

Planning Division Case Report
Future Land Use Map Amendment

Case No:

LU16-0013

Applicant:

Florida Gulf Venture, LLC

Request:

Approval of a Future Land Use Amendment from Parks and Recreation (PK) to Single-Family Residential (SF).

Location:

Southeast quarter of Cape Coral in Units 9, 14, and 15. Area is formerly known as Cape Coral Golf and Tennis Resort. Previous address was 4003 Palm Tree Boulevard.

Owner Information:

Florida Gulf Ventures c/o Ryan Companies
50 S. 10th Street, Suite 300
Minneapolis, MN 55403

Authorized Representative:

Banks Engineering / Stacy Ellis Hewitt, AICP
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

Project Size:

175.25 acres

STRAP Number:

12-45-23-C2-0000A.0000

Urban Service Area:

Infill

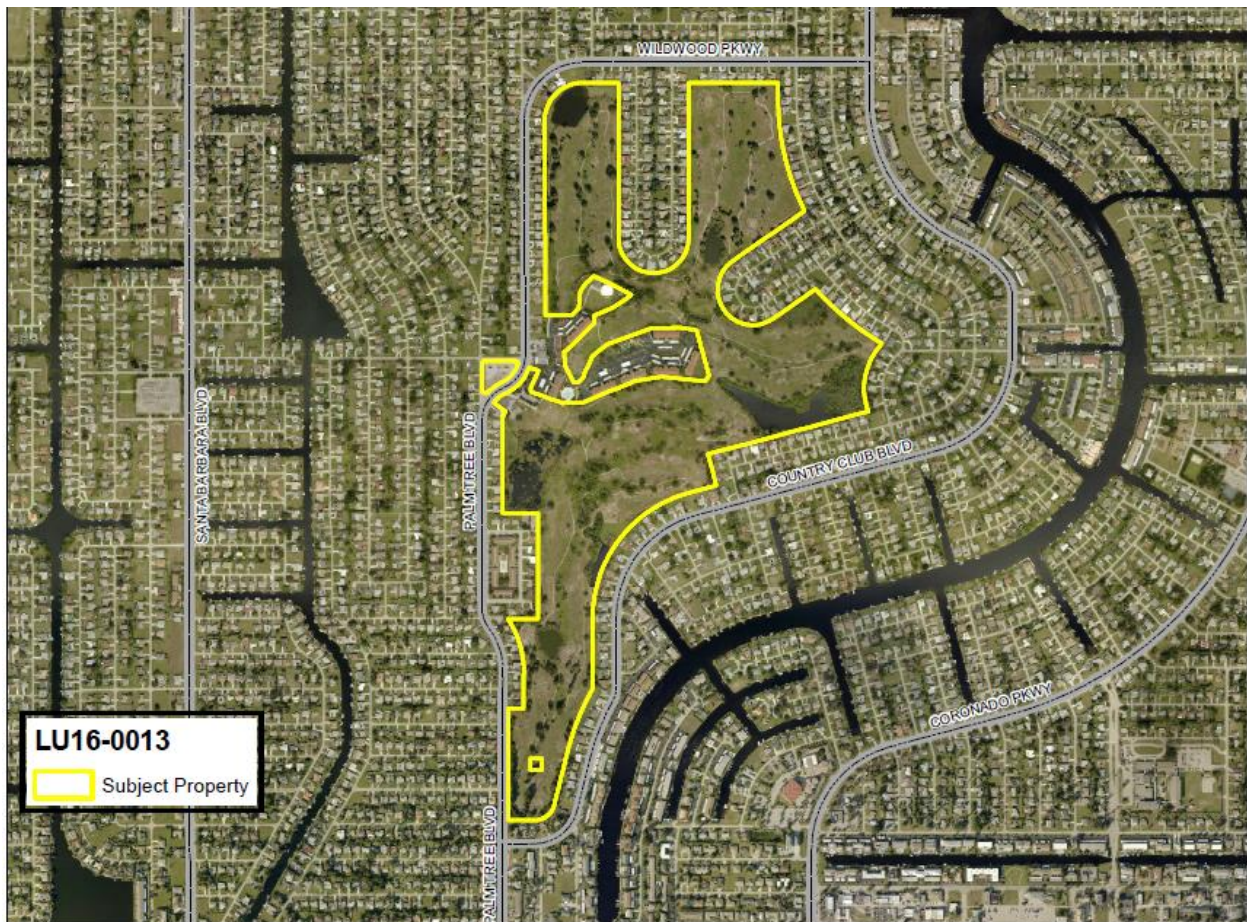
I. Zoning and Land Use Information

| <i>Subject Property:</i> | <i>Future Land Use</i> | <i>Zoning</i> |
|---|--------------------------------------|---|
| <i>Current:</i> | Parks and Recreation (PK) | Single-Family Residential (R-1B) |
| <i>Proposed:</i> | Single-Family Residential (SF) | N/A |
| <i>Surrounding Future Land Use</i> | | <i>Surrounding Zoning</i> |
| <i>North:</i> | SF | R-1B |
| <i>South:</i> | SF | R-1B |
| <i>East:</i> | SF | R-1B |
| <i>West:</i> | SF and Multi-Family Residential (MF) | R-1B and Multi-Family Residential (R-3) |

II. Site Information

The 175.25 acre parcel is in the southeastern quadrant of Cape Coral. The site has frontage on Palm Tree Boulevard which is classified as a collector roadway per the City of Cape Coral Functional Classification Map. There are no internal roads within the site. The site was formerly known and operated as the Cape Coral Golf and Tennis Resort. The golf course has been abandoned since 2006 and no other uses have been established on the site. Several buildings associated with the golf course have been razed over the

course of several years. Many geographical features of the golf course are still present; however, much of the golf course has become overgrown. The site has had the Parks and Recreation (PK) future land use designation since the adoption of the City Comprehensive Plan in 1989. The site has been zoned Single-Family Residential (R-1B) since 1989. An aerial of the site is found below.



III. Background

The applicant's "Letter of Intent" states that they plan to redevelop the site with a single-family residential subdivision. The applicant states the subdivision will have single-family dwelling units along with internal roadways, drainage features, and several areas of green and open space. The current Parks and Recreation future land use classification does not allow single-family residential development. The applicant seeks to amend the future land use designation from Parks and Recreation to Single-Family Residential to allow a residential development.

