



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 Rezones 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 1213 Academy Blvd
Strap Number 24-44-23-C3-01039.0000 Unit 24 Block 1039 Lot (s) 67+8
Plat Book 14 Page 75 Future Land Use CP
Current Zoning P Proposed Zoning RML

PROPERTY OWNER (S) INFORMATION

Owner Ascot Realty Acquisitions USA LLC Address 2875 N.E. 191st St.
Phone 954-534-2059 City Aventura
Email yonkeny@me.com State FL Zip 33180

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 _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____



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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.

Ascot Realty Acquisitions USA LLC
CORPORATION/COMPANY NAME (IF APPLICABLE)

Jonathan Levy
OWNER'S NAME (TYPE OR PRINT)

[Signature]
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

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 11 day of December, 2024 by Jonathan Levy who is personally known to me or produced _____ as identification.



Exp Date: Feb 27, 2026 Commission Number: HH 233826

Signature of notary Public:

[Signature]

Printed Name of Notary Public:

Gerrian-Chia Michaelson



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

N/A
(Name of person giving presentation)

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

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

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

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online
notarization, this _____ day of _____, 20__ by _____ who
is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

Signature of notary Public: _____

Printed Name of Notary Public: _____

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



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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 _____ Day of _____, 20_____.

Asot Realty Acquisitions USA LLC
CORPORATION/COMPANY NAME

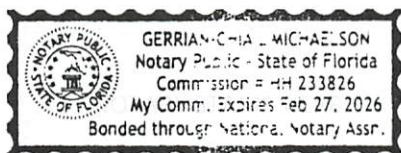
Jonathan Levy
OWNER'S NAME (TYPE or PRINT)

[Signature]
OWNER'S SIGNATURE

STATE OF FLORIDA

COUNTY OF LEE

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Exp Date: Feb 27, 2026 Commission Number: HH 233826

Signature of notary Public:

Printed Name of Notary Public:

[Signature]
Gerrian-Chia Michaelson



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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.

Ascot Realty Acquisitions USA LLC
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

[Signature]
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FLORIDA

COUNTY OF LEE

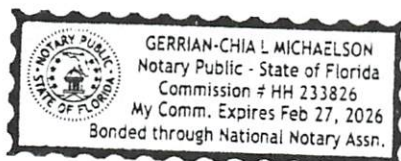
Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 11 day of December, 2024 by Jonathan Levy who is personally known to me or produced _____ as identification.

Exp Date: Feb 27, 2026 Commission Number: HH 233826

NOTARY STAMP
HERE

Signature of Notary Public: [Signature]

Printed Name of Notary Public: Gerrian-Chia Michaelson





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.

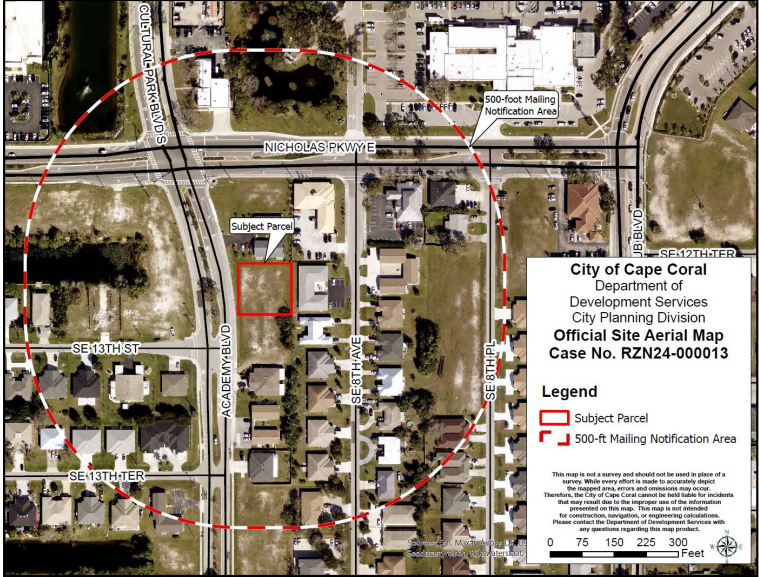
C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.

