



Civil Engineers • Land Surveyors • Planners • Landscape Architects

September 5, 2018

Ms. Nancy Gundlach
Principal Planner
Collier County Growth Management Division
2800 N. Horseshoe Drive
Naples, FL 34104

**RE: Review Letter 1 Response: Planned Unit Development Rezone
PL20170000768
Pelican Nursery PUD (PUDR)**

Dear Ms. Gundlach:

This correspondence is our formal response to the sufficiency review letter provided to us on August 25, 2017. Responses to staff comments have been provided in **bold**.

Rejected Review: Addressing - GIS Review

Reviewed By: Annis Moxam

Email: annismoxam@colliergov.net Phone #: (239) 252-5519

Correction Comment 1:

The name Pelican Nursery is not approved for the PUD and Project name, the word Pelican is OVERUSED.

Response:

The PUD name has been revised to the following, Baumgarten MPUD.

Rejected Review: Comprehensive Planning Review

Reviewed By: Sue Faulkner

Email: SueFaulkner@colliergov.net Phone #: (239) 252-5715

Correction Comment 1:

This rezone petition may not be deemed consistent with the Future Land Use Element (FLUE) of the Growth Management Plan. However, if corrections are made as described above in "Comments on PUD Documents", this petition may be deemed consistent.

Response:

The acreages and density calculations have been modified as recommended. The acreage and boundary of the Activity Center have been modified as recommended.

Correction Comment 2:

Exhibit 'B' Development Standards: Add hotel/motel density of 26 units/acre.

Response:

The maximum number of hotel units has been added for the hotel use in the Development Standards Table and Exhibit A, Permitted Uses.

Correction Comment 3:

Exhibit 'C' PUD Master Plan: Revise to correct acreages (36 acres in Activity Center (A/C), 19.66 acres outside) and resultant maximum density allowed; adjust A/C boundary as necessary.

Response:

Revisions to the acreages and density have been made as recommended.

Rejected Review: Engineering Stormwater Review

Reviewed By: Richard Orth

Email: RichardOrth@colliergov.net Phone #: (239) 252-5092

Correction Comment 1:

Miscellaneous Corrections

1. Please modify Exhibit C1 to include a commitment to outfall project stormwater into the Collier Boulevard SR 951 Drainage Canal. A specific location is not required.

Response:

A drainage notation has been added to the Conceptual Master Plan.

Rejected Review: Environmental Review

Reviewed By: Summer Araque

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

Correction Comment 1:

Do any trees onsite meet the definition of LDC section 3.05.07.A.2 Native trees? If yes, please provide a tree count. If no, please indicate in the response that the trees onsite do not meet the definition of LDC section 3.05.07.A.2 Native trees which states:

Where a property has been legally cleared and only native trees remain and the native ground cover replaced with lawn or pasture, then only the native trees shall be retained. The percent requirement of native trees required to be retained shall be by tree count based on the percent requirement for native vegetation pursuant to 3.05.07 B. Only slash pine trees with an 8 inch

DBH or greater, hardwood trees with a 18 inch DBH or greater, or palms with a minimum of 8 foot of clear trunk, shall be used for calculating this requirement. For hardwood trees, every 6 inches or fraction thereof over 18 inch DBH shall count as an additional tree (18 inch DBH = 1 tree, 24 inch DBH = 2 trees, 26 inch DBH = 3 trees, etc.). Slash pine trees and cabbage palms shall only be retained on portions of the property with a density of 8 or more trees per acre. Trees which are unhealthy or dying, as determined by a certified arborist or any individual meeting the qualifications in 3.05.07 H.1.g.iii, shall not be retained or used for calculation. Native slash pine trees shall be retained in clusters, if the trees occur in clusters, with no encroachment (soil disturbance) within the drip line or within 30 feet of the trunk, whichever is greater, of any slash pine or hardwood tree. Encroachment may occur within these distances where evaluation by a certified arborist determines that it will not affect the health of the trees. Trees which die shall be replaced with 10 foot high native canopy trees on a one for one basis. Native trees with a DBH of two feet or more shall be replaced with three 10-foot high native canopy trees. Areas of retained trees shall not be subject to the requirements of 3.05.07 H. Where trees cannot be retained, the percent requirement of trees shall be made up elsewhere on-site with trees planted in clusters utilizing 10 foot high native canopy trees planted on a one for one basis. Where native trees with a DBH of two feet or more cannot be retained, a minimum of three 10-foot high native canopy trees shall be planted per tree removed of this size. Trees planted to satisfy this requirement shall be planted in open space areas equivalent in size to the area of canopy of the trees removed. This planted open space shall be in addition to the area used to satisfy the minimum landscape requirements pursuant to 4.06.00. In lieu of using actual canopy coverage, the following average diameter for tree canopies may be used to calculate canopy coverage of existing trees: slash pine 40 feet, cypress 25 feet, live oak 60 feet and cabbage palm 10 feet. Open space areas not normally planted with trees, such as stormwater retention areas or lake banks not planted to meet the LSPA requirement, may be used to satisfy this requirement. Trees planted to satisfy this requirement shall be set back a minimum of 30 feet from principal structures and impervious parking areas.

