



Civil Engineers • Land Surveyors • Planners • Landscape Architects

May 9, 2017

Ms. Nancy Gundlach, AICP
Principal Planner
Land Development Services
Growth Management Division
2800 North Horseshoe Drive
Naples, FL 34104

**RE: PL20160001985, Cleary RPUD
Insufficiency Rev. 1 Response**

Dear Ms. Nancy Gundlach:

This correspondence is our formal response to the sufficiency review letter provided to us on December 21, 2016. Responses to staff comments have been provided in **bold**.

Addressing - GIS Review: Annis Moxam

Correction Comment 1:

Per maps there is a ROW (John Michael RD) along the Westerly property line. On Exhibit C Master Plan, the Northern portion of the ROW is not shown. The OR 1097 PG 2181 is for the Southern portion, please add the Northern portion of the ROW and provide OR Book and Page (for the portion not shown).

Response:

Our records indicate that the easement was extinguished on the property immediately to the east, currently owned by Cullen Walker. The Cleary's intends to vacate or extinguish the easements located on their easterly and southerly boundaries.

Comprehensive Planning Review: Corby Schmidt

Correction Comment 1:

Miscellaneous Corrections - provided in separate document (included herein).

Residential In-fill: To encourage residential in-fill in urban areas of existing development outside of the Coastal High Hazard Area, a maximum of 3 residential dwelling units per gross acre may be added if the following criteria are met [staff analysis follows in bracketed text]:

- (a) The project is 20 acres or less in size; [the site comprises ±9 acres]
- (b) At time of development, the project will be served by central public water and sewer; [County water and wastewater service is available to serve this area]

- (c) The project is compatible with surrounding land uses; [this determination is made by Zoning Services staff in their review of the petition in its entirety]
- (d) The property in question has no common site development plan with adjacent property; [presumably not, but the petitioner needs to verify this]
- (e) There is no common ownership with any adjacent parcels; [the petitioner needs to demonstrate this]
- (f) The parcel in question was not created to take advantage of the in-fill residential density bonus and was created prior to the adoption of this provision in the Growth Management Plan on January 10, 1989; [the petitioner needs to demonstrate this]
- (g) Of the maximum 3 additional units, one (1) dwelling unit per acre shall be transferred from Sending Lands; and, [this commitment needs to be included in Exhibit F, Developer Commitments – also specifying that the first DU/A (9 units) over the base density of 4 DU/A (36 DUs) must be derived from TDR credits]
- (h) Projects qualifying under this provision may increase the density administratively by a maximum of one dwelling unit per acre by transferring that additional density from Sending Lands”. [the County’s regulations provide for this density increase via a rezone of the property]

Application materials do not include all of the information regarding how the subject property meets the above criteria. Fully address each of these criteria, and provide the supporting documentation as necessary.

Response:

Please see revised Evaluation Criteria included with this submittal.

Revise Exhibit F to replace the single Planning commitment with the following entry in Exhibit F, List of Developer Commitments:

“TDR credits shall be utilized in accordance with the requirements of LDC Section 2.03.07D.4.g.

A maximum of [fill in correct figure] dwelling units are permitted in the PUD, of which 36 units are derived from the allowable base density and [fill in correct figure] units are derived from density bonus; of the density bonus, 9 units shall be derived from TDR Credits severed and transferred from Rural Fringe Mixed Use District Sending Lands consistent with the provisions of the Collier County Growth Management Plan.

Commencing with submittal of the first development order that utilizes TDR credits (beginning with the 37th unit), a TDR calculation sheet shall be submitted documenting that the developer has acquired all TDR credits needed for that portion of the development. The calculation sheet tracks the chronological assignment of TDR credits with respect to all subsequent development orders until the maximum density allowed by the utilization of TDR credits has been reached (all TDR credits allowing residential development reach a zero balance).”

Response:

Exhibit F has been revised as requested.

Revise Exhibit A, Permitted Uses, by changing "37" DUs to "36" (8.99 acres x 4 DU/A base density = 36 DUs).

