

# Coping With Problems Created by Rapid Growth and Development at Cape Coral, Florida

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## Introduction

Although the land sales industry did not begin to take its present form until the 1950s, subdividing land is not new to the American experience. Land fever began to afflict the American people shortly after the federal government was established. In fact, speculative land schemes, the subdivision of real estate for profit and premature subdivision of land, are age-old practices (Cornick, 1938). The success of the speculative land sales industry has fluctuated drastically, in many cases in direct response to the state of the economy. As a result, the land sales industry has experienced several "boom" and "bust" cycles. One particularly active period for land subdivision and lot sales activity occurred during the decades of 1950s and 1960s, especially in Florida and the desert Southwest (Stroud, 1995).

Lot sales subdivisions, sometimes referred to as pre-platted communities, vary tremendously in their successfulness in becoming real cities or towns with a viable population. While many lots and, in some cases, entire subdivisions remain largely vacant, some have experienced tremendous population growth. Cape Coral, Florida, serves as a good example of a large speculative land sales venture that has grown to become one of South Florida's largest communities. As is depicted in Table 1, population totals at Cape Coral have expanded rapidly from only 10,193 in 1970 to over 102,000 in 2000. This large platted lands subdivision sprawls across over 60,000 acres that was subdivided into 270,000 small lots, most of which measure 40' by 125' (approximately 5,000 square feet). The lots, marketed worldwide, were sold as single family residential but, since they were so small, two lots were required to create a "building site" or a parcel large enough for a dwelling unit. Consequently, most customers were sold at least two lots as part of the original developer's sales gimmick to sell more parcels of land (Stroud and Spikowski,

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**Table 1**  
**Social and Economic Data of Cape Coral, Florida**

Cape Coral	Population	% White	% 65+	Median Family Income as percent of Florida's
1970	10,193	99	24	+2
1980	32,103	99	25	Same
1990	74,991	97	22	+5
2000	102,286	95	20	+1

1999).

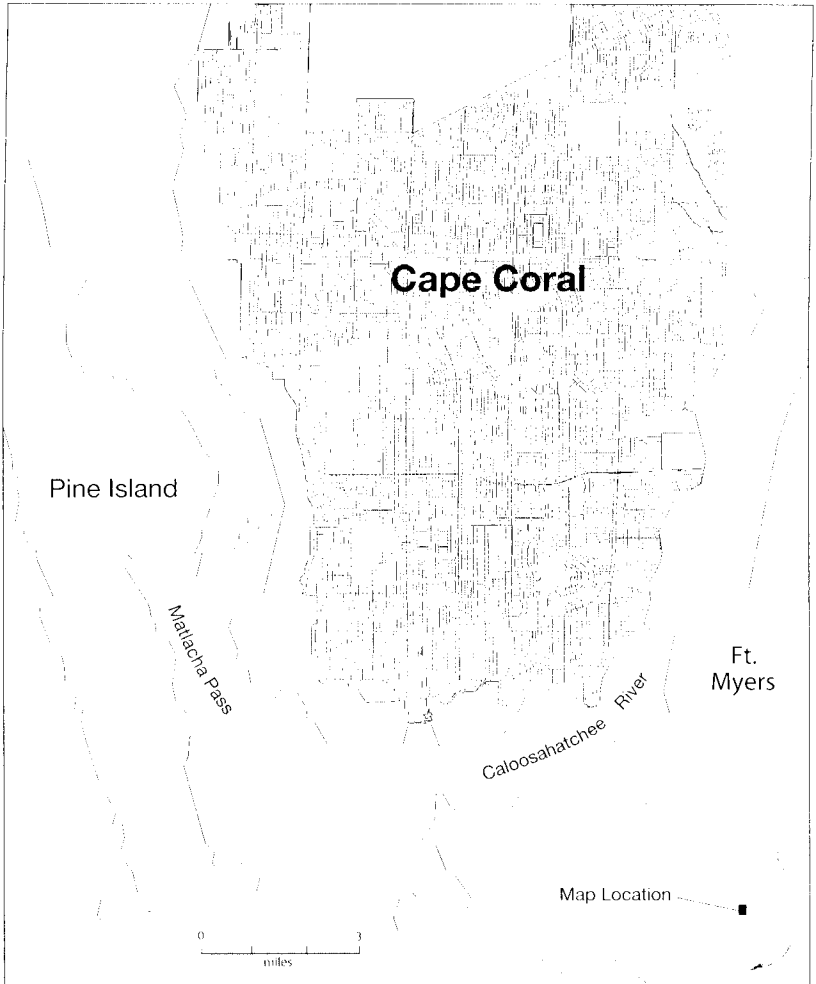
Initial plans for what became Cape Coral began in the fall of 1957 when Leonard and Jack Rosen and several other men met on property the two brothers had recently purchased along the Gulf Coast in Lee County, Florida (Dodrill, 1993). The land is situated on a large peninsula along the western banks of the Caloosahatchee River across from Fort Myers (Figure 1). Since Cape Coral was created, initially at least, as a lot sales subdivision, it has more than its share of problems and issues to resolve, many of which are not found in most Florida communities. This research examines possible solutions to some of the more significant problems facing this vast community that extends across 114 square miles. Many of these problems were created because of the emphasis that was placed on generating a profit from rapidly subdividing and selling "homesites" to distant buyers.

