

FL2N25-000004



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

REZONING APPLICATION

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

REZONING REQUIREMENTS

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

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

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

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



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REZONE REQUEST

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

PROPERTY INFORMATION

Location/Address 21+ 25 NE 27th Terr.

Strap Number 254323C402300B010 + 30 Unit 36 Block 2300B Lot (s) 1-4

Plat Book 16 Page 122 Future Land Use SF (Single Faamly)

Current Zoning C (Commercial) Proposed Zoning R1 (Single Family)

PROPERTY OWNER (S) INFORMATION

Owner Robert Ruiz Address 115 20th Street

Phone 201-679-9693 City Union City

Email Gabyruiz45@hotmail.com State NJ Zip 07087

Owner Galloso Eduardo Address 6630 NW 39th Street

Phone 201-679-9693 City Miami

Email Gabyruiz45@hotmail.com State FL Zip 33166

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Joe Mazurkiewicz/BJM Consulting Address 13222 Heather Ridge Loop

Phone 239-470-5778 City Fort Myers

Email joe@bjmconsult.com State FL Zip 33966



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

(ALL SIGNATURE MUST BE NOTARIZED)

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

CORPORATION/COMPANY NAME (IF APPLICABLE)

Robert Ruiz

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Galloso Eduardo

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

STATE OF New Jersey

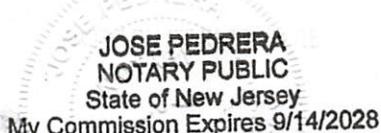
COUNTY OF Hudson

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 8th day of April, 2025 by Robert Ruiz who is personally known to me or produced DRIVERS LICENSE as identification.

Exp Date: 9-14-2028 Commission Number: _____

Signature of notary Public:

Printed Name of Notary Public:





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OWNER'S SIGNATURE

Galloso Eduardo

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

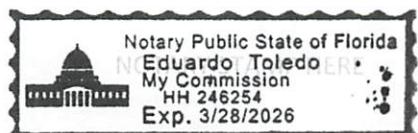
APPLICANT SIGNATURE

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STATE OF FL

COUNTY OF Micrei Dade.

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 10 day of APRIL, 2025 by Eduardo GALLOSO who is personally known to me or produced DRIVER LICENSE as identification.



Exp Date: 3/28/2026 Commission Number: HH 246254

Signature of notary Public:

Printed Name of Notary Public:



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

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

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

UNIT 36 BLOCK 2300B LOT(S) 1-4 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

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

Robert Ruiz
PROPERTY OWNER (Please Print)

Galloso Eduardo
PROPERTY OWNER (Please Print)

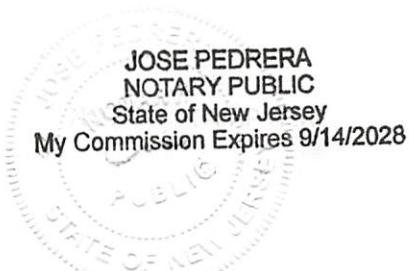
STATE OF New Jersey
COUNTY OF Hudson

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Signature of notary Public:

Printed Name of Notary Public:



JOSE PEDRERA
JOSE PEDRERA

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



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OR LEGAL DESCRIPTION _____

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

Robert Ruiz

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

Galloso Eduardo

PROPERTY OWNER (Please Print)

Eduardo Galloso

PROPERTY OWNER (Signature & title)

STATE OF FL

COUNTY OF Miami Dade

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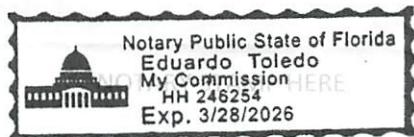
Exp Date: 3/28/2026 Commission Number: HH 246254

Signature of notary Public:

Eduardo Toledo

Printed Name of Notary Public:

Eduardo Toledo



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



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ACKNOWLEDGEMENT FORM

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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 8th Day of April, 2025.

CORPORATION/COMPANY NAME

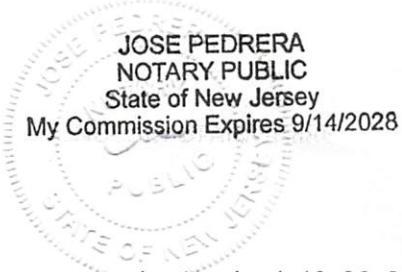
STATE OF New Jersey
COUNTY OF Hudson

Robert Ruiz and Galloso Eduardo

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

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Exp Date: 9-14-2028 Commission Number: _____

Signature of notary Public:

Printed Name of Notary Public:



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I hereby acknowledge that I have read and understood the above affidavit on the 10 Day of APRIL, 20 25.

CORPORATION/COMPANY NAME

Robert Ruiz and Galloso Eduardo

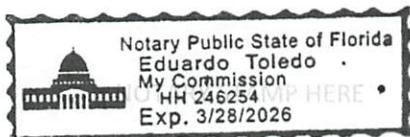
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STATE OF FL

COUNTY OF Miami Dade

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Exp Date: 3/28/2026 Commission Number: HH 246254

Signature of notary Public:

Printed Name of Notary Public:

Eduardo Toledo



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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

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

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

Robert Ruiz and Galloso Eduardc
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)



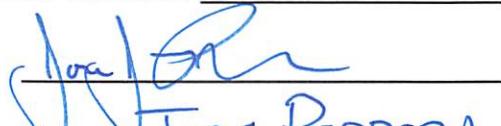
(SIGNATURE MUST BE NOTARIZED)

STATE OF New Jersey
COUNTY OF Hudson

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Signature of Notary Public: 

Printed Name of Notary Public: JOSE PEDRERA



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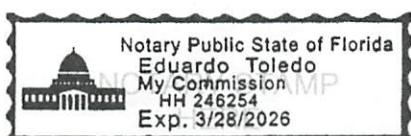
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Signature of Notary Public: Eduardo Toledo

Printed Name of Notary Public: Eduardo Toledo



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REZONES REGULATIONS

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

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

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

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

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

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

BJM Consulting, Inc.

Joe Mazurkiewicz, Jr.
President
13222 Heather Ridge Loop
Fort Myers, FL 33966

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

APR 30 '25 AM10:27

April 30, 2025

Mr. Brett Limbaugh, AICP
Development Services Director
City of Cape Coral
PO Box 150027
Cape Coral FL 33915-0027

RE: Rezoning Application for 21 and 25 NE 27th Terr

Dear Mr. Limbaugh:

BJM Consulting, Inc. represents Robert Ruiz and Eduardo Galloso, the owners of two parcels of land located in central North Cape Coral. The address of the property is 21 and 25 NE 27th Terr. The site is presently made up of two parcels under the same ownership. Once the rezoning is complete, they will be used as two single family home sites. Please accept this as our Letter of Intent for a request to change the zoning to (R1) Residential.

The two lots front on NE 27th Terr. and are .5 +/- acres, its future land use is SF (Single Family), and the existing zoning is C (Commercial). The site is 20,000 Sq ft +/- and made up of two single family home sites. The properties are currently in the City's Reserve area not serviced by any utilities.

We are requesting a rezoning of both parcels from the existing C (Commercial) to R1 (Single Family). The parcels are at the western end of Block 2300B. Presently there are 9 single family homes built within the block. The city staff should be directed to rezone the rest of Block 2300B to

R1 (Single Family) so all the existing development and zoning will be consistent with the underlying land use.

The subject parcels have commercial land use to the north, west and partially to the south with S/M (Single Family/Multifamily) making up the rest of the properties to the south and east.

This proposed zoning is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan because this application addresses the existing noncompatible land use and zoning. This application will make the newly requested R1 (Single Family) zoning compatible with the existing SF (Single Family) land use.

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

- The proposed R1 (Single Family) zoning is consistent with the property's SF (Single Family) land use.
- All of uses allowed in the R1 (Single Family) zoning are compatible with the size of these parcels and compatible with the existing and potential uses in the surrounding area.
- The location of this parcel makes it a good site for 2 new single family home sites that are compatible with the other develop home sites within the Block.
- The requested R1 zoning will serve the community's need of a zoning that is compatible with the properties existing land use.
- The requested R1 zoning will allow for development that fits in well with the characteristics of the area and will be a great transition for the commercial areas to the north and west.
- The other zoning district allowed within the SF Land Use may allow for developments that have very similar or greater impacts to the surrounding uses. The size of these parcels will only allow for the development of two single family houses.

