



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

**Note: Application
for Comprehensive
Plan Text
Amendment**

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. **(See concurrent FLUM23-000011)**
 - 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 **(See concurrent FLUM23-000011)**
4. If the subject property is within 500 feet of any County properties, the applicant must provide: **(See concurrent FLUM23-000011)**
 - 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. **(See concurrent FLUM23-000011)**
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.

OWNER(S) OF PROPERTY INFORMATION	
Owner <u>City of Cape Coral</u>	Address <u>1015 Cultural Park Boulevard</u>
Phone <u>(239) 574-0451</u>	City <u>Cape Coral</u>
Email <u>milczysz@capecoral.gov</u>	State <u>FL</u> Zip <u>33990</u>
Owner _____	Address _____
Phone _____	City _____
Email _____	State _____ Zip _____
APPLICANT INFORMATION (If different from owner)	
Applicant <u>Bill Corbett, Office of Capital Improvements</u>	Address <u>611 SE 11th Street</u>
Phone <u>(239) 242-3224</u>	City <u>Cape Coral</u>
Email <u>wcorbett@capecoral.gov</u>	State <u>FL</u> Zip <u>33990</u>
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable) * See Additional Sheet	
Representative <u>Johnson Engineering, Inc.</u>	Address <u>2122 Johnson Street</u>
Phone <u>(239) 461-2456</u>	City <u>Ft Myers</u>
Email <u>cmf@johnsoneng.com</u>	State <u>FL</u> Zip <u>33901</u>
PROPERTY INFORMATION	
Unit <u>N/A</u> Block <u>C2000</u> Lot (s) <u>2000</u> Subdivision <u>N/A</u>	
Property Address <u>3115 Del Prado Boulevard North, Cape Coral, FL 33915</u>	
Plat Book <u>N/A</u> Page <u>N/A</u> Current Zoning <u>Single Family Residential (R1)</u>	
Strap Number <u>20-43-24-C3-00002.0000 (portion)</u> Acreage <u>14.2 acres</u>	
Current Land Use <u>Parks & Recreation (PK)</u>	Proposed Land Use <u>Public Facilities (PF)</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.

Michael Ilczyszyn
NAME (PLEASE TYPE OR PRINT)


AUTHORIZED SIGNATURE

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 21st day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced N/A as identification.

Exp Date: 3/2/25 Commission Number: HH072531

NOTARY STAMP HERE

Signature of notary Public: 

Printed Name of Notary Public: Cheryl Mackowski



Cheryl Mackowski
Notary Public
State of Florida
Comm# HH072531
Expires 3/2/2025

ADDITIONAL AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Brett Messner, Tetra Tech Address 10600 Chevrolet Way

Phone (239) 390-1467 City Estero

Email Brett.Messner@Tetrattech.com State FL Zip 33928

12/20/2019 10:00 AM

all to 3/20/2020

Print to email

Send to email

2020-03-20 10:00 AM





ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 21st Day of June, 2024.

City of Cape Coral
CORPORATION/COMPANY NAME

Michael Ilczyszyn
OWNER'S NAME (TYPE or PRINT)

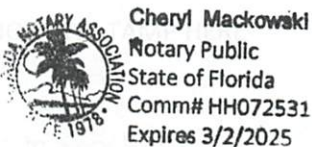
OWNER'S SIGNATURE

STATE OF Florida
COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 21st day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH072531

Signature of notary Public:
Printed Name of Notary Public: Cheryl Mackowski





ESTIMATED PEAK HOUR TRIP

Parcel Size: Width ~776' Depth ~798' Sq. Ft. ~616,552 Acreage ~14.2

Soil Type: (74) Boca fine sand, slough / (49) Felda fine sand, depressional / (39) Isles fine sand, depressional

Urban Services Area: (check one) Infill Transition Transition Reserve Transition

Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):
See attached Protected Species Survey.

Animal Species: (list any endangered, threatened, or species of special concern on-site)
See attached Protected Species Survey.

