



PLANNING DIVISION STAFF REPORT

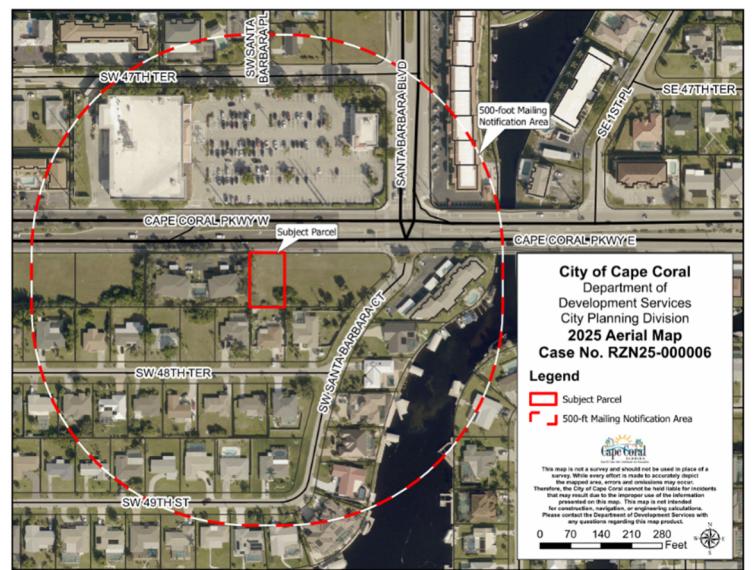
RZN25-000006

Date.:	1-20-2026	Prepared By:	Patrick Carlton White, AICP, Senior Planner
Property Location:	124 Cape Coral Parkway W. Cape Coral, FL 33914		
	Name:	Jose Breidembach / 118 Cape Coral LLC	Applicant / Property Owner
Authorized Representative		Address:	3440 NW 83 rd Court Doral, FL 33122
Name:	Carlos Lerena 3440 NW 83 rd Court Doral, FL 3322		

SUMMARY OF REQUEST:

This is a privately initiated rezoning request.

The applicant has requested rezoning Unit 3 Block 163 Lots 20-21 from Residential Multi-Family Low (RML) District to Professional (P) District for one parcel totaling +/- 10,000 sq.ft. Property located at 124 Cape Coral Parkway W.



MAP SOURCE: City of Cape Coral

Existing Zoning	Existing Land Use	Proposed Zoning	Site Improvements	Size of Property (+/-)
Residential Multi-Family Low (RML)	Commercial / Professional (C)	Professional (P)	None	10,000 SF 0.23 Acres

STAFF RECOMMENDATION: | Approval

Conditions: | **None**

CASE OVERVIEW

Background:	<ul style="list-style-type: none">The parcel has had a Commercial/Professional Future Land Use Classification since 2007.The parcel is likely to be joined with an abutting Professional (P) zoned property located to the east, which is also owned by this applicant/owner.
Positive Aspects of Application:	<ul style="list-style-type: none">The proposed rezoning will create more land in the City capable of non-residential development.
Negative Aspects of Application:	<ul style="list-style-type: none">The parcel is adjacent to existing residential development to the south and west.



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Mitigating Factors:	<ul style="list-style-type: none">▪ The property abuts Cape Coral Parkway which will provide the only vehicular access.▪ The proposed zoning district is the lesser of the three zoning district options (Professional, Commercial, and Neighborhood Commercial) and will bring the zoning into consistency with the Commercial/Professional (CP) FLUC.

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SITE INFORMATION

Street Addresses: 124 Cape Coral Parkway W., Cape Coral, FL 33914

Urban Service Area: Infill

City Water & Sewer: City Water: Yes City Sewer: Yes Service Area: N/A

Right-of-Way Access: The site is accessible from Cape Coral Parkway W., a paved six-lane major arterial road.

STRAP Number(s): 14-45-23-C2-00163.0200

Block / Lot(s): Block: 163 Lot(s): 20-21

Subdivision: Cape Coral

Site Area: SQ. FT. (+/-): 10,000 Acres (+/-): 0.23

Case Planner: Patrick Carlton White, AICP, Senior Planner

Review Approved By: Mike Struve, AICP, LEED AP, Planning Team Coordinator

FUTURE LAND USE AND ZONING INFORMATION

Site:	Future Land Use	Zoning
Current:	Commercial / Professional (CP)	Residential Multi-Family Low (RML)
Proposed:	N/A (No Change)	Professional (P)
<hr/>		
	Surrounding Future Land Use	Surrounding Zoning
North:	Commercial-Professional (CP)	Commercial (C)
South:	Single Family Residential (SF)	Single Family Residential (R1)
East:	Commercial-Professional (CP)	Professional (P)
West:	Multi Family Residential (MF)	Residential Multi-Family Low (RML)

PURPOSE OF REQUEST

The applicant has requested this rezoning to increase the area of professionally zoned land under the property owner's control along Cape Coral Parkway W. The rezoning of the property will bring the zoning into conformity with the existing Future Land Use Classification of Commercial/Professional. The property owner also owns the Professional-zoned property abutting the site to the east.

FUTURE LAND USE AND ZONING HISTORY

Block 163, Lots 20-21:	FLU: MF -> CP, ORD 31-07 Z: R-3 -> RML ORD 4-19
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The property being analyzed was originally zoned R-3 (Multifamily Residential); the lot was then rezoned to RML (Residential Multi-Family Low) in 2019 coinciding with the elimination of the R-3 district.

The property was mapped with a MF (Multi-Family Residential) Future Land Use classification upon the adoption of the Future Land Use map in 1989. The Future Land Use was later amended from MF to CP in 2007 via a privately initiated request.



