



City of Sunrise Board of Adjustment Meeting Minutes

Date: Tuesday, June 4, 2019

Time: 6:00 p.m.

Location: City Hall Annex

Address: 1601 N.W. 136 Avenue, Building A, Suite 100 – Sunrise, FL 33323

A. Call to Order

Ms. Levin called the meeting to order at 6:00 p.m.

B. Pledge of Allegiance and Moment of Silence

C. Roll Call

Board Members Present: Cheryl Levin, Steve Martinetti, Dorothy Cook, Barry Fox, Doreen Albert, and Mustafa Albassam.

City Staff Present: Jim Koeth, Marianne Edge and Nathalie Augustin.

D. Open Discussion – Public Participation

There were no members of the public present.

E. Approval of Minutes for May 7, 2019 Meeting

Mr. Martinetti motioned to approve the minutes. Seconded by Mr. Fox. There was no further discussion.

Roll Call:

Cheryl Levin	Yea
Dorothy Cook	Yea
Steve Martinetti	Yea
Barry Fox	Yea
Doreen Albert	Yea

F. Old Business

As discussed at the Board of Adjustment meeting on Tuesday, May 7, 2019, the Board acknowledged their receipt of the Land Development Code that covers the responsibilities and duties of the Board of Adjustment.

****Mr. Albassam arrived at 6:02 p.m.****

G. New Business

1. Application:	Pine Plaza – McDonald’s (Special Exception)
Application Number:	18:102 (87:70025)
Applicant:	McDonald’s Corporation
Property Owner:	McDonald’s Corporation
Use:	Fast Food Restaurant with Drive-Through
Location:	4301 North Pine Island Road
Folio:	4941.2033.0050
Current Zoning:	B-3 (General Business District)
City Commission Meeting:	June 25, 2019
C Number:	C19121
Planner:	Marianne Edge, AICP

Ms. Marianne Edge, Assistant City Planner, summarized the Staff Report with the entire report entered into the record. Ms. Edge indicated the proposal is to renovate an existing McDonald’s restaurant.

Mr. Craig McDonald, of Corporate Property Services, was present and provided an overview of this application.

Ms. Albert asked if McDonald’s would be constructing a butterfly conservatory. Mr. McDonald clarified there will be landscaping that will attract butterflies.

Ms. Cook expressed pedestrians concerns along the west side of the property and asked if the drive-through would be reconfigured. Mr. McDonald replied McDonald’s will maintain the existing drive-through and there is no proposal to reconfigure the drive-through area at this time.

Mr. Fox asked if there would be any façade changes to the building. Mr. McDonald replied there will be external and internal renovations to the building.

Mr. Martinetti asked for clarification about the location of the previously approved playland within the site per the Staff Report. Ms. Edge clarified that the original approved location of the playland was north of the building, but that the Site Plan was later revised and the playland was relocated to the south of the building.

Mr. Albassam asked if there would be dual lanes at the drive-through. Mr. McDonald replied the drive-through will remain as a single lane.

Ms. Levin asked about the use of the playground area, and why this feature is no longer wanted. Mr. McDonald advised the franchisee at this site has reported patrons are no longer playing in that area as originally designed.

Mr. Martinetti motioned to approve Staff’s recommendation. Seconded by Mr. Albassam. There was no further discussion.

Roll Call:
 Cheryl Levin Yea
 Dorothy Cook Yea
 Steve Martinetti Yea
 Barry Fox Yea
 Doreen Albert Yea
 Mustafa Albassam Yea

H. Board Forum

The Board briefly discussed submitting Form 1F.

I. Adjournment

Mr. Martinetti motioned to adjourn the meeting. Seconded by Ms. Cook. All were in favor.

****Mr. Lebrun arrived at 6:16 p.m.****

The meeting adjourned at 6:16 p.m.

Transcribed by:

Nathalie Augustin
 Board Secretary

Date

NOTE TO READER:

- If these minutes do not bear the date of approval, this indicates that they are not the final approved minutes and will become the official minutes when approved by the Board.
- Approved at the Board of Adjustment Meeting of: _____
- If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S.S. 286.0105.
- Policy of non-discrimination on the basis of handicapped status; equal opportunity employer.
- Any person who believes he or she has a disability requiring the use of auxiliary aids and services at this meeting may call the Board Secretary, at (954) 746-3281 at least two (2) business days prior to the meeting to advise of his/her special requirements.