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

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

Sincerely,

Joe Mazurkiewicz, Jr.

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



Property Data

STRAP: 25-43-23-C4-02300.B030 Folio ID: 10603924

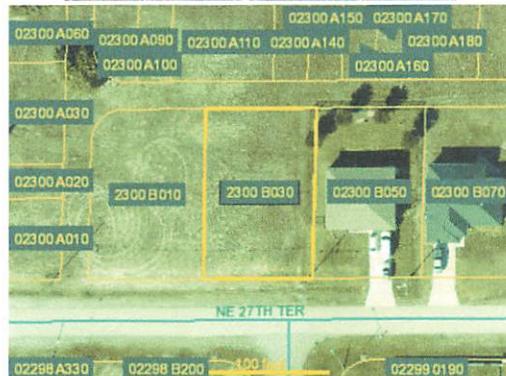
[Hurricanes Helene/Milton Tax Roll Value Letter](#) [Hurricane Ian Tax Roll Value Letter](#)

Generated on 4/29/2025 11:03 AM

Owner Of Record - Tenants in Common

[\[Change Mailing Address\]](#)

RUIZ ROBERT +
GALLOSO EDUARDO
115 20TH ST
UNION CITY NJ 07087

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

Site Address

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

25 NE 27TH TER
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!



CAPE CORAL UNIT 36 BLK 2300B PB 16 PG 122 LOTS 3 + 4

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 16 and 122 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
1st Year Building on Tax Roll N/A

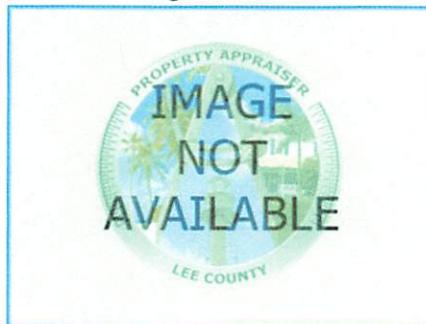
Historic Designation No

Township	Range	Section	Block	Lot
43	23E	25	02300	B030

Municipality Latitude Longitude
City of Cape Coral 26.70275 -81.97294

[View Parcel on Google Maps](#)

Image of Structure



Property Values / Exemptions / TRIM Notices

Generated on 4/29/2025 11:03 AM

Property Details (Current as of 4/28/2025)

Generated on 4/29/2025 11:03 AM

Property Details (2024 Tax Roll)

Generated on 4/29/2025 11:03 AM

Taxing Authorities

Generated on 4/29/2025 11:03 AM



Property Data

STRAP: 25-43-23-C4-02300.B010 Folio ID: 10603923

[Hurricanes Helene/Milton Tax Roll Value Letter](#) [Hurricane Ian Tax Roll Value Letter](#)

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[\[Change Mailing Address\]](#)RUIZ ROBERT +
GALLOSO EDUARDO
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Site Address maintained by [E911 Program Addressing](#)21 NE 27TH TER
CAPE CORAL FL 33909

Property Description

Do not use for legal documents!

CAPE CORAL UNIT 36 BLK 2300B PB 16 PG 122 LOTS 1 + 2

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 16 and 122 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	0			
1st Year Building on Tax Roll	N/A			
Historic Designation	No			
Township	Range	Section	Block	Lot
43	23E	25	02300	B010
Municipality	Latitude	Longitude		
City of Cape Coral	26.70275	-81.9732		

[View Parcel on Google Maps](#)

Image of Structure



Property Values / Exemptions / TRIM Notices

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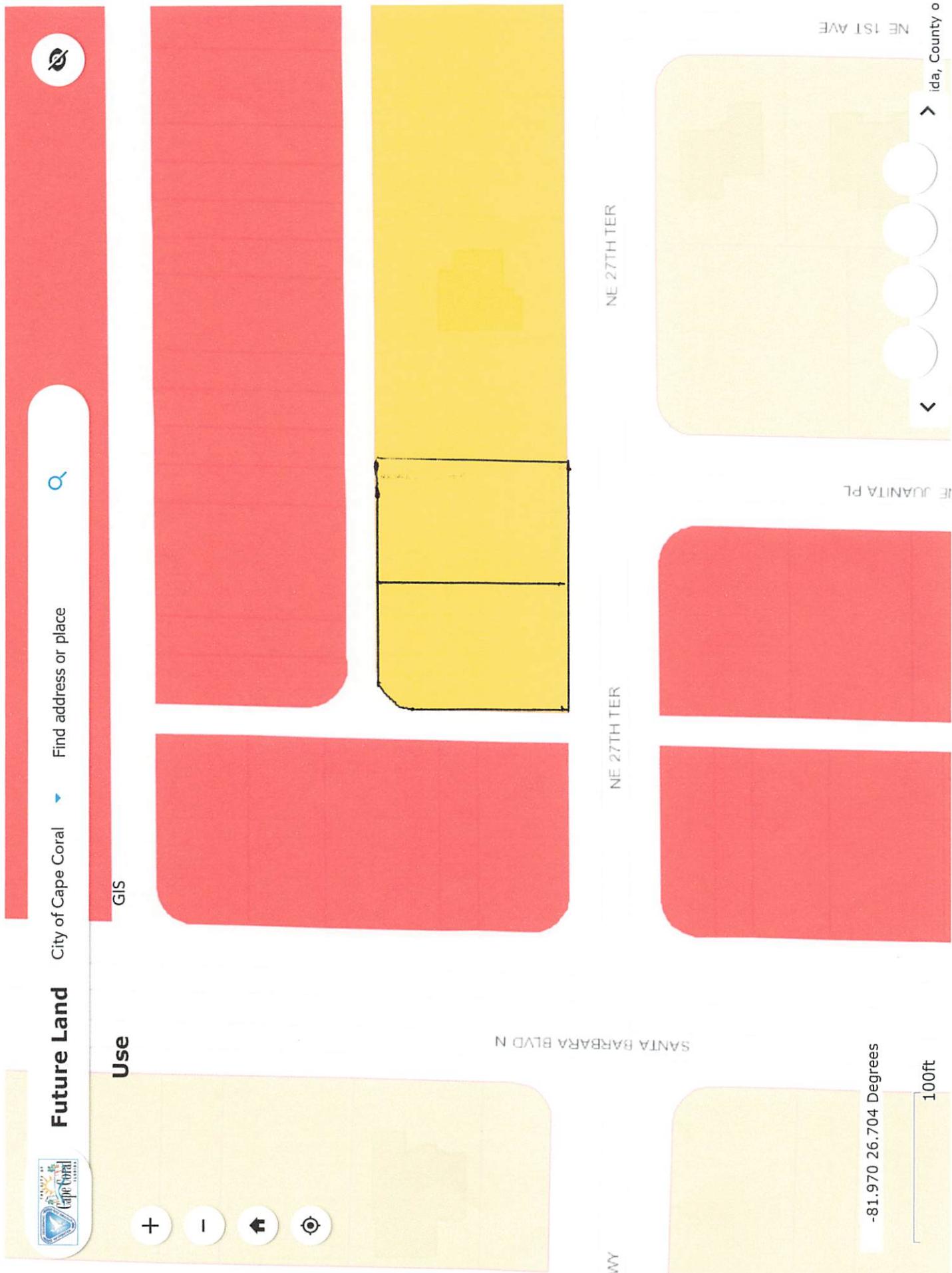
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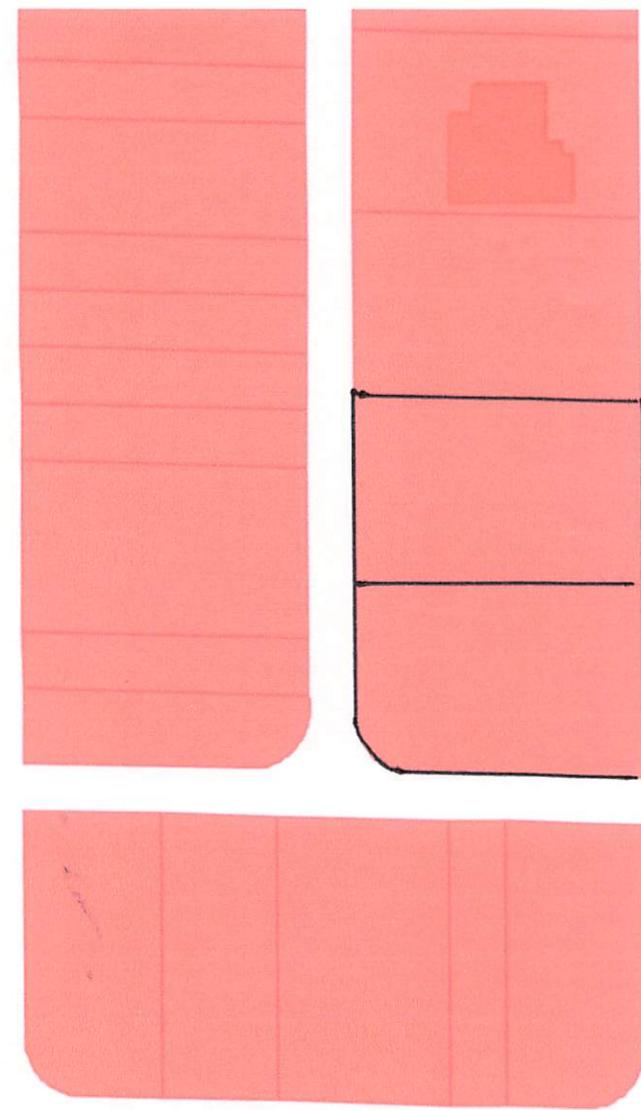


