



TO: Michael Ilczyszyn, City Manager

FROM: Amy Yearsley, Planning Manager 

DATE: April 9, 2026

SUBJECT: City-Initiated Future Land Use and Zoning Amendment Applications for
2501 SE 17th Place

The City requests amending the future land use and zoning of the western portion of the Everest facility at 2501 SE 17th Place as follows:

- Amending the future land use from Commercial/Professional to Public Facilities.
- Amending the zoning from the Commercial to the Institutional District.

These two amendments will result in the Everest facility having a single future land use and zoning classification and allow the two existing sites to be combined into one parcel, thereby preparing this site for future development activities.

Attached to this memo is a future land use and rezoning application. Your signature is required on each application where indicated. Please contact Mike Struve, Planning Team Coordinator (x3255), should you have any questions.

AY/ms (DCD/Planning_Division_2009/MEMOS/Everest FLUMA_and Rezone 04092026.docx)

Enclosures (future land use and rezoning applications)

C: Jeff Pearson, Utilities Director
Byron Taylor, Principal Engineer, Utilities
Matt Williams, Public Works Director



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 Rezoning 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 COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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: Everest Rezone
Location/Address 2501 SE 17th Avenue
Strap Number 32-44-24-C1-01196.0030 Unit 19 Block 1196 Lot (s) See legal description
Plat Book 13 Page 131 Future Land Use C/P Current Zoning Commercial (C)

PROPERTY OWNER (S) INFORMATION

Owner City of Cape Coral Address 1015 Cultural Park Boulevard/PO Box 150027
Phone _____ City Cape Coral
Email _____ State FL Zip 33915

Owner _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

APPLICANT INFORMATION (If different from owner)

Applicant Same as above Address _____
Phone _____ City _____
Email _____ State _____ Zip _____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative City Planning Division Address 1015 Cultural Park Boulevard/PO Box 150027
Phone 239-242-3255 City Cape Coral
Email _____ State FL Zip 33915



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
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.

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.



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT City Planning Division
(Name of person giving presentation)

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

Rezoning request

(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)

UNIT 19 BLOCK 1196 LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION See legal description

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

Connie Barron
PROPERTY OWNER (Please Print)

Connie Barron Asst. City Manager
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
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 _____ Day
of _____, 20_____.

City of Cape Coral

CORPORATION/COMPANY NAME

Connie Barron

OWNER'S NAME (TYPE or PRINT)

Connie Barron

OWNER'S SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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.

Connie Barron

OWNER/APPLICANT

(PLEASE TYPE OR PRINT)

Connie Barron

OWNER/APPLICANT SIGNATURE



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

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

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.



PLANNING DIVISION STAFF REPORT

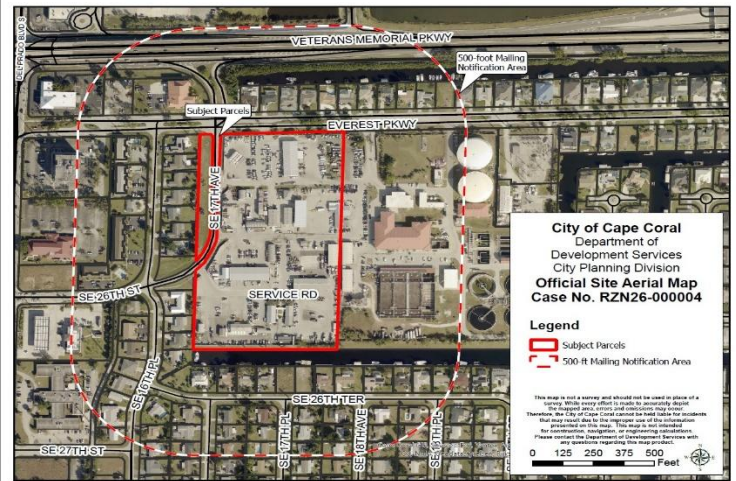
Case No.:	RZN26-000004	Prepared By:	Anthony Santora, Senior Planner
-----------	--------------	--------------	---------------------------------

Property Location:	2501 SE 17 th AVE	<u>Applicant / Property Owner</u>	
Authorized Representative		Name:	City of Cape Coral
Name:	Anthony Santora	Address:	1015 Cultural Park BLVD. Cape Coral, FL. 33990
Address:	1015 Cultural Park BLVD, Cape Coral, FL	Phone No.:	239-573-3125
Phone No.:	239-573-3125	Email:	asantora@capecoral.gov

SUMMARY OF REQUEST:

This is a city initiated small scale request for re-zoning of city owned property.

The applicant has requested re-zoning from the current Commercial (C) zoning to a proposed Institutional (INST) zoning for one parcels totaling +/- 582,988 SF or 13.38 Acres.



MAP SOURCE: City of Cape Coral

Existing Land Use	Existing Zoning	Proposed Zoning	Site Improvements	Size of Property (+/-)
Commercial/Professional (CP) (Public Facility PF, FLUM26-0004)	Commercial (C)	Institutional (INST)	Developed	582,988 SF 13.38 Acres

STAFF RECOMMENDATION: | **Approval**

Conditions: | **None**

CASE OVERVIEW

Background:	- The parcel is part of the Everest facility, containing active City services. - Subject area has primary frontage on SE 17th ST, with secondary on Everest PKWY.
Positive Aspects of Application:	- The proposed rezone will align existing uses with zoning classification. - The proposed rezone will alleviate existing non-conformities.
Negative Aspects of Application:	The new classification reduces the overall amount of Commercial zoning in the City.
Mitigating Factors:	- The parcel is adjacent to another City owned and operated parcel to the east. - A concurrent future land use amendment (CP -> PF) is running concurrent with rezone.



PLANNING DIVISION STAFF REPORT

SITE INFORMATION

Street Addresses: 2501 SE 17th AVE

Urban Service Area: Infill

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

Right-of-Way Access: The site(s) are accessible from SE 17th ST, a local 2-lane roadway

STRAP Number(s): 32-44-24-C1-01196.0030

Block / Lot(s): Block: 1196 Lot(s): N/A

Subdivision: N/A

Site Area: SQ. FT. (+/-): 582,988 Acres (+/-): 13.38

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
Current:	Commercial/Professional (CP)	Commercial (C)
Proposed:	Public Facility (PF) (ORD33-26)(Concurrent)	Institutional (INST)
	Surrounding Future Land Use	Surrounding Zoning
North:	Single Family Residential (SF) Public Facility (PF)	Single-Family Residential (R-1) Commercial (C)
South:	Single Family Residential (SF)	Residential Single Family (R-1)
East:	Public Facility (PF) Commercial/Professional (CP)	Institutional (INST) Commercial (C)
West:	Multiple Family Residential (MF) Public Facility (PF) Commercial/Professional (CP)	Residential Multi-Family Low (RML) Commercial (C)

PURPOSE OF REQUEST

The applicant has requested this rezoning to align the existing uses of the site with the zoning district, eliminate non-conformities, and allow full utilization of the site. If approved, the applicant will combine the parcel with adjacent City owned land to the east and prepare for future city service expansion.

FUTURE LAND USE AND ZONING HISTORY

32-44-24-C1-01196.0030	F: CP (1989, Original) Z: R3 -> C1 (Est. 1990); C1 -> C (ORD4-19)
------------------------	--



