



Civil Engineers • Land Surveyors • Planners • Landscape Architects

June 28, 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. 2 Response**

Dear Ms. Nancy Gundlach:

This correspondence is our formal response to the sufficiency review letter provided to us on June 13, 2017. Responses to staff comments have been provided in **bold**.

Rejected Review: Comprehensive Planning

Reviewed By: Corby Schmidt

Based upon the above analysis, the PUD, as proposed, may not be deemed consistent with the Future Land Use Element of the Growth Management Plan. Staff however, recommends the maximum density be reduced to 7.0 DU/A and dwelling unit count be reduced to 63 units – and PUD documents be revised throughout accordingly – to achieve consistency with the Growth Management Plan.

Response:

Included with this submittal is the stipulated final judgement in a prior eminent domain action impacting the property. On page 2, the fourth “Ordered” paragraph provides that the density from the property taken can be constructed on the remainder parcel. Accordingly, the density in our proposed PUD is correct.

Rejected Review: Environmental Review

Reviewed By: Summer Araque

Email: summerbrownaraque@colliergov.net Phone #: (239) 252-6290

Correction Comment 1:

Provide the following in the Environmental Data report (LDC 3.08.00):

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 refer to Exhibit G of the Environmental Assessment and Protected Species Survey Report.

f. Provide a survey for listed plants identified in 3.04.03

Response:

A survey for listed plants has already been conducted on-site; a statement was included within the environmental report. Please refer to the Environmental Assessment and Protected Species Survey Report.

Correction Comment 2:

Areas excluded from the native vegetation retention calculations will have to be field verified by County staff. Have the environmental consultant contact County staff (Stephen Lenberger, 239-252-2915) to arrange for a site visit of the subject property. The native vegetation retention (preserve) requirement referenced on the PUD master plan and in the PUD document, environmental data and evaluation criteria in the application may all have to be revised pending outcome of the site visit with staff.

Response:

A site inspection with Mr. Lenberger was conducted on-site on June 19, 2017. The site was reviewed and some slight changes were made to the native versus non-native areas on-site. Please refer to Exhibit F of the Environmental Assessment and Protected Species Survey Report.

Correction Comment 3:

Add the following environmental commitment to section 1 of Exhibit F of the PUD document.

“The portion of the 30 foot ROW easement within the preserve will need to be vacated prior to final plat or SDP approval, whichever is applicable.”

Response:

Exhibit F has been revised as requested.

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.) Specifically, a bear management plan will be required. Replace section 1.b of Exhibit F of the PUD document with the following:

“A management plan for Florida black bear shall be submitted for review and approval at time of final plat or SDP for the project, whichever is applicable.”

Delete the last sentence in Environmental commitment 1.a.

Amend the second allowable use within the uses in the preserve section of the PUD document to read as follows.

“Mitigation for environmental permitting.”

Response:

The PUD document has been revised as requested.

Correction Comment 5:

Amend Note number 3 on the PUD master plan to read as follows.

“Preserves may be used to satisfy the landscape buffer requirements after exotic vegetation removal in accordance with LDC sections 4.06.02 and 4.06.05.E.1. Supplemental plantings with native plant materials shall be in accordance with LDC section 3.05.07.”

Consult with the Principal Planner to verify which note shall be provided for this petition. An additional landscape buffer outside of the preserve may be required due the amount of exotics within the preserve.

Response:

Note 3 on the Master Plan has been revised.

Rejected Review: Transportation Planning Review

Reviewed By: Michael Sawyer

Email: michaelsawyer@colliergov.net Phone #: (239) 252-2926

Correction Comment 1:

Additional Items that need to be addressed for Transportation Review:

Rev.2: TIS updated to 2016 AUIR however appears Tables 2B and 2C contain incorrect traffic counts for Immokalee Road segment 43.1 (I-75 to Logan), please correct to be consistent with 2016 counts.

