



## Legislation Details (With Text)

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**File created:** 10/9/2023      **In control:** Development Review Committee

**On agenda:** 2/21/2024      **Final action:** 2/21/2024

**Title:** LIVE! INDIGO POMPANO BEACH

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. DRC Documents\_11.01.2023.zip, 2. DRC Drawings\_11.01.2023.zip, 3. DRC Documents\_01.03.2024.zip, 4. DRC Drawings\_01.03.2024.zip, 5. DRC Documents\_02.21.2024.zip, 6. DRC Drawings\_02.21.2024.zip

Date	Ver.	Action By	Action	Result
2/21/2024	2	Development Review Committee		

DEVELOPMENT REVIEW COMMITTEE  
Meeting Date: FEBRUARY 21, 2024

### LIVE! INDIGO POMPANO BEACH

**Request:** Major Site Plan  
**P&Z#** 23-12000039  
**Owner:** Pompano Park JV Land Holding LLC  
**Project Location:** 777 Isle of Capri Circle  
**Folio Number:** 494203410030  
**Land Use Designation:** RAC (Regional Activity Center)  
**Zoning District:** PCD (Planned Commercial/Industrial District)  
**Commission District:** 5 (Barry Moss)  
**Agent:** Michael Amodio (954-788-3400 / mamodio@keithteam.com)  
**Project Planner:** Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

### Summary:

This project was first reviewed at Pre-App Meeting on September 5, 2023 and once previously by the Development Review Committee on November 1, 2023. Application is for Major Site Plan and Building Design to develop approximately 13 acres of 222 acre Live! PD with 423 multifamily units. The project is in the south west corner of the planned development district.

<b>Development Review Committee Member</b>	<b>Status - 1/03/2024</b>
Planning & Zoning Division	Pending Development Order

Landscaping Division	Pending Development Order
Fire Department	Pending Development Order
Environmental Services	Pending Development Order
BSO / CPTED	Pending Development Order
Engineering Department	Pending Development Order
Utilities Department	Pending Development Order
Community Redevelopment Agency	Pending Development Order
Building Division	Pending Development Order

**Staff Conditions:**

**PLANNING & ZONING DIVISION REVIEW**

Max Wemyss | [max.wemyss@copbfl.com](mailto:max.wemyss@copbfl.com) <<mailto:max.wemyss@copbfl.com>>

General Planning Comments

- Land use for this parcel is currently RAC, amended September 24, 2019. The proposed use consists of 9 multi-family buildings providing 423 residential units, totaling 524,979 square feet. Includes a clubhouse, 5 garage structures, and amenities.
- An amendment to the plat note has been recorded for the property ("Pompano Park Racino Plat"). The revised plat note (Instrument #: 118158997) restricts the property to 700,000 square feet of commercial recreation use, 500 room hotel, 400,000 square feet of office use, 100,000 square feet of commercial use, 4,100 mid-rise units and 1,100,000 industrial use.
- The RAC Land Use requires that 15% of the total number of units will need to be reserved as "Affordable" units or the Developer may provide a fee-in-lieu for every unit. The units may be reserved by declaration or the fee of \$2,333 for every unit may be paid to the City's Affordable Housing Trust fund. This will be required prior to permit approval.
- Provide a School Capacity Availability Determination (SCAD) Letter from the Broward County School Board prior to building permit approval.
- The city has sufficient wastewater treatment capacity to accommodate the proposal.
- Park Impact Fees to be assessed at time of Building Permit approval.

PCD/General Comments

1. Provide an updated Overall District Site Plan (both Parking, based on number of units, and Site Area Calculations need to be updated to match the data table from the Site Plan).
2. The required 10' PCD Perimeter Buffer that runs along the perimeter of the development shall be installed prior to CO issuance, or by December 31, 2024 whichever occurs first.
3. The private road to the north of the development is a separate scope of work which has not been

permitted. This road is required for access to the site and must be completed prior to CO issuance.

