



**ORDINANCE 18-25 | RZN24-000008**  
**PUBLIC HEARING BEFORE**  
**THE CAPE CORAL CITY COUNCIL**  
**MAY 21, 2025**

# **ORD 18-25 - RZN24-000008**

- 1. Owner: Gasparilla Investments LLC**
- 2. Authorized Rep: Joe Mazurkiewicz, BJM Consulting**
- 3. Location: 1207 SE 8th Place.**
- 4. Request: Rezone Lots 1-7 in Unit 22, Block 809 from Professional Office (P) zoning district to the Residential Multi-Family Low (RML)**

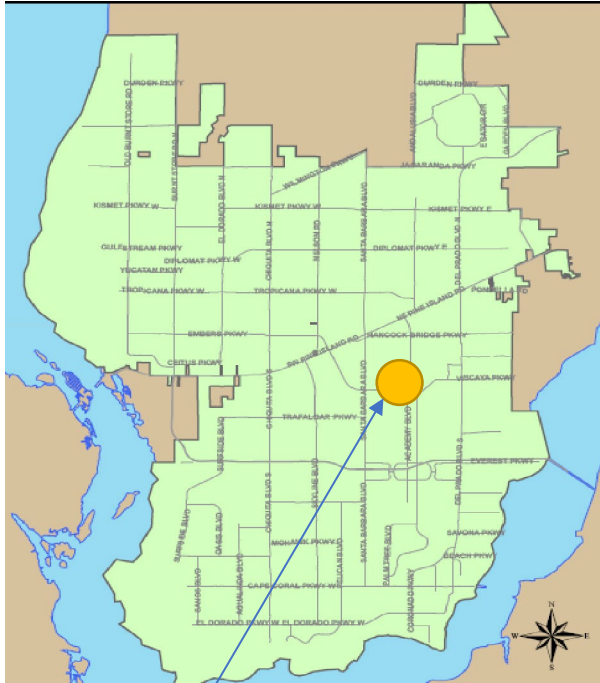
# BACKGROUND

- a) The site is ~0.8 acres and currently vacant. The site has frontage along Nicholas Parkway E., a minor arterial road, and SE 8th Place, a local roadway.**
- b) The property is near governmental facilities, the Cape Coral Hospital, and the Viscaya Industrial Park. Existing office development is located to the north, east, and west of the subject property. Multiple properties within the immediate area are improved with duplexes or small apartment buildings.**
- c) The site has Mixed Use (MX) Future Land Use Classification (FLUC) and Professional Office (P) Zoning.**

