

STAFF REPORT
Community Development Department
Petition Number: SE-13-010

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: August 6, 2013

BZA meeting date: August 14, 2013

Requested Action/General Information:

James Herston, agent for POBEDA, LLC, is requesting a special exception to allow an Adult Congregate Living Facility (Assisted Living Facility) in a Residential Multifamily-15 (RMF-15) zoning district. The property consists of three lots located at 232, 234 and 236 Rotonda Boulevard West in Rotonda West (see attached **Area Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Multifamily-15. This property has a High Density Residential Future Land Use Map (FLUM) designation.

Section 3-9-33 - Residential Multifamily (RMF) (Exhibit A) of the Zoning Code, subsection (e)(8), allows "Adult congregate living facilities in accordance with section 3-9-63.1" as a special exception in the RMF zoning district. As such the applicant has filed this application for a special exception including the attached **Site Plan (Exhibit B)**, which shows the proposed building and other improvements located on the property.

The proposed building is three-stories and 36 feet high, which complies with the maximum building height of 60 feet, allowed in the RMF zoning district. Although the underlying zoning of RMF-15 allows 15 dwelling units per acre, Adult Congregate Living Facilities are not restricted to the same density because units do not have individual kitchens and residents might not have personal vehicles for transportation. This proposed development is located on 1.1-acres of land, which would allow 16 dwelling units under the zoning classification. This ACLF is proposed to include 72 beds. Since this type of use is reviewed and approved as a special exception the density is set, or determined, by the Board of Zoning Appeals (BZA) through approval of a special exception.

This development proposes a two-way circular drive at the front entrance of the building with two access drives onto Rotonda Boulevard West. The zoning code requires one off-street parking space for each four beds in an ACLF, which requires 18 off-street parking spaces. The proposed site plan shows 18 off-street parking spaces.

A type "B" landscape buffer is required by code at the rear of the property where the Residential Multifamily-15 (RMF-15) zoning district abuts the Residential Single-family-5 (RSF-5) zoning district to the north. The standard type "B" landscape buffer is 15 feet wide and may be reduced to as little as seven feet if a wall or fence is included. However, storm water facilities may not occupy more than 50 percent of a required landscape buffer. The proposed storm water management shown on the proposed **Site Plan (Exhibit B)** does not comply with this landscape buffer requirement.

Section 3-9-63.1 (Exhibit C), of Article III, Special Regulations, titled **Adult Congregate Living Facilities** of the Zoning Code, subsection (a)(5), requires that "No adult congregate living facility in a residential zone shall be located less than fifteen hundred (1,500) feet from an established, existing ACLF in a residential zone, as documented by the zoning department." There is no existing ACLF located within 1,500 feet of the proposed ACLF, however, staff is aware of a special exception, file number SE-09-07, that was granted by the BZA on March 11, 2009 to allow an ACLF at 210-222 Rotonda Boulevard West, which is 320 feet east of subject property. The attached **Notice of Approval (Exhibit D)** is evidence of the existing special exception.

The applicant has also submitted the attached **Narrative (Exhibit E)** explaining why they believe a special exception should be granted. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit F)** dated July 31, 2013.

Findings: The six standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Adult Congregate Living Facilities are allowed by special exception in the RMF zoning districts according to Section 3-9-33(e) of the Zoning Code as long as the standards listed in Section 3-9-63.1 are complied with.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Finding: No evidence has been submitted showing that the proposed structure would be compatible with surrounding residential uses. Since no architectural plans have been submitted with this application staff cannot comment on the compatibility of the proposed three-story structure. As such, staff recommends that approval be subject to compliance with architectural design standards for residential buildings.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Single-family residences	RSF-5	Low Density Residential
South	Multifamily residences	RMF-15	High Density Residential
East	Multifamily residences	RMF-15	High Density Residential
West	Vacant lots	RMF-15	High Density Residential

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Access is proposed by two private drives which must be approved during the Site Plan Review process and prior to issuance of any building permits.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm water or other improvements associated with the proposed use.

Finding: The proposed storm water management facility does not allow compliance with the buffer requirements of code. If the requested special exception is approved all applicable code requirements including landscape buffers will be enforced during the Site Plan Review process for the proposed Adult Congregate Living Facility.

