



April 28, 2022

**DRC**

PZ21-13000004

6/1/2022

Daniel Keester-O'Mills, AICP  
Principal Planner  
City of Pompano Beach  
100 West Atlantic Blvd.  
Pompano Beach, FL 33060

**RE: Hunters Manor Rezoning (P&Z# 21-13000004)**

Dear Mr. Keester-O'Mills

We respectfully submit the following responses to the Comments, issued on March 28, 2022, for the Rezoning Application for the Hunters Manor project.

**A. PLANNING**

1. The "response to DRC Comments" document, indicates that "Screened Enclosures with Screen Roof" are not permitted in this RPUD; however, page 15 of the PD Document under the "Permitted and Accessory Uses Table" lists it as a permitted accessory use. Clarify which is accurate & correct the PD Narrative (if necessary).

**Comment Response: The screened enclosures with screen roof would not be permitted as it would require additional deviations in order to meet setback requirements. Regular screened porches/patios (with roof) are permitted.**

2. The PD Plan & Narrative include a table with the minimum required setbacks. The zoning code has definitions to identify the "front yard," "interior side yard," "street side yard," and "rear yard." The PD Plan also has references to a "Street side corner." There is no explanation, diagram or reference to define or illustrate this condition. Clarify what a "street side corner" is and when it may apply. The setback requirement is 12 feet, just as the street side yard, so is it necessary? Review the various definitions in Article 9 for Lots, and advise if this should be defined or removed from the plans.

**Comment Response: "Street side corner" has been removed from the PD Plan table and PD Narrative. Please refer to PDMP-1 and SP-1 of the plans.**

3. The PD Narrative (page 6) includes what appear to be 2 instructions for "Location of Front Lot," and "Location of Rear Lot." What is the purpose of these terms? Is this related to the fencing requirements? Since the proposed development will include several through lots (lots that abut two parallel or nearly parallel streets) in particular in POD A, perhaps the PD Plan can clearly identify for staff the preferred "front yard" and "rear yard" for the purpose of fencing, setbacks, and any other dimensional standards.

**Comment Response: In relation to fencing and through lots, the terms were added. In this resubmittal, notes were added to the PD Plan to ensure that the through lots had a clearly defined front yard. The applicable lots in Pod A which abut a public right-of-way are not construed as "through lots". See note 5 on PDMD-1.**

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4. The PD Plan and Narrative (table on page 6) includes a foot note about fencing: "Fence with retaining walls is only located where necessary to achieve code-required flood elevation." Clarify what is meant by this, with a diagram/illustration. The maximum height of a fence is measured at natural grade. If a fence is constructed on top of a retaining wall, the maximum height of the fence may be limited by the height of the retaining wall.

**Comment Response:** Some of the fencing, whether installed on the perimeter of the overall development or later by a future homeowner, will be a fence only. However, with construction of the site to prepare the development (everything before homes are built), exterior fencing on multiple borders of the property will also contain a small retaining wall under the perimeter fences. The note is meant to indicate that we are not adding retaining walls everywhere unless they are necessary. The exact height of the retaining wall visible above natural grade will be determined through final construction engineering plans, but calculations have determined it will be between 18 and 24 inches. In any case, the total of the fence and wall will not exceed the 6-foot height limit from natural grade. The retaining walls are necessary for the overall development to meet the drainage requirements of Broward County, by raising the property up compared to the adjacent properties and existing roads.

5. The PD Plan and Narrative (Deviations Table on page 7) indicate that street trees will be located within the private lot. The master plan, and landscaping plans submitted with the site plan, indicate that there are trees proposed in the city right-of-way. In order to be clear for future staff implementing this master plan, staff recommends that the Applicant provide a "Street Trees Plan," that identifies the locations of the street trees (along public right-of-way or the private street).

**Comment Response:** A street tree plan was developed, identifying the trees that will be counted as "Street Trees".

6. In addition to the street trees plan, there does not appear to be a "minimum requirements for landscaping on each lot." Since each of these houses will be permitted separately, each lot can demonstrate the minimum requirements. Staff recommends providing this information on the "typical lot diagram," on the PD Plan, as well as the PD Narrative in text. The text should identify the appropriate number of trees and shrubs provided on each lot (or a formula to determine the appropriate number).

**Comment Response:** The required landscaping per lot has been added to the PD Plan table and on the Site Plan table.

7. In reviewing the floor plans, submitted with the site plan application (P&Z: 21-12000010), the unit with the smallest garage (Sapole) provides 12'x19' garage. If there are no sheds permitted on the property, and these are single-family homes, each individual is likely responsible for their own lawn maintenance. Given that sheds will not be permitted in this RPUD, that does not provide for a lot of extra space for lawn equipment, recycling and trash containers, as well as other storage. Please consider this fact, as sheds are not listed as permitted accessory uses.

