



TO: Michael Ilczyszyn, City Manager
Connie Barron, Assistant City Manager

FROM: Brett Limbaugh, Development Services Director *BAL*

DATE: July 27th, 2026

SUBJECT: City-Initiated Rezoning Request RZN26-000006

Executive Summary

Staff proposes a rezoning from (C) Commercial to (I) Industrial & (PV) Preservation for a portion of a single, City owned, parcel as well as several parcels along Kismet PKWY. The request consisting of a total of +/- 1,237,104 Sq. Ft. or 28.40 Acres of Industrial (I) and +/- 1,811,831 Sq. Ft. or 41.59 Acres of Preservation (PV) for a total combined area of +/- 3,048,935 Sq. Ft. or 69.99 Acres.

Background

The purpose of this proposed rezoning request is to reconcile the zoning with the newly amended land use, identified as ORD01-26 and approved by City Council on 05/06/2026, for these parcels; so as to both preserve the conservation area of the property and to prepare the remainder of the property for future development. Additionally, the proposed Industrial (I) zoning district would expand the amount of industrial land available within the City of Cape Coral and expand the industrial footprint of the Light Industrial complex to the west. An existing conservation easement exists on the properties to the east and is to remain, thus expanding the designated natural preserve space in the City and ensuring future development does not encroach into these areas. Please refer to the attached survey for a detailed list of properties effected and a survey/legal description of the area affected.

Additionally, please see attached documentation for the existing and proposed mapping and a site aerial for location.

Please contact me if you have any questions or concerns.

BL:as (RZN26-000006_CI Memo.docx)



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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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: RZN26-000006 Rezone
Location/Address Multiple (Refer to attached property sheet)
Strap Number Multiple Unit ---- Block ---- Lot (s) ----
Plat Book ---- Page ---- Future Land Use I/PR Current Zoning C

PROPERTY OWNER (S) INFORMATION

Owner City of Cape Coral Address P.O. 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 City of Cape Coral Address 1015 Cultural Park BLVD.
Phone 239-573-3215 City Cape Coral
Email asantora@capecoral.gov State FL Zip 33990

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Anthony Santora Address 1015 Cultural Park BLVD
Phone 239-573-3125 City Cape Coral
Email asantora@capecoral.gov State FL Zip 33990



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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.

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.



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Anthony Santora
(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 ---- BLOCK ---- LOT(S) ---- SUBDIVISION ----

OR LEGAL DESCRIPTION Refer legal

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

City of Cape Coral

PROPERTY OWNER (Please Print)

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

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)



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ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 11th Day of August, 2026.

City of Cape Coral

CORPORATION/COMPANY NAME

Connie Barron

OWNER'S SIGNATURE

Connie Barron

OWNER'S NAME (TYPE or PRINT)



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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.

City of Cape Coral

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE



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.

RZN26-000006 Parcel List

Address:	Strap:	Zoning	Proposed Zoning:
Unaddressed (Del Prado BLVD N)(Partial)	30-43-24-C3-00005.0000	C	I
		C	PV
1009 Kismet PKWY E	31-43-24-C1-02175.0350	C	I
1015 Kismet PKWY E	31-43-24-C1-02175.0370	C	I
1019 Kismet PKWY E	31-43-24-C1-02175.0400	C	I
1023 Kismet PKWY E	31-43-24-C1-02175.0420	C	I
1027 Kismet PKWY E	31-43-24-C1-02175.0440	C	I
1031 Kismet PKWY E	31-43-24-C1-02175.0460	C	I
1101 Kismet PKWY E	31-43-24-C1-02176.0010	C	I
1105 Kismet PKWY E	31-43-24-C1-02176.0030	C	I
1111 Kismet PKWY E	31-43-24-C1-02176.0050	C	I
1115 Kismet PKWY E (Partial)(Only Lot 8)	31-43-24-C1-02176.0080	C	I
1203 Kismet PKWY E (Partial)	31-43-24-C2-02176.0180	C	PV
1207 Kismet PKWY E (Partial)	31-43-24-C2-02176.0200	C	PV
1211 Kismet PKWY E (Partial)	31-43-24-C2-02176.0220	C	PV
1219 Kismet PKWY E (Partial)	31-43-24-C2-02176.0260	C	PV
1223 Kismet PKWY E (Partial)	31-43-24-C2-02176.0280	C	PV
1303 Kismet PKWY E (Partial)	31-43-24-C2-02176.0300	C	PV

Proposed Lease Parcel Description:

A parcel of land lying in Section 30, Township 43 South, Range 24 East, City of Cape Coral, Lee County, Florida being more particularly described as follows:

Beginning at the Southwest corner of Lot 35, Block 2175, CAPE CORAL UNIT 32 as recorded in Plat Book 16 at Pages 1 through 13, inclusive, in the Public Records of Lee County, Florida, thence run N00°41'44"E, along the West line of said Lot 35, a distance of 145.46 feet to an intersection with the North Line of said Block 2175, being a point on the South line of lands described in deed recorded in Instrument Number 2014000203616, of the Public Records of Lee County, Florida; thence run S89°13'08"E, along said North line and said South line, a distance of 12.19 feet to the Southeast corner of said lands; thence run N00°22'56"E, along the East line of said lands, a distance of 455.72 feet to the Northeast corner of said lands, being a point on a non-tangent curve to the right of radius 360.00 feet to which a radial line bears S04°01'47"E; thence run 30.24 feet, along the North line of said lands, along the arc of said non-tangent curve, concave to the Northwest, having a delta angle of 04°48'44", a chord bearing of S88°22'35"W and a chord length of 30.23 feet to a point of tangency; thence run N89°13'03"W, along said North line, a distance of 69.79 feet to the Northwest corner of said lands, being a point on the East line of Lot 7 of CAPE CORAL - LEE COUNTY INDUSTRIAL PARK as recorded in Plat Book 34 at Pages 142 and 143, of the Public Records of Lee County, Florida; thence run N00°22'56"E, along the East line of said CAPE CORAL - LEE COUNTY INDUSTRIAL PARK, a distance of 879.61 feet to the Southwest corner of Tract C-2 of CORAL LAKES as recorded in plat Book 80 at Pages 12 through 28, inclusive, of the Public Records of Lee County, Florida; thence run S89°05'03"E, along the South line of said CORAL LAKES, a distance of 408.04 feet; thence run, departing said South line, S73°46'32"E a distance of 117.47 feet; thence run S49°18'47"E a distance of 23.37 feet; thence run S56°34'53"E a distance of 62.66 feet; thence run S57°56'08"E a distance of 50.37 feet; thence run S69°42'53"E a distance of 74.04 feet; thence run S84°44'14"E a distance of 96.60 feet; thence run S49°37'00"E a distance of 56.81 feet; thence run S89°54'53"E a distance of 44.88 feet; thence run N89°09'39"E a distance of 53.36 feet; thence run N75°02'32"E a distance of 51.44 feet; thence run N53°05'15"E a distance of 42.78 feet; thence run N67°58'19"E a distance of 37.31 feet; thence run N85°11'53"E a distance of 56.05 feet; thence run N55°31'40"E a distance of 81.47 feet; thence run S89°06'08"E a distance of 63.72 feet; thence run S16°15'30"E a distance of 26.33 feet; thence run S11°12'07"W a distance of 66.45 feet; thence run S15°42'57"W a distance of 48.61 feet; thence run S19°12'12"W a distance of 43.69 feet; thence run S27°55'25"W a distance of 22.70 feet; thence run S71°55'09"W a distance of 36.69 feet; thence run S38°30'38"W a distance of 51.94 feet; thence run S57°17'37"E a distance of 21.55 feet; thence run S09°20'34"E a distance of 181.07 feet; thence run S00°46'47"E a distance of 212.29 feet; thence run S38°56'20"W a distance of 55.23 feet; thence run N90°00'00"W a distance of 689.14 feet; thence run S81°38'29"W a distance of 72.61 feet to a point of curvature; thence run 42.75 feet along the arc of said curve to the left of radius 30.00 feet, concave to the Southeast, having a delta angle of 81°38'29", a chord bearing of S40°49'15"W and a chord length of 39.22 feet to a point of tangency; thence run S00°00'00"E a distance of 246.23 feet; thence run S90°00'00"E a distance of 276.67 feet; thence run S41°23'00"E a distance of 34.38 feet; thence run S38°34'34"E a distance of 111.01 feet; thence run S34°17'57"E a distance of 18.36 feet; thence run S50°44'29"E a distance of 100.54 feet; thence run S86°02'59"E a distance of 38.37 feet; thence run

S45°59'08"E a distance of 18.14 feet; thence run S73°07'51"E a distance of 97.75 feet; thence run S79°57'38"E a distance of 24.01 feet to an intersection with an extension of the East line of Lot 8, Block 2176, CAPE CORAL UNIT 32 as recorded in Plat Book 16 at Pages 1 through 13, inclusive, in the Public Records of Lee County, Florida; thence run S00°41'44"W, along said extension of and said East line, a distance of 185.04 feet to an intersection with the North right-of-way line of Kismet Parkway (100' R/W) as shown on the plat of said CAPE CORAL UNIT 32; thence run N89°23'26"W, along said North right-of-way line, a distance of 304.97 feet to a point of curvature; thence run 39.30 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northeast, having a delta angle of 90°04'34", a chord bearing of N44°20'33"W and a chord length of 35.38 feet to a point of tangency, being a point on the West line of Lot 1 of said Block 2176; thence run N00°41'44"E a distance of 118.83 feet to an intersection with the North line of said CAPE CORAL UNIT 32; thence run N89°18'16"W a distance of 60.00 feet to an intersection with the East Line of Lot 47, Block 2175 of said CAPE CORAL UNIT 32; thence run S00°41'44"W, along said East line, a distance of 118.97 feet to a point of curvature; thence run 39.24 feet along the arc of said curve to the right of radius 25.00 feet, concave to the Northwest, having a delta angle of 89°55'26", a chord bearing of S45°39'27"W and a chord length of 35.33 feet to a point of tangency, being a point on the North right-of-way line of said Kismet Parkway (100' R/W); thence run N89°22'50"W, along said North right-of-way line, a distance of 495.03 feet to the POINT OF BEGINNING.

Said Parcel Contains 28.40 acres (more or less)

Bearings are based on the North right-of-way line of Kismet Parkway being N89°22'50"W.

**DEED OF CONSERVATION EASEMENT
PASSIVE RECREATIONAL USES**

Prepared by:

City of Cape Coral
c/o Real Estate Division
P.O. Box 150027
Cape Coral, Florida 33915-0027

Return original or certified recorded document to:

South Florida Water Management District
2301 McGregor Blvd
Ft Myers, FL 33901

THIS DEED OF CONSERVATION EASEMENT is given this 3rd day of June, 2019, by City of Cape Coral, a Florida municipal corporation ("Grantor") whose mailing address is c/o Real Estate Division, P.O. Box 150027, Cape Coral, Florida 33915-0027 to South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Conservation Easement Area" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the fee simple owner of certain lands situated in Lee County, Florida, and more specifically described on the location map in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Permit No. 36-08114-P ("Permit") and any modifications thereto issued by the Grantee authorizes certain activities which could affect wetlands or other surface waters in or of the State of Florida; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit or other good and valuable consideration provided to Grantor, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes (F.S.), over the area of the Property described on Exhibit "B" ("Conservation Easement Area"); and

WHEREAS, Grantor grants this Conservation Easement as a condition of the Permit, solely to off-set or prevent adverse impacts to natural resources, fish and wildlife, and wetland functions; and

WHEREAS, Grantor desires to preserve the Conservation Easement Area in perpetuity in its natural condition, or, in accordance with the Permit, in an enhanced, restored, or created condition; and

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration provided to the Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the area of the Property described on Exhibit "B" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.



The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their existing, natural, vegetative, hydrologic, scenic, open or wooded condition and to retain such areas as suitable habitat for fish, plants, or wildlife in accordance with Section 704.06, F.S. Those wetland and upland areas included in this Conservation Easement which are to be preserved, enhanced, restored, or created pursuant to the Permit (or any modification thereto) and any Management Plan attached hereto as Exhibit "C" ("Management Plan") which has been approved in writing by the Grantee, shall be retained and maintained in the preserved, enhanced, restored, or created condition required by the Permit (or any modification thereto).

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Conservation Easement Area at reasonable times with any necessary equipment or vehicles to inspect, determine compliance with the covenants and prohibitions contained in this easement, and to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Conservation Easement Area by Grantor at the time of such entry; and

b. To proceed at law or in equity to enforce the provision of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of such areas or features of the Conservation Easement Area that may be damaged by any activity or use that is inconsistent with this Conservation Easement.

3. Prohibited Uses. Except for activities that are permitted or required by the Permit (or any modification thereto) (which may include restoration, creation, enhancement, maintenance, and monitoring activities, or surface water management improvements) or other activities described herein or in the Management Plan (if any), any activity on or use of the Conservation Easement area inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities are expressly prohibited in or on the Conservation Easement area:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removing, destroying or trimming trees, shrubs, or other vegetation, except:
i. The removal of dead trees and shrubs or leaning trees that could cause damage property is authorized;
ii. The destruction and removal of noxious, nuisance or exotic invasive plant species as listed on the most recent Florida Exotic Pest Plant Council's List of Invasive Species is authorized;
iii. Activities authorized by the Permit or described in the Management Plan or otherwise approved in writing by the Grantee are authorized; and
iv. Activities conducted in accordance with a wildfire mitigation plan developed with the Florida Forest Service that has been approved in writing by the Grantee are authorized. No later than thirty (30) days before commencing any activities to implement the approved wildfire mitigation plan, Grantor shall notify the Grantee in writing of its intent to commence such activities. All such activities may only be completed during the time period for which the Grantee approved the plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural, restored, enhanced, or created condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, clearing, and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;
and

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Conservation Easement Area, including the right to engage or to permit or invite others to engage in all uses of the Conservation Easement Area that are not prohibited herein and which are not inconsistent with the Permit (or any modification thereto), Management Plan, or the intent and purposes of this Conservation Easement.

5. No Dedication. No right of access by the general public to any portion of the Conservation Easement Area is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee's liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of the Conservation Easement Area.

7. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

8. Taxes. When perpetual maintenance is required by the Permit, Grantor shall pay before delinquency any and all taxes, assessments, fees, and charges of whatever description levied on or assessed by competent authority on the Conservation Easement Area, and shall furnish the Grantee with satisfactory evidence of payment upon request.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or

successors-in-interest, which shall be filed in the public records in LEE County, Florida.

14. **Recordation.** Grantor shall record this Conservation Easement in timely fashion in the Official Records of LEE County, Florida, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records. Grantor will hold Grantee harmless from any recording costs or taxes necessary to record this Conservation Easement in the public records.