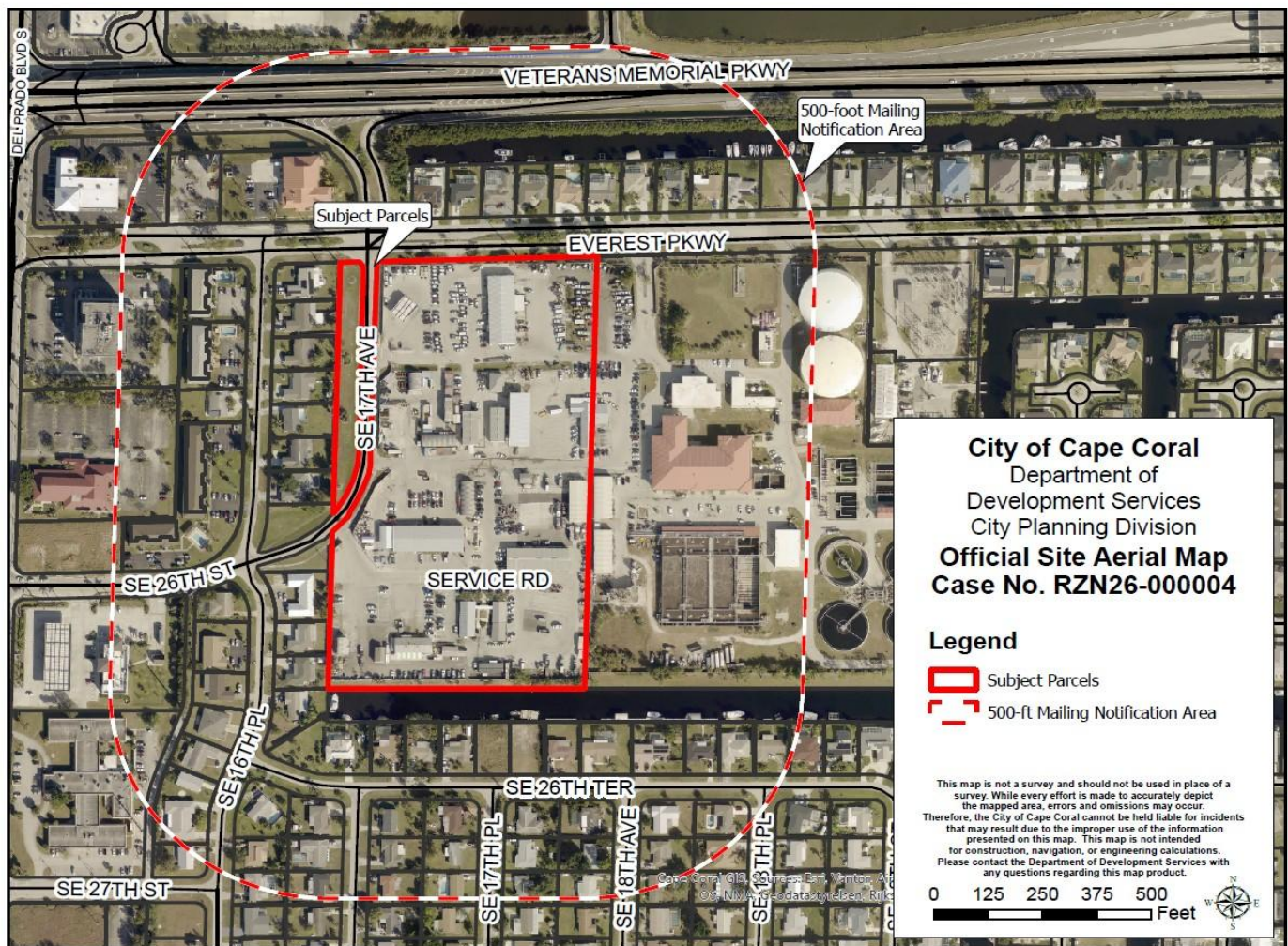
PLANNING DIVISION STAFF REPORT

BACKGROUND

This is a City-initiated request for rezoning where the City of Cape Coral is the property owner. The request is to rezone the property from Commercial (C) to Institutional (INST) for a single parcel totaling approximately 582,988 SF or 13.38 Acres. The proposed Institutional (INST) zoning district would align the existing city services uses on the site and allow for full utilization of the property. Additionally, it is the City's intent is to amend the zoning and combine the parcel with the adjacent city owned parcel to the east, alleviating existing non-conformities and allowing for future expansion of city services.

The subject area is part of the Everest facility and is developed with existing city services including Cape Coral Fleet Management, Public Works Service Division, and Parks Maintenance. The site is heavily developed with low level structures and support elements and abut the Everest Water Reclamation Plant to the East. The surrounding area is densely developed with single family residential dwellings, low scale multi-family dwellings, public facilities and low scale commercial.

