



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-14

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Development Review Committee  
Meeting Date: October 21, 2020

### MULLET ALLEY PLAZA

**Request:** Minor Site and Major Building Design  
**P&Z#** 19-12000006  
**Owner:** Old Towne Flagler LLC  
**Project Location:** 114-128 N. Flagler Ave and 135, 165 NE 1st Ave  
**Folio Number:** 484235080090, 484235080120, 484235080170, 484235080140, 484235080100, 484235080110, 484235080160, 484235080150  
**Land Use Designation:** I  
**Zoning District:** TO-DPOD  
**Commission District:** 2  
**Agent:** Michael Vonder Meulen, AICP (954-788-3400)  
**Project Planner:** Max Wemyss (954-786-4671) / max.wemyss@copbfl.com

### Summary:

The applicant is requesting MINOR SITE PLAN and MAJOR BUILDING DESIGN approval in order to develop a public open space, renovated the façade on an existing building, and add an outdoor bar made from a repurposed shipping container.

**Staff Conditions:**

**PLANNING**

Plan Reviewer: Daniel Keester | daniel.keester@copbfl.com

Status: Review Complete Pending Development Order

Land use for this parcel is DPTOC (Downtown Pompano Beach Transit Oriented Corridor) (0.87 acres). In 2012 (Ordinance 2013-15), the City and County adopted the DPTOC, which consisted of 269 acres of mixed land use area & consolidated all of the permitted uses (residential, commercial, office, hotel, etc.) into one "basket of rights," to be reallocated through the district in accordance with a regulating plan. At the time, the City did not request any additional residential units, and thus only 1,368 dwelling units were permitted within the area. An application requesting an additional 2,000 dwelling units was approved by the City Commission on first hearing at the September 24, 2019 Meeting.

The city has sufficient capacity to accommodate the proposal.

**ENGINEERING DEPARTMENT**

Plan Reviewer: David McGirr | david.mcgirr@copbfl.com

Status: Review Complete Resubmittal Required

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 must approve the proposed paving and drainage plans.
2. Any proposed water and sewer services connection to service this project needs approval by the City of Pompano Beach Utilities Division.
3. The proposed underground trash container on NE 1 Ave. appears to be in the city right of way. It also appears to be located next to or on top of a 8" sanitary sewer main. Please verify.

A revocable license agreement will be required for the structure in the city ROW. Per CO 100.35 BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SHALL BE AS FOLLOWS:

**DRC**

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**DRC**

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**5/5/2021**

PEDESTRIAN MEDIAN SAFETY.

(B) Any building, structure, or obstruction abutting or encroaching upon any public street, alley, sidewalk, or right-of-way swale area in the city is hereby declared to be a public nuisance against the welfare and safety of the public, and the owner, or lessee or agent of the owner, or any person responsible for the presence of any such public nuisance shall remove the nuisance or otherwise comply with the exemption requirements of this section, and shall be guilty of a punishable offense for placement of the nuisance, or for failure to remove same, or for both.

(5) The owner of adjacent property desiring to place the items in the city right-of-way must enter into a written revocable license agreement with the city which includes, but is not limited to, the terms and conditions found in this division, along with language for the property owner to indemnify and hold the city harmless for any damage or injury caused by the placement of any items in the right-of-way. The City Manager is authorized to enter into any such license agreement on behalf of the city, utilizing a form approved by the City Attorney. Said agreement shall be revocable by the city at any time, for any reason, and shall expire upon a change in ownership of the adjacent property, whereupon all items located in the right-of-way pursuant to the agreement shall be removed or, the new owners may enter into a similar agreement, if approved by the city. Property owners who are a party to any such agreement must disclose and provide a copy of same to any new purchaser of the affected adjacent property. Failure to provide the required notice shall constitute a violation of this section.

\*\*\*\* 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 Pending Development Order

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

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

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**DRC**  
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**5/5/2021**

**BUILDING DIVISION**

Plan Reviewer: Carpel Jeoboam | Carpel.Jeoboam@copbfl.com

Status: Review Complete Pending Development Order

**Advisory Comments**

A preliminary examination of the documents has been performed; additional comments may apply when completed plans and/or specifications have been submitted for permitting to the building department.

Buildings shall comply with all local, state and federal codes in effect at time of application, including FEMA Floodplain, NPDES and HVHZ regulations.

FBC\_BCA 105.2.3 Public service agencies/other approvals. The building official shall require that the laws, rules and regulations of any other regulatory AHJ, and where such laws, rules and regulations are applicable and are known to the building official, shall be satisfied before a permit shall be issued. The building official shall require such evidence, as in his or her opinion is reasonable, to show such other approvals.

City Ordinance 53.16(A)(1) Construction sites and construction activities. construction sites and operations shall be required to maintain during and after all construction, development excavation or alteration operations, structural and non-structural best management practices with the intent to reduce pollutants and sediment in stormwater runoff.

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.

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\_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 or structure 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 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.

3. 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.

4. 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.

5. 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.

