policy.

Policy 1.7.17 of the Conservation and Coastal Management Element: “The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.”

***Response:*** A companion Comprehensive Plan Text Amendment to Chapter 2, Policy 1.7.17 of the Conservation and Coastal Management Element of the Comprehensive Plan has been submitted to revise this policy to allow for essential service facilities while still protecting and maintaining the Yellow Fever Creek Headwaters Area.

*The subject site is not located within the Yellow Fever Creek Headwaters Area and will be designed to minimize impacts to upland habitats to the maximum extent practicable.*

*As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 1.7.17 upon approval of the companion Comprehensive Plan Text Amendment.*

2. **Staff Comment:** The subject site is part of the regional park site identified in this Comprehensive Plan Policy for the purpose of preserving an upland natural reservation. Amending the Future Land Use to PF to facilitate a portion of the park site to be developed with a utility complex is not consistent with this Policy.

Policy 1.7.13 of the Conservation and Coastal Management Element: The City, in conjunction with Lee County, has begun development of a Regional Park site in the City's northeast, preserving an upland natural reservation of at least 250 acres as identified in the Recreation and Open Space Element of this plan.

**Response:** *Based on our calculations, the total combined area of Yellow Fever Creek Preserve Park located within the city limits and within Lee County is ±420 acres. Thus, the proposed amendment is consistent with Policy 1.7.13 as it would not reduce the upland natural preservation to be less than 250 acres.*

3. **Staff Comment:** The subject site has natural communities including wetlands and upland habitat for listed species such as gopher tortoises. The land is part of the Yellow Fever Creek Preserve park site which was set aside primarily to preserve a representative example of natural upland communities destroyed during the development of the City (Policy 1.7.17). As such, amending the Future Land Use to allow future development of this land with a utility complex would not be consistent with this Policy.

Policy 1.2.17 of the Conservation and Coastal Management Element: The City of Cape Coral will acquire land, as opportunity and resources allow for the purpose of preserving natural communities, listed species and their habitats.

**Response:** *Per the provided Protected Species Survey, there are 2.68 acres of wetlands on the subject site. The existing wetland habitat at the southwest corner has been placed under a conservation easement and is part of a previous mitigation area for the Del Prado Boulevard extension project (SFWMD Application No. 940715-5). A jurisdictional wetland is located at the northeast corner. No development is proposed in existing wetland areas. The development area will not encroach into required wetland buffers. Furthermore, the PPS concludes that there is no evidence of gopher tortoises observed within 25 feet of the project area. No evidence of listed species was observed during the survey.*

*As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility is consistent with Policy 1.2.17.*

4. **Staff Comment:** The subject parcel is a part of this significant example of an upland ecological community that was set aside for protection. Developing a portion of the uplands on this site with a utility complex would not be considered protection nor "maintenance" of an upland ecological community. It would in fact, permanently remove a significant area of this ecological community from the site and would lead to further degradation of the surrounding ecological community through disturbance. The proposed FLUMA is therefore not consistent with this policy.

OBJECTIVE 11 of the Future Land Use Element: Protection of Marine, Estuarine, and Upland environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

***Response:*** *The proposed area to be developed as an irrigation and potable water storage and pumping facility that will be fenced off from public access/use is ±7.0 acres. The development area is neither marine (Merriam-Webster: of or relating to the sea) nor estuarine (Merriam-Webster: of, relating to, or formed in an estuary – a water passage where the tide meets a river current). The site would be considered an upland area and according to the provided protected species survey, there is no evidence of listed species. Thus, development of the subject area is consistent with the City’s objective to protect marine, estuarine, and upland environments.*

5. ***Staff Comment:*** The subject parcel is part of this 200-acre tract that was set aside by the City for use as a major park emphasizing passive recreation and nature study. A utility complex is neither passive recreation nor nature study and would likely be disruptive to the nature park atmosphere. The proposed FLUMA to PF to permit a future utility complex would not be consistent with this Policy.

Policy 11.1 of the Future Land Use Element: The City will own and maintain a minimum of 200-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

***Response:*** *A companion Comprehensive Plan Text Amendment has been submitted to revise the table in Chapter 7, the Recreation and Open Space Element of the Comprehensive Plan, to indicate that Yellow Fever Creek is intended as a 184.5-acre regional park as well as revision to Chapter 4, Policy 11.1 of the Future Land Use Element of the Comprehensive Plan to reflect the updated park acreage.*

*As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 11.1 upon approval of the companion Comprehensive Plan Text Amendment.*

**Cape Coral Strategic Plan analysis:**

6. ***Staff Comment:*** The subject parcel is already part of a city owned natural park which was set aside for protection, restoration, and passive recreation. This park focuses on passive recreation and nature study for the current and future residents of Cape Coral and the surrounding area. The site contains environmentally sensitive wetlands and gopher tortoise habitat. Developing a portion of this nature park with a utility complex would not be consistent with these Strategic Plan goals.

Environmental Sustainability-

GOAL: Preserve and protect Cape Coral’s natural resources for current and future generations.

LAND CONSERVATION - Protect and preserve endangered critical habitats and environmentally sensitive lands.

ENDANGERED AND THREATENED SPECIES - Conserve the habitats of endangered and threatened animal and plant species.

***Response:*** Although Yellow Fever Creek Preserve Park includes passive recreation and areas for protection and restoration, it has not been set aside exclusively for those uses. The Park has already been constructed or approved for certain non-passive recreation uses and other uses that are not related to nature study, such as, but not limited to, disc golf, parking areas, campsites, asphalt drive, restrooms, and a welcome center. The proposed use on the subject site is compatible with other public facility uses located on the parent parcel.

Per the submitted Protected Species Survey, there are 2.68 acres of wetlands on the subject site; however, no development will be occurring within the wetland area. The development area will not encroach into required wetland buffers. Furthermore, the PPS concludes that there is no evidence of gopher tortoises observed within 25 feet of the project area. No evidence of listed species was observed during the survey.

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility is consistent with the Strategic Plan.

I hope that this letter and the attached information has adequately addressed staff's comments and the application can now be considered sufficient. If you have any further questions, please let me know.

Sincerely,

JOHNSON ENGINEERING, INC.



Christine M. Fisher, AICP  
Principal Planner

cc: Brett Messner, P.E.  
Robert "Bud" Creighton Jr., P.E.

20203241-000

## COASTAL AND CONSERVATION ELEMENT

### GOAL 1:

Protecting Environmental Resources. The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

...

Objective 1.7: Ground Water Resources. The City will protect the quality of its groundwater resources and will maintain programs that have the goal of reducing the consumption rate (per dwelling unit) of potable water used for irrigation and other outdoor purposes from (2000) levels.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. [A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.](#)

...

## FUTURE LAND USE ELEMENT

### GOAL:

To protect the public investment by encouraging the efficient use of community infrastructure and natural resources, assure the orderly, efficient growth of the City by encouraging development in those areas which are best served by infrastructure and community services, promote new land uses which create the least possible disruption to existing uses; create a strategy which anticipates future community needs by acquiring and assembling platted lands; and protect the rights of individual property ownership, consistent with public needs.

...

Objective 11: Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

...



## RECREATION AND OPEN SPACE ELEMENT

### GOAL 1:

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area

Objective 1: The City of Cape Coral shall continue to provide an adequate system of parks and recreational facilities which meet the needs of the existing and future populations and shall identify and plan park and recreation improvements to 2050.

...

Policy 1.2: The City of Cape Coral adoption levels of service for parks shall be:

Park Classification	Size and Service Population*	
Regional Park	50 acres and above; services population up to 50,000	
Community Park	Approximately 10-50 acres; up to 25,000 population	
Neighborhood Park	1-10 acres; serves population up to 5,000 population	
School-Park	Varies as to need	
Specialty Parks*	Varies as to need	

**Regional Parks:** Large areas of undeveloped or developed City or combination of City/County property (minimum of 50 acres), with 75 or more acres being optimal. These parks serve a broader purpose than community parks. The focus is on meeting community-based recreational needs, as well as preserving and protecting unique landscapes, environmental, and open spaces.

**Community Parks:** Medium size areas of developed City property typically 10 – 50 acres (actual size is based on the land area needed to accommodate desired current and future usages) which has varied uses and purposes. These parks have been developed for passive and active recreation/athletic activities. Their focus is meeting the needs of several neighborhoods or large sections of the community and preserving unique landscapes and open spaces. Typical development may include athletic fields/courts, playgrounds, indoor/outdoor rental facilities, beach, walking path, pools, recreation center/facility, pavilions, amphitheater, remote controlled vehicles, theater, BMX track, and boat ramp.

Neighborhood Parks: Small to medium size areas of developed City property typically 5-10 acres (its actual size is based on the land area needed to accommodate desired current and future usages). These areas have varied uses and purposes. These parks have been developed for passive and active recreation/athletic activities and serve as the recreational and social focus of the neighborhood. Typical development may include athletic field/courts, playgrounds, walking path, picnic facilities, boat ramp, and pond/lake.

School-Park: Combination of two public agencies allows for expanding the recreation, social, and educational component available to the community in an efficient and cost-effective manner. Depending on its size, one school-park could serve in several capacities such as neighborhood park, athletic fields, use of school facilities, before-after school uses, and summer programs. It is typically necessary to develop a joint use agreement between the involved agencies.

Special Use Park/Facilities: The special use classification covers a broad range of parks and facilities oriented toward single-purpose use. Special uses generally fall into three categories: historic/cultural/social sites, recreation facilities, or outdoor recreation facilities.

**Existing and Proposed Park Inventory, 2021**  
 (Note: \* refers to new parks planned as result of 2016 Go Bond)

**Regional Park**

Park	Acreage	Location
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23rd Terrace
*Yellow Fever Creek	<del>198.70</del> 184.5	Del Prado Blvd N and NE 22nd Ave
*Festival Park (includes Seahawk Park)	Approx. 191	2615 NW 14th AVE 1030 NW 28th Street

...

**Review Date:** October 17, 2024

**Prepared by:** Chad Boyko, AICP, Planning Team Coordinator

**Request:** Amends Policy 1.7.17. of the Coastal and Conservation Element, Policy 1.2 of the Recreation and Open Space Element, and amends Policy 11.1 of the Future Land Use Element to allow a portion of the Yellow Fever Creek Regional Park to be utilized for an essential service facility.