STAFF REPORT

SUNRISE LIQUOR (SPECIAL EXCEPTION)

Summary

This is an application for Special Exception use approval of a proposed liquor and alcoholic beverage store known as Sunrise Liquor located at 10057-B Sunset Strip within the Nob Hill Place shopping center, as shown on the location map. The property is zoned B-3 (General Business District) and the underlying land use is C (Commercial) on the City's Future Land Use Map. The use requires City Commission approval per Subsection 16-79(d) of the Land Development Code (LDC) for a Special Exception.

General Information

The proposed liquor store is to be located within an approximately 3,000 square foot bay. Other uses in the shopping center include restaurants, grocery stores, various retail uses, beauty salons, offices, and a day care center. Pursuant to Section 16-79 of the Land Development Code, special exception use approval is required for a liquor and alcoholic beverage store.

The center is bounded on the west and north by residential development zoned RS-5 (Low Density Single-Family Residential District) and RM-25 (Higher Density Multiple-family Residential District). Property along the east and south of the center are zoned B-3 (General Business District) and includes commercial development and the Nob Hill Soccer Club Park.

Project Description

Section 3-1 of the Code of the City of Sunrise (the "City Code") requires a separation distance of 600 feet between a merchant of alcoholic beverages and any existing place of worship, public or private school, and public park. However, if said merchant is located within a shopping center existing prior to May 8, 2012, the place of worship separation requirement is not applicable. Staff notes that the nearest school, Nob Hill Elementary, is located approximately 900 feet to the southwest and the nearest park, Nob Hill Soccer Club Park, is located approximately 650 feet southwest of the proposed merchant. Furthermore, the Nob Hill Place shopping center existed prior to May 8, 2012 and therefore the places of worship separation distance is not applicable. The proposed liquor store use complies with the distance separation requirements of the City Code.

The applicant proposes to operate the liquor store Monday through Saturday between 9:00 a.m. and 9:00 p.m. and Sundays from 11:00 a.m. to 8:00 p.m., complying with City Code Section 3.4. The applicant will employ at least two (2) people at any given time.

Staff Evaluation

The applicant has addressed the criteria established in Section 16-36(d) of the LDC for the granting of a Special Exception use as follows:

IMPACT ON SURROUNDING PROPERTIES: The proposed liquor store will be located within an existing commercial shopping center. It is not anticipated to interfere with the rights of adjacent properties or create any unreasonable disruption to the area. The applicant indicates that the safety and welfare of minors is a priority and the store will have robust protocol for restricting the purchase of alcohol by minors.

TRAFFIC: The business will utilize the existing access to the plaza on North Nob Hill Road and Sunset Strip. No negative impacts are anticipated on any residential streets. Deliveries are expected to occur Monday through Friday between 9:00 a.m. and 12:00 p.m. and will utilize the existing loading areas in the rear of the shopping center. During deliveries the showroom door will remain locked for safety and inventory control.

COMPREHENSIVE PLAN: The proposed liquor store use is consistent with the following goal of the Future Land Use Element of the Comprehensive Plan:

Future Land Use Goal 2: Provide for a varied and diverse mix of commercial opportunities to serve the residents of the City of Sunrise and the South Florida region.

The applicant states that the proposed use provides needed retail shopping that adds diversity to the commercial development serving the City of Sunrise.

OTHER FACTORS:

The applicant states that only people of legal age will be permitted to purchase alcoholic beverages and all employees will receive training about the importance of safety measures regarding underage drinking and substance and alcohol abuse. All employees will learn how to verify a license and when to deny a sale. Pursuant to City Code Section 3-6, the applicant will post the following sign:

“WARNING. DRINKING WINE, BEER OR OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.”

Additional security will be provided via a multi-camera CCTV system which will include remote monitoring capabilities. In addition, the applicant has proposed a number of safety and security measures, as listed in the voluntary conditions below, as well as indicating the store will actively support the Foundation for Advancing Responsibility.


Staff Recommendation to the Board of Adjustment, November 4, 2020

Staff finds this application meets all applicable LDC requirements for the granting of Special Exception use. Therefore, Staff recommends approval subject to the following conditions:

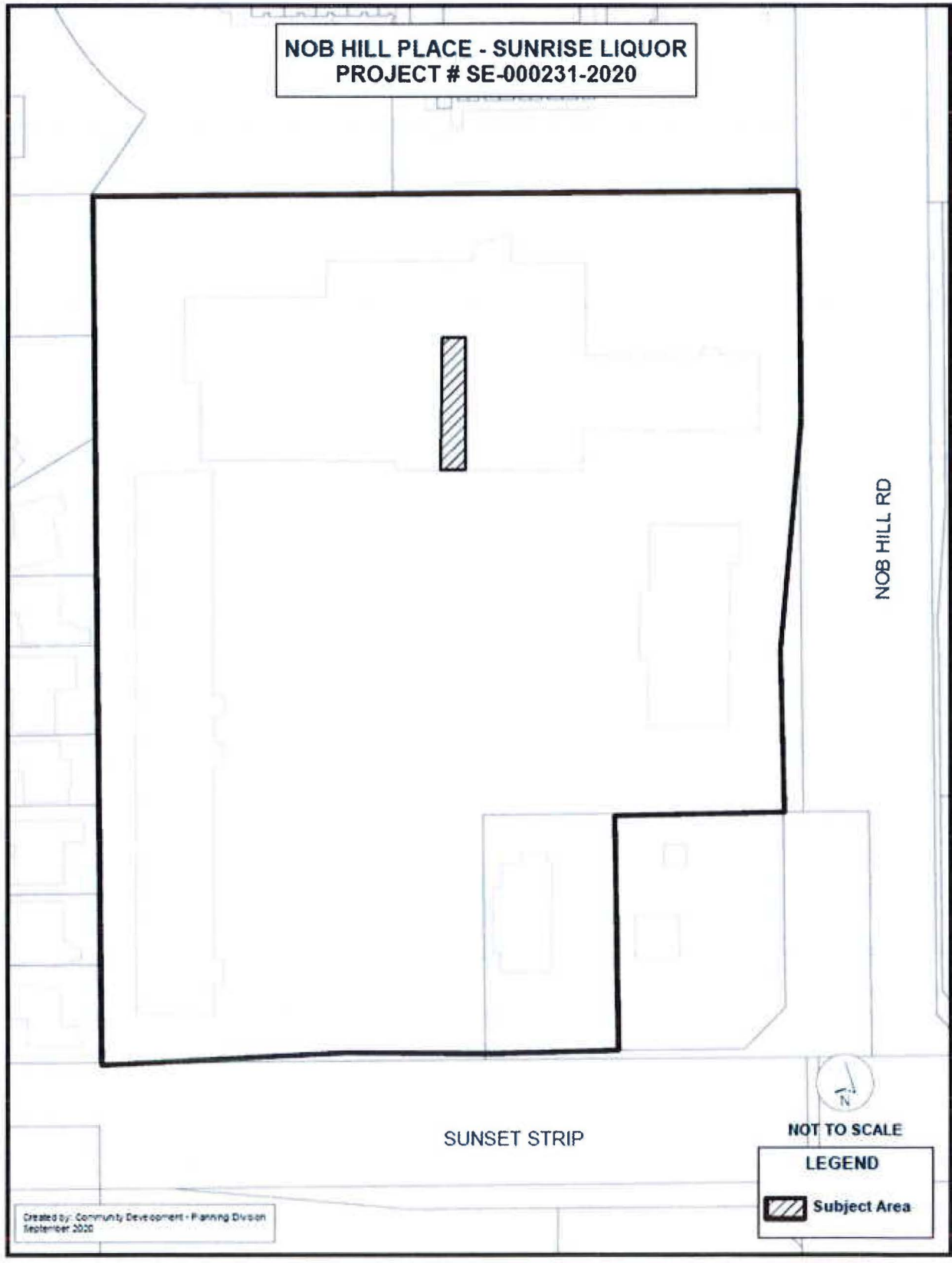
1. Obtain a liquor license issued from the State of Florida Department of Business Regulation, Division of Alcoholic Beverages and Tobacco and provide a copy to the Planning Division.
2. Post, in a highly visible area, a sign reading, "WARNING. DRINKING WINE, BEER OR OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

The applicant has voluntarily committed to the following conditions which will be required as a part of this use's approval, and will be completed prior to issuance of Business Tax Receipt to improve the health, safety and welfare:

1. Deploy a multi-camera CCTV system with remote monitoring capabilities, night-vision and motion detection capabilities.
2. Installation of height marker decals along the doorframes at the entrance and exit.
3. Install a monitored alarm system.
4. Register under the City of Sunrise "Trespass Program."
5. Require all employees be trained on safety measures regarding underage drinking, substance and alcohol abuse.
6. Maintain the following hours for the liquor store: Monday through Saturday between 9:00 a.m. and 9:00 p.m., and Sundays from 11:00 a.m. to 8:00 p.m.
7. Delivery hours for the proposed liquor store will be limited to 9:00 a.m. to 12:00 p.m. Monday through Friday. All delivery vehicles will utilize the existing loading areas in the rear of the shopping center.

