



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY PLANNING DIVISION

For Internal Use Only	
Case	PDP-00004
Date	_____

Tel. (239) 574-0553  
Fax (239) 574-0591  
P.O. Box 150027  
Cape Coral, FL 33915-0027

**PLANNED DEVELOPMENT PROJECT (PDP) AMENDMENT APPLICATION**

**NOTE:** All applications require Public Hearings before the Hearing Examiner and City Council.

**\*Pre-Application Conference Required\***

A pre-application conference is required with the Development Services Department prior to submitting a PDP Amendment application.

**Pre-Application Meeting Date:** July 5, 2022.

**PDP APPLICATION REQUIREMENTS**

<b>Please check the PDP amendment(s) below that are requested:</b>
<ul style="list-style-type: none"> <li>• <input checked="" type="checkbox"/> Amend or eliminate one or more conditions appearing in a PDP development order.</li> <li>• <input type="checkbox"/> Amend a previously approved Master Concept Plan (MCP)</li> <li>• <input type="checkbox"/> Rezone all or a portion of a PDP.</li> <li>• <input type="checkbox"/> Second request to extend the date of substantial construction or buildout period of a project.</li> <li>• <input type="checkbox"/> Add new land into a previously approved PDP.</li> <li>• <input type="checkbox"/> Eliminate part, but not all, of the land from a previously approved PDP.</li> </ul>

**Information Required for all PDP Amendments:**

- Date of pre-application meeting held with the Planning staff.
- Letter of intent (see below for additional details for each particular type of amendment)
- Legal descriptions of the PDP project and the tracts, lots, or area subject to the amendment, if applicable.

**Specific Amendment Types**

**1. Information required to amend or eliminate one or more conditions in a PDP development order.**

- Letter of intent that identifies the specific conditions in the development order proposed to be amended. The letter of intent should explain why the PDP amendment will promote the public health, safety, and welfare of the community, and is consistent with the public interest.
- A boundary survey of the site.
- A site development plan or as-built survey of the area covered by the amendment for requests involving physical changes to land in the PDP.



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2. Amend a previously approved MCP.
  - A letter of intent that includes a general project description, describes the proposed change(s) to the MCP, and the reason(s) for the change(s).
  - A boundary survey of the site.
  - A legal description of the site in a WORD document.
  - A copy of the previously approved MCP.
  - A copy of the new or proposed MCP.
3. **Information required to rezone all of a portion of a PDP.**
  - Letter of intent that describes the request and identifies how the requested rezone is consistent with the six standards used for evaluating rezones appearing in LDC, 3.4.6.
  - A legal description, in a WORD document, of the PDP project area and the area proposed to be rezoned.
4. **Information required to extend the date of substantial construction or buildout period of a project for a second and subsequent time. (First requests to extend the date of substantial construction or buildout period may be sought administratively and require a different application.)**
  - A letter of intent explaining why construction on the site has not occurred within the period of time required by the PDP. Such justification may include, but is not limited to the following:
    - Change of ownership of the property subsequent to the project approval.
    - A deterioration of economic conditions subsequent to project approval.
    - State or national health-related emergencies.
    - Adverse weather conditions that have impeded the physical development of the site.
5. **Information required to add new land into a previously approved PDP.**
  - Legal description of the previously approved PDP.
  - Legal description and survey of the land requested to be added to the PDP.
  - Letter of intent that describes the reason(s) for adding new land to the PDP project area.
6. **Information required to eliminate part, but not all, of the land from a previously approved PDP.**
  - An application signed by owners of 100% of the property governed by the PDP.
  - A letter of intent outlining the following:
    - A request to abandon the PDP and the reasons for the abandonment.
    - Acknowledge that the petitioners agree to relinquish all entitlements granted previously by the PDP, except for any rezone, vacation, variance, or subdivision approval.
    - A current site plan or as-built survey showing all improvements to the project area.
    - A legal description and accompanying sketch of the area proposed to be abandoned.





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**Note: For any PDP amendment, staff may require additional information deemed necessary to evaluate the project.**

**FEES: The applicant shall be responsible for all administrative review fees, advertising costs, and recording fees associated with recording documents with the Lee Clerk of Circuit Court. All advertising and recording fees are based on a cost-recovery basis.**

**Administrative review fees are based in part on the area of the PDP according to the schedule below:**

**1) PDP Amendment Fee: \$2,525.00**

**Additional fees are required for site over 10 acres. To calculate these additional fees, an additional \$55.00 is required for each additional acre over 10 acres with a maximum cap on fees established at \$3,915.00.**

**2) Fire review Fee: \$104.00**

**3) PDP Amendment Public Hearing Fees: \$665.00**

**Total fees submitted (add Categories 1-3 above): \$ 3,596.50**

**Until these fees are 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, certificate of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.**



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**PLANNED DEVELOPMENT PROJECT (PDP) AMENDMENT APPLICATION**

PROPERTY INFORMATION					
Project Name:	Stonewater Townhouses				
Location/Address	1020 Tropicana Parkway W				
Strap Number	104423C2U01134983				
Unit	Block	Lot (s)			
Plat Book	Page	Future Land Use	CAC	Current Zoning	NC
PROPERTY OWNER (S) INFORMATION					
Owner	Stonewater II LLC	Address	31151 W 10 Mile Road		
Phone	772-559-5067	City	Farmington Hills		
Email	Joshua@windhamdevelopment.com	State	MI	Zip	48336
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	JoeMazurkiewicz/BJM Consulting	Address	PO Box 101655		
Phone	239-470-5778	City	Cape Coral		
Email	joe@bjmconsult.com	State	FL	Zip	33910





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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.

Stonewater II LLC  
CORPORATION/COMPANY NAME (IF APPLICABLE)

Michael E. Tobin  
OWNER'S NAME (TYPE OR PRINT)

  
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 Michigan  
COUNTY OF Oakland

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, on this 17<sup>th</sup> day of November, 2022 by Michael Tobin, know is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 12/8/2025 Commission Number: \_\_\_\_\_

LORI JUSTICE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Dec 8, 2025  
ACTING IN COUNTY OF Oakland

Signature of notary Public: 

Printed Name of Notary Public: Lori Justice



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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 17<sup>th</sup> Day of Nov, 2022.