15. **Passive Recreational Facilities.** Grantor reserves all rights as owner of the Conservation Easement Area, including the right to engage in uses of the Conservation Easement Area that are not prohibited by the Permit (including any modification thereto) or Management Plan, and that are not inconsistent with any rule of the Grantee, and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be constructed with the following limitations:

a. The Grantor may conduct limited vegetation removal but only to the extent necessary to construct boardwalks, mulched walking trails, observation platforms or other pervious or pile supported structures which have been approved in advance in the Permit (including any modification thereto) or Management Plan.

b. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, _____, and local permitting requirements.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Conservation Easement Area.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said Conservation Easement Area in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends record title to the Conservation Easement Area hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, City of Cape Coral, a Florida municipal corporation ("Grantor") has

hereunto set its authorized hand this 6th day of June, 2019.

City of Cape Coral, a Florida municipal corporation

☒ A Florida corporation or ☐ _____ (choose one)

By: _____
(Signature)

Name: ~~Joe Gaviello~~ John Carioscia
(Print)

Title: ~~Mayer~~ Mayor Pro Tem

Signed, sealed and delivered in our presence as witnesses:

By: _____
(Signature)

Name: Connie Griglin
(Print)

By: _____
(Signature)

Name: Dawn Y. Andrews
(Print)

STATE OF FLORIDA

COUNTY OF Lee

On this 6th day of June, 2019, before me, the undersigned notary public, personally appeared ~~Joe Gaviello~~ John Carioscia, the person who subscribed to the foregoing instrument, as the ~~Mayer~~ Mayor Pro Tem (title), of the City of Cape Coral, a municipal Florida corporation ☒ (corporation), a Florida corporation, or ☐ _____ (choose one) and acknowledged that he/she executed the same on behalf of said ☒ corporation, or ☐ _____ (choose one) and the he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

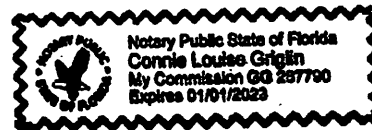
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

(Signature)

Connie Louise Griglin
(Name)

My Commission Expires: 01/01/2023



MORTGAGEE JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, _____, the owner and holder of a mortgage dated _____, in the original principal amount of \$ _____, given by _____ ("Grantor") to _____ ("Mortgagee"), encumbering the real property described on Exhibit "B" attached hereto ("Conservation Easement Area"), which is recorded in Official Records Book _____ at Page _____, (together with that certain Assignment of Leases and Rents recorded in Official Records Book _____, at Page _____, and those certain UCC-1 Financing Statement(s) recorded in Official Records Book _____, at Page _____, all of the Public Records of _____ County, Florida (said mortgage, assignment of leases and rents, and UCC-1 Financing Statements, as modified, are hereinafter referred to as the "Mortgage"), hereby joins in, consents to and subordinates the lien of its Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, to the foregoing Conservation Easement, executed by _____, in favor of _____ applicable to the Conservation Easement, as said Conservation Easement may be modified, amended, and assigned from time to time, with the intent that the Mortgage shall be subject and subordinate to the Conservation Easement.

IN WITNESS WHEREOF, this Mortgagee Joinder, Consent and Subordination is made this

_____ day of _____, 20____.

By: _____ (Signature) _____ (Mortgagee)

Name: _____

Title: _____ (Print)

WITNESSES:

By: _____ (Signature) By: _____ (Signature)

Name: _____ (Print) Name: _____ (Print)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (print name), as _____ (title) of _____ (Grantor of Mortgage), on behalf of the _____ (Mortgagee, Grantor of the conservation Easement). He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

_____ (Signature) _____ (Name)

My Commission Expires: _____

Exhibit A

A Parcel of Land lying in Section 30, Township 43 South, Range 24 East, Lee County, Florida, as shown in Official Records 4031 at Page 3159 of the Public Records of Lee County, Florida; consisting of:

The Southeast Quarter (Southeast $\frac{1}{4}$) and the Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) of Section 30, Township 43 South, Range 24 East, Lee County Florida, as recorded in Official Record Book 1885, Page 3718, Public Records of Lee County Florida.

Less and excepting that portion of said Southeast quarter (Southeast $\frac{1}{4}$) of said Section 30 lying Easterly from the Westerly Right-of-Way line of Del Prado Boulevard, (120 foot R/W) as presently constructed, and also less and excepting that portion of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) of said Section 30 described in Official Record Book 2906, Page 3514, of the Public Records of Lee County, City of Cape Coral, Florida, said Tract or Parcel of Land being more particularly described as follows:

Beginning at the Northwestern corner of said Southeast quarter (Southeast $\frac{1}{4}$) of said Section 30; a found concrete monument, thence run South $88^{\circ} 56' 58''$ East along the Northerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) for 2,118.25 feet to an Intersection with the Westerly Right-of-Way line of Del Prado Boulevard; thence run along said Westerly Right-of-Way line for the following five courses:

South $00^{\circ} 19' 00''$ East for 898.00 feet to the Point of Curvature of a curve concave to the Northwest, then run along said curve having a radius of 1,940.00 feet and a Central angle of $11^{\circ} 04' 41''$ (Chord South $05^{\circ} 13' 21''$ West 374.51 feet) for 375.10 feet to the Point of Tangency, then run South $10^{\circ} 45' 41''$ West for 179.97 feet to the Point of Curvature of a curve concave to the Southeast, then run along said curve having a radius of 2,060.00 feet and a Central angle of $11^{\circ} 06' 42''$ (Chord South $05^{\circ} 12' 20''$ West, 398.88 feet) for 399.51 feet to the Point of Tangency, then run South $00^{\circ} 21' 01''$ East for 792.84 feet to an intersection with said Southerly line of said Southeast Quarter (Southeast $\frac{1}{4}$), being also the Northerly line of Cape Coral Unit 32 according to Plat Book 16, Pages 1 through 13, thence run North $89^{\circ} 33' 54''$ West along said Southern line and said Northerly line for 2,029.82 feet; thence run North $89^{\circ} 13' 03''$ West along said Southerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) and said Northerly line of said Cape Coral Unit 32 for 1,401.93 feet to the Southeasterly corner of said Tract of land described in Official Record Book 3434, Page 4511; thence run North $00^{\circ} 22' 56''$ East along the Easterly line of said Tract and the Easterly line of said Tract of Land described in Official Record Book 3434, Page 4543 for 455.69 feet to a non-tangent intersection with a curve concave to the Northwest, being also the Northeasterly corner of said last mentioned Tract; thence run along the Northerly line of said last mentioned tract for the following two courses: along said curve having a radius of 360.00 feet and a Central angle of $04^{\circ} 48' 44''$ (Chord South $88^{\circ} 22' 35''$ West, 30.23 feet) for 30.24 feet to the Point of Tangency and North $89^{\circ} 13' 03''$ West for 69.79 feet to an intersection with the Westerly line of said Southeast quarter (Southeast $\frac{1}{4}$) of the Southeast Quarter (Southwest $\frac{1}{4}$), being also the Easterly line of Cape Coral-Lee County Industrial Park according to Plat Book 34, Pages 142 and 143, of the Public Records of Lee County; thence run North $00^{\circ} 22' 56''$ East along said Westerly line and said Easterly line for 879.61 feet to the Northwestern corner of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$); thence run South $89^{\circ} 05' 03''$ East along the Northerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$) for 1,496.05 feet to the Northeasterly corner of said Southeast Quarter (Southeast $\frac{1}{4}$) of the Southwest Quarter (Southwest $\frac{1}{4}$), being also a point on the Westerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) of said Section 30; thence run North $00^{\circ} 07' 40''$ East along the Westerly line of said Southeast Quarter (Southeast $\frac{1}{4}$) for 1,330.64 feet to the Point of Beginning.

Bearings are based on the North line of said Southeast Quarter (Southeast $\frac{1}{4}$) of Section 30, Township 43 South, Range 24 East, Lee County, Florida; as being South $88^{\circ} 56' 58''$ East.

Together with Lots 35 through 47, Block 2175; Lots 1 through 13, Lots 18 through 37 and Lots 40 through 49, Block 2176; and Lots 1 and 2, Lots 6 through 13 and Lots 16 through 21, Block 2177; all as shown on the Plat of Cape Coral Unit 32, recorded in Plat Book 16 at Pages 1 through 13 of the Public Records of Lee County, Florida.

Parcel contains 180.71 Acres, more or less.

Subject to Easements, Reservations and Restrictions of Record.

