

PLANNING AND ZONING BOARD
Meeting Date: DECEMBER 18, 2024.

..title

TEXT AMENDMENT – REMOVE RESIDENTIAL REQUIREMENT FROM PORTION OF ONE BLOCK

Request:	Text Amendment – Remove Residential Requirement
P&Z#	24-81000003
Owner:	OT Property Group LLC
Project Location:	Unified Property around 217 NE 3rd Street
Folio Number:	484235170100, 484235170131
Land Use Designation:	DPTOC (Downtown Pompano Beach Transit Oriented Corridor)
Zoning District:	TO-DPOD (Transit Oriented Downtown Pompano Beach Overlay District)
Commission District:	2 (Rhonda Sigerson-Eaton)
Agent:	Nectaria Chakas (nchakas@lochrielaw.com)
Project Planner:	Max Wemyss (max.wemyss@copbfl.com / 954-786-4671)

Summary:

Following preliminary development review meetings with Staff, the property owner, in coordination with the applicant of a Site Plan (PZ24-12000019 – Pompano Pickle) on the subject property, has initiated this Text Amendment. The amendment is to the DPOD Density Regulating Plan to remove the requirement for a minimum residential density for the subject property only. The option to provide residential remains, should the active development application not advance and this amendment be approved, any future development application will be able to provide a commercial project, a residential project, or a mixed-use project on the subject property rather than a residential project or a mixed-use project as permitted today.

CODE AMENDMENT, AS SUBMITTED BY THE APPLICANT

155.3708. Downtown Pompano Beach (DP) Overlay District

...

Amendments to Regulating Plans/Maps for DP Overlay District

Density Regulating Plan (Section 155.3708.F.1)

P&Z

PZ24-81000003

12/18/2024

Existing DPOD Density Regulating Plan / Legend (Subject block highlighted in red)

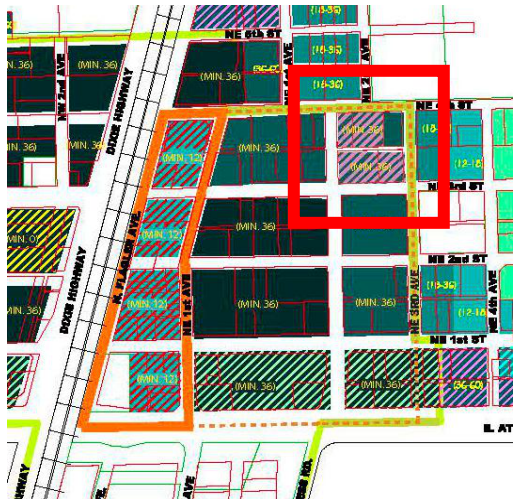
Note: Full size (legible) versions available in the backup



LEGEND	
DENSITY- REGULATING PLAN	
	(R,R) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(O,R) OPTIONAL RESIDENTIAL : (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(R,R) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET), (1)
	(R,R) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 4 UNITS / ACRE NET, MAX. 9 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX. 9 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 1 UNIT / ACRE NET, MAX. 4 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) RESIDENTIAL OPTIONAL: (MIN. 0 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET), (1)
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(T.C.A.) TRANSIT CORE AREA BOUNDARY

Notes: (1) The maximum permitted density shall not apply to residential developments within the T.C.A. boundary. The maximum density for residential development within the T.C.A. boundary shall only be limited by the building envelope, which is prescribed by the maximum permitted building height, tower floorplate sizes, and building length.

The current designation on the Density Regulating Plan is Residential Required / Minimum 36 Dwelling Units Per Acre.



LEGEND	
DENSITY- REGULATING PLAN	
	(R,R) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(O,R) OPTIONAL RESIDENTIAL : (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(R,R) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET), (1)
	(R,R) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 4 UNITS / ACRE NET, MAX. 9 UNITS / ACRE NET),
	(R,R) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX. 9 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 1 UNIT / ACRE NET, MAX. 4 UNITS / ACRE NET),
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET),
	(O,R) RESIDENTIAL OPTIONAL: (MIN. 0 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET), (1)
	(O,R) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET), (1)
	(T.C.A.) TRANSIT CORE AREA BOUNDARY

Notes: (1) The maximum permitted density shall not apply to residential developments within the T.C.A. boundary. The maximum density for residential development within the T.C.A. boundary shall only be limited by the building envelope, which is prescribed by the maximum permitted building height, tower floorplate sizes, and building length.

