

September 11, 2024

City of Pompano Beach
Planning and Zoning Department
100 W Atlantic Blvd
Pompano Beach, FL 33060

RE: 2851 Dr. MLK Jr. Blvd
Project #: PZ24-12000014
KEITH Project No. 14232.00

Dear City of Pompano Beach Reviewers:

Based on your Development Review comments dated September 4th, 2023, KEITH and the project team offer the following responses to your comments/questions:

Planning Review Comments:

Max Wemyss- max.wemyss@copbfl.com

1. Land use for this parcel is Commercial (C); Zoning is Heavy Business (B-4). The proposed use for the site is Heavy Truck/Recreational Vehicle/Trailer Rental, with outdoor display. Which is permitted by both the land use and the zoning.

RESPONSE: Comment Acknowledged.

2. A portion of the property is platted "Walton Site" Parcel "A" (book 138, page 42). Obtain a platting determination letter for the site from the Broward County Planning Council requiring or exempting the site from platting.

RESPONSE: In the Broward County Code of Ordinances, Chapter 5, Article IX, a plat is required when there is a significant change such as new construction, an increase in building square footage, or new additions to the site. The proposed project does not include a new addition to the site or increase in square footage, a plat is not required under this ordinance.

3. Walton Site Parcel A includes a 50x62 access easement with a note "No Parking". This appears to conflict with the area shown for outdoor display on the site plan. Please revise.

RESPONSE: Parking will be removed from the access easement, the area will be grass to prevent parking in easement. Please see revision on sheet 301-SP-101 SITE PLAN.

4. Declaration of Restrictive Covenants ORB 43659, PG 1954 includes restrictions on the uses permitted for the property inclusive of Truck/Trailer Rental, with outdoor display. This conflicts with your proposal. Please advise.

RESPONSE: The Declaration of Restrictive Covenants does not state that Heavy Truck/Recreational Vehicle/ Trailer Rental is prohibited use. Recreational Vehicle rentals were not intended to be prohibited, this use is district from the uses listed in the Declaration of Restricted Covenants.

5. Provide the easement locations/purposes on the site plan.

RESPONSE: All easements have been updated on the site plan. Please see revision on sheet 301-SP-

101 SITE PLAN.

6. The property is abuts Dr ML King Jr Blvd. The survey does not provide a dimension for the right-of-way or the center line of the roadway. The roadway is identified in Chapter 100.01, Code of Ordinances and on the Broward County Trafficways Plan requiring a minimum width of 106 feet.

RESPONSE: This is not a Boundary Survey, so we did not do right-of-way verification that we would do on a Boundary Survey. Right-of-way lines are based on information available.

7. The city has sufficient capacity to accommodate the proposal.

RESPONSE: Comment Acknowledged.

Zoning Review Comments:

Lauren Grazer- lauren.grazer@copbfl.com

1. This submittal is being reviewed as a Minor Site Plan. The use this project is being reviewed as is “Heavy Truck/Recreational Vehicle/Trailer Rental” (155.4219.U).

RESPONSE: Comment Acknowledged.

2. Revise your project narrative.

- a. The land use designation for this property is Commercial, not Industrial (#1).
- b. This property is not owned and operated by the City (#3). This property shall comply with all development standards of Article 5.
- c. This property abuts MLK Blvd, which is a roadway on the Broward County Trafficways Plan (#7).

RESPONSE: Please see revised narrative on “001-Project Narrative-2851 MLK”

3. Update the CPTED narrative to reflect the correct project. The access control section references North Pompano Beach Blvd, which is nowhere near this site and discusses architectural features not related to this project. It also says it has two access points, which it doesn’t have. Are you making architectural changes to the existing building? The CPTED narrative suggests that you are.

RESPONSE: Please see revised CPTED narrative on “020-CPTED Narrative”

4. The survey (sheet 101-S1) does not accurately show the 40’ portion of the ingress/egress access easement as approved in ORB 45823, PG 974. Revise the survey to properly show this easement. Alternatively, the old easement can be removed and only one survey with all current/accurate information can be provided.

RESPONSE: Please see revised survey showing the 40’ ingress/egress access easement.

5. The topo survey (sheets 105-106) do not show either of the north/south required landscape easements per ORB 43659, PG 1954. Confirm that all easements have been abstracted (note so on the survey) and put all of them on this updated survey.

RESPONSE: We added the Landscape Easements on the southern boundary. The north easement is shown on the survey, but it is not on the property.