5. The requested Special Exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

Finding: This proposed Adult Congregate Living Facility (Assisted Living Facility) would be consistent with the Comprehensive Plan, which plans for multifamily residential uses, including Adult Congregate Living Facilities, which are permitted by special exception in the RMF zoning district.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed Adult Congregate Living Facility (Assisted Living Facility) would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties if the architectural design of the building is made compatible with surrounding residential uses and all other requirements of code are complied with, including landscaping, buffers and storm water facilities.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the Adult Congregate Living Facility as proposed does not meet all of the six criteria for granting a special exception. Specifically standards numbered 2 and 4 have not been met.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions are adopted as conditions of approval to ensure the use is in compliance with the purpose and intent of the Zoning Code and is compatible with surrounding residential uses. The conditions are as follows:

1. The special exception, as approved by the Board of Zoning Appeals, is for an Adult Congregate Living Facility (or Assisted Living Facility) for a maximum of 72 beds.
2. The exterior architectural appearance of the building shall comply with those sections of the Commercial Design Standards (Article XXIV) that are applicable to, and compatible with, residential buildings.
3. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed Adult Congregate Living Facility (Assisted Living Facility), including section 3-9-63.1.
4. Final Site Plan Review approval is required prior to issuance of any building permits for the proposed new Adult Congregate Living Facility (Assisted Living Facility) and all off-street parking and landscaping requirements of code must be met for the proposed development.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon after consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (4), Area Map, Zoning Map, Aerial Photograph, Section 3-9-33, Site Plan, Section 3-9-63.1, Notice of Approval, Narrative and Environmental Specialist Memorandum (2)



