



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

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

REZONING APPLICATION

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

REZONING REQUIREMENTS

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

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

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

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



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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	
Project Name:	_____
Location/Address	<u>Access Undetermined</u>
Strap Number	<u>36-43-23-C1-02297.B00B</u> Unit _____ Block <u>2297</u> Lot (s) <u>All of block</u>
Plat Book	_____ Page _____ Future Land Use <u>CP</u> Current Zoning <u>R1</u>
PROPERTY OWNER (S) INFORMATION	
Owner	<u>Anders Mansson</u> Address <u>3613 DEL PRADO BLVD SOUTH</u>
Phone	_____ City <u>Cape Coral</u>
Email	_____ State <u>FL</u> Zip <u>33904</u>
Owner	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
APPLICANT INFORMATION (If different from owner)	
Applicant	<u>City of Cape Coral</u> Address <u>1408 Cultural Park Blvd</u>
Phone	_____ City <u>Cape Coral</u>
Email	_____ State <u>FL</u> Zip <u>33904</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	<u>Chad Boyko</u> Address <u>1408 Cultural Park Blvd</u>
Phone	<u>239-573-3162</u> City <u>Cape Coral</u>
Email	_____ State <u>FL</u> Zip <u>33904</u>



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

(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.

City of Cape Coral
CORPORATION/COMPANY NAME (IF APPLICABLE)

Connie Barron
OWNER'S NAME (TYPE OR PRINT)

Connie Barron
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

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

PLANNING DIVISION STAFF REPORT

RZN25-000008

Staff Report prepared by Chad Boyko, AICP, Principal Planner

SITE ADDRESSES No address Northeast corner of Santa Barbara Boulevard and Kismet Parkway	APPLICANT City of Cape Coral PROPERTY OWNER Anders Mansson
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SUMMARY OF REQUEST The applicant requests a rezone from Single-Family Residential (SF) to Commercial (C) for one parcel totaling 69,944.56 sq. ft. The parcel is undeveloped. The site is at the intersection of Santa Barbara Boulevard and Kismet Parkway. The site’s future land use designation was amended to Commercial/Professional (CP) in 2024.	
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MAP SOURCE

STAFF RECOMMENDATION: Approval

Positive Aspects of Application:	
Negative Aspects of Application:	
Mitigating Factors:	

SITE INFORMATION

Urban Service Area: The site is within the Urban Services Reserve area.

City Water and Sewer: Municipal water, sewer, and irrigation are not available to the site. Anticipated delivery of municipal services is within 5-10 years.

Street Access: The site is at the intersection of Kismet Parkway and Santa Barbara Boulevard.

STRAP Numbers: 36-43-23-C1-02297.B00B

Block/Lot(s): All of Block 2297B

Site Area: 69,947 sq. ft. / 1.6 acres

Site:	Future Land Use	Zoning
Current:	Commercial/Professional (CP)	Single-Family Residential (R1)
Proposed:	N/A	Commercial (C)
North:	Surrounding Future Land Use	Surrounding Zoning
South:	SM	R1
East:	SM	R1
West:	SM	R1

FINDINGS OF FACT

The 1.6 acre site consists of one parcel at the northeast intersection of Santa Barbara Boulevard North and Kismet Parkway West. The site also has frontage along Northeast Juanita Place. Santa Barbara Boulevard North and Kismet Parkway are classified as arterial roadways while NE Juanita Place is a local road. The site is undeveloped and has retained the SM future land use and the R1 zoning designations since 1989. The surrounding area is a mixture of single-family homes and undeveloped parcels. The site is surrounded by SM future land use and R1 zoning in all four directions.

The site had retained the Single-Family Residential (SF) future land use designation and the Single-Family Residential (R1) zoning designation since the adoption of the Comprehensive Plan in 1989. The future land use of the site was amended in 2025 from SF to the Commercial/Professional (CP) designation. This amendment was initiated by the City of Cape Coral as part of an ongoing process to designate appropriate sites as future commercial developments. The proposed zoning of C will allow full commercial entitlements on the site. The site does not have water, sewer, or irrigation. The site will likely receive municipal utilities within 10 years.