Response:

Exhibit A has been revised as requested.

Engineering Stormwater Review: Liz Gosselin

Correction Comment 1:

Please provide a drainage plan that identifies the development's stormwater design limitations, internal drainage easements, control structure location, off-site discharge point, and downstream conveyance per the Regional Stormwater Management Study for the Harvey Basin and existing Regis PUD infrastructure.

Response:

Historical discharge is to the south. The Saturnia Lakes project SFWMD permit made provisions for discharge through their system. The likely discharge location is shown on the Master Plan.

Correction Comment 2:

To accommodate any future offsite flows, please modify Exhibit C Master Plan to include drainage to the 30 foot Right-of-Way (ROW) Easement identified along the west and south PUD boundary.

Response:

These easements will be vacated. The property will require a SFWMD permit prior to development and that permit will be consistent with SFWMD criteria.

Environmental Review: Summer Araque

Correction Comment 1:

Provide the following Environmental Data (LDC 3.08.00):

- a. The report provided by the consultant specifically states in the Introduction it was done for the purpose of identifying the potential for either U.S. Army Corps of Engineers (ACOE) and/or South Florida Water Management District (SFWMD) jurisdictional wetlands; and for listed species inhabiting the site. However, the report does not evaluate the site for the Collier County preservation requirements. Please revise the Environmental report to focus on the County requirements and remove references to other agency requirements.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

b. WHO PREPARED THE ENVIRONMENTAL DATA REPORT? Preparation of Environmental Data. Environmental Data Submittal Requirements shall be prepared by an individual with academic credentials and experience in the area of environmental sciences or natural resource management. Academic credentials and experience shall be a bachelor's or higher degree in one of the biological sciences with at least two years of ecological or biological professional experience in the State of Florida. Please include revision dates on resubmittals.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

c. Where treated stormwater is allowed to be directed into preserves, show how the criteria in 3.05.07 H have been met.

Response:

It is not anticipated that the preserve will be used for stormwater management; however, there may need to be conveyance of stormwater along the perimeter of the preserve.

d. Where native vegetation is retained on site, provide a topographic map to a half foot and, where possible, provide elevations within each of the FLUCFCS Codes identified on site. For SDP or final plat construction plans, include this information on the site plans.

Response:

No topographic data is available at this time. Full topographic surveys will accompany the construction plans for the project.

e. Provide a wildlife survey for the nests of bald eagle and for listed species known to inhabit biological communities similar to those existing on site. The survey shall be conducted in accordance with the guidelines or recommendations of the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service (USFWS). Survey times may be reduced or waived where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, as determined by the FFWCC and USFWS. Where an initial habitat assessment by the environmental consultant indicates that the likelihood of listed species occurrence is low, the survey time may be reduced or waived by the County Manager or designee, when the project is not reviewed or technical assistance not provided by the FFWCC and USFWS. Additional survey time may be required if listed species are discovered

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

f. Provide a survey for listed plants identified in 3.04.03

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

g. For sites or portions of sites cleared of native vegetation or in agricultural operation, provide documentation that the parcel(s) were issued a permit to be cleared and are in compliance with the 25 year rezone limitation pursuant to section 10.02.06. For sites permitted to be cleared prior to July 2003, provide documentation that the parcel(s) are in compliance with the 10 year rezone limitation previously identified in the GMP. Criteria defining native vegetation and determining the legality, process and criteria for clearing are found in 3.05.05, 3.05.07 and 10.02.06.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

h. Identify on a current aerial the acreage, location and community types of all upland and wetland habitats on the project site, according to the Florida Land Use Cover and Forms Classification System (FLUCFCS), and provide a legend for each of the FLUCFCS Codes identified.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

i. Provide an exhibit clearly showing which areas are native vegetation for the Preserve calculation. Explain why specific areas were excluded as native vegetation.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

j. Demonstrate how the preserve selection criteria pursuant to 3.05.07 have been met. Include an aerial showing the project boundaries along with any undeveloped land, preserves, natural flowways or other natural land features, located on abutting properties.

k. The County Manager or designee may require additional data or information necessary to evaluate the project's compliance with LDC and GMP requirements. (LDC 10.02.02.A.3 f)

- i. Provide overall description of project with respect to environmental and water management issues.
- ii. Explain how project is consistent with each of the applicable objectives and policies in the CCME of the GMP.
- iii. Explain how the project meets or exceeds the native vegetation preservation requirement in the CCME and LDC.
- iv. Indicate wetlands to be impacted and the effects of the impact to their functions and how the project's design compensates for wetland impacts.

