



Staff Report

File #: LN-63

Development Review Committee
Meeting Date: January 6, 2021

POPEYES

Request:	Minor Site Plan
P&Z#	20-12000030
Owner:	NW 31 st Avenue LLC, GI of Pompano LLC & C & R Realty LLC
Project Location:	3051 W Atlantic Blvd, 140 NW 31 Ave & 160 NW 31 Ave
Folio Number:	484233054110, 484233054120 & 484233470010
Land Use Designation:	C
Zoning District:	B-3
Commission District:	5
Agent:	Ryan Thomas (954-202-7000)
Project Planner:	Lauren Gratzner (954-545-7792) / Lauren.Gratzer@copbfl.com

Summary:

The Applicant is requesting MINOR SITE PLAN approval in order to construct an access road for the Popeyes located at 3051 W Atlantic Blvd, to have a secondary access directly onto NW 31st Avenue.

Staff Conditions:

PLANNING

Plan Reviewer: Daniel Keester O'Mills | daniel.keester@copbfl.com <<mailto:daniel.keester@copbfl.com>>

Status: Review Complete Pending Development Order

- The property is unplatted. Based on the limited scope of work (as a driveway) platting is not required, however, please note that future development may require the Applicant to file for Plat approval.
- Land use for this parcel is commercial, the zoning is B-3 (General Business). The proposed scope of work, as a driveway/access way is permitted based on the cross access agreements.
- The city has sufficient capacity to accommodate the proposal.
- The property is accessed from NW 31st Avenue (AKA: Atlantic Blvd Extension). NW 31st Avenue is within a non-residential zoning district specifically listed in the Trafficways Plan and Code of Ordinances (100.01 Minimum right-of-way) requiring a minimum of 106 feet. Based on the survey submitted, there are portions of the property that may not comply with the minimum 53 feet of right-of-way to the centerline of the road, and additional dedications may be required at the time of platting.
- The property does abut any right-of-way identified on the Broward County Trafficways Plan.

ENGINEERING DEPARTMENT

Plan Reviewer: David McGirr | david.mcgirr@copbfl.com <<mailto:david.mcgirr@copbfl.com>>

Status: Review Complete Pending Development Order

The following comments must be addressed prior to the submission of these plans to the Building Division for formal plan review and permitting:

1. Landscaping materials other than sod are not allowed within (5") five feet of any portion of City owned utilities within the public street right-of-way including meters, hydrants, service lines etc. Show the location of all existing City owned and maintained potable water mains and services, sanitary sewer mains or laterals and storm drainage lines on the proposed landscape plans. Upload 2019 COPB Engineering Standard street tree detail 316-1.
2. The proposed paving, grading and drainage plans must be approved by the Broward County EPD Surface Water Management Division.
3. The proposed watermain and services, sanitary sewer connection to service this project and proposed drainage must be approved by the City of Pompano Beach Utilities Division.
4. The proposed fire hydrant relocation ?? From where to where and was a shut off valve ever found?
5. Prior to the approval of the City Engineering division, the City's Planning and Zoning Division must approve these plans.

6. Submit a FDOT Access Driveway/Connection Permit, FDOT Drainage Connection Permit and a FDOT Utility Permit or exemption for the proposed work on NW 31 Ave.

7. Utility plan needs to show all individual taps per the city standard engineering details. The proposed 1" service needs to be tapped off the watermain.

**** Please note - additional review comments may be issued by the City Engineering Division throughout the remainder of the permitting process while the civil engineering plans are being finalized for this project.****

FIRE DEPARTMENT

Plan Reviewer: Jim Galloway | jim.galloway@copbfl.com <<mailto:jim.galloway@copbfl.com>>

Status: Review Complete Pending Development Order

- 1 - proposed fire hydrant and FDC should be located at corners of future/proposed structures, not in the middle of access road.
- 2 - Proposed FDC will be required to connected to fire sprinkler system riser after all control valves.
- 3 - additional water supply and access may be required with future development.

BUILDING DIVISION

Plan Reviewer: Carpelo Jeoboam | Carpelo.Jeoboam@copbfl.com <<mailto:Carpelo.Jeoboam@copbfl.com>>

Status: Review Complete Pending Development Order

Advisory Comments

A preliminary examination of the documents has been performed; additional comments may apply when completed plans and/or specifications have been submitted for permitting to the building department. Buildings shall comply with all local, state and federal codes in effect at time of application, including FEMA Floodplain, NPDES and HVHZ regulations.