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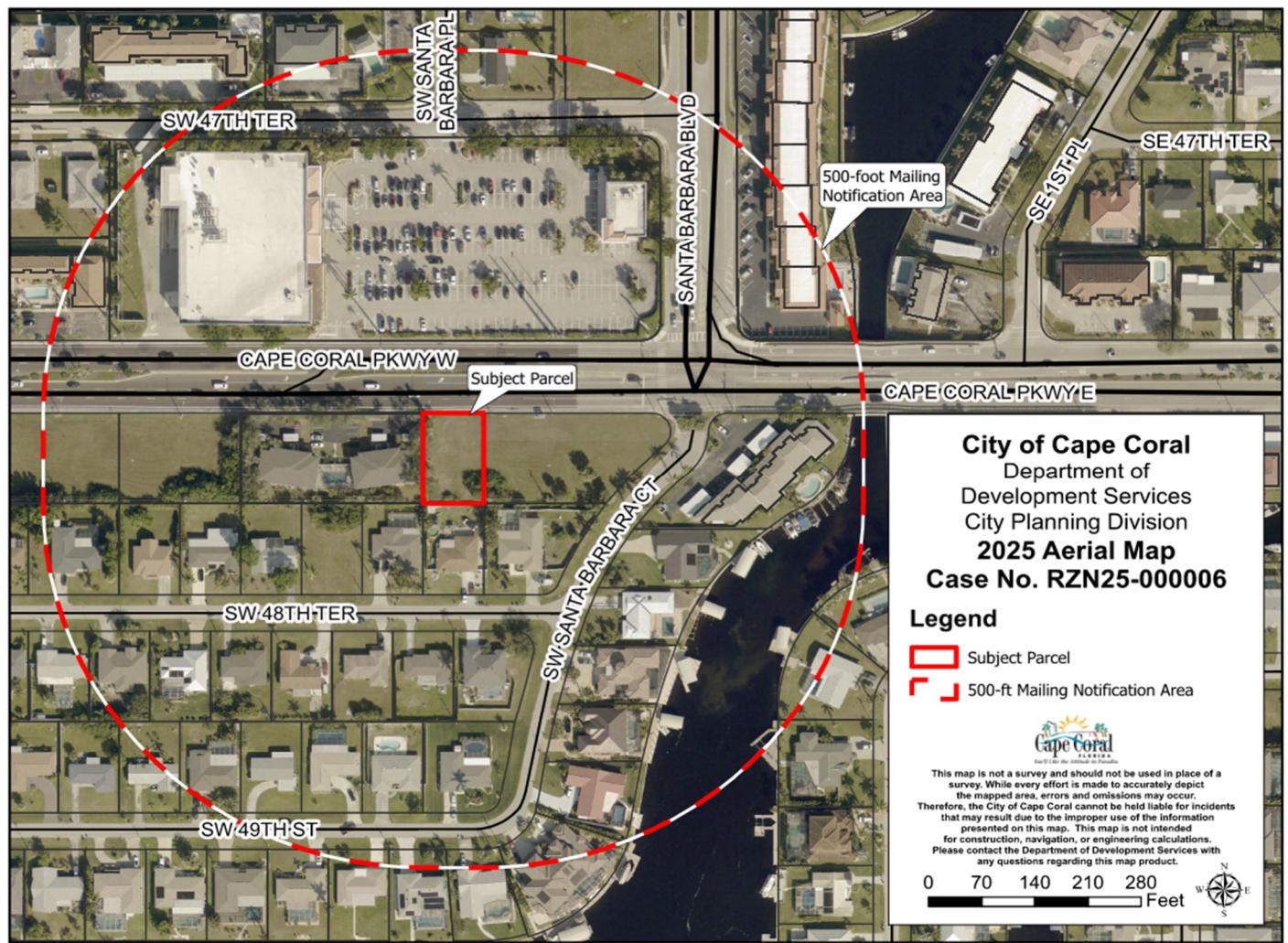
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BACKGROUND

This is a privately initiated request wherein the property owner is seeking a rezoning from RML to P. If approved, this rezoning will allow for this property to be combined with the site to the east that is under common ownership and also has P zoning.

The subject property has a Future Land Use Classification of CP, and its present zoning of RML is inconsistent per the City's Comprehensive Plan. Until this inconsistency is resolved, development permits cannot be issued for the site. Accordingly, no development has occurred on the subject property. Properties within the immediate area are largely improved – a Publix is located to the north, a multi-family building to the west, and a several single-family homes exist to the south. Development within the surrounding area can be describe as suburban with varying land uses.