Response:

Prior to 1985, the entire site was cleared of all vegetation to support the nursery operations. Please reference the attached 1985 aerial. The trees that are present on the site, today, did not exist on site at the time when the property was cleared (i.e., they did not “remain” after the pre-1985 clearing was complete. The existing native trees were instead planted in rows as landscape, planted as landscape around the nursery office buildings, or recruited on top of berms or down in ditches that were created during the initial clearing and earthmoving conducted to create the nursery.

Because the trees present at the project site did not “remain” after the site was cleared, preservation of trees in accordance with the intent of LDC Section 3.05.07.A.2 is not applicable. As a result, no native vegetation preservation is required or proposed for this project.



Correction Comment 2:

The PUD document includes a preserve setback, however there are no preserves.

Response:

The preserve setback has been eliminated.

Correction Comment 3:

Provide the agricultural clearing permit for the property.

Response:

The property owner, Tree Plateau Company, received south Florida Water Management District permit 11-00257-S, Application 07193-A in 1983 to construct a 56-acre plant nursery. Per the supporting information in the SFWMD permit application, there were no on-site preserves required and no on-site wetlands. As shown in the included 1985 aerial, the entire site was cleared at that time for the nursery operation. Collier County Property Record Cards (one 4-card set for the eastern half of the property and on 6-card set for the western half)

confirm that the site has been used for bona fide agricultural use since the mid 1980's. The owner has not been able to locate a copy of the Notice of Commencement having been filed with Collier County as required at the time per Ordinance 76-42. Ordinance 76-42 states that the failure to provide a notification to the County prior to clearing for bona fide agricultural uses is a misdemeanor punishable by fines and jail time. There is no indication available in the public records that, in the more than 30 years the nursery has been in operation, Collier County took enforcement action for illegal clearing of the site. In addition, there are records that indicate that building permits were issued for the site as early as 1985 (Permit No. 85-2180 is the earliest identified on record). Although the specific Notice of Commencement for clearing was not located, the evidence that enforcement action was not brought against the property owner and that building permits were issued for the site from the mid 1980's onward indicates that the site was cleared in accordance with all applicable regulations at the time.

If staff disagrees with this assessment, the applicant will agree to allow the CCPC and the BCC to make the final determination.

Rejected Review: Public Utilities - PUED Review

Reviewed By: Eric Fey

Email: EricFey@colliergov.net Phone #: (239) 252-2434

Correction Comment 1:

9/13/2017: Estimate the total population to be served based on an occupancy of 2.5 people per dwelling unit and an equivalency of one person per 100 gpd of average daily wastewater flow for non-residential. Estimate average daily wastewater flow per Part 2 of the Design Criteria, assuming 250 gpd per dwelling unit and per Table I of F.A.C. 64E-6.008 for non-residential. Estimate average daily water demand as 1.4 (ERC ratio of 350:250) times the average daily wastewater flow. Estimate the peak daily water demand using a peaking factor of 1.35 per our 2014 Master Plan. Estimate peak daily wastewater flow likewise. Revise the Statement of Utility Provisions accordingly.