### **Problems Associated with PrePlatted Communities**

A long list of problems exist at Cape Coral and include environmental degradation, a large inventory of vacant yet vested lots, too many lots zoned single family residential, faulty layout and design, strip commercial development, inadequate delivery of basic services, inadequate provision of commercial and industrial land, inadequate access to the water front, limited open space, absentee ownership, limited job opportunities, and traffic congestion along major thoroughfares.

Many significant environmental problems were created by the unsound land development practices used by the original developer. One of the most significant was the excavation of more than 400 miles of canals that were needed to create "dry" land. Fill from the

Figure 1



canals was used to create higher elevations for roads and homesites. The digging of the canals disturbed the soil and natural vegetation and destroyed a shallow freshwater aquifer. Other environmental problems are created by eroding soil, urban runoff, and sewage from septic tanks. Since the developer was trying to sell as many lots as quickly as possible, phasing was not used and roads and canals were superimposed over the entire subdivision. These and other problems indicate a need to address many pressing environ-

mental issues associated with such a massive land development project (Dodrill, 2001 and Stroud, 1995).

Fortunately, environmental protection is no longer ignored and has become a high priority for the city. The Department of Community Development, Division of Planning and Zoning, for example, is actively involved in several important environmental issues. These include protection of burrowing owl habitat and eagles' nests, canal maintenance and weed control, water resource protection and conservation, protection of historic and prehistoric resources, protection of estuarine ecosystems, and other measures (Ryffel, 2001 and 2002).

Another very significant problem at Cape Coral is associated with vested rights. This vast subdivision has more than 135,000 platted, zoned, and sold building sites (a building site at Cape Coral usually requires two lots). These building sites were sold to lot owners whose place of primary residence was in widely scattered locations across the United States and abroad. The vast majority of these lot owners believe that they have the right to build a single family home on their property whenever they wish. If the city prohibits owners from building on their lots, it is likely to be considered a "taking" of the property. The city would then become liable to compensate the owner for the taking.

Coupled with the problems associated with vested rights is the issue of regulating growth. Limiting growth at Cape Coral is extremely difficult since the land is already subdivided and sold. While growth management is extremely difficult, it can be controlled to a certain extent by offering incentives and disincentives that encourage growth in a pattern consistent with sound planning principals and the city's ability to provide needed public facilities and improvements. Despite these efforts, there is no real way to predict when the property owner in Virginia will decide to build his retirement home, or when the owner in Pennsylvania will decide to sell the property to someone else who will build on it. It is all but impossible to predict which lots will develop at any point in time a major stumbling block to providing planned and managed growth (Sosnoski, 2002).