Aerial Map

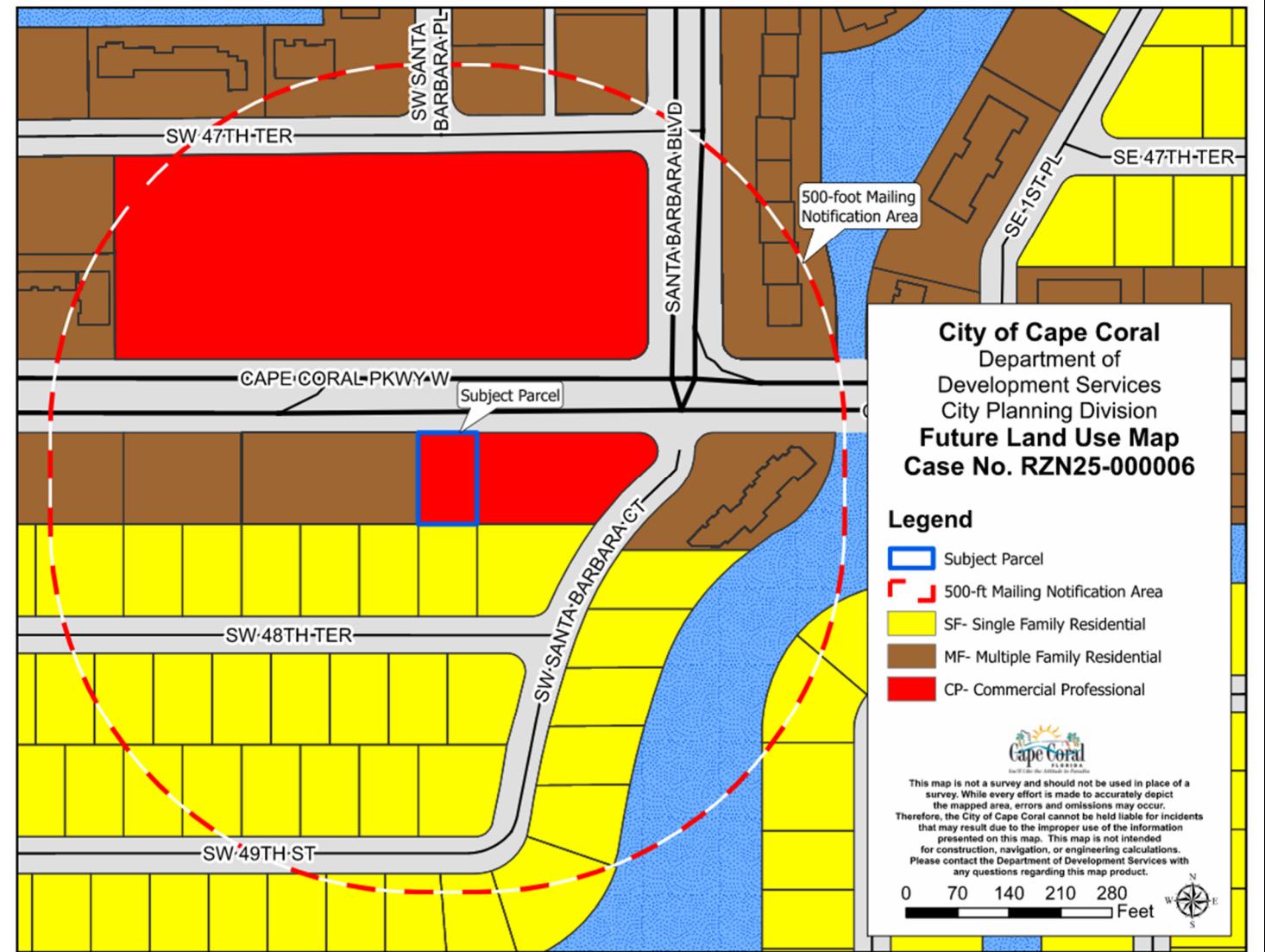




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Future Land Use Map



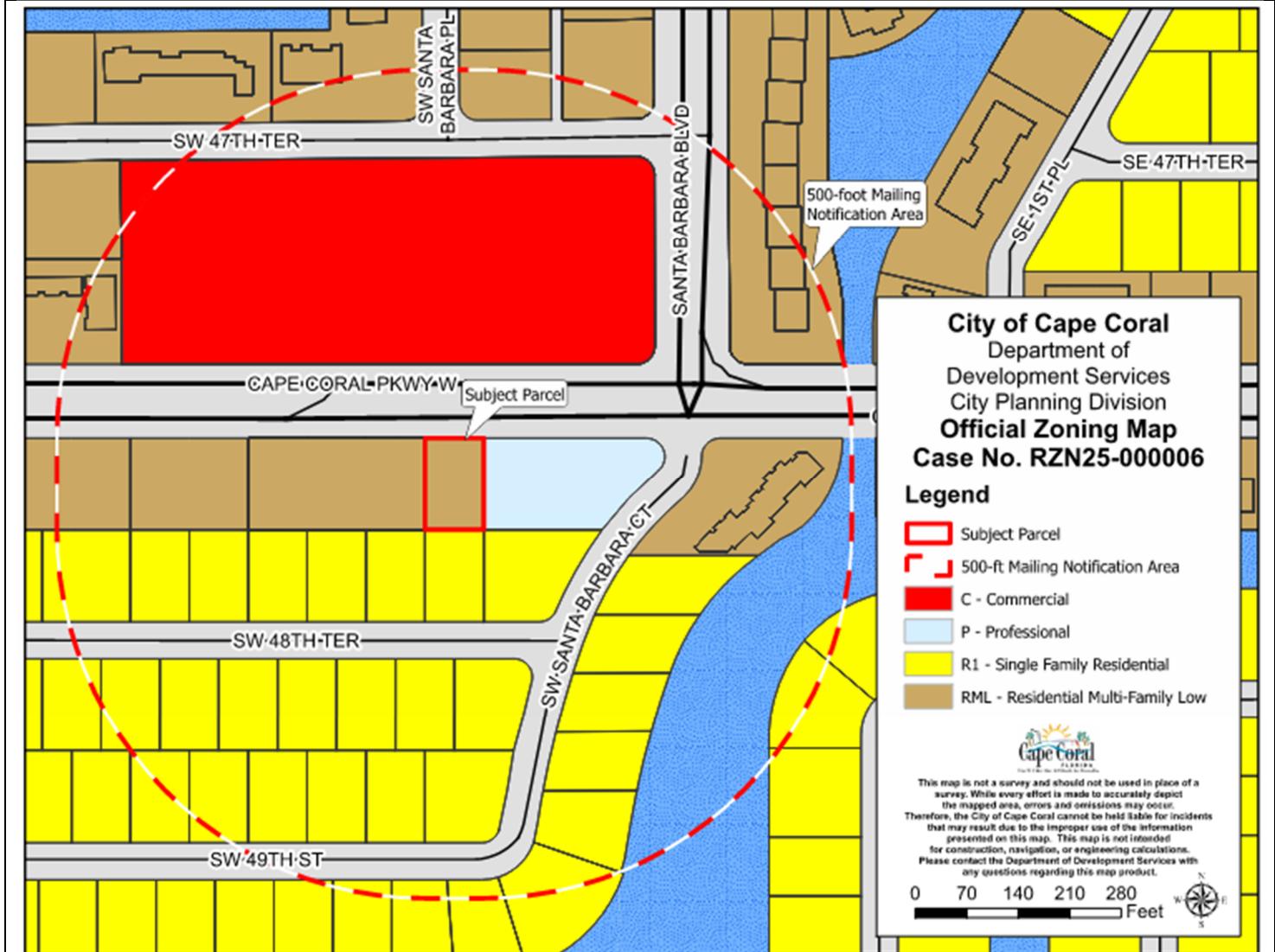
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Official Zoning Map