SECTION: 30
TOWNSHIP: 43 S
RANGE: 24 E

Concourse

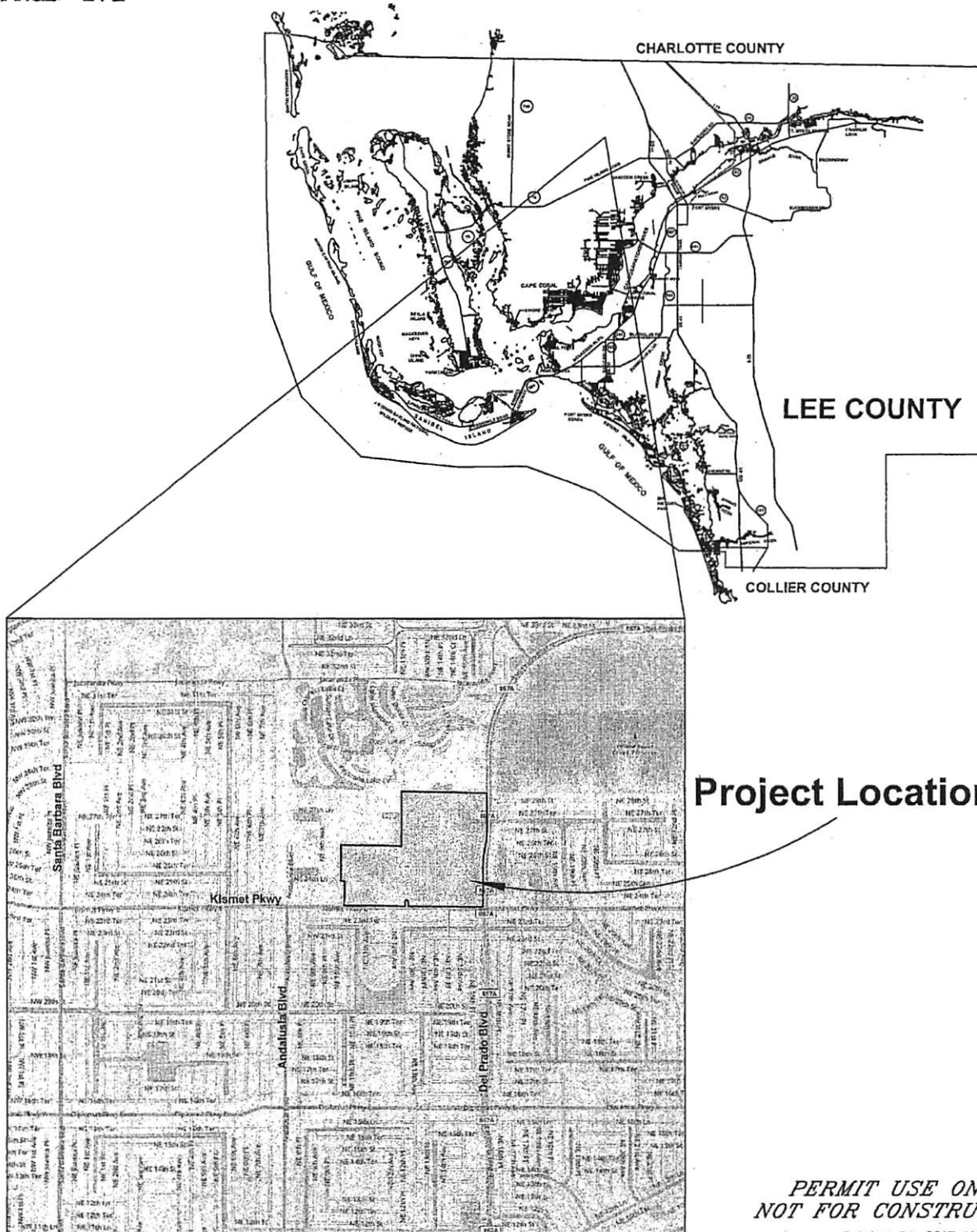


Figure 1. Location Map

Exhibit B

Beginning at the Southeast corner of Coral Lakes Tract P-3, as recorded in Plat Book 80, Pages 12 through 28 of the public records of Lee County, Florida, said point also being a corner of that parcel described in Official Records Book 4031, Page 3159, all of the public records of Lee County, Florida; thence run N 62°06'03" E a distance of 30.74 feet; thence run along the arc of a curve to the left with an arc length of 95.56 feet, a radius of 252.00 feet, a chord bearing of S 38°45'48" E, a chord length of 94.99 feet; thence run S 49°37'39" E a distance of 93.17 feet; thence run S 81°01'29" E a distance of 11.57 feet; thence run S 56°01'27" E a distance of 18.93 feet; thence run S 21°42'06" E a distance of 49.88 feet; thence run S 48°08'56" E a distance of 23.00 feet; thence run S 70°33'34" E a distance of 32.20 feet; thence run S 31°52'29" E a distance of 24.92 feet; thence run S 04°30'16" E a distance of 42.19 feet; thence run S 63°47'23" E a distance of 29.46 feet; thence run S 31°52'29" E a distance of 25.78 feet; thence run S 40°40'02" W a distance of 49.08 feet; thence run S 30°18'49" E a distance of 30.31 feet; thence run S 38°18'24" W a distance of 49.29 feet; thence run S 20°13'59" W a distance of 52.15 feet; thence run S 37°04'07" E a distance of 89.17 feet; thence run S 32°46'27" E a distance of 76.46 feet; thence run S 73°58'40" E a distance of 60.98 feet; thence run N 70°58'52" E a distance of 79.75 feet; thence run S 23°38'01" E a distance of 127.49 feet; thence run along the arc of a curve to the left with an arc length of 165.05 feet, a radius of 522.00 feet, a chord bearing of S 32°41'30" E, a chord length of 164.36 feet; thence run S 41°44'58" E a distance of 80.78 feet; thence run along the arc of a curve to the right with an arc length of 71.22 feet, a radius of 175.00 feet, a chord bearing of S 30°05'26" E, a chord length of 70.73 feet; thence run S 03°23'06" E a distance of 154.91 feet; thence run along the arc of a curve to the left with an arc length of 110.73 feet, a radius of 181.00 feet, a chord bearing of S 20°54'38" E, a chord length of 109.01 feet; thence run S 23°31'39" E a distance of 72.54 feet; thence run S 02°11'09" E a distance of 15.82 feet; thence run S 87°48'51" W a distance of 50.12 feet; thence run N 52°45'46" W a distance of 15.25 feet; thence run S 53°41'53" W a distance of 73.23 feet; thence run S 87°52'34" W a distance of 57.40 feet; thence run N 77°19'17" W a distance of 49.88 feet; thence run N 86°49'09" W a distance of 41.12 feet; thence run N 71°40'58" W a distance of 119.36 feet; thence run S 45°26'57" W a distance of 71.64 feet to an intersection with the North line of Block 2176, Cape Coral Unit 32, according to Plat Book 16, Pages 1-32 of the public records of Lee County, Florida; thence continue S 45°26'57" W a distance of 60.06 feet; thence run N 89°22'50" W a distance of 117.94 feet; thence run N 00°41'44" E a distance of 51.23 feet; thence run N 89°33'54" W a distance of 104.00 feet; thence run S 00°41'44" W a distance of 50.89 feet; thence run N 89°22'50" W a distance of 180.73 feet; thence run N 47°48'11" W a distance of 63.11 feet to the Northeast corner of lot 17 of said Block 2176; thence run N 82°25'17" W a distance of 39.90 feet; thence run N 86°03'52" W a distance of 51.09 feet; thence run N 53°38'55" W a distance of 31.40 feet; thence run N 85°13'05" W a distance of 38.22 feet; thence run N 22°52'02" W a distance of 42.27 feet; thence run N 37°48'11" W a distance of 29.27 feet; thence run N 43°06'34" W a distance of 50.60 feet; thence run N 33°27'40" W a distance of 31.93 feet; thence run S 14°59'14" W a distance of 45.99 feet; thence run S 42°51'21" W a distance of 63.21 feet; thence run S 69°54'47" W a distance of 58.28 feet; thence run N 79°57'38" W a distance of 33.55 feet; thence run N 73°07'51" W a distance of 97.75 feet; thence run N 45°59'08" W a distance of 18.14 feet; thence run N 86°02'59" W a distance of 38.37 feet; thence run N 50°44'29" W a distance of 100.54 feet; thence run N 34°17'57" W a distance of 18.36 feet; thence run N 38°34'34" W a distance of 111.01 feet; thence run N 41°23'00" W a distance of 34.38 feet; thence run N 90°00'00" W a distance of 276.67 feet; thence run N 00°00'00" W a distance of 246.23 feet; thence run along the arc of a curve to the right with an arc length of 42.75 feet, a radius of 30.00 feet, a chord bearing of N 40°49'15" E, a chord length of 39.22 feet; thence run N 81°38'29" E a distance of 72.61 feet; thence run N 80°00'00" E a distance of 689.14 feet; thence run N 38°56'20" E a distance of 55.23 feet; thence run N 00°48'47" W a distance of 212.29 feet; thence run N 09°20'34" W a distance of 181.07 feet; thence run N 57°17'37" W a distance of 21.55 feet; thence run N 38°30'38" E a distance of 51.94 feet; thence run N 71°55'09" E a distance of 36.69 feet; thence run N 27°55'25" E a distance of 22.70 feet; thence run N 19°12'12" E a distance of 43.69 feet; thence run N 15°42'57" E a distance of 48.61 feet; thence run N 11°12'07" E a distance of 66.45 feet; thence run N 16°15'30" W a distance of 26.33 feet; thence run N 89°08'08" W a distance of 63.72 feet; thence run S 55°31'40" W a distance of 81.47 feet; thence run S 85°11'53" W a distance of 56.05 feet; thence run S 67°58'19" W a distance of 37.31 feet; thence run S 53°05'15" W a distance of 42.78 feet; thence run S 75°02'32" W a distance of 51.44 feet; thence run S 89°09'39" W a distance of 53.36 feet; thence run N 89°54'53" W a distance of 44.88 feet; thence run N 49°37'00" W a distance of 56.81 feet; thence run N 84°44'14" W a distance of 96.60 feet; thence run N 69°42'53" W a distance of 74.04 feet; thence run N 57°56'08" W a distance of 50.37 feet; thence run N 58°34'53" W a distance of 62.66 feet; thence run N 49°18'47" W a distance of 23.37 feet; thence run N 73°46'32" W a distance of 117.47 feet; thence run S 89°05'03" E a distance of 1088.00 feet to the point of beginning.

Said Parcel Contains 1,445,072 square feet or 33.17 acres, more or less.

Description of
EASEMENT.
Lying in Section 30, Twp 43S, Rge 24E,
Lee County, Florida.

SURVEY NOTES:
1. READINGS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
4. READINGS ARE BASED ON THE SOUTH LINE OF SECTION 30, TWP 43S RGE 24E AS MONUMENTED IN THE FIELD, BEING N 11°13'07" W.
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (NAD83) (2011).

JOB # 12-0528 PREPARED FOR: City of Cape Coral
SECTION 30, TOWNSHIP 43S, RANGE 24E

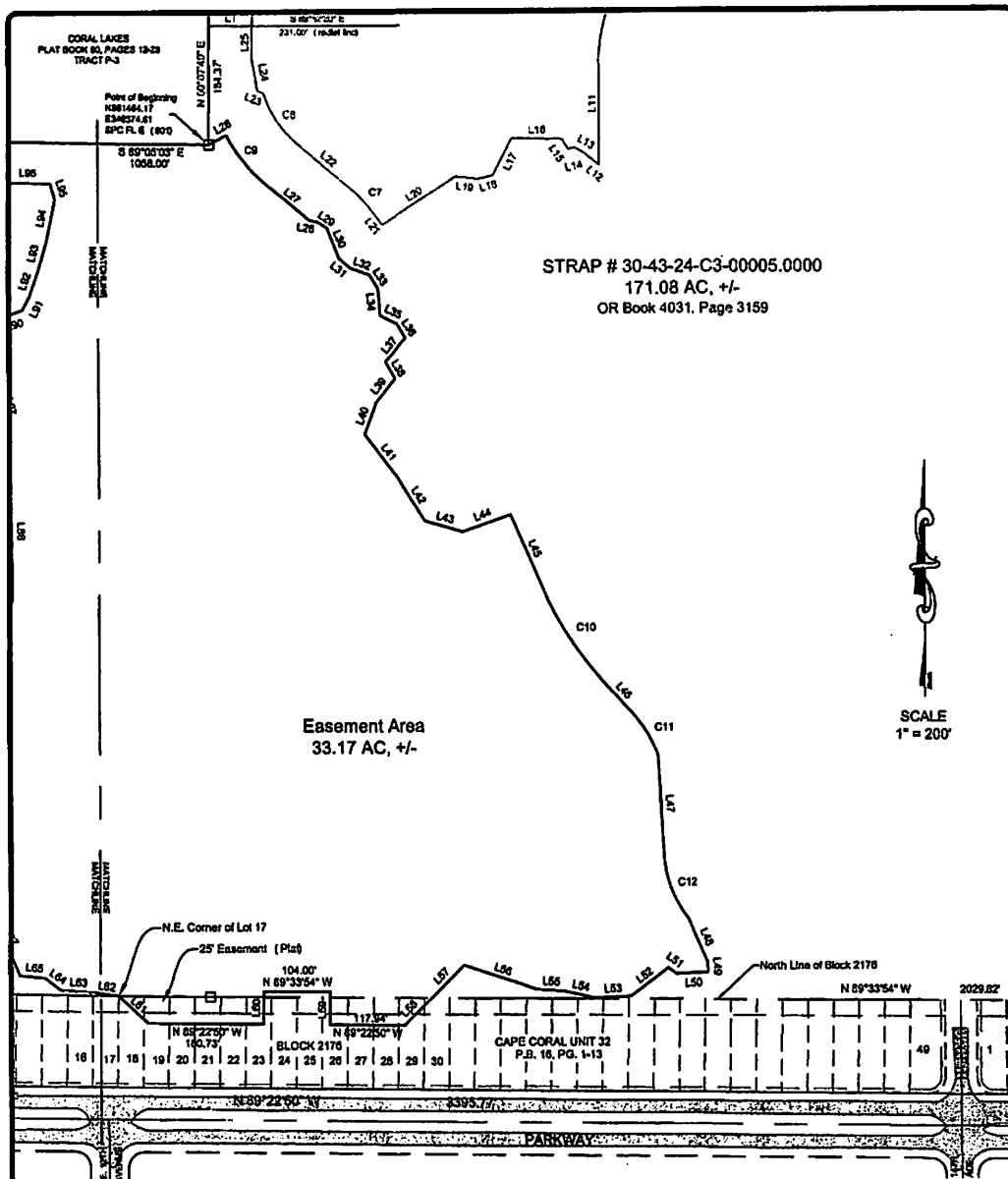
STOUTENCRAMER
PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

• THIS IS NOT A SURVEY •
PAGE 1 of 3

I hereby certify that, to the best of my knowledge and belief, the within represented facts, made under my direction on August 17, 2019, are in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors in Chapter 12-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DIANE B. STOUTENCRAMER
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6888
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



LINE	LENGTH	BEARING
L38	30.74	N61°00'00"E
L37	83.17	S84°27'00"E
L36	11.52	S21°03'00"E
L35	18.93	S56°03'00"E
L34	48.88	S21°03'00"E
L33	25.03	S48°08'00"E
L32	22.52	S27°22'00"E
L31	24.82	S21°03'00"E
L30	42.18	S04°22'00"E
L29	39.48	S63°42'00"E
L28	24.78	S21°03'00"E
L27	48.08	S07°02'00"E
L26	30.31	S20°18'00"E
L25	49.28	S38°18'00"E
L24	25.13	S27°13'00"E
L23	88.17	S27°02'00"E
L22	78.48	S32°49'27"E
L21	63.84	S77°58'00"E
L20	76.78	N07°09'00"E
L19	127.48	S27°20'00"E
L18	83.78	S41°44'00"E
L17	184.81	S22°32'00"E
L16	72.84	S22°31'00"E
L15	15.82	S20°11'00"E
L14	86.12	S28°48'00"E

LINE	LENGTH	BEARING
L91	18.25	N52°49'00"W
L92	72.23	S29°41'00"W
L93	87.85	S61°52'00"W
L94	48.88	N77°19'17"W
L95	41.13	N88°48'00"W
L96	118.38	N71°40'00"W
L97	71.54	S42°25'00"W
L98	60.08	S49°22'00"W
L99	61.73	N 0°41'00"E
L100	88.89	S04°14'00"W
L101	45.11	N07°09'17"W
L102	38.80	N61°28'17"W

CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CHORD
C9	85.58	232.00	21°43'41"	S38°43'48"E	84.89
C10	188.08	622.00	16°08'37"	S32°41'30"E	184.36
C11	71.22	175.00	22°18'03"	N30°03'28"W	70.75
C12	150.73	181.00	32°03'02"	S22°54'28"E	128.81
C13	42.75	30.00	81°58'23"	S40°49'19"W	38.23

Sketch of
EASEMENT,
Lying in Section 30, Twp 43S, Rge 24E,
Lee County, Florida.

* THIS IS NOT A SURVEY *
PAGE 2 of 3

SURVEY NOTES
1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
4. BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 30, TWP 43S, RGE 24E, AS MONUMENTED ON THIS FIELD, BEING N09°13'00"W.
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (NAD83) (NAD83 2007)

JOB # 12-0326 PREPARED FOR: City of Cape Coral
SECTION 30, TOWNSHIP 43S, RANGE 24E

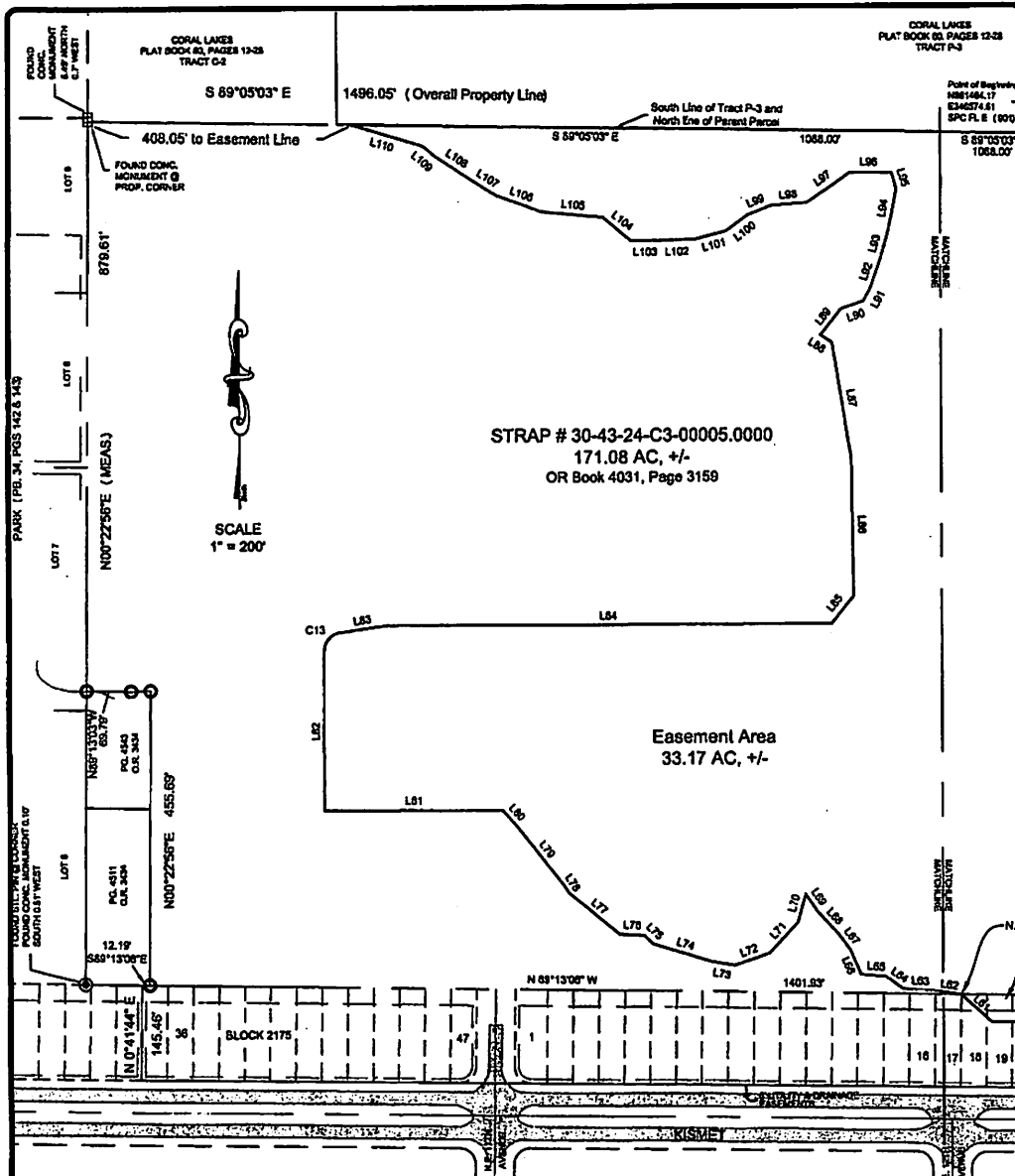
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Phone: (239) 673-9541 Fax: (239) 424-8181
www.scsurvey.com

I hereby certify that, to the best of my knowledge and belief, the sketch represented herein, made under my direction on JULY 27, 2013 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mapmakers in Chapter 55-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

SEE PG 1 of 3 FOR SIGNATURE
AND RAISED SEAL

JOFFREY D BYOUTER
FLORIDA PROFESSIONAL SURVEYOR & MAPMAKER NO. 8888
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPMAKER.