The current zoning creates another problem since each building site carries with it a zoning classification. Most of Cape Coral's lots are zoned single-family residential, but there is a significant amount of multi-family and commercial zoning. The general zoning pattern is a carryover from the original subdivision, with strip commercial and multi-family zones concentrated along the four-lane, divided parkways. This exacerbates traffic problems along many of the

parkways. The existing street and canal pattern, with very few east-west routes south of Pine Island Road, creates strong development pressure on north-south thoroughfares such as Del Prado Boulevard. This allows development patterns that promote strip commercial uses, strip duplex or multi-family uses, with corresponding increases in traffic congestion and demand for services (Comprehensive Plan, 1997).

The original layout of streets and canals has created a particularly significant problem associated with neighborhood "islands" and numerous dead-end-streets. The latest count totals more than 1,060 streets with names. Approximately 817 are numbered (SW 17th Ave, for example) and 247 are named. Some streets have names that are very similar like Coral Ave. and Coral Drive and some streets like SE 10th Place have been divided into many parts or segments by canals. In fact, most streets dead-end at canals, and then continue on the other side of the canal. The city was connected with a system of four-lane, divided parkways that cross the canals via bridges. Because of the direction pattern of the canals and the cost of building bridges over these waterways, the original developer provided only three east-west corridors south of Pine Island Road.

Since the original developers placed few controls on development along the major corridors, they have experienced extensive strip commercial development and are experiencing the worst traffic congestion. Previous zoning patterns allowed strip style commercial development as well as residential development along the parkways, without limiting access or considering the potential traffic flow impact.

Providing adequate infrastructure is a mammoth problem at Cape Coral. The original developers platted a community with enough lots to accommodate a population of more than 400,000 people, but they failed to provide the infrastructure, except for streets and drainage canals, to support a large city (Mazurkiewicz, 1998). Unfortunately, a significant portion of the roads (streets) are poorly maintained, particularly in more remote reserve areas. The overwhelming majority of the city's landmass is not served by water and sewer lines or storm sewers. Home owners who build in unserved areas must drill private wells and install septic tanks. Since Cape Coral is platted, the city cannot control which lots develop and when. This creates a significant problem associated with scattered development and increases the demand for infrastructure in areas where the provision of such infrastructure is not cost effective or economically feasible. This is such an important issue because

private wells and septic tanks are unacceptable as the community reaches higher densities. A significant strategy for the city is to "manage" unlimited development until appropriate infrastructural needs have been met (Comprehensive Plan, 1997). Management options are, however, extremely limited. One of the few means of directing growth is through the provision of services. Currently, services such as water and sewer are available for only approximately one-third of the lots. As might be expected, areas with or that have been designated to receive services in the near future have experienced the most growth. Additionally, the city has an ordinance that requires the removal, at the lot owners expense, of septic tanks in areas where services have been extended. Even though this "disincentive" has not eliminated the problem of scattered development, city officials hope that it will serve as a more effective deterrent in the future.

The original developers set aside less than 1 percent of the total land area for open space and parks and failed to provide adequate land for commercial or industrial development or adequate space for community facilities needed to serve an expanding population. Consequently, competition is keen for the few remaining large parcels of land. There is a significant public need for large tracts to provide for community facilities such as city parks and a significant demand from private developers because of the potential for large scale commercial or industrial development within a city that is experiencing phenomenal growth.

Even though the city of Cape Coral has many miles of waterfront, only a small amount is available and accessible to the public. Only the Yacht Club, Horton Park, and Jaycee Park provide scenic vistas of the Caloosahatchee River. Cape Coral has not used its waterfront as a market place or gathering place as has been done in many well-known cities including Chicago, Baltimore, Miami, and Sarasota. It is hard to believe but Cape Coral's downtown is virtually landlocked, without direct river frontage; a problem that is currently being addressed by the Community Redevelopment Agency (CRA) for downtown Cape Coral (Hunt, 2001).

