



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

SPECIAL EXCEPTION APPLICATION

SPECIAL EXCEPTION REQUIREMENTS

****It is required that applicant and/or representative attend the hearing examiner meeting****

1. ☒ **Letter of Intent stating the actual request.**
 - This appeal for a Special Exception is for a proposed use. In the case of an existing structure, it is recommended that the applicant request a site-check by the Fire and/or Building Division for suitability and compliance with codes, prior to filing the appeal.
2. ☒ **Applicant's portion of request shall be typewritten, and signature notarized.**
 - All forms (Application, Acknowledgement Form, Authorization to Represent) MUST be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
3. ☒ **Landscaping:**
 - A continuous strip of landscaping shall be provided along all property lines and streets serving the development.
 - Models. The models shall comply with the single-family landscaping requirements as indicated in Section 5.2.3.B.1.
 - Identify method of irrigation and location of utility lines and easements.
4. ☒ **Development plan drawn to scale (not less than 1" = 50') and containing the following:**
 - Site layout showing dimensions, boundary lines, North directional arrow and complete legal description of the property.
 - The location and dimensions of all existing and/or proposed buildings and structures, including additions and eaves, overhangs, porches and patios.
 - The setback distance from all buildings, additions to structure to property lines. Indicate the square footage associated with each existing and proposed use of buildings.
 - Location and dimensions of driveways. Show parking areas with layout and number of spaces and traffic flow.
5. ☒ **Certified survey done within six (6) months MAY be required.**
6. ☒ **Projected number of peak hour trips. If more than 300 peak hour trips are projected, a traffic impact study must be submitted.**



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

FEE: \$833.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising fees will be billed and must be paid prior to hearing.

NOTE TO APPLICANT

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is 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, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

SPECIAL EXCEPTION APPLICATION

PROPERTY INFORMATION

Owners (Business Name) Name: 825 Santa Barbara, LLC
Location/Address 825 Santa Barbara Boulevard
Strap Number 244423C1000010030 Unit Block Lot(s)
Plat Book Page Future Land Use MF Current Zoning RML

PROPERTY OWNER (S) INFORMATION

Owner 825 Santa Barbara, LLC Address 2376 60th Street
Phone 847-446-8400 City Brooklyn
Email skoeing@sakhealthcare.com State New York Zip 11204

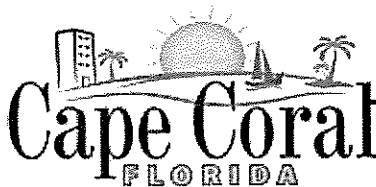
Owner Address
Phone City
Email State Zip

APPLICANT INFORMATION (If different from owner)

Applicant Axiom Behavioral Health Address 825 Santa Barbara Boulevard
Phone 347-306-6400 City Cape Coral
Email bteitelbaum@axiombh.com State Florida Zip 33991

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative Barraco & Associates, Jeremy Sno Address 2271 McGregor Boulevard, Suite 100
Phone 239-461-3170 City Fort Myers
Email jeremys@barraco.net State Florida Zip 33901



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

SAK Cape Coral, LLC, as reciever over the
property owned by 825 Santa Barbara, LLC

Suzanne Koenig

OWNER'S NAME (TYPE OR PRINT)

Suzanne Koenig
OWNER'S SIGNATURE

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

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 Illinois

COUNTY OF Lake

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 24th day of July, 2021 by Suzanne Koenig who is personally known to me or produced _____ as identification.

Exp Date: 7/27/26 Commission Number: 956560

Signature of notary Public:

Daniel Christopher Haracz

Printed Name of Notary Public:

Daniel Christopher Haracz





DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

Benjamin Teitelbaum

APPLICANT NAME (TYPE OR PRINT)

Benjamin Teitelbaum
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 Illinois

COUNTY OF Cook

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of July, 2026 by Benjamin Teitelbaum who is personally known to me or produced _____ as identification.



Exp Date: 6/30/27 Commission Number: 974329

Signature of notary Public:

J. Fearnley

Printed Name of Notary Public:

J. FEARNLEY



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Jeremy Snow, Barraco and Associates
(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 _____

OR LEGAL DESCRIPTION Part of NW1/4 of the NW1/4 of the NW1/4 as described in OR BK 2005 PG 1317

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

Benjamin Teitelbaum
PROPERTY OWNER (Please Print)

Benjamin Teitelbaum CFO
PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF Illinois

COUNTY OF Cook

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online
notarization, this 21 day of July, 2026 by Benjamin Teitelbaum who
is personally known to me or produced _____ as identification.



Exp Date: 6/30/27 Commission Number: 974329

Signature of notary Public: _____

Printed Name of Notary Public: J. Fearnley

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



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

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

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.

Benjamin Teitelbaum

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)


OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

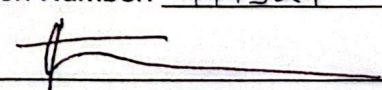
STATE OF Illinois

COUNTY OF Cook

Sworn to (or affirmed) and subscribe before me, by means of ☒ physical presence or ☐ online notarization, this 21 day of July, 2026 by Benjamin Teitelbaum who is personally known to me or produced _____ as identification.



Exp Date: 6/30/27 Commission Number: 974329

Signature of Notary Public: 

Printed Name of Notary Public: J. FEARNLEY



SPECIAL EXCEPTION REGULATIONS

Section 3.4.4. Special Exceptions.

The intent of this section is to permit Special Exception uses which are essential to, or would promote the public health, safety, or welfare in one or more zoning districts, but which might impair the integrity and character of the zoning district or in adjoining districts, such that restrictions or conditions on location, size, extent, and character of performance may be imposed in addition to those standards already imposed in the Land Development Code.

A. General.

1. No variances shall be granted that would reduce or eliminate minimum requirements for special exception uses.
2. The Hearing Examiner may prescribe appropriate conditions and safeguards in conformity with 1752 the special exception use requirements. All such conditions shall be part of the terms under 1753 which the special exception is granted.
3. A special exception shall be deemed abandoned if:
 - a. The use is discontinued for more than 1 year; or
 - b. The special exception has not obtained a certificate of zoning compliance.
4. The proposed use shall comply with all requirements of the underlying zoning district(s), the Land Development Code, and all other applicable law.

B. Standards and Criteria. The following standards shall apply to all applications for special exception uses.

1. Consistency with the Comprehensive Plan?
2. The site must be suitable for the type of special exception use proposed by virtue of its location, shape, topography, and the nature of surrounding development.
3. All buildings shall be setback an adequate distance from property lines and rights-of-way. Greater building setbacks may be required when deemed necessary to protect surrounding properties.
4. Potential adverse impact to surrounding property must be mitigated to the maximum extent possible.

BEHAVIORAL HEALTH FACILITY SPECIAL EXCEPTION

August 18, 2026

City of Cape Coral
Development Services Department – Planning Division
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

RE: Letter of Intent – Special Exception Application

Property Address: 825 Santa Barbara Boulevard, Cape Coral, Florida 33991

STRAP Number: 24-44-23-C1-00001.0030

Property Owner: 825 Santa Barbara, LLC

Applicant: Axiom Behavioral Health

Existing Zoning: Residential Multi-Family Low

Future Land Use: Multi-Family

Requested Use: Assisted Living Facility

To Whom It May Concern:

On behalf of 825 Santa Barbara, LLC and Axiom Behavioral Health, this letter is submitted in support of a request for Special Exception approval to allow an Assisted Living Facility (ALF) on the property located at 825 Santa Barbara Boulevard, Cape Coral, Florida 33991.

