



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-63

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Development Review Committee  
Meeting Date: March 3, 2021

### POPEYES

**Request:** Minor Site Plan  
**P&Z#** 20-12000030  
**Owner:** NW 31<sup>st</sup> 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 from NW 31<sup>st</sup> Avenue for the use of the Popeye's restaurant on W Atlantic Boulevard.

**Staff Conditions:**

**PLANNING**

Plan Reviewer: Daniel Keester O'Mills | [daniel.keester@copbfl.com](mailto: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 Street (AKA: Atlantic Blvd Extension). NW 31st Street 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) <<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 the tapping sleeve is incorrect. It needs to be a full body mechanical sleeve.
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.

\*\*\*\* 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) <<mailto:jim.galloway@copbfl.com>>

Status: Review Complete Pending Development Order

This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

\*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

## **BUILDING DIVISION**

Plan Reviewer: James DeMars | [james.demars@copbfl.com](mailto:james.demars@copbfl.com) <<mailto:james.demars@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.

## **BSO**

Plan Reviewer: Scott Longo | [scott\\_longo@sheriff.org](mailto:scott_longo@sheriff.org) <[mailto:scott\\_longo@sheriff.org](mailto:scott_longo@sheriff.org)>

Status: Review Complete 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.

### **THE ITEMS BELOW MUST BE SHOWN ON THE CPTED PLAN AND IN THE NARRATIVE**

Trespass, Way-Finding, Ground Rules & Other Signage: Territorial Reinforcement and Access Control

a. Submit a Broward Sheriff's Office No Trespass Program Affidavit simultaneously with the application.

b. Post sufficient "Broward Sheriff's Office No Trespass" signage so that it is readily available at all entrances and all sides of the property: North, South, East and West.

c. Post BSO Trespass signs prominently with bottom edge of sign at approximately a minimum of 6' foot height from ground level for clear unobstructed viewing throughout property and from the site perimeter lines. Secure robustly using sturdy fasteners at all corners to help prevent vandalism.

d. Property rules signage language must be clear and prominently posted in appropriate areas listing rules for authorized legitimate activities on the property.

e. Way-Finding signage must be clear and prominently posted in appropriate areas indicating safe directional travel routes to avoid users from getting confused and wandering into potentially unsafe and dangerous areas.

### **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. Burglar/ Security Alarms/ Safes must be installed at any property including commercial retail offices, or wherever

valuables of any kind such as money, 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. Explain how this mixed use development which includes residential housing, commercial office, retail spaces, etc., will securely operate the parking garage &/ or lot Access Control systems to avoid allowing non-legitimate unauthorized users and dangerous trespassers from breaching inside private property to burglarize, steal cars, commit robberies, sexual assaults & batteries, etc.

c. 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).

d. 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.

e. Ensure comprehensive parking lot area surveillance camera coverage/ capture

f. . Show overlapping sight "cones".

#### Electronic Surveillance - Security Strengthening

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. Ensure video surveillance at all exterior building entrances. Include an audible/ video intercom and resident/ guest call system. Entrance doors must be electronically locked and functionally integrated into the intercom system. Residents with FOB's/ Smartcards should have electronic access control to the front entrance doors, the garage entrance door, the stairwells, and the trash/ garbage room.

g. Install motion activated security cameras on the perimeter boundaries, and the parking areas, and activity areas such as exterior amenity areas.

h. 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.

i. Install video surveillance of all commercial and retail businesses including all outdoor restaurants, outdoor seating, etc.

j. 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.

#### CRA

Plan Reviewer: Kimberly Vazquez | [kimberly.vazquez@copbfl.com](mailto:kimberly.vazquez@copbfl.com) <<mailto:kimberly.vazquez@copbfl.com>>

Review Complete Pending Development Order

1. The proposed scope of work, as a driveway/access way is permitted based on the cross access agreements.

#### UTILITIES

Plan Reviewer: Nathaniel Watson | [nathaniel.watson@copbfl.com](mailto:nathaniel.watson@copbfl.com) <<mailto:nathaniel.watson@copbfl.com>>

Status: Review Complete Pending Development Order

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. Please exercise best management practices with regard to sedimentation and erosion control on and off-site of the proposed development.
3. Please procure Broward County EPD Surface Water Mgmt. approval or exemption for the proposed site development. Applicable during official e-plan submittal.
4. Please note that the proposed 4" dedicated fire meter is not a stock item and is subject to a 60 to 75 day order lead time once the meter is paid. Please order accordingly to ensure that the meter can be set in a timely manner.

#### LANDSCAPE REVIEW

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**File #: LN-63**

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Plan Reviewer: Wade Collum | [wade.collum@copbfl.com](mailto:wade.collum@copbfl.com) <<mailto:wade.collum@copbfl.com>>

Status: Review Complete Pending Development Order

1. All tree work will require permitting by a registered Broward County Tree Trimmer.

## **ZONING**

Plan Reviewer: Lauren Gratzner | [lauren.gratzner@copbfl.com](mailto:lauren.gratzner@copbfl.com) <<mailto:lauren.gratzner@copbfl.com>>

Status: Review Complete Pending Development Order

1. Provide the height of the proposed light poles measured from at grade. The maximum height of exterior lighting fixtures, whether mounted on poles or walls or by other means, shall be: 20 feet in those parts of nonresidential district within 200 feet of a residential zoning district; and 30 feet in all other parts of nonresidential districts (155.5401.D).
2. 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.
3. There is a large number of easements on this property. For the purposes of future clarification, please provide a list of all easements and agreements, including their Broward County Book/Page number or instrument number on either the site plan or a separate page.

## **SOLID WASTE AND RECYCLING**

Plan Reviewer: Beth Dubow | [beth.dubow@copbfl.com](mailto: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](mailto: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).