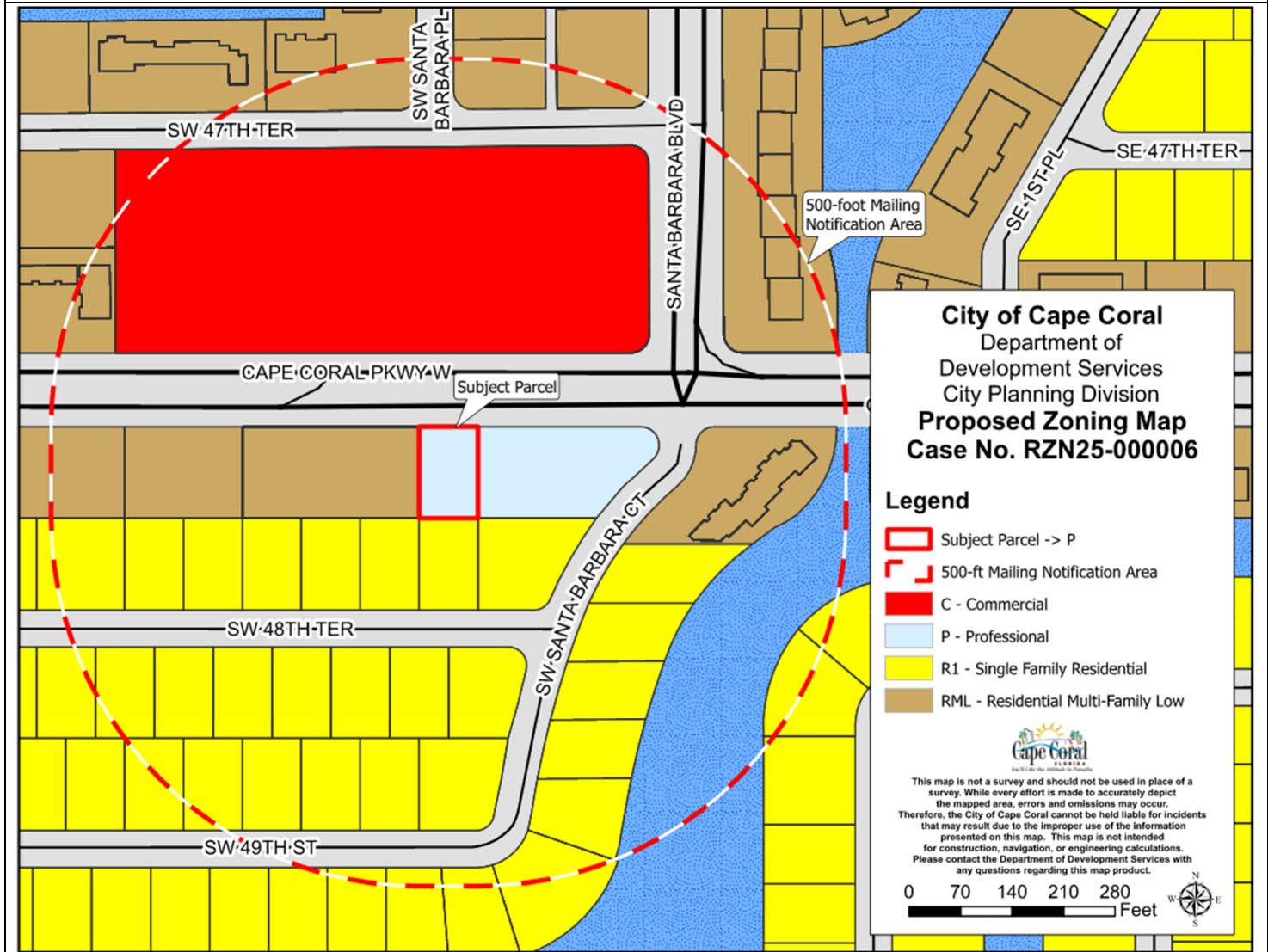
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Proposed Zoning Map



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APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.4.6 for evaluating rezoning applications. Below is a breakdown of review criteria as well as an in-depth analysis of the proposed rezoning based upon the criteria:

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

The proposed P Zoning is consistent with the Commercial/Professional FLUC; the C and NC zoning districts are also compatible with the CP FLUC. A rezone to P will allow this property to be developed in the future. Additional details on this applications consistency with the Comprehensive Plan appears later in this report.

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

The area around the subject site is currently zoned with a variety of zoning designations as depicted in the Current Zoning Map above. The surrounding area is developed with single-family dwellings to the south, with mainly multi-family and commercial uses along Cape Coral Parkway.

The Professional (P) zoning district has no minimum lot area requirement and has slightly greater setback standards than its more-intense alternative, the Commercial (C) zoning district, as specified in Table 4.1.3.B. The district permits a maximum intensity of 1.0 floor area ratio (FAR) and has no maximum height limits (LDC Table 4.1.3.B). Uses permitted in the zoning district align with the identification standard set in LDC, Section 4.1.2.B.2 which specifies:

Professional Office (P). This district is designed to encourage the compatible development of major professional and related office complexes in areas which are suitable for such activities. The P District may serve as a transition between commercial corridors and nearby residential uses.

A full list of permissible uses for the district may be found in LDC, Table 4.1.6, "Use Table." Most uses allowed in the P District, which include office and service-related uses are less intense than those uses allowed in most other nonresidential districts.

The full range of uses should allow for development which should be compatible with existing uses within the area.

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;*

The proposed zoning district allows uses including office and service-related uses as discussed above; a complete list is available within the LDC. The limited area and depth of the property (and assemblage, if joined with the property to the east) should result in the development of a lower intensity use. Properties to the west and east have established multi-family developments on RML-zoned sites and are unlikely to redevelop in the near future. Although some infill development may occur near the



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existing Publix to the north, it is unlikely that any future use to the north will conflict with any use constructed on the subject property. The P District's restricted uses along with an enhanced buffer requirement for developing P zoned sites when adjacent to an R1 zoned property should alleviate most incompatibility concerns with existing development to the south. Additionally, staff notes that roadway access to the subject parcel and abutting eastern parcel are limited to Cape Coral Parkway W., which will eliminate any potential road impacts on the local streets behind the subject property – note on the 2025 Aerial that SW Santa Barbara Court does not connect to Cape Coral Parkway.