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.

PLANNING DIVISION STAFF REPORT
RZN24-000013

Staff Report prepared by Wyatt Daltry, AICP, Planning Team Coordinator

SITE ADDRESSES 1213 Academy Blvd	APPLICANT/PROPERTY OWNER Ascot Realty Acquisitions USA, LLC
AUTHORIZED REPRESENTATIVE Self-represented	

SUMMARY OF REQUEST Rezone Lots 6-8 in Block 1039, Unit 24, from Professional (P) to Residential Multi-Family Low (RML).	
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STAFF RECOMMENDATION: **Denial**

Positive Aspects of Application:	<ul style="list-style-type: none"> Multi-family uses are proximate to site. Can be combined with property to south (1219 Academy BLVD), which is owned by applicant
Negative Aspects of Application:	<ul style="list-style-type: none"> Current zoning is professional; the need for professional office in this area exists due to proximity to government uses City-wide need for professional exists; it has been city policy not to exacerbate the deficiency in non-residential uses by amending commercial and professional zoning to residential zoning
Mitigating Factors:	Landscaping standards in the LDC provide buffering between potential commercial use and residential units.

SITE INFORMATION

Urban Service Area: The site is within the Urban Services Transition area.

City Water and Sewer: Utilities are available to the site.

Street Access: Academy Boulevard

STRAP Numbers: 24-44-23-C3-01039.0060

Block/Lot(s): Unit 24, Block 1039, Lots 6-8, Cape Coral Subdivision

Site Area: 0.34 acres

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
Current:	Mixed-use (MX)	Professional (P)
Proposed:	N/A	Multi-Family Residential Low (RML)
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>
North:	Commercial/Professional (CP)	P
South:	MX	RML
East:	MX	RML
West:	Multi-Family Residential (MF)	RML