The site was previously known as the Cape Coral Golf and Tennis Resort. The applicant states that operation of a golf course is no longer financially feasible. Prior to golf course closure, it was the only golf course in southeast Cape Coral.

The site is accessed from Palm Tree Boulevard (a collector road) west of the site. There is indirect access to Country Club Boulevard, a minor arterial.

The surrounding area is well developed residential neighborhoods. Most homes are single-family; however, several multi-family developments are within a 500-foot radius. The area within 500 feet is over 95% developed with single or multi-family residences.

As noted above, the existing PK future land use was established in 1989 when the City first adopted a Comprehensive Plan. Initial adoption of the Comprehensive Plan also designated other privately-owned properties as PK, including two privately-owned golf courses as well as properties whose size and shape are typical of sites developed with single-family homes (10,000 sq. ft.).

In 2007, an application was filed to change the future land use of this site from PK to Mixed-Use (MX) (Ordinance 20-09). No physical development was proposed with that amendment. On May 20, 2009, the City Council held a public hearing and denied the transmittal of the Ordinance to the Florida Department of Community Affairs (DCA). The City Council decision to refuse transmittal was effectively denial of the land use amendment. The applicant appealed the Council decision to circuit court. In 2013, the circuit court ruled in favor of the City of Cape Coral. There have been no other development requests on the site since 2007.

Currently, the city does not designate privately-owned property as PK. Additionally, the future land use designation of other privately-owned properties with the PK designation has been changed during large-scale Comprehensive Plan amendments¹. An example would Comprehensive Plan amendments required for utility expansion projects.

The state of Florida began requiring Comprehensive Plans in 1989 because of the Growth Management Act. Rule 9.J.5 of the Florida Administrative Code required that all Comprehensive Plans contain certain elements and one required section in the Future Land Use element was a Future Land Use map that depicted future land use designations. Rule 9.J.5 was repealed and no longer governs the adoption or the amendment process for local government Comprehensive Plans. One required designation was "Recreational." Some Communities in Florida continue to have a "Recreational" or "Parks and Recreation" future land use designation, while other communities do not have these designations in their Future Land Use elements. Absent Rule 9.J.5, the decision whether to have a Parks and Recreation designation is a policy choice for cities and counties.

