



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

FROM: Matt Grambow, Deputy Development Services Director 

DATE: October 10<sup>th</sup>, 2025

SUBJECT: City-Initiated Future Land Use Amendment Request FLUM25-000009

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#### Executive Summary

Staff proposes a future land use amendment request from (MX) Mixed Use to (I) Light Industrial & (PR) Natural Resources / Preserve 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 Natural Resource / Preserve (PR) for a total combined area of +/- 3,048,935 Sq. Ft. or 69.99 Acres.

#### Background

The purpose of this proposed future land use amendment request is to amend the land use for these parcels and initiate a zoning change to both preserve the conservation area of the property and to prepare the remainder of the property for future development. The proposed Industrial (I) land use 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 with an amended land use 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.

MG:as (FLUM25-000009\_CI Memo.docx)



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only

Case \_\_\_\_\_

Date \_\_\_\_\_

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

**FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION**

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

**FLUMA APPLICATION REQUIREMENTS**

1. ☐ Letter of intent stating the actual request and why the request is being made
2. ☐ 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.
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 prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.
6. ☐ Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.
7. ☐ Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.
8. ☐ Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.

**NOTE: IF ANY OF THE ABOVE INFORMATION IS ON A SHEET LARGER THAN 11 X 17, THE APPLICANT MUST SUPPLY SEVENTEEN (17) COPIES TO BE USED FOR DISTRIBUTION. IN ADDITION TO THE APPLICATION FEE, ALL REQUIRED ADVERTISING COSTS ARE TO BE PAID BY THE APPLICANT (ORD 39-03, SECTION 3.5.2.). ADVERTISING COSTS WILL BE BILLED AND MUST BE PAID PRIOR TO HEARING.**





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**FUTURE LAND USE MAP AMENDMENT APPLICATION**

**FEES:** \$1,225.00 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, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

<b>OWNER(S) OF PROPERTY INFORMATION</b>	
Owner <u>City of Cape Coral</u>	Address <u>P.O. Box 150027</u>
Phone _____	City <u>Cape Coral</u>
Email _____	State <u>FL.</u> Zip <u>33915</u>
Owner _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
<b>APPLICANT INFORMATION (If different from owner)</b>	
Applicant <u>City of Cape Coral</u>	Address <u>1015 Cultural Park Blvd.</u>
Phone <u>239-574-3215</u>	City <u>Cape Coral</u>
Email <u>asantora@capecoral.gov</u>	State <u>FL.</u> Zip <u>33990</u>
<b>AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)</b>	
Representative <u>Anthony Santora</u>	Address <u>1015 Cultural Park Blvd.</u>
Phone <u>239-574-3215</u>	City <u>Cape Coral</u>
Email <u>asantora@capecoral.gov</u>	State <u>FL.</u> Zip <u>33990</u>
<b>PROPERTY INFORMATION</b>	
Unit <u>N/A</u> Block <u>N/A</u> Lot (s) <u>N/A</u> Subdivision <u>N/A</u>	
Property Address <u>Refer Legal</u>	
Plat Book _____ Page _____ Current Zoning <u>C</u>	
Strap Number <u>Multiple - Refer Attached &amp; Legal</u> Acreage <u>69.99 (Total Proposed)</u>	
Current Land Use <u>MX</u> Proposed Land Use <u>MX (Existing) / I / PR</u>	



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THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS  
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

NAME (PLEASE TYPE OR PRINT)

AUTHORIZED SIGNATURE





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ESTIMATED PEAK HOUR TRIP

Parcel Size: Width N/A Depth N/A Sq. Ft. 3,048,935 Acreage +/- 69.99

Soil Type: Matlacha Fine Sand/Gravel

Urban Services Area: (check one) Infill \_\_\_\_\_ Transition Reserve X

Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):  
N/A -----

Animal Species: (list any endangered, threatened, or species of special concern on-site)  
N/A -----

Estimated Development:

- Estimate total lot coverage N/A ----- %
- Estimate total building floor area: N/A ----- Sq. ft.
- Estimate type of future development and percentages:  
(e.g. business offices, commercial retail, automotive repair, etc.)

Future Development & Preserve

Estimated peak hour trip ends: N/A (No change)

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection.  
If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted  
as part of the application (see attachments).

City Sewer: YES \_\_\_\_\_ NO X

City Water: YES \_\_\_\_\_ NO X



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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 verbal 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) daytime 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 or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

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

I hereby acknowledge that I have read and understood the above affidavit on the 28 Day

of OCTOBER, 2025.

City of Cape Coral

CORPORATION/COMPANY NAME

Connie Barron

OWNER'S NAME (TYPE or PRINT)

Connie Barron

OWNER'S SIGNATURE



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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:

Future Land Use Amendment

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

UNIT ---- BLOCK ---- LOT(S) ---- SUBDIVISION N/A

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 Barron

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & Title)

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





**FUTURE LAND USE MAP AMENDMENTS**

- A. Purpose of Amendments. Future Land Use Map amendments shall be considered for the following reasons:
1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.
  2. The amendment promotes compliance with changes to other city, state, or federal regulations.
  3. The amendment results in compatible land uses within a specific area.
  4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
  5. The amendment is consistent with the City's ability to provide adequate public facilities and services.
  6. The amendment prepares the City for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.
- B. Manner of Initiation. Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner:
1. The City Council by its own motion;
  2. The Planning and Zoning Commission by its own motion;
  3. The City Manager for City initiated requests; or
  4. By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.
- C. Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:
1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
  2. The amendment protects the health, safety, and welfare of the community;
  3. The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;
  4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;



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5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
  6. Other factors deemed appropriate by the Commission and City Council.
- D. Effective date of approval. The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

**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 Coviello~~ 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 Coviello~~ John Carioscia, the person who subscribed to the foregoing instrument, as the ~~Mayer~~ Mayor Pro Tem, 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.

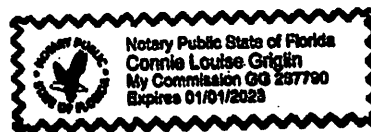
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

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: \_\_\_\_\_ By: \_\_\_\_\_  
(Signature) (Signature)

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
(Print) (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 ¼) and the Southeast Quarter (Southeast ¼) of the Southwest Quarter (Southwest ¼) 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 ¼) 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 ¼) of the Southwest Quarter (Southwest ¼) 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 ¼) of said Section 30; a found concrete monument, thence run South 88° 56' 58" East along the Northerly line of said Southeast Quarter (Southeast ¼) 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° 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° 04' 41" (Chord South 05° 13' 21" West 374.51 feet) for 375.10 feet to the Point of Tangency, then run South 10° 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° 06' 42" (Chord South 05° 12' 20" West, 398.88 feet) for 399.51 feet to the Point of Tangency, then run South 00° 21' 01" East for 792.84 feet to an Intersection with said Southerly line of said Southeast Quarter (Southeast ¼), being also the Northerly line of Cape Coral Unit 32 according to Plat Book 16, Pages 1 through 13, thence run North 89° 33' 54" West along said Southern line and said Northerly line for 2,029.82 feet; thence run North 89° 13' 03" West along said Southerly line of said Southeast Quarter (Southeast ¼) of the Southwest Quarter (Southwest ¼) 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° 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° 48' 44" (Chord South 88° 22' 35" West, 30.23 feet) for 30.24 feet to the Point of Tangency and North 89° 13' 03" West for 69.79 feet to an Intersection with the Westerly line of said Southeast quarter (Southeast ¼) of the Southeast Quarter (Southwest ¼), 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° 22' 56" East along said Westerly line and said Easterly line for 879.61 feet to the Northwestern corner of said Southeast Quarter (Southeast ¼) of the Southwest Quarter (Southwest ¼); thence run South 89° 05' 03" East along the Northerly line of said Southeast Quarter (Southeast ¼) of the Southwest Quarter (Southwest ¼) for 1,496.05 feet to the Northeasterly corner of said Southeast Quarter (Southeast ¼) of the Southwest Quarter (Southwest ¼), being also a point on the Westerly line of said Southeast Quarter (Southeast ¼) of said Section 30; thence run North 00° 07' 40" East along the Westerly line of said Southeast Quarter (Southeast ¼) for 1,330.64 feet to the Point of Beginning.

Bearings are based on the North line of said Southeast Quarter (Southeast ¼) of Section 30, Township 43 South, Range 24 East, Lee County, Florida; as being South 88° 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

