

Planning Division Staff Report

TXT24-000001

Review Date: March 12, 2024

Prepared by: Wyatt Daltry, AICP, Planning Team Coordinator

Request: Amends Policy 1.15. of the Future Land Use Element and creates Policy 1.15.s of the Future Land Use Element to create the Mixed Use Ten (MUX) future land use map classification.

STAFF RECOMMENDATION: APPROVAL

Positive Aspects of Application	<ul style="list-style-type: none">• Ensures continued compliance between development in the PIRD and the Comprehensive Plan.• Removes other development caps, ensures continued non-residential and mixed-use development, strengthens the City's primary east-west commercial arterial roadway.
Negative Aspect of Application	<ul style="list-style-type: none">• None.
Mitigating Factors	<ul style="list-style-type: none">• None.

Background

In 1989, the City of Cape Coral adopted the Mixed-Use future land use map classification (FLUC) as part of the Comprehensive Plan adoption process.

Over the years, this Mixed-Use FLUC had been revised to provide more emphasis on non-residential development after larger developments (Entrada, Coral Lakes) developed primarily as residential communities (90-100%) in the 2000's.

However, currently there are no FLUC which addresses mixed-use development for larger, unplatted tracts. Creating Comprehensive Plan guidance for such properties is the purpose of this proposed amendment.

Staff proposes the following changes:

- Creating a new future land use map classification, the Mixed-Use Ten.
- Minimum development size within the FLUC is ten (10) acres.
- Residential densities for the Mixed-Use Ten is 50 dwelling units to the acre, with a maximum floor-area-ratio intensity of 3.0.
- Such high densities and intensities require centralized utilities, and therefore, this designation will only be approved in areas where such utilities are available, are imminently available, or for areas subject to utility agreements between the developer and City to provide centralized utilities.
- No zoning designation is proposed for the FLUC; instead all development within the Mixed-Use Ten is to be undertaken through the Planned Unit Development (PUD) process.

- Non-residential and mixed-use development may comprise 100% of development within the Mixed-Use Ten. Residential development may comprise a maximum of 50% of development within the Mixed-Use Ten.

To accomplish this, the City initiated this text amendment to amend Policy 1.15 of the Future Land Use Element (FLUE) of the Comprehensive Plan and create Policy 1.15.s of the FLUE, as shown below.

Summary and Analysis of the Proposed Changes

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

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 1: Managing Future Growth and Development: The City of Cape Coral will manage future growth and land development by adopting, implementing, and enforcing new regulatory vehicles. All land development regulations called for in this Plan shall be adopted and implemented in accordance with the provisions of S. 163.3202, Florida Statutes. The short-term planning timeframe shall be established as up to the year 2028, while the long-term planning horizon shall be the year 2050.

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Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. Table 1 shows the zoning districts which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	R-1, RML, RMM, RE, A
Multi-Family (MF)	RML, RMM

Low Density Residential (LDR)	RE, A
Commercial/Professional (CP)	C, P, BSOD
Mixed Use (MX)	ALL except MXB
Downtown Mixed (DM)	SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC, BSOD
Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	PV
Burnt Store Road District (BURST)	BSC
<u>Mixed Use Ten (MUX)</u>	<u>Planned Unit Development (PUD)-only</u>

*(E/O): Existing Only, no new rezones to zoning district permitted

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s. Mixed Use Ten. This mixed-use designation’s purpose is to encourage planned unit developments that include more than one type of use. The maximum permitted densities/intensities of various uses within the mixed-use designation will be 50 dwelling units per acre for residential components and 3.0 FAR (Floor Area Ratio) for non-residential components. Development within the Mixed Use Ten is permitted only through the Planned Unit Development (PUD) process. Given the intensities and densities permitted within this classification, Master Concept Plans are required as part of the PUD submittal within the Mixed Use Ten future land use map classification.

Given the intense development permitted in the Mixed Use Ten, this future land use map classification may only be designated in areas served by centralized sanitary sewer, irrigation, and potable water services, areas identified as receiving centralized utilities through the City’s Utility Expansion Program in the next three (3) years, or areas subject to a utility agreement to provide centralized utilities between the developer and the City.

The minimum development size within the Mixed Use Ten future land use map classification is 10 acres, and PUDs within the MUX also have a minimum size of 10 acres.

In the pursuit of encouraging more than one type of use, the mix of uses permitted may include residential, retail, office, services, industrial, or public facilities uses. Such uses may be mixed horizontally on a site or may be within a mixed-use building, as defined by the Land Development Code.

The mix of uses may include a development consisting of 100% non-residential uses.

Stand-alone residential uses may comprise up to 50% of a development, as measured by acreage set aside for the component of the development.

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed future land use map amendment.

Comprehensive Plan

The Comprehensive Plan recognizes that the original platting of the City was prepared with the primary purpose of creating a readily marketable commodity of residential lots. This resulted in an imbalance between residential and commercial lands, leading to an insufficient amount of commercial or multi-family residential land. In 1989, the City of Cape Coral adopted the Comprehensive Plan and Future Land Use Map to identify appropriate locations for future commercial, multi-family residential, and mixed-use properties.

Development of Corridor Standards

Staff evaluated the proposed amendment with regard to Policies 1.19 and 3.3 of the Future Land Use Element.

Policy 1.19: The City will adopt urban corridor design guidelines and special land use regulations along the City's roadways, which serve as entry points to the City. These guidelines and regulations will identify specific signage and setback requirements, and other regulations, which will serve to prevent visual and physical blight along specified roadways. The City has adopted guidelines within the Community Redevelopment Area, which may serve as an example for future corridor guidelines.

This proposed text amendment is directly supported by this policy.

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

Conclusion and Recommendation

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

ORDINANCE 27 - 24

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CAPE CORAL, FLORIDA, BY AMENDING POLICY 1.15. OF THE FUTURE LAND USE ELEMENT BY CREATING THE MIXED USE TEN (MUX) FUTURE LAND USE MAP CLASSIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The City of Cape Coral, Florida (the "City) hereby adopts a Comprehensive Plan amendment that is necessary in order to update the Comprehensive Plan as follows:

The amendment to Policy 1.15. of the Future Land Use Element creates the Mixed Use Ten (MUX) future land use map classification. The amendment to the Future Land Use Element is described in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance, which shall remain in full force and effect.

Section 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Comp Plan Amendment-Mixed Use Ten (MUX) FLUC

CVB

Exhibit A

FUTURE LAND USE ELEMENT

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