Open space in inland locations is limited as well. Even though Cape Coral has extensive areas that are yet to be developed and are currently vacant, they are owned by either individuals or by the State of Florida as preservation lands. Open space needs include recreational use, stormwater retention, natural groundwater recharge, preservation of native flora and fauna, schools, parks, tennis courts, senior citizen centers, swimming pools, and other recreation-

al facilities, government centers, water and sewer plants, and police and fire stations. Land was also not provided for a general aviation airport, a community college, medical facilities, or a civic center.

As a large lot sales subdivision, Cape Coral has landowners from all over the United States, Canada, and abroad. This fact complicates problems associated with land assembly or other options that could help alleviate problems associated with the current ownership pattern. Communicating with such a scattering of owners is extremely difficult and at times next to impossible. In some cases, landowners can not be found or ownership has passed to heirs who may or may not know that they own Cape Coral real estate. Another problem is associated with the participation of land owners in the decision making process. While efforts are currently being made to provide residents the opportunity to voice their opinions on government policies and actions, a large number of the city's property owners do not live in the city, or even in the state and possibly not even in the country. Until the city comes closer to having all its lots built-on, decisions relative to land use and strategies for the development of vacant land will likely receive more input from the owners of developed land than from those who own the undeveloped land. As a result, the city must ensure that its policies and strategies protect the rights of the absentee land owners, as well as serve the current permanent and seasonal residents (Ryffel, 2001).

Another rather unusual situation is the tremendous variation in the price (value) of lots within Cape Coral. Lots located along canals with access to the Gulf may exceed a value of \$100,000 while inland lots north of Pine Island Road may be valued at less than \$3,000 (Brookes, 2001). The high value of single-family residential lots in some locations discourages multi-family and other uses. Moreover, accelerating lot prices and rapid population growth make it essential for the city to develop an effective land acquisition program before land prices climb even higher (Comprehensive Plan, 1997).

Since the development was created as a retirement community, the provision of employment opportunities was a low priority. Consequently, jobs are extremely limited. While some employment is available in Cape Coral largely from the construction sector, many residents commute to Fort Myers and other parts of Lee County for employment. A large number of commuters coupled with problems associated with the internal layout of major thoroughfares make long-range planning to meet transportation needs essential. Trans-

portation routes need to be extended and interconnected to meet the needs of an ever increasing traffic volume (Collette, 2001).

### **Resolving Problems**

A good indication of what the city of Cape Coral plans to do to improve land use planning is outlined in the Future Land Use Element of the Comprehensive Plan that was adopted in June, 1997 (Comprehensive Plan, 1997). Eleven specific objectives and numerous policy statements are included under Future Land Use Objectives and Policies. Some of the most important objectives include: enforcing and strengthening existing regulations and eliminating those that are superfluous or confusing; directing future private development into areas that currently have or are slated for the immediate provision of water and sewer services (Urban Services Infill and Transition Areas); extending infrastructure and community services to 100 percent of the anticipated functional population in these areas; discouraging premature "leap-frog" development within areas where there are no services other than roads and canals (Urban Services Reserve Area) by requiring individual builders and developers, not the city, to pay for the cost of extending infrastructure; pursuing the redevelopment and renewal of blighted areas in the downtown area consistent with the provisions of the Community Redevelopment Agency (CRA) plan; discouraging land uses which are incompatible or inconsistent with the Future Land Use Map; continuing to protect marine and estuarine communities; identifying all historic and prehistoric resources within the city's jurisdiction; using land banking as a method to acquire an area for city use or for assemblage for private use; and using subdivision replatting and redesign in a process by which land is acquired, replatted, and resold (Comprehensive Plan, 1997).

An important policy under Objective 1 (Existing Regulations) is to require that any subdivision of land within the city be allowed (granted a permit) only within Developments of Regional Impact (DRIs) or in Planned Development Projects (PDPs). This will help control the growth of larger land development projects but does nothing to resolve the problems associated with the development of individual lots in remote areas (Comprehensive Plan, 1997). Another specific policy under Objective 1 is to regulate areas of seasonal and periodic flooding and provide drainage and stormwater management. Any development of 5 acres or more is required to submit a surface water management plan. The plan must meet



specific engineering design standards that are now in place. In addition, the city has constructed a spreader canal/waterway along its western boundary. Theoretically, storm water (excess water) will flow over the weirs and out as sheet flow to the west of Cape Coral property (Sosnowski, 2001).

