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December 20, 2018

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

**RE: Review Letter 2 Response: Planned Unit Development Rezone  
PL20170000768, Baumgarten PUD (PUDR)**

Dear Ms. Gundlach:

This correspondence is our formal response to the sufficiency review letter provided to us on October 8, 2018. Responses to staff comments have been provided in **bold**.

We have revised the PUD exhibits as requested and required based on staff and County Attorney comments.

*Rejected Review: Public Utilities - PUED Review*  
*Reviewed By: Eric Fey*  
*Email: EricFey@colliergov.net Phone #: (239) 252-1037*

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.

10/5/2018: The demand/flow estimates are mostly correct for the scenarios evaluated, but this comment remains outstanding, pending Transportation Planning approval of the scenarios presented in the TIS. Note however that the calculation for fast food restaurants could be reduced from 40 GPD to 20 or 35 GPD per seat (single service articles only), depending on the anticipated hours of operation.

**Response:**

**The Statement of Utility Provisions document has been revised and is included with this submittal. In an effort to be conservative in the calculation (due to uncertainty in the hours of operations at this stage of the planning process), the fast food flow generation has been kept at 40 GPD / seat.**

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.

10/5/2018: The text revisions did not address the comment.

**Response:**

**The applicant provided the flows shown in the Statement of Utility Provisions to Craig Pajer of CCPU. Per an email from Craig Pajer on November 22, 2018, the existing wastewater system has capacity to serve the proposed project. The Evaluation Criteria has been revised and is included with this submittal.**

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."

10/5/2018: Your response is a false statement. The requested language was modified in three places: 1) The words, "the residential portion of," were added to the first sentence. This change is acceptable.

2) The words, "near the north end of the unnamed roadway spur west of 15485 Cortona Way," were changed to, "at the interconnect location shown on the PUD Master Plan." This change would be acceptable if the above-described location were shown on the PUD. Potential egress is shown at this location, but no water main loop connection is identified.

3) The words "conveyed to the County at no cost to," were changed to, "made available for purchase by." This change is unacceptable. The loop connection is required for the proposed development pursuant to the CCWSD Utilities Standards Manual, Section 1 - Design Criteria, subsection 2.2.1.

**Response:**

**The developer commitment language has been revised 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.

10/5/2018: The potential well site location shown at the northeast corner of the property is too close to the existing well site easement at Heritage Bay Vistas, Tract F, and the two conceptual locations at the southwest corner of the property are too close together. All three of these locations may be deleted from the master plan. It has been determined that well sites can be located in the canal right-of-way. So, no well sites are requested along the west PUD boundary. However, a location on Immokalee Road, west of Goodland Bay Dr is still requested. Please restore and modify commitment 3.b accordingly. (It was deleted from Exhibit F in submittal 2.)

**Response:**

**The applicant has reviewed the requested well location and a raw water well at that location would be incompatible with some of the potential commercial uses. Therefore the well location has not been included on the master concept plan and the Developer Commitments relating to the well sites have been removed from the PUD.**

Correction Comment 6:

10/5/2018: Please add a commitment to complete a water main loop connection to the 6" water main at Glenforest Dr, within the adjacent Bent Creek Preserve PUD. The point of connection is near the southeast corner of the "C/R" tract and should be shown on the master plan. Please use language similar to that for commitment 3.a. Please do not combine the two commitments so they can be tracked separately given that Tract "R" and Tract "C/R" may be platted and developed at different times.

**Response:**

**Exhibit F has been revised and is included in this submittal. The requested language has been included as Developer Commitment 3b.**

*Rejected Review: Transportation Planning Review*

*Reviewed By: Michael Sawyer*

*Email: michael.sawyer@colliergov.net Phone #: (239) 252-2926*

Correction Comment 1:

Additional Items that need to be addressed for Transportation Review:

Rev.2: This comment has not been addressed. PUD and TIS are not consistent with the TIS now proposing three separate scenarios, development totals, and master plan instead of the previous two and all three are not consistent with the PUD. Revise the entire TIS to be consistent with the now new proposed development containing 400 residential dwelling units, 370,000 sf commercial uses and 140 hotel-motel rooms. Revise the PUD as needed as well for consistency.

