File #: LN-382

PLANNING AND ZONING BOARD
Meeting Date: MARCH 22, 2023

OLD TOWN SQUARE II

Request:	Text Amendment
P&Z#	22-81000004
Owner:	N/A
Project Location:	Downtown Pompano TOC
Folio Number:	N/A
Land Use Designation:	DPTOC (Downtown Pompano Transit Oriented Corridor)
Zoning District:	TO-DPOD (Transit Oriented Downtown Pompano Overlay District)
Commission District:	2 (Rhonda Eaton), 3 (Alison Fournier) and 4 (Beverly Perkins)
Agent:	Nectaria Chakas (954-779-1123 / nchakas@lochrielaw.com)
Project Planner:	Max Wemyss (954-786-4671 / max.wemyss@copbfl.com)

On behalf of the developer of the Old Town Square II, the applicant Nectaria Chakas, Attorney is requesting to amend the Downtown Pompano Beach (DP) Overlay District [section 155.3708] in order to add four feet to the overall height of a building permitted by a building height bonus, modify the massing restrictions of the Historic Transition Area, amend the Transit Core Area boundary of the Density Regulating Plan (incorporating four blocks), and to amend the Use Area Regulating Plan by changing two blocks from RM to MUR (to permit ground floor commercial activity).

CODE AMENDMENT, AS SUBMITTED BY THE APPLICANT

CHAPTER 155: ZONING CODE

. . .

155.3708. Downtown Pompano Beach (DP) Overlay District

. . .

A. Purpose

The Downtown Pompano Beach Overlay district (DPOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented design.

…

E. Building Height Regulating Plan and Modified Height Standards

1. Building Height Regulating Plan

All new and modifications to existing development shall comply with the standards found within the Building Height Regulating Plan shall be referred to. In addition, the following shall apply:

a. Areas intended for commercial uses on the ground floor of all non-residential and mixed-use buildings shall be a minimum of 12 feet in height; and

b. Buildings higher than 6 stories shall be developed according to the tower building type standards.

2. Height Bonus Options

In addition to the maximum building shown the Building Height Regulating Plan, properties within the DPOD may be eligible for a height bonus in accordance with Table 155.3708.E.1. In no case shall a property be permitted to utilize more than one height bonus.

TABLE 155.3703E.1: Height Bonus Options

Bonus Option	Sub-Area	Height Bonus	Requirement
#1	Core and Center	~~24 ft.~~ 28 ft.	Properties whose front lot line or street side lot line is directly abutting or located across a street from the designated public open space.
#2	All	12 ft.	Buildings at the end of a street vista. The additional height / story shall occupy up to 15% of the floor area of the story immediately below.
#3	All	12 ft.	Properties located within the 1/4 mile radius (1,320 feet) of the BCT North East Transit Center, that provide public parking in accordance with the following: a. The minimum number of spaces required for off-street parking are provided using one or more of the Off-street Parking Alternatives; b. A minimum of 10% of the parking spaces are reserved for public parking. The 10% of parking spaces shall be calculated including the spaces required for the height bonus. c. A lease agreement with the City, at a rate established by the City, shall be recorded for a term not less than 50 years.

#4	All	12 ft.	All new non-residential, multi-family residential and mixed-use construction that provide public art using one or a combination of the following strategies: 1. A fee equal to 1 percent of the project's construction costs; 2. A piece of artwork valued at 1 percent of the project's construction costs. a. The artwork shall be accessible to the public and may be displayed in the building's common areas, public open spaces or areas along the street abutting the building. b. Public art proposed for public areas shall be required to receive approval from the City Commission.
#5	Core and Center	12 ft.	Development which achieves at least 28 points per Table 155.5802, Sustainable Development Options and Points.

…

K. Additional DPOD Standards

…

3. Additional Design Standards for Historic Core and Historic Transition Areas

All new or improved structures, site improvements, and appurtenances in the Historic Core and Historic Transition Areas (as depicted on the Use Regulating Plan) must comply with the design standards in this section.

a. Massing Restrictions for Historic Transition Area

In order to limit the impacts of massing on the Historic Core Area, the following massing restrictions are required for buildings within the Historic Transition Area:

i. The maximum height of the pedestal of a building shall not exceed 60 feet.

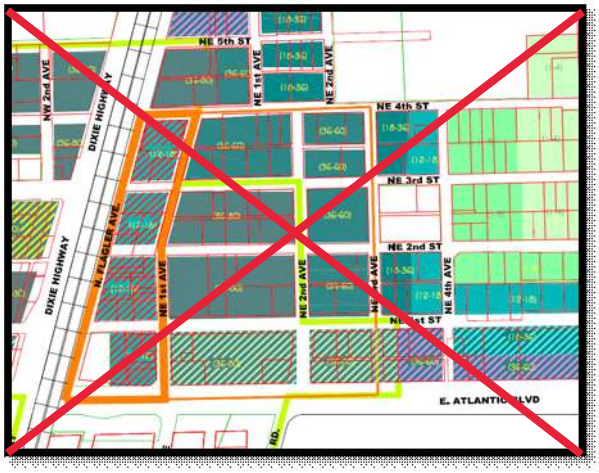
ii. The pedestal area shall not exceed 90% of the lot area .

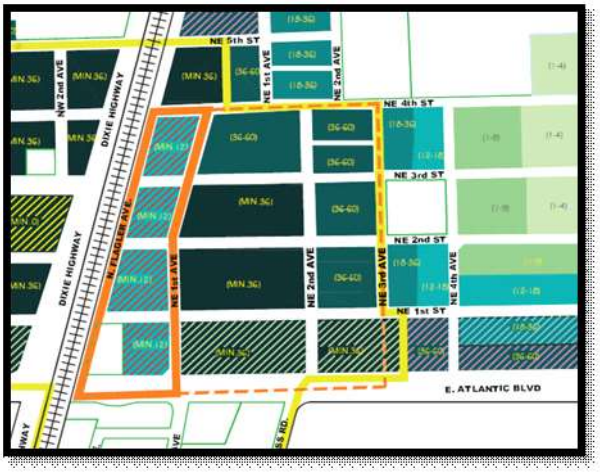
iii. The portion of a building located above ~~60~~ ~~feet~~ 6 stories in height shall not exceed 80% of pedestal area ~~and~~ or shall be setback a minimum of 20 feet from the front building line.

. . .

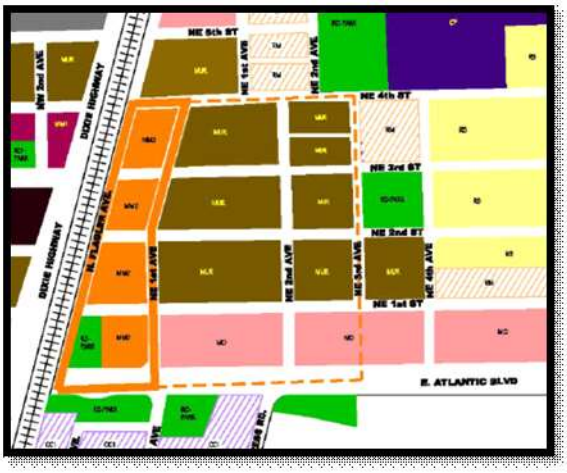
Amendments to Regulating Plans/Maps for DP Overlay District

Density Regulating Plan (Section 155.3708.F.1)





Use Regulating Plan (Section 155.3708.H.1)



STAFF ANALYSIS

The proposed text amendment seeks to amend the Downtown Pompano Overlay District (Section 155.3708) to be consistent with an active Development Application (PZ22-12000044). The code amendment would amend the DPOD in order to add four feet to the overall height of a building permitted by a building height bonus, modify the massing restrictions of the Historic Transition Area, amend the Transit Core Area boundary of the Density Regulating Plan (incorporating four blocks), and to amend the Use Area Regulating Plan by changing two blocks from RM to MUR (to permit ground floor commercial activity). This analysis provides a summary of the amendments as well as some context.