Zoning Map

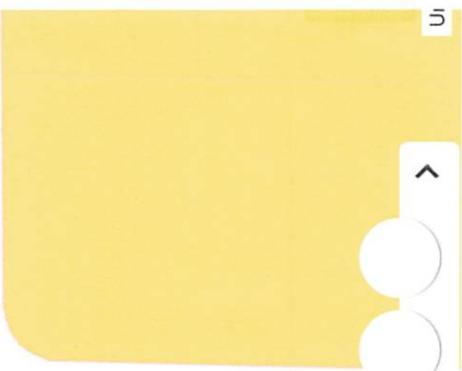
City of Cape Coral GIS



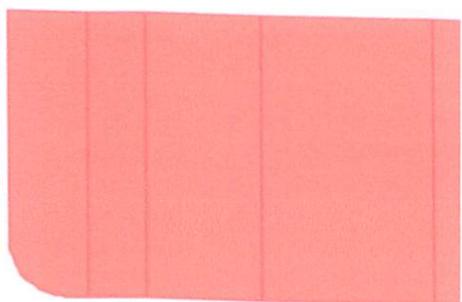
Zoning, Desc, Strap, Address



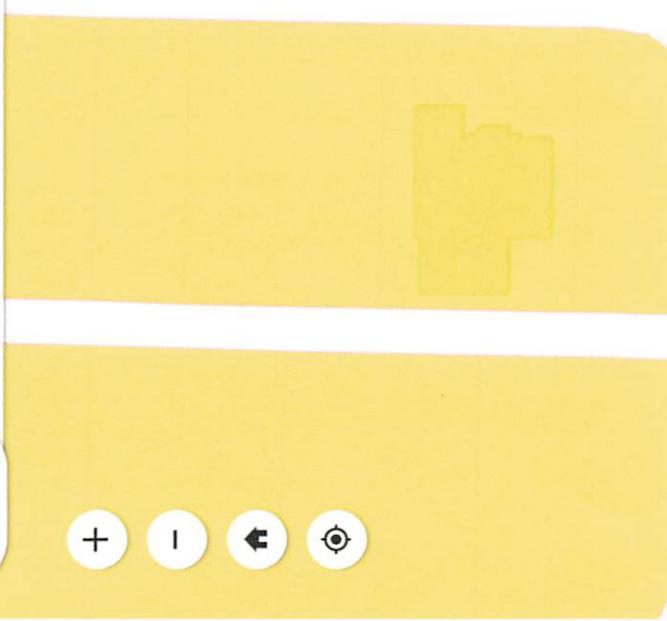
NE 27TH TER
NW DOUGLAS PKWY



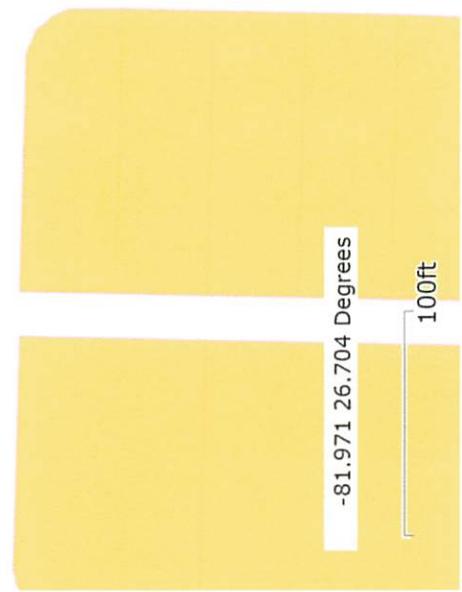
JITA PL



SANTA BARBARA BLVD N



-81.971 26.704 Degrees

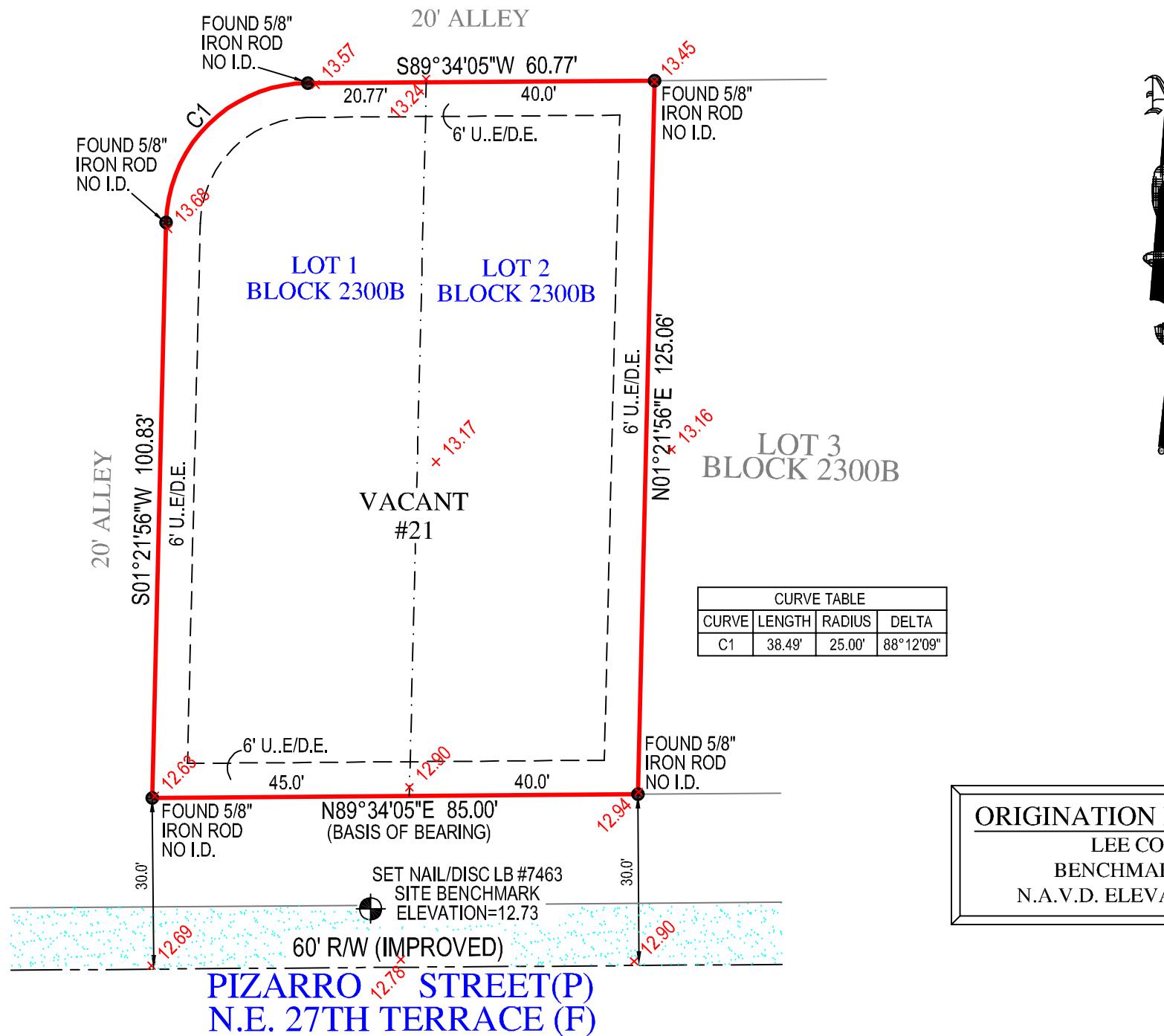


100ft

LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 2300B, CAPE CORAL UNIT 36, ACCORDING
TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 16,
PAGES 112 THROUGH 130, INCLUSIVE, OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA.