4. Show the location of and connection to adjacent transit facilities.
5. Sustainability Narrative provides Efficient Cooling and LEED Certified. Provide documentation of techniques that will be used to satisfy the requirements, as necessary, prior to Development Order issuance. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question. Provide the LEED Registration and Verification of the LEED Preliminary Rating.
6. Consider “EV Ready” (provide conduit and electrical panel capacity for EV charging within the garages).
7. Traffic Impact Study Required per Exhibit S, update prior to P&Z based on total number of units proposed.

#### Zoning District

PCD - Ordinance 2021-02

8. The site complies with the intensity and dimensional standards of the zoning district.

#### Access and Circulation

9. Provide a more direct connection to the public transit station generally accessible between buildings 6 and 8.
10. Buildings 8 and 9 appear to have gated breezeways with doors facing the west, however there is no pedestrian circulation connecting to these access points.
11. Provide a detail for all pedestrian crossings of the vehicular use areas. Crossings must be distinguishable from the VUA (change in material/color/texture, raised, etc) and must meet the accessibility guidelines promulgated under the ADA.
12. Stacking - Consider additional stacking space on either side of the gated entrance. Cars will inevitably block the access and parking spaces located closest to the gates.

#### Design - Development is to follow Mixed-Use Design Standards

13. Label elevations with North/South/East/West rather than front/side, where possible. On elevations for buildings with multiple orientations provide a key indicating the locations/orientations of those buildings.
14. Provide fenestration calculations on those street facing facades, where 30% is required for the ground floor. Of particular concern, is the west façade the maintenance building.
15. Use comment responses as preparation for AAC Submittal. Provide 11x17 (no larger) color and material board with submission for AAC.

## LANDSCAPE CODE REVIEW

Wade Collum | [wade.collum@copbfl.com](mailto:wade.collum@copbfl.com) <<mailto:wade.collum@copbfl.com>>

1. Remove all FDC's from require tree islands there's still a lot being shown remove/relocate.
2. Staff strongly recommends removing the transformers from required landscape areas due to FPL's history of not following the plans for placement utilities cannot supersede the landscape requirements. I.E. Garage Bldg. #3
3. Provide a Phasing Plan for the purposes of CO Issuance. Please include all perimeters, entrances, and amenities (pool, clubhouse, pickle ball court, dog park, tot lot, etc.) as part of the first Phase. TCO's may not be issued without substantial compliance with the landscape plan for that building and may include completion of amenities.
4. Provide a street tree plan and approvals / approved permits for the Private Rd being proposed to the north. Please note on the plans as per previous projects within this development
5. Provide a cross section detail of the proposed building footers / slab as it appears that it will encroach into the required foundation landscaping soil space at the footers of the building. Provide drawings and verification of the use of monolithic / eccentric footings as it relates to these areas
6. All tree work will require permitting by a registered Broward County Tree Trimmer.
7. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
8. Additional comments may be rendered a time of resubmittal.

## FIRE DEPARTMENT REVIEW

Jim Galloway | [jim.galloway@copbfl.com](mailto:jim.galloway@copbfl.com) <<mailto:jim.galloway@copbfl.com>>

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.

## ENVIRONMENTAL SERVICES REVIEW

Beth Dubow | [beth.dubow@copbfl.com](mailto:beth.dubow@copbfl.com) <<mailto:beth.dubow@copbfl.com>>

1. Make sure to use mountable curbing around all staging/pick-up areas. Please label this curbing on the garbage refuse plan or site plan.
2. Since the garbage will be rolled out for collection, only 4-yard containers or smaller should be used for this site.

NOTE: Recycling collection is not required, but it is highly encouraged. Commercial recycling collection service may be obtained from a recovered materials hauler. Rental apartments are considered commercial use

as it pertains to garbage/recycling collection.

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 (Coastal Waste and Recycling 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](mailto:beth.dubow@copbfl.com) should you have any questions or concerns regarding this review.

