



Staff Report

File #: LN-84

Development Review Committee
Meeting Date: March 17, 2021

NEW RESTAURANT AT TAHA MARINE CENTER

Request: Major Site Plan
P&Z# 20-1200005 1
Owner: Nader Taha
Project Location: 3109-3231 E Atlantic Blvd
Folio Number: 484331000560
Land Use Designation: C
Zoning District: B-3/AOD
Commission District: 1
Agent: Andre Capi (954-941-3329)
Project Planner: Lauren Gratzer (954-545-7792)/ Lauren.Gratzer@copbfl.com

Summary:

The applicant is requesting MAJOR SITE PLAN approval for the addition of a 2,500 square foot covered outdoor dining area and 425 square foot restroom building to an existing 2,450 square foot commercial building. The existing commercial building is being renovated into a restaurant.

Staff Conditions:

PLANNING

Daniel Keester | daniel.keester@copbfl.com <<mailto:daniel.keester@copbfl.com>>
Review Complete Pending Development Order

- The property has no recorded plat. Provide a platting determination letter from Broward County Planning Council, confirming whether or not a plat note would be required for this prior to approval.
- Land use for this parcel is commercial, the zoning is B-3 (General Business). Restaurant and outdoor dining are permitted uses in this zoning district.
- The property is accessed from Atlantic Blvd and North Riverside Drive. N Riverside Drive is within non-



residential zoning district, not specifically listed in the Trafficways Plan or Code of Ordinances (100.01 Minimum right-of-way) and the 30 feet provided to the centerline is sufficient.

- The property abuts Atlantic Blvd, which is right-of-way identified on the Broward County Trafficways Plan. Atlantic Blvd requires future right-of-way of 110 feet, and 55 feet are illustrated on the survey to the center line.
- The city has sufficient capacity to accommodate the proposal.

ENGINEERING DEPARTMENT

David McGirr | david.mcgirr@copbfl.com <<mailto:david.mcgirr@copbfl.com>>
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The following comments must be addressed prior to the submission of these plans to the Building Division for formal plan review and permitting:

1. Broward County EPD Surface Water Management Division permit or exemption for paving and drainage plans.
2. 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.
3. At time of permitting submit an Engineering permit application for the proposed off-site water and onsite and offsite paving and curbing.
4. At time of permitting submit a copy of a signed agreed upon contract or a schedule of values for the proposed off-site water and onsite/offsite paving. Please include sub-base, lime rock, prime and asphalt or concrete. Per page two of the Engineering Application: In order to determine permit fees, please provide an executed contract between the registered property owner and the contractor performing the proposed work.
5. 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.
6. Upload the 2019 City Engineering standard details for the proposed off-site water, sewer connections, off-site paving, curbing and sidewalks. These detail drawing may be obtained in pdf format from the City's website www.pompanobeachfl.gov under departments /engineering.
7. Irrigation plan shows a 1 " meter and backflow. This needs to be shown on the Civil plan.

**** 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

Jim Galloway | jim.galloway@copbfl.com <<mailto:jim.galloway@copbfl.com>>
Review Complete Resubmittal Required

2/25/21

() Provide Fire Flow Data: Fire flow calculations are determined from square footage and construction type



of structure. Refer to NFPA 1 chapter 18 for required fire flow, number/spacing of fire hydrants. Depending on the hydrant flow test results additional fire protection systems or change in construction type may be required for project. (NFPA 1 2015ed chapter 18) City of Pompano requires a minimum of 2 fire hydrants. Maximum distance to secondary fire hydrant is 400ft of any future building. Distance is measured by fire apparatus travel on access roadways. (COPFL ORD. 95.09(C)) Complete attached form "Water Supply Fire Flow"

() provide location of all existing and proposed fire hydrants, FDC and fire hose stations. REFER TO NFPA 1 -2015ED CH 18 FOR MINIMUM NUMBER OF FIRE HDYRANTS, SPACING AND DISTANCE REQUIREMENTS FOR PROPOSED STRUCTURES.

() All FDCs will require proper signs stating FDC, what they supply and minimum fire apparatus pump pressure. signs to be installed using engineering standards for No Parking or Handicap signs.

() fire hydrant and fire sprinkler water supply must have separate water supply taps, unless supplied on a looped system with minimum of two water supply connections.

() provide additional information on exact location of existing fuel tanks. cannot be located under structures.

