

STAFF REPORT
Community Development Department
Petition Number: SE-14-004

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: March 5, 2014 **BZA meeting date: March 12, 2014**

Requested Action/General Information:

Robert Berntsson, agent for BDI Properties II, LLC, is requesting a time extension for a previously approved special exception to allow an Adult Congregate Living Facility (ACLF) in a Residential Multifamily-15 (RMF-15) zoning district. The property consists of seven lots located at 210 - 222 Rotonda Boulevard West in Rotonda (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) 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 obtained approval of a special exception, **Notice of Approval (Exhibit B)**, to allow an ACLF from the BZA on March 11, 2009. This special exception would have expired in 2012; however, this expiration date was extended two years by state legislation (Chapter 2012-205, Laws of Florida), which provided for a new expiration date of March 11, 2014. The applicant is now requesting a three-year time extension for this special exception.

The attached **Site Plan (Exhibit C)** is a copy of the Site Plan submitted with the original application. It shows the proposed building and other improvements located on the property. This building is three-stories high and contains 80 dwelling units consisting of 120 beds. The maximum building height allowed in the RMF-15 zoning district is 60 feet.

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. Since this type of use is reviewed and approved as a special exception the density is set, or determined, by the BZA.

This development proposes a two-way circular drive at the front entrance of the building with two access drives onto Rotonda Boulevard West and 16 parking spaces. A larger 31-space parking lot is proposed on the east side of the building. This parking lot also has access from Rotonda Boulevard West and includes access to the building by service vehicles. The final details of this development, including the design of the building and parking lot, access, traffic circulation, wastewater and stormwater systems must be reviewed and approved according to the Site Plan Review process. 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.

Section 3-9-63.1 (Exhibit D), titled **Adult congregate living facilities**, 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 another special exception, file number SE-13-010, that was approved by the BZA on August 14, 2013 to allow an ACLF at 232-236 Rotonda Boulevard West. The attached **Notice of Approval (Exhibit E)** is evidence of this special exception.

The applicant has also submitted the attached **Narrative (Exhibit F)** explaining why they believe a time extension should be granted for this special exception. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit G)** dated February 22, 2014.

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	Multifamily residences	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 three private drives which must be approved during the Site Plan Review process 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: All applicable code requirements, including parking and landscaping 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.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this time extension staff believes that the requested time extension for the previously approved special exception for an Adult Congregate Living Facility as proposed does meet all of the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested time extension for the previously approved special exception staff recommends that the same conditions of approval be adopted, to ensure the use is in compliance with the purpose and intent of the Zoning Code and is compatible with surrounding residential uses. The previously approved 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 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 Adult Congregate Living Facility (Assisted Living Facility), including section 3-9-63.1.
5. 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.

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 (3), Area Map, Zoning Map, Aerial Photograph, Section 3-9-33, Notice of Approval (SE-09-07), Site Plan, Section 3-9-63.1, Notice of Approval (SE-13-010), Narrative and Environmental Specialist Memorandum



