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Subject: Pulte Home Company LUPA
DRC Comment Responses
Case No: LN-561
RESPONSE DATE: July 17, 2024

Planning Division – Jean Dolan | jean.dolan@copbfl.com

Review Status: Resubmittal Required

1. Response to 1.D: Per the response to 1.E, the Applicant acknowledges this amendment affects 100% of Palm Aire which means every owner inside the dashed line and within 500 feet of the dashed line will have to be noticed prior to P&Z and both readings at City Commission.

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

2. Response to 1.E: The Applicant acknowledges the proposed LUPA is not a small scale amendment and changes the land use for every owner in Palm Aire. The City requires all Applicants to be the owner or contract purchaser of the land subject to the Application per 155.2303.A.2. The Applicant, therefore, is not qualified to propose this amendment.

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

3. Response to 2.A and 2.C: The Applicant and the Owner identified in this Application are not the owner or contract purchaser of the entire area subject to this LUPA and thus the request does not meet the requirements of 155.2303.A.2.

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

4. Response to 2.D: The 21.4 acres described in this section of the amendment application is the only portion of the 1,579 acres in Palm Aire that the Applicant and Owner may be qualified to amend, however, as the application acknowledges, changing the land use of this 21.4 acres ipso-facto changes the land use designation for all 1,579 acres in Palm-Aire which draws eligibility into question.

There are three ways the 21.4 acre portion of the amendment can move forward. The City will need the Applicant to provide the revised legal for the Palm Aire dashed line in any scenario where the dashed line is to remain. The City Commission will also have to either agree to pay the County's LUPA Application fees for the entire dashed line amendment or the Applicant will have to agree to cover the City's costs.

- a. The City will need to do a concurrent City/County LUPA that precedes the 21.4 acre amendment by removing the dashed line entirely and amending the land use map to show a collection of land use designations reflective of what is actually built on the properties. This will enable owners to do individual LUPAs without affecting land they do not own; OR
- b. The City will need to do a concurrent amendment that follows the 21.4 acre amendment that changes the legal description of the dashed line on the City's land use plan and the density of the revised dashed line area on the County's land use plan. That amendment will have to be approved or denied in a manner that matches the P&Z recommendation and/or vote by the City Commission for the 21.4 acres; OR
- c. The P&Z Board and the City Commission will have to acknowledge in their motions for approval or denial of the 21.4 acre amendment that the amendment is an ipso-facto amendment of the entire Palm Aire land use designation. If the 21.4 acre amendment is approved, therefore, the companion amendment that the City will process as a condition of the County/City approval of the 21.4 acre amendment must be approved. The 21.4 acre amendment will be conditioned on and will become effective when the entire Palm Aire dashed-line LUPA has been approved and is effective.

Regardless of which of the three tracks is chosen, all of Palm Aire is affected and must be noticed.

Response: The application has been amended to reflect option A above, that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel; thereby only impacting this individual parcel rather than the entire dashed line area.

5. Response to 4.A: This response also affirms that the concurrent County land use plan amendment affects the entire dashed-line area which is not owned by the Applicant. The language in this response needs to be revisited because it states that the primary drainage system within the dashed line is being decreased when it is not affected by the 21.4 acre parcel being removed. The density on the County's plan will be changing to 7.10 not 7.02 as a result of removing the 21.4 acre area. The math the Applicant is using to get the 7.02 du/ac density is based on reducing the number of units vested by the County's plan to match the City's 10,631 units. That is not correct. As shown on Exhibit D in the Application, the County plan currently allows for 10,748 units. ($10,748 \text{ units} / 1514.14 \text{ acres} = 7.10 \text{ du/acre}$).

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

6. Response to 4.B and 4.C: Flex has been used in Palm Aire. By pointing out that the project affects 100% of Palm Aire, it is evident that the impact analysis is limited to the 21.4 acre parcel actually owned by the Applicant. Please refer back to the 3 possible scenarios provided in the response to 2.D that describe the ways this LUPA can continue based on the fact that the Applicant is not qualified to request a LUPA for property owned by others.

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

7. Exhibit C: This depiction of the County's FLUM should show the change in land use density for all of Palm Aire to equal 7.10 units/acre.