Response:

The potable water demands and wastewater flows have been revised per the FAC requirements and County standards. The demands / flows were evaluated using the three development scenarios utilized for the traffic analysis and the highest demands resulted from Scenario 3. The Statement of Utility Provisions has been updated per the revised demand calculations (which are attached to the Statement of Utility Provisions).

Correction Comment 2:

9/13/2017: At numerous places within the evaluation criteria (Exhibit 3), you assert that the existing wastewater transmission system has capacity for the project. This is not accurate. The existing force main along Immokalee Road is presently stressed, but completion of new force main extensions to serve proposed developments in the northeast wastewater service area will

create additional transmission capacity. Capacity will be confirmed at the time of development permit review. Please revise Exhibit 3 accordingly, and contact Craig Pajer (CraigPajer@colliergov.net) for more specific information on wastewater system capacity.

Response:

The Evaluation Criteria has been revised to indicate that water and wastewater capacity will be identified at the time of development review. A calculation of the potential uses and associated wastewater flows has been forwarded to Craig Pajer for his review and upon finalization of the development intensities at the time of construction permitting, the applicant will coordinate with the County on points of connection and operational changes within the public system.

Correction Comment 3:

9/20/2017: There is not an existing dead-end water main on Cortona Way. CCPU intends to complete the loop connection within the existing ROW/CUE in Tuscany Cove but is not required to do so. A 15' CUE is required for the stub-out to the property line. Please revise the proposed language for commitment 3.a as follows: "As part of the subdivision plat approval for the PUD, the owner shall provide a water main stub-out to the southern property line of the PUD, near the north end of the unnamed roadway spur west of 15485 Cortona Way, in a location determined by the Owner and approved by the County. A County Utility Easement shall be conveyed to the County at no cost to the County for the water main stub-out and shall be shown on the recorded plat or recorded by separate instrument prior to preliminary acceptance of utilities. The stub-out shall be sized to supply fire flow to the PUD under maximum day conditions, as required by Collier County Design Criteria in the Collier County Water-Sewer District Utilities Standards Manual, as adopted by Ord. 2004-31, as amended, and as further amended by Resolution No. 2014-258, or its successor resolution. This stub-out will not be required if the residential tract is master metered."

Response:

The Utility Developer Commitment has been updated as requested.

Correction Comment 4:

9/13/2017: Commitment 3.b indicates conceptual locations of four potential well sites are shown on the PUD master plan, but none are depicted in Exhibit C1.

Response:

The conceptual locations have been added to the PUD Master Plan.

Correction Comment 5:

9/13/2017: The last sentence of commitment 3.c is problematic in terms of permitting, compliance, and procurement policy. Well sites at this location are a long-term need anticipated far in the future. Ideally, the raw water transmission mains would be constructed

by Collier County as needed, and easements would be acquired at the time of final plat, in anticipation of this future need. Please revise the commitment language accordingly, or email me with dates and times you are available to meet with staff from the Public Utilities Department, the Procurement Services Division, and the County Attorney's Office to discuss an alternative agreement.

Response:

The commitment has been modified to indicate that the easements rights will be made available for purchase from the developer at the time of SDP or Plat approval. Additionally, easement locations are shown on the exterior of the property to minimize the requirement to construct raw water piping through the site as a part of the site construction; as such, Developer Commitment 3.c has been removed from the PUD document.

Rejected Review: Transportation Pathways Review

Reviewed By: Michael Sawyer

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

Correction Comment 1:

Additional Comments- Transportation Pathways Review:

Rev.1: Reference proposed deviations 1, 2 and 3. Staff does not support the proposed deviations. The proposed "bypass" shown on the PUD master plan is where the loading/rear portion of the commercial use appears to be located on the TIS master plan. This bypass location does not meet minimum standards for LDC requirements or provide an equivalent that staff can consider. Please remove both deviations. Specifically regarding deviation 1 please revise the cross section for proposed ROW deviation to show sidewalks on both sides of the reduced width section and not in deviation that sidewalks will be provide on both sides of the roadway. Please note there is not adequate ROW width on Immokalee Road for the required sidewalk so an easement will be required at time of platting.