Text Amendment - Building Height Bonus

The maximum height in the Core or Center is 105 feet or 80 feet respectively. The existing bonus for open space adjacency is 24 feet. Therefore, the existing maximum heights for a property in the Core or Center, inclusive of the open space adjacency bonus of 24 feet is 129 or 104 feet. The amendment will result in a maximum height (with bonus) of 133 feet (in the Core) or 108 feet (in the Center).

For reference, an elevation of the proposed development is provided as backup to this report.

Text Amendment - Historic Transition Area

The applicant is proposing to amend 155.3708.K.3.a.iii to read as: The portion of a building located above ~~60 feet~~ 6 stories in height shall not exceed 80% of pedestal area ~~and~~ or shall be setback a minimum of 20 feet from the front building line.

The Zoning Code typically uses "feet" as a measurement, instead of stories; however, there are instances in the Zoning Code where stories have been used. A specific measurement (like feet and inches) are used for the overall building height, so that all buildings are measured in the same way. Individual stories can vary, neither the zoning code nor the building code has a maximum height allowed for an individual story (the building code does have a minimum height for a single story).

What is enabled by this change is the ability to develop a 6-story building without reducing floorplate size. This standard exists with the Historic Transition Area in addition the building design requirements of the Downtown Pompano Overlay District.

For reference, the full section regulating the Historic Transition Area, the DPOD tower standards, and tower level floorplan for the proposed development is provided as backup to this report.

Regulating Plan Amendment - Density Regulating Plan

The Density Regulating Plan includes a Transit Core Area (TCA) Boundary. In order to incentivize development around public transportation, Density Areas that fall within the Transit Core Area boundary shall be required to provide the minimum density as specified in the Density Regulating Plan, where residential is required, and shall not be subject to a maximum number of dwelling units per acre. The maximum density for residential development within the TCA boundary is limited by only the building envelope, which is prescribed by the maximum permitted building height, tower floorplate sizes and building length. The maximum density for residential development outside of the TCA boundary is limited by both the maximum permitted density as specified in the Density Regulating Plan, and the building envelope, which is prescribed by maximum permitted building height, tower floorplate sizes, and building length.

It is the applicant's proposal to modify the TCA boundary to include four additional blocks between 2nd and 3rd Avenue, as well as between 3rd and 4th Street, consistent with the boundary of the Historic Transition Area. Development within the subject blocks will still be subject to the minimum number of dwelling units per area however, the maximum will be determined by the permitted building envelope.

Regulating Plan Amendment - Use Area Plan

The amendment proposes reclassifying two blocks from RM to MUR to permit ground floor commercial activity. The subject blocks would be subject to the following use requirements:

USE AREA	RESIDENTIAL	NONRESIDENTIAL
RM: Residential Multifamily	Required on all floors	Not Permitted
MUR: Mixed Use Residential	Optional on 1st Floor For all properties, Optional on 2nd Floor For all properties, Required on 3rd Floor and above	Optional on 1st Floor For all properties, Optional on 2nd Floor For all properties, Not Permitted on 3rd Floor and above

A full list of the permitted uses within the MUR use area is available in Table 155.3708.H.2, provided as backup to this report. Additionally, the ground floor floorplan of the proposed development is provided to see the potential locations

of the proposed uses.

CODE AMENDMENT REVIEW STANDARDS

The Planning & Zoning Board must make a recommendation to the City Commission on applications for code amendments based on the competent substantial evidence in the record that the amendment addresses the following standards:

155.2402. TEXT AMENDMENT

…

C. Text Amendment Review Standards

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

In addition to the analysis provided by this staff report, the applicant has provided a narrative that addresses the review standards. The applicant's narrative is provided as backup to this report.

DEPARTMENT RECOMMENDATION

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following alternative motion options, which may be revised or modified at the Board's discretion.

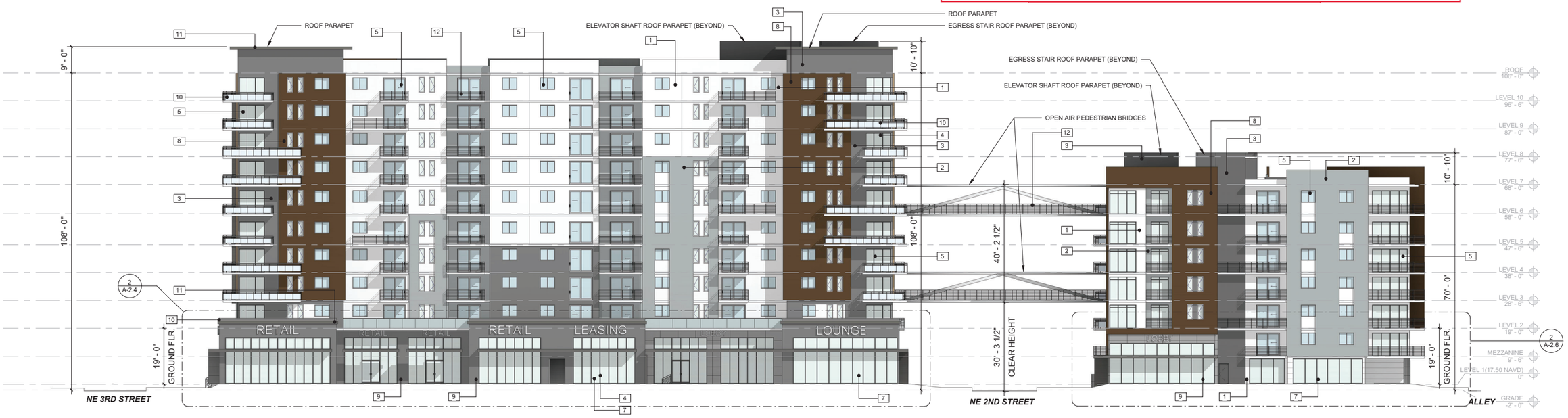
<u>Alternative Motion I</u>

Recommend approval of the text amendment to the City Commission for their consideration.

<u>Alternative Motion II</u>

Table this application for additional information as requested by the Board.

Staff Report Backup - Proposed Development Elevation Example



1 WEST ELEVATION - NE 2ND AVENUE

A-2.1 SCALE: 1/16" = 1'-0"

0 8'-0" 16'-0" 32'-0"
SCALE: 1/16" = 1'-0"

NOTES:
CONTRACTOR TO PROVIDE ALL COLOR AND ALL FINISH SAMPLES FOR APPROVAL.

2 NORTH ELEVATION - NE 3RD STREET

A-2.1 SCALE: 1/16" = 1'-0"

0 8'-0" 16'-0" 32'-0"
SCALE: 1/16" = 1'-0"

GENERAL NOTE:
ALL SIGNAGE SHALL BE IN COMPLIANCE WITH THE ZONING AND LAND DEVELOPMENT REGULATIONS, AND APPROVED UNDER SEPARATE PERMIT

EXTERIOR ELEVATIONS - KEY NOTES

NUMBER	DESCRIPTION
1	WHITE STUCCO FINISH (EXTRA WHITE SW 7006 BY SHERWIN WILLIAMS)
2	LIGHT GREY STUCCO FINISH
3	DARK GREY STUCCO FINISH
4	DARK BRONZE ALUMINUM POWDER COATED MULLION
5	EXTERIOR INSULATED GREY TINTED GLAZING
6	DARK GREY ARCHITECTURAL FRAME
7	EXTERIOR INSULATED CLEAR GLASS WINDOW STOREFRONT
8	WOOD TONE COLOR PAINTED STUCCO
9	SCORED GRAY COLORED PAINTED STUCCO
10	GLASS RAILING; GREY TINT
11	DARK GREY ARCHITECTURAL EYEBROW
12	DARK BRONZE METAL CABLE RAILING
13	FRAMED OPENING WITH PERFORATED LIGHT BLUE SCREEN PANEL
14	HOLLOW METAL DOOR
15	PEDESTRIAN BRIDGE

DRC
PZ22-0120-00044
03/15/2023

SCHEMATIC
2022-024
12/12/2022

OLD TOWN II
POMPANO BEACH, 33060

ELEVATIONS

STATE OF FLORIDA DANIEL E. ADACHE #AR7073 REGISTERED ARCHITECT

Digitally signed by Daniel Adache
DN: c=US, o=ADACHE GROUP ARCHITECTS, dnQualifier=A01410D000 0A7BC8A8A3310000290 cn=Daniel Adache
Date: 2023.02.15 14:02:30 -05'00'

A-2.1

adache group architects

Staff Report Backup - Proposed Development Rendering Example

DRC

PZ22-R2600024
03/15/2023

SCHEMATIC
2022-024
12/12/2022

OLD TOWN II
POMPANO BEACH, 33060

RENDERING

STATE OF FLORIDA
DANIEL E. ADACHE
#AR7073
REGISTERED ARCHITECT

Digitally signed by Daniel Adache
DN: c=US, o=ADACHE GROUP ARCHITECTS, dnQualifier=A01410D00000 1836B8382100002 9D2, cn=Daniel Adache
Date: 2023.02.15 14:17:30 -05'00'

A-4.1

adache
group architects

Staff Report Backup - DPOD/Historic Transition Area Design Standards

155.3708. DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT

…

K. Additional DPOD Standards

In addition to the Regulating Plans, the following standards apply to properties within the DPOD.