Estimated Development:

- Estimate total lot coverage ~10 %
- Estimate total building floor area: ~13,125 Sq. ft.
- Estimate type of future development and percentages:
(e.g. business, offices, commercial retail, automotive repair, etc.)

Public Utility - Approx: 50,000 s.f. water storage tanks, 4,375 s.f. storage building, 8,750 s.f. booster stations

Estimated peak hour trip ends: 20 PM Peak Hour Trip Ends

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

City Water: YES NO



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Brett Messner, VP, RSI Division, Tetra Tech
(Name of person giving presentation)

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

UNIT N/A BLOCK C2000 LOT(S) 2000 SUBDIVISION n/a

OR LEGAL DESCRIPTION See attached

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

Michael Ilczyszyn
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of [X] physical presence or online notarization, this 21st day of June, 2021 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH 072531

Cheryl Mackowski
Notary Public
State of Florida
Comm# HH072531
Expires 3/2/2025

Signature of notary Public: [Signature]

Printed Name of Notary Public: Cheryl Mackowski

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.





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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Christine M. Fisher, Principal Planner, Johnson Engineering Inc.
(Name of person giving presentation)

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

UNIT N/A BLOCK C2000 LOT(S) 2000 SUBDIVISION n/a

OR LEGAL DESCRIPTION See attached

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

Michael Ilczyszyn
PROPERTY OWNER (Please Print)

[Signature]
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 21st day of June, 2024 by Michael Ilczyszyn who is personally known to me or produced as identification.

Exp Date: 3/2/25 Commission Number: HH872531

Signature of notary Public: [Signature]

Printed Name of Notary Public: Cheryl Mackowski

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.





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.



June 7, 2024

Mr. Matthew Grambow, Interim Director
Department of Development Services
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33990

SUBJECT: CAPE CORAL UTILITIES NE BOOSTER STATION– LETTER OF INTENT
STRAP: 20-43-24-C3-0002.0000 (portion)
SMALL SCALE COMPREHENSIVE PLAN TEXT AMENDMENT APPLICATION

Dear Mr. Grambow:

The City of Cape Coral is seeking to develop 14.2+/- acres of the northeastern portion of STRAP number 20-43-24-C3-0002.0000 located at 3115 Del Prado Boulevard North for a City of Cape Coral Irrigation and Potable Water Storage and Pumping Facility to service the North 1 Utilities Extension Project (UEP) area. Concurrent applications have been submitted under separate cover to rezone the property from Single Family Residential (R-1) to Institutional (INST) [RZN23-000018] and to amend the Future Land Use Map designation from Parks & Recreation (PK) to Public Facilities (PF) [FLUM23-000011]. City staff has reviewed the applications and determined that text amendments are also needed to ensure compliance with the Comprehensive Plan.

Pursuant to Section 3.5.3 of the City of Cape Coral Land Development Code, the applicant requests consideration of Comprehensive Plan text amendments for the subject property. Since this request for a Comprehensive Plan text amendment is directly related to and being adopted simultaneously with a small scale Future Land Use Map amendment, it meets the criteria in Section 163.3187(1)(b), F.S. to be processed as a small scale comprehensive plan amendment.

We respectfully request approval of the Comprehensive Plan text amendments. Should you or your staff have questions or require additional information, please do not hesitate to contact me at (239) 461-2456 or cmf@johnsoneng.com

Small Scale Comprehensive Plan Text Amendment
June 7, 2024
Page 2

Sincerely,
JOHNSON ENGINEERING, INC.

A handwritten signature in blue ink that reads "Christine M. Fisher". The signature is written in a cursive style with a large initial 'C'.

Christine M. Fisher, AICP
Principal Planner

20203241-000



June 7, 2024

Chad Boyko, Principal Planner DCD
Department of Development Services
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33990

RE: **CAPE CORAL UTILITIES NE BOOSTER STATION– RAI #1 Response
FLUM23-000011**

Dear Mr. Boyko:

Attached, please find the information requested in your sufficiency review of the above referenced project. The issues raised by staff have been addressed as follows:

Planning Review

1. **Staff Comment:** Chapter 7 of the Comprehensive Plan states that Yellow Fever Creek is intended as a 198.70-acre regional park. Please indicate if the proposed amendment would reduce that acreage for a regional as outlined in the Comprehensive Plan.