---

**STAFF RECOMMENDATION: APPROVAL**

<b>Positive Aspects of Application</b>	<ul style="list-style-type: none"><li>Allows for a portion of a city-owned parcel to be utilized for an essential service facility that allows for water storage and distribution.</li></ul>
<b>Negative Aspect of Application</b>	<ul style="list-style-type: none"><li>Amendment decreases the size of a regional park that has been established for over 20 years.</li></ul>
<b>Mitigating Factors</b>	<ul style="list-style-type: none"><li>Majority of park remains as passive recreation and protected upland community.</li></ul>

### Background / Summary of Request

In 1989, the City of Cape Coral adopted the Comprehensive Plan and established the Yellow Fever Creek Regional Park site within the Comprehensive Plan. Yellow Fever Creek is a nearly 200-acre area that is used primarily for passive recreation and nature study.

The site was undeveloped until a few years ago when some development – initiated by the City of Cape Coral - occurred such as a welcome center, hiking trails, and primitive campsites were constructed within the park. Parking facilities were also constructed within the park and within the Lee County owned park directly to the south.

The City of Cape Coral Public Works Department along with the Utilities Department have identified a portion of the Yellow Fever Creek Park as an ideal site for an Irrigation and Potable Water Storage and Pumping facility. This facility would include two booster stations, two potable water storage tanks, two reclaimed water storage tanks, along with a 4,375 sq. ft. storage building. This amendment would amend three policies in the Comprehensive Plan that would reduce the size of the Yellow Fever Creek Park from 198.70 acres to 184.5 acres. This amendment would also include language stating that a 14.2 acre portion of the site can be utilized for essential service facilities. This Comprehensive Plan Text Amendment would also allow a subsequent Future Land Use Map Amendment for the 14.2 acre site from the Parks and Recreation (PK) land use classification to the Public Facilities (PF) future land use classification. This amendment would also allow for a future rezone from the Single-Family Residential (R1) district to the Institutional (INST) district for the 14.2 acres. Lee County, which had donated the

nearly 200 acre park site, has agreed to the proposed construction of the water storage and pumping facility proposed by the City of Cape Coral.

Staff proposes the following changes:

- Amend Chapter 2 – Coastal and Conservation Element, Policy 1.7.17 by adding language allowing a portion of the Yellow Fever Creek Headwaters Area to be utilized for an essential service.
- Amend Chapter 4 – Future Land Use Element, Policy 11.1 to reduce the size of the Yellow Fever Creek Park from 200 acres to 184.5 acres.
- Amend Chapter 7 – Recreation and Open Space Element, Policy 1.2 to reduce the size of the Yellow Fever Creek Park from 198.70 acres to 184.5 acres.

These changes would allow for the subsequent Future Land Use Map Amendment and Rezone for the 14 acre portion of Yellow Fever Creek Park that will be utilized for the proposed infrastructure development.

### **Summary and Analysis of the Proposed Changes**

Note: Additions are indicated in underline format, while deletions are indicated by ~~strikethrough~~.

## **CONSERVATION AND COASTAL MANAGEMENT GOALS, OBJECTIVES, POLICIES**

### **GOAL 1: Protecting Environmental Resources.**

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.

#### *Staff Analysis*

This section of the Comprehensive Plan was adopted to establish protections for the portion of the Yellow Fever Creek Headwaters that fall within the boundaries of Cape Coral. There are additional areas within the Headwaters area that are in a Lee County owned parcel to the south of the City's Yellow Fever Creek Park. The text change – proposed the City's Public Works and Utilities Departments - to allow 14 acres within the Yellow Fever Creek Park would allow for the potential development of the proposed Water Storage and Water Pumping facility. The loss of 14.2 of mostly undisturbed natural habitat is unfortunate, however, the site does provide critical infrastructure for water storage and distribution for the northeastern portion of Cape Coral. The vast majority of the Yellow Fever Creek Park is still being utilized as originally intended – for recreation purposes.

## **FUTURE LAND USE ELEMENT**

**GOAL:** TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

*Staff Analysis*

Similar to the previously analyzed policy, this change allows for subsequent future land use map amendment and allows the City to utilize a small portion of the Yellow Fever Creek Park to provide infrastructure services for the northeaster portion of Cape Coral. As previously mentioned, the vast majority of Yellow Fever Creek Park remains as passive recreation and nature study. The 184.5 acres plus the lands owned by Lee County to the south make up a large recreational area for the residents of Cape Coral and Lee County.

**RECREATION AND OPEN SPACE**

**GOALS, OBJECTIVES, AND POLICIES**

**GOAL 1:**

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area.

...

**Regional Park**

<b>Park</b>	<b>Acreage</b>	<b>Location</b>
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23 <sup>rd</sup> Terrace
<b>*Yellow Fever Creek</b>	<del>198.70</del> <u>184.5</u>	Del Prado Blvd N and NE 22 <sup>nd</sup> Ave
<b>*Festival Park</b> (includes Seahawk Park)	Approx. 191	2615 NW 14 <sup>th</sup> AVE 1030 NW 28 <sup>th</sup> Street

*Staff Analysis*

Similar to the previously analyzed policy, this change reduces the size of the Yellow Fever Creek Park. The change would facilitate a water storage and pumping station as part of the North 1 UEP project. This reduction in acreage will also for a subsequent future land use map amendment and a rezone. As

previously discussed, most of the park will remain in its natural state while the storage and pumping station will be isolated in the northeastern portion of the Yellow Fever Creek area.

**The proposed Comprehensive Plan Text Amendment is supported by the following Chapters, Goals, and Policies:**

**Chapter 2, Coastal and Conservation Element, Policy 1.1.7:**

*The City of Cape Coral will continue to extend sanitary sewer and potable water facilities to previously unserved areas of the City...*

**Staff Response: The 14 acre portion of Yellow Fever Creek has been identified as a prime site for the construction of the water storage and pumping facility that is vital infrastructure for the North 1 UEP.**

**Chapter 5, Infrastructure Element, Policy 1.1.7:**

*New City of Cape Coral potable water, wastewater, and public irrigation water facilities, except for water distribution or wastewater collection facilities, shall not be located in the Coastal High Hazard Area.*

**Staff Response: The proposed amendment will facilitate water and public irrigation facilities that are not in the Coastal High Hazard Area.**

**Overall, the Comprehensive Plan text amendment is consistent with the Comprehensive Plan.**

**Conclusion and Recommendation**

Staff recommends **adoption** of the proposed text amendment.

## Chapter 7

### RECREATION AND OPEN SPACE

#### ***GOALS, OBJECTIVES, AND POLICIES***

##### **GOAL 1:**

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area

...

##### **Existing and Proposed Park Inventory, 2021**

(Note: \* refers to new parks planned as result of 2016 Go Bond)

##### **Regional Park**

<b>Park</b>	<b>Acreage</b>	<b>Location</b>
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23 <sup>rd</sup> Terrace
* <b>Yellow Fever Creek</b>	<del>198.70</del> 184.5	Del Prado Blvd N and NE 22 <sup>nd</sup> Ave
* <b>Festival Park</b> (includes Seahawk Park)	Approx. 191	2615 NW 14 <sup>th</sup> AVE 1030 NW 28 <sup>th</sup> Street

## Chapter 4

### FUTURE LAND USE ELEMENT

**GOAL:** TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

## Chapter 2

### CONSERVATION AND COASTAL MANAGEMENT GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.





▫ 3. Ordinance 89-24 FLUM24-000011 ppt

Backup Material

ORDINANCE 89 - 24

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM PUBLIC FACILITIES (PF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR PROPERTY DESCRIBED AS LOTS 1, 2, 3, 4, AND LOTS 67, 68, 69, 70, 71, AND 72, BLOCK 1750, UNIT 45, CAPE CORAL SUBDIVISION; PROPERTY LOCATED AT 701 MOHAWK PARKWAY; PROVIDING FOR 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, Providence Christian Church Inc. owns property located at 701 Mohawk Parkway; and

WHEREAS, the Mayor and City Council of the City of Cape Coral, Florida, have considered the testimony, evidence, and documentation for the Land Use Amendment initiated by Providence Christian Church Inc. 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 PUBLIC FACILITIES (PF) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE

LOTS 1, 2, 3, 4, AND LOTS 67, 68, 69, 70, 71, AND 72, BLOCK 1750, UNIT 45, CAPE CORAL SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 123, OF THE 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 MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

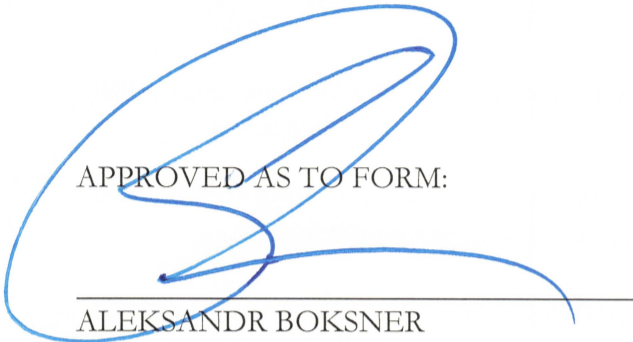
GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
LEHMANN \_\_\_\_\_  
DONNELL \_\_\_\_\_

LASTRA \_\_\_\_\_  
KILRAINE \_\_\_\_\_  
LONG \_\_\_\_\_  
KADUK \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2025.

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

APPROVED AS TO FORM:



\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/FLUM24-000011





**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.**



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 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.

<b>OWNER(S) OF PROPERTY INFORMATION</b>	
Owner <u>Providence Christian Church, Inc</u>	Address <u>701 Mohawk Parkway</u>
Phone <u>239-822-4681</u>	City <u>Cape Coral</u>
Email <u>eric@capecoralattorney.com</u>	State <u>FL</u> Zip <u>33914</u>
Owner _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>APPLICANT INFORMATION (If different from owner)</b>	
Applicant _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)</b>	
Representative <u>Eric P. Feichthaler, Esq.</u>	Address <u>1714 Cape Coral Pkwy E</u>
Phone <u>239-542-4733</u>	City <u>Cape Coral</u>
Email <u>eric@capecoralattorney.com</u>	State <u>FL</u> Zip <u>33914</u>
<b>PROPERTY INFORMATION</b>	
Unit <u>45</u> Block <u>1750</u> Lot (s) <u>1-4, 67-72</u> Subdivision <u>Cape Coral</u>	
Property Address <u>A portion of 701 Mohawk Parkway, Cape Coral, FL 33914</u>	
Plat Book <u>21</u> Page <u>123</u> Current Zoning <u>P and R1</u>	
Strap Number <u>02-45-23-C4-01750.0050</u> Acreage <u>+ 1.5 Acres</u>	
Current Land Use <u>PF</u> Proposed Land Use <u>CP</u>	



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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.