The subject property is approximately 2.52 acres and is identified by Lee County STRAP Number 24-44-23-C1-00001.0030. The property is currently designated Multi-Family (MF) on the City of Cape Coral Future Land Use Map (FLUM) and is zoned Residential Multi-Family Low (RML).

The requested Special Exception would allow the property to be used for a residential mental health treatment facility, which falls under the assisted living facility use as defined by the City of Cape Coral's Land Development Code (LDC) and the Florida Statute Chapter 429, subject to the applicable requirements of the LDC and any conditions imposed through the Special Exception approval.

1. PROPERTY DESCRIPTION

The subject property is located approximately one mile south of the Pine Island Road and Santa Barbara Boulevard intersection, with 8th Street to the north and Nicholas Parkway located to the south.

According to a survey conducted by GRS Group on August 1, 2026, the property is legally described as follows:

A tract or parcel of land lying in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 24, Township 44 South, Range 23 East, Cape Coral, Lee County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Section 24; thence S.89° 45' 44" E along the North line of said Section 24 for 50.00 feet to a point on the East Right-of-Way line of Santa Barbara Boulevard; thence S.00° 25' 33" E along said Right-of-Way line 303.88 feet to the True Point-of-Beginning; from the True Point of Beginning thus established S.89° 43' 24" E 409.37 feet; thence S.00° 15' 52" E 30.00 feet; thence S.89° 43' 24" E 210.00 feet to an intersection with the East line of said fraction of a section; thence S.00° 15' 52" E, along said line 334.29 feet to a Concrete P.R.M.; thence N.89° 41' 04" W, along the South line of said fraction of a section 260.00 feet; thence N.00° 15' 52" W, 304.12 feet; thence N.89° 43' 24" W 359.21 feet to an intersection with the East Right-of-Way line of Santa Barbara Boulevard; thence N.00° 25' 33" W along said Right-of-Way line 60.00 feet to the Point of Beginning.

The site is currently developed with one building approximately 34,644 square feet (ft²) that was constructed in 1987. The site is asphalt-covered and contains 35 parking spaces, with two handicapped spaces. The remainder of the site is grass-covered land used for landscaping and open space.

Existing access to the property is provided from Santa Barbara Boulevard. The property is served by Cape Coral Utilities (CCU) for water. Sanitary sewer is available in the area; however, the subject property is served by a septic system.

2. EXISTING AND SURROUNDING DEVELOPMENT

The surrounding properties are generally characterized as follows:

Direction	Zoning	Existing Use
North	Residential Single Family (R-1)	Cape Coral Community Church (place of worship)
South	Commercial (C)	Brookdale Santa Barbara (elder care)
East	Residential Single Family (R-1)	Pinewood Lakes Subdivision (single-family residences)
West	Commercial (C)	The Windsor of Cape Coral (assisted living facility)

The surrounding area consists primarily of single-family residences, a place of worship, and medical care facilities for elder services and activities.

The proposed use has been determined to remain compatible with the existing and anticipated development pattern of the surrounding area.

3. REQUESTED SPECIAL EXCEPTION

The applicant requests approval of a Special Exception to allow an ALF within the RML zoning district.

The proposed use will include the following:

- Primary use: Treatment center for mental health.
- Accessory uses: Accessory parking lot.
- Finished Building area: Approximately 34,644 ft².
- Outdoor use area: Approximately 1.36 acres.
- Number of employees: The applicant is in the preliminary stage of staffing and anticipates 50-100 staff members in total. Employment will be both full-time and part-time shifts. The applicant anticipates the day-time shift of 20 employees will be the largest shift at the time of this application.
- Maximum number of patients, occupants, or users: The applicant is in the preliminary stage of planning and anticipates having 60 beds available. An increase to 100 beds is anticipated once the facility is operational and established.
- Days of operation: Monday through Sunday.
- Hours of operation: This facility will be 24 hours a day, seven days a week, with business operating hours of a daytime shift.
- Delivery hours: Daytime hours 8:00AM – 5:00PM
- Expected daily deliveries: Deliveries will be for equipment, supplies, and food on an as needed basis.
- Outdoor storage: No outdoor storage will take place on the site.
- Outdoor activities: Reserved for parking and aesthetics. Patients and staff may utilize the sitting areas within the interior courtyard of the building. No accessory structures are to be constructed at the time of this application.
- Amplified sound: No amplified sound will be admitted.
- Alcohol service or sales: No alcohol will be sold or served on the premises.
- Security measures: No onsite security is required for the site.
- Proposed project phasing: No phasing shall be conducted.

The proposed use will operate in accordance with the submitted development plan and the operational limitations described in this letter.

4. SITE DEVELOPMENT

The site has been developed since 1987, and the existing site improvements include:

- One building totaling approximately 34,644 ft².
- 35 off-street parking spaces.
- Two ADA-accessible parking spaces.
- Vehicular access from Santa Barbara Boulevard.
- Internal pedestrian circulation is controlled by a concrete sidewalk traversing the property.
- Required landscaping and perimeter buffering have been established and shall be cleaned up and maintained.
- Refuse and recycling are located in southwest corner of the subject property in an enclosure.
- Site lighting that exists on the site is adequate and no additional lighting is planned this time.
- Stormwater management improvements remain intact for the new use of the site and are functioning as intended.
- The site is located within the CCU franchise areas. Utility connections appear to be present; however, a septic tank was observed on the east portion of the site. It is unknown at this time of this application submittal if the septic tank is functional or closed in-place.
- The City of Cape Coral Fire District services the subject property and fire access is permitted. The property has an interior sprinkler system. A fire hydrant was observed and located in the southwest corner near the solid waste enclosure.

The site plan has been determined to comply with the dimensional, parking, landscaping, access, drainage, utility and development standards applicable to the property at the time of this application.

5. ACCESS, TRAFFIC AND PARKING

Vehicular access will be provided from Santa Barbara Boulevard through the existing driveway connections. The site has a 60-foot easement for ingress and egress recorded in document instrument number 2008-000152232 according to the Lee County Official Records website.

According to the International Transportation Council Trip Generation website, the proposed use is anticipated to generate approximately:

- 145 daily vehicle trips.
- 11 AM peak-hour trips.
- 13 PM peak-hour trips.

The site will provide 35 parking spaces and two additional handicap spaces. Section 6.1.7 of the LDC requires one space per four beds plus one space per employee on the largest shift. The existing parking and circulation system will accommodate employees, visitors, service vehicles and deliveries without causing parking overflow or obstruction of adjoining streets. Patients of the facility will not have a personal occupied vehicle at the site, reserving the site parking spaces for employees, visitors, and other patrons. The existing parking lot is adequate for the new use at the site.

6. COMPATIBILITY AND IMPACT MITIGATION

The project has been designed to minimize potential impacts on adjacent properties.

Compatibility measures include:

- The minimum building setbacks are established and shall not be altered.
- Existing landscape buffers are established and shall not be altered.
- Landscaping enhancements to improve the visual screen of adjacent properties may take place if required.
- Existing site lighting is shielded and downward directed.
- Limitation of delivery hours to 8:00AM – 5:00PM.
- Placement of loading, refuse and service areas away from residential properties shall remain unchanged.
- Prohibition or limitation of outdoor amplified sound.
- Compliance with applicable noise regulations.
- Screening of mechanical equipment, refuse containers and outdoor storage areas.