Stonewater II LLC  
CORPORATION/COMPANY NAME

Michael E. Tobin  
OWNER'S NAME (TYPE or PRINT)

[Signature]  
OWNER'S SIGNATURE

STATE OF Michigan, COUNTY OF Oakland

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, on this 17<sup>th</sup> day of November, 2022 by Michael Tobin, know is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 12/8/2025 Commission Number: \_\_\_\_\_

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NOTARY PUBLIC, STATE OF MI  
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MY COMMISSION EXPIRES Dec 8, 2025  
ACTING IN COUNTY OF Oakland

Printed Name of Notary Public: [Signature] Lori Justice





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**AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)**

PLEASE BE ADVISED THAT Joee Maszurkiewicz/BJM Consulting  
(Name of person giving presentation)

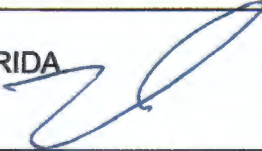
IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING  
EXAMINER AND CITY COUNCIL.

UNIT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT(S) \_\_\_\_\_ SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION NE 1/4 + SE 1/4 OF NW 1/4 LESS PAR 1.0 + LESS RD RW ANNEX TO CC ORDINANCE 54-85 + LESS INST 2017-36465 + LESS INSTRUMENT 2020000284351

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

Michael E. Tobin  
PROPERTY OWNER (Please Print)

  
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Michigan, COUNTY OF Oakland.

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online  
notarization, on this 17<sup>th</sup> day of November, 2022 by Michael Tobin,  
know is personally known to me or produced \_\_\_\_\_ as identification.

Exp Date: 12/8/2025 Commission Number: \_\_\_\_\_

LORI JUSTICE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Dec 8, 2025  
ACTING IN COUNTY OF Oakland.

Signature of notary Public: 

Printed Name of Notary Public: Lori Justice

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



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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.

Michael E. Tobin

OWNER/APPLICANT NAME (TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

STATE OF Michigan, COUNTY OF Oakland.

Sworn to (or affirmed) and subscribe before me, by means of  physical presence or  online notarization, on this 17<sup>th</sup> day of November, 2022 by Michael Tobin, know is personally known to me or produced \_\_\_\_\_ as identification.

LORI JUSTICE  
NOTARY PUBLIC, STATE OF ME  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Dec 8: 2025  
ACTING IN COUNTY OF Oakland

Exp Date: 12/8/2025 Commission Number: \_\_\_\_\_

Signature of notary Public:

Printed Name of Notary Public:

Lori Justice





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Foreign Limited Liability Company

STONEWATER II LLC

### Filing Information

**Document Number** M17000005842  
**FEI/EIN Number** 81-1572322  
**Date Filed** 07/10/2017  
**State** MI  
**Status** ACTIVE

### Principal Address

31151 W 10 Mile Rd  
 Farmington Hills, MI 48336

Changed: 06/26/2018

### Mailing Address

31151 W 10 Mile Rd  
 Farmington Hills, MI 48336

Changed: 06/26/2018

### Registered Agent Name & Address

WINDHAM DEVELOPMENT GROUP LLC.  
 3501 Avenida Del Vera  
 North Fort Myers, FL 33917

Address Changed: 02/01/2022

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

Tobin, Michael E  
 31151 W 10 Mile Rd  
 Farmington Hills, MI 48336

### Annual Reports

Report Year	Filed Date
2020	01/24/2020
2021	02/04/2021

**Stonewater 20'x90' Lots - Townhome Concept**



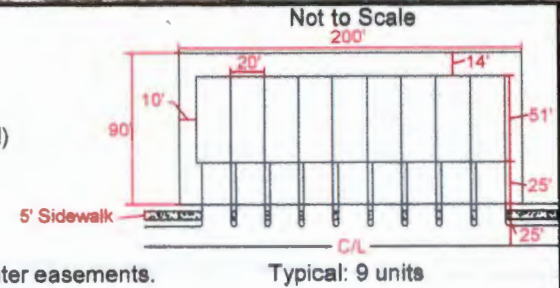
**Change Log:**

Ver:	By:	Date:
4	Joshua Gadomski	07-25-2022



**Notes:**

Shown on this concept:  
 178 Dwelling Units in 24 buildings  
 -18 buildings that contain 9 units, and 4 buildings that contain 4 units--  
 Density of 178 Units / 13.2 Acres = 13.5 Units/Acre (15.5 acres less the 2.3 acres of Commercial)  
 At least 20-ft between buildings (10-ft side setback).  
 24-ft wide road with 50-ft Right of Way  
 Building setbacks: front 25-ft, rear 14-ft, side 10-ft.  
 Parking requirements not calculated  
 Assumes use of existing storm water lakes for retention. Assumes relocation of existing storm water easements.



\*\* Concept is intended for preliminary planning purposes only. Site layout may vary based upon further investigation. \*\*



**WINDHAM**  
 EST. 1967





Joe Mazurkiewicz, Jr.  
President  
P O Box 101655  
Cape Coral, FL 33910

Telephone 239-470-5778  
Email: joe@bjmconsult.com

November 21, 2023

Mr. Matt Grambow, Interim Director  
Development Services Department  
City of Cape Coral  
PO Box 150027  
Cape Coral FL 33915-0027

RE: PDP23-0000004 Amendment for Stonewater

Dear Mr. Caupro,

BJM Consulting, Inc. represents Stone water II. LLC, the owner of a parcel of land located in North Cape Coral. The address of the property is 1020 Tropicana Parkway W. Please accept this as our Letter of Intent for a request to amend the existing PDP eliminating this parcel from any of the existing PDP's requirement to include any percentage of non-residential construction.

The undeveloped site is located in Northwest Cape Coral at the intersection of Tropicana Parkway and Nelson Road. The Land Use is CAC (Commercial Activity Center) and the zoning is NC (Neighborhood Commercial). The site is 10.5+/- acres with significant frontage on Tropicana Parkway and limited frontage at the intersection with Nelson Road. The site is serviced by all three utilities.

We are requesting a PDP Amendment approval for the following reasons:

- The parcel configuration does not support any substantial nonresidential development due to its lack of depth
- We are planning to develop attached single-family houses on the majority of the property with a 1.6+/- acres nonresidential

development at the intersection of Tropicana Parkway and Nelson Road

- Our proposed development meets the requirements of both the existing land use and zoning
- Our proposed development will promote the public health, safety and welfare of the community by providing a housing product that is in high demand and the existing supply of these units is extremely low within our community
- Our proposed development is consistent with the public interest as we will be developing 1.6 acres of nonresidential in the area

It is for all of these reasons we ask for approval of our amendment to the existing PDP.

Please let us know if you have any questions or concerns regarding this application.

