



**Civil Engineers • Land Surveyors • Planners • Landscape Architects**

August 17, 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. 3 Response**

Dear Ms. Nancy Gundlach:

This correspondence is our formal response to the sufficiency review letter provided to us on August 2, 2017. Responses to staff comments have been provided in **bold**.

*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)

**Response:**

**Based on our research and discussion with Assistant County Attorney Scott Stone that John Michael Road was not dedicated and therefore is not required to be shown or vacated. Similarly, as confirmed by Assistant County Attorney Scott stone the other easements were merely reservations and were never accepted by the County and therefore are not required to be vacated, nor do they need to be shown on the PUD Master Plan.**

*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).

**Response:**

**The application and supporting documents have been revised to reflect 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.

**Response:**

**The application and supporting documents have been revised to reflect 63 units.**

*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.

**Response:**

**The PUD document has been revised per mark ups.**

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.

**Response:**

**Based on discussions with Assistant County Attorney Scott Stone the easement has been removed on the Master Plan.**

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."

**Response:**

**The notation requiring a vacation of the referenced easements and the easement references have been removed from the Master Plan after discussion with Assistant County Attorney Scott Stone.**

*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.

**Response:**

**The PUD document has been revised to reference CFPUD.**

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, sweeping "D" and a long, horizontal stroke extending to the right.

D. Wayne Arnold, AICP

Cc: Tom Cleary  
Richard D. Yovanovich  
GradyMinor File