The proposed use is not expected to create unreasonable noise, glare, odor, smoke, dust, traffic, parking, drainage or visual impacts on surrounding properties.

7. COMPREHENSIVE PLAN CONSISTENCY

The subject property is designated in the Multi-Family FLU category according to the City of Cape Coral FLUM.

The proposed Special Exception is consistent with the Comprehensive Plan because:

1. The proposed use is consistent with the uses and development intensity contemplated by the applicable Future Land Use designation.
2. The property has suitable access to the transportation network.
3. Adequate public facilities and services are available for the surrounding area.
4. The proposed use is compatible with surrounding development.
5. Unintended adverse impacts will be mitigated through site re-design and clean-up, buffering, operational restrictions and applicable development regulations.

8. SPECIAL EXCEPTION APPROVAL CRITERIA

A. Eligibility of the Use

The proposed ALF is identified as a use eligible for Special Exception approval within the RML zoning district according to Section 4.1.6 of the Cape Coral LDC.

B. Site Suitability

The property is suitable for the proposed use based on its size, configuration, roadway access, utility availability, surrounding development and ability to accommodate the required site improvements. The property contains sufficient area to provide the required building, parking, access, buffers, landscaping, drainage and utility infrastructure.

C. Compatibility with Surrounding Properties

The proposed use is compatible with surrounding development because the adjacent properties are similar uses and historically the site operated as an ALF. The existing building and new operations will be similar to the prior use; however, no elder care or substance abuse recovery is projected. Turnover of treatment and people will not be long-term as the ALF facility prior.

The location, scale, operating characteristics and site design of the proposed use will not alter the established character of the surrounding area.

D. Setbacks and Separation

The existing building and operational area comply with the required setbacks per the LDC and no encroachments appear to be in place.

E. Mitigation of Adverse Impacts

Unintended impacts associated with traffic, parking, lighting, noise, deliveries, refuse collection, outdoor activity and site appearance will be mitigated through the site plan and the operational commitments contained in this letter.

F. Adequate Public Facilities

The property has adequate access to the public roadway system and is served, or will be served, by the utility and public-safety infrastructure necessary to support the proposed use.

G. Compliance with Applicable Regulations

The proposed use will comply with the applicable requirements of the Cape Coral LDC, Comprehensive Plan, and other federal, state and local permitting requirements.

Approval of the Special Exception will not eliminate the applicant's obligation to obtain all required site-development, building, utility, fire, environmental, business and operational permits, if required.

9. PROPOSED CONDITIONS

The applicant proposes the following conditions of approval:

1. Development shall be substantially consistent with the Special Exception application package prepared by Barraco and Associates, Inc. and may be revised through the public-hearing process.
2. The approved use shall be limited to a residential mental health treatment facility.
3. Daily operating hours for visitors, deliveries, and others shall be limited to daytime hours 8:00AM – 5:00PM. Staff and patients will be occupying the facility 24 hours seven days a week.
4. Site lighting shall remain shielded and directed away from adjacent properties and public rights-of-way.
5. Any required landscaping upgrades or alterations shall be installed before issuance of the applicable Certificate of Occupancy or Certificate of Use.

The applicant reserves the right to revise or withdraw proposed conditions based on staff review, site-plan revisions and the evidence presented during the public-hearing process.

10. CONCLUSION

The proposed Special Exception is consistent with the City of Cape Coral Comprehensive Plan and Land Development Code.

The property is suitable for the proposed use, adequate public facilities are available, and potential impacts can be appropriately mitigated through site design, operational restrictions and conditions of approval.

Based on the information provided in this letter and the accompanying application materials, the applicant respectfully requests approval of the Special Exception to allow a residential mental health treatment facility on the subject property.

If additional information is required, please contact me via Jeremys@barraco.net, or by calling the phone number (239) 461-3170, thank you.

Regards,

BARRACO AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Jeremy S. Snow", with a long horizontal flourish extending to the right.

Jeremy S. Snow
Urban Land Planner

File: 24479

Planning Division Case Report

SPEX26-000005

Review Date: October 5, 2026

Property Owner: 825 Santa Barbara Blvd, LLC

Owner Address: 2376 60th St
Brooklyn, NY 11204

Applicant: Axiom Behavioral Health
825 Santa Barbara Boulevard

Authorized Rep: Douglas Hannah, Tyler Nelke, and Travis Rule

Request: The applicant requests a special exception for an “Assisted Living Facility” use in the Residential Multi-Family Low (RML) district at 825 Santa Barbara Boulevard.

Location: 825 Santa Barbara Boulevard
West of Santa Barbara Boulevard and North of Nicholas Parkway
Strap Number 24-44-23-C1-00001.0030