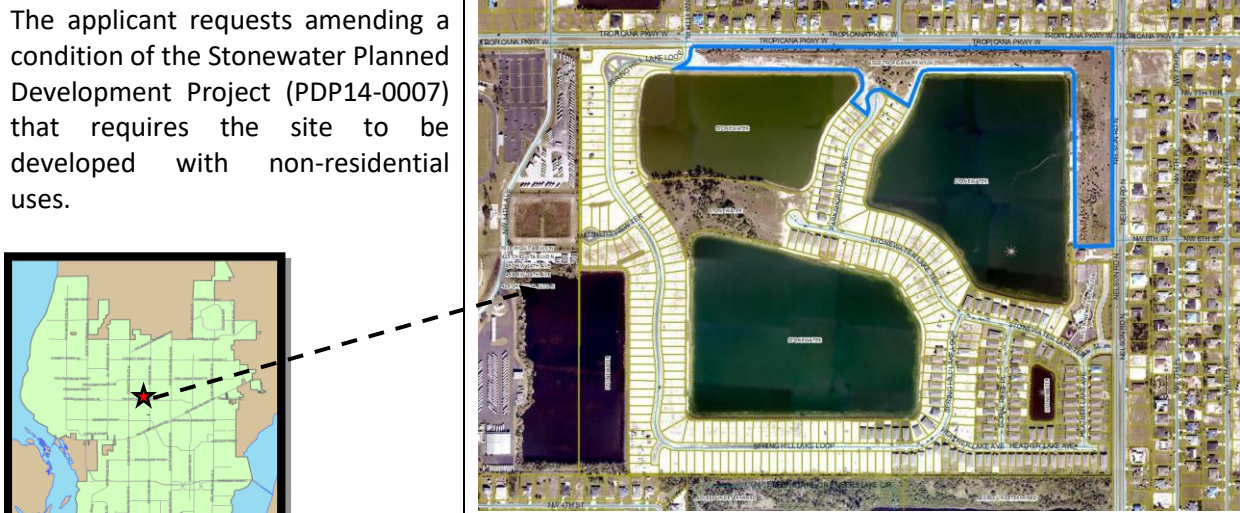
Sincerely,

*Joe Mazurkiewicz, Jr.*

Joe Mazurkiewicz, Jr. Ph.D.  
President, BJM Consulting, Inc.



<b>SUBJECT AREA</b> Stonewater Subdivision	<b>APPLICANT</b> Stonewater II, LLC
<b>PROPERTY OWNER</b> Stonewater II, LLC	<b>AUTHORIZED REPRESENTATIVE</b> Joe Mazurkiewicz, BJM Consulting

<p><b>SUMMARY OF REQUEST</b></p> <p>The applicant requests amending a condition of the Stonewater Planned Development Project (PDP14-0007) that requires the site to be developed with non-residential uses.</p>	
<p>Figure 1. Aerial map showing the subject site outlined in blue.</p> 	
<p><b>Positive Aspects of the Application:</b></p>	<p>The PDP amendment will allow land with frontage along Tropicana Parkway to be developed with multi-family or single-family attached units. This amendment will allow the developer to provide a housing type different than the traditional single-family home that is common in the city.</p>
<p><b>Negative Aspects of the Application:</b></p>	<p>The amendment will remove a requirement to develop the entire site with commercial uses, leading to a reduction in commercial land.</p>
<p><b>Mitigating factor:</b></p>	<p>A condition recommended by staff will require land with frontage along Nelson Road to be developed with nonresidential uses.</p>

**STAFF RECOMMENDATION:** Approval with conditions

**Site Address:** 1020 Tropicana Parkway West  
Strap number: 10-44-23-C2-U0113.4983

**Request:** The applicant requests to amend a PDP condition appearing in Ordinance 15-15 that requires the site to be developed with non-residential or compound uses.

**Prepared By:** Justin Heller, Senior Planner

**Reviewed By:** Mike Struve, Planning Team Coordinator; Amy Yearsley, City Planning Manager

**Urban Service Area:** Transition

**Description of the Site**

The site is undeveloped, totaling 15.57± acres at the intersection of Tropicana Parkway and Nelson Road North. The parcel is “L” shaped with an average lot depth of 134 feet along Tropicana Parkway and 243 feet along Nelson Road North. The site has approximately 2,612 linear feet of frontage on Tropicana Parkway and 1,225 feet along Nelson Road North. The site has a Future Land Use designation of Commercial Activity Center (CAC) and a zoning designation of Neighborhood Commercial (NC).

The surrounding area consists of Mariner High School to the west, and single-family homes and vacant residential lots to the north, east, and south. The surrounding future land use and zoning of these properties is shown in Table 1. below.

**Table 1:**

	<b>Surrounding Future Land Use</b>	<b>Surrounding Zoning</b>
North	Single Family (SF)	Single Family Residential (R1)
South	SF, CAC, Public Facilities (PF)	R1, NC, Institutional (Inst)
East	SF, CAC	R1, NC
West	CAC, SF, PF	Agricultural (A), Inst, NC, R1

**Future Land Use and Zoning History**

The project area had a future land use designation of SM since the adoption of the Comprehensive Plan in 1989 until 2010 when the City amended 50 acres of the project area to CAC. After the approval of this land use amendment, the City rezoned this area to Marketplace Residential (MR) in 2011 to bring the zoning into consistency with the CAC future land use designation. In 2019 the City rezoned this site from the MR to the NC District per Ordinance 04-19.<sup>1</sup> The NC District is the only zoning district consistent with the CAC future land use designation.

**Summary of the Stonewater PDP**

The Stonewater development is a Mixed-Use Planned Development Project (PDP) that was approved by Ordinance 15-15. The development is ±201 acres at the southwest intersection of Tropicana Parkway West and Nelson Road. This PDP approved a subdivision for 337 single-family homes.

A summary of entitlements associated with Ordinance 15-15 includes the following:

- A. Rezoned 150.1 acres from Agricultural (A) to Residential Development (RD).
- B. Approved a special exception to allow model home in the RD and MR Districts.
- C. Approved an Engineering Design Standard (EDS) deviation to allow a right-of-way width of 50 feet.

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<sup>1</sup> The MR District was eliminated when the Land Development Code was adopted by the City Council in 2019.



- D. Approved an EDS deviation to allow the installation of a valley gutter along the internal streets.
- E. Approved six deviations from the RD dimensional requirements to allow the following:
  - 1. A minimum lot area of 5,000 sq. feet.
  - 2. A minimum lot width (at the building line) of 50 feet.
  - 3. A minimum front setback of 20 feet.
  - 4. A minimum side yard setback of five feet.
  - 5. A minimum rear yard setback of 10 feet.
  - 6. Buildings with a maximum height of 35 feet.
- F. Approved five deviations from the MR dimensional requirements to allow the following:
  - 1. A minimum lot area of 5,000 sq. feet.
  - 2. A minimum lot width (at the building line) of 50 feet.
  - 3. A minimum side yard setback of five feet when not abutting a right-of-way.
  - 4. A minimum side yard setback of five feet when abutting a right-of-way.
  - 5. A minimum rear yard setback of 10 feet.