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

The proposed P District will bring the property's zoning into consistency with the C/P FLUC and allow for additional non-residential development, along a major arterial roadway. The City has a documented shortage of non-residential lands. While the property does not represent a development opportunity compared to, as an example, a grocery-anchored center like that existing across Cape Coral Parkway – once joined with the abutting property to the east the two properties together constitute a viable development site.

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

The subject parcel has frontage on Cape Coral Parkway near its intersection with Santa Barbara Boulevard, a major intersection. The Parkway is already improved with curbing, gutters, and sidewalks. The property itself is generally flat w/ minimal slope. The general flatness, proportions, and layout of the parcel of land, coupled with the limited dimensions of site (with or without assemblage of the eastern property) is suitable for development within the P zoning district.

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

Per Table 1 of the Comprehensive Plan's Future Land Use Element Policy 1.15, the three zoning districts are consistent with the CP FLUC: Commercial (C) Professional (P), and Neighborhood Commercial (NC).¹ The P district has more limitations of permitted uses than the C district and is the less intense zoning district of the two. The NC district is a mixed-use district which allows a combination of residential and non-residential development provided the parcel exceeds one acre in size. The NC zoning district notably allows for restaurants, by-right. A restaurant within the P zoning district would require a Special Exception. The NC zoning district also has lower setback requirements than the P district. The P district should have the least potential adverse impacts of the alternatives compatible with the CP FLUC.

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 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 districts which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities

¹ A fourth zoning district, the Burnt Store Overlay District (BSOD), is also compatible with the CP FLUC, but is omitted from discussion in this report because the subject property is not within the geographic area intended for that district (along Burnt Store Road), and although referenced in the Comprehensive Plan, the district has not yet been codified within the LDC.



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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

*(E/O): Existing Only, no new rezones to zoning district permitted

c. 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.

The Professional (P) District is designed to provide professional office and other compatible development in areas that are suitable for such activities. The P District is appropriate for development of both small-scale and large- scale office or professional development projects, or projects containing uses compatible with such development. The intensity of development within this district is based upon the size (including width, depth, and compactness) and location of the property, as well as on compatibility with adjacent future land use classifications and zoning districts.

The proposed zoning request of Professional (P) aligns with the allowable zoning districts permitted in Table 1 for the CP FLUM. This zoning district would permit by right development which would have a



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maximum FAR of 1 and uses which are aligned with the intended district designations. The site may be developed as single property but may also be joined with the adjacent property to the east which is currently under common ownership

Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses;
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and
- c. Primary site access provided from arterials, collectors, or access streets in order to discourage traffic from directly entering residential areas.

The proposed rezoning to Professional is generally consistent with Policy 8.5. The Land Development Code is intended to address height and scale through its F.A.R. limit of 1 along with LDC requirements that include adherence to the non-residential design standards, landscape buffers, and lighting provisions.

Impact Analysis:

Police & Fire Impacts:

Fire: Property is currently served by Fire Station #9. 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.²

Police: Property is served by police patrol zone 1, Southwest District. Proposed development is expected to generate less than 1-2% increase to calls for service to the zone and 1% or less citywide. Future commercial development will impact estimations.³

Conclusion:

Given the analysis conducted in regard to the requested rezoning application, the proposed re-zoning application is consistent with the requirements for rezoning from the LDC as well as the guidelines and policies of the Comprehensive Plan. It is the recommendation of staff that the proposed rezoning application be approved.

² Fire Impact determined through the City of Cape Coral Fire Department.

³ Police Impact determined through the City of Cape Coral Police Department.



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PUBLIC NOTIFICATION

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

Publication: A legal ad will be prepared and sent to the News-Press announcing the intent of the petitioners to rezone 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 Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the News-Press. The ad will appear in the 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 rezone 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 Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing public notice of the rezoning request a minimum of 10 days prior to the public hearing date.

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 Ci8ty Planning Division staff recommends approval of the rezone request.

Staff Contact Information

Patrick Carlton White, AICP, Senior Planner
Department of Community Development
City Planning Division
Phone: (239) 574-0605
Email: pwhite@capecoral.gov



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

09/26/2021 10:21

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.



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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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 124 CAPE CORAL PKWY W

Strap Number 144523C2001630200 Unit 3 Block 163 Lot (s) 20+21

Plat Book 12 Page 71 Future Land Use CP

Current Zoning RML Proposed Zoning C

PROPERTY OWNER (S) INFORMATION

Owner 118 CAPE CORAL LLC Address 3440 NW 83RD CT

Phone 786-301-4373 City Doral

Email bayconstruction01@gmail.com State FL Zip 33122

Owner _____ Address _____

Phone _____ City _____

Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant Jose Breindembach Address 3440 NW 83RD CT

Phone 305-898-7882 City Doral

Email jbreindembach@hotmail.com State FL Zip 33122

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Carlos Lerena Address 3440 NW 83RD CT

Phone 786-301-4373 City Doral

Email calerena@gmail.com State FL Zip 33122



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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.

118 CAPE CORAL LLC

CORPORATION/COMPANY NAME (IF APPLICABLE)

Jose Breindembach

OWNER'S NAME (TYPE OR PRINT)

OWNER'S NAME (TYPE OR PRINT)

Jose Breindembach

APPLICANT NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S SIGNATURE

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 FLORIDA

COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 25 day of August, 2025 by Jose Breindembach who is personally known to me or produced B653427743480 as identification.



Exp Date: 11/08/28 Commission Number: HH 609811

Signature of notary Public:

Printed Name of Notary Public:

Carlos Figueira



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

Tel. (239) 574-0553
Fax (239) 574-0591
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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT CARLOS LERENA

(Name of person giving presentation)

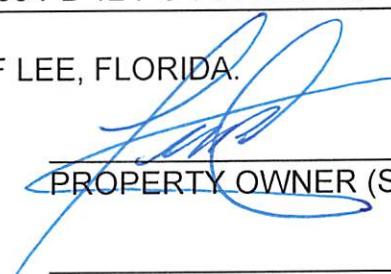
IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER
AND CITY COUNCIL.