…

3. Additional Design Standards for Historic Core and Historic Transition Areas

All new or improved structures, site improvements, and appurtenances in the Historic Core and Historic Transition Areas (as depicted on the Use Regulating Plan) must comply with the design standards in this section.

a. Massing Restrictions for Historic Transition Area

In order to limit the impacts of massing on the Historic Core Area, the following massing restrictions are required for buildings within the Historic Transition Area:

i. The maximum height of the pedestal of a building shall not exceed 60 feet.

ii. The pedestal area shall not exceed 90% of the lot area .

iii. The portion of a building located above 60 feet in height shall not exceed 80% of pedestal area and shall be setback a minimum of 20 feet from the front building line.

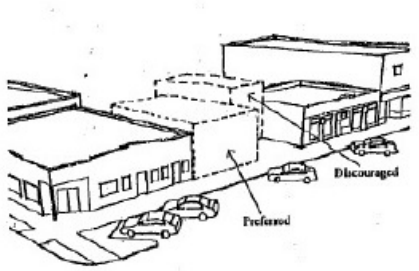


Figure 155.3708.K.4.b: Align the building front at the edge of the sidewalk

b. Site Plan Characteristics

Most structures contribute to a strong "building wall" framing the public space of the street because they align at the front property line and are usually built out to the full width of the lot. Gaps between lots, if they occur, provide pedestrian access to an alley or through the block. These site plan characteristics of building to sidewalk should be preserved and maintained. Within the Historic Core and Historic Transition Areas the buildings fronts should be aligned at the sidewalk line, where feasible. (See Figure 155.3708.K.4.b)

c. Architectural Character

i. Within the Historic Core Area the buildings are small in scale, two stories or less, and characteristic of various architectural styles including beaux arts, commercial mission and Mediterranean revival, art moderne, art deco, mid-century modern, and vernacular. While it is important that new buildings and alterations be compatible with the historic context, it is not necessary that they imitate older historic styles. New infill development in the Historic Core Area shall reinforce traditional development patterns and maintain the mass, scale, form, and ordering elements of the neighboring context.

ii. The Historic Transition Area is intended to create a pedestrian-oriented, mixed-use environment in the periphery of the Historic Core Area and introduce residential uses while providing additional height for new development. The Historic Transition Area is not subject to maintaining the mass, scale and form of the neighboring context. New infill development in the Historic Transition Area shall reinforce traditional development patterns and maintain the ordering elements of the neighboring context.

iii. In the Historic Core and Historic Transition Areas, the first floor height of all newly constructed buildings containing retail uses shall be at least 12 feet.

iv. In the Historic Core and Historic Transition Areas, new interpretations of traditional building styles, drawing upon the fundamental similarities among the older buildings, are encouraged. This will allow infill to be viewed as a product of its own time, yet still compatible with its historic neighbors and a balance of old and new.

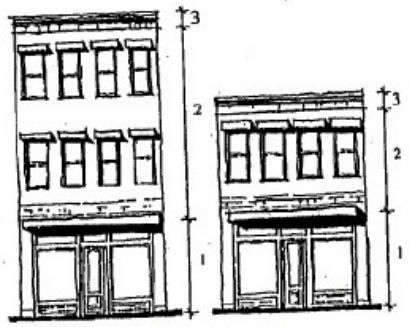


Figure 155.3708.K.4.c.v: The three basic elements that compose a traditional building: (1) base, (2) middle, and (3) cap. Interpreting this traditional composition in new buildings will help reinforce visual continuity of a block

v. In the Historic Core and Historic Transition Areas, new buildings shall incorporate a base, middle, and a cap. Traditionally building facades were composed of these three basic elements. Maintaining this compositional system will help reinforce the visual continuity of the Historic Downtown Core Area. (See Figure 155.3708.K.4.c.v.) The three basic elements that compose a traditional building: (1) base, (2) middle, and (3) cap. Interpreting this traditional composition in new buildings will help reinforce visual continuity of a block.

vi. In the Historic Core and Historic Transition Areas, new buildings shall maintain the alignment of horizontal facade elements of the block. Canopies, window headers, windowsills, moldings, cornices , parapets, signage cornices , and storefront sills are among the elements of a facade that may be aligned.

vii. In the Historic Core and Historic Transition Areas, floor to floor heights should be similar to those seen historically. Windows in new construction should be similarly proportioned and of similar height and rhythm as those seen traditionally along the street.

viii. In the Historic Core and Historic Transition Areas, roofs may be parapet, or sloped to a maximum pitch of 4 in 12.

ix. In the Historic Core Area only, the established building scale shall be maintained and primary facades shall be in scale and aligned with surrounding historic buildings.

x. In the Historic Core Area only, larger buildings shall be divided into modules scaled to buildings seen historically. The height and width of each module should be similar to the traditional height and width of the historical buildings of the surrounding context.

d. Materials

The following standards shall apply to both the Historic Core and Historic Transition Areas:

i. Exterior building materials shall conform to the limited material palette used within the district, primarily stucco on concrete masonry, or brick. Use of foam moldings, faux-finishes, large expanses of featureless materials, highly reflective materials is inappropriate.

ii. New materials shall be environmentally sustainable and relate to those used historically through scale, texture, finish, and detailing.

iii. Stucco on concrete or terra cotta masonry was the traditional material and is preferred for new construction. This includes brick and natural stone finishes. Appropriate stucco finishes include dash, float, glacier, or California finish (as defined in the Plaster/Stucco Manual, 5th Edition, Portland Cement Association). Use of foam stucco moldings for spray applied veneer finishes is not appropriate.

iv. Wood and metal were used for door, storefront, and window frames and should be used in new construction.

v. If new materials are used, they shall appear similar in character to those used historically through detailing. Detailing should provide continuity through combined use of scale, proportion, texture or color.

vi. Durability of new materials must be demonstrated for the hot-humid climate of Pompano Beach.

vii. Non-corrosive metals, such as coated or anodized aluminum, or molybdenum stainless steel are appropriate.

viii. Exterior wood shall be protected from the weather, or shall have a stained or painted finish.

ix. Roofing materials shall be standing seam or batten metal, flat concrete tile, traditional barrel tile, or flat asphalt shingle, similar to those seen historically.

e. Canopies, Awnings, and Overhangs

The following standards shall apply to both the Historic Core and Historic Transition Areas:

i. Canopies and awnings shall provide shade and rain protection over the sidewalk area, similar to those seen historically.

ii. Canopies, awnings, or overhangs shall be demonstrated to achieve 40 percent shaded coverage of the ground floor building facade below the canopy between the hours 9:00 a.m. and 5:00 p.m. year-round.

iii. Canopies, awnings, or overhangs shall reflect historical placement patterns and follow the length of the building along the street front.

iv. Canopies, awnings, or overhangs shall be integrated into the design of the building to provide protection from rain to pedestrians within the sidewalk area.