FBC_BCA 105.2.3 Public service agencies/other approvals. The building official shall require that the laws, rules and regulations of any other regulatory AHJ, and where such laws, rules and regulations are applicable and are known to the building official, shall be satisfied before a permit shall be issued. The building official shall require such evidence, as in his or her opinion is reasonable, to show such other approvals.

City Ordinance 53.16(A)(1) Construction sites and construction activities. construction sites and operations shall be required to maintain during and after all construction, development excavation or alteration operations, structural and non-structural best management practices with the intent to reduce pollutants and sediment in stormwater runoff.

FBC 3306.1 Pedestrians shall be protected during construction, remodeling and demolition activities as required by this Chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

FBC_BCA 107.3.4.0.6 Compliance with the specific minimum requirements of this code shall not be in itself deemed sufficient to assure that a building or structure complies with all of the requirements of this code. It is the responsibility of the architect and/or engineer of record for the building, structure or facility to determine through rational analysis what design requirements are necessary to comply with 2017 FBC.

1. FBC_BCA 107.1 As per the building official, separate building applications will be required for erosion control, site work.
2. F.S. 481.221(2) The enforcing agency will require digital signature panel to be active on all documents submitted for review to authenticate the serial number matches the submitted ESA. F.A.C. 61g1-16.005 Each sheet is required to be digitally or electronically signed, and bear the impress seal of, an architect or engineer (FBC_BCA 107.3.4.0.1).
3. FBC_BCA 107.3.4.0.8 All plans and/or specifications prepared by an architect or an engineer pursuant to the requirements of this code shall be hand signed, dated and sealed.
4. FBC 3303.5 Water Accumulation. The enforcing agency will require provisions be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.
5. FBC_BCA 110.13.2.1 It shall be the joint responsibility of any owner of real property upon which construction is occurring, and any contractor responsible for said construction, to ensure that all road rights-of-way remain free at all times of all construction waste and trash resulting from such construction, and that all waste and trash resulting from the construction are contained on the real property upon which the construction occurs.
6. FBC_BCA 109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.
7. FBC_BCA 110.8.5.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and chapter 633, Florida Statutes. Advisory Comments

A preliminary examination of the documents has been performed; additional comments may apply when completed plans and/or specifications have been submitted for permitting to the building department. Buildings shall comply with all local, state and federal codes in effect at time of application, including FEMA Floodplain, NPDES and HVHZ regulations.

FBC_BCA 105.2.3 Public service agencies/other approvals. The building official shall require that the laws, rules and regulations of any other regulatory AHJ, and where such laws, rules and regulations are applicable and are known to the building official, shall be satisfied before a permit shall be issued. The building official shall require such evidence, as in his or her opinion is reasonable, to show such other approvals.

BSO

Plan Reviewer: Scott Longo | scott_longo@sheriff.org <mailto:scott_longo@sheriff.org>

Status: Pending Development Order

Disclaimer:

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

This 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, or liabilities that might occur without any review.

CPTED Landscaping Standards

- a. Ensure to design out all landscaping and lighting conflicts to avoid existing or future obstructions to Natural or Electronic Surveillance.
- b. Ensure to design out existing or potential concealment/ ambush points to deter/ prevent criminal activity.
- c. Maintain 2' to 2.5' foot maximum height for all hedges, bushes, low plants and ground cover.
- d. Maintain an 8" foot clear trunk without any obstructive limbs or foliage hanging down for canopy trees and tall plants that obstruct Natural &/ or Electronic Surveillance.
- e. Note that young immature trees with 6" inch or less diameter trunks are excluded from this condition per code.

Burglar Alarms/ Security Alarms/ Safes - Mechanical Security Strengthening

- a. Indicate in CPTED narrative if you have an panic Alarm If not Please make sure one get installed. Alarms must be activated whenever businesses are closed or all personnel are out of the building offices.

Dumpster & Enclosure (if any): CPTED, Natural Surveillance and Security Strengthening

- a. To deter loitering by trespassers, illegal dumping and a concealment/ ambush point for criminals, dumpster enclosures that also have a pedestrian access entry passageway in addition to swing gates must include all of the following on both the swing and pedestrian gates:
- b. A robust locking mechanism such as a throw bolt with a robust shielded padlock for example rather than only a vulnerable chain and padlock.
- c. Bottom gate clearances must be 8" above the ground for viewing underneath.
- d. If there is a pedestrian passageway into the dumpster enclosure it must have the lockable gate.
- e. Dumpster area must have a vandal resistant/ proof motion-sensor security light to illuminate the

area when in use between sunset and sunrise.