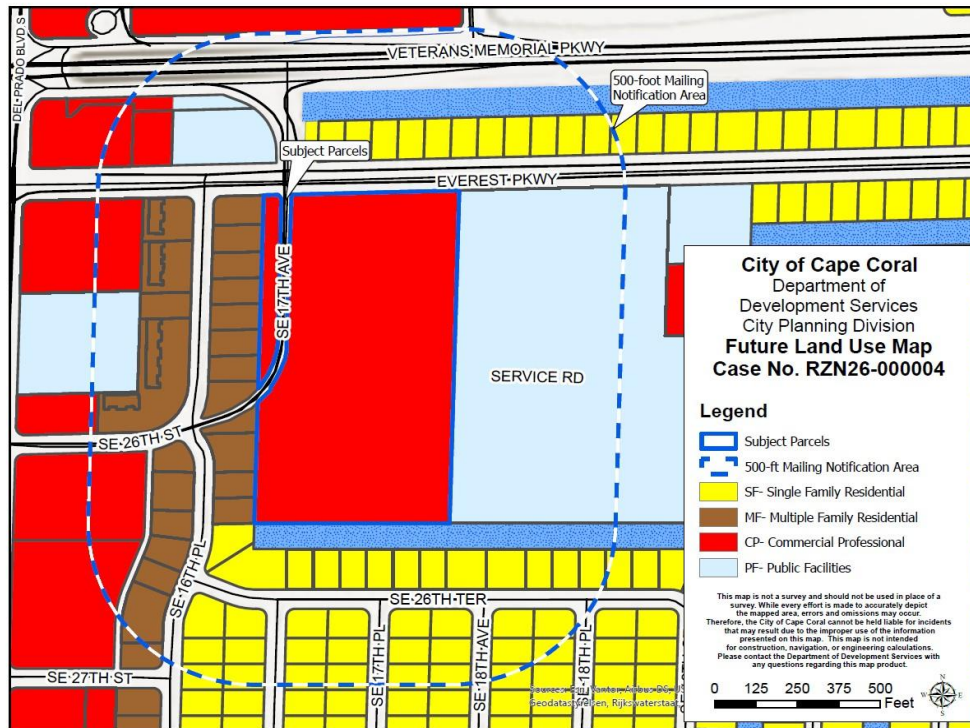
Aerial Map



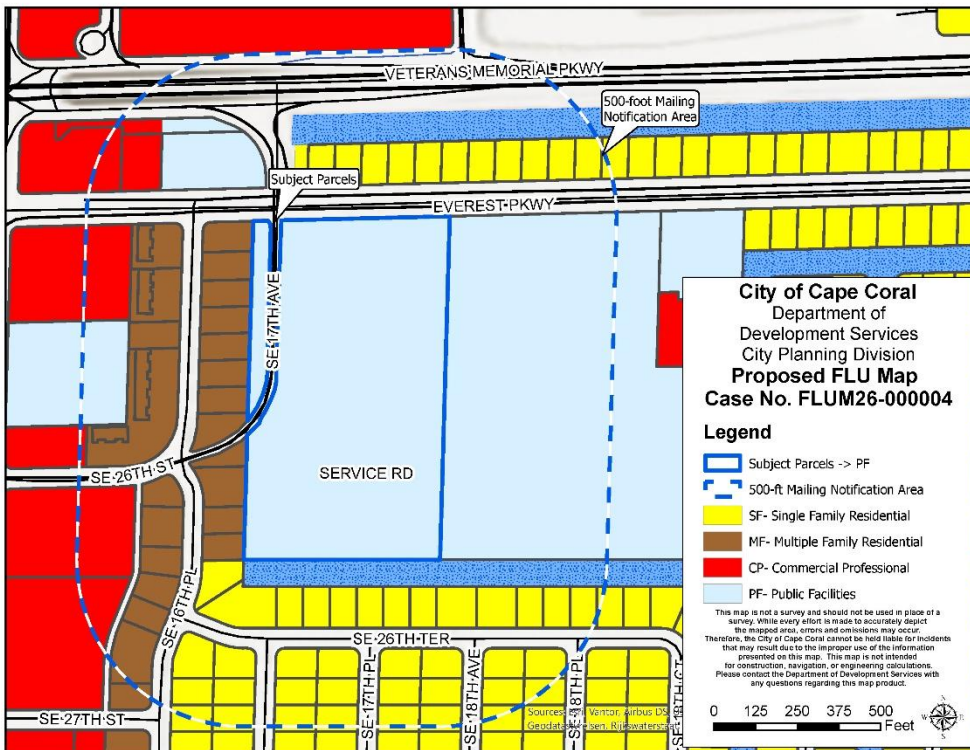


PLANNING DIVISION STAFF REPORT

Current Future Land Use Map



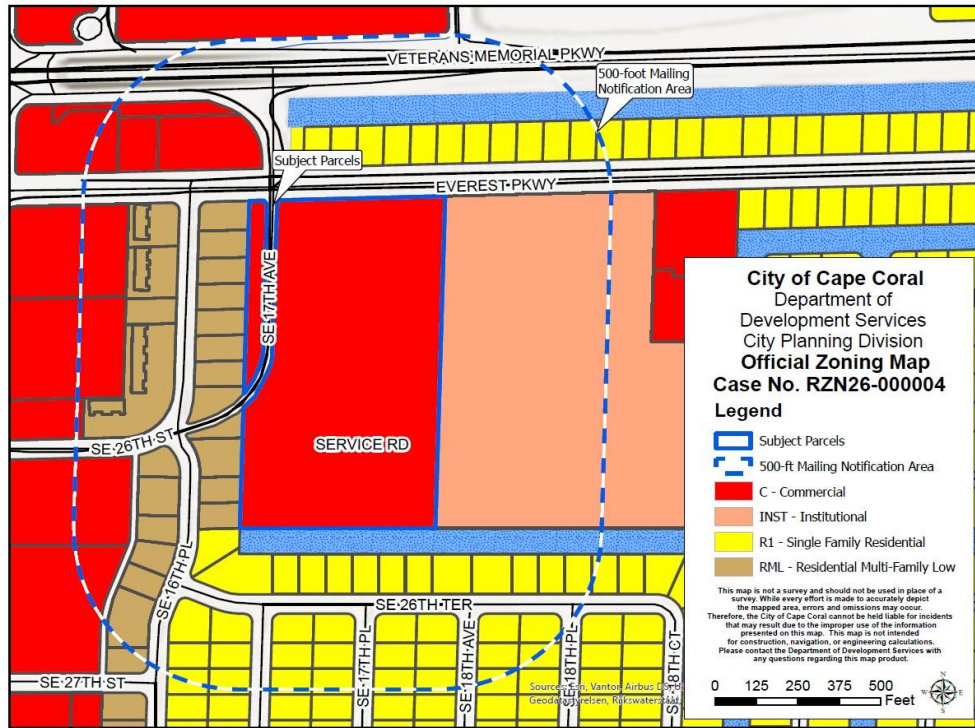
Proposed Future Land Use Map



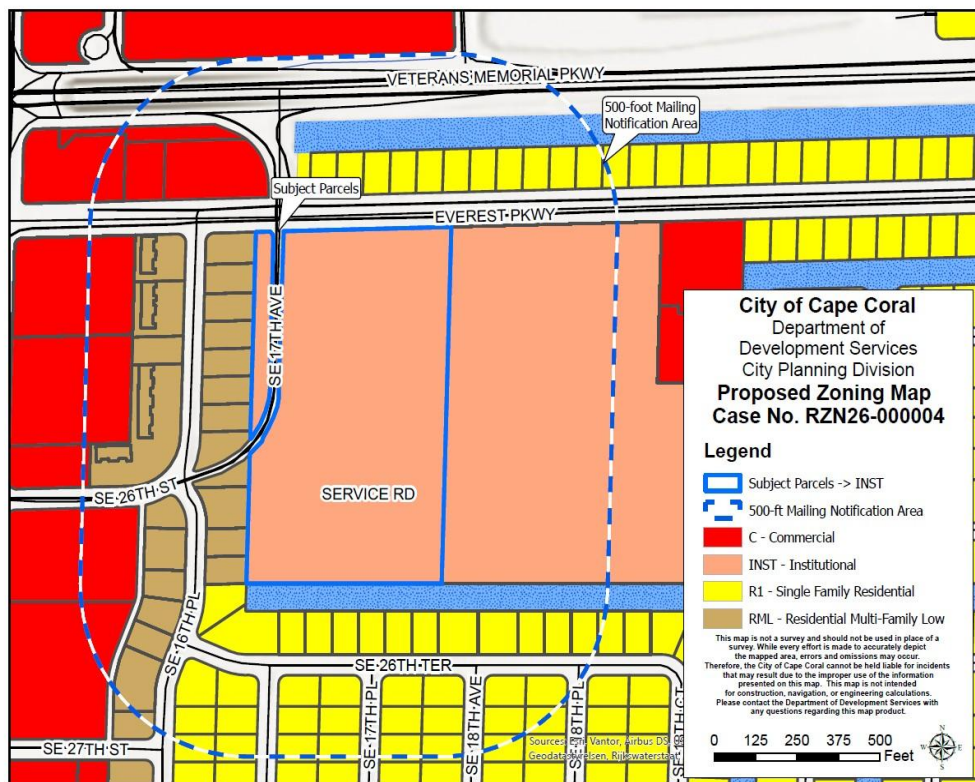


PLANNING DIVISION STAFF REPORT

Current Zoning Map



Proposed Zoning Map





PLANNING DIVISION STAFF REPORT

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 Institutional (INST) zoning district as well as the presumed approved Public Facility (PF)¹. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed rezoning 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 Institutional (INST) district is consistent with the proposed Public Facility (PF) Future Land Use classification. Additionally, the proposed rezoning is consistent with the goals and policies of the City Comprehensive Plan. Refer below for a breakdown of Comprehensive Plan compliance. Provided this, the proposed zoning district is consistent 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 R1 to the North and South, a combination of RML and C to the West and INST to the East. The surrounding area is heavily developed with a varied amount of uses, including single-family dwellings, low-scale multifamily dwellings, commercial structures and governmental services. The single-family and multi-family dwellings are of low scale and are of typical construction, height, and design of the those found throughout the area and exhibit "of-the-time" characteristics of aesthetics. Similarly, the commercial developments are of a lower scale and intensity and consist of mainly small retail and service establishments, along with a gas stations and a church, all of which again are of typical construction, height, and design to those found throughout the area. Conversely, to the East, there exists a more intensive governmental facility, identified as the Everest Water Reclamation Facility.

LDC Section 4.1.2.B.4 states that the Institutional (INST) district is to allow for the development of nonprofit or quasi-public uses such as religious institutions, libraries, public or private schools, hospitals, or government owned or operated structures." Consistent with that definition, LDC Table 4.1.6 (Use Table) illustrates permitted uses in align with that classification, with the bulk of permitted uses being those dedicated to public and institutional uses, including Essential Service Facilities (Major and Minor); Governmental Office Facilities; Police and Fire facilities; Public Park and Recreation Facilities; and Social Service facilities. Other uses are those that may be utilized in conjunction with these services and include Community Gardens; Energy Resource Generation; Community Centers; and Cultural and Civi Facilities. Please refer to Table 4.1.6 for a full list of permitted uses.

The allowable uses within the INST district are those consistent with governmental services and community developments which provide necessary public infrastructure and support local

¹ Staff is utilizing the proposed Public Facility (PF) land use classification. There is a concurrent FLUMA, FLUM26-00004, where the City is seeking the PF land use classification to align the existing and potential uses with the property and accurately represent the amount of commercial and publicly utilized land in the city.



PLANNING DIVISION STAFF REPORT

neighborhoods. The site is currently developed with these uses, containing a myriad of city services and offices, and these uses will continue into the foreseeable future. Therefore, uses within the proposed zoning district would align with the INST property to the West, as they would share the same zoning designation and developed with similar governmental services. Similarly, allowable uses within the proposed zoning district would be consistent with the existing commercial developments. The developments are of lower scale and are separated from the subject area by other parcels. These sites are developed with uses that have similar densities and intensities to those that would be permitted within the INST zoning district.

The Multi-Family (RML) and Single-Family Residential (R-1) zoning districts are heavily developed with a mix of dwelling unit types. However there exists a physical separation from many of the sites to the more intensive subject area, with only three sites zoned as RML having direct abutment to the main portion of the parcel². All other sites are separated by either a roadway or canal way. While residential adjacency to more intensive districts is generally not ideal, the RML district is expressly identified as a transitional zoning district and therefore those uses contained within the district would be compatible with the proposed zoning district. For the existing uses within the R-1 zoning district, the physical separation of the sites limits any potential compatibility issues that may arise from more intensive uses on the subject site. Additionally, the overall size of the subject site, along with the required site dimensional standards and buffering requirements of the LDC would further limit any potential conflict, thus the proposed zoning district would be compatible with the existing uses in the R-1 district.

Given this, the full range of uses allowable within the Institutional (INST) 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 Institutional (INST) zoning district are primarily oriented to those of governmental offices/facilities, and those uses that support city services or the community in general. These uses are typically low density and of low scale with the ability to blend into, or have minimal impact on, all zoning districts. A full breakdown of uses can be found in Section 2 above and in Table 4.1.6 (Use Table) of the LDC. The immediate surrounding area is zoned Residential Single Family (R-1), Multi-Family Residential Low (RML), Institutional (INST), and Commercial (C). The area also is heavily developed with single family dwellings, multi-family dwellings, small scale commercial developments and city service facilities throughout the area.

Analysis conducted in criteria 2 already examined compatibility with existing uses, therefore no additional analysis is necessary in this criteria. In regard to compatibility with potential uses in the surrounding area, the area is comprised of a varied amount of zoning districts. These districts allow a wide range of development types, densities and intensities and have differing site dimensional standards. Where existing Institutional zoning districts are present, the requested zoning district would directly align with the potential uses, as the zoning districts would be the same and therefore share the same use allowances found in the Table 4.1.6. Similarly, for the Commercially zoned areas, the allowable densities and intensities in the INST district are the same, or similar, to those permissible in

² Seven other RML zoned parcels directly the subject property, however, they abut the smaller linear portion of the property on the west of SE 17th AVE, which is undeveloped and, due to its limited size and depth, would most likely never be developed in any substantial way.



PLANNING DIVISION STAFF REPORT

the C district. This is identified in table 4.1.3.B as well as Policy 1.15 of the City's Comprehensive plan, where the development permitted must meet the densities/intensities of the Commercial/Professional land use and both districts permit a robust 1 FAR.³

For the residential zoning districts, the RML zoning district is the only other directly abutting zoning district, other than Institutional (INST), while the R-1 zoning district is separated by either a roadway or Canalway. The RML zoning district is a multi-family zoning district which is identified as a transitional zoning district in LDC Section 4.1.2.A.2, as well as the City's Comprehensive Plan. While the lesser of the intensive multi-family zoning districts, the district still permits higher densities and intensities of residential development and accompanying uses, which make it suitable for a transitional district and direct abutment to more intensive areas. Where direct development may occur abutting the RML zoning district, the subject area lot size would allow for sufficient buffer as specified in the LDC to be implemented, further inhibiting direct intrusion from the more intensive uses.