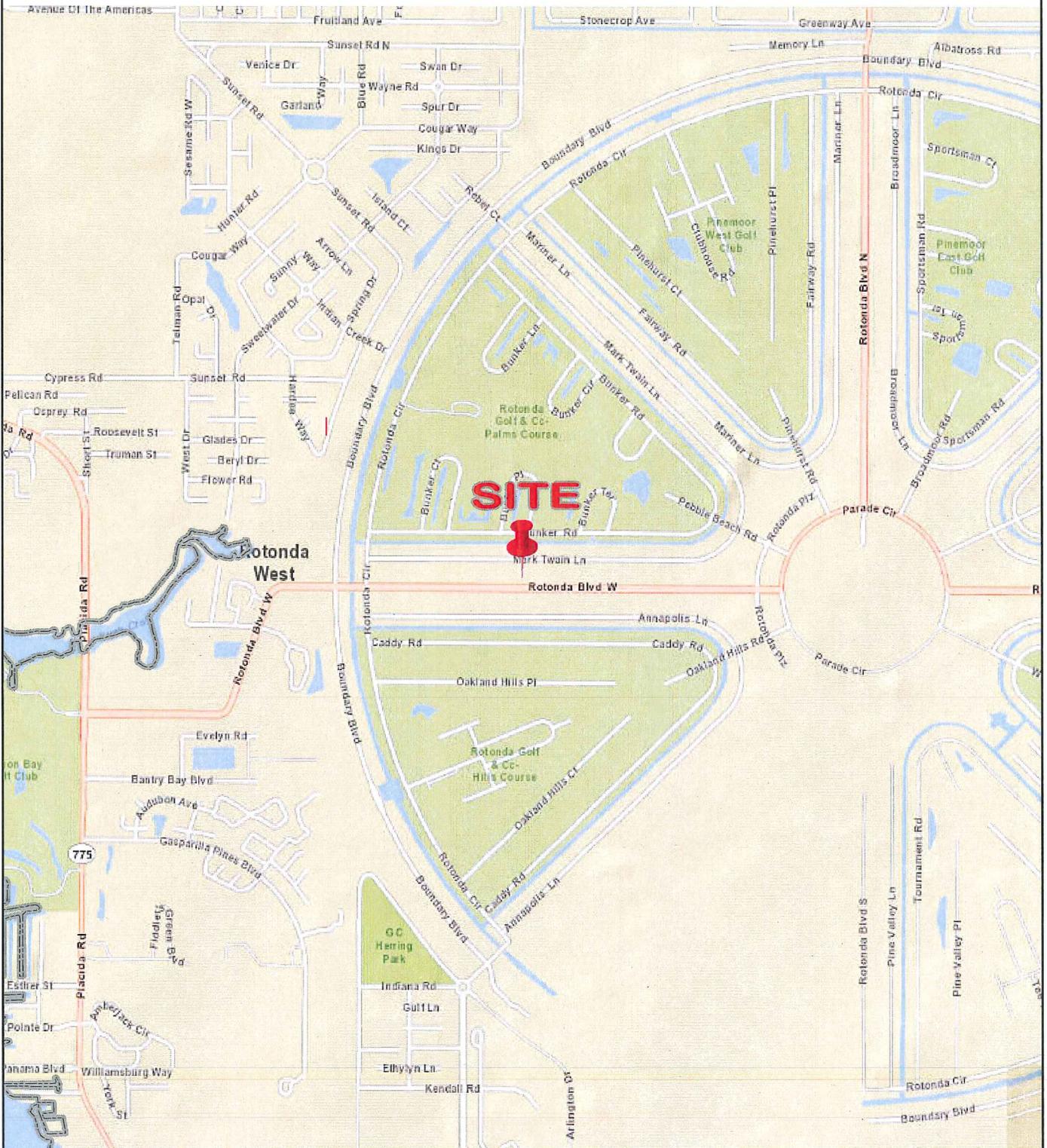
Community Development

CHARLOTTE COUNTY Location Map for SE-13-010

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



23/41/20 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 7/19/2013 1:19:24 PM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2013\SpecialExceptions\SE-13-010\PKCTLocation MapSE-13-010.mxd



