



COLLIER COUNTY GOVERNMENT  
GROWTH MANAGEMENT DEPARTMENT  
[www.colliergov.net](http://www.colliergov.net)

2800 NORTH HORSESHOE DRIVE  
NAPLES, FLORIDA 34104  
(239) 252-2400 FAX: (239) 252-6358

## Application for a Public Hearing for PUD Rezone, Amendment to PUD or PUD to PUD Rezone

PETITION NO  
PROJECT NAME  
DATE PROCESSED

*To be completed by staff*

- ☒ **PUD Rezone (PUDZ):** LDC subsection 10.02.13 A.-F., Ch. 3 G. 1 of the Administrative Code  
☐ **Amendment to PUD (PUDA):** LDC subsection 10.02.13 E. and Ch. 3 G. 2 of the Administrative Code  
☐ **PUD to PUD Rezone (PUDR):** LDC subsection 10.02.13 A.-F.

### APPLICANT CONTACT INFORMATION

Name of Applicant(s): Raymond J Cleary Jr  
Address: 3120 60th Street SW City: Naples State: FL ZIP: 34116  
Telephone: (407) 803-4670 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: royalpalmlawn@aol.com

Name of Agent: D. Wayne Arnold, AICP / Richard D. Yovanovich  
Firm: Q. Grady Minor and Associates, P.A. / Coleman, Yovanovich & Koester, P.A.  
Address: 3800 Via Del Rey City: Bonita Springs State: FL ZIP: 34134  
Telephone: 239.947.1144 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: warnold@gradyminor.com / ryovanovich@cyklawfirm.com

Be aware that Collier County has lobbyist regulations. Guide yourself accordingly and ensure that you are in compliance with these regulations.



**DISCLOSURE OF INTEREST INFORMATION**

**Please complete the following information, if space is inadequate use additional sheets and attach to the completed application packet.**

- a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership
Raymond J Cleary JR	50
3120 60th Street SW, Naples FL 34116	

- b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

- c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership
Thomas J Cleary Family Trust	50
Thomas J Cleary, Trustee, 3120 60th Street SW, Naples FL 34116	
Beneficiary of Trust - Lori Cleary	100

- d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership



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- e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

**Date of Contract:** \_\_\_\_\_

- f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

- g. Date subject property acquired 1996 and 2000

☐ Leased: Term of lease \_\_\_\_\_ years /months

If, Petitioner has option to buy, indicate the following:

**Date of option:** \_\_\_\_\_

**Date option terminates:** \_\_\_\_\_, or

**Anticipated closing date:** \_\_\_\_\_

- h. Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.



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### REZONE REQUEST

This application is requesting a rezone from: A, Agricultural Zoning district(s) to the Residential Planned Unit Development zoning district(s).

Present Use of the Property: Undeveloped

Proposed Use (or range of uses) of the property: Residential and/or Group Housing for Seniors

Original PUD Name: N.A.

Ordinance No.: N.A.

### PROPERTY INFORMATION

On a separate sheet attached to the application, provide a detailed legal description of the property covered by the application:

- If the request involves changes to more than one zoning district, the applicant shall include a separate legal description for property involved in each district;
- The applicant shall submit 4 copies of a recent survey (completed within the last six months, maximum 1" to 400' scale), if required to do so at the pre-application meeting; and
- The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

Section/Township/Range: 28 / 48 / 26

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Metes & Bounds Description: Please see Exhibit 1

Plat Book: \_\_\_\_\_ Page #: \_\_\_\_\_ Property I.D. Number: 00194920009 and 00195080003

Size of Property: \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ Total Sq. Ft. Acres: 9+/-

Address/ General Location of Subject Property: 7576 Immokalee Road

PUD District (refer to LDC subsection 2.03.06 C):

- ☐ Commercial ☒ Residential ☐ Community Facilities ☐ Industrial  
☐ Mixed Use ☐ Other: \_\_\_\_\_



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#### ADJACENT ZONING AND LAND USE

	Zoning	Land Use
<b>N</b>	ROW and H.D. Development PUD	Livingston Road and Residential
<b>S</b>	Rigas PUD	Residential
<b>E</b>	Rigas PUD	Residential
<b>W</b>	A	Undeveloped

If the owner of the subject property owns contiguous property please provide a detailed legal description of the entire contiguous property on a separate sheet attached to the application.

