

City of Sunrise Planning and Zoning Board Meeting Minutes

Date: Thursday, April 6, 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 6:00 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 lannacone

Vivi Assidon Athea Antoine Shanesa Mykoo

Board Member(s) Absent: Natalie Marino

City Staff Present: Jim Koeth – Assistant Director/City Planner

Sylvia Miller – Principal Planner

Nathalie Augustin – Administrative Assistant I/Board Secretary

D. Open Discussion – Public Participation

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

E. Approval of Minutes – March 2, 2023 Meeting

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

Roll Call

Jane Storms Yea
James Tabeek Yea
David Iannacone Yea
Vivi Assidon Yea
Athea Antoine Yea
Shanesa Mykoo Yea

F. Old Business

There was no old business brought before the Board.

G. New Business

1. Application: Sawgrass Technology Park – Building G & J Modification (Revised Site Plan)

Application Number: RSP-000415-2022 (80:6011)

Applicant: BOF FL Sawgrass Tech Park LLC

Property Owner: BOF FL Sawgrass Tech Park LLC

Use: Office

Location: 1637 and 1649 NW 136 Avenue

Folio(s): 4940.3402.0012

Zoning: I-1 (Light Industrial District)

City Commission Meeting: April 25, 2023

C Number: C23094

Planner: Sylvia Miller, AICP

Ms. Sylvia Miller summarized the Staff Report with the entire report entered into the record. Ms. Miller explained the proposal is to make improvements to the north elevation entrances of Building G (1637 NW 136 Avenue) by adding a new wall material to a section of the building elevation, canopies over the exterior doors, and a sidewalk from adjacent parking spaces to one of the entrances. Ms. Miller added the proposal is also to add sixteen (16) windows openings on the north elevation, and thirteen (13) window openings on the south elevation of Building J (1649 NW 136 Avenue).

Mr. Michael DiPrima, Senior Project Manager of G3 Construction, was present and provided further information about the application.

The Board agreed unanimously with the proposal.

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

Roll Call

Jane Storms Yea
James Tabeek Yea
David Iannacone Yea
Vivi Assidon Yea
Athea Antoine Yea
Shanesa Mykoo 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 March 2, 2023 and which had been brought before City Commission for action at its meeting on March 28, 2023.

K. Board Forum

Ms. Storms asked Staff for the status of the City of Sunrise new city hall. Mr. Koeth replied it is anticipated that City staff will be able to relocate to the new city hall by July.

Mr. Koeth advised the Board that the City will be transitioning to a new electronic plan review process. Mr. Koeth added this transition will likely move the Board away from receiving hard copy packages for their review as the City's long-term goal is to go paperless. Mr. Koeth indicated that Staff understands it will take time for everyone to adapt to this new process and Staff will be there support everyone.

Mr. Koeth updated the Board that Broward County Transit has approved the City's bus shelter prototype. Mr. Koeth added that the City will contact Metropica officials to propose that they build the prototype, however, this proposal is not a guarantee. Mr. lannacone asked if these prototypes will be City-wide and not just for Metropica. Mr. Koeth replied that he will follow up on this question.

Ms. Storms asked if this prototype will be a requirement for new development projects moving forward. Mr. Koeth replied yes. Mr. Koeth added that when a new development project is adjacent to a bus stop, then Staff will request that the developer utilize the approved prototype.

Ms. Storms asked will the developer be required to build the shelter with the new prototype or remit a bond for the bus shelter. Mr. Koeth replied he is not a part of these type of negotiations.

L. Adjournment

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

The meeting adjourned at 6:21 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.
- 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 GARDENS (REVISED SITE PLAN)

Summary

This is an application for a Revised Site Plan approval for a multi-family residential development known as Sunrise Gardens (formerly BJ's Plaza), located at 8083 - 8093 W. Oakland Park Boulevard, as shown on the location map. The applicant is requesting to amend one of the City Commission approved Site Plan Staff recommended conditions regarding timing for Certificates of Occupancy for the off-site mast arm and turn lane improvements. The property is zoned PDD (Planned Development District) and the underlying land use is Commercial on the City's Future Land Use Map. The Revised Site Plan requires City Commission approval per Section 16-32 of the Land Development Code (LDC).