Prepared by: Chad Boyko, AICP, Principal Planner

Reviewed by: Amy Yearsley, AICP, Planning Manager

Recommendation: **Approval with conditions**

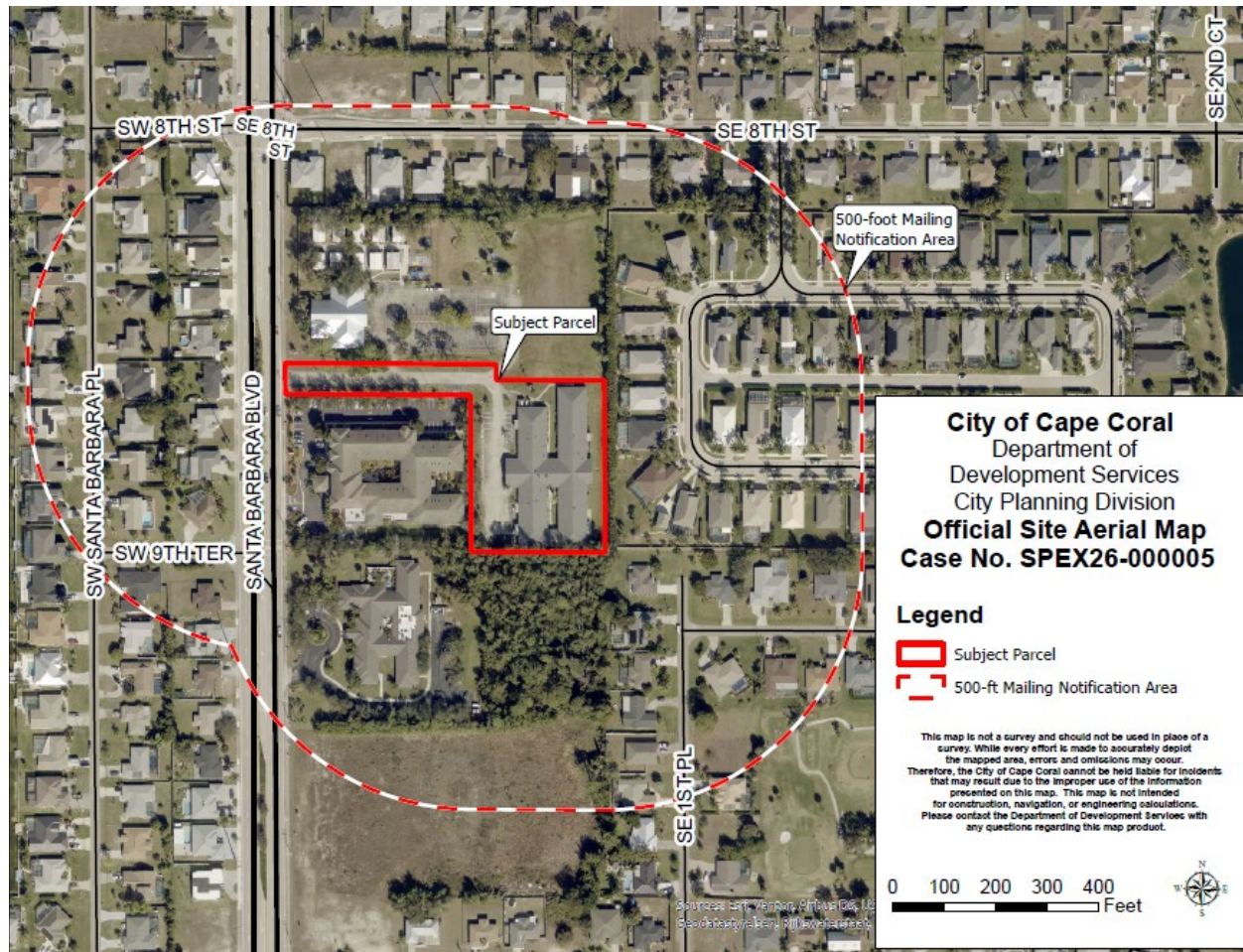
Urban Service Area: Transition

Right-of Way-Access: The site has frontage along Santa Barbara Boulevard.

Property Description:

The 2.52-acre site is about 350 feet north of the intersection of Santa Barbara Boulevard and Mid Cape Terrace (Figure 1). The site is developed with one building that was constructed in 1987. The site has limited frontage along Santa Barbara Boulevard which includes a driveway off the roadway. The site has operated as a variety of medical facilities since development in 1987. The site has also operated as an Assisted Living Facility for several years in a facility known as “The Woodlands”. There are two abutting developments that also operate as “Assisted Living Facilities”. The sites to the west and south have Commercial/Professional (CP) future land use and Commercial (C) and the sites to the north and east have Single-Family Residential (SF) future land use and Single-Family Residential (R1) zoning. Development to the north is a religious facility and single-family homes are developed to the east.

Figure 1. Aerial showing the subject site, 825 Santa Barbara Boulevard



Zoning History of the Site

The FLU Classification of the site has retained the Multi-Family Residential (MF) classification since the adoption of the Comprehensive Plan in 1989.

The site was rezoned from Multi-Family Residential (R3) to Residential Multi-Family Low (RML) in 2019.

Proposed Use

The applicant requests a special exception for an “Assisted Living Facility” use. Assisted Living Facility uses are defined in LDC, Article 11 as *means any building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal*

services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.”

The applicant – Axiom Behavioral Health – is applying for the Special Exception to operate an “Assisted Living Facility” in the existing building on the site. The applicant states that the facility will be for a treatment center for mental health. The facility would operate approximately 60 beds with both full-time and part-time employees. Future expansion to 100 beds is possible once the facility is fully established. The facility will operate 24 hours a day for 7 days a week.

The special exception for the Assisted Living Facility would be limited solely to the existing building.

Analysis:

This application was reviewed based on the four standards appearing in LDC, Section 3.4.4.B, and the provisions of the CC District.

1. Consistency with the comprehensive plan.

The request is consistent with the following policies in the Comprehensive Plan.

Future Land Use Element

Policy 8.3.

“Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.” **Staff comments: The site is surrounded to the north, south, and west by nonresidential uses. There are residential uses to the east in a subdivision which has extensive landscape buffering between the site and the homes. Parking spaces are to the west of the building and do not face the homes. Other than the building, the homes only face the rear of the building and some of the A/C equipment. Additionally, the site was developed several years prior to the homes.**

2. The site must be suitable for the type of special exception use proposed by virtue of its location, shape, topography, and the nature of surrounding development.

Location

The site is near the intersection of Santa Barbara Boulevard and Nicholas Parkway, which is a major intersection. The site has limited frontage along Santa Barbara Boulevard, however, this section of the roadway has several non-residential development that run north along the intersection.

Shape

The shape of the site is semi-rectangular and is 2.52 acres. The site has 35 parking spaces.

Topography

The site is relatively flat and is improved. Most of the site consists of the footprint of one commercial building along with paved parking spaces and drive isles. Unpaved areas are confined to landscaped areas around the perimeter of the site and small landscaped areas adjacent to each building. Physical impediments that would restrict access or use of the site are absent.

Nature of surrounding development

To the north of the site is a religious facility that has frontage along Santa Barbara Boulevard, the sites to the west and south are both Assisted Living Facilities that are similar in size and shape to the site. There are single-family homes to the east within a subdivision. Three homes directly abut the site.

Further out from the site is primarily single-family homes, a 9-hole golf course, and commercial development at the intersection of Santa Barbara Boulevard and Nicholas Parkway.

3. *All buildings shall be setback an adequate distance from property lines and rights-of-way. Greater building setbacks may be required when deemed necessary to project surrounding properties.*

The site has one existing building. Setbacks for the building meets or exceeds the minimum setback requirements for the RML District (Table 1).

Table 1. Required setbacks for the RML District and minimum setbacks provided for buildings at 825 Santa Barbara Boulevard.

	Required Setbacks (ft.)	Setbacks Provided (ft.)
Front	25	133 (west)
Side	7.5	15 (north and south)
Rear	20	35 (east)

4. *Potential adverse impacts to surrounding properties must be mitigated to the maximum extent possible.*

The site has been operating as a medical facility and primarily an Assisted Living Facility for several years. These types of facilities are non-residential but primarily serve residents that stay for extended periods of time. Traffic generation is primarily from the employees on site and other than residents along Santa Barbara Boulevard – the traffic would not affect any surrounding homes. The site is in operation 24 hours a day for 7 days a week, however, overnight activity is limited to evening hours for the residents. The applicant has not proposed any additional expansion or construction on the site nor will they expand the operations beyond the scope of what has occurred over the past several years. Occasional ambulance or fire service visits could occur with sirens or flashing lights, however, this facility is not intended for elderly patients that may experience health care emergencies at a more frequent level. All ambulance and fire service personnel will be directed towards the front of the building which is over 150 feet away from the homes.

Recommendation:

Staff recommends **approval** of the requested special exception use with the following conditions.

1. The approved special exception use for an “Assisted Living Facility” shall be limited to the proposed mental health facility.
2. Daily operating hours for visitors, deliveries, and others shall be limited to daytime hours between 8:00 AM and 5:00 PM.
3. No supplies or materials shall be stored outside the building on the site.
4. Any newly installed site lighting shall be installed and directed away from adjacent properties and public rights-of-way.