LINE TABLE		
LINE	LENGTH	BEARING
L82	28.50	N82°21'17"W
L83	61.08	N83°03'25"W
L84	31.40	N83°38'50"W
L85	38.33	N83°15'00"W
L86	42.37	N82°02'03"W
L87	28.37	N87°48'11"W
L88	80.80	N43°05'34"W
L89	31.53	N32°07'40"W
L90	45.88	S14°59'14"W
L91	83.21	S43°51'21"W
L92	68.33	S89°54'47"W
L93	33.55	N79°17'29"W
L94	67.73	N73°05'11"W
L95	18.14	N43°58'00"W
L96	34.37	N88°02'00"W
L97	100.84	N60°54'29"W
L98	18.36	N34°17'57"W
L99	111.01	N28°34'34"W
L100	34.38	N41°12'00"W
L101	278.87	N00°00'00"W
L102	346.33	N00°00'00"W
L103	72.61	N81°28'22"E
L104	825.14	N00°00'00"E
L105	95.32	N00°00'00"E
L106	212.23	N02°48'47"W
L107	181.07	N08°27'34"W

LINE TABLE		
LINE	LENGTH	BEARING
L108	21.85	N85°17'27"W
L109	51.54	N38°30'28"E
L110	36.58	N71°03'00"E
L111	22.70	N27°03'29"E
L112	43.00	N19°13'12"E
L113	48.61	N19°42'37"E
L114	68.43	N11°13'07"E
L115	26.33	N10°18'30"W
L116	82.72	N28°00'38"W
L117	81.47	S38°31'40"W
L118	86.03	S43°11'53"W
L119	77.21	S67°48'19"W
L120	42.73	S53°05'17"W
L121	61.44	S79°02'32"W
L122	83.30	S89°06'38"W
L123	44.80	N89°54'53"W
L124	35.61	N49°27'02"W
L125	95.60	N54°04'47"W
L126	74.04	N69°42'52"W
L127	60.57	N37°36'00"W
L128	62.68	N38°34'33"W
L129	25.37	N48°18'47"W
L130	117.47	N73°48'22"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CHORD
C8	85.58	252.00	21°43'41"	S38°49'48"E	94.89
C10	165.05	622.00	18°08'57"	S32°41'30"E	164.36
C11	71.22	178.00	23°18'03"	N30°09'28"W	70.73
C12	110.73	181.00	35°03'03"	S20°54'38"E	108.01
C13	42.75	30.00	81°39'20"	S40°40'18"W	39.22

Sketch of
EASEMENT,
Lying in Section 30, Twp 43S, Rge 24E,
Lee County, Florida.

* THIS IS NOT A SURVEY *
PAGE 3 of 3

SURVEY NOTES:
1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
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3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INDICATED.
4. BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 30, TWP 43S RGE 24E AS MONUMENTED IN TIE FIELD, BEING N89°13'08"W.
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (NAD83 / 2011).

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Phone: (239) 673-9541 Fax: (239) 424-8181
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I hereby certify that, to the best of my knowledge and belief, the sketch represented herein, made under my direction on JULY 12, 2013 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 13-17, Florida Administrative Code, pursuant to Section 471.007, Florida Statutes.

SEE PG 1 of 3 FOR EASEMENT
AND RAISED SEAL

JENNIFER S. STOUT
FLORIDA PROFESSIONAL SURVEYOR & MAPPER LICENSE
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOD # 13-0826 PREPARED FOR: City of Cape Coral
SECTION 30, TOWNSHIP 43S, RANGE 24E

Commencing at the Southeast corner of Coral Lakes Tract P-3, as recorded in Plat Book 80, Pages 12 through 28 of the public records of Lee County, Florida, said point also being a corner of that parcel described in Official Records Book 4031, Page 3159, all of the public records of Lee County, Florida; run N00°07'40"E along the east line of said Tract P-3 and the West line of said parcel recorded in Official Records Book 4031, Page 3159 for a distance of 184.37 feet, thence leaving said line run S89°52'20"E for a distance of 68.58 feet to the Point of Beginning.

From said Point of Beginning thence along a curve to the right to which a radial line bears S89°52'20"E, having an arc length of 212.26 feet, a radius of 231.00 feet, a chord bearing of N 26°27'07" E, a chord length of 204.87 feet; thence run N 52°46'34" E a distance of 197.00 feet; thence along the arc of a curve to the right with an arc length of 123.39 feet, a radius of 469.00 feet, a chord bearing of N 60°18'47" E, a chord length of 123.03 feet; thence run N 67°51'00" E a distance of 187.93 feet; thence run along the arc of a curve to the right with an arc length of 95.82 feet, a radius of 169.00 feet, a chord bearing of N 84°05'33" E, a chord length of 94.54 feet; thence run S 79°39'55" E a distance of 52.93 feet; thence run along the arc of a curve to the right with an arc length of 88.15 feet, a radius of 169.00 feet, a chord bearing of S 64°43'20" E, a chord length of 87.16 feet; thence run S 49°46'44" E a distance of 112.87 feet; thence run S 45°09'17" E a distance of 43.37 feet; thence run S 38°22'31" E a distance of 20.23 feet; thence run S 23°30'22" E a distance of 58.90 feet; thence run along the arc of a curve to the right with an arc length of 26.20 feet, a radius of 15.00 feet, a chord bearing of S 26°32'10" W, a chord length of 23.00 feet; thence run S 76°34'43" W a distance of 33.96 feet; thence run S 80°55'53" W a distance of 120.22 feet; thence run along the arc of a curve to the left with an arc length of 339.01 feet, a radius of 240.00 feet, a chord bearing of S 40°27'57" W, a chord length of 311.52 feet; thence run S 00°00'00" W a distance of 158.20 feet; thence run N 50°18'08" W a distance of 27.94 feet; thence run N 58°49'18" W a distance of 19.33 feet; thence run S 77°22'19" W a distance of 10.25 feet; thence run N 33°15'27" W a distance of 17.99 feet; thence run N 88°48'29" W a distance of 78.59 feet; thence run S 27°21'33" W a distance of 64.38 feet; thence run S 75°51'33" W a distance of 23.92 feet; thence run N 82°40'05" W a distance of 35.12 feet; thence run S 56°44'33" W a distance of 139.38 feet; thence run N 37°31'07" W a distance of 14.40 feet; thence run along the arc of a curve to the left with an arc length of 66.67 feet, a radius of 252.00 feet, a chord bearing of N 42°02'52" W, a chord length of 66.48 feet; thence run N 49°37'39" W a distance of 104.19 feet; thence run along the arc of a curve to the right with an arc length of 94.86 feet, a radius of 172.00 feet, a chord bearing of N 33°49'43" W, a chord length of 93.66 feet; thence run N 67°33'07" W a distance of 9.87 feet; thence run N 09°28'20" W a distance of 50.56 feet; thence run N 00°07'40" E a distance of 51.52 feet to the point of beginning.

Contains an area of 366,759 square feet or 8.42 acres, more or less.

Description of
EASEMENT,
Lying in Section 30, Twp 43S, Rge 24E,
Lee County, Florida.

• THIS IS NOT A SURVEY •
PAGE 1 of 2

SURVEY NOTES:
1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
4. BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 30, TWP 43S RGE 24E AS MONUMENTED IN THIS FIELD, BEING N89°13'07"W.
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (NAD83) (NAD83 / 2011).

STOUTENCRAMER
PROFESSIONAL SURVEYORS

CERTIFICATE OF AUTHORIZATION: LB7922
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991
Phone: (239) 673-9541 Fax: (239) 424-8181
www.scisurvey.com

I hereby certify that, to the best of my knowledge and belief, the above represented herein, made under my direction on August 17, 2012, is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 65-17, Florida Administrative Code, pursuant to Section 472.627 Florida Statutes.

JOSEPH D. STOUTEN
FLORIDA PROFESSIONAL SURVEYOR & MAPPER LICENSE
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JOB # 12-0326 PREPARED FOR: City of Cape Coral
SECTION 30, TOWNSHIP 43S, RANGE 24E