NOT TO SCALE

© Copyright 2013 Port Charlotte, FL by Charlotte County



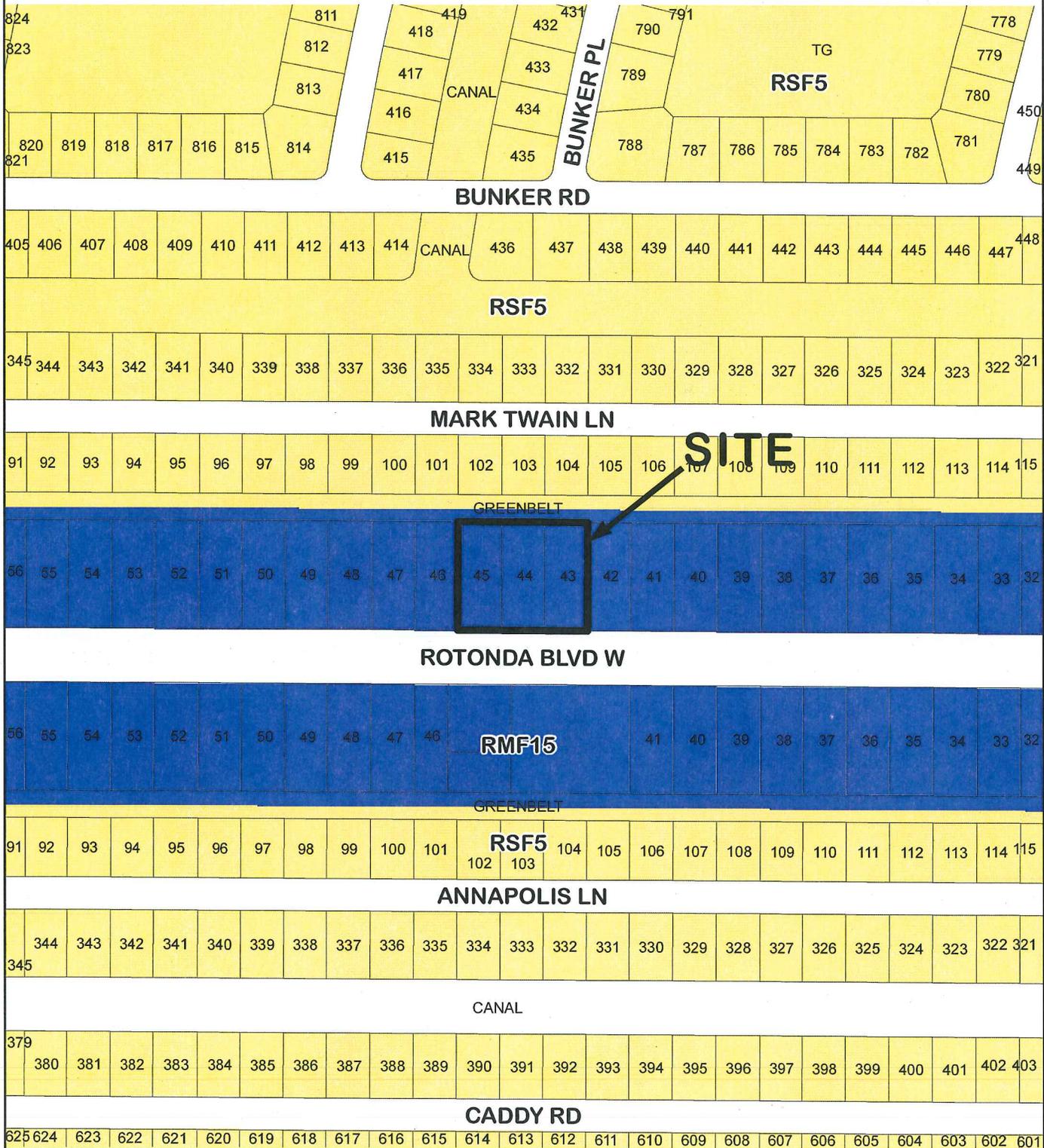
Community Development

CHARLOTTE COUNTY Zoning Map for SE-13-010

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



23/41/20 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--D. Vance Date Saved: 7/19/2013 2:17:30 PM

Path: M:\Departments\LIS\Projects\Petition_Maps\Current_Planning\2013\SpecialExceptions\SE-13-010\PKTZoningMapSE-13-010.mxd



© Copyright 2013 Port Charlotte, FL by Charlotte County



Community Development

CHARLOTTE COUNTY

Aerial View for SE-13-010

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



23/41/20 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 7/22/2013 9:11:16 AM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2013\SpecialExceptions\SE-13-010\PKTAerialSE-13-010.mxd



NOT TO SCALE

© Copyright 2013 Port Charlotte, FL by Charlotte County

Sec. 3-9-33. Residential, multifamily (RMF).

(a) *Intent.* The residential, multifamily (RMF) districts are intended to be low-or high-density residential districts with emphasis on multifamily use.

(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:

- (1) All principal uses and structures permitted in RSF districts.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings.
- (4) Cluster houses.
- (5) Townhouses.
- (6) Patio houses.

(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.

(d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district, including mobile homes and private clubs not otherwise permitted, or permitted by special exceptions.

(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

- (1) Yacht clubs, country clubs in conjunction with golf courses and golf courses, including executive or par-3 golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least fifty (50) feet from adjacent property zoned for residential use.
- (2) Houses of worship, in accordance with section 3-9-78.
- (3) Elementary, middle and high schools.
- (4) Home occupations in accordance with section 3-9-80.1.
- (5) Group home facilities, child and adult day care facilities.
- (6) Essential services and emergency services.
- (7) Resort marinas.
- (8) Adult congregate living facilities in accordance with section 3-9-63.1.
- (9) Nursing homes.
- (10) Rooming and boarding houses.