FLOOD ZONE: X
COMMUNITY NUMBER: 125095
PANEL: 12071C0253
SUFFIX: G
BASE FLOOD ELEVATION: N/A
FIRM DATE: 11-17-2022



NOTES:

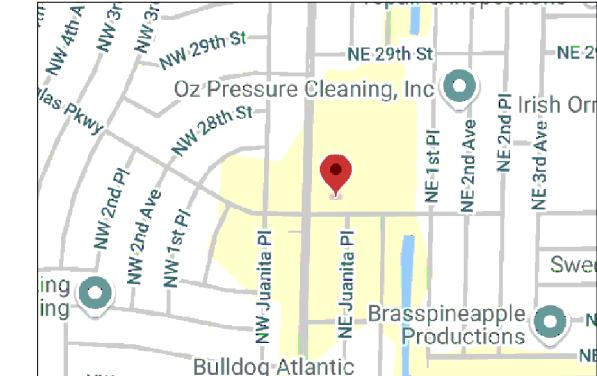
NO TEST.

1. LEGAL DESCRIPTION PROVIDED BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHERLY PROPERTY LINE, HAVING A BEARING OF N89°34'05"E.

DATE OF FIELD WORK: 12-24-2024
DATE OF MAP: 01-01-2025

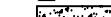
(SIGN)

DAVID G CUTLER
PROFESSIONAL SURVEYOR AND MAPPER #5593



VICINITY MAP NOT TO SCALE

LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
C.B.S.	CONCRETE BLOCK STRUCTURE
EL.	ELEVATION
F.F.	FINISHED FLOOR
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
M	MEASURED
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PG.	PAGE
P.B.	PLAT BOOK
PK	PARKER KYLON NAIL
R	RADIUS
R/W	RIGHT OF WAY
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
CL	CENTERLINE
&	AND
#	NUMBER
Δ	DELTA OR CENTRAL ANGLE
	CONCRETE
	CHAIN LINK FENCE
	WOOD FENCE
	MISCELLANEOUS FENCE
20	TOPOGRAPHIC ELEVATION

SURVEYORS CERTIFICATE

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

6250 N. M.
WEST PALM B.
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COMPASS
SURVEYING

6250 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
www.compasssurveying.net

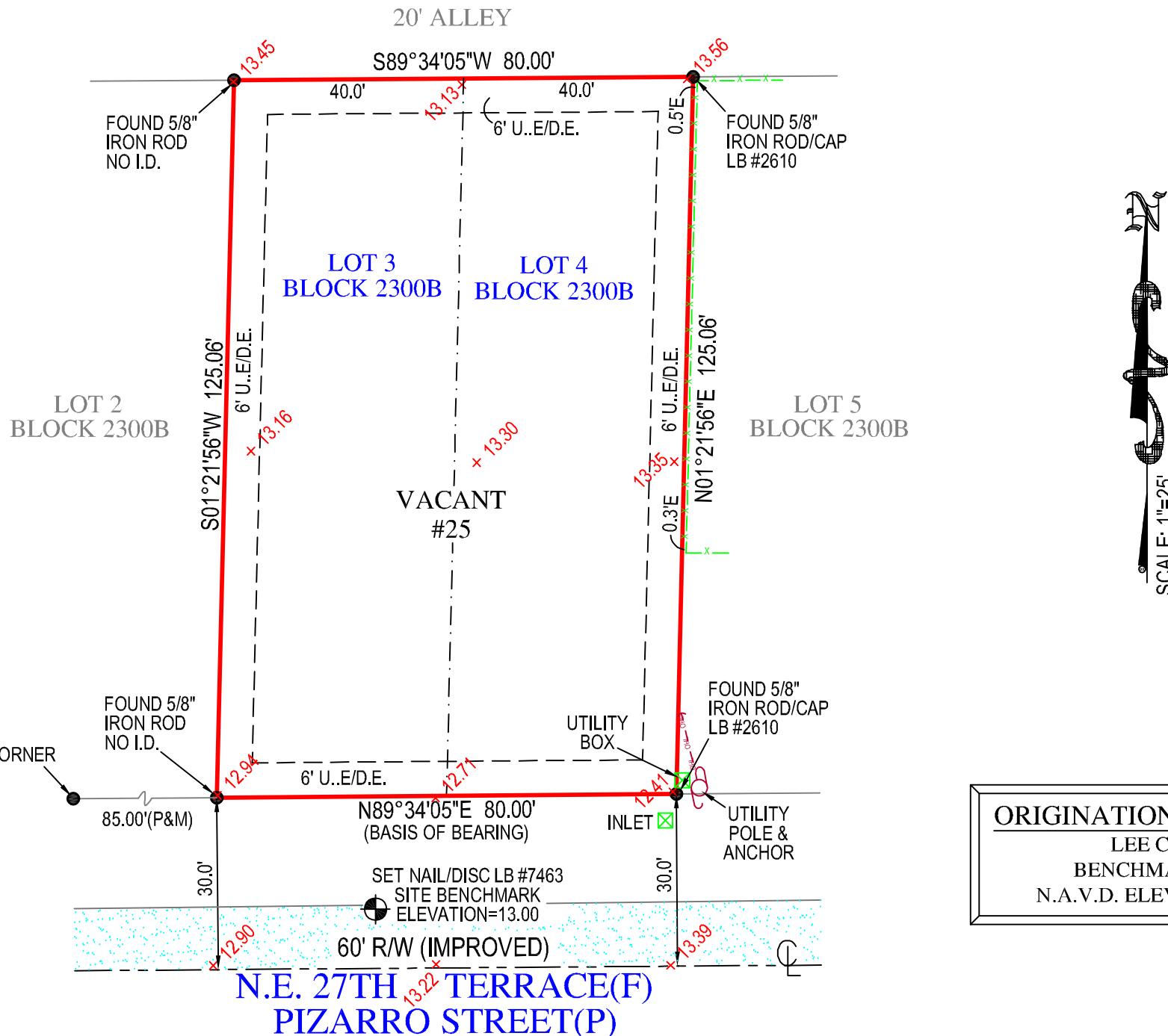
PHONE: 561.640.4800 FAX: 561.640.0576

PHONE: 561.640.4800 FAX: 561.640.0576

LEGAL DESCRIPTION

LOTS 3 AND 4, BLOCK 2300B, CAPE CORAL UNIT 36, ACCORDING
TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 16,
PAGES 112 THROUGH 130, INCLUSIVE, OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA.

FLOOD ZONE: X
COMMUNITY NUMBER: 125095
PANEL: 12071C0253
SUFFIX: G
BASE FLOOD ELEVATION: N/A
FIRM DATE: 11-17-2022



NOTES:

1. LEGAL DESCRIPTION PROVIDED BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
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ORIGINAL FIELD WORK COMPLETED BY
TARGET SURVEYING, LLC.
SURVEY #: 652347

DATE OF FIELD WORK: 12-24-2024
DATE OF MAP: 01-01-2025

A map of the 29th Street area in Lakewood, CO, centered on Oz Pressure Cleaning, Inc. The map shows several streets including NW 4th Ave, NW 3rd Pl, NW 29th St, NW 28th St, NW 2nd Ave, NW 1st Pl, NW 2nd Pl, NW 1st Ave, NW 4th Pl, NW 5th Ave, NW 6th Ave, NE 29th St, NE 1st Pl, NE 2nd Ave, NE 2nd Pl, NE 3rd Ave, NE 3rd Pl, NE 4th Ave, NE 5th Ave, NE 6th Ave, NE 26th St, NE 25th Terrac, and NE 25th St. Businesses marked on the map include Sweets by Rod, Brasspineapple Productions, and Irish Orrs Rv Repa. A red location pin is placed on the property of Oz Pressure Cleaning, Inc. The map also shows the location of Bulldog Atlantic construction and Design.