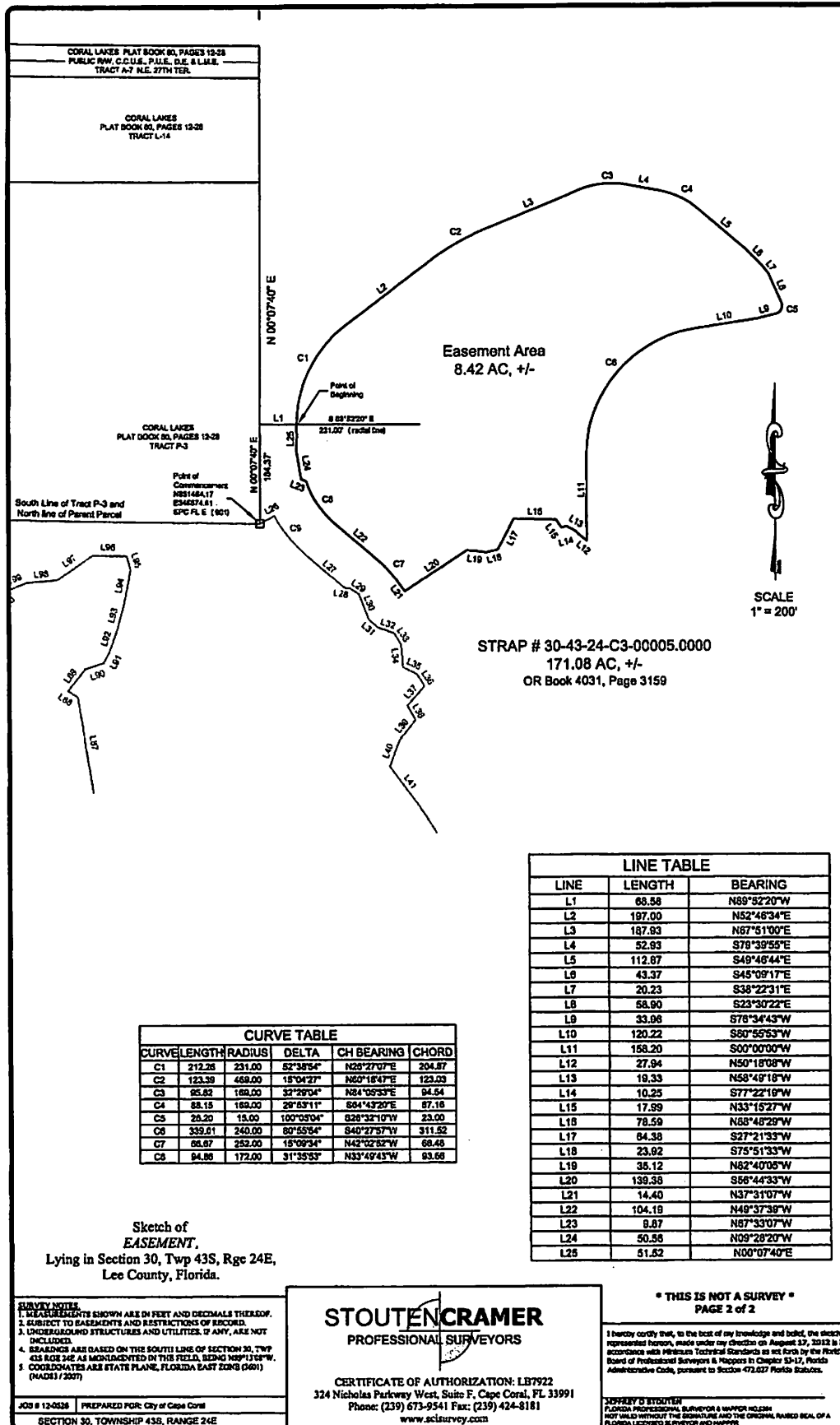


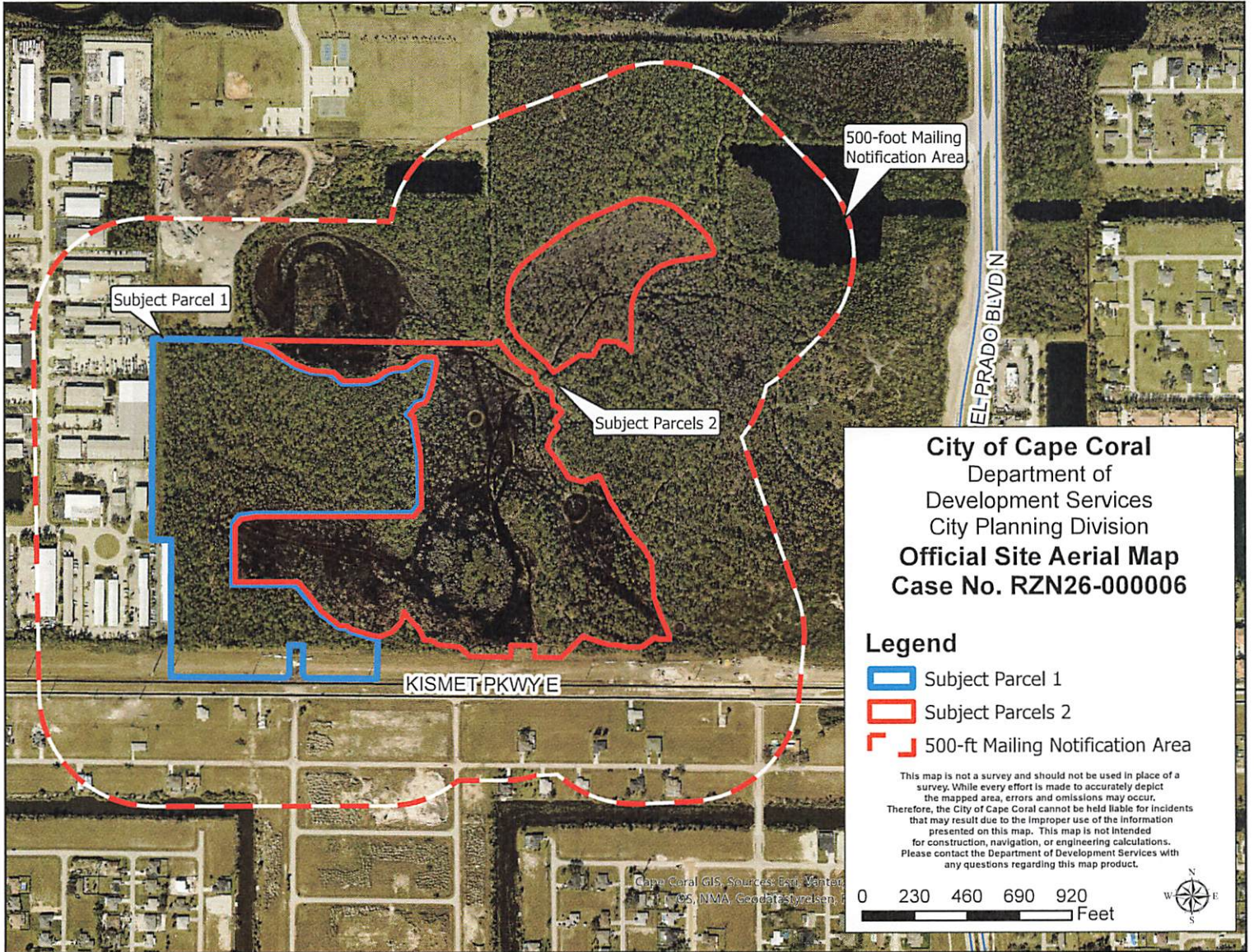
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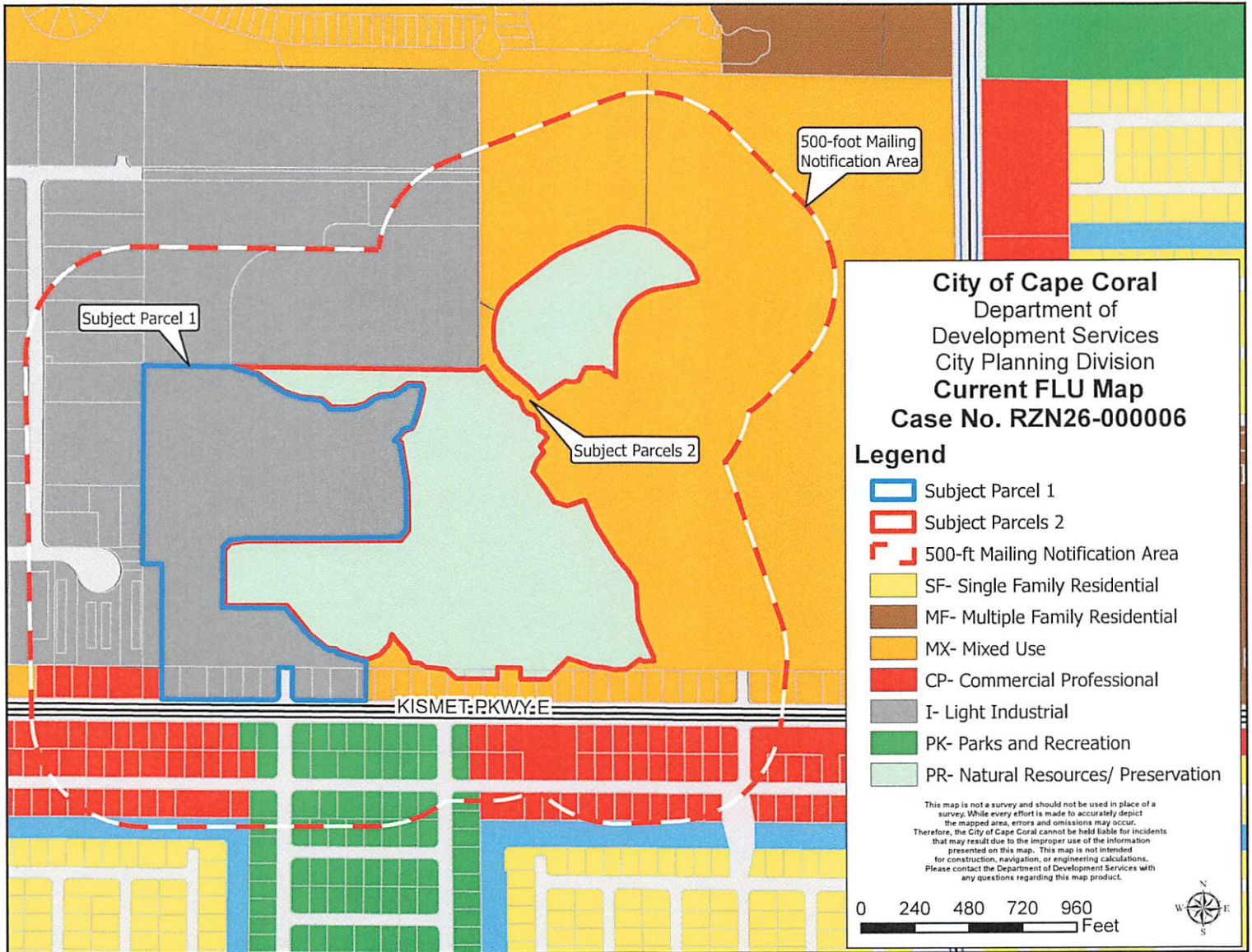
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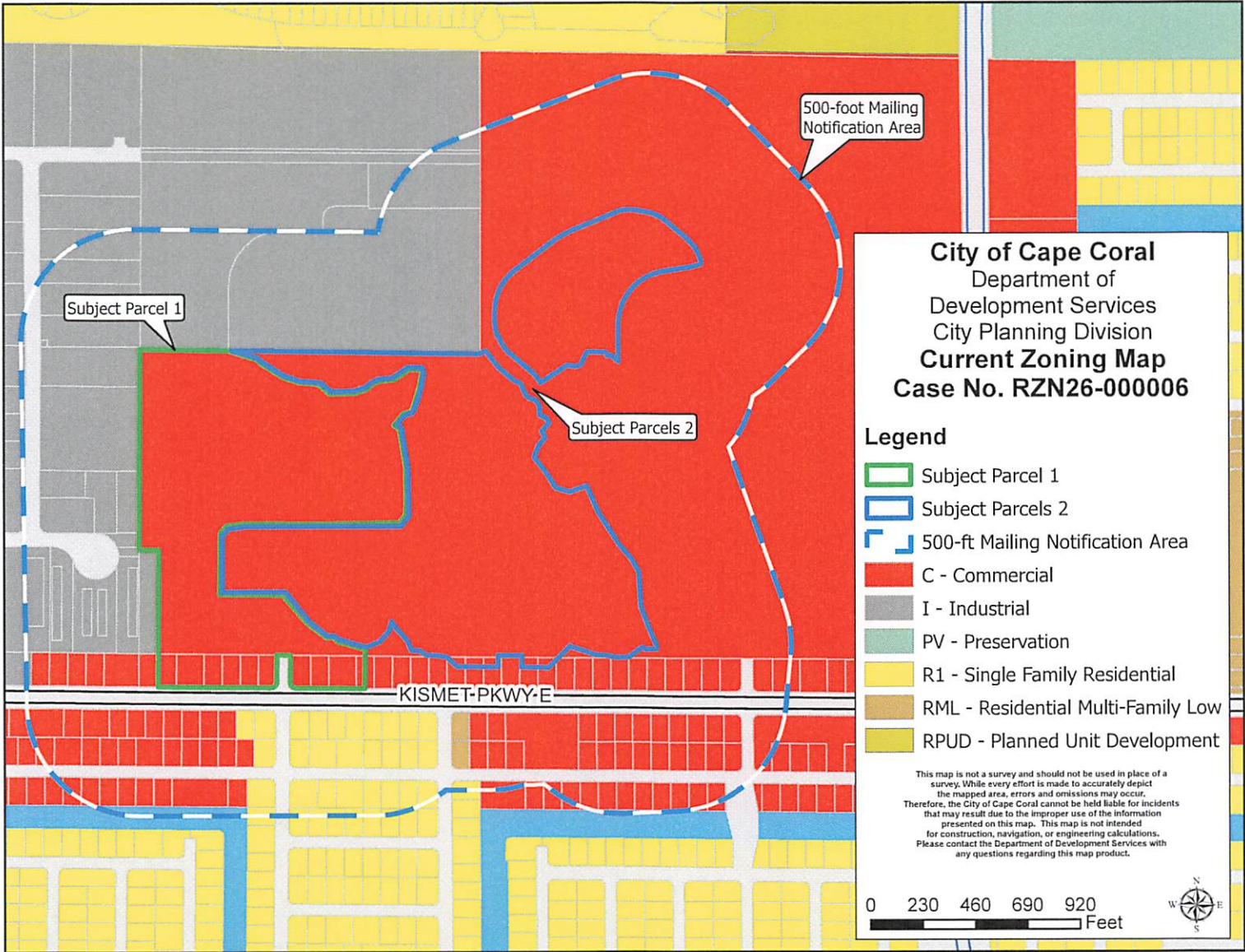
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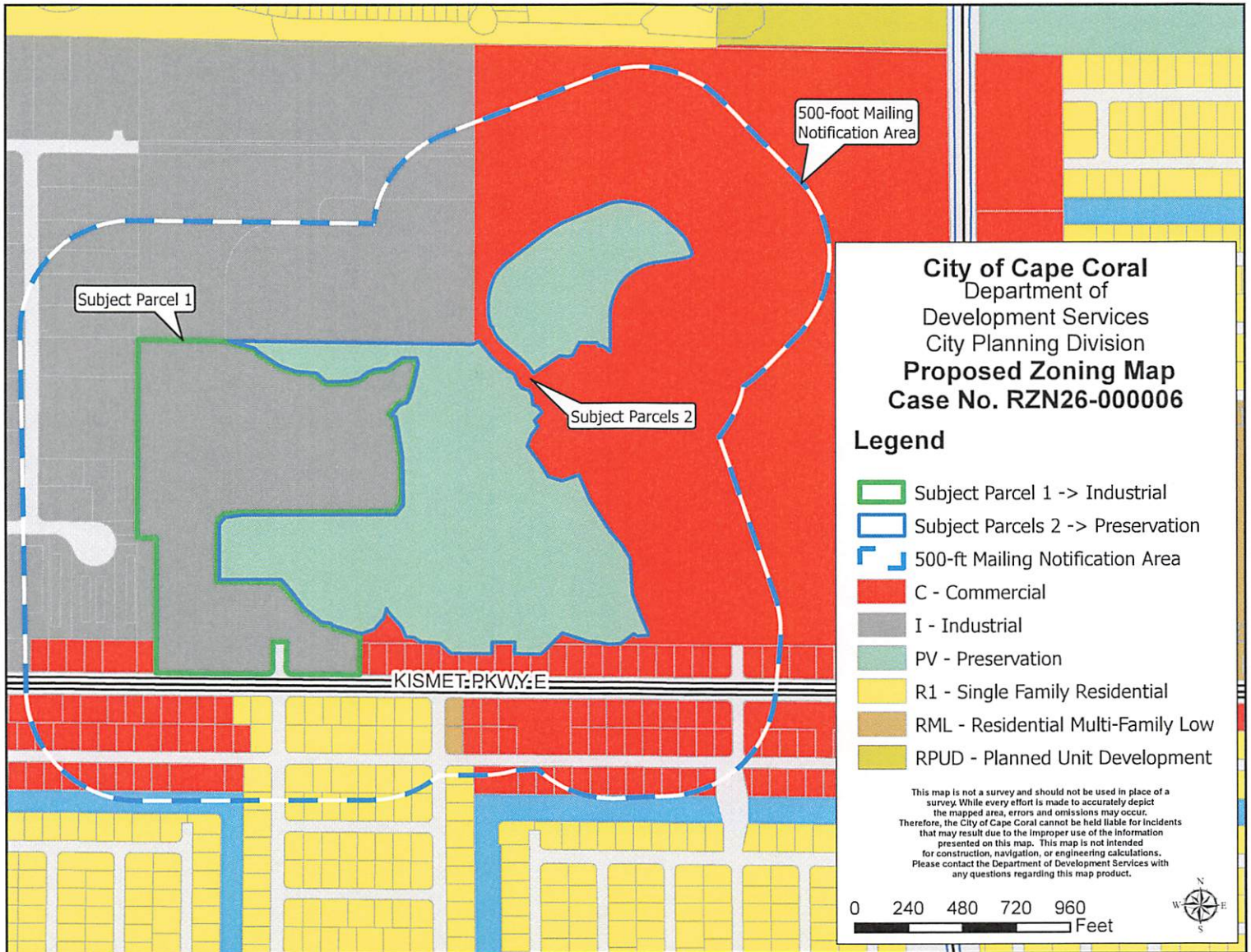
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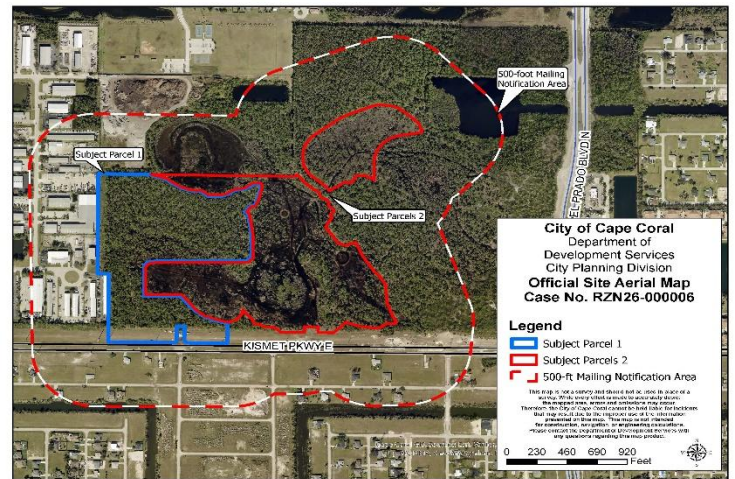
Case No.:	RZN26-000006	Prepared By:	Anthony Santora, Senior Planner
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Property Location:	Multiple Properties (Refer attached property list)	<u>Applicant / Property Owner</u>	
Authorized Representative		Name:	City of Cape Coral
Name:	Anthony Santora	Address:	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 large scale request for re-zoning of city owned property.

The applicant has requested re-zoning from the current Commercial (C) zoning to a proposed Industrial (I) zoning for +/- 1,237,104 SF (28.40 Acres) and to a proposed Preservation (PV) zoning for +/- 1,811,831 SF (41.59 Acres) of multiple city owned parcels for a total of +/- 3,048,935 SF or 69.99 Acres.