Section/Township/Range: \_\_\_\_/\_\_\_\_/\_\_\_\_

Lot: \_\_\_\_ Block: \_\_\_\_ Subdivision: \_\_\_\_\_

Plat Book: \_\_\_\_ Page #: \_\_\_\_ Property I.D. Number: \_\_\_\_\_

Metes & Bounds Description: \_\_\_\_\_

#### ASSOCIATIONS

Complete the following for all registered Association(s) that could be affected by this petition. Provide additional sheets if necessary. Information can be found on the Board of County Commissioner's website at <http://www.colliergov.net/Index.aspx?page=774>.

Name of Homeowner Association: Saturnia Lakes Homeowners Association  
Mailing Address: 1310 Saturnia Grande Drive City: Naples State: FL ZIP: 34119

Name of Homeowner Association: Olde Cypress Master Property Owners Association Inc.  
Mailing Address: 9150 Galleria Court Suite 201 City: Naples State: FL ZIP: 34109

Name of Homeowner Association: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Name of Homeowner Association: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Name of Homeowner Association: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_



## EVALUATION CRITERIA

Pursuant to LDC subsections 10.02.13 B, 10.02.08 F and Chapter 3 G. of the Administrative Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria. **On a separate sheet attached to the application, provide a narrative statement describing the rezone request with specific reference to the criteria below. Include any backup materials and documentation in support of the request.**

- a. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.
- b. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.
- c. Conformity of the proposed PUD with the goals, objectives and policies of the Growth Management Plan. (This is to include identifying what Sub-district, policy or other provision allows the requested uses/density, and fully explaining/addressing all criteria or conditions of that Sub-district, policy or other provision.)
- d. The internal and external compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering and screening requirements.
- e. The adequacy of usable open space areas in existence and as proposed to serve the development.
- f. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.
- g. The ability of the subject property and of surrounding areas to accommodate expansion.
- h. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications of justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

**Deed Restrictions:** The County is legally precluded from enforcing deed restrictions; however, many communities have adopted such restrictions. You may wish to contact the civic or property owners association in the area for which this use is being requested in order to ascertain whether or not the request is affected by existing deed restrictions.



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**Previous land use petitions on the subject property:** To your knowledge, has a public hearing been held on this property within the last year? If so, what was the nature of that hearing?

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**Official Interpretations or Zoning Verifications:** To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☐ Yes ☐ No if so please provide copies.

#### PUBLIC NOTICE REQUIREMENTS

This land use petition requires a Neighborhood Information Meeting (NIM), pursuant to Chapter 3 E. of the Administrative Code and LDC section 10.03.06. Following the NIM, the applicant will submit a written summary and any commitments that have been made at the meeting. Refer to Chapter 8 B. of the Administrative Code for the NIM procedural requirements.

**Chapter 8 of the Administrative Code requires that the applicant must remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.**

#### RECORDING OF DEVELOPER COMMITMENTS

Within 30 days of adoption of the Ordinance, the owner or developer (specify name) at their expense shall record in the Public Records of Collier County a Memorandum of Understanding of Developer Commitments or Notice of Developer Commitments that contains the legal description of the property that is the subject of the land use petition and contains each and every commitment of the owner or developer specified in the Ordinance. The Memorandum or Notice shall be in form acceptable to the County and shall comply with the recording requirements of Chapter 695, FS. A recorded copy of the Memorandum or Notice shall be provided to the Collier County Planned Unit Development Monitoring staff within 15 days of recording of said Memorandum or Notice.

#### LDC subsection 10.02.08 D

**This application will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. The application will be considered "closed" when the petitioner withdraws the application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months. An application deemed "closed" will not receive further processing and an application "closed" through inactivity shall be deemed withdrawn. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.**



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**Pre-Application Meeting and Final Submittal Requirement Checklist for:**

- ☐ PUD Rezone- Ch. 3 G. 1 of the Administrative Code  
☐ Amendment to PUD- Ch. 3 G. 2 of the Administrative Code  
☐ PUD to PUD Rezone- Ch. 3 G. 1 of the Administrative Code