BSO

Plan Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach | Patrick\_Noble@sheriff.org

Status: Review Complete No Comments

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:**

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.

**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.

**CRA**

Plan Reviewer

Status

CRA comment received via email on 10/8/2020

... please accept this email as our comment that we support this project (since it is ours) and recommend moving forward as this project is a major economic driver for the adjacent businesses. This project was designed to be a destination and is critical to the success of Wood & Wire (new restaurant at 165 NE 1st Ave) as well as PapAmigos (new restaurant at 44 NE 1st St) and all future tenants surrounding this public space.

**UTILITIES**

Plan Reviewer: Nathaniel Watson | nathaniel.watson@copbfl.com

Status: Review Complete Resubmittal Required

**DRC**

**PZ19-12000006  
10/21/20**

**DRC**

**PZ19-12000006  
5/5/2021**

1. Please note that additional comments may be forthcoming 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. During official Bldg. permit submittal.
3. Please exercise best management practices with regard to protection of the on & off-site storm water system.
4. Please indicate on civil plan #400-CU-101 Water & Sewer Plan the requirement of a 6" dedicated fire meter and backflow assemble, 2" domestic water meter and backflow assemble and 1" irrigation meter and backflow assemble all proposed along NE 1st Avenue. The proposed 6" dedicated fire meter and backflow assemble shown on NE 2nd Street has this information shown on the civil plan. Please correct.
5. Please note that the proposed 6" dedicated fire meters are not a City stock items. The devices are subject to a 60 to 75 day order lead time from the manufacturer. Please order the meters in a timely manner to ensure that device is available for installation according to the construction schedule.
6. Please attach 2019 City Engineering Standard detail #106-1 Backflow Preventer, #107-1 Typical 1" Water Service as they apply.

## LANDSCAPE REVIEW

Plan Reviewer: Wade Collum | wade.collum@copbfl.com

Status: Review Complete Pending Development Order

1. Change Adonidia palms in end island to a large canopy tree, seems like enough space to provide a Royal Poinciana or an equal flowering tree
2. Provide current tree location of proposed specimen tree proposed for the southside with a timeline on root pruning and installation so that preparation and permitting may precede work on site
3. Provide a cross section and pile detail for the decking proposed around the existing tree to avoid soil compaction within the critical root zone.
4. Appears that proposed outside bar may be in conflict with existing tree canopy.
5. Note on grading plan that No Work is to be performed within the dripline of existing tree on site

## ZONING

Plan Reviewer: Max Wemyss | max.wemyss@copbfl.com

Status: Review Complete Pending Development Order

General Comments:

1. This application is for Minor Site Plan and Major Building Design. The Site Plan will receive Development Order from the Development Services Director. The Building Design will receive Development Order from the Architectural Appearance Committee. All new Institutional: Open Space uses are applicable for Major Building Design. An additional fee will be assessed for Major Building Design.
2. DRC folders in ePlan contain outdated plans. Remove and replace Photometric Plan (Sheet 240-SL1) and Floor Plans (Sheet 220-A-101).
3. Properties unified through Unity of Use agreement. Unity of Use Agreement must include all affected properties.
4. The commercial container storage areas shall be considered additions to the principal buildings rather than as commercial container enclosures.
5. A Right-of-Way dedication may be necessary. At least, a public access easement for the sidewalk along NE 2nd Street is required.
6. Show ROW line on building elevations, particularly where overhang from the bar or eave extend beyond the building line. A revocable license agreement may be necessary.
7. Seating in the public right-of-way or public access area will require a sidewalk café permit.

Zoning Comments:

1. Obtain relief from the maximum pervious area requirement for the parcels as required by Section 155.3501.O.4. Pursuant to Section 155.2435, a Public Purpose Adjustment requires that a narrative be submitted demonstrating satisfaction of the criteria.
2. Provide details for any proposed walls/fences.
3. No screening is proposed for new trash vaults. These appear to be privately operated trash bins in public right of way. Staff to confirm no additional standards apply for this new concept.
4. The façade improvements comply the Building Design Standards of the TO/DPOD Zoning District.
5. A painted wall sign containing commercial content is not permitted within the TO/DPOD Zoning District. A Mural that does not advertise commercial activity is permitted.

SOLID WASTE AND RECYCLING



Plan Reviewer: Beth Dubow | beth.dubow@copbfl.com

Status: Review Complete Resubmittal Required

1. As of this date, use of underground containers for garbage as shown on this site plan is awaiting discussion and approval by the City Commission. Approval of this site as it pertains to garbage collection must be evaluated after such approval is given and prior to the issuance of building permits.
2. The 8-yard garbage dumpster shown near the southeast corner of this site plan cannot be "rolled out" to the curb for service on NE 1 Avenue. Alternative containers should be considered; if approved for use (see #1 above), an additional underground container would be preferable.

NOTE: Owners of commercial properties are responsible for securing garbage collection service directly from Waste Management, Inc. Rental communities are considered commercial properties.

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).