Furthermore, the R-1 zoning district is low intensity permitting development primarily geared towards single-family residential development and accompany accessory uses. While not ideal for adjacency to the more intensive uses and allowances, the physical separation of the districts from the subject area, accompanied by the similar site dimensional standards of the INST zoning district contained in Table 4.1.3.B, limit potential impacts and allow for general compatibility.

Given this, the range of uses allowed in the proposed zoning district are compatible with both the existing and potential uses in the area under consideration.

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

Analysis: The proposed rezoning to the Institutional (INST) district will allow for full utilization of the subject property for the continued use and future expansion of City services. These services are vital for supplying the city with the necessary infrastructure to continue to operate and grow, and by allowing the full utilization of the site, these services can be modified or expanded as necessary to ensure the maximum amount of provision to the community. Given this, the proposed zoning district will serve a community need and a general, broad, public purpose.

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

Analysis: The subject parcel is situated with primary frontage and access along SE 17th AVE, a paved local 2-lane roadway. The parcel has additional frontage, along with limited access, along Everest PKWY, a paved 4-lane collector roadway. Both roadways have direct access to Del Prado BLVD, which is the west of the property approximately 750.0 feet. The parcel is subdivided into 2 pieces, one piece housing the main area of the site to the East of SE 17th AVE and another smaller piece, which is undeveloped, to the west of SE 17th AVE. The main parcel area is generally rectangular in nature and contains the bulk of the area of the parcel, being approximately 553,300 SF in area. This portion of the parcel is heavily developed with governmental services and is primarily paved, supporting active city services and infrastructure. The secondary area to the west of SE 17th AVE is linear in nature and comprised of a much smaller area. The secondary area is also undeveloped and contains managed landscaping and light vegetation. Both areas lack any topography of substance, and the developed

³ Policy 1.15 h specifies that development of governmental offices and services must be developed to this standard. As the site is currently developed with governmental services and will continued to house those services and use well into the future, this requirement would be applicable.



PLANNING DIVISION STAFF REPORT

portion of the parcel contains significant stormwater management infrastructure, supporting the existing developments.

The lot within the requested zoning district is overly sized, being more than 13 acres, when taken in totality, and has substantial area to support existing and potential uses. The site is also generally rectangular within its primary footprint and has substantial depth and width to accommodate existing and potential uses along with any accompanying support systems and infrastructure. The general flatness and layout of the parcel of land also lend to the acceptable nature of allowable uses, as there does not exist excessive grade or site features which would inhibit development, or cause uses to be inconsistent with the characteristics of the site. Given this, the characteristics of the proposed rezoning area are suitable for the uses permitted in the proposed 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.*

Analysis: Per table 1 of Policy 1.15, Future Land Use Element, of the City of Cape Coral Comprehensive Plan, all zoning districts, with the exception of Agricultural (A), are permissible within the Public Facility Land Use classification. Of those permissible districts, only the proposed Institutional (INST) zoning district is the most appropriate given the existing nature of the developed site and the character of the surrounding neighborhood. The site is already developed with existing governmental services, and those services are intended to be in place for the foreseeable future, providing much needed infrastructure to the City and surrounding area. As identified in LDC Section 4.1.2.B.4, the Institutional zoning district is specifically developed to incorporate and maximize uses which align with those already provided, allowing for continued use and possible expansions where necessary. Additionally, as the intent is to combine this parcel with another to City owned parcel to the East, the land use classification and zoning districts must align before combination will be approved. As that parcel is also developed with a governmental use, a water treatment facility, and zoned with the INST zoning district, no other district would be appropriate. Given this, the proposed INST district is the zoning district that creates the fewest adverse impacts to the surrounding area.

REMAINDER OF PAGE INTENTIONAL LEFT BLANK



PLANNING DIVISION STAFF REPORT

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 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

- h. Public Facility: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. Government offices must conform to the Commercial/Professional densities/intensities of use.

Analysis: The proposed zoning district of Institutional (INST) is consistent with the proposed Public Facility (PF) future land use classification as, Per table 1 of Policy 1.15, all zoning districts, with the exception of A, are permissible within the future land use classification. Additionally, per part h of Policy 1.15, governmental offices must meet the densities and intensities of the Commercial/Professional (CP) land use classification.

The site is currently developed with a myriad of governmental offices and city services, being utilized as a service hub providing support for various city functions and departments. As the site is developed with those offices and services specified in part h of Policy 1.15 the maximum densities and intensity allowances of the Commercial/Professional land use classification currently apply and were developed



PLANNING DIVISION STAFF REPORT

too, such as max 1 FAR. As such, the site meets these requirements as it was designed to the existing land use classification of CP, thereby meeting the subsequent requirement as they share the same standards for allowable maximum development.

Provided this, the proposed rezoning to the Institutional (INST) zoning district is consistent with Policy 1.15 of Chapter 4, Future Land Use Element..

Chapter 1, Capital Improvement Element, Policy 1.5: Public facility expansion and construction (including the construction of schools and public medical facilities) shall be located in such a manner as to avoid impacts on unique or significant natural systems.

Analysis: The subject site is developed with existing city service uses and contains the necessary infrastructure to support those operations. The proposed rezone for the property to the Institutional zoning district category aligns the zoning with the long-standing, established use of the site. No new disturbance of natural systems is required, and no additional land, particularly land that may contain sensitive environmental features, would be, or would need to be, converted for public facility purposes.

Rezoning the site will allow full utilization of the property for existing and future city service functions while ensuring that other undeveloped or environmentally sensitive lands are not needed for these uses. Since the site is already built and previously impacted, the amendment avoids any new encroachment on unique or significant natural systems. Therefore, the proposed rezone to the Institutional zoning district is consistent with Policy 1.5 of Chapter 1, Capital Improvement Element.

Impact Analysis:

Police & Fire Impacts:

Fire: Property is currently served by Fire Station #3. The proposed rezoning is expected to be minimal and generate less than (15) fifteen call(s) annually. **Low to Neutral impact** to demands anticipated.⁴

Police: Property is served by police patrol area Southeast, zone 1. Anticipated impact where expansion of existing city services is provided is expected to generate between a 2-3% increase to recorded calls for service in Zone 1, Southeast and approximately 1% citywide. **Minor impact** to service demands anticipated.⁵

REMAINDER OF PAGE INTENTIONAL LEFT BLANK

⁴ Fire Impact determined through the City of Cape Coral Fire Department thru FLUM26-000004, 05/14/2026.

⁵ Police Impact determined through the City of Cape Coral Police Department thru FLUM26-000004, 05/14/2026.



PLANNING DIVISION STAFF REPORT

Conclusion:

Given the analysis conducted in regard to the requested re-zoning application, the proposed re-zoning application seeking to change one parcel from the Commercial (C) to Institutional (INST) zoning district is consistent with the requirements for re-zoning from the LDC as well as the guidelines and policies of the Comprehensive Plan. The proposed re-zoning request would be minimally intrusive to the surrounding neighborhood, align existing site uses with the zoning district classification, and allow for full utilization and future expansion of City services and uses. The proposed rezoning would have a positive effect on the overall health, safety and welfare of the community and a net positive impact overall on the City.