Response: *The proposed amendment to allow for the development of a City of Cape Coral Irrigation and Potable Water Storage and Pumping Facility on a 14.2+/- acre portion of the subject property will reduce the acreage of the regional park.*

A companion Comprehensive Plan Text Amendment has been submitted to revise the table entitled Existing and Proposed Park Inventory, 2021 in Chapter 7, the Recreation and Open Space Element of the Comprehensive Plan, to indicate that Yellow Fever Creek is intended as a 184.5-acre regional park as well as revision to Chapter 4, Policy 11.1 of the Future Land Use Element of the Comprehensive Plan to reflect the updated park acreage.

After subtracting the subject site from the acreage of the park, Yellow Fever Creek Preserve Park will remain a regional park as it is greater than the minimum size (50 acres) as well as optimal size (75 acres) for regional parks as defined in the Recreation and Open Space Element of the Comprehensive Plan.

2. **Staff Comment:** Chapter 2, Policy 1.7.17 of the Comprehensive Plan states that Yellow Fever Creek is to be set aside for restoration and protection and for development of passive recreation uses. Please indicate if the proposed amendment is consistent with this policy.

Response: A companion Comprehensive Plan Text Amendment to Chapter 2, Policy 1.7.17 of the Conservation and Coastal Management Element of the Comprehensive Plan has been submitted to revise this policy to allow for essential service facilities while still protecting and maintaining the Yellow Fever Creek Headwaters Area.

The subject site is not located within the Yellow Fever Creek Headwaters Area but will be designed to minimize impacts to upland habitats to the maximum extent practicable.

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 1.7.17 upon approval of the companion Comprehensive Plan Text Amendment.

Environmental Review

The proposed FLUMA is not consistent with the following City Comprehensive Plan objectives and policies:

1. ***Staff Comment:*** As stated in this policy, the City should “commit itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.” However, the end goal of this City initiated FLUMA is to develop a 14± acre portion of this park site with a utility complex that includes irrigation and potable water storage tanks and a pumping facility. This proposed development would be in direct conflict with this Comprehensive Plan Policy. The proposed FLUMA from Parks and Recreation (PK) to Public Facilities (PF) to facilitate this development is therefore not consistent with this Comprehensive Plan Policy.

Policy 1.7.17 of the Conservation and Coastal Management Element: “The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state.”

Response: A companion Comprehensive Plan Text Amendment to Chapter 2, Policy 1.7.17 of the Conservation and Coastal Management Element of the Comprehensive Plan has been submitted to revise this policy to allow for essential service facilities while still protecting and maintaining the Yellow Fever Creek Headwaters Area.

The subject site is not located within the Yellow Fever Creek Headwaters Area and will be designed to minimize impacts to upland habitats to the maximum extent practicable.

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 1.7.17 upon approval of the companion Comprehensive Plan Text Amendment.

2. **Staff Comment:** The subject site is part of the regional park site identified in this Comprehensive Plan Policy for the purpose of preserving an upland natural reservation. Amending the Future Land Use to PF to facilitate a portion of the park site to be developed with a utility complex is not consistent with this Policy.

Policy 1.7.13 of the Conservation and Coastal Management Element: The City, in conjunction with Lee County, has begun development of a Regional Park site in the City's northeast, preserving an upland natural reservation of at least 250 acres as identified in the Recreation and Open Space Element of this plan.

Response: *Based on our calculations, the total combined area of Yellow Fever Creek Preserve Park located within the city limits and within Lee County is ±420 acres. Thus, the proposed amendment is consistent with Policy 1.7.13 as it would not reduce the upland natural preservation to be less than 250 acres.*

3. **Staff Comment:** The subject site has natural communities including wetlands and upland habitat for listed species such as gopher tortoises. The land is part of the Yellow Fever Creek Preserve park site which was set aside primarily to preserve a representative example of natural upland communities destroyed during the development of the City (Policy 1.7.17). As such, amending the Future Land Use to allow future development of this land with a utility complex would not be consistent with this Policy.