Staff Contact Information

Chad Boyko, AICP, Principal Planner
Planning Division
PH: 239-573-3162
Email: cboyko@capecoral.gov

RECORD DESCRIPTION

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

A tract or parcel of land lying in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 24, Township 44 South, Range 23 East, Cape Coral, Lee County, Florida, and being more particularly described as follows:

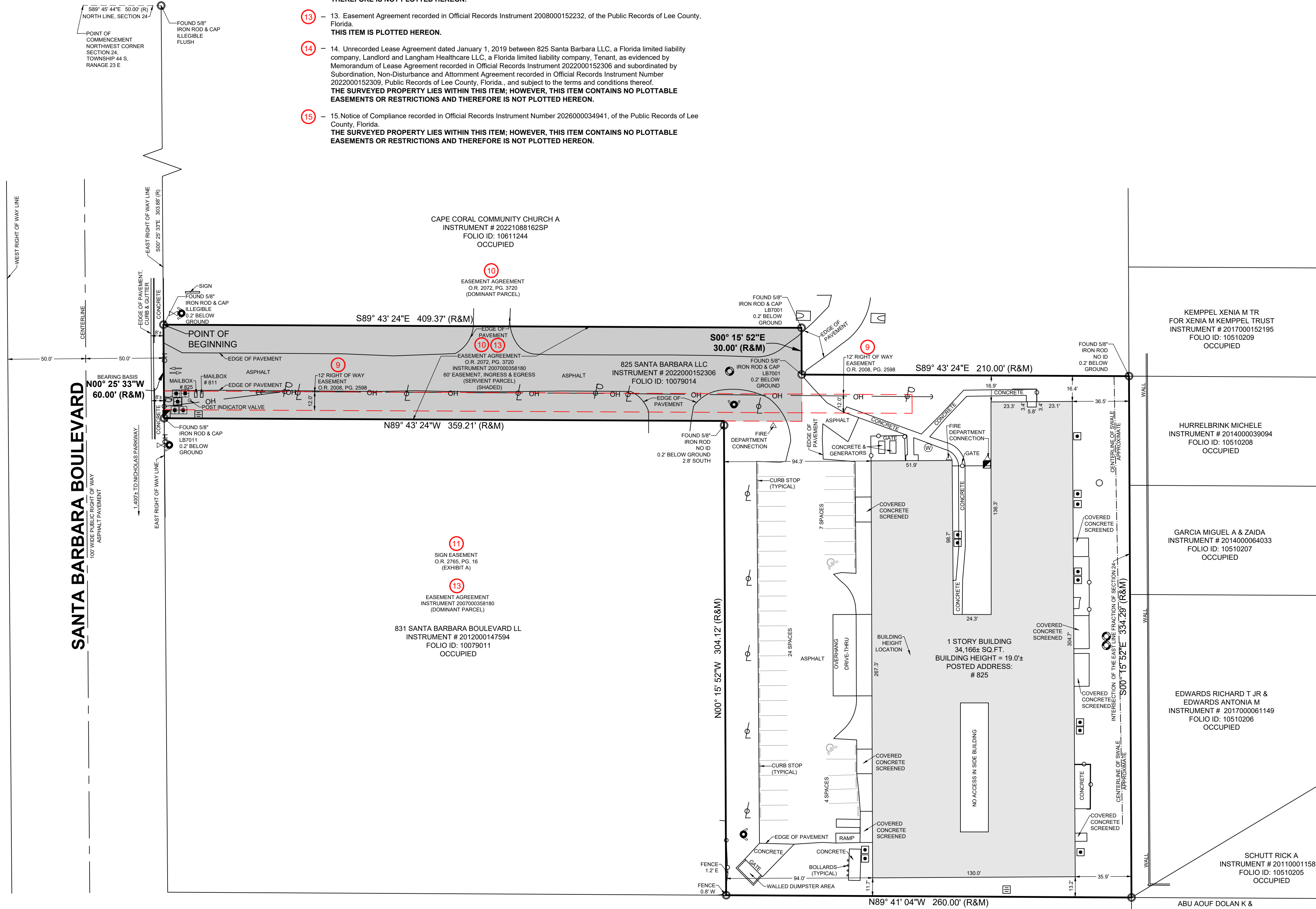
Commence at the Northwest corner of said Section 24; thence S.89°45'44" E along the North line of said Section 24 for 50.00 feet to a point on the East Right-of-Way line of Santa Barbara Boulevard; thence S.00°25'33" E along said Right-of-Way line 303.88 feet to the True Point-of-Beginning; from the True Point of Beginning thus established S.89°43'24" E 409.37 feet; thence S.00°15'52" E 30.00 feet; thence S.89°43'24" E 210.00 feet to an intersection with the East line of said fraction of a section; thence S.00°15'52" E, along said line 334.20 feet to a Concrete P.R.M.; thence N.89°41'04" W, along the South line of said fraction of a section 260.00 feet; thence N.00°15'52" W, 304.12 feet; thence N.89°43'24" W 359.21 feet to an intersection with the East Right-of-Way line of Santa Barbara Boulevard; thence N.00°25'33" W along said Right-of-Way line 60.00 feet to the Point of Beginning.

ASSURANCE NOTE

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PERTINENT PROPERTY AS DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT FILE NO.: 26083793RH1, WITH AN EFFECTIVE DATE OF JULY 13, 2026 AT 8:00 AM.

SCHEDULE B-II ITEMS

9. Right-of-Way Easement granted to Lee County Electric Co-Operative, Inc. recorded in Official Records Book 2008, Page 2598, of the Public Records of Lee County, Florida.
THIS ITEM IS PLOTTED HEREON.
10. Easement Agreement recorded in Official Records Book 2072, Page 3720, of the Public Records of Lee County, Florida.
THIS ITEM IS PLOTTED HEREON.
11. Terms and conditions of the Sign Easement recorded in Official Records Book 2765, Page 16, of the Public Records of Lee County, Florida.
**THE LOCATION OF THIS ITEM CANNOT BE DETERMINED FROM THE RECORD DOCUMENT AND THEREFORE IT IS NOT PLOTTED HEREON. (NO DESCRIPTION FOR SIGN EASEMENT)
NOTE: EXHIBIT A IS SHOWN HEREON.**
12. Grant of Easement by and between Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee Inc. and Mink of Lee County, Inc. (DBA The Woodlands) recorded in Official Records Instrument 2007000358180, of the Public Records of Lee County, Florida.
THIS ITEM IS BLANKET IN NATURE AND COVERS THE SURVEYED PROPERTY FOR THE PURPOSE OF CONSTRUCT, USE, MAINTAIN, OPERATE, REPAIR OF A BROADBAND COMMUNICATIONS SYSTEM AND THEREFORE IS NOT PLOTTED HEREON.
13. Easement Agreement recorded in Official Records Instrument 2008000152232, of the Public Records of Lee County, Florida.
THIS ITEM IS PLOTTED HEREON.
14. Unrecorded Lease Agreement dated January 1, 2019 between 825 Santa Barbara LLC, a Florida limited liability company, Landlord and Langham Healthcare LLC, a Florida limited liability company, Tenant, as evidenced by Memorandum of Lease Agreement recorded in Official Records Instrument 2022000152306 and subordinated by Subordination, Non-Disturbance and Attornment Agreement recorded in Official Records Instrument Number 2022000152309, Public Records of Lee County, Florida, and subject to the terms and conditions thereof.
THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.
15. Notice of Compliance recorded in Official Records Instrument Number 2026000034941, of the Public Records of Lee County, Florida.
THE SURVEYED PROPERTY LIES WITHIN THIS ITEM; HOWEVER, THIS ITEM CONTAINS NO PLOTTABLE EASEMENTS OR RESTRICTIONS AND THEREFORE IS NOT PLOTTED HEREON.



ZONING REQUIREMENTS DATA

THE SURVEYOR WAS NOT PROVIDED WITH ZONING INFORMATION PURSUANT TO TABLE A ITEM 6a.

FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONES X UNSHADED & ZONE X SHADED OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 122095, MAP NUMBER 1207100263G WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 17, 2022 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE FEMA WEBSITE (HTTP://MSC.FEMA.GOV) BY FIRMETTE CREATED ON AUGUST 4, 2026. WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

SIGNIFICANT OBSERVATIONS

INFORMATION NOTED BELOW IS SIMPLY A STATEMENT OF FACT REGARDING THE LOCATION OF OBSERVED IMPROVEMENTS RELATIVE TO BOUNDARY, EASEMENT, AND SETBACK LINES, AND IS NOT A LEGAL OPINION, OPINION OF OWNERSHIP, OR DETERMINATION OF ENCROACHMENTS.

BOUNDARY LINES	NONE APPARENT
RIGHT OF WAY AND EASEMENTS	NONE APPARENT
SETBACKS	NONE APPARENT
PHYSICAL ACCESS BETWEEN ADJOINING PARCELS	NONE APPARENT
USE OF ADJOINING PARCELS	NONE APPARENT

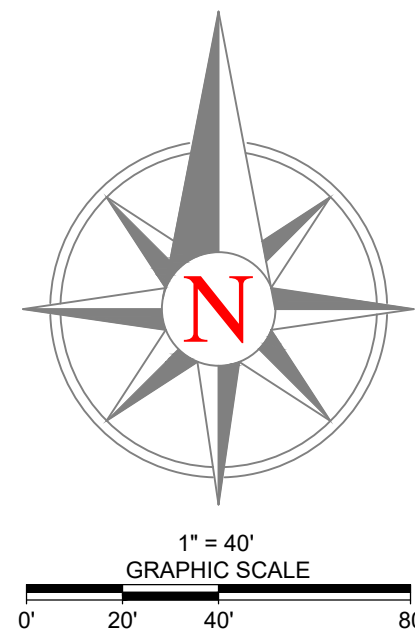
SURVEYED BY:
BOCK AND CLARK CORPORATION LB7386, A WHOLLY OWNED SUBSIDIARY OF NVS
10500 UNIVERSITY CENTER DRIVE SUITE 230
TAMPA, FL 33612
PHONE: (800) 787-8395
EMAIL ADDRESS: BOCKFLORIDAMAYWEHELPYOU@NV5.COM.

LEGEND

LIGHT POLE	CLEAN OUT	SANITARY MANHOLE
POWER POLE (WITH ARMS)	TRAFFIC SIGNAL BOX	SIGNAL LIGHT
GUY WIRE	SIGNAL LIGHT POLE	GREASE TRAP
ELECTRIC MANHOLE	Vault	GAS MANHOLE
ELECTRIC METER	Sign (AS NOTED)	GAS VALVE
ELECTRIC VAULT	TOWER	GAS METER
TRANSFORMER	MONITORING WELL	HANDICAPPED PARKING
AIR CONDITIONER UNIT	FLAG POLE	ELECTRIC VEHICLE PARKING
TELEPHONE MANHOLE	WATER VALVE	BENCHMARK
TELEPHONE PEDESTAL	FIRE HYDRANT	(R) RECORD
CABLE BOX	WATER MANHOLE	(M) MEASURED
MITERED END SECTION	BACKFLOW PREVENTER	(C) CALCULATED
STORM DRAIN MANHOLE	WATER METER	(P) PLAT
STORM DRAIN INLET	WELL HEAD	PG PAGE
STORM PIPE	POINT OF ACCESS	O.R. OFFICIAL RECORDS
SET OR FOUND 5/8" IRON ROD & CAP NV5 L.B. 7386, AT GROUND LEVEL, UNLESS OTHERWISE NOTED	FENCE	P.B. PLAT BOOK
	OH	OVERHEAD WIRES

DATE	REVISION HISTORY	GRS PROJECT NO. / JOB NO.
08/05/2026	FIRST DRAFT	26-83230.1 5202604351
		SCALE: 1" = 40'
		DRAWN BY: SS
		APPROVED BY: MGL

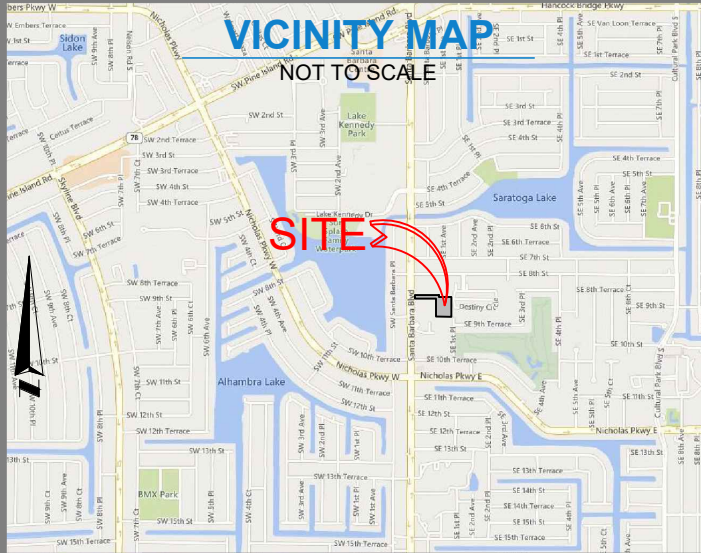
DATED 2026 - USE OF THIS DOCUMENT'S FORMAT IS PROHIBITED AND CONTINGENT UPON THE WRITTEN CONSENT & PERMISSION BY GRS GROUP AN NIV5 COMPANY



GENERAL SURVEY NOTES

- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARKING, EASEMENTS, SERVITUDES, AND SIGNIFICANT OBSERVATIONS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED BY THE SURVEYOR AND IS NOT LIABLE FOR UTILITIES OBSTRUCTED OR COVERED FROM VIEW.
- THIS DRAWING MEETS OR EXCEEDS THE SURVEYING STANDARDS AND STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2026 ALTA/NSPS SURVEYING REQUIREMENTS.
- ALL FIELD MEASUREMENTS MATCH RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/NSPS SPECIFICATIONS.
- AT THE TIME OF SURVEY, THERE IS NO RECORD OR OBSERVED EVIDENCE OF A CEMETERY, BURIAL GROUNDS OR LOCATION OF ISOLATED GRAVESTONES.
- THE SURVEYED PROPERTY HAS DIRECT VEHICULAR / PEDESTRIAN ACCESS TO SANTA BARBARA BOULEVARD, A 100 FOOT WIDE DEDICATED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON.
- MEASURED BEARINGS SHOWN HEREON ARE STATE PLANE FOR THE FLORIDA WEST ZONE (NAD83/2011 ADJUSTMENT) AND ARE BASED ON THE EAST RIGHT OF WAY LINE OF SANTA BARBARA BOULEVARD, LEE COUNTY, FLORIDA TO BEAR NORTH 00°25'33" WEST.
- THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME.
- THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED; THE RECORD DESCRIPTION FORMS A MATHEMATICALLY CLOSED FIGURE WITHIN 2026 ALTA/NSPS STANDARDS.
- AT THE TIME OF THE FIELD WORK, THERE WAS NO OBSERVABLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE.
- AT THE TIME OF THE FIELD WORK, OWNERSHIP OF FENCING SHOWN HEREON IS UNKNOWN TO THIS SURVEYOR.
- THE BUILDING AREA SHOWN HEREON IS FOR THE FOOTPRINT OF THE BUILDING ONLY AT GROUND LEVEL.
- AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- AT THE TIME OF THIS SURVEY, NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION. THERE WAS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.
- ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- UNLESS OTHERWISE NOTED ON SURVEY, ALL MONUMENTATION IS FLUSH WITH THE GROUND.