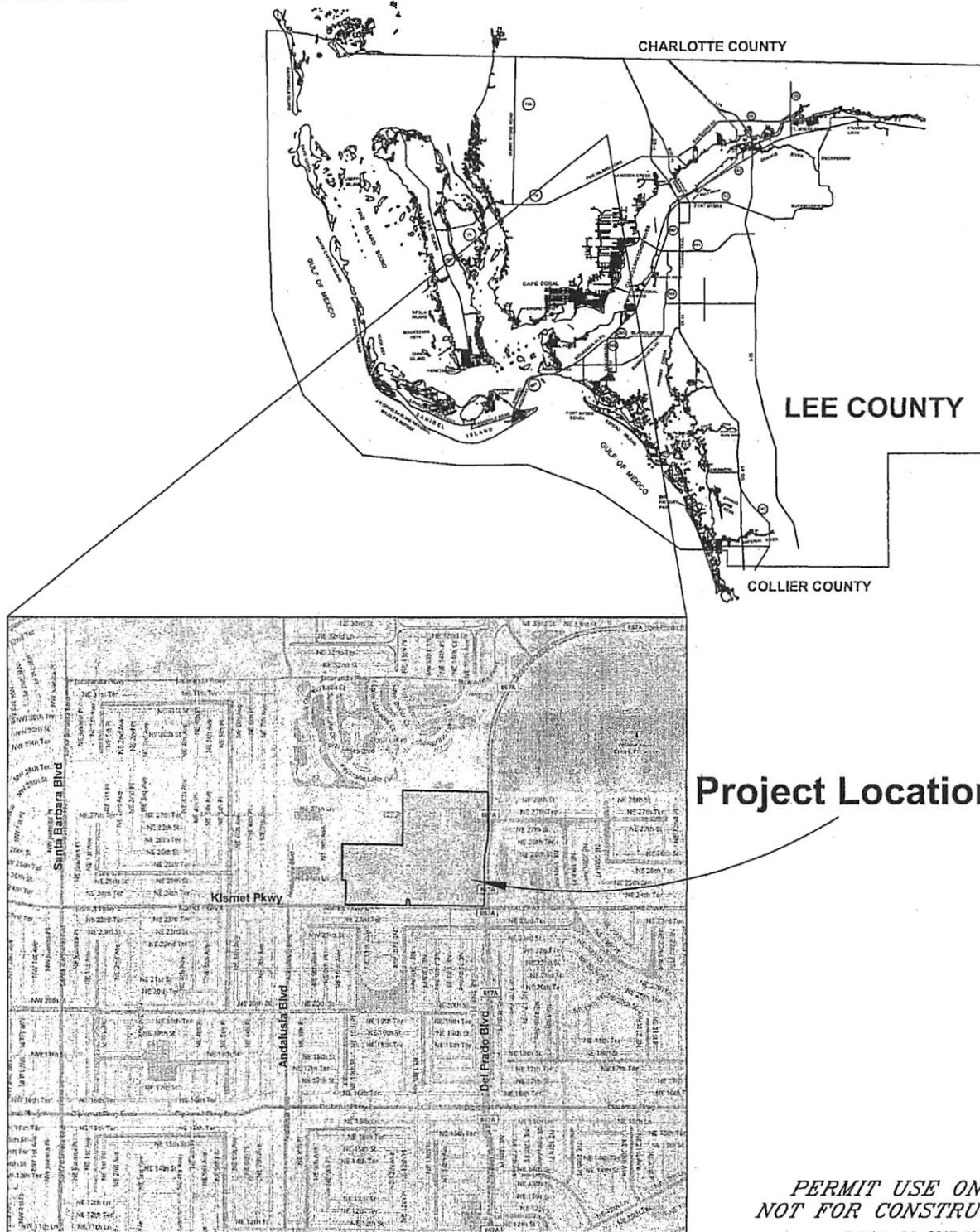


Figure 1. Location Map

**BDEXBENDER**  
ENVIRONMENTAL CONSULTING  
FORT MYERS 239-334-3680

## 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 49.06 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 80.76 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 90°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°46'47" 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 36.89 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 68.45 feet; thence run N 16°15'30" W a distance of 26.33 feet; thence run N 89°06'08" 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 58.81 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 82.66 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. 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. DIMENSIONS ARE BASED ON THE SOUTH LINE OF SECTION 30, TWP 43S RGE 24E AS MONUMENTED IN THE FIELD, BEING 166°13'14"W.  
5. COORDINATES ARE STATE PLANS, FLORIDA EAST ZONE (NAD83) (NAD83 / 2011)

JOB # 12-0325 PREPARED FOR: City of Cape Coral  
SECTION 30, TOWNSHIP 43S, RANGE 24E

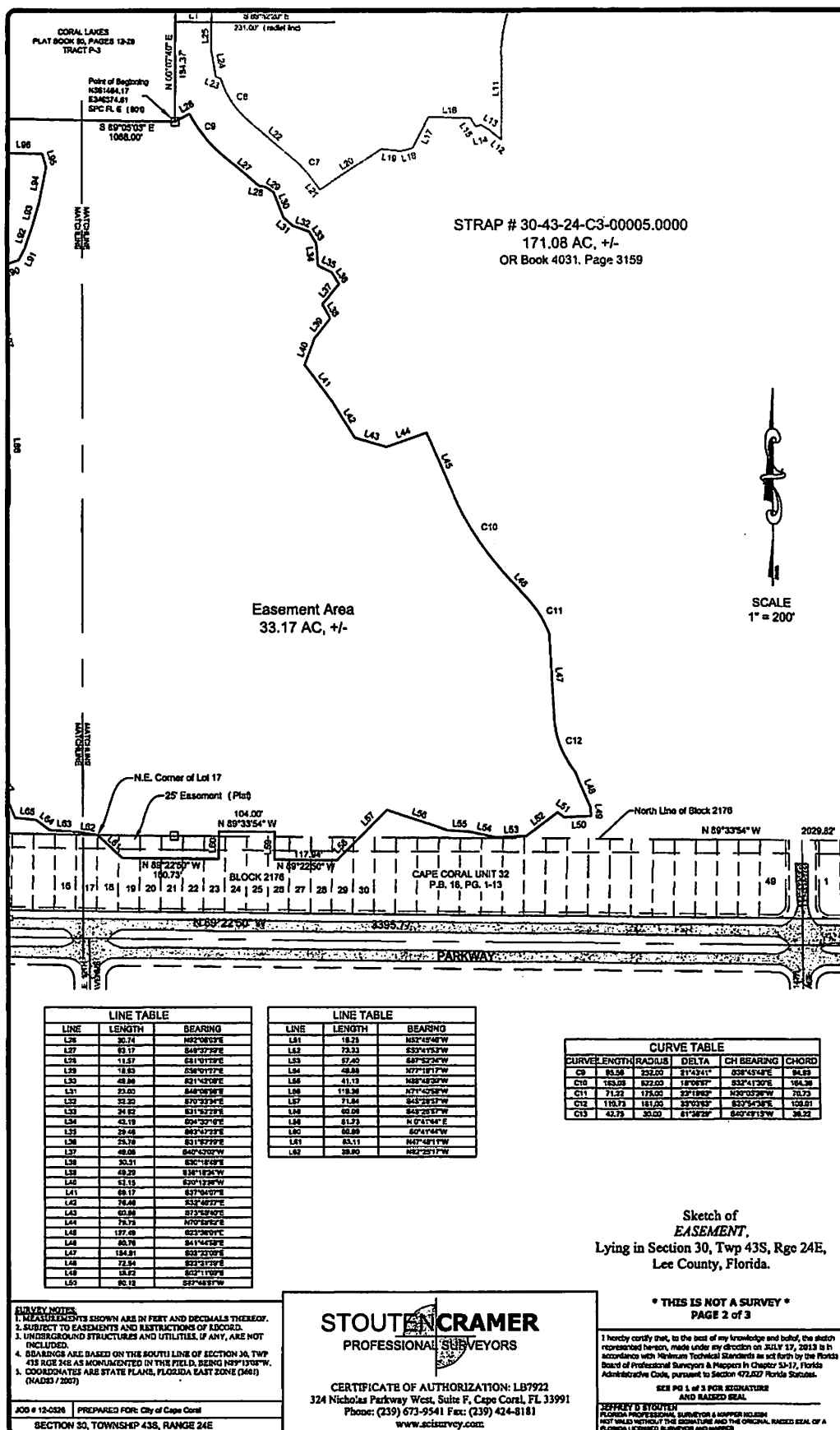
**STOUTENCRAMER**  
PROFESSIONAL SURVEYORS

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

\* THIS IS NOT A SURVEY \*  
PAGE 1 of 3

I hereby certify that, to the best of my knowledge and belief, the sketch represented herein, made under my direction on August 17, 2013 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 12-17, Florida Administrative Code, pursuant to Section 47.2677 Florida Statutes.

**TERRELL B. STOUTENCRAMER**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6864  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RACKED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CHORD
C8	85.58	252.00	21°43'41"	83°48'48"E	94.89
C10	165.05	522.00	19°06'57"	83°24'13"W	184.38
C11	71.22	175.00	23°19'03"	N30°05'28"W	70.73
C12	110.73	181.00	35°03'03"	82°04'23"E	109.01
C13	42.76	30.00	81°38'29"	S40°49'16"W	33.22

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

**\* THIS IS NOT A SURVEY \***  
**PAGE 3 of 3**

I hereby certify that, to the best of my knowledge and belief, the sketch represented herein, made under my direction on JULY 17, 2013 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.032 Florida Statutes.

SEE PG 1 of 3 FOR SIGNATURE  
AND RATED SEAL

**AND RATED SEAL**  
**JEFFREY D STOUTEN**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.10884  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RATED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER

**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 41S RGE 24E AS MONUMENTED IN THE FIELD, BEING N89°13'00"W.
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (5601) (NAD83) / 2011.

JOB # 12-0328      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](http://www.scisurvey.com)



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 50.58 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 THE FIELD, BEING 100'11.00"W.  
5. COORDINATES ARE STATE PLANE, FLORIDA EAST ZONE (2401) (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.stoutensurvey.com

I hereby certify that, to the best of my knowledge and belief, the sketch represented herein, made under my direction on August 17, 2018 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 55-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

**DEWEY D. BYGHTON**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER LICENSE  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER

JOB # 13-0326 PREPARED FOR: City of Cape Coral  
SECTION 30, TOWNSHIP 43S, RANGE 24E