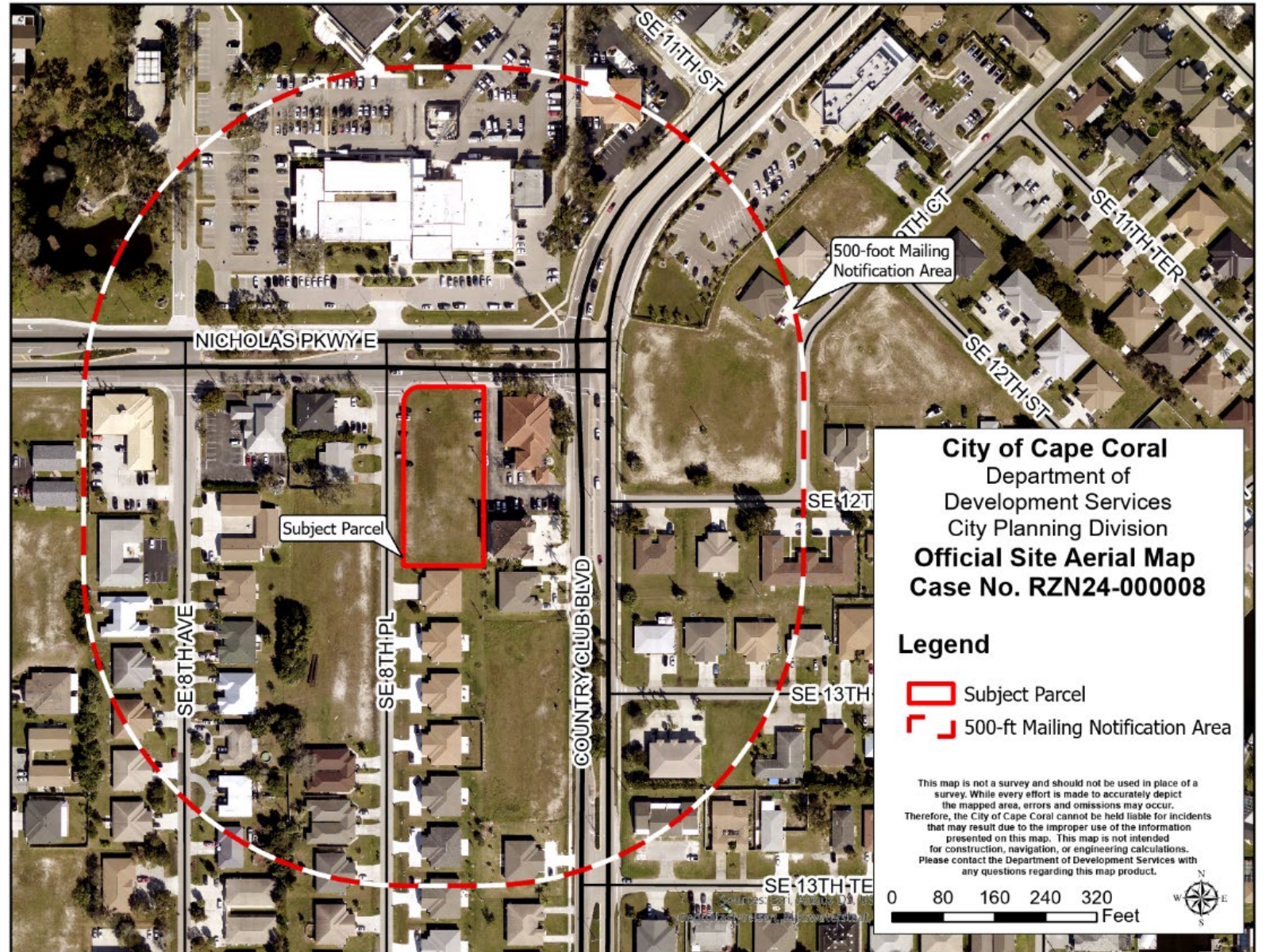
# Future Land Use and Zoning History

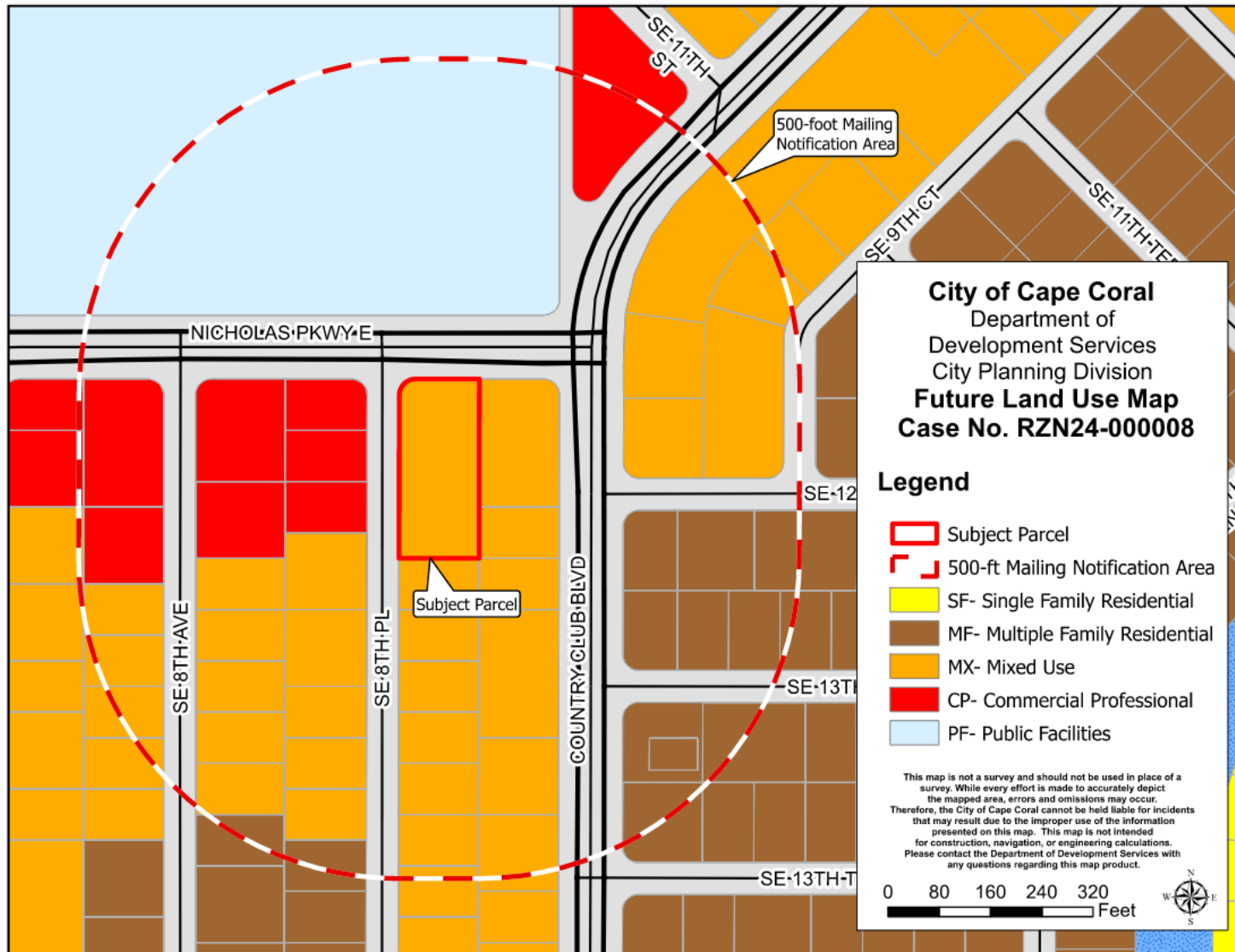
- a) In 2003, the Future Land Use Classification of the subject lot was amended from Commercial Professional (CP) to Mixed Use (MX) by Ordinance 62-03.
- b) In 1974, Lots 1-5 were rezoned from R-3 to P1 by Council action on 10-28-74.
- c) In 1990, Lots 6-7 were rezoned from R-3 to P1 by Ordinance 61-90.