Policy 1.2.17 of the Conservation and Coastal Management Element: The City of Cape Coral will acquire land, as opportunity and resources allow for the purpose of preserving natural communities, listed species and their habitats.

Response: *Per the provided Protected Species Survey, there are 2.68 acres of wetlands on the subject site. The existing wetland habitat at the southwest corner has been placed under a conservation easement and is part of a previous mitigation area for the Del Prado Boulevard extension project (SFWMD Application No. 940715-5). A jurisdictional wetland is located at the northeast corner. No development is proposed in existing wetland areas. The development area will not encroach into required wetland buffers. Furthermore, the PPS concludes that there is no evidence of gopher tortoises observed within 25 feet of the project area. No evidence of listed species was observed during the survey.*

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility is consistent with Policy 1.2.17.

4. **Staff Comment:** The subject parcel is a part of this significant example of an upland ecological community that was set aside for protection. Developing a portion of the uplands on this site with a utility complex would not be considered protection nor "maintenance" of an upland ecological community. It would in fact, permanently remove a significant area of this ecological community from the site and would lead to further degradation of the surrounding ecological community through disturbance. The proposed FLUMA is therefore not consistent with this policy.

OBJECTIVE 11 of the Future Land Use Element: 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.

Response: *The proposed area to be developed as an irrigation and potable water storage and pumping facility that will be fenced off from public access/use is ±7.0 acres. The development area is neither marine (Merriam-Webster: of or relating to the sea) nor estuarine (Merriam-Webster: of, relating to, or formed in an estuary – a water passage where the tide meets a river current). The site would be considered an upland area and according to the provided protected species survey, there is no evidence of listed species. Thus, development of the subject area is consistent with the City’s objective to protect marine, estuarine, and upland environments.*

5. ***Staff Comment:*** The subject parcel is part of this 200-acre tract that was set aside by the City for use as a major park emphasizing passive recreation and nature study. A utility complex is neither passive recreation nor nature study and would likely be disruptive to the nature park atmosphere. The proposed FLUMA to PF to permit a future utility complex would not be consistent with this Policy.

Policy 11.1 of the Future Land Use Element: The City will own and maintain a minimum of 200-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

Response: *A companion Comprehensive Plan Text Amendment has been submitted to revise the table in Chapter 7, the Recreation and Open Space Element of the Comprehensive Plan, to indicate that Yellow Fever Creek is intended as a 184.5-acre regional park as well as revision to Chapter 4, Policy 11.1 of the Future Land Use Element of the Comprehensive Plan to reflect the updated park acreage.*

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility will be consistent with Policy 11.1 upon approval of the companion Comprehensive Plan Text Amendment.

Cape Coral Strategic Plan analysis:

6. ***Staff Comment:*** The subject parcel is already part of a city owned natural park which was set aside for protection, restoration, and passive recreation. This park focuses on passive recreation and nature study for the current and future residents of Cape Coral and the surrounding area. The site contains environmentally sensitive wetlands and gopher tortoise habitat. Developing a portion of this nature park with a utility complex would not be consistent with these Strategic Plan goals.

Environmental Sustainability-
GOAL: Preserve and protect Cape Coral’s natural resources for current and future generations.
LAND CONSERVATION - Protect and preserve endangered critical habitats and environmentally sensitive lands.

ENDANGERED AND THREATENED SPECIES - Conserve the habitats of endangered and threatened animal and plant species.

Response: Although Yellow Fever Creek Preserve Park includes passive recreation and areas for protection and restoration, it has not been set aside exclusively for those uses. The Park has already been constructed or approved for certain non-passive recreation uses and other uses that are not related to nature study, such as, but not limited to, disc golf, parking areas, campsites, asphalt drive, restrooms, and a welcome center. The proposed use on the subject site is compatible with other public facility uses located on the parent parcel.