Response:

Deviations 2 and 3 have been eliminated. Deviation 1 has been modified to allow for the bypass road to be included in a 50 foot right-of-way. Additionally, as shown on the PUD Master Plan, the location of the bypass road has been modified to run through the center of the site. The proposed road cross section is included in the PUD Master Plan and includes sidewalk on both sides of the proposed bypass road.

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.1: Revise the application (PUD doc and TIS) to provide a consistent submittal. The TIS contains two separate proposed scenarios both inconsistent with the PUD doc (also appears the school impact analysis is not consistent). Various commercial square footages are provided as well as dwelling unit counts. Without a consistent submittal a full review is not possible. If two scenarios remain part of the TIS please make sure both account for the total development requested in the PUD doc or have a consistent scenario requested and clearly outlined in the PUD doc.

Response:

The TIS has been revised to provide consistent information with PUD document. The PUD document provides varying levels of development and these levels cannot physically all be maximized at the same time and be built. The concept with the PUD is to provide flexibility with respect to the mix of uses and the intensity is capped by the trip cap, the maximum allowances for each use and the physical constraints of the property.

Correction Comment 2:

Additional Items that need to be addressed for Transportation Review:

Rev.1: Revise the TIS and PUD master plans to provide a consistent request. The TIS master plan is not readable, please revise. On the TIS master plan the second access is not clearly shown and the PUD master plan does not show both access locations...is not consistent. There are numerous other inconsistent elements on the master plan, please decide which version is proposed and consistently incorporate into the full submittal package.

Response:

The TIS and PUD document have been revised to provide consistent and legible information between both documents.

Correction Comment 3:

Additional Items that need to be addressed for Transportation Review:

Rev.1: Reference TIS page 5, revise table 1A ITE Land Use Code to 862 instead of 230 for Home Improvement Superstore.

Response:

The TIS has been corrected as requested.

Correction Comment 4:

Additional Items that need to be addressed for Transportation Operations Review:

Rev.1: Reference TIS, page 14, Site Access Turn Lane Analysis. Connections to subject site, Collier Boulevard (CR951). Staff does not support the proposed full opening. Staff will support a right in/out and left in condition. The proposed full opening is not reasonable and will increase (NOT decrease) the existing traffic congestion at this location. Revise this portion of the TIS and applicable calculations/analysis. Also revise PUD Exhibit 3 Evaluation Criteria, page 7 of 13 and all other PUD references to this same access location-issue.

Response:

The TIS has been updated to include an operational analysis of the proposed full median opening with a traffic signal. The analysis shows that with interconnections to surrounding properties, the proposed full opening will not have an adverse impact on congestion in the area.

Correction Comment 5:

Additional Items that need to be addressed for Transportation Operations Review:

Rev.1: Reference TIS, page 14 and 15, Site Access Analysis, Immokalee Road, "West access". Staff does not agree with this additional proposed access which is not clearly shown on any master plan (shown on TIS master plan but is not clear/readable/easily missed and not shown on the PUD master plan). The existing dual right turn lanes on 951 for east bound Immokalee is currently problematic plus likely right out lane jumping to use U-turn movement at Goodland Bay Drive cause too many potential conflicts-safety concerns.

Response:

The right in / right out has been added to the PUD master plan to be consistent with the access analysis. The proposed connection has a separation of approximately 750 feet, which is in excess of the required 660 feet in the access management plans. The addition of the signalized full median opening on Collier Boulevard will limit the number of vehicles making U-turn movements on Immokalee Road to make trips to destinations west of the site on Immokalee Road. Traffic that intends to travel westbound on Immokalee Road is anticipated to egress from the development on Collier Boulevard to travel to the signalized intersection of Immokalee Road and Collier Boulevard to make the westbound left turn.

Additionally, it is assumed that the vast majority of vehicles entering the site at the proposed western entrance on Immokalee Road will have originated from Immokalee Road west of Collier Boulevard. The referenced conflicts with vehicles using the dual right turn lanes have the potential to occur regardless of the entry point to the site. Specific plans to address the operational concerns can be developed as a part of the construction permitting of the site.