Eric Feichthaler, Esq.  
NAME (PLEASE TYPE OR PRINT)

*Eric Feichthaler*  
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 1st day of August, 2024 by Eric Feichthaler who is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 2/6/2028 Commission Number: HH 453627  
Signature of notary Public: *Leanne Ramos*  
Printed Name of Notary Public: Leanne Ramos



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**ESTIMATED PEAK HOUR TRIP**

Parcel Size: Width 160 Depth 250 Sq. Ft. +5500 Acreage 1.25

Soil Type: \_\_\_\_\_

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

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

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

**Estimated Development:**

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

**Estimated peak hour trip ends:**

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

City Sewer: YES  NO

City Water: YES  NO





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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 1<sup>st</sup> Day of August, 2024.

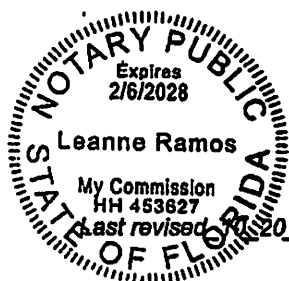
Providence Christian Church, Inc.  
CORPORATION/COMPANY NAME

Eric Feichthaler, Esq. Applicant  
OWNER'S NAME (TYPE or PRINT)  
*Eric Feichthaler*  
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 1<sup>st</sup> day of August, 2024 by Eric Feichthaler, Esq. who is personally known to me or produced \_\_\_\_\_ as identification.



Exp Date: 2/6/2028 Commission Number: HH 453627

Signature of notary Public: *Leanne Ramos*

Printed Name of Notary Public: Leanne Ramos



**DEPARTMENT OF DEVELOPMENT SERVICES  
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**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;

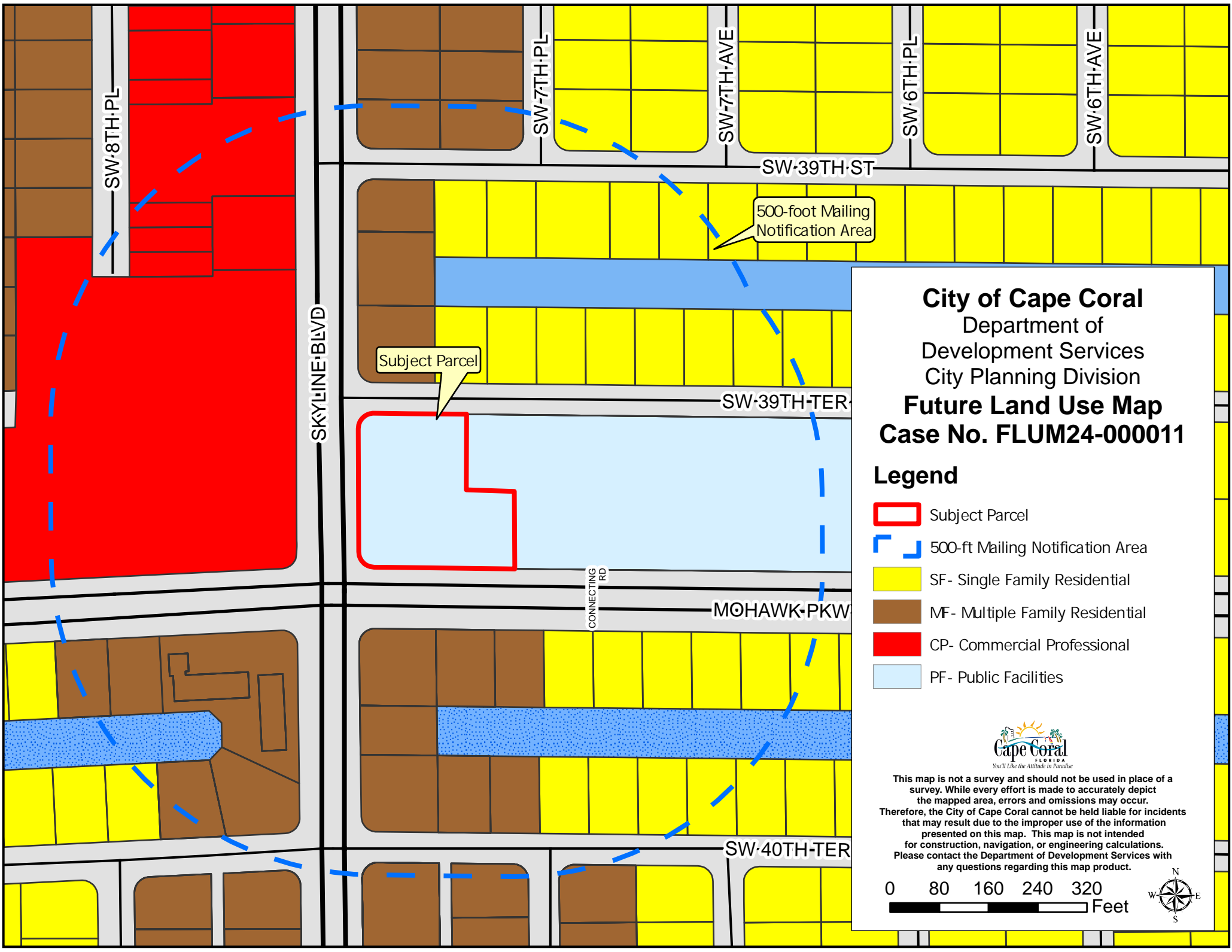


**DEPARTMENT OF DEVELOPMENT SERVICES**  
**CITY PLANNING DIVISION**

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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.



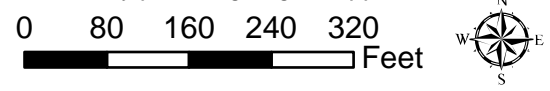
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Future Land Use Map**  
**Case No. FLUM24-000011**

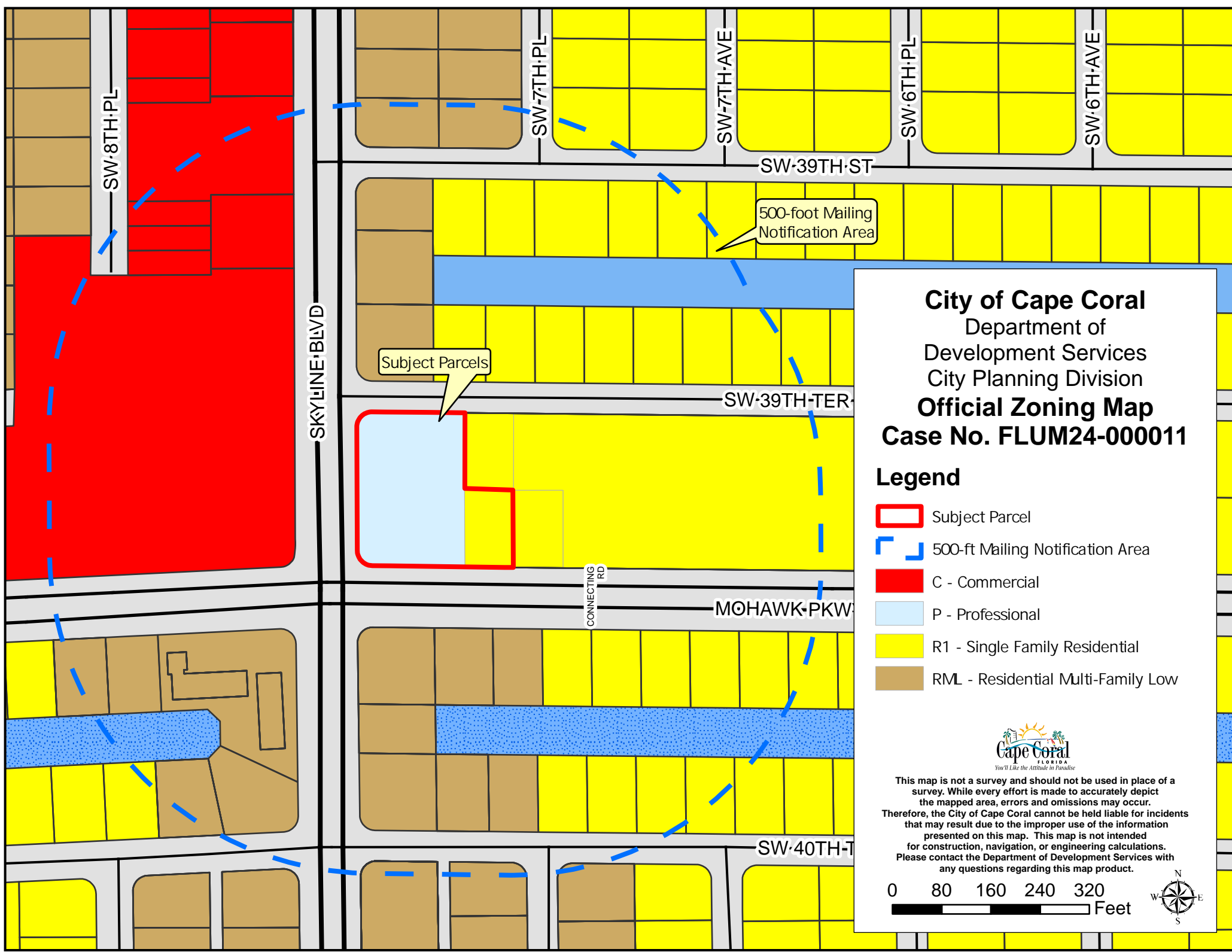
**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area
-  SF- Single Family Residential
-  MF- Multiple Family Residential
-  CP- Commercial Professional
-  PF- Public Facilities









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.