UNIT 3 BLOCK 163 LOT(S) 10+21 SUBDIVISION _____

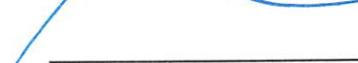
OR LEGAL DESCRIPTION CAPE CORAL UNIT 3 BLK 163 PB 12 PG 71 LOTS 20 + 21

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

118 CAPE CORAL LLC
PROPERTY OWNER (Please Print)

 Manager
PROPERTY OWNER (Signature & title)

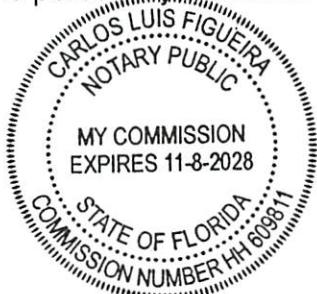
PROPERTY OWNER (Please Print)


PROPERTY OWNER (Signature & title)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 25 day of August, 2025 by Jose Breindembach who is personally known to me or produced B653427743480 as identification.



Exp Date: 11/08/28 Commission Number: HH 609 811

Signature of notary Public:



Printed Name of Notary Public:

Carlos Figueira

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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 28 Day of JULY, 2025.

118 CAPE CORAL LLC
CORPORATION/COMPANY NAME

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

JOSE BREINDEMBACH
OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 25 day of August, 2025 by Jose Breindembach who is personally known to me or produced 3 653 427 743480 as identification.



Exp Date: 11/08/28 Commission Number: HH 609 811

Signature of notary Public:

Printed Name of Notary Public:



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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.

JOSE BREINDEMBACH

OWNER/APPLICANT

(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 25 day of August, 2025 by Jose Breindembach who is personally known to me or produced B653427743480 as identification.



Exp Date: 11/08/28 Commission Number: HH 609811

Signature of Notary Public:


Carlos Figueira

Printed Name of Notary Public:



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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.

118 CAPE CORAL LLC
3440 NW 83RD CT
Doral, FL 33122
bayconstruction01@gmail.com

Date: July 28th, 2025

TO:

City of Cape Coral
Planning Division – Development Services Department
1015 Cultural Park Boulevard
Cape Coral, FL 33990

RE: Letter of Intent – Rezoning Application for 118 & 124 Cape Coral Pkwy W

Dear Planning Division,

I am submitting this letter in support of my application to rezone the properties located at **118 Cape Coral Parkway W (STRAP: 14-45-23-C2-00163.0220)** and **124 Cape Coral Parkway W (STRAP: 14-45-23-C2-00163.0200)** from their current zoning designations of **RML (Residential Multi-Family Low Density)** and **P (Professional)** to **C (Commercial)**.

These two contiguous parcels share a **Future Land Use (FLU) designation of Commercial/Professional (CP)** and are located along a principal commercial corridor of the City. The requested zoning change is intended to bring the zoning classifications into alignment with the existing FLU designation and to unify the zoning between both parcels, thereby allowing for their **future combination and cohesive commercial development**.

Although no specific end-user or final commercial site plan has been finalized at this time, the rezoning will enable the properties to be used for **office, retail, or other compatible commercial uses**, subject to compliance with the City's Land Development Code. The intent is to position the site for meaningful investment and development that complements existing commercial activity in the vicinity of Cape Coral Parkway West.

The rezoning will eliminate a non-conforming residential zoning on a parcel designated for commercial future land use, will **remove regulatory barriers to combining the parcels**, and will facilitate productive and code-compliant redevelopment consistent with the City's vision for this area. The change will also ensure greater flexibility for potential future tenants or buyers, improve property value, and enhance the commercial fabric of this key corridor.

I respectfully request the City's favorable consideration of this application. Should you require additional information, I am available to discuss further or provide supporting documentation as needed.