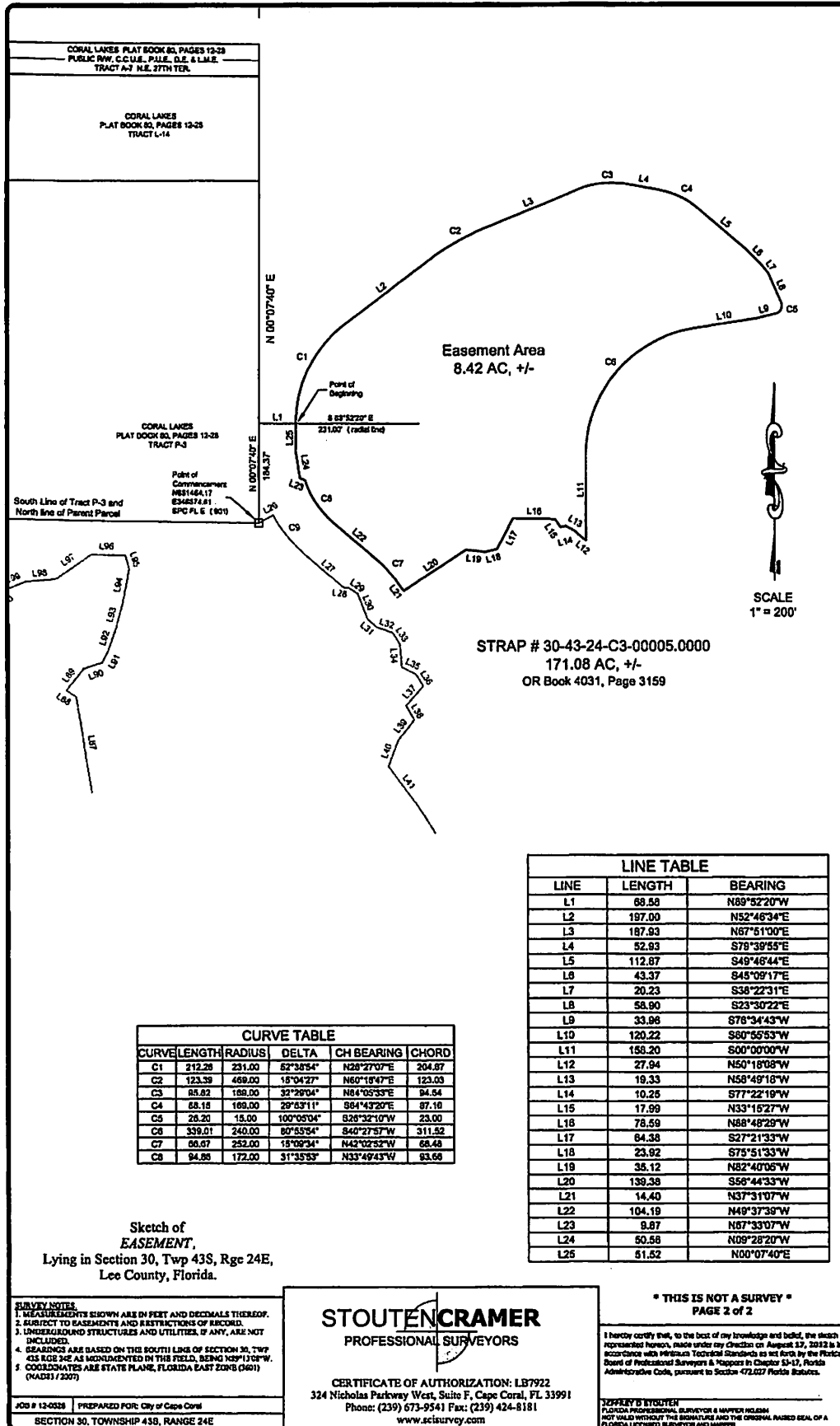
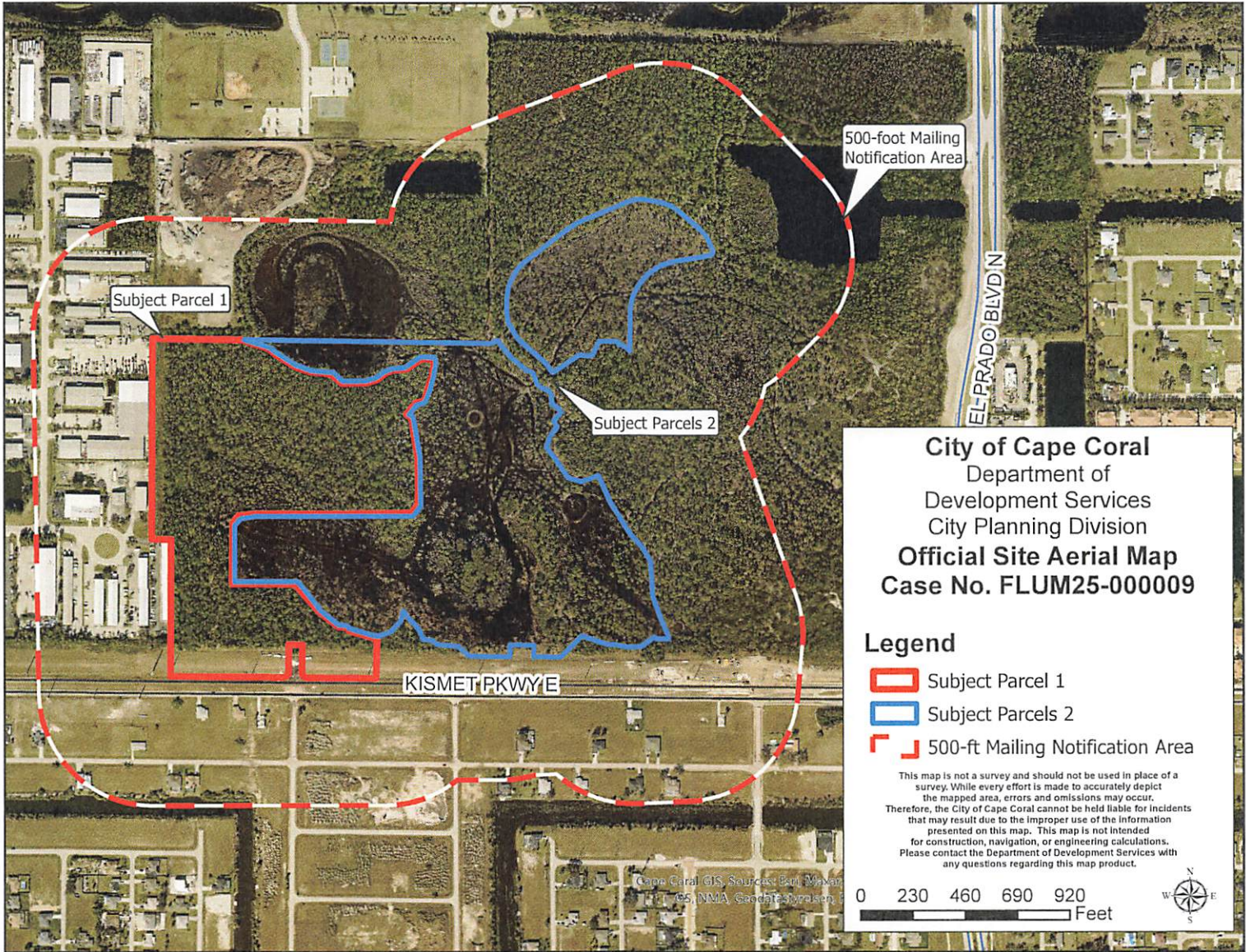


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**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial Map**  
**Case No. FLUM25-000009**

**Legend**

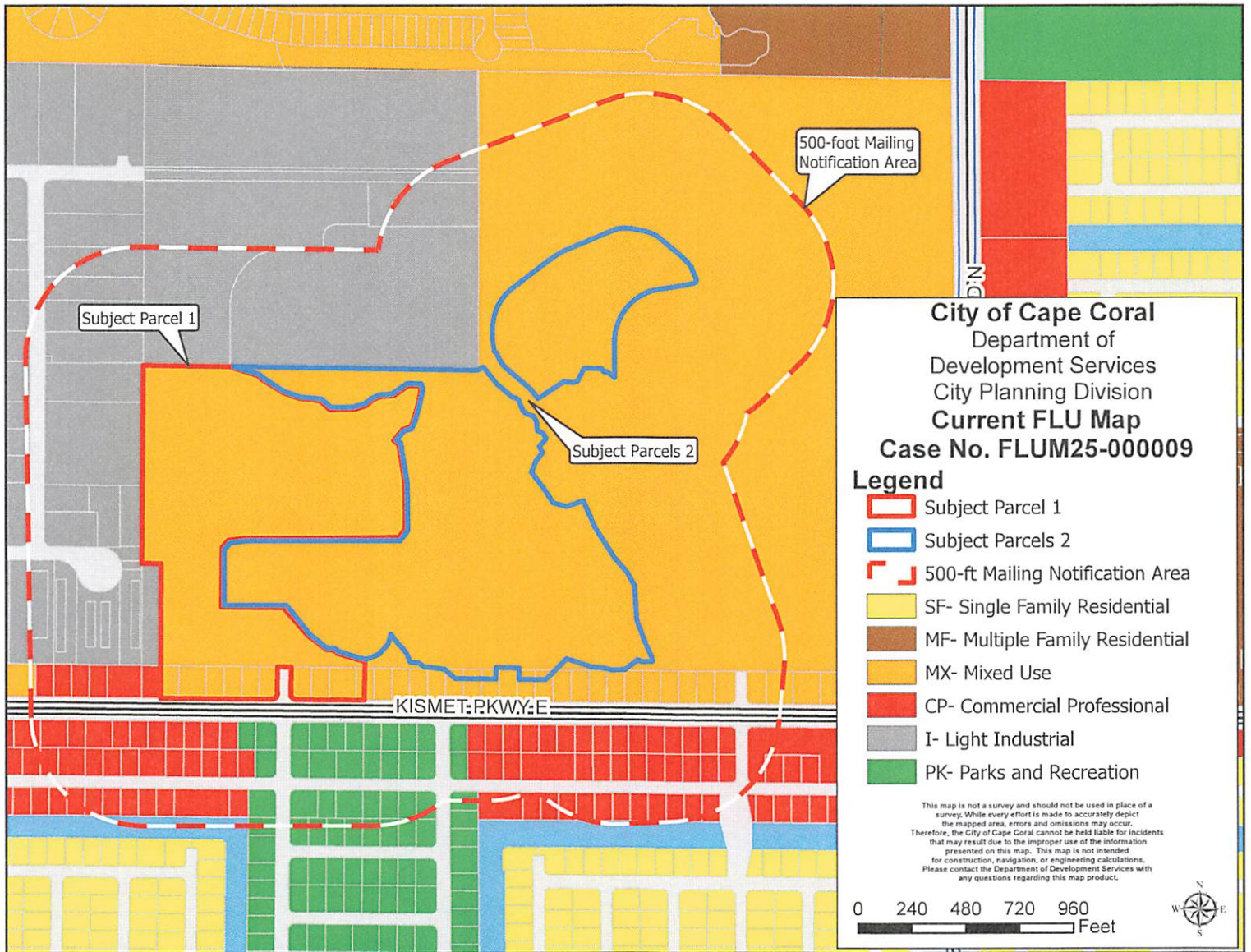
- Subject Parcel 1
- Subject Parcels 2
- 500-ft Mailing Notification Area

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.