SITE PICTURE



LAND AREA

109,941 SQUARE FEET±
2.524 ACRES±

PARKING SPACES

REGULAR= 35 HANDICAP= 2
TOTAL= 37

ALTA/NSPS LAND TITLE SURVEY

SUNSET GROVE ASSISTED LIVING

825 SANTA BARBARA BOULEVARD SOUTH

LEE COUNTY

CAPE CORAL, FLORIDA, 33991

SURVEYOR'S CERTIFICATE

To: Old Republic National Title Insurance Company; and GRS Group, an NV5 Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2026 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, 17, 19 and 20 of Table A thereof. The fieldwork was completed on August 1, 2026.

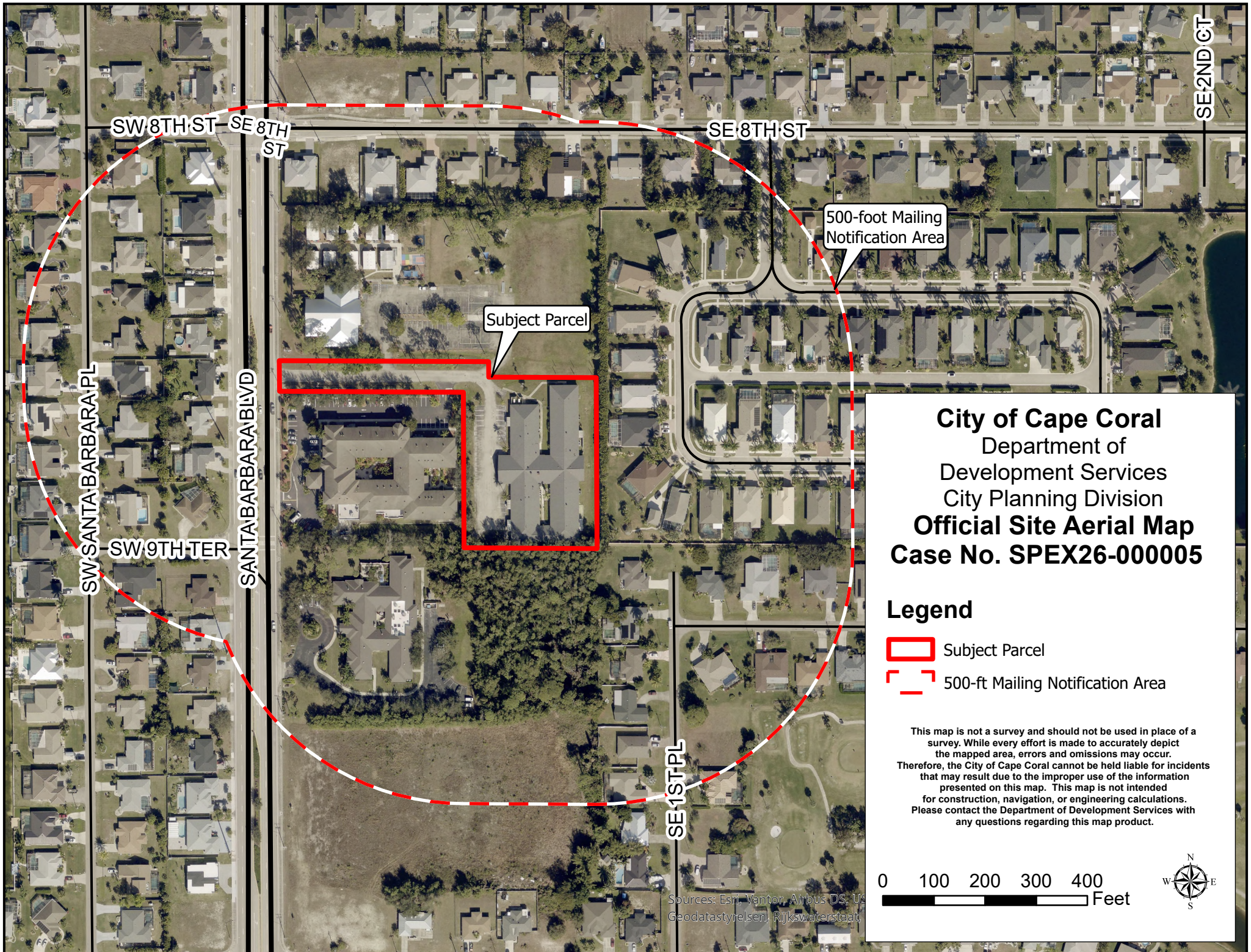
ALSO:
I, MARK G. LEIST, HEREBY CERTIFY THAT THIS SKETCH OR THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

PRELIMINARY

MARK G. LEIST
REGISTRATION NO. PSM 5836
IN THE STATE OF FLORIDA
DATE OF FIELD SURVEY: AUGUST 01, 2026
FLORIDA PROJECT NO. 5202604351

GRS
GROUP
AN NIV5 COMPANY

133 TECHNOLOGY DRIVE, SUITE 200, IRVINE, CA 92618
FIELDSURVEYOR@GRS-GLOBAL.COM | PHONE: 330-267-4405

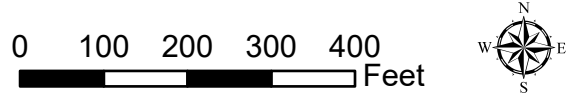


City of Cape Coral
Department of
Development Services
City Planning Division
Official Site Aerial Map
Case No. SPEX26-000005