General Information

City Commission approved the Site Plan for BJ's Plaza (the "Plaza") by Resolution No. 89-316 on October 17, 1989. On January 23, 2018, City Commission approved Resolution No. 89-316-18-A, a Master Plan for the Plaza providing for four (4) separate parcels and future, individual site plans for each of the four (4) buildings within the Plaza. Currently, Parcel 2 along University Drive contains a multi-tenant building, and along Oakland Park Boulevard Parcel 3 contains an ALDI grocery store, with Parcel 4 containing a Chuck E. Cheese.

On May 28, 2019, City Commission approved a Revised Master Plan for the Plaza by Resolution 89-316-19-A. The Revised Master Plan accounted for the demolition of the BJ's Wholesale Club building on Parcel 1 in order to construct a 235 multi-family unit residential development – the subject of this Revised Site Plan application. On January 28, 2020, via Resolution No. 20-10, the City Commission approved a Site Plan for a 235 multi-family residential development on Parcel 1.

On June 11, 2019, City Commission approved Rezoning the Plaza to PDD, Planned Development District, via Ordinance No. 789-X-19-A. This Rezoning also included the allocation of 235 Flexibility Units for the residential portion of this development, which are contingent on the applicant obtaining Site Plan approval and a building permit. The Development Agreement (DA) for the PDD rezoning was approved by City Commission, via Resolution No. 19-82, on May 28, 2019.

To the north of the subject site is a golf course zoned CR (Commercial Recreation District) and a commercial building zoned B-2 (Community Business District). Properties to the east and south include various commercial uses and are zoned B-2, B-3 (General Business District) and PDD (Planned Development District). To the west is zoned PDD and CR and include commercial uses and a golf course.

Project Description

On January 28, 2020 the City of Sunrise City Commission approved the Sunrise Gardens Site Plan subject to the following conditions:

- 1. Prior to final Site Plan approval through the Community Development Department, satisfy the conditions of approval of the Master Plan (Resolution No. 89-316-19-A).
- Prior to final Site Plan approval through the Community Development Department, the applicant shall correct the appropriate sheets in the Site Plan set and address the outstanding comments of the Development Review Committee.
- 3. Prior to the issuance of the first Certificate of Occupancy, the applicant shall comply with the conditions of the Development Agreement as summarized:
 - a. Provide upgrades to the existing building elevations on Parcels 2 and 4.
 - b. Provide off-site improvements including:
 - Funding or construction of a bus shelter at the existing bus stop on Oakland Park Boulevard, east of the project's main entrance, in an amount not to exceed \$75,000
 - ii. Enter into agreement with Broward County to complete design and permitting for the construction of a mast arm traffic signal at the project's main entrance and Oakland Park Boulevard, and contribute 25% of the total cost of the improvement
 - iii. Construct a westbound right-turn lane on Oakland Park Boulevard at project's main entrance
 - iv. Extend the northbound left-turn lane on University Drive at project's entrance
 - v. Fund or construct a pad, with amenities, at existing bus stop on Oakland Park Boulevard west of the project's main entrance
 - vi. Install public art along Oakland Park Boulevard, near project's entrance, in an amount no less than \$10,000 and not to exceed \$15,000
 - vii. Install landscape improvements, multi-use path, bicycle racks and trash/recycling cans along Oakland Park Boulevard
 - c. Record a use restriction to prohibit nightclub, teen nightclub, auto repair, gas station, and places of public assembly (other than movie theaters) uses.
 - 4. Within 180 days of approval of the Site Plan for Parcel 1, the applicant shall submit plans for Administrative Site Plan review for Parcels 2 and 4 within the Plaza consistent with the Sunrise Gardens Development Agreement, Master Plan, and Site Plan.

As noted, these conditions included the requirement for the completion of the relocation of a mast arm and the addition of a right-turn lane prior to the issuance of the first Certificate of Occupancy (CO). These conditions are repeated in the Development Agreement. However, the Development Agreement anticipated that Broward County's involvement with the construction of the mast arm could result in delays for its completion, and it provided an appropriate exception. The turn lane required for the intersection cannot be completed until the mast arm is relocated, but the Development Agreement did not extend the exception provided for the mast arm to the construction of the turn lane.

The applicant proposes to amend the condition below, based upon the <u>underlined</u> language, as follows:

- 3. Prior to the issuance of the first Certificate of Occupancy, the applicant shall comply with the conditions of the Development Agreement as summarized:
 - d. Some proposed off-site improvements are located in Broward County right-of-way and are subject to review and approval by Broward County. Owner shall make all reasonable efforts to facilitate construction of the mast arm improvements referenced in condition 3.b.ii. and the turn lane referenced in condition 3.b.iii. above; however, delays in the completion of the mast arm improvements by Broward County and any corresponding delay in the construction of the turn lane by Owner shall not prevent issuance of Certificates of Occupancy for the Project, provided that the City may not issue the Certificate of Occupancy for the final residential building until the mast arm improvements and the turn lane are completed."