MAP SOURCE: City of Cape Coral

Existing Land Use	Existing Zoning	Proposed Zoning	Site Improvements	Size of Property (+/-)
Light Industrial (I) Natural Resource/Preserve (PR)	Commercial (C)	Industrial (I) Preservation (PV)	Undeveloped	3,048,935 SF 69.99 Acres

STAFF RECOMMENDATION: | **Approval**

Conditions: | **None**

CASE OVERVIEW

Background:	- The parcels were originally part of "Academic Village" concept. - Subject area has primary frontage along Kismet PKWY E.
Positive Aspects of Application:	- The proposed rezone will align the FLUM and zoning districts. - The rezone will increase the total amount of industrial and preserve space in the city.
Negative Aspects of Application:	The new classification reduces the overall amount of Commercial zoning in the City.
Mitigating Factors:	- A conservation easement exists on the property as a deed easement - All properties are undeveloped, including areas of the proposed rezoning.



PLANNING DIVISION STAFF REPORT

SITE INFORMATION

Street Addresses: Multiple Properties (Refer to attached property list)

Urban Service Area: Transition

City Water & Sewer: City Water: No City Sewer: No Service Area: North 1-A

Right-of-Way Access: The site(s) are accessible from Kismet PKWY E, a paved (4) lane Minor Arterial roadway.

STRAP Number(s): Multiple (Refer to attached property list)

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

Lot(s): N/A

Subdivision: N/A

Site Area: SQ. FT. (+/-): 3,048,935 (Total)

Acres (+/-): 69.99 (Total)

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:	Industrial (I) Natural Resource / Preservation (PR)	Commercial (C)
Proposed:	N/A	Industrial (I) Preservation (PV)
	Surrounding Future Land Use	Surrounding Zoning
North:	Light Industrial (I) Mixed Use (MX)	Industrial (I) Commercial (C)
South:	Commercial/Professional (CP) Parks and Recreation (PK)	Commercial (C) Residential Single Family (R-1) Residential Multi-Family Low (RML)
East:	Mixed Use (MX)	Commercial (C)
West:	Light Industrial (I) Commercial/Professional (CP)	Industrial (I) Commercial (C)

PURPOSE OF REQUEST

The applicant has requested this rezoning to preserve the existing conservation area of the property and prepare the remainder of property for future development.

FUTURE LAND USE AND ZONING HISTORY

30-43-24-C3-00005.0000:	F: I -> PF (2003); PF -> CP (2010); CP -> MX (ORD5-21) Z: A -> I (2000); I -> C1, C3, PRES -> C1, I, PRES -> C3, I PRES -> C1 (ORD53-11)
BLK 2175, Lots 35-47 & BLK 2176, Lots: 1-8, 18-23, & 26-31:	F: MF -> CP (ORD30-10); CP -> MX (ORD5-21) Z: C2 -> R3; R3 -> C1 (ORD53-11)

- ❖ A large scale future land use amendment for these subject areas was approved by the City on 5/6/2026, ORD01-26, and approved by the State on 6/11/2026 (ESR26-1).



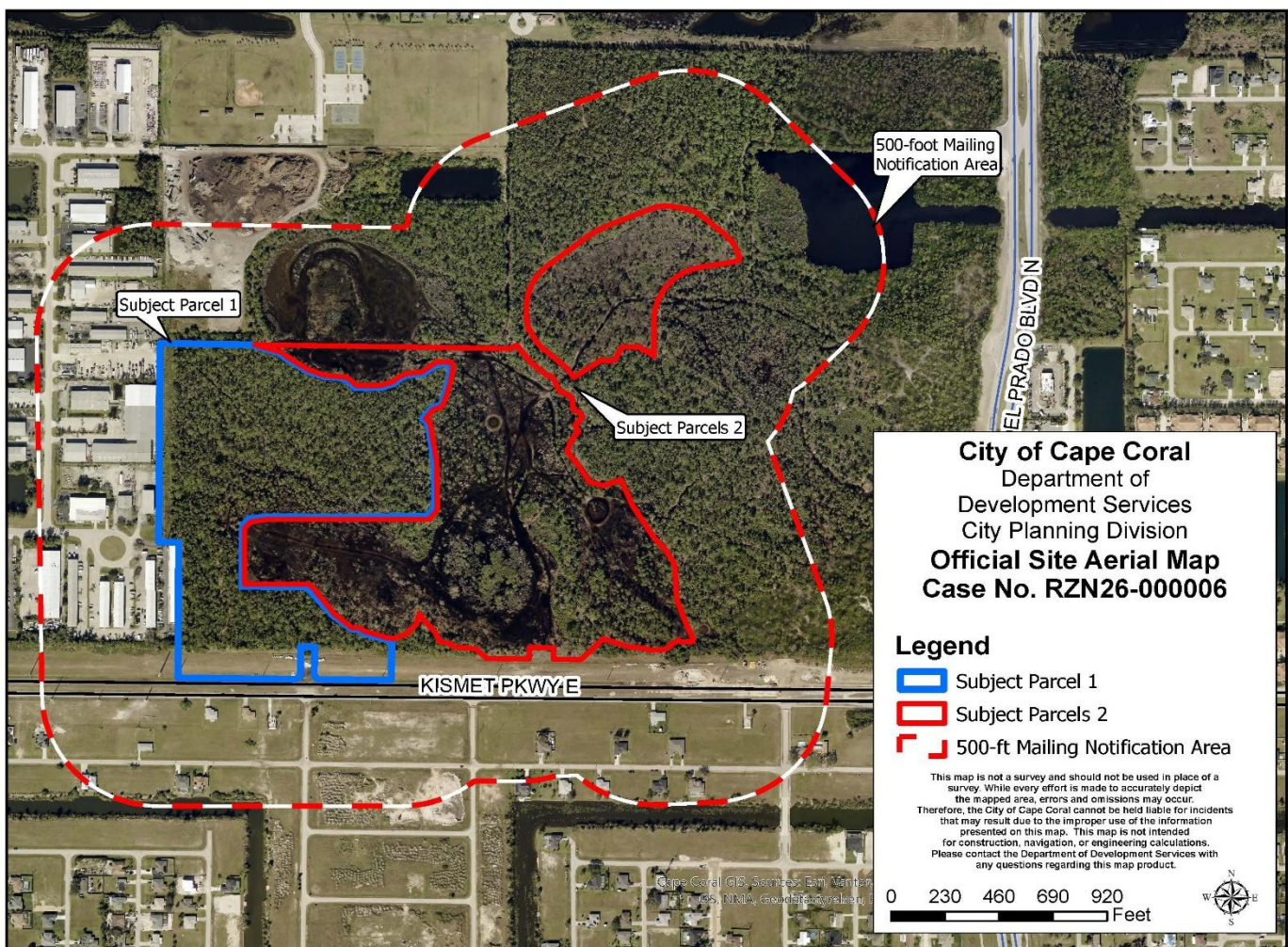
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BACKGROUND

This is a City-initiated request for rezoning where the City of Cape Coral is the property owner. The request is to rezone areas from Commercial (C) to Industrial (I) and Preservation (PV) for a portion of a group of parcels totaling approximately 3,048,935 SF or 69.99 Acres. The proposed rezoning would align the existing land use classification, which was amended in 2026 through ORD01-26, and zoning, thereby allowing for future development to occur where permissible. Additionally, the Industrial zoning would expand the amount of industrial land available within the City of Cape Coral and expand the industrial footprint of the Light Industrial complex to the west. An existing conservation easement exists on the properties to the east and is to remain thus expanding the designated natural preserve space in the City and ensuring future development does not encroach into these areas.

The subject area was originally an agricultural piece on the outskirts of the city. As the city expanded, the property was amended away from agrarian uses to a combination of industrial, commercial and preservation classifications. The area was consolidated to a Mixed-Use land use classification in 2021 with a Commercial zoning district. A conservation easement was established on the subject property in 2019, recorded as INSTR # 2019000135527, and prohibits any form of development within the easement bounds.

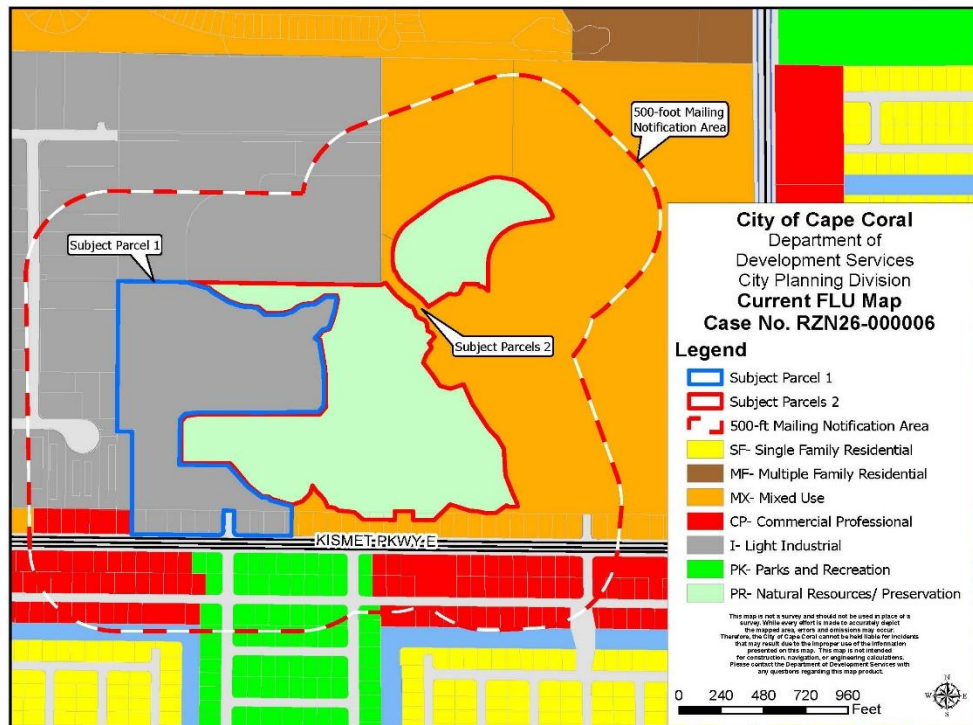
Aerial Map



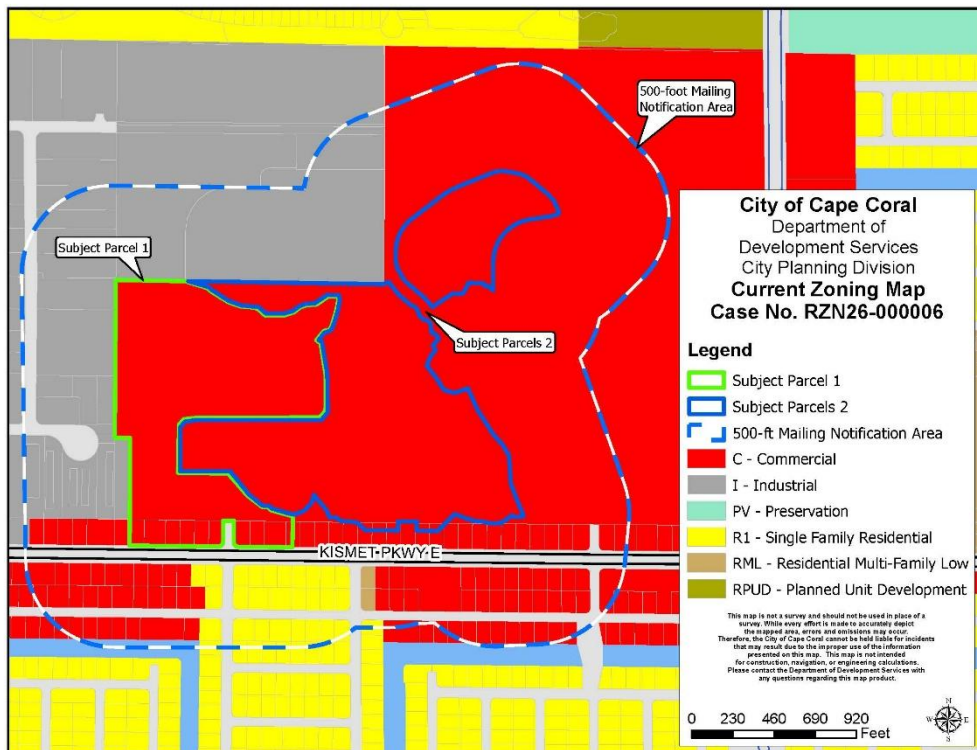


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Current Future Land Use Map



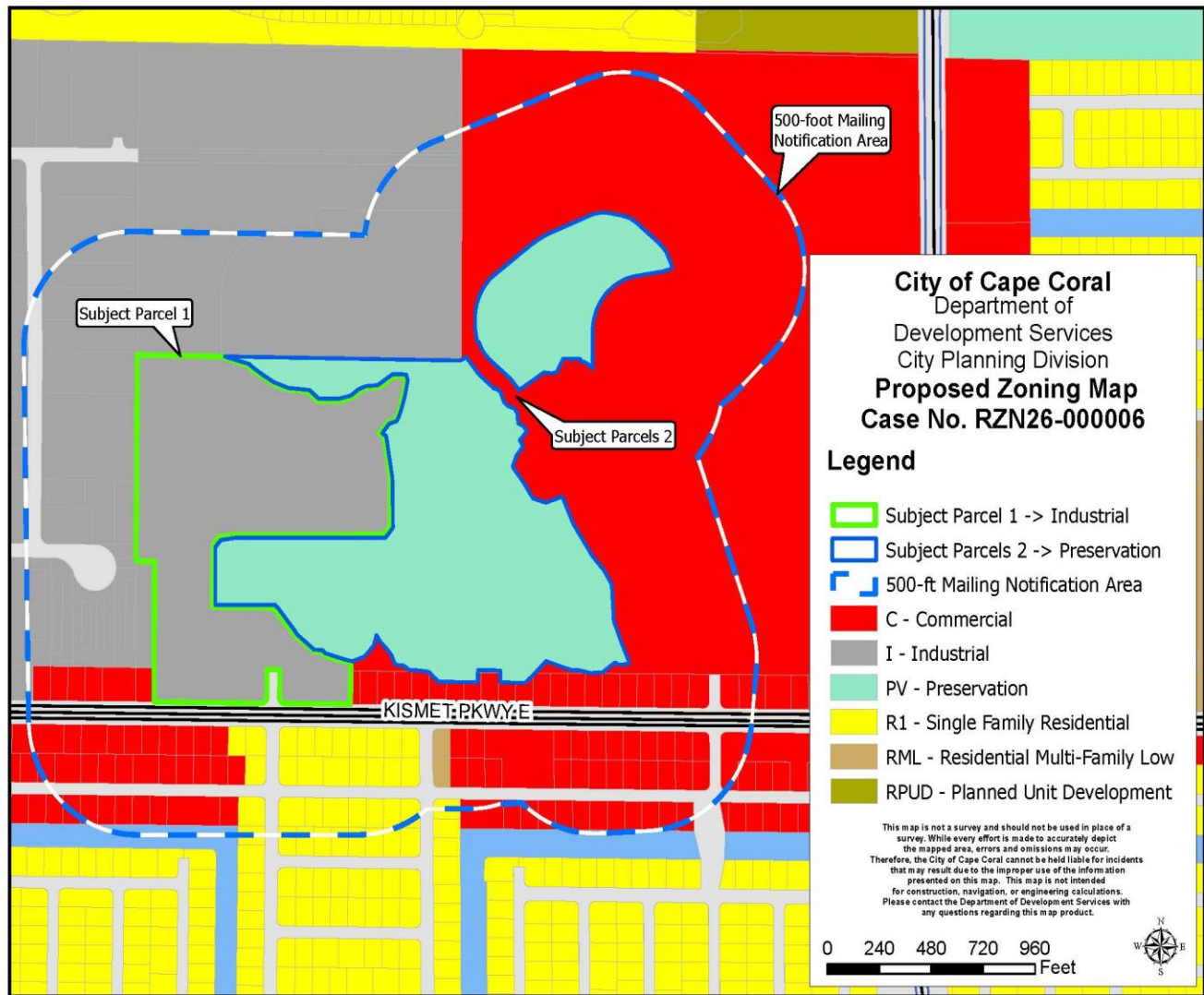
Current Zoning Map





PLANNING DIVISION STAFF REPORT

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 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 Industrial (I) and Preservation (PV) district is consistent with the existing Light Industrial (I) and Natural Resource / Preserve 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 surrounding the proposed rezoning contains a mix of zoning designations, including Single-Family Residential and Industrial districts. Despite this range, the vicinity is only lightly developed. The most significant existing development consists of Light Industrial uses located immediately to the west, directly abutting the subject property. Residential development in the broader area is minimal and is situated well to the south, across Kismet Parkway E., with no residential uses sharing a property boundary with the proposed rezoning sites. This existing pattern of development provides a strong buffer and reduces the potential for land-use conflicts.