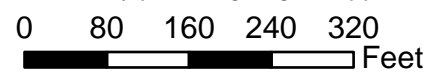
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Zoning Map**  
**Case No. FLUM24-000011**

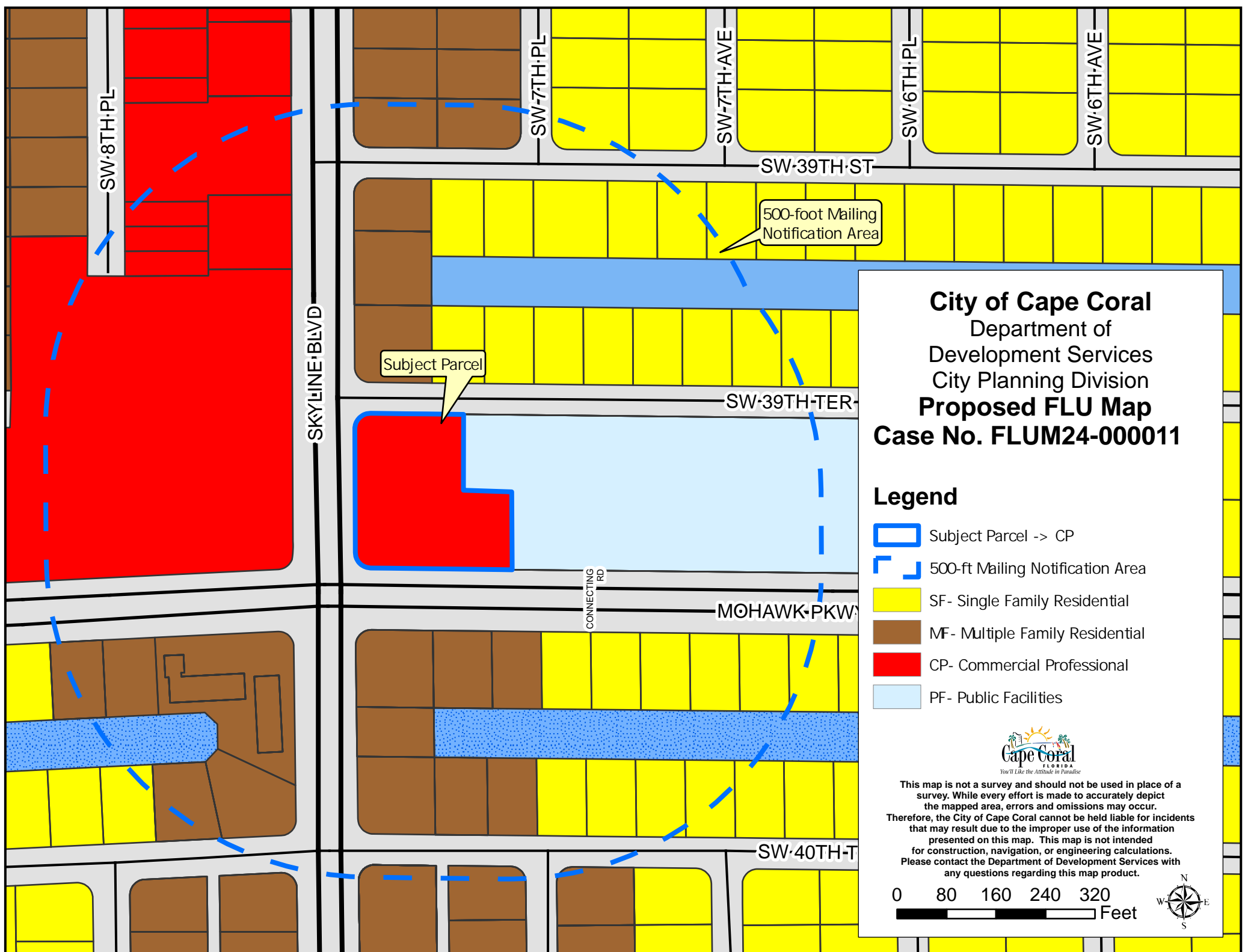
**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area
-  C - Commercial
-  P - Professional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low









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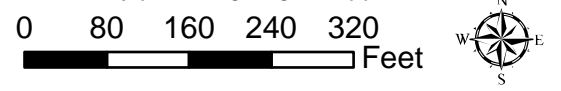
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Proposed FLU Map**  
**Case No. FLUM24-000011**

**Legend**

-  Subject Parcel -> CP
-  500-ft Mailing Notification Area
-  SF- Single Family Residential
-  MF- Multiple Family Residential
-  CP- Commercial Professional
-  PF- Public Facilities



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**PLANNING DIVISION STAFF REPORT  
FLUM24-000011**

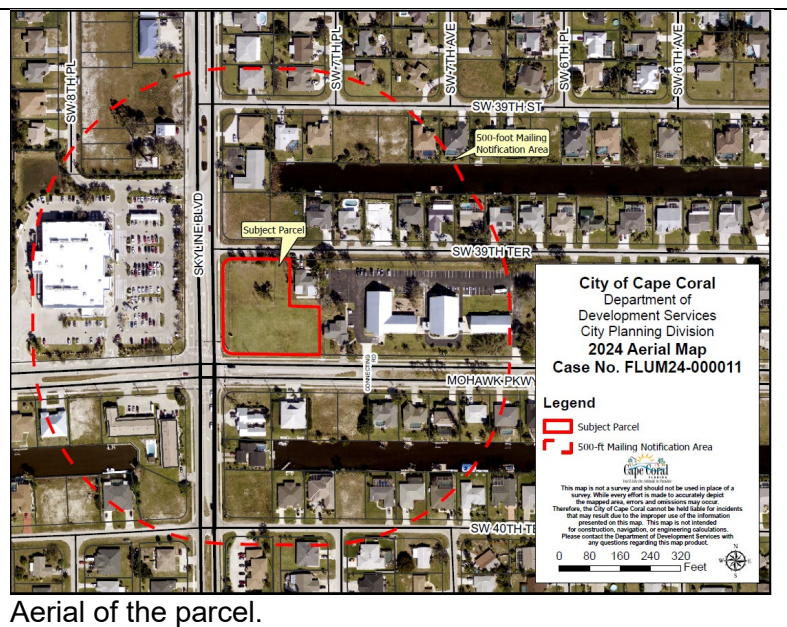
Staff Report prepared by Candise Forde, Planner  
239-242-3204 or [cforde@capecoral.gov](mailto:cforde@capecoral.gov)

<p><b>SITE ADDRESSES</b> 701 Mohawk Parkway Block 1750, Lots 1 through 22 + 49 through 72, Unit 45.</p>	<p><b>APPLICANT</b> Authorized representee: Eric Feichthaler, Esq. 1714 Cape Coral Parkway East Cape Coral, FL, 33914</p> <p><b>OWNERS</b> Providence Christian Church, Inc.</p>
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**SUMMARY OF REQUEST**

The applicant is requesting a future land use map amendment from Public Facilities (PF) to Commercial/Professional (CP) for one site in Block 1750, Lots 1 through 4 and 67 through 72. The requested future land use change involves 10 lots comprising 1.22 acres. The future land use map amendment area is the western portion of a larger parcel that is 5.36 acres.

- For the purpose of the analysis only the 10 lots involved in the future land use amendment will be reviewed.



Aerial of the parcel.

EXISTING ZONING	EXISTING LAND USE	PROPOSED LAND USE	SITE IMPROVEMENTS	AREA OF PROPERTY
Professional/ Single Family Residential (P/R1)	Public Facilities (PF)	Commercial/ Professional (C/P)	Site is improved with a church and ancillary uses.	233,676 sq. ft. or 5.36 acres

**STAFF RECOMMENDATION:** Approval

**Purpose of request:**

The applicant is requesting a future land use map amendment (FLUMA) from Public Facilities (PF) to Commercial/Professional (CP). Should this future land use amendment be approved, a follow-up rezone to the Commercial (C) or Professional (P) District will be required under a separate application.

**Case Overview:**

<b>Positive Aspects of Application:</b>	<ul style="list-style-type: none"> <li>The requested amendment of a portion of the site will provide future commercial or professional uses.</li> <li>The portion of the site has full block depth and good visibility at a major intersection.</li> </ul>
<b>Negative Aspects of Application:</b>	The subject area is part of a larger site that includes an existing church use.
<b>Mitigating Factors:</b>	None.

**SITE INFORMATION**

**Location:** 701 Mohawk Parkway

**STRAP Number:** 02-45-23-C4-01750.0050

**Block/Lot(s):** Block 1750, and Lots 1 through 22 and 49 through 72. Only lots 1 through 4 and 67 through 72 are part of this future land use amendment.

**Site Area:** ~233,676 sq. ft. for the whole parcel, area for FLU change ~53,173 sq. ft.

**Case Planner:** Candise Forde, Planner

**Approved By:** Amy Yearsley, AICP, Planning Manager

<b>Site:</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>Current:</b>	Public Facilities (PF)	Professional/Single Family Residential (P/R1) Lots 1-4 and 69-72 have P zoning, Lots 67-68 have R-1 zoning.
<b>Proposed:</b>	Commercial/Professional (CP)	Currently R-1 and P. (A rezone to C or P will be requested under a separate application should the FLUMA be approved.)
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
<b>North:</b>	Single Family and Residential Multi-Family Low	R-1 and RML
<b>South:</b>	Single Family and Residential Multi-Family Low	R-1 and RML
<b>East:</b>	Single Family	R-1
<b>West:</b>	Commercial	C

**Future Land Use/Zoning History:**

Lots 1 through 3 were rezoned from Multi-Family Residential (R-3) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08.

Lot 4 was rezoned from Single Family Residential (R-1B) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08.



Lots 67 through 68 had the FLU amended from Single Family (SF) to Public Facilities (PF) via ORD 62-08. The zoning remained Single-Family Residential (R1).

Lots 69 through 72 were rezoned from Multi-Family Residential (R-3) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08.