Objective 1 will also be accomplished by issuing no development orders or construction permits which result in a reduction in the level of service for any affected public facilities below the level of service standard adopted in the Comprehensive Plan. This regulation is designed to help protect existing homeowners from problems associated with uncontrolled and rapid population growth. The city will conduct studies to ascertain the feasibility of implementing alternative mechanisms to aid and encourage the deplattling of platted lands, and to encourage the acquisition and assembly of land for public uses. Deplattling is encouraged by the Southwest Florida Regional Planning Council and has been suggested by Smart Growth initiatives and symposiums. Unfortunately, Cape Coral has not, at least to date, been successful in deplattling lots and there is no specific mechanism in place to encourage deplattling.

The city will maintain regulations that create a Transfer of Development Rights (TDR) mechanism that may be used to acquire lands for public use, and to create commercial and industrial tracts for private use. The property owners may transfer the right to develop their lots to a designated zone (receiving area) within the Urban Services Transition Zone. The sending area is a portion of the subdivision not slated for services or is an area where development would be disruptive to the environment. A receiving zone is selected because it has two distinctive features: (a) low density of existing development, and (b) a near-term expectation of full community services. This allows the city to encourage development in some locations and discourage it (albeit indirectly) by implementing the TDR sending and receiving zones. Unfortunately, Cape Coral has never had a TDR transfer. As is frequently the case, developers have no real incentive (or benefit) for using the TDR mechanism. As long as there is an adequate supply of "raw land" available and as long as developers can obtain desired density through rezoning, there is no market for TDRs (Sosnoski, 2001).

The city will adopt regulations and standards to encourage land assembly for private uses by providing density bonuses as an incentive for the recombination of platted lands. Land banking may be used as a method to acquire a specific area for city use or for assemblage for private use. In most cases, the city functions as the

entrepreneur although some non-profit organizations sometimes provide this service. Land banking can be funded in advance and it is less expensive than condemnation since it avoids the legal costs associated with eminent domain procedures. An important option may be to acquire land on the installment plan, allowing the city the leverage of obtaining a large number of parcels at a relatively low annual cost. Another option is that it provides the opportunity for the city to consolidate lands that may be sold at a profit for development as industrial or commercial properties. Or, the city may prefer to develop the consolidated parcels in partnership with a private developer. One of the most important advantages for a platted lands community is that land banking can reduce the city's long-term obligation to provide water and sewer services to remote areas. The city may purchase platted lands, vacate the development rights, and convert the lands to open space. Although land assembly is encouraged, it is another potentially significant option that has not been used.

Land assembly is extremely difficult because of the complex lot ownership pattern that was created within this massive platted lands community. Developers learn rather quickly how difficult it is to acquire and reassemble lots from absentee owners. Some owners, particularly those who live in other countries, are difficult to find and others may refuse to sell their property. In one particular case, 55 lots had to be acquired and reassembled to create a 12.6 acre parcel of land to be used for commercial purposes (Collette, 2002). The developer concluded that land assembly was a time consuming, frustrating process that he would not attempt in the future. Despite these and other difficulties, a land assembly program is essential if the city is going to meet its land needs in the future. This option is particularly important in view of the rapid rate of population growth that the city has experienced. It is quickly becoming more and more difficult for the city to find large, undeveloped sites in the proper location. Acquiring and assembling land now, or in advance of need, will reduce acquisition cost and enable the city to provide adequate public facilities on the most suitable sites as they are needed.

