



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-147

DEVELOPMENT REVIEW COMMITTEE

Meeting Date: JULY 7, 2021

SHOPPER'S HAVEN REDEVELOPMENT

Request: Minor Site Plan
P&Z# 21-12000004
Owner: 40th Street LLC
Project Location: 3301 N. Federal Highway
Folio Number: 484224190010
Land Use Designation: C (Commercial)
Zoning District: B-3 (General Business)
Commission District: 2
Agent: Matthew Scott (561-405-3350)
Project Planner: Jae Eun Kim (jaeeun.kim@copbfl.com / 954-545-7778)

Summary:

The applicant is requesting MINOR SITE PLAN and MAJOR BUILDING DESIGN approval in order to construct a new retail store. This retail store will require a demolition of the existing building.

Staff Conditions:

PLANNING

Plan Reviewer: Daniel Keester (daniel.keester@copbfl.com)

Status: Review Complete Pending Development Order

-The property has an approved recorded plat (Cresthaven No. 9 Re-Plat - PB 46, Pg 1) and was approved and accepted for Broward County January 9, 1958. The plat included no restriction or notes. Based on Broward Next, since the plat was approved after June 1953 re-platting is not required. Additionally, replatting for construction of a replacement building of equal or comparable to the original principal building within the same general footprint is also exempt.

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-Land use for this parcel is C (Commercial), the zoning is B-3 (General Business). The narrative describes the future intended uses on the property as a redeveloping the retail space, previously occupied by Winn-Dixie, for another grocery store. The proposed uses are in compliance, but must adhere to all conditions of the development order & relevant zoning regulations.

-The property is accessed from North Federal Highway, NE 16 Terrace, NE 33 Street & East Sample Road (AKA: NE 36 Street). The right-of-way provided is sufficient pursuant to Chapter 100.01.

-The property fronts on North Federal Highway & East Sample Road (AKA: NE 36 Street), which are identified on the Broward County Trafficways Plan. On the Trafficways Plan, both of these roads are designated as a "Arterial Road" with a minimum of 120 feet right-of-way required. The site plan indicates that only 100 feet of right-of-way is provided along East Sample Road, where only 50 feet are provided to the center line of the road, and therefore additional dedications may be required along East Sample Road for future Major Site Plan applications.

-The city has sufficient capacity to accommodate the proposal.

ENGINEERING DEPARTMENT

Plan Reviewer: David McGirr (david.mcgirr@copbfl.com)

Status: Review Complete Pending Development Order

1. Broward County EPD Surface Water Management Division permit or exemption for paving and drainage plans.
2. Submit an engineering permit application for the proposed asphalt paving, concrete curbing and for the proposed utility (water) connection on NW 33 St. COPB right-of-way. (At time of Permitting)
3. Submit a copy of a contract or schedule of values for the project scope of work listed in comment number 2. (At time of permitting)
4. Any proposed utility work is located within Broward County Water and Waste Water Service Utility area. Please procure approval from Broward County OES for the proposed water and sewer connections.
5. FDEP permit or exemption for the proposed water main construction.
6. Upload the 2019 City Engineering standard details for the proposed off-site water connection road restoration. These detail drawing may be obtained in pdf format from the City's website www.pompanobeachfl.gov under departments /engineering.
7. Please place a note on the PGD plans that the existing roadway within the project limits and possible beyond will be inspected by the City Engineer, Public Works Director or designated representative for damage due to

construction prior to final acceptance. A partial or full milling and overlay of the roadways may be required.

PLEASE BE ADVISED THERE IS A GO BOND STREET SCAPE PROJECT THAT HAS STARTED CONSTRUCTION THIS WEEK. The project is on NE 33 St. from N. Fed. Hwy.to Dixie Hwy.

**** 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)

Status: Review Complete Resubmittal Required

1 - proposed FDC located at Southwest corner of building: locate with fire hydrant in same landscape island.

2 - provide site plan for entire complex showing location of all fire hydrants, FDC, risers, PIV or WPIV, fire sprinkler risers and backflows or DDC. All FDC, PIV, Backflows and risers must have signs stating what store addresses each device supplies.

CRA

Plan Reviewer: Kimberly Vazquez (kimberly.vazquez@copbfl.com)

Status: Review Complete Pending Development Order

BUILDING DIVISION

Plan Reviewer: Todd Stricker (todd.stricker@copbfl.com)

Status: Review Complete Pending Development Order

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 Statute and to notify the

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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.

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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 1512.3.1 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 1512.3.2 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.

15. 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.

16. 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.

17. FBC A502.6 The enforcing agency will require parking space identification comply with the following

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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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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: Patrick Noble (Patrick_Noble@sheriff.org)

Status: Status: Review Complete Pending Development Order

Development Review Committee

City of Pompano Beach

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Reviewed: June 24th, 2021

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Printed on 6/24/2021

File #: LN-147

Subject: CPTED and Security Strengthening Report: PZ21-12-000004

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);
- Thursday; 8 AM - 4 PM

Monday

*** 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.

UTILITIES

Plan Reviewer: Nathaniel Watson (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 procure an approved Broward County EPD Surface Water Management permit or exemption for the proposed site work. Applicable during official e-plan Bldg. Permit submittal.
3. Broward County Water & Wastewater service area. Please procure the necessary permits and approvals.
4. Please submit a sedimentation and erosion control plan.

WASTE MANAGEMENT

Plan Reviewer: Beth Dubow (beth.dubow@copbfl.com)

Status: Review Complete Pending Development Order

Project Name: PUBLIX AT SHOPPERS HAVEN

Address: 3301 N Federal Hwy

PZ#: 21-12000004

Review: 06/21/2021

DRC Meeting Date: 07/07/2021

REVIEW COMPLETE; NO OBJECTIONS

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.