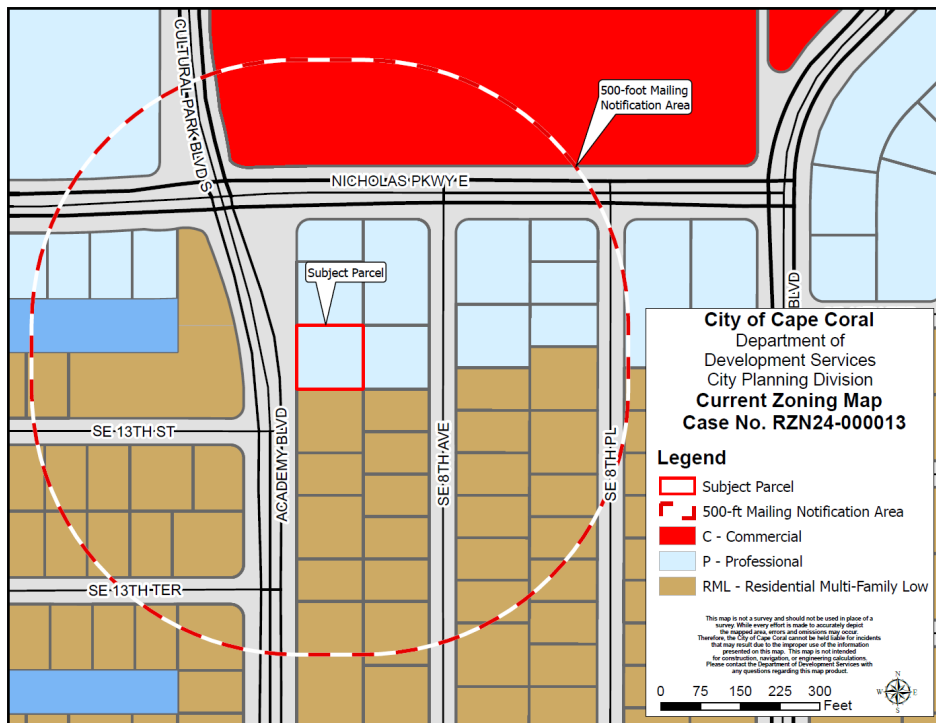
FINDINGS OF FACT

The three-lot parcel is near the intersection of Academy Boulevard and Nicholas Parkway. The 0.34-acre site is undeveloped and the property owner owns the property adjacent to the south (1219 Academy Boulevard). The parcel has Mixed-Use (MX) Future Land Use Classification (FLUC) and Professional (P) Zoning which is consistent. Block 1039 has a mix of future land uses and zonings; properties to the north have a Commercial/Professional future land use while the subject property and other nearby properties have a Mixed-Use future land use. Properties south of the subject property have a Multi-Family (MF) future land use and Residential Multi-Family Low (RML) zoning.

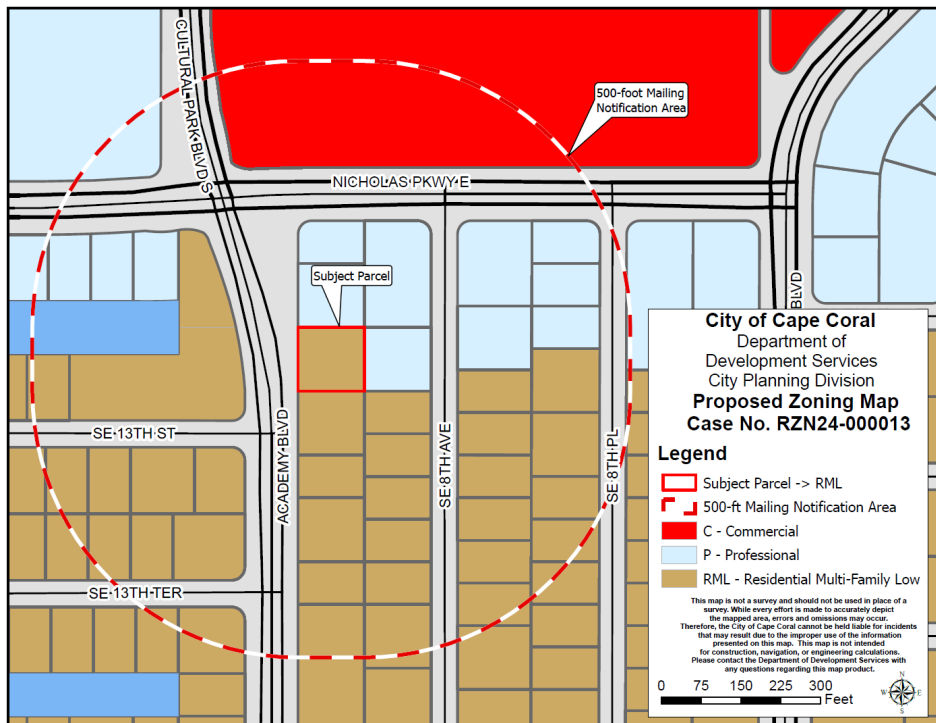
While the subject property is undeveloped, many of the surrounding properties are developed, primarily with residences. Properties adjacent to the north and east are developed with multi-family residences. The property adjacent to the south is owned by the applicant was recently rezoned to RML through Ordinance 59-22. The subject property itself received a future land use map amendment from Commercial/Professional to Mixed-Use through Ordinance 63-22.

The applicant has expressed a desire to rezone this property and develop it in concert with the property to the south, 1219 Academy Boulevard for multi-family residential purposes. The applicant attempted to rezone this property in June 2023, but the rezone was denied by Council.

CURRENT ZONING MAP



PROPOSED ZONING MAP



ANALYSIS

Staff analyzed this request based on the goals and objectives in the Comprehensive Plan and the standards for rezones in LDC, Section 3.4.6.