Sincerely,



Jose Breindembach
Owner/Applicant



SURVEY NUMBER
GG240246
DATE OF SURVEY
04 / 23 / 2024
DRAWN BY
A.V.
CHECKED BY
GG

REVISIONS

- UPDATE 08 / 05 / 2025

SKETCH OF BOUNDARY SURVEY

Legend

- A.E. ACCESS EASEMENT
- B.F.E. BASE FLOOD ELEVATION
- B.M. BENCHMARK
- C.A.T.V. CABLE TELEVISION
- C.B. CATCH BASIN
- C.V.G. CONG VALLEY GUTTER
- C.M. CONCRETE MONUMENT
- C.O. CROWN
- C.O. CLEAN OUT
- C.U. COUNTY UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- D.H. DRAIN HOLE
- E.E.C. ELECTRIC BOX
- E.R.C.P. ELLIPTICAL REINFORCED CONCRETE PIPE
- E.O.W. EDGE OF WATER
- E.P. EDGE OF PAVEMENT
- F.P. FENCE
- F.F.E. FINISHED FLOOR ELEVATION
- F.N.O. FOUND
- F.P.L. FLORIDA POWER AND LIGHT
- G.C.E. GATED COMMUNITY ESTATES
- I.E. IRRIGATION EASEMENT
- I.D. IDENTIFICATION
- I.R. IRON ROD
- I.W. IRON WIRE
- L.B. LAND SURVEYING BUSINESS
- L.B.E. LANDSCAPE BUFFER BMT
- M.F. FIELD MEASURED
- M.F.L. MAXIMUM FLOOD LINE
- M.A.F.L. MAXIMUM FLOOD LINE
- M.A.D. MAIL A DSK
- M.A. NOT APPLICABLE
- M.R. NON RADIAL
- M.T.S. NOT TO SCALE
- O.H.L. OVERHEAD LINE
- O.P.L. OVERHEAD POWER LINE
- P. PLAT
- P.I. POINT OF INTERSECTION
- P.L. POINT OF LINE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.C.P. PERMAMENT CONTROL POINT
- P.L.S. PROFESSIONAL LAND SURVEYOR
- P.O.B. POINT OF OBSTRUCTION
- P.O.M. POINT OF MEASURED
- P.O.C. POINT OF COMPARATIVE
- P.R.C. POINT OF REVERSE CURVATURE
- P.U.M. PUBLIC UTILITY METER
- P.W.N. PARKER KALON NAI
- P.W.N.D. PARKER KALON NAI AND DSC
- P.W. PLATE
- R.W. RIGHT OF WAY
- T.B.M. TEMPORARY BENCH MARK
- T.E.L. TELEPHONE FACILITIES
- T.O.B. TOP OF BENCH MARK
- U.L. UNDERGROUND
- U.G. UNDERGROUND
- W.M. WATER METER
- W.V. WATER VALVE
- IR. IRON
- CM. CONCRETE MONUMENT
- NAL. NAIL
- E.F.H. EXISTING FIRE HYDRANT
- W.V. WATER VALVE
- CONC. POWER POLE
- POWER POLE
- WELL
- CATCH BASIN
- BOLLARD
- BENCH MARK
- LAMP POST
- DRUM MANHOLE
- SANITARY MANHOLE
- CENTER LINE
- 0.00' EXISTING ELEVATION
- 0.00' PROPOSED ELEVATION
- 0.00' PROPOSED & EXISTING ELEVATION
- WATERFLOW ARROW
- DISTANCE LIMIT ARROW
- ANCHOR
- BREAK LINE (T.T.S.)
- CENTERLINE
- FENCE LINE
- OVERHEAD LINE
- EASEMENT LINE
- EDGE OF THE WATER LINE
- PRIMARY STRUCTURE
- SECONDARY STRUCTURE
- PRIMARY PROPERTY LINE
- SECONDARY PROPERTY LINE
- CONTOUR LINE

PROPERTY AND OWNER INFORMATION

Property Address: 124 CAPE CORAL PKWY W,
CAPE CORAL, FL 33914
Parcel ID: 14-45-23-C2-00163-0200
County/State: Lee/Florida

Certified to

118 CAPE CORAL LLC, it's successor's and/or assigns and the Department of Housing and Urban Development as their interests may appear

Legal Description As Furnished

LOT 20 AND 21, IN BLOCK 163, CAPE CORAL UNIT 3, according to the Plat thereof, recorded in Plat Book 12, Page(s) 70 thru 80, of the Public Records of LEE COUNTY, Florida

Flood Zone Information

Community Name: City Of Cape Coral
Community ID: 125095
Panel: 0411 / 0403 Suffix: G Effective Date: 11/17/2022
Flood Zone: A1. B.F.E. = 8.0' - NAVFLOOD

Surveyor's Notes

1. LEGAL DESCRIPTION PROVIDED BY OTHERS OR EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HERON WERE NOT ASSESSED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT. 2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF THE EXISTENCE OF LANDS, EASEMENTS, OR OTHER ENCUMBRANCES OWNERSHIP, OR RIGHTS OF WAY.

3. UNDETERMINED PORTIONS OF FOOTINGS, FOUNDATIONS, OR OTHER IMPROVEMENTS ARE NOT SHOWN AS THE PLATE OF THE WAY AND ARE NOT TO BE USED TO RE-CONSTRUCT EASEMENTS.

4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER II ONLY VISIBLE LEAD SURVEYOR.

5. THIS SURVEY IS INTENDED FOR PERMITTING PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED THIS SURVEY IS NOT TO BE USED FOR PERMITTING, DESIGN OR ANY OTHER USE WITHOUT WRITTEN CONSENT OF THE SURVEYOR.

6. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.

7. ONLY IMPROVEMENTS SHOWN WHERE LOCATED. WE DO NOT DETERMINE WHAT THE IMPROVEMENTS ARE OR WHETHER THEY ARE IMPROVEMENTS.

8. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

9. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.

10. THE COORDINATES FOR THIS DRAWING ARE FROM THE RECORDED PLAT. ANY OTHER EASEMENT(S) PERTAINING TO THE HERON DEBOSSED LAND (S) MUST BE FURNISHED BY THE CLIENT OR THE CLIENT'S AGENT PER FLORIDA STATUTE "CHAPTER 5J-17" OF THE FLORIDA ADMINISTRATIVE CODE.

11. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTIES OF THE SURVEY.

12. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.