¹ Such as amendments required for Utility Expansion Projects.

IV. Additional Site Information

A. Protected Species

The applicant conducted an Environmental Survey for the site and found evidence of three “protected” species; the Bald eagle, Florida burrowing owl, and the Gopher tortoise. These species are protected by a variety of laws and any future development² must abide by all federal, state, and local regulations and policies regarding these species. City environmental staff have reviewed the application and found no other evidence of any additional species that are protected by local, state, or federal regulations.

(1) Bald Eagle

The applicant’s environmental survey and city records identify a Bald eagle’s nest near the site³. The nest is near the interior of the site on a parcel owned by a wireless communication company and developed with a communication tower. The nest was constructed on the tower and used for two nesting seasons. In 2016, the owner of the tower applied for a nest relocation permit so structural repairs could be made to the tower. The permit was granted, however, the Fish and Wildlife Conservation Commission (FWC) required the developer to construct a man-made nest near the tower and the pair of eagles have returned to the site and now use the new nest. Bald eagles are not listed as an endangered or protected species, however, eagles are protected by the Bald and Golden Eagle Protection Act. While the eagle’s nest is not on this site, future construction will need to follow Cape Coral guidelines regarding construction near a nest during the eagle nesting season⁴. These regulations prohibit construction within 330 feet of an eagle’s nest and limit construction activities within 1,100 feet of a nest. Permitted construction activities include operations not requiring construction vehicles or loud equipment. The applicant will also be required to submit a Bald Eagle Management Plan (BEMP) prior to beginning construction activities. A map of the eagle’s location is below:

² Any development by the current applicant or any future developer.

³ See map below.

⁴ October 1 through May 15



(2) Burrowing Owl

The environmental survey showed a burrowing owl nest in the northwestern portion of the site. The burrowing owl had been classified as a “Species of Special Concern” however, on January 11, 2017, the burrowing owl was upgraded to a “Threatened” species on Florida’s Endangered and Threatened Species List. Burrowing owls are also Federally protected under the Migratory Bird Treaty Act. All burrowing owl nests are protected during their nesting season which runs from Feb 15th to July 10th. Protections for the nests include maintaining a buffer around the nest during construction activities. At this time, the FWC is engaged in rule making and a buffer of up to 33’ may be required during nesting season. Removal of nests requires an Incidental Take permit from the Florida Fish and Wildlife Conservation Commission (FWC).

(3) Gopher Tortoise

The environmental survey indicated that four “potential” Gopher tortoise burrows exist on the site. The survey noted the burrows had been constructed but there were no gopher tortoises observed within or around the burrows. Gopher tortoises are listed as a Threatened Species and are protected by Florida State law. Prior to any construction near the gopher tortoise burrows, the applicant will be required to obtain a permit from FWC. Gopher tortoises must be relocated before any land clearing or development takes place that could impact the burrows. The permit may also require buffering or mitigation for any disturbance of the burrows.

B. Utilities

The site is in the Urban Services Infill area as designated by the City Comprehensive Plan. The site has access to City water, sewer, and irrigation services. All future development will be serviced by these utilities.

C. Soils and Drainage

The site has two soil classifications; Matlacha Gravelly Fine Sand and Urban Land⁵. These soils have various limitations for development, which are typically overcome using various engineering solutions such as importing fill. The soil types should not present an obstacle to future land development although special feasibility studies may be required by the city.

V. Detailed Analysis

This analysis includes standards and policies in the City Comprehensive Plan and the Land Use and Development Regulations (LUDR).

⁵ Present on the former clubhouse area

The site has had the PK future land use designation since inception of the City Comprehensive Plan in 1989.

Comprehensive Plan Policy 1.15. defines the PK designation as:

The densities/intensities of use for various parks and recreational facilities are those established in the Recreation and Open Space Element of this Comprehensive Plan, under the Section entitled “The Plan for Recreation and Open Space in Cape Coral.”