### **BSO/CPTED REVIEW**

Anthony Russo | [Anthony\\_Russo@sheriff.org](mailto:Anthony_Russo@sheriff.org) <[mailto:Anthony\\_Russo@sheriff.org](mailto:Anthony_Russo@sheriff.org)>  
Reviewer: BSO Deputy Tony Russo for the City of Pompano Beach

Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach

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M-(561) 917-4556 (Call, Text & Email; No Voicemail)

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Monday - Thursday; 8 AM - 4 PM

**\*\*\* 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.

**\*\*\* ATTENTION IMPORTANT \*\*\***

**AS PER CODE 155.2407.E.9., AT THE TIME OF PERMIT SUBMITTAL, THE CPTED SECURITY STRENGTHENING DRAWING PLAN AND SEPARATE CPTED SECURITY STRENGTHENING**

DRAWING PLAN NARRATIVE SHALL BOTH BE SUBMITTED AS PART OF THE REQUIREMENTS FOR PLANNING & ZONING REVIEW AND APPROVAL.

\*\*\*ATTENTION IMPORTANT\*\*\*

Participation in the BSO No Trespassing Program is required. If this site is already on the program, then additional signage may be necessary along with an updated affidavit signed by authorized personnel. Please contact the BSO Pompano Beach C.P.T.E.D Advisor regarding placement of the No Trespass Signs.

### ENGINEERING DIVISION REVIEW

David McGirr | [david.mcgirr@copbfl.com](mailto:david.mcgirr@copbfl.com) <<mailto:david.mcgirr@copbfl.com>>

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 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.
2. Prior to the approval of the City Engineering division, the City's Planning and Zoning Division must approve these plans.
3. Prior to the approval of the City Engineering division, the City's Utilities Division must approve these plans.
4. Place note on landscape plan sheets 017 and 018 as per City Ordinance(s) §50.02(A) (4) and §100.35 (E), 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](mailto:tracy.wynn@copbfl.com) Engineering Standard street tree detail 316-1 and 315-1.
5. Submit / upload the (FDEP) Florida Department of Environmental Protection NPDES General Permit for the proposed storm water discharge from the proposed site construction activities.
6. 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
7. Submit / upload a copy of the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management Approval for Construction Dewatering Activities
8. Submit / upload a copy of the (SFWMD) South Florida Water Management District Water Use Individual Permit - if dewatering of the water table aquifer is required to facilitate the construction of the proposed project.

PLEASE PROVIDE A NARRATIVE RESPONSE TO THESE REVIEW COMMENTS (IF APPLICABLE), SEE MARKUPS (IF REFERENCED) AND CLEARLY SHOW CHANGES ON PLANS USING CLOUDED DETAILS AND DELTA REVISION MARKS AS NECESSARY.

\*\*\*\* 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. \*\*\*\*

## UTILITIES REVIEW

Nathaniel Watson | [nathaniel.watson@copbfl.com](mailto:nathaniel.watson@copbfl.com) <<mailto:nathaniel.watson@copbfl.com>>

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 and off-site work. Required during official Bldg. E-plan submittal.
6. Please note that any proposed metered service 3” or larger are not stock items. These meters are subject to an order lead time. Please order these items in a timely manner to ensure that the services are available for installation.
7. Please submit a sedimentation and erosion control plan.

## COMMUNITY REDEVELOPMENT AGENCY REVIEW

Kimberly Vazquez | [Kimberly.Vazquez@copbfl.com](mailto:Kimberly.Vazquez@copbfl.com) <<mailto:Kimberly.Vazquez@copbfl.com>>

No comment. This project is located outside of the CRA District.

## BUILDING DIVISION REVIEW

Todd Stricker | [todd.stricker@copbfl.com](mailto:todd.stricker@copbfl.com) <<mailto:todd.stricker@copbfl.com>>

### 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) .

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.

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 [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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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. 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.

9. 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.

10. 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).

11. 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.

12. 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.

13. FBC\_BCA 110.7 For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

14. FBC\_BCA 110.8.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building

permit for the construction of a threshold building.

15. 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.

16. 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.

17. 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.

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

19. If Applicable, FBC R802.1.7.1 [IRC R802.10.1] Truss design drawings, prepared in conformance with section R802.1.7.1, shall be provided to the building official and approved prior to installation.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.