() plans show only one fuel tank. provide permit numbers for the installation of fuel tanks.

BUILDING DIVISION

James DeMars | james.demars@copbfl.com <<mailto:james.demars@copbfl.com>>

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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.

City Ordinance 152.06(A): If applicable, contractor shall provide temporary screened fence complying with City Ordinance 152.06(B) through 152.06(G).

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.

City Ordinance 152.25(A) Site plans and construction documents, Information for development in areas with base flood elevations. The site plan or construction documents for any development subject to the requirements of the floodplain regulations shall be drawn to scale and shall include, as applicable to the proposed development all sections from: City Ordinance 152.25 (A)(1) thru City Ordinance 152.25 (A)(10). Information



of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development, etc nonresidential buildings shall comply with City Ordinance 152.29(C)(1)(B).

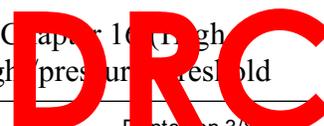
FBC A201.1 This code establishes standards for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation and commercial facilities subject to this code shall comply with 2017 FBC Accessibility.

FBC A206.2.1 Site arrival points. At least one accessible route shall be provided within the site from accessible parking spaces complying with FBC A502 and accessible passenger loading zones complying with FBC A209; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

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, temporary fences, monumental signage and miscellaneous site structures.
2. FBC_BCA 105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of section 469.003 Florida Statutes and to notify the department of environmental protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Contractor will be required to submit Broward County asbestos program certificate of submittal indicating that the statement of responsibility has been submitted.
3. FBC [F] 903.2 The enforcing agency will require that all provisions for an approved automatic sprinkler systems in new buildings and structures be provided in the locations described in sections 903.2.1 through 903.2.12 if applicable.
4. FBC 701.1 The enforcing agency will require that the provisions of this chapter, governing the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings, comply with this section of the code.
5. FBC 703.2 Fire-resistance ratings. Where materials, systems or devices that have not been tested as part of a fire-resistance-rated assembly are incorporated into the building element, component or assembly, sufficient data shall be made available to the building official to show that the required fire-resistance rating is not reduced. Materials and methods of construction used to protect joints and penetrations in fire-resistance-rated building elements, components or assemblies shall not reduce the required fire-resistance rating.
6. FBC 1003.1 The enforcing agency will require that all general requirements specified in sections 1003 through 1013, applicable to all three elements of the means of egress system, in addition to those specific requirements for the exit access, the exit and the exit discharge, comply with this section of the code.

7. FBC 1029.1 In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R-2 Occupancies in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 Occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section.
8. FBC_BCA 107.1.1 The enforcing agency will require a life safety plan illustrating the floor area with proposed alterations with each room labeled. indicate construction type, fire rated walls, occupancy type: (current and proposed), occupancy load, means of egress, common path/travel distance/dead end corridor limits, accessibility accommodations including areas of refuge if applicable, emergency lighting, exits/exit signage, fire extinguishers, smoke alarms, fire suppression system and pull stations if applicable. Also provide tested design from accepted agency for rated walls and penetration details.
9. FBC_BCA 107.3.5.6 The enforcing agency will require product approvals be reviewed and approved by the building designer prior to submittal to verify that such products comply with the design specifications. Reviewed and approved product approvals shall then become part of the plans and/or specifications. Product approval shall be filed with the building official for review and approval prior to installation.
10. FBC_BCA 107.3.5.2 The enforcing agency will require that all shop drawings, (i.e. components attached to building structure, trusses/joists, window walls, railings, awnings, chutes...etc), necessary to show compliance with applicable codes; shall be approved by the architect or professional engineer and submitted to the building official prior to installation.
11. 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).
12. 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.
13. FBC_BCA 110.10.1 The enforcing agency will require a special inspector for various components of the building as determined by the building official. Building dept. will require special inspector form be completed and submitted for approval.
14. FBC_BCA 110.7 For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.
15. FBC_BCA 110.8.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building.
16. FBC 15 12.3.1 The enforcing agency will require that all new roofing construction, including recovering and reroofing, repair or maintenance shall have A HVHZ uniform roofing permit application, as established by the authority having jurisdiction, completed and executed by a licensed contractor.
- Fbc 15 12.3.2 The uniform roofing permit shall include calculations in accordance With Chapter 16 (High Velocity Hurricane Zones) of this code, unless the roofing assembly is less than the height pressure threshold



allowed in the applicable protocols herein.