Correction Comment 6:

Additional Items that need to be addressed for Transportation Review:

Rev.1: TIS master plan, this comment restates many/all of previous master plan comments above however it is critical that changes be made with the next submittal and staff wishes to be clear. Both of the TIS master plans are unreadable/unclear/inconsistent with each other and the information provided within the TIS itself and the PUD Document. In addition, please make sure the following are addressed: revise proposed access locations as requested above; use larger lettering-notes-identifications so everything can be read at 8.5x11 format; remove none transportation related elements from the TIS master plan(s) or use the same PUD master plan(s) which is preferred.

Response:

Noted. The submitted copy of the TIS is legible and consistent information has been provided between the PUD document and the TIS.

Correction Comment 7:

Additional Items that need to be addressed for Transportation Review:

Rev.1: Provide a developer commitment to accept ROW stormwater for the future overpass interchange at the intersection of Immokalee and Collier Boulevard as discussed at the pre-application meeting. Please discuss specific language with staff including CAO.

Response:

The terms for a Developer Agreement between Collier County and the applicant have been forwarded to the County Attorney's Office. The proposed terms include the acceptance of stormwater runoff into the site for the future roadway improvements.

Correction Comment 8:

Additional Items that need to be addressed for Transportation Review:

Rev.1: Provide a developer commitment that acknowledges the potential future overpass interchange at the intersection of Immokalee and Collier Boulevard including no harm/future business damages for Collier County. Please discuss specific language with staff including CAO.

Response:

The terms for a Developer Agreement between Collier County and the applicant have been forwarded to the County Attorney's Office. The proposed terms include the applicant and its successors surrendering of business damage claims related to the future roadway improvements.

Correction Comment 9:

Additional Items that need to be addressed for Transportation Review:

Rev.1: Please note that additional new review comments may be required-provided-occur

when the above comments are addressed and a consistent submittal is provided.

Response:
Noted.

Correction Comment 10:

Additional Items that need to be addressed for Transportation Operations Review:

Rev.1: Due to transportation safety-operational concerns and development impacts proposed provide a developer commitment that at time of first SDP or Plat/development order submitted for this development an operational TIS will be provided that includes the entire development (highest best use) for review and approval by Collier County Transportation staff which will be updated-revised with each subsequent SDP or Plan or Amendment until build-out condition is achieved. Please discuss specific language with staff including CAO.

Response:
The requested language has been added as Developer Commitment 4b.

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

Correction Comment 1:

Miscellaneous Corrections

The TIS states that the site is 55.56 acres, the Master Plan states that the site is 55.66 acres. Please reconcile.

Response:
The acreages have been rectified to show 55.66 acres.

Correction Comment 2:

Miscellaneous Corrections

Please define a "bypass lane."

Response:
The PUD master plan has been revised to eliminate the previously proposed bypass lane and instead show a right-of-way through the site.

Correction Comment 3:

Miscellaneous Corrections

Please label the location of the bypass lane on the Master Plan and label it on Exhibit E-1, cross section.

Response:

The PUD master plan has been revised to eliminate the previously proposed bypass lane and instead show a right-of-way through the site that will provide a vehicular and pedestrian connection from Collier Boulevard to Immokalee Road.

Correction Comment 4:

Miscellaneous Corrections

Correction Comment 5:

Miscellaneous Corrections

PUD Exhibit A: Land Uses- Provide limitations on Auto Stores, Eating Places, and Drinking Places. These users are proposed near Residential land uses and there is a history of noise issues related to these uses.

Response:

Residents of the PUD will be notified as part of any sale or rental agreement that they are residing in a mixed-use project and subject to noise, etc.

Correction Comment 6:

Miscellaneous Corrections

PUD Exhibit A: Land Uses- Please provide additional information on the Brewery (it is an Industrial land use).

Response:

The brewery use is intended to be similar to the one located at Creekside Commerce Park PUD. It will be a microbrewery and limited in size to 5,000 square feet.

Correction Comment 7:

Miscellaneous Corrections

PUD Exhibit A: Land Uses- "Mini warehouses/self storage," specify indoor and airconditioned "mini warehouse/self storage."

Response:

The phrase "indoor" has been added for this use.