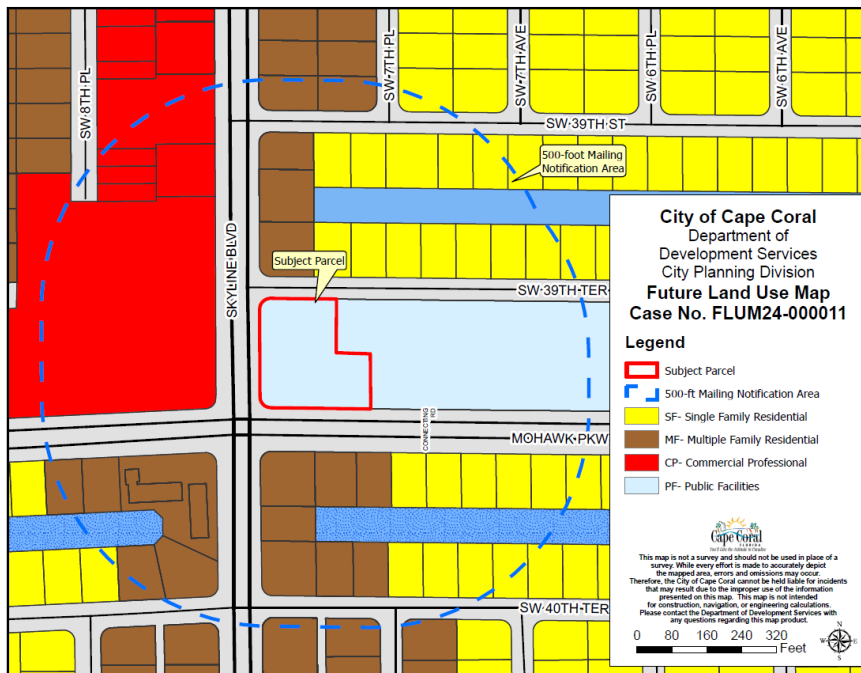
**Urban Service**

**Area:** Transition

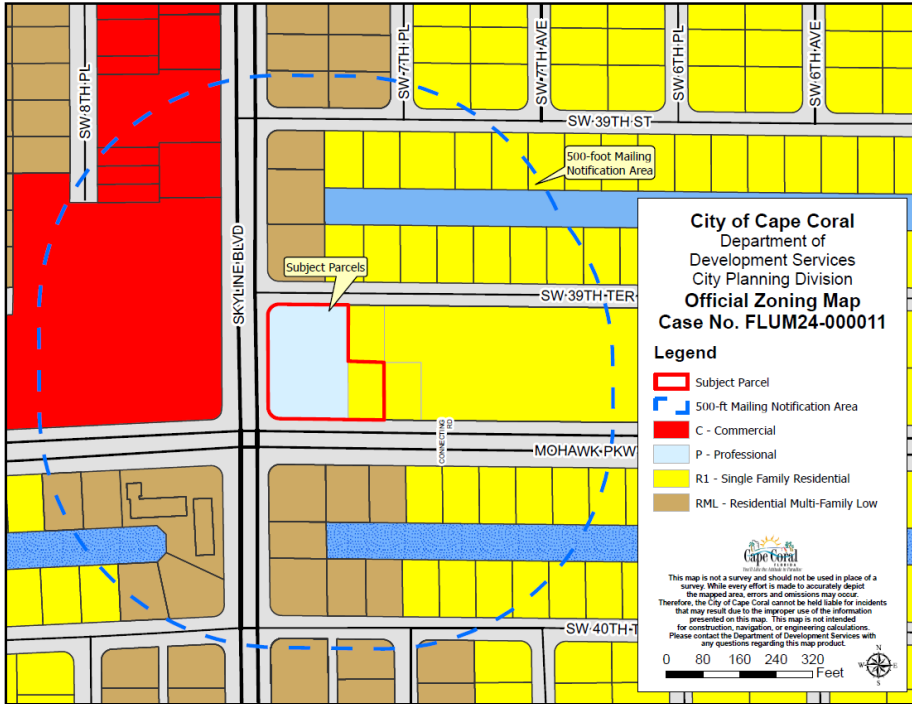
**City Water/Sewer:** Yes

**Access:** The site has frontage along Mohawk Parkway (major collector road) to the south and Skyline Boulevard (minor arterial road) to the west. The site also has frontage along Southwest 39<sup>th</sup> Terrace, a local street, to the north.

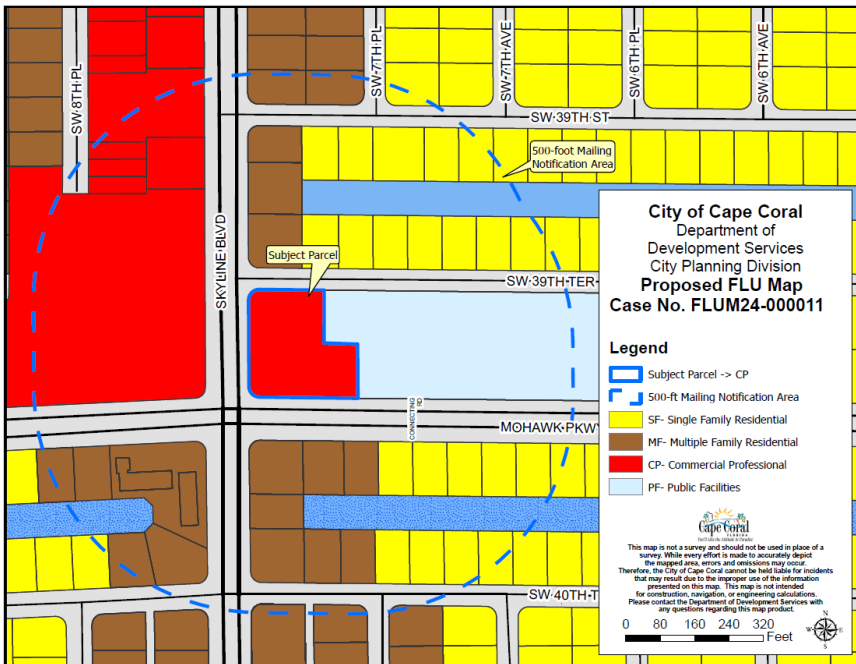
**Future Land Use Map – Current:**



**Current Zoning:**



**Future Land Use- Proposed:**



**Additional site information:**

Protected Species:

The City does have historical records indicating that burrowing owls (4) have inhabited the site. The City requires environmental 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 2028, 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 which may contain habitat for protected species, undergoing significant development 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 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. All utilities, including water, sewer, and irrigation are available to the site.

Soils and Drainage

The site is partially located within a Flood Zone (AE8) with a base flood elevation of 8.0 feet. The main buildings on the site are in a Zone X.

This site has Matlacha gravelly fine sand. These soils are somewhat poorly drained soils and typically have a water table between the depths of two to three feet for one to three months annually. This soil type may have some limitations for development, which are typically overcome using various engineering solutions such as the importing of fill to the site. This soil type should not present an obstacle to future 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**

Future Land Use Element

**Comprehensive Plan Analysis**

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

Policy language appearing below from the Comprehensive Plan appears in *italics*. For this policy review, staff will respond to each guideline in **bold font**.

Staff reviewed Policy 1.13. below to determine whether the subject property would be considered a commercial node.

***Policy 1.13:** In establishing commercial siting guidelines, it is the intent of the City of Cape Coral to discourage new “strip commercial” development. Strip commercial development, for the purpose of this policy, is often, but not always, linear in orientation, typically generates high volumes of traffic that is often associated with separate vehicular entrances and exits for each property on the primary street, may have poor or undefined pedestrian path systems that create conflicts between pedestrian and vehicular movements, and generally lacks sufficient onsite space to accommodate normal parking and loading activities. In discouraging new strip commercial development, the City shall also seek to limit or reduce traffic conflict points along arterial and collector roadways, to promote pedestrian-friendly development, and to create synergistic, compact patterns of commercial development.*

*To achieve this intent, the City will utilize commercial siting guidelines as a basis for considering the appropriateness of placing the Commercial/Professional, Mixed Use, and Commercial Activity Center future land use classifications at various locations. “Commercial siting guidelines,” in the sense used herein, refers to guidelines for evaluating potential locations for non-residential (except industrial) development within the above referenced future land use classifications. The City will also complement its consideration of potential commercial lands; by utilizing the policies contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Finally, the City of Cape Coral’s commercial siting guidelines shall be based on the ideal concept of a commercial node.*

*Commercial nodes may be defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or in the vicinity of intersections of major city roadways (typically, 4 or more lane divided parkways and boulevards). The City recognizes that commercial areas may periodically develop distant from a major intersection, as some intersections may have insufficient undeveloped property in the vicinity of the intersection to allow for development of larger commercial centers. Such outlying commercial development can be useful in providing neighborhood commercial centers, professional buildings, or office parks to serve a variety of local needs.*

*Preferably, however, commercial nodes should begin as a concentration of commercial properties adjacent to a major intersection. Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. It is also difficult to define the types of future land uses that should exist between nodes. The application of hard and fast rules is not appropriate as each area of the City is unique and has specific conditions and limitations that must be addressed.*

*The ideal commercial node development pattern thus would consist of commercial land located at the intersection of arterial and/or collector streets in a relatively compact manner. For purposes of this policy, “compact,” relates to the form and interrelatedness of the commercial land uses within the commercial node. The commercial node should not only extend along the roadway but should also incorporate property to the rear of the road frontage. Such a pattern is referred to as “depth.” The ideal pattern can be characterized by a 1:1 ratio of width to depth of the parcels (e.g., 100 feet of width per 100 feet of depth). Thus, the shape of the node can increase or decrease the potential for interrelatedness of uses. Increased depth also enables the development to accommodate adequate parking, buffering, retention, and open area for commercial development. Ideal commercial nodes provide limited access to the arterial roadway while providing interconnections between the various commercial uses within the node.*

**Staff Analysis:** The site is located at the intersection of Mohawk Parkway and Skyline Boulevard. The majority of the site has depth that is comparable to width. The location of the site at a major intersection coupled with the 1:1 ratio of depth to width allows this site to be considered a commercial node.

Additionally, staff has reviewed Policy 1.14 of the Future Land Use Element to determine whether the proposed Commercial/Professional FLUC is appropriate for the site. While there is no specific number of guidelines that need to be met, an area which fails to meet most of the guidelines is likely to be a poor candidate for commercial development, in which case an amendment to a different future land use should be considered.

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

### **Commercial Siting Guidelines**

#### *Major Intersection*

*Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a new, 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.*

**Staff Response:** The site is located at a major intersection involving Mohawk Parkway and Skyline Boulevard. The site meets this 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.*

**Staff Response:** The FLUMA area has full block depth (250 feet) for most of the site. The site meets this guideline.

#### *Compactness*

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

**Staff Response: The shape of the site resembles a trapezoid. The 1:1 depth to width ratio indicates the site has a degree of compactness. The site meets this guideline.**

#### *Integration*

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

**Staff Response: The subject site is separated from all immediately adjacent sites by public streets. Parcels to the north and south have R-1 and RML zoning, while sites to the east have R-1 zoning. Parcels to the west (across Skyline Blvd) have C zoning. Integration at this corner of the intersection is inhibited by the lack of commercial properties and the presence of rights-of-way that isolate the subject site from other properties. The site does not meet this guideline.**

#### *Assembly*

*For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping 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 three 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.*

**Staff Response: The subject parcel is ~5.36 acres for its entirety, however, the specific area requested for the FLUMA is ~1.2 acres. The site does not abut nor is contiguous with any site with a nonresidential future land use classification. The owner of the subject site does not own any adjacent properties. Staff concludes that property assembly is not present and the likelihood of property assembly in the future is poor. The site does not meet this 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 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.*

**Staff Response: Residential development is adjacent to the site primarily to the north, east and south. Skyline Boulevard separates the site from other properties to the west. To the north, east and south, most sites (>74%) are developed with residential uses. The proposed land use amendment has the potential to be intrusive to these residential property owners as the proposed change from PF to C/P will prohibit residential development and potentially allow more intensive nonresidential uses. The site does not meet this guideline.**

### *Access*

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

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

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

**Staff Response:** The site is not near a platted City parking area. While the site is located at a major intersection, an access management plan has not been adopted for either Mohawk Parkway or Skyline Boulevard. The site does not meet this 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.*

**Staff Response:** The subject area consists of a single site that is 1.22 acres. Since this land use amendment involves property under single ownership, the site meets this guideline.

**Summary:** This proposed amendment meets four guidelines and fails to meet four guidelines. There is not a specific number of guidelines that are required to be met to support a future land use change. However, since the subject site meets half of the eight guidelines, staff finds the subject area is a viable candidate for a future land use change to C/P.

#### IMPACT ASSESSMENT ANALYSIS

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the ‘existing impacts’ discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present with the subject area, but reflect what those impact would be if the area was developed in accordance with the existing future land use and zoning.