17. FBC A208.2 Minimum number. Parking spaces complying with 502 shall be provided in accordance with table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

18. FBC A208.2.3.3 Parking for guests, employees, and other non-residents. Where parking spaces are provided for persons other than residents, parking shall be provided in accordance with table 208.2.

19. FBC A502.6 The enforcing agency will require parking space identification comply with the following code: signs shall include the international symbol of accessibility complying with FBC A703.7.2.1. Signs identifying van parking spaces when required By FBC A502.2 shall contain the designation "Van Accessible." Reference Engineering Standard 300-5.

20. If Applicable, FBC R802.1.7.1 [IRC R802.10.1] Truss design drawings, prepared in conformance with section R802.1.7.1, shall be provided to the building official and approved prior to installation.

21. 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.

22. 1804.4 Site Grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet of the building foundation. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum of 2 percent away from the building.

23. 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.

24. 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.

25. 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.

Patrick Noble | Patrick_Noble@sheriff.org <mailto:Patrick_Noble@sheriff.org>

Review Complete Resubmittal Required

Development Review Committee Reviewed: Feb. 17th, 2021

Subject: CPTED and Security Strengthening Report: PZ20-12000051

Reviewer: BSO Deputy Patrick Noble #9436 for the City of Pompano Beach

Patrick_Noble@sheriff.org M-(954) 709-7006 (Call, Text & Email; No Voicemail); 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.

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.

MUST ADDRESS THESE CONDTIONS:

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

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

2. CPTED Landscaping Standards

2A: Natural Surveillance

a. Ensure to design out all landscaping and lighting conflicts to avoid existing or future obstructions to Natural or Electronic Surveillance.

Initials _____

b. Maintain an 8" foot clear trunk for canopy trees and tall plants without any obstructive limbs or foliage hanging down that would obstruct Natural &/ or Electronic Surveillance.

Initials _____

a. Ensure all lighting (and cameras) are strategically placed so they will not be obstructed by the growth of existing, or installation of future landscaping. Initials _____

b. 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.

Initials _____

5. Burglar Alarms/ Security Alarms/ Safes - Mechanical Security Strengthening

Initials _____

a. Burglar/ Security Alarms/ Safes must be installed at any property commercial retail businesses and residential management offices, or wherever valuables of any kind such as money, jewelry, costly inventory, etc., including potentially sensitive or personal or business identification documents, electronic files or financial information is stored. Alarms must be activated whenever businesses are closed or all personnel are out of the building offices.

Initials _____

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



Initials _____

a. If there is a pedestrian passageway into the dumpster enclosure it must have the lockable gate.

Initials _____

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

Initials _____

a. Ensure comprehensive parking lot area surveillance camera coverage/ capture. Show overlapping sight “cones”.

Initials _____

10. Graffiti Maintenance - CPTED

Initials _____

a. Exterior wall surfaces along the building perimeter, including the garage wall exteriors (if any), must be treated with a graffiti resistant resin to prevent vandalism up to 8 feet.

Initials _____

a. Ensure all cameras are strategically placed so they will not be obstructed by the growth of existing or installation of future landscaping.

Initials _____

b. 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.

Initials _____

a. Install anti-vehicular impact traffic safety bollards and/or large heavy planters along street front pedestrian entrance and exit areas to prevent serious vehicle intrusion accidents/ incidents.

CRA

Kimberly Vazquez | kimberly.vazquez@copbfl.com <<mailto:kimberly.vazquez@copbfl.com>>

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The property is in the zoning is B-3 (General Business). The CRA encourages restaurant and outdoor dining in the ECRA area.

UTILITIES

Nathaniel Watson | nathaniel.watson@copbfl.com <<mailto:nathaniel.watson@copbfl.com>>

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 procure an approved Broward County EPD Surface Water Management permit or exemption for the proposed site work.
3. Please exercise best management practices with regard to protection of existing and proposed storm water systems.
4. Please note that meters 3” and above are not stock items and have an order lead time of 60 to 75 days after the meter is paid. Please order the devices in a timely manner so as to ensure that the meters are available for installation according to your construction schedule.



LANDSCAPE REVIEW

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

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1. Please show bike racks on the landscape plan.