Comprehensive Plan Policy 1.15 defines the SF designation as:

Sites of 10,000 square feet and greater, with densities not to exceed 4.4. units per acre.

The proposed amendment would allow construction of single-family homes on the site at a maximum density of 4.4 units per acre, subject to the bulk, area, and dimensional requirements of the existing R-1B zoning. Up to 771 homes (175.25 acres x 4.4 dwelling units/acre = 771 dwelling units) could potentially be constructed on this site.

A. Comprehensive Plan Analysis

In this section, applicable Comprehensive Plan policies are presented along with staff’s assessment of the policies impact on the application.

(1) Chapter 2, Conservation and Coastal Management

Policy 1.2.1 – “By 2009, the City of Cape Coral will adopt regulations to ensure that, prior to property development, or habitat alteration, of any kind, owners of properties having viable native habitat and/or, which may contain habitat for protected species, undergoing significant development or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.”

The City adopted Land Use and Development Regulations (LUDR), Section 5.4 contains “General environmental control criteria and performance standards”. The code requires all new development to demonstrate that the project will have minimal adverse impact on the natural environment and the natural surroundings. This requirement is implemented during a Site Plan or a Planned Development Project (PDP) review process. Applicants are required to submit an environmental survey that checks the property for plant and wildlife species that are listed by the Florida Department of Agriculture, Florida Fish and Wildlife Commission, and the U.S. Fish and Wildlife Service.

The applicant conducted an environmental survey and the survey identified the presence or potential presence of three protected species. The applicant has also indicated that all mitigation procedures as determined by state or federal agencies will be followed prior to and during future development. The applicant's environmental survey also indicated there was no presence of wetlands on the site that would need protection or require future mitigation.

Furthermore, the site was developed over 30 years ago and had operated as a golf course since its initial development. While the site was granted a Parks and Recreation (PK) future land use designation, the site was never intended as a habitat for wildlife. Golf courses require daily maintenance and while various animal species may use a golf course as habitat, courses are not maintained to establish and sustain those habitats.

Policy 1.2.4 – “The City will require a management plan for development other than development of a single family residence for disturbance of habitat of any state or federally listed species. Any such management plan shall be consistent with Federal and State guidelines and management strategies relative, but not necessarily limited to: the Bald and Golden Eagle Protection Act (US Fish and Wildlife Service); the Florida Scrub-jay Recovery Plan (USFWS); the Gopher Tortoise Recovery Plan (USFWS); and “Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas.

Any development will be required to comply with local, state, and federal policies and regulations for habit or species disturbance. At the time of application for a Planned Development Project or a Site Plan, the developer will be required to submit management plans if required by local, state, or federal agencies.

Objective 4.3, Policy 4.3.3 – “The City shall not approve any future land use map amendment that would increase the maximum residential density within the coastal high-hazard area, unless one of the following criteria is met, in accordance with Section 163.3178(9). F.S.” The standards are below:

“1)The proposed amendment would not exceed a 16-hour out-of-county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale; or
2) A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available;
3) Appropriate mitigation is provided that will satisfy the provisions of either of the previous two paragraphs. Appropriate mitigation shall include; without limitations, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. For future land use map amendments initiated by a developer, the City and developer shall enter into a binding agreement to memorialize the mitigation plan prior to adoption of the amendment.”

According to City GIS records, 107.39 acres of the site are within the Coastal High Hazard Area (CHHA). The proposed amendment would allow development that would exceed a 16-hour out-county hurricane evacuation and the 12-hour evacuation time to shelter for that portion of the site (107 acres) in the CHHA. The applicant has not proposed shelter space as part of the future land use amendment.

Since the applicant cannot meet standards 1 or 2 of Objective 4.3, Policy 4.3.3, the applicant will be required to meet standard 3, which allows mitigation for the exceedance of evacuation times. The applicant will be required to provide appropriate mitigation that is secured through a binding agreement with the City of Cape Coral. This mitigation agreement must be reviewed and approved prior to the adoption of the future land use map amendment by the City Council.

(2) Chapter 4, Future Land Use Element

Policy 1.9 – “The City will issue no development order or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.”