6. The site plan should note that the entrance access easement is a total of 80’ (40’ on the subject property and 40’ on the neighboring property), not only 40’ as called out on the note on the plan. Clearly call out the 40’ portion of the easement on the subject property as it is not currently illustrated.

RESPONSE: The 80’ entrance access easement has been properly dimensioned to show 40’ on the subject property and 40’ on the neighboring property. Please see revised sheet 301-SP-101 SITE PLAN.

7. In the site plan, call out the 20’ landscape easement located along the southern portion of the property

per ORB 43659, PG 1954.

RESPONSE: Please refer to revised sheet site plan sheet 301-SP-101 which indicates the 20' landscape easement.

8. Move the display area out of the required 20' landscape easement. On the site plan provide the setback distance to the asphalt area from the southern property line.
RESPONSE: The 20' landscape easement has been added along the south side of the site. Please see revised sheet 301-SP-101 SITE PLAN.
9. Show the required 5' landscape easement along the northern property line on both the survey and the site plan in accordance with ORB 43659, PG 1954.
RESPONSE: RESPONSE: Please refer to revised sheet site plan sheet 301-SP-101 and revised survey which indicate the 5' landscape easement along the northern property line.
10. Declaration of Restrictive Covenants ORB 43659, PG 1954 includes restrictions on the uses permitted for the property inclusive of Truck/Trailer Rental, with outdoor display. This is a conflict with your proposal. Please advise.
RESPONSE: The Declaration of Restrictive Covenants does not state that Heavy Truck/Recreational Vehicle/ Trailer Rental is prohibited use. Recreational Vehicle rentals were not intended to be prohibited, this use is district from the uses listed in the Declaration of Restricted Covenants.
11. Walton Site Parcel A includes a 50x62 access easement with a note "No Parking". This appears to conflict with the area shown for outdoor display on the site plan. Please revise.
RESPONSE: The RV's have been removed from the 50x62 access easement and no parking will be provided on that area. The access easement will be turned into grass to prevent parking. Please see revised sheet 301-SP-101 SITE PLAN.
12. Storage sheds are not permitted in the B-4 zoning district, nor does it look like there is a permit on file for this. Either call it out as being removed on the site plan and demo plan or provide evidence that this was previously approved with a permit.
RESPONSE: The existing storage shed will be removed from the site. Please see revised sheet 301-SP-101 SITE PLAN.
13. The refuse plan shows the trash truck driving through the designated display area, where there will most likely have RVs parked. Revise the display area to make room for the trash truck.
RESPONSE: Please refer to revised refuse circulation plan SP-201. The truck circulation path demonstrates the truck no longer encroaching into the display area; however, it slightly encroaches into the 10' fire break line around the display area. No vehicles shall be parked within that 10' limit.
14. Remove the wheel stops from the standard parking spaces on the pavement marking and signage plan, the landscape plans, and the site plan, as wheel stops are not permitted, with the exception of the ADA space if desired. All parking spaces must have a continuous curb for this purpose.
RESPONSE: The wheel stops have been removed. Please refer to revised landscape, site, and civil plans indicating this change.

15. Provide a curb along the eastern and southern portions of the proposed asphalt.

RESPONSE: Please refer to Site Plan and Civil Plans providing curb along the eastern and southern portions of the proposed asphalt.

16. There is an extra 102.7' x 25' display area shown on the site plan but not on the other plans. Revise so all plans are consistent.

RESPONSE: All plans have been revised to indicate all the proposed display areas.

17. Provide the width of the drive aisle between this 102.7' x 25' display area and the larger 80' x 100' display area below it, as well as the widths on the east and west of this smaller display area. Drive aisles must be 12' wide if one-way or 24' wide if two-way. It does not look like there is enough space to drive around the 102.7' x 25' display area.

RESPONSE: The display areas on the south side of the property provide a 10' fire break path, there will be no vehicular access around these display areas. The recreational vehicles will be tandem parking. Please refer to site plan sheet 300-SP-101.

18. On the site plan data table, provide the total number of display area parking spaces on this site and their sizes.

RESPONSE: Please refer to site data table on 300-SP-101 for total number of display parking areas.

19. Provide a detail of the proposed light poles/fixtures. Any light source or lamp that emits more than 900 lumens shall be concealed or shielded with full cut-off style fixture with an angle not exceeding 90 degrees to minimize glare and unnecessary light diffusion onto adjacent properties and streets (155.5401.G.4).

RESPONSE: Lighting details will be provided on the Photometric Plan LL-101.