Per LDC Table 4.1.3.B, the two requested districts, I and PV, have varied development standards tailored to the specific use allotments. The standards range from stringent standards for the PV district to a more relaxed set of standards for the I district. Please refer to the below chart for pertinent lot development criteria.

Zoning District	Lot and Structure			Minimum Setbacks			Max Height	Res. Density (Units/Acre)	
	Min. Lot Area	FAR Max.	Max Impervious Surface	Front	Side	Rear		Min.	Max
I	None	1	----	20	0 or 6	10	None	N/A	N/A
PV	None	None	----	50	50	50	38	N/A	N/A

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.



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Uses permitted in these zoning districts are varied and many and consist of primarily those uses which align with and support those described in LDC Section 4.1.2. which specifies:

(4.1.2.B.3) Industrial (I). This district is to accommodate manufacturing, fabrication, warehousing, and other related activities that typically utilize large work forces, generate semi-tractor trailer traffic, and may produce external impacts such as noxious smells, smoke, or noise.

(4.1.2.B.5) Preservation (PV). This district is to identify environmental resources or natural features as areas intended to remain in a predominately natural or undeveloped state to provide resource protection and opportunities for passive recreation and environmental education for present and future generations.

A comprehensive list of permitted uses is provided in LDC Table 4.1.6 (Use Table). Notably, residential uses of any type are prohibited in both districts. Within the PV district, only limited public and institutional uses are permitted, while the Industrial district allows a broader range of activities, including vehicle-related commercial services, food and beverage operations, select commercial and professional services, and a variety of industrial-sector uses. These uses are generally medium- to high-intensity in nature, with densities and impacts varying by specific activity.

Given existing conditions, any future development under the proposed zoning would have minimal impact on adjacent properties. Where development does exist, it is either industrial in nature and already compatible with the proposed Industrial (I) district, or it is located far enough away, particularly residential areas south of Kismet Parkway, that any effects would be negligible. The immediate adjacency of an established Industrial Park to the west further supports compatibility, as the proposed Industrial zoning will simply serve as a natural extension of the ongoing industrial pattern. The Preservation (PV) portion of the rezoning will also be compatible with surrounding uses, as it serves to protect natural lands and maintain low-intensity conditions that inherently minimize potential impacts. Its presence will provide a natural buffer between developed areas and further contribute to environmental stability in the vicinity. Furthermore, the large footprint of the subject areas coupled with the existing pattern of development provides a strong buffer and reduces the potential for land-use conflicts where potential development may mitigate any adverse impacts through existing regulations.

Given this, the full range of uses allowable within the Industrial (I) and Preservation (PV) 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 allowed within the Industrial (I) and Preservation (PV) zoning districts are oriented toward two distinct land-use functions. The Industrial district supports employment-based uses such as manufacturing, warehousing, fabrication, and other industrial-sector activities that rely on transportation access and may generate external impacts such as truck traffic, noise, or odors. Conversely, the Preservation district is intended to maintain natural lands in an undeveloped state, allowing only limited public or institutional uses that support environmental protection, passive



PLANNING DIVISION STAFF REPORT

recreation, and educational functions. A full breakdown of permitted uses for both districts is provided in LDC Table 4.1.6 (Use Table) and summarized in Sections 2 and 4.1.2 of the LDC.

The surrounding area contains a mix of zoning districts, including Single-Family Residential (R-1) and Industrial (I). However, the area is only lightly developed, with the dominant development pattern being the established Industrial Park located immediately to the west, directly abutting the subject property. Residential development is located significantly farther south, across Kismet Parkway E., and does not share a boundary with the subject parcels.

Analysis in Criterion 2 already addressed compatibility with existing uses; therefore, this criterion focuses on compatibility with potential future uses.

Regarding potential uses, the zoning districts in the area allow varied development types and intensities. Where Commercial or Industrial zoning is already present, directly adjacent to the site or in close proximity, the proposed Industrial (I) district fully aligns with both existing and future industrial uses. The uses permitted in the I district, as identified in Table 4.1.6, match or complement those allowed in the adjacent industrial area, creating a seamless extension of the existing industrial footprint.

Similarly, the Preservation (PV) district aligns with natural areas and the conservation easement already present on the subject property. Future uses within the PV district are inherently low-intensity and environmentally protective, making them compatible with all surrounding zoning districts. The PV district's stringent site dimensional standards, large setbacks and a low height limit, further limit potential impacts and create natural buffering that enhances compatibility with any future development nearby.

For the R-1 zoning district, the low-intensity nature of single-family residential development is not typically ideal for adjacency to industrial uses. However, in this case, the physical separation provided by Kismet Parkway E., along with the presence of the Preservation district as an additional buffer, significantly mitigates potential impacts. The passive, undeveloped character of the PV district ensures that future residential growth south of Kismet Parkway will not be adversely affected by development within the subject parcels.

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 Industrial (I) and Preservation (PV) will align the property's zoning with its established future land use classifications, ensuring consistency within the City's adopted planning framework. Beyond alignment, the Industrial (I) district will expand the City's industrial footprint, which is currently in short supply, thereby increasing the non-residential taxable base and supporting long-term economic sustainability. This expansion also facilitates the introduction of new jobs, goods, and services, which are components that are essential to meeting community needs and strengthening and sustaining local neighborhoods. Simultaneously, the Preservation (PV) district will expand protected natural areas within the city, safeguarding native habitats and wildlife while maintaining the natural character of the environment. This preserved landscape provides ecological value and supports a balanced, resilient civic environment.



PLANNING DIVISION STAFF REPORT

Together, the limited industrial expansion and the enhancement of preservation lands serve critical and complementary roles within Cape Coral. Both are necessary to maintain a robust and well-rounded community ecosystem. Given this, the proposed rezoning will serve a community need and serves a general public purpose.

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

Analysis: The subject area is situated with primary frontage along Kismet PKWY E, a four-lane paved major collector roadway. The roadway is currently designed to accommodate substantial traffic volumes and provides direct connectivity to the broader transportation network. Water, sewer and irrigation are not available currently at the site, however these utilities are in close proximity being located to the west and south of the site along and across Kismet PKWY E. Electric utility is available for the subject area and is located along Kismet PKWY E. The proposed rezone is subdivided into 2 pieces, one piece being the Industrial (I) rezoning and the other piece being the Preservation (PV) rezoning. Both areas are currently vacant, heavily vegetated and are of a large size, being over 25 acres in size and with non-rectilinear polygonal shaping.

The areas within the requested zoning districts are overly sized, when taken in individual totality, and have substantial area to support any potential uses that may be developed. While non-rectilinear in its shape the areas have substantial depth and width to accommodate potential uses along with any accompanying support systems and infrastructure. The sites are also generally flat which also lends 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 districts.

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 the only permissible zoning districts within the Light Industrial (I) future land use classification is Industrial (I) zoning district. Similarly, per table 1 of Policy 1.15 of the Comprehensive Plan, the only permissible zoning district for the Natural Resource / Preservation (PRES) future land use classification is the Preservation (PV) zoning district. As no other zoning districts are listed within the table for the respective future land use classification, there are no other zoning districts which could be considered.

Even when examining zoning options outside of Table 1.15, there is no zoning district that would generate fewer potential impacts than the proposed districts. The Preservation (PV) district directly aligns with the existing conservation easement, restricts development, and functions to maintain and protect the natural landscape—thereby producing the minimal possible impact. Additionally, the Industrial (I) zoning district is appropriate for the portion of the property designated Light Industrial (I) and would serve as an extension of the adjacent Industrial Park located immediately to the west. This continuity in zoning reinforces compatible land uses and reduces the likelihood of adverse impacts to surrounding properties

Given this, the proposed Industrial (I) and Preservation (PV) district is the zoning district that creates the fewest adverse impacts to the surrounding area.



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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

- d. Light Industrial: Shall not exceed a floor to lot area ratio of 1.0.
- g. Natural Resources / Preservation: The areas designated on the Comprehensive Plan Future Land Use Map for Natural Resource / Preservation primarily consist of State-Owned or regulated land. Development in these areas is limited to activities to make them accessible to the public for research or recreational purposes. Such activities would include accessways, nature trails, informational signs or displays, restroom facilities, picnic tables/shelters, beaches and boat ramps.

Privately-owned properties with this future land use map classification may develop at a density of one dwelling unit per 20 acres.

Analysis: The requested rezoning is for subject areas from Commercial (C) to Industrial (I) and Preservation (PV). Per Table 1 of Policy 1.15, the only permissible zoning district for the Light Industrial (I) classification is Industrial (I) zoning district, and the only permissible zoning district for the Natural



PLANNING DIVISION STAFF REPORT

Resource / Preserve (PRES) classification is Preservation (PV) zoning district; making the proposed zoning fully consistent with the Comprehensive Plan land use classification.

Additionally, the Industrial (I) district allows development up to a maximum FAR of 1.0, meeting the intensity requirements of Policy 1.15(d). The subject area is currently undeveloped and well below the maximum developable threshold, ensuring any future development will remain within allowable limits. Similarly, the Preservation (PV) district corresponds to an existing conservation easement and future land use classification on the city-owned portion of the site, which prohibits development except for passive recreational facilities that support environmental preservation. The PV zoning district mirrors these restrictions by allowing only limited community uses and imposing highly protective development standards, ensuring any permitted activity aligns with the purpose of preserving wetland and upland ecosystems.

Provided this, the proposed land use amendment is consistent with Policy 1.15 of Chapter 4, Future Land Use Element

Chapter 4, Future Land Use Element, Objective 11: Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

Analysis: The proposed area of the Preservation (PV) zoning aligns with an existing Preservation land use and Conservation Easement which is established on the identified properties. The area is a combination of wetlands and uplands which have a varied amount of biodiversity, and which have been targeted for retention through the easement process. The proposed rezoning would further identify these areas as protected asset and allow for them to remain undeveloped or limited in their development to such uses which would support the protection of the environment and serve as a community asset. Therefore, the proposed rezoning to the Preservation (PV) zoning district is consistent with this Objective of the Comprehensive Plan.

Impact Analysis:

Police & Fire Impacts:

Fire: Property is currently served by Fire Station #5 (future Station 10). The call volume estimate is currently unknown due to the range of uses permitted but is most likely under 100 calls annually. Likewise, the impact is also unknown at this time, however the probable impact will be **Moderate**.²

Police: Property is served by police patrol zone 4, Northeast District. Anticipated development is expected to generate between a 2-4% increase to recorded calls for service in Zone 4, Northeast and approximately 2% citywide. **Minor impact** to service demands anticipated.³

² Fire Impact determined through the City of Cape Coral Fire Department thru FLUM25-000009, 11/06/2025.

³ Police Impact determined through the City of Cape Coral Police Department thru FLUM25-000009, 11/06/2025.



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 the zoning of select subject areas from the Commercial (C) to the Industrial (I) and Preservation (PV) 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 the zoning districts with the future land use classification, and allow for preservation of natural habitat and future development where applicable. 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.