**Comment Response:** The garbage and recycling carts will fit in the garage with the car. This is demonstrated on the architectural floorplan sheets. There is no need for lawn equipment as the

**HOA will ensure a private lawn maintenance company will maintain the lawns throughout the community.**

8. The PD Master Plan lists the off-street parking, as "proposed regulations." Typically the required parking space for a single-family residence is the ability to park 2 cars. Is it the applicants intent to require that each house have the capacity to park 3 cars? This will prohibit future residents from reducing the width of their driveway or converting/enclosing garages into additional bedrooms.

**Comment Response: It is not the intent for driveways to be reduced, or garages converted into bedrooms. The homes with 2 car garages also can park 2 cars in the driveway. The home with a 1 car garage will also allow for 2 cars in the driveway. Therefore, the minimum standard in the community is 3 parking spaces, but many homes will exceed that minimum. This is an example of one of the standards offered in this RPUD that exceeds the standard code requirement. Since the internal private access roads are 20 feet wide, on-street parking will not be permitted by the HOA.**

9. The "Auto Body Paint Shop" to the east of the proposed development (691 NW 18 Avenue) was added to the local historic registry in 2017. It is a lawfully existing commercial use in this residential zoning district. There was no mention of this in the narrative.

**Comment Response: The Auto Paint Body Shop was added in the Existing Uses for the East portion of the table located in the Surrounding Properties section of the PD narrative and a reference to its lawfully existing use was added.**

10. Page 3, on the PD Plan, under "4. Development Program," there is a typo in the first paragraph: "care" is written, when it should be "acre." "... The total net acreage for the subject site is 9.09 acres, thus equating to a total net density of 6.5 dwelling units per ACRE." In addition to this, please correct all references to the residential planned unit development (RPUD) as "RPUD," it is occasionally references as "R-PUD". The new zoning district will be RPUD (without dashes or spaces).

**Comment Response: The typo in Development Program has been corrected to acres. The reference to the residential planned unit development has been changed to RPUD throughout the entirety of the PD narrative.**

11. It is strongly advised that the Applicant hold a Neighborhood Meeting (refer to 155.2302 for guidelines on holding a neighborhood meeting). This should be done prior to placement of the P&Z Agenda. Recommend to present the plan to NW CRA District & Collier City Civic Association.

**Comment Response: It is the applicant's intent to have neighborhood meeting(s). They will be scheduled when the DRC has approved the plans. The project will also be presented to the NW CRA Advisory Committee at a regular meeting.**

12. Prior to building permit approval, a unity of control document must be submitted for staff review, approved & recorded in the Broward County Records. The unity of control must identifying the responsibility of the private property owners & that this development site is under a unified control, given that the density of the north parcel appears to be shifting some density to the southern parcel. It is a requirement of the RFP to create a Homeowner's Association (HOA) to handle the maintenance of the common area.

**Comment Response:** The unity of control will be prepared and recorded after the applicant has ownership of the property. At this time, the property is owned by the Northwest Pompano Beach CRA.

## B. ZONING

1. In the landscape section of the “proposed development regulations” chart provided on the PD master plan, include the note that says “fence with retaining walls is only located where necessary to achieve code-required flood elevation” as well as the type B buffer note, as noted in the PD document. This chart on the PD Master Plan should include all relevant deviation notes

**Comment Response:** Notes have been added to the PD Master Plan.

2. Clarify in the PD Document what the difference is between “street side” and “street side corner yard” or what part of the lot this is intended for. Our Code does not define “street side corner yard”. Both designations have the same designated dimensions

**Comment Response:** “Street side corner” has been removed from the PD Plan table.

3. Provide the fence deviation, along with the revised definition of the front and rear lot line, on the PD Master Plan along with the other deviations. Likewise, if there are two different meanings for “street side” and “street side corner yard” put this on the PD Master Plan as well.

**Comment Response:** The fence deviations have been added to the tables in the PD Plan. “Street side corner” has been removed from the PD Plan table. Fences on street side yards will be permitted at 6 feet in height, without having to provide a setback.

4. Clarify in the PD Document if fences are permitted in the front yard. The PD Documents does not include the front yard permitted height. Note that once these homes come in for building permits, the front yard (the first 20’), if permitted, and the street sides (the entirety of 12’ from the street side property line) will be restricted to a 4’ tall fence. This dictates that lots 1, 41, 42, 46, 47, & 59 will all be restricted to a 4’ tall fence along the major roadways. Our current Zoning Code allows for a 6’ fence on these street sides as long as the fence is setback 4’ from the property line. The proposed PD does not allow for this relief.