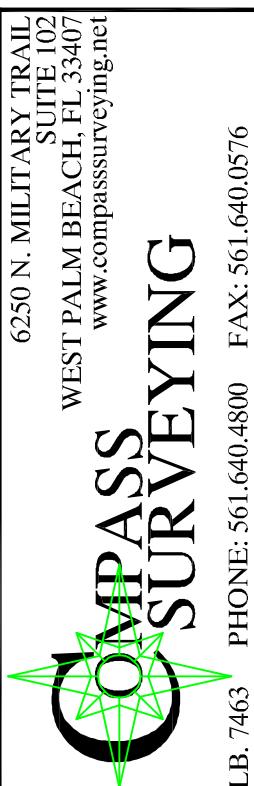
VICINITY MAP NOT TO SCALE

LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
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D.E.	DRAINAGE EASEMENT
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CL	CENTERLINE
&	AND
#	NUMBER
Δ	DELTA OR CENTRAL ANGLE
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	MISCELLANEOUS FENCE
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SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.



LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576



PLANNING DIVISION STAFF REPORT

December 22, 2025

Case No.:	RZN25-000004	Prepared By:	Anthony Santora, Senior Planner
Property Location:	21 NE 27 th Terrace 25 NE 27 th Terrace	<u>Applicant / Property Owner</u>	
		Name:	Robert Ruiz Galloso Eduardo
Authorized Representative		Phone No.:	201-679-9693
Name:	BJM Consulting	Email:	Gabyruiz45@hotmail.com
Address:	13222 Heather Ridge Loop, Fort Myers		
Phone No.:	239-470-5778		

SUMMARY OF REQUEST:

This is a privately initiated request for re-zoning.

The applicant has requested re-zoning from the current Commercial (C) zoning to a proposed Single-Family Residential (R-1) zoning for (2) parcels totaling +/- 20,625 SF or 0.473 Acres.



MAP SOURCE: City of Cape Coral

Existing Land Use	Existing Zoning	Proposed Zoning	Site Improvements	Size of Property (+/-)
Single Family Res. (SF)	Commercial (C)	Single-Family Res. (R-1)	None	20,502 SF 0.47 Acres

STAFF RECOMMENDATION: | Denial

Conditions: | None

CASE OVERVIEW

Background:	<ul style="list-style-type: none">The parcels were zoned as residential then rezoned to commercial.FLUM was amended by Council on 05/09/2023 to SF, ORD29-23 (FLUM23-000001)
Positive Aspects of Application:	<ul style="list-style-type: none">The proposed rezoning will remove inconsistency with FLUM and permit development.
Negative Aspects of Application:	<ul style="list-style-type: none">Loss of commercially zoned parcels.Creation of incompatible use adjacency between residential and commercial uses.
Mitigating Factors:	<ul style="list-style-type: none">Properties are in close proximity to a City designated Parking lotProperties are part of larger mapped area of designated commercial.



PLANNING DIVISION STAFF REPORT

December 22, 2025

SITE INFORMATION

Street Addresses: 21 & 25 NE 27th Terrace, Cape Coral, FL 33909

Urban Service Area: Reserve

City Water & Sewer: City Water: No City Sewer: No Service Area: North 6

Right-of-Way Access: The site(s) are accessible from NE 27th Terrace, a paved (2) lane local roadway

STRAP Number(s): 25-43-23-C4-02300.B010 | 25-43-23-C4-02300.B030

Block / Lot(s): Block: 2300B Lot(s): 1, 2, 3, & 4

Subdivision: N/A

Site Area: SQ. FT. (+/-): 20,502 Acres (+/-): 0.471

Case Planner: Anthony Santora, Senior Planner

Review Approved By: Wyatt Daltry, Planning Team Coordinator

FUTURE LAND USE AND ZONING INFORMATION

Site:	Future Land Use	Zoning
<i>Current:</i>	Single Family Residential (SF) (ORD29-23)	Commercial (C)
<i>Proposed:</i>	N/A (No Change)	Single-Family Residential (R-1)
Surrounding Future Land Use		
<i>North:</i>	Commercial-Professional (CP) Single Family & Multi Family (SM)	Commercial (C) Single Family Residential (R-1)
<i>South:</i>	Commercial-Professional (CP) Single Family & Multi Family (SM)	Commercial (C) Single Family Residential (R-1)
<i>East:</i>	Commercial-Professional (CP) Single Family Residential (SF)	Commercial (C)
<i>West:</i>	Commercial-Professional (CP) Single Family & Multi Family (SM)	Commercial (C) Single Family Residential (R-1)

PURPOSE OF REQUEST

The applicant has requested this rezoning to remove the existing land use and zoning inconsistency and to allow development of the parcel(s). If approved, the property owners intend on constructing a new single family residential dwelling on each property.

FUTURE LAND USE AND ZONING HISTORY

Block 2300B, Lots 1-4: Cape Coral Sub.	F: SM (Original); SM -> CP, ORD2-19; CP -> SF, ORD29-23 Z: R3 (Original); R3 -> RD, ORD61-90; RD -> C, ORD4-19
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PLANNING DIVISION STAFF REPORT

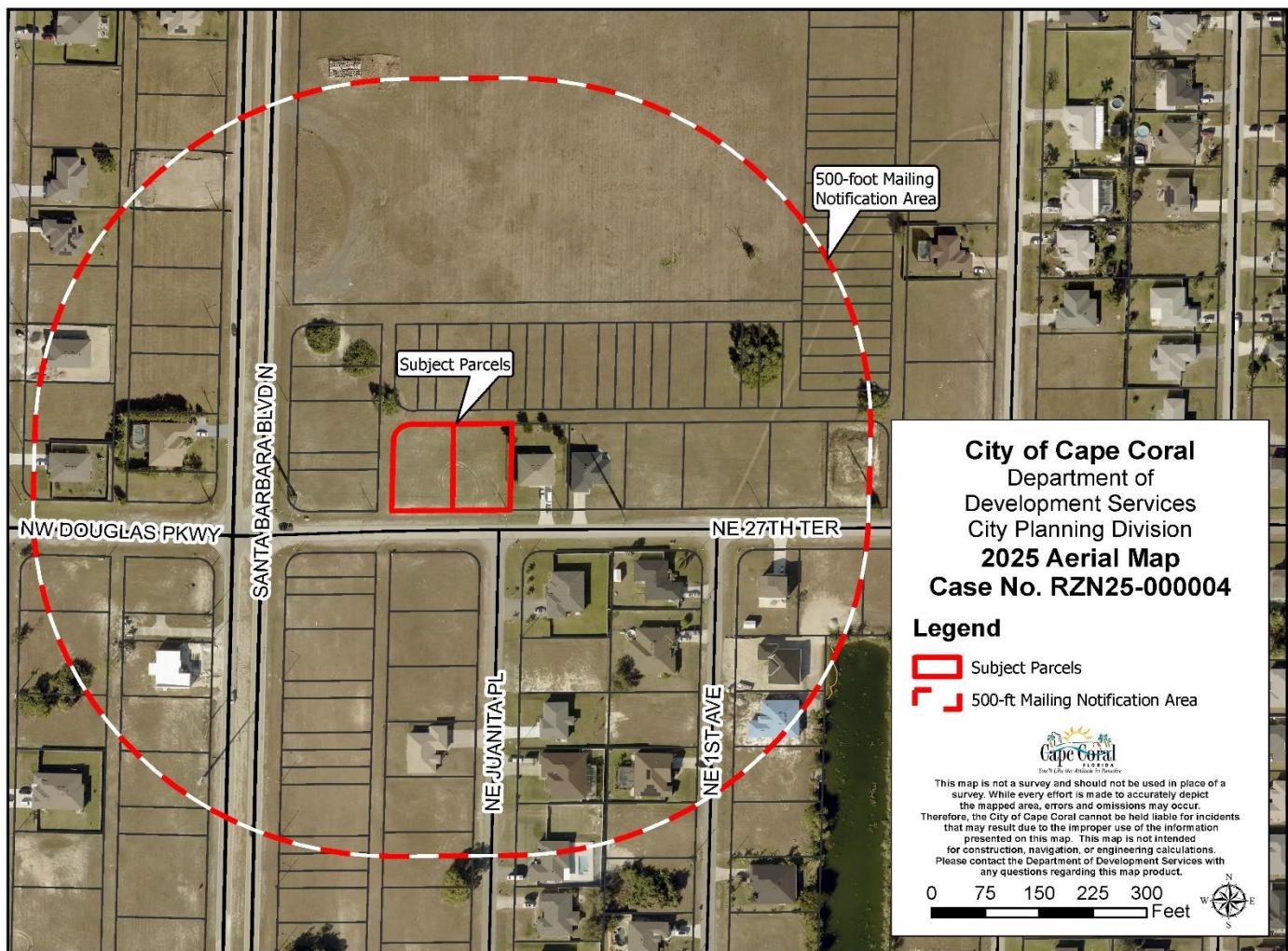
December 22, 2025

BACKGROUND

This is an applicant-initiated request where the applicant represents the property owner of at least (51) fifty-one percent of the land in the proposed amendment area. The property owner is seeking a rezone from Commercial (C) to Single-Family Residential (R-1) to allow for the future development of new single-family residential dwellings. These properties had the FLUM recently amended from CP to SF in 2023 through ORD29-23, a City-initiated Future Land Use Amendment.