The maximum number of single-family units that could be developed on this site is 771. As referenced later in the staff report, the Build-Out Assessment indicates that the City roadway system and municipal utility services have capacity for 771 additional single-family homes in this area of Cape Coral. Development of 771 homes will not reduce the level of service standards adopted in the Comprehensive Plan.

Policy 1.15.a, The Single-Family Residential (SF) – This future land use designation states “Sites of 10,000 square feet and greater, with densities not to exceed 4.4 dwelling units an acre.”

Specific lot sizes are not typically known at the time of a future land use map amendment. Lot sizes for the site have not yet been established through a PDP or platting process. The applicant has stated that the density will not exceed 4.4 dwelling units per acre. The companion PDP application has requested a deviation to allow lot sizes smaller than 10,000 sq. ft. The deviation will be reviewed and analyzed in conjunction with the PDP application per standards in the City LUDR. It should be noted that several master planned subdivisions in the City have a density under 4.4 units per acre with lot sizes less than 10,000 sq. ft. Examples include Bella Vida, Entrada, and Sandoval.

Policy 1.20 – The City will promote development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways.

The applicant has stated the site will be developed as a master-planned community, which is typical for properties of this size. Master-planned residential neighborhoods have a unified

development pattern that contrasts with most of Cape Coral's standard residential development pattern of 10,000 sq. ft. lots. High degrees of landscaping are not required for master-planned residential neighborhoods, however, most developments provide additional landscaping that exceeds code requirements.

Objective 4, Policy 4.1 – Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas.

The site is in the Urban Services Infill area and will connect to public water and sewer facilities.

Objective 13, Policy 13.1 – “The City will continue the redevelopment of the Community Redevelopment Area (CRA) in downtown Cape Coral according to the schedule of the CRA plan as adopted by Council.”

The site is in the CRA and has been inactive for almost 10 years since closure of the golf course. Overgrowth of grass and weeds has occurred on the site in various stages and has resulted in Code Enforcement action. Redevelopment of the site would remove a blighted area and enhance this portion of the City CRA.

(3) Chapter 7, Recreation and Open Space Element

Objective 1, Policy 1.2 – This policy defines the four types of park facilities and provides level of service standards for many types of recreational uses such as tennis courts, diamond fields, and bicycle paths.

In December of 2016 the City adopted a new Parks and Recreation Master Plan. This plan determines that the City is deficient for parks and recreation facilities based on current and projected population. For the City to meet the LOS standards established in the Comprehensive Plan, more parks and recreation facilities will need to be constructed. Planning staff finds that while the proposed amendment would amount to a loss of land designated as PK, privately-owned land should not be considered when calculating LOS standards for City parks and recreation facilities. Land designated as PK is generally owned by governmental organizations and developed to benefit the community at-large. Privately owned property designated as PK will not necessarily be developed as parks or recreation facilities. A park or recreational facility could be developed on this property (or portion thereof) by the owner or through a sale to the City, lease to the City, sale or lease to a not-for-profit that would ultimately be developed as a park, or enter into a public-private partnership with the property owner.

(4) Chapter 8, Transportation Element

Objective 1, Policy 1.1.5 – “Traffic demands created by proposed development will be reviewed for consistency with the Comprehensive Plan and level-of-service standards as referenced in Policy 1.1.1.”

The applicant provided a Traffic Impact Statement (TIS) to address the effect the proposed land use amendment will have on the Level of Service (LOS) standards, up to 2023. The TIS determined that all roadways affected the development, except for Cape Coral Parkway, will be compliant with the Comprehensive Plan LOS standards. The applicant's TIS shows that Cape Coral Parkway, by 2023 will have a LOS standard of "E" regardless of whether the proposed development occurs.

Policy 1.1.6 – This policy discusses four options for determining concurrency for proposed development. The options states that developments can be deemed concurrent if necessary transportation facilities are available or under construction at the time a building permit or development order is issued.

During the review of the Planned Development Project (PDP), the applicant will be required to provide a Traffic Impact Study analyzing transportation facilities and whether the development meets concurrency standards.

Policy 2.2.3 – "Through the Planned Development Project (PDP) process and other site plan review procedures, the City shall require new development to accommodate transit, bicycles, pedestrians, and other alternative transportation nodes in the project's site design."