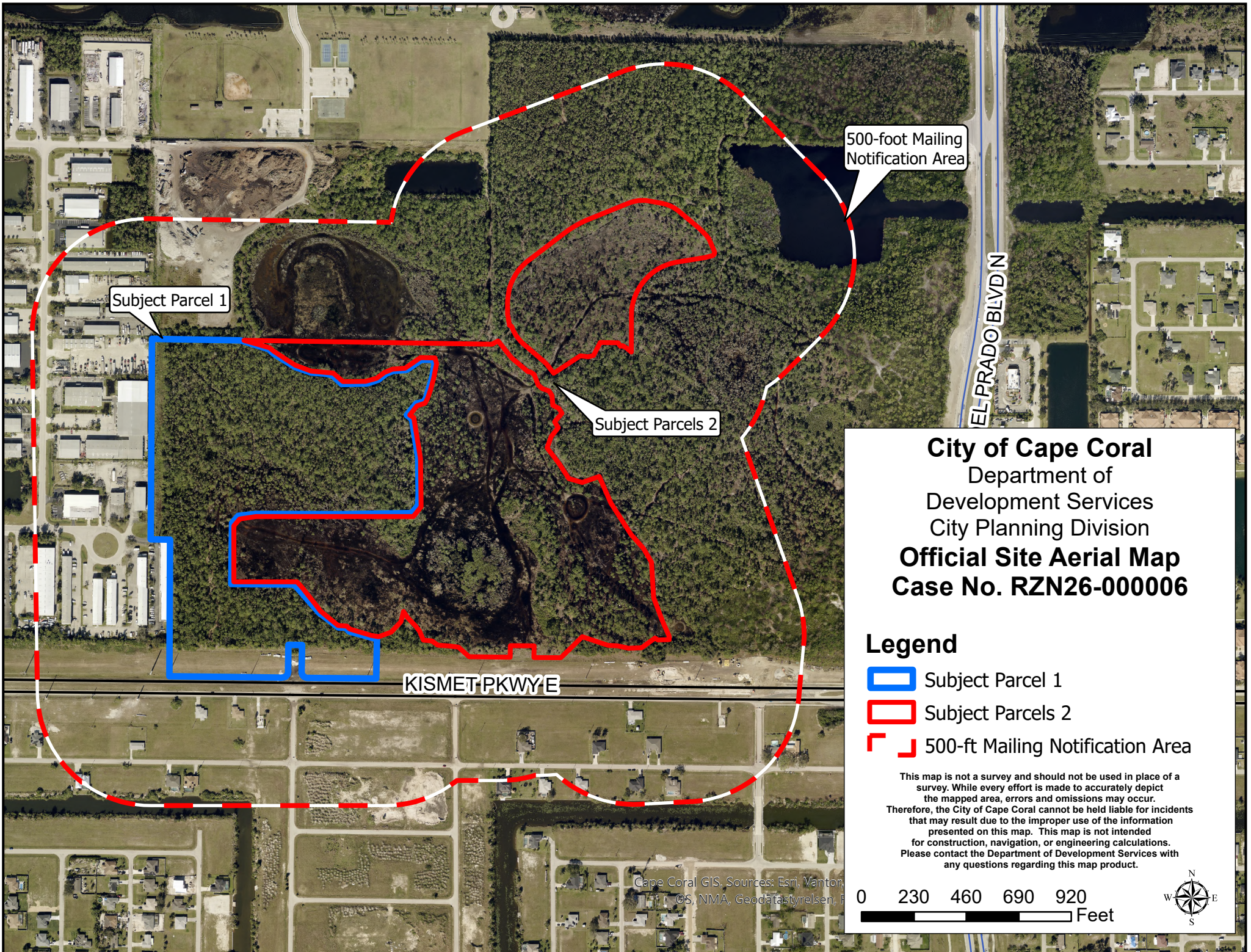
Therefore, it is the recommendation of staff that the proposed re-zoning application request be **Approved**.

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

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



500-foot Mailing Notification Area

Subject Parcel 1

Subject Parcels 2

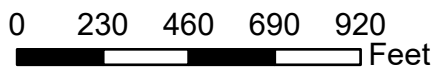
City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN26-000006

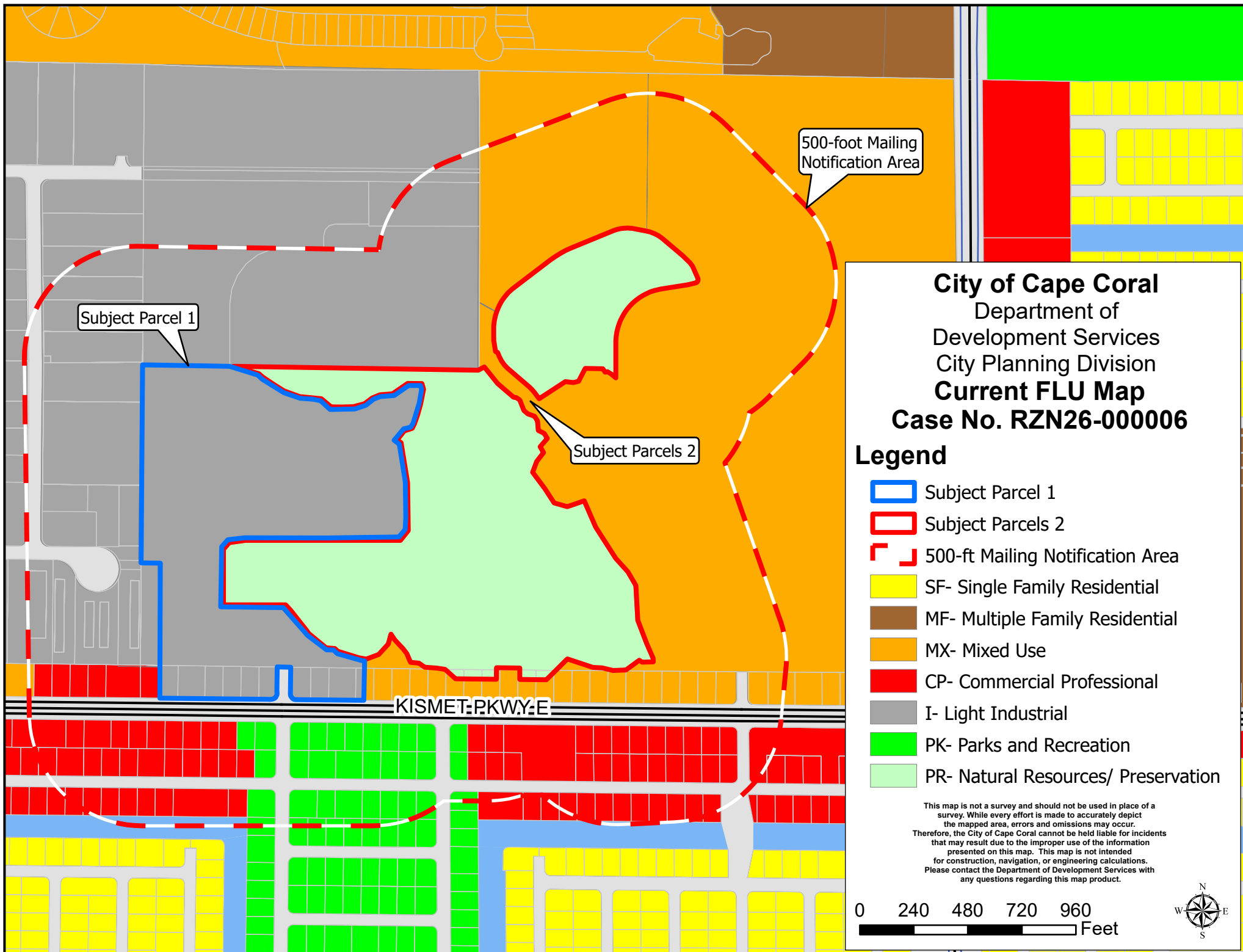
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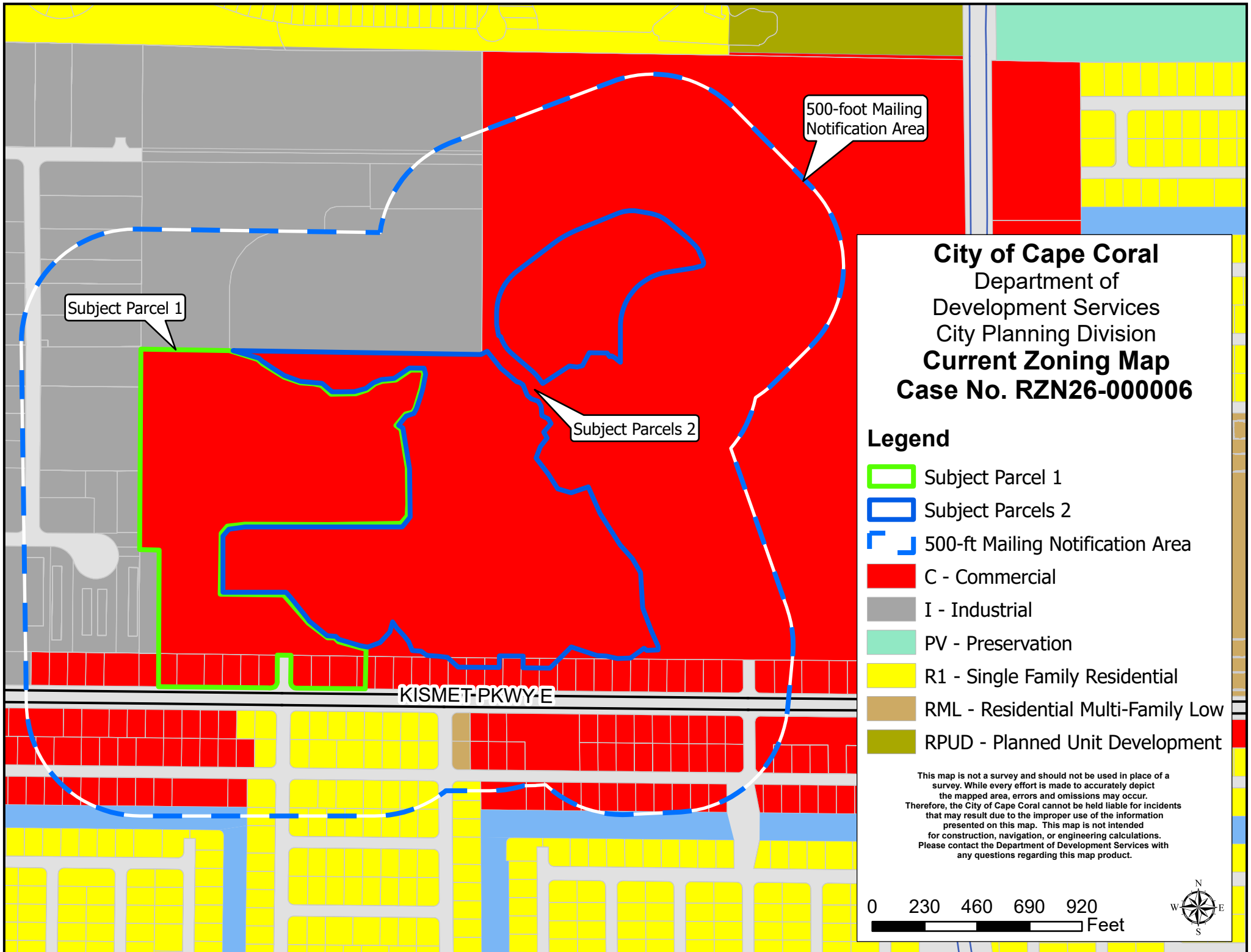
-  Subject Parcel 1
-  Subject Parcels 2
-  500-ft Mailing Notification Area

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.

Cape Coral GIS, Sources: Esri, Vantor,
OS, NMA, Geodatastylelsen, F





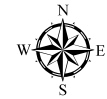
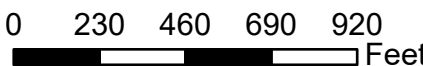


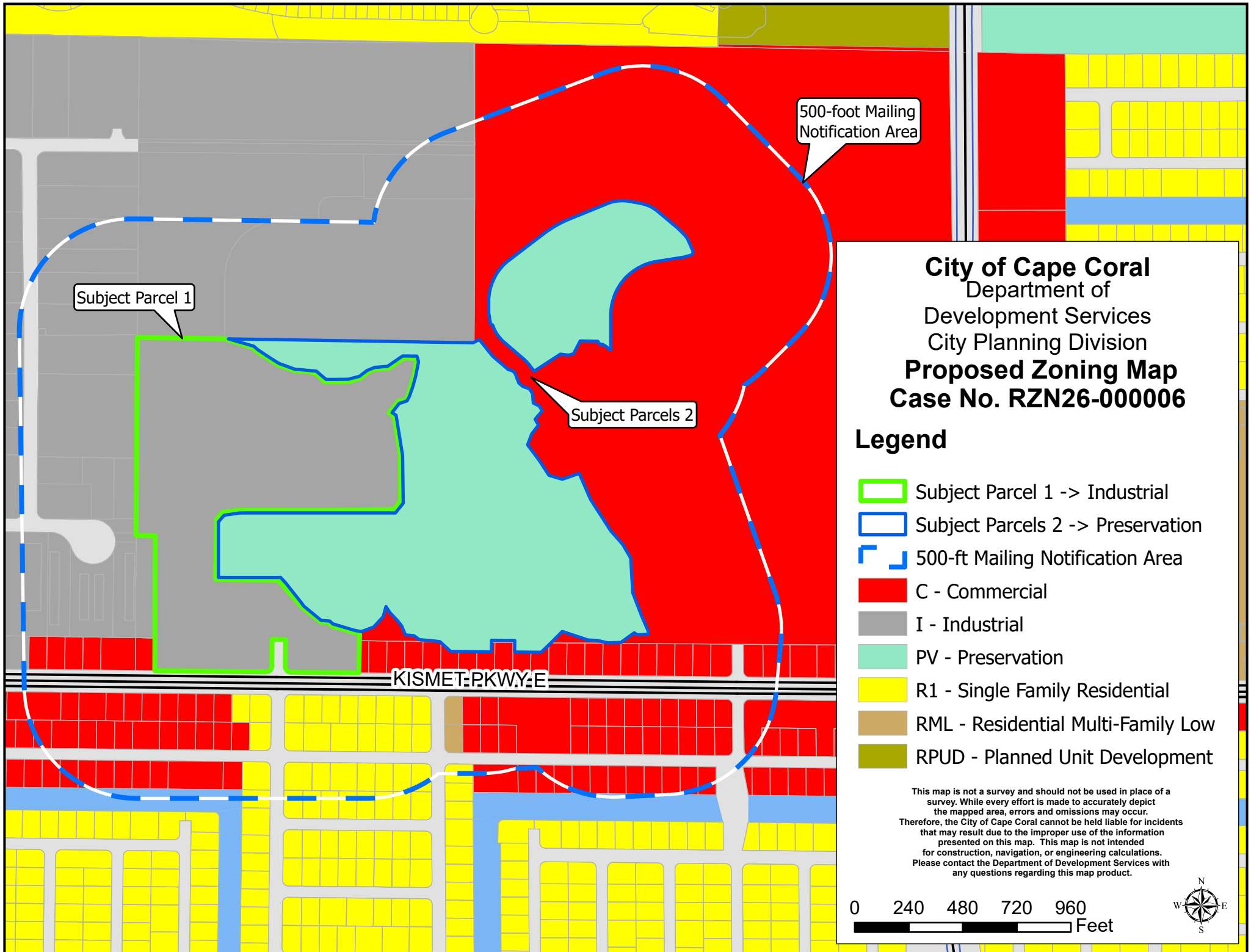
City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. RZN26-000006

Legend

-  Subject Parcel 1
-  Subject Parcels 2
-  500-ft Mailing Notification Area
-  C - Commercial
-  I - Industrial
-  PV - Preservation
-  R1 - Single Family Residential
-  RML - Residential Multi-Family Low
-  RPUD - Planned Unit Development

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City of Cape Coral
 Department of
 Development Services
 City Planning Division
Proposed Zoning Map
Case No. RZN26-000006

Legend

- Subject Parcel 1 -> Industrial
- Subject Parcels 2 -> Preservation
- 500-ft Mailing Notification Area
- C - Commercial
- I - Industrial
- PV - Preservation
- R1 - Single Family Residential
- RML - Residential Multi-Family Low
- RPUD - Planned Unit Development

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.

0 240 480 720 960
 Feet