EXISTING ZONING MAP

PROPOSED ZONING MAP

ANALYSIS

Land Development Code:

Staff reviewed this application based on the review criteria found in LDC, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Commercial Corridor (CC) district.

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

The proposed Commercial (C) district is compatible with the existing future land use designation of Commercial/Professional (CP).

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 Commercial (C) district allows a wide range of commercial and professional uses such as retail, restaurants, offices, personal services along with service based uses such as auto repair shops, vehicle rental, and contractor uses. The existing uses in the surrounding area consist of single-family homes, although there are no homes abutting the site. The majority of the uses in the C district would be compatible with these uses based on factors such as noise, traffic, and hours of operation. A few of the potential uses such as auto repair could have daytime hours and noise concerns due to the activity conducted at the business.

Several factors associated with the increase compatibility with the existing uses. The site is around 1.5 acres which limits the scale of development that can occur on the site. Additionally, the site is bounded on three sides by roadways and by a 20-foot wide alley on the other side. Access to the site should be limited to Kismet Parkway or Santa Barbara Boulevard. The roadways should act as buffers to many of the surrounding homes. The C district also has landscape buffer requirements that will add some additional screening to the surrounding homes.

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;*

All of the undeveloped parcels in the nearby vicinity are zoned Single-Family Residential (R1). The vast majority of these parcels will likely develop with single-family homes. As discussed previously, there are several mitigating factors that should help with the compatibility of any new development such as buffer requirements, the size of the site and the lack of abutting residential homes. Additionally, the development should be focused towards the intersection of Kismet Parkway and Santa Barbara Boulevard which should limit trips, noise, and light from impacting the homes behind any future development.

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

The City of Cape Coral has a well-documented need for non-residential development. The site is well suited for commercial development given the sites location at a commercial node per the Comprehensive Plan. The rezone would expand the number of non-residential uses on the site and could potentially provide a greater range of services and employment opportunities within the City.

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

The site has ideal size and depth for a commercial development, and the site is located at the intersection of two major arterials. The proposed rezone will allow for commercial development at a site meets many of the commercial siting guidelines per the Comprehensive Plan.

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

According to Policy 1.15 of the Comprehensive Plan, the P and C zoning districts are the only districts compatible with the CP future land use designation. The existing R1 is not compatible with the CP future land use and the proposed zoning will bring the future land use and the zoning into consistency.

Comprehensive Plan:

The following Comprehensive Plan policy is applicable to RZN23-000014:

Chapter 4 Future Land Use Element, Policy 1.15.L, Commercial/Professional (CP):

The proposed rezone is compatible with the CP future land use per Chapter 4 of the Comprehensive Plan.

PUBLIC NOTIFICATION

This case will be publicly noticed as required by the LDC.