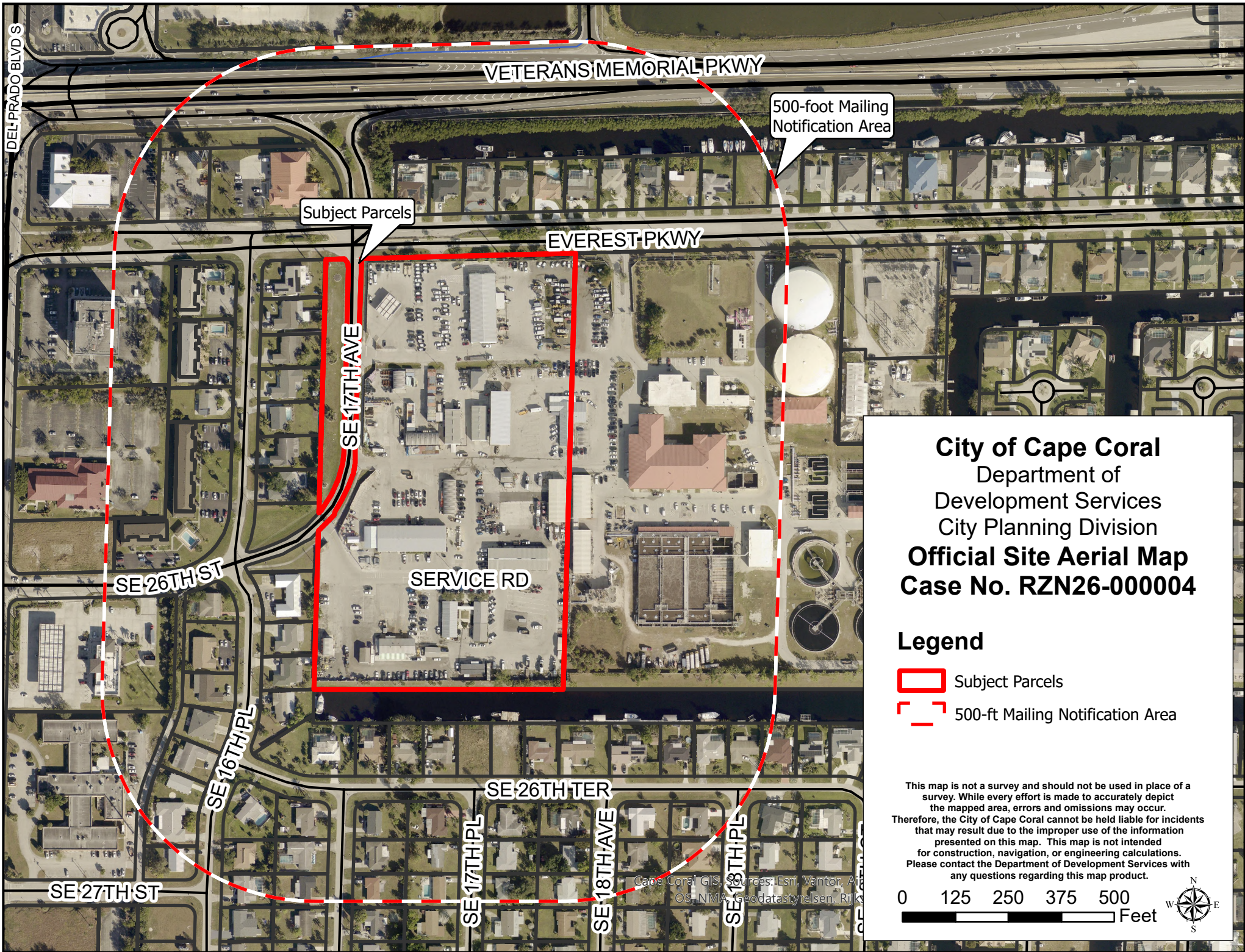
Therefore, it is the recommendation of staff that the proposed re-zoning application request be **Approved**.

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 **Approval** of the rezone request.

Staff Contact Information

Anthony Santora, Senior Planner
Department of Community Development
Planning Division
Phone: (239) 573-3125
Email: asantora@capecoral.gov

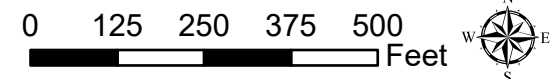


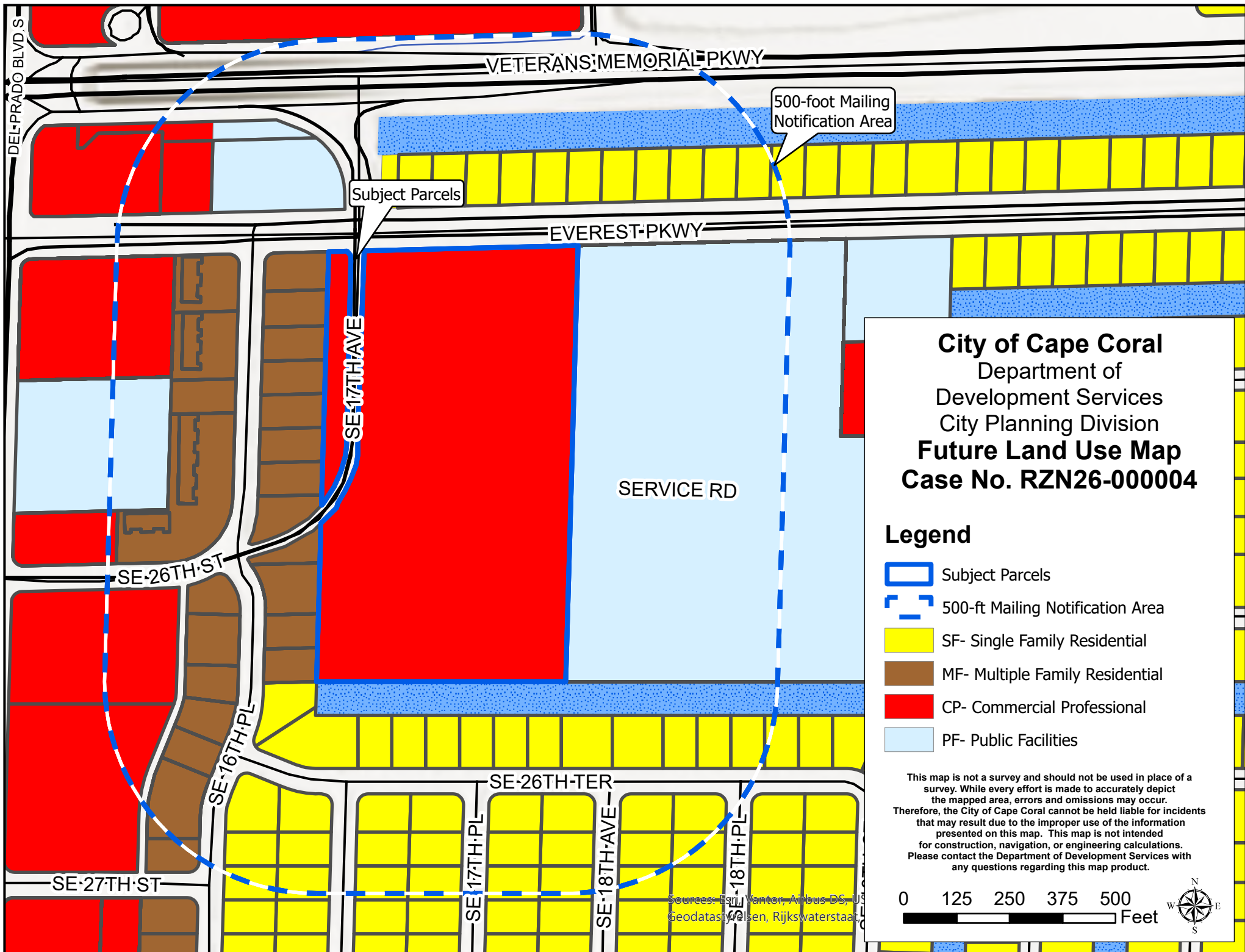
City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN26-000004

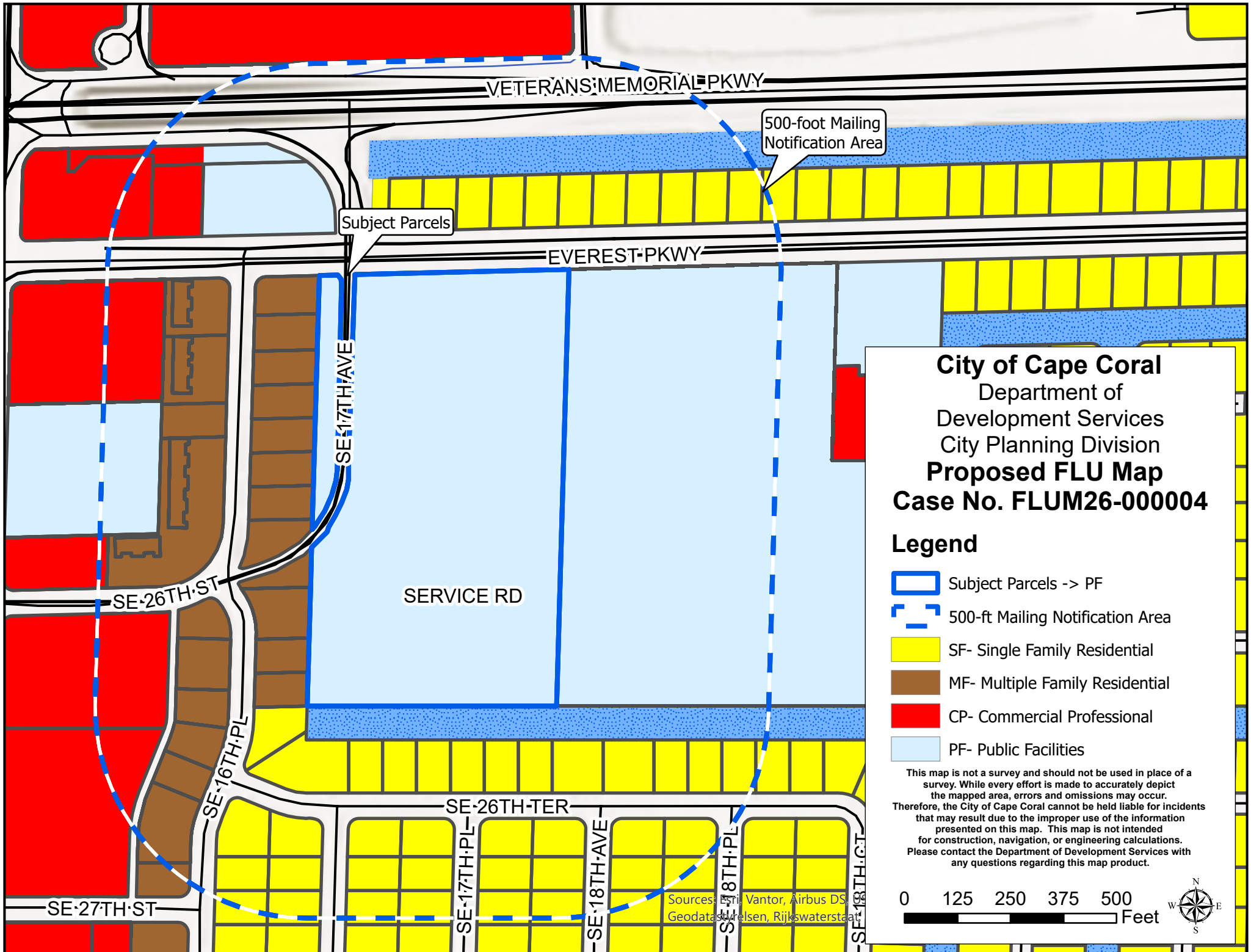
Legend

-  Subject Parcels
-  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.