During the review of a PDP, compliance with this policy will be evaluated and the applicant may be required to install facilities or design the project in such a manner that promotes and encourages non-automotive transportation if warranted. Potential facilities could include sidewalks, bike paths, or bus stops.

B. Land Use Development Regulations (LUDR) Analysis

LUDR Section 8.7.3.B includes ten standards to review Comprehensive Plan amendments for "Consistency with Comprehensive Plan and general standards." The analysis of each standard is provided below:

- (1) The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property:

Response: It is unlikely the value will be diminished by the proposed future land use amendment. While the Parks and Recreation (PK) future land use designation is consistent with the Single-Family Residential (R-1B) zoning, the Single-Family Residential (SF) land use designation would increase compatibility with the R-1B zoning. The current PK designation allows development on the property to include parks and similar types of uses. No residential uses are allowed. The proposed amendment will allow for a wider range of uses on the site such as single-family homes. An amendment that potentially allows up to 771 homes will increase the value of the site.

Planning staff also notes that an amendment to the Single-Family Residential (R-1B) district is currently pending approval by City Council that would allow an increase in uses for the R-1B

district. Additional uses would include more commercial schools, resort style hotels and motels, commercial schools, and sports academies.

- (2) The extent to which the removal of a proposed land use restriction or change in zoning depreciates the value of other property in the area:

Response: The proposed future land use amendment to SF is unlikely to diminish surrounding property values. As discussed earlier, surrounding development in all directions is predominantly single-family homes with a few, scattered multi-family developments. The amendment will allow construction of single-family homes and development of additional single-family residences. Single-family homes adjacent to other single-family homes are unlikely to have a measurable negative effect on surrounding property values.

Although one might argue that surrounding residences enjoy an enhanced value because of the mostly open space, actual real estate appraisals are based on comparable values of similar homes in the market.

- (3) The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned:

Response: The property is well-suited for the proposed SF future land use designation. The property has sat dormant for nearly 10 years and was deemed blighted by Ordinance 54-09, when this property was brought into the South Cape Community Redevelopment Area along with several other nearby blocks. The site is surrounded by single and multi-family residences. The proposed amendment will allow redevelopment of the site, thereby removing the blighted conditions for this particular property. The site is also well suited for the SF future land designation because the current zoning is R-1B. The SF future land use designation will allow increased compatibility between the future land use designation and the existing zoning.

The suitability of the existing PK future land use designation is also challenging. The site is privately-owned and the applicant has stated that a golf course is no longer financially feasible. Golf courses throughout the country have been struggling and many courses in the nation have closed within the past few years (The Economist, 2014).

- (4) The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and the compatibility of the proposed land use restriction or zoning:

Response: The surrounding neighborhood and the area within 500 feet in all directions is predominantly single-family homes and a few multi-family developments. Surrounding zoning is primarily Single-Family Residential (R-1B) with Multi-Family Residential (R-3). Based upon Geographic Information Systems (GIS) analysis, surrounding residential properties are

approximately 95% built-out. The proposed future land use amendment will be compatible because most of the surrounding area has the same future land use designation as requested.

- (5) The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property:

Response: The proposed future land use amendment will benefit the community by allowing redevelopment of a large parcel that has been deemed blighted and has had several issues with overgrowth in the past. The community will also gain additional tax revenue from the construction of single-family homes. The hardship to the community would be the removal of land with a PK future land use designation. The extent of this hardship has been the subject of much debate, as the site is in private ownership and the public does not have the right to use the site for recreational activities. Staff finds that most property with the PK designation is publicly-owned, while the subject property is privately-owned.

- (6) The community need for the use proposed by the zoning or land use restriction:

Response: While the community has an abundance of single-family properties, most are on 10,000 sq. ft. lots spread throughout the City. Cape Coral has very few master-planned subdivisions that provide open space or recreational amenities to their residents. The proposed amendment would allow development of a master-planned community. The future land use amendment will also facilitate removal of an area of blight that can negatively impact the surrounding area.

- (7) Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property:

Response: While the proposal is not for a rezone, the site has had the PK future land use designation since adoption of the Comprehensive Plan in 1989. The site has been zoned R-1B since 1989. The site has been unused for nearly 10 years and has become blighted.

