

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

REZONING APPLICATION

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

REZONING REQUIREMENTS

1. ☒ Applicant's portion of request shall be typewritten, and signature notarized.
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. ☒ Letter of intent stating the actual request and why the request is being made.
3. ☐ Certified survey done within past six (6) months MAY be required.
4. ☐ If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.
5. Please refer to Rezoning Section 3.4.6. (page 7) for additional required documentation.

NOTE: In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



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REZONE REQUEST

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

PROPERTY INFORMATION	
Location/Address	<u>A portion of 701 Mohawk Parkway, Cape Coral, FL 33914</u>
Strap Number	<u>02-45-23-C4-01750.0050</u> Unit <u>45</u> Block <u>1750</u> Lot (s) <u>1-4, 67-72</u>
Plat Book	<u>21</u> Page <u>123</u> Future Land Use <u>CP</u>
Current Zoning	<u>P and R-1</u> Proposed Zoning <u>C</u>
PROPERTY OWNER (S) INFORMATION	
Owner	<u>Providence Christian Church, Inc.</u> Address <u>701 Mohawk Parkway</u>
Phone	<u>239-822-4681</u> City <u>Cape Coral</u>
Email	<u>steve@steveehlers.com</u> State <u>FL</u> Zip <u>33914</u>
Owner	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
APPLICANT INFORMATION (If different from owner)	
Applicant	_____ Address _____
Phone	_____ City _____
Email	_____ State _____ Zip _____
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	<u>Eric Feichthaler, Esq.</u> Address <u>1714 Cape Coral Parkway E</u>
Phone	<u>239-542-4733</u> City <u>Cape Coral</u>
Email	<u>eric@capecoralattorney.com</u> State <u>FL</u> Zip <u>33904</u>



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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(ALL SIGNATURE MUST BE NOTARIZED)

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.

Providence Christian Church, Inc.
CORPORATION/COMPANY NAME (IF APPLICABLE)

Steven Ehlers, President
OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Eric Feichthaler, Esq.
APPLICANT NAME (TYPE OR PRINT)

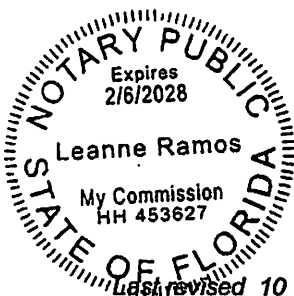
Eric Feichthaler
APPLICANT SIGNATURE

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

STATE OF Florida

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 1st day of August, 2024 by Eric Feichthaler who is personally known to me or produced _____ as identification.



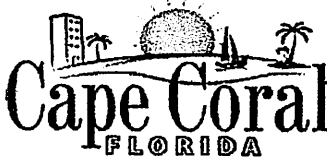
Exp Date: 2/6/2028 Commission Number: HH 453627

Signature of notary Public:

Leanne Ramos

Printed Name of Notary Public:

Leanne Ramos



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ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

I hereby acknowledge that I have read and understood the above affidavit on the 1st Day of August, 2024.

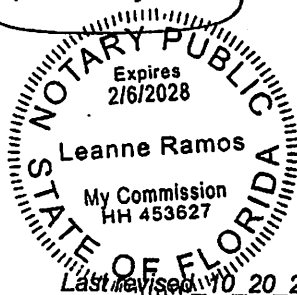
Providence Christian Church, Inc.
CORPORATION/COMPANY NAME

Eric Feichthaler, Esq. - Applicant
OWNER'S NAME (TYPE or PRINT)
Eric Feichthaler
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 1st day of August, 2024 by Eric Feichthaler who is personally known to me or produced _____ as identification.



Exp Date: 2/6/2028 Commission Number: HH 453627

Signature of notary Public:

Printed Name of Notary Public:

Leanne Ramos
Leanne Ramos



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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Eric Feichthaler, Esq

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 1st day of August, 2024 by Eric Feichthaler, Esq. who is personally known to me or produced _____ as identification.