The subject parcels were originally zoned as part of a residential neighborhood east of Santa Barbara Blvd. The subject parcels gradually shifted from a primarily residential designation to a Commercial designation as the City mapped for more areas of commercial along major roadways. A currently vacant City of Cape Coral owned parcel designated as a "parking lot" is in close proximity, along Santa Barbara, and the surrounding commercial area is split by undeveloped platted alley rights-of-way. The surrounding area is lightly developed with single family dwellings and no commercial has been developed to date.

Aerial Map

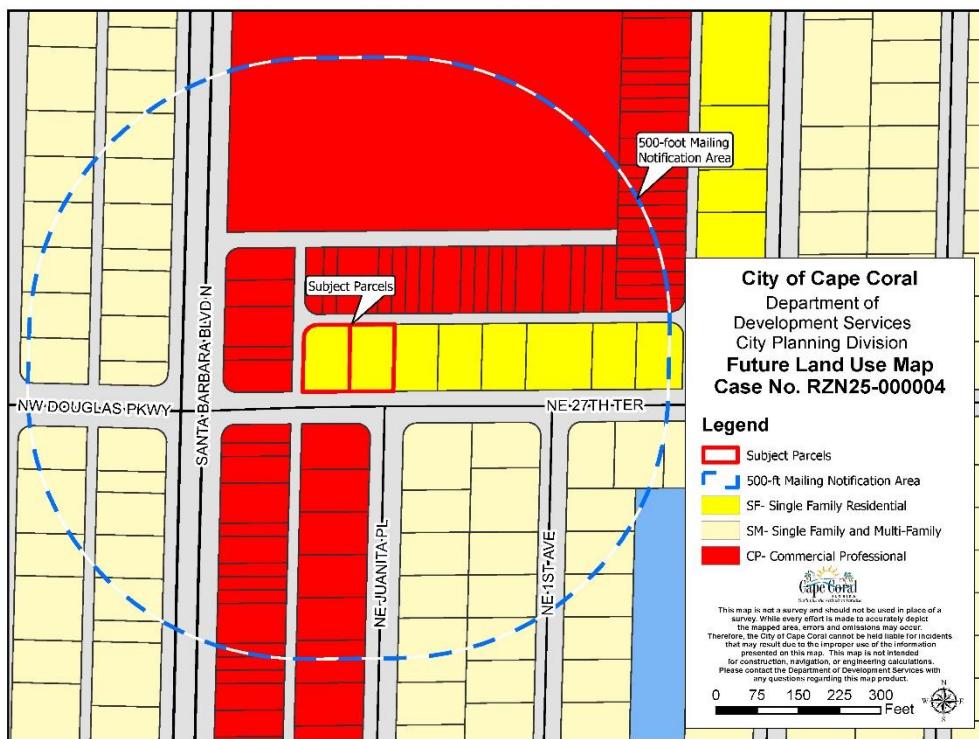




PLANNING DIVISION STAFF REPORT

December 22, 2025

Current Future Land Use Map



Current Zoning Map

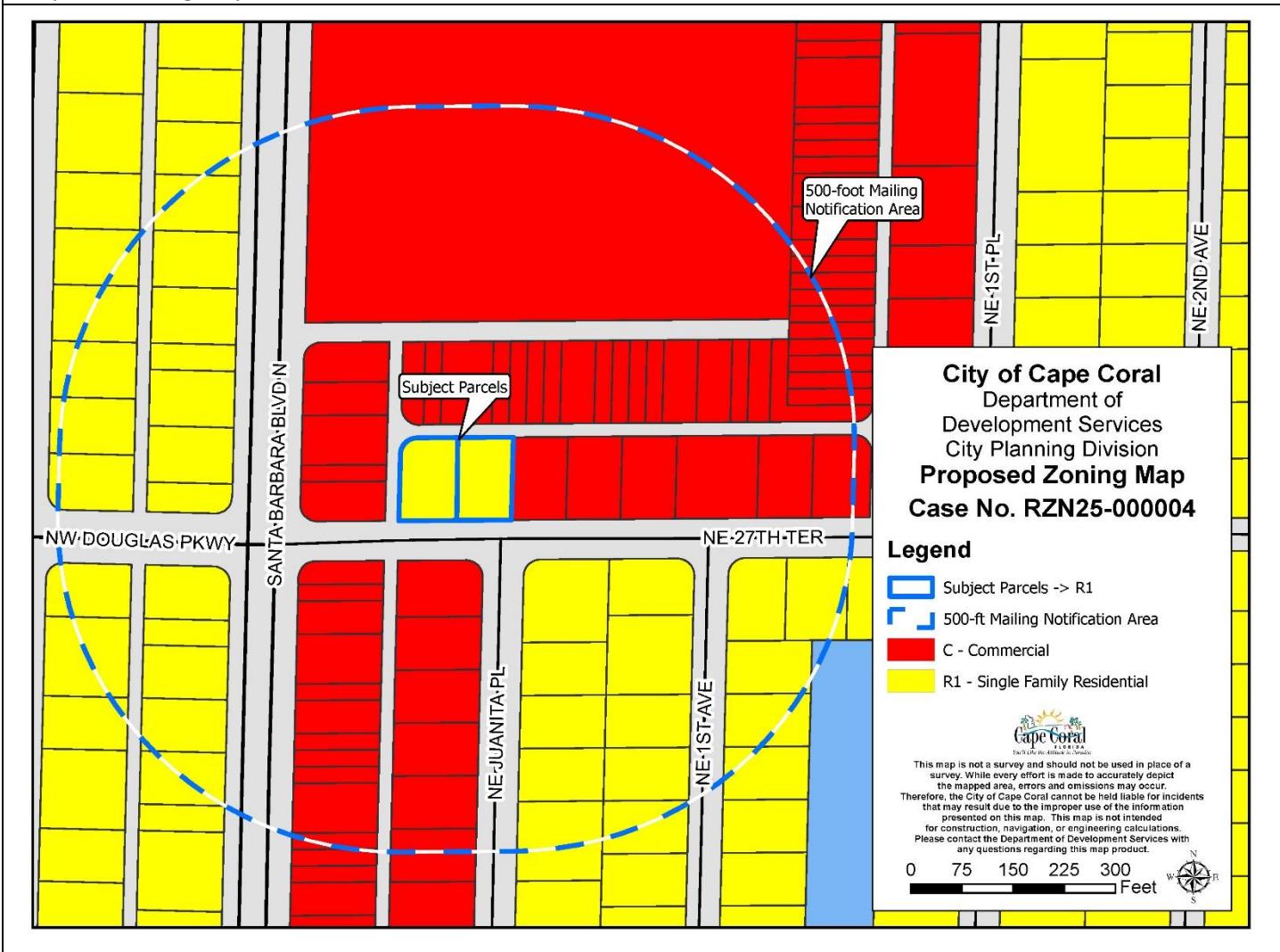




PLANNING DIVISION STAFF REPORT

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Proposed Zoning Map



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PLANNING DIVISION STAFF REPORT

December 22, 2025

APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Residential Multi-Family Low (RML) district. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed rezoning in based upon conformance with the criteria:

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

Analysis: The proposed rezoning to the R-1 district is consistent with the Single-Family Residential Future Land Use classification of SF. However, the proposed rezoning request has multiple inconsistencies with other goals and policies of the City Comprehensive Plan. Refer below for a breakdown of Comprehensive Plan compliance. Provided these conflicts, the proposed zoning district is inconsistent with the City of Cape Coral Comprehensive Plan.