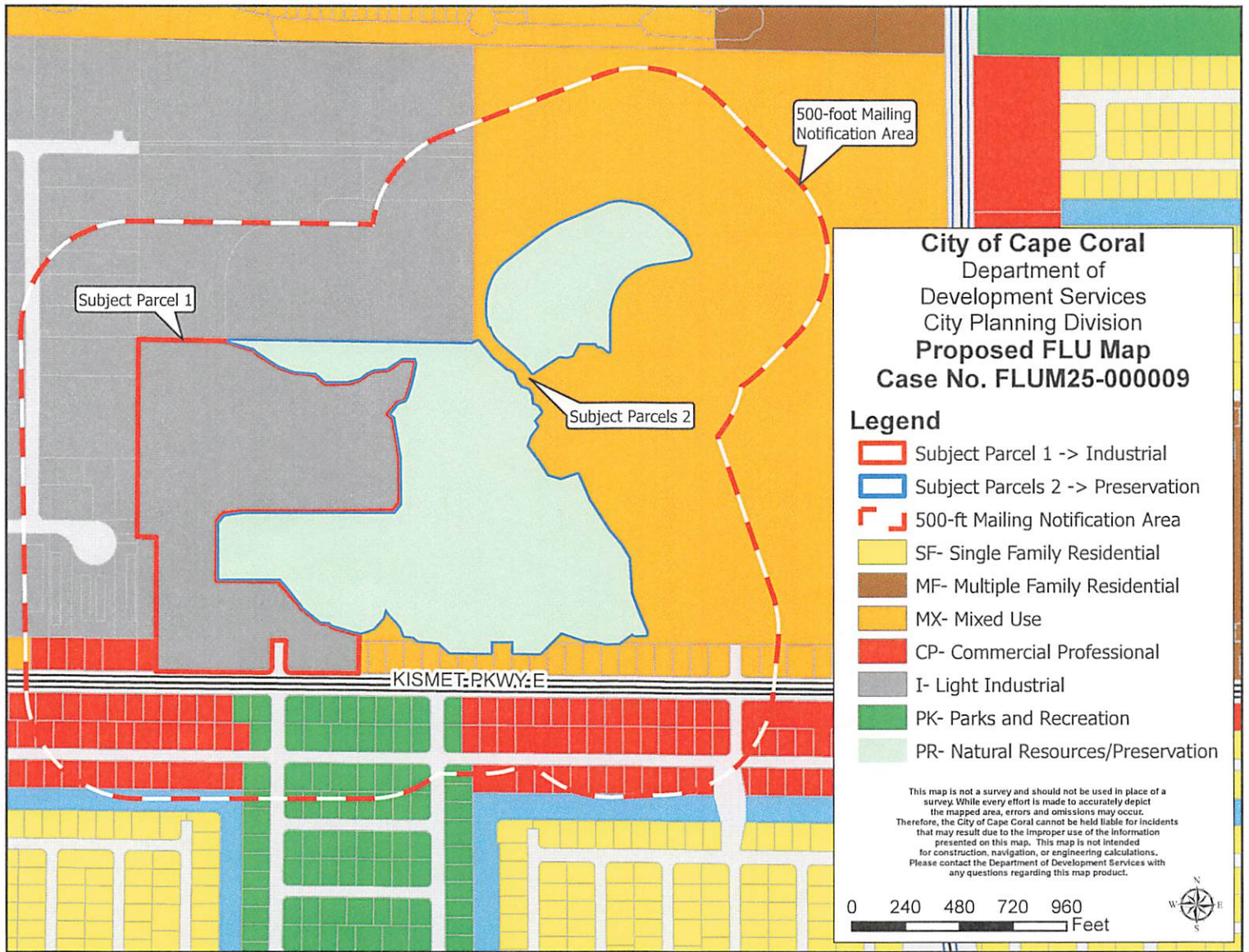
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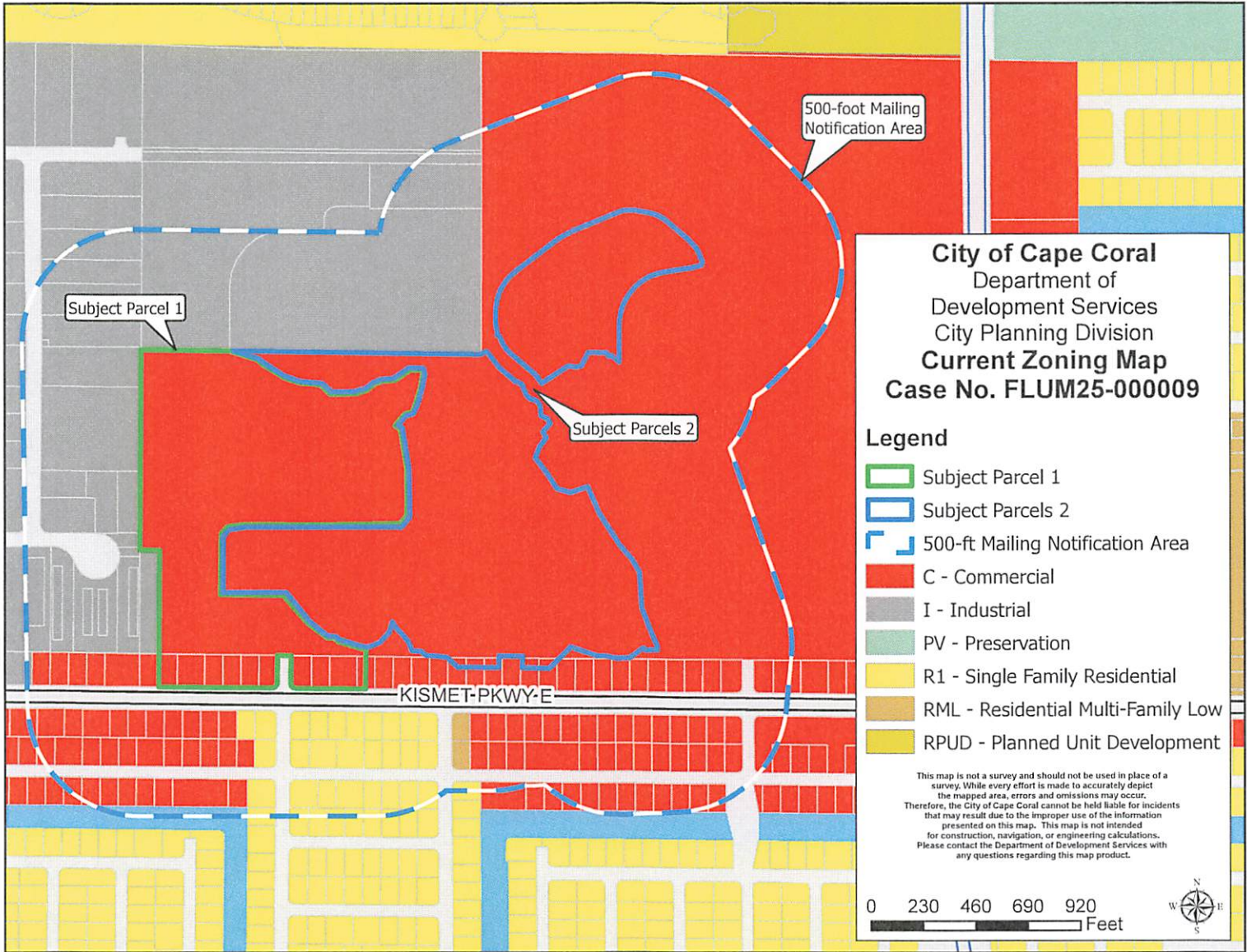












**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Current Zoning Map**  
**Case No. FLUM25-000009**

**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

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.

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**FLUM25-000009 Parcel List**

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





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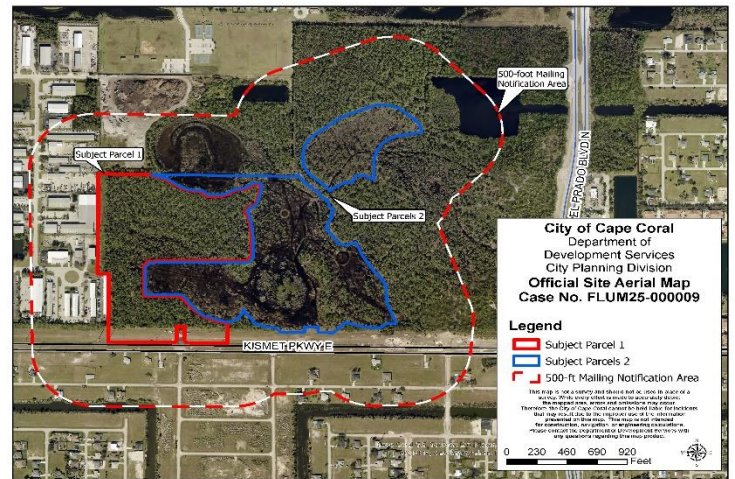
Case No.:	FLUM25-000009	Prepared By:	Anthony Santora, Senior Planner
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Property Location:	Multiple Properties (Refer attached Property List)	Applicant / Property Owner	
Authorized Representative		Name:	City of Cape Coral
Name:	Anthony Santora	Address:	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 large-scale City-initiated request for an amendment to the Future Land Use Map where the City is the property owner.

The applicant has requested an amendment to the Future Land Use Map, amending the current Mixed Use (MX) land use to a proposed Light Industrial (I) & Natural Resources/Preserve (PR) land use for a portion of parcels totaling +/- 3,048,935 SF or 69.99 Acres.



MAP SOURCE: City of Cape Coral

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

STAFF RECOMMENDATION: | Approval

Conditions: | N/A

## CASE OVERVIEW

Background:	<ul style="list-style-type: none"><li>The parcels were originally part of "Academic Village" concept.</li><li>Subject area has primary frontage along Kismet PKWY E.</li></ul>
Positive Aspects of Application:	<ul style="list-style-type: none"><li>The proposed amendment will increase the amount of Industrial area in the City.</li><li>The proposed amendment will increase the amount of Preserve area in the City.</li></ul>
Negative Aspects of Application:	<ul style="list-style-type: none"><li>The new classification reduces the overall amount of Commercial Land Use.</li></ul>
Mitigating Factors:	<ul style="list-style-type: none"><li>A Conservation Easement exists on the property as a Deed of Easement.</li><li>All properties are undeveloped, including areas of proposed land use change.</li></ul>



# PLANNING DIVISION STAFF REPORT

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## 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:	Mixed Use (MX)	Commercial (C)
Proposed:	Light Industrial (I)(Partial) Natural Resource/Preserve (PR)(Partial)	N/A (zoning change will be requested following FLUMA)
	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) Single-Family Residential (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 amendment to the Future Land Use Map to amend the land use for these parcels and initiate a zoning change to both preserve the conservation area of the property and to prepare the remainder of the 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)