Comprehensive Plan

Staff analyzed this amendment by reviewing Policy 8.5 of the Future Land Use Element, which states:

Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses;
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and
- c. Primary site access provided from arterials, collectors, or access streets in order to discourage traffic from directly entering residential areas.

Both the existing Professional zoning district and proposed Multi-Family Residential (RML) district are supported by the proposed rezone.

Land Development Code

LDC, Section 3.4.6 provides six criteria for rezone requests:

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

The proposed RML Zoning is consistent with the Mixed-Use FLUC. A rezone to RML will allow this property to be developed in the future. It should be noted that the existing zoning, Professional, is also consistent with the Mixed-Use FLU.

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

The surrounding existing uses are duplexes, single-family housing, and some professional office and ancillary retail uses. The full range of permitted uses in the proposed RML District would be compatible with the existing uses in the area. The proposed RML Zoning would allow for similar or less intense uses than currently exists in the immediate area.

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.*

Uses in the RML District should be compatible with existing uses, as described above. Permitted uses in RML Zoning are identical to those uses allowed on parcels to the immediate east and south and will likely be as intense than the potential uses allowed on the P-zoned parcels to the north.

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

The City has identified a need for increasing multi-family housing within Cape Coral. The proposed rezone may assist in a small way in addressing this need.

However, the City has also identified a need for additional non-residential uses to provide sufficient employment opportunities and increased tax base. Rezoning from the existing zoning district of Professional would be contrary to fulfilling this need.

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

The site meets the minimum lot area requirement of 10,000 sq. ft. for the RML District. The smaller area of the site is suitable for most uses in the RML District.

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

The existing Professional (P) District, unlike the requested RML District, does not allow duplexes or multi-family uses, but permits the development of offices and low-intensity commercial uses.

The proposed RML district would be considered to create fewer potential adverse impacts than other multi-family residential uses in the surrounding area.

The only other multi-family residential zoning district in the Land Development Code is the Residential Multi-Family Medium (RMM), which permits greater building heights and densities. However, the RMM district is only permitted for sites of one acre or larger, and so would not be permitted for this site.

Police and Fire Impacts

Property is served by Fire Station 8. Proposed development is expected to generate 15 calls annually. Minimum impact.

For Police services, the subject properties are served by police beat Central District, Zone 2. Less than 1% increase to recorded calls for service in Zone 2, Central. 1% or less citywide.

Public Notification

This case will be publicly noticed as required by LDC, Section 3.1.10 as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the rezoning request.

Recommendation:

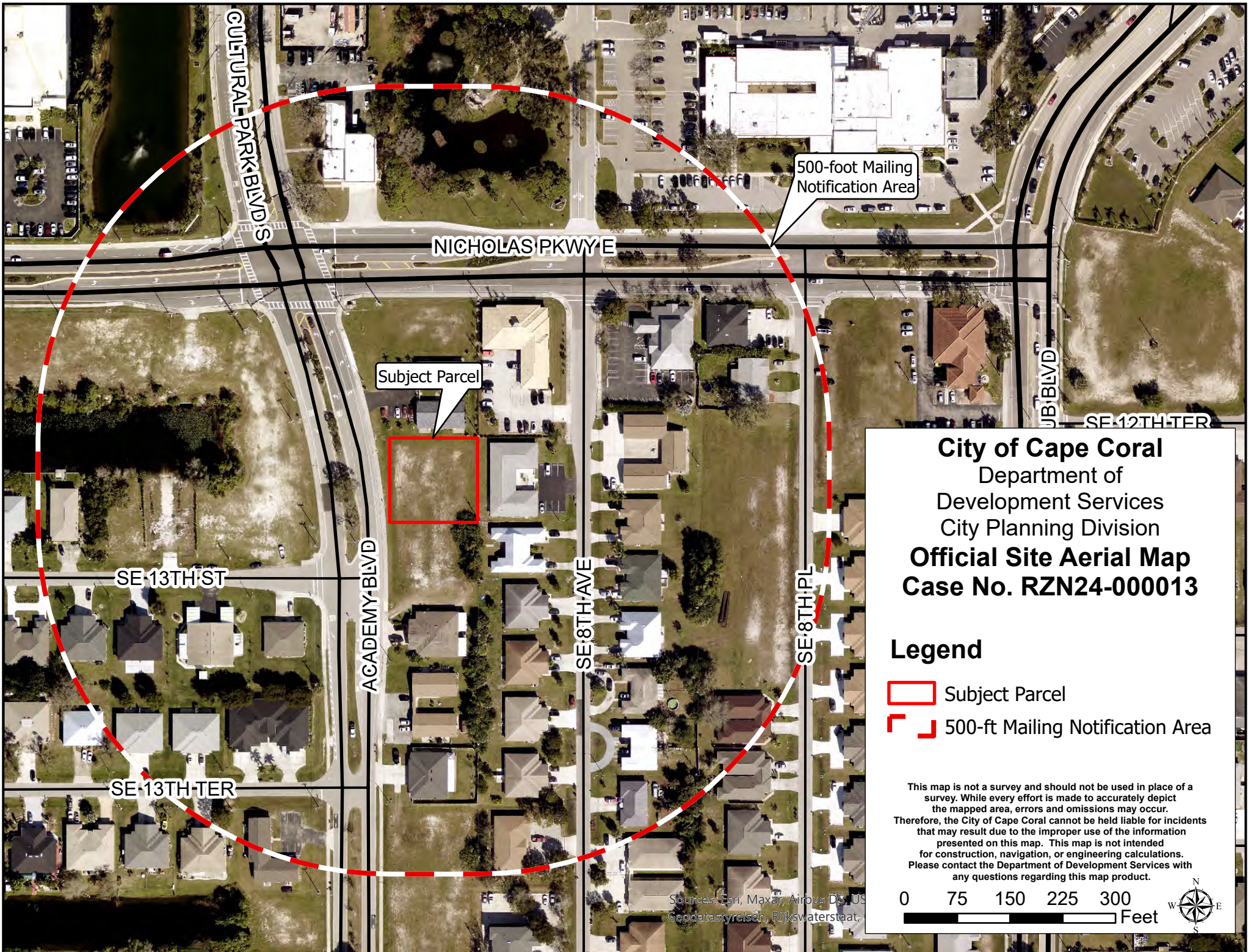
The City of Cape Coral is deficient in both non-residential and multi-family residential land. It has not been city practice to support relieving one of these deficiencies at the expense of another unless it has been determined that the area is undevelopable due to existing development that prevents assemblage or lacks visibility.

The subject property has direct access to a collector roadway and is proximate to other office uses and the Cape Coral municipal center, which includes City Hall, the Public Works Building, and the City Police Station. One of the reasons why this area was designated Professional was to provide the opportunity for businesses ancillary to government uses such as engineering offices and attorneys' offices to develop. Staff believes that the site is still appropriate for development as a non-residential, professional office use.

Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code and the City's Comprehensive Plan. Planning Division recommends **denial** of the rezone request.

Staff Contact Information:

Wyatt Daltry, AICP
Planning Team Coordinator
Department of Community Development
Planning Division
(239) 573-3160
email: wdaltry@capecoral.net