Response: This is no longer applicable as the dashed line area is being removed by the City.

08/21/2024

8. Exhibit D: Note that County's plan allows for 10,748 units and calculate the post-LUPA density accordingly (7.10 units/acre).

Response: This is no longer applicable as the dashed line area is being removed by the City.

9. Response to 4.E: The math was corrected in the response to this question to show that 269,684 max square feet of structure that the zoning will allow, however, you did not change the number used in the impact analysis thus creating an inconsistency in the Application.

Response: The water and sewer demand calculations have been revised to reflect the correct square footage for the existing use.

10. Response to 5.A.3 and 5.B.3: See note regarding the 269,684 SF above. These are the two questions where you could fix the math.

Response: The water and sewer demand calculations have been revised to reflect the correct square footage for the existing use.

11. Note: The Water, Wastewater and Drainage service provider letters must be included in the Application prior to being considered for hearings.

Response: Acknowledged.

12. Response to 5.D and 6: Previous comment on the first DRC submittal has not been addressed and is still required, see below.

Author: DolJea Subject: Sticky Note Date: 1/10/2024 5:44:43 PM -05'00'

Provide correspondence from the SFWMD or Broward County, as appropriate, that there will be no objections to the filling of the 3 lakes in regard to aquifer recharge potential and the project will not be permitted to discharge any more water in the post development condition than under current conditions.

Currently, the Palm Aire Lakes provide additional water storage for the primary drainage system through an interconnect between the Pompano Canal and the lakes which historically have accepted additional water during dry periods due to wellfield drawdown. Please explain any impact on the overall water storage capacity if the current practice of using the primary drainage system to refill the Palm Aire Lakes requires less input due to the filling of the 3 smaller lakes and any other post development conditions that may affect overall water storage capacity.

Response: Applicant design team will permit the lake expansion through Broward County EPGMD which issues the Environmental Resource Permit, Surface Water Management Permit, and Environmental Resource License in this case. Existing lakes present an opportunity for cohesive drainage system. BC drainage review comments will be provided to the City upon issuance.

13. Response to E.5.C: Remove all references to 2012 and simply say there will be a net loss of 4.7 acres of lake area. Provide the calculations for pre and post development recharge given the reduction in pervious green space and lakes.

Response: The project will meet all wellfield protection requirements of the jurisdictions with authority, and at the 1/10/2024 meeting we agreed to provide to the Utility Department copies of any calculations we prepare as we proceed through the SFWMD and Broward County permit processes. As those permits are obtained with final site development permits, said calculations will occur after LUPA, zoning, and site plan approvals.

14. Response to 6.H: Previous comments not addressed. When the Major Site Plan shows the location of the City's infrastructure with appropriate setbacks and protection areas, the results will be included in this section and deemed complete.

Author: DolJea Subject: Sticky Note Date: 1/11/2024 3:27:20 PM -05'00'

Describe what the Broward County wellfield protection ordinance requires which is primarily related to hazardous materials that are not commonly present in a residential development.

Include in this response the setbacks and other requirements shared by Pompano Beach water utilities on January 10, 2024 to protect the existing and future infrastructure on the site related to the City's present and future wells and other infrastructure both above and underground.

Response: Major Final Site Plan application was submitted on May 14, 2024. The site plan indicates the requested setbacks from the existing well sites for all proposed townhomes. The 30' x 30' maintenance area is also indicated on the site plan at the end of the driveway access points off of the access tract. An Easement Site Plan, ESP.1, is included within the Major Site Plan application package. This plan shows the requested utility and access easements required by the Utilities Department in a color coded manner with a correlating Legend. In addition, this plan shows the proposed rerouting of the existing raw water main; along with the new proposed connection points, as well as new proposed easements.

15. Response to 6.I: State in this section that soils will be removed to the required depth to deal with required arsenic contamination to the extent required for residential use. Include the protective measures that will be taken during soil remediation work to protect the City's water supply infrastructure.