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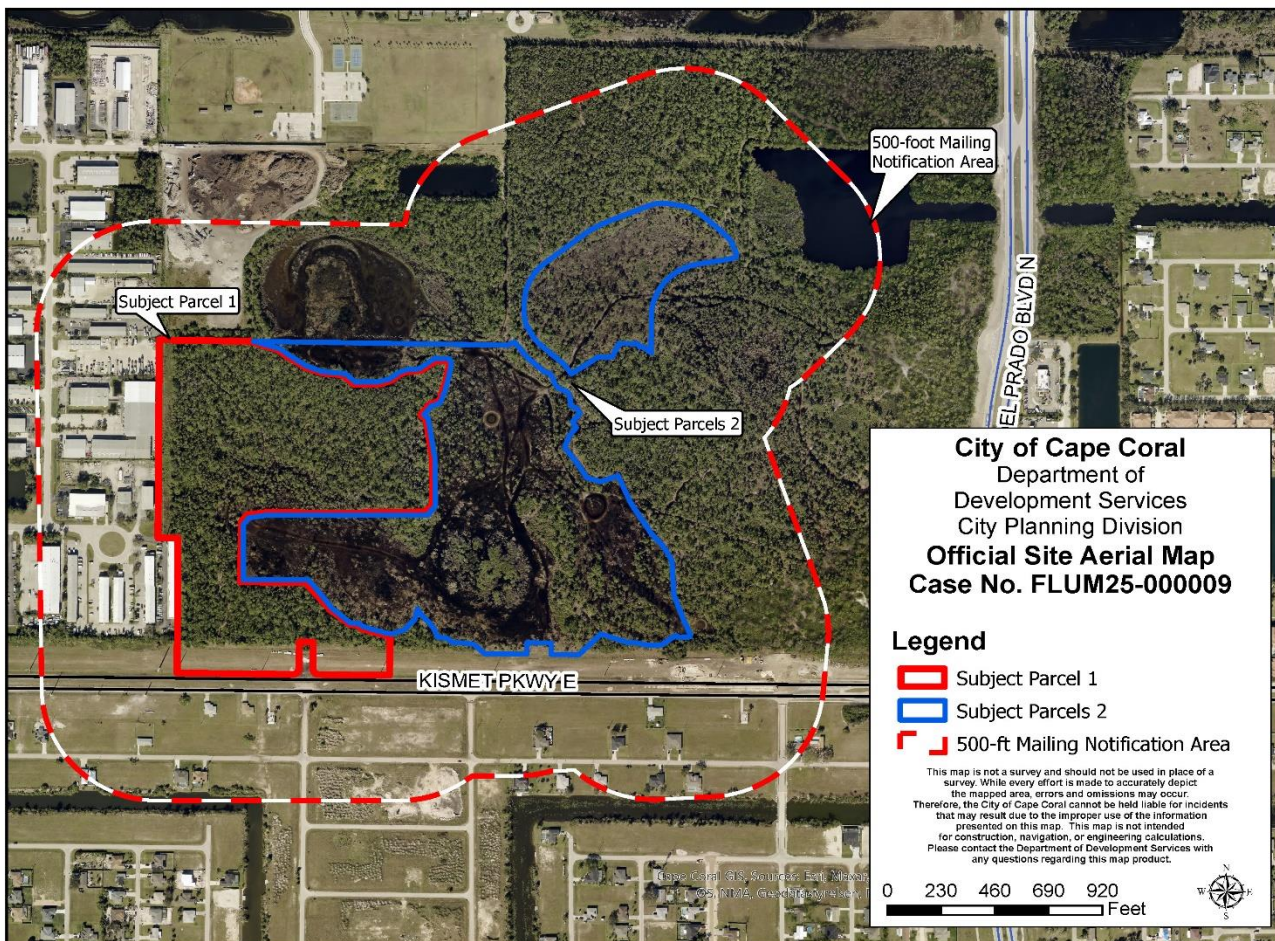
Sunday, December 14, 2025

## BACKGROUND

This is a City-initiated request for a land use amendment where the City of Cape Coral is the property owner. The request is to amend the Future Land Use map from MX (Mixed Use) to I (Light Industrial) and PR (Natural Resource / Preserve) for a portion of a group of parcels totaling approximately 3,048,935 SF or 69.99 Acres. The proposed Light Industrial (I) land use 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 with an amended land use 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

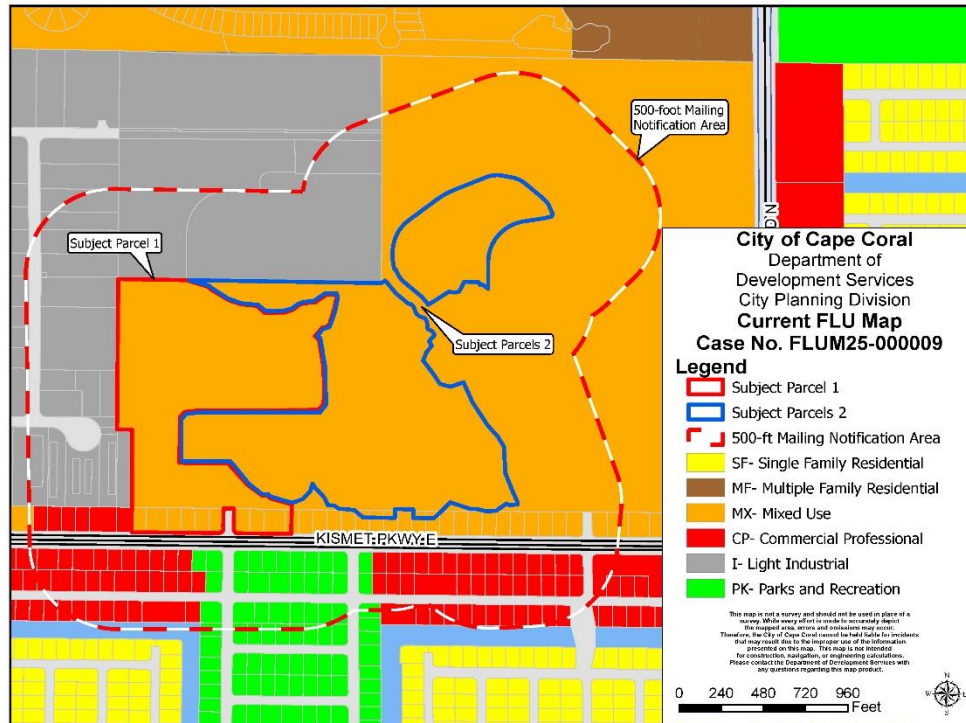




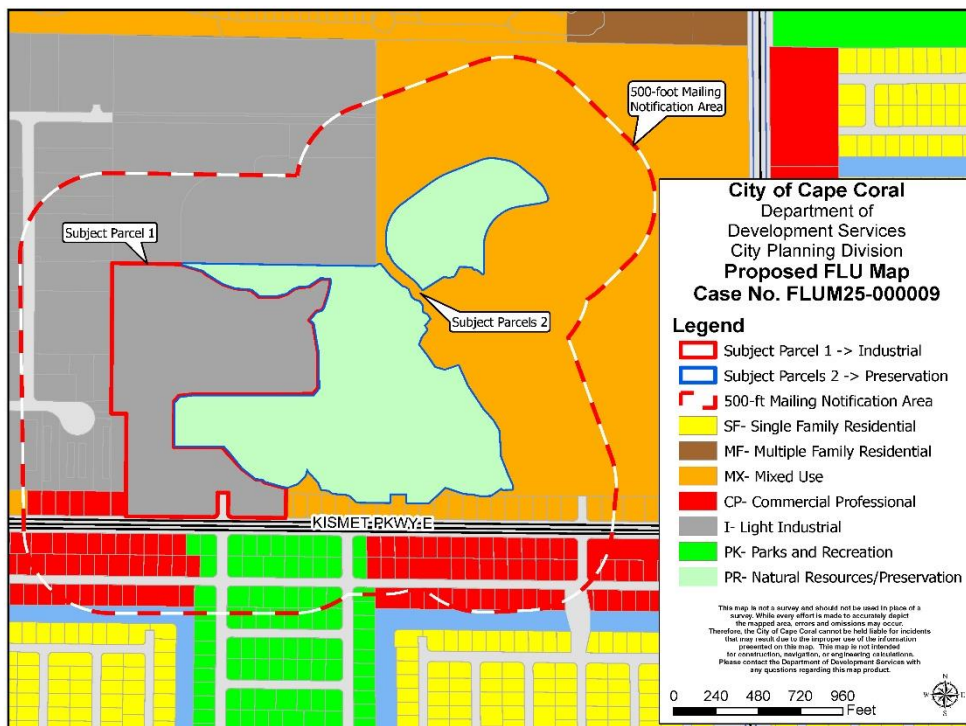
# PLANNING DIVISION STAFF REPORT

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## Current Future Land Use Map



## Proposed Future Land Use Map



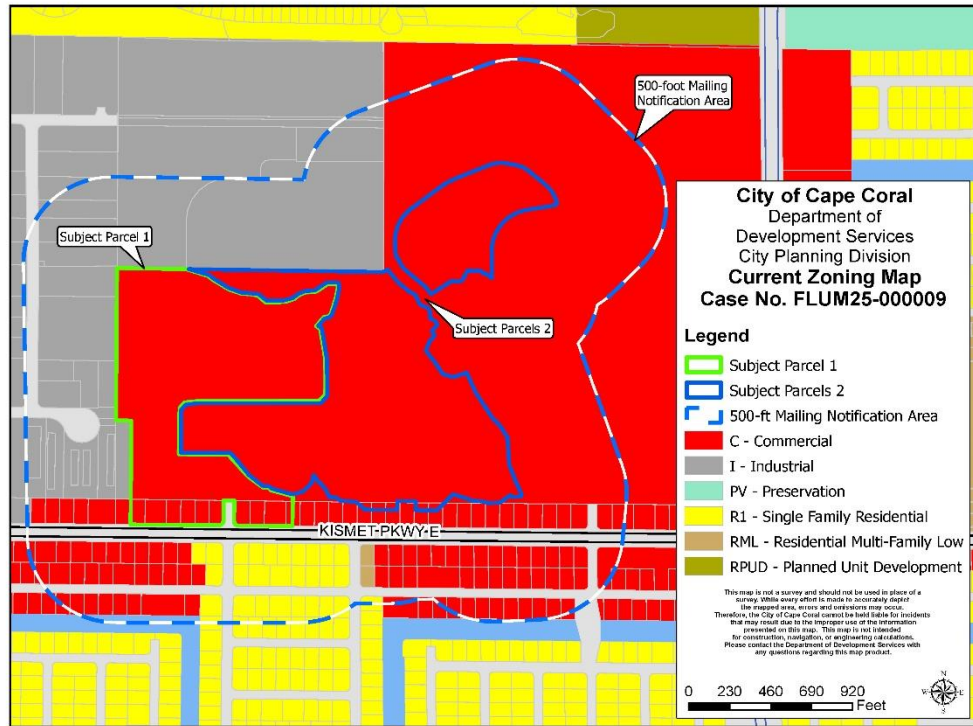




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## Current Zoning Map



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## ADDITIONAL SITE INFORMATION

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### Protected Species:

City records indicate that there is a documented eagle nest within close proximity of the subject area. No other protected species have been documented within the subject area. However, the City will require species surveys prior to the issuance of permits or further development approvals, in accordance with Policy 1.2.1 of the Conservation and Coastal Management Element of the Comprehensive Plan.

*Policy 1.2.1: By 2020, 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 and/or habitat alteration, will be required to provide an environmental survey of their properties and undertake acceptable mitigation, as appropriate.*

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

*Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested.*

### Utilities:

The subject property is in the Urban Services Transition area as designated by the City Comprehensive Plan. Water, sewer, and irrigation utilities are not available; however, they are present in close proximity to the subject area, being located to the west approximately 1,000 ft along Kismet PKWY E. Electric utility is available for the subject area.