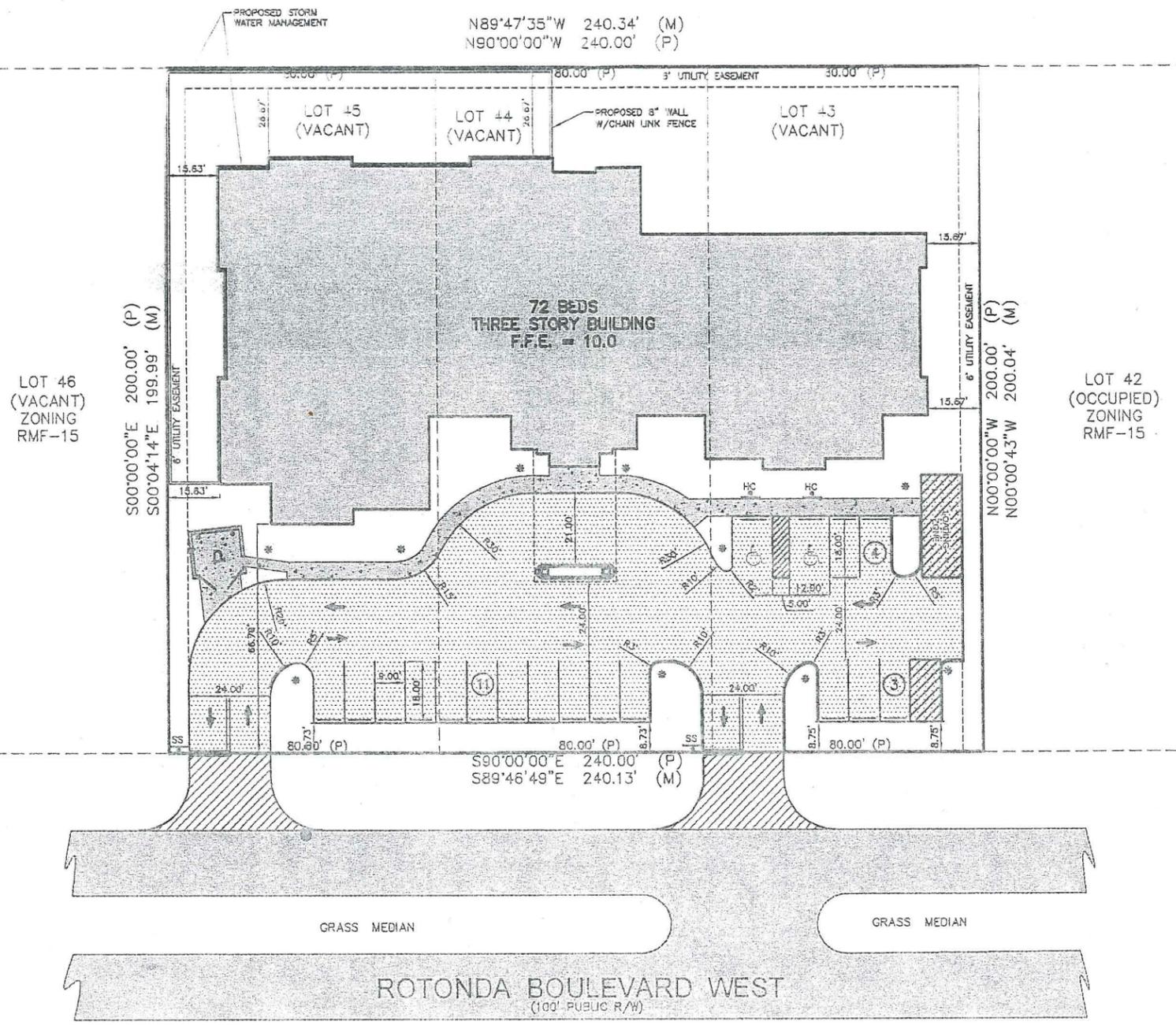
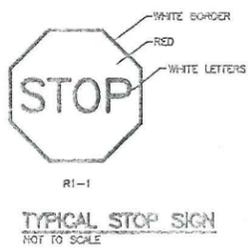
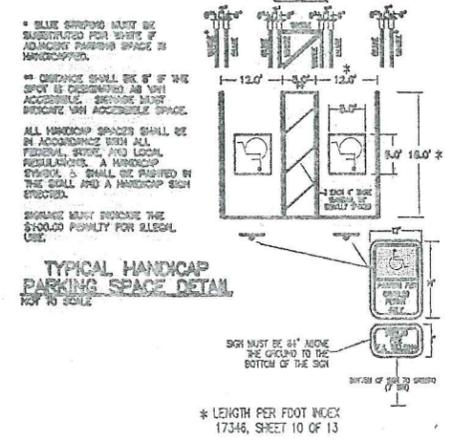
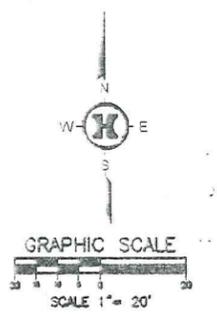
**Section 3-9-33
(Exhibit A)**

Project: 3020-Harmony Palms-Rotonda West-3020-Rotonda Palms-C.dwg, Site Plan, 7/23/2013 11:54:42 AM

ZONING
RSF-5

50' WIDE GREENBELT

N89°47'35"W 240.34' (M)
N90°00'00"W 240.00' (P)