- (8) The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community:

Response: The future land use map amendment will promote the health, safety, and public welfare by allowing a blighted and vacant parcel of land to develop with single-family homes or one of the limited number of other uses allowed in the R-1B district. Redevelopment will benefit the health and safety of the community by improving an area of land that has experienced overgrowth for several years that can attract vermin and can be a safety concern for nearby residents.

- (9) The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan:

Response: Analysis by City Public Works staff and the applicant's Traffic Impact Statement show the proposed future land use amendment will not degrade public facilities such as the roadway network or City water, sewer, and irrigation systems. Capacity exists for construction of 771 single-family homes, the maximum that could be allowed by the SF future land use designation.

- (10) Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.

Response: The proposed future land use designation of SF will be consistent with the zoning of the site allowing development of all the uses permitted within the R-1B zoning district.

VI. Regional Plan Analysis

A. Southwest Florida Regional Planning Council (SWFRPC) Strategic Regional Policy Plan (SRPP)

Goal 2 – “Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.”

Response - This goal addresses a need for locating new housing in infill areas where services are already in place which helps local governments to reduce the strain on their resources and promote cost effective use of their services.

Goal 2, Strategy 2 – “Protect existing well-established neighborhoods and communities and revitalize those experiencing deterioration.”

Response – This strategy addresses the need to protect well-established neighborhoods by that blighted or deteriorating. This site and the neighboring area has been deemed blighted. The FLUM amendment would facilitate new development that includes amenities in an area that is among the oldest in the City of Cape Coral.

B. Lee County Metropolitan Planning Organization's (MPO) Long Range Transportation Plan

Neighborhoods and Streets Goal – “To maintain Lee County's healthy neighborhoods and revitalize or build others to high standards and convenience. Neighborhoods should be compact, strong, and with services in or nearby”.

Response – This goal addresses compact neighborhoods that are near services. The proposed amendment is an infill development and not urban sprawl that is not near any services.

C. Impact Assessment Summary at Buildout

The following calculations summarize approximate conditions for each municipal service. A more complete analysis of each service is included in the text that follows the calculations. To determine the impact assessment, staff utilized the current and proposed Future Land Use and Zoning designations to determine the existing and potential impacts. The existing Future Land Use is Parks and Recreation (PK) and the proposed Future Land Use is Single-Family Residential (SF). The current zoning of the site is Single-Family Residential (R-1B) and is not expected to change.

For purposes of this impact assessment, residential density is assumed at the maximum density of 4.4 dwelling units per acre. Residential potable water and wastewater usage assumes 200 gallons per day (gpd) per dwelling unit.

D. Dwelling Units Calculations

| | |
|-------------|------|
| Existing: | 0 |
| Proposed: | 771 |
| Net Change: | +771 |

E. Population Calculations*

| | |
|-------------|--------|
| Existing: | 0 |
| Proposed: | 1,958 |
| Net Change: | +1,958 |

* 2.54 persons/household = avg. household size; 2010 Census

F. Water Use Calculations

| | |
|--------------------|--|
| Existing: | 1,500 gal/day ⁶ |
| Proposed: | 154,200 gal/day at 200 gal/dwelling unit/day |
| Net Change: | +152,700 gal/day |
| Facility Capacity: | 30.1 MGD |
| Permitted Usage: | 16.9 MGD |
| Avg. Daily Usage: | 9.4 MGD |

G. Sewage Calculations

⁶ Projected usage for standard park facility.

Existing: 1,500 gal/day at 0.3 gal/sq. ft./day⁷
Proposed: 154,200 gal/day at 200 gal/dwelling unit/day
Net Change: +152,7000 gal/day
Facility Capacity: 28.4 MGD
Avg. Daily Usage: 12.8 MGD

H. Solid Waste Calculations

Existing Generation: 300 lbs./day⁸
Proposed: 92,801 lbs./day at 4.74 lbs/person/day
Net Change: +92,501 lbs./day
Facility Capacity: 1,836 tons/day
Existing Demand: 1,384 tons/day
Capacity Available: Yes