Community Development

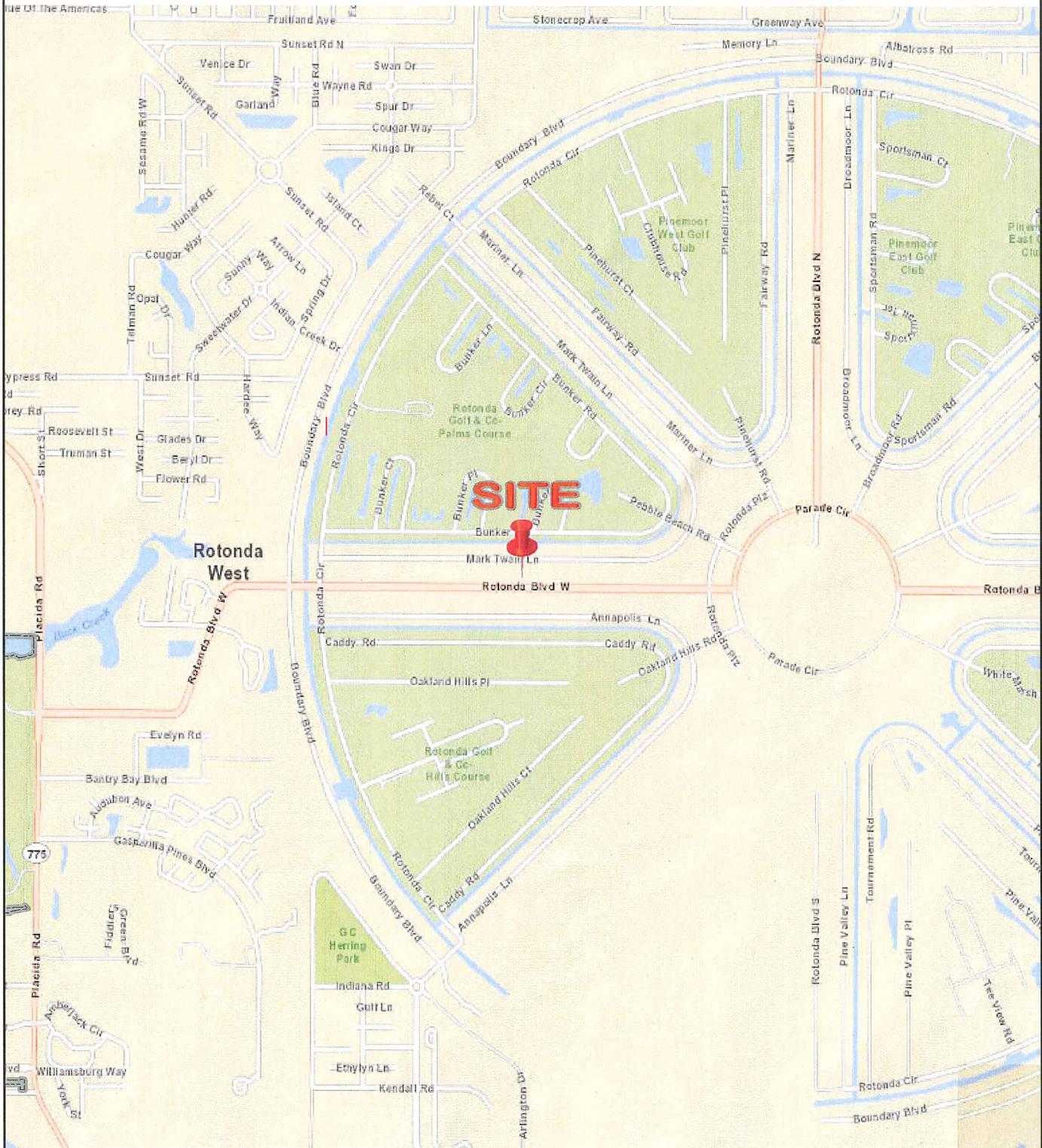
CHARLOTTE COUNTY

Location Map for SE-14-004

Charlotte County Government

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Community Development

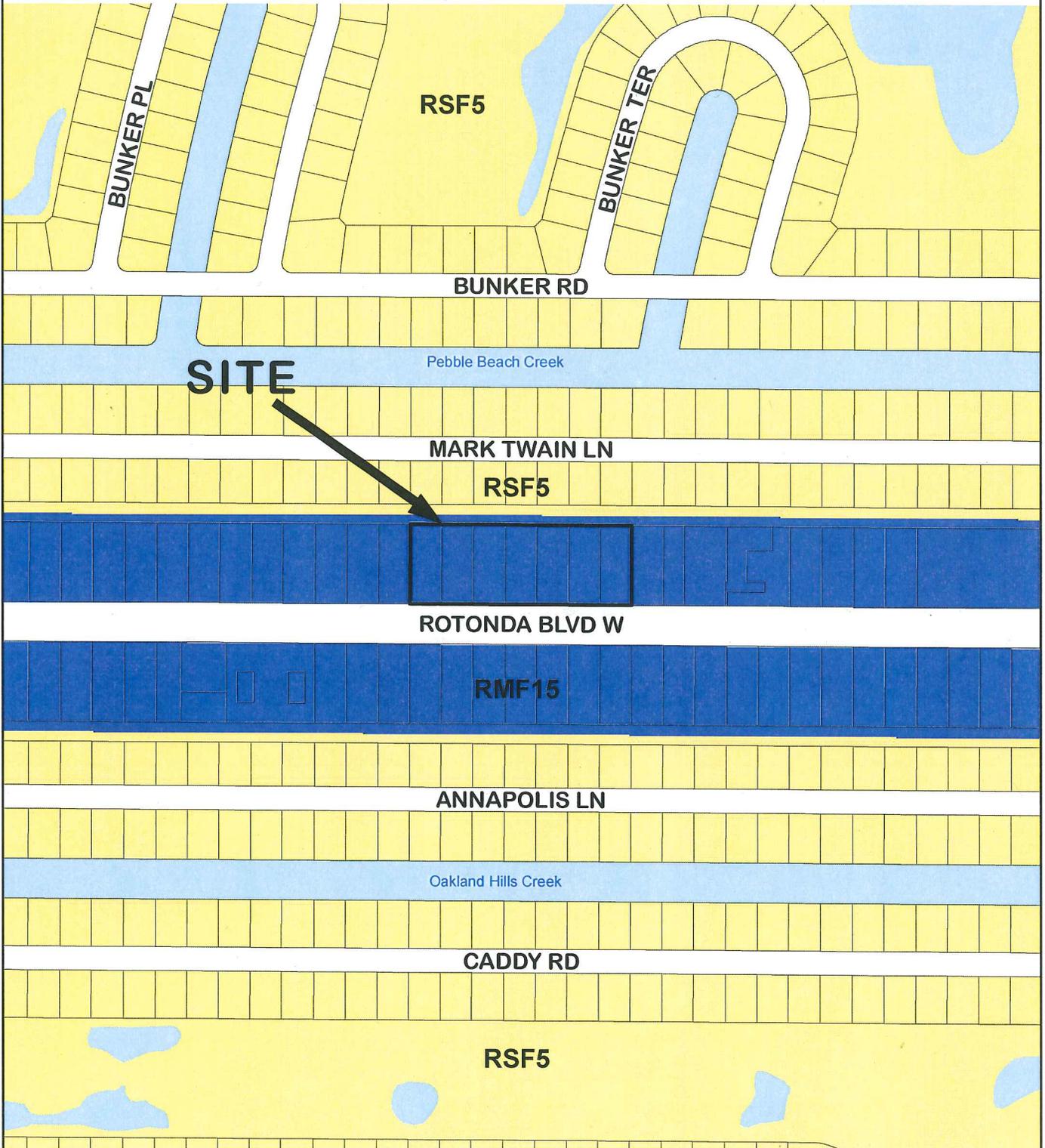
CHARLOTTE COUNTY

Zoning Map for SE-14-004

Charlotte County Government

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Community Development

CHARLOTTE COUNTY

Aerial View for SE-14-004

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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.
 - (11) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presentec

Section 3-9-33 (Exhibit A)

**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

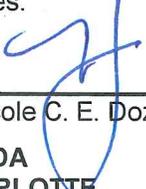
Requested Special Exception:

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.

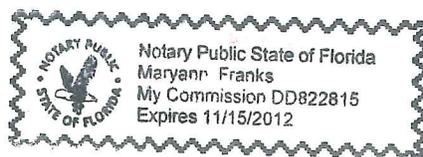
Prepared by: 
Nicole C. E. Dozier, Zoning Official

**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
SE-09-07
(Exhibit B)**

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

*lg
#116*

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 DESIGN GROUP, INC.
 ARCHITECTURE ■ DEVELOPMENT
 License #AA-C002117
 556 CENTRAL AVENUE
 ST. PETERSBURG, FL 33701
 727 854-4453 www.bessolo.com

PROFESSIONAL SEAL
 KEVIN J. BESSOLO - AR12089
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CLIENT APPROVAL:
 SIGNATURE: _____
 DATE: _____

BDI PROPERTIES
ASSISTED LIVING FAC.
 ROTONDA BLVD WEST
 ENGLEWOOD, FLORIDA

ISSUED:

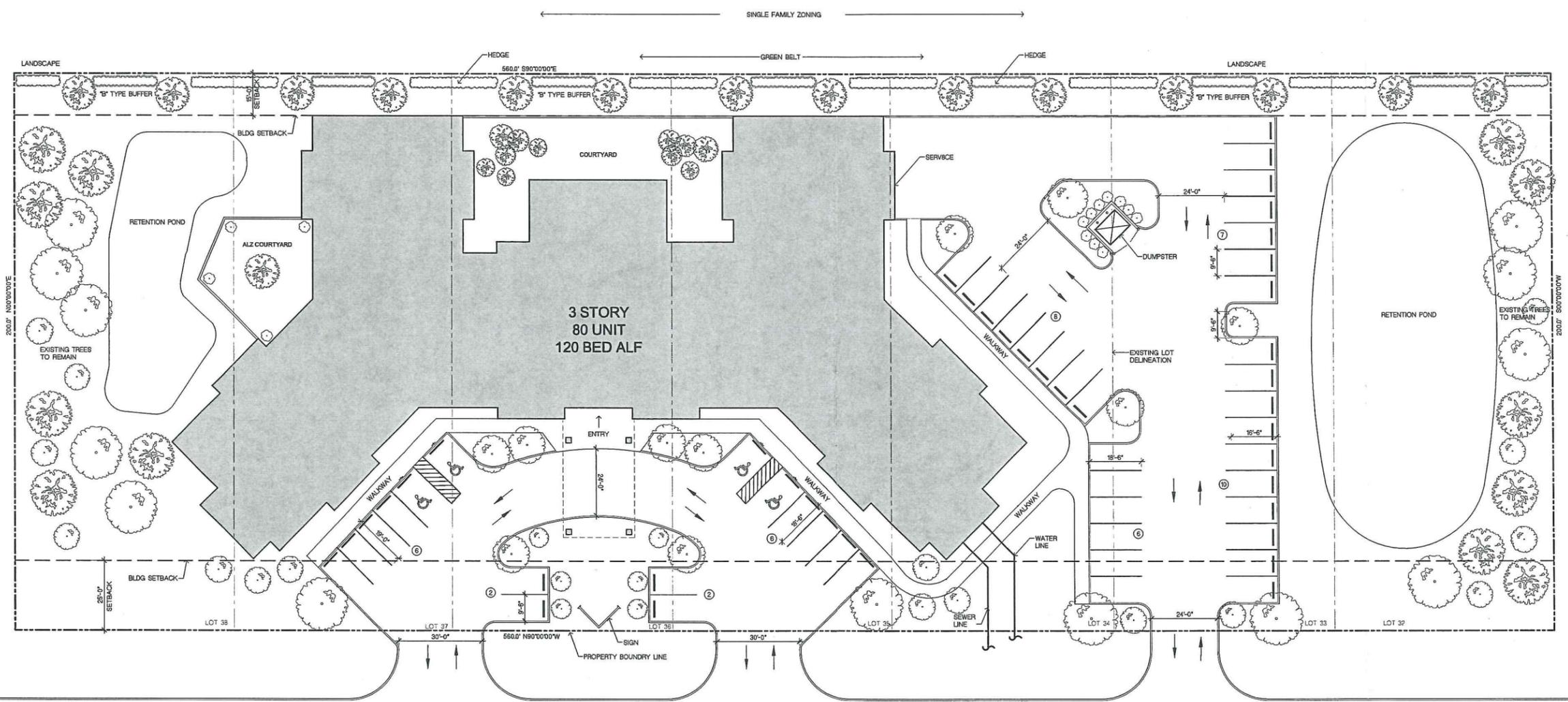
DATE	ISSUED FOR

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NO: 09004600
 DRAWN BY: PAC
 PROJECT MANAGER: PAC
 CHECKED BY: HJB
 DATE: 04/20/09
 SCALE: 1" = 20'

AS101
 PROPOSED SITE PLAN



LEGAL DISCRIPTION:

FROM SURVEY DATED 4/8/05:
 LOTS 32, 33, & 34, ROTONDA WEST PEBBLE BEECH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 PAGES 13A-13L, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

NOTE: FEMA FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATION OF THE FLOOD BOUNDARIES. CALL 1-877-FEMA-MAP OR EMAIL A MAP SPECIALIST AT WWW.FEMA.ORG/M/ITSD/FQMAP/PTM.

FROM SURVEY DATED 4/8/05:
 LOTS 35, 36, 37, & 38, ROTONDA WEST PEBBLE BEECH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 PAGES 13A-13L, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

NOTE: FEMA FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATION OF THE FLOOD BOUNDARIES. CALL 1-877-FEMA-MAP OR EMAIL A MAP SPECIALIST AT WWW.FEMA.ORG/M/ITSD/FQMAP/PTM.

ROTONDA BLVD WEST

1 PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



SITE TABULATION TABLE

COMBINED LOT AREA:	112,000 SQFT
BUILDING FOOT PRINT :	26,491 SQFT
TOTAL PAVED AREA:	24,260 SQFT
TOTAL PARKING SPACES:	47 SPACES (INCLUDING 4 HC)
ZONING:	RMF - RESIDENTIAL MULTI-FAMILY

Site Plan
(Exhibit C)

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)~~¹⁵ 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)~~⁶ 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 one thousand five 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 one thousand five 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.
- (3) The requirements and standards of the state department of health and rehabilitative services shall be met.
- (4) There shall be one (1) parking space per four (4) beds in accordance with section 3-9-90
- (5) Adult congregate living facilities shall be subject to the sign regulations for residential structures within the zoning district in which the facility is located.
- (6) Evidence of current state department of health and rehabilitative services licensure must be shown.
- (7) When any property ceases to be used as an adult congregate living facility, after being granted a special exception for such use, and such use ceases for a period of time exceeding three hundred sixty-five (365) days, then the approval granted by special exception shall be void and the use shall be terminated.
- (8) Compliance with the terms of this section and documentation issued hereunder with regard to zoning compliance are not a substitute for or exemption from the requirements of county occupational licenses and from the state department of health and rehabilita

**Section 3-9-63.1
(Exhibit D)**

CHG #116

**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 approval of a Special Exception by the Charlotte County Board of Zoning Appeals.