### Soils and Drainage:

The site is located primarily on the Cypress Lake fine sand – Urban land complex (Soil Type 102). The soil consists of moderately deep, poorly drained soils that formed in sandy and loamy marine sediments over limestone bedrock. This soil has some limitations for development which are typically overcome using various engineering solutions, such as importing fill. Major use allowances skew towards: Forest Land; Rangeland; Wildlife Habitat; Recreation; and Urban Land. The soil type(s) should not present an obstacle to future land development although special feasibility studies may be required.

### Regional Plan Analysis:

*Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):*

**This amendment is not in conflict with the SRPP**

*Lee County Metropolitan Planning Organization's (MPO) 2045 Long Range Transportation Plan:*

**This amendment has no effect on the MPO's 2045 LRTP.**





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## APPLICATION ANALYSIS

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### Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.5.2 for evaluating amendments to the Future Land Use Map. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed amendment based upon conformance with the criteria:

*A. Purpose of Amendments. Future Land Use Map Amendments shall be considered for the following reasons:*

- 1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.*
- 2. The amendment promotes compliance with changes to other city, state, or federal regulations.*
- 3. The amendment results in compatible land uses within a specific area.*
- 4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.*
- 5. The amendment is consistent with the City's ability to provide adequate public facilities and services.*
- 6. The amendment prepares the city for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.*

**Analysis:** The applicant is seeking an amendment to the Future Land Use Map to allow for the expansion of the industrial land use classification and to preserve existing designated areas of preserve space within the city. Provided this, the proposed amendment is consistent with purpose 3 and 6.

**Refer to below Comprehensive Plan Analysis Section for compliance with Purpose #1, implementing the goals, objectives, and policies of the Comprehensive Plan.**

*C. Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of F.S. Ch. 163, and the following criteria:*

- 1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;*

**Analysis:** Refer to below Analysis Section for a breakdown of Comprehensive Plan compliance.

- 2. The amendment protects the health, safety, and welfare of the community;*

**Analysis:** The proposed amendment is anticipated to generate a positive and measurable impact on the overall health, safety, and welfare of the community. A central component of the amendment is the expansion of designated preserved natural areas within the city limits. This designation plays a critical role in safeguarding wildlife habitats and maintaining vegetative cover, both of which are essential to sustaining healthy and resilient ecosystems. By protecting these natural resources, the City not only preserves biodiversity but also enhances environmental quality, which directly benefits residents through improved air quality, stormwater management, and recreational opportunities.

In addition to the environmental benefits, the amendment provides for the inclusion of additional light industrial property within the City's boundaries. This land use adjustment is expected to yield significant community advantages. Specifically, it will create opportunities for local employment, support the establishment of businesses that provide goods and services to both residents and the surrounding



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region, and contribute to the expansion of the City's tax base. Collectively, these outcomes strengthen the City's economic vitality and long-term sustainability.

While the industrial land use classification permits a range of activities, including some that may be more intensive in nature, potential adverse impacts can be effectively mitigated through thoughtful design standards. Strategies such as enhanced landscaping, buffering, and setbacks can minimize visual, noise, and traffic-related concerns, ensuring compatibility with adjacent land uses. With these safeguards in place, the amendment is not expected to compromise community health, safety, or welfare.

Taken together, the proposed amendment strikes a balanced approach by advancing environmental preservation while simultaneously fostering economic development. It is therefore consistent with the established criteria for land use amendments and supports the City's broader goals of promoting and protecting the health, safety and welfare of the community.

3. *The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;*

**Analysis:** The proposed amendment site consists of approximately +/- 3,048,935 square feet (69.99 acres) made up of a confluence of existing parcels and residual land. This area is broken down into a roughly 1,811,831 square foot (41.59 acres) area to be designated as PRES (Natural Resource / Preserve) and an area of 1,237,104 square feet (28.40 acres) designated as I (Light Industrial). The subject areas are generally contiguous, with a smaller preserve area slightly disconnected from the main body. The subject area is an oblong shape and a majority of it has frontage along Kismet PKWY E, with no frontage available on any other roadway.<sup>1</sup> The sites are relatively flat with gentle pitch or undulation and have varied amounts of vegetation, with heavier vegetation existing at certain portions of the subject area, primarily in the industrial classification area.

The amendment is seeking two land use classifications, the I (Light Industrial) Land Use Designation and the PRES (Natural Resource / Preserve) Land Use designation. Each land use classification only permits a single zoning district, with the Light Industrial land use district permitting the Industrial (I) zoning district, and the Natural Resource / Preserve district permitting the Preserve (PV) zoning district.

Per LDC Table 4.1.3.B, the two permissible districts, I and PV, have varied development standards tailored to the specific use allotments. The standards range from some 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

<sup>1</sup> Dimensions are taken from measurement data collected and tied through City GIS system.



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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 the physical characteristics of the property, the large area of the site, and the minimal intrusive requirements for site development required by the LDC, both requested future land use classifications of PRES and I, along with the subsequent allowable zoning districts, are compatible with the physical and environmental factors of the site.

4. *The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community of traffic that cannot be mitigated through application of the development standards in this Code;*

**Analysis:** The amendment is seeking a Future Land Use designation of I (Light Industrial) and PR (Natural Resource/Preserve). The Light Industrial designation permits only the Industrial (I) zoning district, while the Preserve designation permits only the Preservation (PV) zoning district. Each of these districts has clearly defined development standards within the Land Development Code that are tailored to their intended functions.

The immediate surrounding Future Land Use designations consist of Industrial lands to the west, Commercial lands to the north and east, and Commercial and Parkland to the south. The Parkland properties are separated from the subject property by Kismet PKWY E, a four-lane major collector roadway. The proposed Light Industrial designation aligns with the existing industrial area to the west, creating a logical extension of similar uses. To the north and east, the adjacency of commercial designations provides a compatible transition between industrial activity and other community-serving uses. To the south, the separation created by Kismet Parkway East, combined with buffering and design standards required by the LDC, ensures that Parkland areas are adequately protected from potential impacts of more intensive uses.

The proposed Preserve designation is consistent with the existing environmental features of the site and provides a natural buffer between more intensive uses and adjacent properties. The PV zoning district allows only conservation and limited public or institutional uses, which are inherently low-intensity and compatible with surrounding land uses.



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Provided this, the types, densities, and intensities of uses permitted within the proposed zoning districts would be consistent with those of the surrounding districts. Additionally, any traffic impacts that may accompany implementation of the proposed uses will be similar to those already anticipated under the existing roadway network and can be effectively mitigated through the application of the City's Land Development Code and Engineering Design Standards.

Accordingly, the amendment satisfies Future Land Use Criteria #4, as the proposed designations are compatible with surrounding uses and will not result in negative community impacts.

5. *The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.;*

**Analysis:** The subject property benefits from primary frontage along Kismet PKWY E, a four-lane paved major collector roadway. This roadway is designed to accommodate substantial traffic volumes and provides direct connectivity to the broader transportation network. The proposed land use amendment would permit a portion of the property to develop with light industrial uses, consistent with the Industrial (I) zoning district, which is the sole zoning classification permitted under the Light Industrial (I) land use designation.

Although the range of potential uses within this classification varies from medium- to high-intensity, traffic generation associated with such uses is generally moderate in nature. Given the substantial capacity of Kismet PKWY E, the additional traffic anticipated from future development is not expected to create adverse impacts on roadway function or level of service.

The amendment also includes a request to designate a portion of the property as Preserve (PR), which aligns with an existing preservation easement already established on the site. This easement prohibits development within its boundaries, thereby ensuring the long-term protection of natural resources. Even in the absence of the easement, the PR land use classification permits only Preservation (PV) zoning, which allows limited public and institutional uses. These uses are inherently low-intensity and generate minimal traffic, further supporting the conclusion that the amendment will not overburden the transportation system.

With respect to utilities, the subject property is not currently served by water, sewer, or irrigation infrastructure. However, utility extensions are planned for the area in the near future. In the interim, utilities are available approximately 1,000 feet to the west along Kismet PKWY and can be extended to the site in conjunction with development activity. Existing system capacity has been evaluated and is sufficient to accommodate the incremental demand generated by the proposed uses. Moreover, the nature of the uses permitted within the Industrial zoning district is not expected to create excessive demand or strain on public infrastructure.

In addition, stormwater management requirements will be addressed at the time of development through compliance with applicable City and State regulations. These standards ensure that runoff is properly managed and that downstream systems are not adversely impacted. Existing stormwater systems which occupy the site will be maintained or re-routed as required when and if development occurs and in conjunction with City, State and Federal requirements.

Therefore, the site's location along a major collector roadway, the presence of a preservation easement, the availability of nearby utilities, and the adequacy of system capacities demonstrate that the property is capable of supporting the proposed mix of light industrial and preservation uses. The requested amendment can therefore be accommodated without adverse impacts and satisfies this criterion.



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**For a complete breakdown of infrastructure impact, including impact on water, sewer, solid waste, traffic, police, fire, park land and schools please refer to Impact Assessment Summary Analysis Section of this document.**

6. *Other factors deemed appropriate by the Commission and City Council.*

**N/A: to be determined by the Commission and City Council.**

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## Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.5.2.C 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 amendment to the Future Land Use Map 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)	R-1, RML, RMM, RE, A (E/O)
Multi-Family (MF)	RML, RMM
Low Density Residential (LDR)	RE, A (E/O)
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)	PV
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.





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**Analysis:** The requested amendment is seeking a dual land use classification of I (Light Industrial) and PRES (Natural Resource / Preserve) for the subject areas. Per table 1 of Policy 1.15, the only permissible zoning districts for the I land use classification is I (Industrial) and the only permissible zoning district for the PRES land use classification is PV (Preservation).

The Industrial zoning classification permits a maximum FAR for development at 1.0, in alignment with the requirements of subsection d of Policy 1.15. Additionally, the existing area is currently undeveloped and therefore under the maximum developable area. Thus when/if development on the subject area occurs, the maximum developable area will be within the allowable threshold.

The PRES land use classification request is for an area congruent with an existing conservation easement tied to the subject property. While the area is owned by the City of Cape Coral, the easement expressly prohibits any development with the expressed purpose of preserving, enhancing, restoring or creating environmental areas of wetlands and uplands. The easement does allow the construction of passive recreational facilities, such as trailways, so long as they are not contrary to the purpose of the easement. Likewise, the PV zoning district permits only limited uses which have a community benefit and includes restrictive development standards, such as setbacks, building heights, etc. Where development may occur, in alignment with the purpose of the conservation easement, the PRES land use, and subsequent zoning district, would ensure that such development would be in line with preserving the natural ecosystem and for an explicit community benefit.

**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 PR land use classification aligns with an existing 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 land use 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 amendment of PR land use classification is in compliance with this Objective of the Comprehensive Plan.

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## Impact Assessment Summary:

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the 'existing impacts' discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present with the subject area, but reflect what those impact would be if the area was developed in accordance with the existing future land use and zoning.