I. Traffic/Daily Trips Calculations

Existing Generation⁹: 37 AM trips/hour and 53 PM trips/hour
Proposed Generation: 578 AM trips/hour and 778 PM trips/hour
Total Daily Trips: 7,369 trips/per day
Net Change: +571 AM peak hour trips and +725 PM peak hour trips
Facility Capacity: Country Club Boulevard and Palm Tree Boulevard have an adopted Level of Service "D"
Capacity Available: Yes – Applicant indicates that Cape Coral Parkway will operate below LOS standards by 2023 even if the proposed development does not occur. The City's Transportation staff has reviewed the application and has not found that any additional off-site improvements, other than what is proposed by the developer, will be required. Country Club Boulevard and Palm Tree Boulevard operate at a LOS standard of "C" while their adopted LOS standard from the Comprehensive Plan is "D". The applicant's TIS does not show that either roadway will see a change in their LOS standard because of the development.

J. Hurricane Evacuation

The site is in the Central Cape 2 Evacuation Zone. 107.39 acres of the site are in the Coastal High Hazard Area. The proposed Future Land Use Map classification of Single-Family Residential would allow development of up to 771 dwelling units. This number of homes would have an impact on evacuation

⁷ Projected usage for standard park facility.

⁸ Projected usage for standard park facility.

⁹ Based upon a 175-acre golf course. Site is currently vacant and not generating any traffic.

times. The applicant will be required to pursue mitigation for the increased density in the Coastal High Hazard Area prior to the adoption of this amendment.

K. Park Lands

The levels of service standard (LOS) for parkland and facilities is based on permanent population. Based on potential development of 771 dwelling units (1,958 persons), an additional 3.1 acres of parkland will be needed. Furthermore, the reduction of PK land, even though the property is privately-owned, will reduce the inventory of property within this future land use classification.

L. Protected Species

The City requires an environmental survey prior to the issuance of any land clearing, site clearing, or development permits. Any future land alteration activities will be preceded by completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, State, or Federal protective measures or mitigation may be required.

M. School Impacts

Changing the future land use designation to Single-Family Residential (SF) will allow up to 771 homes with a corresponding impact of an additional 229 students. The amendment will result in an increase upon the demand on school facilities. The current designation of Parks and Recreations does not allow residential uses.

Existing dwelling units: 0 dwelling units

Existing students: 0

Proposed dwelling units: 771 dwelling units

Proposed students: 114 Elementary students, 55 Middle School students, 60 High School students¹⁰

Change: +229 students

The Lee County School District has indicated that school capacity is available for the projected number of students.

VII. Staff Recommendation

The site is a large, unplatted tract in one of the more densely populated residential areas of Cape Coral. Most the surrounding neighborhood began developing with single-family homes in the 1960's and 1970's. The character of the neighborhood was further solidified by the adoption of the Comprehensive Plan in 1989, which classified most of the surrounding area as Single-Family Residential (SF). The future land use

¹⁰ Data supplied by Lee County School District.

amendment would allow the site to develop with single-family homes in what is likely to be a master-planned subdivision.

While removal of 175 acres of land designated as PK is unfortunate, the site is privately owned and the applicant has indicated that recreational uses such as a golf course are no longer financially feasible. Staff finds that the SF future land use designation is compatible and consistent with the surrounding residential community. Staff also finds that the site has adequate infrastructure (roadways, water, sewer, and irrigation) capacity to support 771 single-family homes. The future land use amendment would also bring the site into compliance with the current R-1B zoning designation. Furthermore, staff finds the request is consistent with the City Comprehensive Plan and the City LUDRs.

Therefore, the Planning Division recommends **approval** of the proposed application.

VIII. Public Notification

This case will be publicly noticed as required by LUDR, Section 8.3.2 as further described below.

Publication: A legal ad will be prepared and sent to the *New Press*. The ad will appear in the *News Press* a minimum of 10 days prior to the public hearing scheduled before the Local Planning Agency/City Council.

Written notice: Property owners located within 500 feet from the property line of the subject property will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Local Planning Agency/City Council.

Posting of a Sign: A sign will be posted on the subject property a minimum of 10 days prior to the public hearing scheduled before the Local Planning Agency/City Council.

Staff Contact Information:

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