Existing and proposed impacts from Commercial/Professional assume that the site would have been used for commercial development at a Floor Area Ratio (FAR) of 1.0. While an FAR of 0.25 is generally consistent with the intensity of commercial development in the city, staff used a value of 1.0 to estimate impacts from an intensity of development that could be permitted on this site.



Dwelling Units:

Existing: 1  
Proposed: 0 (No residential densities or development is permitted within the CP)  
Net Change: -1 change

Population<sup>1</sup>:

Existing: 2.51  
Proposed: 0  
Net Change: -2.5 change

Water Use<sup>2</sup>:

Existing: 200 gal/day total (1 dwelling units x 200 gal/unit/day)  
Proposed: 15,951 gal/day total (53,173 SF at 0.3/gal/SF)  
Net Change: +15,751 gal/day  
Facility Capacity: 30.0 MGD  
Ann. Avg. Day Flow: 12.8 MGD  
Capacity Available: **YES**

Sewage<sup>3</sup>:

Existing: 200 gal/day total (1 dwelling units x 200 gal/unit/day)  
Proposed: 15,951 gal/day total (53,173 SF at 0.3/gal/SF)  
Net Change: +15,751 gal/day  
Facility Capacity: 28.4 MGD  
Ann. Avg. Day Flow: 15.31 MGD  
Capacity Available: **YES**

Solid Waste<sup>4</sup>:

Existing Generation: 11.85 lbs. total/day (2.5 residents x 4.74 lbs./person/day)  
Proposed: 7,231 lb. total/day (53,173SF x 0.136 lbs./SF/day)  
Net Change: +7,219 lbs./day  
Facility Capacity: 1,836 tons/day (Lee County Waste-to-Energy Facility)<sup>5</sup>  
*Per City contract with solid waste collector (Waste Pro), service must be provided to every household and business account citywide. Service Capacity will be provided to meet any required demand.*  
Existing Demand: 686 tons/day (509 Residential + 177 Commercial)  
Capacity Available: **Yes**

Traffic / Daily Trips<sup>6</sup>:

Existing Generation (P Zoning): 95 AM park trips/hour and 127 PM peak trips/hour

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<sup>1</sup> Estimated Population Impact (2.51 persons/household) is based upon statistics contained in US Census Bureau Historical Households Table HH-6, *Average Population per Household and Family: 1940 to Present, REV. 2022.*

<sup>2</sup> Water Facility Capacity and Ann. Avg. Day Flow numbers provided by City of Cape Coral Utilities Department, REV. 2022

<sup>3</sup> Sewage Facility Capacity and Ann. Avg. Day Flow numbers provided by City of Cape Coral Utilities Department, REV. 2022

<sup>4</sup> Solid Waste Existing Demand numbers provided by City of Cape Coral Department of Public Works, REV. 2022

<sup>5</sup> Facility Capacity does not include recyclable material, construction and demolition debris or yard waste.

<sup>6</sup> Calculations based on ITE (Institute of Transportation Engineers) Trip Generation Manual, 8<sup>th</sup> Edition.

Existing Generation (R1 Zoning):	1 AM park trips/hour and 1 PM peak trips/hour
Proposed:	106 AM peak trips/hour and 416 PM peak trip/hour <sup>7</sup>
Net Change:	+10 AM peak hour trips and +288 PM peak hour trips
Facility Capacity:	Local roads with a LOS of "D"
Capacity Available:	<b>Yes</b>

### Development Impact Analysis:

#### Hurricane Evacuation:

The subject property is within Evacuation Zone (B). Based on the summation of the amendment impacts above, particularly the removal residential uses, there may be a minimal reduction in hurricane evacuation times.

#### Park Lands:

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment would result in **a minimal decrease** in park demand due to the removal of potential residential development.

#### Police & Fire Impact Estimates:

**Fire:** Property is served by Fire Station #9. The subject area is expected to generate between (15) fifteen to one hundred (100) call(s) annually. Low to moderate **impact** to the department with no negative effects on service delivery.<sup>8</sup>

**Police:** Property is served by police patrol zone 2, Southwest District. Proposed development is expected to generate less than 1% increase to recorded calls for service in Zone 4, Southwest and 1% or less citywide. **Minor impact** to service demands anticipated. Future commercial development will potentially increase traffic in local area while potentially lowering the number of trips in other areas in the city. Traffic on Chiquita and Skyline is likely to increase.

#### School Impacts<sup>9</sup>:

The proposed Future Land Use Amendment will lead to a slight decrease in the required amount of school services provided for the area in question. The FLUMA will result in a decrease in the number of new dwelling units, and will result in a decrease in the number of projected students for the area.

Existing Households:	1 Households (R1)
Existing Students:	1
Proposed Households:	0 Household (Commercial)
Proposed students:	0
Change:	-1 Students

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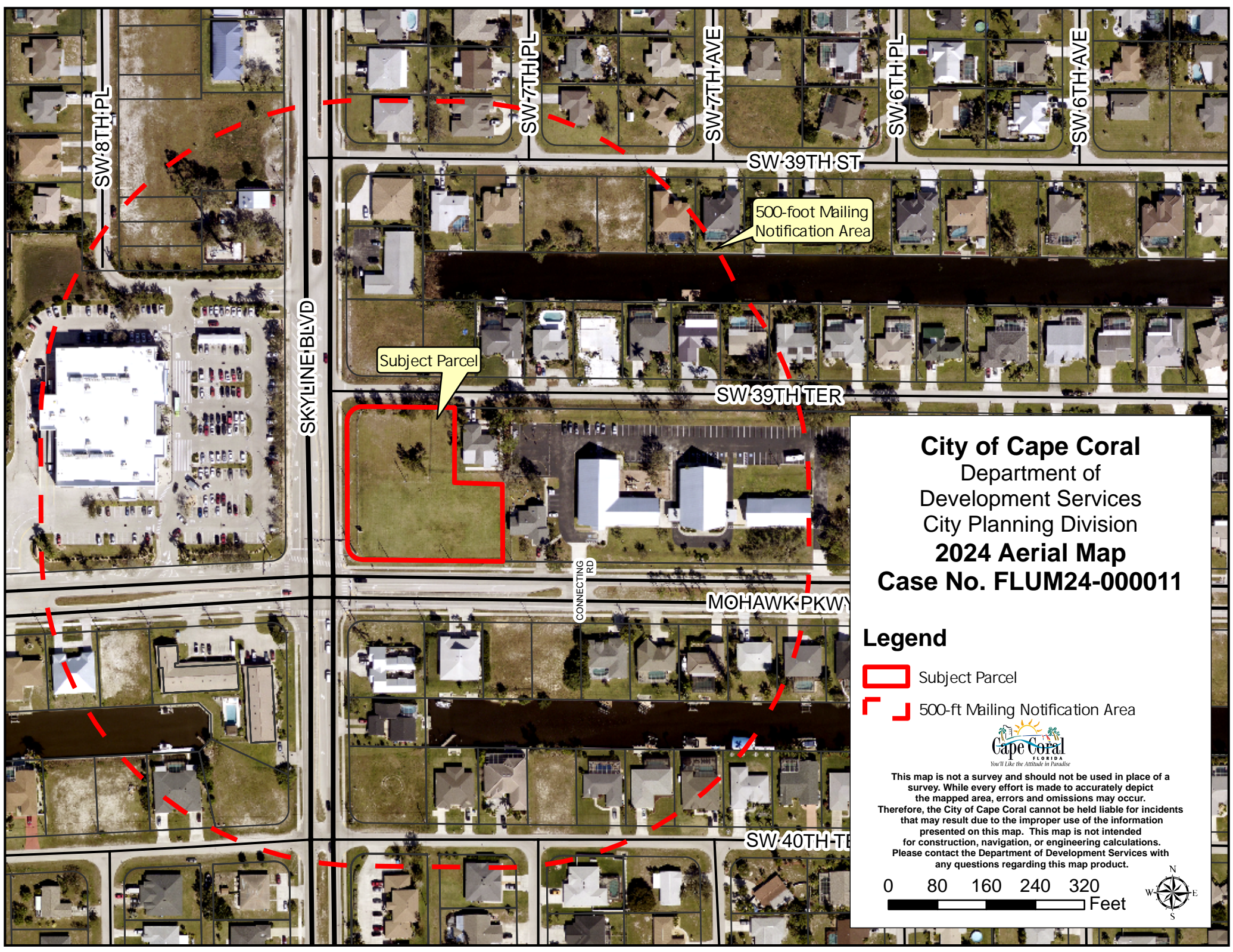
<sup>7</sup> Calculations based on Specialty Retail Center (814) of ITE Trip Generation Manual, 7<sup>th</sup> Edition. Therefore, staff utilized a higher density use to estimate potential vehicle trip impact.

<sup>8</sup> Fire Impact determined through the City of Cape Coral Fire Department, 09/20/24.

<sup>9</sup> Estimated Students per Household is based upon statistics contained in US Census Bureau Historical Households Table HH-6, *Average Population per Household and Family: 1940 to Present* and assumes a worst-case scenario of 100% school participation.

**Conclusion:**

The proposed FLUMA is consistent with the applicable policies of the Comprehensive Plan. The proposed amendment could be minimally intrusive to the residential areas to the north, east, and south of the subject area. It is anticipated that any adverse impacts would be mitigated through standard construction practices and requirements and provisions appearing in the LDC that include landscaping, screening, and architectural and lighting standards. The amendment will add about 1.22 acres of commercial land to the City at a major intersection that has full block depth and centralized utilities present. Staff recommends that the proposed small-scale FLUMA be approved.



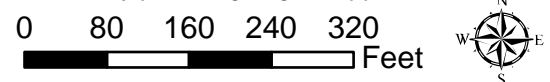
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**2024 Aerial Map**  
**Case No. FLUM24-000011**

**Legend**

-  Subject Parcel
-  500-ft Mailing Notification Area



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August 1, 2024

Director Matthew Grambow  
Department of Development Services  
City of Cape Coral  
PO Box 150027  
Cape Coral, FL 33915-0027

**Re: LETTER OF INTENT FOR CHANGE IN LAND USE AND ZONING – A PORTION OF  
701 MOHAWK PARKWAY**

Dear Director Grambow:

I have the pleasure of representing the owner of the above property, Providence Christin Church, Inc. They have engaged our Firm to assist in changing a portion of their property to allow it to be sold. This is a small scale land use and zoning change that only impacts approximately 1.5 acres of vacant land.

The subject property abuts Skyline Blvd. and Mohawk Parkway. There is currently a retail center across the street, the Neighborhood Wal-Mart. My clients wish to obtain this land use and zoning in an effort to sell the property to help financially sustain the church.