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:**

**TIS has been revised to reflect a single highest and best use scenario of 400 residential dwelling units, 201,000 sf of commercial; and 140 hotel rooms. We have included some more intensive commercial uses to establish an appropriate trip cap for the project. We are also requesting up to 370,000 sf of commercial to allow for less intensive commercial uses. The proposed trip cap will be the limiting factor for the project development. By having the square footage and transportation trip cap, a more flexible and reasonable planning implementation is possible for this mixed use planned unit development.**

Correction Comment 2:

Additional Items that need to be addressed for Transportation Review:

Rev.2: Comment not addressed, see also review 2 comments above regarding consistent PUD and TIS documents. Master Plans now have four completely different versions.

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 has been updated to be consistent with the PUD master plan. The TIS also includes reference to the SIC codes (Table 1A)**

Correction Comment 4:

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

Rev.2: Reference TIS, page 17, 18, 19, 20...Staff will accept a right-in/right-out/left-in configuration. The full median opening and proposed traffic signal do not meet access management standards (see specifics below), will negatively impact traffic operations and increase congestion along Collier Boulevard. Revise the Master Plan and all traffic distribution volumes/analyses accordingly. The Synchro analyses provided for the proposed access do not indicate how the two closely spaced intersections would be coordinated. The geometry used in the Synchro analyses shows combined right-through and exclusive left-turn lanes for the eastbound and westbound approaches. However, the text on Page 19 of the TIS indicates that the east/west geometry would consist of combined left-through and exclusive right-turn lanes. Access management: The requested full opening is approximately 0.19 miles from the crosswalk at Immokalee and Collier which is below the smallest allowable distance in the access management policy of 0.25 for lower classification of roadway which would normally be 0.5 miles. Given the extra conflict present with the three approach turn lanes as proposed, staff does not agree with the TIS findings.

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 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. A signal would alleviate current congested conditions at the existing directional southbound left-turn lane on Collier Boulevard servicing the Tuscany Cove development.**

**The proposed access management for the project is consistent with the county access management resolution where feasible. Including this proposed signal, from Pine Ridge Rd to**

Immokalee Rd, the average signal spacing will be 0.52 miles/signal (4.18 miles/8 signals), so the overall access management objective is achieved on this roadway corridor as a six-lane built out facility. There is an inherent conflict in the county land use policy initiated nearly 30 years ago (activity center designations at major arterial crossings) and the access management resolution regarding 0.5 mile signal spacings. Throughout the county, there has been an appropriate understanding of the balance between the activity center land use designations and signal spacing, where less than optimal spacings are implemented to achieve commercial connectivity/circulation in the activity centers. The proposed signal location is 0.21 miles. Other similar examples that were implemented post access management standards being in place and some examples include (<0.5 miles):

- Airport Road south of Vanderbilt Beach Road – 0.23 miles (access to Publix / Piper's Grove development)
- Pine Ridge Road west of Airport Road – 0.14 miles (access to Publix / Target shopping center from Pine Ridge)
- Pine Ridge Road east of Airport Road – 0.20 miles (access to YMCA and Carillon shopping center from Pine Ridge)
- Airport Road south of Pine Ridge Road – 0.19 miles (access to Target shopping center and Carillon from Airport Road)
- Airport Road south of Radio Road – 0.23 miles (signalized access to Home Depot at St. Matthew's House)
- US 41 south of Immokalee Road – 0.25 miles (access to Grenada Shops at Trader Joe's – FDOT approved this)
- US 41 north of Vanderbilt Beach Road – 0.26 miles (access to Mercato at Whole Foods – FDOT approved this)
- Vanderbilt Beach Road east of US 41 – 0.28 miles (Vanderbilt access to Mercato)