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

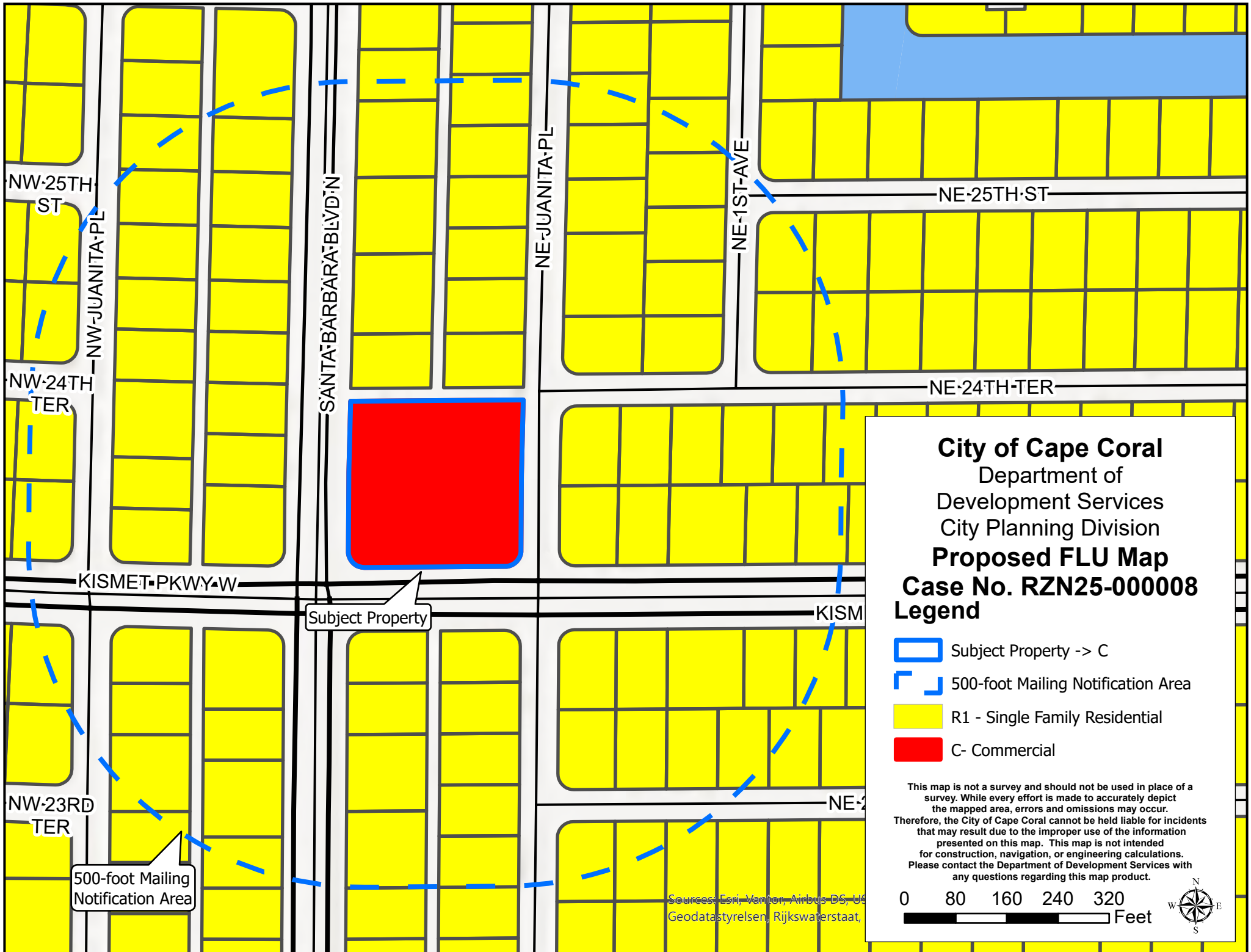
Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing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

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





RECOMMENDATION

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed rezone to Commercial (C) zoning is consistent with the Comprehensive Plan, the Land Use and Development Regulations, and is compatible with the surrounding area, therefore, Planning Division staff recommends **approval** of the rezone request.

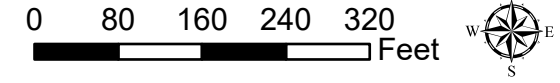
Chad Boyko, AICP, Principal Planner
239-573-3162 / cboyko@capecoral.net



City of Cape Coral
 Department of
 Development Services
 City Planning Division
Proposed FLU Map
Case No. RZN25-000008
Legend

-  Subject Property -> C
-  500-foot Mailing Notification Area
-  R1 - Single Family Residential
-  C- Commercial

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation, or engineering calculations. Please contact the Department of Development Services with any questions regarding this map product.