Response:

The project narrative includes a description of GMP consistency and the environmental assessment from BearPaws Environmental Consulting, Inc addresses compliance with native vegetation retention.

Correction Comment 2:

Retained preservation areas shall be selected based on the criteria defined in LDC 3.05.07.A.3, include all 3 strata, be in the largest contiguous area possible and shall be interconnected within the site and to adjoining off-site preservation areas or wildlife corridors. (LDC 3.05.07 H.1.f.) This will be determined after the FLUCFCS map is provided.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc.

Correction Comment 3:

The calculation on the Master Plan and on page 7 of 7 are not consistent. Please correct. Also, there is a 30 foot ROW easement identified in the Preserve. Is this going to be removed? This easement cannot be in the Preserve. Staff can stipulate the removal of the ROW easement. Otherwise, place the Preserve outside of the ROW easement

Response:

The easement will be vacated.

Correction Comment 4:

PUD Document shall identify any listed species found on site and/or describe any unique vegetative features that will be preserved on the site. (LDC 10.02.13 A.2.) Please remove the Environmental commitment related to gopher tortoise as there were none found on site.

Response:

Please see the revised Environmental Assessment and Protected Species Survey report prepared by BearPaws Environmental Consulting, Inc. The Environmental commitment related to gopher tortoise has been removed as requested.

Public Utilities - PUED Review: Eric Fey

Correction Comment 1:

The LOSS for potable water is 150 gpcd and the average occupancy for Census Tract 104.15 is 2.1 persons per dwelling unit according to 2010 Census redistricting data. Use this information and a peak season multiplier of 1.2 to estimate demand. For group housing, use the LOSS in conjunction with an appropriate permanent population based on anticipated occupancy.

Correction Comment 2:

The LOSS for wastewater is 100 gpcd and the average occupancy for Census Tract 104.15 is 2.1 persons per dwelling unit according to 2010 Census redistricting data. Use this information and a peak season multiplier of 1.2 to estimate demand. For group housing, use the LOSS in conjunction with an appropriate permanent population based on anticipated occupancy.

Response:

The calculations have been corrected as requested.

Correction Comment 3:

Provide a notarized utility dedication statement. This is required at the time of PUD rezoning and may not be deferred until development permit.

Response:

A notarized utility dedication statement is included with this submittal.

Transportation Planning Review: Michael Sawyer

Correction Comment 1:

Additional Items that need to be addressed for Transportation Review:

Rev.1: As discussed please update TIS to include 2016 AUIR calc's, specifically page 5 (general AUIR references, 5.1 (Table 2B) and page 5.2 (Table 2C). The BCC approved the AUIR last month and because this petition will be at hearing in 2017 the TIS needs to be current. The change will only reflect notes/references and current calc's...not the conclusions of the TIS.

Response:

The TIS has been revised to reflect the 2016 AUIR Report and is included with this submittal.

Correction Comment 2:

Developer commitments made as a condition of zoning are not adequately addressed

Rev.1: Please provide a developer commitment regarding the shared access for the

development (and adjacent development) on Immokalee. Please provide timing of a required easement to accommodate the access on the adjacent parcel, the timing needs to be tied to SDP/Plat approval or possibly building CO.

Response:

The easement shown on the County records has been vacated on the parcel to the east. The access location has been modified. Access through the Cleary PUD will be provided via a potential interconnect to the property to the west.