Correction Comment 8:

Miscellaneous Corrections

PUD Exhibit A: Land Uses- remove "Used Merchandise Stores."

Response:

This SIC Code permits antique stores, thrift stores and other merchandise sales found in many shopping centers in Collier County. The applicant wishes to retain this use.

Correction Comment 9:

Miscellaneous Corrections

PUD Exhibit B: Development Standards- Specify a larger distance for commercial development that is located adjacent to the residential development in Bent Creek.

Response:

A minimum setback of 50 feet has been identified for commercial properties from the eastern PUD boundary.

Correction Comment 10:

Miscellaneous Corrections

PUD Exhibit B: Development Standards- It is recommended that the proposed building heights of 65 feet are reduced as staff does not know of any other tall buildings in the area. (Please provide information if you know of any such building heights.)

Response:

The proposed building heights are consistent with the growth management plan and surrounding developments.

The Heritage Bay PUD includes constructed four story residential buildings that have a zoned building height of 49 feet. The Addie's Corner PUD is currently under construction and includes four story residential buildings with an actual building height of 51 feet. The Tree Farm PUD (located on the northwest corner of Immokalee Road and Collier Boulevard) is approved for office uses with an actual building height of 77 feet and residential / retail buildings with an actual height of 62 feet. The requested height is consistent with constructed and approved buildings heights within the project vicinity.

Correction Comment 11:

Miscellaneous Corrections

PUD Exhibit B: Development Standards- Please add the following footnote: "Front loaded garages shall be setback a minimum of 23 feet from the edge of the sidewalk."

Response:

A note has been added.

Correction Comment 12:

Miscellaneous Corrections

PUD Exhibit B: Development Standards- Please add the following footnote: "All minimum yard setbacks will be measured from lot boundaries. LME's and LBE's will be platted as separate tracts.

Response:

A note has been added.

Correction Comment 13:

Miscellaneous Corrections

Deviation 1 and Section A: Staff will not support anything less than a 45-foot right-of-way. Please revise Deviation and Exhibit accordingly.

Response:

The deviation and roadway cross section have been revised to show a minimum proposed right-of-way width of 50 feet.

Correction Comment 14:

Miscellaneous Corrections

Please see attached Zoning Red-lines.

Response:

The PUD exhibits have been revised accordingly.

Rejected Review: County Attorney Review

Reviewed By: Heidi Ashton-Cicko

Email: heidi Ashton@colliergov.net Phone #: (239) 252-8773

Correction Comment 1:

Miscellaneous Corrections: Are the proposed agricultural uses temporary? If so, please specify a date that they would terminate. If not, please clarify the proposed uses.

Response:

Yes, the AG uses are temporary and will cease at the time of C.O. for the first permanent residential or commercial building in the PUD. A condition has been added to the PUD.

Correction Comment 2:

Miscellaneous Corrections: Please clarify the proposed brewery use using the definitions established by the Brewer's Association. Is the use going to be a microbrewery or brewpub?

Response:

It is intended to be a microbrewery as defined by the Brewer's Association, similar to that operating in the Creekside Commerce Park PUD.

Correction Comment 3:

Miscellaneous Corrections: Please address sound attenuation for outdoor, amplified music and identify the locational criteria for drive-thru's.

Response:

A minimum setback of 50 feet has been identified for commercial properties from the eastern PUD boundary.

Correction Comment 4:

Miscellaneous Corrections: Please see changes to PUD document from my 9-20-17 review, to be provided by the planner.

Response:

Revisions have been made to the PUD document.

Rejected Review: Landscape Review

Reviewed By: Mark Templeton

Email: MarkTempleton@colliergov.net Phone #: (239) 252-2475

Correction Comment 1:

Section A on exhibit E1 shows a 15' type 'B' buffer abutting the access easement within the future residential development portion. The master plan shows this buffer along the south perimeter of the property. Please revise section 'A' to be consistent with the master plan.

Response:

Section A has been revised to be consistent with the PUD master plan.

Please contact either Richard Yovanovich at 435-3535 or me if 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 stroke.

D. Wayne Arnold, AICP

Enclosures

Cc: David Genson
Richard D. Yovanovich
GradyMinor File