PDP Amendment PDP17-0002 (Ordinance 38-17) summary:

In 2017 the City of Cape Coral purchased two undeveloped parcels in the project area from the developer to construct and operate a new master pump station and a new lift station on these properties to assist with implementing the North 2 Utilities Expansion Project. This PDP amendment included removing the two parcels (0.74 acres) purchased by the City from the Stonewater project area.

#### **Purpose of the PDP Amendment**

The Stonewater PDP (Ordinance 15-15) contains a condition that *“Future development within the MR zoning district shall not contain freestanding residential uses. All future development shall be non-residential or compound use as determined by the Marketplace Residential district.”* The subject parcel at 1020 Tropicana Parkway West is included in this future development area. The MR District was rezoned to the NC District by the City in 2019. This condition now applies to project land with the new NC zoning designation.

The amendment will amend this condition from a portion of 1020 Tropicana Parkway West as shown in Exhibit “A”, that requires the entire site to be developed with non-residential or compound uses. The elimination of this specific condition from a portion of the site will allow the property to be developed with residential development in accordance with the current NC zoning.

#### **Analysis:**

LDC, Section 3.4.8.D. states that an amendment for part of the land area of a PDP shall not require an application by the owners of 100% of the property that is controlled by the existing PDP if the following three criteria below are met. These criteria, along with staff analysis of each criterion, appears below.

- 1. *The property that is controlled by the existing PDP consists of more than one parcel or tract of land.*

**Staff analysis:** The Stonewater PDP contains multiple parcels or tracts of land. This criterion is met.

- The party or parties making application for the amendment of the existing PDP holds title to ownership of 100% of the property that would be included in the proposed amendment or is a third party with written consent of all owners of the property that would be included in the proposed amendment for which the third party will apply.*

**Staff analysis:** The owner filing this application is Stonewater II, LLC. This entity owns 100% of the property subject to this PDP amendment at 1020 Tropicana Parkway West. This criterion is met.

- The proposed amendment would not negatively affect the lawful existence of the existing PDP as it relates to the property that is controlled by the PDP development plan and that would not be included in the proposed amendment. For example, a proposed amendment that would have the effect of reducing the amount of parking, retention area, or development area available for property approved for development under an existing PDP development plan would not require application by the owners of 100% of the property governed by the existing PDP development plan so long as the subject parking, retention area, or development area available for the development that would remain governed solely by the existing PDP development plan remained above the minimum required by law so that such development could continue to lawfully exist if the proposed amendment were approved by the City. For purposes of this subsection, a proposed amendment of a PDP that would render the property that is subject to the existing PDP development plan "legally non-conforming" in any way shall be considered an amendment that would negatively affect the lawful existence of the existing PDP development plan as it relates to the property that is controlled by such development plan and that would not be included in the proposed amendment.*

**Staff analysis:** The proposed amendment for 1020 Tropicana Parkway West will not have the effect of reducing the amount of parking, retention area, or development area available for property approved for development under the existing PDP development plan. The development of the subject site will largely function independent of existing development in the Stonewater PDP as the subject site will have separate access, parking, and landscaping.

The requested PDP amendment will not cause the existing development plan to become legally non-conforming in any way. This amendment will not have a negative effect on the lawful existence of the Stonewater PDP. This criterion is met.

The land along Tropicana Parkway is shallow in depth at about 134± feet on average, making this section of the property not ideal for commercial development. Future residential uses developed along Tropicana will be compatible with those existing residential uses to the south and west of the subject property while future commercial uses along Nelson will be better separated from residential uses in the project. The only residential uses allowed in NC are MF and single-family attached dwellings – no duplexes or SF homes. Besides having adequate depth and good visibility at the Nelson/Tropicana intersection, the amendment will allow the City to maintain commercial land to help provide goods and services to a growing area of the City.



Staff has also reviewed this request for Consistency with the Comprehensive Plan. The future development of the subject site shall comply with the requirements of the NC District. The NC District allows for 15%-85% residential development for parcels between 1 and 19.99 acres. The applicant provided a concept plan that proposes 8.8 acres of residential and 1.6 acres of non-residential uses. This would meet the requirement of the NC district with <85% residential and >15% non-residential. Non-residential uses would be reserved for the NE corner of the site at the intersection of Tropicana Parkway and Nelson Road North. Future development of the remaining NC zoned land with frontage along Nelson Road shall be developed with nonresidential uses.

### Housing Element

**Policy 1.2:** Maintain criteria for implementation of the City's Land Development Code, pursuant to S.163.3202 (3), F.S., for activities such as, zero lot line development, townhouse development, and incentive zoning to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable housing densities and intensities.

**Staff response:** *This PDP amendment will allow residential development along Tropicana Parkway where marginal depth exists for commercial development. The amendment will support townhouse development (single-family attached) and provide residents with more variety in housing options in this area.*

### Future Land Use Element

**Policy 1.15:** *The NC zoning of the site is consistent with the CAC FLUC as shown in Table 1 of Policy 1.15.*

**Policy 1.14.** The City of Cape Coral's commercial siting guidelines:

**Staff response:** *There are several sections of this policy that support amending the subject condition that requires non-residential uses on the entire site.*

**Major Intersection.** *Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Should the condition be amended, future commercial development will still be required south of the intersection of Tropicana Parkway West and Nelson Road North.*

**Adequate depth.** *Per this policy, the ideal depth of a commercial property should be 250 feet or greater. The section of the property along Tropicana Parkway is only about half that depth at 134± feet on average, making this section of the property less than ideal for commercial development. The remaining portion of the property along Nelson Road has an average depth of about 243± feet, making it more suitable for commercial development. The lack of adequate depth for property along Tropicana Parkway supports relaxing the current restriction on residential development on this portion of the site. This guideline supports the request.*

Compactness. *The site has an “L” shape and thus has a long, linear configuration. The shape of an ideal compact commercial property approaches that of a square or rectangle. Amending the condition prohibits free-standing residential development will concentrate the commercial development on property with greater depth along Nelson Road.*

Integration. *The residential areas will be integrated with the commercial areas through features such as sidewalks.*