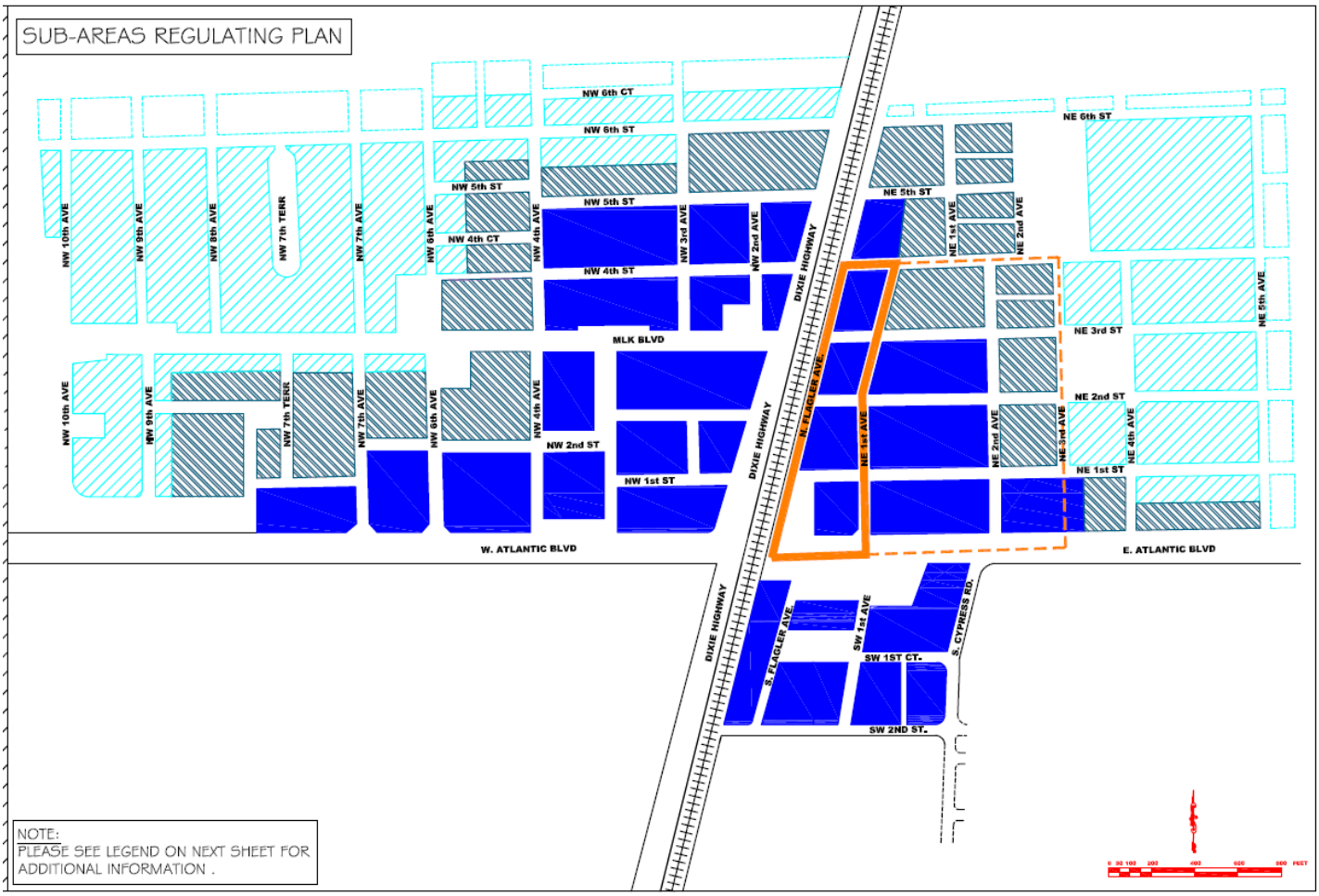
v. Canopies, awnings, or overhangs shall accentuate the character defining feature of a window or storefront.

vi. Fabric awnings shall be simple shed types. Odd shaped, bullnose, and bubble awnings, and internally illuminated glowing awnings are inappropriate.

vii. Illumination of canopies and overhangs should complement the canopy and not be a primary design feature, and should increase the safety of the environment by illuminating the pedestrian sidewalk area. Illumination under an awning to illuminate the pedestrian sidewalk area is acceptable; however, fixtures that shine through an awning and make it glow are not.

f. Within the Historic Core Area only, the area between street trees may be paved with semi-permeable or permeable pavers.

…



LEGEND	
SUB-AREAS REGULATING PLAN	
	CORE SUB-AREAS
	CENTER SUB-AREAS
	EDGE SUB-AREAS
	* F.E.C. RAILWAY
	HISTORIC CORE
	HISTORIC TRANSITION

BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAM:

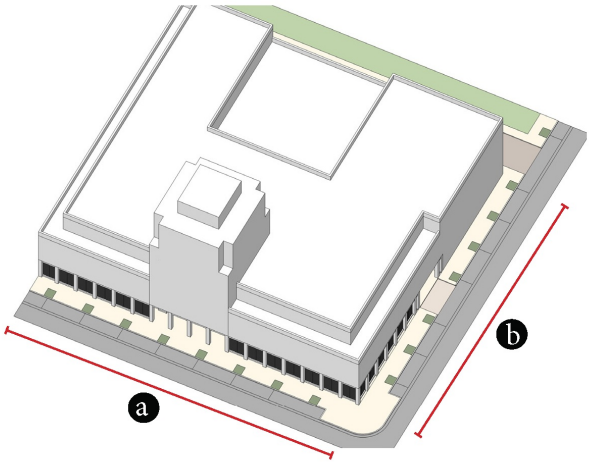
TOWER BUILDING TYPE

DEFINITION:

a multi level building organized around a central core where a part of the building is higher in proportion.

- BUILDING LINE
- PROPERTY LINE
- ACTIVE USE
- PARKING AREA
- a LOT WIDTH
- b LOT DEPTH

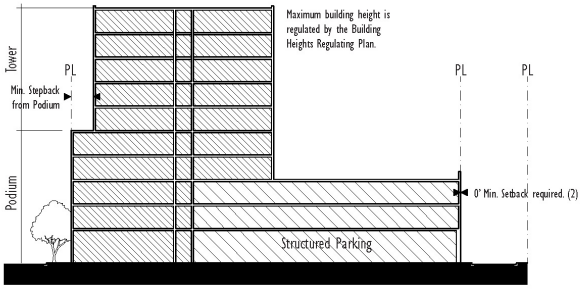
BUILDING MASSING



LOT STANDARDS:	MIN.	MAX.
a. Lot Width	200'	350'
b. Lot Depth	100'	N/A
c. Lot Area	N/A	N/A
d. Impervious Area	N/A	90% (1)
e. Pervious Area	10% (1)	N/A
f. Interior Side Setback	0' (2,3)	N/A
g. Rear Setback	0' (2,3)	N/A

h. Front and Street Side Setbacks and Building Frontage Requirements are provided in each TO Overlay District.

BUILDING CONFIGURATION



NOTES:

1. At grade
2. Setback shall be 30' minimum when abutting single family residential development. The 30' shall be provided as or preserved for an alley or service road capable of providing cross access.
3. Setback shall be 15' minimum when abutting two family or townhouse development. The 15' shall be provided as or preserved for a pedestrian passage capable of providing cross access.

OPEN SPACE STANDARDS:

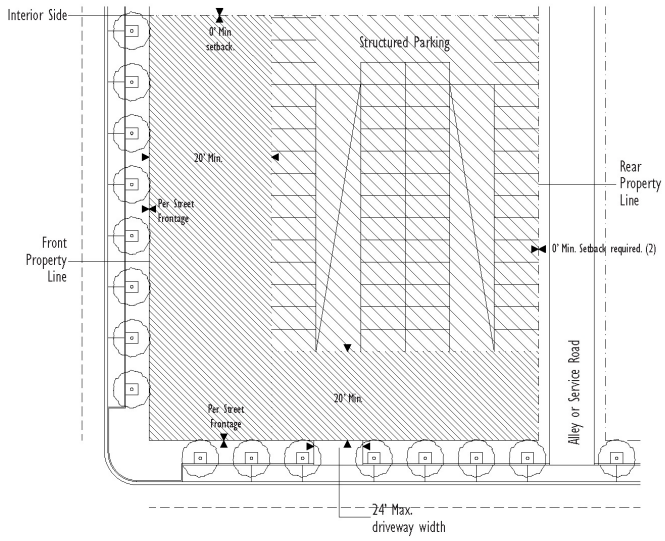
All multi-family residential, live-work units and mixed-use developments with residential dwellings shall reserve a minimum of 10% of the site for common, private open space.