Exp Date: 2/6/2028 Commission Number: HH 453627

Signature of Notary Public:

Printed Name of Notary Public: Leanne Ramos





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P.O. Box 150027
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REZONES REGULATIONS

A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:

1. The City Council upon its own motion;
2. The Planning and Zoning Commission upon its own motion;
3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
4. The City Manager for a City initiated rezone; or
5. The Community Development Department, following approval of a similar use determination.

B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
4. Whether the proposed zoning district will serve a community need or broader public purpose;
5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.

D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

BURANDT, ADAMSKI, FEICHTHALER & SANCHEZ, PLLC

ATTORNEYS AND COUNSELORS-AT-LAW

1714 CAPE CORAL PARKWAY EAST

CAPE CORAL, FLORIDA 33904

ROBERT B. BURANDT, ESQ.

ROBERT C. ADAMSKI, ESQ.

ERIC P. FEICHTHALER, ESQ. *†

ALVARO C. SANCHEZ, ESQ.

DAVID W. HOLLEY, ESQ.

LEON G. RENDEIRO, JR., ESQ.

DREW D. LIPSCHER, ESQ.

* Board Certified in Real Estate

† Supreme Court Certified Circuit Civil Mediator

Telephone No.: (239) 542-4733

Facsimile No.: (239) 320-3121

E-mail: eric@capecoralattorney.com

January 28, 2025

Director Matthew Grambow
Department of Development Services
City of Cape Coral
PO Box 150027
Cape Coral, FL 33915-0027

Re: LETTER OF INTENT FOR CHANGE IN ZONING – A PORTION OF 701 MOHAWK PARKWAY

Dear Director Grambow:

I have the pleasure of representing the owner of the above property, Providence Christian Church, Inc. They have engaged our Firm to assist in changing a portion of their property to allow it to be sold. This is a small scale zoning change that only impacts approximately 1.5 acres of vacant land. Council recently amended the Land Use to Commercial/Professional.

The subject property abuts Skyline Blvd. and Mohawk Parkway. There is currently a retail center across the street, the Neighborhood Wal-Mart. My clients wish to obtain this land use and zoning in an effort to sell the property to help financially sustain the church.

The zoning on the properties is P-1 on the majority of the property to be changed, with 2 lots currently being residential. We request the lots in question be changed to C-1.

This change will allow for an increase to the tax base for the City of Cape Coral, and add desperately needed commercial lands to a commercial corridor.

All application fees will be within five days of the submission of these applications. We will also pay the advertising costs immediately upon request.

Should you need additional information, or should you have any questions, feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, reading "Eric Feichthaler". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

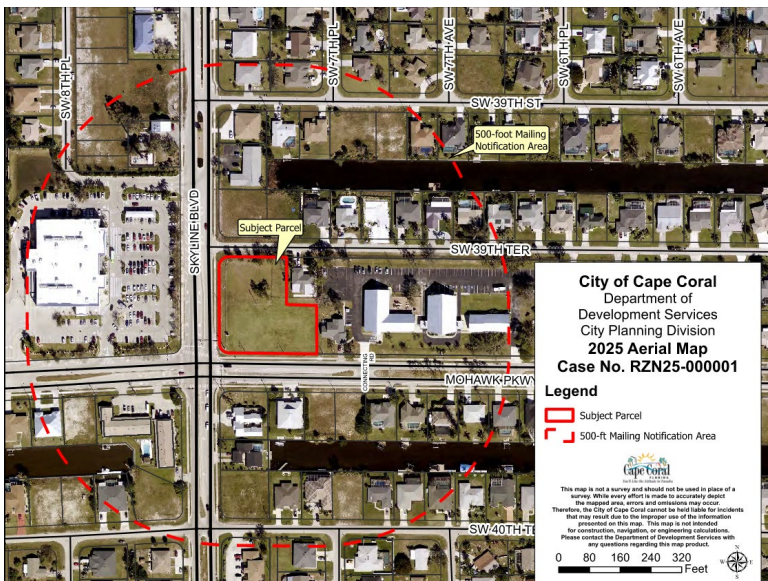
Eric P. Feichthaler, Esq.

