

Reply to
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July 10, 2012

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COMMUNITY DEVELOPMENT

ADD 2012-00077

VIA HAND DELIVERY

Pamela Houck
Lee County Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Re: **Zoning Interpretation request/Oasis Cove RPD/CPD**
Zoning Resolution Z-10-009
Strap Numbers 35-45-24-00-00014.0000 and 35-45-24-00-00015.0000

Dear Pam:

As we discussed the other day on the telephone I have some questions relating to the Oasis Cove RPD/CPD zoning resolution. I also have some general questions relating to the classification of certain types of assisted living/independent living units and the density ratios associated therewith.

My initial question relates to the zoning resolution. In the third paragraph of Condition 1 the zoning resolution states that, "The RPD is limited to a maximum of 190 multi-family units, **or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILU's**, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75+/- acres if land."(emphasis added). The language in bold type is inconsistent with what is the intent of this paragraph, that being that the developer can have any combination of ALF, CCF or ILU units so long as they don't exceed 190 multi-family units based on the applicable density ratios for these uses. I was the attorney handling this rezoning and I can recall that just prior to the hearing I noticed the limitation that had been put into this paragraph (the **bold** type above) and I requested that the language, "or any combination of ALF, CCF or ILU, so long as the project does not exceed 190 standard dwelling units" be added. The zoner agreed with my request to add the phrase in the preceding sentence, but would not remove the language in bold type. As I recall, the zoner (I think it may have been Tony although I am not sure about that) said that my language regarding any combination and not exceeding 190 standard dwelling units would prevail and not to worry about it. Based on that it was my understanding that the developer of this site could construct any combination of ALF, CCF or ILU on the site so long as 190 standard dwelling units were not exceeded. I would like your confirmation of that understanding.

Henderson, Franklin, Starnes & Holt, P.A.

My second question is whether Memory Care Assisted Living Units (MCALU) would be treated the same as standard Assisted Living units from the standpoint of the density ratio of 4 to 1. The MCALU will not have individual kitchens but may have a kitchenette (for lack of a better term). The kitchenette will potentially have a microwave, a small refrigerator and a cooktop---none of which will require a 220 volt outlet. The overall MCALU will have a central kitchen and will serve 3 meals a day. As I understand it the size of each unit is not relevant to this inquiry. I am requesting that you confirm that these units may utilize the 4 to 1 density ratio.

My next question has to do with what are called Congregate Care Facilities. These units will have individual kitchens but there will be a central kitchen associated with the facility serving 3 meals a day. While the facility is not required to have a state license many of the attributes of a Continuing Care Facility will exist here also. For example the facility is designed to provide housing for older residents pursuant to Title VII USC. It will also include a number of resident services such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A shuttle bus service is being discussed but has not been decided upon at this time. I would like confirmation from you that this use may be classified as a Continuing Care Facility with a density ratio of 2 to 1.

We are also discussing a villa product that will have all the attributes of a independent living facility. The homes themselves will be set up in a duplex format with individual kitchens. The residents of the ILU's will have access to the Congregate Care Facility and will enjoy all of the dietary and social opportunities available to the CCF residents, to include the central kitchen, banking facilities, etc. Again this product does not have a license requirement but will cater to older residents. I am requesting that you confirm that this product will be treated as an independent living facility with a density ratio of 2 to 1. As to both the villa product and the Congregate Care Facility it is my understanding the unit size is of no consequence.

I appreciate you taking the time to consider these questions. Please feel free to contact me if there is additional information needed. I have enclosed a check for \$500.00 herein, to cover the fee for the zoning interpretation request.

Sincerely,



Charles J. Basinait

CJB/sbm

cc: Kevin Stoneburner
Bo Russ

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Lee County Property Appraiser

 Tax Year **2011**
[Next Lower Parcel Number](#) [Next Higher Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)

Property Data for Parcel 35-45-24-00-00014.0000

Owner Of Record

 BECK GROUP OF FT MYERS LLC
 465 BAYFRONT PL
 NAPLES FL 34102

Site Address

 7210 CONGDON RD
 FORT MYERS FL 33907

Legal Description

 N 1/2 OF NE 1/4 OF NW 1/4.
 LESS OR 2488/862

Classification / DOR Code

VACANT RESIDENTIAL / 00

[Tax Map Viewer]



[Pictometry Aerial Viewer]



Property Values (2011 Tax Roll)



Exemptions

Attributes

		Homestead / Additional	0 / 0	Land Units Of Measure	UT
Just	286,890	Widow / Widower	0 / 0	Units	191.39
Assessed	286,890	Disability	0	Frontage	0
Portability Applied	0	Wholly	0	Depth	0
Cap Assessed	286,890	Senior	0	Total Number of Buildings	0
Taxable	286,890	Agriculture	0	Total Bedrooms / Bathrooms	0 / 0
Cap Difference	0			Total Buildings Sq Ft	0
				1st Year Building on Tax Roll	N/A
				Historic District	No



Taxing Authorities



Sales / Transactions



Solid Waste (Garbage) Roll Data



Flood and Storm Information



Appraisal Details

 TRIM (proposed tax) Notices are available for the following tax years
 [[2000](#) [2001](#) [2002](#) [2003](#) [2004](#) [2005](#) [2006](#) [2007](#) [2008](#) [2009](#) [2010](#) [2011](#)]

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Lee County Property Appraiser

Tax Year **2011**
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Property Data for Parcel 35-45-24-00-00015.0000

Owner Of Record

BECK GROUP OF FT MYERS LLC
436 BAYFRONT PL
NAPLES FL 34102

Site Address

7650 GLADIOLUS DR
FORT MYERS FL 33908

Legal Description

S 1/2 OF THE NE 1/4 OF THE
NW 1/4 LESS ROAD R/W'S
LESS OR 2488/862

Classification / DOR Code

VACANT RESIDENTIAL / 00

[Tax Map Viewer]



[Pictometry Aerial Viewer]



Property Values (2011 Tax Roll)



Exemptions

Attributes

Just	195,000	Homestead / Additional	0 / 0	Land Units Of Measure	UT
Assessed	195,000	Widow / Widower	0 / 0	Units	130.00
Portability Applied	0	Disability	0	Frontage	0
Cap Assessed	195,000	Wholly	0	Depth	0
Taxable	195,000	Senior	0	Total Number of Buildings	0
Cap Difference	0	Agriculture	0	Total Bedrooms / Bathrooms	0 / 0
				Total Buildings Sq Ft	0
				1st Year Building on Tax Roll	N/A
				Historic District	No



Taxing Authorities



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