The following Submittal Requirement checklist is to be utilized during the Pre-Application Meeting and at time of application submittal. At final submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below, with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS	# OF COPIES	REQUIRED	NOT REQUIRED
Cover Letter with Narrative Statement including a detailed description of why amendment is necessary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Completed Application with required attachments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pre-application meeting notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<a href="#">Affidavit of Authorization</a> , signed and notarized	2	<input type="checkbox"/>	<input type="checkbox"/>
Notarized and completed Covenant of Unified Control	2	<input type="checkbox"/>	<input type="checkbox"/>
<a href="#">Completed Addressing Checklist</a>	2	<input type="checkbox"/>	<input type="checkbox"/>
Warranty Deed(s)	3	<input type="checkbox"/>	<input type="checkbox"/>
List Identifying Owner and all parties of corporation	2	<input type="checkbox"/>	<input type="checkbox"/>
Signed and sealed Boundary Survey	4	<input type="checkbox"/>	<input type="checkbox"/>
Architectural Rendering of proposed structures	4	<input type="checkbox"/>	<input type="checkbox"/>
Current Aerial Photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial.	5	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Utility Provisions	4	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Data Requirements pursuant to LDC section 3.08.00	4	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Data Requirements collated into a single Environmental Impact Statement (EIS) packet at time of public hearings. Coordinate with project planner at time of public hearings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Listed or Protected Species survey, less than 12 months old. Include copies of previous surveys.	4	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Impact Study	7	<input type="checkbox"/>	<input type="checkbox"/>
Historical Survey	4	<input type="checkbox"/>	<input type="checkbox"/>
School Impact Analysis Application, if applicable	2	<input type="checkbox"/>	<input type="checkbox"/>
Electronic copy of all required documents	2	<input type="checkbox"/>	<input type="checkbox"/>
Completed Exhibits A-F (see below for additional information)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
List of requested deviations from the LDC with justification for each (this document is separate from Exhibit E)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Revised Conceptual Master Site Plan 24" x 36" and One 8 ½" x 11" copy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Original PUD document/ordinance, and Master Plan 24" x 36" – Only if Amending the PUD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Checklist continued onto next page...</b>			





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Revised PUD document with changes crossed thru & underlined	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Official Interpretation and/or Zoning Verification	1	<input type="checkbox"/>	<input type="checkbox"/>
<b>*If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement</b>			

<sup>+</sup>The following exhibits are to be completed on a separate document and attached to the application packet:

- ☐ **Exhibit C: Master Plan- See Chapter 3 E. 1. of the Administrative Code**
- ☐ **Exhibit D: Legal Description**
- ☐ **Exhibit E: List of Requested LDC Deviations and justification for each**
- ☐ **Exhibit F: List of Development Commitments**

If located in RFMU (Rural Fringe Mixed Use) Receiving Land Areas

Pursuant to LDC subsection 2.03.08.A.2.a.2.(b.)i.c., the applicant must contact the Florida Forest Service at **239-690-3500** for information regarding "Wildfire Mitigation & Prevention Plan."

**PLANNERS – INDICATE IF THE PETITION NEEDS TO BE ROUTED TO THE FOLLOWING REVIEWERS:**

<input type="checkbox"/> School District (Residential Components): Amy Lockheart	<input type="checkbox"/> Conservancy of SWFL: Nichole Ryan
<input type="checkbox"/> Utilities Engineering: Kris VanLengen	<input type="checkbox"/> Parks and Recreation: Vicky Ahmad
<input type="checkbox"/> Emergency Management: Dan Summers	<input type="checkbox"/> Immokalee Water/Sewer District:
<input type="checkbox"/> City of Naples: Robin Singer, Planning Director	<input type="checkbox"/> Other:

**FEE REQUIREMENTS**

- ☐ **Pre-Application Meeting:** \$500.00
- ☐ **PUD Rezone:** \$10,000.00\* plus \$25.00 an acre or fraction of an acre
- ☐ **PUD to PUD Rezone:** \$8,000.00\* plus \$25.00 an acre or fraction of an acre
- ☐ **PUD Amendment:** \$6,000.00\* plus \$25.00 an acre or fraction of an acre
- ☐ **Comprehensive Planning Consistency Review:** \$2,250.00
- ☐ **Environmental Data Requirements-EIS Packet (submittal determined at pre-application meeting):** \$2,500.00
- ☐ **Listed or Protected Species Review (when an EIS is not required):** \$1,000.00
- ☐ **Transportation Review Fees:**
  - Methodology Review: \$500.00, to be paid directly to Transportation at the Methodology Meeting\*
  - \*Additional fees to be determined at Methodology Meeting.
  - Minor Study Review: \$750.00
  - Major Study Review \$1,500.00
- ☐ **Legal Advertising Fees:**
  - CCPC: \$925.00
  - BCC: \$500.00
- ☐ **School Concurrency Fee, if applicable:**

## **Cleary PUD**

### **Exhibit 1 Legal Description**

#### **PARCEL 1**

(OR 2651, PG 2615)

THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA

#### **PARCEL 2**

(OR 5355, PG 1948)

THE WEST 1/2 OF THE SW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LYING AND BEING IN THE COUNTY OF COLLIER AND STATE OF FLORIDA

PARCELS 1 & 2 CONTAINING 8.99 ACRES MORE OR LESS COMBINED

## Cleary RPUD

### Exhibit 2

#### Evaluation Criteria

Pursuant to LDC subsections 10.02.13 B, 10.02.08 F and Chapter 3 G. of the Administrative Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria.