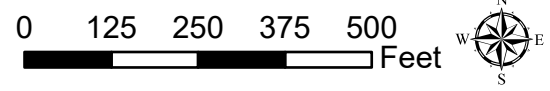


City of Cape Coral
Department of
Development Services
City Planning Division
Proposed FLU Map
Case No. FLUM26-000004

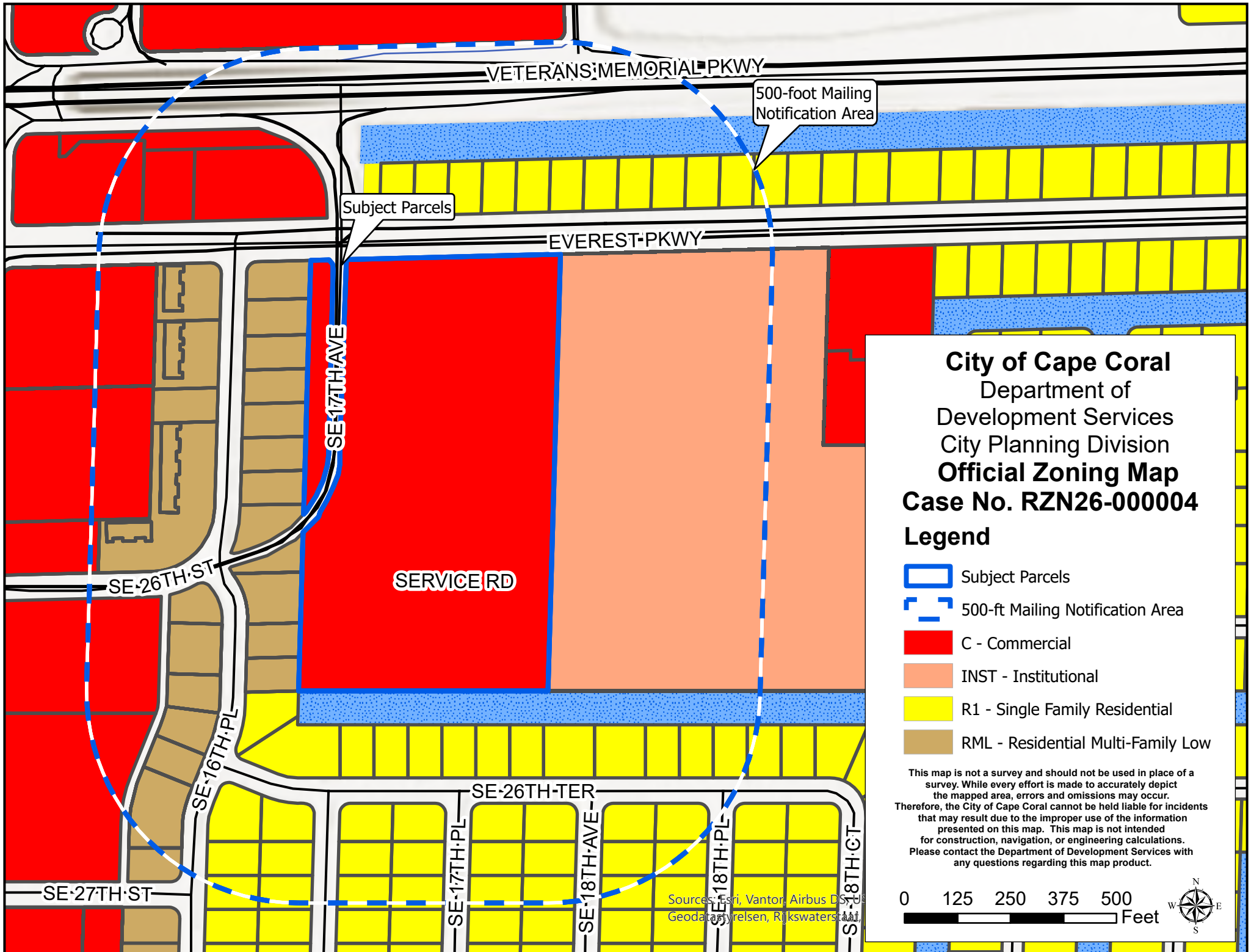
Legend

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

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



Sources: Esri, Vantor, Airbus DS,
Geodatas Wdelsen, Rijkswaterstaat

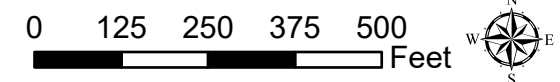


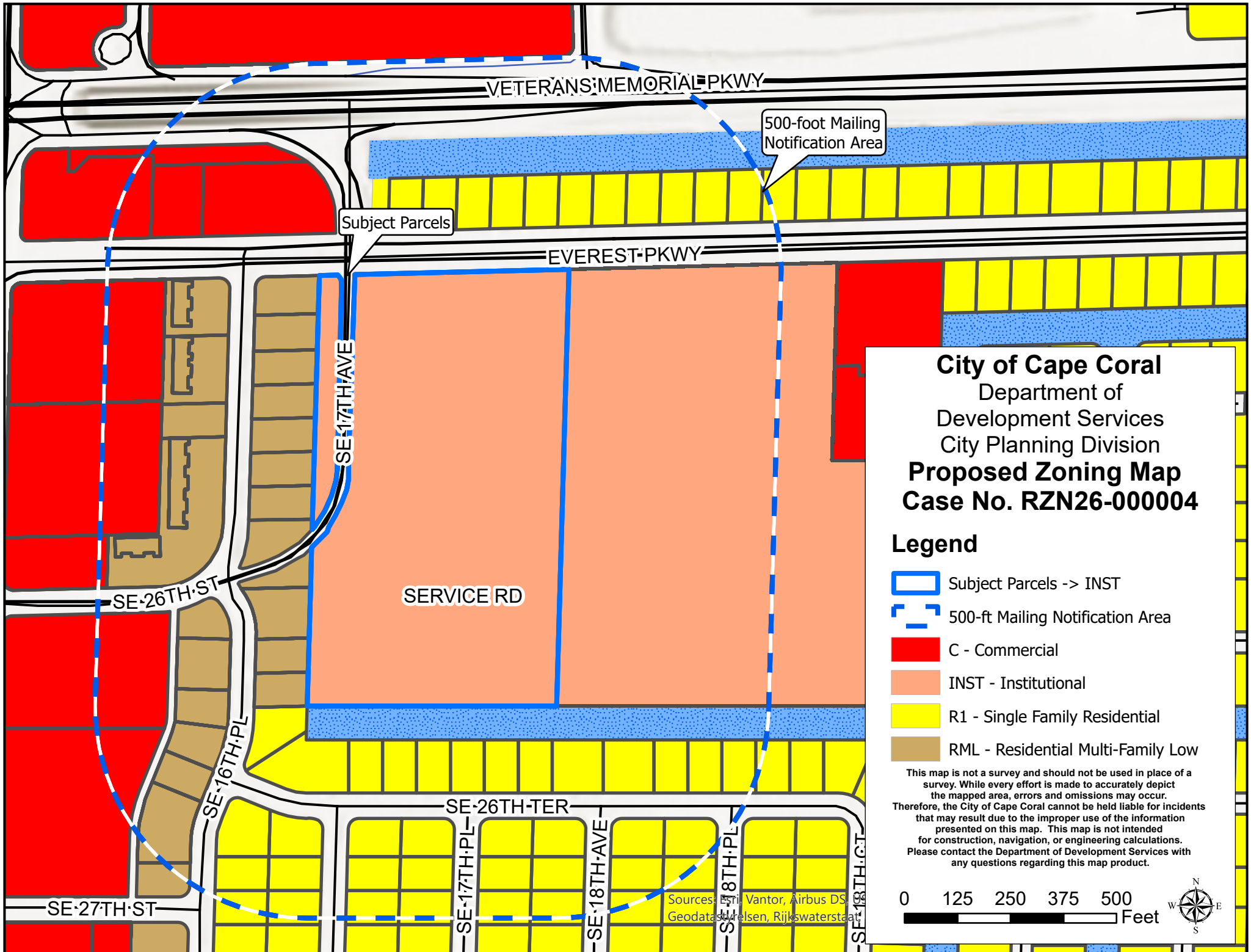
City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
Case No. RZN26-000004