The land use is currently Public Facilities, and the intent of the church is to continue to operate the church on the remainder of the site and retain this use.

The zoning on the properties is P-1 on the majority of the property to be changed, with 2 lots currently being residential.

This change will allow for an increase to the tax base for the City of Cape Coral, and add desperately needed commercial lands to a commercial corridor.



ORDINANCE 89-24 | FLUM24-000011  
PLANNING AND ZONING COMMISSION HEARING  
DECEMBER 11, 2024

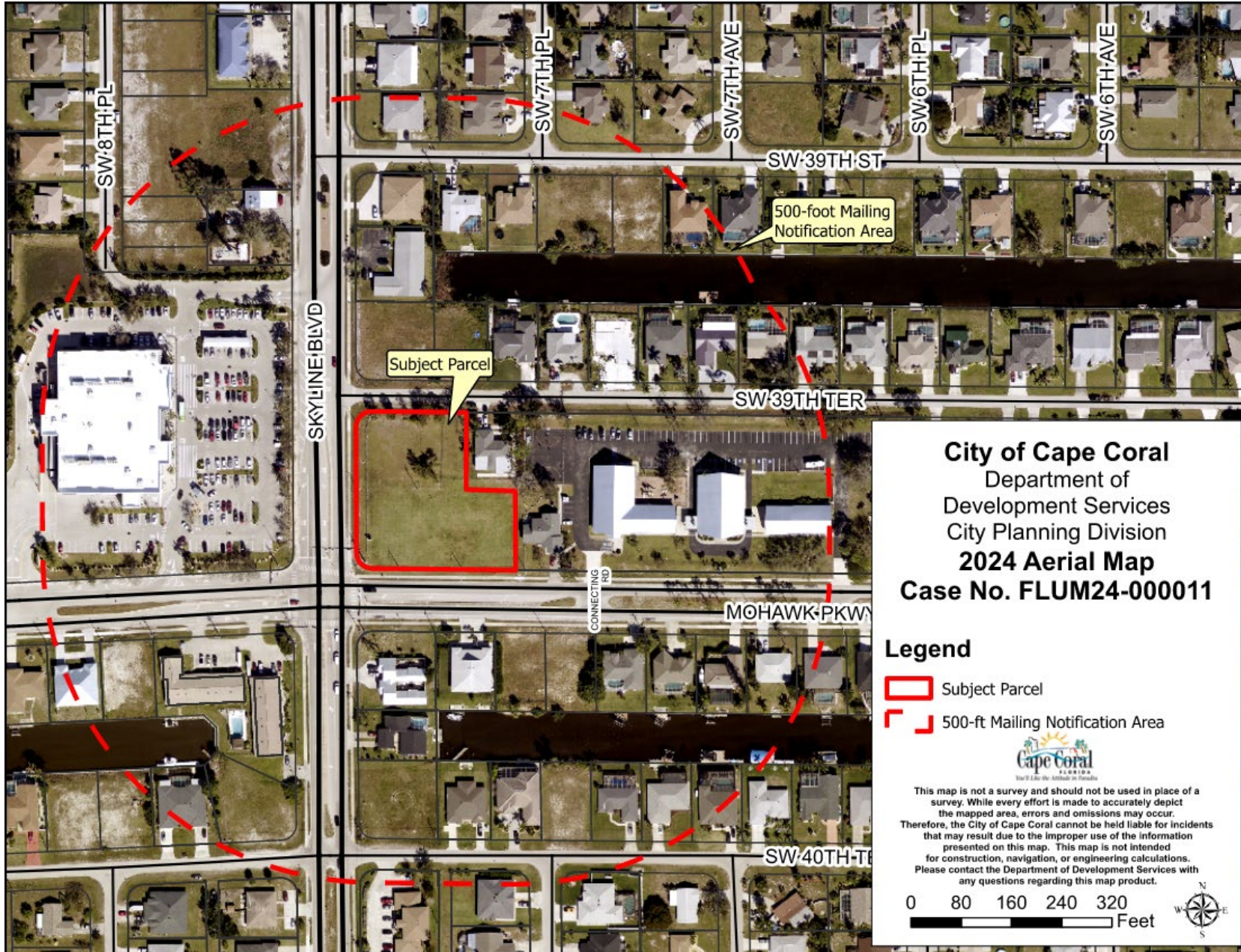
# Ordinance 89-24 | FLUM24-000011

1. Applicant: Providence Christian Church, Inc. (Property Owner)  
Eric Feichthaler, Esq. (Auth. Rep.)
2. Address: 701 Mohawk Pkwy
3. Location: Between Mohawk Pkwy and SW 30<sup>TH</sup> Ter
4. Size: Proposed amendment area +/- 53,143 sq. ft. | +/- 1.22 Acres. Entire parcel +/- 233,676 sq. ft. | +/- 5.36 acres
5. Urban Services: Transition
6. Amendment Request:  
A privately initiated small-scale amendment to the FLUM amending from Public Facilities (PF) to Commercial / Professional (CP).

# Ordinance 89-24 | Background Information


1. The site is one parcel in South Cape Coral.
2. The site has frontage along Mohawk Parkway (major collector road) to the south and Skyline Boulevard (minor arterial road) to the west. The site also has frontage along Southwest 39<sup>th</sup> Terrace, a local street, to the north.
3. The parcel currently has a church and ancillary uses onsite. However, the proposed amendment area is vacant and undeveloped.
4. Site has access to all utilities, including Water, Sewer, and Irrigation.
5. Zoning: Lots 1-3: R-3 -> P1(1988), Lot 4 R-1B-> P1 (1988), Lots 69-72 R-3 -> P1 (1988).
6. FLUM: Lots 1-4 CP -> PF (2008), Lots 67-68 SF -> PF (2008), Lots 69-72 CP -> PF (2008).
7. Applicant LOI states that the property owner wishes to sell the land once the land use and zoning are amended.






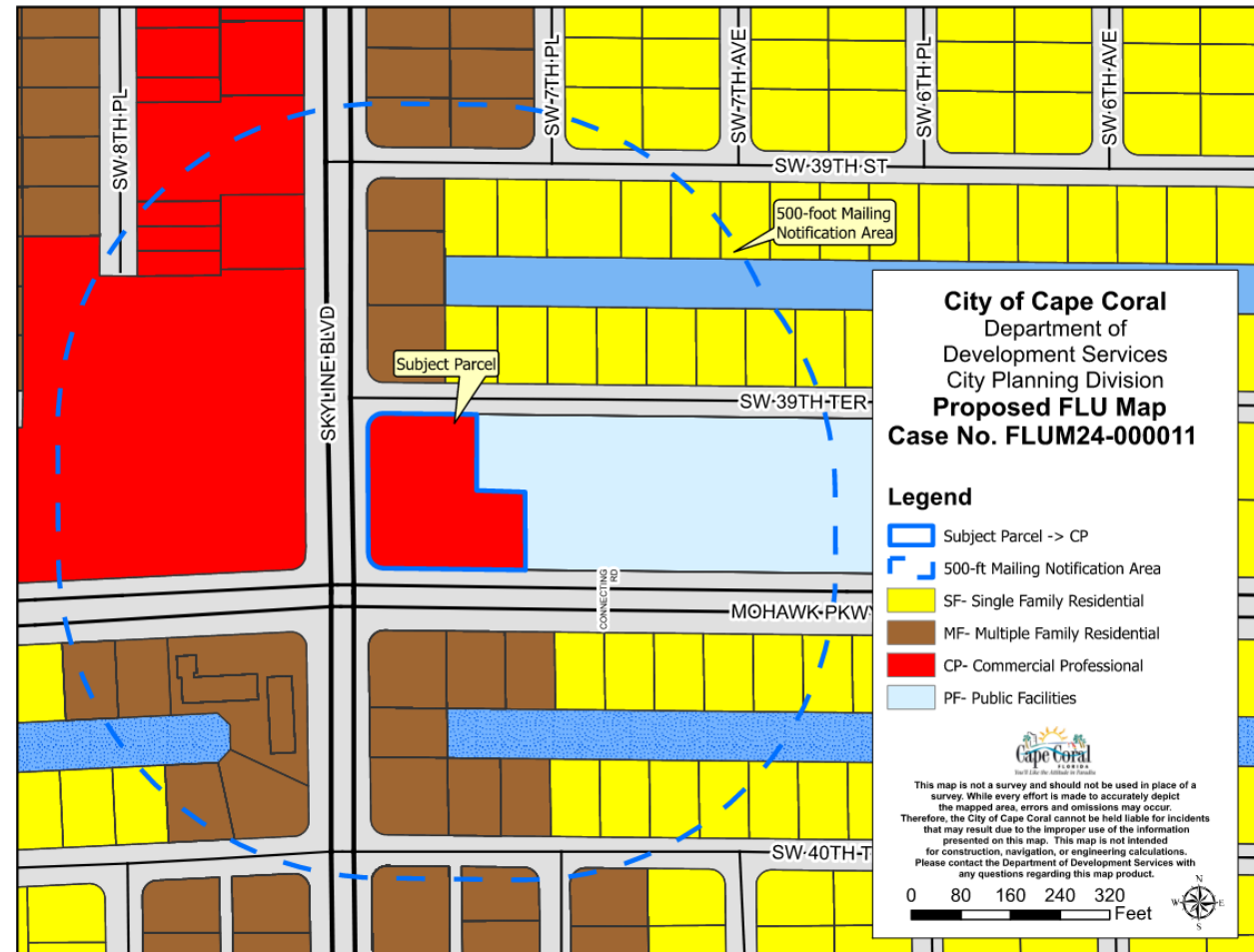
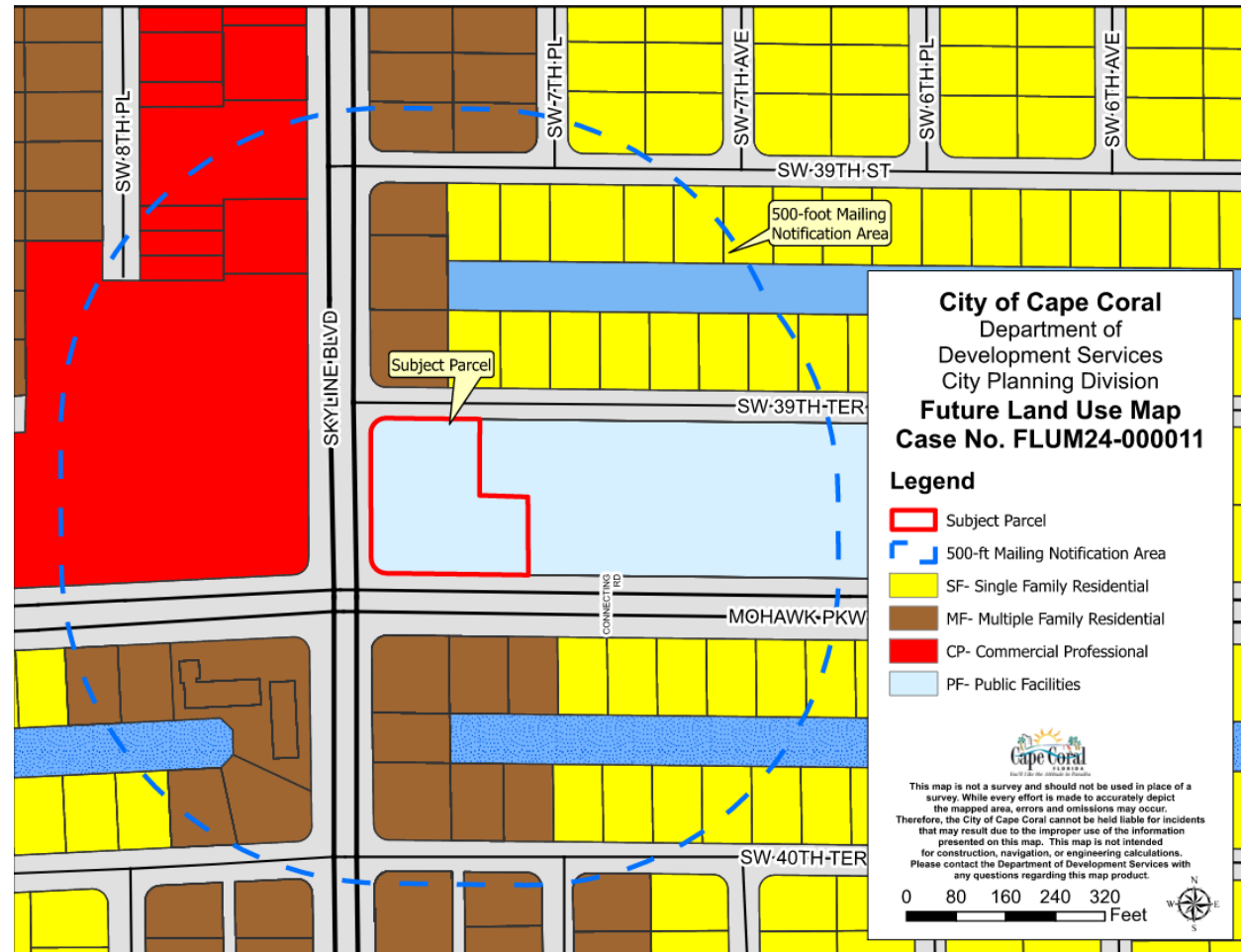
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**2024 Aerial Map**  
**Case No. FLUM24-000011**

