



## City of Sunrise Planning and Zoning Board Meeting Minutes

Date: Thursday, January 5, 2023  
Time: 6:00 p.m.  
Location: City Hall Annex – Osprey Conference Room  
Address: 1601 NW 136 Avenue, Building A, Suite 100 – Sunrise, FL 33323

### A. Call to Order

Ms. Storms called the meeting to order at 6:03 p.m.

### B. Pledge of Allegiance and Moment of Silence

### C. Roll Call / Attendance

Board Members Present: Jane Storms – Chairperson  
James TabEEK – Vice Chairperson  
David Iannacone  
Vivi Assidon  
Natalie Marino

Board Member(s) Absent: Shanesa Mykoo

City Staff Present: Jim Koeth – Assistant Director/City Planner  
Marianne Q. Edge – Assistant City Planner  
Elizabeth “Gabriela” Ruiz – Board Secretary/Planning Aide

Ms. Storms welcomed Natalie Marino to the 2023 Planning and Zoning Board.

### D. Open Discussion – Public Participation

There were no members of the public present at this meeting.

### E. Elections

#### 1. Election of Chairperson of the 2023 Planning and Zoning Board

Mr. Iannacone motioned to elect Ms. Storms as Chairperson. Seconded by Mr. TabEEK. Nominations were closed.

Roll Call

Jane Storms	Yea
James TabEEK	Yea
David Iannacone	Yea
Vivi Assidon	Yea
Natalie Marino	Yea

2. *Election of Vice - Chairperson of the 2023 Planning and Zoning Board*

Mr. Assidon motioned to elect Mr. TabEEK as Vice-Chairperson. Seconded by Mr. Iannacone. Nominations were closed.

Roll Call

Jane Storms	Yea
James TabEEK	Yea
David Iannacone	Yea
Vivi Assidon	Yea
Natalie Marino	Yea

**F. Approval of Minutes – September 1, 2022 Meeting**

Mr. TabEEK motioned to approve the minutes. Seconded by Mr. Assidon. There was no further discussion.

Roll Call

Jane Storms	Yea
James TabEEK	Yea
David Iannacone	Yea
Vivi Assidon	Yea
Natalie Marino	Yea

**G. Old Business**

There was no old business brought before the Board.

## H. New Business

<b>1. Application:</b>	<b>Sawgrass Mills – Entry 1/1B &amp; West Food Court (Revised Site Plan)</b>
Application Number:	RSP-000147-2022 (87:90002)
Applicant:	Sunrise Mills (MLP) Limited Partnership
Property Owner:	Sunrise Mills (MLP) Limited Partnership
Use:	Commercial
Location:	12801 W. Sunrise Boulevard
Folio(s):	4940.2605.0080
Current Zoning:	B-3 (General Business District) within the Western Sunrise Entertainment District and the Western Sunrise Area
City Commission Meeting:	January 24, 2023
C Number:	C22298
Planner:	Marianne Edge, AICP

Ms. Marianne Edge, Assistant City Planner, summarized the Staff Report with the entire report entered into the record. Ms. Edge explained the architectural revisions being proposed at the courtyard entrance of Entry 1, Entry 1B and the West Food Court.

Mr. Paul Janyska, Vice President of Project Management at Simon, and Mr. Scott Peavler, Landscape Architect at Craven Thompson, were present and provided further information about the proposal.

Mr. Assidon asked why the entries are being modified again. Mr. Janyska replied due to the impact of the Covid-19 pandemic, there were construction materials that were no longer available. Mr. Janyska added that Simon can now obtain certain construction materials, so the changes proposed revise the plans for these entrances to allow them to complete the project, improving upon their previous condition while meeting the expected design standards.

Ms. Storms asked why are the lights being removed from the bollards. Mr. Janyska replied the bollard lights were for decorative purposes, and it would be challenging to run the electrical lines that would be necessary. Mr. Janyska added due to functionality, such as constant lightbulb replacements, it is more efficient to remove the lights. Mr. Peavler added the bollard lights did not add value to the photometrics and the existing lights poles provide enough lighting.

Mr. Assidon asked if there will be additional light poles installed. Mr. Peavler replied the existing lights meet the Code and there will not be additional light poles installed.

Ms. Storms expressed her satisfaction with the landscaping.

Mr. Iannacone requested further clarification regarding the renovations at Entry 1B. Mr. Janyska provided further information.

Mr. Assidon motioned to approve the application with Staff recommendation. Seconded by Mr. Tabeek. There was no further discussion.

Roll Call

Jane Storms	Yea
James Tabeek	Yea
David Iannacone	Yea
Vivi Assidon	Yea
Natalie Marino	Yea

**I. Land Development Code Amendments**

Mr. Koeth indicated there are no Land Development Code amendments to present at this time.

**J. Development Project Update**

Mr. Koeth provided the Board with an update regarding an application reviewed and approved by the Board at its last meeting on September 1, 2022, and which had been brought before City Commission for action at its meeting on September 27, 2022.

**K. Board Forum**

Mr. Koeth welcomed Natalie Marino to the Planning and Zoning Board. Mr. Koeth reminded the Board of processes when applications are brought to the Board and subsequently to City Commission for action.

**L. Adjournment**

Mr. Tabeek motioned to adjourn the meeting. Seconded by Ms. Marino. All were in favor.

The meeting adjourned at 6:20 p.m.

Transcribed by:

\_\_\_\_\_  
Nathalie Augustin  
Administrative Assistant I / 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 Planning and Zoning Board 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**

### **ISLAMIC FOUNDATION OF SOUTH FLORIDA (REZONING)**

#### **Summary**

This is an application to rezone 11.44 acres from a Light Industrial District (I-1) zoning designation to the Community Facilities District (CF) zoning designation. The subject site is generally located south of West Commercial Boulevard, between the Sawgrass Expressway and NW 108 Avenue, as shown on the location map. The proposed rezoning requires City Commission approval pursuant Subsection 16-38(e) of the Land Development Code (LDC).

The applicant is requesting this rezoning in order to expand the existing building and to make additional improvements to the property. The property has been legal nonconforming since December 11, 2007, via Ordinance No. 402-07-D, when the City of Sunrise City Commission revised the LDC to remove "(2) All uses permitted as of right in the CF Community Facilities District..." and "(5) Assembly hall (with seating capacity in meeting hall of over one hundred (100) persons)" as Special Exception Uses in the Light Industrial District.

#### **General Information**

The applicant, Islamic Foundation of South Florida Inc., has been the owner of the subject property since September 1999. On October 26, 1999, the City Commission approved Special Exception use permits for a place of public assembly and daycare, via Resolution No. 99-325, a private K through 12 grade school via Resolution No. 99-326, as well as a Site Plan, via Resolution No. 99-327, consisting of a private elementary school, private mid/high school, day care, cafeteria, and a place of public assembly. Building permits were not issued and these approvals expired.

On August 24, 2004, the City Commission approved a Special Exception use permit for a place of public assembly, school and daycare via Resolution No. 04-104, and a Site Plan via Resolution No. 04-106 consisting of the same square footages and uses as established by the expired approval from 1999.

On October 19, 2004, an agreement to place a notation on the plat of the subject property (Plat Book 115, Page 42) was recorded, restricting the use of the property to “19,755 square feet of private elementary school, 22,050 square feet of private middle/high school, 3,898 square feet of day care, 12,750 square feet of cafeteria, and 8,160 square-feet of mosque.”

Only a portion of the project was constructed prior to expiration of the approvals.