The proposed revision to one of the previously City Commission approved Staff conditions will allow for the language to be consistent with the proposed revision to the Development Agreement.

The applicant is not requesting to make any additional changes to any other conditions nor are there any additional revisions to the multi-family residential development proposed.

Staff Evaluation

Staff has reviewed the proposed Revised Site Plan and find it consistent with the criteria established for the approved subject site's Planned Development District and subject to the following:

1. The "First Amendment to Development Agreement for Sunrise by Luxcom, LLC" shall be approved prior to the proposed Revised Site Plan approval.

In addition, the Revised Site Plan is subject to the following conditions:

- 1. Prior to final Site Plan approval through the Community Development Department, satisfy the conditions of approval of the Master Plan (Resolution No. 89-316-19-A).
- 2. Prior to final Site Plan approval through the Community Development Department, the applicant shall correct the appropriate sheets in the Site Plan set and address the outstanding comments of the Development Review Committee.
- 3. Prior to the issuance of the first Certificate of Occupancy, the applicant shall comply with the conditions of the Development Agreement as summarized:
 - a. Provide upgrades to the existing building elevations on Parcels 2 and 4.
 - b. Provide off-site improvements including:
 - Funding or construction of a bus shelter at the existing bus stop on Oakland Park Boulevard, east of the project's main entrance, in an amount not to exceed \$75,000
 - ii. Enter into agreement with Broward County to complete design and permitting for the construction of a mast arm traffic signal at the project's main entrance and Oakland Park Boulevard, and contribute 25% of the total cost of the improvement
 - iii. Construct a westbound right-turn lane on Oakland Park Boulevard at project's main entrance
 - iv. Extend the northbound left-turn lane on University Drive at project's entrance
 - V. Fund or construct a pad, with amenities, at existing bus stop on Oakland Park Boulevard west of the project's main entrance
 - vi. Install public art along Oakland Park Boulevard, near project's entrance, in an amount no less than \$10,000 and not to exceed \$15,000
 - vii. Install landscape improvements, multi-use path, bicycle racks and trash/recycling cans along Oakland Park Boulevard
 - c. Record a use restriction to prohibit nightclub, teen nightclub, auto repair, gas station, and places of public assembly (other than movie theaters) uses.
 - d. Some proposed off-site improvements are located in Broward County right-of-way and are subject to review and approval by Broward County. Owner shall make all reasonable efforts to facilitate construction of the mast arm improvements referenced in condition 3.b.ii. and the turn lane referenced in condition 3.b.iii. above; however, delays in the completion of the mast arm improvements by Broward County and any corresponding delay in the construction of the turn lane by Owner shall not prevent issuance of Certificates of Occupancy for the Project, provided that the City may not issue the Certificate of Occupancy for the final residential building until the mast arm improvements and the turn lane are completed."
- 4. Within 180 days of approval of the Site Plan for Parcel 1, the applicant shall submit plans for Administrative Site Plan review for Parcels 2 and 4 within the Plaza consistent with the Sunrise Gardens Development Agreement, Master Plan, and Site Plan.