Enclosures

PLANNING DIVISION STAFF REPORT
RZN25-000001

Staff Report prepared by Candise Forde, Planner

SITE ADDRESS 701 Mohawk Parkway Block 1750, Lots 1 through 22 and 49 through 72, Unit 45.	APPLICANT Authorized representative: Eric Feichthaler, Esq. 1714 Cape Coral Parkway East Cape Coral, FL, 33914 OWNER Providence Christian Church, Inc.
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SUMMARY OF REQUEST The applicant is requesting a zoning amendment from Professional (P) and Single Family Residential (R1) to Commercial (C) for one site in Block 1750, Lots 1 through 4 and 67 through 72. The requested zoning change involves 10 lots comprising 1.22 acres. The zone area constitutes the western portion of a larger parcel that is 5.4 acres.	Aerial of the parcel. 
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STAFF RECOMMENDATION: Approval

Positive Aspects of Application:	<ul style="list-style-type: none"> This rezone will bring the zoning into consistency with the Commercial/Professional (CP) future land use classification that was recently adopted by Ordinance 89-24. This rezone will result in a gain of (~1.22 acres) in commercial property at a major intersection.
Negative Aspects of Application:	The site is adjacent to residential uses.
Mitigating Factors:	Existing residential sites are separated from the rezone area by street rights-of-way.

SITE INFORMATION

Location: 701 Mohawk Parkway

STRAP Numbers: 02-45-23-C4-01750-0050

Site Area: ~53,173 sq. ft. or 1.22 acres.

Site:	Future Land Use	Zoning
Current:	Commercial/Professional (CP)	Professional/Single Family Residential (P/R1) Lots 1-4 and 69-72 have P zoning, Lots 67-68 have R-1 zoning.
Proposed:	N/A	Commercial (C)
	Surrounding Future Land Use	Surrounding Zoning
North:	Single Family and Multi-Family Residential	R-1 and RML
South:	Single Family and Multi-Family Residential	R-1 and RML
East:	Single Family	R-1
West:	Commercial/Professional	C

Urban Service

Area: Transition

City Water/Sewer: Yes

Access: The site has frontage along Mohawk Parkway (major collector road) to the south and Skyline Boulevard (minor arterial road) to the west. The site also has frontage along Southwest 39th Terrace, a local street, to the north.

FINDINGS OF FACT

The rezone area consists of the western portion of a parcel in Block 1750 in central Cape Coral. The rezone area is ~53,173 sq. ft. and is part of a larger 5.4-acre site. The eastern part of the site is currently developed with a church.

The site has frontage along Mohawk Parkway (major collector road) to the south and Skyline Boulevard (minor arterial road) to the west. The site also has frontage along Southwest 39th Terrace, a local street, to the north.

Surrounding uses include single family residences to the north, northeast, east and southeast of the site. The parcel to the northwest and south is zoned Residential Multi-Family Low (RML). Directly west, across Skyline Boulevard, the property is zoned Commercial and supports a Walmart Neighborhood Market.

The subject parcel has access to municipal water and sewer.

Zoning and Future Land Use History:

Lots 1 through 3 were rezoned from Multi-Family Residential (R-3) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08, and the FLU amended from Public Facilities (PF) to Commercial/Professional (CP) via ORD 89-24.

Lot 4 was rezoned from Single Family Residential (R-1B) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08, and the FLU amended from Public Facilities (PF) to Commercial/Professional (CP) via ORD 89-24.

Lots 67 through 68 had the zoning remain Single-Family Residential (R1), and had the FLU amended from Single Family (SF) to Public Facilities (PF) via ORD 62-08, and the FLU amended from Public Facilities (PF) to Commercial/Professional (CP) via ORD 89-24.

Lots 69 through 72 were rezoned from Multi-Family Residential (R-3) to Professional Office (P1) via ORD 22-88. The FLU was amended from Commercial Professional (CP) to Public Facilities (PF) via ORD 62-08, and had the FLU amended from Public Facilities (PF) to Commercial/Professional (CP) via ORD 89-24.

ANALYSIS

Staff reviewed this application based on the review criteria found in LDC, Section 3.4.6 for evaluating rezones.