City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. RZN24-000013

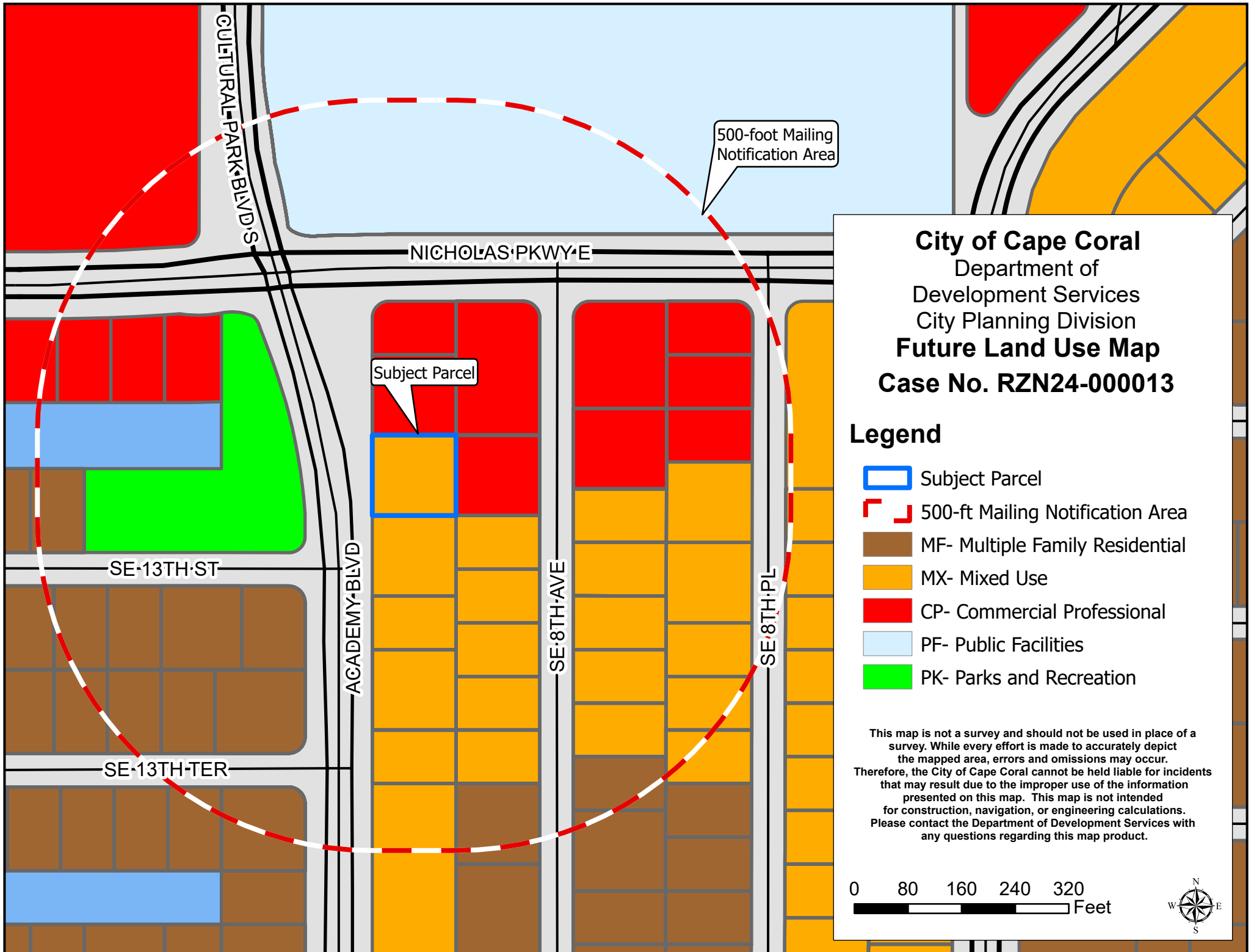
Legend

-  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.