Another objective (Objective 2) for managing future growth is centered around directing future private development into the Urban Services Infill Area (where services are currently available) and the Urban Services Transition Area (the area into which services are currently being added). The city has no formal lot-swapping program and uses the availability of services as an incentive

to encourage building in the Infill and Transition areas. Another possibility or strategy for growth management is associated with tax delinquent lots. As property owners default on their taxes, there is an increasing number of tax delinquent lots available. The city should keep these and accumulate an inventory of lots that could be used as part of a land assembly or a lot-swap program. Some counties or municipalities sell tax delinquent lots each year as a source of revenue. Local governments often argue that they can not afford to hold these lots. On the contrary, municipalities should not pass up this opportunity to obtain an inventory of vacant lots (Comprehensive Plan, 1997 and Daltry, 2001).

Objectives 3 and 4 will direct private development that requires public water and wastewater into the Urban Services Infill Area and the Urban Services Transition Area. This will reduce problems associated with scattered development and the cost of extending services to remote locations. Exemptions from this policy will be made only in extraordinary cases where the nature or location of the project would make strict adherence unreasonable. Specific exceptions include developments of regional impact, utility plants, airports, public schools, technical schools, community colleges, parks and other government facilities. The commitment to provide infrastructure and community services is expressed in Objectives 2, 3, and 4 of the Future Land Use Element of the Comprehensive Plan (Comprehensive Plan, 1997).

It is also important that the city plans to discourage premature "leap-frog" development within the Urban Services Reserve Area (where no services other than roads and canals are available) (Objective 5). This will be accomplished in part by requiring builders and developers, not the city, to bear the costs of extending infrastructure. In addition, the city will amend the Future Land Use Map through the plan amendment process to annex Urban Services Reserve Area lands into the Urban Services Transition Area as a prerequisite to the extension of infrastructure and community services. The city will provide incentives to individual property owners, builders, and developers to assemble parcels of land for future private uses, and will encourage the use of zero lot line (ZLL) and cluster type development to improve lot layout, drainage, and stormwater retention. Moreover, development, except for single family uses within the Urban Services Reserve Area, shall be permitted only in Developments of Regional Impact (DRIs) or Planned Development Projects (PDPs) (Comprehensive Plan, 1997).

Another important objective (Objective 6) pertains to the rede-

velopment and renewal of blighted areas in the downtown area consistent with the provisions of the Community Redevelopment Agency (CRA) plan, and in residential areas as identified through the Code Enforcement Program. The city will investigate innovative free market opportunities to property owners in blighted areas to remodel, rebuild and replat their buildings and properties. A mixed-use development will be allowed in the CRA that will include commercial/professional uses as well as residential uses. The Community Redevelopment Area Master Plan has been approved and CRA officials are currently working on the implementation phase which includes writing the enforcement codes for the plan. The redevelopment plan includes the incorporation of waterfront property into the downtown area, more pedestrian friendly streets and opportunities for a variety of land uses all within a planned unit along and near Cape Coral Parkway (Hunt, 2001 and 2002). The city will discourage land uses that are incompatible or inconsistent with the Future Land Use Map (Objective 7). Expansions or replacements of land uses that are inconsistent with the Future Land Use Element will be prohibited. In fact, land development regulations will require the buffering of incompatible land uses (Comprehensive Plan, 1997).

The city is also committed to improving hurricane evacuation (Objective 8). Specifically, the city will coordinate coastal area population densities with the Southwest Florida Comprehensive Hurricane Evacuation Plan. The city will concentrate the development of infrastructure in the northeast portion of the community to take advantage of higher elevations and opportunities for rapid evacuation (Comprehensive Plan, 1997).

Objectives 9 and 10 coordinate planning efforts with the provisions of the Charlotte Harbor Management Plan and stress the need to continue to protect marine and estuarine communities. The city is committed to the protection of preservation lands and will regulate the use of land and water to protect the system of fresh and salt-water canals and the outlying waters of the Caloosahatchee River and Charlotte Harbor. This protection will be extended to include significant upland ecological communities. The city plans to own and maintain a minimum of 200 acres of upland for use as a major park emphasizing passive recreation and nature study (Comprehensive Plan, 1997).