Furthermore, in examining the existing and proposed impacts, staff removed any impact analysis on city infrastructure for the PR (Natural Resource / Preserve) area. The existing conservation easement, which the requested PR land use classification aligns with, strictly prohibits any development within the bounds of the easement, refer to Deed of Conservation Easement, INSTR #2019000135527 - 3.a-h. As any development is prohibited, no impact to the infrastructure would occur and could not be calculated.

Additionally, in the analysis of impacts, staff identified that the permissible zoning districts in the existing future land use classification, as well as the proposed future land use classification have significant overlap and share the same amount of permissible density, being 1 FAR. Utilizing this overlap, with an understanding that the highest intensities, densities, and requirements are congruent through the comparative land uses, staff determined that there would be no change in impacts and reflected that information in the subsequent breakdown. All service elements which would have been provided under the most stringent development in the existing future land use, would still be required to be provided in their amount under the proposed future land use element.

### Dwelling Units:

Existing:	0 (per permitted uses)
Proposed:	0 (per permitted uses)
Net Change:	0 dwelling unit(s) <b>NO CHANGE</b>

### Population<sup>2</sup>:

Existing:	0 (Existing)
Proposed:	0
Net Change:	0 person(s) <b>NO CHANGE</b>

### Water Use<sup>3</sup>:

Existing:	N/A
Proposed:	N/A
Net Change:	0 NO CHANGE
Facility Capacity:	30.0 MGD
Ann. Avg. Day Flow:	12.8 MGD
Capacity Available:	<b>YES</b>

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<sup>2</sup> Estimated Population Impact (2.51 persons/household) is based upon statistics contained in US Census Bureau Historical Households Table HH-6, *Average Population per Household and Family: 1940 to Present, REV. 2022*.

<sup>3</sup> Water Facility Capacity and Ann. Avg. Day Flow numbers provided by City of Cape Coral Utilities Department, REV. 2022



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## Sewage<sup>4</sup>:

Existing:	N/A
Proposed:	N/A
Net Change:	0 NO CHANGE
Facility Capacity:	28.4 MGD
Ann. Avg. Day Flow:	15.31 MGD
Capacity Available:	<b>YES</b>

## Solid Waste<sup>5</sup>:

Existing Generation:	N/A
Proposed:	N/A
Net Change:	0 NO CHANGE
Facility Capacity:	1,836 tons/day (Lee County Waste-to-Energy Facility) <sup>6</sup> <i>Per City contract with solid waste collector (Waste Pro), service must be provided to every household and business account citywide. Service Capacity will be provided to meet any required demand.</i>
Existing Demand:	686 tons/day (509 Residential + 177 Commercial)
Capacity Available:	<b>Yes</b>

## Traffic / Daily Trips<sup>7</sup>:

Existing Generation:	N/A
Proposed:	N/A
Net Change:	0 NO CHANGE
Facility Capacity:	Major Collector
Capacity Available:	<b>Yes</b>

## Development Impact Analysis:

### Hurricane Evacuation:

The subject property is within Evacuation Zone (B). Based on the summation of the amendment impacts above, including the limitations for development based on existing and proposed uses, there will be no impact on Hurricane Evacuation times.

### Park Lands:

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment would result in NO CHANGE in park demand due to the consistent uses permissible between the two classifications. The amendment will result in a minimal amount of classified park land

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<sup>4</sup> Sewage Facility Capacity and Ann. Avg. Day Flow numbers provided by City of Cape Coral Utilities Department, REV. 2022

<sup>5</sup> Solid Waste Existing Demand numbers provided by City of Cape Coral Department of Public Works, REV. 2022

<sup>6</sup> Facility Capacity does not include recyclable material, construction and demolition debris or yard waste.

<sup>7</sup> Calculations based on ITE (Institute of Transportation Engineers) Trip Generation Manual, 7<sup>th</sup> Edition.



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added within the City, due to the inclusion of the designated preserve areas, although it has no effect on dedicated park space allocated currently.

## Protected Species:

City records indicate that the subject area is in close proximity to an Eagle nest, with no other documented species identifiable on the property. However, 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 the 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 measures may be required by the developer to proceed.

## Police & Fire Impact Estimates:

**Fire:** Property is 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**.<sup>8</sup>

**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.<sup>9</sup>

## School Impacts<sup>10</sup>:

Existing Households:	0 Households
Existing Students:	0
Proposed Households:	0 Household
Proposed students:	0
Change:	0 Students NO CHANGE

## **Conclusion:**

Given the analysis conducted in regard to the requested Amendment to the Future Land Use Map, the proposed amendment seeking to change the Future Land Use designation of a portion of land from MX (Mixed Use) to I (Light Industrial) and PR (Natural Resource / Preserve) is consistent with the purpose and requirements for Amending the Future Land Use Map as well as the guidelines and policies of the Comprehensive Plan. The proposed amendment would be minimally intrusive to the surrounding neighborhood, provide for more industrial uses within the City and protect existing native land and ecosystems. The amendment would have a positive effect on the overall health, safety and welfare of the community and a net positive impact overall on the City.

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<sup>8</sup> Fire Impact determined through the City of Cape Coral Fire Department, 11/06/25.

<sup>9</sup> Police Impact determined through the City of Cape Coral Police Department, 11/13/25.

<sup>10</sup> Estimated Students per Household is based upon statistics contained in US Census Bureau Historical Households Table HH-6, *Average Population per Household and Family: 1940 to Present* and assumes a worst-case scenario of 100% school participation.



## **PLANNING DIVISION STAFF REPORT**

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Therefore, it is the recommendation of staff that the proposed large-scale Amendment to the Future Land Use Map be approved as submitted.





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## RECOMMENDATION

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Planning staff has reviewed this request in accordance with Section 3.5.2 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 amendment request.

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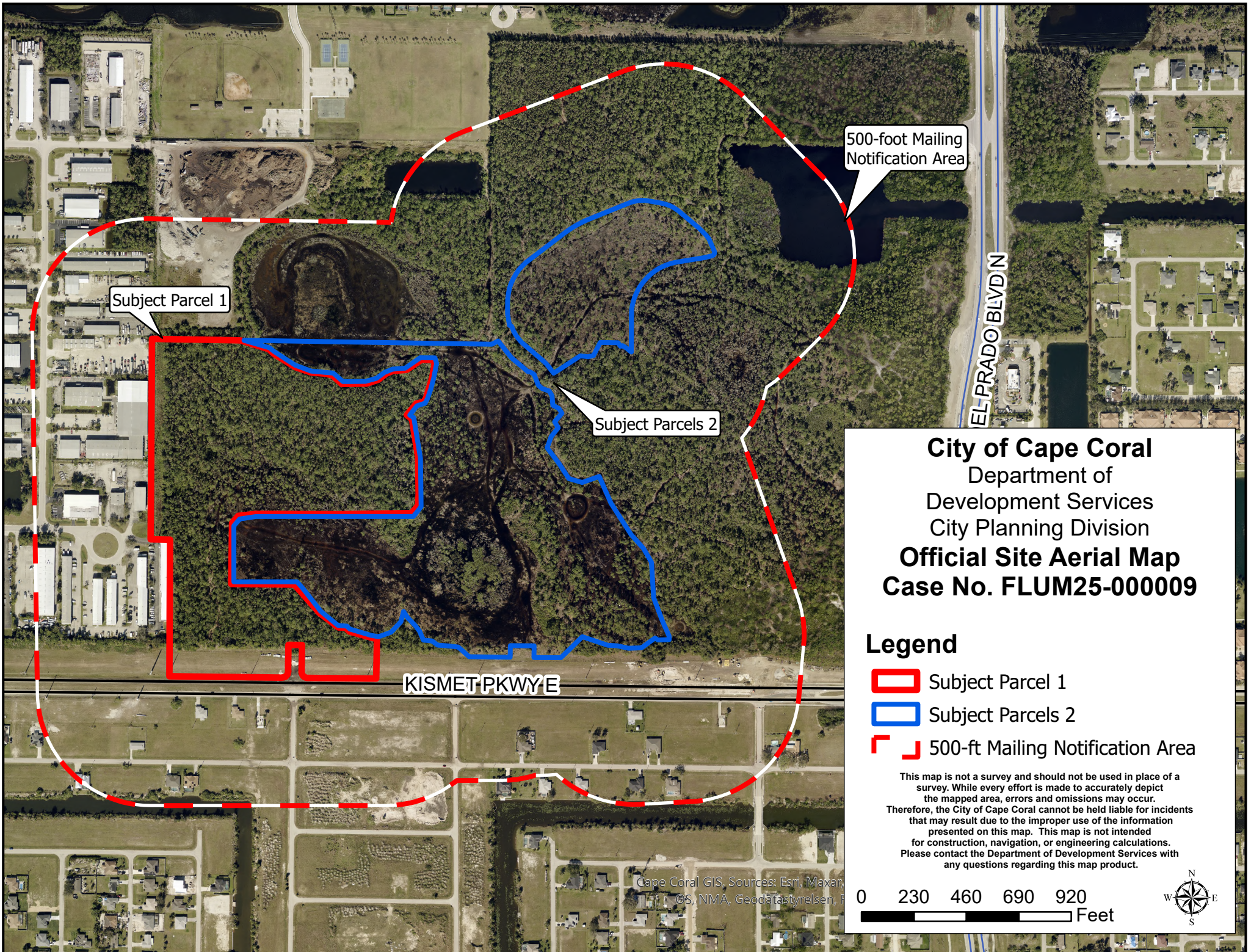
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### Staff Contact Information

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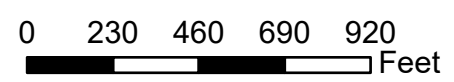