Sources: Esri, Maxar, Airbus DS, US
Geodatastyrelsen, Rijkswaterstaat,



City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. RZN24-000013

Legend

Subject Parcel

500-ft Mailing Notification Area

MF- Multiple Family Residential

MX- Mixed Use

CP- Commercial Professional

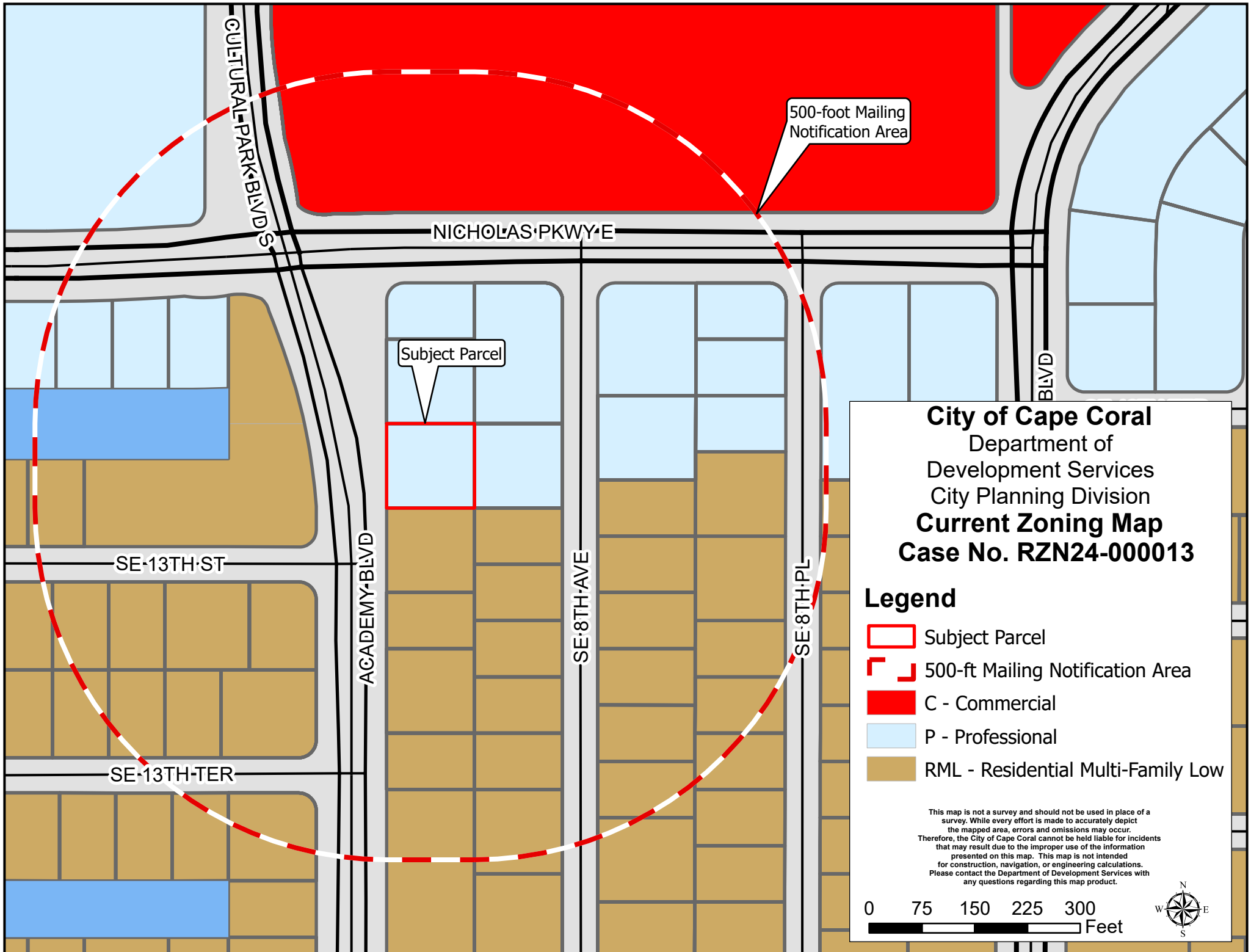
PF- Public Facilities

PK- Parks and Recreation

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Feet



City of Cape Coral
Department of
Development Services
City Planning Division
Current Zoning Map
Case No. RZN24-000013