LANDSCAPE REVIEW

Plan Reviewer: Wade Collum (wade.collum@copbfl.com)

Status: Review Complete Resubmittal Required

1. Plan does not match site discussions. Let's please make an appointment with staff to go over sheets on site to meet the goal of preserving the row of large canopy trees along the drive aisle as previously discussed.
2. It appears that a large amount of work is being proposed around large existing trees in end islands. These trees shall remain. Staff recommends these islands stay that same while incorporating the changes proposed.
3. Provide VUA requirements as per 155.5203.D along all perimeters
4. As per 155.5203.provide understory trees spaced a maximum average of 20 feet on center may be substituted for canopy trees in areas beneath overhead utility lines.
5. Provide Street Trees at 1:40' as per 155.5203.G.2.c., on all sides trees can be shifted on site. Flowering trees dispersed around the perimeters would be preferred as it relates to facing the public realm.
6. There appears to be some utility conflicts intersecting landscape end islands
7. As per 155.5401.C. remove light poles from required VUA areas, perimeter landscaping strips, landscaped islands in parking bays, landscaped areas between parking bays, and landscaping between vehicular use areas and buildings.
8. No exterior lighting fixtures shall be located in any landscaped planting areas required in and around

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vehicular uses areas in accordance with Section 155.5401.C, Vehicular Use Area Landscaping (e.g., perimeter landscaping strips, landscaped islands in parking bays, landscaped areas between parking bays, and landscaping between vehicular use areas and buildings).

9. There appears to be an excessive amount of light poles proposed in required tree locations including end islands.
10. As per 155.5203.D.4., a landscaped island shall be provided at each end of every row of parking spaces and per every 10 spaces. Landscape parking islands are to be a minimum 8' wide and contain trees, sod and irrigation.
11. Propose and alternate large canopy tree species to Pigeon Plums as this tree species does not fare well in an urban heat island environment.
12. Royal palms cannot be used as a landscape end island tree, relocate Royals and propose a required large canopy tree.
13. Tree mitigation table will need to be adjusted prior to permit issuance and based on plans being revised. Please shift the DBH cell to the first row on tree dispo. Also, please only bold the removals on the chart for easier reference onsite.
14. Please provide specifications and directives by a Registered Consulting Arborist prescribing timelines, watering, and any root pruning procedures for these trees for existing trees with root work required
15. As per 155.5204.F. No development, work, or demo activity shall be allowed within the dripline of a tree or tree protection area.
16. 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.
17. 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.
18. All tree work will require permitting by a registered Broward County Tree Trimmer.
19. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
20. Additional comments may be rendered a time of resubmittal.

ZONING

Plan Reviewer: Jae Eun Kim (jaeeun.kim@copbfl.com)

Status: Review Complete Resubmittal Required

B-3

It is near a GO BOND project.

The proposed development shall obtain approval of Minor Site Plan and Major Building Design.

Note to the owner: the subject property may require land dedication along Sample Road for a ROW purpose by the FDOT. Pursuant to Chapter 100, Sample Road is designated as an "Arterial Road", which requires a minimum of 120 feet width.

1. Liquor store shall obtain approval of Special Exception, per Section 155.4222. L, Local Liquor or Package Store, and comply with TABLE 155.4501: Minimum Separation of Uses Involving the Sale of Alcoholic Beverages from Certain Existing Uses.
2. Provide the proposed and existing building footprints in sq.ft. under this application and a net change made to the property.
3. Provide Instr# 115752792, recorded unity of control, on sheet SP-01.
4. Gates for the dumpster enclosure shall be opaque, per Section 155.5301.C. Revise the details on SP-04.
5. The subject property is highly recommended to obtain approval of Master Sign Program by AAC as required in Section 155.2416. MASTER SIGN PROGRAM.
6. Note that the CPTED plan approved by the Broward Sheriff's Office shall be provided for Zoning Compliance Permit approval.
7. Any new light poles or wall mounted lights shall comply with Section 155.5401.
 - i. Provide a wall mounted lighting that is not flush to the wall, per Section 155.5401. I.
 - ii. A new light pole shall be placed at least 15 ft away from tree or palm trunks. Identify "new" or "existing" lights on the photometric plan.
 - iii. Add footnotes of the overall height of the light poles including the light fixtures. The maximum height of the exterior lighting, whether mounted on poles or walls, shall not exceed 20 feet in those parts of nonresidential district within 200 feet of a residential zoning district. All other lights shall not exceed 30 ft.

Comments below will remain and shall be addressed on the B/W elevations for AAC reviews.

8. Mechanical equipment including a generator shall be screened, per Section 155.5301. A. Provide details, elevations, or building sections to prove that equipment and a generator are screened by parapets or similar devices.

9. Street-facing front building facades that are greater than 60 feet wide shall be articulated with wall of uses

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(e.g., projections or recesses in the facade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 40 feet apart, per Section 155.5602. C. 5, Facade Articulation.

10. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane, as per 155.5602.C.8.b.

11. Staff do not see substantial evidence to prove that this requirement is addressed. At least 30 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the storyline denoting the second floor) shall be occupied by windows or doorways, per Section 155.5602.C.7. a.

12. All ground-level windows on street-facing facades shall be transparent. Mirrored or heavily-tinted glass that prevents views into the building is prohibited on street-facing front building facades, per Section 155.5602.C.7.b.

13. Any security cameras or lightings on the building elevation shall be shown on the elevations.