Legend

-  Subject Parcels
-  500-ft Mailing Notification Area
-  C - Commercial
-  INST - Institutional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low

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



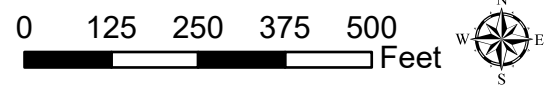


City of Cape Coral
Department of
Development Services
City Planning Division
Proposed Zoning Map
Case No. RZN26-000004

Legend

-  Subject Parcels -> INST
-  500-ft Mailing Notification Area
-  C - Commercial
-  INST - Institutional
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low

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,
Geodatas, Wdelsen, Rijkswaterstaat

OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL

HEARING EXAMINER RECOMMENDATION

RZN HEX Recommendation 7-2026

Rendered June 23, 2026

DCD CASE # RZN 26-000004

APPLICATION FOR: Rezoning from Commercial (C) Zoning District to the Institutional (INST) Zoning District for one (1) parcel totaling 13.38 acres

NAME OF OWNER/APPLICANT: City of Cape Coral

NAME OF APPLICANT'S REPRESENTATIVE: Anthony Santora, Senior Planner
City of Cape Coral

LOCATION OF PROPERTY: 2501 SE 17th AVE, Cape Coral, FL
Block 1196, Lot N/A
STRAP No.: 32-44-24-C1-01196.0030

CURRENT ZONING DISTRICT: Commercial (C)

PROPOSED ZONING: Institutional (INST)

CURRENT FUTURE LAND USE CLASSIFICATION: Commercial/Professional (CP)

URBAN SERVICE AREA: Infill

CITY WATER AND SEWER: Yes

RIGHT OF WAY ACCESS: Access is from SE 17th Street, a local 2-lane road

HEARING DATE: June 23, 2026

SUMMARY OF REQUEST: This is a City-initiated request for rezone of one parcel totaling 582,988 SF (13.38 Acres) from Commercial (C) Zoning to Institutional (INST) Zoning.

CONDITIONAL RECOMMENDATION BY THE HEARING EXAMINER:

This Recommendation of approval is expressly conditioned upon the City Council's approval, if any, of the proposed change in the property's Future Land Use Classification from Commercial/Professional (CP) to Public Facility (PF) via Ordinance 33-26, which is being considered under FLUM26-000004, prior to Council's consideration of this rezone. If Council chooses not to approve the proposed FLUMA, it is recommended that this proposed rezone not be considered or approved by Council.

SUMMARY OF HEARING EXAMINER RECOMMENDATION

The Hearing Examiner recommends that City Council **GRANT** the Rezoning application.

I. **NOTICE OF HEARING**

Based on the testimony of City Staff Anthony Santora, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article 3 (Development Review), Chapter 1, § 3.1.10 ("Public Hearing Scheduling and Notice Requirements") of the City of Cape Coral Land Development Code ("LDC").

PARTICIPANTS IN HEARING

APPLICANT'S REPRESENTATIVE/CITY STAFF: Anthony Santora¹

CITY CLERK'S OFFICE: Stacey Pasek, Recording Secretary

TESTIMONY/INPUT FROM MEMBERS OF THE PUBLIC: None

II. **EXHIBITS**

APPLICANT'S/CITY STAFF'S EXHIBITS: previously submitted.

III. **REVIEW OF STATUTORY AND LDC REQUIREMENTS**

Authority. The Hearing Examiner has the authority to recommend the approval or denial of an application for a rezone, pursuant to LDC Article 2 (Decision Making and Administrative Bodies), Chapter 2 (Hearing Examiner), §2.2.3B.5:

A Hearing Examiner shall hear and decide, or, when applicable, make Recommendations, on the following....

.... 5. Applications for rezoning property."

Entirety of the Record/Standard of Review of Evidence. The Hearing Examiner's Recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LDC, based upon the entirety of the record before the Hearing Examiner.

The Recommendation of the Hearing Examiner must be based upon competent substantial evidence in the record. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), Section 3.1.11 (Public Hearing Procedures), LDC §3.1.11E.

Presumption of Relevance and Materiality. Matters related to an Application's consistency with the Comprehensive Plan, the City Code of Ordinances, or the LDC will be presumed to be relevant and material. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), Section 3.1.11 (Public Hearing Procedures), LDC §3.1.11F.4.

¹ The Hearing Examiner accepted Mr. Santora as an expert in land planning issues, based upon his C.V. which is on file with the Clerk's Office and his prior testimony on similar matters before the Hearing Examiner.

Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. LDC Article 3 (Development Review), Chapter 1 (Development Review Procedures), Section 3.1.11 (Public Hearing Procedures), LDC §3.1.11F.5.

LDC Standards for Rezoning. The Hearing Examiner reviewed the application in accordance with the standards for rezonings set forth in LDC §3.4.6 and specifically set forth in LDC § 3.4.6.A (Manner of Initiation) and LDC § 3.4.6.B (Review Criteria), in addition to the general standards set forth elsewhere in the LDC and the City Comprehensive Plan.

TESTIMONY AT HEARING

Hearing Examiner's Recommended Findings of Fact

The Hearing Examiner recommends that City Council finds as facts all documentary and oral testimony set forth or referenced below, except to the extent (if any) that the Hearing Examiner specifically recommends otherwise.

IV. DISCUSSION

Site, Surrounding Area Information, and Entitlement History

Staff testified that the subject area is part of the Everest facility and is developed with existing city services. This would include Cape Coral Fleet Management, Public Works Service Division, and Parks Maintenance. To the east, the Everest Water Reclamation Plant abuts this site.

Staff testified that the subject parcel is situated with primary frontage and access along SE 17th Avenue which is a paved local 2-lane roadway, with additional frontage, along with limited access, along Everest Parkway, which is a paved 4-lane collector roadway, with both roadways having direct access to Del Prado Boulevard, located approximately 750.0 feet west of the property.

Staff testified that the parcel is subdivided into 2 pieces, one piece housing the main area of the site to the East of SE 17th Avenue and another smaller piece, which is undeveloped, to the west of SE 17th Avenue. The main parcel area is generally rectangular in nature and contains the bulk of the area of the parcel, being approximately 553,300 SF in area. This portion of the parcel is heavily developed with governmental services and is primarily paved, supporting active city services and infrastructure. The secondary area to the west of SE 17th Avenue is linear in nature and comprised of a much smaller area. The secondary area is also undeveloped and contains managed landscaping and light vegetation. Both areas lack any topography of substance, and the developed portion of the parcel contains significant stormwater management infrastructure, supporting the existing developments.

Staff testified that the lot within the requested zoning district is over sized (being more than 13 acres when taken in totality) and has substantial area to support existing and potential uses. The site is also generally rectangular within its primary footprint and has substantial depth and width to accommodate existing and potential uses along with any accompanying support systems and infrastructure.

Staff further testified that the area around the proposed rezoning is currently zoned R1 to the North and South, a combination of RML and C to the West and INST to the East. The surrounding area is heavily developed with a varied amount of uses, including single-family dwellings, low-scale multifamily dwellings, commercial structures and governmental services. The single-family and multi-family dwellings are of low scale and are of typical construction, height, and design of the those found throughout the area and exhibit "of-the-time" characteristics of aesthetics. Staff further testified that the commercial developments are of a lower scale and intensity and consist of mainly small retail and service establishments, along with a gas stations and a church, all of which again are of typical construction, height, and design to those found throughout the area.

Finally, to the East is a more intensive governmental facility, identified as the Everest Water Reclamation Facility.

Purpose of Rezoning and Entitlement History

By memo of April 9, 2026, staff advised the City Manager that the purpose of the rezoning request is cause the Everest facility to have a single future land use classification and zoning designation and "allow the two existing sites to be combined into one parcel, thereby preparing this site for future development activities."²

Further, staff testified at the HEX Hearing that the purpose is to align the existing uses of the site with the [proposed] zoning district, eliminate non-conformities, and allow full utilization of the site.

COMPREHENSIVE PLAN CONSISTENCY

Staff reviewed the 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. Staff has proposed the following analysis of the requested rezoning based upon applicable Goals, Objectives and Policies:

Chapter 1, Capital Improvement Element Goal: The City of Cape Coral will undertake all necessary actions to ensure that adequate public facilities and services are provided in a manner which protects public and private investment in existing facilities, and promotes orderly, compact, and efficient urban growth.

² This memo addressed both the proposed FLUC (which is not part of this Recommendation) and the rezone request addressed herein.

Chapter 1, Capital Improvement Element, Policy 1.5: Public facility expansion and construction (including the construction of schools and public medical facilities) shall be located in such a manner as to avoid impacts on unique or significant natural systems.

As set forth above, the subject site is already developed with existing city service uses. Staff testified that it contains the necessary infrastructure to support those operation and that no new disturbance of natural systems would be required, and that no additional land, particularly land that may contain sensitive environmental features would need to be converted for public facility purposes.

Staff testified that rezoning the site would allow full utilization of the property for existing and future city service functions while ensuring that other undeveloped or environmentally sensitive lands within the City would not be needed for these uses. Since the site is already built and previously impacted, the proposed amendment would avoid any new encroachment on unique or significant natural systems.