Assembly. *There is no available land to the north or south of the site along Tropicana Parkway. This prevents the property owner from assembling a lot with a more suitable depth for commercial development.*

Intrusion. *Allowing residential uses on the Tropicana Parkway portion of the site would be less intrusive than commercial uses to the surrounding property owners. The center of this area is adjacent to properties currently being developed with single-family homes. Existing single-family homes are to the north across Tropicana Parkway, and to the south across the lakes. Amending this condition will result in less potential adverse impacts on surrounding properties near this portion of the site.*

Access. *The Portion of the property that will be developed with commercial uses will retain access to Tropicana Parkway West and Nelson Road North, a minor arterial and major collector road respectively.*

Ownership Pattern. *The entire 15.57± acre site is under common ownership.*

In summary, three of the guidelines will support the request. This includes the lack of adequate depth, compactness, and Intrusion on adjacent residential. Staff finds that this portion of the site lacks adequate depth for a quality commercial development and the owner lacks the ability to assemble land for additional depth. It will be less intrusive to nearby property owners to develop this portion of the site with residential development. Suitable land will remain along Nelson Road for future commercial development to potentially provide goods and services to the local area.

### **Impact Assessment Summary**

*Fire: Estimated less than 15 calls for service annually (in addition to the calls already occurring in the rest of the development). Low impact on the department.*

*Police: Minor impact to service demands anticipated. Less than 1% increase to recorded calls for service in Zone 2, North. 1% or less citywide.*

### **Recommendation:**

Staff recommends approval of the requested PDP amendment with the following conditions that will appear in the amended development order:

1. All provisions and conditions contained in the “Stonewater” PDP as approved by Ordinance 15-

15 and amended by Ordinance 38-17 shall remain in full force and effect, except as otherwise stated in this Development order. Failure to repeat a provision or condition shall not be interpreted as an intention to delete or alter such provision or condition.

2. Section III., N.6. of Ordinance 15-15 shall be amended to eliminate the prohibition of freestanding residential uses on lands adjacent to Tropicana Parkway as legally described in Exhibit "A". The site shall be developed consistent with the NC zoning district.
3. Future development on all of the land subject to this PDP amendment within 260 feet of Nelson Road North shall be developed with nonresidential uses.

Exhibit A:





Professional Engineers, Planners & Land Surveyors

DESCRIPTION  
OF  
A PARCEL OF LAND LYING IN  
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST,  
CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE N 89°44'21" W ALONG THE NORTH LINE OF SAID SECTION FOR 50.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF SAID SECTION 10, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NELSON ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 791, PAGE 464, OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S 00°00'02" W ALONG SAID WEST LINE AND SAID RIGHT-OF-WAY LINE FOR 50.00 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S 00°00'02" W ALONG SAID WEST LINE AND SAID RIGHT-OF-WAY LINE FOR 285.00 FEET; THENCE N 89°59'58" W FOR 242.30 FEET TO AN INTERSECTION WITH THE EAST LINE OF TRACT "L-2" OF STONEWATER, AS RECORDED IN INSTRUMENT NUMBER 2021000207542 OF SAID PUBLIC RECORDS; THENCE N 00°19'29" W ALONG SAID EAST LINE FOR 135.41 FEET; THENCE N 54°06'35" W ALONG SAID EAST LINE FOR 35.85 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID TRACT "L-2"; THENCE N 89°38'30" W ALONG SAID NORTH LINE FOR 870.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE AND CURVE THROUGH A CENTRAL ANGLE OF 76°22'58" FOR 79.99 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 980.00 FEET; THENCE SOUTHERLY ALONG SAID NORTH LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 11°25'02" FOR 195.28 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF TRACT "O-4" OF SAID STONEWATER; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES: (1) N 59°45'00" W FOR 183.91 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET; (2) THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 140°54'02" FOR 159.85 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; (3) THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°34'05" FOR 73.40 FEET; (4) THENCE N 48°37'12" W FOR 121.52 FEET TO AN INTERSECTION WITH THE NORTH LINE OF TRACT "L-1" OF SAID STONEWATER; THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES: (1) THENCE N 41°35'57" E FOR 69.72 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 90.00 FEET; (2) THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 131°25'30" FOR 206.44 FEET; (3) THENCE N 89°49'33" W FOR 1,072.58 FEET TO AN INTERSECTION WITH THE EAST LINE OF TRACT "O-2" OF SAID STONEWATER; THENCE N 00°10'27" E ALONG SAID EAST LINE FOR 4.88 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF TRACT "R-2" (SPRING HILL LAKE LOOP) OF SAID STONEWATER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 95.00 FEET, TO WHICH POINT A RADIAL LINE BEARS S 00°30'57" W; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°31'55" FOR 150.11 FEET; (2) THENCE N 00°00'58" W FOR 15.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET; (3) THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°16'37" FOR 31.51 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF TROPICANA PARKWAY (100 FEET WIDE); THENCE S 89°44'21" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 2,595.10 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS: 10.37 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE RECORD SUBDIVISION PLAT OF STONEWATER, RECORDED IN INSTRUMENT NUMBER 2021000207542, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE EAST LINE OF TRACT "L-2" BEARS N 00°19'29" W.

DESCRIPTION PREPARED: 01-31-2024

Digitally signed by Allen M Vose III  
Date: 2024.02.08 13:29:59 -05'00'

ALLEN M. VOSE III, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION NO. 7191  
DATE SIGNED 02-08-2024