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, dated January 16, 2017, correctly references the traffic data from the 2016 AUIR on pages 5.1 (Table 2B) and 5.2 (Table 2C). Also, all calculations and results are based upon the 2016 AUIR. However, Tables 2B and 2C in the TIS Methodology Report are based upon 2015 AUIR because at the time of establishing the methodology the 2016 was not adopted.

Correction Comment 2:

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

Rev.2: Adjacent access easement information provided with second submittal. A developer agreement is still required to limit trips for the proposed PUD consistent with TIS provided (85 PM peak our two-way trips).

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:

Exhibit F has been revised to add Item 5 to limit trips for the proposed PUD consistent with TIS provided.

*Rejected Review: Zoning Review
Reviewed By: Nancy Gundlach
Email: nancygundlach@colliergov.net Phone #: (239) 252-2484*

Correction Comment 5:
Miscellaneous Corrections

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

Response:
Note #1 has been modified to note that a front loaded garage must be 23' from back of sidewalk.

Correction Comment 6:
Miscellaneous Corrections

The Legal Description for Exhibit D Parcel 2 is different from the Legal Description on the Survey. Please reconcile.

Response:
The legal description has been revised to be consistent with the survey.

Correction Comment 7:
Miscellaneous Corrections

Due to the number of exotics within the preserve, additional buffering is needed. Please show how the required Type B Landscape requirements will be met along the southern property line.

Response:
A note has been added to the Master Plan, indicating that supplemental plantings may be required to achieve the minimum buffer requirements.

Correction Comment 8:
Miscellaneous Corrections

Please specify one individual (not two) as the Managing Entity in the PUD Monitoring Commitment # 3.

Response:
The PUD document has been revised as requested.

Correction Comment 9:
Miscellaneous Corrections

Please see attached red-lines to the PUD document.

Response:

The PUD document has been revised as requested.

Rejected Review: County Attorney Review
Reviewed By: Scott Stone
Email: ScottStone@colliergov.net Phone #: (239) 252-5740

Correction Comment 9:

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.

UPDATE 6/7/17--The legal description for the ROW easement that you added to the Master Plan in this submittal (OR 111, PG 129) appears to indicate that the easement is located on the EASTERLY 30 feet of the property, not the WESTERLY 30 feet.

Response:

A copy of OR 1097, PG 2181 was provided with submittal #2, a copy has also been provided with this submittal.

Correction Comment 10:

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

Response:

Modifications to the PUD document have been made based on markups provided by Planner and County Attorney.

Correction Comment 11:

In your response to evaluation criteria submitted with the second submittal, you indicate that you are entitled to 37 DUs because you calculated the allowance based on the parent parcel (9.25 acres) before the taking relating to the Immokalee Road expansion. Was the 0.25 acres taken in fee simple or as an easement? If fee simple, then you should not include that 0.25 acres in your dwelling unit calculation (i.e.-it would be 36, not 37, dwelling units)

Note--it appears that you changed the number at 36 in the PUD document, so perhaps you left the number 37 in your evaluation criteria responses by mistake?

Response:

The Order of Taking clearly indicates that the area taken may be utilized for density purposes. A copy of the Order of Taking has been included with this submittal.

Correction Comment 12:

Please confirm that this will not require a GMP Amendment.

Response:

The proposed uses do not require a GMP Amendment.

Correction Comment 13:

It does not appear that you included responses to the criteria for Rezones under LDC Section 10.02.08 F.

Nancy Gundlach, AICP
RE: PL20160001985, Cleary RPUD
Insufficiency Rev. 2 Response
June 28, 2017
Page 6 of 6

Please provide a response to each of the enumerated criteria under that section.

Response:

The application has been revised to include responses to rezoning criteria under LDC Section 10.02.08 F.

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 fluid and cursive, with a large initial "D" and a long, sweeping underline.

D. Wayne Arnold, AICP

Cc: Tom Cleary
Richard D. Yovanovich
GradyMinor File