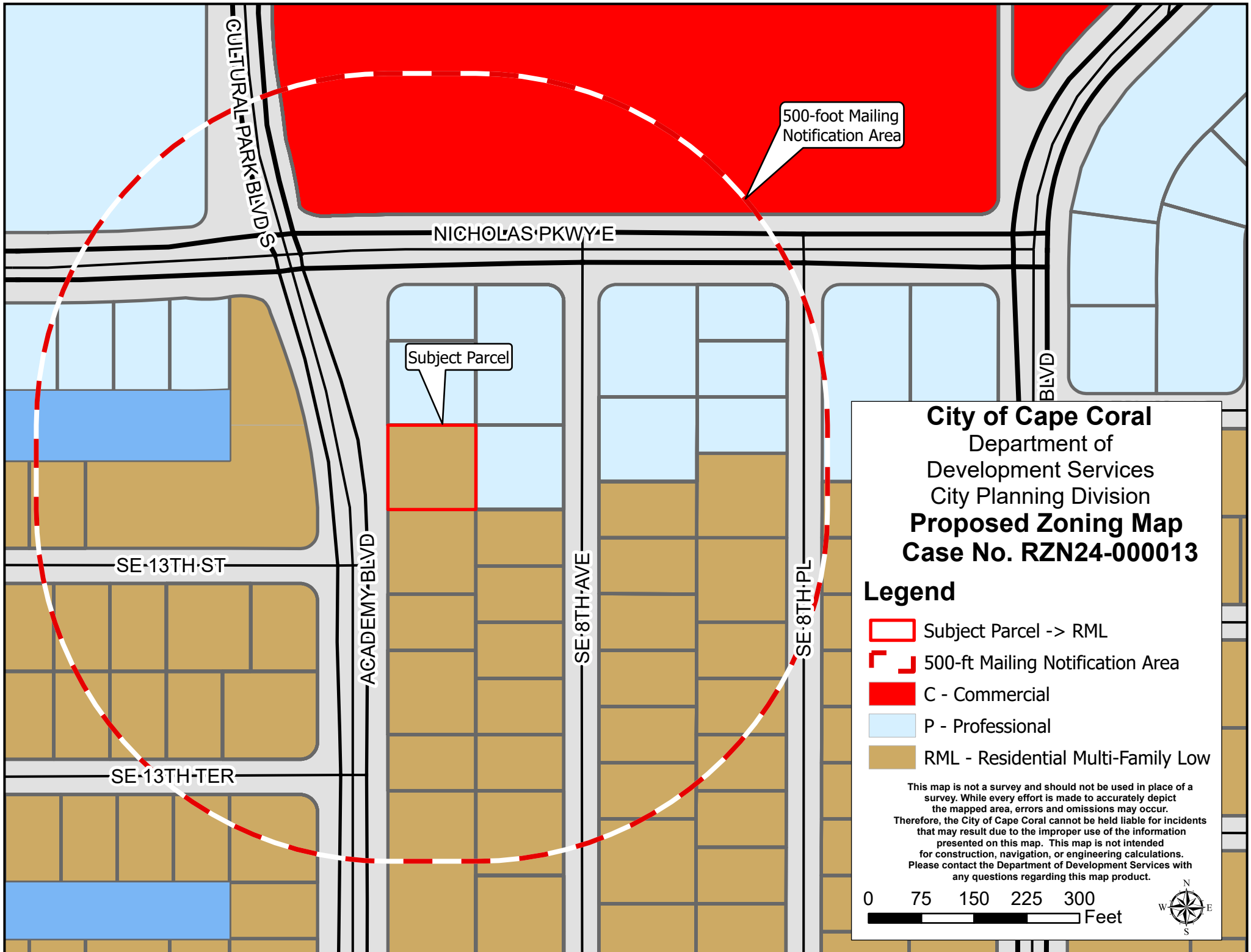
Legend

-  Subject Parcel
-  500-ft Mailing Notification Area
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low

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

0 75 150 225 300
Feet





City of Cape Coral
Department of
Development Services
City Planning Division
Proposed Zoning Map
Case No. RZN24-000013

Legend

-  Subject Parcel -> RML
-  500-ft Mailing Notification Area
-  C - Commercial
-  P - Professional
-  RML - Residential Multi-Family Low

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