The city will identify all historic and prehistoric resources within

the city's jurisdiction, and will adopt regulations to preserve and protect those resources for future enjoyment (Objective 11) (Comprehensive Plan, 1997).

### **Conclusion**

After more than 40 years of existence, Cape Coral has grown to become one of the largest cities in South Florida. Rapid growth is not unusual for counties along Florida's southern Gulf coast. Charlotte, Lee, and Collier counties, for example, have all experienced tremendous increases in population in recent decades. Lee County, for example, has grown from a population of 105,216 in 1970 to more than 440,000 in 2000. Collier County has experienced similar dramatic increases in population. Its population total was only 38,040 in 1970 but now exceeds 251,000. Unfortunately, much of the growth has occurred in pre-platted subdivisions with inadequate infrastructure and a faulty layout and design.

Since most of the lots within these massive subdivisions were purchased by non-voting out-of-state owners for investment purposes, local officials have tended to assume that impact would be insignificant. While this is true for some pre-platted subdivision, many have grown substantially and now represent the largest and/or fastest growing communities in their region, despite an absence of services (Stroud and Spikowski, 1999).

Even though the original developers of Cape Coral were promoting the pre-platted subdivision as a "city in the making," no one expected such incredible growth. Not surprisingly, city officials are having an extremely difficult time providing services and managing patterns of growth on lots that were quickly platted and sold decades ago.

Since a major objective of the original developer was to sell lots as rapidly as possible, it is not surprising that layout and design does not meet current land use planning standards. Even though there are numerous technical options for dealing with platted lands, few have, for one reason or the other, been successfully implemented. Options include lot consolidation/lot merger, plat vacation, subdivision redesign, downzoning/transfer of development rights (TDRs), and public acquisition (through purchases and donations). Frequently, local officials fear the effect of these options on property rights or are concerned that implementation might hamper economic growth (Elliott, 1997; Stroud and Spikowski, 1999).

Currently, Cape Coral city officials are stressing the need for a

land assembly and subdivision redesign program. Even though replats are usually initiated by the owner of the land, local governments may have the power to initiate a replat on their own. Whether or not this power exists should be stated in state subdivision enabling acts and in local subdivision regulations. For a subdivision such as Cape Coral, where substantial development has already occurred, replatting is normally more appropriate than plat vacation. With the proper design, subdivision replats can help to improve quality, lower density, or remove lots from development (Elliott, 1997, pp. 19-20). A controversial part of land assembly/redesign is condemnation. This expensive and rather coercive method of acquiring land may be essential if land owners of vacant lots refuse to participate in any kind of land assembly, lot exchange, or transfer of developments rights process.

Reassembly could provide entire GAC units that could be converted into attractive neighborhoods with commercial land uses buffered from neighborhood parks, schools, and open space. Improving the lot layout could create a more efficient extension of water and sewer lines. This approach is one of the best if problems associated with the initial assembly of land could be worked out. Other benefits include improved residential neighborhoods with modern land use design and large parcels of land suitable for commercial and industrial uses. Unfortunately, such a redesign program is only in the initial stages and is far from being implemented. This leaves local officials limited options for resolving layout and design problems. Undoubtedly, the problems are not going to go away and will only become progressively worse as rapid population continues. Those trying to resolve problems associated with complex ownership patterns and faulty design must use piecemeal approaches to problems that deserves a major commitment of time and resources. Fortunately, city officials are working toward developing a long-range planning strategy that will, through time, help resolve some of these vexing platted land problems.

It is crucial that local officials identify or establish specific goals so that appropriate tools may be chosen. Goals may include improving the quality of the subdivision, reducing density, or removing lots. Regardless of the tool or mechanism used, local governments should review the history of the subdivision, ownership patterns and infrastructural investment patterns before implementing any remedial program. These steps are essential if legitimate

property rights are to be protected and if the tools implemented are to withstand challenges that may be based on such things as due process, vested rights and takings (Elliott, 1997, pp. 24-25).

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