Sources: Esri, Vantor, Airbus-DS, US
 Geodatastyrelsen, Rijkswaterstaat,

Subject Property

500-foot Mailing Notification Area

NW-25TH ST

NW-24TH TER

NW-23RD TER

KISMET PKWY W

SANTA BARBARA BLVD N

NE-JUANITA PL

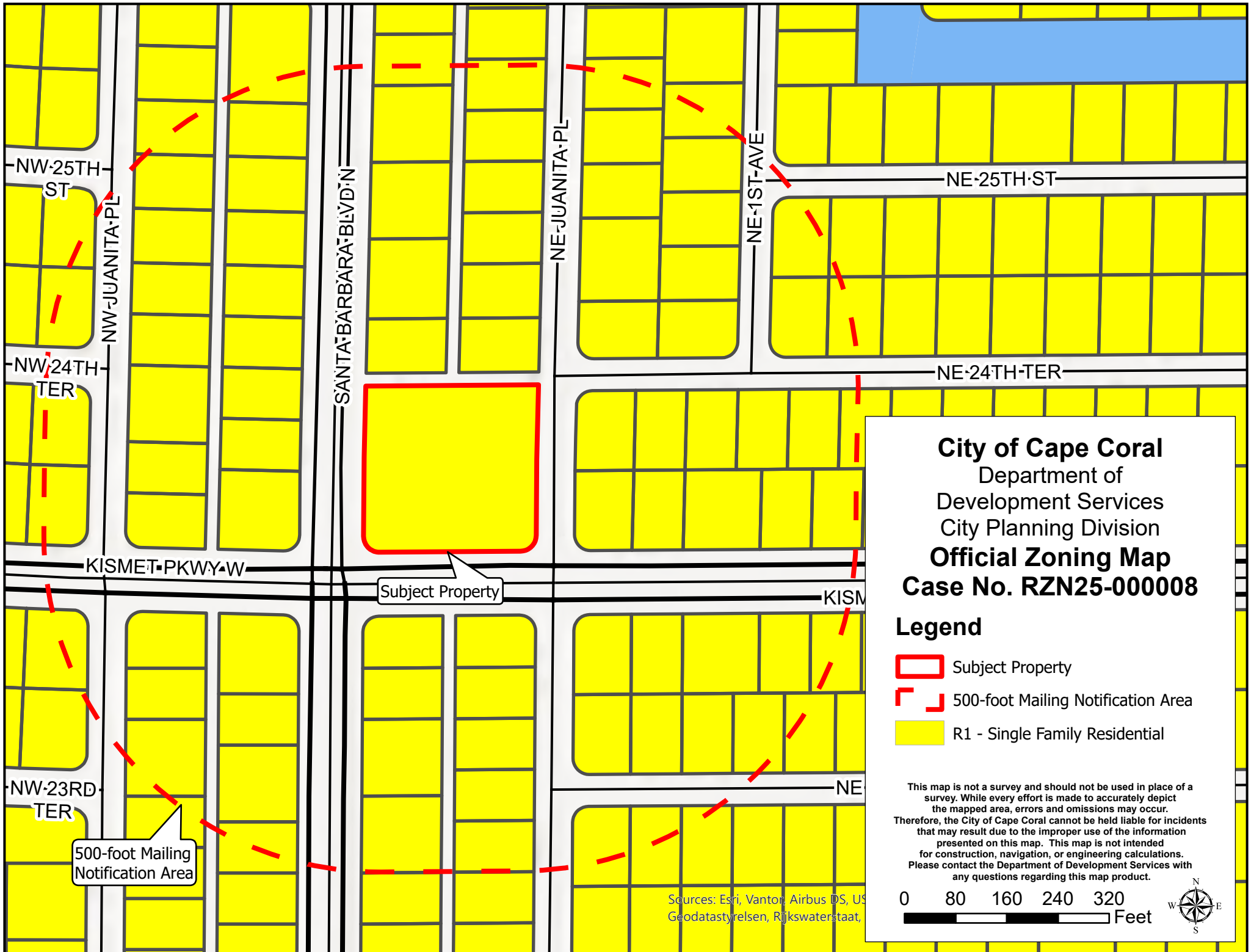
NE-1ST AVE

NE-25TH ST

NE-24TH TER




KISM

NE-2

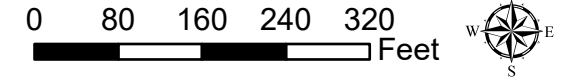


City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
Case No. RZN25-000008

Legend

-  Subject Property
-  500-foot Mailing Notification Area
-  R1 - Single Family Residential

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Sources: Esri, Vantor, Airbus DS, US Geodastystrelsen, Rijkswaterstaat,