Correction Comment 3:

Additional Items that need to be addressed for Transportation Review:

Rev.1: On the conceptual master plan please remove the small section of sidewalk shown in the east side of proposed shared access. This petition is not proposing any deviations from required sidewalks and to avoid confusion removing this section will address concerns. Alternatively show sidewalks on both sides of all roads/access/ROW's.

Response:

The Master Plan has been revised to remove the sidewalk detail.

Zoning Review: Daniel Smith

Correction Comment 1:

Staff does not support Deviation #2. Group home uses, whether its 55 and over or memory care, have outdoor recreation as part of the residential component.

Response:

The deviation will be withdrawn with the understanding that group housing is not a residential use and is subject to a 30% open space requirement as for non-residential projects.

Correction Comment 2:

Please explain the 30' ROW easement. Is this to be vacated?

Response:

Yes the 30' ROW easement will be vacated.

Correction Comment 5:

Note 1 on the Development Standards should be 23' from the sidewalk.

Response:

Note 1 has been revised as requested.

County Attorney Review: Scott Stone

Correction Comment 1:

Please provide an Affidavit of Authorization for each parcel--one Affidavit of Authorization from "[insert name] as [insert title] of Royal Palm Nursery, a Florida General Partnership", and one Affidavit of Authorization from "[insert name] as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr."

Response:

Both parcels are owned by Thomas J Cleary, as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr. Affidavits and deeds for both parcels are provided with this submittal.

Correction Comment 2:

Please provide a Covenant of Unified Control for each parcel--one Covenant of Unified Control from "[insert name] as [insert title] of Royal Palm Nursery, a Florida General Partnership", and one Covenant of Unified Control from "[insert name] as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr."

Response:

Both parcels are owned by Thomas J Cleary, as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr. Covenants and deeds are included with this submittal.

Correction Comment 3:

Your application indicates that Raymon J. Cleary Jr. and Thomas J Cleary Family Trust each own 50% of the PUD property. However, they each only own 50% of ONE of the PUD parcels. The other parcel is owned by Royal Palm Nursery, a Florida General Partnership. Please revise the "Disclosure of Interest Information" section in the application to accurately describe all of the owners of the PUD property and their respective percentage of ownership.

Response:

Both parcels are owned by Thomas J Cleary, as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr. Deeds are included with this submittal.

Correction Comment 4:

Royal Palm Nursery, a FL General Partnership is not listed as an active entity in Florida on sunbiz.org. Please provide evidence that they are an active and legal entity in Florida.

Response:

Both parcels are owned by Thomas J Cleary, as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr. Deeds are included with this submittal.

Correction Comment 5:

Please provide a list of all of the beneficiaries of the Thomas John Cleary Family Trust.

Response:

The application has been revised to reflect the beneficiaries of the Thomas John Cleary Family Trust.

Correction Comment 6:

Please list all partners, shareholders and/or those with an equitable interest in Royal Palm Nursery, a Florida General Partnership.

Response:

Both parcels are owned by Thomas J Cleary, as Trustee of Thomas John Cleary Family Trust, and Raymond J. Cleary, Jr. Deeds are included with this submittal.

Correction Comment 7:

You may need to add a developer commitment re: shared access from Immokalee Road.

Response:

Shared access may be possible; however, the easement on the parcel to the east has been vacated, a potential interconnection to this property is shown on the Master Plan.

Correction Comment 8:

Provide a copy of the ROW Easement (OR 1097, PG 2181). Staff will need to confirm whether this ROW is permitted within the preserve area, per LDC.

Response:

A copy of the ROW Easement to be vacated is provided as requested.

Correction Comment 10:

See markups on PUD Document provided by separate e-mail by the assigned planner.

Response:

Corrections to the PUD Exhibits have been made as shown in the marked up PUD Document.

Nancy Gundlach, AICP
RE: PL20160001985, Cleary RPUD
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Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Wayne Arnold". The signature is stylized with a large initial "D" and a long, sweeping horizontal line.

D. Wayne Arnold, AICP

Cc: Tom Cleary
Richard D. Yovanovich
GradyMinor File