FORECOURT STANDARDS:

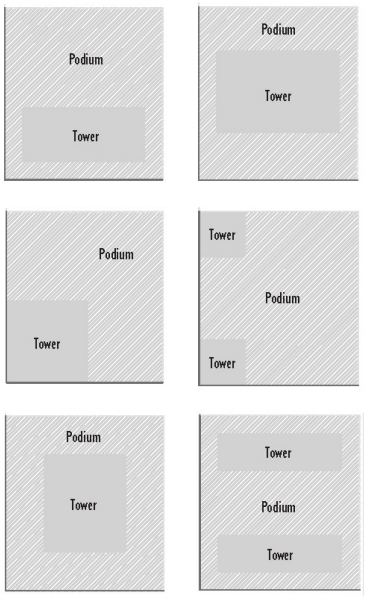
For purposes of the building frontage, a forecourt shall be considered as a principal building. Where a forecourt is provided, the following shall apply:

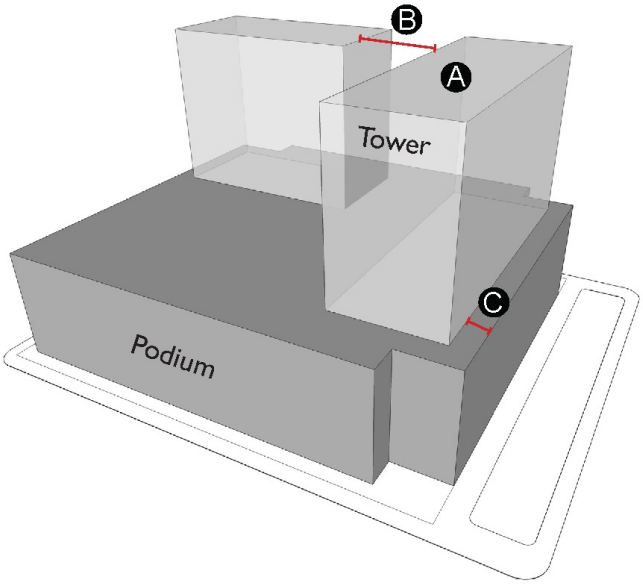
1. The portion of the building fronting the forecourt may be set back up to 25 feet from the property line to accommodate a forecourt.
2. The forecourt shall not exceed sixty (60%) percent of the building frontage.
3. To preserve existing tree canopy, the forecourt setback or percent of building frontage may be greater, subject to Urban Forestry approval.

BUILDING SETBACKS



EXAMPLES OF TOWER CONFIGURATION





A. TOWER FLOORPLATE STANDARD:
Above the fifth floor there shall be a maximum floorplate size. The floorplate size for multiple towers shall be calculated as an average of the total cumulative tower floorplate area divided by the number of stories above the fifth floor. Except as otherwise modified in the overlay district regulations, the maximum floorplate size is dependent upon the tower's primary use as follows:

1. Office or Non-Residential - average of 35,000 square feet for multiple towers and a 45,000 square feet maximum permitted floorplate size for any individual tower floorplate.
2. Residential, Mixed-Use or Hotel - average of 20,000 square feet for multiple towers and a 32,500 square feet maximum permitted floorplate size for any individual tower floorplate.

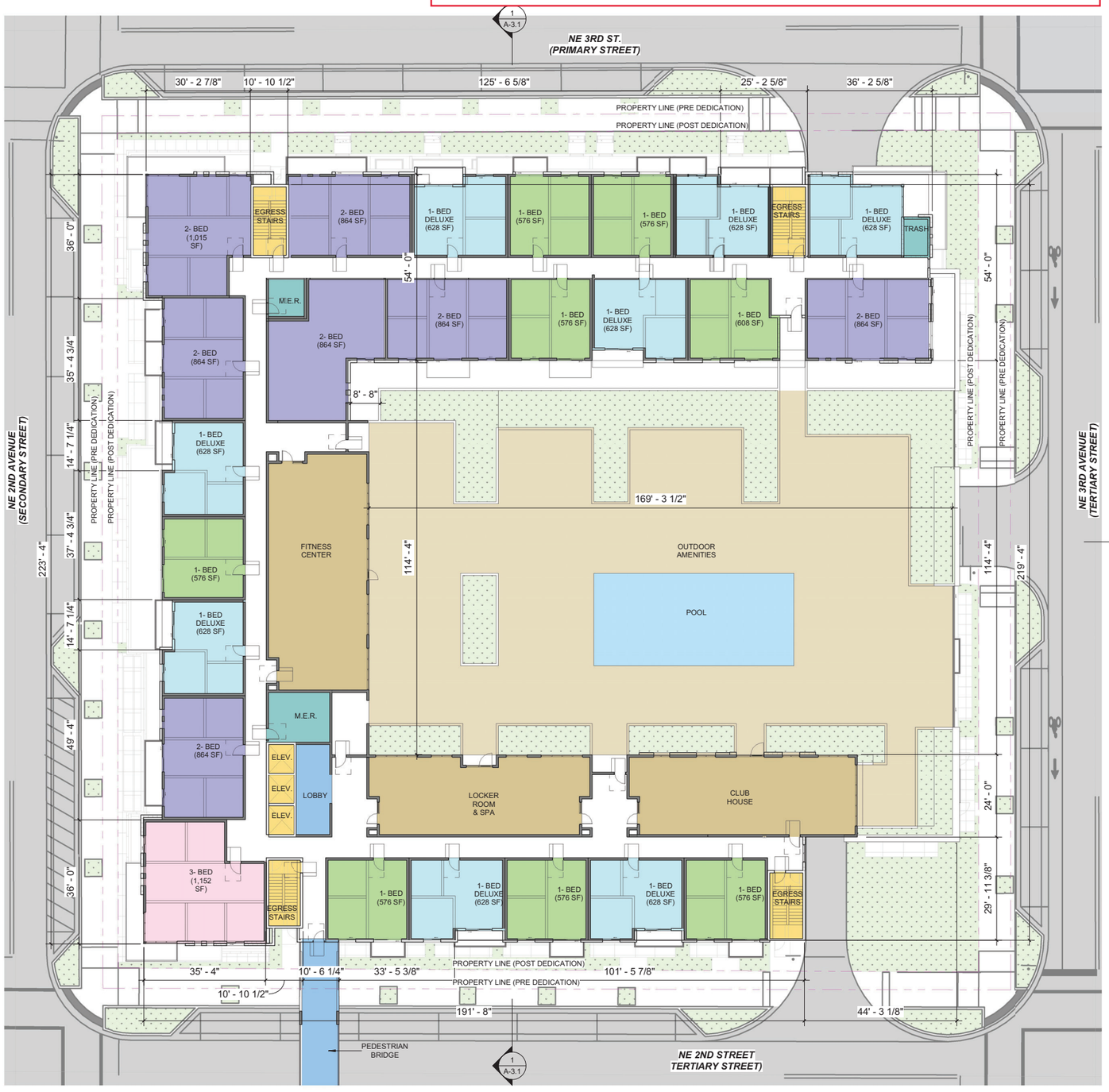
B. TOWER SEPARATION:
The minimum allowable horizontal distance between two or more towers on a single lot or development, shall be 60 feet. The minimum allowable horizontal distance between towers on adjoining lots or in different developments shall be 60 feet.

C. TOWER STEPBACK:
The minimum stepback for the tower shall be ten feet from the podium along interior side and rear property lines only. Along the front and street side property lines the minimum stepback for the tower shall be as specified in each TO overlay district.