ZONING

Lauren Gratzer | Lauren.Gratzer@copbfl.com <<mailto:Lauren.Gratzer@copbfl.com>>

Review Complete Resubmittal Required

1. Add windows to the east elevation. One of the City's goals for its design standards is to encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details. Additionally, a goal of the AOD is to promote attractive, high-quality building designs. The addition of windows to the east façade will help facilitate these goals. The current blank wall on the east elevation is not consistent with the intent of the AOD.
2. The south elevation is required to have a minimum of 50% fenestration with a glazing that has a minimum visible light transmittance of 75% and a maximum reflectance of 15 percent. The opening shall be designed to allow view of an interior space at least five feet deep (e.g., transparent openings may include traditional storefront display windows, but not merely glass display cases). The view into a commercial use shall not be permanently obstructed by screens, shades, shutter, or opaque films applied to the glazing (155.3703.F.5).
3. Code section 155.3703.E.2 allowed a temporary waiver for off-street parking reductions for specific uses in the AOD. This waiver had a deadline for construction of January 4, 2021. At this time, all regular parking codes apply. However, a text amendment is being processed that proposes to extend this temporary waiver until 2026. This text amendment is awaiting approval from the City Commission.
4. The civil site plan and the architectural site plan have different dimensions for the size of the landscape strips between the two buildings. Make all plans consistent and verify which dimensions are correct.
5. Provide the width of the sidewalk in front of the new bathroom building. A pedestrian walkway shall be 7' wide in commercial zoning districts (155.5101.I.3).
6. The landscape and irrigation plan does not account for the newly proposed bike racks shown on the site plans. Revise the landscape plan to be consistent with the site plan.
7. Provide four bike symbols, to scale, on the site plan to show how the bikes will interact with the bike rack and illustrate that the bikes will fit within the suggested area without being placed in the roadway or sidewalk.
8. The Civil and Architectural site plans call out the south setback as the "side". Revise this to say "street side" as it is not an interior side setback.
9. On the photometric plan, a minimum of 1.0 foot-candle is required in vehicular use areas. The north property line and a portion of the south property line is in the middle of a vehicular use area.

DRC

PZ20-12000051

3/17/21

meet the minimum 1.0 foot-candle. Revise the lighting along the property line. Also note, the lighting at the property lines shall not exceed 3.0 foot-candles.

10. The proposed wall packs are not permitted to be used for general building or site lighting per code section 155.5401.I. Remove all proposed wall packs. A suggestion for this would be to use recessed lighting under the building overhang or add an arm extending the light fixture.
11. Provide a detail of all lighting types.
12. Provide elevations that show the roof parapet will be of a height equal to or exceeding the height of the roof top mechanical equipment being screened (155.5301.A.1.a).
13. All applications for approval of a Major Site Plan for multifamily residential, nonresidential, and mixed-use development shall incorporate a sufficient number of sustainable design options from Table 155.5802, Sustainable Development Options and Points, to demonstrate achievement of the minimum number of points required below for the specific type of development. This project requires a minimum of 12 points. Provide a narrative as to how these points will be achieved.
14. All new development within the Atlantic Boulevard Overlay district shall reflect a Florida Maritime vernacular style that includes elements derived from certain historic styles and design features prevalent in South Florida and shall comply with the design standards in this subsection applicable to one of the following three architectural substyles of the Florida Maritime style: Tropical Old Florida; Tropical Contemporary; or Nautical Moderne. The applicant for approval of new development may choose which architectural substyle to use for the development, but may not mix usage of standards for different substyles. Each of the three substyles has specific requirements for building façade articulation elements, materials, roof form, window design, door design, etc. Provide a narrative describing which of the three substyles this project chose and how you achieved the standards of that choice per the code requirements (155.3703.F.7). A detailed narrative was not provided.

SOLID WASTE AND RECYCLING

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

Review Complete Resubmittal Required

1. The turning radii dimensions for the path of the garbage truck shown on the solid waste access plan are not adequate. A garbage truck needs a minimum of a 30-foot inside turning radius and a 50-foot outside turning radius in order to service the dumpsters and exit the site safely.
2. Provide the heights of any overhangs or roof projections along the path the garbage truck will need to travel to ensure there is adequate height clearance. 15 feet height clearance is the minimum needed for a garbage truck. If it is open to the sky, please note that on the site plan and/or the solid waste access plan.

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

NOTE: Recycling collection is not required, but it is encouraged. Recycling collection service may be obtained from a recovered materials hauler.

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).