### **Project Description**

This Rezoning request is being proposed in order to allow for the development of the remaining buildings and improvements that were not constructed, while also bringing the property into conformance with the current LDC. The proposed CF zoning permits K through 12 grade schools, places of public assembly, and day care center uses as of right, whereas the current I-1 zoning does not permit K through 12 grade schools nor places of public assembly.

The subject site currently has two buildings. North of the site is a vacant property, south of the site is a canal and office/warehouse uses, west of the site is a canal and the Sawgrass Expressway, and east of the site are warehouse and office buildings, as well as a City of Sunrise Public Works Complex.

### **Staff Evaluation**

The applicant has addressed the criteria established in Subsection 16-38(c) of the LDC for approval of the proposed rezoning as follows:

- (1) *That the request is consistent with the goals, objectives, policies, and intent of the City's Comprehensive Plan.*

The applicant states: The City's comprehensive plan provides that community facilities, which include religious institutions, are permitted in areas designated Industrial on the City's land use map so long as the proposed rezoning does not preclude the future industrial development or the surrounding area. In this case, the City has already approved the development and use of the entire Islamic Foundation property as a community facility in 1999 and again in 2004 and the property has been in continuous use as a religious facility and school since 2009. The existing religious and school use has not precluded or even hindered the industrial uses in the industrial park and there is no indication that the proposed rezoning will have any impact whatsoever on the future industrial uses within the Sunrise Industrial Park.



- (2) *That the request is consistent with the density, intensity and general uses set forth in the city's future land use map (FLUM).*

The applicant states: The proposed use is a specific permitted use within the Industrial land use category. The proposed use is consistent with any density or intensity provisions in the City's comprehensive plan and FLUM.

- (3) *That the request meets the purpose and criteria set forth in the city's land development code for the zoning district into which the property is to be converted.*

The applicant states: The proposed CF zoning district is the appropriate zoning district under the City's land development code for a religious institution and school.

- (4) *That the request is compatible with existing and proposed uses in the general vicinity.*

The applicant states: The property has been used as a religious facility and school since 2009 and its use has not had any impact on the surrounding industrial uses. The property is bounded on the west by the Sawgrass Expressway, on the south by a drainage canal and industrial uses, on the east by industrial uses and a City public works facility and on the north by a vacant industrially zoned parcel which fronts on W. Commercial Boulevard. The activity areas within the property for school and religious purposes are located on the western portion of the site largely away from the industrial activity areas which, except for the City use, are largely confined to indoor spaces.

- (5) *That the request will not place an undue burden on existing infrastructure and existing capacity for the property or its general vicinity or that the applicant will provide appropriate improvements to offset the impacts.*

The applicant states: The infrastructure for the entire project is largely installed and constructed. The proposed CF rezoning and the existing and proposed religious and school uses will not cause any inordinate traffic, drainage or utility demands that would impact services beyond the industrial uses within the I-1 zoning district.

- (6) *That the request shall document any changed or changing conditions which make approval of the request appropriate.*

The applicant states: The city amended its zoning code to remove CF uses as a special exception in the I-1 zoning district. The CF use now is only allowed in CF zoning.



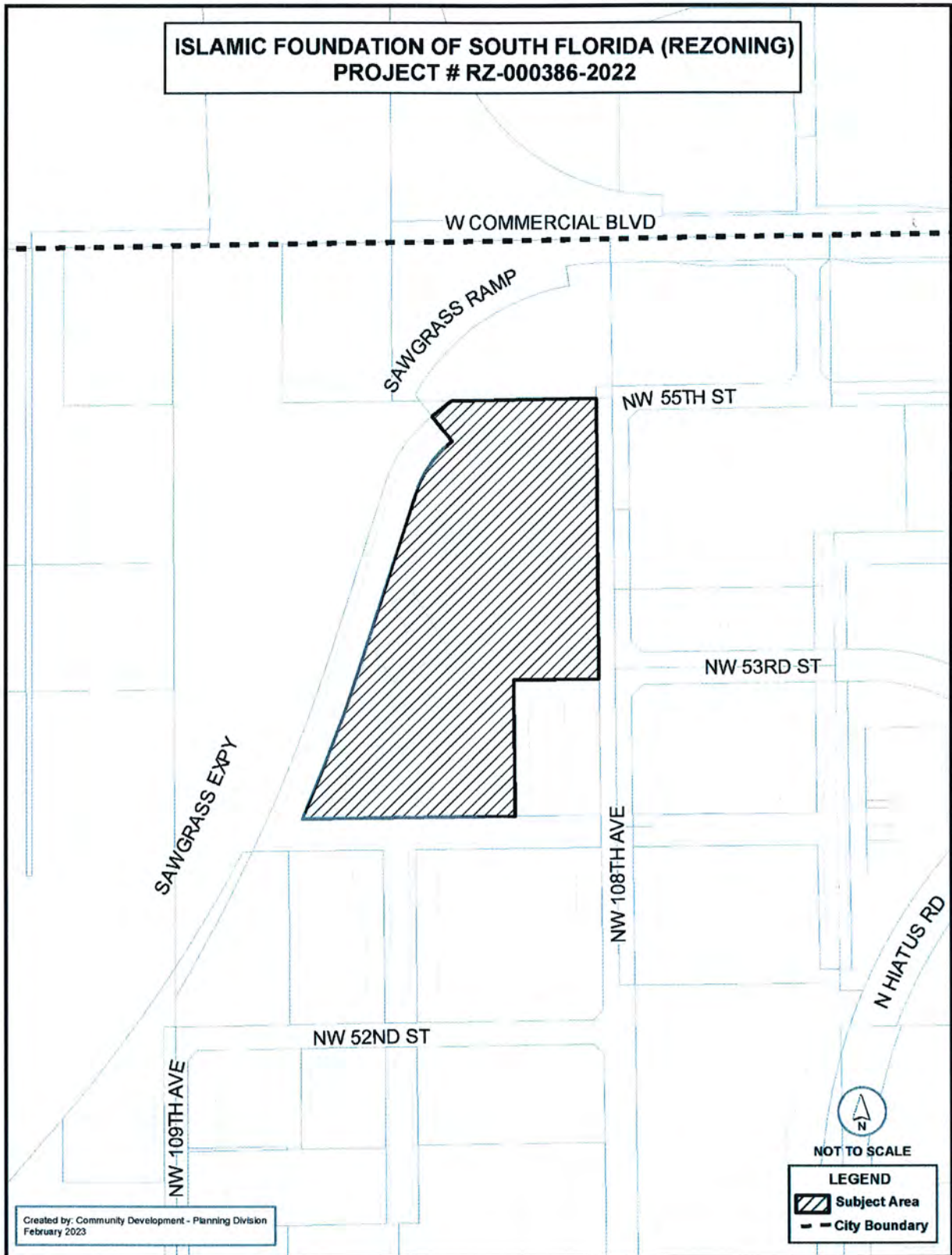
**Staff Recommendation to the Planning and Zoning Board, March 2, 2023**

Staff recommends approval of the proposed rezoning from Light Industrial District (I-1) to Community Facilities District (CF).