Planner: Marianne Edge, AICP
File No. SE-000231-2020 (79:4001) 

Location Map



August 4, 2020
revised September 10, 2020

From: Pravina Patel
DIVYABHAV LLC
10875 Madison Dr
Boynton Beach, FL 33437

To: The City of Sunrise

Subject: Revised Letter of Intent for Sunrise Liquor Store

To Whom It May Concern,

I am writing this letter of intent to the City of Sunrise as part of my application to open a liquor store at Nob Hill Place.

I am a business entrepreneur. I started my journey back in 1999 and opened my first store with Dunkin. I have been in business for the last 20 years. A storefront business in the City of Sunrise is a sole purpose of investment. Granting the permission is not just beneficial for me but also for the City of Sunrise. It will help create an opportunity for me as a person to contribute to Bright Futures with the help of Florida Lotto system. As an entrepreneur I will be able help the local economy and I will provide jobs for employees. There will be at least two employees working at any given time.

A few of my innovations will contribute to society by raising awareness for safe drinking and drinking under the influence. There will be banner and signs throughout the store to help customer understands the consequences of being under the influence of alcohol. There will also be banners with the hotline for Substance Abuse and Selling to Minors. The store will actively support the Foundation for Advancing Alcohol Responsibility Resource Center and continue to provide staff training.

Store operations will include strict protocol for employees to check photo ID before any attempted purchase, thus denying those who are underage or do not have photo ID the right to purchase alcohol and tobacco products.

All customers will be asked to show photo ID before making a purchase. If a customer does not have photo ID or is underage, the purchase will be rejected, and the individual will be asked to leave the premises immediately. Should the employee get pushback, the police will be notified immediately.

Employee training will include mandatory participation in online courses and seminars that stress the importance of safety measures regarding underage drinking and substance and alcohol abuse. All employees will learn how to verify a license and when to deny a sale.

Hours of operation will be Monday through Saturday from 9am to 9pm and Sunday from 11am to 8pm. Hours will be adjusted per local and state laws as required.

Deliveries will be accepted through the back door only. Permitted delivery hours will be Monday through Friday from 9am to noon. The storeroom doors will remain locked any time the delivery entrance is opened. This will allow for full inventory control and inventory receipt confirmation before product is put on shelves. The storeroom, office, and cooler doors will always be secure, and non-employees will not be allowed to access storage areas.

Security measures include a multi-camera CCTV system to cover all parts of the store, and the system will have remote monitoring capabilities from any mobile device. There will be video surveillance of POS stations. Cameras will include sensor detection and night vision to further deter theft and minimize loss prevention.

To address the concerns in the second DRC review dated September 3, 2020:

A liquor store on this Property requires special exception approval by the City Commission. Section 16-36(d) of the City's Land Development Code sets forth the City's requirements for a special exception, and this application meets the qualifications as follows:

1. Impact on surrounding properties: As explained in the above paragraphs, the safety and welfare of the minor residents of the area is a priority, and the store will have robust protocol for restricting the purchase of alcohol by minors.

In addition, a liquor store in this location will not interfere with nor disrupt surrounding neighborhoods. The store location is bounded by retail stores within Nob Hill Place, which sits on the corner of Sunrise Strip and Nob Hill Road.

Finally, the entrance to the liquor store is more than 600 feet away from the public park on the south side of Sunrise Strip, which ensures that the store will have little, if any, negative effect on the park.

2. Traffic: There will be no impact to traffic because the retail store is within an existing shopping center which meets all traffic and parking requirements.

3. Comprehensive Plan: Goal 2 of the Sunrise Comprehensive Plan is to "provide for a varied and diverse mix of commercial opportunities to serve the residents of the City and the South Florida Region." The establishment of a retail liquor store in a vibrant shopping center is attractive to the residents of the City of Sunrise and the South Florida Region.

4. Other factors: Any other factors which may be reasonably calculated to materially affect public health, safety and welfare, including underage purchases, security, and education about the consequences of being under the influence of alcohol have been addressed throughout this Letter of Intent.

In conclusion, Sunrise Liquor complies with the requirements for a special exception approval. As a business entrepreneur I would like to further my relationship with the City of Sunrise for many years to come.