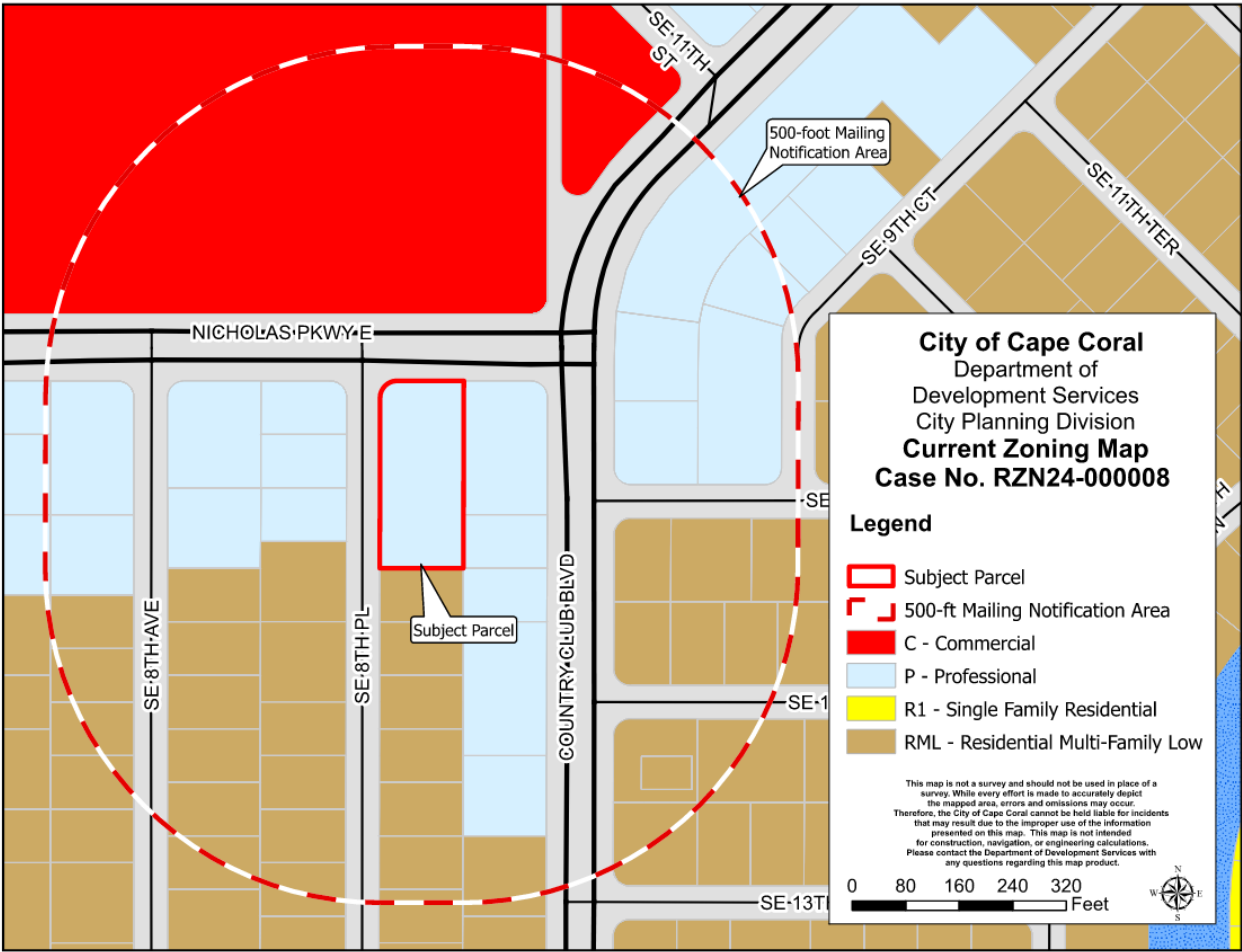
Site Location



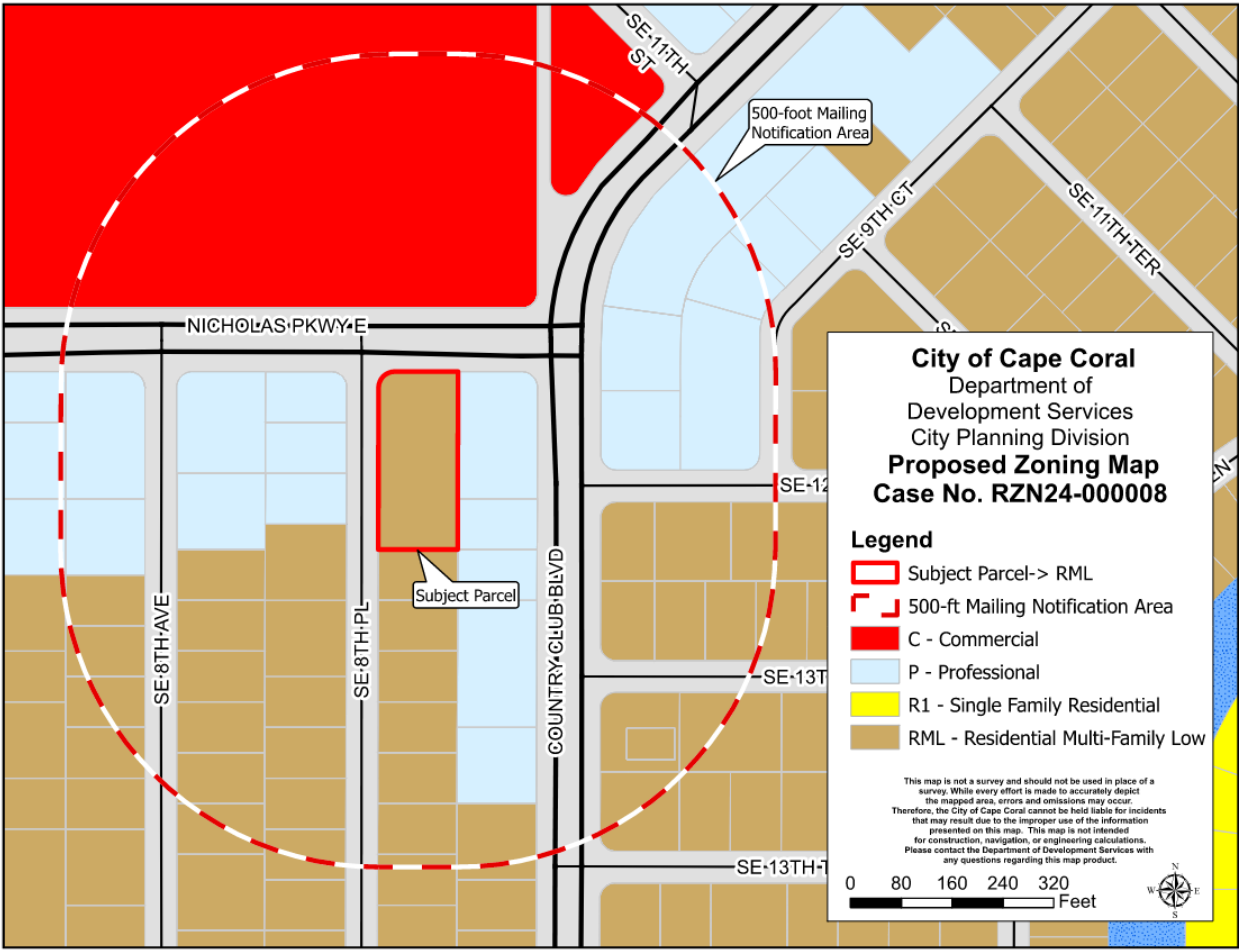


**Future Land Use Map**





**Current Zoning Map**



**Proposed Zoning Map**

## **Analysis (LDC, Section 3.4.6, and Article 4)**

- 1. The proposed zoning district is consistent with the following City Comprehensive Plan policies: Policy 1.15 and Policy 1.15.e of the Future Land Use Element.**
- 2. The full range of uses in the proposed RML District should be compatible with the existing uses in the area.**
- 3. Permitted uses in RML Zoning are identical to those uses allowed on parcels to the immediate south and will likely be less intense than the potential uses allowed on P zoned parcels to the east and west or C zoned property north.**



## Analysis (cont.)

4. Whether the proposed zoning district will serve a community need or broader public purpose. Staff finds this standard is not met and offers the following arguments for consideration.
  - a) Rezoning the site to RML may lead to the development of three duplexes or a multi-family development of up to 12 units. No affordability requirements can be conditioned by a rezoning.
  - b) This rezone would interrupt commercial node that begins at the Country Club/Nicholas intersection and extends west of the site.
  - c) The City has identified a significant need for additional non-residential development to provide employment opportunities and increase the non-residential tax base.
  - d) The combined site is nearly an acre, has utilities, and is located on a major street making it a suitable site for non-residential use.

## Analysis (cont.)

5. **The site meets the minimum lot area requirement of 10,000 sq. ft. for the RML District, has centralized utilities, and would be suitable for uses in the RML District.**
6. **The RML district and the P district generally allow less intrusive uses than most other non-residential and mixed-use districts and both are considered appropriate transitional zoning districts. The property is not large enough for the more intense RMM district.**

# Recommendations

- 1) The Hearing Examiner recommended approval following a public hearing on March 4, 2025, finding criteria 4 met, as the property has not been developed under the existing P zoning for 20 years, and the property was suitable for uses allowed in the RML District**
- 2) Staff recommends denial of Ordinance 18-25.**

## Correspondence

# Additional Considerations

- 1. Rezoning analysis does not consider market considerations as supply and demand is not one of the six review criteria.**
- 2. Current Co-star data reports a City-wide vacancy rate of 29.7 percent for multi-family housing products, and declining rents.**
- 3. Current Co-star data reports a City-wide vacancy rate of 1.7 percent for professional office space, and increasing rents.**