Planner: Sylvia S. Miller, AICP  
File No. RZ-000386-2022 (99:06002)

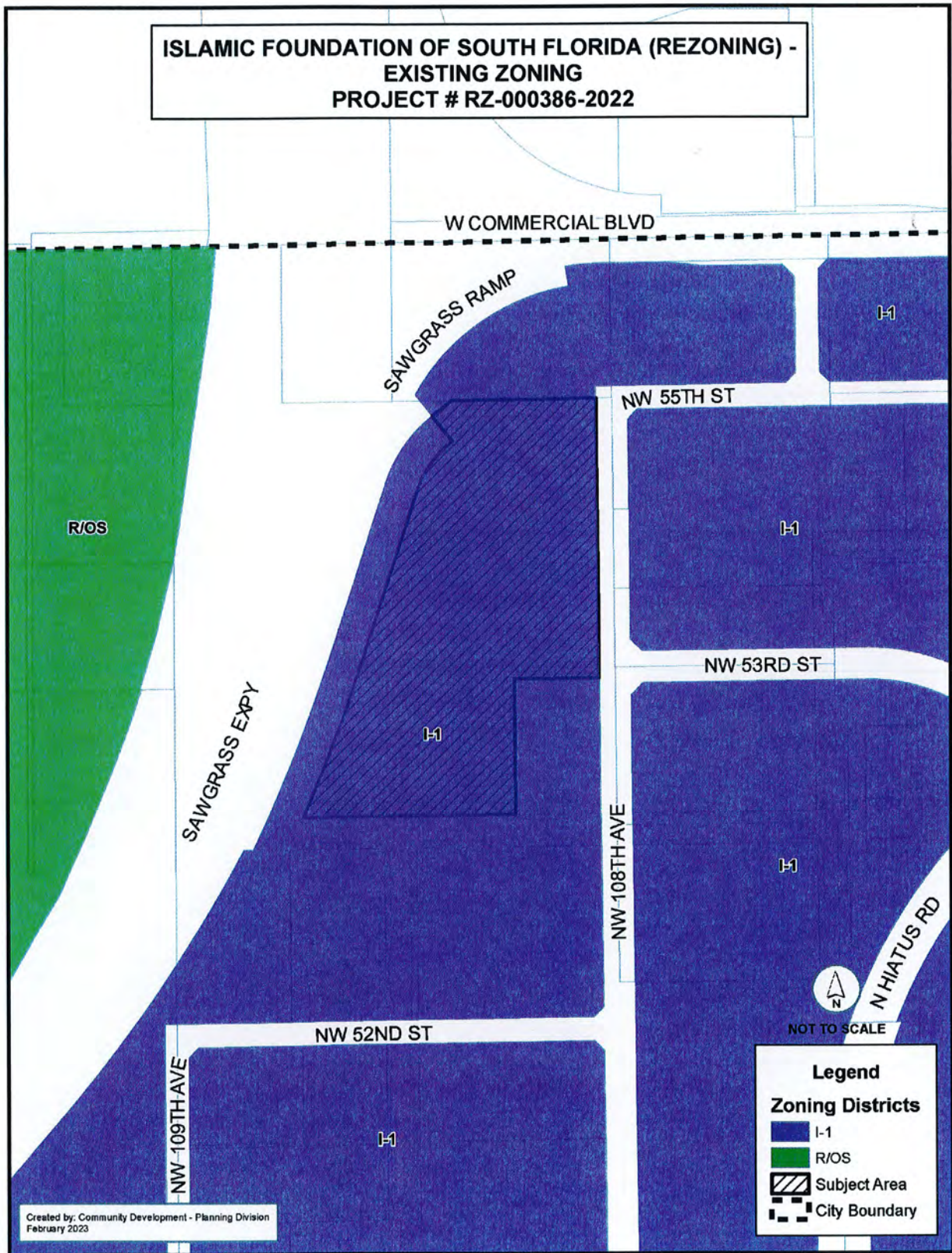


**Location Map**





**Location Map with Existing Zoning Designations**





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**COKER & FEINER**  
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Fort Lauderdale, FL 33316-1840

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November 8, 2022 (2<sup>nd</sup> Revised and Updated)

James Koeth  
City Planner  
City of Sunrise  
Community Development Department  
1601 NW 136th Avenue, Building A  
Sunrise, FL 33323

Re: Rezoning Application from I-1 to CF for the Islamic Foundation of South Florida,  
Inc. RZ-000386-2022

Dear Mr. Koeth:

I represent Islamic Foundation of South Florida, Inc., a not-for-profit Florida corporation. The Islamic Foundation is a 501(C)(3) charitable entity as a religious entity. The Islamic Foundation purchased an 11.44 acre parcel of land in the Sunrise Industrial Park in September, 1999. In 1999 the Foundation obtained approvals from the City for the development of their proposed religious facility but those approvals expired. New approvals were obtained from the City in 2004 for the development of a private elementary, middle and high school, a day care center, a cafeteria and a mosque/prayer hall. At the time of the approvals, the religious and private school uses, which are permitted uses within the Community Facilities (CF) zoning and land use district, were allowed as a special exception use. The Islamic Foundation obtained a special exception use and site plan approval for its project. The City has since modified its code to remove CF uses as a permitted special exception use in the I-1 zoning district.

The Islamic Foundation also amended the note on the plat to permit the planned religious and private school uses. The plat note amendment agreement is recorded in OR Book 38390, Page 1934. A copy of the agreement is submitted as part of this rezoning application.

Construction of the improvements on the property began in 2005/2006. The major improvements consisting of approximately 17,500 sf of building area with a parking lot and activity fields were completed in 2009 with the final CO issued on June 26, 2009, according to the City records. Since

2009 small improvements were made from time to time. Several of the major improvements originally approved by the City and included in the plat note amendment have yet to be completed.

As a condition of approval of the original special exception and site plan for the Islamic Foundation project, the City required the Foundation to install the infrastructure necessary to support the entire proposed project including utilities and parking spaces. Accordingly, to the best of the Foundation's understanding, the existing infrastructure is sufficient to serve the full project as proposed.

The Islamic Foundation wishes to complete its original development as approved by the City. However, the City has determined that the site plan has expired and the zoning no longer permits Community Facility uses so a new site plan cannot be approved without a rezoning to CF. The purpose of this application is to allow for completion of the full, approved development. Further, because the zoning has been changed, the Islamic Center cannot even make small improvements to the site. Recently the children raised funds to construct a basketball court on a portion of the property as an accessory use. The building permit for this accessory use was denied because of the expiration of the site plan and the removal of the CF uses from the I-1 zoning district.

It is the Islamic Foundation's intention at this time to obtain a new site plan approval for the entire project to be developed under a single building permit except that the applicant plans to file a separate permit application for an accessory basketball court for its youth sports program as soon as the City will allow it.

The rezoning criteria set forth in Sec. 16-38 (c) are addressed in the attachment to this letter.

Thank you for your consideration of this application.

Very truly yours,



**RICHARD G. COKER, JR.**  
**For the Firm**



# BOUNDARY SURVEY

## LEGAL DESCRIPTION:

A PORTION OF PARCEL "A", SUNRISE INDUSTRIAL PARK PHASE II PARCELS 11, 12, 19, 20, 26, 27, 31, 37, 38, 39, 44, 45, 48, 49, 50, 55, 58, & 67, NO. II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL "A", SOUTH 00°35'27" EAST, 702.26 FEET; THENCE SOUTH 89°24'33" WEST, 213.25 FEET; THENCE SOUTH 00°35'27" EAST, 340.25 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL "A"; THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89°20'30" WEST, 529.85 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID POINT BEING ON THE ARC OF AN ON-TANGENT CURVE, (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 66°25'21" EAST); THENCE ALONG THE WESTERLY LINE OF SAID PARCEL "A" AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 4085.72 FEET, A CENTRAL ANGLE OF 05°45'46", AN ARC DISTANCE OF 410.94 FEET; THENCE ALONG SAID WESTERLY LINE, TANGENT TO SAID CURVE, NORTH 17°48'53" EAST, 450.05 FEET TO A POINT ON THE ARC OF A TANGENT CURVE; THENCE ALONG SAID WESTERLY LINE AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 276.00 FEET, A CENTRAL ANGLE OF 33°30'00", AN ARC DISTANCE OF 161.37 FEET; THENCE ALONG SAID WESTERLY LINE, NORTH 38°41'07" WEST, 80.00 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF SAID PARCEL "A"; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL "A", NORTH 51°18'53" EAST, 62.40 FEET; THENCE ALONG SAID NORTHERLY LINE, NORTH smroo. EAST, 360.52 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA, AND CONTAINING 11.4408 ACRES, (498,361 SQUARE FEET), MORE OR LESS.