Subject Property

500-foot Mailing Notification Area

NW-25TH ST

NW-24TH TER

NW-23RD TER

NE-25TH ST

NE-24TH TER

KISM

NE

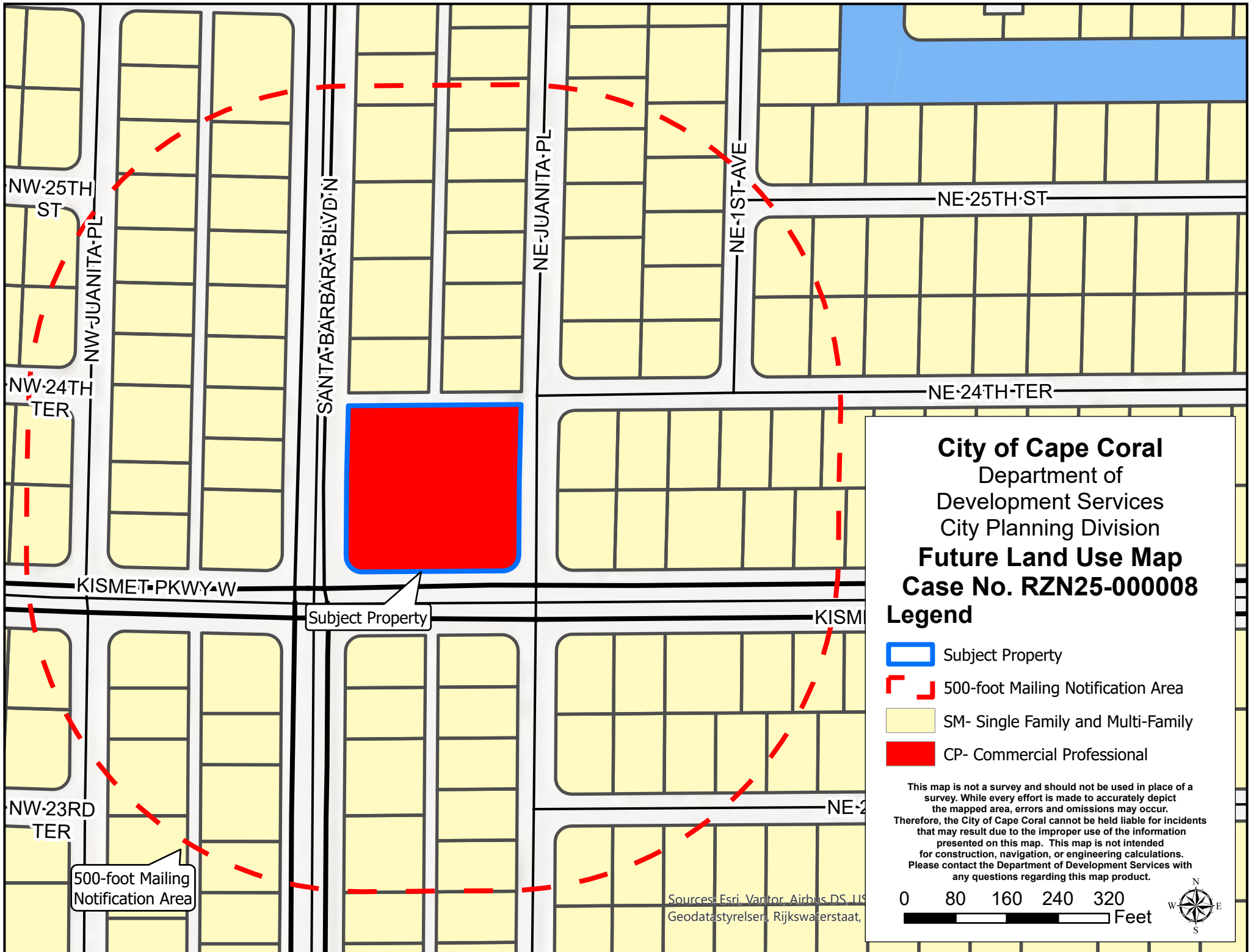
KISMET PKWY W

NW-JUANITA PL

SANTA BARBARA BLVD N





NE-JUANITA PL

NE-1ST AVE

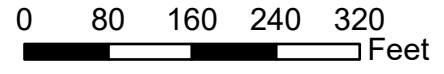


City of Cape Coral
 Department of
 Development Services
 City Planning Division
Future Land Use Map
Case No. RZN25-000008

Legend

-  Subject Property
-  500-foot Mailing Notification Area
-  SM- Single Family and Multi-Family
-  CP- Commercial Professional