Response: The response to this section has been amended to include the following response, "As part of a County-approved remedial plan, all soils documented onsite to exceed the applicable Florida Soil Cleanup Target Levels for residential use will be managed onsite to the extent required for residential use. Protective measures that will be taken during soil remediation work to protect the City's water supply infrastructure. These include rerouting the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements. Applicant design team is proposing new connections at the property line, as well as a proposed rerouting and incorporation of the new raw water main lines and water main lines into the utility design for the project. Applicant design team is working with City to finalize designs."

16. Response to 7: Previous comment not addressed.

Author: DolJea Subject: Sticky Note Date: 1/11/2024 1:56:05 PM -05'00'

The City and County will require 15% of this housing to be set aside as affordable or the payment of an in lieu fee of \$10,000 per unit must be paid into the Affordable Housing Trust Fund for every new unit to pull building permits. Include in the response to #7.

Response: The affordable housing section has been revised to include a statement that the applicant will be using the in-lieu of payment fee option, in accordance with County and City regulations.

17. Response to 12: Public Outreach: The amendment affects 1,579 acres. Neighborhood meeting coverage should reflect the entire community that will receive notification of these two LUPAs. Staff has attached the latest list of HOA Presidents provided by Palm Aire United.

Response: The application has been amended to reflect that the City will be removing the dashed line area, and the Applicant will only be amending the 21.4 acre parcel, thereby only impacting this individual parcel rather than the entire dashed line area.

18. Response to 14.B: This question appears to be missing from the Application. If the large scale amendment goes forward concurrent with the 21.4 acre amendment, concurrent DEO submittal of the City and County amendments will be requested.

Response: This is no longer applicable as the dashed line area is being removed by the City, and the Applicant will not be amending the dashed line area.

19. Response to 13: Review this question for typos in the actual question. It should read:

“Describe consistency with highlighted regional issues and policies of the Broward County Land Use Plan.”

Response: The typo has been corrected to reflect the above language.

20. Comments on compliance with policies listed under #13:

City Policies:

Policy 01.01.11 - The issue of our potable water supply and water supply facilities are of critical importance due to their location on the 21.4 acre subject property. If those facilities are damaged during soil remediation and/or construction and/or during future residential use, the entire City could be impacted and lose access to raw and treated water for an unknown period of time. This concern really can't be overstated. For this reason, this project will not be considered ready for any level of implementation until our Utility Department is comfortable with the plan to protect our water infrastructure.

Response: Major Final Site Plan application was submitted on May 14, 2024. This plan shows the requested utility setbacks and access easements required by the Utilities Department. In addition, this plan shows the proposed rerouting of the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements. Applicant design team is proposing new connections at the property line, as well as a proposed rerouting and incorporation of the new raw water main lines and water main lines into the utility design for the project. Applicant design team is working with City to finalize designs.

Policy 01.06.07 - The Site Plan submitted for Pre-App and reviewed on March 12, 2024, does not adequately address the locations and protection strategies for the existing and future wells and associated underground infrastructure. This project will not be considered ready for consideration until the Water Utilities Division is satisfied with all issues raised during the LUPA, Rezoning and Major Site Plan review process in regard to the City's water and wastewater related infrastructure.

Response: Major Final Site Plan application was submitted on May 14, 2024. Included within this submittal was a response letter, which indicated how the comments and concerns provided from staff were addressed within the revised plans. The plans show the requested utility setbacks and access easements required by the Utilities Department. In addition, this plan shows the proposed rerouting of the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements. Applicant design team is proposing new connections at the property line, as well as a proposed rerouting and incorporation of the new raw water main lines and water main lines into the utility design for the project. Applicant design team is working with City to finalize designs.

Policy 01.14.01 - Potential damage during soil remediation and construction to our raw water wells and raw water distribution infrastructure threatens the availability of potable water services to significant portions of the City. The concerns about our water infrastructure that was previously unthreatened by the open space use of the land far outweighs any benefits to the City of an additional 186 townhouses. As previously stated and emphasized, this project will not be ready for consideration until the water utilities

division is satisfied with all utility related issues raised during the LUPA, Rezoning and Major Site Plan review process.

Response: Applicant design team has met with the Utility and Engineering Department on June 27, 2024. Additional meetings will occur in order to compromise on proposed solutions for the utility designs submitted.

