



August 2, 2017

Mr. D. Wayne Arnold  
Q. Grady Minor & Associates  
3800 Via Del Rey  
Bonita Springs, FL 34134

Mr. Richard D. Yovanovich  
Coleman, Yovanovich and Koester, P.A.  
4001 Tamiami Trail North, Suite 300  
Naples, FL 34103

RE: Review Letter # 3 Planned Unit Development Rezone  
PL20160001985  
**Cleary RPUD**

Dear Mr. Arnold and Mr. Yovanovich,

The third review of the Cleary PUD is complete. The following comments are provided to you for your response. If you have questions, please contact the appropriate staff member who conducted the review. The project will retain a "HOLD" status until all comments are satisfied.

**Please address the following comments:**

**Review: Addressing - GIS Review**  
**Reviewed By: Annis Moxam**  
**Email: annismoxam@colliergov.net Phone #: (239) 252-5519**

**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 per OR Book 111 and Page 133 (for the portion not shown) or provide OR Book and Page where it was vacated.

(2nd re-submittal had the ROW on exhibit C, the OR Book and Page was incorrect)

**Review: Comprehensive Planning Review**  
**Reviewed By: Corby Schmidt**  
**Email: corbyschmidt@colliergov.net Phone #: (239) 252-2944**

**Correction Comment 1:**

Miscellaneous Corrections - This PUD proposes residential uses at a density of 7.23 DU/A (65 units/8.99 acres), recreational uses and open space. However, it has not been demonstrated how the site qualifies to exceed the maximum eligible density of 7.0 DU/A (63 units).

Correction Comment 2:

Miscellaneous Corrections - Staff 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 to achieve consistency with the Growth Management Plan.

**Rejected Review: County Attorney Review**

**Reviewed By: Scott Stone**

**Email: ScottStone@colliergov.net Phone #: (239) 252-5740**

Correction Comment 10:

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

Correction Comment 14:

It appears you included the wrong OR Book and Page for the ROW easement along the westerly 30 feet of your property. OR 111, PG 133 contains the ROW easement along the western 30' (according to staff, based on the legal description in that document). Please add a label for that easement in the appropriate location.

Correction Comment 15:

Both the ROW easement along the western property line (OR 111, PG 133) and the ROW easement along the west and southern property line (OR 1097, PG 2181) are merely "subject to" reservations in recorded conveyance documents. The real property conveyance in OR 111, PG 133 is "subject to the reservation of right of way easement in, upon, and under the westerly 30 feet...for possible future roadways, utilities and services for public use." Similar, the property conveyance in OR 1097, PG 2181 is "subject to the reservation of right of way easement in, upon, and under the westerly and southerly 30 feet.for possible future roadways, utilities and services for public use." As such, it is not clear that these easements were actually created, as the "subject to" language in both conveyance documents merely amounts to an "offer to dedicate" a ROW easement to the County. However, is there any evidence that the County has "accepted" the easement dedication through express or implied action? If not, then the County would not have an interest in the easement and therefore the "easements" would not require a vacation. This comments relates to your labels on the Master Plan that both state "to be vacated."

**Review: Zoning Review**

**Reviewed by: Nancy Gundlach**

**Email: nancygundlach@colliergov.net Phone #: (239) 252-2484**

Correction Comment:

This PUD contains quasi commercial uses (ALF and CCRC) and residential uses. Therefore, it is a CFPUD, not a RPUD. Please reference the appropriate CFPUD throughout the PUD Document accordingly.

**The following comments are informational and/or may include stipulations:**

- Applicants who are converting a paper submittal to E-Permitting must resubmit complete sets of all plans, signed and sealed, even if they were previously approved on an earlier review. As a reminder, all documents that are required to be signed and sealed must be digitally signed and sealed when submitting through our E-Permitting process. On the cover letter please identify that previous submittals were done through paper and that this submittal is by E-Permitting. Also, identification of the changes in cover letter (ex. See note #23 Civil Plan Sheet 4) improves the efficiency of the resubmittal review.
- When addressing review comments, please provide a cover letter outlining your response to each comment. Include a response to completed reviews with stipulations.
- Please be advised that Sections 10.02.03.H.1, and 10.02.04.B.3.c require that a re-submittal must be made within 270 days of this letter.

If you have any questions, please contact me at (239) 252-2484.

Sincerely,



Nancy Gundlach  
Principal Planner  
Growth Management Department

Cc:

Raymond J. Cleary, Jr.  
Corby Schmidt  
Scott Stone  
Annis Moxam