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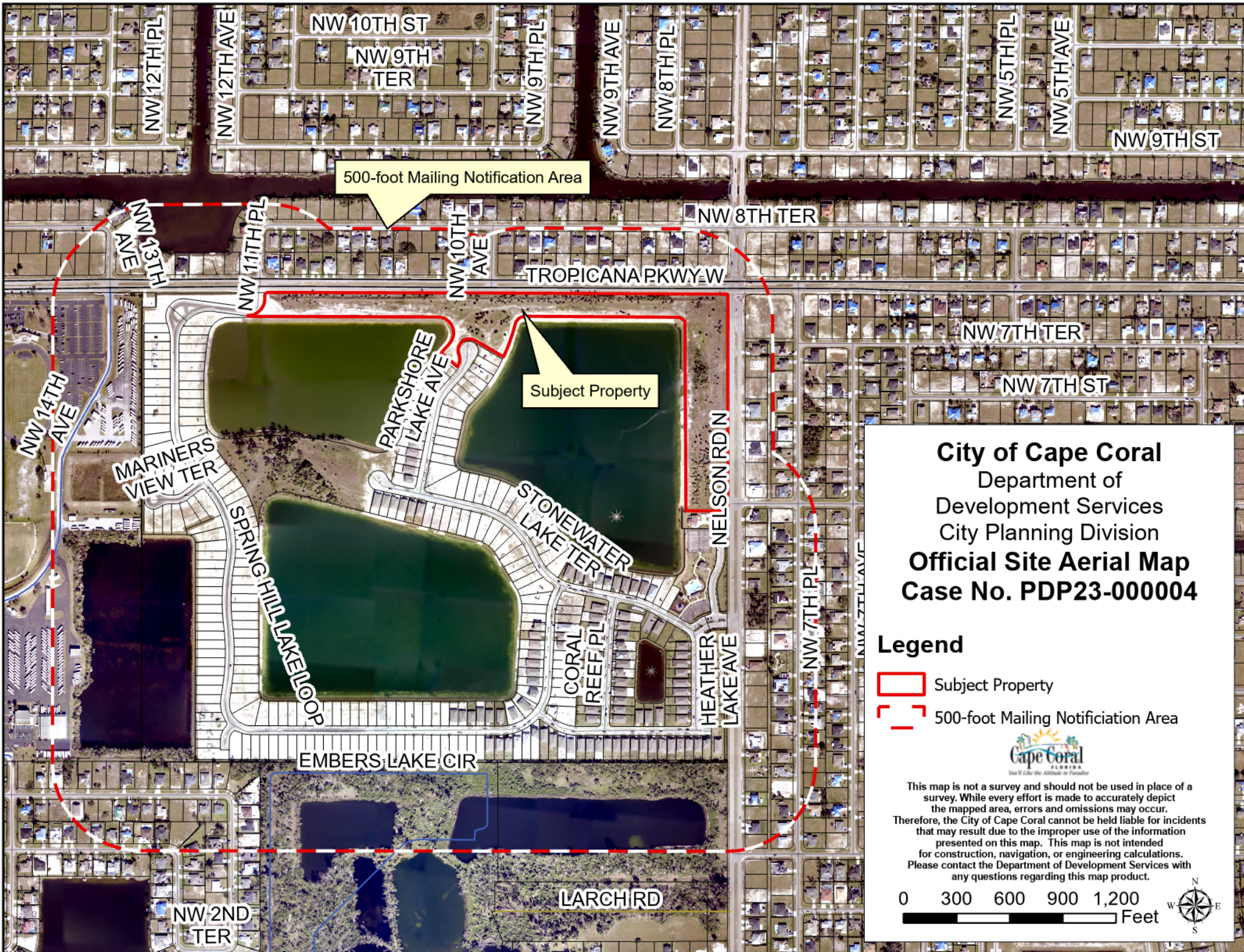
SHEET 1 OF 2

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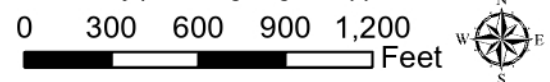
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Site Aerial Map**  
**Case No. PDP23-000004**

**Legend**

- Subject Property
- 500-foot 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.





**Stonewater 20' x 85' Homesites - Townhome Concept - FOR INFORMATIONAL PURPOSES**

 <b>North</b>	<b>Change Log:</b>	
	<b>By:</b>	
	Joshua Gadowski	



**Notes:**

Shown on this concept:  
110 Dwelling Units in 15 buildings  
11 buildings that contain 8 units, 3 buildings that contain 6 units, and 1 building that contain 4 units  
Density of 110 Units / 8.8 Acres = 12.5 Units/Acre - Subject property consists of 10.4 acres total (8.8 acres + 1.6 acres).  
At least 20-ft between buildings (10-ft side setback).  
24-ft wide road with 50-ft Right of Way  
Building setbacks: front 20-ft, rear 10-ft, side 10-ft.  
Parking requirements not calculated  
Assumes use of existing storm water lakes for retention. Assumes relocation of existing storm water easements.  
**Turn lanes and traffic circulation will be evaluated with subsequent development applications.**

**\*\* Concept is intended for preliminary planning purposes only. Site layout may vary. \*\***

**Concept is intended for informational purposes only.  
Actual site plan may vary with subsequent development applications.**







Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF CAPE CORAL, LYING IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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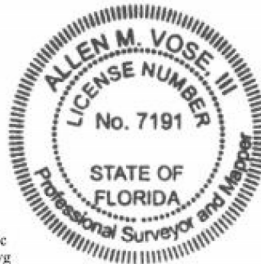
BEARINGS ARE BASED ON THE RECORD SUBDIVISION PLAT OF STONEWATER, RECORDED IN INSTRUMENT NUMBER 2021000207542, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE EAST LINE OF TRACT "L-2" BEARS N 00°19'29" W.

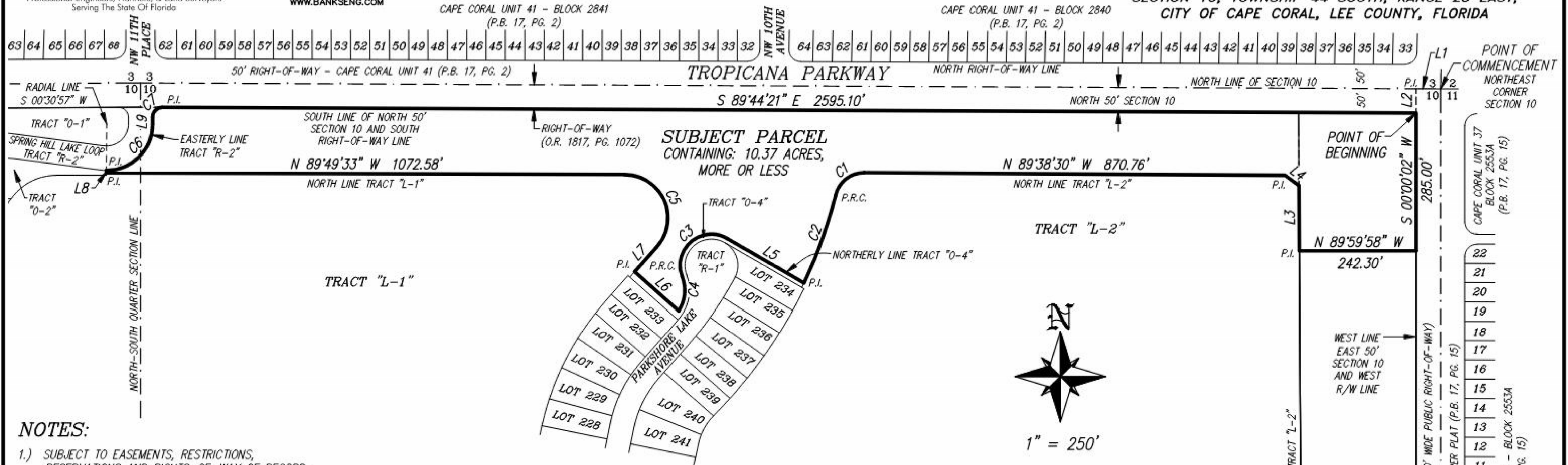
DESCRIPTION PREPARED: 01-31-2024

Digitally signed by Allen M Vose III Date: 2024.02.08 13:29:59 -05'00'