Per the submitted Protected Species Survey, there are 2.68 acres of wetlands on the subject site; however, no development will be occurring within the wetland area. The development area will not encroach into required wetland buffers. Furthermore, the PPS concludes that there is no evidence of gopher tortoises observed within 25 feet of the project area. No evidence of listed species was observed during the survey.

As such, we believe that amending the Future Land Use Map to allow future development of this land with an irrigation and potable water storage and pumping facility is consistent with the Strategic Plan.

I hope that this letter and the attached information has adequately addressed staff's comments and the application can now be considered sufficient. If you have any further questions, please let me know.

Sincerely,

JOHNSON ENGINEERING, INC.



Christine M. Fisher, AICP
Principal Planner

cc: Brett Messner, P.E.
Robert "Bud" Creighton Jr., P.E.

20203241-000

COASTAL AND CONSERVATION ELEMENT

GOAL 1:

Protecting Environmental Resources. The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

...

Objective 1.7: Ground Water Resources. The City will protect the quality of its groundwater resources and will maintain programs that have the goal of reducing the consumption rate (per dwelling unit) of potable water used for irrigation and other outdoor purposes from (2000) levels.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. [A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.](#)

...

FUTURE LAND USE ELEMENT

GOAL:

To protect the public investment by encouraging the efficient use of community infrastructure and natural resources, assure the orderly, efficient growth of the City by encouraging development in those areas which are best served by infrastructure and community services, promote new land uses which create the least possible disruption to existing uses; create a strategy which anticipates future community needs by acquiring and assembling platted lands; and protect the rights of individual property ownership, consistent with public needs.

...

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.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

...

RECREATION AND OPEN SPACE ELEMENT

GOAL 1:

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area

Objective 1: The City of Cape Coral shall continue to provide an adequate system of parks and recreational facilities which meet the needs of the existing and future populations and shall identify and plan park and recreation improvements to 2050.

...

Policy 1.2: The City of Cape Coral adoption levels of service for parks shall be:

Park Classification	Size and Service Population*	
Regional Park	50 acres and above; services population up to 50,000	
Community Park	Approximately 10-50 acres; up to 25,000 population	
Neighborhood Park	1-10 acres; serves population up to 5,000 population	
School-Park	Varies as to need	
Specialty Parks*	Varies as to need	

Regional Parks: Large areas of undeveloped or developed City or combination of City/County property (minimum of 50 acres), with 75 or more acres being optimal. These parks serve a broader purpose than community parks. The focus is on meeting community-based recreational needs, as well as preserving and protecting unique landscapes, environmental, and open spaces.

Community Parks: Medium size areas of developed City property typically 10 – 50 acres (actual size is based on the land area needed to accommodate desired current and future usages) which has varied uses and purposes. These parks have been developed for passive and active recreation/athletic activities. Their focus is meeting the needs of several neighborhoods or large sections of the community and preserving unique landscapes and open spaces. Typical development may include athletic fields/courts, playgrounds, indoor/outdoor rental facilities, beach, walking path, pools, recreation center/facility, pavilions, amphitheater, remote controlled vehicles, theater, BMX track, and boat ramp.

Neighborhood Parks: Small to medium size areas of developed City property typically 5-10 acres (its actual size is based on the land area needed to accommodate desired current and future usages). These areas have varied uses and purposes. These parks have been developed for passive and active recreation/athletic activities and serve as the recreational and social focus of the neighborhood. Typical development may include athletic field/courts, playgrounds, walking path, picnic facilities, boat ramp, and pond/lake.

School-Park: Combination of two public agencies allows for expanding the recreation, social, and educational component available to the community in an efficient and cost-effective manner. Depending on its size, one school-park could serve in several capacities such as neighborhood park, athletic fields, use of school facilities, before-after school uses, and summer programs. It is typically necessary to develop a joint use agreement between the involved agencies.

Special Use Park/Facilities: The special use classification covers a broad range of parks and facilities oriented toward single-purpose use. Special uses generally fall into three categories: historic/cultural/social sites, recreation facilities, or outdoor recreation facilities.