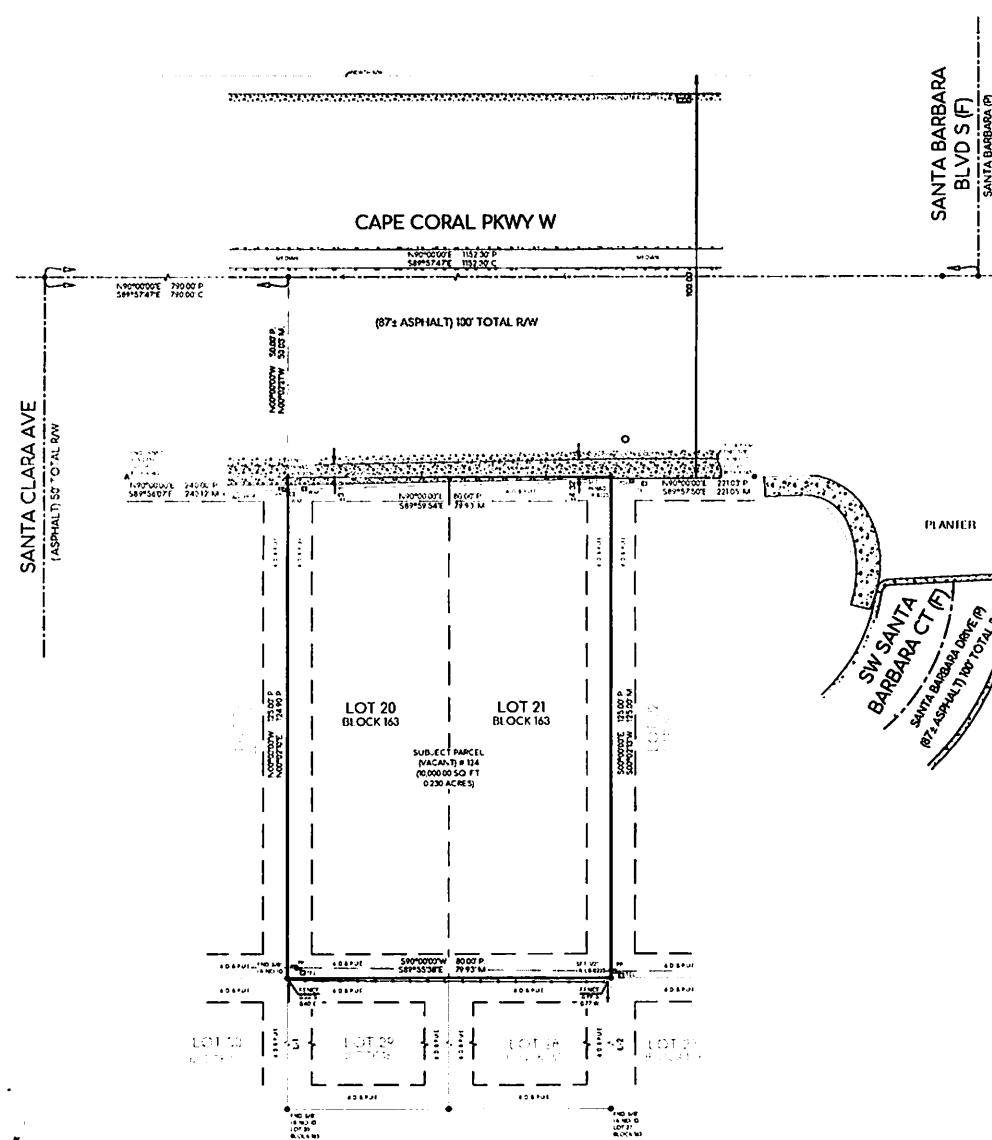
13. THE ACCURACY OF CONTROL SURVEY DATA SHALL BE VERIFIED BY THE SURVEYOR. THE SURVEYOR SHALL NOT BE HELD LIABLE FOR ANY MEASUREMENTS SHALL ACHIEVE THE FOLLOWING CLOSURES: COMMERCIAL/ROAD RISK LINEAR 1' FOOT IN 10,000 FEET.

14. THE SURVEYOR'S BASIS OF BEARING IS BASED UPON NAD83(2007) ALONG OF SOUTH ROW OF CAPE CORAL PARKWAY WEST AS PLATTED.

I hereby certify that a Survey of the herein described property was made under my direction and in accordance with the Standards of Practice as per Circular 5J-17-027 F.A.C. pursuant to section 472.027, Florida Statute.

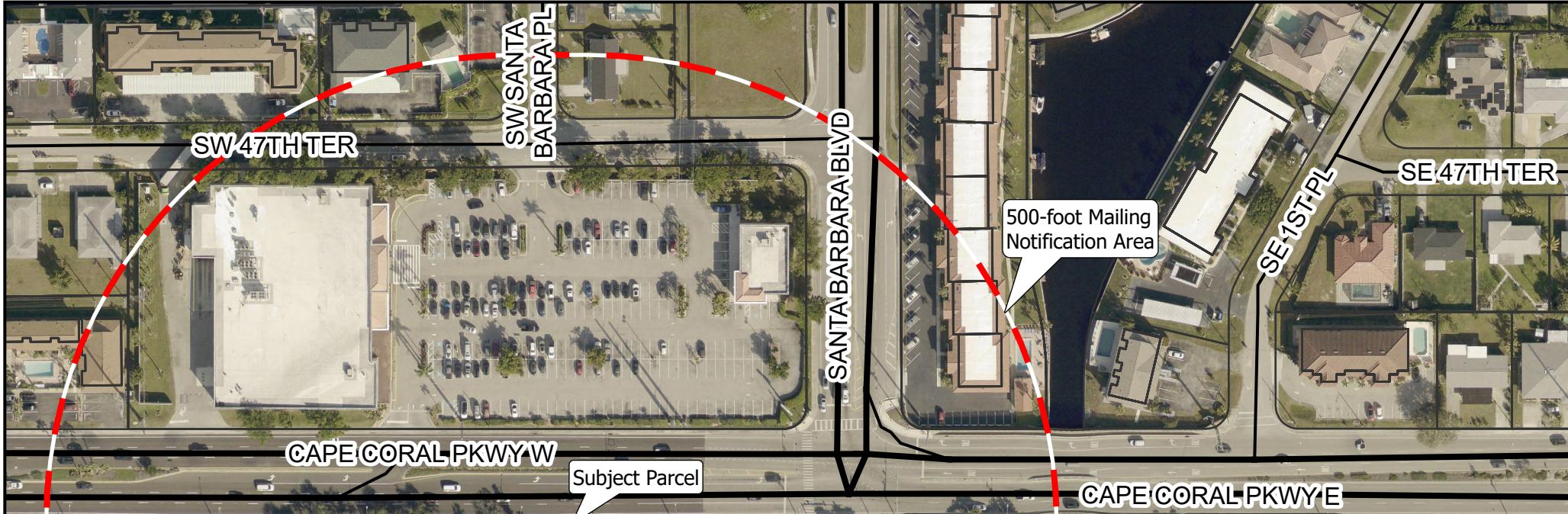
Guillermo A. Guerrero
Digitally signed by
Guillermo A. Guerrero
Date: 2025.08.05
17:25:01 -04'00'

GUILLERMO A. GUERRERO
Professional Surveyor and Mapper
PSM No. 6453 State of Florida

SKETCH OF BOUNDARY SURVEYASSUMED NORTH
BY GPS READING

0 15' 30'
1" inch = 30' ft.
Graphic Scale
11" x 17" PDF FORMAT





City of Cape Coral
Department of
Development Services
City Planning Division
2025 Aerial Map
Case No. RZN25-000006

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.

0 70 140 210 280
Feet