D. TOWER ORIENTATION:
Tower orientation shall be specified toward terminating street vistas and along Designated Publicly Accessible Greenways and Open Spaces, where applicable. The placement of the tower shall be such that it is near, fronting, or adjacent to a specified Designated Greenway and/or Open Space in order to provide a continuous strong edge to the public realm, creating defined public spaces and continuity in the urban context.

ILLUSTRATIVE EXAMPLES

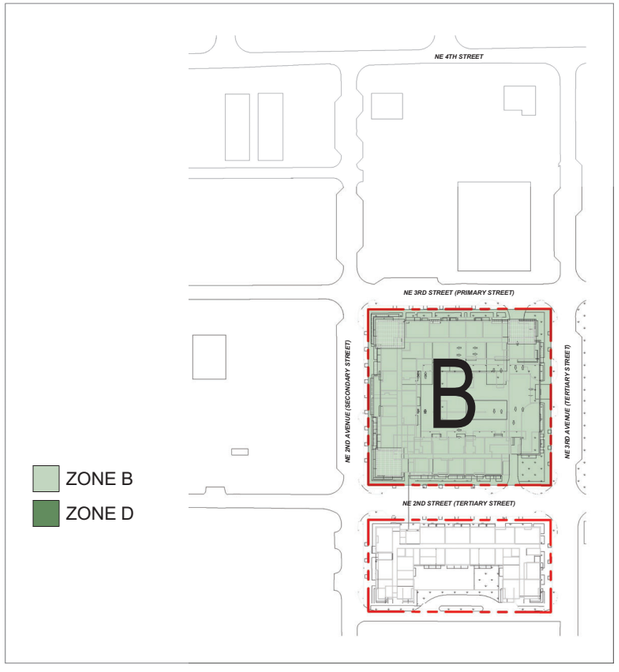
Staff Report Backup - Proposed Development Tower Level (Level 6) Plan



PLAN LEGEND

- EFFICIENCY STUDIO
- 1- BEDROOM
- 1- BEDROOM DELUXE
- 2- BEDROOM
- 3- BEDROOM
- AMENITY
- BOH
- CIRCULATION
- RETAIL
- VEHICULAR CIRCULATION & PARKING
- LANDSCAPE

EFFICIENCY UNITS	0
1 BEDROOM UNITS	8
1 BEDROOM DELUXE UNITS	8
2 BEDROOM UNITS	7
3 BEDROOM UNITS	1
DWELLING UNITS PER FLOOR	**24**



KEYPLAN

1 / A-1.8 **LEVEL 6 - ZONE B**
SCALE: 1/16" = 1'-0"
0 8'-0" 16'-0" 32'-0"
SCALE: 1/16" = 1'-0"

DRC
PZZ22-12010044
03/15/2023

SCHEMATIC
2022-024
12/12/2022

OLD TOWN II
POMPANO BEACH, 33060

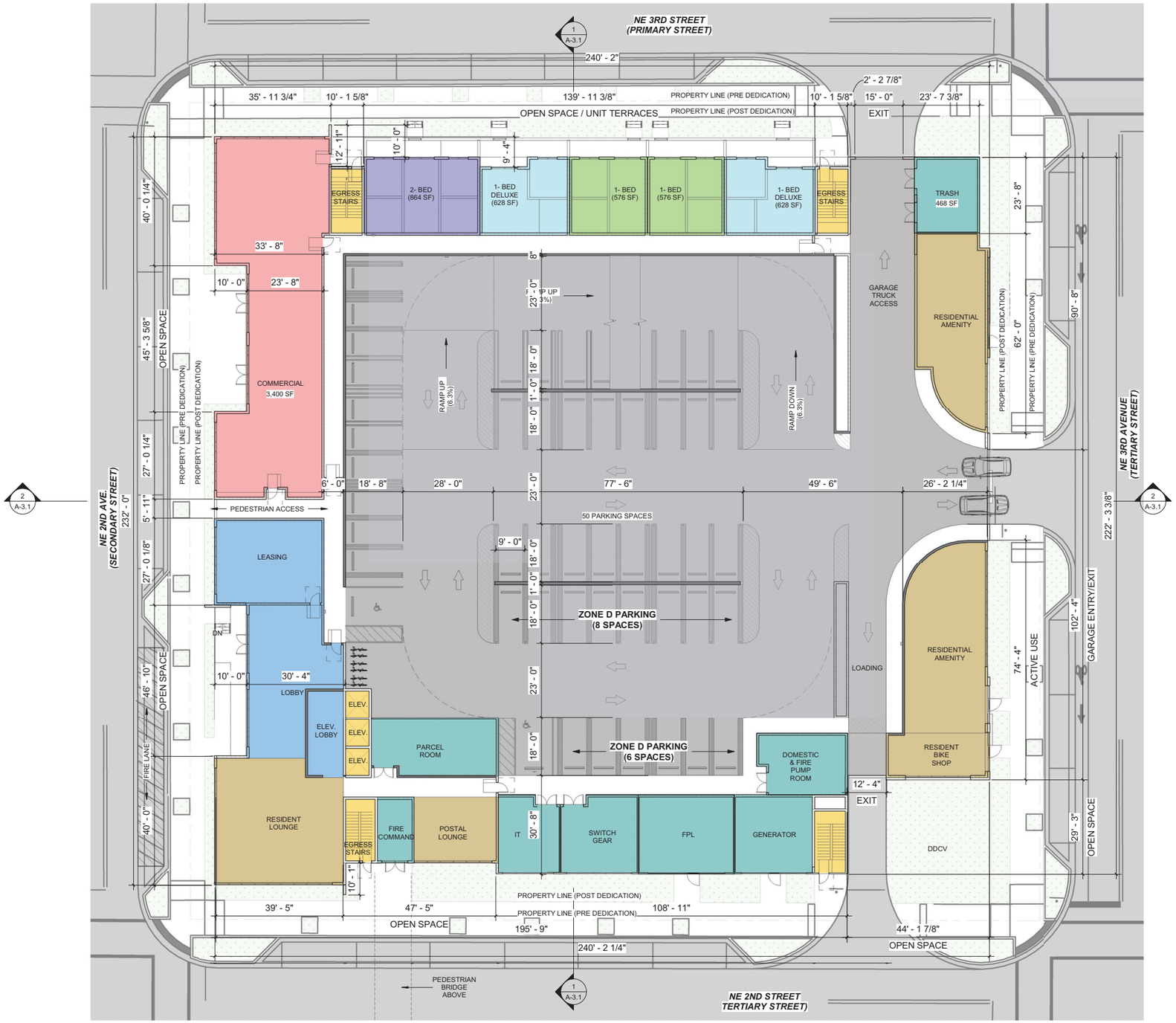
LEVEL 6 - ZONE B

STATE OF FLORIDA DANIEL E. ADACHE #AR7073 REGISTERED ARCHITECT
Digitally signed by Daniel Adache
DN: c=US, o=ADACHE GROUP ARCHITECTS, postalCode=A01410D0000017C74983310000029D2, cn=Daniel Adache
Date: 2023.02.15 14:04:24 -05'00'

A-1.8

adache group architects

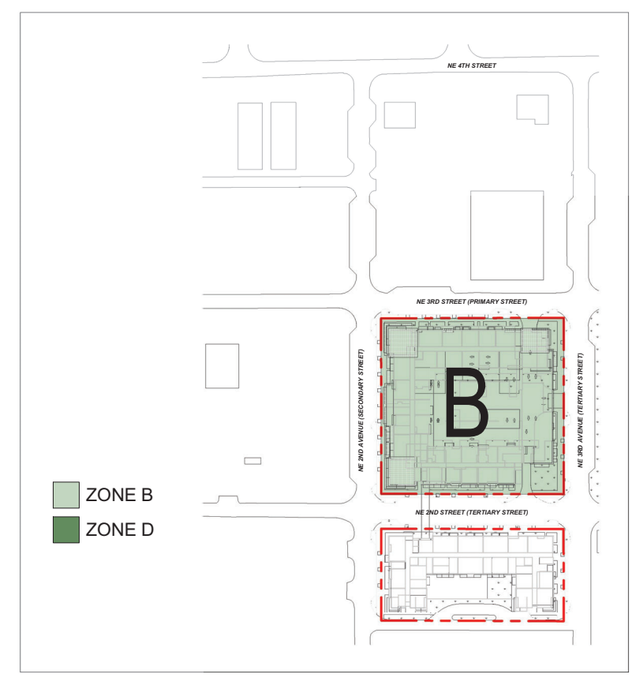
Staff Report Backup - Proposed Development Ground Floor Uses Plan