SITE SUMMARY			
PROJECT DESCRIPTION: 72 BED ADULT CONGREGATE LIVING FACILITY			
PROJECT ADDRESS: 232 ROTONDA BLVD. WEST			
PROJECT ZONING: RMF-15			
PROJECT AREA:	48,000 SF	1.1019 ACRES	
IMPERVIOUS AREA:	AREA (SF)	AREA (ACRES)	AREA (%)
PROPOSED BUILDING 1ST FLOOR	16,781	0.3862	34.96
PROPOSED CONCRETE	1,320	0.0303	2.75
PROPOSED PAVEMENT	11,860	0.2746	24.92
TOTAL IMPERVIOUS AREA:	30,061 SF	0.6901 ACRES	62.63 %
PERVIOUS AREA:	17,939	0.4118	37.37
TOTAL PERVIOUS AREA:	17,939 SF	0.4118 ACRES	37.37 %
TOTAL AREA:	48,000 SF	1.1019 ACRES	100.00 %
PARKING REQUIRED:			
ONE SPACE/PER 4 BEDS		18 SPACES	
72 BEDS / 4 =		18 SPACES	
TOTAL REQUIRED =		18 SPACES	
PARKING PROVIDED:			
STANDARD (9'x18') =		16 SPACES	
COMPACT (7.5'x18') =		0 SPACES	
HANDICAP (12'x18') =		2 SPACES	
TOTAL PROVIDED =		18 SPACES PROVIDED**	
** 2 OF WHICH ARE TO BE HANDICAPPED			
NOTES:			
1. ONE SCREENED DUMPSTER PROVIDED			
2. BUILDING THREE STORY			
3. BUILDING HEIGHT IS 35 FEET			
4. OFF-SITE PAVEMENT AREA NOT INCLUDED IN IMPERVIOUS			

Site Plan (Exhibit B)

- MINIMUM SETBACK REQUIREMENT FOR RMF-15**
- FRONT YARD: 25 FEET
- REAR YARD: 25 FEET OR BUILDING HEIGHT WHICHEVER GREATER IF ADJUTING RESIDENTIAL SINGLE FAMILY (RSF)
- SIDE YARD: INTERIOR HALF THE BUILDING HEIGHT BUT NOT LESS THAN 16 FEET
- MINIMUM LOT COVERAGE BY ALL BUILDINGS: 20%
- MINIMUM BUILDING HEIGHT: 30 FEET
- LEGEND**
- PROPOSED BUILDING
 - EXISTING ASPHALT PAVING
 - PROPOSED ASPHALT PAVING (ON-SITE)
 - PROPOSED ASPHALT PAVING (OFF-SITE)
 - PROPOSED CONCRETE
 - NUMBER OF HANDICAPPED PARKING SPACES
 - PAINTED TRAFFIC CIRCULATION AVENUE
 - 24" WHITE STOP BAR W/ 8" DOUBLE YELLOW
 - STOP SIGN (RI-1)
 - POLE LOCATION
 - CONCRETE RETENTION WALL
 - SCREENED DUMPSTER LOCATION

LOT 42 (OCCUPIED) ZONING RMF-15

LOT 42 (OCCUPIED) ZONING RMF-12

HERSTON ENGINEERING SERVICES, INC.
 20101 PEACHLAND BLVD. UNIT 207
 PORT CHARLOTTE, FLORIDA 33954
 PHONE 841.833.2777 FAX 841.879.0048
 jherston@herstonengineering.com
 CERTIFICATE OF AUTHORIZATION NUMBER: 60921591

SITE PLAN

ROTONDA INN
ADULT CONGREGATE LIVING FACILITY

POBEDA LLC.
P.O. BOX 1974
VENICE, FLORIDA 34284

JAMES W. HERSTON, P.E.
STATE OF FLORIDA NO. 43980
DATE 7 23 2013

CCU PROJECT #00/0000

NO.	DATE	REVISION	BY
1.	7/23/13		JAMES W. HERSTON

SHEET **3** PROJECT **3020**

Sec. 3-9-63. Access to commercial uses.

Where commercial district property abuts two (2) streets and where that portion of such streets abutting commercial district property also abuts any single-family residential district, access to such commercial district property shall be provided only from the street not abutting a single-family residential district.

The requirement of this section may be waived by the board of county commissioners in cases where it is found that the strict application of this section may create a traffic hazard or substantially increase the possibility of traffic accidents. In such cases, the board of county commissioners may, after public hearing, allow access from the street or streets abutting a single-family residential district.