1. Whether the proposed zoning district is consistent with the City Comprehensive Plan;

Future Land Use Element

Table 1 in Policy 1.15 of the Comprehensive Plan: **Staff comment: The Commercial (C), Neighborhood Commercial (NC), and Professional (P) Districts are identified in Table 1 as being consistent with the Commercial/Professional FLU.**

Policy 1.15.c: Intensities of the use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0.

Staff comment: The majority of the site has a full block depth (250 feet). Any proposed development will need a site development plan (SDP) review, in which staff will ensure the FAR will not exceed 1.0.

Policy 2.1

Goal: The City shall encourage commercial develop where it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.

Staff comment: Residential sites to the north and south of the subject area. It is anticipated that any adverse impacts to these properties will be mitigated through right-of-way separation, standard construction practices, and LDC requirements including landscaping, screening, architectural, and lighting standards. The amendment will add about 1.22 acres of commercial land to the City at a major intersection that has full block depth and centralized utilities present.

2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;

Nonresidential uses are to the east and west (across Skyline Blvd) of the rezone area. Existing single-family homes are to the northeast and southeast, duplexes are to the southwest and vacant land that would support a duplex use is to the northwest. However, these residential properties are separated from the rezone area by street rights-of-way (SW 39th Ter and Mohawk Pkwy). Provisions in the LDC are designed to ameliorate the effects of commercial development on nearby residential properties and include architectural, landscape, lighting, and screening standards. Right-of-way

separation and LDC provisions will promote development on the rezone site that will be compatible with surrounding uses.

3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;

The area of the site proposed for the rezone is currently vacant, with a church located on the east side of the site. Residential development is adjacent to the site primarily to the north and south. Skyline Boulevard separates the site from other properties to the west. To the north and south, most sites are developed with residential uses. While potential commercial development may be intrusive to the existing residential uses, potential commercial development could support the adjacent residential needs. When the site is developed for commercial uses compatible with the Commercial zoning, they will include enhancements as outlined in the LDC sections for architecture, lighting, landscaping, and screening requirements.

4. Whether the proposed zoning district will serve a community need or broader public purpose;

The amendment will add about 1.22 acres of commercial land to the City at a major intersection. This rezone could support commercial development at a modest scale that provides goods and services within a walkable distance to many within the surrounding neighborhood.

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

The rezone area has full block depth (250 feet) for most of the site and is located at a major intersection that has high visibility. The site has multiple street frontages that provides access options to the site and may enhance traffic circulation within the site once developed. Centralized utilities are available to the site. All of which support commercial development on the site.

6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

According to Policy 1.15 of the Comprehensive Plan, the Commercial/Professional future land use classification is consistent with three zoning districts: Commercial (C), Professional (P), and Neighborhood Commercial (NC). The C zoning district allows a greater variety of uses. While the C zoning district allows a wider variety of uses including some uses that generate greater numbers of trips compared to the other two zoning districts, based on site specific factors described previously in this report, it is the most appropriate zoning district of the three available based on policies appearing in the Comprehensive Plan.

Impact of the Proposed Rezone on Fire and Police Services

Based on the requested rezone, staff assumes the site will be developed with one or more commercial uses.

Fire and Police Department staff were contacted to determine the proposed impact of the rezone on fire and police services. Those anticipated impacts are reported below.

Fire Department personnel reported Fire Station #9 will be responding to service calls for the subject parcel. The number of calls generated annually is anticipated to be less than 15, however, it could be higher if the

development for the site was a medical facility. The rezone will create a minor impact on fire services attributed to a call volume increase.

Police Department personnel confirmed that the subject parcel is located within the Southwest District, Zone 1. A projected 2-4% rise in recorded service calls related to traffic incidents, theft, and disturbances is expected in Zone 1. Increased foot and vehicle traffic in the area will require additional patrols. However, this minor increase in calls, representing less than 1% citywide, is considered statistically insignificant.

Since the rezone area consists of only one parcel, the impact to emergency services is anticipated to be minor.