PLAN LEGEND

- EFFICIENCY STUDIO
- 1- BEDROOM
- 1- BEDROOM DELUXE
- 2- BEDROOM
- 3- BEDROOM
- AMENITY
- BOH
- CIRCULATION
- RETAIL
- VEHICULAR CIRCULATION & PARKING
- LANDSCAPE

EFFICIENCY UNITS	0
1 BEDROOM UNITS	2
1 BEDROOM DELUXE UNITS	2
2 BEDROOM UNITS	1
3 BEDROOM UNITS	0
DWELLING UNITS PER FLOOR	**5**



KEYPLAN

1 / A-1.1 **LEVEL 1 - ZONE B**

SCALE: 1/16" = 1'-0"

0 8'-0" 16'-0" 32'-0"
SCALE: 1/16" = 1'-0"

DRC
PZZ-12-100044
03/15/2023

LEVEL 1 - ZONE B

STATE OF FLORIDA DANIEL E. ADACHE #AR7073 REGISTERED ARCHITECT

Digitally signed by Daniel Adache
DN: c=US, o=ADACHE GROUP ARCHITECTS, dnQualifier=A01410D000001827888B31000029D2:CN=Daniel Adache
Date: 2023.02.15 14:07:01 -05'00'

SCHEMATIC
2022-024
12/12/2022

OLD TOWN II
POMPANO BEACH, 33060

A-1.1

adache group architects

Staff Report Backup - DPOD Permitted Uses Table

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
RESIDENTIAL USES																	
Single Family Res. (155.4202)	Dwelling, Single-family (2) (3)									P							
	Family Care Home (2) (3)																
Household Living Uses (155.4202)	Dwelling, live/work		P		P	P	P	P			P		P				
	Dwelling, multifamily		P		P	P	P	P	P		P		P				P
	Dwelling, single-family (zero lot line)					P	P		P								
	Dwelling, mixed-use		P		P	P	P	P			P		P				P
	Family community residence		P		P	P	P	P	P	P	P		P				
	Transitional community residence		P		P	P	P	P	P	P	P		P				
	Continuing care retirement community		P		P	P	P	P	P		P		P				
	Rooming or boarding house		P		P	P	P	P	P		P		P				
	Recovery community		P		P	P	P	P	P		P		P				P
INSTITUTIONAL USES																	
Community Service Uses (155.4205)	Community center	P	P (1)	P	P	P		P				P	P		P		P
	Library																
	Museum																
	Senior center																
	Youth center																

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
INSTITUTIONAL USES																	
Day Care (155.4206)	Adult Day Care Uses (2)	P	P (1)	P	P	P		P			P	P	P				
	Child Care Facility (2)	P	P (1)	P	P	P		P			P	P	P				P
Educational Uses (155.4207)	College or university	P	P (1)	P	P	P		P			P	P	P		P		P
	School, elementary																
	School, high																
	School, middle																
	Vocational or trade school																
Governmental Uses (155.4208)	Courthouse facility	P	P (1)	P	P	P		P				P	P		P		P
	Fire or EMS station																
	Government administration offices																
	Police station	P	P (1)	P	P	P		P				P	P		P		P
	Post Office																
Health Care Uses (155.4209)	Medical office	P (1)	P (1)		P	P		P			P	P	P				P
	Nursing home facility	P (1)	P (1)		P	P		P			P	P	P				

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
INSTITUTIONAL USES																	
Open Space Uses (155.4210)	Arboretum or botanical garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Cemetery or mausoleum													S			
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Park or greenway													P	P		
	Public square or plaza	P		P		P		P	P		P	P	P	P	P		P
Other Institutional Uses (155.4211)	Civic center	S	S (1)	S	S	S		S				S	S		S		
	Lodge or club	P	P (1)	P	P	P		P				P	P		P		
	Place of worship	P	P (1)	P	P	P		P	S	S	P	P	P		P		
Utility uses (155.4213)	Utility use, major															S	
	Utility use, minor															P	
Transportation Uses (155.4212)	Transportation Passenger Station/Terminal																P
COMMERCIAL USES																	
Animal Care Uses (155.4214)	Animal Grooming	P	P (1)	P	P	P		P			P	P	P				P
	Veterinary hospital or clinic	P	P (1)	P	P	P		P			P	P	P				

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
COMMERCIAL USES																	
Business Support Service (155.4216)	Business Service Center	P	P (1)	P	P	P		P			P	P	P				P
	Conference or Training Center																
	Day Labor Service																
	Employment agency (2) (3)																
	Parcel Services																
	Travel Agency																
Comm. or Membership Rec. (155.4217)	Amusement Arcade	P	P (1)	P	P	P		P			P	P	P				
	Arena, Stadium or Amphitheatre							P			S	S	S	S	S		
	Auditorium or Theatre	P	P (1)	P	P	P		P			P	P	P		P		
	Bowling Alley or Skating Rink	P	P (1)	P	P	P		P			P	P	P		P		
	Motion Picture theater	P	P (1)	P	P	P		P			P	P	P				
	Racquet Sports facility	P	P (1)	P	P	P		P			P	P	P				
	Other Indoor Comm. Rec. Use	P	P (1)	P	P	P		P			P	P	P				P

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
COMMERCIAL USES																	
Eating and Drinking Establishments (155.4218)	Bar or lounge	P	P (1)	P	P	P		P			P	P	P				P
	Brewpub																
	Hall for Hire																
	Nightclub																
	Restaurant																
	Specialty eating or drinking establishment																
Motor Vehicle Sales and Service Uses (155.4219)	Parking Deck or Garage (As a Principal Use)	P	P	P	P	P	P	P			P	P	P		P		P
	Parking Lot (As a Principal Use)	P	P	P	P	P	P	P			P	P	P		P		P
Office Uses (155.4220)	Professional Office	P	P (1)	P	P	P		P			P	P	P				P
Retail/Personal Services (155.4221)	Art, music, dance, or martial arts studio/school	P	P (1)	P	P	P		P			P	P	P				P
	Artist's, photographer's, or musician's studio																
	Bank or financial institution																
	Dry cleaning or laundry drop-off establishment																
	Fortune-telling establishment (2) (3)																
	Funeral home or mortuary (2)																
	Laundromat																

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
COMMERCIAL USES																	
Retail/Personal Services (155.4221)	Personal and household goods repair establishment	P	P (1)	P	P	P		P			P	P	P				P
	Personal services establishment																
	Tattoo or body piercing establishment (2) (3)																
Retail/Retail Sales (155.4222)	Antique store	P	P (1)	P	P	P		P			P	P	P				P
	Art gallery																
	Auction house (2) (3)																
	Book or media shop																
	Consignment boutique (2) (3)																
	Drug store or pharmacy																
	Farmers' market																
	Grocery store	P	P (1)	P	P	P		P			P	P	P				P
	Regional liquor or package store (2) (3)	S		S		S		S			S	S	S				S
	Beer or wine store	S		S		S		S			S	S	S				S
	Other retail sales establishment	P	P(1)	P	P	P		P			P	P	P				P

TABLE 155.3708.H.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only 2 = Not Permitted in Historic Core 3 = Not Permitted in Historic Transition

Use Types		Use Areas															
		MM1		MM2		MUR											
		1st & 2nd Floors	2nd Floor & above	1st floor	2nd Floor & above	1st & 2nd Floors	3rd Floor & above	MO	RM	RS	MUCP - All Floors	CC1 - All Floors	CC2 - All Floors	RO	CF	PU	TR
COMMERCIAL USES																	
Visitor Accommodation Uses (155.4225)	Condo Hotel	P	P (1)	P	P	P		P			P	P	P				P
	Bed and Breakfast inn																
	Hotel or Motel																

LOCHRIE & CHAKAS P.A.