**Comment Response:** A new regulation has been added for fences, along with details in the deviation table to allow fences on street sides at 6 feet in height, without having to provide a setback. Fences are not permitted in the front yards of the properties.

5. It appears that the site plan submitted concurrently with this rezoning is attempting to deviate from the typically required minimum number of trees per table 155.5203.C.Minimum Development Site Landscaping. Provide this chart in the PD Document/PD Master Plan and the proposed deviations. Likewise, the Deviation Table in the PD document simply says street trees are located within a private lot. Example this deviation and provide detail as to if all street trees will meet the required 1:40 separation.

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**Comment Response:** A Street Tree Plan has been prepared and submitted, showing the placement of the trees inside the lots that abut the private interior access streets. Lots 43-46 abut a public right of way (NW 7<sup>th</sup> Street) and have the street trees located in the right of way (not in the private lot). The street trees shall be provided at a ratio of one tree per 40 feet of street frontage, “spaced no closer than 15 feet apart and no farther than 60 feet apart” (as provided in the land development code section 155.5203 G. 2.). Therefore, the only deviation is the location of the trees on the interior access streets, and it is called out in the deviation table.

6. Staff suggests to revise the “permitted and accessory use table” found in the PD document to specifically state the accessory uses that are not permitted in this PD. This will reduce confusion for all future development down the road. The comment response sheet provided by the applicant stated the following uses are not permitted: sheds; clotheslines; parking or storage of motor vehicles, recreational vehicles, boats, or trailers; and parking or storage of commercial vehicles, all of which are typical uses for single-family homes. Please also include any other use that may be common for single-family homeowners that is not desired for this PD.

**Comment Response:** Upon much discussion, the accessory use table has been revised to include only those typical accessory uses which are permitted. Most of the uses are from the City’s list of uses permitted within a RPUD district. However, several additional permitted uses have been added to the list. The HOA may further regulate or prohibit the uses through its guiding documents, and that may change from time to time.

7. In the “permitted and accessory use table” found in the PD document, a screen enclosure with a screened roof was listed as permitted. However, in the most recent comment response sheet it was stated that this would not be permitted as it would generally not fit within the proposed setbacks (screen enclosures require a 15’ setback to the rear property line). Clarify if the intent is to allow these in this RPUD or not and list it as such in the chart within the document. If screen enclosures are proposed, Staff recommends to include it as a deviation of this code section with a lesser setback.

**Comment Response:** The screened enclosures with screen roof would not be permitted as it would require additional deviations in order to meet setback requirements. Regular screened porches/patios (with roof) are permitted.

## C. UTILITIES

1. Please note that additional comments may be forthcoming contingent upon future submittals to the PAM and/or DRC review process.

**Comment Response:** Acknowledged. During the DRC Meeting, Mr. Watson noted that he did not have additional comments.

2. The City of Pompano Beach Utilities Dept. has no comment at this time with regard to the requested Rezoning approval.

**Comment Response: Acknowledged.**

**D. LANDSCAPE REVIEW**

Comments will be rendered at time of site plan submittal. Provide landscape plans in accordance with 155.5203 for the entire site. Provide a detailed deviation table.

**Comment Response: Acknowledged. Landscape plans have been provided and were reviewed under the Site Plan request. Please refer to LP-1~LP-10. A detailed deviation table has been provided.**

**E. SOLID WASTE AND RECYCLING**

REVIEW COMPLETE; NO OBJECTIONS NOTE: As stated in the Pompano Beach Code of Ordinances, Chapter 96, including Section 96.12(D)(1), all construction and demolition debris removal is the responsibility of the owner. All solid waste generated within the geographic boundaries of Pompano Beach shall be collected by the franchise collector (Waste Management at the time of this writing) and disposed of as directed by the city disposal agreement. All materials shall be generated from the property on which the materials are placed for removal. Information regarding container size and hauling costs may be found in Chapter 96, Section 96.13. NOTE: Additional comments may be necessary based upon revisions, additional plans and/or documents. Contact Beth Dubow at 954-545-7047 or beth.dubow@copbfl.com should you have any questions or concerns regarding this review. PLEASE NOTE: Applications that require resubmission to the DRC have 45 days from the time of original DRC meeting in which to resubmit. Applications that fail to be resubmitted before the completion of these 45 days, or fail to receive a time extension from the Development Services Director, shall be considered withdrawn (§155.2304.B)

**Comment Response: Acknowledged.**

NOTE: Additional comments may be necessary based upon revisions, additional plans and/or documents. Contact Beth Dubow at 954-545-7047 or beth.dubow@copbfl.com should you have any questions or concerns regarding this review.

**Comment Response: Acknowledged.**

I appreciate your assistance on this project. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

**WGI**



Kristen Nowicki, AICP  
Senior Project Manager