Best Regards,
Pravina Patel
DIVYABHAV LLC

PJ Patel

Sunrise Liquor

10057B Sunset Strip Sunrise, FL 33322

October 9th, 2020

To the Police Department of Sunrise Florida,

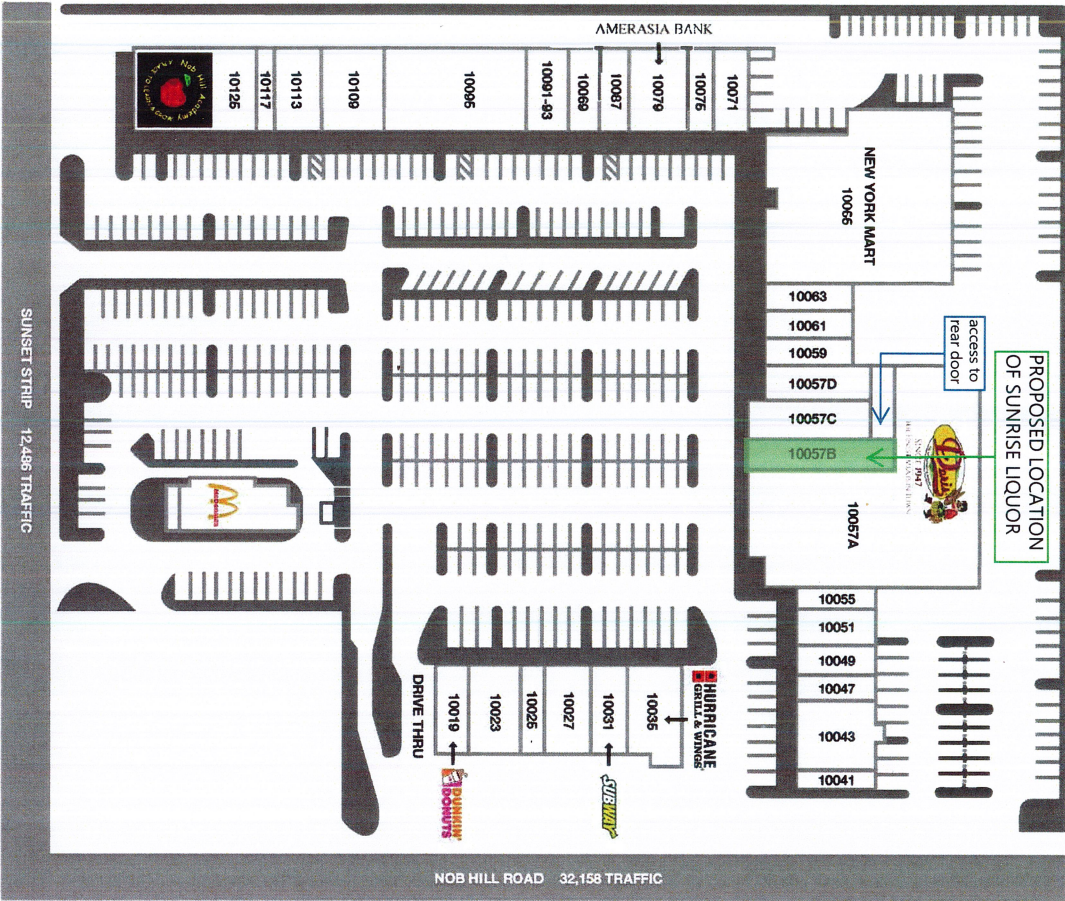
As an owner of Sunrise Liquor, I would like to address a few comments and concerns. We are working to ensure safety for our customers and our employees. We have placed CCTV cameras all around the facility, cameras will include night vision, and Motion detected sensors. Furthermore, an alarm system will be placed to ensure there are no break-ins. Height markers will be placed along the doorframe at the entrance and exit. Sunrise liquor will partner up with the police department of Sunrise with your trespassing program to ensure the safety of our customers. As far as landscaping is concerned, there is no landscaping around the location, so traffic will not be hindered. The "WARNING. DRINKING WINE, BEER OR OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS" sign will be placed in a highly visible area within the store in compliance to City Code Section 3-6. If you have any concerns or comments, I'll be more than happy to answer.

Thank You,

Pravina Patel

954-415-6066





SUNSET STRIP 12,486 TRAFFIC

NOB HILL ROAD 32,158 TRAFFIC

PROPOSED LOCATION
OF SUNRISE LIQUOR

access to
rear door

NEW YORK MART
10056

10063
10061
10059
10057D
10057C

10055
10051
10049
10047
10043
10041

10057A

10055
10051
10049
10047
10043
10041

HURRICANE
GRILL & WINGS

SUN WAGON

DONUTS

DRIVE THRU

AMERASIA BANK



Application for Sunrise Liquor
10057B Sunset Strip



front of bay 10057B formerly Remodeling Tile & Bath



rear access to bay 10057B (formerly Sunshine City Trade) through internal hallway