Existing and Proposed Park Inventory, 2021
 (Note: * refers to new parks planned as result of 2016 Go Bond)

Regional Park

Park	Acreage	Location
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23rd Terrace
*Yellow Fever Creek	198.70 184.5	Del Prado Blvd N and NE 22nd Ave
*Festival Park (includes Seahawk Park)	Approx. 191	2615 NW 14th AVE 1030 NW 28th Street

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Planning Division Staff Report

TXT24-000003

Review Date: October 17, 2024

Prepared by: Chad Boyko, AICP, Planning Team Coordinator

Request: Amends Policy 1.7.17. of the Coastal and Conservation Element, Policy 1.2 of the Recreation and Open Space Element, and amends Policy 11.1 of the Future Land Use Element to allow a portion of the Yellow Fever Creek Regional Park to be utilized for an essential service facility.

STAFF RECOMMENDATION: APPROVAL

Positive Aspects of Application	<ul style="list-style-type: none">Allows for a portion of a city-owned parcel to be utilized for an essential service facility that allows for water storage and distribution.
Negative Aspect of Application	<ul style="list-style-type: none">Amendment decreases the size of a regional park that has been established for over 20 years.
Mitigating Factors	<ul style="list-style-type: none">Majority of park remains as passive recreation and protected upland community.

Background / Summary of Request

In 1989, the City of Cape Coral adopted the Comprehensive Plan and established the Yellow Fever Creek Regional Park site within the Comprehensive Plan. Yellow Fever Creek is a nearly 200-acre area that is used primarily for passive recreation and nature study.

The site was undeveloped until a few years ago when some development – initiated by the City of Cape Coral - occurred such as a welcome center, hiking trails, and primitive campsites were constructed within the park. Parking facilities were also constructed within the park and within the Lee County owned park directly to the south.

The City of Cape Coral Public Works Department along with the Utilities Department have identified a portion of the Yellow Fever Creek Park as an ideal site for an Irrigation and Potable Water Storage and Pumping facility. This facility would include two booster stations, two potable water storage tanks, two reclaimed water storage tanks, along with a 4,375 sq. ft. storage building. This amendment would amend three policies in the Comprehensive Plan that would reduce the size of the Yellow Fever Creek Park from 198.70 acres to 184.5 acres. This amendment would also include language stating that a 14.2 acre portion of the site can be utilized for essential service facilities. This Comprehensive Plan Text Amendment would also allow a subsequent Future Land Use Map Amendment for the 14.2 acre site from the Parks and Recreation (PK) land use classification to the Public Facilities (PF) future land use classification. This amendment would also allow for a future rezone from the Single-Family Residential (R1) district to the Institutional (INST) district for the 14.2 acres. Lee County, which had donated the

nearly 200 acre park site, has agreed to the proposed construction of the water storage and pumping facility proposed by the City of Cape Coral.

Staff proposes the following changes:

- Amend Chapter 2 – Coastal and Conservation Element, Policy 1.7.17 by adding language allowing a portion of the Yellow Fever Creek Headwaters Area to be utilized for an essential service.
- Amend Chapter 4 – Future Land Use Element, Policy 11.1 to reduce the size of the Yellow Fever Creek Park from 200 acres to 184.5 acres.
- Amend Chapter 7 – Recreation and Open Space Element, Policy 1.2 to reduce the size of the Yellow Fever Creek Park from 198.70 acres to 184.5 acres.

These changes would allow for the subsequent Future Land Use Map Amendment and Rezone for the 14 acre portion of Yellow Fever Creek Park that will be utilized for the proposed infrastructure development.

Summary and Analysis of the Proposed Changes

Note: Additions are indicated in underline format, while deletions are indicated by ~~strikethrough~~.

CONSERVATION AND COASTAL MANAGEMENT GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.