Urban Forestry Review Comments:

Wade Collum- wade.collum@copbfl.com

1. It appears that work was performed without permits for tree removal and asphaltting.

RESPONSE: KEITH will coordinate with the owner regarding previous permitted or unpermitted work.

2. Permit #'s 22-8275 & 22-9633 are in the system for flat roof and fence and are currently expired.

RESPONSE: KEITH will coordinate with the owner regarding previous permitted work.

3. Verify species of tree(s) previously removed without permits and be prepared to mitigate.

RESPONSE: KEITH will coordinate with the owner regarding previous unpermitted work. Through historical aerial photos, it appears the tree may have been a Casuarina. We will continue to investigate.

4. Provide a data table showing how the site is meeting the requirements of 155.5203. C Minimum Site Development Landscaping, and adjust plans.

RESPONSE: A Landscape Data Table is included with the landscape submittal.

5. Provide VUA requirements as per 155.5203.D along the east side, large canopy trees at 1:40' and trees along the south side at 1:30' to include trees and a hedgerow.

RESPONSE: These requirements are reflected on the plan and in the Landscape Data Table.

6. As per 155.5203.D.4., a landscaped island shall be provided at each end of every row of parking spaces and

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per every 10 spaces. Landscape parking islands are to be a minimum 8' wide and contain trees, sod and irrigation.

RESPONSE: The proposed landscape islands meet the minimum requirements.

7. As per 155.5203.B.2.g.ii. a minimum area for planting a tree shall be 120 square feet, with a minimum dimension of eight feet.

RESPONSE: All proposed trees have been planted within planters meeting or exceeding the minimum eight foot width and 120 square foot area. See sheet LP-101.

8. Provide large canopy Street Trees at 1:40' as per 155.5203.G.2.c.

RESPONSE: Street trees have been proposed along Dr. MLK Blvd. Jr. Blvd. at 1:40'. See sheet LP-101.

9. Sow sod on the plan including areas newly proposed to be retention.

RESPONSE: Sod will be installed in all the new planting areas and the areas disturbed by construction.

10. Provide irrigation for the site including areas newly proposed to be retention.

RESPONSE: Irrigation coverage will be provided to all the landscape areas, including the new retention area. Irrigation heads will not be placed in the bottom of the retention basin.

11. Provide existing tree #'s on the landscape plan for trees proposed to remain.

RESPONSE: Tree numbers have been provided on the landscape plan for existing trees to remain. See sheet LP-101.

12. Provide a note on the plan describing fines and penalties for encroachment into the critical root zones and within the tree protection zone for existing trees to be protected and preserved. For example; Penalties would be incurred by the contractor for damages to the existing trees on site from the contractor, the subcontractors, or employees. Any encroachment within the tree protection zone, failure to maintain the tree protection zone, or any damage to the tree(s) or critical root zones will result in mitigation. The cause of damages would include, but not be limited to, storage of materials, placing fill or debris, disposal of paint or solvents, parking of machines under trees or tree protection zone encroachment. An example of this would be; Violations of this will result in a fine of \$1000.00 for the first offense, \$1500.00 for the second, and \$2000.00 for the third, etc. If physical damage is done to the tree, an appraisal of the damages and related fees will be determined by an ASCA Registered Consulting Arborist, and be based on all, or a percentage of, the established value assigned to the tree.

RESPONSE: The specified notes have been provided on our plans. See sheet LP-101.

13. As per 155.5203.B.5.a thru e: please provide a note specifying a rust free, automatic underground irrigation system providing 100% coverage with 50% overlap.

RESPONSE: The note is provided in the Irrigation Plans. See sheet LI-101.

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

RESPONSE: Note has been provided. See sheet LP-101.

15. Provide a comment response sheet as to specifically how comments have been addressed at time of

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resubmittal.

RESPONSE: Responses have been provided addressing all comments.

16. Additional comments may be rendered a time of resubmittal.

RESPONSE: Comment acknowledged.

17. Please specifically clarify the proposed use. What exactly is being displayed?

RESPONSE: The proposed use for this facility is for recreational vehicle display and sales.

Engineering Department Review Comments:

David McGirr- david.mcgirr@copbfl.com

1. Place note on landscape plans as per City Ordinance(s) §50.02(A) (3) and §100.35(G) that 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. Also, please note that no trees, shrubbery, or obstruction shall be placed within a 3' radius of a City-owned sewer lateral cleanout or water &/or reuse meter. 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. Contact Tracy Wynn, GIS Coordinator Engineering Div., for Utility information. 954-545-7007 tracy.wynn@copbfl.com Engineering Standard street tree detail 316-1 and 315-1.