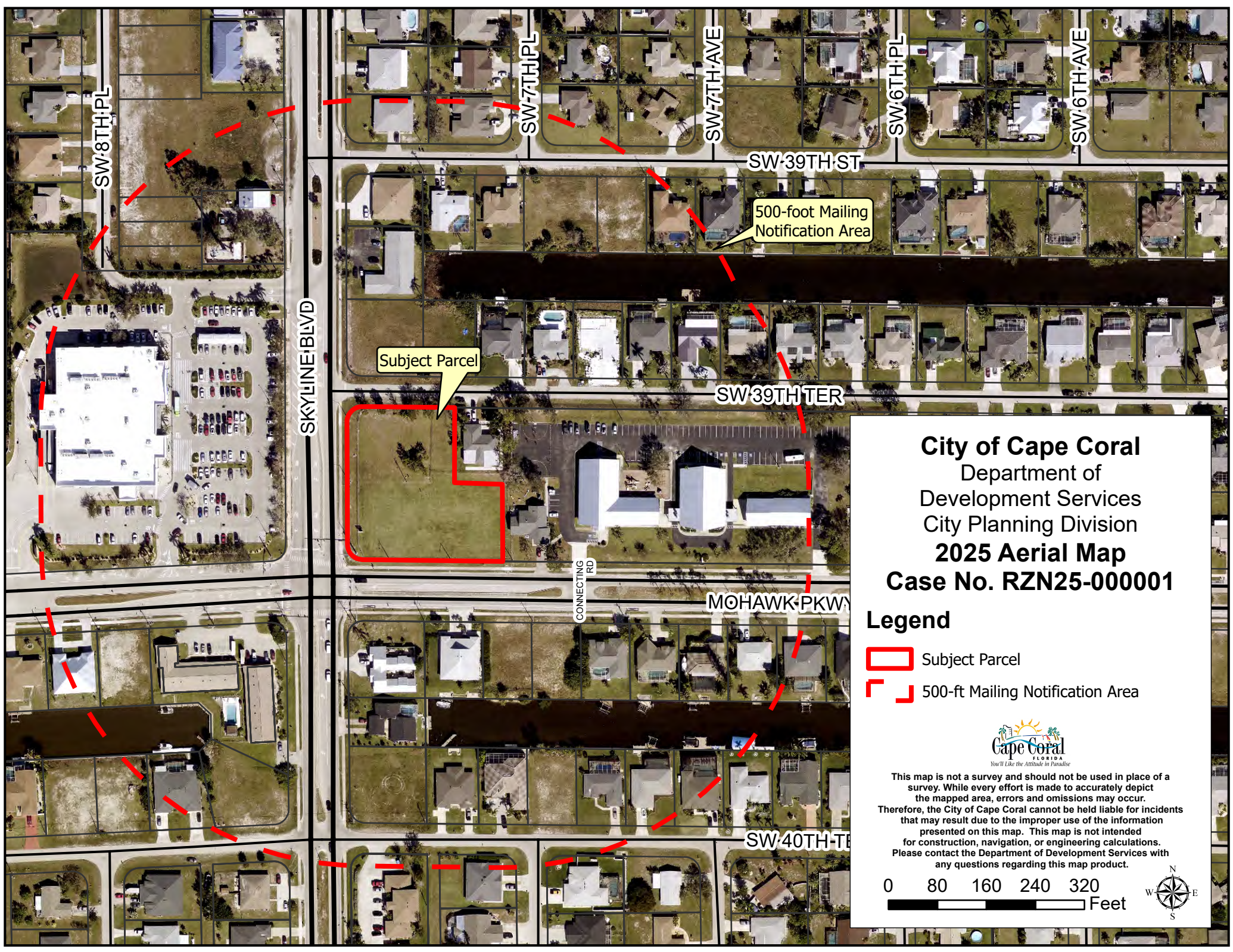
ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The rezone is neither supported by or in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area.

RECOMMENDATION


Staff recommends **approval** of the rezone request.

Candise Forde, Planner
239-242-3204, cforde@capecoral.gov



City of Cape Coral
Department of
Development Services
City Planning Division
2025 Aerial Map
Case No. RZN25-000001

Legend

-  Subject Parcel
-  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.