Staff Report Backup - Applicant Response to Text Amendment Review Standards

1401 East Broward Boulevard, Suite 303
Fort Lauderdale, Florida 33301
Direct Dial: 954.779.1123
Email: NChakas@lochrielaw.com
Main Phone: 954.779.1119
Fax: 954.779.1117

December 13, 2022
Updated February 14, 2023

NARRATIVE ADDRESSING TEXT AMENDMENT REVIEW STANDARDS

I. PROPOSED AMENDMENTS:

1. **Section 155.3708.E.2. Height Bonus Options- Table**. Amend height bonus table for the Core and Center sub-area from 24' to 28' for Properties whose front lot line or street side lot line is directly abutting or located across a street from the designated public open space.

2. **Section 155.3708.K.3.a.iii. Massing Restrictions for the Historic Transition Area.** Amend the requirement pertaining to stepbacks above the podium to read:

   i. The portion of a building located above ~~60 feet~~ 6 stories in height shall not exceed 80% of pedestal area ~~and~~ or shall be setback a minimum of 20 feet from the front building line.

3. **Density Regulating Plan (Map).** Amend the modify the Transit Core Area Boundary to include properties along NE 3rd Avenue to allow for more residential opportunities within the building envelope. Density within the TCA boundary is only limited by the building envelope. This being a form based code, there are only so many units that can be placed in the building envelope.

4. **Use Regulating Plan (Map).** Amend the map to allow Mixed Use Residential on Parcels B and C (Mixed use residential is already allowed on the parcels to the south and west of Parcels B and C).

II. 155.2402.C. TEXT AMENDMENT REVIEW STANDARDS:

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;

Applicant's Response: The proposed text amendments further the following Objectives and Policies of the Comprehensive Plan:

LAND USE ELEMENT	
Objective:	**Major Corridor Land Use**
01.04.00	Support and promote the intermix of residential and commercial uses along major traffic corridors
Policies:	
01.04.01	The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass

	transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments
Objective:	**New Land Use Regulations**
01.07.00	Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations to facilitate sustainable and resilient redevelopment and support adaptation strategies in the build environment that accommodate the adopted sea level rise projections.
Policies:	
01.07.02	Continually review and amend new land use designations for Residential, Mixed Use, Transportation Oriented Districts.
01.07.03	Evaluate and revise the land use regulations to confirm to current development practices as to housing types and mixed use developments.
01.07.12	Through ongoing updates to the land development regulations revise parking codes and design criteria to include incentives for mass transit use.
Objective:	**Community Redevelopment**
01.08.00	Amend the Land Use Plan map and Zoning map to support new development and redevelopment in the Colllll1unity Redevelopment Areas.
Policies:	
01.08.01	Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings.
Objective:	**Smart Growth Initiative**
01.14.00	The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.
Policies:	
01.14.01	The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.
01.14.02	The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.
TRANSPORTATION ELEMENT	
Objective:	**Transit Oriented Corridor (TOC) Activity Center**
01.16.00	Facilitate mixed use development with access to transit stations or stops along existing and planned high performance transit service corridors (such as bus rapid transit or rapid bus) designated in the Pompano Beach Comprehensive Plan Transportation Element; the Broward County Transit Master Plan; the Broward County Metropolitan Organization's (MPO) Long Range Transportation Plan; and the Broward County Transit

	Development Plan, through the establishment of a Transit Oriented Corridor (TOC) land use category.
Objective:	**Level of Service**
02.02.00	Coordinate the transportation system with existing and future land uses as shown on the Future Land Use Map and ensure that existing and proposed population densities, housing and employment pattern and land uses are consistent with the transportation modes and services proposed to serve those areas.
Policies:	
02.02.10	The City will amend the Land Development Regulations for residential properties along major thoroughfares as necessary, and where feasible, to encourage higher densities which will in tum serve as a buffer between major roadways and low density neighborhoods, and support public transit. The City will coordinate amendments to its Future Land Use Plan with the County and FOOT and incorporate land use guidelines and site design guidelines in the Land Development Regulations based on the feasibility study and as needed to assure accessibility of new development and redevelopment to public transit.

2. Does not conflict with any provision of this Code or the Code of Ordinances.

Applicant's Response: The proposed text amendments to the height incentives, design guidelines and Regulating Plan Maps to do not conflict with any other provision of the code.

3. Is required by changed conditions.

Applicant's Response:

a. Amendment to height incentive chart:

The proposed amendment to the height incentive chart is a nominal increase in height from 24' to 28' (4' net increase in height bonus). The proposed amendment is limited to the Core and Center Areas and does not affect the peripheral areas of the DPOD. The City measures height is measured as follows:

> **The height of a structure shall be determined by measuring the vertical distance from the *average elevation of the existing finished grade at the front of the structure* to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof (See Figure 155.9401.G: General Height Measurement.). Zoning Code Sec. 155.9401.**

Because the average finished grade at the front of structure is fixed, any changes in the flood elevation regulations which requires the finished floor to be higher reduces the effectiveness of the height incentives and does not allow for the code to respond to sea level rise. When the finish floor elevations and other codes such as FEMA have changed throughout the years the allowable building height has not been similarly updated.

The proposed project will be at 17.50 NAVD. In the 5 years between the time that Old Square I was permitted (this is a project one block away developed by the same

development group), the FEMA requirements have increased by almost a foot, but the way the City measures height has not changed, thereby penalizing the developer whenever there are changes to flood elevation requirements.

In addition to the foregoing, the proposed increase in height will also allow for additional area to accommodate building systems, duct work, etc. while still allowing ceiling heights to be at levels acceptable to the market conditions.

b. Design standard to the Historic Transition Area:

Proposed change: "The portion of a building located above ~~60 feet~~ 6 stories in height shall not exceed 80% of pedestal area ~~and~~ or shall be setback a minimum of 20 feet from the front building line."

The proposed text amendment to 6 stories will be consistent with other provisions of the code which speak to requirements in terms of stories rather than feet. In addition, the provision was intended to regulate bulk and scale of a building, and the proposed modification to the portion of the building to be 80% of the pedestal area OR setback a minimum of 20 feet from the front building line still achieves the goal of regulation the bulk of the building over the podium.

c. Density Regulating Map: The density of the area subject to the proposed code amendment is currently capped at 36-60 units per acre. It is now clear that this density is limiting the development community's ability to deliver the number of residents needed to support a vibrant downtown and provide users of mass transit.

d. Use Regulating Map: By changing the map to allow mixed uses on additional parcels in the DPOD, this will enable the developer to construct a development that incorporates ground floor commercial uses with a vertical integration of residential uses. Having the a mixture of uses within the same building reduces the dependency on the automobile. The proposed expansion of the Mixed Use Residential (MUR) properties is also logical given the location across from Founders Park.

4. Addresses a demonstrated community need;

The growth rate in south Florida is rapidly increasing, and the corresponding development patterns and the land development regulations need to address this immediate and long term population growth. Allowing the additional height incentives, modification to TCA boundary and allowing mixed uses across from Founders Park is a logical way to encourage quality development which responds to the population growth.

5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

Applicant's Response:
Intent and Purpose: The Downtown Pompano Beach Overlay district (DPOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development.
The proposed text amendments are consistent with both the TO Zoning District and the DPOD. The amendments are consistent with the properties to the west and ensure that there is an efficient development pattern given the surrounding area and proximity to major transit corridors. Since the developments sites to the west already allow mixture of uses and heights

in excess of 105' with incentives, the proposed code amendments are compatible and in line with the area.

6. Would result in a logical and orderly development pattern.

Applicant's Response: The proposed code amendments would permit development that is consistent with the transit-oriented development pattern and allow for additional residential and mixed use to be brought to the area. This is particularly important as consideration is being given to a possible commuter rail stop in the City of Pompano just blocks away from the proposed assemblage of parcels affected by the code amendments.

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Applicant's Response: There are no environmentally sensitive lands affected by the proposed amendments and existing infrastructure systems will be utilized to serve the area and mitigate any impacts associated with that development. Indeed, the proposed amendments will allow for more active uses to be constructed near city services (transit, parks, etc).