### SYMBOL DESCRIPTIONS:

- = CATCH BASIN
- = CENTERLINE ROAD
- = COVERED AREA
- = EXISTING ELEVATION
- = HYDRANT
- = MANHOLE
- = METAL FENCE
- = MISC. FENCE
- = PROPERTY CORNER
- = UTILITY BOX
- = UTILITY POLE
- = WATER METER
- = WELL
- = WOOD FENCE

### ABBREVIATION DESCRIPTION:

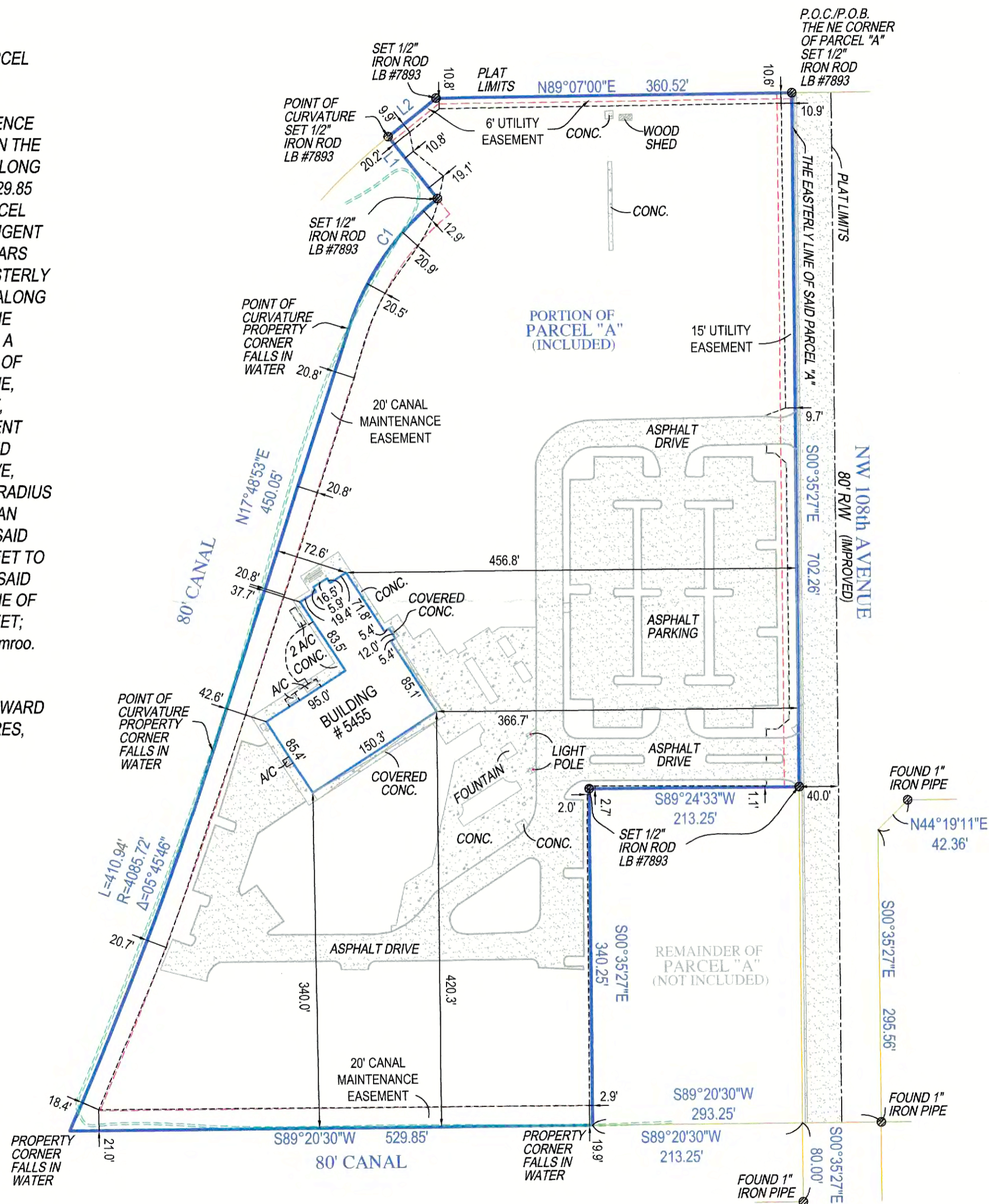
- A/C = AIR CONDITIONER
- C/L = CENTERLINE
- Δ = CENTRAL / DELTA ANGLE
- I.D. = IDENTIFICATION
- L = LENGTH
- LB = LICENSED BUSINESS
- N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- O.H.L. = OVERHEAD UTILITIES
- P.C. = POINT OF CURVATURE
- P.C.C. = POINT OF COMPOUND CURVE
- P.K. = PARKER KYLON NAIL
- P.R.C. = POINT OF REVERSE CURVE
- PSM = PROFESSIONAL SURVEYOR MAPPER
- P.T. = POINT OF TANGENCY
- R = RADIAL / RADIUS
- R/W = RIGHT OF WAY

**SURVEY NOTES**  
ASPHALT DRIVE CROSSING INTO THE 15' U.E. ON EASTERLY SIDE OF LOT.

ASPHALT DRIVE CROSSES THE PROPERTY LINE ON EASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS INTO THE 20' C.M.E. ON WESTERLY, SOUTHERLY AND 15' U.E. ON EASTERLY SIDES OF LOT.

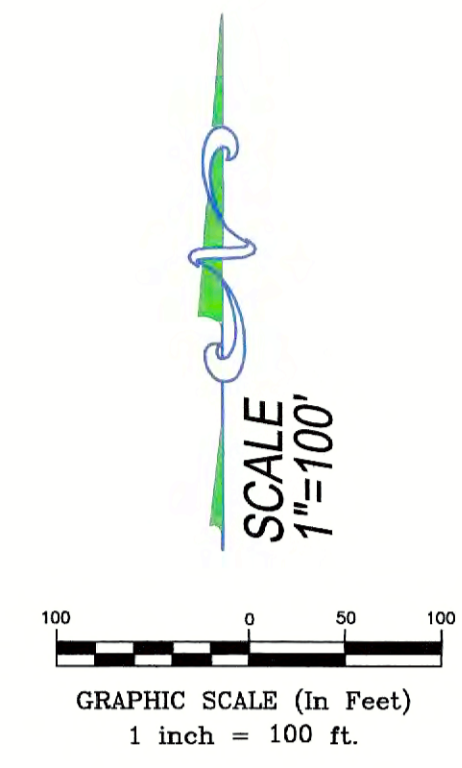
REVISIONS:



LINE TABLE		
BEARING	LENGTH	
L1 N38°41'07"W	80.00'	
L2 N51°18'53"E	62.40'	

CURVE TABLE		
LENGTH	RADIUS	DELTA
C1 161.37'	276.00'	33°30'00"



CERTIFIED TO:  
ISLAMIC FOUNDATION OF SOUTH FLORIDA INC.;  
COKER & FEINER

COMMUNITY NUMBER: 120328  
PANEL: 12011C0335  
SUFFIX: H  
F.I.R.M. DATE: 8/18/2014  
FLOOD ZONE: AE/X  
FIELD WORK: 9/1/2022

PROPERTY ADDRESS:  
5455 NORTHWEST 108TH AVENUE  
SUNRISE, FL 33351

SURVEY NUMBER: 558308

**SURVEYORS CERTIFICATE:**  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)   
KENNETH J. OSBORNE  
PROFESSIONAL SURVEYOR AND MAPPER #6415

City of Sunrise  
Community Development Department  
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**GENERAL NOTES:**

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- ALL UTILITIES ARE TO BE LOCATED TO THE FACE OF THE WALL AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES UNLESS OTHERWISE SPECIFIED.
- ONLY VISIBLE ENCROACHMENTS LOCATED.

DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.  
FENCE OWNERSHIP NOT DETERMINED.  
ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.  
TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND LOT LINES, IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF IMPROVEMENTS OVER SCALED POSITIONS.

LB #7893  
SERVING FLORIDA  
6250 N. MILITARY TRAIL, SUITE 102  
WEST PALM BEACH, FL 33407  
PHONE (561) 640-4800  
STATEWIDE PHONE (800) 226-4807  
STATEWIDE FACSIMILE (800) 741-0576  
WEBSITE: <http://targetsurveying.net>







## STAFF REPORT

### AMERIFIRST - METROPICA (DEVELOPMENT OF REGIONAL IMPACT - 3rd AMENDMENT)

#### **Summary**

This is an application to amend the Development Order for Amerifirst - Metropica Development of Regional Impact (DRI), which is generally located at the northeast corner of W. Sunrise Boulevard, and NW 136 Avenue (Panther Parkway), north to approximately 500 feet north of Green Toad Road, primarily between NW 136 Avenue and Sawgrass Mills Circle as shown on the location map. The proposed amendment will amend the buildout, termination and deadline dates, timing requirements for bus shelters, timing of the required shuttle service, and timing of the required transit station. The DRI has Transit Oriented Development and Commercial land use designations on the Future Land Use Map, and is designated PDD Planned Development District on the Zoning District Map. City Commission action is required pursuant to Section 16-38 of the Land Development Code.

#### **Project Description**

The Amerifirst - Metropica DRI is approximately 103 acres and includes parcels with different ownerships. The area includes the existing the Sawgrass Commons commercial development and associated outparcels. Recent construction includes the 417 high rise Portico residential development in Area 1, and 263 high rise residential Metropica Tower 1 in Area 2.

#### **Approved DRI Development Order**

The City Commission approved the Amerifirst - Metropica DRI Development Order (DO) on February 10, 2009 by Ordinance No. 732-X-09-B.

The City Commission approved the 1<sup>st</sup> Amendment to the Amerifirst - Metropica DRI DO on May 14, 2013 by Ordinance No. 732-X-13-A. The amendment defined "Area 1" and "Area 2"; assigned existing conditions to Area 1 and/or Area 2 as appropriate; enabled development on either Area 1 or Area 2 to proceed first; and extended the build out date by five (5) years to May 22, 2029.



The City Commission approved the 2<sup>nd</sup> Amendment to the Amerifirst - Metropica DRI DO on June 23, 2015 by Ordinance No. 732-X-15-A. The amendment allowed for hotel use, amended timing of the shuttle service and defined high rise units.

### **Proposed 3rd Amendment**

The Applicant has submitted a request for a 3rd Amendment to the Amerifirst – Metropica DRI DO to modify the expiration dates, the timing requirements for the bus shelters, timing of the required shuttle service, and timing of the transit station. Specifically:

#### **A. *Statutory Extensions***

Sections 2.5 and 2.6 of the DO indicates buildout and termination dates. Pursuant to Section 252.363, Florida Statutes, Tolling and extension of permits and other authorizations, the applicant has provided notice to the City in writing and identified the specific permit or authorization qualifying for the extension. Therefore, the DRI DO is being amended to a new buildout expiration date of December 8, 2037, as well as a null and void date of January 21, 2031 if the following are not completed: the securing of all permits from the Broward County Environmental Protection and Growth Management Department to modify the previously permitted master drainage system which are required in order to proceed with the development.

#### **B. *Bus Shelters***

Sections 3.7.1 and 3.7.2 of the DO requires that the Commute Trip Reduction Plan include each bus stop shown within Area 2 of the master development plan be completed no later than the time the Developer obtains a Certificate of Occupancy for a new principal structure located within one-quarter (1/4) mile of a bus stop as shown on the Area 2 master development plan. Conceptually, the DO was based on the installation of new bus shelters concurrent with the development of the residential, office, commercial, and mixed-use components of project. However, due to market factors including the Covid-19 pandemic, the developer has had to delay various components of the project. Therefore, the primary mixed-use and dense components have not been constructed, so the developer is requesting that the developer's obligation requirement be modified. The applicant is requesting that the first bus stop shown on the Area 2 master development plan approved pursuant to City Code for the development have the associated bus shelter and improvements completed no later than the time that the Developer obtains a Certificate of Occupancy for a new principal structure within Area 2. The subsequent bus stop (2<sup>nd</sup> bus stop) shown on the Area 2 master development plan shall have the associated bus shelter and improvements completed no later than the time that the Developer obtains a Certificate of Occupancy for the third new principal structure, excluding a dedicated parking structure. Each subsequent bus stop shall have the associated bus shelter and improvements completed no later than the time the Developer obtains a Certificate of Occupancy for a new principal structure located within one-quarter (1/4) mile of said bus stop as shown on the Area 2 master development plan.



**C. Shuttle Service**

Section 3.7.3 of the DO requires that within six (6) months from the issuance of the first Certificate of Occupancy for the first new Area 2 principal structure, the Developer shall enter into an agreement with the City of Sunrise to develop an ADA-compliant alternative fuel shuttle service that will provide regular service between Metropica and Westerra, and other nearby points of interest. This agreement shall stipulate routes, hours of service and headways in order to calculate the total cost and the Developer’s share. Within six (6) months from issuance of a Certificate of Occupancy for the first new Area 2 principal structure, the Developer shall fund its share of the implementation of the shuttle service. However, due to market factors, including the Covid-19 pandemic, the developer has had to delay various components of the project. Therefore, the primary mixed-use and dense components have not been constructed, so the Developer is requesting that this agreement set forth the time-frame for the Developer to fund its share of the total cost.

**D. Transit Station**

Section 3.7.4 of the DO requires that within two (2) years from the issuance for the first Certificate of Occupancy for the first new Area 2 principal structure, the Developer shall construct a covered, lighted transit station with a covered waiting area for patrons, architecturally compatible with the development, on the north and south sides of Green Toad Road or another suitable location subject to approval by the City and Broward County. However, due to market factors including the Covid-19 pandemic delaying components of the project, coupled with Broward County Transit currently considering a number of transit improvements in the area including an intermodal transit station near the Metropica site, the Developer is requesting to construct the transit station within two (2) years after the issuance of a Certificate of Occupancy for the third new Area 2 principal structure.