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

Analysis: The area around the proposed rezoning is currently zoned C to the north, and C and R-1 to East, South and West. The surrounding area, despite having multiple zoning districts, is currently lightly developed with mainly single-family residential dwellings, with a majority of the development occurring on the blocks to the southeast of the subject properties, with immediate dwellings constructed directly east. The single-family dwellings are of low scale and are of typical construction, height, and design of those found throughout the area and exhibit "of-the-time" characteristics of aesthetics.

The Single-Family Residential (R-1) zoning district has specific density requirements, specific dimensional standards and minimum constructed square footage requirements as specified in Table 4.1.3.A. Table 4.1.3.B and Table 4.1.3.C. The district requires a minimum lot area size of 10,000 SF, with a minimum property width of 80 feet, a maximum 60% impervious surface area, and a limited overall height of 38 feet. Residential developments are limited to a density of 4.4 units per acre and must have a minimum square footage of living space dependent on the location of the dwelling, with an absolute minimum being 1,100 SF. permitted in the zoning district align with the identification standard set in LDC Section 4.1.2.A.1 which specifies:

(4.1.2.A.1) Residential Single-Family (R-1). This district is established to encourage and protect single-family development and to permit other uses generally compatible with single-family residential uses.

A full list of permissible uses for the district may be found in LDC Table 4.1.6 Use Table with the majority of uses being geared towards those of single-family residential dwellings. Supporting uses, such as religious institutions, golf courses and small-scale lodgings are permitted along with Public and Institutional uses. Uses within this district are generally of low scale, low density and low intensity.

Within the surrounding area, no commercially zoned parcels have been developed with any associated non-residential uses. Some residential development has occurred on parcels currently zoned commercial, including parcels directly to the east of the subject sites, where the sites were developed with single-family dwellings. Primarily, surrounding development has occurred on parcels which are



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zoned R-1, and the properties have been developed with single-family dwellings, creating lightly developed residential neighborhoods. These existing residential dwellings are allowable within the proposed R-1 zoning district per the Use Table 4.1.6 of the Land Development Code and therefore are compatible with the proposed zoning district. Additionally, as the intent of the zoning district is one to permit other uses "generally compatible with single-family residential uses" any developments which may occur within the proposed R-1 district would be compatible with the existing uses in the surrounding area as the potential allowable uses would share the same low density, low intensity character and be subject to the same, or very similar site dimensional standards and requirements. Given this, the full range of uses allowable within the Single-Family Residential (R-1) zoning district will be compatible with the existing uses in the area under consideration.

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

Analysis: The range of uses in the Single-Family Residential (R-1) district are primarily oriented to those of low density and low intensity single-family development or compatible small scale uses. A full breakdown of uses can be found in Section 2 above and in table 4.1.6 of the Land Development Code. The immediate surrounding area is zoned Residential Single Family (R-1) and Commercial (C). The area also is lightly developed with single family dwellings with no commercial development having occurred in the area.

The proposed zoning district of R-1 shares the same zoning classification as a majority of the surrounding area to the south and far east. Therefore, sharing the same allowable uses and making the proposed zoning district compatible with both the existing and potential uses on those sites. Sites immediately to the east, and situated easterly along NE 27th TER, northerly along NE 1st PL between NE 27th TER and NE 28th ST, and westerly along 29th ST to 38 NE 29th ST are zoned Commercial (C), but are very lightly developed with single-family dwellings, with 36% development having occurred. Where this residential development has occurred, the existing uses on these sites align with the proposed zoning district of R-1, where single-family dwellings or other low density, low intensity supporting/compatible uses are permitted.

The properties to the North, East, West and Southwest are zoned Commercial (C) and allow uses primarily geared towards commercial/retail development. The Commercial zoning district has light lot dimensional standards and allows uses which are primarily moderate to high density and intensity. The commercial district is desired as a supporting district to residential neighborhoods, to support healthy, walkable and diverse communities, but is not desirable with immediate adjacency to properties zoned for permissible single-family residential development. Where such adjacency occurs, a buffer district of multi-family residential or a separation of uses by sizeable rights-of-way or other natural or manmade elements is preferred, i.e. a roadway or a canal way. Where no separation occurs, stringent buffering requirements, landscaping requirements, and other limitations are specified through the land development code to try and mitigate potential negative impacts.

Currently, no existing commercial development has taken place on the adjacent commercially zoned properties; therefore, the proposed residential zoning district would not directly conflict with any existing commercial uses, as noted in Criteria 2. However, the physical proximity of the subject area to the commercially zoned parcels creates several issues of compatibility with potential uses. To the east, the subject properties directly abut commercially zoned land, while to the west and north there exists an almost direct interface between two distinctly different zoning districts, with these districts being



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separated only by an unplatting alleyway approximately 30 feet in width. Even along the southern boundary, where the separation is slightly greater, the distance is still limited to roughly 60 feet, divided only by the NE 27th Terrace right-of-way.

The minimal separation between these contrasting zoning districts increases the likelihood of negative impacts once the commercial properties are developed. The permitted higher intensity commercial uses, particularly those that involve extended hours of operation, outdoor activity, or significant customer and freight traffic, can introduce a range of adverse effects on the adjacent residential area. These impacts may include potential noise pollution, light pollution, increased traffic generation, air quality concerns, privacy concerns and general visual and aesthetic incompatibility. Individually, or collectively, these potential impacts can degrade the general quality of life expected for standard single-family residential development, which represents the primary development pattern within the R-1 zoning district. Even when paired with the extensive buffering requirements and development/operational limitations imposed by the existing Land Development Code, these effects may not be adequately negated given the reduced separation distance to the north, west and east. Given these conditions, the proposed Single-Family Residential (R-1) zoning district is fundamentally incompatible with the full range of potential uses permitted within the adjacent Commercial (C) district.

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

Analysis: The proposed rezoning request will bring the subject properties into conformance with the future land use classification and allow for the implementation of non-commercial, residential uses within the immediate neighborhood. Currently, due to the inconsistent nature of the land use and zoning, no development may occur on the property. The lack of development on the subject parcels, while negligible in scale, still represents a loss of monetary revenue generation for the City as well as a loss of developable area and population. Were development to occur on the sites, the development would not only increase the taxable base of the City, but also increase the overall population, providing potential bodies for jobs and services which would be a benefit to the City and surrounding neighborhood.

However, the City of Cape Coral has a well-documented shortage of commercial land, with less than 20% of the City's land designated as either Commercial, Industrial, or Mixed Use with the remaining area comprised of residential land, that land being primarily single-family areas. Of that 20% of designated land approximately 10% is specifically designated as Commercial. This disparity puts a burden on the residential tax base and limits opportunities for neighboring residential communities in terms of both economic possibilities, i.e. job creation, and good and services provision. While the previous Future Land Use Amendment, ORD29-23, identified these specific parcels, as well as others in the area, as non-conducive to future commercial development, correctly identifying the low probability of development given their existing size and characteristics when examined as individual units, when analyzed as part of a larger group of parcels the probability of development for commercial uses dramatically increases. The parcels sit within close proximity to a City Owned commercial parking lot, that lot being located approximately 185.0' to the North. These parcels are separated by unplatting alleyways and a single band of typical depth standard sized lots, all of which share the same commercial zoning designation. The designated commercial area, bounded by Santa Barbara BLVD N to the west, NE 29th ST to north, NE 1st PL to the East and NE 27th TER to the south, is approximately 1,025.0' x 1,315.0' in dimensions accounting for an area of approximately 1,347,875 SF or +/- 30.94 acres. Within this area, there are only 11 parcels currently developed, with the remainder being vacant land. These factors,



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coupled with other elements contained in the Policy 1.14 of the City's Comprehensive Plan lend for a more favorable development pattern for commercial uses. This favorability is also reinforced when analyzed at a macro level, as this area of designated commercial is the largest area within a 1 mile radius, with the nearest large area of commercial land being located approximately 1.5 miles to the south around the intersection of Santa Barbara BLVD N and Diplomat PKWY W.

While no commercial development has occurred to date, this does not preclude future commercial development from being implemented in the future. The lower density of residential development that was and is present in the surrounding area can be directly correlated to the limited development of commercial uses at this location. However as residential infill takes place and residential density increases, the need and want for viable commercial areas, will increase and development will occur.