Staff recommends a finding that the proposed rezone to the Institutional zoning district would be consistent with Policy 1.5 of Chapter 1, Capital Improvement Element.

The Hearing Examiner agrees with this recommendation.

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	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	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

h. Public Facilities: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. Government offices must conform to the Commercial/Professional densities/intensities of use.

The proposed rezoning would be consistent with the proposed Public Facility (PF) future land use classification. As pointed out by staff, the subject site is currently developed with a myriad of governmental offices and city services and is being utilized as a service hub to provide support for various city functions and departments.

Staff testified that, as the site is developed with those offices and services specified in part h of Policy 1.15 the maximum densities and intensity allowances of the Commercial/Professional land use classification currently apply and were developed too, such as max 1 FAR. As such, the site meets these requirements as it was designed to the existing land use classification of CP. It therefore meets subsequent requirements, as they share the same standards for allowable maximum development.

ANALYSIS OF ANTICIPATED POLICE & FIRE IMPACTS

Fire: Staff testified that, according to the Fire Department, the subject property is currently served by Fire Station #3. The impact of the proposed rezoning would be expected to be minimal and would be expected to generate less than (15) fifteen call(s) annually. Accordingly, "Low to Neutral" impact to demands anticipated.³

Police: Staff testified that the subject property is served by police patrol zone Southeast, Zone 1. Anticipated impact, where expansion of existing city services is provided, would be expected to generate between a 2-3% increase to recorded calls for service in Zone 1, Southeast and approximately 1% citywide. Accordingly, minor impact to service demands is anticipated.⁴

Based upon her review of the foregoing and testimony by the Applicant's Representative/Staff, the Hearing Examiner recommends a finding that granting

³ Staff testified that the Fire Impact was determined through the City of Cape Coral Fire Department through FLUM26-000004, 05/14/2026.

⁴ Police Impact determined through the City of Cape Coral Police Department thru FLUM26-000004, 05/14/2026.

the requested rezone **would be in compliance with, and would be in furtherance of**, the requirements of all applicable provisions of the Comprehensive Plan.

REZONING REQUIREMENTS AND CRITERIA: HEX RECOMMENDATIONS

A. Review Criteria:

1. *The application **is consistent** with the Comprehensive Plan.
LDC § 3.4.6.B.1*

See above recommended findings of fact with discussion regarding the Comprehensive Plan.

2. *The full range of uses allowed in the proposed zoning district **would be compatible** with existing uses in the area under consideration.
LDC § 3.4.6.B.2*

See discussion under Standard 3, below, which incorporates an analysis of the requirements of this Standard 2.

3. *The range of uses allowed in the proposed zoning district **would be compatible** with existing and potential uses in the area under consideration. LDC § 3.4.6.B.3*

LDC Section 4.1.2.B.4 states that the Institutional (INST) district is to allow for the development of nonprofit or quasi-public uses such as religious institutions, libraries, public or private schools, hospitals, or government owned or operated structures."

Staff testified that allowable uses within the INST district are consistent with governmental services and community developments which provide necessary public infrastructure and support local neighborhoods. As set forth above, the subject site is currently developed with a myriad of city services and offices. Staff anticipates that these uses would continue into the foreseeable future. Therefore, staff opines that uses within the proposed zoning district would align with the INST property to the West, as they would share the same zoning designation and developed with similar governmental services.

Staff testified that, similarly, allowable uses within the proposed zoning district would be consistent with the existing commercial developments. The developments are of lower scale and are separated from the subject area by other parcels. These sites are developed with uses that have similar densities and intensities to those that would be permitted within the INST zoning district.

The Multi-Family (RML) and Single-Family Residential (R-1) zoning districts are heavily developed with a mix of dwelling unit types with a physical separation between many of these and the more intensive subject area, with only three sites zoned as RML having direct abutment to the main portion of the parcel⁵. All other sites are separated by either a roadway or canal way.

Staff observed that, while residential adjacency to more intensive districts is generally not ideal, the RML district is expressly identified as a transitional zoning district and therefore those uses contained within the district would be compatible with the proposed zoning district. Staff further testified that, for the existing uses within the R-1 zoning district, the physical separation of the sites limits any potential compatibility issues that may arise from more intensive uses on the subject site.

Finally, staff testified that the overall size of the subject site, along with the required site dimensional standards and buffering requirements of the LDC would further limit any potential conflict, thus he stated that it is staff's opinion that the proposed zoning district would be compatible with the existing uses in the R-1 district.

Staff then reviewed the question of compatibility with potential uses in the surrounding area, which is comprised of varied zoning districts which allow a wide range of development types, densities and intensities and have differing site dimensional standards. Staff opined that, where existing Institutional zoning districts are present, the requested zoning district would directly align with the potential uses, as the zoning districts would be the same and therefore share the same use allowances set forth in the LDC. Similarly, for the Commercially zoned areas, the allowable densities and intensities in the INST district are the same, or similar, to those permissible in the C district.

Staff testified further regarding the residential zoning districts, with the RML zoning district being the only other directly abutting zoning district, other than Institutional (INST), while the R-1 zoning district is separated by either a roadway or Canalway. The RML zoning district is a multi-family zoning district which is identified as a transitional zoning district in LDC Section 4.1.2.A.2, as well as the City's Comprehensive Plan. While the lesser of the intensive multi-family zoning districts, the district still permits higher densities and intensities of residential development and accompanying uses, which make it suitable for a transitional district and direct abutment to more intensive areas.

⁵ Staff testified that seven other RML zoned parcels directly the subject property, however, they abut the smaller linear portion of the property on the west of SE 17th AVE, which is undeveloped and, due to its limited size and depth, would most likely never be developed in any substantial way.

Staff testified that, where direct development may occur abutting the RML zoning district, the area lot size of the subject property would allow for sufficient buffer to be implemented, further inhibiting direct intrusion from the more intensive uses.

Finally, while the R-1 zoning district is low intensity permitting development primarily geared towards single-family residential development and accompany accessory uses, the physical separation of the districts from the subject area, accompanied by the similar site dimensional standards of the INST zoning district limit potential impacts and allow for general compatibility.

Staff requested that the Hearing Examiner recommend to City Council that the proposed rezone satisfies this criteria. The Hearing Examiner agrees, and recommends that the Council find that this criteria is satisfied for the above reasons.

4. *The proposed zoning district **would serve** a community need or broader public purpose. LDC§ 3.4.6.B.4*

Staff testified that the proposed rezoning to the Institutional (INST) district would allow for full utilization of the subject property for the continued use and future expansion of City services.

The Hearing Examiner agrees with staff that these services are vital for supplying the city with the necessary infrastructure to continue to operate and grow, and by allowing the full utilization of the site, these services can be modified or expanded as necessary to ensure the maximum amount of provision to the community.

Given this, the Hearing Examiner agrees with staff to recommend that the proposed zoning district would serve a community need and a general, broad, public purpose.

5. *The characteristics of the proposed rezone area **are suitable** for the uses permitted in the proposed zoning district. LDC§ 3.4.6.B.5*

The discussion and proposed findings under Section IV, Site, Surrounding Area Information, and Entitlement History are incorporated herein by reference.

In addition, staff recommended a finding that the general flatness and layout of the parcel of land would lend to the acceptable nature of allowable uses, as there does not exist excessive grade or site features to inhibit development, or cause uses to be inconsistent with the characteristics of the site.

Staff's recommendation is a finding that the characteristics of the proposed rezoning area are suitable for the uses permitted in the proposed zoning district. Given this, the Hearing Examiner agrees with staff to recommend to City Council that this criterion is satisfied.

6. A zoning district other than the district requested **would not** create fewer potential impacts to existing uses in the surrounding area.
LDC§ 3.4.6.B.5

Staff testified that all zoning districts other than Agricultural (A), are permissible within the Public Facility Land Use classification. However, staff further testified that, of those permissible districts, only the proposed Institutional (INST) zoning district would be the most appropriate, given the existing nature of the developed site and the character of the surrounding neighborhood. The site is already developed with existing governmental services, and those services are intended to be in place for the foreseeable future, providing much needed infrastructure to the City and surrounding area.

Additionally, as staff testified elsewhere herein, the intent is to combine this parcel with another to City-owned parcel to the East, and the land use classification and zoning districts must align before combination will be approved. Accordingly, staff testified that the proposed zoning district would create the least amount of potential adverse impact to the surrounding neighborhood.

The Hearing Examiner recommends that City Council accept this testimony as a factual basis supporting this criterion.

V. RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the testimony set forth above and the documentary exhibits presented prior to the Hearing, the Hearing Examiner recommends as follows:

1. City Council find that the requested rezone **is consistent** with the requirements of the Comprehensive Plan, the Land Development Code, the City Code of Ordinances and the laws of the State of Florida; and
2. City Council **approve** the requested rezoning to the Institutional(INST) Zoning District.

This Recommendation takes effect on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA


ANNE DALTON, ESQUIRE

June 23, 2026
DATE

ATTEST:


CITY CLERK