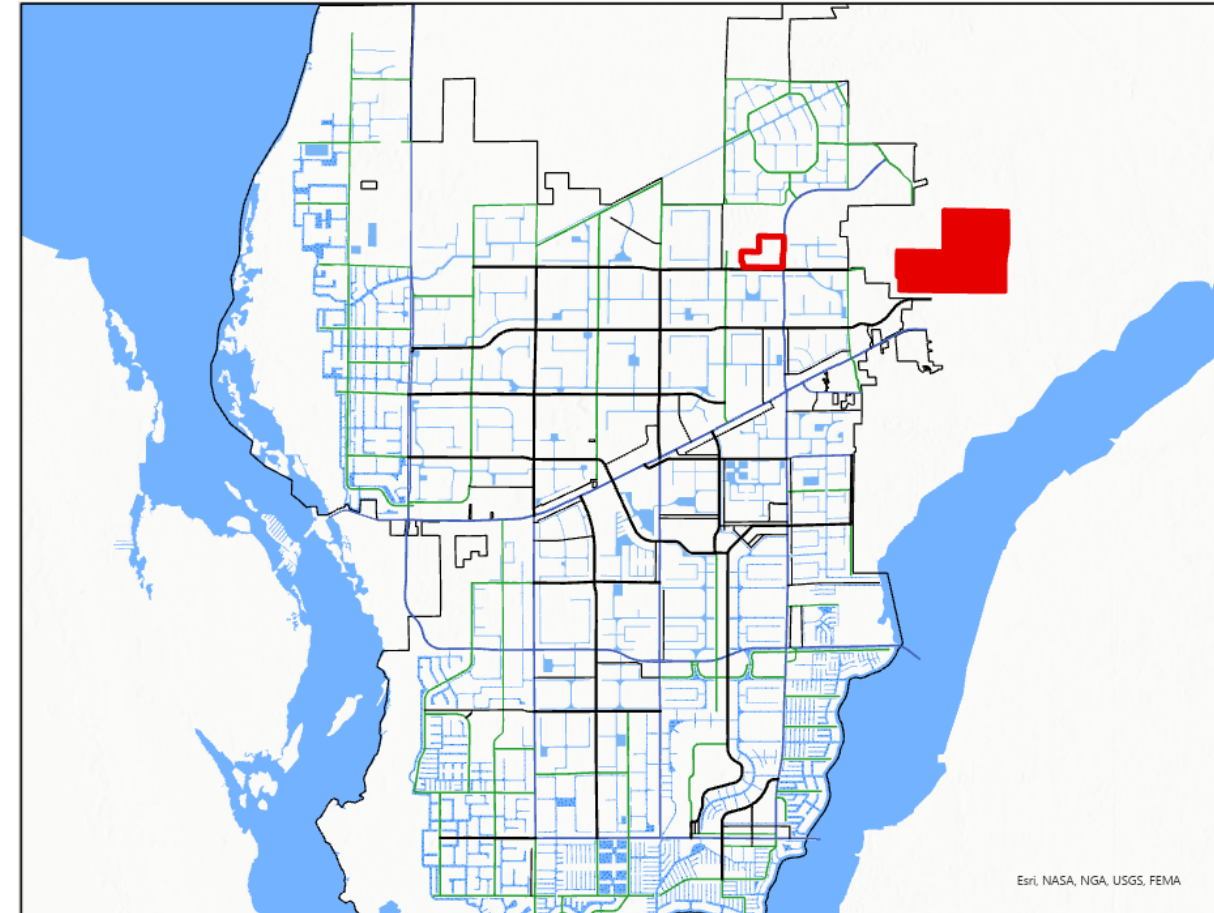
# Additional Considerations

4. **An argument that the property be rezoned to accommodate market demand should not be accepted.**
5. **That argument may negate years of City efforts to preserve land for future non-residential development – as it could be argued that there is sufficient market demand to rezone other lands that were previously strategically rezoned along major corridors and nodes throughout the city.**
6. **The current estimate within the 2023 IGM from Metro Forecasting is that by buildout, an additional 1,200 acres of non-residential land be mapped throughout the city.**

# Additional Considerations



**Main property of Academic Village - 171 acres  
(Exclusive of the small lots along Kismet Pkwy E.)**



**Seven Academic Village sized tracts of land needed  
to reach 1,200. (Right-most red area = 7 Acad. Vils)**

THANK YOU