**General Information**

In accordance with Section 380.06 Florida Statutes, the proposed amendment/change to the Development Order has been reviewed based on the Comprehensive Plan and the Land Development Code.

**Staff Evaluation**

Staff finds that the DRI DO proposed change is consistent with the Comprehensive Plan and the Land Development Code, pursuant to Section 380.06, Florida Statutes.

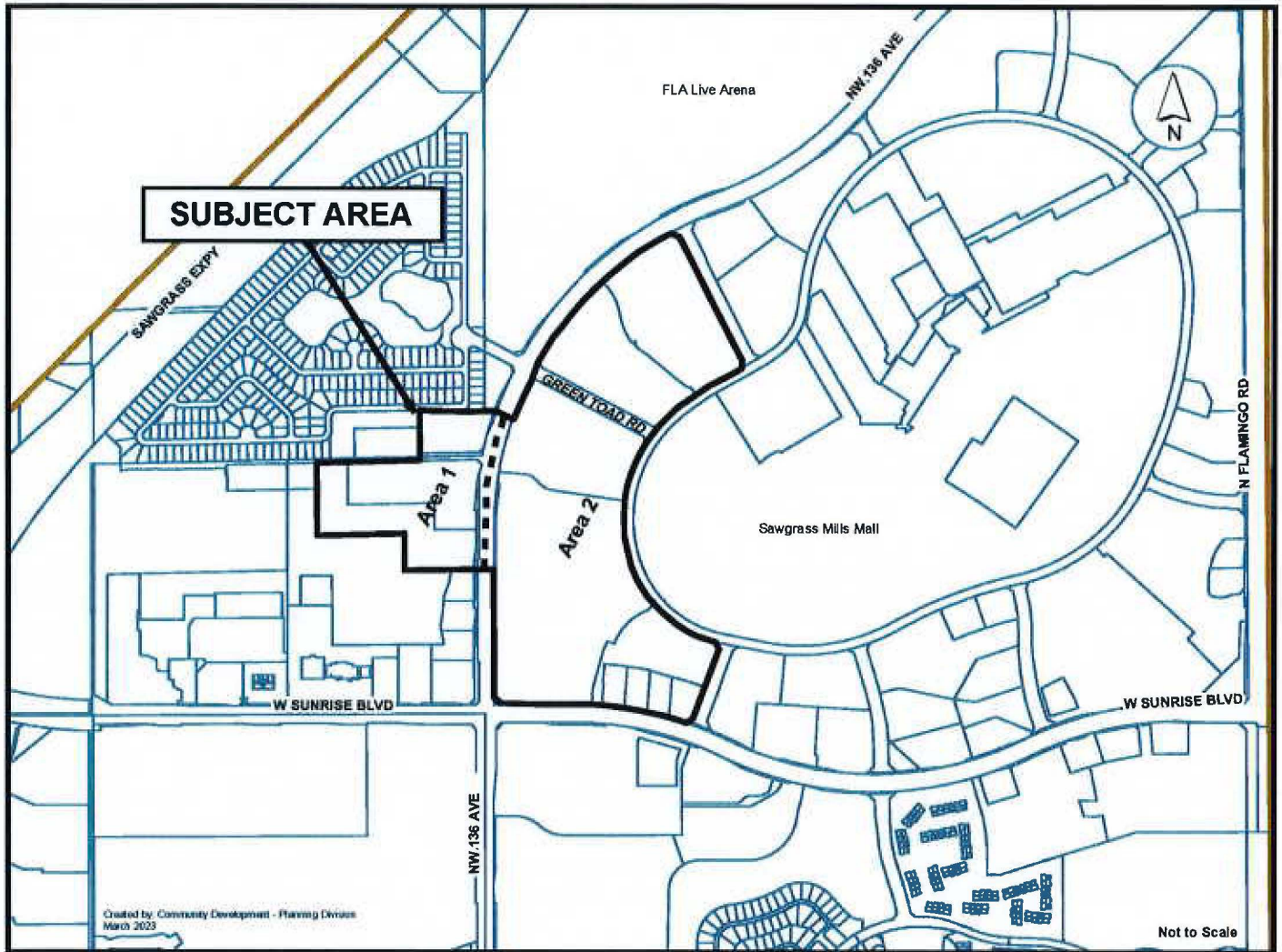
**Staff Recommendation to the Planning and Zoning Board, March 2, 2023**

Staff recommends approval of the amendment.

Planner: Jim Koeth  
Planning File No. 15:65 (02:09001)



**Location Map**





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**DUNAY  
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BACKMAN** LLP

Gary Dunay  
Bonnie Miskel  
Scott Backman  
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Hope Calhoun  
Dwayne Dickerson  
Ele Zachariades  
Matthew H. Scott  
Christina Bilenki

Nicole Jaeger  
David F. Milledge  
Jeffrey Schneider  
Kristen Weiss  
Sara Thompson

February 9, 2023

Shannon Ley, P.E.  
Community Development Director  
City of Sunrise  
1601 NW 136 Avenue, Building A  
Sunrise, Florida 33323

Re: Metropica Development of Regional Impact ("DRI") — Letter of Intent and Narrative of Proposed Changes to the DRI Development Order

Dear Mrs. Ley:

Metropica Lands, LLC ("Applicant"), through undersigned counsel and pursuant to City of Sunrise Code Section 16-38, hereby requests changes to the Metropica Development of Regional Impact ("Metropica DRI") Development Order. In support thereof, Applicant provides this Letter of Intent and Narrative of Proposed Changes.

With this amendment, Applicant is not seeking to change the boundaries or lands included in the Metropica DRI. Similarly, Applicant is not requesting modification to the City's Comprehensive Plan or previously approved masterplan or plans. Most importantly, Applicant is not seeking to reduce any of its overall, substantive obligations to deliver a modern, mixed-use Transit-Oriented Development. Rather, Applicant intends with this application to amend specific Metropica DRI Development Order deadlines and add language obligating all bus shelters in the Metropica DRI to be constructed according to the City's prototype design standards. The changes, if approved, will help support the long-term success of the DRI and ensure it remains compliant with DRI regulations.

Each of the proposed changes are listed below with the reasoning for each provided in italics.

Proposed Changes to Metropica DRI Development Order:

1. Updates to the DRI Development Order overall buildout, termination, and deadline dates, as provided in Sections 2.5 and 2.6 of the Development Order, to be consistent with the approved statutory extensions obtained pursuant to Florida Statute 252.363(1)(a) for Hurricane Ian and Hurricane Nicole as follows:
  - a. DRI buildout and termination date will expire on December 8, 2037, plus any additional extensions of the current state of emergency; and

- b. The deadline to obtain necessary permits from the Broward County Environmental Protection and Growth Management Department is January 21, 2031, plus any additional extensions of the current state of emergency;

*When the Florida Governor declares a State of Emergency pursuant to Florida Statute 252.363, state law entitles permit holders and developers to extend a variety of permit and other government deadlines by providing notice of the extension to the applicable government entity. The Governor issued two states of emergency relating to the hurricanes in 2022. Applicant has provided notice of these extensions to the City of Sunrise based on these states of emergency. The purpose of the changes outlined above are to ensure consistency between the statutory extensions and the various applicable deadlines in the Metropica DRI Development Order.*