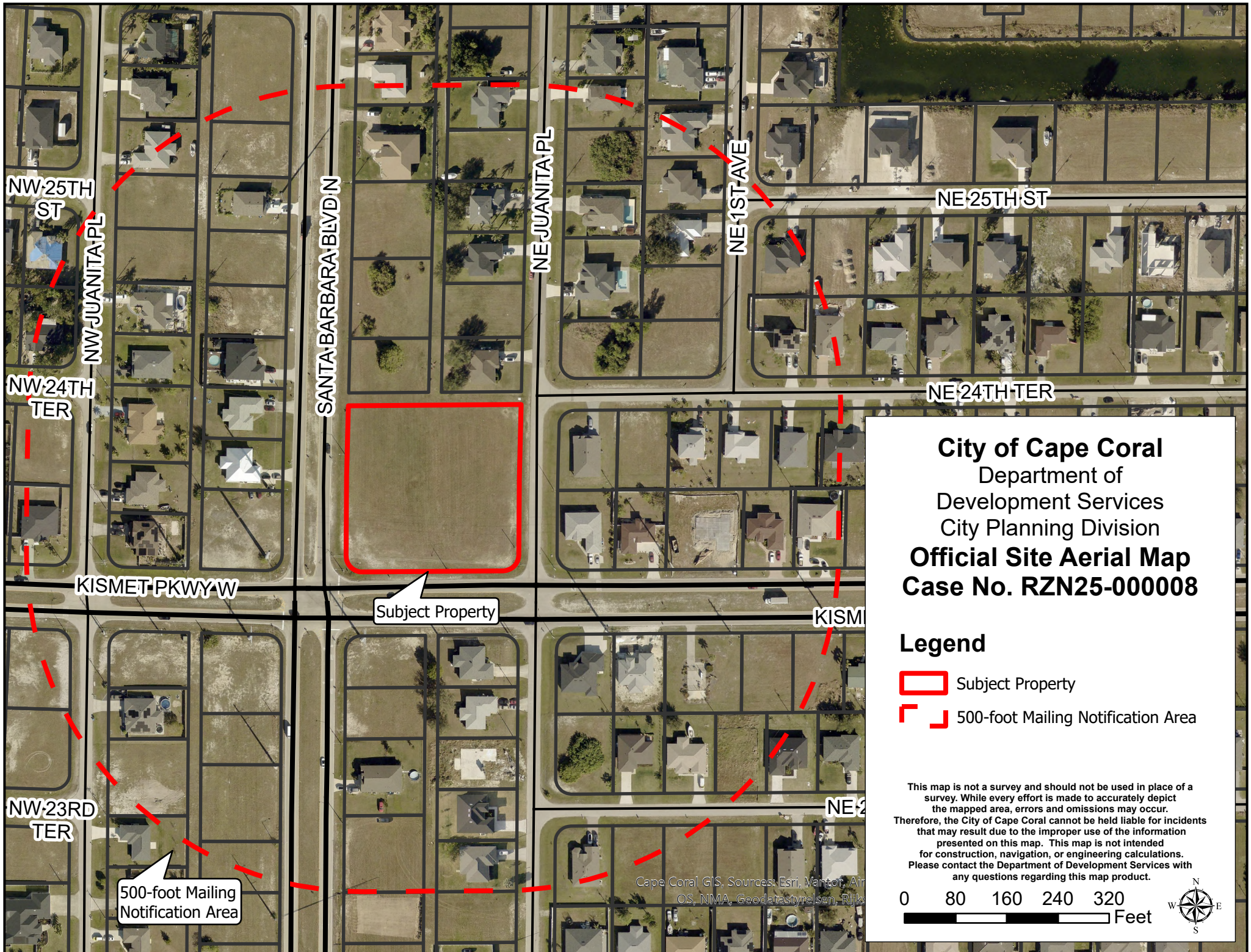
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Subject Property



500-foot Mailing Notification Area

Sources: Esri, Vanior, Airbus DS, US Geodatastyrelsen, Rijkswaterstaat,

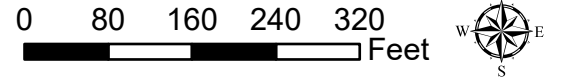


City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN25-000008

Legend

-  Subject Property
-  500-foot Mailing Notification Area

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Cape Coral GIS, Sources: Esri, Mantor, Air OS, NMA, Geodataspyrlsen, Rijk