- f. Dumpster areas must be secured with Access Control and video surveillance.

Parking Garage & Lot, and Adjacent Access Perimeters:

- a. Parking garages and lots have one of the highest crime rates therefore the following facts must be thoroughly acknowledged and addressed:
- b. Vehicles have been burglarized in parking lots leading to significant property loss and the theft of personal identification which has resulted in identity theft fraud, therefore no security surveillance camera coverage gaps can exist (see Electronic Surveillance Section).
- c. Violent Robbery incidents, primarily in parking lots, have resulted in serious personal injuries and death to both residents, guests, customers and employees, therefore no security surveillance camera coverage gaps can exist.
- d. Ensure comprehensive parking lot area surveillance camera coverage/ capture. Show overlapping sight “cones”.
- e. An Access Control vehicular gate entrance into the parking garage will deter and help prevent trespass opportunities. These entrances must be under video surveillance.
- f. Install motion activated security cameras on the perimeter boundaries, and the parking areas, and activity areas such as exterior amenity areas.

Electronic Surveillance - Security Strengthening

.

Indicate in the CPTED narrative if the restaurant has Electronic Surveillance, (Please show Sight Cones for the Interior and exterior) If the restaurant doesn't have Electronic Surveillance Please ensure the follow:

- A. Ensure electronic surveillance cameras and monitors are strategically located for maximum active and passive observation. Show sight “cones” indicating comprehensive coverage.
- b. Ensure all cameras are strategically placed so they will not be obstructed by the growth of existing or installation of future landscaping.
- c. Ensure lighting placement will enhance rather than conflict with camera placement. Avoid placing a light that would concentrate light directly into a camera lens thereby causing interference in operational efficiency.
- d. Security cameras must fully view all parking areas, building entrances and pedestrian paths of

- travel along the building perimeters.
- e. Any potentially vulnerable areas that cannot be observed through Natural Surveillance must be covered by electronic surveillance monitoring.
 - f. Install video surveillance along the exterior of the property facing the adjacent sidewalks and streets to deter criminal activities such as burglary, auto-theft, robbery, sexual assault & battery, etc.
 - g. Install video surveillance of all commercial and retail businesses including all outdoor restaurants, outdoor seating, etc.
 - h. Install video surveillance of any rooftop areas, etc.

Miscellaneous: CPTED & Security Strengthening

- a. Ensure all exterior electrical power outlets have a lock or power secure internal cutoff switch to deny unauthorized use by vagrants, etc. who loiter and trespass to charge their mobile phones, etc.
- b. Ensure all exterior water outlet spigots have a secure locking cap to deny unauthorized use by vagrants, etc. who loiter and trespass to wash themselves and their clothes, and who leave soiled clothing and lots of litter behind.
- c. If the building has a Wi-Fi system, it needs to be encrypted and password protected. An open Wi-Fi system will attract non-legitimate users to loiter and use the open free Wi-Fi.

CRA

Plan Reviewer: Nguyen Tran | nguyen.tran@copbfl.com <<mailto:nguyen.tran@copbfl.com>>
Review Complete

No comments

UTILITIES

Plan Reviewer: Nathaniel Watson | nathaniel.watson@copbfl.com <<mailto:nathaniel.watson@copbfl.com>>
Status: Resubmittal Required

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. The proposed relocation of the existing public fire hydrant shown on civil plan 009 C-09 Water,

Sewer & Utilities must show the public asset relocated in front of the recorded property line. Please correct.

3. The proposed 4" dedicated fire line shown on civil plan 009 C-09 Water, Sewer & Utilities must be shown with a ductile iron mechanical joint tapping sleeve with a 4" resilient seated gate valve. The installation must also show a required 4" dedicated fire meter located at or just behind the recorded property line. Please correct.

4. The proposed 2" irrigation and 1" domestic water services shown on civil plan 009 C-09 Water, Sewer & Utilities must be shown as individual connections with the service meters placed just behind the recorded property line. Please correct.

5. Please note that the proposed 2" water service must be show with a 2" resilient seated gate valve and a curb stop. Please correct.

6. Civil plan 009 C-09 Water, Sewer & Utilities proposes a 6" gate valve future stub out off of a 2" domestic water service connection. Please clarify the design and intent.

7. Please procure an approved Broward County EPD Surface Water Management permit or exemption for the proposed site work. Applicable during official Bldg. permit submittal. Please exercise best management practices with regard to protection of existing and proposed storm water systems.