ALLEN M. VOSE III, P.S.M. PROFESSIONAL SURVEYOR AND MAPPER FLORIDA CERTIFICATION NO. 7191 DATE SIGNED 02-08-2024

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### NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS ARE BASED ON THE RECORD SUBDIVISION PLAT OF STONEWATER, RECORDED IN INSTRUMENT NUMBER 2021000207542, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHEREIN THE EAST LINE OF TRACT "L-2" BEARS N 00°19'29" W.
- 3.) ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

### LEGEND:

- PG. INDICATES PAGE
  - P.B. INDICATES PLAT BOOK
  - R/W INDICATES RIGHT-OF-WAY
  - (D) INDICATES RECORDED DEED
  - O.R. INDICATES OFFICIAL RECORDS
  - I.N. INDICATES INSTRUMENT NUMBER
  - P.I. INDICATES POINT OF INTERSECTION
  - ID.# INDICATES IDENTIFICATION NUMBER
  - L1 INDICATES LINE DATA: SEE LINE TABLE
  - P.R.C. INDICATES POINT OF REVERSE CURVATURE
  - C1 INDICATES CURVE DATA: SEE CURVE TABLE
  - P.S.M. INDICATES PROFESSIONAL SURVEYOR AND MAPPER
- S:\JOBS\88XX\8859\SURVEYING\DESCRIPTIONS\8859 STONEWATER MF SKT.DWG  
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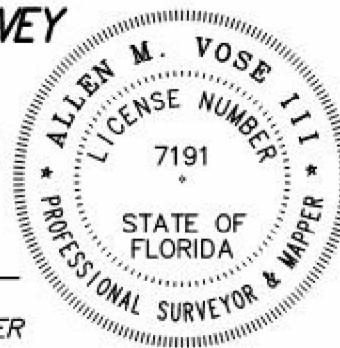
NOTE: ALL LOTS, TRACTS AND EASEMENTS SHOWN HEREON, UNLESS OTHERWISE NOTED, ARE PART OF STONEWATER, RECORDED IN INSTRUMENT NUMBER 2021000207542, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

Digitally signed by Allen M Vose III  
Date: 2024.02.08 13:30:25 -05'00'

ALLEN M. VOSE III, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION NO. 7191  
- DATE SIGNED: 02-08-2024  
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



### LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°44'21" W	50.00'
L2	S 00°00'02" W	50.00'
L3	N 00°19'29" W	135.41'
L4	N 54°06'35" W	35.85'
L5	N 59°45'00" W	183.91'
L6	N 48°37'12" W	121.52'
L7	N 41°35'57" E	69.72'
L8	N 00°10'27" E	4.88'
L9	N 00°00'58" W	15.55'

### CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	60.00'	76°22'58"	79.99'	74.19'	S 52°10'01" W
C2	980.00'	11°25'02"	195.28'	194.96'	S 19°41'03" W
C3	65.00'	140°54'02"	159.85'	122.51'	S 49°47'59" W
C4	80.00'	52°34'05"	73.40'	70.85'	S 05°38'01" W
C5	90.00'	131°25'30"	206.44'	164.07'	N 24°06'48" W
C6	95.00'	90°31'55"	150.11'	134.97'	N 45°14'59" E
C7	20.00'	90°16'37"	31.51'	28.35'	N 45°07'20" E

PARCEL ID.#  
10-44-23-C2-U0136.4953  
(I.N. 2017000038486)

TRACT "A"



1" = 250'

POINT OF COMMENCEMENT  
NORTHEAST CORNER  
SECTION 10

CAPE CORAL UNIT 37  
BLOCK 2553A  
(P.B. 17, PG. 15)

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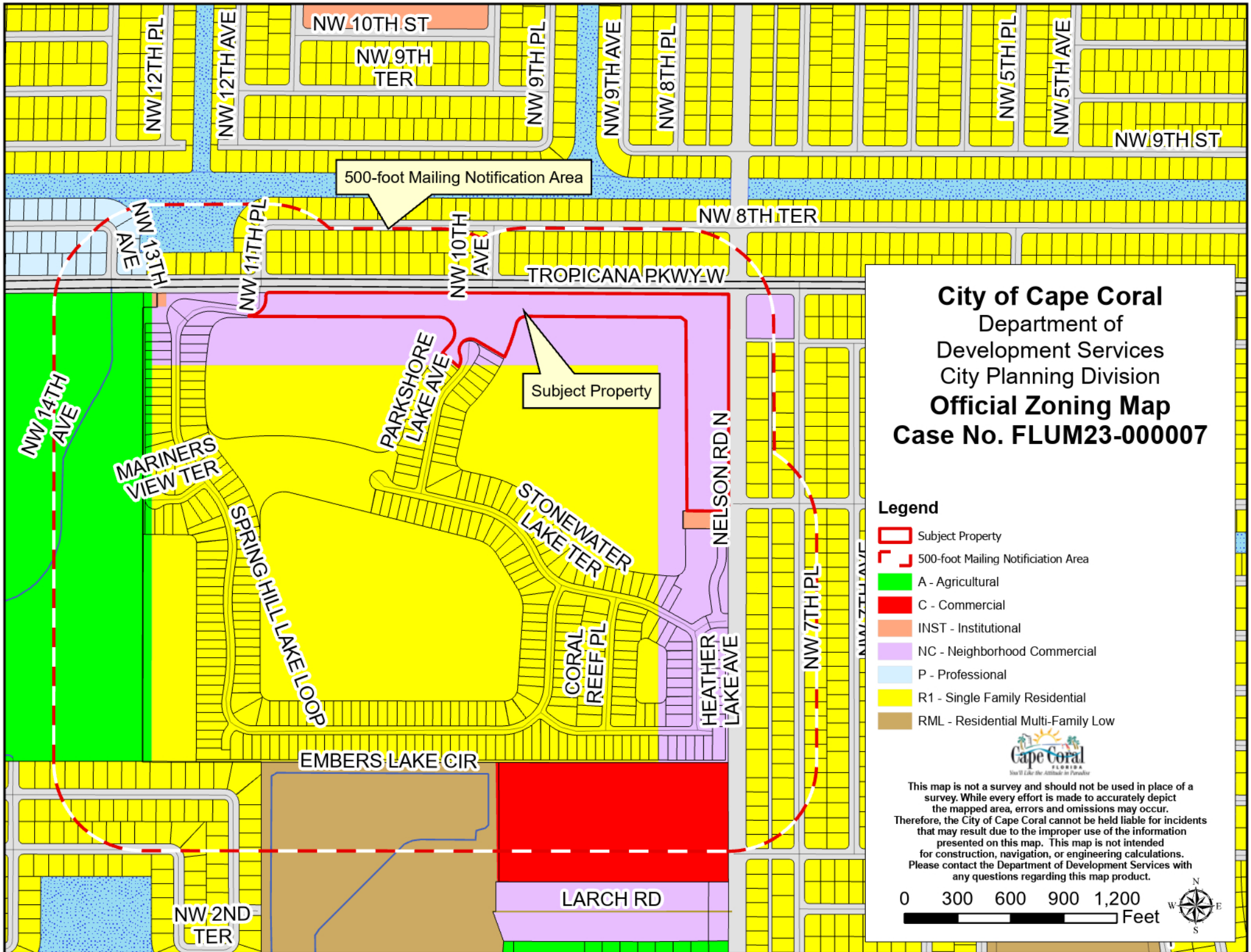
50' LOUISE BOULEVARD PER PLAT (P.B. 17, PG. 15)