#### Narrative Statement Describing Request

**The Cleary Residential Planned Unit Development (RPUD) proposes to develop up to 65 residential dwelling units or 200 units of group housing for seniors on 9± acres. The property is located on the south side of Immokalee Road adjacent to the western PUD boundary of Saturnia Lakes.**

**The property is located in the Urban Residential, Urban Mixed Use Future Land Use Category. The property meets the criteria for an infill project and is eligible under Section 4.07.02 A.2 for rezoning to a PUD, because it shares two common boundaries with developed parcels. Under the density rating system of the Future Land Use Element, the property is eligible to see a maximum of 7 dwelling units per acre as an infill parcel. Provisions have been added to the PUD requiring that any density above 4 units per acre developed on the property must utilize the density bonus provisions by transferring 1 unit per acre from Sending Lands in accordance with the requirements of the infill provision of the Future Land Use Element.**

1. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.

**All infrastructure is available to support the proposed residential or group housing units. The project is adjacent to residential development to the north, south and east, therefore the redevelopment of the site for residential is consistent with the nearby development pattern.**

2. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.

**The applicant is the owner of the parcels that make up the 9± acre RPUD.**

## **Cleary RPUD**

### **Exhibit 2**

#### **Evaluation Criteria**

3. Conformity of the proposed PUD with the goals, objectives and policies of the Growth Management Plan. (This is to include identifying what Sub-district, policy or other provision allows the requested uses/density, and fully explaining/addressing all criteria or conditions of that Sub-district, policy or other provision.)

**The Cleary RPUD is consistent with the Goals, Objectives and Policies of the Collier County Growth Management Plan. The proposed PUD shares a common access with the neighboring property owner to the west; therefore, the PUD is consistent with Objective 7 and encouraging interconnectivity of projects.**

**Policy 5.3 encourages use of urban lands in order to discourage urban sprawl. Development of this infill property is consistent with this Policy.**

**Policy 5.4 requires new projects to be compatible with and complementary to surrounding land uses. The proposed density is higher than the immediately adjacent Saturnia Lakes project; however, property immediately to the west is eligible to seek the same maximum density as the proposed Cleary PUD. Further, development standards have been proposed which address building heights, setbacks and buffers assuring compatibility with the nearby development.**

**Policy 5.8 permits group housing uses within the urban designated area. One of the proposed uses in the PUD is group housing for seniors, age 55 and over. The proposed PUD is consistent with this Policy.**

**The property does have areas of native vegetation, which in accordance with the Conservation and Coastal Management Element requires on-site preservation of 15% of the existing native vegetation. The conceptual Master Plan identifies 1.07± acres as preserve. This meets the requirements of the Conservation and Coastal Management Element of the Growth Management Plan.**

4. The internal and external compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering and screening requirements.

**Properties located to the south and east are developed with residential. Immokalee Road is to the north and undeveloped agricultural land is to the west. Access to the subject site will be via a shared access on Immokalee Road. Development standards have been established which insure compatibility of the proposed residential and group**

## Cleary RPUD Exhibit 2

### Evaluation Criteria

**housing units with surrounding properties. Buffers will be provided per the LDC to insure compatibility with immediately adjacent properties.**

5. The adequacy of usable open space areas in existence and as proposed to serve the development.

**Usable open space will be provided within the PUD as required by the LDC for the group housing or residential development options.**

6. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.

**The project is subject to concurrency and adequate infrastructure must be in place to support future development on the site. There are no known capacity issues that will impact this project.**

7. The ability of the subject property and of surrounding areas to accommodate expansion.

**The Cleary RPUD is surrounded by zoned, developed and undeveloped land. Expansion of the RPUD boundary is not proposed.**

8. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications of justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

**The Cleary RPUD proposes to include uses and development standards appropriate for the site and consistent with the Land Development Code.**

#### Comprehensive Planning Review #1 Comments:

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]

**The parcel is approximately 9+/- acres in size and is less than the 20 acre maximum parcel size required under the infill density bonus criteria.**

## **Cleary RPUD Exhibit 2**

### **Evaluation Criteria**

- (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]

**The project has water and sewer availability at the site and Collier County has water and sewer facilities in the Immokalee Road ROW available to serve the project.**

- (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]

**The project proposes either residential dwellings or group housing for seniors. The PUD includes development standards, including buffers and well located preservation areas that demonstrate compatibility with the adjacent residences in the Saturnia Lakes community. The parcel immediately to the west is zoned Agriculture and under the Growth Management Plan, would be eligible to seek a PUD that would include uses comparable to those proposed for the Cleary PUD.**