RESPONSE: These notes are on the Landscape Plans. Sheet LP-101.

2. Submit/upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption for the proposed paving and drainage shown on the civil engineering drawings.

RESPONSE: Permit will be provided at time of site permitting.

3. Submit/upload the (FDEP) Florida Department of Environmental Protection NPDES General Permit for the proposed stormwater discharge from the proposed site construction activities.

RESPONSE: Permit will be provided at time of site permitting by contractor.

4. Submit/upload the (FDEP) Florida Department of Environmental Protection (NOI) Notice of Intent for the proposed stormwater discharge from the proposed site construction activities.

RESPONSE: Permit will be provided at time of site permitting by contractor.

BSO Review Comments:

Anthony Russo- Anthony_russo@sheriff.org

A. Electronic Surveillance Security Strengthening *** ATTENTION *** PROPOSED CAMERA AND MONITORING LOCATIONS WILL BE COORDINATED WITH A SECURITY AND ACCESS CONTROL CONSULTANT AND THE BROWARD SHERIFFS OFFICE CPTED REVIEWER *** PRIOR *** TO PERMITTING. PLANNING AND INSTALLATION OF THE SURVEILLANCE MONITORING SYSTEM MUST INCLUDE FIELD INPUT FROM EXPERIENCED CPTED/ SECURITY STRENGTHENING LAW-

ENFORCEMENT TO ENSURE OPTIMAL RESULTS.

RESPONSE: Please refer to revised sheet 301-SP-102-CPTED Plan and 302-SP-103-CPTED notes.

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B. Access Control Security Strengthening for Dumpster Enclosures / Trash Rooms (If Any)

To deter loitering by trespassers, illegal dumping and a concealment / ambush point for criminals, dumpster enclosures with rolling or swing gates, including those that also have a designated pedestrian entry passageway, must include all the following for both the swing and pedestrian gates:

2. A robust locking mechanism such as a throw bolt with a robust shielded padlock for example rather than only a vulnerable chain and non-shielded padlock.
3. Bottom gate clearances must be 8 above the ground. Purpose: For viewing underneath to deter loitering and trespassing inside the enclosures, and to deter/ prevent the enclosure from being used as concealment/ ambush for a more serious crime such as a violent robbery, sexual assault/ battery, etc.
4. If there is a pedestrian passageway into the dumpster enclosure it must have the lockable gate which remains closed and locked except when in active use by authorized persons.
5. Dumpster area must have a vandal resistant/ proof motion-sensor security light to illuminate the area when in use between sunset and sunrise.
6. Dumpster areas must be secured with Access Control and video surveillance.

RESPONSE: Please refer to revised sheet 301-SP-102-CPTED Plan and 302-SP-103-CPTED notes.

B.1 Access Control Security Strengthening for Key Control & Management Offices

1. Any keys, key fobs, key card devices &/or similar devices that are stored on site must be secured with access control such as, but not limited to: Mechanical, Electronic Control, Biometric, etc.

RESPONSE: Please refer to revised sheet 301-SP-102-CPTED Plan and 302-SP-103-CPTED notes.

C. Maintenance & Management Security Strengthening

1. For Commercial including COMMERCIAL/ INDUSTRIAL/ RESIDENTIAL/ Hotels/ Multi-Family with Security/ Front Desk Receptionists / Hosts (if any): Install a fixed concealed silent panic duress alarm at main entrance AND provide a portable activator for redundancy in the event the fixed alarm is compromised due to the fixed alarm post being vacant, or for any serious incident such as an active killer or other emergency.

2. Any exterior storage tanks utilized for keeping contents under pressure and / or containing any flammable or hazardous contents must be properly secured against any acts of vandalism, theft, or misuse of any kind. Only use fire code approved security systems / mechanisms.

RESPONSE: Please refer to revised sheet 301-SP-102-CPTED Plan and 302-SP-103-CPTED notes.

D. Activity Support Security Strengthening

1. Place bike storage racks (if any) close to the main access doors providing convenience and maximum Natural and Electronic Security Surveillance.
2. If the building/ development has a Wi-Fi system, it needs to be encrypted, and password protected. If Wi-Fi is offered as a complimentary service by a business, then it should be disabled when the business is closed to the public. Purpose: An open Wi-Fi system will attract non- legitimate users to loiter and use the open free Wi-Fi.
3. Exterior bench seating (if any) for public use

RESPONSE: Please refer to revised sheet 301-SP-102-CPTED Plan and 302-SP-103-CPTED notes.