2. Amendment to the timing requirements for construction of new bus shelters, as provided in Section 3.7.1 and 3.7.2;

*Conceptually, the Metropica DRI required Applicant to install new bus shelters concurrent with construction of residential, office, commercial and mixed-use buildings within the project. However, the market factors, including the Covid-19 Pandemic, has required Applicant to push back development of various components of the overall project. As such, the true mixed-use and dense concept contemplated for the project has yet to materialize and Applicant is requesting the associated requirement for construction of bus shelters be pushed back to issuance of a Certificate of Occupancy for the third new Area 2 principal structure. This will support Applicant's efforts to restabilize the overall project. Moreover, installation of the bus shelters at this early stage in the development is unnecessary until Applicant constructs significantly more of the residential density and commercial and office square footage approved under the DRI, which will bring more residents and users into Metropica to utilize the transit options envisioned within the DRI.*

3. Addition of language requiring bus stop shelters in the DRI to be developed in accordance with the City's prototype bus shelter design standards, as provided in Section 3.7.1 of the Metropica DRI Development Order;

*The Metropica DRI requires Applicant to construct a variety of new bus shelters. Applicant proposes adding new language to ensure the bus shelters it constructs are consistent with the City's prototype.*

4. Modification of the timing for development of covered bus shelters, as provided in Section 3.7.2 of the Development Order, to require it within six (6) months from the issuance of the first Certificate of Occupancy for the third new Area 2 principal structure, where it is currently required to be developed within six (6) months of the first new Area 2 principal structure;

*As noted above, the covered bus shelters are not necessary until Applicant brings substantially more residential density and commercial and office square footage online in Metropica.*

5. Modification of the timing for development of the ADA-compliant alternative fuel shuttle service, as provided in Section 3.7.3, to require it within six (6) months from the issuance of the first Certificate of Occupancy for the second new Area 2 principal structure, where it is currently required to be developed within six (6) months of the first new Area 2 principal structure;



*Applicant has been in active and consistent discussions with the City concerning this DRI obligation. The City is exploring multiple options concerning a shuttle for the West Sunrise area, and the City and Metropica are generally in agreement that this obligation will be postponed until such time as there is additional development within Metropica and other surrounding developments.*

6. Amendment to the timing obligation for construction of the transit station, as provided in Section 3.7.4 of the Development Order, to require it within two (2) years of the issuance of a Certificate of Occupancy (CO) for the third new Area 2 principal structure, where it is currently required to be constructed within two (2) years of the issuance of a CO for the first new Area 2 principal structure.

*Applicant is proposing modification to this timing element for two primary reasons. First, market factors, including the Covid-19 Pandemic, have delayed construction within the overall project. More importantly for meeting the long-term intent of this obligation, Broward County Transit is currently working on a variety of transit-related improvements in the area, which will likely include construction of a transit station outside of the Metropica DRI. As such, the planning, delivery and construction of the Metropica transit station is premature. Therefore, Applicant proposes moving this deadline to a time frame which is consistent with the other changes discussed above.*

As stated, none of the proposed changes seek to eliminate or even reduce substantive DRI obligations. To the contrary, Applicant is requesting modification to the Metropica DRI Development Order to give it more time to provide an innovative, mixed-use, Transit-Oriented development, consistent with the anticipated future buildout of the overall project

Applicant has enclosed with this application the following items as required by Section 16-38 of the City of Sunrise Code:

- A. Legal Description of the properties in the overall DRI;
- B. Title Commitments for the properties in the overall DRI;
- C. Location Map;
- D. Signed DRI Amendment Application form;
- E. Letter of Authorization for the undersigned firm to process this Application.

Finally, the application fee has been paid and processed by the City. Following your review, if you have any questions or require additional information, please feel free to contact me.

Thank you,

*Matthew Scott*

Matthew H. Scott, Esq.  
[mScott@dmblaw.com](mailto:mScott@dmblaw.com)

Cc: Jim Koeth, City of Sunrise  
Michel Besso, Metropica Lands, LLC  
Erick Collazo, Metropica Lands, LLC  
Scott Backman, Esq.

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Modifications to DRI Development Order: The following sections in Ordinance Nos. 732-X-09-B, 732-X-13-A and 732-x-15-A are hereby amended to read as follows:

\* \* \*

2.5 Buildout and Termination Dates: ~~The buildout and termination dates for the development have been previously extended by the City of Sunrise pursuant to the provisions of HB 7207 (4 years to December 29, 2022); Section 252.363, Florida Statutes and Executive Order 12 140 (6 months and 60 days to August 27, 2023); and Section 252.363, Florida Statutes and Executive Orders 12-199 and 12-240 (88 days and 6 months to May 23, 2024).~~ In accordance with extensions requested under F.S. 252.363(1)(a), The new build out and termination dates shall be ~~May 22, 2029~~ December 8, 2037, the date until which the City of Sunrise agrees that this DRI shall not be subject to down-zoning, or unit density reduction, unless it can be demonstrated that substantial changes made by the Developer in the facts or circumstances underlying the approval of this Development Order have occurred, or that this DRI Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly essential to the public health, safety or welfare.

2.6 Three Year Requirement: In accordance with extensions requested under F.S. 252.363(1)(a), ~~this~~ Development Order shall be null and void if, by ~~July 5, 2022~~ January 21, 2031, the following are not completed: the securing of all permits from the Broward County Environmental Protection and Growth Management Department (EPGMD) to modify the previously permitted master drainage system which are required in order to proceed with the Metropica development. ~~This requirement was previously extended by the City of Sunrise, pursuant to HB 7207 (4 years to February 10, 2016); Section 252.363, Florida Statutes and Executive Order 12 140 (6 months and 60 days to October 10, 2016); and Section 252.363, Florida Statutes and Executive Orders 12-199 and 12-240 to July 6, 2017.~~ This requirement may be extended by the City of Sunrise, after review and approval by the City Commission at a public hearing.

3.7.1 Prior to commencement of any vertical construction in Area 2, the Developer shall prepare and execute a Commute Trip Reduction Plan with the City of Sunrise based on Transportation Demand Management (TDM) best practices, and receive approval from the City of Sunrise no later than approval of the Area 2 master development plan pursuant to City Code. The Commute Trip Reduction Plan shall be prepared in coordination with the FDOT Commuter Assistance Program. This plan shall include at a minimum:

- (a) Guidelines for locations of kiosks that enable the posting of TDM program information in locations within the development which are readily visible to employees, commuters and residents.
- (b) Identification of reserved high Occupancy Vehicle (HOV) (e.g., carpools and van pools) parking spaces with identifiable signage. At a minimum, two percent of the total number of parking spaces for office or retail use should be reserved for HOV parking. The preferred location for these parking spaces is near building entrances, and may also consist of covered or sheltered parking spaces.
- (c) Formal designation of an individual as the Employee Transportation Coordinator (ETC) for the purpose of developing, implementing, and administering a TDM (Commute Trip Reduction) program at the development.



- (d) A commitment by the Developer to a protocol to introduce new owners or property management to the Commute Trip Reduction Plan and the Commuter Assistance Program upon sale or lease of properties within the development.
- (e) Specific milestones for implementation of the components of the Commute Trip Reduction Plan and for development of all transit-related improvements shown on the plats.
- (f) Each bus stop shown on the Area 2 master development plan approved pursuant to City Code for the development shall be completed no later than the time that the Developer obtains a Certificate of Occupancy for a new principal structure located within one-quarter (1/4) mile of a bus stop as shown on that Area 2 master development plan. Developer's obligation to construct and deliver the bus shelters shown on the Area 2 master development plan approved pursuant to City Code shall commence subsequent with Developer obtaining a Certificate of Occupancy for the third new principal structure in the Area 2 master development plan. Specifically, Developer shall construct and deliver all bus shelters shown on the Area 2 master development plan within one-quarter (1/4) mile of the first, second, and third principal structures in the Area 2 master development plan no later than Developer obtains a Certificate of Occupancy for the third principal structure. Each subsequent bus shelter shall be completed no later than the time that the Developer obtains a Certificate of Occupancy for a new principal structure located within one-quarter (1/4) mile of said bus shelter as shown on that Area 2 master development plan. Each bus shelter shall be constructed in accordance with the City's bus shelter prototype design standards.
- (g) Other transit amenities as required herein.
- (h) Procedures for monitoring and implementing of the Commute Trip Reduction Plan.