- (d) The property in question has no common site development plan with adjacent property; [presumably not, but the petitioner needs to verify this]

**There is no common site plan with the adjacent property. The adjacent property to the south and east is developed as the Saturnia Lakes community. The parcel to the west is zoned Agriculture and there are no applications pending with Collier County for any development on that site. Consistent with the Objective 7 of the Future Land Use Element, a potential shared access/interconnect is shown on the PUD master plan to the property west of the Cleary PUD.**

- (e) There is no common ownership with any adjacent parcels; [the petitioner needs to demonstrate this]

**There is no common ownership with the two adjacent properties. The property to the south and east is owned by the Saturnia Lakes HOA, and the property to the west is owned by Oakwood Park West, LLC.**

- (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]

**The Cleary PUD consists of two parcels of land that have been separate land parcels from approximately 1976 to present. The two separate parcels were acquired by the**

## **Cleary RPUD Exhibit 2**

### **Evaluation Criteria**

**Cleary family. The parcels were not created to take advantage of the density bonus provision as they were tax parcels of record prior to the establishment of this policy in 1989.**

- (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]

**A commitment is included in the PUD document that indicates that no more than 37 units are permitted until additional units are transferred from Sending Lands. The parent parcel before the recent Collier County ROW acquisition from the Cleary family for expansion of Immokalee Road was 9.25 acres, which at 4 du/ac results in an eligible density of 37 dwelling units.**

- (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]

**The applicant is utilizing the rezoning process to address the potential density bonus provision; therefore no administrative density increase is necessary.**

#### LDC Section 10.02.08 F - Requirements for Amendments to the Official Zoning Atlas

- F. Nature of requirements of Planning Commission report. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in LDC section 10.02.08 E shall show that the Planning Commission has studied and considered the proposed change in relation to the following findings, when applicable:

1. Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the Growth Management Plan.

**Yes, the proposed use for group housing for seniors, or conventional residential development at a maximum of 7 dwelling units per acre is consistent with the Collier County Growth Management Plan. Staff's analysis concludes that the project is consistent with the Plan.**

## Cleary RPUD

### Exhibit 2

#### Evaluation Criteria

2. The existing land use pattern.

**North: Commercial and residential**

**South: Residential**

**East: Residential**

**West: Residential**

3. The possible creation of an isolated district unrelated to adjacent and nearby districts.

**The PUD will not create an isolated district. The property to the east is also zoned as planned development.**

4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**The PUD boundary is logically drawn and represents the entirety of the acreage controlled by the applicant.**

5. Whether changed or changing conditions make the passage of the proposed amendment necessary.

**Development of the site for uses consistent with the GMP requires rezoning of the property.**

6. Whether the proposed change will adversely influence living conditions in the neighborhood.

**The proposed change will not negatively influence living conditions. Landscape buffers will be established in accordance with the LDC to provide for appropriate screening between adjacent uses. The PUD contains development standards including building setbacks, building heights and maximum intensities of use.**

7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

**The TIS included with the PUD indicates that capacity exists on Immokalee Road.**



**Cleary RPUD  
Exhibit 2**

**Evaluation Criteria**

8. Whether the proposed change will create a drainage problem.

**The project will be permitted through the SFWMD and will provide discharge through the Saturnia Lakes community as permitted by their SFWMD permit.**

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

**The development of this site will not reduce light and air to adjacent properties.**

10. Whether the proposed change will adversely affect property values in the adjacent area.

**It is not expected that this separate PUD will have any impact on property values in the adjacent area. Project buffers and development standards have been established to minimize impact to adjacent properties.**

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

**The proposed PUD will not be a deterrent to development of the remaining vacant parcel located immediately to the west of the subject property. Shared access will be provided for that property in order to minimize driveway connections on Immokalee Road.**

12. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

**The rezoning to a PUD will not grant a special privilege to the property owner.**

13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

**The property is zoned A, Agriculture, which requires a rezoning to permit residential densities consistent with the Growth Management Plan.**

14. Whether the change suggested is out of scale with the needs of the neighborhood or the county.

## **Cleary RPUD Exhibit 2**

### **Evaluation Criteria**

**The proposed PUD contains development standards that are similar to those established for the neighboring Rigas PUD.**

15. Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.

**It is possible to find other sites that would permit group housing for seniors, or residential development; however, the proposed site is an infill parcel and is centrally located to urban services.**

16. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.

**The development of the site for any use will require removal of vegetation and importation of fill material.**

17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. II], as amended.

**All levels of service will be maintained after development of the site.**

18. Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

**The PUD is consistent with the Growth Management Plan and includes uses that are compatible with the existing and planned development adjacent to the property.**