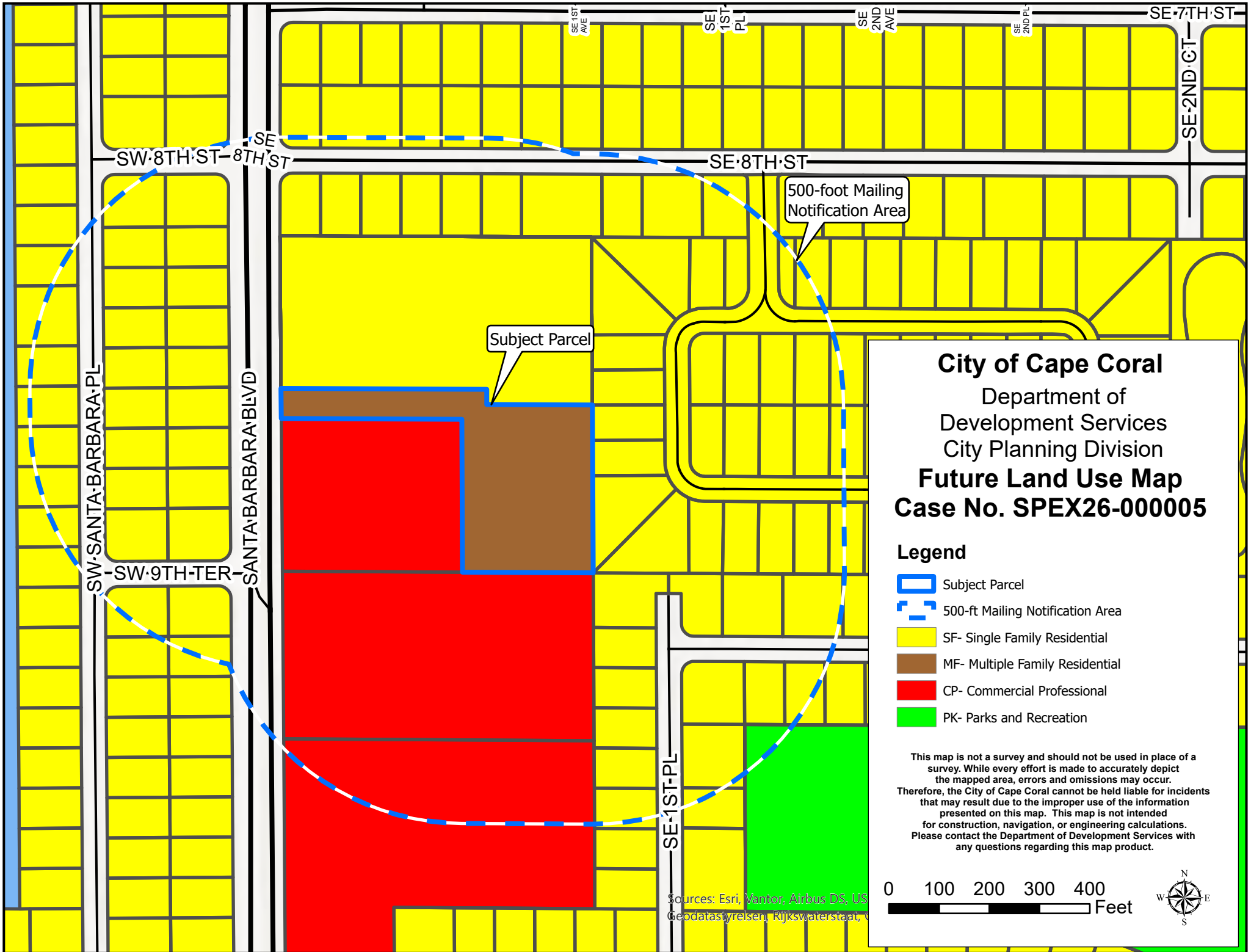
Legend

-  Subject Parcel
-  500-ft 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.



Sources: Esri, Vantor, Airbus DS, US
Geodatastyrelsen, Rijkswaterstaat



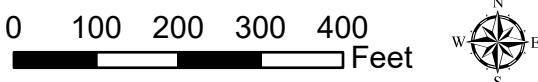
City of Cape Coral
Department of
Development Services
City Planning Division
Future Land Use Map
Case No. SPEX26-000005

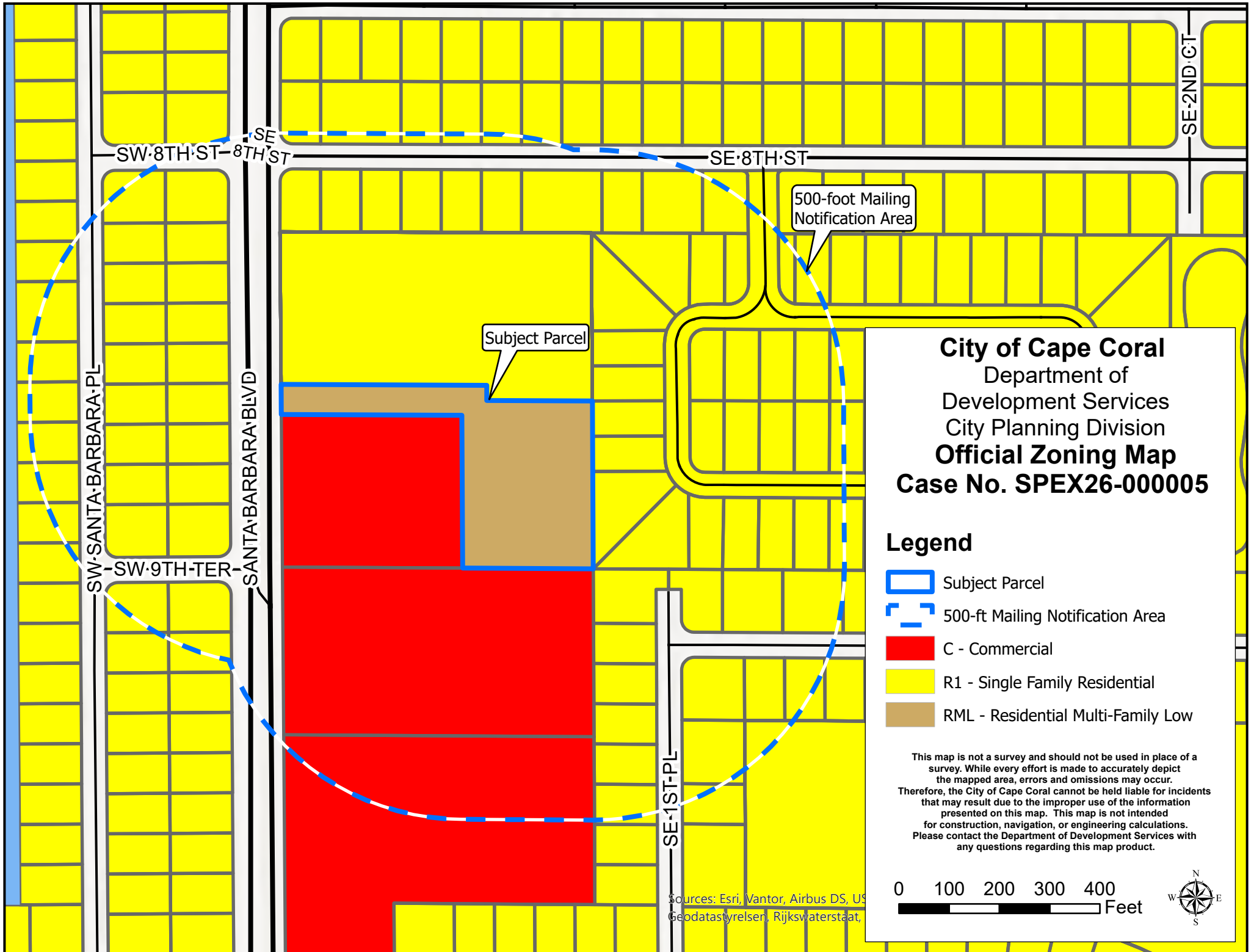
Legend

-  Subject Parcel
-  500-ft Mailing Notification Area
-  SF- Single Family Residential
-  MF- Multiple Family Residential
-  CP- Commercial Professional
-  PK- Parks and Recreation

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.

Sources: Esri, Vantor, Airbus DS, US
Geodatastyrelsen, Rijkswaterstaat, C



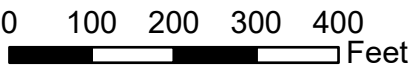


City of Cape Coral
Department of
Development Services
City Planning Division
Official Zoning Map
Case No. SPEX26-000005

Legend

- Subject Parcel
- 500-ft Mailing Notification Area
- C - Commercial
- R1 - Single Family Residential
- RML - Residential Multi-Family Low

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.



Sources: Esri, Vantor, Airbus DS, US
Geodatastyrelsen, Rijkswaterstaat,