**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Official Site Aerial Map**  
**Case No. FLUM25-000009**

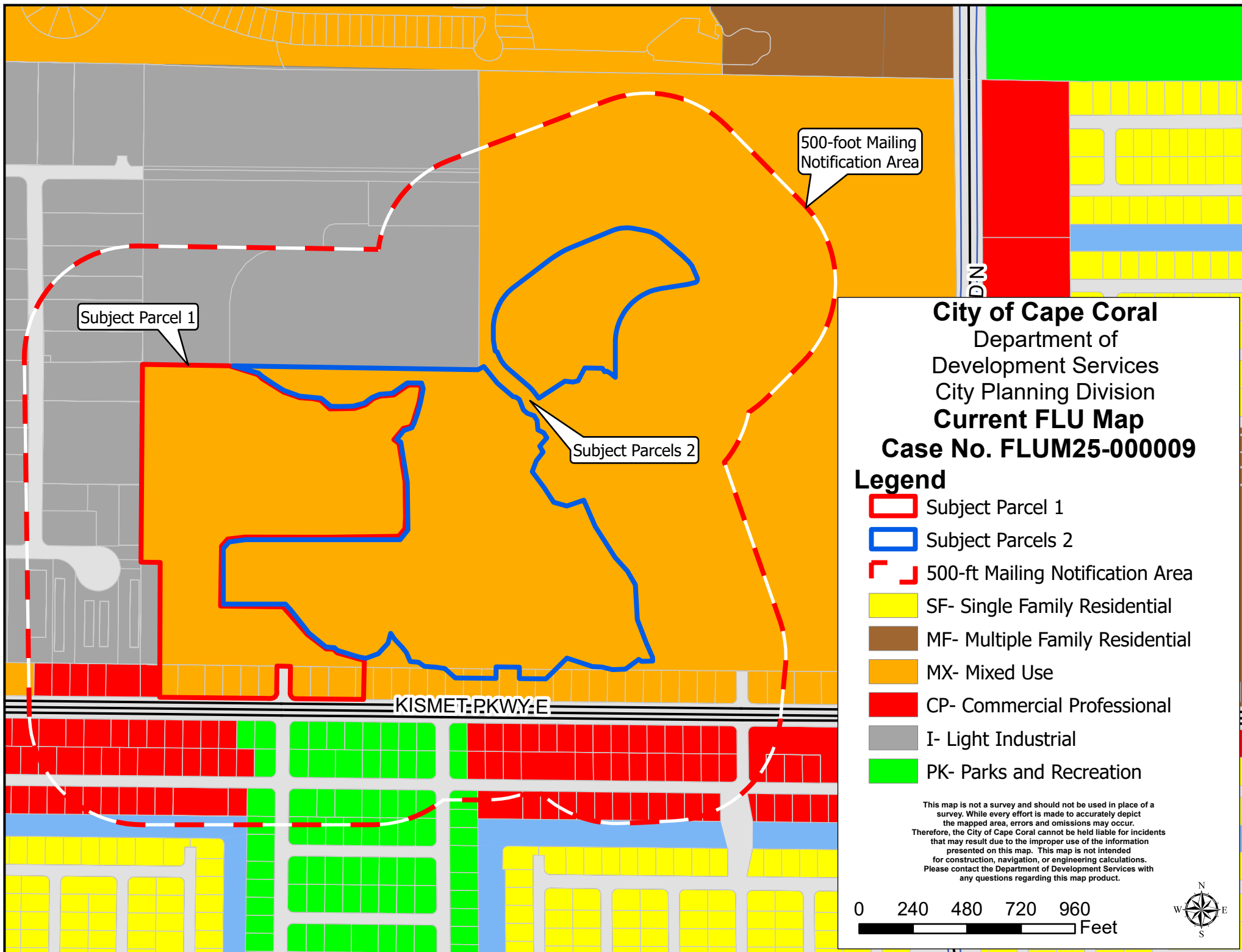
**Legend**

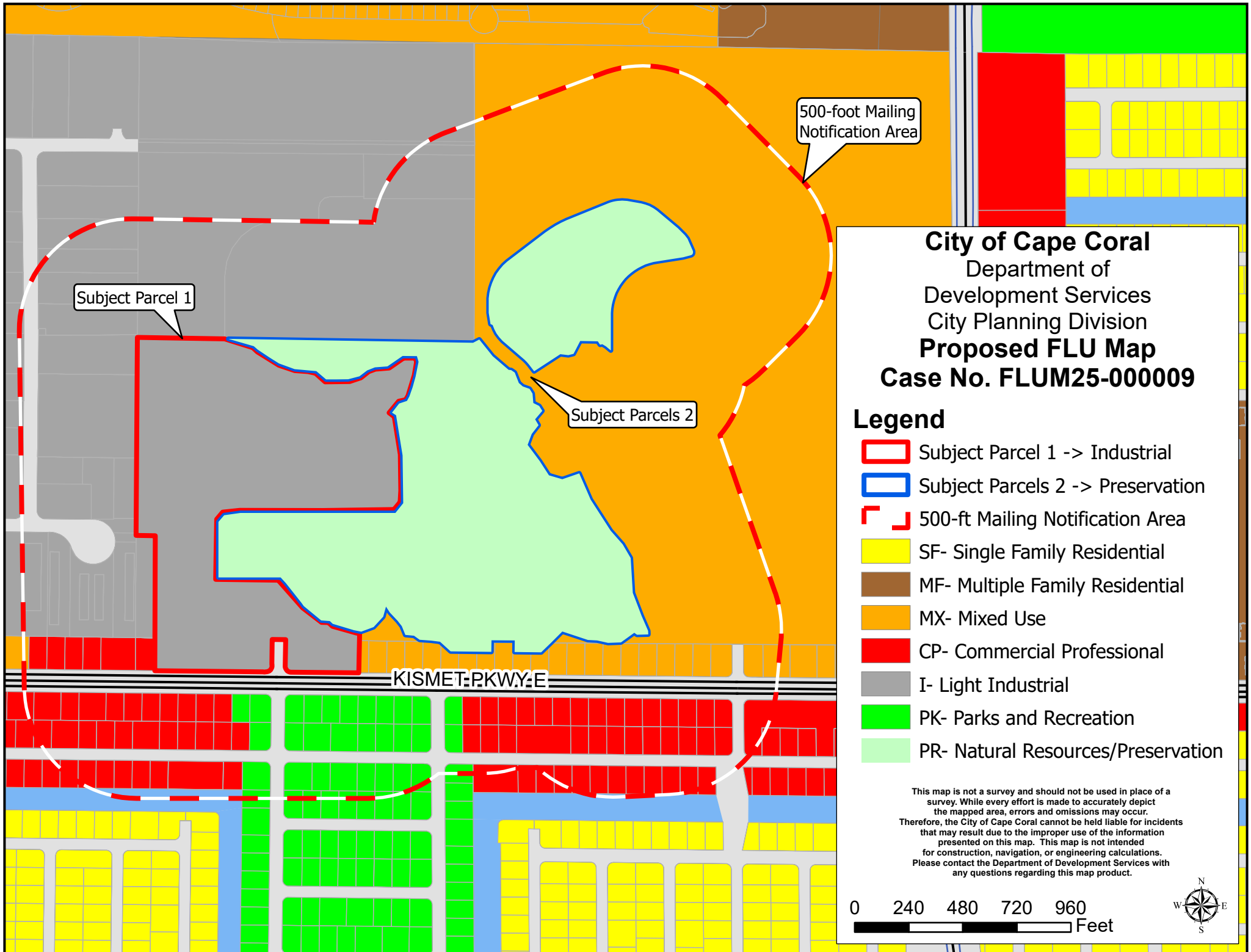
-  Subject Parcel 1
-  Subject Parcels 2
-  500-ft Mailing Notification Area

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.

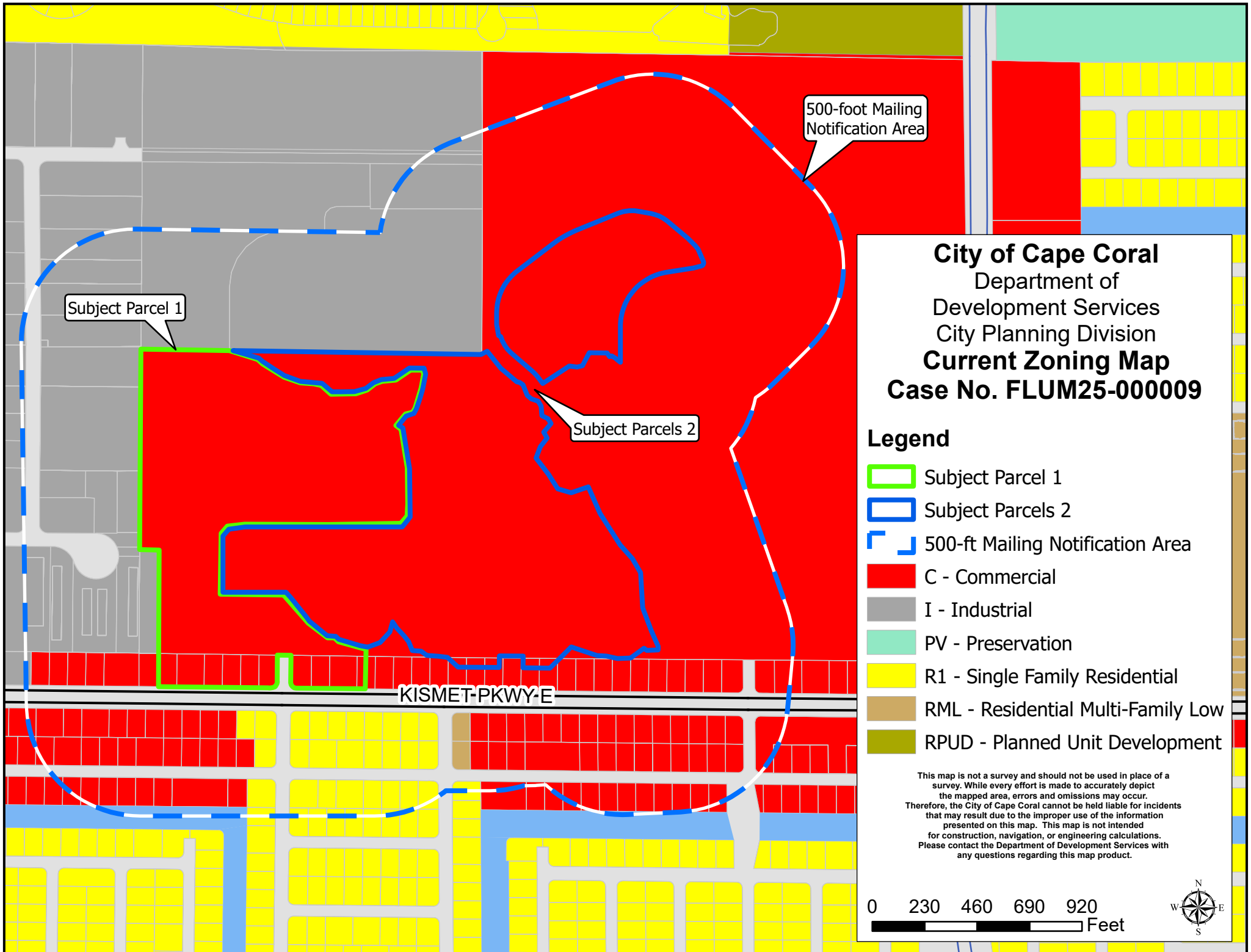












**City of Cape Coral**  
Department of  
Development Services  
City Planning Division  
**Current Zoning Map**  
**Case No. FLUM25-000009**

**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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