Staff Analysis

This section of the Comprehensive Plan was adopted to establish protections for the portion of the Yellow Fever Creek Headwaters that fall within the boundaries of Cape Coral. There are additional areas within the Headwaters area that are in a Lee County owned parcel to the south of the City's Yellow Fever Creek Park. The text change – proposed the City's Public Works and Utilities Departments - to allow 14 acres within the Yellow Fever Creek Park would allow for the potential development of the proposed Water Storage and Water Pumping facility. The loss of 14.2 of mostly undisturbed natural habitat is unfortunate, however, the site does provide critical infrastructure for water storage and distribution for the northeastern portion of Cape Coral. The vast majority of the Yellow Fever Creek Park is still being utilized as originally intended – for recreation purposes.

FUTURE LAND USE ELEMENT

GOAL: TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

Staff Analysis

Similar to the previously analyzed policy, this change allows for subsequent future land use map amendment and allows the City to utilize a small portion of the Yellow Fever Creek Park to provide infrastructure services for the northeaster portion of Cape Coral. As previously mentioned, the vast majority of Yellow Fever Creek Park remains as passive recreation and nature study. The 184.5 acres plus the lands owned by Lee County to the south make up a large recreational area for the residents of Cape Coral and Lee County.

RECREATION AND OPEN SPACE

GOALS, OBJECTIVES, AND POLICIES

GOAL 1:

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area.

...

Regional Park

Park	Acreage	Location
Rotary Park Environmental Center	97	5505 Rose Garden Road
Four Mile Cove Ecological Preserve	365	2101 SE 23 rd Terrace
*Yellow Fever Creek	198.70 <u>184.5</u>	Del Prado Blvd N and NE 22 nd Ave
*Festival Park (includes Seahawk Park)	Approx. 191	2615 NW 14 th AVE 1030 NW 28 th Street

Staff Analysis

Similar to the previously analyzed policy, this change reduces the size of the Yellow Fever Creek Park. The change would facilitate a water storage and pumping station as part of the North 1 UEP project. This reduction in acreage will also for a subsequent future land use map amendment and a rezone. As

previously discussed, most of the park will remain in its natural state while the storage and pumping station will be isolated in the northeastern portion of the Yellow Fever Creek area.

The proposed Comprehensive Plan Text Amendment is supported by the following Chapters, Goals, and Policies:

Chapter 2, Coastal and Conservation Element, Policy 1.1.7:

The City of Cape Coral will continue to extend sanitary sewer and potable water facilities to previously unserved areas of the City...

Staff Response: The 14 acre portion of Yellow Fever Creek has been identified as a prime site for the construction of the water storage and pumping facility that is vital infrastructure for the North 1 UEP.

Chapter 5, Infrastructure Element, Policy 1.1.7:

New City of Cape Coral potable water, wastewater, and public irrigation water facilities, except for water distribution or wastewater collection facilities, shall not be located in the Coastal High Hazard Area.

Staff Response: The proposed amendment will facilitate water and public irrigation facilities that are not in the Coastal High Hazard Area.

Overall, the Comprehensive Plan text amendment is consistent with the Comprehensive Plan.

Conclusion and Recommendation

Staff recommends **adoption** of the proposed text amendment.

Chapter 7

RECREATION AND OPEN SPACE

GOALS, OBJECTIVES, AND POLICIES

GOAL 1:

To provide residents and visitors a comprehensive system of parks, recreational facilities, and open spaces meet the needs of all population segments and to preserve, protect, and enhance the natural amenities of the area

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Existing and Proposed Park Inventory, 2021

(Note: * refers to new parks planned as result of 2016 Go Bond)

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Chapter 4

FUTURE LAND USE ELEMENT

GOAL: TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

...

Policy 11.1: The City will own and maintain a minimum of ~~200~~184.5-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

Chapter 2

CONSERVATION AND COASTAL MANAGEMENT GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

...

Policy 1.7.17: The City of Cape Coral recognizes the Yellow Fever Creek Headwaters Area, which is included in the Regional Park site in northeast Cape Coral (see Policy 1.7.13), as a unique upland habitat representative of the upland communities that were destroyed by the development of the City. The City commits itself to the restoration and protection of this area and development of a regional park for passive recreation uses that preserve the area, to the extent possible, in its natural and pristine state. A 14.2 acre portion of the park site may be used for essential service facilities while still protecting and maintaining upland habitats.