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To: Development Review Committee

From: Matthew Scott, Esq., *Dunay, Miskel and Backman, LLP*

Date: June 30th, 2022

RE: Shopper's Haven
Responses to DRC Comments (P&Z No. 21-12000004)

Dear members of the Development Review Committee (DRC),

Thank you for providing us with DRC comments for the June 15, 2022 DRC meeting. We would like to take the opportunity to respond to those comments issued with this resubmittal. While the project stalled for almost a year due to unforeseen circumstances related to the ongoing pandemic, we are now ready to move forward.

If you believe the comments issued have been satisfied, please indicate with your review. Our client is eager to move forward with the issuance of Development Orders and, thereafter, construction of the project. If you do not believe the comments have been satisfied and another meeting is required for issuance of a Development Order, please also indicate this with your review.

Thank you and I look forward to your response.

A. ENGINEERING DEPARTMENT

Review 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. Submit / upload a copy of the (BCOES) Broward County Water and Waste Water Service Utility permit or exemption for the proposed utility work.
RESPONSE: Broward County Water and Waste Water Service Utility permit approval will be submitted with the building permits for construction.
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: Broward County Environmental Protection and Growth Management Division Surface Water Management permit approval will be submitted with the building permits for construction.

3. Submit / upload the (FDEP) Florida Department of Environmental Protection NPDES General Permit for the proposed storm water discharge from the proposed site construction activities.
RESPONSE: Florida Department of Environmental Protection NPDES General Permit will be submitted with the building permits for construction.
4. Submit / upload the (FDEP) Florida Department of Environmental Protection (NOI) Notice of Intent for the proposed storm water discharge from the proposed site construction activities.
RESPONSE: Florida Department of Environmental Protection (NOI) Notice of Intent will be submitted with the building permits for construction.
5. 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.
RESPONSE: 2019 City Engineering standard details will be submitted with the building permits for construction.
6. Submit / upload a copy of the (FDEP) Florida Department of Environmental Protection permit or written exemption from this agency for the proposed potable water main and service line connections shown on the civil engineering drawing.
RESPONSE: Florida Department of Environmental Protection permit for the proposed potable water main and service line connections will be submitted with the building permits for construction.
7. Submit / upload a copy the (BCEPGMD) Broward County Environmental Protection and Growth Management Division wastewater collection system license/permit or written exemption from this agency for the proposed construction of the gravity wastewater collection system shown on the civil engineering plans.
RESPONSE: Broward County Environmental Protection and Growth Management Division wastewater collection system license/permit will be submitted with the building permits for construction.
8. Submit / upload a copy the (FDEP) Florida Department of Environmental Protection permit or written exemption from this agency for the proposed construction of the gravity wastewater collection system shown on the civil engineering plans.
RESPONSE: Florida Department of Environmental Protection permit for the proposed construction of the gravity wastewater collection system will be submitted with the building permits for construction.
9. Submit / upload a copy of the (FDOT) Florida Department of Transportation utility construction permit or exemption for the proposed off-site potable water, reclaimed water and sewer main or lines to be constructed within the road right-of-way of N. Fed. and NW 33 St.
RESPONSE: Florida Department of Transportation utility construction permit will be submitted with the building permits for construction.

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10. Is the proposed watermain tie in on NE 16 Ter. in city right-of-way or on private property?

RESPONSE: The water main tie in will be in the City right-of-way and per coordination with BCWWS the proposed extension is planned to be placed along the north side of the right-way and tie in to an existing 12" water main which cross Federal Highway and terminates near the fire hydrant on the NW corner of the intersection

11. Submit an engineering permit application for the proposed on-site asphalt paving, concrete curbing and for the proposed off-site utility (water) connection on NW 33 St. COPB right-of-way. (At time of Permitting)

RESPONSE: An engineering permit application will be submitted with the building permits for construction.

12. 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)

RESPONSE: Schedule of values will be submitted with the building permits for construction.

B. LANDSCAPE REVIEW

Review 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.

RESPONSE: Per discussion with City Urban Forester, plans match previous discussions by preserving the majority of the large trees along the drive aisle.

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.

RESPONSE: Acknowledged. Existing islands have been enlarged around the existing trees.

3. Provide VUA requirements as per 155.5203.D along all perimeters

RESPONSE: Provided. See Sheets L-2.0 through L-2.5.

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.

RESPONSE: Acknowledged and provided. See Sheets L-2.4 and L-2.5 for this condition.

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.

RESPONSE: Acknowledged and provided. See Sheets L-2.2 and L-2.3.

6. There appears to be some utility conflicts intersecting landscape end islands

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RESPONSE: : There are no “utility” conflicts with existing trees. Applicant is working with staff regarding conflicts with light poles as mentioned in the proceeding comments.

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.

RESPONSE: RESPONSE: Applicant shall continue to work with staff to provide required photometrics while maintaining the large existing canopy trees along the drive aisles. Interior parking lot lights are located at parking space intersections.

8. No exterior lighting fixtures shall be located in any landscaped planting areas required in and around 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).