Provide this, the potential economic and societal benefit of retaining commercially viable land far exceeds the implementation of proliferating an overly abundant residential use. This is compounded by the fact that there still exists, both within the city and within the immediate area, many vacant parcels which have the same requested zoning designation and with which development may occur with uses similar or identical to the proposed intended use of the applicants LOI, which is identified in the LOI as constructing new single-family dwellings. Any potential loss associated with retaining the existing commercial zoning, would be offset through residential development occurring at these locations. The inconsistent land use for the subject property does inhibit development on the site currently, but can be rectified through a future land use amendment with minimal effect on the surrounding neighborhood, as well as the properties themselves. This is due to the fact that the parcels previously had a consistent Future Land Use designation and zoning district which was commercial in nature, being CP (Commercial/Professional) and C (Commercial). Therefore, the proposed zoning district does not serve a broader public purpose and does not provide a general benefit to the local community and City.

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

Analysis: The subject parcels are situated with primary frontage NE 27th TER, which is a paved two-lane local roadway. The parcels are generally rectangular in nature and have a minimum lot area of approximately 10,000 SQ SF, being typical of the pre-platted lots throughout the City. The lots are also generally flat w/ minimal slope and minimal stormwater catch basins established along the south frontage (roadway). To the north and west of the parcels resides an unplatted alleyway which has not been developed. The general flatness, proportions, and layout of the subject parcels lend to the acceptable nature of the site to support uses permitted within the R-1, Single-Family Residential zoning district. Furthermore, site dimension regulations contained in Table 4.1.3.B of the Land Development Code would not impact implementation of future uses as the sites are of typical dimensions and area, similar to those found throughout the city, and on which permissible uses have been constructed. Any limitations presented by the dimensional standards can be designed around accordingly and would again not inhibit implementation of permissible uses on the site. Therefore, there does not exist impactful or detrimental site features which would inhibit development, or which would cause uses to be inconsistent with the characteristics of the site, and the characteristics of the proposed rezoning area are suitable for the uses permitted in the proposed zoning district.



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

Analysis: Per table 1 of Policy 1.15, the two permissible zoning districts allowable in the SF future land use are Single-Family Residential (R-1) and Residential Estate (RE). Of the 2 permissible districts, only the R-1 zoning district is viable given the lot area requirements contained in Table 4.1.3.B of the City of Cape Coral Land Development Code. Per Table 4.1.3.B, Residential Estate parcels require a minimum lot area of 40,000 SF. The provided combined lot area is roughly 20,500 SF and each individual lot is generally at just over 10,000 SF. When the area is taken either together or as individual parcels the area fails to meet the minimum area requirement. Additionally, the proposed R-1 district, while being the only viable district, shares the same zoning designation as the parcels to the Southeast and East, which are developed with single-family dwellings. While developable Commercial zoning is on parcels that are adjacent, no commercial development has been constructed. Provided this, there is no other zoning district other than the one proposed which creates the fewer potential adverse impacts to the existing surrounding area.

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December 22, 2025

Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.4.6(1) 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 rezoning based upon the applicable Goals, Objectives and Policies:

Chapter 3, Housing Element Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the city, regardless of age or income status.

Analysis: The proposed rezoning request will allow the creation of new housing within the city limits. However, that new housing stock will be in the form of Single Family Residential only, as the only zoning designation(s) allowable within the FLU designation of SF (Single Family) is the R-1 (Residential Single Family) and RE (Residential Estate) zoning districts. Of those districts cited, only R-1 is applicable due to the minimum parcel size requirements for RE zoning (40,000 min), which then permits only Single-Family construction by right. The city, being pre-platted as a predominately single-family community, currently has an abundance of single-family sites throughout the city which remain vacant and undeveloped. Even within close proximity to the site, 500'-0" radius, there are approx. 24 undeveloped and developed single-family sites as of 2025¹. Given that the new housing stock provided is limited to only a single product and that said product already exists or may be developed in both the immediate area and throughout the community, the proposed rezoning request does not comply with the Goal of Chapter 3, Housing Element.

Chapter 4, Future Land Use Element, Policy 1.6: The City will continue to promote healthy communities and a diverse housing stock so that all persons may have an opportunity to reside in this community. To accomplish this goal, the City supports efforts to balance single-family and multi-family residential stock.

Analysis: The proposed rezoning request will allow for the creation of a new single family residential development at the proposed location. While the development is providing for a new residential opportunity to the City, the product, single family residence (1-unit, detached), is one which is currently the majority of existing and available housing stock in the city, making up an estimated 80% of total units.² Given the already abundant similar stock, the proposed amendment is counter-intuitive to the goal of policy 1.6 and would not promote or support a balance of single-family and multi-family housing stock, but continues to proliferate an already abundant housing type in the City. Therefore, the proposed rezoning request does not comply with Policy 1.6 of Chapter 4 of the Future Land Use Element.

¹ This estimate includes only those properties which allow residential by right and do not include the properties zoned Commercial.

² CP04 | Comparative Housing Characteristics, 2020: ACS 5-Year Estimates Comparison Profiles; United States Census Bureau.



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Chapter 4, Future Land Use Element, Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. Table 1 shows the zoning district which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	A (E/O) R-1, RML, RMM, RE
Multi-Family (MF)	RML, RMM
Low Density Residential (LDR)	A (E/O), RE,
Commercial / Professional (CP)	C, P, NC, BSOD
Mixed Use (MX)	All except MXB
Downtown Mixed (DM)	RML (E/O), SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC, BSOD
Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL except A
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	All except A
Burnt Store Road District (BURST)	BSC
Mixed Use Ten (MUX)	Planned Unit Development (PUD)-only

a. Single-Family Residential: Densities not to exceed 4.4 units per acre, except for micro-cottage communities should such a program be implemented in Cape Coral. Densities in micro-cottage communities are restricted to 8.8 units per acre, for sites with a minimum of 3 acres.

The Single Family (R-1) District is proposed to permit a variety of single-family residential products and ancillary uses.

Analysis: The subject properties have a current Future Land Use Classification of SF (Single-Family Residential). Of the two zoning districts allowable under the proposed SF Future Land Use classification, those districts being the R-1 and RE zoning district, only the R-1 zoning district is applicable due to current lot size, with RE zoned lots requiring a minimum of 40,000 SF. Within that classification and zoning designation, the proposed density of the property is 4.3 units per acre which is within the allotted allowance of 4.4 units per acre. Provided this, the Proposed Future Land Use designation of SF (Single-Family) complies with Policy 1.15 of Chapter 4, Future Land Use Element.



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Impact Analysis:

Police & Fire Impacts:

Fire: Property is currently served by Fire Station #5 (future Fire Station 14). The subject area is expected to generate less than (15) fifteen call(s) annually. **Minimal impact** to the department with no negative effects on service delivery.³

Police: Property is served by police zone 4, Northeast District. Proposed development is expected to generate an approximate 1-2% increase to recorded calls for service in Northeast Zone 4, and 1% or less citywide. **Minor impact** to service demands anticipated.⁴

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³ Fire Impact determined through the City of Cape Coral Fire Department on 9/11/2025.

⁴ Police Impact determined through the City of Cape Coral Police Department on 9/12/2025.



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Conclusion:

Given the analysis conducted in regard to the requested re-zoning application, the proposed re-zoning application seeking to change 2 parcels from Commercial (C) to Single-Family Residential (R-1) is inconsistent with the requirements for re-zoning from the LDC, specifically criteria 1, 3 & 4, as well as the guidelines and policies of the Comprehensive Plan. The proposed re-zoning request, while removing an inconsistency and not being detrimental to the existing character of the area, is non-beneficial to the surrounding neighborhood, community or city and would create an incompatible instance of uses between adjacent proposed residential zoning and potential commercial uses. Additionally, the subsequent loss of potential viable commercially designated land represents a net loss of a needed economic and societal benefits for the city and community in both the immediate and long term.

Therefore, it is the recommendation of staff that the proposed re-zoning application request be **DENIED**.

RECOMMENDATION

Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code of the City of Cape Coral as well as the City of Cape Coral Comprehensive Plan. Through analysis of the proposed request and analysis of compliance with applicable criteria the Planning Division staff recommends **Denial** of the rezone request.

Staff Contact Information

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