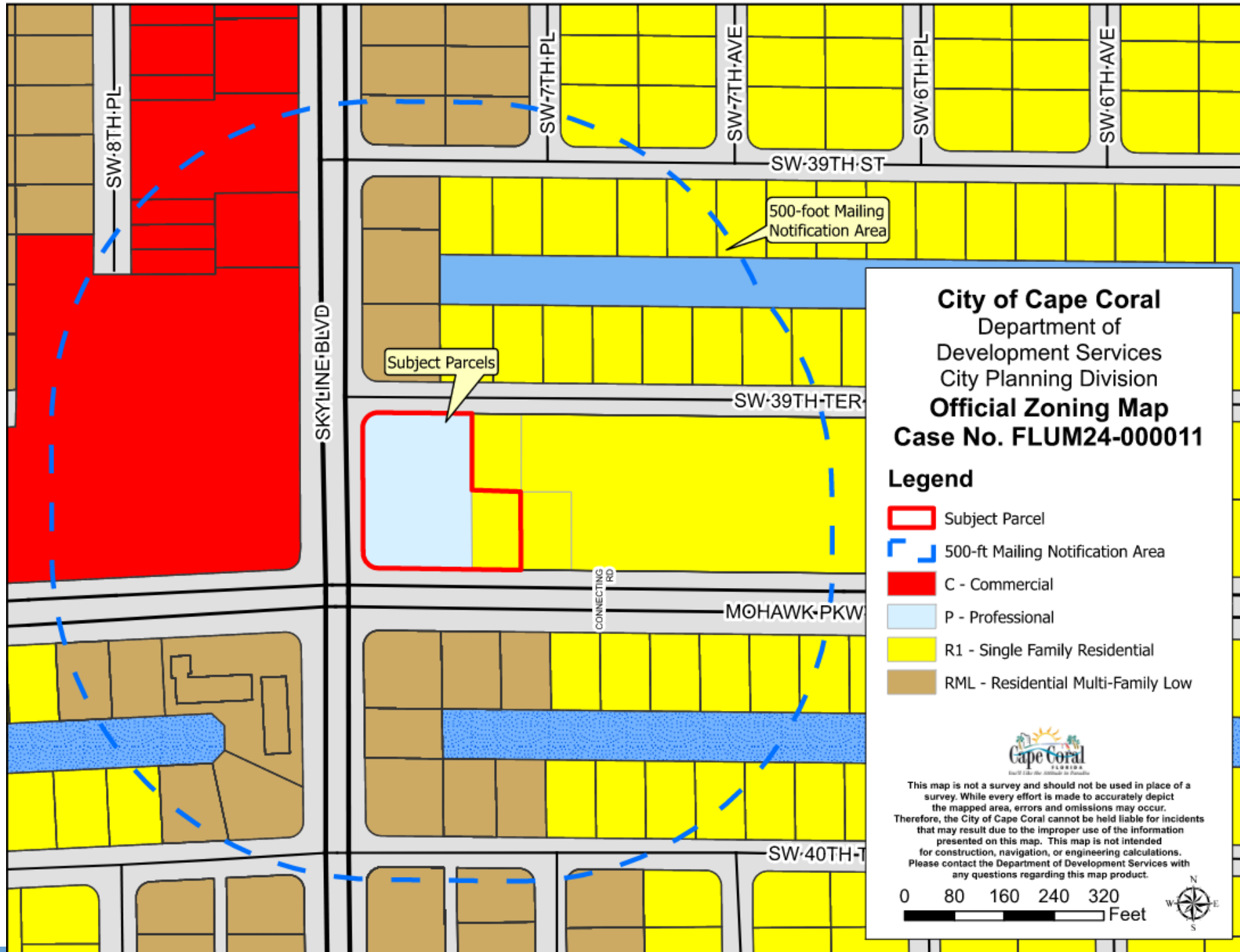
- Legend**
- Subject Parcel
  - 500-ft Mailing Notification Area

  
 The World's Most Beautiful Paradise

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.

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# Analysis - Comprehensive Plan

## Chapter 4, Policy 1.13 & 1.14 *Commercial Siting Guidelines*

- *Major Intersection*
- *Adequate Depth*
- *Compactness*
- *Integration*
- *Assembly*
- *Intrusion*
- *Access*
- *Ownership Pattern*

1. The site is consistent with (4) components of the guidelines:
  - A. Major Intersection, Adequate Depth, Compactness, Ownership Pattern
2. The site is inconsistent with (4) components of the guidelines:
  - B. Integration, Assembly, Intrusion, Access
3. This proposed amendment meets four guidelines and fails to meet four guidelines  
There is not a specific number of guidelines that are required to be met to support a future land use change.
4. The site is a good candidate for commercial/professional development

# Analysis - Comprehensive Plan

## Chapter 4, Policy 1.15c

*Commercial / Professional*

1. Both Commercial (C) and Professional (P) zoning districts are only allowable districts. Lots 67+68 will require a rezone.
2. Both districts have a max FAR of 1 and uses which are aligned with FLUMC parameters.
3. Design standards will help create buffers for residential and church uses to the north, east, and south.
4. **Consistent** with the Goal of Chapter 4, Policy 1.15c

# Analysis - Comprehensive Plan

## Chapter 4, Objective 2

*Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.*

1. Extension down SW 39<sup>TH</sup> Ter is minimal with little impact to the Multi-Family neighborhood.
2. The location is near a transportation node of Skyline Blvd and Mohawk Pkwy, with minimal intrusion into the residential neighborhood.
3. The surrounding MF land uses are adjacent (north and south) to the proposed amendment area and are transitional in nature and blend and buffer the commercial uses from the single-family neighborhoods to the northeast, east, and southeast.
4. The extra commercial land would allow for developments of scale creating more commercial area closer in proximity to surrounding residential neighborhoods.
5. **Consistent** with the Goal of Chapter 4, Objective 2

# Analysis - Comprehensive Plan

## Chapter 4, 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.*

1. The properties have access to all existing city utilities, and the site may be designed to make adequate connection to these facilities with minimal impact on service quality.
2. The site allows for more commercial development, and developments of scale, providing potential goods, services and future job opportunities.
3. **Consistent** with the Goal of Chapter 4, Policy 2.1

# Analysis – City Impact

Comparison of the estimated impacts of potential site development under both the proposed Commercial / Professional (CP) classifications and the existing Public Facilities (PF) classification.

	Proposed (CP)*	Existing (PF)
Dwelling Units	0	1
Population	0	2.51
School Impacts	0	1 students
Water Use	15,951 gallons	200 gallons (1 DU)
Sewer	15,951 gallons	200 gallons (1 DU)
Solid Waste	7,231 lbs./day	11.85 lbs./day (1 DU)
Trips	106 a.m. peak hr. trips 416 p.m. peak hr. trips	127 p.m. peak hr. trips (P zoning) 1 p.m. peak hr. trips (R1 zoning)

\* Calculations for CP classification assume an FAR of 1 (max development).



# Analysis – City Impact: Fire and Police

## 1. Fire:

- A. The property is currently served by Fire Station #9.
- B. Future development is expected to generate less than 15 call(s) annually.
- C. Low to moderate Impact with no negative effects on fire service delivery.

## 2. Police:

- A. The property is served by police patrol zone 2, Southwest District
- B. Proposed development is expected to generate less than 1% increase to recorded calls for service in Zone 2, Southwest, and 1% or less citywide.
- C. Future development is expected to have minor impact to police services.
- D. Future development will likely increase traffic on Skyline and Chiquita.

# Recommendation

Given the analysis conducted regarding the requested amendment to the Future Land Use Map, the proposed amendment seeking to change the Future Land Use classification of a parcel from PF (Public Facilities) to CP (Commercial/Professional) is consistent with the purpose and requirements for Amending the Future Land Use Map as well as the guidelines and policies of the Comprehensive Plan.

The City Planning Department recommends **APPROVAL** of the application.

## Correspondence:

Prior to the scheduled hearing, staff has not received any correspondence.

Thank you  
Questions?