County Policies 2.14.2 and 2.11.2 - Refer to the threats to the City's potable water infrastructure during soil remediation and construction and discuss protection measures that will be taken to ensure adequate potable water services continue to be available and are not interrupted for the majority of the City as a result of development of this site.

Response: Applicant design team has submitted revised plans to the City for review. These updated plans propose two locations for future well sites, as well as show the requested easements.

Zoning Division - Lauren Gratzer | lauren.gratzer@copbfl.com

Review Status: Review Complete Pending Development Order

1. LUPA application associated with Site Plan # 24-1200001. Complete site plan comments to be provided by time of site plan submittal.

Response: Acknowledged.

2. Echoing Landscaping comments that all amenities and site landscaping shall be constructed/installed prior to issuance of first CO.

Response: Acknowledged.

3. Obtain all approvals for the drainage, filling of existing lakes and creation of new lakes.

Response: Acknowledged.

Landscape Division - Wade Collum | wade.collum@copbfl.com

Review Status: Review Complete pending Development Order

1. Comments will be rendered at time of site plan submittal. Provide landscape plans in accordance with 155.5203 for the entire site at that time.

Response: Acknowledged.

Engineering Department - David McGirr | david.mcgirr@copbfl.com

Review Status: Review Complete pending Development Order

1. No comments issued.

Response: Acknowledged.

Fire Department - Jim Galloway | jim.galloway@copbfl.com

Review Status: Review Complete pending Development Order

1. The comments on the LUPA are the same as for the rezoning (24-13000001). Please refer to that project for the Fire Dept. comments.

Response: Acknowledged.

Solid Waste & Recycling - Beth Dubow | Beth.dubow@copbfl.com

1. The Environmental Services Department has no objections to the proposed land use plan amendment.

Response: Acknowledged.

Building Division - James DeMars | james.demars@copbfl.com

Review Status: Review Complete pending Development Order

1. No comments.

Response: Acknowledged.

BSO

Reviewer: BSO Deputy Tony Russo for the City of Pompano Beach

Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach

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Monday - Thursday; 8 AM - 4 PM

*** ATTENTION IMPORTANT ***

The services of an independent, and highly experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended to achieve and maintain objective credible security review integrity, and to expedite processing.

Response: Acknowledged.

*** DISCLAIMER ***

This safety and security review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, threats, breaches, or liabilities that might occur without any review.

Response: Acknowledged.

*** ATTENTION IMPORTANT ***

AS PER CODE 155.2407.E.9., AT THE TIME OF PERMIT SUBMITTAL, THE CPTED SECURITY STRENGTHENING DRAWING PLAN AND SEPARATE CPTED SECURITY STRENGTHENING DRAWING PLAN NARRATIVE SHALL BOTH BE SUBMITTED AS PART OF THE REQUIREMENTS FOR PLANNING & ZONING REVIEW AND APPROVAL.

Response: Acknowledged.

No comments at this time as this a Land Use Plat Amendment (LUPA).

Response: Acknowledged.

Utilities- Nathaniel Watson: Nathaniel.watson@copbfl.com

Review Status: Resubmittal Required

None of the comments provided during the first review have been addressed in this second submittal and it appears the conceptual site plan has been entirely removed from the Application. The site plan submitted for PreApp, which was provided comments on March 12, 2024, also did not adequately address these issues. The Application will not be considered ready for hearings until these items are adequately addressed.

The following comments are as discussed during the January 10, 2024 meeting.

Concerns

1. Proximity to the raw water supply and electrical system.
Response: Applicant design team has addressed the technical comments regarding the Utility Department's infrastructure on the Major Final Site Plan, currently under review.
2. May impact future well development and generator.
Response: Applicant design team has addressed the technical comments regarding the Utility Department's infrastructure on the Major Final Site Plan, currently under review.
3. 75% of the City's water comes from this wellfield and may impact future supplies.
Response: The Applicant will comply with all wellfield protection regulations from SFWMD and Broward County and provide those analyses to the City when submitted to the respective agency.
4. Impact to recharge to the aquifer.
Response: The Applicant will comply with all wellfield protection and stormwater regulations from SFWMD and Broward County and provide those analyses to the City when submitted to the respective agency.
5. Stormwater storage.
Response: The Applicant will comply with all stormwater regulations from SFWMD and Broward County and provide those analyses to the City when submitted to the respective agency.
6. Addition stormwater runoff due to impervious areas.
Response: The Applicant will comply with all stormwater regulations from SFWMD and Broward County and provide those analyses to the City when submitted to the respective agency.

