



## Staff Report

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**File #:** LN-114

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DEVELOPMENT REVIEW COMMITTEE

Meeting Date: MAY 5, 2021

### AKEL LIVE/WORK FLEX

**Request:** Flex  
**P&Z#** 21-05000010  
**Owner:** Meir Properties Inc.  
**Project Location:** 124 NW 12 St.  
**Folio Number:** 484235310081  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 4  
**Agent:** Paola West (954-529-9417)  
**Project Planner:** Maggie Barszewski (954-786-7921 / [maggie.barszewski@copbfl.com](mailto:maggie.barszewski@copbfl.com))

### Summary:

Meir Properties, Inc., as owner of the .47 of an acre parcel located at the northwest corner of NW 12th Street and Dixie Highway, requests allocation of one residential flexibility unit. The applicant intends to use a portion of the building as a single-family residence in conjunction with a business (defined in the City of Pompano Beach Code of Ordinances as a “Live/Work” Unit). The property is zoned B-3, and located within the C Commercial land use category, thereby requiring the Flex allocation.

**Staff Conditions:**

**BUILDING DIVISION**

Plan Reviewer: [james.demars@copbfl.com](mailto:james.demars@copbfl.com) <<mailto:james.demars@copbfl.com>>

Status: Review Complete Pending Development Order

Comments:

**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)(7). Delineation 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. residential buildings shall comply with City Ordinance 152.29(C)(1)(A) and nonresidential buildings shall comply with City Ordinance 152.29(C)(1)(B).

FHA Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, and national origin. In 1988, Congress passed the Fair Housing Amendments Act. The Amendments expand coverage of Title VIII to prohibit discriminatory housing practices based on disability and familial status. Now it is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability.

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 A221.1.1 Florida vertical accessibility. Nothing in this code relieves the owner of any building, structure, or facility governed by this code from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the ADA standards for accessible design require an elevator to be installed in such building, structure or facility.

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.

#### ZONING

Plan Reviewer: [Matthew.Edge@copbfl.com](mailto:Matthew.Edge@copbfl.com)

Status: Review Complete Pending Development Order

Comments:

1. A live/work dwelling must comply with the use standards in code section 155.4202.A, including:
  - a. The residential portion of the building shall occupy over 50 percent of the gross floor area.
  - b. The nonresidential portion of the building shall be located on the ground floor.
  - c. The nonresidential portion of the building shall comply with all applicable nonresidential building code and business licensing requirements.
  - d. Drive-through service is prohibited as an accessory use.
  - e. The use shall comply with the parking, landscaping, and open space standards for mixed uses in Article 5: Development Standards.
  - f. Any off-street parking for the nonresidential portion shall be located as far as practicable from existing adjacent single-family dwellings.
2. This development requires site plan approval. This will include parking, lighting, and landscape improvements.
3. The minimum width of the right-of way for 12th Street is not provided. A portion of the property may need to be vacated in order to provide enough right-of-way for this development.

#### UTILITIES

Plan Reviewer: [nathaniel.watson@copbfl.com](mailto:nathaniel.watson@copbfl.com) <<mailto:nathaniel.watson@copbfl.com>>

Status: Review Complete Pending Development Order

Comments:

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. The City of Pompano Beach Utilities Dept. has no comment at this time with regard to the requested FLEX approval. 2. The City of Pompano Beach Utilities Dept. has no comment at this time with regard to the requested Plat approval.

#### LANDSCAPE REVIEW

Plan Reviewer: [wade.collum@copbfl.com](mailto:wade.collum@copbfl.com)

Status: Review Complete Pending Development Order

Comments:

Comments will be rendered at time of site plan submittal.

Provide landscape plans in accordance with 155.5203 for the entire site.

#### ENGINEERING DEPARTMENT

Plan Reviewer: david.mcgirr@copbfl.com

Status: Review Complete No Comments

Comments:

#### PLANNING

Plan Reviewer: maggie.barszewski@copbfl.com

Status: Review Complete Pending Development Order

Comments:

1. The Applicant's submittal package did not include a Conceptual Site Plan. Such a plan must be submitted before this request can proceed to the Planning & Zoning Board.
2. Section 100.01 requires NW 12th St. to be 60 feet in width, therefore the parcel applicant must dedicate the appropriate right-of-way (according to the Plat, it appears that a 10-ft. dedication is required).
3. Please upload Plat and all amendments to the Plat (if any).
4. Work with Pamela to delete the uploaded check.
5. The review standards of Section 155.61 (D) shall be used in reviewing this request.

(D) Application review standards. An application shall only be approved on a finding that there is competent substantial evidence in the record that all of the following standards are met:

(1) Consistency with applicable goals, objectives and policies of the city's Comprehensive Plan and this chapter.

(2) The use of the redevelopment and flexibility units; the establishment of nonresidential development within a residential land use designation; or the approval of commercial uses in an Industrial Land Use category will produce a reasonable development pattern. The criteria for reasonableness shall include compatibility of adjacent land uses and suitability of the parcel for various development patterns.

#### BSO

Plan Reviewer: scott\_longo@sheriff.org

Status: Review Complete Pending Development Order

Comments:

Disclaimer:

The services of an independent, experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended for objective and credible security review integrity.

This 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, or liabilities that might occur without any review.

Attention:

DRC submissions require a CPTED/ Security Strengthening Narrative Folder, and a SEPARATE Drawing Folder for review. All mandatory compliance condition requirements **MUST BE THOROUGHLY ADDRESSED WITH SPECIFIC DETAILED CORRELATING REFERENCES TO EACH ITEM** on Narrative and Drawing plans.

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WASTE MANAGEMENT

Plan Reviewer: beth.dubow@copbfl.com

Status: Review Complete No Comments

Comments:

04-19-2021

No objections to this flex application.

CRA

Plan Reviewer: kimberly.vazquez@copbfl.com

Status: Review Complete Pending Development Order

Comments:

CRA generally supports Live/Work units provided the nonresidential portion of the building is on the ground floor and complies with all building code and business license requirements.

FIRE DEPARTMENT

Plan Reviewer: jim.galloway@copbfl.com

Status: Review Complete Pending Development Order

Comments:

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.