3.7.2 The Developer shall coordinate with Broward County, Florida Department of Transportation and the City of Sunrise to implement transit use, carpooling, van pooling, and improved transit routes serving the development. Prior to the issuance of the Certificate of Occupancy for a new Area 2 principal structure, the Developer shall fund, construct, or cause the construction of the following amenities to service the area of development, pursuant to the Commute Trip Reduction Plan:

- a) Rideshare and transit information for residents, tenants, and employees;
- ~~b) Covered bus shelters, designed in accordance with Section 3.7.1(f) of this DRI, at each of the bus stop locations shown on the Area 2 master development plan approved pursuant to City Code within one quarter (1/4) mile of a principal structure, designed to be architecturally compatible with the development.~~
- ~~(e)~~ (b) Kiosks with bus system maps, route maps, schedules and fare information;
- ~~(d)~~ (c) Bicycle racks and storage facilities; and
- ~~(e)~~ (d) The Developer shall provide, design, locate and construct pedestrian and bicycle facilities to maximize transportation access on-site and connectivity with adjacent facilities, including on-site bicycle storage facilities to encourage the use of alternative modes of transportation.

Prior to issuance of the Certificate of Occupancy for the third Area 2 principal structure, the Developer shall fund, construct, or cause the construction of the following amenity to service the area of development, pursuant to the Commute Trip Reduction Plan:

- (a) Covered bus shelters, designed in accordance with Section 3.7.1(f) of this DRI, at each of the bus stop locations shown on the Area 2 master development plan approved pursuant to City Code within one-quarter (1/4) mile of a principal structure, designed to be architecturally compatible with the development.

3.7.3 Within six (6) months from the issuance of the first Certificate of Occupancy for the ~~first~~ second new Area 2 principal structure, the Developer shall enter into an agreement with the City of Sunrise to develop an ADA-compliant alternative fuel shuttle service that will provide regular service between Metropica and Westerra, and other nearby points of interest. The shuttle shall be coordinated with Broward County and Florida Department of Transportation's Commuter Assistance Program. The agreement shall stipulate routes, hours of service and headways in order to calculate the total cost and the Developer's share and shall set forth the time-frame for Developer to fund its share of the total cost. ~~Within six (6) months from issuance of a Certificate of Occupancy for the first new Area 2 principal structure, the Developer shall fund its share of the implementation of the shuttle service.~~ The City shall encourage participation in the shuttle service by other developers in the area. The City shall require participation in the shuttle service program, per the terms of the Agreement, for area developers of properties seeking new or amended entitlements from the City if the City determines that, based on the location, size and use mixture of the proposed development, the project will be benefited by the shuttle and participation in the program is feasible. The service area of the shuttle and frequency of service shall increase in accordance with the addition of other participants to the Agreement.

3.7.4 Within two (2) years after the issuance of a Certificate of Occupancy for the ~~first~~ third new Area 2 principal structure, the Developer shall construct a covered, lighted transit station with a covered waiting area for patrons, architecturally compatible with the development, on the north and south sides of Green Toad Road or another suitable location subject to approval by the City and Broward County. The transit station shall be of a size that can accommodate two (2) articulated buses at the same time on each side of Green Toad Road, or, within the same sized area, some other combination of buses of various sizes as designed in consultation with the City and the County. The transit station shall include either within the transit station, or in a nearby structure, restrooms, seating, schedule information, fare information, leaning rails, trash receptacles storage, security, showers and bicycle racks. The transit stations shall also include a drop-off and pick-up area to be utilized by the general public, taxi service, or other forms of vehicular transportation serving transit riders.

\* \* \*



**Amerifirst Metropica DRI Area  
Legal Description**

**AREA 1:**

Parcel "D", "METROPICA PLAT", according to the plat thereof, recorded in Plat Book 179, pages 70 thru 76, of the Public Records of Broward County, Florida

TOGETHER WITH:

Parcel "Lake-2", "METROPICA PLAT", according to the plat thereof recorded in Plat Book 179, Pages 70 thru 76, of the Public Records of Broward County, Florida.

**AREA 2:**

Parcel "A", "METROPICA PLAT", according to the plat thereof, recorded in Plat Book 179, pages 70 thru 76, of the Public Records of Broward County, Florida

TOGETHER WITH:

Parcel "B", "METROPICA PLAT", according to the plat thereof, recorded in Plat Book 179, pages 70 thru 76, of the Public Records of Broward County, Florida

TOGETHER WITH:

Parcel "C", "METROPICA PLAT", according to the plat thereof recorded in Plat Book 179, Pages 70 thru 76, of the Public Records of Broward County, Florida.

**EXISTING RETAIL:**

A portion of Parcel A, SAVANNAH P.U.D. PLAT 6, according to the Plat thereof as recorded in Plat Book 145, Page 24 of the Public Records of Broward County, Florida, more particularly described as follows:

Beginning at the southeast corner of said Parcel A, on the northerly right-of-way line of Sunrise Boulevard as shown on said PLAT OF SAVANNAH P.U.D. PLAT 6, being a point on the arc of a curve concave to the southwest, having a radius of 2351.83 feet (a radial line to said point bears North 18° 02' 38" East) thence along said right-of-way line and the arc of said curve, through a central angle of 04° 59' 03", an arc distance of 204.59 feet, thence continuing along said right-of-way line, North 72° 03' 14" West, 110.67 feet to a point on the arc of a non-tangent curve concave to the southwest, having a radius of 2363.83 feet (a radial line to said point bears North 10° 23' 10" East): thence continuing along said right-of-way northwesterly along the arc of said curve, through a central angle of 07° 40' 04", an arc distance of 316.35 feet: thence North 03° 55' 49" East, 100.00 feet: thence North 15° 20' 42"-East, 268.86 feet; thence North 20° 25' 46" East, 65.52 feet: thence South 69° 07' 10" East, 51.70 feet to a point on the arc of a non-tangent curve concave to the southeast, having a radius of 399.19 feet (a radial line to said point bears North 69° 07' 10" West): thence northeasterly along the arc of said curve, through a central angle of 48° 26' 28", an arc distance of 337.50 feet: thence North 40° 05' 06" East, 52.94 feet to a point on the east line of said Parcel A, being a point on the arc of a non-tangent curve concave to the northeast, having a radius of 805.00 feet (a radial line to said point bears South 49° 25' 23" West): thence southeasterly along said east line, along the arc of said curve, through a central angle of 35° 29' 08", an arc distance of 498.57 feet: thence continuing along said east line of Parcel A the following five (5) courses: (1) South 27° 48' 59" East, 52.22 feet: (2) South 20° 25' 49" West, 263.73 feet: (3) South 27° 13' 59" West, 42.21 feet: (4) South 20° 25' 49" West, 200.11 feet: (5) South 69° 10' 26" West, 63.74 feet to the Point of Beginning.