Requests

1. Concern about wellfield recharge with the filling in of the existing lakes. Provide a pre and post development recharge analysis and include in the Application.
Response: The Applicant will comply with all wellfield protection regulations from SFWMD and Broward County and provide those analyses to the City when submitted to the respective agency.
2. Existing infrastructure is assumed to be within an easement or controlled by the utility. Show the City's infrastructure and requested easements on the conceptual development plan.
Response: Applicant design team has addressed the technical comments regarding the Utility Department's infrastructure on the Major Final Site Plan, currently under review.
3. Proposed development is encroaching on a 20" potable supply. Show the potable water supply line and the requested easement on the conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These plan shows the proposed rerouting of the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements.

4. Proposed development is encroaching on western wells 24 and 25 along with the raw water transmission line. Show the location of this infrastructure and the requested easements and water retention for maintenance on the conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These plans indicated the required setbacks from existing well sites, as well as the requested easements for the existing wells. Applicant is not proposing relocation of any of the existing well sites. These plan shows the proposed rerouting of the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements.
5. Need water main easements of 30'. Show on conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These plan shows the proposed rerouting of the existing water main and raw water main; along with the new proposed connection points, as well as new proposed easements. Applicant has provided requested easements on plans.
6. Need well easements of 50' with water retention area for well maintenance. Please show on conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These plans indicated the required setbacks from existing well sites, as well as the requested easements for the existing wells. Applicant is not proposing relocation of any of the existing well sites. Access easements as well as the requested 50' easements are indicated on the revised plans.
7. New raw water main and well site easements should be obtained for the two future well sites, Generator Building and installation of 1,600 ft. of 24" C900. Show locations on proposed development plan.
Response: Applicant design team has submitted revised plans to the City for review. These updated plans propose two locations for future well sites, as well as show the requested easements.
8. Wells 24, 25, 26 need to have power moved underground. All future wells shall be underground power. Show locations of these wells and space for underground power on the conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These updated plans show 10' utility easements for franchise utilities including FPL for power. Power for well sites will be underground within the proposed franchise utility easements indicated.
9. Mutually agreed upon electrical contractor should be used for all power supplies to the wells and wellfield. Problems with inferior work to the north demonstrate this need. Electrical Engineer for design. All underground electrical supply to be encased in concrete. Please provide a \$5 million bond at time of building permit which will be used to address any damage to our infrastructure during construction. Any damage over \$5 million will be an additional developer responsibility to correct.
Response: Pulte Home Company LLC utilizes reputable electrical contractors.
10. Look at property considerations (give the Utility property) to install a generator for the southern wellfield area. Please show locations on conceptual development plan.
Response: Applicant design team has submitted revised plans to the City for review. These updated plans propose two locations for future well sites, as well as show the requested easements. Adequate space is indicated in the location of the proposed future well site in the southeast corner to accommodate the generator buildings discussed with Utility Department staff.

11. Access to all infrastructure through an ingress/egress agreement. Show locations on conceptual development plans.

Response: Applicant design team has submitted revised plans to the City for review. These plans indicated the required setbacks from existing well sites, as well as the requested easements for the existing wells. Applicant is not proposing relocation of any of the existing well sites. Access easements as well as the requested 50' easements are indicated on the revised plans. An access easement is proposed over the internal private vehicular street for access by the Utility Department.

12. Comply with all Broward County Wellfield protections, SFWMD and DEP regulations. Provide letters from both agencies as part of LUPA/Rezoning process to confirm any conditions those agencies will have for filling the small lakes and entitling the property.

Response: Applicant team will be submitting for permit approval to Broward County / SFWMD with the completed Preliminary Engineering. Comments will be provided to the City as part of this process. Permit issuance will be at a future date should the Major Final Site Plan be conditionally approved. City Land Development permits can be issued after the issuance of Broward County / SFWMD.