A significant distinction with this project is that this developer plans to partner with Collier County as a public benefit to accommodate the Grade Separated Overpass footprint and stormwater management needs at the intersection of Collier Blvd and Immokalee Rd. The proposed developer accommodations will aid in the implementation of the Grade Separated Overpass, so as to significantly improve the capacity of this intersection through this public/private partnership. We are also proposing to interconnect to the Tuscany Cove project to the south that will allow them to have a left out of their community that they currently do not have. This signal will also benefit the Pebblebrooke Community (commercial and interconnected residential) by allowing a signalized left out. The enclosed TIS provides additional requested Synchro analysis and we are also having an additional 3<sup>rd</sup> party evaluation of the proposal to assist the team in implementing the proposed improvements.

Correction Comment 5:

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

Rev.2: Comment not addressed due to multiple different master plans in the PUD and TIS. Staff remains opposed to the west access located on Immokalee in the dual right turn lanes for east bound Immokalee from north bound Collier. The existing turn lanes at this location already have a high accident rate, further conflicts on Immokalee remains problematic and a safety concern...please remove this access.

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 Master Plan does provide clarity on the proposed right in/right out access for the project. This access location would meet applicable access management spacing criteria. As stated by staff there are existing issues with the current NB right at Collier Blvd/Immokalee Rd and as part of our site improvement plan we would address and provide corrective treatment to this location, so that safety and reasonable access objectives can be achieved.**

Correction Comment 6:

Additional Items that need to be addressed for Transportation Review:

Rev.2: Comment remains and see all similar master plan comments above.

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. Also, 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:**

**The PUD Master Plan has been revised for clarity and we are requesting 3 access locations for this project and are committed to accommodating the desire for the grade separated overpass at this location and to have reasonable activity center access for the project accommodated.**

Correction Comment 7:

Additional Items that need to be addressed for Transportation Review:

Rev.2: Comment remains. Additionally, staff does not see a clear reason for a DCA for this development and believe developer comments will address requirements. Please provide a previously requested.

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 PUD is not the proper place to address stormwater and potential business damages relating to the overpass. The proper mechanism is a separate DCA to address the traffic signal on Collier Boulevard, short term and long-term access on Immokalee road as well as water management for county road improvements.**

Correction Comment 8:

Additional Items that need to be addressed for Transportation Review:

Rev.2: Comment remains. Additionally, staff does not see a clear reason for a DCA for this development and believe developer comments will address requirements. Please provide a previously requested.

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 PUD is not the proper place to address stormwater and potential business damages relating to the overpass. The proper mechanism is a separate DCA to address the traffic signal on Collier Boulevard, short term and long-term access on Immokalee road as well as water management for county road improvements.**

Correction Comment 9:

Additional Items that need to be addressed for Transportation Review:

Rev.2: Specific new comment regarding the four master plans. Consistency comments noted above must be addressed however one additional comment relates to interconnection which was previously discussed. Specifically, staff notes the requirement related to the following: FLUE Policy 7.3, GMP Transportation Element Policy 9.3, and LDC 4.04.02.B.3 and 4.07.02.J.4.

Please also note that additional new review comments may still occur when the above comments are addressed, and changes are again made to the PUD and TIS documents to address issues of consistency.



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:**

**A single master plan is proposed. Interconnection is provided to the south and east as requested.**

*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 55.47 acres, the Master Plan states that the site is 55.66 acres. Please reconcile.

**Response:**

**Reconciled as requested. A rounded value of approximately 56 acres is used in the TIS.**

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 adjacent external Residential land uses, and there is a history of noise issues related to these uses.

**Response:**

**The proposed commercial tract located near Bent Creek Preserve residences has been removed and the tract is now proposed as a residential only tract. There is no need to establish limitations on specific uses, as there is no contiguity to external residential uses. The single outparcel in the northeast portion of the PUD is adjacent to a preserve and cellular tower site and requires no additional setbacks or use restrictions.**

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.