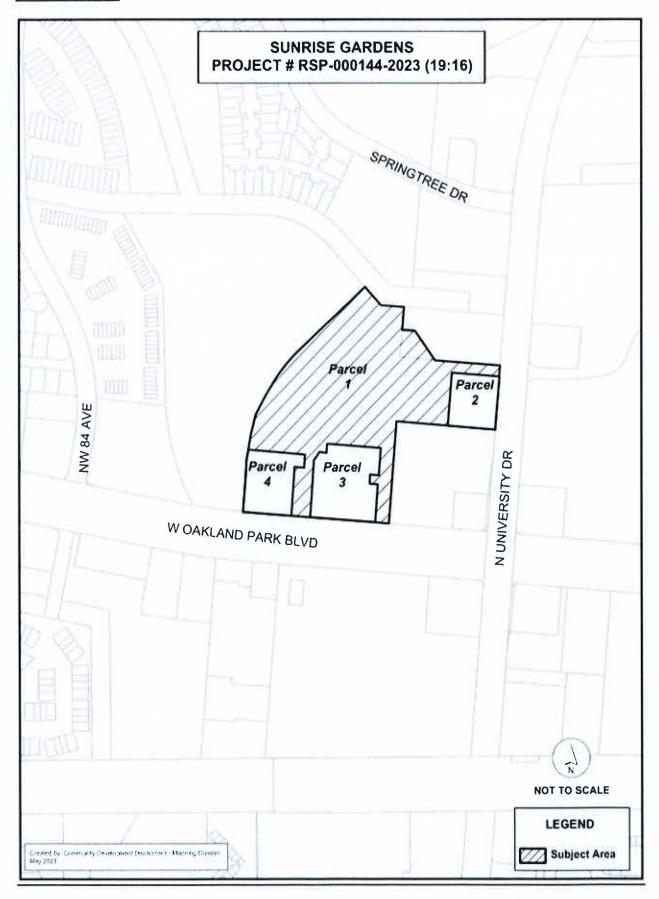
Staff Recommendation to the Planning and Zoning Board, April 6, 2023

Subject to the conditions above, this application meets all criteria for the subject site's Planned Development District requirements. Therefore, Staff recommends approval.

Planner: Matthue Goldstein

File No. RSP-000144-2023 (19:16)

Location Map



FEB 08 2023





Gary Dunay Bonnie Miskel Scott Backman Eric Coffman Hope Calhoun

Dwayne Dickerson

Ele Zachariades

Matthew H. Scott

Christina Bilenki

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

By Electronic Mail

January 25, 2023

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

Re: Transmittal of Proposed Language for Modifications of Conditions for Site Plan Approval for Sunrise Gardens (Resolution No. 20-10, Exhibit A)

Dear Mrs. Ley:

On behalf of Sunrise by Luxcom, LLC ("Owner"), we are pleased to submit the proposed language for modifications of staff conditions contained in Exhibit A of Resolution No. 20-10, Site Plan Approval for Sunrise Gardens. The draft language is included herein for your review. To summarize, there are two sections of Exhibit A that need to be revised:

- 1. On page 3 of 6, the paragraph that begins "Pursuant to the approved Development Agreement" should be amended as follows: "Pursuant to the approved Development Agreement, the applicant shall complete the following improvements and modifications prior to the issuance of the first Certificate of Occupancy (CO), except as provided in staff condition 3 d below and Section 7 of the Development Agreement relating to the timing for installation of the mast arm and the turn lane."
- 2. On page 4 of 6, staff condition number 3 should be amended to add subparagraph "d" as follows: "Some proposed off-site improvements are located in Broward County right-of-way and are subject to review and approval by Broward County. Owner shall make all reasonable efforts to facilitate construction of the mast arm improvements referenced in condition 3 b iii and the turn lane referenced in condition 3 b iii above; however, delays in the completion of the mast arm improvements by Broward County and any corresponding delay in the construction of the turn lane by Owner shall not prevent issuance of the Certificates of Occupancy for the Project, provided that the City may not issue the Certificate of Occupancy for the final residential building until the mast arm improvements and the turn lane are completed.

The Site Plan Approval granted by the City Commission (Resolution No. 20-10) adopted the conditions that are contained within the Staff Report, attached to the Resolution as Exhibit A. The conditions include

the requirement for the completion of the relocation of the mast arm and the addition of a right-turn lane prior to the issuance of the first Certificate of Occupancy. These conditions are repeated in the Development Agreement. However, the Development Agreement anticipates that Broward County's involvement with the construction of the mast arm could result in delays for its completion, and it provided an appropriate exception. The turn lane required for the intersection cannot be completed until the mast arm is relocated, but the Development Agreement did not extend the exception provided for the mast arm to the construction of the turn lane. The proposed revisions to Staff's conditions will allow for the language within the Development Agreement to apply to the timing of the installation of both the mast arm and the turn lane.

The Applicant will pay the appropriate application fee online upon receipt of the invoice. Following your review, if you have any questions or require additional information, please feel free to contact me.

Thank you,

Scott Backman

Scott Backman, Esq. SBackman@dmbblaw.com

Cc: Jim Koeth, City of Sunrise

Matthue Goldstein, City of Sunrise
Oscar Barbara, Luxcom Sunrise
Kathleen Bilton, Luxcom Sunrise

Jeffrey Barker, Dunay, Miskel, and Backman