8. As noted prior, please attach the following 2019 City Engineering Standard Details as they apply: #102-1 Valve Box Settings, #103-1 Gate or Valve Plug Settings, #106-1 Backflow Preventer, #106-3 Fire Meter and Backflow Device, #106-4 Meter Install Dimensions List, #107-1 Typical 1" Water Service, #107-2 Typical 2" Water Service, # 109-1 Typical Fire Hydrant Installation, #115-1 Underground Valve Identification Marker, #315-1 Typical Screen For Utilities, #316-1 Required Tree Locations.

LANDSCAPE REVIEW

Plan Reviewer: Wade Collum | wade.collum@copbfl.com <<mailto:wade.collum@copbfl.com>>

Status: Review Complete Pending Development Order

1. It is not completely clear what is being proposed.
2. Submit a tree survey prepared, signed, and sealed by a Florida Registered Surveyor showing the locations of all existing trees and palms in accordance with Code Section 155.2411, and Part 5
3. Submit a Tree Appraisal prepared by an ISA Certified Arborist in accordance with Rule 14-40.030 of the Florida Administrative Code as amended, for all trees and palms that are specimen size , and DBH for caliper for all nonspecimen trees, that assigns each existing tree a number; that specifies the common and botanical name for each existing tree; describes the overall size and caliper of each existing tree; evaluates the health condition of each existing tree; identifies the status of each existing tree (whether the tree is to be protected in place, be relocated, or be removed); and provides a dollar value for each existing tree included on the tree survey.in accordance with Code Section 155.2411, and

Part 5.

4. Provide permit # on the plans for the adjoining Popeye's property.
5. Remove note on site plan referencing tree removals on the balance of the property. The note should read this area 'not is scope of work'.
6. Remove underground drainage system from plans.
7. Remove note on landscape plans referencing Temporary Sod.
8. Remove any indication of future work or future projects or site work from all plans and focus on the drive aisle and retention area if that's all being proposed.
9. Provide VUA requirements as per 155.5203.D along both sides of drive aisle at 1:30'.
10. Provide a data table showing how the site is meeting the requirements of 155.5203. C Minimum Site Development Landscaping.
11. Provide the overall square footage of proposed work areas or scope of work.
12. Change out Lagerstroemias for large canopy trees or provide reasons for understory trees proposed.
13. Add 1 additional street tree to meet the 1:40'.
14. Show sod in the plant list.
15. How is irrigation going to be tied into existing system?
16. All tree work will require permitting by a registered Broward County Tree Trimmer.
17. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
18. Additional comments may be rendered a time of resubmittal.

ZONING

Plan Reviewer: Lauren Gratzner | lauren.gratzner@copbfl.com <<mailto:lauren.gratzner@copbfl.com>>

Status: Review Complete Pending Development Order

1. Plans are not consistent. While the majority of the plans submitted appear to be focused on the access road/ driveway onto NW 31st Avenue, the Landscape Plan (L-2.0) includes a proposed 10,000 square foot retail building. Clarify the scope of work, as a new 10,000 square foot building would be a Major Site Plan approval. If the new building is not proposed at this time, remove all references to future development not considered for this Minor Site Plan application.
2. Clarify is the curbing in the northeast corner by the dumpster will be removed on the Demo plan? It appears it will be put back in the same location on the site plan.
3. Provide the three cross-access easement agreements proposed for this site plan for staff to review. The easement agreements must define maintenance responsibilities of property owners and must be recorded with Broward County prior to building permit approval.

4. The previously approved site plan noted that the wall located in the front of the restaurant, along Atlantic Blvd, would be stucco and painted to match Popeye's primary color. This work has yet to be completed. Update the note on the current site plan to read that the existing wall will be stuccoed and painted to match Popeye's primary color.
5. The landscape plan shows proposed development that is not part of the scope of work for this site plan. Remove all future details that are not currently in for review.
6. The Declaration of Unity of Use (PZ 18-24000003) on this parcel says "no portion shall be used by NW 31st Ave LLC, in the development of the remainder of its property, and shall be used by G.I. Property Owner until such time that as this Unity may be released in writing under the order of the City". Any future development of folio 484233054110 and 484233054120 will not be permitted until this Unity of Use is amended.

SOLID WASTE AND RECYCLING

Plan Reviewer: Beth Dubow | beth.dubow@copbfl.com <<mailto:beth.dubow@copbfl.com>>

Status: Pending Development Order

REVIEW COMPLETE; NO OBJECTIONS

NOTE: Owners of this commercial property are responsible for securing garbage collection service directly from Waste Management, Inc.

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).