P&Z

PZ24-81000003

12/18/2024

The proposed designation on the Density Regulating Plan is Residential **Optional** / Minimum 36 Dwelling Units Per Acre.

The proposed text amendment seeks to amend the Downtown Pompano Overlay District (Section 155.3708) to be consistent with an active Development Application (PZ24-12000019). The code amendment would amend the DPOD in order to allow a commercial (including commercial recreation, as proposed) use as the sole use of a development rather than incorporated into a mixed-use development (with a minimum of 36 dwelling units per acre / or a minimum of 63 units for the subject property) as currently required.

This amendment does not change the entitlement for the subject property as any future development may still incorporate the residential development, as previously permitted. The DPOD will continue to require residential for any multi-story development (three floors or more) prohibiting commercial development above the third floor.

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.

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.

Alternative Motion I

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

Alternative Motion II

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

Exhibit: Existing DPOD Density Regulating Plan,
subject parcels in red box



LEGEND	
DENSITY- REGULATING PLAN	
(36-80) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET).(1)
(36-80)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL : (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET).(1)
(36-60) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET).
(36-60)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET).
(18-36) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET).
(18-36)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET).
(12-18) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET).
(12-18)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET).(1)
(4-18) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX 18 UNITS / ACRE NET).
(4-9) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX 9 UNITS / ACRE NET).
(1-9) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX 9 UNITS / ACRE NET).
(1-4) 	(R.R.) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX 4 UNITS / ACRE NET).
(0-18)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX 18 UNITS / ACRE NET).
(0-60)(O.R.) 	(O.R.) RESIDENTIAL OPTIONAL: (MIN. 0 UNITS / ACRE NET, MAX 60 UNITS / ACRE NET).(1)
(0-80)(O.R.) 	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET, MAX 80 UNITS / ACRE NET).(1)
(T.C.A.) 	(T.C.A.) TRANSIT CORE AREA BOUNDARY

Note (1): The maximum permitted density shall not apply to residential developments within the T.C.A. boundary.
The maximum density for residential development within the T.C.A. boundary shall only be limited by the building envelop which is prescribed by the maximum permitted building height, tower floorplates sizes, and building length.

P&Z

Density Regulating Plan

Diagram I55.3708.F

Proposed DPOD Density Regulating Plan, subject parcels highlighted in red box



LEGEND	
DENSITY REGULATING PLAN	
(36-80)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET).
(36-80) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL : (1) (MIN. 36 UNITS / ACRE NET, MAX. 80 UNITS / ACRE NET).
(36-60)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET).
(36-60) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL: (1) (MIN. 36 UNITS / ACRE NET, MAX. 60 UNITS / ACRE NET).
(18-36)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET).
(18-36) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL: (1) (MIN. 18 UNITS / ACRE NET, MAX. 36 UNITS / ACRE NET).
(12-18)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET).
(12-18) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL: (1) (MIN. 12 UNITS / ACRE NET, MAX. 18 UNITS / ACRE NET).
(4-18)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX 18 UNITS / ACRE NET).
(4-9)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 4 UNITS / ACRE NET, MAX 9 UNITS / ACRE NET).
(1-9)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX 9 UNITS / ACRE NET).
(1-4)	(R.R.) RESIDENTIAL REQUIRED: (MIN. 1 UNIT / ACRE NET, MAX 4 UNITS / ACRE NET).
(0-18) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET,MAX 18 UNITS / ACRE NET).
(0-60) (O.R.)	(O.R.) RESIDENTIAL OPTIONAL: (MIN. 0 UNITS / ACRE NET,MAX 60 UNITS / ACRE NET)
(0-80) (O.R.)	(O.R.) OPTIONAL RESIDENTIAL: (MIN. 0 UNITS / ACRE NET,MAX 80 UNITS / ACRE NET)
(T.C.A.)	(T.C.A.) TRANSIT CORE AREA BOUNDARY
—	HISTORIC CORE
- - - -	HISTORIC TRANSITION

NOTE: (1): The maximum permitted density shall not apply to residential developments within the T.C.A. boundary. The maximum density for residential development within the T.C.A. boundary shall be limited by the building envelope, which is prescribed by the maximum permitted building height, tower floor plate sizes, and building length.