(Minutes of 12-8-81, § 8; Res. No. 83-140, § 1, 11-5-83; Ord. No. 91-21, § 2, 4-23-91)

Sec. 3-9-63.1. Adult congregate living facilities.

This section provides minimum regulations and standards for adult congregate living facilities (ACLF's).

(a) Location.

- (1) Adult congregate living facilities shall be principal permitted uses within the RMF-T, OMI, CG and CT districts.
- (2) Adult congregate living facilities providing services for three (3) or less residents unrelated to the owner or administrator by blood or marriage shall be permissible only by special exception within the AE, AG, AE-10, RE, RSF, RMF and MHC districts.
- (3) Adult congregate living facilities providing services to four (4) or more residents unrelated to the owner or administrator by blood or marriage shall be permissible only by special exception within the AE, AE-10, AG, RMF and MHC district.
- (4) Adult congregate living facilities shall be prohibited in the AC district.
- (5) No adult congregate living facility in a residential zone shall be located less than fifteen hundred (1,500) feet from an established, existing ACLF in a residential zone, as documented by the zoning department. The distance shall be measured on a straight line connecting the closest point of the property lines of these ACLF's. Adult congregate living facilities which are in existence on the effective date of this section, which have been licensed by the state and which are presently located within fifteen hundred (1,500) feet of another ACLF, shall not be considered nonconforming.

(b) Development standards.

- (1) All adult congregate living facilities shall meet the development standards applicable to the zoning district in which they are located.
- (2) For an ACLF in a residential district, no external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private.

**NOTICE OF APPROVAL
FOR A SPECIAL EXCEPTION
TO THE CHARLOTTE COUNTY ZONING CODE**

Pursuant to Charlotte County Code Section 3-9-7(f), this is to acknowledge the approval of the Special Exception application, which was heard by the Charlotte County Board of Zoning Appeals.

Applicant: Robert Berntsson, Esq., 18401 Murdock Circle, Suite C, Port Charlotte, Florida 33948

Owner: BDI Properties II, LLC, 2504 West Gardner Court, Tampa, Florida 33611

Location: 210-222 Rotonda Boulevard West, Rotonda, Florida and is described as Lots 32, 33, 34, 35, 36, 37 and 38, Rotonda West Pebble Beach Subdivision, in Section 23, Township 41 South, Range 20 East.

Petition #SE-09-07

Approval Date: March 11, 2009

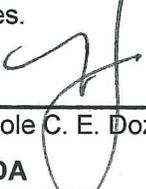
Requested Special Exception:

The requested Special Exception is to allow an Adult Congregate Living Facility, consisting of 80 rooms with 120 beds, in a Residential Multifamily-15 (RMF-15) zoning district.

Conditions Placed on the Approval:

1. The special exception, as approved by the Board of Zoning Appeals, is for an Adult Congregate Living Facility (or Assisted Living Facility) for a maximum of 80 units consisting of 120 beds that is in substantial conformance with the site plans submitted by the applicant for this request.
2. The exterior architectural appearance of the building shall be compatible with residential buildings.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.
4. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed Assisted Living Facility, including section 3-9-63.1.
5. Site Plan Review is required prior to issuance of any building permits for the proposed new Adult Congregate Living Facility (or Assisted Living Facility) and all off-street parking and landscaping requirements of code must be met for the proposed development.

The special exception granted shall **expire three (3) years** after the date of approval unless the use allowed by the special exception is in existence and actively occurring on the subject property prior to the date of expiration. **Any such special exception which ceases to exist and actively occur on the subject property shall expire (3) three years from the effective date the activity permitted by the special exception ceased.** Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming special exception shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

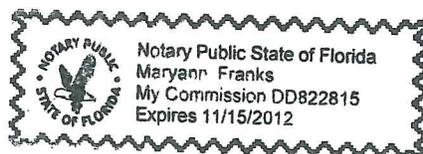
Prepared by: 
Nicole C. E. Dozier, Zoning Official

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3367, PGS 1047-1047 1 pg(s)
INSTR # 1834227
Doc Type NOT, Recorded 03/18/2009 at 09:09 AM
Rec. Fee: \$10.00
Cashiered By: MARGEC Doc. #:2

The foregoing instrument was acknowledged before me this 11th day of March, 2009 by Nicole Dozier, who is personally known to me, and who did not take an oath.