Review # 2: Provide language that restricts the location of commercial land uses (restaurants

with bars, bars, car washes, tire shops, etc.) that are noisy and have lighting that conflicts with residential development.

**Response:**

**The proposed commercial tract located near Bent Creek Preserve residences has been removed and the tract is now proposed as a residential only tract. There is no need to establish limitations on specific uses, as there is no contiguity to external residential uses. The single outparcel in the northeast portion of the PUD is adjacent to a preserve and cellular tower site and requires no additional setbacks or use restrictions.**

Correction Comment 14:

Miscellaneous Corrections

Please see attached Zoning Red-lines.

**Response:**

**The Deviation Justification document has been revised and is included with this submittal.**

Correction Comment 15:

Miscellaneous Corrections

MasterPlan: Please make the outlines of Collier Boulevard and Immokalee Roadways darker.

**Response:**

**The Master Plan has been revised as requested and is included with this submittal.**

Correction Comment 16:

Miscellaneous Corrections

Exhibit A - Permitted Uses List:

1. Change the symbol "&" to the word "and" throughout the list.
2. Correct the SIC Code from (1323) to (7323) for Credit Reporting Services.
3. Remove the word "Services" from the following items: 93. Life Insurance,  
120. Pension....  
153. Surety....  
158. Title Insurance
4. Add a comma after "Garment Pressing" in item 70.

**Response:**

**Exhibit A has been revised as requested and is included with this submittal.**

Correction Comment 17:

Miscellaneous Corrections

Add the following Commitment to the PUD:

Special Conditions:

1. No adult orientated sales are permitted.
2. Outdoor music and televisions shall be limited to the area adjacent to and forward of the front facades of the buildings along Immokalee Road and Collier Boulevard. There will be no amplified sound between the hours of 10 p.m. and 8 a.m.
3. Delivery bays shall not abut residential development.
4. Service bays related to automobile service and repair shall be located so that they do not face any residential district within 1500 feet.
5. Dumpsters shall be oriented as far away from residential units as possible.
6. Parking lot lighting shall use LED flat-panel full cut-off fixtures to avoid light spill onto adjacent properties and to reduce the potential impacts of site lighting.

**Response:**

**The PUD document has been revised to address items 1, 2, 5 and 6 listed above. The applicant does not agree with items 3 and 4 due to changes in the orientation of commercial tracts within the PUD.**

*Rejected Review: County Attorney Review*

*Reviewed By: Heidi Ashton-Cicko*

*Email: heidiashton@colliergov.net Phone #: (239) 252-8773*

Correction Comment 5:

Miscellaneous Corrections: Please see changes to PUD document from my 10-4-18 review, to be provided by the planner.

**Response:**

**County Attorney mark-ups on Exhibit C, Master Plan**

1. Water does (W) mean?

**This notation has been removed.**

2. Where is the water main stub-out?

**Please refer to Exhibit F, item 3.a. in the proposed PUD document. The stub-out will be shown on the recorded plat or recorded by separate instrument if the residential tract is not master metered.**

**Revisions have been made to Exhibits A – F as requested and are included in this submittal.**

*Rejected Review: Utility Billing Review*

*Reviewed By: Alberto Sanchez*

*Email: AlbertoSanchez@colliergov.net Phone #:*

Correction Comment 1:

Miscellaneous Corrections

Review comments, if any, will be provided as soon as they are available.

Correction Comment 2:

Miscellaneous Corrections - Withholding comments until we can see the impact, if any, of the requested deviation on garbage pickup. Please call Al Sanchez to discuss 252-5539

**Response:**

**Acknowledged.**

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

D. Wayne Arnold, AICP

Enclosures

Cc: David Genson  
Eric Mallory  
Richard D. Yovanovich  
GradyMinor File