CAPE CORAL UNIT 37 - BLOCK 2553A  
(P.B. 17, PG. 15)

NW 6TH STREET

48  
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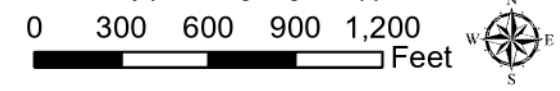


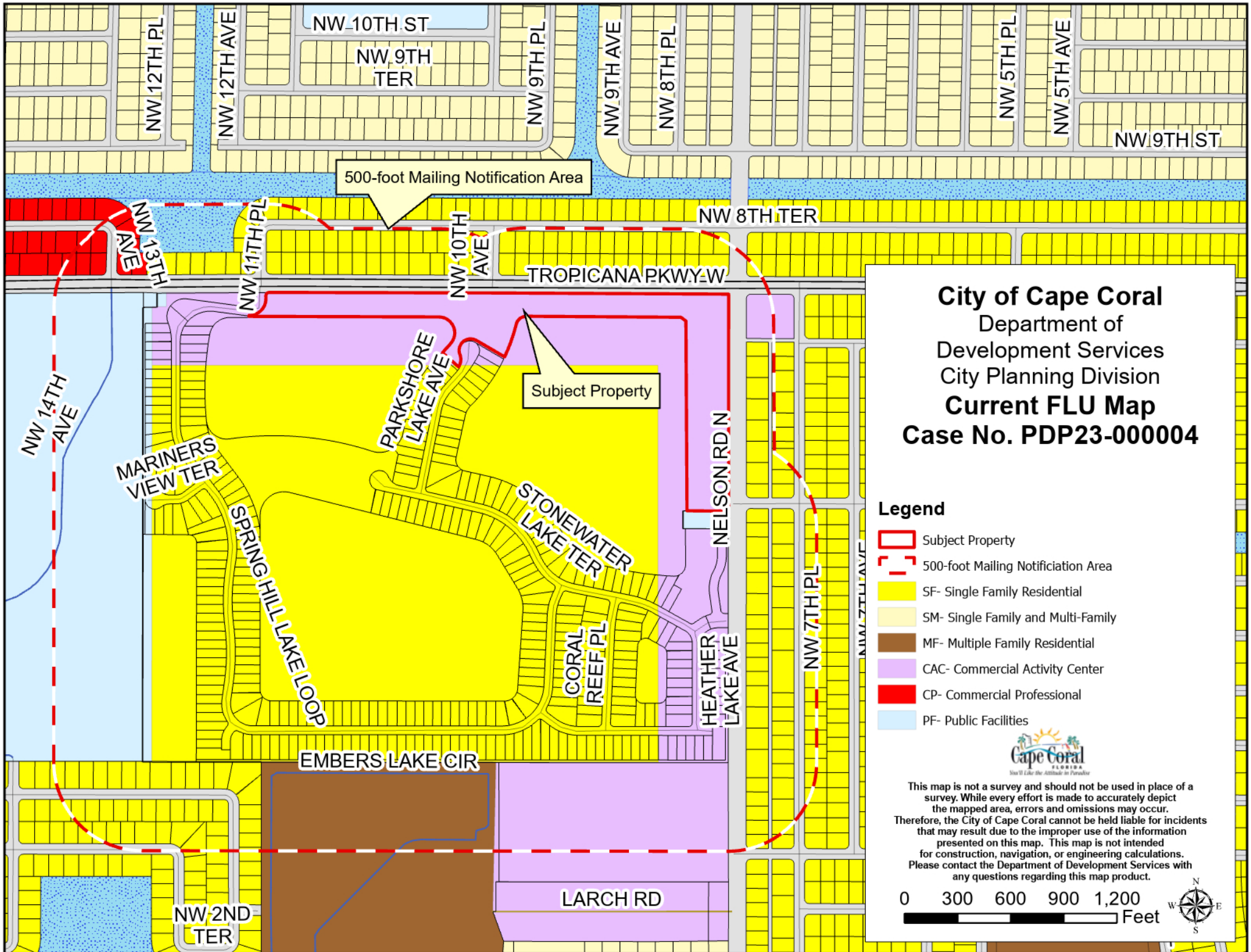
**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Official Zoning Map**  
**Case No. FLUM23-00007**

- Legend**
- Subject Property
  - 500-foot Mailing Notification Area
  - A - Agricultural
  - C - Commercial
  - INST - Institutional
  - NC - Neighborhood Commercial
  - P - Professional
  - R1 - Single Family Residential
  - RML - Residential Multi-Family Low











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**City of Cape Coral**  
 Department of  
 Development Services  
 City Planning Division  
**Current FLU Map**  
**Case No. PDP23-000004**

- Legend**
-  Subject Property
  -  500-foot Mailing Notification Area
  -  SF- Single Family Residential
  -  SM- Single Family and Multi-Family
  -  MF- Multiple Family Residential
  -  CAC- Commercial Activity Center
  -  CP- Commercial Professional
  -  PF- Public Facilities



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