Applicant: POBEDA, LLC, P.O. Box 1974, Venice, FL 34284

Owner: POBEDA, LLC, P.O. Box 1974, Venice, FL 34284

Location: 232, 234 and 236 Rotonda Boulevard West, Rotonda West, Florida, and is described as Lots 43, 44 and 45, of Rotonda West, Pebble Beach Subdivision, located in Section 23, Township 41 South, Range 20 East.

Petition: SE-13-010

Approval Date: August 14, 2013

Approved Special Exception:

A special exception to allow an Adult Congregate Living Facility (ACLF) in the 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 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.

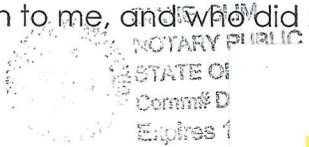
The special exception granted shall expire three (3) years after the date of approval unless the use allowed by the special exception is in existence and actively occurring on the subject property prior to the date of expiration. Any such special exception which ceases to exist and actively occur on the subject property shall expire (3) three years from the effective date the activity permitted by the special exception ceased. Any non-conforming special exception shall be subject to the requirements of the Zoning Regulations with regard to non-conforming uses.

Prepared by: *Shaun Cullinan*
Shaun Cullinan, Zoning Official

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 14th day of August, 2013, by Shaun Cullinan, who is personally known to me, and who did not take an oath.

Diane Clim
Diane Clim, Notary Public



**SE-13-010
(Exhibit E)**

Return to Ken Quillen in Zoning Office

Narrative to the BDI Properties Assisted Living Facility Special Exception Time Extension Application

The applicant seeks a Time Extension to the Special Exception approved to allow an Assisted Living Facility (ALF) in the RMF-15 Zoning Category. The applicant proposes a three-story, 80 unit, 120 bed facility along Rotonda West Blvd on the Cape Haze Peninsula.

Since the approval of Special Exception 09-07 (SE 09-07) the recession prohibited financing from being available for the project. With the economy improving, financing is now possible. The need for the ALF remains, with the baby boomer population again, and life expectancies increasing. This is the good cause for extending the special exception.

The Special Exception continues to meet the requirements for a special exception as follows:

1. The requested special exception is explicitly permitted by the regulations under RMF-15, see Section 3-9-33(e)(8). The term "Adult Congregate Living Facility" and Assisted Living Facility are synonymous for the purposes of the zoning designation.
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. Along Rotonda West Boulevard there are numerous multi-family residential buildings, several of which are multi-story. The property will be appropriately buffered from the single family properties to the north. A greenbelt separates the single family lots from the subject property.
3. Adequate access will be provided for ingress and egress to the ALF in a manner that minimizes hazards and congestion on streets and roads.
4. Adequate provisions have been made for buffers, landscaping, trees, open space, storm water and other improvements associated with the proposed use.
5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulation's. The subject property lies outside of the Coastal High Hazard Area of the County.
6. The establishment, maintenance and operation of the ALF will not be detrimental to or endanger the public health, safety or general welfare. To the contrary, it will provide needed living arrangements for the elderly population in the area.

Adult congregate living facilities must comply with Section 3-9-63.1 of the CC Code. This request meets that Section as follows:

- a. The request meets all the location standards contained within the special regulations provided the special exception is approved. The applicant is unaware of any other existing adult congregate living facility within 1,500 feet of the proposed site.
- b. The application meets (or will meet) all the development standards contained within the special regulations. These development standards will be confirmed through the site plan review process.
- c. This application meets the application procedure whereas, the applicant will obtain a Zoning Certification prior to operation. They will submit the required application which lists the maximum number of residents and a legal description for the proposed site and would submit proof of the approved special exception.

Based on the foregoing it is respectfully requested that the time extension for the special exception approval be granted.

Submitted this 31st day of January, 2014.

**Narrative
(Exhibit F)**


Robert H. Berntsson, Agent



MEMORANDUM

Date: February 21, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-14-004
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 and ordinances and offers the following comments:

- ❖ A cursory environmental review was conducted by staff. The sites consist of highly vegetated vacant lots. Due to the fact the properties are 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 must be submitted prior to final site plan review submittal with all appropriate state and federal permits obtained prior to 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.
- ❖ 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 XVIII, *LANDSCAPING AND BUFFERS*.

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

JS

(Exhibit G)

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