RESPONSE: Applicant shall continue to work with staff to provide required photometrics while maintaining the large existing canopy trees along the drive aisles. Interior parking lot lights are located at parking space intersections.

9. There appears to be an excessive amount of light poles proposed in required tree locations including end islands.

RESPONSE: Applicant shall continue to work with staff to provide required photometrics while maintaining the large existing canopy trees along the drive aisles. Interior parking lot lights are located at parking space intersections.

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.

RESPONSE: Provided. See Sheet L-2.0 through L-2.5.

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.

RESPONSE: Pigeon Plums have been removed from the plant list.

12. Royal palms cannot be used as a landscape end island tree, relocate Royals and propose a required large canopy tree.

RESPONSE: Per discussion with the City Urban Forester, the two existing Royal Palms at the main entrance from Sample Road may remain a part of the entrance landscaping.

13. Tree mitigation table will need to be adjusted prior to permit issuance and based on plans being revised.

RESPONSE: Mitigation table has been updated. See Sheet L-1.1.

14. 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.

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RESPONSE: Chart has been revised as requested.

15. 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

RESPONSE: Information shall be provided.

16. As per 155.5204.F. No development, work, or demo activity shall be allowed within the dripline of a tree or tree protection area.

RESPONSE: Acknowledged.

17. 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.

RESPONSE: Notation is on all landscape plan sheets.

18. 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: Understood, thank you.

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

RESPONSE: Understood, thank you.

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

RESPONSE: Comment response sheet is provided herein.

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

RESPONSE: Understood, thank you.

C. ZONING

Review Status: Review Complete Resubmittal Required

1. At time of resubmittal, provide a comment response sheet demonstrating specifically how comments have been addressed.

RESPONSE: Comment response sheet is provided herein.

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2. Cloud all changes on the drawing sheets.

RESPONSE: Clouds have been added to all relevant sheets.

3. 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 "Arterial Road" with a minimum of 120 feet right-of-way required. The site plan and survey indicates that only 100 feet of right-of-way is provided along East Sample Road, and where only 50 feet are provided to the center line of the road. An additional 10 feet may be required for additional dedications. Provide documentation from FDOT confirming the determination of the right-of-way dedication.

RESPONSE: When future development requires dedication of right-of-way, documentation will be provided. The proposed renovation does not trigger a right-of-way dedication at this time. This was verified by Daniel Keester-O'Mills, Principal Planner, at the DRC Meeting of 6/15/2022.

4. The recorded unity of control has not be uploaded. Provide Instr# 115752792, recorded unity of control.

RESPONSE: Unity of Control has been included in the Documents folder.

5. Based on the approved site plan (P&Z 05-12000032) the previous store Winn- Dixie was 52,679 sq. ft. This dimension should be reflected on the site data table as the existing building area. Modify the dimensions accordingly.

RESPONSE: Site data table has been updated and it should be noted that the existing building area that is being demolished is not just the vacant Winn-Dixie. A portion of the adjacent retail to the east of the vacant Winn-Dixie is also be removed. The table has been revised to distinguish the different areas that make up the demo.

6. The proposed grocery store square footage dimension is different from the dimension shown on the zoning legend table. Please address the discrepancies and be sure to confirm the net change of the existing and proposed building area.

RESPONSE: Building information has been updated.

7. Based on the comments response memo, the liquor store will be eliminated. Remove the addition of liquor store for the project narrative and site plan.

RESPONSE: Comment Response Memo stated liquor store is being eliminated.

8. Remove the liquor retail store on the elevations as mentioned in the project narrative.

RESPONSE: Liquor store has been removed from scope per narrative. Area of infill between the new grocer and existing retail shall be new single tenant retail. Please see revised elevations.

9. Update the site plan to show the new and improved right-of-way to NE 33rd Street.

RESPONSE: Plans reflect current conditions.

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10. COMMENT NOT ADDRESSED: Provide evidence that this requirement has been addressed. Provide the depths of the wall offsets. Street-facing front building facades that are greater than 60 feet wide shall be articulated with wall offsets (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, Façade Articulation.

RESPONSE: Noted, please see color elevation sheets with code references and dimensions. Also see revised A1.1 sheet with dimensions noting offsets for further clarity.

11. COMMENT NOT ADDRESSED: 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.

RESPONSE: Footnotes or other accepted alternative will be added to the plans.

12. COMMENT NOT ADDRESSED: 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.

RESPONSE: Applicant shall continue to work with staff to provide required photometrics while maintaining the large existing canopy trees along the drive aisles. Interior parking lot lights are located at parking space intersections.

13. CONDITION OF APPROVAL: The subject property is required to obtain approval of Master Sign Program by AAC as required in Section 155.2416. MASTER SIGN PROGRAM.

RESPONSE: Understood, thank you.

14. CONDITION OF APPROVAL: Provide a copy of the approved CPTED Security Plan and Narrative approved by the Broward Sheriff’s Office prior to Zoning Compliance Permit approval.

RESPONSE: Plan approval and Zoning Compliance Permit application will be submitted with the permit package for construction.

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