Maryann Franks, Notary Public, State of Florida



**Notice of Approval
(Exhibit D)**

**Return to Growth Management
Ken Quillen, Room B-105**

*1/9
#116*



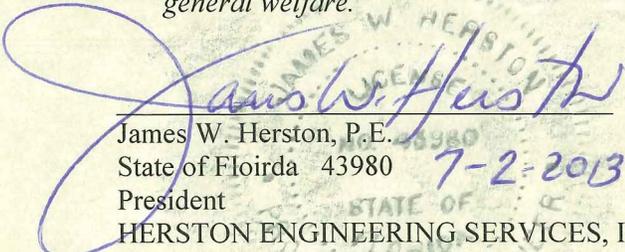

HERSTON

ENGINEERING SERVICES, INC.

4161 Tamiami Trail, Suite 802
Port Charlotte, Florida 33952
941.629.2777 • Fax 941.629.0046

EXHIBIT A
ROTONDA INN
232-234-236 ROTONDA BLVD WEST
SPECIAL EXCEPTION NARRATIVE
SECTION 3-9-7(F) CRITERIA

1. *The requested Special Exception (**Adult Congregate Living Facility in a RMF Zoning District**) is explicitly permitted by the regulations in the RMF Zoning District. If this Special Exception is approved, the 232-234-236 Rotonda Blvd property (Lots 43, 44, and 45), will be utilized as a 72 Bed Adult Congregate Living Facility by Pobeda LLC.,*
2. *The requested Special Exception (**Adult Congregate Living Facility in a RMF Zoning District**) is compatible with the existing RMF uses that surround the lands on which the Rotonda Inn will be located. The requested Special Exception for the **Adult Congregate Living Facility** will be compatible with the surrounding and existing multi-family residences due to the nature of the architecture of the proposed facility which will replicate a "homey" ambiance and architectural feel which are typical to multi-family developments.*
3. *Adequate access is provided for ingress/egress for the **Adult Congregate Living Facility** as indicated on the attached site plan. The existing access to the site is arranged in such a manner that minimizes hazards and congestion on the streets and roads. The access to the site, as indicated on the attached site plan, utilizes the existing median opening of Rotonda Blvd, thereby maximizing safety for turning movements, as Rotonda Blvd is a four lane divided facility.*
4. *Adequate provisions are provided for buffers, landscaping, trees, open space, and stormwater, in accordance with Charlotte County and the SWFWMD criteria, as indicated on the attached site plan.*
5. *The Special Exception, to allow an **Adult Congregate Living Facility in a RMF Zoning District**, is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.*
6. *The establishment, maintenance, and operation of the **Adult Congregate Living Facility in a RMF Zoning District** will not be detrimental to/or endangering the public health, safety, or general welfare.*


James W. Herston, P.E.
State of Florida 43980 7-2-2013
President
HERSTON ENGINEERING SERVICES, INC.

Narrative
(Exhibit E)



MEMORANDUM

Date: July 31, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-010
Adult Congregate Living Facility, 232-236 Rotonda Boulevard West

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ A preliminary environmental review was conducted by staff. The site consists of vacant residential lot. Current GIS aerials indicate the lot consists primarily of Pine trees, Cabbage Palms, Saw palmetto and Brazilian Pepper. Due to the fact the property is undeveloped, there is a probability of listed species occurrence on site.
- ❖ A listed species assessment and Florida Land Use, Cover and Forms Classification System (FLUCCS) map may need to be submitted prior to final site plan review approval and the issuance of county permits and land clearing activities.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization or permits, and mitigation (if necessary) will be required.

(Exhibit F-1)

- ❖ If this proposal moves forward, it will be reviewed for compliance with:

- Chapter 3-2:

- Article IX. *TREE REQUIREMENTS*

- **All heritage trees (per Section 3-2-190) must remain preserved.

- Chapter 3-5:

- Article IV, *CLEARING, FILLING AND SOIL CONSERVATION,*

- Article XVI *OPEN SPACE/HABITAT RESERVATION,*

- Article XVIII, *LANDSCAPING AND BUFFERS.*

- ❖ The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to:
 - NATURAL RESOURCES (ENV) GOALS, OBJECTIVES and POLICIES.

If there are any questions pertaining to this review please feel free to contact me at 941-743-1290.

JS

(Exhibit F-2)